

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

The Prayer was led by Pastor Brock 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 special meeting of October 14, 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 minutes of the regular meeting of October 18, 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, the Registrar of Vital Statistics Report and the Civil Service Administrator's Report for the month of September be received, filed and made available to the Press.

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

CARRIED

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

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

CARRIED

PUBLIC HEARING #1

Mayor Valentine called a public hearing that was advertised for this meeting to hear public comment concerning a local law amending Local Law No.: 9-2010 of July 12, 2010 to extend the time by which an eligible employee may participate in the 2010 Early Retirement Incentive Part A from September 30, 2010 to November 29, 2010.

Donna Rickey, retired City of Newburgh Data Processing Supervisor, said that she sent an e-mail to the Council in regard to this retirement incentive stating that on July 12, 2010 the Council adopted Part A for the early retirement incentive for September 1, 2010 through September 30, 2010. When this was originally presented to the Council, it was supposed be from October 1, 2010 to October 30, 2010 but a change was made by former Comptroller, Christine Mitchell. As one of the employees eligible, she was considering her options and as everyone is aware, she was planning on retiring the beginning of next year after she reached the age of fifty-five. She received a second letter informing her that her position as Data Processing Supervisor was proposed to be eliminated from the 2011 Budget and that she should consider the incentive. She requested an estimate from the Retirement System to find out what her benefits would be and she was informed that there would be a \$578.00 penalty per year due the fact that she is not yet fifty-five. Being that her position was to be eliminated she had no choice but to take the incentive to retire on September 30th. She thinks that the extension is a great idea for the employees that have not yet elected to take the incentive but what about the eight people who took the incentive in September? None of us wanted to leave in September and all would have worked longer if we had been given the opportunity. She understands that Ms. Mitchell was trying to save payroll expenses assuming that half of the employees eligible would take the incentive but that didn't happen. In fact, three have returned to work as temporary employees due the fact that there was no one to do our work and there was no time to train anyone. If the incentive had remained as it was originally requested, then more employees would have taken it and there would be fewer lay-offs proposed. She feels that the Council should adopt the extension but that they should also think about the eight employees that have already left and compensate them for the additional time that they would have accrued if they had stayed these additional months.

Denise Ribble, Montgomery Street asked what the plan is for the individuals who retired prior to this extension to be compensated up to the 30th.

There being no further comments, this public hearing was closed.

PUBLIC HEARING #2

Mayor Valentine stated that the public hearing regarding a local law amending City Charter Section C9.33 entitled "User Fees to be Charged for Collection", Section 9.35 entitled "Application for Reductions or Elimination of Service Charge" and Section 9.36 entitled "duties of Property Owner to Report Changes in Occupancy" within the code of the City of Newburgh will not be held tonight.

He noted that as per Corporation Counsel, it was discussed with City Council on the 21st and they will not be moving forward on the proposed sanitation fee local law to bill sanitation fees together with city and county taxes and therefore it will not be discussed tonight.

PUBLIC HEARING #3

Mayor Valentine called a public hearing that was advertised for this meeting to amend City Charter Section 8.16 entitled "Combining of State, County and City Taxes for Collection" of the Code of the City of Newburgh.

Denise Ribble, Montgomery Street said that there was detailed discussion about how many payments could possibly be made and keeping fees separated and that the plan is to allow the number of payments to be four. There was also a suggestion that one bill would be sent out with perforations that would reduce the cost of postage and other associated fees in mailing out bills. She said that during the presentation by the Collector's Office it seemed to her that the same level of internal discussion had not occurred with the Collector's Staff that occurred with the Comptroller's Office. Prior to making a decision to hire someone for that office she thinks that it would be helpful to get the existing staff together with the IT person and talk about the new tax collection system and moving records out of the office area. They also should look at outsourcing parking tickets and how that might improve their efficiency and give them an opportunity to talk about what areas they might have solutions for rather than just adding another person for \$61,000.00 plus fringe. She feels that a suggestion made by Councilwoman Bell that is worth looking into would be hiring part-time help at peak times for collection.

There being no further comments, this public hearing was closed.

PUBLIC HEARING #4

Mayor Valentine called a public hearing that was advertised for this meeting concerning proposed actions with respect to the Community Development Block Grant program for the consolidated plan for housing and community development for fiscal year 2011.

Courtney Kain, Acting Community Development Director provided an update and outline of the 2011 Plan (copy attached)

CDBG
P.H.



CITY OF NEWBURGH

CONSOLIDATED HOUSING AND
COMMUNITY DEVELOPMENT ACTION PLAN
AND
COMMUNITY DEVELOPMENT BLOCK
GRANT APPLICATION

FISCAL YEAR 2011

City Council

Mayor Nicholas J. Valentine
Deputy Mayor Regina Angelo
Councilwoman Marge Bell
Councilwoman Christine Bello
Councilman Curlie Dillard

Prepared By:
City of Newburgh Planning & Development Office

CDBG Advisory Committee Members

Cari Bailey
Timothy Hayes
Jenny Loeb

A. Introduction / Executive Summary

The mission of the US Department of Housing and Urban Development Community Development Block Grant Program is to generate anti-poverty initiatives among the Nation's poorest communities. The City of Newburgh has been identified as an entitlement community and is the recipient of an annual allocation of these designated funds. 2011 represents the second year of the five year action plan which addresses three goals established by federal statute for these programs: providing decent housing; providing a suitable living environment; and providing expanded economic opportunities. These programs are primarily aimed to benefit families and individuals of low to moderate income.

The Consolidated Plan, as required by HUD, is an important policy document. It sets forth both housing and community development needs and establishes priorities and strategies for meeting these needs, consistent with available funding sources. Each of the following years' Annual Action Plan should be consistent with the goals represented within that plan.

Community Development needs of the City of Newburgh include four broad categories:

- Rehabilitation of Private Property
- Economic Development/Job Creation
- Infrastructure Improvements;
- Public Services.

The City of Newburgh One Year Action Plan for 2011 proposes to use \$860,000 of CDBG Entitlement funds and \$50,000 in program income to undertake 2011 activities. The City of Newburgh will also reallocate funding from 2009 totaling \$459,587- as a part of the 2011 budget. 84,955 of unallocated 2010 funds will also be appropriated for the use of the 2011 budget. The consolidation of these funds provides a total of \$1,454,542 to the City of Newburgh for its community development efforts. Funds will be spent on housing and community development activities including rehabilitation of owner occupied and rental property, clearance, development, façade improvement activities, and sidewalk/ street improvements. Most activities will be carried out in the Lander St. primary target area and Census tracts 4 & 5 as a secondary target area. It is estimated that 70% or more of the CDBG funds will be directed to the primary and secondary target areas through programs and projects aimed toward the provision of decent housing, the provision of a suitable living environment and the expansion of economic opportunities. Some activities will serve residents City-wide.

The priority of the 2011 Action Plan is to address housing issues within the City of Newburgh especially within the targeted area. The proposal for 2011 utilizes both CDBG funds and generated program income. This plan does not address the reprogramming of recently received Section 108 funds or identified KNEC program income. Planning efforts are currently underway to establish a comprehensive plan for those identified funds and separate public review and HUD review will take place as those funds are allocated. The ultimate goal of reprogramming the

Section 108 and KNEC funds is to leverage the income from these programs to address workforce development and comprehensive neighborhood stabilization.

MEETING OBJECTIVES

The City of Newburgh realizes that CDBG funding is a limited resource and as such the targeted approach was identified as a priority. Additionally, the following objectives were identified as priority issues to be addressed within the neighborhoods during this five year plan.

Objectives identified in the Five Year Strategy are summarized as follows:

1. Provide property rehabilitation assistance.
2. Provide opportunities for additional ownership and rental housing.
3. Expand the supply of affordable housing in good condition that meets the needs of the City's diverse households and family structures, and income levels.
4. Upgrade the physical condition of targeted areas and City as a whole; create and retain jobs, and provide housing opportunities close to employment opportunities.
5. Maintain, repair and upgrade infrastructure to support revitalization and rehabilitation.
6. Provide limited resources to public and non-profit organizations that provide services to low income households.
7. End chronic homelessness and move families and individuals to permanent housing and eliminate homelessness due to housing market conditions by stabilizing housing tenure through financial and policy supports.
8. Expand crisis supports to meet the needs of homeless households and those potentially facing homelessness.
9. Reduce the number of families living in poverty.
10. Reduce lead based paint hazards in the City
11. Subsidize rental assistance through non-profit agencies for the HIV/AIDS population in Orange County.
12. Enhance opportunities for housing and support services for special needs populations.
13. Continue to identify and address major impediments to the creation of affordable housing at the local level.

Overall the City's aim is to achieve an outcome of improved opportunities, adequate housing and infrastructure, and the provision of job training services workforce for development for the areas of the City that have the greatest needs.

TARGET APPROACH

Major initiatives are geographically defined and include the Lander Street area as a primary target area and Census tracts 4 and 5 as secondary target areas. Hence, new projects in the Lander Street area will be given priority treatment. Past progress has occurred throughout the City without geographic foci due to the common needs that exist throughout the City. It is estimated that 70% or more of the City's CDBG funds will be directed to the primary target and secondary target areas through programs and projects aimed towards the provision of decent housing, the provision of a suitable living environment and expansion of economic opportunities. Some activities may serve residents City-wide.

Summary of Activities

<u>Proposed Budget/Requests</u>	
Administration	\$ 170,866
In Rem Stabilization Program	\$ 153,676
Rental Housing Activities	\$ 165,000
Housing Counseling Services	\$ 100,000
A Brush With Kindness	\$ 50,000
Housing Rehabilitation	\$ 200,000
Demolition	\$ 50,000
Sidewalk/ Street Improvement Projects	\$ 350,000
Small Business Rental Subsidy	\$ 30,000
Small Business Loans	\$ 50,000
Youth Violence Reduction/ Promising Neighborhoods Program	\$ 50,000
Section 108 Repayment	\$ 85,000
Total Funding Requests	\$ 1,454,542

FY 2011 funding will support the following objectives:

Project: **Administration**
 Budget: **\$170,866**
 Summary: The City has allocated funds to support the partial salaries of the Planning & Development Director, Office Manager and the full time salary of the Community Development Director. Also included are office supplies, training, and annual audit. Planning efforts for 2012 will be conducted with the CDBG Advisory Committee.

Project: **In-Rem Stabilization Program**
 Budget: **\$153,676**
 Summary: Over the last two years, the City of Newburgh has acquired nearly 200 properties through tax foreclosure proceedings. To prevent the abandonment of this housing in primarily low income neighborhoods, CDBG funds will be utilized to make essential repairs and cover the operating expenses to stabilize the buildings and keep tenants within the properties where possible

Project: **Rental Housing Activities**
 Budget: **\$165,000**
 Summary: Assist in the production of new quality rental units and provide assistance in the form of loans, grants, loan guarantees, interest subsidies and other forms of assistance for rental housing rehabilitation projects including health and safety, energy efficiency improvements, etc.

Project: **Housing Counseling Services**
Budget: **\$100,000**
Summary: Provide homeowner education and foreclosure prevention counseling to City of Newburgh residents, including 1:1 counseling and seminars. The City will fund assistance programs within Census tracts 4 & 5 for those who complete education programs, and other identified program requirements. Recipients will also be connected to other CDBG funding activities for rehabilitation assistance and workforce development.

Project: **A Brush With Kindness**
Budget: **\$50,000**
Summary: Neighborhood exterior home preservation program that provides minimal repairs to home exteriors including painting and weatherization to homeowners in need.

Project: **Demolition**
Budget: **\$50,000**
Summary: City of Newburgh will issue an RFP seeking demolition services to mitigate unsafe buildings within Census tracts 4 & 5.

Project: **Housing Rehabilitation**
Budget: **\$200,000**
Summary: Funding for staff as well as programs to support health and safety, energy efficiency, and lead mitigation programs. 70% of efforts within targeted area.

Project: **Sidewalk/ Street Improvement Project**
Budget: **\$350,000**
Summary: The City will undertake selected improvements in targeted areas to address quality of life and safety issues. The impact of this project has the potential to address neighborhood revitalization and workforce goals.

Project: **Small Business Rental Subsidy**
Budget: **\$30,000**
Summary: The New Business Retail Rental Subsidy Grant is an initiative to attract street level retail by underwriting the monthly rental in conjunction with the property owner for up to three years. The property owner will reduce the monthly square footage by a certain dollar amount and the City will match that up to \$3.00 per square foot for a maximum of 1,000 square feet for the first year. The City's contribution would decline by 1/3 the second and third years. The City will focus on the Liberty Street Commercial Corridor from Broadway to Renwick St.

Project:	Small Business Loan Fund
Budget:	\$50,000
Summary:	This loan fund will provide financial support to small businesses in the City of Newburgh. Loans are made up to a maximum amount of \$10,000.
Project:	Youth Violence Reduction/ Promising Neighborhoods
Budget:	\$50,000
Summary:	This funding is to support service programming for at-risk city youth with providers being selected by a request for proposals from community based organizations. Focus on best practices to reduce youth violence, including workforce development.
Project:	Section 108 Repayment
Budget:	\$85,000
Summary:	Repayment of interest of the Crystal Lake Section 108 loan. Currently, principal payments are made through a portion of previously received section 108 repayments. A portion of these funds is currently restricted and will be programmed in the future for CDBG eligible activities.

B. Evaluation of Past Performance

The Department of Housing and Urban Development (HUD) routinely monitors and audits grantees. A HUD audit report was issued for the City of Newburgh on February 24, 2009. The HUD audit identified administrative improvements needed on the part of the City to effectively, efficiently and economically carry out activities in compliance with HUD regulations. In response, the City has developed timesheets and has implemented procedures and controls to ensure that all transactions charged to the CDBG program are in compliance with HUD regulations.

HUD identified other specific expenditures that required clarification or additional documentation. The City is continuing to work with HUD to address issues raised during the audit. The City will enhance its record-keeping process for all activities to ensure that adequate and sufficient documentation is available to demonstrate that expenditures meet a national objective, and will also endeavor to expend funds in a timely manner.

The City of Newburgh has encountered a number of challenges in meeting the needs of residents. The greatest obstacle, lack of financial resources, is being addressed by continuing and on-going efforts to seek funding from private and public sources. It is important for the City to identify and partner with competent housing and workforce professionals to undertake programs, as the City workforces are being reduced through budget cuts, making the provision of primary services like sanitation, fire, and police more difficult to deliver.

In 2010, the City of Newburgh CDBG rehabilitation program commenced. The program includes three major components: homeowner rehabilitation, rental unit rehabilitation and façade improvements. A fourth component that has developed interest during the third quarter of 2010 is the Small Business Loan program.

As of October, 2010, the City has received several applications for renovations. The program has helped nine property owners and an additional three applications are being processed at this time. Funds were provided by both grants and loans ranging from \$3,000 to \$30,000. Scopes of work ranged from a hole in a soffit to exterior repairs, relocation of sewer line, and replacement of a boiler, plumbing, electric, air conditioning, etc. 32% of the funds allocated under 2009-R and 2010 funds have been obligated.

C. Sources of Funds

The following identifies resources from public and private sources, including those amounts allocated under HUD formula grant programs and program income that are reasonably expected to be made available to the City of Newburgh to carry out the Consolidated Plan.

The City of Newburgh anticipates the following funds will be available to carry out activities during the FY 2011 Program Year:

<u>Revenues</u>	
Anticipated FY 2009 Funding	\$ 860,000
Program Income	\$ 50,000
<i>Total Entitlement Funding</i>	<i>\$ 910,000</i>

<i>Reallocated Funding</i>	<i>Original Allocation</i>		<i>Total to Be Reallocated</i>
2005	Downpayment Assistance	\$50,000	\$ 10,000
CDBG-R 2009	Sealed Bid	\$103,072	\$ 88,072

2009	Strategic Code Enforcement	\$100,000.00	\$ 40,000
2009	Newburgh 20/20	\$ 77,000.00	\$ 25,000
2009	Street Trees	\$ 5,000.00	\$ 5,000
2009	Senior Programs	\$ 10,000.00	\$ 10,000
2009	Property Disposition	\$ 35,000.00	\$ 34,000
2009	Administration	\$ 215,631.00	\$ 77,000
2009	Property Stabilization	\$ 70,000.00	\$ 30,515
2010	Rental Rehabilitation	\$ 200,000	\$ 140,000
<i>Total Reallocated Funds</i>			\$ 459,587
<i>2010 Unallocated Funding</i>			\$ 84,955
<i>Grand Total Funding for FY 2011</i>			\$ 1,454,542.00

D. Statement of Specific Objectives

During 2011, activities will be undertaken to meet the following objectives identified in the 5 year Comprehensive Plan:

HOUSING OBJECTIVES:

- Provide property rehabilitation assistance.
- Provide opportunities for additional ownership and rental housing.
- Expand the supply of affordable housing in good condition that meets the needs of the City's diverse households and family structures.
- Continue to identify and address major impediments to the creation of affordable housing at the local level.

ACTIVITIES

- Provide rehabilitation assistance to property owners and purchasers of city-owned properties.
- Provide financial assistance to income-eligible residents for labor and material costs to make necessary repairs.
- Explore long term approaches to stabilizing the supply of affordable housing as tools to maintaining ownership and rental affordable housing.
- Support the development of a rent-to-own program
- Encourage the provision of housing counseling as an appropriate partner with not for profits and banks working in homebuyer education and foreclosure prevention.
- Explore effective and innovative approaches to assist first time homebuyers with down payment and closing costs.

- Support the loan committee in assisting the implementation of the financial assistance program.
- Provide activities to promote homeownership in the City of Newburgh to those low/moderate income residents who are currently renting, including those who are living in public housing.
- Fund clearance and demolition activities as appropriate to address blight and hazardous conditions.

WORKFORCE & ECONOMIC OBJECTIVE:

- Upgrade the physical condition of the targeted areas and the City as a whole, including the Lander Street area identified in the 5 year comprehensive plan, to reduce and prevent blight, create and retain jobs, and provide housing opportunities close to employment.

ACTIVITIES

- Provide support through a rehabilitation specialist to provide technical assistance to low and moderate income property owners.
- Fund clearance and demolition activities as appropriate to address blight and hazardous conditions.
- Combine CDBG funds with other program funds and private sector commitments as public private partnerships for redevelopment within the targeted area.
- Utilize CDBG funds for façade grants in commercial corridors and develop loans for new/expanding businesses that will enhance commercial rehabilitation, business expansion and/or job development.
- Provide rental assistance to start-up businesses
- Provide funds to upgrade infrastructure, including street, sidewalk, recreation and utility systems.
- Encourage workforce and economic development initiatives, including but not limited to enhance child care, business services, transportation to neighborhoods and city centers, and amenities that support business development such as neighborhood parks, well maintained streets, community gardens arts and culture.

INFRASTRUCTURE OBJECTIVE

- Maintain and upgrade infrastructure and facilities in order to support revitalization and rehabilitation in blighted areas.

ACTIVITIES

- Fund street and sidewalk repairs in targeted area.
- Provide CDBG funding to leverage capital improvement fund
- Continue to support streetscape improvement projects.
- Remove architectural and sidewalk barriers to enable handicapped and senior accessibility where needed.

PUBLIC SERVICE OBJECTIVE

- Provide resources that provide services to low income households.

ACTIVITIES

- Provide residents in targeted low and moderate income area neighborhoods support by implementing anti-gang/ youth violence reduction activities.
- Empower neighborhood revitalization approach by developing "A Brush with Kindness" program, helping neighbors donate their time and effort to rehabilitate their neighborhoods.
- Target public services to low income families including literacy, education, and job training services.
- Support youth and employment programs that will lead to job opportunities for area residents.

TRANSITIONAL HOUSING OBJECTIVE

- Support for Homeless and Transitional Housing Services

ACTIVITIES

- Strengthen partnerships and participation in the Orange County Housing Consortium
- Support applications submitted by the Orange County Housing consortium and its participating agencies to HUD under the SUPERNOFA
- Participate in the 2011 Homeless count within the City of Newburgh
- Work with local agencies to strengthen homeless and transitional housing initiatives.

IMPLEMENTATION OF PLANNING EFFORTS

In recent years the City of Newburgh has reviewed housing, workforce and economic development issues comprehensively through various planning efforts. These planning initiatives have included the Comprehensive Sustainable Master Plan, Impediments to Fair Housing Analysis, 5 Year Comprehensive Plan and most recently, Brownfield Opportunity Area Study, a Distressed Properties Analysis. The community development goals identified in each plan are consistent with HUD's anti-poverty strategy. From each of these studies, an overarching priority emerged: to provide suitable affordable housing for owners and renters of mixed incomes. The City has decided to specifically utilize CDBG funds in a targeted effort with the goal of achieving a comprehensive and significant impact.

It is the goal of the 2011 annual plan to establish actionable items, as identified in these guiding documents, to address both the high level of neighborhood blight and the rising level of poverty within the City.

The Comprehensive Sustainable Master Plan provides guidance to the City of Newburgh as it moves forward implementing an approach to address community development needs within a neighborhood context. The plan calls for the City to develop a mix of housing types responsive to the present and future needs of its residents. For individuals progressing from one stage in life to the next, a variety of housing types within a neighborhood enables people to live where it suits their needs and desires while allowing them to maintain neighborhood bonds. A sustainable continuum of housing provides a balance that addresses the City's homeless, those requiring supportive/transitional/subsidized housing, affordable housing, workforce and market rate housing. It also contains policies and support for upward movement along that continuum.

Additionally, according to the City's Master Plan, "even though the employment available locally has been increasing, the beneficiaries are not among the city's poorest residents." A high number of City residents are long-term unemployed, public assistance recipients, and ex-offenders. Most of these individuals lack recent or substantial work experience, skills, and education and would benefit from training programs. Therefore the City's primary workforce development goal is to ensure residents are fully employed in secure, adequately paying jobs and there are enough opportunities at all income levels for those who wish to work reasonably close to home or at home.

HOUSING COMPONENT

Impediments to affordable housing include the high cost of rehabilitation and increasingly deteriorated housing stock, with 32% of homeowners experiencing housing problems. More than 70% extremely low income owners (approximately 149 households) as identified as distressed in the 5 year plan. Additionally, the numbers of properties in foreclosure continues to increase City-wide. These conditions create a considerable drain on neighborhoods and tax-base.

The following narrative provides an overview of each specific initiative, Housing Development, Workforce Development, and Service Activities

Tax Foreclosure Stabilization

The City of Newburgh has acquired through tax foreclosure proceedings more than 200 properties over the last two years, primarily in low income neighborhoods. To prevent their abandonment, CDBG funds will be utilized to make essential repairs and cover expenses of stabilizing the buildings and keeping tenants within the properties whenever possible. Funds would be used for materials, two laborers and a part time property manager.

Home Rehabilitation Programs

This program seeks to continue funding for homeownership and rehabilitation of rental units. Funds will assist in the production of new quality rental units and provide assistance in the form of loans, grants, loan guarantees, interest subsidies and other forms for rental housing rehabilitation

projects including health and safety, energy efficiency improvements, etc. Similarly, funding will promote rehabilitation of owner-occupied properties. Funding for staff as well as programs to support health and safety, energy efficiency and lead mitigation will be required. 70% of efforts will be within targeted area.

Housing Counseling Services

The City will support the development of services in connection with housing including homeowner counseling and foreclosure prevention services. Funding will be provided to not-for-profit agencies following a Request for Proposal process. The City will work to develop innovative approaches to spur homeownership as well as mitigate foreclosures both via private bank foreclosure and tax in-rem. The City will also partner with County and not-for-profit partners with similar missions and resources to address the needs within the housing continuum.

A Brush With Kindness

A "Brush with Kindness" is an exterior home stabilization and preservation program that provides painting, landscaping and weatherization services for low-income homeowners in need. It is anticipated that this program, managed by Habitat for Humanity of Greater Newburgh, will serve 10 – 12 families annually. A Brush with Kindness promotes the preservation of safe, decent, and affordable housing by providing the guidance and support that will help Habitat engage community resources and mobilize volunteers to serve low income homeowners with repair and renovation services. Homeowners will be counseled through completion of a simple application form and will include the application for the ARC and code office approval where required.

ECONOMIC & WORKFORCE DEVELOPMENT COMPONENT

One of the leading barriers to affordable housing is income, more so the lack of income on the part of Newburgh households to afford decent rental housing or a home. Further, a fundamental aspect of any anti-poverty strategy must include a strong economic development and workforce development approach. Initiatives under this component include small business development, workforce training and development as well as youth education and employment (therefore acting as a preventative measure against youth violence).

New Business Rental Subsidy Grant:

The New Business Retail Rental Subsidy Grant is an initiative to attract street level retail by underwriting the monthly rent in conjunction with the property owner for up to three years. The property owner agrees to reduce the cost of the monthly square footage by a certain dollar amount and the City will match that up to \$3.00 per square foot for a maximum 1,000 square feet for the first year. The City's contribution would decline 1/3 the second and third years. The City will focus on the Liberty Street Corridor.

Small Business Loan Program:

Provide businesses with funds for start-up costs, working capital inventory, machinery, equipment, and a contingency for emergency expenditures. This program does not support payment for taxes, water or sewer rents.

Demolition and Street Improvements

The City of Newburgh will develop a targeted approach in an effort to stabilize the Lander St. Area and Census tracts 4 & 5 through construction of street improvements as well as demolition of hazardous buildings. These projects will also allow the City of Newburgh to reach its workforce development goals.

Youth Violence Reduction Program & Employment –

Support workforce development initiatives and the principles outlined in the "Promising Neighborhoods" program. Programs have been designed to prevent gang violence and youth criminal activities, deter youth from joining gangs and to redirect gang involved youth from gang activities. Efforts have been prioritized that target public services to low income families including literacy, education, and job training services to complement gang prevention programs

E. Affordable Housing

Orange County HOME Funds low-income housing tax credits and private investment have historically contributed to the rehabilitation of income-qualifying rental housing. It is anticipated that these, or similar investments, will continue to occur in the City. A number of activities are aimed at increasing homeownership opportunities for Newburgh residents.

F. Other Actions

Other actions the City of Newburgh will carry out during Federal Fiscal Year 2011 are outlined below:

1. Institutional Structure/Service Delivery

The City of Newburgh created a Department of Planning and Development in 2004. This effort allowed the City to strengthen the delivery of housing and community development services and improve accountability and service delivery. The City continues to administer the CDBG program through its Department of Planning and Development. The City historically implemented CDBG activities itself and has collaborated with community partners and with other governments to deliver services. This service delivery structure will continue.

2. Foster and Maintain Affordable Housing

The primary barrier to affordable housing is the lack of income on the part of Newburgh residents, compounded by the level of physical deterioration of the housing stock with the resultant high costs of rehabilitation. The homeowner and rental rehabilitation programs will provide opportunities for re-use of vacant and foreclosed properties, among others, for affordable housing purposes.

3. Anti-Poverty Strategy

The primary focus of Newburgh's actions to reduce the number of poverty level families will be to support economic development programs with the goal of increasing employment opportunities. The City is focusing on small business development by providing rental assistance and loans to small businesses with the intent that additional jobs will be created within the key business corridors. Additionally, the City will continue to plan a comprehensive workforce development approach through the utilization of the recent Section 108 program income.

4. Evaluate and Reduce Lead Based Paint Hazards

As indicated in the Strategic Plan, the City will continue to work with the Orange County Health Department and its Childhood Lead Poisoning Prevention Program to reduce the number of housing units containing lead-based paint. All units rehabilitated with CDBG or HOME assistance must be abated in accordance with applicable regulations. The City is working with the Orange County Office of Community Development to improve capacity by providing training to contractors on all phases of lead abatement.

5. Coordination

The City of Newburgh Department of Planning and Development coordinates the resources available through the CDBG, HOME and other programs. The Department and its staff also work closely with various city departments and agencies to maximize positive impacts through efficient use of resources.

The City plans to continue its participation in the Orange County HOME consortium which will help to coordinate public efforts to create affordable housing. The City will also continue to work with the county and local housing and social service agencies on the Orange County Transportation Plan, Lead Safe Orange and Continuum of Care efforts.

6. Public Housing Improvement and Resident Initiatives

The Newburgh Housing Authority (NHA) was consulted during this consolidated planning process with the intention that the NHA will continue to make improvements to the assisted housing units under its management. The Authority does not qualify for Comprehensive grant funds since it does not meet the minimum unit threshold (250 units). However, the Authority has received CIAP funds for a variety of improvements in the past. The Authority intends to continue this improvement program during the coming year. The City of Newburgh will continue to provide technical assistance to NHA as appropriate.

7. Planning & Administration

In 2009, the City of Newburgh established a Community Development Block Grant Committee to advise on the creation and adoption of the five year comprehensive plan. This group has continued its efforts advising staff and City Council as to the use of the annual allocation, as well as review of funding. This committee will work with staff in 2012 to review and update the Analysis of Impediments to Fair Housing, as well as transitional housing barriers and analysis of programs for potential funding including a tenant eviction prevention strategy.

8. Neighborhood Stabilization

The City of Newburgh seeks to allocate KNEC funds to address distressed neighborhoods in Census Tract 4& 5 and the Lander St. Targeted area. In 2010, the City of Newburgh partnered with Pace University to evaluate and address distressed properties and in the process, set the stage for the future revitalization of the physical and social fabric of the City. The Distressed Properties plan is a comprehensive approach that analyzes the benefits of various structures and tools to address vacant, abandoned and blighted properties within a designated area. These include municipal policies like a nuisance abatement ordinance, as well as the development of a public authority to manage a land bank.

The recommendations of this study are organized around three key areas: future land use planning, enhancement of local codes and enforcement, and remediation of distressed structures. Activities supporting 2011CDBG goals include:

1. Develop a program for remediation or demolition of unsafe buildings.
2. Support property disposition planning and tax in-rem foreclosures
3. Develop the capacity to maintain properties, and further adopt clear and transparent disposition policies.

G. Analysis of Impediments to Fair Housing

The City of Newburgh conducted an "Analysis of Impediments to Fair Housing (AI) in 2006. This analysis included demographics; information on fair housing complaints; identification of impediments in the public and private sectors; and an assessment of the City's fair housing programs and activities. The analysis found existing conditions related to housing availability, which were considered in relation to the ability of other low-income communities and communities of color to provide safe and affordable housing. The primary barrier to successful affordable housing was found to be that many Newburgh residents are unable to obtain employment that allows them to participate even in these programs. This problem is compounded by physical deterioration of the housing stock and the resultant high costs of rehabilitation. Other existing conditions related to housing availability identified in the AI were the high level of residents reporting a disability; language barriers; the high concentration of vacant and abandoned housing in the lowest income, and most ethnically diverse neighborhoods, such as Census tract 4 and the high levels of poverty in ethnically diverse neighborhoods.

The analysis recommended a review of approaches to improving transportation to increase access to employment opportunities and lending institutions' underwriting practices.

There have been no significant changes in the minority population or housing patterns since the City conducted its AI in 2006, therefore, no substantial revision to the AI has been undertaken since that time. The City anticipates completion of an impediments analysis in 2012, as additional census data will become available.

H. Monitoring

The City of Newburgh Department of Planning and Development will monitor use of CDBG funds and the achievement of established goals. The Department will gather performance data from implementing agencies as well as monitor activities carried out directly by the City itself. The Department will prepare a status report which assess progress and recommend programmatic revisions and/or amendments as appropriate.

Denise Ribble, Montgomery Street submitted and read the attached comments. (copy attached)

CDBG
PK

CDBG Comments

In-Rem Stabilization

As previously stated, it appears that the City, having taken property in-rem for non-payment of taxes, will now spend CDBG money to “fix up” the property to “stabilize the buildings and keep tenants within the properties where possible.

At the last work session, however, the announcement was made that the City is considering auctioning off the owner occupied properties and others. The reason given at the meeting for this was that the City was unable to collect the rents on occupied buildings and unable to “fix up” or secure the properties as part of this neighborhood stabilization program. I will have some further comments about the auction idea later this evening.

CDBG regulates that the In-Rem foreclosure program is to keep City owned buildings in distressed neighborhoods occupied and not simply to maintain your stock (which is a general function of the municipality). Therefore, if these properties are auctioned before the end of the year, the In-Rem Stabilization funds will need to be reappropriated into a permissible use. It is also likely that such a substantive change will require an additional public hearing.

While I do not agree with the proposed auction plan that was so briefly and minimally outlined at the last Council meeting, I have some specific suggestions for reprogramming these funds, if the auction of these properties proceeds.

My suggestions are based on other goals of the CDBG program and include workforce development specifically in the area of a training program for lead based paint and hazard mitigation. This would dovetail well with the upcoming neighborhood stabilization and abatement efforts, leveraging these funds, other CDBG funds (Housing Rehabilitation, Demolition, “A Brush with Kindness” Housing Counseling Services) in this 2011 plan and the KNEC funds, while helping the City comply with HUD’s section 3 requirements. Other possibilities might include expanding the Youth Entrepreneurial Services program, with again a specific focus on training in the area of graffiti removal or other beautification services. This would connect with Youth Violence Reduction/Promising Neighborhoods initiatives and workforce development. Both of these training programs could be conducted through the proposed Newburgh builds Newburgh Hiring and Training Center with its strategic partners. Some of this money could be reprogrammed into targeted sanitation code enforcement or utilized to support the small business loan program.

Housing Counseling Program

I think the benefits of this program, particularly in the area of tax foreclosure prevention could be vastly increased if the City Council adopted a policy resolution articulating support for a tax repayment plan before their properties are taken In-Rem. By helping to prevent tax foreclosures, the city will be assisting individuals to stay in their homes and maintain tax base.



5.6 Lead-Based Paint Hazard Evaluation And Reduction

This category encompasses costs associated with the evaluation and abatement of lead-based paint hazards. The following is a summary of the topics in this section, applicable statutory and regulatory cites, and other reference materials available from HUD.

Key Topics in This Section	<ul style="list-style-type: none"> ✓ Eligible lead-based paint activities ✓ Documenting national objective for lead-based paint activities
Regulatory/Statutory Citations	Section 101(c), Section 104(b), Section 105(a)(25), Section 105(c) §570.202(f)
Other Reference Materials on This Topic	<ul style="list-style-type: none"> ✓ CDBG Guide to National Objectives and Eligible Activities <ul style="list-style-type: none"> ♦ Chapter 2, Chapter 3

5.6.1 Eligible Activities

- ✓ The costs associated with the evaluation and reduction of lead-based paint hazards are eligible expenses under CDBG whether undertaken alone or in conjunction with other rehabilitation. Lead-based paint evaluation and abatement can either be completed as its own activity, or may be CDBG-eligible as part of a rehabilitation activity.
- ✓ Typically these expenses might include:
 - Inspecting buildings for possible lead-based paint hazards;
 - Testing surfaces to see if they contain-lead based paint;
 - The abatement of lead hazards; and
 - Payment of temporary relocation costs to protect residents from hazards while abatement work is taking place.

5.6.2 Documenting the National Objective

LMI National Objective

- ✓ Lead-based paint hazard evaluation and reduction activities may qualify under the Housing category of the LMI Benefit national objective.
 - In order to provide these activities for homeownership units, the residents of the units must be LMI.
 - For rental units the following conditions must be met:
 - Rents must be set at levels, which are affordable to LMI persons. Grantees must adopt standards for determining “affordable rents”.



- The general rule is that 51 percent of the units in each assisted structure are to be occupied by LMI households. There are two exceptions: NRSA “aggregation” and CDFI “aggregation.”
- ✓ Single unit properties must be occupied by a LMI household. In structures with two units, at least one must be occupied by a LMI household. For properties with three or more units, at least 51 percent must be occupied by LMI households.

Slum/Blight National Objective

- ✓ If a lead-paint activity does not directly benefit LMI persons, it may qualify under the Slum/Blight national objective. However, the use of this category should be limited due to the fact that grantees must ensure that 70 percent of CDBG expenditures benefit LMI persons.
 - The requirements for meeting the Slum/Blight national objective under the Area Basis category include:
 - The area delineated by the grantee in which the activity occurs meets a definition of a slum, blighted, deteriorated or deteriorating area under state or local law;
 - In addition, at least 25 percent of properties throughout the area experience one or more conditions identified at § 570.208(b)(1)(ii)(A) and the activity must address one or more of the conditions which contributed to the deterioration of the area; and
 - The activity addresses one or more of the conditions, which contribute or contributed to the deterioration of the area. Caution: lead-based paint activity meets this requirement only if the building to be rehabilitated is considered substandard under local definition (at least Section 8 Housing Quality Standards). In addition, if non-critical items will be addressed through the rehabilitation, then all deficiencies making the building substandard must be eliminated. Thus, a program that involved only the evaluation and not the reduction of lead hazards would not qualify under the Area Slum/Blight category.
 - Lead-paint activities must be undertaken as part of an eligible rehabilitation activity in order to qualify under the Spot Slum/Blight national objective (because only acquisition, clearance, rehabilitation, relocation, brownfields and historic preservation are eligible under Spot Slum/Blight).

Mario Cippolone, Housing and Education Coordinator for Independent Living said that the CDBG program has some wonderful goals. He quoted from the 2005 Master Plan and said that the City should be commended for continuously looking for ways to solve housing problems. He noted that October is National Disability Awareness Month and that New Yorkers with disabilities are facing a housing crisis. We need to focus on housing for everyone and we need support from the outside as well as the inside. In 2009, there were six hundred and seventy four foreclosures in Orange County and many disabled family members were displaced as a result. There is no strategy to address the housing needs for people with disabilities who have extremely low to moderate incomes. He noted that the cost for a nursing home is currently \$150,000 per year which is billed to Medicaid. That is money that could be used in the community and the State of New York must develop a comprehensive housing plan now that will result in the increased availability of affordable housing to meet the demand.

Aquanetta Wright, 197 N. Miller Street said that it seems like we put the money into the same organizations every year and we don't see the outcome. We need to give someone else a chance with new energy and ideas and we need to guide new businesses that will give back to the community. More RFP's should be put out so that we have more organizations to choose from and at the end of the year we need some accountability showing what the money was used for. It seems to her like the current way is not working so we need to try something different.

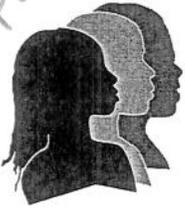
Walter Chisolm, Liberty Street said that he is the perfect candidate for CDBG. He obtained a house about two years ago and knows that repairs were needed but there is no money to help with expenses so the burden has been put on him. He tried to work on it but it became overwhelming so he fell behind in taxes and lost the property to the City. He said that there was no one available to help him or work with him before it got to that point. There is talk of lay-offs so maybe some of those people could be used to help with this. We have to help people help themselves so he is in favor of the In-Rem Stabilization Program.

Kippy Boyle, 400 Grand Street hopes that before the Council votes on this proposal that they examine all of the successes and failures of the various programs from last year. She questioned the 2010 programs and asked what was accomplished. Work Force Development and Entrepreneurial Opportunities were part of the 2009 evaluation report which was two years ago and she would like to know what is happening with that. In order to stop repeat spending, we need to know what successful programs we have. Code Enforcement is a big issue here so perhaps money could be spent to assist that

department in having staff do strategic code enforcement. We need to know how this money is being spent because it is a really important program for us.

Susan Smith, Community Voices Heard, submitted the attached comments. (copy attached)

CDBG Public Hearing October 25, 2010 CVH Recommendations



COMMUNITY VOICES HEARD

fighting for our families, fighting for our communities, fighting for ourselves

1. Housing Counseling should include services for renters.

More than 70% of Newburgh's residents are renters, and almost all low-income residents (who CDBG \$ is meant for), yet most of the CDBG money is spent for homeowners. Housing counseling should include eviction prevention as well as foreclosure prevention.

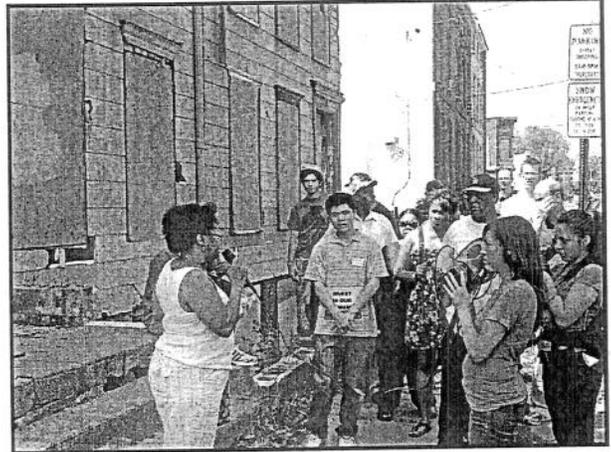
2. Modify Housing Loan position to be "Housing Specialist" or other position that covers all housing needs.

The part of the \$200,000 Housing Rehabilitation line that will be funding the full-time position formerly known as "Housing Loan Officer" should be changed to a "Housing Specialist" or some other title that reflects a broader job description and covers other housing needs. The job description, in addition to managing the housing loans and grants, should include programs that address issues of substandard housing and affordability.

3. Include a small loan program for eviction and foreclosure prevention. This is more needed and timely than down payment assistance. Small loans to help residents on back rent, mortgage payments, or taxes will go a long way in preventing eviction, foreclosure, and ultimately, homelessness.

4. Make more of an effort on outreach for CDBG programs. One of the reasons there has been little participation in these programs is a lack of knowledge of them among eligible residents. Outreach efforts must include deeper contact with the community including but not limited to door-knocking, fliers and brochures in key places, institutional outreach, etc. This should be a part of Housing Specialist job description; alternatively, it can be done by an intern.

5. Make the local workforce objectives more explicit. We want a guarantee that residents will get a chance to work and be trained doing the jobs that will be created – in demolition, property maintenance, and sidewalk reconstruction. HUD's Section 3 guide lines say that 30% of the jobs have to go to low-income residents, but it is not really enforced.

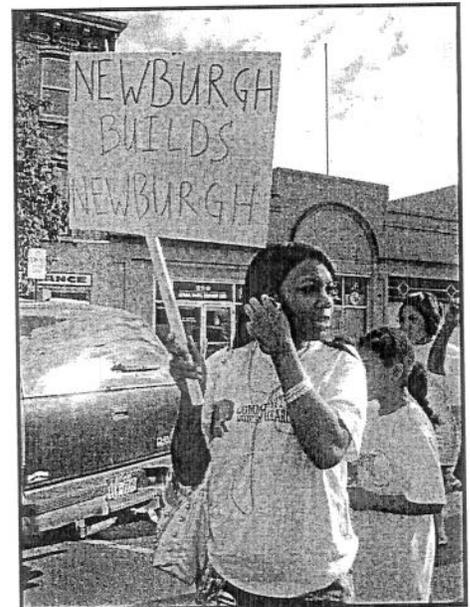


THANK YOU!

For including funding for:

- Sidewalks
- Demolition of unsafe properties
- More money for housing than ever before

And for providing the most information prior to a public hearing ever!



Also—expand the CDBG Committee and pass legislation making it official! Make sure 1/2 of the seats are filled by low-income residents as originally intended.

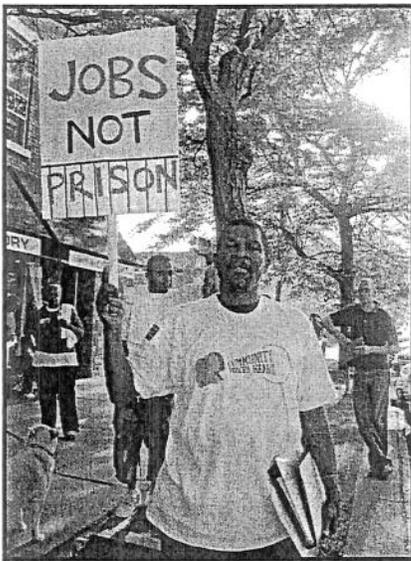
And, use returned Section 108 HUD funds (from Marina Developer) to fund a "Newburgh Builds Newburgh" Hiring and Training Center, including a First Source Hiring Program!

What is the Local and First Source Hiring Ordinance?

A proposed City of Newburgh Ordinance that would require a certain percentage of jobs created through public contracts or public subsidy give first preference to Newburgh Residents. On City-supported projects, 30% of the construction jobs and 40% of the permanent jobs would go to residents. On state or federally supported projects, 25% of all jobs must go to unemployed or low-income people. There are exemptions and a process for enforcement outlined in the Ordinance.

What benefits would the Ordinance bring to Newburgh?

More people working means more people spending money at local businesses, paying their rent or their taxes, less money spent on social services, and less crime due to illegal activity and idleness. Money spent on public projects will provide greater benefit to the Residents and Taxpayers by circling back into the city many times rather than leaving the City.



What else do we need to make it work?

- Job Training! CVH has helped create a proposal for a "Newburgh Builds Newburgh" Hiring and Training Center. The first program would be a pre-apprenticeship program for the construction trades, and will work with partners in the community on career ladder programs for construction, healthcare, and other fields. City staff is planning to allocate available HUD funding for these programs.
- A First Source Hiring Program that facilitates the hiring process for both employers and potential employees. Staff of this program will screen potential employees and work with employers to fulfill the requirements of the Ordinance.

Who are the partners working to develop an effective Ordinance?

- Hudson Valley Building Trades and Local 17
- Hudson Valley Area Labor Federation
- Workforce Development Institute
- The Contractor's Association
- Assemblyman Frank Skartados
- State Senator Bill Larkin
- Area contractors and developers
- National Community Reinvestment Coalition
- Center for Working Families
- National Law Employment Project
- And more!



For more information or to get involved, Contact Jenny at 562-2020

Usel Belford, City of Newburgh said that the First Source Hiring Ordinance will guarantee jobs. Each day that this ordinance is not signed another person dies. This is a must for our children.

Omari Shakur, Nu-Voters Movement would like to know if CDBG could be used to help some businesses get the ball rolling. There is a new art program that they are trying to get up and going. He said that he hears people are looking for jobs and there are plenty of people working on Robinson Avenue from out of town. There are a lot of jobs here but we aren't getting them.

Loretta Manning, Lander Street said that she knows of several individuals in the City of Newburgh that are looking for jobs that went to the Job Fairs which had two people sitting at a desk saying, "We will give you a call". She thanked the Council for the changes in the Budget this year and feels that the things that they are planning to do like demolition and sidewalks shows that this is the time for the hiring ordinance. People need to help people and we have to make a way for people to gain jobs as well as to have the skills to get a job. She is wondering what it is about the ordinance that they feel this is not the time or it is too much money or too much work. From day one they were told to write it up and every time they were asked to tweak it they have had no problem. She is asking the Council to help her keep the kids out of the hands of people on the streets. Now is the time to do this so why not make it better together and stop putting this off.

Brenda McPhail, Varick Homes said that no matter what you do there is always going to be some people that you just can't satisfy. You can give some people the best jobs and training but they still won't go to work. We need the sidewalks because we walk on the cracks every day and a lot of the streets are not the City's problem because she sees people throw garbage on the ground instead of putting it in the basket so they should be fined. We have to stop giving money to organizations that have not done anything year after year. We need to give someone else a chance and try new things because nothing is being accomplished. People can't afford to live here and this City has become a dumping ground for sex offenders. She told the Council that they should be ashamed of the way that the City of Newburgh looks.

Jenny Loeb, Chambers Street said in regard to unspent funds that they are re-allocated into the next year and CDBG is much better now than it was in the past. We need to make sure we know what is happening with the programs. She agrees that more money needs to go towards housing but she is concerned that many of the residents in this city are renters. She thinks that the tax foreclosure prevention program is important but we should also have eviction prevention programs for renters to keep people in their homes. She thinks that the homeownership counseling is important but there are already

several organizations here in Newburgh that do that and there are a lot more people that need the tax foreclosure and eviction prevention. She looks forward to seeing a fully seated committee soon that includes low-income residents.

A resident on Washington Street said that Newburgh has been receiving CDBG money since 1974 and it looks like it is finally starting to help. We are getting \$800,000.00 a year that we can put towards workforce development by insisting that it be spent to train and hire our own people. These are things that need to be done now.

Maryanne Prokosch, Galloway Avenue said that this plan does look better than what we have seen in previous years but the one recurring thing she keeps hearing is that we all want to see what the money has accomplished. There should be before and after pictures taken to show how the money was spent so it is documented. Most people don't begrudge the money being spent as long as they feel that they are getting what they paid for.

A tenant in the City of Newburgh said that the definition for CDBG is to give people decent housing and a better living environment but it doesn't say anything about affordable. Rent is too high here and working people can't afford it. The reason rent is so high is because of the people coming into this area that think the people here in Orange County can pay what Westchester County pays. She has heard many people say that they don't know what to pay for; food or rent because they can't afford both. She believes that Habitat is a good program but not everyone can afford a mortgage payment every month so affordable housing is very important.

There being no further comments, this public hearing was closed.

COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

Denise Ribble, City of Newburgh questioned that Local Law #11 looks to be the same as Local Law #10 so she asked for an explanation. She also asked if there could be an answer to the question about the people who retired with the earlier incentive and whether they will receive an allowance for that.

Aquanetta Wright, 197 N. Miller St. said that a few years ago a curfew was discussed but it didn't pass because there would be expenses incurred by the City with babysitting and such and who would be responsible. She is curious as to how those issues are addressed for these three days for Halloween and will a Police Officer be pulled off of patrol to babysit.

Brenda McPhail, Varick Homes said that she understands that this curfew is just for Halloween but she feels that it should be considered permanent. It should have been passed before because she sees kids that are eight and nine years old out on the streets past 8:00 p.m. on school nights. This is one of the reasons why our young people are not doing well in school because they aren't getting enough rest. One problem is that most of them are being raised by single parents and there is no father figure in their lives. Also it seems like the kids are raising the parents these days because they are told that they can't hit their children. That is why things are out of control.

A resident of Lander Street believes that this curfew should be for 8:00 p.m. instead of 9:00 p.m. because Halloween is on a Sunday and the next day is a school day. She also sees eight and nine year olds on the streets at 10:00 at night with their mothers chasing them with their cars to get them to go home. She thinks the curfew should be more frequent and parents have to take more responsibility.

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

Acting City Manager, Richard Herbek announced that here at City Hall on October 27th there will be a Budget Work Session with Fire and Codes followed by a Resident Round Table on the 2011 Budget. On November 3rd, there will be a second Round Table at the Activity Center. On November 8th, we will have the public hearing on the 2011 Budget at the Activity Center and he would like to suggest to the Council that on November 9th they meet to come to a conclusion. On November 18th there will be another Work Session here in the Council Chambers and on November 22nd the Council will vote on the Budget.

RESOLUTION NO.: 237 - 2010

OF

OCTOBER 25, 2010

**A RESOLUTION AUTHORIZING THE AMENDMENT TO
THE TERMS OF A DEED TO JCL MEDIA, INC.
FOR PREMISES KNOWN AS 65 LIBERTY STREET
(SECTION 39, BLOCK 5, LOT 15.1)
TO PROVIDE FOR A CHANGE OF USE REFERENCED
IN THE ORIGINAL DEED AND TO ALLOW FOR ADDITIONAL
TIME TO REHABILITATE THE PROPERTY**

WHEREAS, by Resolution No. 155-2004 of August 9, 2004, the Council of the City of Newburgh authorized the City Manager to execute a Land Disposition Agreement with JCL Media, Inc. regarding the sale and proposed development of real property known as 63 Liberty Street (Section 39, Block 5, Lot 16); 65 Liberty Street (Section 39, Block 5, Lot 15.1); 67 Liberty Street Section 39, Block 5, Lot 14; and 65 Liberty Street Rear (Section 39, Block 5, Lot 15.2) with a purchase price of \$15,000.00;

WHEREAS, JCL Media, Inc. has requested that the provisions for use of 65 Liberty Street (Section 39, Block 5, Lot 15.1) outlined in covenant (1) of the original deed be amended to provide for a permitted commercial use on the first floor as opposed to a Firemen's Museum as originally authorized; and to provide for residential use on the second and third floors as opposed to Office, Publishing & Media Production as originally authorized; and

WHEREAS, said deed included a provision requiring the subject properties be rehabilitated within eighteen (18) months of the date of the deed which were to be completed on or about December 8, 2007; and

WHEREAS, JCL Media, Inc. has also requested an extension of time to rehabilitate the property located at 65 Liberty Street (Section 39, Block 5, Lot 15.1) until December 8, 2011; and

WHEREAS, the City Council of the City of Newburgh has determined that the proposed amendments of the terms of sale and granting said extension is in the best interest of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newburgh, New York that the City Council of the City of Newburgh hereby consents to and approves the request to provide for a permitted commercial use on the first floor; and to provide for residential use on the second and third floors in the property located at 65 Liberty Street (Section 39, Block 5, Lot 15.1) and further authorizes an extension of time to rehabilitate said premises until December 8, 2011, by Correction Deed therefore.

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.: 238 - 2010

OF

OCTOBER 25, 2010

**A RESOLUTION APPROVING A BUDGET IN
CONNECTION WITH THE TWENTY FIRST CENTURY
COMMUNITY LEARNING CENTERS GRANT
FOR THE PERIOD OF JULY 1, 2010 TO JUNE 30, 2011**

BE IT RESOLVED, by the Council of the City of Newburgh, New York that the budget for the Twenty First Century Community Learning Centers Grant for the period of July 1, 2010 to June 30, 2010 be and is hereby approved as set forth on the spreadsheet 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

GRANT FUND
 RESOLUTION #
 STATE EDUCATION DEPARTMENT
21st Century Community Learning Centers
 Dates: 7/1/10 - 6/30/2011
 Year 3 of Five Year Grant

BUDGET AS APPROVED BY SED

	EXPENDITURES	REVENUES	FUND	DEPT	ITEM	PROJECT	YEAR
PROFESSIONAL STAFF - Salaries	\$183,734		CG	7319	101	3008	2010
Project Director	J. Pitman 75% \$43,098						
After School Coordinator - High	O. Spearman 1 FTE 33,181						
After School Coordinator - Middle	L. Henderson 1 FTE 33,181						
After School Coordinator - Elementary	D. Walters 1 FTE 34,647						
Data Entry Specialist	K. Fabiano 1 FTE 35,685						
	\$179,792						
SUPPORT STAFF - Part-time	\$18/hr		CG	7319	102	3008	2010
Group Leaders (J. Green; B. Melendez; T. Pinckney C. Smith; A. Torres)							

PURCHASED SERVICES			CG	7319	448	3008	2010
Newburgh Enlarged School District	429,120						
Olsen Associates - Program Evaluation	9,000						
Arts & Cultural/Healthy Lifestyles & Recreation	62,331						
Family Literacy	5,250						
Technology Specialist	5,200						
Youth Development	9,000						

SUPPLIES AND MATERIALS			CG	7319	413	3008	2010
Promotional	4,000						
TRAVEL/TRANSPORTATION EXPENSES			CG	7319	461	3008	2010
Project Director	1,200						
Site Coordinators/Group Leaders	2,000						
Transportation	10,000						

EMPLOYEE BENEFITS			CG	7319	830	3008	2010
Social Security	18,600						
MTA	0		CG	7319	835	3008	2010
NYS - Employee Pension System	26,089		CG	7319	810	3008	2010
Health Insurance	58,608		CG	7319	860	3008	2010
Workers' Compensation	3,209		CG	7319	892	3008	2010

INDIRECT COST - OPERATING TRANSFER			CG	7319	0003	3008	2010
	13,031						

NY STATE EDUCATION DEPARTMENT		\$ 889,772	CG	7319	4289	3008	2010
--------------------------------------	--	------------	----	------	------	------	------

TOTAL		\$ 889,772					
GENERAL FUND		\$ 889,772					
Operating Transfer			A	9901	5031		
Contingency	13,031		A	1900	1990		

TOTAL		\$ 13,031					
		\$ 13,031					

01-88

RESOLUTION NO.: 239 - 2010

OF

OCTOBER 25, 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 OCTOBER 9, 2010 TO JANUARY 1, 2011 PROVIDING
THE CITY WITH AN AMOUNT NOT TO EXCEED \$3,387.00**

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 October 9, 2010 to January 1, 2011; and

WHEREAS, the County shall reimburse the City of Newburgh 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-DWI Program in order to fund the additional cost of stepped-up police patrols and related court appearances for the period of October 9, 2010 to January 1, 2011 not to exceed \$3,387.00.

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.: 240 - 2010
OF
OCTOBER 25, 2010**

**A RESOLUTION REQUESTING AN EXEMPTION FROM COUNTY
TAXES FOR THE CITY'S RESERVOIR AND FILTER PLANT
PROPERTIES FOR THE YEAR 2012**

BE IT RESOLVED, by the Council of The City of Newburgh, New York, that the City Manager be and she is hereby authorized and directed to request a real property tax exemption from real property taxes to be levied by the County of Orange on all of the City's reservoir and filter plant properties, and the buildings and improvements thereon, and to be constructed thereon in the Town of Newburgh and the Town of New Windsor, pursuant to the provisions of Section 406, subdivision 3, of the Real Property Tax Law of the State of New York.

The requested exemption would include exemption from all taxation, special ad valorem levies and special assessments through December 31, 2012, so long as the subject premises are used for the aforesaid purposes.

The specific properties involved are as follows:

<u>OWNER</u>	<u>MUNICIPALITY</u>	<u>TAX PARCEL NO.</u>
CITY OF NEWBURGH	TOWN OF NEW WINDSOR	4 - 1 - 38
		4 - 1 - 35
		4 - 3 - 1.1
		4 - 1 - 12.2
		4 - 1 - 9.21
		4 - 1 - 10
		32 - 2 - 53
	TOWN OF NEWBURGH	75 - 1 - 17
		97 - 3 - 17
		97 - 2 - 22.1
		97 - 3 - 10
		97 - 1 - 44

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.: 241 - 2010
OF
OCTOBER 25, 2010**

**A RESOLUTION TO IMPLEMENT A CITY-WIDE
CURFEW FOR MINORS 16 YEARS OF AGE AND UNDER
ON OCTOBER 29TH, 30TH AND 31ST
FROM 9:00 P.M. TILL 6:00 A.M.**

WHEREAS, the City of Newburgh has a general obligation to ensure the safety and welfare of the general population of the City including minors, along with protection of private property; and

WHEREAS, October 29th, 30th and 31st are associated with Halloween related activities, including "Trick or Treating" and other related outdoor activities, some of which might be prejudicial to the safety and welfare of the population and protection of private property; and

WHEREAS, the City of Newburgh determines that the passage of a curfew resolution for Halloween and the preceding night will assist in protecting the welfare of minors by reducing the likelihood of their involvement in inappropriate behavior, while aiding parents or guardians of minors entrusted in their care;

NOW THEREFORE, BE IT RESOLVED:

THIS COUNCIL HEREBY DECLARES a city-wide curfew for minors from 9:00 P.M. until 6:00 A.M. each day, starting Friday, October 29, 2010, and ending Monday, November 1, 2010; and

BE IT FURTHER RESOLVED, this Council urges all parents to inform their children and supervise the implementation of this City-wide curfew so that we may avoid problems and promote the safety, health and welfare of our City's young people and property owners; and

BE IT FURTHER RESOLVED, that it shall be a defense to a violation of this curfew that the minor was accompanied by the minor's parent or guardian, engaged in an employment activity, or involved in an emergency or other legally justifiable activity.

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.: 242 - 2010

OF

OCTOBER 25, 2010

**A RESOLUTION ACCEPTING AND REJECTING
BIDS RECEIVED AT THE CITY OF NEWBURGH
OCTOBER 14, 2010 PROPERTY AUCTION**

WHEREAS, this Council, by Resolution No.: 186-2010 of August 9, 2010, authorized a public auction of City owned properties; and

WHEREAS, such auction was duly held on the 14th day of October, 2010; and

WHEREAS, this Council has reviewed all bids and has determined that the following bids are accepted:

<u>Lot #</u>	<u>Property Address</u>	<u>S-B-L</u>	<u>Purchaser</u>	<u>Purchase Price</u>
#7	37 City Terrace	29-4-14	Stardust Realty, LLC	\$4,000.00
#8	48 City Terrace	29-5-38	Stardust Realty, LLC	\$3,750.00; and

WHEREAS, this Council has further determined that all other bids received are rejected;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of the following properties to the indicated purchasers be and hereby is confirmed and the City Manager is hereby authorized and directed to execute and deliver a deed to said purchasers upon receipt of the indicated purchase price in cash, money order or bank check, made payable to **THE CITY OF NEWBURGH**, on or before December 17, 2010, subject to the annexed **Terms and Conditions of the Auction**:

<u>Lot #</u>	<u>Property Address</u>	<u>S-B-L</u>	<u>Purchaser</u>	<u>Purchase Price</u>
#7	37 City Terrace	29-4-14	Stardust Realty, LLC	\$4,000.00

#8 48 City Terrace 29-5-38 Stardust Realty, LLC \$3,750.00; and

BE IT FURTHER RESOLVED, that all other bids received at the City of Newburgh October 14, 2010 property auction be and are hereby rejected; and

BE IT FURTHER RESOLVED, that the Acting City Comptroller be and she is hereby authorized to refund all deposits and buyers premiums paid by each bidder for all bids herein rejected.

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

242-10

Terms and Conditions of the Auction

DATE: October 14, 2010

TIME: 11:00 AM

LOCATION: Homewood Suites

Newburgh-Stewart Airport

180 Breunig Road

New Windsor, NY 12553

INTERNET TERMS (in addition to standard terms below):

1. **Registration.** All bidders are required to register and provide suitable I.D. (photo copy acceptable) prior to the auction. Auctioneer reserves the right to decline registration if I.D. produced is not sufficient. A copy of the bidder's valid driver's license or passport with the bidder's notarized signature on the same page must be provided to the auctioneer. **NO EXCEPTIONS.**
2. **Bidder approval for internet.** Download the "Internet Bidder Registration Packet" by visiting the following webpage, <http://www.NYSAuctionsBids.com/IBidReg/Newburgh.pdf>. Complete all required information areas where indicated by printing or signing legibly and return with funds described in paragraph three to auctioneer/broker no later than 4:00 PM on Tuesday, October 12, 2010, eastern standard time. **NO EXCEPTIONS.**
3. **No Recourse.** Internet bidding through our Provider is offered as a service to our customers, and bidders shall not hold the City of Newburgh and/or Haroff Auction & Realty, Inc. and/or Absolute Auctions & Realty, Inc., responsible for any failure due to the loss of the internet connection supplied to Absolute Auctions & Realty, Inc. and Haroff Auction & Realty Inc., by the Provider.

STANDARD TERMS:

1. City of Newburgh acquired title to these properties in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title; (e) 2008-2009, 2009-2010 and 2010-2011 school taxes, water rents and assessments, and sewer rents and assessments and any other applicable charges (including, but not limited to, omitted and pro rata taxes, demolition charges, interest and penalties); and (f) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the public auction.
4. The properties are sold subject to unpaid school taxes for the tax years of 2008-2009, 2009-2010 and 2010-2011, and also subject to all school taxes levied subsequent to the date of the City Council resolution authorizing the sale. The purchaser shall reimburse the City for any school taxes paid by the City for the tax year 2008-2009, 2009-2010 and 2010-2011, and subsequent levies up to the date of the closing. Upon the closing, the properties shall become subject to taxation. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
5. **WARNING: FAILURE TO COMPLY WITH THE TERMS OF THIS PARAGRAPH MAY RESULT IN YOUR LOSS OF THE PROPERTY AFTER PURCHASE.** The deed will contain provisions stating that the purchaser is required to rehabilitate any building on the property and bring it into compliance with all State, County and Local standards for occupancy within (18) months of the date of the deed. Within such eighteen (18) month time period the purchaser must either: obtain

a Certificate of Occupancy for all buildings on the property; make all buildings granted a Certificate of Occupancy before the date of purchase fit for the use stated in such Certificate of Occupancy; or demolish such buildings. The deed shall require the purchaser to schedule an inspection by City officials at or before the end of the eighteen (18) month period. If the purchaser has not complied with the deed provisions regarding rehabilitation of the property and obtained a Certificate of Occupancy or Certificate of Compliance by that time, then the title to the property shall revert to the City of Newburgh. The deed shall also provide that the property shall not be conveyed to any other person before a Certificate of Occupancy or Certificate of Compliance is issued. A written request made to the City Manager for an extension of the eighteen (18) month rehabilitation period shall be accompanied by a non-refundable fee of \$250.00 per parcel for which a request is submitted. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to rehabilitate of up to, but not to exceed, three (3) months. Any additional request thereafter shall be made in writing and placed before the City Council for their consideration.

6. Properties identified as 63 Beacon Street, Section 48, Block 6, Lot 3; 440 Carpenter Avenue, Unit 1-9, Section 56, Block 1, Lot 1.9; 440 Carpenter Avenue, Unit 1-20, Section 56, Block 1, Lot 1.2; 408 Carpenter Avenue, Unit 3-24, Section 56, Block 1, Lot 1.74; 87 Carson Avenue, Section 45, Block 8, Lot 10; 34 Carter Street, Section 22, Block 2, Lot 26; 206 City Terrace, Section 17, Block 8, Lot 22; 64 Clinton Street, Section 10, Block, 2 Lot 19.2; 15 Ellis Avenue, Section 33, Block 2, Lot 2.1; 14 Elm Street, Section 17, Block 7, Lot 16; 387 First Street, Section 28, Block 1, Lot 12; 16 Hudson View Terrace, Section 7, Block 8, Lot 10; 21 Leroy Place, Section 4, Block 8, Lot 20; 70 Leroy Place, Section 4, Block 10, Lot 4; 29 Maple Street, Section 25, Block 4, Lot 9; 3 Marne Avenue, Section 7 Block 7, Lot 8.1; 47 Overlook Place, Section 48, Block 2, Lot 8; 26 Pine Street, Section 7, Block 1, Lot 17, 322 Robinson Avenue, Section 3, Block 9, Lot 25; 162 South Street, Section 11, Block 3, Lot 21; 791 South Street, Section 13, Block 2, Lot 10; 241 Washington Street, Section 38, Block 2, Lot 12; 167 West Parmenter Street, Section 38, Block 3, Lot 4; and 61 William Street, Section 39, Block 2, Lot 29 will be sold subject to an owner-occupancy restriction. Successful bidders that have agreed to purchase the property subject to the five (5) year owner occupancy restriction shall, within 18 months of the delivery of the deed, establish their domicile and principal residence at said premises and maintain their domicile and principal residence at said premises for a period of at least five (5) years thereafter, provided that within said five (5) year period, the purchaser may convey said premises to another who shall also maintain their domicile and principal residence at said premises for said period. This shall be set forth as a restrictive covenant in the deed, subject upon its breach, to a right of re-entry in favor of the City of Newburgh. This shall be in addition to all other provisions, covenants and conditions set forth in the Terms of Sale.
7. Property identified as 162 South Street, Section 11, Block 3, Lot 21, will be sold as a package and together with 187 Lander Street, Section 11, Block 3, Lot 26. The successful bidder shall combine the premises herein, identified as 162 South Street, Section 11, Block 3, Lot 21 and 187 Lander Street, Section 11, Block 3, Lot 26, as one lot of record within one (1) year of the date of conveyance.
8. All informational tools, such as slides, tax maps, deeds, photos, auction listings, auction catalogs, auction signs, property record cards, etc., are for identification purposes only and are neither a guarantee nor a warranty as to location, dimensions, parcel use and/or size, or anything else. THE CITY, THE AUCTIONEER, AND THE BROKER MAKE NO WARRANTY EXPRESSED OR IMPLIED IN CONNECTION WITH THIS SALE.
9. The City of Newburgh reserves the right, in its sole discretion, to withdraw from the auction any of the properties listed on the schedule of real property.
10. Notice is hereby given that the properties identified as 63 Beacon Street, Section 48, Block 6, Lot 3; 87 Carson Avenue, Section 45, Block 8, Lot 10; 37 City Terrace, Section 29, Block 4, Lot 14; 48 City Terrace, Section 29, Block 5, Lot 38; 64 Clinton Street, Section 10, Block 2, Lot 19. 2; 197 Lander Street, Section 11, Block, 3 Lot 1; 21 Leroy Place, Section 4, Block 8, Lot 20; 70 Leroy Place, Section 4, Block 10, Lot 4; 47 Overlook Place, Section 48, Block 2, Lot 8; 162 South Street, Section 11, Block 3, Lot 21; 187 Lander Street, Section 11, Block 3, Lot 26, and 61 William Street, Section 39, Block 2, Lot 29 lie within the East End Historic District as designated upon the zoning or tax map. These parcels are being

sold subject to all provisions of law applicable thereto and it is the sole responsibility of any bidder to redevelop such parcel so designated in accordance with same.

11. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date upon which the sale is scheduled to take place. Upon delivery of the quitclaim deed by the City of Newburgh to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.
12. No personal property is included in the sale of any of the parcels owned by City of Newburgh, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the successful purchaser following the closing of sale.
13. The City makes no representation, express or implied, as to the condition of any property, warranty of title, or as to the suitability of any for any particular use or occupancy. Properties may contain paint or other similar surface coating material containing lead. Purchasers shall be responsible for the correction of such conditions when required by applicable law. Properties also may contain other environmental hazards. Purchasers shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchasers shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Bidder acknowledges receivership of the pamphlet entitled "Protecting Your Family from Lead in Your Home." Bidder also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards or mold.

AT THE AUCTION

14. All bidders are required to register and provide suitable personal identification, such as a driver's license and passport, at registration. Auctioneer reserves the right to decline registration if identification is not sufficient. Individuals, other than lawyers, acting on behalf of others, not in attendance at the auction, must produce a "Power of Attorney" duly executed and notarized. Incorporated entities, (Inc. , Corp., LLC, etc.) are required to provide a corporate resolution with a corporate seal affixed where applicable, authorizing the purchase of real property, prior to the transfer of title, and are encouraged to provide same at registration,
15. All bidders are required to use the bidder number issued to them for all purposes associated with the auction. A bidder may not bid on behalf of a party who is on the prohibited bidder list. A party will be added to such list if he has defaulted in payment of a purchase price or taxes following a purchase. Previously defaulting parties are not allowed to bid.
16. The former owner of the property, or his agent, shall not be permitted to bid on the property or purchase same at the public auction, unless the amount exceeds the amount of tax arrears. If the former owner reacquires the property, all liens existing prior to the foreclosure, will be reinstated and the purchaser (former owner) must sign an agreement to reinstate the liens.
17. Purchaser shall provide information necessary to complete, and shall execute, the necessary forms and documents required for recording the deed in the City of Newburgh Clerk's Office. Offer to Purchase Form and sale cannot be assigned. Unless the City agrees in writing, the purchaser executing the auction terms and conditions of sale may not assign or otherwise transfer his right to complete the bid. The deed prepared will be in the name of the successful bidder (and spouse) only. No third party bidding will be accepted, unless the bidder identifies that he is bidding as an agent for a disclosed principal.
18. The auctioneer's decision regarding any disputes is final, and the auctioneer reserves the right to reject any bid that is not an appreciable advancement over the preceding bid.
19. The Successful Bidder will execute an Offer to Purchase form at the auction for each property he/she is the successful bidder on. The approval of each bid by Resolution of the Newburgh City Council will bind the bidder only and will not constitute a Contract of Sale and the City reserves the right to reject any bid prior to the closing of title and the recording of the deed.
20. The Successful Bidder shall provide information necessary to complete and shall execute the necessary forms and documents required for recording the deed in the Orange County Clerk's Office. The bidder executing the auction terms and conditions of sale may not assign or otherwise transfer his right to complete the bid, unless the City agrees in writing. The deed prepared will be in the name of the successful bidder (and spouse) only. No third party bidding will be accepted, unless the bidder identifies that he is bidding as an agent for a disclosed principal, or unless the bidder is a lawyer.

21. The Successful Bidder shall be responsible for the payment of an eleven percent (11%) buyer's premium (1% buyer's premium discount for cash and other guaranteed funds) in addition to the accepted purchase price, an advertising fee of 1.5% of the bid price, and the closing fees/costs. The "buyer's premium" is the fee/commission earned by the auctioneer. Accepted purchase price is the amount of the bid by the highest bidder, which has been approved by the Newburgh City Council.
22. All required deposits must be paid in full for all successful bids immediately upon being declared the successful bidder. Any successful bidder, who fails to tender the deposit, will be forbidden to participate in this or any other auction. Any parcels which the City did not receive deposits for, per these terms and conditions, will be considered to be defaulted, and the bidder will be disqualified from further bidding. Furthermore, upon a default in payment for any one parcel, either during the auction or subsequent thereto, the bidder shall not be permitted to purchase any other parcel(s) bid on, and any deposit monies paid thereon will be forfeited to the City. Additionally, if a declared high bidder at the auction leaves the auction without making the required down payment, he/she will be prohibited from participating at future auctions held by NYSAuctions.com, Haroff Auction & Realty, Inc., Absolute Auctions & Realty, Inc., and the City of Newburgh reserves the right to take legal action against this high bidder.
23. The terms "bidder", "highest bidder" and "successful bidder" shall all have the same meaning.
24. \$1,000.00 or 20% of the total contract price (total contract price is the combination of the high bid and the buyer's premium, as defined in Section 19 of these terms and conditions), whichever is higher, shall be paid as a down payment on the day of the auction upon execution of an Offer to Purchase Form. Total contract prices selling for less than \$1,000.00 must be paid in full at auction, including all closing costs will be paid with the down payment on the day of the auction for each parcel; to wit; (a) New York State Transfer Tax [\$2.00 for each \$500.00 of the purchase/bid price]; (b) Filing Fee for the Real Property Transfer Report [\$125.00 for residential and \$250 for commercial]; (c) Filing Fee for combined Gains Transfer Tax Affidavit [\$5.00]; and (d) all fees required by the Orange County Clerk for recording of the deed [\$40.00 to record one page deed; \$5.00 for each additional page; and \$.50 for any cross reference]. *Closing costs may be subject to an increase in fees as required by law, without notice.* All recording costs and transfer taxes shall be paid by the purchaser. **All deposits must be made in credit/debit card (Master Card or VISA), cash or guaranteed funds (bank checks/tellers checks/cashiers check) made payable to the "City of Newburgh Comptroller" and drawn on banks insured by the Federal Deposit Insurance Corporation (FDIC). No exceptions. Wire transfers will not be accepted. The City Comptroller may refund overage of a deposit made in excess of the total contract price plus closing costs/fees once the funds have cleared, or apply said sum to the balance owing on the purchase price.**

AFTER THE AUCTION

25. All bids shall be subject to approval by the Newburgh City Council, which shall have the right, in the Council's sole discretion, to reject any bid for any reason whatsoever.
26. The entire balance of the accepted purchase price, the buyer's premium as defined in Section 19 of these terms and conditions, and all closing costs/fees must be paid by cash or guaranteed funds to the City of Newburgh Comptroller's Office on or before December 17, 2010. *The City of Newburgh does not accept credit card payments for the balance of the purchase price, buyer's premium and closing costs/fees after the date of the auction.* **The City is not required to send notice of acceptance or any other notice to a purchaser. If the purchaser fails to pay the balance of the purchase price as herein provided, the deposit shall be forfeited.** The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to close title of up to, but not to exceed, sixty (60) additional days. No request shall be entertained unless in writing, stating the reasons therefor, and unless accompanied by a fee of \$250.00 per parcel for which a request is submitted. The fee shall be in addition to all other fees and deposits and shall not be credited against the purchase price and shall not be returnable. In addition, should any bidder fail to close within the time set forth above, the entire deposit shall be forfeited to the City as liquidated damages without further notice to the bidder. Any additional request made thereafter shall be made in writing and placed before the City Council for their consideration.
27. Previously defaulting parties are not allowed to bid. If a purchaser owes any outstanding and delinquent taxes to City of Newburgh, those delinquent taxes must be paid in full prior to closing on any purchases made at this auction. Failure to comply with this provision will be grounds for default and forfeiture of any deposits paid.

28. If the successful bidder fails to tender such amount due by the close of business on December 17, 2010, then, the City may, but is not obligated to offer any unsold property to the second highest bidder. All terms and conditions for the sale set forth herein above shall apply to the second highest bidder and/or any other purchaser.
29. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the successful bidder shall be entitled only to a refund of the purchase money paid with interest. Purchasers agree that they shall not be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
30. All sales shall be final, absolute and without recourse once title has closed and the deed has been recorded. In no event, shall City of Newburgh and/or Haroff Auction & Realty and Absolute Auction & Realty be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, its heirs, success or assigns, against City of Newburgh and/or Haroff Auction & Realty and Absolute Auction & Realty arising from this sale.
31. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the City acquired title or as corrected up to date of deed. The deed will be recorded by the City upon payment in full of the purchase price, buyer's premium, and closing fees/costs. Possession of property is forbidden until the deed is recorded conveying title to the purchaser. **Title vests upon recording of deed.**
32. Upon closing, the City shall deliver a quitclaim deed conveying all of its right, title and interest in the subject property, which deed shall be drawn by the City Corporation Counsel. The City shall not convey its interest in any street, water, sewer or drainage easement, or any other interest the City may have in the property. The City shall only convey that interest obtained by the City pursuant to the judgment rendered in an *in rem* tax foreclosure action filed in the Orange County Clerk's Office.
33. The description of the property shall be from the City of Newburgh Tax Map reference or a survey description certified to the City of Newburgh and provided to the City Corporation Counsel by the purchaser at least thirty (30) days in advance of closing title and approved by the City's Engineer.
34. Evictions, if necessary, are solely the responsibility of the successful bidder after closing and recording of the deed.
35. The successful purchaser on each auction parcel must remove the auction sign within seven (7) days after the recording of the deed.
36. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he/she is not representing the former owner(s) of the property against whom City of Newburgh foreclosed and has no intent to defraud City of Newburgh of the unpaid taxes, assessment, penalties and charges which have been levied against the property. The purchaser agrees that neither he/she nor his/her assigns shall convey the property to the former owner(s) against whom City of Newburgh foreclosed within 24 months subsequent to the auction date. If such conveyance occurs, the purchaser understands that he/she may be found to have committed fraud, and/or intent to defraud, and will be liable for any deficiency between the purchase price at auction and such sums as may be owed to City of Newburgh as related to the foreclosure on the property and consents to immediate judgment by City of Newburgh for said amounts.

RESOLUTION NO.: 243 - 2010

OF

OCTOBER 25, 2010

**A RESOLUTION AUTHORIZING THE EXECUTION
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY
FROM A DEED ISSUED TO JCL MEDIA, INC.
TO THE PREMISES KNOWN AS 63 LIBERTY STREET
(SECTION 39, BLOCK 5, LOT 16)**

WHEREAS, on June 8, 2006, the City of Newburgh conveyed property located at 63 Liberty Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 39, Block 5, Lot 16, to JCL Media, Inc.; and

WHEREAS, JCL Media, Inc. President James A. Sollami has requested a release of the restrictive covenants contained in said deed; and

WHEREAS, the appropriate departments have reviewed their files and advised that the covenants have been complied with, and recommends such release be granted; and

WHEREAS, this Council believes it is in the best interest of the City of Newburgh to grant such request;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4, 5 and 6, with respect to 63 Liberty Street, Section 39, Block 5, Lot 16, of the aforementioned deed.

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

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

ADOPTED

**RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY**

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 63 Liberty Street, Section 39, Block 5, Lot 16, on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, 5 and 6 in a deed dated June 8, 2006, from the CITY OF NEWBURGH to JCL MEDIA, INC., recorded in the Orange County Clerk's Office on July 6, 2006 in Liber 12197 of Deeds at Page 1767 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2010

THE CITY OF NEWBURGH

By: _____

RICHARD F. HERBEK,
Acting City Manager

STATE OF NEW YORK)

)ss.:

COUNTY OF ORANGE)

On the ____ day of September in the year 2010, before me, the undersigned, a Commissioner of Deeds in and for said State, personally appeared RICHARD F. HERBEK, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

LOCAL LAW NO.: 10 - 2010

OF

OCTOBER 25, 2010

A LOCAL LAW AMENDING LOCAL LAW NO.: 9-2010 OF JULY 12, 2010
ELECTING A RETIREMENT INCENTIVE PROGRAM
AS AUTHORIZED BY CHAPTER 105, LAWS OF 2010 FOR THE ELIGIBLE
EMPLOYEES OF THE CITY OF NEWBURGH

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

- Section 1. The City of Newburgh hereby elects to provide all of its eligible employees with a retirement incentive program, as authorized by Part A of Chapter 105, Laws of 2010.
- Section 2. The commencement date of the retirement incentive program shall be September 1, 2010.
- Section 3. The open period, during which eligible employees may retire and receive the additional retirement benefits, shall be ~~30~~ ninety days in length up to and including ~~September 30, 2010~~ November 29, 2010.
- Section 4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five installments. The amount of the annual payment shall be determined by the Actuary of the State of New York and Local Employees' Retirement System, and it shall be paid by the City of Newburgh for each employee who receives the retirement benefits under this local law.
- Section 5. This local law shall take effect on its filing with the Secretary of State.

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

LOCAL LAW NO.: 11 - 2010

OF

OCTOBER 25, 2010

**A LOCAL LAW AMENDING CITY CHARTER SECTION 8.16 ENTITLED
"COMBINING OF STATE, COUNTY AND CITY TAXES 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 Charter Section C.8.16 entitled "Combining of state, county and city taxes for collection" of the Code of the City of Newburgh".

SECTION 2 - AMENDMENT

City Charter Section C.8.16 entitled "Combining of state, county and city taxes for collection" of the Code of the City of Newburgh are hereby amended to read as follows:

§ C8.16. Combining of state, county and city taxes for collection.

A. The Council may, by ordinance, combine the taxes levied for state and county purposes and the taxes levied for general city purposes and provide for the collection thereof at such time or times and in not more than ~~three (3)~~ four (4) installments as it may determine; provided, further, however, that such installments must be paid in the order in which they become due.

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 on January 1, 2011.

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

OLD BUSINESS

Mayor Valentine noted that they will not be voting on old business tonight.

GENERAL COMMENTS FROM THE PUBLIC

Aquanetta Wright, City of Newburgh said that she tried to pay a parking ticket that was already sent to collections and was informed that she couldn't pay it here at City Hall and she feels that we shouldn't let money walk out the door. At the last meeting, the City Manager said that 70% of the ideas and suggestions made by the public were actually illegal and that we are not allowed to tax not-for-profit organizations. She doesn't believe that anyone suggested that we tax them because what we talked about is a fee which is different. In regard to collecting rents from buildings that the City owns, there should be a maintenance plan in place to make sure that their housing is safe. In regard to signage on Broadway, what is it supposed to look like? It should be uniform.

Denise Ribble, Montgomery Street questioned earlier about the employees that retired in September but there was no discussion. At the Work Session there was discussion about another Auction because we can't collect rents and we can't secure the buildings. There was also talk about the last Auction and she is concerned about integrity because there were properties on that auction list that people inquired about and they were told by the Community Development offices that if they were interested then they would have to come to the Auction. Financing was obtained to purchase a particular lot only to find out a few days before the Auction that that particular lot was no longer available. A former police officer offered to purchase the property at 39 Maple Street prior to the Auction but was told that he couldn't do that. There was also talk about changing the owner occupancy clause and she referred to a memo dated May 14, 2009 from the Mayor and City Council to the City Manager recommending that they attract homeowners into properties by using a strategic plan where once the property is renovated it could be occupied by renters for a five year period after which they must be sold for owner occupancy.

Omari Shakur, Nu-Voters Movement said that they have registered one hundred and sixty five new voters this year and they had seven hundred and fifty sign on for the Freedom Party so they are on the Ballot this year. He said that if we keep doing the same things then we will keep getting the same results. He is asking everyone that registered and signed their petition to not vote for any Democrats this year. He encouraged everyone to get out and vote for the Freedom Party.

A resident on First Street said in regard to the CDBG that she agrees we need to know where the money goes. She suggested working with organizations and set goals to be met.

Carolyn Ward, JCL Media thanked the Council for their support and said that they are committed to the project.

Brigidanne Flynn, City of Newburgh said in regard to discussion about the curfew that kids under a certain age need parental control and that this is a problem that's happening all over the Country not just here. We need to keep an eye out for the kids and make sure that they are safe and the kids need to pay attention when they are out Trick-or-Treating because we don't want to see anyone get hurt. She encouraged everyone to help the police this weekend to keep the kids safe.

Mary Ann Prokosch, Galloway Avenue said that she didn't see anything in CDBG allocated for senior programs. The youth are very important but a lot of money comes in through the 21st Century Grants for them and there is nothing for the seniors. There is a small group that gets together and plays cards but there is no transportation for them. We have seniors that have lived here and paid taxes their whole lives and she would like to talk to the City Manager about this.

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

COMMENTS FROM THE COUNCIL

Councilwoman Angelo thanked the Guardian Angels for coming tonight and for all of the good comments. She reminded everyone that Local 17 is looking for apprentices to train so spread the word. The Citizen Advisory will be meeting Thursday night at 7:00 p.m. and all are welcome to attend. She thanked everyone for coming tonight.

Councilwoman Bell encouraged everyone to come on Wednesday to the Resident Roundtable for the Budget. They are looking for ideas and ways to generate revenue for the City and suggestions on where to shuffle things around. She would like to have people come up to sit at the table with their ideas and then have someone with a flip chart to put the ideas on so that they can be seen and also put them on the website. Then we can hash things out and come up with the best strategies. She thanked everyone for their comments tonight.

Councilwoman Bello said that she is thrilled that they have changed the installments from three to four. Even though this won't lower our tax bills it will make it a little easier to pay installments that are a few dollars less. She had made this recommendation two years ago and was met with every reason why we couldn't do it but this goes to show you that with persistence we can make changes. She would also like to see partial payments taken for delinquent taxes because she doesn't understand why we would reject any money on taxes when someone comes in to make a partial payment. She announced that on Sunday, November 7th at 3:00 p.m., they will be holding the first graduation ceremony for our very own City of Newburgh Chapter of the Guardian Angels, which are all city residents. Curtis Sliwa will be presenting the graduates and she asked everyone to please come and show their support for all of our volunteers who put themselves out there to promote public safety in our neighborhood.

Councilman Dillard said that in regard to the First Source Hiring Ordinance that he read the draft through and through and there were a few things that needed to be tweaked. This is a tool to elevate the community and to generate income and training. It will be a lot of hard work and there will be obligations and commitments but we need to see this on the next agenda because he believes that it should go through. In regard to signage, he agrees that Broadway is a mess and that it is time to clean it up. This First Source Hiring Ordinance could be used as a vehicle to clean up Broadway so he is asking the City Manager and Corporation Counsel to look into that. When he first came on board to the City Council, he went through the *hot spots* in the neighborhood. The corners of Chamber and South Street and Broadway and

South Miller Street he considers to be *hot spots* and there was money in CDBG to put cameras in those corners so he would like to move forward with that. He thanked everyone for coming tonight and hopes to see them on Wednesday.

Mayor Valentine thanked the Guardian Angels for being here tonight and he has seen their presence at some other city events. He wished them congratulations and he also congratulated Councilwoman Bello who was persistent on this and said it would work. Now we see it working and we see the support growing. In regard to the signage on Broadway, the abuse is rampant. There are posters on light poles for events that are going on in other areas and then the mess is left for us to clean up. It is also about the signs blocking windows in storefronts and putting store owners in jeopardy and the color of buildings and signs put up in a total disregard for what the street should look like. There are rules about signs that are supposed to be followed. We need to not ignore the small items when we are discussing the big ones and we are going to look at these building violations at the next meeting. As he has said in the past, the landlords and property owners are getting away with it because they know they can get away with it and if they go to Court all they have to pay is a \$25.00 fine. They are laughing at the fact that we haven't passed something that is stricter to make it safe for everyone else. The person that is being taken advantage of is the person that is living in the building that is not being kept up properly because the tenant doesn't have that power. In regard to the First Source Hiring Ordinance and the demolition money, Councilman Dillard has said repeatedly that we are going to do this. The RFP going out has to be for local people to be hired because if you want to learn how to work on a building then that's how you do it. We have heard the comments tonight and we will go back to working on this ordinance and getting it out there because a promise was made and he will make sure it is fulfilled. He said to remember that it is not just about implementing the ordinance. It is about getting people to work and if you get people to work then the community as a whole will be better. He said that he is looking forward to the public hearing comments on the Budget but there are no magic answers. This is going to be tough but we have to get through this.

There being no further business to come before the Council, the meeting adjourned at 9:10 P.M.

LORENE VITEK
CITY CLERK

