

A regular meeting of the City Council of the City of Newburgh was held on Monday, April 11, 2011 at 7:00 P.M. in the Council Chambers at City Hall, 3rd Floor, 83 Broadway, Newburgh, New York 12550.

The Prayer was led by Mayor Valentine and the Pledge of Allegiance was led by Councilwoman Bell.

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

Councilwoman Angelo moved and Councilwoman Bello seconded that the minutes of the regular meeting of March 28, 2011 be approved.

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

CARRIED

REPORTS

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 March be received, filed and made available to the Press.

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

CARRIED

COMMUNICATIONS

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

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

CARRIED

EXECUTIVE SESSION

Councilwoman Bello moved and Councilwoman Angelo seconded that Council enter Executive Session to discuss pending litigation.

All in favor, the Council entered Executive Session at 7:05 p.m.

Councilwoman Bello moved and Councilwoman Angelo Seconded to exit Executive Session.

All in favor, the Council exited Executive Session at 7:25 p.m.

PROCLAMATIONS

The City Council proclaimed April 10, 2011 to April 16, 2011 as National Crime Victims' Rights week in the City of Newburgh and strongly urged citizens to work together to combat crime and its after effects.

Mayor Valentine noted that on Wednesday, April 13, 2011 at Delano-Hitch Park there will be a tree blessing and dedication in honor of National Crime Victims' Rights week and then at 7:00 p.m. there will be a candlelight vigil and speak out which will start at the corner of Delano-Hitch Park by the pool and go across the street to Sacred Heart Church where there will be messages and prayers. Everyone is invited to attend this special event as this is the first time that this is being held in the City of Newburgh.

PRESENTATION

David McTamaney, Vietnam Veteran, said that he and other Veterans are upset that across the Nation Memorial Day seems to be losing its meaning. Last year there was no Memorial Day Parade here in the City of Newburgh and they want to bring back the Memorial Day Parade to commemorate the men and women from the Newburgh area who died.

Councilwoman Angelo noted that she still has applications for anyone interested in marching in the Parade.

Mayor Valentine said that they are looking to bring back the respectfulness of this Parade. It was missed last year but sometimes you have to re-adjust and re-focus.

RESOLUTION NO.: 73-2011

OF

APRIL 11, 2011

**RESOLUTION SCHEDULING A PUBLIC HEARING FOR APRIL 25, 2011
TO HEAR PUBLIC COMMENT CONCERNING A LOCAL LAW
AMENDING SECTION 248-1(1) OF THE CITY OF NEWBURGH
CODE OF ORDINANCES TOGETHER WITH ASSOCIATED ORDINANCES
AMENDING SECTION 163-1 OF CHAPTER 163, FEES AND SECTION 293-38
OF CHAPTER 293, WATER OF THE CITY CODE, RELATIVE TO SEWER
FACILITY UNIT CHARGES AND WATER FACILITY UNIT CHARGES**

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning a Local Law amending Section 248-1(A) entitled "Imposition; Method of Determination" of the Code of the City of Newburgh together with associated ordinances amending Section 163-1 of Chapter 163, Fees and Section 293-38 of Chapter 293, Water of the City Code, relative to Sewer Facility Unit Charges and Water Facility Unit Charges; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 25th day of April, 2011, in the 3rd Floor Council Chambers, 83 Broadway, City Hall, Newburgh, New York

Mayor Valentine noted that the purpose of these amendments is to match up the methodology for computing sewer facility charges with the existing methodology for computing water facility charges in order to facilitate consolidated billings. This is basically an efficiency measure being taken to streamline the billing process.

Councilman Dillard asked if additional information would be provided to the public.

Acting City Manager, Richard Herbek said that they are working on that.

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

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

ADOPTED

73-11

LOCAL LAW NO.: _____ - 2011

OF

APRIL 25, 2011

A LOCAL LAW AMENDING SECTION 248-1
ENTITLED "IMPOSITION; METHOD OF DETERMINATION"
WITHIN THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH

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

§ 248-1. Imposition; method of determination.

There is hereby established and imposed sewerage facilities rents and sewer use rents, which rents are to be imposed upon the owners of real property and which rents are to be determined as follows:

A. ~~Sewerage facilities rents.~~ Sewer Facility Unit Charge.

(1) ~~Each single family dwelling will be assigned a value of one unit.~~

(2) ~~Each multiple family housing structure and apartment house will be assigned a value of one unit for the first dwelling unit and 3/4 of a unit for each additional dwelling unit contained within the housing structure or apartment house. A "dwelling unit" shall be defined as a room or group of rooms occupied or intended for occupancy as separate living quarters and having direct access from the outside or through a common hall.~~

(3) ~~All other properties within the city, other than single family dwellings, multiple family housing structures and apartment houses, will be assigned one unit for every \$30,000 of their total assessed value (approved prior to applying exceptions, abatements, etc.).~~

(4) (1) ~~The sum of all units derived in the manner described in Subsection A(1), (2) and (3) above set forth in Chapter 163, Fees shall be divided into the annual cost of debt service to determine the sewerage facilitiesy unit charge.~~

(5) (2) ~~The owner of each property in the City shall pay a sewerage facility unit charge equal to the number of units assigned to that property multiplied by the sewerage facilitiesy unit charge determined in Subsection A(4) A(1) above.~~

| (6)(3) The minimum sewer facility unit charge shall be as set forth in Chapter 163, Fees, of this Code.

This Local Law shall take effect on January 1, 2012.

| Matter ~~stricken~~ deleted.
Matter underlined added

ORDINANCE NO.: _____ - 2011

OF

APRIL 25, 2011

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

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

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

§ 163-1. Applicability.

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

Code Section	Type of Fee	Amount
§ 248-1	Minimum sewer charge	\$1.00 per quarter
§ <u>248-1.A</u>	<u>Sewer Facility Unit Charge</u>	<u>Each single-family dwelling will be assigned one unit</u> <u>Each two-family dwelling will Be assigned 2.5 units</u> <u>All other properties with improvements within the City, other than one, two, and three family dwellings, will be assigned one unit for every \$30,000 in their total assessed value (approved prior to</u>

Each three-family dwelling will be assigned 2.5 units

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

All other properties without improvements within the City will be assigned one unit.

Quarterly water facility charge	\$7.30 per unit as determined above
Minimum water facility charge	\$1.00 per quarter
Hydrant charge, outside City	\$64 per hydrant per year

Section 2. This Ordinance shall take effect of January 1, 2012

Matter ~~stricken~~ deleted.
Matter underlined added.

ORDINANCE NO.: _____ - 2011

OF

APRIL 25, 2011

AN ORDINANCE AMENDING CHAPTER 248-38
ENTITLED "WATER RATES; SERVICE"
OF THE CODE OF THE CITY OF NEWBURGH

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Chapter 248-38, entitled "Water rates; service" of the Code of the City of Newburgh be and is hereby amended as follows:

Section 1. § 248-38. Water rates; service.

C. Water Facility Unit Charge. The sum of all units derived in the manner set forth in Chapter 163, Fees shall be divided into the annual cost of debt service to determine the water facility unit charge. The owner of each property in the City shall pay a water facility unit charge equal to the number of units assigned to that property multiplied by the water facility unit charge. The minimum water facility unit charge shall be as set forth in Chapter 163, Fees, of this Code.

Section 2. This Ordinance shall take effect on January 1, 2012

Matter ~~stricken~~ deleted.

Matter underlined added.

COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

Denise Ribble, City of Newburgh agrees with Councilman Dillard. This is to bring our Charter in line with State law so it would be helpful to have this information prior to the hearing.

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

CITY MANAGER'S REPORT

Acting City Manager, Richard Herbek noted that Councilwoman Bell was at the Family Summit on Saturday and asked her to say a few words about it.

Councilwoman Bell said that this was an event coordinated by our Youth Services, the Social Workers from the Newburgh School District and the School District Parent Liaison. It was a wonderful event with approximately two hundred and fifty people attending. They had twelve workshops to choose from in the morning with fun events after lunch and the goal was to connect parents with their kids. For the little ones they had Ronald McDonald come and they did an art mural on the first level of the College. It was a phenomenal event which was so encouraging and it let us know what we can do when we pull together. They are looking forward to holding another one in October which they are starting to plan for now.

Mayor Valentine said that this was the first official event to occur in the new Kaplan Hall. This was a City of Newburgh organized event and he commented that Joy, Derrick and Maritza did an amazing job. They worked very hard to pull this off.

Councilwoman Bell noted that we have de-funded our Youth Program so we need hands. There were parent volunteers who came in and did everything which was phenomenal. The next time we do this hopefully we will double the number of participants.

Acting City Manager, Richard Herbek also wanted to mention the Police Department's Monthly Report which is filled with a lot of statistical information. He said that they will try to put it all on the website but it looks like we are headed in the right direction.

Police Chief, Michael Ferrara said that crime is down but to keep in mind that we had a hard winter which could have something to do with that. We have arrested over one hundred gang members in the past year and we have been very diligent in continuing with those efforts. He thinks that the numbers are good and they are doing well but they are also working with ten less people than they had in 2009-2010.

Councilman Dillard asked Police Chief Ferrara how they are doing with overtime.

Police Chief, Michael Ferrara said that overtime is down and it has been down every month.

RESOLUTION NO.: 74-2011

OF

APRIL 11, 2011

**A RESOLUTION AMENDING RESOLUTION NO.: 264-2010,
THE AMENDED 2011 BUDGET FOR THE CITY OF NEWBURGH,
NEW YORK TO ESTABLISH A BUDGET FOR THE DEPARTMENT
OF STATE LOCAL GOVERNMENT EFFICIENCY GRANT**

BE IT RESOLVED, that the Resolution No.: 264-2010, the 2011 Amended Budget of the City of Newburgh, is hereby amended as follows:

GRANT FUND

Revenue

CG.1210.3360.3210.2011	DOS Charter Revision Grant	\$45,000.00
CG.1210.5031.3010.2011	Transfer from General Fund	\$ 5,000.00

Expenditures

CG.1210.0455.3010.2011	Consultants Charter Revision	\$50,000.00
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General Fund

A.9901.9000.3010.2011	Transfer to Grant Fund	\$ 5,000.00
A.1900.1990.3010.2011	Contingency	(\$ 5,000.00)

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.: 75-2011

OF

APRIL 11, 2011

**RESOLUTION AMENDING RESOLUTION NO.: 264-2010,
THE AMENDED 2011 BUDGET FOR THE CITY OF NEWBURGH, NEW
YORK TO TRANSFER \$16,045.66 FROM CONTINGENCY-EMERGENCY
TO DEPARTMENT OF PUBLIC WORKS REPAIRS/OTHER EQUIPMENT
FOR AN EMERGENCY REPAIR**

BE IT RESOLVED, that Resolution No.: 264-2010, the 2011 Amended Budget of the City of Newburgh, is hereby amended as follows:

		<u>Decrease</u>	<u>Increase</u>
Special Items			
Contingency	A.1900.1990	\$16,045.66	
Department of Public Works			
Repairs/Other Equipment	A.5010.0443		\$16,045.66

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

GENERAL COMMENTS FROM THE PUBLIC

Aquanetta Wright, City of Newburgh, heard the drums and saw the children from the Head Start Program along with the Mayor across the street from her house in the parking lot this morning marching around the block which she thinks was fabulous. It was a welcome change to see. The kids sang a song and it was very heartwarming. About a year ago DPW took the metal grates from around the trees in her neighborhood and several people would like to have them back. She added that when Central Hudson digs up the street they don't seem to know how to put it back. Who is responsible for checking on these holes after they are dug up by other people to make sure they are fixed properly? At the end of North Miller Street Central Hudson made four huge holes and now we have four huge craters in the street.

Mayor Valentine said that what Aquanetta saw was the kick-off of the Week of the Young Child and Head Start is usually the first organization with the Pre-K following up at lunch time. They go around the block and stay on the sidewalk singing the Head Start Song. The Head Start Program is federally funded and is being threatened by federal dollars right now so we don't know if we will have this program next year. It is a joy to see these children perform and the Drum Corp is because Joy Pittman wanted one in the City of Newburgh and they will also be part of the Memorial Day Parade.

Gay Lee, Forsythe Place said that at least twice a day she has been receiving calls from a company named Agway that provides gas and electric through Central Hudson. She has argued with this company several times as to why they keep calling her and she wants everyone to know that they have a right to choose the service they want. Some elderly residents might feel like they don't have a voice and will feel intimidated.

Quincy Magwood, 150 First Street said that he has a commercial building which was closed down. Over the winter it was broken into and he wasn't aware that a window was left open causing a water line to freeze and burst resulting in a \$5,000.00 water bill. He attempted to make an appointment with the City Manager to work out a solution but he could not get an appointment. He feels that \$2,500.00 of that water ran out onto his property but none of the water went into the sewer so he is willing to pay the fee for the water but not the sewer. He is appealing to the elected officials to help him resolve this issue without litigation.

Denise Ribble, City of Newburgh said that she is concerned that we have not had any updates on our finances or revenue generation and we don't know where things stand with the possibility of sanitation being outsourced.

Here we are in April so where is the fiscal plan. There was discussion at the Work Session about Section 108 and the repayment for Crystal Lake which reminded her of the recommendations made to finance the Courthouse and all of its cost overruns from the General Fund so she thinks that needs to be reconsidered and re-looked at. She was happy to see the vision for the mid Broadway properties. She provided the Council with information from a previous RFQ that they did which had a good planning process and netted us nineteen responses. She would like to know what the follow up will be with this RFQ because she feels that it is a very important project for the City of Newburgh. She made the Council aware that there is still some money left in the grant for the Armory district for a market study. She added that she heard that in New York City they are posting the worst landlords on Craigslist and she is wondering if we could do something similar here.

Judy Kennedy, 162 Grand Street applauded the report from the Police Chief because it is the best way to see the changes here. She would like to see it posted on the website and we need more Press for when things are positive because right now we have a terrible image problem. She is very encouraged about the Drum Corp and she would like to see it continue here. In regard to the gentlemen who had the water pipe break, she had a similar situation herself and she thinks that the City should work with him. He is willing to pay half so we should work with him because he is trying to make it right.

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

COMMENTS FROM THE COUNCIL

Councilwoman Angelo said that she has a resolution from the Orange County Board of Legislators giving us full support for the FBI to re-locate here in the City of Newburgh. She would like to see them on the top floor of 123 Grand Street and leave the Code Compliance department over there. She also wants Mary McTamaney, City Historian, to stay in that building too. It is close to the Library and it is an asset for us. She added at the new Auto Zone Building that is being built is a concrete block with a brick wall facing Broadway. This is prime property and the Planning Board agreed to let them do this. The property owner next door is four feet away from a side wall which is what he sees when he looks out of his window. This is very distressing to see because there is nothing we can do about the building. They also removed boulders and trees that are hanging by their roots and are ready to come down. She wished everyone a Happy Passover and a Happy Easter.

Councilwoman Bell echoed comments made by Denise Ribble about the Budget and the fact that we cannot afford to wait until September or October again. We need to start working on it now.

Acting City Manager, Richard Herbek said that they have approximately 70% of the RFP for sanitation completed but it is still being worked on. The bulk of the Budget is personnel. We provide services and that is where all of the money is. We have started negotiations with PBA and CSEA which are ongoing. This is a daily effort by the staff. We are getting some additional revenue from Mobile Life and we are looking at costs daily to achieve the best possible deal for the City of Newburgh. We know that we still have a gap for 2012 and we are probably looking at a 2% cap on the property tax rates which will impose certain constraints.

Councilman Dillard said that the Council has a right to know what is going on.

Acting City Manager, Richard Herbek said that they have given them a complete picture. They are trying to cut back on increases as much as they can.

Mayor Valentine said that at their next Work Session this has to be a priority. This property tax cap is still being voted on in Albany as a possible measure.

Dwight Hadley, Consultant, said that rumors on the tax cap up in Albany are very high. They are working on the quarterly reports for the State which are required under the Fiscal Recovery Act which the Council will

receive copies of. There was a workshop on revenue suggestions which they are looking at. They made a big change on Parking Tickets and are waiting to see if this translates into increased accountability by the Courts and increased revenue for the City. The major items in the Budget are for salary and benefits. We already know that health insurance will be going up 10% next year and we might have the 2% cap on property taxes. There are labor negotiations going on and it is still early but we will have to look at personnel.

Councilwoman Bell said that she knows that staff is working hard but maybe there are some ideas that we might be able to provide. This needs to be a collaborative effort. She doesn't ever want again a Budget just handed to her. What is important to remember is that the purpose of Government is to serve the people. She thanked everyone for their input and good ideas.

Councilwoman Bello said that with the nice weather we have an opportunity with our natural resources for revenue generation which she hopes is in the works also for Washington Lake. With so many people fishing and taking out boats and the suggestion of a possible Flea Market up there, these are all ways to generate revenue off of our natural resources. She hopes that the vending machines in the city buildings will be coming soon because the seniors really want their vending machine at the Activity Center. She added that she filled her gas tank up the other day and it cost her \$50.00 so she can't stress enough about the take home vehicles for the department heads. We need to generate revenue and save unnecessary expenses which she feels is important. This Saturday night at Pamela's on the Hudson there will be a fundraiser for Carlies Crusade which is a wonderful organization that takes fingerprints of the children and teaches them about anti-bullying. This is a noble cause and she hopes that everyone will attend. She thanked everyone for coming.

Councilman Dillard asked Ms. Roxie Royal to speak about the NAACP Banquet that is coming up.

Roxie Royal said that the NAACP Banquet will be on May 21st here in the City of Newburgh at Bishop Woody's banquet hall. She has tickets available for anyone interested as well as applications to advertise in their booklet. The NAACP is the oldest civil rights organization in the Nation for all ethnic groups and they need the support of everyone.

Councilman Dillard thanked everyone for coming this evening.

Mayor Valentine said that he knows everyone has heard from the media about the proposal to bring the FBI to the City of Newburgh. We took a little bit of a hit in the Times Herald Record when they turned it silly about the fact

that Congressmen and Senators are lobbying for this and they should really be getting out of the way and let the FBI lobby for themselves. He thinks that the paper missed the point and that they thought the Senators and Congressmen were doing this for their own political gain which is not what it was. This was a grassroots endeavor that he started along with the previous Police Chief, Eric Paolilli last May. It was the first time he had ever gone to the FBI Headquarters and he was surprised to find it on the outskirts of Goshen in a Corporate Park with car dealerships on both sides. They told him that they hate it there and that they need to be where the action is so he suggested that they come to Newburgh. He found out after some investigation that their lease is up and they need to move. He wrote the organization that makes the decision as well as two police chiefs and the County Executive saying that if they are going to move and stay in Orange County then they should move to where it will do the most amount of good. This would also create an economic ripple effect because they will need to rent office space and there would be about one hundred agents coming in and out of the city every day that will want to buy breakfast and lunch. There is also the ripple effect of law enforcement which will lower crime. They would be driving around in unmarked cars that our drug dealers and gang members don't recognize. He then went to the County Executive and asked for a letter of support and got it. He then asked Congressman Hinchey, Senator Gillibrand and Senator Schumer if they would lobby and they said that they would. This wasn't about offering them a river view with a plush office. It was about limited resources and having them accomplish the greater good to the City of Newburgh. If they move to any other City or Town, then we lose it and the reverse happens. The perception of Newburgh would also change if the FBI decides to put their headquarters here. We also have a unanimous vote from the Orange County Legislature in which they have said that the best place right now for those resources would be the City of Newburgh. He hopes that we took politics out of it and are merely saying to the powers that be that when they make their final they decision look at where resources are so limited and can do the most amount of good. They are on a time frame and they have to make a decision sometime this year because their lease is up next year and they need at least one year to make the transition from one set of offices to the other. This is an important thing and sometimes these individual endeavors have legs and those legs benefit the City of Newburgh for years to come so now is the time to be persistent and a little bit stubborn on it. He thanked the individuals that have supported the City on this because it certainly went across party lines. This was not about politics. It was actually about the fact that political leaders can effect change if they stand up for something that they believe in. He thanked everyone for coming this evening.

There being no further business to come before the Council, the meeting adjourned at 8:50 p.m.

**LORENE VITEK
CITY CLERK**