

A regular meeting of the City Council of the City of Newburgh was held on Monday, November 14, 2011 at 7:00 P.M. at the City of Newburgh Activity Center, 401 Washington Street, 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 October 24, 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 October 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 be referred to Corporation Counsel with power to act.

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

CARRIED

PUBLIC HEARING

Mayor Valentine called a public hearing that was advertised for this meeting to receive comments concerning the adoption of the 2012 Budget.

Acting City Manager, Richard Herbek gave an update on the progress and changes so far.

Janet Gianopoulos, City of Newburgh said that when we look at the Budget paperwork there is very little said about the homeowners. There is reference to the employees and the great job that they are doing but when we talk about increases in benefits and health insurance we are talking about benefits to the employees. The benefits to the homeowners are not necessarily rising in accord with those so we need to be careful. She just received her mortgage escrow statement indicating a shortage for last year because the taxes went up and she will now have to pay more. She is sure that a lot of other people are in the same situation and she wants to make sure that we are paying attention to this and that these discussions have an impact on the homeowners in particular. We cannot pick up and move somewhere cheaper so let's consider the homeowners and it is important to have a safe city. This has to do with the people as much as it has to do with the police.

Denise Ribble, City of Newburgh submitted and read the attached comments and she also submitted a copy of her 2010 Budget comments along with a reworking of 163-2007 benefit plan for Non-Bargaining Unit employees. (copies attached)

Mayor Valentine noted said that at one of the Budget Work Sessions last week they asked Corporation Counsel to give them what a resolution would look like if they were going to override the tax cap. In order to do that there would have to be a scheduled public hearing tonight for the 28th, but at Thursday nights Work Session the four Council members in attendance instructed the City Manager to not have it on the agenda for tonight so that is not going to be possible. It is now a mute point because the process would have had to be started tonight and ended on the 28th so there will be no override of the tax cap.

Brian Flannery, 5 Norton Street, said that the Budget vote from last year still disturbs him. Three Council members voted against it and it didn't pass that evening. He knows that there was a lot of pressure from the audience that night but in his opinion based on the best information available that evening one had no choice but to reluctantly vote to approve. He takes the "no" votes as a sign of an inability to deal with a crisis situation or to make a hard

decision. The audience cheered those individuals as the taxpayer's heroes that evening but he viewed them as the opposite. He saw their "no" votes as reckless and irresponsible. This became even more dramatic the next day at the hastily arranged emergency re-vote after Albany didn't blink. Corporation Counsel, Bernis Nelson, and the State Comptroller's Office warned that not approving the Amended Budget would violate the City's obligations under the States Newburgh Fiscal Recovery Act which had been crafted to reassure potential buyers of the City's Bonds. The City's Bond Counsel, Todd Miles, took it a step further by warning them about the possible devastating consequences that could possibly shut Newburgh out of the bond market permanently. This time the Budget passed when one Council person switched his vote, thank God. He wanted to just remind everyone about this situation from one year ago that was very serious.

Judy Kennedy, 162 Grand Street, said that in this coming year we have to do some real serious work about finding other revenue generating opportunities particularly with the installation of the boxes in the two parking lots which she believes has to be acted on quickly. To the Council and the members of the PBA that are here tonight she implored them to realize that the people that are paying the benefits and wages that they are discussing are taxpayers. They are negotiating with the taxpayers of this City not the City Manager. The City residents that are paying their wages have no options so she again implored them to come to the table. This is a Recession and people are not getting raises in their wages. Other organizations have to chip in with their employee benefits. This is real and it is right here in the City of Newburgh so she implored the PBA to come to the table and give a little as everyone else has had to give a little to keep these eight police officers. She really would like to see that happen.

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

Regarding the 2012 Budget:

From the work session on 11/10/11 it appears that the Council is considering an override of the 2% tax cap/allowable increase proposed in the budget. The rationale for this increase is to keep police positions, despite the PBA's unwillingness to give concessions (like those that the PSOA negotiated). In order to keep police positions, taxes will increase by an additional 8% for a total of 13.2%. This means that the current Homestead rate would increase to 17.00 per 1000\$ assessed value and Non-Homestead rates will increase to 23.52. As a resident and tax payer I am strongly opposed to this proposed override. This tax increase is likely to result in further tax foreclosures where long term residents are forced from their homes and more businesses leave the City.

In the multiyear financial plan that Rick Herbeck presented to the State, he predicted that the city will face ongoing tax hikes in order to balance the city's budget, due in large part to declining property valuations and rising employee benefit costs which you predicted would grow by 10% each year. The city manager has predicted shrinking revenues and growing expenses for the foreseeable future. Despite repeated suggestions and requests for revenue generating strategies over the last 2 ½ years, the City Manager continues to state that no new revenue sources are available. Therefore, I will relist some that have been previously suggested so that they are entered into the public record:

1) Tax Foreclosure prevention/Repayment of Delinquent Taxes Program

In the Multiyear report, the acting City Manager makes multiple references to the impact of the increasing tax levy and fees on the drop in citizen's ability to pay taxes and other revenues. He also states that approximately 300 properties are scheduled for in-rem proceedings in 2011, further reducing the tax base. At a recent Council meeting, Corporation Counsel referenced a legal, local law which would allow for the installment repayment of delinquent taxes. Without any presentation of analysis, Mr. Hadley stated that it would increase the TAN's, to which I replied, so will tax foreclosures.

At this point, I do not find comment without analysis an acceptable professional presentation. Therefore, I am requesting a side by side analysis/comparison on tax revenues and TAN's for fiscal years 2011 to 2014 of foreclosure (no action) versus implementation of this local law with a time limit on the law, ending it Dec 31, 2013. For comparison purposes, I would also like the analysis to use actual in rem numbers and delinquent tax amounts, as well as projections if 0%, 50%, 100% of taxpayers were impacted by either foreclosure or entered into a repayment plan in 2012 or 2013.

2) Collecting rent on City Owned Properties

3) Pursuing and increasing vacant building fees

4) PILOT payments up to date, in good standing and consideration of a voluntary curb tax for entities that do not pay taxes or PILOTS

5) Implement Internal Control recommendations of 2009 (and now there is a 2010 report – though we do not know yet what it contains)

In 2009, the audit firm of O'Connor, et al made a number of recommendations regarding internal controls such that there would not be material or significant deficiencies that might lead to mis-statement of the financial condition of the City. In the multiyear financial plan the city manager presented, it was projected that the city would end its fiscal year 2010 with an undesignated fund balance of \$14 million. The 2010 audit states that it was 6% and change. The citizens of Newburgh would like to know if the 2009 auditors' recommendations have been implemented. We would like the Council to determine who is accountable for that "error", who is accountable for directing that internal controls are in place and then take action.

That 2009 independent auditor's report also cited numerous examples of fiscal decision making that occurred completely without Council approval. Again, this year, there is evidence of this as an ongoing pattern of lax oversight, inaccurate or incomplete information provided to Council and fiscal decisions made without full information being presented.

Then in June of 2011, the city Manager contradicted his own report to the Comptroller, and asserted that somehow miraculously, the city has suddenly reversed course. What facts (give details please) have lead to this markedly different assessment when none of the city's fundamentals have really changed.

- 6) Stop paying for City/Personal vehicles and gas for those vehicles
- 7) Obtain more favorable BAN and TAN refinancing rates
- 8) Renegotiate the benefits associated with non-bargaining unit City employees from resolution 163-2007 (see attached) and address compensatory time findings from 2009 auditors report
- 9) Address Parking Permits (both residential and business), Overnight Parking Permits and Parking Meters for selected parking lots
- 10) Review Sanitation Services such as lease vs. purchase of vehicles, one a week pick up in some neighborhoods, increased pick up on Broadway, schedule changes to provide more coverage, etc
- 11) Recoup losses – what is the status of the Courthouse forensic audit, is the Codes department self sustaining/revenue generating, have all PILOTS been reviewed, have all change orders for capitol projects been reviewed, are reverter clauses being reviewed, is the City entering into fiscally prudent contracts?
- 12) Reduce potential for litigation and grievances, as well as implement a performance program – hire a Human Resources Director.

In addition to these ideas, I suspect there are countless other ways to capture revenues that are currently leaking through the cracks. Indeed, there are line items in the budget proposal that are still vague, or offer cursory explanation of the money's intended purpose.

The tax payer's money in the general fund has been irresponsibly borrowed and spent, causing us to operate in a deficit. Yet, with no fund balance and no revenue generating strategies, you are once again asking the taxpayers for more money to support the **same** policies and procedures, while expecting us to believe that there will be a **different** outcome. We oppose an override to the tax cap and we demand a budget that demonstrates oversight, accountability and revenue generating strategies.

2010 Budget Comments

The 2010 Budget proposed by the CM shows a slight decrease over the 2009 approved budget.

BONDING

It is customary to bond for capitol projects and this should be considered. What is so concerning is the fact that this was not done previously and it appears to be the only solution as of yet offered to the Council. Further, I would like to know if the City will be pursuing the individuals and corporations who engaged in gross and malicious fiscal mismanagement to get our money back.

Financial Review Board should be instituted and definitely include more members than CM, Comptroller and Mayor.

REVENUES

- 1.) Tax Payment Amnesty for Homestead properties with payments by cash, certified check, credit or debit card.
- 2.) Collect rents on City owned properties and spaces and lease payments on leases. Check all properties owned by City, IDA, NCDA and LDC to insure loan re-payments, leases, lien payments, mortgage payments, etc are being collected. Same for all HUD/CDBG funded loans.
- 3.) Review all PILOT and tax reduced projects to insure status is accurate and current.
- 4.) Decrease time between water bills not paid and shut off until paid up.
- 5.) Critical examination of all expenditures especially "other services" and "education". Increase Council oversight for review and approval.
- 6.) Restructure and Consolidate Departments – Human Services, Codes (under Fire Dept), Fire and Police, Planning and Engineering. Codes Department should be revenue generating and needs violation compliance, revenue and productivity targets. Also review of department personnel for conflicts of interest.
- 7.) Consider a non resident "City of Newburgh" payroll tax for people who work in the City (Like NYC and Yonkers) or tax for any who work in the city.
- 8.) Separate Police and Fire (with Codes) and possibly DPW to a "Safety Services" Department. Do service districts. Develop fees and bill for these services, including NFP that currently pay nothing.
- 9.) Carefully review all land dispositions, reverter clauses in property dispositions and assessed values of City owned properties, especially Brownfield's. A few examples:
 - a. Consolidated Iron site will cost City 2.4 million. Sale price is 1.8 million – ½ a million less than it will cost us and in violation of our Charter if sold without a public referendum.
 - b. Original assessed value for one Brownfield site was 400K, reduced to 240K prior to sale.
 - c. Special deals for individuals and developers that are friends/relatives of Council members or City staff.

- d. Assessed values of City owned Waterfront properties. Some went down almost 45% with the reassessment. All Cities owned property should be reviewed.

Be prepared to purchase Armory. Possibly consolidate Police and Fire (with Codes) there and/or DPW, if DPW site has to be moved for toxic waste clean-up. Some land for Recreation. Also use some space for a Business accelerator/Incubator.

- 10) Reinststitute the Economic Development Director Search
- 11) Reconvene CDBG Advisory Committee – they can provide much needed and free public participation and oversight (especially given past concerns), job creation with the 1.9 million in returned funds and ensure proper posting, advertising and interviewing for the CDS position. Council should review the job description, posting and consider a residency requirement (City/? surrounding towns)
- 12.) Look at reducing # of City Buildings that have to be maintained. For example, use only City Hall and 123 Grand Street, rent 104 Landers St.
- 13.) Reduce potential for litigation and reduce consultant expense – engage a law firm on retainer.
- 14) Reduce potential for litigation and grievances -- hire a Human Resource director to ensure performance evaluations, administer benefits and ensure hiring/probation/evaluation/termination and civil service procedures are followed. (CSA to part time. CSA is dually employed by NECSD, but they pay City nothing for her services)
- 15) Closely monitor OT expenditures
- 16) Develop a way to assess “Impact fees” for development. Require real Community benefit agreements. Pass a local hiring ordinance.
- 17) Parking meters especially at ferry where we pay a 300K lease, parking permit fees and parking tickets (sweeping/snow removal) Charge a zoning inquiry fee \$25. A fee for Planning Board work sessions
- 18) Increase water bills for non-city consumers.

PERSONNEL COSTS

DRAFT

Resolution # ____-2009 of January ____, 2009

A RESOLUTION TO AMEND AND RESTATE THE BENEFIT PLAN FOR NON-BARGAINING UNIT EMPLOYEES

BE IT RESOLVED, by the Council of the City of Newburgh, New York, that resolution No.163 – 2007 “A RESOLUTION TO AMEND AND RESTATE THE BENEFIT PLAN FOR NON-BARGAINING UNIT EMPLOYEES” is hereby amended and the Benefit Plan for Non-Bargaining Unit Employees is hereby restated as follows:

Section 1: Covered Employees

This resolution shall apply to all salaried officers and salaried permanent employees of the City of Newburgh who work regular hours of no less than 35 hours per week and who are not members of any collective bargaining unit. Above salaried officers and employees shall be considered permanent upon successful completion of a 12 month probationary period. Probationary employee performance shall be evaluated minimally at 6 weeks to establish performance program, at 3 months, 6 months, 50 weeks and 12 months. Employees who do not meet the expectations of their performance program may be terminated or have their probationary period extended for up to 6 months. Probationary and provisional employees are not permanent employees.

Section 2: Holidays

Employees covered by this resolution shall be granted leave with pay for the following holidays: New Years Day, Martin Luther King’s Birthday, Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, General Election Day, Veterans Day, Thanksgiving Day, Friday following Thanksgiving Day and Christmas Day.

Section 3: Vacation

- a) All employees must work one full year and successfully complete their probationary period before being eligible to use vacation time.
- b) Requested vacation time off may only be taken with prior approval of the department head or the City Manager. The department head and /or City Manager will insure coverage of department and City functions in granting time off. Approval shall not be unreasonably withheld.

c) Employees shall earn vacation time in accordance with the following schedule:

1 year	10 days	9 years	19 days	17 years	27 days
2 years	11 days	10 years	20 days	18 years	28 days
3 years	12 days	11 years	21 days	19 years	29 days
4 years	13 days	12 years	22 days	20+years	30 days
5 years	15 days	13 years	23 days		
6 years	16 days	14 years	24 days		
7 years	17 days	15 years	25 days		
8 years	18 days	16 years	26 days		

- d) Vacation time can be accrued up to 400 hours.
- e) Commencing July 1, 2009, a non-bargaining unit employee with at least 10 years of permanent employment with the City may convert 5 days of accrued and unused vacation time to a cash payment, one time annually. In addition to the requisite years of permanent employment with the City, the employee must have no less than 30 days of accrued and unused vacation time after the 5 vacation days are deducted from the employee's vacation leave balance. The City Manager shall be responsible for reviewing and approving/disapproving the requests.

Section 4: Sick Leave

- a) Employees shall receive 13 sick days per year. Sick days are accrued one day per month for 11 months and 2 days in the 12th month.
- b) The City Manager will require an employee using sick leave to provide a doctor's certificate for absences of 3 or more days.
- c) Employees shall be granted sick leave with half pay for personal illness after all sick, vacation and personal leave time has been exhausted. Such sick leave at half pay shall not exceed one week for each complete year of service.
- d) When an employee is off the job due to illness, the City will continue to pay Health Insurance premiums for up to 3 months until a waiver of premium is executed.
- e) Sick Leave may be accrued up to 1600 hours. Upon retirement, employees with a minimum of 20 years of service with the City of Newburgh and 1600 hours of accrued and unused sick leave will be eligible to receive fully paid health insurance premiums. Employees with a minimum of 20 years of service but less than 1600 hours of accrued and unused sick leave will receive a prorated payment of health insurance premiums upon retirement.

Section 5: Personal Leave

All employees shall receive the following personal leave days: during the first year of employment – 1 day, during years 2 through 4 of employment -2 days and during the 5th and each subsequent year of employment – 4 days. Personal leave days are granted on the anniversary of permanent appointment and must be used in the 12 month period. Unused personal leave time is not accrued.

Section 6: Bereavement Leave

- a) Employees shall be entitled to four consecutive work days leave of absence with pay between the dates of death and funeral when a death occurs in the immediate family. Immediate family shall include a grandparent (in-law), parent, mother in law, father in law, spouse, domestic partner, child, brother, sister, brother in law, sister in law and grandchild.

- b) Salaried officers of the police and fire departments covered by this resolution shall receive the bereavement leave as is provided to subordinate members of their departments and not the bereavement leave detailed in a) above.

Section 7: Jury Duty Leave

Time off with full pay and without the use of accruals will be allowed for jury duty, provided that any reimbursement check for said jury duty is submitted to the City. Payment received for mileage and meal allowances shall belong to the employee.

Section 8: Maternity Leave

Employees shall receive maternity leave to the same extent as is granted to other CSEA bargaining unit employees of the City.

Section 9: DELETE

Section 10: Health Insurance

- a) The City shall continue to participate in the NYS Health Insurance plan and contribute ninety percent (90%) of the premium for individual employees and eighty five percent (85%) for family plan premiums. All employees shall contribute ten percent (10%) of the cost of health insurance for individual plans and fifteen percent (15%) of the cost of family plans for the life of their employment with the City.
- b) Employees must have a minimum of 20 years of service with the City of Newburgh to be eligible to receive payment of health insurance premiums on retirement.
- c) Health insurance premiums for the current policy will continue on retirement if the employee has a minimum of 20 years of service and 1600 hours (200 days) of accrued and unused sick leave. Employees with a minimum of 20 years of service but less than 1600 hours of accrued and unused sick leave will receive a prorated payment of health insurance premiums upon retirement.
- d) Health Insurance Waiver – an employee who is covered by another health insurance plan may decline the coverage provided herein on or before the 1st day of December of each year by executing a waiver on a form established by the Comptroller. An employee declining and waiving coverage shall receive a payment equal to 25% of the savings to the City on or before January 30 of the following year.

Section 11: Dental and Optical Insurance

Same as current unless it needs revision due to CSEA or other revisions

Section 12: Retirement

The City shall continue to participate in the NYS and Local employees retirement system and the NYS and Local employees Police and Fire Retirement system.

Section 13: Severance

Upon the effective date of separation, retirement or death, the employee or employees beneficiary shall receive cash payment for accrued and unused vacation time up to 240 hours (30 days).

Section 14 through Section 17 – this page missing from my copy

Section 18: Fair Labor Standards Act

Same as existing

Section 19: Education

Subject to prior course approval by the City Manager, the partial cost of tuition up to 4 credits per semester (not to exceed the tuition rate per credit hour as established by SUNY New Paltz) incurred by any officer or employee covered by this resolution attending a certified educational institution or taking an approved course which is directly related to said officers or employees duties shall be reimbursed upon successful completion of said course and submission of official grade reports demonstrating a passing grade of B or better to the City Manager. The cost of course work unrelated to an officer or employees duties or employment by the City shall not be paid/reimbursed by the City.

Section 20: Fitness for Duty

Same. Needs clarification as it applies to the City Manager.

Section 21: Intent of the Council

It is no longer necessary to separate this, however, all positions should be listed accurately.

Note – remove Director of Business and Industrial Development, Director of Youth and Family Services, Special Projects Coordinator, Crime Analyst, Cultural and Economic Director, Secretary to the Director of Business and Industrial Development

Add - Director of Human Services, Secretary to the Director of Community Development

??? – Economic Development Specialist, Assistant City Manager

Last paragraph of intent needs to be reviewed and updated, including ML 207m

SCHEDULE A

Also needs to be updated and accurate. Some positions not listed, some no longer accurate. In addition, listed position grades should be compared to the budgeted 2009 salaries. (Position of Civil Service Administrator is Grade 3 in 163-2007 resolution, but Grade 4 in 2009 budget) (Position of Director of Youth, Children and Family Services in 163-2007 resolution is a Grade 3, Director of Human Services in 2009 budget is a Grade 5 – also just hired with less than a year of service but already at Grade 5, step 4) (Recreation Supervisor in 163-2007 is a Grade 6, newly hired Director of Parks, Recreation and Conservation is a Grade 3-1 in 2009 budget)

SCHEDULE B

Some where in this document, it is necessary to specify that step raises will be based upon performance evaluation. Cost of living (COLA) increases are covered by increase from 2008 to 2009 in the grade at step one. A large savings could be gained by redoing the 2009 schedule for all grades and steps. The current one gives 8 to 10 % increases. Also, there is a marked discrepancy between grades. Revise to give the same increase as CSEA got by adding 1900.00 to 2008 level at step one. Then add 1900.00 for each step. Even if you use 2000.00, you will still save over 100K, yet every one gets a COLA increase. Sample below uses 2000.00 through Grade 6. Grade 7 is the same as existing as is Grade 7B, steps 5 and 6. Grades 8 and 9 resume the 2000.00 increase.

DRAFT 2009 NON BARGAINING SALARY SCHEDULE

GRADE	STEP 1	STEP2	STEP 3	STEP 4	STEP 5	STEP 6
1	33,200	35,200	37,200	39,200	41,200	43,200
2	43,600	45,600	47,600	49,600	51,600	53,600
3	53,520	55,520	57,520	59,520	61, 520	63,520
4	64,218	66,218	68,218	70, 218	72,218	74,218
5	72,512	74,512	76,512	78,512	80, 512	82,512
6	80,000	82,000	84,000	86,000	88,000	90,000
7	91,944	92,916	94,366	95,791	97,269	98,721
7B	94,333	96,333	98,333	100,333	101,108	101,761
8	102,324	104,324	106,324	108,324	109,324	111,324
9	112,612	114,612	116,612	118,612	120,612	122,612

Suggest that 2010 be rescinded or redone along these lines.

COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

Denise Ribble, City of Newburgh said that in resolution #225-11 it is not clear if an employee resigns, retires or is terminated what the explicit measures are for making sure that their electronic devices are secured so that they can't take information that belongs to the City and spread it all over the world. She suggested that before they pass this resolution they actually look at the policies for the State of New York because they have an explicit section for employees that are separating from services. She knows that this has not been done in the past in the City of Newburgh so there needs to be an explicit way that this will be handled in this policy so that we don't continue to have loss of information or inappropriate sending of information after separation of service.

Janet Gianopoulos, City of Newburgh, asked if this is the first time that the City has instituted a policy regarding electronics. She applauds the City for doing it because it is a good thing to do and there are other areas of the City that we need to look at as far as setting up policies regarding risk. In regard to resolution #222-11, she heard at the Work Session that there is going to be clearer reporting in the future. We often hear complaints about where the money is going and she sees this as the main reason for reporting to all of the citizens where this money is going. If we can't see where it is going then perhaps we are not spending it on something with the most impact so she hopes that we can see clearly where it is going for CDBG.

Judy Kennedy, 162 Grand Street said in regard to resolution #221-11 that she supports the Newburgh Rowing Club. This organization is working very hard to be inclusive and do something at the Waterfront that she thinks is very valuable for the City. Concerning resolution #222-11 she said that there is a lot of money going to support FTE so she would like to make sure that each of those employees has goals that they are going to report on. She read through resolution #225-11 and asked if this is the first time that we have had such a policy or is this a renewal of a policy.

Corporation Counsel, Michelle Kelson said that the City has been trying to develop a policy for several years but with changes in administration it has been hard to get something in final form. We now have something that we want the Council to adopt as per the recommendations of our risk managers, our insurers and the New York State Comptroller.

Judy Kennedy added that we need to have this policy and it probably should have been in place about fifteen years ago. She encouraged the passing of this policy.

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

COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

There were no comments.

RESOLUTION NO.: 220 - 2011

OF

NOVEMBER 14, 2011

**RESOLUTION AMENDING RESOLUTION NO: 264-2010,
THE AMENDED 2011 BUDGET FOR THE CITY OF NEWBURGH, NEW
YORK TO TRANSFER \$10,000.00 FROM CONTINGENCY TO
PUBLIC WORKS SNOW REMOVAL OVERTIME
IN CONNECTION WITH EXPENSES DUE TO INCREASED INCLEMENT
WEATHER**

BE IT RESOLVED, by the Council of the City of Newburgh, New York, 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>
Contingency	A.1900.1990	\$10,000.00	
Public Works Snow Removal Overtime			\$10,000.00

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.: 221 -2011

OF

NOVEMBER 14, 2011

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A
THIRD AMENDMENT TO THE LICENSE AGREEMENT WITH THE
NEWBURGH ROWING CLUB TO ERECT A TIMBER FRAMED PAVILION
AND TWO CANVAS STORAGE GARAGES**

WHEREAS, the City of Newburgh ("City") and the Newburgh Rowing Club agree that the sport of rowing encourages discipline, character, teamwork, physical fitness and good health; and that rowing enjoys a prominent historical connection with the City of Newburgh, being the site of the landmark achievements of the Ward brothers, namesakes of the Ward Brothers Memorial Rowing Park; and

WHEREAS, the Newburgh Rowing Club provides valuable recreational, social and community-based opportunities to the City and the greater Newburgh area, and enhances the City's quality of life bringing renown and the esteem of schools, athletic associations, clubs and other communities far and wide; and

WHEREAS, the City and the Newburgh Rowing Club wish to further develop and advance their relationship which is in the best interests of the people of the City, the Newburgh Rowing Club and its participants and supporters, the sport of rowing and the greater Newburgh community; and therefore wish to enter into the Memorandum of Understanding as provided hereby; and

WHEREAS, the City and the Newburgh Rowing Club entered into a License Agreement dated October 31, 1999, as authorized by Resolution No. 210-99, dated October 12, 1999, as amended by Amendment to License Agreement, as authorized by Resolution No. 83-2002 of April 22, 2002, as amended by Second Amendment to License Agreement, as authorized by Resolution No. 104-2011 of May 23, 2011, permitting NRC to construct a boathouse and sewer connection to the Newburgh Sewage Treatment Plant, parking facility, landscape and docks; to erect two utility poles to carry electricity and to maintain certain insurance policies during public events; and to conduct its activities on a portion of waterfront parkland owned by the City; and

WHEREAS, the City and the Newburgh Rowing Club wish to further amend the License Agreement to permit the Newburgh Rowing Club to erect and maintain a 17' x 30' timber framed pavilion and to erect and maintain two 13' x 20' canvas garages for the storage of equipment reasonable and necessary for the expressed purpose of the Newburgh Rowing Club;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he hereby is authorized to execute the Third Amendment to License Agreement with the Newburgh Rowing Club in substantially the same form as attached hereto with such other terms and conditions as Corporation Counsel may require, same as being required by law and in the best interests of the City of Newburgh, and any other documents as may be required by law, rule or regulations, to authorize NRC to erect and maintain a 17' x 30' timber framed pavilion and two 13' x 20' canvas storage garages.

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

001-11

THIRD AMENDMENT TO LICENSE AGREEMENT

This THIRD AMENDMENT TO LICENSE AGREEMENT dated November _____, 2011 to License Agreement dated October 13, 1999, by and between the CITY OF NEWBURGH, a New York municipal corporation with offices at 83 Broadway, Newburgh, New York 12550 ("City"), and the NEWBURGH ROWING CLUB, INC., a New York not-for-profit corporation with mailing address at P.O. Box 227, Newburgh, New York 12551 ("Licensee").

Whereas, the City and Licensee entered into a License Agreement dated October 13, 1999, as authorized by Resolution No. 210-99 of October 12, 1999, as amended by Amendment to License Agreement, as authorized by Resolution No. 83-2002 of April 22, 2002, and as amended by Second Amendment to License Agreement, as authorized by Resolution No. 104-2011 of May 23, 2011, copies of such License Agreement, Amendment to License Agreement, Second Amendment to License Agreement and three (3) Resolutions being attached hereto, and

Whereas, the City and Licensee wish to further amend the License Agreement, now therefore

The City and Licensee agree as follows:

1. The License Agreement shall be further amended to add a new paragraph 15 to read as follows:

15. This license shall additionally include the right to erect and maintain a timber-framed pavilion with structural steel supports having a dimension of 17' by 30', as shown on the attached sketch, and to erect and maintain two canvass garages having a dimensions of 13' by 20' to store equipment reasonable and necessary for the expressed purpose of the not-for-profit corporation. The Licensee shall pay all costs of erecting, maintaining, removing, and replacing, if necessary, the pavilion and the canvass garages. The Licensee shall be responsible for obtaining all necessary approvals and permits from Federal, State and local agencies and review boards with jurisdiction over the proposed construction.

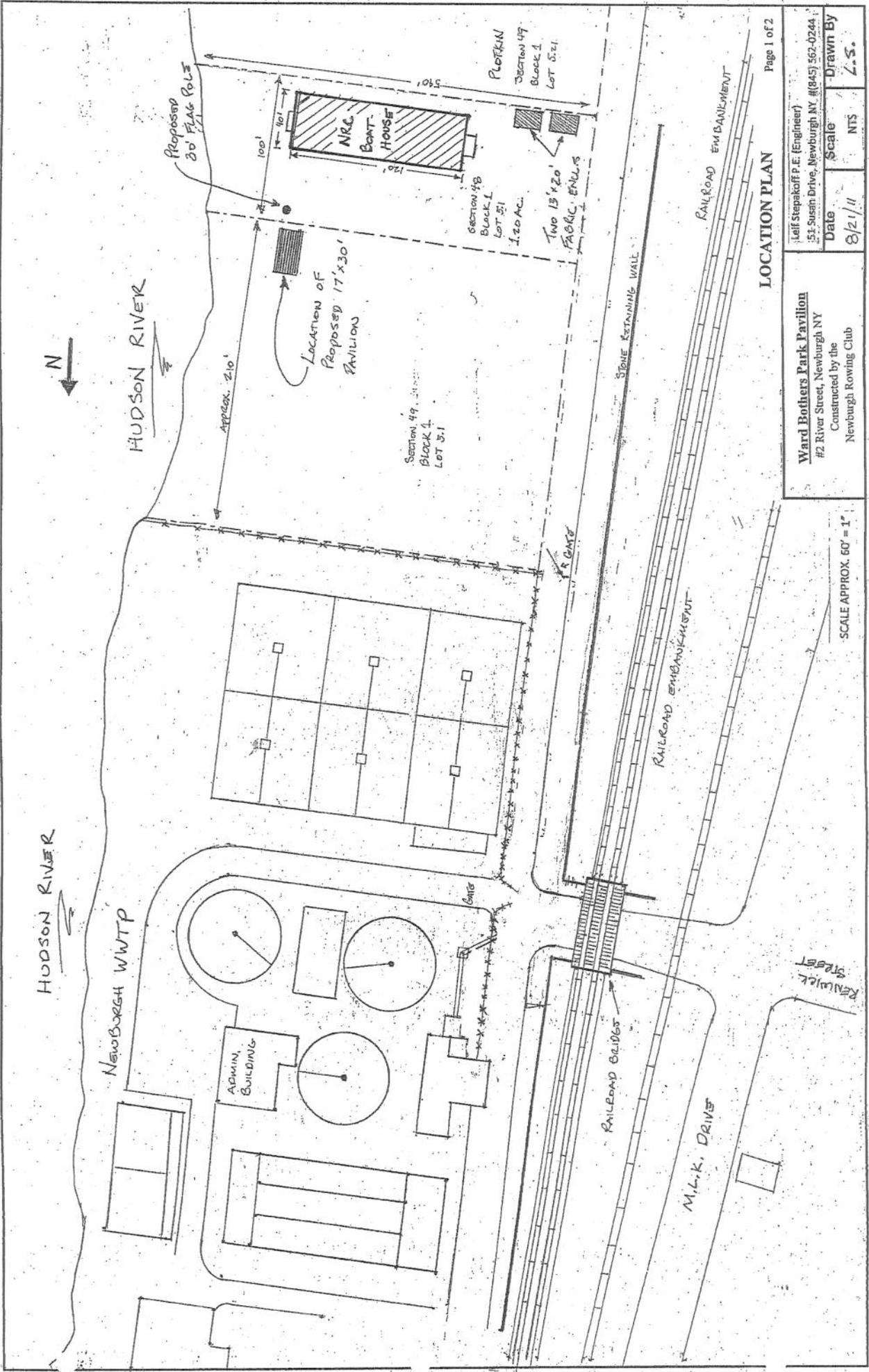
2. All other terms and conditions of the License Agreement, Amendment to License Agreement and Second Amendment to License Agreement shall continue to remain in full force and effect.

CITY OF NEWBURGH

By _____
Richard R. Herbek
Acting City Manager

NEWBURGH ROWING CLUB, INC.

By _____
Robert Frederick
President



Leif Stepauff P.E. (Engineer) 51 Susan Drive, Newburgh NY #845 562-0244		Page 1 of 2
Ward Bothers Park Pavilion #2 River Street, Newburgh NY Constructed by the Newburgh Rowing Club	Date 8/21/11	Scale NTS
Drawn By L.S.		Location Plan

SCALE APPROX. 60' = 1"

RESOLUTION NO.: 222 - 2011

OF

NOVEMBER 14, 2011

**A RESOLUTION APPROVING THE CITY OF NEWBURGH'S
CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT
STRATEGY AND ACTION PLAN FOR FISCAL YEAR 2012**

WHEREAS, the City of Newburgh has prepared a five-year Consolidated Housing and Community Development Strategy and Plan in accordance with the planning requirements of the Cranston-Gonzalez National Affordable Housing Act; and

WHEREAS, this Consolidated Plan was prepared in accordance with all statutory requirements, including those related to citizen participation; and

WHEREAS, this plan was submitted to and approved by the United States Department of Housing and Urban Development; and

WHEREAS, the City of Newburgh has now prepared a one-year Action Plan in order to implement various elements of the strategies identified in its Consolidated Plan during the second year it is in effect; and

WHEREAS, this one-year Action Plan contains the following proposed activities and budget for the City's 2012 Community Development Block Grant Entitlement Program:

Program	Amount:	Use:
Administration	\$112,592	Funding of staff and administrative costs. .5fte office manager and CD Director. Temporary Analysis of impediments planning. System upgrades.
In-Rem Stabilization Program	\$31,912	Program to maintain tenants and maintain properties received via the foreclosure process. Temporary DPW staff and .5 FTE Property Manager.
Home Ownership Rehabilitation	\$55,791	A grant/ loan program for low income residents to make home improvements. .5 FTE housing loan officer and Code Enforcement
Economic Development- Job Training	\$90,000	Phase II. Coordinated Workforce Development plan.

Demolition	\$200,000	Demolition of Hazardous Buildings within Census Tract 4 & 5
Scattered Sidewalk/ Street Improvement	\$150,000	Improvements to streets and sidewalks in census tract 4 & 5
Special Economic Development Activities	\$ 117,958	Coordination of Special Development Projects, Commercial Façade Development, and the Development of identified industrial buildings through partnerships with Landbank, Industrial Development Agency. .5 FTE CD Director and staff position.
Newburgh Mural Project	\$30,000	Development of Public Art via murals in Census tract 4 & 5.
Fair Housing Counseling	\$26,747	As a result of the Analysis of Impediments, the City will contract a pilot an implementation program
Community & Youth Programming	\$35,000	Leverage 2011 funds to provide grants to not for profit organizations for youth service activities. There are \$15,000 remaining unallocated from 2010
Total Funding Requests:	\$ 850,000	

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York does hereby approve the one-year Action Plan, subject to further revisions as may be necessary to meet federal requirements; and

BE IT FURTHER RESOLVED, that the City Manager be and is hereby designated the official representative of the City of Newburgh and he is hereby authorized to submit the one-year Action Plan and execute the Standard Form 424 (Application for Federal Funds) and certifications; and he is further directed and authorized to act in connection with the submission of a one-year Action Plan and to provide such additional information as may be required; and

BE IT FURTHER RESOLVED, that the Secretary of Housing and Urban Development be and hereby is assured full compliance by the City of Newburgh with said certifications.

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.: 223 - 2011

OF

NOVEMBER 14, 2011

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH,
NEW YORK SUPPORTING THE FILING OF AN APPLICATION OF THE
HISTORICAL SOCIETY OF NEWBURGH BAY AND THE HIGHLANDS
FOR A GRANT UNDER THE ENVIRONMENTAL PROTECTION FUND
FOR THE CRAWFORD HOUSE RESTORATION PARK PROJECT**

WHEREAS, the Historical Society of Newburgh Bay and the Highlands is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project to be located at 189 Montgomery Street, Newburgh, New York, also known as the Crawford House, a site located within the territorial jurisdiction of this Council; and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the “approval/endorsement of the governing body of the municipality in which the project will be located”;

WHEREAS, the City Council of the City of Newburgh believes that supporting the grant application is in the best interests of the City of Newburgh,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that We, the City Council of the City of Newburgh, do hereby support the application of the Historical Society of Newburgh Bay and the Highlands for a grant under the Environmental Protection Fund for a park project known as the Crawford House restoration and located within this community.

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.: 224 - 2011
OF
NOVEMBER 14, 2011**

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT
BETWEEN THE COUNTY OF ORANGE AND THE CITY OF NEWBURGH
IN CONNECTION WITH THE COUNTYWIDE LAW
RECORDS MANAGEMENT SYSTEM PROGRAM**

WHEREAS, the County of Orange collaborated with local municipalities to establish a Countywide Law Records Management System; and

WHEREAS, the City of Newburgh joined with the County of Orange and other local law enforcement agencies to establish a system to improve and enhance important law enforcement functions as provided by the terms of the agreement including but not limited to communications, database compilation and access, technology and equipment, record-keeping, inter-agency coordination and other important police functions; and

WHEREAS, the City of Newburgh wishes to enter into the annexed inter-municipal agreement to facilitate the program to share police related information and intelligence through a video network that links the City of Newburgh and the County of Orange with the other local law enforcement agencies; and

WHEREAS, this Council has determined that the City's participation in such program is in the best interests of the City of Newburgh and will enhance law enforcement in the City of Newburgh and in surrounding local municipalities, in cooperation with the County of Orange and other law enforcement agencies;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into an inter-municipal agreement between the County of Orange and the City of Newburgh to facilitate the Countywide Law Records Management System Program in order to enhance important law enforcement functions for the City of Newburgh and other local law enforcement agencies.

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



INTER-MUNICIPAL AGREEMENT

THIS AGREEMENT is entered into as of this _____ day of September 2011, by and between the County of Orange, a County of the State of New York, with principal offices at 255-275 Main Street, Goshen, New York (hereinafter "COUNTY"), and the City of Newburgh, a City of the State of New York, with principal offices at 83 Broadway, Newburgh, New York (hereinafter "MUNICIPALITY").

ARTICLE 1. SCOPE OF AGREEMENT

The COUNTY is a municipal corporation chartered under the authority of the State of New York. The COUNTY administers Federal and NYS Department of Criminal Justice Services grant funds under the implementing authority of the Sheriff of Orange County, an independent elected official, pursuant to the laws, rules and regulations of the State of New York. The MUNICIPALITY has no such comparable department or function.

The COUNTY and the MUNICIPALITY wish to cooperate in the purchase, installation, management, and implementation of the strategies of the Byrne Justice Assistance Grant (*See Appendix D to Schedule A*). The purpose of the COUNTY's Program is to facilitate our regional capability to share police related information and intelligence through a video network that links the IMPACT agencies of the:

- a. City of Newburgh Police Department;
- b. Town of Newburgh Police Department;
- c. Town of New Windsor Police Department;
- d. Orange County Sheriff's Office;
- e. Orange County Probation Department;
- f. City of Middletown Police Department;
- g. New York State Police; and
- h. New York State Department of Corrections and Community Supervision (formerly known as NYS Parole).

The COUNTY agreed to apply for, administer and has been granted funding from the New York State Department of Criminal Justice Services (hereinafter "DCJS"). The grant is a Byrne Justice Assistance grant, and DCJS has allocated \$50,000 in funding to be administered by the COUNTY. The grant management system (GMS) number is BJ10-1142-D00, the DCJS number is BJ09632359, and the catalog of federal domestic assistance (CFDA) number is 16.738.

The grant award information sheet is attached to this agreement as **Schedule B**.

It is the intention of the COUNTY, in order to carry out the goals of the Program, to purchase and assign to MUNICIPALITY the following:

- a. One (1) Digital Media Player 4305G HW, 2GB SD Card, Acc. Kit Global WY-FY Program Storage Box;
- b. Digital Media Player V5.2-perpetual software license for WY-FY Program Storage Box;
- c. Software support/maintenance for WY-FY Program Storage Box Digital Media Player;
- d. SMARTNET Digital Media Player WY-FY Program Storage Box Hardware Support (8 hours a day / 5 days per week / next business day);
- e. One (1) Cisco LCD Pro 100, 40 inch, digital signage monitor, 1080p, Bezel N, with remote control;
- f. SMARTNET LCD Pro 100, 40 inch Digital Monitor Hardware Support (8 hours a day / 5 days per week / next business day);
- g. One (1) DMP 4305 Protective Case Mount, Series 1 for WY-FY Program Storage Box;
- h. One (1) Universal Tilt Wall Mount for LCD Pro 100, 40 inch digital monitor; and
- i. All related appurtenances.

(hereinafter "Equipment").

The software support/maintenance and hardware support referenced in this Article shall extend for one (1) year from the date of installation of the Equipment.

The total expenditures for this Program shall not exceed \$50,000.00. The expenditure of the funds and the activities of the parties shall be in full compliance with the terms and conditions of this Inter-municipal Agreement (hereinafter "Agreement"), as well as the terms and conditions of the grant contract agreement

between the COUNTY and the State of New York, which provided the underlying funding to the COUNTY. (Schedule "A").

ARTICLE 2. TERMS OF AGREEMENT

MUNICIPALITY shall:

- a. Receive and utilize the Equipment pursuant to the terms of this Agreement;
- b. Permit the installation, set-up and testing of the Equipment at the City of Newburgh Police Department, 55 Broadway, Newburgh, New York;
- c. Input and upload data relating to crimes classified as Part 1 Index crimes, or crimes where notification of the IMPACT agencies is warranted due to the nature and severity of the crime;
- d. Ensure Equipment operates 24 hours per day, 365 days per year;
- e. Provide the necessary electrical and internet service required for the operation of the Equipment;
- f. Have responsibility for the maintenance, service, and repair of the Equipment once installation, set-up and testing of the Equipment has been completed. This includes taking appropriate steps to obtain maintenance, service and repair services after the expiration of the one (1) year warranty period for hardware support and software support/maintenance;
- g. Take reasonable steps to prevent interference with the operation of the Equipment;
- h. Carry out the designated and intended purpose of the Equipment;
- i. Use the Equipment only in accordance with the intended purposes and objectives of the Byrne Justice Assistance Grant;
- j. Comply with the terms and conditions contained in the Agreement entered into by the COUNTY and the State of New York, including such terms and conditions imposing an obligation and/or restriction on the COUNTY. This includes, but is not limited to, Appendix A, Appendix A-1, Appendix C, Appendix D, Appendix F, Appendix G, and any referenced statute, regulation, or guidance document. A copy of the Agreement between the COUNTY and the State of New York is annexed to this Agreement as Schedule A; and
- k. Provide any and all documentation required by COUNTY to meet its obligations under this Agreement or the agreement between the COUNTY and the State of New York. (Exhibit "A").

Municipality acknowledges that the Equipment is the property of the State of New York.

ARTICLE 3. EXECUTORY CLAUSE

The COUNTY shall have no liability under this Agreement beyond assignment of the Equipment pursuant to the terms of this Agreement.

This Agreement may be terminated or reduced, at the sole discretion of the COUNTY, if the funding for the Program is terminated, reduced, or not provided to the County.

ARTICLE 4. PROCUREMENT OF AGREEMENT

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

For a breach or violation of such representations or warranties, the COUNTY shall have the right to annul this Agreement without liability. This remedy, if effected, shall not constitute the sole remedy afforded the COUNTY for such falsity or breach.

ARTICLE 5. CONFLICT OF INTEREST

MUNICIPALITY represents and warrants that its directors, officers, members, partners and/or employees do not, and shall not, have an interest that conflicts in any manner with this Agreement. MUNICIPALITY further represents and warrants that it shall not employ any person having such an interest. No elected official, officer of the COUNTY, employee of the COUNTY, person whose salary is payable (in whole or in part) by the COUNTY, or any corporation, partnership or association that a COUNTY official, officer or employee is directly or indirectly interested, shall have an interest in this Agreement, unless such person (1) if required by the Orange County Ethics Law, as amended from time to time, to submit a Disclosure form to the Orange County Board of Ethics, amends such Disclosure Form to include the specific interest in this Agreement, or (2) if not required to complete and submit such a disclosure form, said person must either voluntarily complete and submit said Disclosure form disclosing the specific interest in this Agreement or seek a formal opinion from the Orange

County Ethics Board as to whether or not a conflict of interest exists.

For a breach or violation of such representations or warranties, the COUNTY shall have the right to annul this Agreement without liability, entitling the COUNTY to recover from MUNICIPALITY the Equipment, as well as any sums expended to install the Equipment. This remedy, if elected, shall not constitute the sole remedy afforded the COUNTY for such falsity or breach, nor shall it constitute a waiver of the COUNTY's right to claim damages or otherwise refuse payment to or to take any other action provided for by law in equity or, pursuant to this Agreement.

ARTICLE 6. ASSIGNMENT AND SUBCONTRACTING

No party shall assign any of its rights, interest or obligations under this Agreement, or enter into a sub-contract relating to the Equipment, without the prior written consent of the COUNTY.

ARTICLE 7. BOOKS AND RECORDS

MUNICIPALITY agrees to maintain separate and accurate books, records, documents and other evidence and accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Agreement.

ARTICLE 8. RETENTION OF RECORDS

MUNICIPALITY agrees to retain all books, records and other documents relevant to this Agreement for six (6) years after the Equipment is returned to the COUNTY or after final disposition of the Equipment. The COUNTY, or any State and/or Federal auditors, and any other persons duly authorized by the COUNTY, shall have full access and the right to examine any of said materials during said period.

ARTICLE 9. AUDIT BY THE COUNTY AND OTHERS

All books, records and other documents relating to this Agreement are subject to audit by the County, the State of New York, the federal government and/or other person or entity duly authorized by the County to perform such audit. MUNICIPALITY shall submit any documentation relating to this Agreement, that may be required by the County or by the Agreement between the County and the State of New York.

ARTICLE 10. INDEMNIFICATION

MUNICIPALITY agrees to defend, indemnify and hold harmless the County, including its officials, employees and agents, against all claims, losses, damages, liabilities, costs or expenses (including, without limitation, reasonable attorney fees and costs of litigation and/or settlement) relating to the Equipment or the Services to be provided under this Agreement.

ARTICLE 11. TERMINATION

The County may, by written notice to MUNICIPALITY effective upon mailing, terminate this Agreement in whole or in part at any time (1) for the County's convenience, (2) upon the failure of MUNICIPALITY to comply with any of the terms or conditions of this Agreement, or (3) upon the MUNICIPALITY becoming insolvent or bankrupt.

Upon termination of this Agreement, the MUNICIPALITY shall comply with any and all County closeout procedures, including, but not limited to, furnishing within thirty (30) days an inventory of all Equipment, appurtenances and property in the possession of the MUNICIPALITY that was provided to MUNICIPALITY pursuant to this Agreement, and carrying out any County directive concerning the disposition of the Equipment.

In the event the COUNTY terminates this Agreement in whole or in part, the Equipment will no longer be used by the MUNICIPALITY without the written consent of the COUNTY.

Notwithstanding any other provision of this Agreement, the MUNICIPALITY shall not be relieved of liability to the COUNTY for damages sustained by the COUNTY by virtue of the MUNICIPALITY's breach of the Agreement or failure to perform in accordance with applicable standards.

Any rights and remedies of the COUNTY provided in this Agreement shall not be exclusive, and are in addition to any other rights and/or remedies provided by law.

MUNICIPALITY shall not dispose of any Equipment without the written consent of the COUNTY.

ARTICLE 12. GENERAL RELEASE

The acceptance by the MUNICIPALITY, or its assignees, of the terms of this Agreement, shall constitute and operate as a general release in favor of the COUNTY from any and all claims of the MUNICIPALITY arising out of the Equipment or Agreement.

CERTIFICATE OF AUTHORITY

I, Richard F. Herbek, hereby certify as follows:

I am the (title) Acting City Manager of the City of Newburgh of State of New York. On October 24, 2011 I executed the Inter-Municipal Agreement between the County of Orange and the City of Newburgh. At the time of this execution I was duly authorized to execute such Agreement, and that such authority was in full force and effect.

Signature: _____

Print Name: Richard F. Herbek

Address: 83 Broadway, Newburgh, NY 12550

Date: _____

ACKNOWLEDGEMENT

State of New York
County of Orange

On the _____ day of _____ 2011, before me, the undersigned, personally appeared, _____, 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.

Notary Public

Drug-Free Workplace

The undersigned certifies that MUNICIPALITY will or will continue to provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the MUNICIPALITY's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing an ongoing drug-free awareness program to inform employees about --
 1. The dangers of drug abuse in the workplace;
 2. The MUNICIPALITY's policy of maintaining a drug-free workplace;
 3. Any available drug counseling, rehabilitation, and employee assistance programs; and
 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 1. Abide by the terms of the statement; and
 2. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- e. Notifying the agency, in writing, within ten (10) calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;
- f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
 1. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

Certification Regarding Lobbying

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned or the Municipality, to any person or entity to be used for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. This certification is a material representation of fact upon which reliance has been placed when this Agreement was made. Submission of this certification is a prerequisite for entering into this Agreement pursuant to § 1352, title 31 of the U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature: _____

Print Name: Richard F. Herbek

Address: 83 Broadway, Newburgh, NY 12550

Date: _____

As the duly authorized representative of the MUNICIPALITY, I hereby certify that the MUNICIPALITY will comply with the above certification.

Signature of Authorized Certifying Official

Richard F. Herbek

Print Name

Acting City Manager

Title

Date

Certified Assurances for Federally-Supported Projects

MUNICIPALITY hereby assures and certifies compliance with all Federal and State statutes, regulations, policies, guidelines, and requirements that govern the application, acceptance, and use of Federal funds and/or equipment purchased with Federal funds. The MUNICIPALITY assures and certifies that:

1. It possesses legal authority to accept grant money and/or equipment purchased with grant money; if required, a resolution, motion, or similar action, has been duly adopted or passed as an official act of the applicant's governing body, authorizing the acceptance of grant money and/or equipment purchased with grant money, and authorizing the person identified as the official representative of the Municipality to provide such additional information as may be required.
2. It will comply with the requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646), which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.
3. It will comply with the provisions of Federal law known as the Hatch Act, which limits certain political activities of employees of a State or local government whose principal employment is in connection with an activity financed in whole or in part by Federal grants (5 USC § 1501, *et seq.*, as amended).
4. It will comply with the minimum wage and minimum hours provisions of the Federal Fair Labor Standards Act, if applicable.
5. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
6. It will give the U.S. Department of Justice, New York State Division of Criminal Justice Services (DCJS) or the New York State Comptroller's Office, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
7. It will comply with all requirements imposed by the U.S. Department of Justice and New York State concerning special requirements of law, program requirements, and other administrative requirements.
8. It will ensure that the facilities under its ownership, lease, or supervision that shall be utilized in the accomplishment of the project (if any) are not listed in the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify DCJS of the receipt of any communication from the Director of the EPA Office

of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

9. It will comply with the flood insurance requirements of § 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976, § 102 (a) requires, on or after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase, "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or other form of direct or indirect Federal assistance.
10. It will assist DCJS in its compliance with § 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593 and the Archeological and Historical Preservation Act of 1966 (16 U.S.C. 496a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 C.F.R. Part 800.8) by the activity, notifying DCJS of the existence of any such properties, and by (b) complying with all requirements established by the Federal Government to avoid or mitigate adverse effects upon such properties.
11. It will comply with the applicable provisions of the Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Justice and Delinquency Prevention Act, or the Victim of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Programs *Financial Guide*; and all other applicable Federal laws, orders, circulars, or regulations.
12. It will comply with the provisions of 28 C.F.R. applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure, Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environment Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures, and Federal laws or regulations applicable to Federal assistance programs.
13. It will comply with, and all its contractors will also comply with, the non-discrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; § 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975;

Department of Justice Non-Discrimination Regulations, 28 C.F.R. Part 42, Subparts C, D, E, and G; and Department of Justice regulations on disability discrimination. C.F.R. Part 35 and Part 39.

14. It assures that in the event a Federal or State court, or a Federal or State administrative agency, makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against applicant, the applicant will forward a copy of the finding to DCJS for transmittal to the U.S. Department of Justice, Office of Civil Rights.
15. It will be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered pursuant to this agreement. MUNICIPALITY will indemnify and hold harmless New York State and its officers and employees from claims, suits, actions, damages, and costs of every nature arising out of the provision of federally-funded services.
16. It assures that Federal formula grant funds, or the required cash matching funds, will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement and criminal justice activities.
17. It assures that matching funds required to pay the non-Federal portion of the cost of each program and project, for which federal funds are made available, shall be in addition to funds that would otherwise be made available for law enforcement and criminal justice activities by recipients of grant funds.
18. It assures that it shall maintain such data and information and submit such reports in such form at such times and containing such data and information as DCJS may reasonably require to administer the program.
19. It agrees that, in compliance with § 623 of Public Law 102-141, no amount of this award shall be used to finance the acquisition of goods or services (including construction services) that have an aggregate value of \$500,000 or more, unless the recipient:
 - a. specifies in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) the amount of Federal funds that will be used to finance the acquisition; and
 - b. expresses the amount announced pursuant to paragraph (a) as a percentage of the total cost of the planned acquisition.
20. New York State agency applicants assure compliance with Title V of the Anti-Drug Abuse Act of 1988 and regulations promulgated by the Federal Government to maintain a drug-free workplace.

21. It agrees that any publication (written, visual, or sound, but excluding press releases, newsletters, and issue analyses) issued by the MUNICIPALITY describing program or project funded (in whole or in part) with Federal funds, shall contain the following statement:

"This project was supported by Grant Management System number BJ10-1142-D00, awarded by the Office of Justice Programs, U.S. Department of Justice to the State of New York, Division of Criminal Justice Services (DCJS). Points of view or opinions contained within this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice or DCJS."

The applicant also agrees that one copy of any such publication will be submitted to DCJS to be placed on file and distributed as appropriate to other potential grantees or interested parties. DCJS may waive the requirement for submission of any specific publication upon submission of a request providing justification from the applicant.

Instructions for Certification

22. By signing and submitting this proposal, the prospective participant is providing the certification set out below.
23. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
24. MUNICIPALITY shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

Signature: _____

Print Name: Richard F. Herbek

Address: 83 Broadway, Newburgh, NY 12550

Date: _____

**DEBARMENT AND SUSPENSION CERTIFICATION
(EXECUTIVE ORDER 12549)**

On February 18, 1986, Executive Order (EO) 12549, "Debarment and Suspension", authorized establishing a government-wide system for excluding, in appropriate cases, individuals and legal entities from participating in Federal financial programs and activities.

The Byrne Justice Grant for Digital Signage falls under this Executive Order. A person or entity currently debarred or suspended from receiving Federal financial assistance is not eligible to accept funding/equipment under the Byrne Justice Grant Program.

I, Richard F. Herbek, hereby certify as follows:

I am the Acting City Manager of the City of Newburgh, which is not debarred, suspended, ineligible, or excluded from participating in programs and activities involving Federal financial and nonfinancial assistance and benefits.

The information contained in this certification is true and accurate, to the best of my knowledge.

Signature of Authorized Certifying Official

Richard F. Herbek

Print Name

Acting City Manager

Title

Date

RESOLUTION NO.: 225 - 2011

OF

NOVEMBER 14, 2011

**A RESOLUTION ADOPTING THE CITY OF NEWBURGH
CYBER/ELECTRONIC AND TELEPHONIC COMMUNICATIONS POLICY**

BE IT RESOLVED, that the Council of the City of Newburgh, New York hereby adopts the City of Newburgh Cyber/Electronic and Telephonic Communications Policy, a copy of which is attached hereto and made a part of this Resolution; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Councilman Dillard suggested that we pass this tonight but also make it a continuing process. As recommended by Ms. Ribble, we should also look at what the State has in place.

Mayor Valentine said that this would be the start because it is the recommendation of risk management.

Corporation Counsel, Michelle Kelson said that it is important to have a policy in place and we will take the comments and suggestions back to our Risk Management Committee and develop amendments and further policies that will be brought back to the Council for approval.

Councilwoman Bell asked when that might happen.

Corporation Counsel, Michelle Kelson, said that the Safety Committee meets once a month but we have a group that has been working on particular policies so they might be able to have something for the Council at the next meeting in November or December.

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

CITY OF NEWBURGH

CYBER/ELECTRONIC AND TELEPHONIC COMMUNICATIONS POLICY

PREAMBLE AND PURPOSE

THE CITY OF NEWBURGH ("CITY") ELECTRONIC COMMUNICATIONS SYSTEMS, INCLUDING COMPUTERS, E-MAIL AND THE INTERNET, AND THE CITY'S TELEPHONIC COMMUNICATIONS SYSTEMS ARE ESSENTIAL TO THE PROFESSIONAL CONDUCT OF CITY BUSINESS. CITY EMPLOYEES, VOLUNTEERS AND AGENTS HAVE A LEGAL AND ETHICAL OBLIGATION TO USE SUCH SYSTEMS IN A PRODUCTIVE AND RESPONSIBLE MANNER. IT IS IMPERATIVE THAT CITY EMPLOYEES READ AND UNDERSTAND THE CITY POLICY WITH RESPECT TO ELECTRONIC AND TELEPHONIC COMMUNICATIONS AND ADHERE TO IT. EMPLOYEES WHO VIOLATE THIS POLICY ARE SUBJECT TO DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION. THIS POLICY IS NOT INTENDED TO NOR SHALL IT MODIFY OR AFFECT IN ANY MANNER ANY PROCEDURES, POLICIES, USAGES OR OTHER OFFICIAL OPERATION OF ANY EMERGENCY COMMUNICATIONS SYSTEMS OR DEVICES USED BY ANY CITY EMERGENCY RESPONSE AGENCY. IN THE CARRYING OUT OF OFFICIAL DUTIES, NO EMPLOYEE HAS OR SHALL EXPECT PRIVACY WITH RESPECT TO ANY USAGE OF SUCH CITY SYSTEMS. ACCESSING PERSONAL DATABASES, ACCOUNTS OR OTHER CONTACTS UNRELATED TO CONDUCTING THE BUSINESS OF THE CITY, IS PROHIBITED.

1. DEFINITIONS.

CITY -- As used herein and unless otherwise specified shall mean the City of Newburgh, New York.

BUSINESS USE -- City-provided computer systems that allow access to the Internet and electronic communication systems are the property of the City and are provided to facilitate the effective and efficient conduct of City business. Users are permitted access to the Internet and electronic communication systems to assist in the performance of their jobs. Each agency or department of the City shall follow this policy setting forth with specificity the work-related purposes for which such equipment and access are provided.

ELECTRONIC COMMUNICATION SYSTEMS -- System used as a means of sending and receiving messages electronically through connected computer systems or the Internet, such as e-mail or voice mail.

INTERNET -- An international network of independent computer systems. The World Wide Web is one of the most recognized means of using the Internet.

PERSONAL USE -- Personal use means use that is not job-related. Personal use is prohibited if it:

- interferes with the user's productivity or work performance or with any other employee's productivity or work performance;
- adversely affects the efficient operation of the computer system;
- violates any provision of this policy, any supplemental policy adopted by the agency supplying the Internet or electronic communication systems, or any other policy, regulation, law or guideline as set forth by local, State or Federal law.

TELECOMMUNICATIONS SYSTEM(S); COMPUTER NETWORK -- One or more computers that can store, provide access to, transmit, receive and/or share information, typically connected by cable, data line, or satellite link, including personal computers ("pc's,") portable computers, word-processors or any other type or kind of device connected to or used in conjunction with the telecommunications or telephone systems of the City of Newburgh, including but not limited to any telephone or computer equipment, phone cards, copiers, facsimiles, printers, modems, projectors, audio and video equipment and other such devices and equipment; which are owned, leased, rented, borrowed or otherwise in the possession or use of or by the City of Newburgh.

TELEPHONE SYSTEM; TELEPHONE COMMUNICATIONS -- Two or more telephones or telephone-like devices employed by employees, volunteers and agents of the City of Newburgh to communicate and transmit information.

USERS -- All employees and agents of the City who use a City agency's telephonic or computer and/or other electronic communication systems. NOTE: Agencies which give consultants, contract personnel or other non-employees such as volunteers or interns access to the agency's telephonic or computer or other electronic communication systems shall require such individuals to abide by this policy.

2. PERSONAL USE OF CITY PROPERTY, FACILITIES AND EQUIPMENT PROHIBITED.

a. All electronic and telephonic communication systems and all communications and information transmitted by, received from, or stored in these systems are the property of the City and, as such, are to be used solely for City-related purposes. The use of any software and business equipment, including, but not limited to, the City's e-mail system, the Internet, telecopiers, computers, facsimiles, modems, telephones, cell phones/Personal Digital Assistants, and copy machines for private purposes is prohibited.

b. Employees using City property or equipment for personal purposes do so at their own risk. Employees are not permitted to use a password, code, access a file or retrieve any stored communication unless authorized to do so or unless they have received prior clearance from the City Manager and their department head. All passwords are City property and must not be shared with any unauthorized person. No employee may use a pass code or voice-mail access code that has not been issued or approved by the City, or that is unknown to the City.

City business may be conducted using only City computers and equipment. Use of any other computer requires *written* consent of the authorized Department Head.

3. IMPROPER E-MAIL AND INTERNET USE PROHIBITED

a. Improper use of the City's e-mail system and any other electronic and telephonic communication, including the Internet, is prohibited. Examples of improper conduct include, but are not limited to:

- Transmitting offensive images, offensive jokes or remarks.
- Transmitting messages that can reasonably be interpreted as threatening, intimidating, coercive, discriminatory or harassing.
- Requesting dates and/or sexual favors, or making personal or sexual remarks to others or transmitting same.
- Any use that can reasonably be interpreted as demeaning, defamatory or abusive of any individual or group.
- Any use which would violate or tend to violate the privacy rights of any individual.
- Any use which is or may tend to be in violation of any licensing or other contract or agreement pertaining thereto binding the City.
- Any use that is disruptive or offensive to others or creates, encourages or permits a hostile work environment.
- Any use involving obscene, pornographic or prurient material.
- Any use promoting or advancing the interests of any candidate for public office or any political organization.
- Any use during which the user remains anonymous or uses a false or misleading name or identity.
- Any use which promotes or advances a private commercial business or interest.
- Any private or personal use of hardware or software which is the property of the City, on City premises or elsewhere.
- Any use that is fraudulent, illegal or contrary to City policies, or leads to liability or harms or would tend to harm the status, stature or image of the City, or would tend to or does expose the City to legal liability or penalty; or to significant or unusual or unnecessary costs or expenses.

4. RIGHTS OF CITY CONCERNING USE OF CITY FACILITIES AND EQUIPMENT.

a. To ensure that the use of electronic and telephonic communications systems and City property and/or equipment is consistent with the City's legitimate business interests, authorized representatives of the City may monitor the use of such equipment from time to time. This includes monitoring Internet usage of any kind. This may also include listening to stored voice-mail messages.

b. The City reserves the right, at any time and for any purpose, to monitor, review, audit, intercept, access, delete, use and disclose all files, documents, telephonic messages, e-mail messages, sites, messaging systems, chat rooms, blogs, news outlets or other communications, created, received, sent or stored over the telephone, e-mail or computer systems of the City. Employees should understand that personal passwords, access codes, and hard disk drives should not be used; and do not in any manner alter these City rights, nor do they create any employee privacy rights or expectations. The City may monitor employee use of City equipment at any time at its discretion, with or without notice to the employee. Employees should further understand that deleting or erasing material from the system might not in fact remove the material from the system.

c. Employees may not share or disclose their passwords to any unauthorized person or use their passwords for any unauthorized purpose.

5. CITY'S RIGHT TO AMEND ITS POLICY AND RULES.

The City may adopt and revise this policy and rules appertaining thereto as it may deem appropriate and necessary from time to time, as authorized by law. The City will adequately post revisions, but it is the user's responsibility to ensure that his/her use of the City of Newburgh computing and communication resources conforms to current policy.

6. SPECIAL INTERNET AND E-MAIL CONSIDERATIONS

- a. (i) The City provides access to the Internet to some of its employees based upon the responsibilities of their position. The Internet represents a useful tool for the City in conducting its business, but like any other tool, it must be used properly. For purposes of this policy, the Internet includes any public electronic data communications network.
- (ii) Internet e-mail offers similar capabilities to other e-mail systems, except that correspondents may be external to the City. External e-mail messages

may carry one or more attachments. An attachment may be any kind of computer file, such as a word processing document, spreadsheet, software program, or graphic image.

- (iii) Just as the City has an official Internet web site, so do other organizations. Most public web sites are “read only,” meaning that they permit a person who visits the site to read material posted on the Web site but not to leave a message. Other web sites permit visitors to establish continuing contact by leaving a message (the electronic equivalent of leaving your business card or a telephone message). The owner or operator of a private web site may record the information that a connection was made from the City. This can have important consequences to the City.
- b. (i) Any and all use of the Internet and/or e-mail may be conducted solely in accordance with the terms and conditions of this Policy and Rules.
- c. (i) No Violation of Copyright. Many of the materials on the Internet are protected by copyright. Even though they may seem to be freely accessible, many of the intellectual property laws which apply to print media still apply to software and material published on the Internet. Employees are permitted to print out web pages and to download material from the Internet for informational purposes as long as the purpose for such copying is directly related to City business and as long as such copying falls into the category of “fair use” which is the term used to describe a legal standard defining what the law does and does not allow. Copying or disseminating material that is copyrighted is prohibited. Employees having any questions regarding such materials should contact the Corporation Counsel for guidance in advance of such copying.
- (ii) There are Federal and State laws which protect the rights of persons who originate creative works. Such works can include writings, artwork, graphics, humor, music and so on. Any employee using such material without the permission of the owner may be in violation of such laws and may expose themselves and the City to liability. Such use, which would tend to or would result in a violation of the copyright, patent, trademark or any other laws, rules or regulations of the United States or of the State of New York; or would tend to or would expose the City to liability for same, is prohibited.
- (iii) As a general rule, employees may not forward, distribute, copy, re-publish or incorporate into another work, material retrieved from a web site or other external system. Very limited or “fair use” may be permitted by law in certain circumstances. Any employee desiring to reproduce or store the contents of a screen or Web site should contact the Corporation Counsel to ascertain whether the intended use is permissible.

d. Use of the World Wide Web includes all restrictions, which apply generally to the use of the City's e-mail and other electronic and telephonic equipment, as noted above. In addition, the following rules apply with respect to Internet usage:

- (i) No Downloading of Non-Business Related Data. The City does not allow the download of files from the Internet. However, if a need to download files arises, you must receive prior permission from both your department head and from the City Information Systems Manager.
- (ii) No Downloading of Application Programs. The City does not permit the download or installation on City computers of application software from the Internet. The City does not permit the downloading of any program or information which may infiltrate, damage, alter, interfere with or otherwise harm the proper functioning of City systems; or which is unrelated to the conduct of City business. Such software may not only contain embedded viruses, but also is untested and may interfere with the functioning of standard City applications.
- (iii) No Participation in Web-based Surveys without Authorization. When using the Internet with City equipment during the employee(s) workday, the user implicitly involves the City in his/her expression. Therefore, users should not participate in web or e-mail based surveys, interviews or chat rooms without authorization or permission of the department head.
- (iv) No use of Subscription-based Services without Prior Approval. Some Internet sites require that users subscribe before being able to use them. Users should not subscribe to such services without the authorization of their department head and the City Manager.
- (v) Remote Access to any systems of the City. Remote access to any systems of the City without proper advance authorization is prohibited.

7. SECURITY PRECAUTIONS.

a. To increase security, users shall take all necessary and appropriate measures to protect all City systems and equipment and the information which is stored therein and accessed and used thereby. Such measures shall include but not be limited to the following:

- (i) Users should log off computer systems or take other appropriate precautions when their computers are not in use for a significant period of time.

- (ii) Passwords and user accounts must not be “shared” with any unauthorized individual.
- (iii) All anti-virus and other protective measures shall be employed at all times that City systems are in use.
- (iv) Careless, reckless, malicious or intentional damage to City systems is prohibited.
- (v) Any violations of any provision or part of this policy shall be reported immediately to the department head and the City Manager.

b. Rules for Use of Personal Computers. City employees, agents and volunteers, **SHALL NOT:**

- (i) Load software (screen savers, tutorials, application software, hardware, freeware, etc.) without prior written approval from your department head AND from the City’s Information Systems Manager.
- (ii) Copy, download, lend or allow unauthorized use of or access to software owned and/or licensed for use by the City.
- (iii) Use, attach, load, apply, install or otherwise introduce into City systems personally owned and/or licensed software and/or hardware.
- (iv) Install hardware or hardware drivers; and **SHALL NOT** relocate computer equipment or swap equipment from one PC to another.
- (v) Exchange, or themselves take or allow others to take computer equipment, discs, software or any other City-owned property off of City premises or move or remove any City property without permission of the department head or City Manager. Requests to use any City-owned equipment or materials off-site must be made in writing and must be approved in advance by both the department head and the Information Systems Manager.
- (vi) Act such as to accept and use or allow others the acceptance and use of computer hardware or software from other sources without the advance written authorization from the department head and the Information Systems Manager.
- (vii) Turn off anti-virus protection or change settings pertaining thereto.
- (viii) Change system settings (Network Neighborhood, Device Setup, E-mail Server options, Control Panel Regional Settings, etc.) or modify (delete or

rename) system icons (My Computer, Network Neighborhood, Microsoft Word, etc.) from the main desktop screen.

- (ix) Act so as to use or allow others the use of e-mail and Internet browsing for other than City business.
 - (x) Download from the Internet or open e-mail attachments that are “.exe” files unless the source, sender and/or originator has been properly verified.
 - (xi) Use the Internet inquiry/download for inappropriate content.
 - (xii) Use media, such as CDs or diskettes, unless they have been checked for viruses by authorized and qualified City staff.
 - (xiii) Share computer passwords or access codes with any unauthorized person(s) at any time. Computer passwords are not to be stored or posted in any publicly accessible area nor kept among private office possessions in a manner that could lead to their exposure even with substantial effort and ingenuity. Information concerning or to the effect that any unauthorized person(s) know a password or access code(s) or other confidential information must be reported to the department head and to the City Manager immediately. The City may require periodic changes of passwords at its discretion.
 - (xiv) Fail to check any and all floppy diskettes inserted for viruses. All users are required to notify the City’s Information Systems Manager, the department head and the City Manager immediately if a virus is detected.
 - (xv) Use or access any internet radio, television or other similar media station for any reason unrelated to city business or purposes.
 - (xvi) Use any instant messaging client(s) or services, such as but not limited to AOL Instant Messenger, Yahoo Messenger, MSN Messenger or others, unless prior written permission has been given therefore by both the department head and city Manager.
 - (xvii) Use any free or promotional internet web-mail sites unless prior written approval is granted therefore by both the department head and the City Manager.
- c. All City employees, agents and volunteers shall abide by the following:
- (i) All data files (documents, spreadsheets, etc.) must be saved on the server (F: drive, G: drive or Z: drive) folders and not on the PC. Storing files on the PC hard drives is done at risk. It is not the responsibility of Information Services to restore this information if there is a PC failure.

- d. Rules for Electronic Mail (E-mail & Internet):
 - a. The City's e-mail systems are City-owned property and are intended to be used for official City business only. All messages sent or received via e-mail are City property. It is against City policy to use e-mail for any unlawful endeavor.
 - b. Employer Rights -- The City reserves and intends to exercise the right to access and disclose contents of e-mail messages for any purpose, including but not limited to:
 - (i) Finding lost messages
 - (ii) Providing assistance when an employee is out of the office or otherwise unavailable
 - (iii) Evaluating the effectiveness of electronic mail
 - (iv) Complying with an investigation into suspected unlawful acts
 - (v) Recovering from system failures or other emergencies
 - (vi) Investigating suspected breaches of security or violation of City policies.
 - c. Usage Guidelines -- All users shall exercise restraint when sending very large files, and shall not unnecessarily or inappropriately send messages to a large number of recipients, thereby wasting City network resources.
 - d. When the City grants an employee an e-mail account, it is the responsibility of the employee to adhere to the following guidelines:
 - (i) E-mail messages must not involve personal sales or solicitation; must not be associated with any outside business activity; and must not potentially embarrass the City or violate City policy.
 - (ii) Chain letters and/or messages are prohibited and may be illegal and must not be transmitted through City e-mail at any time.
 - (iii) Region-Wide E-mail Messages -- E-mail sent to all members on a "Global Address List" generates a heavy burden on the computer systems and network that have to route and store them. In many cases global messages interrupt the work of a substantial number of people. All Global Address e-mail must be approved by the department head before it is sent.
 - e. Reporting of Security Violations: Any employee suspected of unauthorized use of e-mail should be reported immediately to the department head and to the City Manager.

8. COMPLIANCE (ENFORCEMENT FOR VIOLATION(S)):

a. Any violation(s) of this policy may result in disciplinary action under the City's Employee Disciplinary Policy up to and including termination. Other possible discipline actions might be:

- (i) Verbal and/or written counseling.
- (ii) PCs will be "locked down" to run only authorized standard software or other limitations on computer use.
- (iii) Internet access will be denied if improperly used.
- (iv) E-mail privileges may be revoked.

b. As a condition of employment and continued employment, employees are required to sign an "Electronic Communications and Telephone Communications Acknowledgment Form" attached to this policy and available from the City Manager's Office. New employees are required to sign this form on their first day of City employment.

9. INTERPRETATION AND INTEGRATION

a. The City Manager, with the advice and in consultation with the Information Systems Manager and the Corporation Counsel, shall be responsible for official interpretation of this policy. Questions regarding the application of this policy should be directed to the Corporation Counsel.

b. This law and the policies, rules, terms and conditions hereof shall be interpreted and applied as provided under the laws of the United States and of the State of New York.

c. Should any part or portion of this policy be ruled invalid by any court or agency of competent jurisdiction, the remainder shall remain in full force and effect, as the sense thereof may permit.

Acknowledgment to be signed by employee; user's responsibility.

I acknowledge that I have received a written copy of the Cyber/Electronic and Telephonic Communications Policy for the City of Newburgh. I understand the terms of this policy and agree to abide by them. I realize that the City of Newburgh security software may record and store for management use the electronic e-mail messages I send and receive, the Internet address of any site that I visit and any network activity in which I transmit or receive any type of file. I understand that any violation of this policy could lead to my dismissal from employment or even criminal prosecution.

Signature

Name (Printed)

Date

CYBER/ELECTRONIC AND TELEPHONIC COMMUNICATIONS
EMPLOYEE ACKNOWLEDGMENT FORM

I have read the City's "Cyber/Electronic and Telephonic Communications" policy and understand that I may bring any questions I have about the policy to my department head. I understand that any violation of the policy will subject me to disciplinary action, up to and including termination.

I understand that all electronic communication systems and all information transmitted by, received from, or stored in these systems are the property of the City. I also understand that these systems, including the Internet, are to be used solely for job-related purposes and not for personal purposes, and that I have no expectation of privacy in connection with the use of the equipment or with the transmission, receipt, or storage of information in the equipment. I also understand the City strictly forbids using these systems for any unlawful purpose, including discrimination and/or harassment. I understand that I may not act in such manner as may intentionally, recklessly or carelessly cause harm or damage to City systems.

I agree not to use a password, code, access a file, or retrieve any stored communication unless authorized. I acknowledge and consent to the City monitoring my use of its equipment at any time at its discretion. Such monitoring may include printing and reading all e-mail entering, leaving, or stored in these systems, and listening to my voicemail messages in the ordinary course of business.

I understand that any violations of these rules, regulations and standards may be a violation of City policy, or of ethics, or of law, I agree to comply with these rules, regulations, standards and policy, should I commit, or allow another to commit, any such violation, my privileges to use and access such systems may be restricted or revoked; and/or I may be subject to discipline up to and including termination; in addition to such other penalty as may be applicable under law, including but not limited to compensating and/or indemnifying the City for damages or loss.

Name of Employee (Print Name)

Name of Witness (Print Name)

Employee's Signature

Signature of Witness

Date

Date

PLEASE RETURN THIS FORM TO THE CITY CLERK AFTER SIGNING

RESOLUTION NO.: 226 - 2011

OF

NOVEMBER 14, 2011

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO A LICENSE AGREEMENT WITH
CHABAD HOUSE OF EASTERN ORANGE COUNTY
TO ALLOW FOR THE INSTALLATION OF A PERMANENT FIXTURE TO
FACILITATE THE ANNUAL MENORAH LIGHTING
ON CITY OWNED PROPERTY**

WHEREAS, Chabad House of Eastern Orange County is a non-profit, religious organization which has been supporting an annual Menorah lighting during Hanukah along Rev. Dr. Martin Luther King Jr. Blvd in the City of Newburgh; and

WHEREAS, Chabad has offered to install a permanent fixture on the City-owned property to facilitate the annual Menorah lighting; and

WHEREAS, such access to the property for the installation of the permanent fixture requires the parties to execute a license agreement, a copy of which is attached hereto and made a part of this resolution; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into the attached license agreement with Chabad Eastern Orange for the installation of a permanent fixture on City-owned property to facilitate the annual Menorah lighting.

Councilwoman Bell said that the idea of having this as a permanent fixture is really important. She thinks that we need to promote the equality of various beliefs in our City because it is very important.

Councilwoman Angelo asked the City Manager if we will be providing any help to erect this. She hopes that the base will hold it because it falls every year.

Acting City Manager, Richard Herbek, said that he believes George Garrison said that he will work with them on the installation.

Mayor Valentine said it has to be better than it has been in the past when it was a little wobbly. With it being more permanent it should be more stable.

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

LICENSE AGREEMENT

This Agreement, made this _____ day of _____, two thousand and eleven, by and between the CHABAD HOUSE OF EASTERN ORANGE COUNTY, a not-for-profit religious organization with offices at 845 Little Britain Road, New Windsor, New York 12553 as "LICENSEE"; and the CITY OF NEWBURGH, a municipal corporation organized and existing under the laws of the State of New York with offices at 83 Broadway, City Hall, Newburgh, New York 12550 as "LICENSOR";

WITNESSETH THAT:

WHEREAS, Licensee desires the license or privilege of gaining access to and performing work upon the premises of Licensor on behalf of itself and its employees, agents and contractors in substantially the location and position shown as set forth on the map or plan hereto attached and made a part hereof and bearing the following title:

SCHEDULE "A"

At the northernmost powerbox located Rev. Dr. Martin Luther King Jr. Blvd.

AND WHEREAS, Licensor is willing to give said license or privilege on the following terms and conditions:

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and conditions hereinafter contained, it is hereby agreed as follows:

First: Licensor hereby gives to Licensee, upon the conditions hereinafter stated, the license or privilege of entering upon Licensor's property located at the northernmost powerbox on Rev. Dr. Martin Luther King Jr. Blvd., in the City of Newburgh, New York, and taking thereupon such vehicles, equipment, tools, machinery and other materials as may be necessary; for the purposes of and to perform the installation of a permanent fixture to facilitate the annual Menorah lighting on property owned by Licensor. No improvements other than the installation of the fixture and the Menorah may be erected on the premises.

Second: Licensee agrees to do such work and maintain said facilities in such manner as will comply fully with the provisions of any laws, ordinances or other lawful authority obtaining any and all permits required thereby.

Third: Licensor acknowledges that the use of the subject property shall inure to the benefit of both parties, and shall be satisfactory, adequate and sufficient consideration for the Licensee granted hereunder.

Fourth: Licensee hereby agrees to defend, indemnify and hold Licensor harmless against any claims, actions and proceedings brought against Licensor arising out of, in connection with and/or relating to Licensee's use of the premises. Licensee has posted evidence of and shall maintain throughout the term of this License public liability insurance naming the Licensor as additional insured.

Fifth: Licensee may retain certain employees, agents, contractors and consultants to perform the subject work. In the contract by which Licensee retains such agents, Licensee and such agents shall name Licensor as additional insured under insurance coverage concerning Licensee's performance of the tasks referenced herein.

Sixth: This Agreement and the license or privilege hereby given shall expire and terminate upon the completion of the work by Licensee and its agents, employees and contractors, and the restoration of the property to a clean and orderly state and in the same condition as existed prior to the granting of this license, normal wear and tear excepted.

Seventh: It is understood and agreed that no vested right in said premises is hereby granted or conveyed from either party to the other, and that the privileges hereby given are subject to any and all encumbrances, conditions, restrictions and reservations upon or under which the parties hold said premises.

Eighth: Without limitation to the general provisions of this Agreement, it is understood and agreed that said facilities shall be installed in substantially the location and position shown in the attachments hereto, and in accordance with details and specifications as set forth on map or plan hereto attached and hereby made a part hereof.

WITNESSETH:

THE CITY OF NEWBURGH
LICENSOR

By: _____
Richard F. Herbek, Acting City Manager

CHABAD HOUSE OF EASTERN
ORANGE COUNTY
LICENSEE

By: _____
Rabbi Schmuel Serebryanski

SCHEDULE "A"

RESOLUTION NO.: 227 - 2011

OF

NOVEMBER 14, 2011

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE A SATISFACTION IN CONNECTION WITH
A MORTGAGE ISSUED TO HENRIETTA L. WARNER
FOR PREMISES LOCATED AT 71 LANDER STREET
(SECTION 23, BLOCK 6, LOT 22.1)**

WHEREAS, by Resolution No.: 105-2010 of May 10, 2010, this Council authorized the acceptance and assumption of all the assets and liabilities of the Newburgh Community Development Agency ("NCDA"), all without consideration, pursuant to Section 554(19) of the General Municipal Law; and

WHEREAS, Resolution No.: 105-2010 of May 20, 2010, further authorized the Acting City Manager to execute and accept delivery of any and all deeds, assignments, instruments, agreements, and any and all other necessary documents to effect such acceptance and assumption by the City; and

WHEREAS, by an Assignment and Assumption of Mortgage Without Covenant between the NCDA f/k/a the Newburgh Urban Renewal Agency to the City of Newburgh, executed on November 15, 2010, and recorded in the Orange County Clerk's Office on November 22, 2010, included a mortgage issued to Henrietta L. Warner for premises located at 71 Lander Street (Section 23, Block 6, Lot 22.1) in the principal sum of Thirteen Thousand Thirty Five (\$13,035.00) Dollars; and

WHEREAS, such amount has been paid in full, and the issuance of a Satisfaction of Mortgage, a copy of which is annexed hereto, is necessary and appropriate; and

WHEREAS, this Council has determined that executing said Satisfaction is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to execute the attached Satisfaction in connection with a mortgage issued to Henrietta L. Warner for premises located at 71 Lander Street (Section 23, Block 6, Lot 22.1).

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

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

KNOW ALL MEN BY THESE PRESENTS,

That The City of Newburgh, a New York municipal corporation, and having its principal office at 83 Broadway, City Hall, Newburgh, New York 12550.

Insert residence, if individual, or principal office, if corporation, giving street and street number.

DOES HEREBY CERTIFY that the following Mortgage **IS PAID**, and do hereby consent that the same be discharged of record.

Mortgage dated the 28th day of December in the year 1994, made by Newburgh Community Development Agency F/K/A Newburgh Urban Renewal Agency

To Henrietta L. Warner

in the principal sum of \$13,035.00 and recorded on the 1st day of June in the year 1995, in Liber 5421 of Section of Mortgages, page 143, in the office of the County Clerk of the County of Orange and further described in Assignment and Assumption of Mortgage Without Covenant from the Newburgh Community Development Agency formerly known as the Newburgh Urban Renewal Agency to the City of Newburgh, dated the 15th day of November in the year 2010, and recorded on the 22nd day of November in the year 2010, in Book 13085 Page 0851.

Dated the _____ day of November in the year 2011

IN PRESENCE OF:

THE CITY OF NEWBURGH

RICHARD F. HERBEK, ACTING CITY MANAGER

Section 321 of the Real Property Law expressly provides who must execute the certificate of discharge in specific cases and also provides, among other things, that (1) no certificate shall purport to discharge more than one mortgage, (except that mortgages affected by instruments of consolidation, spreader, modification or correction may be included in one certificate if the instruments are set forth in detail in separate paragraphs); (2) if the mortgage has been assigned, in whole or in part, the certificate shall set forth: (a) the date of each assignment in the chain of title of the person or persons signing the certificate, (b) the names of the assignor and assignee, (c) the interest assigned, and (d) if the assignment has been recorded, the book and page where it has been recorded or the serial number of such record, or (e) if the assignment is being recorded simultaneously with the certificate of discharge, the certificate of discharge shall so state, and (f) if the mortgage has not been assigned of record, the certificate shall so state; (3) if the mortgage is held by any fiduciary, including an executor or administrator, the certificate of discharge shall recite the name of the court and the venue of the proceedings in which his appointment was made or in which the order or decree vesting him with such title or authority was entered.

Insert "Further" when required.

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Orange, ss:

On the _____ day of November in the year 2011, before me, the undersigned, personally appeared RICHARD F. HERBEK

_____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS TAKEN IN NEW YORK STATE

State of New York, County of _____, ss:

On the _____ day of _____ in the year _____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, the

subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in

(if the place of residence is in a city, include the street and street number if any, thereof); that he/she/they know(s)

to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto

Satisfaction of Mortgage

Title No.

City of Newburgh
TO
Henrietta L. Warner



ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of _____, ss:

On the _____ day of _____ in the year _____, before me, the undersigned, personally appeared

_____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK STATE

*State of _____, County of _____, ss:

*(Or insert District of Columbia, Territory, Possession or Foreign County)

On the _____ day of _____ in the year _____, before me _____ the undersigned personally appeared

Personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual make such appearance before the undersigned in the

(add the city or political subdivision and the state or country or other place the acknowledgement was taken).

SECTION: 23

BLOCK: 6

LOT: 22.1

COUNTY OR TOWN: City of Newburgh

RETURN BY MAIL TO:

HENRIETTA L. WARNER-MILLER
8423 116th STREET, SW
LAKEWOOD, WA 98498-3607

RESOLUTION NO.: 228 - 2011

OF

NOVEMBER 14, 2011

**RESOLUTION AMENDING RESOLUTION NO: 264-2010,
THE AMENDED 2011 BUDGET FOR THE CITY OF NEWBURGH, NEW
YORK TO TRANSFER \$5,000.00 FROM THE POLICE DEPARTMENT
TO DEPARTMENT OF PUBLIC WORKS POLICE GARAGE
TO PROVIDE FUNDING FOR REPAIR OF POLICE CARS**

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>
Police Department Maintenance/Repairs A.3120.0443	\$ 5,000	
Public Works Police Garage A.5133.0442		\$ 5,000

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

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

ADOPTED

RESOLUTION NO: 229 - 2011

OF

NOVEMBER 14, 2011

**A RESOLUTION AUTHORIZING THE EXTENSION OF TIME TO
CLOSE TITLE ON 187 LANDER STREET (SECTION 11, BLOCK 3, LOT 26)
AND 162 SOUTH STREET (SECTION 11, BLOCK 3, LOT 21)
SOLD AT THE APRIL 14, 2011 PROPERTY AUCTION**

WHEREAS, this Council, by Resolution No.: 80-2011 of April 25, 2011, confirmed the sale of 187 Lander Street (Section 11, Block 3, Lot 26) and 162 South Street (Section 11, Block 3, Lot 21) and authorized the execution of a deed to Caridad Paz; and

WHEREAS, Caridad Paz submitted a request for an extension of time to close title; and

WHEREAS, the City Manager has granted the sixty (60) day allotted extension to close title on said premises on or before August 16, 2011; and

WHEREAS, the purchaser has requested additional time to close title in order to clear certain title issues; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that an extension of time to close title on 187 Lander Street (Section 11, Block 3, Lot 26) and 162 South Street (Section 11, Block 3, Lot 21) be and is hereby granted until January 13, 2012, that date being sixty (60) days from the date of this Resolution.

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

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

ADOPTED

RESOLUTION NO.: 230 - 2011

OF

NOVEMBER 14, 2011

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR
AND ACCEPT IF AWARDED A COMMUNITY-WIDE BROWNFIELD
ASSESSMENT GRANT IN AN AMOUNT NOT TO EXCEED \$400,000.00
FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

WHEREAS, the City of Newburgh wishes to submit an application to the United States Environmental Protection Agency ("U.S. EPA") for a Community-wide Brownfield Assessment Grant; and

WHEREAS, the Brownfield Assessment Grants provide funds to inventory, characterize, assess, and conduct planning and community involvement related to brownfield sites; and

WHEREAS, the Community-wide Brownfield Assessment Grant will provide the City with the financial assistance to analyze individual sites throughout the community, especially Census Tract 4, which will set the stage for redevelopment of identified sites; and

WHEREAS, grant funding for such program is available and the City seeks up to Four Hundred Thousand (\$400,000.00) Dollars; \$200,000.00 as a part of the Petroleum Assessment Program and \$200,000 Hazardous Materials Assessment Program; and

WHEREAS, the City of Newburgh will seek a waiver for the twenty (20%) percent match, and if the U.S. EPA does not grant such waiver, the City will provide a match of in-kind services; and

WHEREAS, this Council has determined that applying for such grant is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a grant from the United States Environmental Protection Agency for a Community-wide Brownfield Assessment Grant in an amount not to exceed Four Hundred Thousand (\$400,000.00) Dollars with no City matching funds required to support the City of Newburgh Community-wide Brownfield Assessment Grant.

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

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

ADOPTED

GENERAL COMMENTS

Denise Ribble, City of Newburgh asked the Council and the City Manager what the mechanism will be for response to the concerns that she raised earlier at the public hearing about the Budget. What will the venue be for responding to those questions? She believes that it is part of the public hearing process to not only give public input but a response is expected to be given to those concerns and she wonders how that response will be delivered.

Janet Gianlopoulos, City of Newburgh said that two years ago was when Richard Herbek started here as well and to welcome him he was told that there was about three weeks of payroll money left to pay the employees. She is still so new here that she doesn't know how we got to that point but she found an article referring to twenty-five years ago indicating that crime was a problem in Newburgh. She thinks that we need to take personal responsibility so that we don't incur the expenses that will require such a high proposed payroll to try to take care of these ongoing problems. We need to look at things in a new way.

Judy Kennedy, 162 Grand Street said on a positive note that the Dynamic Approach Marching Band brought home trophies and she is very pleased with this marching band that we have. She had two young people knock at her door about a month ago to talk to her about this Band and to ask how Newburgh could get a skateboard park. They wanted to be in this Band but they said that it would take about \$200.00 for them to have the uniform. There are a lot of young people that would like to participate in this but they don't have the money for the uniforms.

Councilwoman Bell said that they have uniforms at this point for all kids who want to participate at no real cost for up to ninety-two kids.

Judy Kennedy said that's great because she would like to encourage even more kids to join this because it is an opportunity to do something here that they could feel good about.

Mayor Valentine said that between Martiza and Derrick it has been an amazing process. Those young men and women have to attend practice and stick with it so it is not as easy as seems.

Courtney Kain, Planning & Development, announced that this week they will be releasing the bids for the demolition project for six buildings including 45-47 Chambers. She encouraged local residents to apply for these jobs when then they become available but their first step is to encourage local

businesses to sub contract. They will be doing landscaping, asbestos removal and erecting a fence around some of the sites so there will be a lot of opportunities for small sub contractors to come out. She encouraged them to either stop by the office for information or to attend one their two technical assistance seminars scheduled for Friday at 2:00 p.m. and Monday at 9:00 a.m. There is information on the Website and people can always call their office for more information.

Brenda McPhail, Varick Homes commented about the police department. She hates to see anyone lose their job but she sees a lot of people at City Hall that could be layed off because we need police officers. This City is in the state that it's in because they keep robbing Peter to pay Paul. They play with numbers that are nowhere imaginable and try to Budget a City off of numbers that are nowhere to be found. Then we wonder why we come back to the table at the end of year and talk about the same things over and over again sounding like a broken record. Now some of the Council is on the way out and this is a wakeup for the new ones on the way. She agrees that the music group is good but a lot of the kids in that group don't even live in the City of Newburgh. It should be for the underprivileged; for the kids with parents that can't afford to pay for it.

Karen Mejia, Montgomery Street, thanked the Council for their service and the employees for the work that they do each and every day. She also has received her escrow analysis and it is a tremendous hike. She noted that this is not just happening in the City of Newburgh but also Nationwide and Worldwide. The middle class is getting squeezed out; too rich to be poor and to poor to be rich. Given the size of Newburgh we have the opportunity do it differently, better and collaboratively. As a commuter, she knows that if you don't live where you work you tend to spend just as much time as you do where you work than where you also live. She doesn't want to have that discussion about whether you do or don't live here in the City of Newburgh because here is an opportunity to make your commute shorter by moving here. If you can't then she understands that there are family responsibilities. Many families are making sacrifices. She is here tonight with a little one because it is the only way that she can participate. She feels that the Latinos are an entire population that gets left out not for lack of wanting to participate but for not knowing how to enter the system. She hopes for a better, brighter and different Newburgh in 2012.

Kippy Boyle, 400 Grand Street, said that she was very happy to see the press release about the scheduling of local contractor and small business assistance sessions and she asked if this will be bilingual and where might local small businesses find out about this other than the Website. Has it been posted in the lobby or on the radio or in the newspaper? The first session is

on Friday and as far as she knows this just came out. She doesn't know anything about Section 3 business but she bets that there are quite a few companies here that would qualify for that. In the discussion about revenues and reducing costs, we still don't have an energy policy in place. We have energy audits from every single building that the city has with recommendations on what to do so she thinks that we need to stop wasting time and start implementing it. She would be happy to help in any way that she can. In regard to the sixty day extension, she said that here is a situation where a property closed at an Auction in April.

Mayor Valentine said that they are just trying to get their Title.

Kippy Boyle said that sixty days from now they will be closing in January of 2012 if they are lucky. It seems to her that maybe we should be taking extra fees for services that we are providing. When we do the Auctions in the future, maybe we need to tighten it up so that we are not offering extensions repeatedly and not making money or meeting our tax deadline. Her last question is who is in charge of the Ann Street repair?

Susan Smith, 36 Chamber Street, said that she is hearing that they may be considering removing the tax cap.

Mayor Valentine stated that they will not be removing the cap.

Susan Smith said that we need some new money here in Newburgh so in the summertime when we have the ships coming to the waterfront, are we collecting any money from that? Is Newburgh getting any revenue from those ships that charge fees for people to see?

Acting City Manager, Richard Herbek, said that through a resolution adopted by the Council some time ago we are now able to do that but the ship needs to be docked at a city dock. The ship that was just here was not at a city dock. It was docked on Mr. Kaplan's property so we were not able to recapture some of that revenue.

Susan Smith asked if Mr. Kaplan would give some of that money to the City.

Mayor Valentine noted it actually cost Mr. Kaplan to bring that ship here. It cost more than what was charged per person that day to bring that ship here. It is expensive to have one of those boats come to your city.

Councilwoman Angelo said that the City actually made \$500.00 with the Lynx. We were to get back \$1.00 for every ticket sold and the Armory has records for that.

Susan Smith said that her concern is how we are going to generate more revenue and when do we plan on generating more revenue in this City in order to keep from having to raise taxes on the property owners. It is unfair to the property owners and the renters.

Acting City Manager, Richard Herbek, said that whatever we do to raise revenue needs to be legal. There are certain things that we can do and there are certain things that we can't do. With regard to Ms. Ribble's comments, every single one of the recommendations that were made last year plus Ms. Ribble's were passed along to the State Comptroller and they have been reviewing them. They will be coming up with a recommendation for us on what we can and can't do. Everything that the City now does we look at from the standpoint of what revenues can we get because everything that we are involved with we are trying to get some amount of revenue for the City.

Susan Smith ended by asking what do we intend to do with the lot on Broadway between Johnston and Lander Street.

Mayor Valentine said that right now you see a clean up going on by the new Greater Newburgh Partnership to clean it up and make it look pleasant going into the Holiday season. There is an economic plan that was brought to the City Council members and we had about six different developers. The City Council chose not to move forward with that right now so it will roll over to the new Council and so that won't happen in the next couple of weeks. You want some type of economic tax base there or the possibility of relocating police and fire there and then taking those buildings and selling that to a developer with a river view development. Now municipalities look at having these services at the center core of their city which makes sense and would have a ripple effect of development around it with the security.

Susan Smith added that that is not what the community is asking for.

Mayor Valentine said that it is only what is being thought of for that location and that is just one of the thoughts.

Gay Lee, City of Newburgh said that she would like to see people remember these meetings with the next Council because changes have to be made and we have to bring revenue into this City. A complete restructuring of the way we do business is going to have to take place if we are going to have any business here. She said that we are so broke that it is painful and every

homeowner here is dealing with why the entire city is floating on their backs. There are some changes and some hard decisions that have to be made but she believes that it will be in the best interest of the city so that we won't feel like we are paying for something and getting nothing in return.

Acting City Manager, Richard Herbek said that we are in much better shape than we were in September and October of 2009. We were on the brink of bankruptcy with not being able to pay the employees or our bills. It was so bad that we were making decisions on what we were and weren't going to pay. At one point we had three months worth of health insurance bills that we couldn't pay, which was an absolutely horrible situation. We have come a long way to try to fix it and there have been some hard decisions made with more to come. Property taxes went up a lot more than any of us wanted and we have had to layoff employees. Back in September of 2009 we had about three hundred and twenty full time employees and now we are going to be down below two hundred which means that one third of the workforce has been reduced. We had to do some borrowing to get us out of the hole which brought us back to zero but now our debt service payments are very high. Our bond rating hasn't helped because once we went below investment grade we are having to pay a lot more interest on the money that we borrow which doesn't help the situation either. We are working really hard to try to improve our bond rating. In Italy they are borrowing money at over 6% interest where one year ago it was at about 3%, which is the same situation that we are in but if we can improve our bond rating he thinks we can substantially lower our debt service.

Gay Lee said that she understands that but we are not much better off because we still have a long way to go.

Acting City Manager, Richard Herbek, added that he would like to get together with the three new Council members and bring in a representative from the State Comptroller's Office to talk about some of this. He thinks it would be helpful to them to hear directly from the State Comptroller's Office what they have been doing and where we are at.

Maritza Wilson, 56 Lake Drive, wished to elaborate on one of the comments made and said that the kids that they serve are 90% City residents with low income single parents who come through the system. This is only one of the things that they do to keep the kids off the streets because this is something positive that they feel they are able to do. They have done programming with the Police Department, who she commends because they were able to take kids to Yankee Stadium and give back to the community. They gave fruit baskets to the seniors and they collaborate a lot with our inner city youth. She applauded them because they give back 100% to inner city.

Sometimes we don't understand the dynamics of what each department does and we can't discredit what anybody's job description is within house because a lot of times we don't understand it unless we walk in somebody's shoes.

Jane Johnston, City of Newburgh said that she was wondering about the Broadway lot known as "Carcietta's Lot". In the clean up process that has been going on, back in 2006 there were issues with asbestos and improper demolition that was not done correctly. There were also lead paint and oil tanks so since these issues were never addressed by the City or Mr. Carcietta does this clean up include remediation of these issues or is it just cosmetic.

Corporation Counsel, Michelle Kelson said that it is just cosmetic. The license agreement explicitly states that if a hazardous substance is identified then they are to stop what they are doing.

Mayor Valentine said that Chief Vatter has been there every single day that they have been working to monitor it.

Jane Johnston asked then who is going to do the hazardous clean up?

Michael Vatter, Fire Chief, said that they have cleaned up the trash that was thrown over the fence and covered the ground with dirt and seeded.

Jane Johnston asked if it is safe for the public to walk on this dirt.

Fire Chief Vatter said yes.

Sheila Murphy, City of Newburgh said that she hears a lot about the activities for the kids and the Waterfront but we don't think about the troubled youth. The Police Department has been very helpful to our community and now you are talking about laying off police officers. On behalf of her daughter she said that when they go out the police officers protect them. Her brother was almost robbed so they put an officer on the corner and caught the individual a few days later. She thinks that the residents should take up a petition to keep our police officers because they walk the streets and get to know these kids. She thanked the police department for the good job that they do.

Joan Gottlieb, City of Newburgh said that she just moved to the City of Newburgh in May of this year even though she was cautioned not to. She moved here anyway and she hopes that she can help make a change for the better. Reducing our police force and laying off our firemen is not the way to balance a Budget. She is sure that the money can be found another way. She asked if the Menorah will be moved or will it stay in the same spot?

Mayor Valentine said that it will be in the same location that it was last year.

Corporation Counsel, Michelle Kelson said that the Menorah will be installed each year at Holiday time. What they are doing now is installing a tube that will allow them to put it up and take it down with more ease.

Joan Gottlieb asked if the Menorah is close to a box.

Mayor Valentine said that it is close to an electrical box to have power for the lights.

Joan Gottlieb said that it doesn't look good there. She would like them to consider moving it away from that box a little bit because it looks awful.

Timothy Hayzill, City of Newburgh, said that the property on Broadway that was just cleaned up if there was asbestos on that property then they just dispersed it throughout the community. The property wasn't watered down so when they were turning the soil it was going into the air affecting the whole community and this is not the first time that this has happened. Who is protecting our community when people are clearing out asbestos and they are not qualified to do this work? This is a dangerous substance that kills people. Newburgh is a historic city and it is full of it. People were walking on Broadway by this site when this was in the air without being warned. This is the same as the Liberty Street School when people were hired from the inner city to do the work and the building was full of asbestos.

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

COMMENTS FROM THE COUNCIL

Councilwoman Angelo said that the Citizens Advisory will be very busy for the next few years and some people have moved out of the area so if there is anyone who wants to serve in any of the Wards and Districts let her know. She noted that there will be a Service Club Luncheon held the day before Thanksgiving in the Green Room so if anyone who belongs to any Service Clubs would like to attend she can tell them who to get in touch with. She still wants to honor Rev. Mark Connell and the Newburgh Steelers. She also wants the actual name of the band so that we can do some certificates for the next meeting. She thanked everyone for coming tonight. The Budget is not finished yet so it is still being worked on and it will be voted on officially on November 28th. There are two sides working here; the Police Department and City Hall so maybe we can come to some agreement.

Councilwoman Bell said that someone spoke tonight about how the young people have many ideas on how things could improve so she would like to propose that we develop a Youth Council. We have to make our youth more aware about what is going on and prepare them to take the baton. She would be willing to work on that because she is looking for outstanding positive projects to become involved with as she moves away from this table. In terms of our collective bargaining issue she respects our police to the highest. She knows that they are understaffed and that their work is many times thankless. She acknowledged how much we appreciate all of their hard work and sacrifices. She asked them to look at some of the settlements in contracts that have come forward here of late. She is a member of the Newburgh Teacher's Union and she has been a union member her entire lifetime so she is definitely about the power of collective bargaining. The Governor just signed with PEF where there was a balance and so it is hard to take when you know that every day you put your life on the line and you want to be compensated. She understands that but she also knows that with this so called tax cap there is still a significant increase in the amount of taxes that people have to pay. It really is a huge thing for people to swallow. Not only as a homeowner but also as a landlord, when her taxes go up so high that means she has to raise the rents to try to keep up. She is one of the few people here, she thinks, who hasn't raised the rent because she knows that here tenants can't afford to pay more. Most folks raise the rent as soon as the increase comes and as a result people who own and rent are getting the life squeezed out of them. We all have to give a little bit and she is praying that something will come forward because she doesn't believe that we can afford to lose one police officer. If the circumstances were different she would vote to increase their numbers by one third immediately so that they can be safe and do an effective job. She added that with the Election she is so incredibly

happy about the referendum because she thinks it is a true game changer for our City. It has been a long time coming and she is looking forward to working along with that process. As for the referendum on the City Manager and the whole issue on how much more difficult it is to terminate and hire a City Manger the only piece she saw that was missing from that was a performance evaluation and standard. We need that for all employees of the City of Newburgh because we have no way of determining what they have achieved or if they did a good job. She has urged over and over again that we have someone employed who does Civil Service and that function can be incorporated in the County. We can save those dollars and get a true Human Resource professional. She doesn't want Mr. Herbek to think that it is arbitrary that someone is going to say you have to go. We have to have performance measures and standards and she is adamant that happen. We will be getting on with that work and she thanked everyone for coming tonight.

Councilwoman Bello said that it is a very serious situation that we have when we are faced with laying off police officers. Our City has the highest crime rate in the State per capita and this is just going to further deter people from wanting to locate here. The Council is between a rock and a hard place because if we want to keep our police officers then we have to override the tax cap. She is very hopeful that the police officers will continue their negotiations so that we can come to a mutual agreement and we can keep them. She wants the public to know that there is a ripple effect to everything that they do and if we are to lay off cops it is like any other department where it is last one on, first one off. The last ones on were hired by grants so she believes that those grants will have to be repaid. She has been told by the Comptroller that we can claim hardship and maybe not have to repay them but that is inconsistent with what she has been told by the Police Chief. Also if we lay off police officers it is going to affect our ability to secure grants in the future. This is a no win situation and we have further boxed ourselves into a corner by passing a labor agreement in January that gave away all of our management rights. She said that she honors and respects what all of our public safety officers do but the fact of the matter is that we have crime every single day in this city. We don't have fires every single day and we cannot reorganize that department because of a contract that was passed that doesn't allow us to manage that department. We are facing possibly losing police officers which would be like shooting ourselves in the foot. Since we have no other choices she appealed to the police officers to continue their negotiations because we need you and we don't want to be put in a situation where we can't get grants in the future. She thanked everyone for coming this evening.

Councilman Dillard said that concerning the police officers we are caught between a rock and a hard stone but he puts his faith in the Chief. It is

his department and he will make things work. He doesn't want to lay off any police officers but there comes a time when you have to cut bait and go with the flow. He asked the officers to follow their hearts, think about their brother officers and come up with a viable solution that will help the City and their brotherhood. He added that there will be a Land Bank meeting tomorrow from 3:00 p.m. to 5:00 p.m. at City Hall and if anyone is interested they can come down to observe. He thanked everyone for coming.

Mayor Valentine said that the approval of the Charter at the Election is something that he has been pushing for the eight years that he has been Mayor. The first time it came around the proposal that was basically handled by the City Council was voted down because it was motioned but never got a second. That was quite hurtful because there was a good Committee that worked on that Charter Review. This time he and members of the City Council agreed to do it differently with a Charter Review Commission to take it out of the hands of the City Council and put it into the hands of the voters. Anyone who put in a letter of interest was included in the Committee and nobody was refused. They wish they could have gotten a little more response from the Hispanic community because they had a hard time getting Hispanic representation. It was not due to a lack of trying, it just didn't work. He is hopeful that next year as this Committee is given the job of redistricting and it falls into the hands of the Citizens Advisory that they have a greater opportunity to have representation from all parts of the City of Newburgh. The Chairman of the Charter Review was Charles Woodard and the Vice Chairman was Brigidanne Flynn. Isaac Diggs was not only a member of the Committee but he did an outstanding job of all of the public presentations that were given both to the City Council, at City Council meetings and at sessions throughout the City. Wherever they were asked to speak they went. The other members were Pauline Dillard, Thomas Murphy, John Penney, Maryann Prokosch and Barbara Simon who was there at the beginning but had to step down because she moved out of the City of Newburgh. Barbara Smith and Susan Smith were also members and Decora Sandiford and Hhans Sandiford both also stepped down. Jonathan Drapkin from Patterns did a dynamite job. Jonathan and the Patterns for Progress could be anywhere in seven Counties and he chooses to have the headquarters of Patterns for Progress here in the City of Newburgh. That says something for who we are as a city so let's not lose sight of some of the history of this place and some of the importance of where we are in the Hudson Valley. Gerald Benjamin from SUNY New Paltz was an outstanding edition. He did the Ulster County redistricting and changing of their Charter and put in it some check lists so they can look at in ten years and review to see if they are a better County than they were ten years ago. Lester Simon's Municipal Law Resource Center and his knowledge of Municipal Law is second to none. He said that he also has to give credit where credit is due because the City Manager sat in on every single

one of those meetings and offered whatever help was necessary. Ann Kuzmik was there for every single one for not only documentation and minute taking but if there were any resources needed from other departments she obtained it for the next meeting. Every meeting was open to the public and they could ask questions. Beyond all of that it went to the voters and it was overwhelming which says something of the voting public here even though the voting public did not come out in huge numbers. Four years ago when he won he remarked back then that these numbers are too low and we need to get a greater outreach. Four years ago there were over three thousand people that voted and this year there were maybe a little over two thousand, which is not good. We need to do something to get the public more involved. Not just getting up to a microphone and complaining about something but more involved in the political process. He thinks that the Charter change will make a huge difference in that because with the Wards and every part of the City having a voice with a new Council in a couple of years that will be a greater and effective city government. It is not hard to equate that in the one hundred years or so of City Council's being the way that they are that there have also been fifty one City Managers. Other communities have Managers that last for ten or fifteen years and some last for even twenty eight years. You don't last twenty eight years in a community by doing a bad job. You are doing an effective job and a job that works not only for the electorate but for the community at large. We have not had that because Proposition Two answered the question. We have always had the three to two. He has sat at numerous Council meetings and told the public that he has been on both sides of a three to two. Either way it is wrong so now we have put into place a fix which is a super majority and the opportunity for a City Manager to speak with a public hearing or a public comment. We got to 2009 because we had seven City Managers in eighteen months. Not a bad individual in that group with several department heads and other people stepping up but how do you fiscally manage a fifty million dollar Budget when you have revolving door in city government with the CEO? You can't and because of that it slid and the outcome of that is what we have now. The Charter was the change and it was important. He added that the vote on the Budget on the 28th of November is critical. We cannot go through what we went through last year. If he regrets one thing as the presiding officer at the City Council meeting, it was why he didn't ask for a revote that night. He should have stopped that meeting and said that they couldn't go home because they needed to regroup. That is the one thing he said that he regrets because he thinks that they could have pulled together and put together the process to move that along. It was an angry night that would have intimidated anyone sitting on the Council. This year we need to pass the Budget on the 28th. The last component is the last Union that we are working with which is the PBA. We have worked with all of the labor unions and non-bargaining to take some concessions to keep jobs. He said that they will work as hard as they can from now until the end of the year.

Just because it's in the Budget doesn't mean we can't change it. We can't change the numbers but we can change the outcome. He has reviewed municipalities where they laid off thirty, forty and some fifty percent of their police department because the money was not there. What you see in the money is here. There is no hidden fund or slush fund. There is nothing. We have brought it down to the bare bones but he believes that the jobs of the seven or eight officers can be saved through a compromise that is workable to the police officers, management, the Chief and the City Council. He is not someone that just dreams ahead and says that it is going to get better in a year because it's not but it is going to get better over a period of time. What we are in is the worst of a combination of situations that reached the boiling point of money, bills and everything else that you can imagine. Keep in mind that the State money that we get, our "A" money, is half of what we got a couple of years ago. That is a million and a half dollars right there. We wouldn't even be having this conversation if just our "A" money was there. We approached the County and asked what we could do for revenue enhancements and we asked them for a sales tax adjustment that could have been a million dollars into the City. This would not cost the County anything but it was met with a total rejection. When he left that meeting he told them that they may throw us out today but in a couple of years they will be in the same situation and they are going to wish that they had made the compromise they could have made now. Other municipalities in this County are going to mirror what we do. Right now we tend to be the toughest and the one that sets the standard whether it is good or bad. Middletown and Port Jervis are not far behind as well as a lot of other towns and villages. They all have to pay those increases that are fixed costs. Hospitalization and retirement and all of the things paid that are 80% of the Budget that we got to start off with. The message tonight is to not give up on talking with the City Manager and with management. Keep the door open and think about the different scenarios that have been offered. Some of them are quite creative from the City Comptroller, City Manager and Staff who have put in hours and hours of work to save these jobs which he truly believes they can do. He encouraged them to keep talking no matter what the time may be and the City Council will make whatever adjustments they need to make. They will meet whenever they need to meet between now and not only the 28th but up to the end of this year to achieve this. He thanked everyone for being here tonight and said to please come back on November 28th for our Budget meeting.

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

LORENE VITEK
CITY CLERK

