

A regular meeting of the City Council of the City of Newburgh was held on Monday, September 24, 2012 at 7:00 P.M. in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

The Prayer was led by Father Dustin Trowbridge of St. George's Episcopal Church and St. Thomas' Church in New Windsor.

The Pledge of Allegiance was performed in unison.

Present: Mayor Kennedy, presiding; Councilwoman Angelo, Councilman Dillard, Councilwoman Lee - 4

Absent: Councilman Brown - 1

Councilwoman Angelo moved and Councilwoman Lee seconded that the minutes of the September 6, 2012 Work Session and the September 10, 2012 City Council Meeting be approved.

Ayes- Councilwoman Angelo, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 4

CARRIED

Councilwoman Angelo moved and Councilwoman Lee seconded that the City Clerk's Report and the Registrar of Vital Statistics Report for the month of August be approved and made available to the Press.

Ayes- Councilwoman Angelo, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 4

CARRIED

Councilwoman Angelo moved and Councilwoman Lee seconded that the Civil Service Administrator's Report for the month of August be received and filed only.

Ayes - Councilwoman Angelo, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 4

ADOPTED

Councilwoman Angelo moved and Councilwoman Lee seconded that the Verified Notice of Claim and Notice of Claim be referred to Corporation Counsel with power to act.

Ayes - Councilwoman Angelo, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 4

CARRIED

COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

Denise Ribble, Montgomery Street, asked if there could be a discussion regarding ordinance #6-2012. It seems that with some of the problems that have happened related to the Belt Filter Press she wants to understand what this is. Are we increasing the pH so we can discharge more acidic water into or from our sewage treatment system? In regard to resolution #165-2012, it looks like this is taking up almost all of the remaining CDBG money to demolish three properties and she thought that we were going to try to do ten. How were the properties chosen at those locations versus other properties that were recommended for demolition? How does it fit into the Land Bank and the City's overall goal of revitalizing a target neighborhood? She asked what resolution #166-2012 for vendor services are specifically for in terms of 21st Century. She added that resolution #167-2012 is a lot of money and she would really like to know where that money is coming from and exactly what it is going to be used for.

Barbara Smith, Powell Avenue, said that after reading resolution #166-2012 she is surprised that her City Council is not totally up in arms with regard to the allocation of these funds. There is nothing to show for the money that has gone in the past so what is it going to do in the future? How do you give \$8,676.05 to someone who teaches events? To her this is one of the degrees of what she would call obscenity. We have nothing to measure anything by. How many children will this support and what are these things? She wants something that tells her our children are taking our tax money to help with graduating from High School and then going on to College. She thinks that the Council needs to take a look at this and ask them to go back to the drawing board to come back with things that are far more productive for our children.

Kippy Boyle, Newburgh, said that she echoes Ms. Ribble's comments in regard to ordinance #6-2012 and she would like to know what the consequences are for raising the pH level and the amount of energy that will be required to do the outflow. In regard to resolution #165-2012, she is appalled that it is going to take approximately \$100,000.00 per building to demolish three buildings. 113 Washington Street is a shell that anyone could just blow down. There is nothing inside of it and it is completely empty so how could it take that much money to remove those bricks? She doesn't want to hear about asbestos and all of that because she believes that we could do that by ourselves. She originally heard that the demolition projects were supposed to be approximately \$60,000.00 per building which she thought was appalling and now it is up to \$300,000.00 and she doesn't see how that can be justified. Lastly, she also agrees with comments made on resolution #166-2012.

Janet Gianopoulos, City of Newburgh, said that in regard to resolution #166-2012 the questioning of the type of projects has already occurred but she also questions the expenditure which she would like an explanation for. It would be useful to know the methodology. How is that we are going to improve the graduation rate of our children? It has been discussed that there is no real measurement as far as the success of this program over the years but one thing we do know is that Nationally the possession of a Bachelors Degree in a tough economy ways out at a 4% unemployment rate. The rate of unemployment goes up as one's education is lower. She believes that the goal of the expenditure of our tax money in this case should be more measured. Where is it going? How is it going to improve the outcome for our children that will enable them to proceed to employment and avoid unemployment?

Gail Fulton, Newburgh, asked in regard to resolution #168-2012 if this is a voluntary position or does this person get paid. Where is the Human Rights Commission located and how many members are on it?

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

COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

The Council agreed to answer questions when voting on the resolutions.

RESOLUTION NO.: 161 - 2012

OF

SEPTEMBER 24, 2012

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE A THE CONTRACT
WITH MALCOLM PIRNIE-ARCADIS FOR THE CONSTRUCTION PHASE
IN CONNECTION WITH THE WASTE WATER TREATMENT
PLANT WATER POLLUTION CONTROL PLAN EMERGENCY BACKUP
GENERATION AND SOLIDS HANDLING SYSTEMS PROJECT AT A COST
NOT TO EXCEED ONE HUNDRED EIGHTY THOUSAND NINE HUNDRED
DOLLARS**

WHEREAS, this Council, by Resolution No.: 254-2011 of December 12, 2011, authorized the City Manager to enter into an agreement for professional engineering services with Malcolm Pirnie-Arcadis in connection with the Waste Water Treatment Plant Water Pollution Control Plant Emergency Backup Generation and Solids Handling Systems Project; and

WHEREAS, this Council, by Resolution No.: 108-2012 of June 18, 2012, authorized the City Manager to execute and amendment to the contract for professional engineering services with Malcolm Pirnie-Arcadis for detailed design services in connection with the Waste Water Treatment Plant Water Pollution Control Plant Emergency Backup Generation and Solids Handling Systems Project; and

WHEREAS, Malcolm Pirnie-Arcadis has completed detailed design services phase for the Waste Water Treatment Plant improvements; and

WHEREAS, it is now necessary for further services to begin the construction phase; and

WHEREAS, Malcolm Pirnie-Arcadis submitted a proposal for engineering services dated August 28, 2012, outlining the necessary scope and fee schedules related thereto; and

WHEREAS, referenced Project is subject to a New York State Department of Environmental Conservation Consent Order requiring the completion of said Project; and

WHEREAS, funding for such project shall be derived from HG1.8130.0200.8100; and

WHEREAS, this Council has determined that entering into such contract 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 a contract with Malcolm Pirnie-Arcadis for Construction Phase Services in connection with the Waste Water Treatment Plant Water Pollution Control Plan Emergency Backup Generation and Solids Handling Systems Project at an additional cost not to exceed One Hundred Eighty Thousand Nine Hundred Dollars.

City Manager, Richard Herbek, noted that we have been under a Consent Order from the DEC for quite a while. This is for the Belt Filter Press and other improvements required by the DEC. It is absolutely mandatory that we get this work underway to avoid a \$15,000.00 per day fine.

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

Ayes - Councilwoman Angelo, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 4

ADOPTED

161-12



The Water Division of ARCADIS

Malcolm Pirnie/ARCADIS, Inc.
855 Route 146
Suite 210
Clifton Park
New York 12065
Tel 518 250 7300
Fax 518 250 7301
www.arcadis-us.com

Mr. Craig Marti, P.E.
City Engineer
83 Broadway
Newburgh, New York 12550

WATER

Subject:
WPCP Improvements
Proposal for Construction Phase Services

Date:
August 28, 2012

Dear Mr. Marti:

Contact:
Robert Ostapczuk

As discussed, Malcolm Pirnie, Inc, the Water Division of ARCADIS (Pirnie/ARCADIS), is pleased to provide the City of Newburgh (City) with this letter proposal for engineering services during construction for the Water Pollution Control Plant (WPCP) improvements. There is one milestone for completion of the backup generator prior to December 31, 2012 and final completion is anticipated to be 250 days after the issuance of a Notice to Proceed. Pirnie/ARCADIS's scope for construction phase services is generally outlined below:

Phone:
518.250.7305

Email:
robert.ostapczuk@arcadis-us.com

Scope of Services

Our ref:
04881003.0000

Task 1 Construction Administration

Pirnie/ARCADIS shall consult with and advise City and act as City's representative throughout the construction of the backup generator and solids dewatering system improvements. All of City's instructions to Contractor will be issued through Pirnie/ARCADIS who will have authority to act on behalf of City.

Pirnie/ARCADIS will prepare agreements for Contract Nos. 1, 2G, 2E and 2H for the City's execution with the Contractors. Pirnie/ARCADIS will issue Notices to Proceed to each Contractor in accordance with the Contract Documents. Pirnie/ARCADIS will schedule and conduct a pre-construction conference with all Contractors, representatives of the City, and any regulatory and/or funding agency representatives as required. Pirnie/ARCADIS will prepare and distribute meeting minutes.

Imagine the result

Pirnie/ARCADIS will issue necessary interpretations and clarifications of the Contract Documents and in connection therewith prepare Change Orders for execution by City, if appropriate.

Pirnie/ARCADIS will review and approve (or take other appropriate action) Shop Drawings, samples, and other data which Contractor is required to submit. Such reviews shall be for conformance with the design concept of the Project as a functioning whole and compliance with the information given in the Contract Documents. Any approvals or other actions associated with the reviews shall not extend to means, methods, techniques, sequences or procedures of construction or to safety precautions and programs incident thereto. Pirnie/ARCADIS limits reviews of shop drawings to two reviews for all shop drawings in total.

Pirnie/ARCADIS will evaluate and determine the acceptability of substitute or 'equivalent' materials and equipment proposed by Contractor.

Based on Pirnie/ARCADIS's on-site observations and on review of applications for payment and the accompanying data and schedules, Pirnie/ARCADIS will:

- Recommend in writing payments to Contractor. Such recommendations of payment will constitute a representation to City that the Work has progressed to the point indicated and that, to the best of Pirnie/ARCADIS's knowledge, information and belief, the quality of the Work is generally in accordance with the Contract Documents subject to an evaluation of the Work as a functioning whole prior to or upon Substantial Completion, to the results of any subsequent tests called for in the Contract Documents and to any other qualifications stated in the recommendations.
- In the case of unit price Work, include final determinations of quantities and classifications of the Work in the recommendations of payment, subject to any subsequent adjustments allowed by the Contract Documents.

Pirnie/ARCADIS shall not be responsible for the acts or omissions of the Contractor, or of any subcontractor or supplier, or any of the Contractor's or subcontractor's or supplier's agents or employees or any other persons (except Pirnie/ARCADIS's own employees and agents) at the site or otherwise furnishing or performing any of the Work. However, nothing contained herein shall be construed to release Pirnie/ARCADIS from liability for failure to properly perform the duties and responsibilities assumed by Pirnie/ARCADIS in the Contract Documents.

Task 2 Progress Meetings and Periodic Site Visits

Pirnie/ARCADIS will schedule and attend biweekly progress meetings at the site to facilitate coordination between Contractors, update construction schedules, discuss progress of the work, requests for information, and any proposed field or change orders. Pirnie/ARCADIS will make visits to the site at intervals appropriate to the various stages of construction, as Pirnie/ARCADIS deems necessary to observe, as an experienced and qualified design professional, the progress and quality of the Contractors' work.

Pirnie/ARCADIS will conduct an inspection to determine if the work is substantially complete, for each milestone, and a final inspection to determine if the completed Work is acceptable so that Pirnie/ARCADIS may recommend, in writing, final payment to Contractor. Pirnie/ARCADIS will prepare and distribute a punchlist prior to the final inspection.

Task 3 Construction Inspection

Pirnie/ARCADIS will perform part time inspection services on behalf of the City. The construction inspector will be Pirnie/ARCADIS's agent or employee and under Pirnie/ARCADIS's supervision.

The purpose of representation by the Construction Inspector at the site will be to provide for City a greater degree of confidence that the completed Work will conform generally to the Contract Documents and that the integrity of the design concept as reflected in the Contract Documents has been implemented and preserved by Contractor.

Pirnie/ARCADIS shall not, during such visits or as a result of observations or inspections of the Work in progress, supervise, direct or have control over the Work nor shall Pirnie/ARCADIS have authority over or responsibility for the means, methods, techniques, sequences or procedures of construction selected by Contractor, for safety precautions and programs incident to the work of Contractor or for any failure of Contractor to comply with laws, rules, regulations, ordinances, codes or orders applicable to Contractor furnishing and performing the Work. Pirnie/ARCADIS can neither guarantee the performance of the Work by the Contractor nor assume responsibility for Contractor's failure to furnish and perform the Work in accordance with the Contract Documents.

During its visits, Pirnie/ARCADIS may disapprove of or reject the Work while it is in progress if Pirnie/ARCADIS believes that the Work will not produce a completed

PROJECT BUDGET

**City of Newburgh
Water Pollution Control Plant
Newburgh, New York
WPCP Improvements**

DESCRIPTION	12	10	9	8	7	5	Hours Per Task
Task 1 - Construction Administration	8	40	24	120	60	120	372
Task 2 -Progress Meetings and Periodic Site Visits	2	16	0	60	120	24	222
Task 4 - Special Inspection Coordination	2	4	0	0	16	24	46
Task 5 - Contractor's Completion Documents	2	2	0	0	16	32	52
TOTAL LABOR HOURS	14	62	24	180	212	200	692
TOTAL DIRECT LABOR COSTS	\$1,358	\$3,348	\$1,200	\$7,200	\$7,420	\$5,200	\$25,726

Title	Grade
Senior Vice President	12
Associate Vice President	11
Principal Engineer	10
Senior Engineer	9
Project Engineer	8
Staff Engineer	7
Engineer II	6
Engineer I	5
Admin/Tech IV	4
Admin/Tech III	3

Total Direct Labor: \$25,726
 Overhead and Fee (2.0) \$51,452
 Subtotal \$77,178

Expenses:
 Computer \$2,408
 Reproductions \$332
 Mileage \$3,982
 Misc. \$2,000
TOTAL \$85,900

PROJECT BUDGET

City of Newburgh
Water Pollution Control Plant
Newburgh, New York
WPCP Improvements

DESCRIPTION	12	10	9	8	7	5	Totals
Task 3 - Construction Inspection	0	0	0	80	80	840	1000
TOTAL DIRECT LABOR COSTS	\$0.00	\$0.00	\$0.00	\$3,200.00	\$2,800.00	\$21,000.00	\$27,000

Title	Grade
Senior Vice President	12
Associate Vice President	11
Principal Engineer	10
Senior Engineer	9
Project Engineer	8
Staff Engineer	7
Engineer II	6
Engineer I	5
Admin/Tech IV	4
Admin/Tech III	3

Total Direct Labor: \$27,000
 Overhead and Fee (2.0) \$54,000
 Subtotal \$81,000
 Expenses:
 Computer \$3,480
 Reproductions \$480
 Mileage \$10,040
TOTAL \$95,000

RESOLUTION NO.: 162 - 2012

OF

SEPTEMBER 24, 2012

**A RESOLUTION AUTHORIZING THE EXECUTION
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY
FROM A DEED ISSUED TO NEWBURGH VENTURES CORP
TO THE PREMISES KNOWN AS 61 WILLIAM STREET
(SECTION 39, BLOCK 2, LOT 29)**

WHEREAS, on June 22, 2011, the City of Newburgh conveyed property located at 61 William Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 39, Block 2, Lot 29, to Newburgh Ventures Corp.; and

WHEREAS, Mr. Pereira, a principal of Newburgh Ventures Corp., has requested a release of the restrictive covenants contained in said deed; and

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4 and 5 of the aforementioned deed.

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

Ayes - Councilwoman Angelo, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 4

ADOPTED

RESOLUTION NO.: 163 - 2012

OF

SEPTEMBER 24, 2012

**A RESOLUTION AUTHORIZING THE SETTLEMENT OF
LITIGATION REGARDING THE TAX FORECLOSURE
OF 100 RENWICK STREET, SECTION 45, BLOCK 5, LOT 19**

WHEREAS, the City of Newburgh has commenced a proceeding for the foreclosure of certain tax liens, such action being designated as Orange County Index Number 2009-12857; and

WHEREAS, on June 16, 2011, the owner, served an Answer to such action in regard to the foreclosure of 100 Renwick Street, Section 45, Block 5, Lot 19; and

WHEREAS, the City received notification that the owner filed a bankruptcy petition October 28, 2011; and

WHEREAS, the bankruptcy was discharged and the property was sold to a subsequent owner; and

WHEREAS, the current owner has advised he would like to pay the taxes; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh and its further development to settle this matter if all taxes, interest and penalties in the amount of \$16,493.58 are remitted to the City of Newburgh on or before September 30, 2012;

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Manager be and he is hereby authorized to withdraw the liens on the property located at 100 Renwick Street, Section 45, Block 5, Lot 19, in the City of Newburgh, from the Lists of Delinquent Taxes upon receipt of all taxes, interest and penalties in the amount of \$16,493.58, which amount must be remitted to the City of Newburgh on or before September 30, 2012.

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

Ayes - Councilwoman Angelo, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 4

ADOPTED

ORDINANCE NO.: 6 - 2012

OF

SEPTEMBER 24, 2012

AN ORDINANCE AMENDING SECTION 248-32
ENTITLED "LIMITATIONS ON WASTEWATER STRENGTH"
WITHIN THE CODE OF THE CITY OF NEWBURGH TO
INCREASE THE ALLOWABLE pH LEVEL TO 10.5 FOR DISCHARGES INTO
THE WASTEWATER COLLECTION AND TREATMENT SYSTEM
OF THE CITY OF NEWBURGH

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Section 248-32, entitled "Limitations on Wastewater Strength" within the Code of the City of Newburgh be and is hereby amended to read as follows:

Section 1. § 248-32. Limitations on wastewater strength.

B. No person shall discharge any wastewater:

(1) Having a temperature which will inhibit biological activity in the publicly owned treatment works resulting in interference, but in no case wastewater with a temperature at the introduction into the publicly owned treatment works which exceeds 114° F. (45.5° C.).

(2) Containing more than 100 milligrams per liter of oil or grease.

(3) Having a pH lower than 5.5 or higher than 10.5.

(4) Containing in excess of one milligram per liter phenolic compounds which cannot be removed by the City's wastewater treatment process.

Section 2. This ordinance shall take effect immediately.

City Manager, Richard Herbek, said that this was thoroughly explained at the Work Session by our City Engineer, Craig Marti. Currently the rate is 9.5 and it is a nominal change to 10.5. We have had an ongoing issue with Unitex Corporation who is a major player in the City of Newburgh and they

employ a lot of people. This change will not create any major problems to the Hudson River or the discharge into the Hudson River but it will substantially help the Unitex Corporation to be in compliance.

City Engineer, Craig Marti, said that they have done analytical testing throughout the system and they have done research throughout the State and Country with regard to similar ordinances. The change that is being proposed is consistent with the standards they found elsewhere.

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

Ayes - Councilwoman Angelo, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 4

ADOPTED

RESOLUTION NO.: 164 - 2012

OF

SEPTEMBER 24, 2012

**A RESOLUTION REJECTING ALL BIDS RECEIVED IN CONNECTION
WITH THE PURCHASE OF TWO (2) SPORT UTILITY VEHICLES
FOR THE CODE COMPLIANCE DEPARTMENT**

WHEREAS, the City of Newburgh has duly advertised for bids in connection with the purchase of two (2) Sport Utility Vehicles ("SUV's) for the Code Compliance Department; and

WHEREAS, four (4) bids were received and opened; and

WHEREAS, upon review of the bids it has been determined that all bids received far exceeded the pre-bid estimate; and

WHEREAS, this Council has determined that rejecting all bids is in the best interests of the City of Newburgh and the project;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that all bids received in connection with the purchase of two (2) SUV's for the Code Compliance Department be and are hereby rejected; and

BE IT FURTHER RESOLVED, that City staff is hereby authorized to take the necessary and appropriate measures to advertise for the purchase of two (2) SUV's for the Code Compliance Department for re-bid.

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

Ayes - Councilwoman Angelo, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 4

ADOPTED

RESOLUTION NO.: 165 - 2012

OF

SEPTEMBER 24, 2012

**A RESOLUTION TO AUTHORIZE THE AWARD OF A BID AND
THE EXECUTION OF A CONTRACT WITH JACKSON DEMOLITION
SERVICE, INC. IN CONNECTION WITH THE CITY OF NEWBURGH
COMMUNITY DEVELOPMENT BLOCK GRANT BUILDING DEMOLITION
PROJECT AT A BASE BID COST OF \$295,000.00**

WHEREAS, the City of Newburgh has duly advertised for bids in connection with the Community Development Block Grant Building Demolition Project for the demolition of 159 Grand Street, 10 Dubois Street and 113 Washington Street; and

WHEREAS, three (3) bids were received and opened; and

WHEREAS, it has been determined that Jackson Demolition Service, Inc. is the lowest responsible bidder and is fully qualified and able to perform the work; and

WHEREAS, funding for such project shall be derived from Community Development Block Grant Funds; and

WHEREAS, this Council has determined that it is in the best interests of the City of Newburgh and its further development to enter into a contract for such demolition services;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the bid for the demolition of structures located at 159 Grand Street, 10 Dubois Street and 113 Washington Street, respectively, be and it hereby is awarded to Jackson Demolition Service, Inc. for the bid amount of \$295,000.00 and that the City Manager is hereby authorized to enter into a contract for such work in this amount.

Councilman Dillard said that this was talked about at the Work Session and he was somewhat uncomfortable because there was no guarantee in terms of local hiring.

City Manager, Richard Herbek, said that there is a Section 3 Plan for this.

Councilman Dillard said that we do have Section 3 but how do we know that the contractor will fulfill his obligation by hiring locally? He is still looking for something in writing.

Mayor Kennedy said that she actually knows someone that this contractor is working with in the City.

City Manager, Richard Herbek, said that we have a whole Section 3 Plan which is in writing.

Councilman Dillard said that he is talking demographics and numbers.

City Engineer, Craig Marti, said that the low bidder has indicated that he will comply with the Section 3 requirement. He has filled out the appropriate paperwork indicating that he anticipates two new hires from which he will consider local applicants in accordance with our Section 3 Plan. There are only five employees projected for the project and he is required under the Section 3 Program to consider hiring local applicants from the sources and the local agencies that can introduce him to Section 3 eligible employees. He is in compliance and he intends to comply with the program. That is as much as we can ask of a private business that is doing business in the City of Newburgh.

Councilman Dillard said that there will be five employees.

Corporation Counsel, Michelle Kelson, said that there are five employees projected for the job. This contractor who is the low bidder has told us that he projects two local hires as long as they qualify under all of the other requirements to do the job. They have to be properly trained and eligible to do the work. Out of the five employees two will be local hires if the local community can provide eligible employees. One of the other contractors wasn't going to hire anyone local and the other contractor, which was \$100,000.00 higher, projected possibly three. So you have the low bidder with two local hires.

Mayor Kennedy said that she understands that they are complying with the law and although she is planning to vote for this she is serious about us

finding another way to take down these buildings. This amount of money to take down three buildings is something she can hardly swallow. She noted that the building at 159 Grand Street is in serious trouble and we can't let it go through another winter. She feels like she is in between a rock and a hard place because some of these buildings have to come down but she is not happy about the fact that we are paying \$300,000.00 to take down three houses. She believes that there are some other ways to do this in the future by building our own teams which she wants to look into.

Councilwoman Lee asked for how long did we know that these buildings needed to come down.

City Engineer, Craig Marti, responded that these buildings have been put out to bid three times now. It went out for bid as a large package in the beginning of the Spring but the bids came in too high and there was lack of compliance with the Section 3 requirement. In an effort to make the Section 3 component more feasible, they broke it down into smaller projects and these three properties have been bid as a group of three twice now. The condition of the property on Grand Street and the brick building that is falling down on a neighboring building on Dubois Street has a large amount of overhead utilities in the way and a lot of hand work associated with being able to take the building down without damaging surrounding properties. In discussing this with the contractors and prior to bid, we understood that the one Dubois street property would push the price higher. 10 Dubois Street is probably the most expensive of the buildings that we will be demolishing under this program.

Councilwoman Lee said that on Thursday she asked that in the future by resolution we add to RFP's that these contractors have to hire locally and it is not an option for them.

City Manager, Richard Herbek, noted that all CDBG projects do have the Section 3 requirement.

Councilwoman Lee said that we don't always just use CDBG funding.

City Manager, Richard Herbek, said that he would prefer to just get this done and we can talk more about it later because it gets a little tricky when you are talking about Consent Order Projects where we are under either State or Federal mandates to do certain work.

Councilwoman Lee said that she understood that they were planning to hire locally.

City Manager, Richard Herbek, said that this does entail a Section 3 Plan and it is part of this particular job. Concerning future work they need to have a more lengthy discussion. He told Councilwoman Lee that he understands what she is saying but it gets a little tricky when you have work involving Consent Orders.

Councilwoman Lee said that she believes that was mentioned but it was also mentioned that Jackson Demolition would hire locally.

Mayor Kennedy said that they are hiring two out of five. You have to remember that any company that comes here is going to come in with their heavy equipment operators and restrictions with their insurance, etc. Where they have to have additional employees then we hire local.

Councilwoman Lee said that it is not all vendors it is just the ones who are receiving funding from Planning and Development. Jackson has agreed to hire locally because it is part of the agreement but everyone is not required to hire locally.

City Manager, Richard Herbek, said that they will talk about that in the future.

Councilwoman Angelo said that she is not one for demolition but asked how the choice was made that these three houses have to come down.

Corporation Counsel, Michelle Kelson, said that these are three of the most dangerous buildings that we identified. They are structurally unsound and they are a danger to neighboring properties. We have been over this list several times and we deemed these buildings a priority so they need to come down.

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

Ayes - Councilwoman Angelo, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 4

ADOPTED

RESOLUTION NO.: 166 - 2012

OF

SEPTEMBER 24, 2012

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE VENDOR SERVICE AGREEMENTS WITH
VARIOUS SERVICE PROVIDERS AT A COST NOT TO EXCEED \$63,118.55
IN CONNECTION WITH THE CURRENT REQUIREMENTS OF THE
TWENTY FIRST CENTURY GRANT PROGRAM**

WHEREAS, by Resolution No.: 181-2009 of November 23, 2009, the City Council authorized the City Manager to accept monies from the New York State Department of Education for the 21st Century Community Learning Centers Grant; and

WHEREAS, said grant was awarded in the spring of 2008 for a five (5) year period; and

WHEREAS, the City's 21st Century Community Learning Centers Program provides strengthening and expanding opportunities afterschool for children and youth; and

WHEREAS, it is necessary and appropriate to enter into vendor service agreements with the City's 21st Century Community Learning Centers Program with various service providers for the final fiscal year of said grant period beginning October 1, 2012 and ending on June 30, 2013 for the following amounts:

Daryle Ford	\$8,676.05	Sabrina Dolfinger	\$2,775.00
Michael Wisdom	\$3,562.50	Rochelle Whitted	\$4,675.00
Malinda Ware	\$11,880.00	Alexandria Meyers	\$9,325.00
Goldie Mercado	\$8,800.00	Pa Kwame Johnson	\$8,925.00
		Susan Aulogi	\$4,500.00

WHEREAS, the Council has reviewed the attached Agreements and has determined that it is in the best interest of the City of Newburgh and its residents to accept and expend such funds to enhance the community and strengthen afterschool services to Newburgh's children and youth;

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 Vendor Service Agreements with the service providers referenced herein above at a cost not to exceed \$63,118.55 in connection with the current requirements of the Twenty First Century Grant Program.

Councilwoman Angelo asked if they could have a list of what the children are going to be doing in this program.

City Manager, Richard Herbek, said that there is a detailed work plan for each particular contractor. Joy had those with her on Thursday night and went over them with the Council. We need to get the 21st Century Program running in an early October time frame. You have already approved the major partners and they are some of the individuals who will be doing the detail work on running the program. Joy went through the methodology. There was an RFP process. The success rate is very high and she went over that with the Council on Thursday night. She noted very specifically that the program has met the performance measurements over the last several years. This is Federal money and this is a Federal project which has been extremely useful to the City of Newburgh dating back to around the early 2000 time frame when it was run by the school district. Over the past several years it has been run by the City of Newburgh so we need to do this to get the program underway.

Mayor Kennedy said that when she first saw this proposal she asked questions too but she came to the understanding that we have a tutoring program going on and these other things that they are talking about doing is supposed to go to additional things for kids to have opportunities for cultural enrichment. She asked for measurements on how they were going to be successful and for more information because she was questioning what this was and she was provided with some measurement and performance indicators on the various programs.

Councilwoman Lee said that Joy answered all of her questions quite effectively and gave a long laundry list of requirements.

Councilman Dillard was satisfied because she had indicated and they met with the Board of Education that there are going to be some changes with the 21st Century Program. We are going to ask people in the community to come in and help make those changes too so that is why he is satisfied with the \$63,000.00 because it won't be there next time.

Mayor Kennedy said that this is the last year of a five year program so any changes that we want to make in the way of the 21st Century Program we will have that opportunity next year and we may do that. We will start applying for the new program in the next few weeks.

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

Ayes - Councilwoman Angelo, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 4

ADOPTED

RESOLUTION NO.: 167 - 2012

OF

SEPTEMBER 24, 2012

A RESOLUTION AUTHORIZING THE AWARD OF A BID AND THE EXECUTION OF A CONTRACT IN CONNECTION WITH THE WATER POLLUTION CONTROL PLANT IMPROVEMENTS PROJECT TO BLUE HERON CONSTRUCTION CO., LLC FOR GENERAL CONSTRUCTION SERVICES IN THE AMOUNT OF \$2,140,791.00, HUDSON VALLEY ELECTRICAL C&M, INC. FOR ELECTRICAL SERVICES IN THE AMOUNT OF \$750,000.00, AND DJ HEATING & AIR CONDITIONING, INC FOR HVAC CONSTRUCTION SERVICES IN THE AMOUNT OF \$224,000.00

WHEREAS, the City of Newburgh has duly advertised for bids for the Water Pollution Control Plant Improvements Project; and

WHEREAS, bids have been duly received and opened and it is necessary and appropriate to enter into contracts with the lowest responsible bidder in each category to retain such services; and

WHEREAS, the funding of the project is coming from the Bond Resolution adopted on November 16, 2009 and Sewer Fund Balance G.0000.0599.1000; and

WHEREAS, the distribution of such funds shall be derived from HG1.8130.0200.8100;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the following bids as submitted by the indicated lowest responsible bidders be accepted, that contracts for same be awarded, and that the City Manager be and he is hereby authorized to enter into such contracts as being appropriate and necessary and in the best interests of the City of Newburgh.

Lowest Qualified Bid Summary	Amount	Bidder
General Construction	\$2,140,791.00	Blue Heron Construction Co., LLC
Electrical Construction	\$ 750,000.00	Hudson Valley Electrical C&M, Inc.
HVAC Construction	\$ 224,000.00	DJ Heating & Air Conditioning, Inc.

City Manager, Richard Herbek, noted that 42% of the funding is coming from the Town of Newburgh. The City issued a BAN for some of this money a year or so ago and some of it is coming from fund balance to finance the project. This is for the Belt Filter Press Project and other additional facility improvements and we are under a Consent Order to get this work done. If we don't, we will be in a \$15,000.00 per day penalty situation so this is quite important.

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

Ayes - Councilwoman Angelo, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 4

ADOPTED

167-12



The Water Division of ARCADIS

Malcolm Pirnie, Inc.
855 Route 146
Suite 210
Clifton Park
New York 12065
Tel 518 250 7300
Fax 518 250 7301
www.arcadis-us.com

Mr. Craig Marti, P.E.
City Engineer
City of Newburgh
83 Broadway
Newburgh, New York 12831

Water

Subject:
Water Pollution Control Plant Improvements
Bid Results and Recommendations
Contract No. 2G – General Construction
Contract No. 2E – Electrical Construction
Contract No. 2H – HVAC Construction

Date:
September 20, 2012

Contact:
Joshua LaPlante

Dear Mr. Marti:

Phone:
518.250.7300

On behalf of the City of Newburgh (City), Malcolm Pirnie, Inc., the Water Division of ARCADIS (Pirnie/ARCADIS), advertised Bid Documents for the Water Pollution Control Plant Improvements Project, Contract No.'s 2G, 2E and 2H. On September 18, 2012, the City received Bids and they were opened in accordance with the Bid protocol. A total of thirteen bids were received. The Bid results are summarized on the attached Bid Opening Reports.

Email:
joshua.laplante@arcadis-us.com

Our ref:
04881003.0000

The apparent low Bidder for the construction of each Contract is listed below:

- **Contract No. 2G** – Blue Heron Construction Co., LLC \$2,140,791.00
- **Contract No. 2E** – Hudson Valley Electrical C&M, Inc. \$750,000.00
- **Contract No. 2H** – DJ Heating & Air Conditioning, Inc. \$224,000.00

We have reviewed the Bids and have determined the Bidders to be responsive in accordance with the bid instructions, except for several informalities identified for each Bidder. The Bid informalities, identified below, are common in municipal bidding and many Bidders provide the information upon notification that they are the apparent low Bidder.

Imagine the result

Contract 2G – General Construction – Blue Heron Construction Co., LLC

- Pages 1 and 2 were missing from their Bid Form. Page 2 is where the Bidder is required to acknowledge receipt of Addenda. The Bidder was contacted and stated that the pages were left out in error. Attached is a letter from the Bidder stating that they did receive the addenda and they were incorporated into their Bid.
- In Article 4 – Basis of Bid, under Item No. 2 the Bidder mistakenly wrote square feet instead of linear feet. Attached is a letter from the Bidder stating that this was an error. This error does not change the Bid price or the conditions of the agreement.
- Bidder did not include evidence for a limited liability company to sign the Bid. Upon request, we received a copy of the corporate resolution providing the evidence to sign, it's attached to this letter.
- Bidder did not include a financial statement in their Bid package. Upon request, we have received a copy of the statement and it is attached.

Contract 2E – Electrical Construction – Hudson Valley Electrical C&M, Inc.

- Bidder did not include evidence for a corporation to sign the Bid. Upon request, we received a copy of the corporate resolution providing the evidence to of authority to sign and it's attached to this letter.

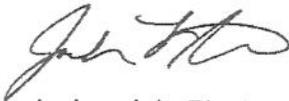
Contract 2H – HVAC Construction – DJ Heating & Air Conditioning, Inc.

- Bidder did not include evidence for a corporation to sign the Bid. Upon request, we received a copy of the corporate resolution providing the evidence of authority to sign and it is attached to this letter.
- Bidder did not include a financial statement in their Bid package. Upon request, we have received a copy of their financial statement.

Pirnie/ARCADIS suggests that the City Council consider awarding the Contracts to the apparent low Bidders identified previously. If you have any questions, please do not hesitate to call me at 518.250.7300.

Sincerely,

Malcolm Pirnie, Inc.



Joshua J. LaPlante
Staff Engineer

Attachments

Copies:

Michelle Kelson, Esq., City of Newburgh
Daniel Loewenstein, P.E., BCEE Pirnie/ARCADIS
Robert Ostapczuk, P.E., BCEE Pirnie/ARCADIS

RESOLUTION NO.: 168 - 2012

OF

SEPTEMBER 24, 2012

**A RESOLUTION APPOINTING KAREN MEJIA
TO THE CITY OF NEWBURGH HUMAN RIGHTS COMMISSION**

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

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

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

Karen Mejia, to complete the term of former member who resigned, which term shall expire on April 27, 2013; and

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

City Manager, Richard Herbek, noted that she is a volunteer as are all of the members so they do not get paid. He believes that there are nine members on this Commission and they meet here at City Hall. He believes that we are still short members for this Commission so they are still seeking additional members.

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

Ayes - Councilwoman Angelo, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 4

ADOPTED

RESOLUTION NO.: 169 - 2012

OF

SEPTEMBER 24, 2012

**A RESOLUTION TO AUTHORIZE THE RE-PURCHASE OF
REAL PROPERTY KNOWN AS 81 SOUTH STREET
(SECTION 19, BLOCK 1, LOT 5)
AT PRIVATE SALE TO STEPHANIE LANDELL**

WHEREAS, the City of Newburgh has acquired title to several parcels of real property by foreclosure *In Rem* pursuant of Article 11 Title 3 of the Real property Tax law of the State of New York; and

WHEREAS, pursuant to Section 1166 of the Real Property Tax Law the City may sell properties acquired by foreclosure *In Rem* at private sale; and

WHEREAS, Stephanie Landell, the former owner of 81 South Street, being more accurately described as Section 19, Block 1, Lot 5 on the official tax map of the City of Newburgh, has requested to re-purchase the property at private sale; and

WHEREAS, by Resolution No.: 121-2012 of July 16, 2012 this Council authorized the sale of 81 South Street at public auction; and

WHEREAS, the City Council of the City of Newburgh has determined that it would be in the best interests of the City of Newburgh to allow the former owner to re-purchase this property, without the need for litigation and subject to any liens, encumbrances or mortgages of record that existed against this property at the time the City of Newburgh took title in the tax foreclosure proceeding, provided that all taxes, interest and penalties owed are paid expeditiously; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of the following property to Stephanie Landell be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of all past due tax liens, together with all interest and penalties accruing thereon, and all currently due taxes and charges are paid, in full, in the amount of Three Thousand Seven Hundred Sixty Two and 18/100 (\$3,762.18) Dollars no later than October 15, 2012; and

BE IT FURTHER RESOLVED, that the property located at 81 South Street, Section 19, Block 1, Lot 5, be and is hereby withdrawn from the October 3, 2012 City of Newburgh property auction list approved by Resolution No.: 121-2012 of July 16, 2012; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York, that the parcel is not required for public use.

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

Ayes - Councilwoman Angelo, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 4

ADOPTED

CITY MANAGER'S REPORT

City Manager, Richard Herbek, said that he was pleased to give the City Council a report on the Section 108 Correction Action Verification which was just received today from the US Department of Housing and Urban Development. This relates to the Section 108 Loan Guarantee Program and this report is in response to the original audit issued in November of 2008 reviewing the program for both Marina Ops and Crystal Lake. The City had applied for those two loans back in the 1999 to 2001 time frame. The initial 2008 report from the Office of Inspector General identified four deficiencies. One was the failure to enforce loan agreement provisions adequately. The second was not ensuring that all funding sources were supported and documented. The third was unnecessary use of CDBG funds that we used to repay the loan and fourth was that the City overpaid the developer for duplicate costs. The purpose of this follow up was to review the City's subsequent program and to ensure that all of the deficiencies had been corrected. There was an auditor here for a six week period and this report verifies that all of the original audit recommendations were properly implemented or corrected. There were no further recommendations and he was told that this is only the second time that there has been a report like this with no recommendations. Courtney Kain, our Community Development Director, handled this with the Inspector General's Office when they were here and they were quite satisfied with all of our records and he would like to acknowledge that. This has haunted the City for many years and now it's over.

Councilwoman Gay Lee and Mayor Kennedy congratulated the City Manger.

OLD BUSINESS

Councilman Dillard said that they have been discussing Burton Towers and the sale of Burton Towers for the last couple of years. We are supposed to be getting money in October and he would like to know how that is coming. Will we get the money or not.

City Manager, Richard Herbek, said that we are going to get the money. They have already called for a clarification on the amounts and we will get the checks in a timely manner.

Councilman Dillard said that his question in terms of the 2012 and 2013 Budget is which side does that go on?

City Manager, Richard Herbek, said that it is primarily water and sewer.

Councilman Dillard said that it is a PILOT.

Corporation Counsel, Michelle Kelson, said that a portion of it is. The three payments that are due are municipal impact fees that will be set aside for certain types of projects related to improvements in and around the area where the building project is. The large chunk of the amounts due are delinquent water and sewer payments so those have to be applied to the water and sewer fund and apportioned according to bills that are outstanding. There is a portion of the funds that relate to the delinquent PILOT payments from the previous PILOT granted to the previous owner and that amount can be applied she believes to the General Fund.

City Comptroller, Cheryl Gross, said that it will be recorded as Receivable Due.

Councilman Dillard asked how much is the Receivable Due that will go toward the General Fund.

Corporation Counsel, Michelle Kelson, said that it is around \$272,000.00.

Councilman Dillard asked about the existing PILOT?

Corporation Counsel, Michelle Kelson, responded that they have already paid the existing PILOT for this year.

Councilman Dillard asked the Comptroller to please let the Council know when those funds come in.

PUBLIC COMMENTS REGARDING GENERAL MATTERS

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

Councilwoman Lee said that there are no conversations going on behind closed doors that she is aware of regarding housing and she doesn't know why Mr. Littman is talking to anyone but us. If the DEC had some kind of agreement, the City Council doesn't know anything about it. She told Ms. Ribble that she is absolutely offended by those remarks and she thinks that she should know that her information is wrong. Not only is it wrong it is insulting. We are not hiding anything and there are no projects going on behind closed doors that the public doesn't know about. She told Ms. Ribble that they miss her from the City Council meetings and perhaps if she were here she would know what is going on with the Mid Broadway Project

Brian Flannery, 5 Norton Street, submitted and read the attached comments. (copy attached)

Gayle Fulton, Newburgh, asked if we are going to get another traffic light put down on River Road/Martin Luther King Drive because it really needs to be there. A light also needs to be put in at the intersection of Mill Street and Ann Street. Do we have to wait for someone to get killed before you can put a couple of traffic lights in?

Omari Shakur, New Voters Movement, said in regard to resolution #165-2012 that he hasn't seen any new jobs created in the City of Newburgh but he always sees money going out. He would like to know who Jackson Demolition Service is, how they are going to go about hiring and when and where will they be hiring. For \$200,000.00 dollars he could have hired ten kids at \$10,000.00 a piece and he could have gotten rid of those three buildings for the City. It seems like everyone is coming to the City of Newburgh and getting money except the people who live here. He asked if Jackson Demolition Service is from Newburgh.

Mayor Kennedy responded that we didn't have any bidders from the City of Newburgh.

Mr. Shakur said he guesses that's because they didn't know about it.

Mayor Kennedy said that it was put out there.

Mr. Shakur added that he would like to know about this special investigator that we are supposed to be bringing to Newburgh. He would like

to know where we are at with that. Is one coming or was that just some smoke that was being blown.

Councilman Dillard said that it was not smoke. That was one of his campaign promises.

Mr. Shakur said that he would like to know the specifics of when, where and how.

Corporation Counsel, Michelle Kelson, said that they have identified three potential companies that can perform the services and we have to identify the scope of work that we want them to cover.

Mr. Shakur said that they were told that already two meetings ago. They would like to know when, where and how.

Corporation Counsel, Michelle Kelson said that they have to define a scope of services and that has not been done yet.

Mayor Kennedy said that these things take time. We have to get the vendors and everyone wants RFP's so we have to go through that process.

Mr. Shakur said that this is a very important issue because we have lives on the line. We have young people that have died so they would like to know when, where and how this special investigator is coming through. What is the procedure and how is the City Council going about this? He would like to see something on paper because this doesn't seem like a priority right now. It seems like they are trying to hope that everything dies down again but they would like to know when, where and how.

Kippy Boyle, Newburgh, said that she has heard many different versions of what the boundaries of the Land Bank are so she would like the City Council to show the residents a defined map that is explicit so there is no more doubt about these boundaries. It started out to be just a few areas but now she has heard that it has been expanded to include the entire City. She just wants to know the facts and see a defined map.

Mayor Judy Kennedy said that we do have a map that defines the boundaries. She believes that it is available on the website and it has been the same boundaries since the beginning as far as she knows.

Ms. Boyle added that she would like the Council to reaffirm to the residents that the terms of the Land Bank sales are going to be to taxable entities and not to non-profits. The whole purpose of the Land Bank was to

help us broaden our tax base. She noticed that probably few individuals would be able to afford the taxes on some of the properties in the sealed bid which means they will go to some sort of entity. She would like to know if on the sealed bids there is an upset price and if there is language that says the purchasers of these sealed bid properties, which might be in the Land Bank, have to be taxable entities otherwise she doesn't see what the point is. In regard to the grant to the Greater Newburgh Partnership, because it was a grant to a private entity they didn't have to go through an RFP process of selecting the consultant but isn't that the same consultant that was used for the Newburgh Local Area Transportation Study? She would like to know if that is the same consulting firm and if so, whatever happened to that study.

Virginia DiOrio, 17 Nott Place, said that her concern is the significant drug problem that we have here in the City of Newburgh. She noted that there are a couple of programs that can help us. One is that the Police Department has a day where they are collecting medications from anybody's home no questions asked. The last time that this was done it was extremely successful. People had medications in their home that were several years old. This will be held on September 29th in the City of Newburgh and if you can't make it on that day you can drop-off medications at any time in the Town of Newburgh. This will get it out of the house so you don't have to worry about kids getting a hold of it because a lot of drug use is coming from the medicine cabinet. She added that Team Newburgh has put out a poster called "Take Back the City" and it is about the drugs that are being sold legally in the Bodegas that kids are getting and smoking. These are substances that have yet to become illegal that kids are using that can cause significant problems to the brain. She said that if anyone sees this stuff being sold in these stores they have to know that it is really hurting our kids.

Councilwoman Angelo told Virginia that the Citizens Advisory meets on Thursday night and asked her to bring those posters with her.

Natasha Cotton, City of Newburgh, thanked Councilman Dillard for the 21st Century Grant. She came here tonight looking for Doyle Murphy because she hasn't seen anything positive in the paper about Newburgh yet. There are some great things going on in Newburgh that could be reported other than all the madness. She is tired of hearing about people getting shot and stabbed too and it is getting out of control. She would like to see a report on the gymnasts that are practicing all over the City. They went from a six member team to a thirty-two member team of participants from ages five to thirteen. They are in every Youth Parade and she hasn't seen a layout on these kids yet. They are usually practicing over at the Library because they don't have a Gymnasium so they use what they have and make the best of it. She doesn't support bad children so she is waiting for the parents to step up and get it right and stop

blaming everybody else. She pointed to Corporation Counsel, Michelle Kelson and told Mr. Herbek that she aggravates her with her disrespect to the City Council and the City Manager and anyone else in her path. Her sort of behavior should have been canned a long time ago.

Tammy, Newburgh, said that at the last Work Session she knows that they talked about Peddlers and Vendors and she would like to know if they have come to a conclusion. She would also like to find out when the events are given by the City of Newburgh and it brings in the vendors, for instance the Carnival that was just held, is all of the money received from that event put into the City's Budget? If not, who gets that money? How much do they get and why? She was away this weekend and someone called her about an incident at a club named Ole'. Someone held a party and it was a good event but when it was time to leave there were some men from out of town who had words with some of the City of Newburgh residents which turned into a big brawl. Her issue is that when there is mismanagement of City money and when there is misappropriation of funds and theft in a city where money is supposed to be sent to its residents for the low income and the poor, this is the result. It is money that should have given these kids earlier on opportunities and other ways to do things. Some of them could have gone to College, learned a trade or even started their own business. Now that we have an inferno of kids tearing this City up what are we going to do? This City owes our kids and opportunity to do a turn around and if not then they will have to deal with the consequences. Don't look at the parents. Look at those who took the money.

Sheila Monk, City of Newburgh, thanked the new City Council for what they are trying to do with the mess they came into. At the Work Session she learned a lot about the finance and the good that the City could have done but didn't do. The new Council has so much work they have to do. We need housing and jobs here. A lot of the jobs put in here are not for the City of Newburgh residents because people from New York City and Yonkers are getting these jobs. We have to start at home first. There is nothing for our children. Our youth ages twenty-one and twenty-two years have to get on Social Services because no one will hire them. There are kids out there robbing, stealing and selling drugs because they are playing the game of survival. We should make up a plan so that we can get these jobs for our kids because there is a lot going on in City Hall with money that we don't even know where it went. We have to put our priorities straight. There is a lot going on in the City of Newburgh that just gets pushed under the rug. The money has to be spread out to other people because Joy and the Churches can't do everything. Every time someone comes to City Hall and asks for help they are told that City Hall has no money but there is money and they give it to who they want to give it to. Enough is enough.

Juanita, City of Newburgh, said that Omari asked about an investigation earlier and her family from the beginning has searched for answers from the City Council. She has personally spoken with every Council member outside of here but since March 7th she has finally realized that they were just blowing smoke up her family's ass. That is what it boils down to because she listens week after week month after month to the same lies. Corporation Counsel just reaffirmed everything because she just said the same thing that she said three meetings ago. The City Council sat there and told her that these Officers would have desk duty indefinitely. She asked the Council where those Officers are now because if they say they are on desk duty it is a damn lie. They are back out on the streets and she knows this because she looks at them every day. Nothing the Council says will ever amount to anything with her family.

Timothy Hayes-el, City of Newburgh, said that we put a program together with Ms. Best and several people came and got certified for different things but still no one has a job. First we were hearing that they weren't qualified and now that they have the certifications they still can't get jobs. He told the Council that they voted them into Office expecting jobs and things to change. They expected the Council to represent the people here but it is not getting done and nothing has changed. Lack of jobs equals poverty and that equals crime. He said that he expected more out of this City Council.

Roxie Royal, City of Newburgh, said that at the last City Council meeting the City Manager reported that he hired four new Police Officers. She asked if he could tell the residents who he hired and what their ethnicity is. She believes that they need to see more of the ethnicity reflected in the police department of the community because sometimes culturally you know more of how to react to someone of the same culture.

Police Chief, Michael Ferrara, responded that there were four Officers hired off of the City list and all four are City residents. They are limited to hiring by score when the Civil Service test is taken and they have to hire from that list. If anyone has any questions regarding the ethnicity of the Officers in the Police Department, that is something that he keeps track of so if anyone is interested they can give him a call and he will go over that with them.

Mark Coolidge, Uncle of Michael Lembhard, said that everyone talks about him having had a lot of Warrants but no one acknowledges that he had these Warrants for not doing his Community Service. He has been trying to put together a non-profit organization called S.O.S. "Save Our Streets". He would like to work with the Courts to give him community workers so that they don't have to be sent to places where they don't want to work. Give them to him and he will get our streets cleaned and we will have a cleaner

Newburgh. He has three Churches ready to be involved in this but he received some blockers telling him that he has to have insurance to clean up garbage. He said that he has obtained the insurance and S.O.S., Save Our Streets for a cleaner Newburgh will be up and running within the next three weeks. He asked the City Council to get in touch with our Judges and get them to look at what he is offering and give these workers to him. He will make sure that they put their hours in and we will have a cleaner Newburgh. The streets won't be full of garbage and maybe we will start to look like Beacon, Middletown or Walden. These kids won't have to run and have stupid Warrants put on them. Many of them don't have jobs so they can't pay their fines and what happens then is they get a Warrant and they get scared and they run. Let's turn these small fines over to Community Service and let's clean our city. He again asked the Council to reach out to our Judges and make this happen. He does have the insurance so he will be running this program within the next three weeks. He has shirts and memos being made up and as they do this they will hang signs up stating "S.O.S. Cleaned Our Street - Please Keep This Block Clean".

Councilwoman Angelo asked Mr. Coolidge to see her after the meeting because she has some information for him.

Mayor Kennedy said that she just heard about this yesterday and she thinks that he is on to something.

Mr. Coolidge said that there is a Father who runs the house on Johnston and Third Street that has parolees and he is willing to give him all of these parolees to start this program. We will have a cleaner Newburgh and we won't have young guys running for not doing Community Service. His Nephew was Michael Lembhard so maybe he can save the next guy who won't have a Warrant for his arrest.

Councilwoman Lee told Mr. Coolidge that she asked his Niece to have him get in touch with her. She has also talked with George Garrison and she can write Judge Ramsey a letter but this is not her project it is his.

Mr. Coolidge said that he is doing it in memory of his Nephew.

Councilwoman Lee continued that this is his initiative and she didn't want to start talking to the Judge without him.

Mayor Kennedy said that she is very encouraged when people step up to the microphone and actually have a solution. She said that she is willing to support this in any way she can.

Mr. Coolidge said that there have been people reaching out even from the Police Department because there are a few Officers who also want to get involved. He added that when there was a report that a child was supposedly kidnapped by South Junior High School he had thirty people out there ready to start knocking on every door out there to find out who the parent of that child was. If S.O.S. can reach out to help the Police Department or anyone in the community, that is what we are going to try to help out for.

Julius Beckwith, Newburgh, said that Ms Royal asked a question about the Police Department and he would like to ask the Chief how active his recruitment program is to hire minorities. Back some years ago he was in litigation with the City of Newburgh and the State of New York where he sued both parties because they had a discriminating program against minorities in the City of Newburgh. He wonders if the Chief is aware that that Federal order is still in effect at this moment.

Police Chief, Michael Ferrara, said that he was here when that original order came out and he is fully aware of the Federal guidelines. He met with the NAACP just this afternoon and talked about future Civil Service tests for Police Officers and their participation in assisting in making future tests available with full information. He believes that in the future they will expand their minority recruitment. They do it every year with posters, through the schools and Colleges here in the City of Newburgh and also with Orange County Community College, Dutchess, Marist and Union College in Poughkeepsie. We can expand that and with the help of the NAACP they will expand on minority recruitment for future tests. He added that they have two Civil Service lists. One is a regular list for all applicants and the other is for just City residents.

Stacey Burks, City of Newburgh, said that he has been fighting for his family's property the last couple of years. By coming to City Council meetings he finds that there is a web that you have to find your way around to get what you want. He is asking the Council to make an amendment to resolution #242-2010 which was a resolution accepting and rejecting bids received at the City property Auction. At that time one of his family members bid on the property at the Auction and then the City rescinded most bids except for two. He did not know at that time that he could ask for an amendment to that resolution because it took him a while to figure it out but that is what he is asking for now and he is asking that the money that the City currently has also goes to that property so we can put an end to this because it has been going on for a very long time.

Councilman Dillard asked for the address of the property.

Mr. Burks said that the address is 34 Carter Street. His parents owned that house for over thirty some odd years.

Mayor Kennedy asked if he has made any offers to pay the back taxes.

Mr. Burks said that he did that even before the City took it.

Mayor Kennedy said that they probably have to call a special session to talk about that.

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

COMMENTS FROM THE COUNCIL

Councilwoman Angelo asked Chief Ferrara about the restaurant called Ole', formerly known as Hacienda, which is near her home. The former owner has taken it over again and there was quite a ruckus going on there the other night with State Troopers and Ambulances.

Police Chief, Michael Ferrara, said that they worked on the Ole' all day and he filed his formal report with the New York State Liquor Authority this afternoon.

Councilwoman Angelo said that they are starting to get calls from the neighbors again and next will be the Petitions. They did receive a very detrimental letter from a couple that lives over in the Foundry about Terrace Lounge. There is always something happening there and they are not good things. We aren't trying to put anyone out of business but there are quite a few tenants and landlords who live in that area who cannot sleep at night on the weekends.

Police Chief, Michael Ferrara, said that they are aware and they are watching them.

Councilwoman Angelo said she doesn't know if the New York State Liquor Authority will step in again or not.

Police Chief, Michael Ferrara, responded that they will.

Councilwoman Angelo said that she is sorry to see that happen. He is trying to conduct a business but the patrons are causing a problem and they are not teenagers. She announced that the Citizens Advisory will meet on Thursday at 7:00 P.M. at the Activity Center. It is open to the public and you can voice your opinions and complaints there. On the morning of October 6th there will be a ceremony to unveil the new bricks down at the waterfront with a brunch at Torches. On October 7th, Father Bill is holding a rededication of Columbus and a Mass and then we will head to the River Rose for a three hour tour and buffet. They met with Mr. Kaplan today and they are planning an Oktoberfest on October 14th on the Waterfront. Jimmy Sturr will be coming over with the Polka Band and they have a lot of nice things planned. With all the bad things happening we still try to plan some good things here in Newburgh. She added that they are also planning a Flea Market. The Ship called the *Lynx* is coming to Newburgh again for three or four days and we are going to try to tie a Flea Market with that. She thanked everyone for coming tonight.

Councilman Dillard stated that on August 29th he sent a package to the Ministers and friends and also gave this package to the City Manager and the Council. This package basically dealt with auditing of the Police Department; a review of the Police Department for past and present policies and procedures. Back in 2009 he felt that they needed to be reviewed. Thus far the City Manager and Corporation Counsel have identified three Auditors and he thinks that three should be enough to gather information. With this package he also listed the reasons why we should have the Auditor come in. Some of those reasons are: Use of excessive force, use of weapons, overtime scheduling, community relations, training, minority hiring, internal and external review and controls. He told the City Manager that this should have been acted upon.

City Manager, Richard Herbek, said that at the last Work Session each Council Member told him that they were going to give him a scope of services.

Councilman Dillard said the scope of services is in his package and the City Manager doesn't need one from every Council Member. He is asking for this and the Council agrees with him. This is very important and even the Police Chief agrees with it. This is an examination of policies and procedures which is needed every so many years.

Mayor Kennedy said that she believes the last one was done in 2005 or 2009.

Councilwoman Lee said that she was given a list as well and she also called and asked for the past project so that she could read that and it was just given to her on Thursday. She wanted to make sure that we weren't asking for some of the same issues to be reviewed and the reason she did that is because she is not confident that what we are looking for was addressed in any of those projects. She thinks that what we are looking for is something different. We are asking that the policies be reviewed not for the purposes of accreditation but reviewed to make sure that we don't have in the policy mechanisms that sanction use of excessive force. That is why she asked to read it and that is why she asked for it to be on the Work Session agenda.

Councilman Dillard said that any professional who does this type of work knows exactly what is needed.

City Manager, Richard Herbek, said that you need to be fairly specific because we are not looking for a \$500,000.00 study.

Councilman Dillard said that they are not looking for that. They are looking for someone to indicate what they can do and for how much.

City Manager, Richard Herbek, said that they have Councilman Dillard's list but there may be other things that the other members of the Council are looking for or in addition to.

Councilman Dillard said that he is not going to play this game like we did last year with goals. Last year the City Manager asked for everyone to list goals and not one of those goals has been reviewed.

City Manager, Richard Herbek, said that is not true. It has been less than a year and generally you don't do that until later in the year.

Councilman Dillard said that he has been on the City Council for nearly four years and every year he gets goals.

City Manager, Richard Herbek, noted that a lot has been accomplished.

Councilman Dillard said that he is not saying that. He is asking to accomplish this that's all. Let's get this moving.

City Manager, Richard Herbek, told Councilman Dillard that he hears him.

Councilwoman Lee said that she asked on Wednesday to put that on the agenda. The reason that she wants to read the past study is because she doesn't want to give the same old test. She wants to know how the scoring was done, what was scored and if there is anything in this old report that needs to be in or taken out of the new report. She wants to make sure that what we are looking for is actually in our proposal. She thinks that this should be on the Work Session agenda every week. She also asked for the names of the companies so that she could do a Google search and look at them. She added that she thinks her efforts on this City Council have been to counteract the conspiracy to gentrify the City of Newburgh. She thinks that still right up under our noses there are efforts to gentrify the City of Newburgh to remove people from their place of residence and replace them with a more palatable, ritzy and perhaps more money savvy group. She still has a problem with that and she is very uncomfortable with the Land Bank. She is also uncomfortable with the Greater Newburgh Partnership. We have entities here who would like to make changes in the City but don't want to pay taxes and she is still disturbed by that. In terms of revenue generation, what she would like to see and she has been asking for this all along is that we send letters to these entities who would like to take over our property, tell us what to do in our City and walk around making believe that they are cleaning it up and help us by garnering funding that they would like to control so that they can make believe that they are doing something. She is absolutely sick of

the entire thing. In terms of Mr. Littman, she never said that that she didn't want him to bring a business here but that has somehow been spun out of control as are many things that we ask for from this Council seat by members of the public because there is a wave to sell you yet another bill of goods. She had asked for a copy of the plan and said that if he wants to clean up a Brownfield that the DEC says is useless, tell us how you are going to get the funding. This then got spun into Mr. Littman is going to bring jobs. She had never asked about jobs but since we are on the subject tell us how you are going to do that. One of the issues that she is constantly fighting with the public and the Council is that telling her about a wonderful idea doesn't amount to anything if you don't put it in writing. If you are going to bring two hundred jobs, tell her how. If Mr. Littman or anyone else would like to bring some jobs into this City, all they have to do is talk to us about it. Right now the only person that is bringing jobs into this City is George Garrison. He is the only one that actively looks to hire people in the City of Newburgh. It is frustrating and annoying but don't come to her with a poorly thought out plan and expect her to go along with it because then she is offended. She would like to think that she has a better education than that and when you talk to her with nothing in your hand and expect her to just agree with it then you must think she is stupid and she is offended when that happens. She told Mark Coolidge that S.O.S. is a great project. She knows that she could use her license and her skills to help iron out the kinks in this. This is probably the best project that has been talked about in terms of doing something with anti-gangs because these kids that are being arrested are typically part of gangs. If he has the blessing of the Police Department and Officers who want to help to guide this, she thinks that it is a wonderful project and it should be part of something to talk with Courtney Kain about because maybe she could help him to iron it out. It is a great idea and she hopes that he doesn't let it go.

Mayor Kennedy said that a lot was talked about tonight. To Virginia DiOrio she said that the drug paraphernalia in our Bodegas has been bothering her as well so she would like to see that on a Work Session agenda to talk about some ideas on what to do about that. Team Newburgh has been working on getting that paraphernalia out of the Bodegas so she would really like do some creative thinking about what to do about that and do some brainstorming on how to control some of that. In regard to the Vendors, they haven't ironed that out yet but the Carnival money is put into a special account and the Carnival supports itself.

Councilwoman Angelo noted that we had two festivals this year with no security and no problems which is probably a record for the City of Newburgh.

Mayor Kennedy continued that when it comes to publicity you have to call them because the Press doesn't just show up. Whoever is organizing an event has to send out a Press Release and you have to invite the Press to come. They don't just show up at your event. We had this wonderful Basketball Tournament but forgot to call the Press to come in. It was a whole weekend with no issues but we missed a positive Press opportunity because we forgot to contact them. To Mark Coolidge she said that she is very pleased with his idea. Lastly she said that she has heard this idea of gentrification too. She hears it all over the streets so she wants to put it out on the line just exactly what people think gentrification is. When she was out campaigning she had people all through the area say that they were sick and tired of run down buildings filled with rodents and drug dealers and their neighborhoods looking like a trash dump and they asked her why she didn't do something about it. That has been going on for years in this City and many cities have not been able to manage all of these abandoned buildings. When gentrification happened forty some years ago, people were actually moved out of their houses and they lost their homes. The process that is going on right now has nothing to do with moving anybody out of any home.

Councilwoman Lee told Mayor Kennedy that she is talking about Urban Renewal.

Mayor Kennedy said that they hooked gentrification to it and she keeps hearing that work thrown around a lot. What is happening right now is that we have so many buildings that are not taxable. There are empty buildings all over this City and therefore our tax base is struggling. Right now the Land Bank is an idea that has been growing across the United States in order to improve properties in cities with urban blight. What we have been doing hasn't worked so we have to do something else. We are trying now to focus on one specific area which is Broadway to Gidney Avenue and from Grand Street to Dubois Street in order to make an impact. The idea here is to try to improve the properties and then find suitable owners so that it generates taxes. This City is struggling for taxes. We can't support it without a new tax base. That comes back around to jobs. This City government does not generate many jobs. We have two hundred employees so governments do not generate jobs. New businesses in this City will generate jobs. We are working on getting new businesses in this City but the one thing they ask is if it is safe. They want to know if it is safe to come here. We may think its safe but the outsiders read the bad Press so the one thing we can do to bring businesses here to provide jobs is to clean up this City and make it safe. If you can help do that then you will change the perception of the City of Newburgh and we have businesses who want to invest here. We need real jobs with real businesses. She wants everyone to understand that what they are trying to do is clean up the City and make it safe. Then we can do some real economic development in

this City. We need to identify locations and go out and actively recruit businesses to come here. She wants to encourage business.

There being no further comments Councilwoman Lee moved and Councilwoman Angelo seconded to adjourn the meeting. All in favor the meeting adjourned at 9:00 P.M.

**LORENE VITEK
CITY CLERK**