

A regular meeting of the City Council of the City of Newburgh was held on Monday, November 26, 2012 at 7:00 P.M. in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

The Prayer was led by Rev. David Mason from the Union Presbyterian Church followed by the Pledge of Allegiance.

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

Absent: Councilman Brown (arrived at 7:10 p.m.)

Councilwoman Angelo moved and Councilwoman Lee seconded that the minutes of the November 8, 2012 Work Session and the November 13, 2012 City Council Meeting be approved.

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

CARRIED

EXECUTIVE SESSION

Councilwoman Angelo moved and Councilwoman Lee seconded to enter Executive Session to discuss the City of Newburgh v. Mark Sarna, Sarna Enterprises, Inc., New Windsor Development Co., LLC and Drainage District No. 6, Mt. Airy Estates (the Reserve), Town of New Windsor, New York.

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

Councilwoman Angelo moved and Councilwoman Lee seconded to exit Executive Session.

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

COMMUNICATIONS

Councilwoman Angelo moved and Councilwoman Lee seconded that the Purchased Summons and Verified Complaint, Notice of Intention to File a Claim, Notice of Summons & Verified Complaint and Complaint and Order of Services be referred to Corporation Counsel with power to act.

Ayes - Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 5

ADOPTED

PRESENTATION

John R. Nolon, Professor, Pace Land Use Law Center and Madeline Fletcher, Director, Newburgh Community Land Bank presented the Newburgh Community Land Bank - Acquisition Strategy Recommendations.

PUBLIC HEARING

Mayor Kennedy called a public hearing that was advertised for this meeting to receive comments concerning the City of Newburgh's proposed actions with respect to the Community Development Block Grant program for the Consolidated Plan for Housing and Community Development for fiscal year 2013.

Courtney Kain, Director of Community Development said that the intent of the CDBG Program is to provide a flexible approach to entitlement communities which means that we receive grants annually from HUD. The intent is to carry out a wide range of community development activities that are directed at revitalizing neighborhoods spurring economic development and providing improved community facilities and services. She noted that a copy of the plan is available in the Clerk's Office, the Planning & Development Office and the Library as well as on the City's Website. She added that they will be accepting comments through the month and they appreciate their feedback. She thanked the City Council and the Advisory Committee for putting in a lot of volunteer hours and she feels that this is a good plan.

Denise Ribble, City of Newburgh, said that in the seventeen years that she has lived here in the City of Newburgh this is absolutely the best most resident focused CDBG plan that the CDBG Advisory Committee has ever come up with. She is in total support of every aspect of this plan and she looks forward to seeing in 2013 how the CDBG Advisory Committee may also look at leveraging another important issue which is to build capacity within our local construction organizations and possibly to build capacity within our city employees so that we have the capacity to be able to do contract services for higher level functions like demolition, asbestos and lead or we have the ability to do it in house by hiring City residents. There is some amount of KNEC funds left for small business loans in the amount of \$300,000.00 that was returned when Leyland paid back their loan and she would like the Committee to look into using those funds to advance the strategies that were suggested by the Council. They could also give us in house capacity to really be able to have Newburgh build Newburgh. She thanked all of the Committee members for all of the hard work they did with the CDBG plan.

Jerry Maldonado, 182 Montgomery Street, congratulated the Advisory Committee for putting these recommendations together. He agrees that it is one of the most focused lists of projects that the City has come up with and shows a lot of foresight. He feels that they pulled together all of the pieces in a way that they have not been pulled together in the past. We will have a lot to

demonstrate after this year and we should think about how we build this moving forward and how it can help inform how the City continues to spend its CDBG dollars. He hopes that the Council will accept these recommendations.

Janet Gianopoulos, City of Newburgh, commended the Committee and believes that this is the first time there has been such a Committee advising on the CDBG program. It seems like they have really listened to some of the ideas that have come forth at these City Council meetings. She thinks that the importance with progress is that the CDBG funds be visible so that we are not left wondering what happened to the money. Even things like the Downing Park Polly Pond which can certainly use cleaning up. Downing Park is in the heart of Newburgh and it will be so much of an improvement to see the pond nice and clear and much more enjoyable. She is in favor of community policing and neighborhood development, sidewalk and street improvements, trees and especially strategic code enforcement and then eventually the possibility of the CDBG Advisory Committee being involved in the creation of more job opportunities in the City.

Brenda McPhail, Newburgh, said that she likes the idea but she wanted to bring to their attention that a while back there was a particular group that came before the Council and asked them to pass a hiring local ordinance which would resolve the problem of hiring City of Newburgh residents but they were told at the time that it was not legal. They also came back and talked about Newburgh builds Newburgh but we do this year after year so let's see where we go with it this year. This is not the first time that this has been presented. Every year it comes back with the same thing and all they do is change the wording so let's see what we are going to do with it this time.

Steve Ruelke, City of Newburgh, said that this has been a tremendous change for the way we have done CDBG around here. We had a mess not long ago and you have a very competent capable person in there working on it now which is a joy to see. It is also a joy to see the way that this has been laid out and he looks forward to seeing how it moves in the future so that it is leveraging substantial amounts of other funds to bring development on this city. He suggested that included in this mix some money be set aside, perhaps \$5,000.00, that would be leveraged against other money to fund the support services for a poverty task force. The Census Bureau estimates that seven thousand five hundred residents in the City of Newburgh live below the poverty level and the City Council needs to stand up for the rights of all of its people. They can do land banking, enact code enforcement, and hire all the police officers they want and they can pretend all they want but he is asking them to appoint a poverty task force by taking \$5,000.00 of the CDBG money and leverage it with private funding to get it going.

There being no one else wishing to speak, the public hearing was closed.

PUBLIC HEARING

Mayor Kennedy called a public hearing that was advertised for this meeting to receive comments concerning a local law enacting Chapter 70, entitled "Parking Violations Bureau" of the Code of the City of Newburgh.

Michelle Kelson, Corporation Counsel, explained that the City has lobbied long and hard for State Legislation to allow the City of Newburgh to form an Administrative Parking Tribunal here in the City of Newburgh to hear the adjudication of parking tickets. The legislation was passed earlier this year and it requires the City of Newburgh to enact a local law to set up the Parking Violations Bureau which would include the staff necessary to administer the tribunal and the staff to actually hear disputes related to parking violations. The legislation that is on the agenda tonight is the local law to set up a Parking Violations Bureau within the City of Newburgh and there are two additional ordinances that are connected for technical corrections to our towing and vehicle and traffic ordinances so that the administration of the parking tickets is all consistent and done in accordance with the State Vehicle and Traffic Law.

Denise Ribble, City of Newburgh, said that we finally have something that was spearheaded by a resident that will hopefully bring some revenue into the City. Tonight we are not only being asked to look at the structure of creating the Parking Violations Bureau but also the fee structures which she thinks is a lot to look at and is wondering if the Council would consider looking at the formation of the Parking Violations Bureau with the current fees as they are right now and then look at amendments to those fees at a later date. There is a long list of fees that are looking to be changed and most are being increased for when your car gets towed. She doesn't have anything against towing cars when they are blocking an emergency right of way in a snowstorm but she thinks that a little more consideration needs to be given. What is not in this legislation but she would like the Council to consider is potentially earmarking some of these funds received from parking violations to go towards streets and sidewalks or DPW cleanups of streets so that when the revenue comes in it doesn't just disappear into the General Fund and it makes a credible difference in something. Somewhere for this revenue to go that would have a measurable and visible outcome on what happens in the City.

Roxie Royal, City of Newburgh, is glad that we have gotten the Tribunal in the City of Newburgh but with our parking tickets you are still getting the revenue from the same people that you are killing already with taxes. They have raised the twenty-five dollar parking tickets for street sweeping to fifty dollars and in ten days that fifty dollars goes up to one

hundred. Those parking tickets are given in the residential sections of the City where homeowners live and we have had our taxes raised multiple times. We are paying high taxes and now we are paying through the nose again for parking our cars. If you don't pay those tickets, you can't renew your license plates or afford to use your car and eventually you won't be able to drive the car because you can't pay the parking tickets. If we can't pay a fifty dollar parking ticket that we get today then in ten days we won't be able to pay the one hundred dollars either. They are penalizing the same people that they are supposed to be helping. She suggested that they put parking meters in other sections of the City rather than killing the homeowners that they are already killing with taxes.

Virginia D'Orio, City of Newburgh, said that when she first heard about the Parking Tribunal she had received two tickets here but realized later that she didn't have to pay them because the City of Newburgh didn't have anyone to enforce them. She paid them, however, because she felt that it was the right thing to do and she really wants the City Council to pass this for a number of reasons. While she agrees that it is a pain in the neck to move your car from one side of the street to the other for garbage pick, street sweeping or snow removal she thinks it says that we care about our city. You can't do whatever you want whenever you want without it impacting other people. If you don't move your car, then the street won't get cleaned and she gets annoyed when that happens. If you are going to park on Broadway, put a quarter in the meter or circle around like you do in New York City for twenty-five minutes looking for a parking spot where you don't have put a quarter in the meter. Lastly she thinks that it is a good idea because she lives in a shack here in the City of Newburgh with a postage stamp for a backyard and nothing to show for almost \$7,000.00 in taxes that she pays. She has friends who live elsewhere with beautiful homes and properties who pay less taxes than she does. She purposely bought her house here in the City of Newburgh and settled here but they are killing her with these taxes. People are telling her that she should just walk away but HUD helped her buy her house and she took a class. She got a loan that she could afford but her taxes are killing her. When the City starts to get this revenue she thinks that they should lessen the tax burden. The only other thing that makes sense to her is more policemen and firemen.

Brenda McPhail, City of Newburgh, said that she loves this and she knows of two parking lots where they can add parking meters; the Library parking lot and the Ann Street parking lot. Also, they need to do fines for littering. There is a lot of trash on the streets because people will walk past garbage cans and throw the trash onto the street. If someone is bold enough to do that then they will be bold enough to pay a ticket.

There being no one else wishing to speak this public hearing was closed.

COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

Patrick Navas, City of Newburgh, said in regard to resolution #219-2012 that he is here tonight because he feels like he didn't receive notice because they sent the information that they were going to take the property to a PO Box that he no longer has. He does have another piece of property in the City of Newburgh for which he did receive all of his tax information because it was mailed to the correct PO Box. He missed a payment in 2010 in the amount of \$918.00 and he came to City Hall on November 2nd to make a payment on his taxes in the amount of almost \$11,000.00 but was then told that the City just took his property. He has owned the property since 2006 and brought it back to its historic glory as he has put his heart and soul into the property. He was born here and still lives here in the City of Newburgh so he would like to be able to repurchase this property. He doesn't understand why it wasn't mailed to the correct address.

Mayor Kennedy asked Michelle Kelson, Corporation, if this was already straightened out.

Michelle Kelson, Corporation Counsel, said that the resolution is on the agenda for him to repurchase the property. She said that Mr. Navas has been in her office several times and was told that there was a resolution on tonight's agenda authorizing the repurchase of the property.

Mr. Navas apologized for not understanding.

Mayor Kennedy said that this has to be done in a legal way so they will vote on this resolution tonight.

Tim Hagar spoke on behalf of the Local 589 Firefighters in regard to resolution #223-2012 for the adoption of the Budget. At the last meeting he spoke about what the firefighters gave back to save their jobs and to make the tax burden a little less for the citizens of the City of Newburgh. They now feel that it was all for naught and they are funding two positions for another department which he thinks is ridiculous. They fought long and hard for a good contract for both themselves and the City and this is the thanks that they get. They stand behind their Fire Chief one hundred and fifty percent because he is not only running the Fire Department he is also running the Codes Department and he has his hands in the Land Bank. He is the reason that so many of these projects are working. One of the things that they continually bring to the Council is that they are trying to do more and they are bending over backwards to do what they have to do. All they are asking for is some help. The Chief needs a Deputy Chief. For \$5,000.00 they are going to

promote an Assistant Chief to Deputy Chief compared to the \$86,000.00 that the test was put out for a couple of years ago. The Union stands behind that and they are willing to forego the \$86,000.00 salary and drop it down to \$79,000.00. We are fighting for a retirement position which we thought was going to be filled and it is not going to happen. What will you tell the families of one of these firefighters when they go into a burning building and they get hurt or killed? Oh well? They are asking for some support for the Chief of this department because they stand behind him one hundred and fifty percent and he is working his tail off to make this place a better City.

Omari Shakur, City of Newburgh, said in regard to resolution #222-2012 for the Gun Buy Back Program that he thought this was already in effect. Didn't someone already donate \$10,000.00 to the program?

Michelle Kelson, Corporation Counsel, said that this is just a formality. The Council has to accept any donations that come in.

Omari Shakur said that the community just wants to know when it will be put into effect because they are hearing that it is going to be after January but he feels that if they put it into effect in December it would be better because Christmas is coming up and people might need money to buy gifts. It would be good to put this into effect as soon as possible to get these guns off the streets.

Mayor Kennedy said that they wanted to put it into effect in December but they haven't been able to raise enough money and they have more people who want to get in on it which is why it has been postponed.

Omari Shakur said that when they had this program before they went to Shoprite and other people to get gift cards and such so maybe they could do that again this time to get this off the ground as quick as possible.

Councilman Dillard said that what is happening with the Gun Buy Back Program is that we ran into a number of issues concerning different entities and the County wanted to buy into this program. They met with the County today and they have set up a date to start this program in January and it will go for thirty days. The program will be done for two weekends out of the NCAC office and Rev. Woody's Church. There are a lot of things that came up which he can't speak about at this time because he is still trying to negotiate those issues. The program is on target to start up in January.

Richard Herbek, City Manager, noted that we are doing it in conjunction with the County and other cities as well.

Mayor Kennedy said that it became a bigger program so it takes a little more time to coordinate and pull together. It actually has a much greater chance of success because of what we are doing.

Denise Ribble, City of Newburgh, submitted and read the attached comments. (copy attached) She added that she will be providing to the Council under separate cover a list of revenue enhancing and tax base improving ideas that have been presented all of which are credible and legal. She is also going to provide them with a report from the community partners about getting distressed cities out of their fiscal crisis.

Janet Gianopoulos, City of Newburgh, said in regard to resolution #223-2012 that we have heard a lot of things throughout the year regarding collaboration. She spoke with Orange County last week and suggested to the District Attorney's Office that we could use more County Sheriff's personnel collaborating with us. There are ways to stretch our dollars by using some of these area resources and thinking of the County as an area not just the City of Newburgh as an island where we want to do our own things. One entity that has been left out of most of the discussions regarding the Proposed Budget is the homeowners and that disappoints her. Early in the year she asked what would be the projected economic impact of certain things and she found that the data from the Council was not forthcoming through the year so before they vote tonight she wants them to iterate their understandings as a Council as to what their action on this Budget will do to the home owning taxpayers. We have been increased and increased and increased and it hasn't changed. She had one other suggestion regarding revenue. In Schenectady they use a plan where they invest some of the sales tax that they get in a local development entity. This is something else that involves one of those public/private partnership type of things that seems to be hard for some people to grasp here but it is essential and it is working in other municipalities. Again, she would like to know what the economic impact is for the homeowners and how they came to this voting decision.

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

COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

Councilman Dillard said that he thinks that resolution #223-2012 is a good Budget. Basically they took the high road and they compromised. It could have been much worse but they are adding two police officers to the force and they are making it possible to cut waste so we will come out in the end with a little money available that they will put on the tax line.

Mayor Kennedy said that she noticed in a local paper that the headline said "Mayor Backs Off From Drastic Changes". That headline could have also said "City Manager Backs Down" or "City Council and City Manager Come to a Compromise". What really happened here at our last Work Session is that we actually did come to a compromise. Everyone gave a little bit and they came up with something that they all could live with which is not something that has been typical in a lot of these meetings. She feels like they had a breakthrough because this was a step towards collaboration and compromise. She is not happy with having to raise the taxes even half a percent or that we haven't had revenue generation or that they have to raise water fees but she is faced with the need to have a balanced Budget. We have to have a balanced Budget so they came up with something that they can live with. Next year they are going to be focused on revenue generation. They have to look at some of the plans that are on board for revenue generation and how they can do that. They have to get serious about that and economic development. They want to use their CDBG money to help people move ahead and have jobs so there are a whole lot of things that she believes they are trying to do to move this City forward.

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

RESOLUTION NO: 211 - 2012

OF

NOVEMBER 26, 2012

**A RESOLUTION AUTHORIZING AN AMENDMENT
TO THE GRANTEE ON THE PROPERTY LOCATED AT
13 LOCUST STREET (SECTION 25, BLOCK 5, LOT 21)
SOLD AT THE OCTOBER 3, 2012 PROPERTY AUCTION**

WHEREAS, this Council, by Resolution No.: 182-2012 of October 22, 2012, confirmed the sale of 13 Locust Street (Section 25, Block 5, Lot 21) to Richard Massimi; and

WHEREAS, the purchaser, by his attorney, has submitted a request to amend the grantee to his company entitled Wisner Newburgh Realty, LLC; and

WHEREAS, this Council has determined that authorizing the amendment to the grantee would be in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the grantee for the property located at 13 Locust Street (Section 25, Block 5, Lot 21) is hereby amended from Richard Massimi to Wisner Newburgh Realty, LLC.

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

Ayes - Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 5

ADOPTED

RESOLUTION NO: 212 - 2012

OF

NOVEMBER 26, 2012

**A RESOLUTION AUTHORIZING AN AMENDMENT
TO THE GRANTEE ON THE PROPERTY LOCATED AT
304 FIRST STREET (SECTION 22, BLOCK 6, LOT 34)
SOLD AT THE OCTOBER 3, 2012 PROPERTY AUCTION**

WHEREAS, this Council, by Resolution No.: 182-2012 of October 22, 2012, confirmed the sale of 304 First Street (Section 22, Block 6, Lot 34) to Ivan Miller; and

WHEREAS, the purchaser, by his attorney, has submitted a request to amend the grantee to his company entitled Jordan NY, LLC; and

WHEREAS, this Council has determined that authorizing the amendment to the grantee would be in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the grantee for the property located at 304 First Street (Section 22, Block 6, Lot 34) is hereby amended from Ivan Miller to Jordan NY, LLC.

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

Ayes - Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 5

ADOPTED

RESOLUTION NO.: 213 - 2012

OF

NOVEMBER 26, 2012

**RESOLUTION AMENDING RESOLUTION NO: 238-2011,
THE 2012 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK
TO TRANSFER FUNDS FROM CONTINGENCY TO PROVIDE
FOR TAX BILL PAYMENTS TO THE SCHOOL DISTRICT**

BE IT RESOLVED, by the Council of the City of Newburgh, that Resolution No: 238-2011, the 2012 Budget of the City of Newburgh, is hereby amended as follows:

	<u>Decrease</u>	<u>Increase</u>
A.1900.1990		
Contingency	\$35,000.00	
A.1365.0490		
Property Acq/Taxes & Search		\$35,000.00
F.1900.1990		
Contingency	\$13,000.00	
F.1900.1950		
Taxes on City Property		\$13,000.00

Cheryl Gross, City Comptroller, explained that we have taken properties through a foreclosure which we must pay the current school taxes on. The City doesn't want to have to pay penalties and interest on properties that it owns. The school bill came out and the first payment was due in October. The second payment is due in December and because of the amount of properties that the City is now holding we have found that we do not have enough to cover the school taxes. We must pay these bills because we don't want to start incurring a 5% penalty when we are already sitting on these properties and not collecting these taxes.

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

Ayes - Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 5

ADOPTED

ORDINANCE NO.: 7 - 2012

OF

NOVEMBER 26, 2012

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

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

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

§ 163-1. Applicability.

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

Code Section	Type of Fee	Amount
	Charter	
§ C9.33	Sanitation stop fee	<u>\$2.75 per stop</u> per tax lot, whether or not a building is erected thereon
	Dwelling unit fee	<u>\$16.50 per month</u> per dwelling unit

RESOLUTION NO.: 214 - 2012

OF

NOVEMBER 26, 2012

**A RESOLUTION APPOINTING ELDER DEXTRO TILLER
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:

Elder Dextro Tiller, 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.

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

Ayes - Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 5

ADOPTED

RESOLUTION NO.: 215 - 2012

OF

NOVEMBER 26, 2012

**A RESOLUTION APPOINTING NANCY BILLMAN TO FILL
A VACANCY ON THE BOARD OF DIRECTORS OF THE
CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY**

BE IT RESOLVED, by the Council of the City of Newburgh, New York that Nancy Billman be and hereby is appointed as a member of the Board of Directors of the City of Newburgh Industrial Development Agency.

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

Councilman Dillard said that he is going to vote “no” on this because he feels that the IDA has become an entity within itself and the IDA has control of a lot of money that should be coming to the City. We need someone in that organization to protect the citizens of the City so perhaps we should seek out more people.

Councilwoman Lee said that she is going to vote “no” because she doesn’t appreciate the IDA telling her who to put on the Board and why she needs to put them on the Board as opposed to her reading what she should be reading so that she can make her own decision.

Mayor Kennedy said that one of the reasons that she would vote yes for this is that the Board needs some diversity on it and she thinks it is mostly a Board of gentlemen. Ms. Billman has been a business person in the City running a Bed & Breakfast for quite some time and has an understanding about business in this City so that would be a reason that she would support her.

Councilwoman Lee clarified that she did not say that she doesn’t support Ms. Billman but she doesn’t support the IDA telling her in one e-mail and one resume’ that they have decided that Ms. Billman is not a political appointment and a good mix for their team. She doesn’t think that is their decision. We should decide who gets put on this Board.

City Manager, Richard Herbek, said that there were four individuals who expressed interest and two were interviewed by the IDA Board and this is their recommendation to the City Council.

Councilwoman Lee said she believes the e-mail said that she is not a political person and is pretty much passive and that is why it is alright. She may be none of those things but she would rather look at the documents herself.

Councilwoman Angelo said that she knows Ms. Billman and she is a businesswoman in the community with a Bed & Breakfast. She is very active with the Newburgh Preservation and she thinks that she would be an asset to the IDA.

Mayor Kennedy said that she remembers applying to the IDA once and she believes they went through the exact same process of interviewing many people and making recommendations. That is just part of the process. Not everyone gets appointed. The IDA has really gotten themselves turned around so she thinks that they are on a good track and for that reason she would support what they are trying to do.

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

Ayes - Councilwoman Angelo, Councilman Brown, Mayor Kennedy - 3

Nays - Councilman Dillard, Councilwoman Lee - 2

ADOPTED

RESOLUTION NO.: 216 - 2012

OF

NOVEMBER 26, 2012

**A RESOLUTION APPOINTING A MEMBER OF
THE BOARD OF ETHICS**

BE IT RESOLVED, by the Council of the City of Newburgh, New York that the following individual be and is hereby appointed to the Board of Ethics for a term of two (2) years commencing on November 26, 2012.

Janet Gianopoulos

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

**Ayes - Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 5
ADOPTED**

**RESOLUTION NO.: 217 - 2012
OF
NOVEMBER 26, 2012**

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN AGREEMENT WITH BFJ PLANNING
FOR PROFESSIONAL PLANNING SERVICES AT A COST OF \$10,000.00
TO PREPARE MIXED-USE SPECIAL PERMIT TEXT AMENDMENTS TO
THE ZONING CODE IN CONNECTION WITH THE MID-BROADWAY
REDEVELOPMENT PROJECT**

WHEREAS, by Resolution No. 194-2012 of October 22, 2012, the City Council of the City of Newburgh, New York authorized the City Manager to execute the attached Development and Land Disposition Agreement with Mill Street Partners, LLC (the "Development Agreement") for the redevelopment of the Mid-Broadway site; and

WHEREAS, the Development Agreement obligates the City to adopt modifications to the Zoning Code to permit the proposed development; and

WHEREAS, it is necessary and appropriate to retain professional consultant services to assist the City in preparing and adopting amendments to the Zoning Code; and

WHEREAS, after due consideration and evaluation the firm of BFJ Planning has been identified as qualified, able and cost-effective and the preferred firm to provide said services;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into an agreement with such terms and conditions as Corporation Counsel may require as necessary and appropriate under law, same as being in the best interests of the City of Newburgh with BFJ Planning for professional consulting services in connection with the preparation and adoption of mixed-use special permit text amendments to the City's Zoning Code at a cost of Ten Thousand (\$10,000.00) Dollars.

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

Ayes - Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 5

ADOPTED

**RESOLUTION NO.: 218 - 2012
OF
NOVEMBER 26, 2012**

**A RESOLUTION TO AUTHORIZE THE RE-PURCHASE OF
REAL PROPERTY KNOWN AS 268 GRAND STREET
(SECTION 12, BLOCK 2, LOT 26.1)
AT PRIVATE SALE TO ELIZABETH KONG**

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, Elizabeth Kong, the former owner of 268 Grand Street, being more accurately described as Section 12, Block 2, Lot 26.1 on the official tax map of the City of Newburgh, has requested to re-purchase the property at private sale; 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;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of 268 Grand Street, Section 12, Block 2, Lot 26.1, to Elizabeth Kong be and hereby is confirmed and that 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, for a total amount of \$3,165.43, no later than December 31, 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 Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 5

ADOPTED

**RESOLUTION NO.: 219 - 2012
OF
NOVEMBER 26, 2012**

**A RESOLUTION TO AUTHORIZE THE RE-PURCHASE OF
REAL PROPERTY KNOWN AS 47 LANDER STREET
(SECTION 30, BLOCK 4, LOT 1)
AT PRIVATE SALE TO PATEN OF ORANGE COUNTY, INC.**

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, Patrick Navas of Paten of Orange County, Inc., the former owner of 47 Lander Street, being more accurately described as Section 30, Block 4, Lot 1 on the official tax map of the City of Newburgh, has requested to re-purchase the property at private sale; 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;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of 47 Lander Street, Section 30, Block 4, Lot 1, to Paten of Orange County, Inc. c/o Patrick Navas be and hereby is confirmed and that 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, for a total amount of \$23,429.55, no later than December 31, 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 Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 5

ADOPTED

**RESOLUTION NO.: 220 - 2012
OF
NOVEMBER 26, 2012**

**A RESOLUTION TO AUTHORIZE THE RE-PURCHASE OF
REAL PROPERTY KNOWN AS 72 HASBROUCK STREET
(SECTION 38, BLOCK 3, LOT 61)
AT PRIVATE SALE TO KEITH GIFFT AND HEATHER GIFFT**

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, Keith Gifft and Heather Gifft, the former owners of 72 Hasbrouck Street, being more accurately described as Section 38, Block 3, Lot 61 on the official tax map of the City of Newburgh, have requested to re-purchase the property at private sale; 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;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of 72 Hasbrouck Street, Section 38, Block 3, Lot 61, to Keith Gifft and Heather Gifft be and hereby is confirmed and that 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, for a total amount of \$18,257.16, no later than December 31, 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 Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 5

ADOPTED

RESOLUTION NO.: 221 - 2012

OF

NOVEMBER 26, 2012

**A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF
REAL PROPERTY KNOWN AS 49 HENRY AVENUE
(SECTION 48, BLOCK 10, LOT 10)
TO FRANKLIN JACOBS AND SHIRLEY JACOBS**

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, Franklin Jacobs and Shirley Jacobs, the former owners of 49 Henry Avenue, being more accurately described as Section 48, Block 10, Lot 10 on the official tax map of the City of Newburgh, by their attorney Warren Greher, Esq., have advised that a bankruptcy proceeding was filed and has requested that the property be re-conveyed to the former owners; 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 re-convey the premises herein to the former owners, 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;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of 49 Henry Avenue, Section 48, Block 10, Lot 10, to Franklin Jacobs and Shirley Jacobs be and hereby is confirmed and that the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchasers; 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 Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 5

ADOPTED

RESOLUTION NO.: 222 - 2012

OF

NOVEMBER 26, 2012

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT DONATIONS IN SUPPORT OF THE
CITY OF NEWBURGH'S GUN BUYBACK PROGRAM**

WHEREAS, the City of Newburgh will be coordinating a gun buyback program; and

WHEREAS, various businesses, firms and individuals have made and are willing to make contributions of money and in-kind assistance to support this event; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept donations with the appreciation and thanks of the City of Newburgh.

Councilman Dillard explained that what happened with the program is that the Democratic Alliance had put forth \$10,000.00 but as he indicated earlier there were some personnel problems. On November 21st, the Democratic Alliance sent an e-mail stating that they were withdrawing their \$10,000.00 because of the problems they were having. He believes that any further information should come from the Democratic Alliance. He is still working on this and in the meantime the County has stepped in to give us their support.

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

Ayes - Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 5

ADOPTED

LOCAL LAW NO.: 6 - 2012

OF

NOVEMBER 26, 2012

A LOCAL LAW ADDING CHAPTER 70 ENTITLED "PARKING VIOLATIONS BUREAU" TO THE CODE OF THE CITY OF NEWBURGH

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

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Adding Chapter 70 entitled 'Parking Violations Bureau' to the Code of Ordinances of the City of Newburgh."

SECTION 2 - PURPOSE AND INTENT

The purpose of this local law is to create the Parking Violations Bureau to adjudicate parking violations in the City of Newburgh.

SECTION 3 - AMENDMENT

The Code of Ordinances is hereby amended to add Chapter 70 entitled "Parking Violations Bureau" to read as follows:

§ 70-1. Purpose.

The City Council of the City of Newburgh creates a Parking Violations Bureau to adjudicate parking violations in the City of Newburgh.

§ 70-2. Definitions

The following terms and words, when used in this Chapter, shall have the meaning and effect as follows:

OPERATOR — Any person, corporation, firm, partnership, agency, association, organization or lessee that uses or operates a vehicle with or without the permission of the owner and an owner who operates his own vehicle.

OWNER – Any person, corporation, partnership, firm, agency, association, lessor or organization who at the time of the issuance of a notice of violation in any city which a vehicle is operated:

1. Is the beneficial or equitable owner of such vehicle ; or
2. Has title to such vehicle; or
3. Is the registrant or co-registrant of such vehicle which is registered with the department of motor vehicles of this state or any other state, territory, district, province, nation or other jurisdiction; or
4. Uses such vehicle in its vehicle renting and/or leasing business; or
5. Is an owner of such vehicle as defined by section 128 of the New York State Vehicle and Traffic Law or section 2100(a) of the New York State Vehicle and Traffic Law.

LESSOR – Any person, corporation, firm, partnership, agency, association or organization engaged in the business of renting or leasing vehicles to any lessee or bailee under a rental agreement or otherwise, wherein the said lessee or bailee has the exclusive use of said vehicle for any period of time.

LESSEE – means any person, corporation, firm partnership, agency, association or organization that rents, bails, leases, or contracts for the use of one or more vehicles and has the exclusive use thereof for any period of time.

RESPONDENT – Any person, corporation, firm, agency, association or organization charged with a parking violation.

VEHICLE – A vehicle as defined in section 159 of the New York State Vehicle and Traffic Law.

VIOLATION – The violation of any law, rule, regulation or ordinance providing for or regulating the parking, stopping or standing of a vehicle within the City of Newburgh.

§ 70-3. Terminology.

For the purposes of this Article, the term "Commissioner", unless specifically designated otherwise, shall refer to the City Manager who is charged with the specific responsibilities or duties referred to in this article.

§ 70-4. Establishment of Parking Violations Bureau.

There is hereby created an administrative tribunal as authorized by Chapter 408 of the Laws of 2012 to be known as a "Parking Violations Bureau" to have jurisdiction of traffic infractions which constitute a parking violation as herein

defined. Such Parking Violations Bureau shall hear and determine complaints of traffic infractions constituting parking, standing or stopping violations with the functions, powers and duties herein stated.

§ 70-5. Officers and employees of Bureau.

- A. The head of such parking violations bureau shall be the Director, who shall be appointed and serve at the pleasure of the City of Newburgh's City Manager, who has and possesses the authority of a Commissioner of Traffic pursuant to Section 236 of the Vehicle and Traffic Law of the State of New York. The director may exercise or delegate any of the functions, powers and duties conferred upon him or the Bureau by the Commissioner to any officer or employee of the Bureau deemed qualified by the director.
- B. The City Manager may appoint such number of deputy directors as he may deem necessary, but in no event to exceed four (4), who shall serve at the pleasure of the Commissioner; and said Commissioner may employ such officers and employees as may be required to perform the work of the Bureau, within the amounts available therefor in the City budget.

§ 70-6. Hearing Examiners.

- A. The Commissioner shall appoint supervising hearing examiners not to exceed six (6) in number and senior hearing examiners not to exceed six (6) in number. Every supervising hearing examiner shall have been admitted to the practice of law in the State of New York for at least seven (7) years and every senior hearing examiner for at least six (6) years. The duties of each supervising hearing examiner and senior hearing examiner shall include but not be limited to:
 - (1) Presiding at hearings for the adjudication of charges of parking violations.
 - (2) The supervision and administration of the work of the Bureau.
 - (3) Membership on the appeals board of the Bureau, as herein provided.
- B. The Commissioner shall appoint hearing examiners who shall preside at hearings for the adjudication of charges of parking violations. Hearing examiners shall be appointed and shall serve for such number of sessions as may be determined by the Commissioner and shall receive therefor such remuneration as may be fixed by the Council. Such hearing examiners shall not be considered employees of the City of Newburgh; and every hearing examiner shall have been admitted to the practice of

law in New York State for at least five (5) years and shall be appointed from a list of eligible candidates who have satisfied the standards established by a duly constituted committee of the Orange County Bar Association. All such hearing examiners shall have a minimum of two (2) years' experience in the trial of issues in courts of record in the State of New York, exclusive of special term, or four (4) years of quasi-judicial experience appearing before governmental agencies. Such hearing examiners shall be bona fide residents of the City of Newburgh.

§ 70-7. Powers and duties of Bureau.

The Parking Violations Bureau shall have the following functions, powers and duties:

- A. To accept pleas to and to hear and determine charges of parking violations.
- B. To provide for penalties other than imprisonment for parking violations in accordance with a schedule of monetary fines and penalties; provided, however, that monetary penalties shall not exceed the maximum amount allowed by the New York State Vehicle and Traffic Law for each parking violation.
- C. To adopt rules and regulations, not inconsistent with any applicable provision of law, to carry out the purposes of Article 2-B of the Vehicle and Traffic Law of the State of New York, including but not limited to rules and regulations prescribing the internal procedures and organization of the Bureau, the manner and time of entering pleas, the conduct of hearings and the amount and manner of payment of penalties.
- D. To issue subpoenas to compel the attendance of persons to give testimony at hearings and to compel the production of relevant books, papers and other things.
- E. To enter judgments and enforce them, without court proceedings, in the same manner as the enforcement of money judgments in civil actions in any court of competent jurisdiction or any other place provided for the entry of civil judgment within the State of New York.
- F. To compile and maintain complete and accurate records relating to all charges and dispositions and to prepare complete and accurate transcripts of all hearings conducted by the Bureau and to furnish such transcripts to

the person charged at said person's own expense upon timely request and upon said person complying with the regulations of the Bureau.

- G. To remit to the Comptroller, on or before the 15th day of each month, all monetary penalties or fees received by the Bureau during the prior calendar month, along with a statement thereof, and, at the same time, to file duplicate copies of such statement with the City Comptroller.
- H. To answer within a reasonable period of time all relevant and reasonable inquiries made by a person charged with a parking violation or his attorney concerning the notice of violation (summons) served on that person. The Bureau must also furnish within a reasonable period of time to the person charged, on his request and upon complying with the regulations of the Bureau, a copy of the original notice of violation (summons), including all information contained thereon. Failure of the Bureau to comply with the provisions of this subsection or any part of the provisions of this subsection within forty-five (45) days of such inquiry, forwarded to the bureau by certified or registered mail, return receipt requested, will result, upon the request of the person charged, in an automatic dismissal of all charges relating to and only to that notice of violation (summons) to which the inquiry was made.
- I. To prepare and issue a notice of violation in blank to members of the Police Department, parking enforcement officers and to other officers as the Bureau by regulation shall determine. The notice of violation (summons) or duplicate thereof, when filled in and sworn to or affirmed by such designated officers and served as provided in this Chapter, shall constitute notice of the parking violation charged.

§ 70-8. Notice of violation (summons).

- A. The notice of violation (summons) shall contain information advising the person charged of the manner and the time in which he may plead either guilty or not guilty to the violation alleged in the notice. Such notice of violation (summons) shall also contain a warning to advise the person charged that failure to plead in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon. The form and wording of the notice of violation (summons) shall be prescribed by the Director. A duplicate of each notice of violation (summons) shall be served on the person charged in the manner hereinafter provided. The original or a facsimile thereof shall be filed and retained by the Bureau and shall be deemed a record kept in the

ordinary course of business and shall be prima facie evidence of the facts contained therein.

- B. A notice of violation (summons) shall be served personally upon the operator of a motor vehicle who is present at the time of service, and his name and address, together with the plate designation and the plate type as shown by the registration plates of said vehicle and the expiration date; the make or model and the body type of said vehicle; a description of the charged violation, including but not limited to a reference to the applicable traffic rule or provision of this chapter; information as to the days and hours the applicable rule or provision of this chapter is in effect, unless always in effect pursuant to rule or this chapters and where appropriate the work ALL when the days and/or hours in effect are every day and/or twenty-four hours a day; the meter number for a meter violation, where appropriate; and the date and a particular place of occurrence of the charge violation, shall be inserted therein. The notice of violation (summons) shall be served upon the owner of the motor vehicle or, if the operator is not present, by affixing such notice to said vehicle in a conspicuous place. Whenever so affixed, in lieu of inserting the name of the person charged with the violation in the space provided for the identification of said person, the words "owner of the vehicle bearing license" may be inserted, to be followed by the plate designation and plate type as shown by the registration plates of said vehicle, together with the expiration date, the make or model and the body type of said vehicle. Service of the notice of violation (summons) or a duplicate thereof by affixation as herein provided shall have the same force and effect and shall be subject to the same penalties for disregard thereof as though the same was personally served with the name of the person charged with the violation inserted therein.
- C. For the purposes of this Chapter, an operator of a vehicle who is not the owner thereof but who uses or operates such vehicle with the permission of the owner, express or implied, shall be deemed to be the agent of such owner to receive notice of violation (summons), whether personally served on such operator or served by affixation in the manner aforesaid, and service made in either manner as herein provided shall also be deemed to be lawful service upon such owner.

§ 70-9. Answering parking violation notices.

- A. The owner of a vehicle that has had a notice of parking violation attached or affixed to his/her vehicle may, within the time specified in such notice, answer at the parking violations bureau to the charges set forth therein,

- either in person or by power of attorney, by paying a prescribed fine and applicable surcharge, an in writing, waiving a hearing, pleading guilty to the charge and giving power of attorney to the person in charge of the bureau to make such a plea and pay such fine to the bureau. Acceptance of the fine and surcharge and power of attorney by the bureau shall be deemed complete satisfaction of the violation and violator shall be given a receipt.
- B. A plea shall be entered within eight (8) days after service of the notice of violation. A plea may be entered in person or by representative or by ordinary mail at such location of the bureau as from time to time shall be fixed by the Commissioner. Any plea entered by mail, if mailed in proper form within eight (8) days after service of the notice of violation shall be accepted by the bureau.
- C. Pleas by mail shall be made by:
1. Entering the desired plea on the plea form on the back of the notice of violation;
 2. Entering the name and address in the space provided on the plea form;
 3. Signing the plea; and
 4. Mailing the notice of violation with the plea form completed, by appropriate form of mail, to the mailing address stated on the notice of violation.
- D. A plea of guilty shall be accompanied by a check or money order for the payment in full of the appropriate fines set forth on the notice of violation for the subject violation(s).
- E. A person pleading not guilty may request a hearing. This shall be done at the time of the pleading by completing the reverse side of the notice of violation in accordance with the instructions thereon.
- F. Whenever a person charged with a parking violation enters a plea of not guilty, the bureau shall advise such person personally by such form of first class mail as the director may direct of the date on which he/she must appear to answer the charge at a hearing. The form and content of such notice of hearing shall be prescribed by the director, and shall contain a warning to advise the person so pleading that failure to appear on the date designated, or on any subsequent adjourned date, shall be deemed an admission of liability, and that a default judgment may be entered thereon.

- G. Whenever a plea of not guilty has been entered by a person in a timely fashion and a hearing upon the merits has been demanded, but has not yet been held, the bureau shall not issue any notice of fine or penalty relative to the subject parking violation to that person prior to the date of the hearing.
- H. Where an operator or owner fails to enter a plea to a charge of a violation or fails to appear on a designated hearing date or subsequent adjourned date or fails after a hearing to comply with the determination of a hearing examiner, as prescribed by this chapter or by rule or regulation of the bureau, such failure to plead, appear or comply shall be deemed, for all purposes, an admission of liability and shall be grounds for rendering and entering a default judgment in an amount provide by the rules and regulations of the bureau. However, after the expiration of the original date prescribed for entering a plea and before a default judgment may be rendered, in such case the bureau shall, pursuant to applicable provisions of law, notify operator or owner, by such form of first class mail as the bureau may direct:
1. Of the violation charged;
 2. Of the impending default judgment;
 3. That such judgment will be entered in the city court of the city of Newburgh or other court of civil jurisdiction or any other place provided for the entry of civil judgments within the state of New York; and
 4. That a default judgment may be avoided by entering a plea or making an appearance within thirty (30) days of the sending of such notice.
- I. Pleas entered within thirty (30) days of the mailing of such notice shall be in the manner prescribed in the notice and not subject to such penalty or fee. In no case shall a default judgment be rendered or, where required, a notice of impending default judgment be sent, more than two (2) years after the expiration of the time prescribed for entering a plea.
- J. Failure to plead or respond.
1. Whenever a person has been issued a notice of violation and has not responded in the manner prescribed, a second notice of violation shall be provided by the bureau by regular first class mail in accordance with the following time periods:
 - a. Within forty (40) days of the issuance of the first notice of violation if the motor vehicle is registered in New York State; or

- b. Within forty (40) days of the time when the bureau received information on the ownership of the vehicle of the motor vehicle is registered in another state.
- 2. The second notice shall include, at a minimum, the following information:
 - a. The owner has twenty (20) days from the issuance of the second notice in which to respond to the notice of violation for a parking violation.
 - b. Failure to respond to the notice of violation for a parking violation may result in the suspension and non-renewal of the owner's registration.
 - c. Failure to respond to the notice of violation for a parking violation may subject the owner to additional penalties.
 - d. Failure to respond to the notice of violation for a parking violation shall subject the owner to a default judgment and additional penalties.
 - e. Submission of a plea of guilty to the parking violation makes the owner liable for payment of the stated fine and additional penalties.
- 3. Whenever a person has been issued a second notice of violation for a parking violation and has not responded in a manner prescribed, a third notice shall be provided by the bureau by regular first class mail.
- 4. The third notice shall include, at a minimum, the following information:
 - a. The owner has twenty (20) days from the issuance of the third notice in which to respond to the notice of violation for a parking violation;
 - b. In addition to those penalties imposed after the first and second notices are issued, failure to respond to the notice of violation of a parking violation may subject the owner to one or more of the following:
 - i. Default judgment;
 - ii. Impounding and/or immobilizing the owner's motor vehicle; and
 - iii. Any additional penalties prescribed by the New York State Vehicle and Traffic Law.
- 5. Additional penalties:
 - a. The failure to respond to the notice of violation for a parking violation may subject the owner to the additional penalties as follows:

Penalties for Failure to Respond to a Notice of Parking Violation	
Number of Days from Issuance	Penalty in Addition to Initial Fine

of First Notice of Violation	
1 through 20 days	No penalty; liable for initial fine only
21 st day	Initial Fine, plus first penalty of \$5.00
31 to 75 days, if third notice of violation mailed	Total of above, plus second penalty of \$10.00
75 days or more	Total of above, plus third penalty of \$20.00
90 days	Total of above, plus deemed admission of liability, subject to default judgment; and/or towing or immobilization and fees.

§ 70-10. Hearings.

- A. All hearings will be held and payments are to be made in the City of Newburgh, New York, at such place as the Director shall designate from time to time, except that within nine (9) months from the date the Parking Violations Bureau is operative, the Director is to designate not more than four (4) decentralized locations where hearing will be held at least once per month.
- B. All hearings shall be held daily from 9:00 a.m. to 4:00 p.m., except on Saturdays, Sundays and legal holidays, or at such other time designated by the Director.
- C. Every hearing for the adjudication of a charge of a violation shall be held before a Hearing Examiner, Senior Hearing Examiner or Supervising Hearing Examiner. All hearings shall be public. A respondent may be represented by legal counsel. The Hearing Examiner shall not be bound by the rules of evidence in the conduct of the hearing except rules relating to privileged communications. No charges may be established except upon proof by substantial evidence. All testimony shall be given under oath or affirmation.
- D. A record shall be made of every hearing either by stenographic recordings or by mechanical or electronic methods as the Director shall determine. A transcript of such record shall be supplied to a respondent on application and the payment of a fee as provided in Chapter 163, Fees, and the cost of such transcript. The Hearing Examiner may, in his discretion or at the request of the respondent, on a showing of good cause and need thereof, issue a subpoena to compel the appearance at a hearing of the officer who served the notice of violation (summons) or of other persons to give testimony, and he may issue a subpoena duces tecum to compel the

- production for examination or introduction into evidence, of any book, paper or other thing relevant to the charges alleged.
- E. In the case of a refusal to obey a subpoena, the Bureau may make application to the Supreme Court pursuant to Section 2308 of the Civil Practice Law and Rules for an order requiring such appearance, testimony or production of evidence.
 - F. The Bureau may, with or without the respondent's request or consent, consolidate for hearing or appeal one (1) or more charges pending against such respondent. An adjournment may be requested by the respondent [up to twenty-four (24) hours] prior to the hearing, but not more than two (2) adjournments shall be granted except under extraordinary circumstances.

§ 307-11. Decisions and judgments.

- A. The Hearing Examiner shall make a determination of the charges, either sustaining or dismissing them. After a determination has been made sustaining the charges, the Hearing Examiner may examine respondent's prior violations record prior to rendering a final determination.
- B. A final determination of the charges shall be entered on a judgment record maintained by the Bureau, together with the records showing payment or nonpayment of penalties. A copy of such judgment record, or a transcript thereof, may be filed in the office of the Clerk of the City Court of Newburgh and/or in the office of the Clerk of the County of Orange and/or in such other county wherein the respondent resides or is employed.

§ 307-14. Appeals.

- A. There shall be an Appeals Board within the Bureau, which shall consist of three (3) or more persons duly qualified as Hearing Examiners, excluding from the panel the hearing officer whose decision is the subject of the appeal.
- B. An appeal from a determination of any hearing officer after a hearing on a plea denying a motion to reopen any matter shall be submitted to the Appeals Board, which shall have the power to review the facts and the law and shall have power to reverse or modify any determination appealed from for error of fact or law.

- C. A party aggrieved by a final determination of a Hearing Examiner may obtain a review thereof by serving, either personally, in writing or by certified or registered mail, return receipt requested, upon the Bureau, within thirty (30) days of the entry of such final determination, a notice of appeal setting forth the reasons why the final determination should be reversed or modified. Upon receipt of such notice of appeal, the Bureau shall furnish to the appellant, at his request and at his own expense, a transcript of the original hearing. No appeal shall be conducted less than ten (10) days after the mailing of the transcript to the appellant or his attorney. The notice of appeal shall be in such form as the Director may prescribe. No appeal may be had where a plea of guilty or guilty with an explanation was entered by the respondent at the hearing.
- D. Appeals shall be conducted in the presence of the appellant or his attorney, or both, if such right of appearance is expressly requested by the appellant in his notice of appeal and upon his complying with the regulations of the Bureau and paying of fee as outlined in Chapter 163, Fees. If the appellant elects to appear, the Bureau, within thirty (30) days after the receipt of the notice of appeal, shall advise the appellant, either personally or by ordinary first class mail, of the date on which he shall appear. No appeal shall be conducted less than ten (10) days after the mailing of such notification. The appellant shall be notified in writing of the decision of the Appeals Board.
- E. The service of a notice of appeal shall not stay the enforcement of a judgment upon the determination appealed from unless the appellant shall have posted a bond in the amount of such determination at the time of or before the service of such notice of appeal unless the enforcement of such judgment shall have been stayed by the Appeals Board.
- F. The order of the Appeals Board shall be the final determination of the Bureau. Judicial review may be sought pursuant to Article 78 of the Civil Practice Law and Rules.

§ 307-15. Towing.

- A. Pursuant to the authority conferred upon the City of Newburgh by the provisions of Section 1640(a)14 of the Vehicle and Traffic Law of the State of New York, whenever a motor vehicle is parked or abandoned on the public streets of the City of Newburgh during snowstorms, floods, fires or other public emergencies or is found unattended where it constitutes an obstruction to traffic or where any such motor vehicle has been parked or abandoned in any place where stopping, standing or parking is

- prohibited, any police officer or parking enforcement officer of the City of Newburgh is hereby authorized to cause such vehicle to be removed and conveyed by means of towing the same, or otherwise, in accordance with the provisions of Chapter 288, Vehicles and Traffic, and Chapter 297, Wreckers and Towers, of the Code of Ordinances of the City of Newburgh. Such towing shall be at the risk of the owner of such vehicle, and the City of Newburgh shall assume no responsibility for the same.
- B. An abandoned vehicle shall be defined and, if unclaimed, disposed of in accordance with Section 1224 of the Vehicle and Traffic Law of the State of New York and the provisions Chapter 288, Vehicles and Traffic, and Chapter 297, Wreckers and Towers, of the Code of Ordinances of the City of Newburgh.
- C. Towing and storage charges.
1. The owner or person entitled to possession of such vehicle shall pay a towing charge and storage charge for each day or fraction thereof after the first twenty-four (24) hours that such vehicle is in the custody of the City of Newburgh as provided in Chapter 163, Fees.
 2. These charges shall be in addition to the fines and penalties, if any, hereinafter provided within this Chapter for vehicles that are left standing, stopped or parked illegally.
 3. Such towing charges shall be paid to the Parking Violations Bureau at a place designated by such Bureau, during the hours such Bureau is open.
- D. Before the owner or person in charge of such vehicle shall be permitted to remove the same from the custody of the City of Newburgh, he shall furnish evidence of his identity and ownership or right to possession of such vehicle and shall sign a receipt and release in such form as the Parking Violations Bureau shall prescribe; provided, further, that such owner or person entitled to possession of such vehicle may not obtain the release of such vehicle before paying the towing, storage, outstanding parking summonses and related penalties and other fees hereinabove mentioned.

§ 70-16. Liability.

- A. The operator of a vehicle shall be primarily liable for the penalties imposed pursuant to this Article. The owner of the vehicle, even if not the operator thereof, shall also be liable therefor, if such vehicle was used or

operated with his permission, express or implied, but in such case, the owner may recover any penalties paid by him from the operator.

- B. Notwithstanding any inconsistent provision of this Chapter or of any other provision of law, any person, corporation, firm, agency, association or organization that is the renter or lessor of a vehicle shall not be liable for penalties in excess of the schedule of fines imposed pursuant to this Article if upon an appropriate fixing of liability upon said renter or lessor there be due and timely payment made of all scheduled fines.

- C. A renter or lessor of a vehicle shall not be liable for penalties imposed pursuant to this Article if, at the time the notice of violation (summons) or a duplicate of such notice is served, the registration plate number of the vehicle for which said notice of violation (summons) or duplicate was served and the address of the renter or lessor has been filed by the renter or lessor with the Bureau and notice of the service of a notice of violation (summons) or a duplicate of such notice for a parking violation has not been given to the renter or lessor or by the Bureau within ninety (90) days after such service. Such notice shall be given by ordinary mail to the address on file with the Bureau.

§ 70-17. Schedule of fines and penalties.

The schedule of fines and penalties shall be as follows:

Violation	Fine
Failure to deposit required coins in a parking meter, overtime parking in a metered space or other meter violation	\$15.00
Parking prohibited beyond time limit allowed, other than parking meter	\$10.00
Parking over lines	\$10.00
Improper Angle Parking	\$10.00
Parking on the sidewalk	\$10.00
Parking prohibited upon publicly or privately owned premises without permission	\$10.00
Parking in City lot without permit	\$10.00
Restricted Parking near Newburgh Free Academy and St. Luke's Cornwall Hospital	\$10.00
Stopped, standing or parked facing wrong direction	\$10.00
Stopped, standing or parked more than 12 inches from curb	\$10.00
<i>Parking prohibitions:</i>	
Parking prohibited at any time	\$10.00

Parking prohibited during certain hours	\$10.00
Parking prohibited on alternate days	\$25.00
Parking prohibited on alternate days – snow emergency	\$50.00
Parking prohibited on alternate days – street cleaning	\$50.00
Parking prohibited on snow emergency routes	\$50.00
Parking prohibited in a taxi stand	\$10.00
Parking prohibited in a bus stop	\$10.00
Parking prohibited in a loading zone	\$10.00
Parking prohibited in boat trailer parking zone	\$10.00

Violation	Fine
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Standing prohibitions:

Standing prohibited at any time	\$10.00
Standing prohibited during certain hours	\$10.00
Standing prohibited from here to corner	\$20.00

Stopping prohibitions:

Stopping prohibited at any time	\$10.00
Stopping prohibited during certain hours	\$10.00
Stopping prohibited from here to corner	\$20.00
Stopped, standing or parked on a sidewalk	\$20.00
Standing or parked in front of a public or private driveway	\$25.00
Expired certificate of inspection or registration	\$20.00
Stopped, standing or parked within 15 feet of a fire hydrant	\$25.00

Double parking	\$25.00
Obstructing traffic	\$25.00
Interfering with snow removal	\$50.00
Public Safety Reserved Parking	\$10.00
Parking/Standing within 50 ft of Firehouse	\$10.00
Handicapped parking violations per § 1203-c of the Vehicle and Traffic Law	\$100.00

NOTE: In addition, a surcharge of \$30 has been levied by the state of New York for handicapped parking violations pursuant to § 1809-b of the Vehicle and Traffic Law.

Michelle Kelson, Corporation Counsel, said that the fees in this Local Law are the same fees that are in the Code now. They have not been increased or decreased. She did ask the Council to review them and determine if they want to leave them as they are or make adjustments. These fees are what are in the Code currently.

Richard Herbek, City Manager, noted that some of these fees are on the low side with respect to comparable municipalities.

Mayor Kennedy said that she would like to see this passed tonight and then they can talk about the fees in general.

Richard Herbek, City Manager, said that this is not changing any of the current fees. This is just putting a local law into effect to establish the Parking Violations Bureau so that we can get that up and running. We are not changing any fees at this time but we should review them to see if any of them should be changed. We are not doing that tonight but we should do it at a future Work Session.

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

Ayes - Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 5

ENACTED

ORDINANCE NO.: 8 - 2012

OF

NOVEMBER 26, 2012

AN ORDINANCE AMENDING SECTION 297-22 "TOWING OF VEHICLES BY CITY" OF CHAPTER 297 ENTITLED "WRECKERS AND TOWERS" OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Section 297-22, "Towing of Vehicles by City" of Chapter 297, entitled "Wreckers and Towers" be and is hereby amended as follows:

SECTION 297, WRECKERS AND TOWERS

Section 1. § 297-22. Towing of vehicles by City.

A. In the event that a vehicle is towed by the employees and agents of the City itself, using tow vehicles, equipment and facilities owned and/or controlled by the City, then the City of Newburgh shall charge such fees against the owner and/or party responsible for such towed vehicle and for winching, cleaning the scene, storage and all other applicable charges equivalent to the schedule of fees charged by private licensees as authorized under § 297-3 of this chapter for such services. Such towing and related services shall be performed and provided by the City generally in accordance with the protocols set forth in this chapter as are applicable to private licensees, subject to such specific provisions and commands as may be issued by the City Manager and the Chief of Police or their designee(s).

B. Persons or entities reclaiming vehicles from the City shall comply with the following before such vehicle shall be released by the City:

(1) Satisfactory proof of ownership and/or entitlement to physical possession of such vehicle shall be provided to the Parking Violations Bureau ~~designated officer of the City of Newburgh Police Department.~~

(2) Payment of all outstanding fines, violations, parking tickets and all other offenses and fees shall be made to the Parking Violations Bureau ~~City Clerk.~~ The Parking Violations Bureau ~~City Clerk~~ shall issue a receipt for such payment, which receipt must be provided to the designated officer or agent of the Police Department prior to such release. If the vehicle is designated as

an "abandoned vehicle," then in addition to the foregoing the City shall charge an additional fee as set forth in Chapter 163, Fees, of this Code prior to releasing same.

(3) If a vehicle is towed by a private licensee to a City storage facility at the request of the City, in addition to the foregoing, the City shall charge the owner or responsible party a sum equivalent to the towing cost charged to the City by such private licensee plus a storage fee as set forth in Chapter 163, Fees, of this Code.

(4) Abandoned vehicles.

(a) If the vehicle towed by or at the request of the City is designated by the City as an "abandoned vehicle," and the value of such vehicle is established by the City is less than \$1,250, the City shall pay to a private licensee for such tow a fee of \$50. If such vehicle is stored at a private facility, the City will not be liable to such private licensee for any storage charges; and the City will take or accept possession of such vehicle from such private licensee within a reasonable time.

(b) If an abandoned vehicle towed pursuant to Subsection B(4)(a) above has a value as established by the City of \$1,250 or more, the private licensee in physical possession of such vehicle may retain possession of same for further handling and disposition in compliance with the New York State Vehicle and Traffic Law and applicable rules and regulations, or may turn over such physical possession of same to the City upon notice to the City and acceptance by the City of same. If a vehicle is turned over to the City pursuant hereto, the licensee shall also provide to the City at such time all documentation and available history regarding said vehicle.

Section 2. This ordinance shall take effect upon the adoption of Local Law No. 6-2012 of November 26, 2012.

Michelle Kelson, Corporation Counsel, explained that both ordinance numbers 8-2012 and 9-2012 are just technical revisions to the sections of the Code so that they are consistent with the Parking Violations Bureau legislation. The State law requires that if you have a scheduled fee for towing vehicles that the Parking Violations Bureau collect that money so we had to amend the Towing Ordinance to reflect that once the Parking Tribunal is up and running that all payments of fines and fees will be paid in a certain location. For ordinance number 9-2012 we had parking fines in the vehicles and traffic section and State law requires that pleading, responding to notices and the fine schedule all have to be in your local law regarding the Parking Violations

Bureau. To make it all consistent we took out those sections of those two chapters of the Code and added them to the local law and the Parking Violations Bureau so that it is all centralized and consistent with State law.

Mayor Kennedy wanted to make sure that everyone understood that this was just to make everything consistent in our City Charter with this new Parking Violations Bureau.

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

Ayes - Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 5

ADOPTED

ORDINANCE NO.: 9 - 2012

OF

NOVEMBER 26, 2012

AN ORDINANCE AMENDING CHAPTER 288, "VEHICLES AND TRAFFIC"
WITH RESPECT TO ARTICLE III "PARKING, STANDING AND
STOPPING"; ARTICLE IV "SNOW EMERGENCY PARKING"; ARTICLE V
"PARKING METERS"; ARTICLE VI "REMOVAL AND STORAGE OF
VEHICLES' AND ARTICLE VII "MISCELLANEOUS PROVISIONS" OF THE
CODE OF ORDINANCES OF THE CITY OF NEWBURGH

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Chapter 288, "Vehicles and Traffic" of the Code of Ordinances be and is hereby amended as follows:

SECTION 288, VEHICLES AND TRAFFIC

Section 1. Article III, Parking, Standing and Stopping

§ 288-36.1. Parking prohibited during street cleaning operations.

F. Penalties for offenses. ~~Any person violating § 288-36.1 of this chapter shall be guilty of a traffic infraction and, upon conviction thereof, shall be subject to a fine of \$50. Any person who is charged with a violation of § 288-36.1 who has been served according to law with a summons or appearance ticket and who fails to appear or enter a plea in response thereto within 15 days from service shall, upon conviction for the offense charged and conviction of failure to appear or plead, be subject to an additional fine of \$ 50.~~ For the purposes of § 288.36.1, each twenty-four-hour period any violation of this section shall continue a separate offense. Notwithstanding any other provision of the City Code of Ordinances and in addition to any other fine or penalty, any costs or expenses incurred by the City of Newburgh in connection with the towing or storing of a vehicle shall be paid by the owner or person entitled to possession of such vehicle prior to the release of such vehicle to the person entitled thereto.

~~G. — Notwithstanding the provisions of Subsection F of this section, the penalty for violating this section shall be satisfied by the payment of \$ 30 if such payment~~

~~is made within 48 hours of the time of the issuance of such notice of violation, summons and/or appearance ticket.~~

Section 2. Article IV, Snow Emergency Parking

§ 288-46. Citation on vehicle parked or left in violation of article.

Whenever any motor vehicle without a driver is found parked or left in violation of any provision of this article and is not removed and impounded as provided for in this article, the officer finding such vehicle shall ~~take its registration number and any other information displayed on the vehicle which may identify its user and shall~~ conspicuously affix to such vehicle a notice of violation traffic ticket on a form provided by the City for the driver to answer to the charge against him in accordance with the provisions of Chapter 70, Parking Violations Bureau, of the Code of Ordinances of the City of Newburgh ~~within 15 days during the hours and at a place specified in the ticket.~~

~~§ 288-47. Failure to comply with traffic ticket attached to vehicle.~~

~~If a violator of this article does not appear in response to a traffic ticket affixed to such motor vehicle in accordance with this article within a period of 15 days, the Traffic Violations Bureau shall send the owner of the motor vehicle to which the traffic ticket was affixed a letter informing him of the violation and warning him that, in the event such letter is disregarded, a warrant of arrest may be issued.~~

~~§ 288-48. Evidence of violations.~~

~~In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this article, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this article, together with proof that the defendant named in the complaint was at the time the registered owner of such vehicle, shall constitute prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this article.~~

~~§ 288-497. Snow emergency routes designated.~~

The streets or portions of streets within the City set forth in Schedule XXX (§288-88), attached to and made a part of this chapter, are hereby designated as snow emergency routes.

Section 3. Article V, Parking Meters

§ 288-53. Violations and enforcement.

D. Enforcement.

(1) Reports of violations. It shall be the duty of the police officers of the city, or Parking Enforcement Officers, acting in accordance with instructions issued by the Chief of Police, to report:

(a) The number of each parking meter which indicates that the vehicle occupying the parking space adjacent to such parking meter is or has been parked or standing in violation of any of the provisions of this article.

(b) The state license number of such vehicle.

(c) The time during which such vehicle is parked or standing in violation of any of the provisions of this article at the time of his inspection.

(d) Any other facts, or knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

(2) Notices of violations. Each such police officer or parking enforcement officer shall also attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of a provision of this article and instructing and summoning such owner or operator to respond in accordance with the provisions of Chapter 70, Parking Violations Bureau, of the Code of Ordinances of the City of Newburgh ~~report at police headquarters or at the City Court of the City in regard to such violation.~~

(3) Penalties. The penalty for such parking meter violations shall be set forth in Chapter 70, Parking Violations Bureau, of the Code of Ordinances of the City of Newburgh ~~\$15. Each owner or operator may, within 15 days of the time when such notice was attached to such vehicles, pay, as a penalty for and in full satisfaction of such violations, the sum of \$15. or, in the alternative, enter a plea of not guilty to such charge. Failure to pay said sum within 15 days or enter a plea of not guilty shall increase the penalty for such violation to \$30.~~

~~(4) Notwithstanding the provisions of Subsection D(3) of this section, the penalty for such parking meter violations shall be satisfied by the payment of the sum of \$10 if such payment is made within 48 hours of the time of issuance of such notice, exclusive of Saturdays, Sundays or legal holidays.~~

Section 4. Article VI, Removal and Storage of Vehicles

§ 288-56. Redemption of property; charges.

- A. The owner of any such vehicle or other property removed from any public highway or municipal parking area under any provision of this article may redeem such property at any time after its removal, but prior to the sale or destruction thereof, upon payment to the Parking Violations Bureau in accordance with the provisions set forth in Chapter 70, Parking Violations Bureau, of the Code of Ordinances of the City of Newburgh ~~to the Comptroller or his designated representative, who shall be a City employee, of such sum as he may fix and determine for the actual or estimated reasonable cost and expense of removal and any preliminary sale advertising expenses, not to exceed \$100, plus storage, for each article removed.~~

Section 5. Article VII, Miscellaneous Provisions

§ 288-57. Penalties for offenses.

Any person violating the provisions of Articles II, III, IV, V or VI of this Chapter shall be guilty of a traffic infraction and, upon conviction thereof, shall be subject to a fine as set forth in Chapter 70, Parking Violations Bureau, of the Code of Ordinances of the City of Newburgh. Any person who is charged with a violation of a provision of this Chapter who has been served according to law with a summons or appearance ticket shall enter a plea in response as set forth in Chapter 70, Parking Violations Bureau, of the Code of Ordinances of the City of Newburgh.

- ~~A. Except as otherwise herein provided, any person violating any of the provisions of Articles II and III of this chapter shall be guilty of a traffic infraction and, upon conviction thereof, shall be subject to a fine of \$10 for the first offense or, for a second or subsequent offense, to a fine of \$25.~~
- ~~B. Any person who is charged with a traffic infraction subject to the penalties provided for in Subsection A hereof who has been served according to law with a summons or appearance ticket and who fails to appear or enter a plea in response thereto within 15 days from service shall, upon conviction for the offense charged and conviction of failure to appear or plead, be subject to an additional fine for the violation of this section of \$30 for the first offense or, for a second or subsequent offense, to a fine of \$75.~~
- ~~C. Any person violating § 288-36 of this chapter shall be guilty of a traffic infraction and, upon conviction thereof, shall be subject to a fine of \$25 or, if a snow emergency was in effect as of the time of commission of said traffic infraction, a fine of \$50. Any person who is charged with a violation of § 288-36~~

~~who has been served according to law with a summons or appearance ticket and who fails to appear or enter a plea in response thereto within 15 days from service shall, upon conviction for the offense charged and conviction of failure to appear or plead, be subject to an additional fine of \$50, or if a snow emergency was in effect as of the time of the commission of said traffic infraction, to an additional fine of \$100.~~

~~D. Every person convicted of a traffic infraction for a violation of any provision of this chapter which is not a violation of any provision of the Vehicle and Traffic Law of the State of New York shall, for a first conviction thereof, be punished by a fine of not more than \$50 or by imprisonment for not more than 15 days, or by both such fine and imprisonment; for a second such conviction within 18 months thereafter, such person shall be punished by a fine of not more than \$100 or by imprisonment for not more than 45 days, or by both such fine and imprisonment; upon a third or subsequent conviction within 18 months after the first conviction, such person shall be punished by a fine of not more than \$250 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.~~

~~E. Notwithstanding anything to the contrary contained in this section, any person charged with the violation of any of the provisions of Articles III, IV, V and VI of this chapter for violations which took place on or before March 31, 2009, upon entering a plea of guilty to the infraction charged in the summons, may fully discharge his obligation to the City under such summons by paying to the City of Newburgh, no later than September 30, 2009, the amount due thereon as if the summons had been fully paid within 15 days from the original service thereof, without any other interest, penalties or surcharges which would be imposed in the absence of this chapter.~~

~~F. Any person violating § 1203-b or 1203-c of the Vehicle and Traffic Law of the State of New York or §288-34 of this chapter shall be guilty of a traffic infraction and, upon conviction thereof, shall be subject to a fine of \$100 for the first offense or, for a second or subsequent offense, to a fine of \$250.~~

Section 6. This ordinance shall take effect upon the adoption of Local Law No. 6-2012 of November 26, 2012.

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

Ayes - Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 5

ADOPTED

RESOLUTION NO.: 223 - 2012

OF

NOVEMBER 26, 2012

**A RESOLUTION ADOPTING THE BUDGET
FOR THE FISCAL YEAR 2013**

WHEREAS, the City Manager, on October 9, 2012, submitted to the City Council of the City of Newburgh, New York, a detailed estimate, including the "Manager's Proposed Fiscal Year 2013 Budget" and the "Manager's Proposed Personnel Analysis Book" of same date, of *revenues* and expenditures necessary and proper for all municipal activities accounted for in the General, Water, Sewer, Sanitation and Self-Insurance Funds during the fiscal year of 2013; and

WHEREAS, such detailed estimates has been filed in the City Clerk's Office as required by the Charter of the City of Newburgh so that said estimates may be inspected by anyone interested, and a public hearing was held on November 13, 2012 in reference to said estimates for any item thereof; and

WHEREAS, the Council has made such changes, alteration, corrections and amendments to the said budget as it appears to said Council to be proper, including incorporating such changes as deemed necessary in response to the New York State Office of the State Comptroller's budget review report #B6-12-23 dated November 16, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Newburgh, New York does hereby approve, determine and adopts the budget for the year 2013 as appears in the annexed "City Council Adopted Fiscal Year 2013 Budget" dated November 26, 2012; and

BE IT FURTHER RESOLVED, that the sum of \$19,862,564 be levied and raised on account of City taxes for the year 2013 on all the taxable property in the City of Newburgh according to the valuation of the last assessment roll of said City for State, County and City purposes, being \$607,974,483 for Homestead Properties and \$393,974,612 for Non-Homestead Properties, including special franchise assessments, in accordance with the Real Property Tax Law of the State of New York; and,

BE IT FURTHER RESOLVED, that the City Collector is authorized and directed to cause said amount of \$19,862,564 to be extended and apportioned on

said assessment roll at \$17.9435 for Homestead properties and \$22.7256 for Non-Homestead Properties on every \$1,000 of taxable real property, including special franchise assessments; and,

BE IT FURTHER RESOLVED, that the required sewer, water and sanitation fees for the taxable and non-taxable properties for the year 2013 is as set forth in Section 163-3 of the City Code of Ordinances; and,

BE IT FURTHER RESOLVED, that the City *Collector* is authorized and directed to cause any and all amounts reported as omitted taxes to be levied against the real property subject to said omitted taxes and to cause the amounts reported by the City Collector as overdue and unpaid water rents, sewer rents and sanitation user fees, and unpaid charges of property abatement, with the interest and penalties thereon, to be added to the tax levied against the real property for which or in connection with which such water, sewer and sanitation was provided; and,

BE IT FURTHER RESOLVED, that said City tax roll shall be delivered to the City Collector on the 3rd day of January 2013, signed by the City Manager and under the seal of the City, directing and commanding said City Collector to receive and collect in the manner provided by the law for the levying and collecting of County taxes by City Collectors, these several amounts in the roll specified as against the persons or property therein mentioned and described, and that said warrant shall direct the City Collector to collect said assessments in four equal installments as follows:

The first installment commencing on the 3rd day of January 2013, and collect up to and including the 7th day of February 2013, without fees, and to add 5% from the 8th day of February 2013, up to and including the 10th day of April 2013.

The second installment commencing on the 1st day of March 2013, and collect up to and including the 6th day of April 2013, without fees, and to add 5% from the 7th day of April 2013, up to and including the 31st day of May 2013.

The third installment commencing on the 1st day of May 2013, and collect up to and including the 7th day of June 2013, without fees, and to add 5% from the 8th day of June 2013, up to and including the 1st day of August, 2013.

The fourth installment commencing on the 1st day of July 2013, and collect up to and including the 8th day of August 2013, without fees, and to add 5% from the 9th day of August 2013, up to and including the 30th day of September, 2013.

In addition thereto, for all late payments remaining unpaid for ninety (90) days after the first date designated for the collection of same, there shall be added an additional penalty in the amount of 10% per annum computed from said first date of collection; and

BE IT FURTHER RESOLVED, that the amounts, when collected, be deposited daily with the Key Bank of NY, N.A., Bank of America, TD Bank, Citizens, or in any of the said banks in compliance with the requirements set forth in the Newburgh Fiscal Recovery Act by said City Comptroller and credited and applied to the several respective funds and accounts as stated in the Adopted Budget for taxes now confirmed and approved by said City Council, including credit balances heretofore appropriated.

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

Ayes - Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy - 5

ADOPTED

Richard Herbek, City Manager, commented with respect to revenues that the State Comptroller's Office was here for a year and one of their charges was to take a look at all possible revenue items that could be considered by the City. They focused on two in their report, he believes, because we provided all of the recommendations that had been made over the last several years to the State Comptroller's Office. Whatever revenues we can achieve will help going forward in terms of limiting the amount of property tax increases that we might be up against. There are a lot of municipalities in the State that are having problems right now. The City of Mt. Vernon is looking at a 13% tax rate increase and the City of New Rochelle is talking about exceeding the tax cap as are many other municipalities. We have to continue to look at any possible revenues that can help us going forward.

Mayor Kennedy said that she agreed with that.

GENERAL COMMENTS FROM THE PUBLIC

Omari Shakur, 113 First Street, said that this past weekend there was a bad accident on the corner of Liberty and First Street and he noted that there have been a lot of accidents in that area because the visibility is very bad. Some people are asking if that intersection could be made into a four way stop because it is just an accident waiting to happen. There are a lot of kids in that area waiting for the school buses so they would like to see either a four way stop sign or a traffic light installed. He said that they still haven't heard anything about the private investigator that was supposed to be coming here so they would like to sit down with the City Manager to see where they are at with that. Also last week he was asked to come out and protest the demolition of the building at 159 Grand Street. It was his understanding that the contract was given to someone outside the City of Newburgh but someone came up to him on November 4th saying that he received the contract and hired seven or eight people from the community. He was a former roommate of the Mayor so he was wondering how he got this contract. How did he get this contract when it was said that it was going to someone outside the City. He asked why do we have all of these Churches here in the City of Newburgh but you can't seem to find God anywhere around. Why do we have so much evil and death going on with all of these so called Churches here in the City of Newburgh? Maybe we should do a public hearing on these Churches to find out if they are profits for God or are they trying to make a profit off of God. We have a Church on almost every corner so why are they not doing their job. He added that with the Land Bank when they redo these properties will they be hiring people from the local community?

Mayor Kennedy said that she would like to clear up this contract issue.

Richard Herbek, City Manager, said that we received seven proposals in response to the RFP that we put out ranging in cost from a low of \$20,000.00 to a high of a quarter of a million dollars. The mid range was somewhere in the \$50,000.00 range and the Council has copies of all of those proposals. We have to hone in on one or two to see which ones are particularly viable.

Councilman Dillard proposed that a professional come in and look at these.

Richard Herbek, City Manager asked Councilman Dillard who he would like to have come do that.

Councilman Dillard said that PACE has a Criminal Justice Department and there are Colleges around here with Criminal Justice Departments. He

doesn't want any mud; he wants something that is going to be true and realistic. He wants an outside agency to come in and review the seven proposals.

Richard Herbek, City Manager, said that they can figure out how to go about that.

Mayor Kennedy said someone also mentioned about the demolition work and who is doing what.

Richard Herbek, City Manager, said that the individual did support a proposal as part of the Jackson Proposal to be a sub contractor for some of the work including flagging, clean up and site preparation work. The individual did not have Worker's Compensation Insurance so he wasn't able to employ other individuals that he had lined up for this work. At the moment we are doing a change order with Jackson whereby that portion of the work will be removed from Jackson's contract and we are going to do that as a city job hiring those individuals as temporary or seasonal employees. Essentially the City is taking over that part of it and the individuals who were supposed to get the work will get the work but it will be through the City and not the contractor.

Mayor Kennedy said that Jackson was the one selected as the low bidder and the sub contractors then worked through Jackson. We aren't the ones that select the sub contractors except that they were supposed to be City people.

Richard Herbek, City Manager, said that it would have worked fine but the individual did not have the appropriate Worker's Compensation and General Liability Insurance to fulfill what he said he was going to fulfill.

Councilman Dillard said that there was a promise of four jobs and that will happen. They will come from Local 17 through Vera Best.

Richard Herbek, City Manager, said that it is all in the works. There is a process that they have to go through and he believes the medical is the next step.

Mayor Kennedy said that she thinks most of the people already had the tests and they are ready to go. People are getting the jobs out of this and the demolition crew has done all of the specialty kind of work and the rest can be done by people in the city.

Pauline Dillard, City of Newburgh, said that she is a little confused about the CDBG money with \$100,000.00 going to the Greenhouse. She hears people talk about the City not collecting fees and there is no revenue because this is a poor city. You won't get revenue out of a poor city. There is going to be a 10% tax increase on water and sewage and she heard someone talk about public safety quality of life which is very bad in the City of Newburgh which means you won't get new tax payers here. They are taking CDBG money that comes here for the poor and she thinks that \$100,000.00 should go into a program for the kids standing around this City to help clean it up.

Councilwoman Lee noted that it is going to a program.

Pauline Dillard said that she doesn't believe it. Any money that is going uptown you will not get the children from downtown involved in it. She doesn't believe it. She said that the Council tells lie after lie and they throw out all this stuff but people don't have the time to follow everybody around to make sure that they are doing what they say they are going to do. She doesn't believe that children from downtown are going to be working up there. Are they going to take these kids up to Downing Park where the history is that they are not welcome? It baffles her that \$100,000.00 is going to a greenhouse where she could go and scrape off the paint herself with a handful of kids. It's a lot of money but if they say that they are going to put kids up there from downtown then they need to give the public some detailed information. What will \$100,000.00 pay for? It's just scraping and replacing some wood. It just baffles her.

Mayor Kennedy said that the goal of the CDBG team was to say how do you leverage the money and make it accomplish two or three things at the same time? We said, how do we give people jobs? How do we fix the infrastructure of the City? And how do we create something that will have a long term impact? We looked at different projects on how they could do that and the greenhouses in the City will give people jobs during the rebuild which would be part of rebuilding the infrastructure. It will also bring children and families in and teach them gardening, planting and using food.

Councilman Dillard suggested to the CDBG Advisory Committee that they make certain that when they bring that to the Council they have an itemized budget and resolutions on what to expect in terms of job outcomes. He sincerely hopes that they do that.

Mayor Kennedy added that is true for all of the things. When they talk about building sidewalks they want to know exactly what sidewalks and where and how many people are going to be employed. Every one of the

CDBG projects needs that kind of oversight because we have had trouble with this in the past and they are committed to that.

Pebbles, City of Newburgh, said in regard to the Downing Park project that they went through all of those things that they are asking for and even though they put down \$100,000.00 it doesn't mean that will be the amount that they will get. They have the same criteria for every organization across the board to get money from CDBG. They have to show them the planning and how they are going to do things and also they want to know what the outcomes are. That happens before they give any money to any of the businesses, organizations or initiatives. They have already done all of that so it is just a matter of them making the final decision. The money that they see on the CDBG budget is what they set up to spend or allocate to each but it doesn't mean that it's going to be the exact amount given. In regard to the Land Bank she went to a number of different sessions and meetings but Mr. Nolan continues to evade the questions that are being asked. Mr. Nolan just states how the Land Bank does and does not work. When we were first introduced to the Land Bank we were told in the presentations that they were following the Camden Model. When she looked into to this she found that the Camden Model included the residents on an Advisory Board. The community then pushed and begged the Council to please put one in place which we then got. On that same Camden Model the residents had jobs and affordable housing. They talked about properties tonight for the Land Bank that they are going to sell. The properties in the Camden Model were distressed properties but the properties we saw tonight didn't look distressed at all.

Sheila Monk, City of Newburgh, thanked the City Council for the great job they did with the Budget. She knows that they had some disagreements but as a resident she feels that they did a great job where their first concern was the residents in the City of Newburgh. This is the first time that the City of Newburgh had City Council members fighting for the residents. We have to let bygones be bygones and come together to rebuild Newburgh.

Barbara Smith, Powell Avenue, said that she understands there are openings on the CDBG Committee and that they are holding people there but why aren't they being assigned to the Committee? If they are there, we need them so please just bring them on board. She noted that what is written on paper is presented and if the City Council likes it and feels that it is a worthwhile project for our City we can then go to the people and tell them to submit their plans and what they are going to spend and how they are going to spend it. We don't just hand over \$100,000.00 because someone says that they want it. There is a whole lot more to it so you have to put a little trust in the Committee that you picked to get the job done and know that they are not just giving money away.

Janet Gianopoulos, City of Newburgh, said that in regard to resolution #217-2012 that she doesn't think that the Council indicated where the money is coming from. Just as important as where did the money go there should be a dollar amount on every resolution and where the dollars are supposedly coming from. She would like to know where the \$10,000.00 came for this resolution.

Richard Herbek, City Manager, said that it is coming from the developer and it is being put into an escrow account. These are not City dollars; these are dollars that are being put in place by the selected developer.

Ms. Gianopoulos said that in regard to the State Comptroller's Report there were actually at least four revenue generation proposals. One is the Rental Registry Fee estimated by the State to garner potentially nearly one million dollars. The Utilities Gross Receipts Tax and the Cable Services Franchise Fees were two other things that the State flagged for us to keep an eye on. The need for looking at revenues very carefully in the Budget goes back to the 2011 Budget which according to the State Comptroller was around 9% too high of an increase. We paid that in 2011 and we have been paying that as homeowners. They are now putting it in that we will be paying it again for the coming years. She reminded the Council that going forward they need to cut these taxes back and get them under control. The tax rate is scaring away potential buyers.

Denise Ribble, City of Newburgh, said that she is concerned about the need for a comprehensive land and property use management plan. We talked about the Land Bank tonight and some properties and we have the Mid-Broadway site and some potential zoning amendments. She feels that we have gone a long with what she considers to be a fragmented approach to how we look at property disposition. The sealed bids were laughably low and our auctions did not produce the revenue that we were hoping for. We have a couple of different groups in the City that have previously worked on land use and she thinks that the Council has every right to ask the City Manager and city staff and maybe some members of Board who have served on a land use committee to actually do a comprehensive presentation to the Council so that when they are making these decisions they can see how it fits into the bigger picture. When we decide to do a property like Mid-Broadway and a lot of it is looking at public funding and the Council has changed, what are the tax implications for that? What is going to happen with the Waterfront property now that we have a decision about Leyalnd and they have given property back? Where is that in the plan and where is that with the original plan? What is happening with our water quality and watershed protection? All of these things she thinks are important in terms of taxes, business expansion and property disposition that will have the maximum public benefit.

Margaret, City of Newburgh, said that she is speaking on behalf of a friend that had an incident this weekend. Her friend is currently pregnant and also has a three year old little girl. She has been stalked for the past two months and has reached out to the Newburgh Police Department and the Shelter where they reside but she has gotten nowhere. On behalf of her and her family she is not asking for an apology from the Police Department but if she could get a police report filed because they told her there was nothing that could be done and they get stalked and harassed too but they are not calling the police. Due to previous experience with the City of Newburgh Police Department she said that she is not surprised but at the same time she does know that there are good officers on the force who actually do their jobs so she is asking if someone could at least go talk to her and write a police report to give her some form of reassurance. She is pregnant and she hasn't left the house in almost three weeks because she is scared. The guy lives right up the street from where she currently resides.

Cheryl Noel, 2 Park Place, said that she is the Chairperson of the CDBG Committee and they have spent months and months doing nothing except focusing on the desperate needs and priorities of this City. She feels that they have done a good job of setting aside what has been done before and the wrong that has been done before. They started fresh from the bottom of their hearts and souls to look at what this City needs. She noted that personally she hasn't gotten much sleep while doing this because they have spent week after week after week and hours and hours of being at Committee meetings as well as a lot of work outside of that. It might not be perfect but she believes that it will begin to address the needs and priorities of this City. Every single thing that they came up with they always came back to address to see if this was a priority for this City. She may not agree with everything but they are a team and they have worked very hard to put together what she believes to be an outstanding group of projects that will begin to meet the needs of this City. Anyone who has been in business can understand that what they are doing is a stepping stone. They started with a good foundation with what they are putting in place for 2013 and it will now build. She added that she thinks it is important for everyone to understand that when they talked about the Greenhouse it was questioned but they looked at it as an opportunity for first jobs and for the kids and the people who are trying desperately to live here every single day. This is not a Greenhouse Program and she has never seen it as one. She has seen it as a Jobs Program that is now building a base.

Brenda McPhail, City of Newburgh, said that she is all for the Land Bank but the only thing she is kind of disappointed in is that they said they were going to take the most distressed properties. We just built two new Habitat houses on Chambers Street with a drug house right across the street from them which she feels is distressed. We have to get rid of these drug

houses which are in all of the abandoned buildings. To what Omari Shakur was saying about the Churches she told him that the Church is just people that go that building. The reason that the City of Newburgh is hurting is because these so called teachers, prophets and Pastors are not getting out and talking to the young people. They expect the City of Newburgh Police Department to do the work. Training starts at home and if you don't train them someone else will. A lot of our children are hard headed and we are in denial about it. A lot of these kids you can't say anything to because they will cuss you out. We have people standing in front of businesses selling their drugs and if you tell them to go to work somewhere like McDonald's because they have no education then they say that they are insulted. This is why we can't get anywhere because year after year we keep making excuses for people who don't want to do better. She added that she has been hollering and screaming for years about how they can bring revenue in to this City but no one is listening and this is why we keep going down. She lives at the Varick Homes and they keep that area clean. If someone has garbage to throw away they put it in the trash can. Around here people just drop their garbage on the street and no one is making them pick it up which is why they should issue violations. She has nothing against the Police Department but we have four officers that are coming out of the Academy and we do not need two more because by the time they come out it will be six months.

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

COMMENTS FROM THE COUNCIL

Councilwoman Angelo thanked the City Manager for a well balanced 2013 Budget and the Council for supporting it. She noted that the Library will be having a Holiday Concert on Sunday at 3:00 p.m. that she thinks will be very enjoyable for anyone who attends. The candlelight tour is scheduled for December 9th and she thinks that the firemen are having a pancake breakfast on the same day. She added that she has looked at twenty-five trees and they are getting calls from Monroe, Rock Tavern, Pine Bush and Marlboro but nothing from Newburgh or New Windsor. George Garrison is going to look at one in Mountainville and she hopes they get that one. She said that we have to put a beautiful tree on Broadway because it is our star attraction. The tentative goal is to have it put up on Friday, December 7th. She has a reputation as she has been doing this for twenty-five years now so it has to be the best for the City of Newburgh.

Councilman Brown thanked everyone for coming out tonight. This was a nice calm meeting which is what he likes to see and he will see everyone at the next Work Session.

Councilman Dillard thanked everyone for coming out tonight. They received a lot of good information that they will take into consideration.

Councilwoman Lee said that she hopes as they move forward they will have some real discussion about the Deputy Fire Chief because she doesn't think that they have had any real discussion about why they don't need one. If your income is \$100,000.00 and you are offered a 2% increase and you don't get it that may not faze you but if you have four children and your income is \$30,000.00 a 2% increase will help you and your family. She thinks that they should look at the increase and the Fire Chief more than she thinks they need a Human Resource Specialist because right now that would just add another layer of bureaucracy that we don't need. She also thinks that CDBG did an outstanding job and she congratulated them. She is also glad that the position was not made part-time. She feels that they should ask for PILOT's from major institutions and she is not going to let that go. She added that we have had revenue generating ideas and it is not that they have been sitting there doing nothing. They have had some really good ideas but if the ideas that have been sitting around for four years are so great then why are they still sitting around? They are really working hard to make things work in this City and not just sitting back doing nothing. She does want the firefighters to get something and she thinks that if they are really talking about the Deputy Fire Chief and why the Chief needs a Deputy then they will understand that over the past few years he has been given more than his fair share of work. If we

are going to keep him in all of these rolls then we should give him an assistant especially if it is only going to cost us \$5,000.00. She reiterated that 2% is not a lot of money if you make \$100,000.00 but if you make \$30,000.00 that is a lot of money and we need to do better by our staff. She said thank you and good night.

Mayor Kennedy said that it has been a very hard process to get through this Budget and nothing about it has been easy because being between a rock and a hard place is not an easy place to hang out. We have taxpayers who are losing homes and people without jobs. City staff and firefighters want raises. People want more police officers and to make the city safe. The City needs to be cleaned up. Everywhere you look there are legitimate needs that people need or want. Sitting here in this position is a very tough place to sit trying to figure out what is going to move things ahead the most. The decision between firefighters and police officers is a very hard decision. Cities all across this Country are struggling and it's not going to get prettier. It is going to get worse as insurance and pensions go up and jobs are not there it is going to get tighter and tighter. We will see cities going bankrupt and outsourcing entire departments to save money. We have to figure out something with our fire fighting. We sit in a circle with the Town of Newburgh and the Town of New Windsor so we have to think about how our firefighters can collaborate and work together. How we can create partnerships with other towns to get some of our services. That is not an easy discussion for anyone and no one wants to give up their span of control. Everybody wants their own little department and their own focus but it is simply not going to work anymore. We must find ways to consolidate and collaborate with the communities around us. We must find ways on how to work on our youth and senior services with the Town of Newburgh versus trying to build our own again. This has not been an easy thing. It has been heart wrenching, gut wrenching difficult. Trying to figure out how to use our CDBG money so we can create more jobs in the City and create public works projects and make sure they happen is not easy. Trying to come up with those ideas is also not easy so she wanted to say thank you. Everyone has seen the difficulties with the Council and they haven't agreed all the time and they struggled with trying to come together but they came to some agreements last week. They need to keep hammering out these things and they are not going to agree every time but she told the residents to hang with them and try to support them so they can turn this City around because there are some people here who want to make that happen and they are dedicated.

There being no further business to come before the Council the meeting adjourned at 10:15 p.m.

LORENE VITEK
CITY CLERK

