

A regular meeting of the City Council of the City of Newburgh was held on Monday, June 17, 2013 at 6:00 P.M. in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

Present: Mayor Kennedy, presiding; Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee- 5

*\* Councilman Brown arrived after the roll was called.*

#### EXECUTIVE SESSION

Councilwoman Angelo moved and Councilwoman Lee seconded that the council enter into an executive session at 6:00 P.M.

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

CARRIED

Councilwoman Angelo moved and Councilwoman Lee seconded that the council exit out of the executive session at 7:20 P.M.

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

CARRIED

The Prayer was led by Sister Virginia Wilkinson of the Presentation Sisters of the Academy; followed by the Pledge of Allegiance.

#### PRESENTATION

A Certificate of Recognition was presented to Imam Dr. Salahuddin M. Muhammad on the occasion of his retirement to show appreciation for all of his contributions to the City of Newburgh.

#### ANNOUNCEMENTS

Mayor Kennedy announced the following:

1. Newburgh Illuminated Festival to begin on Friday, June 21<sup>st</sup>
2. Special City Council Meeting on Wednesday, June 19<sup>th</sup> at 6:00 P.M. to discuss CDBG grant and other topics
3. Tuskegee Airmen to sponsor a talent contest for City youth on July 14<sup>th</sup>

## COMMUNICATIONS

Councilwoman Angelo moved and Councilwoman Lee seconded that the Minutes of the May 23, 2013 Work Session and the May 28, 2013 City Council Meeting be approved.

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

CARRIED

Councilwoman Angelo moved and Councilwoman Lee seconded that the *City Clerk's Report* and the *Registrar of Vital Statistics Report* for the month of May be received, filed and made available to the Press.

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

CARRIED

## COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

Sheila Monk commented about Resolution #116-2013. She wanted to know which sides of Chambers Street are going to be repaired. They are not the only sidewalks in need of repair. The sidewalks on Lander Street, Grand Street, Johnston Street and Dubois Street need attention too. When she fell and broke her wrist before, she was told by the City that a particular corporation was responsible for maintaining the sidewalk. That company has been situated there several years now and the sidewalks are still in bad condition.

Brian Flannery spoke and submitted comments on behalf of Kippy Boyle, who was unable to attend tonight's meeting. She suggested the council table Ordinance #7-2013. The public needs more time to understand the implications of it. She would like to see detailed projections as to the revenue we state could be generated from this.

Omari Shakur commented about Resolution #116-2013. He asked if Sun Up Enterprises is going to hire residents of the City of Newburgh. He is tired of people coming into our city and getting these contracts. Companies come in and bring their own workers. That \$200K could help put a lot of young people to work in our community.

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

## COMMENTS FOM THE COUNCIL REGARDING THE AGENDA

Craig Marti explained that the scope of the sidewalk project is for the sidewalks and curbs on both sides of Chambers Street, from Broadway to First Street. The alternate bid project, which is to be awarded too, is for bump out areas, curbs that reduce the pavement width in the areas of the intersection and a cross-walk located at mid-block, as well as some additional shrubs.

Mayor Kennedy stated she spoke with George Garrison about doing this project in-house. This particular project is a highly skilled one due to the involvement of the use of concrete. This is not a suitable project for anybody that is not highly skilled in working with concrete. She does not know why local contractors don't come and apply for these bids. Perhaps it is an issue in which they are unable to put up the money for the bond, which is a sizable amount.

Councilman Dillard stated that he spoke to George too. Garrison had indicated to him that Local 17 had come to the recreation department and helped them lay concrete, as a training initiative. Dillard is disappointed that the contractor is bringing in his own people and not hiring any local residents. Perhaps this is a highly skilled initiative, but Dillard knows plenty of people in our city who are skilled.

Mayor Kennedy commented that they have to step back and look at this issue beforehand and not at the point when they are working on a particular contract. She would like to put together a professional team that can be bonded, insured and skilled to do the work that needs to be done. She feels that we keep running into the same brick wall over this issue.

Councilman Brown pointed out that he read some of the sections in our RFPs. The problem lies in the inherent language in the RFPs. The problem will occur time and time again if we do not change it. We need a clause in the RFP that mandates that a certain percentage of any city contracts go to hire city residents. He believes this can be done legally. Concrete is a highly skilled labor, but there are things that happen *before* you lay the concrete. If that contractor could have hired people to do some labor work, then that would have sat well with Brown. He feels that the contractor essentially turned its back on the City of Newburgh. We need to fix this going forward.

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

**RESOLUTION NO.: 115- 2013**

**OF**

**JUNE 17, 2013**

**A RESOLUTION AMENDING THE CITY OF NEWBURGH PERSONNEL ANALYSIS BOOK FOR 2013 TO PROVIDE FOR A CHANGE IN TITLE FROM CODE ENFORCEMENT OFFICER TO SANITATION CODE ENFORCEMENT OFFICER  
WITHIN THE DEPARTMENT OF PLANNING AND DEVELOPMENT FOR THE PURPOSES OF EXECUTING A TEMPORARY ENHANCED CODE ENFORCEMENT EFFORT**

**WHEREAS**, the Department of Planning and Development wishes to fill a vacancy and has requested a change in title from Code Enforcement Officer to Sanitation Code Enforcement Officer; and

**WHEREAS**, the City Manager has recommended to this Council that the position of Code Enforcement Officer be changed to the title of Sanitation Code Enforcement Officer reporting to the Department of Planning & Development, so as to improve the quality of life in the City of Newburgh; and

**WHEREAS**, the establishment of Sanitation Code Enforcement Officer shall consist of (1) one temporary part-time position; and

**WHEREAS**, the position will be funded through the U.S. Department of Housing & Urban Development, Community Development Block Grant Program entitlement program; and

**WHEREAS**, Strategic Code Enforcement is an approved 2013 Annual Plan Program; and

**WHEREAS**, no monetary amendment to the 2013 Budget is required as the position will be funded through the existing 2013 Budget Codes as follows:

8686.0101.8135.2013 - Salary  
8686.0810.8135.2013 - Retirement  
8686.0830.8135.2013 - Social Security

**WHEREAS**, the creation of such position requires the amendment of the City of Newburgh Adopted Personnel Analysis Book for 2013,

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York, that the Personnel Analysis Book for 2013 be and is hereby amended to provide for a change in title from Code Enforcement Officer to Sanitation Code Enforcement Officer within the Department of Planning and Development for the purposes of executing a temporary enhanced code enforcement effort.

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.: 116 - 2013

OF

JUNE 17, 2013

A RESOLUTION AUTHORIZING THE AWARD OF A BID AND  
THE EXECUTION OF A CONTRACT WITH SUN-UP ENTERPRISES, INC.  
FOR THE CHAMBERS STREET STREETSCAPING IMPROVEMENTS PROJECT  
AT A BASE BID COST OF \$202,925.00 PLUS ADDITIONAL ALTERNATE  
NUMBER ONE IN THE AMOUNT OF \$43,680.00 FOR A TOTAL COST OF  
\$246,605.00

WHEREAS, the City of Newburgh has duly advertised for bids for the Chambers Street Streetscaping Improvements Project; and

WHEREAS, the project involves demolition and removal of sidewalks and curbing; installation of approximately 1,500 LF of new concrete sidewalks, concrete curbing and shrubs, as well as pedestrian curb “bumpouts” and associated storm drainage infrastructure; and

WHEREAS, six (6) bids have been duly received and opened and Sun-up Enterprises is the low bidder; and

WHEREAS, funding for such project shall be derived from the following budget codes

CD1.8686.448.8065.2011 - \$173,655.00  
CD1.8686.448.8065.2012 - \$ 72,950.00; and

WHEREAS, this Council has determined that awarding such bid and entering into a contract with Sun-Up Enterprises, Inc. is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the bid for the Chambers Street Streetscaping Improvements Project at a base bid cost of \$202,925.00 plus additional alternate number one in the amount of \$43,680.00 for a total cost of \$246,605.00, and that the Interim City Manager be and he is hereby authorized to enter into a contract for such work in this amount.

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.: 117 - 2013**

**OF**

**JUNE 17, 2013**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH ASSUMING LEAD AGENCY STATUS UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) CONCERNING RESCINDING CHAPTER 279, “TREES AND SHRUBS” AND CHAPTER 296, “WATERFRONT CONSISTENCY REVIEW”,**

**THE ADOPTION OF CHAPTER 159 CREATING A CONSERVATION ADVISORY COUNCIL AND AN AMENDMENT OF CHAPTER 300, THE ZONING ORDINANCE OF THE CITY OF NEWBURGH, DECLARING THE PROJECT TO BE AN UNLISTED ACTION, CONSIDERING AN ENVIRONMENTAL ASSESSMENT FORM(EAF), REFERRING SAME TO THE ORANGE COUNTY PLANNING DEPARTMENT AS REQUIRED BY SECTION 239 OF THE GENERAL MUNICIPAL LAWS AND SCHEDULING A PUBLIC HEARING**

**WHEREAS**, by Resolution No. 87-2012 of June 18, 2012, the City Council of the City of Newburgh accepted and authorized the City Manager to take other steps necessary and appropriate to implement the recommendations in the Streamlining Newburgh’s Land Use Process report and recommendations; and

**WHEREAS**, in furtherance of the City’s goal to streamline its land use process, the City is proposing to rescind Chapter 279, “Trees and Shrubs” and Chapter 296, “Waterfront Consistency Review” and consolidate the regulatory schemes contained therein into a Conservation Advisory Council created in a new Chapter 159 and adopt conforming amendments to Chapter 300, “Zoning” of the Code of Ordinances; and

**WHEREAS**, in compliance with SEQRA, the City Council of the City of Newburgh wishes to assume Lead Agency status, declare the action to be an Unlisted action, proposes to accept as complete an Environmental Assessment Form (“EAF”), refer the proposed ordinance to the Orange County Planning Department pursuant to General Municipal Law Section 239, and schedule a public hearing in connection with the proposed legislation;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York as follows:

1. That the City Council of the City of Newburgh hereby declares itself as the Lead Agency for the environmental review of the action pursuant to 6 NYCRR 617.6; and
  2. Classifies the action as an Unlisted Action; and
  3. Proposes to accept as complete the Environmental Assessment Form (“EAF”) attached hereto;
  4. Refers the proposed Local Law and Ordinance to the Orange County Planning Department as required by General Municipal Law Section 239; and
1. Schedules a public hearing to receive comments concerning “A Local Law Rescinding Chapter 270 Entitled ‘Trees and Shrubs’ and Rescinding Chapter 296 Entitled ‘Waterfront Consistency Review’ and Adding Chapter 159 Entitled ‘Conservation Advisory Council’ to the Code of Ordinances of the City of Newburgh” and “An Ordinance to Amend Chapter 300 entitled “Zoning” and Chapter 248, entitled ‘Property Damage’ of the Code of Ordinances of the City of Newburgh to Conform to the Creation of a Conservation Advisory Council in the City of Newburgh”; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 15th day of July, 2013, in the Third Floor Council Chambers, City Hall, 83 Broadway, Newburgh, New York.

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

117-13

617.20  
Appendix A  
State Environmental Quality Review  
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1: Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2: Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3: If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

**THIS AREA FOR LEAD AGENCY USE ONLY**

**DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions**

Identify the Portions of EAF completed for this project:  Part 1  Part 2  Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore a **negative declaration will be prepared**.
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.\***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared**.

\*A Conditioned Negative Declaration is only valid for Unlisted Actions

\_\_\_\_\_  
Name of Action

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (If different from responsible officer)

\_\_\_\_\_  
Date

**PART 1--PROJECT INFORMATION**  
**Prepared by Project Sponsor**

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Streamlining Newburgh's Land Use Process through the Creation of a Conservation Advisory Council

Location of Action (include Street Address, Municipality and County)

City-wide -- City of Newburgh, New York

Name of Applicant/Sponsor City Council, City of Newburgh, New York

Address 83 Broadway

City / PO Newburgh State NY Zip Code 12550

Business Telephone 845-569-7301

Name of Owner (if different) \_\_\_\_\_

Address \_\_\_\_\_

City / PO \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Business Telephone \_\_\_\_\_

Description of Action:

In furtherance of the City's goal to streamline its land use process, the City is proposing to rescind Chapter 279, "Trees and Shrubs" and Chapter 296, "Waterfront Consistency Review" and consolidate the regulatory schemes contained therein into a Conservation Advisory Council created in a new Chapter 159 and adopt conforming amendments to Chapter 300, "Zoning" of the Code of Ordinances.

Please Complete Each Question--Indicate N.A. if not applicable

**A. SITE DESCRIPTION**

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use:  Urban     Industrial     Commercial     Residential (suburban)     Rural (non-farm)  
 Forest     Agriculture     Other \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. Total acreage of project area: N/A acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	_____ acres	_____ acres
Forested	_____ acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	_____ acres	_____ acres
Other (Indicate type) _____	_____ acres	_____ acres

3. What is predominant soil type(s) on project site? N/A

- a. Soil drainage:     Well drained \_\_\_\_\_% of site     Moderately well drained \_\_\_\_\_% of site.  
 Poorly drained \_\_\_\_\_% of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? \_\_\_\_\_ acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site?  Yes     No

a. What is depth to bedrock \_\_\_\_\_ (in feet)

5. Approximate percentage of proposed project site with slopes:

- 0-10% N/A%     10- 15% \_\_\_\_\_%     15% or greater \_\_\_\_\_%

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places?  Yes     No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?  Yes     No

8. What is the depth of the water table? N/A (in feet)

9. Is site located over a primary, principal, or sole source aquifer?  Yes     No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?  Yes     No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?  Yes  No

According to:

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes  No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes  No

If yes, explain:

14. Does the present site include scenic views known to be important to the community?  Yes  No

15. Streams within or contiguous to project area:

N/A

a. Name of Stream and name of River to which it is tributary

16. Lakes, ponds, wetland areas within or contiguous to project area:

N/A

b. Size (in acres):

17. Is the site served by existing public utilities?  Yes  No
- a. If YES, does sufficient capacity exist to allow connection?  Yes  No
- b. If YES, will improvements be necessary to allow connection?  Yes  No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?  Yes  No
20. Has the site ever been used for the disposal of solid or hazardous wastes?  Yes  No

**B. Project Description**

1. Physical dimensions and scale of project (fill in dimensions as appropriate).
- a. Total contiguous acreage owned or controlled by project sponsor: N/A acres.
- b. Project acreage to be developed: N/A acres initially; N/A acres ultimately.
- c. Project acreage to remain undeveloped: N/A acres.
- d. Length of project, in miles: N/A (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. N/A %
- f. Number of off-street parking spaces existing N/A ; proposed N/A
- g. Maximum vehicular trips generated per hour: N/A (upon completion of project)?
- h. If residential: Number and type of housing units:
- |            | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially  | _____      | _____      | _____           | _____       |
| Ultimately | _____      | _____      | _____           | _____       |
- i. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; \_\_\_\_\_ length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? \_\_\_\_\_ ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? N/A tons/cubic yards.
3. Will disturbed areas be reclaimed  Yes  No  N/A
- a. If yes, for what intended purpose is the site being reclaimed?
- 
- b. Will topsoil be stockpiled for reclamation?  Yes  No
- c. Will upper subsoil be stockpiled for reclamation?  Yes  No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? N/A acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes  No

6. If single phase project: Anticipated period of construction: N/A months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated \_\_\_\_\_ (number)

b. Anticipated date of commencement phase 1: \_\_\_\_\_ month \_\_\_\_\_ year, (including demolition)

c. Approximate completion date of final phase: \_\_\_\_\_ month \_\_\_\_\_ year.

d. Is phase 1 functionally dependent on subsequent phases?  Yes  No

8. Will blasting occur during construction?  Yes  No

9. Number of jobs generated: during construction N/A ; after project is complete N/A

10. Number of jobs eliminated by this project N/A .

11. Will project require relocation of any projects or facilities?  Yes  No

If yes, explain:

12. Is surface liquid waste disposal involved?  Yes  No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount \_\_\_\_\_

b. Name of water body into which effluent will be discharged \_\_\_\_\_

13. Is subsurface liquid waste disposal involved?  Yes  No Type \_\_\_\_\_

14. Will surface area of an existing water body increase or decrease by proposal?  Yes  No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain?  Yes  No

16. Will the project generate solid waste?  Yes  No

a. If yes, what is the amount per month? \_\_\_\_\_ tons

b. If yes, will an existing solid waste facility be used?  Yes  No

c. If yes, give name \_\_\_\_\_ ; location \_\_\_\_\_

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?  Yes  No

e. If yes, explain:

17. Will the project involve the disposal of solid waste?  Yes  No

a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month.

b. If yes, what is the anticipated site life? \_\_\_\_\_ years.

18. Will project use herbicides or pesticides?  Yes  No

19. Will project routinely produce odors (more than one hour per day)?  Yes  No

20. Will project produce operating noise exceeding the local ambient noise levels?  Yes  No

21. Will project result in an increase in energy use?  Yes  No

If yes, indicate type(s)

22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.

23. Total anticipated water usage per day N/A gallons/day.

24. Does project involve Local, State or Federal funding?  Yes  No

If yes, explain:

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, Town, Village Planning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, Town Zoning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, County Health Department	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Other Local Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Other Regional Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Referral review by Orange</u>	_____
			<u>County Department of</u>	_____
			<u>Planning</u>	_____
			_____	_____
State Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Federal Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision?  Yes  No

If Yes, indicate decision required:

- |  |   |  |                                      |
|--|---|--|--------------------------------------|
| <input checked="" type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance    | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Site plan                   | <input type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan    | <input type="checkbox"/> Other       |

2. What is the zoning classification(s) of the site?

All City zoning districts will be affected by the proposed action.

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

N/A

4. What is the proposed zoning of the site?

N/A

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?  Yes  No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

N/A

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile?  Yes  No

9. If the proposed action is the subdivision of land, how many lots are proposed? N/A

a. What is the minimum lot size proposed? \_\_\_\_\_

10. Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes  No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

Yes  No

a. If yes, is existing capacity sufficient to handle projected demand?  Yes  No

12. Will the proposed action result in the generation of traffic significantly above present levels?  Yes  No

a. If yes, is the existing road network adequate to handle the additional traffic.  Yes  No

**D. Informational Details**

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

**E. Verification**

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name James Slaughter Date \_\_\_\_\_

Signature \_\_\_\_\_

Title Interim City Manager

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

## PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

### General Information (Read Carefully)

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- ! The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

### Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

### Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO  YES

#### Examples that would apply to column 2

- |  |                          |                          |   |
|--|--------------------------|--------------------------|---|
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| • Construction on land where the depth to the water table is less than 3 feet.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| • Construction of paved parking area for 1,000 or more vehicles.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.                         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<div style="border: 1px solid black; height: 30px;"></div>			

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO  YES

• Specific land forms:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<div style="border: 1px solid black; height: 40px;"></div>			

**Impact on Water**

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO  YES

**Examples** that would apply to column 2

• Developable area of site contains a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Extension of utility distribution facilities through a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Construction in a designated freshwater or tidal wetland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<div style="border: 1px solid black; height: 30px;"></div>			

4. Will Proposed Action affect any non-protected existing or new body of water?

NO  YES

**Examples** that would apply to column 2

• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Construction of a body of water that exceeds 10 acres of surface area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<div style="border: 1px solid black; height: 40px;"></div>			



1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO     YES

**Examples** that would apply to column 2

- |  |                          |                          |                              |  |
|--|--------------------------|--------------------------|------------------------------|--|
| • Proposed Action would change flood water flows                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Proposed Action may cause substantial erosion.                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Other impacts:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

**IMPACT ON AIR**

7. Will Proposed Action affect air quality?

NO     YES

**Examples** that would apply to column 2

- |   |                          |                          |                              |  |
|---|--------------------------|--------------------------|------------------------------|--|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use.                                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas.               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Other impacts:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

**IMPACT ON PLANTS AND ANIMALS**

8. Will Proposed Action affect any threatened or endangered species?

NO     YES

**Examples** that would apply to column 2

- |   |                          |                          |                              |  |
|---|--------------------------|--------------------------|------------------------------|--|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
|---|--------------------------|--------------------------|------------------------------|--|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?  
 NO  YES

**Examples that would apply to column 2**

• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**IMPACT ON AGRICULTURAL LAND RESOURCES**

10. Will Proposed Action affect agricultural land resources?  
 NO  YES

**Examples that would apply to column 2**

• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**IMPACT ON AESTHETIC RESOURCES**

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

NO  YES

**Examples** that would apply to column 2

• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES**

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

NO  YES

**Examples** that would apply to column 2

• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

	1	2	3
	Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

- Other impacts:    Yes  No

**IMPACT ON OPEN SPACE AND RECREATION**

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

- NO  YES

**Examples** that would apply to column 2

- The permanent foreclosure of a future recreational opportunity.    Yes  No
- A major reduction of an open space important to the community.    Yes  No
- Other impacts:    Yes  No

**IMPACT ON CRITICAL ENVIRONMENTAL AREAS**

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

- NO  YES

List the environmental characteristics that caused the designation of the CEA.

**Examples** that would apply to column 2

- Proposed Action to locate within the CEA?    Yes  No
- Proposed Action will result in a reduction in the quantity of the resource?    Yes  No
- Proposed Action will result in a reduction in the quality of the resource?    Yes  No
- Proposed Action will impact the use, function or enjoyment of the resource?    Yes  No
- Other impacts:    Yes  No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

**IMPACT ON TRANSPORTATION**

15. Will there be an effect to existing transportation systems?

NO       YES

**Examples** that would apply to column 2

- |  |                          |                          |                              |  |
|--|--------------------------|--------------------------|------------------------------|--|
| • Alteration of present patterns of movement of people and/or goods. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Proposed Action will result in major traffic problems.             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Other impacts:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

**IMPACT ON ENERGY**

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO       YES

**Examples** that would apply to column 2

- |   |                          |                          |                              |  |
|---|--------------------------|--------------------------|------------------------------|--|
| • Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Other impacts:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

**NOISE AND ODOR IMPACT**

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO       YES

**Examples** that would apply to column 2

- |  |                          |                          |                              |  |
|--|--------------------------|--------------------------|------------------------------|--|
| • Blasting within 1,500 feet of a hospital, school or other sensitive facility.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Odors will occur routinely (more than one hour per day).   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Proposed Action will remove natural barriers that would act as a noise screen.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Other impacts:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |



	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

NO     YES

**If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3**

## Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

### Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.

**RESOLUTION NO.: 118-2013**

**OF**

**JUNE 17, 2013**

**A RESOLUTION AUTHORIZING THE EXECUTION  
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY  
FROM A DEED ISSUED TO  
HABITAT FOR HUMANITY OF GREATER NEWBURGH, INC.  
TO THE PREMISES KNOWN AS 10 LUTHERAN STREET  
(SECTION 29, BLOCK 8, LOT 9)**

**WHEREAS**, on May 19, 2011, the City of Newburgh conveyed property located at 10 Lutheran Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 29, Block 8, Lot 9, to Habitat for Humanity of Greater Newburgh, Inc.; and

**WHEREAS**, in preparation for the sale of 10 Lutheran Street to the homeowner Habitat for Humanity of Greater Newburgh Inc. has requested a release of the restrictive covenants contained in said deed; and

**WHEREAS**, this Council believes it is in the best interest of the City of Newburgh and its further development to grant such request;

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

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

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

**ADOPTED**

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

**KNOWN ALL PERSONS BY THESE PRESENTS**, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 10 Lutheran Street, Section 29, Block 8, Lot 9 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4 and 5 in a deed dated May 19, 2011, from THE CITY OF NEWBURGH to HABITAT FOR HUMANITY OF GREATER NEWBURGH, INC., recorded in the Orange County Clerk's Office on June 14, 2011 in Liber 13187 of Deeds at Page 1101 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed

Dated: \_\_\_\_\_, 2013

THE CITY OF NEWBURGH

By: \_\_\_\_\_  
JAMES SLAUGHTER  
Acting City Manager

STATE OF NEW YORK )  
                                  )ss.:  
COUNTY OF ORANGE )

On the \_\_\_\_ day of June in the year 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared JAMES SLAUGHTER, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

\_\_\_\_\_

RESOLUTION NO.: 119 - 2013

OF

JUNE 17, 2013

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER  
TO EXECUTE AN AMENDMENT TO THE  
AGREEMENT FOR THE PAYMENT IN LIEU OF  
TAXES BY AND AMONG THE CITY OF  
NEWBURGH AND VARICK HOMES HOUSING  
DEVELOPMENT FUND CORP.

WHEREAS, by Resolution No. 85-2012 of May 29, 2012, the City Council of the City of Newburgh granted to Varick Homes Housing Development Fund Corp. (the "HDFC"), a New York not-for-profit corporation organized under Article XI of the New York Private Housing Finance Law ("PHFL") and Section 402 of the NYS Not-for-Profit Corporation Law, a real property tax exemption to the extent authorized by Section 577 of the Private Housing Finance Law for Varick Homes Apartments, certain improved real property located at 69 South Street, City of Newburgh, Orange County, New York, Tax Map No. Section 19, Block 2, Lot 1 (the "Land"), consisting of approximately one hundred twenty-two (122) residential units for families and senior citizens of low income (the "Project") and approved an Agreement for the Payment in Lieu of Taxes ("PILOT Agreement"), providing for annual payments as set forth in such Agreement; and

WHEREAS, the HDFC's fiscal year does not end until February 28<sup>th</sup> and does not provide sufficient time for the parties to calculate, invoice and make the annual payment by the due date of June 30<sup>th</sup> as set forth in the PILOT Agreement; and

WHEREAS, the parties agree that amending the PILOT Agreement to change the payment due date to July 31<sup>st</sup> will be sufficient to allow the parties to complete the tasks necessary to calculate, invoice and make the annual payment;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Newburgh that Interim City Manager be and he hereby is authorized to execute and deliver the foregoing Amendment to the PILOT Agreement, in substantially the same form with other documents as Corporation Counsel may require, on behalf of the City.

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: #7-2013**

**AN ORDINANCE RESCINDING THE LANGUAGE CONTAINED IN CHAPTER 240, ENTITLED "RENTAL PROPERTIES" OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH AND ENACTING A NEW CHAPTER 240 TO REQUIRE THE REGISTRATION OF RENTAL PROPERTIES IN THE CITY OF NEWBURGH, ESTABLISHING REGISTRATION REQUIREMENTS, AND LEVYING A REGISTRATION FEE ON OWNERS OF RENTAL PROPERTIES.**

*\*\*\* The ordinance, in its entirety, is available in PDF format on the website, and it is a part of the official Minutes\*\*\**

Mayor Kennedy stated that someone suggested we table the ordinance. But during last year's audit by the NYS Comptroller, it was highly suggested that we do this. Most cities already have this. It is something that will help us manage our rental properties better. The money generated from this will be put into a separate fund. We have discussed this for almost eight months now. We need to stop procrastinating and move forward.

Councilman Brown asked what we need, in terms of staffing, to get this up and running.

Fire Chief Michael Vatter responded that we have an adequate administrative staff at the codes enforcement office. It is mostly a registration process to identify and collect the information about the rental property. It should be noted that 70% of our residents live in rental properties. Also we have an ongoing problem, in which people are doing renovations to their apartments, thus breaking them down further into more units. Vatter pointed out that roughly 50% of the Fire Department Uniformed Staff is also certified as either a Codes Technician or a Codes Enforcement Officer. This additional training and certification occurred at no additional cost to the City of Newburgh. He stated that the staff is in good shape.

Vatter reaffirmed that an owner-occupied rental does not pay a fee. If a person lives in the building with his tenants, then all he has to do is fill out the paperwork. The rental registry is in effect to address the business side of the rental industry. We are not trying to put anybody out of business. The fee

**structures of the rental and vacant building registries are designated to go into separate funds to address code enforcement, abatements and all of the problems that come along with these issues. Vatter knows it is a burden to some people. But we have not added any additional costs to the operation at this point. The idea is to help get these properties back in shape.**

**Councilwoman Angelo pointed out that this ordinance is set up to actually help the renters of this city. She stated she intends to vote in favor of the ordinance.**

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.: 8 - 2013

OF

JUNE 17, 2013

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:

Code Section	Type of Fee	Amount
Chapter 240, Rental Properties		
<del>§ 240-9</del>	<del>Change in rental property registration</del>	<del>\$25</del>
<u>§ 240-3</u>	<u>Rental License Application and Renewal</u>	

A non-refundable annual permit application fee shall be paid, upon filing an application for a rental license or for a renewal rental license in accordance with the following schedule of rental dwelling units per structure:

	Type of Dwelling	Fee
	One dwelling unit	\$150.00
	Two dwelling units	\$250.00
	Three dwelling units	\$350.00
	Four dwelling units	\$450.00
	Five to ten dwelling units	\$750.00
	11 to 50 dwelling units	\$1,500.00
	51 to 100 dwelling units	
<u>\$2,000.00</u>		
	101 to 200 dwelling units	
<u>\$2,500.00</u>		
	Over 200 dwelling units	
<u>\$5,000.00</u>		

**Section 2.** This ordinance shall take effect on September 1, 2013.

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.: 120 - 2013

OF

JUNE 17, 2013

A RESOLUTION TO AUTHORIZE THE INTERIM CITY MANAGER TO ENTER  
INTO  
AN AGREEMENT WITH CONKLIN SERVICES & CONSTRUCTION INC.  
FOR PROFESSIONAL SERVICES IN CONNECTION WITH  
PETROLEUM BULK STORAGE COMPLIANCE AT A COST OF \$750.00

WHEREAS, by Resolution No. 195-2009 of December 14, 2009, the City Council of the City of Newburgh authorized the City Manager to enter into a Consent Order with the NYS Department of Environmental Conservation to resolve violations of the Petroleum Bulk Storage regulations issued under Article 17 of the NYS Environmental Conservation Law; and

WHEREAS, to resolve the violations, the City must produce as-built drawings for the underground diesel (2,500 gallon) and underground gasoline (6,000 gallon) storage tanks located at the City of Newburgh's public works garage; and

WHEREAS, Conklin Services & Construction Inc. installed the tanks around the year 1999, and therefore, is the best qualified to produce the required drawings; and

WHEREAS, this Council has determined that entering into the proposed agreement to complete the City's compliance with the Order on Consent is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the Interim City Manager be, and he hereby is 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 Conklin Services & Construction Inc. to prepare as-built drawings to the underground petroleum storage tanks located at the public works garage at a cost of Seven Hundred Fifty (\$750.00) Dollars.

**Craig Marti explained that this matter is so that we are able to comply with the final terms of a Notice of Violation and a Consent Order which was entered. In 2010 we identified some missing components. Accordingly we asked for a meeting with the DEC's consultants. Following an inspection that**

**came around this year, we received some advice from its consultants. Conklin Services is the contractor who took the tanks out originally. They have the necessary records that will help us bring closure to this issue.**

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

120-13



# CONKLIN SERVICES & CONSTRUCTION INC.

94 Stewart Avenue · PO Box 7418 · Newburgh, NY 12550  
(845) 561-1512 · Fax (845) 561-1204  
[www.pumpandtank.com](http://www.pumpandtank.com)

May 30, 2013

City of Newburgh  
Jason Morris P.E.  
83 Broadway, Newburgh NY

**SUBJECT: DPW Tank Compliance**

Dear. Mr. Morris:

We are pleased to offer the estimate outlined below.

Site Visit and generate as-built for 2 USTs As-built plans will be prepared in accordance with Section-D of NYSDEC publication DER-25 (Petroleum Bulk Storage Inspection Handbook)".

\$750.00

The price assumes that a survey of the facility in electronic form will be supplied to CSC at no cost.

Thank you for the opportunity to offer this quote. To confirm this work please sign and date the acceptance line below, return original proposal along with your deposit to our office and retain one copy for your records. Should you need any additional information or assistance, please feel free to contact our office.

Sincerely,

\_\_\_\_\_  
Acceptance Signature

**CONKLIN SERVICES & CONSTRUCTION INC.**

Sean Morgan P.E.  
Environmental Department Director

\_\_\_\_\_  
Title Date

**RESOLUTION NO.: 121- 2013**

**OF**

**JUNE 17, 2013**

**RESOLUTION AMENDING RESOLUTION NO: 223 - 2012,  
THE 2013 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK  
TO TRANSFER \$96,788.94 FROM GRAND STREET COURTHOUSE  
TO ESTABLISH BUDGET LINES FOR THE NEWLY CREATED  
PARKING VIOLATIONS BUREAU**

**BE IT RESOLVED**, by the Council of the City of Newburgh, that Resolution No: 223-2012, the 2013 Budget of the City of Newburgh, is hereby amended as follows:

		<u>Decrease</u>	<u>Increase</u>
A.1120	Grand Street Courthouse		
.0101	Salary	\$ 52,522.06	
A.1130	Parking Violations Bureau		
.0101	Salary		\$31,324.86
.0448	Hearing Officers		\$
3,300.00			
.0448.0001	Appeals Officers		\$ 2,040.00
.0201.0000	Equipment (Computer, Printer & Supplies)		\$ 6,000.00
.0448.0004	Software		<u>\$ 9,857.20</u>
			\$52,522.06
A.1120	Grand Street Courthouse		
.0102	Part Time	\$ 2,400.00	
A.1130	Parking Violations Bureau		
.0448.0004	Software		\$ 1,300.00
.0102	Part Time		<u>\$ 1,100.00</u>
			\$ 2,400.00

		<u>Decrease</u>	<u>Increase</u>
A.1120	Grand Street Courthouse		
.0413	Supplies	\$ 1,400.00	
A.1130	Parking Violations Bureau		
.0413	Supplies		\$ 1,400.00
A.1120	Grand Street Courthouse		
.0810	Retirement	\$13,349.00	
.0830	Social Security	\$ 4,201.32	
.0835	MTA Tax	\$ 186.56	
.0860	Health Insurance	\$21,320.00	
.0870	Disability Life Insurance	\$ 235.00	
.0880	Employee Benefit	<u>\$ 1,175.00</u>	
		\$40,466.88	
A.1130	Parking Violations Bureau		
.0810	Retirement		\$13,349.00
.0830	Social Security		\$ 4,201.32
.0835	MTA Tax		\$ 186.56
.0860	Health Insurance		\$21,320.00
.0870	Disability Life Insurance		\$ 235.00
.0880	Employee Benefit		<u>\$ 1,175.00</u>
			\$40,466.88
<b>TOTAL:</b>		<u><b>Decrease</b></u>	<u><b>Increase</b></u>
		<b>\$96,788.94</b>	<b>\$96,788.94</b>

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.: 122 - 2013**

**OF**

**JUNE 17, 2013**

**RESOLUTION AMENDING RESOLUTION NO: 223-2012,  
THE 2013 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK  
TO TRANSFER \$150,000.00 FROM SELF INSURANCE CONTINGENCY  
TO WORKERS COMPENSATION TO COVER ADDITIONAL EXPENDITURE  
COSTS**

**BE IT RESOLVED**, by the Council of the City of Newburgh, that Resolution No: 223-2012, the 2013 Budget of the City of Newburgh, is hereby amended as follows:

		<u>Decrease</u>	<u>Increase</u>
M.1990	Contingency		
.0400		\$ 150,000.00	
M.9040	Worker's Compensation		
.0408			\$ 150,000.00

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. 123 - 2013

OF

JUNE 17, 2013

A RESOLUTION TO AUTHORIZE A SETTLEMENT IN THE MATTER OF  
MELISSA MUCCI AGAINST THE CITY OF NEWBURGH  
IN THE AMOUNT OF SIXTY-TWO THOUSAND FIVE HUNDRED DOLLARS

WHEREAS, Melissa Mucci brought an action against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the settlement in the amount of Sixty-two Thousand Five Hundred (\$62,500.00) Dollars in exchange for a release to resolve all claims among them; and

WHEREAS, this Council has determined it to be in the best interests of the City of Newburgh to settle the matter for the amount agreed to by the parties;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City's attorneys are hereby authorized to settle the claim of Melissa Mucci against the City of Newburgh in the total amount of Sixty-two Thousand Five Hundred (\$62,500.00) Dollars and that the Interim City Manager be and he hereby is authorized to execute documents as the City's attorney may require, to effectuate the settlement as herein described.

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.: 124 - 2013

OF

JUNE 17, 2013

**A RESOLUTION AUTHORIZING THE SETTLEMENT OF  
LITIGATION REGARDING THE IN REM TAX FORECLOSURE  
OF LIENS FOR THE YEAR 2011 RELATIVE TO  
7 MARNE AVENUE (SECTION 7, BLOCK 7, LOT 4)**

**WHEREAS**, The City of Newburgh commenced a proceeding for the foreclosure of certain tax liens, such action being designated as Orange County Index Number 2012-001071; and

**WHEREAS**, the owner of the property, Effiong Eyo, served an Answer to such action in regard to the foreclosure of 7 Marne Avenue (Section 7, Block 7, Lot 4); and

**WHEREAS**, HSBC/Corelogic has advised the City that they are prepared to settle such action on behalf of Effiong Eyo; and

**WHEREAS**, this Council has determined that it would be in the best interests of the City of Newburgh and its further development to settle this matter;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York, that the Interim City Manager be and he is hereby authorized to withdraw the liens on the property located at 7 Marne Avenue (Section 7, Block 7, Lot 4), City of Newburgh, from the List of Delinquent Taxes, provided that the sum of Twenty Eight Thousand One Hundred Ninety Nine And 18/100 (\$28,199.18) Dollars representing substantially all past due tax liens, together with all interest and penalties accruing thereon, together with all currently due taxes and charges, including but not limited to all open 2012-2013 school taxes, water charges and sewer charges, are all paid in full by certified or bank check on or before June 21, 2013.

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.: 125-2013

OF

JUNE 17, 2013

A RESOLUTION APPROVING THE CONSENT JUDGMENTS AND AUTHORIZING THE CITY MANAGER TO SIGN SUCH CONSENT JUDGMENTS IN CONNECTION WITH THE TAX CERTIORARI PROCEEDINGS AGAINST THE CITY OF NEWBURGH IN THE ORANGE COUNTY SUPREME COURT BEARING ORANGE COUNTY INDEX NOS. 2008-8220, 2009-8383, 2010-8355, 2011-7353 AND 2012-6541, INVOLVING SECTION 38, BLOCK 3, LOT 29.1 (BRIAN REILLY); ORANGE COUNTY INDEX NOS. 2008-8228, 2009-8384, 2010-8353, 2011-7355, 2012-6538, INVOLVING SECTION 30, BLOCK 2, LOT 11 (BRIAN AND BARBARA REILLY); ORANGE COUNTY INDEX NOS. 2008-8222 AND 2009-8387, INVOLVING SECTION 36, BLOCK 2, LOT 12 (7 SOUTH JOHNSTON STREET CORP.); ORANGE COUNTY INDEX NOS. 2008-8226 AND 2009-8385, INVOLVING SECTION 29, BLOCK 6, LOTS 8 AND 9 AND SECTION 29, BLOCK 8, LOT 4 (CITY TERRACE ASSOCIATES, LTD.) AND ORANGE COUNTY INDEX NOS. 2009-8389, 2010-8357, 2011-7356 AND 2012-6537, INVOLVING SECTION 43, BLOCK 1, LOT 45 (LIBERTY STREET DEVELOPMENT CORP.)

WHEREAS, Brian Reilly, Brian and Barbara Reilly, 7 South Johnston Street Corp., City Terrace Associates, Ltd., and Liberty Street Development Corp., all involving Barbara Reilly as an owner and/or managing member of the corporation, have commenced tax certiorari proceedings against the City of Newburgh in the Supreme Court of the State of New York, County of Orange; and

WHEREAS, Brian Reilly has commenced tax certiorari proceedings against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2008-2009, 2009-2010, 2010-2011, 2011-2012 and 2012-2013 tax assessment years bearing Orange County Index Nos. 2008-8220, 2009-8383, 2010-8355, 2011-7353 and 2012-6541; and

WHEREAS, Brian and Barbara Reilly have commenced tax certiorari proceedings against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2008-2009, 2009-2010, 2010-2011, 2011-2012 and 2012-2013 tax assessment years bearing Orange County Index Nos. 2008-8228, 2009-8384, 2010-8353, 2011-7355 and 2012-6538; and

**WHEREAS**, 7 South Johnston Street Corp. has commenced tax certiorari proceedings against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2008-2009 and 2009-2010 tax assessment years bearing Orange County Index Nos. 2008-8222 and 2009-8387; and

**WHEREAS**, City Terrace Associates, Ltd. has commenced tax certiorari proceedings against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2008-2009 and 2009-2010 tax assessment years bearing Orange County Index Nos. 2008-8226 and 2009-8385; and

**WHEREAS**, Liberty Street Development Corp. has commenced tax certiorari proceedings against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2009-2010, 2010-2011, 2011-2012 and 2012-2013 tax assessment years bearing Orange County Index Nos. 2009-8389, 2010-8357, 2011-7356 and 2012-6537; and

**WHEREAS**, it appears from the recommendation of the City Assessor, Joanne Majewski, and Richard B. Golden, Esq. of Burke, Miele & Golden, LLP, Special Counsel for the City of Newburgh in the aforesaid proceedings, upon a thorough investigation of the claims that further proceedings and litigation by the City would involve considerable expense with the attendant uncertainty of the outcome, and that settlement of the above matters as more fully set forth below is reasonable and in the best interests of the City; and

**WHEREAS**, Brian Reilly is willing to settle these proceedings without interest, costs or disbursements, in the following manner:

- 1- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2008-2009 as tax map number 38-3-29.1 be reduced to a market value of \$ 275,000.
- 2- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2009-2010 as tax map number 38-3-29.1 be reduced to a market value of \$ 240,000.
- 3- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2010-2011 as tax map number 38-3-29.1 be reduced to a market value of \$ 200,000.
- 4- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2011-2012 as tax map number 38-3-29.1 be reduced to a market value of \$ 170,000.
- 5- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2012-2013 as tax map number 38-3-29.1 be reduced to a market value of \$ 155,000.

**WHEREAS**, Brian and Barbara Reilly are willing to settle these proceedings without interest, costs or disbursements, in the following manner:

- 6- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2008-2009 as tax map number 30-2-11 be reduced to a market value of \$ 300,000.
- 7- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2009-2010 as tax map number 30-2-11 be reduced to a market value of \$ 275,000.
- 8- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2010-2011 as tax map number 30-2-11 be reduced to a market value of \$ 230,000.
- 9- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2011-2012 as tax map number 30-2-11 be reduced to a market value of \$ 200,000.
- 10- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2012-2013 as tax map number 30-2-11 be reduced to a market value of \$ 175,000.

**WHEREAS**, 7 South Johnston Street Corp. is willing to settle these proceedings without interest, costs or disbursements, in the following manner:

- 1- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2008-2009 as tax map number 36-2-12 be reduced to a market value of \$ 225,000.
- 2- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2009-2010 as tax map number 36-2-12 be reduced to a market value of \$ 163,000.

**WHEREAS**, City Terrace Associates Ltd. is willing to settle these proceedings without interest, costs or disbursements, in the following manner:

- 1- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2008-2009 as tax map number 29-6-9 be reduced to a market value of \$ 140,000.
- 2- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2009-2010 as tax map number 29-6-9 be reduced to a market value of \$ 113,000.
- 3- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2008-2009 as tax map number 29-6-8 be reduced to a market value of \$ 138,000.
- 4- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2009-2010 as tax map number 29-6-8 be reduced to a market value of \$ 113,000.

- 5- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2008-2009 as tax map number 29-8-4 be reduced to a market value of \$ 345,000.
- 6- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2009-2010 as tax map number 29-8-4 be reduced to a market value of \$ 313,000.

**WHEREAS**, Liberty Street Development Corp. is willing to settle these proceedings without interest, costs or disbursements, in the following manner:

- 1- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2009-2010 as tax map number 43-1-45 be reduced to a market value of \$ 90,000.
- 2- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2010-2011 as tax map number 43-1-45 be reduced to a market value of \$ 80,000.
- 3- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2011-2012 as tax map number 43-1-45 be reduced to a market value of \$ 75,000.
- 4- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2012-2013 as tax map number 43-1-45 be reduced to a market value of \$ 70,000.

**NOW, THEREFORE BE IT RESOLVED**, that the proposed settlements as set forth and described above and the attached Consent Judgments are hereby accepted pursuant to the provisions of the General City Law and other related laws.

**BE IT FURTHER RESOLVED**, that James A. Slaughter, Interim City Manager of the City of Newburgh; Joanne Majewski, Assessor of the City of Newburgh; and Richard B. Golden, Esq. on behalf of Burke, Miele & Golden, LLP, as Special Counsel, be and they hereby are designated as the persons for the City who shall execute the attached Consent Judgments on behalf of the City of Newburgh, and Richard B. Golden, Esq., as Special Counsel, and counsel for the Petitioners shall present such Consent Judgments to the Orange County Supreme Court for approval pursuant to the aforesaid laws.

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**

125-13

SUPREME COURT – STATE OF NEW YORK  
COUNTY OF ORANGE

-----X  
In the Matter of the Application of  
BRIAN REILLY,

Petitioner,

- against -

**CONSENT JUDGMENT**

CITY OF NEWBURGH, a Municipal Corporation,  
Its ASSESSOR, and its BOARD OF ASSESSMENT  
REVIEW,

**Index Nos.** 2008-8220  
2009-8383  
2010-8355  
2011-7353  
2012-6541

Respondents.

For Review of the Assessment of Certain Real  
Property under Article 7 of the Real Property Tax Law

-----X  
**PRESENT: HON. CATHERINE M. BARTLETT**

**UPON THE CONSENT** attached hereto duly executed by the attorneys for all the parties and by all the parties, it is

**ORDERED**, that the real property of Petitioner described on the City of Newburgh tax rolls for the tax years 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013, as follows:

Tax Map No. 38-3-29.1

be reduced in market value from \$349,700.00, \$300,300.00, \$276,000.00, \$232,100.00, and \$218,400.00, respectively to market values of \$275,000.00, \$240,000.00, \$200,000.00, \$170,000.00, and \$155,000.00, respectively, prior to the application of any real property tax exemptions, if any; and it is further,

**ORDERED**, that the Petitioner's real property taxes on said parcel above described for the 2008-2009, 2009-2010, 2010-2011, 2011-2012 and 2012-2013 School, County and City taxes be adjusted accordingly and that any overpayment by Petitioner be refunded upon the entering of this Consent Judgment with the Orange County Clerk's Office; and it is further,

**ORDERED**, that the officer or officers having custody of the aforesaid City of Newburgh assessment rolls shall make or cause to be made upon the proper books and records and upon the assessment roll of said City the entries, changes and corrections necessary to conform such reduced market values; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the City of Newburgh and/or the County Commissioner of Finance, as the case may be, the amounts, if any, paid as City taxes and City Special District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the County of Orange, the amounts, if any, paid as County taxes and County Special District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the Newburgh City School District, the amounts, if any, paid as School District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be no interest paid or credited in connection with this Consent Judgment provided any refund due is made within sixty (60) days of the service of notice of entry of this Consent Judgment; and it is further,

**ORDERED**, that these proceedings are settled without costs or disbursements to either party as against the other.

Signed:            June \_\_\_, 2013  
                          Goshen, New York

**ENTER:**

\_\_\_\_\_  
HON. CATHERINE M. BARTLETT  
SUPREME COURT JUSTICE

ON CONSENT:

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HON. JAMES A. SLAUGHTER  
Interim City Manager  
Dated:

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KAREN HAGSTROM, ESQ.  
Attorney for the Petitioner  
Dated:

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HON. JOANNE MAJEWSKI  
Assessor  
Dated:

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RICHARD B. GOLDEN, ESQ.  
Burke, Miele & Golden, LLP  
Attorney for Respondents  
Dated:

SUPREME COURT – STATE OF NEW YORK  
COUNTY OF ORANGE

-----X  
In the Matter of the Application of  
BRIAN REILLY and BARBARA REILLY,

Petitioners,

**CONSENT JUDGMENT**

- against -

CITY OF NEWBURGH, a Municipal Corporation,  
Its ASSESSOR, and its BOARD OF ASSESSMENT  
REVIEW,

**Index No.**    2008-8228  
                  2009-8384  
                  2010-8353  
                  2011-7355  
                  2012-6538

Respondents.

For Review of the Assessment of Certain Real  
Property under Article 7 of the Real Property Tax Law

-----X  
**PRESENT: HON. CATHERINE M. BARTLETT**

**UPON THE CONSENT** attached hereto duly executed by the attorneys for all the parties and by all the parties, it is

**ORDERED**, that the real property of Petitioner described on the City of Newburgh tax rolls for the tax years 2008-2009, 2009-2010, 2010-2011, 2011-2012 and 2012-2013 as follows:

Tax Map No. 30-2-11

be reduced in market value from \$474,600.00, \$399,900.00, \$345,800.00, \$290,800.00 and \$273,700.00, respectively to market values of \$300,000.00, \$275,000.00, \$230,000.00, \$200,000.00 and \$175,000.00, respectively, prior to the application of any real property tax exemptions, if any; and it is further,

**ORDERED**, that the Petitioner's real property taxes on said parcel above described for the 2008-2009, 2009-2010, 2010-2011, 2011-2012 and 2012-2013 School, County and City taxes be adjusted accordingly and that any overpayment by Petitioner be refunded upon the entering of this Consent Judgment with the Orange County Clerk's Office; and it is further,

**ORDERED**, that the officer or officers having custody of the aforesaid City of Newburgh assessment rolls shall make or cause to be made upon the proper books and records and upon the assessment roll of said City the entries, changes and corrections necessary to conform such reduced market values; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the City of Newburgh and/or the County Commissioner of Finance, as the case may be, the amounts, if any, paid as City taxes and City Special District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the County of Orange, the amounts, if any, paid as County taxes and County Special District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the Newburgh City School District, the amounts, if any, paid as School District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be no interest paid or credited in connection with this Consent Judgment provided any refund due is made within sixty (60) days of the service of notice of entry of this Consent Judgment; and it is further,

**ORDERED**, that these proceedings are settled without costs or disbursements to either party as against the other.

Signed:        June \_\_, 2013  
                  Goshen, New York

**ENTER:**

\_\_\_\_\_  
HON. CATHERINE M. BARTLETT  
SUPREME COURT JUSTICE

ON CONSENT:

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HON. JAMES A. SLAUGHTER  
Interim City Manager  
Dated:

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KAREN HAGSTROM, ESQ.  
Attorney for the Petitioner  
Dated:

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HON. JOANNE MAJEWSKI  
Assessor  
Dated:

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RICHARD B. GOLDEN, ESQ.  
Burke, Miele & Golden, LLP  
Attorney for Respondents  
Dated:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

-----X  
In the Matter of  
7 SOUTH JOHNSTON STREET CORP.,

Petitioner,

**CONSENT JUDGMENT**

-against-

CITY OF NEWBURGH, a Municipal Corporation,  
its ASSESSOR, and its BOARD OF ASSESSMENT  
REVIEW,

**Index Nos. 2008-8222  
2009-8387**

Respondents.

For Review of the Assessment of Certain Real Property  
under Article 7 of the Real Property Tax Law.

-----X  
**PRESENT: HON. CATHERINE M. BARTLETT**

**UPON THE CONSENT** attached hereto duly executed by the attorneys for all the parties and by all the parties, it is

**ORDERED**, that the real property of Petitioner described on the City of Newburgh tax rolls for the tax years 2008-2009 and 2009-2010, as follows:

Tax Map No. 36-2-12

be reduced in market value from \$309,300.00 and \$289,000.00, respectively to a market value of \$225,000.00 and \$163,000.00, respectively, prior to the application of any real property tax exemptions, if any; and it is further,

**ORDERED**, that the Petitioner's real property taxes on said parcel above described for the 2008-2009 and 2009-2010 School, County and City taxes be adjusted accordingly and that any overpayment by Petitioner be refunded upon the entering of this Consent Judgment with the Orange County Clerk's Office; and it is further,

**ORDERED**, that the officer or officers having custody of the aforesaid City of Newburgh assessment rolls shall make or cause to be made upon the proper books and records and upon the assessment roll of said City the entries, changes and corrections necessary to conform such reduced market values; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the City of Newburgh and/or the County Commissioner of Finance, as the case may be, the amounts, if any, paid as City taxes and City Special District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the County of Orange, the amounts, if any, paid as County taxes and County Special District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the Newburgh City School District, the amounts, if any, paid as School District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be no interest paid or credited in connection with this Consent Judgment provided any refund due is made within sixty (60) days of the service of notice of entry of this Consent Judgment; and it is further,

**ORDERED**, that these proceedings are settled without costs or disbursements to either party as against the other.

Signed:            June \_\_, 2013  
                          Goshen, New York

**ENTER:**

\_\_\_\_\_  
HON. CATHERINE M. BARTLETT  
SUPREME COURT JUSTICE

ON CONSENT:

---

HON. JAMES A. SLAUGHTER  
Interim City Manager  
Dated:

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KAREN HAGSTROM, ESQ.  
Attorney for the Petitioner  
Dated:

---

HON. JOANNE MAJEWSKI  
Assessor  
Dated:

---

RICHARD B. GOLDEN, ESQ.  
Burke, Miele & Golden, LLP  
Attorney for Respondents  
Dated:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

-----X  
In the Matter of the Application of  
CITY TERRACE ASSOC. LTD.,

Petitioner,  
-against-

**CONSENT JUDGMENT**

CITY OF NEWBURGH, a Municipal Corporation,  
its ASSESSOR, and its BOARD OF ASSESSMENT  
REVIEW,

Index Nos. 8226-2008  
8385-2009

Respondents.

For Review of the Assessment of Certain Real Property  
under Article 7 of the Real Property Tax Law.

-----X  
**PRESENT: HON. CATHERINE M. BARTLETT**

**UPON THE CONSENT** attached hereto duly executed by the attorneys for all the parties and by all the parties, it is

**ORDERED**, that the real property of Petitioner described on the City of Newburgh tax rolls for the tax years 2008-2009 and 2009-2010, as follows:

Tax Map No. 29-6-9

be reduced in market value from \$222,500.00 and \$192,500.00, respectively to a market value of \$140,000.00 and \$113,000.00, respectively, prior to the application of any real property tax exemptions, if any; and it is further,

**ORDERED**, that the real property of Petitioner described on the City of Newburgh tax rolls for the tax years 2008-2009 and 2009-2010, as follows:

Tax Map No. 29-6-8

be reduced in market value from \$225,100.00 and \$210,800.00, respectively to a market value of \$138,000.00 and \$113,000.00, respectively, prior to the application of any real property tax exemptions, if any; and it is further,

**ORDERED**, that the real property of Petitioner described on the City of Newburgh tax rolls for the tax years 2008-2009 and 2009-2010, as follows:

Tax Map No. 29-8-4

be reduced in market value from \$719,100.00 and \$680,400.00, respectively to a market value of \$345,000.00 and \$313,000.00, respectively, prior to the application of any real property tax exemptions, if any; and it is further,

**ORDERED**, that the Petitioner's real property taxes on said parcels above described for the 2008-2009 and 2009-2010 School, County and City taxes be adjusted accordingly and that any overpayment by Petitioner be refunded upon the entering of this Consent Judgment with the Orange County Clerk's Office; and it is further,

**ORDERED**, that the officer or officers having custody of the aforesaid City of Newburgh assessment rolls shall make or cause to be made upon the proper books and records and upon the assessment roll of said City the entries, changes and corrections necessary to conform such reduced market values; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the City of Newburgh and/or the County Commissioner of Finance, as the case may be, the amounts, if any, paid as City taxes and City Special District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the County of Orange, the amounts, if any, paid as County taxes and County Special District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the Newburgh City School District, the amounts, if any, paid as School District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be no interest paid or credited in connection with this Consent Judgment provided any refund due is made within sixty (60) days of the service of notice of entry of this Consent Judgment; and it is further,

**ORDERED**, that these proceedings are settled without costs or disbursements to either party as against the other.

Signed: June \_\_, 2013  
Goshen, New York

**ENTER:**

\_\_\_\_\_  
HON. CATHERINE M. BARTLETT  
SUPREME COURT JUSTICE

ON CONSENT:

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HON. JAMES A. SLAUGHTER  
Interim City Manager  
Dated:

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KAREN HAGSTROM, ESQ.  
Attorney for the Petitioner  
Dated:

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HON. JOANNE MAJEWSKI  
Assessor  
Dated:

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RICHARD B. GOLDEN, ESQ.  
Burke, Miele & Golden, LLP  
Attorney for Respondents  
Dated:

SUPREME COURT – STATE OF NEW YORK  
COUNTY OF ORANGE

-----X  
In the Matter of the Application of  
LIBERTY STREET DEVELOPMENT CORP.,

Petitioner,

**CONSENT JUDGMENT**

- against -

CITY OF NEWBURGH, a Municipal Corporation,  
Its ASSESSOR, and its BOARD OF ASSESSMENT  
REVIEW,

**Index Nos.** 2009-8389  
2010-8357  
2011-7356  
2012-6537

Respondents.

For review of a Tax Assessment under Article 7  
Of the Real Property Tax Law

-----X  
**PRESENT: HON. CATHERINE M. BARTLETT**

**UPON THE CONSENT** attached hereto duly executed by the attorneys for all the parties and by all the parties, it is

**ORDERED**, that the real property of Petitioner described on the City of Newburgh tax rolls for the tax years 2009-2010, 2010-2011, 2011-2012 and 2012-2013 as follows:

Tax Map No. 43-1-45

be reduced in market value from \$122,600.00, \$103,500.00, \$103,500.00 and \$88,400.00, respectively to market values of \$90,000.00, \$80,000.00, \$75,000.00 and \$70,000.00, respectively, prior to the application of any real property tax exemptions, if any; and it is further,

**ORDERED**, that the Petitioner's real property taxes on said parcel above described for the 2009-2010, 2010-2011, 2011-2012 and 2012-2013 School, County and City taxes be adjusted accordingly and that any overpayment by Petitioner be refunded upon the entering of this Consent Judgment with the Orange County Clerk's Office; and it is further,

**ORDERED**, that the officer or officers having custody of the aforesaid City of Newburgh assessment rolls shall make or cause to be made upon the proper books and records and upon the assessment roll of said City the entries, changes and corrections necessary to conform such reduced market values; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the City of Newburgh and/or the County Commissioner of Finance, as the case may be, the amounts, if any, paid as City taxes and City Special District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the County of Orange, the amounts, if any, paid as County taxes and County Special District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be audited, allowed and credited to the Petitioner by the Newburgh City School District, the amounts, if any, paid as School District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

**ORDERED**, that there shall be no interest paid or credited in connection with this Consent Judgment provided any refund due is made within sixty (60) days of the service of notice of entry of this Consent Judgment; and it is further,

**ORDERED**, that these proceedings are settled without costs or disbursements to either party as against the other.

Signed:        June \_\_\_\_, 2013  
                  Goshen, New York

**ENTER:**

\_\_\_\_\_  
HON. CATHERINE M. BARTLETT  
SUPREME COURT JUSTICE

**ON CONSENT:**

---

HON. JAMES A. SLAUGHTER  
Interim City Manager  
Dated:

---

KAREN HAGSTROM, ESQ.  
Attorney for the Petitioner  
Dated:

---

HON. JOANNE MAJEWSKI  
Assessor  
Dated:

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RICHARD B. GOLDEN, ESQ.  
Burke, Miele & Golden, LLP  
Attorney for Respondents  
Dated:

## **OLD BUSINESS**

**There were no comments at this time.**

## **NEW BUSINESS**

**There were no comments at this time.**

## PUBLIC COMMENTS REGARDING GENERAL MATTERS OF CITY BUSINESS

Antonio Cruz, a member of Community Voices Heard, discussed the need for affordable housing. He left Ulster County because of bad landlords hoping to find a better place to live in Newburgh. So far he has found that the living conditions are the same. He lived at 61 Ann Street for six months and dealt with raw sewage backing up in the building, among other problems. The management company did not repair several issues in a timely manner, yet the company always demanded that the rent be paid on time. He implored the city council to hold bad landlords and management companies accountable. He invited city officers to participate in the *Welcome Home Tour* on Saturday, June 29<sup>th</sup> to see these problems firsthand. Come out and show your support and willingness to work on these housing issues.

Jarod Harris voiced his opinion on the state of his community. At one time Newburgh was a beautiful place, but it has changed drastically. We lost our voice of power. He urged everyone to continue to fight the good fight. Regardless of how it may seem, we all have come a long way. He believes that if we work together we can create true and effective ways of combating the corruption that has taken place here and across the globe.

Donald Fryar commended the youth for raising concerns about their community. It is not about us, it is about them. We would like to pass the torch to them, but let's not pass them a mess either. We have to be accountable for ourselves. He mentioned that Pastor Austin has a very good program for Newburgh. The Youth Empowerment Center is a very good step. If the young people don't have the work experience, then give them a chance to gain it.

Acquanetta Wright welcomed the Interim City Manager. She is happy to hear that we are going to do something about rental properties. She knows there are risk factors involved, such as the operation of heavy equipment. Yet she agrees that it does not take a super skill to throw rocks into the back of a truck. We have to be able to contribute to the process somehow. She thanked Chief Vatter. They had dialogue about the happenings in the city. Social media is a great way to help keep people informed. Last, she mentioned that she has been pressured to change the name of the *Newburgh Jazz Series*, since it's moved to the county facility. Wright stated that she put a lot of blood, sweat and tears

into the jazz series. She stands very strong in retaining the word *Newburgh* in the concert series. She stated that as long as she is breathing, she will never change the name.

Omari Shakur stated that the Youth Empowerment Center is a place for young people to gather and discuss issues affecting the community. There they can workout, cook and learn to manage their money. Also youth have a place they can go to positively interact with the police department and discover new friends. Next he mentioned that the residents on First Street, near the college, have no place to park when they return home. They plan to circulate a petition that requests resident permit parking in that area. Shakur welcomed Mr. Slaughter. Last, he thanked the youth for coming out and standing here. This is their future and we need to encourage them.

Wyatt Stevens pointed out that he was here in February. The project for the skate park has been pushed back. They do not have a place to skate. They have been kicked out of spot after spot. They do not see any results. He would like to know where the project stands now. A lack of communication is apparent. He stated that he received no return calls or emails from the person he was told to contact. Stevens would like to make this a resolution and not just an idea.

Mayor Kennedy made an exception to allow verbal interaction during this portion of the meeting. She stated she was not aware that the project has been pushed back.

Barbara Smith, a CDBG Advisory commissioner, stated that she insisted that funding for this project be a priority. We made a promise to the children to do this. She assured the children that this has not been back-burning in any way. It is a matter of finding a suitable location, then finding the right people to do the job in order to make the children safe.

Roxie Royal, a CDBG Advisory commissioner, stated that we have to move forward with the skate park, because we promised the children. She is going to do all that she can do to make it happen.

Omari Shakur suggested that the council hold an informational session about it, and bring in more people from the community to participate in the dialogue.

Kennedy remarked that everybody on the council is committed to it. She knows that the funds have been earmarked for it; but, there are

certain guidelines that we need to follow from a municipal perspective. She suggested that we put this on for the next council work session. She feels that we need to have a better system of communication feedback, so that the youth know where we are with the process.

Tammie Hollins pointed out that it is a matter of finding a new location. When they looked at the location of the portable skate park initially, it was deemed as unsuitable. They had to go back to the planning board and then decide where to go from there.

Councilwoman Lee suggested that Stevens speak with the CDBG funding committee to discuss their needs further. The committee needs to work out the details, and then bring it back to the council.

Stevens commented that they have already been in contact with the premier skateboard contractor in the State of New York. All of the highest quality skate parks in the metro area have been built by this contractor. The company is willing to work with them.

Kennedy reminded everyone that we just went through a major change in the City of Newburgh in the last couple of weeks. We have a new city manager. Things have to be reconnected together, and you have to make some allowances for that.

James Slaughter stated that he would sit down with the youth discuss it together with the CDBG Advisory committee and city staff.

Natasha Cotton pointed out that she watched the kids skating in the Chambers Street lot one evening. Children have a tendency to get a little wild. If you listen to the police recording you will hear Cotton screaming at the top of her lungs at one of the police officers. Cotton alleged that she watched as an officer grabbed a 12 year old girl and slammed her head into the police car while trying to get her into the vehicle. She is not opposed to the police department. They have supported her at many events. But the department is still using an excessive amount of force. Cotton stated that proper protocol should have dictated that a female police officer of similar physical stature should have tended to the young girl, not the biggest officer on the force. Cotton feels that the police department did not follow protocol that night.

A woman named Liz remarked that a month ago a young man died across the street from her house. She understands that we all express our grief differently. Every morning she walks out of her house,

she has to look at a shrine of Hennessey bottles and Saints candles that have accumulated. People still gather and hold parties routinely. They break glass bottles and smoke marijuana to pay homage to their friend. They end up throwing the bottles into the park. It is very depressing to see everyday. She has called the police and DPW a number of times. She is already battling with the hospital taking up the resident parking because they do not want to pay to use the garage. She feels that her concerns are left unheard and she is being ignored by the city.

Tammie Hollins wanted to clarify a previous statement that was made three council meetings ago. A resident on Johnston Street stated that she could see the house behind her at 160 North Miller Street. The resident alleged that there were thirteen untamed and dangerous Pit Bull dogs harbored at that location. The statement was published in the newspaper. Hollins is here tonight to make a correction to that previous statement. Hollins stated that she looked into the matter and discovered that there are only two American Bulldogs located there. Both dogs are registered and licensed. Hollins feels that the man's landlord was pressured to evict him based on the woman's original statement. Hollins is disappointed with the community. One person came and made one statement in three minutes, and now this man and his four children are being pushed out of their residence. This city just ran along with the story. Hollins spoke on behalf of the dog owner. They would like city officials to help them rectify what was done to him.

Darryl Monroe stated that there a lot of the problems in Newburgh that deal with economics. He feels that a lot of the programs here are geared toward Latinos. He has nothing against them. Monroe stated that God has given him a vision. Why not let these veterans that are coming home help discipline this city? A lot of them have electrical, plumbing, masonry and carpentry skills. House and employ them first, and then you will be able to generate revenue in the community. There only seems to be one pattern of thought in Newburgh. Now it is time to start interjecting some thought so that people can start thinking differently.

Pastor Rosie stated "Yeah" for the skate park. Also she hopes that the community pool will be open for eight weeks this summer. She questioned whether we investigate questions concerning a person's integrity before we issue a Certificate of Recognition to the person. She stated that she is not bashing anybody. She is just stating some facts that are important to the city. She feels that we handed out a certificate to a local Imam, who is leaving the presidency of NCAC just when the organization has been under investigation and audit. Rosie alleged that

he has refused to answer phones calls, emails and letters from other organizations and state offices. She has a hard time sending off an individual with honors, when he has not walked with integrity in the last few months. It is how a person finishes the job that counts.

Dwayne Cotton spoke in support of the Youth Empowerment Center. It is a unique thing in Newburgh, because it is going to provide a safe haven for youth and young adults ages 8-21. It will be a place that young people can go, grow, watch T.V. and just be able to be themselves without any pressure to perform.

Elder Dextro Tiller remarked that the Youth Empowerment Center is an opportunity for Newburgh to change a pattern that has been occurring in the city. It is an opportunity for people them in the effort. We need to give the youth a place to go. Empower them so that they can be good citizens, and so they can have something to pass on to their own children. Our children need our help. Let's be proactive instead of reactive.

Dr. Bernilda Jones commended Councilman Dillard and Councilman Brown for insisting that we incorporate the workforce. She is a professional architect, and it was her construction firm that built the Wal-Mart on Route 300. Her firm dealt with all of the heartaches of payroll and everything else. She stated that she did some innovative things with her firm in terms of incorporating individuals with gainful employment opportunities. When she did not have local people on her team, she got a bus and got Newburgh residents to work on the project. It can be done. We have people in our community that need work.

Jeff Wallace announced the CVH Tour of Destitute Properties next Saturday. They will meet at 98 Grand Street. He urged everybody to come one, come all.

Daniella Jones commented about her concerns about the Youth Bureau. She would like the council to consider the future of the Youth Bureau. She has attended rehearsals of the Drum Corp. The children are very talented. As a musically trained professional she sees that all the children need is a little encouragement and motivation. We could bring scouts here and give the children a real shot at attending college on scholarships. Whatever people have said about the structure of the youth department is in the past and should be left in the past. You can not attack a person just because you may not like him or her. We are talking about the kids. They practice hard at least three nights per week. She would like the council to reevaluate the Youth Bureau and discuss

ways to help the children. Jones commented that she and her mother are planning to donate at least \$1K of their own personal money. This is how passionate they are about the program.

Pastor Thomas remarked that everyone knows that we have some of the slummiest landlords in Newburgh. Something needs to be done. We have rules, regulations and codes that landlords should follow. Tenants get put out of their homes, but what happens to the landlords? Second, perhaps the city could consider fining the young men who continue to wear their pants down low. She stated it is disgusting and nasty. She has been thinking about taking pictures and posting them up all around Newburgh. Last, we talk about freedom of religious expression. She is going to continue to mention the name *Jesus Christ*. She is breathing his breath. If the name *Jesus* is offensive to people, then so be it. That is their lifestyle. She is offended by all of the cigarette smoke, vulgarity, profanity, etc. As far as she is concerned nobody has been there with her and for her, but *Him*.

A man named Carlos commented that a number of people have approached him about the need for work so that they are able to feed their families. He would like to walk around along with community members, with buckets and brooms in hand, and pick up the garbage on the streets. The kids can do some summer work or complete community service if they get out of control. Second, he remarked that Habitat for Humanity is doing a great job in the community. They need volunteers. He mentioned that homeowners can adopt a way of helping others called a *Brush of Kindness*, in which they allow people to come into their homes and make needed repairs. It would help out homeowners who do not have a lot of money, and it would give people an opportunity to work.

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

## FURTHER COMMENTS FROM THE COUNCIL

Councilwoman Angelo thanked everyone for coming out tonight. She still has applications available for the Newburgh Illuminated committee and applications for vendors for the Fourth of July Celebration.

Councilman Brown remarked that the power of the youth that is displayed is impressive. It shows that we have kids in this community that are really worth something. He hopes the young people continue to push this council to do the right thing. He attends these meetings and nothing ever comes out of them. He knows that the youth are not going to let the council get away with doing nothing.

Councilman Dillard echoed that the power of the youth is awesome. Without the youth we have no future. Without them we have no culture, so we better take heed. When we take heed, we must give all praise to the *The Man Above*. He is the one that will lead us forward. He urged every one of us to reach out tomorrow and say something nice to someone.

Councilwoman Lee stated that the verbal bashing of people needs to stop. How you feel about a person is up to *you*. When we sit here and listen to inflammatory commentary about individuals we set ourselves and the city up to be sued. Second, she stated that she does not want an acrimonious relationship with Mayor Kennedy either. It is simply not worth it. From this point on she is going to do what she thinks is the right thing to do. If you agree with it, then you agree with it. If you do not agree with it, then you don't. When a person is talked about negatively, then it is important for her to say something. Lee stated that her position here does not make her and it didn't make her. She has *always* been somebody before she sat on this council.

Next she commented that she is very proud of the work that Chief Vatter has done in the codes department. We have made some tremendous accomplishments. But know that if someone comes to the microphone to rag on another person, then Lee is going to tune it out. Also know that when you rag on somebody, then somebody could end up ragging on you. She stated that we are here to conduct the business of this city. We have a lot of not-for profits and churches in our city. We really need to question it when not-for-profits operate *for-profit* businesses. The mudslinging can go on for a long time, but we really have to look at how we lead this city forward.

Mayor Kennedy remarked that we witnessed a great demonstration of some dedicated youth who are sticking with it. She stated that she was extremely impressed to hear that Wyatt Stevens had taken the initiative and followed through with calls and contacted the contractor. Second, we are just about ready to put out a big press release called *Code Blitz*. It is an entire campaign beginning this summer. Chief Vatter, GNP and other partners are ready to begin code enforcement across this city. She urged every one to standby because things are working and moving along. They have been doing some data tracking of the major code breakers in Newburgh.

Next she commented that no one has ever heard her sit here and verbally bash anybody. She has been bashed by people who have stood at the microphone. Yet there has never been any complaint from Councilwoman Lee when this has occurred. Tonight it is suddenly *We Can't Bash People*. It seems as though we have very selective reasoning behind it. Kennedy is simply calling it like she sees it. If we are going to enforce rules, then we are going to enforce them all of the time for everybody, and not selectively.

Last, she suggested that they put on for a future work session, discussion about how we are going to start working on a construction crew. It could be a private crew or a city partnership. We need to get creative and start thinking out of the box about it. She does not want to pass anymore resolutions of this sort like they did tonight. She mentioned some time ago the idea of having a brainstorming session to discuss having all of the partners come together to clean up the city. There are others who would like to get in on the action too. We can get the city all cleaned up if we just come together and start thinking out of the box.

Before the meeting concluded, Councilman Dillard asked the Interim City Manager if he had heard anything regarding the *Matrix Report*.

Slaughter responded that he plans to call the individual tomorrow to find out the status of the report. Slaughter said he would get back to the council and provide them with an update this forthcoming Wednesday.

**ADJOURNMENT**

**There being no further business to come before the council, the meeting adjourned at 9:15 P.M.**

**Respectfully Submitted,**

**KATRINA COTTEN  
DEPUTY CITY CLERK**