

A regular meeting of the City Council of the City of Newburgh was held on Thursday, September 12, 2013 at 7:00 P.M. in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

The Prayer was led by Pastor Patricia Thomas followed by the Pledge of Allegiance.

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

PROCLAMATION

The Council proclaimed this month to be National Hispanic Heritage Month

COMMUNICATIONS

Councilwoman Angelo moved and Councilwoman Lee seconded that the minutes of the August 15, 2013 Work Session and the August 19, 2013 Council Meeting be approved.

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

CARRIED

PUBLIC HEARING #1

A joint public hearing was called by the City Council and the Planning Board that was advertised for this meeting to receive comments on the application of Mill Street Partners, LLC for a large-scale mixed-use development Special Use Permit concerning the redevelopment of the Mid-Broadway Site.

Phil Prinzivalli, Shade Tree Commission Chairman, said that last week they met with their volunteer Arborist and the New York State DEC Senior Urban Forester and they reviewed the site plans for the Mid-Broadway Project. They submitted a letter (copy attached) with their recommendations and they hope that the determination of the final site plans take into consideration not only the immediate aesthetics of the streetscape designs but also sound environmental practices and the future outlook for a project of this scope.

Drew Kartiganer, 30 Meadow Street, said that he hasn't seen any plans and thought that they would be presented before the public hearing. All he has heard about this is that there will be numerous one bedroom apartments placed on this site. He has also heard that it doesn't meet the current zoning with regard to parking and that it has basically been taken over by the City Council as opposed to the Planning Board. He owns properties in the area and noted that two of those properties did not receive formal notice for this public hearing so he questioned if this public hearing is valid. He feels that numerous one bedroom apartments is the wrong project and the wrong use for Broadway. With regard to the Supermarket, he doesn't think one will survive in that location. It won't be able to compete with the surrounding Supermarkets such as Walmart and Price Chopper. A Supermarket was put in the City of Newburgh with six figures of CDBG money back around 1998 and it failed within two years. The problem he foresees is that one bedroom apartments are not for families which is what Newburgh needs. One bedroom apartments are not for people who are working when there is not sufficient parking. One bedroom apartments are for people that are going to be a problem to Newburgh. That doesn't mean that everyone who lives in a one bedroom apartment is a problem but you will start having people come from Orange County. One of the problems that we have here, as we all know, is that Orange County likes to drop their problems off in Newburgh and one bedroom apartments is where they live. This will just attract more of them and you will just be giving them a place to do that. Newburgh has done more than enough by taking care of the problems that Orange County has. He currently has buildings right behind this location and there will not be enough parking. You have the Land Bank there trying to do something and this will not help any of that. Sometimes you have to wait for the right time to develop a site. If they put seventy plus, which is what he has heard, one bedroom

apartments in the middle of Broadway then they have damaged Broadway and they have damaged Newburgh so they need to rethink this because this is not the right project or the right site.

Kippy Boyle, Grand Street, said that she sent an e-mail to the Council and the City Manager this morning requesting a map be put up with a laser pointer so that the public could see this project which would have been a generous contribution to this discussion. She noted what she is calling the four P's: PILOT plus Parking Spaces equals Public Payback. This Council is planning on giving the development a PILOT and twenty-five parking spaces of our municipal parking for this project so she would like to know what the public benefit is. Where is the payback? She is sure that the new Comptroller from is well aware that when there are development projects in the City, every high-rise has to make a contribution to the neighborhood. She saw one plan and there is three hundred feet of hard scape on the Johnston Street side all thanks to the parking requirements that we have allowed this project and that is a residential neighborhood. Perhaps a payback would be to ask them to design the parking lot so that it is two stories or underground. Maybe part of that area could be given back to the neighborhood for a community garden or pocket park. She is also concerned about the fact that Lander Street is one way on to Broadway and Johnson Street is one way in the other direction and they are both narrow neighborhood streets. Is that neighborhood going to have to deal with large trucks going through and how will they get out? They will have to go through a small residential neighborhood to access this development.

Jeffrey Link, 119 Broadway, said that he feels this project will take Newburgh several steps backwards in its goal toward a renaissance on Broadway. The project is well intentioned. Providing housing for a segment of the population that is living in substandard housing is an admirable goal, however, why would the Mayor and Council agree to put low-income housing where a family of four's maximum income does not exceed \$26,000.00 right in the middle of a business district? These families have very little disposable income to spend in the stores and this prime real estate should be set aside as an inducement to attract viable commercial businesses that will bring people from outside our community to shop in our City. Providing a vibrant commercial corridor will help grow local businesses and create the much needed jobs that our community is craving. One argument supporting this project is that it will be a retail business with a Supermarket that is needed and will provide jobs, however, as it was noted earlier, putting a Supermarket here that can't compete with the Dollar Stores and Walmart is destined to fail. Our general economy is still very weak and the reason why Dollar Stores and Walmart do so well is that people want to save money when they shop. A small grocery store will fail because people will continue to shop where they

get the best prices. Why does this project have to go on Broadway? It makes no sense. Broadway is the main corridor into the City and this magnificent street was once a hub of commercial activity. Providing housing to a segment of the population that has no real disposable income on the most visible street in the City coupled with a Supermarket that is likely fail and a building that would pay no property taxes would be another example of a failed vision for this City. If this City markets itself properly, there are businesses and people who are prepared to come here. We do not need to give away our prime land to projects that not only won't generate any tax revenue for the City but will intimately cause our tax revenues to decrease because a mid-size grocery store will cause the other surrounding grocery and convenience stores to go out of business creating vacancies and forcing the Assessor to lower the valuations of those buildings which in turn will lower the tax revenues to the City. If we are going to make this City successful once again, we need people who can pay rent without any help and we need building owners to pay property taxes.

Barbara Smith, City of Newburgh, said that everyone has concerns with regard to this piece of property but aren't we at a point of no return? Haven't we discussed this and given permits and given the go ahead for people to start what they are going to do? Are we just talking to make ourselves feel better or are we going to make changes with regard to this? Her main concern is that they are not answering a question that came up at the last meeting with regard to the construction of the building. They want to make metal reinforcements in the bottom floor but the top floors are going to be wood construction. They said that they were going to go back and look to see if it would be safe to continue in that fashion. It was stated, *"As long as the sprinkler system worked it would be O.K."* The safety of this particular project is the thing that we should be concerned with.

Janet Gianopoulos, City of Newburgh, said that they have not heard any details from City leaders or Department Heads. Why is it that a prior Supermarket failed? They also haven't heard what the projected impact might be on some of the smaller stores with similar merchandise to the proposed Supermarket. These are some of the details that need to be spelled out before something is decided upon. We need to do a better job of asking for this information from our Department Heads and seeing data on paper.

Alden Link, 119 Broadway, said that when he lived in White Plains they tore down a lot of the old buildings like we have here on Broadway which we can't tear down because of the Architectural Review Board. One person however, Bob Carchietta, managed to overcome all the resistance that the City threw in his path and clear this area to provide a nice commercial structure. In White Plains when they tore down their old buildings they put in government and commercial buildings and everyone that went there had money to spend.

If we put people here on Broadway with very low incomes, they will not be spending any money. No money, no taxes. He thinks that this project should be thought through very carefully. White Plains is now very successful because they don't have the restrictions that the City of Newburgh has. The City management has been short sighted in the things that they do and he would hope that they wouldn't do something again that will be a problem for the next one hundred years.

Bob, City of Middletown, said that he was worked in the City of Newburgh since 1990 and his concern is that he works in this neighborhood at the Woolworth building. There are forty-five employees in that building and they utilize the Lander Street Parking Lot. There are forty-six spaces in that lot and twenty-six of those spaces are earmarked for this project exclusively. There are residents in the area and businesses along Broadway that also use that parking lot. He thinks that this is a parking issue and they will have some real problems as to where they are going to put all of these cars.

Richard Fiore, City of Newburgh, said that he has watched the City make the same mistakes year after year. With low income housing, anymore than you can afford is a mistake. It is nice to be nice but when you are nicer than you can afford to be those who you are trying to help will pull you down with them. Every study that was done on urban planning shows eight to twelve percent low income. After that you are running the risk of hurting your City. HUD did a study in 1976 which showed seventeen to nineteen percent being the maximum of low income that a City can sustain and be healthy. When you can't afford what you have and you can't take care of the residents that you have now how can you possibly think about taking in another seventy to ninety? It's impossible. The resources aren't here. We want to take care of the people in this City now. We want to help those poor people work themselves up and get out of poverty but we can't when you keep bringing in more. Newburgh has been called a dumping ground but we put out the welcome mat. Every time the City starts getting better we put in another low income housing project. Add to that all of the buildings that are vacant and boarded up now because people couldn't pay their taxes and the twenty-five to thirty percent vacancy rate now. What happens when you build more? It sounds nice but you will end up with more vacancies, more slums, more gutted burned out buildings, more crime and less resources to be distributed among the people who are already here. If you want decent housing for the people that are already here, then work with the Landlords. It is up to the tenants and landlords to work together. At the City Court every week scores of people are being evicted because they aren't paying their rent and they know that they don't have to. As soon as they are done they go find another landlord and do the same thing. They bleed it as long as they can but those landlords have to pay their taxes and bills and try to make a profit which

doesn't happen. That is why the City takes so many buildings every year. This project he feels will be a disaster for a lifetime. Newburgh at this time is almost eighty percent low-income. How can the City stay healthy by adding to that? How will it every come back? Help the people that are here. You are not helping them by bringing in hundreds of more units over the next few years. We want to bring business here and get jobs for the people and the tenants who are already here. Newburgh has to take care of Newburgh first then it can help everybody else.

Peter, Commonwealth Avenue, said that he works for Spectrum Development and he has worked for years building affordable housing units exactly like this one. There are a lot of restrictions with affordable housing and low income buildings. The laborers who will be working on that building will not be allowed to live in it. You have a plethora of buildings here that are sitting vacant and you want to add one building high density with poverty and poverty breeds crime. Help the residents build up the rest of this City because it's getting better every year and they worked hard to do that. If this keeps happening and these building go up then we will be out of business. When you dump it on a developer who hires a property manager, as long as they get their cut they are done. Six months after a building is built there are holes in the walls and carpets are torn and nobody cares because it's not the owner of the project who is managing it. This is a disaster and the City is going to put people like him out of business by doing that.

Raphael, 56 Lander Street, said that every graduate who takes up Urban Planning knows that there is an economic ratio that you do not cross. That number is twelve to fourteen percent of low-income. You have a building that is specialized and has been here for about two years that advertises for new leases and it is a low-income housing structure. They are still looking for tenants twenty-four months later and now you want to build another one? He told the Council to use sound judgment. He saw an Environmental Impact Report which is standard but that doesn't show anything related to an Economic Report and what the impact will be. That is where they need to focus to distinguish what is fake and what is real. He urged the Council to reevaluate their position.

Omari Shakur, City of Newburgh, said that they would like to know what safeguards will be put in place if this development does come through to make sure that we get some of these jobs and that we are a part of it. We definitely need development and jobs here but they would like to make sure that something is put in place for the City of Newburgh. They are tired of people coming into their community with no vested interest. Someone mentioned that these houses were being certified by Social Services but some of these places he wouldn't put his dogs into. Some of these places Social that

Services is paying for are decrepit which needs to be looked into because with Code Compliance how does this happen?

A resident at Commonwealth Avenue said that she owns Spectrum Development and she has three properties here in the City of Newburgh. She fell in love with this area and moved here two months ago. She is a Project Manager for affordable housing and she has put up thousands of units in the Bronx. She believes in these projects but not on Broadway.

Anna Brooks, City of Newburgh, supports and works on the Board of Safe Harbors which provides housing for the underprivileged in the City of Newburgh. She agrees with every comment that has been made so far and this is a very impressive project with a very professional group. She applauds the City Council for recognizing that this is a quality project, however, we cannot afford more affordable housing right now. She spoke with the developers who told her it would be workforce housing. We cannot afford this. We need to clean up Broadway and save that lot for something that is useful commercially. We need to listen to the people who are living here. We want to help our neighbors and live in an integrated community which is why we live here in Newburgh. A rising tide carries all ships.

Pastor Patricia Thomas said that she knows that developers came here and said what they said but the majority of these places in Newburgh is because these Landlords, owners or developers are supposed to keep up these apartments that the people live in. She has been to some of them and they are disgusting. There are holes in the walls and floors which may have been caused by some of the tenants but the landlords should be held accountable. There needs to be laws for these landlords who don't keep up their buildings. Some of these buildings have roaches and rats with missing walls and floors. How can you expect people to live like that?

Lisa Silverstone, Cornwall, Executive Director of Safe Harbors, said that she is not taking an opinion either way on this project tonight. They provide affordable housing here in the City of Newburgh and they bring thousands of people into our City every year through their Concert Series at the Ritz and the Ann Street Gallery. They have turned a blighted corner in our Community that was rife with drugs, crime and prostitution into a community gathering place.

There being no further comments, Councilwoman Lee moved and Councilwoman Angelo seconded to close the public hearing.

All in favor this public hearing was closed.

Shade Tree Commission | City of Newburgh, New York

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Commissioners:

Phil Prinzivalli, Chairman

Richard Harper

Kippy Boyle

Chad Wade



September 10, 2013

City Council

Planning Board

City Manager

Planning Department

Re: Mid-Broadway Project Site Plan Review

Ladies and Gentlemen:

The Shade Tree Commission reviewed the above-referenced site plans at our meeting last Tuesday, September 3rd. We offer the following as advisory comments to the Planning Board for their review as well as for inclusion in the official record of the Public Hearing on September 12th. Our recommendations focus mainly on the perimeter streetscapes (Broadway, Johnston and Lander Streets).

Broadway.

South-facing and subject to re-radiated heat. 10 Okemo Cherries (3" caliper) in the plan.

- Three (3) inch caliper for a smaller sized tree may be more likely to fail in the transplant process, we recommend 2 ½ inch caliper or less be specified for smaller trees.
- Larger shade trees are recommended to be incorporated into the Broadway Corridor. Although there is one electric wire connecting lights on the existing utility poles; the lights can be rewired as part of the construction, eliminating the overhead conflict. We recommend that a minimum of three (3) large Shade Trees should replace four (4) cherries, intermixed in an aesthetically pleasing manner; e.g. October Glory Red Maple, Pin Oak, Little-Leaf Linden. Taller trees will provide cooling of the southern façade and maintain window visibility for the proposed storefronts.
- We recommend that the Applicant look into developing larger impervious planting areas through connecting several proposed planting pits. These larger areas can be designed as stormwater facilities allowing the infiltration of stormwater rather than contributing it to the combined sewer system. One option is to remove the existing curb line, install bollards for pedestrian safety from vehicles and implementing pervious pavement and depressed planting pits. Introducing structural soils will also act as storage capacity during storm events. Additionally, by developing larger planting areas low growing plant material can be specified to help create an aesthetically pleasing and functioning streetscape. Done correctly, this can become a model for the Broadway corridor.

Johnston St. – Townhomes Section.

Streetscape should be consistent with the neighborhood.

- We recommend that the Applicant seriously consider and work with Central Hudson to place the existing electrical wires underground, in an effort to develop an aesthetically pleasing street scape.
- Rather than utilizing smaller tree pits along the street, we recommend that a five (5) foot turf planting strip be incorporated to make the streetscape consistent with the majority of the residential neighborhoods in the City. This will help visually ‘announce’ and transition onto a residential street.
- Placing the existing utilities underground will allow the incorporation of at least two (2) shade trees; e.g. Honey Locusts for filtered shade, or another species with fall color.
- The use of shade trees and other species, e.g. crabapples can break up the monotony of the plantings.

Johnston St. – Parking Lot Section.

This is 300 linear feet of hardscape which adds stormwater runoff, intensifies heat, and has a negative environmental effect on the public, even though it will be private property.

- We recommend that the Applicant use permeable pavement, at a minimum in the areas of the parking spaces to achieve the following benefits: eliminating ice build-up, reduce stormwater attributed the combined sewer system and there’s less salt/sand required.
- As mentioned above, the utilities in this area should be considered for burial during the construction of this Project. By burying the utilities; larger shade trees can be considered for their canopy benefits, e.g. pollutant removal, rain interception, visual calming, heat island reduction.
- The Applicant should ensure that the cultivars/varieties specified are salt tolerant.
- Many varieties of Euonymus show invasive tendencies. We recommend that the Applicant refer to the NYSDEC *Advisory Invasive Plant List* and Cornell Cooperative Extensions *Non-native Plant Species Invasiveness Assessment* to ensure none of the proposed cultivars/varieties specified is part of those lists.
- Structural soil in conjunction with permeable pavers/concrete is also recommended to reduce the amount of stormwater conveyed to the combined sewer system and increase the root zone of proposed plantings.
- Revise the entrance from Johnston Street to propose only two (2) Willow Oaks, rather than the three (3) proposed.

Reduce the size of the parking lot; make a 2-story section, or an underground section. Provide a public benefit pocket park green area in exchange for the parking spaces given by the city.

Lander Street.

Faces the Motor Vehicle building which has no street trees and is all hardscape. This side of the project plan incorporates ‘mechanics’ and facilities areas – loading docks, entranceways, trash areas.

- Although there are overhead wires existing, as mentioned above, the utilities in this area should be considered for burial during the construction of this Project. By burying the utilities; larger shade trees can be considered for their canopy benefits, e.g. pollutant removal, rain interception, visual calming, heat island reduction.
- In the event larger shade trees are not considered, a larger species of tree should be considered in this area to help visually soften and screen the “mechanical” side of the proposed building, e.g. Redbuds.
- Structural soil in conjunction with permeable pavers/concrete is also recommended to reduce the amount of stormwater conveyed to the combined sewer system and increase the root zone of proposed plantings.

- There are hundreds of varieties of 'Malus', we recommend that the Applicant specify a specific cultivar that is a fruitless variety. This will limit the amount of "litter" from the species and further allow for replacement in the future with a correct species, if required.

Maintenance/Warranty Agreement.

The STC is concerned about street tree maintenance. Due to the reduced capacity of many of the City's staff, including DPW, as a public benefit, we recommend the developer provide tree maintenance for the proposed planting within the public right-of-way as part of the overall site maintenance plan. Additionally, the plan set should include a minimum of a two (2) year warranty, starting from the date of acceptance by the City, guaranteeing the replacement of any dead or dying trees.

Respectfully submitted,

Shade Tree Commission

Cc: George Profous, DEC Region 3 Urban Forester
George Garrison, DPW
Craig Marti, Engineering
Ian MacDougall, Planning
Michele Kelson, Legal Department

PUBLIC HEARING #2

Mayor Kennedy called a public hearing that was advertised for this meeting to receive comment regarding a recommended amendment to the fiscal year 2013 Community Development Block Grant budget to the City of Newburgh.

Kippy Boyle, Grand Street, said that she understands that \$2,500.00 is going to be added to the recipients. Six times 2,500.00 equals \$15,000.00 but in another part of the addendum it says that the Youth Services Program is going from \$73,000.00 to \$93,000.00 so there is a \$5,000.00 gap and she would like an explanation.

Courtney Kain, Community Development Director, explained that there will be a small balance in the Youth Services line that the Council will have to reallocate at the end of the year.

Janet Gianopoulos, City of Newburgh, said that previously members of the CDBG Advisory Committee came to the Council and cautioned that some of the past legislation may not meet HUD requirements. It would be good to have the Council polled to make sure that everyone agrees that all of the legislation passed recently and tonight regarding CDBG meets HUD Requirements.

Mayor Kennedy asked Courtney Kain to clarify about meeting the requirements because as far as she knows they meet them all.

Courtney Kain, Community Development Director, said that the City works very closely with officials from HUD. There is an annual assessment process that includes the approval of our Annual Action Plan. Last year the members of the CDBG Advisory Committee brought forward a plan, worked with the Council and approved it. Subsequently HUD approved the funding, actually more funding than we had anticipated which is why the Council has the Budget in front of them tonight. The City then submits a Caper Report which is our Annual Assessment. HUD then approves that and looks for any way that we could improve our programs and ensures they are consistent with their legislation. Additionally every two years HUD officials come to Newburgh and review our files to ensure that we do comply with all of the HUD regulations. She said that they are always looking for ways to improve our program and the City of Newburgh is always in communication with HUD to ensure that we are meeting the regulatory requirement.

Barbara Smith, City of Newburgh, said that the question that was asked had nothing to do with whether we were in compliance with HUD. The

questions that she was asking and making a statement on was the fact that they were in compliance with what they had thought and what they were recommending. The reasons why they did not recommend some of the recipients for the funding is that they felt they were not in compliance and by giving them something it would mean that they were going against the basic dictates of what the HUD program stated. They are not accusing anyone of not being in compliance they are just saying that they must remain in compliance by reviewing, looking and making sure that we are sticking to what the dictates state that we should be looking for.

There being no further comments, Councilwoman Lee moved and Councilwoman Angelo seconded to close the public hearing.

All in favor this public hearing was closed.

PUBLIC HEARING #3

Mayor Kennedy called for a continuation of a public hearing concerning a local law amending Chapter 70 entitled "Parking Violations Bureau" of the Code of the City of Newburgh to increase fines for certain parking violations.

Keith Douglas, Director of Parking Violations Bureau, said that they looked at the parking rates in the surrounding communities as they were looking to increase revenue in the City to alleviate the tax burden on the taxpayers. Upon review they did an analysis using ticket and issuance frequency and came up with the numbers that they propose to increase. Parking revenue is the second largest revenue generator following property taxes so they thought it would be a good way to lessen the burden on the taxpayers.

Councilman Dillard said in terms of the taxpayers what about the business owners? Will they not be losing business if someone runs in for a slice of pizza and comes out to find a \$30.00 ticket on their car?

Mr. Douglas said that they would just have to put 0.25 cents in the meter to avoid the ticket.

Councilman Dillard said that he knows what he is saying but he doesn't like this.

Mr. Douglas said that they were just recommendations.

Kippy Boyle, Grand Street, said that we have discovered the Cash Cow which is the taxpayers. The new Traffic Court is doing a wonderful job and the money is rolling in but this is the low hanging fruit where they can just raise the fees and penalties without thinking any further than that. This is totally not acceptable. If you are going to move forward and find revenues, you can't keep digging into what is here. You have to come up with something new. As she said in an e-mail to the Council this afternoon, how is it that our municipal Waterfront lots that we own are all free parking while we bear the burden of the parking meters? Thousands of cars go to the Waterfront every single weekend and yet we don't ask for any money from them. There is a Budget coming up and this is an asset that we have that could be generating revenue. She would like to know from the New Comptroller how they addressed these kinds of things in New York City and other places. Every tourist area you go to people are more than happy to pay for parking. If they have \$100.00 to buy dinner, they have \$4.00 to spend for four to five hours at the Waterfront. She asked the Council when they are going to get their act together and make that a revenue generator for us.

Councilwoman Lee said that she doesn't know if she likes this idea either. She is a taxpayer too.

Barbara Smith, City of Newburgh, said that there used to be a time where between certain hours on Broadway people could park and not have to pay the meter. She asked if they could look into reinstating that period of time where people can run out for lunch or to take care of business and have a moratorium on parking. Wouldn't it be fair to give back to the public if they are considering increasing the meter fines?

Councilman Dillard said he believes it was from 12:00 P.M. to 2:00 P.M.

Janet Gianopoulos, City of Newburgh, said in regard to parking that she agrees it would be appropriate to consider something that would allow business people to do what they need to do in a short period of time. She feels that the violation rates are moving in the right direction but it still needs some tweaking.

Councilman Dillard said that they have talked about the Ann Street Parking Lot, Grand Street, the Waterfront and the Lander Street Parking Lot for a number of years. What are we planning to do with those parking lots being that the County uses those spaces for free. The spaces at the Library are used for free also.

Interim City Manager, James Slaughter, said that they will be installing meters on those lots. They are waiting for some of the equipment to arrive and then they will be installing at the Library, Waterfront and Ann Street. They can do the Lander Street lot as well. They are aware of the fact that people are parking for free and even with our meter rate of 0.25 cents for thirty minutes it's well below a lot of other areas as far as the time schedule. People obviously make a decision where to park and to put money in the meters so this is something that they are going to pursue and the meters will be installed.

Mayor Kennedy said that the one thing that she asked about and she wants to make sure that before the snow falls and they hand out one single parking ticket for snow that the signs about where to park when it snows during a snow emergency have been replaced. Those signs don't make any sense so they have to come down. We have to have signs that make sense or we can't fine people when they can't figure out where to park when it snows. There is a solution to these fines and that's to put the 0.25 cents in the meter. In regard to the lunch break, that's how we got to the point where people weren't putting money in the meters at all because they didn't know what time

it was for. The other thing she is concerned about and she is planning to speak with our State Legislators about parking permits for people who are business owners because this is going to become problematic to them.

There being no further comments, Councilwoman Angelo moved and Councilwoman Lee seconded to close the public hearing.

All in favor this public hearing was closed.

COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

Kippy Boyle, Grand Street, said in regard to #185-13 that she had requested that Ian MacDougal or Mr. Slaughter could explain more clearly to the public what this Brownfield Opportunity Area really is. That is another reason why she wanted a map here tonight so that the public could see the whole area and explain where NCAC is doing its work and where the Littman Project is. She is very confused by this. In regard to the \$59,000.00 dollars, why are we picking up a tab for the NCAC or anybody else that made a commitment with the State and we are being asked to pick that up at this point when it doesn't make any sense. It seems to her that they haven't seen what the benefits will be to the public. We are being told that we can't afford to do Tyrone Crabb Park but now there is \$59,000.00 to pick up this report from an engineering firm so she needs to understand clearly what the potential benefit is for them to do that. If we pick up the tab, does that mean that the approval goes through from the DEC? What if it doesn't go through and we have spent \$59,000.00? There is an escrow agreement, and the new Comptroller is going to be our escrow agent. The escrow agreement currently reads that funds from the State have to go from NCAC promptly to our escrow person but it should be directly from the State to our escrow agent. There should be no transfer of money because NCAC has proven that it is not fiscally responsible. She would like to see this tabled until they can iron out the whole agreement and perhaps come to a better resolution.

Omari Shakur, City of Newburgh, asked in regard to resolution #185-13 how NCAC keeps getting money. They do nothing for our community. What is this being considered for? They do nothing for our children and they were getting millions of dollars every year but where is it going? He doesn't understand how NCAC keeps coming up. Do you know how many kids could be hired over the summer with \$59,000.00? Who is NCAC? He hopes it is not Rudy Lamar.

Janet Gianopoulos, City of Newburgh, said in regard to resolution #183-13 that she wanted to clarify her earlier question. She just wants the Council to assure the public that they are making the assignments to qualified sub-recipients.

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

LOCAL LAW NO.: 2 - 2013

OF

SEPTEMBER 12, 2013

A LOCAL LAW AMENDING CHAPTER 70 ENTITLED "PARKING VIOLATIONS BUREAU" OF THE CODE OF THE CITY OF NEWBURGH TO INCREASE FINES FOR CERTAIN PARKING VIOLATIONS

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

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 70 Entitled 'Parking Violations Bureau' of the Code of Ordinances of the City of Newburgh to Increase Fines for Certain Parking Violations ."

SECTION 2 - AMENDMENT

Chapter 70 entitled "Parking Violations Bureau" is hereby amended to read as follows:

§ 70-17. Schedule of fines and penalties.

The schedule of fines and penalties shall be as follows:

Violation	Fine
Failure to deposit required coins in a parking meter, overtime parking in a metered space or other meter violation	\$ <u>30.00</u>
Parking prohibited beyond time limit allowed, other than parking meter	\$10.00 <u>30.00</u>
Parking over lines	\$10.00 <u>30.00</u>
Improper Angle Parking	\$10.00 <u>30.00</u>
Parking on the sidewalk	\$10.00 <u>30.00</u>
Parking prohibited upon publicly or privately owned premises without permission	\$30.00
Parking in City lot without permit	\$10.00 <u>30.00</u>
Restricted Parking near Newburgh Free Academy and St. Luke's Cornwall Hospital; <u>Gidney Avenue Parking Lot</u>	\$10.00 <u>30.00</u>

Stopped, standing or parked facing wrong direction	\$10.00 <u>30.00</u>
Stopped, standing or parked more than 12 inches from curb	\$10.00 <u>30.00</u>

Parking prohibitions:

Parking prohibited at any time	\$10.00 <u>30.00</u>
Parking prohibited during certain hours	\$10.00 <u>30.00</u>
Parking prohibited on alternate days	<u>\$30.00</u>
Parking prohibited on alternate days – snow emergency	\$50.00
Parking prohibited on alternate days – street cleaning	\$50.00
Parking prohibited on snow emergency routes	\$50.00
Parking prohibited in a taxi stand	\$10.00 <u>30.00</u>
Parking prohibited in a bus stop	\$10.00 <u>30.00</u>
Parking prohibited in a loading zone	<u>\$30.00</u>
Parking prohibited in boat trailer parking zone	\$10.00 <u>50.00</u>

Violation	Fine
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Standing prohibitions:

Standing prohibited at any time	\$10.00 <u>30.00</u>
Standing prohibited during certain hours	\$10.00 <u>30.00</u>
Standing prohibited from here to corner	<u>\$30.00</u>

Stopping prohibitions:

Stopping prohibited at any time	\$10.00 <u>30.00</u>
Stopping prohibited during certain hours	\$10.00 <u>30.00</u>
Stopping prohibited from here to corner	<u>\$30.00</u>
Stopped, standing or parked on a sidewalk	<u>\$30.00</u>
Standing or parked in front of a public or private driveway	<u>\$30.00</u>
Expired certificate of inspection or registration	<u>\$30.00</u>
Stopped, standing or parked within 15 feet of a fire hydrant	\$25.00 <u>100.00</u>

Double parking	\$25.00 <u>50.00</u>
Obstructing traffic	\$25.00 <u>50.00</u>
Interfering with snow removal	\$50.00
Public Safety Reserved Parking	\$10.00 <u>30.00</u>

Abandoned vehicle

Parking/Standing within 50 ft of Firehouse	\$10.00 <u>50.00</u>
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Handicapped parking violations per § 1203-c of the Vehicle and Traffic Law	\$100.00
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NOTE: In addition, a surcharge of \$30 has been levied by the state of New York for handicapped parking violations pursuant to § 1809-b of the Vehicle and Traffic Law.

SECTION 3 - VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION 4 - EFFECTIVE DATE

This Local Law shall be effective immediately upon adoption in accordance with the provisions of New York State Municipal Home Rule Law.

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

Ayes - Councilman Brown - 1

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

DEFEATED

RESOLUTION NO.: 182 - 2013

OF

SEPTEMBER 12, 2013

**A RESOLUTION APPROVING THE CITY OF NEWBURGH'S AMENDED
CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT
STRATEGY AND ACTION PLAN FOR FISCAL YEAR 2013**

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

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

WHEREAS, this plan was submitted to and approved by the U.S. Department of Housing and Urban Development; and

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

WHEREAS, the U.S. Department of Housing and Urban Development has increased the award amount by \$179,561.00 and requires an amendment of Resolution #224-2012; and

WHEREAS, this one-year Action Plan contains the following amended activities and budget for the City's 2013 Community Development Block Grant Entitlement Program;

Activity	Current Amount	Amended Budget	Add. Amt
1. Youth Services:	\$73,000.00	\$93,000.00	\$20,000.00
2. Façade Improvement Program	\$150,000.00	\$200,000.00	\$50,000.00
3. Downing Park Greenhouse	\$100,000.00	\$200,000.00	\$100,000.00
4. Scattered Sidewalk Program	100,000.00	\$109,561.00	\$9,561.00
TOTAL :			\$179,561.00

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York does hereby approve the Amended Action Plan and associated budget; and

BE IT FURTHER RESOLVED, that the City Manager be and is hereby designated the official representative of the City of Newburgh and is hereby authorized to sign the one-year Action Plan contract, and he is further directed and authorized to act in connection with the submission of a one-year Amended Action Plan and to provide such additional information as may be required.

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.: 183 - 2013

OF

SEPTEMBER 12, 2013

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
AMENDING RESOLUTION NO.: 126-2013 OF JUNE 19, 2013 - AN
AGREEMENT FOR
YOUTH SERVICES SUBCONTRACTS OF FY 2013 COMMUNITY
DEVELOPMENT BLOCK GRANT FUNDS**

WHEREAS, the City Council of the City of Newburgh approved the allocation of Community Development Block Grant (“CDBG”) funds to specific youth sub-contracts as a part of Resolution No. 126 - 2013 of June 19, 2013; and

WHEREAS, U.S. Department of Housing and Urban Development has increased the amount of funding awarded to the City of Newburgh for Federal Year 2013 entitlement funds; and

WHEREAS, this Council has determined the best use of the funds is an increase of funding by \$2,500.00 to the recipients awarded funds as a part of Resolution No. 126-2013 of June 19, 2013;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that Resolution No. 126-2013 of June 19, 2013 is amended to increase funding by \$2,500.00 to the sub-recipients set forth below and that the Interim City Manager be and he is hereby authorized to amend the execute an agreement between the City of Newburgh and the following sub-recipients:

Organization	Funding Requested	Project Description
SUNY Orange	\$7,500.00	STEP Program: Students Taking an Effective Path to Success addresses improving educational outcomes for 15 young people
Newburgh Armory Unity Center	\$7,500.00	Summer Weekend Program: Launch weekend program including reading, gardening and sports (evening basketball and workshops).

Ebenezer Boxing	\$7,500.00	Hook Elite Boxing Club: funding boxing program including mentoring at risk youth.
Nora Cronin	\$7,500.00	Graduate Support Program: Funding a middle school graduate mentor program to assisting students to transition into high school.
Literacy Orange	\$7,500.00	Afterschool Reading Program: financial literacy program and family literacy development for 16 7th, 8th, & 9 th graders.

YMCA	\$7,500.00	Leaders Club: Provide Leadership training, personal growth and development to Newburgh Youth providing teens with role models.
Total Funding to be Awarded:		\$45,000.00

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.:184 - 2013

OF

SEPTEMBER 12, 2013

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER
TO EXECUTE SUPPLEMENTAL AGREEMENT NO.: 5 WITH
THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION IN
CONNECTION WITH ADDITIONAL CONSTRUCTION INSPECTION
WORK ON ROBINSON AVENUE/ROUTE 9W TO PROVIDE FOR FUNDING
IN THE AMOUNT OF \$388,841.00 WITH ONE HUNDRED PERCENT
REIMBURSEMENT THEREOF VIA
THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FROM
FEDERAL ECONOMIC RECOVERY ACT FUNDS**

WHEREAS, the **Reconstruction of Robinson Avenue: Broadway-North City Line** Identified as **PIN 8239.16**, an Economic Recovery Project (hereinafter “the Project”) in the **City of Newburgh, in Orange County**, is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds; and

WHEREAS, Resolution No 176-2009 adopted by the City Council of the City of Newburgh on November 16, 2009 approved of and agreed to provide 100% of the non-federal share of the costs of construction and construction inspection work; and

WHEREAS, it was subsequently found necessary to undertake additional construction inspection work not contemplated in the original agreement authorized by the previous Resolution; and

WHEREAS, it has been found necessary to increase the federal and non-federal share of costs for the additional construction inspection work for the Project; and

WHEREAS, the City of Newburgh desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of additional construction inspection;

NOW, THEREFORE, the City Council of the City of Newburgh, New York, duly convened does hereby:

RESOLVE, that the City Council of the City of Newburgh hereby approves the Project; and it is hereby further

RESOLVED, that the City Council of the City of Newburgh agrees to advance the Project through the City of Newburgh's resources and agrees that the City of Newburgh's Council hereby authorizes the City of Newburgh to pay in the first instance the full federal and full non-federal costs of any and all phases(s) or portions thereof; and

RESOLVED, that the City Council of the City of Newburgh makes a 100% commitment of the non-federal share (if any) of the additional cost of Construction Inspection phases(s) of work for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to the State/Local Agreement; and it is hereby further; and

RESOLVED, that the sum of **\$388,841.00 (\$8,968,841.00 minus previous of \$8,580,000.00)** is hereby appropriated from Robinson Avenue ARRA Funding, H1.0000.4286.5100.2010, and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that upon the completion of the construction of the Project, or a fully usable portion thereof, the City of Newburgh agrees to maintain the Project, or fully usable portion thereof, at their sole cost and expense; and it is hereby further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City Council of the City of Newburgh shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the **City Manager** thereof, and it is further

RESOLVED, that the City Manager is hereby authorized to execute all necessary Agreements or certifications on behalf of the City of Newburgh, subject to the City of Newburgh's Attorney's approval as to form and content, with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the City of Newburgh's first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and

state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that in addition to the Interim City Manager, the following municipal titles: Mayor, Commissioner of Public Works, City Engineer, Corporation Counsel and Comptroller are also hereby authorized to execute any necessary Agreements or certifications on behalf of the City of Newburgh, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

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.: 185 - 2013

OF

SEPTEMBER 12, 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH AMENDING RESOLUTION NO: 223-2012, THE 2013 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK TO TRANSFER FIFTY-NINE THOUSAND ONE HUNDRED FIFTY (\$59,150.00) DOLLARS FROM AUDITING SERVICES TO PLANNING AND MANAGEMENT DEVELOPMENT - OTHER SERVICES TO PAY WALLACE, ROBERTS AND TODD FOR THE FINAL NOMINATION STUDY AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AN ESCROW AGREEMENT WITH THE NEWBURGH COMMUNITY ACTION COMMITTEE IN CONNECTION WITH THE COMPLETION OF STEP 2 BROWNFIELD OPPORTUNITY AREA PROGRAM GRANT FROM THE NEW YORK STATE DEPARTMENT FOR THE NORTHERN NEWBURGH BROWNFIELD OPPORTUNITY AREA

WHEREAS, the Newburgh Community Action Committee (“NCAC”) has applied for and was awarded a Step 2 Brownfield Opportunity Area Program grant from the New York State Department of State to complete a Nomination for a 137 acre area characterized by at least two large brownfield sites that are located within the northern section of the City of Newburgh with the primary objective to return long dormant brownfield sites to productive economic and social use (the “Project”); and

WHEREAS, the NCAC has applied for a Step 3 Brownfield Opportunity Area Program grant from the New York State Department of State to complete an Implementation Strategy for the Project, which includes funding for site assessment activities on the parcel of land known as 5 Scobie Drive and more accurately described as Section 1, Block 1, Lot 6 as shown on the tax map of the City of Newburgh (the “IDA Property”) owned by the City of Newburgh Industrial Development Agency (the “IDA”); and

WHEREAS, the City and the IDA are parties to an Agreement to facilitate the relocation of Hudson Valley Lighting, Inc. to the IDA Property; and

WHEREAS, the NCAC requires the assistance of the City to complete the Nomination phase of the Project in order to be eligible for a grant award to complete the Step 3 Implementation Strategy for the Project; and

WHEREAS, completion of the Nomination phase of the Project and the award of the Step 3 Implementation Strategy grant is necessary for the redevelopment of the City and non-City brownfield sites and for the successful relocation of Hudson Valley Lighting, Inc. to the IDA Property; and

WHEREAS, the completion of the Nomination phase requires the payment of Fifty-nine Thousand One Hundred Fifty (\$59,150.00) Dollars to Wallace, Roberts and Todd for the completed Nomination Study, as well as certain other costs and expenses incurred by consultants engaged by the NCAC and the disbursement of grant funds in the Step 2 Nomination phase in furtherance of the Project (“Expenses”); and

WHEREAS, the City and the NCAC wish to enter into an Agreement, which includes the establishment of an Escrow Fund to govern the payment by the NCAC of certain expenses related to the Project;

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 make a payment of Fifty-nine Thousand One Hundred Fifty (\$59,150.00) Dollars to Wallace, Roberts and Todd for the completed Nomination Study and 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.1900.1976 - Auditing Services	\$59,150.00	
A.8684 - Planning and Management Development .0448 - Other Services		\$59,150.00

and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, that the Interim City Manager be and he is hereby authorized Committee in substantially the same form and with other provisions as Corporation Counsel may require for the payment of certain costs and expenses in connection with Step 2 Brownfield Opportunity Area Program grant from the New York State Department of State.

Councilman Dillard asked if Ian could explain this process.

Councilman Brown said that before we start explaining this resolution it was tabled at the last Work Session so he doesn't understand why it's on the agenda for tonight.

Councilman Dillard asked if they could table something at a Work Session.

Councilman Brown said they could table or take off whatever they don't want to vote on at the next Council Meeting. It was three to one to take this off the agenda. He said that he has a few questions that maybe Councilman Dillard or Councilwoman Lee can answer for him.

Councilman Dillard asked Ian MacDougall, City Planner to explain the BOA process as it relates to where we are now with this WRT.

Ian MacDougall, City Planner, said that there are three Brownfield Programs that we have discussed multiple times at previous Council meetings. Brownfield Opportunity Area is one of them. That program is for planning studies to be done so they look at neighborhoods versus specific properties. There were two BOA's awarded in the City of Newburgh; one for Census Trac 5 and one by a non-profit NCAC for what they call the Northern Newburgh Area in the northwest corner of the City. That basically covers the lands on the north and south side of Pierces Road and south of South Street as far as Hudson Baylor property where they do the recycling. There are three phases to the process and the NCAC was awarded a BOA approximately three years ago and they are at the completion of Phase Two which is the Nomination Study. They hired a consulting firm to do that and that consulting firm has completed their report which is what this resolution is about. To meet the terms of that contract and get the report released.

Mayor Kennedy asked how much money they got to do Phase two.

Mr. MacDougall said that he couldn't remember the exact amount but it was over \$400,000.00.

Mayor Kennedy responded that that was what she thought.

Councilman Dillard said that they need to identify why this is important to the City IDA and to the development that is in the pipeline.

Interim City Manager, James Slaughter, said that essentially it covers one hundred and twenty acres. It includes the initiative on the land as far as

the Brownfield cleanup area that could affect the project that is currently being considered for CFA which is the Littman Project and 5 Scobie Drive. It would include the Dupont Stauffer Project and areas around it in the target area. Basically they are at the stage of the nomination study and submitting it which is leading towards Phase Three. If the Nomination Study is not presented by September 30th, which is the deadline set by the Department of State, then the application process is null and void and it ends. Following conversations with the Board Chairperson of NCAC, it was relayed to him that the Board was not in a position to afford the consultant and is somewhat not functioning on this issue. They looked at it as an opportunity to move this project forward. By getting this work for the Nomination Study if the area in terms of the Brownfield cleanup was awarded we could get a 2% additional Brownfield tax credit for both the Littman Project and the result of 5 Scobie Drive we could create a sub-division and any other businesses that would come in by the end of December, 2015. The other part of the urgency on this project is that the Brownfield Cleanup Program sunsets in 2015. They extended a few years ago from 2004 to December, 2015 and the State has not given any indication that they would continue the program. One of the reasons that they looked at this and made this recommendation was to advance this project along with the other projects that we have. In addition, they wanted to set up an escrow that controlled any money coming back to NCAC as far as reimbursements for Phase Two. That is the purpose of the escrow agreement. If this was approved, the City would own the Nomination Study. It would not be in the possession of NCAC. We would have it delivered to us so that we could look at it and review it then get it off to the State. The escrow agreement essentially says that any funds coming back the City would handle the reimbursement and payments of any consultants that were used during the nomination process and have not been paid.

Councilman Brown said that the money would go to NCAC first and then they have to transfer it over to us. Is that correct?

Interim City Manager, James Slaughter, said yes that is the reason for the escrow agreement because we are not a party with the State. We have tried to see if we could become a party but the Department of State has said no. We wanted to insure that if money came back from the State in terms of reimbursements from the Phase Two activity then the City would control those funds and make sure that the consultants that were owed money would be paid for their services and to control that process.

Councilman Brown asked the City Manager to explain how we could control money that we would not receive directly. He also asked him to explain to the audience how much money we are talking about in terms of submitting this study.

Interim City Manager, James Slaughter, said that the money that is owed to Wallace, Roberts and Todd is \$59,150.00.

Councilman Brown said if the second phase is approved, how much money are we talking about?

Interim City Manager, James Slaughter, said that we haven't gotten a figure from the State in terms of reimbursements.

Councilman Brown said from his understanding it's like \$400,000.00 to \$500,000.00.

Interim City Manager, James Slaughter, said that would be the total project.

Councilman Brown said that money would go to NCAC first and then they would have the responsibility of getting it back to us if we approved this. So we are talking about half a million dollars.

Councilman Dillard asked if the escrow would eliminate that.

Councilman Brown responded that the escrow does not eliminate that. The escrow only says that NCAC has the responsibility to send the money over to us but if they get it they don't have to send it so it's a little sticky. You are talking about an organization who is currently insolvent and who currently owes the City about \$60,000.00 in back rent. They moved from our location to a place where they are paying \$6500.00 a month for rent. They left us holding the bag and moved to a new location where they are paying \$6500.00 a month when their grant specifies that their rental payments should not exceed \$1800.00. That is not fiscally responsible and he would never want to deal with an organization that would do something like that. The fact that they moved to a rental property where they are paying \$6500.00 a month should be looked into. The owner of that property must have something to do with NCAC because that's one way that you rip off a non-profit. Rental expenses are usually not an expense that certain auditors take to but he knows for a fact that that's one way to get money out.

Councilwoman Angelo noted that they already started clearing that land already.

Ian MacDougall, City Planner said that would be Dupont Stauffer.

Councilman Brown said that we shouldn't get off track and get back to NCAC. He said that maybe Councilman Dillard or Councilwoman Lee could

explain because they both sat on that Board as recently as the past year or year and a half. What is the benefit of NCAC continuing with this study? Why can't we find someone else to continue with it? What is the benefit to NCAC?

Councilwoman Lee said that she thinks NCAC is not even in the picture at this point. They are in Court and they have had some challenges. There was no member of the Board or employee at NCAC who had ownership or received any rent for the property. The picture is a little bit bigger than NCAC and what problems they have had over many years. She is looking at the fact that the City would have this study and it would benefit us because we have property there. We have property out near Dupont Stauffer and hopefully the best idea would be the three prong cleanup but you don't know what is there if you don't have the study.

Councilman Brown said that he understands the benefit to the City and he knows for a fact that we need to get these properties cleaned up but what he needs to know specifically is what is the benefit to NCAC staying in this study? Why is it that Councilwoman Lee, Councilman Dillard and Councilwoman Angelo consistently want to push NCAC down the throats of the Council? He is looking for some definitive answers because they want him to gamble with \$59,000.00 of the taxpayer's money to continue a study from an organization that had that money and used it for something else. They want to give this money to an organization that is insolvent and soon to be out of business and they can't explain to him what the benefit is for them to stay in. He told Councilwoman Lee that she seems to know a lot about their financial position.

Councilwoman Lee told Councilman Brown that he needs to attend the meetings, open a book and be a little more visible.

Councilman Brown said that he has opened the book and he is educated on this right here.

Councilwoman Lee told Councilman Brown that she can't nurse him through this. The City Manager and Ian gave answers and she agrees with those answers. She doesn't have anything else to say.

Councilman Brown asked what the benefits are to Councilman Dillard, Councilwoman Angelo and Councilwoman Lee for continuing this project. If they want him to vote the taxpayers money away, he needs to know the benefits. If they can't tell him what their benefit is, then why are we talking about this? The bottom line is that you don't gamble with taxpayers money and he said at the last Work Session that we need to bring all the players to the table. Someone else needs to chip in on this project. The City should not be

held responsible for this total \$59,000.00. He said that he doesn't have a problem with putting some in but he has a problem with NCAC being a part of the study because the escrow agreement means nothing. They will get that money and squander it the way they did in the past. That is his personal opinion. He knows for a fact that if this study is approved that the property will be cleaned up but we need help with this \$59,000.00 and at least three of the Council agreed that this resolution should be tabled until we get all the players to the table to find out who wants to chip in. Everybody benefits from it but we need help paying for it. We need to know exactly what the benefit is to NCAC because if the benefit is to put them back in business then he wants nothing to do with that. We need a new non-profit to handle the rest of this study and that's the bottom line. He added that Councilman Dillard and Councilwoman Lee should abstain their votes because they are too closely related to that organization to make a sound judgment decision.

Councilwoman Lee said that she is voting because she is not reaping any benefits.

Councilman Dillard said he is not on nor has he been on the NCAC Board in six or seven years. Once he became a Councilman and left the Housing Authority he recused himself of all Boards. The benefit to him is six hundred plus jobs for people here in this City. If we can't take a risk to get some jobs and training in this City, then there is something wrong here.

Mayor Kennedy said that this organization has not been able to pull off six hundred jobs. Why would you think that an organization that can't manage themselves for the last ten years could actually implement that plan?

Councilman Dillard said that NCAC is not in the picture.

Councilman Brown said that is not true. They are in the picture and they need to get out. You are talking about essentially giving them an open checkbook and no one can make them abide by an escrow agreement. They will get that money and maybe they will do the right thing but he is not willing to risk that. That study needs to be completed and the funds need to go exactly where they are supposed to go.

Councilman Dillard asked Councilman Brown if he agrees that the study is needed.

Councilman Brown responded, "*absolutely*" but he does not agree with the fact that we need to pay someone else's bills with the taxpayer's money.

Councilman Dillard said that this is an investment.

Councilman Brown said it is not an investment, it is a gamble. If we pay \$59,000.00 it is still not guaranteed that we will be approved for that additional study.

Councilwoman Lee said that they should just vote.

Councilman Brown said that they are not voting on this because it was tabled at the Work Session and that's the bottom line.

Councilwoman Lee said not after discussion. We can vote.

Mayor Kennedy said that this resolution as it now stands probably can't pass.

Councilwoman Lee asked why.

Mayor Kennedy said let's try it and call for a vote.

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

Ayes - Councilman Dillard, Councilman Lee - 2

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

DEFEATED

RESOLUTION NO.: 186 - 2013

OF

SEPTEMBER 12, 2013

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO A LICENSE AGREEMENT WITH THE GREATER NEWBURGH PARTNERSHIP, INC. TO ALLOW FOR THE PAINTING AND MAINTENANCE OF A MURAL ON THE RETAINING WALL LOCATED ON CITY-OWNED PROPERTY WITHIN THE RIGHT OF WAY ALONG THE EAST SIDE OF COLDEN STREET

WHEREAS, The Greater Newburgh Partnership, Inc. ("GNP") is a non-profit organization created for the improvement of the City of Newburgh, the greater Newburgh area and its many stakeholders; and

WHEREAS, the City of Newburgh is the owner of real property located within the ROW along the East side of Colden Street as defined by the Right of Way boundary of the area formerly known as Smith Street, together with a parcel of land acquired by the New York State Department of Transportation from Varick Homes Housing Development Fund Company, Inc. as depicted on Map 38 Section 45 on June 18, 1984 and as shown on New York State Department of Transportation Alignment Plan, Drawing No. 10, dated December 1984, City of Newburgh, New York; and

WHEREAS, the GNP has offered to provide services to the City by painting a mural and maintaining same on the aforementioned property and has requested access to the property to conduct these activities; and

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to enter into the attached license agreement with The Greater

Newburgh Partnership to allow access to City-owned property within the ROW along the East side of Colden Street as defined by the Right of Way boundary of the area formerly known as Smith Street, together with a parcel of land acquired by the New York State Department of Transportation from Varick Homes Housing Development Fund Company, Inc. as depicted on Map 38 Section 45 on June 18, 1984 and as shown on New York State Department of Transportation Alignment Plan, Drawing No. 10, dated December 1984, City of Newburgh, New York for the purpose of painting and maintaining a mural.

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

Ayes - Councilman Brown, Councilman Dillard, Mayor Kennedy - 3

Nays - Councilwoman Angelo, Councilwoman Lee - 2

ADOPTED

LICENSE AGREEMENT

This Agreement, made this ____ day of _____, two thousand and thirteen, by and between the GREATER NEWBURGH PARTNERSHIP, INC., with offices at _____ as "LICENSEE"; and the CITY OF NEWBURGH, a municipal corporation organized and existing under the laws of the State of New York with offices at 83 Broadway, City Hall, Newburgh, New York 12550 as "LICENSOR";

WITNESSETH THAT:

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

SCHEDULE "A"

Within the ROW along the East side of Colden Street as defined by the Right of Way boundary of the area formerly known as Smith Street, together with a parcel of land acquired by the New York State Department of Transportation from Varick Homes Housing Development Fund Company, Inc. as depicted on Map 38 Section 45 on June 18, 1984 and as shown on New York State Department of Transportation Alignment Plan, Drawing No. 10, dated December 1984, City of Newburgh, New York

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

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

First: Licensor hereby gives to Licensee, upon the conditions hereinafter stated, the license or privilege of entering upon Licensor's property located within the ROW along the East side of Colden Street as defined by the Right of Way boundary of the area formerly known as Smith Street, together with a parcel of land acquired by the New York State Department of Transportation from Varick Homes Housing Development Fund Company, Inc. as depicted on Map 38 Section 45 on June 18, 1984, as shown on the Map attached hereto as Schedule "A" and the retaining wall situated thereon, in the City of Newburgh, New York, and taking thereupon such vehicles, equipment, tools, machinery and other materials as may be necessary; for the purposes of creating and painting a mural on the wall and maintaining said mural on property owned by Licensor. No permanent improvements may be erected on the premises.

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

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

Fourth: Licensee hereby agrees to defend, indemnify and hold Licensor harmless against any claims, actions and proceedings brought against Licensor due to the negligence of Licensee, in connection with and/or relating to Licensee's use of the premises. Licensee has posted evidence of and shall maintain throughout the term of this License public liability insurance naming the Licensor as additional insured in a minimum coverage amount of One Million (\$1,000,000.00) Dollars.

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

Sixth: This Agreement and the license or privilege term commences on the date of this Agreement and will be subject to renewal on mutual agreement of both parties for additional one (1) year terms each.

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

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

Remainder of this page intentionally left blank

WITNESSETH:

THE CITY OF NEWBURGH

LICENSOR

By: _____
James A. Slaughter, City Manager

GREATER NEWBURGH
PARTNERSHIP, INC.

LICENSEE

By: _____
Name:
President

Approved as to form:

MICHELLE KELSON
Corporation Counsel

JOHN J. ABER
City Comptroller

RESOLUTION NO.: 187 - 2013

OF

SEPTEMBER 12, 2013

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER
TO SUBMIT AN APPLICATION TO THE ORANGE COUNTY YOUTH
BUREAU FOR 2014 GRANT FUNDING TO SUPPORT PROGRAMS FOR
ORANGE COUNTY YOUTH TO ALLOW FOR THE CONTINUATION OF
THE PLAYGROUND ON WHEELS
AND THE YOUTH VOICE PROGRAMS**

WHEREAS, the Orange County Youth Bureau has advised that they are accepting applications for 2014 grant funding to support programs for Orange County Youth ages 21 and under which provide services, opportunities, and is designed to improve youth and community outcomes; and

WHEREAS, the Youth Bureau wishes to submit an application for grant funding to allow for the continuation of the Playground on Wheels and Youth Voice Programs; and

WHEREAS, the Playground on Wheels is a seven (7) week summer program which was created to provide extended recreation and educational daily activities to youth that reside in low income neighborhoods with high drug traffic, lack of parental supervision, and are economically disadvantaged; and

WHEREAS, the Youth Voice Program Project is designed to engage young people with leaders in the community and create a youth community newspaper which will publish once a month; and

WHEREAS, this Council has determined that making such application is in the best interests of the City of Newburgh and its youth;

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 submit an application on behalf of the City of Newburgh Youth Bureau to the Orange County Youth Bureau for grant funding to allow for the continuation of the Playground on Wheels and the Youth Voice Programs; and

BE IT FURTHER RESOLVED, that the Interim City Manager is further authorized to accept such grant if awarded and to execute the necessary documents as may be appropriate and necessary to accept such grant and administer the program funded thereby.

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.: 188 - 2013

OF

SEPTEMBER 12, 2013

**A RESOLUTION DEDICATING A PORTION OF LIBERTY STREET
FROM FARRINGTON STREET TO THIRD STREET
TO REVEREND SYLVESTER MCCLEARN WAY**

WHEREAS, Reverend Sylvester McClearn was very deeply committed to the youth and families of the City of Newburgh, New York; and

WHEREAS, Reverend McClearn and Wife Billie Marie owned and operated the House of Fashion, the Go Young Shop, the Ice Cream Hut and Mom's Kitchen on Broadway in the City of Newburgh; formed and sponsored two basketball teams and two softball teams; and

WHEREAS, in 1974 the McClearn's were recognized in Black Enterprise Magazine as up and coming entrepreneurs in the United States; and

WHEREAS, Reverend McClearn was regarded as one of the hardest working Pastors, an active participant in the civil rights movement, and a community leader for his involvement as President of the Greater Newburgh Ministerial Association, as a campaign leader for education, and his involvement with the Newburgh Drug Task Force, NAACP, New City Partners of Newburgh, the Black Ministerial Fellowship of Newburgh, as five year Chairman for the Dr. Martin Luther King Jr. Celebration, Chairman of the Black and Hispanic Coalition of Newburgh, champion for voter registration, and Founder and Chairman of the Board of Newburgh Interfaith Emergency Housing for the Homeless; and

WHEREAS, Reverend McClearn received numerous awards for his love and dedication to our community; and received awards such as Newburgh Distinguished Citizen, Martin Luther King Jr. Distinguished Service, Most Deserving Black, Human Rights Commission, Founders Certificate of Appreciation for Project Life, Most Prestigious Black, Certificate of Special Congressional Recognition, Coalition for People's Rights Appreciation, the City of Newburgh Certificate of Appreciation, African American History Committee, Orange County Distinguished Services, Black Ministerial Fellowship Presidential

Award of Excellence and Newburgh Drug and Alcohol Extraordinary Service Award; and

WHEREAS, it is fitting and appropriate that Rev McClearn's life and the heritage of his work be permanently memorialized by the City of Newburgh to serve as a reminder of the principles he represented and of our ongoing obligations to treat one another with tolerance, compassion and understanding;

NOW, THEREFORE, BE IT RESOLVED, that the street known as Liberty Street, from Farrington Street to Third Street, shall be dedicated as "Rev. Sylvester McClearn Way" ; and

BE IT FURTHER RESOLVED, that the Interim City Manager be and he is hereby authorized to effectuate the necessary and appropriate signage in keeping herewith.

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.: 189 - 2013

OF

SEPTEMBER 12, 2013

**A RESOLUTION ACCEPTING A DONATION OF A PEACE POLE
FOR THE PARK AT THE FOOT OF BROADWAY
FROM THE PEACE BELL FOUNDATION**

WHEREAS, the Peace Bell Foundation has generously offered to donate a peace pole to the City of Newburgh; and

WHEREAS, this peace poll will replace the current pole in the park at the foot of Broadway; and

WHEREAS, this Council has determined it to be in the best interests of the City of Newburgh and its further enhancement to accept such donation;

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 accept a peace poll from the Peace Bell Foundation for the park at the foot of Broadway, with the sincere thanks of the City Council on behalf of all of the residents of the City of Newburgh.

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.: 190 - 2013

OF

SEPTEMBER 12, 2013

**A RESOLUTION OF THE CITY OF NEWBURGH
AUTHORIZING THE
INTERIM CITY MANAGER TO EXECUTE A PAYMENT IN-
LIEU OF TAX ("PILOT") AGREEMENT BY AND AMONG THE
CITY OF NEWBURGH, INDEPENDENCE SQUARE HOUSING
DEVELOPMENT FUND COMPANY, INC. AND
INDEPENDENCE SQUARE LIMITED PARTNERSHIP**

WHEREAS, the City of Newburgh (the "City") desires to encourage a sufficient supply of adequate, safe and sanitary dwelling accommodations properly planned for persons with low incomes; and

WHEREAS, Independence Square Housing Development Fund Company, Inc., a to-be-formed Article XI New York private housing finance law corporation and a New York not-for-profit corporation (the "HDFC"), and Independence Square Limited Partnership, a to-be-formed New York limited partnership (the "Partnership"), have identified property located at 70 Lake Street, 205 Lake Drive and 11 Washington Terrace, City of Newburgh, County of Orange, State of New York, more accurately described as Section 33, Block 7, Lots 24, 29.3 and 30 on the official Tax Map of the City of Newburgh (the "Land"), for the purpose of construction on the Land of a housing project for persons of low income, said project to consist of: (i) the acquisition of the Land; (ii) the construction thereon of Seventy-Four (74) units of housing for persons of low income to be known as Independence Square (the "Improvements"); and (iii) the acquisition and installation therein and thereon of certain machinery, equipment, furniture, fixtures and other tangible personal property (the "Equipment", and collectively with the Land and the Improvements, the "Project"); and

WHEREAS, the HDFC will be formed for the purpose of providing residential rental accommodations for persons of low-income; and

WHEREAS, the HDFC will acquire fee title to the Land, as nominee for the Partnership, and will convey its equitable and beneficial interests in the Land to the Partnership in furtherance of the development of the Project; and

WHEREAS, the HDFC's and the Partnership's plan for the use of the Land constitutes a "housing project" as that term is defined in the Private Housing Finance Law of the State of New York ("PHFL"); and

WHEREAS, the HDFC is a "housing development fund company" as the term is defined in Section 572 of the PHFL and Section 577 of the PHFL authorizes the Council Members to exempt the Project from real property taxes; and

WHEREAS, the HDFC will be a co-general partner of the Partnership; and

WHEREAS, the Partnership and the HDFC will be willing to enter into a PILOT Agreement whereby they will make annual payments in lieu of taxes to the City as set forth in the PILOT Agreement presented to the Council Members for approval;

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Newburgh, New York, hereby exempt the Project from real property taxes to the extent authorized by Section 577 of the PHFL and approves the proposed PILOT Agreement by and among the City, the Partnership and the HDFC, in substantially the form presented at this meeting, providing for annual payments as set forth in such agreement; and it is

FURTHER RESOLVED, that the Interim City Manager be and he is hereby authorized to execute and deliver the foregoing PILOT Agreement on behalf of the City; and it is

FURTHER RESOLVED, that this resolution shall take effect immediately.

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

**AGREEMENT FOR PAYMENT IN LIEU OF TAXES (PILOT)
BY AND AMONG THE CITY OF NEWBURGH, INDEPENDENCE SQUARE
HOUSING DEVELOPMENT FUND COMPANY, INC. AND
INDEPENDENCE SQUARE LIMITED PARTNERSHIP**

THIS AGREEMENT FOR PAYMENT IN LIEU OF TAXES (the “Agreement”), dated _____, 2013, by and among the **CITY OF NEWBURGH, NEW YORK**, a New York incorporated municipality, having its principal office located at 83 Broadway, Newburgh, New York 12550 (the “City”) and **INDEPENDENCE SQUARE HOUSING DEVELOPMENT FUND COMPANY, INC.**, a to-be-formed Article XI New York private housing finance law corporation and a New York not-for-profit corporation, having its principal office located c/o Warwick Properties, Inc., 2 Liberty Court, Suite 3, Warwick, New York 10990 (the “HDFC”), which HDFC will hold title to the Property (as hereinafter defined) for the benefit of **INDEPENDENCE SQUARE LIMITED PARTNERSHIP**, a to-be-formed New York limited partnership, having its principal office located c/o Warwick Properties, Inc., 2 Liberty Court, Suite 3, Warwick, New York 10990 (the “Partnership”).

WHEREAS, the HDFC is, or will become, the bare legal or record owner, and the Company is, or will become, the beneficial and equitable owner, of certain real property located in the City of Newburgh, County of Orange, State of New York, as more particularly described in Exhibit A attached hereto (the “Property”); and

WHEREAS, the HDFC will be a corporation established pursuant to Section 402 of the Not-For-Profit Corporation Law and Article XI of the Private Housing Finance Law (“PHFL”); and

WHEREAS, the HDFC will be the co-general partner of the Partnership; and

WHEREAS, the HDFC will be formed and the Partnership will be formed for the purpose of providing residential rental accommodations for persons of low-income; and

WHEREAS, the Partnership will develop, own, construct, maintain and operate a housing project for persons of low income at the Property, anticipated to consist of Seventy-Four (74) residential rental units for persons of low income (the “Project”); and

WHEREAS, the HDFC’s and the Partnership’s plan for the use of the Property constitutes a “housing project” as that term is defined in the PHFL; and

WHEREAS, the HDFC will be a “housing development fund company” as the term is defined in Section 572 of the PHFL; and

WHEREAS, pursuant to PHFL Section 577, the local legislative body of a municipality may exempt the real property of a housing project of a housing development fund company from local and municipal taxes, including school taxes, other than

assessments for local improvements, to the extent of all or a part of the value of the property included in the completed project; and

WHEREAS, the Council Members of the City of Newburgh, New York, by Resolution No. -2013 adopted August 19, 2013, approved and authorized the execution of this Agreement,

NOW, THEREFORE, it is agreed as follows:

1. Pursuant to Section 577 of the PHFL, the City hereby exempts from local and municipal taxes, other than assessments for local improvements, one hundred percent (100%) of the value of the Property, including both land and improvements. "Local and Municipal Taxes" shall mean any and all real estate taxes levied by Orange County ("County"), the City of Newburgh ("City"), the Newburgh Enlarged City School District ("School District") or other taxing jurisdiction (collectively, the "Taxing Jurisdictions").

2. This tax exemption will operate for a period of fifteen (15) years from the HDFC's acquisition of the Property. This Agreement shall not limit or restrict the HDFC's or Partnership's right to apply for or obtain any other tax exemption to which it might be entitled upon the expiration of this Agreement.

3. So long as the exemption hereunder continues, the Partnership shall make annual payments in lieu of taxes ("PILOT") in the amount set forth in this section, which payments shall cover all Local and Municipal Taxes owed in connection with the Property and the Project, and which payments shall be shared by the Taxing Jurisdictions on the same basis as property taxes would be shared if the Property and the Project were fully taxed. The PILOT shall be in the amount of the greater of Twenty-two Thousand Two Hundred and 00/100 (\$22,200.00) Dollars at Three Hundred and 00/100 Dollars (\$300.00) per dwelling unit per year or Four and 79/100 (4.79%) Percent (prorated for the year of acquisition by the HDFC).

4. The tax exemption provided by this Agreement will continue for the term described above provided that the Property and the Project continue to be used as housing facilities for persons of low income and (i) the HDFC and the Partnership operate the Project and the Project in conformance with Article XI of the PHFL; (ii) the HDFC will assume sole legal and beneficial ownership of the Property and the Project and will operate the Project in conformance with Article XI of the PHFL; or (iii) in the event an action is brought to foreclose a mortgage upon the HDFC, and the legal and beneficial interest in the Property and the Project shall be acquired at the foreclosure sale or from the mortgagee, or by a conveyance in lieu of such sale, by a housing development fund corporation organized pursuant to Article XI of the PHFL and such successor in interest shall operate the Project in conformance with Article XI of the PHFL.

5. The failure to make the required payment will be treated as failure to make payment of taxes and will be governed by the same provisions of law as apply to the failure to make payment of taxes, including but not limited to enforcement and collection

of taxes to the extent permitted by law.

6. All notices and other communications hereunder shall be in writing and shall be sufficiently given when delivered to the applicable address stated above (or such other address as the party to whom notice is given shall have specified to the party giving notice) by registered or certified mail, return receipt requested or by such other means as shall provide the sender with documentary evidence of such delivery.

7. This Agreement shall inure to the benefit of and shall be binding upon the City, the HDFC and the Partnership and their respective successors and assigns, including the successors in interest of the HDFC and the Partnership. There shall be no assignment of this Agreement except with consent of the other party, which consent shall not be unreasonably withheld.

8. If any provision of this Agreement or its application is held invalid or unenforceable to any extent, the remainder of this Agreement and the application of that provision to other persons or circumstances shall be enforced to the greatest extent permitted by law.

9. This Agreement may be executed in any number of counterparts with the same effect as if all the signing parties had signed the same document. All counterparts shall be construed together and shall constitute the same instrument.

10. This Agreement constitutes the entire agreement of the parties relating to payments in lieu of taxes with respect to the above described property and supersedes all prior contracts, or agreements, whether oral or written, with respect thereto.

11. Each of the parties individually represents and warrants that the execution, delivery and performance of this Agreement, (i) has been duly authorized and does not require any other consent or approval, (ii) does not violate any article, by-law or organizational document or any law, rule, regulation, order, writ, judgment or decree by which it is bound, and (iii) will not result in or constitute a default under any indenture, credit agreement, or any other agreement or instrument to which any of them is a party. Each party represents that this Agreement shall constitute the legal, valid and binding agreement of the parties enforceable in accordance with its terms.

Remainder of page intentionally left blank.

IN WITNESS WHEREOF, the City, the HDFC and the Partnership have caused this Agreement to be executed in their respective names by their duly authorized representatives and their respective seals to be hereunder affixed, all as of the date above-written.

CITY OF NEWBURGH

DATED: _____, 2013

By: _____

Name: James A. Slaughter
Title: Interim City Manager

INDEPENDENCE SQUARE HOUSING
DEVELOPMENT FUND COMPANY, INC.

DATED: _____, 2013

By: _____

Name: Jonah Mandelbaum
Title: President

PARTNERSHIP

INDEPENDENCE SQUARE LIMITED

LLC,

By: Independence Square Associates,
its Managing General Partner

DATED: _____, 2013

By: _____

Name: Jonah Mandelbaum
Title: Manager

STATE OF NEW YORK)
)
COUNTY OF) SS.:

On the ____ day of _____ in the year 2013, before me personally appeared James A. 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 she executed the same in her capacity, and that by her signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

STATE OF NEW YORK)
)
COUNTY OF) SS.:

On the ____ day of _____ in the year 2013, before me personally appeared Jonah Mandelbaum, 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 person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

EXHIBIT A

RESOLUTION NO.: 191 - 2013

OF

SEPTEMBER 12, 2013

**A RESOLUTION AUTHORIZING THE TRANSFER OF
34 LANDER STREET (SECTION 30, BLOCK 3, LOT 14) AND
38 LANDER STREET (SECTION 30, BLOCK 3, LOT 12)
TO THE NEWBURGH COMMUNITY LANDBANK**

WHEREAS, pursuant to Resolution No. 255-2010 of November 8, 2010, as amended by Resolution No. 47-2011 of February 28, 2011, the City of Newburgh created a land bank with a Board of Directors consisting of eleven (11) members under the New York State Private Housing Finance Law, and known as the Newburgh Housing Development Fund Corporation/Newburgh Community Land Bank; and

WHEREAS, in July 2011, New York State enacted Article 16 of the New York State Not-for-Profit Corporation Law (the "Land Bank Act") providing for the creation of land banks to be used by communities to facilitate the return of vacant, abandoned, and tax-delinquent properties to productive use; and

WHEREAS, by Resolution No. 34-2012 of March 12, 2012, this City Council authorized the City Manager to take all necessary steps to apply for land bank approval from the Empire State Development Corporation and on May 17, 2012, the Empire State Development Corporation approved the City's application to form the Newburgh Community Land Bank; and

WHEREAS, the Newburgh Community Land Bank is ready to acquire City-owned properties consistent with its mission to stimulate planning, economic development and neighborhood revitalization by acquiring, managing and disposing of vacant, abandoned and underutilized properties in a responsible manner in collaboration with community stakeholders, developers and other governmental agencies in order to improve the quality of life in Newburgh; and

WHEREAS, the Newburgh Community Land Bank has requested real property known as 34 Lander Street and 38 Lander Street, more accurately described as Section 30, Block 3, Lot 14 and Section 30, Block 3, Lot 12), respectively, on the official Tax Map of the City of Newburgh; and

WHEREAS, this Council has determined that transferring title to 34 Lander Street and 38 Lander Street is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh that the sale of the following property to the indicated purchaser be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser; and

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>
34 Lander Street	30 - 3 - 14	Newburgh

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

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

Nays - Councilman Brown - 1

ADOPTED

191-13

SCHEDULE "A"

**Priorities Concerning the Disposition of Properties
Newburgh Community Land Bank**

The acquisition, use, and disposition of such properties shall at all times be consistent with the authority granted by the City of Newburgh, the laws of the state of New York, the articles of incorporation and bylaws of the City of Newburgh Land Bank, and the public purposes set forth therein.

As approved by the Board of Directors on September 19, 2012.

1. Priorities Concerning the Disposition of Properties

The disposition of properties shall be based upon a combination of three different factors. The first factor involves the intended or planned use of the property. The second factor considers the nature and identity of the transferee of the property. The third factor addresses the impact of the property transfer on the short and long term neighborhood and community development plans. Within each factor is a ranking of priorities. The disposition of any given parcel will be based upon an assessment of the most efficient and effective way to maximize the aggregate policies and priorities. The Board and Staff of the Land Bank shall at all times retain flexibility in evaluating the appropriate balancing of the priorities for the use of property, priorities as to the nature of the transferee of properties, and priorities concerning neighborhood and community development.

Priorities for Use of Property

1. Quality housing.
2. Return of the property to productive tax paying status.
3. Commercial and mixed use development.
4. Long term "banking" of properties for future strategic uses.
5. Provision of financial resources for operating functions of the Land Bank.

Priorities as to the Nature of the Transferee

1. Individuals who will own and occupy the residential property.
2. Qualified Landlords or real estate investors.
3. Qualified real estate developers; Entities that are a partnership, limited liability corporation, or joint venture comprised of a private nonprofit corporations and a private for-profit entity.
4. Businesses that will own and occupy commercial property.
5. Qualified nonprofits corporations that will hold title to the property on a long-term basis (primarily rental properties) or hold title to the property for purposes of subsequent redevelopment and re-conveyance to private third parties for homeownership.
6. Local government entities for public purpose use.

2. Land Disposition Policies

These policies pertain to transfers of property that may be vacant, improved or ready to occupy.

1. Individuals and entities that were the prior owners of property at the time of the tax foreclosure which transferred title to the Treasurer shall be ineligible to be the transferee of such property from the Treasurer.
2. The transferee must not own any real property that: a) has any unremediated citation or violation of the state and local codes and ordinances; b) a history of chronic code citations or violations of the state and local codes and ordinances; c) is tax delinquent; d) was transferred to a local government as a result of tax foreclosure proceedings.
3. The transferee must not have any judgments against them during the past 5 years regarding a landlord/tenant issue.
4. All tax incentives and financing necessary for the development to be completed must be committed for the development prescribed in the development agreement prior to actual disposition.
5. Options to purchase real estate may be available for a specified percentage of the purchase price with a negotiated time frame to be determined by the Land Bank. This fee will be credited to the parcel price at closing. If closing does not occur, the fee is forfeited. All option agreements are subject to all policies and procedures of the Land Bank pertaining to property transfers.
6. A precise narrative description of future use of the property is required. The future use must be in-line with local development plans. The development agreement shall apply to stated use.
7. The proposed use must be consistent with current zoning requirements or a waiver for non-conforming use is a condition precedent to the transfer.
8. Transactions shall be structured in a manner that permits the Land Bank to enforce recorded covenants or conditions upon title pertaining to development and use of the property for a specified period of time. Such restrictions may be enforced, in certain cases, through reliance on subordinate financing held by the Land Bank.
9. Any non-local residents or entities with a local agent may acquire Land Bank property only with an enforceable plan to place the property into immediate productive use (meaning the property is to be occupied immediately or with the immediate commencement of some form of development project that fits the stated mission of the Land Bank). This applies to all real property.

10. Any exception to the policies governing disposition shall be taken to the governing body of the Land Bank for approval.
11. If code or ordinance violations exist with respect to the property at the time of the transfer, the development or transfer agreements shall specify a maximum period of time for elimination or correction of such violations, with the period of time be established as appropriate to the nature of the violation of the anticipated redevelopment or reuse of the property.
12. The subject property must not have been used by the transferee or a family member of the transferee as his or her personal residence at any time preceding the submission of application (except in rental cases).
13. The Land Bank will consider 'Land Leasing' as a method of disposition in any transactions.
14. Where part or all of the consideration for the transfer is the prospective affordability of the housing units, affordability requirements may be set forth in the transfer agreement and enforceable through recorded covenants, conditions or limitations upon title.

The following additional policies shall apply to properties to be transferred to individual transferees as part of a homeownership program.

1. The owner-occupant must complete renovations and move into the structure with in a time frame negotiated by the Land Bank.
2. The property may not be used solely as rental property.
3. For properties transferred for cash consideration below full fair market value of the property, the owner-occupant must reside in the property as his or her primary residence for at least a 5-year period. If the property is sold prior to the 5-year period, the transferee must either:
 - a) sell the property for no more than the purchase price from the Land Bank plus all cost of property improvements; or
 - b) repay the land bank the difference between the purchase price and the initial fair market value.

RESOLUTION NO.: 192 - 2013

OF

SEPTEMBER 12, 2013

**A RESOLUTION AUTHORIZING THE TRANSFER OF
29 CHAMBERS STREET (SECTION 30, BLOCK 4, LOT 19) AND
33 LANDER STREET (SECTION 30, BLOCK 4, LOT 33)
TO THE NEWBURGH COMMUNITY LANDBANK**

WHEREAS, pursuant to Resolution No. 255-2010 of November 8, 2010, as amended by Resolution No. 47-2011 of February 28, 2011, the City of Newburgh created a land bank with a Board of Directors consisting of eleven (11) members under the New York State Private Housing Finance Law, and known as the Newburgh Housing Development Fund Corporation/Newburgh Community Land Bank; and

WHEREAS, in July 2011, New York State enacted Article 16 of the New York State Not-for-Profit Corporation Law (the "Land Bank Act") providing for the creation of land banks to be used by communities to facilitate the return of vacant, abandoned, and tax-delinquent properties to productive use; and

WHEREAS, by Resolution No. 34-2012 of March 12, 2012, this City Council authorized the City Manager to take all necessary steps to apply for land bank approval from the Empire State Development Corporation and on May 17, 2012, the Empire State Development Corporation approved the City's application to form the Newburgh Community Land Bank; and

WHEREAS, the Newburgh Community Land Bank is ready to acquire City-owned properties consistent with its mission to stimulate planning, economic development and neighborhood revitalization by acquiring, managing and disposing of vacant, abandoned and underutilized properties in a responsible manner in collaboration with community stakeholders, developers and other governmental agencies in order to improve the quality of life in Newburgh; and

WHEREAS, the Newburgh Community Land Bank has requested real property known as 29 Chambers Street and 33 Lander Street, more accurately described as Section 30, Block 4, Lot 19 and Section 30, Block 4, Lot 33), respectively, on the official Tax Map of the City of Newburgh; and

WHEREAS, this Council has determined that transferring title to 29 Chambers Street and 33 Lander Street is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh that the sale of the following property to the indicated purchaser be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser; and

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>
29 Chambers Street	30 - 4 - 19	Newburgh Co

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

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

Nays - Councilman Brown - 1

ADOPTED

192-13

SCHEDULE "A"

**Priorities Concerning the Disposition of Properties
Newburgh Community Land Bank**

The acquisition, use, and disposition of such properties shall at all times be consistent with the authority granted by the City of Newburgh, the laws of the state of New York, the articles of incorporation and bylaws of the City of Newburgh Land Bank, and the public purposes set forth therein.

As approved by the Board of Directors on September 19, 2012.

1. Priorities Concerning the Disposition of Properties

The disposition of properties shall be based upon a combination of three different factors. The first factor involves the intended or planned use of the property. The second factor considers the nature and identity of the transferee of the property. The third factor addresses the impact of the property transfer on the short and long term neighborhood and community development plans. Within each factor is a ranking of priorities. The disposition of any given parcel will be based upon an assessment of the most efficient and effective way to maximize the aggregate policies and priorities. The Board and Staff of the Land Bank shall at all times retain flexibility in evaluating the appropriate balancing of the priorities for the use of property, priorities as to the nature of the transferee of properties, and priorities concerning neighborhood and community development.

Priorities for Use of Property

1. Quality housing.
2. Return of the property to productive tax paying status.
3. Commercial and mixed use development.
4. Long term "banking" of properties for future strategic uses.
5. Provision of financial resources for operating functions of the Land Bank.

Priorities as to the Nature of the Transferee

1. Individuals who will own and occupy the residential property.
2. Qualified Landlords or real estate investors.
3. Qualified real estate developers; Entities that are a partnership, limited liability corporation, or joint venture comprised of a private nonprofit corporations and a private for-profit entity.
4. Businesses that will own and occupy commercial property.
5. Qualified nonprofits corporations that will hold title to the property on a long-term basis (primarily rental properties) or hold title to the property for purposes of subsequent redevelopment and re-conveyance to private third parties for homeownership.
6. Local government entities for public purpose use.

2. Land Disposition Policies

These policies pertain to transfers of property that may be vacant, improved or ready to occupy.

1. Individuals and entities that were the prior owners of property at the time of the tax foreclosure which transferred title to the Treasurer shall be ineligible to be the transferee of such property from the Treasurer.
2. The transferee must not own any real property that: a) has any unremediated citation or violation of the state and local codes and ordinances; b) a history of chronic code citations or violations of the state and local codes and ordinances; c) is tax delinquent; d) was transferred to a local government as a result of tax foreclosure proceedings.
3. The transferee must not have any judgments against them during the past 5 years regarding a landlord/tenant issue.
4. All tax incentives and financing necessary for the development to be completed must be committed for the development prescribed in the development agreement prior to actual disposition.
5. Options to purchase real estate may be available for a specified percentage of the purchase price with a negotiated time frame to be determined by the Land Bank. This fee will be credited to the parcel price at closing. If closing does not occur, the fee is forfeited. All option agreements are subject to all policies and procedures of the Land Bank pertaining to property transfers.
6. A precise narrative description of future use of the property is required. The future use must be in-line with local development plans. The development agreement shall apply to stated use.
7. The proposed use must be consistent with current zoning requirements or a waiver for non-conforming use is a condition precedent to the transfer.
8. Transactions shall be structured in a manner that permits the Land Bank to enforce recorded covenants or conditions upon title pertaining to development and use of the property for a specified period of time. Such restrictions may be enforced, in certain cases, through reliance on subordinate financing held by the Land Bank.
9. Any non-local residents or entities with a local agent may acquire Land Bank property only with an enforceable plan to place the property into immediate productive use (meaning the property is to be occupied immediately or with the immediate commencement of some form of development project that fits the stated mission of the Land Bank). This applies to all real property.

10. Any exception to the policies governing disposition shall be taken to the governing body of the Land Bank for approval.
 11. If code or ordinance violations exist with respect to the property at the time of the transfer, the development or transfer agreements shall specify a maximum period of time for elimination or correction of such violations, with the period of time be established as appropriate to the nature of the violation of the anticipated redevelopment or reuse of the property.
 12. The subject property must not have been used by the transferee or a family member of the transferee as his or her personal residence at any time preceding the submission of application (except in rental cases).
 13. The Land Bank will consider 'Land Leasing' as a method of disposition in any transactions.
 14. Where part or all of the consideration for the transfer is the prospective affordability of the housing units, affordability requirements may be set forth in the transfer agreement and enforceable through recorded covenants, conditions or limitations upon title.
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The following additional policies shall apply to properties to be transferred to individual transferees as part of a homeownership program.

1. The owner-occupant must complete renovations and move into the structure with in a time frame negotiated by the Land Bank.
2. The property may not be used solely as rental property.
3. For properties transferred for cash consideration below full fair market value of the property, the owner-occupant must reside in the property as his or her primary residence for at least a 5-year period. If the property is sold prior to the 5-year period, the transferee must either:
 - a) sell the property for no more than the purchase price from the Land Bank plus all cost of property improvements; or
 - b) repay the land bank the difference between the purchase price and the initial fair market value.

RESOLUTION NO.: 193 - 2013

OF

SEPTEMBER 12, 2013

**A RESOLUTION TO AUTHORIZE A SETTLEMENT IN THE MATTER OF
BINOR FAISON, CHARLES PARKER AND LEANDER WILLIAMS
AGAINST THE CITY OF NEWBURGH
IN THE AMOUNT OF THREE HUNDRED FIFTY THOUSAND DOLLARS**

WHEREAS, Binor Faison, Charles Parker and Leander Williams 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 Three Hundred Fifty Thousand (\$350,000.00) 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 Binor Faison, Charles Parker and Leander Williams against the City of Newburgh in the total amount of Three Hundred Fifty Thousand (\$350,000.00) 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.: 194 - 2013

OF

SEPTEMBER 12, 2013

**A RESOLUTION APPROVING THE CITY OF NEWBURGH'S
AMENDED COMMUNITY DEVELOPMENT BLOCK GRANT ACTION
PLAN FOR FISCAL YEAR 2011 IN THE AMOUNT OF \$64,853.00**

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

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

WHEREAS, this plan was submitted to and approved by the U.S. Department of Housing and Urban Development; and

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

WHEREAS, the U.S. Department of Housing and Urban Development has increased the allocation of funds to the City by \$64,853.00 and such increase requires an amendment to the Action Plan; and

WHEREAS, the City of Newburgh would certify that it would be adversely affected by the loss of the reallocation amounts of Community Development Block Grant funds from the New York-Jersey - White Plains, NY-NJ Metropolitan Division; and

WHEREAS, the amended budget provides for the purchase of playground equipment to be located at Tyrone Crabb Park, located at the corner of South Street and Grand Street within Census Tract 4; and

WHEREAS, this change in planned activities is considered a "substantial amendment" and will be made public by postings and public notices in the

newspaper and on the City website, and the City will receive and consider comments for 7 days prior to implementing the amendment; and

WHEREAS, this one-year Action Plan contains the following amended activities and budget for the City's 2011 Community Development Block Grant Entitlement Program;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York does hereby approve the Amended Action Plan and associated budget; and

BE IT FURTHER RESOLVED, that the Interim City Manager be and he hereby is designated the official representative of the City of Newburgh and authorized to sign the one-year Action Plan contract, and he is further directed and authorized to act in connection with the submission of a one-year Action Plan and to provide such additional information as may be required.

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

OLD BUSINESS

There was no old business.

NEW BUSINESS

Councilman Dillard said that there is a house on the corner of Renwick and Liberty Street and there is also one in the center of Liberty Street which is a hazard. He suggested that this be discussed at the next Work Session and do something to get those houses demolished. Also they need to look into why work has stopped on the house on Lander Street that was being rehabilitated.

Councilman Brown added that the garbage is piling up there.

Mayor Kennedy said that she received a call about getting it cleaned up and she got in touch with our Congressman.

Corporation Counsel, Michelle Kelson, noted that work was stopped because the Department of Labor put a Stop Work Order on the private property owner who was working on the property. The Department of Labor believed it was the City of Newburgh who was working on the property and sent the City a Notice of Violation which we are actively working on to correct. The reason the Stop Work Order was issued is because the Inspector believed they were not complying with the proper rules and regulations with regard to asbestos removal so the property owner has to go through a procedure in order to get the appropriate variances and permits to get that Stop Work Order lifted.

Councilman Brown asked if this is a Land Bank property.

Corporation Counsel, Michelle Kelson, said that we sold it to the Land Bank and the Land Bank then transferred it to a third party.

Councilman Brown asked why is the City getting the notices and not the Land Bank.

Corporation Counsel, Michelle Kelson, said that she believes the Inspector was misinformed as to the ownership at the time the work was being conducted so we have received copies of the Deeds transferring ownership of the property out of the City and we have sent them to the Department of Labor and we are waiting for them to withdraw the Notices of Violation against the City.

Councilman Brown asked if the notices go to the Land Bank or the current property owner.

Corporation Counsel, Michelle Kelson, said that it is the responsibility of the current property owner.

Councilwoman Lee asked if it was that they believed there was asbestos or was there actual asbestos.

Corporation Counsel, Michelle Kelson, said that she doesn't know other than an Inspector was called, arrived at the property and then when we received a copy of the violation it was apparent that there were suspected issues with dealing with potential asbestos.

Mayor Kennedy said that she received an e-mail from Assemblyman Skartados saying that there was a temporary lift for them to remove the trash but the rest of the Work Order was still in place.

Corporation Counsel, Michelle Kelson, said that there was a lot of miscommunication in the e-mail chain and they are trying to determine whether in fact the information that Assemblyman Skartados received and conveyed was the information that the Department of Labor actually has on record. We are still trying to clarify that.

Councilman Dillard added that he would also like to discuss at the next Work Session a reward for people who turn in people who are dumping in the City and come up with a viable solution.

Mayor Kennedy said that she has thought about that and has asked about that with all of the cell phones that are out there.

There being no further new business to discuss this portion of the meeting was closed.

PUBLIC COMMENTS REGARDING GENERAL MATTERS

Omari Shakur, City of Newburgh, said that finally someone said no to NCAC. He used to work for them and he knows for a fact that they were misappropriating money. Now that he knows two Council members were sitting on that Board any dealings should be sent before the Southern Federal District Court. For New Voters Movement he thanked the Candidates who ran in the Primary. The four Candidates that they are endorsing are Mr. Timothy Hayes-El, Mrs. Abrams, Mrs. Holmes and Mr. John Giudice. To all of his members he said to find out what Ward they are in and he will put them in touch with these people so that they can help get ready for November. For the Legislative District they are endorsing Mr. James Thorpe, III. It will be a race this year and they anticipated some of the problems that they had this year with the change in the Ward system. The community was not educated on this and a lot of people didn't know where to go to vote. It looks like in the first Ward where we were watching, we won so we have to get people at the other polling places and we can take this Election.

Timothy Hayes-El thanked all the people who got out to vote in the Primary especially in Ward One. Channel 12 News.com had had him winning with one hundred and twenty two votes. People can say what they want but if you try to steal something then somebody is going to Federal Prison.

Latoya Parker, City of Newburgh, asked what six organizations were awarded the additional CDBG money.

Interim City Manager, James Slaughter, said that the additional organizations were SUNY Orange, Newburgh Armory Unity Center, Ebenezer Boxing, Nora Cronin, YMCA and Literacy Orange. They each received an additional \$2500.00 which gave them a total of \$7500.00.

Mayor Kennedy said they were the original five that were recommended by the Committee.

Sterling Ponder, Carpenter Avenue, said that he is trying to do a sports grant to change Newburgh and do a little thing with the Tennis Courts on William Street. Last year he tried to put in for it and it didn't work out. The grant ends on October 1st and he is looking for the Council to help him get this done this year.

Mayor Kennedy asked if he is talking about them filling out the grant or him filling out the grant.

Mr. Ponder said that he filled it out last year and was then told that he couldn't do it the City had to do it. Whatever way they want to do it is fine he just wants to get it done.

Iterim City Manager, James Slaughter, said that they are going to finish with the Orange County Grant and then they will move on to his. They haven't ignored it and he is aware of the deadlines.

Kippy Boyle, Grand Street, said that while this meeting has been going on tonight thanks to the Council and Mr. Slaughter the Ferry Godmother had a concert tonight in Colonial Terraces at Bush Park. She received a call saying that the Jazz was great and there were a lot of people there. Ferry Godmother held performances this summer out at the Arboretum and one night there were over four hundred people in attendance. She feels that we made a huge mistake in not keeping our Ferry Godmother in the City of Newburgh. She would like to know specifically and in writing what the delays are in getting the Consolidated Iron Site opened up because we could have four hundred people listening to music on the Waterfront. It belongs to us and we have the perfect person to bring people in. The last concert will be in front of the Heritage Center at 123 Grand Street and she hopes the public comes out for it.

Darlene Griffin, 170 Grand Street, asked if there are laws about people curbing their dogs.

Mayor Kennedy responded that they have to be on leashes.

Ms. Griffin said that Grand Street has become the dog's bathroom. She can't walk out her door without walking around dog poop. There is a guy who comes over from Beacon who says he is a professional dog walker. She told him that if she catches him walking dogs on Grand Street she will get his license plate number and turn him in. So far he has been respectful but she can't watch everybody.

Janet Gianopoulos, City of Newburgh, said that she missed what used to be called the Waterfront Festival over the Labor Day Weekend and the Ferry Godmother also used to have her concerts at the Waterfront. She feels that we should be able to reach some compromises to bring both of those kinds of events back to the Waterfront and it doesn't have to be every week. She is glad that the Council put aside the questionable legislation regarding routing \$59,000.00 through NCAC. It is problematic because it appears that they might have squandered money that they owe to us. That is something that should be discussed with the people involved and straightened out. She regrets that people get defensive when she asks about qualified sub-recipients for CDBG

grants. We received two very stern Audits in 2008 and 2009 and one of those Audits led to the firing of a City Manager and we just spent \$350,000.00 this year to settle that matter. They just want to know that the City Council is assuring them that all of the sub-recipients are qualified.

Jerry Holmes, City of Newburgh, said that he has heard about some of the Council meetings and being a lifelong resident he finds it kind of embarrassing to see elected representatives of the City of Newburgh handle themselves in such a manner. How can we expect the residents and future businesses to come here and invest in the City when they see all this chaos, nonsense and personal attacks? He hopes that in the future they come here and represent the City in a professional manner.

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

COUNCIL COMMENTS

Councilwoman Angelo thanked everyone for their comments. Not only do they see the meetings here but when it gets filmed it goes all over the Country. *"It's a really great way to market our City isn't it?"* She feels that sometimes they shouldn't be filming. She added that they had a wonderful Festival last weekend and she thanked her Colleagues because they gave her a Plaque for twenty-five years of the Festival. They are planning another Festival down by Gully's next week but they have a little problem right at this moment. They are working on it and we will see what happens.

Councilman Brown commented on Local Law #2 that was voted down tonight. This Council wants its cake and to eat it too but at the expense of the taxpayers. Parking fees are in his consideration a choice. You either choose to feed the meter or you choose to get a ticket. We just created a new department that needs some financial support to survive. It's a choice and if it happens to be lunchtime and the Officer walks by and sees that the meter hasn't been fed then you should receive a ticket. We need to come to a place on this Council where we say revenue, whether new or old, or additional revenue sources are valid and need to be done. At the end of the day when this new Budget comes up and we are going to ask the taxpayers to foot the bill of whatever new expenses we may have then those taxpayers are going to come to the microphone and ask why their taxes are being raised. They will be raised because you want to argue with us about raising parking fees. We need to find new revenue sources to offset some of these expenses and the bottom line is that our ticket fees are low. At thirty dollars it's still a bargain depending on where you park in the State of New York. We need to get this resolution back on the table to see if we can get it passed to generate the revenue we need to support that department and also generate new revenue for this City. He thinks that a vote of no was the wrong vote on that tonight.

Councilman Dillard thanked everyone for coming and for Mr. Holmes giving them an insight as to the professionalism they should be displaying. We represent the people and our personal innuendos have no place at this table. For the next two months that he is here he will certainly display this type of mannerism representing the people.

Councilwoman Lee thanked everyone and wished them a good night.

Mayor Kennedy said that there are a couple of items on Local Law #2 that she would like to discuss and that there is some leeway to talk about that. She invited everyone to the Peace Pole dedication on September 21st at 11:00 A.M. at the foot of Broadway. She thinks this is a great idea of bringing more

peace to the City of Newburgh. She hopes that we can get the grant in that Mr. Ponder was referring to because it would be a great opportunity to fix that field. She thanked everyone for coming and wished them a good night.

There being no further business to come before the Council the meeting adjourned at 9:45 P.M.

LORENE VITEK
CITY CLERK