

A regular meeting of the City Council of the City of Newburgh was held on Monday, February 10, 2014 at 7:00 P.M. in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

The Prayer was led by Deborah Dresser followed by the Pledge of Allegiance.

Present: Councilman Brown, presiding; Councilwoman Abrams, Councilwoman Angelo, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia - 6

Absent: Mayor Kennedy - 1

PRESENTATIONS

Councilwoman Abrams proclaimed the month of February as Black History Month in the City of Newburgh.

COMMUNICATIONS

Councilwoman Angelo moved and Councilwoman Lee seconded that the minutes of the City Council meeting of January 27, 2014 be approved.

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia- 6

CARRIED

City of Newburgh Proclamation

February 10, 2014

Black History Month

2014 Theme: Civil Rights in America

Commemorating the 50th anniversary of the Civil Rights Act

Source: the Association for the Study of African American Life and History; www.asalhh.org.

Our nation is celebrated as a beacon of liberty and opportunity—home to patriots who threw off an empire, and a refuge to multitudes from around the world. Yet while many came to our shores to pursue freedom, hundreds of thousands arrived in chains.

Believing fully in the path towards equal rights for all, and through centuries of struggle, African Americans have claimed their long-denied rights. During Black History Month, we honor those men and women at the heart of this journey- from those who traveled the Underground Railroad to Rosa Parks who refused to give up her seat on a bus.

In the City of Newburgh, we bear witness every day to the courage, the talents, the leadership, and the community involvement of African-Americans. We urge all our residents to recognize and celebrate these contributions.

Therefore, I, Mayor Judy Kennedy, and the City Council Do Hereby Proclaim “Black History Month 2014” in the City of Newburgh.

Mayor Judy Kennedy

Deputy Mayor Regina Angelo

Councilwoman Cindy Holmes

Councilwoman Genie Abrams

Councilwoman Gay Lee

Councilman Cedric Brown

Councilwoman Karen Mejia

PROPOSED PUBLIC HEARING

RESOLUTION NO.: 23-2014

OF

FEBRUARY 10, 2014

RESOLUTION SCHEDULING A PUBLIC HEARING FOR FEBRUARY 24, 2014 TO HEAR PUBLIC COMMENT CONCERNING A LOCAL LAW AMENDING SECTION C3.00 ENTITLED “MUNICIPAL OFFICERS ENUMERATED”, RESCINDING ARTICLE XIII ENTITLED “THE DEPARTMENT OF HUMAN SERVICES” IN ITS ENTIRETY AND REPLACING SAID ARTICLE XIII TO PROVIDE FOR THE CREATION OF “THE DEPARTMENT OF RECREATION” WITHIN THE CHARTER OF THE CITY OF NEWBURGH

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning a local law entitled “A Local Law amending Section C3.00 entitled “Municipal Officers Enumerated,” Rescinding Article XIII entitled “Department of Human Services” in its entirety and replacing said Article XIII to provide for the creation of the “Department of Recreation” within the Charter of the City of Newburgh, and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 P.M. on the 24th day of February, 2014, in the 3rd Floor Council Chambers, City Hall, 83 Broadway, Newburgh, New York.

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia-6

ADOPTED

COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

Brenda McPhail read City Charter Section C4.10 outlining mayoral functions in the city, including the appointment of the *President Pro Tem*. She thought it meant that the mayor is supposed to appoint another councilmember to be in charge. Yet the appointment was not made according to the City Charter. We are always talking about proper procedure, so why was it done this way? [Resolution #36-2014]

Sheila Murphy stated that according to the Charter the City Manager can appoint the President Pro Tem. She requested clarification about the policy when the Mayor is absent. Is it done by vote of the council or is it done by appointment by the City Manager? There seems to be a conflict. [Resolution #36-2014]

Tammie 'Pebbles' Hollins asked what is the President Pro Tem. Also what is the purpose of this position? [Resolution #36-2014]

Timothy Hayes-el asked the council if we are changing security services at City Hall. [Resolution #32-2014]

Janet Gianopolous requested an explanation. She did not see anything on the agenda about the President Pro Tem. [Resolution #36-2014]

Roxie Royal asked the council who appoints the President Pro Tem? From what she read in the Charter, the City Manager is supposed to make the appointment. [Resolution #36-2014]

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

COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

Councilwoman Angelo requested that Resolution #36-2014 be put on tonight's agenda because there has been a running battle between her and the mayor. Mayor Kennedy has told her that there is no such position entitled *Deputy Mayor*. Angelo pointed out that she has held that title for the last 32 years. She has faithfully attended every function and represented this City. She read the list of mayors that she has served under. She had good relationships with them. Mayor Audrey Carey was great. She would call her and ask her to stand by her side at various functions. Angelo stated that she felt like New York City Mayor Bloomberg because he always had his deputy by his side.

Angelo stated that she is not really here to push for it, but she would like to continue to serve the City of Newburgh in this capacity. No one from the council really attends functions, and it is good public relations. She always buys her own tickets. It is not for her, it is for the City. She implored the council to support her. Angelo stated that she is the longest serving person on the council. She feels that she should continue unless someone feels he or she has something to say in opposition to it.

Councilwoman Abrams answered the question of who appoints the *President Pro Tem*. She pointed out that there is a section in the Charter that states that the council *may* appoint a member as *President Pro Tem*, who in the absence or disability of the mayor, may preside over meetings and perform all duties and functions. She pointed out that Angelo has attended many functions throughout the city over the years.

Councilwoman Holmes responded to questions about security services at City Hall. The person in the position will be a resident of the City of Newburgh.

Councilwoman Lee stated that she supports the *President Pro Tem*. We need someone to continue to attend the events and put on festivals. Deputy Mayor Angelo has done that for many years. She is going to support the resolution, and support Councilwoman Angelo, even if she is the only one who supports it.

Councilwoman Mejia stated that she is pleased that we are starting to practice the concept of sending out and prioritizing job opportunities for city residents. She is hopeful that staff is going to work with WDI, in terms of funneling employment opportunities through the WIN Program. It is a great way to leverage our resources on the funds that we have.

Mejia stated that the appointment of the *President Pro Tem* is a facilitation process for the meetings. She is honored and humbled by all of the commitment that Deputy Mayor Angelo has demonstrated throughout the years. But in terms of the discussion tonight, if we were making the appointment according to the City Charter, then she would require more conversation. Her understanding of it is purely a step in the *facilitation* of it. She pointed out that Councilman Brown has done an excellent job facilitating the meeting. We are not debating the concept of Deputy Mayor. We still have a mayor. Mayor Kennedy is representing the City of Newburgh in Albany right now.

Michelle Kelson, Corporation Counsel, explained that the City Charter enumerates powers and duties for the Mayor, City Council, City Manager and each of the departments within this city. In most forms of government, Local, State and Federal, there are legislative plans in place for what happens if the chief elected official is unable to perform his or her official functions. In the City of Newburgh, the Charter has labeled that title *President Pro Tem*, similar to the function of the Vice President of the United States in the Federal Government.

Kelson pointed out that Councilwoman Angelo has performed official functions on behalf of the mayors for many years. Most people are fairly comfortable with that role. The title *Deputy Mayor* may have been given to her in a ceremonial fashion. Unfortunately Kelson can not find that title anywhere in the City Charter. That does not mean there is not a role to play. It is just not labeled as such. Mayor Kennedy has been unable to attend a couple of meetings due to other commitments. *Somebody* has to move the agenda along, run the meetings and focus the debate. The council, by consensus, previously consented to Councilman Brown chairing the meeting. If there is a long-term absence of the mayor, then this council would have to find someone to fill that capacity on a long-term basis. Facilitating a meeting, sporadically, does not always rely on a formal declaration of a transfer or substitution of power. We expect Mayor Kennedy to be back in her chair at the next regular meeting.

Councilwoman Abrams explained that the words *pro tem* are Latin in origin. It means 'for temporary'. It is for a specific meeting in the mayor's absence.

Councilwoman Angelo stated that she obtained the title Deputy Mayor when Mayor Shaw was in office. She was the longest serving person on the council at the time. She carried that title every year since then. Angelo stated that she likes it better than the title *Pro Tem*. She stated that she talked to

Kelson. In order to change the wording in the Charter, it would have to go through a public hearing. According to the Charter, the mayor can not just appoint someone to take over the meeting.

Kelson remarked that she is not disputing the history. She is just explaining what is in the Charter. This is a decision that the council has to make going forward.

Councilman Brown stated that no one at this table is going to dispute that Councilwoman Angelo is certainly the Deputy Mayor of this city. But that is a title that is held by name only. *President Pro Tem* is a different title and a different function altogether. It really should be decided by the mayor of this city. Since Mayor Kennedy is not present tonight, he feels that the council should table the matter for further discussion.

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

RESOLUTION NO.: 24 - 2014

OF

FEBRUARY 10, 2014

**A RESOLUTION DECLARING A SPRING SHACKLE TO BE SURPLUS
EQUIPMENT AND DONATING SAME TO THE COLDENHAM FIRE
DEPARTMENT**

WHEREAS, the City of Newburgh Department of Public Works (“DPW”) possesses a spring shackle, which is no longer of value or use to the City; and

WHEREAS, the Coldenham Fire Department has expressed an interest in taking possession of same; and

WHEREAS, this Council has determined that donating such spring shackle to the Coldenham Fire Department is in the best interest of each entity;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the spring shackle be declared surplus by the City of Newburgh and donated to the Coldenham Fire Department.

Councilwoman Holmes moved and Councilwoman Abrams seconded that the resolution be adopted.

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia-6
ADOPTED

RESOLUTION NO.: 25 - 2014

OF

FEBRUARY 10, 2014

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER OR THE CHIEF OF POLICE AS MANAGER'S DESIGNEE TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE COUNTY OF ORANGE CONFIRMING CITY OF NEWBURGH PARTICIPATION IN THE STOP-DWI PROGRAM

FOR THE ENFORCEMENT PERIOD OF JANUARY 30, 2014 TO JANUARY 1, 2015

AND PROVIDING THE CITY OF NEWBURGH WITH AN AWARD NOT TO EXCEED \$2,959.00 COVERING 60 MAN-HOURS FOR THE FIRST ENFORCEMENT PERIOD OF 2014 (MARCH 13, 2014 – MAY 31, 2014)

AND WHICH INCLUDES AN AWARD IN AN AMOUNT NOT TO EXCEED \$5,544.00 FOR STOP-DWI CRACKDOWN ENFORCEMENT

WHEREAS, the County of Orange (hereinafter "County") has provided the City of Newburgh (hereinafter "City") with an Inter-Municipal Agreement for a full year of participation to provide for the funding of the STOP-DWI Program within the City of Newburgh for the enforcement period of January 30, 2014 and ending January 1, 2015; and

WHEREAS, the City of Newburgh agrees to participate in three (3) STOP DWI Program enforcement campaign periods as follows: First Enforcement Period – March 13, 2014 through May 31, 2014, which includes St. Patrick's Day and the Memorial Day holiday weekend; Second Enforcement Period – July 1, 2014 through September 2, 2014, which includes the Independence Day and Labor Day holiday weekend enforcement campaigns; and the Third Enforcement Period – October 13, 2014 through January 1, 2015, which includes Thanksgiving, Christmas and New Years holiday enforcement campaigns; and

WHEREAS, the County shall reimburse the City of Newburgh for increased patrol and court time in connection with enhanced enforcement of laws prohibiting driving while intoxicated; and

WHEREAS, based on the data submittals submitted for the prior year the City of Newburgh is eligible for an award not to exceed \$2,959.00 covering 60 man-hours for the First Enforcement Period of 2014; and

WHEREAS, the County will notify the City in writing of its eligibility for awards, if any, for the second and third enforcement periods of 2014 by a separate written award letter prior to the commencement of each such enforcement period; and

WHEREAS, in addition this contact has an award identified in Schedule A-2 of the annexed agreement for an amount not to exceed \$5,544.00 from the STOP DWI Crackdown Enforcement Grant from the New York Governor's Traffic Safety Committee which will be administered through the County's Stop DWI Program to support the following 2014 enforcement campaign periods: Super Bowl Weekend: January 31 – February 3, 2014; St. Patrick's Day Holiday Weekend: March 14, 2014 through and including March 18, 2014; Memorial Day Holiday Weekend: May 22, 2014 through and including May 29, 2014; Fourth of July: July 3, 2014 through and including July 7, 2014; National Enforcement Crackdown: August 15, 2014 through and including September 21, 2014; and

WHEREAS, this Council has determined that entering into such agreement would be in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager or the Chief of Police as Manager's designee be and he is hereby authorized to execute an Inter-Municipal Agreement with the County of Orange confirming the City's participation in the STOP-DWI Program for the enforcement period of January 30, 2014 through January 1, 2015 and in order to fund the additional cost of stepped-up police patrols and related court appearances related to the First Enforcement Period of 2014 the City of Newburgh is eligible for an award not to exceed \$2,959.00 covering 60 man-hours and an additional award in an amount not to exceed \$5,544.00 for the STOP-DWI Crackdown Enforcement.

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia-6

ADOPTED

RESOLUTION NO.: 26 - 2014

OF

FEBRUARY 10, 2014

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO APPLY FOR AND ACCEPT IF AWARDED A GRANT IN AN AMOUNT OF \$20,000.00 FROM THE NEW YORK STATE OFFICE OF PARKS, RECREATION & HISTORIC PRESERVATION CERTIFIED LOCAL GOVERNMENT GRANT (CLG) PROGRAM TO UPDATE THE EAST END HISTORIC DISTRICT INVENTORY REQUIRING A CITY MATCH OF \$5,800.00 TO BE PROVIDED THROUGH IN-KIND SERVICES

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation (SHPO) is authorized by the Secretary of the Interior to offer grants to local governments who participate in the national historic preservation program and have been designated Certified Local Governments (CLG's); and

WHEREAS, the existing City of Newburgh's East End Historic District was listed on the National Register of Historic Places in 1985 and the City of Newburgh has been designated as a Certified Local Government; and

WHEREAS, current planning and development initiatives such as the Brownfields Opportunity Area (BOA) Program, Newburgh Community Land Bank, a mixed-use proposal for a key Broadway block, and the Broadway Corridor Project, together with new lead abatement legislation, and private campus expansion initiatives by St. Luke's Hospital, Mount Saint Mary College, and SUNY Orange, all concentrated in the East End Historic District, dramatically increase the demand for accurate information about the East End Historic District's 2,500 properties; and

WHEREAS, the City of Newburgh wishes to apply for a grant to update the City's East End Historic District inventory, which provides a key decision-making tool to the boards and planning entities; and

WHEREAS, the City is requesting \$20,000.00 in said grant application, to be matched with \$5,800.00 with in-kind staff hours and services (approximately 29%);

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 apply for and accept if awarded a grant in an amount of \$20,000.00 from the New York

State Office of Parks, Recreation & Historic Preservation Certified Local Government Grant Program to update the East End Historic District, and if awarded, execute the agreement with New York State Office of Parks, Recreation and Historic Preservation and provide a City match in the amount of \$5,800.00 through in-kind services.

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia-6

ADOPTED

RESOLUTION NO.: 27 - 2014

OF

FEBRUARY 10, 2014

A RESOLUTION AUTHORIZING AN EXTENSION OF TIME TO COMPLETE THE CONTRACT WORK WITH DN TANKS, INC. AND THE EXECUTION OF A NO –COST CHANGE ORDER IN CONNECTION WITH THE MARNE AVENUE WATER STORAGE TANK REPLACEMENT PROJECT

WHEREAS, by Resolution No. 144-2013 of July 15, 2013, the City Council of the City of Newburgh awarded a bid to and authorized the execution of a contract with DN Tanks, Inc. for the replacement of the Marne Avenue Water Storage Tank; and

WHEREAS, the new water tank will be operational prior to the contract completion date of February 5, 2014, several weather sensitive tasks still must be completed including demolition of the steel tank and appurtenances, painting the new tank, plantings, fencing and final site restoration; and

WHEREAS, DN Tanks is requesting an extension of time to complete the weather sensitive tasks until May 31, 2014; and

WHEREAS, the extension of time for completion of the Project will be a no cost to the City and will require a change order to the construction contracts;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and he hereby is authorized to execute a no-cost change order to the construction contract for the replacement of the Marne Avenue Water Storage Tank be and that the final completion time for the construction contract with DN Tanks Inc. is extended to May 31, 2014.

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia- 6

ADOPTED

RESOLUTION NO.: 28 - 2014

OF

FEBRUARY 10, 2014

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT WITH BARTON & LOGUIDICE, P.C. FOR PROFESSIONAL ENGINEERING SERVICES IN AN AMOUNT NOT TO EXCEED \$19,900.00 TO ASSIST THE CITY OF NEWBURGH IN MAKING AN APPLICATION TO THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION STORM MITIGATION LOAN PROGRAM FOR THE LIBERTY STREET AND GRAND STREET COMBINED SANITARY SEWER IMPROVEMENTS PROJECT FOR GRANT FUNDING AND ZERO INTEREST LOAN FINANCING AT AN ESTIMATED PROJECT COST OF \$1,150,800.00

WHEREAS, the City of Newburgh has experienced failures in the combined sanitary sewer system in the vicinity of Liberty Street and Grand Streets which has resulted in repeated sewer backups to residences, and deteriorated sewer mains on Liberty and Grand Streets; and

WHEREAS, Liberty Street and Grand Street Sanitary Sewer Improvements Project (“the Project”) currently is listed on the New York State Environmental Facilities Corporation (“EFC”) multi-year intended use plan as Project No. C3-7332-09-00 with a score sufficient to qualify for Project financing through EFC’s traditional loan programs; and

WHEREAS, the EFC’s Storm Mitigation Loan Program (“SMLP”) offers a financing option for the Project consisting of a combination of 25% grant funding and 75% zero-interest loans which provide a potential Project savings to the City of 25% of the total project cost of approximately \$300,000.00; and

WHEREAS, Barton & Loguidice, P.C. has prepared a proposal for the scope of professional engineering services necessary to complete the application for the grant funding at a cost not to exceed \$19,900.00, which is attached hereto and made part hereof; and

WHEREAS, funding for such professional engineering services shall be derived from G.8120.0448; and

WHEREAS, this Council has determined that entering into such contract is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to execute an agreement for professional engineering services with Barton & Loguidice, P.C. for the scope of work outlined in the proposal dated January 14, 2014 in an amount not to exceed \$19,900.00, with other provisions as Corporation Counsel may require, for assistance with the application for New York State Environmental Facilities Corporation Storm Mitigation Loan Program for the Liberty Street and Grand Street Sanitary Sewer Improvements Project.

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia-6

ADOPTED

RESOLUTION NO.: 29 - 2014

OF

FEBRUARY 10, 2014

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO APPLY FOR AND ACCEPT IF AWARDED GRANT FUNDING AND ZERO INTEREST LOAN FINANCING FROM THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION STORM MITIGATION LOAN PROGRAM FOR THE LIBERTY STREET AND GRAND STREET COMBINED SANITARY SEWER IMPROVEMENTS PROJECT AT AN ESTIMATED PROJECT COST OF \$1,150,800.00

WHEREAS, the City of Newburgh has experienced failures in the combined sanitary sewer system in the vicinity of Liberty Street and Grand Streets which has resulted in repeated sewer backups to residences, and deteriorated sewer mains on Liberty and Grand Streets; and

WHEREAS, Liberty Street and Grand Street Sanitary Sewer Improvements Project (“the Project”) currently is listed on the New York State Environmental Facilities Corporation (“EFC”) multi-year intended use plan as Project No. C3-7332-09-00 with a score sufficient to qualify for Project financing through EFC’s traditional loan programs; and

WHEREAS, the EFC’s Storm Mitigation Loan Program (“SMLP”) offers a financing option for the Project consisting of a combination of 25% grant funding and 75% zero-interest loans; and

WHEREAS, the estimated total cost of the Project is \$1,150,800.00 and acceptance into the SMLP provides a potential Project savings to the City of 25% of the total project cost of approximately \$300,000.00; and

WHEREAS, this Council has determined that applying for and accepting the grant and loan funding if awarded is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to apply for and accept if awarded a grant and zero interest loan financing from the New York State Environmental Facilities Corporation Storm Mitigation Loan Program in an estimated Project cost of \$1,150,800.00, and upon the award of such funding to enter into

and execute a documents and contracts with the New York State Environmental Facilities Corporation for said purposes and further, to carry out and comply with the terms of such project agreement(s).

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia-6

ADOPTED

RESOLUTION NO.: 30 - 2014

OF

FEBRUARY 10, 2014

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AMENDMENT NO. 3 TO THE CONTRACT WITH MALCOLM PIRNIE-ARCADIS TO COMPLETE THE CONSTRUCTION PHASE OF THE WASTE WATER TREATMENT PLANT WATER POLLUTION CONTROL PLAN SOLIDS HANDLING SYSTEMS PROJECT AT A COST NOT TO EXCEED TWELVE THOUSAND FIVE HUNDRED DOLLARS

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

WHEREAS, by Resolution No.: 108-2012 of June 18, 2012, the City Council authorized the City Manager to execute and amendment to the contract for professional engineering services with Malcolm Pirnie-Arcadis for detailed design services in connection with Project; and

WHEREAS, by Resolution No. 167-2012 of September 24, 2012, the City Council accepted bids and awarded contracts to Blue Heron Construction Co., LLC for general construction services, Hudson Valley Electrical C&M Inc. for electrical services and DJ Heating & Air Conditioning, Inc. for HVAC construction services (collectively referred to as “the construction contracts”) in connection with the Project; and

WHEREAS, by Resolution No. 196-2013 of September 23, 2013, the City Council authorized the Interim City Manager to execute a no-cost change order to the construction contracts for the Project and an extension to the completion time for the construction contracts of eight weeks for substantial completion of the construction phase by November 21, 2013 and final completion of the construction phase of the Project by December 16, 2013.

WHEREAS, Malcolm Pirnie-Arcadis granted substantial completion to the construction contractors on October 30, 2013 and met the requirements of the New York State Department of Environmental Conservation’s Order on Consent for the Project; and

WHEREAS, Malcolm-Pirnie-Arcadis has submitted a proposal for additional engineering services in an amount of \$12,500.00 to complete the final items to close out the construction phase of the Project including preparation of the “as-built” drawings; and

WHEREAS, Malcolm Pirnie-Arcadis submitted a proposal for engineering services dated January 31, 2014, outlining the necessary scope and fee schedules related thereto; and

WHEREAS, it is in the best interests of the City of Newburgh to reach final completion of the construction phase of the Project to ensure future compliance with the New York State Department of Environmental Conservation Consent Order; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to execute Amendment No. 3 to the contract with Malcolm Pirnie-Arcadis for Construction Phase Services in connection with the Waste Water Treatment Plant Water Pollution Control Plan Solids Handling Systems Project at an additional cost not to exceed Twelve Thousand Five Hundred Dollars.

Councilwoman Abrams moved and Councilwoman Mejia seconded that the resolution be adopted.

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia-6

ADOPTED

RESOLUTION NO.: 31-2014

OF

FEBRUARY 10, 2013

**A RESOLUTION APPOINTING RICHARD HARPER AS CHAIRMAN OF THE
CONSERVATION ADVISORY COUNCIL PURSUANT TO
LOCAL LAW NO. 1-2013 OF AUGUST 19, 2013**

WHEREAS, the City Council of the City of Newburgh adopted Local Law No. 1-2013 of August 19, 2013 which added new Chapter 159 of the City Code of Ordinances entitled “Conservation Advisory Council”; and

WHEREAS, Section 159-4(C) provides for the City Council to appoint a chairman of the Conservation Advisory Council; and

WHEREAS, the Conservation Advisory Council has recommended that the City Council appoint Richard Harper as the Chairman; and

WHEREAS, the City Council finds that appointing Richard Harper as the Chairman of the Conservation Advisory Council is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that Richard Harper be and he hereby is appointed as Chairman of the Conservation Advisory Council.

Councilwoman Mejia moved and Councilwoman Abrams seconded that the resolution be adopted.

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia-6

ADOPTED

RESOLUTION NO.:32 - 2014

OF

FEBRUARY 10, 2014

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER
TO ENTER INTO AN AGREEMENT WITH PEC GROUP OF
NEW YORK, INC. TO PROVIDE FOR SECURITY SERVICES IN CITY HALL**

WHEREAS, the City of Newburgh has duly advertised for bids to provide for security services for City Hall; and

WHEREAS, a total of 16 bids were received and opened; and

WHEREAS, such bids were reviewed by the appropriate and necessary staff; and

WHEREAS, it has been determined that such bid should be awarded to PEC Group of New York, Inc., as the most responsive bidder; and

WHEREAS, such services shall be rendered at the rate of Eighteen and 55/100 (\$18.55) Dollars per hour straight time and Twenty Seven and 57/100 (\$27.57) Dollars per hour for overtime, and in accordance with the bid proposal and specifications attached hereto and made a part hereof; and

WHEREAS, funding for such services shall be derived from A.1620.0448; and

WHEREAS, this Council has determined that awarding such bid is in the best interests of the City of Newburgh and the safety of its residents and employees;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and is hereby authorized to enter into an agreement, subject to terms and conditions as may be required by the Corporation Counsel, with PEC Group of New York, Inc. to provide for security services in City Hall.

Councilwoman Holmes explained that this was going to be under vendor services. The council discussed it, and they agreed that they would hire a city resident. Applications for the position are going through Civil Service.

James Slaughter pointed out that it is still going to be offered through a vendor services agreement. But the employment is going to be done locally- i.e. local hirees will be hired by the security firm.

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia-6

ADOPTED

RESOLUTION NO.: 33 - 2014

OF

FEBRUARY 10, 2014

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER
TO ENTER INTO AN AGREEMENT WITH CSARCH
FOR SERVICES IN CONNECTION WITH THE RELOCATION OF THE
CITY OF NEWBURGH ARCHIVAL RECORDS TO 123 GRAND STREET
AT A COST OF \$19,500.00 AND AMENDING RESOLUTION NO.: 247-2013,
THE 2014 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK
TO PROVIDE FOR SUCH FUNDING**

WHEREAS, it has become necessary for the City of Newburgh's Archival Records to be relocated from the Armory to 123 Grand Street; and

WHEREAS, the City of Newburgh is in receipt of a proposal from CSArch to provide services in connection with such relocation; and

WHEREAS, such services shall be rendered for a total project cost of Nineteen Thousand Five Hundred and 00/100 (\$19,500.00) Dollars, and in accordance with the proposal and specifications attached hereto and made a part hereof; and

WHEREAS, funding for such services shall be derived from A.1620.0448; and

WHEREAS, this Council has reviewed the proposal and has determined that entering into an agreement with CSArch is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and is hereby authorized to enter into an agreement, subject to terms and conditions as may be required by the Corporation Counsel, with CSArch for services in connection with the relocation of the City of Newburgh Archival Records to 123 Grand Street; and

BE IT FURTHER RESOLVED, that Resolution No.: 247-2013, the 2014 Budget for the City of Newburgh, New York is hereby amended as follows:

	<u>Decrease</u>	<u>Increase</u>
A.1900.1990 Contingency Emergency	\$19,500.00	
A.1620.0448 Municipal Buildings 19,500.00		\$

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilman Holmes, Councilwoman Lee, Councilwoman Mejia-6

ADOPTED

RESOLUTION NO.: 34 - 2014

OF

FEBRUARY 10, 2014

**A RESOLUTION GRANTING AN EXTENSION OF TIME
TO PURCHASE REAL PROPERTY KNOWN AS 127 MONTGOMERY STREET
(SECTION 19, BLOCK 1, LOT 8) AND AMENDING THE TERMS OF SALE
TO PROVIDE FOR SUCH EXTENSION**

WHEREAS, the Council of the City of Newburgh, New York, by Resolution No.: 224-2013 of October 28, 2013, approved the sale of 127 Montgomery Street, more accurately described as Section 19, Block 1, Lot 8 on the official tax map of the City of Newburgh, to Tyler Roebuck; and

WHEREAS, the Terms and Conditions of Sale provided for a closing to take place on or before January 27, 2014; and

WHEREAS, Mr. Roebuck has requested an extension of time to close title on 127 Montgomery Street; and

WHEREAS, this Council has determined that granting such extension is in the best interests of the City of Newburgh and its future development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that an extension of time to purchase real property known as 127 Montgomery Street, Section 19, Block 1, Lot 8, be and is hereby granted until April 30, 2014; and

BE IT FURTHER RESOLVED, the Terms and Conditions of Sale, a copy of which is annexed hereto, be and are hereby amended to provide for such extension.

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia-6

ADOPTED

Terms and Conditions of Sale

127 Montgomery Street, City of Newburgh (19-1-8)

STANDARD TERMS:

1. City of Newburgh acquired title to this property in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title; (e) 2011-2012, 2012-2013 and the first installment of the 2013-2014 school taxes, 2012 and 2013 County taxes and 2013 City real property taxes, water rents and assessments, and sewer rents and assessments and any other applicable charges (including, but not limited to, omitted and pro rata taxes, demolition charges, interest and penalties); and (f) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the date of sale.
4. The property is sold subject to unpaid school taxes for the tax years of 2011-2012, 2012-2013 and the first installment of the 2013-2014 school taxes, unpaid 2012 and 2013 County real property taxes and unpaid 2013 City real property taxes. The purchaser shall reimburse the City for any school taxes paid by the City for the tax year 2011-2012, 2012-2013 and the first installment of the tax year 2013-2014, and subsequent levies up to the date of the closing. Upon the closing, the property shall become subject to taxation. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
5. **WARNING: FAILURE TO COMPLY WITH THE TERMS OF THIS PARAGRAPH MAY RESULT IN YOUR LOSS OF THE PROPERTY AFTER PURCHASE.** The deed will contain provisions stating that the purchaser is required to rehabilitate any building on the property and bring it into compliance with all State, County and Local standards for occupancy within (18) months of the date of the deed. Within such eighteen (18) month time period the purchaser must either: obtain a Certificate of Occupancy for all buildings on the property; make all buildings granted a Certificate of Occupancy before the date of purchase fit for the use stated in such Certificate of Occupancy; or demolish such buildings. The deed shall require the purchaser to schedule an inspection by City officials at or before the end of the eighteen (18) month period. If the purchaser has not complied with the deed provisions regarding rehabilitation of the property and obtained a Certificate of Occupancy or Certificate of Compliance by that time, then the title to the property shall revert to the City of Newburgh. The deed shall also provide that the property shall not be conveyed to any other person before a Certificate of Occupancy or Certificate of Compliance is issued. A written request made to the City Manager for an extension of the eighteen (18) month rehabilitation period shall be accompanied by a non-refundable fee of \$250.00 per parcel for which a request is submitted. The City Manager may, in his sole discretion and for good cause

shown, grant one extension of time to rehabilitate of up to, but not to exceed, three (3) months. Any additional request thereafter shall be made in writing and placed before the City Council for their consideration.

6. The property is sold subject to an owner-occupancy restriction. The purchaser has agreed to purchase the property subject to the five (5) year owner occupancy restriction shall, within 18 months of the delivery of the deed, establish his domicile and principal residence at said premises and maintain his domicile and principal residence at said premises for a period of at least five (5) years thereafter, provided that within said five (5) year period, the purchaser may convey said premises to another who shall also maintain their domicile and principal residence at said premises for said period. This shall be set forth as a restrictive covenant in the deed, subject upon its breach, to a right of re-entry in favor of the City of Newburgh. This shall be in addition to all other provisions, covenants and conditions set forth in the Terms of Sale.
7. Notice is hereby given that the property lies within the East End Historic District as designated upon the zoning or tax map. This parcel is being sold subject to all provisions of law applicable thereto and it is the sole responsibility of the purchaser bidder to redevelop such parcel so designated in accordance with same
8. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date upon which the sale is scheduled to take place. Upon delivery of the quitclaim deed by the City of Newburgh to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.
9. No personal property is included in the sale of any of the parcels owned by City of Newburgh, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the successful purchaser following the closing of sale.
10. The City makes no representation, express or implied, as to the condition of any property, warranty of title, or as to the suitability of any for any particular use or occupancy. Property may contain paint or other similar surface coating material containing lead. Purchaser shall be responsible for the correction of such conditions when required by applicable law. Property also may contain other environmental hazards. Purchaser shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchaser shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Bidder acknowledges receivership of the pamphlet entitled "Protecting Your Family from Lead in Your Home." Bidder also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards or mold.
11. The entire purchase price and all closing costs/fees must be paid by money order or guaranteed funds to the City of Newburgh Comptroller's Office on or before April 30, 2014. *The City of Newburgh does not accept credit card payments for the purchase price and closing costs/fees.* **The City is not required to send notice of acceptance or any other notice to a purchaser.** Any additional request shall be made in writing and placed before the City Council for their consideration.
12. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the successful bidder shall be entitled only to a refund of the purchase money paid with interest. Purchasers agree that they shall not be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
13. Sale shall be final, absolute and without recourse once title has closed and the deed has been recorded. In no event, shall City of Newburgh be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor

of the purchaser, his heirs, successors or assigns, against City of Newburgh arising from this sale.

14. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the City acquired title or as corrected up to date of deed. The deed will be recorded by the City upon payment in full of the purchase price, buyer's premium, and closing fees/costs. Possession of property is forbidden until the deed is recorded conveying title to the purchaser. **Title vests upon recording of deed.**
15. Upon closing, the City shall deliver a quitclaim deed conveying all of its right, title and interest in the subject property, which deed shall be drawn by the City Corporation Counsel. The City shall not convey its interest in any street, water, sewer or drainage easement, or any other interest the City may have in the property. The City shall only convey that interest obtained by the City pursuant to the judgment rendered in an *in rem* tax foreclosure action filed in the Orange County Clerk's Office.
16. The description of the property shall be from the City of Newburgh Tax Map reference or a survey description certified to the City of Newburgh and provided to the City Corporation Counsel by the purchaser at least thirty (30) days in advance of closing title and approved by the City's Engineer.
17. Evictions, if necessary, are solely the responsibility of the successful bidder after closing and recording of the deed.

18. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he/she is not representing the former owner(s) of the property against whom City of Newburgh foreclosed and has no intent to defraud City of Newburgh of the unpaid taxes, assessment, penalties and charges which have been levied against the property. The purchaser agrees that neither he/she nor his/her assigns shall convey the property to the former owner(s) against whom City of Newburgh foreclosed within 24 months subsequent to the auction date. If such conveyance occurs, the purchaser understands that he/she may be found to have committed fraud, and/or intent to defraud, and will be liable for any deficiency between the purchase price at auction and such sums as may be owed to City of Newburgh as related to the foreclosure on the property and consents to immediate judgment by City of Newburgh for said amounts.

THE CITY OF NEWBURGH

PURCHASER

BY: _____

JAMES A. SLAUGHTER,
Interim City Manager

TYLER ROEBUCK

DATED

DATED

RESOLUTION NO.: 35 - 2014

OF

FEBRUARY 10, 2014

**A RESOLUTION GRANTING AN EXTENSION OF TIME
TO JOSE SANCHEZ AND LUZ MARIA SANCHEZ TO RE-PURCHASE REAL
PROPERTY
KNOWN AS 70 GROVE STREET (SECTION 26, BLOCK 7, LOT 22)**

WHEREAS, this Council, by Resolution No.: 11-2014 of January 13, 2014, authorized the re-purchase of real property known as 70 Grove Street (Section 26, Block 7, Lot 22) at private sale to former owners Jose Sanchez and Luz Maria Sanchez; and

WHEREAS, Jose and Luz Maria Sanchez have requested an extension of time to close title on 70 Grove Street; and

WHEREAS, this Council has determined that granting such extension is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that an extension of time to re-purchase real property known as 70 Grove Street (Section 26, Block 7, Lot 22) be and is hereby granted to Jose Sanchez and Luz Maria Sanchez until March 14, 2014.

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia-6

ADOPTED

RESOLUTION NO. 36-2014

OF

FEBRUARY 10, 2014

A RESOLUTION APPOINTING A PRESIDENT PRO TEM OF
THE CITY COUNCIL OF THE CITY OF NEWBURGH

WHEREAS, the City Council wishes to appoint a President Pro Tem pursuant to the provisions of Section C4.11 of the City Charter; and

WHEREAS, the City Council believes that it would be in the best interests of the City of Newburgh to appoint Councilwoman Regina Angelo to the office of President Pro Tem and to serve in that capacity during such times as the Mayor is unable.

NOW, THEREFORE, BE RESOLVED, by the City Council of the City of Newburgh that Councilwoman Regina Angelo is hereby appointed to the office of President Pro Tem of the City Council of the City of Newburgh and shall serve in that capacity during such times as the Mayor is unable; and

BE IT FURTHER RESOLVED, pursuant to Section C4.11 of the City Charter, that President Pro Tem Regina Angelo shall preside over the meetings of the City Council and perform all the duties, exercise all the functions and have all the powers of the Mayor of the City of Newburgh during such times as the Mayor is unable.

Councilwoman Abrams stated that this would be better tabled for further discussion at a work session.

Councilman Brown commented that in fairness to Mayor Kennedy, she certainly should be in on the discussion in terms of who she would like to be appointed to the position. He suggested that they table the resolution tonight and get it ready for the next agenda.

Councilwoman Abrams moved and Councilwoman Mejia seconded that the resolution be tabled.

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Mejia-5

Noes- Councilwoman Lee-1

TABLED

OLD BUSINESS

Councilwoman Holmes thought that the material surrounding the Police-Community Relations Advisory Board was going to be done in the form of a resolution, but she was informed that it would be done as an ordinance. Michelle Kelson is working on it with them.

This portion of the meeting was closed.

NEW BUSINESS

Councilwoman Lee stated that she did not know if her comments fell under the header *Old* or *New* business. She asked if anyone has seen the conditions of the police department.

James Slaughter pointed out that he met with a consultant and inspected the locker room and shower facilities. They looked at the external, as well as the internal factors that are impacting the area. Once he receives the estimate, he is going to bring it back to the council. The approval of a contract by the council is part of the first phase of the project.

Councilman Brown stated that he is not into temporary fixes for long-term problems, but in this case we certainly need to do *something*. This council needs to focus on either moving our police and fire station, or repairing it to a point where it is efficient for our men of service. The discussion on this needs to happen very soon.

Slaughter agrees with Brown wholeheartedly. This is a situation in which the council needs to make some decisions about the long-term viability of that structure. As it stands now, we have a structure in which we have to continually invest dollars into it, or else look at a more viable alternative.

This portion of the meeting was closed.

PUBLIC COMMENTS REGARDING GENERAL MATTERS OF CITY BUSINESS

Verne Bell informed everyone about the film series *Who is Jim Crow?* It began in Kingston. Now it is in Poughkeepsie and Newburgh. Local residents in the Hudson Valley have come together to fight the system to end the school-to-prison pipeline. 75% of the people in State prisons are People of Color. This should be of interest to the whole community, as it affects Latinos, immigrants and the poor. The next film entitled *Slavery By a Different Name* is being shown on February 22nd at the Newburgh Free Library. All films are free, with discussion following the film.

Kippy Boyle asked the council for an update about the Route 300 development project. There is some urgency in protection of Washington Lake drinking water. Second, she attended a re-zoning information session. It was quite interesting and informative. Will any of the city staff, particularly those from the building department, be present? The codes department is going to be the gatekeeper of this information. Next, the Newburgh Landing Dock suffered a lot of damage due to the extreme icy conditions. Are we going to repair the dock, so that we don't keep people away from another public space this spring? There are some grant funds remaining from a long time ago. What is the timeline and who is in charge?

Last, she thought residents would start getting budget snapshots at each meeting. It would be valuable for them to understand how our financial situation has been impacted, especially when she sees that there are foreclosure notices posted in the downstairs lobby.

Jeff Wallace spoke about parking lot permits. He lives at The Cornerstone Residence. There are 25 residents who have cars. The period of permit parking is from 6PM- 6AM. These are good hours unless you work overnight and have to park during the day. DSS workers have 200 cars. Do they have to pay for parking? Cornerstone has functions throughout the year. On any given Saturday night they could have 200 cars utilizing the lot. AME Zion Church uses the lot on any given Sunday. Habitat for Humanity uses the lot on a regular basis. Do these charities pay for permits or are they exempt?

Timothy Hayes-el mentioned that Newburgh is the best model for the *New Jim Crow*. Everyone comes to our city to work for not-for-profits. They know the demographics, and they know how to move to get grant money. Some of the things that go on in this city make him sick to his stomach.

Dolores Haymer commented about having safe living conditions. She lives at 58 Johnston Street, and she is a single mother of seven children. There is no power on the second floor of her apartment. Both the fire and building departments have been there previously. She was told that she can not run an electric heater into her bedroom. This will be the third time she has to go to court with landlords who have building violations. Nothing is being done, and her security deposit is not being returned to her. How is she supposed to secure affordable housing with seven children?

Deborah Danzy, AIDS Advocate, stated that recently the City of Newburgh lost the agency ARCS at 280 Broadway. She pointed out that the HIV/AIDS epidemic in Newburgh is drastically increasing. She is looking to start a new network in Newburgh. She is working with Councilwoman Lee and Councilwoman Angelo. Danzy realizes there are other important issues. But where there is homelessness and drugs, there is HIV. It is a complete package now, and there is no escaping it. She hopes the new council will sit down with her and work together. She pointed out that New York State lost a lot of federal money for HIV and AIDS research and programs. Danzy remarked that she is an 18-year survivor of the virus. She is affiliated with the AIDS Institute, in which she sits on its consumer advisory board. This is a new year. It is really a bad situation in Newburgh.

Margarita Knox thanked Councilwoman Angelo for all of the support she gives our city. Knox pointed out that she would be more than willing to help out. Knox feels that some individuals are trying to get rid of Angelo's position. Regardless of the title she holds, as long as she continues to do what she does best- i.e., love this city- then that is all that matters.

Brenda McPhail thanked Councilwoman Abrams for calling her. McPhail admires her integrity. Second, she has a problem with people coming here from Middletown and other areas and getting dropped off in our city. Next, these streets are a mess. Everyone walks in the streets because the sidewalks are so bad. Last, she recalled when she was told back in 2011 that Greater Newburgh Partnership was not connected with the Newburgh Community LandBank. McPhail begs to differ. She feels that this is why Newburgh never gets anywhere. She does not feel that the organization is trying to bring anything new to the city. People need to wake up and open their eyes to what is going on in Newburgh.

Janet Gianopolous stated that previously the council abdicated its purview of issuing warrants for the collection of water and sewer fees. She implored the council to reestablish its purview to collect these charges so that they are better aware of what is being charged to the taxpayers. Second, she mentioned that she looked at a taxpayer's bill for 2014. She pointed out that

the non-homestead tax rate on the bill increased by 7.3%. She hopes the council will look at this. We are not being business friendly if we indicate that we are not increasing taxes, when in fact we are increasing taxes.

Kylen Kelly is a volunteer at the Youth Empowerment Center, located at 104 South Lander Street. He stated that the center helps nurture and care for kids in the City of Newburgh. Volunteers assist the children academically and they provide them meals. The hours of operation are from 3:00 P.M. to 12:00 A.M. on Thursdays, Fridays and Saturdays. He urged everyone to come and visit.

Sheila Murphy voiced her concerns about the GNP performing the zoning in the city. Murphy stated that she was told by city staff that most municipalities use outside agencies for their zoning. Murphy asked the council why it has paid the organization when it was eligible for a grant for \$216K. She stated that the organization is connected with the Newburgh Land Bank. Next, she is concerned about a city council member being affiliated with the GNP. Murphy stated that this person voted for herself on the Land Bank. Murphy remarked that perhaps the individual was not aware of it.

Tammie Hollins discussed old business items. She has sat and chaired boards herself. She is concerned about a council member self-voting. Hollins believes that no board members should be able to vote for themselves; or even sit in on discussions in which that person is being considered for board participation. Second, she feels that when people run for council they end up putting their family and friends into positions. Hollins does not believe it is illegal for a councilperson to appoint her cousin to the Civil Service Commission, although she questions the legality of another councilperson self-voting on a city board. Even though these decisions may be legal, she deems them to be *ethically cloudy*.

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

FURTHER COMMENTS FROM THE COUNCIL

Councilwoman Abrams extended a special thanks to people, such as Timothy Hayes-el, for coming to the meetings time after time. She pointed out that the council is here, just as all of you are here, to try to get Newburgh back to work. If the council fails or slips in any way, then she is so glad that people come and raise the questions. She believes that people will see it is the intent of the council to ensure that people who are hired for the various projects in our city are from Newburgh.

Councilwoman Angelo announced that Newburgh Free Library will hold the second session for zoning. It will be on Wednesday at 6 P.M. She was told that there was a good crowd at last Saturday's session. Second, she is seeking members for the Citizens Advisory Board. Now that the city represents 9 wards, we will have to confer with the Corporation Counsel as to how to handle membership. Next she pointed out that she has applications for the parade. Last, she mentioned that she has received complaints about the sound not coming through on the video recordings.

Michelle Kelson responded that we will make sure we get it so that it matches the number of wards we have in the city.

Councilwoman Holmes extended a special thanks to Civil Service Commissioner Vera Best for coming to the meeting. She pointed out that she chose the best person for the job. You would have to review the applications that came in to understand why she chose the commissioner. Holmes remarked that she did not make the selection alone. The selection was made by the council. Also they looked at the ethics involved in making the selection.

Councilwoman Lee stated that "We did not make a selection." She does not know when the selection was made. Typically the council's ideas should come through a work session. As long as those ideas are discussed in the work session, then they should appear on the agenda, whether she agrees with the ideas or not.

Councilwoman Mejia commented that it is very interesting that we can spend more than forty-five minutes discussing items that we have discussed previously. The tapes can be reviewed. First, she praised the New York Times for the article concerning code enforcement in the city. This gets to the heart about how we revitalize our city. She pointed out that the fire department is doing an excellent job addressing the distressed property situation. Sometimes it is not the municipality's job in keeping up the property. It is the bank's responsibility.

Second, Mejia addressed comments about the watershed. Our water resource is one of our biggest assets. We certainly want to protect and honor it. Mejia addressed the Crystal Run project on Route 300. We are a strong city. We are going to be vocal and committed to protecting our resources. She mentioned that the Town owes us roughly \$500K in water fees. We need to ensure that we collect this money during the first quarter of the year. While we discuss issues of the President Pro Tem and other matters, Mejia would like to ensure that we get that money back into our coffers and get our finances into the Black instead of the Red.

Third, she has had discussion with the Interim City Manager about the Newburgh Landing Dock. She has taken pictures and the situation is getting worse. It has to be removed so that we can get a temporary dock for accessibility to our waterfront. Fourth, she addressed the parking issue. We need to ensure that everyone has adequate parking spots. Orange County Planning Department has made efforts available to us to conduct a study.

Next, she mentioned that the health of this community is vital. The HIV Network is included in this platform. Like Ms. Danzy stated, all of us need to be aware and understand that everything is intertwined.

Mejia addressed zoning concerns. *How can a local NGO apply for grant money?* To be blunt about it, this was done in partnership with the City of Newburgh. The reality is that the City's reputation in managing its own funds has not been all that great. There was no NGO entity out there that was comfortable with our city's reputation. We have moved light years ahead in reassuring the business world that we are ready and open for business. It is about modeling a different approach between public and private partnership.

In terms of disclosure, Mejia remarked, *"It is not a secret."* She loves what she does. She has worked at GNP part-time. She does not hide that fact and she is proud to say it. GNP has been instrumental in the city-wide cleanups. In case one has not noticed, cleanliness and making sure that our children have safe playgrounds are the fundamental things that she believes in. This is how you strengthen a community. She would be more than happy to address individual concerns about her role in city government, in private. But she would much rather reserve this public forum for discussions, such as employment opportunities in our port city and efforts with the WIN Program.

Lastly, Mejia stated she attended a recent NAACP breakfast. The organization is in a reorganizing drive to energize everybody. Mejia had the opportunity to meet a Buffalo Soldier at NFA's Black History Month program.

These are just two snippets of what, we as a board, are doing in the City of Newburgh.

Interim City Manager James Slaughter addressed the issue about parking permits. He pointed out that there is a moratorium in effect until April. He explained that parking is *free* for city residents. For businesses the fee is \$50 per space per month. We live in a city in which parking is not really offered at a premium. We are charging a fee because we are attempting to improve our infrastructure. Part of the money we collect will go to fix our city lots.

He addressed concerns about our water supply. We are continuously committed to working on an opposition to the Crystal Run project. We do not find it to be in the best interests of our city. A meeting is scheduled with the Town of Newburgh. If we have to take the necessary steps to protect our drinking water, then those protections are going to be spread as increases in our water fees. It is an important issue for us. Slaughter has been actively working on it with staff.

City Comptroller John Aber explained the assumption of the tax increases. The tax levy base remained the same in the 2014 budget. The homestead and non-homestead rates are related to the property tax values. Indeed some of those rates will increase, while others will decrease depending on the assessed value of the properties. The main focus is on the approved 2014 budget, in which the tax base remained unchanged. Aber is unable to comment about the increases in school taxes, because they are not done by the City of Newburgh.

Councilman Brown encouraged us to take our children to any of the events tailored around Black History Month. If you are unable to attend any of these functions then there are tons of television programs on the network to inform and educate children about Black history. It is very important for families to pass down the history to the children.

There were no additional comments at this time.

ADJOURNMENT

There being no further business to come before the council, the meeting adjourned at 8:25 P.M.

Respectfully Submitted,

**KATRINA COTTEN
DEPUTY CITY CLERK**