

A regular meeting of the City Council of the City of Newburgh was held on Monday, June 9, 2014 at 7:00 P.M. in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

The Prayer was led by Rev. Bill Scafidi from Sacred Heart and St. Mary's Church followed by the Pledge of Allegiance.

Present: Mayor Kennedy, presiding; Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia - 7

COMMUNICATIONS

Councilwoman Angelo moved and Councilwoman Mejia seconded that the Minutes for May 27, 2014 and May 28, 2014 Council Meetings be approved.

Ayes - Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-7

CARRIED

PROPOSED PUBLIC HEARING

RESOLUTION NO.: 142 - 2014

OF

JUNE 9, 2014

A RESOLUTION SCHEDULING A PUBLIC HEARING FOR JULY 14, 2014 TO HEAR PUBLIC COMMENT REGARDING THE HOUSING AND COMMUNITY DEVELOPMENT NEEDS OF THE CITY OF NEWBURGH TO ASSIST IN THE PREPARATION OF ITS HOUSING AND COMMUNITY DEVELOPMENT PLAN AND TO HEAR PUBLIC COMMENT ON THE CITY OF NEWBURGH'S PROPOSED ACTIONS CONCERNING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR THE CONSOLIDATED PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT FOR FISCAL YEAR 2015 AND THE DEVELOPMENT OF THE 2015-2019 FIVE YEAR COMPREHENSIVE PLAN.

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 regarding the housing and community development needs of the City of Newburgh to assist in the preparation of its Housing and Community Development Plan and to hear public comment on the City of Newburgh's proposed actions concerning the Community Development Block Grant Program for the Consolidated Plan for Housing and Community Development for fiscal year 2015 and the development of the 2015-2019 Five Year Comprehensive Plan; 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 14th day of July, 2014, in the third floor Council Chambers located at 83 Broadway, City Hall, Newburgh, New York.

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, Mayor Kennedy – 7

ADOPTED

PUBLIC HEARING

Mayor Kennedy continued a public hearing to receive comments concerning the adoption of the revised Chapter 300 entitled "Zoning" of the Code of Ordinances of the City of Newburgh.

Yaakov Sullivan, 21 Overlook Place, in the Heights thanked everyone who worked on the new Zoning Codes but he questioned the proposed new housing ordinance. The Heights neighborhood under the current ordinance is zoned for R1, single-family units and R2, two-family units. They are the only residential uses allowed in the Heights with a minimum of two parking spaces per unit. In the proposed new Zoning ordinance, this is to be changed from the current low density to high density housing and DN, Downtown Neighborhood. Both of these designations are in direct violation of the City of Newburgh Land Use Plan adopted in 2011 which calls for the Heights zoning to remain a one and two-family housing district. In the proposed high density district the allowable uses in the Heights are enhanced from the present zoning regulations to include apartment units, two, three and four residential uses with new and existing structures, cooperative housing and boarding houses. In the City of Newburgh Future Land Use Plan adopted September 12, 2012, the areas in the Heights designated as R1 provided that no changes to the existing zoning should be made. The question of how their neighborhood went from R1 and R2 to High Density begs for an answer. Allowing more multi-family housing beyond those sites already grandfathered in has the potential for destroying any chance for their neighborhood which has made great strides in the last decade to stabilize and prosper. He said that they are still struggling with decreased home values and they are overwhelmed with increased parking density and condemnation of properties due to an antiquated sewer infrastructure which increasingly has difficulty handling our present capacity. He asked the Council to seriously give this detailed consideration because it needs revision in order to conform to the City of Newburgh Land Use Plan and to best serve the interests of all residents of the Heights who remain committed to maintaining a neighborhood that consists of a diverse community dedicated to an urban setting that is safe, beautiful and a source of pride for the whole City.

Barbara Smith, City of Newburgh, said that she went through all of the pages yesterday and asked for some clarification. On Page thirty-five, with regard to construction she asked why we haven't dealt with the unsightly antennas that are plastered all over our buildings. Why can't we utilize this particular time to do something with that? On building materials it states that no cinder block, no aluminum or no plastic will be allowed as trim on buildings. Does that grandfather the trim on all buildings or is this for new construction only? She thinks that should be spelled out.

There being no further comments Mayor Kennedy noted that this public hearing will still remain open until all of the Ward meetings are completed.



City of Newburgh City Comptroller's Office

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TO: Michael Ciaravino, City Manager
Mayor - Judy Kennedy
Councilman – Cedric Brown
Councilwoman – Regina Angelo
Councilwoman – Gay Lee
Councilwoman – Genie Abrams
Councilwoman – Cindy Holmes
Councilwoman – Karen Mejia

FROM: John J. Aber, City Comptroller

DATE: May 20, 2014

SUBJECT: City of Newburgh Financials – May 2014

Below are the highlights of the City of Newburgh Revenue and Expenses through May 31, 2014

General Fund Revenue

Through May, the City of Newburgh collected \$17.9 million compared to the annual revenue budget of \$44.2 million (40.46%).

- \$12.8 million - Real Property Taxes/PILOT Payments.
- \$736k - Fund balance transfer
- \$599k – Enterprise fund transfer for General fund services
- \$2.9 million –Sales & Use tax, utilities tax and franchise fees
- \$490k -Departmental income
- \$89k - Licenses and permits
- \$170k - Grants
- \$141k - Miscellaneous income (investments, property rental, Employee Health Contributions)

General Fund Expense

The City of Newburgh expended \$16.3 million plus an additional \$70k in FY2013 encumbrances. On a cash basis the City has expended 36.9% of the 2014 budget. On a modified accrual basis they have committed 38.7%.

Overall Departmental expenses are in-line with the approved budgets with the exception of Police and Fire overtime. As mentioned in prior reports, Fire overtime has decreased with the hiring of the new grant funded recruits and my office will continue to monitor their overtime. Police overtime has decreased slightly however we are still projecting the Police Department to exceed their overtime budget by \$240k. My office will continue to work with the Police Chief and the new City Manager to develop an overtime control plan.

Enterprise Fund Revenue

Through May 2014, the Enterprise Funds (Water, Sewer and Sanitation) generated \$4.9 million in revenue.

Water Department generated/collected \$1.74 million through May which represents 29.2% of their total revenue budget for FY2014.

Sewer Department generated/collected \$1.66 million through May which represents 29.1% of their total revenue budget for FY2014.

The Sanitation Fund generated/collected \$1.56 million through May which represents 47.69% percent of the total revenue budget for FY2014.

Enterprise Fund Expense

Through May 2014, Enterprise Funds expended \$4.4 million. All three Enterprise funds are projected to spend within their FY2014 Adopted Budget. On a cash basis, the enterprise funds have expended 30% of their budget on a modified accrual basis, they have committed 44.2%

Capital

Detailed below are the updates since last month's Capital report:

1. Engineering

New Dock - \$260k – The Underwater assessment has been completed, the entire dock requires full replacement. The estimated cost for replacement is \$1.5 million. A claim has been filed with our Insurance Company.

2. Community Development

Tyrone Crab Park - \$240k – Bid opening occurred on April 29, 2014. The lowest bid is \$196k higher than the funding for the project. The bids will be rejected and DPW will renovate the park.

Trust and Agency Accounts

In addition to the General, Enterprise and Capital Development funds the City also maintains several Trust and Agency Accounts. Trust and Agency accounts are accounts set aside for specific events and have a dedicated funding source. Trust and Agency Accounts cannot be used to supplant other funding sources. Below are a snapshot of the spendable Trust and Agency Accounts Managed by my office:

- **Misc Donations**
 - Shade Tree - \$346
 - National Night Out - \$125
 - Gun Buyback - \$150
 - Misc Fire Dept - \$1,547

- **Police**
 - Police Evidence - \$61,305
 - Federal Seizure - \$31,651
 - State Seizure - \$14,265
 - Police Bicycle - \$552
 - Police Donations - \$187

- **Celebrations**
 - Puerto Rican Day - \$80
 - International Festival - \$17,914
 - Quadricentennial - \$2,000
 - Fireworks - \$3,910

COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

Michael Gabor, Grand Street, said in regard to resolution #159-14 for Tyrone Crabb Memorial Park that he has been involved in this Project since the beginning almost fifteen years ago and it's sad that it doesn't get anywhere. They keep asking for public comments over and over again and giving promises yet money was stolen from the fund that was dedicated to this from the County so whoever put this bid out did not do their homework on what the available funds were for this project. Back when they started this Project the original plan would have cost us about \$150,000.00 and there was a lot of public input so it is just sad that this is where we are after all of this time. Hundreds of hours of time and volunteer efforts that were put into this have just been thrown away and here we are again squashing it.

Wyatt Stevens, Dubois Street said in regard to resolution #159-14 that he would like to propose reallocating that money to the recreation program to rebuild the west wing of the recreation center and the basketball court and to potentially build a pavilion. If that money could be reallocated they would be able to build the Park to its full potential without the need to do fundraising. They have been trying to build Tyrone Crabb Park for as long as he can remember and it is currently just an empty lot that is used for kickball by Horizons on the Hudson. This hasn't gone anywhere and he feels that it is like beating a dead horse so that is why he is proposing that they put the money from the Park into a project that is moving forward.

Carlos Reyes, Liberty Street, wished to also speak about resolution #159-14 and what Mr. Stevens just spoke about. He thinks that it is a smart idea because they are always talking about trying to keep the youth in Newburgh safe and having things for them to do. Their group is getting bigger with about one hundred of them now and it is more than just skateboarding. They skateboard around Newburgh every day and they are always welcoming more people into their group. He hopes that the Council will think about this because it would help everyone.

Barbara Smith, Powell Avenue thinks that resolution #159-14 needs to be clarified because it is being read as though they are withdrawing the funding from that Park which is not true. She asked the Council to please clarify what is actually happening with Tyrone Crabb Park. It is still going to be done it is just being done in a different way.

Roxie Royal, City of Newburgh said in regard to resolution #159-14 that she is in partial agreement with the young man who spoke earlier. They have been working on this Park for fifteen years and every time it looks like they are going to move forward something else come up to block it and it doesn't happen. She feels that they should either build this Park or do something else because it is disheartening to our young people. It is time to move forward with something and stop putting it on the back burner.

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

COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

Mayor Kennedy said that there is a big misunderstanding in regard to resolution #159-14 because they are not stopping this Project. It turns out that the bid was extremely high, around \$870,000.00, and when they started looking at the components of it they all came to the conclusion that they could do this Park in a different way for a lot less money. They have discussed breaking it into two components with a landscaping piece and a playground piece. They feel that we can do the landscaping piece with our own internal resources such as DPW and hire a special team to do this work. They can do the South Street sidewalk and a lot of the landscaping so this could be done in a different way. She noted that this Park is not being postponed as they want to get the landscaping piece done this year with grant money and then work on the playground piece next year. They are rejecting the bid they are not rejecting the Project.

Councilwoman Mejia said that everyone on the Board has been hands on involved with trying to find a way to fulfill a promise and a commitment that was made many years ago. Families were promised that a family oriented Park was going to get built there and she knows that it has taken a long time but no matter how they twist the bids or put it out there the price is only going to go up. Given all of the financial commitments that they have they discussed how they might be able to do some of this internally. She said that the Municipality made a commitment at least three decades ago but they are going to get it done this year. The landscaping part will be completed this year and they will work with the CDBG Committee, the Board and staff to get the playground done next season. In terms of allocating this money, these funds have been earmarked for this particular Park with grants that are attached so the money can't be allocated. The BAN money, which is part of the Budget, was also allocated to the Park so they will have to think of other creative ways to make sure that they have funding for the other Parks that need to be constructed. She added that they need a strategy for the maintenance of our Parks. We have multiple Parks throughout the City that need to be on a schedule with a maintenance plan. Back in 1992 or 1993 an ordinance was passed for individuals, organizations and community groups to adopt a Park if they wanted to. There are groups out there who are already doing this with vacant lots and cleaning up the streets but she feels that we need an overall strategy for all of the Parks in the City. She said again that this is a commitment that the Municipality made that they are looking to complete in 2014 because they have to stick to their word. If they say they are going to do something then they have to complete it and close it out.

Councilwoman Lee said that she thought \$800,000.00 for one Park was too much money to spend since we have other Parks that need to be rehabbed. The money that is earmarked for the Tyrone Crabb Park is \$216,000.00 but other money was set aside. She thinks that the money that was set aside is money that can be and should be negotiable.

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

RESOLUTION NO.: 143 - 2014

OF

JUNE 9, 2014

**A RESOLUTION AUTHORIZING THE EXECUTION
OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY
FROM A DEED ISSUED TO JCL MEDIA, INC.
TO THE PREMISES KNOWN AS 67 LIBERTY STREET
(SECTION 39, BLOCK 5, LOT 14)**

WHEREAS, on June 8, 2006, the City of Newburgh conveyed four parcels of real property located on Liberty Street, including 67 Liberty Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 39, Block 5, Lot 14, to JCL Media, Inc.; and

WHEREAS, on November 23, 2010, the City of Newburgh issued a correction deed to JCL Media, Inc. for the sole purpose of amending the use restriction contained in covenant number one of the original deed dated June 8, 2006; and

WHEREAS, JCL Media, Inc. has completed the rehabilitation of three of the four parcels and the City has issued a release of covenants and right of re-entry for same; and

WHEREAS, JCL Media, Inc. has advised the City of Newburgh that they are unable to complete the rehabilitation of 67 Liberty Street and wishes to convey the premises to Consolidated Spring, LLC, a limited liability company formed by the principals of Atlas Industries; and

WHEREAS, JCL Media, Inc., by its officers, has requested a release of the restrictive covenants contained in said deed; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4, 5 and 6 of the aforementioned deeds.

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, Mayor Kennedy – 7

ADOPTED

**RESOLUTION NO.: 144 - 2014
OF
JUNE 9, 2014**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT FROM THE STATE OF NEW YORK DEPARTMENT OF CRIMINAL JUSTICE SERVICES GUN INVOLVED VIOLENCE ELIMINATION (“GIVE”) PARTNERSHIP WITH NO CITY MATCH TO ENHANCE LAW ENFORCEMENT IN THE CITY OF NEWBURGH TO ACHIEVE SUSTAINED, LONG-TERM CRIME REDUCTION THROUGH CONTINUATION OF THE CRIME ANALYST POSITION, THE FIELD INTELLIGENCE OFFICER POSITION, FOCUSED ENFORCEMENT ON GUN CRIME PATTERNS AND RELATED STRATEGIES AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENTS AND TAKE SUCH ACTIONS REQUIRED TO CARRY OUT SUCH PROGRAM

WHEREAS, the City of Newburgh wishes to accept a Grant Award in an amount not to exceed \$324,550.00 under the Division of Criminal Justice Services Gun Involved Violence Elimination (“GIVE”) Partnership; and

WHEREAS, GIVE is part of a comprehensive strategy to reduce gun crime in New York State by enhancing law enforcement by enabling local police agencies to better analyze crime patterns and data, utilize the positions of Crime Analyst and Field Intelligence Officer and expand focused enforcement to reduce shootings, homicides and firearm related violent crime; and

WHEREAS, the Program funding shall be for New York State fiscal year 2014-2015 beginning July 1, 2014 and ending June 30, 2015; and

WHEREAS, the Program will enhance enforcement and prosecution efforts against crime in the City of Newburgh and no City matching funds are required; and

WHEREAS, this Council has determined that accepting such funding is in the best interests of the City of Newburgh and the safety of its residents and visitors alike;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he hereby is authorized to accept such Grant award from the New York State Department of Criminal Justice Services under the Gun Involved Violence Elimination (“GIVE”) Partnership, in an amount not to exceed \$324,550.00 with no City match required, to be used to carry out the program and implement the purposes set forth herein; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the programs funded thereby.

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

Ayes – Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy – 7

ADOPTED

**RESOLUTION NO.: 145 - 2014
OF
JUNE 9, 2014**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND
ACCEPT IF AWARDED A GRANT IN AN AMOUNT NOT TO EXCEED \$25,000.00
FROM THE TONY HAWK FOUNDATION FOR THE CONSTRUCTION
OF A SKATEBOARD PARK TO BE LOCATED
AT DELANO HITCH RECREATION PARK**

WHEREAS, the Tony Hawk Foundation provides funds for the development and construction of skateboard park facilities throughout the United States; and

WHEREAS, the principal focus of the Tony Hawk Foundation is to encourage and facilitate the design, development, and construction of new quality skateboard parks and facilities located in low-income communities in the United States; and

WHEREAS, the City of Newburgh is an entitlement community with a demonstrated high level of need; and

WHEREAS, the average median income of a City of Newburgh resident according to the U.S. Census is \$36,077.00 and 27.9% of residents live below the poverty level; and

WHEREAS, the City of Newburgh has funded the design and development of a skateboard park to be located at Delano Hitch Recreation Center, 401 Washington Street with U.S. Department of Housing and Urban Development Community Development Block Grant funding; and

WHEREAS, the City of Newburgh wishes to apply for and accept if awarded a grant in an amount not to exceed \$25,000.00 from the Tony Hawk Foundation for the construction of a skateboard park; and

WHEREAS, this Council has determined that applying for such grant 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 City Manager be and he is hereby authorized to apply for and accept if awarded said grant from the Tony Hawk Foundation in an amount not to exceed \$25,000.00 for the construction of a skateboard park to be located at Delano Hitch Recreation Park.

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

Ayes – Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy – 7

ADOPTED

RESOLUTION NO.: 146 - 2014

OF

JUNE 9, 2014

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT IF AWARDED A STATE GRANT FOR FUNDING UNDER THE NEW YORK MAIN STREET PROGRAM IN AN AMOUNT NOT TO EXCEED \$250,000.00 TO SUPPORT BUILDING FACADE UPGRADES, BUILDING RENOVATIONS AND OTHER IMPROVEMENTS FOR BROADWAY BETWEEN WILLIAM AND MILL STREETS

WHEREAS, the City of Newburgh is committed to complimenting the efforts of the private sector in promoting community revitalization efforts; and

WHEREAS, the State of New York has made funding available under the New York Main Street Program to assist in upgrading their Downtown Core Commercial Areas; and

WHEREAS, the City of Newburgh is a qualified applicant under this program; and

WHEREAS, the City of Newburgh has a demonstrated commitment to providing development programs throughout the City;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a grant for funding under the New York Main Street Program in an amount not to exceed \$250,000.00 to support business facade upgrades, building renovations and other improvements for Broadway between William and Mill Streets; and that the City Manager is authorized to execute all such contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the program funded thereby.

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, Mayor Kennedy – 7

ADOPTED

**RESOLUTION NO.: 147 - 2014
OF
JUNE 9, 2014**

**A RESOLUTION TO AUTHORIZE THE RE-PURCHASE OF
REAL PROPERTY KNOWN AS 22 BAY VIEW TERRACE
(SECTION 48, BLOCK 5, LOT 13)
AT PRIVATE SALE TO KENNETH SIKORSKY**

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

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

WHEREAS, Kenneth Sikorsky, the former owner of 22 Bay View Terrace, being more accurately described as Section 48, Block 5, Lot 13 on the official tax map of the City of Newburgh, has requested to re-purchase the property at private sale; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of 22 Bay View Terrace, Section 48, Block 5, Lot 13, to Kenneth Sikorsky be and hereby is confirmed and that the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of the purchase price of \$92,786.24, which represents all past due tax liens, together with all interest and penalties accruing thereon, including attorney's fees, in full; and that said purchase price must be paid no later than July 31, 2016, and in accordance with the terms and conditions of sale annexed hereto and made part hereof; and

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

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

Ayes – Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy – 7

ADOPTED

Terms and Conditions of Sale

1. City of Newburgh acquired title to the property known as 22 Bay View Terrace, more accurately described as Section 48, Block 5, Lot 13 on the official tax map of the City of Newburgh, (hereinafter referred to as "the parcel") 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. The parcel, 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; and (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.
3. The parcel is sold subject to subject to any liens, encumbrances or mortgages of record that existed against this property at the time the City of Newburgh took title in the tax foreclosure proceeding. The purchaser shall furnish the City with documentation that the mortgage held by Wells Fargo, N.A. has been written off or reinstated.
4. The purchase price of the property is equal to the total of the delinquent taxes owing on the property in the amount of \$92,786.24. The purchaser shall pay to the City the purchase price as follows:

A down payment in the amount of \$14,882.96 shall be due on or before June 30, 2013. The amount of said down payment consists of \$6,226.60, which includes all of the taxes for the 2013-2014 school district tax year and \$8,652.76, which is ten (10%) percent of the delinquent taxes owed. The down payment shall be payable by certified check, bank check, money order or cash.

The balance of the purchase price, after the down payment, plus interest at the rate of 6% per annum shall be due and payable in eight (8) installments as follows:

\$10,406.69 due September 30, 2014
\$10,406.69 due December 30, 2014
\$10,406.69 due March 30, 2015
\$10,406.69 due June 30, 2015
\$10,406.69 due September 30, 2015
\$10,406.69 due December 30, 2015
\$10,406.69 due March 30, 2016
\$10,406.69 due June 30, 2016

5. Any and all future property taxes levied by the City of Newburgh and the Newburgh Enlarged City School District, including but not limited to the 2014-2015 school tax bill and any subsequent levy, and the 2015 City/County tax bill, shall be paid by the purchaser to the City of Newburgh as the installments come due during the applicable tax year. The City of Newburgh shall bill these amounts to the purchaser as they become due.
6. The purchaser shall continue to be responsible for all water, sewer and sanitation charges.
7. All payments due hereunder shall be payable to the City of Newburgh by bank check, certified check or money order.
8. Purchaser is 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 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 purchaser following the closing of sale.
10. All informational tools, such as slides, tax maps, deeds, photos, property record cards, etc., are for identification purposes only and are neither a guarantee nor a warranty as to location, dimensions, parcel use and/or size, or anything else. THE CITY MAKES NO WARRANTY EXPRESSED OR IMPLIED IN CONNECTION WITH THIS SALE.
11. 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. Properties 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. Properties also may contain other environmental hazards. Purchasers shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchasers shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Purchaser acknowledges receipt of the pamphlet entitled "Protecting Your Family From Lead in Your Home." Purchaser also acknowledges that 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.
12. All recording costs and transfer taxes shall be paid by the purchaser. Such recording costs shall be payable to the "Orange County Clerk" by bank check, certified check or money order.

13. The entire purchase price and all closing costs/fees must be paid by cash or guaranteed funds to the City of Newburgh Comptroller's Office on or before July 31, 2016. The City is not required to send notice of acceptance to a purchaser. If the purchaser fails to pay the balance of the purchase price as herein provided, the deposit shall be forfeited. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to close title of up to, but not to exceed, sixty (60) additional days. No request shall be entertained unless in writing, stating the reasons therefore, and unless accompanied by a fee of \$250.00 per parcel for which a request is submitted. The fee shall be in addition to all other fees and deposits and shall not be credited against the purchase price and shall not be returnable. In addition, should the purchaser fail to close within the time set forth above, the entire deposit shall be forfeited to the City as liquidated damages without further notice to the purchaser. Any additional request made thereafter shall be made in writing and placed before the City Council for their consideration.
14. The purchaser warrants that he is in possession of the parcel and shall remain in possession until such time as the payments set forth herein have been paid. Purchaser shall be responsible for all property maintenance during his continued possession of the parcel. Purchaser may continue to permit tenant(s) to remain in occupancy and may collect rent from said tenant(s). Evictions, if any, remain the responsibility of the purchaser.
15. If the purchaser fails to close title by the close of business on July 31, 2016, then, the City may, but is not obligated to, offer the parcel to another purchaser.
16. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council because of Purchaser's breach of these Terms, the City shall be entitled to the keep the down payment in the amount of \$14,882.86 as liquidated damages as set forth in Term of Sale No. 13. and the purchaser shall be entitled only to a refund of the quarterly installment purchase money paid with interest, but not to any payment of rent. Purchaser agrees that she 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. However, if purchaser fails to close title in accordance with the terms and conditions set forth herein, he shall be entitled to reimbursement for expenses incurred to bring said parcel into compliance with applicable building and maintenance codes made during his possession as tenant, and as required as a condition of sale, upon presentation of proof that such expenses were incurred in a form that is satisfactory to the City.
17. The 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, its heirs, success or assigns, against City of Newburgh arising from this sale.

18. 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 and closing fees/costs. Purchaser may remain in possession of property until the deed is recorded conveying title to the purchaser. **Title vests upon recording of deed.**

19. 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.

20. 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.

21. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he is 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 nor his assigns shall convey the property until after the date of the deed conveying title to the purchaser. If such conveyance in violation of these terms and conditions, the purchaser understands that he may be found to have committed fraud, and/or intent to defraud, and will be liable for damages to the City of Newburgh.

KENNETH SIKORSKY

Date:-----

**RESOLUTION NO.: 148 - 2014
OF
JUNE 9, 2014**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH, NEW
YORK SUPPORTING THE CONSOLIDATED FUNDING APPLICATION OF
THE NEWBURGH COMMUNITY LAND BANK THROUGH
EMPIRE STATE DEVELOPMENT
ECONOMIC GROWTH INVESTMENT INITIATIVE**

WHEREAS, Empire State Development Economic Growth Investment Initiative fosters economic growth through cultural activity, higher education activity, regional revolving loan and grant programs, agribusiness initiatives, other local or regional initiatives, planning or feasibility studies relating to a specific capital project or site, improvements to facilities in highly distressed areas, commercial revitalization activities in central business districts or commercial strips, or other types of projects that may not have direct job creation; and

WHEREAS, the Economic Growth Investment funding will be awarded for Acquisition of land, buildings, machinery and/or equipment; Demolition and environmental remediation; New construction, renovation or leasehold improvements; Acquisition of furniture and fixtures; Soft costs of up to twenty-five percent (25%) of total project costs; and Planning and feasibility studies related to a specific capital project or site; and

WHEREAS, the Newburgh Community Land Bank seeks Empire State Development Economic Growth Initiative funds to support the necessary commercial and community economic development opportunities in its neighborhood revitalization in the area bounded by Dubois Street, Liberty Street, Broadway and First Street and to develop a plan to assemble and acquire for remediation and rehabilitation a large group of contiguous properties in the area of Broadway, First Street and South Miller Street resulting in the improvement of the overall development of the City of Newburgh and its residents;

WHEREAS, the project seeks to enhance properties presently held by the Newburgh Community Land Bank through the acquisition of adjacent strategic commercial or mixed use properties, determining the highest and best use of each building or assemblage and executing each with appropriate partners;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York fully supports the New York State Consolidated Funding Application of the Newburgh Community Land Bank through Empire State Development Economic Growth Investment Initiative.

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

Ayes – Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy – 7

ADOPTED

RESOLUTION NO.: 149 - 2014

OF

JUNE 9, 2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH, NEW YORK SUPPORTING THE CONSOLIDATED FUNDING APPLICATION OF THE GREATER NEWBURGH PARTNERSHIP THROUGH THE EMPIRE STATE PLANNING AND FEASIBILITY GRANT PROGRAM TO PROVIDE FUNDING FOR THE PORT OF NEWBURGH

WHEREAS, the Greater Newburgh Partnership is preparing a planning grant application through the 2014 Consolidated Funding Application Process; and

WHEREAS, such application focuses on the generation of an economic development strategy for the City of Newburgh waterfront, specifically the Port of Newburgh; and

WHEREAS, the Greater Newburgh Partnership's development of this strategy will complement infrastructure feasibility analyses proposed in the Newburgh Waterfront Access and Mobility Strategy and submitted for funding through the United States Department of Transportation's TIGER Program; and

WHEREAS, key concepts to be analyzed on the Port of Newburgh Economic Development Strategy are mixed use development, industrial, waterfront access and logistical uses, as well as tourism and recreational amenities; and

WHEREAS, the proposed budget for this initiative will be One Hundred Thousand and 00/100 (\$100,000.00) Dollars; and

WHEREAS, the Greater Newburgh Partnership is committed to working in partnership with the City of Newburgh and other organizations to yield the greatest results possible;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York fully supports the Consolidated Funding Application of the Greater Newburgh Partnership through the Empire State Planning and Feasibility Grant Program to provide funding for the Port of Newburgh.

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

Ayes – Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy – 7

ADOPTED

RESOLUTION NO.: 150 - 2014

OF

JUNE 9, 2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH, NEW YORK SUPPORTING THE CONSOLIDATED FUNDING APPLICATION OF THE GREATER NEWBURGH PARTNERSHIP THROUGH A NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY CLEANER GREENER CATEGORY II PLANNING GRANT TO PROVIDE FUNDING FOR A SUSTAINABLE BROADWAY CORRIDOR

WHEREAS, the Greater Newburgh Partnership is preparing a planning grant application through the 2014 Consolidated Funding Application Process; and

WHEREAS, such application focuses on the Sustainable Broadway Corridor and seeks to align the redevelopment of Broadway's vacant parcels with best practices in urban sustainability; and

WHEREAS, these alignments include transit-oriented development, green building regulations, green infrastructure guidelines and Leadership in Energy and Environmental Design Neighborhood Development ("LEED ND") designation for clustered development sites, and will develop concepts alongside parallel transportation analyses for complete streets and bus rapid transit; and

WHEREAS, the proposed budget for this initiative will be Two Hundred Fifty Thousand and 00/100 (\$250,000.00) Dollars; and

WHEREAS, the Greater Newburgh Partnership is committed to working in partnership with the City of Newburgh and other organizations to yield the greatest results possible;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York fully supports the Consolidated Funding Application of the Greater Newburgh Partnership for a New York State Energy Research and Development Authority Cleaner Greener Category II Planning Grant to provide funding for a Sustainable Broadway Corridor.

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

Ayes – Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy – 7

ADOPTED

RESOLUTION NO.: 151 - 2014

**OF
JUNE 9, 2014**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH, NEW YORK SUPPORTING THE CONSOLIDATED FUNDING APPLICATION OF HABITAT FOR HUMANITY OF GREATER NEWBURGH, INC. THROUGH THE EMPIRE STATE DEVELOPMENT ECONOMIC GROWTH INVESTMENT INITIATIVE

WHEREAS, Empire State Development Economic Growth Investment Initiative fosters economic growth through cultural activity, higher education activity, regional revolving loan and grant programs, agribusiness initiatives, other local or regional initiatives, planning or feasibility studies relating to a specific capital project or site, improvements to facilities in highly distressed areas, commercial revitalization activities in central business districts or commercial strips, or other types of projects that may not have direct job creation; and

WHEREAS, the Economic Growth Investment funding will be awarded for Acquisition of land, buildings, machinery and/or equipment; Demolition and environmental remediation; New construction, renovation or leasehold improvements; Acquisition of furniture and fixtures; Soft costs of up to twenty-five percent (25%) of total project costs; and Planning and feasibility studies related to a specific capital project or site; and

WHEREAS, Habitat for Humanity of Greater Newburgh, Inc. ("Habitat Newburgh") seeks Empire State Development Economic Growth Initiative funds to upgrade and expand current offices located in the historic Kimball Building to serve as Habitat Newburgh's headquarters to accommodate a core staff of 13 and 4-6 AmeriCorps members, as well as the growth of Habitat Newburgh's accomplishments in the City of Newburgh; and

WHEREAS, the original design and layout of the current headquarters no longer serves the current staff and Habitat Newburgh is desirous of obtaining funding that will go towards the costs of reconfiguring and renovating the current space to more effectively meet their staffing and building needs now and in the future, and to provide a for a conference room to ensure applicants confidentiality, a staging area for construction, additional material storage as well as a community meeting room; and

WHEREAS, each home that Habitat Newburgh sells in its homeownership program returns approximately \$5,000.00 annually to the City of Newburgh and Newburgh Enlarged City School District tax rolls, and it is anticipated that at the end of "our 50 houses in 5 years" campaign at the end of 2016 Habitat Newburgh homeowners will be contributing approximately \$500,000.00 annually; and

WHEREAS, Habitat Newburgh has made an original investment in its headquarters of over \$1,000,000.00; and projects that the upgrade and expansion project is valued at approximately \$450,000.00;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York fully supports the Consolidated Funding Application of Habitat for Humanity of Greater Newburgh, Inc. through the Empire State Development Economic Growth Investment Initiative.

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

Ayes – Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy – 7

ADOPTED

RESOLUTION NO. 152 - 2014

OF

JUNE 9, 2014

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT IF AWARDED A NEW YORK STATE DEPARTMENT OF STATE 2014-2015 LOCAL GOVERNMENT EFFICIENCY GRANT APPLICATION FOR THE NORTHEAST ORANGE COUNTY WATER SUPPLY SUSTAINABILITY PROJECT ON BEHALF OF THE CITY OF NEWBURGH, TOWN OF NEWBURGH AND THE TOWN OF NEW WINDSOR FOR THE PURPOSES OF SEEKING FUNDING FOR THE IMPLEMENTATION AND CONSTRUCTION OF WATER SUPPLY INTERCONNECTIONS, PUMP STATIONS AND UPGRADES TO THE CITY OF NEWBURGH'S WATER TREATMENT PLANT TO FACILITATE THE SHARED REGIONAL WATER SUPPLY AND SUSTAINABILITY TO MUNICIPALITIES LOCATED IN THE NORTHEASTERN SECTION OF ORANGE COUNTY AND THEIR MUNICIPAL CUSTOMERS

WHEREAS, the City of Newburgh, the Town of Newburgh and the Town of New Windsor share a particular interest in water supply and the prospects of constructing interconnections for sharing water supply and upgrading the City of Newburgh's water treatment facility which would serve the subject municipalities and their municipal customers of the Town of Cornwall and the Town of Marlboro in the Northeast section of Orange County and Southern Ulster County and would provide a sustainable return on investment for all involved parties; and

WHEREAS, the City of Newburgh, as the primary existing water supplier as identified in the Northeast Orange County Water Supply Feasibility Study, dated November 2010, will be the lead applicant for this grant application; and

WHEREAS, the Town of Newburgh and the Town of New Windsor will be co-applicants; and

WHEREAS, the City of Newburgh, the Town of Newburgh and the Town of New Windsor equally will provide the 10% cash match required in the application regulations by NYS DOS, and the maximum funding request to the Local Government Efficiency Grant Program to complete the construction of the interconnections and pump station and water treatment plant upgrades will not exceed \$600,000.00;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newburgh that the City of Newburgh will participate as the lead applicant in the above specified application in which the scope of work includes a design plan and construction for the above mentioned project; and

BE IT FURTHER RESOLVED, by the City Council of the City of Newburgh that the Towns and the City intend to enter into an intermunicipal agreement which will describe the scope of shared services in detail; and

BE IT FURTHER RESOLVED, by the City Council of the City of Newburgh that the City Manager be and he hereby is designated as the representative authorized to act on behalf of the City of Newburgh on all matters related to this grant application and is further authorized to execute all documents necessary and appropriate to administer the grant proceeds and facilitate the management of the 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, Mayor Kennedy – 7

ADOPTED

RESOLUTION NO.: 153 - 2014

OF

JUNE 9, 2014

A RESOLUTION AUTHORIZING BARTON & LOGUIDICE, P.C. TO ASSIST THE CITY OF NEWBURGH IN APPLYING FOR A PLANNING GRANT THROUGH THE CONSOLIDATED FUNDING APPLICATION PROCESS WITH AN AWARD OF UP TO \$30,000 TO INVESTIGATE ILLICIT SEWER CONNECTIONS WITHIN THE CITY OF NEWBURGH AND FURTHER AUTHORIZING THE CITY MANAGER TO ACCEPT SUCH GRANT FUNDS IF AWARDED

WHEREAS, the City of Newburgh recently has identified certain illicit sewer connections which discharge directly to the City's combined sewer overflows rather than to the City's waste water treatment plant; and

WHEREAS, the City is obligated to further investigate and detect such illicit sewer connections; and

WHEREAS, the New York State Consolidated Funding Application process provides grant funding to support the City's plan to further investigate and detect such illicit sewer connections; and

WHEREAS, Barton & Loguidice, P.C. has offered to prepare and submit a planning grant application through the Consolidated Funding Application process at no cost to the City; and

WHEREAS, such grant funds shall be in an amount not to exceed Thirty Thousand (\$30,000.00) Dollars; and

WHEREAS, said grant requires a twenty (20%) percent local match, which can be derived from the in-kind services of the City's Engineering Department;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that Barton & Loguidice, P.C. be and is hereby authorized to apply for a planning grant through the Consolidated Funding Application process in an amount not to exceed Thirty Thousand (\$30,000.00) Dollars; and

BE IT FURTHER RESOLVED, by the City Council that the City Manager be and he is hereby authorized to accept, if awarded, said planning grant through the Consolidated Funding Application process; and

BE IT FURTHER RESOLVED, by the City Council that the that the City Manager be and he is hereby authorized to execute all such grant application forms, contracts and documentation and take such further action as may be appropriate and necessary to accept such grant and administer the program funded thereby.

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, Mayor Kennedy – 7

ADOPTED

RESOLUTION NO.: 154 - 2014

OF

JUNE 9, 2014

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH E-DESIGN DYNAMICS TO PARTNER WITH THE CITY TO APPLY FOR AND ACCEPT IF AWARDED A STATE GRANT FOR FUNDING FROM THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION GREEN INNOVATION GRANT PROGRAM FOR THE DESIGN AND CONSTRUCTION OF GREEN STORMWATER INFRASTRUCTURE FOR THE BENEFIT OF THE AREA OF MONTGOMERY STREET AND CLINTON STREET IN AN AMOUNT NOT TO EXCEED \$595,321.00

WHEREAS, eDesign Dynamics (EDD) is collaborating with the City of Newburgh, Hudson River Sloop Clearwater and the Quassaick Creek Watershed Alliance under funding granted by the Hudson River Estuary Program of the New York State Department of Environmental Conservation to evaluate green stormwater interventions that would assist the City in meeting requirements of its Long Term Control Plan, reduce and attenuate stormwater discharges to sewers and natural waters and enhance natural areas and amenities within the City; and

WHEREAS, the New York State Environmental Facilities Corporation Green Innovation Grant Program (“EFCGIGP”) has made funding available to municipalities for the design and construction of the most viable and effective interventions identified to reduce and attenuate stormwater discharges to sewers and natural waters; and

WHEREAS, EDD proposes to partner with the City to apply for grant funding under the EFC GIGP for the design and construction of one of two proposals for the most viable and effective stormwater intervention project to benefit the Montgomery Street and Clinton Street area which would complement the City’s existing project to repair and separate combined sewers at this location; and

WHEREAS, EDD has offered to complete the grant application in return for the City’s commitment to engage EDD as the lead design consultant if the project is awarded funding, which arrangement shall require a memorandum of understanding between the City and EDD; and

WHEREAS, such grant funds shall be in an amount not to exceed Five Hundred Ninety Five Thousand Three Hundred Twenty-One (\$595,321.00) Dollars; and

WHEREAS, said grant requires a ten (10%) percent local match, which can be derived from the in-kind services of the City’s Engineering Department;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a grant from the New York State Environmental Facilities Corporation Green Innovation Grant Program in an amount not to exceed Five Hundred Ninety-Five Thousand Three Hundred Twenty-One (\$595,321.00) Dollars; and

BE IT FURTHER RESOLVED, by the City Council that the City Manager be and he is hereby authorized to execute a memorandum of understanding with eDesign Dynamics to assist the City in completing and submitting the grant application and to serve as the lead design consultant if the grant is awarded; and

BE IT FURTHER RESOLVED, by the City Council that the that the City Manager be and he is hereby authorized to execute all such contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the program funded thereby.

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, Mayor Kennedy – 7

ADOPTED

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF NEWBURGH
AND THE EDESIGN DYNAMICS

WHEREAS, the City of Newburgh ("the City") and eDesign Dynamics ("EDD"), along with the Hudson River Sloop Clearwater and the Quassaick Creek Watershed Alliance are collaborating under funding granted by the Hudson River Estuary Program of the New York State Department of Environmental Conservation to evaluate green stormwater interventions that would assist the City in meeting requirements of its Long Term Control Plan, reduce and attenuate stormwater discharges to combined sewer overflows and receiving waters, to enhance natural areas and amenities within the City; and

WHEREAS, EDD proposes to partner with the City to apply for grant funding under the Environmental Facilities Corporation Green Innovations Grant Program for the design and construction of one of two proposals for the most viable and effective stormwater intervention project to benefit the Montgomery Street and Clinton Street area which would complement the City's existing project to repair and separate existing sewers at this location ("the Project"); and

WHEREAS, EDD has offered to assist the City is preparing and submitting the consolidated funding application in exchange for City's commitment to engage EDD as the lead design consultant if the grant funds are awarded for the Project; and

WHEREAS, the City and EDD wish to define their goals, objectives and responsibilities with respect to the Project.

NOW, THEREFORE BE IT RESOLVED, the City and EDD hereby agree as follows:

1. Good Faith Cooperation - The Parties shall coordinate and cooperate in good faith with each other to achieve the objectives of this MOU. Each Party is dedicated to working together toward the shared goals of completing the Project.
2. Responsibilities of the City - The City shall:
 - a. Commit the resources of the City and the cooperation of the City staff in the completing and submitting the Consolidated Funding Grant Application;
 - b. Shares existing plans, surveys, data and studies to support the Project;
 - c. Support other funding applications for additional resources for the Project as they arise;
 - d. If the City is awarded grant funding in connection with its Consolidated Funding Application under Environmental Facilities Corporation Green Innovations Grant Program, the City shall engage the services of eDesign Dynamics as the design consultant for Project; and
 - e. Cooperate with EDD in the performance of its obligations pursuant to Paragraph 3.

IN WITNESS WHEREOF, this Agreement has been executed as of the date first above written.

CITY OF NEWBURGH

By:

Michael G. Ciaravino, City Manager

Dated: _____

EDESIGN DYNAMICS

By:

Dated: _____

RESOLUTION NO.: 155 - 2014

OF

JUNE 9, 2014

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE A LETTER AGREEMENT BETWEEN THE CITY OF NEWBURGH
AND THE FIRM OF O'CONNOR, DAVIES, LLP FOR AUDITING SERVICES FOR
FISCAL YEARS ENDING DECEMBER 31, 2014, 2015 AND 2016, FOR THE PRICE OF
\$76,400.00; \$77,900.00 AND \$79,400.00 RESPECTIVELY**

WHEREAS, the firm of O'Connor, Davies, LLP has worked diligently in connection with the preparation of the City of Newburgh auditing for fiscal years ending December 31, 2011, 2012 and 2013; and

WHEREAS, based on experience and work history the City Comptroller has recommended that the firm of O'Connor, Davies, LLP be retained for fiscal years ending December 31, 2014, 2015 and 2016; and

WHEREAS, this Council has reviewed the letter agreement attached hereto and has determined it to be in the best interests of the City to enter into the same;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into a letter agreement with the firm of O'Connor, Davies, LLP for auditing services for the fiscal years ending December 31, 2014, 2015 and 2016 for the prices of \$76,400.00; \$77,900.00 and \$79,400.00 respectively.

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, Mayor Kennedy – 7

ADOPTED

O'CONNOR DAVIES

PKF

April 23, 2014

Members of the City Council
City of Newburgh
City Hall
83 Broadway
Newburgh, New York 12550

Dear Members of the City Council:

This letter sets forth our understanding of the terms and objectives of our engagement, and the nature and scope of the services we will provide to the City of Newburgh, New York ("the Entity").

Prior to the commencement of our audit(s) we may not know if an audit performed in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations is required. Consequently this letter includes the words "if applicable" next to relevant single audit communication requirements.

Audit objectives

We will audit the Entity's statements of the governmental activities, each major fund and the aggregate remaining fund information and related notes to the financial statements, which collectively comprise the basic financial statements of the Entity as of and for the years ended December 31, 2014, 2015 and 2016 and issue our report thereon as soon as reasonably possible after completion of our work.

Accounting principles generally accepted in the United States of America ("US GAAP") provide for certain required supplementary information ("RSI"), such as management's discussion and analysis to supplement the Entity's financial statements. Such information, although not a part of the financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Entity's RSI in accordance with auditing standards generally accepted in the United States of America ("US GAAS"). These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the financial statements, and other knowledge we obtained during our audit of the financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by US GAAP and will be subjected to certain limited procedures, but will not be audited:

- Management's Discussion and Analysis
- Schedule of Funding Progress – Other Post-Employment Benefits

O'CONNOR DAVIES, LLP
500 Mamaroneck Avenue, Suite 301, Harrison, NY 10528 | Tel: 914.381.8900 | Fax: 914.381.8910 | www.odpkf.com

O'Connor Davies, LLP is a member firm of the PKF International Limited network of legally independent firms and does not accept any responsibility or liability for the actions or inactions on the part of any other individual member firm or firms.

We have also been engaged to report on supplementary information other than the RSI that accompanies the Entity's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with US GAAS and our auditors' report will provide an opinion on such information in relation to the financial statements as a whole:

- Combining and Individual Fund Financial Statements and Schedules
- Schedule of Expenditures of Federal Awards (if applicable)

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditors' report will not provide an opinion or any assurance on that other information.

- Introductory section of the Comprehensive Annual Financial Report (if applicable)
- Statistical section of the Comprehensive Annual Financial Report (if applicable)

The objective of an audit is the expression of an opinion on whether these financial statements are presented fairly, in all material respects, in conformity with US GAAP and to report on the fairness of the supplementary information referred to in the preceding paragraph when considered in relation to the financial statements as a whole. The objective also includes reporting on:

- Internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts or grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, *Audits of States, Local Governments and Non-Profit Organizations* ("OMB Circular A-133") (if applicable).

We will conduct the audit in accordance with US GAAS, the standards for financial audits contained in Government Auditing Standards ("GAGAS") issued by the Comptroller General of the United States (if applicable), and the provisions of OMB Circular A-133 (if applicable), and will include tests of accounting records, a determination of major programs in accordance with OMB Circular A-133 (if applicable), and other procedures we consider necessary to enable us to express such an opinion and to render the required reports. The aforementioned standards require that we obtain reasonable, rather than absolute, assurance that the financial statements are free of material misstatement, whether caused by error or fraudulent financial reporting, misappropriation of assets, or violations of laws or governmental regulations that are attributable to the Entity's or to acts by management or employees acting on behalf of the Entity. Because the determination of abuse is subjective, GAGAS do not expect auditors to provide reasonable assurance of detecting abuse. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us even though the audit is properly planned and performed in accordance with US GAAS and GAGAS. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements and on those programs we have determined to be major programs (if applicable).

However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting or misappropriation of assets and any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit (if applicable). We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential.

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Entity's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to GAGAS.

OMB Circular A-133 (if applicable) requires that we also plan and perform the audit to obtain reasonable assurance about whether the Entity has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the "OMB Circular A-133 Compliance Supplement" for the types of compliance requirements that could have a direct and material effect on each of the Entity's major programs. The purpose of these procedures will be to express an opinion on the Entity's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133. As required by OMB Circular A-133, we will also perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to prevent or detect material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

If our opinion on either the financial statements or the Single Audit compliance (if applicable) is other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed an opinion(s), we may decline to express an opinion or decline to issue a report as a result of the engagement.

In making our risk assessments, we consider internal control relevant to the Entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to GAGAS (if applicable). An audit is also not designed to identify significant deficiencies or material weaknesses. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control and other internal control related matters relevant to the audit of the financial statements that we have identified during the audit, as required by US GAAS, GAGAS and OMB Circular A-133 (if applicable).

The reports on internal control and compliance (if applicable) will each include a paragraph that states that the purpose of the report is solely to describe (1) the scope of testing of internal control over financial reporting and compliance and the result of that testing and not to provide an opinion on the effectiveness of internal control over financial reporting or on compliance, (2) the scope of testing internal control over compliance for major programs and major program compliance and the result of that testing and to provide an opinion on compliance but not to provide an opinion on the effectiveness of internal control over compliance, and (3) that the report is an integral part of an audit performed in accordance with GAGAS in considering internal control over financial reporting and compliance and OMB Circular A-133 in considering

internal control over compliance and major program compliance. The paragraph will also state that the report is not suitable for any other purpose.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form (if applicable) that summarize our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audit.

We will also communicate with those charged with governance any (a) fraud involving senior management and other fraud that causes a material misstatement of the financial statements; (b) violations of laws or governmental regulations that come to our attention (unless they are clearly inconsequential); (c) disagreements with management and other serious difficulties encountered in performing the audit; and, (d) various matters related to the Entity's accounting policies and financial statements.

As part of our engagement, we may propose standard, adjusting, or correcting journal entries to your financial statements. Management, however, has final responsibility for reviewing the proposed entries and understanding the nature and impact of the proposed entries to the financial statements. It is our understanding that management has designated qualified individuals with the necessary expertise to be responsible and accountable for overseeing the acceptance and processing of such journal entries.

Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Management's responsibilities

The financial statements and their fair presentation in accordance with US GAAP, including all informative disclosures, RSI and supplementary information, are the responsibility of the Entity's management. Management is also responsible for: (1) the selection and application of accounting policies; (2) the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error and for informing us of all significant deficiencies and material weaknesses in the design or operation of such controls of which it has knowledge; (3) ensuring the Entity complies with the laws and regulations applicable to its activities; (4) making all financial records and related information available to us of which you are aware that is relevant to the preparation and fair presentation of the financial statements, as well as any additional information that we may request for the purpose of the audit; (5) providing us with unrestricted access to persons within the Entity from whom we determine it necessary to obtain audit evidence; and (6) adjusting the financial statements and supplementary information to correct material misstatements.

Management is also responsible for identifying government award programs and understanding and complying with the compliance requirements, and for preparation of the schedule of expenditures of federal awards in accordance with the requirements of OMB Circular A-133 (if applicable). As part of the audit, we will assist with preparation of your financial statements, schedule of expenditures of federal awards (if applicable), and related notes. You agree to include our report on the schedule of expenditures of federal awards in any document that contains, and indicates that we have reported on, the schedule of expenditures of federal awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon. You are responsible for making all management decisions and assuming all management responsibilities relating to the financial statements, schedule of expenditures of federal awards and related notes, and for accepting full responsibility for such decisions.

Management's responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the RSI and supplementary information in accordance with US GAAP; (2) you believe the RSI and supplementary information, including its form and content, is fairly presented in accordance with US GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the RSI and supplementary information.

In order to help ensure that appropriate goals and objectives are met and that there is reasonable assurance that government programs are administered in compliance with compliance requirements, management is responsible for establishing and maintaining effective internal control, including internal control over compliance, and for evaluating and monitoring ongoing activities.

Management's responsibilities also include identifying any significant vendor relationships in which the vendor has responsibility for program compliance and for the accuracy and completeness of that information.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the Entity involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the Entity received in communications from employees, former employees, grantors, regulators or others. In addition, you are responsible for identifying and ensuring that the Entity complies with applicable laws, regulations, contracts, agreements and grants and for taking timely and appropriate steps to remedy any fraud, illegal acts, violations of contracts or grant agreements, or abuse that we may report. Additionally, as required by OMB Circular A-133 (if applicable), it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the audit objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other engagements or studies. The Entity is also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions for the report, and for the timing and format for providing that information.

At the conclusion of the engagement, we will request from management written confirmation concerning representations made to us in connection with the audit. The representation letter, among other things, will confirm management's responsibility for: (1) the preparation of the financial statements in conformity with US GAAP, (2) the availability of financial records and related data, and (3) the completeness and availability of all minutes of board meetings. Management's representation letter will further confirm that: (1) the effects of any uncorrected misstatements aggregated by us during the engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole, and (2) we have been informed of, or that there were no incidences of, fraud involving management or those employees who have significant roles in the Entity's internal control. You will also be required to acknowledge in the management representation letter, when applicable, our assistance with preparation of the financial statements and related schedules, RSI and the schedule of expenditures of federal awards (if applicable) and that you have reviewed and approved the financial statements, aforementioned schedules and RSI, and related notes prior to their issuance and have accepted responsibility for them. We will place reliance on these representations in issuing our report.

In the event that we become obligated to pay any cost, settlement, judgment, fine, penalty, or similar award or sanction as a result of a claim, investigation, or other proceeding instituted by any third party, as a direct or indirect result of an intentional, knowing or reckless misrepresentation or provision to us of inaccurate or incomplete information by the Entity or, any elected official, member of management or employee thereof in connection with this engagement, and not any failure on our part to comply with professional standards, you agree to indemnify us against such obligations.

To the best of your knowledge, you are unaware of any facts which might impair our independence with respect to this engagement.

If you intend to publish or otherwise reproduce our report on the financial statements and make reference to our firm, you agree to provide us with printer's proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed. If you intend to distribute the material in electronic format, you must provide us both the electronic version as well as an actual print-out for our approval. Because our engagement does not contemplate the foregoing, there may be an additional fee in connection with our review. In the event our auditor/client relationship has been terminated when the Entity seeks such consent, we will be under no obligation to grant such consent or approval.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

We understand that your accounting department personnel will assist us to the extent practicable in completing the audit. They will provide us with detailed trial balances, supporting schedules, and other information we deem necessary. A list of these schedules and other items of information will be furnished to you before we begin the audit. The timely and accurate completion of this information is an essential condition to our completion of the audit and the issuance of the audit report.

We keep documents related to this engagement in accordance with our records retention policy and applicable regulations. However, we do not keep any original client records, so we will return those to you at the completion of the services rendered under this engagement. When records are returned to you, it is your responsibility to retain and protect your records for possible future use, including potential examination by any government or regulatory agencies.

You agree that you will not include our report, or otherwise make reference to us, in any public or private debt securities offering without first obtaining our consent. Such a request constitutes a new engagement and is subject to our firm's acceptance procedures. If we elect to accept this engagement, our fees for the additional procedures required in connection with this service are outside the scope of the current engagement and will be established with you prior to the commencement of our work.

Management is responsible for management decisions and assuming all management responsibilities; for designating an individual with suitable skill, knowledge, and/or experience to oversee the non-attest services we provide; and for evaluating the adequacy and results of those services and accepting responsibility for them.

Non-reliance on Oral Advice

It is our policy to put all advice on which a client intends to rely in writing. We believe that is necessary to avoid confusion and to make clear the specific nature and limitations of our advice. You should not rely on any advice that has not been put in writing by our firm after a full supervisory review.

Electronic and other communication

During the course of the engagement, we may communicate with you or with your personnel via fax or e-mail. You should be aware that communication in those media may be unsafe to use and contains a risk of misdirection and/or interception by unintended third parties, or failed delivery or receipt. In that regard, you agree that we shall have no liability for any loss or damage to any person or entity resulting from the use of e-mail or other electronic transmissions, including any consequential, incidental, direct, indirect or special damages.

Access to working papers

During the course of this engagement, we will develop files of various documents, schedules and other related engagement information known as our working papers. As we are sure you can appreciate, these working papers may contain confidential information and our firm's proprietary data. You understand and agree that these working papers are, and will remain, our exclusive property. Except as discussed below, any requests for access to our working papers will be discussed with you before making them available to requesting parties:

- (1) Our firm, as well as other accounting firms, participates in a peer review program covering our audit and accounting practices. This program requires that once every three years we subject our system of quality control to an examination by another accounting firm. As part of this process, the other firm will review a sample of our work. It is possible that the work we perform for you may be selected for review. If it is, the other firm is bound by professional standards to keep all information confidential.
- (2) We may be requested to make certain working papers available to regulators pursuant to authority given to them by law, regulation or subpoena. Such regulators may include (i) a federal agency providing direct or indirect funding or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities; (ii) the American Institute of Certified Public Accountants; and (iii) the State Education Department. If requested, access to such working papers will be provided under the supervision of our personnel. Furthermore, upon request, we may provide photocopies of selected working papers to them. The regulator may intend, or decide, to distribute the photocopies or information contained therein to others, including other government agencies.

Fees and billing

The components of our fees for each of the next three years are detailed below:

	<u>2014</u>	<u>2015</u>	<u>2016</u>
Basic Audit Fee	<u>\$ 76,400</u>	<u>\$ 77,900</u>	<u>\$ 79,400</u>

The fee is based on anticipated cooperation from your personnel, audit condition of the books and records and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Our fees for these services are due and payable under the payment schedule which follows. Invoices for additional amounts that may be incurred for these and other services will be rendered as such work progresses and are payable upon presentation.

<u>Payments will be due</u>	<u>Percentage</u>
Upon completion of our audit field work	75%
Upon submission of the final report and management letter	25%
	<u>100%</u>

Our hourly rates for any additional services for the initial year of the engagement are detailed below.

	<u>Standard</u>	<u>Quoted</u>
Senior Partner	\$ 290	\$ 250
Partner	245	200
Senior Manager	200-225	175
Managers	210	125
Supervisor	170	105
Senior Accountants	165	95
Staff Assistants	125	90

Liability

Any and all claims by the Entity arising under this engagement must be commenced by the Entity within one year following the date on which our firm delivered our report on the financial statements associated with this engagement, or the date the Entity is informed of the engagement's termination in the event our report is not delivered, for any reason.

You agree to indemnify our firm, its partners, principals and employees, to the fullest extent permitted by law for any expense, including compensation for our time at our standard billing rates and reimbursement for our out-of-pocket expenses and reasonable attorneys' fees, incurred in complying with or responding to any request (by subpoena or otherwise) for testimony, documents or other information concerning the Entity by any governmental agency or investigative body or by a party in any litigation or dispute other than litigation or disputes involving claims by the Entity against the firm. This indemnification will survive termination of this engagement.

Dispute resolution

Any claim or controversy ("dispute") arising out of or relating to this engagement, the services provided thereunder, or any other services provided by or on behalf of the firm or any of its subcontractors or agents to the Entity or at its request (including any dispute involving any person or entity for whose benefit the services in question are or were provided), shall first be submitted in good faith for mediation administered by the American Arbitration Association ("AAA") under its Mediation Rules. Each party shall bear its own costs in the mediation. Absent an agreement to the contrary, the fees and expenses of the mediator shall be shared equally by the parties.

If the dispute is not resolved by mediation within 90 days of its submission to the mediator, then, and only then, the parties shall submit the dispute for arbitration administered by the American Arbitration Association under its Professional Accounting and Related Services Dispute Resolution Rules (the "Rules"). The arbitration will be conducted before a single arbitrator selected from the AAA's Panel of Accounting Professionals and Attorneys and shall take place in New York, New York.

Any discovery sought in connection with the arbitration must be expressly approved by the arbitrator upon a showing of substantial need by the party seeking discovery.

All aspects of the arbitration shall be treated as confidential. The parties and the arbitrator may disclose the existence, content or result of the arbitration only as expressly provided by the Rules.

The arbitrator shall issue his or her final award in a written and reasoned decision to be provided to each party. In his or her decision, the arbitrator will declare one party the prevailing party. The arbitrator shall have the power to award to the prevailing party reasonable legal fees associated with the arbitration and prior mediation. The arbitrator shall have no authority to award non-monetary or equitable relief of any sort. The arbitrator shall not have authority to award damages that are punitive in nature, or that are not measured by the prevailing party's actual compensatory loss.

The award reached as a result of the arbitration will be binding on the parties and confirmation of the arbitration award may be sought in any court having jurisdiction.

This engagement will be governed by the laws of the State of New York, without giving effect to any provisions relating to conflict of laws that would require the laws of another jurisdiction to apply.

Confirmation and other

Domenick Consolo is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it.

GAGAS require that we provide you with a copy of our most recent external peer review report, and any subsequent peer review reports received during the period of the contract. Our latest peer review report accompanies this letter.

We will provide copies of our reports to the Entity; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

Our audit engagement for each year ends on delivery of our audit report covering that year. Requests for services other than those included in this engagement letter will be agreed upon separately.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the applicable cognizant agency. If we are aware that a federal awarding agency or the Entity is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

All rights and obligations set forth herein shall become the rights and obligations of any successor firm to O'Connor Davies, LLP by way of merger, acquisition or otherwise.

If this letter correctly expresses your understanding of the terms of our engagement, including our respective responsibilities, please sign the enclosed copy where indicated and return it to us.

We are pleased to have this opportunity to serve you.

Very truly yours,

O'Connor Davies, LLP
O'Connor Davies, LLP

/
Enc.

The services and terms described in the foregoing letter are in accordance with our requirements and are acceptable to us.

CITY OF NEWBURGH, NEW YORK

BY: _____

TITLE: _____

DATE: _____

O'Connor Davies, LLP, is a member firm of PKF International Limited, a network of legally independent firms. Neither the other member firms nor PKF International Limited are responsible or accept liability for the work or advice which O'Connor Davies, LLP provides to its clients.

RESOLUTION NO.: 156 – 2014

OF

JUNE 9, 2014

**RESOLUTION AMENDING RESOLUTION NO: 247 - 2013,
THE 2014 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK
TO TRANSFER \$19,900.00 FROM SEWER FUND CONTINGENCY
TO SANITARY SEWERS - OTHER SERVICES**

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

	<u>Decrease</u>	<u>Increase</u>
G.1900.1990 Contingency	\$19,900.00	
G.8120.0448 Sanitary Sewers- Other Services		\$19,900.00

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

Ayes – Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy – 7

ADOPTED

**RESOLUTION NO.: 157 - 2014
OF
JUNE 9, 2013**

**A RESOLUTION AMENDING THE 2014 PERSONNEL ANALYSIS BOOK
AND AMENDING RESOLUTION NO.: 247-2013,
THE 2014 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK
TO TRANSFER \$3,151.00 FROM CONSERVATION ADVISORY COUNCIL OTHER
SERVICES TO CONSERVATION ADVISORY COUNCIL SALARY FOR
SECRETARIAL SERVICES FROM JUNE 1, 2014 THROUGH DECEMBER 31, 2014**

WHEREAS, by Local Law No. 1-2013 of August 19, 2013, the City of Newburgh created a Conservation Advisory Council for the purpose of streamlining the City's land use process and to create an inventory of Newburgh's natural resources, make recommendations to City agencies and boards on environmental policies and practices, and promote the City's environmental goals to the public; and

WHEREAS, Section 159-4 of the enabling legislation provides that the Conservation Advisory Council may employ or retain such persons or firms as may be needed to carry out its functions; and

WHEREAS, the Conservation Advisory Council wishes to retain the services of a part time secretary to fulfill its responsibilities;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, that Resolution No: 247-2013, the 2014 Budget of the City of Newburgh, is hereby amended as follows:

	<u>Decrease</u>	<u>Increase</u>
A.7129 Conservation Advisory Council	\$3,151.00	
.0448 Other Services		
A.7129 Conservation Advisory Council		
.0101 Salary		\$2,917.00
A.7129.0830: FICA		\$ 224.00
A.7129.0835: MICA		\$ 10.00
<u>TOTAL:</u>	<u>Decrease</u>	<u>Increase</u>
	\$3,151.00	\$3,151.00

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, Mayor Kennedy – 7
ADOPTED**

RESOLUTION NO.: 158 - 2014

OF

JUNE 9, 2014

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT DONATIONS IN SUPPORT OF THE
CITY OF NEWBURGH'S ANNUAL MEMORIAL DAY AND FOURTH OF JULY
OBSERVANCES, NATIONAL NIGHT OUT AND
THE ANNUAL INTERNATIONAL FESTIVAL**

WHEREAS, the City of Newburgh annually holds Memorial Day and Fourth of July Observances, National Night Out and its Annual International Festival over the Labor Day holiday; and

WHEREAS, various businesses, firms and individuals have made and are willing to make contributions of money and in-kind assistance to support these 2014 events; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept said donations with the appreciation and thanks of the City of Newburgh on behalf of its children, families and citizens, for their support and sponsorship of the City of Newburgh's annual Memorial Day and Fourth of July Observances, National Night Out and the Annual International Festival.

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, Mayor Kennedy – 7

ADOPTED

RESOLUTION NO.: 159 - 2014

OF

JUNE 9, 2014

**A RESOLUTION REJECTING ALL BIDS RECEIVED
IN CONNECTION WITH THE LANDSCAPE AND PLAYGROUND
DESIGN PROJECTS FOR THE TYRONE H. CRABB MEMORIAL PARK**

WHEREAS, the City of Newburgh has duly advertised for bids in connection with the Landscape Design and Playground Design for Tyrone H. Crabb Memorial Park; and

WHEREAS, three (3) bids were received and opened for the Landscape Design Project;
and

WHEREAS, six (6) bids were received and opened for the Playground Design Project;
and

WHEREAS, upon review of the bids it has been determined that the cost of all bids received exceed the funding available for the Projects; and

WHEREAS, this Council has determined that rejecting all bids for the Projects 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 all bids received in connection with the Landscape and Playground Design Projects for the Tyrone H. Crabb Memorial Park be and are hereby rejected.

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

Ayes – Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Mayor Kennedy – 6

Nays – Councilwoman Mejia – 1

ADOPTED

RESOLUTION NO.: 160 - 2014

OF

JUNE 9, 2014

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT A PROPOSAL AND EXECUTE AN AGREEMENT WITH
QUALITY ENVIRONMENTAL SOLUTIONS & TECHNOLOGIES, INC. (QUES&T)
FOR ENVIRONMENTAL TESTING SERVICES FOR
CERTAIN PARTS OF CITY HALL AT A COST OF \$2,700.00**

WHEREAS, the City of Newburgh wishes to accept a proposal and execute an agreement with Quality Environmental Solutions & Technologies, Inc. (QUES&T) for environmental testing services for certain parts of City Hall; and

WHEREAS, the proposal includes sampling, evaluation, inspections, and recommendations; and

WHEREAS, the cost for these services will be \$2,700.00; and

WHEREAS, the City Council has reviewed the annexed proposal and has determined that such work 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 City Manager be and he is hereby authorized to accept a proposal and execute an agreement with Quality Environmental Solutions & Technologies, Inc. for environmental testing services for certain parts of City Hall at a cost of \$2,700.00.

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, Mayor Kennedy – 7

ADOPTED

QuES&T

Quality Environmental Solutions & Technologies, Inc.

June 6, 2014

City Hall- Tax Collector's Office
83 Broadway
Newburgh, NY

Attn: Michael Ciaravino, City Manager

RE: Allergen and Mold Sampling – Tax Collector's Office

Dear Michael:

Thank you for the opportunity to discuss the needs of The City of Newburgh in the environmental consulting and remediation services area. Quality Environmental Solutions & Technologies, Inc. is pleased to submit the attached proposal to provide Industrial Hygiene services at your Newburgh, NY facility. QuES&T offers a wide range of environmental consulting, training, testing and "Turn-Key" Remediation Project services to the public and private commercial-industrial business sector.

QuES&T is a NYS Certified Minority Business Enterprise committed to remaining a leader in the environmental training and technical consulting industry. QuES&T's extensive Nuclear Power Industry experience makes us uniquely qualified to provide technical support in state-of-the-art techniques for engineering and contamination control. Additionally, this experience enables us to integrate the essential concepts of "critical path" schedules and minimizing personnel exposures while maintaining a high level of attention to the specific details of each project. QuES&T personnel satisfy numerous ANSI and NUREG experience requirements of the Nuclear Regulatory Commission. Our staff has served in various capacities in the Health Physics and Nuclear Engineering disciplines in operational power reactors, nuclear powered vessels, radio-pharmaceuticals and government prototypes.

We are confident you recognize that selection of a qualified technical consultant for professional services, such as pre-construction inspection, project design, project management and air monitoring, represents a step as critical as selecting a reputable environmental remediation contractor. QuES&T feels strongly that the success of any remediation project is defined primarily in the planning and design phase. A technically sound project design combined with proper oversight provides the most cost-effective solution and ensures the gains recognized are not at the expense of future liability to The City of Newburgh.

In this regard, QuES&T has successfully completed remediation projects, for our client companies, in support of Nuclear and Fossil commercial power plant maintenance outages, facility renovation and demolition, cGMP facility upgrades, recovery from contamination following catastrophic events (e.g. steam line explosions, fires), school building renovations, Corporate asbestos management programs, facility Operations & Maintenance (O&M) programs, UST removals, sub-surface investigations, contaminated soil remediation, LBP stabilization and commercial/residential asbestos & lead abatements.

Technical consulting services are available in the area of regulatory compliance audits, OSHA safety, air monitoring, respiratory protection, laboratory services, building hazard assessments (EPA, HUD, commercial), LBP Risk Assessments, management plans, NYS/NESHAP pre-demolition inspections and full scope project management; including development of remediation response actions and management of all required project and personnel records. Our staff of experienced environmental professionals can prepare all required specifications and procedures to ensure your programs comply with federal, state and municipal regulatory requirements.

QuES&T offers a wide range of OSHA and environmental safety training. Our full range of asbestos safety certification training ensures that our client's employees receive the appropriate training to maximize their safety and minimize your liability. QuES&T offers accredited initial and refresher training programs for Operations & Maintenance (O&M), Asbestos Abatement Workers and Supervisors, Project Monitors, Asbestos Project Sampling Technicians (RH-II), Asbestos Project Designers, Asbestos Inspectors (RH-III) and Management Planners. Our accredited training facility (EPA, NYS) contains the most modern equipment to support the hands-on portion of each training program. On-site training services are available for groups of at least twenty-five students and can be tailored to meet the specific needs of The City of Newburgh.

QuES&T provides a full range of services in the area of Respiratory Protection. Our technical staff has extensive experience in the development of regulatory compliance programs for NUREG 0041 and OSHA 1910.134 Respiratory Protection Programs. Quantitative or qualitative respirator fit services can be provided at QuES&T's facility or yours.

For additional information concerning any of our services, please contact me. We look forward to working with The City of Newburgh in the environmental consulting and remediation services area.

Sincerely,



Benjamin Cullum
Safety & Environmental Services

QuES&T to perform the following:

Tax Collectors Office, 83 Broadway, Newburgh, NY

- Perform a visual inspection of the spaces as directed by the client to identify suspected microbial growth and areas of impact. The inspection will be focused on the areas of concern as indicated by the client and by the presence of visual indications of moisture or microbial impacts.
- Four (4) micro-vac dust samples from carpeting located within the client identified spaces. Samples will be collected using a 37mm Polycarbonate filter connected to a vacuum pump. Samples will be cultured on Malt Extract Agar (MEA) and Dichloran 18% Glycerol Agar (DG-18) with identification and quantification of fungal organisms being completed following a standard 7-10 day culturing period.
- Four (4) static environmental air samples to be analyzed for total fungal spore counts at locations within the client identified spaces. Two (2) environmental samples shall be collected during the interior sample collection for comparison purposes. Two (2) additional blank samples shall be included for QA/QC purposes.
- One (1) micro-vac dust sample will be collected from above the ceiling located within the client identified space. Samples will be collected using a 37mm 0.45um Polycarbonate filter connected to a vacuum pump. Samples will be analyzed for the presence of dust mite, cat, dog, cockroach, mouse and rat allergens on a standard 10 day turnaround time.
- Provide a written report of the findings of the assessment, including remedial recommendations, if indicated, for review and consideration by The City of Newburgh.

**Project Cost Estimate
Proposal # Q14-3874**

<i>IH Technician Labor (1/2 day @ \$320)</i>	\$ 320.00
<i>Bulk Dust Samples (4 @ \$ 190)</i>	\$ 760.00
<i>Total Fungal Spore Traps (8 @ \$80)</i>	\$ 640.00
<i>Allergen Panel (1 @ 400.00)</i>	\$ 400.00
<i>Report Fee</i>	\$ 450.00
<i>Shipping & Supplies</i>	\$ 100.00
<i>Travel & Misc.</i>	<u>\$ 50.00</u>
Estimated Total	\$ 2,700.00

RESOLUTION NO.: 161 - 2014

OF

JUNE 9, 2014

**A RESOLUTION TO REJECT ALL BIDS
FOR THE 2014 CITY OF NEWBURGH FOURTH OF JULY CELEBRATION**

WHEREAS, the City of Newburgh has duly advertised for bids for fireworks for the 2014 Fourth of July celebration; and

WHEREAS, one bid was duly received and opened; and

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

NOW, THEREFORE, BE IT RESOVLED, by the Council of the City of Newburgh, New York that this Council hereby rejects all bids for 2014 City of Newburgh Fourth of July Celebration.

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, Mayor Kennedy – 7

ADOPTED

RESOLUTION NO.: 162 - 2014
OF
JUNE 9, 2014

A RESOLUTION APPROVING THE CONSENT JUDGMENT AND AUTHORIZING THE CITY MANAGER TO SIGN SUCH CONSENT JUDGMENT IN CONNECTION WITH THE TAX CERTIORARI PROCEEDINGS AGAINST THE CITY OF NEWBURGH IN THE ORANGE COUNTY SUPREME COURT BEARING ORANGE COUNTY INDEX NOS. 5559-2012 AND 5906-2013, INVOLVING SECTION 34, BLOCK 2, LOT 2.12 (BANK OF AMERICA)

WHEREAS, Bank of America has commenced tax certiorari proceedings against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2012-2013 and 2013-2014 tax assessment years bearing Orange County Index Nos. 5559-2012 and 5906-2013; and

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

WHEREAS, Bank of America is willing to settle these proceedings without interest, costs or disbursements, in the following manner:

- 1- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2012-2013 as tax map number 34-2-2.12 be reduced to a market value of \$1,000,000.
- 2- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2013-2014 as tax map number 34-2-2.12 be reduced to a market value of \$1,000,000.

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

BE IT FURTHER RESOLVED, that Michael G. Ciaravino, City Manager of the City of Newburgh; Joanne Majewski, Assessor of the City of Newburgh; and Richard B. Golden, Esq. on behalf of Burke, Miele & Golden, LLP, as Special Counsel, be and they hereby are designated as the persons for the City who shall apply for such approval pursuant to the aforesaid laws.

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

Ayes – Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy – 7

ADOPTED

SUPREME COURT – STATE OF NEW YORK
COUNTY OF ORANGE

-----X
In the Matter of the Application of
BANK OF AMERICA,

Petitioner,

CONSENT JUDGMENT

- against -

BOARD OF ASSESSMENT REVIEW and/or
ASSESSOR OF THE CITY OF NEWBURGH AND
THE CITY OF NEWBURGH, ORANGE COUNTY
NEW YORK,

**Index Nos. 2012-5559
2013-5906**

Respondents.

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

-----X

PRESENT: HON. CATHERINE M. BARTLETT

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

ORDERED, that the real property of Petitioner described on the City of Newburgh tax
rolls for the 2012-2013 and 2013-2014 tax years, as follows:

Tax Map No. 34-2-2.12

be reduced in market value from \$1,131,400.00 and \$1,131,400.00, respectively, to market values
of \$1,000,000.00 and \$1,000,000.00, respectively, prior to the application of any real property tax
exemptions, if any; and it is further

ORDERED, that the Petitioner's real property taxes on said parcel above described for the
2012-2013 and 2013-2014 School, County and City taxes be adjusted accordingly and that any
overpayment by Petitioner be refunded upon the entering of this Consent Judgment with the
Orange County Clerk's Office; and it is further,

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

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

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

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

ORDERED, that all tax refunds hereinabove directed to be made by Respondents and/or any of the various taxing authorities be made by check or draft payable to the order of STAVITSKY & ASSOCIATES, LLC, as attorneys for the Petitioner, who are to hold the proceeds as trust funds for appropriate distribution, and who are to remain subject to the further jurisdiction of this Court in regard to their attorney's lien, pursuant to Judiciary Law § 475; and it is further

ORDERED, that in the event that the refunds are made within sixty (60) sixty days after service of the Order with notice of entry, there shall be no interest, otherwise, interest shall be paid in accordance with the applicable statute, and it is further;

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

Signed: June __, 2014
Goshen, New York

ENTER:

HON. CATHERINE M. BARTLETT
SUPREME COURT JUSTICE

ON CONSENT:

MICHAEL G. CIARAVINO
City Manager
Dated:

BRUCE STAVITSKY, ESQ.
Attorney for the Petitioner
Dated:

HON. JOANNE MAJEWSKI
Assessor
Dated:

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

RESOLUTION NO.: 163 - 2014

OF

JUNE 9, 2014

**A RESOLUTION ESTABLISHING A STANDARD WORK DAY
FOR ELECTED AND APPOINTED OFFICIALS WHICH WILL BE REPORTED
TO THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM**

BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City of Newburgh hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked on the attached Schedule A to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body.

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, Mayor Kennedy – 7

ADOPTED

OLD BUSINESS

There was no old business.

NEW BUSINESS

Councilwoman Abrams asked for someone to please explain that they will be surveying citizens on what the City needs for its new five year plan. She wants to make sure that everyone can find that survey online but she is not sure where to find it.

Councilwoman Mejia said that it is online but they are working on moving it to the Home Page.

Mayor Kennedy said that it needs to be easy and it needs to be advertised so that people know where they can go to complete the survey. This is connected to the public hearing she announced that they will be having in July and the focus group meetings that are being held. They are all connected to the same effort and Project.

Councilwoman Abrams noted that if anyone can't make it to one of those meetings then they can do the survey online.

Mayor Kennedy said that this needs to be addressed and the link needs to be at the top of the article not at the bottom so that people can see it immediately.

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

PUBLIC COMMENTS REGARDING GENERAL MATTERS

Tiffany Raspberry, speaking on behalf of Greenetrack said that she is very disappointed that her client has not yet had the opportunity to present before this Body as whole. Greenetrack is a New York State certified MWBE Business and she wanted to speak about the project that they are proposing at the Stewart Airport site for the Grand Hudson Resort and Casino. The project will bring millions of dollars into Newburgh through revenue and new business partnerships. It will create twenty-five hundred good paying jobs, eighteen hundred union jobs, lower property taxes, strengthen Newburgh schools, provide resources for transportation and infrastructure and work with Newburgh community groups so they hope to have an opportunity to discuss this with the Council soon.

Another member of the Greenetrack Team said that among the many community benefits there will also be a world class destination Hotel and Casino with one hundred and twenty thousand square feet of Casino gaming with over three thousand slot machines and seventy-five game tables. It is a fourteen story Hotel tower with three hundred and fifty guest rooms with modern amenities. There will be a spa and fitness center along with a fantastic indoor/outdoor pool for use. There is a ten thousand square foot cutting edge business conference center which will encourage conferences coming to this area and eating venues with a variety of cuisines. There will also be a host of different entertainment venues including a Jazz lounge, a dance club, movie theaters and wine cellars as well as a beautiful two thousand two hundred seat event center designed for concerts and theatrical performances from the local area.

Charlie King, also a member of the Greenetrack Team emphasized that he has been involved with government and politics for over twenty-five years and never before has he had a situation where a group was coming before a city such as Newburgh to provide an opportunity to bring in millions of dollars in support with great ideas to help the kids here in Newburgh. The reason that Greenetrack came to Stewart Airport was specifically because of the City of Newburgh and to not even have an opportunity to share what it is that they intend to do for this City, when they win the bid, is profoundly disappointing. What they have done and what they will continue to do is talk about exactly what they will be doing for the City of Newburgh when they win this bid. He said that there is no other Casino in Orange County that comes close to doing what they plan to do for the City of Newburgh. They spent countless hours talking to some of the City Council and they have also talked to not-for-profit groups, law enforcement, businesses and citizens to share what it is that they intend to do. He promised the Council that the Grand Hudson which is only ten minutes away from here at Stewart Airport is the best proposal for the City of Newburgh in terms of resources and the commitment of what they want to do. Ultimately it is not just about dollars and cents, and he noted that their proposal would provide substantially more dollars and cents than what was agreed to by the City Council without having the opportunity for them to present. It is also the ideas of how they can really create an economic engine here and make sure that the kids who grow up here can have a job whether they go to College or not and they are the only ones who are talking about this. They tried to come here today and present on the

Agenda but were not afforded the opportunity so they decided to come and talk during the public comment section of the meeting. This week they plan to unveil and they will send to anyone who is interested exactly what it is that they plan to do for the City of Newburgh which is substantially more than the Memorandum of Understanding that the City of Newburgh has entered into with anybody else. They are not denigrating any other program they are simply saying that it would make a lot of sense to support two Casinos that could be in the City's best interest as opposed to ignoring one especially if one is substantially better than the other.

Kippy Boyle, Grand Street asked for an update on the Lake Street situation and how it is going to affect us financially and when it might be reopened. She thought Pace Streamlining was scheduled to come soon to talk about the whole Codes Department and the streamlining of forms but they haven't heard anything about that yet. She knows that is going to involve a lot of departments and various board and commissions so she feels it is important that we start talking about that. She thanked the Council for bringing up the survey on the Website and she suggested that while that is being linked properly when you click on the press release on the main page showing the date of the Council meeting the Agenda is never attached to it so it should be linked right onto the announcement of the meeting. To our new City Manager she noted that she is already seeing improvements out front which is really nice to see. She told him that this is the beginning of the high season at the Waterfront and the traffic and parking this past weekend was out of this world. There were probably six or seven hundred cars parked everywhere down there each night. This is a fabulous thing because it means that all of those people are spending money down at the Waterfront and those businesses are bringing in tax dollars, however, we cannot keep denying the taxpayers a chance to make revenue from all of that parking. We have the opportunity to make between three, four or five thousand dollars every weekend by having hour Muni Meters put in down there. We have gone around this circle many times and everyone gets confused and doesn't want to think about it but she urged them to put a team together to get moving on this.

Yaakov Sullivan, 21 Overlook Place said that all of the issues discussed tonight are very important and what he would like to speak about is very low priority. He asked the City Council to look outside the window where they will see a beautiful antique clock. He believes that clock has been at 5:20 since he moved here six and a half years ago. When they looked into getting this clock up and running he recalls being told that nobody knew where the key was to rewind the clock. He asked the City Council to take action by contacting this gentleman who is an expert on clocks and get that wonderful clock up and running to give everyone a little bit of pride.

Michael Gabor, Grand Street, noted that the gentleman that Mr. Sullivan is referring to passed away last November. He was a very good friend of his and he was a very good friend to Newburgh. The clock at the Ebenezer Baptist Church is a community clock and is presently the only clock that was made by that clock maker in the 1800's that still exists in its original place. He thanked the City Council for funding this year's Art Along the Hudson initiative. This will be their eleventh year and Newburgh is one of four original cities that were involved in this and it has been very successful. They receive thousands of hits a day

on their Website and they had a kickoff party in Saugerties on May 31st which was amazing with over five hundred people attending. They print sixty thousand brochures and distribute them to all of the surrounding counties and New York City as well as advertise on the Website. He urged the Council to continue to support this because it really makes Newburgh an arts destination. The light bulb project is in its second year and because of the efforts made by his partner, Gerardo Castro, he has convinced ninety artists to design eighty-four light bulbs. Many of them have already been put out so look for them because they are very exciting to see.

Chris Knasiak, Carpenter Avenue, reminded everyone that next Tuesday they will be starting the Workforce Readiness Training. If you know of anyone who is a City of Newburgh resident who is at least eighteen years old who would benefit from this class, please contact her. The class runs for six days and it is free to City of Newburgh residents.

Barbara Smith, Powell Avenue, said that she was happy to see the resolution regarding the Bay View Terrace property which included the back taxes in the terms of sale that the person was responsible for. At the last Work Session the Council gave our new City Manager a wish list of three things that they wanted and she suggested to the Council that the taxpayers should be included in that as well. Being that they were not included she told the City Manager that she wants solid Code Enforcement. She is tired of looking at cars parked on sidewalks and grills burning on sidewalks. Every piece of property that is available has a restaurant in it and she is almost positive that the Health Department doesn't know about them and if you went to inspect you would not find a Health License which is required to protect the citizens. She would also like to see the City Manager meet with his Department Heads on a regular basis and set objectives with solid follow ups and open communication. Lastly she would like to see any fees that are collected for a particular purpose be used for that purpose.

Margarita Nox, City of Newburgh said that the thing that sold her on Greenetrack was the education piece in terms of the opportunity for higher education. She encouraged everyone to at least hear them out and listen to them because they are very professional people. In terms of Newburgh trying to figure the plans for housing and jobs for the next five years she suggested that maybe a twenty-four hour child care site in the City of Newburgh would be good so that people don't have to go to all the way to the Town of Newburgh. Instead of building more rehab centers, shelters and places that people may or may not benefit from, we need permanent housing and jobs in this City. She attended a housing consortium meeting a few years ago in Middletown which was kind of depressing because all they talked about was building shelter after shelter. She didn't hear anything about permanent housing, how to help women and men who are going through domestic violence, someone who may have lost a loved one to war, single parenting or how to reduce the risk of becoming homeless again. She thinks that action needs to be taken because Newburgh is a very beautiful place and it is a City that she has grown to love.

Joe Bonura, Jr. commended the Council for running an efficient and to the point meeting. In regard to the fireworks, he would like to speak to whoever is in charge of that because he would like to try to help. In regard to the Greenetrack proposal, he and his family

are in the food and beverage business in the City of Newburgh as well as Poughkeepsie and Middletown, and when they first heard about these Casinos they were very nervous. They employ about twelve hundred people and wondered what is going to happen to them when these Casinos are built? Are they going to take our employees and customers? He noted that Greenetrack has impressed him the most, however, in terms of what they are willing to do for the community and to reach out and try to not be competition but to work with area businesses. Some of the others literally want to eat our lunch. They want to come in and take our customers whereas Greenetrack is different. He encouraged the Council to hear them out and listen to what they have to say.

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

COMMENTS FROM THE COUNCIL

Councilwoman Abrams told her Ward 2 people who appreciate art to look out the window at the clock that is so important symbolically to our City. The new City Manager started on a Monday and by Wednesday that clock was fixed. She is happy to report that they found the key and the clock is now working.

Councilwoman Angelo said she noticed that Middletown is cracking down on their weed problem and she thinks that the City Manager should contact Code Compliance to address the weeds that are growing throughout the City. This is a serious thing with ticks and the weeds are growing along the sidewalks. She also noted that they took up some of the sidewalks on Mill Street and Broadway and she thinks that they are getting ready to pour the cement tomorrow morning but someone should be there to check the color of the cement. If it doesn't match what is there, then it dries and turns white. She asked George Garrison, DPW Superintendent if his crew was out blacktopping and filling the potholes. She thanked everyone for coming tonight.

Councilman Brown said that the starting of that clock is a symbol of where the City is going. It was started because of our new City Manager and with his direction the City will continue to move forward. That clock may stop but he will continue to wind it as he will continue to wind this City forward. He told everyone to keep an eye on the clock and keep an eye on this City.

Councilwoman Holmes thanked everyone for coming tonight and noted that she will have a combined zoning meeting on Thursday, June 19th here in the City Council Chambers for Wards 3 and 4 at 6:00 p.m. She thanked everyone who came out today for the gun buyback and all of the government officials who attended. She thanked all of her colleagues for being at the meetings one way or another and for helping and supporting her. She also thanked the Greater Newburgh Partnership, Shoprite, Price Chopper, the District Attorney's Office and the City of Newburgh Police Department. If we can get one gun off the streets, we will save a life which means a lot to her. They will kick off on the 14th of June from 1:00 p.m. to 4:00 p.m. at the House of Refuge and then from the 15th through the 30th guns can be turned in at the Police Department. They will be giving out gift cards in \$50.00 increments so she wanted to thank everyone for coming out and for all of their support.

Councilwoman Lee thanked everyone for coming tonight and she thanked Councilwoman Angelo for always trying to keep this a very prissy city and told her that the work she does is very nice. She asked the Council to at least listen to Greenetrack because there is no harm in listening so she hopes that they will consider hearing what Greenetrack has to say.

Councilwoman Mejia thanked everyone for coming out and said that she already made herself clear on the Tyrone Crabb Park and all of our Parks and recreational activities that we have going on in the City. She noted that they might not be having as many City

Council meetings through the summer but for her it is still work time so if anyone would like to have a round table, please reach out to her as she would be happy to join in and discuss where she and our City is going.

Mayor Kennedy thanked everyone for coming out to support the Council. The energy and positive feelings are building here in this City and on this Council so it is a real breath of fresh air. She agrees with Councilman Brown and Councilwoman Abrams that the clock is very symbolic and it was fixed and running within the first week after the City Manager started. They have already fixed the tree planter surrounding the tree out front and the front entry is being worked on too. When we start taking pride in what we are and what we do and what this stands for, it means a lot to people. This clock moving forward is symbolic of the City moving forward and she is very happy to see it fixed. It is interesting that the key was suddenly found when it couldn't be found before. She noted that the Consolidate Funding Grants are all going in next week. There has been a massive effort by a whole lot of people such as Habitat for Humanity, the Greater Newburgh Partnership, the Land Bank and the Economic Development team here at City Hall. They have all been working at high speed the past few weeks to put together a consolidated funding approach to bringing money into this City. She wanted to say thank you to everyone who has worked so hard on this because the grants are all due on the 16th so there is a little polishing to do. She is delighted that they are moving forward on the Tyrone Crabb Park and she thinks that enough people have put together an idea that they can finally take action on. Lastly, the Newburgh Illuminated Festival will be on June 20th and 21st with celebrations all over the City. If you go to Downing Park you can pick up a Program and there are things going on at the Ritz Theater with a tribute to I Love Lucy, which was started here in the City of Newburgh. There are eighty-four light bulbs placed all over the City so she encouraged everyone to come and see what is wonderful about the City of Newburgh. There is also an event on Liberty Street and some more events going on up in the Heights so come and see what is good about Newburgh and shine the light on what is great. That is what the whole purpose of this Festival is about. There will also be Fireworks on the 4th of July that Councilwoman Angelo has been working on. She asked Jason Morris, City Engineer to please explain what is going on with the Lake Street Bridge.

Jason Morris, City Engineer explained that over the weekend he and the DPW Superintendent identified a structural condition with the Route 32 Lake Street Bridge that forced its immediate closure. They are currently looking at replacement alternatives and temporary repair options as well as potential funding sources to complete the work.

Mayor Kennedy said that she knows it is going to be closed for a while and she knows that our DPW Superintendent has created some signs directing traffic to get into the Medical Center and shops along that road. There is also a Detour so everyone is working to keep people safe. She said in regard to the whole parking issue down at the Waterfront that we have some parking lots down there and we could do something this weekend. We could hire an attendant like you see in the City and other places where you just put a person there and they collect \$5.00 to park and that's that. Instead of making it difficult let's take a short term approach and get an attendant for now while we work out a long term plan. They need

to have a conversation about how they can utilize that in a way that would make some sense right now. 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 8:40 p.m.

**LORENE VITEK
CITY CLERK**