

A regular meeting of the City Council of the City of Newburgh was held on Monday, July 14, 2014 at 7:00 P.M. in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

The Prayer was led by Deke Spierling, President of the Greater Newburgh Interfaith Council, 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 of June 9, 2014 be approved.

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

7

CARRIED

PRESENTATIONS

1. Deputy Mayor Regina Angelo read a Certificate of Recognition in Honor of the late Beatrice 'Bea' Cornell, who dedicated more than 30 years in public service to the city. Cornell reconstructed several years of financial records to help recover nearly \$1 Million in State and Federal reimbursements.

2. Councilwoman Lee read a Certificate of Recognition in honor of the 100th Birthday celebration of her neighbor, Governor Powell. He turned 100 years old on June 29, 2014. Lee had the honor of celebrating this momentous occasion with his family. The council honored him with the *Keys to the City*.

PUBLIC HEARING CONCERNING ZONING

Mayor Kennedy called for the continuation of the 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.

Stuart Sachs is concerned that as we near the close of the public hearing, the process itself is incomplete. The proposal does not conform to the Future Land-Use Plan, which is part of the city's sustainable Master Plan. He mentioned that a lack of parking is a significant issue that must be resolved before the code is adopted. The process must be adapted to meet these learning curves. Sachs suggested that the council create a review committee consisting of city officials and staff, as well as residents, stakeholders and building professionals who are knowledgeable of building codes. This committee should take the proposal, bring it to conformity with the Future Land-Use Plan and then have it brought back to the city council. District by district, the Future Land-Use Plan defines the vision for the direction of future development for each neighborhood. The new zoning must implement that future direction of this city through its zoning guidelines. This is what New York State law requires. If it conflicts with the Future Land-Use Plan, then there is a conflict of law that will cause confusion for future development. This would set the groundwork for lawsuits that could overturn the new zoning code.

Sachs pointed out that while we may strive for a new urban vision of a "walkable city", in reality almost everybody must use a car for many of their daily needs. New construction must include adequate off-street parking to avoid swamping the neighborhoods with cars, and to allow for snow removal in the winter. This helps to build incentives for a viable and vibrant economy with development incentives. The existing code makes this clear, and the ZBA has historically recognized the requirements for variances for renovating historic structures. This should be carried forward into the new code.

Chuck Thomas stated that the city has made good effort to receive public comment about the zoning code, as we have had several public hearings. He is disappointed that more of the public hasn't come out and commented. It is a big plan. He feels that there is an opportunity for us to reach a proposal. Thomas is not

against the formation of a review committee, but he urges the council to move forward on it. It affects many of the activities that the city is involved in, and also many of the funding sources that the city could have access to if it had a zoning code in place. He is concerned with parking. How do we legislate parking for Liberty Street, which is mainly made up of row houses versus Grand Street, which has larger homes? The other thing he is concerned about is over-building in the Heights area. High-density proposals concern him. Proposing an 8-story structure in the Gateway District seems problematic, and it would compromise the treasured views defined in these gateway districts. For example, the Key Bank building is 6-7 stories. That is a big impact on our view shed. Thomas would like to see the view shed language refer back to the LWRP, and he would like us to take another look at the parking. Perhaps we could do a parking study. We've been at this for a year now. He encouraged the council to look at all of the comments closely.

Barbara Smith thought that the public hearing would be one in which the council would discuss the points that people have already brought up. Yet it looks like we are looking at the same old discussions. What have we done with the previous public comments? Have the requested changes been incorporated anywhere? Second, why do we have a resolution to adopt something tonight, in which we do not know exactly what it is we wish to put into effect? This should not be the last public hearing. When are we going to have the public hearing for the input of those potential changes?

Janet Gianopolous commented that many businesses have 2-3 parking spaces each. Yet when a business has 5-6 customers at one time, then it seeps into other businesses' parking spaces. She believes we need a parking study performed before we can make a decision about whether our businesses can thrive. Gianopolous hopes that we could use these large television screens to view information since we have invested in them. Next, she was not aware that we would be voting on the issue tonight. We need to hear a panel presentation to explain the council's understanding of the issues that the people have brought forth, especially matters of parking and commercial/business density.

Richard Parker stated that on May 28 2014, he sent a 15-page memo to the city council and staff. He is encouraged by us wanting to move forward on the zoning, but he is surprised by how incomplete the document is in some areas. We need to

back up, have a committee look at all of the comments, compile and categorize the comments, and then address them.

Michael Curry urged the council hold open the public comment period. He was not even aware that it was still open, because the re-zoning page on the website does not state that it is open, nor does the Homepage. He found some incongruity between the Future Land-Use Plan and the Zoning Map. The Master Plan, Land-Use Plan and Zoning must be congruous, or you will find that developers won't want to develop here due to confusion. For developers that do decide to come here, whatever the *least* control over development is in any one of the documents, then that is what you are going to wind up conceding to. Second, he does not feel that the city has adequate control over its own document. When you go the city's website, you end up getting diverted to another site. You have to make sure you have a hold on the document before you move forward on it. Curry requested that the public comment period remain open. He stated that he would submit some written comments to the council within the next ten days.

Kippy Boyle commented that it is evident from the draft documents, that parking issues are still not resolved. Unless we face it head-on, we are going to have an incomplete and unworkable zoning code. She hates to hold up the document for an entire parking study, but it is critical. Second, she asked the council if a complete build-out report has been done. Do we actually know what our capacity is in the city? Next, she is surprised that the area in the smack middle of West Street has not been declared as a conservation area. These are nuances that may seem minor, but she feels that they should be discussed.

There is virtually no discussion about climate change or river rise in this document. These were significant issues before, and now they are not even mentioned. She agrees that all of these documents need to be congruous. She would appreciate the additional time to make them conform to each other. [SEE COMMENTS ATTACHED]

Hannah Brooks commented about concerns in the Washington Heights area. The area has retained longtime homeowners and has attracted newcomers seeking real community. She feels that more thoughtful plans should be in place for the area,

to address safety, restore vacant properties, address the inadequate sewers and help small shops provide services to the area. She requested that the corrections the Newburgh Heights Association has outlined for density and parking requirements be incorporated into the new zoning draft document. [SEE COMMENTS ATTACHED]

Deirdre Glenn commented that she does not support efforts to try to fit the Heights Community into R-1 zoning. The Heights section was created more than 120 years ago with houses containing very little set back on 25x100 feet lots. It is administratively *impossible* to implement an R-1 district in that section of Newburgh, as everything would be going back to the ZBA continually. The rezoning has brought many issues to the forefront that residents in the Heights have to battle on a day-to-day basis. This includes overcrowding, super-development and over-occupancy. The Newburgh Heights Association will not tolerate change to the present zoning until these problems have been addressed. Glenn stated that she supports and applauds efforts to extend the view shed preservation to the Newburgh bluff section of the Heights. [SEE COMMENTS ATTACHED]

Drew Kartiganer stated that the zoning rewrite is not complete. There are a lot of holes in it. He feels that the council should form a new committee that would answer to the City of Newburgh. Each council member should choose individuals from different forums. Second, you can't pass a new zoning document if it does not conform to the existing Master Plan. For example, in the West End this ordinance allows for 4-family structures to be put into a zone that is intended for single-family dwellings. This does not work, as it will destroy property values and undermine neighborhoods. You need to incorporate a One-Family Zone, as well as a Two-Family Zone, which the document fails to address. Kartiganer included parking references from the City of White Plains, the area where the consultant works. It is to Kartiganer's understanding that the City of Newburgh does not even have a copy of the contract under which this zoning ordinance was written. If the City of Newburgh does not have control over whether or not the consultant is paid, then in reality the consultant is not working for the City of Newburgh. [SEE COMMENTS ATTACHED]

Michael Gabor stated that we are using the services of a third-party consultant. We are setting ourselves up for failure if we don't even have a copy of the contract. The consultant was supposed to create a plan congruous to the Land-Use Plan. Here we are handing over a responsibility to a consultant who was supposed to complete a

task. Second, why isn't the zoning information being hosted on our website? When he clicks on the information it automatically sends him to another company's website. There is too much at arms-length stuff occurring, including the possibility of closing the public comment period pertaining to a document that is not complete. Gabor is taking a leap of faith and trusting that the council is taking public comments, discussing them and making. But where is this further council discussion regarding public input? If it is occurring, then it is happening behind closed doors. His main concern is that the public hearing remain open until all of these problems are corrected.

Sandra Kissam asked the council if the zoning plans take into consideration any of the proposals that have been made for the Port of Newburgh. Does it consider the industrial development that certain parties want to accomplish on the waterfront? Should not the zoning proposal be subject to an environmental review? Have environmental impacts of the zoning been addressed? Also she is extremely concerned about the tanker cars going up and down the waterfront, as well as the proposed hazardous boiler installation to transport crude oil to barges, which is set to be performed in New Windsor, just over the boundary line. Kissam attended a meeting, which was sponsored by the *River Keeper* and *Scenic Hudson*. She felt that it was extremely important and educational. She stated that more of the City Councilmembers should have attended. Kissam stated that all of these discussions about housing, parking and other city amenities would be obliterated if an accident occurred on the waterfront due to one of these mentioned factors.

Roxie Royal compared the zoning process to gardening. The council has taken on the job of preparing the garden (the city) to become a better place to live and grow. If you till and fertilize the soil properly, then the seeds will develop into delicious fruits and vegetables that will become the nourishment of this city. If you make good decisions, then a good zoning plan will turn out. But it takes planning, productivity, honesty and having the citizens' best interests in our hearts.

Marietta Curry is very concerned about content flaws, which could cause potential litigation. She feels that we have paid more than enough of our share in taxes just on litigation alone. It should not be taken lightly. Once it is passed, we will be looking at it for several years to come. Who would be the responsible party if

there was litigation? Would it be the consultant or the City of Newburgh? It is important for us to know the terms of the contract.

Vincent Cappelletti stated that there is not a lot of commercial development in the city. Broadway is the main area. He is aware of all of the challenges he faces as a developer with the existing zoning regulations. He has gone before the ZBA on many occasions. Though the boards have been great, most developers would not even bother with it at all. We need to create a user-friendly development atmosphere. Cappelletti addressed concerns about the Broadway-17K Corridor. It goes from commercial to residential, and then back to commercial. There is no reason why Broadway should not be *all commercial*. If some of the homeowners at the top of Broadway, who have some of the largest parcels in the city, were willing to sell their homes on the condition that they would be able to remain in them as residents for as long as they liked, then we could turn them into commercial properties as possible franchise sites. This would help create more business opportunity for taxes and jobs. He knows the council's job is not an easy one. [SEE COMMENTS ATTACHED]

Richard Fracasse, lifelong resident and successful business owner in the City of Newburgh, expressed his interest in using the 2nd floor space of his building at 299 Washington Street/33 Robinson Avenue as a venue for the performing arts. He stated that as of now the zoning for the building is designated *residential*. Yet the comprehensive Master Plan adopted in 2008 recognizes the importance and value of a creative economy. He would like to be able to use the 2nd floor space of his building for performing arts while still retaining the ability to operate his longtime local corporation, *United Air Conditioning*, on the 1st floor. Fracasse feels that these revisions are necessary to help get the community back on track. [SEE COMMENTS ATTACHED]

There were no additional comments at this time.

COUNCIL COMMENTS AND SUBSEQUENT VOTE TO CLOSE PUBLIC HEARING CONCERNING ZONING

Mayor Kennedy commented that this public hearing has been open for three months. There has been a lot of input, and some of it has been a repeated. If we close the public hearing, then we have to put a process in place to evaluate all of the received input.

Councilwoman Abrams stated she would be in favor of closing the public hearing tonight, as long as the public understands that we are continuing the process to incorporate all of these great comments into the actual document.

Councilman Brown remarked that a lot of these comments gave him a greater understanding of what this document is really about. He assured everyone that this council is going to take its time and make sure that all of the changes are implemented into the final document, not just for one ward, but for all of the wards in the city. It is important that we get it right the first time.

Councilwoman Angelo commented that the input was presented very well this evening. She pointed out that the Clerk is noting everything, so that they will be able to refer back to the comments. It is a lot to read.

Councilwoman Holmes asked her colleagues if the document before them incorporates previous comments submitted by individuals. Many people have stated that they did not know if the council was looking at comments for editing. She pointed out that this is what the council is doing, but it is important for the people to be made aware of it too.

Mayor Kennedy stated that it is not clear what the next steps in the process are. We are nowhere close to voting on it. The comments need to be categorized though. We have a huge task before us, and this is a great start.

Councilwoman Mejia hopes that people continue to stay engaged. It is really encouraging to see the room filled with people. Through open dialogue we can create a more stable Newburgh. It is to her understanding that once the public comment period is closed, then all of the comments will be answered. Answer and Incorporate is the nature of the debate. This is where she will be looking toward the professional staff to provide us with a map to guide the process. It needs to be held in a public forum so people can witness the decision-making process. We are the ones who control it, so we should make those decisions here.

Councilwoman Lee does not believe we should close the public hearing. It is a fundamentally flawed project. Initially she did not feel that an organization should be allowed to develop a zoning plan for a city. We need to be in the forefront of our projects, no matter who is agreeing to pay for them. She is disappointed that the residents had to come out and tell us this. Lee feels that if we close the public hearing, then the people will eventually lose its voice. She will not allow one entity speak for the residents and businesses that live here. Second, she is extremely disappointed that the document fails to mention the Director of Planning and Development, who can talk to us about economic development. We would be losing a lot if we close the public hearing. The council should meet with the staff and get its thoughts on the project. She plans to vote *No* on the project, even if everybody else votes in favor of it.

Councilwoman Holmes stated that we could close the public hearing and schedule another one later on. She agrees with Stuart Sachs and Drew Kartiganer. Holmes pointed out that she has requested the contract. We need to read it, and it is a lot to digest. She knew what she did not want to see in her ward, and she voiced that. We should close the public hearing and form a committee.

Mayor Kennedy stated it is very complicated process. She provided the audience with a timeline of how it all started. We needed to rezone the city. Our current zoning did not match our Land-Use Plan. We did not have the funds to do it. Greater Newburgh Partnership (GNP) had gone out and obtained a grant. The grant did not cover the total cost. GNP had put in the difference. She pointed out that GNP did not write the zoning, they hired a consultant. The only thing GNP did was manage the project by organizing the community meetings. It got us moving with a draft outline of the document. It is a good start to a process that is absolutely

essential. Now, as a council, we have to own up to this draft and take all of public input and compile it to come up with the best possible outcome.

Councilwoman Lee stated she is not against it because GNP was at the helm. Her bone of contention is that the council had no involvement in its own project, and neither was the public. She believes that the council should reject it. She agrees that the public should not have to go on the city's website, just to be routed to someone else's website in order to get a copy of a study that is going to impact this city. We are the legislators here.

Councilwoman Abrams moved and Councilman Brown seconded that the council close the public hearing on Zoning Draft Version 1.0.

Ayes-Councilwoman Abrams, Councilman Brown, Councilwoman Holmes, Councilwoman Mejia, Mayor Kennedy-5

Noes- Councilwoman Angelo, Councilwoman Lee-2

PUBLIC HEARING CLOSED

PUBLIC HEARING CONCERNING CDBG PROGRAM FY 2015

Mayor Kennedy called 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* for the Community Development Block Grant (CDBG) program for fiscal year 2015, and the development of the 2015-2019 *Five-Year Comprehensive Plan*.

Dr. Ernest Swiger, the consultant to the City of Newburgh, presented various key issues for preparing the Five-Year Consolidated Plan. It is a strategic plan that outlines the city's needs, objectives and priorities for spending the federal funds. An important aspect of the plan is to benefit low and moderate income families and residents of the community. There are three main objectives of HUD: to provide decent housing, provide suitable living environments and provide job opportunities and opportunity for economic growth. Federal funds can't be used for any other purpose. Swiger pointed out that the City of Newburgh is going to receive \$787,179 in the upcoming year. Right now we are in the research and community input phase. Data provided by HUD will be utilized too, as well as supplemental reports and statistics from the U.S. Census Bureau. This is the first public hearing for the planning phase. The draft document will most likely be available for public scrutiny and review in September. November 15th is the deadline to submit the documents to HUD.

Councilwoman Abrams asked Swiger what is the deadline for the submission of comments.

Swiger explained that comments could be submitted up until late September/early October.

Janet Gianopolous was glad to see the screens being utilized for the CDBG presentation. We have to realize that there are many people in Newburgh who are *capable*. But we continue to make decisions from a perceived perspective that people are unable to do for themselves. Let us choose projects that will enable people from Newburgh to accomplish things instead of us continuing to play these takes in which it is perceived that people can't do themselves. We need to look at more infrastructure-type projects, over-arching safety projects, and things that will remain with us and last. We should not just seek seasonal projects where we hand out money, thus enabling people.

Mike Curry cautioned the council not to borrow funds from other agencies to pay back HUD. This practice did, in fact, happen to pay pensions and other pet projects.

Michael Gabor pointed out that last year \$300K of CDBG money was used with the intention of transferring property to the Land Bank. If that has not occurred yet, then that money should be transferred back into our coffers by the Land Bank if they indeed want those properties.

Courtney Allen remarked that she is confused by all of the discussion this evening. This is the first meeting that she is attending. Since it is a five-year plan, she is concerned that there could be an issue, in which people could say later on that they did not know what was in the contract.

There were no additional comments at this time.

**COUNCIL COMMENTS AND SUBSEQUENT VOTE TO CLOSE PUBLIC
HEARING CONCERNING CDBG FY 2015**

Mayor Kennedy explained that we receive money from the Federal Government because we are an *Entitlement* city. Our poverty rate is in such condition that we need extra funds to sustain the city. The amount is roughly \$780K a year. It is channeled into the city, but we have to have a plan in place to spend it. HUD has very strict rules and regulations for expenditure in the community. In fact, in past years the City of Newburgh did not comply with HUD guidelines. We had to go through a whole process to get ourselves back on track. Kennedy pointed out that this happened before she took office. Now we must have a new Five-Year Plan for 2015. There are housing and infrastructure needs in the city. We are looking to spend our money wisely to create long term results. It is really important to get public input because this council does not have all of the answers.

Councilwoman Mejia welcomed all of the newcomers, and she hopes to see everyone at the next public hearing. She asked us to think about the areas in which we live, that could benefit from infrastructural improvements. The idea is: *How do we use these federal funds to improve our community?*

Councilwoman Abrams moved and Councilman Brown seconded that the council close the public hearing concerning CDBG FY 2015.

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Mejia, Mayor Kennedy-6

No- Councilwoman Lee-1

PUBLIC HEARING CLOSED

COMPTROLLER'S REPORT: MONTHLY FINANCIAL SUMMARY

John Aber highlighted revenue and expenses through June 30, 2014. Through June, the city collected \$20.2 Million compared to the annual revenue budget of \$44.2 Million, which is 45.72%. Aber pointed out, that as of June, we have a shortfall of \$861K in property taxes, \$277K in codes and \$84K in traffic violations. If the trend continues, he stated he would recommend the enforcement of a spending freeze to realign revenue and expenses. In addition to General Fund Revenue, the report outlines General Fund Expense, Enterprise Fund Revenue, Enterprise Fund Expense, Capital, Trust and Agency Accounts amongst other financial topics.

Councilwoman Lee is concerned that we do not have enough labor necessary to cut the grass. Is there enough money in the budget to hire additional workers? We are spending a lot of the focus on Tyrone Crabb Park and not enough on the parks where the children play.

Aber responded that the funds for Tyrone Crabb Park are earmarked funds, and can't be crossed over.

Mayor Kennedy affirmed that we have problems with maintenance, as well as a lot of other problems that need to be fixed in the city. We have a \$1 Million shortfall, in which we may have to go on a spending freeze. We got the money to complete Tyrone Crabb Park down to a reasonable cost. Funds are earmarked by the State to do it. She understands that the grass needs to be cut. This is just one project we are working on.

Councilwoman Mejia pointed out that there are a lot of residents that go out and clean up around our city. Indeed we may have a reduction in staff, but there are volunteers in each of the wards that go around and pick up garbage. Many go out on their own time, and with their own lawnmowers to do these type of things. They are not here to tell us, but it is important for us to acknowledge their efforts.

Councilwoman Lee remarked that seeing community working around the city is very nice. But do we have any money in CDBG that we could pay a few people? We need to find some way to get the grass cut, and that is not a tall order.

Aber responded that CDBG funding would have to be discussed with Courtney Kain or James Slaughter. He pointed out that his office has begun the 2015 budget process. The 2015 City Manager's Proposed Budget will be presented to the City Council on October 14, 2014.

COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

Virginia D'Orio, longtime resident, has two grandchildren who are being raised in Newburgh. She applauds the council for taking a stance on tobacco marketing and tobacco paraphernalia display to improve the quality of life for our children and grandchildren. She pointed out that tobacco is the Number One Killer of people in the United States. Let's be unified in the message that we will not assist these predators. [RESOLUTION #176-2014]

Janet Gianopolous remarked that there is a reference to possible expenditures in the Police Community Relations Advisory Council legislation. In the possibility of *hiring a mediator*, where would these funds come from? [ORDINANCE #1-2014] Second, the tobacco products and paraphernalia is a step in the right direction. We can have laws on the books, but how will it be enforced? We need to have a plan of enforcement. [RESOLUTION 176-2014] Last, there were some positions referred to in the crafting of the proposed zoning. For example, a position mentioned was *Assistant to the City of Manager*. Who were these people? Their names were not provided. She knows that the current City Manager was not involved, and yet it refers to *City Manager*. It is important that we refer to people by their names and take ownership of these things. [ZONING PUBLIC HEARING]

Sandra Kissam addressed her concerns about Agenda Item #10. She asked the council if there is an Environmental Review that accompanies the zoning. If you pass the resolution tonight and then proceed with an environmental review of the proposed new zoning, then aren't you essentially blessing it and moving it along? Kissam stated that the resolution has the appearance that what is before us is *NOT* the draft, but the final document. She sees a conflict. [RESOLUTION #164-2014]

Michelle Kelson explained that the adoption of a land use document requires an environmental review. The adoption itself is an *action*. Somebody has to be in charge of shepherding the entire project from commencement to completion of the environmental review process. Because it is an adoption or amendment of the zoning, it is a *Type 1 Action* under the State Environmental Quality Review Act (SEQRA). We have already declared the city's intent to be Lead Agency, and we have notified other interested and involved agencies of our intent to do this. Since this is legislation that

affects the City of Newburgh, nobody has challenged that intent, and more than thirty days have passed under the guidelines. It makes logical sense for the City Council of the City of Newburgh to be the lead agency in charge of guiding this project through the entire process. All this resolution does is initiates the environmental review process and allows the appropriate body to be in charge of guiding the process. No determinations have been made about environmental impacts. And those will continue as the document evolves and gets revised. But until there has been a *Negative Declaration of Environmental Impact*, there will be no adoption of any particular document.

Kippy Boyle is in favor of extending the contract with Memorare Realty Holding Corp for four months. There was a lot of brainstorming without facts that occurred at the work session. She hopes we are able to get facts during the extension. Boyle feels there is a strong possibility that Memorare Realty would be more than happy to take a percentage of it if we decided to go with the Muni-Meter Parking System. She urged the council to look at the bigger picture. [RESOLUTION #169-2014] Second, she is cautious about the surrendering of property to the LandBank, even though she understands the purpose. She would like to see the LandBank at a 50% completion rate before we turn over an additional eleven properties. The process is not clear. [RESOLUTION 187-2014]

Natasha Cotton remarked that it makes a heck of a difference when people say they were *born in the City of Newburgh* and engage in the fight for a better community, as opposed to people who come here from out of town and try to fight for the city. We keep going around in circles. The community worked on the Master Plan until our brains hurt. You need to follow the Master Plan first. [ZONING PUBLIC HEARING] Second, as far as HUD is concerned, we are competing with the Department of Social Services. DSS is already offering opportunities for day care. She urged us to team up with organizations that are already doing similar projects, so we can save some money. [CDBG PUBLIC HEARING] Last, Cotton suggested we go with the *Certified Emergency Response Team (CERT)* program four years ago. She believes *CERT* would encompass more ground than the *COPS* program. She is not here to bicker about what is *Not* going on, but she urged us to look at some other programs. [RESOLUTION # 166-2014]

Dawn Wilkin, Coordinator of Team Newburgh Coalition, thanked the council for moving forward on the *Power Against Tobacco* and the impending tobacco licensing. It is a quality of life issue for our children and for our future. She thanked the City of Newburgh, and pointed out that we are the trailblazer for this in Orange County. The City of Middletown is looking to do the same thing based on the work we are doing here.

Martin Colavito, Team Newburgh Coalition, recited an article he read about the tobacco law. Left out of that article was a provision that resides in every community: *that we truly serve the people who can't help themselves*. In this case, it is the children, who are not yet developed and who have not yet had the opportunity to make educated choices concerning what they do with their lives. Colavito stated that tobacco is marketed toward one of two things: disease and death. Colavito is not here to demonize businesses for the products they sell. We are here to make a better city and a healthier environment for children.

Michael Gabor suggested that the required disclosure and tracking of service contracts also apply to third-party contracts that directly affect the city, such as the contract between GNP and AKRP. It is important that we know the connections. [RESOLUTION #178-2014] Second, he commented about Habitat for Humanity moving its Re-Store facility out of the City of Newburgh due to safety concerns. As a business owner this is a slap in the face. Before we transfer any more property to Habitat, we should discuss how we really feel about them leaving the community. [RESOLUTION #186-2014] Last, he feels that we should not transfer anymore property to the LandBank. They have over twenty properties that have not been developed. We should not transfer anymore until there is some kind of track record first. [RESOLUTION # 33-2014]

Chuck Thomas pointed out that Quassaick Creek is our *other waterfront*. It is an unknown treasure in this city, and can serve as a real impetus for economic development, appreciation of our aesthetic resources and recreational opportunities. He thanked the council for supporting this resolution. It puts us on a great course for realizing those goals. [RESOLUTION #173-2014]

Laura Garcia commented in Spanish. She implored the council to put all of the information in Spanish, in addition to English, for *ALL* residents of the City of Newburgh.

Councilwoman Mejia responded in Spanish. She assured the residents that she would make sure the information is available in English and Spanish.

This portion of the meeting was closed.

COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

There were no comments at this time.

RESOLUTION NO.: 164 - 2014

OF

JULY 14, 2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
DECLARING ITSELF TO BE LEAD AGENCY UNDER
STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) WITH RESPECT TO
THE ADOPTION OF THE REVISED CHAPTER 300 ENTITLED “ZONING” OF THE
CODE OF ORDINANCES OF THE CITY OF NEWBURGH AND ACCEPTING PART 3 OF
THE ENVIRONMENTAL ASSESSMENT FORM

WHEREAS, the City of Newburgh is proposing to adopt a revised Chapter 300 entitled “Zoning” of the City Code of Ordinances of the City of Newburgh; and

WHEREAS, the City of Newburgh proposes to undertake the adoption of the revised Chapter 300 entitled “Zoning” in compliance with the terms of State law and does hereby wish to review the project in accordance with the State Environmental Quality Review Act (SEQRA); and

WHEREAS, by Resolution No. 100-2014 of April 28, 2014, in compliance with SEQRA, the City Council of the City of Newburgh declared its intent to assume Lead Agency status, classified the project as a Type I action, proposed to accept as complete an Environmental Assessment Form and referred the proposed Chapter 300 entitled “Zoning” to and the Orange County Planning Department pursuant to General Municipal Law Section 239-m; and

WHEREAS, in compliance with SEQRA, the City Council of the City of Newburgh now wishes to assume Lead Agency status and consider Part 3 of the Full Environmental Assessment Form;

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

1. That the City Council of the City of Newburgh hereby declares itself to be Lead Agency status for the environmental review of the action pursuant to 6 NYCRR 617.6; and

2. That this Council proposes to accept Part 3 of the Environmental Assessment Form ("EAF") attached hereto.

Corporation Counsel pointed out that the council has a product it is working on. There is substantial information about it in order to continue to review the document. She feels that the council would be able to do the environmental review hand-in-hand. She does not think it is too early in the process for the council to declare *Lead Agency* for the project.

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.: 165 - 2014

OF

JULY 14, 2014

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO APPLY FOR AND ACCEPT IF AWARDED A GRANT FROM THE
UNITED STATES DEPARTMENT OF JUSTICE FOR THE
COPS HIRING PROGRAM TO PROMOTE COMMUNITY POLICING
IN AN AMOUNT NOT TO EXCEED \$1,072,116.24
WITH A TWENTY FIVE PERCENT LOCAL CASH MATCH REQUIRED**

WHEREAS, the City of Newburgh Police Department performs many duties and offers a variety of services to promote public safety and health; and

WHEREAS, the City of Newburgh Police Department has identified the community policing model as an effective crime prevention tool; and

WHEREAS, the United States Department of Justice has established the COPS Hiring Program (CHP) as a competitive grant program that provides funding directly to law enforcement agencies to increase their community policing and crime prevention efforts; and

WHEREAS, the CHP establishes funding in the amount of \$125,000.00 per officer position based on current entry level salaries and benefits and provides 36 month funding of four (4) additional police officers and requires a twenty five (25%) percent match but includes a 12 month retention at the end of the grant period; and

WHEREAS, the City's request for grant funds under the CHP will not exceed \$1,072,116.24; and

WHEREAS, this Council has determined that applying for and acceptance of such grant is in the best interests of the City of Newburgh and its residents;

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 United States Department of Justice for the COPS Hiring Program to promote community policing, in an amount not to exceed \$1,072,116.24, with a twenty five (25%) percent local cash match required; 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.

Councilman Brown asked if we have the 25% match.

John Aber stated that this will become effective January 1st. He will make sure we have the matching funds when the 2015 Budget is prepared.

Councilwoman Angelo moved and Councilwoman Holmes 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.: 166 - 2014

OF

JULY 14, 2014

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO APPLY FOR AND ACCEPT IF AWARDED A GRANT FROM THE
UNITED STATES DEPARTMENT OF JUSTICE UNDER THE FY2014 COPS
COMMUNITY POLICING DEVELOPMENT PROGRAM
IN THE AMOUNT OF \$100,000.00 WITH NO CITY MATCH REQUIRED**

WHEREAS, the City of Newburgh Police Department has advised that grant funding is available from the United States Department of Justice under the FY2014 COPS Community Policing Development Program (CPD); and

WHEREAS, CPD funds are used to advance the practice of community policing in law enforcement agencies through training and technical assistance, the development of innovative community policing strategies, the implementation of demonstration projects and the development of applied research, guidebooks and best practices that are national in scope; and

WHEREAS, the Microgrant Initiative for Law Enforcement, “Building Trust with Communities of Color” is the grant being applied for; and

WHEREAS, CPD funds shall continue to fund the Youth Police Initiative and fund a Youth Coordinator for a two (2) year period; and

WHEREAS, this Council has determined that applying for and acceptance of such grant is in the best interests of the City of Newburgh and its residents;

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 United States Department of Justice under the FY2014 COPS Community Policing Development Program in the amount of \$100,000.00, with no City match required; 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 Angelo moved and Councilwoman Holmes 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.: 167 - 2014

OF

JULY 14, 2014

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO A LICENSE AGREEMENT WITH HOUSE OF REFUGE
TO ALLOW USE OF CITY OWNED PROPERTY LOCATED AT
140 BROADWAY FOR THE TUESDAY FARM MARKET**

WHEREAS, the City of Newburgh is the owner of several parcels of real property located at 132, 136, 138, 140, 140A, 144, 146 and 148 Broadway; 6, 10, 12, 16 and 18 Johnston Street; and 6, 8 and 10 Lander Street, and more accurately described on the official tax map of the City of Newburgh as Section 30, Block 3, Lot(s) 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37 and 38, City of Newburgh, New York, hereinafter collectively referred to as "140 Broadway"; and

WHEREAS, the Tuesday Farm Market has been held on the south side of Broadway between the House of Refuge and the Armory Building; and

WHEREAS, House of Refuge, the Tuesday Farm Market Manager and Orange County propose moving the Tuesday Farm Market to 140 Broadway, the City-owned land on the north side of Broadway, commonly referred to as the "Mid-Broadway site"; and

WHEREAS, the benefits of moving the Tuesday Farm Market include:

1. To provide greater visibility to attract more buyers and vendors;
2. To promote positive activity on Broadway; and
3. To provide more space for Orange County agencies to provide information and conduct demonstrations for the community; and

WHEREAS, moving the Tuesday Farm Market to 140 Broadway requires the parties to execute a license agreement, a copy of which is attached hereto and made a part of this resolution; and

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

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

agreement with House of Refuge to allow access to and use of several City-owned properties for the purpose of holding the Tuesday Farm Market.

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

LICENSE AGREEMENT

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

WITNESSETH THAT:

WHEREAS, Licensee desires the license or privilege of gaining access to the premises of Licensor and in substantially the location and position shown as set forth on the map or plan hereto attached and made a part hereof and bearing the following address:

132, 136, 138, 140, 140A, 144, 146 and 148 Broadway; 6, 10, 12, 16 and 18 Johnston Street; and 6, 8 and 10 Lander Street, and more accurately described on the official tax map of the City of Newburgh as Section 30, Block 3, Lot(s) 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37 and 38, City of Newburgh, New York, hereinafter collectively referred to as "140 Broadway".

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

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

First: Licensor hereby gives to Licensee, upon the conditions hereinafter stated, the license or privilege of entering upon Licensor's property located at 140 Broadway, in the City of Newburgh, New York, and taking thereupon such vehicles, equipment, tools, tables, chairs and other materials as may be necessary; for the purposes of hosting a farmer's market, including but not limited to the sale of farm products, produce and other general information and demonstrations by Orange County agencies on property owned by Licensor. No permanent improvements may be erected on the premises.

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

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

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

Fifth: This Agreement and the license or privilege term is from July 15, 2014 to September 30, 2014.

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

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

WITNESSETH:

THE CITY OF NEWBURGH

LICENSOR

By:

MICHAEL G. CIARAVINO,
City Manager

HOUSE OF REFUGE

LICENSEE

By:

BISHOP JEFFREY WOODY

RESOLUTION NO.: 168 - 2014

OF

JULY 14, 2014

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN AGREEMENT WITH THE ORANGE-ULSTER BOARD OF
COOPERATIVE EDUCATIONAL SERVICES FOR THE SUMMER YOUTH PROGRAM
TO PROVIDE OPPORTUNITIES FOR YOUNG PEOPLE TO WORK FOR THE CITY OF
NEWBURGH FOR THE SUMMER OF 2014**

WHEREAS, the Orange-Ulster Board of Cooperative Educational Services (BOCES) is offering a Summer Youth Program for the purpose of providing meaningful work experience for participants with an admission preference for individuals from the Newburgh School District; and

WHEREAS, the City of Newburgh has expressed an interest in using this program to provide summer jobs and learning opportunities for young people and service to the City of Newburgh; and

WHEREAS, this Council finds that entering into an agreement with BOCES for this purpose is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute an agreement and other necessary documents with the Orange-Ulster Board of Cooperative Educational Services to participate in the Summer Youth Program which provides employment and learning opportunities for young people in the City for the Summer of 2014.

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

Mayor Kennedy pointed out that the program starts this week.

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

ADMINISTRATION

William J. Hecht

District Superintendent/CEO

Deborah McBride Heppes

Assistant Superintendent for Finance

Pamela T. Rourke

Assistant Superintendent for Human Resources

Theresa A. Reynolds

Assistant Superintendent for Instruction

Karen L. McGuckin

Clerk of the Board



BOARD MEMBERS

Carl P. Onken, President

William M. Boss, Vice-President

Michael Bello

Martha Bogart

Virginia L. Esposito

Eugenia S. Pavek

Dorothy Slattery

LETTER OF AGREEMENT
BETWEEN
THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES OF
ORANGE AND ULSTER COUNTIES
AND
CITY OF NEWBURGH
83 BROADWAY
CITY HALL, 2ND FLOOR
NEWBURGH, NY 12550

The Orange-Ulster Board of Cooperative Educational Services (herein called BOCES), Gibson Road, Goshen, New York and The City of Newburgh will combine their resources to provide a Summer Youth program, for the benefit of the citizens of Newburgh, subject to the approval and financing by the Bureau of Adult and Continuing Education of the New York State Education Department. The program will begin on or about July 7, 2014 and will terminate, under the present State Education Department grant, on or before August 8, 2014.

Obligations assumed by BOCES:

1. To aid in the establishment of classes containing a minimum of ten (10) students and a maximum of twenty (20) students at one time.
2. The classes will meet as mutually agreed upon.
3. The instructors and facilitators for the program will be selected, supervised and paid by BOCES.
4. No tuition charges for this program will be made by BOCES to The City of Newburgh.
5. BOCES will be the sole agent responsible for accepting requests for registrations, for contacting new students and arranging for their admission to class. BOCES will keep and maintain any records and insurances required by law or regulation.
6. Preference for admission to the program will be given to individuals from the Newburgh School District. In the event that, at any time there are insufficient numbers of applicants from the Newburgh School District, other applicants may be admitted from school districts which surround the Newburgh area.
7. Comply with all Child Labor Laws as set forth by the New York State Department of Labor

Obligations assumed by THE CITY OF NEWBURGH:

1. THE CITY OF NEWBURGH will provide suitable work space.
2. Individuals seeking admission will be advised of pertinent information relative to the nature of the program its duration, and the time and days the class meets.
3. No monetary charge for the use of the facilities will be made by THE CITY OF NEWBURGH to either BOCES or the students in the program.

Additional obligations of BOCES and THE CITY OF NEWBURGH:

1. BOCES shall provide during the life of this agreement general liability and property damage liability insurance covering its use of the premises, the limits of coverage to be \$1,000,000 for bodily injury, including wrongful death, and \$500,000 for property damage. All such insurance policies shall be written in the name of BOCES, the originals of said policies shall at all times be on file with BOCES with a certificate of insurance to be issued to THE CITY OF NEWBURGH.
2. BOCES shall and will indemnify and hold harmless THE CITY OF NEWBURGH, its officers, employees, agents and representatives, from any bodily injury including death, or property damage that shall or may happen to BOCES and its employees, agents, students and licenses who enter upon the subject premises for any reason except in the event such bodily injury or property damage is caused by the negligence of THE CITY OF NEWBURGH, its agents, servants and employees.
3. THE CITY OF NEWBURGH shall and will indemnify and hold harmless BOCES, and its officers, employees, agents and representatives, from any bodily injury, including death, or property damage that shall or may happen to THE CITY OF NEWBURGH and its employees, agents, students and licensees who enter upon the subject premises for any reason except in the event such bodily injury or property damage is caused by the negligence of BOCES, its agents, servants and employees.
4. No instructors, facilitators or participants shall be considered employees of the City of Newburgh for the purposes of the Program described in this Agreement.

Pamela T. Rourke
Assistant Superintendent for Human Resources

June C. Franzel
Director of Adult Occupational and
Continuing Education, O-U BOCES

Michael Ciaravino
City Manager- Newburgh

RESOLUTION NO.: 169 - 2014

OF

JULY 14, 2014

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A
FOUR MONTH EXTENSION TO THE FIRST AMENDED AGREEMENT OF LEASE
WITH MEMORARE REALTY HOLDING CORP. FOR THE CONTINUED LEASE OF
APPROXIMATELY 3.65 ACRES OF VACANT REAL PROPERTY
SITUATED ON THE HUDSON RIVER
KNOWN AS SECTION 31, BLOCK 5, LOTS 13.2 AND 14
FOR THE PURPOSE OF PROVIDING PARKING
FOR USERS OF THE NEWBURGH-BEACON FERRY
AND OTHER PARKERS DURING NON-COMMUTING HOURS

WHEREAS, the City of Newburgh ("City") and Memorare Realty Holding Corp. ("Memorare") executed a Lease on July 30, 2004 ("Lease") for the lease and use of approximately 3.65 acres of vacant real property situated on the Hudson River known as Section 31, Block 5, Lots 13.2 and 14, for the purpose of providing parking for users of the Newburgh-Beacon Ferry and other parkers during non-commuting hours, with the City being reimbursed by New York State for the rental payments and improvements provided under such Lease; and

WHEREAS, by Resolution No.: 142 - 2010 of June 14, 2010, the City Council authorized the City Manager to execute a First Amended Agreement of Lease with Memorare to accord with the amended reimbursement agreement with New York State that was effective April 21, 2010; and

WHEREAS, the First Amended Lease will expire on July 31, 2014 and additional time is required to review and evaluate the terms and conditions for continuing said lease for the best interests of the City of Newburgh, its residents and visitors, and of all persons wishing to avail themselves of such ferry service;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager on behalf of the City of Newburgh, be and he is hereby authorized to execute a four month extension to First Amended Agreement of Lease with Memorare in substantially the same form as annexed hereto with other provisions as Corporation Counsel may require.

Mayor Kennedy agrees with previous comments. She hopes we use these next four years to really look at the parking situation at the riverfront. We have a real opportunity, and she knows Aber is committed to it.

Councilwoman Mejia translated this one and the remaining resolutions in Spanish to encourage a wider viewership.

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

FIRST ADDENDUM TO FIRST AMENDED AGREEMENT OF LEASE

THIS FIRST ADDENDUM TO FIRST AMENDED AGREEMENT OF LEASE (“Addendum”), made as of this ___ day of July, 2014, by and between Memorare Realty Holding Corp., a New York business corporation, having an address of 2 Washington Street, P.O. Box 3231, Newburgh, New York 12550, (“Landlord”), and the City of Newburgh, a New York municipal corporation with principal offices at 83 Broadway, City Hall, Newburgh, New York 12550 (“Tenant”).

WITNESSETH:

WHEREAS, the Landlord and Tenant executed a First Amended Agreement of Lease with to accord with the amended reimbursement agreement with New York State that was effective April 21, 2010; and

WHEREAS, the First Amended Lease will expire on July 31, 2014 and Tenant desires to continue to lease from Landlord the Premises for use in connection with a project (the “Project”) for parking to be used for ferry service between the City of Newburgh and Beacon and uses associated therewith and Landlord desires to lease to Tenant the Premises therefor; and

WHEREAS, the parties desire to continue the terms of the First Amended Lease for a period of time to review the First Amended Lease and negotiate a renewal:

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The renewal term set forth in Paragraph 5 of the First Amended Lease shall be extended for an additional four (4) month term commencing on August 1, 2014 and terminating on November 30, 2014 (“Amended Renewal Term”).
2. For the balance of the Amended Renewal Term, if any, rent payable monthly in advance in equal monthly installments of Twenty-One Thousand Two Hundred Seventy-Eight (\$21,278) Dollars each.
3. All other terms and conditions set forth in the First Amended lease shall remain in full force and effect during the Amended Renewal Term.

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RESOLUTION NO.: 170 - 2014

OF

JULY 14, 2014

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT AID TO LOCALITIES FUNDING FROM
SENATOR WILLIAM LARKIN IN THE AMOUNT OF
\$75,000.00 TO BE UTILIZED BY THE CITY OF NEWBURGH
POLICE DEPARTMENT FOR LAW ENFORCEMENT PURPOSES

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 aid to localities funding from Senator William Larkin in the amount of Seventy Five Thousand and 00/100 (\$75,000.00) Dollars to be utilized by the City of Newburgh Police Department for law enforcement purposes, with the appreciation and thanks of the City of Newburgh.

Mayor Kennedy read a letter from Senator Larkin informing us that he has secured a grant to be used toward anti-drug initiatives, anti-violence initiatives, crime control and prevention programs. The grant is to be administered by the NYS Division of Criminal Justice Services. Kennedy publicly thanked Senator Larkin for his assistance.

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

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

RESOLUTION NO.: 171 - 2014

OF

JULY 14, 2014

A RESOLUTION ACCEPTING A PROPOSAL AND AUTHORIZING
THE CITY MANAGER TO EXECUTE A CONTRACT WITH
ARCADIS OF NEW YORK, INC. FOR PROFESSIONAL ENGINEERING SERVICES IN
CONNECTION WITH THE SOUTH WATER STREET SEWER SEPARATION PROJECT
IN AN AMOUNT NOT TO EXCEED \$86,250.00

WHEREAS, the City of Newburgh recently has identified certain 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 such illicit sewer discharges and implement permanent solutions to remediate such discharges; and

WHEREAS, the City of Newburgh through a competitive process in which proposals for professional services were solicited, reviewed and evaluated to provide Engineering Services for the remediation of illicit sewer discharges in the area of South Water Street and Washington Street; and

WHEREAS, the City has received a proposal from Arcadis of New York, Inc. which has been identified as the most qualified firm to provide said services;

WHEREAS, such engineering services shall include project management, data collection, evaluating alternative solutions, permitting, bid document preparation and management; and

WHEREAS, the cost of such proposal shall not exceed Eighty-two thousand Two Hundred Fifty (\$82,250.00) Dollars and the funds shall be derived from HG1.8130.0205.8101.2013, the 2013 BAN;

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 a proposal and execute a contract with Arcadis of New York, Inc. for professional engineering services in connection with the South Water Street Sewer Separation Project in an amount not to exceed Eighty-two thousand Two Hundred Fifty (\$82,250.00).

Councilwoman Angelo moved and Councilwoman Holmes 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.: 172 - 2014

OF

JULY 14, 2014

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT UNDER THE EMERGENCY PROCUREMENT POLICY WITH TAM ENTERPRISES AND AMENDING RESOLUTION NO: 247-2013, THE 2014 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK FOR EMERGENCY SEWER MAIN REPAIR IN THE AREA OF THIRD STREET BETWEEN GRAND STREET AND LIBERTY STREET

WHEREAS, a sewer main obstruction and deterioration was identified along Third Street between Grand Street and Liberty Street which if left unresolved would have resulted in an immediate threat to the public health and safety; and

WHEREAS, the City Engineer made a request through the City's Emergency Procurement Policy to retain the services of TAM Enterprises to identify and remove the obstruction, as well as to install 320ft of Cured In-Place Pipe (CIPP) liner within the existing 15" sewer main, and install an access manhole at the intersection of Liberty Street and Third Street to facilitate the CIPP lining; and

WHEREAS, the cost for the sewer main remediation and repair is Seventy Thousand and 00/100 (\$70,000.00) Dollars; and

WHEREAS, this Council has determined that entering into an agreement with TAM Enterprises under the City's Emergency Procurement Policy for the sewer main repair and remediation services is in the best interests of the City of Newburgh and the public health and safety of its residents;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh hereby declares that the sewer main failure along Third Street between Grand Street and Liberty Street created an emergency condition within the meaning of the New York State General Municipal Law; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to enter into a contract with TAM Enterprises for the sewer main remediation and repair pursuant to the City's Emergency Procurement Policy in the amount of \$70,000.00; and

BE IT FURTHER 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>
Sewer Fund Contingency Emergency G.1900.1990	\$70,000.00	
 Sewer Fund Sanitary Sewers Other Services G.8120.0448		\$70,000.00

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

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

ADOPTED

RESOLUTION NO.: 173 - 2014

OF

JULY 14, 2014

A RESOLUTION SUPPORTING THE QUASSAICK CREEK
WATERSHED MANAGEMENT PLAN

WHEREAS, the Quassaick Creek Watershed is composed of the Quassaick Creek, its tributary streams; lakes, reservoirs and wetlands that feed into the Creek; and the 56 square mile landscape through which it flows; and

WHEREAS, the Quassaick Creek is on New York State's Priority Waterbodies List as having water quality impairments and the water quality of many stream sections throughout the Watershed is moderately or slightly impacted, as documented by routine stream biomonitoring work underway since 1987. Water quality is a concern within the Watershed, especially for drinking water supplies such as Washington Lake; and

WHEREAS, in the late 1990s, a group of advocates came together to form the Quassaick Creek Coalition with the goal of developing an estuary preserve in this lower corridor, which included representatives from a broad range of interests including the City of Newburgh, land conservation groups, various state and regional agencies, citizens, and many others; and

WHEREAS, interest in the Quassaick Creek continued, with some members of the Quassaick Creek Coalition deciding to expand their efforts to a larger geographic area, to take a watershed approach to cleaning up and enhancing the Creek and formed a group called the Quassaick Creek Watershed Alliance (QCWA), whose mission is to involve individuals and entities, both public and private, as advocates for the development and implementation of a Quassaick Creek Watershed Plan focusing on the protection and restoration of water quality and quantity, recreational values and biodiversity of the Quassaick Creek and its tributaries to promote the health, safety and welfare of our communities by making recommendations for sustainable land use, flood and erosion control practices and relevant regulations in this watershed; and

WHEREAS, since 2009, the QCWA , the Orange County Planning Department, and the Orange County Water Authority (OCWA) and an advisory group of stakeholders have been developing a watershed plan; and

WHEREAS, the QCWA, the Orange County Planning Department, the OCWA, its advisory group and consultants have completed The Quassaick Creek Watershed Plan which is a non-regulatory guidance document that recommends strategies for enhancing the Watershed, with

a focus on water quality protection, meant to be a tool to be used to further enrich the quality of life within the Watershed through thoughtful planning, outreach, education, and science-based enhancement and restoration projects; the primary purposes of which are to heighten public awareness of the Quassaick Creek - thus creating a sense of united stewardship among watershed stakeholders - and to create a “checklist” of best management practices for guiding future development and growth in order to protect and improve the health of the Watershed; and

WHEREAS, the City of Newburgh recognizes and appreciates the need to protect and improve the health of the Quassaick Creek Watershed both now and for the foreseeable future;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh hereby supports the Quassaick Creek Watershed Management Plan dated June 2014.

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.: 174 - 2014

OF

JULY 14, 2014

A RESOLUTION ADOPTING THE CITY OF NEWBURGH
SURPLUS PROPERTY DISPOSITION POLICY AND PROCEDURE

BE IT RESOLVED, that the City Council of the City of Newburgh, New York hereby adopts the City of Newburgh Surplus Property Disposition Policy and Procedure, a copy of which is attached hereto and made a part of this Resolution; and

BE IT FURTHER RESOLVED, that this Policy shall take effect immediately upon adoption by the City Council.

John Aber explained that this policy implements how the City of Newburgh disposes of equipment that is no longer needed within a department. Equipment can be deemed as surplus, in which it can be transferred to another department. Or the council can decide to dispose of it at public auction or via some other action.

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.: 175 - 2014

OF

JULY 14, 2014

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 \$38,902.00 FROM TRAFFIC VIOLATIONS BUREAU PERSONAL
SERVICES AND EMPLOYEE BENEFITS TO POLICE DEPARTMENT PERSONAL
SERVICES AND EMPLOYEE BENEFITS TO HIRE ONE ADDITIONAL POLICE OFFICER

WHEREAS, the City of Newburgh finds it necessary to reallocate funds for the hiring of one (1) additional police officer in the Police Department which requires an amendment to the 2014 Personnel Analysis Book; and

WHEREAS, this Council finds that it is in the best interests of the City of Newburgh to make said adjustment to the 2014 Budget for the City of Newburgh and the 2014 Personnel Analysis Book;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, that 2014 Personnel Analysis Book be and hereby is amended in connection with funding one police officer and that the 2014 Budget of the City of Newburgh, is hereby amended as follows:

	<u>Decrease</u>	<u>Increase</u>
A.1130.0101: Traffic Violations Bureau Salary	\$ 22,417.00	
A.1130.0810: Retirement	\$ 5,604.00	
A.1130.0830: Social Security	\$ 1,715.00	
A.1130.0860: Health Insurance	\$ 9,166.00	
A.3120.0101: Police Department Salary		\$ 22,417.00
A.3120.0810: Retirement		\$ 5,604.00
A.3120.0830: Social Security		\$ 1,715.00
A.3120.0860: Health Insurance		\$ 9,166.00

TOTAL:

Decrease

Increase

\$ 38,902.00

\$ 38,902.00

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.:176 - 2014

OF

JULY 14, 2014

RESOLUTION SCHEDULING A PUBLIC HEARING
FOR AUGUST 11, 2014 TO HEAR PUBLIC COMMENT
CONCERNING A LOCAL LAW ADDING CHAPTER 276 ENTITLED
“TOBACCO” TO THE CODE OF ORDINANCES
OF THE CITY OF NEWBURGH

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning “A Local Law Adding Chapter 276 entitled ‘Tobacco’ and Enacting Article I entitled ‘Tobacco Retail License’ to the Code of Ordinances of the City of Newburgh”; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 11th day of August, 2014, in the 3rd Floor Council Chambers, 83 Broadway, City Hall, Newburgh, New York.

Mayor Kennedy commented that this has been a long time coming. Team Newburgh has been stellar in helping to get the sample legislation. They are out there on the streets all the time. They will work closely with our police department to help monitor the process. It takes an entire village to make this work.

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

LOCAL LAW NO.: _____ - 2014

OF

**A LOCAL LAW ADDING CHAPTER 276 OF THE CODE OF ORDINANCES
OF THE CITY OF NEWBURGH ENTITLED “TOBACCO” AND ENACTING ARTICLE I
ENTITLED “TOBACCO RETAIL LICENSE”**

BE IT ENACTED, by the Council of the City of Newburgh, New York that Chapter 276 “Tobacco” be and is hereby added as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law Adding Chapter 276 entitled ‘Tobacco’ and Enacting Article I entitled ‘Tobacco Retail License’ to the Code of Ordinances of the City of Newburgh”.

SECTION 2 - PURPOSE AND INTENT

WHEREAS, tobacco use is the foremost preventable cause of premature death in the United States, causing over 400,000 deaths in the United States each year; and

WHEREAS, tobacco companies sell products that are addictive and inherently dangerous, causing cancer, heart disease, and other serious illnesses; and

WHEREAS, the City of Newburgh has a substantial interest in reducing the number of individuals of all ages who use cigarettes and other tobacco products, and a particular interest in protecting adolescents from tobacco dependence and the illnesses and premature death associated with tobacco use; and

WHEREAS, an overwhelming majority of Americans who use tobacco products begin using such products while they are adolescents and become addicted to those products before reaching the age of 18; and

WHEREAS, the prevention of adolescent tobacco product use is detailed in Article 13-F of the New York State Public Health Law, known as the Adolescent Tobacco Use Prevention Act (ATUPA) which expressly prohibits the sale of tobacco products to minors; and

WHEREAS, although it is unlawful to sell tobacco products to minors, New York State Department of Health, 2008 Youth Access Tobacco Enforcement Program Annual Report finds that 8.3% of New York retailers surveyed do sell to minors and the New York Youth Tobacco Survey 2008 finds that 20% of underage smokers in New York report that they usually purchase their cigarettes from a retail store; and

WHEREAS, research has found that higher tobacco retail outlet density is significantly associated with higher rates of youth smoking initiation and experimentation and suggests that preventing the display of tobacco products will lead to a significant decrease in the number of adolescents becoming addicted to those tobacco products and will assist individuals in their efforts to quit smoking; and

WHEREAS, the City of Newburgh has a substantial and important interest in reducing the illegal sale of tobacco products to minors; and

WHEREAS, restricting the number and the location of tobacco retailers and the display of tobacco products within those retail stores in the City is necessary to protect the public health, safety, and welfare of our youth; and

WHEREAS, a local licensing system for tobacco retailers which restricts the display of tobacco products is necessary and appropriate to protect the public health, safety, and welfare of our residents, particularly children, and will help ensure that retailers comply with the ATUPA, other tobacco control laws, and the business standards of the City of Newburgh; and

WHEREAS, studies have found a higher prevalence of current smoking at schools with more tobacco outlets within walking distance, and researchers suggest that limiting the proximity of tobacco outlets to schools may be an effective strategy to reduce youth smoking rates; and

WHEREAS, licensing laws in other communities have been effective in reducing the number of illegal tobacco sales to minors;

NOW, THEREFORE, BE IT RESOLVED THAT, it is the intent of the City of Newburgh to implement effective measures through this Chapter to reduce the number of tobacco retail outlets, regulate the location of tobacco retail outlets, stop the sale of tobacco products to youth, prevent the sale or distribution of contraband tobacco products, and facilitate the enforcement of tax laws and other applicable laws relating to tobacco products.

SECTION 3 - AMENDMENT

The Code of Ordinances of the City of Newburgh is hereby amended to add new Chapter 276 entitled "Tobacco", Article I entitled "Tobacco License" to read as follows:

ARTICLE I.

§ 276-1 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

ADMINISTRATIVE HEARING means a hearing by the City Manager or his designee.

ADULT-ONLY ESTABLISHMENT means a facility where the operator ensures or has a reasonable basis to believe (such as checking identification of any person appearing to be under the age of 25) that no person under the Legal Age is permitted entrance.

AGE-VERIFIED CUSTOMER means any individual who has presented a driver's license or other photographic identification card issued by a government entity or educational institution indicating that the individual is of Legal Age. Such identification need not be required of any individual who reasonably appears to be at least twenty-five years of age, provided however that such appearance shall constitute a defense in any proceeding alleging a violation of this Chapter. It shall be an affirmative defense to a violation of this Chapter that the Tobacco Retailer successfully performed a Transaction Scan of an individual's identification as defined by New York Public Health Law Section 1399-cc and that a Tobacco Menu or Tobacco Product or Tobacco-Related Product was provided to such individual in reasonable reliance upon such identification and transaction scan.

APPLICANT means an individual, partnership, limited liability company, corporation, or other business entity seeking a Tobacco Retail License.

CITY CLERK means the City Clerk or Deputy City Clerk.

LEGAL AGE means the minimum age at which individuals are permitted to legally purchase tobacco products or tobacco-related products.

NEW TOBACCO RETAIL LICENSE means any Tobacco Retail License that is not a Renewed Tobacco Retail License.

PERSON means any natural person, company, corporation, firm, partnership, business, organization, or other legal entity.

POLICE DEPARTMENT means the City of Newburgh Police Department.

RENEWED TOBACCO RETAIL LICENSE means a Tobacco Retail License issued to an Applicant for the same location at which the Applicant possessed a valid Tobacco Retail License during the previous year.

SCHOOL means a public or private kindergarten, elementary, middle, junior high, or high school.

TOBACCO MENU means a booklet, pamphlet or list that contains a listing of tobacco products or tobacco-related products offered for sale by the Tobacco Retailer and the price of such products. The Tobacco Menu may contain pictures of and advertisements for Tobacco Products or Tobacco-Related Products.

TOBACCO PRODUCT or TOBACCO-RELATED PRODUCT means any manufactured product containing tobacco or nicotine, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus, shisha, powdered and/or dissolvable tobacco products, and electronic cigarette cartridges, whether packaged or not; any packaging that indicates it might contain any substance containing tobacco or nicotine; or any object utilized for the purpose of smoking or inhaling tobacco or nicotine products. However, "Tobacco Product" or "Tobacco-Related Product" does not include any product that has been approved by the U.S. Food and Drug Administration, pursuant to its authority over drugs and devices, for sale as a tobacco use cessation product or for other medical purposes and is being marketed and sold solely for that approved purpose.

TOBACCO RETAILER means any Person who sells or offers for sale any Tobacco Product or Tobacco-Related Product or any employee of such a Person.

TOBACCO RETAIL LICENSE means a license issued by the Department to a Person to engage in the retail sale of Tobacco Products or Tobacco-Related Products in the City of Newburgh.

§ 276-2 Tobacco Retail License

A. Starting October 1, 2014, no Person shall sell, offer for sale, or permit the sale of Tobacco Products or Tobacco-Related Products to consumers in the City of Newburgh, without a valid Tobacco Retail License issued by the City Clerk. A Tobacco Retail License is not required for a wholesale dealer who sells Tobacco Products or Tobacco-Related Products to retail dealers for the purpose of resale only and does not sell any Tobacco Products or Tobacco-Related Products directly to consumers.

B. All Tobacco Retail Licenses issued pursuant to this section are nontransferable and non-assignable and are valid only for the Applicant and the specific address indicated on the Tobacco Retail License with the following exceptions:

(1) A valid and current Tobacco Retail License may be transferred from a location where an applicant holds a valid and current Tobacco Retail License within 100 feet of the nearest point of the property line of a School to a new location as long as the new location complies with this law.

(2) A valid and current Tobacco Retail License may be transferred from an existing applicant who owns a business with a valid Tobacco Retail License to a new applicant who purchases this

business, when operations of the business are staying at the same location and within the same scope.

C. All Tobacco Retail Licenses issued pursuant to this section are valid for no more than two years and expire on January 1 following the effective date of the Tobacco Retail License.

D. Applications for a New Tobacco Retail License shall be made on a form specified by the City Clerk, at least 30 days prior to October 1, 2014. The City Clerk may require such forms to be signed and verified by the Applicant or an authorized agent thereof.

E. Applications for a Renewed Tobacco Retail License shall be made on a form specified by the City Clerk at least 30 days prior to the expiration of the current license. The City Clerk may require such forms to be signed and verified by the Applicant or an authorized agent thereof.

F. Applications for a new or renewed Tobacco Retail License shall be accompanied by the fee set forth in Section 276-7.

G. The issuance of any Tobacco Retail License pursuant to this Chapter is done in the discretion of the City of Newburgh and shall not confer upon licensee any property rights in the continued possession of such a license.

§ 276-3 Issuance of Licenses

A. Upon the receipt of a completed application for a New or Renewed Tobacco Retail License and the fee required by Section 276-7, the Police Department shall inspect the location at which tobacco sales are to be permitted.

B. No Tobacco Retail License shall be issued by the City Clerk to an Applicant if one or more of the following bases for denial exists:

- (1) The information presented in the application is incomplete, inaccurate, false, or misleading;
- (2) The fee for the application has not been paid as required;
- (3) The Applicant does not possess a valid certificate of registration as a tobacco retail dealer from the New York State Department of Taxation and Finance at the location for which an application is requested;
- (4) The Applicant seeks a New Tobacco Retail License at a location for which this Local Law prohibits the issuance of a New Tobacco Retail License;
- (5) The Applicant has previously had a Tobacco Retail License issued under this Local

Law revoked;

- (6) The Applicant has not paid to the City of Newburgh outstanding fees, fines, penalties, or other charges owed to the City of Newburgh.
- (7) The Applicant has not complied with the tobacco display provisions set forth in Section 276-5 of this Chapter. Applicants which are Adult-Only Establishments are exempt from this requirement as set forth in Section 276-5(D).

§ 276-4 Certain Locations

- A. No Tobacco Retail License shall be issued to any seller of tobacco products or tobacco-related products that is not in a fixed, permanent location.
- B. With the exception of the first year subsequent to effective date of this Local Law, no New Tobacco Retail License shall be issued to any establishment within 100 feet of the nearest point of the property line of a School.

§ 276-5 Display of Tobacco Products or Tobacco Related Products Prohibited

A. No Tobacco Retailer shall display or permit the display of any Tobacco Product or Tobacco-Related Product in a manner that permits a consumer to view any Tobacco Product or Tobacco-Related Product prior to purchase. Except as provided in subsection 276-5(B), this Section is not violated if:

- (1) At the direct request of an Age-Verified Customer, such customer handles a Tobacco Product or Tobacco-Related Product to inspect the product for quality and freshness prior to purchase; or
- (2) Tobacco Products or Tobacco-Related Products are temporarily visible during restocking, the sale of the Tobacco Products or Tobacco-Related Products or the carrying of the Tobacco Products or Tobacco-Related Products into or out of the premises.

B. No Tobacco Retailer shall display or permit the display of any Tobacco Product or Tobacco-Related Product for any longer than is necessary to complete the purposes identified in subsection 276-5(A)(1) or subsection 276-5(A)(2).

C. Use of Tobacco Menu

- (1) No Tobacco Retailer shall store any Tobacco Menu in a location where it is visible to customers or accessible to customers without the assistance of a Tobacco Retailer.

- (2) No Tobacco Retailer shall provide any Tobacco Menu to any individual other than an Age-Verified Customer.
- (3) After a customer has completed viewing a Tobacco Menu, the Tobacco Retailer shall immediately return the Tobacco Menu to its storage location.
- (4) Any tobacco advertisements or promotions included in the Tobacco Menu shall include any warning labels required by federal law or regulation.

D. The requirements of Section 276-5(A), (B) and (C) shall not apply to Adult-Only Establishments.

§ 276-6 Required License Display

A. Any Tobacco Retail License issued pursuant to this Local Law shall be displayed prominently at the location where the Tobacco Products or Tobacco-Related Products are sold so that it is readily visible to customers.

B. Selling, offering for sale, or permitting the sale of any Tobacco Product or Tobacco-Related Product without a valid Tobacco Retail License displayed in accordance with Section 276-6(A) constitutes a violation of this Local Law.

§ 276-7 Required Fee

A. Each application for a New or Renewed Tobacco Retail License shall be accompanied by a fee as set forth in Chapter 163 "Fees" of the Code of Ordinances of the City of Newburgh.

B. Starting two years after the effective date of this Chapter, the City Council may, on an annual basis, modify the fee required pursuant to Section 276-7(A). The fee shall be calculated so as to recover the cost of administration and enforcement of this Chapter, including, for example, issuing a license, administering the license program, retailer education, retailer inspection and compliance checks, documentation of violations, and prosecution of violators, but shall not exceed the cost of the regulatory program authorized by this Chapter. All fees and interest upon proceeds of fees shall be used exclusively to fund the program. Fees are nonrefundable except as may be required by law.

§ 276-8 Revocation or Suspension of Licenses

Any Person who is found to be in violation of the terms and conditions of this Local Law or for violation of any federal, state, or local law or regulation pertaining to (a) the display of Tobacco Products or Tobacco-Related Products or of health warnings pertaining to Tobacco Products or Tobacco-Related Products, or (b) the sale of Tobacco Products or Tobacco-Related Products shall

have their City of Newburgh License suspended for up to 3 months for a first offense, 6 months for a second offense, or revoked for a third offense, after notice and an opportunity to be heard at an administrative hearing before the City Manager or his designee.

§ 276-9 Violations and Enforcement

A. The Police Department shall enforce the provisions of this Local Law. The Police Department may conduct periodic inspections in order to ensure compliance with this Local Law.

B. In addition to the penalties provided for in Section 276-8, any Person found to be in violation of this Local Law shall be guilty, upon conviction, of an offense punishable by a fine of not less than \$500.00 for the first violation; not more than \$1,000 for a second violation; and not more than \$2,000.00 for the third and each subsequent violation within a two-year period or by imprisonment for a period not exceeding 1 year, or by both such fine and imprisonment. Each day on which a violation occurs shall be considered a separate and distinct violation.

§ 276-10 Severability

The provisions of this Local Law are declared to be severable, and if any section or subsection of this Local Law is held to be invalid, such invalidity shall not affect the other provisions of this Local Law that can be given effect without the invalidated provision.

SECTION 4 - VALIDITY

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

SECTION 5 - EFFECTIVE DATE

This Local Law shall be effective on October 1, 2014 and upon the filing in the Office of the New York State Secretary of State in accordance with the provisions of New York State Municipal Home Rule Law.

RESOLUTION NO.: 177 - 2014

OF

JULY 14, 2014

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO REQUEST THAT THE NEW YORK STATE DEPARTMENT
OF TRANSPORTATION COMMENCE EMERGENCY WORK
TO REHABILITATE THE LAKE STREET BRIDGE (BIN#2022260) OVER THE
QUASSAICK CREEK**

WHEREAS, McLaren Engineering Group was contracted by the City of Newburgh to perform an emergency inspection of the Lake Street Bridge located on Route 32 in the City of Newburgh; and

WHEREAS, such inspection concluded that the metal arch culvert is in critical condition due to severe corrosion in the plate joints, particularly those aligned with the sewer line supported by the structure; and

WHEREAS, severe corrosion with perforations were reported in the New York State Department of Transportation Diving Inspection Report dated September 30, 2013 and red flagged at that time, and has advanced to the point of failure with up to a 56 foot length of the end wall exhibiting this condition; and

WHEREAS, McLaren Engineering Group has recommended that the bridge be rehabilitated on a priority basis; and

WHEREAS, this Council has determined that rehabilitation of the Lake Street Bridge on a priority basis is in the best interests of the City of Newburgh, the surrounding communities and the safety of its travelers;

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 request that the New York State Department of Transportation commence emergency work to rehabilitate the Lake Street Bridge over the Quassaick Creek.

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.: 178 - 2014

OF

JULY 14, 2014

**A RESOLUTION TO REQUIRE DISCLOSURE AND TRACKING OF SERVICE
CONTRACTS AWARDED BY THE CITY OF NEWBURGH**

WHEREAS, transparency is part of good government and providing access to information is a duty and responsibility of good government; and

WHEREAS, service contracts approved by the City of Newburgh impact the annual budget, services delivered, and taxes; and

WHEREAS, the public has a right to know how much the City of Newburgh is spending on service contracts;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City of Newburgh hereby establishes a policy to promote the tracking and disclosure, via a publicly available website (the City's) all contracts approved that are valued in excess of \$5,000 as of January 1, 2014 and continuing until such time as this resolution is amended; and

BE IT FURTHER RESOLVED, that this means among other things the City of Newburgh should disclose, via a publicly available website (the City's own) all contracts issued by and executed by the City. Such disclosure shall contain a copy of the entire contract posted once fully executed along with the corresponding bid package; and

BE IT FURTHER RESOLVED, that the governing jurisdiction shall establish and maintain an online excel database of all contracts that is accessible, searchable, sortable and downloadable to the general public. The database shall include, but is not limited to, the following: a) description of the contract and services being purchased; b) name of agency, department, or division contracting for the service; c) a scanned copy of resolution approving contract; d) a scanned copy of the entire contract and bid package; and

BE IT FURTHER RESOLVED, that no less than annually the amounts of money paid on account of each such service contract shall be presented to City Council detailing the total spending on total service contracts.

Mayor Kennedy remarked that it might not be a bad idea to include third-party contracts as someone suggested earlier. She pointed out that this is just another step that this council is taking to put together processes and policies to ensure that we are doing business in a professional way. She thanked Councilwoman Mejia for creating this next step.

Councilwoman Mejia stated that this is one of the suggestions she brought forth, in which she felt was extremely important. We can certainly go ahead and add third-party contracts. Any contracts after January 1, 2014 would get covered under this.

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.: 179 - 2014

OF

JULY 14, 2014

A RESOLUTION AUTHORIZING THE SETTLEMENT OF
LITIGATION REGARDING THE IN REM TAX FORECLOSURE
OF LIENS FOR THE YEAR 2012 RELATIVE TO
184 LIBERTY STREET (SECTION 31, BLOCK 1, LOT 23)

WHEREAS, The City of Newburgh commenced proceedings for the foreclosure of certain tax liens, such action being designated as Orange County Index Number 2012-010220; and

WHEREAS, the National Association for The Advancement of Colored People (“NAACP”) has advised the City that they are prepared to settle such action; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh to settle this matter without the need for litigation;

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 withdraw the lien on the property located at 184 Liberty Street (Section 31, Block 1, Lot 23), in the City of Newburgh, from the List of Delinquent Taxes, provided that the sum of Fifty Thousand Four Hundred Thirty Three and 93/100 (\$50,433.93) Dollars representing the past due tax lien, together with all interest and penalties accruing thereon, together with all currently due taxes and charges, including but not limited to all open 2013-2014 school taxes, water charges and sewer charges, are all paid in full by certified or bank check on or before July 31, 2014.

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.: 180 - 2014

OF

JULY 14, 2014

A RESOLUTION AUTHORIZING THE SETTLEMENT OF
LITIGATION REGARDING THE IN REM TAX FORECLOSURE
OF LIENS FOR THE YEAR 2012 RELATIVE TO
1 MEMORIAL DRIVE (SECTION 6, BLOCK 4, LOT 8)

WHEREAS, The City of Newburgh commenced proceedings for the foreclosure of certain tax liens, such action being designated as Orange County Index Number 2012-010220; and

WHEREAS, the daughter of property owner Emma Muenze has advised the City that they are prepared to settle such action; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh to settle this matter without the need for litigation;

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 withdraw the lien on the property located at 1 Memorial Drive (Section 6, Block 4, Lot 8), in the City of Newburgh, from the List of Delinquent Taxes, provided that the sum of Twenty One Thousand One Hundred Fifty Two and 31/100 (\$21,152.31) Dollars representing the past due tax lien, together with all interest and penalties accruing thereon, together with all currently due taxes and charges, including but not limited to all open 2013-2014 school taxes, water charges and sewer charges, are all paid in full by certified or bank check on or before July 31, 2014.

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.: 181 - 2014

OF

JULY 14, 2014

A RESOLUTION AUTHORIZING THE SETTLEMENT OF
LITIGATION REGARDING THE IN REM TAX FORECLOSURE
OF LIENS FOR THE YEAR 2011 RELATIVE TO
67 MAPLE STREET (SECTION 25, BLOCK 1, LOT 67)

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

WHEREAS, property owners Richard and Anthony Suraci served an Answer to such action in regard to the foreclosure of 67 Maple Street (Section 25, Block 1, Lot 67); and

WHEREAS, the owners have advised the City that they are prepared to settle such action;
and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh and its further development to settle this matter without the need for litigation;

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 withdraw the liens on the property located at 67 Maple Street (Section 25, Block 1, Lot 67), City of Newburgh, from the List of Delinquent Taxes, provided that the sum of Sixteen Thousand Seven Hundred Thirty Nine And 04/100 (\$16,739.04) Dollars representing substantially all past due tax liens, together with all interest and penalties accruing thereon, together with all currently due taxes and charges, including but not limited to all open 2013-2014 school taxes, water charges and sewer charges, are all paid in full by certified or bank check on or before July 31, 2014.

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.: 182 - 2014

OF

JULY 14, 2014

A RESOLUTION TO AUTHORIZE THE RE-PURCHASE OF
REAL PROPERTY KNOWN AS 66 CARSON AVENUE
(SECTION 45, BLOCK 6, LOT 30) AND
72 WILLIAM STREET (SECTION 38, BLOCK 4, LOT 31)
AT PRIVATE SALE TO SERGIO MURILLO

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, Sergio Murillo, the former owner of 66 Carson Avenue and 72 William Street, being more accurately described as Section 45, Block 6, Lot 30 and Section 38, Block 4, Lot 31, respectively, on the official tax map of the City of Newburgh, has requested to re-purchase the properties 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 66 Carson Avenue, Section 45, Block 6, Lot 30 and 72 William Street, Section 38, Block 4, Lot 31, to Sergio Murillo be and hereby is confirmed and that the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of all past due tax liens, together with all interest and penalties accruing thereon, and all currently due taxes and charges are paid, in full, for a total amount of Thirty Three Thousand Five Hundred Forty Nine and 86/100 (\$33,549.86) Dollars, no later than July 31, 2014; 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 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.: 183 - 2014

OF

JULY 14, 2014

A RESOLUTION AUTHORIZING THE RE-PURCHASE OF
REAL PROPERTY KNOWN AS 135 CHAMBERS STREET
(SECTION 18, BLOCK 4, LOT 22)
AT PRIVATE SALE TO MOM HAVEN 12 LP

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, the former owner of 135 Chambers Street, being more accurately described as Section 18, Block 4, Lot 22 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, by Resolution No.: 75-2014 of March 24, 2014, approved the former owners request to re-purchase 135 Chambers Street (Section 18, Block 4, Lot 22) on or before April 30, 2014; and

WHEREAS, a closing of title has not taken place and the property is still owned by the City of Newburgh; and

WHEREAS, the City Council of the City of Newburgh, New York, 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 135 Chambers Street, Section 18, Block 4, Lot 22, to Mom Haven 12 LP be and hereby is confirmed and that the Interim City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchasers upon receipt of all past due tax liens, together with all interest and penalties accruing thereon, and all currently due taxes and charges are paid, in full,

for a total amount of Nine Thousand One Hundred Forty Nine and 59/100 (\$9,149.59) Dollars, no later than July 31, 2014; 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 Mejia 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.: 184 - 2014

OF

JULY 14, 2014

A RESOLUTION TO AUTHORIZE THE PURCHASE OF
REAL PROPERTY KNOWN AS 62 CAMPBELL STREET
(SECTION 23, BLOCK 2, LOT 13)
AT PRIVATE SALE TO CHAMPION MORTGAGE

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, Champion Mortgage, the holder of a reverse mortgage for 62 Campbell Street, being more accurately described as Section 23, Block 2, Lot 13 on the official tax map of the City of Newburgh, has requested to purchase the property at private sale; and

WHEREAS, the City Council, by Resolution No.: 260-2013 of December 9, 2013, approved the request to purchase 62 Campbell Street (Section 23, Block 2, Lot 13) on or before December 31, 2013; and

WHEREAS, a closing of title has not taken place and the property is still owned by the City of Newburgh; 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 bank to purchase this property 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 62 Campbell Street, Section 23, Block 2, Lot 13, to Champion Mortgage, or any affiliated lending institution, be and hereby is confirmed and that the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of all past due tax liens, together with all interest and penalties accruing thereon, and all currently due taxes and charges are paid, in full, for a total amount of Twenty Eight Thousand Five Hundred Six and 47/100 (\$28,506.47) Dollars, no later than July 31, 2014; 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 Mejia 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.: 185 - 2014

OF

JULY 14, 2014

A RESOLUTION TO AUTHORIZE A SETTLEMENT IN THE MATTER OF
SATA, LLC AGAINST THE CITY OF NEWBURGH
AND MESH REALTY WITH RESPECT TO PROPERTY LOCATED AT
194 LANDER STREET (SECTION 11, BLOCK 2, LOT 11)

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, the former owner has brought a claim against the City of Newburgh seeking to vacate the tax foreclosure of 194 Lander Street, being more accurately described as Section 11, Block 2, Lot 11 on the official tax map of the City of Newburgh; and

WHEREAS, the former property owner has advised the City that they are prepared to settle the claim; 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 further 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 194 Lander Street, Section 11, Block 2, Lot 11, to SATA, LLC be and hereby is confirmed and that the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of all past due tax liens, together with all interest and penalties accruing thereon, and all currently due taxes and charges are paid, in full, for a total amount of Twenty Two Thousand Seven Hundred Thirty Five and 37/100 (\$22,735.37) Dollars, no later than July 31, 2014; and that the City Manager is authorized to execute all such documentation and take such further actions as may be appropriate and necessary to settle such claim.

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.: 186 - 2014

OF

JULY 14, 2014

A RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY KNOWN AS
16 WILKIN STREET (SECTION 26, BLOCK 3, LOT 21)
TO HABITAT FOR HUMANITY OF GREATER NEWBURGH, INC. AT PRIVATE SALE
AND AUTHORIZING THE CITY MANAGER
TO EXECUTE A LICENSE AGREEMENT WITH HABITAT FOR HUMANITY OF
GREATER NEWBURGH, INC. TO PERMIT ACCESS TO CITY OWNED PROPERTY
FOR THE REHABILITATION PROJECT

WHEREAS, by Resolution No.: 80-2014 of April 14, 2014, the City Council of the City of Newburgh, New York authorized the execution of a License Agreement with Habitat for Humanity of Greater Newburgh, Inc. to allow them access to 21 City-owned properties, including 16 Wilkin Street more accurately described as Section 26, Block 3, Lot 21 on the official tax map of the City of Newburgh, for the purposes of continuing for performing certain predevelopment activities to determine whether to purchase such properties; and

WHEREAS, Habitat for Humanity of Greater Newburgh, Inc. (hereinafter referred to as "Habitat") is a well-recognized nonprofit organization whose goal is to strengthen communities by helping to build houses with families in need; and

WHEREAS, the mission of Habitat is to eliminate poverty housing and make simple, decent houses available through volunteer labor and tax-deductible donations of money and materials; and

WHEREAS, Habitat requested to purchase 16 Wilkin Street (Section 26, Block 3, Lot 21) in the City of Newburgh for the purpose of renovating and rehabilitating the property; and

WHEREAS, Habitat seeks no federal, state or City funding for the restoration of such premises and, therefore, requests that the City sell such property for a nominal consideration; and

WHEREAS, Habitat further requests a License Agreement for access to the property by Habitat and its employees, agents, volunteers and contractors for renovation and construction activity prior to the closing of title; and

WHEREAS, the City Council has determined that it would be in the best interest of the City of Newburgh, its residents and future development to sell said property to Habitat for \$1.00 and other valuable consideration subject to the following conditions:

1. That Habitat homes are sold as single family homes, at no profit, constructed in part with sweat equity from the prospective homeowners and financed with affordable no interest mortgages; and
2. That Habitat will rehabilitate and obtain a Certificate of Occupancy for 16 Wilkin Street from the City Building Department within eighteen (18) months from the date of taking title; and
3. A closing will take place on or before October 14, 2014 and upon the re-sale to the owner-occupants, the properties shall become subject to taxation;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and is hereby authorized and directed to execute and deliver a quitclaim deed to sell the properties described above, to Habitat for Humanity of Greater Newburgh, Inc., for the nominal price of One (\$1.00) Dollar, and in consideration of the above listed conditions of sale; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the attached license agreement with Habitat for Humanity of Greater Newburgh, Inc., and their employees, agents, volunteers and contractors for access to 16 Wilkin Street for renovation and construction activity in connection with the rehabilitation of 16 Wilkin Street; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute a proxy statement allowing Habitat for Humanity of Greater Newburgh, Inc. to apply for all necessary building permits for the rehabilitation of 16 Wilkin Street prior to the closing of title.

Mayor Kennedy would like to talk with the organization about moving its Re-Store to another location. Habitat is not the only organization that voiced safety concerns. Safety is something that we have to continue to work on. But in terms of the work it does in the community, and helping to bring about homeownership, she supports the organization. Habitat has been a great boon to moving this city forward. She does not want us to cut off our nose to spite our face.

Councilwoman Lee wanted some clarity. How is Habitat going to work with the City of Newburgh if they are unable to conduct its business in the City of

Newburgh? She recommended that the council table this resolution until we find out the organization's plans.

VOTE TO TABLE:

Councilwoman Lee moved to table the resolution. The motion was not seconded, therefore it was dismissed.

VOTE:

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Mejia, Mayor Kennedy-6

No- Councilwoman Lee-1

ADOPTED

RESOLUTION NO.: 187- 2014

OF

JULY 14, 2014

A RESOLUTION AUTHORIZING THE TRANSFER OF REAL PROPERTY
TO THE NEWBURGH COMMUNITY LANDBANK

WHEREAS, the Newburgh Community Land Bank was incorporated pursuant to Article 16 and Section 402 of the Not-for-Profit Corporation Law and is a Type C Not-For-Profit corporation as defined in Section 201 of the Not-For-Profit Corporation Law; and

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

WHEREAS, upon the request of the Newburgh Community Land Bank, this Council has determined that transferring title of the parcels on the attached Schedule "A" is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh that the sale of the properties on the list attached hereto as Schedule "A" to the Newburgh Community Land Bank be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to the Newburgh Community Land Bank; and

BE IT FURTHER RESOLVED, that the City Council of the City of Newburgh the properties are to be transferred to the Newburgh Community Land Bank subject to the Disposition Policies of the Newburgh Community Land Bank annexed hereto and made part hereof as Schedule "B"; and

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

Councilwoman Lee would like to see a proposal from the LandBank outlining what it has done and how it plans to move forward. She recommended that this resolution be tabled otherwise she will vote against it.

Mayor Kennedy pointed out that one of properties on the list has sat vacant and has become an eyesore in the city. The LandBank currently has a prospective buyer for the property. We, as a city, have not been very good at disposing of our property. Hence this is the reason the LandBank was created in the first place. They have the ability to work faster. The goal of the LandBank is not to make money off of it. It is to get these properties fixed and back onto the tax roll.

VOTE TO TABLE:

Councilwoman Lee moved to table the resolution. The motion was not seconded, therefore it was dismissed.

VOTE:

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Mejia, Mayor Kennedy-6

No- Councilwoman Lee-1

ADOPTED

SCHEDULE
"A"

SECTION	BLOCK	LOT	STREET NUMBER	STREET
30	5	22	96	Broadway
30	1	35	10	Dubois Street
29	6	4	17	Dubois Street
29	5	17	37	Dubois Street
30	1	44	38	Dubois Street
29	5	16	39	Dubois Street
29	5	11	49	Dubois Street
30	1	51	54	Dubois Street
18	6	17	157	Grand Street
30	2	11	39	Johnston Street
36	4	16	104	Washington Street

ORDINANCE NO.: 1- 2014

OF

JULY 14, 2014

AN ORDINANCE RESCINDING THE LANGUAGE CONTAINED IN
CHAPTER 72 OF THE CODE OF THE CITY OF NEWBURGH ENTITLED
“POLICE COMMUNITY RELATIONS ADVISORY COUNCIL” AND AMENDING SAME
BY SUBSTITUTING THEREFOR A NEW CHAPTER 72 ENTITLED
“POLICE COMMUNITY RELATIONS AND REVIEW BOARD”

BE IT ORDAINED, by the Council of the City of Newburgh, New York that the language contained in Chapter 72, entitled “Police Community Relations Advisory Council,” of the Code of Ordinances of the City of Newburgh be and is hereby repealed and that the same is hereby amended to read as follows:

SECTION 1. Chapter 72, Police Community Relations and Review Board

§ 72-1 Findings and purpose.

- A. The City Council of the City of Newburgh finds that it is in the public interest of the citizens of the City of Newburgh have an effective forum to improve the relationship between the community and the City of Newburgh Police Department through the exchange of ideas and discussion of problems within the City relating to crime and crime prevention and other law enforcement objectives.
- B. The City Council further finds that it is important to have a method by which City residents can make requests for law enforcement related services.
- C. The City Council further finds that an effective program to improve the relationship between the community and the City of Newburgh Police Department requires an independent authority to review the conduct of law enforcement officials.
- D. The purpose of Chapter 72 of the City Code of Ordinances is to create an independent, non-exclusive body to review complaints of misconduct by members of the City of Newburgh Police Department. The goals of this Chapter are to improve the communication between the City of Newburgh Police Department and the community, to increase police accountability and credibility with the public and to create a fair and impartial complaint process.

§ 72-2 Definitions.

For purposes of this Chapter, the following words and phrases shall have the meaning described in this section:

CHIEF - The Police Chief of the City of Newburgh Police Department

COMPLAINT – A written statement concerning police conduct which is submitted to the Police Community Relations and Review Board or filed directly with the City of Newburgh Police Department.

IMMEDIATE FAMILY – spouse, domestic partner, child, step-child, mother, father, mother-in-law, father-in-law, grandparent.

MEDIATION – a structured dispute resolution process in which a neutral third party assists the disputants to reach a negotiated settlement of their differences.

OFFICER – sworn member of the City of Newburgh Police Department.

PCRRB – Police Community Relations and Review Board.

PROFESSIONAL STANDARDS – Administrative Lieutenant of the City of Newburgh Police Department

§ 72-3 Composition, appointment, removal and vacancy.

A. There is hereby established a Police Community Relations and Review Board comprised of nine members.

B. Appointment to the PCRRB shall be made as follows:

1. Two members from each of the four wards shall be appointed by the Council member elected from each ward.

2. One member shall be appointed by the City Council and such member shall be designated as the Chair of the PCRRB.

3. If a Council member fails or refuses to appoint a member to the PCRRB under Section 72-3(B)(1) and a vacancy exists for more than sixty days from the date the notice of vacancy is provided to the City Council by the PCRRB Chair, then the City Council as a whole may make such appointment.

4. When a PCRRB vacancy has existed for at least 60 days from the date the notice of vacancy is provided to the City Council by PCRRB Chair and the City Council has not acted to make an appointment to fill such vacancy, the PCRRB, by a simple majority, shall have the right to nominate person(s) for review and appointment by the City Council.

C. Terms.

1. Members shall be appointed for two year terms; provided, however that of the members initially appointed by the Council member representing a ward, one shall be for a term of one year and one shall be for a term of two years.
2. No member of the PCRRB shall serve for a period which exceeds two full consecutive terms; provided, however, that a member may be considered for reappointment after one year of non-membership.
3. Members shall continue to serve on the PCRRB until their successors are appointed.

D. Removal.

1. The PCRRB, by a simple majority vote of the entire board, may upon good cause request that the City Council remove a PCRRB member where appropriate.
2. The Mayor and/or a City Council member may upon good cause request that the City Council remove a PCRRB member.
3. PCRRB members may be removed from the PCRRB by a majority plus one vote of the City Council.

- E. Vacancies. Any vacancy which occurs by resignation, death or removal of a PCRRB member shall be filled within sixty days in the same manner as the predecessor to fill the unexpired term.

§ 72-4 Members.

A. Qualifications of members:

1. Members of the PCRRB shall reside in the City of Newburgh and be at least eighteen years old at the time of appointment.
2. Members of PCRRB shall possess a reputation for fairness, integrity and responsibility and have demonstrated an active interest in public affairs and service.
3. The City Council shall endeavor to reflect the City's diverse community with respect to age, disability, ethnicity, race, gender, sexual orientation, income level and experience in making their appointments.
4. Members of the PCRRB or members of their immediate family shall not be employed by the City of Newburgh Police Department or any local, state or federal law enforcement agency.

5. Members of the PCRRB shall not be members of the immediate family of any incumbent elected official of the City of Newburgh nor have any financial ties with either members of the City of Newburgh Police Department or any incumbent elected official of the City of Newburgh.

6. No practicing attorney or member of his or her firm, or the immediate family of an attorney or member of his or her family who represents a plaintiff or defendant in a police misconduct lawsuit initiated against the City of Newburgh Police Department, the Police Chief of the City of Newburgh or the Newburgh PBA or a plaintiff or any family member of a plaintiff in such case shall be a member of the PCRRB.

B. Member Responsibilities: PCRRB members shall:

1. Obey all laws respecting individuals' rights of privacy and confidentiality of records.
2. Recuse themselves from participating in the review of any complaint in which they have a personal, professional or financial conflict of interest.
3. Conduct themselves at all times in a manner that will maintain public confidence in the fairness, impartiality, integrity of the PCRRB and refrain from making any prejudicial comments with respect to the PCRRB, complainants or police officers.

§ 72-5 Powers and duties.

A. Training. The PCRRB shall seek and participate in a broad and independent range of training necessary to pursue the duties and responsibilities of the PCRRB as approved and funded by the City Council.

B. Meetings and administration.

1. The PCRRB shall adopt and the City Council shall approve, rules and bylaws for the transaction of PCRRB affairs, including the manner of calling and giving notice of special meetings and the appointment and duties of any special committees.
2. The PCRRB shall hold regular monthly business meetings.
3. Five members of the PCRRB shall constitute a quorum. A quorum must be present to conduct business. Five votes shall be required for any action by the PCRRB.
4. The PCRRB shall hold its initial meeting within sixty (60) days after the initial appointments are made. At its initial meeting, the PCRRB shall fix the time and place for its regularly scheduled meetings.

5. The PCRRB may conduct both public and closed meetings as allowed or required by the New York State Public Officers Law, Article 7, known as the Open Meetings Law.

C. Recommendations, reports.

1. The PCRRB may make recommendations to the City Council and the Police Department regarding law enforcement, crime, crime prevention and improved relations with the community.
2. The PCRRB shall file annual reports with the City Council, City Manager and the Police Chief which contain statistics and summaries of citizen complaints, including a comparison of the PCRRB's findings with the final determination of the City of Newburgh Police Department.

D. Community outreach and education. In addition to regular monthly business meetings, the PCRRB shall hold public meetings in each ward a minimum of once each year for the purposes of inviting and facilitating public discussion between the City of Newburgh Police Department and City residents regarding law enforcement and services, crime and crime prevention and community relations within the City of Newburgh.

F. Filing of complaints. Complaints concerning police conduct shall be filed with the PCRRB and the City of Newburgh Police Department as provided in this subsection.

1. Complaints shall be lodged in writing on the City of Newburgh Citizen Complaint Form as reviewed and approved by the PCRRB for such purpose and shall be signed by the complainant. Complaints shall be filed with the PCRRB at the Executive Office, City Hall, 83 Broadway, Newburgh NY or with the City of Newburgh Police Department, 55 Broadway, Newburgh, NY. Complaint forms shall be printed in English and Spanish and shall be available at the City of Newburgh Police Department, the City Hall Executive Office and the City Clerk's Office.
2. A copy of each complaint filed with the PCRRB shall be forwarded to the City of Newburgh Police Department within five working days of its receipt. A copy of each complaint filed with the City of Newburgh Police Department shall be provided to the PCRRB within five working days of receipt by the Police Department.
3. Complaints shall be filed within six months of the date of the alleged incident giving rise to the complaint. Complaints filed after six months from the date of the alleged incident shall be returned or the PCRRB may accept and review such complaint upon an affirmative vote of five members of the PCRRB.

G. Review of complaints. A review of a complaint shall proceed as provided in this subsection.

1. Investigation of complaints;

a. The City of Newburgh Police Chief or his designee shall investigate every complaint filed with the City of Newburgh Police Department or the PCRRB. The Chief shall file with the PCRRB quarterly reports on the status of the investigation of each complaint.

b. The Police Chief or his designee shall begin its investigation of each complaint immediately upon receipt of the complaint. If the Police Chief or his designee fails to conclude the investigation within sixty (60) days of the receipt of the complaint, he shall advise the PCRRB in writing of the status of the investigation and the estimated time for the conclusion of the investigation. Thereafter, the Police Chief or his designee shall advise the PCRRB in writing of the status of the investigation every thirty (30) days until the conclusion of the investigation.

c. Within ten (10) working days of the conclusion of the Police Chief's investigation, he shall submit a preliminary report of his findings to the PCRRB.

d. After review and deliberation of the preliminary findings of the Police Chief, the PCRRB shall:

- i. render its findings pursuant to Section 72-5(G)(2); or
- ii. request that the Police Chief or his designee conduct further investigation of the complaint; or
- iii. obtain additional case-specific information from the Police Chief, including but not limited to written materials, audio or video tapes and related documents; or
- iv. refer the complaint to mediation as provided in Section 72-6.

e. In the event that the PCRRB is dissatisfied with the extent and/or quality of the Chief's investigation, it shall promptly inform the City Council in writing of the specific deficiency of the investigation. In such event, the PCRRB may seek authorization from the City Council to conduct an investigation with the services of an outside independent investigator. The investigator shall be selected on a rotating basis from a panel of investigators comprised of certified investigators, attorneys, retired judges and similarly qualified individuals who are approved by the City Council. The use of an outside independent investigator shall be limited to complaints alleging use of excessive force or civil rights violations.

2. Findings of the PCRRB.

a. The PCRRB, after review and deliberation of an investigation, shall, by majority vote, make one of the following findings on the complaint:

- i. Sustained - where the review disclosed sufficient facts to prove the allegations made in the complaint.

- ii. Not Sustained – where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.
- iii. Exonerated – where the acts which provide the basis for the complaint occurred but the review shows that such acts were proper.
- iv. Unfounded – where the review shows that the act or acts complained of did not occur or were misconstrued.
- v. Ineffective Policy or Training – where the matter does not involve guilt or lack thereof but rather ineffective departmental policy or training to address the situation.
- vi. No Finding – where the complaint failed to produce information to further the investigation; where the investigation revealed that another agency was responsible and the complaint or complainant has been referred to that agency; where the complainant withdrew the complaint; where the complainant is unable to clarify the complaint; or where the officer is no longer employed by the City.
- vii. Mediated – where the complaint is resolved by mediation.

b. If the PCRRB fails to render any finding referenced above within sixty (60) days of its receipt of the preliminary report of the Chief's findings, the complaint file shall be returned to the Chief for disposition of the matter, unless the PCRRB shall advise the Chief, the complainant and the affected officer(s) in writing of the reason for the delay in rendering its finding. In such case, the PCRRB shall provide the Chief, the complainant and the affected officer(s) with monthly updates on the status of the complaint. In any event, if the PCRRB fails to render a finding reference above within 120 days of its receipt of the preliminary report of the Chief's findings, the complaint file shall be returned to the Chief for disposition of the matter.

§ 72-6 Mediation.

- A. A mediation process shall be established and coordinated by the PCRRB in accordance with this section.
- B. Mediation shall be conducted at no cost the complaint or officer by highly trained and experienced mediators selected from a list approved by the City Council. The list of mediators shall reflect community diversity. Mediators shall be required to complete an appropriate training curriculum and continuing education on issues related to the interaction between civilians and police officers from the perspective of both the citizen and police officer.
- C. After a complaint is filed under Section 72-5 of this Chapter, the complainant and the officer(s) may at any time in the review process utilize the mediation process herein to resolve the complaint by submitting a written request for mediation to the PCRRB. The mediation process also may be utilized after the complaint is referred to mediation by the PCRRB pursuant to Section 72-5(G)(1)(d) of this Chapter. In either case, the mediation

shall proceed as promptly as possible after a request for mediation or a referral to mediation is made. Mediation may proceed only on the agreement of the officer with the approval of the Chief and the agreement of the complainant.

- D. Every reasonable effort shall be made to schedule mediation during an officer's normal working hours.
- E. Mediators shall conduct mediation sessions with officers and complainants at times and places agreed upon by the parties.
- F. In conducting the mediation sessions, the mediators may not impose an outcome on the parties.
- G. Mediation sessions shall be closed to the public. Matters discussed shall be confidential unless both parties agree otherwise as part of a written mediation settlement.
- H. Statements and records disclosed during mediation may not be disclosed or introduced in evidence during any judicial or administrative proceeding and mediators may not be compelled by subpoena to give testimony or produce anything related to the mediation.
- I. The PCRRB and The Chief will be informed whether the mediation sessions result in a resolution of the dispute. If the mediation sessions do not result in a resolution of the dispute, the PCRRB review process referenced in this Chapter shall continue to conclusion. If the mediation sessions do result in a resolution of the dispute, the PCRRB shall issue a finding of "mediated" and the allegations shall be deleted from the officer's PCRRB history.

§ 72-7 Suspension of proceedings.

Upon the written recommendation of the Corporation Counsel, the City Council may suspend the PCRRB review of any complaint where a separate criminal investigation is underway or where a civil action against the City is underway or pending. Upon the conclusion of such separate proceedings, the PCRRB may resume or undertake its review.

§ 72-8 Construction of chapter.

No report, finding or determination made pursuant to this Chapter shall in any way conflict with or abridge the rights of complainants or officers guaranteed by the United States Constitution, the New York State Constitution or any federal or state law, rule, regulation or administrative order.

§ 72-9 Severability.

If any clause, sentence, paragraph, section or part of this Chapter shall be adjudged by any court of competent jurisdiction to be invalid or otherwise unenforceable, such judgment shall not affect,

impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 2. This ordinance shall take effect immediately.

Mayor Kennedy commended Councilwoman Holmes and Corporation Counsel for the work that was put into it, and for getting us a community relations board that would really review the comments and discussions concerning the police department. This is a step in the right direction.

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

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

ADOPTED

OLD BUSINESS

There was no discussion.

NEW BUSINESS

Councilman Brown stated that there was some concern about us not supporting *National Night Out* this year due to lack of funds. The \$6000 cost to fund it has more to do with police overtime. On the other side of the coin, this is an event to help bridge the gap between the police and the community. Since it is a police event, we should be looking somewhere in the police budget to get some of that money.

Councilwoman Holmes stated that she has been working with the recreation staff. They sent out thirty letters to community-based organizations. They are trying to get this money together.

Councilwoman Abrams pointed out that National Night Out is going to be held on Tuesday, August 5th. It is going to be at the Recreation Department. It is a great way for people to come together and not be afraid to be outside in the City of Newburgh.

Mayor Kennedy stated that this is a community event to help bridge the relations between police and community. She does not know if it is legal or not, but a lot of people donate their time. She wondered why our police officers don't donate their time for this event.

Councilman Brown stated that police officers donating their time is going above and beyond the call of duty, because they are actually *policing* the event. But that is neither here nor there. We need to find the money to support this. He recommended that the comptroller add a line item in the budget to support National Night Out every year so that we don't have this discussion about where the money is coming from. Brown suggested that the council transfer \$1000 from the Traffic Violations Bureau's budget to the Police Department's budget, as is the subject matter in Resolution #175-2014, and put it toward the event.

This portion of the meeting was closed.

PUBLIC COMMENTS REGARDING GENERAL MATTERS OF CITY BUSINESS

Janet Gianopolous reiterated her previous concerns about the possible expenditure that hiring a mediator for the Police Community Relations and Review Board would cause. We have a \$1 Million shortfall. Second, she thanked Councilwoman Mejia for translating these matters. Gianopolous knows that we use Time Warner Cable to help disseminate the information to the community. Do we have any agreements with Verizon FIOS to do the same thing?

Michelle Kelson stated that the board has to be constituted, and there are going to be implementation factors. A budget line would have to be created for next year's budget. We have sixty days to get the board up and running. Most of the processes in place are going to be internal. We are not expecting any need for financing in the 2014 budget. She pointed out that those particular expenditures would have to be approved by the council first.

Councilwoman Holmes stated that we have potential mediators who would be willing to donate their time.

Jesse Blackman stated it seems to be a big problem getting anything straight when it comes to his three properties on North Miller and Dubois Streets. He has come before the council previously. He is at the end of his rope, and he has no finances. Blackman is restless over the matter. He pleaded for the council to give him something that he can work with so that he can get on with his life. He would like to be able to sit down with the council and discuss it.

Mayor Kennedy pointed out that they have a contract ready for Blackman to sign. She just sent a memo to her assistant to arrange to meet with him to go over it. There is some language in it they need to discuss and make sure he understands before he signs it.

Christine Bello asked the council when we will have the Ethics Board up and running. The success of this government is going to be contingent upon whether the residents are confident that our elected officials are doing the right thing. Recently the City lost the Article 78 case. That has to come from taxpayer dollars. Many of these issues could have been resolved if we had an ethics board in place. She thanked the council for its service. She knows the job is a lot harder than it appears.

Natasha Cotton thanked Christine Bello. She pointed out that it was Bello who started the ball rolling for Jesse Blackman to get his property back from the city. That is how long it has been since his initial complaint. Second, she agrees with Councilwoman Lee and Michael Gabor. If Habitat is scared to be in the City of Newburgh, then perhaps they should hire people from this city to work in the Re-

Store. The council should have tabled the resolution and sat down with the organization. Cotton feels that many organizations just come here with one intention, change their plans in mid-stream, and then move on to the next community. Just like the Master Plan outlines, let the programs be sustainable. Let it be something that is going to last. We seem to give the people from the City of Newburgh the hardest time to do anything here. Stop looking outside of Newburgh, and look *inside* of Newburgh!

Stacy Burks stated he is grateful for the City Manager's work pertaining to the code violations. He thanked the council for working with his family. But he calls it quits on the property at 34 Carter Street, due to the deplorable conditions. He has learned from dealing with the city, that there are diversion tactics that people use to take people's minds away from the truth. The law states that a house must be '*Habitable*'. He feels the City of Newburgh knew the condition of the home and did nothing about it.

Ullanda Burks commented that this has been a rough year for her family. She feels that the city tried to assist, but her family did not have the financial means to do it. When a household comprised of three generations splits up, it is a hard thing to deal with. She is not asking for anything for free. She asked that the council find it in their hearts to help support major families, who make a major impact on the community. If you have to bring up the codes issue, then so be it. She just wants her family to be whole.

Keisha Burks remarked that the water was shut off and the pipes froze in January. So they had no choice, except to leave the property. The house was in such terrible shape that they could not even invite other family members over. The family has been separated for about eight months. She appreciates the city's efforts, but she handed the council written notice that the family is vacating 34 Carter Street. Burks stated that her family can no longer live under these conditions.

Michael Gabor appreciated that the council is discussing the LandBank issue. But we seem to be reinventing the wheel, only doing a small portion of the city. The problem with that type of landbank, is it is not sustainable. He encouraged the council to do its own research. Second, he agrees that the city has not done a very good job disposing of its property. That's because there has not been any supervision for the employees who are in these positions. We hire consultants. Yet we have people in economic development that could be doing these things. There is a replication of services. Also there are county programs for the abatement of lead and asbestos. The County of Orange should be doing its part. Why are we giving this to the LandBank? Third, the problems with 96 Broadway are the result of the building department. The building did not have the proper permits. Gabor feels that the city was not doing its job to begin with. Last, he believes in the work that Habitat does,

but he does not support them moving out of the community. A discussion needs to be had, and Habitat needs to be told that this is not proper.

This portion of the meeting was closed.

FURTHER COMMENTS FROM THE COUNCIL

Councilwoman Abrams thanked Councilwoman Angelo for the best fireworks ever. Hopefully everyone will participate in *National Night Out*. We need a night out against crime.

Councilwoman Angelo regretted to bring this up tonight. She stated that a meeting between the City Manager and the Mayor, amongst others, was conducted to remove an employee from the Executive Office. She returned from vacation unaware that she would no longer be in the position. Angelo does not like how the employees are being treated, and it is not good business for the city. She does not care if this is a personnel matter. She has been here for thirty-three years, and she is going to say what she wants to say. Angelo wants to know why it was done. She stated that there is a demon at work in City Hall. Despite her anger about the termination of the employee, she commended the City Manager for addressing the weeds that have become a problem throughout the city.

Councilman Brown pointed out that we have to continue to support Habitat. The organization does a world of good in this city. He understands the residents' concerns about them closing the Re-Store. But we can't overlook what they do, in terms of helping to get homes back onto the tax rolls. Perhaps after some discussion with them, we can avert their action of closing. Second, we need to support the Community LandBank. It is a newly formed division within the community, and it needs time to work. It is too new to see what results have derived from it. If we take our time and watch it closely, then maybe we can see results in another two years. He agrees that we should be cautious in what we do, but allow it to function. He thanked everyone for coming out tonight.

Councilwoman Holmes stated she supports any organization that can help get these buildings back on the tax rolls. She has been a homeowner for over thirty years, and it is not easy. We have less than 30% homeownership in the city. Everybody wants to see things happen overnight. Yet we did not fall into this state overnight. She knows that it is going to take time to get our city back on track. Second, she supports our City Manager. She commended him for the wonderful job that he is doing, and she supports him in whatever he has to do. That is why she voted to bring him here. She wanted to see a new dynamic in Newburgh. She did not want to see the same old thing that has been going on for years. She is tired of it. If we have to reorganize, then that is what we have to do. Last, she appreciated the zoning comments. She is certain that we will get a committee formed to review the comments. The issue is not closed. We all have to work together as a team and support each other.

Councilwoman Lee remarked that tonight has been interesting. She does not even know where to go with most of this stuff. Lee publicly recommended that former Councilwoman Bello sit on the Ethics Board. She does not know why it is taking so long. Whatever needs to be done, then we need to fill those spots so that we can function with a reasonably watchful eye. She understands that we will make some mistakes along the way, but we need to have our boards up and running.

Councilwoman Mejia stated that gardening is hard work indeed. But the fruits of the labor are worth all of the thorns. She is totally on board with all of our residents who have expressed an interest in serving on our boards. She pointed out that we are not perfect, but everybody works really hard. Everyone knows that participation on the council is a part-time job. The average amount of hours that she has put into this job works out to be about \$3.50 per hour. Mejia stated that she made a commitment to this city, and she does not do it for the money. She welcomes any feedback for improvement. Last, she pointed out that she wholeheartedly supports our City Manager and the decisions that he is making to move our city forward.

Mayor Kennedy loves the gardening and government analogy. There is a lot of planting, sowing, and tending that needs to happen. She stated she puts in an average of 45-50 hours per week. Everybody on this council is putting in a lot of extra time to get this city back on the right track. We have had a great new energy coming into Newburgh. Second, she commented about the boards. Her assistant has been working very hard to compile information about all of our boards. Some of them are functioning, and some are not. Third, she stated she supports the LandBank. She would like to see it progress in the future. We need to get these houses sold. Next, she mentioned the Burks' situation. She stated that the family has lived in the property for a number of years for free. We tried to work real hard with the family, and she understands the source of their frustration. Next, she pointed out she is excited about *National Night Out*. She thanked Councilman Brown for coming up with some cash for the event. Last, she stated that she supports the City Manager too. It has been a marathon evening, but we got a lot done.

This portion of the meeting was closed.

ADJOURNMENT

There being no further business to come before the council, the meeting adjourned at 10:40 P.M.

Respectfully Submitted,

**KATRINA COTTEN
DEPUTY CITY CLERK**