

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

The Prayer was led by Rev. David Mason with Union Presbyterian Church followed by the Pledge of Allegiance and a Moment of Silence in honor of our Veterans.

Present: Mayor Kennedy, presiding; Councilwoman Abrams, Councilwoman Angelo, Councilman Brown (arrived after roll call at 7:10 p.m.), Councilwoman Holmes, Councilwoman Lee (arrived after roll call at 7:10 p.m.), Councilwoman Mejia – 7

COMMUNICATIONS

Councilwoman Abrams moved and Councilwoman Angelo seconded that the Minutes of the October 27, 2014 Council Meeting be approved.

Ayes – Councilwoman Abrams, Councilwoman Angelo, Councilwoman Holmes, Councilwoman Mejia, Mayor Kennedy – 5

CARRIED

PRESENTATIONS

The City Council declared November Pancreatic Cancer Awareness Month in the City of Newburgh and Mayor Kennedy presented the Proclamation to Ralph E. Cheney, Pancreatic Cancer 8 Year Survivor and his wife Marianne.



City of Newburgh Proclamation

November 7, 2014

Pancreatic Cancer Awareness Month

Declaring the month of November "Pancreatic Cancer Awareness Month" in the City of Newburgh.

WHEREAS in 2014, an estimated 46,420 people will be diagnosed with pancreatic cancer in the United States and 39,590 will die from the disease;

WHEREAS pancreatic cancer is one of the deadliest cancers, is **currently** the fourth leading cause of cancer death in the United States and is projected to become the second by 2020;

WHEREAS pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just six percent;

WHEREAS when symptoms of pancreatic cancer present themselves, it is generally late stage, and 73 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years;

WHEREAS approximately 2540 deaths will occur in New York in 2014;

WHEREAS the *Recalcitrant Cancer Research Act* was signed into law in 2013, which calls on the National Cancer Institute to develop a scientific framework, or strategic plans, for pancreatic cancer and other deadly cancers, which will help provide the strategic direction and guidance needed to make true progress against these diseases; and

WHEREAS, it will be very difficult to leverage the opportunities that come out of the scientific framework developed as a result of the *Recalcitrant Cancer Research Act* unless sustained and adequate funding is provided to the National Institutes of Health and National Cancer Institute; and

WHEREAS federal funding for medical research is critical to job protection and creation in New York state; and

WHEREAS the Pancreatic Cancer Action Network is the national organization serving the pancreatic cancer community in the City of Newburgh and nationwide through a comprehensive approach that includes public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer;

WHEREAS the Pancreatic Cancer Action Network and its affiliates in the City of Newburgh support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure;

WHEREAS the good health and well-being of the residents of the City of Newburgh are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments; therefore be it

RESOLVED that the City of Newburgh designate the month of November 2014 as "Pancreatic Cancer Awareness Month" in the City of Newburgh.

Judith L. Kennedy, Mayor

Mayor Kennedy read a Proclamation from Sean Patrick Maloney expressing our gratitude and appreciation to our Veterans for their courage and devotion to Duty, Honor and Country. On this Veteran's Day the people of the City of Newburgh are proud to recognize the many who have served our Armed Forces and reaffirm our commitment to ensuring that their needs are met. It is essential that we salute those who have fought to defend our Nation and never forget the many brave men and women who made the ultimate sacrifice to insure freedom for all people and fully support those who are overseas right now making our Nation proud.

Councilwoman Abrams read a list of ceremonies that will be held throughout the City on Veteran's Day.

PUBLIC HEARING

Mayor Kennedy called a Public Hearing that was advertised for this meeting to receive comments concerning the adoption of the 2015 Budget for the City of Newburgh.

Christine Bello, City of Newburgh, said that the taxpayers are the greatest asset that the City has so when the Council reviews the Budget it is their responsibility to balance what is absolutely vital to the operation of the City versus what the taxpayers can afford. It is nice in theory to want to fill every vacant position within one year but is it reasonable for the taxpayers to incur a twenty percent increase in order to do that? There is probably not a taxpayer in this room that is expecting to receive twenty percent more in income next year so it is counterproductive to even suggest that enormous amount of an increase here. It is unacceptable and unsustainable and they need to know that it will be counterproductive just as the 7.6% increase that the businesses incurred last year drove Stewart's out of here and is driving Greatway Tire out of here because that was the last straw for them. She asked the Council what a twenty percent increase is going to do to the businesses and the landlords. It will discourage investment in this City and push the people out that are already here. The Governor enacted a two percent tax cap and she understands that only applies to the levy but they did that in order to provide assurance to the people that within a year the taxes weren't going to go up much more than two percent. When you manipulate the rate and change it she is still going to pay twenty percent more and they deserve the same assurance that every other New Yorker has of not getting more than a two percent tax increase in one year. When they do that they subvert the spirit of the two percent tax cap and it is unfair to the residents here because this is a low income community. The Council sits at a twenty thousand dollar table and we have these big screen televisions here which is all deluxe and wonderful but for what it all cost she would have rather had fifty thousand dollars' worth of potholes filled. Looking through the Budget briefly she noticed that they put fifty six thousand dollars aside for the Conservation Advisory Committee for an Arborist. Is that absolutely vital? Have we always had an Arborist? Do we really need to spend that kind of money for that? The Charter does not provide for a paid assistant to the Mayor. Every other Mayor has worked with the City staff so that is an unnecessary expense. She doesn't care if it is fifteen thousand dollars or ten thousand dollars it is unnecessary. There is nearly seven hundred thousand dollars set aside for overtime in the Fire Department and we just hired fifteen new firemen. How can they justify that? That is the kind of overtime you have in an understaffed department. She told the Council that they need to force responsible management and cut that down because it is ridiculous and if it is there it is going to be used and it will be used to guarantee that it is there for next year. She has sat at the Council table and it is not always popular to do the right thing but they have to do it because they are the only voice that the people have. She checked around with other municipalities and they pay their overtime in time instead of cash so why can't we do that? We also have a Security Guard that sits all day long downstairs in City Hall that serves as nothing more than an annoyance to the taxpayers. There is no security provided there because you can walk in and sign any name and be carrying a weapon and she would never know so that is a big waste of taxpayer money. She added that in the City Manager's Budget under Other Services she sees \$9,500.00 listed when to date the amount used was \$198.12 so she would like to know what that's all about. She told the Council that if they value their greatest asset here which

is the taxpayers then they have to go back to the drawing board and present a more reasonable Budget.

Richard Fiore, Orange County Landlords Association, said that for the landlords and businesses in this City there is almost no profit margin and in many cases there is no profit at all. Sixty five cents of every dollar that is collected in rent goes back to the City of Newburgh now and the rest has to go towards insurance, maintenance, management and upgrades as well as try to put food on the table which is impossible. This is why the City has been taking back properties for so many years because it is tax crazy. If they want to make a better city they have to take a step back and see how to put these buildings back on to the tax rolls. Maybe they could be sold at Auction for one dollar and then whoever gets that dollar building will have to put up a fifty thousand dollar bond which they will lose if they don't get it back onto the tax rolls in eighteen months. If they get a tax increase, the landlords will have to raise the rents because they can barely get by now so they will have to push it off onto the tenants. If you go to the City Court you will see evictions going on every day because people can't afford to pay the rents now. He has tenants in his buildings that have been there for over twenty years and they are struggling but he works with them and does the best he can but if his taxes go up again what is he supposed to do? What is the alternative? More federally subsidized housing? Everybody loses so there has to be another way and they have to take a step back and think about another way. His way of thinking is that the City has hundreds of properties that should be back on the tax rolls and the City should never try to be a landlord. Many times he has been in Court watching the City try to evict someone and having a lot of trouble and the City ends up with lawsuits, no rent and destroyed properties that should have been back on the tax rolls where everyone benefits.

Barbara Smith, City of Newburgh, asked how she is going to survive and live the life that she is accustomed to. The City cannot continue to raise the tax rate to the point that she is affording them the ability to live at a higher level because it's like asking her to sit in the electric chair and then pay the electric bill. In regard to the sanitation fund contribution to other fund transfers, she found Local Law #6-2010 which refers to the enactment of water and sewer rents and how they are collected. If the City is going to take her enterprise funds and support the City, it's telling her that they can take her property if she doesn't pay so she should be able to deduct them from her Federal Taxes. If that's correct, and the money that Uncle Sam has been getting from us goes down because we are now deducting that then it seems like the City is going to get less back from the Federal Government so it's a vicious cycle. In the County's Budget under tobacco settlement it reads that as a result of the 1998 Master Settlement Agreement (MSA) with the tobacco industry that New York State, New York City and individual counties are to receive annual increments from tobacco manufacturers. The County received payments of approximately 4.48 million on September 30, 2014. In January, 2000, the County adopted a resolution that all funds received under the MSA are to be designated and not be pooled with unassigned fund balance. In the past, the County has totally utilized the amount committed for tobacco settlement funds in the prior year, however, in 2015's Proposed Budget the County decided to include both 3.97 million that had already been committed in their 2013 fund balance and 4.8 million received in 2014 for the current year for a total of 8.45 million to be included in their 2015 Budget.

The more money that goes into the County's Budget is less money that they are going to ask for local cities. Does this make sense to anyone?

Richard Harper, Chairman of the Conservation Advisory Council, said that last year this Council adopted the final recommendations to streamline Newburgh's land use policies. It was recommended that the City create a new Conservation Advisory Council and consolidate all existing environmental advisory committees into this body. In September a resolution was passed and legislation created that did away with the Shade Tree Commission and the Waterfront Advisory Committee which was absorbed under that larger umbrella to be an advocate for resources of the City. Members of the Conservation Advisory Council took their seats in January of this year and in December they are obligated to make an annual report to the Council and he thinks they will be pleasantly shocked at how much they have accomplished. The legislation that was passed that actually created the CAC mandated that several large ticket items have to be in place for them to operate. They felt that the first priority was a tree inventory and they are on the verge of signing a contract to have this inventory done which will serve as the basis for all of the natural resource inventory mapping. It will be an inventory of every planting site and existing tree on public property in the City along with software to manage and plan at five year intervals how to re-forest the City and take care of some of the diseased trees that we are having trouble with. In our existing Code it mentions an Arborist as if we have one and they did advocate that the Council create a position but they did not include that in their Budget. They are just saying that there is a need for it and when they can get one it would be good for the City. The trees are as much an economic development resource and tool as any of our infrastructure, streets and storm water management so this tree inventory will help us put value to these trees. He asked the Council that when they are considering the City Manager's Budget that they read the September 5th Budget request that the Conservation Advisory Council sent to them and read it in detail. He tried to explain some of these larger ticket items and they did pursue a \$25,000.00 grant that will pay for the bulk of the tree inventory which several municipalities with smaller land area than us received. We still have a natural resource inventory that they need to contract with to help them compile and do the mapping so there is a lot of work to be done.

Pat Berardinelli, City of Newburgh, said that an article appeared in the paper today called *"My View"* which was written by Councilwomen Abrams and Mejia. He noted that they did a good job and it was well written but he found a few flaws. All of the businesses that they say are coming, are here or are going to be expanded are wonderful because it is what this City needs but more importantly we need to have the people who are on the street corners looking for jobs. The industries depicted in this article are not jobs that the people in the City of Newburgh are going to apply for. He is sure that some of them will be hired but not enough to make a difference to the people in the City of Newburgh. As it relates to the Budget, what they are proposing is to make things more difficult for the jobs that could be created here and also make it more difficult for the people who are living to afford to stay in the City of Newburgh. He invited the Council to take a tour of the real City of Newburgh and see what is really going on. In the article they say in reference to South William Street, *"A street of great warmth and welcoming people who are raising their kids while trying to make ends meet"*. That is a very noble statement but he will take them to the same street and

introduce them to the people who are there and it is not quite as rosy as this article depicts. He thinks that it is important for the City Manager to attend a meeting like that with some of the residents in this City to see what their streets are really like and what is really going on. They have to work together but they can't do that if they are looking at a Budget that is going to put people out of their homes and into the Courts. The poor children that they are talking about that need an opportunity will go where? Are they going to come here and plead with the Council to do something so that we can get more money for better housing? What is going to happen when the housing project on Washington Heights is completed and hundreds of apartments are going to be available because they already have three hundred and fifty applicants? If those people come out of homes in the City of Newburgh then what will happen to the Landlord Association? They will have more empty apartments and more buildings for the City to have to do something about. This is a vicious circle and they have to come to grips with the reality that they are not going to get out of their Budget problems by increasing taxes. He has done budgets for twenty-five years and it doesn't work but he can't give them any solution but he will offer to take them into the City of Newburgh and show them how many buildings are for sale on any street that they want to go to knowing that the owners of those buildings cannot sell them. He said that he has a building on South William Street that has been in the family since 1953 which he can't give away or sell and he refuses to rent the apartments. He tried that once with Social Services and it cost him thousands of dollars to get the building back where it would pass the City's Code Compliances.

Mark Scott said that the City owns hundreds of properties because the taxes are too high and if they increase the taxes they are going to have more. It is very simple so knock it down to zero percent.

Marietta Curry, City of Newburgh, said that with a twenty percent increase in taxes there is going to be a trickle effect. Three businesses have already closed in this past month and most of the businesses here are Mom & Pop businesses. In their accounting world they most likely don't see a twenty percent increase so they will close and who will be left paying the bill but us homeowners. Inconsistently they seem to defend, protect and provide raises to the City employees and the majority of them do not live here. She thinks that the Council has taken this Budget very lightly and they have not really sharpened their pencils and she hasn't heard how they are going to protect and do something to assist the homeowners. Yes, the City employees need to do their jobs but they also have to take some sacrifices. On top of that they get minimum services yet they are paying a premium. The City already has seven hundred vacant buildings and they haven't had a real comprehensive plan in regard to selling them yet more people are losing their homes and can't pay their taxes. Some people are on payment plans with a twenty five percent penalty if they don't pay their taxes. They have the County and school taxes on top of everything else and she was reminded recently that we even pay taxes on our utility services. She hasn't heard anything in regard to assisting or helping the homeowner but they have no problem with assisting and helping the employees.

Lisa Daily, City of Newburgh, said that she has a son who graduated from N.F.A. and Mt. St. Mary's who is employed full time raising a small daughter. He has been renting for

a number of years and wanted to buy a home here in the City of Newburgh and found a home that he could afford but when working out the budget and the numbers they found out that this house is assessed at one hundred and fifty percent of its purchase price. When he worked out the numbers for his mortgage he will be paying three times as much in taxes per month than he will be for his mortgage. We are trying to draw homeowners and keep our young educated people here in the City of Newburgh but if her son heard what she has heard so far tonight he would withdraw from the negotiation. He cannot afford any more than that.

Jonathan Jacobsen, 25 Pierces Road, told the Council that they have a lot of work to do. Just a few years ago we had a forty percent increase and now they are talking about another twenty percent? He didn't see that headline in the press release about the Budget so something is wrong. The first thing that has to come off are the salary increases which are way above the cost of inflation. The City Manager who has been here less than six months is now asking for a \$5,000.00 raise in the Budget that he prepared. The Comptroller came here in August of 2013 starting out at \$91,000.00 and last year his salary went up to \$103,000.00 and now he is proposing \$106,000.00 which is a sixteen percent raise in two years. None of this makes sense and is just wrong so the Council has to go back and look at this. If we had the money in the Budget and everything was fine he would say cut the salaries and hire another policeman which would make more sense. In this Budget it used to be that you had the utilities for each department listed separately so you could see what each department spent from year to year. Now under Gas and Electric it says \$1,000,000.00 but last year it was \$33,000.00 so he figured that something was wrong but it was because they put it all together which shows that there is no transparency here. Under Dues and Subscriptions in 2011 and 2012, it lists \$25.00 and in 2014 it was \$500.00 and they actually spent \$100.00 which is terrific but now for 2015 it is proposed at \$7,000.00. What is this subscription for? He thinks that the Council has a lot of work to do and it is not an easy job but they have to look at the obvious things.

Peter Gasperini, City of Newburgh asked which one of the Council members came up with this twenty percent. Someone has to be responsible for it and propose it. Did anyone come up and ask to have their salaries cut and give back some of those increases? He said that he is against the twenty percent because it should be zero or at max two percent.

Janet Gianopoulos, City of Newburgh, said the Council can see that many people took the time to go line by line over the Budget and found some fascinating things. One of the things she noticed is the approximate two and a half million dollars taken out of the three Enterprise Funds and routed elsewhere. Of that two and a half million dollars, one hundred twenty five thousand is going to the Mayor and City Council Budget line. She doesn't understand it and is told that it's legit but she wonders what the Council thinks of that. At one point the Mayor said that Newburgh is not in financial trouble and that disregards the situation of the taxpayers. She would love to be patronizing local businesses more but it is being made harder by the fact that that the taxes have increased every year. She proposed that the Council reinstall a Fiscal Advisory Board so that we have people in a position who are just normal taxpayers. Get the point of view from people who are willing and able to look at financial statements and give some input to the Council and the residents. When they

talk about transparency, she doesn't think they can afford any more back door meetings of any kind and they cannot afford to wait until October. This has to be done every month and one thing in the prior Fiscal Advisory Board description was that they had to meet every month. The water rents that were mentioned earlier some people are not aware that they can deduct because it is described as being collected in the same manner as the taxes. It is deductible but they haven't heard any of this from the Council and she suspects that there are some taxpayers who are not taking full advantage of this deduction. Above all she feels that they need a Fiscal Advisory Board but for now she asked the Council to not adopt a Budget that increases their taxes by twenty percent because it is not fair.

Mike Serinsky, City of Newburgh, said that he has lived in the City for over sixty years and there were never any vacant buildings on the block but now there are three large family homes that are just sitting there that people could live in. People can't afford to live here. He has been trying to sell his mother's house for two years but people are scared away because of the high taxes.

Dawn Vacek, Real Estate Broker, said that she is really concerned to hear about this plan. She thinks that the solution is going to come from new money coming to the area rather than trying to recycle the little bit of money that we have over and over again and not getting anywhere. As a Broker, she said that there is some interest in this area and her first concern is the safety so to see the new police officers hired was a really good thing to have happen. She doesn't have all of the answers but she believes it comes from new money coming in and not taking the people who are here already and trying to make things work and making it so they can't stay.

There being no further comments this public hearing was closed.

COMMENTS FROM THE COUNCIL REGARDING THE PUBLIC HEARING

Mayor Kennedy said that they take all of this input seriously and they started out with this idea that the tax levy didn't go up and it has been the same for three years but then over the weekend they learned that there are two sides to the equation. One is the levy which they have kept the same and the other side is this tax rate and how many people are available to pay into the levy so that rate goes up and down. The other thing to take into consideration is that if your assessment goes down your rate goes up because you have to raise the same number of dollars. She said that they cannot raise taxes twenty percent for any reason so she had a conversation with our Comptroller and the City Manager about having another Work Session meeting on Thursday. They need to really understand all of the components that are going on here because we cannot raise the taxes and they have to be clear on how they are going to do that. We cannot drive any more people out of this City so there is a lot to consider and our Comptroller will be talking about this on Thursday at 7:00 p.m.

Councilman Brown said that when they passed the 2014 Budget they were told that there would not be a tax increase and that was not true and with that tax increase we were still short one million dollars. Now we are sitting here proposing that there is no tax increase with the same expenses as last year and we are supposed to be passing a balanced Budget but if you think about that it's impossible. When he came onto the Council he was not real friendly to the staff not because he didn't like them but he was elected by the people and the taxpayers of the City of Newburgh so he has to protect their interests. Unfortunately when you are looking at a Budget the first place you look when you are cutting expenses is staff. We can do things here in the City of Newburgh with a leaner staff but it is a tough decision especially for some of the new Council members. Sometimes you have to make those tough decisions because when the taxpayers have to make the decision of whether to put bread on the table or pay taxes here at City Hall what choices do you think they are going to make? We have been told for years that we are in the black but there is no way in the world that we are in the black. We are not even close because we have had a problem with the last few Budgets and if you look back at their last few Budget hearings there was one that he felt was a reflection of the previous year's Budget which was garbage. Last year's Budget wasn't garbage but it was basic as there was nothing taken in to effect to consider the expense side of the Budget. When you eliminate expenses you increase revenue and if you don't do that then you will get the results that we have right now with a one million dollar shortage. That million dollar shortage carries over to next year unless they find a way to fix it and he hasn't seen anyone coming forward saying that they have a way to fix it. We have to look at the expense side of the equation or someone needs to come up with a solution on how to increase the revenue side of the equation. The residents have talked about the properties that the City owns which is ridiculous and every year we gain more. We have to find a way to divert the flow and put more taxes on the tax rolls than we take off which is the only way we are going to take the pressure off of the taxpayers of this City. No one has come up with a plan to do that and that is a problem. If there is no plan and nothing saying how to increase new revenue sources, where are we going to be? We are going to be in the hole that we are currently in which is looking at the taxpayers to pay more which is unfair. Part of his proposal on Thursday night is going to be to go to department heads and tell them to cut

their expense side by twenty percent. If the taxpayer has to look at twenty percent then they should look at twenty percent too. He is not sure what that will do in terms of numbers but it is a start. We need to get this City in the right direction and we cannot continue to look to the fountain because it is closed and the well is dry. We have to find a solution and if the solution means starting with staff then we have to start there and find new revenue sources and new ways to put taxes back onto the tax rolls. We have to find a way to get these houses back on the tax rolls paying taxes so it takes the pressure off of the taxpayers of this City. When we talk about policing in this City he has said time and time again that if they don't increase the policing then you will run people out. You have to feel safe where you live and if you don't feel safe then how could you live here? Every year he has tried to add police to this Budget including this year but this year is going to be a little harder when you are talking about a twenty percent increase but he still might be able to find the money. This Council has to understand that it's not just about taking it from here and moving it there because you have to know where that money is coming from and what you are doing with it and they have to do it right. They need to sit down and buckle their pants and be ready to make tough decisions. If they are not ready to make tough decisions then why are they here? On Thursday nights he expects everyone to come out and support their efforts. He is going to be hard on our Council because he wants them to understand that if they don't help now there will be no helping tomorrow because a lot of people will be losing their houses next year.

Councilwoman Angelo said that there are two former Councilmembers in the audience tonight; Bello and Berardinelli and they will tell you that every time they did a Budget they would go line by line with each department head to see what they can do without and what they really need but they haven't done that in a long time. She said that they are doing a wonderful job of kicking our businesses out of Newburgh. She is still not over the fact that Stewarts has closed up by her and we are losing Greatway Tire which is \$39,000.00 in taxes. Stewarts was assessed so high that he couldn't afford to pay his bills anymore which is why he left so we forced him out of Newburgh. We also forced C & C Tire out of Newburgh and she is wondering who will be next. She feels that we do not have to issue parking tickets when City Hall is closed at 4:00 every day. Why are we doing this? Tickets are being issued from 4:00 p.m. to 6:00 p.m. every weekday and on Saturdays. The owner of Greatway Tire told her that people would come to buy one tire and they were getting a parking ticket. On top of that he is renting the lot next to him from Sacred Heart Church so people can park there and not get a parking ticket. Is this any way to run a business? How many Budgets has she been through? Everyone who spoke here tonight is right and she gets aggravated with the Council at Budget time because no one wants to listen sometimes.

Councilwoman Abrams said that they are all trying and if they all pull together they can come up with a good Budget. In regard to the revenue side, the Land Bank has been helping and Habitat for Humanity to bring new taxes and homeowners in. She said that they can do this and they will keep trying and go back to the drawing board and they will come up with a solid Budget that everyone can live with.

Councilwoman Holmes, thanked everyone for their input. She didn't know that this twenty percent was official; she thought it was proposed but if it does happen she will have

to leave her house because she cannot afford another tax increase. If it means her keeping her home then every position on the sheet in front of her can go. She cannot afford a tax increase. She pays \$8,000.00 a year and she pays more in taxes than she does in her principal so she cannot afford it.

Councilwoman Lee said that she remembers asking the Comptroller last week about an increase and he said that there was none but she knows that most of the public knew that there would be an increase and she wishes that they had spoken up. She doesn't like to learn about and figure out these things at the last minute and she agrees that there shouldn't be a tax increase and there shouldn't be as much hidden in the Budget as there is. She thinks that the Budget is deceptive and this needs to change. All of the extras should come out because there shouldn't be any increases. If you are looking at the numbers and you know what the expenses and deficits are then how dare you come back with a Budget that gives you and your staff an increase. That should have never happened. At a past meeting there were many people in attendance because it was rumored that she was looking to have the City Manager fired and she wishes that they had all come out to talk about the Budget because the very people that were complaining were also sitting here saying that we finally got a balanced Budget and now she is trying to ruin it. Like Councilman Brown said she is not your friend because she is a City Council Member and she was voted into this seat so she is not going to be friends with the residents or the staff but she will try to be respectful. She said that this is an outrage and they won't have a twenty percent increase. This increase doesn't take into consideration the amount of people using their houses as their business because those properties are still considered residential properties. Her concern is that they need to go back to the drawing board and start from Go and like Councilwoman Angelo said they need to go line by line and get an explanation. They need a Budget Presentation not a Budget Session where they are chatting. She wants a full explanation of the Budget not something that the department heads come to tell us what they do and don't like. This is not a game this is the Budget and it has to do with everybody so she would like to see on Thursday a full presentation of the Budget and she thinks that the City Manager and the CFO should be able to do that without the Mayor leading the discussion. The discussion comes from the people who fix the Budget and no one else. As far as the items that Mr. Jacobson talked about they should be the second things to go right after the increases. She thanked Mr. Berardinelli for coming tonight and pointing some things out because she appreciates what he has done.

Councilwoman Mejia said that she has gone through this yellow book line item by line item and at all of the Work Sessions she has been very clear that streamlining and safety were her criteria around any additions for staff that is proposed in the Budget and she is sticking to that. In terms of the "*Mill and Fill*" that is how the taxpayers experience the investment that they make in our City via taxes and the fact that there is zero allocated for "*Mill and Fill*" in this Budget is one of the things that she is bringing up again. For the Thursday meeting she would like to see the data portion of what the tax increase has been versus the tax levy and tax rate for the past ten years for both the Homestead and the Non-Homestead because there have been times when different increases have impacted those two entities differently. If we want to be equitable, we need to look at the past ten years and figure out the middle ground where we are impacting our Homesteads and Non-Homesteads

the same so they can come up with something that they all can support. The most important thing that they do as Council people is the Budget and hire someone to be the City Manager so she has full confidence that they are going to come out with a Budget that represents what our moral commitment is to the community. That is what she is here to do and for the next three years she will continue to do that but streamlining and safety are her priorities and the *"Mill and Fill"*.

Mayor Kennedy told Councilwoman Mejia that she asked Mr. Aber this afternoon if he would have that information for Thursday so that has already been asked for. She said that they have been focused on the levy hearing that it will remain the same as it has for the last three years and then there is the other side to this proposition that is creating all of this business. This rate is estimated right now and when she heard that it was going to be twenty percent it surprised her because she was hearing that the Budget itself hasn't raised but what has happened is that we have a reduced number of people paying into the pot and that is the problem. She noted that she has had a conversation with a gentleman who has an idea about how to get these properties sold in a much faster way and we need to get some of this information on the table as fast as possible because the City should not be in the business of properties. We need to get them back onto the tax roll and get people in them which creates more safety and adds value to our tax roll which is a priority for her. She looks forward to the Thursday session because there are a lot of things that they need to do and she thanked everyone for their input.

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

COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

There were no comments.

COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

There were no comments.

RESOLUTION NO.: 275 - 2014

OF

NOVEMBER 10, 2014

**A RESOLUTION AUTHORIZING THE AWARD OF A BID
AND THE EXECUTION OF A CONTRACT WITH
EDGEKO ENVIRONMENTAL INC. IN CONNECTION WITH THE
DOWNING PARK GREENHOUSE ENVIRONMENTAL ABATEMENT PROJECT
AT A COST OF \$25,688.00**

WHEREAS, the City of Newburgh has procured three bids for the Downing Park Greenhouse Environmental Abatement Project; and

WHEREAS, bids have been duly received and reviewed and Edgeco Environmental Inc. is the low bidder; and

WHEREAS, the total project cost will be \$25,688.00 and funding shall be derived from budget line CD1,8686.0448.8155.2013;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the bid for the Downing Park Greenhouse Environmental Abatement Project be and it hereby is awarded to Edgeco Environmental, Inc., for the base bid amount of \$25,688.00, price #2; and

BE IT FURTHER RESOLVED, that the City Manager be and he is hereby authorized to enter into a contract, including terms and conditions as may be required by the Corporation Counsel and City Engineer, for such work in this amount.

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.: 276 – 2014

OF

NOVEMBER 10, 2014

A RESOLUTION AUTHORIZING THE CITY OF NEWBURGH TO ACCEPT THE FIVE YEAR CONSOLIDATED PLAN, FISCAL YEAR 2015 ANNUAL ACTION PLAN AND DIRECT STAFF TO SUBMIT SUCH DOCUMENTS TO THE UNITED STATES DEPARTMENT OF HOUSING & URBAN DEVELOPMENT

WHEREAS, the City of Newburgh (the “City”) administers the federal Community Development Block Grant (CDBG) for the City; and

WHEREAS, the City is required by federal regulations to submit to the Department of Housing and Urban Development (HUD) a Five Year Consolidated Plan which describes the Housing and Community goals and objectives to be undertaken by the City using the above federally funded program; further describes the needs in housing, community development and other special needs; and the fiscal year 2015 Action Plan describes the specific activities undertaken under the CDBG program; and

WHEREAS, the City Council, Community Development Director and CDBG Advisory Committee, have developed the plan based on community input; and a public hearing was held on July 14, 2014 to solicit public input, including input from several focus groups; and the Consolidated Plan was made available for public review for 30 days; and a second public hearing was held on October 27, 2014 to solicit public comments on the draft Consolidated Plan and draft Action Plan; and

WHEREAS, the 2015 Action Plan includes the following activities and budget;

PROGRAM REVENUE	
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) – PROPOSED ALLOCATION	\$787,179.00
PROGRAM INCOME	\$82,000.00
TOTAL:	\$869,179.00
EXPENDITURES	
PARK IMPROVEMENTS	\$240,000.00
INFRASTRUCTURE/ STREET IMPROVEMENTS -	\$207,368.00
ADMINISTRATION & PLANNING	\$121,292.00
DOWNING PARK GREENHOUSE IMPROVEMENTS	\$100,000.00
BUSINESS SERVICE/ FAÇADE IMPROVEMENTS	\$164,519.00
COMMUNITY POLICING/ NEIGHBORHOOD SERVICES	\$6,479.00
SMALL BUSINESS REVOLVING LOAN FUND	\$30,000.00
TOTAL:	\$869,179.00

WHEREAS, this Council has determined that accepting the 2015 Action Plan 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 of Newburgh hereby accepts the City Five Year Consolidated Plan and Fiscal Year 2015 Annual Action Plan as provided by the City staff and its consultants; and

BE IT FURTHER RESOLVED, that the City Manager, and his designees, are hereby authorized to submit the City’s Five Year Consolidated Plan and Fiscal Year 2015 Annual Action Plan to the United States Department of Housing and Urban Development.

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.: 277 - 2014

OF

NOVEMBER 10, 2014

**A RESOLUTION TO APPOINT COMMISSIONERS OF DEEDS
FOR JANUARY 1, 2015 THROUGH DECEMBER 31, 2016**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newburgh, New York, that the following persons be and are hereby appointed as Commissioners of Deeds for the period beginning January 1, 2015 and expiring December 31, 2016, pursuant to the City Charter of the City of Newburgh §C6.95, and the Executive Law of the State of New York, §139:

Theresa Cramer (Board of Ed.)
10 Hob Street
Newburgh, NY 12550

MaryEllen Leimer (Board of Ed.)
53 Leslie Road
Newburgh, NY 12550

Katrina Cotten
25 Clark Street
Newburgh, NY 12550

Michael McLymore, Sr.
(Board of Ed.)
1573 Rt. 300
Newburgh, NY 12550

MaryLee Peters
33 Spruce Street
Cornwall on Hudson, NY 12520

Lorene Vitek
8 Continental Drive
Newburgh, NY 12550

Naomi Fay
99 Long Hill Rd.
Highland Mills, NY 10930

Autumn Resto
45 Fleetwood Drive
Newburgh, NY 12550

Joanne Majewski
20 Pierces Rd., #61
Newburgh, NY 12550

Lillian Burgarelli
22 Flemming Drive
Newburgh, NY 12550

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.: 278 - 2014

OF

NOVEMBER 10, 2014

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT DONATIONS IN SUPPORT OF THE
CITY OF NEWBURGH'S HALLOWEEN "TRUNK OR TREAT" EVENT**

WHEREAS, the City of Newburgh will be holding a Halloween "Trunk or Treat" Event on October 31, 2014; and

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept said donations with the appreciation and thanks of the City of Newburgh on behalf of its children, families and citizens, for their support and sponsorship of the City of Newburgh's Halloween "Trunk or Treat" Event.

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.: 279 - 2014

OF

NOVEMBER 10, 2014

**RESOLUTION SCHEDULING A PUBLIC HEARING
FOR NOVEMBER 24, 2014 TO HEAR PUBLIC COMMENT
CONCERNING A LOCAL LAW AMENDING CITY CHARTER ARTICLE III
ENTITLED "MUNICIPAL OFFICERS" TO ADD SECTION C3.12
ENTITLED "RESIDENCY REQUIREMENTS"
OF THE CODE 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 Amending City Charter Article III entitled 'Municipal Officers' to add Section C3.12 entitled 'Residency Requirements' of the Code of the City of Newburgh"; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 24th day of November, 2014, in the 3rd Floor Council Chambers, 83 Broadway, City Hall, Newburgh, New York.

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

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

ADOPTED

LOCAL LAW NO.: _____ - 2014

OF

A LOCAL LAW AMENDING CITY CHARTER ARTICLE III
ENTITLED "MUNICIPAL OFFICERS" TO ADD SECTION C3.12
ENTITLED "RESIDENCY REQUIREMENTS"
OF THE CODE OF THE CITY OF NEWBURGH

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

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending City Charter Article III entitled 'Municipal Officers' to add Section C3.12 entitled 'Residency Requirements' of the Code of the City of Newburgh".

SECTION 2 - AMENDMENT

Article III of the City Charter of the City of Newburgh, entitled "Municipal Officers" is hereby amended to add new Section C3.12 entitled "Residency Requirements" as follows:

- A. Purpose. The City Council of the City of Newburgh finds that individuals who are officers and department heads of the City of Newburgh take a greater interest, commitment and involvement in the municipality that employs them by living within that community. The City Council further finds that in order to protect the health safety and welfare of the citizens of the City where emergencies and emergency work arise, it is necessary that the officers and department heads reside in the City. Accordingly, the City Council determines that there is a sufficient public need to require that officers and department heads initially appointed and hired after the effective date of this Section be residents of the City of Newburgh.
- B. Application. This section shall apply to the officers of the City of Newburgh enumerated in Subsection C3.00(B) and (C) of this Article and the City Marshal and Acting City Marshal initially appointed after January 1, 2015. This section shall not supersede or override any other residency provision existing in state or federal law or existing in the City Charter and Code of Ordinances of the City of Newburgh found to be contrary to the provisions herein. City Charter Section C3.00(D) is hereby repealed by this local law.
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

OFFICER - includes the City Manager, three Civil Service Commissioners, the City Clerk, the members of the Traffic and Parking Advisory Committee, the Corporation Counsel, the City Comptroller, the City Assessor, the City Collector, the City Purchasing Agent, the City Engineer, the Superintendent of Public Works, the Superintendent of Water, the Police Chief, the Fire Chief, the Building Inspector, the Plumbing Inspector, the Registrar of Vital Statistics, the Deputy Registrar of Vital Statistics, the Parks and Recreation Director as enumerated in City Charter Section C3.00(B) and (C) initially appointed and hired by the City of Newburgh after January 1, 2015 and the City Marshal and Acting City Marshal initially appointed after January 1, 2015

RESIDENCY - a person's usual and customary place of abode where the individual lives and regularly stays, the place where the family of any person permanently resides and the place where any person having no family generally lodges

D. Residency for new officers. Every person initially appointed as an officer of the City of Newburgh on or after January 1, 2015 shall as a qualification of employment by the City of Newburgh be a resident of the City of Newburgh at the time of initial appointment and shall remain a resident of the City of Newburgh as a condition of continued appointment and employment. Except as hereinafter provided, any officer of the City of Newburgh who does not comply with the residency requirements of this Section shall be deemed to have voluntarily resigned.

E. Verification and documentation.

1. The City Council shall be responsible for verifying the compliance with this residency requirement for the City Manager, Civil Service Commissioners, City Clerk and members of the Traffic and Parking Advisory Committee. The City Manager shall be responsible for verifying the compliance with this residency requirement for the remaining officers, except for the City Marshal and Acting City Marshal. The City Court shall be responsible for verifying compliance with this residency requirement for the City Marshal and Acting City Marshal.

2. All relevant sources of verification or documentation must be considered in determining an officer's residence. Where the officer's family permanently resides is a significant factor in determining the officer's residence. The following sources of verification or documentation also should be considered:

Voter's registration
Driver's license
Motor vehicle registration
Utility bills and receipts
Deed

Tax bills and receipts
Contract for sale
Lease or rental agreement
Landlord's affidavit
Insurance policies
Visual verification

F. Waiver. In the event that the provisions of Subsection D of this Section will prevent the City from filling the officer positions, officers shall be permitted to establish residency in the City within 120 days of appointment. Where circumstances warrant, one sixty (60) day extension may be granted as follows:

1. By the City Council for the Civil Service Commissioners, the City Clerk and the Traffic and Parking Advisory Committee members;
2. By the City Manager for the remaining officers, except for the City Marshal and Acting City Marshal; and
3. By the City Court for the City Marshal and Acting City Marshal.

G. Exceptions

1. Notwithstanding any provisions of this Section to the contrary, any person holding an officer position of the City as of December 31, 2014 and who was not a resident of the City as of that date, shall not be required to comply with the requirements of this Section.
2. Nothing herein shall change the residency requirement for any elected City official.
3. Nothing herein shall change the residency requirement of the City Manager as provided in City Charter Section C5.00(C).

SECTION 3 - VALIDITY

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

SECTION 4 - EFFECTIVE DATE

This Local Law shall take effect on January 1, 2015 after it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**RESOLUTION NO.: 280 - 2014
OF
NOVEMBER 10, 2014**

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT A PROPOSAL AND EXECUTE AN AGREEMENT WITH
QUALITY ENVIRONMENTAL SOLUTIONS & TECHNOLOGIES, INC.
FOR ASBESTOS ABATEMENT MONITORING & MANAGEMENT SERVICES
IN CONNECTION WITH THE DOWNING PARK GREENHOUSE ENVIRONMENTAL
ABATEMENT PROJECT AT A COST OF \$5,340.00**

WHEREAS, by Resolution No. 198-2014 of August 8, 2014, the City Council of the City of Newburgh authorized the City Manager to accept a proposal and execute an agreement with Quality Environmental Solutions & Technologies, Inc. for limited pre-renovation asbestos and lead paint surveys in connection with Downing Park Greenhouse Demolition Project; and

WHEREAS, the results of the surveys and testing found the presence of asbestos containing material which must be abated and removed in compliance with law, rule and regulation; and

WHEREAS, by Resolution No.: 223-2014 of September 8, 2014, the City Council of the City of Newburgh authorized the City Manager to accept a proposal and execute an agreement with Quality Environmental Solutions & Technologies, Inc. for asbestos abatement design services in connection Downing Park Greenhouse Demolition Project; and

WHEREAS, Quality Environmental Solutions & Technologies, Inc. is a qualified environmental remediation consultant and has submitted a proposal to provide asbestos monitoring and management services during asbestos abatement in connection with the Downing Park Greenhouse Environmental Abatement Project; and

WHEREAS, the cost for these services will be \$5,340.00 and funding shall be derived from budget line CD1.8686.0448.8155.2013; and

WHEREAS, the City Council has reviewed the annexed proposal and has determined that such work would be in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a proposal and execute an agreement with Quality Environmental Solutions & Technologies, Inc. for asbestos abatement monitoring and management services in connection with the Downing Park Greenhouse Environmental Abatement Project at a cost of \$5,340.00.

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

QuES&T

Quality Environmental Solutions & Technologies, Inc.

November 6, 2014

City of Newburgh
83 Broadway
Newburgh, NY 12550

ATTN: Jason C. Morris

Via E-mail: JMorris@cityofnewburgh-ny.gov

Re.: Greenhouse & Storage Buildings, 207 Carpenter Avenue, Newburgh, NY – 2014 Demolition Project
Request for Proposal – Abatement Monitoring & Management Services

Dear Mr. Morris,

Quality Environmental Solutions & Technologies, Inc. (QuES&T) is pleased to submit the attached proposal to provide Asbestos Abatement Monitoring & Management Services in support of the above-referenced project.

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

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

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

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

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

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

For additional information concerning this submittal, please contact us at (845) 298-6031. We look forward to working with the City of Newburgh in the environmental consulting and remediation services area.

Sincerely,



Paul A. Rodriguez

Director, Field & Technical Services
NYS/AHERA Inspector/Project Designer
Cert. #AH 02-04344
EPA Lead Inspector/Lead Risk Assessor

Cc: CKain@cityofnewburgh-ny.gov
QuES&T File

ABATEMENT MONITORING & MANAGEMENT SERVICES
for
CITY OF NEWBURGH
83 Broadway
Newburgh, New York 12550
at
GREENHOUSE & STORAGE BUILDINGS
207 Carpenter Avenue
Newburgh, New York 12550

QuES&T agrees to provide the following services:

➤ **ABATEMENT MONITORING & MANAGEMENT SERVICES**

Item 1: Asbestos Abatement Monitoring & Project Management Services

- QuES&T will provide NYSDOL Certified personnel to perform project monitoring and third party air sampling in support of minor, small and large asbestos abatement projects included within this asbestos abatement project, as outlined on Page #1 of this proposal. All work on this project shall be performed in accordance with the applicable Code Sections of the Title 12 NYCRR Part 56, approved NYSDOL Site-Specific Variances and applicable Federal and Municipal Regulations regarding asbestos abatement. Collection and analysis of air samples shall be as required by ICR-56 and any NYSDOL Site-Specific Variances obtained for this project.

Item 1.1: Supervision of Abatement Activities (Combined Project Monitor/Air Sampling Technician)

- Perform project monitoring, inspection and acceptance of work.
- Provide coordination to ensure timely completion of asbestos removals.
- Review construction phasing plans and assist in coordination of activities of the various contractors and building occupants to ensure compliance with applicable federal, state and municipal regulatory requirements and bid specifications.
- Complete work step lists and documentation packages for final closeout.

Item 1.2: Third Party Asbestos Air Monitoring (as required)

- QuES&T will provide collection and laboratory analysis of the required air samples, in conjunction with Item 1, on a cost per sample basis. To maintain compliance with the requirements of 56-4.3, analysis of the air samples shall be by "an independent laboratory conforming to the requirements of 12 NYCRR 56-4.2". The sampling frequency will be as specified in Title 12 NYCRR Rule 56; Subpart 56-4 and any NYSDOL Applicable Variance or Site Specific Variances utilized in the conduct of this project.

*****PRICING*****

➤ **ABATEMENT MONITORING SERVICES**

The following is a Cost Estimate to provide Asbestos Abatement Monitoring & Management Services in support of the above-referenced project(s). These cost estimates are provided strictly for budgeting purposes. They assume particular work practices and grouping of contiguous work areas to minimize set-up and duration. Actual project costs may vary significantly based on factors such as abatement crew size, overtime work, division of work areas and duration of enclosures.

Proposal Assumptions

The following is a summation of anticipated asbestos abatement work areas and associated project schedules & durations, as detailed within: 1) Pre-Demolition Asbestos Survey, Abatement Specification(s)/Drawing(s), Etc.; 2) NYS DOL-approved Site-Specific Variance(s); and, 3) Abatement Means & Methods, schedules, durations, etc. provided by Mr. Paul Pinkans, of Edgeco Environmental, Inc. (Abatement Contractor) during a 2014-NOV-06 phone conversation, and are as follows:

➤ **BASE BID**

- Work Scope: Edgeco Environmental, Inc. (Abatement Contractor) to perform removal and disposal of all Asbestos-containing Material (ACM) identified within the above-referenced project and associated documentation, as detailed above.
- Estimated Abatement Schedule: Edgeco Environmental, Inc. (Abatement Contractor) to perform asbestos abatement activities within seven (7) "Weekday" Shifts and one (1) "Saturday" Shift, between the hours of 7am-4pm (1-hour lunch break).
- No work to be on Sundays, holidays or hours different then noted.
- Asbestos- Background, Work Area Preparation, and Asbestos Handling air samples shall be analyzed via Phase Contrast Microscopy (PCM). Laboratory samples analysis turnaround shall be twenty-four (24) hours to meet the requirements of ICR 56-4.8. Turnaround time commences upon laboratory receipt of samples, and does not include Holidays.
- Asbestos- Final Cleaning & Clearances air samples shall be analyzed via Phase Contrast Microscopy (PCM) for all Minor & Small Abatement Work Area(s) and/or Transmission Electron Microscopy (TEM/AHERA) for all Large Abatement Work Area(s). Laboratory sample analysis shall be three (3) hour Rush for PCM Final Cleaning & Clearance air samples and six (6) hour Rush for TEM/AHERA Final Cleaning & Clearance air samples. Turnaround time commences upon laboratory receipt of samples, and does not include Holidays.
- The Owner's abatement contractor shall maintain sole responsibility for Means and Methods utilized to execute the required work scope. Removal of ACM materials shall comply with ICR-56 and/or NYS DOL approved Site Specific Variance.
- The abatement contractor shall provide, install and maintain a GFCI electrical panel, immediately adjacent to the work area for use during air sampling.
- The abatement contractor shall provide personal protective equipment (PPE) for air sampling technicians required to enter the abatement area(s).
- The Owner and/or the abatement contractor shall be responsible for providing timely access to all project work areas and securing same upon completion of work.

■ Pricing – CONT'D:

- The Owner shall be responsible for actual charges based on unit rate charges for both Labor (straight time & overtime) and sample analysis. Actual charges for Air Monitoring Services will be based on the actual onsite duration/schedule of the asbestos abatement contractor, actual number of containments/work areas defined by the Contractor and the actual type and quantity of air samples required to be collected pursuant to applicable Federal & State requirements; including but not limited to 40 CFR 763 (AHERA) and Title 12 NYCRR Part 56 (ICR-56). All project billing will be based on the Unit Price Schedule included within the proposal.

■ Estimated Costs

Project Manager Labor (1 PM, 6hours @ \$90/hour)	\$ 540.00
Technician "Weekday" Labor (1 Tech, 7days @ \$400/day)	\$ 2,800.00
Technician "Saturday" Labor (1 Tech, 8hours @ \$75/hour)	\$ 600.00
24-hour PCM Asbestos Air Sample Analysis – 64* @ \$15/each	\$ 960.00*
3-hour Rush PCM Asbestos Air Sample Analysis – 12* @ \$20/each	\$ 240.00*
Travel, S&H and Misc. Materials (8days @ \$25/day)	\$ 200.00
Estimated Total :	\$ 5,340.00*

NOTES:

1. Client shall be charged for actual samples analyzed and services rendered.
2. Prices may vary significantly if work detail differs from above-referenced scopes.
3. Additional services shall be billed in accordance with attached QuES&T Unit Rates.
4. Pricing valid until December 31, 2015.

ACCEPTANCE OF PROPOSAL #P14-4094

Payment Terms: Billing increments will be at approximately two week intervals. Payment Shall Be Net 15 Days; Following Delivery Of Invoice. To Execute This Agreement, Please Review, Sign, Date & Return Two Copies of the signed proposal. A fully executed copy will be sent for your records. Late Payments Shall Be Assessed a Penalty of 1.5% per Month.

City of Newburgh – Authorized Representative:

By _____

Signature	Print Name & Title	Date
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Quality Environmental Solutions & Technologies, Inc.:

By _____

Signature	Paul A. Rodriguez, Director, Field & Technical Services	Date
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QuES&T

Quality Environmental Solutions & Technologies, Inc.

I. ASBESTOS SERVICES:

Item 1: Labor (Minimum On-site Billing; 4 Hours @ OT Rate)

- Sr. Principal: \$225/Hr ST; \$255/Hr OT
- Principal: \$185/Hr ST; \$225/Hr OT
- Project Manager: \$90/Hr ST/OT
- EPA/NYS DOL/NYCDEP Asbestos Inspector:
 - \$320/4-hr day Includes Calibrated Area A/S Equipment
 - \$500/8-hr day Includes Calibrated Area A/S Equipment
 - \$ 80/hr OT
- EPA/NYS DOL Combined Project Monitor/Air Sampling Technician:
 - \$275/4-hr day Includes Calibrated Area A/S Equipment
 - \$400/8-hr day Includes Calibrated Area A/S Equipment
 - \$ 75/hr; OT

Item 2: Asbestos Laboratory Services

- A/S Sample Analysis (PCM):
 - \$ 12/Sample Includes 48-hr turn-around of results
 - \$ 15/Sample Includes 24-hr turn-around of results
 - \$ 17/Sample Includes 6-hr turn-around of results
 - \$ 20/Sample Includes Rush turn-around of results.
- A/S Sample Analysis (AHERA-TEM):
 - \$100/Sample Includes 48-hr turn-around of results
 - \$125/Sample Includes 24-hr turn-around of results
 - \$175/Sample Includes 12-hr turn-around of results
 - \$225/Sample Includes 6-hr turn-around of results
- Bulk Sample Analysis (PLM):
 - \$ 14/Layer Includes 7 day turn-around of results
 - \$ 16/Layer Includes 5 day turn-around of results
 - \$ 20/Layer Includes 72-hr turn-around of results
 - \$ 25/Layer Includes 24-hr turn-around of results
 - \$ 30/Layer Includes 12-hr turn-around of results
 - \$ 45/Layer Includes Rush turn-around of results
- Bulk Sample Analysis (PLM-NOB):
 - \$ 16/Layer Includes 7 day turn-around of results
 - \$ 23/Layer Includes 5 day turn-around of results
 - \$ 30/Layer Includes 48-hr turn-around of results
 - \$ 40/Layer Includes 24-hr turn-around of results
 - \$ 60/Layer Includes 12-hr turn-around of results
- Bulk Sample Analysis (QTEM):
 - \$ 25/Layer Includes 7 day turn-around of results
 - \$ 50/Layer Includes 5 day turn-around of results
 - \$ 65/Layer Includes 48-hr turn-around of results
 - \$ 70/Layer Includes 30-hr turn-around of results
 - \$ 110/Layer Includes 12-hr turn-around of results

NOTE A:

1. OT Rate Applies to hours: < 4 hrs/day; > 8 hrs/day; > 40 hrs/wk; Weekends & Holidays
2. Laboratory Turn-Around Begins When Samples Are Received In The Laboratory And Does Not Include Saturday, Sunday & Holidays.
3. Reimbursable Travel Will Be Billed At \$0.550/Mile + Tolls

II. SAFETY & ENVIRONMENTAL SERVICES:

Item 1: Labor (Minimum On-site Billing; 4 Hours @ OT Rate)

- Certified Industrial Hygienist: \$175/Hr ST; \$215/Hr OT
- Certified Safety Professional: \$175/Hr ST; \$215/Hr OT
- EPA LBP Inspector/Risk Assessor: \$ 90/Hr ST/OT
- IH Tech: \$320/4-hr day Includes Calibrated Area A/S Equipment
\$500/8-hr day Includes Calibrated Area A/S Equipment
\$ 80/hr; OT

Item 2: Laboratory Services

- Lead - Air/Paint Chip/Dust Sample Analysis (AAS/FLAA):
 - \$ 20/Sample Includes 3-5 Day turn-around of results
 - \$ 25/Sample Includes 48-hr turn-around of results
 - \$ 30/Sample Includes 24-hr turn-around of results
 - \$ 45/Sample Includes 6-hr turn-around of results
- PCB – Bulk Material Sample Analysis:
 - \$100/Sample Includes 5 Day turn-around of results
 - \$150/Sample Includes 3 Day turn-around of results
 - \$200/Sample Includes 48-hr turn-around of results
 - \$250/Sample Includes 24-hr turn-around of results
 - \$ 45/Sample Includes 6-hr turn-around of results
- Sprayed-on Fireproofing Vermiculite (SOF-V NYS ELAP Method 198.8) Analysis:
 - \$252/Sample Includes 10 Day turn-around of results
 - \$282/Sample Includes 5 Day turn-around of results
 - \$360/Sample Includes 72-hr turn-around of results
 - \$540/Sample Includes 48-hr turn-around of results

Item 3: Equipment Charges

- Niton XRF: \$175/Day
- Electrical Generator: \$ 75/Day (2-Day Minimum)
- SCBA: \$300/Day
- Confined Space Tripod: \$ 150/Day

NOTE A:

1. OT Rate Applies to hours: < 4 hrs/day; > 8 hrs/day; > 40 hrs/wk; Weekends & Holidays
2. Laboratory Turn-Around Begins When Samples Are Received In The Laboratory And Does Not Include Saturday, Sunday & Holidays.
3. Reimbursable Travel Will Be Billed At \$0.550/Mile + Tolls

III. INDUSTRIAL HYGIENE SERVICES:

Item 1: Labor (Minimum On-site Billing; 4 Hours @ OT Rate)

- Certified Industrial Hygienist: \$175/Hr ST; \$215/Hr OT
- Certified Safety Professional: \$175/Hr ST; \$215/Hr OT
- Industrial Hygiene Scientist/CBST \$125/Hr ST; \$150/Hr OT
- Project Manager: \$ 90/Hr ST/OT
- IH Tech: \$320/4-hr day Includes Calibrated Area A/S Equipment
\$500/8-hr day Includes Calibrated Area A/S Equipment
\$ 80/hr; OT

Item 2: Microbiological Laboratory Services

- Air Sample Analysis (Total Spore Counts):
 - \$120/Sample Includes same-day turn-around of results
 - \$100/Sample Includes 24-48 hr turn-around of results
 - \$ 80/Sample Includes 5-7 day turn-around of results
- Air Sample Analysis (Culturable Fungi; One Medium): Sample Turn-Around Time 7-10 Days
 - \$ 70/Sample Enumeration & Identification to genus or species
 - ADD \$ 45/Sample To Include Full Fungal Speciation (Including ID Of Cladosporium and Penicillium to Species; 2% MEA Only)
- Air Sample Analysis (Culturable Bacteria; One Medium): Sample Turn-Around Time 7-10 Days
 - \$ 70/Sample Enumeration & Identification to genus or species
- Bulk/Swab Sample Analysis (Culturable Fungi; One Medium): Sample Turn-Around Time 7-10 Days
 - \$ 90/Sample Enumeration & Identification to genus or species
 - ADD \$ 45/Sample To Include Full Fungal Speciation (Including ID Of Cladosporium and Penicillium to Species; 2% MEA Only)
- Bulk/Swab Sample Analysis (Culturable Bacteria; One Medium): Sample Turn-Around Time 7-10 Days
 - \$ 90/Sample Enumeration & Identification to genus or species
- Other Microbiological Services and PCR Technology Available: CALL FOR PRICING
- Additional Industrial Hygiene Services Available: CALL FOR PRICING AND CAPABILITIES

Item 3: Equipment Charges

- Anderson Air Sampler: \$125/Day (Single Stage N-6 Impactor)
- Boroscope: \$ 50/Day
- 4-Gas Monitor w PID: \$200/Day
- Infrared Camera: \$225/Day
- Delmhorst BD-2100: \$100/Day (Moisture Survey Meter)
- ASHRAE IAQ Meter: \$200/Day
- PM-10 Impactor/Sampler: \$125/Day
- Additional Equipment: Call For Pricing

NOTE A:

1. OT Rate Applies to hours: < 4 hrs/day; > 8 hrs/day; > 40 hrs/wk; Weekends & Holidays
2. Laboratory Turn-Around Begins When Samples Are Received In The Laboratory And Does Not Include Saturday, Sunday & Holidays.
3. Reimbursable Travel Will Be Billed At \$0.550/Mile + Tolls

IV. MISCELLANEOUS SERVICES

Item 4: Miscellaneous Services

- Asbestos/Lead/Environmental 'Letter' Report w/o Drawings - \$150/each.
- Asbestos/Lead/Environmental 'Letter' Report w/KeyCAD Drawings - \$200/each.
- Asbestos/Lead/Environmental 'Final Report' w/o Drawings - \$250/each.
- Asbestos/Lead/Environmental 'Final Report' w/KeyCAD Drawings - \$300/each.
- Abatement Specifications / AutoCAD / Bidding Process -- Priced Based on Scope of Work.
- Conduct Onsite Bid Walkthrough w/Prospective Contractors – Priced Based on Scope of Work.
- Travel & Misc. Materials – Actual Mileage (@ \$0.550/mile) plus Actual Tolls & Parking.
- Laboratory analysis turnaround times begin when samples are received at Laboratory and does not include weekends or holidays.

RESOLUTION NO.: 281 - 2014

OF

NOVEMBER 10, 2014

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE A PAYMENT OF CLAIM
MICHAEL LOSCERBO IN THE AMOUNT OF \$5,598.52**

WHEREAS, Michael LoScerbo brought a claim against the City of Newburgh; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Five Thousand Five Hundred Ninety-Eight and 52/100 Dollars (\$5,598.52) in exchange for a release to resolve all claims among them; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to settle the claim of Michael LoScerbo in the total amount of Five Thousand Five Hundred Ninety-Eight and 52/100 Dollars (\$5,598.52) and that the City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described.

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.: 282 - 2014
OF
NOVEMBER 10, 2014**

**A RESOLUTION AMENDING RESOLUTION NO. 210-2014 OF AUGUST 11, 2014
TO AUTHORIZE AN AMENDMENT TO THE TERMS OF SALE AND AN
EXTENSION OF TIME TO CLOSE TITLE ON THE REPURCHASE OF REAL
PROPERTY KNOWN AS 213 NORTH MILLER STREET (SECTION 11, BLOCK 1,
LOT 6), 212 DUBOIS STREET (SECTION 1, BLOCK 1, LOT 34) AND 214 DUBOIS
STREET (SECTION 11, BLOCK 1, LOT 35) AT PRIVATE SALE BY JESSE
BLACKMON**

WHEREAS, by Resolution No. 256-2013 of December 9, 2013, the City Council of the City of Newburgh authorized the sale of 213 North Miller Street, more accurately described as Section 11, Block 1, Lot 6 of the official tax map of the City of Newburgh, to Jesse Blackmon upon receipt of the purchase price of \$15,000.00; and that said purchase price must be paid no later than March 10, 2014, and in accordance with certain terms and conditions of sale; and

WHEREAS, by Resolution No. 12-2014 of January 13, 2014, the City of Newburgh also authorized the sale of 212 Dubois Street and 214 Dubois Street, being more accurately described as Section 11, Block 1, Lots 34 and 35, respectively, on the official tax map of the City of Newburgh, to Jesse Blackmon in accordance with the terms and conditions of sale as attached to Resolution No. 12-2014; and

WHEREAS, by Resolution No. 210-2014 of August 11, 2014, the City of Newburgh authorized further amendment to the terms of sale and additional time to close title until October 31, 2014; and

WHEREAS, the parties have agreed to further modify the terms of sale and require more time to close title and the City Council finds the same to be in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that Resolution No. 210-2014 of August 11, 2014 is hereby amended to extend the time to close title on the sale of 213 North Miller Street, 212 Dubois Street and 214 Dubois Street to Jesse Blackmon; and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of the purchase price of \$15,000.00 in accordance with the terms and conditions of sale as annexed hereto and made part hereof; 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 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

Terms and Conditions of Sale

1. City of Newburgh acquired title to the properties known as 213 North Miller Street, 212 Dubois Street and 214 Dubois Street, more accurately described as Section 11, Block 1, Lots 6, 34 and 35, respectively) on the official tax map of the City of Newburgh, (hereinafter referred to as "the parcels") in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. The parcels, including any buildings thereon, are sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; and (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the closing.
3. The purchaser shall continue to be responsible for all water, sewer and sanitation charges.
4. The purchase price of the properties is \$15,000.00. The purchaser shall pay to the City the purchase price as follows:

The City, as seller, agrees to take back and hold and the purchaser agrees to execute and deliver to the seller a Purchase Money Second Mortgage and Note for the purchase price. The Purchase Money Note and Second Mortgage shall be self-amortizing and be in the sum of \$15,000.00 for a term of five years, payable in equal monthly installments of \$250.00 per month. The Purchase Money Mortgage shall be subordinate to the mortgage held by Hudson Valley Federal Credit Union encumbering the property known as 213 North Miller Street. The Purchase Money Mortgage shall contain a late charge for overdue payment. The Note and Mortgage shall provide, among other things, that it may be prepaid in whole or in part without penalty, that it shall be immediately due and payable upon the sale of the mortgaged premises or in the event that the purchaser enters into a land sale contract or in the event that purchaser files a voluntary petition in bankruptcy or assigns the premises for the benefit of creditors.

The mortgage tax imposed by law and the recording fee for this Purchase Money Mortgage shall be paid by the purchaser. Seller's attorney shall prepare the Purchase Money Note and Mortgage.

All payments due hereunder shall be payable to the City of Newburgh by bank check, certified check or money order.

5. Purchaser is advised to personally inspect the premises and to examine title to the premises prior to the date upon which the sale is scheduled to take place. Upon delivery of the quitclaim deed by the City of Newburgh to the purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.
6. No personal property is included in the sale of any of the parcels owned by City of Newburgh, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the purchaser following the closing of sale.
7. All informational tools, such as slides, tax maps, deeds, photos, property record cards, etc., are for identification purposes only and are neither a guarantee nor a warranty as to location, dimensions, parcel use and/or size, or anything else. **THE CITY MAKES NO WARRANTY EXPRESSED OR IMPLIED IN CONNECTION WITH THIS SALE.**
8. The City makes no representation, express or implied, as to the condition of any property, warranty of title, or as to the suitability of any for any particular use or occupancy. Properties may contain paint or other similar surface coating material containing lead. Purchaser shall be responsible for the correction of such conditions when required by applicable law. Properties also may contain other environmental hazards. Purchasers shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchasers shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Purchaser acknowledges receivership of the pamphlet entitled "Protecting Your Family From Lead in Your Home." Purchaser also acknowledges that he has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards or mold.
9. Notice is hereby given that the parcels lie within the East End Historic District as designated upon the zoning or tax map. These parcels are being sold subject to all provisions of law applicable thereto and it is the sole responsibility of the purchaser to redevelop such parcels so designated in accordance with same.
10. All recording costs, mortgage tax and transfer taxes shall be paid by the purchaser. Such recording costs shall be payable to the "Orange County Clerk" by bank check, certified check or money order.
11. The closing costs/fees must be paid by guaranteed funds to the City of Newburgh Comptroller's Office. **The City is not required to send notice of acceptance to a purchaser.** Any additional request made shall be made in writing and placed before the City Council for their consideration.

12. The purchaser warrants that he is in possession of the parcels and shall remain in possession until such time as the payments set forth herein have been paid. Purchaser shall be responsible for all property maintenance during his continued possession of the parcels.
13. If the purchaser fails to close title, the City may, but is not obligated to, offer the parcel to another purchaser.
14. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the purchaser shall be entitled only to a refund of the purchase money paid with interest, but not to any payment of rent. Purchaser agrees that he shall not be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale. However, if purchaser fails to close title in accordance with the terms and conditions set forth herein, he shall be entitled to reimbursement for expenses incurred to bring said parcel into compliance with applicable building and maintenance codes made during his possession as tenant, and as required as a condition of sale, upon presentation of proof that such expenses were incurred in a form that is satisfactory to the City.
15. The sale shall be final, absolute and without recourse once title has closed and the deed has been recorded. In no event, shall City of Newburgh be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, its heirs, success or assigns, against City of Newburgh arising from this sale.
16. Conveyance shall be by quitclaim deed only, containing a description of the properties as they appeared on the tax roll for the year upon which the City acquired title or as corrected up to date of deed. The deed will be recorded by the City upon payment in full of the purchase price and closing fees/costs. Purchaser and tenant(s) remain in possession of the properties until the deed is recorded conveying title to the purchaser. **Title vests upon recording of deed.**
17. Upon closing, the City shall deliver a quitclaim deed conveying all of its right, title and interest in the subject properties, which deed shall be drawn by the City Corporation Counsel. The City shall not convey its interest in any street, water, sewer or drainage easement, or any other interest the City may have in the properties. The City shall only convey that interest obtained by the City pursuant to the judgment rendered in an *in rem* tax foreclosure action filed in the Orange County Clerk's Office.
18. The description of the properties shall be from the City of Newburgh Tax Map reference.
19. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he is the former owner(s) of the properties against whom City of Newburgh foreclosed and has no

intent to defraud City of Newburgh of the unpaid taxes, assessment, penalties and charges which have been levied against the properties. The purchaser agrees that neither he nor his assigns shall convey the properties until after the date of the deed conveying title to the purchaser. If such conveyance is in violation of these terms and conditions, the purchaser understands that he may be found to have committed fraud, and/or intent to defraud, and will be liable for damages to the City of Newburgh.

JESSE BLACKMON

Date: _____

OLD BUSINESS

Mayor Kennedy noted that they have already scheduled a meeting for discussion on the Budget.

NEW BUSINESS

Mayor Kennedy said that they held a Press Conference today announcing that they will be receiving a \$100,000.00 grant for the Skate Park from Senator Larkin's Office and they are really excited about that because they want to move this Park forward. One of the suggestions made was if we could have a designated account for the Skate Park so that people could make donations and the Newspaper wants to include that in the article.

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

PUBLIC COMMENTS REGARDING GENERAL MATTERS

Yaakov Sullivan, 21 Overlook Place, said that there was a report recently on the radio with he believes Governor Cuomo and Vice President Biden suggesting that Stewart International Airport be used and developed as an overflow for the freight coming into JFK. This would be an ideal place and would provide jobs and he wonders if anyone on the City Council has any further information on this suggested plan.

All of the Council Members responded that they have not heard anything about that.

Kippy Boyle, City of Newburgh, said that she would like to propose a moratorium on the sale of any more properties to Holy tax exempt organizations until we have gotten a handle on how they are going to step up to the plate and pay at least a portion somehow of the services that are provided to them. This has been the big elephant in the room and no one wants to talk about it but other cities do it. We are not the only place in the State of New York that has a College, a Hospital or sixty-seven Churches so she would like to know from the Assessor's Office what the number of Holy tax exempt properties have been for the past five years and what they are now. She thinks that she just read an article where a municipality put a moratorium on any more tax exempt properties until they could fully discuss the issue. She understands that the Ferry parking lot contract extension ends the end of this month and asked if there has been any discussion on what the new contract is going to be. She added that in regard to Councilwoman Angelo's comments about the issuance of Parking Tickets after 4:00 p.m. that she paid \$20.00 for the privilege of coming to a Work Session regarding the Budget a few weeks ago because she got a ticket at 4:28 p.m. She asked if she could deduct that from her taxes because like everyone else her taxes are more than her mortgage payment which is unconscionable.

Jan Murchison, City of Newburgh, said that far too often they are here ranting and raving about something negative but tonight she wants to talk about something positive. The N.F.A. Goldbacks won the Section 9 Title and they are Champions who need to be honored and celebrated. She thinks that it is about time that they do something for these kids who are working hard in a positive way. She would like to meet with a few members of the Council to see if there is something that they could do to show them support as a City who is proud of these kids. If we build them up then there is no telling what could happen here in the City.

Mayor Kennedy said that sounds like a good idea and she would like to speak to her about that.

Janet Gianopoulos said that she just found out about some of the Nursing Students who have earned jobs in some of the area Hospitals. She noted that one is a single mother, raised by a single mother, who received Scholarships and just became a Registered Nurse. She found a comment made by Councilwoman Mejia a few years back concerning the importance of follow up with things like the sale of properties. They hear that we have seven hundred buildings but where is the follow up? She looked online to find recent reports about

Codes and noted that she can look up the buildings where she lived in New York City and find out what their current code violation status is so it is her hope that maybe additional software might show us things like that here. Also, in case of fire calls we rarely hear what the cause of a fire was and she thinks it would be instructive for the public to know that information. In regard to police calls the number one identified thing is disorderly conduct which she found online recently. The Police Department was doing weekly charts but she couldn't find and Fire Department charts so again those regular reports would be instructive to the public for prevention. The second number one call for police is traffic complaints followed by property damage, alarms and domestic disputes.

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

COUNCIL COMMENTS

Councilwoman Abrams noted that when Councilwoman Mejia was talking about *"Mill and Fill"* she was referring to the paving of streets which is very important to attract businesses here. She agrees that there should be follow up online for the Code Violations and fire calls but as someone who calls the Police several times a week every week she would love to see follow up on that.

Councilwoman Angelo reminded everyone to be down at the Monument at 11:00 a.m. tomorrow. They are a little late with getting the word out but as many people as possible that can attend would be nice. She said that there was an article in the Newspaper about municipalities and all of the delinquent properties so she asked the Comptroller if he knew how many we will have for this year.

City Comptroller, John Aber, said that he doesn't have that number.

Corporation Counsel, Michelle Kelson, said that the delinquent property taxes are generated by the Department of Finance and the Corporation Counsel's Office then takes that information and files it with the County. The question was how many will we acquire this year and that data is not available at this time because they haven't completed the foreclosure action.

Councilwoman Angelo continued by saying that she hopes there are not too many. She added that they are looking for our Christmas tree so if anyone knows of a tree that they would like to donate they will take a look at. She thanked everyone for their comments and for coming tonight.

Councilman Brown asked the City Comptroller, John Aber, how that twenty percent translates into dollars. What are they looking at in terms of dollars? How much money does that bring in?

City Comptroller, John Aber, responded that 19.8 million dollars is their levy.

Councilman Brown said that he is looking for a dollar amount. We are short how much money in order to balance the Budget?

City Comptroller, John Aber, said that the City Manager's Proposed Budget is balanced. The total revenue coming in equals the total projected expenses for 2015.

Councilman Brown said that it wouldn't equal that if we didn't have to increase taxes by twenty percent so what is the dollar amount that we are increasing in order to meet a balanced Budget.

Corporation Counsel, Michelle Kelson, said to rephrase what she thinks Councilman Brown is trying to achieve is that he is trying to figure out what we would have to reduce either expenses by or increase revenue by in order not to have to increase either the Homestead or the Non-Homestead rate.

City Comptroller, John Aber, said that in order hold the Homestead rate the same they would have to reduce the levy by one million dollars. In order to keep the Non-Homestead rate he would have to run the numbers but they are probably looking at around two and a half to three million dollars.

Councilman Brown said that means that they are short about four million dollars so they will have to figure out where to come up with that money either on the revenue side or the expense side.

City Comptroller, John Aber, said that it would have to be on the expense side because he has already met with the State and our revenue is already tight. We are not going to be able to add any additional revenues at this point. He told the Council that he will have a better number for them on Thursday but it will be around four million.

Mayor Kennedy asked if it is true that if the assessments have gone down and we kept the rate the same the taxes would go down not stay the same. There is this problem with assessments going down and rates going up to equal the same dollar figure as it was last year.

John Aber responded that is correct.

Mayor Kennedy said that they are trying to figure out how to hold the actual dollar amount paid out last year to be the same amount. What would it take to hold the actual taxes paid in versus the rate? Never mind the rate; the actual dollar taxes paid last year.

City Comptroller, John Aber, said that it will go back to the same four million. If they want to keep the individual taxes the same for Homestead and Non-Homestead, the only option they have is to reduce the levy down to the point that the rates remain. What will happen is that the assessed value for the City of Newburgh for 2014 on the Homestead rate dropped by 6.5%. It went from five hundred sixty four million dollars last year to five hundred twenty seven million dollars this year and the Non-Homestead rate went from three eighty three to three twenty seven which is a 14 ½% increase on that rate. If you factor that into your levy it gives you a percentage of about how much each homeowner would have to pay to keep the levy the same. If someone's assessed value remains the same, their taxes would go up, if the assessed value went down their taxes would go down and if the assessed value went up their value would go up. The biggest hit is that most actually remained the same for 2015 which means that everybody gets an increase.

Councilman Abrams asked the City Comptroller to please explain what happens to our City and our Bond rating and all of that good stuff if we have to lower our levy?

City Comptroller, John Aber, said that when the whole discussion came up about reducing the levy he contacted C.M.A. who is the Investment Firm that helps us sell all of our Bonds and their fear is that the Market will have a negative reaction to reducing the levy and that they will go back to the days where they cut taxes just for the sake of cutting taxes. Their issue with that is that the reduction overall would take us below investment grade which means that any future Bonding that we do will go up. It would not happen right away but that is something that they are against.

Councilman Brown said that was the action of previous Council not this Council so if they have to reduce taxes it's because that is what they have to do.

Mayor Kennedy said that she had a conversation with John Aber this afternoon that they are not reducing the taxes based on a silly idea but the fact that they are taking action to protect the basic investment of our property owners. It would seem to her like Bond Counsel would see that as a positive action that they are protecting the property owners by not increasing the taxes. She wonders if they could put forth a proper message to them about what they are really trying to accomplish here.

City Comptroller, John Aber, said that he thinks our Investment Firm understands what we are trying to accomplish but the issue is how they are going to react to it. He already spoke to Beth Ferguson with our Investment Firm and she is willing to come to the next Council Work Session to explain all of this in much better detail than he can.

Councilwoman Abrams asked who she was.

John Aber said that any time we sell a Bond we work both with a Bond Counsel and an Investment Firm.

Mayor Kennedy asked if she would be here on Thursday.

Councilman Brown said he doesn't know what she would be bringing to the table. They are not there yet in terms of investing. He asked if we are selling bonds this year.

City Comptroller, John Aber, said that there is a plan to put together a Capital Budget which actually would be bonding.

Councilman Brown said that they haven't seen a Capital Budget and usually it comes in with the regular Budget so that they can see them both at the same time. Not that he is concerned about that but depending on what we are talking about bonding certainly affects what we have to pay out in terms of debt service and that is a direct effect on the expense side of the equation. If we don't know how much we are going to bond, that also affects our general fund Budget.

City Comptroller, John Aber, said that it won't for 2015 because if they are going to bond in 2015 their principal and interest payment wouldn't be due until 2016.

Councilwoman Angelo said that we had a good rating with Moody's back in June and then they heard the announcement that we had a one million dollar deficit. So what do they say now?

John Aber said that when he projected the million dollar shortfall he also came up with a plan on how to cover it so we reduced spending to realign the revenue and expenses. On Thursday he will have what the actual "break even" would be because if they reduce the one million out of the levy that would make the Homestead rate the same as it was for 2014 but they still have to come down more on the Non-Homestead rate. If he could come with the number that they have to cut they could then reevaluate the percentage for it would probably get them to a number of less than the four.

Mayor Kennedy said it is clear that they all have some homework to do between now and Thursday.

Councilman Brown thanked everyone for coming out as he always enjoys the input from the public. It is really informative and it helps this Council make their decisions based on what the public is saying and not what they believe is best for the City.

Councilwoman Holmes thanked everyone for coming out tonight and she appreciates the education that she is getting from the public. She said that she thought that the twenty percent was just a rumor and not what is going to happen.

Councilwoman Lee thanked everyone for coming out and said that she hopes to see them on Thursday so that they can hear all about the Budget. She also wished Kippy Boyle a Happy Birthday.

Councilwoman Mejia thanked everyone for coming out and to those who don't know as of 2013 the Vacant Building Registry is on an interactive map on the City's Website which will give you information such as the assessed value, number of code violations and police calls that have been made to a particular property. There is movement forward but they just have to do better on communicating with one another about it. She added that she will see everyone on Thursday.

Mayor Kennedy said that she has to find out how water rents are tax deductible and they will talk about that further. In regard to the Fiscal Budget Advisory Board, she believes it would be a good idea to have that input and to continue with that on a yearly basis. She announced that SUNY Polytechnic will be holding their first Graduation. They are over at the Armory and they are graduating their first class on Wednesday at 11:30 a.m. and they already all have jobs. This is a really important thing and she would encourage everyone to go see what is going on with this manufacturing training over in the Armory because it is a really big deal. She remembers starting to work on that almost a year and a half ago so this is another great thing going on. She thanked everyone for coming and said that she appreciates hearing all of their input which is guiding them.

There being no further business to come before the Council the meeting adjourned at 9:00 P.M.

**LORENE VITEK
CITY CLERK**