

A regular meeting of the City Council of the City of Newburgh was held on Monday, November 23, 2015 at 7:00 P.M. in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

The Prayer was led by Rev. Ernie MossI followed by the Pledge of Allegiance.

Present: President Pro Tem Brown presiding; Councilwoman Abrams, Councilwoman Angelo, Councilwoman Holmes, Councilwoman Lee, Councilwoman Mejia-6

PRESENTATIONS

The City Council presented a Proclamation declaring November 23, 2015 – November 29, 2015 Childhood Cancer Awareness Week.

A presentation was given by Kelly Dobbins with the Orange County Planning Department and the Regional Plan Association on the Sustainable Orange Program.

A presentation was given by Deirdre Glenn on CDBG 2015-2016.

A presentation was given by City Comptroller, John Aber on the Fiscal Year 2016 Budget. He said that he gave copies of both the Personnel Services Book and the Adopted Budget to each of the Council members tonight and he has copies ready for the new Council members. Once the Budget is passed they are for the Council to keep but if there are any changes to the Budget he will ask for them back and return them tomorrow after the changes are made.

Councilwoman Angelo asked if we had money in this year's Budget for the street paving is or is it coming out next year.

City Comptroller, John Aber, said that we had accumulated over a million dollars in CHIPS Funding that has just been sitting there so his office and DPW have worked together to come up with a schedule for cash flow because it is a reimbursable Grant. He believes that this year DPW is going to do about \$400,000.00 worth of street paving and then there is \$540,000.00 in next year's Budget. On top of that we get an annual new award of about \$240,000.00 every year from the County.

Councilwoman Angelo said thanks to Jonathan Jacobsen for pushing that because he had so many posters up to fix the streets.

Councilwoman Lee said that she asked John Aber to change one of the salaries.

John Aber, City Comptroller said the Budget that is presented tonight includes all of the changes that were approved by the entire Council at Thursday's meeting. He has already spoken with the Council members who want changes and if they vote for them it is very easy to change in the books that they have as well as online. That's why he said if there are any changes made he will need them back tonight and he will return them tomorrow with those changes incorporated.

Councilwoman Lee said that she asked for the salary of the Director of Planning and Development be changed. She asked that it be changed back to what it was and maybe there is no logic to that.

City Comptroller, John Aber said that there was a request from Councilwoman Lee and a few other Council members to change it back so whatever the Council agrees on will be incorporated into the Budget. He can't make the changes just based on one or two Council members. The numbers that were presented Thursday night is what's in the Budget.

Councilman Brown said that upon Council approval they will move Planning and Development back to its original salary.

Councilwoman Mejia said her comment is around the four positions that were targeted. She spoke with Corporation Counsel as well as Mr. Aber and she wants to go on record saying that she has high concerns for the potential liability that this opens up for our City. We are specifically targeting women and asking them to take a pay cut for jobs that have been performed by male counterparts at the same salary and they have outperformed those individuals. When they looked at the Budget, there were other positions for which male counterparts were hired in the last couple of years who have not been targeted and were not asked to take a pay grade or step decrease. We cannot be selective and she does not want to be at the potential back end of a lawsuit because this is just wrong.

Councilwoman Abrams added that these people were hired with the approval of Civil Service so their pay grade was approved and advertised at a certain rate. To now just drop them a whole grade is just unfair and it's not right.

Councilwoman Lee said that she remembers specifically asking the City Manager not to promote anyone and give them a \$30,000.00 or \$20,000.00 increase in their new job and the reason she asked for that specifically is because the promotions put people at the top pay. They didn't start them at the base pay for that title and that's her concern.

Councilwoman Mejia said that the other end of that is that when we start picking off of the list that was given it just continues to demonstrate the arbitrary aspect of it. We are getting ready to have an HR person come on board and she would be more comfortable with an individual doing an assessment and making recommendations versus the Council hand picking.

Councilman Brown told City Comptroller, John Aber that he guesses they agree to move the Planning and Development Director back to its original salary and he wanted to change the Agenda a bit. Since they just discussed the Budget he wanted to put Resolution #300-2015 on the table right now for a vote.

Councilwoman Mejia said that they can't just change one.

Councilman Brown asked for an explanation from Corporation Counsel.

Corporation Counsel, Michelle Kelson that in the Rules of Order and Procedure there is usually an opportunity for the members of the public to comment on Agenda items prior to voting. If they move the Budget resolution, they have interfered with that general order of business.

COMMUNICATIONS

Councilwoman Abrams moved and Councilwoman Lee seconded that the Minutes of the November 9, 2015 Council Meeting be approved.

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

CARRIED

CITY MANAGER UPDATE

Councilman Brown said in light of the crowd that is here tonight it seems like it's going to be a long night so he wanted to move past the City Manager's Update and right into comments from the public regarding the Agenda.

City Manager, Michael Ciaravino said, *"Councilman Brown I have a report prepared and I don't know that we are just going to delete what I have to say this evening." Is that your intention?"*

Councilman Brown said that this is his meeting. He asked the audience members to stay in order or be removed. At this point he said they are taking comments from the public regarding the Agenda.

City Manager, Michael Ciaravino said, *"Mr. Chair, point of order. Can there be a vote by your colleagues? Should they be allowed to vote to determine whether or not I am going to have my report?"*

Councilwoman Mejia motioned to hear the City Manager's Report and asked for a second. Councilwoman Abram's seconded.

Councilman Brown said that he wanted to make it clear that the Work Session is Michael's meeting and he is entitled to do what he wants. *"I had some comments and wanted to move forward and he decided that he did not want to move forward. We have I don't know how many people here tonight who want to make comments so his report to me is going to be skipped tonight. If you don't like it that's fine I can accept that and respect that. If there are no more comments then we will move to the next item"*.

Councilwoman Mejia said that she made a motion and it was seconded so she would like to hear the City Manager's Report.

Councilman Brown said, *"There is no motion on the floor. We are on comments from the public regarding the Agenda."*

Councilwoman Mejia asked for what reason are we not allowing him to give his report. That is one of the things that the Council asked for. We asked for increased transparency, communication and to be kept abreast of what is going on in our City and one way to do that is through the City Manager who manages the day to day activities of the City so she doesn't understand. All she is asking for is the order of business to take place by majority vote.

Corporation Counsel, Michelle Kelson said that the Rules of Order and Procedure for the City of Newburgh, Rule II B. reads, *"The Order of Business may be departed from by majority vote of the members present."*

Councilman Brown made a motion to skip the City Manager's Report.

Councilwoman Mejia asked, *"How is your motion different than my motion, Chairman?"*

Councilman Brown said, *"Because I'm the Chairman that's why it's different"*.

Councilwoman Mejia asked if this is a Dictatorship now.

Councilman Brown said it is not a Dictatorship it is Point of Order. *"We are going to take a vote and if the vote passes then fine but if it doesn't then we move on. This is a motion to skip not a motion to read"*.

Councilwoman Mejia said that the motion she made is for it not to be skipped and for him to give his update. That's the motion on the floor.

Councilwoman Angelo asked the City Manager if he had anything prepared to report.

Councilwoman Mejia moved and Councilwoman Abrams seconded to not skip the City Manager's Report.

Ayes – Councilwoman Abrams, Councilwoman Angelo, Councilwoman Mejia – 3

Nays – Councilman Brown, Councilwoman Holmes, Councilwoman Lee – 3

MOTION FAILS

Councilwoman Mejia said that this is such a sad moment for us here as a Legislative Body. That we are silencing our City Manager. It is contrary to everything that we say we want.

Newly Elect Councilman Torrence Harvey suggested that we hear the City Manager's Report. He said that he wants to hear it.

Councilman Brown said that according to the vote it did not pass.

Councilwoman Mejia said it didn't fail either; it's a tie.

Councilwoman Abrams moved to reconsider.

Councilwoman Mejia said that she seconded.

A member of the audience said that they should relinquish their time to the City Manager.

Councilwoman Mejia said if that's the strategy since the people in attendance have taken time out of their busy schedules to come here to speak then during the portion of the meeting for comments from the Council regarding the Agenda the City Manager can take her spot and give his presentation then.

Councilman Brown told Councilwoman Mejia if that's her choice then that's what she can do.

COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

Sandra Shaddock, President of Teamsters Local 445 said that she is here tonight on behalf of the City of Newburgh Police Officers to speak in regard to the Budget as there have been several articles in the newspaper recently and it's time that a few things be pointed out relative to these articles. Quotes from ten years ago resemble today's City of Newburgh and that City had little to no economic growth, high taxes, staggering poverty and was known as the number one crime city in America. The Police Chief stated last year that everyone deserves to live in a vibrant and safe neighborhood and that he would not rest until he knows they are doing everything they can to make that a reality for every resident of *Dallas*. She believes that the Council has the same hopes for the City of Newburgh and today in Dallas they were ranked number three for new jobs among all metro cities and it was poised to be the next Silicon Valley. Dallas was put in the top tier for the World's fastest growing economies and it was listed as number seven in the Nation where Hispanics are doing the best economically. The best performing city and the best city for families with leading job growth. The best city to live and the list goes on and on so how did they do it? Residents say that one thing is certain, Dallas has seen a major crime turnaround in the past decade and they called it a team effort. She is telling us this because the City of Newburgh has repeatedly chosen not to make this a team effort and this Board, which is very much divided, has taken a stance to be in opposition of the Police Department and their efforts. In the past week she saw that there has been a push to save the Firefighters whose jobs were slated to be eliminated due to the loss of a Grant and miraculously the money was found. She told the Council that they have divided public safety. Firefighters and Police should not be on opposite sides. In the last two months they came up with a plan on a long term strategy to sign an eight year deal with the Police Department and it was disregarded. They want to be part of the solution but the City needs to stop making them part of the problem. Give the Officers these salaries that they deserve as they need to be on the streets to combat the crime in this City. We will not experience economic development here as long as we have businesses that can't get customers and are in fear to live and work here.

Mike Pitt, President of the PBA continued that in 2014 Newburgh's crime rate was four times the State average. The Headlines last month in the City of Newburgh were that four teenagers were arrested by a police chase and charged with felony possession. The next day Neuhaus presents the City with \$25,000.00 for repairs for a Courthouse. Newburgh closes Water Street for a possible imminent collapse. November 2nd, Newburgh considers options to replace Public Safety Building which Mayor Kennedy says no to. November 4th, Newburgh Officers are told that they have to wear body cameras full time. November 6th, five pedestrians hit in four separate incidents in one hour. November 7th, seven people charged in a prostitution ring. City officials warn against illegal dumping. On the 10th officials stress fairness and respect in the Anti-Crime Program. November 11th, City votes to search for a new Manager but where is the stability there? November 13th, body cameras increase transparency. November 13th, the State Comptroller put out that the Newburgh Budget should allow for potential police raises. November 17th, cell phone stolen from a man

in the Police Lobby. November 19th, \$400,000.00 paving project on long neglected roadways. November 20th, woman and child escape injury after bullet shatters bathroom window. November 20th, City Council proposes a hiring and wage freeze which will be talked about later. The City possesses the largest driver of economic growth which is available development sites and we also possess one of the largest barriers to growth which is high crime. You cannot and will not prosper without removing the barriers to growth and just this past weekend five people were shot on Broadway. Armed robbery, a burglary, an arson all on Broadway but nothing about police raises. They have been in negotiations for about four years and without a raise for almost nine years and the Council is all aware of that yet there is no talk. Mr. Aber knows how much they go to the table and yet there is nothing about police raises. They sit down with the City Manager, whom they should not get rid of, because he talks to the police and he is very open, willing and able to meet with them and talk about the problems they have in their building. He welcomed everyone to visit their building where all of their parking spots are roped off with yellow tape. How long do they have to wait? This is a twenty four seven building and they want the police to do a lot more with a lot less. He has photos on his phone where urine was coming through a leak in the ceiling into Communications where all of their equipment is. Half of their building is inhabitable and he asked how they are supposed to operate like that. They still want them to do their job and they critique them to the fullest. They demand respect and that something happen to their pay raises because they need it.

Police Chief, Dan Cameron said that the PBA negotiations directly impact the Budget. Despite all of the challenges you just heard that the police officers are faced with every day they managed this year alone to have a 47.4 percent increase in officer initiated activity. They deserve the chance to have livable wages. Councilman Brown stated earlier that it's going to be a long night and every night has been a long night for the City of Newburgh Police Officers. A three minute one way conversation is no justification for what they deserve and what needs to be heard by the City Council. He sent an e-mail to the Council members today requesting to meet with them individually to discuss all of the matters pertaining to the police negotiations and how it directly impacts their morale and most importantly the safety of the City as well as the retention of officers. We are never going to get ahead of this crime if we can't retain officers. He had two officers leave this year already who had just graduated from the Academy and are going to higher paying jobs. He would like to sit down with the Council to discuss the importance of these negotiations as they go forward.

Councilwoman Lee told Chief Cameron that they spoke with him on several occasions and he went through the negotiations. They are now prepared to pass a Budget and he has been before the Council three times yet he sent an e-mail today and she has been sitting here for four years. *"How come you're just sending an e-mail regarding pay increases that you said were due eight years ago and why didn't you bring this to anybody's attention? Why didn't you bring it to your boss's attention because he said he met with you?"* She wants to meet with the Police Chief, his supervisor and the Comptroller.

Police Chief Cameron said that the PBA is currently now negotiating with the City and that is recent. In the current Budget there was no allocation for anticipated police raises and that is why he is standing before them now.

Dwayne Ware wished to speak about resolution #305-15 for the salary and hiring freeze. He is part of the Community Advocacy Committee a division of Life Stations Center of Excellence. Life Stations is committed to improving the quality of life for black men and their families and they are speaking about the corruption behind the Budget. Corruption leads to stealing which leads to poverty which leads to crime which leads to violence and murder. Ninety percent of those murders in this community are minorities. A hiring freeze eliminates the opportunity to bring in more Police Officers to assist with helping to maintain order in our community. It also puts in jeopardy the number of officers already spread thin out there on our streets to keep them safe and protected. Their lives are at stake as well. He has seen Newburgh go through many changes and most were not for the improvement of our City. Many projects were funded but never completed and for decades our City has been downtrodden by horrible political decisions not in the best interest of the people. We do not need a hiring freeze. We need to seek people of integrity and knowledge of the true value of the City of Newburgh and its infrastructure, water systems, watershed and a revitalization of our City to include the Waterfront. The Consolidated Iron property needs to belong to the people of this City and it should be given to them. We are the people this is our City and we are supposed to be represented here properly and tonight that didn't happen. The people here deserve better than that.

Alicia Ware also commented on resolution #305-2015. She is here with others as part of the Community Advocacy Council also known as CAC and feels that local and federal governments tend to use hiring freezes all too often when they respond to a Budget which typically results in negative consequences. There are two ways to look at your employees. One is as a cost and accounting expense and the other is that they are an asset to our city. Why would we have a hiring freeze? She believes in our police officers who come out and put their lives on the line so how dare we not give them a raise and protect them. That is an insult to the people who are here serving us. She asked the Council members to not look at the numbers and to look at the people and the individuals who are dodging bullets on our behalf. We are better than that.

A City of Newburgh resident said that the Police Department is not being given the financial support that they need and that needs to be addressed. He noted that the City Manager has done a lot of good things here with a lot of forward movement. He added to give respect to everyone here.

Lisa Daily, City of Newburgh, said that she is speaking on behalf of Yaakov Sullivan who could not attend tonight. He says, *"Elections have consequences and the recent Mayoral election was a strong vote of confidence in our incumbent Mayor Judy Kennedy and her executive team. Newburgh continues to move forward under her leadership and that of our City Manager, Michael Ciaravino yet at the same time we are hearing strident voices raised from*

certain City Council members who seem determined to undermine our progress. They have employed an underhanded strategy on two fronts. One is to post a search for a new City Manager a move already voted on and second a vindictive attempt to legislate unjustified changes to the Proposed Budget by targeting specific City employees' salaries and pay grades that they are demanding be arbitrarily reduced. Both of these moves demonstrate an utter contempt for the proper procedure and more critically overstep the designated duties authorized to City Council members as outlined in the City Charter. Newburgh deserves better than this from its elected officials. In response to these actions undertaken by these Council members I along with hundreds of other concerned voters of this City am calling on the Ethics Committee to convene an immediate and thorough investigation of these two issues and due to the seriousness and potential legality of these said actions that the matter be brought to the attention of New York State Attorney General, Eric Schneiderman, for further review. Nothing less than the welfare of our City and the upholding of orderly good governance is at stake. We, the citizens of the City of Newburgh cannot allow this devious move now afoot seeking to punish targeted city employees by arbitrarily reducing their pay grade and salary. Do not let these members of the Council railroad this through under the rouse of fiduciary responsibility. These targeted employees are civil servants whose contributions serve as a testament to their dedicated service to this City on behalf of all its residents. Stand and be counted in demanding a full investigation into these ill-conceived actions being improperly pushed through by these few”.

Daniel Gilbert owns a small business and property here in the City of Newburgh and he has been watching the Council meetings online for a while now but has never attended one until tonight. There are some people in this room who are really trying to help Newburgh change for the better and it is slowly but there are others who do whatever they can to pick fights that ultimately end progress here. From what he can see this Council operates like the current Congress of the United States and some of the Council members are so polarized that when a new idea comes up they disagree just based off of where it came from. The people of Newburgh have spoken and they want to keep people who are doing a good job and the best for this City and get rid of those who are wasting tax dollars and more importantly time. We have had seven City Managers in the last ten years and we need consistency. Mr. Ciaravino has done very well for this City; in the last year and a half it has seen more progress than it has in the last fifty years. When an individual city employee can be blamed for the short comings of the Council, how on earth are we going to attract anyone with a brain to work here let alone live here? If you want to keep young educated people like him in this area then we all need to work together and not distract everyone from the fundamental issues. Newburgh has to overcome in order to reach its potential.

Omari Shakur, 113 First Street, asked which Budget they are voting on, the Manager's Budget, Revised Budget or the Renegade Budget. His phone was ringing off the hook Sunday morning first about his Niece who was at a Barber Shop on the corner of Gidney and Powell Avenue when two men in hoodies came in and told everyone to get on the floor and empty their pockets and someone was shot. Later on that same night five people were shot so people are calling him to find out what's going on. Our City is falling apart and our children are dying. He understands that the

Police need a raise and that our Firemen are doing a good job but the reason why all of this is happening is because not enough people come to the City meetings regularly and when the cat is away the mice will play. People haven't been here to see what their elected officials have been doing. We have been crying, talking and protesting trying to get people to come and this is why our City is where it's at because it's not what they are doing but what we are not doing. We are not making sure they do their jobs. Our community, our children and our City is dying and we all want the same thing so when they make any decisions think about the children because that's our future.

Iris Burnett, City of Newburgh remembers Newburgh in its glory and it was a beautiful City. With Michael and Judy you could feel the change coming and it was very, very positive. Talk to the Real Estate agents who have sold hundreds of houses and there are houses in the pipeline as Habitat is really working. There are new businesses moving here because they actually want to live here and it's a very good sign for the City. She and her husband decided to document all of the Hope that was emerging in this community so they brought nine photographers from all over the World to document all of the really good things that are happening. She added that she has never been in a meeting where people were not allowed to speak when they were on the Agenda or when there were people who are empowered to shut people up just because they feel like it. She has attended a lot of political meetings and she has never been in one where there hasn't been a rallying cry for working together. She would like to see the moving forward continue.

Julie, First Street, said that when she first came to the City of Newburgh about three years ago in the winter time everything was beautiful but in the spring she started to notice the garbage on the streets and her son told her that this was the slums. It looked like the slums because there was trash everywhere but now three years later she went out two nights ago in the dark and walked to a shop on Liberty Street. She thought to herself how different it is now with the street lights on and people walking around so she felt safe. That is really a change because she would not have done that three years ago and it is all do to the work of the Mayor and the City Manager. How could anyone in this day and age target the females and expect to get away with it? This is a shameful plan. It's not an attempt to balance the Budget it's some kind of vindictive game and she doesn't like it. They need to stop that and grow up and make adult rules because they are dealing with adult lives. How can you cut their salaries when they are performing at their highest?

Leslie Haskin, Founder of Life Stations of Excellence said that their goal is to improve the quality of life for black men and their families and spoke in regard to the Agenda item about the Budget. Although Mr. Aber highlighted all of the wonderful things that are in the Budget he failed to mention the things that are being proposed to take out of the Budget. They are proposing to cut salaries and do a hiring freeze which keeps our City in poverty. Look across the Nation and see where young black men are fighting for their lives because they have been taken to the streets to do whatever they can do to make ends meet. A few months ago this City Council voted down a Jobs Program to give our young black men work and now they are asking for a hiring freeze so she is a bit confused. Are we working for the

residents of Newburgh or are we trying to kill these young men? She proposes that the Council reconsider this Budget and all of the corruption that is going on. She is fighting for the 3.8 square miles of Newburgh of which sixty-five percent live beneath the poverty line. Thousands of young black men that are being killed can't find work and don't know where to turn. She made a public plea to get these young men and families together and call Life Stations of Excellence as they go forward with a Class Action Civil Lawsuit against the City of Newburgh for failure to represent the best interests of this community. They have also been investigating for the past four months the e-mails, documents and correspondence that have been going back and forth bullying the City Manager and other individuals that represent the best interests of this City. They have presented that case to the State Attorney General's Office and they have been in contact with the law offices of Civil Rights Attorney Fred K. Brewington, C. Vernon Mason, Arnold Keith and others. This isn't about the Budget or liking or not liking someone; it's about the residents in the City of Newburgh and asking the Council to do the right thing. Have some integrity and stop the corruption because the corruption leads to poverty which leads to crime which leads to murder and ninety percent of the men that are being murdered are young men that we love. No more, we have had enough and we are better than this.

Lucy, City of Newburgh said that when she moved here three years ago people told her this was the Murder Capital of the World but she saw the potential in this City. She asked Councilwoman Lee why she was not listening to her and said the fact that they took the City Manager off the Agenda when everyone in the audience wanted to hear him shows the corruption. *"The corruption is with the City Council right here and if we want change to come we are going to have to do it, not them"*. *"We have to organize and shut them down and get them out"*. She said that they are dividing our Police and Fire Departments, doing a pay freeze and women are being attacked. *"Shame on you for not representing the people that elected you. Shame on you for being on your computer and not listening"*. So many people she knows have spent hours and hours trying to change this City. She saw the people who are living in poverty and wants that to change. She doesn't want to kick them out but this Council will not support the Police Force or the Fire Department so they are not going to support the residents. The City Council members that are speaking for the residents need to speak up more and make sure that the City Manager can do his job.

Richard Harper, City of Newburgh and Conversation Advisory Committee Chairman said that he and his wife love this City and they are actively concerned about the health of the community. The changes that have been made under the leadership of City Manager, Michael Ciaravino in the last year and a half have been cause for the first real excitement and optimism about the future of Newburgh since 2007. With the staff he has assembled he has raised the bar for professionalism and effectiveness. That bar had been low for so long that we were measuring an employee's value by how long they sat in a position rather than how effectively they performed their job. So many areas and issues suffering from decades of neglect have begun to be addressed and this new attitude is being noticed at all levels of regional and state government as well as the creative and business communities. It has led to increased credibility and placed us in a much more favorable position than we

have been in many years. In his opinion we are finally on the right path so this is not the time for change in leadership in management as it would do nothing but send a negative message. *"We want the chaotic and rude behavior of recent City Council meetings to stop"*. It seems clear what four Council members are trying to accomplish by beginning a search for a City Manager when there is no need for one and by starving the Executive Office of budgeted staff to ensure its failure. They have all seen these tactics before as they make a work environment so uncomfortable that finally the targeted employee leaves on their own. Resolutions #300-2015 and #305-2015 if passed along with the suggested salary reductions in several Executive Staff positions will surely result in unnecessary turnover. In addition to the loss of outstanding talent and expertise, staff transition has associated costs we cannot afford. *"As taxpaying resident homeowners, citizen activists and volunteers and in the best interest of the City of Newburgh we demand these actions be stopped immediately"*.

Paula Stevens, Dubois Street, commented on resolutions #300-2015 and #305-2015. The proposed changes in the Budget represent a not so subtle attack on the City Manager and an attempt to devastate his staff. The salary and hiring freeze are availed attempts to usurp the authority of the City Manager while allowing members of the City Council to have final say in staffing decisions at City Hall. *"These actions are both illegal and unethical and we are better than that. The attacks against Mr. Ciaravino by certain members of this Council are undeserved and retaliatory at best"*. When the Council recently voted to begin a search for a new City Manager, voting to waste our precious resources, time and money not one of them was able to give any persuasive or rational reason for doing so. This is irresponsible and unethical as it is the sworn duty of the Council to represent the people of this City and act in their best interests. It is no secret that some on this Council don't like our City Manager for whatever their personal reasons may be. It is also not a secret that Mr. Ciaravino's job was publicly threatened as a result of pursuing an investigation for the benefit of our City. Now the staff in Mr. Ciaravino's Office is being targeted with unjustified demotions and salary freezes which is illegal. The Council was informed at Thursday's Work Session that this action is illegal and would leave the City open to potential lawsuits and discrimination charges. *"We can't afford that and we are better than that"*. She is a relative newcomer to Newburgh but she loves this City and the changes that have taken place under the leadership of Michael Ciaravino have caused real excitement and optimism about the future of Newburgh. City staff are present and accountable at Council meetings, the cooperative relationship between the Engineering Department and DPW to fix in house Newburgh's long crumbling infrastructure is a beautiful thing to see. Our Police Department is more diverse than ever with black, Latino and women officers and police are wearing body cameras, walking through our neighborhoods and getting to know the citizens and children. The City is stabilizing and moving forward, *"Don't screw it up out of petty jealousy, vindictiveness or simply poor judgment. Stop the BS, stop the bullying and stop the corruption. We are sick of it and we are better than that"*.

Barbara Smith, City of Newburgh said that there are three Budgets on the table but which one is being voted on? If it is the last Renegade Budget, they have not had a Budget Hearing yet so when do they intend to have a hearing on that particular Budget? If there

was no hearing on that Budget then how do they submit it to Albany for approval? As a Chair for the Board of Ethics she did not receive a budgetary request, however, in the past three weeks she has learned of nearly a half dozen complaints that are being prepared right now. The Board authorizes them to subpoena witnesses, take depositions and otherwise just investigate the complaints. She, therefore, asked the City Council to add \$10,000.00 to their Budget to anticipate all the work that has to be done. *"Why are we trying to clear out the City Manager's office? Once you empty out his office and have now put a freeze on the hiring how does he get anyone back into his office? Is this a means to make him fed up and make him want to leave on his own? Who do they have in mind to fill the vacancy? We need to look at the Budget and bring it back to the original City Manager's Budget and send it off to Albany with a vote"*.

Robert McLymore, City of Newburgh wished to speak on behalf of the Police Department. He thinks that Chief Cameron is doing an awesome job and he has seen a vast improvement in the community with police enforcement. He wondered when we were going to get back to community policing, just being friendly and establishing a rapport with the community. This is something that Chief Cameron has been trying to do which will take us to the next level so we have to make sure that we do what we have to do to work together with the Police Department. The building that the Police Department is working out of is ridiculous and an embarrassment with ceiling tiles that are coming down and mold. He feels that we should have the best of the best in this City and if we are not giving them the resources and tools that they need to enforce then we are doing ourselves a disservice. We have to make sure that we keep them around and work together to give them their contract. Make sure that we are doing our best for the community because if they are not well equipped and we don't have any Officers on staff then how can we expect them to respond in a timely manner. We don't want this to be a revolving door. We spend all of this money to train them and send them to the Academy for them to leave so we have to come together and make sure that we get them the resources and the pay that they need.

Janet Gianopoulos, City of Newburgh, said in regard to the Budget her main problem is that she could not find it online. She scrutinized the City Manager's Proposed Budget and it looked like a good plan. She feels that resolution #305-15 proposing a salary and hiring freeze will be a funny joke if they vote for it because they won't be able to hire the two new City Council members. Listening changes things for the better and this City Manager has been listening. Because some of the Council decided not to uphold the Agenda they presented tonight the residents did not get to hear the latest about the sanitary sewage discharges and some other important things that the City Manager brought up recently. She is also concerned because about two years ago the Council appointed an additional Judge and the goal with that was to be sure we adjudicate Codes. When she looked at the proposed Budget for the amounts predicted to take in and the amounts that were taken in this year it's pathetic. She wants to know when the Council is going to sit down with its Judicial Appointees and find out what's happening in the adjudication of our Codes cases. She hears talk about corruption tonight and asked if anything going on with the Council's Judicial Appointees?

A City of Newburgh resident representing Bay View Terrace said that she is twenty-three years old and she has attended school here but one of the most disappointing thing she has ever heard come out of Mt. St. Mary's is, *"When you come out of the main entrance, don't turn to the left"*. When she was sixteen she attended a community meeting with the Police Department and discussed that there was a need to have law enforcement presence in the community and their response back was that there is no manpower so at the time she accepted that as she was not old enough to vote. Now that she is twenty-three she sees that the same Council people are in office and that this has been an active problem yet nothing has been done and she feels like that's an insult borderline contemptuous action toward her vote. They are talking about the Budget and she hears that there could be changes made but in order for us to grow we need to feel safe. Having four police officers in the City of Newburgh during a shift is unacceptable. She finds it unacceptable and unjustifiable to have the City Council here in front of her and she feels that this is going to be overlooked once again. She finds it just so rude to the City of Newburgh residents who have put them in office. She finds it rude that a couple of years ago she trusted some of them and voted for them but she has now awakened because deep down she represents those in her family who cannot vote. She asked the City Council to reconsider the need for a raise in salary for Police Officers in the City of Newburgh because today and tomorrow are not promised. *"If you really want our City to grow, for you not to say that our safety is important is just a backhand insult to everyone here in this room"*.

Mr. Powers, City of Newburgh resident said in regard to the Budget that there is one department that is responsible for generating our revenue of the future and that is Planning and Development. Thank goodness for the wisdom of this Council to decide not to dock our current Manager of that department for the work she has done because she has done a remarkable job. We saw that tonight in the contrast between the report for this year and last year. She is not alone in that department and she is not doing all of the work herself. It is a team effort and she is a team player so to dock her employees in their salaries in reprehensible. This department has the potential to generate so much revenue for us so it should be encouraged and emboldened not penalized for the good work that they are doing. In regard to the hiring freeze, that can work well in a very large organization but our organization is relatively small and once the Manager receives the Budget he has to live within and work with that. If someone becomes sick or moves away and you cannot replace that person it takes a great deal of power out of the hands of that Manager and makes that recommendation not workable in organizations our size where the Budgets are of lack rather than of plenty. He added that it's obvious our City Manager has done a wonderful job and it is quite possible that the communication between certain members of this Council and he are not what they ought to be but that can be fixed. They just have to be willing to sit down and work out a system to where they can communicate so it is not an unfixable condition. He urged the people involved to sit down and get that done sometime before this year ends.

Stuart Sachs, 28 Lander Street said that when he moved here twelve years ago he would hear bullets at night and actually picked a couple out of his ceiling. He is very pleased

to say that doesn't happen anymore and he is very pleased with the job that the Chief and his department has been doing. He did a drive along with them late one Friday night and was shocked that there are only eight single officer cars on the street between 10:00 p.m. and 3:00 a.m. So every time there is a traffic stop one car has to back up the other so that is a quarter of the entire force at a traffic stop because someone doesn't have their lights on. Their facility is shocking and it's despicable that we have men and women working there day after day in disgusting surroundings such as mold and water. It is grotesque and the building is literally falling down around them. This is something that really needs to be done but we can't do it if we don't listen to each other and the way to do that is by rules of engagement. There are laws that we have to abide by and this is not the Soviet Union or China where you can simply just dismiss people because you feel like it. Even the Chief of Police has to abide by the law so when someone is on the Agenda you can't simply discard it and you also can't just add something. The vote to start a City Manager search a few weeks ago was an illegal vote because it wasn't on the Agenda.

Ms. Diggs, Bay View Terrace said that she has lived here for nine years now and recently took some time to look at the City Charter. If there is a vote to terminate the City Manager, the people voting to terminate him have to actually submit and articulate their reasons why and these reasons have to be based on fact and not personal feelings. Luckily there was not a supermajority to actually terminate the City Manager but certain members of the City Council have tried to do the same thing by saying we should look for a new one. Her question to those City Council members who voted that way is, *"Have you articulated your reasons in fact and not based on your personal feelings about the City Manager?"* At the very least they owe it to the citizens of this City to actually tell them what their reasons are and she thinks they might find out that they really don't have valid reasons.

Lillie Howard, City of Newburgh said in regard to Deirdre Glenn's presentation for Community Development that her concern is they talk about crime in this City but Community Development is the very program that the Government instituted throughout the Nation to address the problems that cause crime. If there are no jobs then you are going to have crime and she can't understand why with this Community Development Program throughout the years has had problems. The situation that is supposed to be corrected will not be corrected so crime will continue and she doesn't understand this. Is the problem that people really don't know what they are doing? She worked for HUD from 1974 to 1981 so she knows how they run and something is wrong here. With no jobs you are going to have crime and that's a fact and she doesn't understand why that program has been handled the way that it has throughout the years and nobody says anything. There should be a magnified investigation into the Community Development Program because once that's fixed we will see other things fixed.

Judy Thomas, Grand Street spoke in regard to resolution #300-2015 & #305-2015 and she feels that her heart has been broken. When she came to Newburgh two years ago everyone tried to talk her out of it but she grew up on Flushing Avenue next to the Projects so she is not afraid to be a minority. She came to Newburgh because she saw a need for

positive development for the children and youth and being an Artist she saw an opportunity to use her creativity and energy to make a positive impact on the youth of this community. She was shocked to see the lack of programs for the children and the lack of communication and she was fortunate to be awarded a Grant. She was also lucky that she found space to do this Project and over one hundred children of all ages came through in the month of June to create a trouble ball out of nothing. What she saw in these children as they were creating these balls was a moment of revelation that they could make something out of nothing and that they could make their own toy.

Chris Mountain, 291 Liberty Street said that he works at Commodore Chocolatier, one of the older businesses here in the City of Newburgh and he has chosen to make his life here. They have watched a lot of changes occur in the past few years and they love the work that has been done by the Mayor, City Manager and the City Council. He feels that they need to continue with the changes and the upward trend that has been occurring and they need to continue to work with the people that we have. We need to continue to look to the future and develop a long term foreseeable plan for us to see real change continue to occur in this City.

Mr. Castro, 5 Grand Street is the co-owner of Newburgh Art Supply and in the last seven years of business they are excited to announce that they have actually made money this year. His partner, Michal Gabor has been here for twenty-seven years and has said that at times he gets tired of fighting and that he is done but if he were here tonight he would be extremely surprised. He knows that part of their success in business has been that Newburgh is reawakening. The City Manager has been an extremely supportive person to all businesses here in the City of Newburgh so he is surprised that they are trying to remove one of the most successful ones when we have had other City Manager's that were caught doing things and no one ever thought of firing them. He believes that part of why they are successful is because the City Manager and many City Council members have really invested time to make sure that they are no longer the "Them" and we are the "Us". He added that he can talk business and about family with Michael Ciaravino and he has never seen that in any other Council person or City Manager.

Angela, owner of APG Pilates at 87 Liberty Street said that she is here tonight because she feels that what is going on with the City Manager is unfair. She opened her business here in the City of Newburgh in 2014 and the Mayor introduced herself and welcomed her and when the City Manager came he also stopped by her studio and introduced himself. She had a chance to see Genie and Karen but she was not so welcomed by Regina Angelo who sent an Inspector to the building two days after they met and she never had the pleasure to meet Cindy Holmes, Cedric Brown or Gay Lee. They have never stopped in to say hello or to see what her business is all about and feels it's important that they try to see what is going on. She loves this City but there has to be communication so that everyone knows what is going on. In regard to the Police, she did not think she would ever have any problems but about a month ago one of her client's had their phone stolen so they called the Police and they came right away. That shows that we need more Police to patrol because we need to feel secure.

Joshua Brown, Henry Avenue commented on the hiring freeze. There has been a lot of talk about Michael and the great job that he's done and he wholeheartedly agrees but there is a different side to Michael that he doesn't think a lot of people have been exposed to. He has a dog that he takes to the Dog Park and he met Michael there one day with his dog not knowing that he was the City Manager and Michael asked him questions about why he is here and what his vision for Newburgh is. They talked a few times and Michael shared with him his vision for Newburgh. Resolution #305-2015 is sponsored by Councilwoman Holmes and Gay Lee and Cedric are out but he wanted to thank Regina, Karen, Genie and Torrance for being willing to listen to our City Manager. He thinks that it is pretty clear that there are personal issues here that can be overcome and from personal experience Michael is willing to listen and he has a vision for the City if you are willing to listen to him.

Charlotte Mountain, City of Newburgh said that both of her sons inspire her. Her son Mark has become a Police Officer and when he first told her that he thought he wanted to be a Police Officer in the City of Newburgh she thought about it and she saw him change. About half way through the Police Academy when they were learning some very difficult skills that they might have to use on the street he said to her, "*I think I can be useful*". She has always had a firm belief in service to community, the public and helping people where you can. She works as a Code Officer in another municipality and one thing that she believes is quite shameful is that where she works Code Enforcement Officers in their first year make a greater salary than Police Officers do in the City of Newburgh in their first year. Her son Mark still says that he feels he can be useful here so she knows that he will stay here as long as it makes sense for him to be here. She has heard about some of the other Officers who have decided to leave for higher salaries after one or two years and she hopes that doesn't happen to him. She hopes that this Council does not force him into the position of making a decision of whether he wants to have a good life or a useful life. Her son Christopher said this is where he wants to make his life also so we need this Council to look at those two young men and all of the other people in this room and help them make a life here.

Laura Garcia, Powell Avenue said that she is one of forty eight percent of Latinos that live here in the City of Newburgh. She represents the community that has not seen some of the City Council members sitting here. Mr. Michael Ciaravino has opened his doors not only to her community but also to the young people who have made a life here, have careers here and who are looking for a better future and better opportunities. The only way that they can succeed is when an opportunity is open and Michael has been doing that not only for her but for many other individuals in her community. It is very saddening to her that they have to defend someone who is doing their job. To the Council people who are getting ready to leave she hopes they realize that the legacy they are leaving is what's happening right now.

Michael Ciaravino, City of Newburgh resident said that not long ago he was a resident of Cleveland Ohio and he did his due diligence before he came to the City to be interviewed for the next City Manager. Among that was hearing about abhorrent statistics relating to

the quality of life in this community and the ways in which certain communities were treated invisibly and the infamous New York Times article titled, "*Murder Capital of the State of New York*". He had many well intentioned individuals in Cleveland ask him if he was nuts to come to the City of Newburgh. As he landed at Stewart Airport, got into a car and drove eastbound towards the Hudson River on Broadway he was on the phone being lectured by the most well intentioned individuals from his hometown and as he came over the hill and saw the view of the Hudson River he looked around and started seeing the energy in this community and his heart started to pound. He was not looking for a sleepy bedroom community to go on auto pilot and go into semi-retirement. If he was looking for a job that paid what he was being offered he would not be here. He is looking here for a mission and for a community that can work together to address the issues that are plaguing all of the postindustrial urban regions of the United States. That all of our livable wages are being transported overseas and we are allowed to just sit here and fight over a Safer Grant to maintain our Fire Department or that we should have to fight amongst ourselves to just do the bare minimum to get people to have not livable wages but at least some job. If you look around there are many people working one, two and three part-time jobs so they are not home with their families. If we want to know what's missing in postindustrial America it's the amount of time we spend modeling for our families. When he came to Newburgh, New York he saw a microcosm of the rest of the United States and why we are being ignored not by people overseas for stealing our jobs but by those who are fashioning global trade policy that is somehow designed to keep us all just barely hanging on when instead we should be working together as a global family. When you look around at the urban centers of not just the United States but the World you see it is time for a fundamental shift in the way a majority of humanity is treated on the Planet. When you look at the City of Newburgh, New York and you talk about the birthplace of the first Revolution he is here to talk about the birthplace of the second Revolution. And so it begins at home; look around our City and you will see that we are developing jobs that are homegrown in the City of Newburgh. He is talking about urban farming and the opportunity for people to develop restaurants in this City; to learn trades so that they can be self-developed and that they would have the opportunity to grow because it is not going to come from the factories that are gone forever.

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

COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

Councilwoman Abrams said that on the Budget she wants to make sure that people are kept at a level at which they were legally hired and fulfilled the requirements for an ad to do that job properly. If they never had a bad evaluation there is no reason that she can understand why such people should be knocked down a full grade or even down to the beginning at step one of a grade at which they were hired. She is afraid that these people, especially the females, would have more than one leg to stand on if they wanted to sue over being knocked down when prior to them there were males who were hired at a higher rate. She is going to vote to make sure that gets done and she doesn't know if she will be in the majority or not but it is very important for her to do that on the grounds of fairness alone. These people have been doing a good job for us and they are all in the City Manager's Office and she hopes that everyone else will go along with that too so they won't have to face a lawsuit which may end up costing us more. She knows some Lawyers and she knows that they charge a lot and it might backfire on us if we are trying to save money or do the right thing for the Budget. On the hiring freeze she wanted to speak about the conflict of interest that they would possibly be engaging in as Council members. *"We are elected by you, the people to do two things; to make policy for the City and to hire the City Manager"*. He then goes ahead and hires the rest of the staff to the best of his ability. If we start getting our little grubby fingers in the process of hiring City employees, it's what is called the appearance of wrong doing. Someone could say that they just wanted to hire someone for personal reasons and that does not attract good people to our City. On those grounds alone; grounds of ethics and fairness that is how she is going to vote on those two issues.

Councilwoman Holmes said that she appreciates everyone coming out and saying what they have said tonight. Someone commented that they read the Charter and it takes five people; a supermajority to appoint and to terminate the City Manager. The City Manager's contract expires in May and it would be irresponsible as it has in the past to wait until the last second to begin the process. *"No one voted to fire the City Manager"*. It would take five votes to do that and they only wanted to start the process. They didn't even know that the current City Manager wanted to continue with his job. They, of course, will interview Mr. Ciaravino, as she voted for and supported him, and anyone else interested. Given the extraordinary powers of the City Manager under the Charter a meticulous search is called for. This is not about Mr. Ciaravino being rude, which was in the paper, but there were substantial issues to be discussed. Why wasn't the application for the FEMA Grant which paid for ten additional firefighters properly submitted? With that money, \$342,000.00, she wanted to lower the tax levy. She didn't plan on it going to the firefighters but she didn't want to see them laid off. Today when she got an e-mail from Chief Cameron the first thing she did is send it to the Comptroller asking where the money is for the Police. Why was the CHIPS money for the street repairs not used in prior years but it was used just two weeks before the Election? She is on the Council and she should have known that CHIPS money was there. She would like to know what the long term plan is for the streets as there is not one in the Budget and why was the Landlord Registry delayed? The State Comptroller

pointed out why is the money in the Budget for anticipated police raises, adequate funding and anticipated emergencies and a sufficient allowance for unpaid taxes. This was a report that was in the paper from the State Comptroller. Was this done so the Budget announced before the Election would show no tax increase? These and other questions need to be answered. As for communication between the Council and the City Manager it is essential that there be true communication. She has sat with her Council members and had meetings with Mr. Ciaravino to try to have true communication so she has tried. It might turn out that Mr. Ciaravino is the best person for the job but they owe it to the public. They wasted taxpayer's money when they did not fill out that FEMA Grant application because that was \$342,000.00 that could have lowered the tax levy or went towards the Police increase. She agrees that the Police should not be working for \$40,000.00 because that is a slap in the face. To go out there and put their life on the line there should be a substantial increase given to the Police. With the hiring and salary freeze she noted that they have the \$342,000.00 to save our Firefighters but remember that in April we are going to have this same issue with the Firefighters because that FEMA Grant is not something permanent and we will have to find more money to save them. She wants the residents, with a forty three million dollar Budget and only thirty percent of homeowners, to tell her where they are going to get the increase for the Police and also where are they going to get the money to continue to keep our Firefighters.

Councilwoman Lee heard a lot of things tonight and said that she is not going to address the issues with the City Manager. If they want to know what she thinks about him their report is about fifteen pages long and it should be online. *"The only time we get this kind of response is when you are coming here to tell us what you want us to do with our decisions"*. She wrote some things but never had a response from the public and it's almost embarrassing that some of them are here today. *"In the City of Newburgh, residents are not given opportunities to work in livable wage jobs. When I introduced the First Source Project Employment Agreement, most of the City Council members and the Mayor responded as if this plan was in stark opposition to an existing plan. During the City Council meeting I named the Council members, all of them, and the Mayor who voted no for jobs for Newburgh residents. Instead, with pride, they odiously explained their true disdain for resident by referring to the First Source Project Employment Agreement as an initiative for black people. This agreement does not target any particular group; its aim is to hire local residents ready, willing and able to work. The Council and the Mayor further went on to agree that our unemployment population is drug addicted people with a very weak work ethic, unwillingness to work and an unwillingness to seek meaningful employment and who could not pass a drug test."* She said that came directly from the Mayor and the point is that we need a First Source Agreement because City residents do not get hired. *"Those of you here today don't represent the City of Newburgh, you are a portion of the City of Newburgh. You don't represent everybody. I'll also point out that you didn't stand up, since you represent the people in the City of Newburgh, when a Federal Judge referred to our residents as pathetic which is also in the Times Herald Record. I did tell the Judge she overstepped her judicial authority and asked her to recuse herself when residents of the City of Newburgh came in contact with her Court. My problem is that you've come here to tell us to save the City Manager and I wish you had come here to ask us to do other things."*

During the four years that I have been here we have had children die and we have had all sorts of things happen. We've had families become very poor and disenfranchised. We had one woman drive her car into the river so all sorts of things have happened and there has been no mention from any of you. I have decided, whether you agree with it or not, I did not support the City Manager in the very beginning and I'm not going to support him now. I'm on my way out the door and it makes me very happy as well because as long as I've been here many of you have come here to obstruct things. At least there is a meeting of the minds. From this seat I have said "sit down" and I even told one person to "shut up". From this seat I've done a lot of things but let me tell you something, you haven't been nice yourself. You think you should be able to come here and say anything you want to me. Stop me in Price Chopper, disrespect me, disrespect my family and I should have no reaction because I'm a Council member. Well you know what, you're right maybe I should have no reaction but you know I had one so guess what? Eat that. Every one of you that would like me to leave so what; it doesn't matter. I am who I am. I am what I am. I am a black woman and I stand in my truth and if you don't like it too bad."

Councilwoman Mejia said that we have been here for three hours now so she offered her chair and a few other she noticed in the room to people who have been standing and she will stand for the remainder of the meeting. In regard to resolution #300-2015, our Budget is crucial in continuing the positive work that the City of Newburgh has been doing. The one amendment that she would like to put in is the four positions of the women who have been selected and targeted. That is her biggest concern that she has about the Budget. Her amendment is that those need to be put back to the proposed Manager's Budget which they will have to discuss. She echoed Councilwoman Abram's comments around the huge potential legalities that poses for us. *"Shame on every single member on this Board. As a woman of color for us to target those hard working individuals it's unconscionable."* She said that she would like a legal opinion on that when they get to that point and as part of her comments on the Agenda she wanted to hear the City Manager's update.

CITY MANAGER UPDATE

City Manager, Michael Ciaravino gave an update on some key highlights and progress in City departments.

Councilwoman Mejia continued with comments on resolution #305-2015 regarding the hiring freeze. They have been talking about the Budget and it is clear on the positions that need to be filled otherwise why are we having that discussion? Their role is to pass the Budget and passing this resolution is an infringement of the powers of the Executive Branch. It is a violation of the Charter and creates political cronyism in the hiring process. Newburgh deserves the best eligible candidates to carry out the daily tasks of our City and that process needs to remain politically neutral. She is asking that this be tabled as it directly conflicts

and contradicts the Budget that hopefully will be passed tonight. She feel that it is also potentially illegal.

Councilman Brown said that the people in this room believe that his opposition of Mr. Ciaravino is personal and he has said time and time again, *"There is never anything personal for me when I come to this Council table. It is really about the business of this City."* He said he respects everyone who has come tonight, he respects what they said and he has heard them. A lot of time people don't like the truth but they have to hear it. *"When we are doing the Budget the first thing I say is where is the money going to come from? Then we try to find the money and we find it it's never enough. When we have the Police Department saying that they haven't had a raise in eight years we have to ask what our priority here is. "My priority is not sewer discharge. My priority is not an ice skating rink. My priority is not Jail fines at the DPW Department. These guys deserve a raise. If you move in any direction other than trying to fund a raise for the Police Department and maintain our Fire Department then you are going to move away money that we don't have. It is important that we fund that".* He is a little disappointed because when they received this Budget there was nothing in the Budget in relationship to what Chief Cameron said and what the gentleman from PBA said. Since he has been on this Council he has always supported the Police Department. Sometimes in controversy with the Fire Department but he also supports them and he respects everything that they do for us every day. *"When you come to us tonight and say hey, why isn't it in the Budget? It has nothing to do with us".* That is the City Manager's responsibility and had he put that in the Budget he would have worked hard to find the money to make sure that the Police Department was taken care of. Everyone on the Council knows that for a fact so don't put it on them. He supports the Police, Fire and youth of this City. Always has and always will. *"I have no problem with Mr. Ciaravino but he is not doing it for me and if you think it's new it is not new. You can ask Councilwoman Lee. A year and a half ago I said to her, "I apologize because I voted for him" because I saw that he wasn't going to do what I wanted him to do in this City."* That was a year and half ago not yesterday. *"He has lived up to that and I was hoping that he would change but he has not. You hear what his importance is when he tells you that the sewer discharge down at the river is important. It's not important when you have a police contract and police officers that have not had a raise in eight years. It is not important and guess what we already know that there has been discharge. This is an old City so where do you get the money to fix it? You then look at the Council and the only way you get the money to fix it is if you come up with new real revenue sources. Then you can find the money to fix it and that has never been proposed to us. The only way to get that revenue is to raise taxes and if we decide to raise taxes every one of you in this room will be at that microphone saying, "Why are you raising our taxes"? You have to make tough decisions and guess what some of the tough decisions some of you may not like but I respect that. You have to respect the fact that we are trying and we have tried hard."* He added that he was disappointed in this Budget as he has been disappointed in every Budget that has come before him because there was really nothing in this Budget to address our Police Officers. Every time they came to the table looking for help and support he spearheaded it and his other Council members supported that. We need to unite this City and come together but we have to start with our policing because the streets aren't safe. You can't say that they are safe

when there was just a robbery with five people shot. How is that safe? What Police Officers do you know who want to police that at the wages and salaries that we are offering? He said that he was elected to help and he has tried to help. *"If you think for one minute that anything Mr. Ciaravino has done is that important other than the fact that he didn't bring to us the fact that the Police were looking for a raise or what the dollar amount was. We never heard that. You can ask any Council member at this table. We have never heard it until tonight and it's not fair to us. It makes you believe that we don't want to help and that's not true. It comes down to us either raising your taxes to an amount that you guys will run from this City no faster than you can get somebody to buy your apartment or your house. It is rough and we have to figure out a way but guess what it's hard to figure out a way because you can't be on both sides of the fence. It's either one thing or it's the other but the bottom line is this. I respect everyone who has come here tonight to speak and I respect the police officers. I want to help you but at this point in the juncture there is no way that we can help in this Budget. When it comes down to it the new Council will have to find a way to make sure the police, fire and the youth are taken care of. We have a Capital Plan that was put before us and there is nothing in the Capital Plan that says let's fix our Police Station, let's make sure the police or fire have uniforms. There is nothing. But that's not us. The Capital Plan is presented to us and I voted no to the Capital Plan because it didn't bring enough to the table and it didn't address the problems that we are currently facing that need to be addressed."* That Police Station is a place where they should not be but no one has ever said to him that there is a plan to relocate it, shut it down or remodel it. That takes money and it is the responsibility of the City Manager to bring that to them so that at least they have an understanding about what it is or what money it would take to get it done.

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

RESOLUTION NO. 293 - 2015

OF

NOVEMBER 23, 2015

**A RESOLUTION AUTHORIZING THE
EXTENSION OF TIME TO CLOSE TITLE ON THE PROPERTY
LOCATED AT 169 PROSPECT STREET
(SECTION 16, BLOCK 3, LOT 5) SOLD AT PRIVATE SALE
TO CHERYLE BRANSON**

WHEREAS, the Council of the City of Newburgh, New York, by Resolution No. 136-2015 of June 15, 2015, authorized the sale of 169 Prospect Street (Section 16, Block 3, Lot 5) to Cheryle Branson; and

WHEREAS, the City Manager has granted the sixty (60) day allotted extension to close title on said premises on or before November 13, 2015; and

WHEREAS, Ms. Branson resides at such premises; and

WHEREAS, due to unforeseen circumstances, specifically outstanding title issues, Ms. Branson is requesting an additional sixty (60) day extension of time to close; and

WHEREAS, this Council has determined that granting the requested extension would be in the best interests of the City of Newburgh and the future homeowner;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the sixty (60) day extension of time to close title for the property located at 169 Prospect Street is hereby authorized until January 13, 2016, that date being sixty (60) days from the date set forth in the previous extension granted by the City Manager.

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

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

ADOPTED

RESOLUTION NO.: 294 - 2015

OF

NOVEMBER 23, 2015

**A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY
KNOWN AS 123 CARSON AVENUE (SECTION 45, BLOCK 9, LOT 4) AT PRIVATE
SALE TO MARQUIS TAYLOR FOR THE AMOUNT OF \$5,000.00**

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

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

WHEREAS, the City of Newburgh desires to sell 123 Carson Avenue, being more accurately described as Section 45, Block 9, Lot 4 on the official tax map of the City of Newburgh; and

WHEREAS, the prospective buyer has offered to purchase this property at private sale; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh to sell said property to the prospective buyer for the sum as outlined below, and upon the same terms and conditions annexed hereto and made a part hereof,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of the following property to the indicated purchaser be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of the indicated purchase price in money order, good certified or bank check, made payable to **THE CITY OF NEWBURGH**, such sums are to be paid on or before February 22, 2016, being ninety (90) days from the date of this resolution; and

<u>Property Address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>	<u>Purchase Price</u>
123 Carson Avenue	45 – 9 – 4	Marquis Taylor	\$5,000.00

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

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

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

ADOPTED

Terms and Conditions Sale

123 Carson Avenue, City of Newburgh (45-9-4)

STANDARD TERMS:

1. City of Newburgh acquired title to this property in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title; 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 date of sale.
4. The property is sold subject to unpaid 2015 City/County Tax, 2015-2016 School Taxes and any subsequent levies. The purchaser shall reimburse the City for 2015 City/County Taxes and 2015-2016 School Taxes and any subsequent levies. Upon the closing, the property shall become subject to taxation. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
5. **WARNING: FAILURE TO COMPLY WITH THE TERMS OF THIS PARAGRAPH MAY RESULT IN YOUR LOSS OF THE PROPERTY AFTER PURCHASE.** The deed will contain provisions stating that the purchaser is required to rehabilitate any building on the property and bring it into compliance with all State, County and Local standards for occupancy within (18) months of the date of the deed. Within such eighteen (18) month time period the purchaser must either: obtain a Certificate of Occupancy for all buildings on the property; make all buildings granted a Certificate of Occupancy before the date of purchase fit for the use stated in such Certificate of Occupancy; or demolish such buildings. The deed shall require the purchaser to schedule an inspection by City officials at or before the end of the eighteen (18) month period. If the purchaser has not complied with the deed provisions regarding rehabilitation of the property and obtained a Certificate of Occupancy or Certificate of Compliance by that time, then the title to the property shall revert to the City of Newburgh. The deed shall also provide that the property shall not be conveyed to any other person before a Certificate of Occupancy or Certificate of Compliance is issued. A written request made to the City Manager for an extension of the eighteen (18) month rehabilitation period shall be accompanied by a non-refundable fee of \$250.00 per parcel for which a request is submitted. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to rehabilitate of up to, but not to exceed, three (3) months. Any additional request thereafter shall be made in writing and placed before the City Council for their consideration.
6. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date upon which the sale is scheduled to take place. Upon delivery of the quitclaim deed by the City of Newburgh to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.
7. Notice is hereby given that the property is vacant and unoccupied. This parcel is being sold subject to the City's Vacant Property Ordinance and all provisions of law applicable thereto. At closing, the purchaser will be required to register the property and remit the vacant property fee. It is the sole responsibility of the purchaser to redevelop such parcel in accordance with same.

8. No personal property is included in the sale of any of the parcels owned by City of Newburgh, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the successful purchaser following the closing of sale.
9. The City makes no representation, express or implied, as to the condition of any property, warranty of title, or as to the suitability of any for any particular use or occupancy. Property may contain paint or other similar surface coating material containing lead. Purchaser shall be responsible for the correction of such conditions when required by applicable law. Property also may contain other environmental hazards. Purchaser shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchaser shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Purchaser acknowledges receivership of the pamphlet entitled "Protecting Your Family from Lead in Your Home." Purchaser also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards or mold.
10. The entire purchase price and all closing costs/fees must be paid by money order or guaranteed funds to the City of Newburgh Comptroller's Office on or before February 22, 2016. *The City of Newburgh does not accept credit card payments for the purchase price and closing costs/fees. The City is not required to send notice of acceptance or any other notice to a purchaser.* At closing, purchaser, as grantee, may take title as a natural person or as an entity wherein purchaser is an officer or managing member of said entity. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to close title of up to, but not to exceed, sixty (60) additional days. No request shall be entertained unless in writing, stating the reasons therefor, and unless accompanied by a fee of \$250.00 per parcel for which a request is submitted. The fee shall be in addition to all other fees and deposits and shall not be credited against the purchase price and shall not be returnable. Any additional request made thereafter shall be made in writing and placed before the City Council for their consideration.
11. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the successful bidder shall be entitled only to a refund of the purchase money paid with interest. 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.
12. Sale shall be final, absolute and without recourse once title has closed and the deed has been recorded. In no event, shall City of Newburgh be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, his heirs, successors or assigns, against City of Newburgh arising from this sale.
13. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the City acquired title or as corrected up to date of deed. The deed will be recorded by the City upon payment in full of the purchase price, buyer's premium, and closing fees/costs. Possession of property is forbidden until the deed is recorded conveying title to the purchaser. **Title vests upon recording of deed.**
14. Upon closing, the City shall deliver a quitclaim deed conveying all of its right, title and interest in the subject property, which deed shall be drawn by the City Corporation Counsel. The City shall not convey its interest in any street, water, sewer or drainage easement, or any other interest the City may have in the property. The City shall only convey that interest obtained by the City pursuant to the judgment rendered in an *in rem* tax foreclosure action filed in the Orange County Clerk's Office.
15. The description of the property shall be from the City of Newburgh Tax Map reference or a survey description certified to the City of Newburgh and provided to the City Corporation Counsel by the purchaser at least thirty (30) days in advance of closing title and approved by the City's Engineer.
16. Evictions, if necessary, are solely the responsibility of the successful bidder after closing and recording of the deed.
17. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he/she is not representing the former owner(s) of the property against whom City of Newburgh foreclosed and has

no intent to defraud City of Newburgh of the unpaid taxes, assessment, penalties and charges which have been levied against the property. The purchaser agrees that neither he/she nor his/her assigns shall convey the property to the former owner(s) against whom City of Newburgh foreclosed within 24 months subsequent to the auction date. If such conveyance occurs, the purchaser understands that he/she may be found to have committed fraud, and/or intent to defraud, and will be liable for any deficiency between the purchase price at auction and such sums as may be owed to City of Newburgh as related to the foreclosure on the property and consents to immediate judgment by City of Newburgh for said amounts.

RESOLUTION NO.: 295 - 2015

OF

NOVEMBER 23, 2015

**A RESOLUTION AMENDING RESOLUTION NO. 208-2015 OF SEPTEMBER 14, 2015
AUTHORIZING AN AMENDMENT TO THE TERMS OF SALE AND AN EXTENSION
OF TIME TO CLOSE TITLE ON THE CONVEYANCE OF REAL PROPERTY
KNOWN AS 41 WISNER AVENUE (SECTION 32, BLOCK 1, LOT 8)
AT PRIVATE SALE TO VETERANS LEADING THE WAY
FOR THE AMOUNT OF \$3,150.00**

WHEREAS, by Resolution No. 208-2015 of September 14, 2015, the City Council of the City of Newburgh authorized the sale of real property known at 41 Wisner Avenue, more accurately described as Section 32, Block 1, Lot 8 on the official tax map of the City of Newburgh, to Veterans Leading the Way upon receipt of the purchase price of \$3,150.00; and that said purchase price must be paid no later than November 13, 2015, and in accordance with certain terms and conditions of sale; and

WHEREAS, the parties have agreed to modify the terms of sale and additional time to close title and the City Council of the City of Newburgh has determined that it would be in the best interests of the City of Newburgh to modify the terms of sale and to extend the time to close title;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that Resolution No. 208-2015 of September 14, 2015 is hereby amended to extend the time to close title on the sale of 41 Wisner Avenue to Veterans Leading the Way until January 29, 2016; 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 \$3,150.00; and that said purchase price must be paid no later than January 29, 2016, and in accordance with the amended 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 Mejia seconded that the resolution be adopted.

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

ADOPTED

Terms and Conditions Sale

41 Wisner Avenue, City of Newburgh (32-1-8)

STANDARD TERMS:

1. City of Newburgh acquired title to these properties in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title; 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 date of sale.
4. The properties are sold subject to unpaid taxes for the tax years of 2015 County Tax and 2015-2016 School Taxes and any subsequent levies. The purchaser shall reimburse the City for 2015 County Taxes and 2015-2016 School Taxes and any subsequent levies. Upon the closing, the properties shall become subject to taxation and apportionment of the 2015 City taxes shall be made as of the date of closing. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
5. **WARNING: FAILURE TO COMPLY WITH THE TERMS OF THIS PARAGRAPH MAY RESULT IN YOUR LOSS OF THE PROPERTY AFTER PURCHASE.** The deed will contain provisions stating that the purchaser is required to rehabilitate any building on the properties and bring it into compliance with all State, County and Local standards for occupancy within (36) months of the date of the deed. Within such thirty-six (36) month time period the purchaser must either: obtain a Certificate of Occupancy for all buildings on the property; make all buildings granted a Certificate of Occupancy before the date of purchase fit for the use stated in such Certificate of Occupancy; or demolish such buildings. The deed shall require the purchaser to schedule an inspection by City officials at or before the end of the thirty-six (36) month period. If the purchaser has not complied with the deed provisions regarding rehabilitation of the property and obtained a Certificate of Occupancy or Certificate of Compliance by that time, then the title to the property shall revert to the City of Newburgh. The deed shall also provide that the property shall not be conveyed to any other person before a Certificate of Occupancy or Certificate of Compliance is issued. A written request made to the City Manager for an extension of the thirty-six (36) month rehabilitation period shall be accompanied by a non-refundable fee of \$250.00 per parcel for which a request is submitted. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to rehabilitate of up to, but not to exceed, three (3) months. Any additional request thereafter shall be made in writing and placed before the City Council for their consideration.
6. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date upon which the sale is scheduled to take place. Upon delivery of the quitclaim deed by the City of Newburgh to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.
7. No personal property is included in the sale of any of the parcels owned by City of Newburgh, unless the former owner or occupant has abandoned same. The disposition of any personal property located

on any parcel sold shall be the sole responsibility of the successful purchaser following the closing of sale.

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. Property may contain paint or other similar surface coating material containing lead. Purchaser shall be responsible for the correction of such conditions when required by applicable law. Property also may contain other environmental hazards. Purchaser shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchaser shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Purchaser acknowledges receipt of the pamphlet entitled "Protecting Your Family from Lead in Your Home." Purchaser also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards or mold.
9. The entire purchase price and all closing costs/fees must be paid by money order or guaranteed funds to the City of Newburgh Comptroller's Office on or before January 29, 2016. *The City of Newburgh does not accept credit card payments for the purchase price and closing costs/fees.* **The City is not required to send notice of acceptance or any other notice to a purchaser.** At closing, purchaser, as grantee, may take title as a natural person or as an entity wherein purchaser is an officer or managing member of said entity. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to close title of up to, but not to exceed, sixty (60) additional days. No request shall be entertained unless in writing, stating the reasons therefor, and unless accompanied by a fee of \$250.00 per parcel for which a request is submitted. The fee shall be in addition to all other fees and deposits and shall not be credited against the purchase price and shall not be returnable. Any additional request made thereafter shall be made in writing and placed before the City Council for their consideration.
10. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the successful bidder shall be entitled only to a refund of the purchase money paid with interest. 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.
11. Sale shall be final, absolute and without recourse once title has closed and the deed has been recorded. In no event, shall City of Newburgh be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, his heirs, successors or assigns, against City of Newburgh arising from this sale.
12. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the City acquired title or as corrected up to date of deed. The deed will be recorded by the City upon payment in full of the purchase price, buyer's premium, and closing fees/costs. Possession of property is forbidden until the deed is recorded conveying title to the purchaser. **Title vests upon recording of deed.**
13. Upon closing, the City shall deliver a quitclaim deed conveying all of its right, title and interest in the subject property, which deed shall be drawn by the City Corporation Counsel. The City shall not convey its interest in any street, water, sewer or drainage easement, or any other interest the City may have in the property. The City shall only convey that interest obtained by the City pursuant to the judgment rendered in an *in rem* tax foreclosure action filed in the Orange County Clerk's Office.
14. The description of the property shall be from the City of Newburgh Tax Map reference or a survey description certified to the City of Newburgh and provided to the City Corporation Counsel by the purchaser at least thirty (30) days in advance of closing title and approved by the City's Engineer.
15. Evictions, if necessary, are solely the responsibility of the successful bidder after closing and recording of the deed.
16. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he/she is not representing the former owner(s) of the property against whom City of Newburgh foreclosed and has no intent to defraud City of Newburgh of the unpaid taxes, assessment, penalties and charges which

have been levied against the property. The purchaser agrees that neither he/she nor his/her assigns shall convey the property to the former owner(s) against whom City of Newburgh foreclosed within 24 months subsequent to the auction date. If such conveyance occurs, the purchaser understands that he/she may be found to have committed fraud, and/or intent to defraud, and will be liable for any deficiency between the purchase price at auction and such sums as may be owed to City of Newburgh as related to the foreclosure on the property and consents to immediate judgment by City of Newburgh for said amounts.

RESOLUTION NO. 296 - 2015

OF

NOVEMBER 23, 2015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
EXPRESSING CONTINUING SUPPORTING THE APPLICATION OF
ORANGE COUNTY FOR AN ENVIRONMENTAL PROTECTION AGENCY
BROWNFIELD ASSESSMENT GRANT TO FUND A PHASE II ASSESSMENT OF THE
PROPERTY KNOWN AS THE DIAMOND CANDLE FACTORY SITE LOCATED IN
THE TOWN OF NEW WINDSOR**

WHEREAS, by Resolution No. 304-2014 of December 15, 2014, the City Council of the City of Newburgh, New York, expressed its support for the application of Orange County for an Environmental Protection Agency Brownfield Assessment Grant to fund a Phase II assessment of the property known as the Diamond Candle Factory Site located in the Town of New Windsor and its commitment to assisting with the implementation of the County's Community Involvement Plan by providing space for public meetings and posting notices in City Hall; and

WHEREAS, the County of Orange has requested that the City Council of the City of Newburgh, New York reaffirm its continued support of such application and its commitment to the project by assisting with the implementation of their Community Involvement Plan to include providing space for public meetings and posting notices in City Hall for the purposes of public outreach; and

WHEREAS, the City of Newburgh intends to construct a pedestrian nature trail along the northern bank of the Quassaick Creek at some point in the future, and the County's Diamond Candle Factory site is essential to providing future public access and parking for this future trail; and

WHEREAS, this Council has determined that such support and commitment is in the best interests of the City of Newburgh, Town of New Windsor, County of Orange for the future development to provide public access to the Quassaick Creek corridor and future Quassaick Creek trail;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York, hereby continues to support the application of Orange County for an Environmental Protection Agency Brownfield Assessment Grant to fund a Phase II assessment of the property known as the Diamond Candle Factory Site located in the Town of New Windsor; and

BE IT FURTHER RESOLVED, that this Council further extends its commitment to assisting with the implementation of the County's Community Involvement Plan by providing space for public meetings and posting notices in City Hall.

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

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

ADOPTED

RESOLUTION NO.: 297 - 2015

OF

NOVEMBER 23, 2015

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT A PROPOSAL AND EXECUTE AN AGREEMENT WITH
MCINTOSH CONTROLS CORP. D/B/A SMART COVER SYSTEMS FOR
A REMOTE SEWER LEVEL MONITORING SYSTEM
AT A COST OF \$77,738.00**

WHEREAS, the City of Newburgh wishes to accept a proposal and execute an agreement with McIntosh Controls Corp. d/b/a Smart Cover Systems to purchase and install a remote telemetry equipment to monitor the City's sewer regulators and diversion manholes; and

WHEREAS, Smart Cover Systems will provide the City with real-time continuous remote sensing, alarming devices, an easy-to-use web based interface, and long and short term data collection and analysis to improve the City's wastewater management and achieve compliance with the New York State Department of Environmental Conservation's requirements to report all sewage overflows through the NY-Alert system; and

WHEREAS, the proposal includes the equipment, installation, monitoring and training at a cost of \$77,738.00 with such funding to be derived from G.8130.0200; and

WHEREAS, this Council has reviewed the same and has determined that accepting the proposal and entering into an agreement is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized accept the proposal and to execute an agreement with McIntosh Controls Corp. d/b/a Smart Cover Systems for the purchase and installation of a remote telemetry equipment to monitor the City's sewer system at a cost of \$77,738.00.

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

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

ADOPTED

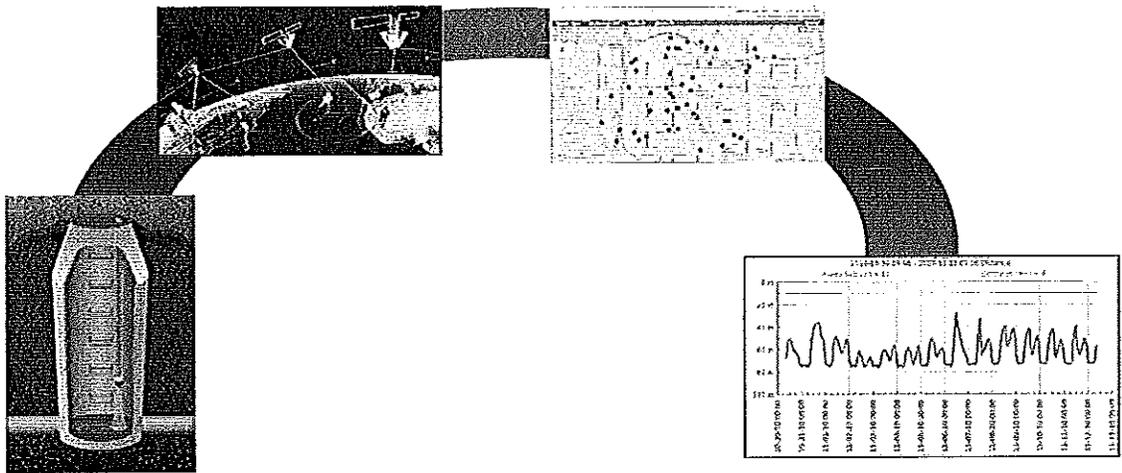


QUOTATION

For

CITY OF NEWBURGH NY
MR. JASON MORRIS
Offered by McIntosh Controls Corp.
218 Little Falls Rd- Unit 1
Cedar Grove, NJ 07009

SmartCover[®]



Quotation Date: 11-12-15
Quote Validity: 60 days
By Rich Mattesky

Section I: Pricing

SmartCover® Systems™ (SCS) is pleased to provide the following Proposal for SmartCover® level monitoring system. Please find in this document: Pricing Summary as shown in Section 1, a complete System Description in Sections 2-5, Warranty statement in Section 6, and Acceptance in Section 7.

Pricing Summary: SmartCover®

Part Number	Description	Unit Qty.	Unit Price (Each)	Extended
SC-D-S-15	SmartCover® System Components E-Box System Control with onboard computer, modem, digital radio; fully potted and IP-68 rated. Distance Sensing Module (DSM) with 3" to 81" sensor range, with 15' cable. PowerPack® - lithium thionyl chloride battery with high power density. E-Dot™ antenna, including antenna and installation kit. Mounting bracket kit- three-part amounting bracket set made of heavy gauge, hard-anodized aluminum; includes all mounting hardware.	17	\$3,985	\$67,745.00
Parts Warranty	One (1) Year, Parts-Only Warranty Limited Parts-Only Warranty on all system SmartCover® hardware. See Warranty Statement for complete details.	17	Included	Included
ASM-SC1	Active Site Management (ASM), One-Year. Comprehensive support services including: <ul style="list-style-type: none"> • Software subscription with <i>unlimited number of users</i> accessed with secure user name and password • Complete maintenance of all cloud based software • Regular feature updates and upgrades including the all new <i>SmartTrend™</i>. • Hosting of data storage – unlimited data storage • Iridium Satellite connectivity service with bi-directional communication. • Advisories, Maintenance Alerts and Alarms issued to customer defined personnel via email and/or text message • Ongoing technical support via phone or online. 	17	\$364	\$6,188.00
IST-1	Dedicated Customer Website: Initial Set-up & Training (IST) <ul style="list-style-type: none"> • Dedicated Customer Website set-up and training • Browser-based, secure user access • Includes map view, site-specific data and information • Alarm and Advisories set-up • Comprehensive training for login, website features and website functions <i>Note: this is a one-time charge for new customers and does not apply to follow-on orders.</i>	1	N/C	N/C
Installation	Onsite installation labor by an SCS technician, including travel	4	\$895	\$3,580.00
Shipping	Shipping and Handling, UPS Ground	1	\$225	\$225.00
TOTAL	All items			\$77,738.00

SmartCover [®] SERVICE OPTIONS				
EW-SC1	Extended Parts Warranty The 1 st Year Parts Warranty is included with purchase. This adds an additional year of parts-only warranty coverage for: • E-Box System Control • Distance Sensing Module (DSM) • Antenna • Mounting bracket. NOTE: this a PARTS-ONLY Warranty. It does not include PowerPack Warranty which is separate, see below	1	\$399	\$399
PW-LTC1	PowerPack[™] Warranty Extension The 1 st Year Warranty is included with purchase. This adds an additional year of PowerPack [™] Warranty covering the 2 nd Year	1	\$225	\$225
ASM-SC1	Active Site Management (ASM), 1 year additional coverage for 2 years total service.	1	\$364	\$364

Delivery

- **Standard: Six (6) weeks** upon receipt of a Purchase Order and with receipt of complete engineering and site information from the customer as requested.
- All customers will be notified of the shipment date upon Order Acknowledgement.
- Actual availability may vary depending on total demand. The “Standard six weeks” is not a guarantee but a good faith estimate. It is strongly recommended that order be placed as early as possible. Reasonable efforts will be made to provide earlier delivery if requested.

Terms and Conditions

- **Payment:** Net 30 days
- **Late charges:** A service charge of 1.5% per month will be added to all balances unpaid 30 days after invoice date. Failure to pay in accordance with these terms may void all warranties.
- **Cancellations:** for all orders of less than \$10,000, cancellation is accepted prior to shipment. For orders equal to or greater than \$10,000, a 15% restocking charge is applied for cancellation.
- **Returns:** returns are accepted with a valid Return Material Authorization (RMA) number only.

Ongoing Annual Costs

After the first year of operation, the following fees will provide *continued comprehensive services* including *software support, data storage, upgrades, added features, and satellite connectivity and PowerPack[™] Warranty.*

These are *annual charges* paid prior to the start of the year.

Active Site Management (ASM)

ASM-SC1 **\$364**
One-Year software subscription, satellite connectivity, online maintenance, online S/C monitoring per unit per year.

ASM-SC2 **\$679**
Two-Year software subscription, satellite connectivity, online maintenance, online S/C monitoring per unit per year for two years. This is a discounted two-year price and is paid in-full at the beginning of the services period.

PowerPack Warranty

PowerPack™ Warranty (PW-LTC1): **\$225**
One-Year PARTS-ONLY PowerPack Warranty for each installation site, part-only warranty on the PowerPack™ offering unlimited replacements during the Warranty term.

PowerPack™ Warranty (PW-LTC2): **\$437**
Two-Year PARTS-ONLY PowerPack Warranty for each installation site, part-only warranty on the PowerPack™ offering unlimited replacements during the Warranty term.
 NOTE: This is a discounted two-year price and is paid in-full at the beginning of the services period.

Extended Part Warranty

Extended Parts Warranty (EW-SC1, Optional): **\$ 399**
One-Year PARTS-ONLY covers: E-Box System Control, Distance Sensing Module (DSM), antenna, and mounting bracket.
 This is a PARTS ONLY warranty extension after the first year.
 NOTE: Warranty extensions must be for consecutive years. Should a warranty be purchased after any initial year where the warranty was not purchased then the previous year(s) must be additionally purchased.

Extended Parts Warranty (EW-SC2) (Optional): **\$ 742**
Two-Year PARTS-ONLY covers: E-Box System Control, Distance Sensing Module (DSM), antenna, and mounting bracket.
 NOTE: Warranty extensions must be for consecutive years. Should a warranty be purchased after any initial year where it was not purchased then the previous year(s) must be additionally purchased.
 NOTE: This is a discounted two-year price and is paid in-full at the beginning of the services period.

End Section 1, proceed to Section 2, next page.

SECTION 2: PRODUCT DESCRIPTION

Overview

Each SmartCover[®] and SmartFLOE[™] System includes the following components which comprise the hardware delivered with each system:

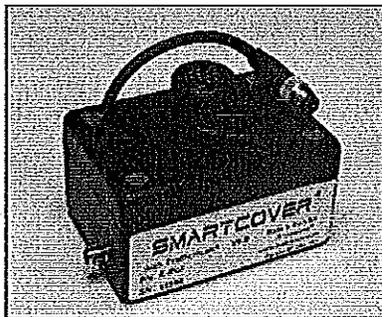
- One (1) E-Box system control
- One (1) Ultrasonic Distance Sensing Module (DSM) with connecting cable.
- One (1) communications antenna for direct connection to the Iridium Satellite System.
- One (1) PowerPack[™], a proprietary high power density lithium thionyl chloride battery
- One (1) bracket kit for either mounting flat to the underside of the manhole cover or for mounting to the manhole cover vein.
- One installation kit containing all hardware and accessories necessary to mount a single system.

NOTE: All references to SmartCover[®] below also include SmartFLOE[™] unless otherwise noted.

Item Descriptions:

E-Box System Control

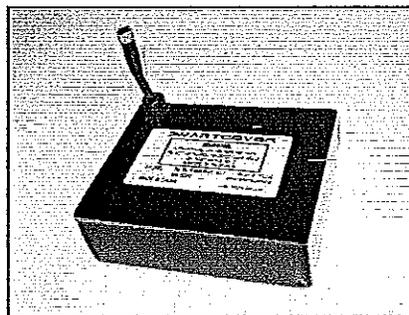
The E-Box is the system control containing the digital satellite radio, computer and signal processing components. It is fully potted and can be completely submerged in water (IP-68 rated) It is housed in an, ABS enclosure and shock tested to 10 G's.



SmartCover[®] E Box Control

PowerPack[™]

The PowerPack[™] is a high power-density battery system designed for reliable, consistent delivery of power in the harsh wastewater environment. It housed in a urethane coated pack containing Lithium Thionyl Chloride primary batteries. Typically the PowerPack[™] provides at least one year of life and generally longer under normal operating conditions. PowerPacks[™] have a 10 year shelf life prior to use.



SmartCover[®] PowerPack[™]

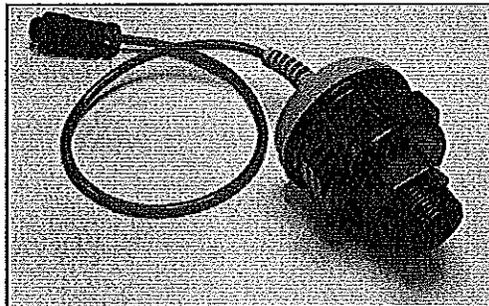
Distance Sensing Module (DSM)

The distance sensing module is an ultrasonic distance sensor. It is enclosed and sealed in an ABS housing. It is fully potted and completely water-proof, meeting IP-68 standards. The crystal controlled oscillator sensor is self-calibrating.

There are two [distance] ranges available.

- The standard range senses between 3" and 81"
- The long-range sensor's range is 11" to 240".

The DSM has two standard cable lengths of 15' and 25'. Custom lengths are available, application dependent, up to 300'. SCS Application Engineers are available to assist users to determine the correct DSM range and cable lengths.



SmartCover[®] DSM

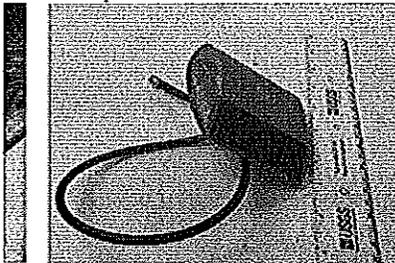
E-Series[™] Antennae

The E-Series[™] antennae include the "E-Square" and the "E-Dot" types. Both are traffic rated and designed to mount directly to the manhole cover or vault lid. They communicate directly to the Iridium Satellite System and do not require any intermediary devices for boosting signals. The antennae are secured to the top of the manhole cover using a high strength, two-part acrylic adhesive specifically designed for high stress, structural applications.

The E-Square antenna is a road-reflector type used in areas where there is no opportunity for dislocation from such hazards as snow plows.

The E-Dot antenna is for cold-weather climates where snow plow operation occurs and are designed to be mounted below the manhole profile.

E-Square[™] Antenna

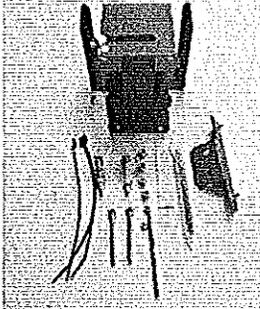


E-Dot[™] Antenna

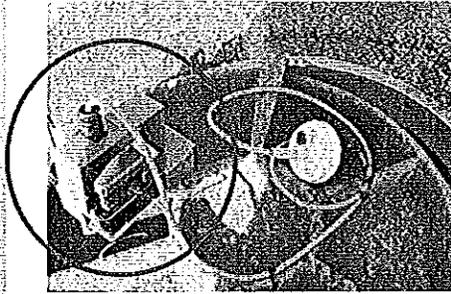
Mounting Bracket Kit

The mounting bracket is a ruggedized, corrosion resistant assembly designed to protect and secure system components. The bracket is secured with two stainless steel bolts whereby the installer drills two ¼" holes into the cover. The bracket is designed in such a manner such that **NO CONFINED SPACE ENTRY IS REQUIRED FOR INSTALLATION**. Its hard-anodized aluminum housing encloses the PowerPack and the E-Box control. The DSM (distance sensing module) is connected to the E-Box and suspended via a cable, typically over the invert.

The bracket is supplied as a three-piece kit for mounting directly to the underside "flat" of the manhole or, alternately, to the manhole cover vein.



Bracket with kit



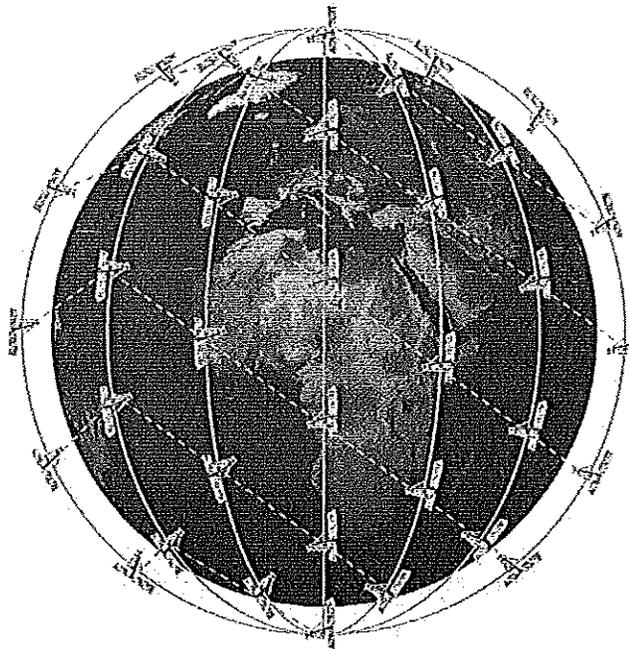
Mounted Bracket

SECTION 3. DESCRIPTION OF THE SATELLITE COMMUNICATION SYSTEM

The SmartCover[®] system uses the high reliability, highly secure *Iridium Satellite System* as its communications backbone. Iridium is a state-of-the-art communications system consisting of 66 Low Earth Orbiting (LEO) satellites. It has global, redundant coverage and is known to provide highly superior connectivity to that of terrestrial systems such as GSM, GPRS and other cell phone based systems. Iridium has a very strong record of performance and reliability. It is used by the US DOD for its reliability.

Iridium Satellites are in orbit across the globe and assured connectivity is achieved requiring but a small fraction of the available horizon. SmartCover[®] systems are able to communicate in challenging locations with such impediments as tree canopies, overpasses or buildings.

SmartCover[®] data is highly secure with servers using 2048 bit encryption. These are redundant servers located in a climate controlled, secure facility with emergency power to prevent any interruptions. Servers store Historical Communication, Data, and Data Access information. Being a web or "cloud" based system; data is available at all times through a browser from a computer, tablet or phone. Users can access data through any web browser to the server via encrypted data and send notifications directly to the user.



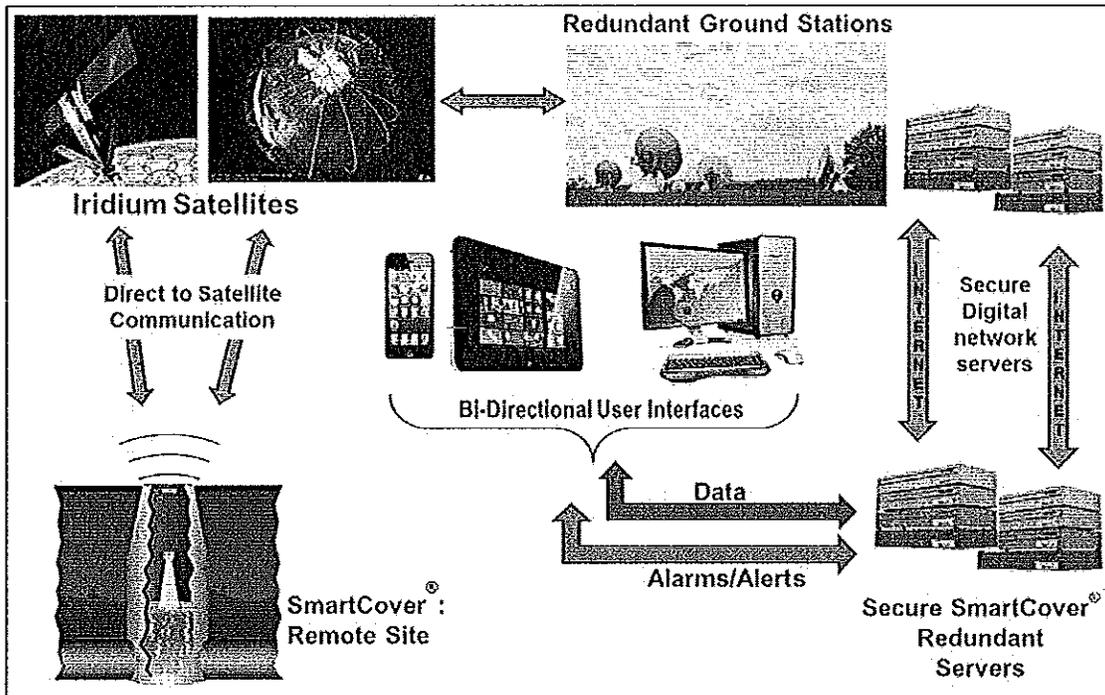
Iridium Satellite Constellation

The Communication Process

As per the diagram below, the SmartCover[®] system communicates directly to an orbiting satellite. The communication signal is then sent to Iridium earth link stations and then to SCS secure servers.

For alarm signals, they are subsequently sent to the Customer via cell phone, Smart Phone, digital pager and/or to computers via the internet. It is possible to have alarms sent to a central control room as well.

SmartCover[®] communication is *bi-directional and the user has control over the remote sites*. A major benefit of the SCS system is that data acquisition, alarms and system setting changes are enabled *remote from the installation site* saving time and resources. For example, the alarm level [distance] setting can be accessed via the Dedicated User Website to be changed or disabled. Changes to these settings are communicated from the SCS servers through the Iridium system and to the SmartCover[®] system at the designated site.



SmartCover[®] communications system diagram

The system map has five, colored-coded symbols for ease of viewing and management where:

GREEN (circle) – Indicates that the SmartCover[®] system is functioning properly and that the site does not have any alarms or maintenance alerts.

GRAY (circle) – Indicates that the SmartCover[®] system was previously located at this site but has been moved. The data for this site is archived and accessible.

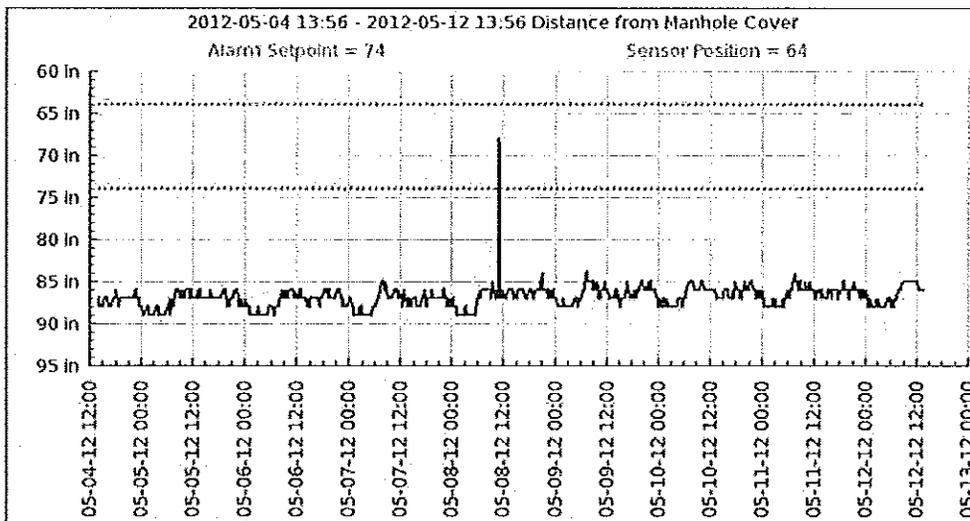
ORANGE (circle) – Indicates that the SmartCover[®] system, while not in an Alert or Alert state, has issued an “Advisory”. The Advisory is an email message has been sent because the site data trend indicates that an anomaly is occurring. It advises users to view this site’s data and determine what, if any, remedial action should be taken.

BLUE (square) – Indicates an “alert” and that a SmartCover[®] maintenance action is required. For example, it could mean the battery has low voltage and needs to be replaced or that a unit has not communicated within the expected interval.

RED (triangle) – Indicates that an “alarm” condition exists at this location. It could be high water event (surcharge) or an intrusion. Action is required.

Site Graph

A user may access any remote site by clicking on the map or on the address location. As an example, the graph below illustrates level in inches (y-axis), date/time (x-axis), flow levels (blue line), and the alarm setting (red line). We see in this case flow levels are below the alarm and then followed by a surcharge. The surcharge would have triggered an alarm. Note that the alarm is set well below the level where a spill may occur (green line) and allows for sufficient time to respond. In this case the bottom of the sensor is 64 inches from the manhole cover and the alarm is set for 74 inches below the manhole cover.



SECTION 4. INSTALLATION AND ACTIVATION

Installation

It is most important to note that the typical SmartCover installation never requires confined space entry. With this, a typical installation is inexpensive and takes much less than one hour for physically attaching of the SmartCover[®] system. The antenna is mounted to the top of the cover or lid and the mouthing bracket, housing the PowerPack and E-Box with the DSM connected to the E-Box, to the bottom.

The antenna is mounted and secured with a high strength, MIL-Spec grade, two part adhesive and a hole is drilled to feed the antenna wire to the underside where the E-Box control is located.

The bracket is mounted to the underside by drilling to two holes into the cover or lid. Two stainless steel screws secure the bracket. The DSM is connected to the E-Box control and it is suspended and aligned to the flow target area i.e., the invert.

On-site testing of the communication link is performed to ensure that the unit is operational.

- **Standard Installation:** The SmartCover[®] system (hardware) is installed in the field at the designated site.
- **Offsite Installation:** The SmartCover[®] system is installed on the selected cover at an offsite facility and transported to the designated location. This method can minimize onsite time to a few minutes reducing the need for traffic control and disruption.
- Typically, the Customer will provide personnel and equipment, as appropriate for traffic control as required by local regulations and safety of field personnel.

Activation

After the physical installation of the SmartCover[®] system(s), the following actions are taken to bring full functionality to the SmartCover[®] system. SCS technicians will assist with all installation activation as part of our standard service protocol.

- ***SmartCover[®] Activation: Customer Actions***
 - Upon receipt of a Purchase Order, SCS the user will receive a questionnaire to obtain the information necessary to perform the SmartCover[®] service Set-Up. Proper system operation is dependent upon receipt of required information.
 - This information is used as part of installation where communication will be tested to verify functionality.
- ***SmartCover[®] Activation: SCS Actions***
 - At the SCS technical Support offices, the secure Customer Web Site is set up including a private account and database on the SCS secure server.
 - Web site is configured for the Customer Web Site with SmartCover[®] system locations and users.
 - Initial population of the Customer SmartCover[®] database.
 - Registration of the SmartCover[®] system wireless radios with the network and setting the Customer default system operational parameters.

Training

Training is provided after completion of the installation process. Once on-site personnel are trained, SCS will be available to provide additional web site training remotely after the SmartCover[®] system has been installed and operational.

SECTION 5. ACTIVE SITE MANAGEMENT

Active Site Management (ASM) is a *compressive support service* for the SmartCover[®] system. It includes software support, satellite connectivity and ongoing technical support with these three elements described below.

It is an annual, per site service provided by SCS. ASM includes but is not limited to:

- **Website hosting**- initial set-up and ongoing hosting of all software and customer data. Note that all data is owned by the customer.
- **Website / Software Upgrades**- from time to time SCS provides new features and tools at no charge including such features supporting improved analytical tools, improved graphical tools and new reports.
- **Website maintenance** – maintaining the secure servers on which your web site resides, and providing free upgrades to the web sites as they become available.
- **Standard Reports** - SCS will support Customer in the preparation of these reports for management or regulators **Technical Telephone Support** - This service is offered by the SCS Technical Services team from 7am to 5 pm Pacific time and with additional support from local representatives.
- **Management Oversight**
 - SCS Technical Services team monitors the proper operation of all installed systems including battery voltage, the radio signal strength and the communication to/from the systems.
 - SCS coordinates the appropriate service to repair any components in the field with you or the local dealer
- **Alarm Processing** – maintaining the infrastructure of the alarm contact system.
- **After Hours Support** – on an as-needed basis. Contact SCS for details.
- **Wireless Communications Connectivity** – Access to the two-way, wireless satellite network.

Product Improvements

The SmartCover[®] is continuously improving, adding new features and functions. SCS often uses customer input to add new features. Product improvements are backwards compatible to existing satellite systems with 0.10" resolution. There is no charge for these improvements as they are part of the annual ASM.

SmartTrend[™]

SmartTrend[™] is an all-new addition to **SmartCover[®]** that enables notifies and enable users to anticipate events at remote monitoring sites. **SmartTrend[™]** automatically scans each remote site to assess data trends. Should it see an "anomaly", it provides users an Advisory email message. This important addition to the **SmartCover[®]** system means that users now have the most advanced predictive method available identifying future issues such as SSO days or even weeks *before they occur*.

**SECTION 6. ADDITIONAL TERMS & CONDITIONS,
LIMITED WARRANTY**

Mutual Hold Harmless

SCS hereby holds Customer harmless from any and all claims that may arise, or damages that may result, to SCS or SCS staff during the performance of this contract. Customer hereby holds harmless SCS/McIntosh Controls, its founders, owners and staff, from any and all claims that may arise, of any kind or from any cause whatsoever, due to or as a result of the installation, operation, or use of the SmartCover[®] system.

Loss of Communications

Customer acknowledges that SCS/McIntosh Controls is not responsible for the loss of wireless communication or internet communications or any communications used in the operation of this system.

Advisory Only

The SmartCover[®] System is an advisory service only. As such, SCS/McIntosh Controls and its founders, owners, or staff are not responsible for any damage of any kind or from any cause whatsoever that may result from, in relation to, in connection with, due to, or as a result of the installation or operation of the system, including without limitation, equipment failure, or any consequential damages caused by, or resulting from, the use or installation of the SmartCover[®] system.

Limited Warranty

The equipment components of the SmartCover[®] system are warranted free from material defects of material and workmanship for a period of one year from the date of installation. Unless otherwise stated, the SCS warranty herein is a parts-only warranty.

Should the Customer discover any condition that might invoke a warranty claim, they are to expeditiously and without delay notify the SCS Technical Services group.

Upon notification, SCS will assess and instruct the user on follow-on actions.

Should a component fail as a result of a defect in material or workmanship, SCS will replace the component or repair it at the SCS location.

For all valid warranty claims, as determined by SCS, reasonable freight charges to and from Customer shall be paid by SCS. In all cases, SCS shall determine the shipping method and/or carrier unless otherwise agreed to in writing by Customer and SCS.

Upon approval of a warranty failure by SCS, SCS will either repair or replace the defective component at SCS' sole discretion.

THE FOREGOING WARRANTY IS EXCLUSIVE AND IN LIEU OF ALL OTHER WARRANTIES OR CONDITIONS, EXPRESS OR IMPLIED (INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE). REPAIR OR REPLACEMENT IN THE MANNER PROVIDED ABOVE SHALL BE THE SOLE AND EXCLUSIVE REMEDY FOR BREACH OF WARRANTY AND SHALL CONSTITUTE FULFILLMENT OF ALL LIABILITIES OF SCS WITH RESPECT TO THE QUALITY AND PERFORMANCE OF THE PRODUCTS.

THIS WARRANTY DOES NOT COVER DAMAGE OR REPAIRS OR REPLACEMENTS BY ANY CAUSE BEYOND THE CONTROL OF SCS, INCLUDING ACTS OF NATURE, IMPROPER USE, LACK OF PROPER MAINTENANCE OR UNAUTHORIZED REPAIR.

REPLACEMENT AS PROVIDED UNDER THIS WARRANTY IS THE EXCLUSIVE REMEDY. SCS/McIntosh Controls SHALL NOT BE LIABLE FOR ANY ACTUAL, EXEMPLARY, INDIRECT OR CONSEQUENTIAL DAMAGES, INCLUDING DAMAGES FOR LOSS OF GOODWILL OR PROFITS AND/OR LOSSES FROM ANY CAUSE WHATSOEVER, EVEN IF SCS HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGE.

In no event shall SCS's liability, whether in contract or in tort (including negligence and strict liability), exceed the price of the Product from which such liability arises.

SECTION 7: Acceptance

The undersigned have read and acknowledge their understanding of this offer.

Signatures

McIntosh Controls Corp.
218 Little Falls Road- Unit 1
Cedar Grove, NJ 07009

City of Newburgh NY

Signature

Signature

Richard Mattesky

11-12-15

Date

**RESOLUTION NO. 298 - 2015
OF
NOVEMBER 23, 2015**

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN AGREEMENT WITH THE UNIFIED COURT SYSTEM
FOR STATE REIMBURSEMENT IN AN AMOUNT SUBJECT
TO APPROVAL BY THE NEW YORK STATE COMPTROLLER
FOR THE RENEWAL PERIOD APRIL 1, 2015 TO MARCH 31, 2016
FOR COURT CLEANING AND MINOR REPAIRS TO THE CITY COURT FACILITY**

WHEREAS, under New York State law, cities are required to furnish and maintain adequate court facilities for use by trial courts of the State, including Newburgh City Court; and

WHEREAS, pursuant to Resolution No. 153-99, the City of Newburgh entered into an agreement with the State of New York Unified Court System (“UCS”) for the purpose of obtaining cleaning services for the interior of the Newburgh City Court as well as minor and emergency repairs to that facility; and

WHEREAS, pursuant to Resolution No. 196-2002, the City of Newburgh entered into an agreement which provided for a new contract period of five (5) years, such term beginning April 1, 2003 and terminating on March 31, 2008; and

WHEREAS, pursuant to Resolution No. 34-2009, the City of Newburgh entered into an agreement which provided for a new contract period of five (5) years, such term beginning April 1, 2008 and terminating on March 31, 2013; and

WHEREAS, pursuant to Resolution No. 52-2014 of March 10, 2014, the City of Newburgh entered into an agreement which provided for a contract period of five (5) years, such term beginning April 1, 2013 to March 31, 2018 (Contract No. C300363); and

WHEREAS, pursuant to said Agreement the State of New York Unified Court System has submitted a revised Appendix B to Contract No. C300363 for the renewal period beginning April 1, 2015 and terminating on March 31, 2016, with reimbursement from the State established for each such period;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to execute the annexed acceptance form for Contract No. C300363 Revised Appendix B for the renewal period April 1, 2015 to March 31, 2016 with the State of New York UCS, to provide the City with monetary reimbursement in the amount of \$104,286.

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

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

ADOPTED



STATE OF NEW YORK
UNIFIED COURT SYSTEM
NINTH JUDICIAL DISTRICT
DARONCO - WESTCHESTER COUNTY COURTHOUSE
111 DR. MARTIN LUTHER KING, JR., BOULEVARD
WHITE PLAINS, NEW YORK 10601
(914) 824-5100 FAX (914) 995-4946

HON. LAWRENCE K. MARKS
Chief Administrative Judge

HON. MICHAEL V. COCCOMA
Deputy Chief Administrative Judge
Courts Outside New York City

HON. ALAN D. SCHEINKMAN
District Administrative Judge
Ninth Judicial District

NANCY M. MANGOLD
District Executive
Ninth Judicial District

November 9, 2015

Mr. John J. Aber
Comptroller
City of Newburgh
83 Broadway-4th Floor
Newburgh, New York 12550

Re: Agreement between UCS and *City of Newburgh*
for Court Cleaning and Minor Repairs (Contract No. *C300363*)
Annual Renewal Letter and Budget (Appendix B) for SFY 2015-2016

Dear *Mr. Aber*:

Please be advised that pursuant to Section I of the existing contract between the Unified Court System and *City of Newburgh*, we are hereby establishing a renewal period in the five-year term of this agreement. Said renewal period shall commence on April 1, 2015 and shall terminate on March 31, 2016. During this 2015-2016 renewal period, all terms and conditions of the above-referenced Agreement shall continue to apply, except as specified below.

The proposed budget for services to be rendered pursuant to this contract in the 2015-2016 period shall be **\$104,286**. Pursuant to the provisions of Chapter 686 of the Laws of 1996, as amended to date, the maximum compensation for the 2015-2016 period shall be 100% of that amount. The attached revised Appendix B, detailing the proposed budget for the renewal period, shall be incorporated into the Agreement and shall replace all prior Appendix B's. The signatures below shall confirm acceptance of this renewal by the *City of Newburgh* and by the UCS.

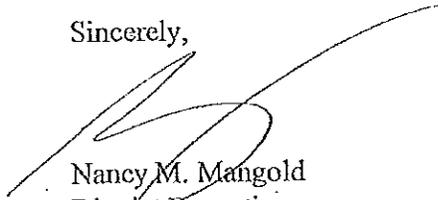
Contract Renewal Letter for the *City of Newburgh* for SFY 2015 - 2016
Contract No. C300363.

Page 2

Accordingly, the original of this letter should be signed by an authorized representative of the *City of Newburgh* and the corresponding acknowledgment page should be notarized. Two sets of the signed original letter together with the related documents should be returned to this office.

Thank you.

Sincerely,



Nancy M. Mangold
District Executive

Accepted for: *City of Newburgh*

Accepted for: Unified Court System

Name:
Title:

Maureen McAlary
Director, Division of Financial Management

Dated:

Dated:

Attachments

1 Cleaning Costs:
1(a) Service Contracts

Budget Line #	Contractor	Type of Service	Building	Contract Amounts for Budget Period	Aid Eligible Percentage	Budget Request
1	.NYS Industries for the Disabled	April 2013-Mar. 2014 Cleaning	300 Broadway	\$76,345	100%	\$76,345
2						
3						
4						
5						
6						
1(a) Subtotal:						\$76,345

1(b) Local Payroll

No. of Positions	Building	Annual Wages	Fringe Benefits	Total Personal Service Costs	Aid Eligible Percentage	Budget Request
7						
8						
9						
10						
11						
12						
1(b) Subtotal:						\$0

1(c) Supplies and Equipment

Type of Material	Building	Quantity/Unit	Costs	Aid Eligible Percentage	Budget Request
Misc. Toilet Paper & Towels	Courthouse	1	\$2,000	100%	\$2,000
14					
15					
16					
17					
18					
1(c) Subtotal:					\$2,000
1(d) - Total Cleaning Costs (1a+1b+1c):					\$78,345

2 Trash Removal and Disposal
2(a) Trash Removal

Contractor or Agency	Building	Quantity/Unit	Costs	Aid Eligible Percentage	Budget Request
19 City of Newburgh					
20 Sanitation Workers 2	Courthouse	1	\$2,500	100%	\$2,500
21					
22					
23					
2(a) Total:					\$2,500

2(b) Trash Disposal

Contractor or Agency	Building	Quantity / Unit	Costs	Aid Eligible Percentage	Budget Request
24 MDS-HVAC	Courthouse	1	\$1,600	100%	\$1,600
25					
26					
27					
28					
2(b) Total:					\$1,600

2(c) - Total Trash Removal & Disposal (2a+2b): 2(c)

\$4,100

3 HVAC Cleaning Costs
3(a) Duct Work Cleaning and Filter Changing By Service Contract

Contractor	Type of Service	Building	Contract Amounts for Budget Period	Aid Eligible Percentage	Budget Request
29 MDS-HVAC-R Inc		Courthouse	\$1,500	100%	\$1,500
30					
31					
32					
33					
34					
3(a) Subtotal:					\$1,500

3(b) Duct Work Cleaning and Filter Changing by Local Payroll

No. of Positions	Building	Annual Wages	Fringe Benefits	Total		Aid Eligible Percentage	Budget Request
				Personal Service Costs	Costs		
35							
36							
37							
38							
39							
40							
3(b) Subtotal:							\$0

3(c) Filter Changing - Filters Only

Type of Material	Building	Quantity/Unit	Costs	Aid Eligible Percentage	Budget Request
42					
43					
44					
45					
46					
3(c) Subtotal:					\$500

3(d) Total HVAC Ductwork Cleaning & Filter Changing Costs (3a+3b+3c): 3(d)

\$2,000

4 GRAND TOTAL - ALL "CLEANING COSTS":

Grand Total Boxes 1d + 2c + 3d: 4

\$84,445

- 5 Proposed "Tenant" Work Use the following codes:
- a - Flooring and Carpeting
 - b - Painting
 - c - Interior Ceilings
 - d - Bathrooms
 - e - Fixtures
 - f - Minor Renovation
 - g - Other (Identify)

Work to be Performed:

Code	Describe Work	Building	Wages	Fringe	Supplies	Total Costs	Aid Eligible Percentage	Budget Request
47	g Misc., Painting		\$5,000		\$0	\$5,000	100%	\$5,000
48							0%	
49								
50								
51								
52								
53								
54								
55								
56								
57								
Total (\$):								\$5,000

6 TOTAL - 100% REIMBURSIBLE EXPENSES:
(Cleaning Costs & Tenant Work)

Total (4+5) 6: \$89,445

7 Building and Property Maintenance:

7(a) Service Contracts Use Codes A-G:

- a - Pest Control
- b - Elevators
- c - HVAC
- d - Telephone Wiring
- e - Security & Alarm Systems
- f - Property Maintenance
- g - Other (Identify)

Code	Contractor	Type Work Performed	Building	Contract		Aid Eligible Percentage	Budget Request
				Amounts for Budget Period	Request		
58	A Craig Thomas Pest	Extermination	Courthouse	\$1,500		100%	\$1,500
59	B Schindler Elevator	Repair & Maint	Courthouse	\$2,500		100%	\$2,500
60	C MDS HVAC	Repairs	Courthouse	\$11,000		100%	\$11,000
61	E&F Foxmans Safe&lock	Service-Security Repairs	Courthouse	\$1,000		100%	\$1,000
62	E CDR Electronics	Security&Alarm System	Courthouse	\$2,000		100%	\$2,000
63	E Pastec	Security Cameras	Courthouse	\$5,000		100%	\$5,000
64	E NY Tel/Verizon	Alarms	Courthouse	\$2,000		100%	\$2,000
65							
66							
67	F Other/Misc	Simplex/Doors/Other	Courthouse	\$7,000		100%	\$7,000
68							
7(a) Subtotal:							\$32,000

7(b) Local Payroll

No. of Positions	Building	Annual Wages	Fringes	Total Costs	Aid Eligible Percentage	Budget Request
70	Snow Removal-Courthouse	\$4,500		\$4,500	100%	\$4,500
71	Landscape Courthouse	\$1,000		\$1,000	100%	\$1,000
72	Various-Courthouse	\$1,000		\$1,000	100%	\$1,000
73						
74						
75						
76						
7(b) Subtotal:						\$6,500

7(c) Supplies and Equipment

Type of Material.	Building	Quantity/Unit	Costs	Aid Eligible Percentage	Budget Request
77 Misc-W.W. Granger	Courthouse	1	\$1,000	100%	\$1,000
78					
79					
80					
81					
7(c) Subtotal:					\$1,000

7 (d) Total - Building and Property Maintenance Costs (7a+7b+7c) 7(d): **\$39,500**

8 Total - Building and Property Maintenance Costs: **\$39,500**

9 Total Cost Reimbursable @ 25% = (Box 8 x 25%) **\$9,875**

10 Total Proposed Direct Costs (Item 6 + Item 9): **\$99,320**

11 Overhead Costs (Item 10 x .05): **\$4,966**

12 Total Proposed Contract Amount (Item 10 + Item 11): **\$104,286**

13 Local Government Certification:
I hereby certify that the cost estimates contained herein were developed using the best available information and that the proposed budget amounts are just, true and correct to the best of my knowledge.

Name:	
Title:	
Signature:	
Date:	

County or City:	
Address:	
Phone:	

RESOLUTION NO.: 299 -2015

OF

NOVEMBER 23, 2015

A RESOLUTION TO CERTIFY THE BASE PERCENTAGES, CURRENT PERCENTAGES, CURRENT BASE PROPORTIONS AND ADJUSTED BASE PROPORTIONS AND CHANGE THE ADJUSTED BASE PROPORTIONS FOR THE 2016 FISCAL YEAR UNDER THE HOMESTEAD OPTION OF ARTICLE 19 OF THE NEW YORK STATE REAL PROPERTY TAX LAW

WHEREAS, by Local Law No. 1-1989 of February 27, 1989, the City Council of the City of Newburgh enacted Section C8.88 of the City Charter adopting the provisions of the New York State Real Property Tax Law Section 1903 concerning homestead base proportions; and

WHEREAS, the homestead base proportions shall be established by resolution of the City Council; and

WHEREAS, the City Council shall determine the current homestead and non-homestead base proportion, the current percentage and base percentage for the assessing unit and each portion included in its boundaries and such alterations made to such current base proportions; and

WHEREAS, the City Council may alter the homestead base proportion or locally-adjusted homestead proportion; and

WHEREAS, the base proportions have been established at 50.82324 for homestead properties and 49.17676 for non-homestead properties and this Council has determined to adjust the locally-adjusted homestead proportion and locally-adjusted non-homestead proportion for the 2016 budget;

NOW THEREFOR BE IT RESOLVED, by the Council of the City of Newburgh, New York, that this Council pursuant to Real Property Tax Law Section 1903-4(c) does hereby adjust the locally-adjusted homestead proportion to 51.63993 and the locally adjusted non-homestead proportion to 48.36007; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that this Council does hereby certify the base percentages, current percentages, current base proportions and the adjusted base proportions as set forth on the annexed certificates, pursuant to Article 19 of the Real Property Tax Law of the State of New York.

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

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

ADOPTED

CERTIFICATE OF BASE PERCENTAGES, CURRENT PERCENTAGES AND CURRENT BASE PROPORTIONS PURSUANT TO ARTICLE 18, RPTL, FOR THE LEVY OF TAXES ON THE 2015 ASSESSMENT ROLL

Approved Assessing Unit City of Newburgh, 331100
Name of Portion City of Newburgh, 331100

CERTIFICATION

DETERMINATION OF BASE PERCENTAGES				
Section I	(A) 1991 Taxable Assessed Value	(B) 1991 Class Equalization Rate	(C) Estimated Market Value A/(B/100)	(D) Base Percentages (Sum of C)
Class				
Homestead	179,193,709	41.24	434,514,328	64.7177
Nonhomestead	111,241,235	46.96	236,865,083	35.2823
Total	290,434,944		671,399,411	100.0000

DETERMINATION OF CURRENT PERCENTAGES				
Section II	(E) Prior Year Taxable Assessed Value (Inc. Spec. Fran.)	(F) Prior Year Class Equalization Rate	(G) Estimated Market Value E/(F/100)	(H) Current Percentages (Sum of G)
Class				
Homestead	527,811,854	100	527,811,854	58.96014
Nonhomestead	365933967	100	366,933,967	41.00985
Total	894,745,821		894,745,821	100.00000

DETERMINATION OF CURRENT BASE PROPORTIONS							
Section III	(I) Local Base Proportion for the 1992 Assessment Roll	(J) Updated Local Base Proportion	(K) Prospective Current Base Proportion Part (J) Projected to 100.00	(L) Adjusted Base Proportion used for Prior Tax Levy	(M) % difference between prior Adjusted Base Proportion and Prospective Current Base Proportion {(K)-1*100}	(N) Maximum Current Base Proportion	(O) Current Base Proportion
Class							
Homestead	57.00000	51.95545	50.96875	52.1418	-2.25	(L*1.05)	50.96875
Nonhomestead	43.00000	49.38044	49.03125	47.8582	2.45		49.03125
Total	100.00000	101.93589	100.00000	100.00000			100.00000

signature _____
title _____
date _____

I, the clerk of the legislative body of the approved assessing unit identified above, hereby certify that the legislative body determined on _____ that the legislative body determined on _____ base percentages, current percentages, and current base proportions as set forth herein for the assessment roll and portion as identified above.

NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES
16 SHERIDAN AVENUE, ALBANY, NY 12210-2714

CERTIFICATE OF ADJUSTED BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTL
FOR THE 2015 ASSESSMENT ROLL

Approved Assessing Unit
City of Newburgh, 331100
Name of Person
City of Newburgh, 331100
Reference Rol
2014
Levy Roll
2015

CERTIFICATION

DETERMINATION OF PORTION CLASS NET CHANGE IN ASSESSED VALUE DUE TO PHYSICAL AND QUANT
EQUALIZATION CHANGES AND COMPUTATION OF CLASS CHANGE IN LEVEL OF ASSESSMENT FACTOR

Section I	(A) Total Assessed Value on the Levy Roll Excluding roll section 5	(B) Total Assessed Value of Physical and Quantity Increases between the Reference Roll and Levy Roll	(C) Total Assessed Value of Physical and Quantity Decreases between the Reference Roll and Levy Roll	(D) Net Assessed Value of Physical and Quantity Changes (B-C)	(E) Surviving Total Assessed Value on the Reference Roll (A-C)
Class					
Homestead	550,193,620	1,233,300	1,909,100	(875,800)	548,284,520
Nonhomestead	333,130,576	788,600	10,267,400	(9,478,800)	322,863,176

COMPUTATION OF PORTION CLASS ADJUSTMENT FACTOR

Section II	(F) Total Assessed Value of Equalization Increases between the Reference Roll and Levy Roll	(G) Total Assessed Value of Equalization Decreases between the Reference Roll and Levy Roll	(H) Net Equalization Changes (F-G)	(I) Change in Level of Assessment Factor (H/E)*1
Class				
Homestead	5,747,150	17,580,850	(11,833,410)	0.57842
Nonhomestead	4,401,283	7,886,420	(3,485,137)	0.58821

COMPUTATION OF ADJUSTED BASE PROPORTIONS

Section III	(J) Taxable Assessed Value on the Levy Roll Excluding roll section 5	(K) Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment	(L) Assessed Value of Special Franchise on the Levy Roll at the Reference Roll Level of Assmnt	(M) Total Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (K+L)	(N) Taxable Assessed Value on the Reference Roll	(O) Class Adjustment Factor (M/N)
Class						
Homestead	514,737,210	526,091,648	0	526,091,648	527,811,654	0.99674
Nonhomestead	325,256,223	328,805,504	38,058,334	367,873,838	366,833,967	1.00256

COMPUTATION OF ADJUSTED BASE PROPORTIONS

Section III	(P) Current Base Proportions	(Q) Current Base Proportions adjusted for Physical and Quantity Changes (P*O)	(R) Adjusted Base Proportions (Q/sum of Q)
Class			
Homestead	50.96875	50.80266	50.82324
Nonhomestead	49.03125	49.15684	49.17676
Total	100.00000	99.95950	100.00000

I, the clerk of the legislative body of the approved
assessing unit identified above, hereby certify
that the legislative body determined on
base percentages, current percentages, and
current base proportions as set forth herein for the
assessment roll and portion as identified above.

signature

title

Local Adjustments to the Adjusted Base Proportions

The municipality may make certain adjustments to the ABPs.
See Subsection 1903-4(c) of the Real Property Tax Law

City of Newburgh

2015

STEP 1 - Subtract the Adjusted Base Proportion for the Homestead Class from the Current Percentage for the Homestead Class

Current Percentage for Homestead Class (Part I of form RP-6701)		58.99014
Adjusted Base Proportion for Homestead Class (column R of form RP-6703)	-	<u>50.82324</u>
Difference		8.16689

STEP 2 - Take the Difference computed in STEP 1 and multiply it by 10%, 20%, 25%, 30%, 40%, 50%, 60%, 70%, 75%, 80%, and 90%.
Add this amount to the Homestead Adjusted Base Proportion.

Select a Percentage	Amount to be added to Homestead ABP	POSSIBLE TAX SHARES WHICH MAY BE ADOPTED	
		Homestead	NonHomestead
		50.82324	49.17676
10%	0.81669	51.63993	48.36007
20%	1.63338	52.45662	47.54338
25%	2.04172	52.86497	47.13503
30%	2.45007	53.27331	46.72669
40%	3.26676	54.09000	45.91000
50%	4.08345	54.90669	45.09331
60%	4.90014	55.72338	44.27662
70%	5.71683	56.54007	43.45993
75%	6.12517	56.94841	43.05159
80%	6.53352	57.35676	42.64324
90%	7.35020	58.17345	41.82655
100%	8.16689	58.99014	41.00986

RESOLUTION NO.: 300 - 2015

OF

NOVEMBER 23, 2015

**A RESOLUTION ADOPTING THE BUDGET
FOR THE FISCAL YEAR 2016**

WHEREAS, the City Manager, on October 13, 2015, submitted to the City Council of the City of Newburgh, New York, a detailed estimate, including the "Manager's Proposed Fiscal Year 2016 Budget" and the "Manager's Proposed Personnel Analysis Book" of same date, of revenues and expenditures necessary and proper for all municipal activities accounted for in the General, Water, Sewer, Sanitation and Self-Insurance Funds during the fiscal year of 2016; and

WHEREAS, such detailed estimates has been filed in the City Clerk's Office as required by the Charter of the City of Newburgh so that said estimates may be inspected by anyone interested, and a public hearing was held on November 9, 2015 in reference to said estimates for any item thereof; and

WHEREAS, the Council has made such changes, alteration, corrections and amendments to the said budget as it appears to said Council to be proper, including incorporating such changes as deemed necessary in response to the New York State Office of the State Comptroller's budget review report #B6-15-24 dated November 12, 2015;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Newburgh, New York does hereby approve, determine and adopts the budget for the year 2016 as appears in the annexed "City Council Adopted Fiscal Year 2016 Budget" on November 23, 2015; and

BE IT FURTHER RESOLVED, that the sum of \$19,462,564 be levied and raised on account of City taxes for the year 2016 on all the taxable property in the City of Newburgh according to the valuation of the last assessment roll of said City for State, County and City purposes, being \$514,737,219 for Homestead Properties and \$364,324,557 for Non-Homestead Properties, including special franchise assessments, in accordance with the Real Property Tax Law of the State of New York; and

BE IT FURTHER RESOLVED, that the City Collector is authorized and directed to cause said amount of \$19,462,564 to be extended and apportioned on said assessment roll at \$19.525 for Homestead properties and \$25.834 for Non-Homestead Properties on every \$1,000 of taxable real property, including special franchise assessments; and

BE IT FURTHER RESOLVED, that the required sewer, water and sanitation fees for the taxable and non-taxable properties for the year 2016 is as set forth in Section 163-1 of the City Code of Ordinances; and

BE IT FURTHER RESOLVED, that the City Collector is authorized and directed to cause any and all amounts reported as omitted taxes to be levied against the real property subject to said omitted taxes and to cause the amounts reported by the City Collector as overdue and unpaid water rents, sewer rents and sanitation user fees, and unpaid charges of property abatement, with the interest and penalties thereon, to be added to the tax levied against the real property for which or in connection with which such water, sewer and sanitation was provided; and

BE IT FURTHER RESOLVED, that said City tax roll shall be delivered to the City Collector on the 4th day of January 2016, signed by the City Manager and under the seal of the City, directing and commanding said City Collector to receive and collect in the manner provided by the law for the levying and collecting of County taxes by City Collectors, these several amounts in the roll specified as against the persons or property therein mentioned and described, and that said warrant shall direct the City Collector to collect said assessments in four equal installments as follows:

The first installment commencing on the 4th day of January 2016, and collect up to and including the 5th day of February 2016, without fees, and to add 5% from the 6th day of February 2016, up to and including the 31st day of March 2016.

The second installment commencing on the 1st day of March 2016, and collect up to and including the 5th day of April 2016, without fees, and to add 5% from the 6th day of April 2016, up to and including the 30th day of May 2016.

The third installment commencing on the 1st day of May 2016, and collect up to and including the 6th day of June 2016, without fees, and to add 5% from the 7th day of June 2016, up to and including the 1st day of August, 2016.

The fourth installment commencing on the 1st day of July 2016, and collect up to and including the 5th day of August 2016, without fees, and to add 5% from the 6th day of August 2016, up to and including the 29th day of September, 2016.

In addition thereto, for all late payments remaining unpaid for ninety (90) days after the first date designated for the collection of same, there shall be added an additional penalty in the amount of 10% per annum computed from said first date of collection; and

BE IT FURTHER RESOLVED, that the amounts, when collected, be deposited daily with the Key Bank of NY, N.A., Chase, TD Bank, Sterling National Bank, or in any of the said banks in compliance with the requirements set forth in the Newburgh Fiscal Recovery Act by said City Comptroller and credited and applied to the several respective funds and accounts as stated in the Adopted Budget for taxes now confirmed and approved by said City Council, including credit balances heretofore appropriated.

Councilwoman Abrams proposed an amendment because she cannot in good conscience vote for this when those jobs of the four women in the Executive Office are being demoted unfairly. As long as that is part of this Budget she feels it's unfair. She likes the Budget and thinks it is the best they can do under the circumstances accept for that one item

so she would like to propose they be put back to the salary that Mr. Aber proposed before it was decided to bump them down a grade and in some cases to step one.

Councilwoman Mejia said that she supports that amendment and agrees wholeheartedly with it.

Councilman Brown said that there is a motion on the table to amend the Budget and it was seconded.

Councilwoman Abrams moved and Councilwoman Mejia seconded that the Budget be amended.

Ayes – Councilwoman Abrams, Councilwoman Angelo, Councilwoman Mejia – 3

Nays – Councilman Brown, Councilwoman Holmes, Councilwoman Lee – 3

MOTION FAILS

Councilwoman Mejia said to continue to go on the record about how these four positions are specifically being targeted. She doesn't want to repeat what she has already said so she is looking for Corporation Counsel to comment on the potentiality of what they are opening themselves to. Just so the residents in the audience know that yes it is the best Budget they can do under the circumstances but she cannot support the four positions being targeted so she will be voting "no" on the Budget.

Councilwoman Abrams noted she will be voting "no" as well.

Corporation Counsel, Michelle Kelson said, *"What I will say and what I did say to you on Thursday night after the public section of the meeting was over because I couldn't get in a word edgewise is that it would be a better practice to examine the salary and benefits of your Non-Bargaining employees as a whole. There is a resolution that was passed by previous Councils that established the pay and benefits for all of those positions that are not included in a bargaining unit that is represented by a Union. If there are concerns about whether those salaries and or benefits are no longer appropriate or not consistent with what the job titles and job responsibilities of the incumbents of those positions are doing then you can reexamine them and the salary benefit plan. In fact, you have added money into this Budget for a Human Resources position, somebody with expertise who could do that examination and analysis for you. With the Non-Bargaining Unit employees with the Budget you can change positions, eliminate positions and reduce positions from full-time to part-time for efficiency and economy. What you may not do is make decisions that are illegal based on illegal reasons or arbitrary and capricious. In only making changes to four of your Non-Bargaining Unit employees as opposed to the Non-Bargaining Unit group as a whole those decisions will be examined not just based on the dollar amounts you may save in the Budget by reducing those salaries but it will be scrutinized for other reasons. Some of those reasons have been identified tonight. Are those*

salaries being reduced because of the characteristics of the people who are in those positions because they're women or because they are people of color or because they are of a certain age and all of that information will be reviewed if someone chooses to challenge the decision that you made. If they do challenge that it will be examined more than just the dollar amount that may be reduced in the City Budget. I don't think all of you have examined all of those factors in making these proposals. I would strongly recommend that any changes that you do choose to make are made prospectively not retroactively. There are policy considerations that you have discussed and some of you are in agreement with those policy decisions but there are better practices that are available in implementing those policy decisions. I would caution you to think about how you can meet your policy choices in a fair and equitable way so that nobody is aggrieved by any decision that you make here tonight".

Councilwoman Abrams asked if it was possible to reconsider the vote on the amendment and then hopefully when we get a Human Resources person in the spring that person would be able to do a good analysis of the jobs and see what's up.

Corporation Counsel, Michelle Kelson said that Councils have in the past gone back to previously adopted Budgets and they have amended those Budgets. They have amended the Personnel Analysis Book and they have transferred funds from one line to another to address needs that have come up. There are certain things that are within the scope of the Council's authority if that becomes necessary. She would hope that they would think about what they are doing and think about not having to backtrack and reconsider especially in light of some of the discussion that they have had tonight.

Councilwoman Mejia said with hearing that she wanted to echo once again, *"I implore you guys to reconsider what's at hand."* We have Corporation Counsel telling us that we cannot go down this path. She is advising us to really, seriously consider it and for everybody at this table when we talk about the legacy that's the legacy we are discussing tonight and that's the legacy that the folks who are ending their term this year are going to be leaving behind. Councilwoman Angelo, Councilwoman Abrams, Councilwoman Holmes, Councilman Brown and Councilwoman Lee I implore you to reconsider it. The next step would be to make another friendly amendment based on the recommendations of Corporation Counsel and that Councilwoman Abrams just made. I make that other friendly amendment that we adopt it, put it back to what they were and wait for when the HR position has been filled and for that individual to go ahead and do the assessment. It is the right thing to do.

Councilwoman Angelo would like to know what the amendment is.

Councilwoman Abrams said her amendment was to put it back to the way it was.

Councilwoman Angelo said if they vote no on this Budget it becomes the City Manager's Budget. She asked them if they realized that.

Councilwoman Abrams and Councilwoman Mejia both said that they do.

Councilwoman Mejia told Councilwoman Angelo that the only thing that she is discussing right now is the four positions of the four women who have been selected arbitrarily to take the step back when we have men who have been hired at that level who did not come at a step one.

Councilwoman Lee motioned that they go into Executive Session to discuss particular people. *"If you want me to reconsider anything we will go into Executive Session or I will reconsider nothing"*.

Councilwoman Mejia said she doesn't know if they are talking about employees; we are talking about legality.

Councilwoman Lee said that she wants to talk about employees.

Councilman Brown said that there is a motion on the table to go into Executive Session to discuss the employment of particular people and asked for a second.

Councilwoman Angelo seconded the motion.

Councilwoman Lee moved and Councilwoman Angelo seconded that the Council enter Executive Session.

Ayes – Councilwoman Angelo, Councilman Brown, Councilwoman Lee – 3

Nays – Councilwoman Abrams, Councilwoman Holmes, Councilwoman Mejia – 3

MOTION FAILED

Councilwoman Holmes said that she brought this up in the Budget and in the beginning she really wanted to actually cut some positions because that was the only way she could see fit to have more money for what we needed. Someone compromised with her and said not to cut the positions and she understands that everyone needs their job but she feels that she should have cut the positions for economic and efficiency reasons which has been done before. She said that it is not personal at all. She worked in Civil Service so they do have a grade and a step procedure and when you start a job you are supposed to start at a certain grade and step and usually you start at step one. It is not a man or woman thing as she was not here when the two men were hired but she was here when these four people got hired and she knew that they were being hired at a much larger salary than they really should have. We had this discussion in Executive Session and she tried to change it but she didn't have the votes so she brought it to the Budget. She said that this is transparency and this is what she brought to the table because she feels that a person who has been here for twenty years had- to work their way up to making \$90,000.00 or \$70,000.00. How does that make them feel when someone just comes in for a year or two and they make the same salary? It's

not right and it's not fair. This is just her opinion and this is how she feels so that's why she implemented this in the Budget. She does understand what Corporation Counsel is saying and what Councilwoman Mejia is saying but she does not agree with these numbers and these grade steps.

Councilwoman Abrams said that she understands and respects Councilwoman Holmes opinion on this and she knows that she is doing it from her heart as she feels it's an unfair situation for people who might have looked back after a long time of working for the City and see someone new come in making the same salary that they were after many years. She doesn't believe that applies because when we put out a notice to hire someone at a certain step and grade they apply in good faith for that job and once they get it they do a wonderful and great job then that's the only thing that matters. They should get the salary that they signed up for and to put them back a whole grade or step is what she feels is unfair.

Councilman Brown said that they have to pass the Budget tonight as per the Charter so whatever changes that were made are for 2016 and if it is Council's wish then on the first meeting for next year they can come back and address these issues. This Budget needs to be passed tonight and it needs to be a balanced Budget.

Councilwoman Lee commented that they asked several times in Executive Session to consider giving increases that weren't so huge and she thinks that things got out of control when they asked the City Manager not to give an employee a \$20,000.00 raise but he insisted that he was within his rights. They asked him not to give employees \$30,000.00 pay increases and this is what has most of them concerned because there is no rhyme or reason for these increases. Then the public comes because someone has decided that the Council is doing something wrong when they only asked the City Manager to be considerate of the taxpayers and ask him why he is giving so much money out. *"It's almost like you opened your bag and you're just giving money away."*

City Manager, Michael Ciaravino said, *"That is a gross distortion, Councilwoman."*

Councilwoman Lee said it might be a distortion and in addition he told them that he couldn't find anybody to do the job and she learned from Councilman Brown that two hundred people applied. He told them that the best person for this job is the person that he chose and he bypassed every single Affirmative Action Rule so this is what made her ask him questions and then it just snowballed from there.

City Manager, Michael Ciaravino said that she is a bilingual Latino African American female. She was entitled to the same pay as her white predecessor.

Councilwoman Lee said she is talking about Community Development. *"I am talking about moving forward, Michael. Why give this woman a \$20,000.00 increase?"*

City Manager, Michael Ciaravino said that she was paid what her predecessor was paid. She recovered hundreds of thousands of dollars in her prior position so wait to see what she is going to do for the City in her new position. *“Treat her the same as who was there before her.”*

City Comptroller, John Aber said that the position they are talking about now actually has no impact on the Budget they are approving tonight. It is a position that's funded by CDBG.

Councilwoman Lee said thank you but her discussion was around why we are starting an employee with a \$20,000.00 increase.

Councilwoman Angelo said that what she can't understand is that we had a girl in one position that was dismissed after working sixteen years to earn \$62,000.00. Another girl, who was another Assistant, also worked sixteen years to earn \$56,000.00 and then two people came in off the street and started at those salaries.

City Manager, Michael Ciaravino said that one is bilingual with a Master's Degree from a prestigious University and they are looking to allow people to come into his Office who communicate in foreign languages to feel welcome when they come into our building. With a Master's Degree from a prestigious University she was entitled to be paid similarly for the same position as her other white counterpart.

Councilwoman Mejia said there is still no reconsideration for the friendly amendments, is that correct?

Councilman Brown said that a motion was put on the table and the motion did not pass so if there is no more discussion we need to vote on the Budget.

Councilwoman Mejia asked if they took a vote on the friendly amendment with the HR position to reassess. She would make that motion again if she could get a second.

Councilman Brown said that if she wants to put it on the table and there is a second then they can vote.

Councilwoman Mejia said that the friendly amendment is to keep the four positions as proposed in the Manager's Budget per that salary so they are not viewed as targeting a gender difference under Title VII of EEOC and to wait until the HR is hired so that person per Corporation Counsel's assessment of the Non-Bargaining Unit memorandum gets assessed. She asked if there is a second.

Councilman Brown said unfortunately that is the same or similar motion that was just voted no to but he asked for a second.

Councilwoman Abrams said that she would second.

Councilwoman Mejia moved and Councilwoman Abrams seconded to vote on the friendly amendment.

Ayes – Councilwoman Abrams, Councilwoman Angelo, Councilwoman Mejia – 3

Nays – Councilman Brown, Councilwoman Holmes, Councilwoman Lee – 3

MOTION FAILED

Councilman Brown said if there is no more discussion they need to move to vote on the Budget for 2016.

Councilwoman Mejia wished to go on record stating that this is not a reflection of everything else that's in the Budget. She wants the people that are impacted to know that they are trying to do the best they can with the limited resources that they have. Her vote is "no" specifically because she feels that they are going down the wrong path by making emotional decisions that are targeted gender based and not congruent with the rest of our practices.

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

Ayes – Councilwoman Angelo, Councilman Brown, Councilwoman Holmes, Councilwoman Lee – 4

Nays – Councilwoman Abrams, Councilwoman Mejia – 2

ADOPTED

RESOLUTION NO.: 301 - 2015

OF

NOVEMBER 23, 2015

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND
ACCEPT IF AWARDED A GRANT FROM THE ARBOR DAY FOUNDATION
IN THE AMOUNT OF \$20,000.00 FOR THE
REMOVAL AND PLANTING OF TREES ALONG LIBERTY STREET AND
CITY-WIDE TREE MAINTENANCE**

WHEREAS, the Conservation Advisory Council has requested that the City of Newburgh apply for a grant from the Arbor Day Foundation for the removal and re-planting of 25 trees along Liberty Street and for the purchase of a small electric vehicle to assist the City with tree maintenance; and

WHEREAS, such funding shall be in an amount not to exceed Twenty Thousand (\$20,000.00) Dollars and requiring no match from the City; and

WHEREAS, this Council has determined that making such application and accepting such funds if awarded is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a grant from the Arbor Day Foundation in the amount of \$20,000.00 for the removal and re-planting of trees along Liberty Street and for the purchase of a small electric vehicle to assist with tree maintenance; and

BE IT FURTHER RESOLVED, that the City Manager be and he is hereby authorized he is hereby further authorized to execute any documents in connection with such grant and to take all measures as may be appropriate and necessary to carry out such program.

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

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

ADOPTED

2016 TD GREEN STREETS GRANT APPLICATION

DUE DECEMBER 7, 2015

Amount applying for: \$20,000 (No Match Required)

Newburgh Is Eligible

- City of Newburgh is 1 of 14 eligible NYS communities which meet the Low-To-Moderate Income requirements. (Port Jervis, Kingston, Poughkeepsie, Beacon, Red Hook, Ossining, Yonkers, Albany, White Plains, Huntington, Babylon, North Hempstead, New York City are the others)
- We are an active **TREE CITY USA** community within the Arbor Day Foundation (10 Years)
- City of Newburgh is within TD Bank's 'footprint'.

Awards TD Bank will award ten (10) \$20,000 grants in January 2016

Criteria Sustainable practices that will benefit the community's urban forest management plan through community involvement, technical training & education, maintenance of trees, and ability to evaluate the program

CAC's COMMUNITY PROJECT – Liberty Street Re-forestation

The CAC is partnering with the Heights Association to restore the trees on 6 blocks of Liberty Street, from Renwick to Bayview Terrace. Liberty Street is the "entranceway" to Washington Heights. The recently-completed Tree Inventory identifies the majority of trees along Liberty as "poor" or "fair". 7 are targeted for removal. This grant will fund removal of these hazard trees, planting 25 new trees along Liberty St., and purchase an electric utility vehicle which will be used for watering and long-term tree maintenance throughout the City.* This project implements the recommended Tree Management Plan developed with the Inventory.

Funding enables the City to use an outside contractor to purchase, deliver and plant the trees. Included in our budget expenses are Tree Guards, stakes, mulch, soil amendments, design and printing of a "How To Care" flier, and 2 training workshops for CAC and DPW..

Partnering with the Heights Association, we will meet with the neighborhood to explain the importance of trees, and this project. We will enlist their help with maintaining the trees using best practices. They'll have opportunities for free training in the Spring, and the Heights Association will hold a neighborhood event to celebrate the program. We will evaluate the outcome to develop similar re-forestation projects in the other Wards.

* The utility vehicle will be 'road ready' so it can legally go anywhere within the City limits.

RESOLUTION NO.: 302 - 2015

OF

NOVEMBER 23, 2015

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER
INTO A LICENSE AGREEMENT WITH ANNE VOLLMER
TO ALLOW TREE MAINTENANCE ACTIVITIES
ON THE CITY-OWNED PROPERTY KNOWN AS
35-37 BROAD STREET, SECTION 10, BLOCK 3, LOT 2.22**

WHEREAS, the City of Newburgh is the owner of real property located at 35-37 Broad Street, and more accurately described on the official tax map of the City of Newburgh as Section 10, Block 3, Lot 2.22, City of Newburgh, New York; and

WHEREAS, Anne Vollmer has requested access to 35-37 Broad Street for the purpose of undertaking tree maintenance activities to prevent further harm to neighboring properties and to enhance Hudson River views; and

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into the attached license agreement with Anne Vollmer to allow access to City-owned property known as 35-37 Broad Street for the purpose of performing tree maintenance activities.

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

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

ADOPTED

LICENSE AGREEMENT

This Agreement, made this _____ day of _____, two thousand and fifteen, by and between ANNE VOLLMER, an individual with an address of 240A Montgomery Street, Newburgh, New York 12551 as "LICENSEE; and the CITY OF NEWBURGH, a municipal corporation organized and existing under the laws of the State of New York with offices at 83 Broadway, City Hall, Newburgh, New York 12550 as "LICENSOR";

WITNESSETH THAT:

WHEREAS, Licensee desires the license or privilege of gaining access to and performing work upon the premises of Licensor, on behalf of herself and her employees, volunteers, agents and contractors, known as 35-37 Broad Street, and more accurately described as Section 10, Block 3, Lot 2.22 on the official tax map of the City of Newburgh.

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

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

First: Licensor hereby gives to Licensee and Licensee's employees, volunteers, agents and contractors, including but not limited to Four Seasons tree and Landscaping, upon the conditions hereinafter stated, the license or privilege of entering upon Licensor's property located at 35-37 Broad Street, in the City of Newburgh, New York, and taking thereupon such vehicles, equipment, tools, machinery and other materials as may be necessary; for the purposes of and to perform tree maintenance to property owned by Licensor, including but not limited to trimming branches, removing trees, branches and brush and any and all other work appurtenant thereto.

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

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

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

Fifth: Licensee hereby agrees to defend, indemnify and hold Licensor harmless against any claims, actions and proceedings brought against Licensor arising out of, in connection with and/or relating to Licensee's use of the premises. Licensee has posted evidence of and shall

maintain throughout the term of this License public liability insurance naming the Licensor as additional insured in a minimum coverage amount of One Million (\$1,000,000.00) Dollars.

Sixth: This Agreement and the license or privilege hereby given shall expire and terminate upon the completion of the work by Licensee and its agents, employees and contractors, and the restoration of the property to a clean and orderly state and in the same condition as existed prior to the granting of this license, normal wear and tear excepted.

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

WITNESSETH:

THE CITY OF NEWBURGH
LICENSOR

By:

Michael G. Ciaravino, City Manager
Per Resolution No.:

ANNE VOLLMER
LICENSEE

By:

Anne Vollmer

Approved as to form:

MICHELLE KELSON

Corporation Counsel

JOHN J. ABER

City Comptroller

RESOLUTION NO.: 303 - 2015

OF

NOVEMBER 23, 2015

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE A MODIFICATION ORDER ON CONSENT WITH THE
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
IN CONNECTION WITH THE CSO LONG TERM CONTROL PLAN**

WHEREAS, by Resolution No. 219-2011 of October 24, 2011, the City Council of the City of Newburgh, New York authorized the City Manager to execute an Order on Consent with the New York State Department of Environmental Conservation (“NYS DEC”) to resolve violations at the Wastewater Treatment Plant and for the development of the CSO Long Term Control Plan (“LTCP”); and

WHEREAS, the City has submitted its Phase 1 LTCP, the requirements for which will be deemed satisfied upon the approval of the NYS DEC; and

WHEREAS, a Modification to the Order on Consent has been offered by the NYS DEC to accommodate the City’s proposed milestones and implementation schedule for the City’s LTCP for the CSOs and such modification will not require the City to pay any additional monetary penalties; and

WHEREAS, this Council has determined that entering into the proposed Modification Order on Consent is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he hereby is authorized to enter into the proposed Modification Order on Consent, in substantially the same form as annexed hereto and made part hereof with other provisions as Corporation Counsel may require, and to take such additional and further action effectuate the terms of the proposed Modification Order on Consent.

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

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

ADOPTED

RESOLUTION NO.: 304 - 2015

OF

NOVEMBER 23, 2015

**RESOLUTION AMENDING RESOLUTION NO: 296 - 2014,
THE 2015 BUDGET FOR THE CITY OF NEWBURGH,
NEW YORK TO TRANSFER \$80,000.00 FROM GENERAL FUND GRANTS
MATCH TO POLICE MOTOR EQUIPMENT FOR THE PURCHASE OF TWO (2)
POLICE CARS**

BE IT RESOLVED, by the Council of the City of Newburgh, New York that Resolution No: 296-2014, the 2015 Budget of the City of Newburgh, is hereby amended as follows:

	<u>Decrease</u>	<u>Increase</u>
A.1900.1918 Grants Match	\$80,000.00	
A.3120.0202 Police Motor Equipment		<u>\$ 80,000.00</u>
TOTALS:	\$80,000.00	\$ 80,000.00

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

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

ADOPTED

RESOLUTION NO. 305 - 2015

OF

NOVEMBER 23, 2015

A RESOLUTION TO ADOPT A SALARY AND HIRING FREEZE

BE IT RESOLVED, by the Council of the City of Newburgh, New York that a salary and hiring freeze hereby is declared and no vacancy in any department shall be filled during the continuation of this hiring freeze and that this salary and hiring freeze shall be effective immediately and shall continue until rescinded by resolution of the City Council.

Councilwoman Holmes said that she brought this up for transparency and accountability. She wants this amendment only to freeze the advertised positions but the Budgeted positions she wants filled. She feels that this amendment should stay fully in effect until we have the money to give to the Police Officers. We have been in arbitration for a while and we saved the Fire Department so now we need to give to the Police. There is money that needs to be found and we don't have it. When the sewers break down we fix the sewers. We fix this and we fix that that but only thirty percent of the people are homeowners here and our businesses are growing but we don't have revenue generating things here in the City to pay our Police what we really need to pay them. We need to find the money somewhere, somehow so she wants this to stay in effect. If we continue to hire people, where is the money going to come from to pay them?

City Manager, Michael Ciaravino noted that we do have the money in reserve. We just don't know what the dollar amount is for the PBA Contract and that was in the Budget when they talked about the Reserve Funding from the beginning.

Councilwoman Holmes said nobody ever told her that.

City Comptroller, John Aber said that there is currently no money in the 2016 Budget for the PBA just like last year when they had the same issue with the other Unions. Those Unions settle and we funded them. If and when we do settle with the PBA he is not sure what that number is going to be but as we get closer that money will have to come from the Fund Balance. We have been building up the Fund Balance for a couple of years but as of now there is no money allocated in the 2016 Budget for the PBA.

Councilman Brown thinks that is the inherited problem because the Council that is coming on board doesn't know what they are going to face in terms of what money they are going to have to pay the Police Officers. That's important because if we don't have the money to fund that then what, we don't honor the Contract? We have to honor the Contract and

we have to find the money in order to do that. He added that this is not personal it's about the taxpayers of this City so we are damned if we do and we are damned if we don't. If you don't have enough money to support the Police then that's going to be a big problem.

Councilwoman Mejia went back to the comments that she made earlier. *"Why then did we pass a Budget with positions that are vacant and need to be filled that are approved and funded in the Budget?"* This would just be another bureaucratic aspect that would have the City Manager asking for positions to be filled. Again, she made the motion earlier to table this because she thinks that further investigation needs to take place about the implications of it.

Councilwoman Holmes said she just asked to amend the Hiring Freeze so that everything that has been advertised for and funded in the Budget the City Manager can continue to do his job with. She asked for that and where the money is for the Police. She wants that to stay in effect until we find it and then John answered the question saying there was none and that it would come out of the Fund Balance. She feels that they need to find more and she doesn't know what that number is but they need to be making more than \$40,000.00 as Police Officers. Until they find the money that they are going to give to Police, as they haven't had a raise in eight years, this should stay in effect. She is saying to amend the freeze and the positions that are already funded or advertised for in the Budget should stay but we still have to find money for the Police.

Councilman Brown said that the amendment on the table is to have the City Manager be able to hire positions that are currently advertised for and funded in the 2015 Budget.

Councilwoman Mejia said it's for the 2016 Budget.

Councilman Brown said no it's the 2015 Budget.

Councilwoman Holmes said this is for what's already advertised and funded in the current Budget now and she still wants the freeze until they find the money to give to the Police and also try to find some to increase new hire Police Officers.

Councilman Brown said that the amendment is to fill all of the positions that are currently advertised and funded in the 2015 Budget.

Councilwoman Mejia said that they are discussing 2016.

Councilman Brown said to understand that there are also positions that need to be filled now and those positions were in the 2015 Budget.

Councilwoman Lee said that the freeze would include those positions so that's why they have to be set aside.

Councilwoman Mejia said that she still disagrees with this. We can't even state the resolution properly.

Councilwoman Abrams asked if this could be tabled until the next meeting to work out the details.

Councilwoman Mejia agreed and said that would be her vote because they can't even come up with the proper language.

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

Ayes – Councilwoman Abrams, Councilwoman Angelo, Councilwoman Mejia – 3

Nays – Councilman Brown, Councilwoman Holmes, Councilwoman Lee – 3

MOTION FAILS

Councilman Brown said that the motion to table was denied so they are going to vote on the resolution as it is.

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

Ayes – Councilman Brown, Councilwoman Holmes, Councilwoman Lee – 3

Nays – Councilwoman Abrams, Councilwoman Angelo, Councilwoman Mejia – 3

DEFEATED

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business

PUBLIC COMMENTS

Omari Shakur, 113 First Street is glad that we had a good meeting tonight and that people came out but they elected someone who hasn't shown up for one Debate and who did nothing for our community before and since she was elected. She is not here tonight so that shows that she is coming here with her own agenda. He thanked everyone for coming out tonight because this is how we get our City moving and what we witnessed tonight is the beginning of a new Newburgh. Newburgh is not going to fix itself until we fix City Hall and the way to change is by coming out and getting involved. Everybody complains yet we have ten thousand registered voters in Newburgh and how many showed up?

Laura Garcia, 448 Powell Avenue, said that on November 9th in the aftermath of the City's Election four members of the City Council voted to the shock and dismay of most of the City residents to begin a new search process for a City Manager who has performed exceptionally well over the past two years with no clear rationale or justification for it. This is dangerous, unnecessary and has threatened to create a new period of instability and to take us back to the "Bad Old Days" when the City of Newburgh was a revolving door of City Managers. This revolving door created a breeding ground for the endless litigation, corruption and incompetence that ultimately resulted in a major tax hike from which the City's property owners and businesses are still recovering. Newburgh cannot afford to go down this road again especially given all of the progress that we have made over the past two years. The Times Herald Record best summarized our concerns in an editorial published on Sunday, November 15th entitled, "Council Members Create New Crisis".

Keith Nieto, 145 Robinson Avenue read from the editorial dated November 15th, *"The pothole that almost swallowed Water Street has been kept at bay. The Grant that kept the Fire Department fully staffed is soon to expire and the emerging signs of business prosperity in some long decaying neighborhoods offer hope. The real story in the City of Newburgh is a rude City Manager. At least that's what a critical mass of Council members is alleging. He does not drop what he is doing to quickly return phone calls every time someone on the Council leaves a message. He does not take the time out from calculating just how many Firefighters the City can lose without jeopardizing safety or how many hours of overtime it will take to patch the next sink hole or how many beams are required to prop up the sagging floors right here in City Hall. Listen to Cedric Brown, who will be leaving the Council at the end of this year, he can't point to any failures of the City Manager, Michael Ciaravino, when voting to let his contract expire in May only this: "He has been a closed door kind of guy. I'm not big on communication but I am big on wanting to know things when I want. Listen to Cindy Holmes who will be continuing on the Council. "The problem with the City Manager is that I can't even say when we have sat down and had a conversation". So now with the stability of the City's finances and infrastructure improving but still in need of continuity four members of the Council have decided they should start looking for a new City Manager"*.

Terry Vargas, Grand Street continued the editorial, "They do this knowing very well that the revolving door in the City Manager's Office in City Hall has been a significant challenge to the City. They do this knowing that by announcing now that they will not be renewing the City Manager's contract they will set into motion the kind of paranoia and suspicion that has not served the City very well in the past decade. If the Manager's critics could point to specific things that he has done but should not have, perhaps they could work toward some solutions that would help the City. If they could point to specific things that he has failed to do, things that the Council clearly requested with legal votes and Budget processes that the Manager neglected to the detriment of the safety and welfare of the people in the City, then maybe they could make the case that it is time for a change. If all they have to offer are their bruised egos and hurt feeling, which clearly is the case here, then those who live in Newburgh better get ready for the kind of trauma that they do not deserve. Because those on the Council who are creating this crisis have trouble thinking things through, someone might pull aside and explain that if this City Manager leaves under these circumstances, it will be that much harder to find a competent replacement in a timely fashion. The people who work for the City deserve better, as do all of the people who live there."

Stuart Sachs, 28 Lander Street said that the residents, homeowners, taxpayers and small businesses in the City of Newburgh deserve more accountability and transparency from our elected Council representatives. This seems like a blatant political motivated attempt to get rid of our current City Manager who has brought stability and order to the City that we have not seen for a decade which to him seems insane. The current citizens and taxpayers refuse to go down this road again and have begun the process of reaching out to all of their constituents to inform them of what has happened and a formal Petition will request that the incoming Council rescind the vote taken on November 9th to call off this unnecessary and destructive search process. Over the past two years the current City Manager, Michael Ciaravino, has made significant progress in restoring integrity and professionalism to Newburgh City Hall. Given the City Manager's success over the past two years they request that the City Council formally rescind their vote taken on November 9th and cancel the search process. The Council's actions are irresponsible and threatens to throw City Hall back into chaos and mismanagement. The Council's actions also violate the City Charter by denying the City Manager due process to a public hearing and creates the potential for litigation.

Tim Hager, City of Newburgh Fire Department thanked the City Council for finding the funds to prolong the employment of the Firefighters and hopefully they will pick up the Safer Grant in 2016.

A resident of 272 Liberty Street said that we all want a better City and we all have to be open to new ways. There are not always direct taxes there are also indirect taxes for instance people whose cars are left on the street or people who play their music too loud, are speeding or don't wear their seatbelts and fees for licensing. This is known as creative budgeting and there are foundations who could probably give us lessons in budgeting so that we would know where to look for the monies that are probably there already. In Newburgh

there is big business but it makes its money from three sources which are drugs, prostitution and money laundering. These people that are making the money don't give any money back to the City so maybe we need to have monthly stings by the FBI, Secret Service and the CIA. Mr. Kaplan gives money for education so perhaps we can begin to lean a bit more about budgeting.

Janet Gianopoulos, City of Newburgh said that at the Commodore Chocolatier they will be having a make your own candy cane demonstration which is a neat annual tradition here in the City of Newburgh. She noted that the sanitary sewer discharge is a very serious problem and who knew that this Queen of the river cities was actually polluting the river for so long. It's very sad but she is glad that we are on top of that and that it's being addressed. In regard to where do we get the money from she said that the Council needs to sit down at a Work Session with its Judicial Appointees and make sure that we are firing on all cylinders as far as adjudicating cases regarding Codes and such. So much is focused on the City Manager but they have appointed Judges who have a critical role in making sure that things are judged and processed and revenue comes out of that so the people who are doing things that are incorrect are then paying for them which keeps the City going.

Barbara Smith, Powell Avenue, told the Council that as public officials their obligation is to serve the public ethically with the residents best interests in mind. There has to be a code that we work by and that is our City Charter so we cannot make it up as we go along. *"We have witnessed flagrant disregard not only for the Charter but other rules implemented to guide you and the manner in which you conduct public forums"*. When she listens to things about the City Manager it makes her go to the book because she needs to know what the Charter expects of them. She read the Duties of the City Manager from the City Charter out loud.

Angela, Liberty Street, asked if it was possible to add some lights to the trees on Liberty Street as it is dark early now and it would make the street look better and safer.

Judy Thomas, Grand Street read aloud from a book titled, *"An Open Heart"*.

Charlotte Mountain, Liberty Street said that she has sent e-mails to many members of the City Council and the City Manager and one thing that they all have in common is that none of them has ever answered. In regard to the sewer main issue on Park Place, she noted that a DEC Consent Order can lead to fines of up to \$37,500.00 daily. She knows that Councilman Brown didn't want to hear anything about this tonight because he does not care. She asked the incoming Council members, the members who will be staying and the City Manager to research these issues as they come up and find out what the legal ramifications are for the actions that they take. She said that they have a wonderful Corporation Counsel who she finds to be exceedingly well versed in many subjects and she is probably the greatest resource that the City has right now.

Lillie Howard, City of Newburgh said that we talk about crime in our City and drugs and a lot of people feel the drug dealers are black but there are white children coming into our community to buy these drugs. Our children are hurting and they are all colors so until we start addressing the racial problem, which is going on throughout the whole Country, we are never going to see Peace. Evil comes in all colors so let's stop looking at the color and deal with the person and what they are giving to the community. Nobody wants to have a dialogue on Race and until we do this Country is going to continue to go down which she finds very interesting since we profess to be a largely religious Country. We all have done wrong and none of us are perfect but we have to start dealing with reality. She wants to see a healing brought to our society.

Nelson McAllister, 412 Liberty Street, said a Prayer for the City.

Chris Mountain, City of Newburgh told the Council that they are all old and there are a lot of young people in this City that need a voice. They want to make a difference and see change so they need to look to others in his age group that are here and make sure that their voices are heard.

Y. T. (Young Tom), City of Newburgh said that this is the first meeting that he has attended and there is a lot of passion flowing around. He told the City Manager it's obvious he has a lot of support here tonight and in the community and as a property owner here he has noticed a lot of change in the past two years. He sees property values going up and people taking care of their homes so he thanked the City Manager for all of his hard work.

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

COUNCIL COMMENTS

Councilwoman Abrams noted that there will be free parking every Saturday from now through the end of the year on Broadway. She told Angela on Liberty Street that she can put up all the lights she wants and that would be great. On Saturday from 4:00 p.m. to 8:00 p.m. at Newburgh Art Supply, 5 Grand Street they will have the unveiling of the photo by the great Rudy Hoffman of all the participating Artists in this year's Open Studios Tour. If you go from 4:00 p.m. to 6:00 p.m. on that day you can see Rudy himself. She asked if anyone remembered the Charter Review Commission. There were a lot of great people who put their heart and soul into that and worked a lot of hours to change our City Charter. The main purpose of that change was to make sure that our City has stability which is something we have not had in decades. With that in mind they deliberately put in Sections C5.00 D. and she wanted to make sure everyone knew what that said, *"As it has to do with what I think is illegal and certainly ill-advised vote to start a City Manager search."* It reads, *"The Council shall adopt by affirmative vote of a majority plus one of all its members a preliminary resolution for removal, if you want to remove the City Manager, which must state the reasons for removal and which may suspend him from duty for a period not to exceed thirty days. A copy of the resolution shall be delivered to or served upon the Manager personally or by leaving it at his office within five days of its adoption. The Manager within five days of that service shall have the right to file a written request with the Council for an opportunity to be heard at a public meeting of the Council. In the event he makes such request, the opportunity to be heard shall be afforded at a regular or special meeting of the Council within fifteen days of receipt of that request."* She said that there is a lot more to this vote that they took and it's all bad stuff that's coming up. She wanted to make sure everyone knows where she stands on that. Lastly she added that we are down one in Newburgh as our great Reporter Allen Gall has passed away. He was a good friend of hers and he has covered the meetings here in the City of Newburgh for many years.

Councilwoman Angelo asked the City Manager if we are about to receive any violations from the DEC regarding the sewer flow going into the Hudson River.

City Manager, Michael Ciaravino responded, *"No because we promptly reported it and demonstrated both a temporary and long term action plan and we just finished performing on it."*

Councilwoman Angelo continued that she asked at the last Council Meeting for a Committee to help her with the wreaths as they were all out of shape and the bows were all frayed. There are a total of eighty-five wreaths that have to be put up and they are going to look very nice. The week following Thanksgiving the tree should be coming as she found a nice blue spruce and she is getting new ornaments. She wished everyone a Happy Thanksgiving.

Councilwoman Holmes thanked everyone for coming out tonight and noted that she is going to have a Gospel Fest on December 11th at 7:00 p.m. at the Activity Center. There will be singers and they will be giving out food baskets and toys to the poor and the needy. The Marines and Congressman Maloney will be there to show their support. She added that she doesn't vote to be mean or vindictive; she votes for what she feels in her heart. *"I vote for me. I don't vote for anybody else at this table. I am my own person"* She wanted to make that clear because sometimes we do things that aren't right and when that happens she lets people know. She wished everyone a Happy Thanksgiving.

Councilwoman Lee thanked everyone for coming out and told Councilwoman Holmes that she committed to thirty turkeys. To Councilwoman Angelo she said that she will commit to the usual donation of toys and asked if anyone can please adopt a family. She doesn't really celebrate Thanksgiving she just celebrates her family being off but she told everyone to enjoy their Holiday.

Councilwoman Mejia said it is almost Midnight and wonders if this is a record and the first time that the Council has met and still has audience members present after five hours. It is fitting that we are having this meeting on a week when families get together and she said that she is so thankful for everyone who came out tonight and for those watching from home. She is thankful for the City Staff and that we have a community that is willing to roll up its sleeves and create a vision for the City of Newburgh that we know we want. It is so powerful when you see great things happening. Since 2014 under the leadership of our permanent City Manager, Mr. Ciaravino, the City of Newburgh has accomplished a great deal of things. She is not going to list them all but one is the symbolic winding and actual fixing of the clock outside City Hall. Before Mr. Ciaravino joined the City of Newburgh that clock was only right twice because it was stuck and not functioning. It is still working today and guess what, so is Newburgh. We have built a Park on a lot that sat empty for thirty or more years. It is now a productive green space that is a magnet for families and kids that want to be healthy, safe, active and outdoors. We have also adopted a revised Zoning Ordinance for our City that is to streamline our process and take out the guessing and potential differential treatment that individuals have experienced in the past. We have built a temporary bridge on Lake Street to assure proper passage for residents, visitors and families. Her favorite, which she lobbied for last year was the tongue twister, *"The Mill and Fill on Will and Mill Streets."* We have many more to mill and fill so we can't stop now and there is more to come with the Broadway Corridor Project. All of these things are examples of what can be done and accomplished with good governance. That is what good governance is all about and that is what America was built on so that is what Newburgh can do. That's what can happen when the legislative body works in conjunction with the executive branch and that is what excites her. She added that unfortunately on November 9th of this year four members passed a resolution that is detrimental to Newburgh's future. To her it feels like that resolution was politically motivated and those reckless actions now threaten the future of our City and our children. To her that's personal and it hits her in the gut and the heart. It is personal to her because she wants her daughter to inherit a Newburgh that is safer than the one we have today. A Newburgh that is just as colorful as it is now but a Newburgh

where she can walk down the street and not be worried about if she is going to make it back home or not. It gives her great pleasure to hear that there is a Petition to rescind the resolution and she wholeheartedly supports those efforts to do so. She will work with the community members who have that same vision to insure that our City continues to be stable and move forward. She added that when she took her Oath two years ago her Oath was to uphold the will of her constituents and to uphold the law of the City of Newburgh. To uphold our Charter, the State and Federal Laws and to protect the Civil Rights of our workers. The resolution that was passed with those four women being targeted was shameful. As a woman, a person of color and as a mother she is very disappointed by that. In closing she said that she stands united with everyone who came tonight to fight the fight that we know that we want to create a better and safer Newburgh for all of us.

Councilman Brown thanked everyone for coming out and wished them a good night.

There being no further business to come before the Council the meeting adjourned at 12:05 A.M.

**LORENE VITEK
CITY CLERK**