



## CITY OF NEWBURGH COUNCIL MEETING AGENDA

May 14, 2012  
7:00 pm

### Mayor:

1. Prayer
2. Pledge of Allegiance

### City Clerk:

3. Roll Call
4. Approval of the minutes of the April 19, 2012 Work Session meeting
5. Approval of the minutes of the April 23, 2012 City Council meeting
6. Approval of the minutes of the April 30, 2012 special City Council meeting

### Communications:

7. Notice of Subrogation Claim: State Farm Insurance v. City of Newburgh

### Proposed Public Hearings:

8. Resolution No. 69 – 2012  
A resolution scheduling a public hearing for May 29, 2012 to receive public comment concerning the development of the long-term control plan for the City of Newburgh combined sewer overflow.

### Comments from the public regarding the agenda:

### Comments from the Council regarding the agenda:

### City Manager's Report:

9. Resolution No. 65 - 2012  
A resolution amending Resolution No. 238-2011, the 2012 Budget for the City of Newburgh, New York to transfer \$9,112.37 from Contingency to Water Administration/Other Equipment to provide for the funding to purchase equipment for the water department phone/network upgrade.

10. Resolution No. 66 – 2012  
A resolution authorizing the City Manager to execute a renewal agreement with Paetec to provide telephonic communications and related services for the City of Newburgh at a minimal cost of \$1,419.45 per month for a term of thirty-six months. This renewal will cost the City \$435.08 less per month than the previous lease, creating a savings of \$15,662.88 over the term of the lease.
11. Resolution No. 67 - 2012  
A resolution authorizing the City Manager to accept donations for the City of Newburgh Shade Tree Commission.
12. Resolution No. 68 - 2012  
A resolution authorizing the City Manager to enter into an agreement with the County of Orange for the Summer Youth Employment and Training Program to provide young people an opportunity to work for the City of Newburgh for the summer of 2012.
13. Resolution No. 70 - 2012  
A resolution to authorize a settlement in the matter of Cerrone Washington against the City of Newburgh in the amount of seven thousand five hundred dollars.
14. Resolution No. 71 – 2012  
A resolution to authorize a settlement in the matter of Solomon Ryles and Estelita Ryles against the City of Newburgh in the amount of three hundred thousand dollars.
15. Resolution No. 72 – 2012  
A resolution authorizing the settlement of litigation regarding the in rem tax foreclosure of liens for the year 2009 and 2010 relative to 250 Grand Street and 250 Grand Street rear.

Old Business:

New Business:

Public Comments Regarding General Matters of City Business:

Further Comments from the Council:

Adjournment:

City of Newburgh, Newburgh New York  
Work Session of the City Council

Thursday, April 19, 2012

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Members Present: Mayor Judy Kennedy  
Councilwoman Regina Angelo  
Councilman Cedric Brown  
Councilman Curlie Dillard  
Councilwoman Gay Lee

Also Present: Richard F. Herbek, City Manager  
Michelle Kelson, Corporation Counsel

Call to Order: The meeting was called to order by City Manager Richard F. Herbek at 6:05 pm.

Executive Session: At 8:20 p.m. a motion was made by Councilwoman Gay Lee and seconded by Councilwoman Regina Angelo to enter into executive session regarding matters of pending litigation.

YES: 5 NO: 0 CARRIED

Adjournment: Upon consensus, the Council adjourned the meeting noting the time as 10:15 p.m.

A regular meeting of the City Council of the City of Newburgh was held on Monday, April 23, 2012 at 7:00 P.M. in the Council Chambers at City Hall, 3<sup>rd</sup> Floor, 83 Broadway, Newburgh, New York 12550.

The Prayer was led by Bishop Jeffrey Woody. The Pledge of Allegiance was performed in unison.

Present: Mayor Kennedy, presiding; Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee-5

Councilwoman Angelo moved and Councilwoman Lee seconded that the minutes of the *April 5, 2012 Work session meeting* and the minutes of the *April 9, 2012 City Council meeting* be approved.

Ayes- Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy- 5

CARRIED

#### COMMUNICATIONS

Councilwoman Angelo moved and Councilwoman Lee seconded that the City Clerk's Report and the Registrar of Vital Statistics Report for the month of March be received, filed and made available to the Press.

Ayes- Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy-5

CARRIED

Councilwoman Angelo moved and Councilwoman Lee seconded that the Civil Service Administrator's report for the month of March be filed only with the City Clerk.

Ayes- Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy-5

CARRIED

PROCLAMATION

Mayor Kennedy proclaimed April 27, 2012 as Arbor Day in the City of Newburgh. She pointed out that we are grateful to the Shade Tree Commission for its continuing efforts to enhance the economy and revitalize our business area, to conserve our natural resources and to educate our community about the importance of trees.

Members of the Shade Tree Commission pointed out that this year they will be planting seven trees on Friday, August 27, 2012. Six trees are going to be planted on Broadway and one tree is going to be planted on Richman Avenue. They will begin the planting at 9:30 A.M. They encouraged the public to come out and lend a hand. The commission thanked DPW for preparing the areas for planting.

Richard Harper commented that they could do so much more if the commission had a larger budget. He pointed out that the city has set up an account to accept charitable donations.

Several audience members came up to the table with their donations in hand.

-Lucy Larcom

City of Newburgh  
Proclamation 2012



Arbor Day.

In 1872, J. Sterling  
the Nebraska Board of  
Special day be set aside  
trees.

The holiday, called Arbor  
observed with the planting  
More than a million trees  
Now, Arbor Day is

Morton proposed to  
Agriculture that a  
for the planting of.

Day, was first  
of  
in Nebraska  
observed throughout

the nation and the world.

Trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and wherever they are planted, are  
A source of joy and spiritual renewal

The City of Newburgh is proud to have earned the "Tree City USA" designation; and we are grateful to the Shade Tree Commission for their continuing efforts to enhance the economic vitality of our business areas, preserve our natural resources, and educate our community about the importance of trees

Therefore, I, Judith L. Kennedy, Mayor  
Proclaim April 27, 2012 as  
"Arbor Day" in the City of Newburgh

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Judith L. Kennedy, Mayor

COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

Fred Visconti, local business owner, commented that he was born in Newburgh and spent most of his life here. He, along with several other companies and businesses, got together and formed the Greater Newburgh Partnership, a 501© 3 not-for-profit corporation. GNP has a vested interest in the renewal of our city with a focus on cleanliness, crime and action. In less than one year the organization successfully cleared and cleaned the mid-Broadway lot at no cost to the City. (SEE COMMENTS ATTACHED)

Loretta Manning stated that she appreciates that money was set aside from CDBG for *Newburgh Builds Newburgh*. It has moved itself from being a *want* to being a *need*. Newburgh is in need of *Newburgh Builds Newburgh*, because it would help bridge the gap between all of the other career centers in our city. This center would actually show there are people out there who are willing to work. It would offer training. She urged the council to look at the definitions of the words '*need*' versus '*want*' when they vote on it tonight.

Darlene Griffin remarked that *Newburgh Builds Newburgh* is a connector to our community.

Sheila Monk thanked the council for Resolution #60-2012. We really need a positive relationship between the community and the police department. She knows that not every police officer is bad. Our community has to take the time and responsibility and start walking our own streets. She thanked the council for the work it has done to make this board come back to life.

Karen Mejia commented on Resolution #56-2012. It is wonderful to see that the city is going to celebrate Community Pride Month in May. She pointed out that Mrs. Max, a small business on Liberty Street, sells small pins. People wore them last year during a similar event. Perhaps we could get some pins made up to wear and help spread the slogan *Newburgh Pride*. Also she did not know if it was allowed, but she wanted to share her remaining minutes of discussion time with Mr. Visconti, whose time ran out previously.

Mayor Kennedy pointed out that even though she could not allow Visconti to speak a second time, Karen could read the remaining portion of the comments on his behalf.

Janet Gianopolous questioned Old Business Resolution #52-2012. She asked if we have received any type of report as to the number of persons with identified barriers to employment to receive service. It seems like we are just throwing away money without first identifying the people who are going to be served.

Kippy Boyle stated that Resolution #63-2012 does not mention anything about completing the conversion. She would like to know the process, the cost and the timeframe for completion.

Brenda McPhail apologized to the Coolidge family for remarks she made at the last council meeting. She did not mean to offend anyone. She stated that she lives according to the word of God and if people start to live in that manner then that is when we will start to see things change for the better in this city. She commented that she needs the council to vote in favor of *Newburgh Builds Newburgh* across the board.

Yusef Belford remarked that *Newburgh Builds Newburgh* is like a baby to him. He wants everyone to have a better understanding of it. One fundamental concept of NBB is that all of the community organizations should be under one umbrella so that we can govern the funds that organizations receive. As we are all aware, there was a misappropriation of the use of funds in the past. Everyone does not have a GED, but there are a lot of people that have masonry and carpentry skills. *Newburgh Builds Newburgh* would make a good alliance so that the money can be trickled down appropriately and equally. He stated that the streets are not bad. The community not doing anything for our children is bad. The children are asking for something to do. If we all say we love Newburgh like we say that we do, then let *Newburgh Builds Newburgh* be there for the community.

Ulanda Troy commented that she is a newcomer at these meetings. She expressed how she feels about the streets. She is concerned with the illegal drug activity that occurs in the city. She also has some concerns about community housing. There are housing issues, such as improper electrical wiring and pest infestation. It is an unhealthy way to live and she would like to see a lot of these issues addressed.

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



## The Greater Newburgh Partnership

Revitalizing and Energizing Newburgh in Every Way

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PO Box 1151, Newburgh, NY 12551 • (845) 568-2558  
[info@greaternewburghpartnership.org](mailto:info@greaternewburghpartnership.org) • [greaternewburghpartnership.org](http://greaternewburghpartnership.org)

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*Copies to each member of city council, city manager and recorder (7)*

April 23, 2012

Good evening. My name is Fred Visconti. I was born in Newburgh and have spent my whole life here. Two of my companies, Visconti Limousine Service and Visconti Bus Service operate in the City of Newburgh and employ about 100 people.

A year ago, I along with several other employers got together and wanted to do something positive to facilitate change in the City of Newburgh. As an employer, we all face challenges regarding the perception of the City of Newburgh. That was our collective motivation.

We formed the Greater Newburgh Partnership (GNP). GNP is a 501(c)3 not-for-profit corporation. The donors to GNP are businesses and or organizations that have a vested interest in the successful renewal of the City – both through perception and reality.

Not even a year old – GNP is focused on working with the City of Newburgh on cleanliness, crime and action.

To remind you all - we have personally met with each member of this council – as well as each member of the prior council to communicate how we want to work together to sustain and grow employment in the City. We would like to make available our collective professional and financial resources to use for the City.

GNP has held four open meetings – two in the town of Newburgh and two in the City – responding openly and transparently to concerns, questions and to seek involvement.

In less than one year – we successfully cleared and cleaned the mid-Broadway lot. We added lighting and held a community celebration – all at no cost to the City.

We have worked with the City to identify six additional lots – for cleaning/greening. One of which is on your agenda this evening. Once again, we identified donors in the community that will assist in this effort at no cost to the City.



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We reached out to the Community Action Team of residents and welcomed them to the effort. We are engaging and working with those groups in alignment.

The GNP worked to identify that 65 lights were out in the "land bank" district. We got them fixed. We are working on identifying funding sources to add more.

Through GNP – we wrote the Smart City Grant Application, and took a leadership role in writing the City's Land Bank Application. In addition – we worked with the Fire Department on the FEMA Grant that would fund 7 firefighters. And, we have met with and are assisting other City departments to maximize funding opportunities.

We are working with the City Police department to fund additional security cameras – at no cost to the City. We plan to hire City residents to take part in the clean/green initiatives.

We have offered to fund the Fourth of July Community Fireworks Celebration – through the GNP - once again – at no cost to the City.

We also have agreed to fund the development of the City's new web site – because the City's website is a first glance from an economic development perspective. It's all about perception.

Other distressed Cities have embraced business coalitions – I would hope that my City would as well.

So with that said – I would respectfully ask each of you to vote in favor of this collaboration that yields only good things for all associated with the City.

Thank you.

Fred Visconti  
Greater Newburgh Partnership  
Board Member

## COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

Councilwoman Angelo remarked that the month of May has always been Community Pride in the City of Newburgh. But it does not have to only occur in May. Community pride should occur all year long. Everyone should do his part to keep the city looking beautiful.

Councilman Brown mentioned that he talked about developing certain partnerships and alliances early on in his administration, especially with organizations that want to work with the city directly and clean up properties for free. There is always some skepticism with the word *free*. He took time to read the agreement. Not only does the organization want to clean up properties for free, but it also wants to protect the city by providing liability insurance and adding the city to its policy. The only reason the organization would not potentially clean up a property, would be if they came into contact with hazardous material, such as asbestos. This is reasonably fair. Brown is willing to work with anybody who wants to work with the city to turn some of these properties from eyesores into eye candy. [Resolution No. 59-2012]

Second, the same organization is offering to pay for our website. At a work session a company made a presentation about renewing the city's website. The company projected the cost to be in excess of \$14K. Yet Greater Newburgh Partnership is willing to pay for the cost of the website at no charge to the city. Anyone who has ever been on the city's website knows that it needs to be upgraded. If GNP is willing to do it for free, then Brown is onboard with it for free. [Amended Resolution #61-2012]

City Manager Richard Herbek pointed out that GNP is going to contribute a total of \$14K. This will leave the city's share at a little over \$4,000, which he feels is manageable.

Next, Brown commented that he has always had some reservation about doing business with organizations who try to pull the wool over the eyes of the City of Newburgh. Workforce Development Institute had come before them and requested an additional \$14K to continue Phase I of a study it was doing for the city. The organization had informed the council that it needed three additional months to complete the study. The resolution was tabled. Brown feels that we contracted with the organization for \$30K to complete Phase I. He considers it ridiculous to pay additional monies for something that the city has already paid for. That part of the study should have been completed at its own cost, not at the city's cost. Now we have a resolution on the table tonight for an additional \$75K. The organization has now stated that it has finished Phase I. Brown does not believe Phase I is complete. He

9

recalled the last work session he attended. He asked WDI directly, "You have a lot of data here. Why don't you close Phase I?" He alleged that the organization responded that it needed another two to three months to close out Phase I. [Old Bus. Res #52-2012]

He feels that WDI is handing the council a piece of paper that is incomplete. He suggested they table the resolution. He would like for WDI to come in and explain to the council and the community how it was able to close Phase I in such a timely manner, when it was unable to do so just a couple of weeks ago.

Councilman Dillard recalled the last work session. He was led to believe that the additional monies needed would be in excess of \$14K. He took that at face value. Upon reviewing the contract and the resolution, he sees that the amount of money is \$75K. A breakdown of the budget shows that there is a \$45K salary for a coordinator position. He was under the impression that it would be part time. This is clearly not the case. It is written as a full time position with a benefits package included. He feels the council needs to look closely at the budget. He is not scrapping the project, but he feels the resolution should continue to be tabled until they straighten it out.

Councilwoman Lee stated that she understood that Phase I represented assessment and development. She also commented to staff at WDI that she would be glad to assist them, if necessary. Since it appeared that WDI would not be granted the extension, Lee suggested that they put a *fail safe system* in place. This means that if other organizations came to WDI and told them of their own services, then those additional services could be implemented into the system at the second phase of the program.

Lee stated that she did not assume that Phase II would cost \$14K. She thought that everyone knew it would cost a lot more. She would only agree to table this to prevent it from being turned down.

Mayor Kennedy has stated from the beginning that this city needs to work with partnerships in every way that it knows how to, including partnering with the Greater Newburgh Partnership, other businesses and not-for-profit organizations. People are always coming up to her and asking, "How can we help bring Newburgh back?" We must all work together if we are going to pull it out of the hole. A group of business people have come together to put some muscle behind this and help for the same reason that all of us want to help. We are all tired of living in the mess that we have been living in and we want to make something better. Mayor Kennedy agrees with Councilman Brown that *free* is good. Our purse is pretty darn slim these days. We need every bit of help to move the city forward. [Res. #59-2012]

10

Second, we have a whole group of other people who are working on ideas for the city's website. With this new format they will be able to help market this city, which has not been marketed forever. Everybody needs jobs in this city. She absolutely supports partnerships that are going to assist with the website, the cleanup and anything else that people would like to assist in. We need all the help we can get. [Res. 61-2012]

Last, she commented that she believes in *Newburgh Builds Newburgh* in a different way. Our city needs jobs. This particular program does not guarantee jobs. It guarantees studies and it guarantees that it is going to go out and work with 15 other organizations. She would like for everyone to understand that *No* organization in this city is required to work with any other organization. It is its own non-profit organization and it has its own funding source. The City of Newburgh has no control over that, and neither does WDI. We do not have control over how an organization spends its money. They can spend it as they wish. WDI is not going to have the say to tell an organization otherwise.

Kennedy pointed out that she is in favor of collaborations. Yet she suggested that we take CDBG money and directly put people to work. She compared it to the 1930s when the Government took the money and gave people jobs to pull the country out of economic depression. There are sidewalks and infrastructure that needs to be built. According to the Department of Justice, the quickest way to curb crime is by ensuring that people have jobs. Let's stop with all the studies and go direct to the problem. This is how she envisions Newburgh builds Newburgh. [Old Bus. Res #52-2012]

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

## CITY MANAGER'S REMARKS

The City Manager announced the upcoming lineup at the waterfront.

- May 31-June 4, the *HMS Bounty* ship is returning to the City of Newburgh.
- June 15-17, a possible visit of the *Nina* and *Pinta*
- June 18, visit of *Unicorn*, an all-girl staffed Tall ship docking overnight at the marina
- June 21-24, *Boat Show* at the marina
- July, *River Swim* from Newburgh to Beacon, dates TBA
- July 8, *Second Annual Triathlon* along the waterfront and surrounding areas
- August 25, Beacon is sponsoring a *Sail Regatta* for support of the Woody Guthrie renovation
- September, the *Lynx* will return to Newburgh, dates TBA
- October, possible *Jimmy Sturr Concert* at waterfront

These are some of the things that Jim Williams has been working on the city's behalf. It could turn out to be quite an exciting summer at the waterfront.

Also he pointed out that he had the honor of attending the Scholarship Gala in Hopewell Junction last week. Poughkeepsie Alumni *Kappa Alpha Psi* Foundation honored Joy Pittman for her dedicated service toward recreation and youth programs.

Next, he took the opportunity to update the council and community about employee training. In December 2011 we conducted driver safety training sessions, which were mandated for all employees who operate a city-owned vehicle. Through this training we hope to minimize the number of employee-driven vehicular accidents, thereby reducing the city's liability and worker's comp exposure. In early March of this year the city hosted a safety seminar for city employees, as well as for employees in surrounding communities. It was facilitated by Right Risk Management. The seminar focused on safe workplace practices. Educating our employees in safe work habits is going to result in a direct savings to the city. Additionally, refresher training sessions for workplace violence prevention and sexual harassment were offered. They are mandated for all new employees. Full annual training is required for both topics, and they will be scheduled later this year.

The Safety and Risk Management Committee meets monthly to discuss outstanding worker's compensation claims and to review new ones. Right Risk Management provides us with a monthly analysis of the claims. They help us look at ways to reduce our risks. By implementing procedures and controls, Herbek is pleased to announce that the number of incidents reported has significantly dropped in comparison to last year. On March 14<sup>th</sup> he convened a mandatory meeting for all employees in Public Works and Water departments. At that meeting he addressed employees directly with concerns about acceptable workplace behavior. He provided each person with a copy of the newly drafted General Work Rules policy. The Labor Relations Specialist for the CSEA attended the meeting and sanctioned the new rules. They provide the department heads with greater ability to exercise independent judgment.

In May, the U.S. Department of Justice will be on hand to conduct mandatory cultural and diversity training sessions for employees in the police department May 8-10. This particular training, which will be of no cost to the city, has never before been provided on this level. The City Manager will meet with Linda Ortiz, a Community Relations Specialist in the U.S. Justice Department. He will discuss with her, the needs of our city and the current climate in the community regarding our police department. Once these sessions have been completed, they will be offered to the rest of the city's workforce as soon as it is practicable. Herbek pointed out that a record of all training sessions is maintained. Investing in the knowledge and education of city employees is critical to helping us perform up to our maximum potential. This, in turn, will help the city operate more efficiently and cost effectively.

RESOLUTION NO.: 56-2012

OF

APRIL 23, 2012

A RESOLUTION DECLARING THE MONTH OF MAY 2012 TO BE "COMMUNITY PRIDE MONTH" IN THE CITY OF NEWBURGH

WHEREAS, the history of the City of Newburgh predates the founding of the United States; and

WHEREAS, from the time of the Revolutionary War, the City of Newburgh has played an important role in the politics and commerce of the nation; and

WHEREAS, from the Hudson River style of painting to the architectural insights of Andrew Jackson Downing, the City of Newburgh has been an integral part of the cultural life of the nation; and

WHEREAS, the citizens of the City of Newburgh are and should be justly proud of their City and its heritage; and

WHEREAS, the citizens of the City of Newburgh have always worked to preserve and protect the natural and man-made beauty of their City; and

WHEREAS, the City Council of the City of Newburgh has instituted numerous projects in the last year to restore and preserve the City's beauty and resources; and

WHEREAS, the City Council of the City of Newburgh, in this, the beginning of Spring, 2012, wishes to encourage the citizens to show their pride in their City by helping the City government in such restoration and preservation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the month of May, 2012, is hereby declared to be "Community Pride Month", and that all citizens of the City of Newburgh are encouraged to show their pride in their City by participating, in that month, in an effort to clean the City of Newburgh and restore it to its former beauty by cleaning and repairing all properties which they own or in which they reside and joining together in a united effort for the restoration of the City.

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

Ayes- Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy-5

**ADOPTED**

RESOLUTION NO.: 57 - 2012

OF

APRIL 23, 2012

A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO ACCEPT DONATIONS IN SUPPORT OF THE  
CITY OF NEWBURGH'S ANNUAL MEMORIAL DAY AND FOURTH OF JULY  
OBSERVANCES, NATIONAL NIGHT OUT AND THE 24TH ANNUAL  
INTERNATIONAL FESTIVAL

WHEREAS, the City of Newburgh will be holding its annual Memorial Day and Fourth of July Observances, National Night Out and its 24th Annual International Festival over the Labor Day holiday; and

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept said donations with the appreciation and thanks of the City of Newburgh on behalf of its children, families and citizens, for their support and sponsorship of the City of Newburgh's annual Memorial Day and Fourth of July Observances, National Night Out and the 24<sup>th</sup> Annual International Festival.

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

Ayes- Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kenedy-5

ADOPTED

14

RESOLUTION NO.: 58-2012

OF

APRIL 23, 2012

A RESOLUTION AUTHORIZING THE APPLICATION TO  
THE HUDSON RIVER VALLEY COUNCIL ON BEHALF OF  
THE GREENWAY COMMUNITIES PROGRAM FOR A GRANT  
TO PURSUE A PLAN FOR GREEN URBAN LAND USE  
IN THE CITY OF NEWBURGH

WHEREAS, by Resolution No. 22-2011 of January 24, 2011, the City Council of the City of Newburgh authorized the City Manager to apply for a Greenway Communities Grant from the Hudson River Valley Council for the purpose of pursuing a Land Use Planning and Evaluation Process for the Newburgh Food and Urban Gardens Community Planning Project; and

WHEREAS, by Resolution No. 65-2011 of March 28, 2011, the City Council authorized the City Manager to accept the Greenway Communities Grant and execute a sub-recipient grant agreement with PathStone Community Improvement of Newburgh ("PathStone") to coordinate this project.

WHEREAS, PathStone, acting on behalf of the City of Newburgh, successfully completed "A Plan for Green Urban Land Use in the City of Newburgh" to the satisfaction of the Hudson River Valley Greenway in connection with this original grant; and

WHEREAS, PathStone proposes to prepare and submit second Greenway Communities Grant for Ten Thousand (\$10,000) Dollars to fund part of the implementation of "A Plan for Green Urban Land Use in the City of Newburgh"; and

WHEREAS, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality or municipalities in which the project will be located; and

WHEREAS, funds will be sought from this program in the amount of \$10,000 with the required \$10,000 matching funds to be provided through PathStone and its partners;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that PathStone be and it is hereby authorized to prepare and submit the grant application to the Greenway Communities Program in the amount of Ten Thousand (\$10,000) Dollars, and if awarded, the City Manager be and he is hereby authorized to accept said grant and execute an agreement with the Hudson River Valley Greenway Communities Council under the Greenway Communities Grant Program, for a project known as Green Urban Land Use Plan Implementation and located within this community.

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

Ayes- Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy-5

ADOPTED

RESOLUTION NO.: 59 - 2012

OF

APRIL 23, 2012

A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO ENTER INTO A LICENSE AGREEMENT WITH  
THE GREATER NEWBURGH PARTNERSHIP, INC.  
TO ALLOW CLEANING AND GREENING ACTIVITES  
ON THE CITY-OWNED PROPERTY KNOWN AS  
122 LANDER STREET, SECTION 18, BLOCK 10, LOT 3

WHEREAS, The Greater Newburgh Partnership, Inc. ("GNP") is a non-profit organization created for the improvement of the City of Newburgh, the greater Newburgh area and its many stakeholders; and

WHEREAS, the City of Newburgh is the owner of real property located at 122 Lander Street, and more accurately described on the official tax map of the City of Newburgh as Section 18, Block 10, Lot 3, City of Newburgh, New York; and

WHEREAS, the GNP has offered to provide services to the City by performing cleaning and greening activities for the beautification of 122 Lander Street and requested access to 122 Lander Street to conduct these activities; 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 The Greater Newburgh Partnership to allow access to City-owned property known as 122 Lander Street for the purpose of performing cleaning and greening activities.

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

Ayes- Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy-5

ADOPTED

LICENSE AGREEMENT

This Agreement, made this \_\_\_\_\_ day of \_\_\_\_\_, two thousand and twelve, by and between the GREATER NEWBURGH PARTNERSHIP, INC., with offices at \_\_\_\_\_ as "LICENSEE"; and the CITY OF NEWBURGH, a municipal corporation organized and existing under the laws of the State of New York with offices at 83 Broadway, City Hall, Newburgh, New York 12550 as "LICENSOR";

WITNESSETH THAT:

WHEREAS, Licensee desires the license or privilege of gaining access to and performing work upon the premises of Licensor on behalf of itself and its employees, agents and contractors in substantially the location and position shown as set forth on the map or plan hereto attached and made a part hereof and bearing the following title:

SCHEDULE "A"

122 Lander Street and more accurately described on the official tax map of the City of Newburgh as Section 18, Block 10, Lot 3.

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

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

First: Licensor hereby gives to Licensee, upon the conditions hereinafter stated, the license or privilege of entering upon Licensor's property located at 122 Lander 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 "greening" improvements on property owned by Licensor. No improvements other than planting beds, walkways and the installation of a fence surrounding the perimeter of the property may be erected on the premises. The erection of a fence must be in conformance with Chapter 166 of the City Code.

Second: Licensee agrees to do such work and maintain said facilities in such manner as will comply fully with the provisions of

20

any laws, ordinances or other lawful authority obtaining any and all permits required thereby. If, in the course of performing such work, Licensee, or any employees, agents, contractors and consultants engaged by Licensee to perform the subject work, find, uncover, identify or otherwise locate asbestos or other hazardous material, Licensee, or employees, agents, contractors and consultants of Licensee, shall immediately cease and desist from the performance of the subject work and report said findings to the City Manager.

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

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

Fifth: 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.

Sixth: This Agreement and the license or privilege term is from \_\_\_\_\_, 20\_\_ to \_\_\_\_\_, 20\_\_ and will be subject to renewal on mutual agreement of both parties for additional one (1) year terms each.

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

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

WITNESSETH:

THE CITY OF NEWBURGH

LICENSOR

By:

\_\_\_\_\_  
Richard F. Herbek, City Manager

GREATER NEWBURGH  
PARTNERSHIP, INC.

LICENSEE

By:

\_\_\_\_\_  
President

SCHEDULE "A"

ADDRESS	SECTION	BLOCK	LOT
122 Lander Street	18	10	3

RESOLUTION NO.: 60 - 2012

OF

APRIL 23, 2012

**A RESOLUTION APPOINTING LISA WHITESIDE, JANNIFER MURCHISON, ROXIE ROYAL AND JANELLE M. CLEARY, PASTOR RONI AUSTIN, BRENDA McPHAIL, SHEILA MONK AND FANETT TALLEGRAND AS CIVILIAN MEMBERS OF THE POLICE COMMUNITY RELATIONS ADVISORY COUNCIL**

WHEREAS, Chapter 72 of the Code of Ordinances of the City of Newburgh provides for a Police Community Relations Advisory Council; and

WHEREAS, many citizens have expressed their interest in donating their time and efforts to the Police Community Relations Advisory Council, and well-qualified persons have been identified as appropriate appointees thereof;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the following individuals be and are hereby appointed as civilian members of the City of Newburgh Police Community Relations Advisory Board for a term beginning retroactively to April 1, 2012 and ending March 31, 2014.

- Lisa Whiteside
- Jannifer Murchison
- Roxie Royal
- Janelle M. Cleary
- Pastor Roni Austin
- Brenda McPhail
- Sheila Monk
- Fanett Tallegrand

Councilwoman Angelo pointed out that these are good people they have chosen to serve on this board.

Councilwoman Angelo moved and Councilman Dillard seconded that the resolution be adopted.

Ayes- Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy-5

ADOPTED

RESOLUTION NO.: 61 - 2012

OF

APRIL 23, 2012

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH VIRTUAL TOWN HALL HOLDINGS, LLC TO PROVIDE DESIGN AND DEVELOPMENT IN CONNECTION WITH THE CITY OF NEWBURGH WEBSITE AT A COST OF \$12,745.00 AND SUPPORT SERVICES AT A COST OF \$4,250.00 ANNUALLY**

WHEREAS, the City of Newburgh has established and maintains a website and wishes to upgrade the design and layout; and

WHEREAS, the City has received a proposal from Virtual Town Hall Holdings, LLC to provide design and development services for such upgrade; and

WHEREAS, the cost for the design and development upgrade services shall be \$12,745.00 and the cost for the annual maintenance agreement shall be \$4,250.00; and

WHEREAS, The Greater Newburgh Partnership has offer to provide the funding for the first year of services in the amount of \$14,000.00; and

WHEREAS, a copy of such proposed License and Service Agreement with a term of three years is attached hereto; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute an agreement with Virtual Town Hall Holdings, LLC to provide design, development and support services in connection with the City of Newburgh Website; and

**BE IT FURTHER RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he hereby is authorized to accept a donation from The Greatest Newburgh Partnership in the amount of \$14,000.00 to fund the cost of the first year of the contract with Virtual Town Hall.

Councilwoman Lee asked if they approve this tonight are they authorizing advertisement rights on the website to Greater Newburgh Partnership. Also she wanted to clarify that this is a straightforward donation.

Michelle Kelson responded in the negative. GNP is not granted that right through this resolution.

Herbek responded that it is a donation.

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

Ayes- Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy-5

ADOPTED

2/12

RESOLUTION NO.: 62 - 2012

OF

APRIL 23, 2012

A RESOLUTION TO AUTHORIZE A SETTLEMENT IN THE MATTER OF  
ONDINA TRUNZO AGAINST THE CITY OF NEWBURGH  
IN THE AMOUNT OF SEVEN THOUSAND DOLLARS

WHEREAS, Ondina Trunzo brought an action against the City of Newburgh; and

WHEREAS, the plaintiff and the City of Newburgh have reached an agreement for the payment of the settlement in the amount of Seven Thousand (\$7,000.00) Dollars in exchange for a release to resolve all claims among them; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City's attorneys are hereby authorized to settle the claim of Ondina Trunzo against the City of Newburgh in the total amount of Seven Thousand (\$7,000.00) Dollars and that City Manager be and he hereby is authorized to execute documents as the City's attorney may require, to effectuate the settlement as herein described.

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

Ayes- Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy-5

ADOPTED

RESOLUTION NO.: 63-2012

OF

APRIL 23, 2012

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS  
TO BEGIN CONVERTING ACTIVE CODE COMPLIANCE PROPERTY FILES  
TO ELECTRONIC FORMAT

WHEREAS, the "Laserfiche" system provides for standardization of document and electronic record filing, as well as thorough key-word searching and expedited retrieval; and

WHEREAS, by Resolution No. 27-1012 of February 28, 2012, the City Council authorized the City Manager to apply for and accept if awarded NYS Local Government Records Improvement Fund (LGRMIF) grant for the electronic document scanning and filing system "Laserfiche" through General Code Publishers in connection records located in the Code Compliance Bureau; and

WHEREAS, the Code Compliance Bureau has approximately 7,000 active property files which need to be reviewed and prepared for conversion and the Certificates of Occupancy scanned in advance of receiving the LGRMIF grant; and

WHEREAS, the initial file review and preparation and the scanning of the Certificates of Occupancy will be performed by an independent contractor at a cost not to exceed \$2,200.00;

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 execute a vendor services agreement same form annexed hereto and subject to approval of the Corporation Counsel with such other terms and conditions as Counsel may require, for the preparatory work to convert the active Code Compliance property files to electronic format in an amount not to exceed \$2,200.00; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York, that Resolution No: 238-2011, the 2012 Budget of the City of Newburgh, is hereby amended as follows:

28

A1900 Special Items	\$2,200.00
1990 Contingency	

A1460 Records Management Program	\$2,220.00
0448 Other Services	

The City Manager explained that this is just transferring funds from the Contingency account to the Records Management account. He recalled that someone had asked about the total cost involved. Herbek pointed out that this is the initial cost to get the process off the ground. The total cost for the conversion is approximately \$200K. We are looking for outside funds to offset the cost. There are a couple of things that have not been budgeted that are extremely important to move the city forward. The files conversion is necessary to move us into the 21<sup>st</sup> Century with our records. Also a revamp of all the city's zoning laws is important. That is going to cost another \$200K.

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

Ayes- Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy-5

**ADOPTED**

RESOLUTION NO.: 64-2012

OF

APRIL 23, 2012

A RESOLUTION AUTHORIZING THE SUBMISSION OF A HOME RULE REQUEST TO THE LEGISLATURE OF THE STATE OF NEW YORK REQUESTING THE ENACTMENT INTO LAW OF SENATE BILL S03959 AND ASSEMBLY BILL A09771 AUTHORIZING THE CITY OF NEWBURGH TO ESTABLISH AN ADMINISTRATIVE TRIBUNAL TO HEAR AND DETERMINE PARKING, STANDING AND STOPPING VIOLATIONS

WHEREAS, the establishment of an administrative tribunal to hear and decide parking, standing and stopping violations in the City of Newburgh would be of great benefit to the administration of justice and to the enforcement of traffic laws and enhance urban commerce; and

WHEREAS, pursuant to Municipal Home Rule Law it is necessary for the New York State Senate and Assembly to enact respectively bills which would establish such a tribunal in the City of Newburgh; and

WHEREAS, pursuant to Municipal Home Rule Law Section 30 it is necessary and appropriate to send this Home Rule Request asking that the subject legislation be enacted and said tribunal be thus created;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Newburgh, New York does hereby authorize the submission of this Home Rule Request to the Senate and Assembly of the State of New York requesting the adoption into law of Bills S 03959 and A 09771, to authorize the City of Newburgh to establish an administrative tribunal to hear and determine parking, standing and stopping violations.

Councilwoman Angelo stated we go through this every year. What is the hold up?

The City Manager explained that it is being held up in the Assembly. Assemblyman Frank Skartados has been working diligently on this along with Assemblyman Gantt, who heads the Transportation Committee. Herbek stated that he traveled to Albany and met with State staff in the Transportation Committee. He had gone over with them, a whole packet of information as to the value of this as a revenue source. For some reason there are about 10 cities.

30

in the state that already have established administrative tribunals. The one closest to us is City of Peekskill.

Herbek believes Skartados is probably going to take this to the Governor's Office to see what influence he may have on it. Herbek is willing to jump into his car at any given point to drive to Albany himself to meet with State staff again if they have additional concerns. Herbek stated it appears that many of these established tribunals in other cities were created many years ago. The State seems to be hung up on creating any new ones. We still need to pass the Home Rule legislation though.

Councilwoman Angelo moved and Councilman Dillard seconded that the resolution be adopted.

Ayes- Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy-5

ADOPTED

OLD BUSINESS

RESOLUTION NO.: 52 - 2012

OF

APRIL 23, 2012

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH WORKFORCE DEVELOPMENT INSTITUTE AT A COST NOT TO EXCEED \$75,000.00 TO PROVIDE THE NEXT PHASE OF SERVICES IN CONNECTION WITH NEWBURGH BUILDS NEWBURGH PROGRAMS TO SERVE LOW INCOME FAMILIES AND PERSONS WITH IDENTIFIED BARRIERS TO EMPLOYMENT

WHEREAS, by Resolution No. 185-2011 of September 12, 2011, the City Council of the City of Newburgh authorized the City Manager to execute a contract with the Workforce Development Institute (hereinafter "WDI") to recruit and hire a Program Coordinator, establish a specific selection and assessment criteria within the Newburgh population, review caseloads and establish enrollment, engagement and reporting requirements and protocols with community organizations; and

WHEREAS, the term of the initial contract for the first phase of such services was effective through December of 2011 and by Resolution No. 18-2012 of February 14, 2012, the City Council extended the term of this contract to April 30, 2012; and

WHEREAS, WDI has completed the initial phase of the project and is ready to begin the next phase of the project with the delivery of services as set forth in Schedule "A" of the contract annexed hereto; and

WHEREAS, such service delivery shall be provided at a cost not to exceed Seventy-Five Thousand and 00/100 (\$75,000.00) Dollars; and

WHEREAS, such funds shall be derived from the unrestricted Section 108 Fund Balance, Account CD.0000.0200.0009; and

WHEREAS, this Council has determined that entering into such agreement for the next phase of this project is in the best interests of the City of Newburgh and its residents and citizens alike;

32

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute a contract with Workforce Development Institute to provide the next phase of services in connection with Newburgh Builds Newburgh Programs to serve low income families and persons with identified barriers to employment.

Councilwoman Lee hopes that if the resolution is not adopted, then it will at least be tabled so that it can be discussed further. She does not feel misled by it. She believes WDI should not be held responsible for the council's unawareness that Phase II would cost in excess of \$14K. Lee also stated she believes WDI is going to serve the 16% of the population currently unemployed in this city. It is not that there are people unemployed and do not want to work. This has been on the table for several years, and there are a number of people here tonight, who have asked them to approve it. The people are asking for our help. Lee feels that a system has been put in place to help the people, and now we are telling them *No*. Something needs to be done. As of yet she does not know of any entity that hires using a Section 3 Policy. Right now it is just a great big part of someone's imagination. We should try to get a system in place that holds these not-for-profit organizations to the fire.

Councilman Dillard does not believe anyone is saying *No* on it. He feels that we need to look at the budget closely. This is why he would vote to table it.

Councilman Brown is adamant that WDI complete Phase I first. He knows that every councilmember was at the meeting when WDI stated that Phase I was not completed. Also he knows that every councilmember was present when WDI stated they needed additional time for the completion of Phase I. They were paid \$30K to complete it. We need a complete assessment of the number of organizations out there that are willing to move toward *Newburgh Builds Newburgh*. Brown stated he is on board with *NBN*. Yet the City should not be without the money it has already paid. We need to get everything we can for our dollar. At the end of the day the additional \$14K that was asked for probably would have been voted down. It would not have been fair to the City, because we already contracted with them. In order to move to Phase II you must first complete Phase I. He moves to vote on this though he believes it should be voted down.

Councilwoman Angela asked if there is a deadline. She intends to go along with the tabling of the resolution for further discussion.

The City Manager remarked that our agreement with WDI ends at the end of this month.

Mayor Kennedy read the Scope of Work outlined in the agreement. She wanted everyone to listen and notice if they hear any jobs to result from this. Accordingly, this should yield twenty jobs, a database, some MOUs and some discussions with 15 other organizations.

Councilman Dillard took exception to Kennedy's comments. He felt as though she was making a mockery of the low-income citizens of the city. This is a program that has been worked on for a couple of years. It is almost in tune. We just need to tweak it a little.

Lee pointed out that what Kennedy read was Phase II. When you are developing a workforce site, it is not something that happens overnight. Lee does not know what type of system is going to be substituted should we remove the one we have been working on already. When people ask for help, you should give it to them. She feels WDI should have the opportunity to come back to the table and make changes. If the changes are not what we desire, then we should offer to help them.

Brown stated he is on board with the project. But he is about costs and fairness in contracts. You do not move forward until you get what you already paid for. If WDI is willing to complete Phase I as it previously promised, then he is on board with Phase II. Also we have to tweak the cost, because it seems a bit excessive.

Kennedy stated she is willing to go along with the completion of Phase I. She just really wants to be assured that something gets delivered to the people- jobs. She believes in *Newburgh Builds Newburgh* too. She wants to assure the audience that she is not making a mockery of anything. She would like to see us use our money to help people secure jobs. She is truly focused on this. It states that we may get twenty jobs out of this. She surely hopes so. She is willing to table the resolution tonight.

Herbek suggested that he does not see any harm being done if the council decides to table the resolution and brings it back before May 10<sup>th</sup>. If the scope of work needs to be adjusted, then they can work together on it in the meantime. He understands Councilman Brown's point about finishing up Phase I. We can see if that can be accomplished in a concrete manner.

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

Ayes-Councilwoman Angelo, Councilman Brown, Councilman Dillard, Councilwoman Lee, Mayor Kennedy-5

TABLED

NEW BUSINESS

There was no new business at this time.

PUBLIC COMMENTS REGARDING GENERAL MATTERS OF CITY BUSINESS

Denise Ribble commented that she is a member of the Newburgh Builds Newburgh Steering Committee. They worked on the project for three years. She wanted to clarify the idea that this money is coming out of unbudgeted funds. The \$75K for Phase II was actually voted on for this year's CDBG budget. You can not give individuals jobs using CDBG funds. You can help businesses create jobs. The problem herein lies in that we have not been able to find a HUD Section 3 contractor, or any contractor for that matter, who is willing to hire city residents to do the work. This is one of the pipelines in the *Newburgh Builds Newburgh* program model.

Next, she commended the council for its priority goals for this budget year. In particular, it is essential that the council employ fiscally responsible methods and processes that will maximize the improvement of the city's tax base and reduce the tax burden. The presentation made by the City Planner suggested that the city move forward with an RFP that defines what the city wants to see at the mid-Broadway site for its approved land-use plan. She thanked the council for reopening this item of business and for doing the right thing for the taxpayers and residents of the city. [SEE COMMENTS ATTACHED]

Deborah Dresser, remarked that she was one of the 100 people who met at the Armory site for the first report-in for the Community Action Teams. She was overwhelmingly impressed with what the citizens of Newburgh have worked on since the teams were first implemented. The amount of creative ideas that were brought forward and the energy was overwhelming. She commended Mayor Kennedy for really spearheading this. Next, she stated that it did not go unnoticed, with the exception of Councilman Dillard, that the council was completely absent. She knows the councilmembers are extremely busy, but this is a time when the city came together. She knows there is going to be another review within the upcoming months. She hopes the entire council will be present, because it spells a good future for all of us.

Jannifer Murchison thanked the council for reinstating the Police-Community Relations Advisory Board. She suggested that the board sit down with members of council and the police department in face of the Lembhard tragedy, so that they can try to find an avenue to discuss what is going on in the community. She does not feel that all of the avenues were exhausted. Often, she witnesses that things start to quiet down, disappear, and then everyone starts to stay hushed about it. But we are not going to forget, because

the city is still in mourning. Murchison feels that certain people were not reached out to, including Senators Gillebrand and Larkin. We need to sit down with them and brainstorm and try to come up with a solution to the problem. It is up to all of us to work together.

Second, Murchison stated she talked extensively with Mayor Kennedy previously. Murchison feels Kennedy's credibility is diminishing. She really thought the mayor was about change and action, but now she is unsure. Also she mentioned she discussed an RFP with Councilman Brown and the city manager about a possible youth center. She followed their suggestions and completed what she needed to do. She stated that she has submitted the proposal to the other council members.

Loretta Manning commented that as she was listening to the figures necessary to build up the community, she is amazed that no one was able to give figures on the amount of money stolen to *destroy* the community. She, too, feels the mayor's credibility has diminished. She recalled a conversation she had with the mayor at the Ritz about possible jobs at the hospital. Manning was disconcerted with a statement the mayor previously made. Manning pointed out there is a lot more that people can do at the hospital besides being a doctor or a nurse. Jobs at the hospital include food care, transportation, Social work amongst other fields. Manning stated that at the Ritz alone there were people there who held degrees in psychology and physical therapy, and there was a Registered Nurse; all of whom can not seem to secure employment in our city today.

She stated it is about building us up. At least give us the opportunity to grow and better ourselves. She would seem to think the mayor would be on board with that. Manning closed her remarks by saying, "Maybe we should have [taken] a closer look when we passed you."

Sheila Monk stated that one problem we have in our city is the problem of asking for things. We do not have to ask for anything, we have to demand it. Money for buildings is being made off of the crime and joblessness in our community. If we do not get the answers we need, then we should write to the Governor. The community needs to put its heads together to take back our city. Monk commented that we should stop being wimps by asking for everything.

Darlene Griffin stated that the money that was approved for *Newburgh Builds Newburgh* resulted from budgeted CDBG funds. So that should not be a problem. She does not know why we can not move forward with Phase II.

37

Kippy Boyle commented that she is looking for the whereabouts of the big blue board that the arts community keeps at the Ferry. She was down there on Tuesday to post some wonderful forthcoming events. She went down the next day, and it was gone. At first she thought DPW was down there. But then she heard that New York Waterway was present to assess its ferry and dock facility. She also heard that they had some of their staff down there to clean up. She implored the city manager to reach out to NY Waterway, as she would like to retrieve the board. When people board the ferry it is the only piece of information that tells them about the happenings in our city.

Second, she was very happy to hear about the list of amazing upcoming events at the waterfront. With the anticipated traffic and diminished police force to direct traffic, a stop light really needs to be erected on Martin Luther King, Jr. Boulevard. Also she pointed out that our city contributed \$1700 to *Art Along the Hudson*. On May 10th all of the arts venues listed in the brochure are invited to Garrison Landing for its kickoff opening. This is a good way for us to market Newburgh.

Fannette Tallegrand is concerned about information that does not get funneled into the community. She discovered the community action teams event by accident. Nothing was posted anywhere, and she feels the community is not finding out about these important happenings. If so, people would know that there is some progress that is being made. Another concern Tallegrand has is the lack of topics that relate to parents. Parents as partners would be a good idea to have. There are a lot of single parents in the Newburgh. We need to be empowered, informed and educated. She stated it would help if child care is offered too, so parents could come out to these events. She would like to see parenting workshops and programs in the community.

Adrian Coolidge commented he is present tonight for the late Michael Lembhard. He feels the city can make better use of that additional \$75K. That money should be put to use the right way. Let's get these young men off the streets. Give them jobs cleaning up the community. He stated Councilman Dillard helped get him a job when he was 16 years old. Our blocks need cleaning and the sweeper trucks can not do it all.

Yusef Belford is overprotective when it comes to the children. He spoke to Councilwoman Lee previously about Audrey Carey Park. We need to erect a sign that reads *Caution: Children at Play*, even if we have to place a speed bump in the middle of Chamber Street. He witnesses cars flying down Chamber Street. God forbid that something tragic occurs. Also, Farrington Street, between Liberty and Chamber Streets, is very raggedy. He has seen

kids fall due to the condition of the street. Let's be mindful that anytime we set up a park where there are children, we need appropriate signs.

Second, he stated that some of us parents need to be a little more responsible and accountable for our children and our neighborhood, including himself. We have to stop pointing our fingers at others. He lives in a building, in which some of the people throw garbage out the back window into the yard. Belford has already cleaned the yard. If we see stuff like this happening, then we have to speak up. He speaks on it, because he is tired of living in garbage. Newburgh has to clean up Newburgh since we are talking about *Newburgh Builds Newburgh*. We have got to do it ourselves.

Janet Gianopolous discussed the importance of jobs. We all need jobs and ideally we all want to work close to home. We need to make sure the city is open for business. People have told her their desire to purchase a home in Newburgh. Many people are disconcerted that the tax rate for a modest home is anywhere between \$7K and \$15K per year. This is an impediment to getting people to buy into the city. She realizes that there are certain allowances made for businesses, because they do provide jobs. Yet we need to look closely at this to get the tax rates into a more reasonable range. Accountability is extremely important and it seems to be the recurring theme she hears throughout tonight's comments. We need to know the financial priorities of the City council.

Timothy Hayes-el commented about last month's CDBG meeting. He stated that the mayor was in attendance at that meeting. He felt he was lied to. These same funds that were supposed to go toward gang prevention were then given to organizations he believed are not connected to the community. He would like for the backbiting to cease. Be truthful to the people and more importantly be truthful to yourself.

Omari Shakur discussed the Michael Lembhard case. He stated it is not going away. Lembhard was shot nine times by the Newburgh police department. People want to discuss everything else going on in the city, except what happened then. Until we get past it, nothing good is going to happen in Newburgh.

Second, he feels that the police community relations board was created under false pretence. It is not brought to the community in the right manner. He stated that the proponents of that board's creation "*go behind closed doors and slide like little snakes through our community.*" Meanwhile our kids are dying. He stated we continue to be disrespected as a community, because we do not respect ourselves. The children are dying and we are not saying anything. We do not have jobs and decent housing because we are not saying

39

anything. We are a majority now. We should not be asking for anything, we should be demanding it.

Arreda Cotten remarked that the City of Newburgh needs to begin a better partnership with the School District. A lot of the events between the two have conflictive schedules. The Three Doctors are coming to speak on May 12<sup>th</sup>. This is the same day as the Safe Harbors cleanup. Our children need to come out to hear the doctors' powerful and positive message. The doctors are from Newark, New Jersey. They made a pact to stay on the path and to motivate each other to become successful despite the challenges they faced growing up in the inner-city.

Second information regarding the Unity Center should have been disseminated into the community a lot sooner. She was unable to make it due to a lack of notice. Next, she discussed the Lembhard case. It is not right. We have to start addressing the real issues. Why was this young man shot nine times? Police officers are trained in weaponry. We have to continue to push for justice in this case; just as we have to continue to push for justice in the Trayvon Martin case. The real issues plaguing the community are color-related. We have to be honest about what really occurred.

Councilman Dillard asked what time is the presentation of the The Three Doctors?

Cotten responded the event is May 12<sup>th</sup>, from 12 Noon to 3:00 P.M. Doors open at 11:30 A.M.

Tammie Hollins commented that Latinos need to be on the police community relations board, as well. She mentioned it to Chief Ferrara. The community is not solely comprised of African Americans and Caucasians. There are Latino residents and taxpayers in the community, and they should have someone speaking on their behalf. Also she noticed the resolution just names women on the board. Men do make a difference on advisory boards too.

Next she commented about the 'Three Minute Rule'. She noticed that depending on who is commenting, some people are allowed to speak past their allotted three minutes. Mostly everybody in the room adheres to the rule pretty well. You get three minutes. As a resident she has the right not to hear anyone's comments after that time. Sit down when you hear the bell. If you know you are going to be more than three minutes, then make some adjustments. Perhaps you could read a portion of your comments and submit a written copy to the council after the allotted time.

Cheryl Noel stated she does a lot of work in this city. She has been here almost six years and she loves Newburgh. She has an extensive business background and has spent a lifetime working with children. She spoke in follow up to Hayes-el comments. She stated that he may be misunderstood. Indeed he is emotional; because what has happened in the community is very serious. In January, CDBG proposals to attack gang violence were collected by the city. Here we are in April, and nothing has been done. This is the real tragedy. She feels horrible for the Lembhards, and she has not spoken up about it out of respect for the family.

Noel commented that there were things done within the CDBG committee, actions of which were unethical, inappropriate and corrupt. When she stands up and speaks, it is not solely based on emotion. She stated she has six pages of detailed information to back up her comments. We are still sitting here in April funding for programs that need to be there for our children. She and Tim Hayes-el are at Audrey Carey Park every Saturday, because they are committed to the children. She stated she would be sending out letters along with the notes detailing the actions of the CDBG committee. She requested that there be respect in the form of zero retaliation, because it has already happened to Timothy.

Juanita King asked the council about the letters she previously requested. She received a letter from Councilman Brown. She acknowledged that Lee told her a letter would be forthcoming. She asked if any other council members had letters available.

Councilman Dillard sated he would have his letter shortly.

Second, in response to comments about the 'Three Minute' rule, King asked if it took the police department three minutes to kill her cousin. And did it take three minutes for them to come up with a story to cover up the killing? His life was worth more than three minutes. When she is speaking about the children of our community she does not care about the three minute rule. When someone else's child is killed, it is going to take them more than three minutes to come up with another cover up story.

Brenda McPhail stated she sat on the CDBG committee and she was present at that January meeting. The committee had sent out an email seeking different groups to apply since the same groups of people have applied for this grant money year after year. The same groups had applied again, even though they did receive applicants from new groups. She addressed the concerns regarding any underhandedness. There were two open seats on the committee, and there were people present that should not have been there.

She pointed out there was a deadline for the acceptance of the proposals. Even one minute of lateness constituted a denial.. Five proposals were denied due to lateness. The committee has not met again since then, and to her knowledge no group has received any monies from youth violence grants. Also she pointed out that a person has no business applying for grant money himself when he sits on the committee that administers the grant. It is a conflict of interest. A lot of people like to do things underhandedly, and then they try to make themselves look clean.

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

Denise Ribble  
Montgomery Street

I would like to commend the Council on their priority goals for this budget year – especially IDENTIFYING AND IMPLEMENTING REVENUE GENERATING IDEAS, MARKETING THE CITY, FULLY IMPLEMENTING THE LAND USE PLAN, INCREASED ECONOMIC DEVELOPMENT AND LOCAL JOB CREATION AND HIRING INITIATIVES. In particular, it is essential that the Council employ fiscally responsible methods and processes that will maximize improving the City's tax base and reduce the tax burden.

By resolution 158-2011, the RFQ for Mid-Broadway was tabled. This was based on 2 things – The first was questions about the integrity of how the finalists were selected for presentation to the Council (AKA did they really meet the requirements (though the RFQ did not require financial pro-formas) and have a verifiable track record of public/ private projects, were their RFQ's scored using criteria or were they presenting ideas involving speculative real estate and large percentage or total reliance on grants and subsidies (read taxpayer dollars) for financing. The second reason was a presentation by the City Planner that detailed land use of the site and 3 others in the downtown area that would leverage private development and financing, reduce tax payer cost of redevelopment, as well as increase tax base and jobs. A presentation that also suggested that the City should vet the applicants and move forward with an RFP that defines what the city wants at the Mid-Broadway site per its approved land use plan.

Therefore, I want to thank the Council for reopening this item and encourage you to do the right thing for the taxpayers and residents of the City by doing an RFP for the redevelopment of Mid –Broadway. There are numerous examples of how circumventing the RFP process, failing to do due diligence in selecting developers or contactors for these redevelopment projects and fiscal irregularities regarding financing and funding have not worked out so well for the City – the Courthouse, Burton Towers, West Med Tech, CDBG funds to pay off Glendenning's 108 loan, the Liberty Street School – in fact the first time the property was sold to Mr. Carchetta for 157,000 K. to build a college that the site was too small for and have a turnkey arrangement that was not legal according to NYS law.

The people will thank the Council for considering details like ownership options which allow for an ongoing stream of revenue, land lease/ community land trust vs. sale, real financial data, track records of the developers team members, realistic and responsible involvement of the City in grant and subsidy applications, including realistic time frames that go with things like BOA/ERP grants, DOS grants for infrastructure, and other taxpayer dollar funded grants and subsidies, real community benefits agreements, local hiring, what the City has to offer (tax credits, signing off on performance bonds, etc), scored RFQ and RFP applications and a transparent governance process that avoids the mistakes of the past (otherwise known as the back room deal).

Most of all the people will thank you for an RFP process that looks at conforming to the adopted master plan and land use plan. To that end, I request that you re-look at the ideas presented by the City Planner especially for the combined police and fire station at the site and a hotel where the current station is. The master and land use plans would allow for it. In the next one to 5 years the station will have to be rehabbed, moved or reconstructed. Why not consider it as part of this project which will allow for optimal subsidies and grants to rebuild it (about 1 million dollars in cost to the taxpayers). Or you can wait. The last time development on the current police site was considered it was going to cost the City 12.1 million dollars and be a "turn key" lease back to the City for 40K per month not including utilities. That was in 2005 dollars. The thing is on the Mid-Broadway site you could have a police and fire station, a grocery store and affordable housing. On the current police and fire site you can have a hotel. Hotels improve tax base - they pay property taxes and bed taxes. They pay water and sewer fees. They create construction and permanent jobs. They help with marketing the City and its assets.

This City Council has been given a second chance on the Mid-Broadway site for a reason. The people want you to do an RFP.

FURTHER COMMENTS FROM THE COUNCIL

Councilwoman Angelo asked for an update on the redistricting committee. Has anyone called a meeting yet to meet with the five new members? Second, she mentioned she has applications for the Memorial Day Parade on May 28<sup>th</sup>. She would like everyone to participate. She is looking forward to all of the activities the city manager announced earlier. The pirate ship, The Bounty, will be here on May 31<sup>st</sup>. Also on Monday, April 30<sup>th</sup> there will be a special screening about street violence. The film is sponsored by the City of Newburgh Youth Bureau. She talked to Tim Hayes-el about the *Stop the Violence* forum that was held two years ago. She stated the possibility of doing another one. Last, the Citizens Advisory group is scheduled to meet this Thursday at 7:00 P.M. Pathstone organization will be present to discuss the community cleanup.

Councilman Brown pointed out that the Lembhard family presented a letter to the council at the last meeting. He took it upon himself to write his own letter to the District Attorney, and he gave Juanita King a copy of that letter this evening. Next, he believes the money issues are extremely important. He speaks about this topic frequently. He is very strict when it comes down to spending the City's money, whether it is grant money or any other type of funds. It is important to him that if the city contracts with others, the city gets its fair end of the contract. Both parties should be happy at the end of the contract, so he is going to continue to fight tooth and nail. He would hope that his colleagues stand beside him to ensure that the city gets its fair share.

Councilman Dillard thanked everyone for coming out tonight, and for performing our constitutional duties. Basically this is what America and the Constitution is all about. It is about correcting a wrong and turning it into a right. Also he stated he would have a letter for the Lembhard family.

Councilwoman Lee pointed out that she sent her letter out, and she provided a copy to the family. Lee stated that she is not *now* and *not ever* going to be a part of the community action teams. They were set up by the mayor. Lee remarked that her involvement centers on the boards and commissions. The action teams are not part of the city's initiatives. They are part of the mayor's initiatives. She encouraged people to take a seat on a board or commission and be part of the decision-making. This is how you become involved in the city.

Lee pointed out that she is part of economic development. She has been looking consistently at HUD Section 3. She developed a job training program

without walls. The last thing the city needs is another Local 17 training. We need to partner with them to do some of the work. Also she has been working on issues surrounding environmental conservation. You do not hear all of the things she is involved in because she does not feel the need to advertise it all the time.

Veterans issues is another one of her focuses. There are 280 veterans in our city. They need a place to meet and discuss their needed services other than the local Dunkin Donuts, where they often meet. Last, she told Timothy that she would not let this meeting go forward without validating his previous comments about CDBG grant money. Monies for anti-gang violence should not be going toward the Row Club. The people she is trying to reach only walk past City Hall in handcuffs. This is what she wants to stop. She stated that she is never going to take her emphasis off low income families and workforce development. It is what she has dubbed the new *Jim Crow*, and it is not just about Blacks. It is about poor Whites and poor Latinos.

Mayor Kennedy remarked that a lot of comments made tonight were directed at her tonight. The communication in our city is broken in all kinds of ways. She personally handed out over 200 flyers throughout the city. She also put advertisements in the newspapers. She realizes that a lot of people do not read the paper or watch television. Fixing the communication is a big challenge. Mayor Kennedy attended The Pact last year. She heard the three doctors' story and it was phenomenal. Unfortunately the high school did not get the information out in time. The audience they tried to reach did not get to hear their story. This year the date does conflict with the cleanup, but she encourages everyone to listen to the story of the three doctors, because she supports it 100%.

Next, she stated that Jan Murchison and Charles Kimbrough wanted to discuss a youth program. Kennedy told them that she would work with them. She asked them to outline their program. She is waiting for the input on this. And yet someone stands up and says that she is not doing her job. Kennedy is ready to take action to set up something, but she can not do it alone. Other people have some responsibility to come through on their side of the deal.

She pointed out she is setting up a meeting on May 17<sup>th</sup> to discuss violence prevention. She is working on contact information for 30 people to put something together to begin the community dialogue. She would like the meeting to consist of a variety of members from the police department, NAACP, the auxiliary police, community relations board members, community residents, pastors, and members of the Human Rights Commission. It is not easy to put it together. She does not have all of their phone numbers and email addresses. It takes time to reach out to all of the

A Special Meeting of the City Council of the City of Newburgh was held on Monday, April 30, 2012 at 6:00 P.M. in the Council Chambers at City Hall, 3<sup>rd</sup> Floor, 83 Broadway, Newburgh, New York 12550.

The Pledge of Allegiance was performed in unison.

Present: Mayor Kennedy, presiding; Councilwoman Angelo,  
Councilman Brown, Councilman Dillard, Councilwoman Lee-5

OLD BUSINESS

RESOLUTION NO.: 52 - 2012

OF

APRIL 23, 2012

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH WORKFORCE DEVELOPMENT INSTITUTE AT A COST NOT TO EXCEED \$75,000.00 TO PROVIDE THE NEXT PHASE OF SERVICES IN CONNECTION WITH NEWBURGH BUILDS NEWBURGH PROGRAMS TO SERVE LOW INCOME FAMILIES AND PERSONS WITH IDENTIFIED BARRIERS TO EMPLOYMENT

WHEREAS, by Resolution No. 185-2011 of September 12, 2011, the City Council of the City of Newburgh authorized the City Manager to execute a contract with the Workforce Development Institute (hereinafter "WDI") to recruit and hire a Program Coordinator, establish a specific selection and assessment criteria within the Newburgh population, review caseloads and establish enrollment, engagement and reporting requirements and protocols with community organizations; and

WHEREAS, the term of the initial contract for the first phase of such services was effective through December of 2011 and by Resolution No. 18-2012 of February 14, 2012, the City Council extended the term of this contract to April 30, 2012; and

WHEREAS, WDI has completed the initial phase of the project and is ready to begin the next phase of the project with the delivery of services as set forth in Schedule "A" of the contract annexed hereto; and

WHEREAS, such service delivery shall be provided at a cost not to exceed Seventy-Five Thousand and 00/100 (\$75,000.00) Dollars; and

WHEREAS, such funds shall be derived from the unrestricted Section 108 Fund Balance, Account CD.0000.0200.0009; and

WHEREAS, this Council has determined that entering into such agreement for the next phase of this project is in the best interests of the City of Newburgh and its residents and citizens alike;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute a contract with Workforce Development Institute to provide the next phase of services in connection with Newburgh Builds Newburgh Programs to serve low income families and persons with identified barriers to employment.

Councilwoman Angelo remarked that she went through the entire brochure. Workforce Development Institute has many duties to follow through on. Previously she discussed the program with Mr. Herbek. A couple of former council members along with a few other people went to Troy, New York to see the program themselves. It is a proven program, so let's give it a shot. She realizes it is a lot of money involved. She intends to vote in favor of the resolution.

Councilman Brown stated that Community Voices Heard should be a shame of itself for protesting in front of City Hall the other day. This is not City Hall's problem. We did our part. We paid for Phase I, and we did not get what we paid for. This has been his argument from the beginning. WDI has had plenty of extensions. He feels that the council should grant WDI an extension through July 31<sup>st</sup> [which the organization asked for] and change the list that they currently have into a complete list. If we rush to get this done, then we are going to do it wrong. He does not understand why there is a big rush on it now if WDI needed an extension a few weeks ago. He feels that as a council they need to be responsible to the residents of the City of Newburgh.

He stated that now WDI is requesting an additional \$75,000 to really finish Phase I. Brown has no problem moving to Phase II, but he wants Phase I completed. He feels that we should extend this resolution beyond July 31<sup>st</sup>, go back to the table and have WDI complete Phase I at *their* cost. Also for \$75K he does not really see what we are getting. That dollar amount needs to be re-negotiated, we need to cut it down to six months instead of one year, and we need to work from there.

Mayor Kennedy stated that mostly everyone has heard what she had to say the last time around. She talked with Ms. Johnson, at length, the following day after the last council meeting. Kennedy re-read the contract. Also she talked to people who took the trip Upstate where WDI is headquartered. The thing that bothered her was that WDI needed an extension. Then two weeks later the organization talked about moving on to Phase II.

Kennedy understands that in consulting jobs, sometimes the boundary between two phases is hard to delineate. Some work from Phase II got pulled into Phase I. As new people come along and as other organizations come into

the fold, you have to do more assessments on those people coming in. The problem is that WDI should have handled it that way in the first place instead of asking for an extension. This is where this thing really went off track.

The money set aside is specifically for these jobs. She looked at WDI's statement of work in that it will create twenty jobs with an allusion to additional jobs. She is willing to give this a shot for one year. She is going to be talking to WDI on a pretty regular basis. She is going to want to know progress as we go along. At the end of the year she is expecting people to have some additional jobs created from this work. She understands all of the doors, reasons and the problems that could arise. But she does not want to get to a place where we have only provided one more job and no other jobs for individuals.

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

Ayes- Councilwoman Angelo, Councilman Dillard, Councilwoman Lee, Mayor Kennedy-4

No- Councilman Brown-1

ADOPTED

There was no further business to come before the council.

## ADJOURNMENT

Councilwoman Lee moved and Councilwoman Angelo seconded that the meeting of the City Council be adjourned. The council voted *unanimously* to adjourn the meeting at 6:10 P.M.

Respectfully Submitted,

KATRINA COTTEN  
DEPUTY CITY CLERK



# CITY OF NEWBURGH

CITY CLERK'S OFFICE  
83 BROADWAY  
NEWBURGH, NEW YORK 12550  
PHONE (845)569-7311  
FAX (845)569-7314

LORENE VITEK  
CITY CLERK

KATRINA COTTEN  
LISETTE ACOSTA-RAMIREZ  
DEPUTY CLERKS

## MEMORANDUM

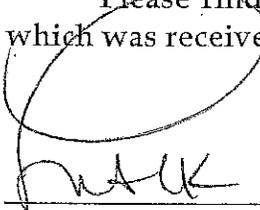
TO: Michelle Kelson, Corporation Counsel

FROM: Lorene Vitek, City Clerk

RE: Notice of Subrogation Claim:  
State Farm Insurance vs City of Newburgh

DATE: April 18, 2012

Please find attached Notice of Subrogation Claim regarding the above,  
which was received via Certified Mail on this date.

  
\_\_\_\_\_

Attachment

Cc City Manager ✓  
Mayor & Council

**State Farm®**  
Providing Insurance and Financial Services  
Home Office, Bloomington, Illinois 61710

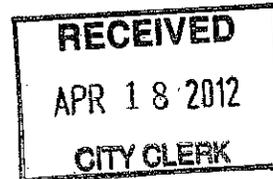


April 03, 2012

The City Clerk Of Newburgh  
83 Broadway  
Newburgh NY 12550-5617

State Farm Claims  
P.O. Box 2371  
Bloomington IL 61702-2371

**Certified Mail-Return Receipt Requested**



RE: Claim Number: 52-046Q-429  
Our Insured: Miguel A Rodriguez  
Date of Loss: October 04, 2011  
Your Insured: The City Clerk Of Newburgh  
Your Insured Driver: Albert C Ashworth  
Loss Location: Broadway and Johnson ST., Newburgh, NY

To Whom It May Concern:

Facts of Loss:

Street-sweeper Albert C. Ashworth was stopped with his hazards on. The Insured made a right turn in front of the street-sweeper. Claimant pulled out of the stop position and hit the Insured's vehicle. Please note that a notice of claim was previously sent to your office in October of 2011. A copy of this form is enclosed.

It is our understanding that you are self insured. Our investigation indicates you are responsible for this claim. Therefore, we are seeking recovery from you. This letter is to notify you of our subrogation claim and request your cooperation in settling this matter.

To assist you in your review, here is a breakdown of the amounts State Farm paid by Cause of Loss:

041/045 - Uninsured Motorist BI	\$
042 - Uninsured Motorist PD	\$
300 series/400 - Comp/Collision	\$6219.70
501 - Rental/Loss of Use	\$
600-050 - Med Pay/PIP	\$
Other	\$
Salvage Recovery	\$
Amount State Farm Paid	\$6,219.70
Insured Deductible	\$500.00
Total Claim Amount	\$6,719.70

Based on the assessment of liability between the parties, State Farm Fire And Casualty Company is seeking 100% of the Total Claim Amount listed above. The amount payable to State Farm Fire And Casualty Company for this loss is \$6,719.70.

52-046Q-429  
Page 2  
April 03, 2012

Please remit payment of this claim and include our claim number on the payment. If you have any questions or need additional information, please call me at the number listed below. If I am not available, any other member of my team may assist you. Thank you for your cooperation.

In order to assist you in evaluating and processing the subrogation claim we are asserting, we may provide nonpublic personal information about our customer. We are sharing this information to effect, administer, or enforce a transaction authorized by the consumer. However, you are neither authorized nor permitted to: (1) use the customer information we provided for any purpose other than to evaluate and process the subrogation claim, or (2) disclose or share the customer information we provide for any purpose other than to evaluate and process the subrogation claim.

Sincerely,



Demetria K. King  
Claim Processor  
(877) 457-8276 Ext. 60  
Fax: (866) 231-9276

State Farm Fire And Casualty Company

Enclosure

RESOLUTION NO.: 69 - 2012

OF

MAY 14, 2012

RESOLUTION SCHEDULING A PUBLIC HEARING FOR MAY 29, 2012  
TO HEAR PUBLIC COMMENT CONCERNING THE DEVELOPMENT  
OF THE LONG TERM CONTROL PLAN FOR THE CITY OF NEWBURGH  
COMBINED SEWER OVERFLOW

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning the development of the Long Term Control Plan for the City of Newburgh Combined Sewer Overflow ; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 29<sup>th</sup> day of May, 2012, in the 3<sup>rd</sup> Floor Council Chambers, City Hall, 83 Broadway, Newburgh, New York.

RESOLUTION NO.: 65 - 2012

OF

MAY 14, 2012

RESOLUTION AMENDING RESOLUTION NO: 238-2011,  
THE 2012 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK  
TO TRANSFER \$9,112.37 FROM CONTINGENCY TO  
WATER ADMINISTRATION OTHER EQUIPMENT  
TO PROVIDE FOR THE FUNDING TO PURCHASE EQUIPMENT  
FOR THE WATER DEPARTMENT PHONE/NETWORK UPGRADE

BE IT RESOLVED, by the Council of the City of Newburgh, that Resolution No: 238-2011, the 2012 Budget of the City of Newburgh, is hereby amended as follows:

	<u>Decrease</u>	<u>Increase</u>
F.1900 Water 1990 Contingency-Emergency	\$9,112.37	
F.8310 Water Administration 0205 Other Equipment		\$9,112.37

RESOLUTION NO. 660-2012

OF

MAY 14, 2012

**A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO EXECUTE A RENEWAL AGREEMENT WITH PAETEC  
TO PROVIDE TELEPHONIC COMMUNICATIONS AND RELATED SERVICES  
FOR THE CITY OF NEWBURGH AT A MINIMUM COST OF \$1,419.45 PER MONTH  
FOR A TERM OF THIRTY SIX MONTHS**

WHEREAS, by Resolution No. 65 - 2009 of May 11, 2009, the City of Newburgh entered in to an agreement with PAETEC to provide local, switched LD, dedicated LD and point-to-point and related telephone communications services for more efficient conduct of government business; and

WHEREAS, PAETEC was identified by a competitive, comparative process to be the best qualified to provide such services including but not limited to customized and itemized billing procedures, efficient customer service, and that PAETEC is a preferred provider as designated by New York State; and

WHEREAS, such agreement will be expiring and the City of Newburgh wishes to renew such agreement for a term of thirty six (36) months; and

WHEREAS, by renewing said lease the City will be paying \$435.08 less per month than the current rate which will be an annual savings of \$5,220.96 for the first year, with a total savings over the 36 month term of \$15,662.88; and

WHEREAS, such funding for this service will be derived from the following budget lines: A.1670.0421, F.8310.0421, G.8130.421 and G.0000.0380.0080; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to enter into a renewal agreement with PAETEC to provide telephonic communications and related services to provide for the more efficient conduct of government business in substantially the form attached hereto with such other provisions as the Information Services Manager and/or the Corporation Counsel may require, at a minimum cost of \$1,419.45 per month for a term of thirty six (36) months.



Opportunity # 584988, Quote # 706966

**SERVICE AGREEMENT**

600 WillowBrook Office Park  
Fairport, NY 14450

This sets forth the terms of the Service Agreement ("Agreement") made this 13th day of April, 2012, by and between PAETEC, a Windstream company, and the CITY OF NEWBURGH, a New York Corporation ("Customer"). The term of this Agreement is for 36 months ("Term"). Customer agrees to a Minimum Monthly Fee of \$1,419.45. All services provided are subject to the terms and conditions below and on the attached Rate Schedule(s).

**CUSTOMER INFORMATION**

**Customer Name:** CITY OF NEWBURGH  
**Service Address:** 22 GRAND ST, NEWBURGH, NY 12550-5626  
**Billing Address:** 83 BROADWAY, NEWBURGH, NY 12550-5617  
**Contact Name:** Glenn Kurcon **Contact Phone:** 845-569-7324 **Contact Fax:**

**SERVICES BEING PROVIDED BY PAETEC TO CUSTOMER**

Access Loop Switched 1+  
Trunks

By signing this Agreement, the Customer hereby authorizes PAETEC to provide the Services listed herein and on any/all attachments. Each month Customer shall purchase at least the Minimum Monthly Fee amount set forth above, calculated prior to application of any taxes or surcharges.

This Agreement is subject to and controlled by PAETEC's federal and state tariffs as applicable, and/or by PAETEC's Standard Terms and Conditions of Service and the service specific terms and conditions as located at <http://www.paetec.com/about-us/notice>, as such tariffs and terms may be modified from time to time and all of which are hereby expressly incorporated by reference.

Information regarding Customer's rights and options pertaining to Customer Proprietary Network Information ("CPNI") is available at <http://www.paetec.com/notice/cpni.html>.

The individual signing the Agreement on behalf of Customer is duly authorized to do so.

Accepted By Customer	Authorized by PAETEC, a Windstream company
Signature: _____	Signature: _____
Printed Name: _____	Printed Name: _____
Title: _____	Title: _____
Date: _____	Date: _____

This offer is voidable by PAETEC if not signed and returned to PAETEC by the 12th day of July, 2012.





### RATE SCHEDULE

Opportunity # 584988, Quote # 706966

Location: CITY OF NEWBURGH, 22 GRAND ST, NEWBURGH, NY 12550-5626

Product	Product Category	Monthly Recurring Charge (MRC)	Monthly Recurring Quantity	Monthly Recurring Total	Non Recurring Quantity	Non Recurring Total
PRI T1	Voice	\$225.00	2	\$450.00	1	\$0.00
Direct Trunk Overflow Charge *	Voice	\$34.95	2	\$69.90	1	\$0.00
20 DID Station Numbers *	Voice	\$6.00	17	\$102.00	0	\$0.00
FSLC Charge *	Voice	\$6.70	10	\$67.00	0	\$0.00
On Net T1	Access	\$0.00	2	\$0.00	1	\$0.00
National Access Charge - Multi-Line Business *	Voice	\$3.48	111	\$386.28	0	\$0.00
<b>TOTAL</b>				<b>\$1,075.18</b>		<b>\$0.00</b>

#### Usage Bundles

Bundle	Minute Quantity	Toll			Inbound 8xx		
		In State	Regional	Out of State	In State	Regional	Out of State
Flat Rate LMS *****	50,000						

#### Usage Rates

Usage Type	Dedicated Rate	Switched Rate	Initial Increment	Additional Increment	Call Rounding
Regional Long Distance Charges	0.0250 <sup>1</sup>	0.0500 <sup>1</sup>	6 sec	6 sec	2 digit †
In State Long Distance Charges	0.0250 <sup>1</sup>	0.0500 <sup>1</sup>	6 sec	6 sec	2 digit †
Out of State Long Distance Charges	0.0250 <sup>1</sup>	0.0500 <sup>1</sup>	6 sec	6 sec	2 digit †
Local Measured Service Charges	0.0100 <sup>1</sup>				

Rates listed within the Usage Rates section are applicable for all locations, unless otherwise noted on the individual Service Location listing in the Usage Rates sub-section.

Notes: 1 - Per Minute 2 - Per Call 3 - Per Minute per Participant

\* Rates are subject to change on 30 days notice via bill message on customer's invoice.

\*\* Additional charges apply for all local, long distance and 8XX features, network access charge, router maintenance, CPE maintenance and directory listings. For the current features pricing, go to <http://www.paetec.com/about-us/notice>.

\*\*\* Amounts listed are reasonable approximations based on initial proposal. Actual amounts shall depend on final lease amount set forth in the Customer's Lease Agreement.

† Each call is billed to two decimal places and rounds the billed amount for each call up to the nearest whole cent.

\*\*\*\*\* The monthly recurring charges for Customer's loop access circuit(s) includes LMS usage capped at a cumulative total over all circuit(s) of 50,000 minutes per month. The Local per minute rates set forth in the "Usage Rates" section in this Rate Schedule shall apply to any usage in excess of the cap during a given month.

RESOLUTION NO.: 67 - 2012

OF

MAY 14, 2012.

A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO ACCEPT DONATIONS FOR THE  
CITY OF NEWBURGH SHADE TREE COMMISSION

WHEREAS, various businesses, firms and individuals have made generous contributions for the Shade Tree Commission; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept said donations for the Shade Tree Commission with the appreciation and thanks of the City of Newburgh on behalf of its children, families and citizens.

RESOLUTION NO.: 608 - 2012

OF

MAY 14, 2012

A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ORANGE  
FOR THE SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM TO  
PROVIDE YOUNG PEOPLE TO WORK FOR THE CITY OF NEWBURGH  
FOR THE SUMMER OF 2012

WHEREAS, the County of Orange is once again offering a Summer Youth Employment and Training Program for the purpose of providing meaningful work experience for participants; and

WHEREAS, the City of Newburgh Youth Bureau and other City Departments have expressed an interest in using this program to provide summer jobs for young people and service to the City of Newburgh; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute an agreement and other necessary documents with the County of Orange in order to participate in the Summer Youth Employment and Training Program which provides young people to work in the City for the Summer of 2012

RESOLUTION NO.: 76 - 2012

OF

MAY 14, 2012

A RESOLUTION TO AUTHORIZE A SETTLEMENT IN THE MATTER OF  
CERRONE WASHINGTON AGAINST THE CITY OF NEWBURGH  
IN THE AMOUNT OF SEVEN THOUSAND FIVE HUNDRED DOLLARS

WHEREAS, Cerrone Washington brought a claim against the City of Newburgh; and

WHEREAS, the claimant and the City of Newburgh have reached an agreement for the payment of the settlement in the amount of Seven Thousand, Five Hundred (\$7,500.00) Dollars in exchange for a release to resolve all claims among them; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City's attorneys are hereby authorized to settle the claim of Cerrone Washington against the City of Newburgh in the total amount of Seven Thousand Five Hundred (\$7,500.00) Dollars and that City Manager be and he hereby is authorized to execute documents as the City's attorney may require, to effectuate the settlement as herein described.

RESOLUTION NO.: 71 - 2012

OF

MAY 14, 2012

A RESOLUTION TO AUTHORIZE A SETTLEMENT IN THE MATTER OF  
SOLOMON RYLES AND ESTELITA RYLES AGAINST THE CITY OF NEWBURGH  
IN THE AMOUNT OF THREE HUNDRED THOUSAND DOLLARS

WHEREAS, Solomon Ryles and Estelita Ryles brought a claim against the City of Newburgh; and

WHEREAS, the claimants and the City of Newburgh have reached an agreement for the payment of the settlement in the amount of Three Hundred Thousand (\$300,000.00) Dollars in exchange for a release to resolve all claims among them; and

WHEREAS, such settlement shall be payable in two equal payments as follows:

One Hundred Fifty Thousand (\$150,000.00) Dollars payable on or before July 30, 2012; and

One Hundred Fifty Thousand (\$150,000.00) Dollars payable on or before January 30, 2013; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York, that the City's attorneys are hereby authorized to settle the claim of Solomon Ryles and Estelita Ryles against the City of Newburgh in the total amount of Three Hundred Thousand (\$300,000.00) Dollars and that City Manager be and he hereby is authorized to execute documents as the City's attorney may require, to effectuate the settlement as herein described; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that Resolution No.: 238-2011, the 2012 Budget of the City of Newburgh, is hereby amended and that the City Comptroller be and she is hereby authorized to transfer funds to effectuate such settlement follows:

	<u>Decrease</u>	<u>Increase</u>
M.1420.4200 Police Liability	\$100,000.00	
M.1930.0400 Settlements		\$100,000.00

RESOLUTION NO.: 72 - 2012

OF

MAY 14, 2012

A RESOLUTION AUTHORIZING THE SETTLEMENT OF  
LITIGATION REGARDING THE IN REM TAX FORECLOSURE  
OF LIENS FOR THE YEAR 2009 AND 2010 RELATIVE TO  
250 GRAND STREET (SECTION 12, BLOCK 2, LOT 22)  
AND 250 GRAND STREET REAR (SECTION 12, BLOCK 2, LOT 23.1)

WHEREAS, The City of Newburgh commenced proceedings for the foreclosure of certain tax liens, such actions being designated as Orange County Index Numbers 2009-12857 and 2010-012561; and

WHEREAS, this Council, by Resolution No.: 14-2012 of February 23, 2012, approved a request to settle the litigation regarding the In Rem Tax Foreclosure Proceedings; and

WHEREAS, certain title issues arose that took several months to correct; and

WHEREAS, the owner of the property Nancy Brens, through her attorney, has advised the City that they are prepared to settle such action; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh to settle this matter;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to withdraw the liens on the property located at 250 Grand Street (Section 12, Block 2, Lot 23.1) and 250 Grand Street Rear (Section 12, Block 2, Lot 23.1), City of Newburgh, from the List of Delinquent Taxes, provided that the sum of One Hundred Two Thousand One Hundred Fifty Three And 25/100 (\$102,153.25) Dollars representing all past due tax liens, together with all interest and penalties accruing thereon, together with all currently due taxes and charges, including but not limited to all open 2010-2011 school taxes, water charges and sewer charges, are all paid in full by certified or bank check on or before May 31, 2012.