

ORDINANCE NO.: 1-2013

OF

FEBRUARY 25, 2013

AN ORDINANCE RESCINDING THE LANGUAGE CONTAINED IN
CHAPTER 212, NOISE, OF THE CODE OF ORDINANCES AND AMENDING
CHAPTER 212, NOISE IN ITS ENTIRETY

BE IT ORDAINED, by the Council of the City of Newburgh, New York that
Section 212, Noise, be and is hereby amended as follows:

§ 212-1. Statement of policy.

It is hereby declared to be the policy of the City of Newburgh to prevent excessive, unnecessary or unusually loud noise which may jeopardize the well-being, public health, comfort, convenience, safety and welfare of its citizens and the peace and quiet of its inhabitants. The provisions and prohibitions hereinafter contained shall not be utilized or construed in any manner so as to deny or limit any right or privilege granted and recognized by the First Amendment of the Constitution of the United States.

§ 212-2. Unreasonable public noise prohibited.

No person shall, with intent to cause public inconvenience, annoyance or alarm, or recklessly create a risk thereof, make any unreasonable noise.

§ 212-3. Definitions.

Unless otherwise indicated by context, the following terms and phrases shall have the following meanings:

DECIBEL(dB)

A unit for measuring the volume of sound, equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of 20 micronewtons per square meter.

HOLIDAYS

New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

SOUND LEVEL

The sound-pressure level measured in decibels with a sound-level meter set to a weighting expressed in dB(A).

SOUND-LEVEL METER

An instrument for the measurement of sound levels which conforms to Type 1 or Type 2 standards under ANSI Specifications S1.4-1971 or the latest approved revision thereof.

UNREASONABLY INTRUSIVE

Any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities under the circumstances.

§ 212-4. Standards for determination.

The standard or standards to be considered in determining whether a noise is an unreasonably intrusive noise which constitutes a prohibited noise shall include, but not be limited to, one or more of the following:

- A. The volume of the noise.
- B. The intensity of the noise.
- C. Whether the nature of the noise is usual or unusual.
- D. Whether the origin of the noise is natural or unnatural.
- E. The volume and intensity of the background noise, if any.
- F. The proximity of the noise to residential sleeping facilities.
- G. The nature and the zoning district of the area within which the noise emanates.
- H. The time of day or night the noise occurs.
- I. The time duration of the noise.
- J. Whether the noise is temporary.
- K. Whether the noise is continuous or impulsive.
- L. The presence of discrete tones.

§ 212-5. Enumeration of prohibited noises.

The following acts, among others, are declared to be noises in violation of this chapter, but said enumeration shall not be deemed to be exclusive:

- A. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, except as a warning signal pursuant to the provisions of the Vehicle and Traffic Law of the State of New York.
- B. Playing, using, operating or permitting to be played, used or operated any radio, television, phonograph, musical instrument or instruments, loudspeaker, sound amplifier or other machine or device for the production or reproduction of sound so as to create an unreasonably intrusive noise.
- C. Playing, using, operating or permitting to be played, used or operated any radio, television, phonograph, musical instrument or instruments, loudspeaker, sound amplifier or other machine or device for the production or reproduction of sound exceeding 65 dB(A) at any time within a residential district or within any other district exceeding 70 dB(A) between the hours of 10:00 p.m. and 8:00 a.m. Sunday through Saturday or exceeding 65 dB(A) between the hours of 11:00 p.m. Saturday and 10:00 a.m. Sunday or exceeding 65 dB(A) between the hours of 12:01 a.m. and 11:59 p.m. on holidays as defined in this chapter.
- D. The keeping or harboring of any animal, fowl or bird which, by causing frequent or long-continued noise, shall disturb the comfort or repose of any person residing in the vicinity.
- E. The blowing of any whistle attached to any stationary boiler, except to give notice of the time to begin work or stop work or as a warning of danger.
- F. The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine, air compressor, motorcycle engine or motor vehicle engine, except through a muffler or other device which effectively prevents loud, unusual or explosive noise so as to create unreasonably intrusive noise.
- G. Construction work, including but not limited to building, repairing, blasting, grading, leveling and excavating, between the hours of 8:00 p.m. and 8:00 a.m. Sunday through Saturday and between the hours of 8:00 p.m. Saturday and 10:00 a.m. Sunday.
- H. The operation of power lawn mowers, rakers or leaf blowers or other motor-driven lawn or garden equipment between the hours of 6:00 p.m. Sunday and 8:00 a.m. Monday, between the hours of 8:00 p.m. and 8:00 a.m. Monday through Friday,

between the hours of 8:00 p.m. Friday and 9:00 a.m. Saturday, and between the hours of 6:00 p.m. Saturday and 10:00 a.m. Sunday.

- I. Playing, using, operating or permitting to be played, used or operated any radio, phonograph, musical instrument, loudspeaker, sound amplifier or other machine or device for the production or reproduction of sound which is cast upon the public streets or other public places for advertising, soliciting or sales purposes.
- J. The use of any drum, bell, loudspeaker or other instrument or device for the purpose of attracting attention to any solicitation, performance, show or sale or display of merchandise by the creation of noise, except bells sounded by licensed mobile vendors, provided that the sound thereof is not audible more than 300 feet from said vehicle.
- K. The making, continuing, causing or permitting to be made, verbally or mechanically, any unreasonable intrusive noise.
- L. No person shall operate a blower or power fan unless any noise resulting therefrom is properly muffled.
- M. No person shall operate an internal-combustion engine unless the noise resulting therefrom is properly muffled.
- N. No person shall carry or use upon any vehicle any gong or siren whistle similar to that use on ambulances or vehicles of the Police or Fire Department.

§ 212-6. Transportation of metal.

All rails, pillars or columns of iron, steel or other material which are being transported over and along streets or other public places upon carts, drays, cars, trucks or in any other manner shall be so loaded as to avoid causing any loud noises or disturbing the peace and quiet of such streets or other public places.

§ 212-7. Chains on motor vehicles.

No person shall drive or propel any motor vehicle in any street or public place with chains fastened to the wheels in such a manner that they or any part of them will strike any other part of the vehicle on the revolution of the wheels or with any other part of such vehicle so loose or out of repair as to create any loud or unnecessary noise.

§ 212-8. Designation of quiet zones.

A. Neighborhood of St. Luke's Hospital. The territory included within the following bounds is created as a hospital or quiet zone: the north side of Third Street, the south side of First Street the west side of Dubois Street and the east side of Johnson Street. No person shall create an unreasonable noise within such zone.

B. Prohibited acts. The following are specifically forbidden within such zone:

(1) The operation of any radio, radio device, device for the playing of prerecorded music or sound, playing of a mechanical or electronic musical instrument, or the operation of a loudspeaker, amplifier or mechanical or electronic instrument or sound-producing device of any kind, except as may be specifically permitted by ordinance or law, which is so placed and operated that the sounds coming therefrom can be heard to the annoyance or inconvenience of a reasonable person within such zone. This section shall apply to any sound originating from within a premises or from within or on a motor vehicle.

(2) The calling of wares for sale.

C. Scope of section. Such specific enumeration shall not be construed as limiting the general restrictions contained in Subsection A.

§ 212-9. Temporary quiet zones.

Temporary quiet zones may be established in residential zones by the City Manager, for a period of no longer than 90 consecutive days, in instances where the health, safety or well-being of persons in such zones may be aided thereby. All activities prohibited by § 212-5 of this chapter shall be prohibited in such temporary quiet zones together with any additional activities as the City Manager may, in his discretion, also deem necessary, under all facts and circumstances, to prohibit during such temporary time period.

§ 212-10. Methods of measurement.

The measurement of any sound or noise shall be made with a sound-level meter using an A-scale decibel level. The measurement shall be conducted at or within ten (10) feet of the property line of the property on which such noise is generated.

§ 212-11. Penalties for offenses.

Any person violating any provision of this chapter shall, upon conviction, be punished up to \$250 per day, for each violation. Each day that a violation shall continue shall constitute a separate offense.

§ 212-12. Exceptions.

- A. Nothing in this chapter shall be construed to prevent the production of music in connection with any military or civic parade, funeral procession or religious service or the use of any bell, chimes or other instrument, apparatus or device by any church or synagogue, or school licensed or chartered by the State of New York, provided that such production or use does not occur between the hours of 10:00 p.m. and 8:00 a.m. of the following day.
- B. Sounds created by any governmental agency or railroad agency by the use of public warning devices are exempted from the limitations of this chapter.
- C. Sounds created by public utilities in carrying out the operations of their franchise are exempted from the limitations of this chapter.
- D. Sounds connected with organized sporting events of any public or private school or with City of Newburgh Recreation Department sponsored or permitted special events or sports programs or other community sporting activities conducted on school or Village-owned playing fields are exempted from the limitations of this chapter.
- E. Sounds connected with activities and equipment of the City of Newburgh Department of Public Works are exempted from the limitations of this chapter.

§ 212-13. Effect of other provisions.

The provisions of this chapter shall in no case remove or render less restrictive limitations on noise generated or other conditions imposed for specific properties by actions of the City of Newburgh Planning Board or by the actions of the City of Newburgh Zoning Board of Appeals or required under other applicable laws or regulations.

§ 212-14. Enforcement.

The provisions of this chapter shall be enforced by the Police Department of the City of Newburgh, Code Enforcement Officers of the City of Newburgh, the Fire Department of the City of Newburgh, or other officials designated by the City Manager.

§ 212-15. Severability.

The provisions of this ordinance shall be deemed severable. The finding of the invalidity, illegality or unenforceability of any one or more provisions hereof shall not be deemed to affect the validity of the other sections or provisions of this ordinance, as long as the sense thereof remains.

THIS ORDINANCE SHALL TAKE EFFECT immediately as provided under the terms of the Municipal Home Rule and other applicable laws.

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

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

ADOPTED

ORDINANCE NO.: 2- 2013

OF

FEBRUARY 25, 2013

AN ORDINANCE AMENDING CHAPTER 223
OF THE CODE OF ORDINANCES
ENTITLED "PEDDLERS, VENDORS AND SOLICITORS"

BE IT ORDAINED, by the Council of the City of Newburgh, New York that:

Section 1. Chapter 223 of the City Code of Ordinances entitled "Vendors, Peddlers and Solicitors" be and is hereby amended as follows:

§ 223-1. Activities requiring license.

It shall be unlawful for any person or organization who has not been issued a license as a peddler under this chapter to engage in business as a street vendor, peddler, canvasser or solicitor, selling wares or services from or by means of a vehicle, trailer, cart, pushcart, wagon, mobile platform, table or other means of carrying, displaying, offering or serving same; or using public streets or sidewalks or other public property or calling at residences without the previous consent of the occupant or owner for the purpose of soliciting orders, sales, subscriptions or business of any kind or seeking donations to or alms for any church, charity or private institution whatsoever or selling or distributing any ticket or chance whatsoever without first having obtained a license of a peddler under this chapter; or calling at commercial, manufacturing or industrial places of business without the previous consent of the owner or occupant for the purpose of seeking donations to or alms for any church, charity or private institution or selling or distributing any ticket or chance whatsoever without first having obtained a license as a peddler this chapter; provided that any home solicitation by charitable or political organizations, or other activity subject to regulation hereunder, as those activities are defined by law and/or described herein, shall be exempt from the provisions of this chapter so long as they shall meet all other lawful requirements and be exempted herefrom by force or authority of superior law, rule or regulation, including but not limited to the Constitution of the United States and the Constitution of the State of New York.

§ 223-2. Permit and license required; licensing officer.

- A. It shall be unlawful for any person to engage in the business of vendor or peddler as defined in §§ 223-1 and 223-3 of this chapter within the corporate limits of the City of Newburgh without first obtaining a valid permit and license therefor as provided herein. No invalid, expired, suspended, revoked, altered or counterfeit licenses shall be possessed, used, represented or displayed by any person, or purported to be valid for any reason, whether in connection with peddling and soliciting or otherwise.
- B. The City Clerk shall be the licensing officer and commissioner of licenses as provided in the General Business Law of the State of New York and shall keep a record of all licenses and the status thereof.

§ 223-3. Definitions; word usage.

- A. As used in this chapter, the following terms shall have the meanings indicated:

CITY

The City of Newburgh of the State of New York, unless otherwise specified.

FALSE, FRAUDULENT, MISREPRESENTATION, INACCURATE or MISLEADING

- (1) Representations that goods have manufacture, sponsorship, approval, accessories, characteristics, ingredients, uses, benefits or quantities that they do not have; the supplier or manufacturer has a sponsorship, approval, status, affiliation or connection that he does not have; goods are original or new if they are deteriorated, altered, reconditioned, reclaimed or secondhand; or goods are of particular standard, quality, grade, style or model if they are of another; and/or
- (2) The use, in any oral or written representation, of exaggeration, innuendo or ambiguity as to a material fact if such use deceives or tends to deceive; and/or
- (3) Disparaging the goods, services or business of another by false or misleading representations of material facts; and/or
- (4) Offering goods with intent not to sell them as offered; and/or
- (5) Making false or misleading representations of fact concerning the reasons for, existence of or amount of price reductions, or price in comparison to prices of competitors or one's own prices at a past or future time; and/or
- (6) Falsely stating the reasons for offering or supplying goods at sale or discount prices.

FOOD

Any raw, cooked or processed edible substances, beverages, ingredients, condiments, ice or water used or intended for use or for sale in whole or in part for human consumption.

PUBLIC SPACE and PUBLIC STREETS

All publicly owned property between the private property lines on a street as such property lines are shown on City records, including, but not limited to, a park, plaza, roadway shoulder, tree space, sidewalk or parking space between such property lines. It shall also include, but not be limited to, publicly owned or leased land, buildings, piers, wharfs, stadiums and terminals.

VENDOR or PEDDLER

Includes any person traveling by foot, wagon, automotive vehicle or any other type of conveyance from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, clothing, products, items for sale, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, cart, pushcart, table, platform, automotive vehicle, trailer, railroad car or other vehicle or conveyance or other stationery location on a public street, sidewalk or other location on City-owned property normally used for public accommodation or travel, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter shall be deemed a vendor or peddler, subject to the provisions of this chapter. The word "peddler" shall include the words "vendor," "street vendor," "hawker" and "huckster" and other such words carrying or conveying the same meaning and understanding and addressing the same activities described thereby.

CANVASS OR SOLICIT

To make or seek to make personal contact with another, either on the highways or streets of this city or on public or private property other than his own, for the purpose of raising funds for, supporting goals of or recruiting new members into a religious, charitable, educational, or political organization or participating in a political campaign on behalf of any candidate for public office.

PERSONAL CONTACT

The face-to-face canvassing or solicitation of a person by another. Mail and telephone contact does not require registration or wearing an identification badge under this Article.

POLITICAL ORGANIZATION

An organization, a substantial part of the activities of which is carrying on propaganda or otherwise, attempting to influence legislation or participating in any political campaign on behalf of any candidate for public office.

RELIGIOUS OR CHARITABLE OR EDUCATIONAL ORGANIZATION

An organization granted tax exemption by the Internal Revenue Service of the United States Treasury Department.

DECIBEL(dB)

A unit for measuring the volume of sound, equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of 20 micro-Newton's per square meter.

B. The use of any pronoun shall be deemed to include both the masculine and the feminine, and the singular and plural, as the sense and meaning thereof shall appropriately require.

§ 223-4. Application for permit or license; health regulations; fee.

A. Applicants for permits and licenses under this chapter must file with the City Clerk a sworn application, in writing, in duplicate, on a form to be furnished by the City Clerk, which shall give and provide the following information:

(1) The name and a description of the applicant and date of birth.

- (2) The applicant's legal permanent and local business and residence addresses, telephone number(s) for home and business and cellular telephones, and e-mail and other means of electronic communications.
- (3) A description of the nature of the business and the goods to be sold and, in the case of products of farm or orchard, whether produced or grown by the applicant and, if not, the name, address and telephone number of the producer or grower.
- (4) If employed by another, the name and address and telephone number and other information specified in Subsection A(2) hereinabove of the employer, together with credentials establishing the exact relationship.
- (5) The length of time for which the right to do business is desired.
- (6) If a wagon, cart, platform, trailer, vehicle or other method or device is to be used, a description of the same, together with license number or other means of identification thereof.
- (7) If a source of power or energy is to be used in the conduct of the vending, a description of same; and a document from the City Code Compliance Department and/or Fire Department indicating its review and approval of same, pursuant to § 223-13.
- (8) Two identical photographs of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner. One such photograph shall remain on file with the application in the records of the City Clerk and one shall be permanently affixed to the permit issued by the City.
- (9) The fingerprints of the applicant.
- (10) A statement as to whether or not the applicant has been convicted of or pleaded guilty to any crime, misdemeanor or violation of any federal, state or municipal ordinance, the date(s) of any and all such convictions, the nature of the offense and the punishment or penalty assessed therefor.
- (11) A statement whether any license similar to or like that provided in this chapter was issued or denied to the applicant within the current or any prior year, whether in the City of Newburgh or elsewhere, and, if issued, whether such license had been revoked or suspended, setting forth the reasons for said revocation or suspension.
- (12) If the applicant is applying for a renewal of a license issued in the year immediately preceding the year of such application, or if the applicant has ever been licensed by the City within the past five years of such application by the City as a vendor or

peddler, the applicant shall submit with such application records showing the following: proof of payment of New York State sales tax for the most recent prior such year for which the applicant was licensed by the City.

B. If the applicant is offering food for sale under this chapter, he shall file with his application a statement by a physician licensed by the State of New York, dated not more than 10 days prior to submission of the application, certifying the applicant to be free of infectious, contagious or communicable disease.

C. At the time of filing the application, a nonrefundable application fee as set forth in Chapter 163, Fees, of this Code shall be paid to the City Clerk to cover the cost of investigation and other City administrative costs relating to same.

D. If the applicant and the activity regulated hereunder is also subject to the Health and Sanitary Code administered by the Orange County Department of Health, or of any other applicable law, code, rule, regulation or permit condition, he must submit satisfactory proof of compliance with all such, including but not limited to the proper issuance of any permits required, copies of which shall be provided to the City as part of the application required hereunder.

E. Whenever any information provided on the application for a license or for a renewal thereof has changed, the applicant and/or licensee shall notify the City Clerk of all such changes within 10 days thereof. Each licensed vendor shall notify the City Clerk within 10 days if:

(1) He has committed or been found by a court to have committed one or more violations of any of the provisions of this chapter on separate occasions; or

(2) He has failed to answer a summons, appear for a hearing or pay a fine imposed by a court for violation of this chapter within 30 days of its due date.

F. The applicant shall submit proof of a valid current certificate of authority from the New York State Department of Taxation and Finance to collect sales tax on all sales subject thereto by law.

G. The applicant shall provide proof of certification and approval by the County Sealer of Weights and Measures of all scales and measuring devices used by the applicant in the conduct of business.

§ 223-5. Investigation; disapproval or approval by Chief of Police and/or Fire Chief

- A. Upon receipt of such application, the original shall be referred to the Chief of Police, and the Fire Chief, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.
- B. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police and/or the Fire Chief shall endorse on such application his disapproval and his reasons for the same and return the application to the City Clerk, who shall notify the applicant that his application is disapproved and that no permit and license will be issued. The applicant shall be entitled to receive, upon request, a copy of such disapproval.
- C. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Fire Chief may endorse the application and forward same to the Chief of Police, who may endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and return said permit, along with the application, to the City Clerk, who shall, upon payment of the prescribed license fee, deliver to the applicant his permit and issue a license. Such license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of said licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such peddling. The Clerk shall keep a permanent record of all licenses issued.

§ 223-6. Fees; term of license.

- A. Fees shall be computed and assessed as set forth in Chapter 163, Fees, of this Code.
- B. Basis for fees. For the purpose of this chapter, the full yearly or seasonal amount will be due during any period of time during the course of a calendar year. There shall be no prorated fees.
- C. Any and all licenses issued hereunder shall expire on December 31 of the year in which same was issued.
- D. Any person canvassing or soliciting under § 223-7 (A.) (c) shall pay a fee of for an identification badge as set forth in Chapter 163, Fees, of this Code.

§ 223-7. Exceptions and exemptions.

- A. The following activities are excepted and/or exempt from the provisions of this chapter related to licensing and fees:

- (1) The sale of farm or garden produce by the actual farmer or grower.
- (2) The door-to-door delivery or sale of newspapers, milk, bakery goods, eggs and cream along a regularly established route.
- (3) The activities of nonprofit, charitable or other organizations or individuals who are holding fairs or other similar functions on City property with the permission of the City Manager for a definite short period of time and/or as same may be authorized by the City under the terms of a special event or permit and/or as authorized under the provisions of the City Code. For purposes of this regulation, a nonprofit association shall be deemed to be any governmental agency; any charitable, educational, religious or political organization or any association incorporated in accordance with or subject to the provisions of the New York Not-For-Profit Corporation Law; or any other organization or association which does not exist for purposes of pecuniary profit or financial gain and no part of the assets, income or profit of which is distributable to its members, directors or officers.
- (4) Persons with a bona fide affiliation with a street fair, block party or festival (hereafter "street fair"). For purposes of this regulation, a street fair is any event in a public space for which all permits required by law in order for the event to be held have been obtained from the appropriate City agencies by the association sponsoring same. A "bona fide affiliation" shall be deemed to mean residence on the block on which the fair is taking place, in the case of a fair sponsored by a block association; or membership in the association, where the association does not have as its sole function the sponsorship of street fairs. Any nonprofit association as defined herein holding a street fair, and any person who operates as a general vendor at such street fair, is exempted from the provisions of this chapter relating to licensing and fees, as long as:
 - (a) The person has a bona fide affiliation with the sponsor of the street fair, is not acting as a general vendor other than at a street fair and is making a contribution to the sponsoring association through participation in the street fair; or
 - (b) The person who sells or offers to sell goods or services has a location during the fair on the street or sidewalk in front of a store normally maintained by that person. The sponsoring association must submit to the City Clerk, Police, Fire, and Code Enforcement Offices a copy of any permits required by the Orange County Department of Health under the Health and Sanitary code; and a certification, which shall include the name and address of each person qualifying for the exemption prior to the opening of the street fair.
- (5) Any activity which is exempt to such extent or degree from the provisions of this chapter by the terms, force or effect of superior law, rule, regulation or authority, including but not limited to the Constitution of the United States and the Constitution of the State of New York.

B. No exception provided for hereunder shall be deemed to be an exception or waiver of any other requirement or condition imposed by any other provision of any law, code, rule or regulation of the City or of any other agency with jurisdiction thereover.

C. Registration and identification badge required. Any person who wishes to canvass or solicit for a religious, charitable, educational or political organization or on behalf of any candidate for public office, either in public or private property within the City, must first register with the City Clerk and must thereafter wear an identification badge when canvassing or soliciting.

§ 223-8. Nontransferability; assistants.

A. No license issued under the provisions of this chapter shall be used at any time by any person other than the one to whom it was issued and whose picture appears thereon, nor shall any vendor or peddler allow any other person to carry on or conduct the business of vending from, of or with the goods, vehicle, pushcart or stand used by or belonging to such licensee.

B. Each vendor licensed hereunder shall be allowed to employ up to two assistants to assist such vendor in his operations. The license issued to such vendor shall allow such assistants to assist in such vendor's operations; such assistants shall not be required to be separately and individually licensed. Such licensed vendor shall be fully and completely responsible for all acts of such assistants, and the acts of such assistants shall be considered the acts of the licensee for the purposes of enforcement of this chapter. While acting as assistant to the licensed vendor, such person shall remain no farther than 15 feet from the location of such vendor.

§ 223-9. Food vendors.

Each licensed food vendor and mobile food unit licensee shall:

A. Permit regular inspections by any authorized City law, Fire or Code Enforcement Officer of any mobile food unit used in the operation of his business, or any premises under his control in which food is intended to be sold, offered for sale, distributed or given away by him as a food vendor, is prepared, processed or stored, and present such mobile food unit for inspection at such place and time as may be designated by the City Code Enforcement, Fire Department or Police Department.

B. Provide to the Code Enforcement or Police Department, or any other authorized officer or employee of the City, the names and home and business addresses of the owners of such service rooms, commissaries, depots or distributors from whom such licensee received his food supply and where his mobile food unit and food supply are stored when not in use for sale or distribution.

- C. Have in his possession and make available for inspection satisfactory proof or documentation detailing the source of all foods being held, stored, offered for sale, distributed or given away.
- D. Not use or permit anyone else to use the mobile food unit for vending, distributing or giving away any foods other than those authorized, in writing, by the license issued to such vendor.
- E. Refrain from acting as a food vendor or operating a mobile food unit after the expiration of his license or permit and during any period of suspension or revocation of same.
- F. Surrender his license, permit, badge and insignia promptly to the City Clerk upon revocation, suspension, termination or expiration of his license or permit.
- G. Not sell, lend, lease or in any manner transfer his license, permit, badge or insignia unless otherwise specifically provided by law or by rule or regulation prescribed by this Code.
- H. Comply with all laws, codes, rules and regulations applicable to all vendors provided herein, and all laws, codes, rules and regulations applicable to the sale or provision of food and drink to the general public.
- I. Vendors are hereby prohibited from using tangible city property meant for public use to enhance their business, such city property includes but is not limited to picnic tables and garbage cans.

§ 223-10. Noise.

All peddlers and vendors must adhere to and comply with Chapter 212, Noise, of the Newburgh City Code. § 223-11. Use of public space, streets and certain property restricted.

- A. No vendor or peddler shall have any exclusive right to any location in the public streets, nor shall one be permitted a specified stationary location, nor shall he be permitted to operate in any congested area where his operations reasonably would or might impede or inconvenience the public or cause congestion or public disorder or block or impede the free flow of pedestrian or vehicular traffic. For the purpose of this chapter, the judgment of a police officer or other City officer or official charged with the duty or possessing the authority to enforce the City Code and any applicable laws, rules or regulations, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public is impeded or inconvenienced or the use made by the vendor or peddler is contrary to the provisions hereof. Such officer or official shall have the authority to compel any vendor(s) or peddler(s) to move to a different location in order to relieve congestion or otherwise resolve any disputes and restore calm and order at any public location.

- B. No vendor or peddler shall engage in any vending business on any sidewalk unless such sidewalk has at least an eight-foot-wide clear pedestrian path to be measured from the boundary of any private property to any obstructions in or on the sidewalk or, if there are no obstructions, to the curb. In no event shall any pushcart or stand be placed on any part of a sidewalk other than that which abuts the curb.
- C. No vendor or peddler shall occupy more than 25 linear feet of public space parallel to the curb in the operation of a vending business and, in addition, no vendor or peddler operating any vending business on any sidewalk shall occupy more than four linear feet to be measured from the curb toward the property line.
- D. No vending vehicle, trailer, pushcart, stand, goods or any other item related to the operation of a vending business shall touch, lean against or be affixed permanently or temporarily to any building or structure, including but not limited to lampposts, parking meters, mailboxes, traffic signal stanchions, fire hydrants, tree boxes, benches, bus shelters, refuse baskets or traffic barriers.
- E. A vendor or peddler shall not place a vehicle, trailer, pushcart or stand, or conduct a general vending business, at a location in the roadway where stopping, standing or parking is prohibited or during a time period when stopping, standing or parking is restricted.
- E. A vendor or peddler shall not place a vehicle, trailer, pushcart or stand, or conduct a general vending business, in the roadway in a metered parking space unless such vendor has complied with the coin requirements of such meter. A vendor or peddler shall not remain in a metered parking space for a period of time in excess of the maximum time permitted at such space. A vendor or peddler shall not allow any vehicle, stand, platform or other device used to display or carry wares, food, merchandise or other products for sale to extend beyond the delineated limits of such parking space.
- G. A vendor or peddler shall not place a vehicle, trailer, pushcart or stand or conduct a general vending business in the roadway within 15 feet of a fire hydrant or within a safety zone.
- H. No vending pushcart, trailer, stand or goods shall be located against display windows of fixed location businesses, nor shall they be within 20 feet from an entranceway to any building, store, theater, movie house, sports arena or other place of public assembly.
- I. No vendor or peddler shall vend within any bus stop or taxi stand, or on the sidewalk immediately adjacent thereto, or within 10 feet of a crosswalk at any intersection or within 10 feet of any driveway.
- L. Each vendor or peddler vending from a pushcart, trailer or stand in a street or roadway shall obey all traffic and parking laws, rules and regulations as now exist or as may be

promulgated, but in no case shall a vendor or peddler vend so as to restrict the continued maintenance of a clear passageway for vehicles.

K.

K. Where exigent circumstances exist and a police officer, or other officer or employee of any City agency authorized to enforce this chapter, gives notice to a vendor or peddler to temporarily move from any location such vendor or peddler shall not vend from such location.

(1) For the purposes of this subsection, "exigent circumstances" shall include, but not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space, an accident, fire or other emergency situation, a parade, demonstration or other such event or occurrence at or near such location.

(2) When a vendor or peddler has received notice to temporarily move from any location where exigent circumstances exist, such vendor or peddler shall immediately stop all vending business and, within one minute, begin to and as quickly as possible move his goods, vehicle, pushcart or stand from the entire area in which the exigent circumstances exist as determined and stated by a police officer or other authorized person giving such notice to move. A vendor or peddler shall not return to the area of the exigent circumstances while such condition continues to exist. In the absence of a statement to the contrary by an authorized person, it shall be presumed that the exigent circumstances will continue to exist in such area for a period of two hours from the time notice to move was given to the vendor or peddler.

L. No vendor or peddler licensed under this chapter shall leave any items, wares, goods, merchandise, vehicles, trailer(s), pushcart(s), stand(s), platform(s), boxes, bales, containers, trash or other equipment or material on any City or other public property or on private property without the permission of the owner thereof overnight, but must remove same to a private secured location at close of business.

M. No vendor or peddler shall trespass upon private property where the owner or proprietor thereof shall have prohibited such activity thereon.

§ 223-12. Restrictions on use of parks.

No person, whether holding a license or not, shall sell, offer or expose for sale any foodstuffs, items or merchandise within Delano-Hitch Recreation Park or within Downing Park or upon or along any street or public place which forms a boundary of said parks or within one block of either park in any direction. This section shall not apply to operators of food stands at Delano-Hitch Recreation Park who have been granted franchises pursuant to Chapter 13, Sale or Lease of City Real Property, of this Code, or to any

separate contract or agreement or special events or other permits authorized or issued by the City providing therefor.

§ 223-13. Restrictions on use of generators.

No vendor or peddler shall employ a generator or other independent source of power while vending in the City limits, unless such generator is pre-approved by the fire Chief and/or Code Enforcement and conforms to the City Noise Ordinance, Chapter 212 of the Newburgh City Code, and does not exceed a maximum noise output of Eighty decibels (80db), and is subject to inspection of same. .

§ 223-14. Garbage and waste materials.

Garbage and waste materials generated in the course of business, whether generated by the vendor or peddler or the customers thereof, shall not be permitted to accumulate or to become a nuisance, but shall be placed in separate secure and sanitary containers provided for such purpose by the vendor or peddler. The garbage receptacles and their contents shall be properly removed by the vendor or peddler whenever necessary to prevent spillage and accumulation of trash, and at the close of each business day. Vendors and peddlers shall not use public trash receptacles or storm or sewer lines, mains or systems for disposal of such containers and trash, or other organic or inorganic waste, but shall take such containers and trash away with them and dispose of same privately and lawfully at their own expense. Vendors and peddlers shall remain responsible for keeping the area immediately surrounding their location of operation, within fifteen-foot radius, clean and free of all trash and debris at all times.

§ 223-15. Restrictions on vending near schools.

Vendors shall not sell any foodstuffs, confectionery, drink or ice cream on the grounds of any school or on the public streets bordering any school or within one block of any school in any direction between the hours of 8:00 a.m. and 4:00 p.m. on days when school is in session.

§ 223-16. Weighing and measuring appliances.

Any vendor carrying, keeping or using scales, measures or other appliances for weighing or measuring shall first have the same inspected by the Sealer of Weights and Measures or other municipal official with authority over same, and, if the latter shall find such appliances correct and true, his certificate to that effect shall be affixed to said scales, measures or other appliances in a conspicuous place. No vendor shall carry or use any such appliance which is not correct and true and does not record and give the weight and quantity accurately and as claimed by said vendor.

§ 223-17. Display and exhibition of license.

Vendors and peddlers are required to display all of their permits and/or their licenses visibly and prominently on their person, or at the location where they are operating, and produce same at the request of any citizen or City official or officer.

§ 223-18. Display of prices; receipts.

- A. No vendor shall make, portray or communicate any misrepresentations or false, fraudulently inaccurate or misleading information concerning any merchandise. All items sold or offered for sale by general vendors shall have conspicuously displayed, at the point of offering for sale, the total selling price, exclusive of tax by means of:
- (1) A stamp, tag or label attached to the item; or
 - (2) A sign at the point of display which indicates the item to which the price refers, provided that this information is plainly visible at the point of display for sale of the items so indicated.
- B. Each general vendor shall offer a consumer a serially numbered receipt for any purchase. The receipt must include:
- (1) The name and home address of the general vendor;
 - (2) The date of the purchase;
 - (3) The total amount of money and tax paid for the purchase;
 - (4) A description of the item purchased; and
 - (5) The license number of the vendor.
- C. Each general vendor shall retain a duplicate copy of each receipt which shall be produced for inspection upon request by Police or other Code Enforcement personnel. The receipts shall be presented for review to any City enforcement officer by the general vendor upon request.

§ 223-19. Enforcement; confiscation and return of property.

- A. It shall be the duty of any police officer or other authorized law or code enforcement officer of the City of Newburgh to require any person seen peddling and who is not known by such officer to be duly licensed to produce his peddler's license and to enforce the provisions of this chapter against any person found to be violating the same.

B. Any City police or code enforcement officer who determines that a vendor has committed or is committing one or more violations of this chapter relating to vending without a valid license, failure to pay fees or fines, improper use of streets, improper management of waste, inaccurate weighing and measuring, or false and misleading misrepresentations to consumers may confiscate by taking physical custody and possession the goods, merchandise and wares of such vendor and any platform or vehicle used for such vending.

C. A vendor who has had any goods, or any vehicle, platform, pushcart or stand, removed under the provisions of this section may serve notice of a request for the return of such property. The City may return said goods and/or vehicle before or after a judicial determination of the charges. Unless the judicial proceeding has terminated in favor of the vendor, the owner or other person lawfully entitled to the possession of such vehicle, pushcart, stand or goods which have been removed under the provisions of this section, such person(s) may be charged with the reasonable costs as set forth in Chapter 297, Wreckers and Towers, of the Code of Ordinances for the removal and storage of such goods, platform, pushcart, trailer, stand and/or vehicle, payable prior to the release of such goods, platform, vehicle, pushcart or stand.

§ 223-20. Recordkeeping.

A. The Chief of Police and/or Director of Code Compliance and the Corporation Counsel shall report to the City Clerk all convictions for any and all violations of this chapter, and the City Clerk shall maintain a record for each license issued and record the reports of violations therein.

B. Each licensee shall keep and maintain accurate and complete records as follows:

(1) Each vendor shall keep written records of daily gross sales, purchases and expenses, including receipts for expenditures, and any other business-related records as the Chief of Police or Director of Code Compliance may require, and shall make such records available for inspection by any authorized official or employee of the City at all reasonable times upon demand, including daily gross sales receipts from vending in a format that includes the month and year, the date, the daily sales, sales tax collected and the total sales for the date. Such records shall be kept in the following format:

Date:

Item Sold:

Sales Tax Collected:

Total Price:

(2) This shall be in addition to the requirement to keep and maintain duplicate receipts and such other records which are required under this chapter and under other laws, rules and requirements. All records shall be made available to police and code enforcement personnel, upon request, at the department's offices.

§ 223-21. Suspension or revocation of license.

A. Any license or permit issued under the provisions of this chapter may be suspended or revoked by the Police Chief and/or the City Manager of the City of Newburgh after notice and hearing for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for license.
- (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as a peddler.
- (3) Any violation of this chapter.
- (4) Conviction of any crime or misdemeanor involving moral turpitude or misconduct arising out of commercial dealing or the conduct of business or any conviction of violation of this Section.
- (5) Conducting the business of vending or peddling in violation of any provision of this chapter or in any unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- (6) Nonpayment or being in arrears in paying any debt, judgment, taxes, charges, fees, fines or other moneys due and owing to the City or other municipal or government agency.

B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for hearing.

C. Any permit issued under this chapter shall be promptly surrendered to the City Clerk upon its suspension or revocation.

§ 223-22. Appeals.

Any person aggrieved by the action of the Chief of Police or the Fire Chief or the City Clerk or the City Manager in the denial or revocation or suspension of an application for permit or license as provided in this chapter or in the decision with reference to the

revocation of a license as provided in this chapter shall have the right of appeal to the Council of the City of Newburgh. Such appeal shall be taken by filing with the Council, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant, in writing, addressed to the address provided by the applicant for notice of hearing on denial, suspension or revocation. The decision and order of the Council on such appeal shall be final and conclusive.

§ 223-23. Penalties for offenses.

In addition to all other penalties provided under this chapter or of any provision of the City Code or of any other law, rule or regulation of the state or other municipality or agency with jurisdiction over the subject, the following schedule of penalties shall apply for each separate violation of this chapter.

Offense (within the same calendar year)	Penalty Amount
First conviction	\$250
Second conviction	\$500, and revocation of the license as provided under § <u>223-21</u>

§ 223-24. Loss of license; duplicate license fee.

The holder of any license issued hereunder shall promptly report the loss, mutilation or destruction thereof, in writing, to the City Clerk, who, if satisfied as to the facts establishing or concerning same, may issue a duplicate license only to the individual to whom the original was issued. Such duplicate license shall have plainly marked upon the face thereof the word "DUPLICATE." The fee to be charged for the issuance of each duplicate license shall be as set forth in Chapter 163, Fees, of this Code.

§ 223-25. License in addition to county, state and other licenses.

Notwithstanding the issuance of a license pursuant to the provisions of § 32 of the General Business Law or other laws, codes, rules or regulations of any municipal agency or of the State of New York, no person obtaining such a license shall be permitted to carry on the

business of a vendor or peddler upon the streets and highways of the City of Newburgh without first obtaining a license pursuant to this chapter.

§ 223-26. Provisions cumulative with other laws.

The provisions of this chapter shall be in addition to and not instead of the provisions of any other laws, codes, rules or regulations of the federal, state, county or City government applicable to the subject.

§ 223-27. Severability.

If any of the provisions of this chapter shall be held invalid, the remainder shall remain valid and enforceable as provided by law.

THIS ORDINANCE SHALL TAKE EFFECT immediately as provided under the terms of the Municipal Home Rule and other applicable laws

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

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

ADOPTED

ORDINANCE NO.: 3 - 2013

OF

FEBRUARY 25, 2013

AN ORDINANCE AMENDING CHAPTER 163
ENTITLED "FEES" OF THE CODE
OF THE CITY OF NEWBURGH

BE IT ORDAINED by the City Council of the City of Newburgh that:

Section 1. Chapter 163 entitled "Fees" of the Code of the City of Newburgh be and hereby is amended as follows:

Code Section	Type of Fee	Amount
Chapter 223, Peddlers, Vendors and Solicitors		
§ 223-6	Peddler's license	
	Nonrefundable application fee	\$ <u>100.00</u>
	<u>Renewal application</u>	<u>Application</u> <u>fee waived if</u> <u>renewal made</u> <u>within 30 days</u> <u>of expiration</u>
<u>annually</u>	License fees:	<u>\$250.00</u>
		<u>\$150.00</u> <u>seasonal April</u> <u>15 through</u> <u>October 15</u>

	Identification badge for canvassing and/or soliciting under §223-7(A)	\$20.00
§223-24	Duplicate license fee	\$100.00

Section 2. This ordinance shall take effect immediately.

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

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

ADOPTED

RESOLUTION NO.: 50-2013

OF

FEBRUARY 25, 2013

A RESOLUTION APPROVING THE CONSENT JUDGMENT AND AUTHORIZING THE CITY MANAGER TO SIGN SUCH CONSENT JUDGMENT IN CONNECTION WITH THE TAX CERTIORARI PROCEEDINGS AGAINST THE CITY OF NEWBURGH IN THE ORANGE COUNTY SUPREME COURT BEARING ORANGE COUNTY INDEX NOS. 7400-2011 AND 6110-2012, INVOLVING SECTION 41, BLOCK 2, LOT 16 (CORWIN MANAGEMENT, LLC)

WHEREAS, Corwin Management, LLC has commenced tax certiorari proceedings against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2011-2012 and 2012-2013 tax assessment years bearing Orange County Index Nos. 7400-2011 and 6110-2012; and

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

WHEREAS, Corwin Management, LLC is willing to settle these proceedings without interest, costs or disbursements, in the following manner:

- 1- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2011-2012 as tax map number 41-2-16 be reduced to a market value of \$ 1,950,000.
- 2- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2012-2013 as tax map number 41-2-16 be reduced to a market value of \$ 1,950,000.

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

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

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

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

ADOPTED

SUPREME COURT – STATE OF NEW YORK
COUNTY OF ORANGE

-----X
CORWIN MANAGEMENT, L.L.C.,

Petitioner,

- against -

CONSENT

JUDGMENT

FERNANDO GONZALEZ, AS ASSESSOR OF
THE CITY OF NEWBURGH and the CITY OF
NEWBURGH,
7400

Index Nos. 2011-

2012-

6110

Respondents.

-----X
CORWIN MANAGEMENT, L.L.C.,

Petitioner,

- against -

JOANNE MAJEWSKI, AS ASSESSOR OF
THE CITY OF NEWBURGH and the CITY OF
NEWBURGH,

Respondents.

-----X
PRESENT: HON. CATHERINE M. BARTLETT

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

ORDERED, that the real property of Petitioner described on the City of Newburgh tax rolls for the tax years 2011-2012 and 2012-2013 as follows:

Tax Map No. 41-2-16

be reduced in market value from \$2,170,100.00 and \$2,125,400.00, respectively to a market value of \$1,950,000.00 and \$1,950,000.00, respectively, prior to the application of any real property tax exemptions, if any; and it is further,

ORDERED, that the Petitioner's real property taxes on said parcel above described for the 2011-2012 and 2012-2013 School, County and City taxes be adjusted

accordingly and that any overpayment by Petitioner be refunded upon the entering of this Consent Judgment with the Orange County Clerk's Office; and it is further,

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

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

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

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

ORDERED, that there shall be no interest paid or credited in connection with this Consent Judgment; and it is further,

ORDERED, that in the event that the refunds are made within sixty (60) sixty days after service of the Order with notice of entry, there shall be no interest, otherwise, interest shall be paid in accordance with the applicable statute, and it is further; **ORDERED**, that these proceedings are settled without costs or disbursements to either party as against the other.

Signed: February____, 2013
Goshen, New York

ENTER:

BARTLETT

HON. CATHERINE M.
SUPREME COURT JUSTICE

ON CONSENT:

HON. RICHARD F. HERBEK
Acting City Manager
Dated:

RONALD S. KOSSAR, ESQ.
Attorney for the Petitioner
Dated:

HON. JOANNE MAJEWSKI
Assessor
Dated:

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

RESOLUTION NO.: 51-2013

OF

FEBRUARY 25, 2013

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF
REAL PROPERTY KNOWN AS
296 GRAND STREET (SECTION 10, BLOCK 2, LOT 27)
AT PRIVATE SALE TO RAYNARD SHORTER AND SHANIQUA WILLIAMS
FOR THE AMOUNT OF \$25,000.00

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

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

WHEREAS, the City of Newburgh desires to sell 296 Grand Street, being more accurately described as Section 10, Block 2, Lot 27, on the official tax map of the City of Newburgh; and

WHEREAS, the prospective buyers have offered to purchase this property at private sale; and

WHEREAS, the prospective buyers are relatives of the former owner and reside within the subject property; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh to sell said property to the prospective buyers for the sum as outlined below;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of the following property to the indicated purchasers be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchasers upon receipt of upon receipt of the purchase price of \$25,000.00; and that said purchase price must be paid no later than April 18, 2013, and in accordance with said terms and conditions; and

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

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

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

ADOPTED

Terms and Conditions of Sale

1. City of Newburgh acquired title to the property known as 296 Grand Street, more accurately described as Section 10, Block 2, Lot 27 on the official tax map of the City of Newburgh, (hereinafter referred to as "the parcel") in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. The parcel, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; and (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the closing.
3. The purchaser shall continue to be responsible for all water, sewer and sanitation charges.
4. The purchase price of the property is \$25,000.00. The purchaser shall pay to the City the purchase price as follows:

A down payment in the amount of \$15,000.00 shall be due on or before April 18, 2013. The down payment shall be payable to the City of Newburgh by **certified check, bank check or money order.**

The City, as seller, agrees to take back and hold and the purchaser agrees to execute and deliver to the seller a Purchase Money First Mortgage and Note for the balance of the purchase price. The Purchase Money Note and Mortgage shall be self-amortizing and be in the sum of \$10,000.00 for a term of two years, payable in equal monthly installments of \$416.67 per month. The Purchase Money Mortgage shall contain a late charge for overdue payment. The Note and Mortgage shall provide, among other things, that it may be prepaid in whole or in part without penalty, that it shall be immediately due and payable upon the sale of the mortgaged premises or in the event that the purchase enters into a land sale contract or in the event that purchaser files a voluntary petition in bankruptcy or assigns the premises for the benefit of creditors.

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

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

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

10. All recording costs, mortgage tax and transfer taxes shall be paid by the purchaser. Such recording costs shall be payable to the "Orange County Clerk" by bank check, certified check or money order.
11. The down payment and all closing costs/fees must be paid by guaranteed funds to the City of Newburgh Comptroller's Office on or before April 18, 2013. The City is not required to send notice of acceptance to a purchaser. If the purchaser fails to pay the balance of the purchase price as herein provided, the down payment shall be forfeited. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to close title of up to, but not to exceed, sixty (60) additional days. No request shall be entertained unless in writing, stating the reasons therefore, and unless accompanied by a fee of \$250.00 per parcel for which a request is submitted. The fee shall be in addition to all other fees and deposits and shall not be credited against the purchase price and shall not be returnable. In addition, should the purchaser fail to close within the time set forth above, the entire deposit shall be forfeited to the City as liquidated damages without further notice to the purchaser. Any additional request made thereafter shall be made in writing and placed before the City Council for their consideration.
12. The purchaser warrants that they are in possession of the parcel and shall remain in possession until such time as the payments set forth herein have been paid. Purchaser shall be responsible for all property maintenance during his continued possession of the parcel.
13. If the purchaser fails to close title by the close of business on April 18, 2013, then, the City may, but is not obligated to offer the parcel to another purchaser.
14. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the purchaser shall be entitled only to a refund of the purchase money paid with interest, but not to any payment of rent. Purchaser agrees that she shall not be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale. However, if purchaser fails to close title in accordance with the terms and conditions set forth herein, she shall be entitled to reimbursement for expenses incurred to bring said parcel into compliance with applicable building and maintenance codes made during her possession as tenant, and as required as a condition of sale, upon presentation of proof that such expenses were incurred in a form that is satisfactory to the City.
15. The sale shall be final, absolute and without recourse once title has closed and the deed has been recorded. In no event, shall City of Newburgh be or become liable for any

defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, its heirs, success or assigns, against City of Newburgh arising from this sale.

16. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the City acquired title or as corrected up to date of deed. The deed will be recorded by the City upon payment in full of the purchase price and closing fees/costs. Purchaser and tenant remain in possession of property the deed is recorded conveying title to the purchaser. Title vests upon recording of deed.
17. Upon closing, the City shall deliver a quitclaim deed conveying all of its right, title and interest in the subject property, which deed shall be drawn by the City Corporation Counsel. The City shall not convey its interest in any street, water, sewer or drainage easement, or any other interest the City may have in the property. The City shall only convey that interest obtained by the City pursuant to the judgment rendered in an *in rem* tax foreclosure action filed in the Orange County Clerk's Office.
18. The description of the property shall be from the City of Newburgh Tax Map reference or a survey description certified to the City of Newburgh and provided to the City Corporation Counsel by the purchaser at least thirty (30) days in advance of closing title and approved by the City's Engineer.
19. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he is the former owner(s) of the property against whom City of Newburgh foreclosed and has no intent to defraud City of Newburgh of the unpaid taxes, assessment, penalties and charges which have been levied against the property. The purchaser agrees that neither he nor his assigns shall convey the property until after the date of the deed conveying title to the purchaser. If such conveyance in violation of these terms and conditions, the purchaser understands that he may be found to have committed fraud, and/or intent to defraud, and will be liable for damages to the City of Newburgh.

RAYNARD SHORTER

SHANIQUA WILLIAMS

Date: _____

Date: _____

OLD BUSINESS

Mayor Kennedy mentioned she would like to work on a strategic plan and get a date set for a city-wide cleanup.

The City Manager responded that he would try to put it on the next two work sessions for discussion. There is some staff work involved. He would like to discuss it with staff first.

This portion of the meeting was closed.

NEW BUSINESS

Councilman Dillard commented that he has noticed a lot of taxicabs on the road. He would like the council to review the process in terms of how a person licenses a taxicab in the city. He feels that it is totally helter-skelter out there. He is concerned with the pollution.

Herbek remarked that the taxi ordinance was amended before he arrived. He knows that there was a lot of work that went into it. He suggested that they put this issue on for future work session. They could look at the changes. He pointed out that the individual in the police department, who worked extensively on the initial revision, is retiring at the end of this month. Herbek commented that the first or second work session in March would be a suitable time to revisit the issue and address any concerns.

Dillard stated he has no problem with that timeframe. We must do something though. We have stated in the past that we are going to do something, and then it never gets done. He wanted to note for the record that they would review the taxi issue either the first or second work session in March. We are unsure of which taxis are legitimate and which ones are not. With all of these taxis out here, we are losing a lot of revenue we could be generating.

Second, he stated that the council should declare a day as Domestic Violence Awareness Day in the City of Newburgh. He stated that Safe Homes does an excellent job raising awareness for domestic violence, yet he feels that the council should help shine a light on it also, as a city body.

Mayor Kennedy remarked that Safe Homes dedicates an entire week to raise awareness. She usually attends and participates in the effort. To her recollection it is usually held in September or October. Perhaps this council could do something in partnership with Safe Homes. She commented that much of the violence in our city begins in the home. She supports anything that would help promote more awareness on it.

Councilwoman Angelo asked the comptroller if anyone has come in to pay the delinquent taxes. The last she heard there were 806 families subjected to the collection of those taxes. The redemption deadline to avoid the tax foreclosure is fast approaching.

Herbek pointed out that May 17th is the redemption deadline for collection of the 2011 Real Property Taxes.

This portion of the meeting was closed.

PUBLIC COMMENTS REGARDING GENERAL MATTERS OF CITY BUSINESS

Brian Denniston, Chairman of City of Newburgh Citizens Advisory Committee, commented that the Redistricting Committee is doing a great job. But whenever spokespeople come to the microphone and thank everyone under the sun, they never make mention of the Citizens Advisory board. He pointed out that it was the CA group that was asked to accept, review and verify the prospective applications for the redistricting board. The latter would not be in effect today, if it were not for the CA group. He feels that they get overlooked in other areas too. Not only do they accept complaints and concerns, they also *advise*. They have excellent guest speakers that everyone is welcome to attend. Not everyone is comfortable with a large forum, such as a city council meeting. It does not mean that they are not effective. It just means they prefer a smaller, hands-on setting to work in.

He stated that he was recently informed that the mayor would like to dissolve the Citizens Advisory Committee. He does not understand why she would want to dissolve the committee. He extended an invitation for the mayor to attend the meetings too.

Wyatt Stevens, a 19-year old student attending Newburgh Free Academy spoke about the need for a skate park in the city. He has been a skateboarder for ten years. He understands that skateboarding has a bad reputation, but it is simply because they have no place to go. Newburgh has a reputation for violence amongst other things. But there are some positive benefits to skateboarding, and some professional boarders have come from Newburgh. He asked the council how we can move forward and further discussions on bringing a skate park here.

Herbek remarked that in his prior job in Westchester County he was involved in the construction of a skate board facility. One of the biggest challenges involved is where to put it. He asked Stevens if they have any recommendations on a location. He suggested that the boarders convene a group of 3-5 persons. He would be available to meet with them and discuss it among his staff.

Stevens commented that the police had designated a place to keep them safe and off the streets. But then people who were not skateboarders showed up, and it generated other conflict. They need roughly 10,000 square feet of space to accommodate the sport.

Carlos Reyes, age 15, stated that the skateboarding scene was low when he left the area several years ago. With the help of social media, that scene has revived. They post videos on *You Tube*. He does not want Newburgh to be known as one of the worst cities in the United States. We do not get recognized for the good that occurs here. Reyes is aware of the safety mechanisms and certain guidelines that have to be put in place before a skate park is established, including the use of waiver forms to inform skaters that they must skateboard at *their own risk*. Without skateboarding he does not know where he would be. They are even looking at the sport as a possible career goal. Some companies have seen them perform, and have reached out to them for endorsement opportunities.

Treasure Jackson, age 15, remarked that skateboarding has helped his life tremendously. It took him away from the violence. It is not just a hobby or a form of exercise. It is a form of art to them. It is something that they *have to do*. They are constantly getting kicked out of the spots that they skateboard at now. It would mean a lot to them if a skate park was built.

Fiona MacMood commented. As a retired NYC police officer, she is no stranger to violence. Her son is a skateboarder and she has been considering leaving Newburgh due to high property taxes. Newburgh has a very bad name for a lot of obvious reasons. But there are children and young men and women who are trying to do something good with their lives. We have to give the young people a chance. If you find something for these children to do, then do not just talk about it. Do it! She worked in the morgue for one year during 9/11. You would not even imagine the tragedy she has seen. Before that, she has seen young men and women murdered on the streets of New York City. Give the young people a spot and do whatever you need to do. She would even volunteer her time. We have to help these children, because it is a mess down here.

Cyril MacMood-Williams, age 19, pointed out that he started skateboarding five years ago. The police have stopped him from skating in the streets. But he has nowhere else to go. There was a skate scene not too far away. It was housed in an indoor building. But then it was shut down due to the drugs and violence that permeated that scene. Skateboarding has kept him out of trouble. He is not a teen parent and he is staying in school. His skateboard buddies are his best friends. They are like a second family.

Roxie Royal commented that tonight her prayers have been answered. She is extremely happy to see these young men. She has been talking about the need for a skate park for over a year now. She has seen them skating in the streets. There are young people fighting and killing each other for lack of

recreation in our city. She told the youth that she is going to continue praying for them until we get a skate park here.

Brenda McPhail told the young people not to worry about it. She is standing by them. They are going to get that skate park if she has to hoot and holler until they get it. She stated that if we want to do a fundraiser, then here is our first fundraiser. If we fundraise she is going to ask each person in Newburgh to donate one dollar. Next, she asked if the public is going to be addressed by the entire city council tomorrow evening. Is it about accomplishments in the City? Or is it about the things that we plan to accomplish? Third, she stated that we will never get the revenue we seek if we continue to let people from out-of-town buy up all of these buildings. When persons pass away we are unable to go after their relatives because they live out-of-town. That is why we have so many abandoned buildings in the city. It is not just the citizens' fault. Accountability goes across the board. We have to find ways to keep the money within our city.

Stephen Auffredou commented that he appreciates the work that the council does. But sometimes the council needs to limit themselves to three minutes, like they do for public commentary. Auffredou quoted some comments that an individual made, in which he deemed as being inappropriate. Comments that were made about the methadone clinic came out in a negative tone, and an apology should be forthcoming for all statements. Auffredou stated that the methadone clinic is a great facility. He said, "*Those people are actually functioning in this society... so don't ever look down on the methadone clinic, especially the one in Newburgh.*" Also he stated that when any reference is made to the word *gentrification*, make sure that you clarify what you are saying. Otherwise we think we are the ones being excluded. He urged the council members to be very careful about what they say when they are sitting at the table.

There being no one else wishing to speak, this portion of the meeting was closed.

FURTHER COMMENTS FROM THE COUNCIL

Councilwoman Angelo asked the youth if they knew the dimensions of the area of the skate park. She mentioned that there is a piece of property along South William Street where Eckerd's Pharmacy was located. She does not know if this area could be utilized. Perhaps the City Engineer could check into it. Also she asked the young men if they are interested in building a Soapbox Derby. We used to have a derby race in Newburgh when she first sat on the City Council. She knows someone who is willing to work with the youth if they are interested in building one. That would be some ride coming down Broadway from Dubois Street.

Second, she pointed out that she was upset about the article in the Mid-Hudson Times. She hopes that the word *We* is used rather than the word *I* at the State of the City Address tomorrow night. Five members represent this city, and sometimes we get off the beam a little. It should not be that way.

Councilman Dillard stated that this has been a very rewarding meeting. It is the first of its kind since he has been on the council. We had an excellent performance by the Newburgh Performing Arts Academy. Also we had a group of young men and ladies come forward to speak before the podium. This is Power. We have always heard the saying: The Youth are Our Future! This has been demonstrated here tonight. He pointed out that he has known Wyatt Stevens since he was a baby. And his grandfather was his best friend. Dillard is extremely proud of Stevens and his colleagues. There is something within these young men that spells *S-U-C-C-E-S-S*, and it shows on their faces. He urged them to continue the good work that they are doing and to look forward, not backward.

Councilwoman Lee remarked that she spoke out against the hypodermic needle program. But she is only one person on the council. She stated that if anyone thinks they would like to see that program come into fruition, then let's get a resolution on the table and see where it goes. She has not wavered in her beliefs. She does not like heroine, she does not like the way it has made our community look, and she does not like the fact that many African-Americans have abused the drug. With that said she is so thankful that the young people have come here tonight to ask the council for something positive other than a hypodermic needle program or some other way to stronghold this community into poverty. She has never heard some of the same people who spoke tonight address the poverty, the poor living conditions of some in Newburgh or the lack of recreation for the youth. But to come here and push for a hypodermic needle program is, by far, egregious,

disgusting and despicable. She stated that she is tired of people placing the bulls-eye on her solely. She is only one of five members of the council. If you want something to pass, have it put in resolution format.

Second, perhaps the park in back of the Activities Center would be a good location for a skateboard park. She knows that some work needs to be done first. She appreciates the youth coming here and asking for something positive. It would just break her heart if she discovered that someone asked them if they would like a *syringe*. She pointed out that the reality is that: *Drugs Starts Somewhere!* She mentioned that the Office of Planning and Development has considered buying property for a skate park. She would certainly support the effort if it is brought before her.

Mayor Kennedy remarked. She was overjoyed to see the dancers perform. She felt like getting up and dancing with the young ladies. She pointed out the respectability of the young people at tonight's meeting. She invited them to come back and participate in City Government anytime. She appreciated the fact that they appointed a spokesperson. Kennedy complimented them for formulating a well-prepared and a good argument to address the need for a skate park. She encouraged them to let other young people know that they can come and participate. It is with this type of energy that we are trying to move the city forward. She reaffirmed to everybody that the State of the City address is not about her. It is about the city's accomplishments. She is only one person, and nothing would get done if it was left all up to her. She recognizes the efforts that *everybody* is making.

Next, she hopes to get the resolution moving on the Newburgh Illuminated Festival. The team is working forward on the event. There is a list of activities planned for the June event, including a concert and motorcycle ride. She announced that if anyone has any ideas for what they would like to see occur that weekend, then let her know because they are open to ideas and suggestions. She felt that this has been a good council meeting. She appreciated the community input this evening.

This portion of the meeting was closed.

ADJOURNMENT

There being no further business to come before the council, the meeting adjourned at 8:40 P.M.

Respectfully Submitted,

**KATRINA COTTEN
DEPUTY CITY CLERK**

RESOLUTION NO.: 36 -2013

OF

MARCH 11, 2013

A RESOLUTION TO SPONSOR THE
NEWBURGH ILLUMINATED EVENT

WHEREAS, the Newburgh Illuminated Festival will be held in June 2013; and

WHEREAS, the Newburgh Illuminated Festival is an event designed to celebrate the rich history of the City as well as the great cultural diversity, to bring city residents together in celebration, to "illuminate" and market the great assets of the City, to bring new people into the City thus resulting in increased tourism, new business and positive regional perception, and

WHEREAS, this City Council finds that supporting the Newburgh Illuminated Festival as a City-sponsored event is in the best interests of the residents of the City of Newburgh. And that Festival organizers and city departments such as the Department of Public Works and the Police Department working in partnership creates the greatest opportunity for success and

WHEREAS, the organizers of the Newburgh Illuminated Festival have requested that the City Council support the Festival as a City-sponsored event; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York hereby supports and sponsors the Newburgh Illuminated Festival as a City-sponsored event and that such sponsorship be limited to providing insurance coverage for the event and the use of the City's Federal tax identification number for the purposes of applying for grant funds to support the event unless additional support is specifically approved by the Council members.

City of Newburgh Newburgh Illuminated (Festival) Sponsorship Opportunities

(what's bolded for one package is what is NOT in the package below)

The Concert Spotlights: \$10,000

1. Company logo/name associated with the main stage
2. Company banner displayed prominently within the stage area and up to two additional banners in high traffic viewing areas, furnished by company
3. Company logo/name on event map
4. Company logo/name on Newburgh Illuminated Festival website & social networking sites which has capacity to reach every resident & business in City of Newburgh (approx. 10,000 households & businesses)
5. Company promotional announcements from the stage during the event
6. Event flyer featuring company logo/name reaching more than 12,000 NECSD students
7. Company logo/name featured in a full page color ad in event program, distributed to anticipated audience of 5,000 attendees
8. Company logo/name prominently featured in print, radio, web and magazine advertising
9. 10 x 10 space for company's booth at Festival in prime spot (sponsor to bring their own table & chairs)

Flame Sponsor: \$5,000

1. Company banner displayed within the stage area and up to two additional banners in high traffic viewing areas
2. Company logo/name on event map
3. Company logo/name on Newburgh Illuminated Festival website & social networking sites which has capacity to reach every resident & business in City of Newburgh (approx. 10,000 households & businesses)
4. Event flyer featuring company logo/name reaching more than 12,000 NECSD students
5. Company logo/name featured in a half-page black & white ad in event program, distributed to anticipated audience of 5,000 attendees
6. Company logo/name featured in print, radio, web and magazine advertising
7. 10 x 10 space for company's booth at Festival (sponsor to bring their own table & chairs)

Sparkler Sponsor: \$ 2,500

1. Up to two Company banner(s) displayed in high traffic viewing areas
2. Event flyer featuring company logo/name reaching more than 12,000 NECSD students
3. Company logo/name featured in a quarter page black & white ad in event program, distributed to anticipated audience of 5,000 attendees
4. Company logo/name on Newburgh Illuminated Festival website & social networking sites which has capacity to reach every resident & business in City of Newburgh (approx. 10,000 households & businesses)
5. 10 x 10 space for company's booth at Festival (sponsor to bring their own table & chairs)

Limelight Sponsor: \$1,500

1. Event flyer featuring company logo/name reaching more than 12,000 City of Newburgh students
2. Company logo/name featured in a quarter page black & white ad in event program, distributed to anticipated audience of 5,000 attendees
3. Company logo/name on Newburgh Illuminated Festival website & social networking sites which has capacity to reach every resident & business in City of Newburgh (approx. 10,000 households & businesses)
4. 10 x 10 space for company's booth at Festival (sponsor to bring their own table & chairs)

Incandescent Sponsor: \$1,000

1. Company logo/name featured in a 1/4 page black & white ad in event program, distributed to anticipated audience of 5,000 attendees
2. Company logo/name on Newburgh Illuminated Festival website & social networking sites which has capacity to reach every resident & business in City of Newburgh (approx. 10,000 households & businesses)
3. 10 x 10 space for company's booth at Festival (sponsor to bring their own table & chairs)

Brightener Vendor Booth Sponsor: \$500

1. Company name listed in event program, distributed to anticipated audience of 5,000 attendees
2. 10 x 10 space for company's booth at Festival (sponsor to bring their own table & chairs)

Shimmer Sponsor: \$ 250

1. Company logo/name on Newburgh Illuminated Festival website & social networking sites which has capacity to reach every resident & business in City of Newburgh (approx. 10,000 households & businesses)
2. Ad sized 1/8 page featured in event program distributed to an anticipated audience of 5,000 attendees

PLEASE NOTE:

1. All logos must be provided high resolution.
2. All banners are to be furnished by company.
3. Company booths will be located in central spot (TBD) on Saturday of festival weekend.
4. Deadline for all logos/ads is April 30, 2013
5. Payment is due on or before April 15, 2013.

For more information, contact either June Henley via phone at 845-629-8676 or email at enriv@safe-harbors.org.