

A regular meeting of the City Council of the City of Newburgh was held on Monday, January 9, 2012 at 7:00 P.M. in the Council Chambers at City Hall, 3rd Floor, 83 Broadway, Newburgh, New York 12550.

The Prayer was led by Reverend Brock and the Pledge of Allegiance was led by Councilwoman Angelo.

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

Councilwoman Angelo moved and Councilwoman Lee seconded that the minutes of the regular meeting of December 12, 2011 be approved.

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

CARRIED

Councilwoman Angelo moved and Councilwoman Lee seconded that the minutes of the special meeting of December 20, 2011 be approved.

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

CARRIED

COMMUNICATIONS

Councilwoman Angelo moved and Councilwoman Lee seconded that the Summons & Amended Complaint and Notice of Claim be referred to Corporation Counsel with power to act.

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

CARRIED

ANNOUNCEMENT

Mayor Kennedy announced that there will be several Martin Luther King celebrations going on in the City of Newburgh. One will be on Sunday, January 15th sponsored by the Christian Ministerial Fellowship at 5:00 P.M. at the Baptist Temple Church on William Street. On Monday, January 16th the Black History Committee will sponsor another celebration at New Hope Baptist Church, 20 Mill Street she believes at 9:00 A.M. She also announced that on Thursday, January 26th the Citizens Advisory Committee will hold their meeting at 7:00 P.M. at the Activity Center to start the process of creating the new Wards in Newburgh and at the same time the Community Action Teams will be meeting at the Unity Center.

COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

There were no comments.

COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

There were no comments.

CITY MANAGER

Acting City Manager, Richard Herbek announced that the City will be holding a Christmas Tree Recycling Event on Saturday, January 14th from 11:00 A.M. to 2:00 P.M. at the Downing Park Greenhouses on Carpenter Avenue. He also noted some positive news about the Newburgh Brewing Company. He took a tour with the President of the company, Paul Halayko, which was very impressive. This Brewery will be right in the heart of the City directly behind Washington's Headquarters and they are making an overall investment in the City of 3.3 million dollars. The Principals of the Newburgh Brewing Company are Christopher Basso and Paul Halayko who are both from Washingtonville. This company will be both a production facility kegging beer and distributing to bars and restaurants in the Hudson Valley region as well as New York City and Long Island. They will also feature a public tap room for visitors which will be open on Fridays, Saturdays and Sundays. He believes that this will bring increased tourism to Newburgh as Microbreweries are a strong stimulus to local economies throughout the Country. The Newburgh Brewing Company has a strong commitment to encouraging local businesses through partnerships with local farmers and local charitable organizations such as Habitat for Humanity. They have already had somewhat of a positive economic impact on the community as there are a number of local firms that have been involved in the process already. He also noted Motorcyclepedia which was featured in the New York Times. This is an eighty five thousand square foot motorcycle museum located in the former Miron building at 250 Lake Street. The owners are Gerald and Ted Doering who are long time area residents and they have a unique collection of more than four hundred motorcycles assembled over several decades including the historic Indian. The Doering's also own Ted's Cycles in the former Finkelstein Law Offices at the corner of North Plank Road and Route 9W as well as another property on Scobie Drive. Their business brings tourists to the City of Newburgh who eat, shop and explore other parts of the City. The Doreing's also are known for their community involvement including the 911 Tenth Anniversary ride to the World Trade Center. The Railroad Playhouse and Pizza Shop was also featured in the New York Times. This was a long abandoned historic property which was the former West Shore Train Station. It was rehabbed by local developer, Ray Yannone, and it is now occupied by the Railroad Playhouse and Pizza Shop which is gaining in popularity. These businesses are breathing new life into the City of Newburgh and creating much needed positive interest. They would like the word to get out that Newburgh is open for business and they are looking for a lot more of this kind of economic development activity.

RESOLUTION NO.: 1 - 2012
OF
JANUARY 9, 2012

**A RESOLUTION AUTHORIZING ACCEPTANCE OF THE
N.Y.S. ARCHIVES FOR A LOCAL GOVERNMENT RECORDS
MANAGEMENT IMPROVEMENT FUND (LGRMIF) GRANT
IN THE AMOUNT OF \$10,000.00 FOR THE PURPOSE OF PREPARING
A RECORDS EMERGENCY/DISASTER MANAGEMENT PLAN**

WHEREAS, the City has demonstrated its commitment to the protection and management of its extensive active and inactive municipal records dating back to the late 1700's through numerous prior grants and initiatives, as well as in the City's annual Records Management and G.I.S. budgets; and

WHEREAS, the City is committed to protecting its records and providing back-up to its departments in order to provide as little interruption to services to the public in the case of an emergency or disaster; and

WHEREAS, the City has adopted a City Emergency Management Plan in June 2008 which acknowledges the need for said Records Emergency/Disaster Management to be integrated into it; and

WHEREAS, N.Y.S. Archives provides a grant for the preparing of a Records Emergency/Disaster Management Plan through the Local Government Records Management Improvement Fund (LGRMIF); and

WHEREAS, this grant does not require a match; and

WHEREAS, the grant was awarded to the City in November 2011;

NOW, THEREFORE, BE IT RESOLVED, that the City Manager be hereby authorized to accept said grant from the N.Y.S. Archives Local Government Records Management Improvement Fund in the amount of \$10,000.00 for the purpose of preparing a Records Emergency/Disaster Management Plan, and execute an agreement with N.Y.S. Archives.

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

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

ADOPTED

RESOLUTION NO.: 2 - 2012

OF

JANUARY 9, 2012

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER
INTO AN AGREEMENT WITH THE HUMANE SOCIETY OF
MIDDLETOWN TO CARE FOR DOGS AND CATS IN THE CUSTODY OF
THE CITY OF NEWBURGH**

WHEREAS, as mandated by New York State law, the Animal Control Unit must have caregivers for the dogs and cats taken into the custody of the City of Newburgh; and

WHEREAS, the Humane Society of Middletown has been willing to undertake such care in compliance with the Agricultural and Markets Law of the State of New York; and

WHEREAS, this Council has determined that entering into the annexed agreement is in the best interests of the City of Newburgh, its citizens and the animals alike;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into an agreement with the Humane Society of Middletown, and upon such other terms and conditions as shall be satisfactory to the Corporation Counsel, to care for the dogs and cats in the custody of the City of Newburgh.

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

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

ADOPTED

2-12

Humane Society of Middletown
142 Bloomingburg Road
Middletown, NY 10940
(845) 361-1861
Fax (845) 361-5881

Agreement between the City of Newburgh and the Humane Society of Middletown, Inc. for the period beginning January 1, 2012 ending December 31, 2012.

The Humane Society of Middletown, Inc. agrees to accept any dog brought to our shelter by your Animal Control Officer (ACO), or Dog Control Officer (DCO), from your municipality space permitting.

The dogs, in accordance with New York State Agricultural law, must be held for the legal holding period, after which they may be put up for adoption if not claimed by the owner. If said dogs are not claimed or adopted, they may be humanely euthanized.

If the Shelter must hold a dog beyond the legal holding time for your municipality because of a pending court case, bite case, etc., we will charge your municipality \$25.00 per diem, per dog. We can only hold up to three (3) animals for your municipality when the animals are seized by an ACO/DCO in the event of a cruelty case.

When leaving a dog That the DCO/ACO believes may be dangerous, the dog must be kept in the outside only part of the ACO/DCO pen and follow the agreed upon protocol. Written information must be given to the shelter or the shelter manager that clearly communicates that the animal may be dangerous.

Since we do not have a veterinarian on premises, we are unable to accept any animal with suspected mange, rabies, distemper, parvovirus or an injury that requires immediate medical attention. These animals will have to be taken to a veterinarian by your ACO/DCO for treatment or euthanasia. Any resulting bills for these animals will be paid directly to the veterinarian by your Town/City.

If the Humane Society assists your municipality due to the unavailability of your animal control officer or police department, your municipality will be billed and additional fee of \$100.00.

The municipality will pay a fee of \$225.00 per dog delivered to the Society.
The municipality will pay a fee of \$40.00 per cat delivered to the Society.
A flat rate of \$50.00 will be charged for each dog delivered DOA.
A flat rate of \$25.00 will be charged for each cat delivered DOA.

The Humane Society will send out vouchers once a month. A record of the disposition of the dogs from the prior month will be sent out by the end of the month.

<i>April S. Wood</i>	<i>12.23.11</i>		
Shelter Manager	Date	Municipality Supervisor	Date

RESOLUTION NO.: 3 - 2011

OF

JANUARY 9, 2012

**A RESOLUTION AMENDING THE 2012 PERSONNEL ANALYSIS BOOK
FOR THE CITY OF NEWBURGH, NEW YORK
FOR THE PURPOSE OF CHANGING FOUR PART-TIME
PARKING ENFORCEMENT OFFICER POSITIONS
TO TWO FULL-TIME PARKING ENFORCEMENT OFFICER POSITIONS**

BE IT RESOLVED, by the Council of the City of Newburgh, New York that upon the recommendations of the City Manager, the 2012 Personnel Analysis Book for the City of Newburgh be amended to provide for four part-time parking enforcement officer positions to two full-time parking enforcement officer positions under Budget Code A3320, On Street Parking.

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

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

ADOPTED

RESOLUTION NO.: 4 - 2012

OF

JANUARY 9, 2012

**A RESOLUTION ADOPTING
RULES OF ORDER AND PROCEDURE
FOR THE COUNCIL OF THE CITY OF NEWBURGH
FOR THE YEAR 2012**

BE IT RESOLVED, that the Council of the City of Newburgh, New York adopts for use during the year 2012 the Rules of Conduct and Procedure: By Laws, a copy of which is attached hereto and made a part of this Resolution; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

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

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

ADOPTED

**City of Newburgh City Council
Rules of Order and Procedure**

Rule I: General Rules of Procedure

A. The presiding officer shall preserve order and decorum and shall decide questions of order, subject to an appeal by motion to the City Council; the appeal to be taken without debate. The presiding officer may, if (s)he so desires, present motions and resolutions to the City Council, and (s)he may debate on any question which is being considered by it.

B. When a question is under consideration, no motion shall be entertained except as herein specified, which shall have precedence in the following order:

1. Motion for clarification, or to request reversal of ruling of the presiding officer, or limiting or extending discussion;
2. Recess the session;
3. Lay on table;
4. Postpone to a meeting of a certain date;
5. Refer to work session;
6. Amend;
7. Call the previous question, to be asked as follows: "Shall the main question be put now?" If answered in the negative, the main question remains before the Council.

C. A motion to lay a question on the table shall be decided without amendment or debate, and a motion to postpone shall be decided without debate.

D. A motion to adjourn shall always be in order and shall be decided without debate.

E. Every member desiring to speak shall address the presiding officer. All council members shall confine him/herself to the question under debate and avoid personalities. A member once recognized shall not be interrupted when speaking.

F. No question or motion shall be debated or put, unless it is seconded. It shall then be stated by the presiding officer.

G. A motion to reconsider any action taken by the Council may be made on the day such action was taken, either immediately during the session or at a recessed or adjourned session. Such motion must be made by a member on the prevailing side, but may be seconded by any member. The motion is subject to debate. This rule shall not prevent any member of the Council from making or re-making the same or any other motion at a subsequent meeting of the Council.

H. No member of the Council shall by conversation or otherwise delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to comply with these rules, or the orders of its presiding officer. The Presiding Officer, subject to appeal by motion to the Council, may direct a member who is acting in violation of this section to leave the meeting or call for a recess or adjournment.

I. As the sergeant-at-arms of the meetings, the Police Chief shall carry out all order and instructions given by the presiding officer, for the purpose of maintaining order and decorum at the meetings, subject to an appeal by motion, to the Council.

J. Any motion may be withdrawn by the maker before it has been amended or voted upon, but in such case any other member may renew the motion at that time.

Rule II. Order of Business

A. The Order of Business shall be in conformity with section 20-3 of the Code of Ordinances.

B. The Order of Business may be departed from by majority vote of the members present.

Rule III. Voting

A. The order of voting shall be by alphabetical order of the last name of each Council member with the Mayor voting last.

B. All votes shall be by roll call. It shall be the duty of the City Clerk to enter on the minutes the names of the members voting for or against the question. Once a question has been put and the vote is being taken, the members of the Council shall confine themselves to voting and shall not resume discussion or make further comments on the question.

C. Every resolution or motion must be seconded before being put to a vote. An abstention, silence or absence shall be considered a negative vote for the purposes of determining the final vote on a matter.

D. No resolution, ordinance or local law may be introduced at a meeting unless the resolution, ordinance or local law has been considered at a work session of the Council prior to the Council meeting or is listed on the written agenda for said meeting. Notwithstanding the foregoing, by majority vote, an item not discussed at work session or appearing on the written agenda may be introduced, considered, and voted upon.

Rule IV. Executive Session

Whenever the Council shall determine to transact business in an executive session, it shall do so in accordance with the provisions of Open Meetings Law. All executive sessions shall be commenced at the public meeting. Proposals, discussions, statements and transactions in executive session are intended to be and shall be held and maintained in confidence and shall not be disclosed. The presiding officer shall direct all persons except members and designated officers and employees of the City to withdraw.

Rule V. Participation of City Manager and Staff

The City Manager shall be permitted to address the Council and participate in discussions. Heads of Departments shall be permitted to address the Council. Any other City officer or employee shall be permitted to address the Council with permission of the presiding officer, subject to an appeal by motion to the City Council, the appeal to be taken without debate.

Rule VI. Suspension of the Rules

In order to hear persons other than members of the City Council, the Mayor, and members of City staff, it shall be necessary to pass a motion suspending the rules of order. A motion to suspend the rules may be made at any time during the meeting and shall be decided without debate. Any such person speaking shall confine himself-herself to the subject and shall spend not longer than three (3) minutes, unless the time is extended by the presiding officer. This rule shall not apply to public hearings.

Rule VII. Guidelines for Public Comment

- A. The public shall be allowed to speak only during the Public Comment periods of the meeting or at such other time as the presiding officer may allow, subject to appeal by motion to the Council.
- B. Speakers must adhere to the following guidelines:
 - 1. Speakers must be recognized by the presiding officer.
 - 2. Speakers must step to the front of the room.
 - 3. Speakers must give their name, address and organization, if any.
 - 4. Speakers must limit their remarks to 3 minutes on a given topic. The City Clerk shall keep a record of the time and shall inform the presiding officer when the 3 minutes has expired.
 - 5. Speakers may not yield any remaining time they may have to another speaker.

6. Council members may, with the permission of the presiding officer, , interrupt a speaker during their remarks, but only for the purpose of clarification or information.
 7. All remarks shall be addressed to the Council as a body and not to any specific member or to staff.
 8. Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste. No profanities shall be used. No personal, slanderous, boisterous remarks shall be made. Council members, the Mayor and staff shall be treated with respect. The presiding officer, subject to appeal by motion to the Council, or the Council, may, by majority vote, request that the presiding officer direct that a speaker violating this provision or any other rule yield the floor and in the event the speaker fails to obey, (s)he may be escorted from the meeting by the sergeant-in-arms.
 9. Interested parties or their representatives may address the Council by written communications. Written communications shall be delivered to the Clerk or their designee. Speakers may read written communications verbatim.
- C. Members of the public not speaking shall observe commonly accepted rules of courtesy and decorum. They shall not annoy or harass others or speak when another speaker is being heard by the Council.

Rule VIII. Use of Recording Equipment

All members of the public and all public officials are allowed to audio or video record public meetings. Recording is not allowed during executive sessions. The recording should be done in a manner which does not interfere with the meeting. The presiding officer, subject to appeal by motion to the Council, may make the determination that the recording is being done in an intrusive manner, taking into consideration, but not limited to, brightness of lights, distance from the deliberations of the Council, size of the equipment, and the ability of the public to still participate in the meeting. If the presiding officer makes the determination that the recording is intrusive and has the effect of interfering with the meeting, (s)he may request an accommodation to avoid the interference and if not complied with, may ask the individual to leave the meeting room.

Rule IX. Rules for Public Hearings

The following rules shall apply to a legally required public hearing held before the City Council:

- (a) Speakers shall register in writing prior to the beginning of the hearing by providing their name, address, and organization, if any. Individuals arriving after the commencement of the hearing shall be permitted to register upon arrival as long as the Chairperson has not closed the hearing.

(b) The Presiding Officer shall recognize each speaker, in the order registered, when the hearing is commenced. Speakers shall identify themselves, their address and organization, if any, prior to the remarks.

(c) Speakers must limit their remarks to five (5) minutes. Remarks shall be addressed only to the hearing issues. Speakers may not yield any remaining time they may have to another speaker. The City Clerk shall time speakers and advise the presiding officer when the time has expired.

(d) All remarks shall be addressed to the Council as a body and not to any individual member thereof.

(e) Speakers shall observe the commonly accepted rules of courtesy, decency, dignity and good taste. Any loud, boisterous individual shall be asked to leave by the Presiding Officer and may be removed at the request of the Presiding Officer, subject to appeal by motion to the Council. Speakers addressing issues outside the scope of the hearing shall be asked to cease their comments.

(f) Interested parties may address the Council by written communication. The statements may be read at the hearing, but shall be provided to all Council members and entered in the minutes of the hearing by the City Clerk.

(g) The City Clerk shall include in the minutes of the hearing the name, address and organization, if any, of each speaker, a summary of the remarks, and written statements submitted to the Council.

Rule X. Work Sessions

There shall be regular work sessions of the Council to be held each Thursday preceding a Monday evening Council meeting. The work sessions shall be held at 6:00 p.m. in City Hall, 83 Broadway, Third Floor Council Chambers, unless the Council by majority vote cancels or changes the time or place of such session. The Rules IV, V, VI, and VIII of the Rules of Order of the Council shall apply to all work sessions.

Rule XI. Robert's Rules of Order

In the event any question in procedure shall arise that is not provided for by these rules, then, in that event, Robert's Rules of Order, Newly Revised, 10th Edition, shall be followed.

Rule XII. Adoption of Ordinances

Provided the proposed adoption of an ordinance has been placed on an agenda for a meeting of the Council at which the public is afforded the opportunity to comment on

agenda items before Council action, a formal public hearing will not be conducted prior to the adoption of such ordinance, unless otherwise required by federal, state, or local law, ordinance, rule or regulation.

This rule shall not be construed to prevent the Council from holding a public hearing on any ordinance at its discretion, provided a majority of the members of the Council in attendance at a meeting, upon a motion or resolution duly introduced, vote to conduct such public hearing.

Date Adopted: May 14, 2001

Amended: February 25, 2002 (Rule XII added)

RESOLUTION NO.: 5 - 2012

OF

JANUARY 9, 2012

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE
AND ENTER INTO A CONTRACT WITH McVAC ENVIRONMENTAL
SERVICES, INC. AND AMENDING RESOLUTION NO: 238-2011, THE 2012
BUDGET FOR THE CITY OF NEWBURGH, NEW YORK
FOR THE NORTH INTERCEPTOR SEWER MAIN CLEANING PROJECT**

WHEREAS, the North Interceptor Trunk Sewer conveys sewer flows from the City of Newburgh's Combined Sewer System to the City's Waste Water Treatment Facility; and

WHEREAS, the sewer flows transmitted via this pipe constitute approximately forty (40%) percent of the City's daily sewer flows; and

WHEREAS, the accumulation of grit and solids within the pipeline have significantly reduced the capacity of the pipeline, and the reduced capacity has led to sewer backups resulting in discharges of raw sewage to city streets; and

WHEREAS, the discharge of raw sewage waste is a threat to the health and safety of the City's residents as well as an environmental threat to the Hudson River;

WHEREAS, these discharges could subject the City to violations of its New York State SPDES Permit which regulates the treatment and discharge of the City's sanitary and storm waste; and

WHEREAS, the cost for such project shall be an amount not to exceed Three Hundred Fifty Thousand and 00/100 (\$350,000.00) Dollars; and

WHEREAS, this Council has determined that negotiating and entering into an agreement with McVac Environmental Services, Inc. is in the best interests of the City of Newburgh and its residents;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh hereby declares that the raw sewage discharge creates an

emergency condition under Section 103(4) of the New York State General Municipal Law; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to negotiate and enter into a contract with a McVac Environmental Services, Inc. for the North Interceptor Sewer Main Cleaning Project in an amount not to exceed \$350,000.00 in order to alleviate the overflow condition which currently threatens the health and safety of the City's residents; and

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

	<u>Decrease</u>	<u>Increase</u>
Sewer Fund		
Appropriated Fund Balance		
G.0000.0599.1000	\$350,000.00	
 Sewer Fund		
Maintenance & Supplies		
G.8120.0415		\$350,000.00

Councilman Dillard feels that at the Work Session they sort of jumped the gun on this. In order to bring this resolution properly into effect, he suggested that the Council receive the necessary paperwork. They have not received any paperwork in terms of bids and so forth and he feels that this should have gone out to bid. He realizes that the Engineer and Corporation Counsel indicated that this is an emergency situation and that they could follow through with this but he is not comfortable with that. In order to spend \$350,000.00 he will have to see the paperwork. He just drove past there and didn't see any water, not to say that it won't be there on Wednesday, but it is not there now.

City Engineer, Craig Marti, asked Councilman Dillard if he checked the manhole north of Colden Street in the weeded area that has been overflowing in dry weather behind the sidewalk and into the catch basin. It is no longer flowing down the roadway but there has been a continued overflow there. In regard to the paperwork he said that he can provide that. The Council can delay this until the next meeting and do this as an emergency situation but if they choose to go out to bid he would prefer that they make that decision immediately as it will add a month and a half to the selection process. The

recommendation of an emergency basis was basically because of the potential health and safety factor of raw sewage and public contact with that as well as potential violations of our permit which would subject us to fines on a daily basis from the DEC.

Councilman Brown said that he is still not comfortable with this. That sewage has been running down that street for well over a year and before he decides to spend the residents \$350,000.00 he would like to see if there is something else out there for a little bit less.

Councilwoman Angelo said that she is in favor of tabling this resolution.

Mayor Kennedy said that she also agrees that this sewage has been a problem for at least a year or maybe longer. She knows that the line is clogged and that it is not healthy but it has been going on for a long time so she is not sure if this is any more of an emergency today than we had two months ago. This is a lot of money so she is also in favor of getting an RFP.

Acting City Manager, Richard Herbek, said that they have two choices. One is to do the emergency tonight or at a future meeting or put it out to public bid. They would have to develop specifications and go through a public bidding process. This was brought to their attention by previous City Council as being an extremely problematic situation. If it is the consensus of the Council that they bid then they will try to do that fairly quickly but it will take a longer period of time to get that accomplished.

Mayor Kennedy said that given the amount of money and the fact that this has been going on for a long time already, we should put it out to bid.

Councilman Brown moved and Councilwoman Lee seconded that the resolution be tabled.

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

TABLED

PUBLIC COMMENTS

A City of Newburgh resident said that on the Advisory Committee for the redistricting she knows that Mayor Kennedy has a date set up but she would like to ask that they postpone or reschedule that. She believes that every resident in this City needs to be at that meeting because of the changes that are going to take place. She asked the Mayor to please reschedule them for a later date.

Mayor Kennedy noted that they are both critical meetings and she thinks that there is enough time to work it out.

Jane Johnston, 16 Farrell Street, submitted and read the attached petition for the termination of Newburgh IDA members Spencer Gulliver and Jerry Maldonado. (copies attached)

Barbara Smith, Powell Avenue, explained that the purpose of the Citizens Advisory Committee is to group and garner any request from the people in writing so that they can pass on to the City Council the selection of the people to be on the Redistricting Committee. She thought a lot about the extension of hours at the Delano-Hitch Pool with regard to swimming lessons and she remembers that there used to be a pool at the YWCA which is now part of Glenn Hines. Why don't we ask people to pay forward some of the gifts that were given to them through CDBG or other funding that was bestowed upon them by the County or the State? Is it wrong to go to Glenn Hines because they have a pool there that is not operating and ask them what it would take to get it up and running and how much money have we given them already for this particular function. Why can't we work together and not just wait for summer time to teach our children to swim. With regard to parking she said that whatever decision they make to keep in mind that there are probably a lot of residents that would be happy to go to City Hall and pay a yearly fee for parking so residential and non-residential parking stickers are very important.

Brian Denniston, Chairman of the Citizens Advisory Committee, said that in the beginning he was actually opposed to the new Wards system until the Charter Review Commission attended their October meeting and he wanted to thank MaryAnn Prokosch, Barbara Smith, Charles Woodard, Brigidanne Flynn and Pauline Dillard. His name has been on the Newburgh website for over a year now and he had only received one phone call but a Press release went out and this past week has been phenomenal with phone calls. He is happy to say that we have two openings on the Citizens Advisory Committee in Ward 2 District 2 and Ward 7 Districts 2 and 3. Their next

meeting will be on the 26th starting at 7:00 P.M. at the Activity Center on Washington Street. He noted that you don't have to join to attend because attendance is appreciated and welcome.

MaryAnn Prokosch, City of Newburgh, said that she hopes there would be some type of Press Release in the paper stating that we are looking for people to be on the Districting Commission. She thinks that letters should be addressed to the Citizens Advisory Committee here at City Hall so that they can be logged in and then forwarded to the Committee. Maybe they should also be copied to the City Council so that they could have advance notice of the names going in. The Citizens Advisory Committee is basically just looking at these applications and checking them for age and to make sure that they are not elected officials before forwarding them on to the City Council.

Michelle Kelson, Corporation Counsel, said that she plans to attend the Citizens Advisory Committee on the 26th to give everyone a brief overview on the Redistricting Committee and what the Citizens Advisory Commission's roll will be in that. There will be plenty of information and if anyone has any questions they can get in touch with her.

Brenda McPhail, Varick Homes, said that we have a whole lot of Committees that don't have a lot of Newburgh residents on them. She would like to see that change. A lot of these people are the same faces over and over again which is why we keep getting the same results. We need new faces to get new changes. With the Redistricting Committee we need some knowledgeable people and we need to make sure that it is done correctly so that every district will be represented. They need to make sure that the right people get on this Committee and that they are from the City of Newburgh. We need to stop bringing people in from other places to help figure out our problems. They are our problems so let's fix them.

Susan Smith, City of Newburgh, asked in regard to parking meters if a monthly permit could be purchased for the owners of storefronts on Broadway who need to park there and unload their produce.

Acting City Manager, Richard Herbek, said that the meters are there for people frequenting the offices and businesses. The purpose of the meters is to provide turnover and to prevent people from parking in the same location all day long which takes business away.

Mike Ferrara, Police Chief, added that there are some areas that are loading zones which are fifteen minute parking spots for a truck to load or unload merchandise.

Susan Smith said that the area she is referring to is 106 Broadway and she doesn't believe that there is anything that accommodates a loading zone area for that location so she is asking if there is some way that they can get a permit by the month or year to be parked there all day without having to feed the parking meter.

Acting City Manager, Richard Herbek, said that there is nothing available at the moment but they are going to be taking a look at the whole parking issue and this is certainly something they can add to the list. He added that they have to be careful about making exceptions.

Susan Smith said that it could be for any of the storefronts on Broadway because they will have to park there all day.

Mayor Kennedy said that almost every City has to solve this exact same problem so she suggested that they look into how some other cities do this and see what the options are and come up with what we want to do.

Charles Kimbrough, City of Newburgh, said that he heard the Engineer mention that we could be fined with regard to the sewer main cleaning project and he asked how close we are to these possible fines. How much would they be and would they possibly accumulate to more than what we would pay to just clean it? At the Work Session there was discussion about creating streams of revenue and someone mentioned about selling everything. That would not create a stream of revenue. It may create tax revenue but then we would depend on taxes and if the business goes away we will be in the same spot. If we want to look at revenue streams, we need to look at partnering with private industry where on top of whatever taxes we can get from that business we also receive some form of the profits by getting anchors to come into the City. We don't want to just accumulate money because we want to have a flow or a stream which would have long term effects versus property taxes.

Janet Gianopolous, City of Newburgh, welcomed the new Council Members and noted that at the Work Session she heard that in addition to a Police Blotter where we are made aware of people accused of committing crimes that we can look out for we will also be having some sort of indication of codes problems. Codes are another huge safety issue in the City of Newburgh as we have had several fires recently and we are not sure what caused them. We also are not sure who is registered with the Rental Dwelling Registry. It was also indicated that one of the Council Members has a degree in Economics and she thinks that we need to look at a bigger picture here. It is well and good to look at issue by issue but she thinks it would be good for the Council to gather as a group for a public forum to look at some of the aspects.

For example, if we graduate only 70% of our young people in this City and we are paying two hundred million a year, then that is a drain on what we are spending. It also does a disservice to the people who are not graduating because they are not choosing careers and the street may chose them. She thinks it would be important to look at that.

Debra, City of Newburgh, said that she would like to be the first applicant for the Citizens Advisory Committee from Lake Street, ninth Ward, second District.

Brian Denniston, Citizens Advisory Committee, added in response to a comment made earlier about the same people being used over and over again that he has had four new people contact him over the past week. One said that his ward doesn't have a vacancy but he asked to join anyway. They have had new people calling so there is an interest in the Citizens Advisory Committee which he believes is because of the change. This is going to be a great thing for this City and it is getting better.

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

The Newburgh Advocate jane@newburghadvocate.com

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January 9, 2012

Mayor Judy Kennedy
Councilwoman Regina Angelo
Councilman Cedric Brown
Councilman Curlie Dillard
Councilwoman Gay Lee
Corporation Counsel Michelle Kelson
NIDA Chair Joshua Smith

Re: Petition for Termination of Newburgh IDA board members Spencer Gulliver and Jerry Maldonado

Dear Mayor and City Council,

It is your responsibility to appoint the members of the Newburgh Industrial Development Agency Board ("NIDA".) While the NIDA is an independent public authority from the city, it is reasonable to expect that the council and mayor provide a degree of oversight to this agency such that should the agency be acting illegally, improperly, or fail to police its own laws, you take corrective measures.

Two members of the NIDA have had excessive absences for the past two years, but the agency has looked the other way, preferring to do nothing and keep the status quo. In the case of Spencer Gulliver, his absenteeism has been egregious and beyond acceptable. He was absent for 83% of all meetings in 2011, as well as 83% of all meetings in 2010. According to the Attendance Policy of the NIDA's own bylaws, the accepted limit is less than 33% unexcused absences. Jerry Maldonado was absent 33% in 2010 and 50% in 2011.

The NIDA board has declared all of Mr. Gulliver and Mr. Maldonado's absences "excused."

Who can excuse a board member who does not show up for 83% of all meetings? How can this person still be considered a board member?

While I am not a Board Member or City Council member, I hereby request that you petition for these two board members to be terminated from the NIDA board and immediately appoint two replacements who will actually attend the board meetings and carry out their duties responsibly.

Attached are the relevant portions of the bylaws and the 2010 and 2011 attendance chart.

Sincerely yours,



A. Jane Johnston

According to the Bylaws of the City of Newburgh Industrial Development Agency, Article II, Section 1,

Members [of the IDA Board] shall be appointed by the Common Council of the City of Newburgh, New York (the "City") and shall serve at the pleasure of the Common Council.. A Member shall continue to hold office until his or her successor is appointed and qualified.

Additionally, the Bylaws include an Attendance Policy outlined on pages 7-8, Article III, Section 8, paragraph (b):

Attendance Policy: Each member shall be and is hereby required to faithfully and regularly attend the regular and special meetings thereof. As used and defined herein every member shall comply with the following standard for attendance in order to maintain their membership on such body in good standing:

- i. No member shall have accumulated (4) or more unexcused absences amounting to no less than thirty-three (33%) percent of the total number of regularly scheduled and properly-noticed meetings of such body within the preceding twelve (12) month period. For the purposes of this section, the term "unexcused absence" shall mean the failure of such member to attend such a meeting without having received approval of such absence of the presiding officer of such body. Such approval shall be granted upon reasonable grounds and shall not be unreasonably withheld.
- ii. Any member of the City Council, the City Manager and/or any member of the body may petition in writing that a member of such body be terminated as a member for failure to comply with this local law, including this attendance policy. Such petition shall specifically state the grounds including facts and circumstances upon which the request for termination is based. The petition shall be served by mail or in person upon the presiding officer of the body with a copy to the Corporation Counsel of the City of Newburgh. The presiding officer shall ensure that a copy of the petition is sought.
- iii. Upon the filing of such a petition the member whose termination is sought may request a hearing. At such hearing the petitioner and the subject member may testify, produce evidence and witnesses, and examine and cross-examine any witnesses and evidence. The Mayor as presiding officer of the body which is the appointing IDA shall preside at such hearing and shall render a decision as to whether the subject member shall remain on or be terminated from such body.

**Attendance of City of Newburgh Industrial Development Agency
Board Members for 2010 and 2011**

X indicates present

2010-2011	Bedrosian	Curry	Gulliver	Maldonado	O'Shea	Penney	Smith
1/19/10	X				X	X	X
2/23/10	X	X	X	X	X	X	
3/15/10	X	X			X	X	X
4/19/10	X	X		X	X	X	
5/17/10		X	X		X	X	X
6/21/10	X	X			X	X	X
8/03/10	X	X		X	X	X	X
8/16/10	X	X		X	X	X	X
9/1/10	X	X		X	X	X	X
11/1/10	X	X		X	X	X	X
11/15/10	X	X		X	X	X	
12/20/10	X	X		X		X	X
2010 Percent	8%	8%	83%	33%	8%	0%	25%
Absent:							
1/27/11	X	X		X	X	X	X
2/22/11		X	X	X	X	X	X
3/21/11	X				X	X	X
4/18/11		X		X	X	X	X
5/16/11	X	X	X		X	X	X
6/20/11	X	X				X	X
7/18/11	X	X			X	X	X
8/15/11		X			X	X	X
9/19/11	X	X		X		X	
10/17/11	X	X			X	X	X
11/21/11	X	X		X	X	X	X
12/19/11	X	X		X	X	X	X
2010 Percent	25%	9%	83%	50%	17%	0%	8%
Absent:							

COUNCIL COMMENTS

Councilwoman Angelo wished everyone a very Happy New Year and noted that the Memorial Day Parade will be meeting very shortly. The Parade is scheduled for May 28, 2012 and if there is any organization that wants to participate they should contact Ann Kuzmik at City Hall or herself. Applications will be ready in a few weeks and they are going to try to do something different this year by honoring all the returning combat War Veterans and give them a big salute. We want this Parade to be as large as it can be to bring back old Newburgh. Anyone can participate as long as they abide by the rules and regulations of the Parade by being Patriotic and honoring the dead and those who came back from the War.

Councilman Brown said that his learning curve is moving every day so he asked the residents to be patient. He is learning and he will make the right decisions based on what is best for this City.

Councilman Dillard thanked everyone for coming and he asked them to come back because there is a lot of work to be done in this City and the Council can only do it with their help. He asked everyone to come back and participate so that the Council can follow through on their ideas. He hopes to see everyone again at the next Council meeting.

Councilwoman Lee thanked everyone for coming and as Councilman Brown said she is knew and she is learning. She realizes that we need some changes here so they will be learning while they are changing. She hopes that they have the patience and the guidance of everyone because they will need the help to point this City in a better direction. We can all look back and see the mistakes that were made but looking forward she would be interested to know how the residents envision their City in the years to come.

Mayor Kennedy thanked everyone for coming and said that there are new people everywhere who want to participate in this and she received five messages just this morning from people who want to help. There are three new Council members on a pretty steep learning curve right now and they are putting every bit of effort they can in to this. Her first mistake was scheduling a meeting at the same time as the Citizen's Advisory Committee meeting. This is certainly not something she set out to do but almost every day of the week some Committee is meeting somewhere so there are going to be conflicts but she is just going to have to nail it down and go for it. She thanked everyone for passing the word and noted that they will have a big publicity thing on this and get it out as far as the date changes as quickly as she knows how because she wants to support the Citizens Advisory Committee. She thanked

everyone for coming and said that they are looking forward to moving forward.

There being no further business to come before the Council the meeting adjourned at 8:00 p.m.

LORENE VITEK
CITY CLERK