

A regular meeting of the City Council of the City of Newburgh was held on Monday March 9, 2015 at 7:00 P.M. in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

The Prayer was led by Pastor Byron Williams followed by the Pledge of Allegiance.

Present: Mayor Kennedy, presiding; Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Lee, Councilwoman Mejia-6

Absent: Councilwoman Holmes- 1

COMMUNICATIONS

Councilwoman Abrams moved and Councilwoman Angelo seconded that the Minutes of the February 23, 2015 Council Meeting be approved.

Ayes - Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy- 6

CARRIED

CITY MANAGER UPDATE

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

COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

There were no comments at this time.

COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

Councilwoman Angelo feels that the council should have discussed the 'Fees' ordinance at the work session since she only has a draft copy. Also she was looking for the lease agreement with Newburgh Nuclears.

Mayor Kennedy stated that they discussed the ordinance last Thursday. We will discuss it again when we get to the actual agenda item.

Corporation Counsel Michelle Kelson pointed out that she is working on the Newburgh Nuclears agreement now. It will be on the next agenda.

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

RESOLUTION NO.: 39-2015

OF

MARCH 9, 2015

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY
KNOWN AS 72 LANDER STREET (SECTION 23, BLOCK 7, LOT 6),
76 LANDER STREET (SECTION 23, BLOCK 2, LOT 12), 78 LANDER STREET
(SECTION 23, BLOCK 2, LOT 11), 82 LANDER STREET (SECTION 23, BLOCK 2, LOT 9)
AND 84 LANDER STREET (SECTION 23, BLOCK 2, LOT 8) AT PRIVATE SALE
TO JEFFERY MCKEAN D/B/A MCKEAN ARCHITECTURE
FOR THE AMOUNT OF \$20,000.00

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 72 Lander Street, 76 Lander Street, 78 Lander Street, 82 Lander Street and 84 Lander Street , being more accurately described as Section 23, Block 7, Lot 6, and Section 23, Block 2 and Lots 12, 11, 9 and 8, respectively, on the official tax map of the City of Newburgh; and

WHEREAS, the prospective buyer has offered to purchase these properties at private sale; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of the following property to the indicated purchaser be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of the indicated purchase price in money order, good certified or bank check, made payable to THE CITY OF NEWBURGH, such sums are to be paid on or before May 8, 2015, being sixty (60) days from the date of this resolution; and

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>	<u>Purchase Price</u>
72 Lander Street	23 - 7 - 6	Jeffrey McKean	\$5,000.00
76 Lander Street	23 - 2 - 12		\$5,000.00
78 Lander Street	23 - 2 - 11		\$5,000.00
82 Lander Street	23 - 2 - 9		\$5,000.00
84 Lander Street	23 - 2 - 8		

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

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-6

ADOPTED

Terms and Conditions Sale
72 Lander Street, City of Newburgh (23-7-6)
76 Lander Street, City of Newburgh (23-2-12)
78 Lander Street, City of Newburgh (23-2-11)
82 Lander Street, City of Newburgh (23-2-9)
84 Lander Street, City of Newburgh (23-2-8)

STANDARD TERMS:

1. City of Newburgh acquired title to these properties in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title; and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the date of sale.
4. The properties are sold subject to unpaid school taxes for the tax years of 2014 and 2015 County Tax and 2014-2015 School Taxes and any subsequent levies. The purchaser shall reimburse the City for 2014 and 2015 County Taxes and 2014-2015 School Taxes and any subsequent levies. Upon the closing, the properties shall become subject to taxation and apportionment of the 2015 City taxes shall be made as of the date of closing. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
5. **WARNING: FAILURE TO COMPLY WITH THE TERMS OF THIS PARAGRAPH MAY RESULT IN YOUR LOSS OF THE PROPERTY AFTER PURCHASE.** The deed will contain provisions stating that the purchaser is required to rehabilitate any building on the property and bring it into compliance with all State, County and Local standards for occupancy within (18) months of the date of the deed. Within such eighteen (18) month time period the purchaser must either: obtain a Certificate of Occupancy for all buildings on the property; make all buildings granted a Certificate of Occupancy before the date of purchase fit for the use stated in such Certificate of Occupancy; or demolish such buildings. The deed shall require the purchaser to schedule an inspection by City officials at or before the end of the eighteen (18) month period. If the purchaser has not complied with the deed provisions regarding rehabilitation of the property and obtained a Certificate of Occupancy or Certificate of Compliance by that time, then the title to the property shall revert to the City of Newburgh. The deed shall also provide that the property shall not be conveyed to any other person before a Certificate of Occupancy or Certificate of Compliance is issued. A written request made to the City Manager for an extension of the eighteen (18) month rehabilitation period shall be accompanied by a non-refundable fee of \$250.00 per parcel for which a request is submitted. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to rehabilitate of up to, but not to exceed, three (3) months. Any additional request thereafter shall be made in writing and placed before the City Council for their consideration.
6. Notice is hereby given that the property lies within the East End Historic District as designated upon the zoning or tax map. This parcel is being sold subject to all provision of law applicable thereto and

it is the sole responsibility of the purchaser to redevelop such parcel so designated in accordance with same.

7. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date upon which the sale is scheduled to take place. Upon delivery of the quitclaim deed by the City of Newburgh to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.
8. No personal property is included in the sale of any of the parcels owned by City of Newburgh, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the successful purchaser following the closing of sale.
9. The City makes no representation, express or implied, as to the condition of any property, warranty of title, or as to the suitability of any for any particular use or occupancy. Property may contain paint or other similar surface coating material containing lead. Purchaser shall be responsible for the correction of such conditions when required by applicable law. Property also may contain other environmental hazards. Purchaser shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchaser shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Purchaser acknowledges receivership of the pamphlet entitled "Protecting Your Family from Lead in Your Home." Purchaser also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards or mold.
10. The entire purchase price and all closing costs/fees must be paid by money order or guaranteed funds to the City of Newburgh Comptroller's Office on or before May 8, 2015. *The City of Newburgh does not accept credit card payments for the purchase price and closing costs/fees.* **The City is not required to send notice of acceptance or any other notice to a purchaser.** At closing, purchaser, as grantee, may take title as a natural person or as an entity wherein purchaser is an officer or managing member of said entity. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to close title of up to, but not to exceed, sixty (60) additional days. No request shall be entertained unless in writing, stating the reasons therefor, and unless accompanied by a fee of \$250.00 per parcel for which a request is submitted. The fee shall be in addition to all other fees and deposits and shall not be credited against the purchase price and shall not be returnable. Any additional request made thereafter shall be made in writing and placed before the City Council for their consideration.
11. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the successful bidder shall be entitled only to a refund of the purchase money paid with interest. Purchaser agrees that he shall not be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
12. Sale shall be final, absolute and without recourse once title has closed and the deed has been recorded. In no event, shall City of Newburgh be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, his heirs, successors or assigns, against City of Newburgh arising from this sale.
13. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the City acquired title or as corrected up to date of deed. The deed will be recorded by the City upon payment in full of the purchase price, buyer's premium, and closing fees/costs. Possession of property is forbidden until the deed is recorded conveying title to the purchaser. **Title vests upon recording of deed.**
14. Upon closing, the City shall deliver a quitclaim deed conveying all of its right, title and interest in the subject property, which deed shall be drawn by the City Corporation Counsel. The City shall not convey its interest in any street, water, sewer or drainage easement, or any other interest the City may have in the property. The City shall only convey that interest obtained by the City pursuant to the judgment rendered in an *in rem* tax foreclosure action filed in the Orange County Clerk's Office.

15. The description of the property shall be from the City of Newburgh Tax Map reference or a survey description certified to the City of Newburgh and provided to the City Corporation Counsel by the purchaser at least thirty (30) days in advance of closing title and approved by the City's Engineer.
16. Evictions, if necessary, are solely the responsibility of the successful bidder after closing and recording of the deed.
17. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he/she is not representing the former owner(s) of the property against whom City of Newburgh foreclosed and has no intent to defraud City of Newburgh of the unpaid taxes, assessment, penalties and charges which have been levied against the property. The purchaser agrees that neither he/she nor his/her assigns shall convey the property to the former owner(s) against whom City of Newburgh foreclosed within 24 months subsequent to the auction date. If such conveyance occurs, the purchaser understands that he/she may be found to have committed fraud, and/or intent to defraud, and will be liable for any deficiency between the purchase price at auction and such sums as may be owed to City of Newburgh as related to the foreclosure on the property and consents to immediate judgment by City of Newburgh for said amounts.

RESOLUTION NO.: 40-2015

OF

MARCH 9, 2015

A RESOLUTION APPROVING 2014 YEAR-END REPORT OF
THE CONSERVATION ADVISORY COUNCIL

WHEREAS, the City Council of the City of Newburgh adopted Local Law No. 1-2013 of August 19, 2013 which added new Chapter 159 of the City Code of Ordinances entitled "Conservation Advisory Council"; and

WHEREAS, Section 159-4(V) provides that The Conservation Advisory Council shall keep accurate records of its meetings and actions and shall file an annual report with the City Council on or before the 31st day of December of each and every year and once approved by the City Council, the annual report shall be forwarded to the State Commissioner of Environmental Conservation; and

WHEREAS, the Conservation Advisory Council has submitted a Year-End Report for 2014; and

WHEREAS, the City Council has reviewed the Conservation Advisory Council's Year-End Report for 2014 and finds that approving said report is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York hereby approves the 2014 Year-End Report of the Conservation Advisory Council and further directs that said Report shall be forwarded to the State Commissioner of Environmental Conservation.

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

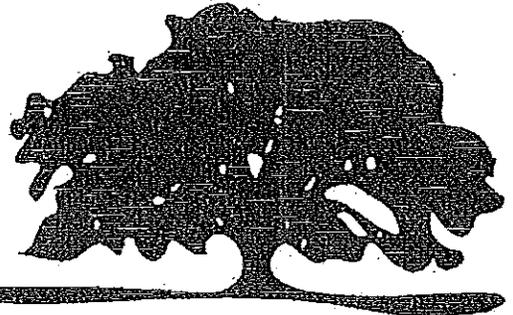
Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-6

ADOPTED

40-2015

Conservation Advisory Council | City of Newburgh, New York
123 Grand Street, Newburgh, New York, 12550
Phone: (845) 569-7366

Council Members:
Richard Harper, Chairman
Kippy Boyle
Deborah Dresser
Karen Eberle-McCarthy
Gail Fulton
Phil Prinzivalli
Chuck Thomas



2014 Year-End Report December 29, 2014

From: City of Newburgh Conservation Advisory Council (CAC)

To: Mayor Kennedy and City Council
Michael Ciaravino, City Manager

Introduction:

In October of 2013, the City Council passed Local Law 1-2013 creating the Conservation Advisory Council (CAC). Soon after, seven members were confirmed, and in January, 2014, we held our first official CAC meeting. The seven original members were: Chuck Thomas, Mary McTamaney, and Gail Fulton (former members of the Waterfront Advisory Committee); Chad Wade (ASLA), Kippy Boyle, Phil Prinzivalli, and Richard Harper (former members of the Shade Tree Commission). In February, Richard Harper was unanimously chosen as chairman, and confirmed by the City Council.

The adopted legislation assigns several wide-ranging responsibilities to the CAC. New York State requires certain inventories be conducted and mapping documents developed. The two main elements are: 1.) A Natural Resource Inventory (NRI) and 2.) An Open Space Plan and Map.

Natural Resource Inventory (NRI). The major component of the NRI is a city-wide tree inventory. During 2014, we extensively researched the subject.

- We arranged web demonstrations by two software management developers, attended by GIS and the Engineering Department.
- We co-sponsored a DEC Region 3 tree inventory workshop at Kaplan Hall, attended by 60+ Hudson Valley CAC's, tree commissions, DPW employees and planners to learn inventory techniques from urban forestry leaders. City Manager Ciaravino welcomed the attendees. We were encouraged by the fact that our

DPW authorized Reed Sheehan, an employee who has worked closely in the past with the CAC on tree plantings and tree care, to attend a tree workshop.

- We received a \$25,000 No-Match grant from New York State Department of Environmental Conservation (NYSDEC) to conduct a tree inventory. We expect to contract services for the Tree Inventory in late December 2014 or early January of 2015. We are awaiting the receipt of the fully executed \$25K grant contract documents from NYSDEC before signing a contract with Davey Resource Group.
- We are also currently composing RFQ's/RFP's for compiling the Natural Resource Inventory. All required planning and mapping is expected to be accomplished during 2015, the second year of the CAC.

LWRP. The CAC is also responsible for review and comment on all Coastal Assessment Forms associated with any projects located within the Local Waterfront Revitalization Plan Area. The LWRP is essentially the standard by which everything located at the waterfront and associated areas is measured. The CAC's review is a "finding" of consistency or inconsistency with the goals and vision spelled out in the official LWRP, on file with the New York State Department of State (NYSDOS). The City's current LWRP is dated 2001. An Updated LWRP is pending evaluation by NYSDOS. Updating the LWRP goes hand-in-hand with the re-zoning, which is currently being completed by city staff. Richard Harper (a professional planner and CAC Chair) has assisted the acting planner with rezoning and LWRP associated efforts.

Organizational Set-up:

The CAC is responsible for advocating to protect all of the natural resources of the City. One of our first acts was to establish subcommittees and assign leadership. Those subcommittees are as follows: 1. Urban Forestry, 2.) LWRP Update, 3.) Parks, 4.) Open Space/NRI, 5.) Air Quality, 6.) Watershed. Each of these provides a report of activities at every CAC meeting.

Formation of the CAC was a recommendation of the Pace Land Use Center Study and Report on Streamlining the development process in Newburgh. The CAC has been fortunate to have representatives from Pace Land Use Law Institute sitting in on the meetings and providing guidance to us. Although not in regular attendance recently, Pace continues to play an advisory role in the area of green infrastructure.

The CAC has established its meeting place and office at 123 Grand Street, the Heritage Center. Our meetings are held on the first Thursday of every month at 6:30 P.M. Our current secretary is Laurence Fleischer, who is also the City's GIS expert employed in the Engineering Department. Our connection with the Engineering Department and City Hall has proven valuable. With the assistance of the City of Newburgh IT Department, we have established a web page on the City site, and are continuing to improve it.

Recently, two of our members stepped down (Chad Wade and Mary McTamaney). Both of those positions have been filled with new capable volunteers, Karen Eberle-

McCarthy and Deborah Dresser. As 2014 comes to an end, we are again at full membership for the year 2015.

2014 Project Referrals and projects of interest:

1. Crystal Run Medical Complex/Town of Newburgh – *Protecting Water Source*
One of our first challenges in January was preparing a response to the proposed Crystal Run Medical Complex development on Route 300. The site is adjacent to Washington Lake, the City's primary drinking water reservoir, a resource we are charged with protecting.

The CAC was instrumental in activating a unified and professional City of Newburgh response to what could have been a threat to the quality of the water in the reservoir. Upon learning that a public hearing on this project was scheduled for the Town of Newburgh Planning Board meeting, the CAC immediately alerted the City of Newburgh acting city manager, the City Council and the City Engineer. We composed a memo stating our many concerns to the Town of Newburgh Planning Board and we read it into the public record. As a result, the Crystal Run design team made a presentation to the CAC, attended by Corporation Counsel, Mayor, and City Engineer. An informative Q&A session followed. The CAC's proactive efforts, along with those of the City Engineer and acting City Manager, were instrumental in revisions to the proposed plan for a more sustainable and effective project than would have otherwise been the case, absent those efforts and responses. The project is under construction at this time.

2. Shell Gas Station at 405 Broadway & Rt. 32

In March 2014, the CAC conducted on-site inspections and made extensive recommendations for the proposed curb/sidewalk/landscaping/signage plans on this crucial corner of the City. There has been no work on this project to date.

3. Water Tower Replacement near Mount St. Mary's college;

4. Independent Living Expansion on Lake Street;

5. Newburgh Landing/Waterfront;

6. South Street Park/Waterfront

The CAC has continued to pursue design meetings with Scenic Hudson;

7. First Street Fishing Pier/Waterfront

The CAC review is complete and recommendations forwarded to the Planning Board;

8. Tyrone Crabb Park/Grand Street and South Street

The CAC review is complete and the park is under construction.

9. Torches Restaurant/Waterfront – *Stormwater Management & View Protection*

The Planning Board referred the Coastal Assessment Form to us for review of a project within the LWRR. We entertained a presentation and Q&A session by the project architect. Afterward, the CAC transmitted a Statement of Findings with recommendations that included corrections to the EAF and suggestions of site and building changes for consideration by the Planning Board and the applicant.

10. Hudson Valley Lighting, located at #5 Scobie Drive – *Stream Protection, Stormwater Management, bio-diversity protection.*

The Planning Board is the Lead Agency for SEQRA review. The CAC is listed as an Interested Agency. In November, the CAC entertained a presentation by the applicant's design team, followed by a Q&A period. On December 1, 2014, the CAC transmitted a memo addressing CAC comments and recommendations to Lisa Daily, chair of the Planning Board.

LWRP Update:

In 2007, the NYSDOS authorized an update of the LWRP. A consultant was hired and the process begun, but by 2012 there was still no updated LWRP. The Department of State (DOS) instructed the city to clean up the draft document and submit it for evaluation or lose grant funding. Upon submission, the DOS was to evaluate the amount of effective work achieved, determine a prorated amount of the original grant that the City will receive, and close out the existing grant file. Under the circumstances, the CAC immediately offered to help as early as January 2014. Our desire was to move toward a usable, updated LWRP as quickly as possible. Three CAC members from the LWRP subcommittee reviewed the draft LWRP Update. They sent comments and corrections to BJB Consultants who made appropriate changes prior to submitting to the NYSDOS, where it is now.

In order to be ready to submit a final LWRP immediately after the new Zoning Code is approved by the City Council, two members of the CAC (who previously served on the WAC and contributed to the writing of the LWRP Draft) volunteered and are currently reviewing this latest draft, dated July 2014. Upon completion of the volunteer review, comments will be transmitted to the Planning Department for use in seeking a finalization of the much needed document update.

Education and Training:

Biodiversity Assessment The CAC applied for and was awarded a course in Biodiversity Assessment Training offered by Hudsonia, Ltd. through a grant from NYS Department of Environmental Conservation. The class consisted of six CAC members, three planning board members, plus three other interested persons from Newburgh and Orange County. We attended intensive weekly classes from April through October - six months. Our study areas were Washington Lake, Browns Pond, and Snake Hill. Classroom meetings were held at the Heritage Center. There were several field trips guided by Hudsonia biologists to investigate and identify biodiversity and habitat in these areas. A formal report of our findings (including habitat mapping and photographs), was presented to Hudsonia, Ltd. and to the NYS Department of Conservation at NYSDEC offices in New Paltz on October 6, 2014. This report, and additional information continually being discovered, will form the core of our mandated Natural Resource Inventory. This course has ~~been~~ prepared the CAC to review and evaluate development proposals coming to the city, and lends additional credibility to the CAC as an advocate for the city's natural resources, especially our drinking water and largest vacant parcels.

Student Involvement We had a series of meetings and discussions with a new Newburgh Enlarged School District school board member and several interested teachers to explore projects that would include and engage students in sustainable greening of a neighborhood or site. Potential project sites were identified and strategy was discussed. We are still working toward this goal.

Tree Inventory Workshop The CAC co-sponsored, with the DEC and Orange County Planning, a well-attended workshop on the value and need for tree inventories. The event was held at Kaplan Hall on October 17, 2014, 2014. Contributing speakers were: John Parry (federal Northeastern Forestry Division), Andrew Hillman (President, NYS Urban Forestry Council), and Don Gabel (NY Botanical Garden), and Brenda Cagle, Town of Red Hook Board Member. Participants were eligible for Orange County Planning credits.

Clearwater Sail Event: On August 18th, the chairman of the CAC attended a sail event on the sloop Clearwater. This event was organized as a networking opportunity for those persons from the City of Newburgh and not-for-profit organizations involved in efforts to protect the environment. A verbal report was made to the CAC.

NYS Urban Forestry State Conference. Held in July, at SUNY, Hempstead, the event was attended by a CAC member, CAC volunteer arborist Fred Fetter, and Chung Leung, a Yale Forestry graduate student working with PACE. This 2-day conference relays best management practices, latest scientific findings, and case studies from around the state, primarily focusing on urban forestry as a tool for stormwater management and environmental health.

Urban Forest:

Tree Installation On Arbor Day in April, 2014, the CAC Urban Forestry subcommittee, with the help of Newburgh DPW and several Council members, planted street trees along the perimeter of the Ann Street parking lot and at Clinton Park. In October, we planted three street trees on upper Broadway, in front of the Federal Building, the site of the U.S. Post Office and the Charter School, and two street trees on lower Broadway. Jack Lease, owner of the upper Broadway properties, contributed generously towards the cost of the trees.

For the 2015 Arbor Day planting, we have requested and received authorization from the Downing Park Planning Committee to plant 12 large shade trees along the east side of the park, the west side of Dubois Street. These trees, in keeping with the historic master plan for Downing Park, will be located on the park side of the new sidewalk, where they have ample room to grow and establish roots, reducing chances of future disturbance of the new sidewalk. At maturity, the chosen species should be large enough to serve visually as street trees and provide shade for Dubois Street.

Tree Donation Fund: The CAC is in the process of designing and producing an informational form for the Tree Donation Fund. This fund was the accomplishment of the former Shade Tree Commission and has come under the umbrella of the CAC.

Tree Maintenance More and more requests are coming in from city residents and merchants reporting trees that are in dire need of arborist care of greater or lesser degree, sometimes including removal. Under-staffed as they are, DPW has not been able to satisfactorily meet the demand for tree maintenance. The CAC funded \$3,000 to hire a certified arborist contractor to trim, prune and selectively clean up street trees along highly visible sections of Liberty and Washington Street near Washington's Headquarters, and along both sides of Broadway directly in front of City Hall. The Urban Forestry subcommittee planned, coordinated and successfully accomplished this task in October. Our goal was to show tangible improvements and what can be accomplished with a continuing schedule of professional tree maintenance. The Tree Inventory and related tree management software will facilitate implementing a tree maintenance plan. The CAC will continue to advocate for a certified arborist on staff.

Watershed:

Sewage Treatment: In November, the CAC requested and coordinated a tour of the City of Newburgh Sewage Treatment Plant. The tour was led by Larry Murphy, Severn Trent's facility manager. Council members Abrams and Mejia, CAC members Harper and Boyle, and engineering's Chad Wade attended. A report based upon the visit agenda will be completed and transmitted to all attendees and other members of the city administration. The tour was very informative: we learned much about priorities relative to critical drainage infrastructure repair and the city's capacity status within the existing plant. Severn Trent personnel also stressed that the company is eager to play an active role in the general improvement of the city. They have much to offer in the way of experience and expertise.

Quassaick Creek: Peter Smith, an active member of the Quassaick Creek Watershed Alliance (QCWA), is the CAC contact with that body and also the Planning Board, attends the CAC meetings, and is a member of the Watershed subcommittee. The QCWA has made presentations before the CAC several times during the 2014 year. In support of the QCWA, several members of the CAC participated in scheduled volunteer cleanup along the banks of Muchattoes Lake in the summer months.

Air Quality:

Crude Oil Transport: The CAC has come to a unanimous opinion that the transport of crude oil along the freight rail at the waterfront in tank cars that are proven to be unsafe is an issue we should actively address as an advisory body. We were present when our city council passed a resolution to condemn this practice. A concerned citizens group, Citizens Oppose Dirty Energy (C.O.D.E.), made a presentation to the CAC at our meeting in November. There was a spirited Q&A session afterward. The CAC is concerned about the rail transport and the plans of Global Oil to enlarge its footprint and activity at both the North and South site, the former in the City of Newburgh, the latter in the Town of New Windsor.

Pilgrim Pipeline: There are also plans under consideration by the State for creating what is called the Pilgrim Pipeline, with extensions to the Global site in New Windsor/Newburgh. The CAC will be reviewing any submitted plans and intends to communicate with the City and the public about this project as it does not bode well for the continued progress of the health of the Hudson River, its tributaries, and its associated biodiversity.

Parks:

This subcommittee has been active, along with the whole CAC, in guiding and reviewing all aspects of plans for First Street Fishing Pier and Tyrone Crabb Park, as the development of those parks has evolved. Newburgh Landing and South Street Park, listed earlier in project referrals, are in various stages of design. The CAC expects to play a major active role in those sites coming to an effective fruition in keeping with the wishes of the stakeholders and the goals of the LWRP.

Miscellaneous:

The CAC recently voted unanimously to authorize the transfer of \$12,820 from our 2014 budget to the budget of the Engineering Department for the purchase of updated photogrammetry at a reduced rate. This resulted in an estimated \$12,000 savings. Photogrammetry is the base layer of our GIS data files. All city departments will benefit from this update.

The CAC also paid for the purchase of a wifi modem/router at the Heritage Center (\$600+). When the IT Department installs this equipment, the City Historian and the many groups which meet there will have enhanced capabilities for presentations. The CAC will be able to access critical GIS mapping information for development review.

Goals for 2015:

2014 has been a busy and fruitful year for the CAC. We have a very talented and experienced membership and additional citizen volunteers willing to work hard in order to accomplish much. Since day 1 and continuing into the coming new year, we strive to improve communication within our membership, between the CAC and all other boards and commissions, and with the administration and city staff. The CAC's mission of protecting the City's natural resources can best be accomplished by open communications among stakeholders involved in any development review process of Newburgh. We support the streamlining process begun by PACE, and are anxious to have it implemented. Beyond interactions within the City, we are available to coordinate with environmental not-for-profits, as well as environmental agencies at local, state and federal levels. We intend to continue to reach out to the schools and get the students involved in environmental activities, so that the younger generation becomes the careful stewards of this urban environment.

In 2015, we expect to accomplish the city-wide tree inventory and establish a sustainable urban forest management plan that maintains the health of the existing resources, and plans the reforestation of the city. To maintain and use the tree inventory software, the CAC recommends the establishment of the position of City Arborist.

Whether that position is within the DPW or separate, if properly trained and educated, this person can have an economically beneficial and a tremendous positive effect on the visual appeal of our city and the overall health of our residents.

The CAC intends to complete the Natural Resource Inventory, including the Open Space Plan and Map. The CAC is currently compiling RFQ's and RFP's for this purpose. Completion of the Inventory and Plan will position the City to be eligible for enhanced funding of projects.

The CAC recommends, and is committed to assisting, better interdepartmental coordination of projects, so that activities such as Central Hudson utility upgrades, pruning, sidewalk replacements, CDBG street programs, etc., happen within a holistic plan, not independent of other on-going activities.

The Local Waterfront Revitalization Plan is the "Guidebook and Plan" against which the CAC is to measure all proposed development along the waterfront and associated areas. The Plan we are currently required to use at this time is out of date and does not reflect present conditions and situations. Our City, our waterfront and our knowledge base has changed considerably since 2001. In 2015, the CAC is committed to doing everything in our power to see the LWRP Update completed, adopted by the city council, and submitted to NYSDOS for approval.

RESOLUTION NO.: 41 - 2015

OF

MARCH 9, 2015

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND TO ACCEPT IF AWARDED A GRANT IN AN AMOUNT NOT TO EXCEED TWO MILLION EIGHT HUNDRED FORTY-FOUR THOUSAND SIX HUNDRED SEVENTY-FIVE (\$2,844,675.00) DOLLARS FROM THE DEPARTMENT OF HOMELAND SECURITY UNDER THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAM ("SAFER") TO PROVIDE FUNDING TO RETAIN FIFTEEN (15) FIREFIGHTERS IN THE CITY OF NEWBURGH FIRE DEPARTMENT WITH NO CITY MATCH REQUIRED

WHEREAS, the City of Newburgh Fire Department applied for and was awarded funding from the Department of Homeland Security under the Staffing for Adequate Fire and Emergency Response ("SAFER") Program used to hire fifteen (15) firefighters within the City of Newburgh Fire Department for two years; and

WHEREAS, the City of Newburgh the City of Newburgh received additional funding to retain 3 of the 15 positions through the Veterans Hiring Program;

WHEREAS, the City of Newburgh is unable to fund 12 of the 15 positions hired under the SAFER Grant after December 31, 2015; and

WHEREAS, the SAFER Grant Program for FY2014 provides funding for the purposes of retaining firefighter positions supported by previous SAFER Grant Program Awards; and

WHEREAS, the City of Newburgh Fire Department requested to apply for, and accept if awarded, funding under the SAFER Grant Program for FY2014 to retain 12 firefighters hired under the previous SAFER Grant Program Award; and

WHEREAS, it is deemed to be in the best interests of the City of Newburgh and its citizens to apply for and accept such grant if awarded;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute such documents and to take any necessary and appropriate actions to apply for and to accept if awarded a grant in an amount not to exceed Two Million Eight Hundred Forty-Four Thousand Six Hundred Seventy-Five (\$2,844,675.00) Dollars from the Department of Homeland Security under the Staffing for Adequate Fire and Emergency Response ("SAFER") Program to provide funding to retain twelve (12) grant-funded firefighter positions and maintain the full complement of fifteen (15) firefighter positions in the City of Newburgh Fire Department with no City match required.

Mayor Kennedy commented that this grant helped the city put out a very large fire by having the additional firemen on hand. She thanked all of our elected representatives who were instrumental in getting this grant for us.

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-6

ADOPTED

RESOLUTION NO.: 42 - 2015

OF

MARCH 9, 2015

**A RESOLUTION APPOINTING NANCY COLAS
TO FILL A VACANCY ON THE BOARD OF ETHICS**

WHEREAS, the Code of Ordinances of the City of Newburgh, § 34-7, provides for the appointment of members to the Board of Ethics; and

WHEREAS, said Board shall consist of five members, none of whom shall be officers or employees of the City of Newburgh; and

WHEREAS, it is necessary to appoint a new member to fill a vacancy now existing on the Board of Ethics; and

WHEREAS, Nancy Colas has expressed her interest in donating her time and efforts to this Board;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that Nancy Colas be and is hereby appointed to the Board of Ethics for to fill the unexpired portion of a two (2) year term commencing on this date, March 9, 2015, and expiring on August 10, 2016.

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-6

ADOPTED

RESOLUTION NO.: 43 - 2015

OF

MARCH 9, 2015

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH UNITED FOR A COMPREHENSIVE EVALUATION OF THE EXISTING HEATING, VENTILATION AND AIR CONDITIONING SYSTEM AT THE GRAND STREET COURTHOUSE AT A COST OF \$4,500.00

WHEREAS, the City of Newburgh is the owner of real property located at 123 Grand Street and known as the Grand Street Courthouse; and

WHEREAS, it has become necessary to evaluate the existing heating, ventilation and air conditioning system within the building to identify and determine the source of deficiencies and to conduct repairs that may be required; and

WHEREAS, the City of Newburgh has obtained a proposal from United to perform these services at a cost of Four Thousand, Five Hundred (\$4,500.00) Dollars and such funding shall be derived from A.1440.0455 Engineering - Consultants Services; and

WHEREAS, this Council has determined that the retention of United to perform these services is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a proposal and execute an agreement with United in substantially the same form as annexed hereto with other provisions as Corporation Counsel may require, to provide certain services for the evaluation of the heating, ventilation and air conditioning system at the Grand Street Courthouse located at 123 Grand Street at a cost of Four Thousand, Five Hundred (\$4,500.00) Dollars.

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-6

ADOPTED

#43-2015



February 19, 2015

City of Newburgh
 City Hall
 83 Broadway
 Newburgh, NY 12550
 ATT: Jason Morris

RE: 123 Grand Street Newburgh, NY

Necessary labor to evaluate and provide a comprehensive written assessment of the entire HVAC system and make minor repairs.
 Recommendations for additional, larger more complex repairs will be provided.

NOTE: Certified payroll to be provided for prevailing wage work.

\$ 4,500.00 plus applicable tax
 Four thousand five hundred dollars & 00/100 + applicable tax

PRICES EXPIRE 60 DAYS FROM DATE OF PROPOSAL

- a.) All sums due hereunder, if not paid within THIRTY (30) days of the invoice date, shall bear interest at the rate of 1.5% per month.
- b.) In the event litigation is commenced to collect any sums due hereunder, the prevailing party in such litigation shall be entitled to an award of reasonable attorney's fees.

Payments to be made as follows: NET 30

RICHARD FRACASSE / PRESIDENT

Acceptance of this proposal is authorized by MICHAEL CIARAVINO / CITY MANAGER

RESOLUTION NO.: 44 - 2015

OF

MARCH 9, 2015

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT A PROPOSAL AND EXECUTE AN AGREEMENT WITH
ENVIROLOGIC OF NEW YORK, INC. FOR ASBESTOS TESTING SERVICES
FOR CITY HALL AT A COST OF \$4,060.00

WHEREAS, the City of Newburgh wishes to accept a proposal and execute an agreement with Envirologic of New York, Inc. for asbestos testing services for City Hall located at 83 Broadway; and

WHEREAS, the proposal includes sampling, evaluation and inspections; and

WHEREAS, the cost for these services will be \$4,060.00 and such funding shall be derived from A.1440.0455 Engineering - Consultants Services; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a proposal and execute an agreement with Envirologic of New York, Inc. for asbestos testing services for City Hall at a cost of \$4,060.00.

The City Manager pointed out that this would include a survey of the exterior of the building. We want to improve the overall property maintenance condition of City Hall as we embark on enforcing the code against others. In order to power wash, scrape and sand we have to perform a survey to determine asbestos and other hazardous materials.

City Engineer Jason Morris pointed out that this lead and asbestos survey is for areas both inside and on the outside of City Hall. We are also testing the roof above the IT department. As we move into capital planning we need to determine if it will be an abatement project or a simple roof replacement.

Mayor Kennedy felt this is greatly expanded from what was discussed previously.

Morris responded that it is the same proposal.

Councilwoman Abrams stated she is torn. Every single building in the City of Newburgh has asbestos and lead in it, including her own home. It is almost a case of: *If it isn't broke then don't fix it.*

Morris pointed out there is the issue of sinking floors in areas where there are no cabinet loads, such as in the law library as well as the planning office above it on the third floor.

Mayor Kennedy stated that as we continue to expose these issues, we had better be careful as we start down this path. We have seen financial strain arise in the past with the Courthouse project, which cost us a \$10 Million overrun. She realizes that City Hall is an old building with all kinds of issues. But how critical is this compared to all of the other issues occurring in the city?

Councilwoman Mejia remarked that City Hall had undergone an extensive renovation project several years ago. Are there any records that indicate the asbestos that was removed then? She is concerned with opening up whatever we are going to open up and then not having enough funds to complete the work.

Morris replied that he has not found any report, and to his knowledge no report exists.

Councilwoman Lee stated that we could allocate funds from unfilled staff positions.

City Comptroller John Aber responded that some of those funds were earmarked for body cameras in the police department.

Lee does not know why we keep back peddling. We discussed it on Thursday and the council agreed on it. It is \$5000. What is the comparative cost of having to relocate Corporation Counsel, staff on the first and third floors, and to close off one of the bathrooms? And where are we going to put everybody?

Aber suggested that we have the studies in place so that when we go to capital planning we will already know how much we are going to require. You are not going to pay \$80 Thousand out of the General Fund anyway. That money would be put into a BAN or a long term bond. We are trying to avoid what happened with the Courthouse project from occurring here. If we know it upfront then we know what we are getting into.

Mayor Kennedy commented that even a bond is another load on the taxpayers of this city. We have to be cognizant of that fact. She is very concerned about how much more burden our taxpayers can carry. This is a delicate balancing act.

Councilman Brown stated if we discover this project potentially has to be rolled into a bond or Ban, is it a priority over some of the other projects that we are *definitely* going to have to bond or BAN this year? He does not know if we could hold off on it until after we figure out the total amount we need to put into the Capital Plan. He does not know the severity and dangerousness of the problems in this building.

Morris explained that this is exactly what we are trying to determine. He knows that a condition exists in which there is active movement on two of the floors. He advised the council it should move forward with further evaluation.

Councilwoman Mejia is concerned that in less than twenty years we are going to ask our taxpayers again to invest in this building when we can't even do mill and fill work on our potholes. Mejia stated that she can't justify it.

The City Manager remarked that the context of this started when he smelled the black mold in the locker rooms while touring the city jail. We opened up the ceilings and saw tremendous rust on the support beams. In the time that he started, in just a few short months the roof that supports the fire department and the locker room underneath had shifted downward. He and his staff came up with a cost effective way to stabilize the structure using vertical support columns. It is not permanent, nor is it pretty, but it has been performed to our engineer's satisfaction while still being able to maintain the housing for the fire department above. For the black mold reasons we have moved the police department out of the locker area and into a new section in the building. This fulfilled our legal obligations under the legal notices that were issued to us.

At the same time Ciaravino has seen movement in the police department, he has personally observed movement in the floors of the Corporation Counsel and other areas. His concern is that all of us are on notice that there are structural issues. We simply would like an opportunity for the evaluation to give us the approach that we can afford, and to move forward with a solution should the building require it. In the first eight months that he started his employment he has received emails about the mold problems in the offices on the first floor. Not only is it a legal responsibility, but it is a moral obligation.

Councilwoman Lee would like the record to reflect that she agrees with the City Manager.

Councilman Brown stated that we need to establish a plan of action for *after the fact*. That entails moving staff and other things provided we have to end up shoring the building. He pointed out that it is going to generate a substantial cost. And even if we determine there is no asbestos or lead in the building, then there are other costs associated with this project. The council needs to know these costs upfront. Perhaps we need to abandon this building altogether. He believed there was an opportunity in past administrations to move this entire building into the Grand Street Courthouse. Brown feels like this may have been a better move considering the age of this building. For him, it's the cost issue. He is not concerned so much with the cost of the investigation itself, but for what happens *after* the investigation.

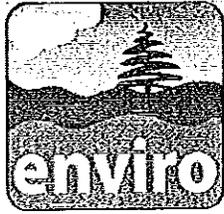
Councilwoman Abrams moved and Councilwoman Angelo seconded that the resolution be tabled.

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilwoman Mejia, Mayor Kennedy-4

Noes- Councilman Brown, Councilwoman Lee-2

TABLED

44-2015



envirologic
of
New York, Inc.

Quote for Environmental Consulting Services

Quoted on: 2/20/2015

Page 1 of 2

The City of Newburgh
City Hall
83 Broadway
Newburgh, NY 12550
Mr. Michael Ciaravino
C/O Mr. James Morris
jmorris@cityofnewburgh-ny.gov

Re: City Hall 83 Broadway, Newburgh, NY – Asbestos Inspection

Dear Mr. Ciaravino,

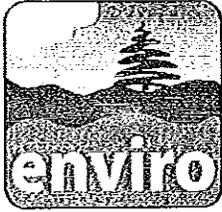
Thank you for allowing Envirologic of New York, Inc. (ENVIROLOGIC) the opportunity to provide you a quote for Environmental Consulting Services for your renovation/demolition project for Newburgh City Hall, 83 Broadway, Newburgh, New York. The following proposal is based on the estimated costs for the inspection of the building for asbestos. This proposal is based on the inspection locations identified on the provided drawing and on observed and assumed suspect materials that were identified during a building walkthrough by Mr. Kyle Mungavin (ENVIROLOGIC) on Thursday, February 20th, 2015. The services include:

1. Limited asbestos inspection and analysis of suspect asbestos containing materials present at each identified location.

Description	Quantity	Unit Cost ¹	Total
Asbestos Inspector Hours	4	\$50.00	\$200.00
Friable PLM Bulk Sample Analysis	28	\$15.00	\$420.00
NOB PLM/TEM Bulk Sample Analysis	34	\$70.00	\$2,520.00

Notes:

1. Hourly rates are based on a regular eight (8) hour weekday shifts. Any additional hours will be charged at the overtime rate of one and a half times the hourly rate. Overtime Rates Apply to: Weekdays Over 8 Hours On-Site/Saturdays/Sundays/Holidays.
2. All cost for reporting are included in the provided unit rates.
3. Actual hours and samples will be billed accordingly.



of
New York, Inc.

Quote for Environmental Consulting Services

Quoted on: 2/20/2015

Page 2 of 2

TOTAL ESTIMATED PROJECT COST = \$3,140.00

NOTICE TO PROCEED:

1. Payment is due upon receipt of final report.
2. Work will begin as soon as a signed copy of this proposal is received by our office.
Please sign and return by fax/email.

Client Name & Address: The City of Newburgh City Hall 83 Broadway Newburgh, NY 12550 Mr. Michael Ciaravino	Project Location: City Hall 83 Broadway Newburgh, NY 12550
Signed by:	Date:

If you have any questions regarding the enclosed, please do not hesitate to email me at mungavin@ellogicny.com or call me at 845.462.1466. Thank you for your time and consideration.

Sincerely,

Kyle Mungavin
Director of Field Operations
Envirologic of New York, Inc.

*RESOLUTION NO.: 45 - 2015
OF
MARCH 9, 2015

RESOLUTION AMENDING RESOLUTION NO: 296 - 2014,
THE 2015 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK
TO TRANSFER \$4,500.00 FROM GENERAL FUND CONTIGENCY
TO ENGINEERING - CONSULTANTS SERVICES

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

	<u>Decrease</u>	<u>Increase</u>
A.1900.1990 Contingency	\$4,500.00	
A.1440.0455 Engineering - Consultants Services		\$4,500.00

Councilwoman Lee stated that it appears that we don't need this one since we didn't adopt the previous one.

Michelle Kelson explained that you need to first amend the resolution to change the transfer amount from \$8,560 to \$4500 from General Fund Contingency to Engineering-Consultants Services.

VOTE TO AMEND RESOLUTION #45-2015

Councilwoman Mejia moved and Councilwoman Abrams seconded that Resolution #45-2015 be amended to reduce the transfer amount from \$8,560 to \$4500.

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-6
AMENDMENT CARRIED

VOTE ON AMENDED RESOLUTION #45-2015

Councilwoman Abrams moved and Councilwoman Angelo seconded that Resolution #45-2015 be adopted, *AS AMENDED.

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-6
ADOPTED

RESOLUTION NO.: 46-2015

OF

MARCH 9, 2015

**A RESOLUTION AUTHORIZING THE ADDITION OF
THREE (3) POLICE OFFICER POSITIONS ON A TEMPORARY BASIS
IN THE CITY OF NEWBURGH POLICE DEPARTMENT**

WHEREAS, due to attrition in the Police Department, it has become necessary to create three (3) positions of Police Officer in the Police Department to maintain existing staffing levels; and

WHEREAS, the Police Department has advised the City Manager that the department will fill a vacancy created by the promotion of a Lieutenant to Acting Chief and a Sergeant to a Lieutenant; and

WHEREAS, the Police Department has advised the City Manager that the department expects 2 police officers to retire before the completion of the next Police Academy;

WHEREAS, the Police Department proposes to create three (3) additional police officer positions in order to send a recruit class of 8 to the Police Academy which begins on March 23, 2015; and

WHEREAS, the creation of the additional Police Department positions will be on a temporary basis; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Personnel Analysis Book for the fiscal year 2015 be amended, and that there be and hereby is three (3) additional positions in the job title "Police Officer" on a temporary basis in the Police Department.

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

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-6

ADOPTED

ORDINANCE NO.: 3 - 2015

OF

MARCH 9, 2015

AN ORDINANCE AMENDING SECTION 163-1 "SCHEDULE OF CODE FEES" OF
CHAPTER 163 "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:

§ 163-1. Schedule of Code Fees.

Chapter 220, Parks and Recreation Areas

§ 220-17	Delano-Hitch Recreation Park: Use of multipurpose activity center building:	
	Application fee:	\$50
	Usage fees:	
	(1) Organizations whose membership is 50% or more City residents:	\$200 for 4 hours or less \$50 for each additional hour, or part thereof
	(2) Organizations whose membership is less than 50% City residents:	\$400 for 4 hours or less \$100 for each additional hour, or part thereof Usage fees shall be reduced by 25% for any group or organization sponsoring 10 or more events in any calendar year.
	Use of facility's kitchen	\$100 <u>additional fee for duration of event</u>
	Refundable damage fee	\$500
§ 220-19	Use of Aquatic Center and Athletic Fields	

Swimming pool:

Season pass: 4 family members
Daily fee per 2 ½ hour session

Summer camp programs

\$100
\$2 per adult (18 and over)
\$1 per child (17 and under)
\$2 per child per day Monday
through Friday 8:00 am to
11:00 am; Reservations
Required

Softball diamonds:

Per game ~~— \$225~~
League fee ~~— \$250 per team~~

Baseball Field No. 1

City of Newburgh youth teams
All other adult or youth teams

\$25.00 per game
\$40.00 per game
\$55.00 per night game
\$70.00 per double-header
\$100 per ½ day
\$175 per full day

Baseball Field Nos. 2, 3 and 4

City of Newburgh youth teams
All other adult or youth teams

\$25.00 per game
\$40.00 per game
\$70.00 per double-header
\$100 per ½ day
\$175 per full day

All games played by the City of Newburgh Little League Baseball Program shall be approved pursuant to a separate license agreement between the Program and the City Manager.

Football/Soccer field:

City of Newburgh-based youth teams

All games shall be approved
pursuant to a separate license
agreement between the
Program and the City
Manager

Non-City youth teams

\$200 per day game; \$350 per
night game

City of Newburgh-based adult teams	\$150 per day game; \$175 per night game
Non-City adult teams	\$300 per day game; \$350 per night game
Adult league	\$800 per team
<u>Football field:—</u>	
Non-City youth teams	\$200 per day game; \$200 per night game
City of Newburgh-based adult teams	\$275 per day game; \$350 per night game
Non-City adult teams	\$450 per day game; \$550 per night game
	All games played by the City of Newburgh Pop Warner Football Program shall be approved pursuant to a separate license agreement between the Program and the City Manager.—
<u>Delano-Hitch Basketball courts:</u>	
Tournaments	<u>City Resident or Organization</u> \$150 250 per day
Leagues	<u>Non-City Resident or Organization</u> \$300 per day City-based league: \$150 per team Non-City-based league: \$200 per team
Use of area for non-sports basketball event	\$250 per day
<u>Delano-Hitch Tennis Courts:</u>	
<u>Clinic/Tournament</u>	<u>City Resident or Organization</u> \$200 per day <u>Non-City Resident or Organization</u> \$300 per day
<u>Use of area for non-sports event</u>	\$250 per day
Summer camp for ages six years to 13 years old	<u>City Residents: \$ 200 350 per child; \$50 discount for each additional sibling</u>

		Nonresidents: \$ 300 450 per child
§ 220-21	Launching boat or jet skis at Newburgh Boat Launch	Daily permit: \$15 Season permit: \$100
§ 220-26	<u>Desmond Tennis Courts (Lily and South Street) Clinic/Tournament</u>	<u>City Resident or Organization \$200 per day</u> <u>Non-City Resident or Organization \$300 per day</u>
	<u>Use of area for non-sports event</u>	<u>\$250 per day</u>
§ 220-26	<u>Gidney Avenue Basketball Courts Tournaments</u>	<u>City Resident or Organization \$100 per day</u> <u>Non-City Resident or Organization \$200 per day</u> <u>City-based league: \$150 per team</u> <u>Non-City-based league: \$200 per team</u>
	<u>Leagues</u>	
	<u>Use of area for non-sports event</u>	<u>\$250 per day</u>
§ 220-34	Use of Delano-Hitch Stadium	
	Non-sporting event:	
	Application fee	\$50
	Usage fees:	
	(1) For each event and/or program sponsored by New York State, not for-profit organizations in which residents of the City of Newburgh non-profit organization comprise 50% or more of such group's or organization's membership	<u>\$200 per day</u>
	(2) For each event and/or program sponsored by New York State, Non-City of Newburgh not-for-profit organization in which residents of the City of Newburgh	

- ~~-comprise less than 50% of such group's or organization's membership~~ \$300 per day
- (3) ~~For each event and/or program sponsored by any other type of organization in which residents of the City of Newburgh~~
Resident or Organization comprise 50% or more of such group's or organization's membership \$350 per day
- (4) ~~For each event and/or program sponsored by any other type of organization in which residents of the Non-City of Newburgh~~
Resident or Organization comprise less than 50% of such group's or organization's membership \$800 per day

Usage fees shall be reduced by 25% for any group or organization sponsoring 10 to 20 events in any calendar year.

Any group or organization sponsoring more than 20 events in any calendar year shall pay usage fees set by the City Manager with the approval of the City Council.

- Security deposit: \$500
- (1) ~~For organizations in which City of Newburgh residents comprise 50% or more of such organization's membership~~ \$500
- (2) ~~For organizations in which City of Newburgh residents comprise less than 50% of such organization's membership~~ \$1,000

Sporting events:

- ~~City of Newburgh-based youth teams where 50% or more of the team's roster is comprised of City of Newburgh residents~~ \$25 per game
- ~~Non-City youth teams~~ \$100 per day game; \$150 per night game
- ~~City of Newburgh-based adult teams~~ \$60125 per day game; \$150 per night game
- ~~Non-City-based youth or adult teams~~ \$75150 per day game; \$100 175 per night game; \$150 per double-header; \$250 for 1/2 day; \$500 for full day

All fees and charges referred to in this entry may be

included in a license agreement, upon the approval of the City Council, be deemed satisfied, in whole or in part, by labor performed by the members of the group or organization in the maintenance of the field at Delano Hitch Stadium and the grounds of the Delano Hitch Recreation Park as may be deemed appropriate by the City Manager or the City Manager's designee.

Use of parking lot for non-sporting event \$250 per day

Chapter 242, Reservoirs

§ 242-4 Browns Pond Boat Rental
City residents: \$10.00 per day
Non-residents: \$20.00 per day
Extra passengers over 16 years of age: \$5.00 per passenger

Fishing in City reservoirs, daily permit
With use of City-owned boats, 1 person
City resident: \$6 per day
Non-City resident: \$10 per day
Extra passengers
2 City residents in a boat: \$10 per day
2 non-City residents in a boat: \$18 per day
3 City residents in a boat: \$14 per day
3 non-City residents in a boat: \$26 per day
Person 60 years of age and older
City residents: free on Monday
Non-City residents: half price on Mondays

Section 2. This ordinance shall take effect immediately.

Mayor Kennedy remarked that there is some confusion as to whether this ordinance had been properly advertised on the website. It appears to be contained in the council's materials, but the ordinance is not a listed agenda item.

Mayor Kennedy moved and Councilwoman Abrams seconded that the ordinance be tabled.

Ayes- Councilwoman Abrams, Councilwoman Angelo, Councilman Brown, Councilwoman Lee, Councilwoman Mejia, Mayor Kennedy-6

TABLED

OLD BUSINESS

There was no *old business* to discuss.

NEW BUSINESS

There was no *new business* to discuss at this time.

PUBLIC COMMENTS REGARDING GENERAL MATTERS OF CITY BUSINESS

Jason Nordland spoke on behalf of the organization Orange County Big Brothers Big Sisters. The Bowl for Kids Sake is an important fundraiser, and he encouraged the council and anybody else who would like to assist to put together a team to help at-risk youth in the community. The event is going to be held on Sunday March 22nd at Bowling Time in New Windsor, New York. Another way people can help is to make a tax-deductible donation online directly to the organization.

James Thorpe commented about Resolution #44-2015. If the floors are shifting then there is a good possibility that the asbestos is airborne. He urged the council to get it checked out for the health and safety of everyone regardless of what type of can of worms is opened. He stated that if the EPA finds out about it, then they will shut down the entire building. Potholes don't kill people, but asbestos does.

Phillip Kautz would like the City to remove the box on its application that reads: *Have you ever been arrested in the past (7) years?* At the bottom of the application, and in fine-print, the application reads that the *City of Newburgh is an equal employer, and does not discriminate.* A double standard exists. Granted there are certain areas in which we should not ban the box, such as hospitals and schools. But we have a massive workforce in Newburgh who will have to rely on public assistance and which ultimately falls on the taxpayers, because they won't be able to get hired due to wording on the application. It becomes a vicious cycle because that is when the unemployed resort to negative activities.

Roxie Royal stated she does not know much about asbestos, but she used to work with the Orange County Lead Program. We should be using the County service to test these buildings. The County will come in, test the building and inform the owner where the source of the lead is. She stated it was a tragedy that two people died from carbon monoxide poisoning. What's equally disturbing is that allegedly the inspectors were called to the property only to be refused access to the building. Royal asked the council what are the city's inspection laws regarding refusal of access. She feels that the police department should have been contacted in this case. Lives may have been saved.

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

FURTHER COMMENTS FROM THE COUNCIL

Councilwoman Abrams stated that indeed it was a tragedy. She has been thinking about how we could have avoided the tragedy in the City of Newburgh. She is seeking public input. There has to be a way we can work on it within the law to avoid a future occurrence.

Councilwoman Angelo stated that from what she read in the newspaper, the owner had passed away. So it was a sad situation altogether. She mentioned another sad situation. A 96-year old woman died all alone in her home on South Street. She died on February 13th, but it was not seen in the paper until February 27th. Angelo is concerned because there is a car still parked in the driveway with snow on it. The pipes may have frozen too. She feels that Code Compliance should probably go over and check it out. Next, someone had come to the library and praised our new police chief for the wonderful job he is doing. The person also commended DPW for clearing the snow in the Heights section of the city. Last, she stated that we are moving right along with the two parades.

Councilman Brown commented that it is important that Resolution #44-2015 be put right back on the agenda for discussion. His biggest concern is not the asbestos or lead that may be found. He is concerned that the 3rd floor may end up on the 1st floor. Second, he hopes that the council meets the challenge of putting together a bowling team for the fundraiser. Next, he mentioned that it is important that the council support Derrick in what he is trying to do at the Rec to make it an income-producing department in our city. Brown noticed on the 'Fees' list that the Brown's Pond Boat Launch fee is *too low*. Last, Brown encouraged everyone to invest in carbon monoxide and smoke detectors for our homes at all times. These devices save lives.

Councilwoman Lee stated she did some investigating on the monoxide issue at Lander Street. Chapter 240 of the City Code is the legislation that allows inspectors into a person's home, and it hasn't really been enacted. She feels that the council did not put together a budget to adhere to Chapter 240. Funds that were earmarked for Codes went directly to the General Fund instead. Lee was told that it is a zombie property, and we have a number of them in the city. She hopes the council addresses this on the next agenda. The first step in resolving the problem is for the council to clear up its own work.

Councilwoman Mejia thanked CAC for the work it did. She is happy to hear that Councilman Brown accepts the challenge for the Bowl for Kids Sake. She believes the accounting department has a team already. Mejia has been BIG for three years. It has been a great experience for her, and she encouraged anyone who may have some time to get involved. She pointed out that you do not have to take a tour around the world to make an impact. Next, she offered her condolences to the Richardson and Cummings families. In addition to having smoke and carbon monoxide detectors in the home, she urged us to make sure the batteries and devices are in working order.

Mayor Kennedy accepted the bowling challenge too. She is a staunch supporter of Big Brothers Big Sisters. It has been demonstrated that one of the best ways to help children is to provide them with one-on-one mentoring. Second, she pointed out that the laws prevent Government officials from being able to barge into peoples' homes without a search warrant. Yet it is a sad situation because two people lost their lives. Next, she mentioned that one type of civil service application must have that 'box' contained on it, because there are certain jobs and positions within certain departments, such as police and fire, that a person is unable to work in if he or she has a felony. But there is another type of application that exists. Kennedy pointed out that we have several people within our city who have had felonies on their record, and who have turned out to be good employees. So the City of Newburgh does not discriminate against people who have felonies. Next, she thanked the CAC for its report. They are doing some great environmental work. Kennedy stated that she appreciates all of the work that *all* of our boards are doing. The members are donating their time and expertise and she appreciates what they do.

There being no further business to come before the council, the meeting adjourned at 8:30 P.M.

Respectfully Submitted,

KATRINA COTTEN
DEPUTY CITY CLERK