CITY OF NEWBURGH
COUNCIL MEETING AGENDA
SESION GENERAL DEL CONSEJAL
February 11, 2014
7:00 p.m.

Mayor: */Alcaldesa*

1. Prayer/ *Oración*

2. Pledge of Allegiance/ *Juramento a la Alianza*

City Clerk: */ Secretaria de la ciduad*:

3. Roll Call/ *Lista de asistencia*

Communications: */ Comunicaciones*:

4. a. Approval of the minutes of the meeting of January 28, 2015
Aprobación del acta de la reunión del 28 Enero de 2015

b. City Manager Update
Gerente de la Ciudad pone al día la audiencia de los planes de cada departamento.

Comments from the public regarding the agenda:
Comentarios del público con respecto a la agenda:

Comments from the Council regarding the agenda:
Comentarios del Consejo con respecto a la agenda:

City Manager's Report: / *Informe del Gerente de la Ciudad:*

5. Resolution No. 26-2015
A resolution authorizing the City Manager to grant an extension of time to rehabilitate the premises known as 304 First street (Section 22, Block 6, Lot 34) in the City of Newburgh.

Una resolución autorizando al Gerente de la Ciudad a otorgar una extensión de tiempo para rehabilitar el lugar conocido como 304 Calle 1ra (Sección 22, Bloque 6, Lote 34) en la Ciudad de Newburgh.

6. Resolution No. 27-2015
A resolution of the City Council of the City of Newburgh opposing the Pilgrim Pipeline.

Una resolución del Concejal de la Ciudad de Newburgh para oponerse al "Pilgrim Pipeline" (redirección de aceite crudo por la Ciudad).

7. Resolution No. 28-2015
A resolution approving the consent judgment and authorizing the City Manager to sign such consent judgment in connection with the tax certiorari proceedings against the City of Newburgh in the Orange County Supreme Court bearing Orange County Index No. 2014-5724 involving Section 14, Block 3, Lot 26.3 (Northeast Industrial Development Corp.)

Una resolución aprobando el consentimiento juicioso y autorizando al Gerente de la Ciudad a firmar un consentimiento juicioso en conexión con el impuesto de cercioración contra la Ciudad de Newburgh en la Corte Suprema del Condado de Orange, indicado por el índice número 2014-5724 envolviendo sección 14, bloque 3, lote 26.3 (Corporación de Desarrollo Industrial del Noreste).

8. Resolution No. 29-2015
Resolution authorizing the City Manager to settle a claim with Progressive Casualty Insurance Company regarding Police Department vehicle #133.

Resolución autorizando al Gerente d la Ciudad a resolver un reclamo con la Compañía de Seguros "Progressive Casualty" en referente a un vehículo del Departamento de Policía # 133.

9. Resolution No. 30-2015
Resolution authorizing the City Manager to settle a claim with Progressive Casuality Insurance Company regarding Police Department vehicle #144.

Resolución autorizando al Gerente d la Ciudad a resolver un reclamo con la Compañía de Seguros "Progressive Casualty" en referente a un vehículo del Departamento de Policía # 144.

Old Business: / *Asuntos Pendientes*:

10. Resolution No. 21-2015
A resolution authorizing the City Manager to execute an amendment to an agreement between the City of Newburgh and Mesh Realty Group, Inc. to provide for the continuation of residential property management services.

Una resolución autorizando al Gerente de la Ciudad a llevar a cabo una enmienda a un acuerdo entre la Ciudad de Newburgh y Mesh Realty Group, Inc, para proveer la continuación de servicios de gerencia de propiedad residencial.

New Business: */ Nuevos Negocios*:

Public Comments Regarding General Matters of City Business: */ Comentarios del público sobre asuntos generales de la Ciudad:*

Further Comments from the Council: */ Nuevas observaciones del Consejal*:

Adjournment: */ Aplazamiento:*

RESOLUTION NO.: ___ 26 __ - 2015

OF

FEBRUARY 9, 2015

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO GRANT AN EXTENSION OF TIME TO REHABILITATE
THE PREMISES KNOWN AS 304 FIRST STREET
(SECTION 22, BLOCK 6, LOT 34)
IN THE CITY OF NEWBURGH

WHEREAS, the City of Newburgh did convey the premises located at 304 First Street, more accurately described as Section 22, Block 6, Lot 34, on the official Tax Map of the City of Newburgh by deed dated November 30, 2012; and

WHEREAS, said deed included a provision requiring rehabilitation of the conveyed premises to be completed on or about May 30, 2014; and

WHEREAS, as permitted by the terms of sale, the City Manager has exercised his authority and granted an initial extension of time to complete the rehabilitation until August 30, 2014; and

WHEREAS, Jordan LLC, NY, the owner of property located at 304 First Street in the City of Newburgh, has been unable to comply with the deadline, but is attempting a good faith effort to complete the rehabilitation; and

WHEREAS, Jordan LLC, NY has requested that a further extension be granted through March 31, 2015; and

WHEREAS, the project has been reviewed by the appropriate staff and granting further extension has been recommended; and

WHEREAS, upon such recommendation this Council has determined that it would be in the best interests of the City of Newburgh to grant said extension;

NOW, THEREFORE, BE IT RESOLVED, that the City Manager be and he hereby is authorized to grant Jordan LLC, NY an extension to rehabilitate the premises known as 304 First Street in the City of Newburgh, until March 31, 2015.

RESOLUTION NO.: 27 - 2015

OF

FEBRUARY 9, 2015

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF NEWBURGH OPPOSING THE PILGRIM PIPELINE

WHEREAS, Pilgrim Pipeline Holdings, LLC is proposing to build a 178 mile bi-directional pipeline in close proximity to the NY State Thruway, through Rockland, Orange, Ulster, Greene, and Albany counties, that would transport crude oil and refined petroleum products between Albany, NY and Linden, NJ; and

WHEREAS, two (2) lateral offshoots from the proposed pipeline are planned to travel east from the NY State Thruway right-of-way to the Hudson River, north and south of the City of Newburgh; and

WHEREAS, the proposed northern-most lateral will travel east through the Town of Newburgh, along existing electric transmission line right-of-way, to the Buckeye Oil Storage Facility on the Hudson River in the Town of Newburgh, NY; and

WHEREAS, the proposed southern-most lateral will travel in a north-easterly direction from the NY State Thruway right-of way near the New Windsor Cantonment and the National Purple Heart Hall of Honor, along the CSX rail line right-of-way, through the Town of New Windsor and the City of Newburgh, to the New Windsor Global Oil facility at the mouth of the Quassaick Creek; and

WHEREAS, it has been difficult to ascertain a clear indication from Pilgrim Pipeline Holdings, LLC as to the type of crude oil that is being proposed for transport in the south-bound pipeline, it is highly likely that there are plans to transport Bakken Shale crude oil; and

WHEREAS, crude oil from the Bakken Shale region of North Dakota, extracted through a process of hydraulic fracturing, or "fracking," has been found to contaminate clean water resources, create toxic air emissions and radioactive waste, and release large quantities of methane gas into the atmosphere; and

WHEREAS, data collected by the Capline Pipeline in Louisiana, which tested crude from 86 locations worldwide, indicates that crude oil from Bakken Shale has a far higher vapor pressure than crude from dozens of other locations, making it much more likely to throw off combustible gases; and

WHEREAS, the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a safety alert on January 2, 2014, to the general public, emergency first responders, and shippers and carriers regarding the particular flammability of Bakken crude oil; and

WHEREAS, according to PHMSA, pipeline operators reported 1,880 crude oil spills nationwide between 2003 and 2013, or nearly one spill every other day, resulting in over 44 million gallons of oil

being spilled; and the most recent spill, which occurred in the Yellowstone River in Montana, poured some 50,000 gallons of crude oil into the river, the second occurrence in the Yellowstone in 4 years; and

WHEREAS, 80 percent of these spills were the result of corrosion, equipment failure, incorrect operation or material and weld failures; and

WHEREAS, according to Public Employees for Environmental Responsibility, PHMSA only has 135 inspectors to oversee 2.6 million miles of pipeline, and only a fifth of that pipeline system has been inspected by PHMSA or its state partners since 2006; and

WHEREAS, any rupture or compromise of the pipeline, even without an explosion or fire, will require extraordinary cleanup efforts, could force residents from their homes, and place a large number of residents in close proximity to hazardous materials; and

WHEREAS, City of Newburgh residents depend on ground water and public community water systems for potable water supplies, the integrity and safety of which may be jeopardized by the pipeline; and

WHEREAS, the Pilgrim Pipeline is proposed to be laid in areas containing sensitive aquifers upon which residents depend for drinking water; and

WHEREAS, the Pilgrim pipeline also threatens important surface water resources, including Gidneytown Creek, Chadwick Lake and the Quassaick Creek on the northern-most lateral line; and Muchattoes Lake and Quassaick Creek on the southern-most lateral line; and

WHEREAS, the pipeline will carry a large volume of Bakken crude oil through residential areas in the Towns of New Windsor and the City of Newburgh, which will place residents in harm's way should an explosion or spill occur; and

WHEREAS, the City Council of the City of Newburgh finds that the proposed Pilgrim Pipeline potentially threatens the health, safety, and welfare of the community; could decrease the values of homes located along its route and in surrounding neighborhoods; and could negatively impact future development in the City of Newburgh; and

WHEREAS, the City of Newburgh qualifies as a Potential Environmental Justice Area in accordance with the NY State Department of Environmental Conservation Commissioner Policy 29 on Environmental Justice and Permitting (CP-29), as an area that had populations that met or exceeded at least one of the following statistical thresholds:

1. At least 51.1% of the population in an urban area reported themselves to be members of minority groups; or
2. At least 33.8% of the population in a rural area reported themselves to be members of minority groups; or
3. At least 23.59% of the population in an urban or rural area had household incomes below the federal poverty level; and

WHEREAS, Environmental Justice is defined as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies; and

WHEREAS, Environmental Justice efforts focus on improving the environment in communities, specifically minority and low-income communities, and addressing **disproportionate adverse environmental impacts that may exist in those communities.**"; and

WHEREAS, the Mid-Hudson Regional Sustainability Plan calls for becoming less energy and fossil fuel intensive while strengthening the regional economy, expanding renewable energy generation exponentially across the Region, and improving the resilience of the energy delivery system; and

WHEREAS, construction of the Pilgrim Pipeline to support and expand markets for fossil fuels is directly contrary to these clean energy goals;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Newburgh, New York, that the City Council formally objects and opposes the proposed Pilgrim Pipeline project; and

BE IT FURTHER RESOLVED, that the City Council of the City of Newburgh, New York calls upon the New York State Thruway Authority to reject use of its right-of-way for the purpose of transporting oil or gas by pipeline; and further calls upon the New York State Department of Transportation (DOT) to deny an exception to its Accommodation Plan for said purpose; and

BE IT FURTHER RESOLVED, that the City Council of the City of Newburgh, New York urges Governor Cuomo and the State Legislature to oppose construction of the Pilgrim Pipeline in New York State; and

BE IT FURTHER RESOLVED, that the City Clerk of the City of Newburgh, New York forward copies of this resolution to the NYS Thruway Authority Chair Howard P. Milstein, NYS DOT Commissioner Joan McDonald, U.S. Senators Charles Schumer and Kirsten Gillibrand and U.S. Representative Sean Patrick Maloney, Governor Andrew Cuomo, N.Y. Public Service Commission Chairwoman Audrey Zibelman, N.Y. Assembly Member Frank Skartados, N.Y. Senator William Larkin, and NY State DEC Commissioner Joseph Martens.

RESOLUTION NO.: 28 - 2015

OF

FEBRUARY 9, 2015

A RESOLUTION APPROVING THE CONSENT JUDGMENT AND AUTHORIZING THE CITY MANAGER TO SIGN SUCH CONSENT JUDGMENT IN CONNECTION WITH THE TAX CERTIORARI PROCEEDINGS AGAINST THE CITY OF NEWBURGH IN THE ORANGE COUNTY SUPREME COURT BEARING ORANGE COUNTY INDEX NO. 2014-5724 INVOLVING SECTION 14, BLOCK 3, LOT 26.3 (NORTHEAST INDUSTRIAL DEVELOPMENT CORP.)

WHEREAS, Northeast Industrial Development Corp. has commenced tax certiorari proceedings against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2014-2015 tax assessment year bearing Orange County Index No. 2014-5724; and

WHEREAS, it appears from the recommendation of the City Assessor, Joanne Majewski, and Eric D. Ossentjuk, Esq. of Catania, Mahon, Milligram & Rider, PLLC, Special Counsel for the City of Newburgh in the aforesaid proceedings, upon a thorough investigation of the claims that further proceedings and litigation by the City would involve considerable expense with the attendant uncertainty of the outcome, and that settlement of the above matters as more fully set forth below is reasonable and in the best interests of the City; and

WHEREAS, Northeast Industrial Development Corp. is willing to settle these proceedings without interest, costs or disbursements, in the following manner:

1- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2014-2015 as tax map number 14-3-26.3 be reduced to a market value of $2,000,000.

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

BE IT FURTHER RESOLVED, that Michael G. Ciaravino, City Manager of the City of Newburgh; Joanne Majewski, Assessor of the City of Newburgh; and Eric D. Ossentjuk, Esq. on behalf of Catania, Mahon, Milligram & Rider, PLLC, as Special Counsel, be and they hereby are designated as the persons for the City who shall execute the attached Consent Judgment on behalf of the City of Newburgh, and Eric D. Ossentjuk, Esq., as Special Counsel, and counsel for the Petitioner shall present such Consent Judgment to the Orange County Supreme Court for approval pursuant to the aforesaid laws.

SUPREME COURT – STATE OF NEW YORK
COUNTY OF ORANGE

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NORTHEAST INDUSTRIAL DEVELOPMENT CORP.,

Petitioner,

CONSENT JUDGMENT

- against -

BOARD OF ASSESSORS FOR THE CITY OF NEWBURGH and CITY OF NEWBURGH,

Index No. 2014-5724

Respondents.

----------x

PRESENT: HON. CATHERINE M. BARTLETT

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

ORDERED, that the real property of Petitioner described on the City of Newburgh tax rolls for the tax year 2014-2015 as follows:

Tax Map No. 14-3-26.3

be reduced in assessment from $2,288,300.00 to a total assessment of $2,000,000.00 for a total reduction in assessment of $288,300.00 prior to the application of any real property tax exemptions, if any; and it is further,

ORDERED, that the Petitioner's real property taxes on said parcel above described for the 2014-2015 School, County and City taxes be adjusted accordingly and that the Petitioner be reimbursed for any overpayment or be credited with the corresponding decrease in taxes, as the case may be, upon the entering of this Consent Judgment with the Orange County Clerk's Office; and it is further,

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

ORDERED, that there shall be audited, allowed and paid to the Petitioner by the County of Orange and/or the County Commissioner of Finance, as the case may be, the amounts, if any, paid as City taxes and City Special District taxes against the original assessments in excess of

what said taxes would have been if said assessment had been determined as herein; and it is further,

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

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

ORDERED, that in the event that the refunds are made within sixty (60) days after service of this Consent Judgment with notice of entry, there shall be no interest paid or credited in connection with this Consent Judgment; otherwise, interest shall be paid in accordance with the applicable statute; and it is further,

ORDERED, that these proceedings are settled without costs or disbursements to either party as against the other.

Signed this ___ day of _____, 2015 at Goshen, New York.

ENTER:

_____
HON. CATHERINE M. BARTLETT
SUPREME COURT JUSTICE

ON CONSENT:

_____
Michael G. Ciaravino
City Manager
Dated:
Per Resolution No.: _____ - 2015

_____
MARK D. LANSING, ESQ.
Attorney for the Petitioner
Dated:

HON. JOANNE MAJEWSKI, IAO
Assessor
Dated:

Northeast Industrial Development Corp.
Dated:

_____
ERIC D. OSSENTJUK, ESQ.
Catania, Mahon, Milligram & Rider, PLLC
Attorney for Respondents
Dated:

RESOLUTION NO.: 29 - 2015

OF

FEBRUARY 9, 2015

RESOLUTION AUTHORIZING THE CITY MANAGER
TO SETTLE A CLAIM WITH PROGRESSIVE CASUALTY INSURANCE COMPANY

WHEREAS, the City of Newburgh has made a claim for property damage against Progressive Casualty Insurance Company for damage to police vehicle plate no. 133; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Five Thousand Forty-Five and 36/100 Dollars ($5,045.36) in exchange for title to the vehicle to release and resolve all claims among them; and

WHEREAS, this Council has determined it to be in the best interests of the City of Newburgh to settle the matter on the terms agreed to by the parties;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the Corporation Counsel is hereby authorized to settle the claim for property damage to police vehicle plate no. 133 in the total amount of Five Thousand Forty-Five and 36/100 Dollars ($5,045.36) and that City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described.

RESOLUTION NO.: 30 - 2015

OF

FEBRUARY 9, 2015

RESOLUTION AUTHORIZING THE CITY MANAGER
TO SETTLE A CLAIM WITH PROGRESSIVE CASUALTY INSURANCE COMPANY

WHEREAS, the City of Newburgh has made a claim for property damage against Progressive Casualty Insurance Company for damage to police vehicle plate no. 144; and

WHEREAS, the parties have reached an agreement for the payment of the claim in the amount of Ten Thousand and 00/100 Dollars ($10,000.00) in exchange for release and resolve the property damage claims among them; and

WHEREAS, this Council has determined it to be in the best interests of the City of Newburgh to settle the matter on the terms agreed to by the parties;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the Corporation Counsel is hereby authorized to settle the claim for property damage to police vehicle plate no. 144 in the total amount of Ten Thousand 00/100 Dollars ($10,000.00) and that City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described.