

A regular meeting of the City Council of the City of Newburgh was held on Monday, January 28, 2019 at 7:00 PM in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

Executive Session

The City Council entered Executive Session at 6:00 P.M. and exited at 7:20 P.M.

Moment of Silence/ Momento de Silencio

Mayor Harvey asked for a Moment of Silence followed by the Pledge of Allegiance.

Pledge of Allegiance/Juramento a la Alianza

Roll Call / Lista de Asistencia

Present: Mayor Harvey presiding; Councilman Grice, Councilwoman Mejia, Councilwoman Monteverde, Councilwoman Rayford, Councilwoman Sofokles - 6

COMMUNICATIONS

Approval of the minutes of the City Council meeting of January 14, 2019

Councilwoman Rayford moved and Councilwoman Sofokles seconded.

Ayes: Grice, Mejia, Monteverde, Sofokles, Rayford, Harvey - 6

Carried

City Manager Update/ Gerente de la ciudad pone al día a la audiencia de los planes de cada departamento

Joseph Donat, Interim City Manager said that he will be exploring ways to adjust and change this moving forward. Prior to the previous administration a Manager's Report was never provided and he believes that we communicate rather well day in and day out but if there is a desire to keep this here then he will be happy to continue to do it. Over the last few weeks we have been exploring ways to increase communication internally and throughout the City and we are going to be implementing the use of some technology to do so moving forward. This will help us communicate effectively and efficiently at a moment's notice when opportunities present themselves. Last weekend he spent the entire night with DPW and he commended them for their efforts in response to the storm as they did a stellar job with snow removal throughout the whole City. He saw employees of this department shoveling sidewalks all night long and clearing our streets. Riding with them in the plows he saw firsthand how important it is that the parking regulations that coincide with the snow emergency are adhered to. As the winter months unfold we will be consistent

with our enforcement of these regulations because it is the one way that we can insure the streets are cleared. In addition to DPW, he commended the Water Department who was visible and the Police Department who helped enforce the policies of the parking regulations. He also commended the Police Department for their swift and quick action this past weekend. The ShotSpotter technology allowed them to identify people of interest, track them down and apprehend the suspects at a moment's notice. Our Water Department has had a busy week with three main breaks one of which was noticed by a city employee who was walking to work. The other two were identified through the leak detection program and Wayne Vradenburgh has continued to tackle all of those obstacles that come his way. Youth soccer and basketball are on the way with practices and games going on at the Recreation Department so if anyone has any questions please feel free to contact them. Summer Camp registration will be opening next week and again if you have any questions please contact the Recreation Department. The Assessor's Office has noted that the deadline for exemptions will be in March and there will be more information on that in the near future.

PRESENTATIONS

Presentation by Danskammer Energy LLC

Representatives of Danskammer Energy, LLC did a presentation of their proposed Power Plant.

Mayor Harvey said he wanted to be completely transparent about this presentation. He received a phone call from the CEO of Danskammer Energy, LLC and was presented with the notion that they wanted to present to the Council and residents of the City of Newburgh so he thought it was the fair and correct thing to do. There is a resolution on the agenda regarding this tonight and there was a presentation opposing the efforts of this organization so he wanted to make sure that we all heard the other side to be able to make informed decisions.

Councilwoman Rayford said she would like to see our Engineering Department get a little information and work with them during this process. When you talk about the economic benefits to our City as far as employment, how many of the four hundred will you be brining with you? We receive promises that they are going to hire people in the City of Newburgh and then they don't so she wants to see real numbers. She asked who their competitors are and she asked them for a business card.

Mayor Harvey said they had a forum last evening and the center focus was around employment for residents in the City of Newburgh and how we can improve. He knows that this Plant is located in the Town of Newburgh and one of the challenges the public brought up is that transportation is an issue. How far in distance is the Plant from the City of Newburgh and where are the access points? Often times we hear from our City residents that they don't have access to meaningful employment.

Councilman Grice said that this is the first time he has seen them here in the City of Newburgh and he knows that they have had some other events at other places that seem to be at inconvenient times. Why now and at this time?

Councilwoman Sofokles asked what the impact of their vote is tonight. If we all vote no, what kind of impact does that have on this project and why are we voting? She is not personally ready to vote because she doesn't have enough information. We just got this last week and there are always two sides to a story so she wants to know what our impact is on this vote tonight.

Councilman Grice said that they didn't just make this plan up last week. They knew about it a year ago and they could have come to us then at that time and say this is what we can do for the City of Newburgh, this is the environmental impact and this is the water impact that it is going to have. Tonight we have a resolution in front of us for a vote and now they are here.

Councilwoman Monteverde said she agrees with Councilman Grice. The only reason they are here is because we had a presentation on Thursday and it would be bad PR for them if we voted no. She doesn't think this will do anything for the City of Newburgh and that Plant has had a long history that she is aware of. She doesn't need any more time because she doesn't support Danskammer.

Mayor Harvey said that he will be moving to table this resolution because like Councilwoman Sofokles he wants more information on both sides. Part of the new Newburgh vision is to become a green city and move toward clean energy. For the record, we are moving in that direction as a city but we can't get there overnight and we know there are some needs for our community with regard to employment. He asked Corporation Counsel, Michelle Kelson if she would tell them why it's on the agenda as a resolution and what are the legal ramifications either way.

Michelle Kelson, Corporation Counsel said it's on the agenda for no legal reason. It is on the agenda from process because a request was made and it was added to the Work Session agenda for discussion. At the Work Session the general process is that if the Council is in favor of moving it to the regular meeting agenda then it gets moved over. None of those are legal issues and none of those are within her purview.

Councilwoman Mejia said she initiated the resolution be brought forth as an item discussion because a lot of City of Newburgh residents have been attending the environmental social justice issues that we have going on here in the City. Our water is one of the issues that we have going on and the air that we breathe is also of concern. This is stemming to Mayor Harvey's point about hearing from the City of Newburgh residents about the importance of having an environment that is fitting and just. In terms of being uninformed, she wants everyone to know that when she brings items up for discussion, she does her research so she is not an uninformed individual. Right now in the previous iteration of the Plant, there were zero contributions made to the City of Newburgh for our taxes and our school district. In past history, we haven't heard from you guys or had any interaction but we get the smells and the pollution. This is coming from our residents saying enough is enough and you have to have a serious conversation about offsetting those costs. That is why the resolution was brought forth and to her it is very plain and simple. She is not in support of tabling this resolution because you are either for it or you are not.

Councilwoman Sofokles said in her opinion that that's not necessarily true. She knows where Danskammer is and that it has not been environmentally friendly in the past but we

only heard one side last week. She is glad they came tonight because they have a right to say their part and we have a right to listen to it. She doesn't know why they didn't come to us before but they are here now and she wanted to hear what they had to say. She also wants to hear the public comments which is before the vote so she is not quite sure about it right now.

Mayor Harvey said he received several calls on both sides of this issue as well as from State Legislators. Their proposal is to recreate some things in that structure and from what he was told the emissions that were pollutants coming from that Plant are going to be decreased and be less pollutant to the cities and neighboring towns. For him, personally, he doesn't have as much information on both sides of the argument and he would like to learn more before making a decision. If and when the time comes for the resolution, we can table it or not.

Councilwoman Mejia said she is flexible and wants to do what is best for the City of Newburgh. She would love to hear what is going to be the change in terms of contributing to our coffers via taxes and the school district. That is one very important and crucial point that she would need to have if we are in this reconsideration process. Otherwise, she is going to hear from her neighbors and constituents that they are selling them down the river again.

COMMENTS FROM THE PUBLIC REGARDING AGENDA AND GENERAL MATTERS OF CITY BUSINESS

Tim, Walden asked that the City Council reconsider their stance on the Danskammer Project with the presentation that was given tonight. The City's resolution is one sided and does not take into account the modern technology which will be utilized in this project. He hopes the city will side against this resolution.

Deborah Watson, Middletown said that for the past three years her Church has been going out into the community feeding the homeless and that in August they will be having a Block Party with stations. One to give out formula and diapers, one with information for people looking for jobs and a medical station for people with high blood pressure and diabetes. Anything that the community needs.

Todd Diorio, Local 17 said that many of the union workers in the audience are all here in support of this. Danskammer is committed to using local labor and one of the issues here is the need for transportation but maybe there is a way to work something out with Danskammer to get some of the city residents in for the construction phase. He noted that Assemblyman Jacobson and Senator Skoufis have not come out against this project yet and Supervisors Gil Paquidio, Al Lanzetta of Marlboro and Kulisek are all in support of this project. When you read through this resolution there are a lot of things that they don't know are facts and a lot of them are debatable. They are only asking the Council to take some time and table this for tonight to review it. If you believe this isn't a project that's

good for the City of Newburgh then you have to do what you have to do. He thinks they heard from one side but there is a lot out there for them to learn so they should take some time. This is a big project with lots of local labor to be employed there so they don't want any of these resolutions to hurt the process.

Alex Avilar, 28 Carter Street said that four to five months ago he had a gun pointed at his face and he was detained for a phone so he was wondering what the result of the investigation was. There were three reports. One was that someone went to the Police Officer saying that someone was in the Park. Another was that someone called it in and the third was that an off duty Police Officer said there was someone in the Park.

Omari Shakur explained that when the story first came out they said that they received a phone call that there was someone in the Park with a gun. When we submitted a FOIL for the report, we were told that someone approached the car and gave them the information. Then when we submitted a FOIL for the police camera, they said it was an off duty Police Officer that called in the information. There are three different versions and we are just trying to find out what is going on.

Mayor Harvey said he and the City Manager will look into that.

A resident at 124 Lander Street said that she has a problem with the Lander Street Apartments. She has mice and black mold and they don't do anything to fix it. It has been over a year since they sent an exterminator and every time she complains about the black mold they just paint over it. She worked with a cleaning service and has been in half of these buildings which are disgusting with roach, mice and bed bug infestations so the Landlords are bad.

Omari Shakur, 55 Liberty Street said in regard to this Project that one of the problems they have had in the past with hiring people from the City of Newburgh is the training. If this Project is coming, they should put some sort of training mechanism in place for the community. They should also partner up with someone for transportation with is another big problem. There is another snowstorm coming and with the last storm he heard that eighty cars were towed. Beyond Robinson Avenue most people are renters so they don't have driveways or access to garages so could something be implemented where maybe they could have more time? They came by at 4:00 in the morning telling people to move their cars and most people can't afford these exorbitant towing rates. Maybe we could come up with a different plan because he had to park three blocks away from his house because people were scrambling to find a parking space and you can only park on one side.

Chris McCracken, said he runs a business in Campbell Hall with both City and Town of Newburgh employees and he also has a mentorship program with Newburgh Free Academy to get students involved in the workforce. He has lived in the area for the past thirty years and said it offers a blend of nature, history and development which all need to come together to have a productive and fruitful home and work life. From what he has learned so far, the plans that Danskammer has for the existing facility appears to have merit and he believes it could benefit Newburgh and the surrounding area. Their older system appears to be inefficient and is decades old and they could replace it with newer more efficient technology that could benefit us as a whole. He also believes that the financial benefits that could come from this Project could be helpful to the Region as a whole and hopefully they can work something out to help the City of Newburgh as well.

There are also employment opportunities with this for local labor and engineering firms, Hotels and restaurants all benefit from Projects of this size so that needs to be taken into account. He asked that the City Council consider delaying the vote on this resolution until all of the facts are out and the environmental statement has been produced so we can look at all of the details and make a sound decision.

Maureen Halahan, Orange County Partnership said they are supported by private business leaders and several of them are here tonight. These are businesses that benefit from Projects like Danskammer which is why she is here tonight. Look at the amount of jobs that this will create and the motivation to make sure that City residents are part of it. They are going to clean up a site that is there and has been operational and can continue to operate the way it is right now. They are going to pour five hundred million dollars into this Project as it grows and they clean up the site. They are going to have more than thirty existing high skilled jobs when it's completely functional so that will be people who will work long-term. The over three hundred and fifty construction jobs will be for two and a half years which is a long time for people to be working while that is under construction and during that time there are local vendors throughout the City that will be utilized. Not just the Hotels and eateries but also other vendors that will provide services, materials and other things to the Plant as it is constructed. It really does raise the bar for all citizens. In the New York State Article 10 Environmental Process, if you can build something in this State with that stringent set of reviews then let those consultants do their jobs and get those reviews in so you can read exactly what that means to you before moving forward with the resolution that is maybe a little emotional at this point and not as much fact because the facts are not yet in.

Robert Kaehler, President of Perreca Electric on Broadway and West Street said they have been here for forty nine years and they have always stuck with the City and the City has always supported them. He asked the Council to please table this resolution until they have all of the facts. Why not give it a chance and not rush to judgement right now? He thinks it is shortsighted and it doesn't serve the citizens of this City very well. There is plenty of time to go through this and he agrees that many of the businesses here could reap the benefits of this so please don't pass this tonight.

Dean Tamouri, Town of Newburgh thanked the laborers of Local 17 who are here tonight because they worked out in the cold all day and will have to go back out tomorrow. This is a great opportunity because they are a Power Plant and we are excited about it. Over the years we have seen people come in from Texas and all over doing maintenance on these projects and they have committed to local labor so these are good paying jobs. This is the cleanest energy that we know of and he thinks it is something we need to look at.

David Flores, City of Newburgh said he supports the Danskammer Project. This Power Plant will generate a lot of gas production which is great for us because we want everything to be green. All of the laborers and tradesmen and women are ready to work if they agree with this. This place has been up for sixty-five years and they generate power for the lower Hudson Valley so they should reconsider looking in to all of the information they will get in the next couple of weeks and push this vote back.

Daniel Ortega, Engineers Labor Employer Cooperative Elec 825 said that their organization and members have serious concerns regarding this proposed resolution for the expansion of the Power Plant. We feel that eco-terrorists are using fear tactics to

misinform elected officials and residents of the area to stop this and many other projects. They hope the Council will take the time to fully consider the many benefits this project has for the community. Our workforce is highly trained and safety is always our top priority. We have successfully and safely built pipelines as well as other construction projects in environmentally sensitive areas and transportation and energy infrastructure to our entire territory for many years. Our members are committed to preserving the environment for future generations and this project offers the ample reliable energy resources that are essential for our economy to grow in the Hudson Valley. We need more jobs here in the City of Newburgh and this is an important part towards that goal and this will mean more money in the pockets of the people who live here in the City of Newburgh. They hope that the Council will vote no on this resolution or at least table it until they have more information on the project.

Robert Ambrosetti, 3 City Terrace North, Steam Fitters Local 373 said that he supports the Danskammer Project. It is going to bring good jobs to us, remove an eyesore and eliminate a lot of the pollution that everyone is complaining about. A lot of points have been made tonight and he thinks that a better look into this would be appropriate at this time. He heard someone say, *"What's in it for Newburgh"* and there may come a time when there is a Project in Newburgh and they go to the surrounding towns and they ask what's in it for them? It is not always what's in it for us as it should be what's in it for the area. There are a lot of good things coming out of this and the Plant is not going away. Whether it gets passed or not the existing Plant is going to stay and this is an opportunity to make something good there to help everyone. They won't be using water from the Hudson River like they have done for years because it will be air cooled. They will be burning good clean gas and the emissions will be low. He told the Council there is no rush to jump to a conclusion and they have until August so they should table this vote for tonight.

Kevin Dickerson, City of Newburgh said there are a few lakes in Newburgh that he would like to see stocked with fish for people to go fishing. Crystal Lake, Lake Street (Muchattoes Lake) and Brown's Pond.

Mayor Harvey said that Crystal Lake is undergoing a major upgrade and they have been restocking the fish there. Scenic Hudson and other organizations have been very hands on with Crystal Lake so his point is well taken.

Councilman Grice noted that Scenic Hudson will be doing an event at Crystal Lake on President's Day, February 18th.

Robert McLymore, Pastor of Life Restoration Church thanked the Council for the street dedication and noted that on February 23rd they will be giving out hot meals on the second floor of 136 First Street. This will be open to the public for anyone who would like a hot meal and it will start at 1:00 P.M. They are also planning a Block Party like the one they held last year which was an awesome event so maybe they can collaborate as Churches and do something together. Lastly, they are seeing a lot of graffiti in the area and they hit our Church a few times so he is asking for a patrol to come around and check the area.

Jim Smith, Advance Testing Company said they have been in business for thirty five years and started as a two employee company. They now have one hundred and sixty five employees many of which come from the greater Newburgh area and the Hudson Valley.

He likes the statement on the back of the Hudson Valley Building Trade shirt, *"Quality On Display Every Day"*. This Project could be used as a model for the environmental interest, the engineering interest and to the students of N.F.A as far as quality of energy and what we need to produce energy for years to come. His love is here in the City of Newburgh and he asked the Council to postpone this resolution and really hear the other side of the story. Give them an opportunity to discuss the project and all of the benefits and there is no doubt in his mind that you will change your decision on this resolution.

Mr. Thompson, 178 Broadway said he has a problem with parking. There is no parking on Broadway so he parks on Clark Street and last year he paid over one thousand dollars for parking tickets. Last week during the snowstorm one of his cars was parked on Clark Street and on Saturday night they towed his car to New Windsor. The fee for that car is \$300.00 and by the time he got back there were three tickets on his other car and they don't clean the streets.

Roxie Royal, 57 Farrington Street said she was disappointed to read in the paper that there was no more Prayer at the City Council meetings. When people came here and populated the City, they came because they wanted a chance to practice their religion and this Country gave them that chance. After a while we took Prayer out of the schools and then the guns came in. She feels that everyone should have a chance to practice their religion and if you put it to a vote among the people in the City of Newburgh they would vote to still have the Prayer. She felt good hearing about the jobs coming to the area although they might not be in the center of the City. We have had a transportation problem for years so it has been hard for people to get jobs but if they are going to bring jobs nearby then they should be given a chance because when the factories in the City of Newburgh closed and jobs were scarce IBM opened across the river and people went there. Sometimes we have to come together and make ways to get to the jobs because they aren't going to come to us.

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

COMMENTS FROM THE COUNCIL REGARDING THE AGENDA AND GENERAL MATTERS OF CITY BUSINESS

Councilman Grice thanked everyone for coming. He commended our DPW, Police Department, Water Department and our City Manager for doing an excellent job with our snow removal. There are areas we can improve on and we are working on those areas. We need the residents to help out and participate by following the parking rules that we have in place. If anyone needs clarity on our parking rules they can reach out to him, DPW or our Police Department. He also noted that we have a Transportation Committee which is on Facebook and they hold meetings every second Wednesday of the month at the Heritage Center. In regard to Resolution #16-2019, he was not willing to table it but after listening to everyone's comments it makes him pause but he needs some guarantees. As Councilwoman Mejia said we don't make decisions lightly and we do our research but previously Danskammer did not contribute to the City or our school district. The jobs

were there but they were scarce and he has heard people say that they have had a hard time getting into Local 17 which they need to be in to be considered for that job. There is no price that you can put on clean air or clean water that would have him saying yes to this situation. In order for him to say yes he is going to need definite guarantees of jobs and transportation for our City residents and clean energy. Without that it is going to be a no for him.

Councilwoman Mejia thanked everyone coming out. In regard to resolution #16-2019, she is open to tabling it and if it is in the best interest of the City then we should have those conversations. She believes in time frames so she would be willing to table this for a period of four weeks to get a better sense of what else is out there that is being proposed. Echoing what Councilman Grice said about a price being associated with having access to clean air and clean water it has to be compelling and we have to be able to balance that. She is looking for numbers in terms of what will be the benefits to City in terms of funds for our tax base, our school district and in terms of jobs. How many City of Newburgh residents have been at that Plant in the past fifteen years would be useful to have because if history is an indicator of the future it would be important for us to know that. Our city went through a very heated conversation last year around economic development and she doesn't want to repeat that in 2019. She said to be mindful of language used and please don't use terms like eco-terrorist because we should not call individuals who have concerns about the environment a terrorist. She looks forward to the conversations that they will be having.

Councilwoman Monteverde thanked everyone for coming. She agrees with Councilman Grice and Councilwoman Mejia and would be willing to table this, however, she doubts that she will change her vote and will probably vote no. She doesn't see how burning fossil fuel is clean for the environment. It is not clean for the environment and it does not remove our carbon footprint so they would definitely have to explain to her how fossil fuel is good for the environment. If we are going to do anything at this point, we need to look into renewable energy and they did talk about solar or wind power which she would definitely support but they would have to guarantee that that's what they are going to be doing. She understands it is going to be fracking and gas which she does not support and will only add to year round gas emissions for the City of Newburgh and our air quality is already pretty bad. In regard to the parking issue, we are trying to get better with communication on parking regulations and she knows we have a pending snowstorm for tomorrow so hopefully we will get the word out. The City Manager and DPW are working hard to make sure that people understand the parking regulations. Our signs are very confusing but we are putting the word out on social media so hopefully people will know when to move their cars.

Councilwoman Rayford thanked everyone for coming tonight. In regard to resolution #16-2019, she is going to ask that this be tabled so she can make an informed decision. A lot of businesses came forward and would like to have their business cards if possible. In regard to the graffiti on the Churches, she wonders if we could come up with some stiffer penalties for that so it won't happen as often. Someone asked about the gaming fish and she was asked if Lake Street Pond is a fishing area. They greatly appreciate the crowd that is here tonight and ask that they continue to come out because they are here to listen and see what can help move this city forward. In regard to resolution #25-2-19, appointing someone to the Council seat she said she didn't get any information about this person but she is looking forward to that person joining them.

Councilwoman Sofokles thanked everyone for coming out because when you show support in numbers you can do great things. She is glad that they all agree to table this because she really wants to look at it. There are a lot of people like Todd Diorio, Perreca and others who have all been here. There is a lot of Local 17 here in the City of Newburgh and she thanked them for coming out tonight because they have done a lot over the years. There are many people here whose opinions she respects so she really wants to hear both sides because it is about jobs but it is also about renewable and clean energy. We want to make sure we make the right decision and we don't want to hurt the project if it's the best project for this area. Jobs are important and we have lost a lot of industry over the years in the City of Newburgh and we want to make sure if we can bring it back. When you have all of these people whose opinions you really respect, you have to listen and take it all in to make an informed decision. We will be doing that because she trusts the Council and we always seem to be able to come to a good agreement.

Mayor Harvey thanked everyone for coming. He said that he supports Unions in America even though we know there are efforts take them down throughout the Country. He likes to make informed decisions so hopes and prays that we can table this as there is no rush to vote on it. Information is readily available and we are looking to move in the direction of clean energy and become a green city. There will be a Festival in the spring that will bring companies who expose and deal with green energy and renewable energy and how to look at wind, water and solar power which is the direction we envision for the City of Newburgh. We want and need employment and we need economic stimuli in our city which they made a strong case on so he will be in support of tabling this resolution to get further information. As far as Prayer at our meetings, if someone is offended by the Prayer, the word of God say don't offend your neighbor. Religion is a personal thing and Prayer and your relationship with God is personal so in that Moment of Silence you have that opportunity to connect and talk to whomever you believe in. If one person is offended, we don't want to continue to offend anyone so that is where he stands with that but that dialogue will continue.

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

CITY MANAGER'S REPORT

Resolution No. 16 - 2019 - To Oppose the Proposed Danskammer fracked gas plant expansion.

Mayor Harvey moved and Councilwoman Sofokles seconded that the resolution be tabled.

Councilman Grice asked how long will they be tabling this for.

Michelle Kelson, Corporation Counsel said that the resolution will be tabled and show as old business on your next Council meeting where they can remove it from the table at that time. If it fails to come off the table at the next Council meeting, then it will no longer appear on the Agenda and if they wanted to bring the item back it would be with a new resolution number at a new meeting.

Ayes: Mejia, Monteverde, Rayford, Sofokles, Harvey - 5

Nays: Grice - 1

TABLED

Resolution No. 17 - 2019 to amending terms and conditions of sale - 60 Hasbrouck Street

Councilman Grice moved and Councilwoman Rayford seconded.

Ayes: Grice, Mejia, Monteverde, Sofokles, Rayford, Harvey - 6

Adopted

Resolution No. 18 - 2019 Surplus Materials at 123 Grand Street

Councilman Grice moved and Councilwoman Mejia seconded.

Ayes: Grice, Mejia, Monteverde, Sofokles, Rayford, Harvey - 6

Adopted

Resolution No. 19 - 2019 Amend the 2019 Personnel Book to Add a Full Time, 8-month Neighborhood Stabilization Coordinator

Michelle Kelson, Corporation Counsel said that the City was awarded a Phase II Rise Grant which provides funding for a position within the Planning and Development Department to inventory our vacant buildings, work with our distressed properties and provide information about strategies for addressing our vacant and distressed properties. They would be required to help us with our distressed property policies and procedures and to address our code enforcement and our approaches to vacant and distressed property within the City. The funding for the position is right now for eight months so this resolution would create the position in the 2019 Personnel Book and the Grant would fund it for the remainder of this year and then if we got additional funding, the position could be extended for up to three years.

Councilwoman Rayford said that's if it comes back to the Council.

Ms. Kelson said if we got the additional funding, the position could then be carried over into future budgets. When you adopted your 2019 Budget and Personnel Book, this position did not exist. It was in process but was only recently funded and vetted through the Civil Service Commission so this particular resolution allows you to essentially amend a

portion of your 2019 Budget to create the position.

Mayor Harvey said he is grateful that Councilwoman Mejia brought him up to speed on this and he thanked Alexandra Church for all her help with this Phase II Rise Grant. People don't realize how significant this award is and he received a phone call earlier today from Assemblyman Jacobson who told him of some recent legislative moves that the State Legislature has done to provide Grants for distressed properties. There are additional Grants about this and he is looking forward to working on those. This is super exciting and it is going to help with our abandoned buildings.

Councilman Grice moved and Councilwoman Sofokles seconded.

Ayes: Grice, Mejia, Monteverde, Sofokles, Rayford, Harvey - 6

Adopted

Resolution No. 20 - 2019 Amend Resolution 228-2018 to accept a Cities RISE Phase II Grant from Enterprise Community Partners, Inc. for an additional \$30,000

Councilwoman Rayford moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Sofokles, Rayford, Harvey - 6

Adopted

Resolution No. 21 - 2019 Apply for Art Works Grant on Behalf of the NACC

Councilman Grice moved and Councilwoman Sofokles seconded.

Ayes: Grice, Mejia, Monteverde, Sofokles, Rayford, Harvey - 6

Adopted

Resolution No. 22 - 2019 Best Resource Center - workforce development agreement

Councilman Grice said he is very happy about this resolution because it is going to put some of our young adults to work. When they work for our Water Department and our DPW, they get exposed to those jobs and then they have an opportunity to go into that career.

Mayor Harvey said he is also excited about this even though it is for a targeted age group. Mr. Shakur mentioned that we need job training and some of those opportunities are coming with some of the Grant funding that happened for SUNY Orange. He is excited about this and other programs that are similar.

Councilwoman Rayford moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Sofokles, Rayford, Harvey - 6

Adopted

Ordinance No. 1 - 2019 to change the name of the Parking and Transportation Advisory Committee to the Transportation Advisory Committee

Mayor Harvey thanked Councilman Grice for all of the work he has put in to this particular committee. It really makes a difference and it's really important. People had a lot of comments and/or complaints regarding the parking challenges that we have in our City and this is an advisory committee to address the needs of the people. Instead of

always coming to the City Council with these concerns or issues you can bring them to the Transportation Committee or other committees like that where they might have solutions that they can bring to the Council.

Councilwoman Rayford moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Sofokles, Rayford, Harvey - 6

Adopted

Resolution No. 23 - 2019

Councilwoman Rayford moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Sofokles, Rayford, Harvey - 6

Adopted

Resolution No. 24 - 2019

Councilwoman Rayford moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Sofokles, Rayford, Harvey - 6

Adopted

Resolution No. 25 - 2019

Mayor Harvey said he is really excited about this resolution to fill this vacancy. Former Councilman Jacobson had big shoes to fill but he couldn't think of a better person who could serve in this capacity. The Sklarz family are wonderful people who he has worked with so he has seen the hard work, the love and dedication from this family. He hopes that this vacancy and position could be filled even beyond the time allotted so we can have a long standing Council member in the future.

Councilman Grice said he is also very excited about this. He has known Bob for a very long time and they have shared some ideas. His lovely wife is a retired school district employee and his daughter is the communication strategist for the District so he sees her every day. He thinks that Mr. Sklarz will bring us balance and a sense of gravity. He has had a career in Human Resources and he knows how to deal politely and judiciously with people so he is looking forward to this.

Councilwoman Sofokles said that she looked through the list in the Third Ward several times and always came back to Bob's name. She is very glad that he agreed to do this because it's not an easy thing to do.

Councilwoman Mejia said that she had the opportunity to speak with Bob over the weekend and she found him to be very open and accessible so she is looking forward to serving with him.

Councilwoman Monteverde said she is also looking forward to serving with him and she welcomes him.

Councilwoman Rayford said she knows him from being on the Democratic Committee and she is looking forward to this as well.

Councilman Grice moved and Councilwoman Sofokles seconded.
Ayes: Grice, Mejia, Monteverde, Sofokles, Rayford, Harvey - 6
Adopted

Resolution No. 26 - 2019

Councilman Grice said that one of our main jobs as a City Council is to write policy. In the effort to listen to the community and do other things, we sometimes step out of lane but we try to be very careful when we do. The person who manages our City daily is our City Manager. We do supervise our City Manager but it is in collaboration with him. He is pleased with the job Mr. Donat has been doing so far and this gives us time to have that search open because it is very important that we choose a City Manager who has all of the qualities we are looking for. He is looking forward to passing this resolution and thanked Mr. Donat for the hard work he has put in so far and for being agreeable to this solution.

Councilwoman Monteverde said she is hearing some really good things out in the community and she thanked him for staying on and taking the job.

Councilwoman Sofokles feels the same way. There is a new energy in City Hall and the City itself and we need someone who is going to be a good leader for us.

Councilwoman Rayford is grateful that Mr. Donat is with us. He is hands on and he seems to gravitate towards every issue openly and willingly. With management, effective communication speaks for itself. She thanked Mr. Donat for working with our department heads and for being fair. This resolution opens the door for him to also apply because the previous resolution didn't have that.

Mayor Harvey thanked Mr. Donat as well and said it has been a wonderful experience thus far. He has an open mind to new and different ideas, the ability to listen to all possibilities and he relates to people no matter who they are or where they come from. Most importantly he cares about our residents and the staff from top to bottom as we have seen a difference in the morale. He is excited to extend this agreement so we can continue to not only stable the ship but also get some serious stuff done. Thank you for your willingness to step up in this capacity. We also gained a new resident because he just relocated to our City.

Councilwoman Mejia said, *"ditto"*.

Councilwoman Rayford moved and Councilman Grice seconded.
Ayes: Grice, Mejia, Monteverde, Sofokles, Rayford, Harvey - 6
Adopted

****Break in protocol**

Councilwoman Rayford moved and Councilman Grice seconded to swear in the new Councilman, Robert Sklarz.

Ayes: Grice, Mejia, Monteverde, Rayford, Sofokles, Harvey - 6

Carried

Councilman Sklarz thanked everyone for the kind words they said tonight. He likes being part of a team and we have a really great team here. He thanked his wife who has been so supportive and his daughter who has been encouraging him to get involved

NEW BUSINESS

Councilwoman Rayford asked if the local government here can implement stiffer gun laws.

Michelle Kelson, Corporation Counsel said that her gut is telling her that the State has preempted the field but we can look into seeing what we can do. It is going to take some time because whatever you are proposing we want to make sure that we are not going to face a tremendous legal challenge that we won't be able to afford to oppose.

Councilwoman Rayford said that the lighting on South Street from Dubois Street to Robinson Avenue is very dark.

George Garrison, DPW said he will have to talk with the State because it's a State road.

Councilwoman Rayford added that our lovely former Mayor, Judy Kennedy had mentioned about a salary increase for the Council so she doesn't know if we need to have a discussion on that.

Mayor Harvey said this is something that he and the Interim City Manager have discussed along with salary increases for some of our executive staff members as well. It is something that we are definitely working on and there will be a vote on some of those matters very shortly.

Councilman Grice said for the public that being here on the City Council is a part-time job but we definitely dedicate full-time hours because we love what we do and we love the City of Newburgh. Most of us have full-time jobs and the pay for a City Council member is \$9,000.00 per year which is less than \$1,000.00 per month. When you think about the amount of responsibilities that we have this is something that we need to seriously discuss as well as keep in mind our current fiscal situation.

Councilwoman Sofokles said she is a little uncomfortable with a salary increase although she knows it's been about twenty six years and it's an antiquated amount of money. We all

put time in every day but she personally didn't take the job for the money.

Councilwoman Rayford said she currently works three jobs and doesn't even make \$25,000.00. It is one thing having a job but it's another having the opportunity to have an advancement to receive finances and bring home a check because \$618.00 a month is not paying the bills. This is why she is inquiring that there be an increase. \$9,000.00 may sound like a lot and the title says it's part-time but there are nights and weeks that most of us or all of us haven't slept because of the issues we face so she is hoping they can consider this. She believes that the late Judy Kennedy asked that the salary be raised from \$9,000.00 to \$12,000.00 a year which would be \$1,000.00 a month per Council member.

Joseph Donat, City Manager said that this item and a previous discussion regarding the non-bargaining unit can certainly be addressed upon the hiring of a new Comptroller.

Mayor Harvey said that as soon as we get a new Comptroller we can look into those numbers and make that happen hopefully.

Councilwoman Rayford said that she needs a time frame because we talk about it but then it's not addressed or paid attention to.

Michelle Kelson, Corporation Counsel wanted to point out a couple of things. Salary increases for the City Council and the Non-Bargaining Unit employees were not included in the 2019 Budget so the funding needs to be identified. The salaries and benefits for Non-Bargaining employees can be amended by a resolution, which is a relatively simple process. The salaries for the City Council members are contained in the City Charter which has to be changed by Local Law so it will be at least a two meeting cycle once the funding is identified. You would have to draft a Local Law, introduce it, hold a public hearing and then it would be adopted. She will double check to see if it is also subject to a permissive referendum but you are talking at least two meetings once the legislation is written.

Councilwoman Mejia said this isn't something that would be impacting the City of Newburgh immediately but there is an Upstate and Downstate Housing Alliance Coalition and they are pushing to support New York State laws around rent control and tenants' rights. She has a sample of the resolution for discussion at our next meeting and this would be to expand the 1974 Emergency Tenant Protection Act. There has been a lot of recent updating about rapid housing crises and shift that a lot of our residents are experiencing and she wants to make sure that at least from a New York State perspective they have Newburgh on the map as having that same issue and we want to support the expansion around rent control and tenants' rights.

Councilwoman Sofokles said that she has had a few Colonial Terrace residents ask her about restoring the Tennis Courts over there. They are trying to get a Grant but it doesn't look like it would take that much work so we might just be able to do a fund raiser. The residents there really want it to be fixed and functional and what a boost it would be for that neighborhood.

Michelle Kelson, Corporation Counsel said as a word of caution that City Council members cannot engage in fundraising in the same way as a private company, a non-profit organization or the average citizen.

Councilwoman Sofokles said we would have to create our own 501c3 for the Tennis Courts.

Ms. Kelson said that somebody else would have to create a 501c3 or we could apply for a Grant. You as individual Council members have to be very careful.

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

OLD BUSINESS

Councilwoman Sofokles said we discussed it last year and she wants to know what we can do to get ice skating at Downing Park. She would like to get something on the agenda soon because she would like to have that again.

Michelle Kelson, Corporation Counsel said it's more than just a resolution. It's going to take more people than you think to establish rules and regulations for making this a safe and accessible opportunity for everyone but we will try to look at it.

Councilwoman Monteverde said that last year she spoke briefly about a municipal service fee. She has done some research and people are helping her put together some information so they can seriously start talking about.

Michelle Kelson, Corporation Counsel said that something similar to what she has been asking for is on the legislative agenda program with NYCOM for the February meeting. If it was something we were able to do now, it would not be an ask of the New York State Legislature. For those of you who are attending the NYCOM legislative meeting in February, that's the opportunity to lay the ground work and learn what is permissible in the State and what is outside of our purview.

Councilman Grice said he is going to go on February 10th but he doesn't know if that will be brought up at that time. He will be returning on the 11th because it is his birthday and there will be a Council Meeting that night.

Michelle Kelson, Corporation Counsel said that as members of NYCOM we will be able to access their materials. If you are doing research and it's outside of the State of New York, that is all well and good but until we get a window of opportunity through the State Legislature it's going to be very difficult to do something locally.

There being no further old business this portion of the meeting was closed.

FURTHER COMMENTS FROM THE COUNCIL

Councilman Grice said there were some things happening in the community recently but we all make mistakes and when people apologize he accepts their apology and looks forward to working with them moving forward. We as a community on the rise should think about what we put out in the public because as we are talking to local, county, state and federal officials and investors those images and comments make a difference. As we are in this revitalization stage, it's very important that whenever we are talking about the City of Newburgh that we are putting it in the best light possible.

Councilwoman Mejia thanked everyone for coming and said she will see them next week.

Councilwoman Monteverde agrees with Councilman Grice. This past weekend there were some comments going back and forth on social media which can be very dangerous these days so we have to be careful what we put out there. As a community, it was a little disheartening to hear people making threats but we are all human and we make mistakes so we have to learn how to move on and forgive. She also forgives this person and understands that she made a mistake and I think she knows that. Thank you for coming out tonight.

Councilwoman Rayford wanted to speak about the Prayer being taken off the Council agenda. The late Judy Kennedy had it added to the agenda and she agrees with our Mayor that the Moment of Silence is a time for us to pray. We have to respect his position but she told everyone don't stop praying and don't be discouraged. She gave a shout out to the Police and Fire Departments for helping her friend during the Thanksgiving Holiday. She was gravely ill and couldn't make it to her Nephew's fiftieth birthday party so our Police and Fire staff got her out of the house so she could participate and tell her family she loved them before she passed away. She added that she has started a Petition to allow the Newburgh City School District to teach Black History because we must know about the modern day slavery, which is the Prison System. We can't have our children acting any kind of way not knowing what is ahead or what can happen. They need to know about more than just Martin Luther King, Harriet Tubman and Rosa Parks.

Councilman Sklarz said he has felt welcomed by this whole process. He looks forward to working with all of them and moving the City that we all love forward.

Councilwoman Sofokles noted sadly that Kiki Hayden passed away and anyone who knew her knows that she loved this City. We are all going to miss her.

Mayor Harvey thanked everyone who came out tonight because their presence means the world to us. He honors and respects everyone's position on the Prayer at the meetings so he told Councilwoman Rayford that he appreciates all of her insight and remarks regarding this matter. It is an important matter and we will continue to have dialogue on that but he doesn't want to offend anyone. He added that some things were put out on social media over the weekend with an uprising of tension but we were able to speak about it at last night's discussion at Bishop Woody's Church. The focus of the meeting was employment and we were also able to hear from Melanie Collins of Blacc Vanilla so she could express her apologies regarding a posting with a t-shirt. He also spoke with Amal

who is the owner of Cream because she is very hurt, scared and remorseful so she understands everyone else's pain. He too was very angry when he first saw that social media post but when he is angry he doesn't post because there are things we say in anger that we later regret. He has learned through maturity and time to be silent because he likes to think through challenges so whenever there is a crisis he humbles himself and he prays. He again thanked everyone for coming out and said he truly appreciates everyone's hard work.

ADJOURNMENT

There being no further business to come before the Council the meeting adjourned at 9:50 p.m.

**LORENE VITEK
CITY CLERK**

ORDINANCE NO.: 1 - 2019

OF

JANUARY 28, 2019

AN ORDINANCE AMENDING CHAPTER 71 OF THE CODE OF ORDINANCES TO
RENAME THE "TRANSPORTATION, TRAFFIC AND PARKING ADVISORY
COMMITTEE" AS THE "TRANSPORATION ADVISORY COMMITTEE"

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Chapter 71, entitled "Parking and Traffic Advisory Committee" be and is hereby re-titled and amended to read as follows:

SECTION 1. Chapter 71. ~~PARKING AND TRAFFIC~~ TRANSPORTATION ADVISORY
COMMITTEE

§ 71-1. Formation; purpose.

- A. A ~~Transportation, Traffic and Parking~~ Advisory Committee is hereby formed. The purpose of the Committee is to advise the City Council on parking and transportation related matters as well as to guide and review the preparation of transportation and parking plans and programs.
- B. Among the functions and duties of the ~~Transportation, Traffic and Parking~~ Advisory Committee shall be to evaluate and make recommendations on various issues including but not limited to parking, traffic and transportation, including alternative transportation modes such as pedestrian and bicycling.
- C. The committee shall develop and/or review needs assessments, transportation planning and policies, studies and projects, as well as ensure that parking, traffic and transportation goals and objectives developed in the 40 year sustainable master plan are met.

§ 71-2. Membership.

Members are appointed by the City Council for two year renewable terms. The Committee shall consist of nine (9) members, comprised as follows:

- 1. Up to six (6) residents of the City of Newburgh on the basis of their knowledge or interest in transportation and/or parking.
- 2. One (1) representative of an agency or organization which represents and/or advocates for persons with disabilities;

~~Strikethrough~~ denotes deletions

Underlining denotes additions

3. Two (2) City employees who are staff members of the City departments of engineering, economic and community development and/or public works.

SECTION 3. This Ordinance shall take effect immediately.

~~Strikethrough~~ denotes deletions
Underlining denotes additions

TABLED

RESOLUTION NO.: 16 - 2019

OF

JANUARY 28, 2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
TO OPPOSE THE
PROPOSED DANSKAMMER FRACKED GAS PLANT EXPANSION

WHEREAS, Danskammer Energy, LLC, seeks a permit through the State's Article 10 power plant siting process to build and operate a gas power plant with a generating capacity of 525 - 575 megawatts on the shores of the Hudson River in the Town of Newburgh, adjacent to the City of Newburgh; and

WHEREAS, the current power plant located at the site operates only when electric generation demand reaches a peak so that it operates only about 5% of the time; and

WHEREAS, a new power plant would be planned to operate for decades to come as a year-round facility that would operate continuously for an estimated 60 - 70% of the time, burning far more fossil fuel and producing considerably more air pollution than the current plant; and

WHEREAS, gas-powered plants produce pollution that harms air quality locally and the public's health through release of contaminants including the chemical precursors that form smog; and

WHEREAS, children, the elderly and anyone with a pre-existing health conditions affecting their lungs, such as asthma or emphysema, is especially harmful; and

WHEREAS, air quality in the Hudson Valley already violates federal air quality standards on some days; and

WHEREAS, everyone has a right to clean air and a safe and healthy environment; and

WHEREAS, the City of Newburgh includes communities and census blocks that qualify as environmental justice communities under state law and therefore are entitled to extra protection to minimize additional harms through public policy decisions affecting their environmental quality; and

WHEREAS, climate change is causing sea level rise, extreme weather, massive forest fires, flooding and greater precipitation which necessitates shifting critical infrastructure from areas that will flood in the future such as the proposed location for this facility; and

WHEREAS, a large, new gas-powered plant operating at close to baseload capacity will produce millions of metric tons of climate-heating pollution that would fuel the growing climate crisis, contrary to the interests of the City of Newburgh and in contradiction to the State's Energy Plan and Clean Energy Standard of 50% renewable energy generation to be available on the electric grid by 2030, which Governor Cuomo more recently increased to 100% by 2040, as well as contrary to the strong advice of the world's scientists as relayed by the most recent report from the United Nations Intergovernmental Panel on Climate Change (UN IPCC); and

WHEREAS, New York State banned fracking to protect our health and protect the climate, but this facility would use fracked gas, which is especially dangerous to air and water quality of the communities outside of New York from which it is extracted, and the City of Newburgh does not seek increased harms on any community, including outside of New York State, and

WHEREAS, the Wall Street investors in this project, primarily the private equity firm Tiger Infrastructure and its backers, will enjoy profits from the facility but will not provide any benefits to the City or its residents, and

WHEREAS, under Article 10 of the State's Public Service Law, the State's Power Plan Siting Board, a majority of whose members are appointed by Governor Cuomo, will consider Danskammer Energy's application;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Newburgh urges Governor Cuomo and the Power Plant Siting Board convened under Article 10 of the State Public Service Law to reject Danskammer Energy's proposal to build and operate this large, new polluting facility; and

BE IT FURTHER RESOLVED that the City Council of the City of Newburgh urges other nearby municipalities, Orange County, and other state-level elected officials including the City's representatives in the State Senate and Assembly to also oppose Danskammer Energy's proposal; and

BE IT FURTHER RESOLVED that the City Clerk of the City of Newburgh, New York forward copies of this resolution to Governor Andrew Cuomo, N.Y. Public Service Commission Chairman John B. Rhodes for entry into the record of public comments of the consideration under state law of Danskammer Energy's application, and to N.Y. Assembly Member Jonathan Jacobson, and N.Y. Senator James Skoufis; and

BE IT FURTHER RESOLVED that the City of Newburgh municipal government, including the City Manager and Corporation Counsel, shall take any and all actions necessary and proper to oppose the proposed application to expand the Danskammer Energy Facility.

RESOLUTION NO.: 17 - 2019

OF

JANUARY 28, 2019

A RESOLUTION AMENDING THE PURCHASE PRICE AND EXTENDING
THE TIME TO CLOSE FOR THE CONVEYANCE OF REAL PROPERTY
KNOWN AS 60 HASBROUCK STREET (SECTION 38, BLOCK 3, LOT 56)
AT PRIVATE SALE TO MICHAEL LAVAN

WHEREAS, by Resolution No. 331-2018, the City of Newburgh authorized the conveyance of real property known as 60 Hasbrouck Street (Section 38, Block 3, Lot 56) to Michael Lavan in the amount of \$50,000.00; and

WHEREAS, after authorization and prior to closing, unknown parties vandalized the premises and caused substantial damage inside the premises; and

WHEREAS, the prospective buyer, by his attorney, provided an estimate for the repairs and wishes to continue with the purchase at a reduced purchase price based on his cost estimate with a closing date no later than February 28, 2019; 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, with a closing date no later than February 28, 2019, and upon the remaining terms and conditions as approved in Resolution No. 331-2018;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the purchase price for the sale of the property known as 60 Hasbrouck Street be amended from \$50,000.00 to \$42,115.00, and the closing date extended to no later than February 28, 2019.

RESOLUTION NO.: 18 - 2019

OF

JANUARY 28, 2019

**A RESOLUTION DECLARING PAPER AND OTHER ART SUPPLIES AS SURPLUS
AND AUTHORIZING DISPOSITION TO
THE NEWBURGH ENLARGED CITY SCHOOL DISTRICT**

WHEREAS, the City of Newburgh Department of Planning and Development has reported that it is in possession of construction paper, rolled colored craft paper, and sheets of craft paper and 1 box of plastic footballs, 1 box of sponge paintbrushes, 1 box of tempera paint, which are of no use by the City of Newburgh; and

WHEREAS, the Department of Planning and Development has indicated that the Newburgh Enlarged City School District has expressed interest in the supplies for use in art classes; and

WHEREAS, the City Council has determined that declaring the paper and other items as surplus is in the best interests of the City of Newburgh; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the construction paper, rolled colored craft paper, and sheets of craft paper and 1 box of plastic footballs, 1 box of sponge paintbrushes, 1 box of tempera paint are hereby declared to be surplus and of no further use or value to the City of Newburgh; and

BE IT FURTHER RESOLVED, that the Interim City Manager be and he is hereby authorized to execute any required documents and conduct all necessary transactions to dispose of said surplus paper and other items to the Newburgh Enlarged City School District.

RESOLUTION NO.: 19-2019

OF

JANUARY 28, 2019

A RESOLUTION AMENDING THE 2019 PERSONNEL ANALYSIS BOOK
TO ADD ONE (1) NEIGHBORHOOD STABILIZATION COORDINATOR
ON A TEMPORARY BASIS IN THE CITY OF NEWBURGH
DEPARTMENT OF PLANNING AND DEVELOPMENT

WHEREAS, the City of Newburgh was awarded a Cities Rise Phase II grant to work on capacity building and intensive learning process around its code enforcement and distressed property needs and strategies; and

WHEREAS, the grant award is \$50,000 to fund staff time to implement the program and the City intends to hire a temporary full-time staff member to support the program; and

WHEREAS, the Civil Service Commission has approved the position of Neighborhood Stabilization Coordinator in connection with the implementation of the program; and

WHEREAS, the City Council has determined that adding one temporary Neighborhood Stabilization Coordinator in the Department of Planning and Development 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 Personnel Analysis Book for the fiscal year 2019 be amended, and that there be and hereby is added one (1) additional position on a temporary basis in the job title "Neighborhood Stabilization Coordinator" in the Department of Planning and Development.

NEIGHBORHOOD STABILIZATION COORDINATOR

DISTINGUISHING FEATURES OF THE CLASS: This is an eight month year grant-funded position, with the potential for an additional three years. Under the general supervision of the Director of the Planning and Development or their designee, the incumbent will actively enter the field to assess the City's vacant buildings stock and organize this information in the vacant building registry. The incumbent will also be expected to develop new systems and processes to make the City of Newburgh's approach to vacant building management and code enforcement more effective, efficient, and equitable. In doing so, the incumbent will be called upon to work closely with stakeholders inside and out of the City government and exercise a great deal of independent judgment. Supervision of others is not normally a responsibility of this class.

TYPICAL WORK ACTIVITIES: (Illustrative Only)

- Monitor, record, and evaluate vacant buildings in the City of Newburgh
- Research ownership information of vacant or abandoned building owners
- Facilitate a task force made up of various City departmental representatives to develop a comprehensive, city-wide approach to vacant buildings
- Work closely with the Department of Buildings & Code Compliance, Fire, Police, Corporation Counsel, and others, including members of the public
- Provide vacant building owners with information on resources available through New York State to address abandoned properties
- Evaluate and improve upon the existing City of Newburgh Vacant Building Registry
- Evaluate and improve upon the City's approach to vacant buildings
- Attend community meetings to discuss vacant buildings and the needs of City neighborhoods
- Work with Corporation Counsel to attend and provide testimony at code enforcement proceedings
- Develop a catalogue of actors within the City who are involved with vacant buildings

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:

- Working knowledge of law and/or urban management and/or city planning;
- Unrestricted access to a reliable automobile;
- Ability to self-manage and think creatively about work processes;
- Working knowledge of personal computers and office equipment;
- Ability to express ideas clearly in oral and written form;
- Ability to organize and maintain accurate records and files;
- Ability to establish and maintain effective working relationships with city officials and members of the public;
- Good communications skills;
- Good judgment;
- Physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS:

- A. Graduation from a regionally accredited college or university or one accredited by the New York State Board of Regents to grant degrees with a post-graduate degree in law, city planning, regional management, environmental planning, geography, or urban management; **OR**
- B. Graduation from a regionally accredited college or university with a **Bachelor's Degree** or one accredited by the New York State Board of Regents to grant degrees with three (3) years' experience working in the areas of law, city planning, regional management, environmental planning, geography, or urban management; **OR**
- C. Graduation from a regionally accredited college or university with an **Associate's Degree** or one accredited by the New York State Board of Regents to grant degrees with five (5) years' experience working in the areas of law, city planning, regional management, environmental planning, geography, or urban management.

RESOLUTION NO.: 228 - 2018

OF

AUGUST 13, 2018

I, Katrina Cotten, Deputy City Clerk of the City of Newburgh hereby certify that I have compared the foregoing with the original resolution adopted by the Council of the City of Newburgh at a regular meeting held, 8/13/18 and that it is a true and correct copy of such original. Witness my hand and seal of the City of Newburgh this 14th day of Aug, 20 18

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR
AND ACCEPT IF AWARDED A CITIES FOR RESPONSIBLE INVESTMENT AND
STRATEGIC ENFORCEMENT PHASE II GRANT FROM
ENTERPRISE COMMUNITY PARTNERS, INC.
FOR TECHNICAL ASSISTANCE TO FACILITATE CAPACITY BUILDING
IN CODE ENFORCEMENT STRATEGIES THROUGH
THE OFFICE OF THE NEW YORK STATE ATTORNEY GENERAL

WHEREAS, by Resolution No. 121-2017 of May 8, 2017, the City of Newburgh was awarded a Cities for Responsible Investment and Strategic Enforcement ("Cities RISE") Phase One grant for a comprehensive asset management data platform and technical expertise to facilitate implementation from the Office of the New York State Attorney General through Local Initiatives Support Corporation; and

WHEREAS, the City of Newburgh is eligible to apply for a Cities RISE Phase II grant from Enterprise Community Partners, Inc. for two-year long, intensive organizational development process focused on building the capacity of municipalities to make significant progress in their code enforcement strategies through data-driven innovations, change management, and community engagement support, with \$50,000.00 to support the process; and

WHEREAS, participating cities will develop new practices to address problem properties and code enforcement challenges in the municipality and will work with multiple stakeholders in the community and in their own organization to generate input and feedback to inform the development of a new and better approach; and

WHEREAS, cities will have the opportunity to apply for an innovation grant to develop and implement these changes and throughout the two years of the program, participating cities will receive support to diagnose their code enforcement challenges, identify opportunities for innovation, navigate the obstacles change, and plan, implement and evaluate the effectiveness of the new approach;

WHEREAS, this Council has determined that making such application and accepting such grant if awarded is in the best interests of the City of Newburgh and its further development; and

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 apply for and accept if awarded a Cities for Responsible Investment and Strategic Enforcement ("Cities RISE") Phase II grant from Enterprise Community Partners, Inc. for technical assistance to facilitate capacity building in code enforcement strategies through the Office of the New York State Attorney General; and that the City Manager is authorized to execute all such documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the programs funded thereby.

RESOLUTION NO.: 20 - 2019

OF

JANUARY 28, 2019

A RESOLUTION AMENDING RESOLUTION NO. 228-2018 TO ACCEPT AN
ADDITIONAL \$30,000.00 FOR A TOTAL OF \$80,000.00 FROM A
CITIES FOR RESPONSIBLE INVESTMENT AND STRATEGIC ENFORCEMENT PHASE
II GRANT FROM ENTERPRISE COMMUNITY PARTNERS, INC.
FOR TECHNICAL ASSISTANCE TO FACILITATE CAPACITY BUILDING
IN CODE ENFORCEMENT STRATEGIES THROUGH
THE OFFICE OF THE NEW YORK STATE ATTORNEY GENERAL

WHEREAS, by Resolution No. 121-2017 of May 8, 2017, the City of Newburgh was awarded a Cities for Responsible Investment and Strategic Enforcement ("Cities RISE") Phase One grant for a comprehensive asset management data platform and technical expertise to facilitate implementation from the Office of the New York State Attorney General through Local Initiatives Support Corporation; and

WHEREAS, by Resolution No. 228-2018 of August 13, 2018, the City of Newburgh authorized the City Manager to apply for and accept if awarded Cities RISE Phase II grant from Enterprise Community Partners, Inc. for technical assistance to facilitate capacity building in code enforcement strategies through the Office of the New York State Attorney General in the amount of \$50,000.00 to support the program; and

WHEREAS, the City of Newburgh was awarded an additional \$30,000.00 for a total of \$80,000.00 in funding under a Cities RISE Phase II grant; and

WHEREAS, this Council has determined that accepting such grant award in the amount of \$80,000.00 is in the best interests of the City of Newburgh and its further development; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to accept if a Cities for Responsible Investment and Strategic Enforcement ("Cities RISE") Phase II grant from Enterprise Community Partners, Inc. in the amount of \$80,000.00 for technical assistance to facilitate capacity building in code enforcement strategies through the Office of the New York State Attorney General; and that the Interim City Manager is authorized to execute all such documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the programs funded thereby.

RESOLUTION NO.: 21 - 2019

OF

JANUARY 28, 2019

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO APPLY FOR
AN ART WORKS GRANT FROM THE NATIONAL ENDOWMENT OF THE ARTS
IN THE AMOUNT OF \$35,000.00 WITH A \$35,000.00 MATCH
TO CONDUCT A NEWBURGH ARTS AND CULTURAL SURVEY**

WHEREAS, the Newburgh Arts and Cultural Commission has requested that the City of Newburgh apply for and accept if awarded an Art Works grant in the amount of \$35,000.00 from the National Endowment of the Arts to conduct an arts and cultural survey; and

WHEREAS, such grant funds will be used to conduct the first first comprehensive study that inventories and assesses the diverse arts and culture ecology in Newburgh, NY which will be guided by a group of representative advisors and stakeholders who will gather data and create an inventory of the broad range of arts-and-cultural activities and destinations in the City of Newburgh by conducting focus groups and engaging residents from all neighborhoods and communities and the resultant survey will establish a baseline, and in-depth understanding of the City's cultural assets, how people engage with them, and how they can encourage economic, social, and cultural growth in Newburgh in order to enable informed and coordinated decisions by City government, investors, businesses, organizations, and residents for future investment and growth strategies for the city's cultural infrastructure; and

WHEREAS, the grant in the amount of \$35,000.00 requires a match in the amount of \$35,000.00; and

WHEREAS, this Council has determined that applying for said grant is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to apply for an Art Works grant in the amount of \$35,000.00 from the National Endowment of the Arts to conduct an arts and cultural survey; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to apply for such grant.

RESOLUTION NO.: 22 - 2019

OF

JANUARY 28, 2019

A RESOLUTION AUTHORIZING
AN AGREEMENT WITH BEST RESOURCE CENTER, INC.
TO PROVIDE WORKFORCE DEVELOPMENT EMPLOYMENT OPPORTUNITIES
FOR CITY YOUTH IN THE DEPARTMENT OF PUBLIC WORKS
AND WATER DEPARTMENT FROM JANUARY 1, 2019 TO JUNE 30, 2019

WHEREAS, Best Resource Center, Inc. has been awarded a County of Orange Workforce Development Grant to provide work opportunities for City of Newburgh youth ages 18 to 24; and

WHEREAS, the City of Newburgh has expressed an interest in accepting individuals for employment opportunities in the Department of Public Works and the Water Department; and

WHEREAS, this Council finds that entering into an agreement with Best Resource Center, Inc. for this purpose is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to execute an agreement and other necessary documents with Best Resource Center in order to provide employment opportunities for City of Newburgh youth ages 18 to 24 in connection with a County of Orange Workforce Development Grant for the period January 1, 2019 to June 30, 2019.

LETTER OF AGREEMENT
BETWEEN
BEST RESOURCE CENTER, INC.
49 GRAND STREET
AND
CITY OF NEWBURGH
83 BROADWAY
NEWBURGH, NY 12550

Best Resource Center, Inc. and The City of Newburgh will combine their resources to provide summer employment opportunities for City of Newburgh youth aged 18 to 24 funded through an Orange County Workforce Development Grant. The program will begin on or about _____, 2019 and will terminate, under the Grant, on or before June 30, 2019.

Best Resources will:

1. Provide City of Newburgh residents between the ages of 18 and 24 capable of performing outside work;
2. Monitor the participants at the worksite;
3. Pay the compensation to the participants and maintain all earnings and taxes records as required; and
4. Maintain workers compensation coverage for the participants;

The City of Newburgh will:

1. Provide jobs for the participants; and
2. Maintain sign-in sheets or other attendance records for the participants

Best Resources and the City of Newburgh will:

1. Comply with the terms of the County of Orange Workforce Development grant;
2. Comply with all Federal and New York State laws, rules and regulations applicable to the Program described in this Agreement.
3. No participants shall be considered employees of the City of Newburgh for the purposes of the Program described in this Agreement.

Vera Best
Best Resource Center, Inc.

Joseph P. Donat
Interim City Manager
Per Res. No.

RESOLUTION NO.: 23-2019

OF

JANUARY 28, 2019

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO
AN AGREEMENT WITH KLEINSCHMIDT ASSOCIATES PA, PC
FOR PROFESSIONAL ENGINEERING SERVICES
IN CONNECTION WITH THE TAX CERTIORARI PROCEEDINGS AGAINST
THE TOWN OF NEW WINDSOR IN THE ORANGE COUNTY SUPREME COURT
BEARING ORANGE COUNTY INDEX NOS. EF005922-2017 AND EF007932-2018
INVOLVING CITY OF NEWBURGH WATER SUPPLY PROPERTIES

WHEREAS, it has been determined that the source of the per- and polyfluoralkyl substances ("PFAS") contamination in the City of Newburgh's former primary source water supply in Washington Lake, originates from the New York State Air National Guard Base and Stewart Airport in Newburgh, NY; and

WHEREAS, in May 2016, the City of Newburgh switched its drinking source water from Washington Lake to Brown's Pond and then to the Catskill Aqueduct in response to implementation of increased regulatory standards for PFOS and PFOA contaminants and the City of Newburgh's former primary source water supply has been unavailable and unusable by the City; and

WHEREAS, the City of Newburgh has commenced tax certiorari proceedings against the Town of New Windsor in the Supreme Court of the State of New York, County of Orange for the 2017-2018 and 2018-2019 tax assessment years bearing Orange County Index Nos. EF005922-2017 and EF007932-2018; and

WHEREAS, by Resolution No.13-2019 of January 14, 2019, the City Council authorized the Interim City Manager to retain Robinson Appraisal Consultants, LLC for professional appraisal services in support of the City's case in the aforesaid proceedings; and

WHEREAS, additional professional engineering services are needed to complete the appraisal and Kleinschmidt Associates PA, PC has been identified and qualified to provide the engineering services required;

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to accept a proposal and enter into an agreement in substantially the same form as annexed hereto, with such terms and conditions as Special Counsel may require, with Kleinschmidt Associates PA, PC for professional engineering services in connection with tax certiorari proceedings against the Town of New Windsor in the Supreme Court of the State of New York, County of Orange for the 2017-2018 and 2018-2019 tax assessment years bearing Orange County Index Nos. EF005922-2017 and EF007932-2018.

RESOLUTION NO.: 24-2019

OF

JANUARY 28, 2019

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO
AN AGREEMENT WITH THOMAS F. ZIMMIE, PHD, P.E., D.GE
FOR PROFESSIONAL ENGINEERING SERVICES
IN CONNECTION WITH THE TAX CERTIORARI PROCEEDINGS AGAINST
THE TOWN OF NEW WINDSOR IN THE ORANGE COUNTY SUPREME COURT
BEARING ORANGE COUNTY INDEX NOS. EF005922-2017 AND EF007932-2018
INVOLVING CITY OF NEWBURGH WATER SUPPLY PROPERTIES

WHEREAS, it has been determined that the source of the per- and polyfluoralkyl substances ("PFAS") contamination in the City of Newburgh's former primary source water supply in Washington Lake, originates from the New York State Air National Guard Base and Stewart Airport in Newburgh, NY; and

WHEREAS, in May 2016, the City of Newburgh switched its drinking source water from Washington Lake to Brown's Pond and then to the Catskill Aqueduct in response to implementation of increased regulatory standards for PFOS and PFOA contaminants and the City of Newburgh's former primary source water supply has been unavailable and unusable by the City; and

WHEREAS, the City of Newburgh has commenced tax certiorari proceedings against the Town of New Windsor in the Supreme Court of the State of New York, County of Orange for the 2017-2018 and 2018-2019 tax assessment years bearing Orange County Index Nos. EF005922-2017 and EF007932-2018; and

WHEREAS, by Resolution No.13-2019 of January 14, 2019, the City Council authorized the Interim City Manager to retain Robinson Appraisal Consultants, LLC for professional appraisal services in support of the City's case in the aforesaid proceedings; and

WHEREAS, additional professional engineering services are needed to complete the appraisal and Thomas F. Zimmie, PhD, P.E., D.GE has been identified and qualified to provide the engineering services required;

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Interim City Manager be and he is hereby authorized to accept a proposal and enter into an agreement with such terms and conditions as Special Counsel may require with Thomas F. Zimmie, PhD, P.E., D.GE for professional engineering services in connection with tax certiorari proceedings against the Town of New Windsor in the Supreme Court of the State of New York, County of Orange for the 2017-2018 and 2018-2019 tax assessment years bearing Orange County Index Nos. EF005922-2017 and EF007932-2018.

RESOLUTION NO. 25 - 2019

OF

JANUARY 28, 2019

A RESOLUTION TO FILL A VACANCY IN THE OFFICE OF COUNCIL
IN WARD 3 OF THE CITY OF NEWBURGH

WHEREAS, the resignation of Jonathan Jacobson has created a vacancy in the office of Council in Ward 3; and

WHEREAS, Section C3.22(A) of the City Charter states that “[a]ny vacancy in elective office occurring from any cause other than expiration of term shall be temporarily filled by appointment of Council”; and

WHEREAS, this Council finds that it is in the best interests of the City of Newburgh to appoint Robert Sklarz to the office of Council in Ward 3 of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newburgh that Robert Sklarz is hereby appointed to the office of Council in Ward 3 of the City of Newburgh until the first day of January next following the next general election.

RESOLUTION NO.: 26 - 2019

OF

JANUARY 28, 2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
AMENDING RESOLUTION NO. 381-2018 AND AUTHORIZING
AN AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH
JOSEPH P. DONAT AS INTERIM CITY MANAGER OF THE CITY OF NEWBURGH

WHEREAS, by Resolution No. 381-2018 of December 10, 2018, the City Council of the City of Newburgh appointed Joseph P. Donat as Interim City Manager for the City of Newburgh and authorized the Mayor to execute a written employment agreement for services as Interim City Manager; and

WHEREAS, the parties wish to amend the employment agreement for the economy and efficiency of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Mayor be and he hereby is authorized to execute an amendment to the written employment agreement with Joseph P. Donat, annexed hereto with other provisions as Corporation Counsel may require, for the services as Interim City Manager.

EMPLOYMENT AGREEMENT AMENDMENT

THIS EMPLOYMENT AGREEMENT AMENDMENT, entered into as of this _____ day of January, 2019, by and between THE CITY OF NEWBURGH, a municipal corporation organized and existing under the laws of the State of New York and having its principal office for the transaction of business at City Hall, 83 Broadway, Newburgh, New York, hereinafter referred to as ("the City") and JOSEPH P. DONAT, a natural person, with a mailing address of _____, hereinafter referred to as ("Mr. Donat") for the employment of Mr. Donat as Interim City Manager of the City of Newburgh:

WITNESSETH

WHEREAS, by Resolution No. 381-2018 of December 10, 2018, the City Council of the City of Newburgh appointed Joseph P. Donat to the position of Interim City Manager pursuant to Section C5.01 of the City Charter effective at 5:01 p.m. on December 14, 2018; and

WHEREAS, the City and Mr. Donat are parties to an Employment Agreement dated December 12, 2018 for performing the services of Interim City Manager; and

WHEREAS, the City and Mr. Donat wish to amend the Employment Agreement;

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, the Employment Agreement hereby is amended and modified as follows:

1. In the event there is any inconsistency or difference between the terms and provisions of this Amendment and the Employment Agreement, the terms and provisions set forth in this Amendment shall prevail over any provision of the Employment Agreement.
2. All the terms and conditions of the Employment Agreement except as otherwise stated herein shall remain in full force and effect. This Amendment along with the Employment Agreement constitutes the entire agreement between the City and Mr. Donat with respect to the subject matter hereof and together supersedes all prior written or oral understandings, agreements, or representations from one party to another. This Amendment and the Employment Agreement may not be further modified or extended orally, but only by a written instrument signed by the City and Mr. Donat.
3. Article 1 of the Employment Agreement is amended to delete paragraph C in its entirety.

4. Article 3 of the Employment Agreement is amended to modify the term of the interim appointment of Mr. Donat to commence on December 14, 2018 and to conclude on the earlier of the appointment of a permanent City Manager or June 30, 2019.
5. Article 8, Section B of the Employment Agreement is amended to provide that upon separation from service for any reason Mr. Donat shall receive a cash payment for unused vacation and sick leave.
6. Article 8 is amended to add Section C to provide that if Mr. Donat is not selected and appointed as permanent City Manager, upon separation from service, he shall receive the a cash payment equal to salary for the period from the date of separation to June 30, 2019.

IN WITNESS THEREOF, the parties hereto have executed this Agreement as of the date set forth above.

THE CITY OF NEWBURGH

BY: _____
TORRANCE HARVEY
Mayor

BY: _____
JOSEPH P. DONAT

Approved as to form:

Witnessed:

MICHELLE KELSON
Corporation Counsel

LORENE VITEK
City Clerk