

A regular meeting of the City Council of the City of Newburgh was held on Monday, April 22, 2019 at 7:00 PM in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

Moment of Silence (Prayer)/ Momento de Silencio (Rezo)

Pledge of Allegiance/ Juramento a la Alianza

Roll Call/ Lista de Asistencia

**Present: Mayor Torrance Harvey, presiding; Councilman Grice, Councilwoman Monteverde, Councilwoman Rayford, Councilman Sklarz, Councilwoman Sofokles-6
Absent: Councilwoman Mejia- 1**

COMMUNICATIONS

Approval of the Minutes of the City Council Meeting on April 8, 2019

**Councilwoman Rayford moved and Councilman Grice seconded.
Ayes: Grice, Monteverde, Rayford, Sklarz, Sofokles, Harvey - 6
Carried**

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

Interim City Manager Joseph Donat highlighted key points in City Departments.

He announced that the Community Cleanup Day will be held on Saturday, April 27, 2019. The annual event is being hosted by Safe Harbors at 8:00 A.M. Donat thanked all of the community stakeholders for their participation. We are already working on future events to be able to maintain these efforts. He thanked DPW for its endless work. He pointed out that the city will be in a better place due to the efforts of all.

Donat remarked that Ali Church and the Planning Department have been making tremendous strides in a number of items over the last few months. They have been working around the clock trying to increase development across the city. The City of Newburgh will be launching the Strategic Economic Development Committee, which is going to comprise of qualified professionals and resident advocates. The committee will be instrumental in writing and analyzing proposals for future city land development. He encouraged any interested party to submit a resume to the City Manager's Office by Friday, May 3, 2019.

He paid a special tribute to the police department this evening. During the month of March there were 2700 calls for service. Proactive policing efforts accounted for nearly 40% of these calls. This is quite an accomplishment. The report also showed a 22%

reduction in crime, which included a 19% reduction in the violent crime in the city. The total percentage is below the five-year average, which is another major milestone for the City of Newburgh. Three guns were taken off the streets in three separate incidents. He highlighted the extraordinary efforts of Police Officers Lopez, Alonzo and DeMoulin. Donat stated that the city is undoubtedly in a better place due to all of their hard work around the clock.

Donat commented that the Air Force and the Department of Defense came to the City of Newburgh last week. They hosted an event, in which we observed. We adamantly fought against the Air Force wanting to conduct the event on short notice. They initially scheduled the meeting for April 3rd, after only giving us a one week notice. He noted that some of persons that attended that evening included representation from the Offices of Senator Schumer, Senator Gill/brand, Congressman Maloney, State Comptroller DiNapoli, Senator Skoufis and Assemblyman Jacobson. Donat is thankful for everyone who did attend. Obviously the vulnerability of our watershed was highlighted again with the recent discharge of the AFFF contaminant at Stewart International Airport. He applauded the efforts of our city staff for immediately taking samples upstream in Silver Stream, in which we received preliminary results. The results were validated over the weekend. Our watershed is a key priority issue in the city. We will continue to fight for a long term solution that is reliable, dependable and safe for our city residents. He pointed out that we are currently on Brown's Pond, and the most recent impact does not impact the water that we all consume and use daily; however, this issue is very severe. He applauded the Mayor and the council for their efforts in being a unified front in this regard. Donat assured everyone that the city will not rest until this issue is resolved.

The Interim City Manager concluded his report.

PRESENTATIONS

Presentation of Plaques Honoring Departing Members of the City of Newburgh Industrial Development Agency by I.D.A. Chairman Austin Dubois

Current City of Newburgh IDA Chairman Austin Dubois presented a plaque of appreciation to outgoing members of the IDA. Dubois pointed out that the City IDA is a State-regulated agency that helps the city with its economic development initiatives. He stated that he is looking forward to working with the Mayor, City Council, City Manager and the city's teams on future economic development goals. He explained that in the past decades this IDA was out of compliance. About eleven years ago, seven brave and generous souls agreed to reconstitute the defunct commission and help bring it back into compliance. Former IDA Chairman Dr. Joshua L. Smith and the others members have worked hard, and they have dedicated long hours and their personal skills to bring the commission to where it is today.

Dr. Joshua L. Smith accepted the plaque on behalf of the commission. He stated that it represents all of the other members of the IDA who have worked long days and nights to change things in Newburgh. There was one point in time when the agency could not even view their own files. It took six months for the new attorney to speak with the former attorney, before they were able to collect most of their files to help bring the commission back into compliance. Smith stated that he could not have done it without the help of the other six members, who also deserve the recognition.

Presentation of a Certificate of Recognition for City of Newburgh Resident Emil Valentine on his 100th Birthday by Mayor Torrance R. Harvey and Former Mayor Nicholas Valentine

Mayor Harvey invited former Mayor Nick Valentine to come up to help present the Certificate of Recognition to Emil Valentine, who turned 100 years old today. Emil, who is also Nick's uncle, is also a World War II Veteran and a First Generation American, who is a lifelong resident of Newburgh. Surrounded by his wife and all of his extended family, everyone sang Happy Birthday to Emil.

Nick Valentine pointed out that his uncle received 4000 birthday cards on Facebook today alone.

Emil Valentine commented that he did what he had to do, just like any other World War II Veteran would have done. He thanked everyone from the bottom of his heart.

In addition to the Certificate of Recognition, Assemblyman Johnathan Jacobson presented Emil Valentine with a New York State Assembly Citation. Jacobson thanked Valentine for everything he has done for our country.

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

Drew Kartiganer submitted his comments. He stated that he submitted ethics complaints back in August 2018. He feels that Michelle Kelson's legal opinion serves no specific public purpose of the City of Newburgh, and it does not answer any of the issues that he brought forth in his complaint. Kartiganer stated that the Orange County District Attorney's office should investigate the matter independently, and in a transparent manner.

Rosemary Lee, a local realtor, advocates for senior homeowners who may be faced with financial hardship. Prior to now she felt that the city's buyback process after foreclosure was both a respectful and smooth process. At least with the buyback, the homeowner gets to retain the equity in the home, and the city would get its money. She hates to think that the city is becoming avaricious and intent on making profits of hundreds of thousands of dollars, by selling off peoples' homes when people are actively working to settle their situations to pay the city in full. Alarmingly this seems to be suddenly and arbitrarily changing, especially with certain properties. Lee was in disbelief when 39 Edward Street went live on the MLS System. She felt that it should be removed from the system since negotiations are currently underway for a buyback.

Judy Thomas commented. She pointed out that 39 Edward Street is highly sought. The marketing of the building by River Realty continued, and within twelve days it ended up being a highest auction for the city. Another of Lee's clients contacted her after he attended an eviction hearing. Thomas pointed out that Nelson McAllister has lived in his home at 412 Liberty Street for thirty-five years. McAllister informed her that he found out, only at court, that the city council changed its mind and is not going to honor a buyback, after it was being considered for a long time.

Pastor Gerald Jones has lived in the city for fifty years. He has seen Newburgh's great splendor. He came here to be a blessing to the Mayor and Council and everybody of Newburgh. He came to pray God's blessing upon us; but, he was redirected to say otherwise due to a strife amongst the table. Jones stated that unless we

reconcile with one another we will face the greater judgment of the Wrath of God in our beloved city.

Nelson McAllister congratulated the individuals that were honored tonight. He stated that he has lived and served in this community for over fifty years. He is not asking for any favors. He felt totally blindsided in the matter. He didn't ask for a buyback. He termed it a *Buyback Sale*, in which the city would settle with him, and he in turn would sign the house over to the new owners, while also paying the city all of the money and fees he owed. He is dismayed that the offer has been wiped off the table completely. McAllister felt that he would be bringing a good solution to many of the homes that are boarded up and vandalized in Newburgh. He simply wants the city to do the right thing.

Dominick Denisi stated that due to a string of bad luck and bad tenants, the home he owned at 39 Edward Street became a financial strain causing him to lose the property. Prior to that all of the bills had been paid on time though. Unbeknown to him, the estate matters were not handled correctly by his attorney, and the city ended up foreclosing on the property in the meantime. Denisi stated that he and his family have retained a new attorney that is properly handling the estate. He implored the city to let them be able to redeem the property so that it can be sold. The city can get all of its money for the back taxes and all of the penalties.

Samuel Kenan thanked the council for passing a resolution last year so that his police service time could be properly credited into the NYS Retirement System. Due to the delay the bill did not pass the Assembly. He is going to require another Home Rule legislation by the city in a very short time, so that he can bring this to an end. Kenan stated that he needs to retire for personal reasons, and he thanked the city, in advance, for its consideration.

Mayor Harvey thanked Kenan for his service. He stated that the council and Corporation Counsel are working on it to see that it gets done for Kenan. Assemblyman Jacobson and Senator Skoufis are also working on this with the city.

Terry Celestin suggested Synova Energy as another company for supplying the city's electricity supplier needs. He stated that the company turns all forms of waste into

synthetic natural gas, which can then be used for energy, electricity, fuel, etc. He commented about the company's patented process that removes impurities from the gas.

Eduardo Espinoza stated that for three years he has humbly asked the city to repair the wall it tore down at his house at 66 Campbell Street. Last month the house was condemned by the city. He feels that he is being bounced around from department to department. He wants to continue to invest in Newburgh, but he feels that he is being ignored. Espinoza implored the council for a fair meeting so that he can be heard. He would like all the departments involved to discuss what he deemed is the city's mistakes.

Mayor Harvey responded. He stated that the city has had several meetings with Espinoza. Harvey stated that there are conflicting stories about this particular matter. According to the blueprints, Espinoza's building did not have a wall. It was shared with the building adjacent to his. Harvey stated that he has told Espinoza what he should do moving forward.

Jonathan Bix, Executive Director of *Nobody Leaves Mid-Hudson*, stated that he works with hundreds of Newburgh residents, and is looking forward to opening an office in Newburgh in the near future. Bix implored the council to pass the *Protect Our Courts Act*, which is being co-sponsored by Assemblyman Jacobson. The legislation would limit ICE's ability to detain people in a public state courthouse, on their way to a courthouse or leaving from a courthouse. He stated that it would help make the community safe. He would be happy to share more information with the council. Bix pointed out the Bill numbers for the legislation in New York State: A2176 and S425.

Councilwoman Monteverde pointed out that this matter would be on the council's May agenda. Hopefully the council will approve it shortly thereafter.

Ignacio Acevedo spoke in favor of the same act. He shared the story of the ICE incident in Middletown, New York. There was panic in the whole community. The week following the incident, only four people went to get their Municipal IDs due to fear. We all want to pay our tickets; but, it is a hard risk to lose one's family in the way of paying that ticket.

Rene Mejia is in favor of the resolution limiting ICE's authority in a public courthouses. He stated that many undocumented persons bring their young children to court to help their parents with translations. Imagine the thought of a young child being ripped away from a parent by ICE. Mejia was almost brought to tears just telling us of this reality that many face every day. Should people be punished for being responsible in taking care of their court matters too? If ICE is going to intervene in a person's life, then let it be done legally and by the books.

A young woman by the name of Aurelia commented. As a DACA recipient herself, she is a part of the same community that is often afraid to go to court. Aurelia stated that we are living in very hard environment, and her community feels targeted. She thanked the council for passing the Municipal IDs legislation and she hopes that the council is going to pass this one too.

Jonathan Jacobson commended the city for quickly testing the new foam at Stewart Airport. He stated that the DEC called him after they read his comments in the newspaper. This just proves that Stewart Airport is contaminated, and we can't allow this to happen. We need answers as to why it happened. Jacobson's position on the council, and the one he has now is a solid one. The position he is taking only proves why we should *never* be hooked up to Washington Lake. We should remain on the New York City Catskill Aqueduct once this temporary construction is completed; and we should have the Delaware Aqueduct as a backup. Jacobson pointed out that he is co-sponsoring the Bill for licenses. It is in everybody else's interest that the State ensure that *everyone* who drives in New York State is licensed and that they have proper insurance.

John Mousseau requested the status of the bricks and bluestones. He wondered if they would be declared as surplus, or if they are going to sit and rot. A lot of people have asked him about using them so that they can replace their sidewalks. Currently there is nowhere for people to go to get them. He feels that the city could use the money for these raw materials, which are of high value.

Joe Donat commented that the bluestone is currently being stored to prevent theft. They are looking into ways that the city could offer them for sell; but, the issue is more specific to ensuring that we are able to do it legally. We are aware of it though, and thankfully, the material is being guarded safely in the process.

Carol Lawrence stated that it is a glory to see all of the rebuilding and renovating occurring in Newburgh. She has even canvassed some of the local businesses on Broadway and discovered that some of them are willing to help with the municipal garbage cans on their blocks. Lawrence implored the council to accept her check for taxes, which is roughly two months past due. She stated that she was told in order for any tax fines to be waived she would have to come to tonight's meeting and ask the council directly.

Michelle Kelson remarked that Lawrence was misinformed. The penalty and deadlines are set by New York State statute. She declined to accept Ms. Lawrence's check, because she only accepts payment in certain situations, such as at a closing. Kelson stated that she was unable to accept payment because she does not know if it is the correct amount, and also she does not have a receipt book on hand to be responsible for and to manage funds.

Annette Marzan of Planned Parenthood of the Hudson Valley thanked the council for passing the resolution for the Municipal IDs. She asked the council for the status of the IDs. Also she supports a resolution limiting ICE's authority in public buildings.

Mayor Harvey stated that they hope to have a roll out the first week in July. It was stated to him that we would have to wait until September to get it up and running. Yet the council unanimously agreed that that would be too far out. Harvey stated that all of those details would be forthcoming.

Karla Johnson, Nu-Voters Movement and Civic Engagement CVH, remarked that she walks the streets daily. She feels that City codes does not follow up on the inspections of properties. Perhaps she would not have fallen through the steps and injured herself if Codes had followed up on the violation that was issued. Also the city needs to ensure that these buildings get exterminated. The vermin in these buildings is horrendous.

There were no other comments at this time.

April 22, 2019

To Newburgh City Council;

I am submitting 4 documents for City Council review and consideration as follows:

1. The first page is of an "Advisory opinion" by an attorney from Long Island. This letter implies it is dealing with Councilmember Mejia and actions' related to the 2 Montgomery Street re-development. The letter was supposedly in response to my ethics submittals of August of 2018. It is my understanding City Council has this letter. Simply, this letter fails to deal with the issues I raised in my submittal.
2. A cover letter to this opinion from Corporation Council Kelson is included. I note her comments "finding no conflict of interest" based on the "Advisory opinion" reference above.
3. Email correspondence between Kelson and Mejia. In these emails, Ms. Mejia is suggesting edits to the Advisory Opinion noted above.
4. A list of questions Council might wish to ask Ms. Kelson regarding this Advisory Opinion letter and her actions related to it.

The emails are important because they demonstrate the "Advisory Opinion" is NOT an independent review. If it was, Mejia should not be involved in any way with the review or final conclusions.

That issue alone makes this "Advisory opinion" flawed in dealing with the "conflict of interest issues" referenced in Kelson's letter. There are other reasons that make it irrelevant, but I only have 3 minutes.

In addition, the only purpose I can see for this "opinion" is an attempt to clear Ms. Mejia of ethics violations raised in the 2018. I think it is reasonable to assume the City of Newburgh paid for the opinion, yet it serves no specific public purpose of the City of Newburgh. If true, ironically, the very act of providing this letter is a violation of the City of Newburgh Ethics code section 34-4.

The point being, if Mejia wanted a letter of this nature; she should provide and pay for it; not the City of Newburgh.

With regard to the issues of the "Opinion", I wish to make two points:

#1.. This "Opinion" completely ignores many of the ethics issues I raised in my August 2018 submittal.

More specifically, the "Advisory Opinion" does not refer to any City of Newburgh ethics standards detailed in my submittal that include issues of **DISCLOSURE (34-4.1)**, and **RECUSAL (34.4.2)** requirements.

#2. Issue #2 is that your Corporation Council should understand this "Advisory Opinion" has little relevance to my August 2018 submittals. This raises questions of her independence in reviewing these issues.

So I have some suggestions.

X 1: **Outside legal council should be retained to review this matter. Giving Kelson's actions with regard to this "opinion," having the Corporation Council part of the ethics review is not appropriate.** A prior Corporation Council from Newburgh would be perfect or a local Town Board attorney would work better than going all the way to Long Island for this type of thing.

2. **City Council should pass a formal resolution requesting the Orange County District Attorney investigate the actions in the City of Newburgh related to the redevelopment of 2 Montgomery Street. This review should include ethics violations and any other issues as may be appropriate. City Council should want this matter cleared up in an independent and transparent manner; the DA could do that.**

3. **Last, ~~the~~ City Council should request Corporation Council Kelson to explain her actions with regard to this Advisory Opinion.** A list of possible questions is attached. I think you really want to find out why Kelson set up this letter. The public forum of your Work Session is the perfect place to get those answers.

Submitted/
drew kartiganer

LEVENTHAL, MULLANEY & BLINKOFF, LLP

ATTORNEYS AT LAW
15 REMSEN AVENUE
ROSLYN, NEW YORK 11576
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October 18, 2018

Via email: MKelson@cityofnewburgh-ny.gov

Michelle Kelson, Esq.
Corporation Counsel
City of Newburgh
83 Broadway
Newburgh, NY 12550

NOT THE
ISSUE RAISED
NO REVIEW OF
CITY OF NEWBURGH
ETHICS LAWS

Re: Advisory Opinion – City Council Member

Dear Ms. Kelson:

This is written in response to your request for an advisory opinion.

QUESTION PRESENTED

Whether a prohibited conflict of interest would arise if a City Council member were to participate in the discussions, deliberations and vote in connection with a proposed contract for re development of City owned properties, where the spouse of the City Council member is employed by a not-for-profit funding agency that provided financial support for the project.

CONCLUSION

Based on the facts presented, a prohibited conflict of interest would not arise if a City Council member were to participate in the discussions, deliberations and vote in connection with a proposed contract for re development of City owned properties, where the spouse of the City Council member is employed by a not-for-profit funding agency that provided financial support for the project.

GOVERNING AUTHORITY

New York General Municipal Law Section 801 (Conflicts of Interest Prohibited) provides, in pertinent part, that:

Except as provided in section eight hundred two of this chapter, ... no municipal officer or employee shall have an interest in any contract with the municipality of which he is an officer or employee, when such officer or employee, individually or as a member of a board, has the power or duty to (a) negotiate, prepare, authorize or approve the contract

Michelle Kelson
 Corporation Counsel
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 Fax: (845) 569-7338
mkelson@cityofnewburgh-ny.gov

Hard copies will be available in your mailboxes before tonight's Council meeting.

I have had the memorandum reviewed by an outside attorney who provided the attached advisory opinion finding no conflict of interest. The outside attorney, Steven G. Leventhal, Esq., currently serves as the Co-Chair of the Ethics and Professionalism Committee of the NYS Bar Association Local and State Government Law Section.

At the City Council meeting on August 17, 2018, copies of a memorandum alleging a conflict of interest regarding the 2 Montgomery, DRC, City Club redevelopment project and the Alembic Community Development proposal were distributed to the City Council.

Dear City Council Members:

Michelle Kelson
 Conflict of Interest - Outside Counsel Advisory Opinion
 To: City of Newburgh (Naomi)

*My City Council
 Submittal*

Kelson, Michelle

Thu, 18 Oct 2018 23:05:34 -0400

To: Mejia, Karen

RE: Advisory Opinion

Attachments: Alembic Proposal Memo Drew Kartiganer Attachment 1.pdf (3.6 MB),

Attachmt 2 Memo Alembic Proposal Drew Kartinger.pdf (2.3 MB), Attachmt 3 Memo Alembic Proposal Drew Kartiganer.pdf (2.1 MB)

Karen:

No complaint filed -PK

I did not realize that you did not know about the attached ethics complaint. I initially submitted a hypothetical to the outside counsel for the opinion and eventually sent him the complaint. I also did additional research to clarify the points that you made regarding the funding. Again, we assumed the facts alleged in the complaint were true and found no ethical conflict. The facts as they actually are make the alleged ethical conflict even more remote.

Michelle Kelson
Corporation Counsel
City of Newburgh
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Newburgh, NY 12550
Phone: (845) 569-7335
Fax: (845) 569-7338
mkelson@cityofnewburgh-ny.gov

From: Mejia, Karen
Sent: Thursday, October 18, 2018 10:06 PM
To: Kelson, Michelle <MKelson@cityofnewburgh-ny.gov>
Subject: Re: Advisory Opinion

Thanks much appreciated

Sent from my iPhone

On Oct 18, 2018, at 9:34 PM, Kelson, Michelle <MKelson@cityofnewburgh-ny.gov> wrote:

I will send it to you.

Sent from my iPad

On Oct 18, 2018, at 9:31 PM, Mejia, Karen <KMejia@cityofnewburgh-ny.gov> wrote:

Thanks let me re read again. So there was an actual ethics violations submission? Can I see it or do I have to foil it?

Thanks
Karen

Karen Mejia
Councilwoman, Ward 1
City of Newburgh
123 Grand Street, 2nd Floor

845-569-7342 (office)
845-569-7370 (fax)
www.newburghward1.org
www.cityofnewburgh-ny.gov

Please accept my apologies for any misspellings or grammatical errors, I am responding via my Mobile Office powered by my iPad.

On Oct 18, 2018, at 8:13 PM, Kelson, Michelle <MKelson@cityofnewburgh-ny.gov> wrote:

Yes, but the ethics complaint is alleging that the funding Alembic & Hester may have received received for projects in other locations provided a benefit to your spouse which is imputed to you & creates a conflict. The opinion finds that those facts do NOT create a conflict under the law. There is no allegation that the developer &/or its partner received funding for the Newburgh project. The opinion viewed the complaint at face value & finds that assuming the facts alleged are true there is no conflict.

*City of Newburgh
Law
Re-close
Dis closure*

I hope this addresses your concerns.

Sent from my iPad

On Oct 18, 2018, at 8:03 PM, Mejia, Karen <KMejia@cityofnewburgh-ny.gov> wrote:

Hi the "question presented" should be modified to end at "not-for-profit funding agency." To say "that provided financial support for the project" is inaccurate and false. Neither Ford, nor the collective provided support to the project nor the developer EVER!

Also the collective only funds NYC.

Let me know how to you want to proceed.

Thanks this is really important to me

Karen Mejia
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Please accept my apologies for any misspellings or grammatical errors, I am responding via my Mobile Office powered by my iPad.

*mejia
Editing
In
Advisory
Opinion
!!!*

On Oct 18, 2018, at 1:20 PM, Kelson, Michelle
<MKelson@cityofnewburgh-ny.gov> wrote:

Karen:

Attached please find a copy of the advisory ethics opinion.

I think I will have to distribute to the entire Council but I wanted you to have it first.

Please let me know when you have read the opinion so that I can distribute accordingly.
Thanks.

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mkelson@cityofnewburgh-ny.gov

<CN advisory opinion 10-18-18.pdf>

Date: April 22, 2019

Subject: City Council Submittal

Reference; Ethics complaint

Subject: **Questions for Corporation Counsel related to attorney
Advisory Opinion dated October 18, 2018**

Clarification Issues and questions for

Michelle Kelson, in her capacity as the City of Newburgh Corporation Counsel:

1. Who requested and/or directed this legal "Advisory opinion" be established out of the City of Newburgh.
2. Who managed the attorney and services to establishing this "Advisory Opinion?" Why wasn't from Orange County asked to review these issues?
3. Is there a written document or are there email's formally requesting and establishing the terms and conditions detailing the scope of this Advisory Opinion. What was provided the Attorney in order for him to develop the Opinion?
4. Was there a specific City Council resolution authorizing this legal opinion.
5. How much did it cost what funds were used to pay for it.
6. Other than providing a legal opinion regarding the actions of the individual, Karen Mejia, who is a Member of the City Council of Newburgh, what specific purpose or value does this Advisory Opinion serve or provide to the City of Newburgh?.

EXPLANATION FROM CORPORATION REGARDING THE TWO FORECLOSED PROPERTIES

Mayor Harvey attempted to get a motion to go into executive session to discuss the matter and possibly reconsider the decision; however, the council agreed that Michelle Kelson explain the matter publicly.

Kelson explained that tax foreclosure is carried out in taxing jurisdictions by NYS law. Municipalities are authorized to enforce the collection of taxes under Article 11 of the New York State Real Property Tax Law. The process includes a search of the last known owner, notices are sent, and property owners are given an opportunity and a substantial amount of time to resolve the matter. This can be done by either redeeming the property by payment, filing an answer to assert any defenses an owner may have, entering into an installment payment agreement, or declaring bankruptcy, if necessary. None of these options were exercised on either property. There was no response in any shape or form, so those property owners are in default in the legal proceeding. The city then makes a motion to the Supreme Court in Orange County to declare the default and authorize the city to take title to the properties. The City followed this procedure with respect to both properties, and the foreclosure was completed. Tax foreclosure is a draconian form of enforcement. There is a long list of those who qualify as an interested party, and all rights to title and interest in the property is lost if nothing is done during the enforcement proceeding.

She further explained that the city follows a calendar year for collection. Ten months after the lien date, taxes are declared delinquent and they become a matter of public record available to anybody who wants to see if there are any taxes owed on a property. Twenty-one months after the lien date (nearly two years) the city can proceed to commence an enforcement proceeding in court to close out the delinquent tax loop. There is a multitude of ways that individuals can be notified of the enforcement. There is a minimum of ninety days afforded to people to redeem their properties; but, the City of Newburgh usually affords people *more* than the minimum the law requires. Once the last day for redemption ends, there is not one person in the city staff, who can accept a late redemption or authorize a repurchase. Once the city takes title, the city owns the property *fee simple absolute*-free and clear from any other

encumbrances. Kelson feels bad about the situation, and her office tries to help everybody if they can. Yet, there was never any representation that somebody could buy a property from someone else who did not have an ownership interest in the property to begin with. Kelson answered Harvey's question that homeowners have at least two years to resolve the issue, from the date the taxes first became delinquent.

Mayor Harvey commented that people have told him that the taxes are too high in Newburgh. Yet, he does not believe they are anywhere near the amounts that places in Westchester and Long Island levy for taxes. He feels that one reason for the problem is that there is a very high percentage of property owners that don't pay their taxes. He asked Kelson if this statement was a fair assessment.

Kelson stated that she has not seen data to support that, and she does not want to throw out statistics that she can't back up. People will perceive taxes to be high or low according to their own circumstances. She does not necessarily believe the City's taxes are out of alignment with other taxing jurisdictions throughout the State. The way property is assessed is uniform throughout the state; but, the City of Newburgh assesses property based on the full market value. She stated that in the Denisi family's circumstance, there were issues with their attorney and the handling of the estate. Though it is unfortunate, it is not the city's problem. There is only one vehicle for dealing with delinquent taxes, and the city has an obligation to the rest of the taxpayers who do pay their taxes on time to ensure that revenue is coming in to provide for services. These are some of the points that are being missed tonight. She wanted to convey to the public that the city is not making rash decisions, nor is it simply taking peoples' property. But, property owners get behind in payments for a whole host of reasons. This is not something that the city did to somebody else. These are the realities of property ownership, and in different ways people have problems all of time.

Mayor Harvey desired a motion to enter into executive session to discuss the matter further for roughly fifteen minutes. He stated that he couldn't leave the decision the way it is. Councilwoman Rayford moved, but there was no second on the motion; so the council moved on.

Kelson suggested that the council complete the comments section and the City Manager's Report, and then perhaps they could try for an executive session at the end of the meeting.

This portion of the meeting was closed.

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

Councilman Grice reiterated that crime is down in the city. He is happy about the Strategic Economic Development Committee. He pointed out that the water from Brown's Pond is clean, and he publicly thanked Assemblyman Jacobson and our other representatives for fighting the issue with us. We are unified as a council on protecting our watershed and drinking water. He commended the high school scholars from Mayor Harvey's class for working on the Sprint grant, in which the school district was recently awarded. The grant will provide 400 new hot spots throughout the district, and the rollout for it is forthcoming. He publicly thanked the school district's Mrs. Peterson and Mrs. McDowell for their assistance. He reminded the public about Census 2020 and registering to vote.

Councilwoman Monteverde announced that on Saturday April 27, 2019, the 9th Annual Community-wide cleanup will be held. She has flyers for registration available. On May 9, 2019, the work session agenda will include the *Protect Our Courts Act* resolution. She remarked that this is our city, and it is a priority for everybody on this council. This is America, and we all count. It is extremely important that we all get counted in Census 2020. There is potential funding for Newburgh for education, crime and infrastructure. She pointed out that a person's information can't be shared by the Census Bureau. Monteverde stated that she does not have a full understanding of the tax foreclosure procedure, and she would like to discuss it further with Michelle.

Councilwoman Rayford is supportive of the *Protect Our Courts Act*, and she is concerned for our residents. She would like to do something privately so that people will not be afraid to handle their personal matters. The situation reminds her of when African-Americans were stripped of everything during Slavery. Rayford would like to discuss a strategy with her colleagues on the council out beat ICE, so that we can help everybody. She encouraged everybody to keep Newburgh in prayer. It is important, because without it we are in a state of chaos.

Councilman Sklarz stated he is flabbergasted that a fire retardant of any type could spill into any watershed. He does not know how professionals, who are supposed to be familiar with the materials they use, could allow it to trickle down into our water. And now we are finding out later that it contains PFOS, when we were first told that it didn't. Sklarz stated that he doesn't care if it is Kool-Aid, it should not be going into our water supply. We've heard a lot about process back in November, when the Federal Government agreed to meet with us. All we have heard again is *process*. We don't want to hear about process anymore; we want to hear about *progress*, and we want to see our water clean. Sklarz pointed out that Jonathan Jacobson has known right from the beginning what has to be done. Sklarz stated that he firmly supports being hooked up to the Aqueduct.

Councilwoman Sofokles agreed with Councilman Sklarz 100%. She didn't get a good feeling from the speakers at that meeting, and it reminded her of someone trying to sell her a car. It did nothing to make her believe that they are really doing anything. It was just another meeting. Sofokles stated that it is an absolutely wrong statement that it did not contain PFOS. She reminded everyone that today is Earth Day. She commended Councilwoman Monteverde for spearheading the community cleanup. If everybody maintains his own neighborhood it would make for a better and safer city. Sofokles commended the police department for crime being reduced.

Mayor Harvey announced that the Newburgh Free Library is going to be showing a movie entitled *World Before Your Feet* tomorrow evening at 5:30 P.M. He thanked Councilwoman Monteverde for her efforts with the cleanup. He pointed out that there is going to be a two item limit for bulk garbage items that day. Also he has been having ongoing discussions with the City Manager, Comptroller and George Garrison, because he would like to see the *Newburgh Street Sweepers* implemented. This program would hire temporary workers, who would be employed from May until August, to help us continue the efforts of our cleanup. Harvey thanked the city's water department and engineering teams. They are the experts in their fields, and they represented our city so well at that meeting with DOD and the Army Corp of Engineers. He commended our teams for bringing forth those tough questions at that meeting. Harvey stated he is

looking forward to the May 9th resolution to protect our citizens at courts. He is pretty sure that the resolution will do well at this table.

This portion of the meeting was closed.

CITY MANAGER'S REPORT

Resolution No. 100-2019 - Transfer from Sewer Fund Contingency to Cover Repairs Made to Water Department's Sewer Main

Councilwoman Rayford moved and Councilman Grice seconded.

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

Adopted

Resolution No. 101-2019 - Purchase of 394 Liberty Street

Councilwoman Rayford moved and Councilman Grice seconded.

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

Adopted

Resolution No. 102-2019 - Purchase of 2 Lilly Street

Councilman Sklarz moved and Councilwoman Sofokles seconded.

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

Adopted

Resolution No. 103-2019 - Newburgh Warming/Overnight Shelter - License Agreement 1 month extension

Councilwoman Rayford questioned the reason for the one month extension.

Michelle Kelson explained that the original term of the agreement for last winter and this winter was from the signing of agreement until March 31st. Last year though, April was unseasonably chilly. The collective consensus was that the shelter should remain

open for at least another month. Even though April was not nearly as cold this year, we need the extra time to demobilize, clear out and clean up the space.

Councilman Grice is supportive of the warming center, but, he felt that that specific location would be better served for youth programs. He would like us to think about upgrading the building and repurposing it for community and youth programming.

Councilwoman Monteverde agreed with Councilman Grice. It is a community center in the Heights section of our city, and it would be better served for the community and the children in the area.

Councilwoman Sofokles agreed with her colleagues on the council. We need to ensure that we have a warming center for next winter; so before we close it we have to be concerned that we have an alternate place for people to go next winter.

Mayor Harvey shared the same sentiment. He and his colleagues were approached by their constituents in the Heights area about having youth programs. The repurposing of the building, and the scouting of another location for the warming center is something the council should discuss further.

Councilman Grice moved and Councilwoman Monteverde seconded.

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

Adopted

Ordinance No. 4-2019 - Sections 183-13(A) and 183-15(E) - amendment to size of trash cans

Mayor Harvey stated so that the public is clear that they are voting on legislation to allow people to have a larger receptacle at their properties. This helps the DPW do things more efficiently, by helping the sanitation workers go through the streets quicker.

George Garrison explained that the resolution allows for a larger type of garbage can at a residence. Instead of a person being able to put out three cans, he can put out one can-up to a 95-gallon receptacle.

Councilwoman Rayford thanked Garrison and his team for working diligently and trying to better this city by keeping it clean and safe. She stated that he is valued, and she thanks God that this is a council in which he can be heard.

Councilwoman Rayford moved and Councilwoman Sofokles seconded.

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

Adopted

RESOLUTION NO.: 100 - 2019

OF

APRIL 22, 2019

RESOLUTION AMENDING RESOLUTION NO: 364-2018, THE 2019 BUDGET FOR
THE CITY OF NEWBURGH, NEW YORK TO TRANSFER \$15,053.75 FROM
SEWER FUND CONTINGENCY EMERGENCY TO SEWER FUND - OTHER SERVICES
TO FUND A SEWER MAIN REPAIR AT THE WATER DEPARTMENT

WHEREAS, an amendment to the 2019 Budget is necessary to fund expenses related to the repair of a sewer main which serves the City of Newburgh Water Filtration Plant; the same being in the best interest of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newburgh that Resolution No.: 364-2018, the 2019 Budget of the City of Newburgh, is hereby amended as follows:

	<u>Decrease</u>	<u>Increase</u>
G.1900.1990 Sewer Fund Contingency Emergency	<u>\$15,053.75</u>	
G.1440.0448 Sewer Fund - Other Services		<u>\$15,053.75</u>
TOTAL:	\$15,053.75	\$15,053.75

RESOLUTION NO.: 101 - 2019

OF

APRIL 22, 2019

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY
KNOWN AS 394 LIBERTY STREET (SECTION 10, BLOCK 1, LOT 41)
AT PRIVATE SALE TO RONIT WEINKRANTZ FOR THE AMOUNT OF \$70,000.00

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

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

WHEREAS, the City of Newburgh desires to sell 394 Liberty Street, being more accurately described as Section 10, Block 1, Lot 41 on the official tax map of the City of Newburgh; and

WHEREAS, the prospective buyer has offered to purchase this property at private sale; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of the following property to the indicated purchaser be and hereby is confirmed and the City Manager/Interim City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of the indicated purchase price in money order, good certified or bank check, made payable to THE CITY OF NEWBURGH, such sums are to be paid on or before July 25, 2019, being approximately ninety (90) days from the date of this resolution; and

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>	<u>Purchase Price</u>
394 Liberty Street	10 - 1 - 41	Ronit Weinkrantz	\$70,000.00

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

2017-17

Terms and Conditions Sale

394 Liberty Street, City of Newburgh (SBL: 10-1-41)

STANDARD TERMS:

1. City of Newburgh acquired title to this property in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title; and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the date of sale.
4. The properties are sold subject to unpaid school taxes for the tax year of 2018-2019, and also subject to all school taxes levied subsequent to the date of the City Council resolution authorizing the sale. The purchaser shall reimburse the City for any school taxes paid by the City for the tax year 2018-2019, and subsequent levies up to the date of the closing. Upon the closing, the properties shall become subject to taxation. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
5. **WARNING: FAILURE TO COMPLY WITH THE TERMS OF THIS PARAGRAPH MAY RESULT IN YOUR LOSS OF THE PROPERTY AFTER PURCHASE.** The deed will contain provisions stating that the purchaser is required to rehabilitate any building on the property and bring it into compliance with all State, County and Local standards for occupancy within (18) months of the date of the deed. Within such eighteen (18) month time period the purchaser must either: obtain a Certificate of Occupancy for all buildings on the property; make all buildings granted a Certificate of Occupancy before the date of purchase fit for the use stated in such Certificate of Occupancy; or demolish such buildings. The deed shall require the purchaser to schedule an inspection by City officials at or before the end of the eighteen (18) month period. If the purchaser has not complied with the deed provisions regarding rehabilitation of the property and obtained a Certificate of Occupancy or Certificate of Compliance by that time, then the title to the property shall revert to the City of Newburgh. The deed shall also provide that the property shall not be conveyed to any other person before a Certificate of Occupancy or Certificate of Compliance is issued. A written request made to the City Manager for an extension of the eighteen (18) month rehabilitation period shall be accompanied by a non-refundable fee of \$250.00 per parcel for which a request is submitted. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to rehabilitate of up to, but not to exceed, three (3) months. Any additional request thereafter shall be made in writing and placed before the City Council for their consideration.
6. The City makes no representation as to whether the property is vacant and/or unoccupied. Evictions, if necessary, are solely the responsibility of the purchaser after closing and recording of the deed. The parcel is being sold subject to the City's Vacant Property Ordinance (Chapter 121) and all provisions of law applicable thereto. Within 30 days of closing, the purchaser must register the property and pay any applicable fees or submit an acceptable rehabilitation plan to the Building Department.
7. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date upon which the sale is scheduled to take place. Upon delivery of the quitclaim deed by the

City of Newburgh to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.

8. No personal property is included in the sale of any of the parcels owned by City of Newburgh, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the purchaser following the closing of sale.
9. The City makes no representation, express or implied, as to the condition of any property, warranty of title, or as to the suitability of any for any particular use or occupancy. Property may contain paint or other similar surface coating material containing lead. Purchaser shall be responsible for the correction of such conditions when required by applicable law. Property also may contain other environmental hazards. Purchaser shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchaser shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Purchaser acknowledges receipt of the pamphlet entitled "Protecting Your Family from Lead in Your Home." Purchaser also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards or mold.
10. The entire purchase price and all closing costs/fees must be paid by money order or guaranteed funds to the City of Newburgh Comptroller's Office by the date listed in the approved City Council Resolution, notwithstanding any extensions of time granted pursuant to terms contained herein ("Closing Deadline"). Such closing costs/fees may include, but are not limited to: recording fees, tax adjustments as of the day of closing, fuel oil adjustments, and applicable condominium charges (e.g. monthly maintenance charges, assessment charges, transfer buy-in fees, and/or closing package ordering fees). *The City of Newburgh does not accept credit card payments for the purchase price and closing costs/fees. The City is not required to send notice of acceptance or any other notice to a purchaser.* At closing, purchaser, as grantee, may take title as a natural person or as an entity wherein purchaser is an officer or managing member of said entity. If purchaser takes title as an entity, purchaser must provide an affidavit listing all of the members or shareholders of said entity, their addresses, their phone numbers, and their percentage ownership stake in the entity. Purchaser must have at least a fifty-one (51%) ownership stake in said entity in order for said entity to take title.
11. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to close title of up to, but not to exceed, sixty (60) additional days from the Closing Deadline. No request shall be entertained unless in writing, stating the reasons therefor, and unless accompanied by a fee of \$250.00 per parcel for which a request is submitted. The fee shall be in addition to all other fees and deposits and shall not be credited against the purchase price and shall not be returnable. Any additional request made thereafter shall be made in writing and placed before the City Council for its consideration.
12. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the purchaser shall be entitled only to a refund of the purchase money paid. Purchaser agrees that he shall not be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
13. Sale shall be final, absolute and without recourse once title is conveyed on the actual day of closing. In no event, shall City of Newburgh be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, his heirs, successors or assigns, against City of Newburgh arising from this sale.
14. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the City acquired title or as corrected up to date of deed. The deed will be recorded by the City upon payment in full of the purchase price, tax reimbursements, buyer's premium (if applicable), and closing fees/costs. Possession of property is forbidden until the deed is recorded conveying title to the purchaser. **Title vests upon conveyance of deed.**
15. Upon closing, the City shall deliver a quitclaim deed conveying all of its right, title and interest in the subject property, which deed shall be drawn by the City Corporation Counsel. The City shall not convey its interest in any street, water, sewer or drainage easement, or any other interest the City may have in

the property. The City shall only convey that interest obtained by the City pursuant to the judgment rendered in an *in rem* tax foreclosure action filed in the Orange County Clerk's Office.

16. The description of the property shall be from the City of Newburgh Tax Map reference or a survey description certified to the City of Newburgh. Any survey description shall be provided to the City Corporation Counsel by the purchaser at least thirty (30) days in advance of closing title and approved by the City's Engineer.
17. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he/she is not representing the former owner(s) of the property against whom City of Newburgh foreclosed and has no intent to defraud City of Newburgh of the unpaid taxes, assessment, penalties and charges which have been levied against the property. The purchaser agrees that neither he/she nor his/her assigns shall convey the property to the former owner(s) against whom City of Newburgh foreclosed within 24 months subsequent to the Closing Deadline date. If such conveyance occurs, purchaser understands that he/she may be found to have committed fraud, and/or intent to defraud, and will be liable for any deficiency between the purchase price at auction and such sums as may be owed to City of Newburgh as related to the foreclosure on the property and consents to immediate judgment by City of Newburgh for said amounts.
18. In the event that Seller engaged the services of a New York State Licensed Real Estate Broker in connection with this sale, Seller shall pay said Broker any commission earned pursuant to a separate agreement between Seller and Broker.
19. The property is sold subject to an owner-occupancy restriction. The purchaser has agreed to purchase the property subject to the five (5) year owner occupancy restriction shall, within 18 months of the delivery of the deed, establish his domicile and principal residence at said premises and maintain his domicile and principal residence at said premises for a period of at least five (5) years thereafter, provided that within said five (5) year period, the purchaser may convey said premises to another who shall also maintain their domicile and principal residence at said premises for said period. This shall be set forth as a restrictive covenant in the deed, subject upon its breach, to a right of re-entry in favor of the City of Newburgh. This shall be in addition to all other provisions, covenants and conditions set forth in the Terms of Sale.
20. Notice is given that the property lies within either the East End Historic District or the Colonial Terraces Architectural Design District as designated in the City of Newburgh's current zoning map. This parcel is sold subject to all provision of law applicable thereto. It is the sole responsibility of the purchaser to redevelop such parcel so designated in accordance any additional laws, rules or regulations applicable to those districts.
21. Within ten (10) business days of approval of sale by the City of Newburgh, the purchaser shall tender a non-refundable downpayment in the amount of **\$7,000.00** payable to "City of Newburgh" by money order or guaranteed funds to the City of Newburgh Comptroller's Office. At closing, the downpayment amount shall be credited against the purchase price.

ACKNOWLEDGED AND AGREED

Date: _____

(Purchaser Name)

RESOLUTION NO.: 102 - 2019

OF

APRIL 22, 2019

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY
KNOWN AS 2 LILLY STREET (SECTION 16, BLOCK 5, LOT 11)
AT PRIVATE SALE TO DANIEL GUARNACCIA AND JAMES GUARNACCIA
FOR THE AMOUNT OF \$69,900.00

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

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

WHEREAS, the City of Newburgh desires to sell 2 Lilly Street, being more accurately described as Section 16, Block 5, Lot 11 on the official tax map of the City of Newburgh; and

WHEREAS, the prospective buyer has offered to purchase this property at private sale; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of the following property to the indicated purchaser be and hereby is confirmed and the City Manager/Interim City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of the indicated purchase price in money order, good certified or bank check, made payable to THE CITY OF NEWBURGH, such sums are to be paid on or before July 25, 2019, being approximately ninety (90) days from the date of this resolution; and

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>	<u>Purchase Price</u>
2 Lilly Street	16 - 5 - 11	Daniel Guarnaccia James Guarnaccia	\$69,900.00

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

10-19

Terms and Conditions Sale

2 Lilly Street, City of Newburgh (SBL: 16-5-11)

STANDARD TERMS:

1. City of Newburgh acquired title to this property in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title; and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the date of sale.
4. The properties are sold subject to unpaid school taxes for the tax year of **2018-2019**, and also subject to all school taxes levied subsequent to the date of the City Council resolution authorizing the sale. The purchaser shall reimburse the City for any school taxes paid by the City for the tax year **2018-2019**, and subsequent levies up to the date of the closing. Upon the closing, the properties shall become subject to taxation. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
5. **WARNING: FAILURE TO COMPLY WITH THE TERMS OF THIS PARAGRAPH MAY RESULT IN YOUR LOSS OF THE PROPERTY AFTER PURCHASE.** The deed will contain provisions stating that the purchaser is required to rehabilitate any building on the property and bring it into compliance with all State, County and Local standards for occupancy within (18) months of the date of the deed. Within such eighteen (18) month time period the purchaser must either: obtain a Certificate of Occupancy for all buildings on the property; make all buildings granted a Certificate of Occupancy before the date of purchase fit for the use stated in such Certificate of Occupancy; or demolish such buildings. The deed shall require the purchaser to schedule an inspection by City officials at or before the end of the eighteen (18) month period. If the purchaser has not complied with the deed provisions regarding rehabilitation of the property and obtained a Certificate of Occupancy or Certificate of Compliance by that time, then the title to the property shall revert to the City of Newburgh. The deed shall also provide that the property shall not be conveyed to any other person before a Certificate of Occupancy or Certificate of Compliance is issued. A written request made to the City Manager for an extension of the eighteen (18) month rehabilitation period shall be accompanied by a non-refundable fee of \$250.00 per parcel for which a request is submitted. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to rehabilitate of up to, but not to exceed, three (3) months. Any additional request thereafter shall be made in writing and placed before the City Council for their consideration.
6. The City makes no representation as to whether the property is vacant and/or unoccupied. Evictions, if necessary, are solely the responsibility of the purchaser after closing and recording of the deed. The parcel is being sold subject to the City's Vacant Property Ordinance (Chapter 121) and all provisions of law applicable thereto. Within 30 days of closing, the purchaser must register the property and pay any applicable fees or submit an acceptable rehabilitation plan to the Building Department.

7. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date upon which the sale is scheduled to take place. Upon delivery of the quitclaim deed by the City of Newburgh to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.
8. No personal property is included in the sale of any of the parcels owned by City of Newburgh, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the purchaser following the closing of sale.
9. The City makes no representation, express or implied, as to the condition of any property, warranty of title, or as to the suitability of any for any particular use or occupancy. Property may contain paint or other similar surface coating material containing lead. Purchaser shall be responsible for the correction of such conditions when required by applicable law. Property also may contain other environmental hazards. Purchaser shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchaser shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Purchaser acknowledges receivership of the pamphlet entitled "Protecting Your Family from Lead in Your Home." Purchaser also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards or mold.
10. The entire purchase price and all closing costs/fees must be paid by money order or guaranteed funds to the City of Newburgh Comptroller's Office by the date listed in the approved City Council Resolution, notwithstanding any extensions of time granted pursuant to terms contained herein ("Closing Deadline"). Such closing costs/fees may include, but are not limited to: recording fees, tax adjustments as of the day of closing, fuel oil adjustments, and applicable condominium charges (e.g. monthly maintenance charges, assessment charges, transfer buy-in fees, and/or closing package ordering fees). *The City of Newburgh does not accept credit card payments for the purchase price and closing costs/fees. The City is not required to send notice of acceptance or any other notice to a purchaser.* At closing, purchaser, as grantee, may take title as a natural person or as an entity wherein purchaser is an officer or managing member of said entity. If purchaser takes title as an entity, purchaser must provide an affidavit listing all of the members or shareholders of said entity, their addresses, their phone numbers, and their percentage ownership stake in the entity. Purchaser must have at least a fifty-one (51%) ownership stake in said entity in order for said entity to take title.
11. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to close title of up to, but not to exceed, sixty (60) additional days from the Closing Deadline. No request shall be entertained unless in writing, stating the reasons therefor, and unless accompanied by a fee of \$250.00 per parcel for which a request is submitted. The fee shall be in addition to all other fees and deposits and shall not be credited against the purchase price and shall not be returnable. Any additional request made thereafter shall be made in writing and placed before the City Council for its consideration.
12. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the purchaser shall be entitled only to a refund of the purchase money paid. Purchaser agrees that he shall not be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
13. Sale shall be final, absolute and without recourse once title is conveyed on the actual day of closing. In no event, shall City of Newburgh be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, his heirs, successors or assigns, against City of Newburgh arising from this sale.
14. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the City acquired title or as corrected up to date of deed. The deed will be recorded by the City upon payment in full of the purchase price, tax reimbursements, buyer's premium (if applicable), and closing fees/costs. Possession of property is forbidden until the deed is recorded conveying title to the purchaser. **Title vests upon conveyance of deed.**
15. Upon closing, the City shall deliver a quitclaim deed conveying all of its right, title and interest in the subject property, which deed shall be drawn by the City Corporation Counsel. The City shall not convey

its interest in any street, water, sewer or drainage easement, or any other interest the City may have in the property. The City shall only convey that interest obtained by the City pursuant to the judgment rendered in an *in rem* tax foreclosure action filed in the Orange County Clerk's Office.

16. The description of the property shall be from the City of Newburgh Tax Map reference or a survey description certified to the City of Newburgh. Any survey description shall be provided to the City Corporation Counsel by the purchaser at least thirty (30) days in advance of closing title and approved by the City's Engineer.
17. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he/she is not representing the former owner(s) of the property against whom City of Newburgh foreclosed and has no intent to defraud City of Newburgh of the unpaid taxes, assessment, penalties and charges which have been levied against the property. The purchaser agrees that neither he/she nor his/her assigns shall convey the property to the former owner(s) against whom City of Newburgh foreclosed within 24 months subsequent to the Closing Deadline date. If such conveyance occurs, purchaser understands that he/she may be found to have committed fraud, and/or intent to defraud, and will be liable for any deficiency between the purchase price at auction and such sums as may be owed to City of Newburgh as related to the foreclosure on the property and consents to immediate judgment by City of Newburgh for said amounts.
18. In the event that Seller engaged the services of a New York State Licensed Real Estate Broker in connection with this sale, Seller shall pay said Broker any commission earned pursuant to a separate agreement between Seller and Broker.
19. The property is sold subject to an owner-occupancy restriction. The purchaser has agreed to purchase the property subject to the five (5) year owner occupancy restriction shall, within 18 months of the delivery of the deed, establish his domicile and principal residence at said premises and maintain his domicile and principal residence at said premises for a period of at least five (5) years thereafter, provided that within said five (5) year period, the purchaser may convey said premises to another who shall also maintain their domicile and principal residence at said premises for said period. This shall be set forth as a restrictive covenant in the deed, subject upon its breach, to a right of re-entry in favor of the City of Newburgh. This shall be in addition to all other provisions, covenants and conditions set forth in the Terms of Sale.
20. Notice is given that the property lies within either the East End Historic District or the Colonial Terraces Architectural Design District as designated in the City of Newburgh's current zoning map. This parcel is sold subject to all provision of law applicable thereto. It is the sole responsibility of the purchaser to redevelop such parcel so designated in accordance any additional laws, rules or regulations applicable to those districts.
21. Within ten (10) business days of approval of sale by the City of Newburgh, the purchaser shall tender a non-refundable downpayment in the amount of \$5,000.00 payable to "City of Newburgh" by money order or guaranteed funds to the City of Newburgh Comptroller's Office. At closing, the downpayment amount shall be credited against the purchase price.

ACKNOWLEDGED AND AGREED

Date: _____

(Purchaser Name)

RESOLUTION NO.: 103 - 2019

OF

APRIL 22, 2019

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER
TO EXECUTE A ONE MONTH EXTENSION TO THE AGREEMENT
WITH THE NEWBURGH MINISTRY, INC. TO CONTINUE A WARMING CENTER
AT 104 SOUTH LANDER STREET THROUGH APRIL 30, 2019

WHEREAS, by Resolution No. 318-2018 of October 22, 2018, the City Council of the City of Newburgh authorized the City Manager to enter into an agreement with The Newburgh Ministry, Inc. to establish an overnight warming center at 104 South Lander Street; and

WHEREAS, the term of the Agreement began on October 25, 2018 and expires on April 1, 2019; and

WHEREAS, the City recognizes the enormous beneficial impact that the Newburgh Ministry, Inc. and the operation of the warming center has had on the City of Newburgh by providing overnight shelter to homeless persons during the cold weather season; and

WHEREAS, due to the unusually cold weather extending into the month of April 2019, the City wishes to extend the term of the Agreement for one month until April 30, 2019, and this Council has reviewed the annexed extension agreement and finds that the extension of such Agreement is in the best interests of the City of Newburgh and its citizens;

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 a one month extension agreement with the Newburgh Ministry, Inc. in substantially the same form as annexed hereto with other provisions as Corporation Counsel may require.

EXTENSION AGREEMENT

THIS EXTENSION AGREEMENT ("Extension"), made as of this ____ day of _____, 2019, by and between the City of Newburgh, a New York municipal corporation ("City") and Newburgh Ministry, Inc., a New York not-for-profit corporation, ("Newburgh Ministry").

WITNESSETH:

WHEREAS, on October 25, 2018, the City and the Newburgh Ministry executed an Agreement for the administration, operation, and management of an overnight warming center at the building located at 104 South Lander Street, Newburgh, New York; and

WHEREAS, the Agreement terminates on April 1, 2019; and

WHEREAS, the parties desire to extend the term of the Agreement for one month until April 30 2019:

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The term set forth in Paragraph 3 of the Agreement shall terminate on April 30, 2019 ("Extension Term").
2. All other terms and conditions set forth in the Agreement shall remain in full force and effect during the Extension Term.

IN WITNESS WHEREOF, the Landlord and the Tenant have duly executed this Lease in duplicate as of the day and year first above written.

CITY OF NEWBURGH

THE NEWBURGH MINISTRY, INC.

By: _____
Name: Joseph P. Donat
Its: Interim Manager
Per Resolution No.:

By: _____
Name: Colin Jarvis
Its:

ORDINANCE NO.: 4 - 2019

OF

APRIL 22, 2019

AN ORDINANCE AMENDING SECTION 183-13(A) AND SECTION 183-15(E)
OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH
INCREASING THE MAXIMUM SIZE GARBAGE CAN

BE IT ORDAINED by the City Council of the City of Newburgh, New York that Chapter 183, Article II, entitled "Collection Regulations" of the Code of Ordinances is amended as follows:

SECTION 1. Article II. Collection Regulations

Section 183-13. Handling and disposal of waste.

A. Containers for waste. Containers for waste. Wrapped or bagged waste shall be stored in watertight, tightly covered metal or plastic cans not exceeding 95 ~~32~~ gallons in capacity and weighing not more than 100 ~~50~~ pounds when full. Not more than one ~~three~~ containers shall be put out for collection by any single-family residence, nor more than two ~~five~~ containers by any multiple-family residence comprised of two-family or three-family dwellings on any one collection day, except as otherwise provided for herein. Each such container shall be clearly marked with the address of the premises served thereby.

Section 183-15. Collection rules.

E. Commercial waste will be collected by the City only on such days and at such times as shall be scheduled by the Superintendent of Public Works. Premises producing such wastes may set out for collection no more than three ~~six~~ cans or containers on any one collection day. Each and every such premises setting out such commercial waste shall contain such waste in securely sealed clear plastic bags which shall be contained in tightly covered metal or plastic cans, clearly marked with the address of the premises served thereby; each such metal or plastic can set out for collection shall not exceed 95 ~~32~~ gallons in capacity and shall not exceed 100 ~~50~~ pounds when full.

SECTION 2. This ordinance shall take effect on July 1, 2019.

~~Strikethrough~~ denotes deletions

Underlining denotes additions

OLD BUSINESS

Councilwoman Rayford stated she would continue to request a forensic audit until it actually happens. She hopes that the more she talks about it, the more someone will listen and it be done.

Interim City Manager Joe Donat responded that there are a number of different factors involved. He noted that the city is currently in a regular audit. Let's conclude the regular audit, and then we can have a better notion of where we stand after that. He would be happy to sit down and meet with Councilwoman Rayford to discuss it further.

Comptroller Todd Venning reminded the council that at the last meeting in April he reported that the rates are at the \$300 per hour mark for a forensic audit. Also we would need specific details, in which we don't currently have. In order to do the forensic audit, you would have to name specific parties and specific areas in the budget where you think an activity may have taken place. They are not just going to review the entire budget, as more information would be required in order for them to be able to perform a forensic audit.

Mayor Harvey asked for a timeline on a forensic budget.

Donat commented that it would be difficult to answer any questions about the overall cost and timeline, without knowing the actual scope that they would be looking into. He pointed out the regular audit will conclude around May 7, 2019.

Councilman Grice remarked that he would like to sit in on that meeting with Donat and Councilwoman Rayford whenever they schedule that meeting.

Councilman Sklarz commented about following up on a signage request for Crystal Lake and Snake Hill.

Interim Director and Planner Alexandra Church explained that Scenic Hudson submitted the designs last week. She and George Garrison have to go out and scout the actual location where signage is going to be erected.

Rayford commented about Scenic Hudson and its plan to create pocket parks in the city. The company asked for one year to work on the park on South Street. The year is coming to a close in August. Rayford stated that she does not feel that they accomplished what they initially planned.

Church explained that the park was disassembled for winter. The contractor reassembled it last week. It contains modular equipment, so the idea is that it can be moved around. She invited everyone to check it out, because she would love some feedback. The pop-up park is located three parcels to the left of Blacc Vanilla. It is scheduled to run through August; but, it could possibly be extended if it proves to be working well.

This portion of the meeting was closed.

NEW BUSINESS

Councilman Grice didn't know if this is considered as new business; but, he would like the council to consider going into a brief executive session after the meeting.

Mayor Harvey asked Joe Donat to touch on the prospective economic development committee. He is excited about it and he has discussed, at length, the supporting and creating of economic development for our vacant properties, and the stimulating of the overall economy in our city. Harvey stated that he received a postcard for him to join a group entitled the *Climate Mayors*. He would like our city to be aggressive and informative in addressing climate change, and in becoming a Green City with Green infrastructure. He hopes that some key city staff will partner with him on that effort.

Joe Donat stated that the city is welcoming any interested party in joining the economic development committee. He encouraged anyone with a development background, as well as other concerned residents to submit their information by Friday, May 3rd. Donat is going to be sending out a public advisory notice, and he anticipates forming the committee shortly thereafter.

Councilwoman Monteverde stated that she is a part of the group that sent the postcard to Mayor Harvey. The group is working on a resolution that will help move us toward a Climate Green Community. She pointed out that it would be a commitment on everyone's part, in which they all have to do their homework and attend meetings, which are held in New Paltz, New York. There is some good information out there and she hopes that this council can begin working on it in May or June.

Grice stated that he knew this topic was going to come up, because he spoke with Councilwoman Monteverde about it previously. He has been working with individuals in Dutchess County, who have passed some great resolutions concerning it. Grice stated he has a gentleman coming to present to the city council in September. When it comes to our environment and protecting our watershed, air, and being energy efficient, he feels that this council is on the same page. And it makes him feel proud to be a member of this council body.

Councilwoman Rayford stated that she has spoken with Assemblyman Jacobson and Michelle Kelson about tougher gun laws, especially when you have people from neighboring cities that come to Newburgh and commit murder and other heinous crimes. She was supposed to hear feedback last month. Rayford hopes that we can create a resolution levying stiffer penalties for these offenses.

Michelle Kelson commented that gun regulation is controlled by State and Federal law. There is not a lot of room in that arena for municipalities to create local laws. She understands Rayford's concerns; but, it would be counterproductive to draft a local law and then have to defend it from large lobbyist groups that have many resources. The State should take the lead on it.

Rayford publicly stated that this would be her formal petition for Assemblyman Jacobson to work on as our State representative.

Harvey supported Rayford's inquiry on gun control. He has spoken with Chief Solomon about hosting a few gun buyback events in our city. Also he would like to put the license plate readers, and traffic light cameras in front of schools on the agenda. And then we can circle back with our State representative on those issues.

This portion of the meeting was closed.

FURTHER COMMENTS FROM THE COUNCIL

Councilman Grice reminded everyone about the importance of Census 2020 and the importance of registering to vote.

Councilwoman Monteverde did not comment at this time.

Councilwoman Rayford thanked everyone for coming to the meeting.

Councilman Sklarz commended our water and engineering departments' staff for representing our city at the meeting at Stewart Airport. It was clear to him that our teams knew what they were talking about. Also he felt it was clear to the people at Stewart Airport that *they* knew that our staff knew what they were talking about. Sklarz is proud of the representation they put forth on behalf of the City of Newburgh.

Councilwoman Sofokles reiterated the importance of Census 2020. When she worked on a previous census, Newburgh had a headquarters at the old Kreissel building on Broadway. The location generated a lot of hub bub in the community. She can't see the Census Bureau working in this city if we don't have something like for them again. The only way people are going to start talking about it is if they see the Census Bureau's presence in this city. Why the Census Bureau has no plan to have an office in Newburgh is beyond her. The year 2020 is coming soon, and there are a lot of buildings on Broadway that can be used for that.

Mayor Harvey commented. He received a call from Senator Schumer's Office. There is some movement from Schumer's office, including a letter of support that appeals to the folks at the federal level. They have told us that they would have a headquarters situated in Newburgh, so he believes that is going to happen. He pointed out that early voting is going to take place throughout the State. The Orange County Board of Elections has been in touch with the city to ensure that we have a place for early voting. He has discussed with Mr. Donat the relocation of the Halloween event *Trunk or Treat*, from the Recreation Department to the Armory Unity Center. Harvey stated that he is looking forward to the city cleanup on April 27th. In addition to the cleanup, he is

excited about implementing the *Newburgh Street Sweepers*, as well as some of the other initiatives that he mentioned previously.

This were no other comments at this time.

EXECUTIVE SESSION

Councilwoman Rayford moved and Councilman Grice seconded that the council enter into executive session at 9:15 P.M.

Ayes- Councilman Grice, Councilwoman Monteverde, Councilwoman Rayford, Councilwoman Sofokles, Mayor Harvey-5

(The council unanimously agreed to exit out of the executive session at 9:35 P.M.)

ADJOURNMENT

There being no further business to come before the council, the meeting adjourned at 9:15 P.M. so that the council could move into a brief executive session.

Respectfully Submitted,

KATRINA COTTEN

DEPUTY CITY CLERK