

A regular meeting of the City Council of the City of Newburgh was held on Monday, January 27, 2020 at 7:00 PM in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

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, Councilman Shakur, Councilman Sklarz, Councilwoman Sofokles - 7

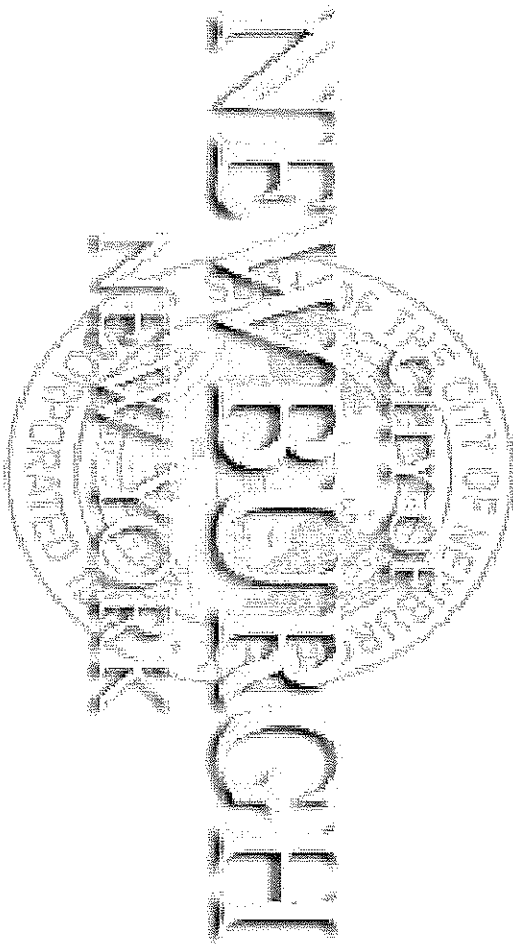
COMMUNICATIONS

Approval of the Minutes of the City Council Meeting on January 13, 2020

Councilman Grice moved and Councilwoman Sofokles seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

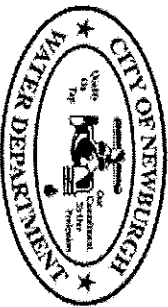
Carried



City Manager's Update

Newburgh City Council Meeting

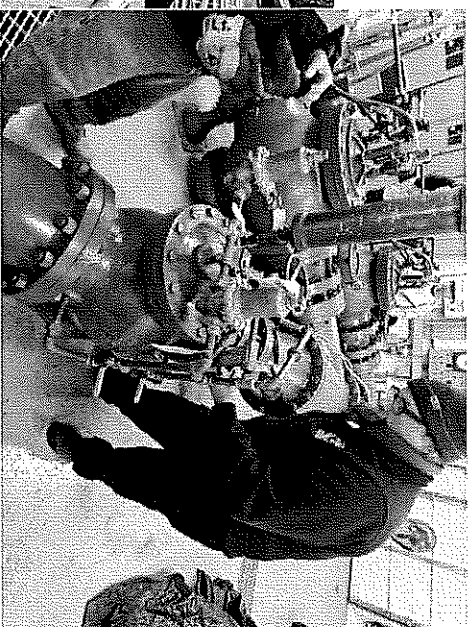
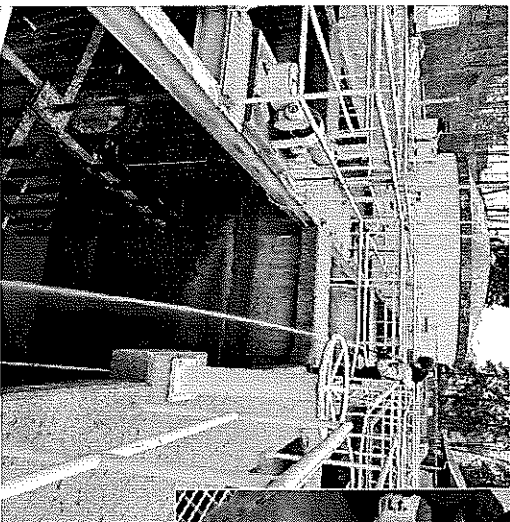
Monday, January 27, 2020



Source Water Change

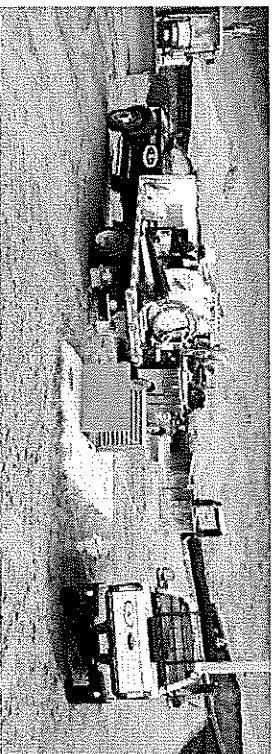
We reconnected to the Catskill Aqueduct today and will remain connected until the next planned shutdown in the fall of 2020.

- All flocculators and settling tanks were cleaned and inspected by plant personnel
- Jar testing was completed for plant adjustments
- Health Department was notified and briefed



During the shutdown, the Town of New Windsor purchased finished water at the Lake Street Drive Interconnect:

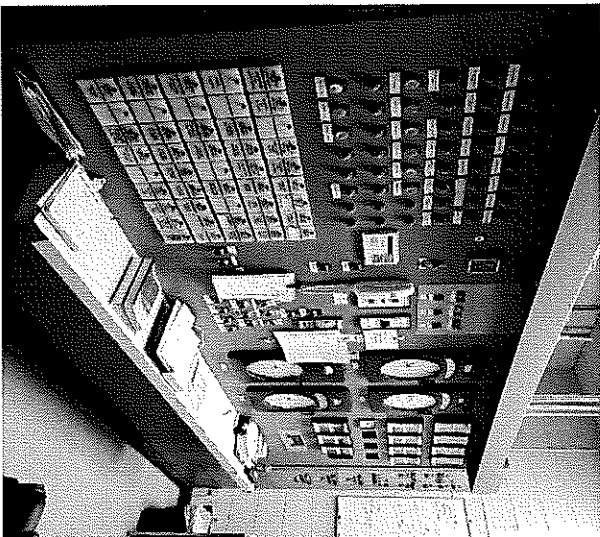
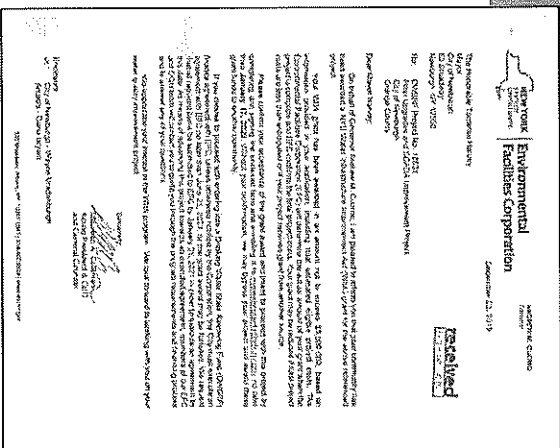
Nov - Dec:	\$10,199
Dec - Jan:	\$23,159
TOTAL:	\$33,358.54

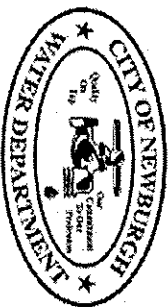




The filtration plant on Little Britain Road will see upgrades to 1960s technology

- Will offset the upgrade project total estimate of \$5,070,000.





Leak Detection Survey Completed

35 miles of water main were surveyed under a grant from O.C. Water authority

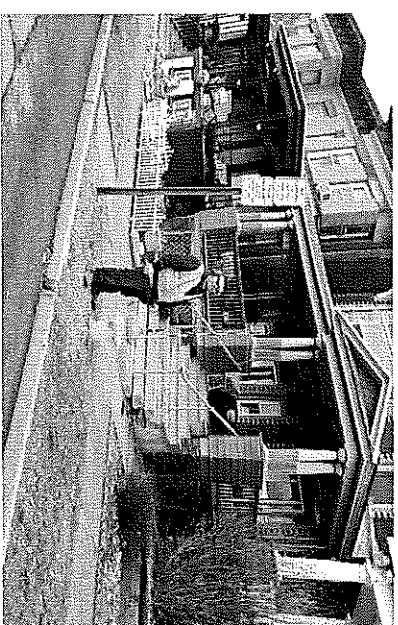
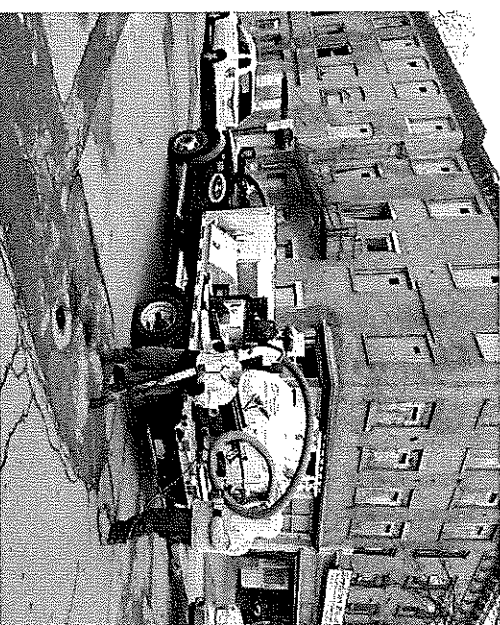
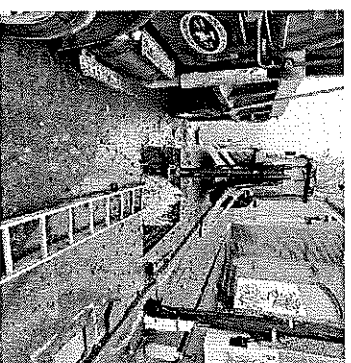
16 leaks confirmed

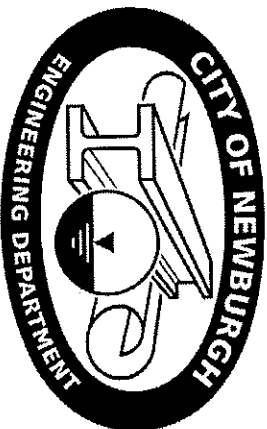
- 3 main leaks (Savings of 155,000 GPD)
- 2 service leaks (Savings of 20,000 GPD)
- 11 hydrant leaks (Savings of 6,600 GPD)

Total savings of 181,600 GPD

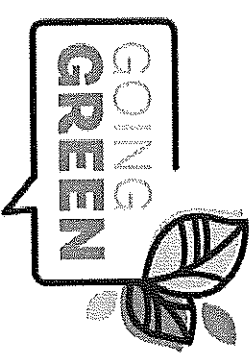
"Looks like they've been doing some serious leak fixing as monthly average production is down 1 MGD (30%) from August."

-Orange County Department of Health noted to NYS DOH





Disinfection Facility



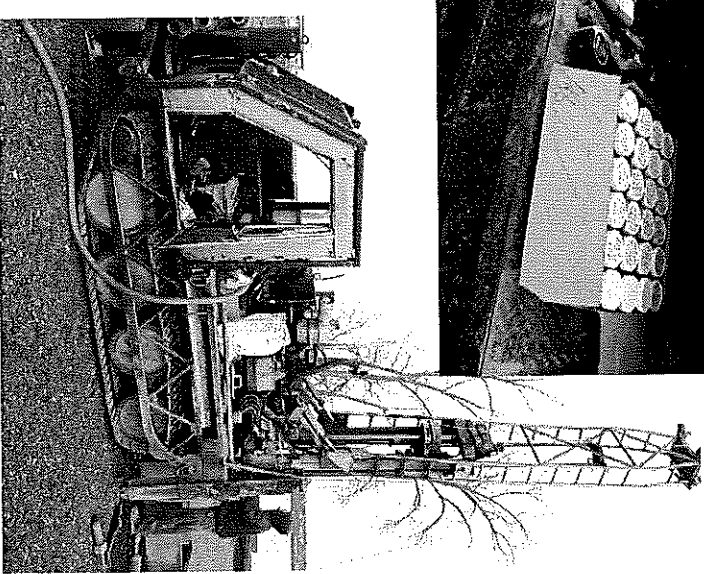
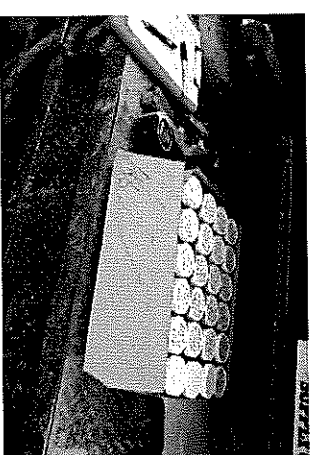
The Department assisted a contractor performing soil borings near the City's wastewater treatment plant.

- Samples provide information about the soils in this area to facilitate the design of a future high rate disinfection floatables control facility as required by the City's Long Term CSO Control Plan.
- Will reduce pollution to the Hudson River and Quassaick Creek
- Construction will start in 2023

Outfall Inspections

In early January, the department inspected 38 of the 249 stormwater outfalls in the City.

- Every year, the department inspects 20% of the City's stormwater outfalls for illicit discharges.
- These inspections are required by NY State Law.
- Previous inspections have resulted in the discovery of many illicit sewer connections and discharges.





Broadway Green Infrastructure & Sewer Reconstruction

A contractor working for the City performed soil borings along Broadway during the week of January 6.

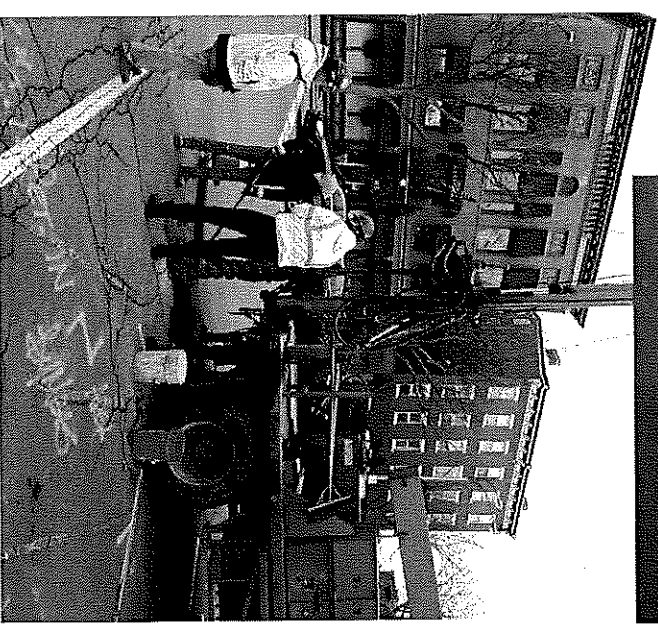
- Gather data about the subsurface conditions under Broadway
- In preparation for designing future green infrastructure to mitigate combined sewer overflow events
- Required by the City's Long Term CSO Control Plan

Stormwater Inspection

Port Installation

On January 9, the department observed the installation of stormwater inspection ports at the Family Health Center's stormwater facility along Lake Street.

- Better maintenance of their stormwater infrastructure
- Easier access for Engineering Department to inspect the facility for proper maintenance





KEEP YOUR
CITY CLEAN

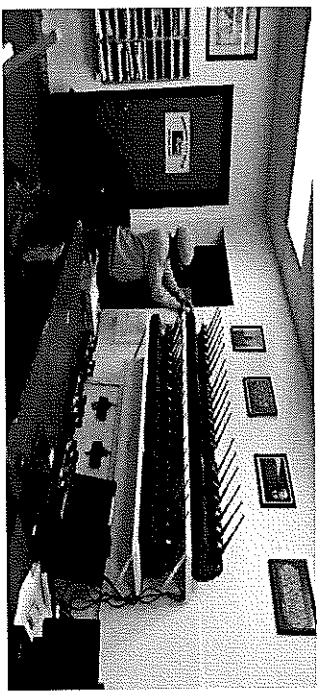
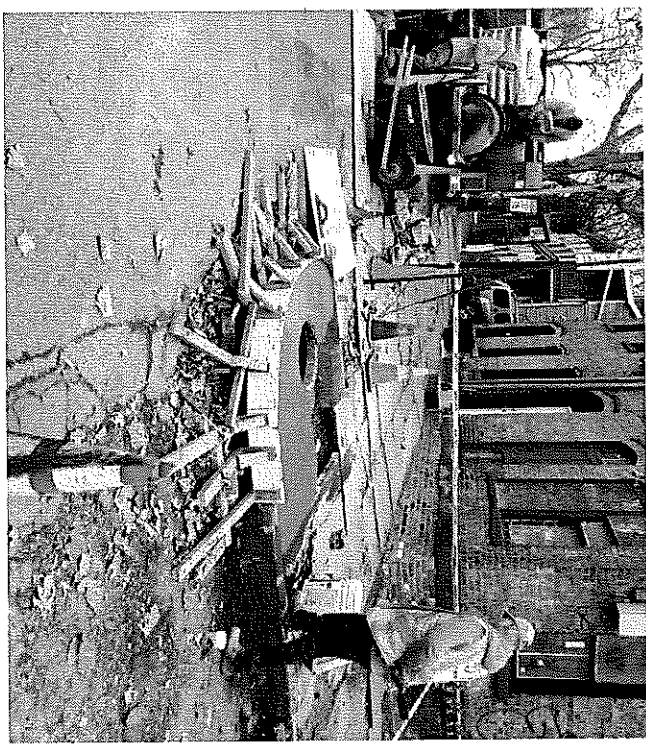
SANITATION TOTAL

December

- 975 tons of garbage
- 99 tons of recyclables
- 26 pieces of furniture

NOTEWORTHY PROJECTS

- 4 catch basins rebuilt
- 6 trees removed/trimmed
- Shelving units built at PD



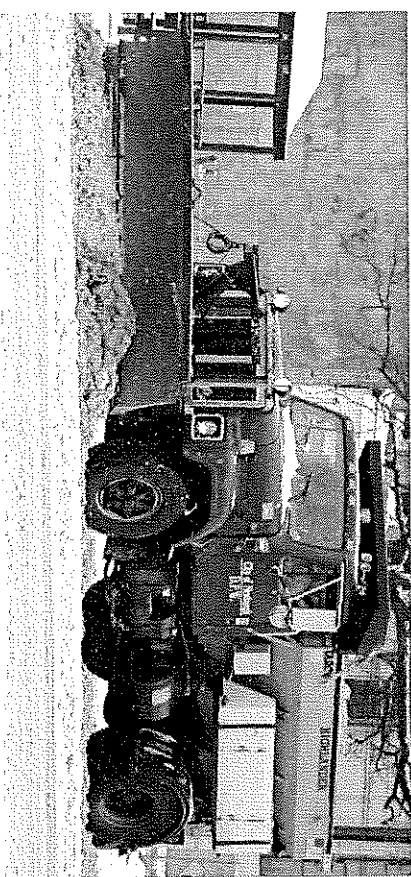


CodeRED™

Saturday, January 18, 2020

Used CodeRED "Newburgh Alerts" to
contact City residents and further
communicate parking restrictions during
Snow Emergency.

14 trucks on the road.
250 tons of salt used.



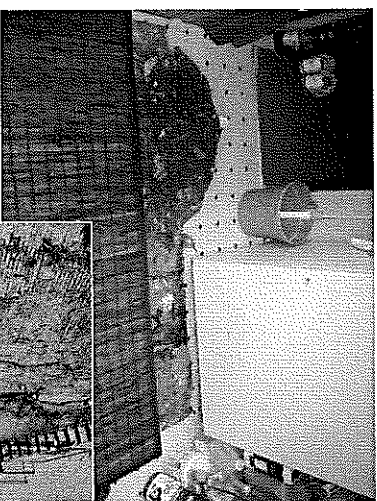
Vehicle Fleet for Snow Responses

- | | |
|-------|--|
| 99-6 | (Sander rotted out. Plow only - 21 y/o) |
| 99-8 | (Sander rotted out. Plow only - 21 y/o) |
| 12-1 | (Sander rotted out. Plow only - 8 y/o) |
| 06-3 | (Plow broke. Sander only - 14 y/o) |
| 06-4 | (Main hydraulic line blew. Out of service) |
| 14-1 | (Blew a hydraulic pump. Out of service) |
| 97-11 | (Side shift rotted. Out of service) |

Cities RISE Phase III Innovation Grant

\$776,149 will help staff implement a strategic plan for equitable and effective code enforcement.

- Up to 100 units of emergency and supportive housing
- Asset management software
- Establish Codes Department operating procedure
- Micro grants for small developers and private landlords
- City-wide Tenants Association
- Public information about building stock conditions
- Partnership with LSHV for pop-up legal aid centers
- Part of over \$8 million in awards



news12
WESTCHESTER

**State Senate
hearing in
Newburgh looks at
housing code
enforcement
problems**

Posted May 21, 2019 5:22 PM EDT
 Updated May 21, 2019 5:22 PM EDT
NEWS12/101 - House works and the blame game were
 heard Thursday in Newburgh at a state Senate hearing

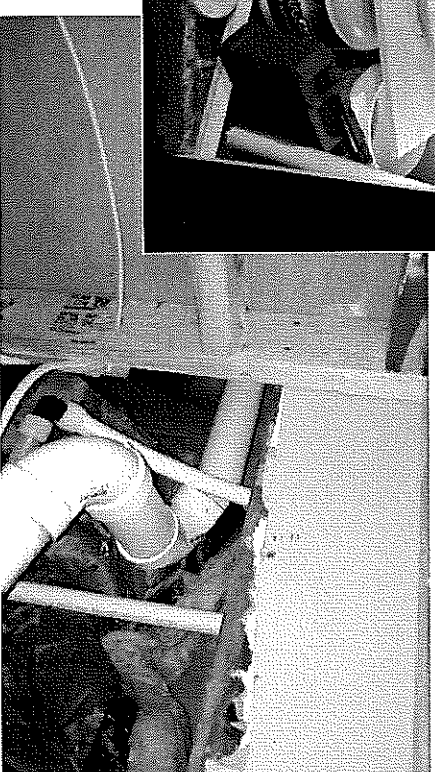
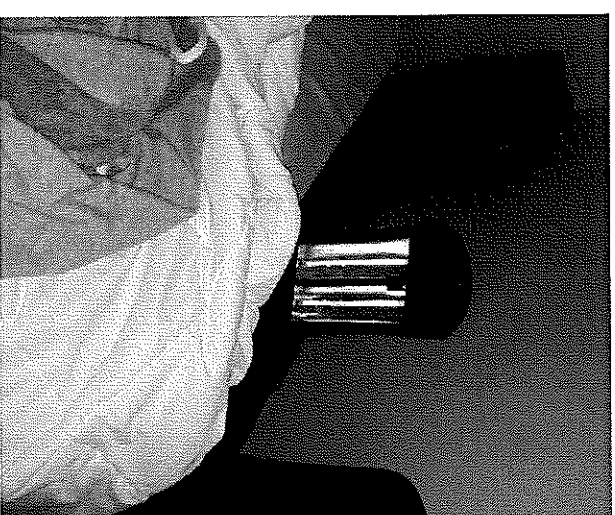
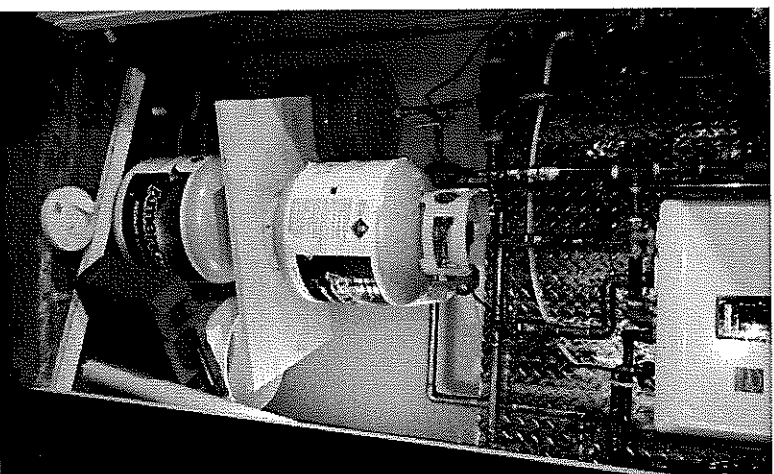


CO Poisoning at 34A Roe Street

A New Year's Day incident caused 5 residents to be hospitalized for CO poisoning that could have been prevented.

- 5 residents were sent to Jacobi Hospital for emergency hyperbaric treatment
- Caused by unpermitted improperly installed boiler
- Building was vented by FD who had to enter using breathing apparatus
- Condemned by the Building Department and the utilities terminated

This single family home had quite a bit of work done without permits, including the boiler which was the cause of the carbon monoxide.



Natural Gas Interruption

Water infiltrated gas supply lines of a home on Van Cleft Avenue. More than 100 homes and buildings & nearly 500 residents impacted.

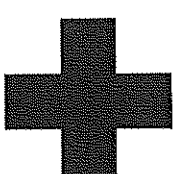
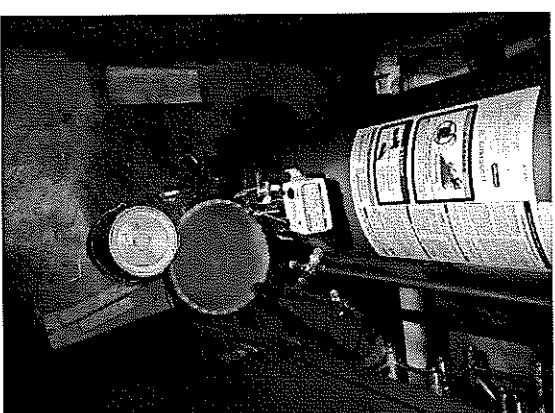
Palatine, Kennedy, Van Cleft, Dupont, Morris, Shipp

Response

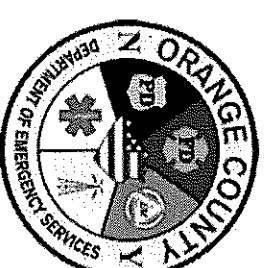
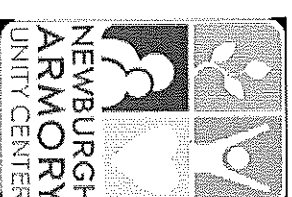
- Water, Engineering, Fire Departments
- Orange County Emergency Management
- OC Emergency Operations Command Vehicle on site

Assistance for Families

- Newburgh Armory Unity Center
- Overnight shelter for displaced residents
- Red cross provided supplies



**American
Red Cross**



CodeRED™

Restoration Advisory Committee Stewart Air National Guard Base

6 PM - Tuesday February 4, 2020

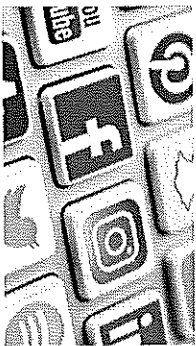
**Newburgh Armory Larkin Center
321 S. William Street**



The first meeting will establish operating procedures. Updates will be provided on the environmental projects at the Base.

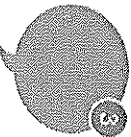
Meetings are open to the public. Community members are encouraged to attend.

For more information call (845) 563-2075



Social Media

Stay connected with the City
through social media!



Notifications

Be the first to know.
Sign-up on website.



Below the Line Bootcamp

This CDBG-funded workforce development
program is in its third session.

- Training youth in Newburgh for jobs in
the film industry
- Offers transportation to all participants

United States
**Census
2020**

COMPLETE COUNT COMMITTEE

Upcoming Meetings:

Thursday, February 13, 2020
6:30pm, Newburgh Library

Thursday, February 27, 2020
6:30pm, Heritage Center

Thursday, March 12, 2020
6:30pm, Heritage Center

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

Ezequiel Marin, 61 Mill Street said he is a student at N.F.A. North Campus and he has some ideas to present to the Council. This City has become overrun by crime. It's unsafe for children and people his age because he is afraid of being hit by car one day. Newburgh needs a better police force which could benefit everyone in Newburgh. He has heard about the history of Newburgh and how we used to have a lot of businesses here so he wants to have more business so we could have more money and more projects taking place. He wants to make residents feel safe so having a better police force is what Newburgh needs.

We could have more museums here to preserve our history and keep it alive. One of the biggest projects he would like to see is a skyscraper in Newburgh. If we had more businesses and more money we could make this happen. With his ideas and Mayor Harvey these things can happen. We could beautify the City by cleaning the streets, painting abandoned buildings and organizing a community garage sale but most of all we could raise money together so we can keep moving forward.

Ophra Wolf, City of Newburgh said she is here to talk mainly about the water. She thanked our Water Superintendent and our Engineer because a lot of great work has been going on. In regard to Item #11 to endorse the drinking source water protection scorecard, we failed so our drinking water is not protected. Fifteen out of one hundred is a really sad score and water is what we depend on to be healthy so we need a healthy environment to live in. The environment we are surrounded by is so thwarted by the Air Base, industry and the Thruway which is going to be a real impediment on us improving and getting healthier in the future. This for her is an important beginning for the Council to put it on the Agenda so we can start looking practically at what it means. We are very lucky to have the support of Riverkeeper to make sure we are able to do that with expertise over the years but it needs to be at the top and not at the bottom from now on. In regard to the three million dollar infrastructure grant, is that money to replace the filter media for the GAK filter? That worries her because we need to establish early on that it's the State's or the Military's responsibility to be covering the cost of cleaning and replacing that filtration system. It's not up to the City to find grants and money to do that with. Until we have an ion resin exchange filter to go along with our GAK filter we cannot filter out the short chain PFA's. When the Air Base stopped using PFOS it changed to short chain PFA's which are in our water. She is happy that we are back to the Catskill Aqueduct water because there is a lot of chlorine in Brown's Pond but she wonders what the long term plan is and who is paying for this water? When will we have some guarantee that we have clean drinking water from here on out?

Carla Johnson, 52 S. Miller Street said she has some concerns about a property that is owned by the Landbank on the corner of First and South Miller. When she comes out of her building there is a blind side where she has seen a lot of people going in and out who she assumes are using drugs. She asked someone today what they were doing there and they told her they were looking for a friend who was missing. She feels that building and area should be closed and secured because she has a child and there is a lot of stuff going on there.

Councilwoman Monteverde asked if that is the Carriage House.

Ms. Johnson said it's where they put the new pictures on the wall and you have to go through a gate where they are breaking in through the side door so it's very dangerous.

Christopher Ross, 37 S. Miller Street thanked the Council for building the Skate Park. It's an amazing place and if you go there you will see people of all ages, genders and races using it. He wanted to ask about the lights as he sees there are lights there but doesn't know if they are operable. It would be great to have more time to skate when it gets dark early so how can we move forward with that?

Ms. Boyd, Prospect Street said that everyone comes to her with their issues because she comes to the Council meetings. On January 19th her neighbor called asking for her video because his car tires were slashed. The video shows three young boys running from the scene and this is not the first time something like this has happened. Cars are being vandalized and scraped and tires are being slashed. She addressed this to the Police Department and she is on the Police Community Relations and Review Board but even she has experienced some backlash from the Police and it should not be. When you call, some officers answer the phone with condescending attitudes which is very unprofessional and uncalled for. They are still waiting for the speed light on Prospect Street where people are driving 50 mph which is very unsafe as there is a lot of pedestrian traffic and children there. The Cabs are once again ruining our curbsides and we will be responsible as homeowners to fix them. She watched a cab today do a U-turn all the way around on people's property and across the street from her that curbside is totally gone thanks to people who are parking there, making U-turns and hanging out. Their block is deteriorating and the sidewalks are horrible because of others. She has brought this up over and over again about their cars getting hit and scratched by people practicing and taking their driving test so they need speed bumps.

Tom Roberts, City of Newburgh said that he goes to 2 Alices a lot and the Yellow Cab drivers, one in particular, have a habit of parking across the street, opening the door and standing there to urinate. We also have to do something about these single plastic bags that are flowing across Broadway. Maybe the store across the street that is using these bags could use something else.

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 out. There were some questions about our water and he noted that even though the water report came out and we scored low it was the same with other municipalities that don't have their watershed within their boundaries so they also scored low. We fully intend to implement the plans that Riverkeeper has outlined in that report and they have been great partners with us. Brown's Pond is at a higher elevation than Washington Lake so that is clean drinking water. The three million dollar grant is not for the carbon activated filter so it's for some other things. When you ask questions please stay for a response or reach out to us. One thing that has been detrimental for the City of Newburgh is that there is a lot of information out there that is not factual. He participated in the Point-in-Time Count with RECAP which was an eye opening experience. That is where we go out and count our homeless and a lot of people are just one paycheck away from being homeless. While we need to do a better job with the services we provide such as mental health, drug treatment and affordable housing we also have to call on the other municipalities to either have those same services within their boundaries or help us out because a lot of the people he encountered were from other places. We need to look at this situation a bit deeper and remember Census 2020.

Councilwoman Mejia appreciated the City Manager stating the schedule for the Census coming up. Residents also need to know that at the end of March envelopes will be arriving at their households which must be filled out in order to be counted in Census 2020. There will be a lot of community activities and gatherings because we want this to be a community building exercise where we will be inviting residents to get together and fill out the forms. Any groups interested in volunteering to help should reach out. It is important for us to collectively act locally and partner with our environmental justice groups so she is thankful for Riverkeeper and all of the work that has been done. It was ironic after the Work Session last Thursday that the headline on Friday was that the current administration has removed pollution controls for streams and wetlands so the time is now to do this locally. In terms of the City's RISE Grant that was announced by the City Manager, there is all sorts of different layering that's taking place in order for us to continue to have the community that we want to see and have. All of these have been like stepping stones that have taken place in the last decade so it is fulfilling to see the different pieces coming together but more work still needs to be done. She was excited to see the presentation at the Work Session on the potential start of a development project about having a conversation on how to start to balance the need around housing, mixed income, mixed development and how to move forward. She thanked Mr. Marin for his comments and said it's exciting to see young people engaged and she loves the connections the Council members have with the educational system. There is so much leveraging that can get done when we partner with the school district because that is the one place that touches all of us.

Councilwoman Monteverde thanked everyone for coming out tonight. She noted that they started their day at a Press Conference that Congressman Maloney organized regarding the PFOS and him reaching out to Senators Schumer and Gillibrand. Water continues to be a priority for us and we will continue to work on that to make sure our community is

drinking safe water. She commended our Water Department and Engineering staff because they are doing an outstanding job to ensure that we are drinking safe water. With the presentation the other night with Riverkeeper regarding the scorecard, we have been put on notice and we know that we failed but we are going to work to improve that. She doesn't know how long it will take but hopefully by the end of the year it will continue to go up and we will be at 100% which is our goal. Congratulations on the three million dollar grant that the Water Department received and their efforts on saving water with the leak detection. As for the Skate Park, they have been going back and forth regarding the lighting but when she was growing up she was a skateboarder and it keeps kids off the streets so she doesn't see why we can't light it up. There are some issues with staffing and funding, however, so we will continue to look into that. She was excited to hear that Councilman Grice participated in the Point-in-Time Count and noted that this has been going on since 2003 where they go out in the middle of the night to count how many people are actually homeless in the City of Newburgh. It's really important to get that information back to HUD because if they know the numbers then that funding will continue to come in to this municipality for the organizations that are providing housing. She hopes that one day we don't have to do that count anymore but it's something that we have to prioritize.

Councilman Shakur said that Chris came to his office and asked about the lights and this is something we have to look into because summer is coming and they are going to need the lights. In regard to the Census he said that they will be holding four ward town halls making sure they get information out about the Census and housing in each ward. In regard to the property on First and S. Miller, there are a few properties that we have to look at because people who are homeless or on drugs are breaking in so we have to make sure they are secure. In regard to the Police responses to phone calls about the corner on Prospect Street, he asked the speaker to let him know which corner she is referring to after the meeting. There are a few corners on Prospect Street that were recently repaired so we are making sure things are getting fixed. With the Grant we received it mentions a Tenants Association so he asked the City Manager if that is something we will be creating? It also doesn't mention anything about hiring more Code workers which we definitely need. In regard to our water, we just went to a Press Conference today and we want to make sure that the community understands what's going on so we need to come up with a plan so everyone knows exactly what's going on with the water.

Councilman Sklarz thanked everyone for coming out tonight and added his thanks to the various departments that worked around the clock for two or three days restoring heat, gas and water to houses on the west end. Connecting a water line to a gas line is how this started which caused an extraordinary amount of damage to the homes in that area. He stopped by one day and gas meters were stacked up on the lawns because when water gets into a gas meter they have to be replaced. Thousands of dollars of damage was caused because someone didn't follow the rules and codes enacted to ensure the safety of all of us. He also attended the Press Conference today regarding safeguards for controlling PFOS and PFOA in water. In getting ready for it he did a quick Google search and was amazed to see the number of corporations lined up in opposition to the passage of the Bill. These are all of the companies that profit over polluting our water so he thanked Congressman Maloney for standing up for us and insuring that we have clean water. With all this talk about water and our poor score he wanted to emphasize that the water coming out of your tap is clean and safe to drink based on the efforts of our Water Department. He is looking forward to a tour later this week to see the work done in Poughkeepsie by the same company that's doing the east end project we learned about at last week's Work Session.

Councilwoman Sofokles thanked Ezequiel for his hard work and recognized Isiah Valentine who has interviewed some of the Council members. When you see two young people interested in the City of Newburgh and helping with the rebirth it's something they deserve a lot of credit for. In 1985 she and Regina started the Downing Park Planning Committee when the Park had four feet of grass. There were no paths, no benches, no garbage receptacles, the Polly was overloaded with garbage and the Shelter House was boarded up. After thirty five years of hard work and with supervised events they got people to come back into the Park. With the ice skating, we know that with Global Warming it's not as cold as it was when we were young so we want to put a flag up that says, "*No Skating*". She has chased many kids off of thin ice when it starts to get cold so this sign would be for the safety of everyone.

Mayor Harvey thanked the City Manager as well as the Superintendents of the Water Department, Engineering and DPW for the hard work with what happened in the west end with close to one hundred residents not having heat because of water in the gas line. Those departments worked day and night to resolve this issue so they deserve a hand because everyone worked professionally and was prepared. In regard to lights at the Skate Park, he is working with outside organizations on that because we need special events and competitions there. The RISE Phase III Grant is super important and the three million dollars for infrastructure is amazing so pay attention to those. There is money coming into this City from our Federal, State and County partners because of the great work that goes on behind the scenes. The Community Foundation of Orange and Sullivan just awarded \$9,898.21 to the Newburgh Urban Farm and Food Initiative so they have some big things coming up with buying or leasing a facility to continue to grow. The water legislation that Congressman Maloney mentioned is super important and he has eleven Bills on the table to help move our efforts forward at the Federal level with the water contamination. If you really care about the water, now is the time to start writing those letters to Senate Majority Leader, Mitch McConnell to get these laws passed. He said he has been working with Chandra James, DJ Mizz Official, on putting together a Youth Advisory Committee because it was the youth who inspired us to move on 1.7 million dollars to build that Skate Park four years ago. This Committee will hear from the young people to get ideas Grants to create things that will keep them off the streets, out of trouble and advancing to leadership capacity so that they have a voice with this City.

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

CITY MANAGER'S REPORT

Resolution No. 22 - 2020 SAM-DASNY \$50K Grant for Swat Vehicle for PD

Councilman Grice moved and Councilwoman Sofokles seconded.

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

Nays: Shakur-1

Adopted

Resolution No. 23 - 2020 - SAM--DASNY Grant \$50k for Cameras

Councilman Grice moved and Councilwoman Sofokles seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

Resolution No. 24 - 2020 - SAM-DASNY Grant for \$250,000 for Paving

Mayor Harvey thanked Senator Skoufis and Assemblyman Jacobson because this is \$250,000.00 for paving. We have CHIPS funding and the Pave New York Program but now we have two State Legislators with offices here in the City of Newburgh on Grand Street who are working with the City to add additional funding for paving. When you talk about the Grant funding that's coming in to this City for improvements and revitalization we have not seen this kind of support in a very long time.

Councilman Sklarz moved and Councilwoman Sofokles seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

Resolution No. 25 - 2020 - SAM-DASNY Grant \$300,000 for Cameras & Matching Funds for Pin#8761.20

Mayor Harvey said this is \$300,000.00 for additional funds for cameras. At the Work Session Chief Solomon gave us an update on how the cameras are functioning and that some need to be repaired. We were also informed about some additional funding to pay for ShotSpotter through May which is super important. He asked for an explanation on the matching fund element of this resolution.

City Manager, Joseph Donat said it's for a project currently underway on Liberty and Broad between Liberty and Grand for streetscape improvements. It will involve sidewalk improvements and ADA compliance.

Councilwoman Sofokles moved and Councilman Sklarz seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

Resolution No. 26 - 2020 - Council Rules and Order of Procedure

Councilwoman Sofokles moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

Resolution No. 27 - 2020 - Endorsing the Drinking Source Water Protection Scorecard and Supporting Development of Draft Recommendations

Ms. Wolf asked a question earlier and in complete transparency Riverkeeper is partnering with the City as they have in the past with this particular scorecard so we can start to have a true assessment of the watershed and how we can move forward with protecting the watershed so we don't have this water contamination tragedy ever again moving forward. Although the score was fifteen out of one hundred, which is a low score, other municipalities in the Hudson Valley were low also. Our watershed extends into neighboring municipalities and we tried to fight to protect our watershed in the Town of Newburgh where they are doing some new development on Route 300. We went to Town meetings to protect our watershed but because of the New York State Law and the Home Rule Law they were able to move forward with their development without the proper protections for that watershed that leads into Washington Lake. Keep in mind that the low score has a lot to do with the fact that our watershed extends beyond our City limits.

Councilman Grice said we are very aware of our water situation, our watershed and the improvements we need to make. It is our number one priority because we need clean water.

Mayor Harvey reiterated that because our watershed extends beyond our City limits it would take State Legislation for us to do certain things to protect our watershed in other municipalities so we need to write to Senate Majority Leader McConnell to move on those eleven Bills that Congressman Maloney and his colleagues have put forward. These are the kind of things that are done at the Federal level because there are Federal funds and actions that we expect from the Federal and State Government. With this PFOS contamination issue there is ongoing litigation and the Federal Government hasn't done much when compared to State. The State Government has put up, built and funded a twenty five million dollar filtration system at our Water Plant. The State Government and the Department of Health paid for us to get free blood testing and the State is reimbursing the City for the money spent to use the Catskill Aqueduct. The only thing the Federal Government has done is build a small two million dollar filtration system in the Town of Newburgh. When we talk about writing those letters to Mitch McConnell, we need that to happen right away so he will post his address and information on social media when this meeting is over.

Councilman Shakur said that people keep asking him for information but there is no place to direct them to see exactly what's happening with the water. Maybe we could put something on the Website or put something together for the public.

Mayor Harvey said that Councilwoman Mejia just pulled up something on the City's Website where there are bullet points on the water contamination updates. He doesn't know how current it is so he and the City Manager will check to see if it's up-to-date.

Wayne Vradenburgh, Water Superintendent, said that the Water Quality Reports are done annually and that puts it into layman's terms. It is posted to the Website in both English

and Spanish but if anyone ever has any questions, please call the Water Department and they will speak to you directly.

Mayor Harvey noted that Wayne Vradenburgh, Water Department Superintendent is doing an excellent job with leak detection and other things but the thing he is best at is welcoming people to the Water Department if you want to take a free tour. He, himself, has taken it twice and you can even go see the carbon filtration systems and the process they use to filtrate our water.

Mr. Vradenburgh said the tour is given every second Saturday of every month so if anyone is interested please call his office and they will set it up.

Councilman Grice said that there are several organizations and all of them are on the Restoration Advisory Committee which will be meeting on February 4th at 6:00 p.m. at the Armory. We have the Quassaick Creek Watershed Alliance, Newburgh Clean Water Project, Riverkeeper and Scenic Hudson as well as other environmental engineers. The Quassaick Creek Alliance is an open meeting and they are usually held on the last Monday of the month starting at 5:00 p.m. at Mt. St. Mary's, Aquinas Hall. When we talk about our watershed, we go as far as Orange Lake all the way down to the Hudson River.

Mayor Harvey added that we know that the water crisis and situation in the City of Newburgh is a very sensitive issue because of the potential health effects. There is ongoing litigation and we are constantly having discussions with our legal department. The CDC out of Atlanta, Georgia has chosen Newburgh to do a study on.

Michelle Kelson, Corporation Counsel, said she doesn't have enough details to provide useful information but the CDC awarded quite a bit of money to a number of partners who will be looking at City of Newburgh residents to study the long term health effects of the PFOS family of chemicals. At some point that will be used to help bolster how those chemicals are classified and hopefully lead to supporting stronger regulations for source water drinking.

Mayor Harvey noted that the CDC is holding a Press Conference tomorrow and Newburgh was selected to be a part of this study which is something he has been pushing for. Getting the Federal and State Government to remediate the source of the contamination and also focus on the human effects and element which also includes some sort of water rebate funds and punitive damages. Hundreds if not thousands of municipalities across the Country are dealing with this issue but the fact that we were considered and selected to be a part of this study is very important. Lastly, as mentioned earlier, Congressman Maloney held a Press Conference and he said that because of the way the City moved on this PFOS contamination, we are the model for what needs to be done. If you get a chance, read the coverage on that so we can push the Senate to turn these eleven Bills into Federal Law.

Councilwoman Mejia added that tomorrow will be the Media release announcing a public information session that is scheduled for February 11th at the Newburgh Activity Center, 401 Washington Street from 5:30 p.m. to 8:00 p.m. This will be around the exposure assessments for City residents.

Councilman Sklarz moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

Resolution No. 28 - 2020 - Declaring Furniture and Related Items as Surplus and Authorizing Disposition Habitat for Humanity Restore and a Veterans Organization

Councilman Sklarz moved and Councilman Grice seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

Resolution No. 29 - 2020 - Authorizing the Execution of a Payment of Claim

Councilman Grice moved and Councilwoman Sofokles seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

Ordinance No. 1 - 2020 - Chapter 72 Police Community Relations and Review Board

Councilman Grice moved and Councilwoman Sofokles seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Sklarz, Sofokles, Harvey - 7

Adopted

NEW BUSINESS

Councilman Grice said he would like to hear brief updates from our Human Resource Director and our Communication Advisor.

Mayor Harvey said it would also be fitting to get an update from someone in the Recreation Department on some ideas of what we can do with the Skate Park for the spring and summer months. He mentioned this when they voted on the money that we had to find to create that Skate Park. It's an excellent addition to the City and he sees older people skating there from other municipalities so he believes we are not maximizing the usage of that Park. Our residents and neighbors come in to skate but we should get some return on that investment by having competition opportunities with sponsors. He spoke with Mr. Stanton from the Recreation Department and Joe Alvarez with We Are Newburgh on how we can get the Pepsi Cola Corporation, the Coca Cola Corporation or some other corporations that sponsor skateboarding and create annual events with cash prizes. We could charge admission, get a scoreboard and some new lights which would help with the request for lighting at the Skate Park in the evening. He thinks these type of events would be very enjoyable and would maximize the potential for the Park giving us funding for lights, special activities, sponsorships, etc. Hopefully we can get an update at the next meeting on any efforts we can make in that regard. A gentleman who works with the Dallas Mavericks reached out to him because he wants to give back to inner city athletes from Newburgh with scholarships and another gentleman reached out who wants to do the same thing for inner city youth who are baseball athletes. He wants to give out money to kids who are interested in playing College baseball.

Councilwoman Mejia said they talked last year about having a public hearing on term

limits and she knows that Corporation Counsel has done most of the leg work already which they discussed. She has gotten a couple of call backs from some residents who were looking forward to having a public hearing on that so she wanted to give the Council a heads up. Also figuring out how to act at the local level with the ETPA (Emergency Tenant Protection Act) because there might be some staff who are taking leave in the coming months and there are a lot of projects that overlay each other so she would like a quick update on where some of those intersections are. Particularly around ETPA and the 411 Classification because we don't have that many buildings that would qualify for the ETPA expansion that has taken place in New York State. She would love for us to just get ahead and be able to assist the research and the current assessment that is going on. She would also be happy to participate but would love an update so we can move forward.

OLD BUSINESS

Mayor Harvey received correspondence from the Art and Cultural Commission which he, Councilwoman Monteverde and Corporation Counsel have responded to about an upcoming meeting with members from the Art and Cultural Commission regarding the one percent for art legislation. They hope to meet with the Commission in the next few weeks and Corporation Counsel has been working with the City Manager on understanding the intricacies of this past legislation from 2006/2007. Being an Actor for many years he felt the need that we have a funding mechanism that could create funds for art and culture and at some point a Performing Arts or Fine Arts Center in the City of Newburgh. This was one of the visions in the Art and Cultural Commission from 2006 to 2009. The one percent for art legislation was passed unanimously at the time but there was a six month moratorium on the legislation once they realized they were going to do this eighty million dollar renovation of the SUNY Orange Newburgh Campus and that legislation has not been active since. The Commission decided at that time that we would not be able to function as an Art and Cultural Commission if they were going to take the funding source away. We have now reinstated the Commission and they are doing great things but he supports reinstating that one percent for art legislation so that when there is a project above \$250,000.00 then 1% would be dedicated for art and culture. Of that 1%, 70% would be site based art and culture in that development project and 30% would go into a savings fund to create more funding for art and culture in Newburgh. That is his understanding of the legislation and they are working diligently on this.

Councilwoman Mejia noted that if you go on the City's website there was an announcement today that a \$10,000.00 Grant was received from the National Endowment for the Arts.

Councilwoman Monteverde said she just sent a letter of support and she knows they are working on several things. She attended an Art and Cultural meeting a few months ago and the impact this Commission will have on the City of Newburgh is very exciting. Art is one of her passions so she looks forward to hearing what they have in the pipeline and feels that pushing this 1% through will really get it going.

Councilman Grice congratulated that Committee for getting this Grant. He dabbles in the Grant world and getting that NEA Grant takes hard work to get. He supports the 1% for arts legislation and looks forward to voting yes on that.

Mayor Harvey said that we have a strong art community in the City of Newburgh which is thriving and growing. When we look at the proposed RFP for Colden Street, the Kearney Group is the developer that is being recommended for that but we still have some things to do before we vote on that. Councilwomen Sofokles and Monteverde both mentioned earlier that the Kearney Group has done a lot of projects throughout the State of New York and they developed the Liberty Street Bistro. They have done a lot of great work and one of the things he noticed when visiting their other sites is that they focus on reserving apartment space for artists.

FURTHER COMMENTS FROM THE COUNCIL

Councilman Grice said that Councilwoman Mejia mentioned term limits which he is in support of and looks forward to that conversation. Throughout this meeting we have mentioned some important dates and he asked the community to please reach out for the newsletter to stay current and active. He is glad to see so many people out tonight and asked them to stay engaged.

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

Councilwoman Monteverde said she has seen a lot of good postings on the City's social media. If you are not on social media or Facebook, she suggested signing on because there is a lot of good information there daily such as street closings and pipes that have burst. She noted that whoever is doing that is doing an excellent job.

Councilman Shakur thanked everyone for coming out tonight and hopes to see more people coming to the meetings. One of the things he was looking at is that Newburgh is a very diverse City with eighty percent being Hispanic and Black so he would like our City Boards to reflect that diversity.

Councilman Sklarz thanked everyone for coming out tonight. He was talking earlier about the water snafu in the west end and wanted to mention that the Newburgh Armory was geared up and ready to help people with the use their facility as a warming center or to spend the night. The American Red Cross was also there with prepared meals, although not many people took use of it this time, so it shows that they will be there if we need them in the future.

Councilwoman Sofokles thanked everyone for coming out and told Tom to take a picture next time as she has an idea who it is because a few people called her about it and it's terrible that someone would do that. Ms. Boyd is in her Ward and she agrees there is a problem on Prospect Street with cars speeding and the curbs are getting ruined but it's all about enforcement. If it's not enforced, then there's nothing we can do about it.

Mayor Harvey thanked everyone for coming out with a special thanks to Ezequiel Marin and his mom. He told him that he did an excellent job and as the Mayor of the City of Newburgh he respects his vision and supports his ideas, especially the one about a skyscraper. He said a special thanks to Councilman Shakur because he has been highly impressed with his temperament, articulation and demeanor. He is also impressed with his movement and the things he has brought to his attention so he told him to keep up the great work. We have a good team here, "*The A-Team*". Everyone has their specialty so we should see some great things happening for our City. Don't believe what is being reported because we know our City. He thanked Tom for all of his input because we have to get that Street Sweeper Program up and going. Once we get the funding for that Program then Broadway will be a different Broadway. He also noted that we are doing away with the plastic bags in March and will have our annual street cleanup in April so we are looking forward to that. He also told Ms. Boyd that they will address the things she mentioned.

ADJOURNMENT

There being no further business to come before the Council the meeting adjourned at 8:46 P. M.

LORENE VITEK
CITY CLERK

RESOLUTION NO.: 22 - 2020

OF

JANUARY 27, 2020

**RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT
A DASNY STATE AND MUNICIPAL FACILITIES PROGRAM GRANT
IN AN AMOUNT NOT TO EXCEED \$50,000.00 TO PURCHASE
A RAPID DEPLOYMENT VEHICLE FOR
THE CITY OF NEWBURGH POLICE DEPARTMENT**

WHEREAS, Senator James Skoufis has secured a State and Municipal Facilities Program Grant administered through the Dormitory Authority of the State of New York in the amount of \$50,000.00 to purchase a rapid deployment vehicle for the City of Newburgh Police Department; and

WHEREAS, the total cost of the vehicle is \$79,985.00 will be funded by the grant and a City match to be derived from auction funds; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and is hereby authorized to apply for and accept if awarded a State and Municipal Facilities Program Grant administered by the Dormitory Authority of the State of New York in the amount of \$50,000.00 to purchase a rapid deployment vehicle for the City of Newburgh Police Department; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that the City Manager is authorized to execute all such contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the programs funded thereby.

RESOLUTION NO.: 23 - 2020

OF

JANUARY 27, 2020

**RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT
A DASNY STATE AND MUNICIPAL FACILITIES PROGRAM GRANT
IN THE AMOUNT OF \$50,000.00 FOR CAMERA PURCHASE AND INSTALLATION**

WHEREAS, Senator James Skoufis has secured a State and Municipal Facilities Program Grant administered through the Dormitory Authority of the State of New York in the amount of \$50,000.00 to fund video surveillance camera purchase and installation in the City of Newburgh; and

WHEREAS, there is no match required for the grant; and

WHEREAS, the City Council find it to be in the best interests of the City of Newburgh and its citizens to accept such grant;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and is hereby authorized to apply for and accept a State and Municipal Facilities Program Grant administered by the Dormitory Authority of the State of New York in the amount of \$50,000.00 to fund video surveillance camera purchase and installation in the City of Newburgh; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that the City Manager is authorized to execute all such contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the programs funded thereby.

RESOLUTION NO.: 24 - 2020

OF

JANUARY 27, 2020

**RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT
A DASNY STATE AND MUNICIPAL FACILITIES PROGRAM GRANT
IN THE AMOUNT OF \$250,000.00
FOR ROAD RECONSTRUCTION AND REHABILITATION**

WHEREAS, Senator James Skoufis has secured a State and Municipal Facilities Program Grant administered through the Dormitory Authority of the State of New York in the amount of \$250,000.00 to fund road reconstruction and rehabilitation in the City of Newburgh; and

WHEREAS, there is no match required for the grant which will be used to fund compliance with ADA roadway requirements and road paving activities; and

WHEREAS, the City Council find it to be in the best interests of the City of Newburgh and its citizens to accept such grant;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and is hereby authorized to apply for and accept a State and Municipal Facilities Program Grant administered by the Dormitory Authority of the State of New York in the amount of \$250,000.00 to fund road reconstruction and rehabilitation in the City of Newburgh; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that the City Manager is authorized to execute all such contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the programs funded thereby.

RESOLUTION NO.: 25 - 2020

OF

JANUARY 27, 2020

**RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT
A DASNY STATE AND MUNICIPAL FACILITIES PROGRAM GRANT
IN THE AMOUNT OF \$50,000.00 FOR CAMERA PURCHASE AND INSTALLATION
AND IN THE AMOUNT OF \$250,000.00
FOR ROAD RECONSTRUCTION AND REHABILITATION**

WHEREAS, Senator Jonathan Jacobson has secured a State and Municipal Facilities Program Grant administered through the Dormitory Authority of the State of New York in the amount of \$50,000.00 to fund video surveillance camera purchase and installation and in the amount of \$250,000.00 to fund road reconstruction and rehabilitation in the east end of the City of Newburgh; and

WHEREAS, there is no match required for the grant which will be used to fund video surveillance camera purchase and installation; and

WHEREAS, the match for the east end road reconstruction and rehabilitation is secured in the OCTC Reserve Fund for Project Pin# 8761.20; and

WHEREAS, the City Council find it to be in the best interests of the City of Newburgh and its citizens to accept such grants;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and is hereby authorized to apply for and accept a State and Municipal Facilities Program Grant administered by the Dormitory Authority of the State of New York in the amount of \$50,000.00 to fund video surveillance camera purchase and installation in the City of Newburgh; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and is hereby authorized to apply for and accept a State and Municipal Facilities Program Grant administered by the Dormitory Authority of the State of New York in the amount of \$250,000.00 to fund road reconstruction and rehabilitation in the east end of the City of Newburgh; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that the City Manager is authorized to execute all such contracts and documentation and take such further actions as may be appropriate and necessary to accept such grants and administer the programs funded thereby.

RESOLUTION NO.: 26 - 2020

OF

JANUARY 27, 2020

A RESOLUTION ADOPTING RULES OF ORDER AND PROCEDURE
FOR THE COUNCIL OF THE CITY OF NEWBURGH
FOR THE YEAR 2020

NOW, BE IT RESOLVED, that the Council of the City of Newburgh, New York hereby adopts for use the Rules of Order and Procedure as set forth in the copy attached hereto and made a part of this Resolution; and

BE IT FURTHER RESOLVED, that this Resolution shall take at the next Council meeting subsequent to its adoption.

City of Newburgh City Council
Rules of Order and Procedure

Rule I: General Rules of Procedure

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

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

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

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

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

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

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

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

H. No member of the Council shall by conversation or otherwise delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to comply with these rules, or the orders of its presiding officer. The Presiding Officer, subject to appeal by

motion to the Council, may direct a member who is acting in violation of this section to leave the meeting or call for a recess or adjournment.

- I. As the sergeant-at-arms of the meetings, the Police Chief shall carry out all order and instructions given by the presiding officer, for the purpose of maintaining order and decorum at the meetings, subject to an appeal by motion, to the Council.
- J. Any motion may be withdrawn by the maker before it has been amended or voted upon, but in such case any other member may renew the motion at that time.

Rule II. Order of Business

- A. The Order of Business shall be in conformity with section 20-3 of the Code of Ordinances. Further comments from the Council shall be limited to 3 minutes for each Council Member.
- B. The Order of Business may be departed from by majority vote of the members present.

Rule III. Voting

- A. The order of voting shall be by alphabetical order of the last name of each Council member with the Mayor voting last.
- B. All votes shall be by roll call. It shall be the duty of the City Clerk to enter on the minutes the names of the members voting for or against the question. Once a question has been put and the vote is being taken, the members of the Council shall confine themselves to voting and shall not resume discussion or make further comments on the question.
- C. Every resolution or motion must be seconded before being put to a vote. An abstention, silence or absence shall be considered a negative vote for the purposes of determining the final vote on a matter.
- D. No resolution, ordinance or local law may be introduced at a meeting unless the resolution, ordinance or local law has been considered at a work session of the Council prior to the Council meeting or is listed on the written agenda for said meeting. No resolution, ordinance or local law may be introduced at a meeting if it will result in exceeding the maximum number of work session items set forth in Rule X. Notwithstanding the foregoing, by majority vote, an emergency item concerning the public health, safety or welfare not discussed at work session or appearing on the written agenda may be introduced, considered, and voted upon.

Rule IV. Executive Session

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

Rule V. Participation of City Manager and Staff

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

Rule VI. Suspension of the Rules

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

Rule VII. Guidelines for Public Comment

- A. The public shall be allowed to speak only during the Public Comment period of the meeting or at such other time as the presiding officer may allow, subject to appeal by motion to the Council.
- B. Speakers must adhere to the following guidelines:
 - 1. Speakers must be recognized by the presiding officer.
 - 2. Speakers must step to the front of the room.
 - 3. Speakers must give their name, street name without number and organization, if any.
 - 4. Speakers must limit their remarks to 3 minutes. The City Clerk shall keep a record of the time and shall inform the presiding officer when the 3 minutes has expired.
 - 5. Speakers may not yield any remaining time they may have to another speaker.
 - 6. Council members may, with the permission of the presiding officer, interrupt a speaker during their remarks, but only for the purpose of clarification or information.
 - 7. All remarks shall be addressed to the Council as a body and not to any specific member or to staff. All speakers addressing the City Council at a public meeting shall speak from the public microphone with employees and agents of the City having the option to speak from the head table using a microphone. In no circumstances shall any speaker sit in front of the head table with his or her back to the public.

8. Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste. No profanities shall be used. No personal, slanderous, boisterous remarks shall be made. Council members, the Mayor and staff shall be treated with respect. The presiding officer, subject to appeal by motion to the Council, or the Council, may, by majority vote, request that the presiding officer direct that a speaker violating this provision or any other rule yield the floor and in the event the speaker fails to obey, (s)he may be escorted from the meeting by the sergeant-in-arms.
9. Interested parties or their representatives may address the Council by written communications. Written communications shall be delivered to the Clerk or their designee. Speakers may read written communications verbatim.

C. Members of the public not speaking shall observe commonly accepted rules of courtesy and decorum. They shall not annoy or harass others or speak when another speaker is being heard by the Council.

Rule VIII. Use of Recording Equipment

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

Rule IX. Rules for Public Hearings

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

- (a) The Presiding Officer shall recognize each speaker when the hearing is commenced. Speakers shall identify themselves, their street name and organization, if any, prior to the remarks.
- (b) Speakers must limit their remarks to five (5) minutes. Remarks shall be addressed only to the hearing issues. Speakers may not yield any remaining time they may have to another speaker. The City Clerk shall time speakers and advise the presiding officer when the time has expired.
- (c) All remarks shall be addressed to the Council as a body and not to any individual member thereof.

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

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

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

Rule X. Work Sessions

There shall be regular work sessions of the Council to be held each Thursday preceding a Monday evening Council meeting. The work sessions shall be held at 6:00 p.m. in City Hall, 83 Broadway, Third Floor Council Chambers, unless the Council by majority vote cancels or changes the time or place of such session. The Rules IV, V, VI, and VIII of the Rules of Order of the Council shall apply to all work sessions. Work Session items requiring the preparation of a resolution, ordinance or local law shall be submitted to the City Manager's office no later than close of business on Wednesday in the week before the work session. Discussion items for work sessions shall be submitted to the City Manager's office no later than noon on the Friday immediately preceding the work session. The number of work session items and presentations shall be limited to 20. Presentations shall be limited to 10 minutes. Priority shall be given to those items which require the action of the City Council before the next regularly scheduled work session. Items considered in Executive Session shall be excluded from the maximum number of work session items.

Rule XI. Robert's Rules of Order

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

Rule XII. Adoption of Ordinances

Provided the proposed adoption of an ordinance has been placed on an agenda for a meeting of the Council at which the public is afforded the opportunity to comment on agenda items before Council action, a formal public hearing will not be conducted prior to the adoption of such ordinance, unless otherwise required by federal, state, or local law, ordinance, rule or regulation.

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

Date Adopted: May 14, 2001

Amended: February 25, 2002 (Rule XII added)
January 10, 2014 (Rule IV)
February 22, 2016
April 24, 2017 (Rule VII(B) amended)
January 22, 2018 (Rule II, Rule VII(B), Rule IX amended)
October 22, 2018 (Rule III(D) and Rule X amended)

Approved: January 27, 2020

RESOLUTION NO.: 27 - 2020

OF

JANUARY 27, 2020

**RESOLUTION TO ENDORSE THE DRINKING WATER SOURCE PROTECTION
SCORECARD FINDINGS AND SUPPORT THE DEVELOPMENT OF DRAFT
RECOMMENDATIONS TO IMPROVE SOURCE WATER PROTECTION**

WHEREAS, The City of Newburgh owns, operates, and maintains two water supply reservoirs, Washington Lake and Brown's Pond, which had until 2016 provided the City of Newburgh with drinking source water; and

WHEREAS, The City of Newburgh does not own or have control over the land in the contributing watershed areas or the land use regulations that govern the contributing runoff to these water supply reservoirs; and

WHEREAS, The City of Newburgh has been forced to switch drinking source water to the Catskill Aqueduct and uses Brown's Pond as an emergency backup supply due to contamination in the watershed; and

WHEREAS, The City of Newburgh wishes to eliminate the sources of past, present, and future contamination in the watershed to improve source water quality in its reservoirs; and

WHEREAS, Riverkeeper has developed a Drinking Water Source Protection Scorecard tool to be used by water providers to evaluate source water protection strategies as they pertain to specific drinking water supply watersheds; and

WHEREAS, The Drinking Water Source Protection Scorecard assesses several aspects of source water protection, including source water assessments, annual drinking water quality reports, watershed management, watershed rules and regulations, streams and wetlands and open space; and

WHEREAS, The City of Newburgh Water Superintendent and City Engineer recently completed the Drinking Water Source Protection Scorecard tool for the City of Newburgh's drinking water supply watershed with the assistance of Riverkeeper; and

WHEREAS, The City of Newburgh's Score was found to be 15% out of 100%, and the Drinking Water Source Protection Scorecard Findings document a logical outline of the watershed issues to be addressed in the development of recommendations to improve protections of the watershed;

NOW, THEREFORE, BE IT RESOLVED, that The City Council of the City of Newburgh hereby endorses the Riverkeeper Drinking Water Source Protection Scorecard Findings dated January 13, 2020, and authorizes City staff to continue to collaborate with Riverkeeper to develop and refine recommendations to improve protection of the watershed and source water quality based on the Drinking Water Source Protection Scorecard Findings through an inclusive and transparent public process involving City of

RESOLUTION NO.: 28 - 2020

OF

JANUARY 27, 2020

**A RESOLUTION DECLARING THE FURNITURE AND CONTENTS OF
318 NORTH MONTGOMERY STREET AS SURPLUS AND AUTHORIZING
DISPOSITION TO HABITAT FOR HUMANITY OF GREATER NEWBURGH RESTORE
AND A VETERANS ORGANIZATION**

WHEREAS, the City of Newburgh acquired the property located at 318 North Montgomery Street through in rem tax foreclosure; and

WHEREAS, the City of Newburgh Department of Planning and Development has inventoried the contents of the building located at 318 North Montgomery Street as listed on the schedule of surplus items annexed hereto and made part hereof and finds the contents of no use by the City of Newburgh; and

WHEREAS, the Department of Planning and Development has requested that the contents of 318 North Montgomery Street be designated as surplus and donated to Habitat for Humanity of Greater Newburgh ReStore, except for the casket which is proposed to be donated to a qualified organization that provides benefits to veterans; and

WHEREAS, the City Council has determined that declaring the contents of 318 North Montgomery Street as surplus and donating said contents as proposed 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 contents of 318 North Montgomery Street identified on the schedule attached hereto and made part hereof 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 City Manager and/or City Comptroller be and they are hereby authorized to execute any required documents and conduct all necessary transactions to donate said surplus property to Habitat for Humanity of Greater Newburgh ReStore and to a qualified organization that provides benefits to veterans.

RESOLUTION NO.: 29 - 2020

OF

JANUARY 27, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT OF
CLAIM WITH TONYA L. BEST IN THE AMOUNT OF \$7,335.00**

WHEREAS, Tonya L. Best brought a claim against the City of Newburgh; and

WHEREAS, Tonya L. Best and the City have reached an agreement for the payment of the claim in the amount of Seven Thousand Three Hundred Thirty-Five and 00/100 Dollars (\$7,335.00) in exchange for a release to resolve all property damage claims among them; and

WHEREAS, this Council has determined it to be in the best interests of the City of Newburgh to settle these matters for the amounts agreed to by the parties;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to settle the claim of Tonya L. Best by payment of Three Thousand Five Hundred Seventy-Five and 00/100 Dollars (\$3,575.00) to Tonya L. Best and payment of Three Thousand Seven Hundred Sixty and 00/100 Dollars (\$3,760.00) to Donation Vehicle Program; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlements as herein described.

ORDINANCE NO.: 1 - 2020

OF

JANUARY 27, 2020

AN ORDINANCE AMENDING CHAPTER 72 ENTITLED
"POLICE COMMUNITY RELATIONS AND REVIEW BOARD"
OF THE CODE OF THE CITY OF NEWBURGH

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Chapter 72, entitled "Police Community Relations and Review Board," of the Code of Ordinances of the City of Newburgh be and is hereby amended to read as follows:

SECTION 1. Amendment

§ 72-3 Composition, appointment, removal and vacancy.

A. There is hereby established a Police Community Relations and Review Board comprised of seven ~~nine~~ members.

B. Appointment to the PCRRB shall be made as follows:

1. One ~~Two~~ members from each of the four wards shall be appointed by the Council member elected from each ward.

2. Three ~~One~~ members shall be appointed by the City Council and the City Council shall designate one such member ~~shall be designated~~ as the Chair of the PCRRB.

3. If a Council member fails or refuses to appoint a member to the PCRRB under Section 72-3(B)(1) and a vacancy exists for more than sixty days from the date the notice of vacancy is provided to the City Council by the PCRRB Chair, then the City Council as a whole may make such appointment.

4. When a PCRRB vacancy has existed for at least 60 days from the date the notice of vacancy is provided to the City Council by PCRRB Chair and the City Council has not acted

~~Strikethrough~~ denotes deletions

Underlining denotes additions

to make an appointment to fill such vacancy, the PCRRB, by a simple majority, shall have the right to nominate person(s) for review and appointment by the City Council.

C. Terms.

1. Members shall be appointed for three ~~two~~ year terms; provided, however that of the members initially appointed by the Council member representing a ward, one shall be for a term of one year and one shall be for a term of two years.
2. No member of the PCRRB shall serve for a period which exceeds two full consecutive terms; provided, however, that a member may be considered for reappointment after one year of non-membership.
3. Members shall continue to serve on the PCRRB until their successors are appointed.

§ 72-5 Powers and duties.

A. Training. The PCRRB shall seek and participate in a broad and independent range of training necessary to pursue the duties and responsibilities of the PCRRB as approved and funded by the City Council.

B. Meetings and administration.

1. The PCRRB shall adopt and the City Council shall approve, rules and bylaws for the transaction of PCRRB affairs, including the manner of calling and giving notice of special meetings and the appointment and duties of any special committees.
2. The PCRRB shall hold regular monthly business meetings.
3. Four ~~Five~~ members of the PCRRB shall constitute a quorum. A quorum must be present to conduct business. Four ~~Five~~ votes shall be required for any action by the PCRRB.
4. The PCRRB shall hold its initial meeting within sixty (60) days after the initial appointments are made. At its initial meeting, the PCRRB shall fix the time and place for its regularly scheduled meetings.

~~Strikethrough~~ denotes deletions

Underlining denotes additions

5. The PCRRB may conduct both public and closed meetings as allowed or required by the New York State Public Officers Law, Article 7, known as the Open Meetings Law.

SECTION 2. Severability.

The provisions of this Ordinance are separable and if any provision, clause, sentence, section, subsection, word or part thereof is held to be illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted is such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Ordinance or part here of is held inapplicable had been specifically exempt therefrom.

SECTION 3. Codification.

It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Ordinance shall be included in the Code of Ordinances of the City of Newburgh; that the sections and subsections of this Ordinance may be re-numbered and/or re-lettered by the codifier to accomplish such intention; that the term "Ordinance" shall be changed to "Chapter", "Section", or other appropriate word as required for codification; and that any such rearranging of the numbering and/or lettering and editing shall not affect the validity of this Ordinance or the provisions of the Code of Ordinances affected thereby.

SECTION 4. Validity

The invalidity of any provision of this Ordinance shall not affect the validity of any other provision of this Ordinance that can be given effect without such invalid provision.

SECTION 5. This ordinance shall take effect immediately.

~~Strikethrough~~ denotes deletions
Underlining denotes additions

Chapter 72

POLICE COMMUNITY RELATIONS AND REVIEW BOARD

GENERAL REFERENCES

Police Department — See Ch. 80.

§ 72-1. Findings and purpose.

- A. The City Council of the City of Newburgh finds that it is in the public interest of the citizens of the City of Newburgh have an effective forum to improve the relationship between the community and the City of Newburgh Police Department through the exchange of ideas and discussion of problems within the City relating to crime and crime prevention and other law enforcement objectives.
- B. The City Council further finds that it is important to have a method by which City residents can make requests for law-enforcement-related services.
- C. The City Council further finds that an effective program to improve the relationship between the community and the City of Newburgh Police Department requires an independent authority to review the conduct of law enforcement officials.
- D. The purpose of Chapter 72 of the City Code of Ordinances is to create an independent, nonexclusive body to review complaints of misconduct by members of the City of Newburgh Police Department. The goals of this chapter are to improve the communication between the City of Newburgh Police Department and the community, to increase police accountability and credibility with the public and to create a fair and impartial complaint process.

§ 72-2. Definitions.

For purposes of this chapter, the following words and phrases shall have the meaning described in this section:

CHIEF — The Police Chief of the City of Newburgh Police Department.

COMPLAINT — A written statement concerning police conduct which is submitted to the Police Community Relations and Review Board or filed directly with the City of Newburgh Police Department.

IMMEDIATE FAMILY — Spouse, domestic partner, child, stepchild, mother, father, mother-in-law, father-in-law, grandparent.

MEDIATION — A structured dispute resolution process in which a neutral third party assists the disputants to reach a negotiated settlement of their differences.

OFFICER — Sworn member of the City of Newburgh Police Department.

PCRRB — Police Community Relations and Review Board.

PROFESSIONAL STANDARDS — Administrative Lieutenant of the City of Newburgh Police Department.

§ 72-3. Composition, appointment, removal and vacancy.

- A. There is hereby established a Police Community Relations and Review Board comprised of nine members.
- B. Appointment to the PCRRB shall be made as follows:
 - (1) Two members from each of the four wards shall be appointed by the Council member elected from each ward.
 - (2) One member shall be appointed by the City Council, and such member shall be designated as the Chair of the PCRRB.
 - (3) If a Council member fails or refuses to appoint a member to the PCRRB under § 72-3B(1) and a vacancy exists for more than 60 days from the date the notice of vacancy is provided to the City Council by the PCRRB Chair, then the City Council as a whole may make such appointment.
 - (4) When a PCRRB vacancy has existed for at least 60 days from the date the notice of vacancy is provided to the City Council by PCRRB Chair and the City Council has not acted to make an appointment to fill such vacancy, the PCRRB, by a simple majority, shall have the right to nominate person(s) for review and appointment by the City Council.
- C. Terms.
 - (1) Members shall be appointed for two-year terms; provided, however, that of the members initially appointed by the Council member representing a ward, one shall be for a term of one year and one shall be for a term of two years.
 - (2) No member of the PCRRB shall serve for a period which exceeds two full consecutive terms; provided, however, that a member may be considered for reappointment after one year of nonmembership.
 - (3) Members shall continue to serve on the PCRRB until their successors are appointed.
- D. Removal.
 - (1) The PCRRB, by a simple majority vote of the entire Board, may upon good cause request that the City Council remove a PCRRB member where appropriate.

- (2) The Mayor and/or a City Council member may upon good cause request that the City Council remove a PCRRB member.
 - (3) PCRRB members may be removed from the PCRRB by a majority plus one vote of the City Council.
- E. Vacancies. Any vacancy which occurs by resignation, death or removal of a PCRRB member shall be filled within 60 days in the same manner as the predecessor to fill the unexpired term.

§ 72-4. Members.

A. Qualifications of members:

- (1) Members of the PCRRB shall reside in the City of Newburgh and be at least 18 years old at the time of appointment.
- (2) Members of PCRRB shall possess a reputation for fairness, integrity and responsibility and have demonstrated an active interest in public affairs and service.
- (3) The City Council shall endeavor to reflect the City's diverse community with respect to age, disability, ethnicity, race, gender, sexual orientation, income level and experience in making their appointments.
- (4) Members of the PCRRB or members of their immediate family shall not be employed by the City of Newburgh Police Department or any local, state or federal law enforcement agency.
- (5) Members of the PCRRB shall not be members of the immediate family of any incumbent elected official of the City of Newburgh nor have any financial ties with either members of the City of Newburgh Police Department or any incumbent elected official of the City of Newburgh.
- (6) No practicing attorney or member of his or her firm, or the immediate family of an attorney or member of his or her family who represents a plaintiff or defendant in a police misconduct lawsuit initiated against the City of Newburgh Police Department, the Police Chief of the City of Newburgh or the Newburgh PBA or a plaintiff or any family member of a plaintiff in such case shall be a member of the PCRRB.

B. Member responsibilities: PCRRB members shall:

- (1) Obey all laws respecting individuals' rights of privacy and confidentiality of records.
- (2) Recuse themselves from participating in the review of any complaint in which they have a personal, professional or financial conflict of interest.

- (3) Conduct themselves at all times in a manner that will maintain public confidence in the fairness, impartiality, and integrity of the PCRRB and refrain from making any prejudicial comments with respect to the PCRRB, complainants or police officers.

§ 72-5. Powers and duties.

- A. Training. The PCRRB shall seek and participate in a broad and independent range of training necessary to pursue the duties and responsibilities of the PCRRB as approved and funded by the City Council.
- B. Meetings and administration.
 - (1) The PCRRB shall adopt and the City Council shall approve rules and bylaws for the transaction of PCRRB affairs, including the manner of calling and giving notice of special meetings and the appointment and duties of any special committees.
 - (2) The PCRRB shall hold regular monthly business meetings.
 - (3) Five members of the PCRRB shall constitute a quorum. A quorum must be present to conduct business. Five votes shall be required for any action by the PCRRB.
 - (4) The PCRRB shall hold its initial meeting within 60 days after the initial appointments are made. At its initial meeting, the PCRRB shall fix the time and place for its regularly scheduled meetings.
 - (5) The PCRRB may conduct both public and closed meetings as allowed or required by the New York State Public Officers Law, Article 7, known as the "Open Meetings Law."
- C. Recommendations; reports.
 - (1) The PCRRB may make recommendations to the City Council and the Police Department regarding law enforcement, crime, crime prevention and improved relations with the community.
 - (2) The PCRRB shall file annual reports with the City Council, City Manager and the Police Chief which contain statistics and summaries of citizen complaints, including a comparison of the PCRRB's findings with the final determination of the City of Newburgh Police Department.
- D. Community outreach and education. In addition to regular monthly business meetings, the PCRRB shall hold public meetings in each ward a minimum of once each year for the purposes of inviting and facilitating public discussion between the City of Newburgh Police Department and City residents regarding law enforcement and services, crime and crime prevention and community relations within the City of Newburgh.

- E. Filing of complaints. Complaints concerning police conduct shall be filed with the PCRRB and the City of Newburgh Police Department as provided in this subsection.
- (1) Complaints shall be lodged in writing on the City of Newburgh Citizen Complaint Form as reviewed and approved by the PCRRB for such purpose and shall be signed by the complainant. Complaints shall be filed with the PCRRB at the Executive Office, City Hall, 83 Broadway, Newburgh, NY, or with the City of Newburgh Police Department, 55 Broadway, Newburgh, NY. Complaint forms shall be printed in English and Spanish and shall be available at the City of Newburgh Police Department, the City Hall Executive Office and the City Clerk's Office.
 - (2) A copy of each complaint filed with the PCRRB shall be forwarded to the City of Newburgh Police Department within five working days of its receipt. A copy of each complaint filed with the City of Newburgh Police Department shall be provided to the PCRRB within five working days of receipt by the Police Department.
 - (3) Complaints shall be filed within six months of the date of the alleged incident giving rise to the complaint. Complaints filed after six months from the date of the alleged incident shall be returned or the PCRRB may accept and review such complaint upon an affirmative vote of five members of the PCRRB.
- F. Review of complaints. A review of a complaint shall proceed as provided in this subsection.
- (1) Investigation of complaints.
 - (a) The City of Newburgh Police Chief or his designee shall investigate every complaint filed with the City of Newburgh Police Department or the PCRRB. The Chief shall file with the PCRRB quarterly reports on the status of the investigation of each complaint.
 - (b) The Police Chief or his designee shall begin its investigation of each complaint immediately upon receipt of the complaint. If the Police Chief or his designee fails to conclude the investigation within 60 days of the receipt of the complaint, he shall advise the PCRRB in writing of the status of the investigation and the estimated time for the conclusion of the investigation. Thereafter, the Police Chief or his designee shall advise the PCRRB in writing of the status of the investigation every 30 days until the conclusion of the investigation.
 - (c) Within 10 working days of the conclusion of the Police Chief's investigation, he shall submit a preliminary report of his findings to the PCRRB.

- (d) After review and deliberation of the preliminary findings of the Police Chief, the PCRRB shall:
 - [1] Render its findings pursuant to § 72-5F(2); or
 - [2] Request that the Police Chief or his designee conduct further investigation of the complaint; or
 - [3] Obtain additional case-specific information from the Police Chief, including but not limited to written materials, audio- or videotapes and related documents; or
 - [4] Refer the complaint to mediation as provided in § 72-6.
 - (e) In the event that the PCRRB is dissatisfied with the extent and/or quality of the Chief's investigation, it shall promptly inform the City Council in writing of the specific deficiency of the investigation. In such event, the PCRRB may seek authorization from the City Council to conduct an investigation with the services of an outside independent investigator. The investigator shall be selected on a rotating basis from a panel of investigators comprised of certified investigators, attorneys, retired judges and similarly qualified individuals who are approved by the City Council. The use of an outside independent investigator shall be limited to complaints alleging use of excessive force or civil rights violations.
- (2) Findings of the PCRRB.
- (a) The PCRRB, after review and deliberation of an investigation, shall, by majority vote, make one of the following findings on the complaint:
 - [1] Sustained: where the review disclosed sufficient facts to prove the allegations made in the complaint.
 - [2] Not sustained: where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.
 - [3] Exonerated: where the acts which provide the basis for the complaint occurred but the review shows that such acts were proper.
 - [4] Unfounded: where the review shows that the act or acts complained of did not occur or were misconstrued.
 - [5] Ineffective policy or training: where the matter does not involve guilt or lack thereof but rather ineffective departmental policy or training to address the situation.
 - [6] No finding: where the complaint failed to produce information to further the investigation; where the

investigation revealed that another agency was responsible and the complaint or complainant has been referred to that agency; where the complainant withdrew the complaint; where the complainant is unable to clarify the complaint; or where the officer is no longer employed by the City.

[7] Mediated: where the complaint is resolved by mediation.

- (b) If the PCRRB fails to render any finding referenced above within 60 days of its receipt of the preliminary report of the Chief's findings, the complaint file shall be returned to the Chief for disposition of the matter, unless the PCRRB shall advise the Chief, the complainant and the affected officer(s) in writing of the reason for the delay in rendering its finding. In such case, the PCRRB shall provide the Chief, the complainant and the affected officer(s) with monthly updates on the status of the complaint. In any event, if the PCRRB fails to render a finding referenced above within 120 days of its receipt of the preliminary report of the Chief's findings, the complaint file shall be returned to the Chief for disposition of the matter.

§ 72-6. Mediation.

- A. A mediation process shall be established and coordinated by the PCRRB in accordance with this section.
- B. Mediation shall be conducted at no cost to the complainant or the officer by highly trained and experienced mediators selected from a list approved by the City Council. The list of mediators shall reflect community diversity. Mediators shall be required to complete an appropriate training curriculum and continuing education on issues related to the interaction between civilians and police officers from the perspective of both the citizen and police officer.
- C. After a complaint is filed under § 72-5 of this chapter, the complainant and the officer(s) may at any time in the review process utilize the mediation process herein to resolve the complaint by submitting a written request for mediation to the PCRRB. The mediation process also may be utilized after the complaint is referred to mediation by the PCRRB pursuant to § 72-5F(1)(d) of this chapter. In either case, the mediation shall proceed as promptly as possible after a request for mediation or a referral to mediation is made. Mediation may proceed only on the agreement of the officer with the approval of the Chief and the agreement of the complainant.
- D. Every reasonable effort shall be made to schedule mediation during an officer's normal working hours.
- E. Mediators shall conduct mediation sessions with officers and complainants at times and places agreed upon by the parties.

- F. In conducting the mediation sessions, the mediators may not impose an outcome on the parties.
- G. Mediation sessions shall be closed to the public. Matters discussed shall be confidential unless both parties agree otherwise as part of a written mediation settlement.
- H. Statements and records disclosed during mediation may not be disclosed or introduced in evidence during any judicial or administrative proceeding, and mediators may not be compelled by subpoena to give testimony or produce anything related to the mediation.
- I. The PCRRB and the Chief will be informed whether the mediation sessions result in a resolution of the dispute. If the mediation sessions do not result in a resolution of the dispute, the PCRRB review process referenced in this chapter shall continue to conclusion. If the mediation sessions do result in a resolution of the dispute, the PCRRB shall issue a finding of "mediated" and the allegations shall be deleted from the officer's PCRRB history.

§ 72-7. Suspension of proceedings.

Upon the written recommendation of the Corporation Counsel, the City Council may suspend the PCRRB review of any complaint where a separate criminal investigation is under way or where a civil action against the City is under way or pending. Upon the conclusion of such separate proceedings, the PCRRB may resume or undertake its review.

§ 72-8. Construction of chapter.

No report, finding or determination made pursuant to this chapter shall in any way conflict with or abridge the rights of complainants or officers guaranteed by the United States Constitution, the New York State Constitution or any federal or state law, rule, regulation or administrative order.

§ 72-9. Severability.

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid or otherwise unenforceable, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.