



CITY OF NEWBURGH
SPECIAL COUNCIL MEETING AGENDA
SESION ESPECIAL DEL CONSEJAL

June 6, 2019
6:00 PM

Mayor/Alcaldesa

1. Moment of Silence (Prayer)/ Momento de Silencio (Rezo)
2. Pledge of Allegiance/ Juramento a la Alianza

City Clerk:/Secretaria de la Ciudad

3. Roll Call/ Lista de Asistencia

Comments from the public regarding agenda and general matters of City Business/Comentarios del público con respecto a la agenda y sobre asuntos generales de la Ciudad.

Comments from the Council regarding the agenda and general matters of City Business/Comentarios del Consejo con respecto a la agenda y sobre asuntos generales de la Ciudad

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

4. Resolution No. 136-2019 - Home Rule request -- Police Officer Samuel Kenan Jr retirement

Resolution requesting the State Legislature to enact Senate Bill S4135-A and Assembly Bill A7014-A authorizing the City of Newburgh to offer an optional Twenty Year Retirement Plan to Police Officer Samuel Kenan, Jr. pursuant to Section 384-d of the Retirement and Social Security Law. (Michelle Kelson)

Una resolución solicitando a la Legislatura Estatal promulgar el proyecto de Ley del Senado S4135-a y el proyecto de Ley de la Asamblea A7014-A autorizando a la Ciudad de Newburgh a ofrecer un plan de jubilación opcional de veinte años al Oficial de Policía Samuel Kenan, Jr. Conforme con la Sección 384-d de la Ley de Jubilación y Seguro Social. (Michelle Kelson)

5. Resolution No. 137 - 2019 - Budget Transfer to the African American Pride Parade

Resolution Amending Resolution No. 364-2018, the 2019 budget for the City of Newburgh, New York to transfer \$571.42 from legislative body-travel and conference and \$157.14 from legislative body-education to the African American Pride Parade. (Per Councilwoman Hillary Rayford)

Una resolución enmendando Resolución No. 364-2018, el Presupuesto del 2019 de la Ciudad de Newburgh, Nueva York para transferir \$571.420 de

viajes y conferencias del órgano legislativo y \$157.14 de educación del órgano legislativo para el Desfile de Orgullo Afro-Americano. (A pedido de la Concejal Hillary Rayford)

Adjournment/ Aplazamiento:

RESOLUTION NO.: 136 - 2019

OF

JUNE 6, 2019

A RESOLUTION REQUESTING THE STATE LEGISLATURE
TO ENACT SENATE BILL S4135-A AND ASSEMBLY BILL A7014-A
AUTHORIZING THE CITY OF NEWBURGH TO OFFER
AN OPTIONAL TWENTY YEAR RETIREMENT PLAN
TO POLICE OFFICER SAMUEL KENAN, JR.
PURSUANT TO SECTION 384-d OF THE RETIREMENT
AND SOCIAL SECURITY LAW

WHEREAS, by Resolution No. 106-2019 of May 13, 2019, the City Council of the City of Newburgh made a Home Rule Request pursuant to the Municipal Home Rule Law of the State of New York to the Senate and Assembly of New York to enact Senate Bill S4135 and Assembly Bill A7014 to authorize the City of Newburgh to offer an optional Twenty (20) Year Retirement Plan to Police Officer Samuel Kenan, Jr. pursuant to Section 384-d of the Retirement and Social Security Law; and

WHEREAS, the Senate and Assembly Bills were amended to include Police Officer Kenan's actual dates of employment with the City of Newburgh and the amended Bills require a new Home Rule Request to be approved by the City Council; and

WHEREAS, the City Council finds that that making new Home Rule Request in connection with amended Bills in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that this Council does hereby make a Home Rule Request pursuant to the Municipal Home Rule Law of the State of New York that the Senate and Assembly of New York enact Senate Bill S4135-A and Assembly Bill A7014-A, a copy of which is annexed hereto, to authorize the City of Newburgh to offer an optional Twenty (20) Year Retirement Plan to Police Officer Samuel Kenan, Jr. pursuant to Section 384-d of the Retirement and Social Security Law, same as being in the best interests of the City of Newburgh.

A07014 Text:

STATE OF NEW YORK

7014--A

2019-2020 Regular Sessions

IN ASSEMBLY

April 3, 2019

Introduced by M. of A. JACOBSON -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the city of Newburgh, in the county of Orange, to offer an optional twenty year retirement plan to police officer Samuel Kenan Jr.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Samuel Kenan Jr., a police officer who was previously
2 employed from May 28, 1996 through October 6, 2001 by the city of
3 Newburgh, in the county of Orange, a participating employer in the New
4 York state and local police and fire retirement system, and who is
5 currently employed by the city of Peekskill, for reasons not ascribable
6 to his own negligence failed to make a timely application to participate
7 in the optional twenty year retirement plan established pursuant to
8 section 384-d of the retirement and social security law while employed
9 by the city of Newburgh. Notwithstanding any other provision of law to
10 the contrary, upon the city of Newburgh filing with the state comptroller, within one year of the effective date of this act, a resolution
11 of the city council together with certification that such police officer
12 did not bar himself from participation in such retirement plan as a
13 result of his own negligence, such police officer may elect to be granted full credit in the special twenty year plan for such service rendered
14 with the city of Newburgh by filing a request to that effect with the
15 state comptroller within eighteen months of the effective date of this
16 act.

17
18
19 § 2. All employer past service costs associated with implementing the
20 provisions of this act shall be borne by the city of Newburgh and may be
21 amortized over a ten year period.

22 § 3. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD09548-03-9

A. 7014--A

2

This bill will grant Samuel Kenan Jr., a Tier 2 member of the New York State and Local Police and Fire Retirement System, additional service creditable under the provisions of section 384-d of the Retirement and Social Security Law, for time worked as a police officer with the City of Newburgh between May 1996 and October 2001. Such service is currently creditable only in the age 55 retirement plan of section 375-i. Officer Kenan is currently employed by the City of Peekskill and covered under 384-d.

If this bill is enacted, there will be no change in anticipated future annual costs as the member continues to be covered by 384-d. There will be an immediate past service costs of \$178,000 to be borne by the City of Newburgh as a one-time payment. This cost assumes a payment date of February 1, 2020. If the City of Newburgh elects to amortize this cost over a 10 year period, the cost for the first year would be \$23,700.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as used in the March 31, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2018 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated February 15, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-75, prepared by the Actuary for the New York State and Local Retirement System.

Kelson, Michelle

From: Donat, Joseph
Sent: Wednesday, May 29, 2019 9:50 PM
To: Kelson, Michelle
Subject: Fwd: HomeRule Form - Sam Kenan

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Carlos Valle <valle@nysenate.gov>
Date: 5/29/19 8:03 PM (GMT-05:00)
To: "Donat, Joseph" <JDonat@cityofnewburgh-ny.gov>
Cc: Julie Shiroishi <shiroishij@nyassembly.gov>, Elijah Reichlin-Melnick <reichlin@nysenate.gov>, "Vitek, Lorene" <LVitek@cityofnewburgh-ny.gov>
Subject: Re: HomeRule Form - Sam Kenan

Just FYI everyone. We are going to need to pass another city resolution with a correct prefix once the bill is amended and have new home rule counsel forms submitted

A7014-A
S4135-A

-----"Donat, Joseph" <JDonat@cityofnewburgh-ny.gov> wrote: -----

To: "Julie Shiroishi" <shiroishij@nyassembly.gov>
From: "Donat, Joseph" <JDonat@cityofnewburgh-ny.gov>
Date: 05/29/2019 03:27PM
Cc: "Elijah Reichlin-Melnick" <reichlin@nysenate.gov>, "valle@nysenate.gov" <valle@nysenate.gov>, "Vitek, Lorene" <LVitek@cityofnewburgh-ny.gov>
Subject: Re: HomeRule Form - Sam Kenan

Will circle b as co with Corp Counsel and let you know.

Thanks,
Joe

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Julie Shiroishi <shiroishij@nyassembly.gov>
Date: 5/29/19 12:42 PM (GMT-05:00)
To: "Donat, Joseph" <JDonat@cityofnewburgh-ny.gov>

Cc: Elijah Reichlin-Melnick <reichlin@nysenate.gov>, valle@nysenate.gov, "Vitek, Lorene" <LVitek@cityofnewburgh-ny.gov>

Subject: RE: HomeRule Form - Sam Kenan

Hi Joe,

We had to amend this bill to include Kenan's dates of employment with the City of Newburgh. We've been advised by Program and Counsel that this may necessitate a new home rule decision. Can you review the proposed amendment and let us know? Thanks.

Best,

Julie

From: Donat, Joseph [<mailto:JDonat@cityofnewburgh-ny.gov>]

Sent: Friday, May 17, 2019 2:15 PM

To: 'Julie Shiroishi'; Carlos Valle; Vitek, Lorene

Cc: Elijah Reichlin-Melnick

Subject: RE: HomeRule Form - Sam Kenan

Great, thanks all.

From: Julie Shiroishi <shiroishij@nyassembly.gov>

Sent: Friday, May 17, 2019 1:33 PM

To: Carlos Valle <valle@nysenate.gov>; Vitek, Lorene <LVitek@cityofnewburgh-ny.gov>

Cc: Donat, Joseph <JDonat@cityofnewburgh-ny.gov>; Elijah Reichlin-Melnick <reichlin@nysenate.gov>

Subject: RE: HomeRule Form - Sam Kenan

Terrific. Thanks, all!

Best,

Julie Shiroishi
Chief of Staff
Assemblymember Jonathan G. Jacobson

154 North Plank Road, Ste. 2
Newburgh, NY 12550
District Office: 845-562-0888
Cell: 347-678-6424

From: Carlos Valle [<mailto:valle@nysenate.gov>]
Sent: Friday, May 17, 2019 1:32 PM
To: Vitek, Lorene
Cc: Donat, Joseph; shiroishij@nyassembly.gov; Elijah Reichlin-Melnick
Subject: RE: HomeRule Form - Sam Kenan

Excellent. Thanks, Lorene! I'm looping in Assemblyman Jacobson's Chief of Staff so she's aware too

All the best,
Carlos Valle
Chief of Staff
Office of Senator James Skoufis
New York 39th District
1093 Little Britain Road
New Windsor, NY 12553
Phone: (845) 567-1270
Albany: (518) 455-3290 (session days)

-----"Vitek, Lorene" <LVitek@cityofnewburgh-ny.gov> wrote: -----

To: "Donat, Joseph" <JDonat@cityofnewburgh-ny.gov>
From: "Vitek, Lorene" <LVitek@cityofnewburgh-ny.gov>
Date: 05/17/2019 01:25PM
Cc: "Carlos Valle" <valle@nysenate.gov>
Subject: RE: HomeRule Form - Sam Kenan

Hi Joe,

The Home Rule Request forms (copies attached) were completed and mailed on May 14th to the Senate and Assembly addresses as per the instructions.

Lorene

From: Donat, Joseph
Sent: Friday, May 17, 2019 12:31 PM
To: Vitek, Lorene <LVitek@cityofnewburgh-ny.gov>
Cc: 'Carlos Valle' <valle@nysenate.gov>
Subject: FW: HomeRule Form - Sam Kenan

Good Afternoon,

Sen Skoufis has asked that the information below be completed so that they can move forward with the home rule request. Please advise whether this can be done by COB today.

Thanks,

Joe

From: Carlos Valle <valle@nysenate.gov>
Sent: Friday, May 17, 2019 12:28 PM
To: Donat, Joseph <JDonat@cityofnewburgh-ny.gov>
Subject: HomeRule Form - Sam Kenan

Home Rule Form

<https://www.nysenate.gov/home-rule-form>

[attachment "HOME RULE REQUEST.pdf" removed by Carlos Valle/senate]

RESOLUTION NO.: 137 - 2019

OF

JUNE 6, 2019

**RESOLUTION AMENDING RESOLUTION NO. 364-2018,
THE 2019 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK TO TRANSFER
\$571.42 FROM LEGISLATIVE BODY-TRAVEL AND CONFERENCE AND
\$157.14 FROM LEGISLATIVE BODY-EDUCATION
TO THE AFRICAN AMERICAN PRIDE PARADE**

WHEREAS, Councilwoman Hillary Rayford proposes to transfer her allocation from the Legislative budget in the amount of \$728.56 to the African American Pride Parade to support funding for the event; and

WHEREAS, this Council finds that the transfer of funds and 2019 budget amendment is in the best interests of the City of Newburgh;

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

	<u>Decrease</u>	<u>Increase</u>
A.1010.0461 Legislative Body-Travel & Conference	\$571.42	
A.1010.0463 Legislative Body-Education	<u>\$157.14</u>	
 A.7550.0765 African American Parade		<u>\$ 728.56</u>
 TOTALS:	\$728.56	\$ 728.56

Date Prepared: 05/17/2019 11:22 AM
Report Date: 05/17/2019
Account Table:
Alt. Sort Table:

CITY OF NEWBURGH, NY

Expense Ledger

GLR0125 1.0
Page 1 of 1
Prepared By: ANNA

Fiscal Year: 2019 Period From: 1 To: 12 Trans. Date From: To:

Account No. Date	Vendor Code	Description Vendor Name/Description	PO No. / Trans No. Req (*)	Voucher No.	Check No.	YTD Appropriation	Req/Enc	Expenditure	YTD Unencumb
A.1010.0461		TRAVEL AND CONFERENCE..				4,000.00			4,000.00
Grand Total						4,000.00		0.00	4,000.00

\$4,000/7 = \$571.42 PER EMPLOYEE

Date Prepared: 05/17/2019 11:23 AM
 Report Date: 05/17/2019
 Account Table:
 Alt. Sort Table:

CITY OF NEWBURGH, NY

Expense Ledger

GLR0125 1.0
 Page 1 of 1
 Prepared By: ANNA

Fiscal Year: 2019 Period From: 1 To: 12 Trans. Date From: To:

Account No. Date	Vendor Code	Description Vendor Name/Description	PO No. / Trans No. Req (*)	Voucher No.	Check No.	YTD Appropriation	Req/Enc	Expenditure	YTD Unencumb
A.1010.0463		EDUCATION				1,100.00			1,100.00
Grand Total						1,100.00		0.00	1,100.00

\$1,100/7 = \$157.14 PER EMPLOYEE