



CITY OF NEWBURGH
COUNCIL MEETING AGENDA
SESION GENERAL DEL CONSEJAL

March 8, 2021

7:00 PM

Mayor/Alcaldesa

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

City Clerk:/Secretaria de la Ciudad

3. Roll Call/ Lista de Asistencia

Communications/Comunicaciones

4. Approval of the Minutes of the City Council Meeting on February 22, 2021
5. City Manager Update/ Gerente de la ciudad pone al día a la audiencia de los planes de cada departamento

Presentations/Presentaciones

6. Public Hearing - E.O. 203 Police Reform and Reinvention Collaborative Plan
There will be a public hearing on Monday, March 8, 2021, to receive comments from the public concerning the City of Newburgh Police Reform and Reinvention Collaborative Plan pursuant to Executive Order No. 203.

Se llevara a cabo una audiencia pública el lunes 8 de marzo de 2021, para recibir comentarios del público con respecto al Plan de Reinención y Reforma Colaborativa de la Policía de la Ciudad de Newburgh de acuerdo con la Orden Ejecutiva No. 203.

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

7. Resolution No. 36 - 2021 - Release of Restrictive Covenants for 182 Broadway

Resolution authorizing the execution of a release of restrictive covenants and right of re-entry from a deed issued to Devender Nath Chhabra to the

Premises known as 182 Broadway (Section 30, Block 1, Lot 32).

Resolución que autoriza la ejecución de la liberación de cláusulas restrictivas y derecho de reingreso de un título emitido a Devender Nath Chhabra a las instalaciones conocidas como la 182 de Broadway (Sección 30, Bloque 1, Lote 32)

8. Resolution No. 37 - 2021 - Partial Release of Restrictive Covenants for 48 Larter Avenue

Resolution authorizing the execution of a partial release of restrictive covenants and right of re-entry from a deed issued to Vickiana DeMora to the Premises known as 48 Larter Avenue (Section 26, Block 2, Lot 18).

Resolución que autoriza la ejecución de la liberación parcial de cláusulas restrictivas y derecho de reingreso de un título emitido a Vickiana DeMora a las instalaciones conocidas como la 48 de la Avenida Larter (Sección 26, Bloque 2, Lote 18)

9. Resolution No. 38 - 2021 - Partial Release of Restrictive Covenants for 6 Locust Street

Resolution authorizing the execution of a partial release of restrictive covenants and right of re-entry from a deed issued to Melvin Vargas to the Premises known as 6 Locust Street (Section 32, Block 1, Lot 6)

Resolución que autoriza la ejecución una liberación parcial de cláusulas restrictivas y derecho de reingreso de un título emitido a Melvin Vargas a las instalaciones conocidas como la 6 de la Calle Locust (Sección 32, Bloque 1, Lote 6)

10. Resolution No. 39 - 2021 - Satisfaction of Mortgage for 103 Liberty Street

Resolution authorizing the City Manager to execute a Satisfaction of Mortgage in connection with a Mortgage issued to Liberty Works L.L.C. for the premises located at 103 Liberty Street (Section 35, Block 4, Lot 14)

Resolución que autoriza al Gerente de la Ciudad a ejecutar una satisfacción hipotecaria en conexión con una hipoteca emitida a Liberty Works LLC para las instalaciones ubicadas en la 103 de la Calle Liberty (Sección 35, Bloque 4, Lote 14)

11. Resolution No. 40 - 2021 - Satisfaction of Mortgage for 157 West Parmenter Street

Resolution authorizing the City Manager to execute a Satisfaction of Mortgage in connection with a Mortgage issued to Hector and Edith Rivera for the premises located at 157 West Parmenter Street (Section 38, Block 3, Lot 9)

Resolución que autoriza al Gerente de la Ciudad a ejecutar una satisfacción hipotecaria en conexión con una hipoteca emitida a Hector y Edith Rivera para las instalaciones ubicadas en la 157 de la Calle West

12. Parmenter (Sección 38, Bloque 3, Lote 9)
Resolution No. 41 - 2021 - SNY Play Ball Grant

Resolution authorizing the City Manager to apply for and accept if awarded a SNY Play Ball Grant presented by Memorial Sloan Kettering Cancer Center in the amount of \$5,000.00.

Resolución que autoriza al Gerente de la Ciudad a solicitar y aceptar si es otorgada una Subvención de SNY Play Ball presentada por el Centro de Cancer Sloan Kettering por el monto de \$5,000.00

13. Resolution No. 42 - 2021 - Standard Work Day and Reporting Resolution

Resolution establishing a Standard Work Day for Elected and Appointed Officials which will be reported to the New York State and Local Employees' Retirement System.

Resolución que establece un Día Estándar Laboral para Oficiales nombrados y elegidos el cual será reportado al Sistema de Retiro de Empleados Locales del Estado de Nueva York.

14. Resolution No. 43 - 2021 - 2021 Personnel Book Amendment

Resolution amending the 2021 Personnel Analysis Book deleting one Human Resources Administrator position in the Finance Department and adding one Human Resources Director position in the Executive Office.

Resolución que enmienda el Libro de Análisis del Personal 2021 borrando un puesto de Administrador de Recursos Humanos en el Departamento de Finanzas y agregando un puesto de Director de Recursos Humanos en la Oficina Ejecutiva.

15. Local Law 2 - 2021 - Community Choice Aggregation

Local Law adding Chapter 156 to the Code of Ordinances of the City of Newburgh entitled "Energy" and enacting Article I entitled "Community Choice Aggregation Energy Program"

Ley Local que agrega el Capítulo 156 al Código de Ordenanzas de la Ciudad de Newburgh titulado "Energía" y promulgando el Artículo I titulado "Programa de Agregación de Energía Opción Comunitaria"

16. Resolution No. 44 - 2021 - City Charter Section C4.01 - amendment to Rules of Order

Resolution scheduling a public hearing for March 22, 2021 to hear public comment concerning "A Local Law amending Section C4.01 entitled 'Rules of Order' of the Charter of the City of Newburgh".

Resolución que programa una audiencia pública el 22 de marzo de 2021 para escuchar comentario público sobre "Una Ley Local enmendando Sección C4.01 titulada 'Reglas de Orden' de los estatutos de la Ciudad de

Newburgh.

Old Business: / Asuntos Pendientes

New Business: / Nuevos Negocios

Final Comments from the City Council/ Comentarios Finales del Ayuntamiento:

Adjournment/ Aplazamiento:

RESOLUTION NO.: 31 - 2021

OF

FEBRUARY 22, 2021

**RESOLUTION SCHEDULING A SECOND PUBLIC HEARING FOR MARCH 8, 2021
TO HEAR PUBLIC COMMENT CONCERNING THE CITY OF NEWBURGH
POLICE REFORM & REINVENTION COLLABORATIVE PLAN**

WHEREAS, by Executive Order 203, Governor Andrew M. Cuomo has required each local government entity which has a police agency operating with police officers as defined under 1.20 of the criminal procedure law to perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color; and

WHEREAS, the City of Newburgh has commenced a comprehensive review of current police force deployments, strategies, policies, procedures, and practices in order to develop a plan to improve such deployments, strategies, policies, procedures, and practices; and

WHEREAS, and the comprehensive review requires consulting with community residents and stakeholders in developing its plan;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a second public hearing to receive comments concerning "The City of Newburgh Police Reform & Reinvention Collaborative Plan"; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 8th day of March, 2021; and

BE IT FURTHER RESOLVED, that due to public health and safety concerns related to COVID-19, the City Council will not be meeting in-person. In accordance with the Governor's Executive Order 202.1, as amended, the March 8, 2021 City Council meeting will be held via videoconferencing, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live and provide comments on the proposed City of Newburgh Police Reform & Reinvention Collaborative Plan follows:

To view the livestream of the City Council Work Session and Meeting visit:
<https://www.cityofnewburgh-nv.gov/live-video-streaming>.

To access the City Council Meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device through the Zoom App:

https://zoom.us/webinar/register/WN_25aqMmBJR0iOHPiRti5-Wg. Please note that there is an underscore between the "N" and "2").

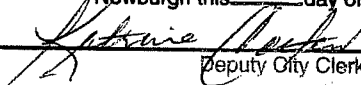
To register in advance for this webinar in order to provide comments during the hearing:

https://zoom.us/webinar/register/WN_25aqMmBJR0iOHPiRti5-Wg. Please note that there is an underscore between the "N" and "2"). Fill out the required information (First Name, Last Name, E-mail Address and check appropriate box to comment during the public hearing). After registering, you will receive a confirmation email containing information about joining the webinar.

Comments can be provided by email before the meeting to comments@cityofnewburgh-ny.gov with the Subject Line in this format: "PUBLIC HEARING ITEM" by 4:00 p.m. on Monday, March 8, 2021. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

I, Katrina Cotten, Deputy City Clerk of the City of Newburgh hereby certify that I have compared the foregoing with the original resolution adopted by the Council of the City of Newburgh at a regular meeting held Feb. 22, 2021 and that it is a true and correct copy of such original.

Witness my hand and seal of the City of Newburgh this 23rd day of Feb. 20 21


Deputy City Clerk

RESOLUTION NO.: 36 -2021

OF

MARCH 8, 2021

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO DEVENDER NATH CHHABRA TO THE PREMISES KNOWN AS
182 BROADWAY (SECTION 30, BLOCK 1, LOT 32)**

WHEREAS, on August 30, 2001, the City of Newburgh conveyed property located at 182 Broadway, being more accurately described on the official Tax Map of the City of Newburgh as Section 30, Block 1, Lot 32, to Devender Nath Chhabra; and

WHEREAS, the attorney for the prospective purchaser has requested a release of the restrictive covenants contained in said deed in order to clear title; and

WHEREAS, this Council believes it is in the best interest of the City of Newburgh to grant such request;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4, and 5 of the aforementioned deed.

**RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY**

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 182 Broadway, Section 30, Block 1, Lot 2 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, and 5 in a deed dated August 30, 2001, from THE CITY OF NEWBURGH to DEVENDER NATH CHHABRA, recorded in the Orange County Clerk's Office on September 13, 2001, in Liber 5627 of Deeds at Page 77 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2021

THE CITY OF NEWBURGH

By: _____
Joseph P. Donat, City Manager
Pursuant to Res. No.: ____-2021

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the ____ day of _____ in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH P. DONAT, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

RESOLUTION NO.: 37 -2021

OF

MARCH 8, 2021

**A RESOLUTION AUTHORIZING THE EXECUTION OF A PARTIAL RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM
A DEED ISSUED TO VICKIANA DEMORA TO THE PREMISES
KNOWN AS 48 LARTER AVENUE (SECTION 26, BLOCK 2, LOT 18)**

WHEREAS, on May 3, 2018, the City of Newburgh conveyed property located at 48 Larter Avenue, being more accurately described on the official Tax Map of the City of Newburgh as Section 26, Block 2, Lot 18, to Vickiana DeMora; and

WHEREAS, Ms. DeMora has requested a partial release of the restrictive covenants contained in said deed; and

WHEREAS, this Council believes it is in the best interest of the City of Newburgh to grant such request;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4, and 5 of the aforementioned deed.

**PARTIAL RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY**

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 48 Larter Avenue, (Section 26, Block 2, Lot 18) on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4 and 5 in a deed dated May 3, 2018 from THE CITY OF NEWBURGH to VICKIANA DEMORA, recorded in the Orange County Clerk's Office on June 6, 2018, in Liber 14411 of Deeds at Page 1439 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed. The restrictive covenant numbered 6 in said deed remains in effect as of the within date.

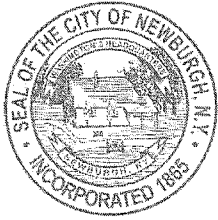
Dated: _____, 2021

THE CITY OF NEWBURGH

By: _____
Joseph P. Donat, City Manager
Pursuant to Res. No.: ____-2021

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the ____ day of _____ in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH P. DONAT, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.



CITY OF NEWBURGH

Department of Code Compliance

123 Grand Street, Newburgh, New York 12550

Phone: (845) 569-7400 / Fax: (845) 569-0096

TO: Joseph P. Donat, City Manager

CC: Jason Beeman, Code Compliance Supervisor
Alexandra Church, Director of Planning and Development
Michelle Kelson, Corporation Counsel

FROM: Quanetta Inman, Code Officer

DATE: February 16, 2021

SUBJECT: 48 Larter Avenue, Release of Restrictive Covenants Inspection

I conducted an inspection of 48 Larter Avenue on January 29, 2021. I also reviewed the property file kept at the Department of Code Compliance. Below are my findings:

There are no open code violations on file in the building record.

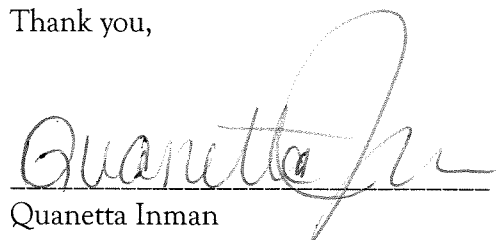
I observed no violations both on the property and in the building during my most current inspection of the property.

There are no open permits or open permit applications.

The property is owner-occupied, with an owner occupant statement in the property file.

There is a valid Certificate of Occupancy in the property file dated June 21, 1968 for a Single-Family Dwelling.

Thank you,



Quanetta Inman







RESOLUTION NO.: 38 -2021

OF

MARCH 8, 2021

**A RESOLUTION AUTHORIZING THE EXECUTION OF A PARTIAL RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM
A DEED ISSUED TO MELVIN VARGAS TO THE PREMISES
KNOWN AS 6 LOCUST STREET (SECTION 32, BLOCK 1, LOT 6)**

WHEREAS, on November 20, 2019, the City of Newburgh conveyed property located at 6 Locust Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 32, Block 1, Lot 6, to Melvin Vargas; and

WHEREAS, Mr. Vargas has requested a partial release of the restrictive covenants contained in said deed; and

WHEREAS, this Council believes it is in the best interest of the City of Newburgh to grant such request;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4, and 5 of the aforementioned deed.

**PARTIAL RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY**

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 6 Locust Street, (Section 32, Block 1, Lot 6) on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4 and 5 in a deed dated November 20, 2019 from THE CITY OF NEWBURGH to MELVIN VARGAS, recorded in the Orange County Clerk's Office on December 4, 2019, in Liber 14665 of Deeds at Page 891 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed. The restrictive covenant numbered 6 in said deed remains in effect as of the within date.

Dated: _____, 2021

THE CITY OF NEWBURGH

By: _____
Joseph P. Donat, City Manager
Pursuant to Res. No.: ____-2021

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the ____ day of _____ in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH P. DONAT, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.



CITY OF NEWBURGH

Department of Code Compliance

123 Grand Street, Newburgh, New York 12550

Phone: (845) 569-7400 / Fax: (845) 569-0096

TO: Joseph P. Donat, City Manager

CC: Jason Beeman, Code Compliance Supervisor
Alexandra Church, Director of Planning and Development
Michelle Kelson, Corporation Counsel

FROM: Felix Medina, Jr., Code Officer

DATE: February 16, 2021

SUBJECT: 6 Locust Street, Release of Restrictive Covenants Inspection

I conducted an inspection of 6 Locust Street on January 29, 2021. I also reviewed the property file kept at the Department of Code Compliance. Below are my findings:

There are no open code violations on file in the building record.

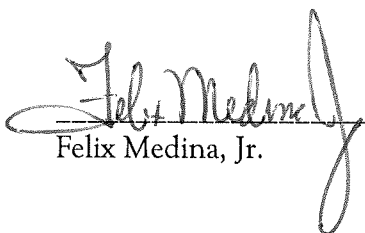
I observed no violations both on the property and in the building during my most current inspection of the property.

There are no open permits or open permit applications.

The property is owner-occupied, with an owner occupant statement in the property file.

There is a valid Certificate of Occupancy in the property file dated April 12, 1984, and updated July 25, 2000 for a Single-Family Dwelling.

Thank you,


Felix Medina, Jr.





RESOLUTION NO.: _____39_____ - 2021

OF

MARCH 8, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A
SATISFACTION OF MORTGAGE IN CONNECTION WITH A MORTGAGE
ISSUED TO LIBERTY WORKS L.L.C. FOR THE PREMISES LOCATED AT
103 LIBERTY STREET (SECTION 36, BLOCK 4, LOT 14)**

WHEREAS, the Newburgh Community Development Agency (“NCDA”) issued a mortgage to Liberty Works L.L.C. in the principal sum of \$7,500.00 for premises located at 103 Liberty Street (Section 36, Block 4, Lot 14), dated September 8, 1995, and recorded in the Orange County Clerk’s Office on September 19, 1995, in Liber 5519 of Deeds at Page 124; and

WHEREAS, the City of Newburgh is the successor in interest to the NCDA; and

WHEREAS, this Council has determined that issuing and executing a Satisfaction of Mortgage, a copy of which is annexed hereto, is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to execute the attached Satisfaction in connection with a mortgage issued to Liberty Works L.L.C. for premises located at 103 Liberty Street (Section 36, Block 4, Lot 14).

SATISFACTION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, THAT

The City of Newburgh, as Successor in Interest to the Newburgh Community Development Agency, a municipal corporation with a principal place of business at 83 Broadway, Newburgh, New York 12550;

Does hereby consent that the following mortgage be discharged of record:

MORTGAGE bearing the date of September 8, 1995, made by Liberty Works L.L.C. to the Newburgh Community Development Agency, given to secure payment of the principal sum of \$7,500.00, and duly recorded in the office of the Orange County Clerk's Office on September 19, 1995, in Liber 5519 of Deeds at Page 124; and

which mortgage has not been further assigned of record.

Dated: March _____, 2021

CITY OF NEWBURGH

By: _____
Joseph P. Donat, City Manager
Pursuant to Resolution No.: _____-2020

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the_____ day of March, 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH P. DONAT, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

Notary Public

RECORD & RETURN TO:

RESOLUTION NO.: _____ 40 _____ - 2021

OF

MARCH 8, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A
SATISFACTION OF MORTGAGE IN CONNECTION WITH A MORTGAGE
ISSUED TO HECTOR AND EDITH RIVERA FOR THE PREMISES LOCATED
AT 157 WEST PARMENTER STREET (SECTION 38, BLOCK 3, LOT 9)**

WHEREAS, the Newburgh Community Development Agency (“NCDA”) issued a mortgage to Hector and Edith Rivera in the principal sum of \$4,884.40 for premises located at 157 West Parmenter Street (Section 38, Block 3, Lot 9), dated March 17, 1992, and recorded in the Orange County Clerk’s Office on June 10, 1992, in Liber 4314 of Deeds at Page 285; and

WHEREAS, the City of Newburgh is the successor in interest to the NCDA; and

WHEREAS, this Council has determined that issuing and executing a Satisfaction of Mortgage, a copy of which is annexed hereto, is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to execute the attached Satisfaction in connection with a mortgage issued to Hector and Edith Rivera for premises located at 157 West Parmenter Street (Section 38, Block 3, Lot 9).

SATISFACTION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, THAT

The City of Newburgh, as Successor in Interest to the Newburgh Community Development Agency, a municipal corporation with a principal place of business at 83 Broadway, Newburgh, New York 12550;

Does hereby consent that the following mortgage be discharged of record:

MORTGAGE bearing the date of March 17, 1992, made by Hector and Edith Rivera to the Newburgh Community Development Agency, given to secure payment of the principal sum of \$4,884.40, and duly recorded in the office of the Orange County Clerk's Office on June 10, 1992, in Liber 4314 of Deeds at Page 285; and

which mortgage has not been further assigned of record.

Dated: March _____, 2021

CITY OF NEWBURGH

By: _____
Joseph P. Donat, City Manager
Pursuant to Resolution No.: _____-2021

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the_____ day of March, 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH P. DONAT, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

Notary Public

RECORD & RETURN TO:

RESOLUTION NO.: 41 - 2021

OF

MARCH 8, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO APPLY FOR AND ACCEPT IF AWARDED A SNY PLAY BALL GRANT
PRESENTED BY MEMORIAL SLOAN KETTERING CANCER CENTER
IN THE AMOUNT OF \$5,000.00**

WHEREAS, SNY Play Ball presented by Memorial Sloan Kettering Cancer Center will award two \$5,000.00 grants to youth baseball and softball organizations in the New York Tri-State and Metropolitan Area to be used for the purchase of necessary baseball/softball equipment, field maintenance, and other league necessities; and

WHEREAS, SNY is teaming up with the Mets to award grants, donate equipment, conduct a clinic at Citi Field, and invite youth to a Mets game; and also honor and recognize recipients on television and at Citi Field throughout the year; and

WHEREAS, the funds if awarded would be used to assist spring baseball league run in collaboration with the Newburgh Red Storm Baseball League; and

WHEREAS, no City matching funds are required; and

WHEREAS, this Council has determined that accepting said grant if awarded is in the best interests of the City of Newburgh and its youth;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a SNY Play Ball Grant presented by Memorial Sloan Kettering Cancer Center in the amount of \$5,000.00 requiring no City match; and to execute all necessary documents to receive and comply with the terms of such grant and to carry out the program funded thereby.



City of Newburgh

GRANT APPLICATION FORM

Grant Requestor:

Please complete the following form and submit the form along with either a hard copy of the grant announcement or the grant announcement website address to the City of Newburgh Grants Administrator for processing. You will be notified when your grant request has been approved to be sent for City Council Resolution.

NOTE: All fields are required unless marked "OPTIONAL."

SECTION A. COMPLETED BY GRANT REQUESTOR

NAME OF PROJECT FOR GRANT: SNY Play Ball Grant	NAME OF DEPARTMENT REQUESTING GRANT: Recreation	NAME OF DEPARTMENT HEAD/SPONSOR AUTHORIZING GRANT: Victor Cornelius/Recreation Dept
NAME OF GRANT/NAME OF AWARDING AGENCY: SNY Play Ball Grant	GRANT SUBMITTAL DATE: March 19, 2021	AMOUNT OF AWARD: \$5,000
MATCH REQUIRED? IF YES, AMOUNT AND TYPE: (EX. CASH, IN-KIND) No Match	AMOUNT REQUIRED BY THE CITY OF NEWBURGH: \$0	(OPTIONAL) ANY ADDITIONAL GRANT CONDITIONS:

PROJECT PLAN:

Scope of Project: **\$5,000 grant for uniforms, equipment or other league necessities**

Key Stakeholders: **Recreation Department**

Project Timeline: **Spring baseball league run in collaboration with the Newburgh Red Storm Baseball League**

SECTION B. FOR REVIEW BY CITY COMPTROLLER



City of Newburgh

GRANT APPLICATION FORM

GRANT MATCH REQUIREMENT REVIEWED? YES/NO: COMMENTS: no match required
IN-KIND SERVICES REQUIREMENT REVIEWED? YES/NO COMMENTS: N/A
STAFFING ISSUES REVIEWED? YES/NO: COMMENTS: N/A
ANY ADDITIONAL COMMENTS:
→ APPROVED BY CITY COMPTROLLER? YES/NO CITY COMPTROLLER SIGNATURE: _____ DATE: _____ NOTE: IF GRANT APPROVED, CITY COMPTROLLER WILL FORWARD TO CITY MANAGER FOR REVIEW. IF GRANT NOT APPROVED, CITY COMPTROLLER TO RETURN TO GRANTS COORDINATOR FOR FURTHER REVIEW BY PROJECT SPONSOR.
SECTION C: FOR REVIEW BY CITY MANAGER
→ APPROVED BY CITY MANAGER? YES/NO CITY MANAGER SIGNATURE: _____ DATE: _____
SECTION D: FOR REVIEW BY CORPORATION COUNSEL
→ APPROVED BY CORPORATION COUNSEL FOR RESOLUTION? YES/NO CORPORATION COUNSEL SIGNATURE: _____



City of Newburgh

GRANT APPLICATION FORM

DATE: _____

DATE RESOLUTION TO BE SENT TO CITY COUNCIL MEETING:

Play Ball Entry Form

Nominate a youth baseball or softball league by completing the form below.

Opportunities include a \$5,000 grant to be used for the purchase of necessary equipment, field maintenance and/or other needs, a clinic hosted by professional coaches, special experiences at Citi Field and tickets to a Mets game.

When preparing your responses, please note that SNY will base selections on the following criteria:

- Area Served
- Stated Need and Plan
- Creativity, Originality, and Content

Please submit your form by Friday, March 19, 2021 to be eligible.

Applicant Name *

Maritza

First Name

Wilson

Last Name

Applicant Phone *

845-569-7373

Applicant Email *

MWilson@city of newburgh-ny.gov

Organization Name *

Newburgh Red Storm

Organization Address *

P.O. Box 2618

Address Line 1

Address Line 2

Newburgh

City

NY

State

12550

ZIP Code

League Information

How does your league need help? Please include some background information on the league, specific needs it may have and how it is working to overcome current challenges: *

See attached

If you would like your league to be considered for a \$5,000 grant, please describe the league needs and outline your proposed budget allocation in the box below. (if selected, additional information may be required). *

See Attached

File

Choose File Remove File No File Chosen

Terms and Conditions

By entering this contest, you agree to the following terms and conditions:

1. Only applicants or organizations in the "New York Tri-State and Metropolitan Area" are eligible to apply. The New York Tri-State and Metropolitan Area is defined as the following counties:
 1. Counties located in the State of New York: Albany, Bronx, Dutchess, Kings, Manhattan, Nassau, Onondaga, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, Westchester
 2. Counties located in the State of New Jersey: Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, Warren
 3. Counties located in the State of Connecticut: Fairfield, New Haven
 4. County located in the State of Pennsylvania: Pike
2. All applications will be reviewed using the following criteria:
 1. Area Served
 2. Stated Need and Plan
 3. Creativity, Originality, and Content
3. Applicant represents, warrants, and covenants that (i) it will carry out all objectives and tasks as outlined in the SNY Play Ball application and will provide such additional information as may be required; (ii) it understands that in order to deviate from the stated objectives in the SNY Play Ball application, a written request must be submitted to the SNY Play Ball Fund Committee for review and approval.
4. Applicant agrees and acknowledges that SNY or their agents/representatives may contact applicant via telephone or email about their application and the Play Ball program. If applicant wishes to cease any such communications, Applicant can respond to any communication stating this request, or email the same to

playball@sny.tv.

5. SNY Play Ball recipient(s) will disburse any and all SNY Play Ball funds or donations received in accordance with an approved SNY Play Ball budget submitted with the applicant's application; no deviation in the use of funds is permitted without prior written consent from SNY Play Ball Committee
6. SNY Play Ball recipient(s) will submit quarterly progress reports and a final report to the SNY Play Ball Committee by the designated due dates if requested.
7. SNY Play Ball recipient(s) will document expenditures of any and all disbursed funds through invoices and receipts. All proofs of payment must include the following: date of purchase of service, vendor/retailer/contractor address and phone number, description of product or service, total amount paid and date of payment. The SNY Play Ball recipient must submit financial statements and documentation of expenses as required by SNY Play Ball if requested.
8. Non-compliance with any of the above responsibilities may result in the suspension or revocation of SNY Play Ball funds or donations and may render Program/Applicant ineligible for future opportunities.
9. SNY will not discriminate on the basis of race, sex, sexual orientation, religion, color, or ethnic origin in the administration of SNY Play Ball and the selection of SNY Play Ball recipients.
10. Submitting an application to the SNY Play Ball program does not guarantee that you or your organization will receive a donation, grant, or any other services or assistance from SNY.

Terms and Conditions Acknowledgment *

☒ I agree to your terms and conditions listed above.

Submit Form



Powered by Formstack Create your own form >

How does your league need help? Please include some background information on the league, specific needs it may have and how it is working to overcome current challenges:*

"The City of Newburgh is a large urban municipality which lies along the Hudson River in Orange County, NY. The City consists of a population made up of roughly 39.4% White, 30.2% Black, 1.7% American Indian, 1.0% Asian, 22.6% from other races and 5.2% from two or more races. In addition, 47.9% of the City's population identifies themselves as being of a Hispanic of Latino background. The median household income in Newburgh is \$30,332, and 25.8% of the total population (28,866) falls below the federal poverty line. In fact, over 35% of those who are under 18 in the community lives in poverty.

Newburgh Little League, which existed for 25 years, was shut down in 2015 due to a lack participation and now COVID. This year has brought unprecedented changes to the ways that cities use their public spaces, and the City of Newburgh is pleased to have successfully piloted new ways of summer fun throughout the City. The density of the City poses normal challenges for finding adequate space for play and recreation, and the added concerns around social distancing made it especially hard on City residents, while following all CDC guidelines to provide alternative programming. The City's Recreation Department has connected the last remaining teams with the Newburgh Red Storm. These players range in age from 11 to 16 years and are represented by 3 total teams (11U – 15U and 16U) who play regionally. (1 team per age group.) In all, the league has roughly 40 players who are aged 11-16, and most come from poor families. As such, the league struggles to pay for uniforms, baseballs, bats, entrance fees and insurance on an annual basis.

If you would like your league to be considered for a \$5,000 grant, please describe the league needs and outline your proposed budget allocation in the box below. (If selected, additional information may be required).*

To assist the league in its effort to provide for the youth and families and expand the game in Newburgh, the City's Recreation Department would like to apply for a \$5,000 grant which would be used for bats and baseballs (which all need to be replaced due to new regulations), uniforms (which are cost prohibitive for many of our children.) and PPE due to COVID (masks, hand sanitizers, gloves, disinfecting wipes and spray.) These are all significant needs at this time, and essential for the upcoming season. Unfortunately, the league is currently scrambling to make these purchases due to a lack of funding and COVID."

Newburgh Red Storm Budget

Uniforms	\$2,000
Supplies/Equipment/Miscellaneous	\$1,780
(i.e. balls, catchers Equipment, baseball gloves, masks, hand sanitizer, gloves, disinfecting wipes and spray, etc.)	
Entrance Fee	\$950
Insurance	\$270

RESOLUTION NO.: 42 - 2021

OF

MARCH 8, 2021

**A RESOLUTION ESTABLISHING A STANDARD WORK DAY
FOR ELECTED AND APPOINTED OFFICIALS WHICH WILL BE REPORTED
TO THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT
SYSTEM**

BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City of Newburgh hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked on the attached Schedule A to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body.

Received Date

**Standard Work Day and
Reporting Resolution for
Elected and Appointed Officials**

Employer Location Code

2 0 0 3 2

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

RS 2417-A

(Rev.11/19)

BE IT RESOLVED, that the City of Newburgh / 20032 hereby established the following standard work days for these titles and will

(Name of Employer) (Location Code)

report the officials to the New York State and Local Retirement based on their record of activities:

Name	Social Security Number	NYSLRS ID	Title	Current Term Begin & End Dates	Standard Work Day	Record of Activities Result	Not Submitted	Pay Frequency	Tier 1
Elected Officials:									
Torrance Harvey		R12697176	Mayor	1/1/20-12/31/2023	7	10.50	☐	biweekly	☐
Anthony Grice		R12806307	Council Member	1/1/20-12/31/2023	7	4.01	☐	biweekly	☐
Patricia Sofokles		R12791935	Council Member	1/1/18-12/31/21	7	7.74	☐	biweekly	☐
Appointed Officials:									
							☐		☐
							☐		☐
							☐		☐

I, **Lorene Vitek**

(Name of Secretary or Clerk)

secretary/clerk of the governing board of the

(Circle one)

City of Newburgh

(Name of Employer)

of the State of New York,

do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the _____ day of _____, 20____ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the **City Of Newburgh**

(Name of Employer)

(Signature of Secretary or Clerk)

Affidavit of Posting: I, **Lorene Vitek**

(Name of Secretary or Clerk)

being duly sworn, deposes and says that the posting of the Resolution began on

_____ and continued for at least 30 days. That the Resolution was available to the public on the:

(Date)

☐ Employer's website at: _____

☐ Official sign board at: _____

☐ Main entrance Secretary or Clerk's office at: _____

Page _____ of _____

(for additional rows, attach a RS 2417-B form.)

(seal)

Instructions for completing the Standard Work Day and Reporting Resolution

A	B	C	D	E	F	G	H	I	J
Name	Social Security Number	NYSLRS ID	Title	Current Term Begin & End Date	Standard Work Day	Record of Activities Result	Not Submitted	Pay Frequency	Tier 1
Elected Officials									
John Smith	0000	R11111111	Highway Superintendent	1/1/2018-12/31/2019	8.00	32.79		Weekly	
Michelle Jones	1111	R11111111	Town Justice	1/1/2018-12/31/2018	6.25		X	Bi-Weekly	X
Appointed Officials									
Joseph Grey	2222	R22222222	Planning Board Member	1/1/2018-12/31/2018	7.00	17.54		Monthly	

- A. Name:** The official's complete first and last name must be included for identification purposes.
- B. Social Security Number:** The last four digits of the official's Social Security Number must be included for identification purposes. For security purposes, the last four digits of the Social Security Number can be omitted from the publicly posted version.
- C. NYSLRS ID:** The official's NYSLRS ID must be included for identification purposes. For security purposes, the NYSLRS ID can be omitted from the publicly posted version.
- D. Title:** All paid elected and appointed officials (who are active members of the Retirement System) and are not paid hourly and do not participate in a employer's time keeping system that consists of a daily record of actual time worked and time charged to accruals must be listed. For the purpose of the regulation, an "appointed official" is someone who is appointed by an elected official, an appointed official or governing board. They hold an office in an organization or government and participate in the exercise of authority. This also includes appointees of elected and appointed officials such as deputies, assistants or confidential secretaries.
- E. Current Term Begin & End Dates:** All officials listed on the Resolution must have a specified Term End date. Leaving this column blank or listing 'Tenure/At Pleasure' is not acceptable. If the official does not have a designated term, the current term for the official who appointed them to the position should be used. If they are appointed by the governing board, the chairman of the board's term should be used.
- F. Standard Work Day:** The minimum number of hours that can be established for a standard work day (SWD) is **six**, while the maximum is **eight**. A SWD is the denominator to be used for the days worked calculation; it is not necessarily always the number of hours a person works. For example, if a board member only attends one three-hour boarding meeting per month, you must still establish a SWD between six and eight hours as the denominator for their record of activities (ROA) calculation.
- G. Record of Activities Result:** This column must be left blank if an official does not submit their required sample three-month ROA. To determine the average number of days worked per month, you must divide the total number of hours documented on the three-month ROA by three months to get a one-month average number of hours worked. Then, the one-month average number of hours worked must be divided by the SWD to get the average number of days worked per month.
- H. Not Submitted:** This column must be checked if an official has not submitted the required sample three-month ROA within the 150 day requirement, regardless of whether they are being reported by another employer for the same period. If the Retirement System receives such a Resolution, it will contact the official to notify them of the consequences of not submitted the ROA.
- I. Pay Frequency:** This column should be filled in with one of the following options: Annually, Bimonthly, Biweekly, Monthly, Quarterly, Semi-annually or Weekly.
- J. Tier 1:** If the official is a Tier 1 member, this box should be checked. Tier 1 members are not required to keep a ROA.

Once passed, the Resolution must be posted on your public website for a minimum of 30 days or if a website isn't available to the public, on the official sign-board or at the main entrance to the clerk's office. A certified copy of the Resolution and Affidavit of Posting must be filed with the Office of State Comptroller within 45 days of the adoption. The Resolution and Affidavit can be submitted via the *Submit Resolution for Official* link in Retirement Online.

*To determine the number of days worked to include on the monthly report for the various payroll frequencies, please refer to the Calculating Days Worked instructions available in the 'Reporting Elected & Appointed Officials' section of our website:
http://www.osc.state.ny.us/retire/employers/elected_appointed_officials/index.php



Regulation on Reporting for Elected or Appointed Officials

315.4 Additional reporting requirements for elected or appointed officials who work for a participating employer of the retirement system and are required to be reported to the retirement system.

(a) Record of work activities.

(1) Except as otherwise provided in this subdivision, any elected or appointed official who is not paid hourly or does not participate in an employer's time keeping system that consists of a daily record of actual time worked and time charged to accruals, shall record his or her work activities for a period of three consecutive months. The elected or appointed official should extend the period of his or her record of work activities by the amount of time utilized for vacations, illness, holidays or other reasons during the three-month period. The record of work activities must represent months that are not unusually slow or busy. If a position is seasonal in nature, the record of work activities should be kept for an extended period of up to 12 months to capture an accurate account of work activities. In recording the description of work activities, such elected or appointed official shall include the start and end time of each activity performed. The elected or appointed official may also include activities performed outside the normal working hours that require his or her attention to attend to official duties, including responding to an emergency, attending an employer sponsored event or meeting with or responding to members of the public on matters of official business. During a period that an elected or appointed official is required to be on-call, he or she may only record the time actually spent performing a work-related activity. The elected or appointed official may not include activities that would not be considered work-related such as attending electoral or campaign events, socializing after town board meetings or attending a candidates' forum. The elected or appointed official's initial three-month record of work activities shall be completed within 150 days of commencing a new or subsequent term of office, or upon joining the Retirement System, on or after August 12, 2009. The elected or appointed official must sign the record of work activities attesting to its accuracy and submit it to the secretary or clerk of the governing board within 30 days of completion. Each such record of work activities and any subsequent recertification shall be retained by the employer for a period of at least 30 years and full and complete copies thereof shall be provided to the State Comptroller upon his or her request. A record of work activities shall not be valid for more than eight years from the date it was initially maintained. If the hours worked have not substantially or materially increased or decreased during the eight year period, the elected or appointed official may certify to such in writing to the governing board in lieu of maintaining a new record of work activities. The elected or appointed official must submit this certification to the governing board within 180 days of taking a subsequent term of office. If the hours worked have substantially increased or decreased during the eight year period, the elected and appointed official must prepare, sign and submit a new record of activities.

(2) In the event the elected or appointed official or the employer determines the initial recording of work activities for a period of three consecutive months is not representative of the average number of hours worked by the elected or appointed official, he or she must record work activities during the same calendar year for an alternative period of three consecutive months which is representative of the average number of hours worked by such official. Such record of work activities shall be signed by such elected or appointed official and submitted to the secretary or clerk of the governing board within 30 days of the completion of the record. The failure of an elected or appointed official to record, sign and submit a record of work activities within the required time frame shall result in the suspension of service crediting and retirement system membership benefits. The suspension of service crediting will remain in effect until such time as the elected or appointed official completes a record of work activities that complies with the requirements of this regulation and submits it to the secretary or clerk of the governing board. The record of work activities must be submitted to the secretary or clerk prior to the elected or appointed official ending service in that title.

(b) Completion of the standard work day and reporting resolution.

In addition to the reporting requirements set forth in section 315.3 of this Part, and for the sole purpose of reporting days worked to the retirement system, the governing board of a participating employer of an elected or appointed official shall establish, by resolution, a standard work day for each elective or appointive office or position using the standard work day and reporting resolution form provided by the retirement system or a form or format approved by the retirement system. Such standard work day and reporting resolution shall indicate:

- (1) the title of the position;
- (2) the first and last name of the elected or appointed official holding the position;
- (3) the last four digits of the social security number of each elected or appointed official;
- (4) the registration number of each elected or appointed official;
- (5) the number of hours prescribed as a standard work day equal to no fewer than six hours nor more than eight hours for each such elective or appointed office or position;
- (6) the full month, day and year of the commencement and expiration of the term for each such office or position.

For each elected or appointed official who is not paid hourly or does not participate in an employer's time keeping system that consists of a daily record of actual time worked and time charged to accruals and who has submitted a record of work activities pursuant to paragraph (a)(1) of this section, the employer shall indicate the average number of days worked per month in the resolution. In the event that the official has not recorded and submitted to the secretary or clerk of the governing board his or her record of work activities for a period of three consecutive months the employer shall so indicate in the resolution. The governing board shall determine whether activities listed on the record of work activities are official duties of the position. Activities that do not consist of official duties as described in paragraph (a)(1) of this section are to be excluded from the calculation of the average number of days worked per month to be listed on the standard workday and reporting resolution. Such standard work day and reporting resolution shall be adopted at the first regular meeting held after a record of work activities has been submitted. In the event an elected or appointed official submits a new record of work activities pursuant to paragraph (a)(ii) of this section, the governing board must pass an additional resolution for that individual amending the average number of days worked per month based on such record of work activities.

(c) Standard work day and reporting resolution: filing and posting requirements.

The standard work day and reporting resolution required by subdivision (b) of this section shall be prominently posted on the employer's website for a minimum of 30 days or, in the event the employer does not maintain a website available to the public, such standard work day and reporting resolution shall be posted on the official sign-board or at the main entrance to the office of the clerk for the municipality or similar office of the employer. After the 30-day posting period, the standard work day and reporting resolution shall be made available either through the website or upon request. The elected or appointed official's social security number (last four digits) and registration number must be omitted from the copy of the standard work day and reporting resolution that is publicly posted. A certified copy of the standard work day and reporting resolution and an affidavit of posting shall be filed by the secretary or clerk of the governing board with the Office of the State Comptroller within 15 days after the public posting period has ended. The failure of the governing board to adopt such standard work day and reporting resolution shall result in the suspension of service crediting and retirement system membership benefits for the elected or appointed official until such time as the standard work day and reporting resolution is adopted, posted and filed with the comptroller. In the event the governing board submits an additional standard work day and reporting resolution amending the average number of days worked per month for an elected or an appointed official pursuant to subdivision (b) of this section, such additional standard work day and reporting resolution shall be subject to the posting and filing requirements set forth in this subdivision.

(d) Reporting days worked on the monthly (quarterly/semi-annual/annual) report.

Once a standard work day and reporting resolution is passed, the average number of days worked per month listed on the standard work day and reporting resolution must be provided to the individual(s) responsible for reporting days worked to the retirement system on the employer's behalf. These individual(s) must ensure that the days worked reported on the standard work day and reporting resolution are accurately converted to correspond with the official's payroll frequency and recorded on the report submitted to the retirement system. In the event that the report submitted to the retirement system does not reflect the average days worked per month documented on a standard work day and reporting resolution, then retroactive adjustments must be submitted for the period covered by the corresponding record of work activities. A record of work activities submitted by an elected or appointed official, pursuant to this section, should be used as the basis for his or her days worked reported for prior terms served in the same title, if no record of work activities was submitted for the prior terms.

*New York Codes, Rules and Regulations (NYCRR) Section 315.4 current through August 15, 2015

Calculating Record of Activities Results and Days Worked

To calculate a Record of Activities (ROA) result, you must know the Standard Work Day (SWD) for the position and the total hours recorded on the three-month ROA.

Note: Calculation results should be rounded **up** to the next highest hundredth, even if you would round down under normal rounding rules. For example, a result of .083 would be rounded **up** to .09.

First, follow these steps:

1. Divide the total hours worked from the ROA by three to get the average hours worked per month.
2. Without clearing the calculator, divide the average hours worked per month by the SWD to get the average days worked per month (ROA result). Round up to the next highest hundredth.
3. If the member is an elected or appointed official, you must list the ROA result on a Standard Work Day and Reporting Resolution for Elected and Appointed Officials form (RS2417-A). If the member is not an elected or appointed official, the RS2417-A form does not need to be completed.

Next, follow these steps to determine the days worked to include on the monthly report:

1. Multiply the ROA result by 12 to get the total number of days the member works in a year.
2. Without clearing the calculator, divide the total number of days worked per year by the number of pay periods in the year to arrive at the days worked per pay period.
3. Without clearing the calculator, multiply this number by the number of pay periods on your next monthly report. The result should be rounded **up** to the next highest hundredth. Do not report more than the maximum number of days reportable (see the *Reporting* section, Section 6, of the Employer's Guide for more information).

Example #1

A mayor recorded 649.75 hours on his/her ROA.
The SWD is eight hours and the mayor is paid bi-weekly.

To calculate the ROA result to list on the Resolution:

1. $649.75 \div 3 = 216.58333$, which is the average number of hours per month
2. $216.58333 \div \text{the 8 hour SWD} = 27.07291$ (round up)
3. List 27.08 in the ROA Result column of the Resolution

Days to report on the monthly report:

1. $27.08 \text{ days worked per month} \times 12 \text{ months} = 324.96 \text{ days per year}$
2. $324.96 \text{ days per year} \div 26 \text{ bi-weekly payrolls per year} = 12.498461 \text{ days}$
3. 10 days* should be reported for each pay period on the monthly report

* If the total days to report for the month exceeds the maximum number of days reportable, then report only the maximum number of days. For example, for bi-weekly employers, report a maximum of 10 days per pay period.

Example #2

A board member recorded 186.25 hours on his/her ROA.
The SWD is six hours and the board member is paid weekly.

To calculate the ROA result to list on the Resolution:

1. $186.25 \div 3 = 62.08333$, which is the average number of hours per month
2. $62.08333 \div \text{the 6 hour SWD} = 10.34722$ (round up)
3. List 10.35 in the ROA Result column of the Resolution

Days to report on the monthly report:

1. $10.35 \text{ days worked per month} \times 12 \text{ months} = 124.20 \text{ days per year}$
2. $124.20 \text{ days per year} \div 52 \text{ weekly payrolls per year} = 2.38846 \text{ days}$
3. 2.38846 days should be reported for each pay period on the monthly report
4. For a four pay month, 9.56 days should be reported (9.55284 rounded up to the nearest hundredth).
For a month with five pays, 11.95 days (11.94230 rounded up) should be reported.

Note: Officials should extend their ROAs beyond three months to make up for any time they were absent during the three-month period.

RESOLUTION NO.: 43-2021

OF

MARCH 8, 2021

**A RESOLUTION AMENDING THE 2021 PERSONNEL ANALYSIS BOOK
DELETING ONE HUMAN RESOURCES ADMINISTRATOR POSITION
IN THE FINANCE DEPARTMENT AND ADDING
ONE HUMAN RESOURCES DIRECTOR POSITION IN THE EXECUTIVE OFFICE**

WHEREAS, the 2021 Personnel Analysis Book included one Human Resources Administrator position in the Finance Department; and

WHEREAS, the City Manager proposes to delete the Human Resources Administrator in the Finance Department and add one Human Resources Director position at Grade 5 in the Non-bargaining Unit Salary Schedule in the Executive Office to improve the efficiency of the City of Newburgh; and

WHEREAS, the change in the job titles of such positions requires the amendment of the City of Newburgh Adopted Personnel Analysis Book for 2021;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Personnel Analysis Book for the fiscal year 2021 be amended to delete the Human Resources Administrator in the Finance Department and add one Human Resources Director position at Grade 5 in the Non-bargaining Unit Salary Schedule in the Executive Office.

CITY OF NEWBURGH

DATE ADOPTED: October 19, 2016

Date Amended: February 18, 2021

HUMAN RESOURCES DIRECTOR

GENERAL STATEMENT OF DUTIES:

Under the general supervision of the City Manager, this position is responsible for coordinating the overall administration, and evaluation of the human resources functions for the City. Performs related work as required.

EXAMPLES OF WORK:

- Annually reviews and makes recommendations to executive management for improvement of the agency's policies, procedures and practices on personnel matters. Ensures compliance of all City personnel policies.
- Acquires and maintains up-to-date knowledge of employment legislation and best practices in the human relations field. Is responsible for City's compliance with federal and state legislation pertaining to all personnel matters.
- Assists with development and implementation of city wide programs to encourage and support equity, diversity and inclusion in the workforce.
- Facilitates, recommends and evaluates City employee mandatory training and professional development events.
- Posts job vacancies; receives, maintains and reviews job applications; obtains background checks for applicants; check references; schedules pre-employment medical exams and random drug and alcohol screenings.
- Schedules and participates in pre-employment and promotional interview process.
- Provides for the advancement of equity, diversity and inclusion in workforce recruitment and retention programs.
- Develops and administers new employee orientation program.
- Assists the City Manager and Comptroller in preparing for and conducting annual performance reviews for all staff.
- Participates in collective bargaining negotiations, administers and maintains collective bargaining agreements.
- Works directly with department heads to assist them in carrying out their responsibilities on personnel matters. Confers with Corporation Counsel on disciplinary and legal matters.
- Develops and maintains a secure system for maintaining confidentiality of all personnel records, including required certifications, trainings and testing for each employee, records and maintains information and issues notice of expiration dates and lapses to department heads.
- Periodically performs internal audits on employee benefits, paychecks, paystubs, compensatory time and deductions as necessary.
- Coordinates with Finance Dept. and Workers' Compensation carrier to facilitate City's Workers' Compensation Program.

HUMAN RESOURCES DIRECTOR – Page 2

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES:

Thorough knowledge of understanding of municipal functions and operations inter-relationship of federal, state, and local governments; project management experience; ability to plan and organize data; ability to maintain effective working relationships; ability to communicate effectively both orally and in writing; good judgment and initiative.

REQUIRED KNOWLEDGE, SKILLS, ABILITIES AND ATTRIBUTES:

- Thorough knowledge of the principles, practices and methods of Human Resources;
- Thorough knowledge of the organization and conduct of activities;
- Good knowledge of the methods and procedures involved in the administration of personnel practices and employment policies and procedures;
- Ability to supervise, train and evaluate personnel; ability to develop data in the preparation of reports;
- Ability to present ideas effectively, both orally and in writing;
- Ability to establish and maintain effective working relationships with city officials, administrators, other employees and the general public, including persons of various social and economic backgrounds;
- Ability to evaluate program effectiveness and assess needs;
- Thoroughness and dependability, courtesy, tact, good judgment, physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS: Either;

- A. Graduation from a recognized college or university with either a Master's Degree in Human Resource Management or Public Administration or closely related field, and a minimum of two (2) years of human resource management or related field involving public sector and/or unionized employment; or;
- B. Bachelor's Degree in Human Resource Management, Public Administration or closely related field and a minimum of four (4) years of human resource management or related field involving public sector and/or unionized employment

LOCAL LAW NO.: 2 - 2021

OF

MARCH 8, 2021

**A LOCAL LAW ADDING CHAPTER 156 TO THE CODE OF ORDINANCES
OF THE CITY OF NEWBURGH ENTITLED “ENERGY” AND ENACTING
ARTICLE I ENTITLED “COMMUNITY CHOICE AGGREGATION ENERGY PROGRAM”**

BE IT ENACTED, by the Council of the City of Newburgh, New York that Chapter 156 “Energy” be and is hereby added and enacted as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law adding Chapter 156 entitled ‘Energy’ and enacting Article I entitled ‘Community Choice Aggregation Energy Program’ to the Code of Ordinances of the City of Newburgh”.

SECTION 2 - AMENDMENT

The Code of Ordinances of the City of Newburgh is hereby amended to add new Chapter 156 entitled “Energy”, Article I entitled “Community Choice Aggregation Energy Program” to read as follows:

ARTICLE I. COMMUNITY CHOICE AGGREGATION ENERGY PROGRAM

§ 156-1 Legislative findings, intent and purpose; authority.

- A. It is the policy of both the City of Newburgh and the State of New York to reduce costs and provide price certainty for the purpose of consumer protection and economic development, to expand access and opportunities for consumers in retail energy markets, as well as to promote the sustainability and resilience of energy systems through the proliferation of renewable energy, energy efficiency, and distributed energy resources (“DER”, as defined in this Chapter). Among the initiatives that may advance these objectives in New York is Community Choice Aggregation (“CCA”), which is a policy that empowers local governments to determine the source of electricity and/or natural gas supply on behalf of its residents and small businesses, reflecting local resources, priorities, and challenges. Energy delivery remains the responsibility of the distribution utility.
- B. The purpose of CCA is to allow participating local governments to procure energy supply service for eligible consumers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing distribution utility.

This Chapter establishes the authority for the City of Newburgh, in connection with the implementation of a CCA program, to acquire utility data, to select, through a competitive solicitation, energy supplier(s) on behalf of default consumers within the jurisdictional boundaries of the City of Newburgh, and to maximize value for participating consumers through enhanced services related to DER. The City of Newburgh may choose to collaborate with other local governments to form an intermunicipal program. As a result, consumers will have the opportunity to lower and stabilize their energy costs, to spur local clean energy innovation and investment, and to reduce their environmental impact; thereby fulfilling the purposes of this Chapter and fulfilling an important public purpose.

- C. The City of Newburgh is authorized to implement this Community Choice Aggregation Program pursuant to Section 10(1)(ii)(a)(12) of the New York State Municipal Home Rule Law; and consistent with State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued April 21, 2016) as may be amended, including subsequent orders of the Public Service Commission (PSC) issued in connection with or related to Case No. 14-M-0224, to the extent that orders related to Case No. 14-M-0224 enable actions by the municipality.
- D. This Chapter shall be known and may be cited as the Community Choice Aggregation Energy Program Law of the City of Newburgh.

§ 156-2 Definitions.

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings employed in the State of New York Public Service Commission's Uniform Business Practices or, if not so defined there, as indicated below:

AGGREGATED DATA - Aggregated and anonymized information including the number of consumers by service class, the aggregated peak demand (kW) (for electricity) by month for the past 12 months, by service class to the extent possible, and the aggregated energy (kWh) for electricity or volumetric consumption for gas by month for the past 12 months by service class.

CCA ADMINISTRATOR - The City of Newburgh or third-party CCA Administrator duly authorized by the City of Newburgh to request aggregated and customer specific data, competitively solicit suppliers for the aggregated demand for electricity and/or natural gas on behalf of default consumers, and to offer participating consumers additional opportunities to participate or enroll in programs or projects related to distributed energy resources. CCA administrator is responsible for program organization, administration, procurement, communications, and for meeting all requirements for program implementation specified in the PSC CCA order, unless otherwise specified.

CUSTOMER SPECIFIC DATA – Customer specific information, personal data and utility data for all consumers in the municipality eligible for opt-out treatment based on the terms of PSC CCA Order and the CCA program design including the customer of record’s name, mailing address, telephone number, account number, and primary language, if available, and any customer-specific alternate billing name, address, and phone number.

DEFAULT CONSUMERS – Customers of electricity and/or natural gas within opt-out eligible service classes, as defined in the PSC CCA order, who receive supply service from the distribution utility as of the date the supply contract goes into effect, or consumers within these service classes that subsequently become eligible to participate in the program including those that have terminated a supply contract with an ESCO, removed a freeze or block on their account, have voluntarily suspended service pursuant to a special rate, or are new residents to the City of Newburgh. Consumers with in opt-out eligible service classes, as of the date the supply contract goes into effect, taking service from an ESCO, those that have placed a freeze or block on their account, and those for whom enrollment in the CCA program would interfere with a choice they have already made to take service pursuant to a special rate are not considered default customers and will not be enrolled on an opt-out basis. All default customers must reside or be otherwise located at one or more locations within the geographic boundaries of the City of Newburgh, as such boundaries exist as of the date the supply contract goes into effect.

DEFAULT SERVICE – Supply service provided by the distribution utility to consumers who are not currently receiving service from an energy service company (ESCO). Default consumers within the City of Newburgh that receive default service, and have not opted out, will be enrolled in the program as of the effective date.

DISTRIBUTED ENERGY RESOURCES (DER) – Local renewable energy projects, community distributed generation, such as shared solar, peak demand management, energy efficiency, demand response, energy storage, community resilience microgrid projects, and other innovative Reforming the Energy Vision (REV) initiatives that further engage and/or reduce cost of service for participating consumers, optimize system benefits, and/or address infrastructure and demand challenges within geography of the CCA.

DISTRIBUTION UTILITY – Owner or controller of the means of distribution of the natural gas or electricity in the municipality. The distribution utility also serves as the default supplier of electricity and natural gas preceding the establishment of a CCA program.

ENERGY SERVICES COMPANY (ESCO) – an entity duly authorized to conduct business in the State of New York as an ESCO.

PARTICIPATING CONSUMERS – Default consumers who have not opted out, and non-default consumers of any service class that have voluntarily enrolled in the program.

PROGRAM ORGANIZER – The group responsible for initiating and organizing the CCA. This group will typically secure buy-in from local governments and engage in preliminary outreach and education around CCA. The Program Organizer may be a non-profit organization, local government, or other third party. The Program Organizer and the CCA Administrator may be the same.

PSC CCA ORDER – the PSC’s Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016 in Case 14-M-0224, “Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs.”

PUBLIC SERVICE COMMISSION (PSC) – New York State Public Service Commission.

SUPPLIER(S) – an ESCO(s) that procures electric power and natural gas for eligible consumers in connection with this Chapter or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

§ 156-3 Authorization/Establishment of a Community Choice Aggregation (Energy) Program.

- A. Community Choice Aggregation (Energy) Program is hereby established by the City of Newburgh, New York, whereby the City of Newburgh may implement a CCA Program to the full extent permitted by the PSC CCA Order, as set forth more fully herein.
- B. The City of Newburgh may act as aggregator or broker for the sale of electric supply, gas supply, or both to eligible consumers and may enter into contracts with one or more Suppliers for energy supply and other services on behalf of eligible consumers.
- C. The City of Newburgh may enter into agreements and contracts with other municipalities, non-profits, consultants, and/or other third parties to:
 - (1) develop and implement the CCA Program;
 - (2) act as CCA Administrator; and/or
 - (3) develop offers of opt-in DER products and services to participating consumers, including but not limited to opportunities to participate in local renewable energy projects, shared solar, energy efficiency, microgrids, storage, demand response, energy management, and other innovative initiatives and objectives designed to optimize system benefits, target and address load pockets/profile within the CCA zone, and reduce costs for CCA customers.
- D. The operation and ownership of the utility service shall remain with the distribution utility. The City of Newburgh’s participation in a CCA program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The City of Newburgh shall not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with suppliers on behalf of participating consumers.
- E. The Public Service Commission supervises retail markets and participants in these markets through legislative and regulatory authority and the uniform business practices, which includes rules relating to the eligibility of participating ESCOs, the operation by which ESCOs provide energy services, and the terms on which customers may be enrolled with ESCOs.

§ 156-4 Eligibility.

- A. All default consumers shall be enrolled on an opt-out basis. Default consumers will have the right to opt out before the supply contract goes into effect, or disenroll any time thereafter with no penalty. Those that do not opt out before the supply contract goes into effect will be enrolled automatically.
- B. All non-default consumers within the municipality, regardless of service class, shall be eligible to participate in the CCA program on an opt-in basis.
- C. The CCA Administrator, on behalf of the City of Newburgh, shall issue one or more requests for proposals to suppliers to provide energy to participants and then may award a contract in accordance with the CCA program.

§ 156-5 Opt-out process.

- A. A program notification letter, printed on City of Newburgh letterhead, shall be mailed to default consumers at least 30 days prior to customer enrollment. The letter shall include the information on the CCA program and the contract signed with the selected supplier(s) including specific details on rates, services, contract term, cancellation fee, and methods for opting out of the CCA program. The letter shall explain that consumers that do not opt out will be enrolled in the program under the contract terms and that information on those consumers, including energy usage data and APP status, will be provided to the ESCO.
- B. After the thirty-day opt-out period, all consumers shall have the option to disenroll from the CCA program at any time without penalty.

§ 156-6 Customer service.

Participating Consumers shall be provided customer service, including a toll-free telephone number available during normal business hours (9:00 a.m. to 5:00 p.m., Eastern time, Monday through Friday) to resolve concerns, answer questions, and transact business with respect to the service received from the supplier(s).

§ 156-7 Data protection requirements.

- A. The City of Newburgh, or CCA administrator on its behalf, may request aggregated data and customer-specific data from the distribution utility. However, a request for customer-specific data is limited to only those eligible consumers who did not opt-out after the initial opt-out period closed.
- B. Customer-specific data shall be protected in a manner compliant with, collectively:

- (1) All national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the municipality or its representative's processing of confidential utility information;
 - (2) The utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the municipality or its representative's processing of confidential utility information; and
 - (3) The PSC CCA order and PSC rules, regulations and guidelines relating to confidential data.
- C. For the purpose of protecting customer data, the City of Newburgh must enter into an agreement with the distribution utility that obligates each party to meet, collectively:
- (1) All national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual default customer or participating consumer with respect to the CCA administrator or its representative's processing of confidential information;
 - (2) The distribution utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify the individual default consumer or participating consumer with respect to the CCA administrator or its representative processing of confidential information; and
 - (3) The PSC CCA order and PSC rules, regulations and guidelines relating to confidential data.

§ 156-8 Administration fee.

The City of Newburgh or CCA Administrator may collect, or cause to be collected, funds from customer payments to pay for administrative costs associated with running the CCA program.

§ 156-9 Reporting.

- A. Annual reports shall be filed with the City Clerk by March 31 of each year and cover the previous calendar year.
- B. Annual reports shall include, at a minimum: number of consumers served; number of consumers cancelling during the year; number of complaints received; commodity prices paid; value-added services provided during the year (e.g., installation of DER or other clean energy services); and administrative costs collected. The first report also shall include the number of consumers who opted-out in response to the initial opt-out letter or letters.
- C. If a CCA supply contract will expire less than one year following the filing of the annual report, the report must identify current plans for soliciting a new contract, negotiating an extension, or ending the CCA program.

§ 156-10 When effective.

This Chapter shall be effective immediately upon adoption and after filing with the Secretary of State.

§ 156-11 Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

SECTION 3 - SEVERABILITY

The provisions of this Local Law 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 Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law 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 Local Law or part here of is held inapplicable had been specifically exempt therefrom.

SECTION 4 - CODIFICATION

It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Local Law shall be included in the Code of Ordinances of the City of Newburgh; that the sections and subsections of this Local Law may be re-numbered and/or re-lettered by the codifier to accomplish such intention; that the term "Local Law" shall be changed to "Chapter", "Article", "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 Local Law or the provisions of the Code of Ordinances affected thereby.

SECTION 5 - VALIDITY

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

SECTION 6 - EFFECTIVE DATE

This Local Law and shall be effective immediately after the filing in the Office of the New York State Secretary of State in accordance with the provisions of New York State Municipal Home Rule Law.

RESOLUTION NO.: 44 - 2021

OF

MARCH 8, 2021

RESOLUTION SCHEDULING A PUBLIC HEARING FOR MARCH 22, 2021
TO HEAR PUBLIC COMMENT CONCERNING “A LOCAL LAW
AMENDING SECTION C4.01 ENTITLED ‘RULES OF ORDER’
OF THE CHARTER OF THE CITY OF NEWBURGH”

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning “A Local Law amending Section C4.01 entitled ‘Rules of Order’ of the Charter of the City of Newburgh”; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 22nd day of March, 2021; and

BE IT FURTHER RESOLVED, that due to public health and safety concerns related to COVID-19, the City Council will not be meeting in-person. In accordance with the Governor’s Executive Order 202.1, as amended, the March 22, 2021 City Council meeting will be held via videoconferencing, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live and provide comments on the proposed local law as follows:

To view the livestream of the City Council Work Session and Meeting visit:
<https://www.cityofnewburgh-ny.gov/live-video-streaming>.

To access the City Council Work Session and Meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device through the Zoom App:

https://zoom.us/webinar/register/WN_3yXd-iEpSuCg40O89I18kw. Please note that there is an underscore between the “N” and “3”).

To register in advance for this webinar in order to provide comments during the hearing:

https://zoom.us/webinar/register/WN_3yXd-iEpSuCg40O89I18kw. Please note that there is an underscore between the “N” and “3”). Please fill out the required information (First Name, Last Name, E-mail Address and check appropriate box to comment during the public hearing). After registering, you will receive a confirmation email containing information about joining the webinar.

Comments can be provided by email before the meeting to comments@cityofnewburgh-ny.gov with the Subject Line in this format: “PUBLIC HEARING ITEM” by 4:00 p.m. on Monday, March 22, 2021. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

LOCAL LAW NO.: _____ - 2021

OF

_____, 2021

A LOCAL LAW AMENDING SECTION C4.01 ENTITLED “RULES OF ORDER”
OF THE CHARTER OF THE CITY OF NEWBURGH

BE IT ENACTED by the City Council of the City of Newburgh as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law Amending Section C4.01 entitled ‘Rules of Order’ of the Charter of the City of Newburgh”.

SECTION 2 - AMENDMENT

§ C4.01. Rules of order; sanctions.

A. The Council shall determine the rules of its own proceedings and be the judge of the election, returns and qualifications of its members. The Council may compel the attendance of absent members at any meeting properly called and may punish or expel a member for excessive or unexcused absence or disorderly conduct, as defined in this section, or ~~and may declare the member’s~~ his seat vacant as provided by the standards and procedures set forth in this section ~~by reason of inexcusable absence, provided that such absence has continued for four consecutive regular meetings, but no expulsion shall take place and no vacancy on account of absence shall be declared until the delinquent member has had an opportunity to be heard in his defense.~~

1. Excessive and Unexcused Absence

- a. Every member of the Council shall attend the sessions of the Council unless duly excused or unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the Mayor and the City Clerk.
- b. A member of Council absent from 4 consecutive regular meetings or 6 regular meetings within a calendar year without excuse shall constitute excessive absence.

2. Disorderly Behavior

- a. Members of the Council shall not engage in disorderly behavior, which shall include but is not limited to: willful violation or evasion of any provision of law relating to such member’s discharge of his or her official duties; commission of

Underlining denotes additions

~~Strikethrough~~ denotes deletions

fraud upon the City; conversion of public property to such member's own use; knowingly permitting or allowing by gross culpable conduct another person to convert public property; violation of the Council's duly adopted Rules and Order of Procedure, violation of the City's Code of Ethics, or violation of City policy or policies against discrimination, harassment and workplace violence.

3. A member of Council charged with conduct constituting excessive and unexcused absence or disorderly behavior or grounds for forfeiture of office other than those grounds causing an immediate vacancy, by operation of state law, shall have the right to a public hearing by filing a written demand within 7 working days of receiving written notice of the charged conduct. In the event that a member of Council makes such request for a public hearing, the opportunity to be heard shall be afforded at a regular or special meeting of the Council to be held within 15 working days of the Council's receipt of such written request. Notice of such hearing shall be published in one (1) or more newspapers of general circulation in the City at least one (1) week in advance of the hearing. A transcript of the hearing shall be retained by the City Clerk.
4. Upon a finding by the Council that a member has engaged in excessive or unexcused absence or disorderly behavior as set forth in subsection A(1) or subsection A(2) of this Section, the Council may impose one or more of the following sanctions:
 - a. Denial or limitation of any right, power, or privilege of the Member;
 - b. Reprimand;
 - c. Censure;
 - d. Fine;
 - e. Expulsion from the Council; and
 - f. Any other sanction determined by the Council to be appropriate.

All sanctions shall be imposed by a majority plus one vote of all members of Council.
5. A decision made by the Council under this subsection imposing the sanction of removal from office shall be subject to review by the courts in accordance with the laws of New York State. In determining the qualifications of its members, the Council shall use the standards set forth in the Public Officers Law and General Municipal Law, and such additional standards as may be enacted by Charter amendment or local law, provided that the same are not inconsistent with the Public Officers Law or General Municipal Law.

SECTION 3 - SEVERABILITY

The provisions of this Local Law 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 Local Law or their application to other persons or circumstances. It is hereby declared to be

Underlining denotes additions

~~Strikethrough~~ denotes deletions

the legislative intent that this Local Law 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 Local Law or part here of is held inapplicable had been specifically exempt therefrom.

SECTION 4 - CODIFICATION

It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Local Law shall be included in the Charter of the City of Newburgh; that the sections and subsections of this Local Law may be re-numbered and/or re-lettered by the codifier to accomplish such intention; that the term "Local Law" shall be changed to "Charter", "Article", 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 Local Law or the provisions of the City Charter affected thereby.

SECTION 5 - VALIDITY

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

SECTION 6 - EFFECTIVE DATE

This Local Law shall be effective after the filing in the Office of the New York State Secretary of State and the approval of the qualified voters of the City of Newburgh at the November 2, 2021 election in accordance with the provisions of New York State Municipal Home Rule Law.

Underlining denotes additions
~~Strikethrough~~ denotes deletions

The City of Newburgh

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MEMORANDUM

TO: Council Member Anthony Grice
Council Member Karen Mejia
Council Member Ramona Monteverde
Council Member Omari Shakur
Council Member Robert Sklarz
Council Member Patricia Sofokles
Mayor Torrance Harvey
Joseph P. Donat, City Manager

FROM: Michelle Kelson, Corporation Counsel

RE: Proposed first draft local law amending City Charter Section C4.01
Rules of Order – Code of Conduct and Procedures

DATE: February 26, 2021

As you may be aware City Charter Section C4.01(A) currently provides as follows:

The Council shall determine the rules of its own proceedings and be the judge of the election, returns and qualifications of its members. The Council may compel the attendance of absent members at any meeting properly called and may punish or expel a member for disorderly conduct or declare his seat vacant by reason of inexcusable absence, provided that such absence has continued for four consecutive regular meetings, but no expulsion shall take place and no vacancy on account of absence shall be declared until the delinquent member has had an opportunity to be heard in his defense.

However, City Charter Section C4.01(A) does not clearly define disorderly conduct or establish clear procedures for disciplining a Council Member for disorderly conduct or inexcusable absence or provide appropriate penalties for a Council Member found to have engaged in such misconduct.

At the request of Council Members, I drafted a proposed an amendment to City Charter Section C4.01(A) entitled “Rules of Order”. The amendment will be in the form of a local law that is intended to clarify the criteria for unexcused and/or excessive absence from Council meetings, define disorderly behavior by a Council Member, and provide procedures for engaging in a disciplinary process and imposing penalties. In my opinion, City Charter Section C4.01(A) is too vague in its current form. In developing the proposed local law, I have reviewed a number of City Charters of other cities in New York and find many are just as vague. I did find the Rules of the NYC Council to be the most helpful in drafting the proposed amendment to the Newburgh City Charter (NYC Council Rule 10.80), and incorporated the procedures in the current Charter provisions for the removal of the City Manager (City Charter Section C5.00(D)).

The proposed amendment must be adopted by City Council consistent with the legal requirements for adopting a local law – introduction, public hearing, and adoption by vote of Council. In addition, the amendment/local law in its current form provides for a penalty of removal of an elected official. Under NYS Municipal Home Rule Law Section 23(2)(e), local laws that change the method of nominating, electing or removing and elected officer are subject to a mandatory referendum. In this regard, if adopted, the local law must be submitted to the qualified voters of the City for approval before the local law can become effective. For practical reasons, it makes sense to submit the local law for a referendum vote at a regularly scheduled election, preferably in November 2021. It saves the City some costs associated with running an election and helps to ensure that the best and greatest opportunity to get qualified electors to cast a vote. In 2021, all of the City’s ward Council seats and the entire Orange County legislature will be up for re-election which offers a better opportunity include a referendum. This was the timing for the City Charter amendments in 2011 that created the 4 wards currently in effect and revised the qualifications for hiring and removal of the City Manager.

The proposed local law includes removal as a penalty because there is no other alternative available for the removal of a City Council Member. As you may know, there is no system for a recall election in New York State and other state laws that provide procedures for the removal of other State and local elected officials inexplicably do not apply to cities (most notably Public Officers Law Section 36 which applies to towns and villages but not cities).

Attached to this memorandum, please find for consideration and review a draft local law as proposed. The proposed local law suggests the following:

1. Excessive/Unexcused Absence:
 - a. Applies to regular Council meetings and not work sessions because work sessions are not required by Charter. There should be a maximum number of consecutive regular Council meetings and a total number of regular Council meetings in one year from which absence without excuse is deemed excessive. There are a total of 21 regular Council meetings in one year. The draft local law retains the existing consecutive meeting absence threshold of 4 consecutive regular Council meeting absences and proposes 6 regular Council meeting absences in one year, all without excuse, for excessive/unexcused absence. The Council can change these numbers.

- b. Provides a procedure for requesting to be excused from a regular meeting by notifying the Mayor and Clerk.
2. Disorderly Behavior:
 - a. Provides a list of conduct that constitutes disorderly behavior. The list is not exhaustive but includes violations of City policies that apply to elected officials. The Council can add to, delete or otherwise modify this list.
3. Includes procedures for implementing a disciplinary process and imposing penalties for violations. The Council can add to, delete or otherwise modify this list.

The draft is open to discussion by the Council. A resolution scheduling a public hearing for March 22, 2021 is proposed for the Council as the next action step in adopting this local law. Attached for your reference are the following:

1. Draft proposed local law amending City Charter Section C4.01(A)
2. City Charter Section C4.01 "Rules of Order" (current)
3. City Charter Section C5.00 "Selection; qualifications; removal from office"
4. NYC Council Rule 10.80 (April 2019)
5. MHRL Section 23
6. POL Section 36

Michelle Kelson

MICHELLE KELSON
Corporation Counsel

MK/bhs
Attachments

§ C4.01. Rules of order. [Amended 5-5-1941 by L.L. No. 1-1941; 2-24-1947 by L.L. No. 1-1947; 12-26-1951 by L.L. No. 3-1951; 3-3-1952 by L.L. No. 2-1952; 12-22-1952 by L.L. No. 10-1952; 2-12-1980 by L.L. No. 1-1980; 1-24-1983 by L.L. No. 1-1983]

- A. The Council shall determine the rules of its own proceedings and be the judge of the election, returns and qualifications of its members. The Council may compel the attendance of absent members at any meeting properly called and may punish or expel a member for disorderly conduct or declare his seat vacant by reason of inexcusable absence, provided that such absence has continued for four consecutive regular meetings, but no expulsion shall take place and no vacancy on account of absence shall be declared until the delinquent member has had an opportunity to be heard in his defense.
- B. Except as in this section especially regulated, the legislative powers of the Council may be exercised as provided by rules or ordinances adopted by it.
- C. Each member of the Council shall have the right to vote on any question coming before it. A majority of the Council shall constitute a quorum, and the affirmative vote of a majority of all the members of the Council shall be necessary to adopt any motion, resolution or ordinance.
- D. Regular meetings of the Council shall be held on the second and fourth Mondays of each month, except the months of June, July and August. Regular meetings of the Council shall be held on the second Mondays of June, July and August. If a regular meeting falls on a legal holiday, the meeting shall be held on the day following such legal holiday. All regular meetings shall be held at the time and place fixed by ordinance or resolution of the Council. Special meetings may be called by any member of the Council on three days' notice, which notice shall specify the object of the meeting. All legislative sessions shall be open to the public, and every matter coming before the Council for disposition shall be put to a vote whereon the ayes and nays shall be called and recorded. A full and accurate journal of the proceedings of the Council shall be kept by the City Clerk, which journal shall be open to the inspection of any elector of the City at any reasonable time.
- E. The Council may change the date, time or place of any regular or special meeting provided for in Subsection D of this section or

may cancel such meeting either by resolution passed at the immediately preceding regular or special meeting or by consent of the Council at any time prior to the scheduled meeting.

- F. An emergency meeting may be called on less than three days' notice by the City Manager or a majority of the City Council upon reasonable notice, which notice shall specify the object of the meeting. **[Added 12-11-1995 by L.L. No. 4-1995]**

§ C5.00. Selection; qualifications; removal from office.
[Amended 5-5-1941 by L.L. No. 1-1941; 2-19-1945 by L.L. No.
1-1945; 2-24-1953 by L.L. No. 1-1953; L. 1953, c. 878;
11-8-2011]

A. Selection.

- (1) The Council, by a majority plus one vote of its entire membership, shall appoint a City Manager, who shall be the chief administrative and executive officer of the City.
- (2) The City Manager may be appointed:
 - (a) For an indefinite period to serve at the will of the Council;
 - (b) For a definite term not to exceed two years, at the expiration of which term the City Manager may be reappointed from time to time in the discretion of the Council, but in no event shall any one period of appointment be for more than two years; or
 - (c) For a definite term not to exceed two years under a written contract of employment, which contract shall contain such terms and conditions as may be specified by the Council. Nothing in such contract of employment shall conflict with the provisions and requirements of this Charter. In the event of any such conflict, the provisions and requirements of this Charter shall be controlling. Such contract of employment may be renewed from time to time in the discretion of the Council, but no one renewal period shall be for a period in excess of two years.

B. Qualifications.

- (1) The City Manager shall be appointed solely on the basis of executive, administrative and professional qualifications. The City Manager shall have:
 - (a) A master's degree with a concentration in public administration, public affairs or public policy, or an equivalent graduate degree, and two years' experience in an appointed managerial or administrative position in a local government or other related experience; or
 - (b) A bachelor's degree with a concentration in public administration, public affairs or public policy, or an equivalent degree, and five years of experience in an

appointed managerial or administrative position in a local government or other related experience.

- (2) No elected official of the City shall be eligible for the position of City Manager until the expiration of at least one year after separation from the City government.
- C. Residency. The City Manager shall be subject to the residency requirements set forth in § C3.11 of the Charter; provided, however, upon initial appointment, the City Manager shall be permitted to establish residency in the City within 120 days of appointment. The Council, where circumstances warrant, may grant one sixty-day extension of this period.
- D. Removal. Notwithstanding whether the City Manager is appointed for an indefinite period or a definite term, and without any requirement that cause be demonstrated, the Council may remove the City Manager from office in accordance with the following procedures:
- (1) The Council shall adopt by affirmative vote of a majority plus one of all its members a preliminary resolution for removal, which must state the reasons for removal, and which may suspend the City Manager from duty for a period not to exceed 30 days. Such suspension shall not deprive the City Manager of salary for such period, but no reimbursable expenses may be charged to the City or to a City department by the suspended City Manager for the term of such suspension. A copy of the resolution shall be delivered to or served upon the City Manager personally or by leaving it at the office of the City Manager in the City within five days after its adoption.
 - (2) The City Manager, within five days of the service or delivery of the preliminary removal resolution, shall have the right to file a written request with the Council for an opportunity to be heard at a public meeting of the Council. In the event that the City Manager makes such request, the opportunity to be heard shall be afforded at a regular or special meeting of the Council to be held within 15 days of the Council's receipt of such request. The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority plus one of all its members at any time after the City Manager is afforded the opportunity to be heard at a Council meeting or, if no opportunity to be heard is timely requested, after five days from the date when

a copy of the preliminary resolution was delivered to or served upon the City Manager.

- (3) The City Manager shall continue to receive salary until the effective date of the final resolution of removal. The action of the Council in suspending or removing the City Manager shall be final and binding.

provisions of Chapter 68 of the City Charter.

10.80. Disorderly Behavior; Sanctions - a. Members of the Council shall not engage in disorderly behavior, which shall include but is not limited to: willful violation or evasion of any provision of law relating to such Member's discharge of his or her official duties; commission of fraud upon the City; conversion of public property to such Member's own use; knowingly permitting or allowing by gross culpable conduct, any other person to convert public property; or violation of the Speaker's policy or policies against discrimination and harassment.

b. Upon a report by the Standards and Ethics Committee of the Council, finding that a Member has engaged in disorderly behavior as set forth in subdivision (a) of this rule, the Council may impose one or more of the following sanctions:

1. Denial or limitation of any right, power, or privilege of the Member; including, but not limited to, the removal of such Member as chairperson of a committee or as a member of a committee;
2. Reprimand;
3. Censure;
4. Fine;
5. Expulsion from the Council; and
6. Any other sanction determined by the Council to be appropriate.

c. The Committee report shall contain a statement of the evidence supporting the Committee's findings and a statement of the Committee's reasons for the recommended sanction.

d. All sanctions shall be imposed by a two-thirds vote of all Members.

CHAPTER XI – RULES OF THE LAND USE COMMITTEE

11.00. Membership - The Land Use Committee shall include at least one member from each borough.

11.10. Subcommittees - a. Jurisdiction - The Land Use Committee shall have the following subcommittees: a subcommittee on Zoning and Franchises, a subcommittee on Landmarks, Public Sitings and Maritime Uses and such others as determined by the Speaker. The Speaker shall determine the jurisdiction of such subcommittees and shall promulgate a list, which the Speaker may amend from time to time, of those matters within the jurisdiction of each subcommittee.

b. Acting chairs - The chair of the committee or a subcommittee may appoint a member of the Council to act as a temporary chair to conduct a meeting in the chair's absence.



KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

[McKinney's Consolidated Laws of New York Annotated](#)

[Municipal Home Rule Law \(Refs & Annos\)](#)

[Chapter 36-a. Of the Consolidated Laws](#)

[Article 3. Procedure for Adoption of Local Laws; Referenda; Filing and Publication \(Refs & Annos\)](#)

McKinney's Municipal Home Rule Law § 23

§ 23. Local laws subject to mandatory referendum

[Currentness](#)

1. A local law subject to mandatory referendum as provided in this section or in any other state statute, shall be submitted for the approval of the electors at a general election of state or local government officers in such local government held not less than sixty days after the adoption thereof unless such local law provides for its submission for approval of the electors at a special election or unless, within thirty days after the adoption of such local law, a petition signed, authenticated and subject to certification by the clerk as provided for other petitions in [section twenty-four](#) of this chapter is filed with such clerk requesting its submission at a special election. If the local law so provides or if a valid petition is so filed requesting the submission of the local law at a special election, it shall be submitted at such a special election held in such local government not less than sixty days after the adoption of the local law, the date for which special election shall be fixed by the legislative body. In either case such local law shall become operative as prescribed therein only if approved at such election by the affirmative vote of a majority of the qualified electors of such local government voting upon the proposition.

2. Except as otherwise provided by or under authority of a state statute, a local law shall be subject to mandatory referendum if it:

a. In the case of a city, provides a new charter for such city.

b. In the case of a city, town or village, changes the membership or composition of the legislative body or increases or decreases the number of votes which any member is entitled to cast.

c. Changes the veto power of the elective chief executive officer.

d. Changes the law of succession to the office of the chief executive officer of a county elected on a county-wide basis or if there be none the chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town.

e. Abolishes an elective office, or changes the method of nominating, electing or removing an elective officer, or changes the term of an elective office, or reduces the salary of an elective officer during his term of office.

f. Abolishes, transfers or curtails any power of an elective officer.

g. Creates a new elective office.

h. In the case of a city, changes the boundaries of wards, or other districts, from which members of the county board of supervisors, chosen as such in such city to represent the city, are elected.

i. Changes a provision of law relating to public utility franchises.

j. In the case of a city, reduces the salary or compensation of a city officer or employee, increases his hours of employment or changes his working conditions if such salary, compensation, hours or conditions have been fixed by a state statute and approved by the vote of the qualified electors of the city. No provision effecting such reductions, increases or changes contained in any local law or proposed new charter shall become effective unless the definite question with respect to such reductions, increases or changes shall be submitted separately from any provisions not relating to such reductions, increases or changes and approved by the affirmative vote of a majority of the qualified electors voting thereon.

k. In the case of a city, changes a provision of law relating to the membership or terms of office of the civil service commission of the city.

Credits

(L.1963, c. 843. Amended L.1964, c. 78, §§ 10, 11.)

[Notes of Decisions \(165\)](#)

McKinney's Municipal Home Rule Law § 23, NY MUN HOME RULE § 23
Current through L.2017, chapters 1 to 23.

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[McKinney's Consolidated Laws of New York Annotated](#)

[Public Officers Law \(Refs & Annos\)](#)

[Chapter 47. Of the Consolidated Laws](#)

[Article 3. Creation and Filling of Vacancies \(Refs & Annos\)](#)

McKinney's Public Officers Law § 36

§ 36. Removal of town, village, improvement district or fire district officer by court

[Currentness](#)

Any town, village, improvement district or fire district officer, except a justice of the peace, may be removed from office by the supreme court for any misconduct, maladministration, malfeasance or malversation in office. An application for such removal may be made by any citizen resident of such town, village, improvement district or fire district or by the district attorney of the county in which such town, village or district is located, and shall be made to the appellate division of the supreme court held within the judicial department embracing such town, village, improvement district or fire district. Such application shall be made upon notice to such officer of not less than eight days, and a copy of the charges upon which the application will be made must be served with such notice.

Credits

(L.1909, c. 51. Amended L.1935, c. 377; L.1940, c. 543.)

[Notes of Decisions \(108\)](#)

McKinney's Public Officers Law § 36, NY PUB OFF § 36

Current through L.2020, chapters 1 to 387. Some statute sections may be more current, see credits for details.

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