

A regular meeting of the City Council of the City of Newburgh was held Monday, March 8, 2021 at 6:00 p.m. via a Zoom Digital Platform.

EXECUTIVE SESSION

Councilwoman Mejia moved and Councilwoman Monteverde seconded to enter Executive Session regarding the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Ayes: Mejia, Monteverde, Shakur, Sklarz, Harvey – 5

Absent: Grice, Sofokles – 2

The Council entered Executive Session at 6:00 p.m.

The Council exited Executive Session at 7:06 p.m.

Pledge of Allegiance/ Juramento a la Alianza

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

Moment of Silence / Momento de Silencio

Roll Call/ Lista de Asistencia

Present: Mayor Harvey, presiding; Councilman Grice, Councilwoman Mejia, Councilwoman Monteverde, Councilman Shakur, Councilman Sklarz, Councilwoman Sofokles - 7

COMMUNICATIONS

Approval of the Minutes of the City Council Meeting on February 22, 2021

Councilman Sklarz moved and Councilman Shakur seconded that the Minutes be approved.

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

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



City Manager's Update

Newburgh City Council Meeting

Monday, March 8, 2021

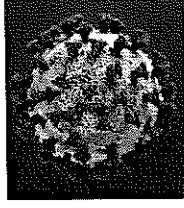


Novel Coronavirus (COVID-19)

For more information

Hotline: 1-888-364-3065

www.health.ny.gov/diseases/communicable/coronavirus



Testing data as of: 3/3/2021 2 PM
Testing data last updated on: 3/4/2021

New York State Department of Health COVID-19 Tracker

Statewide

Total Persons Tested
38,897,265

Total Tested 3/03
270,089

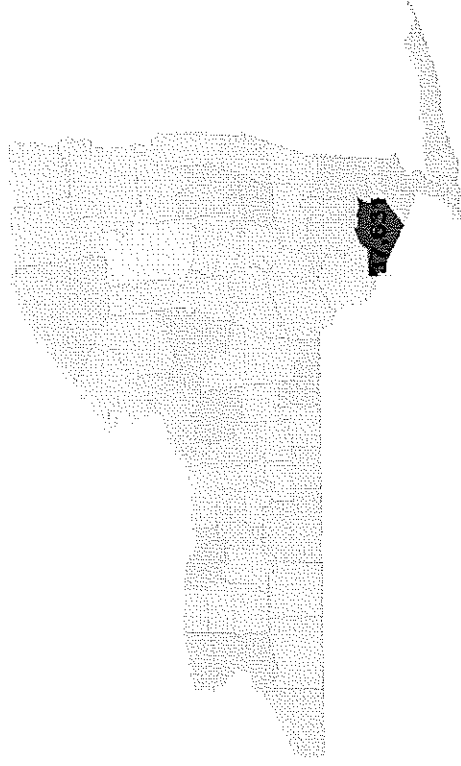
Total Tested Positive
1,657,777

Sex Distribution of Positive Cases
Female 50.6% Male 48.3% Unknown 1.2%

New Positives 3/03
7,593

Persons Tested Positive by County

- 100-499
- 500-999
- 1,000-4,999
- 5,000-9,999
- 10,000-14,999
- 15,000-19,999
- 20,000+



1

Click County to See Detail
Click Again for Statewide

Monroe	82,556
Montgomery	3,219
Nassau	459,632
New York	405,902
Niagara	12,404
Oneida	19,829
Onondaga	32,006
Ontario	5,258
Orange	37,631
Orleans	2,453
Oswego	5,039
Otsego	2,412
Putnam	5,469
Queens	210,574
Rensselaer	9,124
Richmond	67,467
Rockland	36,149
Saratoga	12,085
Schenectady	10,545
Schoharie	1,239

Click for Daily Trends

Click for Table View

Click for Fatality Data

FAQs & Helpful Links

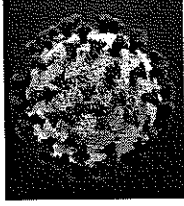
County Stats

County Name	Number of Persons Tested	Tested Positive	% Positive Results	Persons Tested Today	New Positives Today
Orange	566,218	37,631	6.6%	3,490	190



COVID-19 Vaccine

Check Your Eligibility



Safe & Effective

VACCINATE NEW YORK

ny.gov/vaccine

Hotline: 1-833-697-4829 | ny.gov/vaccine

WMC Health
Hudson Valley
COVID-19 Vaccine
Location Directory

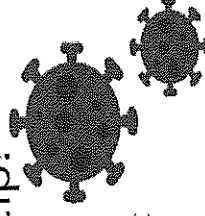
CLICK FOR LOCATIONS

covidinfo.wmchealth.org/vaccination

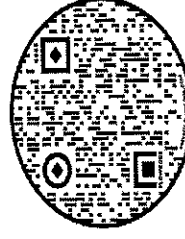
Need Help Getting Signed Up for the COVID-19 Vaccine?

We're Here to Help!

Visit our website at
vaccination.orangecountygov.com
or use the QR Code on this flyer to get
on the waiting list



or



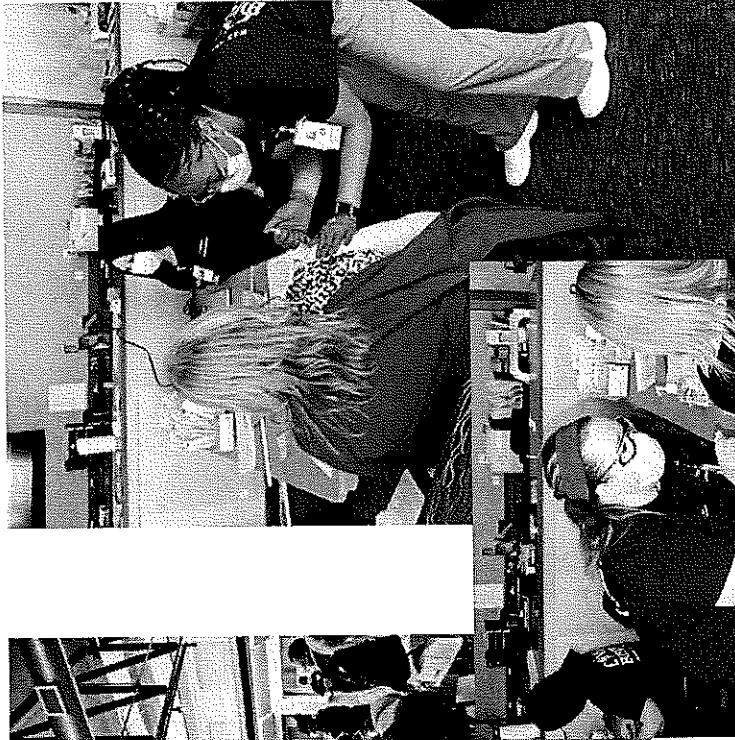
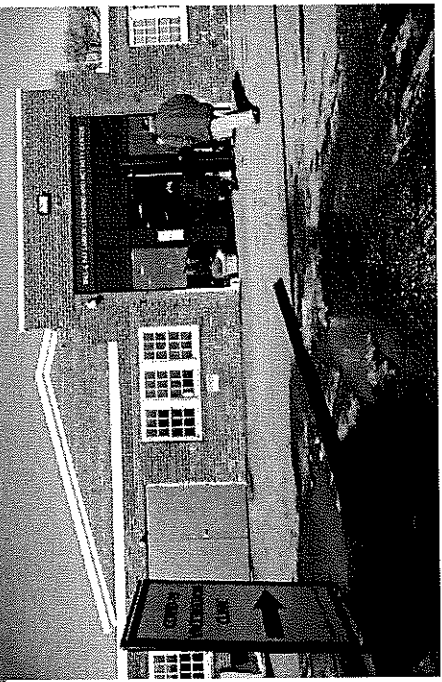
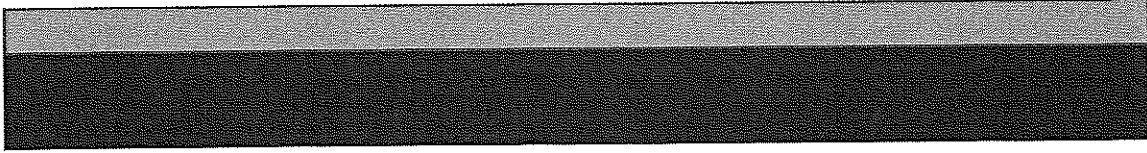
Call (845)-291-2330 for assistance to
register

For more information on COVID-19, Visit CDC.gov

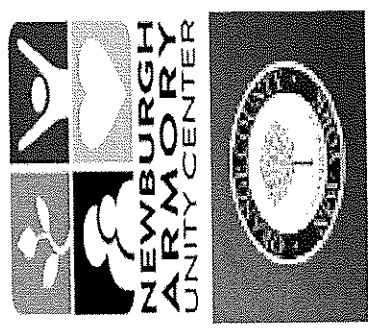
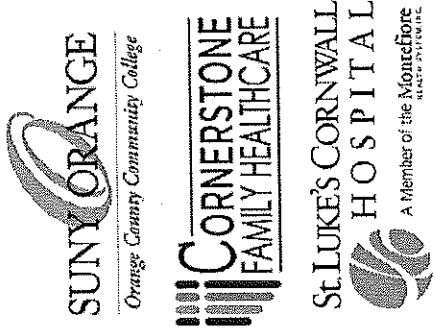


Steven M. Neuhaus
County Executive

Dr. Irina Gelman, DPM, MPH, PhD
Commissioner of Health



THANK YOU!





CITY OF NEWBURGH
Office of the City Manager
Newburgh, New York 12550
(914) 534-3100

CITY OF INDIANAPOLIS
Office of the City Manager
Office of the City Manager
600 North Dearborn, Suite 1250
Indianapolis, Indiana 46204
(317) 327-1250
317-327-1250

Lowell H. Doolittle - Chief Engineer

**City of Newburgh Fiscal Improvement Plan (FIP)
Narrative: City Fiscal Years 2021-2024**

General Fund

In fiscal year 2021-2022, the City of Newburgh has the following budget items to receive from the City of Newburgh:

Narrative: Debt - City Fiscal Year

Fund

General Fund

In fiscal years 2017-2024, the City will have a general fund balance, allowing revenue to be used for various purposes.

1. **General fund balance**

from the general fund.

1. Synthesize CO₂ and O₂ from the atmosphere.
2. It is common for plants to have a net loss of water (transpiration) during the day.
3. The net loss of water is balanced by the net gain of water (absorption) from the soil.

Goal 1: Success

[illegible]

CITY OF NEWBURGH
Office of the City Manager
83 Broadway, Newburgh, N.Y.

Joseph P. Brown, City Manager
 (495) 500-7501, New York 10040
 Internet: pbrown@brownandbrown.com

Plan de Mejora Fiscal de la Ciudad de Newburgh (FIP)
Narrativa: Detallando Plan Financiero Multianual,
Años Físcales de la Ciudad 2021-2024
Generales

Generales

En los años fiscales, los meses 2017, 2024, la Ciudad de Newburgh tiene los siguientes objetivos generados para trabajar hacia el mejoramiento de los siguientes aspectos:

1. Una investigación del estado de finanzas apropiada suficiente para comprender el estado financiero.
2. Comunicación de los resultados de la investigación.
3. Reducción de los costos operativos.

2:10.5

Cocul:

Principales causas de los fallecimientos de niños de 0 a 5 años en el municipio de San Juan de los Rios, 2021-2023

El municipio de San Juan de los Rios, en el departamento de Cauca, Colombia, ha experimentado un aumento en los fallecimientos de niños de 0 a 5 años durante el periodo 2021-2023. Este informe analiza las principales causas de estas muertes, basándose en los datos recopilados por el Sistema de Vigilancia Epidemiológica del municipio.

Las principales causas de fallecimiento son:

- COVID-19:** Se reportaron 15 fallecimientos de niños de 0 a 5 años debido a esta enfermedad.
- Enfermedades infecciosas y parasitarias:** Se reportaron 12 fallecimientos de niños de 0 a 5 años debido a estas enfermedades.
- Enfermedades del sistema circulatorio:** Se reportaron 8 fallecimientos de niños de 0 a 5 años debido a estas enfermedades.
- Enfermedades del sistema respiratorio:** Se reportaron 7 fallecimientos de niños de 0 a 5 años debido a estas enfermedades.
- Enfermedades del sistema digestivo:** Se reportaron 5 fallecimientos de niños de 0 a 5 años debido a estas enfermedades.
- Enfermedades del sistema nervioso:** Se reportaron 3 fallecimientos de niños de 0 a 5 años debido a estas enfermedades.
- Enfermedades del sistema urinario:** Se reportaron 2 fallecimientos de niños de 0 a 5 años debido a estas enfermedades.
- Enfermedades del sistema endocrino:** Se reportaron 1 fallecimiento de niños de 0 a 5 años debido a esta enfermedad.

Se recomienda implementar medidas de prevención y control de estas enfermedades, así como mejorar el acceso a servicios de salud y atención médica para los niños de 0 a 5 años.

Conclusiones:

- El COVID-19 es la principal causa de fallecimiento de niños de 0 a 5 años en el municipio de San Juan de los Rios.
- Las enfermedades infecciosas y parasitarias son la segunda principal causa de fallecimiento de niños de 0 a 5 años.
- Las enfermedades del sistema circulatorio y del sistema respiratorio son las terceras principales causas de fallecimiento de niños de 0 a 5 años.
- Las enfermedades del sistema digestivo y del sistema nervioso son las cuartas principales causas de fallecimiento de niños de 0 a 5 años.
- Las enfermedades del sistema urinario y del sistema endocrino son las quintas principales causas de fallecimiento de niños de 0 a 5 años.

Se recomienda implementar medidas de prevención y control de estas enfermedades, así como mejorar el acceso a servicios de salud y atención médica para los niños de 0 a 5 años.

City of Newburgh
Four Year Financial Plan: Five Years 2014-2018
General Fund

Account	Actual					Budget 2018					Exp. Per Capita	Average per person	Average per person	
	2018	2017	2016	2015	2014	2018	2017	2016	2015	2014				
Expenses														
Fuel Property Tax	25,848,326	27,739,844	27,555,272	27,251,500	27,143,026	27,555,272	27,251,500	27,143,026	27,042,459	26,941,425				
Sewer Utility Fee	11,129,750	11,500,000	11,500,000	11,500,000	11,500,000	11,500,000	11,500,000	11,500,000	11,500,000	11,500,000				
Water Utility Fee	11,129,750	11,500,000	11,500,000	11,500,000	11,500,000	11,500,000	11,500,000	11,500,000	11,500,000	11,500,000				
Total Utility	48,107,826	50,739,844	50,555,272	50,251,500	50,143,026	50,555,272	50,251,500	50,143,026	50,042,459	49,941,425				
Interest	4,230,750	3,250,000	3,250,000	3,250,000	3,250,000	3,250,000	3,250,000	3,250,000	3,250,000	3,250,000				
Capital Expenses	21,700,000	21,700,000	21,700,000	21,700,000	21,700,000	21,700,000	21,700,000	21,700,000	21,700,000	21,700,000				
Total Non-Utility Other Budget	74,038,326	75,690,844	75,505,272	75,201,500	75,093,026	75,505,272	75,201,500	75,093,026	74,942,459	74,841,425				
Expenditures														
Expenditures on Capital Outlay	2,111,155	31,020,000	10,700,000	10,700,000	10,700,000	31,020,000	10,700,000	10,700,000	10,700,000	10,700,000				
Expenditures on Current Operations	1,867,750	16,679,844	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272				
Contracted Space Heat	1,867,750	16,679,844	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272				
Contracted Space Water	1,867,750	16,679,844	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272				
Contracted Sewer	1,867,750	16,679,844	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272				
Contracted Water	1,867,750	16,679,844	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272				
Contracted Electric	1,867,750	16,679,844	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272				
Contracted Gas	1,867,750	16,679,844	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272				
Contracted Telephone	1,867,750	16,679,844	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272				
Contracted Maintenance	1,867,750	16,679,844	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272	17,725,272				
Total Expenditures on Other Budget	14,022,750	14,022,750	14,022,750	14,022,750	14,022,750	14,022,750	14,022,750	14,022,750	14,022,750	14,022,750				
Expenses (Budget)	122,978,326	127,459,844	127,278,000	127,201,500	127,136,052	127,278,000	127,201,500	127,136,052	127,042,459	126,941,425				
Budgetary Resources														
Federal Share, Reg. of Highways	6,465,750	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000				
Federal Share, State of New York	1,462,750	1,462,750	1,462,750	1,462,750	1,462,750	1,462,750	1,462,750	1,462,750	1,462,750	1,462,750				
Federal Share, Local Government	1,462,750	1,462,750	1,462,750	1,462,750	1,462,750	1,462,750	1,462,750	1,462,750	1,462,750	1,462,750				
Unallocated Fund Balance	1,462,750	1,462,750	1,462,750	1,462,750	1,462,750	1,462,750	1,462,750	1,462,750	1,462,750	1,462,750				
Unallocated Fund Balance % of Expenditures	1.19%	1.15%	1.15%	1.15%	1.15%	1.15%	1.15%	1.15%	1.15%	1.15%				

Unallocated Fund Balance % of Expenditures

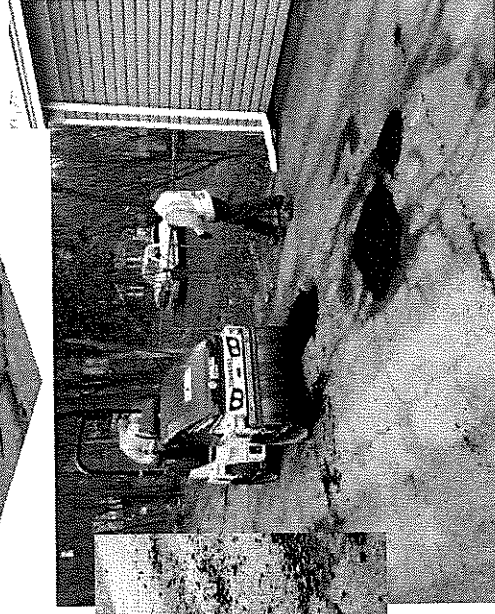
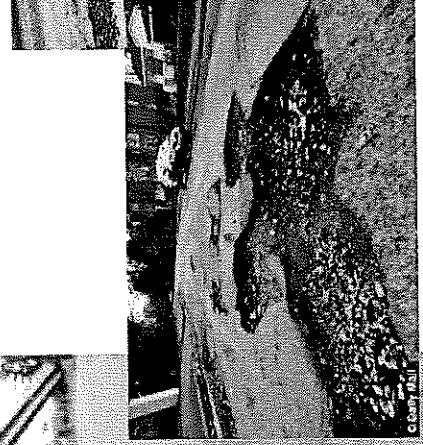
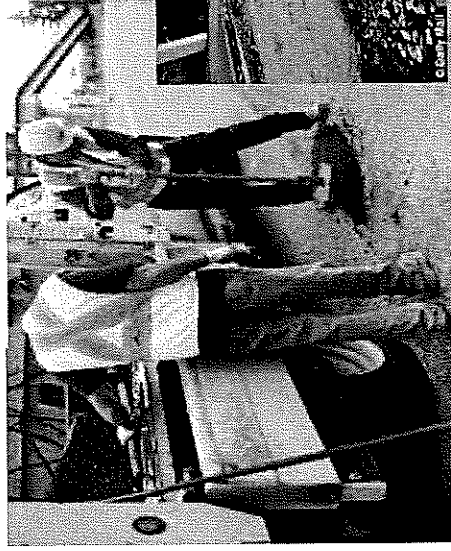
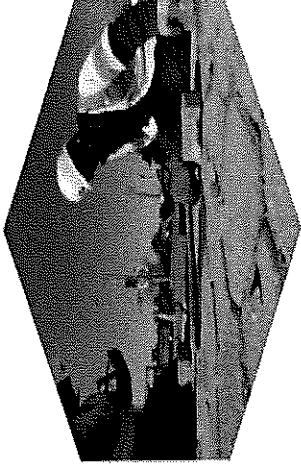
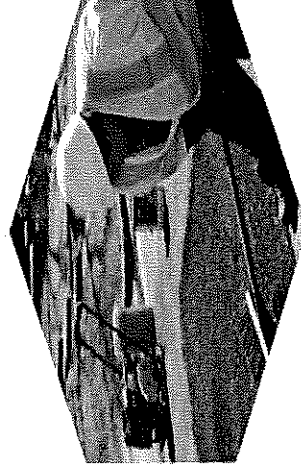
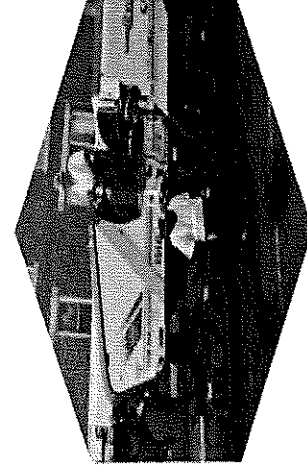
Year	Actual (%)	Budget (%)
2014	1.15	1.15
2015	1.15	1.15
2016	1.15	1.15
2017	1.15	1.15
2018	1.15	1.15
2019	1.15	1.15
2020	1.15	1.15
2021	1.15	1.15
2022	1.15	1.15
2023	1.15	1.15
2024	2.15	2.15

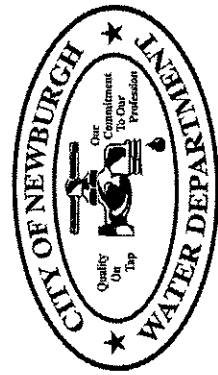
Abstract



POTHOLE REPAIR TEAM HERE TO HELP

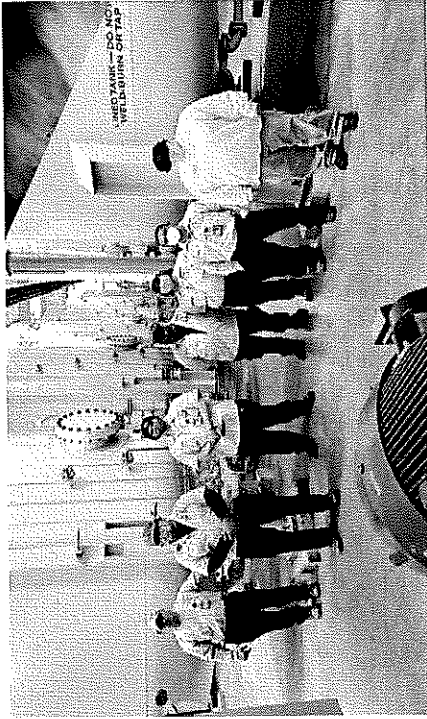
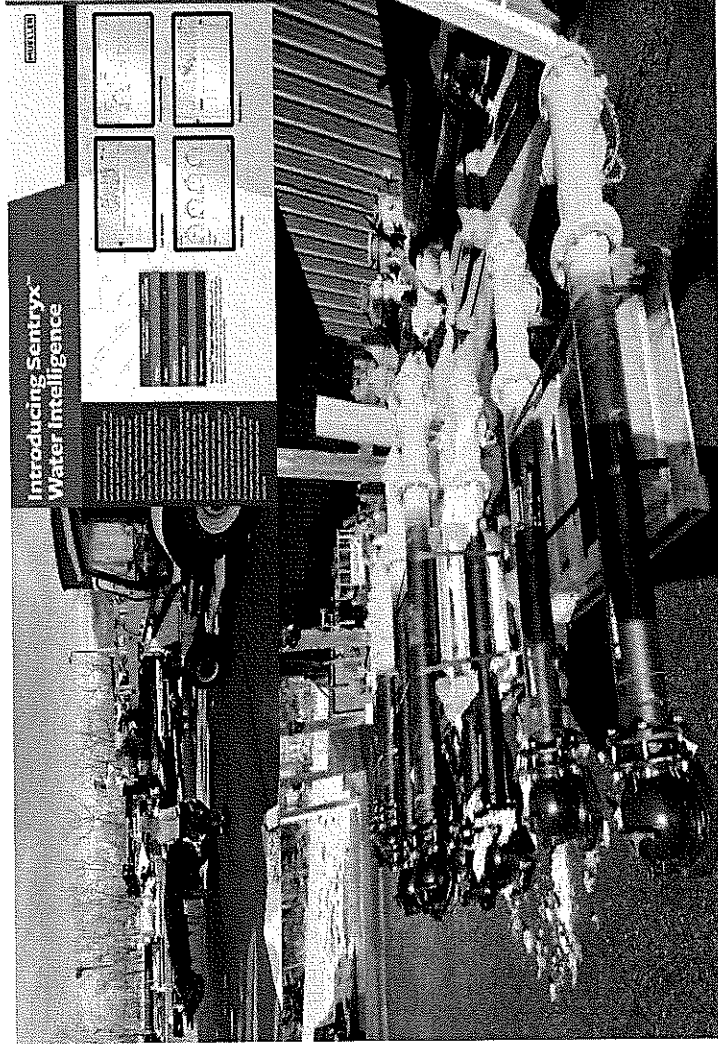
DPW (845) 565-3297 City Hall (845) 569-7300





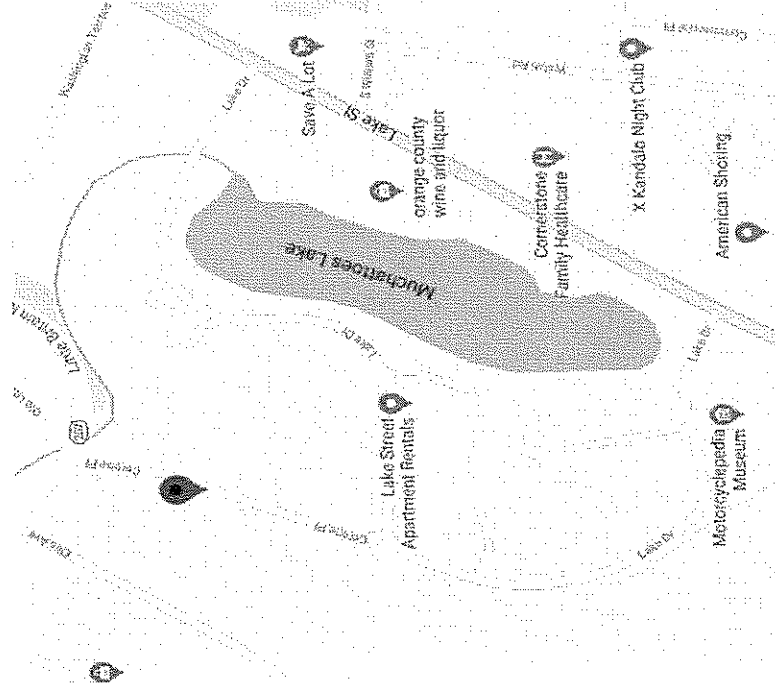
Quality On Tap!

Our Commitment  Our Profession





Lake Drive Bridge Replacement Project





NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE

RESOURCE
PUBLIC OF

NYS Executive Order 203 Final Report

City of Newburgh



Police Reform & Reinvention
Collaborative Plan

Page 1

EXECUTIVE ORDER 203

First formal meeting October, 6, 2020
General Orders & Policies reviewed

April 1, 2021 Deadline to Adopt a Plan

RIGHT TO KNOW ACT GENERAL ORDER NO. 0-40

Set forth guidelines for contacting
members of the community for
questioning.

Updated ID cards are available in
English and Spanish.



POLICE DEPARTMENT
CITY OF NEWBURGH, NEW YORK
DEPARTAMENTO DE POLICIA
CIUDAD DE NEWBURGH, NUEVA YORK

Lieutenant Joseph Cortez ID # 290
NAME / NOMBRE ID # IDENTIFICACION #

THIS CARD IS ISSUED PURSUANT TO CITY OF NEWBURGH, N.Y. LOCAL LAW
42-201, SECTION 86-3.1, WHICH PROVIDES THAT ANY POLICE OFFICER, AS A MEMBER
OF THE POLICE DEPARTMENT, SHALL BE SUBJECT TO THE FOLLOWING RULES AND REGULATIONS:

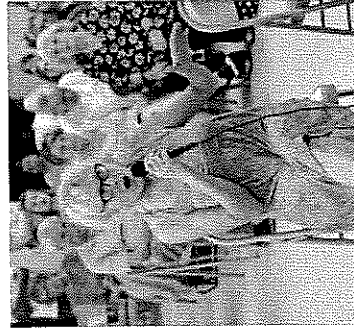
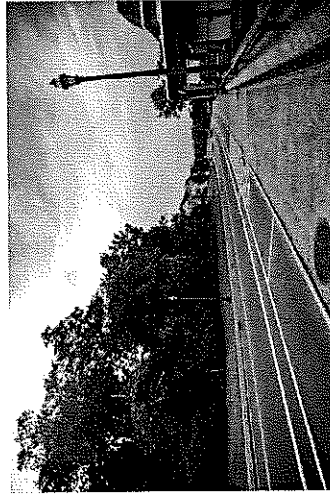
THE INDIVIDUAL TO WHOM THIS CARD HAS BEEN GIVEN TO MAY
CONTACT THE CHIEF OF POLICE OF THE CITY OF NEWBURGH POLICE
DEPARTMENT WITH ANY QUESTIONS, COMMENTS AND/OR COMPLAINTS.
AT 55 BROADWAY, NEWBURGH, NEW YORK 12550. IF A MEMBER OF A OTHER
DEPARTMENT, THE INDIVIDUAL SHALL CONTACT THE CHIEF OF POLICE OF THE
DEPARTMENT TO WHICH THEY BELONG.

YOU MAY ALSO CONTACT THE CITY OF NEWBURGH POLICE DEPARTMENT
AT (845) 366-3331 AND ASK TO SPEAK WITH THE CHIEF OF POLICE OR A
SUPERVISOR. IF YOU ARE A MEMBER OF A OTHER DEPARTMENT, YOU
SHALL CONTACT THE CHIEF OF POLICE OF THE DEPARTMENT TO WHICH
YOU BELONG.

YOU MAY ALSO E-MAIL THE POLICE COMMUNITY RELATIONS & REVIEW
BOARD AT PCRRB@CITYOFNEWBURGH-NY.GOV. YOUR E-MAIL SHOULD
CONTAIN THE WORDS "POLICE COMMUNITY RELATIONS & REVIEW BOARD" IN
THE SUBJECT LINE OF THE E-MAIL.



REGAL BAG PARKING





“Justice, Equity, Diversity and Inclusion are core values to the City of Newburgh, where there is a strong commitment to establishing and maintaining an environment free of discrimination. These values are promoted through the daily practice of professionalism, respect, acceptance and understanding. As such, City residents along with women, minorities, individuals with disabilities, members of the LGBTQ community, and veterans are encouraged to apply.”

PRESENTATIONS

Public Hearing - E.O. 203 Police Reform and Reinvention Collaborative Plan

Darcel Turner said she has some concerns. They are proposing to give the City Council the power to expel another Council member if they are disorderly. If they want the power to fire or expel another Council member then she feels that the community needs to be a part of that. The community that elects these officials should be part of this process and have some say in it so she wonders why there hasn't been more community involvement.

Mayor Harvey noted that this public hearing is regarding Executive Order 203 and she is speaking about a different matter regarding gross misconduct. There will be a public hearing for that so the public will be able to speak on it and if it were to pass then there would be a referendum vote by the City residents to remove. So if it got to a point where a Council member was voted on to have committed gross misconduct while in office then that referendum vote would go on the Ballot at the next Election cycle so residents could vote them off or keep them on.

Ms. Turner continued about the subpoena power and disciplinary power for the Police Review Board. Has that been looked into?

Mayor Harvey said they are currently speaking with Lawyers, the New York Conference of Mayors and our Legal Department on how to implement that fully.

Lillie Howard, City of Newburgh asked if the Police Community Relations and Review Board has subpoena power.

Mayor Harvey said not as of yet. It is a work in progress.

Ms. Howard asked how many Officers are in the City of Newburgh Police Department and how many are African-American?

Mayor Harvey said he doesn't want to go into a question and answer session. She should use her time to make her comments and if she has questions they will write them down and respond to them later in the agenda.

Ms. Howard asked why it is taking so long for them to get subpoena power. She brought up this question when this Board first started and was told that it was too expensive but it's now 2021 so why is it taking so long to make sure they have that power? How much more time before it is put in place? Hopefully the City of Newburgh will recognize and realize the significance and importance of our Police Department hiring individuals who are not racist and have concerns for all of the citizens of this City. She sat on that Board for a couple of years and hopes that this new Board has more powers than the one she sat on.

Carla Johnson, City of Newburgh, said that as a Board member of the PCRRB in Ward 1 she feels they have a great team and that they should have more powers such as the subpoena power. They are willing to do what they have to do to keep everything fair so the Mayor, Council and City Manager should consider giving them that power to change things and make them better.

Peter Frase, City of Newburgh said he reviewed the plan on the Website and found it underwhelming. He doesn't think this plan addresses the conversations that we need to have but it does at least acknowledge the deep problems in the relationships between the Police and the community in the City of Newburgh. We need to be having a conversation about redirecting resources from this department that consumes almost a third of the City's Budget toward other ways of meeting the needs of the people in the City of Newburgh. He thinks it's unfortunate to lead off with an item that suggest we will be putting more resources into forms of training, de-escalation, implicit bias and other things that have shown when studied not to have any significant impact on the outcomes in terms of encounters with the Police. He pointed out that some things if taken seriously can move us forward. Such as items two and three discussing data collection, transparency and releasing data to the public is extremely important in this department that consumes so many City resources and can have such a dire impact on the lives of the people involved with the Police. It is necessary that we have the information we need about what the Police are doing so we can have an informed and rational conversation about how we are allocating our resources to this department. He also highlighted some of the discussion on Police practices particularly in item six which discusses the issues of homelessness and people with mental illness or substance abuse crisis who need resources and services that the Police are not trained to handle. He wishes we could go beyond suggesting we will throw in something like Substance Abuse Counselors or Mental Health professionals alongside the Police and instead think about reducing the use of Police responding to situations where armed agents of the State are not appropriate. Over the years we have started to take for granted that Police are the response to every problem but they are not and we need to start rethinking that. As for Subpoena power for the Police Community Relations and Review Board he is glad the City is seriously investigating it. He has served on that Board and in order for people to want to serve and feel like their services are making a difference then subpoena power and a broader power for them to be more than just an advisory board is absolutely necessary so he hopes they find a way to do that.

Booker Curtis, Chairman of the Newburgh-Highland Falls NAACP said that his concern is chokeholds. There are two types of holds used by law enforcement agencies that should be banned: the carotid sleeper hold and the chokehold. The carotid sleeper prevents the flow of blood to the brain causing an individual to lose consciousness and the chokehold prevents an individual from breathing. Both restraint procedures are similar in their application by applying pressure around the neck area and if applied wrong can cause death as in the case of Eric Garner and George Floyd both who cried out, "*I can't breathe*". In law enforcement agencies where chokeholds have been banned but not the carotid sleeper, Officers will use in their defense that they were using the sleeper hold as in the case of Eric Garner. If an Officer or law enforcement individual has an opening to make a defense they will always use the latter. It is the position of the Newburgh-Highland Falls Branch of the NAACP that any form of restraint applied to the neck area that prevents the flow of blood to the brain which prevents an individual from breathing should be banned.

Ann Sullivan, Ellenville, New York reminded everyone that the Executive Order was enacted in response to racially biased law enforcement due to a long and painful history in New York State of discrimination and mistreatment of Black and African-American citizens. The Governor said, "*Urgent and immediate action is needed to eliminate racial*

inequities in policing". She was looking for a real transformational document but that's not what this is. In the introduction there isn't even an acknowledgment that racial disparity in policing in the City of Newburgh exists today. There is also no acknowledgment that corruption exists and yet two Officers were arrested in the last six months. She has personally experienced rudeness that was documented in her complaint filed against Officers Vasta and Loscerbo which was confirmed by the Investigator. This report says that there is a disconnect between the Police and the community but Ward meetings just aren't going to do the trick if your Officers harass and torture the community when we make a complaint. In this report it says that serious and systemic issues regarding policing exist. Serious questions were brought up about the process in the NAACP letters that are included in this plan. The so called interactive sessions where there was community involvement were very short and the presentations took up most of the meetings. The Police need to have more positive interaction with members of the community every day. One of the proposals in this Report is to stop patrolling with K-9's yet she still sees the truck out every day. Reviewing and analyzing the arrests and stops that result in tickets and non-tickets is critical in terms of looking at the racial bias not only within the City of Newburgh but also comparing Newburgh to other communities. Implicit Bias Training isn't something that is just four hours a year because it has to be woven into every single day of their lives. The PCRRB must have subpoena power and disciplinary power. If the PCRRB subpoenas records and testimonies and then the Police Chief or whoever is in charge gives that Officer just a slap on the wrist, it won't do any good. There has to be a hard look at real racial bias that exists in the Police Department now and when someone files a complaint they should automatically get the response. They shouldn't have to go through another FOIL process just to get the response to the complaint filed. Lastly, anyone who makes a complaint must be guaranteed protection from the Police against retaliation and harassment. From someone who experienced the looks of daggers to yelling her name inappropriately across the street it is no wonder so few people bring their complaints forward because of the harassment they see every day and the retaliation from existing Police Officers.

Cherilyn Brown, Middletown said she doesn't understand why in certain neighborhoods like Washington Heights or China Town they have Police to do their community policing with their kind. Chinese Officers and Spanish Officers to deal with the community so they don't make the community feel inferior. Why don't we have that? We only have white Police Officers in black neighborhoods and they can't relate to us at all. They are not from the same neighborhood and they don't speak the same language that we speak. Why is it that we have so little diversity? There is no community policing in Newburgh at all. Also on the City Charter amendment, who are we talking about removing from office? Now that certain Council members are speaking out trying to make things known they all of sudden want to remove people. Why wasn't this done before?

Mayor Harvey said that there will be a public hearing regarding the legislation that speaks to an amendment to our City Charter for gross misconduct of Council members so we will be able to address those issues.

Ms. Brown added it would be nice to see more community policing with our own kind in Newburgh.

Mayor Harvey said we are working on diversifying our Police ranks. The Chief, himself, Council members and the City Manager are looking to move to part-time Police Officers

as well in an effort to diversify the rank and file too.

Daniel Cronin, said that during the last meeting when he spoke the City camera was turned on his house and he wonders why. On the Executive Order 203 you don't need to defund anybody but you need to hold them accountable. He personally has a case that hasn't gone to the Grand Jury in ten months and there is zero evidence so what type of process is going on and why hasn't anyone returned his calls? This is the third time he will call for the Attorney General to come to Newburgh to oversee this.

Mayor Harvey told Mr. Cronin that they have had multiple conversations.

Mr. Cronin said that this is his time to talk.

Mayor Harvey told Mr. Cronin that he can speak about the 203 but he will stop calling people out at his Council meeting because they are not true facts. He can speak about the 203 or he is done and he will be banned from this public hearing and any future public hearings moving forward. Stop calling people's names, telling lies and disrespecting me, the City Manager and the Police Chief. It's a defamation of character because it's not true.

Mayor Harvey said that he has spoken with Mr. Cronin several times about his case and he has told him repeatedly that the Mayor does not deal with law enforcement matters that are in the Courts. He needs to speak to Attorneys, the Judge and the Grand Jury regarding his personal matters and these issues with the Police Department that have nothing to do with the Mayor, the City Council or the City Manager. They are personal matters that he has to deal with in the Courtroom.

There being no one else wishing to speak this public hearing was closed.

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

Darcel Turner, Town of Newburgh said that she has concerns with the Police and what's going on. The City needs work and she is in alignment with earlier comments made. She hopes there will be some changes in terms of diversity with black and brown Officers policing African-Americans and Latinos. It would be nice to have that type of diversity because people need to feel comfortable where they live and pay taxes.

Mayor Harvey asked Ms. Turner how the diversity is in the Town of Newburgh with the Police.

Ms. Turner said it is not diverse as well but she doesn't feel the heaviness. The Police in the Town are nicer and kinder than the Police in the City. The Police in the City are very aggressive to her and it shouldn't be that way.

Lillie Howard, City of Newburgh said she is eighty one years old and she has lived in the

City of Newburgh all of her life. She feels that there is more that should be and could be done to benefit the community but it seems like it never changes which saddens her heart. She hopes and prays that she gets to see things move in a more positive direction for the African-American communities in the City of Newburgh. It seems like we go round and round but nothing changes for the African-Americans in this City which is a sad situation but it is going to take a change of heart to make things better. Hopefully things will begin to move in a better direction.

Peter Jagninski, Montgomery Street spoke about the Regal Bag sale of 2.6 acres down by Water Street. From what the City Manager said earlier that is not going to be approved which he is in support of. He feels like Newburgh is in a hurry to sell off all of its public lands which he doesn't understand especially anything that resembles Park Land because we have so little of that here. Just because people don't have clear ideas about what they want to do with land doesn't mean we should give it away. He is very positive about where this City is going in the future and he hopes that keeping open spaces will be a part of that and he will support any Politician who tries to forward that goal.

Nita Sutton, N. Liberty Street said she is happy to hear that this agreement with Regal Bag is not being renewed. She was not aware of it at first and lives in close proximity so it would have impacted her quality of life. She is really happy they made this decision.

Carla Johnson, S. Miller Street said just recently on Friday there was a high speed chase in front of her building with several vehicles that she feels was uncalled for. She thought there was not going to be any more high speed chases in the City of Newburgh. On the City Charter situation, she understands their intentions for coming up with that plan and now the community can pick and choose who they don't want to be elected officials any more. She also agrees with the subpoena powers and disciplinary powers for the 203. She told Councilwoman Sofokles that in Ward 4 a great person bought a house on Lutheran Street in 1976 named Mr. Youngblood who recently passed away. She would like to know if the City Council and City Manager could come to some type of resolution changing Lutheran Street to Mr. Youngblood's name. He was here since 1976 and he was the first black owner on that block so please consider that.

Kippy Boyle, Grand Street said she is encouraged to hear that the Council has been listening to the community and acknowledging their concerns about City owned land. By not extending the option agreement they are now able to honor the highest and best use standards for City owned lands which must be coherently established and vigorously upheld. She hopes they will halt any action on that property for at least twelve months and order a best use analysis asking the Planning Board to lead and include all of the Boards, Commissions and members of the community. If it turns out that the best use is development then RFP's would go out to all qualified developers but there is always the possibility that considering sustainability, complete streets, climate smart communities, the Master Plan and LWRP it's possible that the highest and best use might be an open public space. The whole Waterfront area seems to be in limbo and it would be great to get an update for the public on what is happening with our dock area and the properties we own.

Ann Sullivan, Ellenville said she is glad to see the change in the language for job ads and encouraged the Council to take one more look at it to see if it is really encouraging hiring that will look like this community which is eighty percent black and brown. She doesn't

think it encourages Spanish speakers to apply so they should take another look to make sure that the language is actually a reflection of the majority of the residents of this community. Similar language as well as incentives need to be included in every RFP that is issued so that as the City selects contractors they actually are encouraging MWBE contractors, sub-contractors and contractors from the City of Newburgh to apply with incentives that give those contractors extra points in the bidding process.

Judy Thomas, City of Newburgh echoed the sentiments of Ms. Boyle regarding the Waterfront land which belongs to the citizens of the City of Newburgh. She added that a lot of people on the list to speak tonight were not able to unmute their microphone in time so perhaps they could be given a second chance to speak. She thanked Mayor Harvey for mentioning the celebration of International Women's Day.

Nadia Tarr, Montgomery Street asked if the Council could address in closing statements if at this time Regal Bag has taken the option to purchase the land which is why the vote is not necessary. Moving forward it will be important to set some kind of standard so this can't happen again. Originally the City Council voted on a plan that was built promising economic growth, housing, commercial and public space, jobs and tax revenue which was the basis of why this special arrangement was made. Unfortunately it was not written into any form of contract that should that plan change, the situation would need to be reassessed. That is a huge oversight that we cannot chance again. Had that been done so much energy would have been saved. To go from this kind of plan to a blacktop parking lot without any attention to wanting feedback from the community is not somebody we can trust to do this kind of development in our City. Anyone who thinks a parking lot is appropriate in that space cannot and should not be trusted with our City land. She urged them to find a way to make sure that this never happens again because it just speaks to the potential for many bad plans in the future.

Belinda McKeon, Montgomery Street echoed the comments of her neighbor asking if Regal Bag has purchased that land. She walked home this evening and was stopped in her tracks by the beauty of this City. Coming down Clinton Street to Montgomery Street she watched the sunset and thought as she always does how fortunate she is to live here. How much was lost in Newburgh because of planning that was at best shortsighted and at worst willfully destructive? We don't need reminding that the houses on Montgomery Street are the fortunate survivors of a demolition that took almost an entire city down in the 1960's. That destruction was allowed to happen with only lip service towards rebuilding with no contract or obligation on the developer and a beautiful waterfront city was decimated. Despite the hardships the City has managed to survive to create for itself a different future and to be beautiful and vibrant despite those hardships and to have a future now. Let's try to do right by that piece of land which is empty because developers leveled it more than half a century ago. Let's do right by the City and have the thing that people see upon arriving at its architectural gateway something that benefits the community. She is glad there won't be a parking lot to create an incubator for fumes and a runway for speeding cars but why not a Park to be designed and beautified by local Artists or a safely enclosed playground for all of the kids in the area to enjoy. The community has many ideas.

Marianne Marichal said it was a pleasant surprise to hear that they listened to our community voices and will not be extending the four year purchase option agreement they entered into to develop and purchase that beautiful Waterfront land. There will also be no amendment or modification to the scope of the option agreement. There had been an

ample amount of time to come up with a more thoughtful proposal that takes into account the needs of the City and its constituents. There was a time she and other community members tried to engage with their development team after a couple of presentations to the Planning Board but they were less than communicable. That drove home how important it is to have any developer that the City works with include the community in their development planning discussions. The City needs to decide the highest and best use for this property and not leave it to the developer who in this case was initially wanting to build a parking lot that was clearly not in our best interest. She hopes that the City considers putting a moratorium on this property and in that time the Planning Board, other City Boards and community members come together to determine for ourselves what is the highest and best use for that property before moving forward with any development.

Gabe Berlin, City of Newburgh said that he lives less than a block away from this land and is Chair to the City's Transportation Advisory Committee. He was surprised to find out that the Regal Bag owners wanted to extend a standing agreement they signed with the City to purchase that land. The owners have had nearly four years for purchase and development and yet have not done so and he is glad to hear that the City Council will not be renewing the agreement. This is a wonderful opportunity for this community at large to rethink the possibilities and take into account the City's vision for itself. Part of what was so unfortunate about the original agreement was the degree to which it does not reflect the wishes of the public. When the original plan for a parking lot was presented in July, 2019, twenty six people spoke at that public hearing and twenty four of them were against it so now we have a chance to reflect the community's overwhelming wishes. As the Chair of the Transportation Committee and the passing of the complete streets resolution in 2019, that legislation states in part that the City of Newburgh will develop and maintain a safe, accessible and equitable transportation network that provides alternative transportation options for all users, coordinates adjacent land uses and promotes a more livable and walkable community for people of all ages. The Transportation Committee encourages this project to be evaluated in that context. Does a parking lot promote access from diverse modes of transportation? Is a parking lot designed to balance the needs of pedestrians, bicyclists and public transit as well as motorists? Does a parking lot encourage public access and future development? Does a parking lot fit the unified public and private vision the City has laid out for itself in the complete streets policy? The answer to all of those questions is of course, no. He lives very near the Regal Bag building and has never seen the street parking in front of the building full so parking is not an urgent need. When the City considers the possibilities for that piece of land, he asks them to make no mistake about who a parking lot would benefit. It would not benefit the people of Newburgh.

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

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

Councilman Grice thanked the public for speaking tonight. He also thanked the 203 Committee for all of the hard work they have done and he would like to keep some sort of monitoring with that. He is concerned with the K9 use of force so he hopes to take a better look at that. They should be used for drug sniffing or finding a lost person but not for force. Regarding data, he believes Ms. Howard is asking how many Officers are African American, how many are Latino and how many live here. He requested more fine-tuned data on that but it includes names and other personal information that will have to be cleaned up before sharing it with the public. When jobs are posted they should cater to City residents and minorities. That doesn't mean we are going to start firing people and we have to be careful about how we judge people who work here. Just because they don't live here doesn't mean they don't care about our City passionately. He said he has already made his comments known on Regal Bag and he stands by that and believes the best use would be for housing or mixed use development. On the gross misconduct, we are going to have a public hearing on that but he wants to be clear that it is not about an individual that is currently on the City Council. It's about making it more professional and it should have been enacted years ago.

Councilwoman Mejia thanked everyone for their participation tonight. On the Executive Order 203 and how the data is shared and collected, it should be a community process. There are certain things as a municipality that we track in general and then there is additional information that the community would want so she thinks that should get kicked back to asking the community how they would like to be asked and what they would like to be asked. She feels that the other recommendations are the beginnings of a transformation for the Police Department. She thanked everyone who participated on that Committee and for the work that they did. On Regal Bag, she has been very clear on where she stands on that. She is excited about the community choice aggregation on the Agenda tonight which will help make us a greener smarter community. On the amendment to the Rules of Order, she said it is important to have and them and we need to engage and be clear about what it means to remove an elected official from Office.

Councilwoman Monteverde wished everyone happy International Women's Day. On the 203 process she is happy to hear the public comments as it continues to be a work in progress. It's not a done deal and we are going to continue to reach out and engage the community which has been difficult with the pandemic. She thinks it would be good to get the town hall meetings up and running again even with smaller work groups to share information. Some people are afraid to come forward and speak up but she would love to hear from her constituents on what is going on and their thoughts on this. As for the other items on the Agenda, we are not moving forward with the extension for Regal Bag and she is happy about that because she doesn't think that is the direction we want to be going in at this time.

We want to rethink that and look at our vision and what we want to see in the City of Newburgh so we need to engage the community and find out. The community aggregation which is on for a vote tonight is a good thing for us because it's part of an action plan that we have in place as a Municipality that has pledged to be clean and green moving forward

and reducing our emissions. We get points for that so we can apply for Grants once we go down the line and this is one of the things we can add to our list of what we are doing to reduce our carbon footprint.

Councilman Shakur said on the Regal Bag issue that he wants everyone to know that was urban renewal land so any urban renewal descendants should have a decision in that. On the Police chases, for the third time he has witnessed chases up and down his street where kids and women are for insignificant misdemeanor charges. That has to stop and we should let the community know what the policy is on that. In regard to Executive Order 203, the Governor said *"To rebuild a police community relationship each local government must convene stakeholders for a fact based and honest dialogue about the public safety needs of their community. Each community must envision for itself the appropriate role of the Police and Policies must be developed to allow the Police to do their jobs to protect the public and policies must meet with local community acceptance."* The Government says we must involve the entire community in this discussion. So he would like the community to know how many people attended these meetings and made these decisions. If the entire community is supposed to be involved, he would like to know tonight how many people attended the last three meetings on this. If the entire community is not involved then anything going up to Albany is not from our community. Until our entire community is heard from then nothing should go forward to Albany.

Councilman Sklarz thanked everyone for participating tonight. It has been wonderful seeing vaccinations taking place over the past few weeks in the City of Newburgh but many people don't have computers so we have to find ways to help people sign up at the County website. It's wonderful news that we finally have a mass vaccination site in Orange County, however, the Middletown site is not accessible to our elderly and those who don't have transportation so we need a mass vaccination site here in the City of Newburgh. On Regal Bag he thinks they are all in agreement that since the sale of the property four years ago things have changed. The Mayor's Strategic Economic Development Advisory Committee was formed and we reached a consensus that further development of this parcel be reviewed and be subject to the RFP process. He welcomes the change to the title of Human Resources Director and having the new position report directly to the City Manager. The establishment of that title will strengthen our approach to meeting goals that the City Manager talked about to improve our numbers and have a workforce that better reflects the population that it serves.

Councilwoman Sofokles thanked everyone on the Executive 203 Committee and said they did a great job. She is glad we are going forward with the RFP for the Regal Bag parking area. She remembers Urban Renewal, which was devastating so we need better planning for the future. To Ms. Johnson about the Youngblood family she said she recently requested that and will be reviewing it. To Belinda McKeon on Montgomery Street she told her that they hear her. She is excited about the new hydrants because it's another step in the right direction.

Mayor Harvey said he was disappointed with one of the individuals on the list to speak tonight. From now on he will get a list of the names and he will be calling on them at the City Council meetings so he has a little more control on what is being said and if there are personal attacks on the leadership. We welcome people's comments and opinions but we do not welcome or want any personal attacks and defamation of people's character. He

will be reaching out to his personal legal team to address this matter because there were some things said in a chat that he has a record of. He is going to ask the City Manager to print the chat because some things were said about him personally which were untrue and a defamation of character. This was an attack on him personally so he will speak to his legal team to see if slander matters will commence. On the Executive 203 Board, he commended them all for the hard work they have endured with this tall task. We are talking decades of challenges between police and community relations with this order that came from the Governor's Office with a deadline that we have to meet in April. This process is just beginning so it is not over when we submit that report to Albany. He added that we have hired a Consultant on police matters who is continuously working and chokeholds have already been banned and are not to be used in our City. The Strategic Economic Development Committee is doing great work and are continuously working with our Planning Department. A resident asked for an update on what is going on with the Waterfront properties and we will get that information out. We have a competent Planning Department, City Manager, himself and the Council working on moving forward with development responsibly without displacement and there is a ten year Master Plan.

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

CITY MANAGER'S REPORT

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

Councilman Grice said he knows this is a matter of just moving it along but he wanted to express his objections. It is not necessarily about that business but he wants to emphasize that moving forward we really need to have whoever is buying the property be the person that owns it and not someone else investing. He liked Councilmember Mejia's suggestion that from now on we look at City owned properties that could be an incubator for the businesses that we want to help develop here in the City of Newburgh. On this one he will be voting no but it is a matter of principal.

Councilman Shakur said this was part of a two building deal that was shut down. Wasn't this guy part of this? This seems like some sort of back door deal that we are doing. Is this the same guy that was in business with the guy that wanted 185?

Michelle Kelson, Corporation Counsel responded with a no. The property was offered for sale and that buyer withdrew all of their offers on 182 and another building. We then brought back the property for sale to the second highest bidder and they all had a copy of the sale and the offer history. That sale was approved and what we are asking you to do here is a housekeeping measure. Several purchasers ago there was a set of deed covenants that is making it more difficult for the current buyer to obtain title insurance. We are just asking you to release this old set of covenants so the new buyer can get title insurance and then he can close and get a fresh set of rehabilitation covenants that we will be able to enforce.

Mayor Harvey said he received messages regarding this matter. 185 was sold correct?

Ms. Kelson said no. This is 182.

Mayor Harvey said he knows that we are discussing 182 now but he is trying to understand the history between 185 and 182. 182 from his understanding was an In-Rem property a couple years ago.

Ms. Kelson said that they were all In-Rem properties several years ago. One of those buildings you agreed to sell back to the person who lost it in tax foreclosure and that was 185 or 189.

Mayor Harvey said he thought 185 got sold.

Ms. Kelson said we brought you a purchaser to by 182 and 185 which was approved but then that buyer withdrew both of his requests for purchase and never closed. With 182 we had other offers on the table which we brought to you with an offer history and went with the second highest and best offer. 185 is still on the market and 189 was sold back to the owner who lost it in tax foreclosure many years ago.

Councilwoman Sofokles moved and Councilman Sklarz seconded.

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

Nays: Grice, Shakur-2

Adopted

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

Councilman Sklarz moved and Councilman Grice seconded.

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

Adopted

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

Councilman Shakur moved and Councilwoman Sofokles seconded.

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

Adopted

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

Councilwoman Monteverde moved and Councilman Shakur seconded.

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

Adopted

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

Councilman Shakur moved and Councilman Grice seconded.

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

Adopted

Resolution No. 41 - 2021 - SNY Play Ball Grant

Councilman Shakur moved and Councilman Grice seconded.

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

Adopted

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

Mayor Harvey asked if this was extending the workday.

Michelle Kelson, Corporation Counsel said it is not extending the workday. Elected officials generally do not have a standard Monday through Friday, forty hour nine to five workday so they have to keep a record of their activities to establish their regular working schedule in order for the City to enter data into the retirement system. We have to do this resolution periodically as new Council members come on board. They document their activities for a certain period of time, we pass a resolution and it gets posted on the Website so then your time can be properly credited to the New York State Retirement System.

Mayor Harvey said that he just recently did this and it was a substantial amount of work because we work around the clock. He just wanted to make sure that this wasn't something new or different from what we already established. This is just a matter of protocol.

Councilman Grice said he wants the public to understand that we do record our hours. He submitted his hours after some time and did it wrong so the State does monitor that. This brings elected officials to a professional level.

Councilman Grice moved and Councilman Shakur seconded.

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

Adopted

Resolution No. 43 - 2021 - 2021 Personnel Book Amendment

Councilman Sklarz moved and Councilwoman Mejia seconded.

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

Adopted

Local Law 2 - 2021 - Community Choice Aggregation

Councilman Shakur moved and Councilman Grice seconded.

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

Adopted

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

Mayor Harvey said there seemed to be some confusion based on the comments made earlier. This is an amendment to our Rules of Order in the City Charter and there will be a public hearing so the public can give their input. This is not pointing at any one person and it has been researched and vetted for a number of months so we all support it. If the conduct of a Council Member ever reaches the level of gross misconduct then there are penalties with levels that could possibly lead to a referendum vote which would be in the next Election cycle so the public would have a chance to vote on the removal of an elected official.

Councilman Shakur said if the community feels that someone is not doing their job can we hold them accountable?

Michelle Kelson, Corporation Counsel said to be clear this is not a proposal to create a mechanism for recall. If this gets adopted as it is currently drafted, the whole proposal would go to a vote for a referendum because of the change in the method for removal of an elected official. What this does not do is create a system whereby anytime the Council determines that misconduct of such a level has occurred that there will be a vote by the public to remove that Council member. That is not permitted in New York State. That is a form of recall and New York State law does not allow that at any level. You cannot recall the Governor, you cannot recall your Assemblymen, you cannot recall your Mayor and you cannot recall your Trustee. This sets up a standard and procedures for the Council to police itself. That's what this proposal does and tonight you are voting to schedule a public hearing so that the public can tell you what they think of the proposal that is presented and then you can discuss it, make changes and determine how you want to proceed.

Councilwoman Mejia said that this is a vote for a public hearing so that we can hear from residents.

We have a Democratic process for this which we do every four years so for her this is more about the Rules of Order that we need to discuss.

Councilman Shakur said that Councilwoman Mejia clarified that we already have an election process in place so we don't want people to think that the City Council is taking it upon themselves to remove someone who was elected.

Ms. Kelson said that whatever the penalties may be that is for a future discussion as this is just a proposal. In addition to setting up standards of conduct and potential remedies or disciplinary actions this also sets up a procedure whereby before any penalty can be imposed the Council Member would be advised in writing of the conduct that is alleged to be a violation of behavior. Following that written set of charges the Council member could demand to be heard at a public meeting of the City Council to respond to those charges and then there would be opportunity for deliberation in that regard. They would have a notice of what they are being charged with and an opportunity to be heard before any action would be taken which is the procedural due process part.

Mayor Harvey said that beyond the procedural due process the consequences or penalties have yet to be determined but this is the first step and then that will be the second step correct?

Ms. Kelson said if there is a finding of misconduct then this proposes that the Council would then have the right to determine what the penalty should be and this particular proposal lists six possible penalties. Again, that could change in any final local law that is adopted but it does give someone notice of what those penalties might or could be.

Mayor Harvey said he just wants to make it clear that the proposal reads: 1 - Denial or limitation of any right, power or privilege of the Member 2 - Reprimand 3 - Censure 4 - Fine 5 - Expulsion from the Council and 6 - Any other sanction determined by the Council to be appropriate. He asked Ms. Kelson to clarify what expulsion from Council means under these terms.

Ms. Kelson said that it is contemplating that they would be removed as a Council member.

Councilman Shakur said then we are talking about the Election process.

Ms. Kelson said it is a proposal and at any time you are free to suggest amendments to the proposal.

Councilman Grice moved and Councilman Shakur seconded.

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

Adopted

NEW BUSINESS

There was no new business to discuss.

OLD BUSINESS

Councilman Grice said that he and the IT Department are ready to present what our next moves are as far as streaming to Facebook for our meetings so we will have something put together soon to present to the Council for suggestions and approval. He personally thanked the IT department for all of their hard work on this.

Councilman Shakur asked for a quarterly report on the Consultant we hired for the Police Department to see what he is doing with the money we are paying him. A lot of people have also been asking him about the bulk pick-up and if we are planning on doing it again.

Mayor Harvey said we did the bulk pick-up until the end of December but not for January, February and March. One of things we advocated for was to continue the bulk garbage pick-up and the last few months in 2020 that we did it was sort of a pilot program so we need a report on if that will continue. We did a 10% sanitation hike about a year ago so the tradeoff was to have more bulk garbage pick-up.

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

FURTHER COMMENTS FROM THE COUNCIL

Councilman Grice noted that it is International Women's Day so he wanted to thank his colleagues for stepping up and serving our City and his wife who is very supportive of him. He supports the subpoena power for the PCRRB so it just has to go through the legal process of what that would look like and he hopes we find money soon for a Chief Diversity Officer. He also supports what Mr. Donat has put out in the statement for the job postings but before we even put up any job postings perhaps we could work with organizations such as the NAACP, local Churches and other local organizations first and put that we are actively seeking City of Newburgh residents and minorities. Mayor Harvey mentioned that we do have a plan for the Waterfront and the Urban Renewal land so please follow the

meetings so that everyone is informed on these discussions.

Councilwoman Mejia thanked everyone who participated tonight and said it has been a very robust meeting. She thanked Councilman Sklarz and Mayor Harvey for continuing to push with the vaccination efforts that are taking place but more needs to be done. She personally thanked Mayor Harvey and Mr. Donat for pushing for a site here in the City of Newburgh where people can just walk in to get vaccinated if they are interested. Challenges always arise with access to technology and language barriers so she wants to continue to push on that front and thank everyone from the bottom of her heart.

Councilwoman Monteverde thanked everyone for coming out tonight. On the last push for the vaccinations she was helping people because it is not an easy process for those who don't have access to the Internet or are not familiar with how to navigate that website. If that process was made a little easier she thinks it would make it so much better for our community. It is International Women's Day but she says let's make every day Women's Day and celebrate what women have accomplished. *"We can all choose to challenge and call out gender bias and inequality. We can all choose to seek out and celebrate women's achievements collectively and we can all help create an inclusive world. In solidarity with my sisters we will continue to rise together and hold each other up. Happy International Women's Day."*

Councilman Shakur wished everyone a happy International Women's Day. He is in favor of subpoena power and discipline power for PCRRB because they go hand in hand. Some parents have been asking him about summer jobs so will we have a comprehensive program where the kids can sign up? As the weather warms up he wants to make sure we have a plan and work with the County to make sure we have some jobs for the kids this summer.

Councilman Sklarz said on the 203 Committee that it's important to remember the progress we've made over the last six months. The Police Community Relations and Review Board has been revamped with new members who are committed to improving policing and community relations. The 203 Committee will continue beyond April 1st with its mission to insure that recommendations made have been implemented. Both the Community Relations and Review Board and the 203 Committee continue to welcome comments from the public that will help improve this critical relationship between Police and citizens. On subpoena power he wants the public to know that he believes the Council is one hundred percent in favor of it so it's just a matter of figuring out the legal hurdles. On vaccinations he wants it to come to a point where people can walk in and get the vaccination. It needs to be that simple because some people aren't sure whether to get it or not and they find it's a hassle so they don't get vaccinated. We also have seniors and those who don't have computers so we want to take away all of the hurdles and excuses by having a mass vaccination site in Newburgh that people can take advantage of.

Councilwoman Sofokles agrees we need a mass vaccination site in Newburgh because just like with Small Pox, Mumps and Rubella it took a vaccine to control it so that is what we need here. She has guided a few people who have called her for help with the vaccine. The 203 Committee has worked very hard and she appreciates everything they have done. Rob McLymore is one of her favorite people in Newburgh and he is one of the best people she knows so she resents anyone questioning what he does. If anyone represents this

community, it's Rob McLymore.

Mayor Harvey thanked everyone who came out tonight and noted that the vaccine project is a top priority for him. He has written letters to the Governor and he has written and spoken with Senator Chuck Schumer, Congressman Maloney, Senator Skoufis and Assemblyman Jacobson and we have seen some great things already happen. Our County Legislator, Stephen Neuhaus championed for our City and last Friday vaccinated twenty three hundred people at the SUNY Orange site here on Grand Street. The week before that we vaccinated one thousand people and at the same time there were two to three hundred people getting vaccinated at the Armory Unity Center. Since then he has heard from Chuck Schumer's office that Cornerstone is a Community Health Care Center that is federally designated which means they are getting doses from both the State Government and the Federal Government so the elderly or people don't have access to the Internet can call Cornerstone. He gave a shout out to Congressman Maloney who has worked with him and other elected officials in the area as well as Steve Neuhaus in signing a joint letter that is going to FEMA and Governor Cuomo to have a permanent site in the City of Newburgh beyond what Cornerstone is doing. On the Street Sweeper Program depending on the money that will come through this Rescue Plan we will see how much we can appropriate to a summer youth employment program like we did last year. The Street Sweeper Program would be for summer youth employment as well as adults particularly those who are in a re-entry program from incarceration. He thanked everyone for their hard work especially the women in his life and those who work for the City of Newburgh.

ADJOURNMENT

There being no further business to come before the Council the meeting adjourned at 9:42 p.m.

LORENE VITEK
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.

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.

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)
)
COUNTY OF ORANGE) ss.:

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.

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.

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.

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

§ 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

§ C5.00

§ C5.00

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.

§ 23. Local laws subject to mandatory referendum, NY MUN HOME RULE § 23

 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.

§ 23. Local laws subject to mandatory referendum, NY MUN HOME RULE § 23

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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§ 36. Removal of town, village, improvement district or fire..., NY PUB OFF § 36

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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