

A Special Meeting of the City Council of the City of Newburgh was held on Thursday, May 20, 2021 at 5:50 PM via a Zoom Digital Platform.

Moment of Silence / Momento de Silencio

Pledge of Allegiance/ Juramento a la Alianza

Roll Call/ Lista de Asistencia

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

COMMUNICATIONS

Executive Session -- 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

Councilman Shakur moved and Councilwoman Monteverde seconded that the Council enter into an Executive Session to discuss 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.

All in favor the Council entered Executive Session at 6:04 P.M.

Councilman Shakur moved and Councilwoman Sofokles seconded that the Council exit out of the Executive Session.

All in favor the Council exited Executive Session at 7:17 P.M.

CITY MANAGER'S REPORT

Resolution No. 123- 2021

Councilman Sklarz stated that “The Same Old Newburgh” is what people will be saying, as Newburgh’s city councils are famous for micromanaging their city managers [from Harry Porr to Joe Donat], making a change every two years. Here we go again, and this time it was not due to performance-based issues. Three months ago Donat had a favorable evaluation. Now just three months later, five members of this council came to the decision not to renew his contract. If we had the opportunity to collectively discuss the matter, and put our heads together, then perhaps we would have been able to retain both individuals. Some of us anticipated that a caucus would be held to express our opinions on issues related to contract extensions. There also was no caucus held concerning the appointment of a new city manager, or the salary to be offered. Sklarz is deeply disappointed by the way this was handled. To make critical decisions without any group discussion or follow-up, is not the way to make critical decisions for our city, and it clearly doesn’t foster team building within the city council.

Sklarz commended Donat for all of his work in the city. He knows that his tenure has not been an easy one, and he helped navigate us through a difficult and painful budget process. The pandemic has challenged all of us, and Donat skillfully managed this city through, what Sklarz described as conflicting directives from the State and Federal governments. Donat has repaired the strained relationships between our Local, County, State and Federal Partners, which were damaged by prior administrations. These partnerships that Donat has rebuilt will benefit the City of Newburgh for years to come. Sklarz wished him well.

Councilwoman Sofokles stated that she agreed with Sklarz 100%. She has never seen anything like this, and for her to just hear about it on Saturday is very disappointing. Newburgh always misses an opportunity to miss an opportunity, and this is what always happens here. She thanked Joe for everything that he has done. He was handed a mess; but, he got us through a lot. Sofokles has nothing against Todd Venning, and she thinks he is amazing person; yet she does not like the way it this was handled.

Councilman Shakur stated he is glad that we got through this situation. Maybe if some members of city council came to City Hall and talked to the employees, then maybe they would know what is going on beforehand. People should come out and talk to the people in the offices instead of making references about what happened. Speak to your workers and your constituents sometimes.

Councilman Grice commented that he does not discuss matters of employment publicly. It is not the way to go, and it does a disservice to any of our employees. He thanked Mr. Donat for a job well done, and he welcomed Mr. Venning onboard.

Councilwoman Monteverde stated that it was totally unexpected, but she felt that it was an opportunity that we just could not pass up. Newburgh is ready for the next phase and we are ready to move on. She thanked Mr. Donat for bringing us to where we are now.

He brought us through some very tough times, including the pandemic. Monteverde stated that she has a lot of confidence in Todd Venning. She knows that he is going to continue to move this city forward, and she is extremely excited about it.

Councilwoman Mejia expressed her gratitude to Mr. Donat for his leadership. For her, this is an opportunity to elevate our CFO and our City Manager in one individual, who has all of the financial oversight and responsibilities that are very important for our city. She thanked Mr. Donat and welcomed Mr. Venning.

Mayor Harvey thanked Mr. Donat for his hard work. He worked very closely with him, and they have been in the trenches together. They have gone through some very difficult times here in the City since his tenure. It is an honor and privilege to have worked hand-in-hand and shoulder-to-shoulder with Mr. Joseph Donat. Harvey stated that he would work with him again, on any day or night, as he is an extremely hardworking and great individual. Harvey added that it is the will of the council, according to the City Charter that decides whether the council, with a super majority vote, will renew the City Manager's contract or go into another direction with someone else. He agrees with Grice that he finds it in poor taste to discuss personnel matters in a public forum.

Councilman Shakur moved and Councilwoman Monteverde seconded.

Ayes: Grice, Mejia, Monteverde, Shakur, Harvey - 5

Nays: Sklarz, Sofokles-2

Adopted

Resolution No. 124 - 2021

Councilman Shakur moved and Councilman Grice seconded.

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

Adopted

RESOLUTION NO.: 123 - 2021

OF

MAY 20, 2021

**A RESOLUTION APPOINTING TODD VENNING
AS CITY MANAGER OF THE CITY OF NEWBURGH**

BE IT RESOLVED, by the Council of the City of Newburgh, New York that Todd Venning be and hereby is appointed as City Manager of the City of Newburgh effective as of 12:00 A.M. on May 23, 2021 pursuant to City Charter Section C.5.00(A)(3). The terms and conditions of the appointment shall be memorialized in a written contract of employment as follows:

1. The term of the agreement shall be two (2) years.
2. He shall receive an annual salary gross salary of \$200,000.00 to be increased by 1.5% effective on the completion of each year of service.
3. He shall establish residence within the City of Newburgh as required by City Charter Section C.5.00(C) and the Public Officers Law within 120 days of the commencement date of employment as provided above.
4. He shall be entitled to carry over unused vacation, personal and sick days accrued during his service as City Comptroller. He shall be entitled to the same vacation as other non-bargaining unit members as set forth in Resolution No. 60-2019 of March 11, 2019.
5. Except for vacation, personal and the sick leave carryover covered above, he shall be entitled to the same paid leave policies as other non-bargaining unit managerial employees as set forth in Resolution No. 60-2019 of March 11, 2019.
6. He shall be entitled to the same paid holidays as other non-bargaining unit managerial employees as set forth in Resolution No. 60-2019 of March 11, 2019.
7. He shall be entitled to the same health, dental, optical, life and disability insurances as other non-bargaining unit managerial employees as set forth in Resolution No. 60-2019 of March 11, 2019.
8. He shall be entitled to participate in the New York State and Local Employees' Retirement System and the New York State Deferred Compensation Plan as provided to all City employees to the extent provided by New York State law.
9. The City Council shall make an annual budget appropriation for the cost of courses, conferences and seminars for the purposes of education and professional development; to pay for dues and membership fees in the International City/County Management Association and other professional

and local civic organizations relevant to the duties of City Manager; and to pay the cost of travel expenses associated with professional and official travel to meetings, conferences and other events for the purposes of carrying out the duties of City Manager.

10. He shall be entitled to defense and indemnification of legal claims arising out of the scope of his employment as City Manager as provided to all other public officers and non-bargaining unit managerial employees as provided by Section 18 of the Public Officers Law and City Charter Section C.3.92.
11. Termination shall be in accordance with City Charter Section C.5.00(D).
12. Council shall provide 60 days' notice of non-renewal.
13. Severance, if terminated in accordance with the procedure provided in City Charter Section C.5.00 (D), shall include a payment equal to the 14 weeks at his then current salary. Upon separation from service for any reason, he shall be entitled to the same severance as provided to other non-bargaining unit managerial employees as set for the in Resolution No. 60-2019 of May 11, 2019.

BE IT FURTHER RESOLVED, by the City Council of the City of Newburgh, New York that the Mayor be and he hereby is authorized to execute a written employment agreement for the services as City Manager with Todd Venning incorporating and consistent with the terms and conditions provided in this Resolution and with applicable law.

RESOLUTION NO.: 124 - 2021

OF

MAY 20, 2021

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
A SEVERANCE AGREEMENT WITH JOSEPH P. DONAT

BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Mayor be and hereby is authorized to execute a severance agreement with Joseph P. Donat.

ADJOURNMENT

There being no other business to come before the council, the Special Meeting adjourned at 7:30 p.m.

Respectfully Submitted,

**KATRINA COTTEN
DEPUTY CITY CLERK**