



City of Newburgh Council Work Session  
*Sesion de trabajo del Concejal de la  
Ciudad de Newburgh*

March 4, 2021  
6:00 PM

Council Meeting Presentations

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

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

Planning and Economic Development/Planificación y Desarrollo Económico

2. 182 Broadway - Release of Restrictive Covenants

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)

3. 48 Larter Avenue - Partial Release of Restrictive Covenants

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)

4. 6 Locust Street - Partial Release of Restrictive Covenants

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)

5. 103 Liberty Street - Satisfaction of Mortgage

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

6. 157 West Parmenter Street - Satisfaction of Mortgage

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)

Grants/Contracts/Agreements / Becas /Contratos/Convenios

7. SNY Play Ball Grant

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

Employment and Human Resource Issues

8. Standard Work Day and Reporting Resolution

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

9. 2021 Personnel Book Amendment

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

Local Laws/Leys Locales

10. Community Choice Aggregation

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

11. City Charter Section C4.01 - amendment to Rules of Order

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

RESOLUTION NO.: 31 - 2021

OF

FEBRUARY 22, 2021

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

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

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

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

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

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

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

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

[https://zoom.us/webinar/register/WN\\_25aqMmBJR0iOHPiRti5-Wg](https://zoom.us/webinar/register/WN_25aqMmBJR0iOHPiRti5-Wg). Please note that there is an underscore between the "N" and "2").

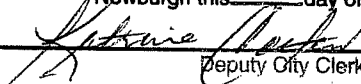
To register in advance for this webinar in order to provide comments during the hearing:

[https://zoom.us/webinar/register/WN\\_25aqMmBJR0iOHPiRti5-Wg](https://zoom.us/webinar/register/WN_25aqMmBJR0iOHPiRti5-Wg). Please note that there is an underscore between the "N" and "2"). Fill out the required information (First Name, Last Name, E-mail Address and check appropriate box to comment during the public hearing). After registering, you will receive a confirmation email containing information about joining the webinar.

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

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

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

  
Deputy City Clerk

RESOLUTION NO.: \_\_\_\_\_-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.: \_\_\_\_\_-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.: \_\_\_\_\_-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.: \_\_\_\_\_ - 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.: \_\_\_\_\_ - 2021

OF

MARCH 8, 2021

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

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

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

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

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

## SATISFACTION OF MORTGAGE

### KNOW ALL MEN BY THESE PRESENTS, THAT

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

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

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

which mortgage has not been further assigned of record.

Dated: March \_\_\_\_\_, 2021

CITY OF NEWBURGH

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

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

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

\_\_\_\_\_  
Notary Public

RECORD & RETURN TO:

RESOLUTION NO.: \_\_\_\_\_ - 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.: \_\_\_\_\_ - 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.: \_\_\_\_\_-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.: \_\_\_\_\_ - 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.:\_\_\_\_\_ - 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 22<sup>nd</sup> 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](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](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](mailto: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



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

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

provisions of Chapter 68 of the City Charter.

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

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

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

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


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

## **CHAPTER XI – RULES OF THE LAND USE COMMITTEE**

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

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

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

 KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

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

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

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

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

McKinney's Municipal Home Rule Law § 23

§ 23. Local laws subject to mandatory referendum

[Currentness](#)

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

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

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

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

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

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

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

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

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

g. Creates a new elective office.

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

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

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

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

### Credits

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

### Notes of Decisions (165)

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

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

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

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

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

## McKinney's Public Officers Law § 36

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

[Currentness](#)

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

#### Credits

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

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

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

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

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