

1. Common Council Meeting  
Common Council Meeting

Documents:

[0 CCM CALENDAR 10.23.23.PDF](#)

2. Common Council Meeting  
Common Council Meeting

Documents:

[LL - 7 - LOCAL LAW AMENDING PARKING HEARING OFFICER RESIDENCY REQUIREMENTS.PDF](#)  
[RESO 1 - STREET CLOSURE FOR REQUEST BY PARKS AND RECREATION.PDF](#)  
[RESO 2 - 2023.10.17 RESOLUTION REJECT BIDS.PDF](#)  
[RESO 3 - AUTHORIZATION FOR 1020 HOWARD ST LETTER OF JOINDER.PDF](#)  
[RESO 4 - 10-23-23 UPDATE LOWER SOUTH STREET SEWER FUND CONTRIBUTION \(WIIA GRANT\).PDF](#)  
[RESO 5 - RESOLUTION SCHEDULING PUBLIC HEARING TO OVERRIDE TAX CAP.PDF](#)  
[RESO 6 - RESOLUTION SCHEDULING PUBLIC HEARING 2024 BUDGET.PDF](#)  
[RESO 7 - RESOLUTION AUTHORIZING LEASE AGREEMENT OF THE NEIGHBORHOOD CENTER WITH THE FIELD LIBRARY INC.PDF](#)

CALENDAR  
PEEKSKILL COMMON COUNCIL  
\*HYBRID MEETING - VIA - TELECONFERENCE AND IN-PERSON\*  
(See information below to Join)  
October 23, 2023

PLEDGE OF ALLEGIANCE TO THE FLAG

INVOCATION

- A. MEETING CALLED TO ORDER
- B. ROLL CALL
- C. READING OF THE MINUTES OF PREVIOUS MEETING
- D. RECOGNITION OF HISPANIC HERITAGE MONTH - MARISOL JIMENEZ
- D. PUBLIC COMMENTS ON AGENDA ITEMS
- E. COMMUNICATIONS
- F. DEPT HEAD AND CITY MANAGER REPORTS
- G. NEW BUSINESS

PUBLIC HEARING

Smoke Shop Moratorium

LOCAL LAW

Parking Hearing Officer

REGULAR AGENDA

- 1. Reso. re: Street Closure request by Parks and Recreation
- 2. Reso. re: Stamped Concrete Crosswalks - reject bid and re-authorize re-bid
- 3. Reso. re: 201 North Division Street Letter of Joinder
- 4. Reso. re: Lower South Street Sewer Project Funding
- 5. Reso. re: Set Public Hearing to override Tax Cap for 2023
- 6. Reso. re: Set Public Hearing for Budget 2024
- 7. Reso. re: Lease Agreement of the Neighborhood Center with the Field Library Inc.

H. CITIZENS DESIRING TO BE HEARD

I. ADJOURNMENT

DATE: October 23, 2023  
PEEKSKILL, NEW YORK

Pursuant to Executive signed by Governor Hochul, the City of Peekskill Common Council Meeting of Monday, October 23, 2023 shall be a hybrid meeting, and as such residents may attend in person in the Common Council Chambers or via ZOOM (instructions below). The Committee of the Whole Meeting is at 6:00 pm. There is no public comment during this meeting. The Common Council Meeting starts at 7:30 pm (or as soon thereafter). Public Comment is welcome at the appropriate time as noted on the agenda. (Agenda items are at the beginning and non-agenda items at the end - Citizens Desiring to be Heard).

Public Comments on Agenda Items may be made three ways:

1. E-MAILED PUBLIC COMMENT ON AGENDA ITEMS - comments must be emailed to City Clerk Cassandra Redd at [credd@cityofpeekskill.com](mailto:credd@cityofpeekskill.com) and received by the City Clerk by noon on Monday, October 10, 2023 for consideration by the Common Council. This is a strict deadline. Please be aware that e-mailed public comments will no longer be read. They will be entered into the record.
2. ZOOM PUBLIC COMMENT ON AGENDA ITEMS - The public can Log in to address agenda items only. The three (3) minute limit will be strictly enforced.
3. IN PERSON - The three (3) minute limit will be strictly enforced.

Please send a "chat" message to the City Clerk that you desire to speak and on what item. You must state your name and address. Once you start to speak, the 3-minutes will start.

**This chat is for Official Business ONLY. Please use the chat to address the Chair when you wish to speak. You must state your name and address. This is NOT a discussion period. Please refrain from using the CHAT ROOM for conversating with one another. If you use the Chat Room to converse, you will be removed from the meeting.**

Only one person can speak at a time. No foul language is to be used. If there are any flyers citizens wish to share, they must be emailed and received to City Manager, Matthew Alexander at [malexander@cityofpeekskill.com](mailto:malexander@cityofpeekskill.com) and City Clerk, Cassandra Redd at [credd@cityofpeekskill.com](mailto:credd@cityofpeekskill.com) prior to the meeting. They can share these items as long as they are sent in advance.

The public can listen to this conference call via the Government Channel and the [cityofpeekskill.com](http://cityofpeekskill.com) website. The meeting will be recorded and later transcribed.

Dial 1-929-205-6099

Meeting ID: 8448259348

**TIMETABLE**

- 6:00 P.M. - Committee of the Whole Meeting
- 7:30 P.M. - Common Council Meeting

Join Zoom Meeting

<https://us06web.zoom.us/j/8448259348>

**CITY OF PEEKSKILL COMMON COUNCIL  
PEEKSKILL, NEW YORK**

**AGENDA BILL**

<b>SUBJECT:</b>  RESOLUTION ADOPTING A LOCAL LAW AMENDING SECTION 100-4 OF THE CITY CODE REGARDING RESIDENCY REQUIREMENTS OF PARKING VIOLATIONS BUREAU HEARING EXAMINERS	FOR AGENDA OF: 10-23-2023	AGENDA: <b>LL#</b>
	DEPT. OF ORIGIN:	FINANCE
	DATE SUBMITTED:	OCTOBER 17, 2023
	DEPARTMENT HEAD:	TONI J. TRACY
	EXHIBITS:	

APPROVED BY COMPTROLLER	<i>JJJ</i>
APPROVED AS TO FORM BY CORPORATION COUNSEL	<i>TWK</i>
APPROVED BY CITY MANAGER FOR SUBMISSION	<i>mea</i>

EXPENDITURE REQUIRED \$	AMOUNT BUDGETED \$	APPROPRIATION REQUIRED \$

**SUMMARY STATEMENT**

THIS RESOLUTION ADOPTS A LOCAL LAW AMENDING SECTION 100-4 OF THE PEEKSKILL CITY CODE TO EXPAND THE RESIDENCY REQUIREMENT FOR PARKING VIOLATION BUREAU HEARING EXAMINERS.

**RECOMMENDED ACTION**

ADOPT THE RESOLUTION.

MOVED BY:

SECONDED BY:

ROLL CALL VOTE			
MAYOR MCKENZIE		COUNCILMAN DOUGLAS	
DEPUTY MAYOR RILEY		COUNCILMAN FERNANDEZ	
COUNCILWOMAN TALBOT		COUNCILMAN SCOTT	
COUNCILMAN FASSETT			

**RESOLUTION ADOPTING LOCAL LAW № \_\_\_\_ OF 2023  
AMENDING §100-4 OF THE PEEKSKILL CITY CODE ENTITLED “DUTIES OF  
DIRECTOR, HEARING EXAMINERS” REGARDING THE RESIDENCY  
REQUIREMENT FOR PARKING COURT HEARING EXAMINERS**

**WHEREAS**, §100-4 of the Peekskill City Code specifies guidelines regarding the appointment of hearing examiners for the Parking Violations Bureau, including a requirement that the hearing examiners must be a resident of the City of Peekskill; and

**WHEREAS**, the City of Peekskill desires to expand the residency requirement to include nearby counties in order to expand the pool of potential hearing examiners; and

**WHEREAS**, the amendment will allow the City Manager to appoint parking hearing examiners who reside in the counties of Westchester, Dutchess, Putnam Orange and Rockland; and

**WHEREAS**, on September 11, 2023, a proposed local law was placed on the desks of the members of the Common Council to adopt a local to amend section 100-4 of the Peekskill City Code regarding residency requirements of parking violations bureau hearing examiners; and

**WHEREAS**, on September 18, 2023, a public hearing was held on said local law in the Common Council Chambers at 840 Main Street, Peekskill, New York after due publication and notice of said public hearing; and

**WHEREAS**, the said local law has been on the desks of the members of the Common Council in its final form for at least seven days, exclusive of Sundays.

**NOW, THEREFORE, BE IT**

**BE IT RESOLVED**, that said local law be, and the same is hereby adopted and shall be known as Local Law No. \_\_\_\_\_ for the year 2023 in the City of Peekskill.

**LOCAL LAW № \_\_\_\_\_ OF 2023  
AMENDING SECTION 100-4 OF THE PEEKSKILL CITY CODE ENTITLED  
“DUTIES OF DIRECTOR; HEARING EXAMINER”**

**BE IT ENACTED** by the Common Council of the City of Peekskill as follows:

**Section 1.** Section 100-4 of the Code of the City of Peekskill entitled “Duties of Director; Hearing Examiner” is hereby amended as follows:

Chapter 100 Parking Violations Bureau

§ 100-4. Duties of Director; hearing examiners.

A. The Chief Executive Officer shall appoint a Director, and the duties of the Director shall include but not be limited to:

(1) The supervision and administration of the work of the Bureau.

(2) Membership on the Appeals Board of the Bureau as provided hereinafter.

B. The Chief Executive Officer shall appoint hearing examiners who shall preside at hearings for the adjudication of charges of parking violations. Hearing examiners shall be appointed and shall serve for such number of sessions as may be determined by the Chief Executive Officer and shall receive therefor such remuneration as may be fixed by the Chief Executive Officer. Hearing examiners shall not be considered employees of the City, and every hearing examiner shall be a resident of the County of Westchester, County of Dutchess, County of Putnam, County of Orange or County of Rockland who shall have attained the age of 21 years prior to their appointment and possess such temperament as the Chief Executive Officer finds to be compatible to the duties of the office.

**Section 2.** This local law shall take effect on the date on which this local law is filed with the Secretary of State.

**CITY OF PEEKSKILL COMMON COUNCIL  
PEEKSKILL, NEW YORK**

**AGENDA BILL**

SUBJECT: STREET CLOSURE FOR HALLOWEEN PUMPKIN DESIGN

FOR AGENDA OF: 10/23/23		AGENDA: # J-1
DEPT. OF ORIGIN:	CITY CLERK'S OFFICE	
DATE SUBMITTED:	10/18/23	
DEPARTMENT HEAD:	CASSANDRA REDD	
EXHIBITS:		

APPROVED BY COMPTROLLER	
APPROVED AS TO FORM BY CORPORATION COUNSEL	<i>TWR</i>
APPROVED BY CITY MANAGER FOR SUBMISSION	<i>mca</i>

EXPENDITURE REQUIRED \$		AMOUNT BUDGETED \$		APPROPRIATION REQUIRED \$	
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**SUMMARY STATEMENT**

THIS RESOLUTION AUTHORIZES THE TEMPORARY STREET CLOSURE OF DIVISION STREET BETWEEN PARK STREET AND MAIN STREET ON SATURDAY, OCTOBER 28, 2023 BETWEEN THE HOURS OF 10:00AM TO 3:00PM FOR A HALLOWEEN PUMPKIN DESIGN.

**RECOMMENDED ACTION**

STAFF RECOMMENDS APPROVAL.

MOVED BY:

SECONDED BY:

ROLL CALL VOTE			
MAYOR MCKENZIE		COUNCILMAN DOUGLAS	
DEPUTY MAYOR RILEY		COUNCILMAN SCOTT	
COUNCILWOMAN TALBOT		COUNCILMAN FASSETT	
COUNCILMAN FERNANDEZ			

**THIS RESOLUTION AUTHORIZES THE STREET CLOSURE OF DIVISION STREET BETWEEN PARK STREET AND MAIN STREET ON SATURDAY, OCTOBER 28, 2023 BETWEEN THE HOURS OF 10:00 AM TO 3:00 PM FOR A HALLOWEEN PUMPKIN DESIGN**

**WHEREAS**, the Peekskill Recreation Department and the Peekskill BID, in conjunction with the Peekskill Farmer's Market, have submitted a request to hold a Halloween Pumpkin Design on Saturday, October 28, 2023; and

**WHEREAS**, the Peekskill Recreation Department and the Peekskill BID, in conjunction with the Peekskill Farmer's Market, have submitted a request to hold the following day, Sunday, October 29, 2023 for the Halloween Pumpkin Design on Saturday, October 28, 2023 in case there is inclement weather; and

**WHEREAS**, the Peekskill Recreation Department and the Peekskill BID, in conjunction with the Peekskill Farmer's Market are requesting the closure of Division Street between Park Street and Main Street on Saturday, October 28, 2023 from 10:00 am to 3:00 pm or on Sunday, October 29, 2023 in the case of inclement weather; and

**WHEREAS**, the Common Council deems it in the best interest of the City of Peekskill to authorize the street closure as necessary to allow for the Halloween Pumpkin Design.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Chief of Police is authorized to close Division Street between Park Street and Main Street on Saturday, October 28, 2023 from 10:00am to 3:00pm; and

**RESOLVED**, that the Chief of Police is authorized to close Division Street between Park Street and Main Street on Sunday, October 29, 2023 from 10:00am to 3:00pm should inclement weather necessitate the postponement of an October 28<sup>th</sup> event.



**CITY OF PEEKSKILL COMMON COUNCIL  
PEEKSKILL, NEW YORK**

**AGENDA BILL**

SUBJECT: REJECT BID #2023-004 AND REBID DOWNTOWN STAMPED CONCRETE CROSSWALKS PROJECT
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FOR AGENDA OF: OCTOBER 23, 2023	AGENDA # J-2
DEPT. OF ORIGIN:	PLANNING
DATE SUBMITTED:	OCTOBER 17, 2023
DEPT. HEAD:	JEAN FRIEDMAN, AICP
EXHIBITS:	

APPROVED AS TO FORM BY CORPORATION COUNSEL	<i>TWK</i>
APPROVED BY COMPTROLLER	
APPROVED BY CITY MANAGER FOR SUBMISSION	<i>mea</i>

EXPENDITURE REQUIRED:	\$0	AMOUNT BUDGETED:	\$0	APPROPRIATION REQUIRED:	\$0
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**SUMMARY STATEMENT**

The Planning Department reviewed the bid proposals submitted in response to Bid #2023-004 for the construction of stamped concrete crosswalks and determined it is in the best interest of the City to reject all bids and rebid the project.

**RECOMMENDED ACTION**

Adopt the resolution that authorizes the City Manager to reject Bid #2023-004, and to rebid the Downtown Stamped Concrete Crosswalks project.

MOVED BY:
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SECONDED BY:
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ROLL CALL VOTE			
MAYOR MCKENZIE		COUNCILMAN DOUGLAS	
DEPUTY MAYOR RILEY		COUNCILMAN SCOTT	
COUNCILWOMAN TALBOT		COUNCILMAN FASSETT	
COUNCILMAN FERNANDEZ			

**AUTHORIZATION TO REJECT BID #2023-004 AND TO REBID THE DOWNTOWN  
STAMPED CONCRETE CROSSWALKS PROJECT**

**WHEREAS**, the City of Peekskill has entered into a contract with the Dormitory Authority of the State of New York (“DASNY”) in an amount of \$100,000 to design and construct high quality, durable, and attractive stamped concrete crosswalks at certain intersections in the Downtown (the “Project”); and

**WHEREAS**, on December 27, 2022 the Common Council authorized an additional \$50,000 in City capital for the Project; and

**WHEREAS**, after allocating design and construction inspection costs, \$133,990 is available in the Project account to fund construction; and

**WHEREAS**, the City prepared construction documents and requested bids under Bid No. 2023-004 for these improvements, and two (2) bids were received on October 16, 2023 and were opened and read aloud; and

**WHEREAS**, the bids received contained costs for the base bid that exceeded the Project funding available for construction; and

**WHEREAS**, under bid documents released, the City reserves the right to reject any and all bids and to solicit new bids where it is in the public interest; and

**WHEREAS**, the Project scope of work can be revised in order to solicit new bids that may be more in line with the Project budget; and

**WHEREAS**, it is in the best interest of the City of Peekskill to reject all bids received and re-bid the project.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that all bids submitted on October 16, 2023 for Bid No. 2023-004 “Downtown Stamped Concrete Crosswalks” are hereby rejected and the City Manager or his designee is hereby authorized to return all bid deposits; and be it further

**RESOLVED**, that the City Manager is hereby authorized to advertise a new Bid Notice for revised Project construction documents; and be it further

**RESOLVED**, that the City Manager is hereby authorized to take any and all necessary steps to facilitate the intent of this Resolution; and be it further

**RESOLVED**, that this Resolution shall take effect immediately.

**CITY OF PEEKSKILL COMMON COUNCIL  
PEEKSKILL, NEW YORK**

**AGENDA BILL**

SUBJECT:  AUTHORIZATION TO SIGN A LETTER OF JOINDER FOR JAMES GUERRIERO TO APPLY FOR A MIXED-USE DEVELOPMENT AT 1020 HOWARD STREET	FOR AGENDA OF: 10/23/23		AGENDA # J-3
	DEPT. OF ORIGIN:	PLANNING	
	DATE SUBMITTED:	10/18/23	
	DEPARTMENT HEAD:	JEAN FRIEDMAN, AICP	
	EXHIBITS:		

APPROVED AS TO FORM BY CORPORATION COUNSEL	<i>TWK</i>
APPROVED BY COMPTROLLER	
APPROVED BY CITY MANAGER FOR SUBMISSION	<i>mca</i>

EXPENDITURE REQUIRED	\$0	AMOUNT BUDGETED	\$0	APPROPRIATION REQUIRED:	\$0
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**SUMMARY STATEMENT**

THIS RESOLUTION AUTHORIZES THE CITY MANAGER TO EXECUTE A LETTER OF JOINDER WITH JAMES GUERRIERO TO APPLY FOR SITE PLAN, SPECIAL PERMIT, AND OTHER POTENTIAL APPROVALS FOR CITY-OWNED PROPERTY AT 1020 HOWARD STREET AS PART OF THE 201 N. DIVISION STREET MIXED-USE DEVELOPMENT PROJECT.

**RECOMMENDED ACTION**

ADOPT THE RESOLUTION.

MOVED BY:

SECONDED BY:

ROLL CALL VOTE			
MAYOR MCKENZIE		COUNCILMAN DOUGLAS	
DEPUTY MAYOR RILEY		COUNCILMAN SCOTT	
COUNCILWOMAN TALBOT		COUNCILMAN FASSETT	
COUNCILMAN FERNANDEZ			

**RESOLUTION AUTHORIZING THE CITY MANAGER  
TO EXECUTE A LETTER OF JOINDER WITH JAMES GUERRIERO  
FOR 1020 HOWARD STREET TO ALLOW APPLICATIONS  
FOR A MIXED-USE DEVELOPMENT AT 201 N. DIVISION STREET**

**WHEREAS**, the City of Peekskill is the owner of a narrow parcel of land at 1020 Howard Street in the City of Peekskill that contains a storm water sewer line, identified on the Official Tax Map as Section 33.22, Block 5, Lot 5 (“Subject Parcel”); and

**WHEREAS**, James Guerriero, the owner of 201 N. Division Street (the “Developer”) has proposed a mixed-use development that includes development on the Subject Parcel; and

**WHEREAS**, the Developer proposes to relocate and rebuild the storm water sewer line according to City specifications as part of the development project, and to grant the City a permanent utility easement to access and maintain the sewer line; and

**WHEREAS**, it has been determined that this property is not needed for any municipal or public purpose on the conditions that the developer re-builds the sewer line as per City requirements and grants the City a permanent easement for access to the sewer line; and

**WHEREAS**, in order to proceed with the development at 201 N. Division Street, the Developer must apply for site plan, special permit and other potential City approvals for the development; and

**WHEREAS**, this requires the City to sign a Letter of Joinder to allow the Developer to submit application(s) to the City for a project that includes the Subject Parcel; and

**WHEREAS**, the Common Council deems it in the best interest of the City of Peekskill to sign a Letter of Joinder in order to allow this project to proceed through the review process.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the City Manager or his designee is hereby authorized to sign a Letter of Joinder with the Developer to allow it to submit applications to construct on the subject parcel as part of the larger mixed-use development at 201 N. Division Street; and be it further

**RESOLVED**, that this Letter of Joinder shall be subject to the review and approval of the City Manager and Corporation Counsel; and be it further

**RESOLVED**, that the City Manager and Corporation Counsel are authorized and directed to take any and all steps necessary to effectuate the intent of this Resolution; and be it further

**RESOLVED**, that this Resolution take effect immediately.

**CITY OF PEEKSKILL COMMON COUNCIL  
PEEKSKILL, NEW YORK**

**AGENDA BILL**

<b>SUBJECT:</b>  AUTHORIZATION TO INCREASE THE CITY SEWER FUND CONTRIBUTION FOR THE LOWER SOUTH STREET SEWER PROJECT FROM \$2,250,000 TO \$3,000,000	FOR AGENDA OF: OCTOBER 23, 2023		AGENDA <b>#J-4</b>
	DEPT. OF ORIGIN:	WATER/FINANCE	
	DATE SUBMITTED:	OCTOBER 17, 2023	
	DEPARTMENT HEAD:	DAVE RAMBO/TONI J. TRACY	
	EXHIBITS:		

APPROVED AS TO FORM BY CORPORATION COUNSEL	<i>TWK</i>
APPROVED BY COMPTROLLER	<i>JGJ</i>
APPROVED BY CITY MANAGER FOR SUBMISSION	<i>mca</i>

EXPENDITURE REQUIRED	\$3,750,000	AMOUNT BUDGETED	\$750,000 FROM WIAA GRANT	APPROPRIATION REQUIRED:	\$3,000,000 FROM FINANCING
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**SUMMARY STATEMENT**

THIS RESOLUTION AUTHORIZES THE CITY MANAGER TO UTILIZE AN ADDITIONAL \$750,000 OF SEWER FUND BALANCE TO FUND THE REPLACEMENT OF A SEWER LINE IN LOWER SOUTH STREET, FOR A TOTAL CITY CONTRIBUTION OF \$3,000,000.

**RECOMMENDED ACTION**

STAFF RECOMMENDS THE APPROVAL OF THIS RESOLUTION.

MOVED BY:	SECONDED BY:
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ROLL CALL VOTE			
MAYOR MCKENZIE		COUNCILMAN DOUGLAS	
DEPUTY MAYOR RILEY		COUNCILMAN SCOTT	
COUNCILWOMAN TALBOT		COUNCILMAN FASSETT	
COUNCILMAN FERNANDEZ			

**RESOLUTION AUTHORIZING AN INCREASE IN THE CITY SEWER FUND  
CONTRIBUTION TO REPLACE SEWER LINES ON LOWER SOUTH STREET**

**WHEREAS**, on September 9, 2019, the Common Council authorized the City Manager to submit an application to the Environmental Facilities Corporation (EFC) for a \$750,000 grant through the Water Infrastructure Improvement Act (WIAA) to relocate and replace a sewer main in Lower South Street; and

**WHEREAS**, on December 23, 2019, the EFC informed the City that it has been selected to receive this grant, which requires the City to contribute \$2,250,000 to meet the project cost estimate to construct the project; and

**WHEREAS**, on January 13, 2020, by Resolution Number J-5, the Common Council authorized the City's contribution of \$2,250,000; and

**WHEREAS**, the expected expenses to construct the project has increased, causing the overall cost of the project to increase; and

**WHEREAS**, the estimated total to complete the project is now \$3,750,000, which includes the EFC grant amount of \$750,000; and

**WHEREAS**, the City is now required to contribute a total of \$3,000,000; and

**WHEREAS**, on September 9, 2019 the City authorized the issuance of serial bonds up to \$3,000,000 to finance the project; and

**WHEREAS**, it has been determined that the Sewer Fund can absorb the annual loan expense without impacting the annual sewer revenues and without raising taxes; and

**WHEREAS**, this Common Council finds it to be in the best interest of the City of Peekskill and its residents to increase the amount contributed by the Sewer Fund in order to replace a sewer line in Lower South Street.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Common Council hereby authorizes an additional \$750,000 of the sewer fund balance to fund the replacement of a sewer line in Lower South Street,, for a total commitment of up to \$3,000,000 as the City's required portion to construct the project; and be further

**RESOLVED**, that the Common Council hereby authorizes the City Manager or his designee to take any and all necessary steps to effectuate the intent of this resolution, and be it further

**RESOLVED**, that this resolution shall take effect immediately.



**CITY OF PEEKSKILL COMMON COUNCIL  
PEEKSKILL, NEW YORK**

**AGENDA BILL**

SUBJECT:

SCHEDULE A PUBLIC HEARING ON A  
PROPOSED LOCAL LAW TO OVERRIDE  
THE TAX CAP

FOR AGENDA OF: 10/23/2023		AGENDA: <b>#J-5</b>
DEPT. OF ORIGIN:	FINANCE	
DATE SUBMITTED:	10/18/2023	
DEPARTMENT HEAD:	TONI J. TRACY	
EXHIBITS:		

APPROVED BY COMPTROLLER	<i>JgJ</i>
APPROVED AS TO FORM BY CORPORATION COUNSEL	<i>TWK</i>
APPROVED BY CITY MANAGER FOR SUBMISSION	<i>mca</i>

EXPENDITURE REQUIRED \$		AMOUNT BUDGETED \$		APPROPRIATION REQUIRED \$	
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**SUMMARY STATEMENT**

THIS RESOLUTION IS TO SCHEDULE A PUBLIC HEARING ON A PROPOSED LOCAL LAW TO OVERRIDE THE 2024 TAX CAP LIMIT.

**RECOMMENDED ACTION**

ADOPT THE RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR NOVEMBER 13, 2023.

MOVED BY:

SECONDED BY:

ROLL CALL VOTE			
MAYOR MCKENZIE		COUNCILMAN DOUGLAS	
DEPUTY MAYOR RILEY		COUNCILMAN SCOTT	
COUNCILWOMAN TALBOT		COUNCILMAN FASSETT	
COUNCILMAN FERNANDEZ			



**RESOLUTION SCHEDULING A PUBLIC HEARING ON A PROPOSED LOCAL LAW TO  
OVERRIDE THE 2024 TAX CAP LIMIT**

**WHEREAS**, New York State General Municipal Law establishes a “property tax cap” on the amount that a local government’s property tax levy can increase each year; and

**WHEREAS**, the property tax cap does not allow municipalities to increase the tax over a percentage limit calculated by the Office of the New York State Comptroller; and

**WHEREAS**, that calculation does not allow municipalities to exclude the increase in costs of health insurance and pensions for its employees and/or retirees; and

**WHEREAS**, the 2024 cost of health insurance and pensions for the City of Peekskill is expected to increase by 20.0% over 2023 budgeted and projected 2023 actual costs; and

**WHEREAS**, the increase in health insurance and pensions alone equate to a \$2.2 million increase in the total appropriations, or an 11.05% increase in the tax rate; and

**WHEREAS**, this increase will cause the City to appropriate more than \$2.2 million from its fund balance in order to produce a balanced budget; and

**WHEREAS**, utilizing that much of the city’s fund balance is not sustainable; and

**WHEREAS**, the city has determined that by controlling costs, reducing expenses and increasing its tax rate over the allowable tax cap in multiple years that the city can gradually reduce the amount of fund balance that it must budget in order to keep a balanced budget in a sustainable manner; and

**WHEREAS**, this law is effective for local government’s fiscal year beginning in 2024; and

**WHEREAS**, under this law, the total amount that taxes can be raised through property taxes charged on the municipality’s taxable assessed value of property is capped at two percent (2%) or the rate of inflation, whichever is less, with some exceptions; and

**WHEREAS**, General Municipal Law §3-c allows local governments to override the tax cap to protect the City from unforeseen financial circumstances; and

**WHEREAS**, pursuant to General Municipal Law §3-c, a City may override the tax cap by the adoption of a local law by a vote of at least sixty percent (60%) of the Common Council; and

**WHEREAS**, the Common Council desires to hold a public hearing for the purpose of hearing public comments on the adoption of a Local Law to override the tax cap for the 2024 fiscal year.

**NOW THEREFORE, BE IT**

**BE IT RESOLVED**, by the Common Council of the City of Peekskill that this Common Council will hold a public hearing at 7:30 P.M. or as soon as such hearing may be called thereafter, on the 13<sup>th</sup> day of November, 2023, at the City of Peekskill Council Chambers located at Peekskill City Hall, 840 Main Street, Peekskill, New York 10566, on a proposed Local Law entitled:

**LOCAL LAW № \_\_\_\_\_ OF 2023**  
**LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT**  
**ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C**

and, be it further

**RESOLVED**, that the City Clerk give due notice of this public hearing in accordance with the City Code and the provisions of the Municipal Home Rule Law of the State of New York.

**LOCAL LAW № \_\_\_\_\_ OF 2023**  
**LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT**  
**ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C**

**BE IT ENACTED** by the Common Council of the City of Peekskill as follows:

**Section 1. Legislative Intent**

It is the intent of this local law to allow the City of Peekskill to adopt a budget for the fiscal year commencing January 1, 2024 that requires a real property tax levy in excess of the “tax levy limit” as defined in General Municipal Law §3-c.

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

**Section 3. Tax Levy Limit Override**

The Common Council of the City of Peekskill, County of Westchester, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2024 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

#### **Section 4. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

#### **Section 5. Effective Date**

This local law shall take effect immediately upon filing with the Secretary of State.

**CITY OF PEEKSKILL COMMON COUNCIL  
PEEKSKILL, NEW YORK**

**AGENDA BILL**

SUBJECT:  SCHEDULING PUBLIC HEARING FOR THE COMMON COUNCIL'S RECOMMENDED FISCAL YEAR 2024 BUDGET	FOR AGENDA OF: 10/23/2023		AGENDA # J-6
	DEPT. OF ORIGIN:	CITY MANAGER	
	DATE SUBMITTED:	10/19/2023	
	DEPARTMENT HEAD:	MATTHEW C. ALEXANDER	
	EXHIBITS:		

APPROVED AS TO FORM BY CORPORATION COUNSEL	<i>TWK</i>
APPROVED BY COMPTROLLER	<i>JGS</i>
APPROVED BY CITY MANAGER FOR SUBMISSION	<i>mea</i>

EXPENDITURE REQUIRED \$		AMOUNT BUDGETED \$		APPROPRIATION REQUIRED \$	
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**SUMMARY STATEMENT**

THIS RESOLUTION IS TO SCHEDULE A PUBLIC HEARING ON NOVEMBER 13, 2023 FOR THE COMMON COUNCIL'S RECOMMENDED FISCAL YEAR 2024 BUDGET.

**RECOMMENDED ACTION**

ADOPT THE RESOLUTION AS PRESENTED.

MOVED BY:

SECONDED BY:

ROLL CALL VOTE			
MAYOR MCKENZIE		COUNCILMAN DOUGLAS	
DEPUTY MAYOR RILEY		COUNCILWOMAN SCOTT	
COUNCILWOMAN TALBOT		COUNCILMAN FASSETT	
COUNCILMAN FERNANDEZ			

**RESOLUTION SETTING A PUBLIC HEARING  
REGARDING THE COMMON COUNCIL'S RECOMMENDED FISCAL YEAR 2024  
BUDGET**

**WHEREAS**, the fiscal year of the City of Peekskill shall begin on the first day of January and end on the last day of December; and

**WHEREAS**, on or before the first day of October in each year, the City Manager shall prepare and file a tentative budget for the ensuing fiscal year and an accompanying message with the City Clerk, who shall thereupon notify the Common Council in writing of such filing; and

**WHEREAS**, the City Manager filed his tentative budget and message with the City Clerk and the Common Council was notified in writing of such filing; and

**WHEREAS**, on or before the first day of November of each year, the Common Council shall review the tentative budget and make such preliminary changes in the tentative budget as it deems appropriate; and

**WHEREAS**, a public hearing on the budget shall be held on or before the 15<sup>th</sup> day of November in each year; and

**WHEREAS**, a public hearing for the Recommended Fiscal Year 2024 Budget shall be held on Monday, November 13, 2023 at 7:30 P.M., in the Common Council Meeting Room, City Hall, 840 Main Street, City of Peekskill, County of Westchester, State of New York.

**THEREFORE, BE IT**

**RESOLVED**, that a Public Hearing of the Common Council is hereby scheduled for the Recommended Fiscal Year 2024 Budget, which shall be held in the Common Council Meeting Room, City Hall, 840 Main Street, City of Peekskill, County of Westchester, State of New York, on Monday, November 13, 2023 at 7:30 P.M., or as soon thereafter as may be convenient; and be it further

**RESOLVED**, that the City Clerk be, and she hereby is, directed to give notice of said Public Hearing in the official newspaper as required by the City Charter and which public

notice shall state that copies of the Common Council's Recommended Fiscal Year 2024 Budget and Budget Message Program are available at the City Clerk's Office in City Hall, 840 Main Street, Peekskill, New York, for inspection by the public during the hours of 9:00 A.M. to 5:00 P.M., Monday through Friday; and be it further

**RESOLVED**, that the City Clerk be, and she hereby is, directed to publish at the same time in the official newspaper a general summary of the Common Council's Recommended Fiscal Year 2024 Budget.

**CITY OF PEEKSKILL COMMON COUNCIL  
PEEKSKILL, NEW YORK**

**AGENDA BILL**

<b>SUBJECT:</b>  RESOLUTION AUTHORIZING LEASE OF SPACE AT THE MICHAEL J. DIBART NEIGHBORHOOD CENTER TO THE FIELD LIBRARY	<b>FOR AGENDA OF:</b> 10/23/2023		<b>AGENDA # J-7</b>
	DEPT. OF ORIGIN:	CITY MANAGER	
	DATE SUBMITTED:	10/20/2023	
	DEPARTMENT HEAD:	MATTHEW ALEXANDER	
	EXHIBITS:		

APPROVED BY COMPTROLLER	<i>FWK</i>
APPROVED AS TO FORM BY CORPORATION COUNSEL	
APPROVED BY CITY MANAGER FOR SUBMISSION	<i>mc</i>

EXPENDITURE REQUIRED \$		AMOUNT BUDGETED \$		APPROPRIATION REQUIRED \$	
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**SUMMARY STATEMENT**

THIS RESOLUTION AUTHORIZES THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH THE FIELD LIBRARY INC. FOR THE LEASE OF APPROXIMATELY 16,000 SQUARE FEET OF SPACE ON THE MAIN FLOOR, MEZZANINE LEVEL AND LOWER LEVEL OF THE MICHAEL J. DIBART NEIGHBORHOOD CENTER.

**RECOMMENDED ACTION**

ADOPT THE RESOLUTION.

MOVED BY:	SECONDED BY:
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ROLL CALL VOTE			
MAYOR MCKENZIE		COUNCILMAN FERNANDEZ	
DEPUTY MAYOR RILEY		COUNCILMAN SCOTT	
COUNCILWOMAN TALBOT		COUNCILMAN FASSET	
COUNCILMAN DOUGLAS			

**RESOLUTION AUTHORIZING AN AGREEMENT TO LEASE SPACE ON THE MAIN FLOOR, MEZZANINE LEVEL AND LOWER LEVEL OF THE MICHAEL J. DIBART NEIGHBORHOOD CENTER TO THE FIELD LIBRARY, INC.**

**WHEREAS**, the City of Peekskill owns the property located at 4 Nelson Avenue in the City of Peekskill, known as the Michael J. Dibart Neighborhood Center (the “Building”); and

**WHEREAS**, in or about 1978, the Building was constructed as a neighborhood facility and the Field Library Inc. took occupancy at a portion of the Building that was designed for use as a public library; and

**WHEREAS**, the Peekskill Common Council had desired to contribute to and support the Field Library, Inc. in order to provide public library services to its citizens; and

**WHEREAS**, in 1978, the City entered into a lease agreement wherein the Field Library, Inc. leased from the City portions of the Building consisting of approximately 16,000 square feet of space on the main floor, mezzanine level and lower level (said lower level being referred to as the Colin T. Naylor, Jr. Archives) to the Field Library, Inc. (the “Leased Space”); and

**WHEREAS**, the lease agreement required the Field Library, Inc. to invest the sum of \$100,000.00 resulting from the sale of the Field Library facilities, and to pay to the City the interest accumulated thereon from August 24, 1978 through December 31, 1978, and did not require any future rent payments; and

**WHEREAS**, due to the passage of time, the terms and conditions of the original lease are out of date; and

**WHEREAS**, the parties wish to amend and restate the original lease with updated terms and conditions; and

**WHEREAS**, the Field Library, Inc. has requested a twenty (20) year lease agreement at a rental amount of \$0.00 per month, with a tenant option to extend the term of the lease for two additional ten-year periods; and

**WHEREAS**, the Leased Space will be used for general library use, including, but not limited to, staff work rooms, classrooms and/or computer labs, and programming space; and

**WHEREAS**, the Common Council deems it in the best interest of the City to enter into such a lease agreement with the Field Library, Inc.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the City Manager, or his designee, is authorized to execute a lease agreement with The Field Library, Inc. for the use of approximately 16,000 square feet of space



on the main floor, mezzanine level and lower level (said lower level being referred to as the Colin T. Naylor, Jr. Archives) to the Field Library, Inc.; and be it further

**RESOLVED**, that the lease agreement shall consist of a term of twenty (20) years at a rental amount of \$0.00 per month, with a tenant option to extend the term of the lease for two additional ten-year periods; and be it further

**RESOLVED**, that the lease agreement shall be subject to the review and approval of the City Manager and Corporation Counsel; and be it further

**RESOLVED**, that this Resolution take effect immediately.