

A public meeting of the Common Council was held in the Common Council Chambers of the Municipal Building, 840 Main Street, Peekskill, New York and virtually via ZOOM on April 24, 2023, beginning at 7:40 p.m., with Mayor Vivian McKenzie presiding, following the Pledge of Allegiance to the Flag.

Present were: Councilmen Brian Fassett, Robert Scott, Dwight Douglas, Ramon Fernandez and Councilwoman Kathleen Talbot, Deputy Mayor Patricia Riley, and Mayor Vivian McKenzie.

Also present were: City Manager Matthew Alexander, Corporation Counsel Timothy Kramer, City Clerk Cassandra Redd and Sergeant at Arms, Chief Dylewski.

Proclamations were given in recognition of Black Women's History Month to Yvette Houston and Michelle Yvette Keller. Ayanna Davis was not able to attend.

PUBLIC COMMENTS ON AGENDA ITEMS

None

COMMUNICATIONS

None

DEPARTMENT HEAD AND CITY MANAGER REPORTS

City Manager Matt Alexander reported on the following areas:

- * Safe routes to school
- * Esther Street – Crosswalk and loading Zone protection
- * Quality of Life improved cleanliness in areas of the City
- * Emergency services
- * Shopping carts will be brought back to Council to move forward with the ordinance
- * Chief Dylewski attended a cannabis enforcement informational meeting. There will be weekend patrols starting in May of Friday and Saturday nights.
- * DPW completed repair of 111 light pole since December.
- * Community Hub Group – with Recreation, Nutrition/Seniors and Youth Bureau
- * Planning – DRI and Development project will review grants and projects.

NEW BUSINESS

Resolution #J-1 - IT Contract – Logically, Incorporated

Deputy Mayor Riley moved to adopt the following resolution:

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH LOGICALLY TO PROVIDE INFORMATION TECHNOLOGY SERVICES INCLUDING MANAGEMENT OF SERVERS AND FIREWALLS, PROVIDING UPDATES AND PATCHES, MONITORING THE SYSTEM AND NOTIFYING THE CITY OF ISSUES.

WHEREAS, the City of Peekskill currently utilizes the services of Logically as an on-call service to provide information technology services to the City; and

WHEREAS, Logically installed the city IT equipment and has the records and knowledge of the system; and

WHEREAS, the City wishes to be a contract client of Logically in order to receive prioritized service; and

WHEREAS, Logically has presented a proposal for a three-year (36 month) term; and

WHEREAS, the contract requires an initial payment of \$2,249.50 for Onboarding, and then a payment of \$1,497.00 per month for 36 months; and

WHEREAS, the I.T. budget expense line, 001.1650.0475, has funds available for this expense; and

WHEREAS, the City of Peekskill desires to retain the services of Logically, Inc. to provide IT services including management of servers and firewalls, providing updates and patches, monitoring the system and notifying the city of issues; and;

WHEREAS, these information technology services constitute a professional service pursuant to Section 106-6 of the Peekskill City Code; and

WHEREAS, the City Comptroller recommends entering into a professional services agreement with Logically for a period of three years, commencing on May 1, 2023 and ending on April 30, 2026; and

WHEREAS, the Common Council finds it in the best interest of the City of Peekskill to enter into an agreement with Logically to provide IT consulting services.

NOW, THEREFORE, BE IT

RESOLVED, that the City Manager or his designee is hereby authorized to execute a professional services agreement with Logically, 2226 Mohansic Avenue, Yorktown Heights, NY 10598, for a three (3) year period commencing on May 1, 2023 and ending on April 30, 2026.; and be it further

RESOLVED, that any future contract renewal shall be subject to the review and approval of the City Manager and Corporation Counsel; and be it further

RESOLVED, the City Manager or his designee is hereby authorized to take all steps necessary to effectuate the intent of this Resolution; and be it further

RESOLVED, that this Resolution shall take effect immediately.

It was seconded by Councilman Fernandez and unanimously passed.

Resolution #J-2 - Street closure for Ruben Mexican Cafe

Councilwoman Talbot moved to adopt the following resolution:

**RESOLUTION TO PERMIT
STREET CLOSURES
FOR THE CINCO DE MAYO CELEBRATION**

WHEREAS, Ruben’s Mexican Café has requested permission to hold the annual Cinco De Mayo Celebration on Saturday, May 6, 2023; and

WHEREAS, the organizers have requested the closure of the following streets between 11:00 a.m. and 11:00 p.m.:

- North Division Street from the south side of Main Street to the north side of South Street;
- Park Street from the west side of Bank Street to the east side of North Division Street; and

WHEREAS, the streets requesting to be closed are further depicted on the attached map;

WHEREAS, Division Street has been closed for this event in the past; and

WHEREAS, the City has determined that the Celebration has been beneficial to the downtown area of the City of Peekskill;

WHEREAS, the Council deems it in the interest of the City to authorize the street closure as necessary to allow the Celebration;

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Public Works is hereby authorized to close the following streets as requested by Ruben’s Mexican Café on Saturday, May 6, 2023 from 11:00 a.m. to 11:00 p.m. for their annual Cinco de Mayo celebration, and as further depicted on the attached map:

- North Division Street from the south side of Main Street to the north side of South Street;
- Park Street from the west side of Bank Street to the east side of North Division Street.

Map for Cinco De Mayo Resolution attached.

It was seconded by Deputy Mayor Riley and unanimously passed.

Resolution #J-3 - North Division Street closure

Councilman Fernandez moved to adopt the following resolution:

**RESOLUTION AUTHORIZING THE TEMPORARY STREET CLOSURE
OF NORTH DIVISION STREET**

WHEREAS, Peekskill Events, LLC has requested that this Council authorize a temporary closure of North Division Street to create a pedestrian friendly walkway and expanded outdoor dining experience to promote tourist and restaurant activity in the downtown area; and

WHEREAS, to undertake this program, it is requested that North Division Street, between Central Avenue/Park Street and Main Street, be closed from May 1, 2023 through December 31, 2023 on Thursdays from 5:00 p.m. to 10:00 p.m., Fridays from 5:00 p.m. to 11:00 p.m., Saturdays from 3:30 p.m. to 11:00 p.m. and Sundays from 12:00 p.m. to 10:00 p.m.; and

WHEREAS, those merchants participating in the program must have a valid permit to operate a sidewalk café and/or outdoor dining use and the requirements for all applicable use regulations, including but not limited to restrictions on noise, alcoholic beverage service and litter shall still apply; and

WHEREAS, those merchants shall provide a list to the City Clerk of the booked bands and/or music events and the dates and times that they are to take place on or before May 1, 2023; and

WHEREAS, those merchants agree to pay the Special Event Permit fee set by the City to hold all music events held when the street is closed; and

WHEREAS, those merchants agree that each and every storefront on the street be allowed to use the sidewalk and/or street in front of their business to sell merchandise that they would normally sell in their operating businesses during street closure as long as they hold the required permit.

NOW, THEREFORE, BE IT

RESOLVED, that the Chief of Police is hereby authorized to close the streets requested on the above dates in order to accommodate a pedestrian walkway, an expanded outdoor dining experience and music, subject to the participating merchants maintaining full compliance with the terms and conditions of existing permits allowing for sidewalk café and outdoor dining and posting the requisite insurance therefore.

It was seconded by Councilman Fassett and unanimously passed.

Resolution #J-4 - Dedication of a park on Main Street

Councilman Douglas moved to adopt the following resolution:

RESOLUTION DEDICATING AS PARKLAND A PORTION OF CITY-OWNED REAL PROPERTY LOCATED AT 900 CENTRAL AVENUE

WHEREAS, the City of Peekskill owns a vacant parcel of land located at 900 Central Avenue (SBL 33.29-4-16) which fronts on Main Street and is adjacent to City Parking Lot K (the Vacant Parcel); and

WHEREAS, the Vacant Parcel is not suitable for development due to its small size and odd configuration; and

WHEREAS, the City obtained a survey of the Vacant Parcel to consider dedication of a portion of the property as parkland; and

WHEREAS, the survey, attached hereto, delineates the boundary of the proposed public park on the Vacant Parcel, which consists of a vacant grassy area, a concrete walkway and a monument (the “Proposed Parkland”); and

WHEREAS, the Proposed Parkland is not suitable for development and contains a historic plaque that commemorates the approximate location of the original Birdsall House during the

American Revolution, a popular hostelry patronized by General George Washington on his frequent visits to Peekskill and vicinity as Commander in Chief of the Continental Army; and

WHEREAS, the Common Council desires to dedicate Proposed Parkland as parkland to preclude any future development of the parcel, preserve the approximate location of the original Birdsall House, and to provide much needed green space in the heart of downtown that is easily accessible to nearby senior residents and to the general public; and

WHEREAS, the City has identified this dedication of parkland as a Type II Action pursuant to the State Environmental Quality Review Act (“SEQRA”) regulations, for which no further SEQRA review is required; and

WHEREAS, the Common Council deems it in the best interest of the City of Peekskill to officially dedicate the Proposed Parkland as parkland (the “Dedication”).

NOW, THEREFORE, BE IT

RESOLVED, the City of Peekskill has identified the Dedication as a Type II Action pursuant to SEQRA, for which no further SEQRA review is required; and be it further

RESOLVED, that the Common Council hereby dedicates the Proposed Parkland as public parkland; and be it further

RESOLVED, that the City Manager or his designee is authorized to take all steps necessary to effectuate the intent of this resolution, including updating the Official City Maps and the execution and recording of any necessary documents.

Main Street Park Survey for Dedication of Parkland Resolution attached.

It was seconded by Deputy Mayor Riley and unanimously passed.

Resolution #J-5 - Set public hearing – Special Events

Councilman Fassett moved to adopt the following resolution:

**RESOLUTION SCHEDULING A PUBLIC HEARING
ON A PROPOSED LOCAL LAW REPEALING CHAPTER 486 OF THE PEEKSKILL
CITY CODE ENTITLED “SPECIAL EVENTS” AND REPLACING IT WITH A NEW
CHAPTER 486
ENTITLED “SPECIAL EVENTS”**

WHEREAS, on August 23, 2021, the Common Council adopted Chapter 486 of the Peekskill City Code entitled “Special Events” to incorporate the ability for both single day events and event series occurring over multiple days, and to guide the processing of special events permits in the City Clerk’s office; and

WHEREAS, the City wishes to further improve and streamline the permit application process.

NOW, THEREFORE, 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 8th day of May, 2023, via videoconferencing, and in person at the City of Peekskill Council Chambers located at 840 Main Street, Peekskill, New York 10566, on a proposed Local Law entitled:

**LOCAL LAW No. _____ OF 2023
REPEALING CHAPTER 486 OF THE PEEKSKILL CITY CODE ENTITLED
“SPECIAL EVENTS” AND REPLACING IT WITH A NEW CHAPTER 486 ENTITLED
“SPECIAL EVENTS”**

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; and be it further

RESOLVED, that the public will have an opportunity to see and hear the meeting live and provide comments as follows:

- Attend the public hearing live in Council Chambers;
- View the livestream of the Common Council Meeting by visiting:
<https://www.cityofpeekskill.com/home/pages/meeting-video>;
- Listen via live audio broadcast on the Government Access Cablevision Channel 78/Verizon Fios Channel 28; and
- Join the Council Meeting remotely from a PC, Mac, iPad, iPhone or Android device through the Zoom App. Instructions for joining via Zoom will be posted on the Calendar on the City's website by Friday, May 5th 2023:
<https://www.cityofpeekskill.com/>.

To provide comments during the public hearing through the Zoom, please send a chat message in Zoom to the City Clerk at the time of the meeting by providing your full name and indicating that you would like to comment on this topic.

Comments may also be provided by email before the meeting. Emails must be sent to credd@cityofpeekskill.com by 12:00 noon on Monday, May 8, 2023 with the subject line in the format: "PUBLIC HEARING ITEM".

LOCAL LAW No. ____ OF 2023
REPEALING CHAPTER 486 OF THE PEEKSKILL CITY CODE ENTITLED
"SPECIAL EVENTS" AND REPLACING IT WITH A NEW CHAPTER 486 ENTITLED
"SPECIAL EVENTS"

Be it enacted by the Common Council of the City of Peekskill as follows:

Section 1. Chapter 486 of the Peekskill City Code entitled “Special Events” is hereby repealed and replaced with a new Chapter 486 entitled “Special Events” which shall read as follows:

CHAPTER 486. SPECIAL EVENTS

CHAPTER 486 OF THE CODE OF THE CITY OF PEEKSKILL ENTITLED SPECIAL EVENT PERMITS”

CHAPTER 486. SPECIAL EVENTS

§486.1. Purpose.

The purpose of this chapter shall be to regulate the use of any public right-of-way, public street, public sidewalk, public highway, public building, public walkway or other public place, other than the City of Peekskill Riverfront Green and/or any parks within the City, for the holding of special events and to institute a system of use charges relating to activities or periods of activity on any public place.

§486.2. Definitions.

ADMISSIONS – A charge per person in attendance at a special event.

APPLICANT/SPONSOR – Any person(s) corporation, partnership, association or other bona fide legal entity(ies) able to assume legal responsibility for a special event.

BLOCK PARTY –An outdoor public event, organized by the residents of a neighborhood or city block from intersection to intersection and held upon a city right-of-way for social, entertainment or other purposes.

FOOD VENDOR – Any person operating a stand or display, whether portable or stationary, selling food products for consumption at a special event, but shall not include a duly authorized City concessionaire.

SPECIAL EVENT – Any organized activity of 10 or more persons on any public right-of-way, public street, public sidewalk, public highway and thoroughfares, buildings owned or controlled by the City, public walkway or other public place to which the general public is invited or expected to attend. The term special event as used in this chapter shall not apply to permits for special events at the City of Peekskill Riverfront Green or any City of Peekskill Parks.

Special Events include, but are not limited to festivals, parades, block parties, rallies, protests, fairs, celebrations, ceremonies, marches, processions, demonstrations, exhibitions, cultural events and any other occurrence involving public gathering and/or attendance of more than 10 persons, which is not otherwise considered a matter of right under prevailing law such as to be exempt from governmental regulation.

SPECIAL EVENT SERIES – Any special event that occurs on more than one day, consecutive or non-consecutive.

VENDOR – Any booth, display or area at a special event where goods or merchandise are offered for display, inspection or sale, or entertainment is offered, excluding food or food products offered for sale and/or consumption.

§486.3. Permit Requirements and Procedures.

- A. No person or entity shall hold a special event without having first obtained a special event permit from the City of Peekskill.
- B. Applications for special event permits must be submitted to the City at least 30 days prior to the date of the proposed special event. The City Manager may waive such requirement and accept the filing of an application after the deadline if the City Manager determines that such late filing shall not have impaired the City’s ability to adequately review the application and to ensure that all arrangements necessary to hold the event as intended will be met so as to safeguard the protection of public health, safety and property are in accordance with the criteria set forth in this chapter.
- C. Applications for a special event permit shall be made upon the forms and in the manner prescribed by the City Manager or designee.
- D. Each special permit application shall be subject to the review and approval of the Chief of Police, the Fire Chief, the Building Department, the Department of Public Works, the Department of Parks & Recreation and the Corporation Counsel. The City reserves the right to make any additional requirements and/or recommendations for the public health and safety of all attendees including, but not limited to, sufficient toilet and sanitation facilities, emergency police, fire and medical response access, safety and security, additional insurance indemnification, hold harmless agreement and other provisions applicable to events of based on the size and nature of the special event.
- E. The City shall have the right to prohibit any and all activity related to any event from taking place upon or impacting any City property, facility, equipment, personnel, street, sidewalk or other public property owned or controlled by the City as to protect and safeguard public health and safety and prevent damage or loss to public or adjacent private property

F. A special event permit may be issued if it appears that there will be no conflict with any other planned activity or special event in accordance with rules for scheduling promulgated by the City Manager applicable to special events; that the proposed activity or special event shall be consistent with community standards of morals and decency; and after the applicant/sponsor tenders the fees as provided in the Consolidated Fee Schedule maintained in the Office of the City Clerk.

§486.4. Special Event Series.

A. Applications for Special Event Series shall be presented to the Common Council for review and approval at the discretion of the City Manager and will only be approved in six-week increments, which may be extended after that period so long as no other applicant has applied for those dates.

B. Applicants/Sponsors of Special Event Series must send a notice of the proposed Special Event Series to the properties located on the street where the Special Event Series is proposed to take place by mailing the notice to the address of each property owner on file with the City Assessor as well as to the physical address of each property. Applicants/Sponsor shall include proof of such mailing with the application, which proof shall include either an affidavit of mailing and/or certified mail receipts, or in such other manner as determined by the City Manager.

C. Exceptions.

(1) The City Manager, at his or her discretion, may approve Special Event Series in increments longer than six weeks where the Applicant/Sponsor provides a petition with signatures of support from at least two-thirds of the businesses on the street where the Special Event Series is proposed to take place.

(2) Applications for Special Event Series for farmers markets, flea markets and car shows may be approved in annual increments greater than six weeks, but not to exceed one year, at the discretion of the City Manager. Applicants/Sponsors for such Special Event Series are not subject to the notice requirements set forth herein.

§486.5. Block Party.

A. Applications for permits for block parties must include a petition of support from at least 75% of residents of that block, including the residents on each corner block. Each of these petitioners shall execute an agreement holding the City harmless from any loss, injury or damage arising out of the granting of the special event permit.

B. In addition to the requirements set forth herein, applicants/sponsors of block parties must notify 100% of the residents of the block of the proposed block party via mailing to the property

address, and include proof of such mailing with the application. Proof of mailing shall include an affidavit of mailing or certified mailing receipts.

C. A block party permit shall be limited to one block. There shall be no charge for admission, and no vending or amplified entertainment shall be allowed at a block party.

§486.6. Other Permits and Approvals.

A. Any proposed event, other than a block party, that involves the closure of a roadway within the City must receive approval from the Common Council. The applicant/sponsor shall be responsible for all costs associated with the City's blockade, set up/take down and overtime. A Special Event application must be submitted for any form of entertainment that will take place on the closed street. If the proposed Special Event and/or street closure is proposed to take place on a County or State road, proof of road closure approval from the County or State shall be submitted with the application for a Special Event Permit.

B. All Food Vendors must possess a valid permit from the Westchester County Department of Health to operate and shall obtain a food vendor license in accordance with §553 of the Peekskill City Code and shall comply with all provisions therein.

C. In addition to satisfying all requirements as provided herein, all applicants/sponsors shall fully comply with all other applicable laws, rules, codes, regulations and permit conditions as may be applicable and as may be overseen and enforced by any and all other governmental, municipal or legal agencies as may have jurisdiction thereover. The City shall be under no obligation to grant a permit and/or allow an event to be held in circumstances that the City has reasonably reliable knowledge indicating that any applicant/sponsor is not in compliance with any law, code, rule or regulation administered or enforced by any governmental agency applicable to the applicant/sponsor and/or the special event. The City shall have the right to require the applicant to provide proof of compliance with all such requirements, and should the applicant/sponsor fail to provide same, the City may deny the application.

§486.7. Safety Plan.

Prior to the issuance of a special events permits, the City Manager or designee, in his or her discretion, may reasonably require applicants/sponsors to submit a safety plan prior designed to protect the public health, safety and property before, during and after the event. Such public safety plan shall be subject to the prior review and approval of the Chief of Police, the Fire Chief, the Code Compliance Supervisor, the Director of City Services and the City Manager, and shall comply with the requirements of any and all such City and public safety officials acting in their official capacities and employing their professional judgment on the basis of their knowledge and experience, and with the provisions of any and all applicable laws, codes, rules and regulations. Such safety plan shall include provisions for adequate and sufficient toilet and

sanitation facilities, emergency medical response, communications and command control, safety and security, and other provisions applicable to events of such size and nature.

§486.8. Denial of application for permit; revocation.

A. Denial. The City shall deny applications for permits to hold special events for any one or more of the following reasons:

(1) The applicant has failed to complete and/or satisfy any of the requirements of the application procedure or has failed to properly complete and/or submit the application form.

(2) The applicant has failed to pay the required fees and/or provide the required insurance coverage or security or escrow account or deposit.

(3) The applicant has a prior history of failing to comply with the terms, conditions and requirements of applicable laws, codes, rules and regulations in the holding of previous events or procedures applicable thereto.

(4) The applicant has applied for permission to hold the event at such time and/or place which is not available for any of the following reasons and no other equivalent, suitable or sufficient place and/or time is available to hold the proposed event:

(a) The time and place has been granted to another applicant who has filed a proper application prior to the subject application.

(b) The safe and proper conduct and holding of the proposed event will require the dedication and/or use of City personnel, property, facilities or equipment at such time as same are not available by reason of force majeure, including but not limited to extreme weather conditions, fire, flood, public emergency, riot, labor unrest or other matters or causes beyond the City's control.

(c) The applicant has applied to hold the proposed event at a location which is not a traditional public forum and it is not dedicated or suitable for the proposed use or for events involving the exercise of free speech or expression or other activities protected by the First Amendment and/or if the proposed location would pose a danger to public health and safety or a risk of damage or loss to public or private property or to the use thereof during or subsequent to the special event.

(d) The granting of the application to hold or conduct the special event in the time, place and/or manner described in the application and the holding or conduct of same as so described would result in a violation of one or more laws, code provisions, rules or regulations or the civil rights of any individual under federal or state law, including but not limited to those relating to buildings, electricity and other forms of energy, fire prevention, sanitation, food and beverages,

toilet facilities, access to medical care, protection of property rights, protection of fair business practices and economic competition, public nuisances, noise, parking, intellectual property rights, occupancy, disorderly conduct, emergency response, and those applicable to the use of public parks and recreational facilities.

B. In any case where a permit is denied under this section, the City shall provide the applicant with a written explanation, and the applicant shall be entitled to submit an amended application, in compliance with the time frame set forth in this chapter, or a new application.

C. Revocation.

(1) The City Manager or designee may revoke a permit if the permit holder fails to abide by the terms and conditions of the permit or upon a finding of any violation of any applicable rule, ordinance, local law upon notice to the permit holder as set forth herein.

(2) Any permit for a special event issued pursuant to this chapter may be summarily revoked by the City Manager or designee at any time when, by reason of disaster, public calamity, riot or other emergency, the City Manager or designee determines that the safety of the public or property requires such revocation.

(3) Notice of any action revoking a permit shall be delivered by electronic mail and, as immediately practicable thereafter, by certified mail to the email address(es) and mailing address(es) listed on the permit application

§486.9. Inclement Weather.

A. In the case of inclement weather, the special event may be rescheduled at the sole discretion of the City Manager.

B. The City shall refund all fees of special events cancelled as a result of inclement weather in accordance with §486.8 herein.

B. In the event that the special event is rescheduled due to inclement weather, the City Manager or designee may require a new permit application with new fees, as necessary.

§486.10. Fees and Security Deposit.

A. All fees shall be set forth in the Consolidated Fee Schedule maintained by the Office of the City Clerk.

B. In the case of cancellation of a special event due to inclement weather or other reason, the applicant/sponsor shall notify the Parking Office Manager or the City Manager's designee of cancellation, in writing, as soon practical. The City shall refund all fees for cancellation of a

special event in which the City is notified of the cancellation at least 24 hours prior to the scheduled start of the event. If the city is notified less than 24 hours prior to the start of the event, the City may retain fees for expenses it incurred relating to the special event.

C. In addition to any insurance coverage required herein, the City may require all applicants/sponsors to provide a security deposit and/or escrow account for each event in an amount to be determined by the City Manager or designee according to the criteria set forth herein.

(1) The number of persons projected to attend the special event.

(2) The number of vendors, peddlers, booths, exhibits, rides, attractions, features, entertainments and other aspects of the special event.

(3) The size, dimensions and extent of the public properties, facilities and space projected to be used and occupied by the event.

(4) The number of City staff and the number and time of hours of work required of the City to provide direct services and supervision in support of the special event and all persons in attendance thereof.

(5) The number, kind and value of any and all City equipment, materials, vehicles and other properties owned or controlled by the City and used by the City in connection with the special event, and the loss, damage, depreciation and/or wear and tear reasonably likely to be sustained by same.

(6) The history, background, and nature of the applicant and/or sponsor of the event, or the event itself, specifically with respect to its longevity, budget, staff, history of compliance with City codes and regulations, local presence and contacts with the City community, and other factors relevant to the responsibility and accountability of same, but not with respect to any political platform, opinion or posture of same, and not in such manner as may be discriminatory or arbitrary as may be prohibited by law.

(7) The extent to which the applicant and/or sponsor will require special arrangements for such event with respect to utilities, energy, lighting, vehicles, parking, connections, wiring, platforms, sound and amplification equipment, and other materials, equipment and/or personnel.

(8) Whether or not any animals will be involved in any aspect of the special event, and if so, the number, kind and characteristics of same and their role in the event and the number, qualifications and experience of those charged with the control and supervision of same.

(9) Any characteristic, component, portion or element of the event which may be reasonably considered to be inherently dangerous.

§486.11. Advance Payment of Fees.

The fees computed pursuant to §486.10 shall be payable at the time of applying for a special event permit, excluding any overtime fees. Overtime fees shall be paid prior to the issuance of the permit.

§486.12. Adjustment of Fees.

Any fees based upon the estimated total number of admissions shall be subject to adjustment based upon actual admissions, as to which the sponsor shall be required to maintain an accurate count in a manner satisfactory to the City and, with respect thereto, the City shall reserve the right to audit the receipts, books and records of the sponsor with respect to the special event for a period of one year after the special event.

§486.13. Use Rules and Regulations; Insurance; Defense and Indemnity Agreement.

- A. The City Manager shall promulgate rules and regulations governing the uses authorized hereunder pursuant to and consistent with this article. Said rules and regulations and the terms thereof shall be incorporated into any permit issued pursuant hereto. Said rules and regulations shall include a provision that the applicant/sponsor of any special event, prior to the issuance of a permit therefore, shall be required to post an insurance endorsement for liability insurance from an A.M. Best-rated “secured” New York State admitted insurer. The insurance shall be primary and non-contributory, in the following minimum coverage amounts, naming the City of Peekskill as an additional insured, and shall provide primary coverage for the City, it’s Boards, Commissions, Officers, Employees, Agents and Volunteers:
 - (1) General liability insurance with limits of liability of at least \$1,000,000 for each occurrence and \$2,000,000 aggregate that lists the specific event site or location address.
- B. In addition, prior to issuance of a special event permit, the applicant shall be required to execute a defense and indemnity agreement and a hold harmless agreement, which protect the City from any and all claims, actions, proceedings, and lawsuits arising out of the special event. The applicant shall also indemnify the City for any applicable deductibles.
- C. The foregoing agreement, insurance, and coverages shall be subject to the approval of the City Corporation Counsel.

§486.14. No endorsement by the City.

The granting of permission by the City and/or the use of City owned or publicly owned property or facilities by any person or group or organization shall in no way be considered an endorsement or any expression of support, of disagreement or of any position or opinion of the City whatsoever with respect to the activities, policies, opinions, positions, precepts or other aspects of the persons or groups organizing, sponsoring holding or participating in such event or use, and no person associated in any way with the event is authorized to or shall make any public statements or representations concerning the City of Peekskill concerning same.

§486.15. Penalties for Offenses.

Any person or entity guilty of violating any provision of this chapter, including the rules promulgated by the City Manager, shall be subject to a penalty consisting of a minimum fine of \$250.00 for each offense, and shall be grounds for denial of the issuance of a special event permit in the future.

§486.16. Severability.

If any clause, sentence, paragraph, section or part of this chapter is found to be invalid, such finding shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof.

Section 2. This local law shall take effect immediately upon filing in the Office of the Secretary of State.

It was seconded by Deputy Mayor Riley and unanimously passed.

Resolution #J-6 - Set public hearing – Professional Service Agreement for HQS Inspections

Councilman Scott moved to adopt the following resolution:

**RESOLUTION OF THE COMMON COUNCIL
AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL
SERVICES AGREEMENT WITH CVR ASSOCIATES, INC TO CONDUCT
INSPECTIONS FOR THE CITY OF PEEKSKILL SECTION 8 PROGRAM**

WHEREAS, the position of Housing Inspector in the City of Peekskill Section 8 Program is currently vacant; and

WHEREAS, the City is in the process of filling the position of the Housing Inspector in accordance with the New York State Civil Service Requirements; and

WHEREAS, the duties of the housing inspector position include conducting inspections, maintaining and preparing reports of inspections, investigating housing quality standard violations, and ensuring compliance with housing quality standards amongst owners and tenants; and

WHEREAS, these duties include sensitive and confidential matters concerning the participating families' personal information which consists of data that must be protected from unauthorized access; and

WHEREAS, it is necessary for the safety and health of the tenants of the Section 8 Program that the housing inspections are performed; and

WHEREAS, to ensure that the housing inspections are adequately performed while the Housing Inspector position is vacant, the Director of the Section 8 Program desires to enter into a contract with CVR Associates, Inc. to provide services to conduct housing quality standard inspections to ensure compliance with HUD Regulations; and

WHEREAS, CVR Associates, Inc. has the necessary experience and expertise to assist with helping us complete our housing quality standard inspections; and

WHEREAS, these services constitute a professional service pursuant to Section 106-6 of the Peekskill City Code; and

WHEREAS, the Comptroller has identified Budget Line 018.8610.0401 as the source of funding for payment of these professional services; and

WHEREAS, the Common Council finds it in the best interest of the City of Peekskill to enter into this agreement with CVR Associates. Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the Common Council of the City of Peekskill hereby authorizes the City Manager or his designee to enter into a one-year professional services agreement with CVR

Associates, Inc to conduct the housing quality standard inspections for the City of Peekskill Section 8 Program; and be it further

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

RESOLVED, that this Resolution takes effect immediately.

It was seconded by Councilman Fassett and unanimously passed.

Resolution #J-7 - Set public hearing – Transfer Station IMA

Deputy Mayor Riley moved to adopt the following resolution:

**RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN INTERMUNICIPAL AGREEMENT
WITH THE TOWN OF CORTLANDT**

WHEREAS, the Town of Cortlandt operates a transfer station for recyclables on Roa Hook Road in the Town of Cortlandt; and

WHEREAS, the Town of Cortlandt along with other northern tier municipalities utilize the transfer station pursuant to an intermunicipal agreement; and

WHEREAS, the City of Peekskill approved a resolution on September 30, 2002 to enter into an intermunicipal agreement with the Town of Cortlandt for the purposes of utilizing its recyclables transfer station on Roa Hook Road; and

WHEREAS, the City of Peekskill wishes to renew this agreement with the Town of Cortlandt; and

WHEREAS, the Town of Cortlandt has proposed a six-year intermunicipal agreement to allow the City of Peekskill to utilize its transfer station at a monthly cost of eight hundred twelve (\$812.00) dollars per month for delivery of commingled recyclable goods to commence as of April 1, 2023; and

WHEREAS, the budget line 001.8161.0490 is sufficient for the \$9,744.00 of annual cost associated with this contract; and

WHEREAS, the proposed contract allows for an annual increase according to the prior year's total increased by the New York State Comptroller's Property Tax Cap (Allowable Growth Factor); and

WHEREAS, this Common Council finds it to be in the best interest of the City to enter into the proposed intermunicipal agreement for the use of Cortlandt's transfer station on Roa Hook Road in the Town of Cortlandt

NOW, THEREFORE, BE IT

RESOLVED, that the City Manager is hereby authorized to enter into an intermunicipal agreement with the Town of Cortlandt for the City of Peekskill's use of Cortlandt's transfer station on Roa Hook Road in the Town of Cortlandt on all the terms and conditions set forth herein.

It was seconded by Councilman Fassett and unanimously passed.

CITIZENS DESIRING TO BE HEARD

Regina Crane, Wesley Hall, problems concerning harassment, scooters, management of the building and overcrowding by Spanish population.

Leesther Brown, Peekskill, questioned why we waited for so long to reach the Professional Service Agreement for the inspections.

Marybeth Sullivan, White Plains, spoke of the irregularities in the voter rolls of NYS.

ADJOURNMENT

Motion made by Councilman Fassett to adjourn the meeting, seconded by Councilwoman Talbot unanimously approved by acclamation. Meeting adjourned at 8:18pm.

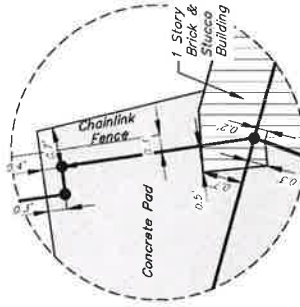
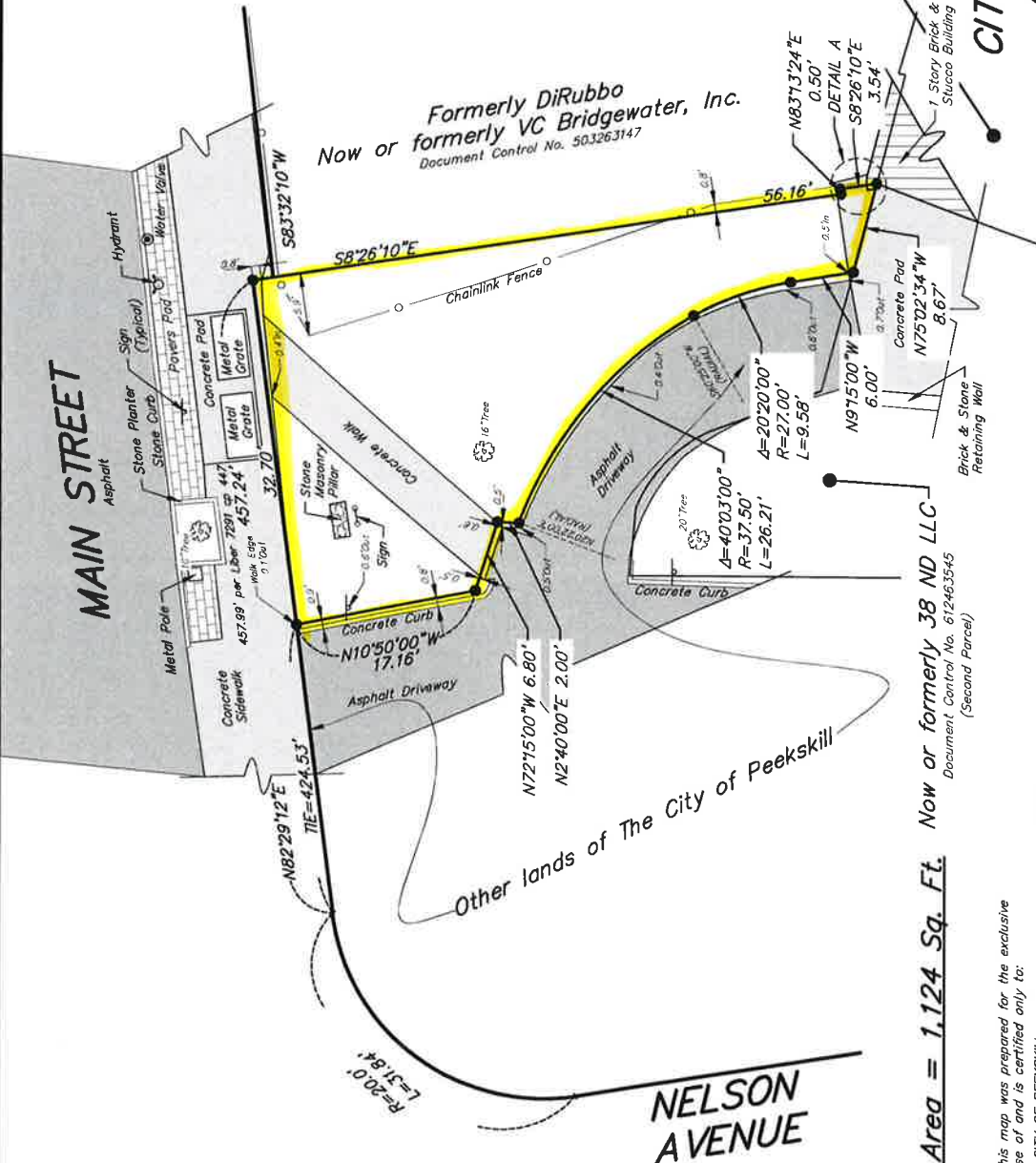
Respectfully submitted,

Cassandra Redd, MPA
City Clerk



Food & Beverage Locations

- 1) South Division Street / Park St
- 2) Park St midway between Division & Bank St
- 3) South Division Street between Park and South Street
- 4) North Division Street between Park & Main



SCALE 1 in. = 2 ft.

Now or formerly 38 ND LLC
Document Control No. 591213478
Document Control No. 612463545

SURVEY OF PROPERTY
PREPARED FOR
CITY OF PEEKSKILL
WESTCHESTER COUNTY
NEW YORK

SCALE 1 in. = 10 ft. MARCH 20, 2023

We hereby certify that the survey shown hereon was completed by us on March 20, 2023, that this survey has been prepared in accordance with the existing Code of Practice for Land Surveys as adopted by the New York State Association of Professional Land Surveyors, Inc.



BADEY & WATSON
Surveying & Engineering, D.P.C.
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PRINTED

April 12, 2023

BADEY & WATSON
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 - All certifications are valid for this map and copies thereof only if said map or copies bear the embossed seal of the surveyor whose signature appears hereon.
 - If underground improvements, easements, or encroachments exist and are not shown on this map, they may not be shown on this map.
 - This property may be affected by instruments which have not been provided to these surveyors. Users of this map should verify title with the appropriate authorities.
 - This is a survey of a portion of the property described in the Westchester County Clerk's Liber 7789 of deeds at page 15 (Peekskill 142-04-37).

Area = 1,124 Sq. Ft.
Now or formerly 38 ND LLC
Document Control No. 612463545
(Second Parcel)

This map was prepared for the exclusive use of and is certified only to:
CITY OF PEEKSKILL

BADEY & WATSON
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