

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 October 10, 2023 beginning at 8:28 p.m., with Mayor Vivian McKenzie presiding, following the Pledge of Allegiance to the Flag.

Mayor McKenzie asked for a moment of silence for those who came before us who have established our freedom and to give thought to the things that are happening in the world today with war and turmoil.

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, Deputy Corporation Counsel Michael Hartman, City Clerk Cassandra Redd and Sergeant at Arms Lieutenant Adam Renwick.
City Staff: Fire Chief Seymour.

The minutes from meetings March 13, 2023- September 25, 2023 were sent to Mayor McKenzie and Council Members. There were no comments. These minutes will be entered into the record.

PUBLIC COMMENTS ON AGENDA ITEMS

None

COMMUNICATIONS

None

DEPARTMENT HEAD AND CITY MANAGER REPORTS

City Manager Matt Alexander reported on the following areas:

- *Budget
- *New website
- *Job order system for internal use
- *Quality of Life
- *Building code enforcement

NEW BUSINESS

Mayor McKenzie asked for a motion to remove Local Law for Parking Hearing Officer.

Motion by Councilwoman Talbot. Seconded by Councilman Fassett and unanimously passed.

Resolution #J-1 – 3C1 & 3C2 Hot Lunch Programs On-site &

Homebound Deliveries

Councilwoman Talbot moved to adopt the following resolution:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE WESTCHESTER COUNTY DEPARTMENT OF SENIOR PROGRAMS AND SERVICES FOR ADDITIONAL FUNDS UNDER TITLE IIC-1 AND IIC-2 OF THE OLDER AMERICANS ACT OF 1965 FOR THE YEAR 2022/2023 TO SUPPORT ON-SITE MEALS AND OUTREACH SERVICES TO SENIOR CITIZENS IN THE CITY OF PEEKSKILL.

WHEREAS, the Westchester County Department of Senior Programs and Services has informed the City of Peekskill that they have received additional federal funding for the Title IIC-1 and

IIC-2 Senior Citizens Nutrition Programs; and

WHEREAS, the funding will be used to procure supplies and serve nutritious on-site meals and

outreach services to the Senior Citizens of Peekskill; and

WHEREAS, the City of Peekskill has previously participated in this program and wishes to continue to do so; and

WHEREAS, the City of Peekskill will receive \$24,112.00 in Federal Funds; and

WHEREAS, the City of Peekskill does not have a required financial match as a condition of this

grant; and

WHEREAS, the receivables funds will be assigned to budget line 001.0001.6002; and

WHEREAS, this Common Council believes it is in the best interest of the City of Peekskill to allocate \$8,387.00 to Nutrition Program budget line 001.8989.0200 and the remaining

\$15,725.00 to Nutrition Program budget line 001.8989.0400

NOW, THEREFORE, BE IT

RESOLVED, that the City Manager, or his authorized designee, is hereby authorized to sign and submit all documents provided by the Westchester County Department of Senior Programs and Services for funding of this program pursuant to Title IIIC-1 of the Older Americans Act of 1965, for the program year of January 1, 2022 through December 31, 2023; and
be it further

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

RESOLVED, that 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 take effect immediately.

It was seconded by Councilman Fassett and unanimously passed.

Resolution #J-2 - Parade Permit request by Run PB

Councilman Fernandez moved to adopt the following resolution:

RESOLUTION AUTHORIZING THE CITY CLERK TO ISSUE A PERMIT TO RUN PB IN CONJUNCTION WITH THE PEEKSKILL BREWERY TO HOLD A ROAD RACE ON SATURDAY, OCTOBER 14, 2023 FROM 10:30AM TO 11:30AM

WHEREAS, Run PB, in conjunction with Peekskill Brewery has submitted a permit application to hold a road race on Saturday, October 14, 2023 from 10:30am to 11:30am; and

WHEREAS, the race will begin in front of the Peekskill Brewery, head south on Water Street, left on Hudson Avenue, right on South, right onto Louisa Street, left onto John Walsh Boulevard and end at the Riverfront; and

NOW, THEREFORE, BE IT

RESOLVED that the City Clerk be and is hereby directed and authorized to issue a permit to the Run PB, in conjunction with the Peekskill Brewery, to hold a road race on Saturday, October 14, 2023 from 10:30am to 11:30am pursuant to the ordinance governing the same.

It was seconded by Councilman Douglas and unanimously passed.

Resolution #J-3 - Street Closure request by Peekskill Brewery for Block Party

Councilman Douglas moved to adopt the following resolution:

RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF WATER STREET FROM HOMESTYLE BAKERY TO HUDSON AVENUE AS WELL AS THE PARKING LOTS ON SATURDAY, OCTOBER 14, 2023 FROM 12:00PM TO 6:00PM FOR THE PEEKSKILL BREWERY BLOCK PARTY

WHEREAS, this Council has received a request from Sublime Food and Beverage, DBA Peekskill Brewery, to close Water Street from Homestyle Bakery to Hudson Avenue for the purpose of holding the Peekskill Brewery Block Party within the City of Peekskill; and

WHEREAS, this Council deems it in the best interest of the City to authorize the street closure and parking lots as necessary to allow the operation of this block party.

NOW, THEREFORE, BE IT

RESOLVED, that the Chief of Police is hereby authorized to close Water Street from Homestyle Bakery to Hudson Avenue and parking lots on Saturday, October 14, 2023 between the hours of 12:00 PM to 6:00 PM; and be it further

RESOLVED, that for the purposes of this block party, the City Code provisions that restrict sales, display and storage of merchandise on the sidewalks of the City of Peekskill is hereby suspended upon the following conditions:

1. This suspension shall operate solely for the benefit of those registered vendors participating in the Festival and for the merchants and retail stores located on Water Street from Homestyle Bakery to Hudson Avenue as well as the parking lots.

2. This suspension of the City Code prohibitions shall be effective on Saturday, October 14, 2023, inclusive for a period from 12:00 PM to 6:00 PM; and be it further

RESOLVED, that the provisions of the City Code shall remain in full force and effect at all other times.

It was seconded by Councilman Fassett and unanimously passed.

Resolution #J-4 - MTA Parking Management Plan

Councilman Scott moved to adopt the following resolution:

RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO AN ANNUAL PARKING MANAGEMENT PLAN AS REQUIRED

**PURSUANT TO THE LEASE AGREEMENT BETWEEN THE CITY OF PEEKSKILL
AND METRO-NORTH COMMUTER RAILROAD**

WHEREAS, the City of Peekskill and Metro-North Commuter Railroad have a lease agreement dated November 1, 1992, which requires an Annual Parking Management Plan; and

WHEREAS, the Annual Parking Management Plan identifies all terms of the contract including amounts for fees; and

WHEREAS, the fees for 2024 are unchanged from 2023; and

WHEREAS, this Annual Parking Management Plan is for the period of January 1, 2024 through December 31, 2024; and

**NOW, THEREFORE, BE IT THIS SECTION IS THE ACTUAL
AUTHORIZATION**

RESOLVED, that the City Manager, or his authorized designee, be and hereby is authorized to execute a Parking Management Plan with Metro-North Commuter Railroad for a period of one (1) year from January 1, 2024 to December 31, 2024; and be it further

RESOLVED, that the Agreement shall be subject to the review and approval of the MTA; and be it further

RESOLVED, that 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 Deputy Mayor Riley and unanimously passed.

Resolution #J-5 - Safer Grant Plan

Councilman Fassett moved to adopt the following resolution:

**RESOLUTION OF THE COMMON COUNCIL TO AUTHORIZE THE
ACCEPTANCE OF THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY
RESPONSE (SAFER) GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT
ASSOCIATION**

WHEREAS, each year the Federal Government through the Federal Emergency Management Association (FEMA) allocates funding to fire departments and volunteer firefighter interest organizations to help them increase or maintain the number of trained, "front line" firefighters available in their communities; and

WHEREAS, since 2016, the Staffing for Adequate Fire and Emergency Response Grant (SAFER) program has awarded approximately \$4.8 billion in grant funding to provide critically needed resources to hire new, additional firefighters (or to change the status of part-time or paid-on-call firefighters to full-time firefighters), to rehire laid off firefighters, or to retain firefighters facing layoff, as well as recruitment and retention of volunteer firefighters.; and

WHEREAS, the City of Peekskill Fire Department, by way of resolution, retained the services of a professional grant writer (Fire Grants Expert Inc., of Arlington, VA) in order to submit an application for the 2022/2023 Federal Emergency Management Association (FEMA) Staffing for Adequate Fire and Emergency Response Grant (SAFER); and

WHEREAS, on March 17, 2023, a grant application formulated by Fire Grants Expert Inc., was produced and submitted to the Federal Emergency Management Association, constructed in a way to give our fire department the highest possible grade afforded by FEMA; and

WHEREAS, on September 20, 2023, the City of Peekskill Fire Department was notified by FEMA that our grant application was selected in the first round of awards, to be awarded in the amount of \$1,603,584.06, for the purpose of hiring six new career firefighter positions; and

WHEREAS, as a condition of the grant award, FEMA agrees to pay in full, the first three years of salary and fringe benefits for the awarded six positions; and

WHEREAS, in 2028, the first year after FEMA is completely paying the salaries and fringe benefits for the six additional firefighters, the added cost to the general fund would be approximately \$400,000 for salaries, \$200,000 for health insurance and \$100,000 for pensions, while savings from attrition would be \$400,000 and overtime reduction would be \$190,000; and

WHEREAS, in subsequent years, the savings from attrition would start to decrease steadily and overtime should remain lower with more full-time shifts, and

WHEREAS, the Comptroller and the City Manager have studied these changes and that this mitigates that increase in the salaries, health insurance and pension, and

WHEREAS, the increased costs will be justified by the increase in need for additional responders at emergency scenes.

NOW, THEREFORE, BE IT

RESOLVED, that the City Council herein approves the acceptance of the Staffing for Adequate Fire and Emergency Response Grant (SAFER) Grant, awarded by the Federal Emergency Management Association (FEMA) in the amount of \$1,603,584.06 for the purpose of hiring six new firefighter positions; and be it further

RESOLVED, that the FEMA grant funds will be recorded in revenue line 001.0001.4781 (FEMA Aid) and will be amended to expense line 001.3410.0100.4781 (Fire Personnel Services – FEMA grant); and be it further

RESOLVED, that the City Manager is hereby authorized to undertake any administrative acts required pursuant to the terms of the grant agreement.

It was seconded by Deputy Mayor Riley and unanimously passed.

Resolution #J-6 - Enbridge Grant Award

Deputy Mayor Riley moved to adopt the following resolution:

RESOLUTION OF THE COMMON COUNCIL TO AUTHORIZE THE ACCEPTANCE OF A GRANT FROM ENBRIDGE INC. UNDER THEIR SAFE COMMUNITY FIRST RESPONDED GRANT PROGRAM

WHEREAS, each year Enbridge Inc. allocates funding to local first-response emergency services, including firefighters and rescue services, emergency medical services and ambulance organizations to help support initiatives from professional training and educational programs, to new firehoses, to “Jaws of Life” extrication tools; and

WHEREAS, on April 27, 2023 the City of Peekskill Fire Department, submitted a grant application to Enbridge Inc., Safe Community Grant Program, in the amount of \$5,000.00 to request firefighter personal safety systems (rope bail-out systems); and

WHEREAS, on September 30, 2023, the City of Peekskill Fire Department was notified by Enbridge Inc. that our grant application was selected to be awarded in the amount of \$5,000.00, for the purpose of purchasing new emergency escape and self-rescue rope systems.

NOW, THEREFORE, BE IT

RESOLVED, that the City Council herein approves the acceptance of the Enbridge Inc., Safe Community Grant Program award, in the amount of \$5,000.00 for the purpose of purchasing new emergency escape and self-rescue rope systems; and be it further

RESOLVED, that the grant funds will be recorded in revenue line 001.0001.2704 (Gifts, Donations, and Grants – Fire), and will be amended to expense line 001.3410.0200 (Fire Equipment), and be it further

RESOLVED, that the City Manager is hereby authorized to undertake any administrative acts required pursuant to the terms of the grant agreement.

It was seconded by Councilman Fassett and unanimously passed.

Resolution #J-7 - Hollowbrook Dam Rehabilitation Water Fund Balance Contribution Increase

Councilwoman Talbot moved to adopt the following resolution:

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF PEEKSKILL
AUTHORIZING THE WATER SUPERINTENDENT TO REQUEST COMPETITIVE
BIDS FOR THE HOLLOWBROOK DAM REHABILITATION PROJECT**

WHEREAS, on November 15, 2019, the New York State Department of Environmental Conservation (the “DEC”) conducted an onsite inspection of the Hollowbrook Dam; and

WHEREAS, this inspection was followed up by a written correspondence which noted deficiencies in the dam structure; and

WHEREAS, on July 20, 2020, the City Council authorized the City Manager to enter into an agreement with Weston & Sampson Engineering to provide an engineering analysis of the current condition of the Hollowbrook Dam structure and prepare design and construction documents to address the deficiencies; and

WHEREAS, on March 28, 2022, the estimated project total was \$2,552,656.25.; and

WHEREAS, the City had been awarded \$500,000 as a Community Development Block Grant, Westchester County indicated that it will allocate \$1,100,000 towards the project, and the Common Council passed resolution #J-4, authorizing a contribution of \$952,656.25 from the Water Fund for a total of \$2,552,656.25; and

WHEREAS, the estimated project total increased by \$206,546.88, bringing the total Water Fund contribution to \$1,159,203.13; and

WHEREAS, the NYS DEC has issued a permit for the rehabilitation of the dam; and

WHEREAS, the City is still awaiting approval and permits from the Westchester County Department of Health; and

WHEREAS, on September 25, 2023, the Common Council passed resolution #J-10 authorizing the Water and Sewer Superintendent to advertise for bids on the project; and

WHEREAS, resolution #J-10 contained a “whereas” clause stating that the City would contribute \$1,159,203.13 from the Water Fund; however, it is required that a “Resolved” clause contain this statement as well.

NOW, THEREFORE, BE IT

RESOLVED, the Water and Sewer Superintendent is authorized to advertise a Bid for the Hollowbrook Dam rehabilitation project; and be it further

RESOLVED, that the City will contribute \$1,159,203.13 towards the project to be paid from the Water Fund; and be it further

RESOLVED, that 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 the Resolution shall take effect immediately.

It was seconded by Deputy Mayor Riley and unanimously passed.

Resolution #J-8 - Request authorization to bid water treatment chemicals and sludge

Councilman Fernandez moved to adopt the following resolution:

RESOLUTION AUTHORIZING THE WATER AND SEWER SUPERINTENDENT TO ADVERTISE FOR 2024 WATER TREATMENT PLANT CHEMICALS AND SLUDGE REMOVAL BID

WHEREAS, the water treatment plant uses various chemicals to properly treat the City's drinking water; and

WHEREAS, during this treatment process a sludge is created; and

WHEREAS, the accumulated sludge must be professionally hauled away by a licensed sludge hauling company; and

WHEREAS, the Water and Sewer Superintendent is recommending that the City solicit competitive bids for the 2024 Water Treatment Plant Chemicals & Sludge Removal; and

WHEREAS, the Common Council, after giving this matter due consideration, finds that soliciting competitive bidding for the Water Treatment Plant Chemicals & Sludge Removal Bid for 2024 is in the best interest of the City of Peekskill.

NOW, THEREFORE

BE IT RESOLVED, the Water and Sewer Superintendent is authorized to advertise a Water Treatment Plant Chemical & Sludge Removal Bid for 2024; and be it further

RESOLVED, that 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 the Resolution shall take effect immediately.

It was seconded by Councilman Scott and unanimously passed.

Resolution #J-9 - Request authorization for water maintenance materials

Councilman Douglas moved to adopt the following resolution:

**RESOLUTION AUTHORIZING THE WATER SUPERINTENDENT TO ADVERTISE
FOR 2024 WATER MAINTENANCE MATERIALS BID**

WHEREAS, the Water Department uses a wide variety of repair parts to properly maintain the distribution system; and

WHEREAS, the Water Superintendent is recommending that the City advertise a competitive bid entitled “Water Maintenance Materials” for 2024; and

WHEREAS, the Common Council, after giving this matter due consideration, finds that requesting Bids for Water Maintenance Materials is in the best interest of the City of Peekskill.

NOW, THEREFORE,

BE IT RESOLVED, the Water and Sewer Superintendent is authorized to advertise a Bid for Water Maintenance Materials; and be it further

RESOLVED, that 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 the Resolution shall take effect immediately.

It was seconded by Councilman Fassett and unanimously carried.

Resolution #J-10 - Request authorization to bid laboratory services 2024

Councilman Scott moved to adopt the following resolution:

RESOLUTION AUTHORIZING THE WATER AND SEWER SUPERINTENDENT TO ADVERTISE FOR THE 2024 LABORATORY SAMPLING BID

WHEREAS, over the past few years there has been an increase in regulations associated with the operation of the City’s water treatment plant; and

WHEREAS, these new regulatory mandates come with added laboratory sampling; and

WHEREAS, the Water and Sewer Superintendent is recommending to solicit competitive bids for all laboratory analytical testing; and

WHEREAS, there is funding available in budget line 002.8330.0469 (Laboratory Services) \$40,000 to cover the cost of these services; and

WHEREAS, the Common Council, after giving this matter due consideration, finds that soliciting competitive bidding for the 2024 laboratory analytical sampling is in the best interest of the City of Peekskill.

NOW, THEREFORE

BE IT RESOLVED, the Water and Sewer Superintendent is authorized to advertise a laboratory sampling bid for 2024; and be it further

RESOLVED, that 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 the Resolution shall take effect immediately.

It was seconded by Deputy Mayor Riley and unanimously carried.

Resolution #J-11 - Oakwood Drive RFP

Councilman Fassett moved to adopt the following resolution:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ALLOCATE NYSDOT FUNDING SURPLUS FOR DOWNSTREAM DRAINAGE REPAIRS AND DRAINAGE IMPROVEMENTS ON OAKWOOD DRIVE

WHEREAS, after the completion of the recent Oakwood Drive project construction, the NYSDOT has indicated to the City of Peekskill that a funding surplus in the amount of \$44,692.00 will be provided; and

WHEREAS, the total cost of the project, plus a small contingency amount, is \$106,607.44; and

WHEREAS, once received from the NYSDOT, the grant of \$44,692.00 will be recorded in Capital Fund state aid revenue line #007.007.2770.0673.042; and

WHEREAS, the funds will be amended to Capital Fund expense line for Drainage Improvement capital work to be done to Oakwood Drive and Division Street 007.8686.0406.0673.042; and

WHEREAS, the remaining balance of \$61,915.44 will be transferred from the Trust and Agency Funds, Other Agency line of 008.0008.8500.0000.0000 to the Capital Fund expense line of 007.8686.0406.0673.042 for Drainage Improvement capital work to be done to Oakwood Drive and Division Street; and

WHEREAS, funds are available in the Other Agency account due to write-offs of old accounts payable checks and this transfer will make these funds available for the capital project; and

WHEREAS, since the completion of the Oakwood Drive restoration project and the associated upgrades to the storm sewer system, along with the exacerbation of this erosion by the recent high intensity rain events, significant downstream erosion was discovered on the opposite side of North Division Street; and

WHEREAS, this erosion currently threatens the stability of south bound sidewalk along North Division Street; and

WHEREAS, the approximate design and construction value for the repairs to the discovered downstream erosion along North Division Street is roughly \$400,000.00 to \$600,000.00; and

WHEREAS, by performing much of the design and work using DPW crews, it is anticipated that costs will be reduced to approximately \$75,000.00; and

WHEREAS, drainage improvements are also necessary on Oakwood Drive (at the proximity of the intersection of Buena Vista Ave); and

WHEREAS, in an attempt to reduce capital costs, it is recommended that these tasks be performed using in house DPW forces; and

WHEREAS, the approximate design and construction value for the necessary drainage improvements on Oakwood Drive is roughly \$100,000.00 to \$150,000.00, and by performing much of the design and work using DPW crews, it is anticipated that cost will be reduced to approximately \$30,000.00, plus a small contingency of \$1,607.44 for possible additional expenses; and

WHEREAS, the Superintendent of DPW is requesting authorization to allocate the NYSDOT funding surplus toward time, equipment and materials to repair the currently unstable embankment and to provide the proposed drainage improvement on Oakwood Drive.

NOW, THEREFORE, BE IT

RESOLVED, that the City Manager, or his designee, is hereby authorized to allocate the NYSDOT funding surplus in the amount of \$44,692.00 toward time, equipment and materials to repair the currently unstable embankment on North Division Street and to construct drainage improvements on Oakwood Drive; and be it further

RESOLVED, that the NYSDOT funding surplus in the amount of \$44,692.00 will be recorded in Capital Fund state aid revenue line #007.007.2770.0673.042; and be it further

RESOLVED, that the remaining balance of \$61,915.44 will be transferred from the Trust and Agency Funds, Other Agency line of 008.0008.8500.0000.0000 to the Capital Fund expense line of 007.8686.0406.0673.042 for purchase of equipment; and be it further

RESOLVED, that a Capital project for Drainage Improvement capital work to be done to Oakwood Drive and Division Street to be funded by line #007.007.2770.0673.042 in an amount not to exceed \$106,607.44; and be it further

RESOLVED, that the City Manager is hereby authorized to undertake any acts required to complete the capital project, Drainage Improvement capital work to be done to Oakwood Drive and Division Street.

It was seconded by Councilman Douglas and unanimously carried.

Resolution #J-12 - Donation of Tree Planting by Manzer's Landscape

Deputy Mayor Riley moved to adopt the following resolution:

RESOLUTION APPROVING THE ACCEPTANCE OF A DONATION FOR (10) TREES FROM MANZER'S LANDSCAPE DESIGN & DEVELOPMENT IN MEMORY OF CHRISTINA RASBECK

WHEREAS, Manzer's Landscape Design & Development owner "Chappy" Manzer has offered to donate labor and materials for planting (10) street trees to replace those trees removed or to be removed due to disease or problematic conditions within the City of Peekskill; and

WHEREAS, "Chappy" Manzer makes this donation in honor of his mother, Christina Rasbeck; and

WHEREAS, choices about tree species, planting schedule and worksite permitting questions will be resolved via consultation with the Conservation Advisory Committee, DPW and legal offices; and

WHEREAS, Manzer's Landscape Design & Development will provide labor, plants, soil and much; and

WHEREAS, the City of Peekskill will pay for water bags, polysheeting and will provide any ongoing maintenance; and

WHEREAS, coordination with the Teamsters Local 456 Union will be made regarding the labor being donated; and

WHEREAS, having given this matter due consideration, the Common Council finds that this is in the best interest of the City of Peekskill to accept this donation; and

NOW THEREFORE, BE IT

RESOLVED, the City of Peekskill Common Council accepts the donation of (10) street trees in honor of Christina Rasbeck; and be it further

RESOLVED, the City Manager is authorized to have these (10) trees replace those trees removed or to be removed due to disease or problematic conditions within the City of Peekskill; and be it further

RESOLVED, that the Director of Public Works via consultation with the Conservation Advisory Committee and Legal offices is hereby directed to oversee the tree species, planting schedule and worksite permitting questions for placement of these (10) street trees within the City of Peekskill; and be it

RESOLVED, that this Resolution take effect immediately.

It was seconded by Councilman Fassett and unanimously carried.

Resolution #J-13- Waive the fees for Peekskill Dog Park Festival

Councilwoman Talbot moved to adopt the following resolution:

RESOLUTION APPROVING A WAIVER OF THE FACILITIES FEE FOR THE FRIENDS OF THE PEEKSKILL DOG PARK BARKTOBERFEST

WHEREAS, the Friends of the Peekskill Dog Park have requested the use of the Peekskill Dog Park on Saturday, October 14 from 12 noon to 4:00 p.m. for their Barktoberfest fundraising event; and

WHEREAS, the Friends of the Peekskill Dog Park have requested a waiver of the facilities fee and DPW overtime fees for this use of the Dog Park for this event; and

WHEREAS, the Friends of the Peekskill Dog Park have advised that they will require additional parking for participants; and

WHEREAS, the Friends of the Peekskill Dog Park have requested use of the upper parking lot in Tompkins Park for overflow parking; and

WHEREAS, the Friends of the Peekskill Dog Park have agreed that any and all proceeds from the event will be used for improvements to the City Dog Park; and

WHEREAS, after giving this matter due consideration, this Common Council finds that approving the waiver of fees for Barktoberfest is in the best interest of the City of Peekskill.

NOW THEREFORE, BE IT

RESOLVED, that the Superintendent of Recreation is hereby directed and authorized to waive the facilities fees and any overtime fees and issue a permit to the friends of the Peekskill Dog Park for use of the City Dog Park to hold their Barktoberfest fundraising event on Saturday, October 14, 2023; and be it further

RESOLVED, that this Resolution take effect immediately.

It was seconded by Councilman Fassett and unanimously carried.

Resolution #J-14 – NYS Governor Traffic Safety Committee Grant

Councilman Fernandez moved to adopt the following resolution:

**RESOLUTION OF THE COMMON COUNCIL REGARDING THE
ACCEPTANCE OF POLICE TRAFFIC SERVICES PROGRAM GRANT**

WHEREAS, the City of Peekskill Police Department has recently applied for, and has been awarded, funding under the Governor’s Traffic Safety Committee to participate in the statewide Police Traffic Services Program, in the amount of Fourteen Thousand Four Hundred Two Dollars (\$14,402.00); and

WHEREAS, the purpose of the “Police Traffic Services Program” is to reimburse the City for overtime expenditures dedicated in furtherance of reducing motor vehicle crashes, fatalities, and injuries by heightened enforcement of seat belt usage, distracted driver, speeding, aggressive driving and other New York State Vehicle and Traffic Law violations; and

WHEREAS, this program is in effect for the period of October 1, 2023 through September 30, 2024;

NOW, THEREFORE, BE IT

RESOLVED, that the City Manager or his designee is hereby authorized to execute any and all documents required to receive the reimbursement funds for personnel hours spent in furtherance of the grant program; and be it further

RESOLVED, that the grant funds shall be deposited into revenue account 001.0001.3087 (State Aid, Police Overtime Reimbursement), and will be amended to expense line 001.3120.0120 (Reimbursable Overtime).

It was seconded by Councilman Fassett and unanimously carried.

Resolution #J-15 - NYS Governor Child Passenger Safety Program Grant

Councilman Douglas moved to adopt the following resolution:

**RESOLUTION OF THE COMMON COUNCIL REGARDING THE
ACCEPTANCE OF CHILD PASSENGER SAFETY PROGRAM GRANT**

WHEREAS, the City of Peekskill Police Department has recently applied for, and has been awarded, funding under the Governor’s Traffic Safety Committee to participate in the statewide “Child Passenger Safety Program”, in the amount of One Thousand Dollars (\$1000.00); and

WHEREAS, the purpose of the “Child Passenger Safety Program” is to reimburse the City for expenditures such as child safety seats and mounting equipment dedicated to increasing the proper use and installation of child safety seats in New York State; and

WHEREAS, this program is in effect for the period of October 1, 2023 through September 30, 2024.

NOW, THEREFORE, BE IT

RESOLVED, that the City Manager or his designee is hereby authorized to execute any and all documents required to receive the reimbursement funds for equipment spent in furtherance of the grant program; and be it further

RESOLVED, that these grant funds shall be deposited into revenue account 001.0001.4784 (Child Safety Seats), and will be amended to Police expense, 001.3120.0120 for any payroll expenses incurred and expense line 001.3120.0431 (Police Department Supplies) for any supplies (car seats, etc.) purchase.

It was seconded by Councilman Fassett and unanimously carried.

Resolution #J-16 - RFP for Solar Project

Councilman Scott moved to adopt the following resolution:

**RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE A
REQUEST FOR PROPOSALS (RFP) FOR THE DESIGN, INSTALLATION,
OPERATION, MAINTENANCE AND DECOMMISSIONING OF SOLAR
PHOTOVOLTAIC (PV) SYSTEMS ON PROPERTIES OWNED AND OPERATED
BY THE CITY**

WHEREAS, the City Manager Alexander has requested authorization to advertise a request for proposals (RFP) for the design, installation, operation, maintenance and decommissioning of solar photovoltaic (PV) systems on properties owned and operated by the City; and

WHEREAS, these systems will be located on rooftops, above parking lots, or ground-mounted on vacant or unused lands; and

WHEREAS, the following properties have been identified as having potential to host a solar PV system:

2 Nelson Avenue – Police Department roof and/or parking canopy

4 Nelson Avenue – Field Library roof

836 Main Street - Parking canopy

840 Main Street - City Hall roof

1141 Main Street - Peekskill Fire Department roof

701 Washington Street - Kitchen Incubator roof, parking canopy and/or ground-mounted

Veteran’s Memorial Pool – Roof and/or parking canopy

Parking Lots B, G and K – Parking canopy; and

WHEREAS, additional properties can be added to this list if desired; and

WHEREAS, the installation of the PV systems would alternative financing models that provide affordable renewable energy supply to low-income residents of Peekskill; and

WHEREAS, the installation of the PV systems create additional funding sources for community-oriented municipal projects.

WHEREAS, these community-oriented projects that prioritize smart siting principles and couple solar systems with battery storage will also be prioritized; and

NOW, THEREFORE, BE IT

RESOLVED, that the City Manager or his designee is authorized to advertise a request for proposals for the design, installation, operation, maintenance and decommissioning of solar photovoltaic on city owned and operated properties.

It was seconded by Councilman Fassett and unanimously carried.

Resolution #J-17 - Smoke Shop Moratorium

Councilman Fassett moved to adopt the following resolution:

RESOLUTION SCHEDULING A PUBLIC HEARING ON A PROPOSED LOCAL LAW TO ENACT A TEMPORARY MORATORIUM ON NEW BUSINESSES SELLING TOBACCO AND RELATED PRODUCTS AND REFERRING THE PROPOSED LOCAL LAW TO THE PLANNING COMMISSION

WHEREAS, pursuant to Chapter 575 of the City of Peekskill Code, an ordinance may be amended, supplemented or repealed by the Common Council on its own motion or upon recommendation by the Planning Commission or on petition, and such proposed supplement shall be referred by the Common Council to the Planning Commission for a report, and a Public Hearing shall be held; and

WHEREAS, on its own motion, the Common Council seeks to consider text amendments to Chapter 575 of the City of Peekskill Code by adding Section 575-62 establishing a temporary moratorium on the issuance of permits and certificates of occupancy for businesses selling tobacco and related products in the City of Peekskill; and

WHEREAS, the Common Council has received numerous complaints regarding the operation of “smoke shops” and “vape shops” concerning their detrimental effects on the health, safety, welfare and quality of life of the residents and citizens of the City of Peekskill; and

WHEREAS, the Common Council has decided to review the current City Code and consider the potential regulation of these types of establishments; and

WHEREAS, in order to allow the Common Council time to complete its review, draft proposed new legislation, and enact any such legislation for these types of establishments, the

Common Council deems it in the best interest of the general health, safety and welfare of the residents of the City of Peekskill to impose a temporary moratorium on the issuance of any further building permits and/or certificates of occupancy by the City of Peekskill Building Department for the construction, establishment and/or operation of any additional new “smoke shops” or “vape shops” with the limits of the City of Peekskill which are not currently in existence or operation.

NOW, THEREFORE, BE IT

RESOLVED, that the within proposed local law is hereby referred to the Planning Commission for its review and report prior to a public hearing; and be it further

RESOLVED, that a Public Hearing is scheduled at 7:30 P.M. or as soon as such hearing may be called thereafter, on the 23th day of October, 2023 in the Common Council Chambers at City Hall, 840 Main Street, Peekskill, New York on a proposed Local Law entitled:

**LOCAL LAW № ___ OF 2023
ESTABLISHING A TEMPORARY MORATORIUM ON THE ISSUANCE OF PERMITS
AND CERTIFICATES OF OCCUPANCY FOR BUSINESSES SELLING TOBACCO
AND RELATED PRODUCTS IN THE CITY OF PEEKSKILL**

and be it further

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

LOCAL LAW № ___ OF 2023
ESTABLISHING A TEMPORARY MORATORIUM ON THE ISSUANCE OF PERMITS
AND CERTIFICATES OF OCCUPANCY FOR BUSINESSES SELLING TOBACCO
AND RELATED PRODUCTS IN THE CITY OF PEEKSKILL

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

SECTION 1: PURPOSE

The purpose of this local law is to establish a temporary moratorium on the issuance of building permits and/or certificates of occupancy by the City of Peekskill Building Department for the construction, establishment and/or operation of any additional or new “smoke shops” or “vape shops” within the limits of the City of Peekskill.

SECTION 2: LEGISLATIVE FINDINGS

The Common Council of the City of Peekskill has received numerous complaints regarding the operation of “smoke shops” and “vape shops” as defined herein, specifically concerning their detrimental effects on the health, safety, welfare and quality of life of the residents and citizens of the City of Peekskill. The Common Council has decided to review the current City Code and consider the potential regulation of such “smoke shops” and “vape shops”. In order to allow the Common Council time to complete its review, draft proposed new legislation and enact any such legislation for these types of establishments, the Common Council deems it in the best interest of the general health, safety and welfare of the residents of the City of Peekskill to impose a moratorium on the issuance of any further building permits and/or certificates of occupancy by the City of Peekskill Building Department for the construction, establishment and/or operation of any additional or new “smoke shops” or “vape shops” within the limits of the City of Peekskill which are not currently in existence or operation.

SECTION 3: MORATORIUM

Chapter 575 of the City Code for the City of Peekskill is hereby established by the addition of Subchapter 575-62, which shall read as follows:

Notwithstanding the foregoing, no building permits and/or certificates of occupancy permitting the construction, establishment and/or operation of any additional or new “smoke shops” or “vape shops” which are not currently in existence or operation at the time of the enactment of this law shall be issued by the City of Peekskill Building Department as a permitted retail use or other use within any zone within the City of Peekskill, from the effective date of this Local Law through and including February 1, 2024. For purposes of this section “smoke shop” or “vape shop” shall mean any business, facility or establishment with its main, primary or specialized purpose being the on-premises use and/or retail sale of tobacco and tobacco-related products, smoking equipment and/or electronic cigarette products and related products and paraphernalia.

SECTION 4: HOME RULE

Nothing in this Local Law is intended, or shall be construed to limit the home rule authority of the City under State Law to limit the City’s discretion in setting fees and charges in connection with any applications requiring City approval.

SECTION 5: SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Common Council of the City of Peekskill hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 6: EFFECTIVE DATE

This Local Law shall take effect immediately and shall be filed in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

SECTION 7: MISCELLANEOUS

Notwithstanding any other ordinance, law or resolution, no person shall be issued a new permit under Section 575 the Peekskill City Code. This temporary moratorium shall not impact current permit holders and shall take effect upon publication of notice pursuant to Charter of the City of Peekskill, and shall expire and have no further force or effect on or after February 1, 2024.

It was seconded by Councilman Scott and unanimously carried.

CITIZENS DESIRING TO BE HEARD

Maria Pereira – Inquired if the sidewalk repair program in the past was grant funded or City funded?

Response by City Manager: still looking into this.

Barbara Flaum – 336 Montross Avenue- expressed concerns of neglect including street cleaner and flooding issue.

Roseann G.- Montross Avenue- echoed concerns of Barbara Flaum against a neighbor.

Kristin Cartier – Montross Avenue – echoed concerns of Barbara Flaum against a neighbor.

ADJOURNMENT

Motion made by Councilwoman Talbot to adjourn the meeting, seconded by Councilman Fassett and unanimously carried. Meeting adjourned at 9:08pm.

Respectfully submitted,

Cassandra Redd, MPA
City Clerk