

A regular meeting of the Common Council was held in the Common Council Chambers of the Municipal Building, Peekskill, New York, on March 27, 2017, beginning at 8:17 p.m., with Mayor Frank A. Catalina presiding, following the Pledge of Allegiance to the Flag.

Mayor Catalina delivered the invocation and asked for a moment of silence for those that are serving to protect our way of life and gave us the right to conduct this meeting, especially those that gave the ultimate sacrifice.

Present were: Councilwomen Vivian McKenzie, Kathleen Talbot, Councilmen Andre Rainey, Joe Torres, Vincent A. Vesce and Mayor Frank A. Catalina.

Also present were: City Manager Richard Leins, Corporation Counsel Melissa Ferraro and City Clerk Staff Member Fernanda Villalobos.

Absent was: Deputy Mayor Drew Claxton.

Mayor Catalina presented the following proclamation:

National Service Recognition Day –

**WHEREAS**, service to others is a hallmark of the American character, and central to how we meet our challenges; and

**WHEREAS**, communities are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and

**WHEREAS**, national service participants address the most pressing challenges facing our communities, from educating students for the jobs of the 21<sup>st</sup> century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

**WHEREAS**, the Corporation for National and Community Service shares a priority with officials and mayors nationwide to engage citizens, improve lives, and strengthen communities;

**NOW, THEREFORE**, I, Frank A. Catalina, Mayor of the City of Peekskill, join with the Corporation for National and Community Service and Mayors and officials across the country to proclaim April 4, 2017, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our city and thank those who serve.

### **COMMENTS ON AGENDA ITEMS**

George Ondek spoke in support of resolutions concerning DARE and the new K9 dog.

Dozier Wilson shared his concern about the new K9 program as he reflected on the use of police dogs in the past.

Andre Rainey said, I definitely appreciate you speaking on that. I would not personally look at it like that. I was not around during that time to see that, so my experiences are obviously different. I would definitely say that the motive behind it is to support the police on the needs that they would have in order to conduct themselves the way they do. I do not think that we would support it if we did not trust the police in Peekskill. I can understand what you are saying, my grandmother and great-grandmother, they all came from the South. There are people who are scared to have the Human Relations Commission, because they feel the same way you feel about the K9, what is the purpose of this. Our motives are not behind that, I don't want you to think that we are not paying attention, I just think we have a different perception of

the time difference, the way things were in those days. We are convinced in our heart that it is different now, and I think that is why we would accept that.

Councilwoman McKenzie replied, this is a grant that has been given to the city to develop this kind of program. I have full confidence in the Police Chief. I totally respect where you are coming from and what you are saying. I have full confidence that our Police Chief will put together a program that benefits our city, that is not replicable of the times when K9 dogs were used against people. I am remiss that I did not think of it that way. I agree with Andre, it is not how I am looking at this as an overview, but looking at it as a benefit to the city to combat any kind of drugs that we may have. Not that they are going to sic them on people or be used in that kind of fashion. I appreciate and totally understand where you are coming from and what your thoughts are. This was not something that put out to the group; it is something that was brought to us.

Councilman Vesce replied, the way in which we envision it is obviously not for enforcement. This is to locate missing persons, to sniff out evidence at a crime and things of that nature to support the police department, not to act as an enforcement arm.

Chief Johansen replied, if I might clarify, yes, that is correct, Councilman Vesce. When I brought this to your attention back in August or September, this program is to develop a K9 team that is for explosive ordinance detection, bomb threats, suspicious packages, etc, evidence detection, and to assist in search and rescue for missing persons, either children or adults with Alzheimer's. These dogs will not be developed as biters. It is not that kind of program that we are seeking to develop and I certainly respect your opinion. I did think of that, and would never have brought that type of program forth to the council because I don't think that you guys would want that either. I do respect what you are saying and thank you for bringing it up.

Councilwoman Talbot said, I am not African American, so I do not have the same, but I remember. I just want to say that people are scarred for life with images and experiences like that. I appreciate what you are saying.

### **COMMUNICATIONS**

None

### **DEPARTMENT & CITY MANAGER REPORTS**

None

### **NEW BUSINESS**

Councilwoman Talbot offered the following resolution, moving its adoption:

Authorizing Settlement of Tax Certiorari with the Pines at Chapel Hill – Approved

**WHEREAS**, THE PINES OF CHAPEL HILL (A CONDOMINIUM COMPLEX) filed tax certiorari petitions; and

**WHEREAS**, the City of Peekskill is in receipt of a Stipulation of Settlement reducing the assessment of properties owned by THE PINES OF CHAPEL HILL (A CONDOMINIUM COMPLEX)

as follows:

**The Pines at Chapel Hill**

<b>Roll Year</b>	<b>Tax Year</b>	<b>Assessed Value</b>	<b>Consent Judgment</b>	<b>Reduction</b>	<b>Tax Rate (Includes Library)</b>	<b>Refund</b>	<b>TOTAL Refund</b>
2013	2014	437,400	437,400	-	250.8711	\$ -	
2014	2015	437,400	424,278	13,122	257.4203	\$ 3,377.87	
2015	2016	437,400	411,156	26,244	272.0819	\$ 7,140.52	
2016	2017	437,400	411,156	26,244	272.0819	\$ 7,140.52	
							<b>\$ 17,658.90</b>

\* estimated refund/ tax rate has not been set

**WHEREAS**, funds will be made available through a tax certiorari bond previously issued.

**NOW THEREFORE BE IT**

**RESOLVED**, that the Common Council of the City of Peekskill hereby approves the settlement on behalf of the City of Peekskill of the tax review proceedings by THE PINES OF CHAPEL HILL (A CONDOMINIUM COMPLEX), by reducing the assessments as previously shown; and be it further

**RESOLVED**, that the City Manager, the Comptroller, the City Assessor and the Corporation Counsel are hereby authorized to take all action necessary and appropriate to effectuate the terms of this Resolution including but not limited to the execution of the Stipulations, obtaining Orders from the Westchester County Supreme Court embodying the above settlements and a refund or crediting of tax payments all in accordance with the above authorized settlement for THE PINES OF CHAPEL HILL (A CONDOMINIUM COMPLEX); and be it further

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

Councilman Vesce seconded the motion, which carried with the exception of Mayor Catalina who abstained.

Councilman Torres offered the following resolution, moving its adoption:

Authorizing the Acceptance of \$50,000 in Grant Funds for the Development of a Police K9 Unit – Approved

**WHEREAS**, the Chief of the City of Peekskill Police Department desires to enhance the department’s ability to safely respond to and mitigate threats associated with suspicious packages, items, devices, and bomb threats; and

**WHEREAS**, the Chief of the City of Peekskill Police Department further desires to enhance the department’s ability to conduct search and rescue operations involving missing persons, and to locate items that may constitute evidence in a crime; and

**WHEREAS**, Police agencies across the country, including several in Westchester County, have been utilizing dogs assigned to police k9 units to accomplish these tasks; and

**WHEREAS**, the Chief of Police has applied for, and been approved for funding from the New York State Department of Homeland Security (DHS) for the establishment of a police k9 unit, in an amount not to exceed Fifty Thousand Dollars (\$50,000) for costs associated with the purchase of equipment and training to develop such a team; and

**WHEREAS**, the Chief of Police has researched the many different types of equipment and training that will fulfill this need and identified equipment and training that is suitable for purchase and deployment for said purpose in an amount that will not exceed Fifty Thousand Dollars (\$50,000.00); and

**WHEREAS**, the State of New York has agreed, that upon receipt by DHS of the Paid Invoice, to reimburse the City of Peekskill for the costs of said equipment and training in an amount not to exceed Fifty Thousand Dollars (\$50,000.00);

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the City Manager or his designee is hereby authorized to execute any and all documents required to acquire and to receive the reimbursement funds for the purchase of said equipment and training; and be it further

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

Councilwoman Talbot seconded the motion, which carried unanimously by acclamation.

Councilman Vesce offered the following resolution, moving its adoption:

Authorizing Execution of an Inter-municipal Agreement with the Town of Cortlandt to Provide DARE Instruction – Approved

**WHEREAS**, Drug Abuse Resistance Training (DARE) is a nationally recognized, police officer led, series of classroom lessons that teaches children in fifth grade how to avoid peer pressure and live productive drug and violence free lives that is currently in 75% of our nation's schools and 52 countries around the world; and

**WHEREAS**, the City of Peekskill Police Department has a number of certified DARE instructors and a long history of providing DARE instruction in the City of Peekskill School District; and

**WHEREAS**, the Town of Cortlandt has been providing DARE instruction for a number of years to five elementary schools within two school districts including Frank G. Lindsey, Buchanan Verplanck, and Furnace Woods in the Hendrick Hudson School District, Van Cortlandt and Lincoln Titus in the Lakeland Central School District, and one private school, St. Columbanus, located within its town; and

**WHEREAS**, the Town of Cortlandt has provided this DARE instruction through a contract with a former Village of Croton police officer who has recently informed the town he will no longer be providing his services; and

**WHEREAS**, the Town of Cortlandt desires to enter into an Inter-Municipal Agreement (IMA) with the City of Peekskill to provide certified DARE instructors who would continue providing DARE instruction to the aforementioned schools within the town over a ten week period beginning April 1, 2017 and concluding on or about June 30, 2017; and

**WHEREAS**, the Town of Cortlandt, in return for these services, will compensate the City of Peekskill \$40,000 and provide up to \$2,500 for the necessary supplies needed for the program.

**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 funds in furtherance of the program to be held during the period April 1, 2017 through June 30, 2017; and be it further

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

Councilman Rainey seconded the motion, which carried unanimously by acclamation.

Mayor Catalina offered the following resolution, moving its adoption:

Fee Waived for Purchase Costs Associated with the Replacement of Water Meters and Couplings Pursuant to the Water Meter Replacement Project – Approved

**WHEREAS**, the City of Peekskill commenced an Automated Meter Infrastructure System & Meter Replacement project on June 28, 2016 in order to replace all water meters throughout the City to allow for remote readings of the water usage for each property; and

**WHEREAS**, as part of this project, the installations of Meter Replacements commenced November 6, 2016 and will continue for several months; and

**WHEREAS**, during these installations, the City is replacing existing water meters with new water meters to allow for the remote readings as part of this project; and

**WHEREAS**, pursuant to §560-7(A) of the Peekskill City Code, meters up to one inch in size are furnished and installed by the City with no charges to the property owners; and

**WHEREAS**, pursuant to §560-7(A) of the Peekskill City Code, meters larger than one inch in size are supplied by the City and the property owners are charged for the purchase cost of the meter and couplings; and

**WHEREAS**, the Common Council now believes it is not the intent of the City of Peekskill to charge the purchase cost of the meter and couplings for the replacement of meters larger than one inch pursuant to §560-7(A) of the Peekskill City Code, when that replacement is done at the City's request in accordance with the Water Meter Replacement Project; and

**WHEREAS**, the Common Council of the City of Peekskill believes the charges to property owners pursuant to §560-7(A) are for the initial installation only and not for the replacement of the water meters as part of this Water Meter Replacement Project; and

**WHEREAS**, the City of Peekskill Common Council feels it is in the best interest of the City not to charge any property owners for the replacement of Water Meters larger than one inch when performed as part of this Water Meter Replacement Project.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that this Common Council interprets the charges required pursuant to §560-7(A) of the City Code for the purchase cost of the meter and couplings associated with the installation of Water Meters larger than one inch to be charges for the *initial* installation only and not for the *replacement* of those meters performed as part of the City's Water Meter Replacement Project; and be it further

**RESOLVED**, that any property owner who has been charged for the purchase cost and couplings for a new water meter larger than one inch as part of the City's Water Meter Replacement Project shall receive a credit on their next water bill for the total amount charged for this purchase cost of the meter and couplings; and be it further

**RESOLVED**, that the City shall not charge property owners for the replacement of meters larger than one inch for the purchase cost of the meter and couplings when done so as part of the City's Water Meter Replacement Project; 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.

Councilwoman Talbot seconded the motion, which carried unanimously by acclamation.

## **STATEMENTS BY CITIZENS DESIRING TO BE HEARD**

Tony Volpe, Main Street, asked that the restaurants in the C-2 District on Main Street be reminded of the noise ordinance.

Robert Sullivan, 15 Bleakley Drive, thanked the council for considering their position concerning waiving the fees for installation of water meters.

George Ondek, Winchester Avenue, spoke about supporting the Police Dept.; airing his coverage of ribbon cuttings on the government channel; proper flying of the American flag; business owners in the downtown being fined for garbage left in front of their businesses by others.

Toni Cianci, 829 Main Street, said since the new water meter has been installed there has been a significant increase in his bill.

Councilman Vesce replied, there are a couple issues, one is there is an issue, and I don't know if this is related to your bill, I know the Mayor is going to speak to this tonight on the discussions we had related to all water issues, and how we are handling them through our Comptroller's office. The outside readers on a few of the homes have discrepancies in what the outside meter read as opposed to the actual water meter on the inside. That difference that they charged you, once they did the installation, there is also the potential that the accuracy of your old meter as far as the water in which it was counting your gallons, over time with all sorts of sediment, it may not have been giving the city an actual reading. Part of the reason why we are replacing the meters in the city is to get an accurate accounting of water usage. There may be a combination of both. I don't want to speculate, what we discussed downstairs, the Mayor will elaborate on it, we are handling this at this time to make an appointment with the Comptroller's office, Ann will sit with you, go through all your prior usage for as many years as we have records, analyze your usage and discuss what may or may not have happened. She has some flexibility in the way in which that money is recouped by the city as well as anything she can do in the way of not assessing any harm to yourself. We know there are some issues out there and we are handling them currently through our finance office on a case-by-case basis.

David Rambo, Water Superintendent stated, the meters themselves, they can only spin as fast as the water is going through; if there is a hiccup or if there is an air bubble, that's not going to make it go faster. We've done a handful of meter tests, they are recording 90-95 percent accuracy, so some of them are already reading slow and that is making the situation even worse cause when a new meter gets put in at 100 percent. Over time they will go slower, it's inherent.

Councilman Vesce said, go in and sit down with Ann, go over your history of usage.

Councilwoman McKenzie said, if you have a discrepancy you need to contact the Comptroller. We are handling it on a one-on-one basis.

Val Lo, 166 Benefield Blvd., said he is also having a problem; his bill is \$2,700.

Councilwoman McKenzie said, I agree with you, you have to contact Ann and Mr. Rambo.

Val Lo said he sat down with them last week, they said they are waiting for you guys to make a resolution tonight.

Councilman Vesce said, they've been given some direction on how to handle some of these issues.

Eileen Warmbrand, 218 Nelson Ave., asked whose responsibility it was to remove snow on the corner properties.

Mayor Catalina replied, in residential neighborhoods the property owner is.

Eileen Warmbrand asked how about in the commercial areas.

Councilman Torres replied, whoever owns the property.

Eileen Warmbrand said it's been very difficult in the last few weeks for her to get around because quite a few of the corners are not taken care of; asked if those being appointed to the Human Relations Commission have been notified.

Mayor Catalina replied, those that have been appointed have been notified.

Eileen Warmbrand asked if the public could be shown what the K9 dogs will be trained to do.

Mayor Catalina said, I don't think we'll get into that kind of public disclosure.

Eileen Warmbrand said a leadership program was suggested to the council members, new members in particular; suggested that the entire council avail themselves of it.

Mayor Catalina said, thank you for your suggestion.

There being no further citizens desiring to be heard, Councilman Vesce made a motion to adjourn the meeting, Councilwoman Talbot seconded the motion, which carried unanimously by acclamation. Meeting adjourned at 9:05 p.m.

Respectfully submitted,

Pamela Beach  
City Clerk