

Minutes following the 01/27/2021 Village Board Meeting

Welcome to the second monthly Village of Wappingers Falls meeting of the Mayor and Board of Trustees today Wednesday, January 27, 2021, 5:00 PM (ZOOM Simulcast Meeting)

PLEDGE OF ALLEGIANCE:

ROLL CALL BY THE CLERK OF THE VILLAGE: Trustee Marcojohn, Aye. Trustee Catalano, Aye. Trustee Niznik, Aye. Trustee Lammers, Aye. Trustee Huber, Aye. Trustee Paonessa, Aye. Attorney Wallace, Aye.

Tonight's meeting has been convened in accordance with the Governor's March 13, 2020 Executive Order 202.1, as extended, which suspends certain provisions of the Open Meetings Law to allow a municipal board to convene a meeting via videoconferencing. In accordance with the Executive Order, the public has been provided with the ability to view and participate in tonight's meeting, by computer, smartphone, or telephone, and to view the meeting on the usual cable television channels. The recording of the meeting will be posted to the Village website and written transcript of the meeting will be prepared and provided later.

There has been a roll call of the Board members and there is a quorum present for this meeting.

I have also confirmed with the Secretary that this meeting has been duly noticed. We have fulfilled our legal notice requirements by posting a copy of the notice of the meeting on the Village's webpage and on the Village's bulletin board. We have emailed a copy of the notice to the media, and we have confirmation that the legal notices for the public hearings have been properly published.

REGULAR SESSION:

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Approval to hire F/T Laborer for the Highway Department.

Motion by Trustee Huber to hire Mr. Curran as F/T Laborer for the Highway Department. Seconded by Trustee Niznik. ROLL CALL VOTE: Trustee Marcojohn, Aye. Trustee Paonessa, Nay. Trustee Catalano, Aye. Trustee Niznik, Aye. Trustee Lammers, Aye. Trustee Huber, Aye. Carried.

Approval to promote laborer Polakowski to Working Supervisor.

Motion by Trustee Huber to promote laborer Polakowski to Working Supervisor. Seconded by Trustee Lammers. Carried.

Approval to hire P/T Police Officer Christopher Fury.

Motion by Trustee Huber to hire P/T Police Officer Christopher Fury. Seconded by Trustee Catalano. Carried.

Village Board turned the meeting over to Mr. John Szarowski KC Engineering.

KC Engineering Project Discussion.

Projects for Discussion – Village of Wappingers Falls

2021-01-27 Village Board Workshop Meeting

2021 Construction

Village / Boat House Exterior Improvements – Woodland Manor

- Construction scope includes patio, paved parking, sidewalks, and lighting including the additional site lighting.
- Woodland Manor awarded contract for \$188,261.25 with Alt Add
 - Light poles and railing remain to be completed

Village / Franny Reese Park – Ben Ciccone, Inc.

- Project complete pending payment to 100% less 3% retainage, which will be held for 2 years.

Village / TAP PIN 8761.74 Pedestrian Safety Improvements – Con-Tech Construction Technology, Inc.

- Project complete pending closeout paperwork with NYSDOT and final payment.

Other Projects and Assignments

• Village / Utility Improvement Contract 5

- Contract 5 scope includes water connection improvements from Village of Wappingers Falls to the Town of Wappinger on Losee Road (funded by Village DWSRF #18830) and Route 9 Sewer (sewer funds) work not completed near Dutchess Plaza and Arrow Auto Glass during Contract 4.
- Design was submitted in Nov 2020 for agency reviews to NYS and Dutchess County Health Departments, Dutchess County DPW, and NYSDOT for Route 9.
- Bidding is targeted for early 2021 in preparation for 2021 construction.
- Public Meeting for scheduled for January 27, 2021

• Village / Water Filter Building and Facilities

- In late spring 2020, KC and the Village prepared and submitted a USDA Engineering Report in support of a Village funding application for the proposed Water Filter Building and Facilities at the Water Supply Facility.
- In early 2020, KC completed Preliminary Design for the Water Filter Building and Facilities.

- In Dec 2020, the Village Water Board authorized KC to prepare Final Design for the Water Filter Building and Facilities.
- USDA comments were received on the application. KC and the Village are working on responding to the comments
- **Village / Wenliss Water Tank Replacement**
 - In Dec 2020, the Village Water Board authorized KC to prepare Preliminary Design for the Wenliss Water Tank Replacement.
- **Village / Grease Trap Engineering Planning Grant**
 - Work on the Grease Trap Engineering Planning Grant project continues. Project Committee met August 28, 2020. This is a two-year grant.
 - Work is nearly ready for submitted to the Village and then to NYSEFC.
- **Village / Bain Park Survey and Masterplan**
 - Completed survey mapping has been transmitted to the Village.
 - KC remotely attended the Oct 20, 2020 Bain Park Public Meeting.
 - KC facilitated a Design Kickoff Meeting at the Bain Park site on Nov 6, 2020.
 - KC Engineering is currently working of the following:
 - Conceptual Master Plan for Bain Park;
 - Site Design for Playground Equipment Area; and
 - Long Form Part 1 EAF.
- **Village / EPA Grant Brownfield Assessments**
 - Next Steps – Phase 2 Assessments – Bleachery pending EPA approval of material submitted.

Motion by Trustee Huber to open the public hearing. Seconded by Trustee Niznik. Carried.

Public Hearing informational only no further action required at this point.

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING
VILLAGE OF WAPPINGERS FALLS**

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Village of Wappingers Falls will conduct a PUBLIC HEARING on the 27th day of January 2021, at 5:00 p.m. via Zoom, regarding Contract 5 with KC Engineering. Zoom information will be posted on the Village Board Meeting Page of the Village Website three (3) days before the date of the Public Hearing.

PLEASE TAKE FURTHER Contract 5 pertains to the water connection improvements from the Village of Wappingers Fall to the Town of Wappinger on Losee Road.

Dated: 1/11/2021

BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF WAPPINGERS FALLS

JOHN KARGE, VILLAGE CLERK

Discussion with Mr. John Szarowski KC Engineering explaining the water hookup at Losee road would ensure the village had water should there be a need. John Szarowski asked the board and public if they had any questions. None replied.

Motion by Trustee Niznik to close the public hearing. Seconded by Trustee Poanessa. Carried.

Note: This is a continuation open hearing from 13 January, 2021

**NOTICE OF PUBLIC HEARING
VILLAGE OF WAPPINGERS FALLS**

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Village of Wappingers Falls will conduct a PUBLIC HEARING on the 13th day of January 2021, at 7:00 p.m. via zoom, regarding “Adoption of an Implementation Plan per Executive Order No. 203 of Governor Andrew M. Cuomo, New York State Police Reform and Reinvention Collaborative”. Zoom information will be posted on the Village Board Meeting Page of the Village Website three (3) days before the date of the Public Hearing.

PLEASE TAKE FURTHER NOTICE that the purpose and intent of the proposed Implementation Plan is to ensure that all citizens are treated equally, fairly and justly before the law, and with greater transparency.

Dated:

BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF WAPPINGERS FALLS

JOHN KARGE, VILLAGE CLERK

**NEW YORK STATE POLICE REFORM AND REINVENTION
COLLABORATIVE PLAN**

STEPS FOR ADOPTING A PLAN

Draft a Plan (November-December 2020)

1. **Identify areas of focus:** After evaluating the current state of your law enforcement agency and getting feedback, identify what issues or areas are in need of change. Breaking down and organizing issues to be addressed allows decisions to be made in a more manageable way.
2. **Identify measurable goals:** In the areas identified as needing reform, identify what success will look like in the short- and long-term. Articulating measurable goals will help focus your policy development, allow you and all stakeholders to assess outcomes, and identify needed adjustments in the future.
3. **Draft a reform and reinvention plan:** Decide what format your final product will take. You may choose to solicit suggested language from stakeholders to help facilitate drafting and to see different stakeholders' positions in writing. Consider articulating not just the policy changes but your vision for what these changes will accomplish. Make sure to include how you will measure success.
4. **Keep the public engaged:** If the public has the opportunity to share proposals and hear deliberations, the public comment period will be more productive.

Public Comment and Ratification (January-March 2021)

5. **Release your draft plan for public comment:** Executive Order No. 203 requires that these plans be posted for public comment. Consider diversifying the ways the public can share feedback, in writing and at events.
6. **Educate the public:** When releasing your draft, think about how you and other key stakeholders involved in the development can explain the proposals to the public. Consider holding events, engaging the media, or publishing an op-ed in the local newspaper.
7. **Revise the plan to Incorporate public comment:** Ensure the public comment is addressed in a meaningful way in your final plan. Consider how you will address those comments which are not adopted and those that highlight areas of tension and disagreement among members of the community or between community members and the police.
8. **Ratify the plan:** After public comment and finalization of a plan, the Executive Order requires that the local legislature adopt or ratify the proposal. Build in sufficient notice and time for this to occur before the April 1, 2021 deadline.
9. **Certify with New York State:** Submit your certification (included here in Appendix B) that your locality has met the requirements of Executive Order No. 203 to the Division of the Budget by April 1, 2021.

Going Forward

After the plan is adopted, there will still be important work to do. You will need to implement the plan and communicate progress reports and metrics to the public. You will need continuously to monitor and respond to community concerns with the police. Public engagement should not end on April 1, 2021. The Collaborative is an important step in your continual process of building, maintaining, and strengthening the relationship between your police department and your community.

This is a continuation Public Hearing.

APPENDIX A

No. 203

EXECUTIVE ORDER

NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE

WHEREAS, the Constitution of the State of New York obliges the Governor to take care that the laws of New York are faithfully executed; and

WHEREAS, I have solemnly sworn, pursuant to Article 13, Section 1 of the Constitution, to support the Constitution and faithfully discharge the duties of the Office of Governor; and

WHEREAS, beginning on May 25, 2020, following the police-involved death of George Floyd in Minnesota, protests have taken place daily throughout the nation and in communities across New York State in response to police-involved deaths and racially-biased law enforcement to demand change, action, and accountability; and

WHEREAS, there is a long and painful history in New York State of discrimination and mistreatment of black and African-American citizens dating back to the arrival of the first enslaved Africans in America; and

WHEREAS, this recent history includes a number of incidents involving the police that have resulted in the deaths of unarmed civilians, predominantly black and African-American men, that have undermined the public's confidence and trust in our system of law enforcement and criminal justice, and such condition is ongoing and urgently needs to be rectified; and

WHEREAS, these deaths in New York State include those of Anthony Baez, Amadou Diallo, Ousmane Zango, Sean Bell, Ramarley Graham, Patrick Dorismond, Akai Gurley, and Eric Garner, amongst others, and, in other states, include Oscar Grant, Trayvon Martin, Michael Brown, Tamir Rice, Laquan McDonald, Walter Scott, Freddie Gray, Philando Castile, Antwon Rose Jr., Ahmaud Arbery, Breonna Taylor, and George Floyd, amongst others; and

WHEREAS, these needless deaths have led me to sign into law the Say Their Name Agenda which reforms aspects of policing in New York State; and

WHEREAS, government has a responsibility to ensure that all of its citizens are treated equally, fairly, and justly before the law; and

WHEREAS, recent outpouring of protests and demonstrations which have been manifested in every area of the state have illustrated the depth and breadth of the concern; and

WHEREAS, black lives matter; and

WHEREAS, the foregoing compels me to conclude that urgent and immediate action is needed to eliminate racial inequities in policing, to modify and modernize policing strategies, policies, procedures, and practices, and to develop practices to better address the particular needs of communities of color to promote public safety, improve community engagement, and foster trust; and

WHEREAS, the Division of the Budget is empowered to determine the appropriate use of funds in furtherance of the state laws and New York State Constitution; and

WHEREAS, in coordination with the resources of the Division of Criminal Justice Services, the Division of the Budget can increase the effectiveness of the criminal justice system by ensuring that the local police agencies within the state have been actively engaged with stakeholders in the local community and have locally-approved plans for the strategies, policies and procedures of local police agencies; and

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, in particular Article IV, section one, I do hereby order and direct as follows:

The director of the Division of the Budget, in consultation with the Division of Criminal Justice Services, shall promulgate guidance to be sent to all local governments directing that:

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

Each chief executive of such local government shall convene the head of the local police agency, and stakeholders in the community to develop such plan, which shall consider evidence-based policing strategies, including but not limited to, use of force policies, procedural justice; any studies addressing systemic racial bias or racial justice in policing; implicit bias awareness training; de-escalation training and practices; law enforcement assisted diversion programs; restorative justice practices; community-based outreach and conflict resolution; problem-oriented policing; hot spots policing; focused deterrence; crime prevention through environmental design; violence prevention and reduction interventions; model policies and guidelines promulgated by the New York State Municipal Police Training Council; and standards promulgated by the New York State Law Enforcement Accreditation Program.

The political subdivision, in coordination with its police agency, must consult with stakeholders, including but not limited to membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials, and create a plan to adopt and implement the recommendations resulting from its review and consultation, including any modifications, modernizations, and innovations to its policing deployments, strategies, policies, procedures, and practices, tailored to the specific needs of the community and general promotion

of improved police agency and community relationships based on trust, fairness, accountability, and transparency, and which seek to reduce any racial disparities in policing.

Such plan shall be offered for public comment to all citizens in the locality, and after consideration of such comments, shall be presented to the local legislative body in such political subdivision, which shall ratify or adopt such plan by local law or resolution, as appropriate, no later than April 1, 2021; and

Such local government shall transmit a certification to the Director of the Division of the Budget to affirm that such process has been complied with and such local law or resolution has been adopted; and

The Director of the Division of the Budget shall be authorized to condition receipt of future appropriated state or federal funds upon filing of such certification for which such local government would otherwise be eligible; and

The Director is authorized to seek the support and assistance of any state agency in order to effectuate these purposes.

G I V E N under my hand and the Privy Seal of the State in the City of Albany this twelfth day of June in the year two thousand twenty.

BY THE GOVERNOR

Secretary to the Governor

APPENDIX B

NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE PLAN CERTIFICATION FORM

Instructions: The Chief Executive of each local government must complete and submit this certification and a copy of their Plan to the Director of the New York State Division of the Budget on or before April 1, 2021 at EO203Certification@budget.ny.gov.

I, _____, as the Chief Executive of _____

(the "Local Government"), hereby certify the following pursuant to Executive Order No. 203 issued by Governor Andrew M. Cuomo on June 12, 2020:

- The Local Government has performed a comprehensive review of current police force deployments, strategies, policies, procedures, and practices;

- The Local Government has developed a plan, attached hereto, to improve such deployments, strategies, policies, procedures, and practices (the “Plan”);
- The Local Government has consulted with stakeholders (including but not limited to: membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials) regarding the Plan;
- The Local Government has offered the Plan in draft form for public comment to all citizens in the locality and, prior to adoption of the Plan by the local legislative body, has considered the comments submitted; and
- The legislative body of the Local Government has ratified or adopted the Plan by local law or resolution.

Name

Signature

Title

Date

Draft Plan for Police Reform

The following are recommendations for the committee to consider in the Draft Plan for Police Reform.

Policies and Procedures. I advised the committee about Lexipol a company that does policies and procedures for police departments. They have several departments in Dutchess County and many other departments in New York State. The City of Poughkeepsie, Town of Fishkill and the Dutchess County Sheriff’s Office is going to have them do their policies. The list below is some of the reasons why we should be considering them.

The following are a list of challenges that we have when it come to the Wappingers Falls Police Department Policy and Procedures.

- Transparency
- Training
- Policy Review and management
- Third Party Review
- Understanding best practices (nationally)

Goal: Public Safety and Positive Community Relations

Lexipol creates policies with the intent to decrease risk and preserve life. Lexipol is successful since they are a non-bias third party that brings forth the best practices from around the country. This ensures that departments like ours are provided an outside perspective.

Partnering with Lexipol can assist us with this process:

- Providing a solid policy foundation and head start with 160 policies based on federal and state law as well as best practices
- Requiring the police department to do a complete review and analysis of their current practices while modifying the Lexipol manual to fit the needs of our agency and community
- Allowing for the sharing of key policies for community engagement and input
- Facilitating the engagement process by providing a legally sound policy to modify or adapt to local needs

Short Term Goal:

To completely update Policy and Procedures, that other than minor revisions, have not been changed since 2008.

Long Term Goal:

Have Policy and Procedures that meet New York State Accreditation Standards. This will assist Wappingers Falls Police to become an accredited department.

Community Survey:

The Wappingers Falls Police will conduct a survey of the community, to see how we are meeting the needs of the community. From the information we obtain from the survey we will be able to improve on programs and training.

Comments from resident Ferry:

The Commissioners plan to use Lexipol for model policies is an excellent idea. The fact that there have only been minor revisions to the manual in the past 12 years should be of concern to

you. I believe a contract with Lexipol will include policy updates that will ensure that your officers are being guided by current laws and standards. Lexipol will significantly decrease your liability for using outdated policies. It is an investment that the Village Board should support.

In addition to Lexipol I strongly suggest that the Board look at the feasibility of using Power DMS. Power DMS is a Document Management System (DMS), that recently teamed up with Lexipol on the delivery and management of police policies. I believe a DMS is an important tool in developing accountability and well-informed officers in the Department. The value of a DMS system is even greater in a part-time police agency. A DMS system will ensure and document that officers have read and understand every policy and every policy update. It also ensures annual review and testing on high liability policies such as vehicle pursuit and arrest for violations, sexual harassment, misconduct, and response to domestic incidents. The use of a DMS system will be a huge step in increasing accountability in the Department and is well worth the investment.

In looking at the Village website I cannot find a page informing the public about the policy and procedures regarding citizen complaints. In the spirit of community trust it is important that citizens understand the policies and procedures of handling such complaints, including the ability to lodge anonymous complaints. Citizens should be provided with the ability to file police misconduct complaints Online.

I have 10 years' experience as Chief of Police for the New Castle Police Department. New Castle is an accredited policy driven agency. Upon becoming Chief I implemented DMS for the agency and know the benefits and importance of a DMS firsthand. If I can be of any assistance, please do not hesitate to contact me.

The village board may decide to use Lexipol as a supplier initial cost \$15.0k and annual update \$5.0k per year.

Reverend Hunt talked about clergy involvement with the Police Department as a partner.

Motion by Trustee Niznik to keep the hearing open to February 10th Village Board Meeting. Seconded by Trustee Poanessa. Carried.

Approval for the Village of Wappingers Falls Board of Trustees along with Deputy Mayor Kevin Huber to acknowledge Corey Usavich as the Village of Wappingers Falls as the primary log-in holder for the holder for the Village of Wappingers Falls Equitable Business Opportunities (EBO) account.

This account is how we update the DoT on our MWBE goals for their projects. It was in Scott Williams name but needs to be updated and for that the DoT requires a resolution from the Village Board.

Motion by Trustee Niznik to acknowledge Corey Usavich as primary log-in holder for the village (EBO) account. Seconded by Trustee Poanessa. Carried.

Discussion NYSDOT would like to purchase a portion of village owned property for the sum of \$2,500.00. Please see attached memo dated 1/8/2021 to Attorney Wallace.

Motion by Trustee Niznik to table this item to 2/10/21. The board would like to invite NYSDOT to the 2/10/21 Village Board Meeting for additional information. Seconded by Trustee Catalano. Carried.

The board paused for public comment.

Cindy Latino talked about the playground equipment and Bain Park.

Motion by Tr. Huber to adjourn into Executive Session at: 6:00 PM for the purpose of discussing areas marked (X). Seconded by Tr. Lammers. Carried.

All in Favor: 5 Opposed: 0 Abstain: 0
Motion passes [5] – [0]

EXECUTIVE SESSION

- pending litigation in the matter(s)
- negotiations conducted pursuant to the Taylor Law
- the medical history of a particular person
- the financial history of a particular person
- the employment history of a particular person
- matters leading to the appointment of a particular person
- matters leading to the promotion of a particular person
- matters leading to the demotion of a particular person
- matters leading to the discipline of a particular person
- matters leading to the termination of a particular person
- issues involving a special education student
- the proposed sale of real property because the publicity would substantially affect the value thereof
- the proposed lease of real property because the publicity would substantially affect the value thereof
- seeking legal advice from the Village's Attorney
- matters that would impact public safety

Motion by Tr. Niznik to exit Executive Session and return to the Public Meeting at 7:00 PM. Seconded by Tr. Catalano. Carried.

Note: Trustee Poanessa was not in attendance for the executive session.

All in Favor: 5 Opposed: 0 Abstain: 0
Motion passes [5] – [0]

REGULAR SESSION:

Motion to adjourn the 1/27/2021 Village Board Meeting

Motion by Trustee Huber to adjourn the 01/27/2021 (ZOOM Simulcast) Village Board Meeting.
Seconded by Trustee Marcojohn. Carried.

Meeting adjourned 7:00 PM. Minutes prepared by: John M. Karge, Village Clerk