

Minutes following the 02/10/2021 Village Board Meeting

Welcome to the Village of Wappingers Falls monthly regular meeting of the Mayor and Board of Trustees today Wednesday, February 10, 2021, 7PM.

PLEDGE OF ALLEGIANCE TO THE FLAG:

RECOGNITION / ANNOUNCEMENTS / SPECIAL EVENTS

Village Clerk Karge said several residents commented on the great job the Village Highway Department did to ensure safety by removing snow from the village streets and parking lots during and after the January 31st – February 1st snowstorm that dropped as much as 18 inches of snow in places. Job well done under far less than ideal conditions!!!

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 a written transcript of the meeting will be prepared and provided at a later date.

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.

Motion by Trustee Niznik to open the public hearing for New York State Police Reform and Reinvention Collaborative". Seconded by Trustee Poanessa. Carried.

Note: This is a continuation open hearing from 13 and 27 January, 2021

**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 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.

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

Comment by Ms. Cheryl Wallace saying she supports all the Reverend Hunt said during the 1/27/21 Village Board Meeting.

Motion by Trustee Catalano to close the public hearing. Seconded by Trustee Lammers. **ROLL CALL VOTE:** Trustee Marcojohn, Aye. Trustee Paonessa, Aye. Trustee Catalano, Aye. Trustee Niznik, Aye. Trustee Lammers, Aye. Trustee Huber, Aye. Carried.

Motion by Trustee Lammers to ratify appendix B NYS Police Reform and Reinvention Collaborative Plan. Seconded by Trustee Catalano. **ROLL CALL VOTE:** Trustee Marcojohn, Aye. Trustee Paonessa, Aye. Trustee Catalano, Aye. Trustee Niznik, Aye. Trustee Lammers, Aye. Trustee Huber, Aye. Carried.

Note: Formal resolution to be approved 2/24/21 Village Board meeting.

ACTION ON MINUTES

January 13, 2021

January 27 ,2021

Motion by Trustee Huber to accept the above Village Board Meeting Minutes. Seconded by Trustee Lammers. Carried.

AUTHORIZATION TO PAY BILLS AS PER APPROVED WARRANTS

Motion by Trustee Niznik to approve paying the bills as audited. Seconded by Trustee Catalano. Carried.

REGULAR SESSION:

RESOLUTION NO. 012021 of 2021

**RESOLUTION AUTHORIZING NEW YORK STATE DEPARTMENT OF
TRANSPORTATION (NYS DOT) TO ACQUIRE PROPERTY FOR
WAPPINGER LAKE BRIDGE REHABILITATION PROJECT AND
ACCEPTING PAYMENT FROM NYS DOT FOR SAID ACQUISITION**

The following Resolution was introduced by Trustee Lammers and Seconded by Trustee Catalano.

WHEREAS, the New York State Department of Transportation (NYS DOT) needs to acquire two parcels of property (Maps 79 & 80, Parcels 96 & 97) from the Village of Wappingers Falls for the rehabilitation of the Wappinger Lake Bridge; and

WHEREAS, the Wappinger Lake Bridge rehabilitation project includes replacing the bridge structure, installing a sidewalk alongside the bridge on the east side and aligning the existing sidewalk to the south with the new bridge sidewalk; and

WHEREAS, NYS DOT has offered to pay the Village the sum of Two Thousand Five Hundred Dollars (\$2,500.00) for the acquisition of the two aforementioned parcels in accordance with an Agreement for Advance Payment; now, therefore

BE IT RESOLVED, that the Village Board of Trustees hereby authorizes the acquisition of two parcels of property designated as Maps 79 & 80, Parcels 96 & 97 by NYS DOT and accepts a payment in the sum of Two Thousand Five Hundred Dollars (\$2,500.00) in accordance with an Agreement for Advance Payment; and

BE IT FURTHER RESOLVED, that the Village Board of Trustees hereby authorizes the Deputy Mayor to sign the Agreement for Advance Payment on the Village’s behalf as well as any subsequent documents which might be required to secure payment of this claim: **Proceeding 15000, PIN 8813.41.221, S.H. 5549, Maps 79 & 80, Parcels 96 & 97**, and any other documentation as may be necessary to effectuate the purpose and intent of this Resolution.

The foregoing was put to a vote which resulted as follows:

	Yea	Nay
Deputy Mayor Kevin Huber	<u> X </u>	<u> </u>
Bill Marcojohn – Trustee	<u> X </u>	<u> </u>
Jennifer Niznik – Trustee	<u> X </u>	<u> </u>
Mary Paonessa – Trustee	<u> X </u>	<u> </u>
Kristin Catalano – Trustee	<u> X </u>	<u> </u>
Bryan Lammers – Trustee	<u> X </u>	<u> </u>

Dated: Wappingers Falls, New York
February 10, 2021

I, John Karge, Village Clerk of the Village of Wappingers Falls, hereby certify that the above Resolution was adopted by the Village Board of Trustees of the Village of Wappingers Falls and that this is a true and exact copy thereof.

John M. Karge

JOHN KARGE, VILLAGE CLERK

Approval 30 Day waiver for liquor license Flores Food Group, Inc 1659 Rte. 9. Bryan Murphy approved)

RESOLUTION NO. 022021 of 2021

RESOLUTION WAIVING THIRTY DAY LIQUOR AUTHORITY LICENSE HOLD PERIOD FOR FLORES FOOD GROUP, INC.

The following Resolution was introduced by Trustee Huber and seconded by Trustee Poanessa.

WHEREAS, Flores Food Group, Inc. by its representative, Stenger, Diamond & Glass, LLP, has made application to the New York State Liquor Authority for a Liquor, Wine, Beer & Cider License for its establishment; and

WHEREAS, the Village has been provided a statutory 30-Day Advance Notice; and

WHEREAS, the Village Board, upon the recommendation and approval of the Building Inspector, has no objection to the grant of the Liquor License to Flores Food Group, Inc. and hereby waives its right to a Thirty (30) Day Hold on the application for a Liquor License; now, therefore

BE IT RESOLVED, that the Village Board of the Village of Wappingers Falls hereby waives its right to require a Thirty (30) Day Hold on the application of Flores Food Group, Inc. for a Liquor License.

The foregoing was put to a vote which resulted as follows:

Yea

Nay

Deputy mayor Kevin Huber	<u> X </u>	_____
Bill Marcojohn – Trustee	<u> X </u>	_____
Jennifer Niznik – Trustee	<u> X </u>	_____
Mary Paonessa – Trustee	<u> X </u>	_____
Kristin Catalano – Trustee	<u> X </u>	_____
Bryan Lammers – Trustee	<u> X </u>	_____

Dated: Wappingers Falls, New York
February 10, 2021

I, John Karge, Village Clerk of the Village of Wappingers Falls, hereby certify that the above Resolution was adopted by the Village Board of Trustees of the Village of Wappingers Falls and that this is a true and exact copy thereof.

John M. Karge

JOHN KARGE, VILLAGE CLERK

W.T. Garner Engine Company voted in Aidan Santoro as a Jr. member of the Company and Department.

Motion by Trustee Huber to accept correspondence from W. T. Garner Engine Company. Seconded by Trustee Lammers. Carried.

Accept resignation PO Cecil Thomas effective 2/28/21

Motion by Trustee Huber to accept resignation PO Cecil Thomas effective 2/28/21. Seconded by Trustee Lammers. Carried.

Accept resignation PA Ruska effective 1/30/21

Motion by Trustee Huber to accept resignation PA Ruska effective 1/30/21. Seconded by Trustee Poanessa. Carried.



MONTHLY DEPARTMENT STATS 2021

	Jan 2020	Date Jan 01- Jan 31 st	Date Feb 01 – Feb 29th	Date March 01– March 31	Date April 01 – April 30	Date May 01- May 31	Date June 01- June 30	Date July 01- July 31	Date Aug 01- Aug 31	Date Sept 01 – Sept 30	Date Oct 01 – Oct 31	Date Nov 01 – Nov 30	Date Dec 01 – Dec 31
Total Calls for Service	340	284											
Arrests	7	8											
Traffic Tickets	226	150											
Sick Call Outs	8	12											
Call Outs (other)	11	6											
Call Outs (shift not covered)	10	10											
Domestics	8	10											
Lockouts	14	13											
Larceny	3	3											
Drug Complaint	1	0											
Criminal Mischief	0	6											
Accidents	20	9											
Assault Calls	0	0											
Burglar Alarms	19	5											
Medicals	50	69											
Civilian Complaint	0	0											
Parking Tickets	46	67											
Use of Force		1											

Highway, Trustee Huber

Fire, Trustee Huber

Safety. Village Clerk

Recreation, Trustee Huber

Lake, Trustee Huber

Water, Trustee Huber

Personnel, Trustee Niznik

Sewer and Grants,

“Public input”

Village Clerk Karge said there were three submissions since the last VB Mtg. 1/27/21

- **Concern about speed limit signs West Main.**

Village Clerk Karge said DOT is planning to place 4 speed limit signs in the village two on West Main and two on South Avenue,

- **Concern about snow removal West Main Business District.**

Deputy Mayor Huber said he would talk to the DPW Superintendent about a plan to remove the snow.

- **Presentation by NYSDOT with respect to acquiring small strip of village owned land east side of Rte. 9 at the bridge**

Excellent presentation by NYSDOT employee and Village Resident Mr. Dave Walker.

Public comment period. None.

Motion by Tr. Lammers to adjourn into Executive Session at: 8:00 PM for the purpose of discussing areas marked (X). Seconded by Tr. Huber. Carried.

All in Favor: 6 Opposed: 0 Abstain: 0

Motion passes [6] – [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 9:00 PM. Seconded by Tr. Catalano. Carried.

All in Favor: 6 Opposed: 0 Abstain: 0
 Motion passes [6] – [0]

REGULAR SESSION:

Motion by Trustee Huber to accept \$5.0k NYSDOT offered as compensation for damaged lamp post on Rte. 9D (West Main Business District). Seconded by Trustee Marcojohn. Carried.

Discussion NYSDOT would like to purchase a portion of village owned property for the sum of \$2,500.00.

Motion by Trustee Lammers to accept the state's condemnation offer of \$2,500.00 for the taking of Village property pursuant to Vesting Maps 79 and 80, seconded by Trustee Catalano. Carried.

Motion by Trustee Huber to adjourn the 2/10/2021 Village Board Meeting. Seconded by Trustee Poanessa. Carried.

Meeting adjourned 9:15 PM.

Minutes prepared by: John M. Karge, Village Clerk