



---**REVISED**---

Call to Order: At 4:11 PM by Chairwoman Mayor Shawyn Patterson-Howard

Roll Call: Roll Call and reading of agenda items administered by City Clerk Tanesia M. Walters.

Board Members Present: Comptroller Darren Morton, City Council President Danielle Browne and Chairwoman, Mayor Shawyn Patterson-Howard (we have a quorum).

Absent: None

Others: Chief of Staff Kristen Reed, Corporation Counsel Brian Johnson, City Clerk Tanesia Walters, Deputy City Clerk Donna Jackson, Assistant Comptroller Condell Hamilton, Assistant Corporation Counsel Alyssa Gillespie, Commissioner Patrick Holder, Buildings.

ADMINISTRATION OF THE AGENDA

(Out of respect for Commissioner Holder, the Committee agreed to take Item #12 first so he can be released from the BOE&C meeting afterwards.)

RESOLUTIONS APPROVING ORDINANCES

1. Granting ordinance requesting permission for the Mayor and one (1) staffer from the Mayor's office, one (1) youth from the Youth Shelter of Westchester and two (2) members of service from the Police Department to attend the Cities United Roadmap Academy Bootcamp – (March 6 - March 9, 2023. The estimated cost of the travel expensed from the Mayor's Office budget A1210.402, Travel is \$4,000.00 and the estimated cost of the travel expensed from the Police Department's budget A3120.458, Other Expense is \$1,700.00).

Moved: Council President Browne, Seconded by Comptroller Morton

On the Question: Comptroller Morton asked about the Mayor's office travel budget noting several items were approved in 2023.

Response: Mayor Patterson-Howard clarified this is the second item approved for 2023. Chief Reed confirmed approximately \$10,000 in the Mayor's travel budget line. The Mayor noted that this was a critical trip; we were chosen as one of ten communities across the country to participate in this bootcamp. This focused on how to sustain a response by looking at the incidents and drivers of violence; and dealing with ensuring we are developing and sustaining prevention, intervention and restorative practices. While it is sad, it is also good to know our city is not alone. One

of the most valuable pieces was when we looked at the COVID response of most communities and the holistic response, versus the violence response. We can come together for certain crises, but for violence there isn't a sustained effort. Cities United will come for a 2-day visit and assessment, and we will come together in May to do a convening locally with national resources. Council President Browne asked if Cities United will help us build out a safety plan? Mayor responded yes. She further noted they brought 2 deputy police commissioners, one representing wellness and one representing enforcement. Mayor noted a total team of 6 traveled including one young person (under 25) who has been justice-involved. The hardest part was as they boarded the plane they heard about the shooting incident that happened in real time back here in the city. One life is always too much (to lose). Comptroller retracted his question on the record, as he read the item too quickly.

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

2. Granting permission for the Mayor to attend the National League of Cities Congressional City Conference – (March 26 - March 27, 2023. The cost of the conference is \$775.00 for NLC Members, and travel costs not to exceed \$1,500.00 from the Expense Code A1210.402, Office of the Mayor, Travel).

Moved: Council President Browne, Seconded by Comptroller Morton

On the Question: Comptroller asked if we paid our dues for this year?

Response: Clerk and Mayor noted that they are due in September; Mayor noted we joined late December 2022. The term is 1-year. Cost is approx. \$5,900 based on city side, and we reaped the benefit from that, and it is budgeted for.

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

3. Granting permission to reassess and adjust the salary and grade of the administrative aide position within the Office of the City Clerk - (salary upgrade from \$55,602.99 to \$61,537.09 and a grade change to Grade 8, Step 7 from Grade 6, Step 7).

Moved: Council President Browne, Seconded by Comptroller Morton

On the Question: Comptroller asked that we get written confirmation from Taryn Vanderberg, president of the union, of the change. Clerk Walters noted a "verbal" okay; Comptroller wants a written confirmation for the record. The reason for the ask from the Comptroller's office is in case of litigation, etc., we want to have confirmations attached to the salary resolutions. That is why we ask for the civil service approvals, HR approvals and assessments, in case there are any issues later on.

Response: Council President Browne noted that as a best practice for the Council also we should have the supporting documents behind the referral packet.

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

4. Granting permission to enter into a Professional Consultant Agreement (Water Meter Reading Consultant for a maximum period of six (6) months, effective March 2023, at an hourly rate of \$48.00 for an amount not to exceed \$50,000.00. Funds for said consultancy are available in the Board of Water Supply's FY23 budget – Account Code 001-526-526003, Engineering).

Moved: Council President Browne, Seconded by Comptroller Morton

On the Question: Council President Browne stated: anytime we hire consultants we need to ensure we have standard operating procedures for departments. This will help the City so we don't lose capacity.

Response: Mayor noted we want to ensure a transfer of knowledge and expertise. Comptroller also said this is inherent of the public sector and civil service and how it was designed. It is also a negative drawback of unions. Sometimes we have issues when we talk about having people “job shadow” and the conversation comes down to union differences around salary differential, etc. We as a city need to think about how to create a better structure to ensure there isn’t just one person who knows a job. For most positions we don’t have that issue but in the cases of specialized expertise there should be a process in place to ensure we don’t have an operational gap. Our operation in certain places is lean. When you have a lean operation but a structure inherent to a specialized function, then as corporation counsel Johnson notes, we then have a “single point of failure” and it costs the city and taxpayer more. Union leadership and workers should look at this too – we need to make sure we can do what we need to as a government. Mayor note having a real secession plan in those lean places.

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

Comptroller Morton moves to take items 5 and 6 as one vote. Council President Browne seconds. Roll call: ALL AYES (4:37pm). Clerk Walters reads the items:

5. Granting permission for Councilwoman Lisa Copeland to attend the NYCOM’s Annual Meeting from May 17th – 19th, 2023. (The cost for this event not to exceed \$1,550.00 and will be satisfied through Budget Code A1010.417, Education and Training for a sum of \$335.00 and A1010.402, Travel and Expense for a sum of \$1,215.00).
6. Granting permission for Council President Danielle Browne and Councilman Edward Poteat to attend the NYCOM’s Annual Meeting from May 17th – 19th, 2023. (The cost for this event not to exceed \$4,000.00 and will be satisfied through Budget Code A1010.417, Education and Training for the sum of \$700.00 from A1010.402 for a sum of \$3,300.00).

Moved: Council President Browne, Seconded by Comptroller Morton

On the Question: None

Response: None

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

7. Granting permission for seven (7) staff members from the Youth Bureau and thirty (30) Ready4Life High School participants to attend the City of Mount Vernon Youth Bureau’s Ready4Life HBCU College Tour in Washington D.C. (April 3rd through April 6th, 2023, to be held in Washington D.C. The entire trip including lodging, t-shirts, drawstring bookbags, breakfast, lunch, snacks, dinner, and transportation is estimated to cost of \$28,000.00 and should be expensed through Budget Code A7335.458, Ready4LIFE. *Note:* funding for this program is already available and does not add any expense to the city).

Moved: Council President Browne, Seconded by Comptroller Morton

On the Question: The Mayor is excited to offer this trip to the city’s students. Our young people have engaged with representatives from HBCU’s and now they have an opportunity to actually go and walk the grounds and meet with professors to see if this option is available for them. The HBCU experience strengthens the young people who attend who are of similar background. If we can talk about violence prevention, we can also amplify good positive opportunities too.

Response: None

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

8. Granting permission for the Mayor to enter into a renewal agreement with Citizen Observer, LLC, Tip411 (commencing April 1, 2023, through March 31, 2024, at a cost not to exceed \$3,100.00 – available in Budget Code A3120.449, Investigations and Trials, Police Department 2023 Budget.

Moved: Council President Browne, Seconded by Comptroller Morton

On the Question: Council President Browne was impressed the MVPD was able to get this contract in before it expired.

Response: The Mayor discussed a “contract tracker” and there is a finance account clerk that will help us. Corporation Counsel noted now we have electronic copies.

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

9. Granting permission for three (3) Members of Service from the Department of Public Safety to attend the three (3) day Less Lethal Instructor Certification Training - (conducted by the Rockland Sheriff’s Department, 55 New Hempstead Road, New City, NY from March 28th – March 30th, 2023. The cost for this training will not exceed \$2,685.00 and will be satisfied from Budget Line A3120.451, Training. Reimbursement for travel expenses, meals, incidentals, and miscellaneous expenses is further authorized upon presentment of receipts for travel expenses, meals, incidentals, and miscellaneous expenses is further authorized upon presentment of receipts).

Moved: Council President Browne, Seconded by Comptroller Morton

On the Question: none

Response: none

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

10. Amending Ordinance No. 15 adopted on February 8, 2023, entitled “AN ORDINANCE REQUESTING PERMISSION FOR FOUR (4) MEMBERS OF SERVICE TO ATTEND THE TACOPS NYTOA TRAINING CONFERENCE” – ([Street Cop Headquarters, located at 50 Millstone Road, Yorktown], New York Tactical Turning Stone Casino, New York on April 24th -28th, 2023. The total cost for this training for four (4) Members of Service should not exceed \$3,700.00 and will be satisfied from Budget Line #A3120.451, Training. Reimbursement for travel expenses, meals, incidentals, and miscellaneous expenses is further authorized upon presentment of receipts for travel expenses, meals, incidentals, and miscellaneous expenses is further authorized upon presentment of receipts).

Moved: Council President Browne, Seconded by Comptroller Morton

On the Question: None

Response: None

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

RELEASE OF REQUEST FOR PROPOSALS (“RFPs”)

11. Authorizing the Department of Planning & Community Development to release a Request for Proposals (“RFP”) for consulting services for the Mount Vernon Financial Empowerment Center.

Moved: Council President Browne, Seconded by Comptroller Morton

On the Question: none

Response: none

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

ACCEPTANCE OF REQUEST FOR PROPOSAL (“RFP”)

12. Accepting the Request for Proposal (“RFP”) awarded to LaBella Associates to provide *Professional Consulting Services / Department of Buildings*. [\(Item taken first on the agenda\)](#)

Moved: Council President Browne, Seconded by Comptroller Morton

On the Question: The item was reviewed at the last BOE&C meeting.

Response: This will allow the city to have outside professional consulting contracts for our larger development projects, allows us to be more efficient and improve processing; the in-house staff can concentrate on small businesses and multifamily issues. Having people onboard who have done this for years allows the city to be more efficient than hiring, paying benefits. Comptroller Morton asked if Commissioner Holder or his department keep track of the metrics around this RFP, and ensure we circle back to do a cost benefit analysis. The City gets questions regarding rationale for outsourcing and the benefit. Commissioner Holder responded that we are customizing OpenGov for that right now.

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

SETTLEMENTS

Settling the claim of:

Comptroller Morton moves to take items 13-16 as one block vote; President Browne seconds.
Roll Call: ALL AYES.

13. Deakwon Grant - \$22,500.00
14. Joemo Bradbury - \$1,302.67
15. State Farm a/s/o Lamont Watkins - \$1,025.88
16. Debra Coleman - \$1,000.00

Moved: Council President Browne, Seconded by Comptroller Morton

On the Question: none

Response: none

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

17. Shawn Harris - \$150,000.00

Moved: Council President Browne, Seconded by Comptroller Morton

On the Question: Corporation Counsel explained the item. Shawn Harris was appointed by former Mayor Thomas as Police Commissioner and subsequently removed from duties by Thomas. Then-councilmember Wallace stated he was Mayor and brought Harris back to the position. When Harris returned to work and entered the MVPD he was arrested and detained. Former police commissioner Harris filed this lawsuit. Former Mayor Thomas asked for legal representation from the city. Corporation Counsel advised he would not hire a lawyer until he saw a motion to dismiss. What remained was assault & battery and false imprisonment. The City’s outside counsel noted it was best to resolve this matter now, otherwise we would

need to hire outside counsel for Thomas, as well as counsel for the city. The originally requested amount was \$3,000,000.00.

Response: Council President Browne asked if corporation counsel gave former mayor Thomas an opinion. Counsel Johnson responded the former corporation counsel Porcari sent a message to department heads they should listen to mayor Thomas. Once corporation counsel Porcari left the city office, Corp Counsel Johnson was left to sort this out. When former mayor Thomas took a plea on July 8th, he was no longer mayor. And when acting mayor Wallace took his oath on July 10th he was the mayor. The law of the case noted former Thomas was not the seated mayor when he took the plea. Mayor Patterson-Howard noted that the city charter says if you plead guilty to any crime, by operation of law, you cannot serve. The corporation counsel at that time (Porcari), who has also been convicted, gave an opinion.

Comptroller Morton stated, having been one of the people who experienced the 36 days of chaos as a commissioner, this is upsetting and a travesty. Because we didn't have the mechanisms in place for us to ensure the matter of law and do this without having this kind of confusion where we pay out an amount like this. It is difficult for the staff to know who to listen to when this kind of thing happens. We had this situation where we had 2 mayors, 2 police commissioners, we could have had two of every department head. If acting mayor Wallace had appointed people we could have had multiple cases like this lawsuit. We need to strengthen the city charter to ensure we are never in this situation again. It was a confusing, intense time. Thank goodness there were some people who knew not to draw people into the political fray.

Corporation counsel noted that moment put the city at great risk. He remembers the day acting mayor Wallace swore the police commissioner in – people did not agree with him and it presented a problem for corporation counsel because he now had two people calling claiming to be the mayor, etc. He called the court to say the city is in a crisis – he cannot give clear direction to the police commissioner who to listen to, he prayed the public safety would not be harmed.

Comptroller Morton noted when we talk about a charter revision committee, we need to clearly specify roles, including special duties of an acting mayor. While the charter gives the frame for an acting mayor, it doesn't give finer points of "appointing people" – can an acting mayor appoint, or does he/she keep the city stayed? This is a classic case study that someone can look at to say 'here is what someone can learn out of this'.

Corporation Counsel Johnson noted the judge gave orders, saying to the acting mayor to go prepare the city for its transition for the incoming mayor, but of course there was a general election. When the person holding the office decided to run, it created a whole uprooting of the law department. The court recognized the city was in a compromised situation. Counsel Johnson stated, "your responsibility is to stabilize the government not build a new one". We are still trying to recover from that era.

Mayor Patterson-Howard noted charter revision needs to be done, but the charter was clear on this that as a function of law that you step down and abdicate that office. The charter speaks clearly but you cannot solve for everything and we need to ensure we keep good people in office. We have come a long way to closing a hard chapter of Mount Vernon's history.

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

TAX REVIEW SETTLEMENTS

Settling tax review proceedings for:

Council President Browne moves to take items 18-21 as a block vote. Comptroller Morton seconds. Roll Call: ALL AYES.

- 18. **TAYUN INC.**, 32 South Fourth Avenue, Mount Vernon, NY -- \$14,451.51.
- 19. **TWO CHICKENS REALTY COOP**, 640 South Fulton Avenue, Mount Vernon, NY -- \$10,530.08.
- 20. **GLERO REALTY CORP.**, 6 Roslyn Place, Mount Vernon, NY -- \$6,912.17.
- 21. **S. DEVELOPERS LLC**, 50 West First Street, Mount Vernon, NY -- \$5,955.97.

Moved: Council President Browne, Seconded by Comptroller Morton
On the Question: none
Response: none
Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.
Nays: None.

RETAINER(S)

Retaining the Firm of:

- 22. **HARRIS BEACH PLLC** (*engagement for Bond Counsel Services – see attached New York Fee Schedule for rates*).

Moved: Council President Browne, Seconded by Comptroller Morton
On the Question: none
Response: It was noted to have a bond counsel means the city is moving in the right direction.
Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.
Nays: None.

The agenda was concluded at 5:09 PM

Chairwoman Patterson-Howard asked if there was new business: Chair Patterson-Howard shared her condolences to the family of Zyaire Fernandez and is pleased to report that the suspect in the homicide was apprehended and arraigned. We continue to pray for the family and healing of the community. She thanked the school district and wellness agencies for working with the community and students. She wants to give a word of caution to those who feel hopeless and think it is okay to participate in acts of violence... it is not. We have a person who is 14 who is dead and a 21-year-old who will serve a significant portion of his future as an incarcerated individual. She extended thanks and gratitude to the Mt. Vernon police department and police detectives who worked continuously since Thursday, and who will continue to see this case through to conviction. Chair Patterson Howard asked to take a moment of silence.

Mayor asked for a motion to adjourn. Council President Browne moved to adjourn, Comptroller Morton Seconded. Roll Call: ALL AYES.

There being no further business, the meeting was adjourned at 5:12 p.m.

Donna M. Jackson, M.Ed.,
 Deputy City Clerk
 Entered March 14, 2023