

City of Mount Vernon, New York

1 ROOSEVELT SQ. RM. 104
CITY HALL, MOUNT VERNON, NEW YORK 10550
& VIA FACEBOOK.COM/MOUNTVERNONNY



Referral Packet - Final

Wednesday, September 25, 2024

7:00 PM

**CITY COUNCIL CHAMBERS
CITY HALL**

City Council

TANESIA M. WALTERS, J.D., M.P.A.
City Clerk

NICOLE J. BONILLA, M.B.A.
Deputy City Clerk

**A REGULAR MEETING OF THE CITY OF THE MOUNT VERNON CITY COUNCIL
HELD ON WEDNESDAY, SEPTEMBER 25, 2024
Scheduled for 7:00 pm in the City Council Chambers, City Hall, Mount Vernon, New York.**

**** This meeting was held in the City Council Chambers, with virtual participation via ZOOM and CMVNY Facebook. The meeting was not closed to the public.****

PRESIDING: Cathlin B. Gleason, President

OTHERS: Tanesia M. Walters, City Clerk; Nicole J. Bonilla, Deputy City Clerk; Antoinette Anderson, Legislative Aide; Johan Powell, Deputy Corporation Counsel.

CALL TO ORDER / PLEDGE OF ALLEGIANCE

Council President Cathlin B. Gleason called the meeting to order and provided general house-keeping rules, including encouraging citizens to share the meeting on social media and what to do “in case of emergency”. Council President Gleason explained the 3-minute-plus-1 public comment rule. She then asked a Councilperson to lead the council in the Pledge of Allegiance. Council President then proceeded to the Public Speakers session of the evening (listed below as public comment).

PUBLIC COMMENT

REFERRAL SESSION

Roll Call administered by City Clerk Tanesia M. Walters

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

To the Council:

LEGISLATION AND PUBLIC WORKS

1. Management Services: An Ordinance Authorizing the Department of Management Services to Issue a Request for Proposals (RFP) for the Selection of a Vendor to Implement a Municipal Broadband Solution, including Free Public Wi-Fi in Select Locations

Code: LPW

Attachments: [Approval for Municiple Broadband Wi-Fi Solution City Council Sept 25 2024 Revised.pdf](#)

2. Office of the Mayor: An Ordinance Authorizing Three Staff Members from the Mayor's Office to attend the Cities United 11th Annual Convening in Seattle, Washington - (October 1, 2024, to October 4, 2024)

Code: LPW

Attachments: [Referral - 2024 Cities United Convening.pdf](#)
[2024 Convening Agenda.pdf](#)

3. Department of Public Works: An Ordinance Authorizing Budget Line Transfers for the Department of Public Works to Cover Current Negative Balances and Support Future Purchases

Code: LPW

Attachments: [Transfer of Funds- 8-6-2024.pdf](#)

4. Department of Public Works: An Ordinance Authorizing a Request for Proposal (RFP) for Design and Construction Inspection Services for the Rehabilitation of the S. Fulton Avenue Bridge (BIN 2225220) and East Third Street Bridge (BIN 2225230)

Code: LPW

Attachments: [RFP FOR DESIGN AND CONSTRUCTION INSPECTION SERVICES S. FULTON AND EAST THIRD STREET.pdf](#)
[Appendix A Standard Clauses for NYS Contracts.pdf](#)

5. Department of Public Works: An Ordinance Authorizing Emergency Mold Abatement and Repair Services at Station #1, Lincoln Avenue Firehouse

Code: LPW

Attachments: [Emergency Restoration and Mold Abatement -Lincoln Avenue Firehouse.pdf](#)

6. Department of Public Works: An Ordinance Authorizing the Mayor to Commit the Ten Percent (10%) Non-Federal Matching Share for the FEMA Hazard Mitigation Grant Program (HMGP) for the South Third and South Columbus Flood Mitigation Project

Code: LPW

Attachments: [FEMA 4615-DR-NY-Hazard Mitigation Grant Program Project #4615-0004 CMVNY South 3rd Avenue and South Columbus Ave.pdf](#)

7. Department of Public Works: An Ordinance Amending Ordinance No. 3, adopted by the City Council on June 26, 2024, entitled "AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FOR THE PURCHASE OF A NEW VEHICLE FOR THE DEPARTMENT OF PUBLIC WORKS UTILIZING ARPA FUNDS

Code: LPW

Attachments: [Amendment to City Council Agenda 062624 #3-Ordinance authorizing the TOF for New Vehicle Purchase-ARPA.pdf](#)

8. Department of Public Works: An Ordinance Authorizing an Emergency Contractual Agreement with PCI Industries, Inc. for Sewer Repair at 656 Hanover Place

Code: LPW

Attachments: [Emergency Sewer Rehabilitation- Station Place and Hanover Place.pdf](#)

9. Department of Public Works: An Ordinance Authorizing the Mayor to Retroactively enter into an Emergency Contractual Agreement with PCI Industries, Inc. for Emergency Sewer Repairs at 27 Vernon Place

Code: LPW

Attachments: [Emergency Sewer Rehabilitation- Grandview Avenue and Vernon Place.pdf](#)

10. Board of Water Supply: An Ordinance Authorizing the Attendance of Monica Hughes and Milton Vann at the 2024 Catalyst Experience Hosted by Rogue Water Lab

Code: LPW

Attachments: [Water - Request 2024 Catalyst Experience.pdf](#)
[Catalyst _Rogue Water Lab.pdf](#)

11. Office of the City Clerk: An Ordinance Authorizing the Transfer of Funds to the 2024 City Council Expense Account for the Purchase of Furniture and Office Supplies

Code: LPW

Attachments: [Transfer of Funds CC Expense.pdf](#)

To the Council:

HUMAN RESOURCES

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12. Department of Recreation: An Ordinance Authorizing the Mayor to Enter into an Agreement with the Westchester County Office of Senior Programs and Services under the Title IIIC-1 & IIIC-2 Program (Nutrition), and Estimated IIIC-1 & IIIC-2 NSIP
- Code:** HR
- Attachments:** [Nutrition leg letter.pdf](#)
[Rec- 2024 Title IIIC-1 & IIIC-2 Nutrition Contract](#)
13. Youth Bureau: An Ordinance Authorizing the Mayor to Retroactively Enter into an Agreement with Bedroc Entertainment for Videography Services for the Mount Vernon Youth Bureau Ready4Life Program
- Code:** HR
- Attachments:** [READY Videography Services commercial.pdf](#)
14. Youth Bureau: An Ordinance Authorizing the Mount Vernon Youth Bureau to Hang Banners and Signs at Various Locations to Discourage or Prevent Opiod Misuse
- Code:** HR
- Attachments:** [Opioid Banner referral A7330- MVYB.pdf](#)
[Screenshot 2024-09-04 at 1.34.37 PM.png](#)
[Screenshot 2024-09-04 at 1.34.59 PM.png](#)
[Approved Ordinance 20240918_150736.pdf](#)
15. Youth Bureau: An Ordinance Authorizing the Mayor to enter into an Agreement with Flying Classroom for the Mount Vernon Youth Bureau Saturday STEAM Program - (October 5th, 2024, to November 23, 2024, in the amount of \$18,000.00)
- Code:** HR
- Attachments:** [BITTS -Flying Classroom Saturday STEM 2024.pdf](#)
16. City Council: A Resolution of the City Council of the City of Mount Vernon, New York, Recognizing the Commitment and Service of Sidney Duncombe (at YCOP's 2024 Annual Benefit & Recognition Gala)
- Code:** HR
17. City Council: A Resolution of the City Council of the City of Mount Vernon, New York Recognizing the Commitment and Service of the Greater Hudson Valley (NY) Chapter of the Links, Incorporated (YCOP's 2024 Annual Benefit & Recognition Gala)
- Code:** HR
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18. City Council: A Resolution of the City Council of the City of Mount Vernon, New York, Recognizing the Dedication and Service of Linda L. Jacobs (at YCOP's 2024 Annual Benefit & Recognition Gala)
- Code:** HR
19. City Council: A Resolution of the City Council of the City of Mount Vernon, New York Recognizing the Service and Leadership of Lieutenant Krista Mann (YCOP's 2024 Annual Benefit & Recognition Gala)
- Code:** HR
20. City Council: A Resolution of the City Council of the City of Mount Vernon, New York, Recognizing the Commitment and Service of Amirah Roberts (at YCOP's 2024 Annual Benefit & Recognition Gala)
- Code:** HR
21. City Council: A Resolution of the City Council of the City of Mount Vernon, New York, Recognizing the Outstanding Service and Dedication of Jennifer Vodrazka (at YCOP's 2024 Annual Benefit & Recognition Gala)
- Code:** HR
22. City Council: A Resolution of the City Council of the City of Mount Vernon, New York Recognizing the Contributions and Inspirational Legacy of Loretta J. Hottinger (YCOP's 2024 Annual Benefit & Recognition Gala)
- Code:** HR
23. City Council: A Resolution of the City Council of the City of Mount Vernon, New York Recognizing the Service and Commitment of The Very Right Reverend Derrick Adams to the Office of Bishop-Designate
- Code:** HR

To the Council:

PUBLIC SAFETY AND CODES

24. Department of Buildings: An Ordinance Authorizing the Department of Buildings to Solicit a Request for Proposal (RFP) for Outside Contract Services for Fire Safety and Property Maintenance Inspections of Multi-Dwelling and Nonresidential Properties
- Code:** PSC
- Attachments:** [Referral Letter-OutsideContractors.pdf](#)

25. Industrial Development Agency (IDA): An Ordinance Granting Permission to the Mayor to Enter into an Agreement with Consolidated Edison Company ("Con Edison") to Conduct a Test Borehole for the Thermal Energy Network Pilot Project at the Doles Recreation Center

Code: PSC

Attachments: [Permission to install borehole at Doles Center](#)

26. Department of Public Safety: An Ordinance Authorizing the Mayor to Enter into an Inter-Municipal Agreement with the County of Westchester for Replacement of the Current Single-Band VHF Antenna with a Tri-Band Antenna at the Mount Vernon Police Headquarters

Code: PSC

Attachments: [IMA Westchester County Tri-band antenna](#)

27. Department of Public Safety: An Ordinance Authorizing the Mayor to Enter into an Inter-Municipal Agreement with the County of Westchester to Accept Mutual Aid Radios for Use by the Mount Vernon Police Department

Code: PSC

Attachments: [IMA Westchester County - Mutual Aid radios \(2\)](#)

28. Department of Public Safety: An Ordinance Authorizing the Increase in Funding for the Position of Personnel Associate in the Department of Public Safety and Reappropriating Funds from a Vacated Position (formerly titled as Personnel Specialist).

Code: PSC

Attachments: [Referral Letter.pdf](#)

29. Department of Public Safety: An Ordinance Authorizing the Mayor to Enter into a Renewal Contract Agreement with the New York State Department of Agriculture and Markets for Fuel Inspection and Testing Services

Code: PSC

Attachments: [Referral Letter Agriculture NYS.pdf](#)

30. Department of Public Safety: An Ordinance Amending Ordinance No. 45, adopted by the City Council on August 14, 2024, entitled "AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH ELECTRONIC SYSTEMS SOLUTIONS, INC. (ESS) FOR THE INSTALLATION AND MAINTENANCE OF A CITYWIDE CAMERA SURVEILLANCE SYSTEM"

Code: PSC

Attachments: [Referral Letter - ESS Citywide Cameras AMMENDED](#)

31. City Council: A Local Law to Amend Chapter 267 (Zoning) of the Code of the City of Mount Vernon to Regulate Short-Term Rentals

Code: PSC

Attachments: [Short Term Rental Proposed Local Law.pdf](#)
[EAF Parts 1-3 - Short-Term Rentals 2.0.pdf](#)
[MTV 24-005 Zoning Text Amendment - Short Term Rentals.pdf](#)
[PCD Memo on Short-Term Rental Legislation.pdf](#)
[Planning Board D. Selsy response to City Council short-term rentals 9-11-24.pdf](#)
[FW Written comments for short term rentals-1.pdf](#)
[Corp Counsel Response.pdf](#)

32. City Council: A Local Law Establishing a Local Government Code Enforcement Program in the City of Mount Vernon, NY

Code: PSC

Attachments: [Local Law for a Establishing Local Government Code Enforcement Program.pdf](#)
[Bldg Dept Letter of Necessity.pdf](#)
[Ferrandino email code enforcement.pdf](#)

To the Council:

FINANCE AND PLANNING

No Items

ADD-ON

LEGISLATION AND PUBLIC WORKS

33. City Clerk: A Resolution of the City Council of the City of Mount Vernon, New York Recognizing and Honoring the Service of Borsella & Mastro Auto Collision Specialists

Code: LPW

Attachments: [BORSELLA MASTRO AUTO BODY.pdf](#)

34. Office of the Mayor: A Resolution Appointing Commissioners of Deeds for the City of Mount Vernon (Sept 2024 - Sept. 2026)

Code: LPW

Attachments: [Referral - Commissioner of Deeds Update 9.24.2024.pdf](#)

35. City Council: A Resolution Authorizing the Appointment of Geeta Morris to the Charter Review Commission to fill a Vacancy, Pursuant to Section 268(G) of the Mount Vernon City Code

Code: LPW

Attachments: [Charter Review Commission.pdf](#)

OTHER BUSINESS/CLOSING COMMENTS



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
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& VIA
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COM/MOUNTVERNONNY

File #: TMP -922
A

Agenda Date: 9/25/2024

Agenda #: 1 -

City Council:

AN ORDINANCE AUTHORIZING THE DEPARTMENT OF MANAGEMENT SERVICES TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR THE SELECTION OF A VENDOR TO IMPLEMENT A MUNICIPAL BROADBAND SOLUTION, INCLUDING FREE PUBLIC WI-FI IN SELECT LOCATIONS

Whereas, by letter dated September 19, the Commissioner of the Department of Management Services has requested legislation to issue a Request for Proposals (RFP) for the selection of a qualified vendor to propose and implement a comprehensive Municipal Broadband solution, including the installation of Free Public Wi-Fi at the following city locations; and

Whereas, the City of Mount Vernon recognizes the growing need for reliable and accessible internet services for its residents, businesses, and visitors, especially in public areas; and

Whereas, implementing a Municipal Broadband solution and providing Free Public Wi-Fi will support the City's goals to enhance digital connectivity, promote economic development, and provide equitable internet access to all members of the community; and

Whereas, the Office/Department of Management Services has identified an initial set of public locations, including two parking structures, nine city parks, and three locations in the business district, as optimal sites for the installation of Free Public Wi-Fi; and

Whereas, the funding for this project will be provided through the American Rescue Plan Act (ARPA) broadband and connectivity budget funds, specifically allocated for investments in broadband infrastructure; and

Whereas, issuing a Request for Proposals (RFP) is necessary to identify a qualified vendor capable of designing, implementing, and maintaining a sustainable, reliable, and flexible Municipal Broadband solution; and

Whereas, the City aims to initiate the RFP process on or before October 8, 2024, to finalize a contract by October 31, 2024, to ensure prompt utilization of ARPA funds and timely execution of the project; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. Authorization to Issue Request for Proposals (RFP). The Department of Management Services is authorized to issue a Request for Proposals (RFP) to select a vendor to propose and implement a comprehensive Municipal Broadband solution for the City of Mount

Vernon. The RFP will focus on implementing a Free Public Wi-Fi system at select public locations, as Section 2 of this Ordinance outlines.

Section 2. Selected Locations for Free Public Wi-Fi Implementation. The Free Public Wi-Fi system shall be implemented at the following locations:

Parking Lots:

- 1. Lot #8** - North 3rd Avenue between Sidney and Prospect Avenues
 - Approximate total floor area: 1,400 sq ft - (four (4) floors)
 - Latitude: - 40.91330398
 - Longitude: -73.83706393
- 2. Lot #9** - Stevens Avenue between 5th Avenue and Wilson Place
 - Approximate total floor area: 1,000 sq ft - (three (3) floors)
 - Latitude: - 40.91188831
 - Longitude: -73.83870361

City-Owned Parks - Locations):

- 1. Brush Park**
 - Latitude: - 40.89882164
 - Longitude: -73.82944748
- 2. Fleetwood Playground**
 - Latitude: - 40.92658371
 - Longitude: -73.83665848
- 3. Howard Street Playground**
 - Latitude: - 40.91687584
 - Longitude: -73.84350261
- 4. 4th Street Park**
 - Latitude: - 40.90385378
 - Longitude: -73.8376792
- 5. Hartley Park**
 - Latitude: - 40.91684964

- Longitude: -73.83639036

6. Heavy D Playground

- Latitude: - 40.91238388
- Longitude: - 73.82242857

7. Leo Man Playground

- Latitude: - 40.920269
- Longitude: -73.81891252

8. Chester Heights

- Latitude: - 40.92386502
- Longitude: -73.81260616

9. Oakwood Heights

- Latitude: - 40.91463168
- Longitude: -73.81725561

Business District Locations:

Street	Latitude	Longitude
4 th Avenue	TBD (Based on site survey)	TBD (Based on site survey)
Sanford Boulevard	TBD (Based on site survey)	TBD (Based on site survey)
Gramatan Avenue	TBD (Based on site survey)	TBD (Based on site survey)

Section 3. Scope of the RFP. The RFP shall seek to identify a vendor that can:

1. Propose a comprehensive Municipal Broadband solution focusing on long-term sustainability, reliability, and scalability.
2. Design and implement a Free Public Wi-Fi system at the selected locations, ensuring sufficient bandwidth, security, and ease of access for users.
3. Provide ongoing maintenance and support for the system.
4. Work with the City of Mount Vernon to ensure that the project complies with state and federal regulations and that all funding deadlines are met.
5. Meet the project timeline, starting with the finalization of a contract by October 31, 2024.

Section 4. Funding. The project will be funded through ARPA broadband and connectivity budget funds, specifically allocated to enhance broadband infrastructure in the City of Mount Vernon. No additional city funds will be required for this phase of the project.

Section 5. Timeline. The RFP process shall be initiated on or before October 8, 2024, to select a vendor and finalize a contract by October 31, 2024. This timeline ensures that the project is executed promptly and that ARPA funds are utilized within the designated timeframe.

Section 6. Effective Date. This Ordinance shall take effect immediately upon passage and approval by the City Council.



CITY OF MOUNT VERNON, N.Y.

Mayor Office

SHAWYN PATTERSON-HOWARD, MPA
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY. 10550
(914) 665-2362 – Fax: (914) 665-6173

JUAN PEREZ
Commissioner Management Services

September 19, 2024

VIA EMAIL:

Honorable City Council Members
City of Mount Vernon
1 Roosevelt Square
Mount Vernon, New York 10550

RE: Permission to issue RFP for Municipal Broadband (Wi-Fi) solution for 2 City owned parking lots and 5 City owned Parks. FOR APPROVAL AT THE September 25th, 2024 CITY COUNCIL MEETING

Honorable Councilmembers:

The Office/Department of Management Services requests that the City Council adopt an Ordinance allowing the Department of Management Services to issue an RFP for the selection of a vendor which will Propose and implement a comprehensive solution for the roll out of a Municipal Broadband solution for the city. Specifically, the RFP will be seeking a contractor to implement a Free Public Wi-Fi system, starting at select public locations. The city has selected two parking structures and Nine city parks for this project and three locations in our business district.

Parking lots

- Lot #8 - North 3rd Avenue between Sidney and Prospect Avenues
 - Four floors approx. total floor area 1,400 sq ft
- Lot #9 - Stevens Avenue between 5th Avenue and Wilson Place
 - Three floors approx. total floor area 1,000 sq ft

Parking lots (Locations)

Parking Lot	Latitude	Longitude
Lot #8	40.91330398	-73.83706393
Lot #9	40.91188831	-73.83870361



CITY OF MOUNT VERNON, N.Y.

Mayor Office

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JUAN PEREZ
Commissioner Management Services

City owned parks (Locations)

Table with 3 columns: Park, Latitude, Longitude. Lists locations like Brush Park, Fleetwood Playground, Howard Street Playground, etc.

Business District

Table with 3 columns: Street, Latitude, Longitude. Lists streets like 4th Avenue, Sanford Blvd, Gramatan Avenue.

The RFP aims to identify a qualified vendor capable of providing a sustainable, reliable, and flexible broadband solution. This project will be funded through ARPA broadband and connectivity budget funds, which are specifically allocated for investments in a high-quality broadband infrastructure.

We propose to initiate the RFP process on or before October 8, 2024, with the goal of finalizing a contract by October 31, 2024. This timeline will ensure that ARPA funds are utilized in a timely manner.

Your approval to issue the RFP will enable us to provide much-needed broadband services to the public in these key locations. By investing in this project, we can improve connectivity, enhance quality of life, and support economic development within our city. I look forward to your favorable response, I am available to discuss any questions or provide additional information you may require.

Sincerely,
Juan Perez

[Handwritten signature]

Commissioner Management Services

cc: Mayors Office, Comptroller

“The Jewel of Westchester”



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
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10550
& VIA
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File #: TMP -813
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Agenda Date: 9/25/2024

Agenda #: 2 -

City Council:

AN ORDINANCE AUTHORIZING THREE STAFF MEMBERS FROM THE MAYOR'S OFFICE TO ATTEND THE CITIES UNITED 11TH ANNUAL CONVENING IN SEATTLE, WASHINGTON

Whereas, by letter dated August 8, 2024, the Mayor has requested legislation authorizing three staff members from the Mayor's Office (Chief of Staff, Malcolm Clark, Director of Constituent Services, Eric Crump, and Director of Neighborhood Safety and Engagement, Tajean Turnier) to attend the Cities United 11th Annual Convening in Seattle, Washington, from October 1, 2024, to October 4, 2024; and

Whereas, the Cities United 11th Annual Convening will take place from October 1, 2024, through October 4, 2024, in Seattle, Washington, and offers a vital opportunity for city leaders to develop or refresh a comprehensive public safety plan that is grounded in equity, social justice, collaboration, innovation, and youth voice; and

Whereas, the Convening will include engaging plenary and breakout sessions, vendor showcases, interactive site visit tours, dedicated networking events, and a Sneaker Ball & Awards Ceremony; and

Whereas, it is in the best interest of the City of Mount Vernon for three staff members from the Mayor's Office to attend this Convening to gain insights and strategies that can benefit the city's public safety efforts; and

Whereas, the total estimated cost for the trip, including travel, hotel, and registration expenses, will not exceed \$6,000.00, with \$5,000.00 to be expensed from the Mayor's Office Budget Line A1210.402 (Travel) and \$750.00 for registration; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Definitions.

For the purposes of this ordinance, the following terms shall be defined as:

- **"Convening"** - the Cities United 11th Annual Convening to be held in Seattle, Washington, from October 1, 2024, to October 4, 2024.
- **"Staff Members"** - the three designated employees from the Mayor's Office who will attend the Convening are: (Chief of Staff, Malcolm Clark, Director of Constituent Services, Eric

Crump, and Director of Neighborhood Safety and Engagement, Tajeon Turnier).

- **“Budget Line A1210.402”** - the designated budget code for travel expenses from the Mayor’s Office Budget.

Section 2. Authorization to Attend Convening. The City Council authorizes three staff members from the Mayor’s Office to attend the Cities United 11th Annual Convening in Seattle, Washington, from October 1, 2024, to October 4, 2024.

Section 3. Funding and Expenses. The estimated travel and hotel expenses shall not exceed \$5,000.00 and will be expensed from the Mayor’s Office Budget Line A1210.402 (Travel). The estimated cost for registration is \$750.00. The total cost for the trip shall not exceed \$6,000.00.

Section 4. Purpose and Outcome. Attending the Convening aims to gain valuable insights and strategies to develop or refresh a comprehensive public safety plan that is equitable, just, collaborative, innovative, and incorporates youth voice, to better serve the City of Mount Vernon.

Section 5. Effective Date. This ordinance shall take effect immediately upon its approval by the Board of Estimate & Contract.



CITY OF MOUNT VERNON, N.Y.

Mayor Office

SHAWYN PATTERSON-HOWARD

Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY, 10550
(914) 665-2360 – Fax: (914) 665-6173

MALCOLM CLARK

Chief of Staff

KHENDRA K. DAVID

Deputy Chief of Staff

August 8, 2024

Honorable Member of the City Council
City of Mount Vernon
One Roosevelt Square
Mount Vernon, NY 10550

Dear Honorable Council members,

This letter comes as a request to the City Council for the enactment of legislation authorizing 3 staff members from the Mayor's Office to attend the Cities United 11th Annual Convening from October 1 – October 4, 2024. The 3 staff members are: Chief of Staff Malcolm Clark, Director of Constituent Services Eric Crump, and Director of Neighborhood Safety and Engagement Tajean Turnier. This Convening will be held in Seattle, Washington.

The 2024 Convening is an opportunity for Mount Vernon to develop or refresh a comprehensive public safety plan grounded in equity, social justice, collaboration, innovation, and youth voice. The Convening will include engaging plenary and breakout sessions, vendor showcases, interactive site visit tours, dedicated networking events, and a Sneaker Ball & Awards Ceremony.

The estimated cost of the travel/hotel expensed from the Mayor's Office Budget A1210.402 – Travel – is not to exceed \$5,000. The estimated cost for registration is \$750. The total estimated cost for the trip does not exceed \$6,000.

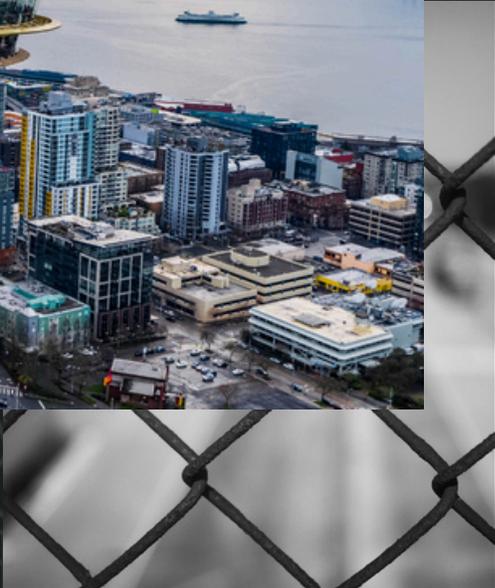
For more information, please visit the Cities United website: <https://www.citiesunited.org/24-convening>

In Service,

Shawyn Patterson-Howard, MPA
Mayor

“The Jewel of Westchester”

CITIES UNITED CITIES UNITED



11th Annual Convening

**PUBLIC SAFETY REDEFINED:
SHIFTING THE NARRATIVE**

SCHEDULE

DAY 1 (10/1)

8:00 A.M. – 4:00 P.M.

Registration opens

12:00 P.M. – 1:00 P.M.

Lunch

1:00 P.M. – 4:00 P.M.

Site Visits

5:00 P.M. – 6:30 P.M.

Opening Plenary

6:30 P.M. – 8:00 P.M.

Mayor's Reception



DAY 2 (10/3)

8:00 A.M. – 4:00 P.M.

Registration opens

8:00 A.M. – 9:00 A.M.

Breakfast

9:00 A.M. – 9:30 A.M.

State of CU Address

9:30 A.M. – 11:15 A.M.

Morning Plenary 1: The Ripple Effect of Gun Violence Across Generations

Moment of Reflection: Elevating Voices in the Field

Morning Plenary 2: Redefining Public Safety: A Look at Local Progress

11:35 A.M. – 12:50 P.M.

Breakout Sessions

- A Unified Approach: Enhancing Your Coordinated Crisis Response
- Collaborative Public Safety Funding Models
- Engaging Young Leaders: Building an Intergenerational Movement for Safe, Healthy, and Hopeful Communities
- Public Safety Redefined: A Storyteller's Lens for Shifting the Narrative on Community Violence
- Advancing Political Will & Policy Work
- Building a Network of Support for Frontline Workers
- Estimating the True Economic Impact of Community Violence
- Amplifying the Voices of Survivors
- Cultivating a CVI Ecosystem: Strategies for Sustainable Impact
- Mayors and Child Welfare Leaders to Support Safe, Healthy, and Hopeful Communities for Young Black Men and Boys
- National Partnerships- Coordination Towards Impact
- Understanding the Power and Impact of Research and Evaluation

SCHEDULE

DAY 2 (10/3) CONT.

1:15 P.M. - 2:20 P.M.

Lunch
Afternoon Plenary: Leading the
Way- Building a Countywide
Strategy

2:20 P.M. - 3:00 P.M.

Group Photo

6:30 P.M. - 10:00 P.M.

Gala and Award Ceremony
Dinner

DAY 3 (10/4)

8:30 A.M. - 12:00 P.M.

Welcome Table

10:30 A.M. - 12:30 P.M.

Call to Action Planning Space





City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
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File #: TMP -806
A

Agenda Date: 9/25/2024

Agenda #: 3 -

City Council:

AN ORDINANCE AUTHORIZING BUDGET LINE TRANSFERS FOR THE DEPARTMENT OF PUBLIC WORKS TO COVER CURRENT NEGATIVE BALANCES AND SUPPORT FUTURE PURCHASES

Whereas, by letter dated August 5, 2024, the Commissioner of the Department of Public Works (“DPW”) has requested legislation authorizing the following budget transfers shown in the Chart below; and

Whereas, the Department of Public Works of the City of Mount Vernon has identified negative balances in specific budget lines that require immediate adjustment to continue essential operations; and

Whereas, there is a need to transfer funds between various budget lines to cover current deficits and future departmental purchases, thereby ensuring the continued functionality of DPW services and meeting the financial needs of the department; and

Whereas, these budget transfers are necessary to support the financial management of DPW and the city’s broader needs, in accordance with sound fiscal responsibility; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. Authorization of Budget Transfers. The following budget transfers are hereby authorized for the Department of Public Works:

FROM	AMOUNT	TO	AMOUNT
A1640.435 (Motor Vehicle Control: Gas, Diesel, Fuel)	\$14,500.00	A1640.448 (Motor Vehicle Control: Car Wash) A1640.458 (Motor Vehicle Control: Other Expense)	\$12,000.00 \$2,500.00
A5110.433 (Highway Maintenance & Repairs: Street Maintenance & Repairs)	\$33,000.00	A7550.482 (Christmas Decorations) A1620.447 (Building Maintenance: Materials & Supplies)	\$13,000.00 \$20,000.00

Section 2. Purpose of Transfers. These transfers allocate funds within the Department of Public Works to address current negative balances and ensure funding is available for upcoming expenses, including, but not limited to, vehicle-related services, street maintenance, and necessary supplies for building maintenance. These transfers also support the city's seasonal needs, such as purchasing Christmas decorations.

Section 3. Effective Date. This ordinance shall take effect immediately upon its approval by the Board of Estimate & Contract.



CITY OF MOUNT VERNON, NEW YORK
DEPARTMENT of PUBLIC WORKS

SHAWYN PATTERSON-HOWARD
Mayor

City Hall
One Roosevelt Square – Room 108
Mount Vernon, NY, 10550
(914) 665-2343 – Fax: (914) 665-2476

DAMANI L. BUSH
Commissioner

ROBERT L. HACKETT
Deputy Commissioner

August 5, 2024

Honorable City Council
One Roosevelt Square
Mount Vernon, New York 10550
(Through the Office of the Mayor)

Re: Transfer of Funds

Dear Honorable City Council Members:

The following department budget line transfers are necessary to cover current negative balances as well as future purchases for the Department of Public Works. These transfers are necessary to support the financial needs of the Public Works department and the needs of the city.

FROM	AMOUNT	TO	AMOUNT
A1640.435 Motor Vehicle Control: Gas, Diesel, Fuel	\$14,500.00	1640.448 Motor Vehicle Control: Car Wash	\$12,000.00
		1640.458 Motor Vehicle Control: Other Expense	\$2,500.00
A5110.433 Highway Maintenance & Repairs: Street Maintenance & Repairs	\$33,000.00	A7550.482 Christmas Decorations	\$13,000.00
		A1620.447 Building Maintenance: Materials & Supplies	\$20,000.00

If this meets with the approval of Your Honorable Body, kindly have the necessary legislation enacted to transfer funds.

Respectfully,

Damani Bush
DPW Commissioner

Cc: Comptroller's Office / File

DB/lp



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
FACEBOOK.
COM/MOUNTVERNONNY

File #: TMP -884
A

Agenda Date: 9/25/2024

Agenda #: 4 -

City Council:

**AN ORDINANCE AUTHORIZING THE ISSUANCE
OF A REQUEST FOR PROPOSALS (RFP) FOR
DESIGN AND CONSTRUCTION INSPECTION
SERVICES FOR THE REHABILITATION OF
THE S. FULTON AVENUE BRIDGE (BIN: 2225220)
AND E. 3RD STREET BRIDGE (BIN: 2225230)**

Whereas, by letter dated September 5, 2024, the Commissioner of the Department of Public Works (“DPW”) has requested legislation authorizing the issuance of a Request for Proposal (RFP) seeking qualified engineering firms to provide Design and Construction Inspection Services for the rehabilitation of the S. Fulton Avenue Bridge (BIN: 2225220) and E. 3rd Street Bridge (BIN: 2225230); and

Whereas, the City of Mount Vernon is committed to ensuring the safety and reliability of its infrastructure for both vehicular and pedestrian traffic; and

Whereas, the S. Fulton Avenue Bridge (BIN: 2225220) and E. 3rd Street Bridge (BIN: 2225230) are critical components of the City’s transportation network, serving as main thoroughfares for vehicular and pedestrian traffic; and

Whereas, the current condition of these bridges, including structural deficiencies identified through several Red Flag Violations from the New York State Department of Transportation (NYSDOT), necessitates comprehensive rehabilitation to enhance safety measures and improve functionality; and

Whereas, over the past twelve (12) months, the City of Mount Vernon has completed debris removal underneath these structures to allow for a full inspection in preparation for upcoming engineering reports; and

Whereas, the rehabilitation project for these bridges is eligible for reimbursable funding through the NYSDOT BridgeNY Program, providing a vital opportunity for the City to enhance its infrastructure with financial support from the State; and

Whereas, it is necessary to engage a qualified engineering firm to provide Design and Construction Inspection Services to ensure the rehabilitation project is designed, regulated, and constructed in a manner that meets all safety and legal standards; and

Whereas, issuing a Request for Proposals (RFP) will allow the City to solicit proposals from experienced engineering firms capable of meeting the specific requirements of this project; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1: Authorization to Release RFP. The City Council of the City of Mount Vernon hereby authorizes the issuance of a Request for Proposals (RFP) seeking qualified engineering firms to provide Design and Construction Inspection Services for the rehabilitation of the S. Fulton Avenue Bridge (BIN: 2225220) and E. 3rd Street Bridge (BIN: 2225230).

Section 2. Scope of Services. The selected engineering firm shall be responsible for:

- Conducting a comprehensive assessment of the current condition of the bridges;
- Designing the necessary improvements to address structural deficiencies, enhance safety, and improve functionality;
- Providing construction inspection services throughout the rehabilitation process to ensure compliance with all regulatory requirements;
- Overseeing the successful completion of the project in accordance with industry standards and best practices.

Section 3. Funding. This project is eligible for reimbursable funding through the NYSDOT BridgeNY Program, and payments for services rendered under the resulting contract shall be sourced from said program.

Section 4. Procurement Policy Compliance. The RFP process shall comply with all state and local procurement policies and procedures to ensure transparency, accountability, and the selection of the most qualified firm for this critical infrastructure project.

Section 5. Timeline. The Mayor and Department of Public Works shall take all necessary steps to issue the RFP, review proposals, and select a qualified engineering firm in a timely manner to move forward with the rehabilitation project as soon as possible.

Section 6. Effective Date. This ordinance shall take effect immediately upon its adoption by the City Council.



CITY OF MOUNT VERNON, N.Y.
DEPARTMENT of PUBLIC WORKS

SHAWYN PATTERSON-HOWARD
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY, 10550
(914) 665-2300 – Fax: (914) 665-2476

DAMANI L. BUSH
Commissioner

ROBERT L. HACKETT
Deputy Commissioner

September 5, 2024

Honorable City Council Members
The City of Mount Vernon
Mount Vernon, New York
(Through the Office of the Mayor)

Re: Request for Proposals (RFP) – Design and Construction Inspection Services for the following City-Owned Bridge Rehabilitation Projects:

- S. Fulton Avenue Bridge (BIN: 2225220) – Year Built 1912
- East 3rd Street Bridge (BIN: 2225230) – Year Built 1912

Dear Honorable City Council Members,

I am writing to formally request the City Council's authorization to release a Request for Proposals (RFP) seeking an engineering firm to provide Design and Construction Inspection Services for the full rehabilitation of the S. Fulton Avenue (BIN: 2225220) and E. 3rd Street Bridge (BIN: 2225230).

The rehabilitation of these bridges is critical to ensuring the safety and reliability of our city's infrastructure. As you are aware, these bridges play a vital role in our transportation network, serving both emergency vehicular and pedestrian traffic. The current condition of the bridges necessitates comprehensive rehabilitation to address structural deficiencies, enhance safety measures, and improve overall functionality. Over the past few years, the city has received several Red Flag Violations from the New York State Department of Transportation (NYSDOT), thus prompting the closure of this main thoroughfare. Over the past twelve (12) months, the City has completed the necessary debris removal underneath the structure of the bridges to enable a complete inspection of the apparatus structure and prepare for the upcoming engineering reports to be completed.

The proposed project is eligible for reimbursable funding via the **NYSDOT BridgeNY Program (see attached award letter)**. To move forward with this project and to comply with state and local procurement policies, it is essential to engage a qualified engineering firm that can provide the necessary design and construction inspection services. These services are crucial to developing a comprehensive plan for the rehabilitation, ensuring adherence to all regulatory requirements, and overseeing the project's successful completion.



CITY OF MOUNT VERNON, N.Y.
DEPARTMENT of PUBLIC WORKS

SHAWYN PATTERSON-HOWARD
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY, 10550
(914) 665-2300 – Fax: (914) 665-2476

DAMANI L. BUSH
Commissioner

ROBERT L. HACKETT
Deputy Commissioner

Releasing an RFP at this time will allow us to solicit proposals from experienced engineering firms capable of meeting our project's specific needs. The selected firm will be responsible for conducting a detailed assessment of the current bridge conditions, designing the required improvements, and providing construction inspection services throughout the rehabilitation process.

I urge the City Council to approve this request so we can promptly move forward with this essential infrastructure project. Your support is vital to ensuring the safety and functionality of our city's transportation network and the efficient use of available state funding.

Thank you for your consideration of this request. Please feel free to contact me if you require any additional information.

Respectfully,

Damani L. Bush
Commissioner of Public Works
DLB/db

Cc: City Engineer
Grants Department
Contract File

APPENDIX A

STANDARD CLAUSES FOR NEW YORK STATE CONTRACTS

**PLEASE RETAIN THIS DOCUMENT
FOR FUTURE REFERENCE.**

June 2023

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STANDARD CLAUSES FOR NYS CONTRACTS

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, “the contract” or “this contract”) agree to be bound by the following clauses which are hereby made a part of the contract (the word “Contractor” herein refers to any party other than the State, whether a contractor, licenser, licensee, lessor, lessee or any other party):

1. **EXECUTORY CLAUSE.** In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.
2. **NON-ASSIGNMENT CLAUSE.** In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the State’s previous written consent, and attempts to do so are null and void. Notwithstanding the foregoing, such prior written consent of an assignment of a contract let pursuant to Article XI of the State Finance Law may be waived at the discretion of the contracting agency and with the concurrence of the State Comptroller where the original contract was subject to the State Comptroller’s approval, where the assignment is due to a reorganization, merger or consolidation of the Contractor’s business entity or enterprise. The State retains its right to approve an assignment and to require that any Contractor demonstrate its responsibility to do business with the State. The Contractor may, however, assign its right to receive payments without the State’s prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.
3. **COMPTROLLER’S APPROVAL.** In accordance with Section 112 of the State Finance Law, if this contract exceeds \$50,000 (or \$75,000 for State University of New York or City University of New York contracts for goods, services, construction and printing, and \$150,000 for State University Health Care Facilities) or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds \$25,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller’s approval of contracts let by the Office of General Services, either for itself or its customer agencies by the Office of General Services Business Services Center, is required when such contracts exceed \$85,000. Comptroller’s approval of contracts established as centralized contracts through the Office of General Services is required when such contracts exceed \$125,000, and when a purchase order or other procurement transaction issued under such centralized contract exceeds \$200,000.

4. **WORKERS’ COMPENSATION BENEFITS.** In accordance with Section 142 of the State Finance Law, this contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers’ Compensation Law.

5. **NON-DISCRIMINATION REQUIREMENTS.** To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment, nor subject any individual to harassment, because of age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status or because the individual has opposed any practices forbidden under the Human Rights Law or has filed a complaint, testified, or assisted in any proceeding under the Human Rights Law. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of \$50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

6. **WAGE AND HOURS PROVISIONS.** If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor’s employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in

accordance with the Labor Law. Additionally, effective April 28, 2008, if this is a public work contract covered by Article 8 of the Labor Law, the Contractor understands and agrees that the filing of payrolls in a manner consistent with Subdivision 3-a of Section 220 of the Labor Law shall be a condition precedent to payment by the State of any State approved sums due and owing for work done upon the project.

7. NON-COLLUSIVE BIDDING CERTIFICATION. In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor affirms, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

8. INTERNATIONAL BOYCOTT PROHIBITION. In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds \$5,000, the Contractor agrees, as a material condition of the contract, that neither the Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2 NYCRR § 105.4).

9. SET-OFF RIGHTS. The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

10. RECORDS. The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, the "Records"). The Records

must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the "Statute") provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

11. IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION. (a) Identification Number(s). Every invoice or New York State Claim for Payment submitted to a New York State agency by a payee, for payment for the sale of goods or services or for transactions (e.g., leases, easements, licenses, etc.) related to real or personal property must include the payee's identification number. The number is any or all of the following: (i) the payee's Federal employer identification number, (ii) the payee's Federal social security number, and/or (iii) the payee's Vendor Identification Number assigned by the Statewide Financial System. Failure to include such number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on its invoice or Claim for Payment, must give the reason or reasons why the payee does not have such number or numbers.

(b) Privacy Notification. (1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law. (2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in the Statewide Financial System by the Vendor Management Unit within the Bureau of State Expenditures, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN. In accordance with Section 312 of the Executive Law and 5 NYCRR Part 143, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of \$100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then the following shall apply and by signing this agreement the Contractor certifies and affirms that it is Contractor's equal employment opportunity policy that:

(a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contracts and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the Contractor's obligations herein; and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of "(a), (b) and (c)" above, in every subcontract over \$25,000.00 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor. Section 312 does not

apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this clause. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Department of Economic Development's Division of Minority and Women's Business Development pertaining hereto.

13. CONFLICTING TERMS. In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix A, the terms of this Appendix A shall control.

14. GOVERNING LAW. This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

15. LATE PAYMENT. Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

16. NO ARBITRATION. Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

17. SERVICE OF PROCESS. In addition to the methods of service allowed by the State Civil Practice Law & Rules ("CPLR"), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

18. PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS. The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of Section 165 of the State Finance Law, (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this

law will be the responsibility of the contractor to establish to meet with the approval of the State.

In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in § 165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

19. MACBRIDE FAIR EMPLOYMENT PRINCIPLES (APPLICABLE ONLY IN NON-FEDERAL AID NEW YORK STATE CONTRACTS). In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Contractor hereby stipulates that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Section 165 of the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

20. OMNIBUS PROCUREMENT ACT OF 1992 (APPLICABLE ONLY IN NON-FEDERAL AID NEW YORK STATE CONTRACTS). It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts.

Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development
Division for Small Business and Technology Development
625 Broadway
Albany, New York 12245
Telephone: 518-292-5100

A directory of certified minority- and women-owned business enterprises is available from:

NYS Department of Economic Development
Division of Minority and Women's Business Development
633 Third Avenue 33rd Floor
New York, NY 10017
646-846-7364
email: mwbebusinessdev@esd.ny.gov
<https://ny.newnycontracts.com/FrontEnd/searchcertifieddirectory.asp>

The Omnibus Procurement Act of 1992 (Chapter 844 of the Laws of 1992, codified in State Finance Law § 139-i and Public

Authorities Law § 2879(3)(n)-(p)) requires that by signing this bid proposal or contract, as applicable, Contractors certify that whenever the total bid amount is greater than \$1 million:

(a) The Contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors, including certified minority- and women-owned business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;

(b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;

(c) The Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and

(d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

21. RECIPROCITY AND SANCTIONS PROVISIONS. Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively, codified in State Finance Law § 165(6) and Public Authorities Law § 2879(5)) require that they be denied contracts which they would otherwise obtain. NOTE: As of May 2023, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii.

22. COMPLIANCE WITH BREACH NOTIFICATION AND DATA SECURITY LAWS. Contractor shall comply with the provisions of the New York State Information Security Breach and Notification Act (General Business Law §§ 899-aa and 899-bb and State Technology Law § 208).

23. COMPLIANCE WITH CONSULTANT DISCLOSURE LAW. If this is a contract for consulting services, defined for purposes of this requirement to include analysis, evaluation, research, training, data processing, computer programming, engineering, environmental, health, and mental health services, accounting, auditing, paralegal, legal or similar services, then, in accordance with Section 163 (4)(g) of the State Finance Law (as amended by Chapter 10 of the Laws of 2006), the Contractor shall timely, accurately and properly comply with the requirement to submit an annual

employment report for the contract to the agency that awarded the contract, the Department of Civil Service and the State Comptroller.

24. PROCUREMENT LOBBYING. To the extent this agreement is a “procurement contract” as defined by State Finance Law §§ 139-j and 139-k, by signing this agreement the contractor certifies and affirms that all disclosures made in accordance with State Finance Law §§ 139-j and 139-k are complete, true and accurate. In the event such certification is found to be intentionally false or intentionally incomplete, the State may terminate the agreement by providing written notification to the Contractor in accordance with the terms of the agreement.

25. CERTIFICATION OF REGISTRATION TO COLLECT SALES AND COMPENSATING USE TAX BY CERTAIN STATE CONTRACTORS, AFFILIATES AND SUBCONTRACTORS.

To the extent this agreement is a contract as defined by Tax Law § 5-a, if the contractor fails to make the certification required by Tax Law § 5-a or if during the term of the contract, the Department of Taxation and Finance or the covered agency, as defined by Tax Law § 5-a, discovers that the certification, made under penalty of perjury, is false, then such failure to file or false certification shall be a material breach of this contract and this contract may be terminated, by providing written notification to the Contractor in accordance with the terms of the agreement, if the covered agency determines that such action is in the best interest of the State.

26. IRAN DIVESTMENT ACT. By entering into this Agreement, Contractor certifies in accordance with State Finance Law § 165-a that it is not on the “Entities Determined to be Non-Responsive Bidders/Offerers pursuant to the New York State Iran Divestment Act of 2012” (“Prohibited Entities List”) posted at: <https://ogs.ny.gov/iran-divestment-act-2012>

Contractor further certifies that it will not utilize on this Contract any subcontractor that is identified on the Prohibited Entities List. Contractor agrees that should it seek to renew or extend this Contract, it must provide the same certification at the time the Contract is renewed or extended. Contractor also agrees that any proposed Assignee of this Contract will be required to certify that it is not on the Prohibited Entities List before the contract assignment will be approved by the State.

During the term of the Contract, should the state agency receive information that a person (as defined in State Finance Law § 165-a) is in violation of the above-referenced certifications, the state agency will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then the state agency shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, imposing sanctions,

seeking compliance, recovering damages, or declaring the Contractor in default.

The state agency reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

27. ADMISSIBILITY OF REPRODUCTION OF CONTRACT. Notwithstanding the best evidence rule or any other legal principle or rule of evidence to the contrary, the Contractor acknowledges and agrees that it waives any and all objections to the admissibility into evidence at any court proceeding or to the use at any examination before trial of an electronic reproduction of this contract, in the form approved by the State Comptroller, if such approval was required, regardless of whether the original of said contract is in existence.

APPENDIX A-1 SUPPLEMENTAL TITLE VI PROVISIONS (CIVIL RIGHTS ACT)
(To be included in all contracts)

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- (1) Compliance with Regulations: The contractor shall comply with the Regulation relative to nondiscrimination in Federally assisted programs of the Department of Transportation of the United States, Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) Nondiscrimination: The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, religion, age, color, sex or national origin, sex, age, and disability/handicap in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) Solicitations for Subcontractors, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin, sex, age, and disability/handicap.
- (4) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by NYSDOT or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to NYSDOT's Office of Civil Rights or FHWA, as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, NYSDOT shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - a) Withholding of payments to the contractor under the contract until the contractor complies; and/or
 - b) Cancellation, termination or suspension of the contract, in whole or in part.
- (6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontractor procurement as NYSDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request NYSDOT to enter into such litigation to protect the interests of NYSDOT, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B
REQUIREMENTS FOR FEDERALLY-AIDED TRANSPORTATION PROJECTS
(June 2016)

There is a substantial body of requirements attached to the use of Federal highway or transportation aid. These requirements create or overlay processes, procedures, documentation requirements, authorizations, approvals and certifications that may be substantially greater or different from those that are not funded with Federal-aid and proceed under applicable State and local laws, customs and practices. Under Title 23 of the United States Code, the New York State Department of Transportation (NYSDOT) is responsible for the administration of transportation projects in New York State to which NYSDOT provides Federal highway or transportation-related aid. Through this Agreement, which provides or is associated with such funding, NYSDOT delegates various elements of project and funding administration as described elsewhere in this Agreement. In undertaking a Federally aided project, the Municipality/Sponsor, Authority or Project Manager designated under this Agreement with Federal-aid funding or project administration agrees to proceed in compliance with all the applicable Federal-aid requirements.

NYSDOT, in cooperation with FHWA, has assembled the body of Federal-aid requirements, procedures and practices in its Procedures for Locally Administered Federal-Aid Projects Manual (available through NYSDOT's web site at: <http://www.dot.ny.gov/plafap>). In addition, the Municipality/Sponsor, Authority or Project Manager designated under this Agreement for Federal-aid funding or project administration that enters into Federally aided project construction contracts is required to physically incorporate into all its Federally aided construction contracts and subcontracts there under the provisions that are contained in Form FHWA-1273 (available from NYSDOT or electronically at: <http://www.fhwa.dot.gov/programadmin/contracts/1273.htm>).

In addition to the referenced requirements, the attention of Municipality/Sponsor hereunder is directed to the following requirements and information:

NON DISCRIMINATION/EEO/DBE REQUIREMENTS

The Municipality/Sponsor and its contractors agree to comply with Executive Order 11246, entitled "Equal Employment Opportunity" and United States Department of Transportation (USDOT) regulations (49 CFR Parts 21, 23, 25, 26 and 27) and the following:

1. **NON DISCRIMINATION**. No person shall, on the ground of race, color, creed, national origin, sex, age or handicap, be excluded from participation in, or denied the benefits of, or be subject to, discrimination under the Project funded through this Agreement.
2. **EQUAL EMPLOYMENT OPPORTUNITY**. In connection with the execution of this Agreement, the Municipality/Sponsors contractors or subcontractors shall not discriminate against any employee or applicant for employment because of race, religion, age, color, sex or national origin. Such contractors shall take affirmative actions to ensure that applicants are employed, and that employees are treated during their employment, without regard to their race, religion, color, sex, national origin or age. Such actions shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

3. **DISADVANTAGED BUSINESS ENTERPRISES**. In connection with the performance of this Agreement, the Municipality/Sponsor shall cause its contractors to cooperate with the State in meeting its commitments and goals with regard to the utilization of Disadvantaged Business Enterprises (DBEs) and will use its best efforts to ensure that DBEs will have opportunity to compete for subcontract work under this Agreement. Also, in this connection the Municipality or Municipality/Sponsor shall cause its contractors to undertake such actions as may be necessary to comply with 49 CFR Part 26.

As a sub-recipient under 49 CFR Part 26.13, the Municipality/Sponsor hereby makes the following assurance.

The Municipality/Sponsor shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any United States Department of Transportation (USDOT)-assisted contract or in the administration of its Disadvantaged Business Enterprise (DBE) program or the requirements of 49 CFR Part 26. The Municipality/Sponsor shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of the United States Department of Transportation-assisted contracts. The New York State Department of Transportation's DBE program, as required by 49 CFR Part 26 and as approved by the United States Department of Transportation, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the USDOT may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

FEDERAL SINGLE AUDIT REQUIREMENTS

Non-Federal entities that expend \$750,000 or more in a year in Federal awards from all sources are required to comply with the Federal Single Audit Act provisions contained in U.S. Office of Management and Budget (OMB) Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations. Non-Federal entities that expend Federal awards from a single source may provide a program specific audit, as defined in the Circular. Non-Federal entities that expend less than the amount above in a year in Federal awards from all sources are exempt from Federal audit requirements for that year, except as noted in Sec. 215 (a) of OMB Circular A-133 Subpart B--Audits, records must be available for review or audit by appropriate officials of the cognizant Federal agency¹ the New York State Department of Transportation, the New York State Comptrollers Office and the U.S. Governmental Accountability Office (GAO).

Non-Federal entities are required to submit a copy of all audits, as described above, within 30 days of issuance of audit report, but no later than 9 months after the end of the entity's fiscal year, to the New York State Department of Transportation, Contract Audit Bureau, 50 Wolf Road, Albany, NY 12232. Unless a time extension has been granted by the cognizant Federal Agency and has been filed with the New York State Department of Transportation's Contract Audit Bureau, failure to comply with the requirements of OMB Circular A-133 may result in suspension or termination of Federal award payments.

¹ The designated cognizant agency for audit shall be the federal awarding agency that provides the predominant amount of direct funding to a recipient unless OMB changes it.

THE CATALOG OF FEDERAL DOMESTIC ASSISTANCE

The Catalog of Federal Domestic Assistance ([CFDA](http://www.cfda.gov/)²), is an on-line database of all Federally-aided programs available to State and local governments (including the District of Columbia); Federally recognized Indian tribal governments; Territories (and possessions) of the United States; domestic public, quasi-public, and private profit and nonprofit organizations and institutions; specialized groups; and individuals.

THE CFDA IDENTIFICATION NUMBER

OMB Circular A-133 requires all Federal-aid recipients to identify and account for awards and expenditures by CFDA Number. The Municipality/Sponsor is required to identify in its accounts all Federal awards received and expended, and the Federal programs under which they were received. Federal program and award identification shall include, as applicable, the CFDA title and number, award number and year, name of the Federal agency, and name of the pass-through entity.

The most commonly used CFDA number for the Federal Aid Highway Planning and Construction program is 20.205.

Additional CFDA numbers for other transportation and non-transportation related programs are:

- 20.215 Highway Training and Education**
- 20.219 Recreational Trails Program**
- 20.XXX Highway Planning and Construction - Highways for LIFE;**
- 20.XXX Surface Transportation Research and Development;**
- 20.500 Federal Transit-Capital Investment Grants**
- 20.505 Federal Transit-Metropolitan Planning Grants**
- 20.507 Federal Transit-Formula Grants**
- 20.509 Formula Grants for Other Than Urbanized Areas**
- 20.600 State and Community Highway Safety**
- 23.003 Appalachian Development Highway System**
- 23.008 Appalachian Local Access Roads**

PROMPT PAYMENT MECHANISMS

In accordance with 49 CFR 26.29, and NY State Finance Law 139-f or NY General Municipal Law 106-b(2) as applicable:

(a) You must establish, as part of your DBE program, a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 7 calendar days from receipt of each payment you make to the prime contractor.

(b) You must ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 7 calendar days after the subcontractor's work is satisfactorily completed. You must use one of the following methods to comply with this requirement:

(1) You may decline to hold retainage from prime contractors and prohibit prime contractors from holding retainage from subcontractors.

(2) You may decline to hold retainage from prime contractors and require a contract clause obligating prime contractors to make prompt and full payment of any retainage kept by

² <http://www.cfda.gov/>

prime contractor to the subcontractor within 7 calendar days after the subcontractor's work is satisfactorily completed.

(3) You may hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 7 calendar days after your payment to the prime contractor.

(c) For purposes of this section, a subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the recipient. When a recipient has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

(d) Your DBE program must provide appropriate means to enforce the requirements of this section. These means may include appropriate penalties for failure to comply, the terms and conditions of which you set. Your program may also provide that any delay or postponement of payment among the parties may take place only for good cause, with your prior written approval.

(e) You may also establish, as part of your DBE program, any of the following additional mechanisms to ensure prompt payment:

(1) A contract clause that requires prime contractors to include in their subcontracts language providing that prime contractors and subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes. You may specify the nature of such mechanisms.

(2) A contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.

(3) Other mechanisms, consistent with this part and applicable state and local law, to ensure that DBEs and other contractors are fully and promptly paid.

CARGO PREFERENCE ACT REQUIREMENTS – U.S. FLAG VESSELS

In accordance with 46 CFR 381, the contractor agrees:

- (a) To utilize privately owned United States-flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to this contract, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels.
- (b) To furnish within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (b) (1) of this section to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590.
- (c) To insert the substance of the provisions of this clause in all subcontracts issued pursuant to this contract.



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
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CITY HALL, MOUNT
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10550
& VIA
FACEBOOK.
COM/MOUNTVERNONNY

File #: TMP -904
A

Agenda Date: 9/25/2024

Agenda #: 5 -

City Council:

AN ORDINANCE AUTHORIZING EMERGENCY MOLD ABATEMENT AND REPAIR SERVICES AT STATION #1, LINCOLN AVENUE FIREHOUSE

Whereas, by letter dated September 17, 2024, the Commissioner of the Department of Public Works has requested legislation authorizing the Mayor to enter into a contract with Magna Dry Restoration Services for mold abatement and emergency repairs at Station #1, Lincoln Avenue Firehouse; and

Whereas, a severe water leak at Station #1, Lincoln Avenue Firehouse has caused extensive damage, particularly to the Commissioner's Office and the Fire Prevention Offices, leading to the relocation of key personnel and services; and

Whereas, an inspection has revealed significant mold growth and structural concerns that must be addressed immediately to ensure the safety and operational continuity of the firehouse; and

Whereas, the Public Employee Safety and Health (PEOSH) Bureau has cited the firehouse for violations related to these conditions, necessitating immediate action to comply with health and safety regulations; and

Whereas, the Department of Public Works has recommended Magna Dry Restoration Services, a reputable contractor located in the City of Mount Vernon, to perform the mold abatement and emergency repair services; and

Whereas, this emergency repair work qualifies as an emergency purchase under Section 6, Items Excepted from Policies and Procedures by the City Council, as it presents an immediate threat to public health, safety, and property; and

Whereas, the estimated cost of the emergency contract is \$85,260.54, with funding available via ARPA - H1620.203.C930 - City Owned Property Capital Projects Covid & Operational Compliance; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1: Authorization of Emergency Contract. The City Council hereby authorizes the Mayor to enter into a contract with Magna Dry Restoration Services for mold abatement and emergency repairs at Station #1, Lincoln Avenue Firehouse.

Section 2. Scope of Work. Magna Dry Restoration Services shall perform the following services as part of the emergency contract:

1. Complete mold abatement in all affected areas of the firehouse.
2. Emergency repairs to address water damage and prevent further deterioration.
3. Ensure compliance with all health and safety regulations as PESH standards require.

Section 3. Funding. The total cost of the emergency contract is \$85,260.54, to be funded through ARPA - H1620.203.C930 (City Owned Property Capital Projects Covid & Operational Compliance).

Section 4. Declaration of Emergency. Under Section 6, Items Excepted from Policies and Procedures by the City Council, this situation is declared an emergency due to its immediate threat to public health, safety, and property. Delays in addressing the mold and structural issues could further threaten the health, safety, and welfare of City personnel and the public.

Section 5. Effective Date. This ordinance shall take effect immediately upon its approval by the Board of Estimate & Contract.



CITY OF MOUNT VERNON, N.Y.
DEPARTMENT of PUBLIC WORKS

SHAWYN PATTERSON-HOWARD
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY, 10550
(914) 665-2300 – Fax: (914) 665-2476

DAMANI L. BUSH
Commissioner

ROBERT L. HACKETT
Deputy Commissioner

September 17, 2024

Honorable City Council Members
The City of Mount Vernon
Mount Vernon, New York
(Through the Office of the Mayor)

Re: Emergency Restoration & Mold Abatement – Lincoln Avenue Firehouse (Station #1)

Dear Honorable City Council Members,

BACKGROUND

I am writing to bring to your immediate attention the urgent need for mold abatement and emergency repair services at Station #1, Lincoln Avenue Firehouse. A severe water leak has caused extensive damage to multiple areas of the facility, most notably the Commissioner’s Office and the Fire Prevention Offices. This issue has become critical, resulting in the relocation of key personnel and services to ensure their safety and operational continuity.

The recent inspection of the site revealed significant mold growth and structural concerns that must be addressed immediately. Furthermore, this location has recently been cited by the Public Employee Safety and Health (PESH) Bureau for violations related to these critical issues, further underscoring the necessity for swift and comprehensive action.

After a thorough review of potential contractors, the Department of Public Works recommends contracting Magna Dry Restoration Services to carry out the mold abatement and emergency repair work. Magna Dry Restoration is a highly reputable company with the expertise and resources to handle situations of this magnitude, located in the City of Mount Vernon.

We are confident that Magna Dry Restoration can quickly and effectively resolve these issues, allowing personnel to return to their workspaces safely and in compliance with all regulatory requirements.

SCOPE OF WORK

Their proposed scope of work includes:

1. Complete mold abatement in all affected areas.
2. Emergency repairs to address water damage and prevent further deterioration.
3. Ensuring compliance with all health and safety regulations as per PESH standards.



CITY OF MOUNT VERNON, N.Y.
DEPARTMENT of PUBLIC WORKS

SHAWYN PATTERSON-HOWARD
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DAMANI L. BUSH
Commissioner

ROBERT L. HACKETT
Deputy Commissioner

PROCUREMENT POLICY

Section 6. Items Excepted from these Policies and Procedures by the City Council.

B. Emergency Purchases. For purpose of this section, an emergency refers to an occurrence that presents an immediate threat to public property, the life, safety, health, welfare or property of residents or the public, or threatens to curtail or terminate an essential service to residents or the public. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety, property or welfare of the residents or City of Mount Vernon.

FUNDING

The cost of this emergency contract is estimated at **\$85,260.54**, and due to the pressing nature of the situation, we respectfully request the City Council’s approval for this emergency expenditure. Funding is available via ARPA – **H1620.203.C930** – City Owned Property Capital Projects Covid & Operational Compliance.

Ensuring the health and safety of our staff, as well as maintaining the structural integrity of this critical city asset, are of utmost importance.

Respectfully,

Damani L. Bush
Commissioner of Public Works
DLB

- Cc: Comptroller’s Office
Mount Vernon Fire Department
Local 107 Union
Law Department
Building Maintenance
Engineering Bureau
Contract File



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
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File #: TMP -905
A

Agenda Date: 9/25/2024

Agenda #: 6 -

City Council:

AN ORDINANCE AUTHORIZING THE MAYOR TO COMMIT THE TEN PERCENT (10%) NON-FEDERAL MATCHING SHARE FOR THE FEMA HAZARD MITIGATION GRANT PROGRAM (HMGP) FOR THE SOUTH THIRD & SOUTH COLUMBUS AVENUE FLOOD MITIGATION PROJECT

Whereas, by letter dated September 17, 2024, the Commissioner of the Department of Public Works has requested legislation authorizing Mayor Shawyn Patterson-Howard to commit the required ten percent (10%) non-federal matching share of \$95,000 as part of the total funding for the FEMA Hazard Mitigation Grant Program (HMGP) for the South Third & South Columbus Avenues Flood Mitigation Project; and

Whereas, the City of Mount Vernon has been awarded a grant under the Hazard Mitigation Grant Program (HMGP) by the U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) Region 2, on October 10, 2023, for the South Third & South Columbus Avenues Flood Mitigation Project; and

Whereas, the FEMA-HMGP grant provides funding in an amount not to exceed \$950,000 in federal funds for the approved Scope of Work (SOW) to address the flood mitigation needs at South Third and South Columbus Avenues, which includes the engagement of an engineering firm to prepare an engineering report recommending technical solutions for flood mitigation; and

Whereas, this project aims to mitigate the flooding caused by the rising of the Canal post-High Tide events and will result in a future FEMA mitigation application, ensuring consideration of environmental and historical resources as part of the engineering study; and

Whereas, as a condition of receiving the federal grant funds, the City of Mount Vernon is required to provide a ten percent (10%) non-federal matching share in the amount of \$95,000; and

Whereas, the New York State Environmental Facilities Corporation (EFG) has confirmed that the City's matching share of \$95,000 will be covered by New York State's \$150 million funding commitment to the City of Mount Vernon, which is administered by EFG; and

Whereas, it is necessary for the City Council to authorize the Mayor of the City of Mount Vernon to commit the requisite non-federal matching share to secure the FEMA-HMGP funds and move forward with the flood mitigation project; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Authorization to Commit Matching Funds. The City Council hereby authorizes Mayor Shawyn Patterson-Howard to commit the required ten percent (10%) non-federal matching share of \$95,000 as part of the total funding for the FEMA Hazard Mitigation Grant Program (HMGP) for the South Third & South Columbus Avenues Flood Mitigation Project.

Section 2. Source of Matching Funds. The matching share of \$95,000 shall be provided by the New York State Environmental Facilities Corporation (EFG) through the State's \$150 million funding commitment to the City of Mount Vernon. Due to this commitment, no additional financial burden will be imposed on the City of Mount Vernon's budget.

Section 3. Scope of Work and Implementation. The authorized grant funds, including the non-federal matching share, will be used to engage an engineering firm to complete a comprehensive engineering report recommending technical solutions to mitigate the flooding at South Third & South Columbus Avenues. Upon completion of the engineering study, the Department of Public Works will implement the recommended interventions to address the flood risks in the area.

Section 4. Future FEMA Mitigation Application. The City of Mount Vernon shall submit a future FEMA mitigation application based on the engineering report to address further the long-term flood mitigation needs of the South Third & South Columbus Avenues area.

Section 5. Compliance with Regulatory Requirements. The City of Mount Vernon shall ensure that all project activities comply with all federal, state, and local laws, including environmental and historic preservation regulations, as part of the project's **Advance Assistance (AA)** scope.

Section 6. Effective Date. This ordinance shall take effect immediately upon its approval by the Board of Estimate & Contract.



CITY OF MOUNT VERNON, N.Y.
DEPARTMENT of PUBLIC WORKS

SHAWYN PATTERSON-HOWARD
Mayor

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DAMANI L. BUSH
Commissioner

ROBERT L. HACKETT
Deputy Commissioner

September 17, 2024

Honorable City Council Members
The City of Mount Vernon
Mount Vernon, New York
(Through the Office of the Mayor)

Re: FEMA-4615-DR-NY – Hazard Mitigation Grant Program (HMGP) Project #4615-0004
CMVNY South Third & South Columbus Avenues Flood Mitigation

Dear Honorable City Council Members,

The Department of Public Works respectfully requests that the Mount Vernon City Council enact legislation authorizing Mayor Shawyn Patterson-Howard to commit the requisite ten-percent (10%) non-federal matching share of \$95,000 as required by the FEMA – Hazard Mitigation Grant Program for the South Third & South Columbus Avenues Flood Mitigation, which was awarded to the City of Mount Vernon by the U.S. Department of Homeland Security Federal Emergency Management Agency – FEMA Region 2 on October 10, 2023 (Award Letter Attached).

The FEMA – HMGP Grant for the above-mentioned locations is for an amount not to exceed \$950,000 in federal funds for the approved Scope of Work (SOW) for this Advance Assistance (AA) project including the engagement of an engineering firm to complete an engineering report to recommend technical solutions to mitigate the flooding because of the Canal rising post-High Tide events. The Department of Public Works will then implement those specific interventions (cures) immediately thereafter. The project will result in a future FEMA mitigation application and the City will consider environmental and historical resources within the engineering study.

Although not specified at the time of application, NYS Environmental Facilities Corporation (EFC), confirmed that the source of the \$95,000 match for this federally funded grant will be covered by New York State’s \$150M funding commitment to the city, which EFC administers.

Thank you in advance for your assistance in this matter.



CITY OF MOUNT VERNON, N.Y.
DEPARTMENT of PUBLIC WORKS

SHAWYN PATTERSON-HOWARD
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY, 10550
(914) 665-2300 – Fax: (914) 665-2476

DAMANI L. BUSH
Commissioner

ROBERT L. HACKETT
Deputy Commissioner

Respectfully,

Damani L. Bush
Commissioner of Public Works
DLB/db

Cc: William McDonnell, FEMA Mitigation Division Director
Rayana Gonzales, Governor's Authorized Representative
Engineering Bureau
Contract File



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
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VERNON, NEW YORK
10550
& VIA
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File #: TMP -906
A

Agenda Date: 9/25/2024

Agenda #: 7 -

City Council:

**AN ORDINANCE AMENDING ORDINANCE NO. 3,
ADOPTED BY THE CITY COUNCIL ON JUNE 26,
2024, ENTITLED “AN ORDINANCE AUTHORIZING THE
TRANSFER OF FUNDS FOR THE PURCHASE OF
A NEW VEHICLE FOR THE DEPARTMENT
OF PUBLIC WORKS UTILIZING ARPA FUNDS”**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. The first decretal paragraph and the 5th Whereas paragraph of Ordinance No. 3, adopted on June 26, 2024, entitled AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FOR THE PURCHASE OF A NEW VEHICLE FOR THE DEPARTMENT OF PUBLIC WORKS UTILIZING ARPA FUNDS” is hereby amended as follows:

Whereas, by letter dated [May 20, 2024] September 16, 2024, the Commissioner of the Department of Public Works has requested legislation to amend Ordinance No. 3, adopted by the City Council on June 26, 2024, permission to transfer funds to cover the purchase of a new vehicle using ARPA funds; and

Whereas, the current 2017 Chevrolet Tahoe has become increasingly problematic and unreliable due to frequent engine failures, transmission problems, and electrical system issues; and

Whereas, it is in the best interest of the Department and the Commissioner to purchase a new vehicle to ensure the completion of daily operations and the safety of the Commissioner; and

Whereas, the Department of Public Works plans to discontinue the currently owned 2017 Chevrolet Tahoe from service, remove all emergency lights, and list it on Municibid.com to recoup monies as per the current resale value of the vehicle; and

Whereas, the Department of Public Works has selected [National Auto Fleet Group (Sourcewell Contract #091521-NAF)] Mount Kisco Chevrolet (Westchester County Contract - RFB-WC-19092) for the purchase of the new vehicle at an anticipated total cost of [\$75,005.00] \$72,382.50 ; and

Whereas, the following budget line transfer is necessary to cover the purchase of this vehicle utilizing ARPA funds:

FROM:	AMOUNT:	TO:	AMOUNT:
--------------	----------------	------------	----------------

H8140.203 C932 ARPA (Clean Water: Stormwater - Stormwater Sewer Rehabilitation & Flood Mitigation) - \$263,716.00, available)	\$75,005.00	A1640.203APR (ARPA Revenue, Reduction: Government Services - DPW SUVs)	\$75,005.00
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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, NEW YORK:

Section 1. Authorization. The City Council hereby authorizes the transfer of funds from H8140.203 C932 ARPA (Clean Water: Stormwater - Stormwater Sewer Rehabilitation & Flood Mitigation) to A1640.203APR (ARPA Revenue, Reduction: Government Services - DPW SUVs) to cover the purchase of a new vehicle for the Department of Public Works.

Section 2. Cost. The total cost of the new vehicle purchase shall not exceed \$75,005.00

Section 3. 2024 Budget. The Department of Public Works shall discontinue the currently owned 2017 Chevrolet Tahoe from service, remove all emergency lights, and list it on Municibid.com to recoup monies as per the current resale value of the vehicle.

Section 4. Implementation. The Department of Public Works shall oversee the procurement of the new vehicle through the National Auto Fleet Group (Sourcewell Contract #091521 -NAF).

Section 5. Effective Date. This ordinance shall take effect upon its approval by the Board of Estimate & Contract.

New matter underlined
Deleted matter in brackets []



CITY OF MOUNT VERNON, N.Y.
DEPARTMENT of PUBLIC WORKS

SHAWYN PATTERSON-HOWARD
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY, 10550
(914) 665-2300 – Fax: (914) 665-2476

DAMANI L. BUSH
Commissioner
ROBERT L. HACKETT
Deputy Commissioner

AMENDMENT

City Council Agenda – June 26, 2024

#3 – “An Ordinance Authorizing the Transfer of Funds for the Purchase of a New Vehicle for the Department of Public Works Utilizing ARPA Funds”

September 16, 2024

Honorable City Council Members
The City of Mount Vernon
Mount Vernon, New York
(Through the Office of the Mayor)

Dear Honorable City Council Members:

On May 20, 2024, the Department of Public Works submitted a referral letter requesting the purchase of a new vehicle for the Commissioner, which was subsequently withheld as there was a request for additional information. On June 26, 2024, this Honorable Body approved legislation for the acquisition of a new vehicle for the Department of Public Works. Unfortunately, during this interim period the original vehicle available was sold by the vendor, due to the inability to provide a Purchase Order as we awaited approved legislation.

Fortunately, our Garage Superintendent was able to identify the same vehicle available via an alternative vendor at a cheaper price. Therefore, the Department of Public Works is requesting the following amendment changes to the previously approved legislation – June 26, 2024 - #3:

Whereas, the Department of Public Works has selected [*National Auto Fleet Group (Sourcewell Contract #091521-NAF)*] **Mount Kisco Chevrolet (Westchester County Contract – RFB-WC-19092)** for the purchase of the new vehicle at an anticipated total cost of [*\$75,005.00*] **\$72,382.50**

If this meets with the approval of Your Honorable Body, kindly have the necessary legislation enacted to transfer funds.

Respectfully submitted,

Damani L. Bush
Commissioner of Public Works
Cc: Comptroller's Office / File
DB/db

[Deleted Matter] **New Matter**



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
FACEBOOK.
COM/MOUNTVERNONNY

File #: TMP -913
A

Agenda Date: 9/25/2024

Agenda #: 8 -

City Council:

AN ORDINANCE AUTHORIZING AN EMERGENCY CONTRACTUAL AGREEMENT WITH PCI INDUSTRIES, INC. FOR SEWER REPAIR AT 656 HANOVER PLACE

Whereas, by letter dated September 17, 2024, the Commissioner of the Department of Public Works has requested legislation authorizing the Mayor to enter into an emergency contractual agreement with PCI Industries, Inc. to conduct sewer repairs at 656 Hanover Place; and

Whereas, a critical health hazard has emerged at 656 Hanover Place due to a sewer backup caused by an obstruction that City equipment could not remove, creating an immediate threat to public health and safety; and

Whereas, the Department of Public Works determined that immediate emergency repairs were necessary to restore proper sanitary and stormwater sewer function and contracted PCI Industries, Inc. to perform the required repairs; and

Whereas, the repairs included the removal of the obstruction, trench excavation, replacement of damaged sanitary and stormwater sewer pipes, and securing the area for final surface restoration by Con-Edison; and

Whereas, the total cost of this emergency repair is **\$72,206.12**, with funding available via the **EFG \$5,000,000 Emergency Grant, H8120.203.C934 (Sanitary Sewer)**, and **H8140.203.C935 (Stormwater)**; and

Whereas, pursuant to Section 6 of the City Council's policies and procedures, emergency purchases are permitted when an occurrence presents an immediate threat to life, safety, health, welfare, or property of residents, or when an essential service to the public is at risk of being curtailed or terminated; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. Authorization of Emergency Contract with PCI Industries, Inc. The City Council hereby authorizes the Mayor to enter into an emergency contractual agreement with PCI Industries, Inc. to conduct sewer repairs at 656 Hanover Place.

Section 2. Scope of Work. PCI Industries, Inc. performed the following emergency repairs:

- 1. Location:** Intersection near Hanover and Station Places.

2. **Trench Dimensions:** 40 feet long, 5 feet wide, and 8 feet deep.
3. **Hand Excavation:** Locate gas and water services and install sheeting.
4. **Damage Identified:**
 - 12-inch vitrified clay pipe for stormwater sewer, located 5 feet below the surface.
 - 8-inch vitrified clay pipe for sanitary sewer, located 6 feet below the surface.
5. **Repairs Completed:**
 - Installed 40 linear feet of 8-inch SDR pipe for the sanitary sewer.
 - Installed six linear feet of 12-inch SDR pipe for the stormwater sewer.
6. **Final Steps:** Backfill the trench to the location of the gas main and leave the trench with three steel plates for Con-Edison to complete their work. Con-Edison will complete final surface restoration.

Section 3. Funding. The total cost of the emergency repairs is **\$72,206.12**, with funding available from the following sources:

- **EFG \$5,000,000 Emergency Grant.**
- **H8120.203.C934 (Sanitary Sewer).**
- **H8140.203.C935 (Stormwater).**

Section 4. Declaration of Emergency. The City Council declares that the sewer backup circumstances at 656 Hanover Place qualify as an emergency under Section 6 of City Council Policies and Procedures. Delaying this work would threaten public health and safety and could lead to further damage to public property.

Section 5. Effective Date. This ordinance shall take effect immediately upon its approval by the Board of Estimate & Contract.



CITY OF MOUNT VERNON, N.Y.
DEPARTMENT of PUBLIC WORKS

SHAWYN PATTERSON-HOWARD
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY, 10550
(914) 665-2300 – Fax: (914) 665-2476

DAMANI L. BUSH
Commissioner

ROBERT L. HACKETT
Deputy Commissioner

September 17, 2024

Honorable City Council Members
The City of Mount Vernon
Mount Vernon, New York
(Through the Office of the Mayor)

Re: Emergency Sewer Rehabilitation – Station Place & Hanover Place

Dear Honorable City Council Members,

BACKGROUND

I am writing to urgently request the City Council’s approval to retroactively authorize the City to enter into an emergency contractual agreement with PCI Industries, Inc. This request is essential due to a health hazard and the immediate need to remove and replace sections of sanitary and stormwater sewers.

Recently, a health hazard emerged at 656 Hanover Place to a sewer backup caused by an obstruction that our equipment could not clear. Consequently, PCI Industries, Inc. was contracted to complete the necessary emergency repairs to address and remove the blockage.

SCOPE OF WORK

- Location: Intersection near Hanover and Station Places
- Trench Dimension: 40 feet long, 5 feet wide, and 8 feet deep
- Hand excavated: to find gas and water services, installed sheeting.
- Damage:
 - 12-inch vitrified clay pipe for stormwater sewer, located 5 feet below the surface
 - 8-inch vitrified clay pipe for sanitary sewer, located 6 feet below the surface
- Repairs Completed:
 - Installed 40 linear feet of 8-inch SDR pipe for the sanitary sewer
 - Installed 6 linear feet of 12-inch SDR pipe for the stormwater sewer
- Final Steps: Backfilled the trench up to location of Gas main and left trench with 3 steel plates to allow Con-Edison to complete their work. Full surface grade restoration will be completed by Con-Ed.



CITY OF MOUNT VERNON, N.Y.
DEPARTMENT of PUBLIC WORKS

SHAWYN PATTERSON-HOWARD
Mayor

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DAMANI L. BUSH
Commissioner

ROBERT L. HACKETT
Deputy Commissioner

PROCUREMENT POLICY

Section 6. Items Excepted from these Policies and Procedures by the City Council.

B. Emergency Purchases. For purpose of this section, an emergency refers to an occurrence that presents an immediate threat to public property, the life, safety, health, welfare or property of residents or the public, or threatens to curtail or terminate an essential service to residents or the public. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety, property or welfare of the residents or City of Mount Vernon.

FUNDING

The total associated costs for this rehabilitation are **\$72,206.12**

Funding for this emergency repair is available via EFC \$5,000,000 Emergency Grant

- H8120.203.C934 (Sanitary Sewer)
- H8140.203.C935 (Stormwater)

Respectfully,

Damani L. Bush
Commissioner of Public Works
DLB

Cc: City Engineer
Arcadis of New York
File



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
FACEBOOK.
COM/MOUNTVERNONNY

File #: TMP -914
A

Agenda Date: 9/25/2024

Agenda #: 9 -

City Council:

AN ORDINANCE AUTHORIZING THE MAYOR TO RETROACTIVELY ENTER INTO AN EMERGENCY CONTRACTUAL AGREEMENT WITH PCI INDUSTRIES, INC. FOR EMERGENCY SEWER REPAIRS AT 27 VERNON PLACE

Whereas, by letter dated September 17, 2024, the Department of Public Works Commissioner requested legislation authorizing the Mayor to retroactively enter into an emergency contractual agreement with PCI Industries, Inc., to complete emergency sewer repairs at 27 Vernon Place. The total cost of this repair shall not exceed \$89,860.79; and

Whereas, an immediate public health hazard has emerged at 27 Vernon Place, located at the intersection of Grandview and Vernon Place, due to a sewer backup caused by an obstruction that could not be cleared using city equipment, presenting a direct threat to the safety, health, and welfare of the residents; and

Whereas, the City of Mount Vernon contracted with PCI Industries, Inc. to perform the necessary emergency repairs to the sanitary and stormwater sewers at this location to eliminate the obstruction and restore proper sewer functionality; and

Whereas, the emergency repairs included the following scope of work:

- **Trench Dimension:** 14 feet long, 4.5 feet wide, and 8 feet deep
- **Damage:**
 - 12-inch vitrified clay pipe for stormwater sewer located 7 feet below the surface
 - 8-inch vitrified clay pipe for sanitary sewer located 8 feet below the surface
- **Repairs Completed:**
 - Installation of 7 linear feet of 8-inch SOR pipe for the sanitary sewer
 - Installation of 14 linear feet of 12-inch SOR pipe for the stormwater sewer
- **Final Steps:** Backfilled the trench regraded the asphalt surface; and

Whereas, Section 6, Item B of the City of Mount Vernon's Procurement Policy allows for

emergency purchases when an occurrence presents an immediate threat to public property, life, safety, health, or welfare of the residents or public, and the delay in seeking alternate proposals would increase such risks; and

Whereas, the total associated cost of this emergency repair is \$89,860.79, and the funding for the repair is available through the Environmental Facilities Corporation (EFC) \$5,000,000 Emergency Grant allocated for critical infrastructure projects, with funds to be drawn from:

- H8120.203.C934 (Sanitary Sewer);
- H8140.203.C935 (Stormwater); and

Whereas, the City Council finds that retroactive authorization of this emergency contractual agreement is necessary to protect the health and safety of the City’s residents and ensure the continued operation of essential public services; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Retroactive Authorization for Contract. The City Council hereby authorizes the Mayor to retroactively enter into an emergency contractual agreement with PCI Industries, Inc., to complete emergency sewer repairs at 27 Vernon Place. The total cost of this repair shall not exceed \$89,860.79.

.Section 2. Funding. Funding for this emergency repair will be provided through the Environmental Facilities Corporation (EFC) \$5,000,000 Emergency Grant, with funds allocated from:

- H8120.203.C934 (Sanitary Sewer).
- H8140.203.C935 (Stormwater).

Section 3. Exemption from Procurement Policy. The City Council recognizes that this emergency repair meets the criteria outlined in Section 6, Item B of the City’s Procurement Policy, which permits emergency purchases when there is an immediate threat to public health, safety, or property.

Section 4. Effective Date. This ordinance shall take effect immediately upon its approval by the Board of Estimate & Contract.



CITY OF MOUNT VERNON, N.Y.
DEPARTMENT of PUBLIC WORKS

SHAWYN PATTERSON-HOWARD
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY, 10550
(914) 665-2300 – Fax: (914) 665-2476

DAMANI L. BUSH
Commissioner

ROBERT L. HACKETT
Deputy Commissioner

September 17, 2024

Honorable City Council Members
The City of Mount Vernon
Mount Vernon, New York
(Through the Office of the Mayor)

Re: Emergency Sewer Rehabilitation – Grandview Avenue and Vernon Place

Dear Honorable City Council Members,

BACKGROUND

I am writing to urgently request the City Council’s approval to retroactively authorize the City to enter into an emergency contractual agreement with PCI Industries, Inc. This request is essential due to a health hazard and the immediate need to remove and replace sections of sanitary and stormwater sewers.

Recently, a health hazard emerged at 27 Vernon Place due to a sewer backup caused by an obstruction that our equipment could not clear. Consequently, PCI Industries was contracted to complete the necessary emergency repairs to address and remove the blockage.

SCOPE OF WORK

- Location: Intersection of Grandview and Vernon Place
- Trench Dimension: 14 feet long, 4.5 feet wide, and 8 feet deep
- Damage:
 - 12-inch vitrified clay pipe for stormwater sewer, located 7 feet below the surface
 - 8-inch vitrified clay pipe for sanitary sewer, located 8 feet below the surface
- Repairs Completed:
 - Installed 7 linear feet of 8-inch SDR pipe for the sanitary sewer
 - Installed 14 linear feet of 12-inch SDR pipe for the stormwater sewer.
- Final Steps: Backfilled the trench and regraded the asphalt surface

PROCUREMENT POLICY

Section 6. Items Excepted from these Policies and Procedures by the City Council.

B. Emergency Purchases. For purpose of this section, an emergency refers to an occurrence that presents an immediate threat to public property, the life, safety, health, welfare or property of residents or the public, or threatens to curtail or terminate an essential service to residents or the public. Due to the nature of this



CITY OF MOUNT VERNON, N.Y.
DEPARTMENT of PUBLIC WORKS

SHAWYN PATTERSON-HOWARD
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City Hall, One Roosevelt Square
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DAMANI L. BUSH
Commissioner

ROBERT L. HACKETT
Deputy Commissioner

exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety, property or welfare of the residents or City of Mount Vernon.

FUNDING

The total associated costs for this rehabilitation are **\$89,860.79**

Funding for this emergency repair is available via EFC \$5,000,000 Emergency Grant

- H8120.203.C934 (Sanitary Sewer)
- H8140.203.C935 (Stormwater)

Respectfully,

Damani L. Bush
Commissioner of Public Works
DLB

Cc: City Engineer
Arcadis of New York
File



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
FACEBOOK.
COM/MOUNTVERNONNY

File #: TMP -912
A

Agenda Date: 9/25/2024

Agenda #: 10 -

City Council:

AN ORDINANCE AUTHORIZING THE ATTENDANCE OF MONICA HUGHES AND MILTON VANN AT THE 2024 CATALYST EXPERIENCE HOSTED BY ROGUE WATER LAB

Whereas, by letter dated September 17, 2024, the Commissioner of the Board of Water Supply has requested legislation authorizing Monica Hughes, Lead Administrator, and Milton Vann, Lead Service Line Field Coordinator, to attend the 2024 Catalyst Experience hosted by Rogue Water Lab in San Antonio, Texas, from October 16 to October 18, 2024; and

Whereas, the City of Mount Vernon is committed to maintaining a vital leadership role in environmental justice, public health, and water management through its participation in national initiatives such as the Lead Service Line Replacement Initiative, awarded to the City on May 19, 2023, by the Great Lakes and St. Lawrence Cities Initiative; and

Whereas, Monica Hughes, Lead Administrator, and Milton Vann, Lead Service Line Field Coordinator, have been invited to represent Mount Vernon at the 2024 Catalyst Experience, hosted by Rogue Water Lab in San Antonio, Texas, from October 16th to October 18th, 2024; and

Whereas, the 2024 Catalyst Experience will focus on interactive experiences that foster real-world impacts and elevate visibility in strategic communications within the water sector, with conference tracks including:

- How to Build Trust
- The Spectrum of Engagement
- Navigating Difficult Conversations with Communities Through Transparency
- Storytelling and Community Engagement; and

Whereas, this invitation is an acknowledgment of Mount Vernon's leadership and continued commitment to clean water, environmental justice, equity, and improving the quality of life for all residents, particularly in BIPOC communities; and

Whereas, the Environmental Policy Innovation Center (EPIC) has generously agreed to cover expenses for one attendee, including travel, lodging, and meals, and the registration fee for a second attendee is \$225.00, with additional travel and accommodation costs for this attendee not to exceed \$1,275.00, for a total not exceeding \$1,500.00; and

Whereas, funding for these expenses is available in the Board of Water Supply budget code 001-5 81-581001 (Staff Development & Trainings), ensuring no financial burden on the city's general

fund; Now, Therefore, Be It Resolved That

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Authorization to Attend Conference. The City Council authorizes Monica Hughes, Lead Administrator, and Milton Vann, Lead Service Line Field Coordinator, to attend the 2024 Catalyst Experience hosted by Rogue Water Lab in San Antonio, Texas, from October 16 to October 18, 2024.

Section 2. Costs and Funding. Expenses for one attendee, including travel, lodging, and meals, will be fully covered by the Environmental Policy Innovation Center (EPIC).

- The City will incur costs for the second attendee not to exceed \$1,500.00, covering the registration fee of \$225.00, airline transportation, and hotel accommodations, with funding provided by the Board of Water Supply Budget Code 001-5 81-581001 (Staff Development & Training).

Section 3. Impact and Representation. By attending this conference, Monica Hughes and Milton Vann will represent the City of Mount Vernon, share the city's experiences and achievements in water management and environmental justice, and bring back innovative strategies and insights to benefit the city's continued efforts in these critical areas.

Section 4. Effective Date. This ordinance shall take effect immediately upon its approval by the Board of Estimate & Contract.



CITY OF MOUNT VERNON, N.Y.

Board of Water Supply

SHAWYN PATTERSON-HOWARD
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY, 10550
(914) 668-7820 – Fax: (914) 668-2316

CARLTON SPRUILL
Commissioner
JOHN ARENA
Superintendent

September 17, 2024

Honorable City Council Members
Of the City of Mount Vernon
City Hall, Mount Vernon, New York
(Through the Office of the Mayor)

Re: Request to attend The 2024 Catalyst Experience

Dear Members of the City Council,

I hope this message finds you well. I am writing to inform you of an exciting opportunity that has been extended to Monica Hughes, Lead Administrator, and Milton Vann, Lead Service Line Field Coordinator, and to our city. They have been invited by the Environmental Policy Innovation Center (Epic) to represent Mount Vernon at the 2024 Catalyst Experience, hosted by Rogue Water Lab. This event will take place in San Antonio, Texas, from October 16th to October 18th.

This year's theme: *A World of Pure Imagination*, high-lighting the collective power of water sector communicators and educators. The conference will focus on interactive experiences that deliver real-world impact, elevate the visibility of strategic communications, and drive positive, lasting change within the industry and the communities we serve.

Conference Tracks Include:

- How to build trust
- The spectrum of engagement
- How do local elected officials prefer to be engaged on water issues?
- Connecting to water through poetry
- Navigating difficult conversations with communities through transparency
- Storytelling: The untold stories of water heroes
- The role of perceptions and perspectives in community engagement
- Crafting memorable, impactful experiences

This prestigious invitation reflects our city's active participation in the Cities Initiative. On May 19, 2023, Jon Altenberg, President of the Great Lakes and St. Lawrence Cities Initiative, awarded Mount Vernon the Lead Service Line Replacement Initiative. Our continuous engagement has not only brought national

"The Jewel of Westchester"



CITY OF MOUNT VERNON, N.Y.

Board of Water Supply

SHAWYN PATTERSON-HOWARD
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY, 10550
(914) 668-7820 – Fax: (914) 668-2316

CARLTON SPRUILL
Commissioner
JOHN ARENA
Superintendent

recognition to our city but has also highlighted our commitment to clean water, environmental justice, well-being, and equity. This recognition is a testament to the innovative strategies and dedicated efforts we have implemented to enhance the quality of life for all our residents.

Mount Vernon has been at the forefront of addressing these crucial issues, particularly the intersection of environmental justice and public health in BIPOC communities. Our experiences can serve as a model for other cities facing similar challenges.

Importantly, for one attendee, expenses related to this engagement—including travel, lodging, and meals—will be fully covered by the Environmental Policy Innovation Center (Epic). For an additional attendee, the registration fee for the event is \$225.00. Airline transportation and hotel accommodations not to exceed \$1,275 will be incurred. The total cost for the additional attendee shall not exceed \$1,500.00 and is available in Board of Water Supply budget code 001-581-581001 (Staff Development & Trainings).

Your support, is vital for us to seize this opportunity to showcase Mount Vernon’s leadership and continue advancing our efforts in water sustainability and community engagement on a national scale.

Please feel free to contact me directly or Ms. Monica Hughes at (914) 650-4646 or via email at mhughes@cmvny.com. Thank you for your consideration and support.

Sincerely,



Carlton Spruill
Commissioner, Board of Water Supply

cc: City Clerk
Mayor's Office

“The Jewel of Westchester”



Wednesday, October 16 - Friday, October 18

The 2024 Catalyst Experience

An audience-centric approach to water communication and engagement.

Application Period is now closed.

Guests of the 2024 Catalyst Experience will embark on A World of Pure Imagination as we explore the theme of public trust. Throughout this 2.5-day whimsical professional development experience, guests will be guided through fear, trust, their connection to water, building genuine relationships during seemingly adversarial moments, telling untold stories, and engagement with local officials around the criticality of reliable water systems.

When and where



Date and time

October 16 5:00 pm - October 18 12:00 pm CST



Location

Venues To Be Announced
Downtown San Antonio, TX 78205

[Show map](#) ▾

Guides

Why “guests” and “guides” instead of “attendees” and “speakers”? Catalyst is not a conference like you’re used to, **it’s a professional development experience that uses connection, engagement and purposeful curation of venues and participants to truly equip, inspire, and empower guests to make true impact!**

Topics:

- How to gain trust
- Getting past the fear and getting to action
- The spectrum of engagement
- How do local elected officials really want to be engaged on water?
- Your connection to water — through poetry
- Difficult conversations with communities — meeting them where they are and being transparent

- Storytelling – the untold stories of unsung water heroes
- How perceptions and perspectives impact community engagement
- How to craft experiences that leave memorable impact



Greg Wukasch
External Affairs Manager



Alicia Smith
Executive Director



Shannon Kring
Emmy Award-Winning Filmmaker



Frank Scott Jr.
Mayor



Ami Keiffer
Environmental Program Manager



Travis Loop
Waterloop Founder



Trapeta Mayson
Poet



Chelsea Boozer
Executive Director



Dom Bennett
Assistant Director



Bebe Schaefer
Legislative Associate

About this event

We can't wait to welcome you to The Catalyst Experience 2024.

Our journey is especially curated every step of the way. Each guided experience builds on the next. Please plan to stay and participate for the entirety of the experience. There are no concurrent sessions like at a conference. Everyone journeys together.

Schedule at a Glance

Wed, Oct. 16: 5 pm – 8 pm (enter the experience)

Thurs, Oct. 17: 8 am – 5 pm; 5:30 p.m. to 7 p.m. (journey to multiple venues as we explore public trust)

Fri, Oct. 18: 8 am – 12 pm (conclude the journey and enter back into the real world)

Hungry?

Lunch will be provided on Thursday. Dinner is on your own each night. There will be mixers on Wednesday and Thursday evening with appetizers.

2024 Theme: A World of Pure Imagination

Inspired by the new Wonka film, we wanted to create a whimsical experience of exploration as we dive into what it truly means to engage communities and policymakers around water, what our own connection to water is, and how this discovery can inspire, empower, equip and motivate us to create a world of thriving communities with resilient and trusted water providers.

Packing List

Please pack comfortable clothing and shoes. We're fun and informal.

The Journey

Catalyst is a traveling summit where we use the host city as our classroom. Each day, sessions will occur at different locations. Transportation will be provided. Why do we move?

When the butt goes numb, the brain goes dumb.

Research shows that changing the learning environment between topics helps our brains retain information.

White space.

Travel time creates space to reflect on what you just learned and, of course, discuss those thoughts with other guests. It's also nice to have built in downtime in an over-scheduled world.

Sponsors

[INTERESTED IN SPONSORING CATALYST 2024?](#)



Collaborator



Supporter



Supporter



Supporter

Advocate

Advocate



Advocate

Advocate

Advocate



Advocate

Advocate

Advocate



Water Environment
Association of Texas



Advocate



Selected Guests May Pay Their Registration Below

[PAY REGISTRATION](#)



[Join the Movement](#) [FAQ](#) [Privacy Policy](#)

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City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
FACEBOOK.
COM/MOUNTVERNONNY

File #: TMP -892
A

Agenda Date: 9/25/2024

Agenda #: 11 -

City Council:

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS TO THE 2024 CITY COUNCIL EXPENSE ACCOUNT FOR THE PURCHASE OF FURNITURE AND OFFICE SUPPLIES

Whereas, by letter dated September 24, 2024, the City Clerk has requested legislation authorizing the Comptroller to transfer funds from the account shown in the chart below to the City Council Expense Account A1010.401 for the purchase of furniture and other office supplies; and

Whereas, the Office of the City Clerk has identified the need for additional funds to cover the cost of purchasing furniture and other necessary office supplies for the City Council; and

Whereas, the City Council must have the appropriate resources and furnishings to carry out its duties and responsibilities effectively; and

Whereas, funds are available for transfer from other City Council accounts, which are underutilized, to cover these necessary expenses; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. Authorization to Transfer Funds. The City Council of Mount Vernon authorizes the Comptroller to transfer funds to the City Council Expense Account **A1010.401** to purchase furniture and other office supplies.

Section 2. Funding Sources. The funds to be transferred are as follows:

Account Name	Account Number	Amount to be Transferred
CC Education/Training	A1010.417	\$1,000.00

Section 3. Use of Funds. The transferred funds shall be used solely to purchase office furniture and supplies necessary for the City Council’s operation.

Section 4. Effective Date. This ordinance shall take effect immediately upon its approval by the Board of Estimate & Contract.



CITY OF MOUNT VERNON, NEW YORK
OFFICE OF THE CITY CLERK
ONE ROOSEVELT SQUARE, ROOM 104
MOUNT VERNON, NY 10550

TANESIA M. WALTERS, J.D., M.P.A.
City Clerk

(914) 665-2352
Fax (914) 668-6044
www.cmvny.com

NICOLE J. BONILLA, M.B.A.
Deputy City Clerk

September 24, 2024

Honorable City Council Members
City of Mount Vernon
1 Roosevelt Square
Mount Vernon, New York 10550

RE: Transfer of Funds to the 2024 City Council Office Expense Account

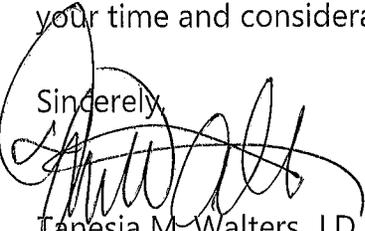
Dear Honorable Council Members,

The Office of the City Clerk respectfully requests that the City Council approve legislation to transfer funds to the City Council Expense Account A1010.401 in order to pay for furniture and other necessary office supplies. The necessary funds should be transferred from the following accounts;

Account Name	Account Number	Amount to be Transferred
CC Education/Training	<u>A1010.417</u>	\$1,000.00

If you should require any additional information, feel free to contact me. I thank you for your time and consideration of this matter.

Sincerely,


Tanesia M. Walters, J.D., M.P.A.
City Clerk

TMW/nss



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
FACEBOOK.
COM/MOUNTVERNONNY

File #: TMP -848
A

Agenda Date: 9/25/2024

Agenda #: 12 -

City Council:

**AN ORDINANCE AUTHORIZING THE MAYOR
TO ENTER INTO AN AGREEMENT WITH THE
WESTCHESTER COUNTY OFFICE OF SENIOR
PROGRAMS AND SERVICES UNDER THE
TITLE IIIC-1 AND IIIC-2 PROGRAM (NUTRITION),
AND ESTIMATED IIIC-1 & IIIC-2 NSIP
(NUTRITION SERVICES INCENTIVE PROGRAM)**

Whereas, by letter dated August 27, 2024, the Commissioner of the Department of Recreation has requested legislation authorizing the Mayor of the City of Mount Vernon to enter into an agreement with the Westchester County Office of Senior Programs and Services under the Title IIIC-1 and IIIC-2 Program (Nutrition), and the estimated IIIC-1 & IIIC-2 NSIP (Nutrition Services Incentive Program) for the contract period from January 1, 2024, through December 31, 2024; and

Whereas, the City of Mount Vernon recognizes the importance of providing essential nutritional services to its senior population to promote health and well-being; and

Whereas, the Westchester County Office of Senior Programs and Services, through its Title IIIC-1 and IIIC-2 Program (Nutrition), and the Nutrition Services Incentive Program (NSIP), provides funding to municipalities to support nutrition services for seniors; and

Whereas, the total budget for these programs is allocated as follows:

1. Title IIIC-1 and IIIC-2 (Nutrition):

- Area Agency Contribution: \$143,035
- Cost to City: \$ 44,864
- Total Budget: \$187,899

2. Title IIIC-1 and IIIC-2 (NSIP):

- Area Agency Contribution: \$20,707
- Cost to City: \$ -0-
- Total Budget: \$20,707

Whereas, funds for Title IIIC-1 and IIIC-2 are to be deposited in Revenue Code A4803.1 and appropriation provided for in Budget Code A6774.479; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Authorization to Enter Agreement. The Mayor of the City of Mount Vernon is hereby authorized to enter into an agreement with the Westchester County Office of Senior Programs and Services under the Title IIIC-1 and IIIC-2 Program (Nutrition), and the estimated IIIC-1 & IIIC-2 NSIP (Nutrition Services Incentive Program) for the contract period from January 1, 2024, through December 31, 2024.

Section 2. Budget Allocation. The total budget for the Title IIIC-1 and IIIC-2 (Nutrition) program is \$187,899, with \$143,035 provided by the Area Agency and \$44,864 as the cost to the City. The total budget for the Title IIIC-1 and IIIC-2 (NSIP) program is \$20,707, fully covered by the Area Agency with *no* cost to the City.

Section 3. Revenue and Appropriation. Funds for Title IIIC-1 and IIIC-2 shall be deposited in Revenue Code A4803.1 and provided for in appropriation in Budget Code A6774.479.

Section 4. Effective Date. This ordinance shall take effect upon its approval by the Board of Estimate & Contract.



CITY OF MOUNT VERNON, N.Y.
RECREATION DEPARTMENT

SHAWYN PATTERSON-HOWARD
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY, 10550
(914) 665-2420 – Fax: (914) 665-2421

KATHLEEN WALKER- PINCKNEY
Commissioner
ARISTIDES MALDONADO
Deputy Commissioner

August 27, 2024

Honorable Members of the City Council
Through the Office of the Mayor
City Hall
Mount Vernon, NY 10550

RE: 2024 Title IIC -1 & IIC -2 Nutrition Contract

Dear Honorable Members:

This letter comes to request that the City Council enact Legislation that would enable the Mayor to enter into agreement with the Westchester County Office of Senior Programs and Services under the title IIC-1 and IIC -2 program (Nutrition), and estimated IIC-1 & IIC-2 NSIP (Nutrition Services Incentive Program) for the contract period January 1, 2024 through December 31, 2024.

The total budget is as follows per enclosed letter:

<u>Title IIC-1 & IIC-2 (Nutrition)</u>		<u>Title IIC-1& IIC-2 (NSIP)</u>	
Area Agency	\$143,035	Area Agency	\$20,707
Cost to City	\$ 44,864	Cost to City	\$ -0-
Total Budget	\$187,899	Total Budget	\$20,707

Funds for the Title IIC-1 IIC-2 are to be deposited in revenue A4803.1 to provide for an appropriation in budget code A6774.479

Sincerely,


Kathleen Walker-Pinckney
Commissioner

CC: Shawyn Patterson-Howard Mayor
Darren Morton, Comptroller
Brian Johnson, Corporation Counsel
File





Department of Senior Programs and Services
Mae Carpenter
Commissioner

August 21, 2024

Ms. Kathleen Walker-Pinckney
Commissioner
CITY OF MOUNT VERNON
Mount Vernon Department of Recreation
City Hall - 1 Roosevelt Square
Mount Vernon, NY 10550

RE: Title III-C/NSIP: Meals & Nutrition-Related Services Contract, PY 2024

Dear Ms. Gadson:

Attached to the e-mail that was sent with this letter is a blank copy of the Title III-C and the Nutrition Services Incentive Program (NSIP) under the Older Americans Act for the provision of Meals & Nutrition-Related Services by CITY OF MOUNT VERNON . The contract is comprised of an Agreement and Schedules "A", "B", "C", "D", "E," "F", "G", "H" and "I" and will be for a term commencing retroactively on October 1, 2023 through December 31, 2024, noting that the III-C programs will commence on January 1, 2024 through December 31, 2024 and the NSIP Program will commence on October 1, 2023 through September 30, 2024. Funding for the programs will be in the amounts indicated below for actual meals provided during the term of the contract, and if applicable, for certain nutrition-related expenses actually incurred and paid by the CITY OF MOUNT VERNON . The Westchester County of Department of Senior Programs and Services("Department") may reduce the amount payable under the contract if the New York State Office for the Aging ("NYSOFA") reduces federal funding for the County of Westchester, in which case you will be notified.

The legislation for the Board Act authorizing the County to enter into agreement with your municipality is pending the approval of the Westchester County Board of Legislators. Furthermore, the Department is waiting on NYSOFA to post/provide the Standard Assurances in the 2024-2028 Four Year Plan, which is Schedule "I" of the contract. Therefore, Schedule "I" will be forwarded upon receipt.

Please be aware that the NSIP funding listed below are high estimates to cover your program for the projected annual NSIP allocation.

PROGRAM	FEDERAL FUNDS	MUNICIPALITY MATCH
III-C-1	\$87,942	\$27,333
Estimated III-C1 NSIP	\$12,616	N/A
III-C-2	\$55,093	\$17,531
Estimated III-C2 NSIP	\$8,091	N/A

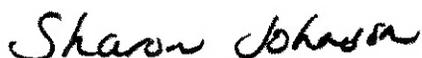
Please refer to the "Standard Insurance Provisions" in Schedule "A" for detailed information regarding ALL required insurances. Contracts will be on hold pending receipt of any missing insurance form. Remember to list the County of Westchester as an Additional Insured on the Certificate of Liability Insurance.

You are required to mail in the completed PeerPlace MONTHLY REPORT signed by the staff member responsible for the report. The reports should be received by the County no later than the tenth (10th) day of the following month. The County reserves the right to withhold payment for failure to submit the monthly report by the deadline until the monthly report is received by the Department.

Return the entire completed and originally signed contract to me at the address listed in the footer on the first page. We suggest that you keep a completed copy of the entire contract for your records. We also suggest that you keep a blank copy of the contract in the event that you need to reprint a page.

Please direct program-related questions to your contract monitor, Patricia Szeliga, at 914-813-6432 or via e-mail at pls3@westchestercountyny.gov. You may also contact me at 914-813-6058 or via e-mail at ssj3@westchestercountyny.gov for questions pertaining to the processing of the contract.

Sincerely,



Sharon Johnson
Program Administrator

Attachments.



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
FACEBOOK.
COM/MOUNTVERNONNY

File #: TMP -897
A

Agenda Date: 9/25/2024

Agenda #: 13 -

City Council:

AN ORDINANCE AUTHORIZING THE MAYOR TO RETROACTIVELY ENTER INTO AN AGREEMENT WITH BEDROC ENTERTAINMENT FOR VIDEOGRAPHY SERVICES FOR THE MOUNT VERNON YOUTH BUREAU READY4LIFE PROGRAM

Whereas, by letter dated September 16, 2024, the Executive Director of the Youth Bureau has requested legislation authorizing the Mayor to retroactively enter into an agreement with Bedroc Entertainment to provide videography services for the Mount Vernon Youth Bureau READY4Life program from July 24, 2024, through December 31, 2024, for an amount not to exceed \$4,500.00; and

Whereas, the Mount Vernon Youth Bureau requires comprehensive videography services to create high-quality content for social media and produce a commercial promoting the READY4Life program to increase recruitment and program visibility; and

Whereas, Bedroc Entertainment has been selected to provide videography services, including content creation, event coverage, and the production of a READY4Life program commercial, from July 24, 2024, through December 31, 2024; and

Whereas, the total cost for the videography services shall not exceed \$4,500.00, with funds available in Budget Code A7335.458; and

Whereas, the delay in submitting required documents from the vendor has resulted in the need for retroactive approval of the agreement; and

Whereas, in an ordinance dated November 12, 2020, the City Council authorized the Mount Vernon Youth Bureau to accept a grant from the Administration of Children and Families / The Office of Family Assistance for the READY4Life program for \$745,235.00 annually for the period of September 1, 2017, through June 30, 2025, totaling \$3,726,175.00 over the grant period; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Authorization to Enter into Agreement. The City Council hereby authorizes the Mayor to retroactively enter into an agreement with Bedroc Entertainment to provide videography services for the Mount Vernon Youth Bureau READY4Life program from July 24, 2024, through December 31, 2024, for an amount not to exceed \$4,500.00.

Section 2. Scope of Services. Bedroc Entertainment shall provide the following services:

1. Event Videography: Coverage of key events related to the READY4Life program.

2. Social Media Content Creation: Producing high-quality videos tailored for social media platforms to enhance the visibility and engagement of the READY4Life program.

3. Commercial Production: Creating a READY4Life program commercial to promote the program and increase recruitment opportunities.

4. Consultation and Planning: Collaborating with the Mount Vernon Youth Bureau to outline key messages, scripting, storyboarding, and visuals that effectively communicate the program's objectives.

5. Professional Production: Utilizing professional-grade cameras, lighting, and sound equipment to capture and produce content of the highest quality.

Section 3. Funding. Bedroc Entertainment's videography services shall not exceed \$4,500.00, with funds allocated from Budget Code A7335.458.

Section 4. Effective Date. This ordinance shall take effect immediately upon its approval by the Board of Estimate & Contract.



CITY OF MOUNT VERNON, N.Y.
MOUNT VERNON YOUTH BUREAU

SHAWYN PATTERSON-HOWARD
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY 10550
(914) 665-2344 – Fax: (914) 665-1373
cityofmountvernonyouthbureau@gmail.com
HTTP://youthbureau.cmvny.com
@mountvernonyb/ mv youthbureau

DEBBIE BURRELL-BUTLER, MBA
Executive Director

DENA T. WILLIAMS, MPA
Deputy Director

September 16, 2024

Honorable Members of the City Council
Through the Office of the Mayor
City Hall – One Roosevelt Square
Mount Vernon, New York 10550

Dear Honorable Members:

This letter comes to respectfully request that City Council enact legislation that will authorize the Mayor to retroactively enter into an agreement with Bedroc Entertainment to provide videography services at events, create content for social media and create a *READY4Life* program commercial. The contract period is July 24, 2024, through December 31, 2024. This referral request is retro due to late submission of all required documents from the vendor.

Bedroc Entertainment will provide a comprehensive videography service which is tailored to produce high-quality content for social media platforms and create a commercial for promotion. They will offer creative storytelling with technical experience to deliver videos that effectively communicate the desired message, engage viewers, and enhance the Youth Bureau *READY* program's brand visibility to increase recruitment opportunities. The consultation and planning will include discussion of scripting, storyboarding, and outlining the programs key messages and visuals by using professional-grade cameras, lighting, and sound equipment, to capture high-quality footage that will bring the concept to life.

In an ordinance dated November 12, 2020, the Mount Vernon Youth Bureau was approved to accept a grant from the Administration of Children and Families/ The Office of Family Assistance, for the *Ready 4 Life* program, in the amount of \$745,235.00 annually from September 1, 2017 – June 30, 2025, for an amount not to exceed 3,726,175.00.

The total cost for the videography services and final product will not exceed **\$4,500.00**. The allocation of funds should be made available in Budget Code A7335.458.

Sincerely,

Dena T. Williams

Dena T. Williams

Cc: Shawyn Patterson Howard, Mayor
Dr. Darren Morton, Comptroller
Brian Johnson, Corporation Counsel



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
FACEBOOK.
COM/MOUNTVERNONNY

File #: TMP -908
A

Agenda Date: 9/25/2024

Agenda #: 14 -

City Council:

AN ORDINANCE AUTHORIZING THE MOUNT VERNON YOUTH BUREAU TO HANG BANNERS AND SIGNS AT VARIOUS LOCATIONS TO DISCOURAGE OR PREVENT OPIOID MISUSE

Whereas, by letter dated September 18, 2024, the Executive Director of the Youth Bureau has requested legislation authorizing them to hang banners and signs at the following locations listed below within the City of Mount Vernon to discourage or prevent opioid misuse; and

Whereas, the Mount Vernon Youth Bureau (MVYB) has been awarded funds by the Office of Addiction Services and Support (OASAS) to conduct evidence-based activities to combat opioid misuse; and

Whereas, the MVYB intends to use a portion of these funds to hang banners and signs at key locations throughout the City of Mount Vernon to educate the public and discourage opioid misuse, as part of the city's broader effort to promote public health and safety; and

Whereas, in the Ordinance dated February 14, 2024, the City Council approved the acceptance of the OASAS grant for opioid prevention activities totaling \$59,111 for the period of January 1, 2024, through December 31, 2024, with *no costs or burdens* to the City; and

Whereas, the proposed locations for the banners and signs are strategically selected to maximize public visibility and engagement, and include Prospect Avenue and Park Avenue (both sides), City Hall Plaza, Sandford Boulevard (Memorial Field Fence), Hartley Park, and 4th Street Playground; and

Whereas, the banners and signs have been purchased using funds from Budget Code A7330.458, and discussions between the Public Works and Recreation Commissioners have already taken place; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. Authorization to Hand Banners and Signs. The Mount Vernon Youth Bureau (MVYB) is hereby authorized to hang banners and signs at the following locations within the City of Mount Vernon to discourage or prevent opioid misuse:

1. Prospect Avenue and Park Avenue (both sides)
2. City Hall Plaza

3. Sandford Boulevard (Memorial Field Fence)
4. Hartley Park
5. 4th Street Playground

Section 2. Purpose of Banners and Signs. The banners and signs will serve the following purposes:

1. Public education relating to drug disposal.
2. Corrective advertising, campaigns, or affirmative action to inform the public about opioid misuse.
3. Support for drug take-back, disposal, or destruction programs.
4. Promotion of community-based education and support for mental health services for young people.
5. Engagement with non-profits and faith-based communities to support prevention efforts.

Section 3. Funding and *No Cost to the City*. The City of Mount Vernon did not incur any costs or burdens when purchasing banners and signs using funds provided by the OASAS grant.

Section 4. Implementation and Coordination. The MVYB shall coordinate with the Department of Public Works and the Department of Recreation to ensure the proper installation and maintenance of the banners and signs.

Section 5. Effective Date. This ordinance shall take effect immediately upon its approval by the Board of Estimate & Contract.



CITY OF MOUNT VERNON, N.Y.
YOUTH BUREAU

SHAWYN PATTERSON-HOWARD
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY, 10550
(914) 665-2344 – Fax: (914) 665-1373
IG: mountvernonyb | FB: mvyouthbureau
YOUTHBUREAU.CMVNY.COM

DEBBIE BURRELL-BUTLER, MBA
Executive Director
DENA T. WILLIAMS, MPA
Deputy Director

September 18, 2024

Honorable Members of the City Council
Through the Office of the Mayor
City Hall – One Roosevelt Square
Mount Vernon, NY 10550

Dear Honorable Members:

This letter comes to respectfully request that the City Council enact legislation that will enable the Mount Vernon Youth Bureau (MVYB) to hang banners and signs at various location within the City of Mount Vernon to discourage or prevent the misused of opioids. Locations are as follows: Prospect Avenue & Park Avenue (both sides); City Hall Plaza; Sandford Boulevard (Memorial Field Fence); Hartley Park and 4th Street Playground.

Funds were awarded to the MVYB by the Office of Addiction Services and Support (OASAS) to complete evidence-based activities which includes 1. Public education relating to drug disposal. 2. Corrective advertising, campaigns, or affirmative to the public. 3. Drug take-back disposal or destruction programs. 4. Support community-based education. 5. Support greater access to mental health services and support for young people 6. Engage non-profits and faith-based community as a system to support prevention.

In an ordinance dated February 14, 2024, the Mount Vernon Youth Bureau was approved to accept a grant from the Office of Addiction Services and Support (OASAS), for the ***Opioid*** evidence-based activities in the amount of **\$59,111** from January 1, 2024 – December 31, 2024. Banners and signs were purchased using these funds from budget code A7330.458. Please note there are no cost or burden to the city. Discussion between the Public Works and Recreation Commissioners already have taken placed.

Should you require further information, please feel free to contact me at by phone at (914) 665-2347 or by email at Dburrell@cmvny.com. Thanks for consideration in this anti-drug initiative.

Sincerely,

Debbie Burrell-Butler

Debbie Burrell-Butler
Executive Director, MBA

CC: Shawyn Patterson-Howard, Mayor
Darren Morton, Comptroller
Brian Johnson, Corporation Counsel

Enclosed: Copy of signs markup and prior ordinance



Rise
Above

STOP
THE DRUGS





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AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE WESTCHESTER COUNTY DEPARTMENT OF COMMUNITY MENTAL HEALTH FOR OPIOID PREVENTION PROGRAMS AND ACCEPT CONTRACTUAL AWARD

Whereas, by letter dated January 12, 2024, the Executive Director of the Youth Bureau has requested legislation authorizing the Mayor to retroactively enter into an agreement with the Westchester County Department of Community Mental Health for the period January 2024 through December 2024 to accept the contractual awards in the amount of \$48,111 and \$11,000 totaling \$59,111 for opioid prevention programs to be implemented by the Mount Vernon Youth Bureau; and

Whereas, the City of Mount Vernon recognizes the critical importance of addressing opioid misuse and addiction among its residents, particularly its youth population; and

Whereas, the Mount Vernon Youth Bureau (MVYB) is poised to undertake evidence-based activities aimed at discouraging and preventing the misuse of opioids within the community; and

Whereas, the Office of Addiction Services and Support (OASAS) has designated funds to support initiatives aimed at combating substance abuse and promoting mental health; and

Whereas, the proposed activities include public education on drug disposal, corrective advertising campaigns, drug take-back programs, community-based education, greater access to mental health services for young people, engagement with non-profits and faith-based communities, and collaboration with school-based or youth-focused programs; and

Whereas, the MVYB has been awarded a contractual award totaling \$59,111 from the Westchester County Department of Community Mental Health to implement these vital programs; and

Whereas, the funds for these programs are designated under revenue code A2229.8 and appropriations in various budget codes, including A7330.101 (Salaries), A7330.402 (Travel), A7330.405 (Contracted Outside Services), A7330.458 (Misc), and A7330.467 (Program Supplies); and

Whereas, no matching funds are required for this grant, thereby alleviating the financial burden on the City of Mount Vernon; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Authorization. The Mayor is hereby authorized to retroactively enter into an agreement with the Westchester County Department of Community Mental Health for the period January 2024 through December 2024 to accept the awards in the amount of \$48,111 and \$11,000 totaling \$59,111 for opioid prevention programs to be implemented by the Mount Vernon Youth Bureau.

Section 2. Program Implementation. The Mount Vernon Youth Bureau shall utilize the awarded funds to carry out evidence-based activities aimed at discouraging and preventing the misuse of opioids as outlined in the agreement with the Westchester County Department of Community Mental Health.

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Section 3. Fiscal Allocation. The funds received under Revenue Code A2229.8 shall be appropriated to the following Budget Codes:

- A7330.101 (Salaries)
- A7330.402 (Travel)
- A7330.405 (Contracted Outside Services)
- A7330.458 (Misc)
- A7330.467 (Program Supplies)

Section 4. Effective Date. This ordinance shall take effect upon its approval by the Board of Estimate & Contract.

Vote Taken As Follows: 2/14/2024
 Boxhill: Yea Browne: Yea
 Poteat: Yea Thompson: Absent
 Gleason: Yea Ordinance Adopted

APPROVED AS TO FORM

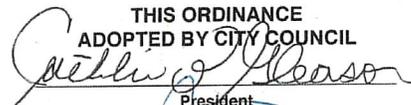


 Assistant Corporation Counsel



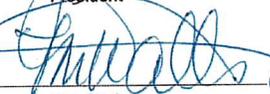
 Councilperson

THIS ORDINANCE ADOPTED BY CITY COUNCIL



 President

ATTEST:



 City Clerk

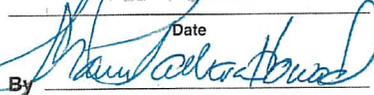
APPROVED

Dept. _____

APPROVED

FEB 15 2024

Date



 By _____
 Mayor



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
FACEBOOK.
COM/MOUNTVERNONNY

File #: TMP -910
A

Agenda Date: 9/25/2024

Agenda #: 15 -

City Council:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH FLYING CLASSROOM FOR THE MOUNT VERNON YOUTH BUREAU SATURDAY STEAM PROGRAM

Whereas, by letter dated September 18, 2024, the Executive Director of the Youth Bureau has requested legislation authorizing Mayor Shawyn Patterson-Howard to enter into an agreement with Flying Classroom, led by Captain Barrington Irving Technical Training School (BITTS), to provide services for the Mount Vernon Youth Bureau Saturday STEAM Program for the period of October 5, 2024, through November 23, 2024. The total cost of the contract is not to exceed \$18,000.00; and

Whereas, the City of Mount Vernon is committed to providing educational and enrichment opportunities for its youth through the Mount Vernon Youth Bureau; and

Whereas, the Flying Classroom, led by Captain Barrington Irving and his team at the Barrington Irving Technical Training School (BITTS), has developed a program specifically designed to provide engaging and immersive STEM+ Aviation experiences to students in grades 3-6; and

Whereas, this program will equip participating students with essential knowledge in science, technology, mathematics, literacy, and critical skills such as collaboration, critical thinking, communication, and creativity, while offering hands-on design challenges and real-world STEM+ learning opportunities; and

Whereas, the Mount Vernon Youth Bureau Saturday STEAM Program will implement this program for 25 participants, under the supervision of three (3) in-person staff members, in compliance with New York State Office of Children and Family Services (OCFS) guidelines; and

Whereas, the service period for this agreement will run from October 5, 2024, to November 23, 2024, culminating in a mini-STEM + Fest Science Fair to be held in the City Hall Rotunda showcasing the projects and learning outcomes of the participants; and

Whereas, the total cost of the program is \$18,000.00, which will be covered by funds from revenue code A4820 associated with budget code A7316.458, with no matching funds required and at no cost to the City; and

Whereas, the City Council recognizes the value of this educational opportunity for the youth of Mount Vernon and seeks to approve this agreement to support youth development in the community; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. Authorization to enter into Agreement. The City Council hereby authorizes Mayor Shawyn Patterson-Howard to enter into an agreement with Flying Classroom, led by Captain Barrington Irving Technical Training School (BITTS), to provide services for the Mount Vernon Youth Bureau Saturday STEAM Program for the period of October 5, 2024, through November 23, 2024. The total cost of the contract is not to exceed \$18,000.00.

Section 2. Scope of Services. The scope of services to be provided under this agreement includes:

- Delivering an immersive STEM+ Aviation program for 25 students in grades 3-6, designed to teach science, technology, mathematics, and literacy while fostering critical skills.
- Providing live virtual sessions and hands-on design challenges aligned with nationally recognized curriculum standards.
- Employing three (3) in-person staff members to facilitate the program in compliance with OCFS guidelines.
- Holding a mini-STEM + Fest Science Fair after the program in City Hall Rotunda to showcase participants' projects.

Section 3. Location and Timeline. The program will occur at 105 Stevens Avenue, lower level, and run for six weeks from October 5, 2024, to November 23, 2024. The final showcase event will be held at the City Hall Rotunda.

Section 4. Funding and Budget. This program's \$18,000.00 funding will be provided from Revenue Code A4820 and Budget Code A7316.458. No matching funds are required, and the City of Mount Vernon will not be financially burdened.

Section 5. Effective Date. This ordinance shall take effect immediately upon its approval by the Board of Estimate & Contract.



CITY OF MOUNT VERNON, N.Y.
YOUTH BUREAU

SHAWYN PATTERSON-HOWARD
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY, 10550
(914) 665-2344 – Fax: (914) 665-1373
IG: mountvernonyb | FB: mvyouthbureau
YOUTHUREAU.CMVNY.COM

DEBBIE BURRELL-BUTLER, MBA
Executive Director
DENA T. WILLIAMS, MPA
Deputy Director

September 18, 2024

Honorable Members of the City Council
Through the Office of the Mayor
City Hall – One Roosevelt Square
Mount Vernon, NY 10550

Dear Honorable Members:

This letter comes to respectfully request that the City Council enact legislation that will enable the Mayor to enter into an agreement with Flying Classroom lead by Captain Barrington Irving Technical Training School (**BITTS**) and his team, for the Mount Vernon Youth Bureau Saturday STEAM Program. The service period is from **October 5th, 2024**, to **November 23, 2024**, in the amount of **\$18,000.00**.

The Flying Classroom's in partnership with the Mount Vernon Youth Bureau Saturday STEM Program is specially designed to provide Mt. Vernon students (grades 3-6) with engaging and immersive STEM+ AVIATION experiences. This program equips students with essential knowledge in science, technology, mathematics, and literacy while fostering critical skills such as collaboration, critical thinking, communication, and creativity. Through live virtual sessions and hands-on design challenges, students will explore real-world STEM+ challenges, building a strong foundation that prepares them for college, careers, and life beyond the classroom. The curriculum is nationally aligned, ensuring a comprehensive educational experience for all participants. The curriculum includes 25 participants, with three (3) in-person staff members, in compliance with OCFS guidelines. The training will take place at 105 Stevens Avenue, lower level. The mini-STEM + Fest Science Fair will culminate in the City Hall Rotunda, showcasing the participants' project over will 6-weeks.

Funds are to be accounted for in revenue code A4820 associated with budget code A7316.458 in the amount of \$18,000. Importantly, this program requires no matching funds and will cost the city nothing. Should you require further information, please feel free to contact me at (914) 665-2344 or by email at Dburrell@cmvny.com.

Thanks for considering this initiative.

Sincerely,

Debbie Burrell-Butler

Debbie Burrell-Butler
Executive Director, MBA

Enclosed: Schedules A & B

CC: Shawyn Patterson-Howard, Mayor
Darren Morton, Comptroller
Brian Johnson, Corporation Counsel



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
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File #: TMP -866
A

Agenda Date: 9/11/2024

Agenda #: 16 -

City Council:

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MOUNT VERNON, NEW YORK
RECOGNIZING *THE COMMITMENT AND
SERVICE OF SIDNEY DUNCOMBE***

Whereas, the great City of Mount Vernon, NY, joins together to recognize the commitment and service of *SIDNEY DUNCOMBE*; and

Whereas, *SIDNEY DUNCOMBE* first came to Y-COP as a camper in 2012. When Sidney aged out as a camper, she became a part of the Counselor in Training Program (CIT) at the agency's summer camp; and

Whereas, *SIDNEY DUNCOMBE* learned firsthand from her mother, a teacher for fifteen years, how to foster a positive and enriching learning environment for children to thrive. Unsurprisingly, Ms. Duncombe chose to seek higher education in Early Childhood. This fall, she will begin her sophomore year at SUNY Cobleskill, where she will undoubtedly combine her formal education with her heart's passion to nurture and expand the minds and lives of the children attending her classroom. Ms. Duncombe aspires to draw from the entrepreneurial spirit of her father and the educator skills of her mother to one day open her own daycare center; and

Whereas, she fully believes in *Proverbs 22:6* which reads, "*Train up a child in the way he should go; and when he is old, he will not depart from it*"; and

Whereas, we are proud that Ms. Duncombe is being honored tonight by Y-COP with the **Roslyn Edwards Memorial Youth of the Year Award** for her outstanding dedication, leadership, and service to our community; **Now, Therefore, be it**

Resolved, that the City Council joins with the citizens of the City of Mount Vernon, NY, and the Y-COP family in recognition of *SIDNEY DUNCOMBE* for her commitment to making a positive impact in the lives of others, mainly through her volunteer efforts, that is an inspiration to all. Her exceptional efforts have truly exemplified the values of our beloved Roslyn Edwards. Ms. Duncombe, thank you for your time, energy, and unwavering support to Y-COP.



City of Mount Vernon, New York

Staff Report

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File #: TMP -867

Agenda Date: 9/11/2024

Agenda #: 17.

City Council:

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MOUNT VERNON, NEW YORK
RECOGNIZING *THE COMMITMENT AND SERVICE
OF
THE GREATER HUDSON VALLEY (NY)
CHAPTER OF THE LINKS, INCORPORATED***

Whereas, the great City of Mount Vernon, NY, joins together to recognize the commitment and service of ***THE GREATER HUDSON VALLEY (NY) CHAPTER OF THE LINKS, INCORPORATED***; and

Whereas, ***THE GREATER HUDSON VALLEY (NY) CHAPTER OF THE LINKS, INCORPORATED*** and the goal to broaden the “circle of friendship” within The Links; and

Whereas, to serve the communities of Dutchess, Putnam, Rockland, and Westchester Counties in New York. With the mission as a not-for-profit women’s organization to enrich the lives of the people in the community through service initiatives; and

Whereas, ***THE GREATER HUDSON VALLEY (NY) CHAPTER OF THE LINKS, INCORPORATED***, being a national recognized, award-winning chapter, has built and cultivated numerous programs with various community partners guided by The Links, Incorporated’s five facets: Services to Youth, The Arts, National Trends and Services, International Trends and Services and Health and Human Services; and

Whereas, it is fitting that this organization be honored tonight with the Business Support Award as one of the nation’s oldest and largest volunteer service organizations of extraordinary women committed to enriching, sustaining, and ensuring the culture and economic survival of African Americans and other persons of African ancestry; **Now, Therefore, be it**

Resolved, that the City Council joins with the citizens of the City of Mount Vernon, NY, and the Y-COP family in recognition of the valuable contributions of ***THE GREATER HUDSON VALLEY (NY) CHAPTER OF THE LINKS, INCORPORATED*** to our community.



City of Mount Vernon, New York

Staff Report

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File #: TMP -868
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Agenda Date: 9/11/2024

Agenda #: 18 -

City Council:

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MOUNT VERNON, NEW YORK
RECOGNIZING *THE DEDICATION AND
SERVICE OF LINDA L. JACOBS***

Whereas, the great City of Mount Vernon, NY, joins together to recognize the dedication and service of *LINDA JACOBS*; and

Whereas, *LINDA JACOBS*' long-term commitment to volunteering goes back to her years in grade school; and

Whereas, *LINDA JACOBS* has dedicated herself to service in various capacities to many well-known agencies and institutions throughout Westchester County; and

Whereas, she has faithfully volunteered with Y-COP since 2012 and has been a significant contributor to its service to the community in unmeasurable ways. On any given day, you can find Mrs. Jacobs preparing meals for the agency's events, performing clerical duties, assisting with food and toy drives, and supporting the agency's after-school program. Through community partnerships, she acquired auction items for the agency's annual gala and sold journal ads and tickets. She has also used her resources to organize the prom dress giveaways, Scholarship Pancake Breakfast, Men Who Cook for Kids, tag sales, fish fry dinner sales, and other fundraising efforts and events; and

Whereas, it is fitting that she be honored tonight with the Connie J. Watson Memorial Volunteer of the Year Award for her outstanding dedication, tireless commitment, and exemplary service to our community over the years; **Now, Therefore, be it**

Resolved, that the City Council joins with the citizens of the City of Mount Vernon, NY, and the Y-COP family in recognition of *LINDA JACOBS* for her unwavering passion and selfless contributions, which have made a profound impact and have elevated the spirit of volunteerism. Ms. Jacobs, your exceptional efforts have genuinely exemplified the values of our beloved Connie J. Watson. Thank you for being a beacon of generosity and a driving force behind Y-COP.



City of Mount Vernon, New York

Staff Report

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File #: TMP -869
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Agenda Date: 9/11/2024

Agenda #: 19 -

City Council:

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MOUNT VERNON, NEW YORK
RECOGNIZING *THE SERVICE AND
LEADERSHIP OF LIEUTENANT KRISTA MANN***

Whereas, the great City of Mount Vernon, NY, joins together to recognize the service and leadership of *KRISTA MANN*; and

Whereas, *KRISTA MANN* has been with the Mount Vernon Police Officer for over nineteen years, where she has held positions in Patrol, Street Task Force, Intelligence Unit, Internal Affairs, and the Detective Division; and

Whereas, *KRISTA MANN*, in 2019, was promoted to the rank of Lieutenant, becoming the first African American woman to hold that rank in the Mount Vernon Police Department and the first African American woman to hold that rank in all of Westchester County. Lieutenant Mann previously was the Executive Officer of the Detective Division, making her the first African American female to have an executive supervisor position in the Division. Lieutenant Mann is currently the Commanding Officer of the Wellness Division; and

Whereas, the mother of three and former social worker has always been a public servant committed to the community. *KRISTA MANN'S* commitment to community engagement is immortalized by the legacy of Operation BUILD, an after-school program with a mission to build the self-esteem of middle school-aged girls. She has also worked with the Mount Vernon Youth Bureau as a facilitator to their GEMS program for empowering girls and young women; and

Whereas, we are proud of Lieutenant Mann and excited that she is being honored tonight by Y-COP with the Educator of the Year Award for her years of public and community service to the City of Mount Vernon; **Now, Therefore, be it**

Resolved, that the City Council joins with the citizens of the City of Mount Vernon, NY, the many colleagues, and the countless lives of the people she has positively impacted in recognition of *KRISTA MANN*. We thank you for all that you have done, and we thank you for your continuous work. You are a beacon of positivity our young people can model and proudly aspire to be.



City of Mount Vernon, New York

Staff Report

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File #: TMP -870
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Agenda Date: 9/11/2024

Agenda #: 20 -

City Council:

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MOUNT VERNON, NEW YORK
RECOGNIZING *THE COMMITMENT AND
SERVICE OF AMIRAH ROBERTS***

Whereas, the great City of Mount Vernon, NY, joins together to recognize the commitment and service of *AMIRAH ROBERTS*; and

Whereas, *AMIRAH ROBERTS* began her work with Y-COP as an after-school counselor; and

Whereas, *AMIRAH ROBERTS* has dedicated her post-secondary education to elementary and childhood education. With a well-rounded knowledge of general and special education, Ms. Roberts began her teaching career with the Mount Vernon City School District as a substitute teacher. She gained a healthy rapport with the district staff, children, and parents there. Simultaneously, she began working with Y-COP during the after-school hours. In 2019, Ms. Roberts became a full-time employee with the agency and continued to show her unwavering dedication to the children in the program. With her strong academic skills and passion for the well-being and development of children, she has paved a steady path upward at Y-COP. From being a Counselor to a Supervisor, to Administrative Staff to a Site Director, to an educator and mentor; and

Whereas, we are grateful that Ms. Roberts is being honored tonight by Y-COP with the **Educator of the Year Award** for her outstanding dedication, love for learning, and service to our community; **Now, Therefore, be it**

Resolved, that the City Council joins with the citizens of the City of Mount Vernon, NY, and the Y-COP family in recognition of *AMIRAH ROBERTS* for her exceptional contributions to academic learning. Her passion and commitment have profoundly impacted Y-COP's young minds and laid a strong foundation for their future education and growth. Ms. Roberts, thank you for your time, energy, and unwavering support to Y-COP.



City of Mount Vernon, New York

Staff Report

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File #: TMP -871
A

Agenda Date: 9/11/2024

Agenda #: 21 -

City Council:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, NEW YORK RECOGNIZING *THE OUTSTANDING SERVICE AND DEDICATION OF JENNIFER VODRAZKA*

Whereas, the great City of Mount Vernon, NY, joins together to recognize the outstanding service and dedication of *JENNIFER VODRAZKA*; and

Whereas, *JENNIFER VODRAZKA*'s passion, hard work, and commitment to excellence have not only driven her personal success but have also inspired those around her; and

Whereas, one might say that *JENNIFER VODRAZKA* operates from both brain hemispheres - the logical and creative side. Over the years, Ms. Vodrazka has generously donated crafts and holiday decorations to Y-COP from her Etsy Online Shop. As she became familiar with the agency's staff and volunteers, Ms. Vodrazka deeply appreciated the agency and its mission. In 2019, she began volunteering for Y-COP. She utilized her creative talents to decorate the reception hall for the annual gala and engaged the youth to decorate for other agency events. Professionally, Ms. Vodrazka has a successful career in business and financial management. She started a bookkeeping business in 2022 and has taught many women how to use QuickBooks accounting systems to restart their careers. With her meticulous attention to detail and commitment to ensuring the financial well-being of the agency, Ms. Vodrazka became a member of the Y-COP Board of Directors and currently holds the role of Treasurer; and

Whereas, we are pleased that Ms. Vodrazka is being honored tonight by Y-COP with the **Above and Beyond Award** for her outstanding dedication, creative contributions, and service to our community; **Now, Therefore, be it**

Resolved, that the City Council joins with the citizens of the City of Mount Vernon, NY, and the Y-COP family in recognition of *JENNIFER VODRAZKA* for her expertise, integrity, and leadership as Treasurer. She has significantly contributed to the success and stability of the agency and its mission. We greatly appreciate her tireless efforts and unwavering support of Y-COP.



City of Mount Vernon, New York

Staff Report

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File #: TMP -872
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Agenda Date: 9/11/2024

Agenda #: 22 -

City Council:

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MOUNT VERNON, NEW YORK
RECOGNIZING *THE CONTRIBUTIONS AND
INSPIRATIONAL LEGACY OF
LORETTA J. HOTTINGER***

Whereas, the great City of Mount Vernon, NY, joins together to recognize the contributions and inspirational legacy of ***LORETTA J. HOTTINGER***; and

Whereas, ***LORETTA J. HOTTINGER*** was on the Mount Vernon City Council for a decade, serving as its President and was appointed as its Corporation Counsel from 2009 to 2012; and

Whereas, ***LORETTA J. HOTTINGER*** has been a member of the Board of Trustees of The First United Methodist Church since 1990. It was during that tenure that she was approached by Y-COP leaders Allen Ayers and Henry Wilson to help them find a location for the organization to operate programs for the youth of Mount Vernon; and

Whereas, the wife, mother, and grandmother of two have been actively supporting activities for children, including church Sunday School. ***LORETTA J. HOTTINGER*** has held leadership positions in after-school activities for Mount Vernon's elementary schools since her children entered the school system. She also served as a founding member of the Mount Vernon Educational Foundation. As an active sports mom by supporting the Junior Knights. She boosted the basketball team by fundraising and chauffeured them to various locations in the tri-state area for games; and

Whereas, ***LORETTA J. HOTTINGER*** remains a staunch advocate for Y-COP and its mission to provide a safe environment for learning and recreation for the Youth of Mount Vernon; **Now, Therefore, be it**

Resolved, that the City Council joins Y-COP, the citizens of the City of Mount Vernon, and the many former and present students in presenting ***LORETTA J. HOTTINGER*** with the Legacy Award. We thank you for all your endeavors, which have left an indelible mark on Mount Vernon's youth and created a legacy that will continue to inspire future generations.



City of Mount Vernon, New York

Staff Report

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File #: TMP -919

Agenda Date: 9/25/2024

Agenda #: 23.

City Council:

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MOUNT VERNON, NEW YORK
RECOGNIZING *THE SERVICE AND COMMITMENT*
OF
The Very Reverend DERRICK ADAMS
*TO THE OFFICE OF BISHOP-DESIGNATE***

Whereas, the great City of Mount Vernon, NY, joins together to the service and accomplishments of *The Very Reverend DERRICK ADAMS*; and

Whereas, *The Very Reverend DERRICK ADAMS* was born and raised in Mount Vernon, NY, and accepted Jesus Christ as his personal Lord and Savior at the tender age of twelve, beginning a spiritual journey that would lead him to serve in various capacities within the church, including Faith Christian Assembly and Calvary Baptist Church in White Plains; and

Whereas, he is a Mount Vernon High School graduate, attended Westchester Community College and the College of New Rochelle, and continued to further his theological studies as a Senior Consultant for the Eastern Theological Consortium, demonstrating a lifelong commitment to spiritual and academic growth. *The Very Reverend DERRICK ADAMS* heeded the call to ministry during a pivotal moment in his life, changing his plans to serve under the guidance and mentorship of Bishop Leon Dixon, whose wisdom and love for God's people shaped Pastor Adams' pastoral calling; and

Whereas, *The Very Reverend DERRICK ADAMS* was ordained as a Deacon in 2012 under the leadership of Chairman Deacon William Fuller and has since faithfully served as an Armor Bearer for Bishop and Elder Dixon, a choir member and director, usher, prayer warrior, Sunday School teacher, and member of the Men's Committee, with humility and dedication in every role. He is an active member of the Westchester United Black Clergy and the K.I.N.G. (Knowledge, Inspiration, and Nurture through God) Ministers Fellowship Council, contributing to the broader faith community beyond his local congregation. *The Very Reverend DERRICK ADAMS* is a devoted husband, father, son, brother, and uncle whose love for family is evident in his relationship with his wife, Melanie Adams, their son, Demonte, and the lasting influence of his mother, Nettie Pone, his stepfather, Deacon Willie Pone, and the late Bishop Leon Dixon and Elder Dorothy Dixon; **Now, Therefore, be it**

Resolved, that the City Council is honored to celebrate *The Very Reverend DERRICK ADAMS* for this prestigious and well-deserved elevation to *THE OFFICE OF BISHOP-DESIGNATE*. May he continue to lead the church with grace, wisdom, and a heart for service as he follows the call of God into this next chapter of ministry.

CITY OF MOUNT VERNON, NY
CITY OF MOUNT VERNON

SHAWYN PATTERSON-HOWARD
Mayor

City Hall – One Roosevelt Square
Mount Vernon, NY 10550
Website: www.cmvny.com

Patrick G. Holder, R.A.
Buildings Commissioner

August 30, 2024

The Honorable City Council of the City of Mount Vernon
City Hall
1 Roosevelt Square
Mount Vernon, New York 10550

THROUGH THE OFFICE OF THE MAYOR

**Re: REQUEST PERMISSION TO SOLICIT A REQUEST FOR PROPOSAL (RFP) FOR
OUTSIDE CONTRACT SERVICES FOR FIRE SAFETY AND PROPERTY MAINTENANCE
INSPECTIONS OF MULTI-DWELLING AND NON-RESIDENTIAL PROPERTIES**

Dear Honorable City Council Members:

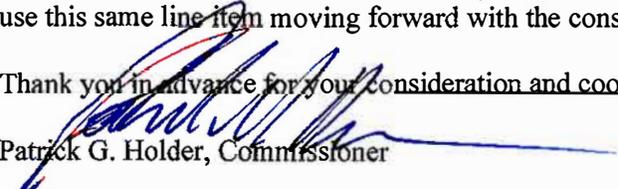
With great urgency and in reference to the Enforcement of the Uniform Code in the City of Mount Vernon, we're addressing the need for permission to solicit a request for proposal (RFP) for outside contract services for fire safety and property maintenance inspections of multi-dwelling and non-residential properties. Fire safety and multi-dwelling inspections enable the Buildings Department to address and remedy the city's occupancy, safety and structural issues.

These inspections are mandatory for the State of New York and further, as the city attracts an ever-growing share of New York residents and other neighboring state populations, the city's capacity to honor service commitments, build and maintain necessary infrastructure, and meet our safety obligations will have a profound effect on the city's economy and quality of life for thousands of residents.

As you know, there is a current contract with LaBella Associates, D.P.C which is already in effect and will remain in effect until December 31, 2024. This term will allow sufficient time for the city to conduct this RFP process for services to commence in 2025. To ensure the health, safety and welfare of residents and property owners in Mount Vernon, we really need the opportunity to bid on an expanded pool of contractors and select one that best meets the needs of our city.

Payments from the current contract with LaBella Associates is handled under expense account code A3620.405 which is used for the Buildings Department's contracted outside services and we propose to use this same line item moving forward with the consultant awarded the contract as a result of the RFP.

Thank you in advance for your consideration and cooperation in this urgent matter.


Patrick G. Holder, Commissioner

Department of Buildings

Cc: Mayor, Corporate Counsel, City Clerk, The Comptroller



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
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File #: TMP -915
A

Agenda Date: 9/25/2024

Agenda #: 25 -

City Council:

**AN ORDINANCE GRANTING PERMISSION TO
THE MAYOR TO ENTER INTO AN AGREEMENT
WITH CONSOLIDATED EDISON COMPANY
("CON EDISON") TO CONDUCT A TEST BOREHOLE
FOR THE THERMAL ENERGY NETWORK PILOT
PROJECT AT THE DOLES RECREATION CENTER**

Whereas, by letter dated September 18, 2024, the Director of Business Development has requested legislation authorizing the Mayor to enter into an agreement with Consolidated Edison Company ("Con Edison"), including its employees, agents, contractors, and representatives, to drill, install, operate, maintain, and conduct necessary activities related to the Test Borehole in the green space of the Doles Recreation Center, located at 260 South 6th Avenue, for the Urban Thermal Energy Network (UTEN) pilot project; and

Whereas, the New York State Public Service Commission ("NYS PSC") has issued **PSC Order # 22-M-0429**, requiring Consolidated Edison Company ("Con Edison") to propose at least one thermal energy network pilot project; and

Whereas, Con Edison has proposed three such thermal energy network pilot projects, one of which is located within the City of Mount Vernon, New York; and

Whereas, Con Edison has discussed the details of the proposed **Urban Thermal Energy Network (UTEN)** pilot project with Mayor Shawyn Patterson-Howard, the City Council, Comptroller Morton, and the residents of Mount Vernon at a City Council meeting in June 2024; and

Whereas, Con Edison has requested permission from the City of Mount Vernon to drill a test borehole in the green space area located at the intersection of South 7th Avenue and West 4th Street, which is part of the city-owned Doles Recreation Center, located at 260 South 6th Avenue; and

Whereas, the purpose of this test borehole is to assess the feasibility of utilizing this location for the thermal energy network as part of the UTEN pilot project; and

Whereas, the City of Mount Vernon seeks to support initiatives that promote sustainable energy solutions and modernize infrastructure while ensuring proper consultation with relevant departments and stakeholders; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. Authorization to Enter into an Agreement with Con Edison. The City Council hereby grants permission to the Mayor to enter into an agreement with Consolidated Edison

Company (“Con Edison”), including its employees, agents, contractors, and representatives, to drill, install, operate, maintain, and conduct necessary activities related to the Test Borehole in the green space of the Doles Recreation Center, located at 260 South 6th Avenue, for the Urban Thermal Energy Network (UTEN) pilot project.

Section 2. Scope of Permitted Activities. Con Edison is authorized to perform the following activities within the designated area:

1. Drilling of Test Borehole: Con Edison may conduct drilling operations to assess the suitability of the location for the thermal energy network.

2. Installation and Operation: Con Edison is authorized to install and operate any equipment necessary for the test and subsequent evaluations.

3. Maintenance and Monitoring: Con Edison may perform ongoing maintenance and monitoring of the borehole and related equipment to ensure the project's integrity and compliance with all safety regulations.

Section 3. Additional Locations and Approvals. If Con Edison reasonably determines that the initial test borehole location is unsuitable for the project, the company shall be required to:

1. Submit a Request for an Alternative Location: Con Edison must submit a formal request for an alternative borehole location to the following city agencies:

- The Department of Public Works - Office of Sustainability, directed by Shayne Brooks.
- The City of Mount Vernon Industrial Development Agency - Office of Business Development, directed by Robin Mack.

2. Receive Consent Prior to Proceeding: The relevant city departments must consent to use any alternative location before commencing any further drilling or activities at an alternative site.

Section 4. Compliance with Regulatory Standards. All drilling, installation, and related activities must comply with the **New York State Public Service Commission** standards, environmental regulations, and all other applicable local, state, and federal laws. Con Edison shall ensure that all activities conducted on the site are safe and environmentally responsible.

Section 5. Indemnification and Liability. Con Edison agrees to indemnify, defend, and hold harmless the City of Mount Vernon, its officials, employees, agents, and contractors from any claims, damages, or liabilities arising from the drilling, installation, operation, and maintenance of the test borehole and related equipment.

Section 6. Effective Date. This ordinance shall take effect immediately upon its approval by the Board of Estimate & Contract.



CITY OF MOUNT VERNON, N.Y.

Industrial Development Agency

SHAWYN PATTERSON-HOWARD
Chairperson

City Hall, One Roosevelt Square
Mount Vernon, NY 10550
(914) 465 2994 – Fax: (914) 665-6173

ROBIN MACK
Director, Business Development - IDA

Referral Letter MV IDA 09-24

September 18, 2024

Honorable City Council Members
One Roosevelt Square
Mount Vernon, NY 10550

Re: Request for Request for Permission to Install the Test Borehole on Real Property
260 So. 6th Avenue – Doles Recreation Center (green space)

Dear Honorable Council members,

This letter is submitted to request that the City Council enact legislation that will grant permission to Consolidated Edison Company (“Con Edison”) to drill a test borehole in the green space area along the intersecting streets of So. 7th Avenue and W. 4th Street which is located on the City of Mount Vernon owned real property known as the Doles Recreation Center located at 260 So. 6th Avenue.

The New York State Public Service Commission (“NYS PSC”) issued PSC Order # 22-M-0429, which requires Con Edison to propose at least one thermal energy network pilot project. Con Edison has proposed three thermal energy network pilot projects to the PSC, one of which is to be in the City of Mount Vernon. Con Edison has discussed the thermal energy network (“UTEN”) project in separate meetings with Mayor Patterson-Howard, the City Council, Comptroller Morton, and has presented to the residents of the City of Mount Vernon by appearing at a June 2024 City Council meeting.

Mayor Patterson-Howard, on behalf of the City of Mount Vernon, must enter into agreement with Con Edison, including its employees, agents, contractors and representatives, granting them permission to drill, , install, operate, maintain, and conduct certain activities at the Test Borehole in the green space of the Doles Recreation Center for the benefit of the UTEN project. In the event Con Edison reasonably determines that the test borehole location is not suitable, and another location must be identified, Con Edison shall submit a request to the City of Mount Vernon’s Department of Public Works – Office of Sustainability (Director Shayne Brooks) and the City of Mount Vernon Industrial Development Agency – Office of Business Development (Director



CITY OF MOUNT VERNON, N.Y.

Industrial Development Agency

SHAWYN PATTERSON-HOWARD
Chairperson

City Hall, One Roosevelt Square
Mount Vernon, NY 10550
(914) 465 2994 – Fax: (914) 665-6173

ROBIN MACK
Director, Business Development - IDA

Robin Mack) to receive permission such additional areas. Consent for use of the alternative location will be sought and received before proceeding.

If you have any questions or concerns, please feel free to contact me at 914 465 2994 or rmack@mountvernonny.gov.

Very truly yours,

Robin Mack

Robin Mack
Director, Business Development

cc: Shawyn Patterson-Howard, Mayor
Malcolm Clark, Chief of Staff
Brian Johnson, Corporation Counsel
File (2)

Referral Letter MV IDA 09-24
Permission to Install Borehole – ConEd UTEN
Page 2



CITY OF MOUNT VERNON, N.Y.
Industrial Development Agency

SHAWYN PATTERSON-HOWARD
Chairperson

City Hall, One Roosevelt Square
Mount Vernon, NY 10550
(914) 465 2994 – Fax: (914) 665-6173

ROBIN MACK
Director, Business Development - IDA

Attachments

- 1.
- 2.
- 3.

Referral Letter MV IDA 09-24
Permission to Install Borehole – ConEd UTEN
Page 3



City of Mount Vernon, New York

Staff Report

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File #: TMP -880
A

Agenda Date: 9/25/2024

Agenda #: 26 -

City Council:

**AN ORDINANCE AUTHORIZING THE MAYOR TO
ENTER INTO AN INTER-MUNICIPAL AGREEMENT
WITH THE COUNTY OF WESTCHESTER FOR THE
REPLACEMENT OF THE CURRENT SINGLE-BAND
VHF ANTENNA WITH A TRI-BAND ANTENNA
AT THE MOUNT VERNON POLICE HEADQUARTERS**

Whereas, by letter dated September 6, 2024, the Commissioner of the Department of Public Safety has requested legislation authorizing the Mayor to enter into an Inter-Municipal Agreement (IMA) with the County of Westchester for the replacement of the current single-band VHF antenna with a tri-band antenna (VHF-UHF-700MHz) at the Mount Vernon Police Headquarters located at 2 Roosevelt Square North; and

Whereas, the proposed upgrade will involve the installation of a tri-band antenna (VHF-UHF-700MHz), which will enhance the reception of the Mutual Aid Radio System (MARS) control station located at the Mount Vernon Police Headquarters; and

Whereas, this upgrade will allow the control station to operate on the County of Westchester's P25 Trunked Radio System, thereby improving communications capabilities and enhancing public safety; and

Whereas, the City of Mount Vernon and the County of Westchester have agreed to enter into an Inter-Municipal Agreement (IMA) to facilitate this antenna replacement at no cost to the City; and

Whereas, it is in the best interest of the City of Mount Vernon to authorize the Mayor to enter into the IMA with the County of Westchester in order to proceed with the antenna replacement and improve the overall safety and communication infrastructure of the City; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Authorization to Enter into Inter-Municipal Agreement. The Mayor is hereby authorized to enter into an Inter-Municipal Agreement (IMA) with the County of Westchester for the replacement of the current single-band VHF antenna with a tri-band antenna (VHF-UHF-700MHz) at the Mount Vernon Police Headquarters located at 2 Roosevelt Square North.

Section 2. Purpose and Scope of the Agreement. The purpose of this agreement is to allow the Mutual Aid Radio System (MARS) control station at Mount Vernon Police Headquarters to operate on the County of Westchester's P25 Trunked Radio System, improving inter-agency

communication and public safety response capabilities.

Section 3. No Cost to the City. The City of Mount Vernon shall incur no costs in relation to this agreement. The County of Westchester shall cover all expenses related to the tri-band antenna's procurement, installation, and maintenance.

Section 4. Effective Date of Agreement. The Inter-Municipal Agreement between the City of Mount Vernon and the County of Westchester shall take effect upon execution by both parties and remain in effect until the successful installation and testing of the new tri-band antenna, subject to any additional terms and conditions outlined in the IMA.

Section 5. Effective Date of Ordinance. This ordinance shall take effect immediately upon its approval by the Board of Estimate & Contract.



DEPARTMENT OF PUBLIC SAFETY
BUREAU OF POLICE
ROOSEVELT SQUARE
MOUNT VERNON, NY 10550
(914) 665-2500

DAVID GIBSON
POLICE COMMISSIONER

JENNIFER LACKARD
DEPUTY COMMISSIONER - REFORM

MARCEL OLIFIERS
CHIEF OF OPERATIONS

SHAWYN PATTERSON - HOWARD
MAYOR

September 6, 2024

Honorable City Council Members
City of Mount Vernon
1 Roosevelt Square
Mount Vernon, New York 10550

RE: Request Authorizing the Mayor to enter into an Intermunicipal Agreement with the County of Westchester (Tri-band Antenna)

Honorable Councilmembers:

The Department of Public Safety requests the Honorable Members of the City Council to approve legislation authorizing the Mayor to enter into an Intermunicipal Agreement with the **County of Westchester** to replace the current single band VHF antenna with a tri-band (VHF-UHF-700MHz) antenna at Mount Vernon police headquarters located at 2 Roosevelt Square North, Mount Vernon, NY. This antenna allows reception for the Mutual Aid Radio System (MARS) control station located at Mount Vernon police headquarters to operate on the County's P25 Trunked Radio System.

There is no cost for this agreement. If this request meets the approval of your Honorable Body, please enact legislation granting this approval.

Sincerely,

David Gibson
Commissioner of Public Safety

CC: Mayor
Comptroller
Law Department



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
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File #: TMP -881

Agenda Date: 9/25/2024

Agenda #: 27.

City Council:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH THE COUNTY OF WESTCHESTER TO ACCEPT MUTUAL AID RADIOS FOR USE BY THE MOUNT VERNON POLICE DEPARTMENT

Whereas, by letter dated September 6, 2024, the Commissioner of the Department of Public Safety has requested legislation authorizing the Mayor to enter into an Inter-Municipal Agreement (IMA) with the County of Westchester for the acceptance of mutual aid radios to be used by the Mount Vernon Police Department for communication with County law enforcement and other first responders; and

Whereas, the City of Mount Vernon recognizes the importance of inter-agency communication and coordination in maintaining public safety and effectively responding to emergencies; and

Whereas, the Department of Public Safety of the City of Mount Vernon has identified the need for mutual aid radios to allow police officers to communicate seamlessly with the County of Westchester law enforcement and other first responders during mutual aid situations; and

Whereas, the County of Westchester has offered to provide mutual aid radios to the City of Mount Vernon Police Department to enhance public safety operations and improve communication during emergencies; and

Whereas, there is no cost to the City of Mount Vernon for the provision of these mutual aid radios; and

Whereas, it is in the best interest of the City of Mount Vernon to authorize the Mayor to enter into an Inter-Municipal Agreement (IMA) with the County of Westchester to accept these mutual aid radios, which will enhance the safety and coordination of law enforcement and first responders within the City and the County; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Authorization to enter into an Inter-Municipal Agreement. The Mayor of the City of Mount Vernon is hereby authorized to enter into an Inter-Municipal Agreement (IMA) with the County of Westchester for the acceptance of mutual aid radios to be used by the Mount Vernon Police Department for communication with County law enforcement and other first responders.

Section 2. Purpose and Scope of the Agreement. The purpose of this agreement is to provide mutual aid radios to the Mount Vernon Police Department, enabling seamless communication between the City's police officers and County law enforcement as well as other first responders during

mutual aid situations, thus improving response times and coordination during emergencies.

Section 3. No Cost to the City. The City of Mount Vernon shall incur no costs in relation to this agreement. The mutual aid radios shall be provided by the County of Westchester at no cost to the City.

Section 4. Effective Date of Agreement. The Inter-Municipal Agreement between the City of Mount Vernon and the County of Westchester shall take effect upon execution by both parties and remain in effect for the duration of the use of the mutual aid radios, subject to any additional terms and conditions outlined in the IMA.

Section 5. Effective Date of Ordinance. This ordinance shall take effect immediately upon its approval by the Board of Estimate & Contract.



DEPARTMENT OF PUBLIC SAFETY
BUREAU OF POLICE
ROOSEVELT SQUARE
MOUNT VERNON, NY 10550
(914) 665-2500

DAVID GIBSON
POLICE COMMISSIONER

JENNIFER LACKARD
DEPUTY COMMISSIONER - REFORM

MARCEL OLIFIERS
CHIEF OF OPERATIONS

SHAWYN PATTERSON - HOWARD
MAYOR

September 6, 2024

Honorable City Council Members
City of Mount Vernon
1 Roosevelt Square
Mount Vernon, New York 10550

RE: Request Authorizing the Mayor to enter into an Intermunicipal Agreement with the County of Westchester (Mobile Radios)

Honorable Councilmembers:

The Department of Public Safety requests the Honorable Members of the City Council to approve legislation authorizing the Mayor to enter into an Intermunicipal Agreement with the **County of Westchester** to accept mutual aid radios.

The mutual aid radios allow our police officers to communicate with the County law enforcement and other first responders for mutual aid purposes.

There is no cost for this agreement.

If this request meets the approval of your Honorable Body, please enact legislation granting this approval.

Sincerely,

David Gibson
Commissioner of Public Safety

CC: Mayor
Comptroller
Law Department



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
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10550
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File #: TMP -911
A

Agenda Date: 9/25/2024

Agenda #: 28 -

City Council:

AN ORDINANCE AUTHORIZING THE INCREASE IN FUNDING FOR THE POSITION OF PERSONNEL ASSOCIATE IN THE DEPARTMENT OF PUBLIC SAFETY AND REAPPROPRIATING FUNDS FROM A VACATED POSITION

Whereas, by letter dated September 18, 2024, the Commissioner for the Department of Public Safety has requested legislation authorizing the salary for the position of Personnel Associate in the Department of Public Safety to be increased from \$71,384.00 to \$78,178.00, reflecting an increase of \$6,794.00 as per the recommendation of the Human Resources Department; and

Whereas, the Department of Public Safety recognizes the need to increase funding for the budgeted position of Personnel Associate, formerly titled Personnel Specialist, to better meet the department's operational needs; and

Whereas, the Human Resources Department has recommended an increase in the salary for the Personnel Associate position from \$71,384.00 to \$78,178.00, representing an increase of \$6,794.00; and

Whereas, the funding for this increase will come from the vacated position of Computer Console Operator under budget line A3120.101 (Salary), ensuring that no additional funds will be required from other city resources; and

Whereas, the Department of Public Safety aims to optimize its organizational structure and meet departmental goals by filling urgent civilian positions to enhance administrative efficiency; and

Whereas, the City Council has determined that the reallocation of funds to support this increase is in the best interest of the City of Mount Vernon and its residents; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Authorization for Increase in Salary. The salary for the position of Personnel Associate in the Department of Public Safety shall be increased from \$71,384.00 to \$78,178.00, reflecting an increase of \$6,794.00 as per the recommendation of the Human Resources Department.

Section 2. Reappropriation of Funds. The funding required for this salary adjustment shall be reappropriated from the vacated position of Computer Console Operator under budget line A3120.101 (Salary). This reallocation ensures that no additional funding is necessary to cover the increase in salary for the Personnel Associate position.

Section 3. Departmental Goals. The Department of Public Safety shall continue to evaluate and optimize its staffing and organizational structure, ensuring that civilian positions critical to

departmental operations are filled promptly to meet its goals.

Section 4. Effective Date. This ordinance shall take effect immediately upon its approval by the Board of Estimate & Contract.



DEPARTMENT OF PUBLIC SAFETY

BUREAU OF POLICE
ROOSEVELT SQUARE
MOUNT VERNON, NY 10550
(914) 665-2500

DAVID GIBSON
COMMISSIONER

JENNIFER LACKARD
DEPUTY COMMISSIONER of Reform

MARCEL OLIFIERS
CHIEF OF OPERATIONS

SHAWYN PATTERSON - HOWARD
MAYOR

September 18, 2024

Honorable City Council Members
City of Mount Vernon
1 Roosevelt Square
Mount Vernon, NY 10550

RE: Increase Funding for Position of Personnel Associate

Honorable Councilmembers:

The Department of Public Safety requests that the City Council adopt an ordinance to **increase funding of the budgeted position of Personnel Associate (formerly titled as Personnel Specialist)** to meet the needs of the department. This funding increase **will come from a vacated Computer Console Operator position from budgeted line A3120.101 (Salary).**

The amount to be increased for position of Personnel Associate is \$6, 794.00. The current salary is set at \$71, 384.00 and will increase to \$78, 178.00 as per the recommendation of the Human Resources Dept.

The Department of Public Safety aims to utilize civilian positions that need to be filled urgently to optimize organizational structure and goals.

If this meets your Honorable Body's approval, please draft legislation authorizing the increase of funds.

Respectfully,

David Gibson
Commissioner of Public Safety

Cc: Mayor
Comptroller
Corporation Counsel



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
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File #: TMP -909
A

Agenda Date: 9/25/2024

Agenda #: 29 -

City Council:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A RENEWAL CONTRACT AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS FOR FUEL INSPECTION AND TESTING SERVICES

Whereas, by letter dated September 18, 2024, the Commissioner of the Department of Public Safety has requested legislation authorizing Mayor Shawyn Patterson-Howard to enter into a renewal contract agreement with the New York State Department of Agriculture and Markets from April 1, 2024, to March 31, 2029. This agreement allows the Mount Vernon Consumer Protection Department to conduct fuel inspections, screening tests, and fuel sampling at retail fuel outlets per the standards set by the state; and

Whereas, the City of Mount Vernon, through its Consumer Protection Department, performs important regulatory functions, including conducting inspections, screening tests, and sampling fuel stored at retail fuel outlets to ensure compliance with state standards; and

Whereas, the City of Mount Vernon has an existing contract with the New York State Department of Agriculture and Markets to provide these services, which is set to expire; and

Whereas, the New York State Department of Agriculture and Markets has proposed to renew this contract for a new period from April 1, 2024, to March 31, 2029, under which the City of Mount Vernon will continue to conduct inspections and fuel testing at retail fuel outlets within the city limits; and

Whereas, the City will be reimbursed up to \$11,550.00 for costs incurred in performing the required number of tests as stipulated in the agreement, and such reimbursements will be allocated to revenue code A6610 (Sealer of Weights & Measures); and

Whereas, it is necessary for the City Council to authorize the Mayor to enter into this agreement to ensure that these essential services continue without interruption and that the City receives proper reimbursement for its work; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Authorization to enter into Contract Renewal. The City Council authorizes Mayor Shawyn Patterson-Howard to enter into a renewal contract agreement with the New York State Department of Agriculture and Markets from April 1, 2024, to March 31, 2029. This agreement allows the Mount Vernon Consumer Protection Department to conduct fuel inspections, screening

tests, and fuel sampling at retail fuel outlets per the standards set by the state.

Section 2. Reimbursement and Revenue Allocation. Under this agreement, the City of Mount Vernon shall be reimbursed for costs incurred in performing inspections up to \$11,550.00. These funds will be allocated to revenue code A6610 (Sealer of Weights & Measures) to cover the costs associated with performing the required tests.

Section 3. Scope of Work. The scope of work under this agreement includes:

- Conducting inspections and tests of fuel stored at retail outlets within the City of Mount Vernon.
- Performing screening tests and sample collection to ensure that fuel sold within the city complies with all applicable laws and standards.
- Providing reports and documentation to the New York State Department of Agriculture and Markets as the contract requires.

Section 4. Effective Date. This ordinance shall take effect immediately upon its approval by the Board of Estimate & Contract.



DEPARTMENT OF PUBLIC SAFETY

BUREAU OF POLICE
ROOSEVELT SQUARE
MOUNT VERNON, NY 10550
(914) 665-2500

DAVID GIBSON
COMMISSIONER

JENNIFER LACKARD
DEPUTY COMMISSIONER - Reform

MARCEL OLIFIERS
CHIEF OF OPERATIONS

SHAWYN PATTERSON - HOWARD
MAYOR

September 18, 2024

Honorable City Council Members
City of Mount Vernon
1 Roosevelt Square
Mount Vernon, New York 10550

RE: Request Authorizing the Mayor to Re-new a Contract Agreement with New York State Dept. of Agriculture and Markets

Honorable Councilmembers:

The Department of Public Safety requests the Honorable Members of the City Council to approve legislation authorizing the Mayor to re-new a contract agreement with New York State (NYS) Dept. of Agriculture and Markets. The agreement covers April 1, 2024 to March 31, 2029.

This contract allows the Mount Vernon Consumer Protection Department to conduct inspections, screening tests and sample fuel stored at retail fuel outlets. The City will be reimbursed up to the amount of \$11,550.00 for costs incurred in performing the number of tests agreed upon. Reimbursements will go to **revenue code A6610** (Sealer of **Weights & Measures**).

If this request meets the approval of your Honorable Body, please enact legislation granting this approval.

Sincerely,


David Gibson
Commissioner of Public Safety

Cc: Mayor
Law Department
Comptroller



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
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File #: TMP -924
A

Agenda Date: 9/25/2024

Agenda #: 30 -

City Council:

**AN ORDINANCE AMENDING ORDINANCE NO. 45,
ADOPTED BY THE CITY COUNCIL ON AUGUST 14,
2024, ENTITLED “AN ORDINANCE AUTHORIZING
THE MAYOR TO ENTER INTO A CONTRACT WITH
ELECTRONIC SYSTEMS SOLUTIONS, INC. (ESS)
FOR THE INSTALLATION AND MAINTENANCE OF
A CITYWIDE CAMERA SURVEILLANCE SYSTEM”**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. The first decretal paragraph and the 5th Whereas paragraph of Ordinance No. 45, adopted on August 14, entitled “AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH ELECTRONIC SYSTEMS SOLUTIONS, INC. (ESS) FOR THE INSTALLATION AND MAINTENANCE OF A CITYWIDE CAMERA SURVEILLANCE SYSTEM” is hereby amended as follows:

Whereas, by letter dated [August 7, 2024] September 19, 2024, the Commissioner of the Department of Public Safety has requested legislation amending Ordinance No. 45, adopted by the City Council on August 14, 2024, authorizing the Mayor to enter into a contract with Electronic Systems Solutions, Inc. (ESS) for the installation and maintenance of a citywide camera surveillance system, as detailed in the proposal; and

Whereas, the Department of Public Safety has identified the need for a comprehensive citywide camera surveillance system to enhance public safety and improve law enforcement capabilities; and

Whereas, Electronic Systems Solutions, Inc. has proposed a solution comprising license plate recognition (LPR) cameras to assist with major thoroughfare patrol, foot patrol, crime pattern locations, and traffic stops, while providing real-time surveillance for faster case resolutions; and

Whereas, ESS is under New York State contract #PT68793, eliminating the need for competitive bidding as per the City of Mount Vernon Procurement Policy adopted April 24, 2024; and

Whereas, the total cost for installing and maintaining the surveillance system is [\$161,903.88] \$149,113.58, to be [paid] satisfied from Budget Line Bond Anticipated Notes (BANS) H1620.203.C948; and

Whereas, after further review and an additional site visit by ESS, it was determined that the removal of the extended maintenance agreement resulted in a reduction of \$12,790.30 from the new contract payment; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Authorization. The Mayor is hereby authorized to enter into a contract with Electronic Systems Solutions, Inc. to install and maintain a citywide camera surveillance system, as detailed in the proposal.

Section 2. Contract Amount. The total payment of \$161,903.88 for the services provided by Electronic Systems Solutions, Inc. shall be charged to Budget Line Bond Anticipated Notes (BANS) H1620.203.C948.

Section 3. Procurement Policy Compliance. Pursuant to the City of Mount Vernon Procurement Policy adopted on April 24, 2024, the contract with Electronic Systems Solutions, Inc. is exempt from competitive bidding requirements due to its status under New York State contract #PT68793.

Section 4. Definitions.

- **Citywide Camera Surveillance System:** A network of cameras, including license plate recognition (LPR) cameras, installed across the city to enhance public safety and assist law enforcement.
- **License Plate Recognition (LPR) Cameras:** Cameras designed to capture and recognize vehicle license plates are used to monitor and manage traffic and law enforcement activities.

Section 5. Effective Date. This ordinance shall take effect upon its approval by the Board of Estimate & Contract.

New matter underlined
Deleted matter in brackets []



DEPARTMENT OF PUBLIC SAFETY

BUREAU OF POLICE
ROOSEVELT SQUARE
MOUNT VERNON, NY 10550
(914) 665-2500

DAVID GIBSON
COMMISSIONER

JENNIFER LACKARD
DEPUTY COMMISSIONER

MARCEL OLIFIERS
CHIEF OF OPERATIONS

SHAWYN PATTERSON - HOWARD
MAYOR

September 19, 2024

Honorable City Council
Members City of Mount Vernon
1 Roosevelt Square
Mount Vernon, New York 10550

RE: Installation and Maintenance of Citywide Cameras for the Dept of Public Safety
AMENDED

Honorable Councilmembers:

The Department of Public Safety requests that the City Council AMMEND an approved resolution (TMP-811) from the August 14th, 2024 City Council meeting for the Mayor to enter into a contract for payment of \$ 161,903.88 with Electronic Systems Solutions, Inc (ESS) for the installation and maintenance of a citywide camera surveillance system.

After a follow-up visit by ESS it has been determined that the new contract payment is **\$149,113.58**. This decrease of \$12,790.30 is due to a discount and the removal of an extended maintenance agreement.

The company providing the labor and materials is **Electronic Systems Solutions, Inc (ESS)** and is under **NYS contract # PT68793**, therefore foregoing the need of competitive bidding requirements as written in the City of Mount Vernon Procurement Policy adopted April 24, 2024.

CC: Mayor
Comptroller
Law Department

The payment of \$ 149,113.58 will be satisfied from **Budget Line Bond Anticipated Notes (BANS) H1620.203.C948.**

If this request meets the approval of your Honorable Body, please enact legislation granting this approval.

Sincerely,

A handwritten signature in black ink, appearing to read "David Gibson". The signature is written in a cursive style with a large, looped initial "D".

David Gibson
Commissioner of Public Safety

CC: Mayor
Comptroller
Law Department



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
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File #: TMP -784

Agenda Date: 9/11/2024

Agenda #:

City Council:

LOCAL LAW NO. __ OF 2024

A LOCAL LAW TO AMEND CHAPTER 267 (ZONING) OF THE CODE OF THE CITY OF MOUNT VERNON TO REGULATE SHORT-TERM RENTALS

Be It Enacted by the City Council of the City of Mount Vernon as follows:

SECTION 1. The Code of the City of Mount Vernon is amended by adding the following (language **in Bold and Underlined** to be added, language in ~~Strikethrough and Bold and Underlined~~ to be deleted):

Article XV. SHORT-TERM RENTALS

§ 267-93. Title.

This Article shall be known and may be cited as the “City of Mount Vernon Short-Term Rentals Code.”

§ 267-94. Findings. The City Council has determined it is in the best interest of the City and its residents to regulate short-term rentals. The City Council recognizes the benefits of short-term rentals to allow homeowners to supplement their income to defray the cost of housing, and to provide lodging for visitors to the City and encourage tourism. However, in order to protect the health, safety, and welfare of the City and its residents, and to preserve the residential character of the City’s residential districts, it is necessary to impose certain restrictions and requirements in furtherance of the City’s goals and objectives.

§ 267-95. Definitions. As used in this Chapter, the following terms shall have the meanings indicated:

OCCUPIED PRIMARY RESIDENCE <<https://ecode360.com/print/36597551>> - A dwelling unit used by the owner or tenant as his or her or their primary residence. When a property is titled or leased in the name of a business entity, all owners or members of the business entity must use the premises as his or her or their primary residence. When a property is titled or leased in the name of a trustee, the property shall be considered an occupied primary residence if the grantor or grantee is the occupant of the property.

OWNER <<https://ecode360.com/print/36597552>> - Any individual or individuals,

partnership or corporation or other organization in possession of and having a fee interest in the real property. The term “owner” shall include a corporation, limited-liability company, partnership, association, trustee, or other business entity or nonbusiness forms of ownership.

PRIMARY RESIDENCE <<https://ecode360.com/print/36597554>> - The primary location that a person inhabits and resides in most of the year.

SHORT-TERM RENTAL <<https://ecode360.com/print/36597555>> - An entire dwelling unit, or a room or group of rooms within a dwelling unit, made available to rent, lease or otherwise assigned for an occupancy of less than 30 consecutive days. The term “short-term rental” does not include hotels/motels rooms.

TENANT <<https://ecode360.com/print/36597556>> - Any person holding a written lease to occupy, use and possess the whole or part of any building or real property, either alone or with others.

§ 267-96. Applicability.

A. Any dwelling unit, or room(s) therein, located in a one-family dwelling, two-family dwelling, or multifamily dwelling may be used as short-term rentals subject to the requirements set forth in this article. Short-term rentals shall be permitted in all zoning districts within the City in which residential uses are permitted.

B. It shall be unlawful to use, establish, maintain operate, occupy, rent, or lease any property as a short-term rental if the property is not an occupied primary residence. The property used as a short-term rental shall be the primary residence of the owner or tenant at all times during the term of the permit.

C. No short-term rentals shall be permitted in the following locations: multifamily dwellings with an active PILOT agreement with the Mount Vernon Industrial Development Agency or the County of Westchester Industrial Development Agency; multifamily dwellings where the entire building is rent regulated; any dwelling where the lease or occupancy agreement prohibits short-term rentals; non-residential buildings; and/or any other location where short-term rentals are prohibited by law.

§ 267-97. Permit Required; Permit Application; Revocation of Permit; Appeals.

A. Permit required. It shall be unlawful to use, establish, maintain, operate, occupy, rent, or lease any property as a short-term rental without first having obtained a short-term rental permit.

B. Permit application.

(1) An application for a short-term rental permit shall be filed and a short-term rental permit shall be obtained from the Building Department before the dwelling unit, or a room or group of rooms within a dwelling unit, is advertised for short-term rental, and, if the spaces are not advertised, then such permit shall be obtained before said space is leased or rented.

(2) Issuance of a short-term rental permit requires submission of an application to the Building Department and payment of the processing fee set forth in the City Fee Schedule.

(3) If a tenant seeks a short-term rental permit, the tenant’s application shall be signed by the landlord, and evidence must be provided to the Building Department that the landlord is the owner of the dwelling unit.

(4) No permit will be issued for a short-term rental if there are unresolved Code compliance issues, outstanding City fines or fees, or unpaid taxes.

(5) The form and content of the permit applications shall be as determined from time to time by the Building Department and shall contain such information and materials as the Building Department deems necessary to determine the sufficiency of the application. Such application shall contain, at a minimum:

(a) Proof of receipt of New York State STAR Credit or STAR property tax exemption for the short-term rental property;

(b) Copy of utility bill in the applicant’s name;

(c) Property address; total number of rooms; location; number of persons, specifically:

[1] The property address;

[2] The total number of dwelling units located within the building;

[3] The total number of bedrooms and bathrooms inside the dwelling unit;

[4] The total number of rooms proposed for short-term rental use;

[5] The location of each such dwelling unit or individual bedroom within the building; and

[6] The number of persons to be accommodated in each room available for short-term rental use;

(d) A signed and notarized certification in a form acceptable to the Building Department by the applicant attesting to the fact that:

[1] The applicant resides at the property and it is the applicant’s primary residence;

[2] That the property is fit for human habitation and safe;

[3] That the applicant will comply with all of the conditions and restrictions of the permit;

[4] That no portion of the area used for short-term rentals will utilize a cellar or attic, or any portion thereof, as habitable space unless it meets the requirements of the International Fire, Residential and Building Codes or successor law;

[5] That the property is in compliance with all the provisions of this chapter, the applicable provisions of the City Code, the International Series of Codes and the New York State Code Supplement; and

[6] The required building permits and certificates of occupancy are in place for all existing structures on the property if applicable;

(e) Such other information as the City may require to prove the property is an occupied primary residence and safe for renters; and

(f) If an applicant plans to rent the entire dwelling unit, the short-term rental application shall include the name and contact information of a responsible person with the right to enter and maintain possession of the dwelling. Such responsible person must be available 24 hours a day to respond in person to any short-term renter and neighborhood concerns and be capable of responding in person within two hours of notification from the City.

(6) All permits issued pursuant to this section shall be for a period of one year and shall be renewable for subsequent one-year terms upon application, conformance with this section and payment of the permit fee. Any application to renew said permit shall be accompanied by a record, maintained by the owner or tenant throughout the duration of the permit term, indicating the number of guests and the beginning and ending dates of each short-term rental.

(7) If the information submitted as part of the permit application changes at any time after submittal of the application, it is the responsibility of the owner or tenant to submit such changes to the Building Department in writing within 30 days of the occurrence of such change. Failure to do so shall be deemed a violation of this section. Any changes submitted by a tenant must also be signed by the owner.

(8) Any permit issued for a short-term rental shall expire automatically upon a change in ownership or tenancy of the dwelling unit in which the short-term rental is located.

C. Revocation of a permit.

(1) The grounds upon which a permit can be revoked by the Building Inspector shall include but shall not be limited to:

(a) The permit was issued in error, or issued in whole or in part as a result of a false, untrue, or misleading statement on the permit application or other document submitted for filing;

(b) A short-term rental permit has been issued and the owner or tenant fails to continue to occupy the premises as a primary residence;

(c) Use of the property as a short-term rental creates a hazard or public nuisance, threat to public safety or other condition which negatively impacts the use and/or enjoyment of surrounding properties, or threatens the peace and good order, or quality of life in the surrounding community;

(d) Failure to comply or violation of the conditions of the permit;

(e) Failure to comply or violation of any federal, state, or local law, regulation, or rule.

(f) Short-term rental permits for dwelling units located in multifamily buildings may be revoked if the Police Department or Building Inspector receives three substantiated written complaints in a twelve-month period concerning the use of the premises as a short-term rental. A written complaint can be substantiated by the Building Inspector or the Police Department if it is a complaint regarding the violation of a City law or ordinance and the complaint is supported by other evidence, including a police report, photograph, or video.

(2) Any permit issued pursuant to this section may be revoked or suspended by the Building Inspector, after written notice to the owner. Written notice shall be served by registered or certified mail, return receipt requested, and by regular mail, to the applicant at the address shown on the application. The notice shall describe the reasons why the City is revoking the permit.

D. Appeals.

(1) Upon the denial, suspension or revocation of a permit, the applicant may, within 30 days from the date of the written notice, appeal said denial, suspension or revocation to the Zoning Board of Appeals in accordance with the appeal procedure of Article IX of this chapter.

(2) In the event the applicant is not satisfied with the decision of the Zoning Board of Appeals, such aggrieved party may file an Article 78 proceeding under the New York Civil Practice Law and Rules. The Article 78 proceeding must be filed within 30 days of the filing of the Zoning Board of Appeals' decision with the City Clerk.

§ 267-98. Standards. All short-term rentals shall comply with the following standards:

(1) If a property owner or tenant is renting out the entire dwelling unit, the property owner must engage the services of an agent with the right to enter and maintain possession of the dwelling. This agent must be available 24 hours a day to respond to any short-term renter and neighborhood concerns and be capable of responding within two hours of notification from the City.

(2) No owner shall offer or use any part of the property as a short-term rental not approved for residential use.

(3) A short-term rental property shall not be rented for any other purpose, commercial or otherwise, not expressly permitted under this section, such as concerts, weddings, or other large gatherings or events.

(4) Any owner renting out a short-term rental shall use best efforts to ensure that the occupants and/or guests of the short-term rental do not create unreasonable noise or disturbance, engage in disorderly conduct, violate any provision of the City Code, or violate any law pertaining to disorderly conduct, the consumption of alcohol, or the use of illegal drugs.

(5) A written notice on a form to be provided by the Building Department, which contains information about relevant City parking laws, garbage and rubbish rules and schedules, and snow removal, and identifies the party(ies) responsible for responding to complaints about the short-term rental, shall be completed and left at a conspicuous location inside the short-term rental unit and maintained at such location by the owner and displayed at all times.

(6) Short-term rental of an entire dwelling unit is limited to 180 days in any one calendar year. Where only a portion of the dwelling unit is subject to the short-term rental, there shall be no limit on the number of days in any calendar year, provided that an owner or tenant is physically in residence at such dwelling during those periods that the portion of the unit is subject to short-term rental. A rental day shall be deemed to mean any day that the property is occupied for rental overnight. Upon request, the property owner or tenant shall provide:

(a) A statement from any and all short-term rental website platforms used to advertise the short-term rental; such letter shall be provided on the company's letterhead and shall indicate the number of rentals for the entire dwelling unit that occurred within the year; and

(b) A certified letter from the owner or tenant indicating the number of days the entire dwelling unit was rented within the year through any short-term rental website or other means.

(7) If a property owner advertises their rental, the short-term rental permit number must be included in the listing.

(8) The maximum number of people per sleeping room is one person if the square footage is between 70 square feet and 100 square feet and two people if the square footage is greater than 100 square feet. The Building Inspector may disqualify a particular space within a dwelling unit as a sleeping room based on concerns over emergency egress, safety, or over-occupancy of a dwelling unit.

(9) Each sleeping room shall have an exterior exit that opens directly to the outside or an emergency escape or rescue window, which meets all applicable requirements for emergency and escape access. Notwithstanding the foregoing, the Building Inspector may approve other means of emergency egress for each sleeping room in its reasonable discretion.

(10) There shall be one functioning smoke detector in each sleeping room, and one functioning smoke detector on the ceiling or wall in the immediate vicinity outside each separate sleeping room, as approved by the Building Inspector.

(11) Carbon monoxide detectors shall be installed in all dwelling units that contain a fuel-burning appliance, system, or other source of carbon monoxide, as approved by the Building Inspector.

(12) At least one functioning and inspected fire extinguisher shall be present in each dwelling unit, as approved by the Building Inspector.

(13) Parking:

(a) Proper off-street parking as regulated in Article VIII of this chapter shall be required.

(b) Parking on any part of the lawn is prohibited.

(14) A house number visible from the street shall be maintained.

(15) Provisions shall be made for weekly garbage removal during all short-term rental occupancies. Proper garbage and rubbish maintenance shall be regulated by City Code Chapter 140 <<https://ecode360.com/print/32588697>>.

(16) A safety/egress plan, to be posted in a visible location within the short-term rental, shall be provided.

(17) A valid short-term rental registration permit shall be conspicuously posted in each dwelling unit.

(18) Any owners or tenant issued a short-term rental permit shall comply with any applicable occupancy tax in effect.

(19) “House rules,” if any, shall be posted in a conspicuous location within the dwelling unit.

§ 267-99. Presumptive Evidence. The presence or existence of the following shall create a rebuttable presumption that a property is being utilized as a short-term rental:

(1) The property is offered for lease or rent on a short-term rental website, including but not limited to Airbnb, HomeAway, VRBO, and similar websites; or

(2) The property is offered for lease or rent by the use of any other advertising mechanism for a period of less than 30 days.

§ 267-100. Inspection. The property shall be inspected by the Building Department and Fire Department at the time of the initial application and prior to any permit renewal, to determine whether the property remains in compliance with this section and all other applicable provisions of the City Code, the International Series of Codes, and New York State Code Supplement. A dwelling unit with a short-term rental is subject to periodic inspections by the Building Department and/or the Fire Department to ensure continued compliance with the applicable codes. If the Building Inspector or Fire Inspector determines in writing that the short-term rental space is not in compliance, the owner or tenant shall cease use of the dwelling unit as a short-term rental until all noncomplying elements have been corrected and the owner shall apply for reinspection with the

Building Department or Fire Department, as applicable, subject to an additional fee as set forth in the City Fee Schedule.

§ 267-101. Enforcement. Any violation of this Article shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in Article X of this Chapter.

§ 267-102. Registry List. The Building Department shall maintain a list of all short-term rental units located in the City. Such list shall be updated every six months.

SECTION 2. Chapter 267 of the Code of the City of Mount Vernon is amended by adding the following (language in **Bold and Underlined** to be added, language in **Strikethrough and Bold and Underlined** to be deleted):

§ 267-17. List of resident district uses.

A. District R1-7 One-Family Residence.

(1) Permitted principal uses.

(d) Short-term rentals, as regulated by Chapter 267, Article XV

B. District R1-4.5 One-Family Residence.

(1) Permitted principal uses.

(d) Short-term rentals, as regulated by Chapter 267, Article XV

C. District R1-3.6. One-Family Residence.

(1) Permitted principal uses.

(d) Short-term rentals, as regulated by Chapter 267, Article XV

D. District R2-4.5. Two-Family Residence.

(1) Permitted principal uses.

(f) Short-term rentals, as regulated by Chapter 267, Article XV

E. District RMF-6.75. Multifamily Residence.

(1) Permitted principal uses.

(h) Short-term rentals, as regulated by Chapter 267, Article XV

F. District RMF-10 Multifamily Residence.

(1) Permitted principal uses.

(h) Short-term rentals, as regulated by Chapter 267, Article XV

G. District RMF-15 Multifamily Residence.

(1) Permitted principal uses.

(h) Short-term rentals, as regulated by Chapter 267, Article XV

SECTION 3. If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or

other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

SECTION 4. This local law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10. It supersedes the provisions of the City Law to the extent that they are inconsistent with this local law.

SECTION 5. This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.

LOCAL LAW - 2024

A LOCAL LAW TO AMEND CHAPTER 267 (ZONING) OF THE CODE OF THE CITY OF MOUNT VERNON TO REGULATE SHORT-TERM RENTALS

Be it Enacted by the City Council of the City of Mount Vernon as follows:

SECTION 1.

The Code of the City of Mount Vernon is amended by adding the following (language **in Bold and Underlined** to be added, language in ~~**Strikethrough and Bold and Underlined**~~ to be deleted):

Article XV. SHORT-TERM RENTALS

§ 267-93. Title.

This Article shall be known and may be cited as the “City of Mount Vernon Short-Term Rentals Code.”

§ 267-94. Findings.

The City Council has determined it is in the best interest of the City and its residents to regulate short-term rentals. The City Council recognizes the benefits of short-term rentals to allow homeowners to supplement their income to defray the cost of housing, and to provide lodging for visitors to the City and encourage tourism. However, in order to protect the health, safety, and welfare of the City and its residents, and to preserve the residential character of the City’s residential districts, it is necessary to impose certain restrictions and requirements in furtherance of the City’s goals and objectives.

§ 267-95. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

OCCUPIED PRIMARY RESIDENCE

A dwelling unit used by the owner or tenant as his or her or their primary residence. When a property is titled or leased in the name of a business entity, all owners or members of the business entity must use the premises as his or her or their primary residence. When a property is titled or leased in the name of a trustee, the property shall be considered an occupied primary residence if the grantor or grantee is the occupant of the property.

OWNER

Any individual or individuals, partnership or corporation or other organization in possession of and having a fee interest in the real property. The term “owner” shall include a corporation, limited-liability company, partnership, association, trustee, or other business entity or nonbusiness forms of ownership.

PRIMARY RESIDENCE

The primary location that a person inhabits and resides in most of the year.

SHORT-TERM RENTAL

An entire dwelling unit, or a room or group of rooms within a dwelling unit, made available to rent, lease or otherwise assigned for an occupancy of less than 30 consecutive days. The term “short-term rental” does not include hotels/motels rooms.

TENANT

Any person holding a written lease to occupy, use and possess the whole or part of any building or real property, either alone or with others.

§ 267-96. Applicability.

- A. **Any dwelling unit, or room(s) therein, located in a one-family dwelling, two-family dwelling, or multifamily dwelling may be used as short-term rentals subject to the requirements set forth in this article. Short-term rentals shall be permitted in all zoning districts within the City in which residential uses are permitted.**
- B. **It shall be unlawful to use, establish, maintain operate, occupy, rent, or lease any property as a short-term rental if the property is not an occupied primary residence. The property used as a short-term rental shall be the primary residence of the owner or tenant at all times during the term of the permit.**
- C. **No short-term rentals shall be permitted in the following locations: multifamily dwellings with an active PILOT agreement with the Mount Vernon Industrial Development Agency or the County of Westchester Industrial Development Agency; multifamily dwellings where the entire building is rent regulated; any dwelling where the lease or occupancy agreement prohibits short-term rentals; non-residential buildings; and/or any other location where short-term rentals are prohibited by law.**

§ 267-97. Permit Required; Permit Application; Revocation of Permit; Appeals.

- A. **Permit required. It shall be unlawful to use, establish, maintain, operate, occupy, rent, or lease any property as a short-term rental without first having obtained a short-term rental permit.**
- B. **Permit application.**

- (1) An application for a short-term rental permit shall be filed and a short-term rental permit shall be obtained from the Building Department before the dwelling unit, or a room or group of rooms within a dwelling unit, is advertised for short-term rental, and, if the spaces are not advertised, then such permit shall be obtained before said space is leased or rented.**
- (2) Issuance of a short-term rental permit requires submission of an application to the Building Department and payment of the processing fee set forth in the City Fee Schedule.**
- (3) If a tenant seeks a short-term rental permit, the tenant's application shall be signed by the landlord, and evidence must be provided to the Building Department that the landlord is the owner of the dwelling unit.**
- (4) No permit will be issued for a short-term rental if there are unresolved Code compliance issues, outstanding City fines or fees, or unpaid taxes.**
- (5) The form and content of the permit applications shall be as determined from time to time by the Building Department and shall contain such information and materials as the Building Department deems necessary to determine the sufficiency of the application. Such application shall contain, at a minimum:**

 - (a) Proof of receipt of New York State STAR Credit or STAR property tax exemption for the short-term rental property;**
 - (b) Copy of utility bill in the applicant's name;**
 - (c) Property address; total number of rooms; location; number of persons, specifically:**

 - [1] The property address;**
 - [2] The total number of dwelling units located within the building;**
 - [3] The total number of bedrooms and bathrooms inside the dwelling unit;**
 - [4] The total number of rooms proposed for short-term rental use;**
 - [5] The location of each such dwelling unit or individual bedroom within the building; and**
 - [6] The number of persons to be accommodated in each room available for short-term rental use;**

- (d) A signed and notarized certification in a form acceptable to the Building Department by the applicant attesting to the fact that:
- [1] The applicant resides at the property and it is the applicant's primary residence;
 - [2] That the property is fit for human habitation and safe;
 - [3] That the applicant will comply with all of the conditions and restrictions of the permit;
 - [4] That no portion of the area used for short-term rentals will utilize a cellar or attic, or any portion thereof, as habitable space unless it meets the requirements of the International Fire, Residential and Building Codes or successor law;
 - [5] That the property is in compliance with all the provisions of this chapter, the applicable provisions of the City Code, the International Series of Codes and the New York State Code Supplement; and
 - [6] The required building permits and certificates of occupancy are in place for all existing structures on the property if applicable;
- (e) Such other information as the City may require to prove the property is an occupied primary residence and safe for renters; and
- (f) If an applicant plans to rent the entire dwelling unit, the short-term rental application shall include the name and contact information of a responsible person with the right to enter and maintain possession of the dwelling. Such responsible person must be available 24 hours a day to respond in person to any short-term renter and neighborhood concerns and be capable of responding in person within two hours of notification from the City.
- (6) All permits issued pursuant to this section shall be for a period of one year and shall be renewable for subsequent one-year terms upon application, conformance with this section and payment of the permit fee. Any application to renew said permit shall be accompanied by a record, maintained by the owner or tenant throughout the duration of the permit term, indicating the number of guests and the beginning and ending dates of each short-term rental.
- (7) If the information submitted as part of the permit application changes at any time after submittal of the application, it is the responsibility of the owner or tenant to submit such changes to the Building Department in writing within 30 days of the occurrence of such change. Failure to do so

shall be deemed a violation of this section. Any changes submitted by a tenant must also be signed by the owner.

- (8) Any permit issued for a short-term rental shall expire automatically upon a change in ownership or tenancy of the dwelling unit in which the short-term rental is located.

C. Revocation of a permit.

- (1) The grounds upon which a permit can be revoked by the Building Inspector shall include but shall not be limited to:

(a) The permit was issued in error, or issued in whole or in part as a result of a false, untrue, or misleading statement on the permit application or other document submitted for filing;

(b) A short-term rental permit has been issued and the owner or tenant fails to continue to occupy the premises as a primary residence;

(c) Use of the property as a short-term rental creates a hazard or public nuisance, threat to public safety or other condition which negatively impacts the use and/or enjoyment of surrounding properties, or threatens the peace and good order, or quality of life in the surrounding community;

(d) Failure to comply or violation of the conditions of the permit;

(e) Failure to comply or violation of any federal, state, or local law, regulation, or rule.

(f) Short-term rental permits for dwelling units located in multifamily buildings may be revoked if the Police Department or Building Inspector receives three substantiated written complaints in a twelve-month period concerning the use of the premises as a short-term rental. A written complaint can be substantiated by the Building Inspector or the Police Department if it is a complaint regarding the violation of a City law or ordinance and the complaint is supported by other evidence, including a police report, photograph, or video.

- (2) Any permit issued pursuant to this section may be revoked or suspended by the Building Inspector, after written notice to the owner. Written notice shall be served by registered or certified mail, return receipt requested, and by regular mail, to the applicant at the address shown on the application. The notice shall describe the reasons why the City is revoking the permit.

D. Appeals.

- (1) Upon the denial, suspension or revocation of a permit, the applicant may, within 30 days from the date of the written notice, appeal said denial, suspension or revocation to the Zoning Board of Appeals in accordance with the appeal procedure of Article IX of this chapter.
- (2) In the event the applicant is not satisfied with the decision of the Zoning Board of Appeals, such aggrieved party may file an Article 78 proceeding under the New York Civil Practice Law and Rules. The Article 78 proceeding must be filed within 30 days of the filing of the Zoning Board of Appeals' decision with the City Clerk.

§ 267-98. Standards. All short-term rentals shall comply with the following standards:

- (1) If a property owner or tenant is renting out the entire dwelling unit, the property owner must engage the services of an agent with the right to enter and maintain possession of the dwelling. This agent must be available 24 hours a day to respond to any short-term renter and neighborhood concerns and be capable of responding within two hours of notification from the City.
- (2) No owner shall offer or use any part of the property as a short-term rental not approved for residential use.
- (3) A short-term rental property shall not be rented for any other purpose, commercial or otherwise, not expressly permitted under this section, such as concerts, weddings, or other large gatherings or events.
- (4) Any owner renting out a short-term rental shall use best efforts to ensure that the occupants and/or guests of the short-term rental do not create unreasonable noise or disturbance, engage in disorderly conduct, violate any provision of the City Code, or violate any law pertaining to disorderly conduct, the consumption of alcohol, or the use of illegal drugs.
- (5) A written notice on a form to be provided by the Building Department, which contains information about relevant City parking laws, garbage and rubbish rules and schedules, and snow removal, and identifies the party(ies) responsible for responding to complaints about the short-term rental, shall be completed and left at a conspicuous location inside the short-term rental unit and maintained at such location by the owner and displayed at all times.
- (6) Short-term rental of an entire dwelling unit is limited to 180 days in any one calendar year. Where only a portion of the dwelling unit is subject to the short-term rental, there shall be no limit on the number of days in any

calendar year, provided that an owner or tenant is physically in residence at such dwelling during those periods that the portion of the unit is subject to short-term rental. A rental day shall be deemed to mean any day that the property is occupied for rental overnight. Upon request, the property owner or tenant shall provide:

- (a) A statement from any and all short-term rental website platforms used to advertise the short-term rental; such letter shall be provided on the company's letterhead and shall indicate the number of rentals for the entire dwelling unit that occurred within the year; and
 - (b) A certified letter from the owner or tenant indicating the number of days the entire dwelling unit was rented within the year through any short-term rental website or other means.
- (7) If a property owner advertises their rental, the short-term rental permit number must be included in the listing.
- (8) The maximum number of people per sleeping room is one person if the square footage is between 70 square feet and 100 square feet and two people if the square footage is greater than 100 square feet. The Building Inspector may disqualify a particular space within a dwelling unit as a sleeping room based on concerns over emergency egress, safety, or over-occupancy of a dwelling unit.
- (9) Each sleeping room shall have an exterior exit that opens directly to the outside or an emergency escape or rescue window, which meets all applicable requirements for emergency and escape access. Notwithstanding the foregoing, the Building Inspector may approve other means of emergency egress for each sleeping room in its reasonable discretion.
- (10) There shall be one functioning smoke detector in each sleeping room, and one functioning smoke detector on the ceiling or wall in the immediate vicinity outside each separate sleeping room, as approved by the Building Inspector.
- (11) Carbon monoxide detectors shall be installed in all dwelling units that contain a fuel-burning appliance, system, or other source of carbon monoxide, as approved by the Building Inspector.
- (12) At least one functioning and inspected fire extinguisher shall be present in each dwelling unit, as approved by the Building Inspector.

- (13) **Parking:**
- (a) **Proper off-street parking as regulated in Article VIII of this chapter shall be required.**
 - (b) **Parking on any part of the lawn is prohibited.**
- (14) **A house number visible from the street shall be maintained.**
- (15) **Provisions shall be made for weekly garbage removal during all short-term rental occupancies. Proper garbage and rubbish maintenance shall be regulated by City Code Chapter 140.**
- (16) **A safety/egress plan, to be posted in a visible location within the short-term rental, shall be provided.**
- (17) **A valid short-term rental registration permit shall be conspicuously posted in each dwelling unit.**
- (18) **Any owners or tenant issued a short-term rental permit shall comply with any applicable occupancy tax in effect.**
- (19) **“House rules,” if any, shall be posted in a conspicuous location within the dwelling unit.**

§ 267-99. Presumptive Evidence. The presence or existence of the following shall create a rebuttable presumption that a property is being utilized as a short-term rental:

- (1) **The property is offered for lease or rent on a short-term rental website, including but not limited to Airbnb, HomeAway, VRBO, and similar websites; or**
- (2) **The property is offered for lease or rent by the use of any other advertising mechanism for a period of less than 30 days.**

§ 267-100. Inspection.

The property shall be inspected by the Building Department and Fire Department at the time of the initial application and prior to any permit renewal, to determine whether the property remains in compliance with this section and all other applicable provisions of the City Code, the International Series of Codes, and New York State Code Supplement. A dwelling unit with a short-term rental is subject to periodic inspections by the Building Department and/or the Fire Department to ensure continued compliance with the applicable codes. If the Building Inspector or Fire Inspector determines in writing that the short-term rental space is not in compliance,

the owner or tenant shall cease use of the dwelling unit as a short-term rental until all noncomplying elements have been corrected and the owner shall apply for reinspection with the Building Department or Fire Department, as applicable, subject to an additional fee as set forth in the City Fee Schedule.

§ 267-101. Enforcement.

Any violation of this Article shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in Article X of this Chapter.

§ 267-102. Registry List.

The Building Department shall maintain a list of all short-term rental units located in the City. Such list shall be updated every six months.

SECTION 2.

Chapter 267 of the Code of the City of Mount Vernon is amended by adding the following (language in **Bold and Underlined** to be added, language in **Strikethrough and Bold and Underlined** to be deleted):

§ 267-17. List of resident district uses.

A. District R1-7 One-Family Residence.

(1) Permitted principal uses.

(d) Short-term rentals, as regulated by Chapter 267, Article XV

B. District R1-4.5 One-Family Residence.

(1) Permitted principal uses.

(d) Short-term rentals, as regulated by Chapter 267, Article XV

C. District R1-3.6. One-Family Residence.

(1) Permitted principal uses.

(d) Short-term rentals, as regulated by Chapter 267, Article XV

D. District R2-4.5. Two-Family Residence.

(1) Permitted principal uses.

(f) Short-term rentals, as regulated by Chapter 267, Article XV

E. District RMF-6.75. Multifamily Residence.

(1) Permitted principal uses.

(h) Short-term rentals, as regulated by Chapter 267, Article XV

F. District RMF-10 Multifamily Residence.

(1) Permitted principal uses.

(h) Short-term rentals, as regulated by Chapter 267, Article XV

G. District RMF-15 Multifamily Residence.

(1) Permitted principal uses.

(h) Short-term rentals, as regulated by Chapter 267, Article XV

SECTION 3.

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

SECTION 4.

This local law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10. It supersedes the provisions of the City Law to the extent that they are inconsistent with this local law.

SECTION 5.

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Local Law to Amend Chapter 267 (Zoning) of the Code of the City of Mount Vernon to Regulate Short Term Rentals			
Project Location (describe, and attach a location map): City-wide			
Brief Description of Proposed Action: The City Council has determined it is in the best interest of the City and its residents to regulate short-term rentals. The City Council recognizes the benefits of short-term rentals to allow homeowners to supplement their income to defray the cost of housing, and to provide lodging for visitors to the City and encourage tourism. However, in order to protect the health, safety, and welfare of the City and its residents, and to preserve the residential character of the City's residential districts, it is necessary to impose certain restrictions and requirements in furtherance of the City's goals and objectives.			
Name of Applicant or Sponsor: City of Mount Vernon		Telephone: 914-665-2398 E-Mail: CGleason@mountvernonny.gov	
Address: City Hall, 1 Roosevelt Square			
City/PO: Mount Vernon		State: NY	Zip Code: 10550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>City of Mount Vernon, City Council</u> Date: <u>8 / 15 / 2024</u> Signature: <u>James Rausse, FAICP, WEDG</u> Title: <u>Commissioner, Planning & Community Dev.</u>		

Project: Short Term Rental Local Law

Date: ___/___/2024

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

City of Mount Vernon City	8-15-24
Name of Lead Agency	Date
Cathlin B. Gleason	President, City Council
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	James Rausse, FAICP, WEDG
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

George Latimer
County Executive

August 26, 2024

Tanesia Walters, City Clerk
City of Mount Vernon
One Roosevelt Square
Mount Vernon, NY 10550

**County Planning Board Referral File MTV 24-005 – Short-Term Rentals
Zoning Text Amendment**

Dear Ms. Walters:

The Westchester County Planning Board has received a proposed amendment to the text of the Mount Vernon Zoning Ordinance to define and regulate Short-Term Rentals as dwelling units that are rented for less than 30 days, and permit their establishment within the residential zones of the City. A new permitting process would be established to register properties that provide short-term rentals. This use would only be permitted in properties where the owner occupies the building for the majority of the year.

We have no objection to the Mount Vernon City Council assuming Lead Agency status for this review.

We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and find it to be a matter for local determination in accordance with the City's planning and zoning policies.

Please inform us of the City's decision so that we can make it a part of the record.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD



Richard Hyman
Chair, Westchester County Planning Board

RH/mv

cc: Blanca Lopez, Commissioner, Westchester County Department of Planning



CITY OF MOUNT VERNON, N.Y.
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Shawyn Patterson-Howard
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY, 10550
(914) 840-4029 or (914) 699-7230

James Rause, FAICP, WEDG
Commissioner

MEMORANDUM

TO: Tanesia Walters, JD, MPA, City Clerk

FROM: James Rause, FAICP, WEDG, Commissioner
Lukas Herbert, AICP, Assistant Commissioner of Planning

DATE: September 11, 2024

SUBJECT: Short-term rental legislation

Planning and Community Development Department staff have reviewed a proposed Local Law that would amend the City Zoning Ordinance to permit and regulate short term rentals (such as AirBNB) in all districts that permit residential uses, City-wide.

Overview

Short-term rentals are currently available to rent in Mount Vernon, even though the City has no laws that directly permit or regulate them. The proposed law will create a new framework to permit and regulate this use and require that short-term rentals only be permitted on properties that are occupied as a primary residence by either the owner or an established tenant. In the case of tenants, a tenant would only be allowed to list their residence for a short-term rental with landlord permission.

The proposed local law would establish a permitting system that would be administered by the Building Department to allow short-term rentals. Permits would be for a period of one year and would be renewable for subsequent years, pending re-application and approval.

In general, the permitting requirements would ensure that the short-term rental units meet applicable code requirements and other standards that the City would establish to regulate short-term rentals. During the permit application process, an applicant must prove that the property to be rented is their primary residence, and the extent of the space to be rented (whether it is just a few rooms or the entire dwelling unit) must be specified along with the number of persons that can be lawfully accommodated. In situations where the entire dwelling unit would be rented, the applicant must designate a responsible person with the right to enter and maintain possession of the dwelling on a 24-hour-a-day basis. Short-term rentals for commercial purposes or for large events/gatherings would be prohibited. Short-term rentals that fail to meet the standards can have their permits revoked. The permit number issued by the City must also be displayed on the listing for the short-term rental



Recommendation

It is staff's recommendation that the City Council adopt the proposed local law. While short-term rentals are currently located throughout the City, they exist without any direct regulation, which this local law would provide.

From a regional standpoint, it is important to point out that there is a patchwork of local regulations concerning short-term rentals in the immediate area. New York City has strict rules concerning short-term rentals that require short-term rental hosts to be present in the dwelling unit when a guest is staying. New York City also has a licensing requirement. In Westchester, some municipalities such as Yonkers, New Rochelle, Mamaroneck (Village), Hastings-on-Hudson and White Plains also appear to allow short-term rentals in some form, while others prohibit them.

In some cases, municipalities have enacted stronger short-term rental regulations as means to ensure that visitors mostly choose hotel rooms when staying in those municipalities. However, since Mount Vernon does not have any hotels, short-term rentals offer a way for Mount Vernon to increase tourism activity. In particular, Mount Vernon may be a desirable location for many tourists and visitors because of the City's access to train stations and bus routes, especially for visitors who come without their personal vehicles, or who do not wish to rent a vehicle while they are here.

The regulations contained in the proposed local law, while less stringent than New York City's, provide a reasonable framework for the regulation of short term rentals, requiring that they only be offered by individuals who have a direct relationship with their properties as their primary residence, whether they are the owner or a tenant. The law also appears to have reasonable safeguards in place to ensure short-term rentals are not abused, or do not impact neighbors and residents. The law also prohibits certain types of buildings, such as those benefitting from PILOT agreements or rent-regulated buildings, from participating.

We recommend, however, that the City Council consider adding a provision that will protect a tenant, if their landlord attempts to rent out their unit as a short-term rental without that tenant's permission. In our reading of the law, we could not find any provisions that contained this protection.



City Planning Board
Department of Planning & Community Development
City Hall - Roosevelt Square
Mount Vernon, New York 10550-2060
(914) 699-7230

Shawyn Patterson-Howard
Mayor

Darryl Selsey
Chair

MEMO

TO: City Clerk Tanesia Walters
FROM: Darryl Selsey, Planning Board Chair
CC: Commissioner James Rausse, Planning & Community Development
RE: Short Term Rentals Legislation: City Council as Lead Agency
DATE: September 11, 2024

The City of Mount Vernon Planning Board has received proposed legislation that would amend the City Zoning Ordinance to permit and regulate short-term rentals in all city-wide residential districts.

The Planning Board has no objection to the Mount Vernon City Council assuming Lead Agency status for this review.

X *Darryl Selsey / mwp*

Darryl Selsey
Chair, Planning Board

Signed by Maria Pace, Land Use Boards secretary, on behalf of Chair Darryl Selsey.

From: [Tanesia M. Walters](#)
To: [Joshua, Kimberly](#)
Subject: FW: Written comments for short term rentals
Date: Tuesday, September 24, 2024 10:12:59 AM

Kim, councilman Poteat wants this to be added to the written comments section of the Short-term Rental Local law. I have reviewed the City Clerk's email and my email and have not seeing any written comments address to the council from Mr. Sklar. His email below does not expressly state that he would like his comments to be added as written comments, however since it was requested by councilman Poteat please add.

Kind regards,

Clerk Walters

Tanesia M. Walters, J.D., M.P.A.

City Clerk

1-914-665-2352 – Phone



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From: Poteat, Edward <epoteat@mountvernonny.gov>
Sent: Monday, September 23, 2024 8:14 PM
To: Tanesia M. Walters <twalters@mountvernonny.gov>
Cc: Browne, Danielle <dbrowne@mountvernonny.gov>; Gleason, Cathlin <cgleason@mountvernonny.gov>; jaevonboxhill@gmail.com; Thompson, Derrick <DThompson@mountvernonny.gov>
Subject: Written comments for short term rentals

From: Mike Sklar <msov1975@yahoo.com>
Sent: Tuesday, September 17, 2024 10:33 AM
To: Poteat, Edward <epoteat@cmvny.com>

Subject: Fw: Party house 63 Southfield

----- Forwarded Message -----

From: Mike Sklar <mvsb1975@yahoo.com>

To: Mv Biz <mvbiz@mountvernonny.gov>

Sent: Tuesday, September 17, 2024 at 01:26:35 PM EDT

Subject: Re: Party house 63 Southfield

Thank you. I still believe that the city should have gone to court with 63 back in May. If someone would have asked me, I would have told them what you need in a new law. There should be no corporate names or LLC's. There should be no more than 60 days rental per property, that is enough for the neighbors and most important a four-day minimum rental. No weekend parties with 2-day rentals, there are hundreds of hotel rooms within 15 minutes of Mt Vernon that 2-day people can stay in. The %10 tax is needed for the staff to enforce this new law.

On Tuesday, September 17, 2024 at 07:36:59 AM EDT, Mv Biz <mvbiz@mountvernonny.gov> wrote:

Hello Mr. Sklar,

Because the local law is in the public hearing phase it will be beneficial to share these updates with the City Council. They will make revisions based on the public's expressed concerns. If you have already done so, forgive the duplicative information.

Best,

Robin Mack

Director, Business Development
and Compliance

Industrial Development Agency
City Hall - One Roosevelt Square - 2nd Floor

Mount Vernon, New York 10550

Phone: 914 465 2994

Email: mvbiz@mountvernonny.gov

From: Mike Sklar <mvsb1975@yahoo.com>

Sent: Monday, September 16, 2024 1:46 PM

To: Mv Biz <mvbiz@mountvernonny.gov>

Subject: Fw: Party house 63 Southfield

----- Forwarded Message -----

From: Mike Sklar <m5vb1975@yahoo.com>

To: MayorSPH <mayorsph@cmvny.com>

Sent: Monday, September 16, 2024 at 01:45:46 PM EDT

Subject: Party house 63 Southfield

Mayor, I kept telling everyone at city hall that the owner of 63 Southfield was not around, and now on Airbnb website it says he lives in Dania Florida near Miami. This past weekend we had 4 cars with Maryland plates. They had a party there on Saturday even brought in a Mariachi band. Maybe 8 cars of people attended the party. This is the problem when you allow 2-day rentals. This is my nightmare constant traffic of people looking for a cheap party place not going to a commercial venue. Please insert a minimum of at least 4-night stays to solve this problem. Thank you for your help.

From: [Tanesia M. Walters](#)
To: [Joshua, Kimberly](#)
Subject: FW: Scanned File: A local Law to Amend Chapter267 (Zoning) of the Code - to Regulate Short-Term Rentals
Date: Wednesday, September 25, 2024 2:28:44 PM
Attachments: [A local Law to Amend Chapter267 \(Zoning\) of the Code - to Regulate Short-Term Rentals.pdf](#)

Kim, the below email is the corporation counsel's comments as it relates to the amendment of Chapter 267-regulation of Short Term Rental.

Kind regards,

Clerk Walters

Tanesia M. Walters, J.D., M.P.A.

City Clerk

1-914-665-2352 – Phone



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From: Johnson, Brian <BJohnson@mountvernonny.gov>
Sent: Wednesday, September 25, 2024 1:40 PM
To: Gleason, Cathlin <cgleason@mountvernonny.gov>; Tanesia M. Walters <twalters@mountvernonny.gov>; Bonilla, Nicole <nbonilla@mountvernonny.gov>; Powell, Johan <JPOWELL@mountvernonny.gov>
Cc: Brad Schwartz <bschwartz@zarin-steinmetz.com>
Subject: Fw: Scanned File: A local Law to Amend Chapter267 (Zoning) of the Code - to Regulate Short-Term Rentals

All:

Please be advised that, as requested, I approve the form of this local law to amend Chapter 267 to regulate short-term rentals. Thank you.

From: Lawrence, Dionne <DLawrence@cmvny.com>

Sent: Wednesday, September 25, 2024 1:36 PM

To: Johnson, Brian <BJohnson@mountvernonny.gov>

Subject: FW: Scanned File: A local Law to Amend Chapter267 (Zoning) of the Code - to Regulate Short-Term Rentals

From: LAW Printer <Printer@cmvny.com>

Sent: Wednesday, September 25, 2024 1:45 PM

To: Lawrence, Dionne <DLawrence@cmvny.com>

Subject: Scanned File: A local Law to Amend Chapter267 (Zoning) of the Code - to Regulate Short-Term Rentals



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
FACEBOOK.
COM/MOUNTVERNONNY

File #: TMP -879
A

Agenda Date: 9/25/2024

Agenda #: 32 -

City Council:

LOCAL LAW NO. __ OF 2024

A LOCAL LAW OF THE CITY OF MOUNT
VERNON, NY ESTABLISHING A LOCAL
GOVERNMENT CODE ENFORCEMENT PROGRAM

Be it enacted by the City Council of the City of Mount Vernon, New York, in the County of Westchester, as follows:

SECTION 1. PURPOSE AND INTENT

This local law, adopted pursuant to section 10 of the Municipal Home Rule Law, provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in the City of Mount Vernon, New York.

Except as otherwise provided in the Uniform Code, the Energy Code, other state law, or other Sections of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this local law.

SECTION 2. DEFINITIONS

In this local law, the following terms shall have the meanings shown in this Section:

“Assembly Area” shall mean an area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

“Building Inspector” shall mean the building inspector who is a certified code enforcement official responsible for participating in the inspection of building construction and repair for compliance with new and existing Federal, State and City of Mount Vernon Codes.

“Building Permit” shall mean a building permit, construction permit, demolition permit, or other permit that authorizes work performance. The term “Building Permit” shall also include a Building Permit that is renewed, amended, or extended pursuant to any provision of this local law.

“Certificate of Compliance” shall mean a document issued by the Commissioner of the Department of Buildings stating that work was done in compliance with approved construction documents and the Codes.

“Certificate of Occupancy” shall mean a document issued by the City of Mount Vernon certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to and approved by the City of Mount Vernon and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

“Certificate of Tenancy” shall mean a Certificate of occupancy issued by the Commissioner of the Department of Buildings for a tenancy space. The certificate of tenancy is issued to the business owner and authorizes the occupancy of the tenancy space in accordance with such certificate and all applicable codes, rules, and regulations.

[“City” shall mean the City of Mount Vernon.]

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to subdivision A(7)(b) of section 3 of this local law. Code Enforcement Officers are responsible for enforcing the City’s ordinances and property maintenance and fire codes.

“Code Enforcement Personnel” shall include the Code Enforcement Officer and all Inspectors.

“Codes” shall mean the Uniform Code and Energy Code.

“Energy Code” shall mean the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

“FCNYS” shall mean the 2020 New York State Fire Code as currently incorporated by reference in 19 NYCRR Part 1225.

“Fire Inspector” shall be responsible for enforcing the codes related to the proper usage and occupancy as well as codes related to Fire Life safety, egress, fire penetrations, fire stops, fire escapes, membrane structures and fossil burning devices and equipment

“Fire Safety and Property Maintenance Inspection” shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

“Hazardous Production Materials” shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

“Housing Inspector” shall mean a certified enforcement official participating in the inspections of housing and dwelling units to determine and secure compliance with minimum housing standards set by the State and City of Mount Vernon Codes.

“Inspector” shall mean an inspector appointed pursuant to subdivision A(7)(a) of section 3 of this local law.

“Mobile Food Preparation Vehicles” shall mean vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

“Operating Permit” shall mean a permit issued pursuant to section 10 of this local law. The term “Operating Permit” shall also include an Operating Permit that is renewed, amended, or extended pursuant to any provision of this local law.

“Order to Remedy” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 17 of this local law.

“Permit Holder” shall mean the Person to whom a Building Permit has been issued.

“Person” shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

“PMCNYS” shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

“RCNYS” shall mean the 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

“Repair” shall mean the reconstruction, replacement, or renewal of any part of an existing building to maintain it or correct damage.

“Stop Work Order” shall mean an order issued pursuant to section 6 of this local law.

“Sugarhouse” shall mean a building used, in whole or in part, for collecting, storing, or processing maple sap into maple syrup and/or maple sugar.

“Temporary Certificate of Occupancy” shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

“Temporary Certificate of Tenancy” shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS

(A) The Office of Code Enforcement Officer, which consists of the City’s Building Department and Fire Department, has now been created. The Inspector or Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this local law.

The Code Enforcement Officer shall have the following powers and duties:

(1) To receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Tenancy, Certificates of Compliance, Temporary Certificates of Occupancy, Temporary Certificates of Tenancy and Operating Permits, and the plans, specifications, and construction documents submitted with such applications;

(2) Upon approval of such applications which also require the signature of the Commissioner or Deputy Commissioner, to issue Building Permits, Certificates of Occupancy, Certificates of Tenancy, Certificates of Compliance, Temporary Certificates of Occupancy, Temporary Certificates of Tenancy, and Operating Permits, and include in terms and conditions the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Tenancy, Certificate of Compliance, Temporary Certificates of Occupancy, Temporary Certificates of Tenancy and Operating Permits;

(3) To conduct housing inspections, the Housing Inspector will conduct housing and dwelling unit inspections before issuing a Certificate of Occupancy, temporary Certificate of Occupancy inspections, and inspections incidental to investigating housing complaints to determine and secure compliance with minimum housing standards set by the State and City of Mount Vernon codes.

(4) To conduct building inspections, the Building Inspector will do inspections to be made before the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, Temporary Certificates of Tenancy and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this local law;

(5) To issue Stop Work Orders signed by the Commissioner or Deputy Commissioner;

(6) To review and investigate complaints;

(7) To exercise all other powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

(a) The Commissioner of Buildings shall appoint the inspector. The inspector shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training

in-service training, advanced in-service training, and other training as the state of New York shall require for inspectors (code enforcement personnel). The inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

(b) The Commissioner of Buildings shall appoint the Code Enforcement Officer. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel. The Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

(c) If the Inspector or Code Enforcement Officer cannot serve as such for any reason, another individual shall be appointed by the Commissioner of Buildings (a certified enforcement officer) to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

(d) One or more Inspectors or code enforcement officers may be appointed by the Commissioner of Buildings, the lead code enforcement officer for the City, to assist the Code Enforcement Officer and the Deputy Commissioner of Buildings in exercising the powers and fulfilling the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector or code enforcement officer shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and each Inspector or code enforcement officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

(B) To conduct the fire inspection, the Fire Inspector shall have the following Duties:

(1) To inspect new and existing buildings, mobile food preparation vehicles, various structures, sprinkler systems, and alarm systems; conduct plan and specification reviews to ensure compliance with the NYS Uniform Code.

(2) To assist in the Department's public fire safety education and public relations programs; investigate routine complaints of fire/life safety hazards; establish and maintain various records and files on program activities; conduct research and write various reports; and perform related duties as required.

(3) To conduct inspections of new construction and existing buildings to ensure compliance with fire, life safety, and related codes.

(4) To inspect fire escapes, emergency exits, fire and smoke alarms, sprinkler systems, hood systems, and other sophisticated fire protection equipment to verify proper operation and to ensure compliance with applicable codes and standards.

(5) To review plans and specifications for new construction, alterations/additions, and various types of fire protection equipment as part of the permit application process to ensure compliance with applicable codes and regulations.

(6) To confer with architects, engineers, developers, contractors, property owners, and the public on matters related to fire prevention, code enforcement, and hazardous material storage and disposal.

(7) To establish and maintain files and records on inspection activities, programs, and investigations.

(8) To prepare correspondence, research, compile information, and develop various reports.

(9) To receive and process complaints of fire hazards and issue citations as appropriate. Attend training courses to maintain currency in fire prevention and fire and life safety.

(10) To conduct oral presentations and provide information and training on fire prevention, fire, and life safety issues, as well as related codes and ordinances.

(C) The Fire Commissioner / Deputy Fire Commissioner / Chief of Operation /Deputy Fire Chiefs Additional Fire Officers and Firefighters; Fire Dispatchers, who are Certified NYS Code Enforcement Officers, are responsible for

ensuring public safety by identifying and mitigating fire hazards and enforcing fire/safety regulations in the following manner:

- (2) Inspecting buildings: Verifying compliance with fire codes and looking for potential hazards in structures and mobile food preparation vehicles,
- (3) Inspection /Licensing / Permits of Oil burners / Oil Tanks installation and removal,
- (4) Inspection of premises where materials that are potential fire hazards are manufactured or stored to detect the potential for fire and/or explosion,
- (5) Inspecting equipment: Testing fire protection equipment like sprinklers and fire alarms, and inspecting other equipment like air compressors and fuel storage tanks,
- (6) Reviewing documents: Reviewing building plans and emergency evacuation plans,
- (7) Advising: Advising developers or owners about violations and completing follow-up visits,
- (8) Issuance of Annual Operating permits for various occupancies and equipment,
- (9) Maintaining files: Keeping accurate files about inspections, programs, and investigations,
- (10) Inspecting ammunition storage,
- (11) Issuing Blasting permits,
- (12) Issue permits for carbon dioxide systems for beverage dispensing, Commercial garages (auto repair & body shops), gasoline stations, dip tanks/spray booths, dry-cleaning plants and inspect those items for compliance,
- (13) Inspect of maintenance of explosives,
- (14) Inspect nail salons for proper ventilation,
- (15) Inspect Fire protection systems,
- (16) Inspect the installation of sprinkler system, standpipe system,
- (17) Inspect fixed extinguishing system and flammable liquids storage,
- (18) Inspect Installation/modification of equipment,
- (19) Inspection of storage of Class I, Flammable liquids, storage of Class II, Flammable liquids, storage of Class III, Flammable liquids,
- (20) Inspection of testing of storage facilities, hazardous materials storage, industrial ovens,
- (21) Inspect the operation of liquified petroleum gas (LPG),
- (22) Inspect the storage of lumberyard, mobile food preparation vehicles, oil burner equipment,
- (23) Inspect the installation of public garage (1 to 25), Solar Panels,
- (24) Inspect installation self-service gasoline service stations, and
- (25) Inspection welding and cutting activities.

In addition to the tasks enumerated above, the Fire Commissioner / Deputy Fire Commissioner / Chief of Operation /Deputy Fire Chiefs, Additional Fire Officers and Firefighters; Fire Dispatchers, who are Certified NYS Code Enforcement Officers, shall also be responsible for the following:

- a. Issue orders pursuant to subdivision (a) of section 17 (Violations) of this local law signed by the Commissioner or Deputy Commissioner;
- b. Maintain records in the Department of Buildings, the Fire Prevention office, or within the City's digital software system;

- c. Collect fees as set by the City Council;
- d. Pursue administrative enforcement actions and proceedings;
- e. Consult with the Corporation Counsel to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this local law or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this local law; and

SECTION 4. BUILDING PERMITS.

(a) Building Permits Required. Except as otherwise provided in subdivision (b) of this Section, a Building Permit shall be required for any work that must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first obtaining a Building Permit from the City of Mount Vernon.

Building permit applications shall include the following information:

- (1) A topographical survey of the property, including the trees' location, utilities' location, and all site improvements. A survey is not required to apply for interior repairs, window replacements, or re-roofing.
- (2) A topographical survey-plot plan is required for new buildings, additions, decks, and site work-retaining walls and driveways and is to be submitted in addition to the topographical survey. The topographical survey plot plans must show the following:
 - (i) Name of the current owner;
 - (ii) Topography with appropriate contour intervals extended 10' into adjoining property.
 - (iii) Location of buildings, driveways, and any retaining walls, with all dimensions and setbacks, inclusive of all trees on private and public property.
 - (iv) Name the street, with elevations at the center line of the street, including reference grad to curb along the center line of the building and elevation of the lowest finished floor and roof if the roof is flat.
 - (v) Location of utilities in the street and connections to buildings. Must indicate invert and rim elevations at manholes closest to property sidelines.
 - (vi) Drainage system detailing each catch basin, and/or dry wells, and yard drainage, showing finished grade elevations and detailed storm runoff pattern (using drainage arrows.)
 - (vii) Driveway profile from the center line of the street to garage floor or parking space. Must indicate slopes by percent (%) of grade. The driveway profile must indicate the following -"1\4 inch to 1-foot pitch from property line to TOP of street curb." Elevations at center line of street, TOP of curb, and at property line must also be indicated on profile. Where there is no curb, the elevation at the center line of the street is assumed as curb elevation and should be so indicated.

(b) Fire Commissioner / Deputy Fire Commissioner / Chief of Operation /Deputy Fire Chiefs Additional Fire Officers and Firefighters; Fire Dispatchers, who are Certified NYS Code Enforcement Officers, Exemptions. No Building Permit shall be required for work in any of the following categories:

- (1) Construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses), which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 144 square feet,
- (2) Construction of temporary sets and scenery associated with motion picture, television, and theater uses;
- (3) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-

family dwellings (townhouses);

- (4) Installation of partitions or movable cases less than 5'-9" in height;
- (5) Interior Painting and Plastering; and
- (6) Installation of listed portable electrical, plumbing, heating, ventilation, or cooling equipment or appliances.

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category outlined in subdivision (b) of this Section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include information the Code Enforcement Officer deems sufficient to permit the Code Enforcement Officer to determine that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

- (1) a description of the location, nature, extent, and scope of the proposed work;
- (2) the tax map number and the street address of any affected building or structure;
- (3) the occupancy classification of any affected building or structure;

(4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and digital submission of construction documents (drawings and specifications) shall be required, which (i) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of the Codes; (iii) show the location, construction, size, and character of all portions of the means of egress; (iv) show a representation of the building thermal envelope; (v) show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information; (vi) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written statement indicating compliance with the Energy Code; (viii) include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements outlined in paragraph (5) of subdivision (d) of this Section. Construction documents accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing, by stamp, or in the case of electronic media, an electronic marking. The Code Enforcement Officer shall retain one set of the accepted construction documents, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the

proposed work complies with the applicable requirements of the Uniform Code and Energy Code. The Commissioner or one of the Deputy Commissioners of the Department of Buildings shall issue a Building Permit if the proposed work complies with the applicable Uniform Code and Energy Code requirements.

(g) Building Permits to be displayed. Building permits shall be displayed at the work site and remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. All work shall be performed per the construction documents submitted and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within twelve (12) months following the date of issuance. Building Permits shall expire within twelve (12) months after the date of issuance. A Building Permit that has become invalid or expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate, or incomplete information or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall comply with all applicable provisions of the Uniform Code and the Energy Code.

(k) Fee. The fee specified in or determined by the provisions outlined in section 18 (Fees) of this local law must be paid when applying for a Building Permit, an amended Building Permit, or a renewal of a Building Permit.

SECTION 5. CONSTRUCTION INSPECTIONS.

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer, a Building Inspector, or a Fire Inspector, when applicable, authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this Section is ready for inspection.

(b) Elements of work to be inspected. The following aspects of the construction process shall be inspected, where applicable:

- (1) Worksite before the issuance of a Building Permit;
- (2) footing and foundation;
- (3) preparation for concrete slab;
- (4) framing;
- (5) structural, electrical, plumbing, mechanical, fire-protection (sprinkler system-fire stops, fire alarm systems), and other similar service systems of the building;
- (6) fire-resistant construction in conjunction with a Fire Inspector;
- (7) fire-resistant penetrations in conjunction with a Fire Inspector;
- (8) solid fuel burning heating appliances, chimneys, flues, or gas vents in conjunction with a Fire Inspector;

(9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;

(10) installation, connection, and assembly of factor manufactured buildings and manufactured homes; and

(11) A final inspection will be conducted after all work authorized by the building permit has been completed.

(c) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to how the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work has been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

(d) Fee. The fee specified in or determined by the provisions outlined in section 18 (Fees) of this local law must be paid before or during each inspection performed under this Section.

SECTION 6. STOP WORK ORDERS.

(a) Authority to issue. The Commissioner or one of the Deputy Building Commissioners is authorized to issue Stop Work Orders under this Section. The Commissioner and Deputy Commissioner shall issue a Stop Work Order to halt:

(1) Any work that the Code Enforcement Officer determines to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, Building Inspector, or Fire Inspector without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(3) Any work for which a Building Permit is required, performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Commissioner or one of the Deputy Commissioners, (3) state the reason or reasons for issuance, and (4), if applicable, state the conditions that must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

(d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder, and any other Person performing, taking part in, or assisting in the work shall immediately cease all work that is the subject of the Stop Work Order, other than work expressly authorized by the Code Enforcement Officer, Building Inspector or Fire Inspector to correct the reason for issuing the Stop Work Order.

(e) Remedy is not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this Section. The authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 17 (Violations) of this local law or any other applicable local law or State law. Any other remedy or penalty may be pursued at any time, whether before, at the time of, or after a Stop Work Order issuance.

SECTION 7. CERTIFICATES OF OCCUPANCY, CERTIFICATES OF TENANCY, AND CERTIFICATES OF COMPLIANCE

(a) Certificates of Occupancy, Certificates of Tenancy, and Certificates of Compliance are required. A Certificate of Occupancy or Certificate of Compliance shall be required for any work subject to a Building Permit and for all structures, buildings, or portions converted from one use, occupancy classification, or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy, Certificate of Tenancies, or Certificate of Compliance.

(b) Issuance of Certificates of Occupancy, Certificates of Tenancy, and Certificates of Compliance. The Commissioner or one of the Deputy Commissioners of Buildings shall issue a Certificate of Occupancy, Certificate of Tenancy, or Certificate of Compliance if the work that was the subject of the Building Permit was completed by all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification, or subclassification to another complies with all relevant Uniform and Energy Code provisions.

(c) One of the City of Mount Vernon's Building Inspectors certified as code enforcement officers shall inspect the building, structure, or work before the Commissioner or one of the Deputy Commissioners will issue a Certificate of Occupancy, Certificate of Tenancy, or Certificate of Compliance. In addition, where applicable, the following documents, prepared by the provisions of the Uniform Code by such Person or persons as may be designated by or otherwise acceptable to the Commissioner or one of the Deputy Commissioners of Buildings Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Commissioner or one of the Deputy Commissioners of Buildings before the issuance of the Certificate of Occupancy, Certificate of Tenancy, or Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections,
- (2) flood hazard certifications,
- (3) a written statement of the results of tests performed to show compliance with the Energy Code and
- (4) Where applicable, affixing the appropriate seals, insignias, and manufacturer's data plates is required for factory-manufactured buildings and/or homes.

(d) Contents of Certificates of Occupancy, Certificates of Tenancy, and Certificates of Compliance. A Certificate of Occupancy, Certificate of Tenancy or Certificate of Compliance shall contain the following information:

- (1) The Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name (if any), address, and tax map number of the property;
- (4) If the Certificate of Occupancy, Certificate of Tenancy, or Certificate of Compliance does not apply to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the occupant load of the assembly areas in the structure, if any;
- (8) any special conditions imposed in connection with the issuance of the Building Permit and

(9) The signature of the Commissioner or one of the Deputy Commissioners of the Department of Buildings issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.

(e) Temporary Certificate of Occupancy or Temporary Certificate of Tenancy. The Commissioner or one of the Deputy Commissioners of Buildings who are certified as code enforcement officers shall be permitted to issue a Temporary Certificate of Occupancy or Temporary Certificate of Tenancy allowing the temporary occupancy or tenancy of a building or structure, or a portion thereof, before completion of the work which is the subject of a Building Permit. However, in no event shall the Commissioner or one of the Deputy Commissioners of the Department of Buildings issue a Temporary Certificate of Occupancy or Temporary Certificate of Tenancy unless the Commissioner or one of the Deputy Commissioners of the Department of Buildings Code determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy or Temporary Certificate of Tenancy, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means of egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period not to exceed 90 days, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

(f) Revocation or suspension of certificates. If the Commissioner or one of the Deputy Commissioners Department of Buildings determines that a Certificate of Occupancy, Certificate of Tenancy or Certification of Compliance, or a Temporary Certificate of Occupancy or Tenancy was issued in error or based on incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period as shall be specified by the Code Enforcement Officer, the Commissioner or Deputy Commissioner of Buildings shall revoke or suspend such certificate.

(g) Fee. The fee specified in or determined per the provisions outlined in section 18 (Fees) of this local law must be paid when applying for a Certificate of Occupancy, Certificate of Tenancy, Certificate of Compliance, or Temporary Certificate of Occupancy.

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

The City of Mount Vernon Fire Department Chief or designee providing firefighting services for a property within this City shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel-burning appliance, chimney, or gas vent.

SECTION 9. UNSAFE BUILDINGS, STRUCTURES, AND EQUIPMENT AND CONDITIONS OF IMMINENT DANGER

Unsafe buildings, structures, equipment, and conditions of imminent danger in this City shall be identified and addressed in accordance with the procedures established by Chapter 106-1, as now in effect or as hereafter amended from time to time.

SECTION 10. OPERATING PERMITS.

(a) Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any building, structure, or facility listed below:

(1) Manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;

(2) Buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:

- (i) Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;
 - (ii) Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;
 - (iii) Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;
 - (iv) Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;
 - (v) Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;
 - (vi) Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;
 - (vii) Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores more than 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;
 - (viii) Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;
 - (ix) Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;
 - (x) Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;
 - (xi) Section 307, "Open Burning, Recreational Fires, and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;
 - (xii) Section 308, "Open Flames." Removing paint with a torch or using open flames, fire, and burning in connection with assembly areas or educational occupancies;
 - (xiii) Section 319, "Mobile Food Preparation Vehicles." Operating a mobile food preparation vehicle under the permitting requirements as established under Chapter 194 of the City of Mount Vernon Code, entitled "Peddling and Soliciting;" and
- (3) Energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in Section R327.5 of the RCNYS.
 - (4) buildings containing one or more assembly areas;
 - (5) Outdoor events where the planned attendance exceeds 1,000 persons;
 - (6) Facilities that store, handle, or use hazardous production materials;
 - (7) parking garages as defined in subdivision (a) of section 13 of this local law;
 - (8) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the City Council of this City; and

(9) Other processes or activities or for operating any building, structure, or facility as determined by resolution adopted by the City Council of this City.

Any person who proposes to undertake any activity or to operate any building listed in this subdivision (a) shall be required to obtain an Operating Permit before commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Building Inspector or Fire Inspector, whomever is applicable. Such application shall include information the Building Inspector or Fire Inspector deems sufficient to permit a determination by the requisite Inspector, that quantities, materials, and activities conform to the requirements of the Uniform Code. If the requisite Inspector determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such Person or persons as may be designated by or otherwise acceptable to the requisite Inspector at the applicant's expense.

(c) Inspections. City of Mount Vernon Building Inspectors or Fire Inspectors certified as code enforcement officers, or both when necessary, shall inspect the subject premises before issuing an Operating Permit. Such inspections shall be performed in Person. After inspection, the premises shall be noted as satisfactory, and the operating permit shall be issued, or the operating permit holder shall be notified as to how the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

(d) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this Section is to be conducted at a location, City of Mount Vernon Building Inspectors or Fire Inspector, when necessary, certified as code enforcement officers may require a separate Operating Permit for each such activity, or the Building Inspector or Fire Inspector, may, at their discretion, issue a single Operating Permit to apply to all such activities.

(e) Duration of Operating Permits. Operating permits shall be issued for a specified period consistent with local conditions, but in no event to exceed as follows:

- (1) Ninety (90) days for tents, special event structures, and other membrane structures;
- (2) Three (3) years for the activities, structures, and operations determined per paragraph (9) of subdivision (a) of this Section and
- (3) One (1) year for all other activities, structures, and operations identified in subdivision (a) of this Section.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the respective inspectors, who is the Code Enforcement Officer, payment of the applicable fee, and approval of such application by that respective Inspector.

(f) Revocation or suspension of Operating Permits. If the Building Inspector or Fire Inspector determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code. In that case, such an Operating Permit shall be revoked or suspended by the Commissioner of the Department of Buildings, one of the Deputy Commissioners of the Department of Buildings, or the Fire Department Chief when applicable.

(g) Fee. The fee specified in or determined in accordance with the provisions outlined in section 18 (Fees) of this local law must be paid at the time of submission of an application for an Operating Permit, for an amended Operating Permit, or reissue or renewal of an Operating Permit.

SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Building Inspector or the Fire Inspector who is a certified Code Enforcement Officer, where applicable:

- (1) At least once every twelve (12) months for buildings that contain an assembly area;
- (2) At least once every 12 months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and
- (3) At least once every 36 months for multiple dwellings and all nonresidential occupancies.

(b) Inspections permitted. In addition to the inspections required by subdivision (a) of this Section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or any dwelling unit, may also be performed by a Building Inspector or a Fire Inspector authorized to conduct fire safety and property maintenance inspections at any time upon:

- (1) the request of the owner of the property to be inspected or an authorized agent of such owner;
- (2) Receipt by the Building Inspector or Fire Inspector of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist or
- (3) Receipt by the Building Inspector or Fire Inspector of any other information reasonably believed by the to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

However, nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required unless such court order or warrant has been obtained.

(c) OFPC Inspections. Nothing in this Section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b.

Notwithstanding any other provision of this Section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law and/or Section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an Inspector, provided that:

- (1) the Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e)
- (2) the Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;
- (3) such inspections are performed no less frequently than once a year;
- (4) a true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer; and
- (5) upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by section 17 (Violations) of this local law.]

(d) Fee. The fee specified in or determined in accordance with the provisions outlined in section 18 (Fees) of this local law must be paid before or at the time each inspection performed pursuant to this Section.

SECTION 12. COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints that allege or assert the existence of conditions or

activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law Section 267 or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- (a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- (b) if a violation is found to exist, provide the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and the opportunity to abate, correct, or cure the violation, or otherwise proceed in the manner described in section 17 (Violations) of this local law;
- (c) if appropriate, issuing a Stop Work Order;
- (d) if a violation that was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

SECTION 13. CONDITION ASSESSMENTS OF PARKING GARAGES.

(a) Definitions. For the purposes of this Section:

- (1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;
- (2) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;
- (3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:
 - (i) buildings in which the only level used for parking or storage of motor vehicles is on grade;
 - (ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
 - (iii) a townhouse unit with attached parking exclusively for such unit;
- (4) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;
- (5) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.
- (6) the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and
- (7) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(b) Condition Assessments - general requirements. The owner operator of each parking garage shall cause such

parking garage to undergo an initial condition assessment as described in subdivision (c) of this Section, periodic condition assessments as described in subdivision (d) of this Section, and such additional condition assessments as may be required under subdivision (e) of this Section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the City in accordance with the requirements of subdivision (f) of this Section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

(c) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:

(1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.

(2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:

(i) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;

(ii) if originally constructed between January 1, 1984, and December 31, 2002, then prior to October 1, 2020; and

(iii) if originally constructed between January 1, 2003, and August 28, 2018, then prior to October 1, 2021.

(3) Any parking garage constructed before the effective date of the local law enacting this provision that has not undergone an initial condition assessment before that effective date shall undergo an initial condition assessment within six months of the effective date of this local law.

(d) Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed (3) years.

(e) Additional Condition Assessments.

(1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this Section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(2) If the City becomes aware of any new or increased deterioration which, in the judgment of the City indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this Section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the City to be appropriate.

(f) Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the City of Mount Vernon City Engineer, and the Commissioners of the Department of Buildings and Public Works within forty-five (45) days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

(1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;

(2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or

unsafe structure;

- (3) an evaluation and description of the unsafe conditions;
 - (4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;
 - (5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
 - (6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;
 - (7) the responsible professional engineer's recommendation regarding preventative maintenance;
 - (8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and
 - (9) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.
- (g) Review Condition Assessment Reports. The **City** shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the City shall, by Order to Remedy or such other means of enforcement as the City may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This Section shall not limit or impair the right of the City to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.
- (h) The City shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the **City** with a written statement attesting to the fact that he or she has been so engaged, the **City** shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The **City** shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.
- (i) This Section shall not limit or impair the right or the obligation of the **City**:
 - (1) to perform such construction inspections as are required by section 5 (Construction Inspections) of this local law;
 - (2) to perform such periodic fire safety and property maintenance inspections as are required by section 11 (Fire Safety and Property Maintenance Inspections) of this local law; and/or
 - (3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the **City** by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

SECTION 14. CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

(a) The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within this City as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:

(1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;

(2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and

(3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:

- (i) the accompanying Flood Insurance Rate Map (FIRM);
- (ii) Flood Boundary and Floodway Map (FBFM); and
- (iii) related supporting data along with any revisions thereto.

(b) The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this Section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

SECTION 15. RECORD KEEPING.

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

- (1) all applications received, reviewed and approved or denied;
- (2) all plans, specifications and construction documents approved;
- (3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
- (4) all inspections and tests performed;
- (5) all statements and reports issued;
- (6) all complaints received;
- (7) all investigations conducted;
- (8) all condition assessment reports received;
- (9) all fees charged and collected; and
- (10) all other features and activities specified in or contemplated by sections 4 through 14, inclusive, of this local law.

(b) All such records shall be uploaded to the City's electronic database and also be public records open for public

inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

SECTION 16. PROGRAM REVIEW AND REPORTING

(a) The Code Enforcement Officer shall annually submit to Mayor of this City a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 14 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this City on a form prescribed by the Secretary of State, a report of the activities of this City relative to administration and enforcement of the Uniform Code.

(c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials this City is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

SECTION 17: VIOLATIONS

(a) Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by ____ [specify date], which is thirty (30) days after the date of this Order to Remedy.”

The Order to Remedy may include provisions ordering the Person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

(c) Penalties. In addition to such other penalties as may be prescribed by State law,

(1) any Person who violates any provision of this local law or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be punishable by a fine of not more than \$500 per day of violation, or imprisonment not exceeding **15 days**, or both; and

(2) any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to pay a civil penalty of not more than **\$500** for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of this *City*.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of this *City*, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this *City* in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the **City Council** of this *City*

(e) Remedies Not Exclusive. No remedy or penalty specified in this Section shall be the exclusive remedy or remedy available to address any violation described in this Section, and each remedy or penalty specified in this Section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this Section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this Section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this Section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this Section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

SECTION 18: FEES

A fee schedule shall be established by resolution of the City Council of this *City*. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 19. INTERMUNICIPAL AGREEMENTS

The **City Council** of this *City* may, by resolution, authorize the **Mayor** of this *City* to enter into an agreement, in the name of this *City*, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 20. PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such

determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 21. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

LOCAL LAW NO. __ OF 2024

**A LOCAL LAW OF THE CITY OF MOUNT
VERNON, NY ESTABLISHING A LOCAL
GOVERNMENT CODE ENFORCEMENT PROGRAM**

Be it enacted by the City Council of the City of Mount Vernon, New York, in the County of Westchester, as follows:

SECTION 1. PURPOSE AND INTENT

This local law, adopted pursuant to section 10 of the Municipal Home Rule Law, provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in the City of Mount Vernon, New York.

Except as otherwise provided in the Uniform Code, the Energy Code, other state law, or other Sections of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this local law.

SECTION 2. DEFINITIONS

In this local law, the following terms shall have the meanings shown in this Section:

“Assembly Area” shall mean an area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

“Building Inspector” shall mean the building inspector who is a certified code enforcement official responsible for participating in the inspection of building construction and repair for compliance with new and existing Federal, State and City of Mount Vernon Codes.

“Building Permit” shall mean a building permit, construction permit, demolition permit, or other permit that authorizes work performance. The term “Building Permit” shall also include a Building Permit that is renewed, amended, or extended pursuant to any provision of this local law.

“Certificate of Compliance” shall mean a document issued by the Commissioner of the Department of Buildings stating that work was done in compliance with approved construction documents and the Codes.

“Certificate of Occupancy” shall mean a document issued by the City of Mount Vernon certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to and approved by the City of Mount Vernon and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

“Certificate of Tenancy” shall mean a Certificate of occupancy issued by the Commissioner of the Department of Buildings for a tenancy space. The certificate of tenancy is issued to the business owner and authorizes the occupancy of the tenancy space in accordance with such certificate and all applicable codes, rules, and regulations.

[“City” shall mean the City of Mount Vernon.]

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to subdivision A(7)(b) of section 3 of this local law. Code Enforcement Officers are responsible for enforcing the City's ordinances and property maintenance and fire codes.

“Code Enforcement Personnel” shall include the Code Enforcement Officer and all Inspectors.

“Codes” shall mean the Uniform Code and Energy Code.

“Energy Code” shall mean the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

“FCNYS” shall mean the 2020 New York State Fire Code as currently incorporated by reference in 19 NYCRR Part 1225.

“Fire Inspector” shall be responsible for enforcing the codes related to the proper usage and occupancy as well as codes related to Fire Life safety, egress, fire penetrations, fire stops, fire escapes, membrane structures and fossil burning devices and equipment

“Fire Safety and Property Maintenance Inspection” shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

“Hazardous Production Materials” shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

“Housing Inspector” shall mean a certified enforcement official participating in the inspections of housing and dwelling units to determine and secure compliance with minimum housing standards set by the State and City of Mount Vernon Codes.

“Inspector” shall mean an inspector appointed pursuant to subdivision A(7)(a) of section 3 of this local law.

“Mobile Food Preparation Vehicles” shall mean vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

“Operating Permit” shall mean a permit issued pursuant to section 10 of this local law. The term “Operating Permit” shall also include an Operating Permit that is renewed, amended, or extended pursuant to any provision of this local law.

“Order to Remedy” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 17 of this local law.

“Permit Holder” shall mean the Person to whom a Building Permit has been issued.

“Person” shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

“PMCNYS” shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

“RCNYS” shall mean the 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

“Repair” shall mean the reconstruction, replacement, or renewal of any part of an existing building to maintain it or correct damage.

“Stop Work Order” shall mean an order issued pursuant to section 6 of this local law.

“Sugarhouse” shall mean a building used, in whole or in part, for collecting, storing, or processing maple sap into maple syrup and/or maple sugar.

“Temporary Certificate of Occupancy” shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

“Temporary Certificate of Tenancy” shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS

(A) The Office of Code Enforcement Officer, which consists of the City’s Building Department and Fire Department, has now been created. The Inspector or Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this local law.

The Code Enforcement Officer shall have the following powers and duties:

(1) To receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Tenancy, Certificates of Compliance, Temporary Certificates of Occupancy, Temporary Certificates of Tenancy and Operating Permits, and the plans, specifications, and construction documents submitted with such applications;

(2) Upon approval of such applications which also require the signature of the Commissioner or Deputy Commissioner, to issue Building Permits, Certificates of Occupancy, Certificates of Tenancy, Certificates of Compliance, Temporary Certificates of Occupancy, Temporary Certificates of Tenancy, and Operating Permits, and include in terms and conditions the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Tenancy, Certificate of Compliance, Temporary Certificates of Occupancy, Temporary Certificates of Tenancy and Operating Permits;

(3) To conduct housing inspections, the Housing Inspector will conduct housing and dwelling unit inspections before issuing a Certificate of Occupancy, temporary Certificate of Occupancy inspections, and inspections incidental to investigating housing complaints to determine and secure compliance with minimum housing standards set by the State and City of Mount Vernon codes.

(4) To conduct building inspections, the Building Inspector will do inspections to be made before the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, Temporary Certificates of Tenancy and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this local law;

(5) To issue Stop Work Orders signed by the Commissioner or Deputy Commissioner;

(6) To review and investigate complaints;

(7) To exercise all other powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

(a) The Commissioner of Buildings shall appoint the inspector. The inspector shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training in-service training, advanced in-service training, and other training as the state of New York shall require for inspectors (code enforcement personnel). The inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

(b) The Commissioner of Buildings shall appoint the Code Enforcement Officer. The Code Enforcement Officer shall possess background experience related to building

construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel. The Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

- (c) If the Inspector or Code Enforcement Officer cannot serve as such for any reason, another individual shall be appointed by the Commissioner of Buildings (a certified enforcement officer) to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.
- (d) One or more Inspectors or code enforcement officers may be appointed by the Commissioner of Buildings, the lead code enforcement officer for the City, to assist the Code Enforcement Officer and the Deputy Commissioner of Buildings in exercising the powers and fulfilling the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector or code enforcement officer shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and each Inspector or code enforcement officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

(B) To conduct the fire inspection, the Fire Inspector shall have the following Duties:

- (1) To Inspect new and existing buildings, mobile food preparation vehicles, various structures, sprinkler systems, and alarm systems; conduct plan and specification reviews to ensure compliance with the NYS Uniform Code.
- (2) To assist in the Department's public fire safety education and public relations programs; investigate routine complaints of fire/life safety hazards; establish and maintain various records and files on program activities; conduct research and write various reports; and perform related duties as required.
- (3) To conduct inspections of new construction and existing buildings to ensure compliance with fire, life safety, and related codes.
- (4) To inspect fire escapes, emergency exits, fire and smoke alarms, sprinkler systems, hood systems, and other sophisticated fire protection equipment to verify proper operation and to ensure compliance with applicable codes and standards.
- (5) To review plans and specifications for new construction, alterations/additions, and various types of fire protection equipment as part of the permit application process to ensure compliance with applicable codes and regulations.
- (6) To confer with architects, engineers, developers, contractors, property owners, and the public on matters related to fire prevention, code enforcement, and hazardous material storage and disposal.
- (7) To establish and maintain files and records on inspection activities, programs, and investigations.
- (8) To prepare correspondence, research, compile information, and develop various reports.
- (9) To receive and process complaints of fire hazards and issue citations as appropriate. Attend training courses to maintain currency in fire prevention and fire and life safety.
- (10) To conduct oral presentations and provide information and training on fire prevention, fire, and life safety issues, as well as related codes and ordinances.

(C) The Fire Commissioner / Deputy Fire Commissioner / Chief of Operation /Deputy Fire Chiefs Additional Fire Officers and Firefighters; Fire Dispatchers, who are Certified NYS Code Enforcement Officers, are responsible for ensuring public safety by

identifying and mitigating fire hazards and enforcing fire/safety regulations in the following manner:

- (1) Inspecting buildings: Verifying compliance with fire codes and looking for potential hazards in structures and mobile food preparation vehicles,
- (2) Inspection /Licensing / Permits of Oil burners / Oil Tanks installation and removal,
- (3) Inspection of premises where materials that are potential fire hazards are manufactured or stored to detect the potential for fire and/or explosion,
- (4) Inspecting equipment: Testing fire protection equipment like sprinklers and fire alarms, and inspecting other equipment like air compressors and fuel storage tanks,
- (5) Reviewing documents: Reviewing building plans and emergency evacuation plans,
- (6) Advising: Advising developers or owners about violations and completing follow-up visits,
- (7) Issuance of Annual Operating permits for various occupancies and equipment,
- (8) Maintaining files: Keeping accurate files about inspections, programs, and investigations,
- (9) Inspecting ammunition storage,
- (10) Issuing Blasting permits,
- (11) Issue permits for carbon dioxide systems for beverage dispensing, Commercial garages (auto repair & body shops), gasoline stations, dip tanks/spray booths, dry-cleaning plants and inspect those items for compliance,
- (12) Inspect of maintenance of explosives,
- (13) Inspect nail salons for proper ventilation,
- (14) Inspect Fire protection systems,
- (15) Inspect the installation of sprinkler system, standpipe system,
- (16) Inspect fixed extinguishing system and flammable liquids storage,
- (17) Inspect Installation/modification of equipment,
- (18) Inspection of storage of Class I, Flammable liquids, storage of Class II, Flammable liquids, storage of Class III, Flammable liquids,
- (19) Inspection of testing of storage facilities, hazardous materials storage, industrial ovens,
- (20) Inspect the operation of liquified petroleum gas (LPG),
- (21) Inspect the storage of lumberyard, mobile food preparation vehicles, oil burner equipment,
- (22) Inspect the installation of public garage (1 to 25), Solar Panels,
- (23) Inspect installation self-service gasoline service stations, and
- (24) Inspection welding and cutting activities.

In addition to the tasks enumerated above, the Fire Commissioner / Deputy Fire Commissioner / Chief of Operation /Deputy Fire Chiefs Additional Fire Officers and Firefighters; Fire Dispatchers, who are Certified NYS Code Enforcement Officers, shall also be responsible for the following:

- a. Issue orders pursuant to subdivision (a) of section 17 (Violations) of this local law signed by the Commissioner or Deputy Commissioner;
- b. Maintain records in the Department of Buildings, the Fire Prevention office, or within the City's digital software system;
- c. Collect fees as set by the City Council;
- d. Pursue administrative enforcement actions and proceedings;

- e. Consult with the Corporation Counsel to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this local law or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this local law; and

SECTION 4. BUILDING PERMITS.

(a) **Building Permits Required.** Except as otherwise provided in subdivision (b) of this Section, a Building Permit shall be required for any work that must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first obtaining a Building Permit from the City of Mount Vernon.

Building permit applications shall include the following information:

- (1) A topographical survey of the property, including the trees' location, utilities' location, and all site improvements. A survey is not required to apply for interior repairs, window replacements, or re-roofing.
- (2) A topographical survey-plot plan is required for new buildings, additions, decks, and site work-retaining walls and driveways and is to be submitted in addition to the topographical survey. The topographical survey plot plans must show the following:
 - (i) Name of the current owner;
 - (ii) Topography with appropriate contour intervals extended 10' into adjoining property.
 - (iii) Location of buildings, driveways, and any retaining walls, with all dimensions and setbacks, inclusive of all trees on private and public property.
 - (iv) Name the street, with elevations at the center line of the street, including reference grad to curb along the center line of the building and elevation of the lowest finished floor and roof if the roof is flat.
 - (v) Location of utilities in the street and connections to buildings. Must indicate invert and rim elevations at manholes closest to property sidelines.
 - (vi) Drainage system detailing each catch basin, and/or dry wells, and yard drainage, showing finished grade elevations and detailed storm runoff pattern (using drainage arrows.)
 - (vii) Driveway profile from the center line of the street to garage floor or parking space. Must indicate slopes by percent (%) of grade. The driveway profile must indicate the following – "1\4 inch to 1-foot pitch from property line to TOP of street curb." Elevations at center line of street, TOP of curb, and at property line must also be indicated on profile. Where there is no curb, the elevation at the center line of the street is assumed as curb elevation and should be so indicated.

(b) **Fire Commissioner / Deputy Fire Commissioner / Chief of Operation /Deputy Fire Chiefs Additional Fire Officers and Firefighters; Fire Dispatchers, who are Certified NYS Code Enforcement Officers, Exemptions.** No Building Permit shall be required for work in any of the following categories:

- (1) Construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses), which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 144 square feet,
- (2) Construction of temporary sets and scenery associated with motion picture, television, and theater uses;
- (3) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (4) Installation of partitions or movable cases less than 5'-9" in height;
- (5) Interior Painting and Plastering; and

(6) Installation of listed portable electrical, plumbing, heating, ventilation, or cooling equipment or appliances.

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category outlined in subdivision (b) of this Section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include information the Code Enforcement Officer deems sufficient to permit the Code Enforcement Officer to determine that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

(1) a description of the location, nature, extent, and scope of the proposed work;

(2) the tax map number and the street address of any affected building or structure;

(3) the occupancy classification of any affected building or structure;

(4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and digital submission of construction documents (drawings and specifications) shall be required, which (i) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of the Codes; (iii) show the location, construction, size, and character of all portions of the means of egress; (iv) show a representation of the building thermal envelope; (v) show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information; (vi) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written statement indicating compliance with the Energy Code; (viii) include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements outlined in paragraph (5) of subdivision (d) of this Section. Construction documents accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing, by stamp, or in the case of electronic media, an electronic marking. The Code Enforcement Officer shall retain one set of the accepted construction documents, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work complies with the applicable

requirements of the Uniform Code and Energy Code. The Commissioner or one of the Deputy Commissioners of the Department of Buildings shall issue a Building Permit if the proposed work complies with the applicable Uniform Code and Energy Code requirements.

(g) Building Permits to be displayed. Building permits shall be displayed at the work site and remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. All work shall be performed per the construction documents submitted and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within twelve (12) months following the date of issuance. Building Permits shall expire within twelve (12) months after the date of issuance. A Building Permit that has become invalid or expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate, or incomplete information or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall comply with all applicable provisions of the Uniform Code and the Energy Code.

(k) Fee. The fee specified in or determined by the provisions outlined in section 18 (Fees) of this local law must be paid when applying for a Building Permit, an amended Building Permit, or a renewal of a Building Permit.

SECTION 5. CONSTRUCTION INSPECTIONS.

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer, a Building Inspector, or a Fire Inspector, when applicable, authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this Section is ready for inspection.

(b) Elements of work to be inspected. The following aspects of the construction process shall be inspected, where applicable:

- (1) Worksite before the issuance of a Building Permit;
- (2) footing and foundation;
- (3) preparation for concrete slab;
- (4) framing;
- (5) structural, electrical, plumbing, mechanical, fire-protection (sprinkler system-fire stops, fire alarm systems), and other similar service systems of the building;
- (6) fire-resistant construction in conjunction with a Fire Inspector;
- (7) fire-resistant penetrations in conjunction with a Fire Inspector;

- (8) solid fuel burning heating appliances, chimneys, flues, or gas vents in conjunction with a Fire Inspector;
 - (9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
 - (10) installation, connection, and assembly of factor manufactured buildings and manufactured homes; and
 - (11) A final inspection will be conducted after all work authorized by the building permit has been completed.
- (c) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to how the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work has been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.
- (d) Fee. The fee specified in or determined by the provisions outlined in section 18 (Fees) of this local law must be paid before or during each inspection performed under this Section.

SECTION 6. STOP WORK ORDERS.

- (a) Authority to issue. The Commissioner or one of the Deputy Building Commissioners is authorized to issue Stop Work Orders under this Section. The Commissioner and Deputy Commissioner shall issue a Stop Work Order to halt:
- (1) Any work that the Code Enforcement Officer determines to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
 - (2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, Building Inspector, or Fire Inspector without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
 - (3) Any work for which a Building Permit is required, performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.
- (b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Commissioner or one of the Deputy Commissioners, (3) state the reason or reasons for issuance, and (4), if applicable, state the conditions that must be satisfied before work will be permitted to resume.
- (c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.
- (d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder, and any other Person performing, taking part in,

or assisting in the work shall immediately cease all work that is the subject of the Stop Work Order, other than work expressly authorized by the Code Enforcement Officer, Building Inspector or Fire Inspector to correct the reason for issuing the Stop Work Order.

(e) Remedy is not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this Section. The authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 17 (Violations) of this local law or any other applicable local law or State law. Any other remedy or penalty may be pursued at any time, whether before, at the time of, or after a Stop Work Order issuance.

SECTION 7. CERTIFICATES OF OCCUPANCY, CERTIFICATES OF TENANCY, AND CERTIFICATES OF COMPLIANCE

(a) Certificates of Occupancy, Certificates of Tenancy, and Certificates of Compliance are required. A Certificate of Occupancy or Certificate of Compliance shall be required for any work subject to a Building Permit and for all structures, buildings, or portions converted from one use, occupancy classification, or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy, Certificate of Tenancies, or Certificate of Compliance.

(b) Issuance of Certificates of Occupancy, Certificates of Tenancy, and Certificates of Compliance. The Commissioner or one of the Deputy Commissioners of Buildings shall issue a Certificate of Occupancy, Certificate of Tenancy, or Certificate of Compliance if the work that was the subject of the Building Permit was completed by all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification, or subclassification to another complies with all relevant Uniform and Energy Code provisions.

(c) One of the City of Mount Vernon's Building Inspectors certified as code enforcement officers shall inspect the building, structure, or work before the Commissioner or one of the Deputy Commissioners will issue a Certificate of Occupancy, Certificate of Tenancy, or Certificate of Compliance. In addition, where applicable, the following documents, prepared by the provisions of the Uniform Code by such Person or persons as may be designated by or otherwise acceptable to the Commissioner or one of the Deputy Commissioners of Buildings Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Commissioner or one of the Deputy Commissioners of Buildings before the issuance of the Certificate of Occupancy, Certificate of Tenancy, or Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections,
- (2) flood hazard certifications,
- (3) a written statement of the results of tests performed to show compliance with the Energy Code and
- (4) Where applicable, affixing the appropriate seals, insignias, and manufacturer's data plates is required for factory-manufactured buildings and/or homes.

(d) Contents of Certificates of Occupancy, Certificates of Tenancy, and Certificates of Compliance. A Certificate of Occupancy, Certificate of Tenancy or Certificate of Compliance shall contain the following information:

- (1) The Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;

- (3) the name (if any), address, and tax map number of the property;
 - (4) If the Certificate of Occupancy, Certificate of Tenancy, or Certificate of Compliance does not apply to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued;
 - (5) the use and occupancy classification of the structure;
 - (6) the type of construction of the structure;
 - (7) the occupant load of the assembly areas in the structure, if any;
 - (8) any special conditions imposed in connection with the issuance of the Building Permit and
 - (9) The signature of the Commissioner or one of the Deputy Commissioners of the Department of Buildings issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.
- (e) Temporary Certificate of Occupancy or Temporary Certificate of Tenancy. The Commissioner or one of the Deputy Commissioners of Buildings who are certified as code enforcement officers shall be permitted to issue a Temporary Certificate of Occupancy or Temporary Certificate of Tenancy allowing the temporary occupancy or tenancy of a building or structure, or a portion thereof, before completion of the work which is the subject of a Building Permit. However, in no event shall the Commissioner or one of the Deputy Commissioners of the Department of Buildings issue a Temporary Certificate of Occupancy or Temporary Certificate of Tenancy unless the Commissioner or one of the Deputy Commissioners of the Department of Buildings Code determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy or Temporary Certificate of Tenancy, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means of egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period not to exceed 90 days, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.
- (f) Revocation or suspension of certificates. If the Commissioner or one of the Deputy Commissioners Department of Buildings determines that a Certificate of Occupancy, Certificate of Tenancy or Certification of Compliance, or a Temporary Certificate of Occupancy or Tenancy was issued in error or based on incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period as shall be specified by the Code Enforcement Officer, the Commissioner or Deputy Commissioner of Buildings shall revoke or suspend such certificate.
- (g) Fee. The fee specified in or determined per the provisions outlined in section 18 (Fees) of this local law must be paid when applying for a Certificate of Occupancy, Certificate of Tenancy, Certificate of Compliance, or Temporary Certificate of Occupancy.

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

The City of Mount Vernon Fire Department Chief or designee providing firefighting services for a property within this City shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel-burning appliance, chimney, or gas vent.

SECTION 9. UNSAFE BUILDINGS, STRUCTURES, AND EQUIPMENT AND CONDITIONS OF IMMINENT DANGER

Unsafe buildings, structures, equipment, and conditions of imminent danger in this City shall be identified and addressed in accordance with the procedures established by Chapter 106-1, as now in effect or as hereafter amended from time to time.

SECTION 10. OPERATING PERMITS.

(a) Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any building, structure, or facility listed below:

(1) Manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;

(2) Buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:

(i) Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;

(ii) Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;

(iii) Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;

(iv) Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;

(v) Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;

(vi) Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;

(vii) Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores more than 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;

(viii) Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;

(ix) Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;

(x) Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;

(xi) Section 307, "Open Burning, Recreational Fires, and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;

- (xii) Section 308, "Open Flames." Removing paint with a torch or using open flames, fire, and burning in connection with assembly areas or educational occupancies;
- (xiii) Section 319, "Mobile Food Preparation Vehicles." Operating a mobile food preparation vehicle under the permitting requirements as established under Chapter 194 of the City of Mount Vernon Code, entitled "Peddling and Soliciting;" and
- (3) Energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in Section R327.5 of the RCNYS.
- (4) buildings containing one or more assembly areas;
- (5) Outdoor events where the planned attendance exceeds 1,000 persons;
- (6) Facilities that store, handle, or use hazardous production materials;
- (7) parking garages as defined in subdivision (a) of section 13 of this local law;
- (8) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the City Council of this City; and
- (9) Other processes or activities or for operating any building, structure, or facility as determined by resolution adopted by the City Council of this City.

Any person who proposes to undertake any activity or to operate any building listed in this subdivision (a) shall be required to obtain an Operating Permit before commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Building Inspector or Fire Inspector, whomever is applicable. Such application shall include information the Building Inspector or Fire Inspector deems sufficient to permit a determination by the requisite Inspector, that quantities, materials, and activities conform to the requirements of the Uniform Code. If the requisite Inspector determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such Person or persons as may be designated by or otherwise acceptable to the requisite Inspector at the applicant's expense.

(c) Inspections. City of Mount Vernon Building Inspectors or Fire Inspectors certified as code enforcement officers, or both when necessary, shall inspect the subject premises before issuing an Operating Permit. Such inspections shall be performed in Person. After inspection, the premises shall be noted as satisfactory, and the operating permit shall be issued, or the operating permit holder shall be notified as to how the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

(d) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this Section is to be conducted at a location, City of Mount Vernon Building Inspectors or Fire Inspector, when necessary, certified as code enforcement officers may require a separate Operating Permit for each such activity, or the Building Inspector or Fire Inspector, may, at their discretion, issue a single Operating Permit to apply to all such activities.

(e) Duration of Operating Permits. Operating permits shall be issued for a specified period consistent with local conditions, but in no event to exceed as follows:

- (1) Ninety (90) days for tents, special event structures, and other membrane structures;
- (2) Three (3) years for the activities, structures, and operations determined per paragraph (9) of subdivision (a) of this Section and
- (3) One (1) year for all other activities, structures, and operations identified in subdivision (a) of this Section.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the respective inspectors, who is the Code Enforcement Officer, payment of the applicable fee, and approval of such application by that respective Inspector.

(f) Revocation or suspension of Operating Permits. If the Building Inspector or Fire Inspector determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code. In that case, such an Operating Permit shall be revoked or suspended by the Commissioner of the Department of Buildings, one of the Deputy Commissioners of the Department of Buildings, or the Fire Department Chief when applicable.

(g) Fee. The fee specified in or determined in accordance with the provisions outlined in section 18 (Fees) of this local law must be paid at the time of submission of an application for an Operating Permit, for an amended Operating Permit, or reissue or renewal of an Operating Permit.

SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Building Inspector or the Fire Inspector who is a certified Code Enforcement Officer, where applicable:

- (1) At least once every twelve (12) months for buildings that contain an assembly area;
- (2) At least once every 12 months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and
- (3) At least once every 36 months for multiple dwellings and all nonresidential occupancies.

(b) Inspections permitted. In addition to the inspections required by subdivision (a) of this Section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or any dwelling unit, may also be performed by a Building Inspector or a Fire Inspector authorized to conduct fire safety and property maintenance inspections at any time upon:

- (1) the request of the owner of the property to be inspected or an authorized agent of such owner;
- (2) Receipt by the Building Inspector or Fire Inspector of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist or
- (3) Receipt by the Building Inspector or Fire Inspector of any other information reasonably believed by the to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

However, nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required unless such court order or warrant has been obtained.

(c) OFPC Inspections. Nothing in this Section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b.

Notwithstanding any other provision of this Section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law and/or

Section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an Inspector, provided that:

- (1) the Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e)
 - (2) the Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;
 - (3) such inspections are performed no less frequently than once a year;
 - (4) a true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer; and
 - (5) upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by section 17 (Violations) of this local law.]
- (d) Fee. The fee specified in or determined in accordance with the provisions outlined in section 18 (Fees) of this local law must be paid before or at the time each inspection performed pursuant to this Section.

SECTION 12. COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints that allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law Section 267 or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code.

The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- (a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- (b) if a violation is found to exist, provide the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and the opportunity to abate, correct, or cure the violation, or otherwise proceed in the manner described in section 17 (Violations) of this local law;
- (c) if appropriate, issuing a Stop Work Order;
- (d) if a violation that was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

SECTION 13. CONDITION ASSESSMENTS OF PARKING GARAGES.

(a) Definitions. For the purposes of this Section:

- (1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;
- (2) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;
- (3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:

- (i) buildings in which the only level used for parking or storage of motor vehicles is on grade;
 - (ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
 - (iii) a townhouse unit with attached parking exclusively for such unit;
- (4) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;
- (5) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.
- (6) the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and
- (7) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- (b) Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this Section, periodic condition assessments as described in subdivision (d) of this Section, and such additional condition assessments as may be required under subdivision (e) of this Section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the City in accordance with the requirements of subdivision (f) of this Section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.
- (c) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:
- (1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.
 - (2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:
 - (i) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;
 - (ii) if originally constructed between January 1, 1984, and December 31, 2002, then prior to October 1, 2020; and
 - (iii) if originally constructed between January 1, 2003, and August 28, 2018, then prior to October 1, 2021.
 - (3) Any parking garage constructed before the effective date of the local law enacting this provision that has not undergone an initial condition assessment before that effective date shall undergo an initial condition assessment within six months of the effective date of this local law.

(d) Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed (3) years.

(e) Additional Condition Assessments.

(1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this Section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(2) If the City becomes aware of any new or increased deterioration which, in the judgment of the City indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this Section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the City to be appropriate.

(f) Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the City of Mount Vernon City Engineer, and the Commissioners of the Department of Buildings and Public Works within forty-five (45) days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

(1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;

(2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;

(3) an evaluation and description of the unsafe conditions;

(4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;

(5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;

(6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;

(7) the responsible professional engineer's recommendation regarding preventative maintenance;

(8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and

(9) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance

history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.

(g) **Review Condition Assessment Reports.** The **City** shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the City shall, by Order to Remedy or such other means of enforcement as the City may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This Section shall not limit or impair the right of the City to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

(h) The City shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the **City** with a written statement attesting to the fact that he or she has been so engaged, the **City** shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The **City** shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

(i) This Section shall not limit or impair the right or the obligation of the **City**:

(1) to perform such construction inspections as are required by section 5 (Construction Inspections) of this local law;

(2) to perform such periodic fire safety and property maintenance inspections as are required by section 11 (Fire Safety and Property Maintenance Inspections) of this local law; and/or

(3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the **City** by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

SECTION 14. CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

(a) The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within this **City** as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:

(1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;

(2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and

(3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:

- (i) the accompanying Flood Insurance Rate Map (FIRM);
 - (ii) Flood Boundary and Floodway Map (FBFM); and
 - (iii) related supporting data along with any revisions thereto.
- (b) The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this Section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

SECTION 15. RECORD KEEPING.

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

- (1) all applications received, reviewed and approved or denied;
- (2) all plans, specifications and construction documents approved;
- (3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
- (4) all inspections and tests performed;
- (5) all statements and reports issued;
- (6) all complaints received;
- (7) all investigations conducted;
- (8) all condition assessment reports received;
- (9) all fees charged and collected; and
- (10) all other features and activities specified in or contemplated by sections 4 through 14, inclusive, of this local law.

(b) All such records shall be uploaded to the City's electronic database and also be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

SECTION 16. PROGRAM REVIEW AND REPORTING

(a) The Code Enforcement Officer shall annually submit to Mayor of this City a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 14 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this City on a form prescribed by the Secretary of State, a report of the activities of this City relative to administration and enforcement of the Uniform Code.

(c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials this City is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

SECTION 17: VIOLATIONS

(a) Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by __ [specify date], which is thirty (30) days after the date of this Order to Remedy.”

The Order to Remedy may include provisions ordering the Person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

(c) Penalties. In addition to such other penalties as may be prescribed by State law,

(1) any Person who violates any provision of this local law or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be punishable by a fine of not more than \$500 per day of violation, or imprisonment not exceeding **15 days**, or both; and

(2) any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to pay a civil penalty of not more than **\$500** for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of this **City**.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of this **City**, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this **City** in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the **City Council** of this **City**

(e) Remedies Not Exclusive. No remedy or penalty specified in this Section shall be the exclusive remedy or remedy available to address any violation described in this Section, and each remedy or penalty specified in this Section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this Section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this Section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this Section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this Section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

SECTION 18: FEES

A fee schedule shall be established by resolution of the City Council of this **City**. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 19. INTERMUNICIPAL AGREEMENTS

The **City Council** of this **City** may, by resolution, authorize the **Mayor** of this **City** to enter into an agreement, in the name of this **City**, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 20. PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 21. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.



CITY OF MOUNT VERNON, N.Y.

Mayor Office

SHAWYN PATTERSON-HOWARD

Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY, 10550
(914) 665-2362 – Fax: (914) 665-6173

MALCOLM CLARK

Chief of Staff

KHENDRA DAVID

Deputy Chief of Staff

August 14, 2024

City of Mount Vernon, New York
1 Roosevelt Square
Mount Vernon, New York 10550

Through the Office of the City Clerk

Re: Mayor's Message of Necessity – Waiving the Aging Requirement for the Proposed Local Law
Establishing a Local Government Code Enforcement Program

Dear Honorable City Council Members:

As you are aware, at my request, the New York State Department of State, Division of Building Standards and Codes, has been reviewing certain aspects of the City's practices relating to the administration and enforcement of the State Uniform Fire Prevention and Building Code ("Uniform Code"). As a result, on April 15, 2024, I received a letter of notice of certain specific and general deficiencies in the City's administration and enforcement of the Uniform Code, which require prompt corrective action as per the State. The letter also allotted the City one hundred twenty (120) calendar days to demonstrate measurable progress toward addressing and correcting the deficiencies outlined in the State's letter. The letter also requested that the City keep the State informed of its progress toward implementation of the State's action items for correction. We have done so and have met regularly with the State.

One of the critical action items that the State requires of the City is a local law establishing a local government code enforcement program. Over the last several weeks, the Buildings, Fire, and Law Department and I have worked with the State to finalize a proposed local law establishing a local code enforcement program approved by the State this morning.

New York State law allows the City Council to dispense with the local law "aging requirement" if the Mayor certifies that the local law must be passed immediately. Given the one hundred twenty (120) calendar day timeline, I certify that this local law needs to be passed immediately. Therefore, I respectfully request that this Honorable Body dispense with the "aging requirement" and adopt a resolution to set a public hearing for September 11, 2024. Thank you for your consideration.

Very truly yours,

Shawyn Patterson-Howard, MPA
Mayor

"The Jewel of Westchester"

Tanesia:

Please confirm receipt and enter my comments below for the record and distribute to the City Council. A copy is also being sent to the New York State Department of State:

President and Members of the City Council:

First, let me say that this proposed Code Enforcement Program appears to be a step in the right direction for the City, as it is long, long overdue. However, I have several questions/comments regarding same:

1) The New York State Department of State gave the City two (2) full months to respond to its April 15, 2024 critique of the Building Department. Yet, this proposed Code Enforcement Program was unveiled by the Mayor in her letter of August 14, 2024 more than three (3) weeks ago. Now, the public is required to respond within three (3) business days? Why is the period for the public to comment so short? Many residents were not aware of last week's public hearing and, given the length and breadth of the proposed Program's content, more time should have been allotted to comment.

2) New York State's critique contained many more issues to be addressed by the Building Department, as this proposed Code Enforcement Program is merely a start. What are the City's other responses to the State's review? and when will they become available to the public for review?

3) Much of the proposed Code Enforcement Program appears to be a "boiler plate" replica of New York State requirements. Why weren't these requirements memorialized in the City Code months/years before this "new" set of regulations? As the *Journal News* has reported, many Mount Vernon property owners have had to endure unreasonably long periods of response time from the Building Department on closing out Certificates of Occupancy, while others have experienced draconian responses, or worse, unlike the ELEVATE retail cannabis dispensary at 127 South Terrace Avenue, which has been given the equivalent of a "free ride" to this day, as that business still has no permits to operate legally in violation of the City Code.

4) On a positive note, I was pleased to see that the proposed Code Enforcement Program does not include so called "legalization fees", currently in the existing code which, in my view, is nothing more than permission for businesses to operate via a "pay for play" scenario.

5) The key in making this proposed Code Enforcement Program work is the ability of the Building Department to implement it. What benchmarks/safeguards are included to monitor this program such that it really works? That may be a component of the Program that needs further definition by New York State in it ongoing review of the Department.

Thank you.

Vince Ferrandino, AICP
45 Parkway West
Mount Vernon, New York
www.faplanners.com

On Tuesday, September 17, 2024 at 10:35:51 AM EDT, Tanesia M. Walters <twalters@mountvernonny.gov> wrote:

It ends today, please address it to the City Council and forward to me, I will place it on the record.

Kind regards,

Clerk Walters

Tanesia M. Walters, J.D., M.P.A.

City Clerk

1-914-665-2352 – Phone



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From: ferrandino@aol.com <ferrandino@aol.com>

Sent: Tuesday, September 17, 2024 10:26 AM

To: Tanesia M. Walters <twalters@mountvernonny.gov>; Vince Ferrandino <ferrandino@aol.com>

Subject: Re: Proposed Code Enforcement Program/TW

Thank you Tanesia. When does that period end? And to whom should written comments be addressed?

VJF

On Tuesday, September 17, 2024 at 10:21:59 AM EDT, Tanesia M. Walters <twalters@mountvernonny.gov> wrote:

Hello Vince, yes the public hearing is closed and a 3 day calendar period is open for written comments.

Kind regards,

Clerk Walters

Tanesia M. Walters, J.D., M.P.A.

City Clerk

1-914-665-2352 – Phone



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From: ferrandino@aol.com <ferrandino@aol.com>
Sent: Monday, September 16, 2024 6:29 PM
To: Tanesia M. Walters <twalters@mountvernonny.gov>; ferrandino@aol.com
Subject: Re: Proposed Code Enforcement Program/TW

Again, please advise.

Thank you.

VJF

On Saturday, September 14, 2024 at 06:48:39 PM EDT, ferrandino@aol.com <ferrandino@aol.com> wrote:

Good morning Tanesia,

I was out of town last Wednesday and could not attend the public hearing on the proposed Code Enforcement Program Local Law.

Was the hearing closed? And if so, is there a period for additional written comment?

Kindly advise.

Thank you.

VJF



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
FACEBOOK.
COM/MOUNTVERNONNY

File #: TMP -783

Agenda Date: 9/25/2024

Agenda #: 33.

City Council:

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MOUNT VERNON, NEW YORK
RECOGNIZING AND HONORING THE SERVICE OF
BORSELLA & MASTRO AUTO COLLISION SPECIALISTS**

Whereas, the great City of Mount Vernon, NY, joins the community in recognizing and honoring the service of **BORSELLA & MASTRO AUTO COLLISION SPECIALISTS** to the community for eighty-five years; and

Whereas, **BORSELLA & MASTRO AUTO COLLISION SPECIALISTS** is a family-owned and operated auto body business. Its founder, Victor Borsella, emigrated to Mount Vernon, New York from Italy, and in 1924, he married Angelina Borsella. Together they started the auto body business in 1939. At that time, the shop was named Victor Borsella & Son, Incorporated; and

Whereas, **BORSELLA & MASTRO AUTO COLLISION SPECIALISTS** have been known for their skilled and professional work over the decades. They proudly have a reputation for having well-trained technicians with impeccable attention to detail. Stories have been told of how Mount Vernon Police cars would get into car accidents, and Victor Borsella would have the cars fixed before the end of the shift; and

Whereas, when Victor J. Borsella passed away in 1973, his son, Victor J. Borsella, Jr., took over the business, and, together with his mother, Angelina Borsella, and wife, Sharon Borsella, he successfully carried the torch and ran the family business. In 1991, Victor J. Borsella, Jr.'s daughter, Donna Borsella Autieri, and right out of high school, son, Richard Borsella, came on staff to help run the business. In 1996, at the age of ninety, Angelina Borsella passed away; in 1997, Richard Borsella passed away; in 1998, Victor J. Borsella, Jr. passed away, leaving Donna Borsella Autieri as the leader to run the family business. Donna, the third generation of the Borsella family, successfully carries on the business, which continues to grow and maintain its stellar reputation. In 2013, Donna partnered with Dominick Mastrogiacomo and renamed the business **BORSELLA & MASTRO AUTO COLLISION SPECIALISTS**. Mrs. Sharon Borsella, now eighty-five years young, is retired and proudly cheers her daughter, Donna, on from her home in Florida. Donna has two children, John, and Danielle, as well as a sister, Victoria, and niece, Alexandra, who carry on the family legacy; **Now, Therefore, be it**

Resolved, that the City Council joins with the citizens of the City of Mount Vernon, NY, to recognize and honor **BORSELLA & MASTRO AUTO COLLISION SPECIALISTS** for their legacy of exemplary service, commitment, and dedication to our great city for eighty-five

successful years. We wish you many more years.

the great city of Mount Vernon, New York joins the community in recognizing the service of **BORSELLA & MASTRO AUTO COLLISION SPECIALISTS** to the community for eighty-five years; and

WHEREAS, **BORSELLA & MASTRO AUTO COLLISION SPECIALISTS** is a family-owned and operated auto body business. Its founder, Victor Borsella emigrated to Mount Vernon, New York from Italy and in 1924, he married Angelina Borsella. Together they started the auto body business in 1939. At that time, the shop was named Victor Borsella & Son, Incorporated.; and

WHEREAS, **BORSELLA & MASTRO AUTO COLLISION SPECIALISTS** is known for their skilled and professional work over the decades. They proudly carry a reputation for having well-trained technicians who have impeccable attention to detail. Stories have been told of how Mount Vernon Police cars would get into car accidents and Victor Borsella would have the cars fixed before the end of the shift.; and

WHEREAS, When Victor J. Borsella passed away in 1973, his son, Victor J. Borsella, Jr. took over the business and together with his mother, Angelina Borsella, and wife, Sharon Borsella, he successfully carried the torch and ran the family business. In 1991, Victor J. Borsella, Jr's daughter, Donna Borsella Autieri and right out of high school, son, Richard Borsella, came on staff to help run the business. In 1996, at the age of ninety, Angelina Borsella passed away, in 1997, Richard Borsella passed away and then in 1998, Victor J. Borsella, Jr. passed away, leaving Donna Borsella Autieri as the lead to run the family business. Donna, the third generation of the Borsella family, successfully carries on the business, which continues to grow and maintain its stellar reputation. In 2013 Donna went into partnership with Dominick Mastrogiacomo and renamed the business **BORSELLA & MASTRO AUTO COLLISION SPECIALISTS**. Mrs. Sharon Borsella, now eighty-five years young, is retired and proudly cheers her daughter, Donna, on from her home in Florida. Donna has two children, John, and Danielle, as well as a sister, Victoria and niece Alexandra who carry on the family legacy. And **NOW THEREFORE**, be it

RESOLVED, that the City Council joins with the citizens of the City of Mount Vernon, New York, to recognize and honor **BORSELLA & MASTRO AUTO COLLISION SPECIALISTS**, for their legacy of exemplary service, commitment, and dedication to our great city for eighty-five successful years. We wish you many more years.

14th

August, 2024



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
FACEBOOK.
COM/MOUNTVERNONNY

File #: TMP -929

Agenda Date: 9/25/2024

Agenda #: 34.

City Council:

**A RESOLUTION APPOINTING
COMMISSIONERS OF DEEDS
FOR THE CITY OF MOUNT VERNON**

Whereas, under New York State Executive Law §139, the City Council shall, in November in every even-numbered year, by resolution, determine the number of Commissioners of Deeds to be appointed by the City; and

Whereas, Section 14 of the Charter of the City of Mount Vernon, states that the Mayor shall appoint as many Commissioners of Deeds as authorized by the City Council; and

Whereas, the terms of appointment for such Commissioners of Deeds shall be for two (2) years and shall commence from the date of this resolution until the 31st day of December of the next even year; and

Whereas, the City Council has determined that the number of Commissioners of Deeds to be appointed by the Mayor is to be no more than 100; and

Whereas, the Mayor wishes to appoint up to 100 Commissioners of Deeds for the City of Mount Vernon, as indicated in Appendix A; **Now, Therefore, be it**

Resolved, that this City Council does hereby determine the number of Commissioners of Deeds to be no more than 100; and

Resolved that the Mayor has the authority to appoint up to 100 Commissioners of Deeds, as indicated in Appendix A, commencing from the date of this resolution until the 31st day of December of the next even year.

Resolved, this ordinance shall take effect upon its approval by the Board of Estimate & Contract.

APPENDIX A

September 25, 2024

Honorable City Council Members
Mount Vernon City Hall
1 Roosevelt Square
Mount Vernon, NY 10550

Re: Appointment of Commissioners of Deeds

Dear Honorable City Council Members,

I request to appoint the following individuals as Commissioners of Deeds:

1. Taryn Vanderberg, Timekeeper, DPW
2. Dulce Lima, Secretary to Commissioner, Fire Department
3. Janet Lopez, Senior Accountant, Fire Department
4. Gina Donaldson, Secretary to Corporation Counsel
5. Darren Morton, Comptroller
6. Vontoria Roberson, Secretary to Comptroller
7. Jalyce Eugene, Finance and Employee Benefits Specialist, Comptroller's Office
8. Jasmine Isaac-Hodge, Clerk, Police Department
9. Carlton Spruill, Commissioner, Water Department
10. Lisa Copeland, Former City Council Member
11. Patricia Fleming, Secretary to City Clerk
12. Kathleen Walker-Pinckney, Commissioner, Recreation Department
13. Tomeka Graham-Ouattara, Secretary to Commissioner, Planning and Community Development
14. Beverly P. Morris
15. Tonya Bagby
16. Lisa Autieri
17. Rita James
18. Kinverling Molina-Saenz
19. Brenda Gears
20. Antoinette Anderson, Legislative Aide to the City Council
21. Nicole Bonilla, Deputy City Clerk

These individuals will be appointed for a two-year term beginning September 25, 2024, and expiring September 24, 2026. The underlined names are employees of the Mount Vernon City School District.

Sincerely,



Shawyn Patterson-Howard
Mayor, City of Mount Vernon



CITY OF MOUNT VERNON, N.Y.

Mayor Office

SHAWYN PATTERSON-HOWARD

Mayor

City Hall, One Roosevelt Square

Mount Vernon, NY, 10550

(914) 665-2360 – Fax: (914) 665-6173

MALCOLM CLARK

Chief of Staff

KHENDRA K. DAVID

Deputy Chief of Staff

September 24, 2024

Honorable City Council Members

Mount Vernon City Hall

1 Roosevelt Square N

Mount Vernon, NY 10550

Re: Commissioner of Deeds Appointments

Dear City Council Members,

I request to re-appoint the following individuals as Commissioner of Deeds:

1. Taryn Vanderberg, Timekeeper, DPW
2. Dulce Lima, Secretary to Commissioner, Fire Department
3. Janet Lopez, Senior Accountant, Fire Department
4. Gina Donaldson, Secretary to Corporation Counsel
5. Darren Morton, Comptroller
6. Vontoria Roberson, Secretary to Comptroller
7. Jalyce Eugene, Finance and Employee Benefits Specialist, Comptroller's Office
8. Jasmine Isaac-Hodge, Clerk, Police Department
9. Carlton Spruill, Commissioner, Water Department
10. Lisa Copeland, Former City Council Member
11. Patricia Fleming, Secretary to City Clerk
12. Kathleen Walker-Pinckney, Commissioner, Recreation Department
13. Tomeka Graham-Ouattara, Secretary to Commissioner, Planning and Community Development
14. Beverly P. Morris
15. Tonya Bagby
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19. Brenda Gears
20. Antoinette Anderson, Legislative Aide to the City Council
21. Nicole Bonilla, Deputy City Clerk

These individuals will be appointed for a two-year term beginning September 25, 2024, and expiring September 24, 2026. The underlined names are employees of the Mount Vernon City School District.

Sincerely,

Shawyn Patterson-Howard
Mayor, City of Mount Vernon



City of Mount Vernon, New York

Staff Report

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File #: TMP -930

Agenda Date: 9/25/2024

Agenda #: 35.

City Council:

**A RESOLUTION AUTHORIZING THE
APPOINTMENT OF GEETA MORRIS TO THE
CHARTER REVIEW COMMISSION TO FILL A
VACANCY, PURSUANT TO SECTION 268(G)
OF THE MOUNT VERNON CITY CODE**

Whereas, Section 268(G) of the Mount Vernon City Code provides for the fulfillment of any vacancy arising from membership in the Charter Review Commission in the same manner in which that position was initially filled within 15 days from the date the vacancy arose; and

Whereas, a vacancy has arisen on the Charter Review Commission, and it is necessary to fill this vacancy promptly in accordance with the provisions of the City Code; and

Whereas, Geeta Morris has been nominated to serve as a member of the Charter Review Commission, and the City Council of Mount Vernon deems it necessary and appropriate to appoint her to fill the vacancy; and

Whereas, the City Council finds that the appointment of Geeta Morris will contribute to the continued work and mission of the Charter Review Commission in ensuring the integrity and functionality of the City's Charter; **Now, Therefore, Be It**

Resolved, by the City Council of the City of Mount Vernon, New York, as follows:

Section 1. Appointment. The City Council hereby appoints Geeta Morris to the Charter Review Commission to fill the vacancy created, in accordance with Section 268(G) of the Mount Vernon City Code.

Section 2. Terms of Service. Geeta Morris shall serve as a member of the Charter Review Commission for the duration of the current review period or until the City Council takes further action to reconstitute the Commission.

Section 3. Definitions. For purposes of this resolution:

- **“Charter Review Commission”** refers to the body established to review and recommend amendments to the City of Mount Vernon's Charter.
- **“Vacancy”** refers to the unfilled seat on the Charter Review Commission that must be filled in accordance with Section 268(G) of the Mount Vernon City Code.

Section 4. Effective Date. This resolution shall take effect immediately upon its adoption

by the City Council.



CITY OF MOUNT VERNON, NEW YORK
OFFICE OF THE CITY CLERK
ONE ROOSEVELT SQUARE, ROOM 104
MOUNT VERNON, NY 10550

TANESIA M. WALTERS, J.D., M.P.A.
City Clerk

(914) 665-2352
Fax (914) 668-6044
www.cmvny.com

NICOLE J. NONILLA
Deputy City Clerk

September 24, 2024

Honorable City Councilmembers
City Hall
1 Roosevelt Square
Mount Vernon, NY 10550

RE: Charter Review Commission Appointment

Dear Honorable City Council members:

This letter request is in accordance with Section 268 (G) of the Mount Vernon City Code which provides for the fulfillment of any vacancy arising in membership of the commission.

As such, this honorable body is being asked to acquiesce with this section of the City Code which states "Any vacancy that arises in the membership of the Commission shall be filled in the same manner in which that position was originally filled, no more than 15 days from the date that the vacancy arose." The honorable body is being asked to enact legislation to appoint Geeta Morris as a member of the Charter Review Commission.

Should you require any further information for deliberation, please contact me.

Respectfully,

Tanesia M. Walters, J.D., M.P.A.
City Clerk

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CITY CLERK
MOUNT VERNON, NY
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