



Peekskill Business Improvement District
Board of Director's Meeting Minutes
Tuesday, March 2, 2021 @ 6pm
Via ZOOM

Present: Brian Fassett, Larry D'Amico, Cynthia Del Rosario, Ivy Fairchild, Monique Michaels, Lafern Joseph, Matt Rudikoff, Vanessa Agudelo. Exec. Dir. Bill Powers.

Absent: David Kaminsky, Matthew Alexander

Call meeting to order – After the conclusion of the annual meeting, Pres. Fassett called meeting to order at 6:25pm and noted the meeting is being held via zoom.

BID Member Public Comment – There were no BID Member comments.

Request Approval of February 2, 2021 Meeting Minutes – Sec. Joseph made a motion to accept the February 2, 2021 Meeting minutes, seconded by Vice Pres. Del Rosario, all in favor.

2020 Election Committee Report – Brian Fassett

- 2021 ballots were opened via zoom by four members of the Election Committee last night, March 1, 2021 by me, Vice Pres. Cynthia Del Rosario, Board Members Ivy Fairchild and Larry D'Amico.
- Executive Director Bill Powers was on hand to help the committee through the administrative process of verifying property owners and BID commercial tenants.
- He apologized for the poor audio quality at times, but noted the BID was doing the best to adhere to COVID protocols to keep the above mentioned people safe.
- The goal of the Peekskill BID Election Committee is to manage the election process of the board of directors and protect the integrity of the annual elections.
- The BID bylaws state under the election committee section, and I quote: “The committee shall conduct the annual election and shall be the final arbiter as to the validity of any vote cast and the results of the election.”
- Because of COVID safety protocols, the Election Committee decided to substitute the *in person* annual meeting and annual elections with two in-person drop off dates to receive ballots under the same conditions as in the past where voting is done by written ballot *in person*.
- There were a number of irregularities and concerns that we wanted to bring to the board's attention in this year's elections and the decisions we have made in order to protect the integrity of the election process and seat the duly elected board members.
- In total, the following were received: 41 mail-in and walk-in ballots from individual voters and 2 sets of bundled ballots were delivered near the closing of the election: 7 ballots from a new resident of the Lofts on Main (all for Monique Michaels) and 41 ballots from Mr. Arne Paglia.
- There is no provision for any BID member, especially a candidate running for the board, to gather and submit ballots on behalf of others.

- The delivery of the bulk ballots raised concerns so the Election Committee kept them separate from the mail-in and individual walk-in ballots.
- They were also counted and recorded separately.
- About the ballots presented by Mr. Paglia: All of the Property Owner ballots included votes for Mr. Paglia for a property owner seat (21) and 2 write in candidate votes for: Mr. Josh Wu (10) and Ms. Eileen Sullivan (11). There were 15 commercial tenant votes included for Monique Michaels.
- Concern was further heightened when Mr. Paglia forwarded two scanned pieces of paper via email during the ballot count, one for 8 Bank Street which stated, "I Pun Mo Cheng owner and president of Wan Li Realty Inc., hereby designate Josh Wu to serve on the board of directors." Mr. Paglia claimed that this appointed Josh Wu to be the property owner's legal representative to the BID, and by extension and assumption, allowed Mr. Wu to run as a write-in candidate on behalf of Wan Li Realty Inc.
- The Election Committee determined that the wording in the emailed document provided by Mr. Paglia does not in any way shape or form convey entity owner representation to the BID. Furthermore, Mr. Wu does not meet the requirement that the write-in candidate be a property owner with verifiable information through the City of Peekskill database, which is clearly stated on the ballot card. As such, any write-in ballots with Mr. Wu's name were deemed invalid by the Election Committee and voided in accordance with the bylaws.
- The other scanned piece of paper that was forwarded to the Election Committee by Mr. Paglia via email while the ballot count was in progress stated, "I Bruno Gonzalez, owner and President of 916 Peekskill Main Street Realty Inc. hereby designate Eileen Sullivan to serve on the Board of Directors." Mr. Paglia claimed that this appointed Ms. Sullivan to be the property owner's legal representative to the BID, and by assumption and extension allowed Ms. Sullivan to run as a write-in candidate on behalf of 916 Peekskill Main Street Inc.
- It was determined by the Election Committee that the wording in the emailed document provided by Mr. Paglia does not convey in any way shape or form owner representation. Furthermore, Ms. Sullivan does not meet the requirement that the write-in candidate be an eligible property owner with verifiable information through the City of Peekskill database, which is clearly stated on the ballot card.
- As such, any write-in ballots with Ms. Sullivan's name were deemed invalid by the Election Committee and voided.
- There were two batches of ballots delivered in bulk and once the decision was made to void the 41 bulk ballots delivered by Mr. Paglia, the Election Committee decided it was only appropriate and consistent to void all the ballots delivered in bulk and the seven remaining ballots delivered by another individual were also voided.
- As deeply disturbing as this is, there was an eerily similar scenario undertaken by Mr. Paglia and Ms. Sullivan (the former Ms. Warmbrand) in 2018 with the Election Committee voiding bulk ballots submitted by Ms. Sullivan in cooperation with Mr. Paglia.
- In summary, the Election Committee unanimously agreed to forward to the Board for approval

and acceptance of the following election results:

- Here are the verified vote totals for the three open Property Owner Seats: Frank Vasquez with 15 votes, LaFern Joseph with 14 votes, Drew Claxton with 11 votes, David Kaminsky with 11 votes, Arne Paglia with 5 votes
- Here are the verified vote totals of the one open Commercial Tenant seat: Monique Michaels received 12 votes for the open tenant seat.
- Since there was a tie for the third board seat, the BID received word from David Kaminsky that he is withdrawing his name from consideration, which means that Ms. Claxton will serve on the board as a Class A property owner.
- The Election Committee was polled to determine if the Election Report as presented by Pres. Fassett was reflective of their decisions, assessments and results of the 2021 Peekskill BID Board of Elections as outlined. Cynthia Del Rosario said yes; Ivy Fairchild said yes; Larry D'Amico said yes; Matt Rudikoff abstained because he was not present for the ballot count.
- Vice Pres. DelRosario made a motion to accept the results as presented, seconded by Board Member Fairchild.
- Board Member Agudelo asked to open discussion prior to the vote by the Board to accept the results of the election asking numerous questions and making various points. Lengthy discussion ensued. Pres. Fassett reiterated the points made in his report and tried to add clarity where possible. Board Member Michaels asked the Board to read questions that appeared in the chat. Board Member Agudelo asked to see a copy of the ballot count and Pres. Fassett indicated that the count was done live and noted that there was no provision or promise that a video recording would be made or released and that the Election Committee would have to make a decision about releasing the video.
- Pres. Fassett again returned to the motion put forth by Vice Pres. Del Rosario to accept the results as presented, seconded by Board Member Fairchild. Approved by Pres. Fassett, Vice Pres. Del Rosario, Board Members Fairchild, Joseph, Rudikoff, D'Amico; Board Member Michaels votes no, saying there should be an investigation; Board Member Agudelo abstains saying she would need to see the video of the count. Votes passes, 6 yeas -1 nay -1 abstention.

Nomination/Election of Officers for the 2020-2021 year –

- Vice Pres. Del Rosario nominated Brian Fassett to serve as President of the Board. All in favor except Board Member Agudelo who abstained, and stated that she would be abstaining to all the officer nominations. Ms. Michaels also abstained, after verbally voting yes. Approved by Pres. Fassett, Vice Pres. Del Rosario, Board Members Fairchild, Joseph, Rudikoff, D'Amico, Claxton, and Vasquez. Vote passes 9 yeas-2 abstentions.
- Pres. Fassett nominated Cynthia Del Rosario to serve as Vice President of the Board. All in favor, except Board Member Agudelo who abstained. Board Member Michaels also abstained. Approved 9 yeas-2 abstentions.
- Board Member Fairchild nominated Matthew Alexander to serve as Treasurer of the Board. All

in favor, except Board Member Agudelo who abstained. Board Member Michaels also abstained. Approved 9 yeas-2 abstentions.

- Board Member D'Amico nominated LaFern Joseph to serve as secretary of the Board. All in favor, except Board Member Agudelo who abstained. Board Member Michaels also abstained. Approved 9 yeas-2 abstentions.
- Pres. Fassett congratulated the new board members, the re-elected board members and the officers.

Proposal to purchase an additional 24 hanging flower baskets –

- The City has 12 double sided additional pole brackets without flower baskets that they would like to install this spring in the downtown with flower baskets.
- Motion to purchase 24 additional flower baskets @ a sales price of \$129 per basket (instead of \$149) for a total purchase price of \$3,262 including shipping, (for a savings of \$1,200) made by Board Member Del Rosario and seconded by Board Member Drew Claxton, all in favor.

Request motion to permit Executive Director to negotiate contract with Bright Travel not to exceed \$200 per month –

- Board Member Del Rosario, seconded by Board Member Claxton, made a motion to permit Executive Director Powers to enter into a contract with Bright Travel not to exceed \$200 per month. All in favor.

Request to allocate up to \$5,000 to Peekskill IDA business attraction marketing RFP –

- Board Member Rudikoff gave some background information regarding \$30K that has been set aside by the Peekskill IDA for an RFP to attract new business to Peekskill and why the BID would contribute \$5K more towards the initiative.
- Motion moved by Sec. Joseph, seconded by Vice Pres. Del Rosario, all in favor, except Board member Claxton who recuses herself because she also serves on the PIDA Board, so she abstained.

Harriet Tubman Statue: Review & Next Steps –

- Sec. Joseph provided a synopsis of the panel discussion involving living descendants of noted abolitionists.
- The live panel discussion attracted 150 participants.
- The entire Harriet Tubman initiative was a huge success and she would like to see the BID do something similar every year during Black History Month and should consider doing an event around Juneteenth Celebration.

- Pres. Fassett presented Sculptor Wessley Wofford's clay mock-up, "Beacon of Hope" which can be purchased and customized for each community interested in purchasing the sculpture. He said it starts out as green and transitions to gold at the top.
- The sculpture is priced at \$150,000 and it would require some significant fundraising. Some discussion ensued about how to raise the funds and whether the BID could better use funds, how close the nearest version to Peekskill would be, and whether there would be support from the City Council.
- Pres. Fassett said he will invite Odyssee Wofford to the next Board meeting to make a presentation.
- Pres. Fassett would like to involve the local artists in the customization.

2021 Summer Events –

- Vice Pres. Del Rosario corrected the agenda subject to say it should read Fall Events
- gave a brief overview of a large event concept that is being discussed and if and how the BID could collaborate with the event organizers who are looking to potentially combine the original Nashkill event with the BID's planned Harvest Festival in October.
- The BID could do the outdoor music and event and the other organizers could handle multiple indoor venues.
- Concerns were raised about where the COVID numbers would be in the fall.
- Musician cancellation clauses would be included just in case the event has to be canceled due to COVID.
- Vice Pres. Del Rosario will send out the page summary submitted by the event organizers and if there is interested she will invite them to the next Board meeting to make a fuller presentation.

Executive Director's Report – Bill Powers

Farmers Market Update:

- Expect most vendors to return, new ones to be added
- Planning to open Saturday June 5 pending city council approval of the permit
- Planning to increase individual booth fees by \$5 for each booth

BID Renewal:

- Since February was a busy month, there is nothing new to report on the BID renewal

Miss New York Competition:

- Since New York State is opening entertainment venues, the Miss New York Competition will be coming back to Peekskill the last weekend in May to the Paramount.

- The chamber and the BID are working with the group again and will arrange for contestants to do photo ops and meet and greets around the downtown as they did in 2019.
- The Miss New York Competition brings a lot of people to the city, though there may be some limitations because of COVID.

BID Member Public Comment –

- Pres. Fassett opened the floor to BID Member comments.
- Board Member Agudelo asked a number of questions related to the ballot count in support of her concerns about the number of ballots that were deemed invalid and advocated for going back to the people who voted and ask them to verify their ballot and stated that she did not think the BID was keeping the integrity of the balloting process. Pres. Fassett stated that he has done everything to maintain the integrity of the vote.
- Board Member Agudelo further claimed that there is voter suppression being conducted since 41 ballots are being tossed out.
- BID Members Arne Paglia and Bob Scher questioned the vote and objected to the committee's findings. Mr. Scher stated that it was immaterial whether he filled out the ballot that was submitted with his registration card. Members of the Election Committee took exception to that comment, noting that it was a valid concern who filled out the ballot and Mr. Scher stated, "We'll see what the state attorney general has to say."
- Members of the Election Committee Fairchild and Del Rosario explained the reasoning behind why 41 ballots delivered in bulk by one candidate which appeared manufactured and packaged raised a red flag of concern for the committee.
- Board Member Michaels asked where it says in the bylaws that bulk ballots cannot be delivered together by one person. Her feedback about the BID was "really bad and they don't even want to be part of the BID because they're Spanish or they've written letters and they don't get responses." Pres. Fassett denied that and asked that she bring anyone forward who the BID has not responded to.
- Board Member Agudelo stated she would have preferred to have the BID reach out the the 41 BID members whose ballots were thrown out.
- Board Member Agudelo put forth a motion to further investigate into the election and check with the 41 people who voted whose ballots were invalidated. Seconded by Board Member Michaels. Two yeas (Michaels, Agudelo), three no's (Fassett, Fairchild, D'Amico), two abstentions (Rudikoff, Joseph), three did not vote (Vasquez, Claxton, Del Rosario). Board Member Agudelo stated, "it is very sad that we want to disenfranchise [voters]"
- Sepp Spenlinhauer voiced support for Pres. Fassett and stated that he was offended by the comments criticizing Pres. Fassett, further stating that Pres. Fassett helped make the BID function in a way that it wasn't before. (interrupted multiple time by Mr. Scher)
- Board Member Agudelo stated that she did not need Mr. Scher to speak for her, and that no one is condemning Pres. Fassett and stated that she appreciates all the work he has done on the BID.

- BID Member Paglia urged all Board Members and City Hall to view the video of the counting of the ballots, that the election did not go in the direction that it was expected to go; he asked to have his three votes and Mr. Scher's vote to be counted that he delivered. He charged that the Election Committee changed the rules as it went along and that the Committee keeps changing the rules. He stated that he was elected along with Josh Wu and Eileen Sullivan to the Board. He claimed the vote count was arbitrary and capricious and that the vote count “did not come out the way you wanted it to.”
- Pres. Fassett in response to a question from Board Member Agudelo stated that there were 41 ballots counted and 41 invalidated. Board Member Agudelo stated that was a lot—half. Board Member Agudelo stated that with 161 property owners in the BID, the 41 ballots represented a third [sic] of the BID members.
- Board Member Fairchild stated that she did not think we should be deciding which ballots should be included in the count on a piecemeal basis after Mr. Paglia asked to have his three ballots counted in the vote tally and that of Mr. Scher's.
- Pres. Fassett stated the Election Committee has the final say and that the Committee worked very hard last night and the Committee decided to invalidate the bulk-delivered votes.
- Board Member Fairchild took exception to Board Member Agudelo's comments that the Election Committee is disenfranchising BID members and she stated that she doesn't have a desire to do that. She added that this has happened before, and she said we should work to keep the integrity of the process in the future.
- Board Members Agudelo and Michaels suggested there be an investigation after Mr. Egatz stated that there should be one.
- There were additional discussions about past elections and similar issues.
- Board Member Agudelo asked to put another motion forward to have the 41 people whose votes were deemed invalid to recast their votes.
- Exec. Dir. Powers was asked if Board Member Agudelo could put forth another motion, he stated that the Election Committee has the final say on the validity of the ballots count, that the vote tally was presented and accepted by the Board; he added that Board Member Agudelo could put forth another resolution.
- Exec. Dir. Powers stated that there is nothing in the bylaws to do a re-vote.
- Board Member Agudelo asked to put forth another resolution to put the election results on hold until the BID reaches out to the 41 BID members whose votes were deemed invalid asking them to reaffirm their votes and then reflect them in the official tally.
- Pres. Fassett in response to Board Member Fairchild's question if Board Member Agudelo's motion is valid because the Board had already voted to accept the vote tally, said he would accept Ms. Agudelo's motion as valid. Board Member Michaels seconded the motion, two in favor, two opposed, and the motion was interrupted again. Mr. Paglia stated there is no need to recast the ballots, the Board Members should just look at the ballot count video. He said there was fraud alleged for no other reason that a lot of people voted.

- Mr. Powers stated that the board members were invited to join the vote count by Zoom and none did; Board Member Agudelo stated she had a conflict with her City Council Meeting and Board Member Michaels said she had been on the Zoom meeting and asked Mr. Powers to note that.
- Board Member Fairchild checked Roberts Rules and stated that the motion is improper and she will not vote on this resolution.
- Board Member Agudelo then asked if “we” can go back to the Attorney General's Office to get further clarity if there are concerns that this is improper, then the BID should reach out to an entity to guide us to make sure that the integrity of the Board and the election are kept. Pres. Fassett stated that the BID can reach out to an entity. Board Member Agudelo said she would reach out to the Attorney General and Pres. Fassett asked for a vote to ask Exec. Dir Powers to also reach out to the AG's office. Fassett, Del Rosario, D'Amico, Fairchild, Joseph, Rudikoff, Agudelo, Claxton, Vasquez in favor, Michaels abstain.

Adjournment into Executive Session to discuss contract negotiations. Board Member Fairchild made a motion to go into executive session to discuss contract negotiations, seconded by Vice Pres. Del Rosario, all in favor.

Meeting adjourned at 8:08pm