



COMMON COUNCIL MEETING

Common Council Chambers

Monday, July 1, 2019

6:30 p.m.

I. ROLL CALL

II. REVIEW OF MINUTES:

Common Council Meeting of March 4, 2019

III. READING OF ITEMS by the City Chamberlain of any resolutions not listed on the printed agenda.

IV. PUBLIC PARTICIPATION: Three (3) minutes per person up to 45 minutes of public comment on any agenda and non-agenda item.

V. CHAIRWOMAN'S COMMENTS AND PRESENTATIONS:

VI. MAYOR'S COMMENTS:

VII. MOTIONS AND RESOLUTIONS:

1. Resolution R19-56, approving a CFA application.
2. Resolution R19-57, supporting the City of Poughkeepsie's CFA application for the Climate Smart Communities Program.
3. Resolution R19-58, supporting the city's litigation involving opioid cost recovery and public nuisance.

VIII. ORDINANCES AND LOCAL LAWS:

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. FROM BFJ, a presentation regarding the LWRP update.
2. A communication regarding a proposed standstill agreement with Bow Tie cinemas.

X. UNFINISHED BUSINESS:

XI. NEW BUSINESS:

XII. ADJOURNMENT:

R-E-S-O-L-U-T-I-O-N
(R19-56)

INTRODUCED BY COUNCILMEMBER SALEM

WHEREAS, the City of Poughkeepsie has received several requests to support and endorse applications of several Not-for-Profit organization under the Consolidated Funding Application (CFA) in addition to its own applications; and

WHEREAS, the City of Poughkeepsie has reviewed these request in conjunction with its overall goal of advancing its Comprehensive Plan, Main Street Economic Development Strategy, Waterfront Revitalization Strategy and increasing the sustainability of its community resources needed to support such strategies; and

WHEREAS, the City of Poughkeepsie is committed to advancing its economic development strategy through ongoing collaboration with other governmental units and private partners; and

WHEREAS, an important component of any economic development strategy is the simultaneous strengthening of the City's Not-for-Profit organizations that provide the local economy with public goods that generate positive externalities; and

WHEREAS, the Common Council of the City of Poughkeepsie is desirous of lending its support and endorsement to applicants that have been deemed to support its underlying mission; and

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Common Council of the City of Poughkeepsie wholeheartedly support and endorse the following applications under the Consolidated Funding Application (CFA) and make a finding that such applications advance the city's approved economic development strategies:

1. Family Services, Inc. – New York State Homes and Community Renewal NY Main Street Anchor Program for the renovation to the theater and gymnasium including improvements to seats and lighting, replacing windows and other upgrades needed to sustain and expand community programing.
2. Barrett Arts Center – New York State Council on the Arts Workforce Investment Program to hire a new, part-time Programs Manager (grant period: two years) to provide leadership and coordination for BAC exhibitions, education and public programs.
3. Barrett Arts Center – Office of Parks, Recreation and Historic Preservation Environmental Protection Fund (EPF) to address critical preservation and accessibility issues at Barrett House. Roof restoration and fire safety

improvements will stabilize the building; a historically sensitive accessibility ramp will improve community access to our 1840s triple-landmark brick townhouse, art exhibitions, archives, and public programs.

4. Fall Kill Creative Works – New York State Council on the Arts Workforce Investment Program. Fall Kill Creative Works, fka Mid-Hudson Heritage Center, has run programs on Main Street since 2010 using primarily volunteer help. Currently, Fall Kill Creative Works has a core staff of 3 part-time employees. Funds from the CFA will be used to move at least one staff member to full-time status.
5. Mid-Hudson Children’s Museum – Empire State Development Market New York Program Tourism Capital tract. MHCM seeks funding to support ongoing expansion plans for the museum.
6. Walkway Over the Hudson – New York State Office of Parks, Recreation and Historic Preservation for the West Side Parking and Accessibility Improvement Project, which will enhance and improve accessibility to the Hudson valley Rail Trail, the Walkway Over the Hudson and the Empire State Trail.
7. Walkway Over the Hudson – New York State Office of Parks, Recreation and Historic Preservation for the Lighting the Walkway project, which will fund lighting to the walkway and structure of the pedestrian bridge.
8. City of Poughkeepsie – Office of Parks, Recreation and Historic Preservation for Fall Kill Creek Project. Project will entail planning and feasibility of trail and physical improvements to Malcolm X Park.
9. City of Poughkeepsie – Empire State Development Market New York Program to support ongoing branding and marketing efforts related to PKGO.

BE IT FURTHER RESOLVED, that the Mayor is and hereby shall do all things necessary to give effect to the resolution including but not limited signing any document needed for submission or acceptance.

SECONDED BY: _____.

R-E-S-O-L-U-T-I-O-N

(R19-57)

INTRODUCED BY COUNCILMEMBER SALEM

WHEREAS, the City of Poughkeepsie hereby requests financial assistance from the New York State Climate Smart Communities Grant Program pursuant to Environmental Conservation Law Article 54 Title 15.

WHEREAS, the City of Poughkeepsie certifies that, pursuant to the requirements of Environmental Conservation Law Article 54 Title 15, \$100,000.00 of matching funds will be budgeted and appropriated in the city's general fund as part of the 2020 Budget.

NOW, THEREFORE,

BE IT RESOLVED, that the City of Poughkeepsie hereby authorizes Planning Director Natalie Quinn, an official or employee, to act on its behalf in submittal of an application through the Consolidated Funding Application for \$100,000.00, to be used for the City of Poughkeepsie Comprehensive Plan and city-wide zoning code update project.

BE IT FURTHER RESOLVED, that the Mayor is and hereby shall do all things necessary to give effect to the resolution including but not limited signing any document needed for submission or acceptance.

SECONDED BY: _____.

R- E- S- O- L- U- T- I- O- N
(R19-58)

INTRODUCED BY CHAIRWOMAN FINNEY:

WHEREAS, addiction to and abuse of opioids is one of the greatest challenges facing the City of Poughkeepsie not unlike other urban areas through the country; and

WHEREAS, a cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioids were sold, distributed and prescribed in the City of Poughkeepsie over the past several years, a practice that continues today; and

WHEREAS, the selling distribution and prescribing of large amounts of opioids in the City has created a public health and safety hazard affecting the residents of the City. The crisis has devastated families, wreaked havoc on our economy, cost the City hundreds of thousands of dollars and produced a generation of narcotic dependence.

WHEREAS, as a result of the opioid epidemic, cost related to healthcare, family and social services, criminal justice, addiction and rehabilitation, and many other areas have significantly increased with many of these costs being paid by the CITY; and

WHEREAS, the purpose and intent of this legislation is to allow the City of Poughkeepsie to recover these costs, despite the existence of the common-law municipal cost recovery rule and declare the opioid epidemic and its effects on the City a public nuisance; and

WHEREAS, specifically, the City provides services related to the opioid epidemic, which are funded by tax revenues. This legislation clarifies that reimbursement may be sought for the costs of providing such services, whenever practicable, from the responsible party. To accomplish this, the City establishes this cost recovery procedure and declares the opioid epidemic and its effects on the City a public nuisance.

WHEREAS, pursuant to 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council hereby adopts the City “**OPIOID COST RECOVERY AND PUBLIC NUISANCE LEGISLATION**” as follows:

**CITY OF POUGHKEEPSIE OPIOID COST RECOVERY AND PUBLIC
NUISANCE LEGISLATION**

1. Definitions.

- a. Costs: means all expenditures related to the opioid epidemic that directly or indirectly arise from the City of Poughkeepsie's response to a responsible party's action or inaction.
- b. Responsible Party: means any person or corporation whose negligence, intentional, or otherwise wrongful conduct causes the incident resulting in the City incurring costs or who is found liable or made responsible by a court for the costs incurred by the City in the form of damages, regardless of the cause of the action.

2. Governmental function cost recovery.

The City of Poughkeepsie may recover the costs of governmental functions related to opioids marketed, sold, manufactured, dispensed, prescribed, and/or distributed by the Responsible party. If a Responsible Party fails to pay the costs demanded, the City may initiate and recover costs through administrative, civil, and/or criminal action against the Responsible Party. In that case, the City may also recover attorney's fees, interest, and any other payment or type of damages the court deems proper.

3. Effect of criminal or civil proceedings on governmental function cost recovery.

The initiation of administrative or civil proceedings for governmental function cost recovery does not bar the criminal prosecution of a responsible party for any associated violation. Similarly, criminal prosecution does not bar civil collection of costs for the violation giving rise to the criminal prosecution.

4. The City of Poughkeepsie finds and declares the following:

- a. That addiction to and abuse of opioids is one of the greatest challenges facing the City;
- b. A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioid pain pills were sold, distributed and prescribed in the City over the past several years which practice continues today;
- c. There is evidence showing that approximately four in five heroin users began their addiction by first using and then misusing prescription pain medications containing opioids;
- d. The Selling, distributing, and prescribing of large amounts of opioid pain pills in the City of Poughkeepsie has created a public health and safety hazard affecting the residents of the City, resulting in devastation to City families, a negative effect on the City's economy, wasted public resources, and a generation of narcotic dependence;
- e. That selling, distributing, and prescribing of prescription opioid pain pills is a hazard to public health and safety, which has created a public nuisance

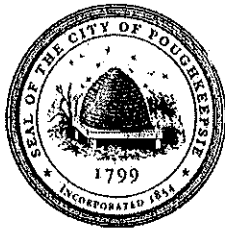
to the residents of the City of Poughkeepsie, and said nuisance remains unabated;

- f. That, in addition to all other powers and duties now conferred by law upon the City of Poughkeepsie, the City is authorized to enact legislation, issue orders, and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or casue to be abated anything which the Common Council determines to be a public nuisance;
- g. That manufacturers of prescription opioids and those in the chain of distribution have wrongfully abused the privilege of selling and/or providing medication to our residents and must be held accountable; and
- h. That it is the duty of the City of Poughkeepsie to vindicate the rights of the residents of the City of Poughkeepsie and take action to abate this public nuisance.

5. Retroactive application

This legislation applies retroactively.

SECONDED BY COUNCILMEMBER _____ .



**CITY OF POUGHKEEPSIE
BUILDING, PLANNING AND ZONING DEPARTMENT**

62 Civic Center Plaza
Poughkeepsie, NY 12601
Phone: (845) 451-4055 Fax: (845) 451-4059

MEMORANDUM

To: Common Council
From: Paul Hesse, Community Development Coordinator
Date: July 1, 2019
Re: Common Council LWRP Update Briefing

On July 1, 2019, consultants from BFJ Planning and city staff will give a briefing to the Council regarding the LWRP update project. The briefing will focus on the status of the State Environmental Quality Review, an updated timeline for the project, updated survey results, additional public outreach taking place and next steps. Materials on these items are included in your packet.

We have also prepared a new draft based on comments received from members of the Waterfront Advisory Committee, members of the Common Council, members of the Historic District and Landmarks Preservation Commission, Dutchess County Planning and members of the public. For your convenience, we have posted a "redlined" version of the document so that you can see changes that have been made since the May 1, 2019 version, and we have also posted a "clean" version of the document for easier readability. Because of the size of each document, we've chosen not to include a printed version in your packets. However, if any member of the Common Council wishes to have a printed version, please let me know and I can provide that. Below are links to the two drafts:

Redlined version:

http://cityofpoughkeepsie.com/wp-content/files/lwrp/2019-07-01_PoughkeepsieLWRP_redlined.pdf

Clean version:

http://cityofpoughkeepsie.com/wp-content/files/lwrp/2019-07-01_PoughkeepsieLWRP_clean-compressed.pdf

Each document is posted in the documents page of the project website:

<http://cityofpoughkeepsie.com/lwrpupdate/documents/>

Regards,
Paul

What is an LWRP?

Project Overview

The City of Poughkeepsie is updating its Local Waterfront Revitalization Program (LWRP). The updated LWRP will reflect changes that have occurred in the Waterfront Revitalization Area since the City last adopted an LWRP in 1999, incorporate recommendations of recent planning efforts, and address resilience to flooding and sea level rise, principles of sustainable planning and smart growth, and strategies to boost economic development for the City.

What purpose does the LWRP serve?

1. Tool for the Waterfront Advisory Committee (WAC) to evaluate development projects in the waterfront area.
2. If accepted by NYS DOS, LWRP policies give the City jurisdiction over actions by State and Federal agencies.
3. Increases likelihood of the City receiving grant funding from NYS for projects identified in the plan.

Summary of the Process

Input from members of the community is critical to developing a Waterfront Plan that is reflective of the aspirations and priorities of the City!

The 12-month process began with a kick-off meeting with the LWRP Working Group in early October 2018. The process included monthly Working Group Meetings, quarterly briefings with the Waterfront Advisory Committee, and multiple briefings of the Common Council. Public workshops were held on December 5th at the Mid-Hudson Heritage Center and March 7th at the Mid-Hudson Children's Museum. A public survey was administered online and via hard-copies for 6 weeks in March/April 2019. Stakeholder focus group meetings were held with representatives of local community groups that have been active in planning for revitalization and environmental improvements of the Hudson River and Fall Kill.

The Preliminary Draft LWRP was distributed to the Common Council on May 1, 2019. There is still plenty of time for additional feedback and revisions! This toolkit will be available throughout the summer of 2019. Stay-tuned for more information about a public hearing, potentially in the fall of 2019.

Visit us online to review the full Draft LWRP, learn about prior public outreach, and for more information:

cityofpoughkeepsie.com/lwrupdate/

City of Poughkeepsie

Local Waterfront Revitalization Program (LWRP) Proposed LWRP Projects Toolkit

We need to hear from you!

This toolkit includes an outline of potential projects to be included in the City's LWRP. Some of these were included in the City's 1999 LWRP, but many of them were developed during this LWRP process. The purpose of including projects in the LWRP is to:

- Highlight the City's priorities for improving conditions in the waterfront area.
- Demonstrate community support, which makes the City will be more likely to receive state or federal grant funds to implement the LWRP.
- Projects included in the LWRP still need to go through their own approvals process.

This Toolkit is designed to continue the conversation about potential LWRP projects so that your ideas and concerns about the Poughkeepsie waterfront are heard.

When you have completed your conversations, please send it to us by **August 15, 2019** so we can include your feedback in the final plan.

Mail to:

Paul Hesse
Poughkeepsie City Hall
62 Civic Center Plaza
Poughkeepsie, NY 12601

Take a photo with your smartphone and e-mail to:

phesse@cityofpoughkeepsie.com



Get Started!

Proposed LWRP Projects

Proposed Hudson River Projects

1. Complete sections of the Hudson River Greenway Trail
 - Kaal Rock Connector
 - Public Waterfront Access as Part of Future Redevelopment of the Former DeLaval Site
 - Extend Walkway through Central Hudson Property
2. Improve Facilities at Parks in the Waterfront Area
3. Mid-Hudson Children's Museum Expansion and Upper Landing Park
4. Redevelop the Former YMCA Site on Montgomery Street for Recreation, Education, and Cultural Uses
5. Explore Opportunities to Implement Recommendations of the 2015 Waterfront Redevelopment Strategy
6. Create a New Skate Park Near Eastman Park

Proposed Harbor Management Projects

1. Develop a Strategy to Encourage Motorized Boating in the Southern Waterfront and Non-Motorized Boating in the Northern Waterfront
2. Explore Potential to Create a New Deepwater Pier at the Southern Waterfront
3. Improve Sites in the Northern Waterfront for Non-Motorized Boating
4. Encourage Incorporation of New Water Dependent Uses with Future Waterfront Development
5. Improve Edge Conditions on the Hudson River Waterfront

Which of these projects do you think will have the greatest benefit for Poughkeepsie's Hudson River and Fall Kill waterfronts?

Proposed Fall Kill Projects

1. Support the Ongoing Efforts of Community Organizations to Improve the Fall Kill Area
2. Support Efforts of the Northside Collaborative to Implement Components of the Creek Concept Plan
3. Conduct a Hydrological Engineering Analysis of the Fall Kill
4. Design and Implement Improvements to Malcolm X Park
5. Identify and Support Opportunities to Create Publicly Accessible Spaces along the Fall Kill Creek

Proposed Area-Wide Projects

1. Implement Complete Streets Connectivity and Safety Improvements to Create an All Ages, All Abilities Transportation/Recreation Network
2. Water Quality – Study, Monitor and Encourage Best Management Practices
3. Prioritize Litter Clean-Up and Implement Education Programs to Ensure the Ongoing Cleanliness of the LWRP Area
4. Create an Inter-municipal Agreement within the Fall Kill Creek Watershed to Protect Water Quality and Natural Resources
5. Identify Locations for Green Infrastructure Demonstration Projects
6. Prepare a Landscape Management Study
7. Prepare a Habitat Management Study

Are there any ideas missing that you would like to see included as a project in the LWRP?

Environmental Assessment Form Part 3 Attachment

Introduction

The proposed action considered in the Environmental Assessment Form (EAF) Parts 1, 2, and 3 and contemplated in the attachment to the EAF Part 3 is the adoption of the City of Poughkeepsie Local Waterfront Revitalization Program (LWRP). Adoption of the LWRP will not result in any direct construction or development.

The Poughkeepsie Common Council reviewed all the questions in Part 2 of the Full EAF with respect to the proposed action. Questions 1, 4-12, and 14-18 showed no impact. Questions 2, 3, and 13 showed no or small impacts (including potentially beneficial impacts). To supplement those questions in the EAF Part 2 which elicited a "yes" response, this Part 3 attachment provides additional information below. In each case, the potential impact from the adoption of the proposed action is considered small to moderate, and in many cases the impacts are expected to be beneficial to the environment and the City's waterfront.

General Impacts of the LWRP

The focus of the Poughkeepsie LWRP is on improving public recreation, expanding public access to the Fall Kill, and improving environmental conditions in the City's waterfront area. The proposed LWRP is not anticipated to affect the City's protection of natural and man-made resources such as fish and wildlife habitats, air and water quality, historic and scenic resources, and sensitive areas such as steep slopes, wetlands, and floodplains. Thus, the LWRP is not expected to have an adverse impact on the environment. There are no proposed zoning changes in the LWRP. Therefore, no major changes to land uses are anticipated to occur as a result of implementation of the LWRP.

Once the LWRP is adopted, any Type 1 or Unlisted action under SEQRA is required to be reviewed by the lead agency for consistency with the coastal policies and the projects contained within the LWRP. In order to ensure local consistency with the LWRP, the lead agency's determination of consistency may be made with the benefit of an advisory recommendation of consistency from an advisory committee. The City of Poughkeepsie currently has a Waterfront Consistency Review law, with a Waterfront Advisory Committee providing advisory recommendations of consistency.

The LWRP includes 23 proposed projects in four categories, outlined as follows:

Proposed Hudson River Projects

The LWRP includes six Hudson River projects which are primarily aimed at improving existing waterfront parks and recreation assets, expanding the city's waterfront walkway, upgrading existing cultural facilities in the area, and promoting economic revitalization near the train station. These enhancements are not expected to result in significant adverse environmental impacts and may generate beneficial impacts through opportunities to increase public access to the Hudson River, improve upon existing cultural facilities, and increase the tax base by boosting the economic near the train station.

Proposed Harbor Management Projects

The LWRP includes five harbor management projects aimed at enhancing waterside public access, expanding recreational boating opportunities, and reducing boating conflicts to enhance navigational safety. Implementation of these projects is not expected to result in significant adverse environmental impacts and may generate beneficial impacts by enhancing water safety.

Proposed Fall Kill Projects

The LWRP includes five projects in the Fall Kill area. The Fall Kill was not included in the City's 1998 LWRP and these projects acknowledge work done in recent years by community organizations to build awareness about the creek within the City. The projects are aimed at the need for expanded waterfront access to the Fall Kill, water quality improvements, and upgraded/improved public parks and open space. These enhancements are not expected to result in significant adverse environmental impacts and may generate beneficial impacts through opportunities to increase public access to the Fall Kill, improving water quality, and addressing flooding impacts.

Proposed Area-Wide Projects

Finally, the LWRP includes seven projects that are area-wide, meaning that they would impact the entire Waterfront Revitalization Area. These projects seek to improve pedestrian and bicyclist safety, improve water quality and other environmental issues (including coordinating with other jurisdictions upstream), promote green infrastructure, and explore strategies to improve landscaping and habitat outcomes. These enhancements are not expected to result in significant adverse environmental impacts and may generate beneficial impacts through opportunities to increase bikeability and walkability, improve water quality, and improve environmental and habitat conditions.

Any specific actions to undertake these proposed projects would be subject to an environmental review under SEQRA.

Criteria for Determining Significance

The City of Poughkeepsie Common Council reviewed all the questions in Part 2 of the Full Environmental Assessment Form. Questions 1, 4-12, and 14-18 showed no impact. Questions 2, 3, 13 showed potentially beneficial impacts. In addition, the Common Council reviewed the criteria listed in Section 617.7 of the SEQRA law, outlined below.

(1) To determine whether a proposed Type I or Unlisted action may have a significant adverse impact on the environment, the impacts that may be reasonably expected to result from the proposed action must be compared against the criteria in this subdivision. The following list is illustrative, not exhaustive. These criteria are considered indicators of significant adverse impacts on the environment:

- (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;*

The proposed action is adoption of a community plan, not a construction or infrastructure project. Therefore this criterion is not applicable.

- (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;*

The proposed LWRP update is intended to promote protection of vegetation, wildlife, habitat areas, and other natural resources. No adverse impacts to these resources would result from adoption of the LWRP. Implementation of LWRP Policies and Projects would provide beneficial impacts to these resources.

- (iii) *the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617. 14(g) of this Part;*

There are no Critical Environmental Areas within or adjacent to the Poughkeepsie Waterfront Revitalization Area; no adverse impacts to these resources are anticipated from adoption of the LWRP.

- (iv) *the creation of a material conflict with a community's current plans or goals as officially approved or adopted;*

The proposed LWRP is consistent with the City's Comprehensive Plan. The LWRP is also consistent and supportive of the City's 2015 Waterfront Redevelopment Strategy, which seeks to encourage waterfront access, promotion of a waterfront walkway, and economic development near the Train Station.

- (v) *the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;*

The proposed LWRP update is intended to promote protection of important historical, archeological, architectural or aesthetic resources and existing community and neighborhood character. No adverse impacts to these resources would result from adoption of the LWRP.

- (vi) *a major change in the use of either the quantity or type of energy;*

The proposed action is adoption of a community plan, not a construction or infrastructure project. Therefore this criterion is not applicable.

- (vii) *the creation of a hazard to human health;*

The proposed action is adoption of a community plan, not a construction or infrastructure project. Therefore this criterion is not applicable.

- (viii) *a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;*

The proposed LWRP proposes improvements to open space and recreational resources, including expanded waterfront access to the Hudson River and the Fall Kill; however, these improvements are not anticipated to result in a substantial change in the use or intensity of use of land within the Village.

- (ix) *the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;*

The proposed action is adoption of a community plan, not a construction or infrastructure project. Therefore this criterion is not applicable. One of the goals of the LWRP is to expand access to the City's coastal recreational resources, which is consistent with other local community plans and the goals of the New York State Coastal Management Program.

- (x) *the creation of a material demand for other actions that would result in one of the above consequences;*

The proposed action is adoption of a community plan, not a construction or infrastructure project. Therefore this criterion is not applicable.

- (xi) *changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or*

The Common Council has considered the various potential elements of the environment identified in Section 617.7(c). The Council does not envision any combined impacts resulting in a significant adverse impact on the environment.

- xii) *two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.*

The Common Council is not aware of any other action, when undertaken with this one, which would result in a cumulative significant adverse impact on the environment.

(2) For the purpose of determining whether an action may cause one of the consequences listed in paragraph (1) of this subdivision, the lead agency must consider reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions which are:

(i) included in any long-range plan of which the action under consideration is a part;

(ii) likely to be undertaken as a result thereof; or

(iii) dependent thereon.

The Common Council is not aware of any other future plans that when combined with this impact would have a significant adverse impact on the environment.

Summary

The Common Council finds that the proposed action to update the City of Poughkeepsie LWRP will not have a significant adverse impact on the environment.

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]

Project :

Date :

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>				☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☐	☐		
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☐		
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☐	☐		
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☐	☐		
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☐		
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☐		
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☐	☐		
h. Other impacts: _____		☐	☐		

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☐ NO ☒ YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ Kaal Rock Connector has been designed to minimize impacts on the cliff face and Hudson River. If it proceeds, it will be subject to its own environmental review.	E2g	☒	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☒	☐
c. Other impacts: _____ _____		☐	☐

3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☐ NO ☒ YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☒	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☒	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☒	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☒	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☒	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☒	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☒	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☒	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☒	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☒	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☒	☐

l. Other impacts: <u>The LWRP recommends a hydrological study of the Fall Kill to evaluate water flow, flood impacts, climate change impacts, and structural conditions</u>	☒	☐
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts: _____		☐	☐

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____ _____		☐	☐
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6. Impacts on Air The proposed action may include a state regulated air emission source. ☒ NO ☐ YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____ _____		☐	☐

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☒ NO ☐ YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☐	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☐	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☐	☐
j. Other impacts: _____		☐	☐

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☒ NO ☐ YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☐ ☐	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____		☐	☐

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical 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.	E3e	☐	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☐	☐

d. Other impacts: _____		☐	☐
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____		☐	☐

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____		☐	☐

13. Impact on Transportation The proposed action may result in a change to existing transportation systems. ☐ NO ☒ YES (See Part 1. D.2.j) <i>If "Yes", answer questions a - f. If "No", go to Section 14.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☒	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☒	☐
c. The proposed action will degrade existing transit access.	D2j	☒	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☒	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☒	☐
f. Other impacts: <u>The LWRP recommends improvements to pedestrian and bicycle safety.</u>		☒	☐

14. Impact on Energy The proposed action may cause an increase in the use of any form of energy. ☒ NO ☐ YES (See Part 1. D.2.k) <i>If "Yes", answer questions a - e. If "No", go to Section 15.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____			

15. Impact on Noise, Odor, and Light The proposed action may result in an increase in noise, odors, or outdoor lighting. ☒ NO ☐ YES (See Part 1. D.2.m., n., and o.) <i>If "Yes", answer questions a - f. If "No", go to Section 16.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☐	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☐	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☐	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____ _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>				☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐		
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐		
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐		
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐		
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	☐	☐		
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐		
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐		
h. Other: _____		☐	☐		

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>				☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐		
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐		
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐		
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐		
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐		
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐		
g. Other impacts: _____		☐	☐		

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See Part 3 Attachment for Additional Information.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
Draft Local Waterfront Revitalization Program dated July 2019

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
City of Poughkeepsie Common Council as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: City of Poughkeepsie Local Waterfront Revitalization Program

Name of Lead Agency: City of Poughkeepsie Common Council

Name of Responsible Officer in Lead Agency: Paul Hesse

Title of Responsible Officer: Community Development Coordinator

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person:

Address:

Telephone Number:

E-mail:

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

Full Environmental Assessment Form

Part 3 - Evaluation of the Magnitude and Importance of Project Impacts

and

Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See Part 3 Attachment for Additional Information.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status:

☒ Type 1
☐ Unlisted

Identify portions of EAF completed for this Project:

☒ Part 1
☒ Part 2
☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
Draft Local Waterfront Revitalization Program dated July 2019

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
City of Poughkeepsie Common Council as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: City of Poughkeepsie Local Waterfront Revitalization Program

Name of Lead Agency: City of Poughkeepsie Common Council

Name of Responsible Officer in Lead Agency: Paul Hesse

Title of Responsible Officer: Community Development Coordinator

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person:

Address:

Telephone Number:

E-mail:

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**Poughkeepsie LWRP
Public Survey Response Summary
Survey Monkey: February 18-April 15, 2019**

Demographics

- Total survey responses – 605
 - Residents – 72%
 - Elsewhere in Dutchess County – 20%
 - Elsewhere in Hudson Valley – 5%
 - Other – 3%
 - Mostly out of state
- 47% of respondents work in Poughkeepsie, 15% elsewhere in Dutchess County.
- A large majority of respondents get to the waterfront by car (89%).
- There was a good age distribution among survey respondents. The largest cohort of those who responded were 55-64 (21%), followed by 35-44 (21%), and 25-34 (20%). The split of respondents over 45 (51%) and under 45 (49%) was almost even.
- Most who took the survey have a high level of educational attainment. 38% reported having a college degree and 35% have a graduate school degree.
- Poughkeepsie residents who took the survey are long-time residents (35% reported having lived in the City for more than 21 years).
- Household income among those who responded varied, but the majority of respondents reported earning over \$75,000 (57%).
- 90% of respondents were white, 4% black/African American, 7% Hispanic/Latino (other races accounted for 5% based on “select all that apply”).

Hudson River

- Most people use the Hudson River waterfront for passive recreation (75%).
 - Most describe using the waterfront for running, walking, dining, and attending events.
- Those who don't visit the waterfront say:
 - The lack of a continuous path makes it difficult to spend significant time enjoying the waterfront. The Walkway over the Hudson offers a better way to enjoy the views and the river for now.
 - Unaware of what's available.
 - The southern waterfront is not pedestrian accessible (not comfortable).
 - Safety/security concerns.
- Facilities that need improvement on the Hudson River waterfront:
 - Passive recreation (73%) – additional walkways and pedestrian infrastructure; tourist information; need for additional seating; more points of access; more park areas;
 - Active recreation (49%) – activities for kids; performing and visual arts venue; new skatepark; separate bike path; bike lockers and racks; waterfront basketball/playground; educational activities;

- Boating (38%) – more fishing, fishing dock, kayaking, boat launches; public dock for boaters who want to visit especially at boat ramp; all abilities kayak access; more boat racing/shows;
- Fishing (32%) – additional fishing docks or designated area for fishing;
- Other (28%) – need new bathrooms; expand dining options; event space; take advantage of natural amphitheater; better parking; security; cleanliness; handicap accessible improvements needed; additional landscaping; an anchor at the southern end of the waterfront to balance the draw of the walkway; additional lighting; community center.

Fall Kill

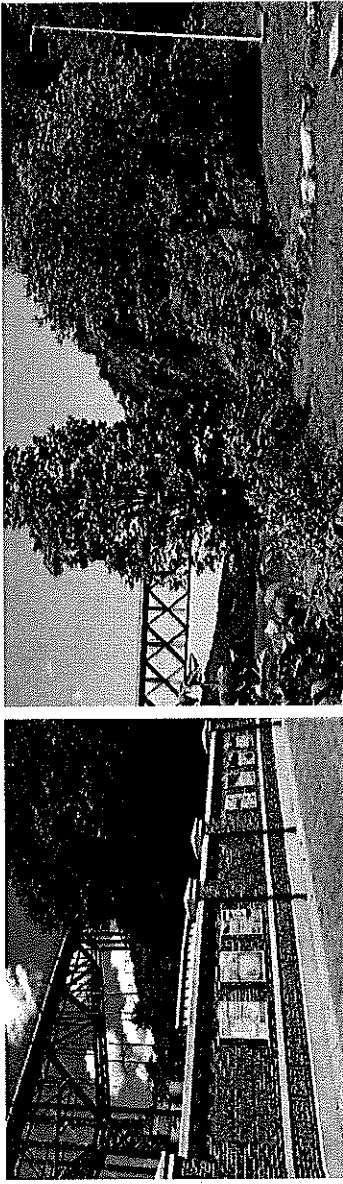
- Majority of people (79%) taking the survey knew where the Fall Kill Creek is located, but most reported not participating in activities at the Creek (59%).
 - Those who participate in activities along the Fall Kill described mostly passive recreation activities such as nature walks, biking, hiking, photography, classes, and visiting Upper Landing Park and the waterfall. Others also noted visiting the Fall Kill for fishing, creek clean-up activities and bird watching.
 - Others indicated being involved with community programs such as the YCC clean-up of the creek, eel monitoring program, and BioBlitz with the Coop.
- Respondents described the Fall Kill using both negative and positive terms. Among the negative associations were: dirty, litter, garbage, polluted, smells, and neglected. Others indicated that it was difficult to find, unknown, inaccessible, hidden and underutilized. Positive descriptions included: beautiful, historic, potential, calming, habitat for wildlife, visual charm, good area and important.
- The top improvements to the Fall Kill according to respondents were:
 1. Public access (80%)
 2. Improved bicycle/pedestrian access (71%)
 3. Water quality improvements (63%)
 4. Fix walls (62%)
 5. Improve drainage during flood events (50%)
- Many commented that clean-up and litter removal at the Fall Kill is a priority.

Area Wide

- The most utilized park was Waryas Park, though most respondents indicated that they go to the parks listed “a few times a year” or “rarely or never.”
- The highest rated park was Upper Landing Park.
- Respondents indicated that the highest priority for improving access to the waterfront was completing the Hudson River waterfront trail (83%).
- Comments indicated a need for parking, non-motorized boating, seating by the river, leisure activities open to the public, smaller parks along the river, increase number of visitors.
- Respondents indicated that the most pressing environmental issue is litter/waste (36%), followed by protection of open space (24%), and water quality (23%).

City of Poughkeepsie
LWRP

- Flooding is an issue at the following locations:
 - Arnold Road/Kingston and Arnold
 - Fulton Road
 - Waryas Park
 - Dongan Square
 - Along Fall Kill
 - Riverfront, Ice House, Upper Landing, Waryas Park, including the Children's museum parking lot during high tide/storms
 - Smith Street
 - Route 9
 - Catharine Street at Fall Kill
 - Madison and Conklin
 - Spratt Park
 - South Grand Avenue
 - North Hamilton Street
 - Hamilton Street at the Creek
 - Lilling Road
 - Monell Avenue near the ponds
- Themes from other comments included:
 - Planning for families with children is important, and safety and security should be a priority.
 - Integrating Route 9 will make the waterfront more accessible.
 - Concerns that the proposed three story Bonura project on the DeLaval site will block views for Hudson Pointe and the hospital.
 - Desire to keep open space free to the public. Comments about avoiding the 'privatization' of the waterfront with uses that would require you to pay.
 - Intermunicipal efforts are needed to improve the watershed.
 - Beautification of the waterfront.
 - Improve public access to the waterfront.



City of Poughkeepsie Local Waterfront Revitalization Program (LWRP)

Common Council Briefing

July 1, 2019



Tonight's Objectives

- 1 Project Overview and Process
- 2 LWRP Contents
- 3 Today's Action and Next Steps
- 4 Questions

Introductions

City of Poughkeepsie

Paul Hesse, Community Development Coordinator
Natalie Quinn, Planning Director
Jim Nelson, Waterfront Advisory Committee

Dutchess County

Heather LaVarnway, Senior Planner

Planning Team

BFI Planning



CSA GROUP
EST. 1956

Introductions

Mayor Rob Rolison

Poughkeepsie Common Council

Ann Finney

Christopher D. Petsas

Sarah A. Salem

Lorraine Johnson

Sarah Brannen

Yvonne Flowers

Natasha Cherry

Randall A. Johnson II

Matthew McNamara

Waterfront Advisory Committee

James Nelson

Harvey Flad

Europa McGovern

Mike Young

Nancy Dingee

Cornelia "Lia" Harris

Terriciensa Brown

Agenda

1. LWRP Overview
2. SEQRA Process
3. Additional Public Outreach
4. Next Steps

What is a Local Waterfront Revitalization Program?

Program sponsored by the New York State Department of State (NYS DOS)

- Locally prepared land and water use plan.
- Addresses opportunities to improve natural, public, commercial, or developed waterfront areas.
- Organizational structure, local laws, projects, and ongoing partnerships to implement the land and water use plan.
- Coordinates state and federal actions needed to help the community achieve its vision.

What is a Local Waterfront Revitalization Program?

What purpose does the LWRP serve?

1. Tool for the Waterfront Advisory Committee (WAC) to evaluate *consistency* of development projects in the waterfront area.
2. If accepted by NYS DOS, LWRP *policies* give the City jurisdiction over actions by State and Federal agencies.
3. Increases likelihood of the City receiving grant funding from NYS for *projects* identified in the plan.

New York State Environmental Quality Review Act (SEQRA)

EAF Part 1: Project Description

- Common Council reviewed the Part 1 EAF and adopted a resolution declaring intent to be Lead Agency on May 6.

EAF Part 2: Identification of Potential Project Impacts

- Identifies environmental resources that may be impacted by the proposed action.

EAF Part 3: Evaluation of Project Impacts and Determination of Significance

- Determination that the action either:
 - Does have a significant adverse impact on the environment (Positive Declaration), or
 - Does not have a significant adverse impact on the environment (Negative Declaration).
- Includes a description to justify the determination.

New York State Environmental Quality Review Act (SEQRA)

Common Council received the Part 1 EAF on May 6.

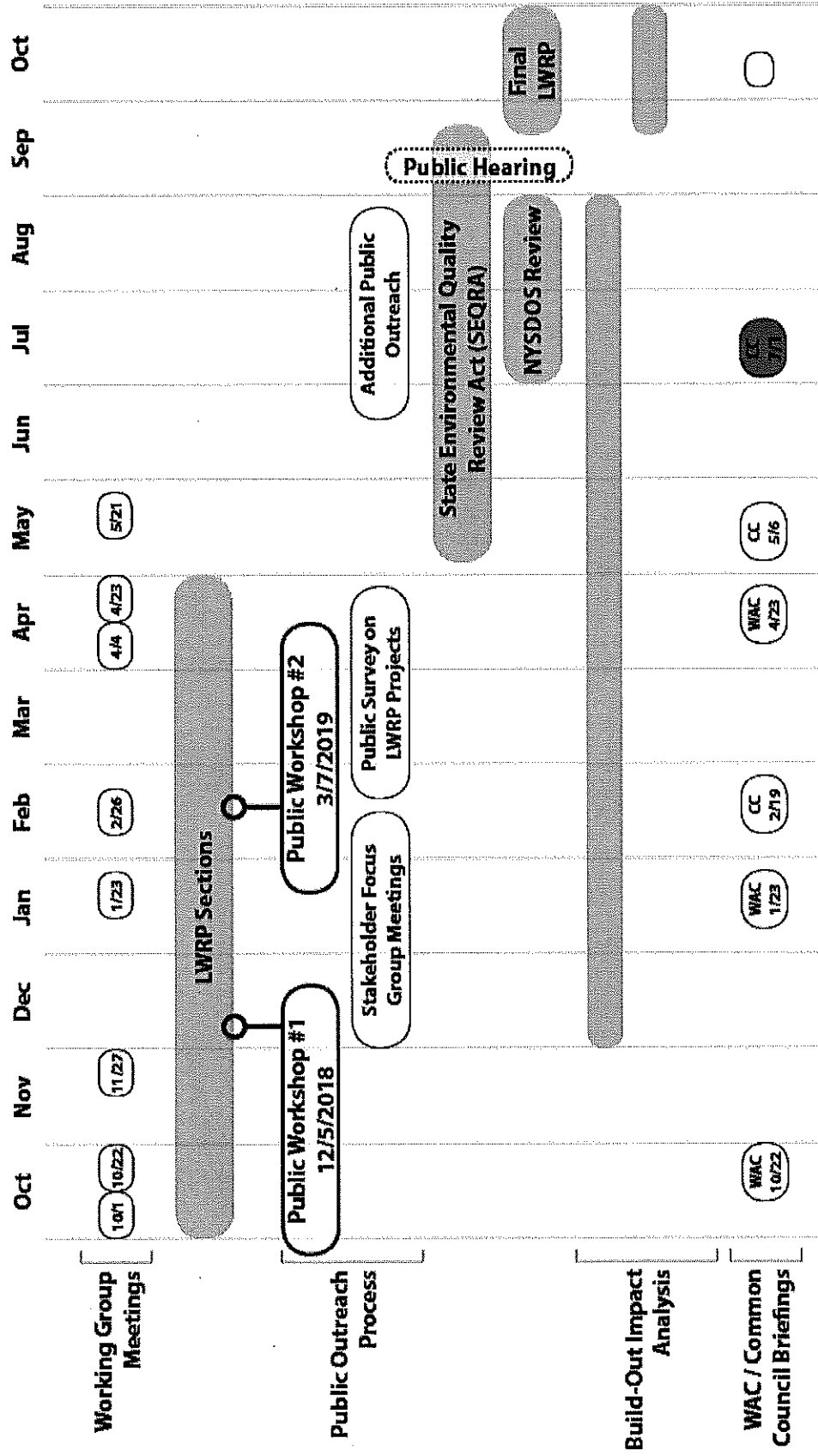
Packet for tonight's meeting (July 1) includes both the Part 2 and the Part 3 for review.

Council could choose to act on the Part 3 (Determination of Significance) tonight, or could wait until after a public hearing is held.

- Note on the Determination of Significance:

- The LWRP does not include any zoning changes.
- Actions recommended by the LWRP must comply with SEQRA—even if the Council determines that the LWRP will not have a significant adverse impact on the environment.

Project Timeline



Public Outreach Update

Two Public Workshops

- December 5, 2018
- March 7, 2019

Public Survey

- February 18 – April 15
- 605 Responses

Stakeholder Meetings

- Major property owners
- Fall Kill Stakeholders
- Northside Collaborative
- Environmental Stakeholders

Common Council Briefings

- February 19, 2019
- April 23, 2019
- May 6, 2019
- July 1, 2019

Waterfront Advisory Committee Briefings

- October 23, 2018
- January 23, 2019
- April 23, 2019

Public Outreach Update

Public Survey

- Revised results including data from hard copies.

Additional Summer Outreach

- Project toolkit.
- Large scale boards for public events.
- Drafts on the City website.

<http://cityofpoughkeepsie.com/lwrpupdate/>



Next Steps

- 5/6: Resolution of Intent to be Lead Agency; EAF Part 1; Preliminary Draft LWRP distributed to Involved and Interested Agencies.
- May/June: Revise LWRP per comments from CC and Involved and Interested Agencies.
- 7/1: Council receives revised draft LWRP and EAF Part 2 and Part 3.
- July/August: NYS DOS Review.
- July/August: Additional public outreach.
- September: LWRP Public Hearing.
- October: Final revisions based on Public Hearing comments and adoption of the LWRP.

<http://cityofpoughkeepsie.com/lwrpupdate/>



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, March 3, 2019 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL- All Present

II. REVIEW OF MINUTES:

CCM December 3, 2018						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Salem	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Chairwoman Finney	Voter	☒	☐	☐	☐

III. READING OF ITEMS by the City Chamberlain of any resolutions not listed on the printed agenda.

IV. PUBLIC PARTICIPATION: Three (3) minutes per person up to 45 minutes of public comment on any agenda and non-agenda items.

Constantine Kazolias-47 Noxon Street

Official Minutes of the Common Council Meeting of March 4, 2019

THERE WAS A CARTOON SHOWING A ROOSTER CHASING A CHICKEN, THE SUBTITLE WAS WE PURSUE NEW ,BUT WE TAKE CARE OF OLD BUSSINESS. THE CITY POUGHKEEPSIE HAS A FISCAL FINANCIAL CRISIS WITH A \$10 MILLION NEGATIVE FUND BALANCE. THE CITY RECENTLY SOLD OFF TWO CITY OWN PARKING LOTS TO OUT OF TOWNER TRANSPLANTS, ONE AT CATHERINE /MILL AN D THE OTHER TO FRIEND OF ROLLISONS, SOFAS. THERE IS ANOTHER CITY OWNED LOT NEXT TO A PERSON DOING IN CITY BUSSINESS FOR DECADES, WHO GAVE A VALID BID FOR THE EMPTY CITY LOT A BUTTING HIS PROPERTY. THE CITY FOR REASONS UNKNOWN IS STONEWALLING SAID SALE, WHY? OR HAS TO BE QUD-PRO-QUO?

I WAS OPPOSED AND VOTED AGAINST THE NEW CHARTER!!!! THE SALARY FOR THE MAYOR WAS INCORPORATED INTO THE NEW CHARTER. AT \$75K BUT NOT THE MEMBERS OF THE COMMON-COUNCIL WHICH WAS COMPLETELY RESTRUCTURED WITH AN ADDITION OF THE CONCILMAN -AT LARGE!!! ALL COMMON COUNCIL SALARIES SHOULD HAVE BEEN INCORPORATED IN THE CHARTER, AS WAS THE MAYORS NEW SALARY. THE CHARTER COMMISSION WAS FAST, A HUSTLE WITH NO INPUT FROM THE COMMON COUNCIL AND ONE PUBLIC HEARING FOR THE CITIENRY. THE CITY CHARTER WAS A CITY WIDE APPROVED REFERUNDUM; THEREFORE, THE SALARIES INCREASE SHOULD/ HAVE BEEN VOTED CITY WIDE, RATHER THAN HAVING THE ONUS FALL ON THE MEMBERS OF THE COMMON COUNCIL WHO ARE UP FOR RE-ELECTION. WHEN 4 CHARTER MEMBERS APPEARED BEFORE THE COMMON COUNCIL WITH PRINTED HANDOUTS WITH INCOMPLETE INFORMATION!!!! INCREASING THE SALARIES BELATELY AT THE 11TH HOUR IS LUDICROUS AND ASSININE, AS EXPLAINED ABOVE. I OPPOSE THIS PROPOSED INCREASED SALARY LEGISLATION. RUNNING FOR POLITICAL OFFICE, THE CANDIDATES ARE PUSRUING PUBLIC SERVICE. IN ANCIENT ATHENS IT WAS AN HONOR AND DUTY TO HOLD PUBLIC OFFICE.

Constantine Kazolias
03/03/19

Constantine Kazolias
7 Noxon St.
Poughkeepsie, NY 12601

Warren Jones-32 North Clover Street
Darrett Roberts-148 Franklin Street
Laurie Sandow South Grand Avenue

V. CHAIRWOMAN'S COMMENTS AND PRESENTATIONS:

Chairwoman Finney- At this point Ms Cherry would you like to tell us about the basketball victory.

Councilmember Cherry: Sure. First of all I'd like to congratulate the Poughkeepsie High

Official Minutes of the Common Council Meeting of March 4, 2019

School Pioneers. We are the "Section 1 Class A Champions". It really requires a joint effort to support our boys as they continue on in the regional finals this week. Our next game will be this Wednesday at 7 p.m. at Mount St. Mary's College. We encourage all of Poughkeepsie to come and represent. If we win that game our next game will be on Sunday. When we win on Sunday we're off to the State Championship. And this could be the first time we win the state championship since 1995.

So I would like to thank the Mayor, Councilman Johnson, and Councilmember Flowers for coming to the games and supporting our boys, and I hope to see all the rest of you there on Wednesday.

Let's go Pioneers.

VI. MAYOR'S COMMENTS:

Mayor Rolison- I wanted to just talk a little bit today this evening on just a few items of importance that we have had here in the city since the last council meeting.

A lot of things but I don't want to take up a ton of time.

We've had Senator Schumer here, Congressman Maloney was here on various initiatives. We held this swearing in ceremony on the 25th for three new police officers, who transferred in. I again want to thank the Council for the retention approval, which is now really paying dividends because officers are now transferring here versus transferring out.

A fourth officer, my understanding is going to be transferring in very shortly, which will bring us up to 86 officers for the first time since 2015. We're slated to put another five in the academy or six in the academy in April.

So if all goes well, there we will be at full strength, at 92 officers for the first time in a long time. You know we were at 86 since 2015, so I don't know when we were in the 90s, but that's certainly a good thing.

Two items for the school district. They had an African-American read in at Morse School on the 26th, which I went over to. It was extremely well done by all of the students and the staff and the teachers that put that together. And then had a chance to go to their Early Learning Center on March 1st for a read across America.

Went to Mrs. Forsena's class, Mrs. Smith's class. And actually that is also the day of Dr. Seuss's birthday. And they read all over America, it is sponsored by the United Way. And I can tell you that the children at the ELC is a special group, and if you have the opportunity to swing over there and spend some time with them, you should you should do that.

Mrs. Cherry spoke about the Pioneers. I'm glad that I went to the championship game, down at Pace the other night. This team has already done a lot of greatness, but is poised for additional wins. They are a spectacular squad of young men who play as a team. That was a really tight

Official Minutes of the Common Council Meeting of March 4, 2019

game. They won 47-42. It was literally decided probably in the last 45 to 50 seconds where a couple needed foul shots were made, which then really started to put the game out of reach. I will also say that I think probably we were out manned on fans down there. Tappan Zee was in the house big, and they played very hard, and they played very well, but I think that our Pioneers stunned that team. Because of the way that they came back in the fourth quarter, and there were a lot of as it would have been for us very blank faces in that in that in that auditorium when these boys did what they did, and had the opportunity to talk to quite a few of them afterwards. And coach Moffitt this is a special squad and they can win the state. There's no doubt about it. So anybody that can be at the Mount in Newburgh at 7:00 that would be it would be a good idea.

Also I know a lot of you have been seeing that we have been partnering with the ASPCA on dog adoptions every Thursday. All four dogs that have been put up had been taken, and the last one was actually taken by someone from downstairs in the finance department when the dog came in here.

So lastly Madam Chair we released today to the press, to the public, that our preliminary numbers for the 2018 budget shows a surplus of about \$313,000.

So want to thank all the Department Heads and Budget and Finance for working very hard last year of managing the budget to the expectations that we all had, and that is additional \$313,000 surplus keeps us on the right track.

Thank you Madam Chair.

Councilmember Cherry: You didn't have any comments, but may I address the article about the worst school district because I think it I think that's an unfair assessment of our school district.

So this magazine used specific criteria, student to teacher ratio, which ours is 15 and amount spent per student. As you know we're a high needs district, so we are one of the only school districts in New York State that rely heavily on state aid.

In fact I think there's only one other one where the tax base is not the higher revenue generator for the school district. We are 65 percent state aid and about 30 percent tax base, and the rest are grants and different kinds of funds like that. But when they do those assessments and they look at those criteria it's unfair, because it only further shows is that the state needs to recalculate their formulas The way the current state aid formula is, it doesn't matter how poor your school district is it goes by the number of residents that live there and your tax base and et cetera.

So I just want to publicly say you know don't go buy everything you read. We're moving in the right direction. The middle school just got out of receivership. Moore school currently is in receivership. However that's a result of three years ago. It takes three years of data to put a building in receivership. We're doing some fantastic things in the district and I can't sit here and allow anyone to downplay that.

VII. MOTIONS AND RESOLUTIONS:

1. A motion was made by Councilmember Randall Johnson and seconded by Councilmember McNamara to receive and print.

Councilmember Cherry made a motion to table the resolution, Councilmember Flowers seconded the motion.

R 19-33						
			Yes/Aye	No/Nay	Abstain	Absent
☐ Accepted ☐ Defeated ☒ Tabled	Councilmember Salem	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Chairwoman Finney	Voter	☒	☐	☐	☐

RESOLUTION FIXING THE COMPENSATION FOR ELECTED OFFICIALS (R-19-33)

INTRODUCED BY CHAIRWOMAN FINNEY

WHEREAS, pursuant to Section 2.01 of the Charter, the Common Council is empowered to fix the compensation for council members, with due consideration given to the recommendations, as may be made, by the Salary Review Commission; and

WHEREAS, pursuant to Section 2.01 of the Charter, the council member elected at-large shall be compensated at no less than 1.5 times the level of a council member elected to represent a ward; and

WHEREAS, pursuant to Section 4.02 of the Charter, the Salary Review Commission is directed to review and recommend the salary for the mayor and Common Council, and to deliver a report by January 1, 2019; and

WHEREAS, the Salary Review Commission has communicated the following recommendations to the Common Council for the compensation to be fixed for council members;

Council Member: \$14,400 annually

NOW, THEREFORE,

BE IT RESOLVED, after due consideration of the recommendations made by the Salary Review Commission, the Common Council hereby fixes the compensation for council members at the following:

Council Member: \$15,000 annually

Council Member At-Large: \$22,500 annually

SECONDED BY COUNCILMEMBER MCNAMARA

- 2. A motion was made by Councilmember Randall Johnson and seconded by Councilmember McNamara to receive and print.**

Councilmember Cherry made a motion to table the resolution, **Councilmember Flowers** seconded the motion.

**RESOLUTION FIXING THE COMPENSATION FOR THE OFFICE OF THE MAYOR
(R-19-34)**

INTRODUCED BY CHAIRWOMAN FINNEY

WHEREAS, pursuant to Section 2.01 of the Charter, the Common Council is empowered to fix the compensation for the mayor, with due consideration given to the recommendations, as may be made, by the Salary Review Commission; bur in no event shall such compensation be less than \$72,000 annually; and

WHEREAS, pursuant to Section 4.02 of the Charter, the Salary Review Commission is directed to review and recommend the salary for the mayor and Common Council, and to deliver a report by January 1, 2019; and

WHEREAS, the Salary Review Commission has communicated the following recommendations to the Common Council for the compensation to be fixed for council members;

Mayor: \$83,000 annually

NOW, THEREFORE,

BE IT RESOLVED, after due consideration of the recommendations made by the Salary Review Commission, the Common Council hereby fixes the compensation for the office of the mayor at the following:

Mayor: \$83,000 annually

SECONDED BY COUNCILMEMBER MCNAMARA

Official Minutes of the Common Council Meeting of March 4, 2019

R 19-34			Yes/Aye	No/Nay	Abstain	Absent
☐ Accepted ☐ Defeated ☒ Tabled	Councilmember Salem	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Chairwoman Finney	Voter	☒	☐	☐	☐

RESOLUTION R19-35 EXTRACT OF MINUTES [Bridge Projects; Washington Street and Garden Street]

A regular meeting of the Common Council of the City of Poughkeepsie, Dutchess County, New York was convened in public session at the Council Chambers, City Hall, Poughkeepsie, New York on March 4, 2019, 2019 at 6:30 o'clock p.m., local time.

The meeting was called to order by Chairwoman Finney, and, upon roll being called, the following members were:

PRESENT:

Council Chair Ann Finney
 Councilmember Sarah Brannen
 Councilmember Natasha Cherry
 Councilmember Yvonne Flowers
 Councilmember Lorraine Johnson
 Councilmember Randall A. Johnson II
 Councilmember Matthew McNamara
 Councilmember Christopher D. Petsas
 Councilmember Sarah A. Salem

ABSENT:

The following persons were ALSO PRESENT:

Commissioner of Finance William Brady

The following resolution was offered by Councilmember Cherry, seconded by Councilmember Randall Johnson, to wit;

BOND RESOLUTION DATED March 4, 2019

A RESOLUTION AUTHORIZING THE RECONSTRUCTION OF WASHINGTON STREET BRIDGE AND GARDEN STREET BRIDGE AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,552,480 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

BE IT RESOLVED, by the Common Council of the City of Poughkeepsie, Dutchess County, New York (the "City") (by the favorable vote of not less than two-thirds of all of the members of the Common Council) as follows:

Official Minutes of the Common Council Meeting of March 4, 2019

SECTION 1. The reconstruction of the Washington Street bridge, including related improvements, is hereby authorized at an estimated maximum cost of \$4,668,480, and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 10 of paragraph a of Section 11 of the Local Finance Law, and that the period of probable usefulness of said purpose is twenty years.

SECTION 2. The reconstruction of the Garden Street bridge, including related improvements, is hereby authorized at an estimated maximum cost of \$3,884,000, and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 10 of paragraph a of Section 11 of the Local Finance Law, and that the period of probable usefulness of said purpose is twenty years.

SECTION 3. The City has determined that the aforesaid purposes constitutes Type II Actions as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which have been determined under SEQRA not to have a significant impact on the environment.

SECTION 4. The City plans to finance the total cost of said purposes by the issuance of serial bonds of the City in an amount not to exceed \$8,552,480, hereby authorized to be issued therefor pursuant to the Local Finance Law. Such amount includes \$4,668,480 for the Washington Street Bridge project and \$3,884,000 for the Garden Street Bridge project. The City expects to redeem a portion of the obligations from State and Federal transportation grants in the amount of \$3,968,208 for the Washington Street Bridge project and \$3,107,200 for the Garden Street Bridge project.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 6. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations.

SECTION 7. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the City are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the City a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for

Official Minutes of the Common Council Meeting of March 4, 2019

substantially level or declining debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Commissioner of Finance, the Chief Fiscal Officer of the City. The Commissioner of Finance is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Chamberlain is hereby authorized to affix the corporate seal of the City to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Commissioner of Finance is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, to the extent applicable, to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) Such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or

(2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with; and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 11. The Chamberlain is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Poughkeepsie Journal, a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

SECTION 12. This resolution shall take effect immediately.

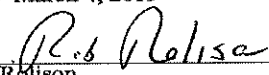
Official Minutes of the Common Council Meeting of March 4, 2019

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Council Chair Ann Finney	VOTING Aye
Councilmember Sarah Brannen	VOTING Aye
Councilmember Natasha Cherry	VOTING Aye
Councilmember Yvonne Flowers	VOTING Aye
Councilmember Lorraine Johnson	VOTING Aye
Councilmember Randall A. Johnson II	VOTING Aye
Councilmember Matthew McNamara	VOTING Aye
Councilmember Christopher D. Petsas	VOTING Aye
Councilmember Sarah A. Salem	VOTING Aye

The foregoing resolution was thereupon declared duly adopted.

Approved: March 4, 2019


Robert G. Rolison
Mayor

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Chamberlain of the City of Poughkeepsie, Dutchess County, New York (hereinafter called the "City") and the custodian of the records of the City, including the minutes of the proceedings of the Common Council, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Common Council held on the 4 day of March, 2019 and entitled:

BOND RESOLUTION DATED March 4, 2019

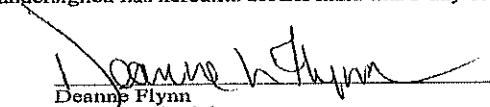
A RESOLUTION AUTHORIZING THE RECONSTRUCTION OF WASHINGTON STREET BRIDGE AND GARDEN STREET BRIDGE AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,552,480 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the City. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Common Council was present throughout said meeting, and a legally sufficient number of members (two-thirds of the Common Council) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the City and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this 5 day of March, 2019.

-SEAL-


Deanne Flynn
City Chamberlain

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Executive Summary--Not a part of the Resolution

This New Bond Resolution for Bridge Projects--Washington Street and Garden Street includes:

<u>Purpose</u>	<u>Capital Budget Items</u>	<u>PPU (Max. Period for Financing)</u>	<u>Total Cost</u>	<u>Other Funds</u>	<u>Bonds Authorized</u>
Section 1:	Reconstruction of Washington Street Bridge	20 years	\$4,668,480	*	\$4,668,480
Section 2:	Reconstruction of Garden Street Bridge	20 years	\$3,884,000	**	\$3,884,000
	TOTAL		\$8,552,480		\$8,552,480

*Statewide Transportation Improvement Program Grant; PIN 875983; City Match 15% for Washington Street

**Statewide Transportation Improvement Program Grant; PIN 876196; City Match 20% for Garden Street

R 19-35						
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Salem	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Chairwoman Finney	Voter	☒	☐	☐	☐

3. A motion was made by Councilmember Randall Johnson and seconded by Councilmember McNamara to receive and print.

**RESOLUTION
R19-36**

INTRODUCED BY COUNCILMEMBERS SALEM AND PETSAS

WHEREAS, the City of Poughkeepsie Common Council is considering action on a proposed street direction change for Civic Center Plaza between Mill Street and Main Street, and Market Street between Main Street and Church Street in the City of Poughkeepsie, Dutchess County, New York; and

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WHEREAS, the City of Poughkeepsie recently completed a study of Market Street entitled the Poughkeepsie City Center Connectivity Project, which examined alternatives for improving pedestrian safety and traffic circulation within the Central Business District and included the short-term recommendation of making Market Street/Civic Center Plaza between Mill Street and Church Street two way; and

WHEREAS, the City of Poughkeepsie Common Council endorses the recommendations from the Poughkeepsie City Center Connectivity study; and

WHEREAS, a Full Environmental Assessment Form (EAF) Part 1, dated 2/15/19, has been prepared to address the potential environmental impacts of the action; and

WHEREAS, after comparing the thresholds contained in 6 NYCRR 617.4, the Common Council has determined that the proposed action is a Type 1 action; and

WHEREAS, after examining the EAF, the Common Council has determined that the only other involved and/or federal agencies on this matter is the New York State Department of Transportation Region 8, but that the City Planning Board and Dutchess County Department of Planning and Development are Interested Agencies under SEQR because of their non-binding review responsibilities; and

NOW THEREFORE,

BE IT RESOLVED, that the Common Council hereby declares itself Lead Agency for the environmental review of this action and directs the City Chamberlain to circulate said declaration to other involved and interested agencies; and

BE IT FURTHER RESOLVED, that a Determination of Significance will be made at such time as all information has been reviewed by the Common Council to enable it to determine whether the action will or will not have significant effect on the environment.

SECONDED BY COUNCILMEMBER RANDALL JOHNSON

R 19-36						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Salem	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Chairwoman Finney	Voter	☒	☐	☐	☐

4. A motion was made by Councilmember Randall Johnson and seconded by Councilmember McNamara to receive and print.

R- E- S- O- L- U- T- I- O- N
(R19-37)

INTRODUCED BY COUNCILMEMBER CHERRY

BE IT RESOLVED, that the Common Council hereby authorizes the Mayor to execute and deliver the attached letter agreement dated February 7, 2019 to the counsel for the Town of Poughkeepsie regarding outstanding matters pertaining to the Joint Water Board.

SECONDED BY COUNCILMEMBER RANDALL JOHNSON

R 19-37			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Salem	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Chairwoman Finney	Voter	☒	☐	☐	☐

5. A motion was made by Councilmember Randall Johnson and seconded by Councilmember McNamara to receive and print.

RESOLUTION
(R19-38)

INTRODUCED BY COUNCILMEMBERS BRANNEN, PETSAS, SALEM AND McNAMARA:

BE IT RESOLVED, the Common Council of the City of Poughkeepsie hereby approves the appropriation of \$17,500 from Contingency- Community Development and Improvements (01.20.1900.7498) for miscellaneous planting and beautification- Ward 1 in the amount of \$2,500; Ward 2 in the amount of \$2,500 for various ward events and improvements including PKMAYDAY and Pride Crosswalk painting-; Ward 3 in the amount of \$2,500 for various ward expenditures-; Ward 4 in the amount of \$2,500 for tree plantings, and ward and educational meetings ; Ward 6 in the amount of \$2,500 for Autumn in the Park; Ward 7 in the amount of \$2,500 for various ward expenditures, and Ward 8 in the amount of \$2,500 for Dog Park Improvements and various ward events.

SECONDED BY COUNCILMEMBER RANDALL JOHNSON

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R 19-38						
			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Salem	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Chairwoman Finney	Voter	☒	☐	☐	☐

VIII. ORDINANCES AND LOCAL LAWS:

1. Ordinance O-19-1, approving the rezoning of 27 High Street. **First Read**

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM COMMISSIONER OF FINANCE BRADY**, a communication regarding the acceptance of the LSRP grant.
2. **CHAIRWOMAN FINNEY**, a communication regarding the proposed rezoning of 27 High Street.
3. **FROM KOBY TIGERSHTROM**, a notice of personal injuries sustained on December 8, 2019. **Referred to Corporation Counsel.**
4. **FROM CAROLYN REYNOLDS**, a notice of personal injuries sustained on January 21, 2019. **Referred to Corporation Counsel.**
5. **FROM ALAINA LASSITER**, a notice of property damage sustained. **Referred to Corporation Counsel.**
6. **FROM PAUL MANISCALCO**, a notice of personal injuries sustained on November 16, 2018. **Referred to Corporation Counsel.**
7. **FROM LORENZO ANGELINO**, a notice of intent for Thailicious Catering, Inc., located at 138 South Avenue, to obtain a liquor license. **Referred to Corporation Counsel.**
8. **FROM HAYDEE'S MARKET**, located at 92 Pershing Avenue, a notice of intent to renew their liquor license. **Referred to Corporation Counsel.**

X. NEW BUSINESS:

XI. OLD BUSINESS:

The City of Poughkeepsie

New York

Paul Ackermann, Esq.
Corporation Counsel
ackermann@cityofpoughkeepsie.com



62 Civic Center Plaza
Poughkeepsie, New York 12601
TEL: (845) 451-4066 FAX: (845) 451-4070

Memorandum

TO: COMMON COUNCIL
FROM: PAUL ACKERMANN
DATE: February 26, 2019
SUBJECT: Legal Opinion related to a proposed rule change
CC: Mayor; City Administrator; Assistant Corporation Counsels

I have been asked for an opinion regarding a recent proposed amendment to the Rules of Conduct and Procedure of the Common Council. At the last meeting, both Chair Finney and Vice Chair Johnson were absent. Based on the absence of both the Chair and the Vice Chair, pursuant to Robert's Rules of Order, the Common Council selected Councilmember Cherry as the Chair Pro Tem. During New Business, Councilmember Petsas made the following motion: *"[I] would like the following information added to Rule V, Agenda items may be added by a Councilmember with the sponsor of a total of three Councilmembers, with such resolution being posted five days prior to the Council Meeting"*. The motion was seconded by Councilmember Brannen. Thereafter, based on Rule XV (requiring a first read), Councilmember McNamara made a motion to postpone the matter to the next meeting which motion was seconded by Councilmember Brannen. The motion carried 7-0-0.

The question is whether or not the motion violates the Charter and if it does not, can the Chair, through the power to set the agenda, prohibit the proposed change from appearing on the next agenda?

Pursuant to the new City Charter, the council chair has broad authority to set the agenda for and preside over meetings of the Common Council. The relevant section states:

The council chair, or in the event of his or her absence the vice-chairperson, shall set the agenda for, and serve as chairperson at, all meetings of the common council including the organizational meeting pursuant to Section 2.03 of this charter.

This same section also provides that the Common Council shall, by resolution, adopt its own rules of conduct and procedure, provided these rules are not inconsistent with the Charter. At its annual reorganizational meeting on January 2, 2019, the Common Council adopted *"Rules of Conduct and Procedure: By-Laws of the Common Council of the City of Poughkeepsie for the Year 2019"* (the "By-Laws"). Rule V of the By-Laws provides:

Official Minutes of the Common Council Meeting of March 4, 2019

"The presiding officer shall set the agenda at all regular and special meetings of the Common Council. The Administration of Members of the Council wishing to add an agenda item to a meeting should submit the item to the presiding officer with a brief explanation of its purpose, two weeks in advance of the meeting to which the item is proposed to be added."

This rule expanded control of the chair not granted to him/her by the Charter, specifically requiring the submission of "agenda items" for a time certain in advance of a meeting. This is not inconsistent with the Charter and therefore is a permitted act of the Council. Also at its reorganizational meeting, the Common Council adopted Robert's Rules as the parliamentary procedure. Therefore, where the Charter and By-Laws are silent, the conduct and procedure of a meeting will be in accordance with Robert's Rules.

Under, Robert's Rules, an agenda is not binding upon an assembly unless its own rules make it so, or unless it has been adopted for the meeting by a majority vote at the start of the meeting. Otherwise, it is merely for the guidance of the chair. Here, the Charter and By-Laws gives agenda authority to the chair and thus the agenda as set by the chair is binding on the assembly. An agenda is a formal listing of business that is to be conducted at a meeting. It provides for the orderly progression of a meeting and adds structure. While the Chair has the authority to set the agenda, that authority is not absolute. If it was, it could serve to restrict the rights of the majority to rule and the minority to be heard, a fundamental principal embodied in the Charter and Robert's Rules. An organization that permits one person to decide what business comes before it is not contemplated by either the Charter or Robert's Rules..

The Agenda of the Common Council includes a provision for New Business. This is required by the By-Laws. New Business is an opportunity for members to raise anything that may properly come before the Council. However, at this time, the current By-Laws prohibit the addition of 'new business' without the matter being submitted to the chair in advance. It is this language that Councilmember Petsas proposes to change.

Councilmember Petsas' proposal would allow the addition of "agenda" items to a meeting of the Council. However, this proposed provision would violate the Charter which gives the Chair the power to set the agenda. The Common Council does not have the authority to add items to an agenda of the Common Council. However, I think the intent of Councilmember Petsas is to permit the introduction and/or debate of "new business" that properly would come before the Council. This ability to debate matters is a fundamental right that Robert's Rules is meant to protect. What would permit this is the deletion of Rule V. Without Rule V, members would be able to present new items of business for the consideration of the Common Council. This would not violate the charter as it does not diminish the responsibility of the chair to set the agenda, with New Business being a part of the agenda. Furthermore, the chair cannot refuse to allow business to come up under new business as long as the business is within the purpose of the group. And since majority rules, the majority would then determine if further action should be taken. So the proper motion by Councilmember Petsas would be to amend the by-laws by the deletion of Rule V. The question then becomes, if this is what the Common Council desires, how does it get done?

At the last meeting there was a motion to postpone the proposed amendment of the By-Laws to the following meeting. This motion was approved 7-0-0 and therefore it will properly come before the Common Council under Old Business without further action of the Common Council. The motion automatically comes up at the next meeting under Unfinished Business. At that point pursuant to Robert's Rules, the motion can be amended to provide for the deletion of Rule V. If the amendment passes, the motion can be voted upon by the Council for adoption. This will satisfy Rule XV and be in compliance with Robert's Rules, the By-Laws and the Charter. If the motion is adopted without amendment, it is my opinion that it violates the Charter.

Should you have further questions, please do not hesitate to contact me.

Councilmember Petsas: For the good of I guess the public and for people that are asking why our motion that was made of the last meeting is not part of tonight's agenda. I guess I'll start off with that question and you can give me a general answer.

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Chairwoman Finney: Well as you know I sent to councilmembers status reports on the lawyers looking at it and as far as I know they're still looking at it and especially in light of one case. I have no information since Friday. Update that there still looking at it.

Councilmember Petsas: Correct. But my understanding was is that once the motion was made it automatically would have to be on to tonight's agenda.

Councilmember McNamara: Right.

Chairwoman Finney: The legal question is whether the substance of the motion is permissible under this case law.

Councilmember Petsas: OK. So I'm going to go back to it. Things are always changing so when somebody doesn't like certain way of doing something then we pull out a case law. We pull out another law to circumvent so last meeting we were told that if we have enough votes and we put it together, and we did so it was unanimous 7-0 that it would go on this week's agenda. Now it's not there so I'm just trying to figure out like you know who is telling the truth who's not or who's interpreting law the way they want to and who's not. So I'm just you know I'm just saying that the last meeting it was clearly stated that it would come onto tonight's agenda.

Councilmember McNamara: And I just don't understand the apprehension of this. Why wouldn't you, why wouldn't we be allowed if we have the support of three members to walk a resolution on.

Corporation Counsel Ackermann: So let me just say that it's my opinion that the motion was tabled from the last meeting, or postponed from the last meeting, so it automatically is on under "Unfinished Business" on this meeting.

I think that the motion that was made actually usurp the power of the chair in that it allowed for Council to add things to the agenda, which clearly the charter gives the Chair the ability to control the agenda. However, I believe that the language that is in question is the language in Rule V. There is a provision in the agenda for this Council to introduce new items under "Unfinished Business", or excuse me under "New Business" and "New Business" would be the opportunity time for members to bring up new items, and you know this is a body that is ruled by the majority against the minority view.

And so I think the proper or I think the crux of this were Councilmember Petsas's motion was is that you should just eliminate Rule V or the text of Rule V altogether which would then revert back to how the previous rules were that any item of new business could be raised under news business so long as the majority would support entertaining it after it is raised. So that's my opinion. I know that that there may be some question.

Councilmember McNamara: Mr. Ackerman I'm just curious. What was what was the statement you made about the chair, because at the last meeting the Chamberlain opened the

meeting and we elected a chair for that meeting so we had a chair.

Corporation Counsel Ackermann: So what happened was is that there was no chair. The vice chair and the chair were both absent so.

Councilmember McNamara: We voted on a chair.

Corporation Counsel Ackermann: Right. You elected Chair Pro Tem which ran the meeting for that for that meeting. And there was a motion by Mr Petsas who was seconded and ultimately it was tabled or deferred to this meaning, so under Robert's Rules it appears under "Unfinished Business" at this meeting.

Councilmember McNamara: And it had to be deferred to this meeting.

Corporation Counsel Ackermann: Well it has to be deferred because your rules require that changes to your bylaws require first read.

Councilmember Cherry: So what Councilman McNamara is saying since I was the Chair at the last meeting I told the city Chamberlain to place this on the agenda. That should stay on the agenda. It shouldn't change when the chair comes back.

I would just rephrase it a little bit but get to the same.

Councilmember Cherry: And furthermore and I'm sorry because I'm getting a little upset over here. We can't utilize our legal staff for personal opinions, I mean this should have been a discussion between a council members before it's brought to the attorneys.

I mean we get an e-mail. We got it. Well wait a minute I'm not finished talking.

We received an email from you after you are already consulting the attorneys when you could have easily consulted any of us. And I would explain things to you. Now I'm a little confused here because regardless of what the Charter says this council adopted Robert's Rules of Order, as we have done in the past. In Robert's Rules of Order it clearly states that three Councilmembers can walk things on the agenda. So I don't see if that's the case our rules should go in the garbage and everyone should just have a free for all, because it doesn't make sense. If you're saying the charter overrides Robert's Rules what was the point of adopting those as our official rules.

I'm asking the attorney.

I'm not asking the chair since we're using legal opinions I would like I would require a legal opinion.

Chairwoman Finney: But before I'd like to address your earlier points. I did discuss it with the individual council members including you. And it was on the agenda for our caucus meeting Thursday. And you notified me that you could not attend as did Mr. Johnson.

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Nobody and Ms. Johnson.

Councilmember Cherry: But when you talked to us you gave no indication that you were opposed to this.

Chairwoman Finney: I believe I did.

Councilmember Cherry: But the point is if we're going to get into this lake this legal battle here then I say we go ahead and vote for this and then if you're if the attorneys prove we're wrong we'll just rescind it. You can't just like disregard what we voted on.

Councilmember Cherry: made a motion to vote on what is supposed to be on this agenda, **Councilmember McNamara** seconded the motion.

Councilmember Petsas made a motion to call the question, **Councilmember McNamara** seconded the motion.

Call the vote.

***RULES OF CONDUCT AND PROCEDURE: BY-LAWS OF THE
COMMON COUNCIL OF THE CITY OF POUGHKEEPSIE FOR THE YEAR 2019
As amended by Common Council on 3/4/19***

RULE I. Regular meetings of the Common Council shall be held on the first and third Mondays of each month at six thirty in the evening at the City Hall, or at such other place as the Chairperson shall appoint. The first regular meeting of January shall be held on January 7, 2019 at six thirty o'clock in the evening at City Hall. In case of a holiday on any such day, the regular meeting shall be held on the Tuesday following at six thirty in the evening. The Common Council may adjourn when convened, to any other day or place, every such stated or adjourned meeting of the Council. In addition, there shall be informational meetings and special meetings held as provided in the Charter.

RULE II. The councilmember elected at-large shall be designated as council chair and the Common Council shall elect its vice-chairperson in the manner provided for in the Charter. In the event of a vacancy in the office of the Vice Chairperson, the Council shall, by majority vote, elect a Vice Chairperson, at its next regular meeting and within thirty (30) days of vacancy of the office.

RULE III. There shall be one standing sub-committee of the Common Council known as the Finance Committee. The members of the Finance Committee shall be appointed pursuant to the City Charter.

RULE IV. The City Chamberlain shall record the attendance at meetings. The order of business at regular meetings shall be as follows:

1. Pledge of allegiance and Roll Call.
2. Review of the minutes of the previous meeting.

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3. Reading by City Chamberlain of any resolution or other item not listed on the printed agenda.
4. Public –limited to 45 minutes
5. Mayor’s comments
6. Chairperson’s comments and presentations
7. Motions and resolutions.
8. Ordinances and local laws.
9. Presentation of petitions and communications.
10. Other Council business
11. Adjournment.

RULE V. The presiding officer shall set the agenda at all meetings of the Common Council. Agenda items may be added by a Councilmember with the sponsor of a total of three council members, with such resolution being posted five days ahead of meeting. The order of business may be departed from majority vote of the members present. Any item added to an agenda must clearly identify a Councilmember as its sponsor.

RULE VI. The presiding officer shall designate the seating arrangement for Councilmembers and staff at Council meetings and the order of voting of Councilmembers on all matters coming before the Council for vote. The presiding officer may, if (s)he so desires, present motions and resolutions to the Common Council, and (s)he may debate on any question which is being considered by it. The presiding officer, if (s)he deems it appropriate, may allow Councilmembers or the Mayor to respond to or comment upon public comments made at each regular meeting during public participation (Item 4 of the Agenda set forth in Rule IV above), prior to the adjournment of the meeting.

RULE VII. The presiding officer shall have, to the fullest extent provided by New York State law, the sole authority to regulate public comment at any meeting as s/he, in his/her sole discretion, shall see fit, including, but not limited to, the authority to set priority for topics of comment and to declare any person to be out of order for failure to follow his or her directives in this regard. In governing the meeting and regulating public comment the presiding officer shall consider, but shall not be strictly bound by the following guidelines:

- A. The public shall be allowed to speak during the period of the meeting designated as “Public Participation” or as such other time as a majority of the Council shall suspend these rules, or at a duly called public hearing, or any other time required by state law or the City Charter. Speakers must sign-in and provide their name, address and organization they represent, if applicable. Speakers must be recognized by the presiding officer. During the segment of the meeting designated “Public Participation”, speakers shall limit their remarks to three minutes and will be advised by the presiding officer when three minutes have expired. Speakers are requested to conclude their remarks at that time. “Public Participation” is intended to afford persons an opportunity to express opinions on items on the Common Councils agenda. No Speaker shall be declared out of order, prevented from speaking or barred from attendance at any meeting because of any disagreement with the Speaker’s position or view on any matter, because of the Speakers identity or because of any disagreement with the content of relevant testimony.

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- B. All remarks shall be addressed to the Council as a body and not to any member thereof. Speakers shall observe the rules of decorum set forth in Subsection C below. Interested parties or their representatives may address the Council by written communications. Written communications shall be delivered to the City Chamberlain.
- C. Rules of decorum
 - 1. Purposes of rules of decorum.
 - a. To ensure that meetings of the Common Council are conducted in a way that allows the business of the City to be effectively undertaken.
 - b. To ensure that members of the public who attend meetings of the Common Council can be heard in a fair, impartial manner.
 - c. To ensure that meetings of the Common Council are conducted in a way which is open to all viewpoints and which is protective of the content of each speaker's speech and expression, yet is free from abusive, distracting or intimidating behavior.
 - d. To ensure that these rules of decorum are understood by persons attending Common Council meetings.
 - e. To ban egregious, inappropriate, and obstructive behavior at meetings of the Common Council.
 - 2. Sergeant At Arms. The Chief of Police or such member or members of the Police Department as he may designate, shall be Sergeant-at-Arms of the Common Council and shall carry out all orders given by the presiding officer for purposes of maintain order and decorum at the Council meeting. Any member of the Common Council may move to require the Presiding Officer to enforce the rules upon affirmative vote of a majority of the Common Council.
 - 3. Rules for the Speaker.
 - a. The speaker shall conduct himself or herself in a professional and respectful manner.
 - b. All remarks shall be directed to the Common Council, and not a City staff or the public in attendance.
 - c. The speaker shall not defame, intimidate, make personal affronts, make threats of violence, or use profanity.
 - 4. Rules for the public. Members of the public in the audience shall not engage in any of the following activities during a Common Council meeting:
 - a. Shouting, Clapping, unruly behavior, distracting side conversations, or speaking out.
 - b. Defamation, intimidation, personal affronts, threats of violence, or profanity.
 - c. Behavior that disrupts the orderly conduct of the meeting.
 - 5. Rules for Councilmembers. While the Common Council is in session, the members must preserve order and decorum. Each Councilmember shall conduct himself or herself with decorum and shall neither, by conversation or otherwise, delay nor interrupt the proceedings or the peace of the Common Council, nor disturb any member while speaking or refuse to obey the orders of the presiding officer.

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6. Persons Authorized to be within Rail. No person except members of the Common Council and City Staff shall be permitted within the rail without the consent of the presiding officer.
7. Enforcement of rules of decorum.
 - a. Upon a violation of these rules of decorum, the presiding officer shall request the person or persons violating a rule or rules to cease the violation.
 - b. If a violation continues, the presiding officer warns the person(s) that he/she may be required to leave the Common Council Chambers if a violation continues.
 - c. If the person or persons does not cease the violation(s) the presiding officer shall declare the person out of order at which time the Sergeant at Arms shall take steps to remove such person from the meeting room.

RULE VIII. When a question is under debate, no new motion shall be received, unless for the previous question, to amend it, to lay on the table, to commit it, to postpone it, or to adjourn.

RULE IX. A motion to lay a question on the table shall be decided without amendment or debate, and a motion to postpone shall be decided without debate.

RULE X. A motion to adjourn shall always be in order; and shall be decided without debate.

RULE XI. Every member who shall be present when a question is put, shall vote for or against the same, or abstain with reasons for the abstention stated upon the record.

RULE XII. No question or motion, once put, or lost, shall again be put unless reconsidered; and a motion for reconsidering must be made not later than the next regular meeting after that on which the decision proposed to be reconsidered took place, and shall be made by a member who voted with the prevailing side. All motions for reconsidering must be passed by the affirmative vote of a majority of the voting power of the Common Council.

RULE XIII. On the demand of any member, a roll call vote on any question shall be taken by ayes and nays; and it shall be the duty of the City Chamberlain to enter on the minutes the names of the members voting for or against the question, and also the name of the member demanding the roll call vote.

RULE XIV. All appointments of officers and fixing of salaries shall be by ayes and nays.

RULE XV. The legislation described below shall be read and laid over until the next meeting of the Common Council. This rule shall apply to:

- (a) The adoption of the budget
- (b) Ordinances
- (c) Local Laws
- (d) Resolutions amending the Rules and By-Laws of the Council
- (e) Resolutions appropriating money, amending the budget, or approving the

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execution of contracts, unless consent for its immediate adoption is approved by the Finance Committee.

RULE XVI. In order to hear persons other than members of the Common Council, the Mayor, and members of City staff, it shall be necessary to pass a motion suspending the rules of order. A motion to suspend the rules may be made at any time during the meeting and shall be decided without debate. Any such person speaking shall confine himself-herself to the subject and not longer than three (3) minutes, unless the time is extended by the Chairperson. This rule shall not apply to public hearings.

RULE XVII. All meetings of the Common Council shall be recorded by means of a audio and/or video recording device. The archived results of the meetings shall be kept in the Office of the City Chamberlain, and shall be under his/her jurisdiction and control. A record of the proceedings shall be printed as soon as possible after each meeting and presented to the Common Council at its next meeting for its approval or correction. Twenty copies shall be bound annually in a volume to be preserved in the Office of the City Chamberlain. The minutes shall be available for public review in the Office of the City Chamberlain, and the City Chamberlain shall give a copy of the minutes to persons requesting the same to the extent that they are available. When a request is made for an annual record of the minutes, a fee shall be charged to cover the expenses of the handling and recording and mailing if the record is on paper. A Ten (\$10.00) Dollar fee shall be paid if the record is digital.

RULE XVIII. An executive session is that portion of the meeting not open to the public because of the consideration of matters authorized for Executive Session pursuant to the New York State Open Meetings Law. Proposals, discussions, statements and transactions in executive session are intended to be and shall be held and maintained in confidence and shall not be disclosed.

RULE XIX. The Mayor may be invited to comment to and address the Council and the public on any issues of public concern raised by Councilmembers at the Council's regular meetings each month, prior to motions and resolutions being heard and at any time thereafter at the discretion of the Council chairperson.

RULE XX. All legislation, including local laws, motions, resolutions, and ordinances presented to the Common Council, except for procedural motions, such as motions to amend and motions to refer, shall be numbered to simplify the tracking of such legislation, with the number clearly marked below the title of each piece of legislation and on Common Council agendas, as follows:

Local Laws:	LL-Year- Sequential Number (LL01-1; LL01-2; etc.)
Motions:	M-Year-Sequential Number (M01-1; etc.)
Resolutions:	R-Year- Sequential Number (R01-1; etc.)
Ordinances:	O-Year- Sequential Number (O01-1; etc.)

RULE XXI. The Chairperson of the Common Council shall give an address in response to the Mayor's annual state of the City address presented pursuant to section 3.02(h) of the City Charter at the next regular meeting of the Common Council following the Mayor's address.

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RULE XXII. The Chairperson, or Vice Chairperson in the Chairperson's absence, is authorized to excuse a Councilmember from attending up to three (3) consecutive regular meetings of the Common Council because of a medical injury or illness which physically prevents the Councilmember from attending the meeting(s), if the medical injury or illness and physical inability to attend the meeting(s) is documented by a physician's note. Absences beyond three (3) consecutive regular meetings, for no more than an additional three (3) consecutive regular meetings, may be excused by a majority vote of the entire Council, based upon a written physician's note documenting the medical injury or illness which physically prevents the Councilmember from attending the meeting(s).

RULE XXIII. The following rules shall apply to a legally required public hearing held before the Common Council:

- (a) Speakers shall register in writing prior to the beginning of the hearing by providing their name, address, and organization, if any. Individuals arriving after the commencement of the hearing shall be permitted to register upon arrival as long as the Chairperson has not closed the hearing.
- (b) The Chairperson shall recognize each speaker, in the order registered, when the hearing is commenced. Speakers shall identify themselves, their address and organization, if any, prior to the remarks.
- (c) Speakers must limit their remarks to five (5) minutes. Remarks shall be addressed only to the hearing issues. Speakers may not yield any remaining time they may have to another speaker.
- (d) Speakers at a public hearing shall follow the Rules of Decorum as set forth in Rule VII (b) & (c).
- (e) The Chamberlain shall include in the minutes of the hearing the name, address and organization, if any, of each speaker, a summary of the remarks, and written statements submitted to the Council.

Adopted by the Common Council; January 2, 2019

Resolution R-19-01

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Motion to amend Council Rules						
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Salem	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☐	☐	☒	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Chairwoman Finney	Voter	☐	☒	☐	☐

So in your legal opinion what does that vote just just signify.

Just to go back just to answer two questions.

And so one is is that it rightfully appears on this agenda.

Because just a little bit differently in that it was deferred by a vote of 7 0 by this council from the last meeting so under Robert's Rules would supplements are your bylaws and also the charter.

Robert's Rules would say that it automatically appears under unfinished business if it was postponed from the last meeting.

And with regard to the language I think that the proper avenue is to raise new issues under "Unfinished Business and I think that that is where under Robert's Rules and it doesn't I don't it's my opinion it doesn't violate the charter.

It just supplements the charter because under the agenda of the meeting there is a spot for new business and under Robert's Rules new businesses for an opportunity for members.

Councilmember McNamara: I think the point was we were trying to avoid walk-ons. The point was we wanted a resolution a week prior which was part of that resolution be written be supported by three Councilmembers so it could be on the agenda so that the public would have a chance to view it. That was our point.

Councilmember Cherry: And also I want to point out I don't want to crucify the chair because she did send us an email recently that said if we wanted something on the agenda let her go. But we've been dysfunctioning now for the last nine months. That's why that motion was put out there.

Corporation Counsel Ackermann: But let me just to go to the Councilmember McNamara's point is that there is nothing stopping this council from raising the issue and deferring it to the next meeting if you want to give proper input from the public to do that as long as you have a majority of the Council I mean that's the issue. It's the majority of the council that rules but protection of the minority of views.

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Chairwoman Finney: I'd like to address one point though. The case I referred to specifically says that Robert's Rules of Order do not override the charter. And that is what the question I asked for legal review.

Corporation Counsel Ackermann: And I agreed 100 percent.

Chairwoman Finney: Roberts Rules were do not override the charter.

Corporation Counsel Ackermann: I agree with that but I don't believe that there is a conflict between the charter and it and what was done.

Councilmember Brannen: Yes I heard you say that this rules change would be a complement to what is in that charter rather than supersede it.

Corporation Counsel Ackermann: It's not taking away the chair's authority to set the agenda. What is what it is doing is it allowing for new for members to bring up new business which is which is not in violation of the charter is provided by Robert's Rules which this body has adopted and is consistent with the bylaws. I think the problematic thing is the council is trying to add things to the agenda prior you know outside of a meeting and having it required to be appear on the agenda.

I think that's an issue.

Councilmember Brannen: So Mr. Ackerman the clarification I heard or the recommendation I heard from you is that we can bring things up under new business and that that would not as long as we have a vote or three members who bring it up under new business and we could defer it to the next meeting for a vote if we would like public input.

Corporation Counsel Ackermann: Yes. The there is a spot under on the agenda already.

Not doing new for "New Business". And if something is raised then the council is the you know and they don't want to act on it that meeting it can be deferred to like you just did postpone the meeting which automatically appears on the "Unfinished Business" from the prior meeting under Robert's Rules.

Councilmember Cherry: And I am just I just want to tell my colleagues I am not promoting the circumvention of the chair by far I'm not doing that at all. But sometimes I think there is an issue that has enough support it doesn't make it on the agenda. I don't think that's democratic. So this is just a safeguard put in place. But I would encourage everyone to still follow the proper channels. Go to the Chair but introducing something under new or new business doesn't necessarily mean it's going to pass or even you know do anything it just gives us a right to have a voice. We were all elected to these seats. So that's my point. So where do we go from here.

OK. So we have to the next meeting for the attorneys to get their legal opinion or what have you and we'll move on from there.

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Councilmember Brannen: Meantime I would recommend we re-post the amended bylaws for the council so that they're publicly available.

Councilmember Flowers: So I have a question. So by doing that and you introduce something under the new business and you want to defer to the following meetings so that we the public can have a weigh in. How does that come online? I mean when we when you're posting for the next meeting is that going to be something a line under new business or how is that listed.

Councilmember Cherry: No, it should go under regular agenda on the next meeting.

And it will be in the minutes for the current it'll be in the minutes for the current meeting that's introduced under new business and next meeting it should be on the agenda if it has the vote of the council.

Corporation Counsel Ackermann: My recommendation would be that if a member would want something to appear on the or to be under new business you make a motion to postpone it to the next meeting and with the instruction for the clerk to provide whatever information or documentation that you want make it available to the public. And therefore it's a direction by a majority vote of the Common Council one to publish the information to the public and then two to postpone to your next meeting. And that will give you the opportunity for the public to review and then it automatically would appear on your unfinished business not necessarily be on the agenda on the printed agenda right because the chair sets that sets that agenda and it's her authority as the chair.

The next meeting it will go on to the agenda.

Next meeting it would go onto the agenda.

Councilmember Cherry: It would go on the next meeting if we voted for that if we voted under unfinished the next agenda. It would make it on the next agenda.

We took legislative action.

Corporation Counsel Ackermann: So there could be other unfinished business you're asking for it. So if that's the direction of the motion that's been done and can be you know let the majority vote of the Common Council.

Included in that motion on the under "New Business".

Under unfinished business.

Unfinished business.

Councilmember Cherry: And I just want to plan a record that I will not support anything

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brought under new business that was not even attempted to go to the chair. So I don't I don't want to just to bypass the chair and just have a free for all.

So you know as long as everyone's making their conscious effort to follow proper protocols I I'm supportive of it.

XII. ADJOURNMENT:

A motion was made by Councilmember Cherry and Councilmember Petsas to adjourn the meeting at 8:12 p.m.

Dated: June 25, 2019

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on

Respectfully submitted,

Deanne L. Flynn
City Chamberlain