



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, September 9, 2019 at 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL- All Present (Councilmembers R. Johnson, L. Johnson and Petsas were late)

II. REVIEW OF MINUTES:

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

REMOVE:

VII. MOTIONS AND RESOLUTIONS:

1. Resolution R19- 66, introducing Local Law LL19-3, and setting a public hearing regarding the proposed LWRP.

ADD:

VII. MOTIONS AND RESOLUTIONS:

3. Resolution R19-68, memorializing the withdrawal of appeal by Pelton Manor, LLC.

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

**William Smith-Columbia Street
Carmen McGill
Katherine Heit
Darret Roberts-Franklin Street**

Arthur Rollin-114 Hooker Avenue
Antonia Mauro-3 Willow Avenue
Sal Mialo 132 Thompson Street
Laure Sandow South Grand Avenue
Laura Foreman
Nancy Foster 119 Creamery Road

V. CHAIRWOMAN'S COMMENTS AND PRESENTATIONS:

Chairwoman Finney- would like to assure the public that this issue has been under active discussion for some time and certainly the law enforcement aspects, refer to mass shooters are not being neglected or trivialized. While it is true that there are many people in this country who regard the Confederate flag as merely a symbol of Southern culture. In this day and age it is a symbol of white supremacy, which is linked very closely to concerns about domestic terrorism. And I was reading in the National New York Law Journal, that New York has 47 domestic terrorist groups on the watch list the 5th highest of any state. So, certainly we as elected officials and as members of the community are aware of the potential issues. However, I also want to remind everyone that the Common Council certainly has no direct authority over the venue, and to the extent that we as elected leaders are able to exercise any influence, we will. We are identifying every option we can. So, we're not treating it like nothing. But I don't have anything to announce yet.

VI. MAYOR'S COMMENTS:

Mayor Rolison- I wanted to give some brief remarks tonight on some of the things that have taken place in the city since we last met. As you know the YMCA proposals have been received by the city. They came in prior to the deadline on Thursday. There were four proposals that were submitted to the city, which contained essentially arts and culture, some aquatic activity, and then a proposal for a campus like setting there with many different activities and organizations, potentially involved in creating a campus like setting. We created a Citizen's Committee, to review these proposals. Legislator Barbara Jeter-Jackson will be Chairing that committee. They will be probably meeting within the next week or so to start to look at their proposals. I know John Penny, the Director of Community Engagement has been speaking with Legislator Barbara Jeter-Jackson on that,

We had the annual senior picnic, county senior picnic was held at Stitzel Field, was well attended by several hundred members from the city of Poughkeepsie. Interesting event took place the other night on Main Street, at the Trolley Barn. Vassar College, I think for the first time actually held a reception for all of their new faculty members that were coming into work at the college. And they held it at the Trolley Barn, and Natalie Quinn was there representing with the city along with a Councilperson Salem.

The Flowers Family and their foundation, and volunteers had their Community Day Picnic on the 31st attended by hundreds of folks, again in Mansion Square Park. Also SNUG our anti-violence and anti-gun organization had a 3rd Annual Back to School event, which was later in

Official Minutes of the Common Council Meeting of September 9, 2019

the day at Pulaski, which also was well attended. It was the last day that Pulaski pool was open. I understand that we had a banner year of swim attendance and we're getting you those numbers as soon as I get them. First Friday was on Friday. It was very well attended again, even with the threat of rain, and then we had rain, and then the rain stopped. But I think again the thing that made this first Friday always so memorable was to Think Differently Dash which took place right here in downtown for individuals with all abilities. While 500 people pre signed up, I think with the rain held down a little bit. But there were several hundred people either running, being pushed in wheelchairs, and others just walking around the downtown. And if you ever had the opportunity to participate in one of those events, you should.

Hudson River Housing held their block party at Rose Street, Rose and Main. That was on Saturday. That was to highlight what they were doing with their supportive housing project at the end of Rose Street. That was very well attended as well.

We had an extremely successful first day of school this past Thursday. Everybody was working together. The city actually was in a position to help out in and around the schools, the day before, and that morning to make sure that was the best experience possible for everyone that was that was coming back to school.

The 9/11 ceremony, our annual 9/11 ceremony will be Wednesday morning, right here at our 9/11 memorial in conjunction with the Kiwanis club at 9 a.m.

I also wanted to highlight, and I should have highlighted that I am being told, even though I did not witness it that Councilperson Salem threw the shot that dunked the County Executive into the dunk tank.

Councilmember Salem: That's right, and that was my first try. It was the highlight of my night.

Mayor Rolison: Congratulations, I'm sorry I did not see that, Sarah.

Councilmember Salem: I am hoping somebody caught a picture. John Penny was there, and I asked him, and he didn't. But he was there to witness it.

Mayor Rolison: That's because he works for the county too. We'll find something.

Thank you, Madam Chair.

Councilmember Cherry: Before go into the agenda, I just have a simple request Can we just discuss Confederate Railroad. A couple of us have comments that we would like to make. And if we wait we may lose our audience. I would like my colleague Councilmember Brannen to speak first.

Councilmember Brannen: This is something that's been on my mind for weeks, because I've seen the petitions circulate. I also had a village trustee from New Paltz reach out to me, to see what we in the City of Poughkeepsie were going to do to address this band coming here. And that particular trustee was instrumental in working with the County Executive of Ulster County to remove Confederate Railroad from the line up in their county fair. And also I heard our colleague, Councilmember Johnson expressed concerns over public safety in our last meeting. And I just want to echo some of the sentiments that were expressed here, offer my perspective on this question, and also I have a question for the Administration about how we might handle this. This is the last council meeting that we will have, I believe, before this band is scheduled to play, so it seems timely for us to discuss it now. I would say generally, I find the name Confederate Railroad, and the use of the flag as a logo for marketing and income, a symbol that has been associated with slavery and oppression historically, I find it operant, and morally reprehensible. I'm deeply disappointed that this band is coming here to play at the Chance, which is a really valuable and historic venue in the city of Poughkeepsie. And I don't support the use of these symbols, and I think that this open display is deeply troublesome. And I just wonder how we explain to the children of this city, what this means for them. And especially in a city as diverse as the City of Poughkeepsie. And I think right now we're living in a moment that is a very particular moment in American history. Under this current Federal Administration we've seen a dramatic rise in active shootings and mass shootings, and hate filled speech, and also hate filled violence. And I think that that is different now, than the moment in 1987 when this band was formed. That there is something particular about what's happening in American culture and society now that is actually scary. And I think threatens the safety of our neighbors. And I appreciate the sanctity of freedom of speech. The gentleman who was up here before, I deeply respect what you said, and I do think that freedom of speech and artistic expression is necessary for innovation and creativity. And so I know that the Common Council may not have a legal basis for requiring the Chance to not have a band that has a different perspective or views than I do. However, I do think that given the moment we're living in, in this country, and all of the violence that we've seen, directly fueled by racism and hate, that we have a duty as public officials to consider the threat to public safety, here in the city of Poughkeepsie. And so I would like to know what the police force, and maybe the county or others who are in law enforcement are planning to do to protect the safety and well-being of our residents?

Chairwoman Finney: If I could interject. I'm not sure that that's available for public discussion at this point.

Councilmember Brannen: I think summary I respect your sensitivity to that and at the same time we've heard from enough people that they're concerned for safety here in the city Poughkeepsie, and I think we need to know that something is happening to protect the well-being of our neighbors.

Mayor Rolison: I can just comment that the police department, as it does on many events is using their intelligent network, intelligence network to monitor threats, as they do. And my understanding is, is that we will be talking about that again, with the command staff as the

Official Minutes of the Common Council Meeting of September 9, 2019

week goes on. As far as the other agencies go, I don't I don't have any information on that. But I know everything is coordinated to the point, that if there is something that needs to be done with a multi-jurisdictional response, it would be done.

Councilmember Brannen: Thank you Mr. Mayor for that response. I would like to know whether our law enforcement has specifically reached out to county, state or federal agencies for assistance in increasing enforcement activity.

Mayor Rolison: I don't have I don't know if they have or not.

Councilmember Brannen: With all due respect that's actually concerning because this concert is right around the corner.

Mayor Rolison: Right. I understand that. But again, our department has dealt with these types of activities before, with then Presidential candidate Trump was here. That was a multi-jurisdictional operation, and I haven't asked them that question, specifically, but I know they're actively meeting internally on whatever needs to be done and I have the full faith and confidence in this police talk. I will ask that question and I'll let you know. But I don't think because I can't answer it does it mean that they're not taking any potential safety concerns in the City of Poughkeepsie with the utmost seriousness.

Councilmember Brannen: I believe the chair woman's comment about domestic terrorism is relevant here because when we do talk about these mass shootings, I don't think we're talking about someone jaywalking, I mean we're talking about terrorism. So that's usually in the purview of federal law enforcement.

Councilmember McNamara: I didn't prepare any remarks for this, but I have been following this situation. You know symbols like the Confederate flag like the swastika, especially today in today's climate, are particularly upsetting and unsettling ,especially to marginalized communities like my own, the LGBTQ community. The environment today is hate crimes are up. And I think that speech comes from the top. Not just to my community, but the African-American community, the immigrant community. There seems to be, it's an environment of intolerance. This weekend I watched the motion picture Lincoln with my 14-year old daughter, and we had a long conversation afterwards. That the ultimate sin of the United States was slavery. It is a sin, and it's a sin that we need to ask atonement for. Talking about this band playing in Ulster County originally was scheduled with the fair. So I think that the Ulster County Government had some say in whether or not they could ban it. This is still America. So what I think we need to do is get organized. The Chance is it is a business in the City of Poughkeepsie, that you know this is America. They can do what they want. I can do what I want. You know, but we need to find ways to stop this. You know, for because of what it stands for. You know, to me, I don't care how good their music is. What they're doing is a publicity stunt. Plain and simple. And if you're dumb enough to fall for it, then you're dumb enough to fall for it. Thank you.

Councilmember Cherry: I'll try to sum up all right. First off I've never heard their songs, and I don't particularly listen to country music. But the name in itself, Confederate Railroad. I

just want to share something. My father's actually from the south. He's from Alabama. My father actually experienced Jim Crow. He had to drink in separate water fountains, and he had to go in the back entrance. He had to ride the back of the bus. Those are real life things that he experienced. My great-great grandmother was a slave. And just the Confederate flag in general has always had a negative connotation in our family, and all African-American families, and I feel that Poughkeepsie is an all-inclusive city and we should not be promoting anyone who preaches hate, or even if they don't preach hate. Like I said never heard their music their name portrays something hateful. Now if I'm not mistaken not too long ago there was a rap concert scheduled for the Civic Center, and I believe the civic center canceled that because the rap artist talked about killing police and such. So I don't feel like there should be a double standard here. I feel like and I would like to know the political, our political power, because if you remember Maxine Waters fought very hard, even as she was in the federal government against hateful anti-police gangster rap. I just feel that in this current political climate this is not a good idea. And I'm putting that on the record. If this was a different time and place, and we weren't under the auspices of all these white supremacist groups emerging out of nowhere, and these mass shootings and I'm not, please don't miss convey what I'm saying and saying that I'm assuming there's going to be a mass shooting because we have Confederate Railroad. It's just, what Confederate Railroad, what that name stands for will attract a certain element of people to this city that we may not necessarily want to have here. So I am asking my colleagues also, I'm sure we all feel the same way about this issue or maybe not because Councilman Petsas you look at me like.

Councilmember Petsas: I'm just listening.

Councilmember Cherry Also, I just have to add this too. There are several clubs in that area. So I'm very concerned about safety in general, because there's not only on that day won't only be Confederate Railroad. There'll be African-Americans letting out of the club at the same time. There's Latino club down there. I mean who's to say like you know someone will get angered on either side and chaos breaks out. I just you know I really wish that. I don't, I want to be careful what I say. But I just I just hope that there's a better solution than playing and at the Chance on September 20th.

Councilmember Flowers: I'm pretty much echo sentiments in your comments and welcome. And my main concern too. As Councilwoman Cherry brought out because I'm down here sometimes on Main Street in that particular area. I can just imagine what would happen if there's anything on either side, or anybody who comes there to these venues and starts to say anything. Any comments that relates to hatred. I mean for me the name itself is offensive, but I didn't listen to the music. I don't know what they're actually all about. But the fact is that some people just see a Confederate flag will get very upset and they know what it represents and it can cause other problems. And so, I really hope that this city is going to take that in consideration, that if they feel that they can't do anything to stop them from playing or convincing a Chance not to allow them to play, that they take other precautions to make sure they protect this city. And this venue is only a couple of blocks of where I live. And in only a few blocks where other children live and people who go there to enjoy other entertainment in that particular area. I'm concerned about that. And I know there is many times when other things are happened in the City of Poughkeepsie and they feel like there might be an issue.

Official Minutes of the Common Council Meeting of September 9, 2019

The town the county I've seen the sheriffs in the town, just to be on alert and been around just waiting to see, just to make sure that that there's peace and order. So to hear a comment that we're not sure what's going on, I would like to know if there if the police are making any kind of efforts or talking with these different groups to discuss that.

Mayor Rolison: I can assure you that every measure or precaution that needs to be taken, if this event takes place, will be taken.

Councilmember Flowers: Will they share not details, but will they share with us that they are looking into this and that they're taking precautions. I mean I guess that's what we need. That's what we want to hear because we want to know that with anyone who brings it up to us that that is being done because I will be out there. I will be out there like any other time when certain things are out there to just to see how things go and I've seen different things that happened that we needed that additional force out there to be able to keep the peace and that's what I would like to see.

Mayor Rolison: Just maybe and again and maybe I should have mentioned this I mean some of you are aware of it. We are part. Our department is part of a multi-jurisdictional task force of federal, state, and county law enforcement. We're also part, our county partners with the city in the give details of all of those relationships are there. So don't think because. I don't can't say specifically because I'm not going to speak for the command staff and they're not here tonight. If I knew that we were going to talk about this and this isn't anybody's fault here. You know we could have had Captain Wilson here. But I will make sure that all that information is disseminated to the council members and that there will be adequate resources there if this event does go on as planned.

Councilmember Salem: I'd like to make a quick comment. So I agree with every single thing that each of my colleagues has stated. And you know the confederate flag was a symbol of slavery. And so regardless of whether or not you correctly learned history the Confederate flag now is still a symbol of white supremacy. And so in my mind, that's hateful. And the First Amendment does not protect hate speech. And one of the things that we've done very well in the City of Poughkeepsie is to say to our residents that they all belong here, and they're welcome here. And this band is you know, in their name, saying that they understanding that this this flag carries this weight now, especially now not in 1987 necessarily but now. And that's a whole nother issue as far as marketing ploy is contending. That they're coming into this city. They know exactly what they're doing, and it's disrespectful. And our community expression has said otherwise. And I think it's really important that you know beyond ensuring that our public safety is covered, because as my colleagues have expressed, I'm too concerned about that. And I do believe that we will have what we need if this band does come and perform. Understanding too that the Chance is a private business and they can book any band that they like. I will too say for the record I listen to country music I listen to every single genre of music. I have not listened to Confederate Railroad, because I would never listen to a band with that name in its title. So in my mind no to the Confederate flag has nothing to do with the South. And I think that it's important, that we I think one of the things that the community wants to hear, there are 130 community residents that sign that survey. What they want to hear is an expression from their

local governing body that says that this is wrong. And we stand behind the breath and the hearts and the heritage and the culture of our residents that exist in this city. In saying that we know that this is wrong. Whether or not we can prevent a band from playing at a music venue, or taking a name that really incites hate and fear, we should at least make an expression known in clear that this is wrong.

Councilmember Lorraine Johnson: We'll talk about this. I want to know how Ulster County shut it down.

Chairwoman Finney: The government agency that booked them.

Councilmember Lorraine Johnson: Well guess what it was for the fair. Well you know like I spoke two weeks ago, and it's no need everybody's sitting here thinking it's not going to happen. Poughkeepsie is my home. We had ups and downs, but we have no mess like this here. So I don't want people to think that nothing's going to happen. Cause you live lived as old as I am, It's going to happen. And so I'm just saying that there's got to be something that we can do. If being a private owned business. You know I don't want to wait till the last minute. I'm only a block and a half from them. They're in my front yard. And nobody, nobody in Poughkeepsie should have to live in fear. My fear days is over with. That's the only thing I want to talk about. You know my Governor and everything, how this man can pull some mess like this here. Like I said I go to bed but no locks on my door, because I'm from Poughkeepsie New Yorker. Now you trying to bring all this crime in, it's cause were content trying to move the city forward. And now we've got to worry about this here. It isn't right. Racial has been around a long time. The North don't have to deal with it like the South. But every day I wake up with it. So you haven't felt it until you're black. That's what I got to say. I get upset about this here. Now we've got to debate what we're going to do who's going to do that. Then I want 24/7 around 147 Mansion street. Thank you Mr. Mayor. But you know like I said to everybody here. This is a subject I don't like. I am better now. I can control it. Let's not sit here and debate what we're gonna do and get a commitment in there, because words don't mean nothing. Thank you. Thank you my colleagues for speaking so well. I agree with you, whatever you said and everything. But it is painful.

Councilmember Petsas: I was contacted by Time Warner Cable about two weeks ago. They wanted to interview me on this matter, and I didn't really know much about it to tell truth. So I do a little research on them. Obviously the Confederate flag has no spot in today's music, or 30 years ago for that for that matter. Sadly they use it, however and I'm not here to defend the band, I'm not gonna defend anybody or vice-versa. But I will say, that you know the songs that I research briefly were not racist. They were not white supremacist, were they redneck? I guess you could call them. Yeah they were definitely redneck where they Southern. Yeah there are definitely Southern. But again you know, the issue is that you know where they have been pushed out the bands have been because a government funded them. So whether it be the fair out in Indiana, or was there whether it was Ulster County Fair, you know there was a government agency that funded these bands. And so that was the ability of the public to be able to say hey let's you know these are tax dollars we don't want this band playing because of their symbol. This is a little different because it's a private venue and I'm not sure what kind of control we have over the Chance, a private theater to bring this band in. I will say you

know on behalf of my people the first word you know you're not welcome here in the city of Poughkeepsie you know and I wish you know I think simply you know it would be great they would just change your name, right. Just change her name and get rid of that symbol and come up with a different name. But unfortunately you know you know if you're a band for 30 years and you have a big crowd you know I guess you could do what you want to do. Again, I also want to say this before I conclude is that, I believe that the people the City of Poughkeepsie are much, much better than what some people are believing we are. I don't think we're going to have violence outside if that band continues. I believe our people are smarter than that, they're better than that. And so you know, I think that you know the talks of mass shootings, of violence, that's just a little overboard. Again, I wish the Chance didn't book them. I wish their name was different. I was going to use a Confederate flag, but I also believe at the end of the day, that our people are better than, that and then to incite violence, and that we will bet that if it does go on, I pray, and I believe that it will be a quiet event. Again I believe our people are better. Thank you.

Councilmember Brannen: Madam Chair. I want to clarify something I said in my statement. My concern about public safety is really not driven by what I think our residents are going to do. I'm concerned about people coming into the city. I mean you know there was 6 year old boy who was killed in California. And you know, the person who came in and did that shooting was deeply disturbed. And so I'm more concerned about what the venue will attract from outside the city. And I do understand that this is a privately owned venue. We cannot require them to book, or not book anyone, because it is a privately owned venue. And at the same time, I just want to reiterate my concern over public safety. And I think if it's not today in this meeting, it will be very helpful and reassuring. If we could get some information from the Police Department over the course of the coming days about what additional precautions they're going to be taking.

Chairwoman Finney: I was going to ask Mr. Ackerman. Perhaps you could arrange a briefing and expand on some of the topics that you and I were discussing. Mr. Mayor you and I were discussing. There's two threads here. One is the public safety concern, and obviously the command staff and the city are well able to address that. But. A little more private setting at the moment, if you want actual details as far as the content of the speech. I would just like to make the point that it is not entirely a private venue it is a licensed premise. They are using a state privilege liquor license to promote this activity, and there may be some basis for complaints to the State Liquor authorities. But at the moment it's all still very theoretical. So if we could set something up gentlemen for the councilmembers, and then thereafter we can issue a statement to the public as to the content aspect. The public safety aspect I think that the general assurances certainly can be given, but there are more detailed steps in place at the moment.

VII. MOTIONS AND RESOLUTIONS:

- 1. A motion was made by Councilmember R. Johnson and seconded by Councilmember Lorraine Johnson to receive and print.**

RESOLUTION R19-67

EXTRACT OF MINUTES

(Poughkeepsie's' Water Treatment Facility—UV Disinfection Equipment Replacement)

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 September 9, 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

BOND RESOLUTION DATED SEPTEMBER 9, 2019

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,501,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE CITY'S SHARE OF THE COST OF THE POUGHKEEPSIES' WATER TREATMENT FACILITY UV DISINFECTION EQUIPMENT REPLACEMENT AND AUTHORIZING THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

WHEREAS, the Poughkeepsies' Water Treatment Facility is owned and operated as a joint project of the City of Poughkeepsie and Town of Poughkeepsie pursuant to an inter-municipal agreement dated August 3, 1995, as amended (the "Inter-municipal Agreement"), entered into pursuant to Article 5-G of the General Municipal Law, and the Poughkeepsies' Joint Water Board has recommended certain improvements to the Poughkeepsie Water Treatment Facility including replacement of UV Disinfection equipment, the cost of which is to be allocated between the City of Poughkeepsie and the Town of Poughkeepsie pursuant to the Inter-municipal Agreement;

NOW THEREFORE 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:

SECTION 1. The improvement of the Poughkeepsies' Water Treatment Facility, consisting of the planning, design, construction and installation of equipment, machinery, apparatus, appurtenances, and incidental site and other improvements and expenses in connection with the replacement of UV Disinfection equipment, is hereby authorized at an estimated maximum joint project cost of \$4,548,000. The City's share of such estimated maximum joint cost of \$4,548,000 has been determined to be \$2,501,000, hereby appropriated for such purpose. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph a of Section 11 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty years.

SECTION 2. It has been determined that the aforesaid purpose constitutes a Type II action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQRA not to have a significant impact on the environment.

SECTION 3. The City plans to finance the City's share of the cost of said purpose by the issuance of the serial bonds in an amount not to exceed \$2,501,000, hereby authorized to be issued therefor pursuant to the Local Finance Law. The City plans to provide for amounts equal to annual debt service costs with respect to obligations issued hereunder from its Water Fund revenues. The remaining \$2,047,000 of the total joint project cost is to be paid by the Town of Poughkeepsie pursuant to the Inter-municipal Agreement.

SECTION 4. 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 5. 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 6. 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. To the extent not paid from other sources, 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 7. 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 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 8. 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 9. The Commissioner of Finance is further authorized, in his discretion, to execute a project financing and loan agreement and any other agreements with the New York State Environmental Facilities Corporation and/or the New York State Department of Environmental Conservation and/or the New York State Department of Health, and amendments thereto, and to take such actions and execute such documents as may be necessary to provide for the financing or refinancing of the specific object or purpose set forth herein, or a portion thereof, by one or more notes or bond issues of the City and the sale of such issues to the New York State Environmental Facilities Corporation or its designee pursuant to the New York State Revolving Fund Program.

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.

Official Minutes of the Common Council Meeting of September 9, 2019

SECTION 12. This resolution shall take effect immediately.

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: September 9, 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 9th of September, 2019 and entitled:

BOND RESOLUTION DATED SEPTEMBER 9, 2019

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,501,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE CITY'S SHARE OF THE COST OF THE POUGHKEEPSIES' WATER TREATMENT FACILITY UV DISINFECTION EQUIPMENT REPLACEMENT AND AUTHORIZING THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

Official Minutes of the Common Council Meeting of September 9, 2019

(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 10 day of September, 2019.

-SEAL-

Deanne Flynn
City Chamberlain

Executive Summary–Not a part of the Resolution

This New Resolution for the **Poughkeepsies' Water Treatment Facility—Replacement of UV Disinfection Equipment** includes:

<u>Purpose</u>	<u>Capital Budget Items</u>	<u>PPU (Max. Period for Financing)</u>	<u>Total Project Cost</u>	<u>Other Funds (Town of Poughkeepsie's share)</u>	<u>Bonds Authorized</u>
Section 1: City's share of the Poughkeepsies' Water Treatment Facility UV Disinfection Equipment Replacement	Joint Water UV Disinfection Equipment Replacement	40 years	\$4,548,000	\$2,047,000	\$2,501,000
Grand Total			\$4,548,000	\$2,047,000	<u>\$2,501,000</u>

Official Minutes of the Common Council Meeting of September 9, 2019

R19-67						
☒ 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	☒	☐	☐	☐

2. A motion was made by Councilmember R. Johnson and seconded by Councilmember L. Johnson to receive and print.

RESOLUTION
R19 –68

DISPOSITION OF APPEAL OF PELTON MANOR LLC FROM HDLPC DENIAL OF CERTIFICATE OF APPROPRIATENESS

INTRODUCED BY CHAIRWOMAN FINNEY

WHEREAS, Pelton Manor LLC are proposing to develop City-owned property at 36 N. Clover Street, and

WHEREAS, pursuant to its development plans, PELTON MANOR LLC submitted detailed development plans to the City of Poughkeepsie Historic District Landmark Preservation Commission (HDLPC), seeking a Certificate of Appropriateness authorizing the requested development of 36 N. Clover, and

WHEREAS, on January 10, 2019 the HDLPC denied the request for a Certificate of Appropriateness, and

WHEREAS, the HDLPC denial of the Certificate of Appropriateness was based on voluminous records discussed, referenced and presented in numerous in HDLPC public meetings, and

WHEREAS, the HDLPC members explained their votes in a public meeting dated January 10, 2019 and

WHEREAS, on January 14, 2019 Pelton Manor LLC appealed the HDLPC denial to the Poughkeepsie Common Council; and

WHEREAS, on September 6, 2019, Pelton Manor LLC advised the Corporation Counsel of the City of Poughkeepsie that Pelton Manor LLC was withdrawing its appeal of the HDLPC decision of January 10, 2019, and

Official Minutes of the Common Council Meeting of September 9, 2019

WHEREAS, e-mail of September 6, 2019, to Poughkeepsie Corporation Counsel, Pelton Manor through its attorney Richard Cantor, Esq, confirmed that the withdrawal of the appeal was “with prejudice” to the appeal of January 14, 2019, and

WHEREAS, the Common Council wish to memorialize the withdrawal of the January 14, 2019 appeal with prejudice and to finalize the record on appeal of the HDLPC decision of January 10, 2019,

NOW THEREFORE, it is

RESOLVED, that the Common Council accepts the withdrawal with prejudice of the January 14, 2019 appeal of Pelton Manor LLC, of the HDLPC decision of January 10, 2019, and it is further

RESOLVED, that the issues and claims decided by the HDLPC on January 10, 2019 are fully and finally determined by the HDLPC, and it is further

RESOLVED, that administrative rights of appeal of the HDLPC decision of January 10, 2019 are exhausted.

SECONDED BY COUNCILMEMBER RANDALL JOHNSON

R 19-68			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled		Councilmember Salem	☒	☐	☐	☐
		Councilmember Brannen	☒	☐	☐	☐
		Councilmember Cherry	☒	☐	☐	☐
		Councilmember McNamara	☒	☐	☐	☐
		Councilmember Flowers	☒	☐	☐	☐
		Councilmember Petsas	☒	☐	☐	☐
		Councilmember R. Johnson	☒	☐	☐	☐
		Councilmember L. Johnson	☒	☐	☐	☐
		Chairwoman Finney	☒	☐	☐	☐

VIII. ORDINANCES AND LOCAL LAWS:

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

- 1. FROM CITY ADMINISTRATOR NELSON**, a communication regarding an update on the progress of work at College Hill Park.
- 2. FROM SENIOR PLANNER QUINN**, a communication regarding proposed text amendment to the R-4A zoning district.

X. NEW BUSINESS:

XI. OLD BUSINESS:

XII. ADJOURNMENT:

A motion was made by Councilmember Flowers and Councilmember Cherry to adjourn the meeting at 8:27 p.m.

Dated: October 26, 2019

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on September 9, 2019

Respectfully submitted,

**Deanne L. Flynn
City Chamberlain**