



THE CITY OF POUGHKEEPSIE
NEW YORK
SPECIAL COMMON COUNCIL
MEETING MINUTES

Monday, October 3, 2022 6:00 pm Common Council Chambers

Chairwoman Cherry called the meeting to order at 6:00 p.m.

- I. Welcome
- II.—— Indigenous Land Acknowledgment
- III.—— Pledge of Allegiance
- IV.—— Roll Call

Attendance: all Common Council members were present and seated in the audience. (Councilmembers: Diechler, Flowers, Johnson, Long, Menist, Shook and Thompson).

City Hall Department Heads in attendance on the dais: Randy Alstadt (Water Plant Administrator), Councilmember Natasha Cherry (Acting Common Council Chair), Jasmin Davis (Chamberlain/Vital Statistics), Chief Joe Franco (Fire Department), Chris Gent (Department of Public Works), Dr. Brian Martinez (Commissioner of Finance/ IT), Marc Nelson (City Administrator), Chief Tom Pape (Police Department), Regina Pittman (Human Resources), Natalie Quinn (Planning/Building Department), John Taylor (Assessor) and Rebecca Valk (Corporation Counsel).

- V. Public Participation
 - 1. Naomi Brooks – S. Grand Ave.
(submitted written comments)
 - 2. Marta Knapp
 - 3. Ken Stickle

Informational meeting
City of Poughkeepsie October 3, 2022

Naomi Brooks
S. Grand Avenue

Good evening. My questions revolve around the delisting (legal term being alienation) and sale of Wheaton Park, 36 N. Clover Street in our first ward.

To frame my questions, I slogged through NYS's 69 page handbook titled Alienation and Conversion of Municipal Parkland. It begins with this: "Municipally-owned parkland... is a nonrenewable resource that should be protected. Once lost to another use recreational or open space is difficult to recover." It concludes with this: "Municipal parkland is a valued community asset. The importance of preserving parkland and open space in New York has been repeatedly confirmed by courts and by the Legislature."

In between, there are numerous guidelines and procedures to be followed. They reference the public trust, which I assumed meant the public put its trust in the government to do what was in the public's best interest. It turns out that it is a legal term establishing that certain natural and cultural resources are preserved for public use.

With the alienation and sale of Wheaton Park, the public trust has been betrayed, and in numerous ways that have never been clarified.

Not limited to my anger about how everything about Wheaton Park unfolded, though it is included here - I am tired of a city that gives preferential treatment to some developers with tax breaks and custom-written requests for proposals. And particularly in reference to Wheaton Park, I am tired of a city that attempts to balance its budgets with one-time sales of important properties at a fraction of their worth. In fact, a state auditor - when reviewing our bond rating years ago - noted that is an ineffective long-term strategy in the budgeting process. No wonder we now have the sad claim to fame as being the only city in our state rated as being in fiscal stress.

So, some questions for Marc Nelson:

-if an appraisal was necessary to assure compliance with alienation legislation as you noted in your August 30 email to Common Council, why was that appraisal received on August 24, months AFTER the March 29 sale?

- removal of parkland requires the selection of appropriate and eligible substitute lands. What was the substitution for Wheaton Park, and which price was used in the calculation, the \$600,000 purchase price or the \$940,000 appraisal price?

- if the money gained from the removal of this parkland is required to go to provide substitute lands, why did you announce at the August 11 Ward 8 meeting that the \$600,000 would be used to settle the Delaval litigation elsewhere in the city?

What is the importance of public meetings? Quoting from the federal Environmental Protection Agency's own website: "Public meetings are held to engage a wide audience in information sharing and discussion. They can be used to increase awareness of an issue or proposal, and can be a starting point for, or an ongoing means of engaging, further public involvement. When done well, they help build a feeling of community."

<https://www.epa.gov/international-cooperation/public-participation-guide-public-meetings>

And not well done? well, the City of Poughkeepsie's Council meetings, public hearings, and 2x-yearly Informational Meetings are good examples of meetings not well done, which have been whittled down to formats that reduce participation and destroy the public's sense of community. Chair Cherry, I appreciate that you've returned to the format that used to exist, where these meetings went on as long as the public had questions.

In recent years, Informational Meetings—the only meetings where the public gets to ask questions and actually have them answered—have been intentionally shortened to timing that's even shorter than public comments at Common Council meetings. Participants who are legally obligated to attend these meetings are sometimes absent, and/or find ways to avoid going on the public record by answering that they'll (quote) "get back to you."

This stands in sharp contrast to City of Poughkeepsie Charter "Section 2.05 Informational Meetings, that reads: "In addition to its organizational, regular and special meetings as hereinabove prescribed, the common council shall convene meetings in March and September of each year which shall be solely informational. All members of the common council, the mayor, the city administrator and the heads of all city departments and offices shall be in attendance unless excused by the council chair for good cause shown. The general public in attendance at such meeting may inquire of any such persons with regard to any aspect of city governance. Written public notice of each such meeting shall be published in the city's official newspaper and on the city's official website and by whatever other electronic means as may be commonly used by the city for such purposes, and may otherwise be given as provided by the rules of the common council, not later than the fourteenth day next preceding such meeting."

I'll begin my questions:

—What is the current status of Flores Taqueria and/or any other business, business license and/or RFP for license of the Ice House?

—How much was Baxter fined, and how much did he actually wind up paying, for the nuisance he created when he leased his N. Hamilton parcel to subcontractors for Central Hudson?

—Has Pelton Partners ever been issued a violation, been fined, and/or paid a fine for their failure to maintain the parcel, the building and the vegetation at 36 N. Clover?

Regarding Council Chair Salem's recent resignation:

—Which person and/or City department has captured all records and correspondence exchanged—whether via City Email system, or via Salem's private Email address—between Salem, the Administration, other Councilmembers, and/or members of the public, and retained them for purposes of both continuity, transparency, historic record and public access?

—A question about the conduct of meetings:

The Council receives a \$500 stipend for online access, paid in addition to their salaries. The public constantly observes meetings, both Council meetings and Board meetings, where the members are glued to their phones and desktop devices, apparently texting each other. Why is there no enforcement requiring texts between Council and/or Board members while an Open Meeting is in session, to be displayed on the screens so that the public has access to these private conversations, manipulation of vote outcomes, and/or members who are busy texting friends and not paying any attention to the meeting at all?

Marc Nelson:

—When will this City implement property registration—an essential aid to first responders as well as to future city planning?

—In 2015, the c/PK Common Council approved a resolution for a parcel of property commonly known as Wheaton Park/Pelton Mansion, located at 36 North Clover Street, which resolution read in part: “the City issued a Request for Proposal and determined that there is no municipal use for the property;”

Recently, the developers, in tandem with the City, have promoted a plan that the Pelton mansion will be occupied by one (or more) arts-based organizations. When did the City and developers first begin discussing this possibility, and doesn’t that intent contradict the declaration of “no municipal use”?

Two local projects and/or grant opportunities:

—Scenic Hudson’s Solar Mapping, and separately, DEC Air Monitoring Capacity Building Grant

- Solar Mapping.

Hudson River Sloop Clearwater, New Yorkers for Clean Power, Scenic Hudson and the Mid-Hudson Regional Sustainability Coalition Energy Working Group are actively seeking a fourth cohort of municipalities to use the Scenic Hudson’s Solar Mapping Tool. Is the City of Poughkeepsie involved in this effort?

<https://www.clearwater.org/action/solar-mapping-fall-2022/>

<https://www.scenichudson.org/our-work/climate/renewable-energy/welcome-to-scenic-hudsons-solar-mapping-tool/>

- Air Monitoring Capacity Building Grant

NYS DEC has a current Air Monitoring Capacity Building Grant with a deadline of October 12, 2022. Has the c/PK considered an application for this grant?

This question combines two aspects concerning City Boards, and is addressed to both Dr. Martinez and Natalie Quinn:

1—NY State has a records retention law, as does City of Poughkeepsie Code;

2—Quoting Natalie Quinn from the imperfect transcript of the September 20, 2022, Planning Board Meeting:

“I think we very much encourage people who are considered experts within their field to join our municipal boards, whether that be for the HDLPC having historic preservation as the planning board, having folks who work in housing or development that is very much encouraged and wise of the city to have folks who are experts within their field serve on their board. So not only is it not a conflict of interest, but it is a benefit, I would say to this board to have you in your expertise.”

However,

- a) Arthur Rollin, an architect and expert in his field, was forced to resign from the HDLPC;
- b) when I submitted a request for the CVs and application letters to fill vacancies on the HDLPC, I was not supplied with any documents for Tim McQueen or Doug Nobiletti, and was told that Tim McQueen’s application was no longer on file. That would be a violation of both NY State and c/PK records retention laws. None of the documents I received were time-stamped as requested. The documents I received for Da’Ron Wilson make clear he’s an accomplished professional, but with no preservation experience. What qualifies these three to sit on the HDLPC?
- c) At an Arts Commission meeting, Tim McQueen stated, and I quote: “By way of disclosure, I am on the HDLPC, and any comments that I’ve made tonight are strictly from my Arts Commission hat. Now I’ll put on my ascot and my top hat when I’m with the other group.” I’d appreciate an explanation about the qualifications of a preservation commissioner who appears to be hostile to the work of his own commission, asserting the HDLPC’s work to be the work of the elite.

—Freedom of Information requests, and compliance with Open Meetings Law, is a constant issue in this City. When requests are submitted through the City’s FOIA portal, one received a canned reply that does not include a date certain when documents will be supplied. FOIL specifies the acknowledgment letter must indicate the approximate date when the request will be granted or denied, which in most cases cannot exceed 20 additional business days from the date of the letter.

- A recent example is Freedom of Information request submitted to Dr. Martinez on September 7, regarding Mandatory Councilmember Training. Why am I still waiting for a reply when Dr. Martinez either has records of approving training session, or has no records of ever being asked to approve this mandatory training? And based on the date of my FOIL, should his records not already include proof of completed training?

- Effective October 19, 2021, Chapter 481 of the Laws of 2021 amended §103(e) of the Law to require that copies of records that are “scheduled to be the subject of a discussion” be made available to the public at least 24 hours before a public meeting, to the extent practicable.”

Nevertheless, Development Director Natalie Quinn did not post the Bonura walk-on that took place at the August 16, 2022, Planning Board meeting, either in advance, nor during, nor any time after that meeting.

- On November 8, 2021, the Governor signed into law Chapter 587 of the Laws of 2021 which amends the Open Meetings Law to require agencies that maintain a website and use a high-speed internet connection to post meeting minutes on its website within two weeks of the date of the meeting, or within one week of an executive session. It further states: “unabridged video recordings or unabridged audio recordings or unabridged written transcripts may be deemed to be meeting minutes.” When I registered my complaint that neither recording nor transcript existed for the City of Poughkeepsie Zoning Board of Appeals (ZBA) meeting of August 9, 2022, supposedly due to technical problems; and that the written minutes of that meeting were woefully inadequate, Corporation Counsel Rebecca Valk blew off my citation of NYS OML, and said that webcasts were provided as a (quote) “courtesy”. I sent an Email asking Ms. Valk to put her statement in writing. She did not reply. When I asked the same in person, she said she would not be putting her statement in writing, that she didn’t work for me, and that I had no right to make work for her.

For reference, see the last two pages for attachments from the NYS Committee on Open Government.

For Natalie Quinn:

— At a recent Common Council meeting, you stated that an “implementation committee” for either or both the Comprehensive Plan and/or Zoning Plan had been assembled”. What are the names of those committee members? And how was it assembled? When will you hold an in-person Q&A with the public in Council Chambers where the public can ask questions and have them answered on the record?

Quoting from the imperfect transcript of the September 6 CC meeting:

Quinn: “And then there also, you know, this provides tools, but there will still need to be like a an implementation committee in that can be made up of. I think the document calls for planning board members, common council members, as well as business and nonprofit and just residents. Right to be a part of that group, they will have to decide what tools for what specific area to pull down. Right. There's recommendations that here's your toolset for this area based on the data.”

—At a recent Planning Board, neighbors attended to address their concerns and complaints about existing conditions being created by events held at the Grandview and Shadows. Yet those residents had their concerns and input dismissed because Bonura was within code and his rights for the new construction he’s proposing. Is it any wonder that the public is discouraged from attending and speaking up at these meetings when their input is dismissed by Code?

—Dutchess County Planning has recently released a report with data about single family sales. How is it that the City cannot or will not create similar reports, especially in light of updates to the Comprehensive Plan and pending updates to zoning?

At a previous Informational Meeting that Natalie Quinn did not attend, I sent a follow-up question in writing which read:

- “I have requested, more than once, that a “heat map” of purchasers and the parties behind the curtains of various LLCs, be generated by the Planning Department, so that the public has a clear idea of which parties are buying up properties throughout the City of Poughkeepsie. I now make the same request to you as Development Director.”
- Quinn’s reply was: “Regarding your request for a map depicting purchasers and property owners of parcels throughout the city, the City Planning Division does not currently track private property sales, and would not be able to produce such a map. Private property sales transactions are filed at the county level. Furthermore, we do not track LLCs or the entities that make up an LLC. Thus, we would also not be able to create a map regarding LLCs as you've requested. Dutchess County Parcel Access does provide property owner information for every parcel in the city and the platform is publically accessible.”

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EXECUTIVE DIRECTOR

SHOSHANAH BEWLAY

MEMORANDUM

TO: Whom It May Concern

FROM: Shoshanah Bewlay
Executive Director, Committee on Open Government

RE: *Chapter 481 of the Laws of 2021 Relating to Records Scheduled to be Discussed at an Open Meeting*

Chapter 587 of the Laws of 2021 Relating to the Posting of Meeting Minutes

Chapter 676 of the Laws of 2021 Relating to the Definition of "Public Body"

Chapter 1 of the Laws of 2022 amending Chapter 417 of the Laws of 2021 "Notwithstanding" Elements of Public Officers Law Article 7 "The Open Meetings Law" Through the End of the Declared Disaster Emergency

DATE: November 9, 2021 (Updated February 28, 2022)

On September 2, 2021, Governor Kathy Hochul signed into Law Chapter 417 of the Laws of 2021 which, in part, authorizes most public bodies "to meet and take such action authorized by law without permitting in public in-person access to meetings and authorize such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed."

The language of the Law substantially mirrors former Executive Order 202.1 issued in March 2020. Guidance relating to that order can be found on the Committee on Open Government's website under Open Meetings Law Advisory Opinions, key phrase "Declared Disaster Emergency." Links to those opinions are below.

[OML AO 5630A](#), [OML AO 5631A](#), [OML AO 5632A](#),

On October 19, 2021, the Governor signed into law Chapter 481 of the Laws of 2021 which amends § 103(e) of the Open Meetings Law to require that records to be discussed at a meeting be made available, to the extent practicable, upon request and posted online, at least 24-hours before the meeting. The obligation to make records available to the public upon request "prior to or at the meeting" and to post the records on the agency or public body website "prior to the meeting" has been in effect since February 2012. This amendment simply places a 24-hour minimum time frame for making those records available. Additional guidance can be found [here](#).



Committee on
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On November 8, 2021, the Governor signed into law Chapter 587 of the Laws of 2021 which amends the Open Meetings Law to require agencies that maintain a website and use a high-speed internet connection to post meeting minutes on its website within two weeks of the date of the meeting, or within one week of an executive session. It further states: "unabridged video recordings or unabridged audio recordings or unabridged written transcripts may be deemed to be meeting minutes. Nothing in this section shall require the creation of minutes if the public body would not otherwise take them."

On December 21, 2021, the Governor signed into law Chapter 676 of the Laws of 2021 which amends the definition of "public body" contained in the Open Meetings Law. The definition now reads:

"Public body" means any entity, for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the state or for an agency or department thereof, or for a public corporation as defined in section sixty-six of the general construction law, or committee or subcommittee or other similar body consisting of members of such public body or an entity created or appointed to perform a necessary function in the decision-making process. A necessary function in the decision-making process shall not include the provision of recommendations or guidance which is purely advisory and which does not require further action by the state or agency or department thereof or public corporation as defined in section sixty-six of the general construction law.

Public Officers Law § 102(2).

** On February 24, 2022, the Governor signed into law Chapter 115 of the Laws of 2022 which made changes to Chapter 676 of the Laws of 2021 (see above), to clarify the definition of "public body" for purposes of the Open Meetings Law. The amended definition now reads:

"Public body" means any entity, for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the state or for an agency or department thereof, or for a public corporation as defined in section sixty-six of the general construction law, or committee or subcommittee or other similar body consisting of members of such public body or an entity created or appointed to perform a necessary function in the decision-making process for which a quorum is required in order to conduct public business and which consists of two or more members. A necessary function in the decision-making process shall not include the provision of recommendations or guidance which is purely advisory and which does not require further action by the state or agency or department thereof or public corporation as defined in section sixty-six of the general construction law.

On January 14, 2022, Governor Kathy Hochul signed into Law Chapter 1 of the Laws of 2022 amending Chapter 417 of the Laws of 2021 to authorize any public body (as that term is defined by § 102(2) of the Open Meetings Law) "to meet and take such action authorized by law without permitting in public in-person access to meetings and authorize such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed."

Chapter 1 takes effect immediately and shall expire and be deemed repealed upon the expiration or termination of the state disaster emergency declared pursuant to Governor Hochul's Executive Order 11 or any extension or modification thereof. As of the updated date of this memo, Executive Order 11.3 had extended Executive Order 11 through March 16, 2022.



Committee on
Open Government

Special Informational Meeting Minutes of Monday, October 3, 2022

4. Laurie Sandow – S. Grand Ave.
(submitted written comments)
5. Peter Van Aken – Wilbur Blvd.
6. Gus Kazolias

VI. Adjournment

The meeting was adjourned at 8:01 p.m.

Dated: October 12, 2022

I hereby certify that this true and correct copy of the Minutes of the Special Informational Meeting held on October 3, 2022.

Respectfully submitted,

Jasmin Nicole Davis
City Chamberlain