THE CITY OF POUGHKEEPSIE
NEW YORK

COMMON COUNCIL MEETING
MINUTES

Monday, April 6, 2020 6:30 p.m. **City Hall**

The Council Meeting was conducted using videoconferencing, as permitted by the NYS Open Meetings Law.

Chair Salem: Effective immediately and based upon notices and health advisories issued by the federal, the state and local officials related to the Corona virus, the City of the Poughkeepsie Common Council will no longer hold in-person meetings until further notice, and all future city council meetings, including public hearings, will be held as we are doing now via video conferencing, as is permitted by the executive order issued by Governor Cuomo as it pertains to the New York State Open Meetings law.

Additionally, due to public health and safety concerns, the public will not be permitted to attend at remote locations where council members are located.

However, you will be able to observe as you are the video conference by using the registration link that was posted with our meeting notice and that will be posted with subsequent meeting notices and then the meeting will be available to view at a later date on our website.

I. PLEDGE OF ALLEGIANCE:

ROLL CALL-All Present

II. REVIEW OF MINUTES:

CCM Minutes 3-2-2020						
			Yes/Aye	No/Nay	Abstain	Absent
☑ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☑	☐	☐	☐
	Councilmember McNamara	Voter	☑	☐	☐	☐
	Councilmember Cherry	Voter	☑	☐	☐	☐
	Councilmember R. Johnson	Voter	☑	☐	☐	☐
	Councilmember Menist	Voter	☑	☐	☐	☐
	Councilmember Petsas	Voter	☑	☐	☐	☐
	Councilmember L. Johnson	Voter	☑	☐	☐	☐
	Councilmember Brannen	Voter	☑	☐	☐	☐
	Chair Salem	Voter	☑	☐	☐	☐

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

NONE

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

Laurie Sandow-South Grand Avenue

Laurie Sandow comments, Common Council meeting, April 6, 2020 — Pg. 1 of 1

I write to make several points:

First—my thanks and gratitude to those providing essential services: emergency responders, police, fire, EMS, nurses, doctors, medical techs and service workers, nursing home, health and homecare workers; domestic abuse and mental health service providers; farmers, farmworkers and factory workers; journalists, teachers, essential businesses, small businesses, corner stores and delivery people maintaining neighborhood essentials; food harvesting and processing workers, public works employees, utility workers, mechanics, and tradespeople; grocery and retail store employees, truckers, food pantries and food banks, community activists and volunteers, local government and civil service workforce, artists, musicians (with no way to order, or provide a complete list).

Second—I would like to ask whether the City and County have created navigator positions to assist both residents and businesses in learning about, accessing and applying for a wide variety of necessary relief and benefit programs and services. Also, whether a community survey has been or will be developed to assess current and future needs across the entire spectrum of the City of Poughkeepsie residents.

Third—Why is there a 5pm deadline tonight for written comments, when the Council meeting starts at 6:30pm, and the Council Chair has made it clear that public comments will not be read into the meeting's audio record? By what authority does Common Council chair Sarah Salem have the right to breach both existing Common Council rules, as well as City Charter, without a public vote by all Council members? By utilizing existing technology, it's clear that the safety and health of all meeting participants can be preserved while also providing a call-in line for citizens who wish their comments to be part of the meeting's audio record. Instead, citizens who wish to verbally comment, and have their comments made part of the meeting's webcast record, are being denied the opportunity to do so at tonight's Council meeting, and perhaps at future meetings. Rather than encourage and support citizens' ability to remain a vital part of the governing process through remote participation, the Council or maybe only the Council Chair—under the guise of "continuing to adapt as best we can as this unprecedented situation unfolds and we [] continue to work in service to our resilient community"—is undermining community resilience, and unilaterally denying citizens remote participation and public voice in the midst of shared challenge.

V. MAYOR'S COMMENTS:

Mayor Rolison: Okay, and thank you, Chair. And thanks, everyone tonight for getting on this virtual council meeting, and to thank the Council Chair for putting this together, and I.T. staff for her for making this happen. This is an extraordinary time for all of us. But being able to have this meeting government is functioning and being able to project that to the public certainly is really important. And my hat's off to all of the members of the Council, and city staff that were able to make this happen tonight for the City of Poughkeepsie.

I'm glad to report that city staff, all 350 plus employees, are doing well. It is my understanding that family members also are doing well. That does not mean that we have not had our challenges because we have and working together, we are meeting those challenges on a daily basis, an hourly basis, a minute by minute basis. And since March 3rd, when there was the first Corona Virus call, with Dutchess County and then subsequently on March 4th and every single day after that, there have been calls with New York State and county calls twice a week. We've been having phone calls with the Mid-Hudson Mayors through pattern for progress, sharing information, sharing challenges, sharing our fears, but also sharing our optimism that working together, that we have met this head on in every single way possible and still figuring out ways to do it as partners to get through this unbelievable and extraordinary time that we find ourselves in.

We have made significant staffing decisions in meeting the governors order of 50 percent, and then guidelines to get down as close to 25 percent and below. The first thing that we did is we broke up our non-essential staff into two teams, and we were able to send one team home for 10 days plus. That team is now back to work. Many are working from home, which is a good thing. And I'll get to that in just a second. And the second team is now in. I want to report that we have been extraordinarily lucky so far that our staffing in our public safety personnel has been really unaffected to the point that we've had challenges. The Police Department has been operating at full staff or close to full staff. The fire department the same way. And I want to thank all of our first responders, PD and FD for working through these challenges. They've made sacrifices, obviously, themselves to be here, but also with their scheduling.

We've tried to isolate our firehouses as best we could so that all of our firefighters are working really essentially in one place and trying to limit the interaction that they have on a daily basis, because, as you know, firefighters live with one another 24 hours a day on their shifts.

Our Department of Public Works. Same thing. They have been working tirelessly as sanitation department obviously is a critical function. They had been working seven days a week. We've now brought that into a five-day work schedule, just because it makes good sense to rest them. We've also had other members of DPW volunteer to man sanitation routes to give our sanitation staff the chance to also go home and get some rest. And I really wanted to thank everybody in DPW, the PD and the fire department for doing all the things that they do.

Also it's happy to report that in conversations today with Mobile Life Support Services, which is our E.M.S. provider. They also, too, are doing really well considering the strain that they could be facing. Quote, I am is not as is as busy as it could be on a normal day here in the city of Poughkeepsie. And that's a good thing. And that their staff is doing well as well.

I want to thank the I.T. Department for getting people to work at home remotely. It has not been easy getting people situated as quickly as we'd like. And they have been doing a great job for city government and giving people the opportunity that can work home, to work from home. So when people are working from home and we are also short staff, we brought the staff down to the low levels here in City Hall. We've closed city hall. As you all know, we've been able to service the public as best we can through phone and email and where possible and necessary appointments are made for members of the public to come in to conduct business in certain departments in city hall.

We've decontaminated all of the buildings within the city government structure and we're going for a second round of doing that to keep our buildings and our work surfaces and our places where our employees work as safe as possible. And that also includes are our vehicles. City staff has ordered and received additional personal protective equipment for first responders and other staff. I can tell you, it's been challenging. We've looked far and wide for places from without the state government stockpile through the Office of Emergency Management that we get for our first responders through the county, through the state. We have not had any challenges in getting that equipment for our first responders. And I want to give a special shout out to our county emergency management staff, Dana Smith, the commissioner and his whole team who are working very closely with our command staff, both at the fire and police department, to make sure that they have the proper equipment.

Also, we've had two video conferences with our children's cabinet, which have been really extraordinary in that 30 plus people on both these calls talking about how we can help as a group of the Poughkeepsie City School District and the challenges that they're facing.

And certainly they are facing challenges by having their students not in their school buildings, but they are doing a tremendous job both with the distribution of meals. It's been pretty flawless. And I want to also give a special thanks to our councilperson, Natasha Cherry, who has really been on the front lines of many aspects of not only making sure that the of the food has been coordinated, but also the distance learning that the school district is doing.

We have had outreach to our faith based communities. We've had two conference calls with the faith based community. We're having two more one this week and one early next week. When the councilperson and I spoke. I think it was last week about the challenges in duchies outreach and being our main provider of food and nutrition for many parts of the city outside of the school district. It became apparent to them they needed more space, they needed more refrigeration, and we were able to secure a 53-foot trailer within about 12 hours to Dutchess Outreach to make sure that they have the capacity and storage capability

to store food as this is going to not just end too quickly. We need to make sure that they have the ability to carry on their mission for the foreseeable future.

We have secured our parks. Let's talk just a little bit about that tonight. We're filing the guidelines and the orders from the state on parks. Unfortunately, right now, we have to do that to stop the spread, to stop people from not social distancing as they should. So right now, our playgrounds have been fenced off. Then some areas have been locked. We've taken the hoofs down in our basketball courts. We've shut the dog park. We've had to close the skate park. And none of us none of us here in the council or city staff have taken, you know, anything but just being upset about having to do this. But it is the right thing to do, because we are saying there are some communities that have not been able to do this or do this as quickly. And it has caused a strain on those communities because of the social distancing.

We're also working on a Parks volunteer team to be able to go out and outreach team to go out into the parks and other areas if necessary, to have conversations with individuals on the proper use of our park system. As it relates to the COVID 19 crisis, Parks and Recreation director Brian Lafon is working on that. He said to me today he will be reaching out to the individual council people in their awards to see if they have folks who may live in and around or have interest in being part of that outreach team.

We have secured an 800 line that we're going to use in conjunction with Dutchess Response and the Food Network that has is being coordinated and created. I know that council chair Salem, Councilperson Salem and others are having a conversation on that, how we can best provide as a community food and other necessary items to our city. And this 800 line, which will be staffed by volunteers, which we have many volunteers who city staff and others who have volunteered to work on this 800 line when we'll get this up and running, when it is right to get it up and running, when everything is coordinated. So the information that we were able to provide to people will be the right information and will be coordinated with the other entities that are doing this important work.

We're also working on and we've been discussing for the past several days funding streams for these critical community organizations that are providing this vital service, especially as it centers around food to our community and how we can be helpful in that.

We are working with the finance department right now. Brian Martinez and his team with all city departments to look at ways we can reduce our appropriations in the 2020 budget as a results in the fact that we believe that we're going to have revenue shortfalls going forward and we're doing that literally as we speak. Department heads are giving the city administrator, the finance commissioner and myself areas that they believe they could cut. We're not telling them they have to cut them right now, but we're asking them to identify areas within their operating budget that we could see potential cuts in savings.

All of this has to do with what we're dealing with COVID 19. And all of us I know and people that are listening tonight have been glued to the TV. Glued to the Internet and other social media platforms and we're inundated with numbers. But these numbers stand for something. They stand for people, they stand for individuals who are suffering, families

who have had loss. And currently today in Dutchess County, we have a confirmed 111 COVID cases in the City of Poughkeepsie. And that's a real number. And that number has been increasing.

And so what I wanted to say to all of us tonight is that I am sure and I know there are people we know who have been impacted by this virus and we will continue to know people and families and friends who have been impacted by this virus, but working together as a city and as a city government. And doing the things that we can do that we're being told are important to do. We can make a difference. And I encourage all of us to continue that spirit of working together as things may get worse. We're looking at a potential apex coming down the line at someplace. I hope it does happen sooner than later. And I think the strain and the stress on all of this is going to increase.

But we need to take care of one another. We need to take care of one our families and our neighbors and our friends. And I know that we're all doing that.

And I close tonight with saying that I really want to take this opportunity to thank all of our heroic health care workers, that are doing the very best that they can to meet this crisis, save lives and at the same time protect themselves.

VI. CHAIRPERSON'S COMMENTS AND PRESENTATIONS:

Chair Salem: For Chairperson's comments, a lot of similar sentiments that the mayor has just expressed. As of Friday in Dutchess County, there were 592 two confirmed positive cases in Dutchess County. And by today, Monday, that number has doubled to more than a thousand residents confirmed positive with the Corona Virus. And yes, as the mayor has stated, 111 of those cases are here in our city of Poughkeepsie. And this is going to get worse before it gets better, but it will get better. This is an unprecedented time in our history. We are living an experience, a shared trauma together, and we will have to overcome it in the same way. And I know we will. Because what I've witnessed in the last few weeks has shown just that, that we are a community of care, that we have the capacity and we will adapt as we have right now in a video conference, common council meeting, which we've never done. And that if you need it, there is support available.

And as the Mayor mentioned, my other job, or my day job is with an organization that provides food, access and emergency relief to individuals in need, and that is outside of a global pandemic. And now that we are in a global pandemic, that need has increased. And we couldn't feed people without the support and the care of the community and the City of Poughkeepsie, Mayor Rolison came right in and asked me what we needed and we needed refrigerated capacity and they delivered it. The county came right in and they asked what we needed. We needed delivery drivers to cook, to bring food to people who couldn't leave their homes, who didn't have enough money to go to the grocery store to stock up. And they came. And they are bringing that food every single day to individuals that need it. And that need is increasing daily.

Dutchess responds by Dutchess County or Dutchessny.gov has the hotline number you can call if you need anything. Even beyond food, any essential need you have, go to Dutchessny.gov. You can find a hotline number there or you could submit a form. There

are mental health support services available too.Mental Health America is right on the front lines. They have support services available to absolutely anybody in need.

And then, you know, the Dutchess County Chamber of Commerce is doing an incredible job sending out business notifications through our network for our small businesses, showing us all that we are supported. If we need the support, it will be there. And during this time of need, we all have to step up and help one another.

Governor Cuomo is stepping up and he is showing us what real leadership looks like. Looks like by telling us the truth, by showing compassion and empathy. And now it's up to us as local leaders and other local leaders to make sure that we're following up with our constituents on the promises that are being made to them at all levels of government, from the federal level down to the most local community level here in the City of Poughkeepsie. So while there now is a freeze on evictions, and a freeze on mortgages, we have to make sure that those freezes are impactful and those freezes are reasonable and rational and they're helping our constituents. It's hard to get through to the Unemployment Call Claim Center.

We have to make sure that individuals are able to get through so that they can rely on some source of income when they've lost their only source reporting instances of wrongdoing, price gouging, the months to come are going to unravel what is now unfolding before our eyes. And as I said in the beginning of my statement, it will unfortunately get worse before it gets better, but it will get better. And we are doing our best. And the best that we can do individually is practice social distancing, to take the recommendations of the World Health Organization and the CDC seriously and to listen to our local, state, federal leaders, and continue to follow their guidance, and to report anything that you think is not is not going right. Tell anybody that you think if there is a wrong doing being done. And I can tell you personally, I'm trying to figure out and I know a number of other council members are doing this as well. What kind of policies we can put in place to protect our constituents moving forward. Thinking three months, six months, nine months down the road thinking what could the needs look like? Looking at the needs increase, daily. Just know that I am available, I'm here and we will adapt and we will persevere.

That concludes my comments.

VII. REPORTS OF COMMITTEES AND BOARDS:

NONE

VIII. MOTIONS AND RESOLUTIONS:

1. **A motion was made by Councilmember Brannen and seconded by Councilmember Menist to receive and print.**

RESOLUTION OF THE COMMON COUNCIL
CALLING ON THE ATTORNEY GENERAL'S OFFICE TO INVESTIGATE
COMPLAINTS OF PRICE GOUGING

(R20-29)

INTRODUCED BY COUNCILMEMBER CHERRY AND COUNCILMEMBER L. JOHNSON

WHEREAS, the Coronavirus (COVID-19) pandemic has caused a shortage of certain essential such as cleaning products, disinfectants, face masks, gloves, hand sanitizer, medicines, toilet paper, and soap; and

WHEREAS, additionally, some residents of the City of Poughkeepsie have experienced problems acquiring certain essential food items; and

WHEREAS, Section 396-r of the General Business Law prohibits unconscionably excessive pricing of necessary consumer goods and services during any abnormal disruptions of the normal market; and

WHEREAS, residents of the City that rely on local neighborhood convenience stores and local markets are disproportionately affected by price gouging; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby calls on the New York State Attorney General to investigate incidents of price gouging in the City of Poughkeepsie and provide for additional resources to prevent future incidents of price gouging; and be it further

RESOLVED, that the City Chamberlain is hereby directed to forward a copy of this resolution to the New York State Attorney General, our local state representatives and the Dutchess County District Attorney's office.

SECONDED BY COUNCILMEMBER BRANNEN

R20-29						
			Yes/Aye	**No/Nay**	**Abstain**	**Absent**
☑ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☑	☐	☐	☐
	Councilmember McNamara	Voter	☑	☐	☐	☐
	Councilmember Cherry	Voter	☑	☐	☐	☐
	Councilmember R. Johnson	Voter	☑	☐	☐	☐
	Councilmember Menist	Voter	☑	☐	☐	☐
	Councilmember Petsas	Voter	☑	☐	☐	☐
	Councilmember L. Johnson	Voter	☑	☐	☐	☐
	Councilmember Brannen	Voter	☑	☐	☐	☐
	Chair Salem	Voter	☑	☐	☐	☐

Chair Salem made a motion to override Mayor Rolison's veto of Resolution R20-27, Councilmember Brannen seconded the motion.

THE CITY OF POUGHKEEPSIE
NEW YORK

Sarah Salem, Chairperson
Common Councilmember At-Large

CITY OF POUGHKEEPSIE COMMON COUNCIL
VETO OVERRIDE

April 6, 2020

Pursuant to its authority under section 2.07 of the City Charter, the Common Council overrides the Mayor's veto of Resolution Number R-20-27 and thereby adopts the Resolution.
The resolution authorizes the Common Council to retain a law firm to advise it on matters relating to the DeLaval parcel redevelopment and the Local Waterfront Revitalization Plan ("LWRP"). Both of these are within the legislative jurisdiction of the Common Council (the DeLaval parcel due to the designated developer's proposal to alter the approved development plan).
The Mayor's veto message indicates no disapproval of the Common Council's retention of counsel relating to the redevelopment of the DeLaval Parcel, but only with respect to the LWRP. For the following reasons, the Common Council has determined that retention of legislative counsel on the LWRP is appropriate and consistent with the Charter and applicable law.
First, the Mayor's veto relies on and emphasizes the fact of the corporation counsel's recusal from the DeLaval parcel redevelopment, but not the LWRP. The Common Council sees no practical distinction between the two for purposes of appearance of conflict of interest, which appears to be at least one of the reasons behind the corporation counsel's recusal from the DeLaval matter, according to his March 21, 2018 letter to the City Administrator and as further explained in a February 27, 2020 e-mail to a member of the Council. The DeLaval parcel is the last large undeveloped property on the City's riverfront, and any competent LWRP would apply the state and city coastal zone policies to the redevelopment of this site as part of the City's waterfront planning. Because of this, the draft LWRP contains dozens of references to the DeLaval parcel, including the City's goals for the redevelopment of the site and the approved uses. Indeed in a November 22, 2019 letter to the Department of State (DOS) the Mayor seeks clarification on certain DOS comments on the draft LWRP, asserting in pertinent part that the comments would "prohibit" the new proposal for the DeLaval site. Thus, it is clear that any concern for the appearance of a conflict of interest of counsel with respect to the City's policies surrounding the DeLaval site would also carry over to the LWRP.
More importantly, the Common Council has the prerogative to retain the assistance of counsel to consult with it on pending legislation, particularly where the Council's work on the matter would benefit from special expertise. The Common Council's authority to hire consultants on its legislation is embodied in section 2.18 of the City Administrative Code. Nothing in this section or the Common Council's retention of consulting counsel detracts from the corporation counsel's role in representing the City, including the Common Council, on litigation and other outside matters where they are not recused or conflicted. And nothing in the City Charter's provision that

the corporation counsel serve both the executive and legislative branches prevents the Common Council from retaining a legal consultant.

Indeed, in his veto message the Mayor highlights the distinction between legislative and litigation counsel. The Mayor writes, "because the LWRP is a policy document, the Corporation Counsel has little to do with it – there is no dispute and no threatened litigation – and the Resolution adopted by the Common Council does not assert there is." Simply put, the Common Council is entitled to consult with specialized counsel in its consideration of the policies underlying the LWRP, regardless of the threat of litigation, and the Mayor's vision that the corporation counsel "has little to do with it" until there is an outside dispute underscores the usefulness of legislative counsel.

Finally, the Mayor's veto message notes the substantial time, effort and resources devoted to the LWRP amendments. Contrary to the intent of the memo, these do not detract from the Common Council's authority to hire legislative consultants, or more broadly, to review the LWRP. The LWRP is a substantial planning document, applying state development and preservation policies to the City's riverfront, which is among its most important resources. The Common Council has jurisdiction over the plan, and will use that jurisdiction to ensure the most productive plan for the benefit of the City and its residents. It will also ensure that the comments from the Department of State are fully addressed. The Common Council looks forward to working with the Mayor and administration on the development of the LWRP, for which the retention of special legislative counsel is an important step.

Sincerely,

Sarah Salem
Common Councilmember At-Large, City of Poughkeepsie

CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN
2020 MAR 13 AM 10:33

VETO MESSAGE

March 12, 2020

TO: Deanne L. Flynn, City Chamberlain

FROM: Mayor Robert G. Rolison

SUBJECT: Veto of Resolution Number R-20-27

Pursuant to the authority vested in me by Article III, Section 3.02 of the Charter and 3.04 of the Administrative Code of the City of Poughkeepsie, I hereby veto Resolution R20-27, a "Resolution to Retain Counsel to Advise the Common Council on the Redevelopment of the DeLaval Site and the Local Waterfront Revitalization Plan Revision".

This veto is cast within ten days, pursuant to Section 3.02 (f) of the City Charter.

While there are a number of problems with this hastily-crafted Resolution that require it be vetoed, the main issue is that it attempts to assign outside legal counsel for BOTH the so-called "Bonura Development Project" AND the Local Waterfront Revitalization Plan Revision "LWRP". To be clear, if the Resolution was limited to the former, I would not be exercising my veto authority.

Indeed, throughout the entire year last year (2019), the Common Council engaged outside counsel on the Bonura Development proposal and while I am disappointed that doing so did not produce any results, one way or the other, it was a necessary expense *because our Corporation Counsel had recused himself from the Bonura matter.*

The Corporation Counsel has not recused himself from the City's own administrative process of revising its LWRP, however. Nor has there been even a suggestion that he has a conflict that would prevent his advising either the Common Counsel, or the Administration regarding the matter. In fact, because the LWRP is a policy document, the Corporation Counsel has little to do with it anyway - there is no dispute and no threatened litigation – and the Resolution adopted by the Common Council does not assert there is.

Crafting a LWRP was last undertaken by the City back in 1998. Today, many years later, we need to finally update this important policy document. The effort has been going on for nearly two years, and the City hired a consultant to do so, at a cost of more than $150,000 – mostly paid for by a grant from the State. The project is behind schedule, and was provided two extensions by the State. Significant public outreach was conducted by our consultant team, and a significant amount of time and effort on the part of City staff has occurred.

If the Common Council is unhappy with the work done by city staff, or by the expert consultant, it could have indicated so months ago, but nonetheless, the Charter reserves the authority to refer matters to outside counsel solely to the Corporation Counsel, and while he has chosen to do so with respect to the Bonura Development Project, he has not chosen to do so with respect to the LWRP.

Respectfully,

Hon. Robert G. Rolison
Mayor

RESOLUTION
R20-27
RESOLUTION TO RETAIN COUNSEL TO ADVISE THE COMMON COUNCIL ON THE REDEVELOPMENT OF THE DELAVAL SITE AND THE LOCAL WATERFRONT REVITALIZATION PLAN REVISION

INTRODUCED BY CHAIR SALEM AND COUNCILMEMBERS BRANNEN AND MENIST

WHEREAS, the Poughkeepsie Common Council is the lead agency under the State Environmental Review Act for the redevelopment of that parcel of land on the city's Hudson River waterfront commonly known as the "DeLaval" parcel; and

WHEREAS, the City has entered into certain agreements with private parties operating jointly, JM Development Group, LLC and Poughkeepsie Waterfront Redevelopment, LLC (together, "JM") to remediate the DeLaval parcel under the state Brownfields program and to propose and execute a plan for redevelopment of the DeLaval parcel; and

WHEREAS, JM has proposed a significant amendment to the previously understood and agreed plan for development; and

WHEREAS, the Common Council must consider the changes in potential for significant adverse environmental impact, if any, from the development under the amended DeLaval parcel proposal; and

WHEREAS, the city is revising its proposed Local Waterfront Revitalization Plan ("LWRP") for review by the state Department of State under the Coastal Management Program; and

WHEREAS, the Common Council has authority to approve the LWRP submittal to the Department of State; and

WHEREAS, the LWRP revisions may have a significant impact on the redevelopment of the DeLaval parcel, due to its location and prominence on the waterfront, and vice-versa; and

WHEREAS, the Common Council requires technical and legal assistance to inform its review of the proposed amendments to the DeLaval parcel redevelopment and the LWRP; and

WHEREAS, under section 2.18 of the Administrative Code, the Common Council has authority to retain professional staff to assist in its consideration of the DeLaval parcel redevelopment and the LWRP; and

WHEREAS, in the 2020 budget, the City allocated funds in the Common Council's budget for contractual services such as this; and

WHEREAS, the corporation counsel is recused from counseling the city, including the Common Council, on the DeLaval parcel redevelopment and the LWRP due to a potential conflict of interest involving JM; and

WHEREAS, the Common Council requires and seeks alternative counsel on the DeLaval parcel redevelopment and the LWRP; and

WHEREAS, David Gordon, Esq. and his firm have substantial experience representing clients, including municipalities, on environmental and land use matters in the Hudson Valley and on the Hudson River; and,

WHEREAS, Warren Replansky, Esq., who formerly advised the Council on DeLaval parcel redevelopment and related matters is of counsel to Mr. Gordon's firm; and

WHEREAS, the Common Council wishes to retain the services of David Gordon, Esq. and his firm to counsel it on matters relating to DeLaval parcel redevelopment and the LWRP; now, therefore

BE IT RESOLVED, that the City Council hereby authorizes the retention of the law firm of David Gordon, Esq. to advise and counsel the City Council on matters relating to the DeLaval parcel redevelopment and the LWRP; and

BE IT FURTHER RESOLVED that the Councilmember-at-large is hereby authorized to enter into a retainer agreement for legal counsel regarding the DeLaval parcel redevelopment and the LWRP with the law firm of David K. Gordon, Esq. in the same, or substantially the same, form as annexed hereto.

SECONDED BY COUNCILMEMBER BRANNEN

Submitted to Council March 3, 2020 Council Action: Approved Roll call vote taken: Yes X No_____ Ayes 9 Nay 0 Abstain 0 Absent 0 Approved/VETO Mayor on _____ Mayor's Signature_____	I hereby certify the foregoing to be a true and correct copy of a Resolution duly adopted at a regular meeting of the Common Council held March 2, 2020 Joanne L. Flynn City Chamberlain

The City of Poughkeepsie
New York

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

62 Civic Center Plaza
Poughkeepsie, New York 12601
TEL: (845) 451-4065 FAX: (845) 451-4070

Memorandum

TO: Mayor

FROM: PA

DATE: March 30, 2020

SUBJECT: Council Retention of Outside Counsel for LWRP

As you are aware, the City of Poughkeepsie is in the process of updating our Local Waterfront Revitalization Plan ("LWRP"). While the LWRP is an important aspect of the City's vision for the coastal zone, it is essentially a policy document as it does not set any binding requirements on the use of land within this zone. The LWRP does not focus on a particular parcel of land, project or even development, but instead attempts to synthesize all these things into a comprehensive document that will address the vision of the waterfront in its entirety.

Pursuant to section 6.01 of the Administrative Code, the Corporation Counsel is designated as the legal adviser to the Mayor, the Common Council and all boards and offices of the city. The duties of this office therefore specifically include advising your office, the Common Council, and the Waterfront Advisory Committee among others during the updating and adoption of the LWRP.

The Office of Corporation Counsel is often called on to review changes to local laws, ordinances and policy documents such as the LWRP. It is anticipated that the process for this update will include a review for consistency with SEQRA and our own zoning code requirements. Additionally, once in final form, the Common Council will be asked to adopt the LWRP, which in turn must be approved by the New York State Department of State. All tasks this office is uniquely qualified to assist in.

In rare circumstances our office has engaged outside counsel to represent the various City departments, committees or boards when there is a conflict of interest, or even an appearance of a conflict of interest. This was the case with regard to Delaval. There, while there was not a legal conflict of interest, I and not my office, recused myself from this matter. My recusal was based on the fact that an associate of mine did work for Joe Bonura, Jr., a principal of the proposed developer of the Delaval property more than 10 years ago when she was associated with a different firm. In the LWRP matter, there is no legal conflict of interest, or even the appearance of one, that would prohibit this office from discharging our duties. Furthermore, there is no conflict of interest as defined by section 7 1/2-4 of the city Code of Ethics. As mentioned above, the LWRP is policy in nature only and focuses on the waterfront in broad terms. Our analysis would not include a vision for the waterfront, as that is reserved for the stakeholders involved in the LWRP update, but instead would provide a review of any potential project proposals for consistency with local, state and federal law.

Based on the foregoing, the Office of Corporation Counsel intends to fulfill our statutory duties and advise the Mayor, Common Council and various other city departments on any and all legal matters arising during the course of the updating and adoption of the LWRP.

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Override Veto of R20-27						
			Yes/Aye	**No/Nay**	**Abstain**	**Absent**
☐ Accepted ☑ Defeated ☐ Tabled	Councilmember Flowers	Voter	☐	☑	☐	☐
	Councilmember McNamara	Voter	☐	☑	☐	☐
	Councilmember Cherry	Voter	☐	☑	☐	☐
	Councilmember R. Johnson	Voter	☑	☐	☐	☐
	Councilmember Menist	Voter	☑	☐	☐	☐
	Councilmember Petsas	Voter	☑	☐	☐	☐
	Councilmember L. Johnson	Voter	☐	☑	☐	☐
	Councilmember Brannen	Voter	☑	☐	☐	☐
	Chair Salem	Voter	☑	☐	☐	☐

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

R E S O L U T I O N
(R20-30)

INTRODUCED BY COUNCILMEMBER MENIST

Assignment of License Agreement between the City of Poughkeepsie and Mr. Biagio Bamonte d/b/a "Benny's 10th Inning"

WHEREAS, the City of Poughkeepsie has previously licensed to Mr. Biagio Bamonte certain premises located at 35 Lincoln Avenue in the City of Poughkeepsie for the operation of a food concession stand; and

WHEREAS, said license agreement was executed in April of 1978 and provided for a one (1) year term, which term was later extended by an amended agreement in 1979, 1981, 1995, 2011 and 2016; and

WHEREAS, Mr. Bamonte has notified the City that he intends to retire and is interested in assigning his interest in the License Agreement to Mr. Richard Dingee; and

WHEREAS, the License Agreement prohibits its assignment without the express written consent of the City which Mr. Bamonte now requests; and

WHEREAS, the City has had an opportunity to review the proposed assignment and finds it is in the best interest of the City to grant its consent; and

WHEREAS, the Common Council of the City of Poughkeepsie has determined that this resolution constitutes a Type II action as defined by the New York State Environmental Quality Review Act and 6 NYCRR Part 617.5(c)(26) and (27), and

NOW THEREFORE,

BE IT RESOLVED, that the Common Council hereby consents to the assignment of the License Agreement dated January 1, 2017 between the City of Poughkeepsie and Mr. Biagio Bamonte d/b/a Benny's 10th Inning to Mr. Richard Dingee; and be it further

RESOLVED, that the Mayor and the City Administrator are hereby authorized to execute an assignment of the License Agreement from Mr. Bamonte to Mr. Dingee and do all other things necessary and convenient to give full effect to this Resolution.

SECONDED BY COUNCILMEMBER BRANNEN

R20-30						
			Yes/Aye	**No/Nay**	**Abstain**	**Absent**
☑ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☑	☐	☐	☐
	Councilmember McNamara	Voter	☑	☐	☐	☐
	Councilmember Cherry	Voter	☑	☐	☐	☐
	Councilmember R. Johnson	Voter	☑	☐	☐	☐
	Councilmember Menist	Voter	☑	☐	☐	☐
	Councilmember Petsas	Voter	☑	☐	☐	☐
	Councilmember L. Johnson	Voter	☑	☐	☐	☐
	Councilmember Brannen	Voter	☑	☐	☐	☐
	Chair Salem	Voter	☑	☐	☐	☐

3. **A motion was made by Councilmember Brannen and seconded by Councilmember Lorraine Johnson to receive and print.**

RESOLUTION
R-20-31

A NYS LOCALITY RESOLUTION OF THE CITY OF POUGHKEEPSIE COMMON COUNCIL CALLING ON GOVERNOR ANDREW CUOMO AND THE STATE OF NEW YORK TO EXPAND AND IMPROVE CAPACITY OF UNEMPLOYMENT CALL CENTER SERVICES TO MEET THE INCREASED NEED DURING GLOBAL PANDEMIC COVID 19

SPONSORED BY COUNCILMEMBER PETSAS ON BEHALF OF THE CITY OF POUGHKEEPSIE COMMON COUNCIL:

WHEREAS, the coronavirus pandemic has led to massive lay-offs and a surge in unemployment claims through-out the State of New York: and

WHEREAS, under normal circumstances, the NYS Department of Labor Telephone Claims Center receives about 50,000 calls, however, amidst this crisis, this last week alone received more than 7 million calls with over 1.5 million coming in on Monday, March 30; and

WHEREAS, thousands of New Yorkers are becoming frustrated with the current system and cannot access their rightful claim to unemployment benefits due to the backlogged system; and

WHEREAS, dramatic changes to the current system are desperately needed as thousands of New Yorkers have bills to pay, households to maintain, and mouths to feed with no paycheck in sight;

NOW, THEREFORE

BE IT RESOLVED, that the City of Poughkeepsie Common Council calls on Governor Andrew Cuomo to immediately expand the hours and staff the phone lines of the NYS Unemployment Claim Center so that it can operate 24 hours a day, 7 days a week, to meet the increased needs and demands

of New York State residents out of work and to improve the phone system in order to allow callers to know that their claims are being received and processed.

BE IT FURTHER RESOLVED, that certified copies of this Resolution be delivered, by the City Chamberlain to the Hon. Andrew J. Cuomo, Governor, the Hon. Sue Serino., Senator for the 41ST District and the Hon. Jonathon G. Jacobson, Assemblyman for the 104TH District; and

BE IT FURTHER RESOLVED, that the aforesaid resolutions shall take effect immediately.

SECONDED BY COUNCILMEMBER FLOWERS

R20-31						
			Yes/Aye	**No/Nay**	**Abstain**	**Absent**
☑ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☑	☐	☐	☐
	Councilmember McNamara	Voter	☑	☐	☐	☐
	Councilmember Cherry	Voter	☑	☐	☐	☐
	Councilmember R. Johnson	Voter	☑	☐	☐	☐
	Councilmember Menist	Voter	☑	☐	☐	☐
	Councilmember Petsas	Voter	☑	☐	☐	☐
	Councilmember L. Johnson	Voter	☑	☐	☐	☐
	Councilmember Brannen	Voter	☑	☐	☐	☐
	Chair Salem	Voter	☑	☐	☐	☐

4. **A motion was made by Councilmember Brannen and seconded by Councilmember Lorraine Johnson to receive and print.**

R E S O L U T I O N
(R20-32)

AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE

INTRODUCED BY CHAIR SALEM

WHEREAS, a Project for the Mansion Street/Fallkill Creek Bridge Replacement (BIN 2262750) in the City of Poughkeepsie, PIN 8756.63 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds; and

WHEREAS, the City of Poughkeepsie desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering and right-of-way incidentals work; and

WHEREAS, the City of Poughkeepsie understands and agrees that construction of the Project shall commence no later than twenty-four (24) months after award, and the Project must be completed within thirty (30) months of commencing construction; and

WHEREAS, the Common Council has determined that this Project is in the best interest of the City.

NOW, THEREFORE

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby approves the above-subject Project; and it is hereby further

RESOLVED, that the Common Council of the City of Poughkeepsie approves and supports the Agreement attached hereto and made a part hereof as if fully set forth; and be it further

RESOLVED, that the Common Council of the City of Poughkeepsie hereby authorizes the City of Poughkeepsie to pay in the first instance 100% of the federal and non-federal share of the cost of preliminary engineering and right-of-way incidentals work for the Project or portions thereof; and it is further

RESOLVED, that the sum of SIX HUNDRED AND TWO THOUSAND DOLLARS **($602,000**) is hereby appropriated from 20BRM01 (Mansion Street Bridge- Engineering 30-08-5110-7461) and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the Project exceed the amount appropriated above, the Common Council of the City of Poughkeepsie shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Mayor thereof, and it is further

RESOLVED, that the Mayor of the City of Poughkeepsie be and is hereby authorized to execute all necessary Agreements, certifications, or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the City of Poughkeepsie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Mayor the following municipal titles: City Administrator, Commissioner of Public Works, and City Engineer are also hereby authorized to execute any necessary Agreements or certifications on behalf of the City of Poughkeepsie, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

STATE OF NEW YORK)
) SS:
COUNTY OF DUTCHESS)

I, Deanne L. Flynn, Clerk of the City of Poughkeepsie, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said Resolution at a meeting duly called and held by videoconferencing on April 6, 2020 by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the City of Poughkeepsie, New York, this 7th day of April, 2020.

_____
Clerk, City of Poughkeepsie

R20-32						
			Yes/Aye	No/Nay	Abstain	Absent
☑ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☑	☐	☐	☐
	Councilmember McNamara	Voter	☑	☐	☐	☐
	Councilmember Cherry	Voter	☑	☐	☐	☐
	Councilmember R. Johnson	Voter	☑	☐	☐	☐
	Councilmember Menist	Voter	☑	☐	☐	☐
	Councilmember Petsas	Voter	☑	☐	☐	☐
	Councilmember L. Johnson	Voter	☑	☐	☐	☐
	Councilmember Brannen	Voter	☑	☐	☐	☐
	Chair Salem	Voter	☑	☐	☐	☐

IX. ORDINANCES AND LOCAL LAWS:

X. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

X. NEW BUSINESS:

XI. OLD BUSINESS:

XII. ADJOURNMENT:

A motion was made by Councilmember Brannen and seconded by Councilmember Lorraine Johnson to adjourn the meeting at 9:27 p.m.

Dated: April 16, 2020

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, April 6, 2020.

Respectfully submitted,

Deanne L. Flynn
City Chamberlain