



SPECIAL MEETING OF THE COMMON COUNCIL

Common Council Chambers

Monday, June 29, 2020

6:00 p.m.

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

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

III. MOTIONS AND RESOLUTIONS:

1. Resolution R20-57, introducing and setting a public hearing for a proposed Local Law, amending Chapter 7 of the City of Poughkeepsie Code of Ordinances entitled "City Officers and Employees" ("Right to Know" Act).
2. Resolution R20-45, approving a settlement of contract dispute between the City of Poughkeepsie and the City of Poughkeepsie Industrial Development Agency (IDA) for a UDAG loan.

IV. PRESENTATIONS:

1. Captain Minard from the City of Poughkeepsie Police Department.
2. End the New Jim Crow Network (ENJAN).
3. Celebrating the African Spirit.
4. Black Lives Matter Hudson Valley.
5. Assemblyman Jacobsen.
6. County Legislator Randy Johnson.
7. Shannon Wong from the NYCLU.

V. PUBLIC PARTICIPATION:

VI. ADJOURNMENT:

**RESOLUTION INTRODUCING LOCAL LAW AMENDING CHAPTER 7
OF THE CITY OF POUGHKEEPSIE CODE OF ORDINANCES
ENTITLED "CITY OFFICERS AND EMPLOYEES" IN COORDINATION WITH THE
RIGHT TO KNOW ACT
AND PROVIDING FOR PUBLIC NOTICE AND HEARING
(R20-57)**

**INTRODUCED BY CHAIR SALEM, COUNCILMEMBERS PETSAS, MENIST,
LORRAINE JOHNSON, BRANNEN, FLOWERS, CHERRY:**

BE IT RESOLVED that an introductory Local Law, entitled "Local law Amending Chapter 7 of the City of Poughkeepsie Code of Ordinances," in coordination with the "Right to Know" Act be and is hereby introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the Council; and

BE IT FURTHER RESOLVED that the Council hold a public hearing on said proposed Local Law at City Hall, 62 Civic Center Plaza, Poughkeepsie, New York, at 6:00 o'clock P.M., on July 6; and

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least ten (10) days prior thereto.

On a motion by _____, seconded by _____, the resolution was adopted on a vote of _____ Ayes, _____ Nays.

The Mayor declared this resolution adopted.

Dated:

**LOCAL LAW AMENDING CHAPTER 7
OF THE CITY OF POUGHKEEPSIE CODE OF ORDINANCES
ENTITLED "CITY OFFICERS AND EMPLOYEES" IN COORDINATION WITH THE
RIGHT TO KNOW ACT.**

(L20-02)

**INTRODUCED BY CHAIR SALEM, COUNCILMEMBERS PETSAS, MENIST,
LORRAINE JOHNSON, BRANNEN, FLOWERS, CHERRY:**

BE IT ENACTED, by the Common Council of the City of Poughkeepsie as follows:

Section 1. DECLARATION OF LEGISLATIVE INTENT AND FINDINGS

It is the intent of this Local Law to amend Chapter 7 of the City of Poughkeepsie Code of Ordinances entitled "Officers and Employees" and to add Article VIII entitled "Police Department." The Council finds that the people of the City of Poughkeepsie are in great debt to the hard work and dedication of police officers in their daily duties. The Council further finds that mistrust of law enforcement officers based on real or perceived discrimination hinders law enforcement efforts and is a threat to public safety. In adopting this law, it is the intent of the Council to increase transparency in police practices and to build trust between police officers and members of the public by providing the public with information on the names of officers with whom they interact, a notice of the reasons behind their encounters with the police, and a written record of their interactions with the police in situations that do not result in an arrest, summons, or ticket. The proposed amendments reflect desired changes to policies related to police identification.

Section 2. AUTHORITY

This local law is adopted pursuant to provisions of the Municipal Home Rule Law and § 2.04 of the Administrative Code of the City of Poughkeepsie.

Section 3. Chapter 7 of the Code of Ordinances of the City of Poughkeepsie entitled "Officers and Employees" shall be amended to add Article VIII entitled "Police Department" to read as follows:

Article VIII, Section 1-2 Authority and purpose.

[L.L. No. 02-2020, § 1]

- (a) This article is adopted under the authority of the Municipal Home Rule Law and § 2.04 of the Administrative Code of the City of Poughkeepsie.
- (b) This article is intended to provide a framework for the City of Poughkeepsie to implement policies and procedures specifically related to City of Poughkeepsie police officers. Specifically, the intent of § 1 is to establish police identification policies to increase transparency in police practices and to build trust between police officers and members of the public by providing the public with information on the names of officers with whom they interact, a notice of the reasons behind their encounters with the police, and a written record of their interactions with the police in situations that do not result in an arrest, summons, or ticket

Article VIII, Section 1-3 Applicability.
[L.L. No. 02-2020, § 1]

All boards, departments, offices, other bodies or officers of the City of Poughkeepsie are responsible for the implementation of Chapter 7, Article VIII within the bounds of their jurisdiction and must comply with this chapter to the extent applicable.

Article VIII, Section 1-4 Definitions.
[L.L. No. 02-2020, § 1]

As used in this Article, the following terms shall have the meanings indicated:

DEPARTMENT

The term “department” shall mean the police department of the City of Poughkeepsie.

LAW ENFORCEMENT ACTIVITY

The term “law enforcement activity” shall mean any of the following activities when conducted by officers:

- (1) noncustodial questioning of individuals;
- (2) stops where an officer has individualized, reasonable suspicion that the person stopped has committed, is committing, or is about to commit a crime and where a reasonable person would not feel free to end the encounter at will;
- (3) frisks;
- (4) searches of persons, property, or possessions, including but not limited to searches of homes and vehicles;
- (5) traffic stops;
- (6) roadblock or checkpoint stops;
- (7) investigatory questioning of potential victims of and witnesses to crimes.

NONCUSTODIAL QUESTIONING

The term “noncustodial questioning” shall mean the questioning of an individual during an investigation where such individual has not been detained and is free to end the encounter at will.

OFFICER

The term “officer” means a police officer or peace officer employed by the department.

Article VIII, Section 1-5 Duties of Officers to Identify Themselves.
[L.L. No. 02-2020, § 1]

- (a) Upon initiation of law enforcement activity, an officer shall:
 - (1) Identify thyself to the person who is the subject of such law enforcement activity by providing the officer’s full name, rank and command; and
 - (2) Provide to such person an explanation of the reason for such law enforcement activity.
- (b) At the conclusion of a law enforcement activity that does not result in an arrest, summons, or ticket, the officer shall offer to such person the officer’s business card.

- (c) An officer shall not be required to comply with this section where such officer is engaged in an approved undercover activity or operation, and where law enforcement activity is taken pursuant to such undercover activity or operation.
- (d) Any business cards used by an officer to identify thyself to a person who is the subject of law enforcement activity shall be pre-printed and shall, at a minimum, include the following:
 - (1) The name, rank, shield number, and department of the officer; and
 - (2) Information on how the subject of the law enforcement activity may submit comments or complaints about the encounter, including the telephone numbers and website address of the City of Poughkeepsie Police Department.

Section 4. **SEVERABILITY**

If any provision of this bill or any other provision of this local law, or any amendments thereto, shall be held invalid or ineffective in whole or in part or inapplicable to any person or situation, such holding shall not affect, impair or invalidate any portion of or the remainder of this local law, and all other provisions thereof shall nevertheless be separately and fully effective and the application of any such provision to other persons or situations shall not be affected.

Section 5. **EFFECTIVE DATE**

This local law shall take effect ninety (90) days after its enactment into law.

SECONDED BY COUNCILMEMBER:

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF POUGHKEEPSIE, NEW YORK APPROVING AND AUTHORIZING THE SETTLEMENT OF A CONTRACT DISPUTE WITH THE CITY OF POUGHKEEPSIE INDUSTRIAL DEVELOPMENT AGENCY

(R20-45)

INTRODUCED BY COUNCILMEMBER RANDALL JOHNSON

WHEREAS, the City of Poughkeepsie (the "City") engaged the City of Poughkeepsie Industrial Development Agency (the "Agency") to undertake certain projects within the City to be developed by the Agency, and to pay for project obligations, such as the Municipal Environmental Restoration Projects (collectively, the "Work"); and

WHEREAS, by Resolutions R-03-169, R-04-90 and R-05-134, the City authorized the making of certain loans to the Agency of certain Urban Development Action Grants in the aggregate original principal amount of \$1,090,000 (the "Loan"); and

WHEREAS, the Loan was evidenced by a certain Note, dated January 4, 2006, of the Agency to the order of the City, in the original principal amount of \$1,090,000.00 (the "Note") and was advanced to the Agency pursuant to a certain Loan Agreement, entered into as of January 4, 2006, by and between the Agency and the City (the "Loan Agreement"); and

WHEREAS, there was outstanding on the Loan the principal amount of \$443,000 (the "Original Outstanding Balance"), payment of which the City demanded from the Agency; and

WHEREAS, the Agency and the City disputed whether, or to what extent, the Agency remained liable to the City for the payment of the Original Outstanding Balance; and

WHEREAS, the Agency and the City have each been advised by legal counsel as to its potential legal obligations, liabilities and defenses in connection with such dispute; and

WHEREAS, the Agency and the City have each determined that it is in the best interests of both entities and the residents and taxpayers of the City to resolve the dispute regarding the payment of the Original Outstanding Balance without the cost and expense of potentially protracted litigation; and

WHEREAS, pursuant to the authorization of the Agency, the Agency has previously made a payment to the City in the amount of \$150,000 toward the reduction of the Original Outstanding Balance; and

WHEREAS, the City and Agency have determined that it was in the best interests of both the Agency and the City and the residents and taxpayers of the City, for the purposes of effectuating a settlement of this dispute, to reduce the amount claimed by the City to be owed by the Agency by an amount equal to \$100,000 (the "Settlement Reduction") and to make provision for the payment of the then remaining balance of \$193,000 (the "Original Remaining Outstanding Balance"); and

WHEREAS, the Agency and City have agreed to the settlement of the dispute as follows (the "Dispute Settlement"):

The Agency shall remit to the City, until the Original Remaining Outstanding Balance is paid in full, an amount equal to twenty percent (20%) of administrative fees (excluding annual administrative fees)

actually collected by the Agency in connection with any bond financing or straight-lease transaction or otherwise in connection with the provision of financial assistance to or in connection with any project. The Agency may, at its sole option and upon the approval by vote of a majority of the members of the Agency, also prepay, in whole or in part, the Original Remaining Outstanding Balance from funds then available to the Agency; and

WHEREAS, pursuant to a resolution of the Agency duly adopted at its regularly scheduled meeting of February 13, 2019, the Agency executed and delivered that certain letter agreement, dated April 4, 2019, by and between the Agency and the City, setting forth the Dispute Settlement, a copy of which is attached hereto (the "Settlement Agreement"); and

WHEREAS, pursuant to the Settlement Agreement, the Agency paid to the City the sum of \$7,830.60 (the "CNN Spruce Payment"), such amount being equal to twenty percent (20%) of the amount of the administrative fee collected by the Agency upon the closing of the straight lease transaction with CNN Spruce LLC; and

WHEREAS, after giving effect to the CNN Spruce Payment, the remaining outstanding balance due and owing to the City pursuant to the Settlement Agreement is \$185,169.40 (the "Existing Outstanding Balance"); and

WHEREAS, the City has determined that it will be in the best interests of both the Agency and the City and of the residents and taxpayers of the City, for the purposes of effectuating a settlement of this dispute, to approve the terms and conditions of the Dispute Settlement, enter into and ratify the Settlement Agreement and accept receipt of all payments heretofore made by the Agency in connection with the payment and reduction of the Original Outstanding Balance.

NOW, THEREFORE,

BE IT RESOLVED by the Common Council determines as follows:

Section 1. The City hereby acknowledges and agrees that, after giving effect to (i) the payment by the Agency of \$150,000 as hereinbefore set forth, (ii) the Settlement Reduction, and (iii) the CNN Spruce Payment, the Existing Outstanding Balance as of the date hereof is \$185,169.40.

Section 2. In settlement of the dispute with the Agency, the City hereby approves and consents to the terms and conditions of the Dispute Settlement and the Settlement Agreement.

Section 3. The Mayor, the City Administrator and the Corporation Counsel are each hereby authorized to take such actions and to execute and deliver, or cause to be executed and delivered, any and all agreements, documents, consents, stipulations and waivers in connection with the Dispute Settlement, including, but not limited to, the Settlement Agreement, all on such terms and conditions as the Mayor, the City Administrator and/or the Corporation Counsel deem necessary or appropriate, provided the same are consistent with and in furtherance of the Dispute Settlement as hereinbefore set forth in these resolutions.

Section 4. The performance by or on behalf of the City of the actions, matters, transactions, covenants, agreements, obligations and undertakings on the part of the City to be performed under and pursuant to the Dispute Settlement, including, without limitation, the execution and delivery of the Settlement Agreement by the City Administrator, is hereby authorized and approved

Section 5. Any acts of the Mayor, the City Administrator, the Commissioner of Finance, the Corporation Counsel and/or any person or persons designated and authorized to act by any of them, on the City's behalf which acts would have been authorized by the foregoing resolutions except that such acts were taken prior to the adoption of those resolutions, including, but not limited to, the execution and delivery of the Settlement Agreement by the City Administrator, are hereby severally ratified, confirmed, approved and adopted as acts in the name of and on behalf of the City.

Section 6. This resolution shall take effect immediately.

SECONDED BY COUNCILMEMBER: _____.