



**THE CITY OF POUGHKEEPSIE
NEW YORK
SPECIAL COMMON COUNCIL
MEETING MINUTES**

Monday, March 6, 2023 6:00 pm Common Council Chambers

Chairwoman Brown called the meeting to order at 6:01 p.m.

- I. Welcome
- II. Pledge of Allegiance
- III. Roll Call

Attendance: all Common Council members were present and seated in the audience.

City Hall Department Heads in attendance on the dais: Randy Alstadt (Water Plant Administrator), Councilmember Natasha Brown (Common Council Chairwoman), 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 (Mayor), Chief Tom Pape (Police Department), Regina Pittman (Human Resources), Natalie Quinn (Planning/Building Department), John Taylor (Assessor) and Rebecca Valk (Corporation Counsel).

IV. Public Participation

- 1. Naomi Brooks – S. Grand Ave.
(submitted written comments)
- 2. Peter Van Aken – Wilbur Blvd.
- 3. Doug Nobiletti – 145 Academy St.
- 4. Laurie Sandow – S. Grand Ave.
(submitted written comments)
- 5. John Rath – 154 Mill St.
- 6. Kevin Marquis

City of Poughkeepsie Informational meeting, March 6 2023
Naomi Brooks, S Grand Avenue

Good evening. I have an overall comment about the city website and information searching. Some of the places information is stored are not at all obvious, huge chunks of information are missing, and updates are haphazard and sometimes hard to find.

In specific, this week I was looking for Common Council's most recent changes to our Code of Ordinances; some from 2021 still have not been incorporated into the main text under City Charter – you have to know to look for a section called “new laws”, which isn’t labeled anywhere.

Then I tried to find the most recent resolutions Common Council had passed. I typed “resolution” into the search box on the main website page, and clicked the first result which was labeled “resolutions”. It only shows 3 resolutions from 2015, one from 2021, and one from 2022. All have numbers greater than 1 – the one from 2022 is R22-55, which indicates that there were 54 other resolutions passed that are not easily accessible on the website.

My question: why does the website does not include all useful information, updated regularly in consistent and easily accessible formats?

I also tried to look over the 2023 budget for my next set of questions, including comparing it to the 2022 budget. The 2022 budget information was in a format powered by ClearGov, but I couldn’t find any link to a 2023 version, again speaking to the difficulty finding information on the city website.

My questions are limited to salaries in two departments due to time constraints. I have rounded salaries to the nearest thousand.

1 – Was the base salary for development director \$85K in 2022, and \$102K in 2023?

2- Was the base salary for the planning director \$79K in 2022 and \$84K in 2023?

3 - Was the planning director position filled in 2022, and has it been filled so far in 2023? If not, were the functions of that position done by the development director? If the development director also did the planner’s job, were they compensated for the additional work?

4- Was the base salary for the mayor \$90K in 2022? What is the base salary for 2023?

5 - Was the base salary for the city administrator \$160K in 2022 and \$174K in 2023?

6- Is the acting mayor collecting salaries for both mayor and city administrator? If yes, who made that decision?

The timing of tonight's Special Informational Meeting was auspicious. However, it's already off to an inauspicious start.

Section 2.05 of the charter does not provide for the format that is being enforced tonight. In fact, it provides for the opposite. It provides for members of the public to ask any question of any department head, of the Mayor, the City Administrator, and any council member. I'm going to ask my questions, but I'm telling you, I'm familiar with the Charter and the format tonight is a stunt to undermine public comments.

City Charter Section 2.05 Informational Meetings 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."

—Questions to Police Chief Thomas Pape:

I think you just mentioned that you have limited manpower, meaning you're not fully staffed right now. Would you say it's a good use of CPD staff to place a Sergeant-at-Arms at Council meetings when there's known crime in the streets and no history of crime at council meetings?

—Questions to Ms. Regina Pittman, Human Resources:

Is there an anonymous whistleblower portal on the City website, or an anonymous complaint channel otherwise available to city residents regarding interactions and/or performance of City employees?

Are there annual employee evaluations?

Are there attendance records that can be FOILed (obtained through Freedom of Information requests)?

—Questions to Finance Director Dr. Brian Martinez:

Can you recite the ARPA funds that have been returned to you by Common Council members?

Can every Common Council member present recite the ARPA funds that they used and how they used them?

Can you talk to us about the trash can distribution and the cost of returns and cost of the multiple distributions that were required as a result of some kind of poor planning? As well as the cost of collecting oversized trash cans from residents who are unable to use them due to unwieldy size, weight, or other reasons?

—Questions to Corporation Counsel Rebecca Valk:

It's my understanding that you and other City-employed, electeds and certain volunteers swear an oath of office? Is that correct? And that oath of office include words reading: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office [of ...] according to the best of my ability.

And that you, as an attorney, have also sworn a professional oath binding you faithfully uphold and support the laws of our state and our country?

Because I've received certain communications recently from you and others that violate both the New York State and U.S. Constitution.

Recently, you have stated in writing, that you sometimes give verbal rather than written instructions to various parties. Is that true? Do some of these verbal instructions relate to Freedom of Information requests, and which requests require compliance?

Why should any party rely on verbal instructions for which they have no record? and the consequences of which they might not fully understand?

What actions did you take when the Common Council failed to appoint a redistricting commission in the timely manner described in the City Charter? On October 17, 2022, when the belatedly appointed Commission made their first presentation to the Council, you read certain sections of the City Charter into the meeting's record regarding Councilmember obligations should they fail to approve such plan, which obligations included returning to the Commission specific objections of the council and those of individual members of the council stated in writing.

—Questions to Corporation Counsel Rebecca Valk (continued):

What efforts have you made to have the Council comply with their Charter obligations?

Because not a single one of them did that. When Councilmember Menist was non-responsive to certain requests from the Redistricting Commission, I found it necessary to personally submit a Freedom of Information (FOIL) request for the material requested by the Commission.

My FOIL was not answered in a timely manner, and then required me to submit an appeal. On receipt of the appeal, it became evident that a Mr. Josh Simons, from the Benjamin Center in New Paltz, was in touch with the Corporation Counsel's office PRIOR to the Commission's first presentation. Why did the Corporation Counsel's office fail to inform the Redistricting Commission regarding their phone and written communication with Josh Simons of the New Paltz Benjamin Center? How did Simons come into possession of the information he discussed with the Corp Counsel's office?

Particularly in light of your recent instructions, Ms. Valk, to members of the Planning Board [I stand corrected: I meant HDLPC, Historic District and Landmarks Preservation Commission], regarding correspondence and comments their members might receive from the public—do the same standards not apply to your own office re: correspondence or comments you receive from the public pertaining to the work of a City-appointed commission?

One sentence of the Charter's sections describing the Redistricting process reads: "Such plan shall be based upon the distribution of population throughout the city, shall be considerate of the diversity of the city's population, and shall be consistent with constitutionally and legally accepted principles of representation." In no paragraph of the Redistricting sections that I am aware of is priority given to the seats of incumbents. And the Charter specifically states: "No member of the commission shall be employed by or hold any elected or appointed office of the city, and no more than two members shall be enrolled with the same political party." Yet somehow, the Commission's suggestions were discarded and the outcome appears to have been determined the all-Democratic Party membership of the Common Council substituting their own interests for the Commission's recommendations. What is the current status of redistricting maps, incumbencies and Councilmember disenfranchisement of the c/PK Hispanic community of interest in favor of their own incumbencies?

—Questions to Corporation Counsel Rebecca Valk (continued):

Related to Ms. Valk, but turning for a second to Megan Deichler and Evan Menist:

Ms. Deicher: Have you blocked or hidden my comments on any of your Facebook posts?

Mr. Menist: Have you blocked or hidden my comments on any of your Facebook posts?

Corporation Counsel Valk, there is legal precedent that an elected's social media constitutes a designated public forum and that by blocking commenters on social media, electeds are engaging in viewpoint discrimination in a public forum. What have you done about the documented instances of Evan Menist and Megan Deichler, blocking or hiding certain comments on their social media?

Please comment on repeated instances where various City employees and/or Department Heads have failed to comply with the obligation under Open Meetings Law required public bodies or agencies to make available to the public, the records scheduled to be discussed during open meetings prior to the meetings. Effective October 19, 2021, Chapter 481 of the Laws of 2021 amended § 103(e) of the Law to require that copies of records be made available to the public at least 24 hours before a public meeting, to the extent practicable. Yet various City employees and/or Department Heads continue to defy their obligation.

We have a recent example where I made a request for certain documents directly to Natalie Quinn, and she replied that I had to submit a FOIL, which is not true under Freedom of Information law. When I pointed that out, you replied that if I wouldn't submit it under FOIL, you would submit it in my stead. That's also not legal under Freedom of Information law.

We have an example of Kenneth Stenger, Tinkleman's attorney, who wrote directly to City Administrator Nelson with a request for certain documents, and Nelson expedited those answers, and those weren't submitted through Freedom of Information Law (FOIL) or the City's FOIL Portal.

How would the public even know that someone submitted a letter or comment, as in the case of Josh Simons, when there's no public record of who and what letters are submitted to any given department? And how many times—in my case repeatedly—are my Freedom of Information requests delayed 30 days or more to the point where I have to submit an appeal to Dr. Martinez, placing a burden on the applicant and undermining City obligations under Freedom of Information Law.

—Questions to Corporation Counsel Rebecca Valk (continued):

I'd also like to know what's happening with the Ice House, with Pelton and Wheaton, and with 26 Oakley, and with any other current city litigation. Also, why was the benefit to Chai Developers, when it made its Main Street Façade contribution, represented as a good thing rather than something resembling a bribe by a developer to obtain an advantage for property he already owned?

—Questions to Council Chairwoman Natasha Brown:

Can you confirm that you and all other Councilmembers swore an oath of office, which includes support the Constitution of the United States, and the Constitution of the State of New York?

At the Council's January 3 Organizational meeting, their first meeting of the year, the Council approved a Resolution Adopting Roberts Rules of Order. Roberts Rules reads, in part:

"Consent and Priority Agendas—The consent agenda ... is a good way to dispose of business that is noncontroversial. Approving the minutes, paying the bills, and approving customary donations are examples of noncontroversial business...."

Why does this Council not have a written consent agenda policy, and why does it regularly include controversial items on its consent agenda?

You have stated on the record that the Corporation Counsel advised there's nothing requiring us to accept public comments for inclusion in the written minutes. This City, and this Council has a history of including public comments extending back before any current member of the Council sat on this Council.

The public consistently faces delayed posting of meeting agendas. Why is that?

Why does the Chair never exercise the portion of Section 2.04(d) of the City Charter which provides that: "Prior to submitting any proposed legislation to a vote of the common council at any regular or special meeting, the person serving as chairperson shall suspend the rules of the meeting upon such conditions as he or she may determine to permit comment upon such proposed legislation by any member of the public in attendance who wishes to be heard...."

—Questions to Council Chairwoman Natasha Brown (continued):

The Common Council agenda regularly includes a line item for “Reports of Committees and Board”. Why is this provision never exercised?

Where and with whom are the end of year reports by City Boards?

Council members phone and text to each other during council meetings, doing the public’s business in private text. Your job is to operate in the public interest and not your individual interest. Please address this secretive texting between Council members.

Council “bootcamp” workshops were recently held for councilmembers. When you originally announced these to the public, you said the schedule would be posted online, though the trainings would not be open to the public. Who taught each of these training or bootcamp sessions, what training was covered, and how long did each individual training session last?
<https://www.cityofpoughkeepsie.com/civicalerts.aspx?aid=200>

—Questions to Chamberlain Jasmin Davis:

Time and again I have requested that meeting packets be provided as searchable, readable documents. Yet they are not. Today I got an automated notice that there had been a revision to an HDLPC agenda. Yet when I went to look at the agenda, there was no obvious change. I have repeatedly requested that originally posted documents not be pulled down and replaced with a brand new document, but that the original be redlined. Yet that doesn’t happen.

Why are Common Council meeting agenda line items posted using abbreviations, acronyms and initialisms? How is the ordinary City resident supposed to know what those stand for, or find them again if they ever have to search for the item? For example, on tonight’s Council agenda, there’s a consent agenda item reading “R-23-23, Resolution Amending the IMA with PCSD regarding SABP”. Will the ordinary citizen even know what that means? If I ever have to find that resolution again, am I supposed to remember all the acronyms?

Why are there years of missing resolutions on the City website under the link
<<https://www.cityofpoughkeepsie.com/241/Resolutions>>?

—Questions to Chamberlain Jasmin Davis (continued):

Have you ever received direct advice or instruction, whether verbal or written, to delay replies to certain FOIL requesters? Or to expedite certain FOIL replies from any requester?

For example, at one point Marc Nelson wrote to me regarding FOILs and delays in FOILs (and I quote): “Whether or not documents are near at hand when an FOI arrives which seeks them is not dispositive of our timeline for providing them. Many other factors are important as city staff are typically addressing a host of matters on any given day.” Well, that statement is in direct violation of Freedom of Information Law.

I’d like to know how long it takes to make a change to the draft minutes of an agenda. Do you ever opt to make changes for one party, but not for another? Are you the only staff member who creates draft minutes, or do others in the Chamberlain’s office sometimes write and post the draft minutes?

I was told by Tim McQueen that he was standing at Chamberlain Jasmin Davis’s desk on one day when she showed him a bunch of the Freedom of Information requests that she had received from me. Please confirm, and also state whether it is within the right and authority of the Chamberlain to share any items in her possession and on her desk with random members of the public?

I’d like the City to start posting their transmissions of meeting notices sent to the Poughkeepsie Journal and not just assuming that transmissions were made in a timely manner.

—Questions to dual title, Acting Mayor and City Administrator Marc Nelson:

I'd like Mr. Nelson to address the issue of FOIL delays.

Also, the issue of whether he is in the process of putting together a Charter Review Committee.

Please address the issue of Common Council member ethics and conflicts of interests.

Please address the question of whether you, personally, have any professional background and experience in understanding and judging the qualifications of various board and committee members that you are currently appointing or removing from various city committees, the HDLPC currently being the most notable of those.

Are conflict of interest rules applied equally to all Committee and Board members, or just to some. How and what are the rules that are being applied?

Mr. Nelson, please address the City's role in the demolition by neglect of Pelton mansion, and the willful vacancy and deterioration through false promises and delays caused by the City as well as by individuals associated with, and the corporate entity known as Pelton Partners, LLC, which vacancy and deterioration was willfully misrepresented in this statement by Mr. Nelson at the Common Council Meeting of February 21, 2023 (partial extract):

<https://totalwebcasting.com/view/?func=VIEW&id=cop&date=2023-02-21&seq=2>

“And as to the Pelton Mansion issue, this city is moving forward.

We are not going to let that mansion fall down around itself while nothing happens.

We're just not doing it. For another decade. It sat vacant for years.

And as your mayor, I'm not going to allow that to happen.”

—Questions to Development Natalie Quinn:

At a recent Planning Board meeting Ann Saylor requested a paper copy of a certain document because she was having trouble toggling back and forth between the pages of that approximately 7-page document. She was immediately supplied a paper copy of the document. So imagine if somebody like a Saylor can't manage on her desktop to toggle back and forth between certain documents. And yet you've asked, especially in this city with a digital divide, that members of the public toggle back and forth between the 274-page zoning document in order to an answer to the online survey.

Compare and contrast Saylor's experience with that of city residents being asked toggle back and forth between the PK4Keeps draft zoning document in general, as well as the online survey for that document.

So lastly, I'll just mention that a statement was released today regarding the zoning code draft issued by our unelected Mayor Marc Nelson, Council Chairwoman Natasha Brown and Council Vice-Chair Nathan Shook.

<https://www.cityofpoughkeepsie.com/civicalerts.aspx?AID=210>

It makes certain statements about Accessory Dwelling Units (ADUs) and, of course it's in response to the overwhelming opposition stated at the recent public hearing. But it doesn't contain any statements from the other council members, some of whom have made it clear that they remain invested in support of, and that they are operatives for the lobbying organization "For The Many."

In closing, once again, I protest the fabricated rules, nowhere specified in the City of Poughkeepsie Charter, being imposed on the public to limit questions and answers at tonight's Special Informational Meeting.

Special Informational Meeting Minutes of Monday, March 6, 2023

V. Adjournment

The meeting was adjourned at 7:38 p.m.

Dated: March 10, 2023.

I hereby certify that this true and correct copy of the Minutes of the Special Informational Meeting held on March 6, 2023.

Respectfully submitted,

Jasmin Nicole Davis
City Chamberlain