



# THE CITY OF POUGHKEEPSIE NEW YORK

## COMMON COUNCIL MEETING MINUTES

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**Monday, March 20, 2023, 6:30 p.m.      Common Council Chambers**

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Welcome to the regularly scheduled Meeting of the City of Poughkeepsie Common Council the date is Monday, March 20, 2023, and the time is 6:30 pm.

At this time Vice Chair Shook made a motion to go into Executive Session which was seconded by Councilmember Menist.

At 6:45 pm, Vice Chair Shook made a motion to resume the meeting which was seconded by Councilmember Menist.

**I. ROLL CALL: 7 Present, 2 Absent ( Chairwoman Brown - Absent, Councilmember Johnson arrived after roll call was taken)**

**II. REVIEW OF MINUTES:**

**Special Informational Meeting – March 6, 2023  
Common Council Meeting – March 6, 2023**

**Motion to accept the minutes: Councilmember Long  
2<sup>nd</sup>: Councilmember Menist**

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

**NONE**

#### **IV. PUBLIC PARTICIPATION**

- **Jasmaine Clay – 10 Talmadge St**
  - **Daniel Atonna – 116 College Ave**
  - **Melissa Hoffmann – 21 Lexington Ave**
  - **Jairo Perez – 602 Mill St**
  - **John Sullivan – 16 Barclay St**
  - **Laurie Sandow, S. Grand Ave. – \*submitted written comments\***
  - **Vincent Pedi – South Ave**
  - **Kane Bowers – Union St**
- 
- **Ken Stier - \*submitted written comments for the MARCH 6, 2023 meeting\***

I'll begin with a shout-out to Gus Kazolias. Gus, your good health and recovery is in my heart. I salute your years of commitment to attending and speaking at Council and Legislature meetings, and your devotion to proving that democracy is not a spectator sport.

At the last Council meeting, Chair Brown announced that she wouldn't be at this meeting; that her council colleagues have known this for at least a month, and that she didn't need people coming to the microphone asking where she was.

To be a councilmember is a profound responsibility to the residents of this City, not a license to keep the public ignorant. The City Charter states that the at-large member answers to all City voters. Nowhere does the Charter provide that the at-large member only answers to, or only informs councilmembers, nor that councilmembers only talk among themselves.

The Redistricting resolution on tonight's consent agenda is not only an act of Council self-dealing, but also seeks to falsify the public record of the process. To preserve their incumbent seats, councilmembers have violated the Charter, are defeating the 2020 Census, and are violating the Hispanic community's voting rights. Their actions may serve their short-term interests, but undermine this city's future, its Charter and its population for at least the next 10 years, long after every current councilmember is out of office.

It's shocking the extent to which false statements by Councilmembers, Administration and certain other employees have become commonplace at these meetings. These false statements run the gamut—but are not limited to—the false narrative by Marc Nelson about responsibility for delays and neglected maintenance at Wheaton Park and Pelton mansion; to the non-responsiveness from Councilmember Evan Menist and a false claim from Corporation Counsel Valk about “forgetting” to notify the Redistricting Commission about communications her office received from Josh Simons of the SUNY New Paltz Benjamin Center; to the evasive text of the March 20 Redistricting Local Law (LL-23-03), which is a fabricated history of the Common Council's actions, lack of actions and self-dealing; to the March 6, 2023, Salary Review Commission resolution (R-23-24) stating that it was the Common Council's “former leadership who failed to move the item forward just as it failed to move to name a redistricting commission in a timely manner”, as if these

Councilmembers were not willing parties to these violations and failures, did not collaborate behind closed caucus doors, did not speak up or object in public, made no attempts to walk-on timely resolutions, instead sitting silent in their elected seats; and later protecting their collusion via use of consent agenda line items and votes. The list goes on.

This Council continues to do the public's work behind closed doors, seeking to deprive others of knowledge, involvement and participation. My questions at the recent Informational Meeting were purposely cut short, and while I have to submit my written comments within three days of a meeting, two weeks have passed without promised written answers from the Mayor, the Chamberlain, Development Director Natalie Quinn, Council Chair Brown and nearly every other councilmember. The Council suddenly mounted their high horses about the absence of City north side residents at the zoning public hearing, but who but these very councilmembers are responsible for that absence? And which of them will acknowledge how long they've done nothing, even after I raised the secretive zoning process and subcommittee members—among them the Council's very own Majority Leader Evan Menist—during my questions six months earlier, at the Special Informational Meeting of October 3, 2022? Important questions that people are allowed to ask, and receive answers to, only twice a year, but an opportunity which the Council willfully shortened for all participants at the March 20, 2023, Special Informational Meeting.

At the last Council meeting there was talk about a marathon Finance Committee meeting. When I requested a link to the webcast, I was told it was an advisory committee, not open to the public. But that's not true. By the terms of Charter Section 2.06, it's a standing committee of the Common Council. That means it's a public body whose meetings must comply with Open Meetings Law, and are required to be held in public.

At every meeting, we have councilmembers who put their own interests and biases first, without ever consulting constituents. They campaigned on promises to serve the public, yet resent and ignore constituent contact, with some even illegally hiding or blocking certain comments on their social media. They consider it a character flaw for members of the public to stay involved with and concerned about this City's future. They've already learned the politician's trick of diverting attention by answering questions that weren't asked, and avoiding questions that were. They text to each other during meetings, but pretend they only use their phones for family calls. They claim they're well informed, but each week prove

themselves poorly informed. They claim that training is for their personal growth, despite training being a mandatory Charter obligation (Section 2.11) at taxpayer expense with the purpose of informed decision-making.

This Council refuses to grapple with and cure their own lack of transparency, responsibility, and accountability. The problem with this Council is not that they hear too much criticism from the public, but that they've made certain and succeeded in hearing too little about the ways they are dismantling a public institution; their attempts to deprive others of knowledge and involvement, and their attempts to target, and even ban, anyone who questions or criticizes. They seek to obstruct and deny the most fundamental rights and responsibilities of citizens in a healthy democracy.

I reserve my right, when submitting comments for inclusion in the minutes of Common Council meetings, to restore edits and the unspoken remainder of comments that have been limited by the 3-minute time constraint.

## Remarks offered by Ken Stier before the Common Council (March 6)

(pretty close but check against delivery. Dr. Seuss coda was muffled as I was forced off mic)

I'm still catching up on some of the goings-on here in this august body and I was struck by what I recently heard (or read, not had time to view the video): Shakespeare quoted. That it should come from our incumbent mayor should come as no surprise...if you know his thespian background, where his father worked in the London theater, indeed around the continent. So thanks for raising the bar – or the Bard - here. Something that wasn't imaginable under our former Numero One.

But a closer read of the mayor's larger comments brought to mind another genius – from a very canon. Dr. Seuss. But I'll come back to that in a moment.

What most struck me was the defiant – I can do whatever I want – Posture. I can Decide to fire whoever I want; the new incoming member, Brian Hooper, a standing vice-chair, who the Mayor makes a point of mentioning that he has never met Hooper (except online) as proof of impartiality... or even the chair of a City Commission. Without cause. Definitely a dubious claim. Plenty of Commissioners have served beyond their initial terms so offering that as the reason for unceremoniously sacking Gary P, is a bogus pretext. I have the legal right and have "my reasons" for those firings, the Mayor asserts.

You declare you would be "happy to discuss" with "anybody who wants" – those guarded reasons. Please do tell. I think we'd all be interested.

Last month the Mayor, invoking Shakespeare, said: "Me thinks the lady doth protest too much."

I'm not quite sure which lady he refers to – more than one have railed against the lack of qualifying credentials for recent HDLPC commissioners.

But I'd like to offer my own Shakespearean construction to say: 'Me thinks the Mayor doth BLUSTER too much, to intimidate.'

You insist you can appoint whoever you want as chair of the HDLPC. Again, it would seem You're really on shaky, nay, faulty grounds.

These muscular arrogations of power are all for a purpose...that was not in the least obscured. The aim and the purpose of agglomerating this dictatorial authority – is plainly to advance Steve Tinkelman's project to plop five additional buildings in Wheaton Park, four of them larger than the mansion we are all so concerned about – some more genuinely than others.

It does not take a graduate level subtextual read of the mayor's comment to discern his clear agenda – to ram through this grossly inappropriate housing development scheme through the new HDLPC which he is busy 'cooking.'

The Mayor's glaring lack of neutrality is clearly evident by mimicking – virtually word for words – Tinkelman's talking points, which he has repeated ad nauseum. The project is now just

SO MUCH Better...and thanks to the former commissioners for their input in making it so. Really, Mr. Mayor. Do elaborate. In detail. You can't, because this is just BUNK.

The project has not appreciably changed since it was first proposed five years ago. It certainly has not BEGUN to address to CORE objections about the grossly inappropriate scale and size of the transit-oriented housing. Dr. (Werner) Steger resigned on his own accord but precisely because he could not bear to listen to Tinkelman unctuous presentations any more.

We're all frustrated by the limbo this property has been in for way too long...and here I'll conceded that the mayor cares about the building, or at least wants to get it off the City's hands.

But what's his answer – to compromise – no, it's more like destroying – 'cause you can't be a little bit pregnant – the integrity of a City Commission.

The judgment the mayor has demonstrated by his recent appointments and sackings raise the understandable concern that the FIX is in. There will be a lot of eyes on his next two unilateral appointments – unfortunately without the consent of this council, until that is corrected.

And here is where the mayor's thespian skills come to the fore. He creates and attacks a strawman or strongwoman. As far I know, no one seriously question the qualifications of the historian LaRocca and Ms. Li. Let's not let the mayor muddy even more these already murky waters.

What has been called into question is whether two other Commission members – who I want to be clear I hold in high regard and consider tremendous assets for this community – have ANY of the qualifications stipulated in the city code. By any objective assessment it's clear they don't. So one can wonder why the appointments.

Conveniently this mayor can point to his former boss – who he served most loyally – as the source for those choices. But then it was our current mayor's decision to replace one qualified chair with another who has effectively acknowledged he's unqualified.

Contrary to what the mayor characterized as “stooping” so low to publicly question the new chair's qualifications – that person should be applauded for trying to shed important light on a matter that has been obscured from public view. It took a FOIL to surface his resume.

But what does the mayor do – he browbeats, and berates that sensible citizen for asking the most basic question ..thundering about impugning reputation, etc.

This, my friends, is just more BLUSTER from a small city BULLY throwing his heft about in our little sandbox.

Continuing his act as an indignant public official, striving to protect civility and decorum, he added about his new chair appointment: “This was my decision to make and I made it.” As if this was a tough decision, freighted with tough ethical issues.

What I hear is a schoolyard bully. I hope this Council will not be intimidated. His claims impinge on prerogatives state regulations/statutes reserve for our City's legislative I hope this Council will stand up for itself. You really can't rely, I hope it's amply clear by now, on Ms.

Valk to faithfully serve both 'clients' equally as professional ethics require. Perhaps that's an impossible task, so you'll understand her siding with He who signs her paychecks.

Now to get back to Dr. Seuss. We all know the story of How the Grinch Stole Christmas, and the unforgettable tune...

You're a mean one Mr. Grinch

You really are a heel.

You're as cuddly as a cactus,

And as charming as an eel,

If I could offer slightly altered lyrics to that same tune: You're a SLY ONE, Mr. Marc.

## **V. VICE CHAIR COMMENTS AND PRESENTATIONS:**

In lieu of Chair Comments tonight, I would like to bring up the folks from Joule Assets Community Choice Aggregation if they would like to come up and do their presentation now.

### **1. A PRESENTATION FROM JOULE ASSETS / COMMUNITY CHOICE AGGREGATION, Regarding Hudson Valley Community Power**

## **VI. MAYOR'S COMMENTS**

Thank you Chair, I'll be brief. As was mentioned earlier, I have the privilege and honor of addressing the community and members of the Council's stakeholders and friends of the City of Poughkeepsie as I deliver my first State of the City address that is March 29<sup>th</sup>. Information about that [is] on our website at The Academy in the evening hour. We're looking forward – without getting out in front of us – we're looking forward to announcing both a number of new initiatives and also giving the community a full and complete assessment of what's been going on in the City of Poughkeepsie for the last year or two. That means that we will be talking about the good and the bad. I think that, you know, you certainly.. and I invite everybody to attend. I don't think that the word "spin" will be used to assess my performance on March 29<sup>th</sup> because I intend to fully and frontally address some of the issues that the City of Poughkeepsie faces from homelessness after Dutchess County made an abrupt change that we have not had an opportunity – the Council leadership and I - to discuss the county's decision to not build the facility at Oakley Street. And, obviously, this is something that the Council and the administration need to work together with Dutchess County to figure out what exactly is plan B and we know where plan B may be, but as some of you on the Council know, what has happened historically in these discussions is we are not at the table when we need to be at the table. I'm inviting any member of the Council who wants to work closely with me and our colleagues at Dutchess County to make sure that we're at the table early in the process and that we're not finding out after the fact what deficiencies there are as they move to Plan B and we will be having these discussions with our colleagues at the county, you know, over the next few weeks and, probably, several months. We'll be talking about that a little bit at the state of the city. But homelessness, drug addiction, needles all over the city, I want to thank several of the councilmembers for working with me and in fact, making our ideas better as we look for ways to get around the City of Poughkeepsie and pick up the needles that are in key walking areas. As we all know, [we are ] a walking district, a walking school district and our kids and our youth are literally in harm's way and we will not tolerate that any longer at the City of Poughkeepsie. We will outsource the cleanup and we'll deal with our unions. We will look for volunteers. I want to thank particularly Christopher Grant and Councilmember Long, I know that we're working on some solutions here. These are the things I want to just say in response to some of the comments that we heard earlier. I've

got to tell you, these are the things that the residents and the taxpayers of this city want to know about. And I am not going to sit up here and use the privilege, and I consider it, Chair, a privilege to be able to address you during your council meeting. It wasn't that long ago that former Mayor Rolison was not allowed to have Mayor's Comments. Mayor's Comments were a thing that was pretty routine here at the City of Poughkeepsie, going back about 18 years or so. And that privilege was unceremoniously thrown in the wastepaper basket because of differences of opinion. And I don't want to overstep the privilege that's been given to me by playing politics up here with the 3 or 4 minutes that I get. I want to talk about the things that really matter to this city. But, specifically, let me just say very candidly and very clearly that I am not pleased with the status quo in the City of Poughkeepsie. That's what I'm going to tell you at the State of the City. If everybody who lives and votes and works and plays in the City of Poughkeepsie is happy and they don't have any issues in the City of Poughkeepsie, please tell me and I'll withdraw from this Mayor's race because you don't need me. But I am not happy with the status quo. I'm not happy with the fact that it took 4 1/2 years to get the LWRP done. I'm not happy that the Southern Waterfront parcel south of the Mid-Hudson Bridge has been sitting there vacant for more than a decade. And by the way, I wasn't happy that the former YMCA sat there vacant for 12 years either, and I was the one that orchestrated the city taking it for back taxes and transferring it to the county. It's now been demolished at county expense to the tune of almost \$2 million we saved our taxpayers. City of Poughkeepsie taxpayers watching from home, you didn't pay anything to demolish that building. And it will become the Youth Opportunity Union. Dutchess County has put \$25 million dollars on the table and they're not backing out of that deal like they backed out of the Oakley Street deal. You know why? Because we've got a seat at the table. And we already have that seat at the table for the Youth Opportunity Union. And it may be \$40 million, it may be \$50 million, but we are going to take care of the youth of the City of Poughkeepsie and not just the City of Poughkeepsie, but the entire region, because that is a Dutchess County investment. So I want to talk about the things that matter. Come to the State of the City and you'll hear about it. And Mr. Chair, one more minute on this: I've been here for seven years. If you think that any municipality can go seven years without having even a minor change on its senior team, I tell you what, go find a city and tell me. Because I don't think that I can sit here as your mayor and say, "oh, everything's fine. We don't need to make any changes. We don't need any personnel changes. We don't need to do anything." We're just going to defend the record that we've got of needles all over the place and broken equipment at our parks and a Main Street that, frankly, I get a flat tire every time I drive down. I'm just as upset as everybody else is with Councilmember Johnson. So I made a change and I take full responsibility for it, made some changes on the Historic Commission. I didn't score too many points for that either. But, you know what? The status quo is not acceptable. The development should move forward at the former Pelton Mansion site. Development should move forward at the Southern Waterfront site. And what I want to end with, just so everybody knows and there's no mistake that if you don't build up the un-buildable lots, and worry about your tax base, how do you think we're going to continue to triple our spending on youth services? How do you think we're going to fix the roof on City Hall and how do you

think we're going to keep our cops from working in other richer communities? Twenty three police officers are newly eligible to retire from the City of Poughkeepsie and go walk out the door tomorrow. And how do you think we're going to compete? Well, we're not going to compete if we don't find a way to increase our tax base. And that means the tax base, not individual taxes. If you don't want your taxes to increase, you better let me do something with development on some of these sites that have been sitting vacant for years. So I'm not happy with the status quo and I will continue to make changes as your mayor until you vote me out of office. Thank you.

**VII. NEW & UNFINISHED BUSINESS & ANNOUNCEMENTS:**

**~~VIII. REPORTS OF COMMITTEES AND BOARDS:~~**

**CONSENT AGENDA:**

**IX. MOTIONS AND RESOLUTIONS:**

**A motion to accept the Consent Agenda was made by Councilmember Menist and seconded by Councilmember Long.**

- 1. LL-23-02, Local Law Amending Section 9-68 of the City of Poughkeepsie Code Entitled "Solid Waste Collection Fees"**

**LOCAL LAW AMENDING SECTION 9-68 OF THE CITY OF POUGHKEEPSIE CODE  
ENTITLED "SOLID WASTE COLLECTION FEES"  
(LL-23-02)**

**INTRODUCED BY VICE CHAIR SHOOK \_\_\_\_\_ :**

**SECTION 1. BE IT ENACTED**, by the Common Council of the City of Poughkeepsie, a local law amending Section 9-68 of the City of Poughkeepsie Code entitled "Solid Waste Collection Fees," to provide as follows:

**~~STRIKETHROUGH~~ INDICATES DELETION  
BOLD and UNDERLINE INDICATES ADDED LANGUAGE**

**Section 9-68. Solid waste collection fees.**

(a) *Annual determination of fees.* The Mayor as a part of the budget process shall propose the fees charged by the City for solid waste collection and disposal services annually. A schedule of the annual collection fees shall be approved by the City Common Council by resolution and maintained on file in the Commissioner's office and the office of the City Clerk.

(b) *Billing of solid waste collection fee.* The Commissioner of Finance shall bill and collect the solid waste collection fee from the responsible property owner. The solid waste collection fee shall be due and payable on January 1; however, a responsible property owner may elect to pay the solid waste collection fee in quarterly installments with 25% payable on or before **March 15**, 25% payable on or before **May 15**, 25% payable on or before **August 15** and 25% payable on or before **October 15**. **The Commissioner of Finance shall issue four (4) quarterly bills. Each quarterly bill, if paid before the quarterly due date, shall be without penalty.**

(c) *Interest on unpaid residential refuse fees.* If a residential refuse fee for each improved real property is not timely paid when due, interest shall accrue on such unpaid amount at the rate of 2% per calendar month or portion thereof, computed from the original due date until paid in full, and shall be collected at the time of payment or enforcement of such solid waste collection fee.

(d) *Levy of and lien on unpaid solid waste collection fee.* If a residential solid waste collection fee including interest thereon, is not fully paid on or before, December 1 of the calendar year for which originally billed, the unpaid amount shall become a lien as of January 1 of the next succeeding year and shall accrue additional interest, be collected, and **may** be enforced in the same manner and at the same time as provided by law for City taxes due in such next succeeding year.

(e) *Exemptions:*

(1) Any person who because of age or disability shall qualify for exemption from City real property taxes based on an enhanced star exemption or low income tax exemption, shall be charged a reduced fee for solid waste collection and disposal services in **an amount to be determined on the schedule of annual collection fees pursuant to subparagraph (a). This reduced fee shall only apply to one dwelling unit in the case of multi-family properties.** (2) Any residential user eligible for STAR tax exemption from City real property taxes, upon demonstrating that only one unit of a two or three unit residential parcel is occupied as their residence, all other units being permanently vacant, after certification to the Commissioner and inspection, pursuant to regulations promulgated by the Commissioner and approved by resolution of the City Common Council, shall pay only the annual base unit fee.

(f) *For-profit mixed residential, multi-residential, and commercial users.* The annual fee shall be **in an amount to be determined on the schedule of annual collection fees pursuant to subparagraph (a) and shall be** based upon that user's proportional share of the cost of waste collection services not funded by ad valorem tax,. The Commissioner is authorized to negotiate fees pursuant to Section 9-64(g) of this chapter, based on volume and time requirements for collegian, provided that such fees shall in all instances cover at a minimum the costs of providing the service.

(g) *Not-for-profit institutional users.* The annual fee shall be **in an amount to be determined on the schedule of annual collection fees pursuant to subparagraph (a) and shall be** based upon that user's proportional share of the total cost of waste collection services. The Commissioner is authorized to negotiate fees pursuant to Section 9-64(g) of this chapter, based on volume and time requirements for collection, provided that such fees shall in all instances cover at a minimum the costs of providing the service.

**SECTION 2.** This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

SECONDED BY COUNCILMEMBER \_\_\_\_\_ :

| LL-23-02- VOICE VOTE                                                                                                 |                        |       | Yes/Aye                             | No/Nay                   | Abstain                  | Absent                              |
|----------------------------------------------------------------------------------------------------------------------|------------------------|-------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> Accepted<br><input type="checkbox"/> Defeated<br><input type="checkbox"/> Tabled | Councilmember Grant    | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Long     | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Flowers  | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Deichler | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Thompson | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Johnson  | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Menist   | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Shook    | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Chairwoman Brown       | Voter | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

## 2. LL-23-03, Local Law Adopting the City of Poughkeepsie Redistricting Plan

### LOCAL LAW ADOPTING THE CITY OF POUGHKEEPSIE REDISTRICTING PLAN PURSUANT TO SECTION 2.10 OF THE CITY CHARTER (LL-23-03)

INTRODUCED BY VICE CHAIR SHOOK:

## SECTION 1. LEGISLATIVE HISTORY

The City of Poughkeepsie City Charter sets forth the process for redistricting at Sections 2.09 and 2.10. The Common Council appointed four members to the redistricting commission on April 4, 2022. Those four members then selected a fifth member to serve as the chair.

The Redistricting Commission submitted its proposed plan of redistricting on October 5, 2022. The Redistricting Commission presented its proposed plan to the Common Council on October 17, 2022. Pursuant to City Charter Section 2.10(b), the Common Council voted on November 7, 2022 to return the plan to the Redistricting Commission.

On November 15, 2022, the Redistricting Commission submitted a second map dated November 15, 2022 for the Council's consideration and the second map was discussed at the Council's meeting of November 21, 2022. After further study and review, the Council will be rejecting the Redistricting Commission's November 15, 2022 map.

The Common Council proposes to adopt the attached "Map 1B- Last Revised November 28, 2022" which builds upon the work of the Redistricting Commission but addresses concerns discussed by the Council at the meetings of October 17, 2022 and November 21, 2022.

A public hearing on the attached "Map 1B – Last Revised November 28, 2022" was held on January 23, 2023.

**SECTION 2. BE IT ENACTED,** by the Common Council of the City of Poughkeepsie, a local law adopting the City of Poughkeepsie Redistricting Plan pursuant to Section 2.10 of the City Charter and as set forth on the attached "Map 1B – Last Revised November 28, 2022."

**SECTION 3. PERMISSIVE REFERENDUM.** This resolution is subject to permissive referendum as required by the City and in accordance with Municipal Home Rule Law §24.

**SECTION 4. EFFECTIVE DATE.** This resolution shall take upon the expiration of the time period for filing a petition for permissive referendum pursuant to Municipal Home Rule Law and filing with the Secretary of State.

| LL-23-03- VOICE VOTE                                                                                                 |                        |       |                                     |                          |                          |                                     |
|----------------------------------------------------------------------------------------------------------------------|------------------------|-------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
|                                                                                                                      |                        |       | Yes/Aye                             | No/Nay                   | Abstain                  | Absent                              |
| <input checked="" type="checkbox"/> Accepted<br><input type="checkbox"/> Defeated<br><input type="checkbox"/> Tabled | Councilmember Grant    | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Long     | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Flowers  | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Deichler | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Thompson | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Johnson  | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Menist   | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Shook    | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Chairwoman Brown       | Voter | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

## XI. ORDINANCES AND LOCAL LAWS:

**ACTION AGENDA:**

**X. MOTIONS AND RESOLUTIONS:**

**A motion to suspend the rules to allow City Engineer Rich DuPilka to speak about resolutions on the Action Agenda was made by Vice Chair Shook and seconded by Councilmember Menist**

- 1. R-23-29, Resolution 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 - Garden Street over Fall Kill Creek Bridge Replacement**

**RESOLUTION  
R-23-29**

**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.**

**Garden Street over Fall Kill Creek Bridge Replacement**

**INTRODUCED BY VICE CHAIR SHOOK\_\_\_\_\_:**

WHEREAS, a Project for the Garden Street over Fall Kill Creek Bridge Replacement (BIN 2262680) in the City of Poughkeepsie, PIN 8761.96 (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, Resolution No. 19-23, adopted by the City of Poughkeepsie on January 22, 2019, approved and agreed 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 incidental work.

WHEREAS, it was subsequently found necessary to undertake additional preliminary engineering and right-of-way incidental work not contemplated in the original agreement authorized by the previous Resolution; and

WHEREAS, it has been found necessary to increase the federal and non-federal share of costs for the preliminary engineering and right-of-way incidental work for the project; 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 the right-of-way acquisition.

NOW, THEREFORE, the Poughkeepsie City Council, duly convened does hereby

RESOLVE, that the Poughkeepsie City Council hereby approves the above-subject project; and it is hereby further

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

RESOLVED, that the sum of \$266,197 (\$689,197 minus the previous \$423,000) is hereby appropriated from Account 30-08-5110 7461 (Contract Ser-Engineering 19BRG.01) 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 exceeds the amount appropriated above, the Poughkeepsie City Council shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the City Administrator thereof, and it is further

RESOLVED, that the City Administrator 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 City Administrator the following municipal titles: Mayor, Commissioner of Public Works, City Engineer, and Commissioner of Finance are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, 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.

**SECONDED BY COUNCILMEMBER MENIST**

| R-23-29- ROLL CALL VOTE                                                                                              |                        |       | Yes/Aye                             | No/Nay                   | Abstain                  | Absent                              |
|----------------------------------------------------------------------------------------------------------------------|------------------------|-------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> Accepted<br><input type="checkbox"/> Defeated<br><input type="checkbox"/> Tabled | Councilmember Grant    | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Long     | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Flowers  | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Deichler | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Thompson | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Johnson  | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Menist   | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Shook    | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Chairwoman Brown       | Voter | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

2. **R-23-30**, Resolution 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 - Washington Street Over Fall Kill Creek Bridge Rehabilitation

**RESOLUTION  
R-23-30**

**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.**

**Washington Street over Fall Kill Creek Bridge Rehabilitation**

**INTRODUCED BY VICE CHAIR SHOOK \_\_\_\_\_:**

WHEREAS, a Project for City of Poughkeepsie, Washington Street over Fall Kill Creek Bridge Rehabilitation (BIN 2262670), PIN 8759.83 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs 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 the right-of-way acquisition work.

WHEREAS, Resolution No. R18-46 adopted by the City of Poughkeepsie on June 4, 2018 approved and agreed 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 incidental work.

WHEREAS, it was subsequently found necessary to undertake additional right-of-way incidental and preliminary engineering work not contemplated in the original agreement authorized by the previous Resolution; and

WHEREAS, it has been found necessary to increase the federal and non-federal share of costs for the additional right-of-way incidental and preliminary engineering work for the project; and

NOW, THEREFORE, the Poughkeepsie Common Council, duly convened does hereby

RESOLVE, that the Poughkeepsie Common Council hereby approves the above-subject project; and it is hereby further

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

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

RESOLVED, that the sum of **\$1,264,310 (\$1,799,310 minus the previous \$535,000)** is hereby appropriated from Account 30-08-5110 7469 (Contract Ser-Other19BRW.01) 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 exceeds the amount appropriated above, the Poughkeepsie Common Council 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 City Administrator 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: Commissioner of Public Works, City Engineer, and Commissioner of Finance are also hereby authorized to execute

any necessary Agreements or certifications on behalf of the Municipality/Sponsor, 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.

## SECONDED BY COUNCILMEMBER MENIST

| R-23-30 ROLL CALL VOTE                                                                                               |                        |       | Yes/Aye                             | No/Nay                   | Abstain                  | Absent                              |
|----------------------------------------------------------------------------------------------------------------------|------------------------|-------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> Accepted<br><input type="checkbox"/> Defeated<br><input type="checkbox"/> Tabled | Councilmember Grant    | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Long     | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Flowers  | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Deichler | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Thompson | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Johnson  | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Menist   | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Shook    | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Chairwoman Brown       | Voter | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

## XII. ORDINANCES AND LOCAL LAWS:

## XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

A motion was made to defer the below communication/petition to Corporation Counsel by Vice Chair Shook and was seconded by Councilmember Long.

1. **FROM HANDSOME DEVIL LLC.**, a 30 day advance notice of intent to obtain a NYS Liquor License.
2. **FROM ANN MARIE SANFORD**, a notice of property damage sustained on or around March 2, 2023.
3. **FROM CARL MCLEOD**, a notice of personal injury sustained on or around February 19, 2023.
4. **FROM HOLLI ROBINSON**, a notice of property damage sustained on or around December 28, 2022.

A motion was made by Vice Chair Shook to resume the rules and seconded by Councilmember Menist. Councilmember Menist remarked that because the rules were not resumed before a roll call vote was taken, it would have to be called again. Corporation Counsel Valk advised that council was not required to do so.

**XIV. ADJOURNMENT:**

A motion was made by Councilmember Thompson and seconded by Councilmember Long to adjourn the meeting at 8:20 PM.

**Dated: March 24, 2023**

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, March 20, 2023.

**Respectfully submitted,**

**Donna M. DeLuca**  
**Deputy City Chamberlain**