



COMMON COUNCIL MEETING

Tuesday, June 20, 2023
Common Council Chambers

6:30 p.m.

I. ROLL CALL

II. REVIEW OF MINUTES:

Common Council Meeting – June 5, 2023

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

IV. PUBLIC PARTICIPATION

V. CHAIRWOMAN'S COMMENTS AND PRESENTATIONS

VI. MAYOR'S COMMENTS

VII. NEW & UNFINISHED BUSINESS & ANNOUNCEMENTS:

VIII. REPORTS OF COMMITTEES AND BOARDS:

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS:

- 1. R-23-51**, Resolution Amending the 2023 Budget to Reallocate \$75,000 in Unspent ARPA Funds from 2022 to the 2023 Budget for Champion's Walk at Corey Ingram Circle
- 2. R-23-52**, Resolution Authorizing the Commencement of Litigation Against Dutchess County
- 3. R-23-53**, Resolution Extending the Inter-Municipal Agreement with the Town of Poughkeepsie Regarding Tactical Teams

X. ORDINANCES AND LOCAL LAWS:

- 1. O-23-03**, Ordinance Deleting Section 14-3 "Flying Kites" of Chapter 14 "Offenses and Miscellaneous Provisions" of The City of Poughkeepsie Code of Ordinances

2. **LL-23-06**, Local Law Amending Section 14.35 of the Administrative Code of the City of Poughkeepsie Entitled “Taxes – Partial Exemption Granted; Conditions”

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

XII. ORDINANCES AND LOCAL LAWS:

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

1. **A COMMUNICATION FROM MAYOR NELSON**, Regarding a PBA Memorandum of Agreement.
2. **FROM VERONICA CASAS**, a notice of personal injury sustained on or around March 16, 2023.
3. **FROM POUGHKEEPSIE SHOPS LLC.**, a notice of intent to operate a conditional adult use retail dispensary and delivery service.

XIV. ADJOURNMENT:

**ORDINANCE DELETING SECTION 14-3 “FLYING KITES”
OF CHAPTER 14 “OFFENSES AND MISCELLANEOUS
PROVISIONS” OF THE CITY OF POUGHKEEPSIE
CODE OF ORDINANCES**

(O-23-03)

INTRODUCED BY COUNCILMEMBER THOMPSON:

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

SECTION 1: §14-3 is hereby deleted from the City Code of Ordinances:

Section 14-3—**Flying kites.**

{Ord. of 2-4-1929, § 11}

~~No person shall raise or fly any kite in any of the streets of the City.~~

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____:

ADDITIONS denoted by **Underlining and Bold**

LOCAL LAW AMENDING SECTION 14.35 OF THE ADMINISTRATIVE CODE OF THE CITY OF
POUGHKEEPSIE ENTITLED "TAXES – PARTIAL EXEMPTION GRANTED;
CONDITIONS" (LL-23-06)

INTRODUCED BY COUNCILMEMBER MENIST :

SECTION 1. BE IT ENACTED, by the Common Council of the City of Poughkeepsie, a local law amending Chapter 14.35 of the Administrative Code of the City of Poughkeepsie entitled Taxes – Partial Exemption Granted; Conditions, to provide as follows:

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

Section 14.35 Taxes — **partial exemption granted; conditions.**

Real property owned by persons sixty-five (65) years of age or over shall be exempt from city taxes up to the maximum amount of fifty (50) per centum of the assessed valuation subject to the following conditions and pursuant to Subsection (f) hereof:

- (a) The owner or all of the owners must file an application annually in the assessor's office on or before the appropriate taxable status date or such other time as may be hereafter fixed by law. At least sixty (60) days prior to the appropriate taxable status date, the assessing authority shall mail to each person who was granted an exemption pursuant to this section on the latest completed assessment roll an application form and a notice that such application must be filed on or before taxable status date and be approved in order for the exemption to be granted. Failure to mail any such application form and notice or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.
- (b) In the event the owner, or all of the owners, of property which has received an exemption pursuant to this section on the preceding assessment roll fail to file the application required pursuant to this section on or before the taxable status date, such owner or owners may file the application, executed as if such application had been filed on or before the taxable status date, with the Assessor on or before the date for the hearing of complaints. The Assessor shall approve or deny such application as if it had been filed on or before the taxable status date.
- (c) The income of the owner or the combined income of the owners of the property must not exceed ~~twenty-nine thousand dollars (\$29,000)~~ **fifty thousand dollars (\$50,000.00)** for the income tax year immediately preceding the date of making application for exemption. Where the title is vested in either the husband or wife, their combined income must not exceed the sum of **fifty thousand dollars (\$50,000.00)** ~~twenty-nine thousand dollars (\$29,000.)~~.
- (d) Title to the property must be vested in the owner or, if more than one (1), in all the owners for at least twenty-four (24) consecutive months prior to the date of making application for exemption.
- (e) The property must be used exclusively for residential purposes, be occupied in whole or in part by the owners, and constitute the legal residence of the owners.

- (f) The amount of the partial exemption shall be computed as follows:

Annual Income	Percentage of Assessed Valuation Exempt From Taxation
\$20,600 <u>\$50,000</u> or less	50
More than \$50,000 \$20,600 but less than \$24,600 <u>\$51,000</u>	45
\$24,600 <u>\$51,000</u> or more but less than \$22,600 <u>\$52,000</u>	40
\$22,600 <u>\$52,000</u> or more but less than \$23,600 <u>\$53,000</u>	35
\$23,600 <u>\$53,000</u> or more but less than \$24,500 <u>\$53,900</u>	30
\$24,500 <u>\$53,900</u> or more but less than \$25,400 <u>\$54,800</u>	25
\$25,400 <u>\$54,800</u> or more but less than \$26,300 <u>\$55,700</u>	20
\$26,300 <u>\$55,700</u> or more but less than \$27,200 <u>\$56,600</u>	15
\$27,200 <u>\$56,600</u> or more but less than \$28,100 <u>\$57,500</u>	10
\$28,100 <u>\$57,500</u> or more but less than \$29,000 <u>\$58,400</u>	<u>5</u>

- (g) Unreimbursed medical expenses shall be subtracted from the senior's income calculation.

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

SECONDED BY COUNCILMEMBER _____ :

RESOLUTION
(R-23-51)

INTRODUCED BY CHAIRWOMAN BROWN _____:

WHEREAS, the Common Council by resolution R-22-93 adopted a budget for the fiscal year 2023 (the “2023 Budget”); and

WHEREAS, the Common Council wishes to amend the 2023 Budget to reallocate \$75,000 in unspent ARPA funds from 2022 to the 2023 Budget to be used as funding for the Champion’s Walk at Corey Ingram Circle.

NOW, THEREFORE,

BE IT RESOLVED, that the 2023 Budget adopted by the Common Council as Resolution R-22-93 is amended as shown on Schedule A, annexed hereto and made a part hereof.

SECONDED BY _____.

SCHEDULE A

To amend the 2022 and 2023 Adopted Budgets to re-allocate \$75K in unspent 2022 ARPA Contingency funds for the Champion's Walk in 2023.

G/L	Fiscal Year	Increase	Decrease
01-00 4089.AR	2022	\$ -	\$ 75,000
01-20-1900 7498.AR	2022	\$ -	\$ 75,000
01-00 4089.AR	2023	\$ 75,000	\$ -
01-11-7310 7469.AR	2023	\$ 75,000	\$ -

**CITY OF POUGHKEEPSIE
RESOLUTION AUTHORIZING THE COMMENCEMENT
OF LITIGATION AGAINST DUTCHESS COUNTY
(R-23-52)**

INTRODUCED BY CHAIRWOMAN BROWN _____:

WHEREAS, the Dutchess County Legislature, on June 12, 2023, approved 2023123, authorizing funding in the amount of \$725,000 for the design, engineering and construction management services toward the development of a temporary emergency homeless shelter to be located at the soon to be decommissioned 1995 jail facility, 150 North Hamilton Street, Poughkeepsie; and

WHEREAS, the County has, again, failed to communicate with the Common Council regarding these plans and the impact this new facility will have on this community; and

WHEREAS, Corporation Counsel previously appointed outside counsel, E. Christopher Murray, Esq. of Rivkin Radler, LLP to research and advise the Common Council on its legal rights regarding the County's plans for the development of a homeless shelter; and

WHEREAS, the Common Council now seeks to authorize the law firm of Rivkin Radler, LLP to commence an Article 78 action against Dutchess County to challenge resolution 2023123 regarding the property for a capped legal fee of \$10,000.00 plus any out-of-pocket disbursements.

NOW THEREFORE, BE IT RESOLVED by the City of Poughkeepsie that:

1. The retention of Rivkin Radler, LLP as outside counsel is hereby authorized for the purpose of commencing and prosecuting an action to challenge resolution 2023123.
2. Rivkin Radler, LLP fees shall be capped at \$10,000.00, plus any out-of-pocket disbursements, unless that amount is amended by further resolution of this Council.
3. This Resolution shall be effective immediately upon its adoption.

SECONDED BY COUNCILMEMBER _____.

RESOLUTION
(R-23-53)

INTRODUCED BY CHAIRWOMAN BROWN:

WHEREAS, by resolution R-20-93, the Common Council approved the attached inter-municipal agreement with the Town of Poughkeepsie regarding coordinated tactical responsibilities;

WHEREAS, the City and the Town Police Departments are currently negotiating the terms of a new inter-municipal agreement for coordinated tactical responsibilities; and

WHEREAS, pending the new agreement, each Police Department wishes to keep the current agreement effective, cancellable by either Police Department on 60 days' notice or as otherwise mutually agreed by the both parties; and

WHEREAS, the Common Council has determined that this resolution constitutes a Type II action as defined by the New York State Environmental Quality Review Act and 6 NYCRR Park 617;

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby approves the extension of the attached inter-municipal agreement and it shall be cancellable by either Police Department on 60 days' notice or as otherwise mutually agreed by the both parties.

SECONDED BY _____.

**Inter-Municipal Agreement to Provide Tactical Team Support
City of Poughkeepsie and Town of Poughkeepsie**

MISSION STATEMENT:

Recognizing that the presence of a highly trained, highly skilled police tactical unit has been shown to substantially reduce the risk of injury or loss of life to citizens, police officers and suspects; and recognizing that a well-managed "unit" response to critical incidents usually results in successful resolution of those incidents, it is the intent of the City of Poughkeepsie and the Town of Poughkeepsie to provide a highly trained and skilled tactical unit as a resource for those law enforcement agencies which request assistance with critical incidents.

The purpose of this Agreement is to establish the governing regulations in the selection, training, equipping, and use of the two established specialized Tactical teams known as the City of Poughkeepsie Police Emergency Services Unit and the Town of Poughkeepsie Police SWAT during a critical or specialized incident.

1. MISSION:

The mission of this **Inter-Municipal Agreement to Provide Tactical Team Support Between the City of Poughkeepsie and the Town of Poughkeepsie (the "Agreement")** is to support each other's Police Departments (the "Departments") during tactical responses to critical incidents. Critical incidents may include but are not limited to:

1. Hostage Situations: the holding of any person(s) against their will by an armed or potentially armed suspect.
2. Barricade Situations: the standoff created by an armed or potentially armed suspect in any location, whether fortified or not, who is refusing to comply with police demands or surrender.
3. Sniper Situations: the firing upon citizens and/or police by an armed suspect, whether stationary or mobile.
4. High-Risk Apprehension: the arrest or apprehension of armed or potentially armed suspects where the likelihood of armed resistance is high.
5. High-Risk Warrant Service: the service of search or arrest warrants where the warrant service matrix or policy recommends or requires the use of the specialized tactical units.
6. Personal Protection: the security of special persons, such as VIP's, witnesses, or suspects, based on threat or potential threat to the wellbeing of those persons.
7. Special Assignments: any assignment approved by the Town of Poughkeepsie Police Chief and the City of Poughkeepsie Police Chief or their Designees' based upon a high level of threat.
8. An act of terrorism where such special services may be warranted.

2. COMPOSITION AND STRUCTURE:

The City of Poughkeepsie and Town of Poughkeepsie have established tactical teams which support specialized units such as precision marksmen (Snipers) and crisis negotiators. The SWAT Team/ ESU Commander from their respective departments will oversee the day to day operations and assignments for their respective department units. During an activation of both teams under this agreement, the department SWAT Team/ESU Commander requesting the activation will have Tactical Command over both teams and be the designated Tactical Commander for the incident. In his or her absence, the Team Leader/Team Supervisor, of the activating team, previously designated by his or her Department will serve as Tactical Commander. In the absence of either the Commander or the Team leader/Team Supervisor or both, pre-determined temporary assignments of team leaders/team supervisors to Tactical Command roles will occur. In a similar fashion, pre-determined team members will temporarily assume the roles of Team Leader/ Team Supervisor.

3. COMMAND AND CONTROL STRUCTURE:

When activated for an operation under this Agreement, both Departments' teams will perform under the direction of the designated Tactical Commander. At such time each department Commander, Team Supervisors/Team Leaders, and operators will follow the direction and assignments of the designated Tactical Commander for the length of the incident.

The Tactical Commander will report directly to the Incident Commander from the activating Department, where one has been designated, or to the on-scene supervisor. Incident Command protocols will be instituted in all tactical operations, time and circumstances permitting. Each agency will follow its policy pertaining to chain of Command and agency activation of members. The agency requesting assistance will maintain its authority over the situation through the incident command process. The authority to initiate or abort tactical options lies with the INCIDENT COMMANDER in the absence of exigent circumstances.

The Tactical Commander is responsible for deployment of the Team, tactical decision-making and the execution of tactical planning. Tactical Commander will maintain the highest levels of communication with the Incident Commander, and Crisis Negotiators, if present, providing updated information regarding the situation and recommendations of a tactical nature.

4. ACTIVATION PROCESS:

A supervising officer from either Department may request activation under this Agreement for critical incidents occurring within their jurisdictional boundaries. Calls for activation will be made to the activating agency's communication center and then to the other agency's communication center.

The communication center for each agency will follow its department policy pertaining to chain of command and notification of command for the request and provide command with as much information as possible concerning the situation. All available information will be provided by each Department to the other conferred upon authorization to activate under this Agreement.

A supervising officer from the respective Team will be dispatched immediately to the scene to assist the requesting agency.

Activations under this Agreement shall take precedence over all other assignments. Immediate response by team members is required.

Upon activation, SWAT/ESU Team members fall under the immediate command of the Team/Unit Commander and remain so until deactivated by said Commander.

Pre-planning for execution of warrants or other operations having special requirements or safety considerations may be requested by either Department.

5. SELECTION PROCESS:

Each Department will follow its departmental policies and procedures for the selection of members of their respective Teams.

6. TRAINING STANDARDS:

All training will be in accordance with each department's policy with respect to SWAT/ESU training. Said training shall be in compliance with current DCJS standards. All training records shall be maintained by each department in accordance with the records retention policy set forth by the respective department.

7. EQUIPMENT STANDARDS:

Each Department shall supply and issue to its assigned members, such basic equipment and uniforms as are necessary to safely perform their duties. Such equipment and uniforms shall conform to the specifications of the agency policy and shall minimally include New York State Division of Criminal Justice standards for a SWAT operator:

- A. Utility uniform that identifies the operator as a law enforcement officer.
- B. Soft body armor.
- C. Eye protection.
- D. Semi-automatic duty handgun.
- E. Extra handgun ammunition and extra ammunition for rifle or shotgun, if carried.
- F. Prisoner restraints – plastic ties or metallic.

- G. Handgun holster, handcuff pouch, handgun magazine pouch, and pouches to carry rifle magazines or shotgun shells.
- H. Knife.
- I. Air purifying respirator and pouch – 1 extra filter.
- J. Individual gunshot wound kit – Minimum shall include:
A pouch carrying: Tactical Tourniquet (SOF-T, C.A.T., MAT), tactical trauma bandage or Z or S folded gauze with a compressions wrap, occlusive dressing (Asherman, Bolin, Hyfin, or vaso gauze), combat gauze (Quick clot or equivalent), duct or 2 inch tape, trauma shears, nasal airway, 14 gauge 3.25 inch needle, and individual emergency medical data card.
- K. Portable radio with ear piece.

8. SPECIAL EQUIPMENT:

Recognizing that the missions of the specialized tactical units are performed in a hazardous environment and operating under inherent risk, and recognizing that the safety of innocent citizens, officers, and suspects is often jeopardized by hazardous conditions, it is the intent of each Department to utilize special equipment in an attempt to lessen the risk of injury or death to all involved during the performance of a tactical operation. The agencies recognize, however, that the use of the special equipment in no way implies or guarantees that injury or death will not occur during a tactical operation.

The SWAT/ESU Team Commander will insure that only those Team members properly trained and certified in the use of the special equipment will utilize the equipment. The SWAT/ESU Team Commander will be responsible for establishing the certification standards and criteria for the unit.

9. MISSION PLANNING:

The Departments will jointly develop a written Operational Plan for all operations that are proactive or anticipatory in nature, such as High Risk Warrant Service. The written process will include a format that will document how the operation is to be conducted, command/control/communication, and support required. All operational plans will be stored and maintained indefinitely by the requesting department. The SWAT/ESU Team Commander will cause a log of events to be recorded on each tactical operation, and will also cause all planning and decision-making documents to be recorded. These documents will be stored and maintained in a file indefinitely. A radio operations log will be maintained during all tactical operations. Records files shall be maintained within each department in accordance with accepted business practices.

10. DOCUMENTATION OF ACTIVATION:

The SWAT/ESU Team Commander will cause an after action report to be generated detailing the activation and use of the teams. This report will be a standard police report type document which details the operation and pertinent information required for follow-up investigators, prosecutors, etc.

11. AFTER ACTION CRITIQUE:

At the completion of all operations and significant training events the SWAT/ESU Team Commander will conduct an after action review. The purpose of this review will be to create a forum for SWAT/ESU Team members to offer information and suggestions for the improvement of the teams.

*From both
departments?*

*Share with
City?*

12. PERIODIC POLICY REVIEW:

Each SWAT/ESU Team Commander will annually review and when necessary, propose updates to their Department policy which will then be reviewed and approved, after necessary revision by the Chief or his/her designee, of his/her department.

13. ADDITIONAL CONSIDERATIONS:

In the event of death or injury during a critical incident response under this Agreement, Incident Commander will direct the following:

1. Protect the scene.
2. Preserve evidence.
3. Immediately secure all firearms known to have been fired.
 - a. Note the condition of the weapons.
 - b. Secure all unexpended rounds.
4. Secure firearms of all other officers pending examination by crime scene investigators.
5. Cause all required notifications to be made.
6. Turn the scene over to the authorized personnel of the activating department.
7. Arrange for dispatch of the Critical Incident Stress Management Team as per each department's policy.

14. INSURANCE:

Each Department will obtain and maintain insurance on the terms and to the limits required by Appendix 2 annexed hereto.

15. TERM AND TERMINATION:

This Agreement shall be effective, unless sooner terminated, for three (3) years from the date of execution by both municipalities. Either party may terminate this Agreement for cause giving the other notice of the basis for termination, and unless the basis for termination has been cured within sixty (60) days of delivery of said written notice this Agreement will at the expiration of said sixty (60) days terminate. In addition, either party may terminate this Agreement without cause upon ninety (90) day notice.

16. MODIFICATION:

Each party agrees to consider requests for modification of this Agreement as proposed by the other, and will not unreasonably refuse to effect the same.

17. RELEASE/INDEMNITY:

GML 209-m(5) provides that the municipality receiving aid "shall assume the liability for all damages arising out of any act performed in rendering such aid and shall reimburse the assisting local government for any monies paid by it for salaries or other expenses incurred by it including damage to or loss of equipment and supplies."

18. EXPENSE:

See paragraph 17 above. GML 209-m (5) also mandates reimbursement for salary and expenses in damage to or loss of equipment and supplies.

19. NOTICE:

All notices which are required to be given pursuant to this Agreement shall be addressed as follows:

To: The Town of Poughkeepsie

Town of Poughkeepsie Supervisor
1 Overocker Road
Poughkeepsie, NY 12603
(845) 485-3607

Town of Poughkeepsie Chief of Police
19 Tucker Drive
Poughkeepsie, NY 12603
(845) 485-3660

*Statutory standard
OK?*

*Statutory
standard. OK?*

To: The City of Poughkeepsie

City of Poughkeepsie Mayor
62 Civic Center Plaza
Poughkeepsie, NY 12601
(845)

City of Poughkeepsie Chief of Police
62 Civic Center Plaza
Poughkeepsie, NY 12601
(845)

The notice provisions of this paragraph 19 shall not apply to the process of activating the Department's Tactical Teams.

THIS AGREEMENT, made this _____ day of _____, 2020 by and between the City of Poughkeepsie a municipal subdivision of the State of New York with a principal place of business at 62 Civic Center Plaza, Poughkeepsie, New York 12601 and the Town of Poughkeepsie a municipal subdivision of the State of New York having a principal place of business at One Overrocker Road, Poughkeepsie, New York 12603 who are signatories to this Agreement.

IN WITNESS WHEREOF, the participating Municipalities have executed this Agreement as of the date affixed next to its signature.

TOWN OF POUGHKEEPSIE

Date: _____, 2020

By: _____

TITLE: _____

CITY OF POUGHKEEPSIE

Date: _____, 2020

By: _____

TITLE: MAYOR

ROBERT G. ROLISON

RESOLUTION 7:8 - # 8 OF 2020

WHEREAS, the Town of Poughkeepsie Police Department and the City of Poughkeepsie Police Department (the Departments) each maintain established tactical teams whose members are trained to effectively respond to critical incidents, and

WHEREAS, the Departments wish to further develop their coordinated tactical responsibilities through a Tactical Team Support Intermunicipal Agreement (the Agreement), which Agreement could form the basis for the creation of an inter-departmental tactical team in the future, and which Agreement is a necessary predicate for participating partners to receive grants for the development of municipal tactical services programs, now therefore

BE IT RESOLVED, that the performance of the annexed Agreement involves ongoing Police Department training and management, with no major reordering of priorities, and is therefore a Type II Action requiring no SEQRA review, and

BE IT FURTHER RESOLVED, that the Supervisor or his designee is authorized to execute the annexed Agreement and other related and necessary documents with the City of Poughkeepsie, in substantially the form annexed.

Dated: July 8th 2020
Moved: Matthew Woolven
Seconded: William Carlos

Motion passes/ fails: Ayes 6 Nays 0

JEN/mem
t-6/30/2020
m-7/8/2020

		AYE	NAY	ABSTAIN
<u>PRESENT/ABSENT</u>	Councilman Renihan	<u>✓</u>	—	—
<u>PRESENT/ABSENT</u>	Councilman Carlos	<u>✓</u>	—	—
<u>PRESENT/ABSENT</u>	Councilwoman Lopez	<u>Absent</u>	—	—
<u>PRESENT/ABSENT</u>	Councilman Cifone	<u>✓</u>	—	—
<u>PRESENT/ABSENT</u>	Councilman Woolever	<u>✓</u>	—	—
<u>PRESENT/ABSENT</u>	Councilwoman Shershin	<u>✓</u>	—	—
<u>PRESENT/ABSENT</u>	Supervisor Baisley	<u>✓</u>	—	—

RESOLUTION
(R20-93)

INTRODUCED BY COUNCILMEMBER PETSAS

WHEREAS, the City of Poughkeepsie Police Department and Town of Poughkeepsie Police Department each maintain established tactical teams, whose members are trained to effectively respond to critical incidents;

WHEREAS, the City and the Town Police Departments wish to further develop their coordinated tactical responsibilities through a Tactical Team Support Inter-municipal Agreement, which could form the basis for the creation of an inter-departmental tactical team in the future, and which agreement is a necessary predicate for participating partners to receive grants for the development of municipal tactical service programs; and

WHEREAS, it is necessary for the Common Council to approve the annexed inter-municipal agreement and to authorize the Mayor or his designee to execute the agreement; and

WHEREAS, the Common Council 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;

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby approves the inter-municipal agreement and authorizes the Mayor or his designee to execute such agreement in substantially the same form as attached hereto.

SECONDED BY COUNCILMEMBER BRANNEN

Submitted to Council: December 7, 2020 Council Action: Approved Roll call vote taken: Yes <u>X</u> No _____ Ayes 8 Nays 0 Abstain 0 Absent 1 Approved by Mayor on <u>12/14/20</u> Mayor's Signature <u>R. J. Polson</u>	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 <u>December 7, 2020</u> <u>[Signature]</u> City Chamberlain
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THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, June 5, 2023, 6:30 p.m.

Common Council Chambers

Welcome to the regularly scheduled Meeting of the City of Poughkeepsie Common Council the date is Monday, June 5, 2023, and the time is 6:30 pm.

- I. ROLL CALL: 7 Present, 2 Absent (Councilmember Thompson absent and Johnson; arrived after roll call)**
- II. REVIEW OF MINUTES:**

Public Hearing Minutes – May 15, 2023
Common Council Meeting – May 15, 2023
Special Meeting Minutes – May 30, 2023

Motion to accept the minutes: Councilmember Long, Seconded by Councilmember Menist.

PH & CCM & SM Minutes VOICE VOTE						
			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☐	☐	☐	☒
	Councilmember Johnson	Voter	☐	☐	☐	☒
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

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

-NONE-

IV. PUBLIC PARTICIPATION

- 1. Marta Knapp – 10 S. Clinton St**
- 2. Paul Brenner – S. Grand Ave.**
- 3. Carolyn Miller – Virginia Ave.**
- 4. Nicole Elting - Thornwood Dr.**
- 5. Alan Rodriguez**
- 6. Daniel Atonna – 16 College Ave (For the Many)**
- 7. Robert Phillips – Hudson Pointe**
- 8. Edwin Kravitz – S. Clinton**
- 9. Laurie Sandow – S. Grand Ave. ***
- 10. Jamar Cummings – 5th Ward resident**
- 11. Laura Forman – Washington St.**
- 12. Kane Bowers – Union St. (For the Many)**
- 13. Michael De Cordova – 278 Main St.**
- 14. Warren Jones**
- 15. Kenneth Kelley**

*** Submitted Written Comments**

Laurie Sandow comments, c/PK Common Council meeting, June 5, 2023

Thirteen weeks have passed since the March 6th Informational meeting, and I still have no replies from unelected Mayor Nelson, Chairwoman Brown, Chamberlain Davis, and others. Once again, my same question: how many weeks and months will I have to waste my first sentence at Council meetings keeping count of the refusal to reply to questions they swore and are obligated to answer?

I'll add an additional question: I'd like to have it publicly confirmed or denied whether the Chamberlain keeps a separate binder exclusively for my Freedom of Information (FOIL) requests.

That last question is a special concern because on May 11th, Corporation Counsel Valk and unqualified Historic District Commissioners Tim McQueen and Da'Ron Wilson were heard during a public access TV broadcast discussing and disparaging FOIL delays, FOIL requests, and certain members of the public. The City received a notice to preserve that audio and video as well as Freedom of Information request to deliver it. They've not done that yet.

We've got people in this City, some already holding paid positions, and others campaigning for office, who've never spoken in front of this body or any City body, or otherwise exposed their positions to the light of day—the sunlight that Supreme Court Justice Louis Brandeis described as “the best of disinfectants”. Yet these same parties feel free to express their hostility against knowledgeable members of the community who DO speak up. We've got unelected Mayor Nelson who, at the last Council meeting, showed that he is also hostile, using his public comments to selectively deliver shade and half-truths, while lecturing the public about what they should or shouldn't include in their comments.

Just like some of this Council's current members, a shocking number of current campaigners for office neither know, nor care, nor have shown any proof of their knowledge about the workings of government, their duty to constituents, or the powers they might end up using or abusing. We've got people on this Council who freely violate decorum by insulting members of the public, and who talk about transparency while blocking or hiding comments on their social media. We've got a Council and Administration scourge of decisions made behind the closed doors. We've got new employees under Marc Nelson whose qualifications are unknown, holding jobs that may have never been posted to the public.

Lastly, tonight's agenda shows a presentation regarding lead pipes. New York State passed a Clean Water Infrastructure Act in 2017. Why is this issue just being presented today, six years later? The public demands to know where grant funds from the State's Lead Service Line Replacement Plan were deposited when awarded to the City in 2017, as well as a full accounting of how those funds were actually used, assuming they were ever used.

V. CHAIRWOMAN'S COMMENTS AND PRESENTATIONS:

Chairwoman Brown: First off, to the speakers who came today out of frustration and lack of agency. I apologize to you as chair of this council. I wasn't aware of any of those issues, but I'm happy to help. And I think that for a couple of women I spoken to and I'll speak to the council members of those wards, I think I do have a nice plan in place to help. Communication is key and it's clear on this council. Sometimes there's not communication amongst each other. So, either the council versus the administration, when there's people on the council who's been here for a long time, may have answers on that, not just myself, but I just wish we would communicate more because it breaks my heart to see people come here and cry because they're not getting help.

On a positive note, I had the pleasure to and Councilmember Grant had the pleasure a couple of weeks ago to go to Minneapolis, Minnesota. And one of the reasons why we went there is because the city of Poughkeepsie is participating with an impact as part of our overall cradle to career pipeline of supports for our children and our whole youth Development plan to bring early Learning and Math Corps into the city of the kids. The Early Learning and Math Corps recruits local tutors from the community, and I'll be serving at Poughkeepsie School District Day one, Early Learning Master Services and Little Water Prep, and I'm missing one of their community family development and with the early learning. And the reason why I'm announcing this is because if anyone's interested, I do have cards to be happy to give out on how you can apply these tutors that we and I have agreed to help recruit our members of the community. You can be from any walk of life. You could be a retiree, you could be a recent college graduate, you can be a educator. You can just be a person who wants to get involved and help children.

You will receive extensive training from an impact. The impact is a national organization who is contracted by the federal government to dispense funding and oversee many different AmeriCorps programs. So we are currently recruiting. So if you're interested on the Early Learning Corps, you'll work with pre those people out there. I want to do this. Could you pass some of these out? People are interested. Only if they're interested because I don't have many.

Vice Chair Shook: I can leave them on the table.

Chairwoman Brown: No, because I don't have that many. I have to get them out. But if you're interested you can just raise your hand while we're talking and vice chair will give you a card. You'll work in pre and pre-K and pre-K classes helping children learn literacy in the Math Corps, you'll be working in grades K through three, helping children develop better numeracy skills. And you don't have to be just don't get intimidated by math because I know a lot of people do. When you say math, unless you're, you know, a mathematician, they provide a lot of training. So, you know, any of us should be able to teach third grade math. But this is a way, you know, people come here all the time and complain about the results of the school district. And you know, we need community involvement to improve it. It's obvious that, you

know, just a school district alone or these early childhood centers alone can counter all the aspects of poverty that we have in this area. Our children are entering kindergarten on average and not all on average, two years behind. So when they're tested in kindergarten and they get a kindergarten screening, they should screen at a five year old level. We have the majority of our children coming in around three years old, two and a half to three years old. And that's no fault of the parents. It's just a consequence of our environment.

So like I said, we are a high poverty district, so we have a lot of working families, we have a lot of a lot of disadvantages that more affluent communities don't have. So in order to change that, we are encouraging more people to get involved and help as opposed to just being overly critical because it's unfair to be critical if you're not trying to be part of the solution. So I hope as many of you as possibly know, those of you at home. Mayor Nelson, maybe we can put a link on the website for those watching who may want to apply to be a tutor?

But lastly, on this subject, it actually is a paid tutor set. So if you do it full time, you'll get a stipend, a stipend every two weeks. I believe it's \$900 plus full health insurance. And on top of that, you get tuition reimbursement. Now, if you're a retiree and you don't have any college loans, you can pass that on to your children or grandchildren. That's the beauty of it. And if you choose to be a part time tutor, which is 25 hours a week, I believe a \$600 stipend, you may pay 80% of your insurance and you also get a tuition reimbursement, just not the full, but you do get a good amount.

So there you know, there are perks. Aside from the benefit of helping our children, there is additional perks. So I encourage everyone who's interested to get involved.

Boards and committees. I want to thank Councilmember Long. She did have the Housing Solutions Committee meeting today, but I wanted to clarify a few things because there's some things that are a little concerning that a meeting took place today, and Councilmember Long called me because her meeting was interrupted by the mayor and I wanted to sit on the floor because I don't want this to get out of hand, give the mayor an opportunity to discuss what transpired today. Because when I created this committee, it was very thought out for several years. People have come to this council talking about different aspects of housing that need to be addressed. Affordable housing being one, but also home ownership being another, housing sustainability being another rent control being another absentee landlords. Just so many. And through the years this council has not been able to address those issues because all the other fires that come up, that gets put on the back burner and the problem's just getting worse. So I found it necessary to create a committee, as per the charter, set the chair, to create committees based off of the needs of the community. And that was something that was needed. So this committee, I hold close to my heart. So when it's not functioning correctly, you know, it is bothersome and I want to remedy that tonight if possible. So it was very alarming when Council member Long called me today. So, Mayor Nelson, I would like to give you an opportunity to discuss what transpired.

Mayor Nelson: Thanks, Chairwoman Brown and to members of the council and those watching at home. So back in January, when both Chairwoman Brown and I assumed our roles, we started with a fantastic discussion about how we could collaborate to move the city forward on a

number of areas that were of vital importance. And what we saw was some really good action. The council moved quickly to adopt the LWRP, the local waterfront revitalization program that had languished in, I guess for three, maybe even four years by some accounts. There were some other successes as well in those early months.

Chairwoman Brown did appoint a council committee to address and look into ways to potentially mitigate our rising rents and to come up with some solutions that perhaps we could implement legislatively to better afford access to affordable housing for members of the community. That resolution was Resolution 23, dash 37, in which it was submitted by Councilmember Long, and there were six council appointees.

I was asked to appoint three to the commission, which I did thereafter, and that was done voluntarily by the administration in the spirit of collaboration with Chairwoman Brown and some of her colleagues. I appointed three individuals. That was done in late February, early March, and here we are in early June. And the committee has met, to the best of my knowledge, twice. There were a number of stops and starts. Most recently, a meeting was cancelled on less than an hour's notice by Chairwoman Long. There were members that were waiting here to attend that meeting that had been scheduled well in advance. And again, Chairwoman Long did not appear for that meeting. That was concerning, but it wasn't my only problem. In addition to that, I found out and I did not know this, that the council appointed six and I appointed three. But apparently there were other members of the public that were appointed and at least one, if not more, of where we found related and working for a political action group operating in the city of Poughkeepsie called For the Many.

And I think everybody in the room, I know certainly all the members of the council are aware that for the many, has been lobbying this council for months and months to pass legislation that would essentially ban Airbnb's, the group that was responsible for the council, adopting what they called rather ironically good cause eviction. That law was struck down as unconstitutional by a number of courts, including our own city court. I understand, and this is the political action group that since that time has been up lobbying in Albany to pass this legislation as well. My view and I appreciate Chairwoman Brown giving me an opportunity to let the public know what it is, is that the housing crisis in the city of Poughkeepsie and in fact, the region should not be politicized. It's not a political issue. And here we are three weeks before a primary. And I walk into a committee meeting that is essentially being led by members of the very group that is endorsing some of the members that are up here today running for office. I just think it's inappropriate. So I've asked my members to stand down. The administration is not going to participate on our three members. One resigned on her own. Councilmember Long sent an email today and said to me that I didn't have the right to do that as the mayor. I'm just the mayor by charter. She's fond of saying I'm not an elected mayor and therefore for some reason I don't have the authority to act as the mayor of the city of Poughkeepsie. That question has been answered by our corporation council at least six times over the last five months. There is no acting mayor. There's no temporary mayor. I do have the authority.

But for anybody who disputes that, including Councilmember Long, I would just refer you to the resolution that was passed by and submitted to the council by Councilmember Long, and that

is Resolution 23-37. It says nothing about the administration shall participate, that was done voluntarily.

Chairwoman Brown: I think, Mayor Nelson, I think because Councilmember Long reached out to me as well, she wanted to make sure that you could not disband the committee, which you cannot.

Mayor Nelson: I cannot. Absolutely not. And I think but our participation in a committee that's met twice in six months and is, in my view, not going to come up with any solutions. I think that as the city's mayor, it's incumbent on us to operate in the administration. And my commitment to the city of Poughkeepsie is we'll have our own recommendations to this council for action that they could take sometime in the fall.

Chairwoman Brown: So, Councilmember Long, would you like to respond? And I just want to be clear to members of the public. You know, we talk about transparency. That's why this is unfolding on the floor, because I'm not going to allow things to happen anymore behind doors because people are twisting and turning in all different ways. And that's not the way I'm going to go out in my last six months. So, Councilmember Long, would you like to respond?

Councilmember Long: So first, I'd like to say it wasn't six months. I probably sent out ten doodles for myself and his three appointees and no one could get the same day. I have other things in life and I have another thousand constituents to care for. Secondly, just so you are aware, Mayor by charter, your three appointees ranted and raved about bringing Daniel on the committee. So your appointees had absolutely asked me after we conduct the interviews, we stay on an interview with Daniel for probably an hour and a half, and after our feedback, they thought he was just the best. So. You. You know, I'm not sugarcoating nothing, because that's just not me. You're going to stop coming at me like an attack. You came in there. You tried to embarrass me. But what he didn't tell everybody is He came in, interrupted the meeting. We were having a great meeting. Even the members that we were having, the meeting felt his appearance and his statements were very inappropriate and unacceptable because we had a conversation. I am who I am. And I let the committee know Mayor by charter and I said it to him. I don't like you. He left my meeting and we continued on today. We met an hour and a half. We came up with great solutions. You talked about six months. We can go back to the record. Ms. Sandow just talked about you not responding, 13 weeks. Mr. Brennan talked about you haven't responded from September. So you want to throw this in my face about not having a meeting? Let's talk about your responsibilities and the time that it's taken. Okay. So you're going to continue then.

Chairwoman Brown: That's what I was going to ask you, are we going to be able to move forward?

Councilmember Long: Absolutely. As long as he stays out of our way, we are going to continue. We're going to pull up. We had phenomenal discussions today. We had a lot of feedback. And when I tell you, we are going to move forward. It is what it is.

Chairwoman Brown: Mayor Nelson, when you reconsider reinstating your appointees?

Mayor Nelson: Not if members of For the Many are participating in this. I want to be clear that quite apart from the delays and everything else, the main reason that I pulled our people is because -

Councilmember Long: He's a city resident. That's it.

Mayor Nelson: Doesn't matter.

Councilmember Long: What was it – “Justice for all?”

Mayor Nelson: Well, we're not going to. The resolution didn't authorize the appointment of anybody from the public. It's not in the resolution, number one. And I was not made aware that For the Many would be participating in this group. So, no, the administration is not going to take part if For the Many is involved.

Councilmember Long: You told us.

Mayor Nelson: Well, we're not going to.

Councilmember Long: No, you told us today.

Chairwoman Brown: Okay,

Councilmember Long: Hold on. Hold on. Because I think it's important. People need to see how many lies this man tells consistently. Right. It needs to be put out here. You interrupted our meeting today for you to tell us you and your administration are working on your own agenda items for housing. And it's sad that you are in your position and you can't work with a group because it's not you. First of all, you don't like me because I hold you accountable and because Daniel is here? Daniel's not here For the Many. Daniel's here for Daniel. So the issue was with you.

Mayor Nelson: Chair. I don't want to belabor the point. I want to try to be as respectful as I can.

Councilmember Long: And I'm being respectful.

Mayor Nelson: I was not informed. By anyone that For the Many, would be participating in this group. This is a political action group that essentially is the public arm of the Working Families Party.

Councilmember Long: You don't talk to your appointees?

Mayor Nelson: My appointees don't work for For the Many - and neither do -

Councilmember Long: But you have all these other -

Chairwoman Brown: Councilmember Long were interviews conducted for the seats?

Councilmember Long: Now, we're going to we're going to move forward. We're going to have a great committee.

Mayor Nelson: Madam Chair, if I could just finish my comment.

Chairwoman Brown: I just don't want you - I don't want this political posturing, because what's going to happen is, you know, I was sitting here very quiet for the last few months, you know, and, you know, you get attacked a lot, Council members up here get attacked a lot. And, you know, some of the people doing the attacking and some of the people remain silent.

I mean, if we want to put it all out here, you know, Council members are lying too. You and not referring to you, Councilmember Long. But I'm just saying like if we're going to start opening a can of worms, if I start talking, I think it's going to it's going to create a big disaster. So I'm trying I've always been trying to be the moderator here and move the business forward because all the political stuff is not really in my best interest. I just want to see some things done in the last few months. So my concern is making sure I can support this committee, making sure that we get some solutions that we could have addressed and we could take some action within the next few months.

Councilmember Long: And just so you know, Everything we discussed today unfortunately, fell back on the lack of administration.

Chairwoman Brown: Well, that's something we could talk about today and discuss. I'm going to move through my agenda really quickly.

The Joint Water Board, it was brought to my attention today that our appointee council member Deichler has not been kept in the loop of actions that are happening on our Joint Water Board. Now, I served that at Joint Water Board, Mayor Nelson, for what, almost four years? So, it's concerning. I was a little disappointed that I was just learning this from Councilmember Deichler because that that's not how it's supposed to function. We were always in the know, like we're equal partners in this work and the town has no power over this city. So for her to be excluded is bothersome. And I would like to know, you know, be given an explanation as to why.

Mayor Nelson: Well, the answer is quite simple. She wasn't excluded. The council member texted me this afternoon and asked me a question about something that appeared on the agenda for tomorrow's Joint Water Board meeting. And for those who don't know, I'm the chair of the Joint Water Board meeting, so I set the agenda. Just as Chairwoman Brown sets the agenda here.

Councilmember Deichler's question concerned why she wasn't informed that the Fraternal Order of Police would be entering collective bargaining negotiations and why she wouldn't be informed about something that included and affected the police department here. I responded by educating the councilperson that the Fraternal Order of Police is the union for our Joint Water Employees, that that's those are the staff of city of the city and the town who work at the joint water plant. They are not sworn officers. They're not members of the Police Benevolent

Association. It's got nothing to do with the PBA contract. And the item on the agenda says that the board will be voting tomorrow on whether or not to invite them to the collective bargaining table. So, again, for the benefit of the public, there's no action being taken other than that contract expired December of last year. We have a duty to our union members to enter good faith negotiations. And rather than just do it, we put it on the agenda for conversation with all of the six members of the board. So I want to be clear that Councilmember Deichler asked a question. I answered the question.

I think I answered it to her satisfaction. At least her text said "Thank you for the clarity." But apparently there was an email chain that went around earlier that Chairwoman Brown is discussing that says that somehow she was left out of the loop. The fact is, is that anybody serving on the Joint Water Board should know that the Fraternal Order of Police has nothing to do with the PBA. And anybody serving on the Joint Water Board should know that our contract expired in December of 2022. Thank you, Madam Chair.

Chairwoman Brown: Councilmember Deichler, do you feel like you're being left out of the loop with decisions on the Joint Water Board?

Councilmember Deichler: I mean, there are much bigger issues at hand. I don't think that I wasn't aware -

Chairwoman Brown: The Joint Water Board is a very big issue, especially if we're going to talk about lead pipes and such today.

Councilmember Deichler: I understand, I asked the Mayor.

Chairwoman Brown: And I believe I responded. You asked me.

Councilmember Deichler: Yes, I received questions from the public and from you all. I asked the mayor to clarify and he clarified. And, you know, it is what it is. I, I don't know what other information

Chairwoman Brown: I just you know, I'm just I'm just a little agitated today because I do have to say this like some of us have been up here for a long time and we get asked last and we probably are the ones that have the answers. And then it comes into all this bickering and arguing that doesn't have to happen. But, you know, just the fact that, you know, our colleagues don't don't appreciate the fact that we've been here and we may know the answers. And that's just kind of frustrating to me.

And next thing on the agenda IDA interviews. I have tasked to Vicechair Shook since he served on the IDA in the past. What better person to head the interviews? He'll reach out to a couple of the council colleagues to also sit on those interviews with him. But he'll start to get his start contacting people next week to schedule and we will shoot to appoint possibly before we go to our hiatus.

So when we come back in August, they can start serving on the IDA. Thank you, Vice Chair

Shook for doing that.

Also, before we in July, I will be unveiling, along with the administration, a new timeline for rezoning. We did not forget about that. You know, there has been a lot of movement. Also, a lot of things are still up in the air at this time as far as staffing concerns, as far as a few local laws and resolutions that we're anticipating on passing. But I will have that information available at one of the council meetings in July. We're going to have two meetings back to back. I anticipate September we're going to shoot for September to start having those public hearings around the rezoning. So I just wanted to put that out there.

Also for members of the public, I scheduled and for members of the council who would like to go to in-person training, the second half of in-person council training will be June 21, in the city administrator's office. And this will be all about budget because our budget season officially started this month. And I hear a lot of times people say, I didn't know this was in the budget or how do I find it? So guess what? We're going to make it very easy and do a four-hour training and show everyone how to read the budget, how to find things in the budget, and how to hopefully not manipulate a budget, but, you know what I mean? Better understand the budget.

And, the benches.

Councilmember Deichler: Did you say June or July?

Chairwoman Brown: June

Councilmember Deichler: This is the first we're hearing of it.

Chairwoman Brown: I just said that I just scheduled it because a lot of a lot of people already did their eight hour training, this is optional.

And benches on Main Street. I'll wait to talk about that with Councilmember Menist, because I've been getting a lot of reports and complaints, and I know this this was an initiative that was very important to you. So I want to talk to you directly to see if maybe we can come up with some kind of solution.

Councilmember Menist: Yeah, I'm happy to do it.

Chairwoman Brown: And I understand I was notified when I was away. And thanks for watchdogs like Laurie Sandow and I mean respectfully about the June, the county meeting, about the homeless shelters. So I suppose us as a council need to talk and also set up another public forum. Well, this is. That was good, it was good to know. I mean, a lot of times she knows stuff before we do. So we'll be scheduling another public hearing here in the council chambers to discuss the gentleman who just left, Mr. Kelley, about addiction. I've been in talks with and in Minneapolis and like I said, runs AmeriCorps programs. But they had different aspects of AmeriCorps is also something called Recovery Corps. And that's something that I'm going to go back out in September. And I've been talking to the mayor about to see if we can bring that program here too. It's a similar concept to how to Early Learning Corps is, but it would use

community members to be recovery coaches and provide stipends and stuff. We really need more peer-to-peer recovery and counseling here. What I what I've noticed and when he said addiction, you know, knocks on everyone's doorstep a lot of times when we talk about it in these Chambers is model focused we're thinking about the people that are on Main Street or may suffer from mental illness. But the fact of the matter is I know a lot of people just like me who are addicted to something. You know, there's a lot of people suffering in silence. So maybe if we can build a stable of people, you know, from all different walks of life to help people into recovery, maybe that's a good solution. So that's something that I hope some members of this council, especially Councilmember Long, who is of recovery, called for help, and Councilmember Grant, who's also going to be working with me, will help pioneer this program and we can make this happen. And that concludes, Oh, Happy Pride Month. I'm sorry, I should have started that way. Happy Pride Month to everyone. June is Pride Month. And yesterday for those cancer survivors was National Survivor's Day. So shout out to all the cancer survivors as well that I'll turn it over to mayor's comments at this time.

VI. MAYOR'S COMMENTS

Mayor Nelson: Thank you, Chairwoman Brown. Just before I get into my comments, thank you very much for sharing your experience while you were on that trip. You know, I'm a big supporter of the impact program as well and the conversations you and I had just since you've been back.

I've heard a lot of things that I think warrant further review, and I'm looking forward to working with you and some of your colleagues on seeing how we can better, better address some of these problems again, we've heard about tonight.

Quickly, just some events coming up. Want to make sure everybody is aware in the public that the Malcolm X Park ribbon cutting, and grand opening is scheduled for this Thursday at 4:30 p.m. and the public is invited. I believe that is up on our website. This is a continuation of the Parks initiative that we've spent a lot of time talking about lately and we're really excited about that.

The Pride Parade as Chairwoman Brown mentioned, Pride Month. The parade will be taking place again in the city of Poughkeepsie on Saturday. I believe that's the 10th and we expect a great turnout again. And we're doing everything we can to make sure that the weather is as good as it has been of late.

Just to back up to last Thursday or maybe it was Friday, I think absolutely everybody in the council is aware that the city did receive upgrades to its rating, its bond rating from Standard and Poor's has upgraded the city to above investment grade for the first time in years with a positive outlook. And also Moody's Investors Service also has upgraded us from stable to positive. I think this is the first time, as was reported by John Penney in a recent media release, the first time that both rating agencies have had the city designated positive outlook in about 11 years. And as I've said repeatedly to anyone that will listen, that as interest rates go up, the importance of that bond rating is absolutely critical to this city, to our residents and to our businesses as it directly affects how much we pay when we go out to market to bond

for important things like infrastructure work and so forth. And we have a lot of infrastructure work to do in the city of Poughkeepsie. So the bond rating is important.

Finally, Madam Chair, I was asked a question about paving a number of questions. Over the months leading into this painting season, we've twice expanded the group of streets in the city that are being paved this season. We're now over \$2 million in money that we've spent to pave streets. We're approaching tripling what we've usually done year to year. And we want to thank not only the two contractors that are working for the city this year, and I believe this is the first year that we have engaged two independent contractors instead of just one. But I'd also like to thank the Department of Public Works for overseeing those engagements and also the Department of Engineering that has been working closely with them as well.

And then finally, also relating to paving, we were asked when and if Grand Avenue, portions of Grand Avenue are in really bad shape as we know, as is Main Street. I just want to let everybody know on the council that on May 19th on my birthday, I took the pleasure of signing the consulting agreement with the architectural engineering firm Creighton Manning, which will begin the process of several million dollars of improvements to Grand Avenue. And we'll be posting this on the city website next week for anybody in the public that wants to get more involved and look at what are the improvement plans for Grand Avenue. That's work beginning in 24 and extending through 25.

Thank you, Madam Chair.

VII. NEW & UNFINISHED BUSINESS & ANNOUNCEMENTS:

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

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS:

X. ORDINANCES AND LOCAL LAWS:

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

- 1. O-23-02, Ordinance Amending §13-269 of Chapter 13 of The City of Poughkeepsie Code of Ordinances Entitled "Motor Vehicles and Traffic" - Handicapped Parking on Thompson St**

**ORDINANCE AMENDING §13-269
OF CHAPTER 13 OF THE CITY OF POUGHKEEPSIE
CODE OF ORDINANCES ENTITLED “MOTOR VEHICLES
AND TRAFFIC”**

(O-23-02)

INTRODUCED BY COUNCILMEMBER FLOWERS:

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

SECTION 1: §13-269 is hereby amended by the following addition:

Section 13-269 -Handicapped parking areas designated.

Upon the erection of signs giving due notice thereof, the following areas shall be designated as handicapped parking areas and are to be utilized only for the purpose set forth in this Article:

THOMPSON ST., North side, beginning 95 feet East of its intersection with Smith St., and continuing East for a distance of 30 feet, for two parking spaces.

THOMPSON ST., South side, beginning 95 feet East of its intersection with Smith St., and continuing East for a distance of 30 feet, for two parking spaces.

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER DEICHLER_____:

ADDITIONS denoted by Underlining and Bold

O-23-02- VOICE VOTE						
			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☐	☐	☐	☒
	Councilmember Johnson	Voter	☐	☐	☐	☒
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☐	☐	☐	☒

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

A motion was made to approve R-23-45 and Resolution R-23-46 by unanimous consent by Councilmember Menist and seconded by Councilmember Deichler.

- 1. R-23-45, Resolution Approving Consent to One Dutchess Sewer Trans, Corp.**

**MUNICIPAL CONSENT TO FORMATION
OF SEWER WORKS CORPORATION**

The City Council of the City of Poughkeepsie, Dutchess County, New York hereby consents to the formation of a sewer works corporation under the provisions of the Consolidated Laws of New York, Chapter 63, Article 10, Sewage-Works Corporations for the purpose of supplying the City and Town of Poughkeepsie with a sewer system; and we consent to the filing of the annexed certificate of incorporation for One Dutchess Sewer-Works Corporation upon the condition that the City or the Town shall have the irrevocable option to purchase or acquire by condemnation the sewer works system from One Dutchess Sewer-Works Corporation.

Executed on _____, 2023 at Poughkeepsie, New York

Natasha Brown, Chairwoman

I hereby certify that the Consent herein was passed by the Poughkeepsie City Council on _____, 2023

Jasmin Davis, City Chamberlain

I hereby certify that the foregoing Consent contains the correct text and proper procedures were followed for the Consent above referenced passed by the Poughkeepsie City Council on _____, 2023

Rebecca Valk, Corporation Counsel

R-23-45- VOICE VOTE						
			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☐	☐	☐	☒
	Councilmember Johnson	Voter	☐	☐	☐	☒
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☐	☐	☐	☒

2. R-23-46, Resolution Approving Consent to One Dutchess Water Works, Corp

MUNICIPAL CONSENT TO FORMATION OF WATER WORKS CORPORATION

The City Council of the City of Poughkeepsie, Dutchess County, New York hereby consents to the formation of a water works corporation under the provisions of the Consolidated Laws of New York, Chapter 63, Article 10, Water-Works Corporations for the purpose of supplying the City and Town of Poughkeepsie with a water system; and we consent to the filing of the annexed certificate of incorporation for One Dutchess Water-Works Corporation upon the condition that the City or the Town shall have the irrevocable option to purchase or acquire by condemnation the water works system from One Dutchess Water-Works Corporation.

Executed on _____, 2023 at Poughkeepsie, New York

Natasha Brown, Chairwoman

I hereby certify that the Consent herein was passed by the Poughkeepsie City Council on _____, 2023

Jasmin Davis, City Chamberlain

I hereby certify that the foregoing Consent contains the correct text and proper procedures were followed for the Consent above referenced passed by the Poughkeepsie City Council on _____, 2023

Rebecca Valk, Corporation Counsel

R-23-46-- VOICE VOTE						
			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☐	☐	☐	☒
	Councilmember Johnson	Voter	☐	☐	☐	☒
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☐	☐	☐	☒

XII. ORDINANCES AND LOCAL LAWS:

1. **FIRST READ:** Ordinance Deleting Section 14-3 "Flying Kites" of Chapter 14 "Offenses and Miscellaneous Provisions" of The City of Poughkeepsie Code of Ordinances

ORDINANCE AMENDING §13-269 OF CHAPTER 13 OF THE CITY OF POUGHKEEPSIE CODE OF ORDINANCES ENTITLED "MOTOR VEHICLES AND TRAFFIC"

(O-23-##)

INTRODUCED BY COUNCILMEMBER FLOWERS:

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

SECTION 1: §13-269 is hereby amended by the following addition:

Section 13-269 -Handicapped parking areas designated.

Upon the erection of signs giving due notice thereof, the following areas shall be designated as handicapped parking areas and are to be utilized only for the purpose set forth in this Article:

THOMPSON ST., North side, beginning 95 feet East of its intersection with Smith St., and continuing East for a distance of 30 feet, for two parking spaces.

THOMPSON ST., South side, beginning 95 feet East of its intersection with Smith St., and continuing East for a distance of 30 feet, for two parking spaces.

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____:

ADDITIONS denoted by **Underlining and Bold**

XII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

- 1. A PRESENTATION FROM DUTCHESS COUNTY HEALTH DEPARTMENT, Regarding the Primary Prevention Lead Program**

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

- 2. FROM VALERIE HALL, a notice of property damage sustained on or around April 28, 2023.**
- 3. FROM SHAKUR PETERSON, a notice of property damage sustained on or around May 8, 2023.**

XIII. ADJOURNMENT:

A motion was made by Councilmember Deichler and seconded by Councilmember Johnson to adjourn the meeting at 9:38 PM.

Dated: June 12, 2023

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, June 5, 2023.

Respectfully submitted,

**Jasmin Nicole Davis
City Chamberlain**

HARDING MAZZOTTI LLP

Formerly known as Martin, Harding & Mazzotti LLP

SEND ALL CORRESPONDENCE TO
P.O. Box 15141
Albany, NY 12212-5141
PHONE: 518.862.1200
SERVICE BY FAX OR EMAIL NOT ACCEPTED

PARTNERS

Paul G. Harding
Vincent J. Mazzotti
Rosemarie Kiddell Boydan

MAIN OFFICE

1 Wall Street
Albany, New York 12205
TELEPHONE: 1-800-529-9922
FAX: 518-724-0385

STAFFED OFFICES

Plattsburgh, NY
Bath, ME
Saratoga, NY
Manchester, VT
Leicester, MA

APPOINTMENT CENTERS

Albany, NY
Buffalo, NY
Cortland, NY
New York, NY
Syracuse, NY
Schenectady, NY
Southfield, MI
Troy, NY
White Plains, NY

FIRM ATTORNEYS ADMITTED IN

New York
Massachusetts
Vermont
District of Columbia
California
Michigan
New Hampshire
New Jersey
Connecticut
Texas
New Mexico
South Carolina

June 2, 2023

CERTIFIED MAIL RETURN RECEIPT REQUESTED

City of Poughkeepsie
Poughkeepsie City Hall
62 Civic Center Plaza 3rd Floor,
Poughkeepsie, New York 12601
Attention: Mayor Marc Nelson

Re: Casas vs. City of Poughkeepsie

Dear Mr. Nelson,

Enclosed herein for service upon City of Poughkeepsie with regard to the above-referenced matter, please find a Notice of Claim.

Very truly yours,



Matthew Dillon, Esq
Matthew.Dillon@1800LAW1010.com
Phone: (518) 724-2242
Fax: (518) 724-0385

MD/jn
Enclosure

CITY OF Poughkeepsie
CITY CLERK
JUN-6 PM 12:31

STATE OF NEW YORK
SUPREME COURT

COUNTY OF DUTCHESS

VERONICA CASAS,

Claimant,

-against-

NOTICE OF CLAIM

CITY OF POUGHKEEPIE, NEW YORK,

Respondent.

TO THE ABOVE NAMED RESPONDENT:

YOU ARE HEREBY NOTIFIED that the undersigned Claimant, Veronica Casas, residing at 528 Route 213, Rosendale, New York 12472 makes a claim against Respondent, the City of Poughkeepsie, New York, for damages for personal injuries sustained by the Claimant, Veronica Casas, arising out of and by reason of the facts and particulars set forth below:

1. The name and post office address of the Claimant and her attorneys are as follows:

- (a) Veronica Casas
528 Route 213,
Rosendale, New York 12472
- (b) Harding Mazzotti LLP
1 Wall Street,
P.O. Box 15141
Albany, New York 12212-5141

2. The time when and the place where such claim arose and the nature of the same are as follows: The incident occurred on March 16, 2023 at approximately 8:55 a.m. On the day of the incident, Claimant Veronica Casas was crossing Market Street, near the intersection of Market Street and Church Street (hereinafter "subject location"), on her way to work. As Claimant was walking in the crosswalk on Market Street, she slipped and fell due to an accumulation of ice and/or snow around

the crosswalk. Photographs of the subject crosswalk on Market Street are attached hereto as **Exhibit "A"**.

3. The nature of the claim is an action for recovery of money damages due to personal injuries sustained by Claimant Veronica Casas, including past and future pain and suffering stemming from her physical injuries, as well as past and future economic damages including loss of wages, damages for medical expenses incurred and medical expenses expected to be incurred in the future, and out-of-pocket expenses, including expenses incurred for medical bill co-pays, all caused in whole or in part by the negligence of the Respondent.

4. The negligence of the Respondent through its officers, officials, agents, servants and/or employees included, but was not limited to, the following:

- a.) In negligently failing to remove ice and/or snow from the crosswalk area at the subject location, causing a dangerous and hazardous condition;
- b.) In failing to keep and maintain the crosswalk area at the subject location in a safe and proper condition;
- c.) In failing to keep the crosswalk area at the subject location free of ice and snow;
- d.) In failing to remove accumulated ice and snow from the crosswalk area at the subject location;
- e.) In permitting, allowing and/or creating such a dangerous and hazardous condition to exist for the use of the persons lawfully present at the subject location;
- f.) In permitting the use of the subject location when it was in such a dangerous and hazardous condition;
- g.) In failing to ensure that the crosswalk area at the subject location was free of accumulated ice, snow and slippery conditions;
- h.) In failing to use and take proper care and precautions for the removal of ice and snow from the crosswalk area at the subject location;

- i.) In failing to warn of the dangerous and hazardous condition when Respondent knew or should have known of the existence of the dangerous and hazardous ice and snow conditions of the crosswalk area at the subject location;
- j.) In permitting such a dangerous and hazardous condition to exist in the subject location used by members of the public such as the Claimant, herein;
- k.) In failing to detect and correct the dangerous and hazardous icy condition of the crosswalk area at the subject location;
- l.) In failing to salt, sand or otherwise clear the crosswalk area at the subject location of ice and slippery conditions;
- m.) In failing to warn of the dangerous conditions of the crosswalk area at the subject location;
- n.) In negligently failing to inspect the crosswalk area at the subject location, discover, and correct the dangerous and hazardous conditions;
- o.) In failing to require the owner of the property abutting the crosswalk area at the subject location to remove the ice and/or snow;
- p.) In creating a dangerous and slippery condition;
- q.) In exacerbating the icy and slippery condition crosswalk area at the subject location;
- r.) In negligently piling snow near the crosswalk area at the subject location;
- s.) In negligently removing snow and ice from the crosswalk area at the subject location;
- t.) In failing to remedy the above-described dangerous conditions despite actual and/or constructive notice of same;
- u.) In violating The Property Maintenance Code of New York State, Chapter 3, Section 302.3; and

v.) In having prior written notice of said dangerous condition of the crosswalk area at the subject location and failing to take any action to correct same.

5. By reason of the negligence and carelessness of the Respondent, its officers, agents, servants, representatives, officials and/or employees, Claimant Veronica Casas sustained multiple personal and physical injuries, loss of wages, damages for medical expenses incurred and medical expenses expected to be incurred in the future, and out-of-pocket expenses, including expenses incurred for medical bill co-pays, all caused in whole or in part by the negligence of the Respondent. Upon information and belief, Claimant sustained the following injuries: fractured left foot requiring medical treatment including surgery. The full extent of the Claimant's injuries is unknown at this time as the Claimant is actively receiving medical care. Claimant seeks to recover money damages due to personal injuries she sustained including past and future pain and suffering stemming from her physical injuries, as well as past and future economic damages including loss of wages, damages for medical expenses incurred and medical expenses expected to be incurred in the future, and out-of-pocket expenses, including expenses incurred for medical bill co-pays.

6. This claim is filed within 90 days after the damages/injuries were sustained by the Claimant, and strict compliance has been had with all provisions and conditions of Section 50-e of the General Municipal Law of the State of New York.

PLEASE TAKE FURTHER NOTICE, that in the event of the Respondent's failure to adjust or pay this claim within the statutory time limits for compliance with this demand, Claimant intends to commence an action against the Respondent, and such others that may be liable to recover the damages herein, together with interest and costs.

WHEREFORE, Claimant respectfully requests that this claim be adjusted and paid as provided by law.

DATED: June 2, 2023

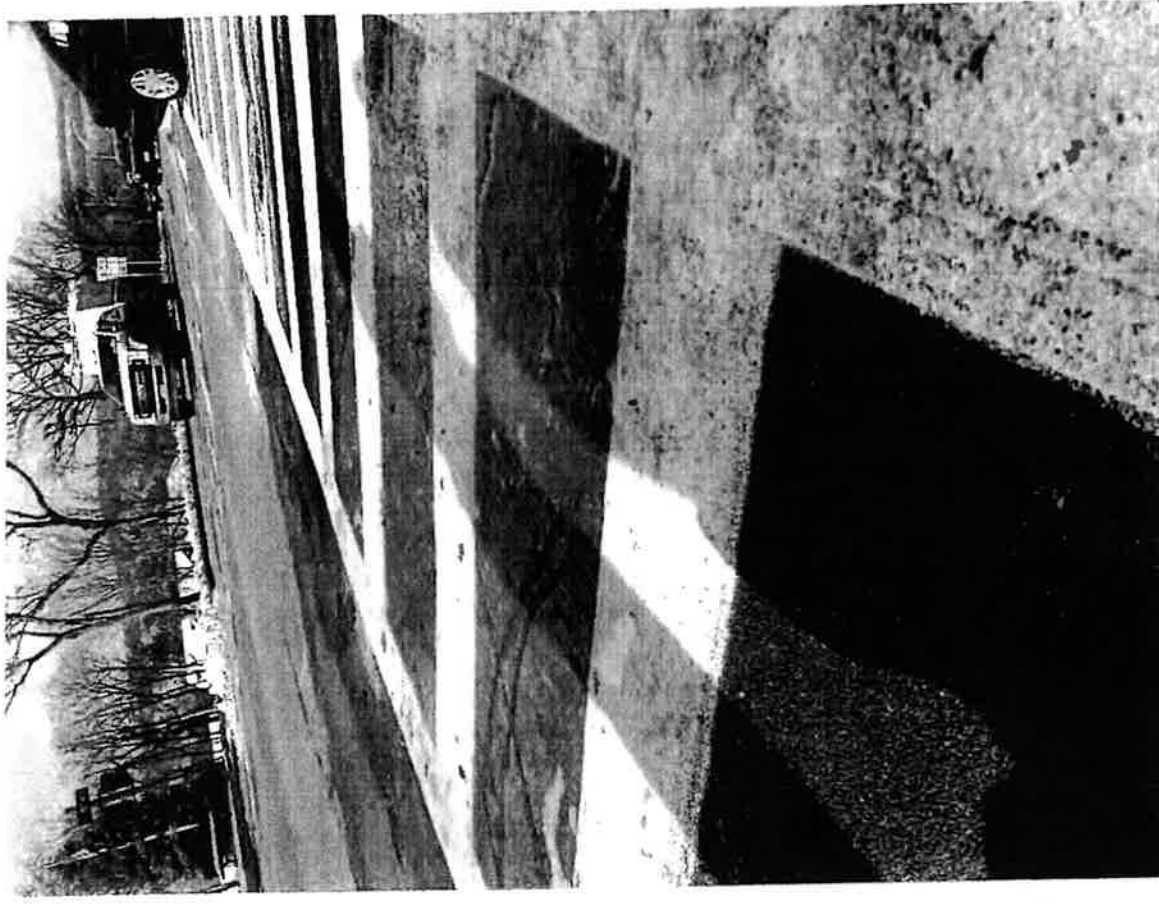
By:


Matthew J. Dillon, Esq
HARDING MAZZOTTI LLP
Attorneys for Claimant
1 Wall Street,
P.O. Box 15141
Albany, New York 12212-5141
(518) 724-2242

EXHIBIT “A”



17/20



18/26

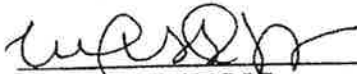
STATE OF NEW YORK)
 Ulster) ss.:
COUNTY OF ~~DUTCHES~~)

Veronica Casas being duly sworn, deposes and says that she is the Claimant herein; that she has read the foregoing claim and knows the contents thereof; that the same is true to the knowledge of deponent except as to the matters therein stated to be alleged upon information and belief; and that as to those matters she believes them to be true.



Veronica Casas

Sworn to before me this 26 day
of May 2023



NOTARY PUBLIC

MELISSA OSHEA
Notary Public - State of New York
NO. 01056379371
Qualified in Ulster County
My Commission Expires Aug 13, 2026



585 STEWART AVENUE
SUITE 615
GARDEN CITY, NY 11530
TEL: 516.858.5887
FAX: 516.858.5867

June 02, 2023

Via Return Receipt #9590 9402 3980 8079 8126 50

The City of Poughkeepsie
62 Civic Center Plaza, 3rd Fl.
Poughkeepsie, NY 12601

Re: Poughkeepsie Shops LLC
89 and 350 Main Street
Poughkeepsie, NY 12601

CITY OF Poughkeepsie
CITY CLERK
JUN 12 PM 2:17

Dear Board Members:

I am writing to you on behalf of my client, Poughkeepsie Shops LLC, who has received provisional approval for a Conditional Adult Use Retail Dispensary and delivery service and intends to seek approval from the Office of Cannabis Management for full licensure at 89 Main Street for the Retail Dispensary and 350 Main Street for the temporary delivery service only location\.

As you are aware, part of the licensing process requires that we notify the local municipality. Please consider this letter notification for the above referenced license.

Please forward any meeting notification information and/or questionnaire to my office, at the address indicated in our letterhead above, or to MJ@jamesfrm.com. Please feel free to contact me directly at (516) 858-5887 if you need any further information.

Yours very truly,

Michael A. James
Of The James Firm

Unit: 615

City/Town/Village: Garden City

State: NY Zip code: 11530

Telephone with area code: (516) 858-5887

If you would like to express an opinion to the Cannabis Control Board please respond to this notification within 30 days by mail to:

Attn: Licensing Division
New York State Office of Cannabis Management
P.O. Box 2071
Albany, NY 12220

Thank you.

Signed

Today's date: 6/1/23



RE: Notification of adult-use retail dispensary license application

Delivery Service Only

License Type: New Establishment

Previous DBA:

License Number: OCMCAURD-2022-000143

Dear Municipal Clerk/NYC Community Board: City of Poughkeepsie

This serves as notification that I (name) Poughkeepsie Shops LLC
of (dba)

have obtained a provisional license from the Cannabis Control Board and intend to file an application for
full licensure with the Office of Cannabis Management to open a

- ☒ retail dispensary
☐ on-site consumption business

in (county name) Dutchess County
located at:

. This business, once the license is approved, shall be

Street: 350 Main Street

Unit:

City of Poughkeepsie

Zip code: 12601

The mailing address is (if different from business location):

Street: 585 Stewart Avenue

Unit: Ste. 615

City/Town/Village: Garden City

State: Zip code: 11530

(As applicable, name of business if different from above) The James Firm
has retained the legal services of (attorney or representative)

Name: Michael A. James

Street: 585 Stewart Avenue



RE: Notification of adult-use retail dispensary license application

License Type: New Establishment

Previous DBA:

License Number: OCMCAURD-2022-000143

Dear Municipal Clerk/NYC Community Board: City of Poughkeepsie

This serves as notification that I (name) Poughkeepsie Shops LLC
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- ☒ retail dispensary
☐ on-site consumption business

in (county name) Dutchess County
located at:

. This business, once the license is approved, shall be

Street: 89 Main Street

Unit:

City of Poughkeepsie

Zip code: 12601

The mailing address is (if different from business location):

Street: 585 Stewart Avenue

Unit: Ste. 615

City/Town/Village: Garden City

State: Zip code: 11530

(As applicable, name of business if different from above) The James Firm
has retained the legal services of (attorney or representative)

Name: Michael A. James

Street: 585 Stewart Avenue

Unit: 615
City/Town/Village: Garden City
State: NY Zip code: 11530
Telephone with area code: (516) 858-5887

If you would like to express an opinion to the Cannabis Control Board please respond to this notification within 30 days by mail to:

Attn: Licensing Division
New York State Office of Cannabis Management
P.O. Box 2071
Albany, NY 12220

Thank you.

Signed

Today's date: 6/1/23