



THE CITY OF POUGHKEEPSIE
NEW YORK

COMMON COUNCIL MEETING MINUTES

Tuesday, June 20, 2023, 6:30 p.m.

Common Council Chambers

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

I. ROLL CALL: 8 Present, 1 Absent (Councilmember Long)

II. REVIEW OF MINUTES:

Common Council Meeting – June 5, 2023

Motion to accept the minutes: Councilmember Shook, Seconded by Councilmember Deichler

CCM 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-

Per Chairwoman Brown, item #2 under X. Consent and Local Laws, LL-23-06 has been removed from the Consent Agenda and moved to the Action Agenda.

IV. PUBLIC PARTICIPATION

- 1. Kevin Van Wagner, President of City of Poughkeepsie PBA ***
- 2. Holly Wahlberg – 35 Garfield Place**
- 3. Ken Stickle – Catharine St.**
- 4. Gus Kazolias ***
- 5. Laurie Sandow – S. Grand Ave. ***
- 6. Doug Nobiletti***
- 7. Kenneth Kelley – Rose St.**
- 8. Barrington Atkins – Shipyard Rd.**
- 9. Suprina Troche – 3 Delafield**
- 10. Daniel Atonna – 16 College Ave (For the Many)**

*** Submitted Written Comments**

Current Police Department Numbers

- 84 Current sworn members which includes the chief and two captains
 - o 81 sworn members
 - o 5 members out on restricted duty
 - o 1 member in police academy
 - o 75 total members working on the street
- 24 employees are eligible to retire at any point
- 33 employees have 17 years or more on = 41% of your work force
- 34 employees have 6 years or less on = 42% of your work force

Civil Service Exam

- September 9, 2023 a civil service exam will be given for the county
- From the time that a candidate takes the test until the time that they will be working on the street will be January 2025
 - o Test results
 - o PT test
 - o Interview
 - o Psychological Exam
 - o Polygraph Exam
 - o Background Check
 - o Academy
 - o Field Training
- Currently 539 candidates received letters from the current eligible list
 - o 93 candidates accepted the invitation to the PT test
 - o 88 candidates showed up to take the test
 - o 45 candidates passed the PT test
 - 10 of those candidates have already gone through the hiring process with neighboring agencies in the county
 - 6% viable candidates from 539

New York State police

- canvassed 7,000 candidates
- 700 candidates responded
- 300 candidates passed = 4% viable candidates from 7,000

The MOA you have before you highlights the fact that we're losing police officers at an alarming rate while struggling to fill their positions with newly hired officers. Since 2017 the department has lost 50 police officers through retirement, lateral transfers to other agencies and resignations.

10
AN ARTICLE IN THE MID-HUDSON NEWS
REGARDING THE VACATED COUNTY JAIL ~~FOR~~ ^{SPEAKING BY}
SOMEONE WHO WAS INVOLVED DURING THE
COUNTY RESOLUTION FOR THE NEW COUNTY. THE
HOMELESS AND OTHERS. THE SPOKESMAN FOR THE
THE PROJECT IS A LOCAL ARCHITECT. WHO RAISED
THE FACT THE VACANT JAIL HAS LESS THAN THE 80
SF AREA STATE SPECS. BY PRESENT STANDARD
DOES ^{NOT} MEET THE 100SF ^{SPACE} REQUIREMENT FOR
BOTH STATE/COUNTY. I TALKED WITH A VERY
KNOWLEDGABLE PERSON, ~~WHEN~~ ^{NOT} I ASKED HIM, WHY
EXPAND ~~THE~~ TO MEET THE 100SF. DURING THIS
DISCUSSION HE MENTIONED THE 80SF EXISTING
OLDS JAIL WITH DEMOLITION AND THE
CONSTRUCTION TO 100SF, NEW JAIL TO BE MORE
COST EFFECTED. THIS NEW HOMELESS SHELTER
WILL BE FOR 125 BEDS AND AFTER 90 DAYS A
DIFFERENT GROUP WOULD MOVE IN. YES EVEN
THOSE FROM SANTURY. NYC, SAME AS
POUGHKEEPSIE, BULOAD OF ILLIGALS RESIDE ON
THE NORTHSIDE AT MAPLEWOOD. READ. CLASS
REDING IN COLLEGE 1984, MANY WORDS WERE
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Laurie Sandow comments, c/PK Common Council meeting, June 20, 2023

It's now 15 weeks since the March 6th Informational meeting, and I still have no written replies from unelected Mayor Nelson, Chairwoman Brown, Chamberlain Davis, and others. I've raised this repeatedly ever since, and am still waiting for answers: how many weeks and months will I have to waste my first 30 seconds at Council meetings keeping count of the refusal to reply to questions they're sworn to answer? This is not an exception to the rule in the City of Poughkeepsie—lack of transparency, accountability and non-responsiveness *is* the rule.

At the last meeting, I also asked for public confirmation or denial from Chamberlain Davis about whether she keeps a separate binder exclusively for my Freedom of Information (FOIL) requests. That concern comes after Corporation Counsel Valk was heard during a public access broadcast recounting how she'd apologized to Brian Martinez for the work of my FOILs; advising that they not be a priority. Unqualified Historic District commissioners Tim McQueen and Da'Ron Wilson were heard disparaging both FOILs and members of the public during this same broadcast. How, why and from whom have McQueen and Wilson learned about the Freedom of Information (FOIL) requests I file? Adding further irony to Administration complaints about FOIL, last week when I requested a copy of the Building Permit for a parcel on a S. Hamilton, Inspector Phillip responded that I would need to submit a FOIL. I forwarded his instruction to Chamberlain Davis who, rather than simply supply the document, introduced further delays entirely on her own by illegally creating a FOIL in my name and submitting it through the City's portal. This stands in sharp contrast to more than one example of documents expedited by the Chamberlain and others without ever using the City's FOIL portal—for example, documents sought by Kenneth Stenger, attorney for Pelton Partners, LLC, requested, assembled and supplied without use of the portal.

Why raise these issues now? Because this behavior should be taken into account during early voting, which is already underway, with the Primaries concluding on June 27. We've got an Administration and certain City employees who hold the public in contempt, subjecting them to runarounds. Marc Nelson has written: "whether or not documents are near at hand when a FOI arrives which seeks them is not dispositive of our timeline for providing them. Many other factors are important as city staff are typically addressing a host of matters on any given day." Nelson's declaration stands in contrast to a declaration by the NYS Committee on Open Government, which has written: "§84 of the Freedom of Information Law states that 'it is incumbent upon the state and its localities to extend public accountability wherever and whenever feasible.' Therefore, when records are clearly available to the public under the Freedom of Information Law, or if they are readily retrievable, there may be no basis for a delay in disclosure."

Regarding primaries, at last week's Mayoral Forum, Marc Nelson either willfully deceived the public, or demonstrated his ignorance regarding the County's abandonment of plans at 26 Oakley; with the County now opting to defy the will of City residents by creating a supposedly temporary shelter at the 1995 "old jail" at 150 N. Hamilton. Da'Ron Wilson, a well-known antagonist to democratic norms, postured at the same forum with a civics lesson rather than a platform. Terricena Brown's palm card boasts about having served on the Waterfront Advisory Committee (the WAC), without noting that she almost never showed up for WAC meetings and was uninformed when she did.

Some politicians amuse themselves by calling the weeks before elections the "silly season". They preen and posture and issue fake and undeliverable promises. They lie their way into office where they fail to serve, and even resent, insult and exclude certain constituents. This Council undermined the Voting Rights Act when they rejected the Redistricting Commission's map in order to protect their own Ward seats and incumbencies, or support their secretly pre-selected replacements.

With only three exceptions—Ernest Henry, Jamar Cummings and Vincent Pedi—I have deep concern, if not dread, about the slate of unqualified candidates and flunkies currently running to rule this City's future.

The questions I asked at the Common Council's March 5, 2023

Special Informational Meeting which remain unanswered:

—Questions to Council Chairwoman Natasha Brown:

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

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

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

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

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

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

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

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

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

Council “bootcamp” workshops were recently held for councilmembers. When you originally announced these to the public, you said the schedule would be posted online, though the trainings would not be open to the public. Who taught each of these training or bootcamp sessions, what training was covered, and how long did each individual training session last?

<https://www.cityofpoughkeepsie.com/civicalerts.aspx?aid=200>

—Questions to Chamberlain Jasmin Davis:

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

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

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

Have you ever received direct advice or instruction, whether verbal or written, to delay replies to certain FOIL requesters? Or to expedite certain FOIL replies from any requester? For example, at one point Marc Nelson wrote to me regarding FOILs and delays in FOILs (and I quote): "Whether or not documents are near at hand when an FOI arrives which seeks them is not dispositive of our timeline for providing them. Many other factors are important as city staff are typically addressing a host of matters on any given day." Well, that statement is in direct violation of Freedom of Information Law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

—Questions to Development Natalie Quinn:

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

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

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

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

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

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

V. MAYOR'S COMMENTS

Mayor Nelson: Thanks very much, Madam Chair.

So just on a happier note, I want to thank my colleagues on the council and all the members of the public and volunteers who participated in wonderful public events in celebration of Juneteenth.

Belated happy Father's Day to everybody who celebrated that on Sunday with their families.

You know, I've been all over this community as everybody in the room knows and everybody watching.

And I've seen wonderful things.

I've seen a tripling of what we are spending on paving our streets.

I've seen a better and more robust dialogue across the community.

This debate, and I will say discussion about the benches is wonderful because it's bringing people out to talk about the issues and everybody can share the blame.

And hopefully we'll all be able as a community to share the credit and the reward of living in a community that has a better quality of life for everybody.

Do I claim to have all the answers? No, I don't think any of my council colleagues claim to have all the answers.

What we need, I think, as a community is to put everybody together, listen to them respectfully, and give them an opportunity to speak clearly and concisely to the public, to the voters and to the taxpayers and to people who come up here and tell me that I'm the unelected mayor.

They are really just demonstrating an animus, not to me, but to our community.

Thank you, Madam Chair.

VI. CHAIRWOMAN'S COMMENTS AND PRESENTATIONS:

Chairwoman Brown: Okay.

So, I'm not going to, my comments are going to be brief tonight.

And for one, I would like to congratulate Councilmember Johnson and Councilmember Flowers for their Juneteenth festival at Malcolm X.

You know, as soon as I got ready to come, it started pouring down rain, I called councilwoman Johnson.

But I did have a chance...

And I would also like to congratulate Councilwoman Long.

I did have a chance to go yesterday to that, but thank you all for doing that.

It's a long time coming that we've been able to celebrate *our* independence, which came much later than everyone else's.

And I hope we continue this city to celebrate Juneteenth.

I wanted to talk a little bit about the resolution. Even I'm on here as a sponsor.

I'd like to add all my council colleagues and I just want to make something very clear because I'm not going to get into too many details as we are going to defer it to our attorney.

We as local activists had both a moral and a fiduciary responsibility to the residents here in the city of Poughkeepsie.

We've sat here throughout, what, the last year or so.

And when this proposed homeless shelter was going to be at Oakley, we utilized our resources, including fellow council members, to say as part of negotiation team, and we were left in the dark out of the back of a lot of decisions that were being made and.

From the change of plans to we were in the middle of negotiating a community benefit agreement that kind of just, you know, went by the wayside with no explanation.

We had to go by rumors and hearsay to find out what's going on to a negative declaration of environmental impact. When I don't, I don't see how this could be no environmental impact, especially on the local community.

So I'm going to read the resolution into the record.

Is the - is everything back up and running for people at home? Because we've been getting a lot of calls about this.

Again, I would like to add it, if my council members approve and I'm sure they do, this is from the entire council, not just myself.

WHEREAS, the Dutchess County - and this is one of the issues that we unite about, there's not one council member up here that feels like we should not do this. I just want to put that out there. And I want to also thank that our local county legislatures, in fact, all of them the Democratic minority, for uniting and mobilizing with us on this issue.

Whereas the Dutchess County Legislator on June 12th, 2023, approves 2023 123 authorizing funding an amount of 725,000 for the design, engineering and construction management services towards 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, Esquire of Rivkin Radler LLP to research and advise the Common Council on his legal rights regarding the county's plans for the development of homeless shelter; and

WHEREAS, the Common Council now seeks to authorize the law firm of Rivkin Radler LLP to comment on an Article 78 action against Dutchess County to challenge Resolution 2023 123 regarding the property for a cap legal fee of \$10,000 plus any out-of-pocket disbursements.

Now, therefore, be it resolved by the City of Poughkeepsie that the retention of Rivkin Radler LLP and outside Counsel is hereby authorized for the purpose of commencing and prosecuting and action to challenge Resolution 2023 1 to 3 Rivkin Radler happy fees shall be capped at \$10,000, but if we need to exceed, we'll just do another resolution plus any out of pocket disbursements unless the amount is amended by further resolution of this council, this resolution shall be effective immediately upon its adoption.

Now, I just want to also be very clear that the public will participate in this process.

We'll work with the county legislators to have more public hearings here as we go through these proceedings, as this whole stakeholder group takes form, I'm curious to know, you know, even if this is an open stakeholder group, that they're going to have a more a smaller stakeholder group as well, which includes the electeds of that surrounding area.

We sat at the last last public hearing on this issue, and we had people who live right by the 150 North Hamilton, the former jail, saying that they have not been consulted.

We've heard about, you know, the issues that are going on with the current pod situation.

There's still no plan in place.

I think Mr. Kelly said it the best way we have to stop treating just the symptoms of things and start looking at the root causes.

So, you know, it's not satisfactory to build a shelter and not provide treatment options for people.

And so I can speak for myself and I know my colleagues agree we're not going out without a fight.

We're going to make sure if this does happen, that the people that will be utilizing the shelter, are going to get the best possible treatment and care as possible.

And judging from the pictures that were shown, were displayed to the county legislators.

That building, you know, is not fit for habitation.

And I don't think \$725,000 for a design in a building that should be knocked down is an appropriate use of funds.

But that's just my, you know, my little \$0.02. So I just wanted to point out this.

To the collective front, I want to congratulate the Poughkeepsie High School Class of 2023 who will be graduating this Friday.

And can we get some round of applause? Because it's important, because especially right now.

Since it is campaign season and people like to use it, the school district kind of like as a, as a platform, the school district's making great strides. I mean, a number of students that got scholarships this year, over a hundred students, which is almost 50% of the graduating class receiving college scholarships, is unheard of. Yes, we can clap because I sit here quietly...

Councilmember Johnson: That's a long time coming.

...I sit here quietly a lot.

And people are always just blaming the school district.

And Mr. Kelly, again, you inspired me tonight, with what I'm saying because, you know, let's not be part of the problem, be part of the solution, and we're going to continue to improve if more people invest into our school district and support the movement that we're trying to make.

So I encourage everyone to do so and not just necessarily use this school district as a campaign platform.

Moving right along, does any - Councilmember Long could not be here, she had an emergency today - but I do know that the Housing Solutions Committee has had two meetings since our last meeting.

So I don't know if anyone wants to report out about that, but I do want to discuss this also, because this committee that I created using my authority as chair is not just a committee - a dog and pony show committee.

The expectation of this committee is to actually provide viable solutions and recommendations for legislation that this council can pass to secure housing, to create housing and to sustain housing, whether it's affordable market rate or, you know, a homeowner house. Right. This is a legit committee.

And before I'm out of office, we will have a report from that committee. And I'm sure we will make some movement because, again, this is another issue that all of our colleagues wrap around.

So did anyone want to report out about that committee? The last meeting? No?

Okay? No one wants to report out.

So we'll wait for Councilmember Long to return.

So I will go to New & Unfinished Business and I will start with Councilmember Grant.

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 Shook and seconded by Councilmember Deichler.

- 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**

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 _____.

R-23-51			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-23-52**, Resolution Authorizing the Commencement of Litigation Against Dutchess County

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

**INTRODUCED BY CHAIRWOMAN BROWN, VICE-CHAIR SHOOK,
COUNCILMEMBERS GRANT, DEICHLER, FLOWERS, JOHNSON, LONG, MENIST,
THOMPSON:**

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 DEICHLER_____.

R-23-52			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	☒	☐	☐	☐

3. **R-23-53, Resolution Extending the Inter-Municipal Agreement with the Town of Poughkeepsie Regarding Tactical Teams**

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 COUNCILMEMBER DEICHLER _____.

R-23-53			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	☒	☐	☐	☐

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

**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 DEICHLER_____:

ADDITIONS denoted by **Underlining and Bold**

O-23-03			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	☒	☐	☐	☐

Vice-Chair Shook made a motion to table LL-23-06 and the motion was seconded by Councilmember Deichler.

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"**

Motion to Table LL-23-06			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:

XII. ORDINANCES AND LOCAL LAWS:

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

A motion was made to suspend the rules to allow Officer Van Wagner and Finance Commissioner Martinez to address the Council.

1. **A COMMUNICATION FROM MAYOR NELSON, Regarding a PBA Memorandum of Agreement.**

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

- 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.

Motion to Defer to Corporation Counsel			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	☒	☐	☐	☐

A motion was made to resume the rules by Chairwoman Brown and was seconded by Councilmember Deichler.

XIV. ADJOURNMENT:

A motion was made by Councilmember Deichler and seconded by Councilmember Johnson to adjourn the meeting at 8:43 PM.

Dated: June 27, 2023

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

Respectfully submitted,

Jasmin Nicole Davis
City Chamberlain
Donna M. DeLuca
Deputy City Chamberlain