



THE CITY OF POUGHKEEPSIE
NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, July 6, 2023, 6:30 p.m.

Common Council Chambers

Welcome to the regularly scheduled Meeting of the City of Poughkeepsie Common Council the date is Thursday, July 6, 2023, and the time is 6:32 pm.

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

II. REVIEW OF MINUTES:

Common Council Meeting – July 3, 2023

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

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-

IV. PUBLIC PARTICIPATION

- 1. Jamar Cummings – Maple Street**
- 2. Rob Hayes – Albany (EANY)**
- 3. Kane Bowers – Union Street (For the Many)**
- 4. Jonathan Jacobson – State Assemblyman**
- 5. Cooper Miller – 134 Franklin Street**
- 6. Daniel Atonna – 116 College Ave (For the Many)**
- 7. Greg Campbell-Cater – Troy, NY (TIMBER)**
- 8. Laurie Sandow – South Grand Ave***

***Submitted written comments**

I offer my congratulations to the winners of last week's primary. I pray for the possibility that transparency, responsiveness, and community engagement will become top priorities for the new council, the new leadership and the new Administration. That would be a breath of fresh air, given how the current Administration and staff, as well as this Council itself, uses multiple methods to mask their activities, and defeat the public's interest. Holding government to account is of critical importance in a democracy. When electeds won't do that themselves, then criticism and whistleblowing falls to the public.

On tonight's agenda, there are two mystery items—both of them Executive Sessions. Is Item #9 about Rebecca Valk's claim that no councilmember replied to her about the Pelton Partners lawsuit? Because no councilmember has been responsive to me on this question, despite me twice writing to ask. It is deeply disturbing to consider that Chairwoman Brown told the public that she can't publicly discuss the Pelton litigation while it was still active, if it turns out that behind the scenes this Council failed to act in the public's interest and allowed that litigation to become settled through their own non-responsiveness.

I've also asked all Councilmembers how and why the previously scheduled July 3rd public hearing on Short Term Rentals vanished from the City site, and for what mysterious reason a July 17th public hearing was scheduled and posted to the City website calendar. Not a single councilmember, including the leading candidate for Mayor, has replied to either of those questions.

Recently, unelected Mayor Nelson and 7th Ward Councilmember Nedra Thompson have taken to lecturing the public about what they should say, how they should say it, and how they should use their three minutes of public comment. I note the irony that neither Nelson nor Thompson, nor virtually any other current councilmember or recent primary winner has ever once spoken during Council public comments about any question or issue whatsoever. In fact, until I mentioned Ward meetings in my own public comments, Nedra Thompson had never even heard of them. She suggests that the public should express their gratitude, but has she expressed her own gratitude for what she's learned through public comments? No, Ms. Thompson has not.

We have a Council Chair who won't answer actual questions asked by the public, nor invite fellow councilmembers to answer those questions. Instead, the Chair invites fellow councilmembers to launch attacks on the public under the guise of "responding to public comments". Chairwoman Brown then prohibits the public from responding, telling them the rules don't allow the public to reply to attacks made by councilmembers, even when Councilmember attacks on the public are a violation of the Council's own rules. We have councilmembers who, with ARPA funds, had a great opportunity to undertake participatory budgeting. Not one of them did that. Imagine if they had: horror of all horrors, these councilmembers would have actually had to interact with, respect, appreciate, learn, meet with and act on the concerns of their constituents.

We have Councilmembers like Megan Deichler who thinks she can pick and choose between the constituents she'll serve. She defends her actions by calling constituents nasty (quote: "I don't respond to nasty people"), when it's she who's projecting her own nasty qualities onto others. She curried favor by giving 8th Ward ARPA funds to 7th Ward Thompson's family foundation—a non-profit that had been formed just in time to pocket a \$10,000 County grant delivered to them by Legislator Randy Johnson Sr.

I issue a challenge to all this City's humble public servants. Put your thoughts and knowledge on the record. Prove you're capable of doing what the public does week after week: sit here in front of these public microphones, limiting yourselves and your comments to only three minutes; and then remain silenced for the rest of the meeting, no matter what lies, insults and fraud are hurled from the mouths of corrupted powermongers.

V. CHAIRWOMAN'S COMMENTS AND PRESENTATIONS:

Chairwoman Brown: I wasn't going to have any comments tonight, but I will respond to Ms. Sandow comment directed towards me. So sometimes members of the public.. first of all, I allow people, as I should and as required, to exercise their First Amendment rights, but some things are accusatory. So I started to implement a system where council members have the right to respond because it's unfair for you just to exercise your First Amendment rights and not allow a councilmember to respond. Sometimes accusations may be true, sometimes not, but it's an unfair assessment just to have it uneven. So I will continue that practice and then when a new chair comes in, if he would like to do something differently, that's fine. But, you know, for a long time – and I've been here for a long time, seven plus years – I sat back and watched some good people get attached for things that weren't true and there was not process in place to allow people to clarify. Some things are just misunderstandings. But again, I will always support people's First Amendment rights, but I will not allow people just to sling accusations and not allow our electeds who are representing the residents of the City of Poughkeepsie not an opportunity to respond. If you notice I say respond and not defend because, like I said, sometimes when you hear half a story and you don't read it until the end, you may not really understand the whole story.

So, and with that said I will move to Mayor's comments.

VI. MAYOR'S COMMENTS:

Mayor Nelson: Thank you Madam Chairwoman. I want to thank Legion Fireworks. Wonderful fireworks display for the City of Poughkeepsie. And on a positive note, my phone blew up with positive calls. It's been awhile since that's happened, so I want to thank everybody that thanked us. I want to thank our public safety, particularly PD. I want to thank Traffic, we had our traffic folks there working to make it a little bit easier for people to depart the Waryas Park area at the end of the show. I remember in past years you'd be sitting there for a couple of hours, in one case.

So, thanks to a lot of city folks that came together to make that a very successful fireworks show. Also, I want to thank DPW. Reports were that after a night of partying not just at Waryas but throughout the city, our DPW crews worked double time and did a fantastic job cleaning up our parks and doing the best they could with city streets as well. You know, there's a lot of fireworks going off that aren't put on by the city of Poughkeepsie, but they leave a tremendous refuse throughout the city. And I want to thank our teams for doing that.

A couple of council meetings ago, we got a question about street paving and street improvements. One of the questions that's come up a number of times is Grand Avenue. And Grand Avenue requires a tremendous amount of work and effort, and we've kind of dealt with it separately from the main city plan. I'm pleased to say that engineering with our DPW team and finance have begun the preliminary planning for Grand Avenue Street project improvements. And we've put up a dedicated website, a web page on our city website, where we

can make periodic updates to what the plan is for Grand Avenue. I know there are literally hundreds of folks that have inquired about that, and I'm pleased to say we're going to be checking that box.

I don't want to rebut everything that was said today about lead line replacement. I will say that, you know, as mayor and city administrator, obviously this is an issue of great concern. Nobody has ever said otherwise. But in addition to the dozen or so lead service line replacements that were funded by that state grant, the city of Poughkeepsie first prioritized daycare facilities. And nobody among our public commenters mentioned that we did a handful of daycare facilities and those costs were a little bit higher. I think that one take away I have I wasn't at the press conference today, I wasn't invited to that. But I did give an interview. I did answer interview request from News 12, which I encourage the public to listen to tomorrow.

Yes, there's a problem, but I don't think we need to muddy the water, no pun intended, by criticizing work that the city of Poughkeepsie did when that grant was awarded to the city back in 2017. It was left to the municipalities to decide how were they going to implement that. And many municipalities went in different directions. You could do a full line replacement. You can do a partial line replacement. You could reimburse the property owner for certain expenses if they chose to do it themselves. There wasn't a lot of clear guidance about how to implement that. In my view, the reason there wasn't clear guidance from the state was because the state made a conscious decision to let municipalities implement that grant program pretty much however they wanted to. As long as you used it to replace lead lines, that was a little unusual, frankly. When the state gives municipalities a grant, usually it comes with several hundred pages telling you exactly what you're going to do. It doesn't say to city administrators like me, "well, as long as you do the lead line replacement, that's fine with us".

But I just want to let the public know that I was the city administrator that made the decision back then to do full line replacements, not partial line replacements. And with one exception, that's what we did, because the science indicated to us that a full line replacement was better than a partial line replacement. So we need to be, as my very good call, went with the colleagues that testified here today, we had a good call. I would characterize it as a good call today as well. We were able to, I think, clarify the situation with respect to what the city did with that grant. We believe that we implemented the grant in a in a very good and positive manner, prioritizing day care centers and using 85% of the money for what it was intended. And some went for administrative costs that were associated with doing it. Let's never lose sight of the fact that the city of Poughkeepsie has been historically for many years now rated as the most fiscally challenged city in the state of New York. If there's one thing we learned from that grant that Assemblyman Jacobson has mentioned a couple of times over the last couple of weeks, is that \$544,000 from the state of New York is a drop in the bucket. And whether you replace 12 lines or 40 lines, we do have 5500 lines. So, we are going to need a tremendous amount of support. I'd encourage my council colleagues and everybody who has any influence with legislators around the state and the country to deliver the money for the City of Poughkeepsie, because if you give us the money, we'll replace the lead lines. Thank you, Madam Chair.

Chairwoman Brown: Thank you.

VII. NEW & UNFINISHED BUSINESS & ANNOUNCEMENTS:

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

A motion to go into executive session was made by Councilmember Long and seconded by Councilmember Deichler

IX. EXECUTIVE SESSION: For an attorney-client discussion regarding the potential settlement of a pending litigation.

A motion to return to the regular council meeting was made by Councilmember Deichler and seconded by Councilmember Johnson.

Chairwoman Brown read Resolution R-23-55 into the record.

A motion to move the resolution to the from the ACTION AGENDA to the CONSENT AGENDA was made by Councilmember Long and seconded by Councilmember Johnson.

CONSENT AGENDA:

X. MOTIONS AND RESOLUTIONS:

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

1. **R-23-55**, Resolution authorizing Corporation Counsel to settle litigation currently pending entitled *Johnson v. City of Poughkeepsie et.al.*

RESOLUTION **(R-23-55)**

INTRODUCED BY CHAIRWOMAN BROWN:

NOW, THEREFORE, BE IT

RESOLVED, that the Common Council of the City of Poughkeepsie hereby authorizes the Corporation Counsel to settle litigation currently pending entitled *Johnson v. City of Poughkeepsie et.al* in the amount of \$400,000.00 and that said amount shall be paid from the 2023 budget for judgment/claims; and be it further

RESOLVED, that the City does not admit liability in making this settlement; this Settlement Agreement reflects the Parties' compromise and Settlement of disputed claims; and be it further

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, which will allow the settlement to be paid in full from GL 01-20-1910 7490; and be it further

RESOLVED, that the Mayor and or Corporation Counsel are authorized to do all things necessary to give effect to this resolution including but not limited to executing a stipulation of settlement and a stipulation of discontinuance.

SECONDED BY COUNCILMEMBER _____.

SCHEDULE A

Amending the 2023 Adopted Budget to fund Insurance Judgments/Claims.

G/L	Name	Increase	Decrease
01-20-1910 7490	Insurance Judgments/Claims	\$ 175,000	\$ -
01-20-1900 7498	Contingency	\$ -	\$ 75,000
01-20-1930 7490	Non. Dep. Judgments /Claims	\$ -	\$ 100,000

R-23-55			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:

XIV. ADJOURNMENT:

A motion was made by Councilmember Thompson and seconded by Councilmember Deichler to adjourn the meeting at 8:02 PM.

Dated: July 18, 2023

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Thursday, July 6, 2023.

Respectfully submitted,

Donna M. DeLuca
Deputy City Chamberlain