



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

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

Common Council Chambers

Welcome to the regularly scheduled Meeting of the City of Poughkeepsie Common Council the date is Wednesday, August 30, 2023, and the time is 6:33 pm.

I. ROLL CALL: 5 Present, 4 Absent (Chairwoman Brown, Councilmember Long & Councilmember Diechler absent. Councilmember Grant arrived after roll call was taken)

II. REVIEW OF MINUTES:

-NONE-

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

ADD:

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

- 1. FROM MAYOR MARC NELSON, a communication regarding the Tax Cap Override**

REMOVE:

XI. ACTION AGENDA: MOTIONS AND RESOLUTIONS:

- 2. SEQRA Resolution R-23-61 and Sale Resolution R-23-62, authorizing the Sale of City Owned Property – Unnumbered Cannon St. (Tax Map No. 6161-23-276969)**

IV. PUBLIC PARTICIPATION

- 1. Bob Wallace – 135 Main St (For the Many)**
- 2. Vera Fishman-Reskeff – 132 Franklin St**
- 3. Joseph Troche – Delafield St**
- 4. Daniel Attona – 116 College Ave (For the Many)**
- 5. Freddie Thompson – 3 Hook Rd (For the Many)**
- 6. Doug Nobiletti – 145 Academy St ***
- 7. Laurie Sandow – S. Grand Ave ***
- 8. Cooper Miller – 134 Franklin St.**

***Submitted written comments**

City of Poughkeepsie Common Council. August 30, 2023

We as property owners can not bear either a tax increase of 7% or a service cut of 7%.

Our property management costs have increased, and our stores are seeing greater vacancies. Rents are being kept affordable, and most of us have no tax breaks from Albany.

Yet we can not scare off developers, we need bodies downtown to make our city viable, and as a means of jobs creation as normal retail resumes.

We also cannot sacrifice those of us who have led the charge of development by doling out exorbitant PILOTs to those who come behind us.

PILOTs capped at 10 years should be sufficient, since many proposed projects already rely on substantial subsidization as a means of covering construction-cost as well as a means of rent collection.

As a city with a "challenged reputation" we need a more more vibrant community for all -all but those whose MO is to take advantage of our city residents and businesses.

Yes, we need both affordable and market rate housing. We also need the rest of the county to bear their share of county services and supportive housing to dilute the burden all of us citizens of Poughkeepsie must bear every day.

Please collaborate with the county and all the service providers to push for disbursing or returning citizens to their respective communities. We are exhausted.

Thank you,

Doug

Mechelle & Doug Nobiletti

Nobus Group. LP

Jdnobil@gmail.com

845-797-0547

Laurie Sandow public comments

City of Poughkeepsie Common Council meeting, August 30, 2023 – Page 1 of 2

It would be great if I were able to focus on tonight's Council agenda, but I find it more important to address some of the hooey from this past Monday's Council meeting.

First, there is nothing so amusing as Councilmembers who have removed their own addresses from the City website, yet illegally declare that members of the public won't be allowed to speak if their address was not entered on the sign-up sheet.

Also, it's not the Mayor's, or any Councilmember's place to dictate the content of comments, or to require "happy talk" in place of serious issues that require attention in the very limited 3-minute public comment space that's provided.

How ironic to hear a Councilmember complain about being left out of the loop. Welcome to the club of city residents who are constantly left out of the loop by Administration and Councilmembers alike; who fail to hold Ward meetings, who make decisions behind closed doors, who share nothing about Council and City details on their social media or elsewhere, and who act as shills and puppets for lobbyists.

Normal human laughter in response to Chamber and Council absurdities is not a breach of decorum. The Chair, of course, could comment or impose discipline on violations of decorum by fellow Councilmembers, like habitual lateness, insults slung at city residents, and more—but we all know it will be a cold day in hell before that happens. Shouldn't councilmembers be earning respect based on performance, knowledge, responsiveness and service, and not on title? Do councilmembers ever show their respect to the public with full and consistent public communication and transparency? No, instead we have councilmembers claiming that the only accurate perceptions are their own perceptions, and that their own so-called "stern" words are superior to the stern and critical observations voiced by the public.

It was sad but not surprising to hear the Mayor's and Councilmember's deserved happy talk about Riverfest, Porchfest and other city events, without a single mention of La Guelaguetza. Despite the thousands of people who celebrate this annual City event, not a single councilmember promoted it in advance or mentioned it during Monday's comments. The Mayor sent Yvonne Flowers to speak in his place. This Council is notorious for their self-interested rejection of a redistricting map embracing a Census-conforming Hispanic community of interest. In the June primaries, this redistricting rejection specifically benefitted Yvonne Flowers, Nedra Thompson, Megan Deichler, and Nathan Shook by protecting their existing and/or future seats through denial and foot-dragging around the Redistricting Commission's recommendations.

And because three minutes is never enough, I conclude by noting that despite Councilmembers taking mandatory finance training from Dr. Martinez in January, and claims of working throughout the summer, they were unprepared to entertain the Tax Cap presentation on Monday's agenda. They wanted a delay so that Dr. Martinez could attend tonight's meeting and answer questions, yet they asked him not a single question. The same Councilmembers who, two days ago, were not well-schooled enough in finance to entertain the Tax Cap presentation, are no better schooled tonight—two days later. Yet they are still the ones who hold decision-making and voting power over this City's financial future.

With that, I'll just close by noting that a lot of my comments were relevant to the very Councilmembers who aren't here tonight, who extended their summer vacation and scheduled two meetings within two days of each other, yet aren't showing up at the very meetings that they scheduled, approved and have known about from as far back as January of this year.

V. VICE CHAIRMAN COMMENTS AND PRESENTATIONS:

-NONE-

VI. MAYOR'S COMMENTS:

Mayor Nelson: Thank you, Mr. Chair. I will try to be brief. Let's just talk about the lead issue for just a minute. The City of Poughkeepsie water is safe. It meets all of the requirements of the Department of Health, of both the county and the state of New York. There is absolutely nothing wrong with the water. What we concede and what we've known for many years, everyone has known in this country, is that we, like every other municipality with old pipes, have lead pipes. The pipes have *lead*, and we concede that. We never have conceded, and we don't concede tonight that the *water* has lead. Let's get that clear.

With respect to the public comment about, you know, Mr. Nelson, this Mr. Nelson that I haven't been the Finance commissioner since 2017. I am the chair of the Water Board. The Water Board is responsible for the chemical treatment and production of the water. That is the same water that is circulated to the town of Poughkeepsie and other regional partners.

We share the Joint - that's why it's called the *Joint* - Water Project. The town and the city have collaborated on that. That water plant, by the way, is one of the city's greatest assets. It was built in 1964. It has a water board that governs it that is made up of three members of the town and three members of the city. I happened to have served on it since I was Finance Commissioner. Councilmember Deichler who is absent tonight, also serves on that committee.

I just want to put one thing to rest, and that is that my administration takes lead in the pipes extremely seriously. It is a major concern to us, just as it is to my council colleagues and to all of you. But just three months ago, Dutchess County Department of Health sent representatives over here to give our common council a brief presentation. And if anybody was watching the one comment that struck in my head and it was said at least three or four times that there is no evidence that the higher incidence of lead in tested blood is coming from our water. In fact, there's every reason to believe that just as serious a problem is lead paint in the City of Poughkeepsie and in older municipalities, particularly in areas where there are communities that are not able to repair homes.

Councilmember Menist: Point of information

Mayor Nelson: So I would just end by saying....

Councilmember Menist: Point of information

Mayor Nelson: Yeah, sure.

Councilmember Menist: Do you recall, Mr. Nelson, when the County Department Of Health was here? When we asked them the question about how they test the water? Do you recall their response?

Mayor Nelson: I believe the testing of the water is done by the City of Poughkeepsie and the Town of Poughkeepsie. Each community has its own testing requirements. We've come under criticism because of the method and manner in which we test, and I think of all of the things I've heard Councilmember Menist over the last year, that criticism probably, you know, hits home as being much more reasonable than in some of the fiction that we've heard here tonight. So, my answer is no, I don't specifically remember what they said. But more importantly, I, as the mayor of the City of Poughkeepsie, support now, and I always supported doing more testing. There's absolutely no reason why the city can't test more and in all parts of the city. I agree with that. And we are looking into funding that in the 2024 budget, which I will submit to the Council in just about a month's time. So, I hope that answers your question. I wish I could remember what they said about that. But, you know, the testing of...

Councilmember Menist: Point of clarification

Mayor Nelson:resources, you know.

Councilmember Menist: Would it be helpful if I reminded you that they said they do not test the water?

Mayor Nelson: I have no reason to dispute that. As I just said, it's the, it is the burden falls on each municipality and the City of Poughkeepsie tests its water.

Councilmember Menist: How could you assert then that.

Vice Chairman Shook: Well, I mean it's -

Councilmember Menist: - I think it's important because Mr. Nelson is attempting to construe that the water - the County Health Department came here and told us that.

Vice Chairman Shook: The Water Council remarks, I think it might be better if you want to address this when it comes to, you know -

Councilmember Menist: - just clarifying...

Vice Chairman Shook: Exactly. But we're just going to have Mayor's Comments and then you can respond.

Councilmember Menist: And they did not say the water was fine. They said they don't test it.

Mayor Nelson: What I am saying, Councilman Menist, and I continue my - thank you Chair - to continue my remarks. We test the water. The water meets all state and county requirements for all chemicals, not just lead. So the water is completely safe. And any allusions to the contrary are meant just to distract us from the real problems here. I don't believe I said the county tests the water, and certainly I concede that point.

On to my regular comments, I want to just say quickly, cleaning up from Monday, there was an issue from public comment about what is all the construction on Innes Avenue. We did a little bit of background check with our DPW people. Turns out that's a Dutchess County project. Nothing to do with the City of Poughkeepsie.

We had an inquiry from, I believe, a councilmember about where we are in the recruitment for a full time Rec Director. I did check with H.R., as I said I would. and the list is an invalid list, insufficient numbers of responses. And so, the city is going to repost in early in the New year, and we will continue that recruitment.

I'd like to let the public and the council know that on September 20th at 5:30, there will be a public information meeting concerning proposed upgrades to Kaal Rock Park. Everybody will recall we had a couple of public meetings on work at Bartlett. We've had one already on Kaal Rock, and this would be the second one for Kaal Rock, encouraging everybody to come again September 20th at 5:30. I want to mention that a press release will be going out shortly to let the public know this.

But I want to let our council partners know that the Office of the State Comptroller has upgraded the city's fiscal stress condition two levels, and now we are classified by the New York State comptroller as "susceptible to fiscal stress". Whereas before we were, as everybody knows, one of the most fiscally stressed communities in the state of New York. It was a significant improvement year over year. And congratulations to Dr. Martinez and our finance team and we'll be making that announcement tomorrow.

And finally, I just want to, one more thing on why our costs for lead pipes were significantly higher than other communities.

What we have not seen is a *per foot* comparison. So let's compare apples to oranges. The comparison that we've been told repeatedly is this is what it cost on average per residential address - per property, right? Well, obviously the distance of the pipe and other factors, how deep it is, what you know, what you encounter as you dig up the street, so forth, will impact it. So I would just suggest that to the extent we want to compare things, we should compare apples to apples, Right? Copper pipes are very expensive. Let's compare the cost of copper pipes and the distance that we have to put in. I would like to see that a little bit more and I'll be talking later tonight, Mr. Chair, about the proposed tax cap override and we'll address the comments of the public that we heard.

So thank you very much.

VII. NEW & UNFINISHED BUSINESS & ANNOUNCEMENTS:

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

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS:

X. ORDINANCES AND LOCAL LAWS:

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

1. **R-23-60**, Resolution to Approve the Appointment of Susan Fortunato to the Land Bank.

R E S O L U T I O N
(R-23-60)

INTRODUCED BY CHAIRWOMAN BROWN:

WHEREAS, pursuant to the by-laws of the Dutchess County-Poughkeepsie Land Bank, one member of the Board of Directors “shall be appointed jointly by the County Executive of Dutchess County and the Mayor of the City of Poughkeepsie, subject to confirmation by the Dutchess County Legislature and the City of Poughkeepsie Common Council” [Article II, Section 2,(a)(5)]

WHEREAS, the Mayor and County Executive have selected Rev. Susan Fortunato for reappointment to this position; and

WHEREAS, the Dutchess County Legislature is scheduled to consider confirmation of Rev. Fortunato’s reappointment at the August 14th meeting.

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby confirms the Mayor’s appointment of Rev. Susan Fortunato to the Dutchess County-Poughkeepsie Land Bank.

SECONDED BY _____.

R-23-60						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	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. ~~SEQRA Resolution R-23-61 and Sale Resolution R-23-62, authorizing the Sale of City Owned Property—Unnumbered Cannon St. (Tax Map No. 6161-23-276969)~~**

Items Removed

- 3. R-23-63, Resolution to Approve Appointments to the Board of the City of Poughkeepsie Industrial Development Agency.**

RESOLUTION (R-23-63)

INTRODUCED BY COUNCILMEMBER SHOOK:

WHEREAS, in accordance with New York General Municipal Law, the Common Council of the City of Poughkeepsie is authorized to make appointments of City residents to serve on the board of the City of Poughkeepsie Industrial Development Agency (“CPIDA”); and

WHEREAS, the members of the CPIDA serve at the pleasure of the Common Council; and

WHEREAS, it is in the best interest of the City of Poughkeepsie and its citizens that the CPIDA Board have a full complement of members in order to properly conduct the business required of the CPIDA; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby appoints the following individuals to the Board of the City of Poughkeepsie Industrial Development Agency, to serve at the please of the Common Council for a term ending 12/31/25:

Melinda Miller
Mario Johnson
Rashad Ricketts

SECONDED BY _____.

R-23-63						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	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. LL-23-XX, Local Law – Resolution of Introduction and Providing for Public Hearing – Tax Cap Override**

RESOLUTION INTRODUCING LOCAL LAW AND PROVIDING FOR PUBLIC NOTICE AND HEARING (R-23-64)

INTRODUCED BY COUNCILMEMBERS _____

WHEREAS, the City of Poughkeepsie has remained under the New York State Tax Cap for the six consecutive fiscal years, 2018-2023; and

WHEREAS, during these years the City has succeeding in nearly entirely resolving what was once a \$13.2 million general fund deficit and has recently regained its investment. grade quality bond rating from Standard and Poor's; and

WHEREAS the New York State Tax Cap is a complex calculation which each municipality makes independently, but in the City of Poughkeepsie the calculation results in a maximum tax increase of approximately two percent in any given year; and

WHEREAS, because of rising property values, the City has had to reduce the tax rate in each of the last four years, in order to stay under the New York State Tax Cap; and

WHEREAS, according to the U.S. Bureau of Labor Statistics inflation, as indicated by Consumer Price Indices rose to 9.1% in 2022, before falling to 5.2 % in 2023, and expectations are that it will continue to exceed the Federal Reserve’s target rate of 2% through 2024 and into 2025; and

WHEREAS, the Administration projects that it will be necessary to increase property taxes by more than 2% as it prepares next years general fund budget, due primarily to the cost of goods and services, existing contractual commitments, and the phase-out of reliance on Federal aid received under the American Rescue Plan Act (“ARPA”);

NOW, THEREFORE, BE IT

RESOLVED, that an introductory Local Law, entitled “Local Law to override the tax levy limit established in General Municipal Law §3-c” be and it hereby is introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law are laid upon the desk of each member of the Council; and

BE IT FURTHER RESOLVED that the Council shall hold a public hearing on said proposed local law at City Hall, 62 Civic Center Plaza, Poughkeepsie, New York, at 6:00 o’clock P.M., on September 18, 2023; and

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public

notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto.

SECONDED BY COUNCILMEMBER _____.

LOCAL LAW NO. ____ OF 2023

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN
GENERAL MUNICIPAL LAW § 3-c**

INTRODUCED BY COUNCILMEMBER _____

BE IT ENACTED, by the Common Council of the City of Poughkeepsie of the County of Dutchess as follows:

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the City of Poughkeepsie, County of Dutchess pursuant to General Municipal Law § 3-c, and to allow the City of Poughkeepsie, County of Dutchess to adopt a budget for the 2024 fiscal year that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. AUTHORITY

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the City Council to override the tax levy limit by the adoption of a local law approved by the Common Council.

Section 3. TAX LEVY LIMIT OVERRIDE

The City of Poughkeepsie Common Council is hereby authorized to override the Tax Levy Limit established pursuant to N.Y. General Municipal Law §3-c, for Fiscal Year 2024, and to adopt a budget for Fiscal Year 2024 that requires a real property tax levy in excess of the amount otherwise prescribed in N.Y. General Municipal Law §3-c.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or

unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

SECONDED BY COUNCILMEMBER _____.

LL-23-XX/R-23-64						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	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. *First Read:* O-23-XX, Ordinance Regarding Handicapped Signage on South Avenue

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

(O-23-XX)

INTRODUCED BY COUNCILMEMBER SHOOK:

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:

SOUTH AVE., West side, beginning 150 feet North of its intersection with Reade PL., and continuing North for a distance of 15 feet, for one parking space.

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____ :

ADDITIONS denoted by **Underlining and Bold**

FIRST READ, NO VOTE TAKEN

A motion was made by Councilmember Thompson and seconded by Councilmember Flowers to defer the following items to Corporation Counsel.

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

- 1. FROM MS. MOHSIN ALI**, a notice of personal injury sustained on July 31, 2023
- 2. FROM CHARLES KESSLER**, a notice of property damage sustained on August 15, 2023
- 3. FROM 400 NELLY RESTAURANT CORP**, a 30 Day advance notice of intent to obtain a NYS Liquor License.

XIV. ADJOURNMENT:

A motion was made by Councilmember Thompson and seconded by Councilmember Flowers to adjourn the meeting at 7:45 PM.

Dated: September 11, 2023

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, August 30, 2023.

Respectfully submitted,
Donna M. DeLuca
Deputy City Chamberlain