



## **COMMON COUNCIL MEETING**

Common Council Chambers

Monday, November 16, 2020

6:30 p.m.

*5:00 p.m. Public Hearing regarding the proposed  
rezoning amendment of a Zoning Map to a  
Planned Residential Development (PRD) District  
at Parcel 6162-73-623227 on Milton Street.*

*5:30 Public Hearing regarding the proposed 2021-2025 Capital Plan*

**I. ROLL CALL:**

**II. REVIEW OF MINUTES:**

**Common Council Meeting of November 2, 2020**

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

**IV. PUBLIC PARTICIPATION:**

**V. CHAIRPERSON'S COMMENTS AND PRESENTATIONS:**

**VI. REPORTS OF COMMITTEES AND BOARDS:**

**VII. MOTIONS AND RESOLUTIONS:**

1. Resolution R20-90, setting a public hearing for the proposed 2021 Budget.
2. Resolution R20-91, approving a budget transferring from contingency to Fire Department Overtime.

**VIII. ORDINANCES AND LOCAL LAWS:**

**IX. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:**

1. **FROM POLICE CHIEF PAPE**, a communication regarding an inter-municipal agreement with the Town of Poughkeepsie for a joint Emergency Service Unit/SWAT Team.
2. **FROM NEW YORK LIQUOR ASSOCIATES, LLC**, a notice of intent for Temptation Tapas LLC d/b/a Temptation to obtain a Liquor License.

**X. UNFINISHED BUSINESS:**

**XI. NEW BUSINESS:**

**XII. ADJOURNMENT:**

**RESOLUTION  
(R20-90)**

**INTRODUCED BY COUNCILMEMBER \_\_\_\_\_:**

**WHEREAS,** the Common Council has received the Mayor's proposed 2021 budget for the City of Poughkeepsie and the budget message from the Mayor; and

**WHEREAS,** the City of Poughkeepsie Administrative Code section 14.04 requires that upon such receipt, the Common Council shall set a public hearing thereon, giving the public notice of at least ten (10) days in the official newspaper; and

**WHEREAS,** the Common Council of the City of Poughkeepsie is desirous of setting such public hearing; and

**NOW, THEREFORE,**

**BE IT RESOLVED,** that the Common Council of the City of Poughkeepsie shall hold a public hearing to receive comment from the public concerning the proposed 2020 budget on Monday, December 7, 2020 at 5:30 pm and will be held via videoconferencing, (as permitted by the NYS Open Meetings Law), and the Chamberlain is hereby directed to publish proper notice of the above hearing.

**SECONDED BY COUNCILMEMBER \_\_\_\_\_.**

**RESOLUTION**  
**(R20-91)**

**INTRODUCED BY COUNCILMEMBER PETSAS**

**WHEREAS**, the Finance Commissioner has determined that certain budget adjustments need to be made to the 2020 adopted budget to account for a projected cost overrun in the overtime line within the city's Fire Department; and

**WHEREAS**, the Finance Commissioner is desirous of transferring funds from contingency to the Fire Department Overtime line in order to account for the anticipated overtime costs which exceed the 2020 adopted budget; and

**WHEREAS**, it is the desire of the Common Council to transfer such funds as recommended by the Finance Commissioner; and

**WHEREAS**, the Common Council of the City of Poughkeepsie 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 2020 Budget for the City of Poughkeepsie is hereby amended as follows:

|                         |             |           |
|-------------------------|-------------|-----------|
| <b>From:</b> 01.20.7498 | Contingency | \$180,000 |
|-------------------------|-------------|-----------|

|                            |                          |           |
|----------------------------|--------------------------|-----------|
| <b>To:</b> 01.10.3410.7115 | Fire Department Overtime | \$180,000 |
|----------------------------|--------------------------|-----------|

**SECONDED BY COUNCILMEMBER** \_\_\_\_\_

**RESOLUTION**  
**(R-20-XX)**

**INTRODUCED BY** \_\_\_\_\_:

**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 Park 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 for as attached hereto.

**SECONDED BY** \_\_\_\_\_.

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 8<sup>th</sup> 2020  
Moved: Matthew Woolever  
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>PRESENT/ABSENT</u> | Councilman Woolever   | <u>✓</u>      | _____ | _____   |
| <u>PRESENT/ABSENT</u> | Councilwoman Shershin | <u>✓</u>      | _____ | _____   |
| <u>PRESENT/ABSENT</u> | Supervisor Baisley    | <u>✓</u>      | _____ | _____   |

**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."

*Statutory standard  
OK?*

**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.

*Statutory  
standard. OK?*

**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

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

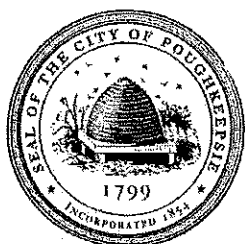
Date: \_\_\_\_\_, 2020

By: \_\_\_\_\_ TITLE: \_\_\_\_\_

CITY OF POUGHKEEPSIE

Date: \_\_\_\_\_, 2020

By: \_\_\_\_\_ TITLE: \_\_\_\_\_



# THE CITY OF POUGHKEEPSIE NEW YORK

## COMMON COUNCIL MEETING MINUTES

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**Monday, November 2, 2020 6:30 p.m.**

**City Hall**

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**The Council Meeting was conducted using videoconferencing, as permitted by the NYS Open Meetings Law.**

**Welcome to the regularly scheduled meeting of the City of Poughkeepsie Common Council the date is Monday, November 2, 2020, and the time is 6:30 pm.**

**Effective immediately and based upon notices and health advisories issued by Federal, State, and Local officials related to the Coronavirus, the City of Poughkeepsie Common Council will not hold in-person meetings. Until further notice, all future City Council meetings (including public hearings) will be held via videoconferencing, as permitted by the NYS Open Meetings Law.**

**Due to public health and safety concerns, the public will not be permitted to attend at the remote locations where the City Council members will be situated. The public, however, will be able to fully observe the video conference meeting by using the registration link that was posted with our meeting notice and the meeting will be available for viewing at a later date and available on our website.**

**I'd like to acknowledge that we are gathered, wherever we are, on the traditional territory of the Lenape people and this territory was a critical resting place along a popular trade route for people of the Lenape Nation and other cultures as is evidenced in the earliest derivation of the name 'Poughkeepsie' with an indigenous string of words, U-puku-ipi-sing, that, when translated, means 'reed-covered lodge by the little water place' or resting place.**

**Let's all recite the pledge of allegiance.**

### **I. PLEDGE OF ALLEGIANCE:**

**ROLL CALL- 7 Present 2 Absent (Councilmember Menist and Councilmember Cherry)**

### **II. REVIEW OF MINUTES:**

Official Minutes of the Common Council Meeting of November 2, 2020

| CCM 10-19-2020                                                                                                       |                          |       |                                     |                          |                          |                                     |
|----------------------------------------------------------------------------------------------------------------------|--------------------------|-------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> Accepted<br><input type="checkbox"/> Defeated<br><input checked="" type="checkbox"/> Tabled |                          |       | Yes/Aye                             | No/Nay                   | Abstain                  | Absent                              |
|                                                                                                                      | Councilmember Flowers    | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember McNamara   | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Cherry     | Voter | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|                                                                                                                      | Councilmember R. Johnson | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Menist     | Voter | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|                                                                                                                      | Councilmember Petsas     | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember L. Johnson | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Councilmember Brannen    | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                      | Chair Salem              | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

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

**IV. PUBLIC PARTICIPATION: Three (3) minutes per person up to 45 minutes of public comment on any agenda and non-agenda items.**

1. Brian Robinson-
2. Bill Rubin-18 Eagle Lane
3. Andres San Millan
4. Earl Brown
5. Laurie Sandow-South Grand Avenue

## Official Minutes of the Common Council Meeting of November 2, 2020

Laurie Sandow comments, Common Council meeting, November 2, 2020 — Pg. 1 of 2

In 1964, before nearly every member of this Common Council was born, the Supreme Court affirmed that Americans have the right to discuss and criticize their public officials freely. The Court described this as (quote) “a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.” (unquote)

Today, in the world of 2020, we not only have a national administration—may it soon meet its demise—that’s hostile to public debate and truth-telling, but also both a City of Poughkeepsie Common Council as well as a City of Poughkeepsie administration that lack of transparency; are hostile to the public in varying degrees and/or create obstacles to public knowledge, participation and debate.

Council Chair Sarah Salem, joined by certain fellow councilmembers, engages in an ever-growing list of rules, code, and law violations. The City administration recently hosted a public forum concerning Police Reform that can only be described as a travesty and sham, using an online platform that most city residents could not access, and failing to provide any insight or transparency into the committee’s behind-closed-doors selection, meetings, discussions and orientation.

During the September 21 Council meeting, Sarah Salem publicly announced that a certain document was sent to councilmember Yvonne Flowers. Both I, and at least one other, have filed Freedom of Information requests for the document that Salem swore to exist. Salem has refused to produce it, instead declaring it exempt from public disclosure. Salem has been non-responsive to yet a third party—Mr. Brian Martinez, the City’s Freedom of Information appeals officer (see attached). In case there’s any confusion, Freedom of Information Law does not exempt a non-existent document from disclosure. Until produced and certified as exempt, Salem’s refusal to produce the document will stand as fraud.

## Official Minutes of the Common Council Meeting of November 2, 2020

Laurie Sandow comments, Common Council meeting, November 2, 2020 — Pg. 2 of 2

Regarding the October 27 Police Reform forum, the Governor's order requires plans developed through an inclusive process. It goes without saying that an inclusive process means meetings accessible to the public, rather than convenient to the meeting's organizers. Rather than use Zoom, the organizers of the October 27 session opted for a platform that required a new download of an app that was entirely unfriendly to users, and couldn't be downloaded or accessed at all by some City residents. Members of the public who were able to speak, were uniformly critical.

Opening with a carefully choreographed script, the October 27 meeting provided the public with zero information about how or why members of the committee were selected, whether they've ever held a meeting, what they've discussed, which members actually attend, and misrepresented the committee's diversity. How ironic that a committee tasked with developing police reforms operates without transparency, meeting behind closed doors, rather than publicly. Are the meetings recorded? Will they be webcast? Just as with the Charter Review meetings, I am acutely aware that people say things behind closed doors that they would NEVER say if the meeting was open to the public, broadcast and preserved. I am also acutely aware that people can and will claim anything in public when there's no recording or documentation that might show otherwise, or when possibly existing documentation and/or recordings are withheld from the public. I call on the administration to rethink and reformulate both public access and broadcast, as well as committee membership.

Official Minutes of the Common Council Meeting of November 2, 2020



The City of Poughkeepsie  
New York

Brian E. Martinez, PhD  
Commissioner of Finance  
bmartinez@cityofpoughkeepsie.com

62 Civic Center Plaza  
Poughkeepsie, NY 12601  
T: 845-451-4027  
F: 845-451-4028

October 20, 2020

Ms. Laurie Sandow

Dear Ms. Sandow,

Please be advised that I am in receipt of your appeal regarding a denial of access to records specified in your September 22, 2020 FOIL request. In an effort to discharge my duties as appeals officer for the City of Poughkeepsie, and make an informed decision on this matter, I forwarded your appeal to the Council Chair and requested the documents that are relevant to this appeal. To date, those records have not been provided. While the council chair may have a valid reason to withhold the requested documents pursuant to one of the exemptions contained in Article 6, Section 87 of the Public Officer's Law, absent a review of those documents, it is impossible to make an informed determination on this matter in compliance with Section 89(4) of the Public Officer's Law. Specifically, I am unable to fully explain a reason for further denial or provide access to the records sought in the timeframe provided by law.

Respectfully,

A handwritten signature in black ink, appearing to read "Brian E. Martinez", is written over a horizontal line.

Brian E. Martinez, PhD  
FOIL Appeals Officer  
Commissioner of Finance

6. Ken Strier

Good evening. What I am going to say now is essentially a condensed version of the statement I emailed you earlier today with attachments, most importantly the devastating critique of the contract - which has unfortunately been mucking up the City's agenda for far too long.

I'm well aware that our City has far more important agenda items to deal with, issues I would much rather be talking about. So, I apologize for seeming to harp.

Official Minutes of the Common Council Meeting of November 2, 2020

First, I want to commend – and thank the Council – for how you handled your recent appellate review of the Historic Commission’s work related to developers’ plans in Wheaton Park.

For as long as I have lived in Poughkeepsie Mayor Rolison, insisting on his neutrality, repeatedly said “there is a process.”

That process has now been played out and we are now in a different phase – one in which we can review anew what I believe was never a good idea - as decisions made in desperation rare are.

Nature, and parks, are good for the soul; selling them off is simply bad ju-ju.

We now have a chance to correct that.

The detailed critique I sent was written by a very smart lawyer with no animus towards the developers or development.

But his considered judgement was unequivocal: QUOTE: “**There is so much wrong with this particular contract, it is so unbalanced and tilted in favor of the Purchasers and against the City, that it should be voted down.... and a more balanced contract negotiated.**”

My email highlights how this contract is profoundly unfair to the City and lacks the most basic, standard contract clauses to protect both parties.

Financially, the City is quite simply being fleeced. Since there was never a proper appraisal, the original sale price never reflected the property’s true value. Even less so today.

Nor is there any guarantee that the money the City expects will ever materialize.

In fact, because of the City’s inexplicable negligence of Pelton, the transaction could leave us with a net loss!

Maybe that’s why the developer and his minions persuaded the previous Council to waive the normally required fiscal impact statement of this project – and that’s not an abdication of the Council’s fiduciary duties?!

It gets even worse for taxpayers because another contract condition is that the developer is entitled to an “acceptable” PILOT, from the City’s IDA. The Tinkelman group originally asked for a 30 year tax holiday, then a starting tax base of \$17,000 a year – about what one large Southside home pays.

And this is the good deal that you want to be associated with?!

Another glaring defect: Tinkelman & Co. can effectively hold the City hostage until his investors get the terms, and the ROI, they insist on.

Mr. Mayor, please tell me this is not the case! And to the Council I hope you will press City Hall to finally close the book on this misbegotten deal, and let’s get on with entertaining

## Official Minutes of the Common Council Meeting of November 2, 2020

other proposals for Pelton more fitting for a better Poughkeepsie – and get on with dealing with all the other challenges our City faces.

Thank you.

7. Matthew Carroll

### **V. CHAIRPERSON'S COMMENTS AND PRESENTATIONS:**

Chair Salem: We will be conducting budget hearings on the proposed 2021 budget, a draft of which we received on Thursday, October 15, 2020. Again, thank you to the Commissioner of Finance and City Administration for their timely delivery. We are now taking time to review it and as a part of that review, we have invited the Mayor's office to present the draft with narration at a Public Hearing on Monday, November 9, 2020, at 6 pm.

During the hearing, the Commissioner of Finance and other relevant parties will present a narrative to their drafted and proposed 2021 budget. Following their presentation, we will offer space for public comment. Each commenter will have up to 5 minutes of time. Members of the public wishing to comment should email [dflynn@cityofpoughkeepsie.com](mailto:dflynn@cityofpoughkeepsie.com) prior to 5:00 pm on Monday, November 9, 2020. When public comments conclude, Councilmembers will have an opportunity to ask questions and raise discussion.

To register for this hearing, and for more information, please visit:  
<https://cityofpoughkeepsie.com/common-council/archives/7943>

Following the initial budget hearing, the budget will go into the Finance Committee for a more detailed review, and the Council will continue to convene to make modifications and to balance the budget before it is adopted by December 31st.

Over the last 9 days, 33,432 votes were cast at the county's five early voting sites, or 17.2% of all registered voters in the county. If you didn't get the chance to vote during early voting, don't fret. Tomorrow is Election Day! The polls will be open from 6 am – 9 pm for you to cast your ballot or drop off an absentee ballot. Visit [https://voterlookup.elections.ny.gov/?utm\\_medium=G1SearchSTLNK4&utm\\_source=Google&utm\\_campaign=NYSBOE2020](https://voterlookup.elections.ny.gov/?utm_medium=G1SearchSTLNK4&utm_source=Google&utm_campaign=NYSBOE2020) if you're unsure where your polling place is and to make sure that you're active in the system. If the polls are very busy, as they have been through early voting, stay in line even if the 9 pm hour has passed. You will get to vote, it's your right. If they can't find your name in the system and you're sure you've registered, ask for an affidavit or provisional ballot so that you can get your vote in and they can figure it out later. Make a plan, wear a mask, and get it done. Every single vote matters.

### **VI. REPORTS OF COMMITTEES AND BOARDS:**

**Chair of the Finance Committee, Chris Petsas**

### **VIII. MOTIONS AND RESOLUTIONS:**

1. A motion was made by Councilmember Brannen and seconded by Councilmember I. Johnson to receive and print.

**RESOLUTION**

**(R20-88)**

**INTRODUCED BY CHAIR SALEM:**

**BE IT RESOLVED**, that the City Chamberlain be, and she hereby is authorized and directed to publish a Notice of Public Hearing to be held November 16, 2020 at 5:30 p.m. concerning the adoption of the 2021 to 2025 capital plan as submitted to the Common Council on September 28, 2020.

**SECONDED BY COUNCILMEMBER BRANNEN**

| R20-88                                                                                                               |                          |       |                                     |                          |                          |                          |
|----------------------------------------------------------------------------------------------------------------------|--------------------------|-------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> Accepted<br><input type="checkbox"/> Defeated<br><input type="checkbox"/> Tabled | Councilmember Flowers    | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                                                                                                      | Councilmember McNamara   | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                                                                                                      | Councilmember Cherry     | Voter | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                                                                                                      | Councilmember R. Johnson | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                                                                                                      | Councilmember Menist     | Voter | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                                                                                                      | Councilmember Petsas     | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                                                                                                      | Councilmember L. Johnson | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                                                                                                      | Councilmember Brannen    | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                                                                                                      | Chair Salem              | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

2. A motion was made by Councilmember Brannen and seconded by Councilmember I. Johnson to receive and print.

**A RESOLUTION OF THE CITY OF POUGHKEEPSIE, SETTING A PUBLIC HEARING REGARDING THE PROPOSED ZONING AMENDMENT FOR THE REZONING OF A VACANT NINE ACRE PARCEL ON MILTON STREET FROM MEDIUM LOW DENSITY (R-2) TO PLANNED RESIDENTIAL DEVELOPMENT (PRD)**

**(R20-89)**

**INTRODUCED BY COUNCILMEMBER FLOWERS:**

**WHEREAS**, the City of Poughkeepsie has received an application for the development of a nine acre vacant parcel of property located on Milton Street and more specifically known as Grid #6162-73-623227 from Medium Low Density (R-2) to Planned Residential Development; and

**WHEREAS**, the application calls for the development of sixty-four (64) residential units in two buildings as well as accessory uses such as a swimming pool and surface parking; and

**WHEREAS**, in accordance with Section 19-3.18(5)(b)(1) of the Code on October 19, 2020

Official Minutes of the Common Council Meeting of November 2, 2020

the Planning Board forwarded to the Common Council, the application for rezoning, after the adoption of a favorable recommendation,; and

**WHEREAS**, pursuant Section 19-3.18(5)(b)(1) the Common Council is required to hold a public hearing in order to gather public input and comment regarding the proposed amendment to the zoning map; and

**NOW THEREFORE,**

**BE IT RESOLVED**, that the City Chamberlain be, and she hereby is authorized and directed to publish a Notice of Public Hearing to be held on November 16, 2020 at 5:00 p.m. concerning the proposed amendment to the zoning map.

**SECONDED BY COUNCILMEMBER BRANNEN**

| R20-89                                                                                                               |                          |       |                                     |                          |                          |                          |
|----------------------------------------------------------------------------------------------------------------------|--------------------------|-------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> Accepted<br><input type="checkbox"/> Defeated<br><input type="checkbox"/> Tabled | Councilmember Flowers    | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                                                                                                      | Councilmember McNamara   | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                                                                                                      | Councilmember Cherry     | Voter | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                                                                                                      | Councilmember R. Johnson | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                                                                                                      | Councilmember Menist     | Voter | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                                                                                                      | Councilmember Petsas     | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                                                                                                      | Councilmember L. Johnson | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                                                                                                      | Councilmember Brannen    | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                                                                                                      | Chair Salem              | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**IX. ORDINANCES AND LOCAL LAWS:**

**X. PRESENTATION OF PETITIONS AND COMMUNICATIONS:**

1. **A COMMUNICATION FROM MARK SARGENT**, Senior Project Manager, from Creighton Manning Engineering, and **MARK DEBALD**, Transportation Program Administrator, from Dutchess County Transportation Council a on the Route 9/44/55 Interchange Project.
2. **FROM MICHAEL GARRELL**, a notice of personal injury sustained on August 6, 2020. **Referred to Corporation Counsel**

**XI. OLD BUSINESS:**

**X. ADJOURNMENT:**

A motion was made by Councilmember Brannen and seconded by Councilmember Flowers to adjourn the meeting at 8:09 p.m.

Official Minutes of the Common Council Meeting of November 2, 2020

**Dated: November 12, 2020**

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, November 2, 2020.

**Respectfully submitted,**

**Deanne L. Flynn  
City Chamberlain**

New York Liquor Associates LLC  
PO Box 1444  
Kingston, New York 12402  
845-706-7991

2020 OCT 29 AM 11:02  
CITY OF Poughkeepsie  
CITY CHAMBERLAIN

October 25, 2020

Hon. Deanne Flynn  
City Chamberlain  
City of Poughkeepsie  
62 Civic Center Plaza  
Poughkeepsie, NY 12601

Re: Temptation Tapas LLC d/b/a Temptation  
305 Main Street, Poughkeepsie, New York 12601  
New York State Liquor Authority Application – 30 Day Notice

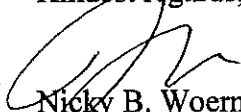
Dear Madam Chamberlain,

Enclosed herewith please find an original 30-Day Advanced Notice in connection with the above referenced applicants application to the New York State Liquor Authority.

The applicant respectfully requests a waiver from the 30 Day waiting period. I have enclosed for you a sample letter. If the waiver is granted please return a letter stating so in the enclosed envelope.

Please don't hesitate to contact me with any question. Thank you for your consideration.

Kindest regards,

  
Nicky B. Woerner  
[nwoerner@gmail.com](mailto:nwoerner@gmail.com)

| OFFICE USE ONLY                |                               |            |
|--------------------------------|-------------------------------|------------|
| <input type="radio"/> Original | <input type="radio"/> Amended | Date _____ |

## Standardized NOTICE FORM for Providing 30-Day Advance Notice to a Local Municipality or Community Board

1. Date Notice was Sent: 10/26/2020 1a. Delivered by: Overnight Mail with Tracking Number

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License:

☒ New Application ☐ Renewal ☐ Alteration ☐ Corporate Change ☐ Removal ☐ Class Change ☐ Method of Operation Change

For **New** applicants, answer each question below using all information known to date

For **Renewal** applicants, answer all questions

For **Alteration** applicants, attach a complete written description and diagrams depicting the proposed alteration(s)

For **Corporate Change** applicants, attach a list of the current and proposed corporate principals

For **Removal** applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation

For **Class Change** applicants, attach a statement detailing your current license type and your proposed license type

For **Method of Operation Change** applicants, although not required, if you choose to submit, attach an explanation detailing those changes

CITY OF Poughkeepsie  
CITY CHAMBERLAIN  
2020 OCT 29 AM 11:02

**This 30-Day Advance Notice is Being Provided to the Clerk of the Following Local Municipality or Community Board:**

3. Name of Municipality or Community Board: City of Poughkeepsie

**Applicant/Licensee Information:**

4. Licensee Serial Number (if applicable): \_\_\_\_\_ Expiration Date (if applicable): \_\_\_\_\_

5. Applicant or Licensee Name: Temptation Tapas LLC

6. Trade Name (if any): Temptation

7. Street Address of Establishment: 305 Main Street

8. City, Town or Village: Poughkeepsie, NY Zip Code: 12601

9. Business Telephone Number of Applicant/Licensee: (845) 249-6464

10. Business E-mail of Applicant/Licensee: ovidforest12@gmail.com

11. Type(s) of alcohol sold or to be sold: ☐ Beer & Cider ☐ Wine, Beer & Cider ☒ Liquor, Wine, Beer & Cider

12. Extent of Food Service:

☒ Full food menu; full kitchen run by a chef or cook ☐ Menu meets legal minimum food availability requirements; food prep area at minimum

13. Type of Establishment: Restaurant (full kitchen and full menu required)

14. Method of Operation: (check all that apply) ☐ Seasonal Establishment ☐ Juke Box ☐ Disc Jockey ☒ Recorded Music ☐ Karaoke

☒ Live Music (give details i.e., rock bands, acoustic, jazz, etc.): Acoustic, Jazz

☐ Patron Dancing ☐ Employee Dancing ☐ Exotic Dancing ☐ Topless Entertainment

☐ Video/Arcade Games ☐ Third Party Promoters ☐ Security Personnel

☐ Other (specify): \_\_\_\_\_

15. Licensed Outdoor Area: (check all that apply) ☒ None ☐ Patio or Deck ☐ Rooftop ☐ Garden/Grounds ☐ Freestanding Covered Structure

☐ Sidewalk Cafe ☐ Other (specify): \_\_\_\_\_

16. List the floor(s) of the building that the establishment is located on: First

17. List the room number(s) the establishment is located in within the building, if appropriate: N/A

18. Is the premises located within 500 feet of three or more on-premises liquor establishments? ☐ Yes ☒ No

19. Will the license holder or a manager be physically present within the establishment during all hours of operation? ☒ Yes ☐ No

20. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee:

Name \_\_\_\_\_

Serial Number 2020

21. Does the applicant or licensee own the building in which the establishment is located? ☐ Yes (if YES, SKIP 23-26) ☒ No

## Owner of the Building In Which the Licensed Establishment is Located

22. Building Owner's Full Name: Shwartz Building LLC

23. Building Owner's Street Address: 1 Civic Center Plaza, Suite 500

24. City, Town or Village: **Poughkeepsie** State: **New York** Zip Code: **12601**

25. Business Telephone Number of Building Owner: (845) 483-7614

**Representative or Attorney Representing the Applicant in Connection with the Application for a License to Traffic in Alcohol at the Establishment Identified in this Notice**

26. Representative/Attorney's Full Name: Nicky B. Woerner

27. Representative/Attorney's Street Address: PO Box 1444

28. City, Town or Village: **Kingston** State: **New York** Zip Code: **12402**

29. Business Telephone Number of Representative/Attorney: (845) 706-7991

30. Business E-mail Address of Representative/Attorney: nbwoerner@gmail.com

I am the applicant or licensee holder or a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

31. Printed Principal Name: **Ovid Reichelt** Title: **Member**

**Principal Signature:**

Ovid Reichelt e/signed