



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, November 16, 2020 6:30 p.m.

City Hall

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 16, 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- All Present (Councilmember L. Johnson arrived after "roll call")

II. REVIEW OF MINUTES:

Official Minutes of the Common Council Meeting of November 16, 2020

CCM 11-2-2020						
☐ Accepted ☐ Defeated ☒ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☐	☐	☐	☒
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

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

NONE

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

1. Andres San Milan
2. Laurie Sandow

Official Minutes of the Common Council Meeting of November 16, 2020

Laurie Sandow comments, Common Council meeting, November 16, 2020 — Pg. 1 of 2

As I said a little earlier tonight at the Milton St. public hearing, trying to stay on top of information in this City is an unrewarding, never-ending, and entirely unpaid job—except for the few privileged Councilmembers who get paid whether they stay on top of City business and information or not, and whether they show up at meetings or not. I urge members of the public to take a look at page 19 of tonight's Common Council agenda packet, where you will see that Sarah Salem is not only unresponsive to my Freedom of Information request, but also to the request of Mr. Brian Martinez, the City's appeals officer. In short, the public can seek democratic representation and responsiveness until you are blue in the face, but the majority of councilmembers will be as difficult and/or non-responsive as possible, even while knowing that they are breaking the law.

Nothing has been kinder to the lawbreaking and irresponsible members of this council than the Covid-19 pandemic and the Zoom online platform. We have Council meetings where the public is kept waiting while councilmembers, from the comfort of their own homes, fail to sign in on time, if bothering to sign in at all. Council meetings where councilmembers can be heard reciting their lottery numbers. Council meetings where councilmembers disappear to eat dinner. Council meetings where councilmembers claim to be present, while clearly seen behind their car's steering wheel. Council meetings where quorums are alleged to be met, yet it's obvious to the public, and memorialized on the webcast, that members claiming to be present are not on camera and therefore not actually present. Council meetings where members appear on screen, but contribute nothing other than to say "no comment" or to move for adjournment.

The Pandemic and Zoom appear to have been especially kind to the sex lives of these councilmembers, too. Take a look at the webcast for the November 2 budget hearing, and you'll not only notice missing councilmembers, but also notice the councilmembers who spent the meeting with their eyes on their laps. Are they texting? Sexting? The one thing they're clearly NOT doing is paying attention to the meeting and the meeting only.

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Laurie Sandow comments, Common Council meeting, November 16, 2020 — Pg. 2 of 2

At two recent meetings, certain councilmembers have seen fit to edu-macate me in order to cover their own rear ends.

—Sarah Salem, the Council Chair who deleted the Mayor’s comments from Council agendas, directs me to check the City’s website for meeting announcements, rather than the Salem-administered Common Council vanity Facebook page.

—Sarah Brannen implies that special meetings using the word “hearing” do not have to comply with the City Charter mandate for public comments.

—And Yvonne Flowers, under new business at the November 2 meeting, provided background into the history and formation of the Procedural Justice committee—something neither she, nor Bishop Gause, nor Mayor Rolison bothered to do at the actual October 27 public forum. Councilmember Flowers, who generally is the one councilmember who’s honest and responsive to Freedom of Information requests, also justified the forum’s use of a user-unfriendly and inaccessible web platform, saying the City wasn’t expecting good public participation anyway. As a result, a forum scheduled to last two hours lasted little over 40 minutes, with the comment period largely unavailable for public participation, and participant comments being uniformly critical.

What remains unaddressed and unchanged is whether the Procedural Justice Committee is the right committee to address Police Reform, and why its meetings remain closed to the public, with not even one Latinx or Hispanic representative, and neither minutes, nor attendance records, nor proof that advertised committee members actually show up and participate, nor that there is now, or will ever be, any attempt to make future meetings open, visible, inclusive and publicly interactive. By continuing to meet behind closed doors, it’s clear that the City of Poughkeepsie and co-chairs Yvonne Flowers and Bishop Gause have no intention of meeting either the letter nor the spirit of Governor Cuomo’s Executive Order 203.

Executive Order No. 203 (June 12, 2020): New York State Police Reform and Reinvention Collaborative

<https://www.governor.ny.gov/news/no-203-new-york-state-police-reform-and-reinvention-collaborative>

3. Kris Tal

V. CHAIRPERSON’S COMMENTS AND PRESENTATIONS:

November is Native American Heritage Month. I like to begin our meetings with an indigenous land acknowledgment to honor and respect the many diverse Indigenous peoples still connected to the land on which we gather, work, profit from, live, and conduct policy for and on behalf of

the true and longest-standing stewards of our land. Here in Poughkeepsie, we are gathered on the traditional territory of the Lenape people and this territory was a critical resting place along a popular trade route for people of this Nation and other indigenous 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.

We are continuing our independent review of the proposed draft 2021 City of Poughkeepsie Budget. Last week, on Monday, November 9, we held a special budget hearing to receive a presentation and detailed narrative from Commissioner of Finance Dr. Brian Martinez. Thank you again to City staff and Department heads for joining us through the presentation and to commissioner Martinez for the great presentation. Our legislative review continues.

A week and a half or so ago, the Bonura organization sued the City of Poughkeepsie, the Common Council, and the Industrial Development Agency (IDA) over the resolution unanimously passed by the Common Council and relating to the DeLaval property. Through the materials that Mr. Bonura has circulated to the press, there are a number of points of misinformation that I will correct for the public and the press tonight.

The resolution was passed to put this parcel back on the map for the City of Poughkeepsie and its residents and to move Mr. Bonura to build the project that was agreed upon by him and his father with the City of Poughkeepsie years ago on the DeLaval parcel. The project, which was supposed to include both commercial buildings and public spaces, should have been commenced and completed a long time ago, specifically after the DEC approved the site cleanup in early 2014. The Common Council's approval for the land conveyance has been outstanding since 2010.

Contrary to what Mr. Bonura is claiming, the resolution did not cancel our agreement to build the project and only rescinded that approval of the land conveyance after 45 days, and committed to reconvey the land if Mr. Bonura did two things within that period: first- made an application for and agreed to a PILOT with the IDA and second-submit an application for site plan approval to the Planning Board. Even if these tasks had been accomplished outside of the 45 days, we agreed to consider Mr. Bonura's project along with any other proposals we might get. Nothing in the resolution canceled the agreement with Mr. Bonura. The resolution aimed to create an action so that Mr. Bonura would get the project moving.

Mr. Bonura's main disagreement with us was the request to negotiate a new PILOT with the IDA. Two years ago, the city administrator wrote to Mr. Bonura to explain that to move the project forward and convey the land to him, he needed to work with the IDA on a new PILOT. Our resolution simply reflected this determination, which we agree with. The last PILOT was from 2004 and does not reflect any of the current economic realities and does not include Mr. Bonura's extensive development of the waterfront or any of the grants the city has received from the state to develop the public promenade and as such, must be renegotiated.

There are several other inaccuracies and falsehoods in Mr. Bonura's press statement, however, beyond what I have stated above, I will not comment further on the arguments in litigation.

Regrettably, Mr. Bonura has decided that his only path forward is to sue instead of adhering to the avenue that we outlined in our resolution-to complete the development that was contemplated and that is long overdue. Our resolution didn't create this apparent tension, however, was passed to get the project moving and with that passage, it seems we have uncovered the very reason the development has been stalled out for years.

There's a great Panel discussion happening this Thursday, November 19 at 6 pm on Zoom entitled "Monuments, Memorials, Markers: In the Museum and the Community: A (Virtual) Conversation," This panel discussion will focus on ways to redress the continuing devastation caused by the trans-Atlantic slave trade and institutional racism through monuments, memorials,

and markers. Speakers will highlight local initiatives planned by Celebrating the African Spirit (CAS), a community organization with a mission to honor the contributions of enslaved Africans and their descendants to the building and growth of the City of Poughkeepsie. Panelists include CAS co-founders Carmen McGill, Kalimah Karim, and Katherine Hite (Vassar Professor of Political Science on the Fredrick Thompson Chair), as well as Frances Lehman Loeb Art Center curator Mary-Kay Lombino. In addition, renowned sculptor Vinnie Bagwell, who created the new Sojourner Truth statue adjacent to the Walkway Over the Hudson in Highland, NY, will discuss that project and reflect on other works that foreground African American history. Don't miss this important conversation! Join here; <https://vassar.zoom.us/j/94618397881>

Over the last few weeks, we've had several instances of increased violence, which have resulted in a devastating impact on members of our Police Force, who are thankfully ok and in recovery, and members of our community. This is a complex issue that I and all of my colleagues are processing and thinking through potential solutions and ways forward. Coronavirus cases are on the rise across the country and here in Dutchess County with an average of 56 new cases recorded per day on average according to data from the New York Times. Health experts were predicting and warning us of the "Second Wave" and now, it's here. We now have active outbreaks right in our city of Poughkeepsie community and impacting city staff- a situation that we are monitoring along with the administration. I want to wish those who have been impacted a speedy recovery. Remember to wear a mask, try not to gather in enclosed spaces with more than 10 people, and use extra caution in public areas. It takes all of us to stop the spread and this virus is raging.

VI. REPORTS OF COMMITTEES AND BOARDS:

VIII. MOTIONS AND RESOLUTIONS:

- 1. A motion was made by Councilmember Brannen and seconded by Councilmember L. Johnson to receive and print.**

RESOLUTION (R20-90)

INTRODUCED BY CHAIR SALEM

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,

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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 BRANNEN

R20-90			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

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

R E S O L U T I O N
(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:

From: 01.20.7498	Contingency	\$180,000
To: 01.10.3410.7115	Fire Department Overtime	\$180,000

SECONDED BY COUNCILMEMBER BRANNEN

R20-91						
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

- 3. A motion was made by Councilmember Brannen and seconded by Councilmember L. Johnson to receive and print.**

MOTION

INTRODUCED BY CHAIR SALEM, VICE CHAIR BRANNEN, MAJORITY LEADER LORRAINE JOHNSON, AND COUNCILMEMBER MENIST:

WHEREAS, Capital Markets Advisors, LLC (CMA) is an independent registered municipal advisor serving the financing needs of jurisdictions throughout New York State, the northeastern United States and the U.S. Virgin Islands from offices in Long Island, Western New York, the Hudson Valley, and New York's Southern Tier founded in 2002; and

WHEREAS, CMA's Strategic Consulting Group's (SCG) focus is to provide on-site consulting services to assist clients to improve the efficiency and effectiveness of their day-to-day operations that include review and analysis of municipal budgets; and

WHEREAS, the City of Poughkeepsie Common Council has been presented with a proposed draft budget for 2021; and

WHEREAS, the City of Poughkeepsie Common Council wishes to retain CMA's SCG to assist Council members in their review of the draft City fiscal year 2021 budget in accordance with its authority pursuant to the City Charter and the City Administrative Code; and

WHEREAS, sufficient funds exist in the 2020 Common Council budget for professional services to retain CMA for this purpose.

NOW, THEREFORE

IT IS HEREBY MOVED, AND/OR TO THE EXTENT LEGALLY NECESSARY

RESOLVED, that the City of Poughkeepsie Common Council enter into an agreement with Capital Market Advisors, LLC (CMA) to engage their Strategic Consulting Group (SCG) to conduct a review of the City of Poughkeepsie's proposed draft 2021 budget and to assist the Common Council members in their consideration of that proposed draft budget.

IT IS HEREBY ALSO MOVED, AND/OR TO THE EXTENT LEGALLY NECESSARY

RESOLVED that CMA SCG will commence its work on this project during the week of

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November 16, 2020, and present a first draft of the Analysis to the Common Council within 3-4 weeks of the proposed start date.

IT IS HEREBY ALSO MOVED, AND/OR TO THE EXTENT LEGALLY NECESSARY RESOLVED that the Common Council of the City of Poughkeepsie hereby authorizes the Council Member At-Large to execute an agreement dated November 15, 2020 from CMA.

IT IS HEREBY ALSO MOVED, AND/OR TO THE EXTENT LEGALLY NECESSARY RESOLVED, that pursuant to the agreement dated November 15, 2020, CMA will be compensated in an amount of up to thirty-five thousand (\$35,000) dollars, payable within fourteen (14) days of the submission of an invoice to the City following the completion of the assignment.**IT IS HEREBY ALSO MOVED, AND/OR TO THE**

EXTENT LEGALLY NECESSARY RESOLVED, that the aforesaid will take effect immediately.

SECONDED BY COUNCILMEMBER BRANNEN

☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☐	☒	☐	☐
	Councilmember L. Johnson	Voter	☐	☐	☐	☒
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

2. A motion was made by Chair Salem and seconded by Councilmember Brannen to receive and print.

Chair Salem made a motion to suspend the rules to allow Mr. Zuckerman to speak, **Councilmember Brannen** seconded the motion.

Chair Brannen made a motion to resume the rules, **Councilmember McNamara and Councilmember Flowers** seconded the motion.

ADDENDUM TO THE RETENTION OF PROFESSIONAL STAFF FOR COMMON COUNCIL

MOTION

INTRODUCED BY CHAIR SALEM

It is hereby moved, and/or to the extent legally necessary resolved, that the Common Council of the City of Poughkeepsie hereby approves an addendum to its September 16, 2020 retainer agreement with Lamb & Barnosky, LLP; and

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It is hereby also moved, and/or to the extent legally necessary resolved, that the Common Council of the City of Poughkeepsie hereby authorizes the Council Member-at large to execute an addendum to the September 16, 2020 retainer agreement with Lamb & Barnosky, LLP.

SECONDED BY COUNCIL MEMBER BRANNEN

☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☐	☒	☐	☐
	Councilmember L. Johnson	Voter	☐	☐	☐	☒
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

IX. ORDINANCES AND LOCAL LAWS:

X. PRESENTATION 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.

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 8th 2020
 Moved: Matthew Woolever
 Seconded: William Carlos

Motion passes/ fails: Ayes 6 Nays 0

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

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

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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: _____

2. **FROM NEW YORK LIQUOR ASSOCIATES, LLC.** a notice of intent for Temptation Tapas LLC d/b/a Temptation to obtain a Liquor License.

XI. OLD BUSINESS:

X. ADJOURNMENT:

A motion was made by Councilmember Brannen and seconded by Councilmember Flowers to adjourn the meeting at 9:19 p.m.

Dated: December 16, 2020

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, November 16, 2020.

Respectfully submitted,

Deanne L. Flynn
City Chamberlain

