



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Tuesday, April 2, 2024, 6:30 p.m.

Common Council Chambers

Welcome to the regularly scheduled Meeting of the City of Poughkeepsie Common Council the date is April 2, 2024 and the time is 6:43pm

I. ROLL CALL: ALL PRESENT

II. REVIEW OF MINUTES:

Common Council Public Hearing– March 19, 2024

Common Council Meeting – March 19, 2024

Motion to accept the minutes made by Vice Chair Shook seconded by Councilmember Grant

CC Public Hearing. & CCM Minutes of March 19, 2024 - VOICE VOTE						
			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Henry	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Brown	Voter	☒	☐	☐	☐
	Councilmember James	Voter	☒	☐	☐	☐
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Majority Leader Patterson Thompson	Voter	☒	☐	☐	☐
	Vice Chair Shook	Voter	☒	☐	☐	☐
	Chairman Wilson	Voter	☒	☐	☐	☐

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

ADD:

XII. ACTION AGENDA: MOTIONS AND RESOLUTIONS:

- 1. R-24-28, Resolution Introducing a Local Law Amending the Zoning Code to Provide a definition for “Warehouse”**
- 2. R-24-29, Resolution Amending the Rules of Conduct and Procedure of the Common Council of the City of Poughkeepsie**

A motion to move Consent and Action Agendas to follow Presentations of Petitions and Communications was made by Vice Chair Shook seconded by Councilmember Brown

A motion to defer items 3 and 4 from Presentations of Petitions and Communications to Corporation Counsel was made by Vice Chair Shook and seconded by Councilmember James.

IV. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

- 1. FROM DCC MASQUERS GUILD**, a presentation regarding their Spring Play, *This is Modern Art*.
- 2. FROM CARLOS WOOD**, a presentation regarding Poughkeepsie Riverfest.
- 3. FROM STACEY WATSON**, a notice of property damage sustained on March 18, 2024.
- 4. FROM ESS HOSPITALITY GROUP, LLC – THE GOVERNESS BAR**; a 30-Day Advance Notice of Intent to apply for a NYS Liquor License

CONSENT AGENDA:

V. MOTIONS AND RESOLUTIONS:

- 1. R-24-25, Resolution Approving License Agreement for the Operation of a Restaurant and Concession Stand Space at Waryas Park.**

**RESOLUTION
(R-24-25)**

**RESOLUTION APPROVING LICENSE AGREEMENT FOR THE OPERATION OF
A RESTAURANT AND CONCESSION STAND SPACE AT WARYAS PARK**

INTRODUCED BY COUNCILMEMBER HENRY:

WHEREAS, after a competitive process in which the City received seven (7) responses to a Request for Proposals seeking an operator for the Restaurant and Concession Stand space at Waryas Park, the Common Council determines that it is appropriate to enter into a license agreement with ESS Hospitality Group.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby finds and determines that it is in the best interest of the City to enter into a License Agreement with ESS Hospitality Group upon the terms and conditions annexed hereto as Exhibit A and made a part hereof; and

BE IT FURTHER RESOLVED, that the Mayor and City Administrator are hereby authorized and directed to do all things necessary to give effect to the terms of this resolution including but not limited to the execution of the attached License Agreement.

SECONDED BY COUNCILMEMBER SHOOK

LICENSE AGREEMENT *DRAFT*

THIS AGREEMENT made this day of , 2024 by and between the **CITY OF POUGHKEEPSIE**, a municipal corporation of the State of New York, having its principal offices at the Municipal Building, 62 Civic Center Plaza, Poughkeepsie, New York 12601, hereinafter called the "**LICENSOR**", and **ESS HOSPITALITY GROUP LLC** having a principal place of business at 47-18 Vernon Blvd, Long Island City, NY 11101 hereinafter called "**LICENSEE**."

W I T N E S S E T H :

WHEREAS, LICENSOR is the owner of a public park known as Waryas Park, City of Poughkeepsie, New York; and

WHEREAS, LICENSOR desires to make a restaurant for patrons and a concession stand available to the public using the park, and

WHEREAS, LICENSEE desires to operate and manage the aforesaid Restaurant and Concession Stand; and

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions hereafter set forth, the parties agree as follows:

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(a) **LICENSOR** hereby grants to **LICENSEE** and **LICENSEE** hereby accepts from the **LICENSOR** a license to manage and operate for the period herein stated and subject to all the terms and conditions herein contained, the following described license for the privilege of operating the Restaurant and Concession Stand at Waryas Park, Poughkeepsie, New York, more specifically to be located in a building located in Waryas Park as described on Exhibit "A". Restaurant includes an outdoor dining terrace of approximately 400sq located on south side of building used by Restaurant, and an outdoor dining terrace of approx. 600 sq located on West side of the Restaurant's building. Concession Stand shall be operated on the South side outdoor dining terrace, with direct access to ordering. It is understood and agreed between the parties that this agreement is intended to be only a license to utilize the above-described premises and no part thereof shall be interpreted as being any form of lease agreement.

1. Said Restaurant and Concession Stand shall include and be limited to the privilege of furnishing food services and the sale of various food and beverage items provided, however, that such sale does not violate any other state or local statute, rule or regulation, and all food sold shall be of good quality. **LICENSOR** shall offer for sale, through the concession stand, the sale of small, carryout items for visitors to Waryas Park such as, but not limited to, soda/water, ice cream, shakes, chips, fries, salads, sandwiches, hot dogs and hamburgers. The sale of any alcohol at the premises shall be subject to approval and licensing by the New York State Liquor Authority. A full copy of any application to the New York State Liquor Authority shall be provided to **LICENSOR** at the attention of Corporation Counsel.

2. (a) The term of this license shall commence upon the execution of this agreement and shall expire without further notice by either party to the other at midnight on April 30, 2034 unless sooner terminated as herein provided, or unless the **LICENSOR** by five (5) days' notice in writing shall terminate the license, when and if, in its sole judgment, it deems that such termination is necessary by operation of law, or pursuant to the terms of this agreement, or the licensed premises is no longer being used for a public purpose as a public concession/eating facility. This license shall cease and terminate without notice to **LICENSEE** and without opportunity to cure in the event that the licensed premises are closed for business for more than thirty consecutive calendar days.

(b) As long as **LICENSEE** is not in default of any of its obligations under the License, the **LICENSOR** shall grant to **LICENSEE** the option to renew (the "**Renewal Option**") the term of this License for one (1) additional period of five (5) years (the "Renewal Term"). **LICENSEE** shall exercise such Renewal Option by delivering written notice of such election to **LICENSOR** at least nine (9) months prior to the expiration of the initial Term. The renewal of this License shall be upon the same terms and conditions of this License, except (a) the Base Rent during each Renewal Term shall be as adjusted as set forth in Paragraph 4; (b) **LICENSEE** shall have no option to renew this License beyond the expiration of the Renewal Term; (c) **LICENSEE** shall not have the right to assign its renewal rights to any sublessee of the Property or a portion thereof or to any assignee of this License, nor may any such sublessee or assignee exercise or enjoy the benefit of such renewal rights;

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3. **LICENSEE** agrees to operate the Restaurant and Concession Stand a minimum of six months a year (May-October) for the accommodation of the public using Waryas Park daily from 11 a.m. to 6 p.m. at minimum. Occupancy shall be limited to the number as set by the occupancy permit issued by the City of Poughkeepsie Fire Department.

LICENSEE shall also have the option of opening at an earlier hour and/or closing at a later hour than specified above, provided that **LICENSEE** shall in no event open earlier than 6:00 a.m. or close later than 1:00 a.m., except in connection with events open to the public intended for the entertainment or edification of the attendees.

If there is an event at Waryas Park that is open to the public, whether admission is charged or not, intended for the entertainment or edification of the attendees that lasts later than the above-mentioned closing time during the week, on weekends or holidays, **LICENSEE** shall have the option to remain open on those evenings until the event is completed. **LICENSEE** acknowledges that during events in Waryas Park, permission may be granted by the **LICENSOR** to vendors to sell food items but **LICENSOR** represents that such permission shall be for the duration of that event only. **LICENSEE** further agrees that upon notice by **LICENSOR** of special events held in Waryas Park, it will prepare for the increased use of the Concession Stand and public bathrooms so as to make them available to meet public needs.

4. Beginning on the “Commencement Date” **LICENSEE** shall pay to **LICENSOR**, as compensation for the privilege, granted pursuant to this license agreement, of the Restaurant and Concession Stand at Waryas Park, the following rent annually as set forth below:

Year 1- \$30,000
Year 2- \$30,000
Year 3 – \$30,000
Year 4 – \$36,000
Year 5 – \$42,000
Year 6 – \$48,000
Year 7 – \$54,000
Year 8 – \$60,000
Year 9 – \$66,000
Year 10 - \$72,000

The “Commencement Date” shall be the date of execution of this agreement. The rental amounts set forth above are a result of **LICENSEE**’s initial start-up investment of capital costs in improvements to the building in the approximate range of \$210,000 to \$230,000. If the **LICENSEE** elects to exercise the Renewal Option, rent shall increase at a rate to be agreed upon by the parties. **LICENSEE** shall continue to remit the Year 10 rental amount until such time as a new rental rate is agreed upon.

LICENSOR hereby agrees, for the convenience of **LICENSEE** that **LICENSEE** may elect to pay the annual rent in twelve (12) equal monthly installments with the monthly payment due on the 1st day of the month in which the monthly payment is due. Should the monthly payment not

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be received by the fifteenth day of the month in which the monthly payment is due, **LICENSEE** shall pay a late fee of ten (10%) percent of the monthly payment. **LICENSOR** may revoke **LICENSOR'S** privilege to pay in monthly installments should the **LICENSEE** fail to make three (3) consecutive monthly payments on or before the fifteenth of the month during any one calendar year.

Such rent above is the annual rent under this License and as such, **LICENSEE** is free to operate more than six (6) months at that same annual rent. **LICENSEE** shall, pursuant to Paragraph "4" open a minimum of six (6) months.

5. The **LICENSEE** shall deposit with the **LICENSOR** the sum of $1/4^{\text{th}}$ of that year's annual Rent to serve as Security. At the start of each year of the lease term, i.e. May 1st, when the Rent increases pursuant to paragraph 5, the **LICENSEE** shall submit such additional amounts necessary so that the Security Deposit equals $1/4^{\text{th}}$ of that year's annual Rent.

6. The **LICENSEE** shall be liable and responsible for all water & sewer charges, sanitation charges and utility and heating costs including electricity attributable to the licensed premises and its operation thereof, and all costs associated with the proper functioning of the alarm system including monitoring.

7. The **LICENSEE** shall be responsible for ordinary maintenance of the licensed premises, including litter removal, and lawn and shrub maintenance. Any garbage dumpster shall be enclosed in a fenced in area to shield the dumpster from view. The area to be kept clean and maintained by the **LICENSEE**, shall include the subject premises and an area within twenty-five (25) feet of the exterior of the premises, including outside dining areas. **LICENSEE** shall have the right to turn off the outside drinking fountain and lock the exterior restrooms during non-business hours.

8. **LICENSEE** may install such equipment, as **LICENSEE** deems necessary for the proper operation of this license and shall make full payment for the same and shall maintain all equipment, fixed and expendable, in good order and repair at **LICENSEE's** sole cost and expense during the term of this license, subject to prior written notice and approval by **LICENSOR** (which shall not be unreasonably withheld) and inspection and approval by **LICENSOR**. It is further agreed that the **LICENSEE** will, within ten (10) days, discharge any and all mechanics' liens filed against the premises hereinabove described which have been filed relative to the **LICENSEE's** operations thereon.

9. Title to all equipment provided by **LICENSEE** except fixed equipment belonging to the **LICENSOR**, shall remain in **LICENSEE** and such equipment shall be removed by **LICENSEE** at the termination of this license except as hereinafter provided. Should any such property remain on the licensed premises after such expiration or termination, the **LICENSOR** may deal with such as though it had been abandoned and charge all costs and expenses incurred in the removal thereof to **LICENSEE**. It is agreed that any and all damage caused by the removal of such items or equipment will be repaired by the **LICENSEE** at its own expense.

10. **LICENSOR** shall be responsible for maintenance and repairs of the waste lines running from the licensed premises to the connection of the City lateral (pump pit) and shall also be

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responsible for repair and maintenance of the exterior water fountain (but not any plumbing that is not connected solely to said fountain.), except that **LICENSEE** shall be liable for the cost of any repairs made necessary by the operation of the kitchen at the licensed premises. Prior to opening or conducting any food preparation operations at the licensed premises, **LICENSEE** shall install, at its own cost and expense, an interior grease trap of a size and design satisfactory to **LICENSOR** and shall also ensure that the exterior water fountain is shut off after the end of each business day and turned back on at the start of the next business day. The **LICENSEE** shall maintain regular maintenance logs of the cleaning of the interior grease traps and the City has the right to review the maintenance logs within a reasonable time after requested.

11. **LICENSEE** will perform the repair, cleaning and inspections required on the attached Exhibit B which is incorporated herein by reference.

12. **LICENSEE**'s obligation to observe and perform all of the terms, covenants and conditions of this license shall survive the expiration or the termination thereof.

13. **LICENSEE** shall not remove any property currently located on the premises, without prior written approval of the **LICENSOR**.

14. **LICENSEE** at the sole cost and expense of **LICENSEE** shall maintain the building assigned to the **LICENSEE** in full and complete repair to the satisfaction of the **LICENSOR** during the term of this license.

15. During the term of this agreement, **LICENSEE** shall at all times keep clean and maintain in sanitary condition the public bathrooms. **LICENSEE** shall supply an adequate quantity of the necessary paper products and soap for use by the public. The public toilets shall remain accessible to, and available for use by, the public during all hours that the premises are open for business throughout term of this license.

16. **LICENSEE** shall procure at **LICENSEE**'s own cost and expense all permits and licenses necessary for the legal operation of this license. **LICENSOR** agrees to be responsible for any building department fees; **LICENSEE** agrees to comply with all state and local building codes.

17. **LICENSEE** shall not sell, mortgage, rent, assign, sublet or parcel out the license hereby granted, or any interest therein, or allow or permit any other person or party to use or occupy any part of the premises, building or spaces, covered by this license for any purpose whatsoever without first obtaining the written consent of the **LICENSOR**, nor shall the license be transferred by operation of law, without the prior written approval of **LICENSOR** who will not unduly withhold such a request.

18. **LICENSEE** agrees not to employ callers, criers, or any other means of soliciting business, without the approval of the **LICENSOR**, and not to advertise said license in any manner or form on or about the premises licensed to it, without such approval.

19. (a) **LICENSEE** may make any such repairs, alterations, additions or improvements to the Licensed Premises **LICENSEE** may deem desirable, subject to all applicable State and local

regulations and subject to the consent of **LICENSOR** which may be granted or withheld in its sole and unfettered discretion.

(b) Unless otherwise agreed to herein or in a later writing signed by both parties, any repairs, alterations, additions or improvements made on or to the licensed premises by **LICENSEE** shall be made at the sole cost and expense of **LICENSEE** and shall become the property of **LICENSOR** immediately upon their annexation to the demised premises.

(c) **LICENSEE** shall have no claim against **LICENSOR** for any such repairs or upgrades and **LICENSEE** agrees that it will indemnify and hold **LICENSOR** harmless from any liability on account of repairs or upgrades made by **LICENSEE**.

20. **LICENSEE** agrees that should any building or structure upon the premises included in this license be damaged by fire, or any other cause whatsoever, so as to prevent the operation of this license to the satisfaction of the **LICENSOR**, and on notice in writing by the **LICENSEE** to the **LICENSOR** that the **LICENSEE** is unable or unwilling to make repairs necessary to restore the premises to an operable condition, then **LICENSOR**, at its option, may, on notice in writing to **LICENSEE** cancel and terminate this license, and all rights and privileges hereunder shall cease.

21. **LICENSEE** shall not use or permit the storage of any illuminating oils, turpentine, benzene, naphtha or similar substances or explosives of any kind or any substance or thing prohibited in the standard policies of fire insurance companies in the State of New York.

22. **LICENSEE** shall keep the spaces and/or buildings licensed to **LICENSEE** and the surrounding areas clean and neat at all times including the fumigating, disinfecting and deodorizing of same and all the refuse shall be kept in closed containers.

23. **LICENSEE** agrees that at all times free access will be given to representatives of **LICENSOR**, the Department of Health and other state or federal or municipal officials having jurisdiction for inspection purposes. **LICENSEE** further agrees that, if notified by **LICENSOR** or its representative that any part of licensed premises or the facilities thereof is unsatisfactory, **LICENSEE** will remedy the same at once.

24. **LICENSEE** hereby expressly waives any and all claims for compensation for any and all loss or damage sustained by reason of any defects, deficiency or impairment of the electrical apparatus or wires furnished for the licensed premises, or by reason of any loss of any gas supply, water supply, heat or current which may occur from time to time from any cause, or for commotion or riot, or any act of God, and **LICENSEE** hereby expressly releases and discharges **LICENSOR**, its agents, officers, and employees from any and all demands, claims, actions and causes of action arising from any of the causes aforesaid and agrees to hold them harmless therefor, including attorney's fees, if any.

25. **LICENSEE** assumes all risk in the operation of this license and agrees to comply with all federal, state and local laws and regulations and orders of the **LICENSOR** affecting the licensed premises in regard to all matters.

26. **LICENSEE** expressly agrees to hold **LICENSOR**, its agents, officers, and employees harmless from any and all claims for loss, damage or injury to person or property, whatever kind

or nature arising from the operation of this license, or from the negligence or carelessness of employees of **LICENSEE**, and **LICENSEE** expressly agrees to indemnify **LICENSOR**, its agents, officers, and employees of any recoveries against them, individually and/or jointly, arising from same.

27. **LICENSEE** shall at its own cost and expense take out and maintain such insurance for the term of this license as will protect the **LICENSEE** from claims under the Workmen's Compensation Act; and shall also take out and maintain such public liability as will protect **LICENSEE** (including agents and sub-licensees, if any) and **LICENSOR** from any claims for personal injuries, including death, arising out of, incurred or caused by operations under this license by **LICENSEE** or otherwise arising out of this license. The policies shall provide the amounts of insurance elsewhere mentioned and before delivery of the license all policies shall be submitted to **LICENSOR** for approval. Each insurance policy shall name the City of Poughkeepsie as an "additional named insured" thereof, and shall be delivered to the **LICENSOR**. Each policy and certificate shall have endorsed thereon: "No cancellation of or change in this policy shall become effective until after ten (10) days notice by registered mail to the Corporation Counsel of the City of Poughkeepsie, Municipal Building, Poughkeepsie, New York."

If, at any time, any of the said policies shall be or become unsatisfactory to **LICENSOR** as to form or substance or if a company issuing such policies shall become unsatisfactory to **LICENSOR**, and such opinion is deemed justified, **LICENSEE** shall promptly obtain a new policy, submit the same to **LICENSOR** for approval and submit certificate thereof as hereinabove provided. Upon failure of **LICENSEE** to furnish, deliver and maintain such insurance as above provided, this license may, at the election of the **LICENSOR**, be forthwith declared suspended, discontinued, or terminated and any and all payments made by **LICENSEE** on account of this license shall thereupon be retained by **LICENSOR** as liquidated damages. Failure of **LICENSEE** to take out and/or maintain or the taking out and/or maintenance of any required insurance shall not relieve **LICENSEE** from any liability under the license, nor shall the insurance requirements be construed to conflict with the obligations of **LICENSEE** concerning indemnification. All required insurance must be in effect and continued so during the life of the license in not less than the following amounts:

- (a) Workman's Compensation Insurance, unlimited.
- (b) New York State Disability Benefits Policy, unlimited.
- (c) General Liability Insurance with a combined single limit of **TWO MILLION (\$2,000,000.00) DOLLARS** per occurrence naming the City of Poughkeepsie as an additional insured.
- (d) Product Liability Insurance.

In the event that claims in excess of these amounts are filed, the amount of such claims, or any portion thereof may be withheld from payment due or to become due **LICENSEE** until such time as **LICENSEE** shall furnish such additional security covering such claims as may be determined by **LICENSOR**.

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28. Should **LICENSOR**, in its sole judgment, decide that **LICENSEE** is not operating the license herein granted in a satisfactory manner, then **LICENSOR** may terminate this license by notice in writing, effective fifteen (15) days from mailing, the license to terminate as though it were the time provided in this license, all rights of **LICENSEE** therein shall be forfeited without any claims for damages, compensation, refund of **LICENSEE** investment, if any, or any other payment whatsoever against **LICENSEE**. The fifteen-day notice to terminate this agreement shall include a statement of the conditions which have caused the notice to be issued and **LICENSEE** shall have fifteen (15) days from the mailing of the notice to cure the condition and require the termination to be withdrawn. The fifteen-day cure period shall be strictly enforced regardless of the nature of the condition to be cured, unless otherwise mutually agreed upon in writing by both parties.

29. In the event this license terminates as aforesaid; any property of the **LICENSEE** within said licensed area may be held by the **LICENSOR** until all indebtedness of **LICENSEE** hereunder at the time of termination of this license is paid in full.

30. **LICENSEE** at the expiration or sooner termination of this license as provided herein, shall quit and surrender the licensed premises and all property thereon.

31. Neither this license nor any interest created hereby may be assigned or transferred by operation of law or otherwise without the express written consent of the **LICENSOR**, it being the intention of the **LICENSOR** to grant this license personally to the **LICENSEE**.

32. This license cannot be changed orally.

33. The **LICENSEE** shall provide to **LICENSOR** a list of all members of the LLC immediately upon full execution of this license agreement. Any changes to the list of members must be provided to **LICENSOR**.

34. NOTICES:

Where provision is made herein for notice to be given in writing, the same may be given by mailing a copy of such notice by registered mail, or certified mail, addressed to the address set forth below or by delivering a copy of said notice personally.

LICENSEE: **ESS HOSPITALITY GROUP LLC**

With copy to:

LICENSOR: **City of Poughkeepsie**
Attn: City Administrator
62 Civic Center Plaza
Poughkeepsie NY 12601

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With copy to: City of Poughkeepsie
Attn: Corporation Counsel
62 Civic Center Plaza
Poughkeepsie NY 12601

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

ESS HOSPITALITY GROUP LLC

BY: _____

CITY OF POUGHKEEPSIE

BY: _____
YVONNE D. FLOWERS, MAYOR

R-24-25 - VOICE VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Henry	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Brown	Voter	☒	☐	☐	☐
	Councilmember James	Voter	☒	☐	☐	☐
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Majority Leader Patterson Thompson	Voter	☒	☐	☐	☐
	Vice Chair Shook	Voter	☒	☐	☐	☐
	Chairman Wilson	Voter	☒	☐	☐	☐

2. **R-24-26**, Resolution Accepting Zero-Emission Vehicle (ZEV) Infrastructure Grant.

RESOLUTION
ACCEPTING ZERO-EMISSION VEHICLE (ZEV) INFRASTRUCTURE GRANT
(R-24-26)

INTRODUCED BY COUNCILMEMBERS SHOOK, PATTERSON THOMPSON AND GRANT:

WHEREAS, the City of Poughkeepsie has been awarded a grant from the New York State Department of Environmental Conservation (“NYSDEC”) in the amount of \$207,167.50 to install electric vehicle charging station components primarily for public use; and

WHEREAS, the approval of this resolution will have no fiscal impact to the 2024 budget as the Project does not require a match; and

WHEREAS, this action is a Type II action pursuant to 6 NYCRR §617.5(c)(2) requiring no review under the State Environmental Quality Review Act (SEQRA).

NOW THEREFORE,

BE IT RESOLVED, that the City Administrator or Mayor is authorized to execute a Grant Agreement with the NYSDEC and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City of Poughkeepsie’s obligations under the Grant Agreement.

SECONDED BY COUNCILMEMBER SHOOK:

AWARD LETTER HERE

OFFICE OF THE COMMISSIONER

New York State Department of Environmental Conservation

625 Broadway, 14th Floor, Albany, New York 12233-1010

P: (518) 402-8545 | F: (518) 402-8541

www.dec.ny.gov

Honorable Marc Nelson
Mayor
City of Poughkeepsie
62 Civic Center Plaza, 3rd floor
Poughkeepsie, NY 12601

Dear Mayor Nelson:

I am pleased to inform you that the City of Poughkeepsie has been awarded a grant of \$207,167.50 for application DEC01-ZEVIN-2022-00070 through Round 6 of the Municipal Zero-emission Vehicle (ZEV) Infrastructure Grant Program.

The New York State Department of Environmental Conservation (DEC) applauds your initiative in helping New York State achieve the greenhouse gas emission reductions required under the Climate Leadership and Community Protection Act and to meet its commitments under the Multi-State ZEV Memorandum of Understanding, which aims to put 3.3 million ZEVs on the roads of participating states by 2025. Your initiative is also consistent with the State's plan that 100 percent of new passenger cars and trucks will be zero-emissions by 2035.

After DEC receives procurement approval for this grant round from the Office of the New York State Comptroller, you will receive an email outlining the next steps in preparing to execute a state assistance contract for this grant award. The Master Contract for Grants for this award will be developed in the Grants Gateway. We recommend visiting the Grants Management website at <https://grantsmanagement.ny.gov/> to become familiar with the Grants Gateway and the contracting process.

We look forward to working together to achieve a resilient, climate-ready future for all New Yorkers.

Sincerely,



Basil Seggos
Commissioner

c: Daniel Vonknoblauch

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R-24-26 - VOICE VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Henry	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Brown	Voter	☒	☐	☐	☐
	Councilmember James	Voter	☒	☐	☐	☐
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Majority Leader Patterson Thompson	Voter	☒	☐	☐	☐
	Vice Chair Shook	Voter	☒	☐	☐	☐
	Chairman Wilson	Voter	☒	☐	☐	☐

3. **R-24-27**, Resolution Setting a Public Hearing Regarding the Proposed Nomination of 124 Smith Street and 63 Cottage Street as Local Historic Landmarks.

A RESOLUTION OF THE CITY OF POUGHKEEPSIE, SETTING A PUBLIC HEARING REGARDING THE PROPOSED NOMINATION OF 124 SMITH STREET AND 63 COTTAGE STREET AS LOCAL HISTORIC LANDMARKS

(R-24-27)

INTRODUCED BY COUNCILMEMBER JAMES:

WHEREAS, 124 Smith Street and 63 Cottage Street in the City of Poughkeepsie are owned by AME Zion Church, who is desirous of securing a designation of both 124 Smith Street and 63 Cottage Street as local historic landmarks; and

WHEREAS, the City of Poughkeepsie Historic District and Landmarks Preservation Commission (hereinafter “HDLPC”) held a public hearing on March 14, 2024 regarding the nomination of 124 Smith Street and 63 Cottage Street as local historic landmarks; and

WHEREAS, the HDLPC voted in favor of the proposed nomination and approved the application on March 14, 2024; and

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WHEREAS, pursuant to Section 19-4.5(4)(f) of the Code of Ordinances of the City of Poughkeepsie, the HDLPC's approved application was forwarded to the Common Council for consideration; and

WHEREAS, the Common Council is required to hold a public hearing prior to the designation of any historic landmark; and

NOW THEREFORE,

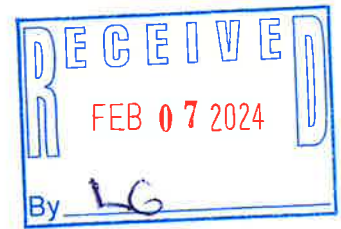
BE IT RESOLVED, that the City Chamberlain be, and she hereby is authorized and directed to publish a Notice of Public Hearing to be held **April 16, 2024 at 6:00 p.m.** concerning the designation of 124 Smith Street and 63 Cottage Street as local historic landmarks.

SECONDED BY COUNCILMEMBER SHOOK

INSERT SCAN HERE



CITY OF POUGHKEEPSIE, NEW YORK
BUILDING DEPARTMENT
(845) 451-4007
(845) 451-4006 (FAX)



HISTORIC DISTRICT & LANDMARKS NOMINATION FORM

LOCATION (For District nominations, attach list of all properties)

Street and Number: 124 Smith Street and 63 Cottage Street

NAME OF PROPERTY

Historic Name (if any): Smith Metropolitan AME Zion Church and Parsonage

Other Names (if any): AME Zion

CLASSIFICATION

Ownership of Property

☐ Private

Owner: AME Zion Church
Address: 124 Smith Street
City: Poughkeepsie
State/Zip: NY 12601

☐ Public

Owner: _____
Address: _____
City: _____
State/Zip: _____

Category of Property

☒ Building(s)

☐ District

☒ Site

☒ Structure

☐ Object

FUNCTION OR USE

Historic Functions or Uses:

Church and parsonage

Current Functions or Uses:

Church and parsonage

NAME OF ARCHITECT (if known): Dubois Carpenter

ATTACHMENTS

NARRATIVE DESCRIPTION: Describe the historic and current conditions of the property on one or more continuation sheets, and attach the sheets to the application.

MAPS: Please attach a map of the subject property or properties.

PHOTOGRAPHS: Please attach photographs of the property or properties.

Nomination Form
Page 2

Statement of Significance: Mark "X" in all of the applicable boxes below for the criteria qualifying the property for local register listing.

- ☒ Property is associated with events that have made a significant contribution to the broad patterns of our history.
- ☒ Property is associated with the lives of person significant in our past.
- ☒ Property embodies the distinctive characteristics of a type, period or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- ☐ Property has yielded, or is likely to yield, information important in prehistory or history.
- ☒ Property is listed, or is eligible for listing, on the State and/or National Registers of Historic Places.

Narrative Statement of Significance: Explain the significance of the property, in terms of the boxes checked above, on one or more continuation sheets, and attach the sheet(s) to the application.

Bibliography: Cite any books, articles or other sources used in preparing this form on one or more continuation sheets, and attach the sheet(s) to the application.

Form Prepared by:

Name/Title: Holly Wahlberg

Organization: _____

Street: 35 Garfield Place

City/State/Zip: Poughkeepsie, NY 12601

Telephone: 845-418-0990

Date: February 7, 2024

HDLPC RECOMMENDATION

The HDLPC hereby certifies that this application ☐ does ☐ does not meet the criteria for designation as a local historic district, landmark or landmark site, and recommends approval of the application to the Common Council in accordance with the provisions of Section 19-4.5(3) of the Zoning Ordinance.

Motion: Brian Hoyer

Second: John Bartelstone

Votes: 4 0 0

Ayes Nays Abstentions


Signature of Chairman
Date: _____

Official Minutes of the Common Council Meeting of April 2, 2024

R-24-27 - VOICE VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Henry	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Brown	Voter	☒	☐	☐	☐
	Councilmember James	Voter	☒	☐	☐	☐
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Majority Leader Patterson Thompson	Voter	☒	☐	☐	☐
	Vice Chair Shook	Voter	☒	☐	☐	☐
	Chairman Wilson	Voter	☒	☐	☐	☐

VI. ORDINANCES AND LOCAL LAWS:

- O-24- 02, Ordinance Amending §13-126 of Chapter 13 of the City of Poughkeepsie Code of Ordinances entitled “Motor Vehicles and Traffic” – Hammersley Residential District**

**ORDINANCE AMENDING §13-126
OF CHAPTER 13 OF THE CITY OF POUGHKEEPSIE
CODE OF ORDINANCES ENTITLED “MOTOR VEHICLES
AND TRAFFIC”**

(O-24-02)

INTRODUCED BY COUNCILMEMBER GRANT:

BE IT ORDAINED, by the Common Council of the City of Poughkeepsie, as follows:

SECTION 1: §13-126 is hereby amended by the following addition:

Section 13-126(C)(2) District 6 - -Permits for public parking permit system.

Upon the erection of signs giving due notice thereof, the following areas shall be designated as a public parking permit area and is to be utilized only for the purpose set forth in this Article:

Hammersley Ave, Both sides, between Church St. and Forbus St. Permit Parking Only + 2 hour parking. Sunday through Saturday except holidays

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER SHOOK

ADDITIONS denoted by **Underlining and Bold**

Official Minutes of the Common Council Meeting of April 2, 2024

O-24-02- VOICE VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Henry	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Brown	Voter	☒	☐	☐	☐
	Councilmember James	Voter	☒	☐	☐	☐
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Majority Leader Patterson Thompson	Voter	☒	☐	☐	☐
	Vice Chair Shook	Voter	☒	☐	☐	☐
	Chairman Wilson	Voter	☒	☐	☐	☐

2. **O-24-03**, Ordinance Amending §13-175 of Chapter 13 of the City of Poughkeepsie Code of Ordinances entitled “Stop Signs; Locations Designated”

**ORDINANCE AMENDING §13-175
OF CHAPTER 13 OF THE CITY OF POUGHKEEPSIE
CODE OF ORDINANCES ENTITLED “MOTOR VEHICLES
AND TRAFFIC”**

(O-24-03)

INTRODUCED BY COUNCILMEMBER SHOOK:

BE IT ORDAINED, by the Common Council of the City of Poughkeepsie, as follows:

SECTION 1: §13-175 is hereby amended by the following addition:

Section 13-175 Stop Signs; Locations Designated

Upon the erection of signs giving due notice thereof, the following areas shall be designated as a public parking permit area and is to be utilized only for the purpose set forth in this Article:

On Academy St. at the intersection of South Ave. & Phoenix St.

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER SHOOK

ADDITIONS denoted by **Underlining and Bold**

O-24-03 - VOICE VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Henry	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Brown	Voter	☒	☐	☐	☐
	Councilmember James	Voter	☒	☐	☐	☐
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Majority Leader Patterson Thompson	Voter	☒	☐	☐	☐
	Vice Chair Shook	Voter	☒	☐	☐	☐
	Chairman Wilson	Voter	☒	☐	☐	☐

3. **LL-24-05**, a Local Law Amending the Permitted Uses in the C-2 Zoning District to Allow Restaurants on the First Floor of New Mixed-Use Structures.

(LL 24-05)

A LOCAL LAW AMENDING THE PERMITTED USES IN THE C-2 ZONING DISTRICT TO ALLOW RESTAURANTS ON THE FIRST FLOOR OF NEW MIXED-USE STRUCTURES

SPONSOR: COUNCILMEMBER HENRY

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

~~STRIKETHROUGH~~ INDICATES DELETION
BOLD and UNDERLINE INDICATES ADDED LANGUAGE

SECTION 1: Section 19-3.23(2)(a), outlining permitted uses in the C-2 Zoning District, is amended as follows:

14. Multiple dwellings in new structures at urban density (R-6), provided that the first floor is devoted to retail, ~~or service~~ **or restaurant** use; and further provided that the usable open space requirements of Section 19-3.15(4)(i) are satisfied.

Official Minutes of the Common Council Meeting of April 2, 2024

SECTION 2. This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Local Law be laid upon the desk of each council member; and

BE IT FURTHER RESOLVED, that the Common Council shall hold a public hearing on said proposed Local Law and that the City Clerk shall publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto.

SECONDED BY COUNCILMEMBER SHOOK

LL-24-05- VOICE VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Henry	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Brown	Voter	☒	☐	☐	☐
	Councilmember James	Voter	☒	☐	☐	☐
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Majority Leader Patterson Thompson	Voter	☒	☐	☐	☐
	Vice Chair Shook	Voter	☒	☐	☐	☐
	Chairman Wilson	Voter	☒	☐	☐	☐

ACTION AGENDA:

VII. MOTIONS AND RESOLUTIONS: [ADDED BY ADDENDUM]

- 1. R-24-28**, Resolution Introducing a Local Law Amending the Zoning Code to Provide a definition for “Warehouse”

**RESOLUTION
(R 24-28)**

**RESOLUTION INTRODUCING A LOCAL LAW AMENDING THE ZONING CODE
TO PROVIDE A DEFINITION FOR “WAREHOUSE”**

INTRODUCED BY COUNCILMEMBER GRANT :

BE IT RESOLVED that an introductory Local Law amending the Zoning Code to provide for a definition for “Warehouse” be and hereby is introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

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

BE IT FURTHER RESOLVED that the Council shall hold a public hearing on said proposed local law to receive comment from the public on Tuesday, **April 16, 2024 at 5:30 pm** in the Common Council Chambers, Third Floor, City Hall, 62 Civic Center Plaza, Poughkeepsie, New York;

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto.

SECONDED BY COUNCILMEMBER SHOOK

A motion was made by Councilmember Menist and seconded by Councilmember Grant to amend Resolution R-24-28 to include the date and time of the public hearing not included in the original Resolution as printed

(LL 24-XX)

**A LOCAL LAW AMENDING THE ZONING CODE TO
PROVIDE A DEFINITION FOR “WAREHOUSE”**

SPONSOR: COUNCILMEMBER GRANT

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

~~STRIKETHROUGH INDICATES DELETION~~
BOLD and UNDERLINE INDICATES ADDED LANGUAGE

SECTION 1: LEGISLATIVE INTENT

A recent interpretation request before the Zoning Board of Appeals brought light to the fact that the City’s code permits “Warehouses” in various zoning districts but does not provide a definition for that use. To clarify the legislative intent of this Common Council as to what qualifies as a “warehouse,” the Common Council hereby adds a definition to the Code.

SECTION 2: A new definition is added to the Code for “warehouse” as follows:

WAREHOUSE: A building used primarily for the storage of goods and materials. However, for purposes of the zoning code, specifically excluded from this definition is a “self-storage facility,” as defined in Section 19-3.25, and a “miniwarehouse,” as defined in 19-2.2.

SECTION 2. This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Local Law be laid upon the desk of each council member; and

BE IT FURTHER RESOLVED, that the Common Council shall hold a public hearing on said proposed Local Law and that the City Clerk shall publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto.

SECONDED BY COUNCILMEMBER _____

Official Minutes of the Common Council Meeting of April 2, 2024

R-24-28 - VOICE VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Henry	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Brown	Voter	☒	☐	☐	☐
	Councilmember James	Voter	☒	☐	☐	☐
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Majority Leader Patterson Thompson	Voter	☒	☐	☐	☐
	Vice Chair Shook	Voter	☒	☐	☐	☐
	Chairman Wilson	Voter	☒	☐	☐	☐

2. R-24-29, Resolution Amending the Rules of Conduct and Procedure of the Common Council of the City of Poughkeepsie

**RESOLUTION
R-24-29**

INTRODUCED BY CHAIRMAN WILSON:

BE IT RESOLVED, that the Common Council hereby amends the 2024 Rules of Conduct and Procedure of the Common Council of the City of Poughkeepsie as shown on the attached document which is made a part of this Resolution. This resolution shall replace the Rules of Conduct adopted by Resolution R-24-02 and by Resolution R-24-11.

SECONDED BY COUNCILMEMBER SHOOK

RULES OF CONDUCT AND PROCEDURE: BY-LAWS OF THE COMMON COUNCIL OF THE CITY OF POUGHKEEPSIE FOR THE YEAR 2024

Amended 4/2/24

RULE I. Regular meetings of the Common Council shall be held on the first and third **Tuesdays** of each month at six thirty in the evening at the City Hall, or at such other place as the Chairperson shall appoint. The first regular meeting of January shall be held on January 2, 2024 at four thirty o'clock in the evening at City Hall. In case of a holiday on any such day, the regular meeting shall be held on another date. The Common Council may adjourn when convened, to any other day or place, every such stated or adjourned meeting

Official Minutes of the Common Council Meeting of April 2, 2024

of the Council. In addition, there shall be informational meetings and special meetings held as provided in the Charter.

RULE II. The Councilmember elected At-Large shall be designated as Council Chair, the presiding officer, and the Common Council shall elect its Vice Chairperson in the manner provided for in the Charter. In the event of a vacancy in the office of the Vice Chairperson, the Council shall, by majority vote, elect a Vice Chairperson, at its next regular meeting and within thirty (30) days of vacancy of the office.

RULE III. There shall be a standing sub-committee of the Common Council known as the Finance Committee. The members of the Finance Committee shall be appointed pursuant to the City Charter. The Chairperson may create additional such subcommittees or special committees as they deem necessary and appropriate.

RULE IV. The City Chamberlain shall record the attendance at meetings. The order of business at regular meetings shall be as follows:

1. Pledge of allegiance and Roll Call.
2. Review of the minutes of the previous meeting.
3. Reading by City Chamberlain of any resolution or other items not listed on the printed agenda.
- 4. Presentations of Petitions and Communications**
- 5. Public Participation-limited to 45 minutes.**
6. Chairperson's comments and presentations.
7. Mayor's Comments New and Unfinished Business and Announcements
8. New and Unfinished Business and Announcements
9. Reports of Committees and Boards
10. CONSENT AGENDA: Motions and Resolutions
11. CONSENT AGENDA: Ordinances and Local Laws
12. ACTION AGENDA: Motions and Resolutions
13. ACTION AGENDA: Ordinances and Local Laws
14. Adjournment.

RULE V. The presiding officer shall set the agenda at all meetings of the Common Council. A councilmember may add items to New Business with the support of three (3) councilmembers. The order of business may be departed from with a motion, second, and by a majority vote of the members present. Any item added to an agenda must clearly identify a Councilmember as its sponsor.

RULE VI. The presiding officer shall designate the seating arrangement for Councilmembers and staff at Council meetings and the order of voting of Councilmembers on all matters coming before the Council for a vote. The presiding officer may, if they so desire, present motions and resolutions to the Common Council, and they may debate on any question which is being considered by it. The presiding officer, if they deem it appropriate, may allow Councilmembers or the Mayor to respond to or comment upon public comments made at

each regular meeting during public participation (Item 4 of the Agenda set forth in Rule IV above), prior to the adjournment of the meeting.

RULE VII. The presiding officer shall have, to the fullest extent provided by New York State law, the sole authority to regulate public comment at any meeting as they, in their sole discretion, shall see fit, including, but not limited to, the authority to set priority for topics of comment and to declare any person to be out of order for failure to follow their directives in this regard. In governing the meeting and regulating public comment the presiding officer shall consider, but shall not be strictly bound by the following guidelines:

- A. The public shall be allowed to speak during the period of the meeting designated as “Public Participation” or as such other time as a majority of the Council shall suspend these rules, or at a duly called public hearing, or any other time required by state law or the City Charter. Speakers must sign-in and provide their name, address, and organization they represent, if applicable. Speakers must be recognized by the presiding officer. During the segment of the meeting designated “Public Participation”, speakers shall limit their remarks to three minutes and will be advised by the presiding officer when three minutes have expired. Speakers are requested to conclude their remarks at that time. “Public Participation” is intended to afford persons an opportunity to express opinions on items on the Common Council’s agenda. No Speaker shall be declared out of order, prevented from speaking or barred from attendance at any meeting because of any disagreement with the Speaker’s position or view on any matter, because of the Speaker’s identity or because of any disagreement with the content of relevant testimony.
- B. All remarks shall be addressed to the Council as a body and not to any member thereof. Speakers shall observe the rules of decorum set forth in Subsection C below. Interested parties or their representatives may address the Council by written communications. Written communications shall be delivered to the City Chamberlain.
- C. Rules of decorum
 - 1. Purposes of rules of decorum.
 - a. To ensure that meetings of the Common Council are conducted in a way that allows the business of the City to be effectively undertaken.
 - b. To ensure that members of the public who attend meetings of the Common Council can be heard in a fair, impartial manner.
 - c. To ensure that meetings of the Common Council are conducted in a way that is open to all viewpoints and which is protective of the content of each speaker’s speech and expression yet is free from hateful, abusive, obstructive or intimidating behavior.
 - d. To ensure that these rules of decorum are understood by persons attending Common Council meetings.
 - e. To ban egregious, inappropriate, and obstructive behavior at meetings of the Common Council.

Official Minutes of the Common Council Meeting of April 2, 2024

2. Sergeant At Arms. The Chief of Police or such member or members of the Police Department as they may designate shall be Sergeant-at-Arms of the Common Council and shall carry out all orders given by the presiding officer for purposes of maintaining order and decorum at the Council meeting. Any member of the Common Council may move to require the presiding officer to enforce the rules upon an affirmative vote of a majority of the Common Council.
3. Rules for the Speaker.
 - a. The speaker shall conduct themselves in a professional and respectful manner.
 - b. All remarks shall be directed to the Common Council, as a body, and not a City staff or any member of the public in attendance.
 - c. The speaker shall not defame, intimidate, make personal affronts, make threats of violence, or use profanity. Comments should be directed toward why the speaker either agrees or disagrees with an action, decision or proposal and not attacks or insults personally against the decisionmaker(s).
4. Rules for the public. Members of the public in the audience shall not engage in any of the following activities during a Common Council meeting:
 - a. Shouting, clapping, booing, heckling, unruly behavior, or speaking out when not recognized by the presiding officer. Such behavior is distracting to the members of the Common Council and other members of the public, interfering with their ability to listen to the current speaker.
 - b. Defamation, intimidation, personal affronts, threats of violence, or profanity.
 - c. Behavior that disrupts the orderly conduct of the meeting.
5. Rules for Councilmembers. While the Common Council is in session, the members must preserve order and decorum. Each Councilmember shall conduct themselves with decorum and shall neither, by conversation or otherwise, delay nor interrupt the proceedings or the peace of the Common Council, nor disturb any member while speaking or refuse to obey the orders of the presiding officer.
 - a. Speaker to be recognized by the presiding officer. No Councilmember wishing to speak shall proceed until they shall have been recognized by the presiding officer. After such recognition, the member shall confine discussion to the item at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another member. Speakers should address their remarks to the presiding officer, maintain a courteous tone and shall avoid interjecting a personal note into the debate.

b. Discussion of Resolutions, Motions, Ordinances, Laws. Any Councilmember, when recognized by the presiding officer, may speak on any Resolution, Motion, Ordinance, Law on the printed Agenda during the period of discussion following the introduction of the aforementioned items. The Councilmember(s) named as the sponsor(s) of a Resolution, Ordinance, Law or Motion have the privilege of speaking first. No member shall speak more than once on the same question unless every member desiring to speak to that question shall have had the opportunity to do so.

6. Persons Authorized to be within Rail. No person except members of the Common Council and City Staff shall be permitted within the rail without the consent of the presiding officer.

7. Enforcement of rules of decorum.

a. Upon a violation of these rules of decorum, the presiding officer shall advise the person or persons violating a rule or rules to cease the violation with a brief description of the conduct that is in violation. The speaker or member(s) of the public shall be advised to cease the violating conduct and that further violations could result in removal from the meeting room.

b. If a violation continues, the presiding officer shall issue a second and final warning to the person(s) that they continue to be in violation of the Rules of Conduct and Decorum and that they will be required to leave the Common Council Chambers if the violation continues.

c. If the person or persons does not cease the violation(s) the presiding officer shall declare the person out of order and advise the person(s) that their right to continued attendance at the particular meeting has been revoked. The presiding officer, or his/her/their designee, shall contact the Police to arrange for removal of the person(s) from the meeting room. Said person shall be subject to all civil and criminal penalties that may apply to their conduct.

RULE VIII. When a question is under debate, no new motion shall be received, unless for the previous question, to amend it, to lay on the table, to commit it, to postpone it, or to adjourn.

RULE IX. A motion to lay a question on the table shall be decided without amendment or debate, and a motion to postpone shall be decided without debate.

RULE X. A motion to adjourn shall always be in order; and shall be decided without debate.

RULE XI. Every member who shall be present when a question is put shall vote for or against the same, or abstain with reasons for the abstention stated upon the record.

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RULE XII. No question or motion, once put or lost, shall again be put unless reconsidered; and a motion for reconsidering must be made not later than the next regular meeting after that on which the decision proposed to be reconsidered took place, and shall be made by a member who voted with the prevailing side. All motions for reconsidering must be passed by the affirmative vote of a majority of the voting power of the Common Council.

RULE XIII. On the demand of any member, a roll call vote on any question shall be taken by ayes and nays; and it shall be the duty of the City Chamberlain to enter on the minutes the names of the members voting for or against the question, and also the name of the member demanding the roll call vote.

RULE XIV. All appointments of officers and fixing of salaries shall be by ayes and nays.

RULE XV. The legislation described below shall be read and laid over until the next meeting of the Common Council unless consent for immediate adoption is approved by a majority vote of the Common Council. This rule shall apply to:

- (a) The adoption of the budget
- (b) Ordinances
- (c) Local Laws
- (d) Resolutions amending the Rules and By-Laws of the Council
- (e) Resolutions appropriating money, amending the budget, or approving the execution of contracts

RULE XVI. In order to hear persons other than members of the Common Council, the Mayor, and members of City staff, it shall be necessary to pass a motion suspending the 5 rules of order. A motion to suspend the rules may be made at any time during the meeting and shall be decided without debate. Any such person speaking shall confine themselves to the subject and not longer than three (3) minutes, unless the time is extended by the Chairperson. This rule shall not apply to public hearings.

RULE XVII. All meetings of the Common Council shall be recorded by means of an audio and/or video recording device. The archived results of the meetings shall be kept in the Office of the City Chamberlain, and shall be under their jurisdiction and control. Minutes of the proceedings shall be printed as soon as possible after each meeting and presented to the Common Council at its next meeting for its approval or correction. The minutes shall be available for public review in the Office of the City Chamberlain, and the City Chamberlain shall give a copy of the minutes to persons requesting the same to the extent that they are available. When a request is made for an annual record of the minutes, a fee shall be charged to cover the expenses of the handling and recording and mailing if the record is on paper in accordance with the New York Open Meetings Law. A Ten (\$10.00) Dollar fee shall be paid if the record is digital.

RULE XVIII. An executive session is that portion of the meeting not open to the public because of the consideration of matters authorized for executive session pursuant to the

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New York State Open Meetings Law. Proposals, discussions, statements, and transactions in executive sessions are intended to be and shall be held and maintained in confidence and shall not be disclosed.

RULE XIX. The Mayor may be invited to comment to and address the Council and the public on any issues of public concern raised by Councilmembers at the Council's regular meetings each month, prior to motions and resolutions being heard and at any time thereafter at the discretion of the Council chairperson.

RULE XX. All legislation, including local laws, motions, resolutions, and ordinances presented to the Common Council, except for procedural motions, such as motions to amend and motions to refer, shall be numbered to simplify the tracking of such legislation, with the number clearly marked below the title of each piece of legislation and on Common Council agendas, as follows:

Local Laws: LL-Year- Sequential Number (LL01-1; LL01-2; etc.)

Motions: M-Year-Sequential Number (M01-1; etc.)

Resolutions: R-Year- Sequential Number (R01-1; etc.)

Ordinances: O-Year- Sequential Number (O01-1; etc.)

Additionally, any such item listed on the agenda must clearly identify a Councilmember as its sponsor.

RULE XXI. The Chairperson of the Common Council shall give an address in response to the Mayor's annual state of the City address presented pursuant to section 3.02(h) of the City Charter at the next regular meeting of the Common Council following the Mayor's address.

RULE XXII. The Chairperson, or Vice Chairperson in the Chairperson's absence, is authorized to excuse a Councilmember from attending up to three (3) consecutive regular meetings of the Common Council because of a medical injury or illness which physically prevents the Councilmember from attending the meeting(s), if the medical injury or illness and physical inability to attend the meeting(s) is documented by a physician's note. Absences beyond three (3) consecutive regular meetings, for no more than an additional three (3) consecutive regular meetings, may be excused by a majority vote of the entire Council, based upon a written physician's note documenting the medical injury or illness which physically prevents the Councilmember from attending the meeting(s). This medical information is confidential and shall not be disclosed or discussed by individual Council members other than to note that the requesting member has documented the need for their absence.

RULE XXIII. The following rules shall apply to a legally required public hearing held before the Common Council:

(a) Speakers shall register in writing prior to the beginning of the hearing by providing their name, address, and organization if any. Individuals arriving after the commencement of the hearing shall be permitted to register upon arrival as long as the Chairperson has not closed the hearing.

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(b) The Chairperson shall recognize each speaker, in the order registered, when the hearing is commenced. Speakers shall identify themselves, their address and organization, if any, prior to the remarks.

(c) Speakers must limit their remarks to five (5) minutes. Remarks shall be addressed only to the hearing issues. Failure to limit comments to the public hearing shall be enforced by the presiding officer in the same manner as a violation of the Rules of Decorum. Speakers may not yield any remaining time they may have to another speaker.

(d) Speakers at a public hearing shall follow the Rules of Decorum as set forth in Rule VII (b) & (c). Failure to follow the Rules of Decorum shall be enforced by the presiding officer.

(e) The Chamberlain shall include in the minutes of the hearing the name, address, and organization, if any, of each speaker, a brief synopsis of the remarks, and a list of written statements submitted to the Council and shall either attach the statements to the minutes or indicate that said statements are available in the Office of the Chamberlain.

RULE XXIV: A memorialization resolution is used to make any statement that asks another government official or body to act or intended to encourage support or opposition to an action by or being considered by another government official or body. Any memorialization shall require at least four sponsors and must have a direct impact on City of Poughkeepsie Government and provide a fiscal impact statement and other supporting documentation for such proposed action. Any memorialization to the NYS Legislature or the US Congress must have bill numbers in both houses and the bills must be referred to and attached to the resolution.

Adopted by the Common Council: April 2, 2024

Resolution R-24-29

R-24-29 – ROLL CALL VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Henry	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☐	☐	☒	☐
	Councilmember Brown	Voter	☒	☐	☐	☐
	Councilmember James	Voter	☒	☐	☐	☐
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☐	☒	☐	☐
	Majority Leader Patterson Thompson	Voter	☐	☒	☐	☐
	Vice Chair Shook	Voter	☒	☐	☐	☐
	Chairman Wilson	Voter	☒	☐	☐	☐

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

- Warren Jones – N. Clover
- Laurie Sandow – S. Grand Ave*
- Jamar Cummings
- Renni Altman – Vassar Temple
- Carmen McGill – Glenwood Ave
- Darrett Roberts – Hooker Ave
- Sandra Goldberg – Dutton Ave
- Brian Robinson – Montgomery St.
- Alisa Kwitney – Hyde Park
- Daniel Atonna – Ward 8
- Zayn Hamad-Bull – Overlook Rd
- Jennah
- Lean
- Sam Finnerman – Ivy Terrace
- Kaleb Croft – Hook Rd

*Submitted written comments

IV. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Now, Council Chair's comments are going to be a little longer than usual.

To contextualize somebody's right.

So as we know that, you know, there's some been some things said - different things have [been] going on.

First I want to address our mayor's city of address. The mayor came and gave a steady city address where she focused on issues of the city.

Pertaining to our mental health issues, our homeless and unhoused individuals working with the Children's cabinet and the Common Council is in full support of the mayor city address. Those issues are something that we have been plagued with and working with for a long time now.

As far as the freedom of First Amendment rights and the freedom of speech as it goes into common Council meetings, it's been addressed. It's been talked about several times. I just want to make - to bring clarity to that.

You've heard other people come up and speak of Open Meetings Law or OML, you hear people talk about the Charter. If you go over there, there's three different piles.

There's three different piles. One has the charter rules on it, which is the rules of decorum in this public body. The rules of decorum have been in place for years now.

Then you also have Open Meetings Law or OML, the frequently asked questions and responses to what is considered a public body and what should happen.

Mister Chair Wilson did not make this up. It's been referred to several times. OML – Open Meetings Law. Right there on the paper is the document where it says that the public body can establish rules of decorum for their meetings. It also says that the public body can establish times for the public to speak. It also definitely says when a person is asking OML, do the citizens have a right to speak? And OML - and all you can research, Google it and if you find something different, please come back and show me. It says the public body does not even have to allow the public to speak, but if they do, then they are allowed to set the rules for it.

So the fact of the matter is that we - and I have addressed this before - is that we do allow the public to speak with decorum. But the Open Meetings Law, the Charter rules and the rules of decorum are right there for anybody to see. And if you want to Google it, you can check for yourself.

So there is no violation of people's right to have freedom of speech, because we know the freedom of speech is limited to certain situations. So, the fact that we are allowing people to come and speak, the fact we allow you to have signs. All we're asking for is to have some respectful decorum.

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That's simple. It's not a hard request.

It's not something new, it is not something that Chair Wilson just brought up. Chair Wilson might have *printed* it out for people to actually see it, so that they can see and read for themselves, so they can Google and things like that. But it also speaks to the rules of the Common Council, which is the public body.

Now, if anybody, like I said, has an issue with that or are reading something differently, please, just as you saw those that were here earlier, people will come up and ask me, you have the email address. You can email me.

The council, the majority of the council went to council training. It is in the charter [it] says that we have to go to council training.

In the past, other citizens have come up and said all the different things about the council. We went to the New York State - cities and municipalities training for New York State. The most official training, you can say, for New York State with [sic] this information came from.

So then we checked that.

But once again it's contextualized that this council doesn't know [what] it's doing. And that goes to what I want to talk about: narrative and contextualization.

People are talking about the ceasefire, and it's talking about the council and who was voted no.

What people might not have heard.

No one didn't say that they were against genocide.
No one didn't say they were against the ceasefire.

They were talking about the resolution and the wording of the resolution, which has caused the divide, as we can see clearly in front of us every meeting.

[Inaudible comments from audience]

And here. And here -here. Here we go again.

Here we go again. We – we, we want to have this.

Decorum. We talk about decorum. We want to be heard. But then you don't want to be respectful, but you want to be heard. You say you want to be heard, but you don't want to be respectful, you know. So that's the that's part of the things, of this.

So this is just like we said, it's a public meeting. It's a public space. So people in public want to record. That's what you have signed up for. But we still can be respectful of each other, whether the people agree or not agree.

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That's the situation.

[Comments from audience]

And if you read Open Meetings Law, you are now violating your democracy rules right here.

Yes, right. You are now in violation once again.

As I was saying, one of the things that as we can see that we can't be civil amongst these different issues because we have two sides, there's different people [they] have opinions, which was said by the council members prior to. As I had suggested before, a common ground that there would be a coalition. Could there be? Now, the issue was walked on to the agenda, which is allowable by the charter.

So some people said, well, you said it was a task force. You said this, but then you did it against it. That is not what happened. Well, that is what happened. That's not what happened *purposely* - it was walked on.

That is in the charter. Councilmembers are allowed to walk on items, as you saw, even today, there are walk on items. So that's why the resolution came forward.

It was then voted [on]. It did not pass. So, the resolution has not been brought back up.

[It]Is not here in front of us today. But yet and still, there's people that are trying to say that the council has did this and the council has did that.

We have spoke[n] about it.

Mr...well, someone had spoke[n] earlier and said they've been talking about this issue since October. So, to say that this council doesn't care. This is the same issue that has been going on around the world.

That's it.

As far as...

[audience disruption]

As far as the mayor and what was said about the mayor's administration. The City of Poughkeepsie, that everybody is here speaking of, that they love and dearly care for that we all do.

In the mayor's short time and administration, not only has she been putting Poughkeepsie on the national map with a meeting with the Harlem Children's Zone, meeting with... setting up meetings with Purpose Built, which is a national organization that deals with affordable and

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mixed housing in the nation, setting up meetings in the future with Blue Meridian, which is one of the national organizations for philanthropic groups, and going out to Minnesota for Ampact, to look at their peer work with mental health people. So you can say what you want and believe what you want, but the mayor is definitely trying to put Poughkeepsie on the map nationally and meeting with the best advisors to do what's best for the City of Poughkeepsie.

And it's not going to happen overnight because we didn't get here overnight. But if you see the mayor's agenda, you see the mayor's postings, you see that she's all over the place trying and looking for the best solutions for the City of Poughkeepsie.

Myself, the mayor and several other people are born and raised in the city of Poughkeepsie.

What contextualize. Why would a... what is the narrative? What is the reason that the narrative keeps saying that there's some corruption? Why would we wait? I mean, I'm not going to say her age. Why would I wait 48 years, 48 years to live in a city, get on the ballot, to be voted in, to now conspire against the same place that I live? It just – does - the contextualization doesn't mean.. this is just weird to me, you know? And it's kind of interesting to me. I don't know the right word to use for it. But we, you know, many people come here and speak about the youth.

People keep speaking about the youth and the people talk about the youth a lot, and we talk about we want them to see, and we want them to grow up and we want them to be leaders and things like that. As such.

But I'm not really sure of the word to use, because here lies people that at one time were those same young people, those same young people in the audience.

So, yes, some people might have just came here 10 years, 20 years, 15 years [ago]. So, they might not know. They might not know that, when the crack epidemic surged through Poughkeepsie and People Against Crack marched against narcotics, with Pacman and the drill team and Mr. Norman Tilley and Basil Greene and Lateef Islam that, like Yvonne flowers, was walking the streets, that Da'Ron Wilson was walking the streets as a youth with the caskets up and down the streets? They don't know about young people against crack and crime, where we were speaking out all over the city.

They don't know about Harambee, which is a young organization.

They don't know about the Police Athletic League that did softball on King Street with Dori Marcinelli and Miss Nancy.

They don't know about the Little League programs.

[audience disruption]

You're not making any sense. But that's okay.

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[continued disruption]

As I was saying. As I was saying, those people that want to come into the city and tell the people in the city who have been doing the work of the city for years and years, are now being victimized and villainized for upholding the city because their agenda is not being passed, because the mission is not being heard. Instead of listening and trying to work together.

And that's all that's been asked, can there be a work together? Can we work together? And as I speak now, as you can see, the disrespect but want to be respected.

And once again, as I was stating earlier, the different things that have been going on throughout the lifespans of all of these individuals up here to act like it's nothing and act like there's another agenda. None of these people took office to conspire against the city.

Each one of them have their own passion. Each one of us have our own beliefs. And as you can see, we can respectfully disagree. But we still have a mission that the people and the citizens of Poughkeepsie want us to address.

Now, before I close, while I wait for the mayor, one last thing.

When a meeting is adjourned, that means the meeting is *adjourned*. There's not official business, but I will address the fact that at the last meeting, the meeting was adjourned, and the people asked, who do we serve? And I will not make any apologies to anybody to say that I do - I serve a higher power, which I choose to call Allah.

Now, if I say I serve God, would that be okay? If I said something else, would that be okay? I do not serve, man. I'm *in service* to the community. I'm *in service* to the people.

Just like when I was a paper boy, just like when I worked at Friendly's, I was in a service. But you will never get me to say that I serve man and feel ashamed that I said I serve a higher power, because that is who I serve. Just like as a Cub Scout, you say all my honor to do my duty to God and my country. We say the pledge allegiance, we say God.

When we took our oath of office, some of us put our hand over a Bible and some of us put our hand on a Koran.

So there's a problem with the word Allah, and me saying that I serve Allah over man. Well, then, I don't know what to tell you because that's never going to be changed. That's never going to change.

Due to the continued disruption of the public attendees, Vice Chair Shook made a motion to adjourn which was seconded by Councilmember Grant

Chairman Wilson then called for a Roll Call Vote to adjourn the meeting.

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Councilmember Menist made a point of information to ask what the vote was being called for and Chairman Wilson indicated that it was to adjourn the meeting.

Motion to Adjourn – ROLL CALL VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Henry	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☐	☒	☐	☐
	Councilmember Brown	Voter	☐	☐	☐	☒
	Councilmember James	Voter	☒	☐	☐	☐
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Majority Leader Patterson Thompson	Voter	☒	☐	☐	☐
	Vice Chair Shook	Voter	☒	☐	☐	☐
	Chairman Wilson	Voter	☒	☐	☐	☐

The motion passed and the meeting was adjourned at 8:20pm

Dated: March 8, 2024

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Tuesday, April 2, 2024.

**Respectfully submitted,
Donna M. DeLuca
Deputy City Chamberlain**