



**THE CITY OF POUGHKEEPSIE
NEW YORK
SPECIAL INFORMATIONAL
COMMON COUNCIL MEETING MINUTES**

Monday, April 4, 2022	6:00 pm	Common Council Chambers
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Chair Salem called the meeting to order at 6:00 p.m.

- I. Welcome
- II. Indigenous Land Acknowledgment
- III. Pledge of Allegiance
- IV. Roll Call

Attendance: 8 Present, 1 Absent (Councilmember Deichler)

City Hall Department Heads: Rebecca Valk (Corporation Counsel), Jasmin Davis (Chamberlain/Vital Statistics), Chris Gent (Department of Public Works), Brian Martinez (Commissioner of Finance/ IT), Marc Nelson (City Administrator), Chief Tom Pape (Police Department), Joe Franco (Fire Department), Eric Philipp (Building Department), Mayor Rob Rolison, John Taylor (Assessor)

Absent: Regina Pittman (Human Resources), Natalie Quinn (Development Director)

- V. Public Participation
 - 1. Naomi Brooks – S. Grand Ave. (submitted written comments only)
 - 2. Cornelia Harris – S. Randolph Ave.
 - 3. Peter Van Aken – Wilbur Blvd.
 - 4. Laurie Sandow – S. Grand Ave. (submitted written comments)

Naomi Brooks, S. Grand Avenue
April 4, 2022 Special Informational Common Council Meeting

This is a multi-part question concerning the sale of city-owned property at 36 N. Clover Street. In 2015, the city issued a request for proposals to rehabilitate the mansion formerly used by the Poughkeepsie Day Nursery and to construct additional housing on the 2.3 acres of the site. Pelton Partners' proposal was accepted and contracts were drawn, with the purchase price based on a 2015 assessment. In the 6 plus years since the contracts were signed, the necessary land use approvals could not be obtained. Numerous extensions and numerous revisits of the proposal failed to correct the problems raised. However, because neither the city nor the developers elected to terminate the contract, the sale went through at the end of March 2022.

My questions:

For John Taylor: If Dutchess County's median real estate price in January 2015 was \$250,000 and rose to \$392,500 in January 2022, could it be assumed that this 57% increase in value should also be assigned to 36 N. Clover? Would the \$600,000 in the sales contract be increased by 57% to \$942,000 if it were to go up for sale in 2022?

For Brian Martinez or Marc Nelson: why did the city elect to move forward with a sale of one of its largest and most attractively located properties, depriving our city budget of almost \$350,000 in increased value? Specifically, why did the city not elect to terminate the contract as was allowed and outlined in its clauses, and instead allow this process to drag on and on?

For Rebecca Valk: how could you adequately simultaneously represent the interests of the city administration, Common Council, and Historic Landmarks and Preservation Commission if some of their positions held opposing views? Specifically, how could you read and interpret the sales contract to the city administrator and mayor, allowing the sale to go through, without waiting to also hear what your clients Common Council and HDLPC had questions about, or if they wanted to discuss alternate possibilities?

This contract was awarded based on a proposal, but six years later (not the two years outlined in the contract) was still without all land use approvals or building permits. That project was the basis for the contract of sale to these particular buyers, and now there is no project in place but the sale has gone through.

Is there any other scenario where a seller would hold a property through six years of escalating values for one buyer to obtain at the old price, effectively removing it from other proposals, potential buyers, or other purchase prices? Particularly, this scenario where the proposal as planned was not approved, but the sale went through anyhow? As a homeowner in our city who sees steady budget increases being reflected in my taxes and fees, I am angry that this property transfer went through under the radar, without an approved project, and way under the value of that parcel.

I think it's fair for me and other City of Poughkeepsie residents to have a reasonable expectation of honesty from electeds. The City Charter includes, "The people of Poughkeepsie share not only a common future, but also a common desire for democratic, open, effective and responsible government."

I seek democratic, open, effective, responsible and honest replies to my questions tonight.

Tonight's Informational Meeting is the public's chance to ask questions, an opportunity provided only twice a year. It is sad to think that it might be in Council Chair Salem's interest to violate the Charter in setting Informational Meeting dates, and in limiting the amount of time that members of the public have to ask their questions, but that does not make these violations within Salem's authority.

Questions to Council Chair Salem:

—Common Council meetings are generally held on the 1st and 3rd Monday of each month. But in March the meetings were held instead on the 2nd and 3rd Mondays. I've yet to receive a reply to my March 8, 2022, Freedom of Information request concerning that rescheduling. Can you tell me why the March 7 meeting was rescheduled, and not held according to the usual schedule? When I posed this question to 8th Ward Councilmember Megan Deichler, she replied, and I quote: "...I was told that occasionally, meetings will fall outside of that schedule due to conflicts with holidays and other events." I understand that you had a court date earlier in the day on March 7. I am not aware of any proximate holiday or other event.

—In NY State, Penal Law, Section §195.00, applies to Official Misconduct.

Under that law, a public servant is guilty of Official Misconduct when, with intent to obtain a benefit or deprive another person of a benefit, he or she knowingly refrains from performing a duty which is imposed upon him or her by law or is clearly inherent in the nature of his or her office. The NY State Senate site displays this text:

<https://www.nysenate.gov/legislation/laws/PEN/195.00>

§ 195.00 Official misconduct.

A public servant is guilty of official misconduct when, with intent to obtain a benefit or deprive another person of a benefit:

- 1. He commits an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized; or*
- 2. He knowingly refrains from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office.*

Official misconduct is a class A misdemeanor.

§195.00 Official Misconduct appears to apply to violations of both these Charter mandates:

1—Section 2.09 of the City of Poughkeepsie Charter requires the common council, by resolution, to appoint a redistricting commission not later than the first day of March of each calendar year ending with the digit "1". We are more than a year beyond that mandate, but still without a Redistricting Commission. This appears to be an act of Official Misconduct.

2—Section 2.05 of the Charter mandates that the Common Council convene meetings in March and September of each year which shall be solely informational. Instead the Council Meeting Schedule for 2022 shows Informational meetings in April (today, April 4, 2022) and October 3, 2022. Both dates appear to be acts of Official Misconduct.

Both of these Charter violations were filed as complaints with the City's Ethics Committee, who has kicked them upstairs to the Corporation Counsel's office. Similarly, proof that you tampered with evidence on your own website in order to circulate a slanderous narrative about why I was silenced and arrested at a Council meeting, was also submitted to the Ethics Committee, and also kicked upstairs to the Corporation Counsel.

—Members of this Council are notorious for their non-responsiveness, and even fraudulent responses to Freedom of Information (FOIL) requests. What do you suggest that I and other members of the public do when Councilmembers are non-responsive or fraudulently responsive to Freedom of Information requests? This question applies to a long list of FOI requests. Just one example is the 40-page memo that all Councilmembers are known to have received from Sarah Brannen. Not a single Councilmember returned that memo in response to a Freedom of Information request.

—I recently submitted a FOIL regarding subscribers to the Common Council's Facebook page; a page where you are the solo administrator. You replied, and I quote: "I don't have any information regarding this request". Oddly, you're on tape in 2020 saying something very different. I quote from that transcript, in part: "as the owner and the manager of the page, I receive the email addresses that are submitted. However, we're not explicitly collecting email addresses." Not only that, but shortly after I submitted my FOIL, the Council Facebook page was redesigned, much in the same way, as mentioned previously, your own website was redesigned.

—Council Chair Sarah Salem, you have a prime reserved parking space on P2 of the City Hall garage that has been kept empty for the last two years while your driver's license is suspended, pending trial (which is now scheduled to take place in June 2022). Why is that space being kept empty, and the public deprived from use of that parking space?

—Council Chair Sarah Salem, both the City Administration and the Common Council issue press releases, but the releases themselves are never posted to the public by either party. Why is that?

Questions to Chamberlain Davis:

—The City Charter specifies that “written public notice of each such [Informational] meeting shall be published in the city’s official newspaper and on the city’s official website and by whatever other electronic means as may be commonly used by the city for such purposes, and may otherwise be given as provided by the rules of the common council, not later than the fourteenth day next preceding such meeting.”

Was notice of tonight’s Informational meeting published in the Poughkeepsie Journal, 14 or more days ago? If yes, can you tell me on what date? Also, if yes, is there a reason that the same notice was not uploaded to the City’s website? I ask the same question regarding many notices that are required to be published and uploaded to the City website. A recent example would be Baxter’s request for a PILOT for 316 Main that was printed in the Poughkeepsie Journal, but the notice never uploaded to the City website.

—The Chamberlain is the c/PK Records Access Officer. As the person who determines circulation of any given FOI request, is there any way to know, request or check who has actually received? especially if there seem to be one or more party(s) who should have received and replied but who have been non-responsive?

Questions to Planning Director Natalie Quinn:

—I have requested, more than once, that a “heat map” of purchasers and the parties behind the curtains of various LLCs, be generated by the Planning Department, so that the public has a clear idea of which parties are buying up properties throughout the City of Poughkeepsie. I now make the same request to you as Development Director.

—Your previous position as Planning Director was an administrative position involving responsibility for planning, organizing, and directing the work of the City of Poughkeepsie planning division. However, you participated in many c/PK board and agency meetings, as if acting in a co-chair or some capacity other than consultant. By virtue of this participation you often influenced decision-making, including whether or not a public hearing would be held. I have not seen that authority or function granted in any job description of Planning Director. Please explain and/or provide the document(s) that grant this authority to the Planning Director.

Questions to Planning Director Natalie Quinn (continued on next page)

Questions to Planning Director Natalie Quinn (continued):

—When the Planning Board and/or Zoning Board of Appeals sends notices about upcoming public hearings, who are these notices sent to?

Property owners only? Never to tenants? Property owners within what distance of the applicant's property? It has been reported that printed notices are posted on the subject buildings. What size is the alleged notice posted to these buildings? Do you have a sample? Is only one piece of paper posted? Or are notices posted to all sides of the subject property? Are the notices readable from a distance?

—At some c/PK Board and Agency meetings, people register to watch and speak at public hearings, but the Board and/or Agency determines, without even listening to members of the public, that there will be no public hearing. Please explain how that works.

On more than one occasion, I or others have written comments in the GoToMeeting chat, but you (Natie Quinn) are the only one who can read their notes, even though it's possible that more than once person has been prevented from speaking, is writing the same comment in the chat, or making the same protest about something that's occurred or been prevented at any given meeting. It does not appear that these chat comments are preserved in the meeting's minutes.

—PK4Keeps insists that it is data driven:

Please provide the correspondence between Natalie Quinn and Paul Ackermann regarding PK4Keeps steering committee meetings and Open Meetings Law;

—A recent conversation with the PK4Keeps consultants suggests that records for PK4Keeps Steering Committee meetings are not kept. Please provide dates and times of EACH meeting, attendance records at each meeting, minutes of each meeting, documents and/or surveys distributed at each meeting and/or in advance or after each meeting;

—A recent conversation with the PK4Keeps consultants suggests that records for Kitchen Table Meetings are not kept. Please provide dates and times of EACH Kitchen Table meeting, host(s) of each meeting, attendance records at each meeting, minutes of each meeting, documents and/or surveys distributed at each meeting and/or in advance or after each meeting.

Questions to Corporation Counsel Valk:

—On Wednesday, February 16, you instructed Deputy Chamberlain Donna DeLuca that she should NOT include my public comments in the draft minutes of the February 7 Common Council meeting. On Thursday, February 17, I submitted a FOIL regarding both your instructions to Ms. DeLuca, and also your instructions to me that, if I “wish for written comments to be part of the minutes please submit prior to or contemporaneously to the meeting.” I FOILed your exchange with Ms. DeLuca and Mr. Nelson, as well as any written law, regulation or ordinances applying to all members of the public, specifying the requirements and deadlines you alleged regarding submission of their public comments.

I did not receive a reply to this FOIL until March 30—well past NY Freedom of Information Law’s provision that “If circumstances prevent disclosure to the person requesting the record or records within twenty business days from the date of the acknowledgement of the receipt of the request, the agency shall state, in writing, both the reason for the inability to grant the request within twenty business days and a date certain within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part.”

What should I understand when even the c/PK’s own Corporation Counsel is non-compliant with NY State’s Freedom of Information law? And/or sends instructions for which there appears to be no basis in law?

When I did receive a reply, my request for your correspondence to Ms. DeLuca and Mr. Nelson was denied on the basis of Attorney-Client privilege, and the second part of the FOIL reply stated that “no such document exists” regarding the deadlines you were attempting to impose on me. To quote Ms. Jasmin Davis’ reply: “As to your request for “any and all City of Poughkeepsie laws, regulations and /or ordinances that specify – in writing – requirements and deadlines apply to all members of the public regarding submission of their public comments for inclusion in Common Council meeting minutes” please be advised that so such document exists. The content of “minutes” is controlled by Public Officers Law Section 106(1): “Minutes shall be taken at all open meetings of a public body which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.”

Questions to Corporation Counsel Valk (continued on next page):

Questions to Corporation Counsel Valk (continued):

—Ms. Valk: The City's Charter clarifies, and I quote: "that the City Chamberlain and Corporation Counsel serve the Common Council as well as the Mayor, thus ensuring that the legislative branch has sufficient clerical and legal support in the exercise of its power and authority."

Yet, it appears that not only did you not include the Common Council, nor even notify the Common Council, that you were proceeding to closing on the Wheaton parcel until the very day that the closing took place. It's also my understanding that you did not notify nor seek the Council's input or opinion on that closing, even though you had been in conversation with the Mayor, the City Administrator, and one assumes Pelton Partners for at least two weeks prior to your March 29 notification, and likely far longer before that. Please advise why your actions were not a violation of your obligation under the City Charter to equally serve the Common Council as well as the Mayor?

—With the Records Access Officer as the person who determines who the FOI request will be circulated to, is there any way to request or check who has actually received? especially if there seem to be parties who should have received and replied but who have been non-responsive?

Questions to City Administrator Nelson:

—I have requested more than once that property registration be instituted throughout this City for the benefit of not only first responders, but for the benefit of confirming whether applications for certain property tax exemptions are truthful regarding residency. I've also requested that the City institute Real Property Income and Expense (RPIE) statements for income-producing properties. I've seen no progress or Administration inclination on creating either of these. Please advise.

—I would also like to see an Open Data Law, as has existed in New York City since 2012. Such a law would not only cut down on Freedom of Information requests, it would position this City at the leading edge of statewide transparency. Please advise.

—We have discussed more than once, and you have blown me off more than once, regarding the City's website redesign, which was launched in September 2021 without any Beta testing by the public that relies on that site. The new site was and continues to be riddled with broken links. The vast majority of history available on the previous site has been destroyed or rendered inaccessible. Though criticism is widespread, you and others in the City continue to insist that nearly all feedback is complimentary with very few complaints and criticisms. But I have attended more than a few non-city public meetings where it's been made obvious that's entirely untrue. I've also fielded a stream of questions from people, including councilmembers, who have a hard time finding things and navigating the new site. When I brought this up at a recent meeting, you suggested that people could always file Freedom of Information requests for the information they can't find—as if this City welcomes and is responsive to Freedom of Information requests, and as if this City has not contemptuously branded me and certain others as “frequent FOILers”. Late responses, non-responsiveness, partial responses, and even fraudulent responses are the norm in the c/PK for Freedom of Information requests. Please address this matter.

As recently as this past week, I've noted broken links:

On a PK4Keeps webpage link that was sent to attendees of the recent Open House.

Also, broken links on the page “City of Poughkeepsie Looking for Community-Minded Volunteers to Serve on Land Use Review Boards”:

<https://www.cityofpoughkeepsie.com/CivicAlerts.aspx?AID=130>

<https://www.facebook.com/CityOfPoughkeepsie/posts/299369472232088>

Questions to City Administrator Nelson (continued on next page)

Questions to City Administrator Nelson (continued)

—Out of the blue, on February 1st, I received a note from you inviting me to a meeting. You wrote, “I wanted to get your feedback on our new FOI system, chat with you about the Mayor’s recent veto of LL 6-2021, and get your input on a couple of upcoming RFP/RFEI’s.” Due to snow and other factors, that meeting did not take place until February 14. Though our meeting touched on the City’s new Freedom of Information portal and some other topics, most of the meeting was a fishing expedition about Wheaton, and an effort to recruit me to support Pelton Partners’ latest sham, with an alleged guarantee that if I supported their sham, I could sit on the art selection committee. I suspect that you were disappointed that I could not be so easily bought.

You also mentioned that before you and the Mayor left office, you felt a need to conclude the open issues of Wheaton, the Ice House, and Delaval. I did not hear you say that you wanted to conclude these in the interests of the public, but rather in your and the Mayor’s own future interests and claims of what had been accomplished while in office.

What you never mentioned was the City’s intent to close on the property with Pelton Partners LLC, to the detriment of the public. It turns out that on March 29, 2022, entirely in secret, the City DID close on the property with Pelton Partners LLC. In our meeting, you promised me several documents which you’ve never produced, including a recent appraisal, as well as an alleged extension written between Paul Ackermann and Pelton Partners prior to Paul leaving his position as Corporation Council. I’ve submitted a Freedom of Information request for those documents, and still have not received them. As we all know, the 2016 contract was riddled with fiduciary breaches; suspect signatures without dates, witnesses or notarization; and an inappropriate Council waiver of their obligation to undertake a fiscal impact statement, to name just a few red flags. However, even with the fiduciary breaches, the contract did allow the City one option to terminate the contract—an option the City never chose to exercise, despite multiple opportunities to do so.

Special Informational Meeting Minutes of Monday, April 4, 2022

VI. Adjournment

The meeting was adjourned at 6:37p.m.

Dated: April 11, 2022

I hereby certify that this true and correct copy of the Minutes of the Special Informational Meeting held on April 4, 2022.

Respectfully submitted,

Jasmin Nicole Davis
City Chamberlain