



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, May 23, 2022, 6:30 p.m.

Virtual

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

Welcome to the regularly scheduled Meeting of the City of Poughkeepsie Common Council the date is May 23, 2022, and the time is 6:30 pm.

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

Let's all recite the pledge of allegiance.

I. ROLL CALL: (6 present, 3 absent: Councilmember Thompson, Councilmember Flowers & Councilmember Johnson marked absent). Councilmembers Thompson and Johnson logged on after roll call at 6:40pm and 6:47pm respectively.

II. REVIEW OF MINUTES:

**Public Hearing – May 2, 2022
Common Council Meeting – May 2, 2022**

**Motion to accept the minutes: Councilmember Cherry
2nd: Councilmember Long**

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

-YES-

Adding Resolution R-22-39, Resolution Authorizing the Commencement of Litigation against Columbia Utilities, LLC to the consent agenda

IV. PUBLIC PARTICIPATION

1. **Peter Van Aken**
2. **John Rath – Mill St**
3. **Naomi Brooks – S. Grand Ave (submitted comments in writing)**

May 23, 2022

Naomi Brooks, S. Grand Avenue

Good evening. I have been watching numerous projects and initiatives in Poughkeepsie for a decade now, and have clearly seen what a difficult process it can be to move things along. Even when we agree on a common goal, a singular point of view can narrow one's vision. Many variables need to be considered, and at times the sheer number of them creates the strong possibility that some get little or no attention.

To combat this, our government wisely divides up many of its tasks, relying on expertise in specific areas for input to offset the pitfalls of narrow vision or inattention to certain variables. We have citizens voting to fill some of these positions, like yours, and the mayor's, so that the will of the people can be represented. Many other positions are filled differently, though, with our elected officials making the choices.

I am here tonight to ask that you introduce legislation that modifies our city code to ensure positions in our boards and commissions are filled by an alliance of city administration and Common Council members and not just by the Mayor, as is currently the case.

In the best-case scenario, having more voices weigh in on these boards and commissions appointments can help find and assess the best candidates. The brainpower and perspectives from multiple sources can accomplish this. It is always good to have more than one pair of eyes evaluate important choices.

In the less than best-case scenario, if there are disagreements about appointments, this revised system could serve as a checks and balances feature, an essential part of American government. Checks and balances help prevent an imbalance of power.

In a May 12 article by the New York Times titled How Preservationists are Losing the Battle Against Luxury Real Estate, reference was made to Poughkeepsie and the ongoing disagreements about the 36 N. Clover Street project. One sentence jumped out at me: "With five of the seven seats (on the historic commission) up for grabs, it would be easy for the mayor to replace them with commissioners more sympathetic to the plan." Having you - Common Council members - weigh in on the selection of commissioners based on the criteria in the city charter that you vote into law, such a scenario could be avoided. We need to populate positions that offer expert information, advice, and opinions with the most highly qualified candidates, and having a collaborative system can help do that. Please support this goal by modifying section 19.4-5 items 3a and 3b, and by considering modifying the parallel sections appointing Zoning Board of Appeals and Planning Board members. Thank you.

4. **Jamie Fleishman**

5. Laurie Sandow – S. Grand Ave (submitted comments in writing)

Laurie Sandow comments, City of Poughkeepsie Common Council meeting, May 23, 2022, Page 1 of 2

A few weeks ago, a councilmember said they'd rather be working on substantial City issues, than dealing with walk-ons, vetoes and overrides. But what's on tonight's Council agenda? A Loading Zone Ordinance, a last-minute addendum, and two presentations that prevent the public from interacting with the presenters – where the last time these same presenters showed up, most Councilmembers were entirely unfamiliar with the material, had not bothered to educate themselves prior to the meeting, and asked little to no questions.

There's not a single long-talked about resolution on tonight's agenda: not inclusionary housing; not City-specific home repair programs; no resolution or public hearing about the secretive sale of Wheaton Park; no explanation, other than secrecy, for the City Administrator to order a Wheaton appraisal by phone, rather than on paper, or to have craftily led the Council into agreeing that they (quote): "think about an action of this council that was not abided by some subsequent mayor or administration" (unquote). A ridiculous declaration, when both Corporation Counsel, Administration AND Common Council had the opportunity and should have overturned and terminated a contract, decision and process riddled with blatant fiduciary breach, and which, to this day, runs contrary to the City of Poughkeepsie's interest.

Let's compare and contrast just one current sales example: the County is on the verge of paying \$2.1 million for a 1-1/2-acre property at 26 Oakley, while the just City sold the larger 2-1/4-acre Wheaton property for approximately \$600,000—about one-third the sales price for a property that is nearly one-half larger. Fiscal responsibility much? Disconnect much? How is it that I submitted a Freedom of Information request six weeks ago for the Wheaton closing agreement, but still haven't received it? Is this Administration misleading the Council behind the scenes, as well as in front? Sending communications from the Administration aimed at further undermining and contradicting public comments yet—unlike the public—made by people who don't have the spine to come forward, put their comments on tape and subject them to similar scrutiny and challenge?

[Laurie Sandow comments, City of Poughkeepsie Common Council meeting, May 23, 2022, Page 2 of 2]

There's so much else that's NOT on tonight's agenda: in particular, no reports from Committees and Boards—a line item added to the agenda more than two years ago, but which has yet to be activated. Does this Council even pay attention to all the far-reaching applications before the ZBA, Planning

Board, IDA, HDLPC and others? Or only lament the absence of these reports after the fact?

One presentation tonight is from Natalie Quinn and PK4Keeps consultant Peter Lombardi from czb.org. Four members of this Council—Sarah Salem, Evan Menist, Yvonne Flowers and Debra Long—all sit on the PK4Keeps steering committee. Despite that—whether individually, or together—they’ve never made their own presentations and answered questions about their own experience at PK4Keeps closed door steering committee meetings. There’s no reason for the public to believe they’ve been fairly represented at meetings from which they’ve been explicitly barred. Why haven’t these councilmembers demanded the committee hold “open houses” where the public’s inquiries and feedback is captured on tape, as opposed to phony “open house” one-on-one conversations that willfully prevent the entire community from becoming aware of shared concerns. How is it that the Town of Poughkeepsie created a 200-page, fully narrative Comprehensive Plan, while PK4Keeps has produced only a pathetic 47-page draft plan, comprised of nothing more than squibs, crackers and splotches of color, a plan devoid of narrative and commitment.

I have much more to say but, as usual, three minutes is too short for substantial public input. And that’s just the way this Council and Administration like it—driving the public away from attendance and involvement altogether, because public comment is too short for substantial public input.

- 6. Sean Janelle**
- 7. Eugene Fleishman**
- 8. Ken Stier – Verrazano Blvd**
- 9. John Mylod – Beechwood Ave (submitted comments in writing)**

Official Minutes of the Common Council Meeting of May 23, 2022

John Mylod
P.O. Box 1169
Beechwood Ave.
Poughkeepsie, NY 12602

Comments Before the Common Council
May 23, 2022

Members of the Common Council,

My name is John Mylod, I live on Beechwood Avenue

At a Council meeting a few weeks ago, a city official was aghast that the current Common Council would consider overturning a decision and contract that a previous Council had made on the theory that this Council wouldn't want to be second guessed and overturned in the future, now would it.

However, the shockingly one sided contract in favor of the developer in the case of Wheaton Park that the Council approved at the end of 2015 speaks to just how corrupt the process was that led to the agreement and should be challenged by the current Council.

It was indeed a sweetheart deal that allowed the developer to tell the City what he would do and wouldn't do in the process, rather than the City taking charge. At every turn the city bowed to the developer, constantly extending the agreement without performance. Early on, and as stipulation in his agreement with the City, in 2014 the developer said flatly that he would not do an environmental impact statement. And the City said, OK. Worse, it meant that the Common Council could not call for the preparation of such a document despite of public pressure to do so.

And the subterfuge continues with the current administration pulling a double secret closing and new closing statement without giving the Common Council meaningful notice that it was scheduled or what the Closing Statement required the City and the Common Council to do in the future

Not surprising in this whole squalid deal is that the people of the city, and I'm sure the Council, have no idea what the "fair market value" of the property really is.

An appraisal in 2008 certainly would be different in 2014 when the City did the RFP for 2.4 acres of city parkland with views of the Hudson River, the bridges and West shore mountains. Certainly, with the increase in property values in those years the number would be much higher than in 2008. And it was required by State Legislation in 2015, but to date, there is no number

Now, the Council has been given a letter contract dated May 5, 2022 to have a new appraisal done and, like the last one, there is no written record of what was asked of the appraiser because it was done by phone. If the Council has

to approve all contracts, I urge you to get to the bottom of this one before agreeing to move ahead.

10. Johanna Fallert -

V. CHAIRPERSON'S COMMENTS AND PRESENTATIONS

First of all, thank you for the members of the public speaking on behalf of your city. I don't think your comments ever fall on deaf ears with this council, I can assure you of that. And I also can assure you that this council is taking up hard issues. You know, we're dealing with a number of issues that are not just relevant to the city, but that will help to, you know, propel the city of Poughkeepsie forward in perpetuity for its success, honestly. And so, you know, between Pelton, between 26, Oakley, between, you know, the former DeLaval site on the southern waterfront, composting [it's a] great idea.

You know, we're.. I have members on this council talking about how to get more recycling receptacles for folks in the city, understanding how critical it is, parks improvements. You know, we hear you. We're listening and we're going at a pace that makes sense for this legislative body.

But to say that we're not taking up the hard issues, taking up the issues, having to do with our unhoused population, the affordable housing crisis is just wrong. We are and you know, each of these members on this screen or if not on the screen, are working hard on behalf of the city. And I can say that confidently. And we have, you know, some issues, unfortunately, are attorney client privilege because of the way that they've unfolded. So they're not all going to come out here during the meeting. And a lot of, you know, issues and ideas and discussions we hold in caucus so that we can have a more streamlined and productive dialogue during our common council meetings. And so I just wanted to make that very, very clear.

In addition to saying that, you know, a quick update on 26 Oakley and I'm sure, you know, other colleagues of mine can provide information on this during their new and unfinished business. But at the last county legislature meeting in early May, there was a 30 day hold placed on the vote for the purchase of that property. And so the project and in that period, the county has agreed to take on more public outreach and to be able to come up with a plan and an approach and a location that makes sense for the city of Poughkeepsie.

After hearing each of you, anyone that commented on this specific project in the specific location, influenced that decision to then extend the timeline of that vote. However, there's still a lot of work to be done in 30 days which has already started, just isn't a lot of time. Understanding the gravity of the proposed project in the plan and what that location might mean for the City of Poughkeepsie in the future.

Additionally, I want to make an announcement that I will be posting a call for resumes and cover letters for folks interested in serving on the Land Bank Board, the Ethics Committee, the Industrial Development Agency and the Arts Commission.

Official Minutes of the Common Council Meeting of May 23, 2022

So those will be posted. Or [rather] that call for resumes and cover letters will be posted on the City of Poughkeepsie website www.cityofpoughkeepsie.com in the next few days.

And so again, if you're interested, it'll have an email contact for myself where you can send a resume and a cover letter. And then following that, we will host some interviews so we can get people who are interested on that, on those bodies.

And so now, without further ado, I am going to promote Development Director Quinn and consultant Peter Lombardi from the PK4Keeps Comprehensive Plan Project onto our panel site so they can give us an update and a presentation on that.

1. **FROM DEVELOPMENT DIRECTOR QUINN & CZB, INC**, a presentation of the Comprehensive plan for Poughkeepsie.

VI. MAYOR'S COMMENTS

NOT PRESENT

VII. NEW & UNFINISHED BUSINESS

VIII. REPORTS OF COMMITTEES AND BOARDS

NONE

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS: added by addendum

1. **R-22-39**, Resolution Authorizing The Commencement of Litigation against Columbia Utilities, LLC

A motion was made by Councilmember Cherry and seconded by Councilmember Long to move this resolution to ACTION AGENDA

XI. ORDINANCES AND LOCAL LAWS:

1. **O-22-03**, General Vehicle Loading Zone Amendment

**ORDINANCE AMENDING §13-211.1
OF CHAPTER 13 OF THE CITY OF POUGHKEEPSIE
CODE OF ORDINANCES ENTITLED "MOTOR VEHICLES"**

AND TRAFFIC”

(O-22-03)

INTRODUCED BY COUNCILMEMBER MENIST:

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

SECTION 1: §13-211.1 is hereby amended by the following addition:

Section 13-211.1 General Vehicle Loading Zone.

Upon the erection of signs giving due notice thereof, the following areas shall be designated as a General Vehicle Loading Zone and is to be utilized only for the purpose set forth in this Article:

Main Street, South side, beginning 170 feet West of its intersection with Academy St. and continuing West for a distance of 50 feet.

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____:

ADDITIONS denoted by **Underlining and Bold**

O-22-03						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

A motion was made by Councilmember Cherry and seconded by Councilmember Long to receive and print.

ACTION AGENDA:

IX: MOTIONS AND RESOLUTIONS:

1. R-22-39, Resolution Authorizing the Commencement of Litigation Against Columbia Utilities, LLC.

R-22-39

INTRODUCED BY CHAIR SALEM:

WHEREAS, Columbia Utilities, LLC, including any subsidiaries and affiliates, (herein collectively “Columbia”) is an independent retail energy supply company; and

WHEREAS, the City of Poughkeepsie entered into a Community Choice Aggregation Electricity Supply Agreement (“Supply Agreement”) with Columbia and Joule Assets Inc. (“Joule”), with Joule acting as Community Choice Aggregation Administrator, to provide energy benefits to residents and small non-residential customers within the City of Poughkeepsie (“Residents”); and

WHEREAS, on April 19, 2022, Columbia notified the Public Service Commission that that it intends to transfer these Residents to the utility, which transfer would constitute a breach of the Supply Agreement by terminating service without cause or in accordance with the terms of the Contract; and

WHEREAS, the City of Poughkeepsie desires to retain Hodgson Russ LLP as counsel for the purpose of joining Joule and other municipalities who also entered into the Supply Agreement in commencing litigation on behalf of the City of Poughkeepsie to enforce the Supply Agreement;

NOW THEREFORE, BE IT RESOLVED by the City of Poughkeepsie that:

Commencement and prosecution of a civil action against Columbia, and any other appropriate party, for the purpose of enforcing the Supply Agreement and protecting the interests of the Residents, including but not limited to preventing any breach, and/or recovery of damages from any responsible party on behalf of the City of Poughkeepsie and its residents and small non-residential customers, is hereby authorized and approved.

The Mayor and staff are authorized to take all appropriate steps to support the successful prosecution of the proceeding.

The retention of Hodgson Russ LLP as outside counsel is hereby authorized for the purpose of commencing and prosecuting this action. Nothing in this Resolution authorizes the expenditure of funds for such purpose.

This Resolution shall be effective immediately upon its adoption.

SECONDED BY COUNCILMEMBER _____.

R-22-39						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☐	☒	☐	☐
	Councilmember Cherry	Voter	☐	☐	☒	☐
	Chair Salem	Voter	☒	☐	☐	☐

X. ORDINANCES AND LOCAL LAWS:

XI. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

1. **A PRESENTATION FROM DEVELOPMENT DIRECTOR QUINN & CZB, INC.,** regarding the posted draft of PK4Keeps: A Comprehensive Plan for Poughkeepsie (www.pk4keeps.org)
2. **A COMMUNICATION FROM COMMUNITY DEVELOPMENT COORDINATOR PAUL HESSE AND DUTCHESS COUNTY DIRECTOR OF ENGINEERING MATT DUTCAVICH,** Regarding a Proposed Easement on City-Owned Property on Taylor Avenue.

A motion was made to defer the below communications/petitions to Corporation Counsel by Councilmember Cherry and was seconded by Councilmember Long.

3. **FROM JOSEPH ROBB,** a notice of personal injury sustained on or around September 20, 2015.

XII. ANNOUNCEMENTS:

XIII. ADJOURNMENT:

A motion was made by Councilmember Cherry and seconded by Councilmember Johnson to adjourn the meeting at 8:42pm.

Dated: May 24, 2022

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, May 23, 2022.

Official Minutes of the Common Council Meeting of May 23, 2022

Respectfully submitted,

Donna M. DeLuca
Deputy City Chamberlain

