



COMMON COUNCIL MEETING

Monday, October 17, 2022
Common Council Chambers

6:30 p.m.

I. ROLL CALL

II. REVIEW OF MINUTES:

Special Informational Meeting – October 3, 2022
Common Council Meeting – October 3, 2022

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

IV. PUBLIC PARTICIPATION

V. CHAIRWOMAN'S COMMENTS AND PRESENTATIONS

VI. MAYOR'S COMMENTS

VII. NEW & UNFINISHED BUSINESS:

VIII. REPORTS OF COMMITTEES AND BOARDS:

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS:

1. **R-22-74**, Resolution Appointing Brianna Charter to the Public Arts Commission
2. **R-22-75**, Resolution Setting a Public Hearing for the Proposed Adoption of the City of Poughkeepsie Redistricting Plan Pursuant to section 2.10 of the City Charter

X. ORDINANCES AND LOCAL LAWS:

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

1. **R-22-76**, Resolution Accepting a Grant from New York State Parks, Recreation and Historic Preservation for Reconstruction of Pulaski Park Pool House and Facilities

XII. ORDINANCES AND LOCAL LAWS:

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

1. **PRESENTATION FROM THE REDISTRICTING COMMISSION**, Report and Recommendations of the 2022 Redistricting Commission
2. **COMMUNICATION FROM COUNCILMEMBERS MENIST AND LONG** Regarding Handicapped Parking spaces on Franklin Ave. and Whinfield Ave.
3. **COMMUNICATION FROM FINANCE COMMISSIONER DR. MARTINEZ**, Regarding Joint Water Board & Capital Planning
4. **COMMUNICATION FROM FINANCE COMMISSIONER DR. MARTINEZ**, Regarding ARPA-funded façade improvement program
5. **COMMUNICATION FROM CITY ADMINISTRATOR NELSON** Approving the amendment of the lease agreement with Scenic Hudson at Pershing Park to remove 0.2 Acres
6. **FROM THE TOWN OF POUGHKEEPSIE**, a notice of property damage sustained on August 12, 2022.
7. **FROM GINO'S PIZZA & RESTAURANT INC.**, a notice of intent to renew a NYS liquor license.
8. **FROM POUGHKEEPSIE ICE HOUSE INC.**, a notice of claim sustained on August 9, 2022.

XIV. ANNOUNCEMENTS:

XV. ADJOURNMENT:

RESOLUTION
(R-22-74)

INTRODUCED BY CHAIR CHERRY _____:

WHEREAS, in accordance with New York General Municipal Law, the Common Council of the City of Poughkeepsie is authorized to make appointments of City residents to serve on the board of the City of Poughkeepsie Public Arts Commission; and

WHEREAS, the members of the Public Arts Commission serve at the pleasure of the Common Council; and

WHEREAS, it is in the best interest of the City of Poughkeepsie and its citizens that the Public Arts Commission have a full complement of members in order to properly conduct the business required of the Public Arts Commission; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby appoints the following individuals to the City of Poughkeepsie Public Arts Commission, to serve at the pleasure of the Common Council for a term ending **7/31/2025**:

Brianna Charter

SECONDED BY _____.

**RESOLUTION
(R-22-75)**

**RESOLUTION INTRODUCING A LOCAL LAW ADOPTING THE CITY OF
POUGHKEEPSIE REDISTRICTING PLAN PURSUANT TO SECTION 2.10 OF THE
CITY CHARTER**

INTRODUCED BY CHAIR CHERRY & COUNCILMEMBER SHOOK:

BE IT RESOLVED that an introductory Local Law entitled, "LOCAL LAW
ADOPTING THE CITY OF POUGHKEEPSIE REDISTRICTING PLAN PURSUANT TO
SECTION 2.10 OF THE CITY CHARTER" 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 Monday, November 7, at 6 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 _____.

LOCAL LAW ADOPTING THE CITY OF POUGHKEEPSIE REDISTRICTING PLAN
PURSUANT TO SECTION 2.10 OF THE CITY CHARTER

(LL-22-X)

INTRODUCED BY COUNCILMEMBER _____ :

SECTION 1. LEGISLATIVE HISTORY

The City of Poughkeepsie City Charter sets forth the process for redistricting at Sections 2.09 and 2.10. The Common Council appointed four members to the redistricting commission on April 4, 2022. Those four members then selected a fifth member to serve as the chair.

The Redistricting Commission submitted its proposed plan of redistricting on October 5, 2022. The Redistricting Commission presented its proposed plan to the Common Council on October 17, 2022. The Common Council now wishes to adopt the proposed Ward Map – A as presented by the Redistricting Commission.

SECTION 2. BE IT ENACTED, by the Common Council of the City of Poughkeepsie, a local law adopting the City of Poughkeepsie Redistricting Plan pursuant to Section 2.10 of the City Charter and as set forth on the attached Ward Map – A.

SECTION 3. PERMISSIVE REFERENDUM. This resolution is subject to permissive referendum as required by the City and in accordance with Municipal Home Rule Law §24.

SECTION 4. EFFECTIVE DATE. This resolution shall take upon the expiration of the time period for filing a petition for permissive referendum pursuant to Municipal Home Rule Law and filing with the Secretary of State.

Proposed 2020 Ward Map – A



Ward	2010 Wards (2020 Population)	Proposed 2020 Wards	Ward	2010 Wards (2020 Population)	Proposed 2020 Wards
1	4,283	3,973	5	3,960	4,042
2	4,246	3,821	6	4,036	4,014
3	3,566	3,857	7	4,025	3,906
4	3,618	4,101	8	3,843	3,863
			Total	31,577	31,577

(R-22-76)

**RESOLUTION ACCEPTING A GRANT FROM NEW YORK STATE OFFICE OF
PARKS, RECREATION AND HISTORIC PRESERVATION FOR THE
RECONSTRUCTION OF PULASKI PARK POOL HOUSE AND FACILITIES**

INTRODUCED BY CHAIR CHERRY: _____

WHEREAS, the City of Poughkeepsie applied for financial assistance from the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") under the Environmental Grant Fund for the reconstruction of the Pulaski Park pool house and related facilities; and

WHEREAS, the City of Poughkeepsie has been has been awarded a grant from the New York State Parks, Recreation and Historic Preservation's Environmental Protection Fund grant program ("Grant Program") in the amount of \$500,000 for improvements to Pulaski Park; and

WHEREAS, the City will utilize the grant funds for the reconstruction of the Pulaski Park pool house and accompanying facilities which will result in an improved and ADA-accessible recreational facility for this underserved neighborhood; and

WHEREAS, pursuant to section 2.05(j) of the Administrative Code of the City of Poughkeepsie, the Common Council is authorized to accept this grant on behalf of the City of Poughkeepsie; and

WHEREAS, the Common Council is desirous of accepting such grant to be used for the improvements to Pulaski Park; and

NOW THEREFORE,

BE IT RESOLVED, that the City of Poughkeepsie Common Council accepts these grant funds in an amount not to amount exceed \$500,000 for the Pulaski Park reconstruction project; and be it further

RESOLVED, that the City of Poughkeepsie Common Council authorizes Mayor Robert G. Rolison to agree to the terms and conditions of the Master Contract with OPRHP for the Reconstruction of Pulaski Park pool house and facilities; and be it further

RESOLVED, that the City of Poughkeepsie Common Council authorizes the Mayor to agree to terms and conditions of any required deed of transfer granted to OPRHP that affects title to real property owned by the municipality and improved by the grant funds, which may be a duly recorded public access covenant, conservation easement and/or preservation covenant; and be it further

RESOLVED that the City of Poughkeepsie Common Council delegates signing authority to execute the Master Contract and any amendments thereto, any required deed of easement, and any other certifications to the Mayor.

SECONDED BY: _____

**RESOLUTION
(R-22-77)**

**RESOLUTION INTRODUCING LOCAL LAW AMENDING SECTION 9-68 OF THE
CITY OF POUGHKEEPSIE CODE ENTITLED "SOLID WASTE COLLECTION FEES"**

INTRODUCED BY CHAIRWOMAN CHERRY:

BE IT RESOLVED that an introductory Local Law entitled, "LOCAL LAW AMENDING SECTION 9-68 OF THE CITY OF POUGHKEEPSIE CODE ENTITLED "SOLID WASTE COLLECTION FEES" 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 Monday, November 21st at 6pm 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 _____.

LOCAL LAW AMENDING SECTION 9-68 OF THE CITY OF POUGHKEEPSIE CODE
ENTITLED "SOLID WASTE COLLECTION FEES"

(LL-22-X)

INTRODUCED BY COUNCILMEMBER _____ :

SECTION 1. BE IT ENACTED, by the Common Council of the City of Poughkeepsie, a local law amending Section 9-68 of the City of Poughkeepsie Code entitled "Solid Waste Collection Fees," to provide as follows:

~~STRIKETHROUGH INDICATES DELETION~~

BOLD and UNDERLINE INDICATES ADDED LANGUAGE

Section 9-68. Solid waste collection fees.

(a) *Annual determination of fees.* The Mayor as a part of the budget process shall propose the fees charged by the City for solid waste collection and disposal services annually. A schedule of the annual collection fees shall be approved by the City Common Council by resolution and maintained on file in the Commissioner's office and the office of the City Clerk.

(b) *Billing of solid waste collection fee.* The Commissioner of Finance shall bill and collect the solid waste collection fee from the responsible property owner. The solid waste collection fee shall be due and payable on January 1; however, a responsible property owner may elect to pay the solid waste collection fee in quarterly installments with 25% payable on or before **March 15**, 25% payable on or before **May 15**, 25% payable on or before **August 15** and 25% payable on or before **October 15**. **The Commissioner of Finance shall issue four (4) quarterly bills. Each quarterly bill, if paid before the quarterly due date, shall be without penalty.**

(c) *Interest on unpaid residential refuse fees.* If a residential refuse fee for each improved real property is not timely paid when due, interest shall accrue on such unpaid amount at the rate of 2% per calendar month or portion thereof, computed from the original due date until paid in full, and shall be collected at the time of payment or enforcement of such solid waste collection fee.

(d) *Levy of and lien on unpaid solid waste collection fee.* If a residential solid waste collection fee including interest thereon, is not fully paid on or before, December 1 of the calendar year for which

originally billed, the unpaid amount shall become a lien as of January 1 of the next succeeding year and shall accrue additional interest, be collected, and may be enforced in the same manner and at the same time as provided by law for City taxes due in such next succeeding year.

(e) *Exemptions:*

(1) Any person who because of age or disability shall qualify for exemption from City real property taxes based on an enhanced star exemption or low income tax exemption, shall be charged a reduced fee for solid waste collection and disposal services in an amount to be determined on the schedule of annual collection fees pursuant to subparagraph (a). This reduced fee shall only apply to one dwelling unit in the case of multi-family properties. (2) Any residential user eligible for STAR tax exemption from City real property taxes, upon demonstrating that only one unit of a two or three unit residential parcel is occupied as their residence, all other units being permanently vacant, after certification to the Commissioner and inspection, pursuant to regulations promulgated by the Commissioner and approved by resolution of the City Common Council, shall pay only the annual base unit fee.

(f) *For-profit mixed residential, multi-residential, and commercial users.* The annual fee shall be in an amount to be determined on the schedule of annual collection fees pursuant to subparagraph (a) and shall be based upon that user's proportional share of the cost of waste collection services not funded by ad valorem tax,. The Commissioner is authorized to negotiate fees pursuant to Section 9-64(g) of this chapter, based on volume and time requirements for collegian, provided that such fees shall in all instances cover at a minimum the costs of providing the service.

(g) *Not-for-profit institutional users.* The annual fee shall be in an amount to be determined on the schedule of annual collection fees pursuant to subparagraph (a) and shall be based upon that user's proportional share of the total cost of waste collection services. The Commissioner is authorized to negotiate fees pursuant to Section 9-64(g) of this chapter, based on volume and time requirements for collection, provided that such fees shall in all instances cover at a minimum the costs of providing the service.

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

SECONDED BY COUNCILMEMBER _____ :

Davis, Jasmin N.

From: Tom Lawrence
Sent: Wednesday, October 12, 2022 7:04 AM
To: Davis, Jasmin N.
Subject: FW: Report and Recommendations of the Redistricting Commission
Attachments: Proposed 2020 Ward Map - A.pdf; Proposed 2020 Ward Map - B.pdf; Current Ward Map - 2020.docx

Importance: High

Jasmin - The contents of this email can serve as our presentation to the Council. The email and the three maps (current wards, Map A, and Map B) can be printed and sent to the members.

Thank you.

Tom Lawrence, Chair
City of Poughkeepsie Redistricting Commission
tlawrence@cityofpoughkeepsie.com

From: Tom Lawrence
Sent: Wednesday, October 05, 2022 10:19 AM
To: Cherry, Natasha
Cc: Long, Debra; Johnson, Lorraine; Flowers, Yvonne; Shook, Nathan; Patterson Thompson, Nedra; Deichler, Megan; Nelson, Marc; Valk, Rebecca A.; Mayor Email; Evan Menist
Subject: Report and Recommendations of the Redistricting Commission

Good morning. On behalf of the City of Poughkeepsie Redistricting Commission, I am writing to you to present our redistricting recommendations based on the 2020 decennial census. According to the City Charter, the Commission's work is to be presented to the Common Council for their consideration and action not later than November 1.

Attached to this email you will find two proposals: Map A and Map B. I have also attached a map which identifies the current ward map.

Map A is the preferred map presented by the Commission as we feel that it seems to be most consistent with the goals of the Voting Rights Act as it relates to compactness, contiguity, communities of interest, and majority-minority or coalition districts. However, the alternative, Map B, does not stray to far VRA goals.

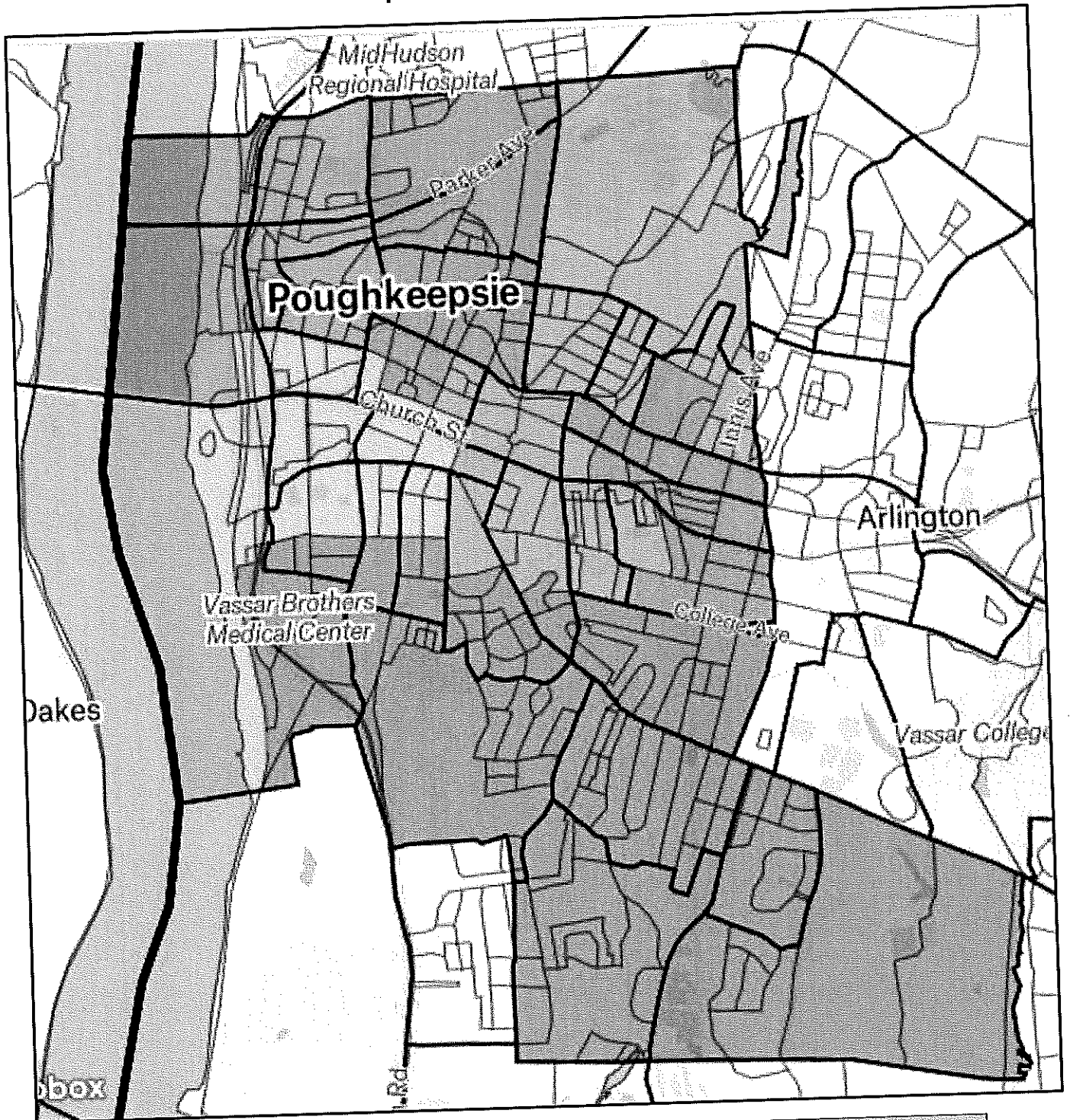
At this point, the Commission's work is complete and we recommend that the Common Council provide agenda space for a presentation by the Commission at the October 17 Council meeting. After the presentation, the Council would then schedule a public hearing as it typically does in order to adopt (or revise as they wish) the selected plan.

Please let me know if the Council will schedule a Commission presentation on October 17 so we can plan accordingly and the Council can provide public notice on the plan(s).

Thank you.

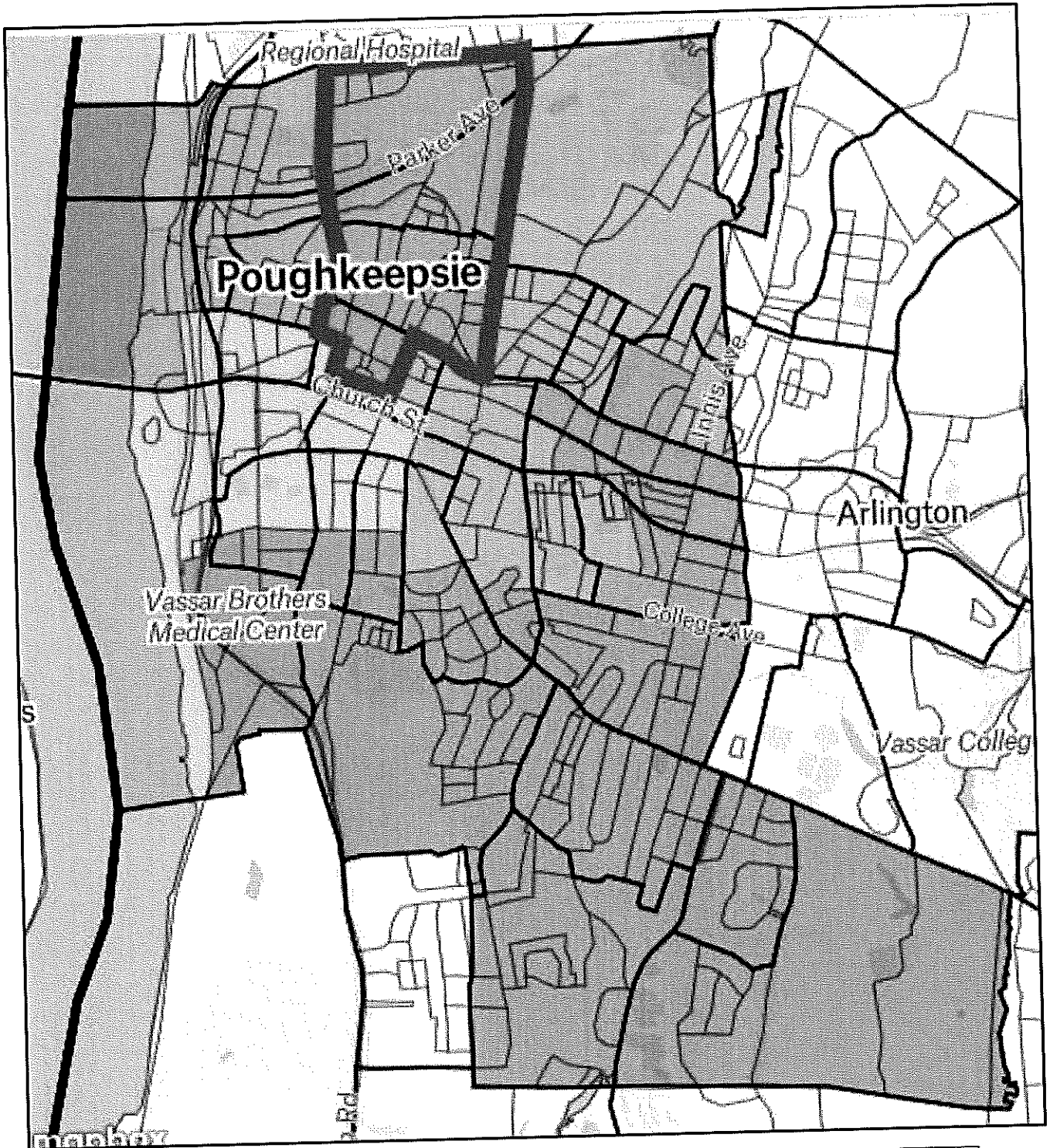
Tom Lawrence, Chair
City of Poughkeepsie Redistricting Commission
tlawrence@cityofpoughkeepsie.com

Proposed 2020 Ward Map – A



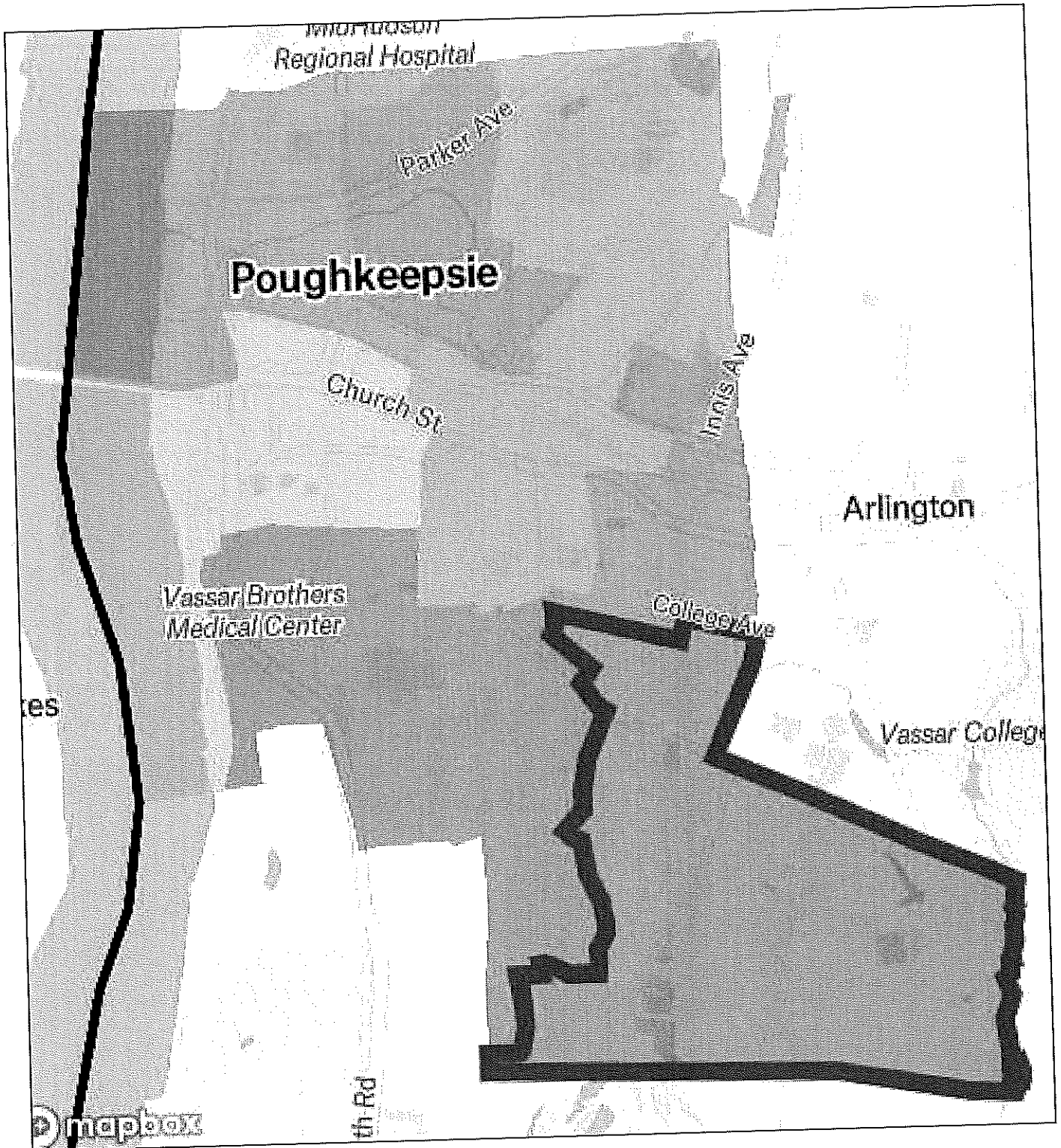
Ward	2010 Wards (2020 Population)	Proposed 2020 Wards	Ward	2010 Wards (2020 Population)	Proposed 2020 Wards
1	4,283	3,973	5	3,960	4,042
2	4,246	3,821	6	4,036	4,014
3	3,566	3,857	7	4,025	3,906
4	3,618	4,101	8	3,843	3,863
Total			31,577		

Proposed 2020 Ward Map – B



Ward	2010 Wards (2020 Population)	Proposed 2020 Wards	Ward	2010 Wards (2020 Population)	Proposed 2020 Wards
1	4,283	3,973	5	3,960	4,042
2	4,246	3,821	6	4,036	4,014
3	3,566	3,857	7	4,025	3,906
4	3,618	3,880	8	3,843	4,084
			Total	31,577	31,577

Current Ward Map – September 2020



Ward	2010 Wards (2020 Population)	Ward	2010 Wards (2020 Population)
1	4,283	5	3,960
2	4,246	6	4,036
3	3,566	7	4,025
4	3,618	8	3,843
		Total	31,577

**RESOLUTION
(R-22-XX)**

RESOLUTION ALLOCATING ARPA FUNDS FOR

INTRODUCED BY COUNCILMEMBER DIECHLER _____ :

WHEREAS, the Joint Water Project (JWP) is a cooperative venture between the City and Town of Poughkeepsie (the Town) governed by an Inter-Municipal Agreement (IMA) to provide the safe and efficient production of quality potable water to residents of the City and Town of Poughkeepsie;

WHEREAS, the JWP budget is a component of the total City budget that includes maintenance, repair and purchase of machinery and equipment to perform water quality analysis throughout the treatment and production processes,

WHEREAS, the City and Town agreed to adopt best practices in debt and capital equipment management by jointly adopting the first ever Joint Water Capital Improvements Plan in 2022;

WHEREAS, the City and Town have agreed to support continued production of the highest quality water for all residents and to therefore, jointly fund approximately \$250,000 in capital purchases in 2022 to make repairs, maintenance and the purchase of various transfer and high lift pumps, chemical analyzers, flow meters, valve actuators and a sludge tank;

WHEREAS, a key feature of the American Rescue Plan funds received by the City from the US Treasury is to ensure sustainable sources of highest quality water are available to communities;

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council approves the transfer of \$125,000 from the ARPA Contingency budget to fund Capital Improvements at the Joint Water Project as shown on Schedule A annexed hereto and made a part hereof.

Schedule A- Façade Improvements and Joint Water Capital Projects

G/L	Description	Decrease	Increase
01-20-1900 7498.AR	From ARPA Contingency	\$ (154,600)	\$ -
01-08-1620 7217.AR	To Poughkeepsie Façade Improvements	\$ -	\$ 29,600
01-08-1620 7217.AR	To Joint Water Capital Projects	\$ -	\$ 125,000

**RESOLUTION
(R-22-XX)**

**RESOLUTION ALLOCATING ARPA FUNDS FOR THE DEVELOPMENT OF A
PATTERN BOOK OF GUIDELINES FOR FAÇADE IMPROVEMENTS AND THE
DEVELOPMENT OF A FAÇADE IMPROVEMENT PROGRAM ADMINISTRATIVE
PROGRAM**

INTRODUCED BY COUNCILMEMBER _____ :

WHEREAS, the City of Poughkeepsie is a city on the go. New buildings are going up, old favorites are getting renovated, partnerships strengthening, and long overdue public investments are being made as evidenced in the steady increase of private development investment over the past seven years now totaling \$1.5 billion, representing a 36% increase from 2019;

WHEREAS, as the Dutchess County seat, the downtown corridor provides a range of governmental services, from Department of Motor Vehicles to the County Clerk's office to County Court facilities. Entertainment and hospitality venues — including the Bardavon, the Chance Theatre, the Mid-Hudson Civic Center, and the Poughkeepsie Grand Hotel — bring thousands to the City throughout the year. Nearly 100 downtown restaurants of every size and type offer a rich blend of cuisines (American, French, Greek, Mexican, Chinese, etc.) to appeal to every palate, attracting many more visitors to downtown Poughkeepsie. While attractions and services provide for the day-to-day needs of greater Poughkeepsie's inhabitants, Poughkeepsie's downtown also serves as a cultural, civic, and commercial magnet drawing visits from hundreds of thousands of Mid-Hudson Valley residents;

WHEREAS, the City is determined to build upon existing momentum by supporting local businesses, enhancing public spaces, and reactivating Poughkeepsie's historic downtown as a center for live, work and play, the Main Street business environment was uplifted between 2019 and 2021, with \$5.2M invested in parking meter and facilities upgrades in the most utilized areas of Downtown, improving the user experience, making Downtown more welcoming, and addressing critical infrastructure issues including new parking meters with access to a digital app, and the Liberty Street Parking Lot redesign, the City's first green infrastructure parking facility (completed Fall 2022); an investment of \$25,000 to create an advertising video campaign highlights why Poughkeepsie is the perfect place to locate new business www.poughkeepsiego.com/work/; also in 2022 planning was accomplished for a Main Street Betterments Pilot Program fully funded at \$50,000 to install benches, dual trash & recycling bins, tree guards and mulch, and hanging flower baskets along Main Street in 2023 with initial efforts focused between Market and Academy Street; and finally the Main Street 300 Block Streetscape Project builds on a separate pilot program to bring streetscape and pedestrian safety enhancements to the block between Academy and Clinton Street to regrade and modify drainage, install new street trees, and make sidewalk and bicycle facility improvements with design work funded at \$75,000 to be completed late 2022;

WHEREAS, to build upon and compound the effect of prior initiatives in the rebirth of the City, a successful façade improvement program for buildings within the Poughkeepsie business district along the Main St. corridor requires a pattern book of design guidelines, last updated in 1980, to

facilitate the administration of potential future grants to business and property owners that would add to the number of enhancements in the City of Poughkeepsie business corridor;

WHEREAS, American Rescue Plan funds received by the City of Poughkeepsie from the US Treasury identify support to small and micro businesses as an eligible expense;

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council approves the allocation of \$30,000, as shown on Schedule A, annexed hereto and made a part hereof, to fund the development of a pattern book of guidelines for façade improvements and to document how a façade improvement program to distribute grant funds to business owners for the sole purpose of making minor façade improvements to local business storefronts would be administered.

SECONDED BY _____.

Schedule A- Façade Improvements and Joint Water Capital Projects

G/L	Description	Decrease	Increase
01-20-1900 7498.AR	From ARPA Contingency	\$ (154,600)	\$ -
01-08-1620 7217.AR	To Poughkeepsie Façade Improvements	\$ -	\$ 29,600
01-08-1620 7217.AR	To Joint Water Capital Projects	\$ -	\$ 125,000

RESOLUTION
(R-22-XX)

INTRODUCED BY _____:

WHEREAS, by Resolution R-21-25, the Common Council of the City of Poughkeepsie authorized the Mayor, on behalf of the City, to enter into a Lease Agreement (attached hereto as Exhibit A) with Scenic Hudson for two parcels of vacant land located adjacent to Pershing Avenue Park, identified as Lots 475044 and 492044 (the "Property"); and

WHEREAS, the parties desire to amend the Lease by terminating the Lessee's tenancy only as to the northern portion of the Property consisting of approximately 0.2 acres as set forth in the attached Lease Amendment at Exhibit B; and

NOW, THEREFORE,

BE IT RESOLVED, the Common Council hereby authorizes the Mayor to execute the attached Lease Amendment as attached at Exhibit B.

SECONDED BY _____.

RESOLUTION R-21-25

AUTHORIZING A LEASE AGREEMENT WITH SCENIC HUDSON, INC. FOR EXCLUSIVE USE AND POSSESSION OF AND ACCESS TO TWO CITY-OWNED PARCELS (LOTS 475044 AND 492044) FOR THE PERSHING AVENUE NEIGHBORHOOD FARM

INTRODUCED BY COUNCILMEMBERS SALEM, FLOWERS AND RANDALL JOHNSON

WHEREAS, the City of Poughkeepsie ("City") owns two (2) parcels of real property in the City of Poughkeepsie, County of Dutchess, State of New York, located east of Pershing Avenue, identified as Lots 475044 and 492044 (the "Property"); and

WHEREAS, The Scenic Hudson Land Trust, Inc. ("Scenic Hudson"), desires to create the Pershing Avenue Neighborhood Farm (the "Farm"), comprised of a community garden and urban farm, located immediately east of Pershing Avenue Park (the "Park") on a portion of the Property for the purpose of gardening, education, employment training, and other programs; and

WHEREAS, Scenic Hudson has prepared the Property for its intended purpose with its own resources and the contributed in-kind resources of the City; and

WHEREAS, Scenic Hudson has involved and secured the support of community stakeholders in the process of planning for the Farm, including but not limited to Nubian Directions III; the AME Zion Church; Dutchess Outreach; Poughkeepsie Farm Project; The Art Effect; New City Parks; and Hudson River Housing; and

WHEREAS, the Farm will provide affordable, healthy fruits and vegetables to surrounding neighborhood residents and encourage public use and enjoyment of the Pershing Avenue Park; and

WHEREAS, Scenic Hudson does not intend to use any pollutants, pesticides, or chemical fertilizers and will design beds and plantings to minimize runoff; and

WHEREAS, Scenic Hudson will coordinate its advertising, social media presence, and programming for the Farm with the City and other community stakeholders; and

WHEREAS, Scenic Hudson will partner with community stakeholders to hold workshops on organic farming and related subjects for free or on a sliding scale basis and will offer jobs for local youth; and

WHEREAS, the Lease Agreement provides for an initial term to expire on December 31, 2025, which term may be renewed for a five (5) year term by an amended agreement following the expiration of the initial term; and

WHEREAS, the Lease Agreement provides for an annual fee of TEN DOLLARS (\$10.00); and

WHEREAS, the Common Council has reviewed such Lease Agreement and determined that entering into same will increase the efficiency of the City-owned properties and is in the best interest of the City.

NOW, THEREFORE

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby approves and supports the Lease Agreement attached hereto and made a part hereof as if fully set forth; and be it further

RESOLVED, by the Common Council of the City of Poughkeepsie that the Mayor, on behalf of the City of Poughkeepsie, is authorized to enter into a Lease Agreement in form and substance as attached hereto with Scenic Hudson; and be it further

RESOLVED, that the Corporation Counsel is authorized to approve said Lease Agreement as to form and content; and be it further

RESOLVED, that the City Chamberlain is directed to forward certified copies of this Resolution to the appropriate City Officials; and be it further

RESOLVED, this Resolution shall take effect immediately.

STATE OF NEW YORK)
) SS:
COUNTY OF DUTCHESS)

I, Donna DeLuca, Acting City Chamberlain of the City of Poughkeepsie, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said _____ at a meeting duly called and held at the _____ on _____ by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the City of Poughkeepsie, New York, this _____ day of _____, 2021.

Acting City Chamberlain, City of Poughkeepsie

LEASE AGREEMENT

THIS LEASE AGREEMENT, dated as of _____, 2021, by and between:

THE CITY OF POUGHKEEPSIE, a New York municipal corporation with offices at 62 Civic Center Plaza, Poughkeepsie, New York 12601 ("City" or "Lessor"); and

THE SCENIC HUDSON LAND TRUST, INC., with an address of One Civic Center Plaza, Suite 200, Poughkeepsie, NY 12601 ("Lessee").

WHEREAS, the City is the owner of two parcels of vacant land located adjacent to Pershing Avenue Park in the City of Poughkeepsie, and more accurately described as Lots 492044 and 475044 on the official tax map of the City (hereinafter referred to together as "the Property"); and

WHEREAS, the Lessee wishes to acquire a leasehold interest in Property for the purpose of undertaking gardening and farming activities by creating and operating a community garden and urban farm (the "Farm"); and

NOW, THEREFORE, it is hereby agreed between the parties as follows:

Section 1. Grant of Leasehold Interest; Rent.

(a) The City hereby represents that it owns the Property and that it has duly authorized this Lease Agreement. The City hereby grants Lessee an exclusive leasehold interest to Lessee for the purposes of and to perform certain gardening and farming work and associated programs and activities as part of the development by Lessee and other community-based organizations of a community garden and urban farm administered by Lessee. The Farm is anticipated to be built out substantially as shown on the plan attached hereto as Exhibit "A" (the "Farm Plan").

(b) The rent due to Lessor hereunder shall be \$10.00 per year, which shall be payable by Lessee in annual installments each anniversary of the effective date of this Lease Agreement. Lessor acknowledges that Lessee intends to improve the Property in a manner that will enhance its value and generate benefits for Lessor's constituents. Accordingly, said benefits, in conjunction with the rental payments, shall be deemed adequate consideration for the leasehold interest granted hereby.

Section 2. Use of and Access to the Property. The Lessee intends to create, plant, improve, maintain, and operate a community garden and urban farm and associated programs and activities (growing fruits and vegetables; education; training; passive recreation; cleaning, preparation and distribution of food grown at the Farm; community programs and activities, and the like) undertaken by Lessee or its designee or sublessee. Lessee agrees to do such work and perform such tasks in such manner as will comply fully with the provisions of any laws, ordinances or other lawful authority, obtaining any and all permits required thereby. Lessee shall

use reasonable efforts to perform or cause to be performed regular trash clean-up and maintenance of the grounds associated with the Farm.

Lessee may make or cause to be made improvements to the Farm and take such measures as are necessary or appropriate to maintain and repair the same, consistent with the Farm Plan attached as Exhibit A and in furtherance of the purposes for which the leasehold interest has been granted.

Lessee shall have the right to create and share publicly information pertaining to the Farm and all associated programming and activities, including but not limited to signage, brochures, flyers, advertising, print and web-based media, and the like.

With respect to Community Events organized by the Lessee which take place at the Property, Lessee shall be exempt from the permit, fee, and security deposit requirements set forth specifically in Part III, Chapter 7 3/4 of the Poughkeepsie City Code.

Lessor shall retain the right to access the Property for limited maintenance purposes as may be agreed upon by Lessor and Lessee, including mowing of open areas, snow and/or leaf removal, maintaining water and electrical supplies in working order, and performing necessary repairs, or for other maintenance, repairs or improvements that may be agreed upon by Lessor and Lessee.

Section 3. Insurance. The Lessee shall not commence or perform work nor operate machinery under this Lease Agreement until it has obtained all insurance required under this Section 3 and such insurance has been approved by the City.

A. Workers' Compensation Insurance - The Lessee shall take out and maintain during the life of this agreement such Workers' Compensation Insurance for its employees or members to be assigned to the work hereunder as may be required by New York State Law.

B. General Liability and Property Damage Insurance - The Lessee shall take out and maintain during the life of this agreement such general liability and property damage insurance as shall protect it and the City which shall be named as additional insured on all such policies from claims for damages for personal injury including accidental death, as well as from claims for property damage which may arise from operations under this agreement. The amounts of such insurance shall be as follows:

1. General Liability Insurance in an amount not less than \$1,000,000.00 for injuries including wrongful death to any one person and subject to the same limit for each person, in an amount not less than \$2,000,000.00 on account of any one occurrence.

2. Property Damage Insurance in an amount not less than \$50,000.00 for damage on account of all occurrences. The Lessee shall furnish the above certificates of insurance to the City and shall also name the City as an additional named insured in said policies.

Such insurance shall be maintained in force during the entire term of this Lease Agreement.

C. Lessee may retain employees, agents, contractors, and consultants, and may engage volunteers, to perform the subject work. In the contract by which Lessee retains such agents, Lessee and such agents shall provide and maintain insurances as required by this Section 3 and name Lessor as additional insured under insurance coverage concerning Lessee's performance of the work referenced herein.

Section 4. Damages. The Lessee will be responsible for all damage, loss or injury to persons or property that may arise in or be incurred which arise out of the negligent performance, other than those wholly caused by Acts of God. The Lessee shall assume all blame, loss and responsibility of any nature directly by reason of the Lessee's gross negligence or as a direct result of the violation by it of any federal, state, county or local laws, regulations or ordinances applicable to the Lessee and/or the nature of its performance or arising out of its activities. The indemnification requirements set forth herein shall not apply to damages resulting from negligent acts or omissions of the City and its agents. Moreover, Lessee's indemnification obligations described in this Section 4 shall not exceed the amount of insurance coverage referenced in Section 3 hereof.

Section 5. Term of Lease. The leasehold interest hereby granted shall commence upon the signing of this Lessee agreement and shall expire without further notice to either party to the other at midnight December 31, 2025, and shall be renewable at the option of the Lessee for one additional five year term. The lease may be renewed thereafter by the mutual consent of both parties on such terms and conditions as the parties shall agree at that time.

Section 6. Termination of Lease. Lessee may terminate this lease prior to December 31, 2025, or prior to the expiration of any additional term, with or without cause, on at least ninety (90) days prior written notice to the City. The City acknowledges that Lessee intends to invest significant resources in the Property that it would not otherwise invest absent an agreement by the City to refrain from terminating the leasehold interest without cause. In this regard, the City may not terminate this lease prior to December 31, 2025, or prior to the expiration of any additional term, unless Lessee is in material default of its obligations hereunder and has not, after forty-five (45) days' written notice, cured said default. Upon proper termination by either party, Lessee shall not be entitled to reimbursement of any of its costs, and Lessee and its agents, employees and contractors will restore the Property to a clean and orderly state and in substantially the same condition as existed prior to the granting of this Lease. Unless otherwise agreed to by the parties, upon the termination of this Lease, all improvements made to the Property shall become the property of Lessor.

Section 7. New York Law. This Lease Agreement shall be construed under New York law and any and all proceedings brought by either party arising out of or related to this Lease shall be brought in the New York Supreme Court, Dutchess County.

Section 8. Modification of Lease Agreement. This Lease Agreement may not be modified except by a writing subscribed by both parties to this Agreement.

Section 9. No Vested Right. It is understood and agreed that no vested right in said Property is hereby granted or conveyed from either party to the other, and that the privileges hereby given are subject to any and all encumbrances, conditions, restrictions and reservations upon or under which the parties held said premises prior to the granting of this lease.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year last written below.

CITY OF POUGHKEEPSIE (LESSOR)

ROB ROLISON
City of Poughkeepsie Mayor

Date: _____

THE SCENIC HUDSON LAND TRUST, INC. (LESSEE)

STEVE ROSENBERG
Executive Director

Date: _____

AMENDMENT TO LEASE AGREEMENT

THIS Amendment to lease agreement ("Amendment") is entered into as of the _____ day _____, 2022, by and between the City of Poughkeepsie, a New York municipal corporation, with offices at 62 Civic Center Plaza, Poughkeepsie, New York 12601 ("City" or "Lessor") and The Scenic Hudson Land Trust, Inc., with an address of 1 Civic Center Plaza, Suite 200, Poughkeepsie, New York, 12601 ("Lessee");

WHEREAS, the parties entered into a Lease Agreement dated as of _____, 2021, (the "Lease") for two parcels of vacant land located adjacent to Pershing Avenue Park in the City of Poughkeepsie, and more accurately described as Lots 492044 and 475044 on the official tax map of the City (hereinafter referred to together as "the Property"); and

WHEREAS, the parties desire to amend the Lease by terminating Lessee's tenancy only as to the northern section of the Property consisting of approximately 0.2 acres;

NOW THEREFORE, the parties hereby agree as follows:

1. The parties acknowledge the accuracy of the above whereas clauses and incorporate them herein by reference.
2. Lessee's tenancy is hereby terminated with respect to the northern most portion of the Lot 492044 consisting of approximately 0.2 acres. The portion of the Property affected by this Amendment is identified on Exhibit "A" annexed hereto.
3. Lessee shall remove all items of personal property from the portion of the Property affected by this Amendment within ten (10) days of the effective date hereof.
4. The parties hereby waive the notice obligation set forth in Section 6 of the Lease.
5. Except as expressly amended hereby, all other terms and conditions of the Lease shall remain in full force and effect with respect to the portion of the Property unaffected by this Amendment.
6. This Amendment maybe executed in counterparts. Electronic signatures shall be deemed originals for all purposes.

SIGNATURES ON FOLLOWING PAGE

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date set forth above.

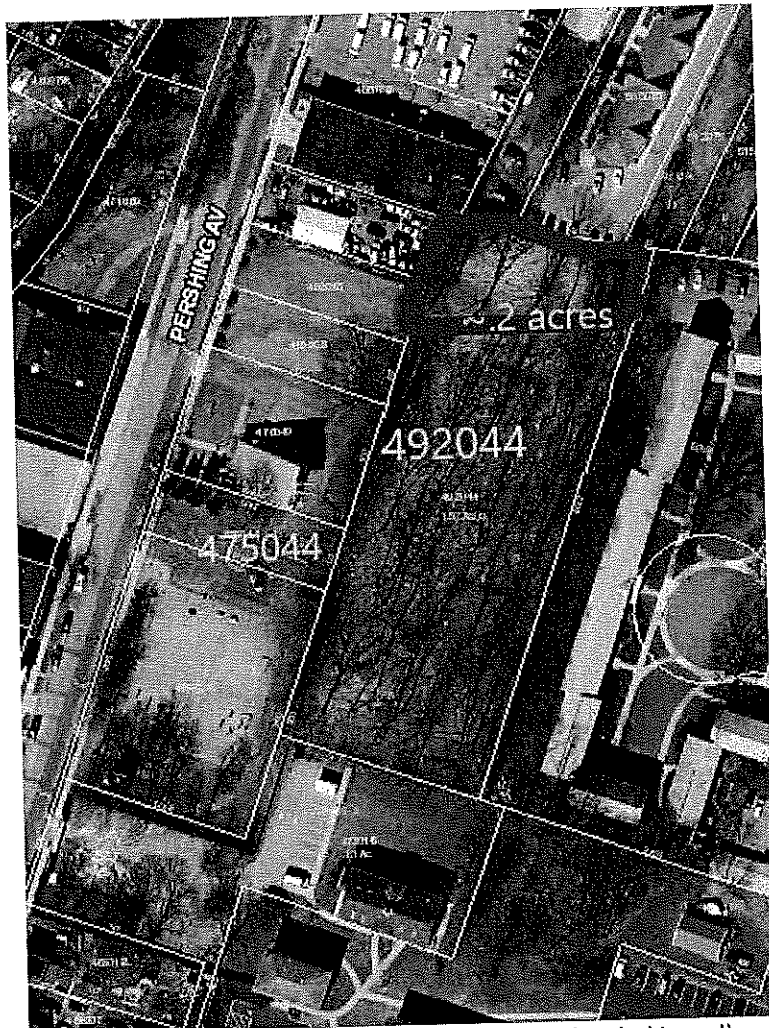
CITY OF POUGHKEEPSIE

By: _____ Date: _____
ROB ROLISON *City of Poughkeepsie Mayor*

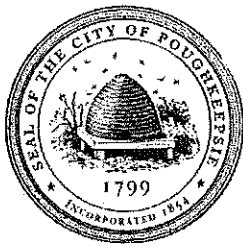
THE SCENIC HUDSON LAND TRUST, INC.

By: _____ Date: _____
STEVE ROSENBERG *Executive Director*

Portion of property to be subleased to MHADC (circled in red).



Portion of property to be subleased to MHADC (circled in red).



THE CITY OF POUGHKEEPSIE
NEW YORK
SPECIAL COMMON COUNCIL
MEETING MINUTES

Monday, October 3, 2022	6:00 pm	Common Council Chambers
-------------------------	---------	-------------------------

Chairwoman Cherry called the meeting to order at 6:00 p.m.

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

Attendance: all Common Council members were present and seated in the audience. (Councilmembers: Diechler, Flowers, Johnson, Long, Menist, Shook and Thompson).

City Hall Department Heads in attendance on the dais: Randy Alstadt (Water Plant Administrator), Councilmember Natasha Cherry (Acting Common Council Chair), Jasmin Davis (Chamberlain/Vital Statistics), Chief Joe Franco (Fire Department), Chris Gent (Department of Public Works), Dr. Brian Martinez (Commissioner of Finance/ IT), Marc Nelson (City Administrator), Chief Tom Pape (Police Department), Regina Pittman (Human Resources), Natalie Quinn (Planning/Building Department), John Taylor (Assessor) and Rebecca Valk (Corporation Counsel).

- V. Public Participation
 - 1. Naomi Brooks – S. Grand Ave.
(submitted written comments)
 - 2. Marta Knapp
 - 3. Ken Stickle

Informational meeting
City of Poughkeepsie October 3, 2022

Naomi Brooks
S. Grand Avenue

Good evening. My questions revolve around the delisting (legal term being alienation) and sale of Wheaton Park, 36 N. Clover Street in our first ward.

To frame my questions, I slogged through NYS's 69 page handbook titled Alienation and Conversion of Municipal Parkland. It begins with this: "Municipally-owned parkland... is a nonrenewable resource that should be protected. Once lost to another use recreational or open space is difficult to recover." It concludes with this: "Municipal parkland is a valued community asset. The importance of preserving parkland and open space in New York has been repeatedly confirmed by courts and by the Legislature."

In between, there are numerous guidelines and procedures to be followed. They reference the public trust, which I assumed meant the public put its trust in the government to do what was in the public's best interest. It turns out that it is a legal term establishing that certain natural and cultural resources are preserved for public use.

With the alienation and sale of Wheaton Park, the public trust has been betrayed, and in numerous ways that have never been clarified.

Not limited to my anger about how everything about Wheaton Park unfolded, though it is included here - I am tired of a city that gives preferential treatment to some developers with tax breaks and custom-written requests for proposals. And particularly in reference to Wheaton Park, I am tired of a city that attempts to balance its budgets with one-time sales of important properties at a fraction of their worth. In fact, a state auditor - when reviewing our bond rating years ago - noted that is an ineffective long-term strategy in the budgeting process. No wonder we now have the sad claim to fame as being the only city in our state rated as being in fiscal stress.

So, some questions for Marc Nelson:

- if an appraisal was necessary to assure compliance with alienation legislation as you noted in your August 30 email to Common Council, why was that appraisal received on August 24, months AFTER the March 29 sale?
- removal of parkland requires the selection of appropriate and eligible substitute lands. What was the substitution for Wheaton Park, and which price was used in the calculation, the \$600,000 purchase price or the \$940,000 appraisal price?
- if the money gained from the removal of this parkland is required to go to provide substitute lands, why did you announce at the August 11 Ward 8 meeting that the \$600,000 would be used to settle the Delaval litigation elsewhere in the city?

What is the importance of public meetings? Quoting from the federal Environmental Protection Agency's own website: "Public meetings are held to engage a wide audience in information sharing and discussion. They can be used to increase awareness of an issue or proposal, and can be a starting point for, or an ongoing means of engaging, further public involvement. When done well, they help build a feeling of community."

<https://www.epa.gov/international-cooperation/public-participation-guide-public-meetings>

And not well done? well, the City of Poughkeepsie's Council meetings, public hearings, and 2x-yearly Informational Meetings are good examples of meetings not well done, which have been whittled down to formats that reduce participation and destroy the public's sense of community. Chair Cherry, I appreciate that you've returned to the format that used to exist, where these meetings went on as long as the public had questions.

In recent years, Informational Meetings—the only meetings where the public gets to ask questions and actually have them answered—have been intentionally shortened to timing that's even shorter than public comments at Common Council meetings. Participants who are legally obligated to attend these meetings are sometimes absent, and/or find ways to avoid going on the public record by answering that they'll (quote) "get back to you."

This stands in sharp contrast to City of Poughkeepsie Charter "Section 2.05 Informational Meetings, that reads: "In addition to its organizational, regular and special meetings as hereinabove prescribed, the common council shall convene meetings in March and September of each year which shall be solely informational. All members of the common council, the mayor, the city administrator and the heads of all city departments and offices shall be in attendance unless excused by the council chair for good cause shown. The general public in attendance at such meeting may inquire of any such persons with regard to any aspect of city governance. Written public notice of each such 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."

I'll begin my questions:

—What is the current status of Flores Taqueria and/or any other business, business license and/or RFP for license of the Ice House?

—How much was Baxter fined, and how much did he actually wind up paying, for the nuisance he created when he leased his N. Hamilton parcel to subcontractors for Central Hudson?

—Has Pelton Partners ever been issued a violation, been fined, and/or paid a fine for their failure to maintain the parcel, the building and the vegetation at 36 N. Clover?

Regarding Council Chair Salem's recent resignation:

—Which person and/or City department has captured all records and correspondence exchanged—whether via City Email system, or via Salem's private Email address—between Salem, the Administration, other Councilmembers, and/or members of the public, and retained them for purposes of both continuity, transparency, historic record and public access?

—A question about the conduct of meetings:

The Council receives a \$500 stipend for online access, paid in addition to their salaries. The public constantly observes meetings, both Council meetings and Board meetings, where the members are glued to their phones and desktop devices, apparently texting each other. Why is there no enforcement requiring texts between Council and/or Board members while an Open Meeting is in session, to be displayed on the screens so that the public has access to these private conversations, manipulation of vote outcomes, and/or members who are busy texting friends and not paying any attention to the meeting at all?

Marc Nelson:

—When will this City implement property registration—an essential aid to first responders as well as to future city planning?

—In 2015, the c/PK Common Council approved a resolution for a parcel of property commonly known as Wheaton Park/Pelton Mansion, located at 36 North Clover Street, which resolution read in part: “the City issued a Request for Proposal and determined that there is no municipal use for the property;”

Recently, the developers, in tandem with the City, have promoted a plan that the Pelton mansion will be occupied by one (or more) arts-based organizations. When did the City and developers first begin discussing this possibility, and doesn’t that intent contradict the declaration of “no municipal use”?

Two local projects and/or grant opportunities:

—Scenic Hudson’s Solar Mapping, and separately, DEC Air Monitoring Capacity Building Grant

- Solar Mapping.

Hudson River Sloop Clearwater, New Yorkers for Clean Power, Scenic Hudson and the Mid-Hudson Regional Sustainability Coalition Energy Working Group are actively seeking a fourth cohort of municipalities to use the Scenic Hudson’s Solar Mapping Tool. Is the City of Poughkeepsie involved in this effort?

<https://www.clearwater.org/action/solar-mapping-fall-2022/>

<https://www.scenichudson.org/our-work/climate/renewable-energy/welcome-to-scenic-hudsons-solar-mapping-tool/>

- Air Monitoring Capacity Building Grant

NYS DEC has a current Air Monitoring Capacity Building Grant with a deadline of October 12, 2022. Has the c/PK considered an application for this grant?

This question combines two aspects concerning City Boards, and is addressed to both Dr. Martinez and Natalie Quinn:

1— NY State has a records retention law, as does City of Poughkeepsie Code;

2—Quoting Natalie Quinn from the imperfect transcript of the September 20, 2022, Planning Board Meeting:

“I think we very much encourage people who are considered experts within their field to join our municipal boards, whether that be for the HDLPC having historic preservation as the planning board, having folks who work in housing or development that is very much encouraged and wise of the city to have folks who are experts within their field serve on their board. So not only is it not a conflict of interest, but it is a benefit, I would say to this board to have you in your expertise.”

However,

- a) Arthur Rollin, an architect and expert in his field, was forced to resign from the HDLPC;
- b) when I submitted a request for the CVs and application letters to fill vacancies on the HDLPC, I was not supplied with any documents for Tim McQueen or Doug Nobiletti, and was told that Tim McQueen’s application was no longer on file. That would be a violation of both NY State and c/PK records retention laws. None of the documents I received were time-stamped as requested. The documents I received for Da’Ron Wilson make clear he’s an accomplished professional, but with no preservation experience. What qualifies these three to sit on the HDLPC?
- c) At an Arts Commission meeting, Tim McQueen stated, and I quote: “By way of disclosure, I am on the HDLPC, and any comments that I’ve made tonight are strictly from my Arts Commission hat. Now I’ll put on my ascot and my top hat when I’m with the other group.” I’d appreciate an explanation about the qualifications of a preservation commissioner who appears to be hostile to the work of his own commission, asserting the HDLPC’s work to be the work of the elite.

—Freedom of Information requests, and compliance with Open Meetings Law, is a constant issue in this City. When requests are submitted through the City's FOIA portal, one received a canned reply that does not include a date certain when documents will be supplied. FOIL specifies the acknowledgment letter must indicate the approximate date when the request will be granted or denied, which in most cases cannot exceed 20 additional business days from the date of the letter.

- A recent example is Freedom of Information request submitted to Dr. Martinez on September 7, regarding Mandatory Councilmember Training. Why am I still waiting for a reply when Dr. Martinez either has records of approving training session, or has no records of ever being asked to approve this mandatory training? And based on the date of my FOIL, should his records not already include proof of completed training?

- Effective October 19, 2021, Chapter 481 of the Laws of 2021 amended §103(e) of the Law to require that copies of records that are “scheduled to be the subject of a discussion” be made available to the public at least 24 hours before a public meeting, to the extent practicable.”

Nevertheless, Development Director Natalie Quinn did not post the Bonura walk-on that took place at the August 16, 2022, Planning Board meeting, either in advance, nor during, nor any time after that meeting.

- On November 8, 2021, the Governor signed into law Chapter 587 of the Laws of 2021 which amends the Open Meetings Law to require agencies that maintain a website and use a high-speed internet connection to post meeting minutes on its website within two weeks of the date of the meeting, or within one week of an executive session. It further states: “unabridged video recordings or unabridged audio recordings or unabridged written transcripts may be deemed to be meeting minutes.” When I registered my complaint that neither recording nor transcript existed for the City of Poughkeepsie Zoning Board of Appeals (ZBA) meeting of August 9, 2022, supposedly due to technical problems; and that the written minutes of that meeting were woefully inadequate, Corporation Counsel Rebecca Valk blew off my citation of NYS OML, and said that webcasts were provided as a (quote) “courtesy”. I sent an Email asking Ms. Valk to put her statement in writing. She did not reply. When I asked the same in person, she said she would not be putting her statement in writing, that she didn't work for me, and that I had no right to make work for her.

For reference, see the last two pages for attachments from the NYS Committee on Open Government.

For Natalie Quinn:

— At a recent Common Council meeting, you stated that an “implementation committee” for either or both the Comprehensive Plan and/or Zoning Plan had been assembled”. What are the names of those committee members? And how was it assembled? When will you hold an in-person Q&A with the public in Council Chambers where the public can ask questions and have them answered on the record?

Quoting from the imperfect transcript of the September 6 CC meeting:

Quinn: “And then there also, you know, this provides tools, but there will still need to be like a an implementation committee in that can be made up of. I think the document calls for planning board members, common council members, as well as business and nonprofit and just residents. Right to be a part of that group, they will have to decide what tools for what specific area to pull down. Right. There's recommendations that here's your toolset for this area based on the data.”

—At a recent Planning Board, neighbors attended to address their concerns and complaints about existing conditions being created by events held at the Grandview and Shadows. Yet those residents had their concerns and input dismissed because Bonura was within code and his rights for the new construction he’s proposing. Is it any wonder that the public is discouraged from attending and speaking up at these meetings when their input is dismissed by Code?

—Dutchess County Planning has recently released a report with data about single family sales. How is it that the City cannot or will not create similar reports, especially in light of updates to the Comprehensive Plan and pending updates to zoning?

At a previous Informational Meeting that Natalie Quinn did not attend, I sent a follow-up question in writing which read:

- “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.”
- Quinn’s reply was: “Regarding your request for a map depicting purchasers and property owners of parcels throughout the city, the City Planning Division does not currently track private property sales, and would not be able to produce such a map. Private property sales transactions are filed at the county level. Furthermore, we do not track LLCs or the entities that make up an LLC. Thus, we would also not be able to create a map regarding LLCs as you’ve requested. Dutchess County Parcel Access does provide property owner information for every parcel in the city and the platform is publically accessible.”

COMMITTEE ON OPEN GOVERNMENT

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
TELEPHONE: (518) 474-2518
FAX: (518) 474-1927
WWW.OPENGOVERNMENT.NY.GOV

COMMITTEE MEMBERS
BRIAN A. BENJAMIN
PETER D. GRIMM
HADLEY HARRIGAN
ROBERT F. MUJICA, JR.
ROSSANA ROSADO
DAVID A. SCHULZ
FRANKLIN H. STONE
STEPHEN B. WATERS

EXECUTIVE DIRECTOR
SHOSHANAH BEWLAY

MEMORANDUM

TO: Whom it May Concern

FROM: Shoshanah Bewlay
Executive Director, Committee on Open Government

RE: *Chapter 481 of the Laws of 2021 Relating to Records Scheduled to be Discussed at an Open Meeting*

Chapter 587 of the Laws of 2021 Relating to the Posting of Meeting Minutes

Chapter 676 of the Laws of 2021 Relating to the Definition of "Public Body"

Chapter 1 of the Laws of 2022 amending Chapter 417 of the Laws of 2021 "Notwithstanding" Elements of Public Officers Law Article 7 "The Open Meetings Law" Through the End of the Declared Disaster Emergency

DATE: November 9, 2021 (Updated February 28, 2022)

On September 2, 2021, Governor Kathy Hochul signed into Law Chapter 417 of the Laws of 2021 which, in part, authorizes most public bodies "to meet and take such action authorized by law without permitting in public in-person access to meetings and authorize such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed."

The language of the Law substantially mirrors former Executive Order 202.1 issued in March 2020. Guidance relating to that order can be found on the Committee on Open Government's website under Open Meetings Law Advisory Opinions, key phrase "Declared Disaster Emergency." Links to those opinions are below.

[OML AO 5630A](#), [OML AO 5631A](#), [OML AO 5632A](#),

On October 19, 2021, the Governor signed into law Chapter 481 of the Laws of 2021 which amends § 103(e) of the Open Meetings Law to require that records to be discussed at a meeting be made available, to the extent practicable, upon request and posted online, at least 24-hours before the meeting. The obligation to make records available to the public upon request "prior to or at the meeting" and to post the records on the agency or public body website "prior to the meeting" has been in effect since February 2012. This amendment simply places a 24-hour minimum time frame for making those records available. Additional guidance can be found [here](#).



Committee on
Open Government

On November 8, 2021, the Governor signed into law Chapter 587 of the Laws of 2021 which amends the Open Meetings Law to require agencies that maintain a website and use a high-speed internet connection to post meeting minutes on its website within two weeks of the date of the meeting, or within one week of an executive session. It further states: "unabridged video recordings or unabridged audio recordings or unabridged written transcripts may be deemed to be meeting minutes. Nothing in this section shall require the creation of minutes if the public body would not otherwise take them."

On December 21, 2021, the Governor signed into law Chapter 676 of the Laws of 2021 which amends the definition of "public body" contained in the Open Meetings Law. The definition now reads:

"Public body" means any entity, for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the state or for an agency or department thereof, or for a public corporation as defined in section sixty-six of the general construction law, or committee or subcommittee or other similar body consisting of members of such public body or an entity created or appointed to perform a necessary function in the decision-making process. A necessary function in the decision-making process shall not include the provision of recommendations or guidance which is purely advisory and which does not require further action by the state or agency or department thereof or public corporation as defined in section sixty-six of the general construction law.

Public Officers Law § 102(2).

** On February 24, 2022, the Governor signed into law Chapter 115 of the Laws of 2022 which made changes to Chapter 676 of the Laws of 2021 (see above), to clarify the definition of "public body" for purposes of the Open Meetings Law. The amended definition now reads:

"Public body" means any entity, for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the state or for an agency or department thereof, or for a public corporation as defined in section sixty-six of the general construction law, or committee or subcommittee or other similar body consisting of members of such public body or an entity created or appointed to perform a necessary function in the decision-making process for which a quorum is required in order to conduct public business and which consists of two or more members. A necessary function in the decision-making process shall not include the provision of recommendations or guidance which is purely advisory and which does not require further action by the state or agency or department thereof or public corporation as defined in section sixty-six of the general construction law.

On January 14, 2022, Governor Kathy Hochul signed into Law Chapter 1 of the Laws of 2022 amending Chapter 417 of the Laws of 2021 to authorize any public body (as that term is defined by § 102(2) of the Open Meetings Law) "to meet and take such action authorized by law without permitting in public in-person access to meetings and authorize such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed."

Chapter 1 takes effect immediately and shall expire and be deemed repealed upon the expiration or termination of the state disaster emergency declared pursuant to Governor Hochul's Executive Order 11 or any extension or modification thereof. As of the updated date of this memo, Executive Order 11.3 had extended Executive Order 11 through March 16, 2022.



Committee on
Open Government

Special Informational Meeting Minutes of Monday, October 3, 2022

4. Laurie Sandow – S. Grand Ave.
(submitted written comments)
5. Peter Van Aken – Wilbur Blvd.
6. Gus Kazolias

VI. Adjournment

The meeting was adjourned at 8:01 p.m.

Dated: October 12, 2022

I hereby certify that this true and correct copy of the Minutes of the Special Informational Meeting held on October 3, 2022.

Respectfully submitted,

**Jasmin Nicole Davis
City Chamberlain**



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, October 3, 2022, 6:30 p.m. Common Council Chambers

**Welcome to the regularly scheduled Meeting of the City of Poughkeepsie Common Council
the date is October 3, 2022, and the time is 8:10 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: 8 present

II. REVIEW OF MINUTES:

Common Council Meeting – September 19, 2022

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

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

-NONE-

IV. PUBLIC PARTICIPATION

1. Jamar Cummings – 415 Maple St.

2. **Justin Newmon – 147 Union St. (For the Many)**
3. **Nick Kalogris – 14 Maryland Ave.**
4. **Kane Bowers - 147 Union St. (For the Many)**
5. **Sofia Monosson – 57 Cannon St. (For the Many)**
6. **Daniel Atona – College Ave. (For the Many)**
7. **Naomi Brooks – S. Grand Ave. - submitted written comments**

Common Council October 3, 2022

Thank you for selecting The Newberry project in the RESTORE NY Round 6 funding application. This project should rank quite high using the scoring criteria listed in the Municipal Grant Program's guidelines for funding of proposals. The Newberry already has obtained a SEQRA negative declaration and land use approvals, putting it far along in the development process and demonstrating that it aligns with the principles and processes in place for development in our city.

The project will provide rehabilitation of a pivotal building in the Main Street Corridor, adding to commercial space availability and creating substantially sized new residences. The vacant land that is part of this proposal will be integrated into the project as green space, with programming to benefit the entire community.

The Newberry cannot apply for some other typical sources of funding for buildings of similar age and condition. It is not designated as an historic landmark, it does not meeting the criteria for brownfield remediation, it will not use Low Income or Supportive Housing funding because it will be a market rate development, and it is ineligible for Opportunity Zone benefits because it was purchased prior to that program's inception.

Main Street has become depressed and blighted. Vacant properties add to the hollow feeling of a city whose primary commercial streets are languishing. Having a large iconic building rehabilitated and populated with a vibrant mix of community activity, commercial space, and roomy residences will provide a microcosm of what our newly approved updated Comprehensive Plan seeks to create: a city that has places to live, work, shop, and enjoy the outdoors – all within a compact, convenient, and attractive area. The project will not only increase city property tax revenue from its parcel, but its success should help with increasing the value of other Main Street area properties and *their* tax revenue as well. It will be a key step toward injecting new life into Main Street, a place that can once again be a destination for families to spend time and money.

-Naomi Brooks
S Grand Avenue, Poughkeepsie
October 3, 2022

- 8. Ken Stickle – 118 Catharine St.**
- 9. Laurie Sandow – S. Grand Ave. – submitted written comments**

Laurie Sandow comments, City of Poughkeepsie Common Council meeting, October 3, 2022, Page 1 of 3

I'm going to have to revise my public comments tonight on the fly.

First, briefly expanding on Ken Stickle's remarks about the Fall Kill: If certain members of this Council had not obstructed the LWRP—the Local Waterfront Revitalization Program—the Fall Kill would now be included in the waterfront's expanded boundaries. So this Council has to take some responsibility for the lack of grants, the lost opportunities for grants, the general obstruction of the LWRP, and because the LWRP boundaries still remain limited, the developments that currently escape scrutiny regarding their potential impacts on the Fall Kill and the waterfront.

Regarding Airbnb's, yes, they play a part in the unaffordability and reduced number of rental units in this city, but they are a minor player in the bigger picture of proliferating market rate developments, where every landlord in this city—whether decent or slumlord—takes an attitude similar to “well, if Baxter can get that rent, I can get it for my rental property, too,” and nobody is dealing with that outcome.

This housing crisis is hardly new. In September 2019, RUPCO and the Benjamin Center at SUNY New Paltz hosted a seminar titled “Hudson Valley Housing: The Impact of Short-Term Rentals and the Prospect of Rent Regulation”. Short-term rentals, including Airbnbs were on this Council's agenda in early 2021, a year and a half ago, and the Council for the most part blew it off, more worried about friends who might lose revenue from renting their properties during events like Vassar weekends. And so that item came and went from this Council's agenda and never showed up again.

Nobody Leaves Mid-Hudson/For the Many was not in the room at the time, nor were they in the room at the time that Natalie Quinn introduced the Innovation District zoning in 2018. That zoning didn't protect existing affordable housing, and only incentivized, but didn't require, affordable housing.

So I have to shake my head at some of the people who are so righteous now about these issues when they regularly fail to show up and pay attention to these and other issues that come up in front of this Council until one selected issue suddenly wakes them up to organize and promote resolutions. And certain council members like Evan Menist and Megan Deichler—previously inactive on these issues—get involved in pay-to-play support and sponsorship of those resolutions because Nobody Leaves Mid-Hudson and For the Many endorsed their campaigns and/or paid for their campaign literature.

Regarding transparency in this city, a certain quote appeared in a recent news article, saying: “The people of this city are the top priority,” and that they would “work to insure that the process [for choosing the new Council Chair would be] as transparent as possible....” I want to make it clear that what follows is a global criticism of both Administration and Council, and not a criticism of any single individual.

And that criticism is: the people of this City are clearly NOT the top priority in this City, and the vast majority of issues, processes and decision-making in this City are conducted behind closed doors, and are decidedly NOT transparent. If they were transparent, City Administrator Marc Nelson would not be blasting me at a public meeting for filing too many Freedom of Information (FOIL) requests. In 2012, NYC passed an “Open Data Law,” mandating that all public data be made available on a single web portal by the end of 2018. That law did not cause the government to topple. On the contrary, during the pandemic, access to open data proved invaluable as members of the public—at no cost to government—used it to create all kinds of applications that served both government and public needs and uses. Yet no-one in this City has ever introduced a similar law or otherwise made the effort to make data and decision-making open and accessible to the public. As a consequence, FOIL requests are the only option for obtaining most information, and the City consistently sits on those requests as long as possible before providing answers, most often answering incompletely.

I understand that my own 8th Ward representative, Megan Deichler, who held just one dog-and-pony ward meeting, and who makes no effort to keep her constituents informed and engaged, has behind closed doors, put some time and efforts into rallying other councilmembers to call me out. Is calling me out an urgent matter on this City's agenda?

This Council is composed of members, nearly all of whom have never spoken before the Council as private citizens, never attended or asked questions at Informational Meetings, never attend or speak or keep themselves informed about the agendas of other City board and committee meetings, yet fall all over themselves to limit public comments at Council meetings, and slash and burn the time allotted to public participation at the 2x-yearly Charter-mandated Informational Meetings.

Adding to their secrecy and silence, this Council has embraced the use of Consent Agendas where decisions have been made behind closed doors, masking the non-participation, absences and ignorance of certain councilmembers. Not one Councilmember chose to step up and talk about their experience on the PK4Keeps Steering Committee, nor did one councilmember set up a public hearing or a Ward meeting where Natalie Quinn would have to meet and answer to the public in person. A very recent example of failure to communicate, and absence of open data, is the resignation of Council Chair Sarah Salem. Neither the City nor a single member of the Council posted about that resignation, even after it was covered by local news outlets. It wasn't until I tagged all the Councilmembers on social media, that the Acting Chair responded to say the issue was on the agenda for an upcoming Caucus meeting.

Until the councilmembers whose primary contribution during meetings is "no comment, no questions"—rather than seriously and publicly address the questions and concerns on the minds of their constituents—perhaps it would be fitting to shift those members to the other side of the Chamber rail and consign them to the 3-minute time limit of public comments.

10. Gus Kazolias – Noxon St.

V. CHAIRPERSON'S COMMENTS AND PRESENTATIONS

Chairwoman Cherry: My comments are just simple. So we have put out a call for resumes for the position of Councilmember At-Large. As of today, yesterday, well, actually, Sunday, I reached out to my colleagues. We had five applications yesterday. As of tonight, we have seven. We will be reviewing all the resumes together as a council and we'll be making a decision. This is a decision based on majority vote. So I will reserve further comments until we get together and discuss the applicants. But you still have time to put in your resume. The posting closes on Friday. I did reach out to each applicant today just sending I received sort of email. So if you did not receive that email, you might want to resubmit. And that concludes my comments.

~~VI. MAYOR'S COMMENTS~~

VII. NEW & UNFINISHED BUSINESS:

~~VIII. REPORTS OF COMMITTEES AND BOARDS:~~

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS:

A motion to receive and print the Consent Agenda items was made by Councilmember Long and seconded by Councilmember Menist.

1. **R-22-71**, Resolution Approving the License Agreement with the Poughkeepsie Alliance for the Champion's Walk Project

**RESOLUTION
(R-22-71)**

**RESOLUTION APPROVING LICENSE AGREEMENT FOR INSTALLATION,
OPERATION AND MAINTENANCE OF AREAS ASSOCIATED WITH THE "COREY
INGRAM CIRCLE OF CHAMPIONS WALK"**

INTRODUCED BY COUNCILMEMBER FLOWERS:

WHEREAS, the City of Poughkeepsie is the owner of certain property at 225 Smith Street, City of Poughkeepsie, Tax Id #6162-57-605460, dedicated to be known as "Corey Ingram Circle" as well as certain lands within the right of way of Smith Street and Salt Point Turnpike as shown in the attached Exhibit A (hereinafter collectively referred to as the "Property"); and

WHEREAS, the Poughkeepsie Alliance Inc. wishes to collaborate with the City and other not-for-profits to establish: 1) the "Corey Ingram Circle of Champions Walk" (hereinafter the "Champions Walk"); 2) a memorial to Corey Ingram; and 3) install a centerpiece marking the entrance to the City of Poughkeepsie at the Property as well; and

WHEREAS, the Champion's Walk will consist of improvements to create a memorial recognizing individuals who have made significant contributions to the Northside of the City of Poughkeepsie; and

WHEREAS, a license agreement is necessary between the City and the Poughkeepsie Alliance Inc. in order to install, operate and maintain the Champion's Walk.

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 the Poughkeepsie Alliance Inc. upon the terms and conditions annexed hereto as Exhibit A and made a part hereof; and

BE IT FURTHER RESOLVED, that the Mayor, City Administrator and Corporation Counsel 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 _____.

R-22-71			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Chairwoman Cherry	Voter	☒	☐	☐	☐

2. R-22-71, Resolution Approving an Agreement with NYS DOT

RESOLUTION (R-22-72)

INTRODUCED BY ACTING CHAIR CHERRY _____:

WHEREAS, pursuant to General Municipal Law Section 99-r, the City may enter into a contract with any state agency for services; and

WHEREAS, the City's Department of Public Works has a long-standing relationship through prior Shared Services Agreements with the New York State Department of Transportation (NYSDOT) wherein the City and the State share services, exchange or lend materials or

equipment which shall promote and assist the maintenance of State and Municipal roads and highways and provide a cost savings by maximizing the effective utilization of both parties' resources; and

WHEREAS, prior Shared Services Agreements have expired; and

WHEREAS, the parties wish to continue this long-standing and mutually beneficial relationship by executing the Shared Services Agreement attached hereto as **Exhibit A**.

NOW, THEREFORE,

BE IT RESOLVED, the Common Council hereby authorizes the Mayor to execute the attached Share Services Agreement with the NYS DOT.

SECONDED BY _____.

R-22-72			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Chairwoman Cherry	Voter	☒	☐	☐	☐

3. **R-22-73**, Resolution of Support for The Newberry Project in Application to the Restore NY Grant Program

RESOLUTION (R-22-73)

INTRODUCED BY COUNCILMEMBER MENIST :

WHEREAS, the City of Poughkeepsie is desirous of submitting a grant application to Round 6 of the Restore NY grant program, offered through Empire State Development Corporation for funding to support the rehabilitation of a vacant property at 278-288 Main Street, also referred to as "The Newberry;" and

WHEREAS, the City of Poughkeepsie is committed to advancing its economic development strategy and local revitalization goals through ongoing collaboration with other governmental units and private partners; and

WHEREAS, the funding for the Restore NY program is appropriate for this specific rehabilitation project and facilitates the effective and efficient use of existing and future public resources so as to promote both economic development and the preservation of community resources; and

WHEREAS, the City held a public hearing on September 16, 2022 in order to receive public comment on proposed applications and related Property Assessment Lists; and

WHEREAS, the City was presented with two (2) potential projects equally qualified for this grant award;

WHEREAS, the Common Council's decision was a difficult one, as both projects reflect great steps forward in the revitalization of Poughkeepsie; and

WHEREAS, the Common Council is desirous of lending its support and endorsement to the Newberry application which has been deemed to support its overarching revitalization goals.

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie supports and endorses the City's Restore NY Round 6 grant application to secure funds in supporting of rehabilitating the vacant property at 278-288 Main Street commercial and residential use;

BE IT FURTHER RESOLVED, that the Mayor is authorized and hereby shall do all things necessary to give effect to this resolution including but not limited to signing any document needed for submission or acceptance of the grant.

SECONDED BY _____.

R-22-73			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Chairwoman Cherry	Voter	☒	☐	☐	☐

X. ORDINANCES AND LOCAL LAWS:

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

XII. ORDINANCES AND LOCAL LAWS:

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

- 1. COMMUNICATION FROM COMMISSIONER OF FINANCE DR. BRIAN MARTINEZ**, Regarding an Administrative Change to the Sanitation Billing Process
- 2. COMMUNICATION FROM CITY ADMINISTRATOR NELSON** Authorizing the City to Transition Certain Employee Health Care Benefits from NYSHIPs "Empire Plan" to NYSHIPs "Excelsior Plan", and to pursue same via the Collective Bargaining Process.

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

- 3. FROM RENA CLARK**, a notice of personal injury sustained on June 20, 2022.
- 4. FROM TALIA TURK**, a notice of personal injury sustained on August 13, 2022.
- 5. FROM LUIS R. DIAZ RODRIGUEZ**, a notice of personal injury sustained on September 6, 2022.
- 6. FROM KATHERINE A. LOJA**, a notice of personal injury sustained on September 12, 2022.

XIV. ANNOUNCEMENTS:

A motion was made by Councilmember Thompson and seconded by Councilmember Diechler to adjourn the meeting at 9:32pm.

Dated: October 12, 2022

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, October 3, 2022.

Respectfully submitted,

Jasmin Nicole Davis
City Chamberlain

Town of Poughkeepsie
Water Department

1 OVEROCKER ROAD
POUGHKEEPSIE, NY 12603



PHONE (845) 462-6535

09/14/2022

City of Poughkeepsie Fire Department
505 Main Street
2nd Floor
Poughkeepsie NY, 12601

CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN
2022 SEP 30 AM 11:15

RE: Damages to Town Water System

Dear MR. Franco

On August 12, 2022 around 12 pm Town of Poughkeepsie Water Department personnel witnessed the City of Poughkeepsie fire department flow testing fire hydrants on Cedar Avenue. Shortly thereafter the Town of Poughkeepsie Water Department started receiving calls of a major water main break on Walnut Hill Road. Our crew arrived to find a large self-excavated hole and water flooding the resident's homes and properties out. This leak was caused by water hammer from the City fire department not operating the fire hydrant correctly while they were flow testing on Cedar Avenue. As the day progressed the City Fire department arrived and it was discussed with Water Department personnel that they caused the water main to break, even though they were not flowing a hydrant on Walnut Hill Road. Both the City and Town Water Systems are connected at Walnut Hill and the water hammer traveled through the City system into the Towns creating a major leak on the Towns Water Main. A gas service was hit during excavation and a valve was broken that also needed to be repaired, eventually the repair was made and the water was back on hours later.

I would like the City of Poughkeepsie fire department to reimburse the Town of Poughkeepsie Water Department the cost of restoration of the road, labor and materials.

Sincerely

Town of Poughkeepsie Water Superintendent

Town of Poughkeepsie Water Department

98 Cedar Avenue 845-462-6535 fcogan@townofpoughkeepsie.ny.gov

Poughkeepsie, NY 12601 Fax Number Website

845-451-1070 1

845-462-6535

tcogan@townofpoughkeepsle.ny.gov

Fax Number

Website

845-451-4079

1

Fax:

9/14/2022

Email:

Invoice For:

Invoice For:					
Water System					
Item #	Description	Qty	Unit Price	Discount	Price
1	8" water main	8.5	\$ 38.00		\$ 323.00
2	Hymax couplings	2	\$ 392.90		\$ 785.80
3	Item 4 In tons	30	\$ 14.00		\$ 420.00
4	Binder & blacktop	118	\$ 76.96		\$ 9,081.28
5	Clove Excavtion	1			\$ 27,117.50
6	Water Department Labor(7 mechanics)	1			\$ 5,919.78
7	Highway Department labor(meo)	1			\$ 1,005.66
					\$
					\$
					\$
					\$
					\$
					\$
					\$
Invoice Subtotal					\$ 44,619.93
Tax Rate					
Sales Tax					\$
Other					
Deposit Received					
TOTAL					\$ 44,619.93

Make all checks payable to Town of Poughkeepsie Water Department.

Total due in 30 days. Overdue accounts subject to a service charge of 10% per month.

CLOVE EXCAVATORS, INC.

212 VAN WAGNER ROAD
POUGHKEEPSIE, NY 12603

Invoice

Date	Invoice #
8/30/2022	2383

Bill To
Town of Poughkeepsie Water Dept. 1 Overocker Road Poughkeepsie, N.Y. 12603

Ship To

P.O. Number		Terms	Rep	Ship	Via	F.O.B.	Project	
				8/30/2022			Walnut Hill	
Quantity	Item Code	Description				Price Each	Amount	
		Walnut Hill				1,000.00	1,000.00	
1	Mobilization	Move in Cat PM622 Miller-08/29/2022				200.00	200.00	
1	Mobilization	Move in Cat 272 Skidsteer w/ Miller-08/29/2022				200.00	200.00	
1	Mobilization	Move in Case 580M Backhoe-08/29/2022				5,600.00	5,600.00	
1	Cat PM622 Miller	Daily Rental Cat PM622 Miller-08/29/2022				190.00	760.00	
4	Cat 272 w/ Miller	4 Hours Cat 272 w/ Miller-08/29/2022				140.00	560.00	
4	Case 580 M	4 Hours Case 580 M Backhoe-08/29/2022				225.00	900.00	
4	Sweeper-Elgin Bro...	4 Hours Elgin Broom Bear Sweeper-08/29/2022				120.00	3,090.00	
25.75	Labor	25.75 Hours Labor-08/29/2022				300.00	300.00	
1	Paving Van	Paving Van 08/29/2022				130.00	520.00	
4	Triaxle-move mater...	4 Hours Triaxle with Driver # 52-08/29/2022				130.00	520.00	
4	Triaxle-move mater...	4 Hours Triaxle with Driver # 61-08/29/2022				130.00	552.50	
4.25	Triaxle-move mater...	4.25 Hours Triaxle with Driver # 64-08/29/2022				130.00	357.50	
2.75	Triaxle-move mater...	2.75 Hours Triaxle with Driver # 70-08/29/2022				130.00	520.00	
4	Triaxle-move mater...	4 Hours Triaxle with Driver # 78-08/29/2022				200.00	200.00	
1	Mobilization	Move in Roadtec RP175 Paver-08/30/2022				200.00	200.00	
1	Mobilization	Move in Cat CB10 Roller-08/30/2022				330.00	2,640.00	
8	2021 Roadtec RP17...	8 Hours Roadtec RP175 Paver-08/30/2022				170.00	680.00	
4	Cat CB10	4 Hours Cat CB10 Roller-08/30/2022				140.00	560.00	
4	Case 580 M	4 Hours Case 580 M Backhoe-08/30/2022				150.00	525.00	
3.5	Water Truck #80	3.5 Hours Water Truck-08/30/2022				120.00	1,260.00	
10.5	Screedmen	10.5 Hours Screedmen-08/30/2022				120.00	2,910.00	
24.25	Labor	24.25 Hours Labor-08/30/2022				300.00	300.00	
1	Paving Van	Paving Van 08/30/2022				130.00	780.00	
6	Triaxle-move mater...	6 Hours Triaxle with Driver # 60-08/30/2022				130.00	715.00	
5.5	Triaxle-move mater...	5.5 Hours Triaxle with Driver # 61-08/30/2022				130.00	780.00	
6	Triaxle-move mater...	6 Hours Triaxle with Driver # 64-08/30/2022				130.00	780.00	
3.75	Triaxle-move mater...	3.75 Hours Triaxle with Driver # 70-08/30/2022				130.00	487.50	
						Total	\$27,117.50	

INVOICE

Peckham Materials Corp

A subsidiary of Peckham Industries, Inc.

PO Box 1055 | Albany NY 12201-1055 • 914-949-2000

Invoice Number: **1005**

Invoice Date: **9/3/2**

Sold To:
Town of Poughkeepsie
8 Burnett Blvd
Poughkeepsie, NY 12603
lsimmons@townofpoughkeepsie-ny.gov

Order	Plant	PO Number	Description	Units	Qty	Unit Price	Net Amt	Net 30 Days
160555	Pleasant Valley HMA							
8/29	1257	403.17 M TYPE 6 TOP	TON	1.95	✓	62.000	120.90	120.90
8/29	S10	Escalation	TON	1.95	✓	15.934	31.07	31.07
8/30	1257	403.17 M TYPE 6 TOP	TON	0.73	✓	62.000	45.28	45.28
8/30	1257	403.17 M TYPE 6 TOP	TON	47.45	✓	62.000	2,941.80	2,941.80
8/30	BND-T3	403.13 M TYPE 3 BINDER	TON	70.12	✓	62.000	4,347.44	4,347.44
8/30	S10	Escalation	TON	70.12	✓	14.135	991.14	991.14
8/30	S10	Escalation	TON	48.18	✓	15.934	767.70	767.70
9/01	1257	403.17 M TYPE 6 TOP	TON	3.60	✓	62.000	223.20	223.20
9/01	1257	403.17 M TYPE 6 TOP	TON	22.03	✓	62.000	1,365.86	1,365.86
9/01	BND-T3	403.13 M TYPE 3 BINDER	TON	34.98	✓	62.000	2,188.76	2,188.76
9/01	S10	Escalation	TON	34.98	✓	12.870	450.20	450.20
9/01	S10	Escalation	TON	25.83	✓	14.508	374.84	374.84

DB5110-0431

\$197.23
\$223.20

\$420.43

ARLINGTON

\$4356.66

WATER DEPT.

\$9048.18

Discount	Rate	Tax	Amount
13,825.27			13,825.27

Please detach and return this stub with your payment

Make check payable to: **Peckham Industries, Inc**
PO Box 1055
Albany, NY 12201-1055

To receive invoices via email please visit our web
portal at:
www.peckham.com/portal
or contact us at credit@peckham.com

Sales Subtotal	Tax Amount	Amount
13,825.27	0.00	13,825.27

Discount available within 10 Days of Invoice Date

Plant: Pleasant Valley HMA
Customer: Town of Poughkeepsie
8 Burnett Blvd
Poughkeepsie, NY 12603

Invoice Number: **1009618**
Customer Number: **180555**
Invoice Date: **9/3/2022**

Evans, John

From: Franco, Joe
Sent: Monday, September 19, 2022 10:41 AM
To: Evans, John
Cc: 'Steepprock, Edward'; Meyerson, Mark; Garon, Ken; Brugger, Jim
Subject: Walnut Hill water main info- Town Water bill to us.

All,

The Town water dept is trying to recoup \$45K from the water main break on Walnut Hill Road on August 12, 2002. Of course, there was a big blacktop patch there from a previous excavation!

John Evans at Corp Counsel is handling City response.

Please assist him with the following:

LT Bruegger: Deposition of what you tested that day, slow opening and closing valves used, etc. They are saying it was a Water Hammer.

LT Garon: Deposition of what occurred afterwards with Town Water employees at Richmond & Cedar, in the City.

LT Meyerson: Check sheets of what was tested on Cedar Ave on 8/12 and that no testing was performed in town or on Walnut Hill that day.

Also, John may find a visual aid to water main system out there useful.

Ed: Since you are the water main genius, he may have questions regarding things.

Thank You all, this is bogus but we aren't paying for it!

Joseph Franco
Fire Chief
City of Poughkeepsie Fire Department
505 Main Street
Poughkeepsie, NY 12601

jfranco@cityofpoughkeepsie.com

845-451-4079 (Main)
845-451-4191 (Fax)

Evans, John

From: Valk, Rebecca A.
Sent: Friday, September 16, 2022 4:12 PM
To: Evans, John; Martinez, Brian
Cc: Gent, Chris; Sorrell, Karen; Bryant, Joseph A.
Subject: FW: Damages to the Town of Poughkeepsie Water System from improper operation of fire hydrant
Attachments: letter to city of poughkeepsie fire department.docx; city fire invoice.xlsx; SKM_4050i22091415042.pdf; resident on walnut hill letter.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

FYI - Chief Franco has responded to only me. It is below.

John - I think it would be best to interview individuals separately to get an understanding of what occurred here.

REBECCA A. VALK
Corporation Counsel
City of Poughkeepsie
62 Civic Center Plaza, 3rd Floor
Poughkeepsie, NY 12601
Telephone: 845-451-4065
rvalk@cityofpoughkeepsie.com

From: Franco, Joe <JFranco@cityofpoughkeepsie.com>
Sent: Friday, September 16, 2022 4:03 PM
To: Valk, Rebecca A. <RValk@cityofpoughkeepsie.com>
Subject: FW: Damages to the Town of Poughkeepsie Water System from improper operation of fire hydrant

Rebecca,

This is nonsense. It is at a dead end main.

PFD tested on Cedar Avenue that day, we a slow opening and closing valve, this eliminates the risk of "water hammer". LT Jim Bruegger was on this detail on date in question. We did not test on that section of Walnut Hill as it is in the Town, dead ended from the City portion of that road.

What they did not disclose, which I saw with my own eyes, is the previous blacktop patch at the very spot where the main break was. Some other work had been done at this location previously.

The Town water department knows very little about actual hydrant testing as they never do it.

Following this incident, while in area of Richmond Road, in the City, 2 Town water department employees verbally threatened LT Garon and crew, so they left scene. How they knew City FD was there is beyond me, but it was clearly IN THE CITY.

LT Garon will provide a deposition if needed. I was going to let this incident go.

I called out to Town Water, talked to the #2 there, called him out on his people, and LT Garon and crew went back out to test.

Their feelings are hurt, we didn't cause their weak water pipe to break.

Joseph Franco
Fire Chief
City of Poughkeepsie Fire Department
505 Main Street
Poughkeepsie, NY 12601

jfranco@cityofpoughkeepsie.com

845-451-4079 (Main)

845-451-4191 (Fax)

From: Tom Colgan [<mailto:tcolgan@TownofPoughkeepsie-ny.gov>]

Sent: Wednesday, September 14, 2022 3:20 PM

To: Franco, Joe <JFranco@cityofpoughkeepsie.com>; Nelson, Marc <MNelson@cityofpoughkeepsie.com>; Martinez, Brian <BMartinez@cityofpoughkeepsie.com>

Cc: Jay Baisley <jbaisley@TownofPoughkeepsie-ny.gov>; Charles Emberger <cemberger@TownofPoughkeepsie-ny.gov>; Jessica Servidio <jservidio@townofpoughkeepsie-ny.gov>

Subject: Damages to the Town of Poughkeepsie Water System from improper operation of fire hydrant

Good Afternoon Gentlemen,

In the attachments above is a summary of an event that took place on August 12, 2022, between the Town of Poughkeepsie Water system and the City of Poughkeepsie Water System. The second attachment is an invoice for the City of Poughkeepsie Fire Department to reimburse the Town of Poughkeepsie Water Department for the expense relating to this incident.

Please feel free to contact me with any question.

Sincerely

**Town of
Poughkeepsie**



Thomas Colgan
Water superintendent

Dept: Water

Address: 1 Overocker Road, Poughkeepsie, NY 12603

Phone: 845.462.6535

ext: 3800

Direct:

Cell: 845.489.7244

Fax:

Web: <https://link.edgipilot.com/s/12727206/JUT1qd8iRUGFVEmHMXI1Fw?u=http://www.townofpoughkeepsie-ny.gov>

Email: Tcolgan@townofpoughkeepsie-ny.gov

This communication is not to be shared with any third party, unless required by law, without the written consent of the Town of Poughkeepsie

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

Gino's Pizza and Restaurant
706 Main Street
Poughkeepsie, NY 12601
(845) 454-2525
www.ginospizzaofpoughkeepsie.com

CITY OF Poughkeepsie
CITY CHAMBERLAIN
2022 OCT 11 PM 1:25

October 5, 2022

Via certified mail return receipt requested

City of Poughkeepsie Clerk
Poughkeepsie Municipal Building
62 Civic Center Plaza
Poughkeepsie, New York 12601

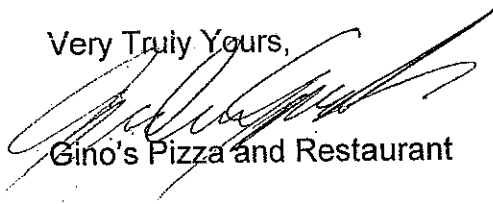
Re: Gino's Pizza & Restaurant, Inc.
Liquor License Renewal

Dear Sir or Madame:

Please be advised that Gino's Pizza & Restaurant, Inc. Intends to renew its liquor license with the New York State Liquor Authority and please find enclosed is the 30 day notice as required by the SLA. The premises is located at 706 Main Street, Poughkeepsie, NY 12601.

Thank you and please feel free to contact us with any additional questions.

Very Truly Yours,


Gino's Pizza and Restaurant

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

1. Date Notice Sent: 10/6/22

1a. Delivered by: _____

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

For premises outside the City of New York:

☐ New Application ☐ Removal ☐ Class Change

For premises in the City of New York:

☐ New Application ☐ New Application and Temporary Retail Permit ☒ Renewal ☐ Alteration ☐ Removal
☐ Class Change ☐ Method of Operation ☐ Corporate Change

For New and Temporary Retail Permit applicants, answer each question below using all information known to date
 For Renewal applicants, answer all questions

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

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

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

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

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

Please include all documents as noted above. Failure to do so may result in disapproval of the application.

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

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

Applicant/Licensee Information:

4. Licensee Serial Number (if applicable): 2135096 Expiration Date (if applicable): 11/30/22

5. Applicant or Licensee Name: Gino's Pizza & Restaurant, Inc

6. Trade Name (if any): _____

7. Street Address of Establishment: 706 Main Street

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

9. Business Telephone Number of applicant/ Licensee: 845-454-2525

10. Business E-mail of Applicant/Licensee: ginos4542525@aol.com

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

12. Extent of Food Service: ☒ Full Food menu; full kitchen run by a chef/cook ☐ Menu meets legal minimum food requirements; food prep area required

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

☐ Seasonal Establishment ☐ Juke Box ☐ Disc Jockey ☐ Recorded Music ☐ Karaoke

14. Method of Operation: (check all that apply) ☐ Live Music (give details i.e., rock bands, acoustic, jazz, etc.): _____

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

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

☒ Other (specify): Sirrus background music

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

CITY OF Poughkeepsie
CITY CLERK
2022 OCT 11 PM 1:25

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

POUGHKEEPSIE ICE HOUSE, INC.,

Claimant/Plaintiff,

- against -

THE CITY OF POUGHKEEPSIE,

Respondent/Defendant

**NOTICE OF CLAIM
PURSUANT TO GENERAL
MUNICIPAL LAW § 50-e**

PLEASE TAKE NOTICE that the claimant hereby makes claim and demand against

The City of Poughkeepsie as follows:

(1) Name and post-office address of each claimant, and of his attorney, if any:

Claimant: Poughkeepsie Ice House, Inc.
1289 Route 9
Wappinger Falls, New York 12603

Attorneys: Dorf & Nelson LLP
The International Corporate Center
555 Theodore Fremd Avenue
Rye, New York 10580

(2) Nature of the claim:

Respondent The City of Poughkeepsie ("Respondent") knowingly and fraudulently induced Claimant Poughkeepsie Ice House, Inc. ("Claimant") to expend substantial sums of its own money and resources to renovate and upgrade licensed premises of an eatery in the "Ice House" building ("Building") located in Waryas Park and owned by Respondent during the ten year extension period of a License Agreement between Respondent and Claimant for the Building ("License Agreement"). Respondent permitted Claimant to re-open and operate the eatery in the Building during the extension period of the License Agreement. During the extension period of the License Agreement, and to the exclusion of Claimant, Respondent's counsel, Rebecca Valk, conspired and colluded with Claimant's employee and said employee's counsel for issuance of a new and separate license for the Building, between

CITY OF POUGHKEEPSIE
CITY CHANCELLOR
2007 OCT 12 AM 11:23

CITY OF PUTNAM
CLERK OF COURT
OCT 12 AM 11:23

Respondent and said employee, and further conspired to seek approval from Respondent's Common Council for issuance of a new license to said employee while the subject eatery was open and operating at the Building under the terms of the License Agreement. Respondent interfered with the employment relationship and negotiations for an asset sale agreement between Claimant and claimant's said employee. Respondent wrongfully sought to terminate the License Agreement prematurely by service of a ten (10) day notice to quit Claimant's occupancy of the Building during the extension period of the License Agreement.

(3) Time when, the place where and the manner in which the claim arose; and

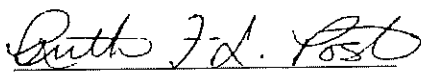
This claim arose on around August 9, 2022, when Respondent issued and served a "10 Day Notice To Quit To Licensee" indicating its intention to evict Claimant from the Building while the eatery was open and operating during the extension period of the License Agreement.

(4) Items of damage or injuries claimed to have been sustained so far as then practicable.

Claimant has been damaged by having expended substantial sums of money and resources to renovate and upgrade the Building and re-open the eatery and by being deprived of the ability to maintain operations of the eatery for the full term of the extension period of the License Agreement.

Dated: Rye, New York
October 6, 2022

DORF & NELSON LLP

By: 
Ruth F-L. Post, Esq.
Jonathan B. Nelson, Esq.
Attorneys for Plaintiff
The International Corporate Center
555 Theodore Fremd Avenue
Rye, New York, 10580
(914) 381-7600