

THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, April 20, 2020 6:30 p.m.

City Hall

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

Welcome to the regularly scheduled meeting of the City of Poughkeepsie Common Council the date is Monday, April 20, 2020, and the time is 6:30 pm

Moment of Silence for Theo, “Tree”, Arrington, who passed this morning. This is a significant loss for the City of Poughkeepsie. 'Tree' brought needed programs and services for young people in the City of Poughkeepsie, forever influencing their outlook on life. Our community will never be the same thanks to Tree, and it won't be the same without him. Thank you, Tree. My love and thoughts to family and friends.

Effective immediately and based upon notices and health advisories issued by Federal, State, and Local officials related to the Coronavirus, the City of Poughkeepsie Common Council will not hold in-person meetings. Until further notice, all future City Council meetings (including public hearings) will be held via videoconferencing, as permitted by the NYS Open Meetings Law.

Due to public health and safety concerns, the public will not be permitted to attend at the remote locations where the City Council members will be situated. The public, however, will be able to fully observe the video conference meeting by using the registration link that was posted with our meeting notice and the meeting will be available for viewing at a later date and available on our website.

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

Let's all recite the pledge of allegiance.

I. PLEDGE OF ALLEGIANCE:

ROLL CALL-All Present. Councilmember Petsas joined after the “roll call” was taken.

II. REVIEW OF MINUTES:

CCM Minutes 4-6-2020						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

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

REMOVE:

VII. MOTIONS AND RESOLUTIONS:

6. SEQRA Resolution R20-38, and Sale Resolution R20-39, for the sale of city owned property located at 556 Main Street.

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

Laurie Sandow-South Grand Avenue

Council Chair Sarah Salem is breaching both Common Council rules as well as City of Poughkeepsie Charter by preventing recorded audio public comments, by limiting public comments and participation to written comments only, and by requiring those comments to be submitted no later than 1-1/2 hours prior to a Common Council meeting. Council Chair Salem is also lawless in removing the public participation item from tonight’s Monday, April 20, 2020 Common Council agenda.

None of Governor Cuomo’s Executive Orders give Salem these powers. They are powers that Salem, alone herself, is grabbing, manufacturing and abusing without cause (other than Salem’s documented history of hostility and opposition toward the public in general, and toward specific members of the public’s protected democratic exercise of opinion and speech). Salem’s abuse is insidious, and implemented without affirmation or vote by fellow Common Council members.

As provided by law, I reserve the right to supplement these comments once tonight’s Common Council meeting is concluded.

Thank you.
Sincerely,
Laurie Sandow

V. MAYOR'S COMMENTS:

Mayor Rolison: Thank you Chair, and it's good to see everyone tonight. I wanted to give everyone an update on the COVID cases here in the City of Poughkeepsie. Right now, as of today, we have 225 confirmed cases within the City of Poughkeepsie. There have been a confirmed 28 deaths in Dutchess County, and these are numbers that were confirmed by the County. Sometimes the state numbers and the county numbers are a bit off because of the timing. I want to also say that the good thing is, the number of hospitalizations are decreasing and that has been going on for several days now, as well as the ICU admissions and also the intubation procedures are dropping. And that's a good thing for everyone who is in the hospital.

Social distancing is still absolutely critical. I want to thank everyone in the City of Poughkeepsie who is doing this. We have been really blessed by not only the cooperation of the folks that are on tonight, but all of the ones that are here in the city, and they have been doing that, and they are helping to stop the spread. As you know the Governor recently enacted the face covering regulations, and while there are some people are not adhering to it, I think it is just because some people don't know about it. But the majority of places that he's been, over the past 72 hours, especially in public settings, outside of people walking out and about, people are using the face coverings.

City staffing is still good, in all departments. We have a great supply of PPE, for all of our employees, and we're getting them replenished every other day. We haven't been short at all. Matter of fact, we got a delivery on N95 masks on Friday, and we're getting face coverings tomorrow.

Since our last meeting, with our friends and partners of, members of the council, and many other community leaders, we have distributed over 2000 COVID flyers that we received through the county print shop, with the information that the county has been putting out there. We got them both in English and in Spanish, and what we came to understand, and we heard this from many of our friends within the community, that they were concerned that there are many individuals that don't have access to the internet. Who may not be looking at the news as much as they should. And to have something in hand, a piece of paper, would be helpful. So to all of you who helped to distribute this 2000 plus flyers, many of us over the weekend, and we're getting more, I just want to thank you so much. We have been concentrating on the areas where there are more people likely to not have the internet.

Speaking of social media, myself and Dr. Rosser, last Tuesday, we did a Facebook live from Changepoint theatre, and I want to thank the Changepoint folks for being able to put that together for us, and it looked like it was very well attended on social media. There were 200

plus questions and comments, which were generally centered, almost 99% of the questions had to do with the school district, and Dr. Rosser and his team could answer those questions. Thank you to our colleague and friend, Natasha Cherry for what you're doing on your end. Dr. Rosser acknowledged all of his staff that has been working really hard.

As we start think about reopening. Reopening the country, reopening the state, reopening, the region, the county, and the City of Poughkeepsie, I've asked Paul Calogerakis to be our point person in those discussions. Working with our partners at the state, county and federal level. As well as the other communities, sister cities and communities to be able to do this in a coordinated manner. At this point, and we asked finance to take a look at what are potential shortfall would be in the 2020 budget, and it was identified at about \$5 Million, and that's not a hard figure at this point, and it may be too conservative, and we just don't know, and we asked department heads to be able to identify 15% cuts in lines, and these are non-personnel lines. We have identified approximately 1.5Million in the 2020 budget. In this is just a first go around, and at some point this week, they will be looking at it again, and the Commissioner of Finance has reached out to the Finance Committee or the Chair of the Finance Committee to have further discussions on that.

There has been a lot of discussion over the past 72 hours on the stimulus bill that is currently pending in Washington. I guess you could call it "Stimulus 3.5". There was a call to action over the weekend. There is in the one bill that is proposed, in the House at this point, significant amount of aid for local municipalities. Obviously the City of Poughkeepsie would be a part of that aid package. I don't where that part of that bill stands. Looking at the news, literally five minutes ago. Quite potentially, the aid to municipalities won't be included in that. I would ask that all of us, if you have the opportunity, reach out to our federal representatives. Not just the ones here that represent the City of Poughkeepsie, I think we have any issues with our representatives, they are fighting for us with this aid package. But if you know other federal representatives from other districts, please try to reach out.

VI. CHAIRPERSON'S COMMENTS AND PRESENTATIONS:

Chair Salem: Twenty-eight confirmed deaths in Dutchess County as of 4/18 and over 220 confirmed cases here in the City of Poughkeepsie. Life continues to change for all of us amidst this global crisis. This past weekend my family celebrated my niece's first birthday over a zoom video conference and of course, it is incredible that technology has granted us the ability to continue to have these kinds of celebrations and interactions but it's not the same.

As of this past Friday at 8 pm per Governor Cuomo, you now must wear a mask or face covering while you are in public and if you cannot abide by social distancing guidelines, for your safety and for the safety of all of us. We've got to figure out how to get masks out to individuals who might not be able to make them or access them in other ways. If you can, please stay at home. Act as if you have this thing. If you're going out to get some sunshine, please stay local. Try and go to the less crowded spots, hidden gems around our city to enjoy the outdoors. Yesterday I masked up myself and went for a bike ride, after seeing how crazy the Walkway was, I opted to ride around the less crowded streets. Social distancing measures

can and will be enforced and they are the only defense we have right now to flatten this curve and to continue to keep our health systems functioning and we need to abide by them to get our community back up and functioning. It is our personal and civic responsibility to follow these guides.

City Business that is on-going and that will be coming into focus in the very short term include;

36 North Clover Appeal:

As you are all aware, Pelton Partners, LLC has made an appeal to us, the council, to decide whether or not the decision of the HDLPC to not grant them a certificate of appropriateness is sound.

In our determination, we have been tasked with a review of the record created through the HDLPC process, and then we will use the same criteria that the board regularly uses to issue a certificate of appropriateness, to understand why that issuance was denied based on their interpretation, to the best of our ability. We will either uphold their decision or override.

We now have a settled record that will be posted for public viewing on our website in the coming weeks. Additionally, we will be scheduling two meetings to make our review.

At the first meeting, the HDLPC and Pelton Partners, LLC will each have an opportunity to give testimony and answer questions. The meeting will be conducted like a hearing and have special rules. At the end of the first meeting, we will adjourn to a date-specific, our second meeting.

At the second meeting, we will make comment and offer our determination. We have not selected dates for either meeting. We will likely be conducting these meetings using video conference software and we will have to ensure we have the correct capacity before we set any dates.

Local Waterfront Revitalization Program Plan update;

We are currently adding our comments to the draft that The Dept. of State sent back to us in November of this past year. We're meticulously working through each section of this document to ensure it receives the due attention that it deserves, based on the important role it will play in helping our Waterfront Advisory Committee make decisions on development projects that trigger its use and so that it appropriately reflects the vision of waterfront redevelopment and use for all of us.

As a body, we're working on Housing Policy Packages, Economic Relief Policy Packages- Our Finance Committee- NAME Members - plan to meet to discuss predicted fiscal stresses and to ensure equitable relief and recovery solutions, and we're working on Short-Term Emergency relief and Infrastructure Policy Packages. Initiatives that will ensure that our residents are supported during this time and so that our city survives this crisis and can continue to thrive into the future. If that aid package is not in this bill, it is my hope that it will

be in the additional packages that Washington has committed to doing not only for small businesses, but other entities.

Chair I would end this, as you started, about the loss of Tree Arrington. It is a terrible loss for this city, and for so many people. Personally, and his family. Tree was a friend of the City of Poughkeepsie. He had a love and a dedication for everyone. And not just people within the City of Poughkeepsie, but that's what he called home, and what he has done for so long, and as I said when I heard about it. Tree was a big guy, but his heart was as big, or bigger than him, and he has touched the lives of

VII. REPORTS OF COMMITTEES AND BOARDS:

NONE

VIII. MOTIONS AND RESOLUTIONS:

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

RESOLUTION R20-40

RESOLUTION TO RETAIN COUNSEL TO ADVISE THE COMMON COUNCIL ON THE REDEVELOPMENT OF THE DELAVAL SITE SPONSORED BY: CHAIR SALEM, COUNCILMEMBER MENIST, AND COUNCILMEMBER BRANNEN

WHEREAS, the Poughkeepsie Common Council is the lead agency under the State Environmental Review Act for the redevelopment of that parcel of land on the city's Hudson River waterfront commonly known as the "DeLaval" parcel; and

WHEREAS, the City has entered into certain agreements with private parties operating jointly, JM Development Group, LLC and Poughkeepsie Waterfront Redevelopment, LLC (together, "JM") to remediate the DeLaval parcel under the state Brownfields program and to propose and execute a plan for redevelopment of the DeLaval parcel; and

WHEREAS, JM has proposed a significant amendment to the previously understood and agreed plan for development; and

WHEREAS, the Common Council must consider the changes in potential for significant adverse environmental impact, if any, from the development under the amended DeLaval parcel proposal; and

WHEREAS, the Common Council requires technical and legal assistance to inform its review of the proposed amendments to the DeLaval parcel redevelopment; and

WHEREAS, under section 2.18 of the Administrative Code, the Common Council has authority to retain professional staff to assist in its consideration of the DeLaval parcel; and

WHEREAS, in the 2020 budget, the City allocated funds in the Common Council's budget for contractual services such as this; and

WHEREAS, the corporation counsel is recused from counseling the city, including the Common Council, on the DeLaval parcel redevelopment; and

WHEREAS, the Common Council requires and seeks alternative counsel on the DeLaval parcel redevelopment; and

WHEREAS, David Gordon, Esq. and his firm have substantial experience representing clients, including municipalities, on environmental and land use matters in the Hudson Valley and on the Hudson River; and,

WHEREAS, Warren Replansky, Esq., who formerly advised the Council on DeLaval parcel redevelopment and related matters is of counsel to Mr. Gordon's firm; and

WHEREAS, the Common Council wishes to retain the services of David Gordon, Esq. and his firm to counsel it on matters relating to DeLaval parcel redevelopment; now, therefore

BE IT RESOLVED, that the City Council hereby authorizes the retention of the law firm of David Gordon, Esq. to advise and counsel the City Council on matters relating to the DeLaval parcel redevelopment; and

BE IT FURTHER RESOLVED that the Councilmember-at-large is hereby authorized to enter into a retainer agreement for legal counsel regarding the DeLaval parcel redevelopment with the law firm of David K. Gordon, Esq. in the same, or substantially the same, form as annexed hereto.

SECONDED BY COUNCILMEMBER LORRAINE JOHNSON

LEGAL RETAINER AGREEMENT

David K. Gordon, Esq. ("I"), with offices at 42 Catharine Street, Suite C-106, Poughkeepsie, NY, hereby agrees to provide legal counseling and representation to City of Poughkeepsie Common Council ("you") under the terms and specifications set forth below:

1. Scope of legal services to be provided

The scope of our agreement includes a continuation of advisory services on the redevelopment of the former DeLaval site and other related matters. I will provide you with conscientious, competent and diligent services according to the best of my ability and the New York State Code of Professional Responsibility.

2. Additional legal services

I agree to inform you should any further legal representation be advisable due to changed circumstances. You may at any time request further legal assistance from me, which I will provide subject to my discretion and availability.

3. Legal fees and retainer

My fees for the services described in section 1 are based on a rate of one hundred eighty-five dollars (\$185.00) per hour. In my sole discretion I may reduce such rates based on the circumstances of a particular activity or legal task. Legal services may be provided by myself, associate Emily Svenson, or of-counsel attorney Warren Replansky.

4. Costs and expenses

In addition to hourly charges, I will bill for disbursements incurred by your case, including without limitation reproduction charges, overnight mailings and filing fees.

5. Bills and statements

I will normally provide billings on a City voucher every month. All bills will be accompanied by a time sheet. In the event that minimal amounts of services are performed in a particular month, I may not render a statement for that month, and in that event the time spent will be included in the next billing statement. Failure to submit a statement each month will not waive my right to include that amount in a subsequent statement. You may at any time request a statement of fees and expenses accrued to date.

6. Payment

Fees and expenses shall be due and payable within fourteen (14) days after your receipt of an invoice. Any fees and expenses not paid within thirty (30) days after your receipt of an invoice shall incur interest charges at a monthly rate of one percent (1%). If you dispute any

invoiced fee, please feel free to contact me. If we cannot resolve the dispute, you may have a right to arbitrate under the New York State Fee Dispute Resolution Program specified in Part 137 of Title 22 of the New York State Rules and Regulations.

7. Extensions

Should you require a time extension to remit any required payment you may request a revised payment schedule, which I will consider and grant at my sole discretion. You should make any such request as soon as the need for such revised schedule becomes apparent.

8. No guarantees

While I agree to provide the best legal advice and representation I can, there are no guarantees as to the outcome of any particular legal or administrative proceeding, including the ultimate relief you seek. You understand that the results of legal disputes are by their nature uncertain that any analysis or prediction constitutes best judgment for advisory purposes only.

9. Duration of agreement

Either party has the right to terminate this agreement and my representation of you at any time subject only to your continued responsibility for any unpaid earned fees and incurred expenses at the time of termination. In the case of any such termination I will cooperate with any subsequent counsel you retain to provide competent, uninterrupted legal representation.

10. Agreement and understanding

By your signature below, you acknowledge your understanding of the foregoing provisions. For your reference, I have attached hereto a statement of Clients Rights from the New York State Court Rules, and a statement of Client Responsibilities from the New York State Bar Association.

ACCEPTED AND AGREED:

CITY OF POUGHKEEPSIE COMMON
COUNCIL

David K. Gordon, Esq.
Date:

By: Sarah Salem, Chair
Date:

R20-40						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

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

**THE CITY OF POUGHKEEPSIE
OFFICE OF THE CITY ENGINEER**

Rich Voice: 845-451-4069
Fax: 845-451-4101
Email: rdupilka@cityofpoughkeepsie.com

M E M O R A N D U M

TO:	MARC NELSON, CITY ADMINISTRATOR
FROM:	RICHARD L. DUPILKA, P.E., CITY ENGINEER 
DATE:	APRIL 14, 2020
SUBJECT:	ENVIRONMENTAL PLANNING GRANT RECOMMENDATION TO PROCEED WITH PROJECT

Project Background and Purpose

The Engineering Department prepared an application for an Engineering and Planning Grant for the Fallkill Creek/City Trunk Sewers in August 2019. We were successful with our application, and after review by NYS EFC, the city was awarded \$100,000 as a NYSEFC Engineering & Planning Grant (EPG). In order to formalize and accept the grant, there are three resolutions the City will need to pass.

The goal of this (EPG) grant is to install internal pipe flow meters in the large sewers in an effort to quantify the amount of infiltration and determine where pipe rehabilitation work is needed. Other grant work will include the installation of groundwater gauges at strategic areas and completion of additional camera work to supplement what was done in 2019. Many of these large trunk sewers parallel the Fallkill Creek and are nearly 100 years old. As a result, excess groundwater may be infiltrating into these large brick and tile pipes (24" to 42" diameter). This groundwater inflow creates a maintenance and operational burden on city pump stations and the municipal treatment plant, and, as a result, costs the city thousands of dollars per year in sewage treatment costs. Therefore, it is in the best interests of the city to identify and remove these sources of inflow to the best of our ability.

Some structural problems were identified last year while performing camera work in some of the older sections of the city trunk sewers. There are sections of cracked and broken pipes that may be impeding sewer flow and/or allowing significant amounts of infiltration into the trunk sewers. As part of our monitoring work last year, we evaluated the identified structural problems. These problem zones have been identified and prioritized to provide a work scope for a potential future construction project. It is expected that the flow information and camera work completed via this (EPG) grant will provide the necessary data to support a separate construction assistance grant application later this year.

Based on the above, it is recommended that the city formally accept the awarded EPG grant by passing the resolutions. Once passed, it is hopeful that work can commence during expected wet weather conditions in late April when infiltration rates are usually the highest.

**RESOLUTION
(R20-33)**

INTRODUCED BY CHAIR SALEM:

AUTHORIZING CITY MAYOR TO EXECUTE THE NYS ENVIRONMENTAL FACILITIES CORPORATION ENGINEERING PLANNING GRANT AGREEMENT FOR THE PRELIMINARY ENGINEERING REPORT FOR SEWER INFLOW AND INFILTRATION STUDY

WHEREAS, the City of Poughkeepsie (City) submitted a Consolidated Funding Application (CFA) for a Wastewater Engineering Study (Project); and

WHEREAS, the Project has been selected to receive an Engineering Planning Grant (Grant) up to \$100,000 through the New York Clean Water State Revolving Fund (CWSRF) program;

WHEREAS, certain agreements, contracts and other documents are required to be executed by the City in order to secure the EPG Funds; and

NOW, THEREFORE, BE IT

RESOLVED that the City Mayor is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City of Poughkeepsie's obligations under the Engineering Planning Grant Agreement.

BE IT FURTHER RESOLVED, that this Resolution shall take place immediately

SECONDED BY COUNCILMEMBER BRANNEN

R20-33						
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

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

**RESOLUTION
(R20-34)**

INTRODUCED BY CHAIR SALEM:

AUTHORIZATION AND APPROPRIATION OF LOCAL MATCH FOR THE NYS ENVIRONMENTAL FACILITIES CORPORATION ENGINEERING PLANNING GRANT FOR THE PRELIMINARY ENGINEERING REPORT FOR SEWER INFLOW AND INFILTRATION STUDY

WHEREAS, the City has been notified of the award of a \$100,000 Engineering Planning Grant (EPG) by the New York State Environmental Facilities Corporation (NYSEFC) for a Sewer Inflow and Infiltration Study (the Project); and

WHEREAS, NYSEFC requires a 20% local match of the total grant amount; and

WHEREAS, the total fee for the Scope of Service proposed by Barton & Loguidice, D.P.C., the City's Consulting Engineer, for preparing the requisite Preliminary Engineering Report is \$250,000; and

WHEREAS, the 20% local match for this grant is \$20,000, which the City will pay through the General Fund or Sewer Fund, or in-kind services.

NOW, THEREFORE, BE IT

RESOLVED that the City of Poughkeepsie authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the Sewer Inflow and Infiltration Project. Under the Engineering Planning Grant Program, this local match must be at least 20% of the grant award of \$100,000. The source of the local match, and any amount in excess of the required match, shall be from the General Fund, Sewer Fund, and/or in-kind services. The maximum local share appropriated subject to any changes agreed to by the City of Poughkeepsie Board of Members shall not exceed \$150,000 based upon a total estimated maximum project cost of Two Hundred and Fifty Thousand Dollars (\$250,000). The City Board of the City of Poughkeepsie may increase this local match through the use of in-kind services if necessary.

BE IT FURTHER RESOLVED, that this Resolution shall take place immediately

SECONDED BY COUNCILMEMBER BRANNEN

R20-34						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

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

**RESOLUTION
(R20-35)**

INTRODUCED BY CHAIR SALEM

DETERMINATION THAT THE PROPOSED SEWER INFLOW AND INFILTRATION STUDY IS A TYPE II ACTION UNDER SEQR AND WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

WHEREAS, the City has been notified of the award of an Engineering Planning Grant (EPG) by the New York State Environmental Facilities Corporation (NYSEFC) for a Sewer Inflow and Infiltration Study (the Project); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, as amended, the New York State Environmental Quality Review Act (“SEQRA”) and the implementing regulations at 6 NYCRR Part 317 (the “Regulations”), the City desires to comply with SEQRA and the Regulations with respect to the Project; and

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law;

NOW, THEREFORE, BE IT RESOLVED that the City of Poughkeepsie hereby determines that the proposed engineering report for the Sewer Inflow and Infiltration Study is a Type II action in accordance with 6 NYCRR Section 617.5(c) (27) which constitutes the conduction of concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary for the formulation of a proposal for action and is therefore not subject to review under 6 NYCRR Part 617.

SECONDED BY COUNCILMEMBER BRANNEN

R20-35						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

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

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA) RESOLUTION REGARDING A SALE OF
CERTAIN CITY OWNED PROPERTIES**

INTRODUCED BY COUNCILMEMBER FLOWERS

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of city owned property located at 123 Smith Street and identified as Tax Map No.: 6161-72-411198; and

WHEREAS, the Common Council considers the proposed sale to be an Unlisted Action under Title 6 NYCRR, Section 617.2 of the SEQRA regulations; and

WHEREAS, the Common Council considers itself to be the only "involved agency" with respect to this proposed sale of properties; and

WHEREAS, the Common Council has reviewed the proposed sale of properties in accordance with Title 6 NYCRR, Section 617.11; and

WHEREAS, the Common Council has considered the hereto attached Short Environmental Assessment Form (EAF)

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. In accordance with Section 617.5(a)(1) of Title 6 NYCRR, the Common Council determines that the above described action is subject to SEQRA; and
2. In accordance with Section 617.5(a)(2) of Title 6 NYCRR, the Common Council determines that the action does not involve a federal agency; and
3. In accordance with Section 617.5(a)(3) of Title 6 NYCRR, the Common Council determines that the above described action does not involve any other agencies; and
4. In accordance with Section 617.5(a)(4) of Title 6 NYCRR, the Common Council classifies the above described action as an unlisted action. The Common Council in making such classification considered Section 617.12 of Title 6 NYCRR and determined that the above action did not fall into any of the categories listed under Type I, and also considered Section 617.13 of NYCRR and determined that the above described action did not fit under any of the categories listed under Type II Actions, thus reaching the conclusion that it is to be considered an unlisted action; and
5. In accordance with Section 617.5(a)(5) the Common Council determines that the above described project will not require a long EAF since the short EAF provides sufficient information; and
6. The Common Council officially makes a determination of non-significance in that the proposed sale of properties are not expected to result in a significant adverse

impact on the environment and, therefore, the preparation of a draft environmental impact statement is not necessary; and

7. This determination shall be considered a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law; and
8. The City Chamberlain shall maintain a file of this determination as well as the attached EAF which is hereby made a part of this resolution.

SECONDED BY COUNCILMEMBER BRANNEN

R20-36						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

6. A motion was made by Councilmember Brannen and seconded by Councilmember Lorraine Johnson to receive and print.

R E S O L U T I O N (R20-37)

INTRODUCED BY COUNCILMEMBER FLOWERS

WHEREAS, the City of Poughkeepsie is the owner of 123 Smith Street and more particularly known as Tax Map No.: 6162-72-411198 (the, "Property"); and

WHEREAS, the Property is an improved by a vacant warehouse; and

WHEREAS, the city has received an offer to purchase the Property from John J Angelo & Christopher J. Angelo; and

WHEREAS, the city is desirous of selling the Property to John J. Angelo & Christopher J. Angelo; and

WHEREAS, John J. Angelo & Christopher J. Angelo has offered to purchase the Property for \$22,500 and the Common Council has determined that to be fair and just compensation; and

WHEREAS, the Common Council hereby finds that the sale of the Property is in the best interests of the City of Poughkeepsie to approve such offer so that the premises may be returned to the tax rolls; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council hereby makes the following determinations: (a) that there is no existing municipal purpose or need for this property, and (b) that the sale price and conditions imposed herein represent fair and adequate consideration for the conveyance; and be it further

RESOLVED, that the offer from John J. Angelo & Christopher J. Angelo to purchase the premises identified as Tax Map No.: 6162-72-411198 in the City of Poughkeepsie for the sums of \$22,500 is hereby approved subject to the hereinafter mentioned conditions and subject to such other and further conditions which the Corporation Counsel shall deem appropriate; and be it further

RESOLVED, that this sale is approved subject to the following conditions:

- A. the conveyance of title and the payment of the purchase price shall take place within thirty days of the date of this resolution, unless the Corporation Counsel shall grant such extension as he/she deems appropriate;**
- B. The transfer of title and Purchaser's use of the Property shall be subject to all state, federal and local regulations including the City of Poughkeepsie and New York State Building Codes and the City of Poughkeepsie Zoning Ordinance and real property taxes coming due pursuant to law on and after the date of transfer of title;**
- C. Purchaser shall accept such title to the real property as the City of Poughkeepsie is possessed of and agrees to accept such title by quitclaim deed subject to any defects or encumbrances as are of record;**
- D. Purchasers agree that they shall not use the purchase price agreed to as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation; and**

BE IT RESOLVED, that the Mayor is hereby authorized to enter into a contract for the above mentioned transaction provided such contract contains the terms contained herein together with such other terms and conditions which the Mayor, the City Administrator and the Corporation Counsel are hereby authorized and directed to do all things necessary to give effect to the terms of this resolution.

SECONDED BY COUNCILMEMBER BRANNEN

R20-37						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

The City of Poughkeepsie
New York

Property Acquisition &
Disposition Committee

Eric Phillip
John Taylor
Erian Buckley-Falcon
Marc S. Nelson
Nancy L. B. Griffin



MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: PROPERTY ACQUISITION & DISPOSITION COMMITTEE
SUBJECT: Sale of City-Owned Property located at 123 Smith Street
DATE: Feb 14, 2020

The Property Acquisition & Disposition Committee (PAD) recommends the sale of a City owned parcel located at 123 Smith Street under the terms and conditions below:

123 Smith Street to John & Chris Angelo (Purchase Price \$22,500)

The Angelo's own a construction business in the neighborhood and they plan to demolish the existing building and construct a new building for their local business. The structure currently on the property has significant structural issues and will need to be taken down. Given the high cost of demolition, the offer is reasonable. The Committee is again mindful of the need to manage the city's risk exposure and move the property along to a new owner as promptly as possible, so that demolition work may commence as soon as possible.

Attached for the Council's review and consideration, is additional documentation in support of this recommendation that we have compiled since we presented a Communication to the Council last month.

1. Copy of Advertising Flyer that as distributed
2. Copy of Confirmation from IT Department that Purchase Offers we solicited via the city's website and a posting made on or about October 21, 2019
3. Copy of the written offer
4. Request to Community Engagement Director to include marking materials in City Newsletter
5. Email Regarding Outreach to other potentially interested party (Church).
6. Email Regarding Assessor Comparables of Recent Sales (as of October 7, 2019)

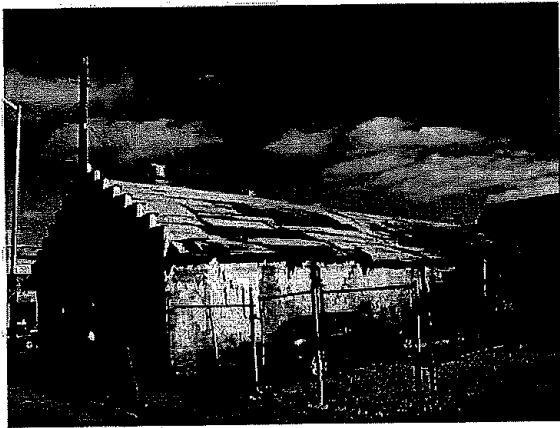
In addition, to the above information, we can confirm that a large and conspicuous sign was placed on the property indicating the City of Poughkeepsie was entertaining offers to purchase.

Thank you.

**CITY OWNED PROPERTY
FOR SALE**

123 Smith Street

Asking Price: \$50,000.00



PROPERTY DESCRIPTION

S/B/L	6162-72-411198
Lot Size:	.10 Acres
Square Footage:	3977 sqf. (approx.)
Condition:	Poor
Zoning:	R-4
Assessed Value:	\$46,100

The City of Poughkeepsie is offering the above property for sale. The building is a one story small structure, non-conforming use in the R-4 Zoning District. To continue use, Planning Board and Zoning Board of Appeals approvals may be required. Building is currently deemed to be an unsafe building by the Building Inspector and needs major renovation. Great potential for demolition and new construction, as it is an ideal corner location with high traffic count for the right use.

Inspections are by appointment only. To schedule a property inspection, please contact Gary Beck at (845) 451-4007. For any other questions regarding this property, please contact Nancy Griffin at (845) 451-4065.



City of Poughkeepsie • Property Acquisition & Disposition Committee
62 Civic Center Plaza, Poughkeepsie, New York 12601
(845) 451-4065- Fax: (845) 451-4070
Contact: Nancy Griffin • ngriffin@cityofpoughkeepsie.com

RESIDENTIAL- ONE & TWO FAMILY HOMES

Thank you for your interest in the City of Poughkeepsie. The Office of Corporation Counsel wants to help you find the property that best matches your needs as a homeowner-occupant. To help us – please complete the following:

Name: JOHN J. ANGELO ; CHRISTOPHER J. ANGELO
Address: 41 BENNETT ROAD Poughkeepsie NY 12601
Home Phone: 902-8070 Work Phone: 905-9133 Fax: _____
Employer: J. ANGELO INDUSTRIES
Employer Address: P.O. Box 1072 WAPPINGERS FALLS NY 12590
If Self Employed: J. ANGELO INDUSTRIES

Property Needs:

Single-Family: _____ Two-Family: _____ New Construction: ☒ Other: _____

If other, please explain: _____

Number of Bedrooms: two _____ three _____ four _____ No preference ☒

Will this purchase require financing: yes _____ no ☒

Have you spoken/met with a lender: yes _____ no ☒

If yes, the name, address and phone of lender: _____

Have you ever attended a "Home Buyer Information Class"? yes _____ no ☒

If yes, where? _____

Do you now or have you ever owned property in the City of Poughkeepsie? yes _____ no ☒

If yes, where? _____

Do you own other property? yes ☒ no _____

If yes, please provide the complete address:

41 BENNETT ROAD
POUGHKEEPSIE NY

What properties on the "Properties For Sale List" interest you?

123 SMITH STREET

INVESTOR/DEVELOPER-COMMERCIAL & MULTI-FAMILY RESIDENTIAL

Thank you for your interest in the City of Poughkeepsie. The Office of Corporation Counsel wants to help you find the property that best matches your development needs. To help us – please complete the following questionnaire:

Name: JOHN J. ANGELO CHRISTOPHER J. ANGELO
Address: 41 BENNETT ROAD Home Phone: 902.9070
Business Name: J. ANGELO INDUSTRIES
Address of Business: P.O. Box 1072 WAPPINGERS FALLS NY
Business Phone: 845 902 8070 Fax: 845 905 9133
Property Needs:
Multi-Family: Office: ☒ Storage: Manufacturing:
Retail: New Construction: ☒ Other:
If other, please explain: GARAGE FOR TRUCKS

Space/Building Requirements: total floor area: area per floor:
Lot size: Clear height: Electrical/Mechanical:
Minimum Column Spacing: Parking Needs:

Will the purchaser operate a business or otherwise occupy the building? Yes ☒ No
Explain: J. ANGELO INDUSTRIES FUTURE HOME BASE

Will this purchase require financing? yes no ☒

Do you now or have you ever owned property in the City of Poughkeepsie?

Residential - yes no Commercial - yes no ☒
If yes, where?

Do you own other property? yes no ☒
If yes, please provide the complete address:

What properties on the "Properties For Sale List" interest you? 123 SMITH ST.

Please attach resume of property ownership and management and company profile if applicable.

PURCHASE OFFER ON CITY OWNED PROPERTY

Date: NOVEMBER 12 2019

Address of City-owned Property to be purchased: 123 SMITH ST.

Purchaser Information:

Name(s) of Purchaser: JOHN J. ANGELO
CHRISTOPHER J. ANGELO

Address of Purchaser: 41 BENNETT ROAD
POUGHKEEPSIE NY 12601

Phone number(s): 845.902.8070 ; 845.905.9133

Name, address and phone number of Business (if purchase is to be in the business' name):

Name, address and phone number of Attorney:

FRANK 1220
RIVKIN RAPLER
2649 SOUTH RD. POUGHKEEPSIE NEW YORK

Dollar amount of purchase offer: \$122,500.00

Conditions on the offer:

Financial Information:

Financial information for acquisition (to buy) of the property:

Owner Financing: _____ Private Financing: _____ Need to obtain a mortgage: _____

Name, address, phone number and a contact person of Bank, Mortgage Company or Private Financing:
CASH OFFER CERTIFIED CHECK

Financial information for the rehabilitation (when applicable) of the property:

Owner Financing: _____ Private Financing: _____ Need to obtain a mortgage: _____

Name, address, phone number and a contact person of Bank, Mortgage Company or Private Financing:

Other Property owned:

Do you, or any member of your immediate family own other real property located in the City of Poughkeepsie in any of the following capacities?:

Individually _____ Shareholder _____ Officer or director of a corporation _____
Partner in a partnership _____ Member of a Limited Liability Company _____
Member of a Joint Venture _____ Other Capacity _____

Please Identify: _____

If yes, the addresses of any other property, located in the City of Poughkeepsie:

Please be advised that the principals must be current on all other indebtedness to the City of Poughkeepsie.

Name, address and phone number of Real Estate Broker (if applicable):

Development Plan:

The intended use of the property (i.e.: single family, two family, retail business, etc.):

BUSINESS / RESIDENTIAL

The development plan for the property (i.e.: change from residential to commercial, describe renovations to building, etc.):

DEMO OLD BUILDING / NEW CONSTRUCTION

What construction work is necessary to prepare the property for this use?

DEMOLITION of Old Building TO prepare
for New Construction

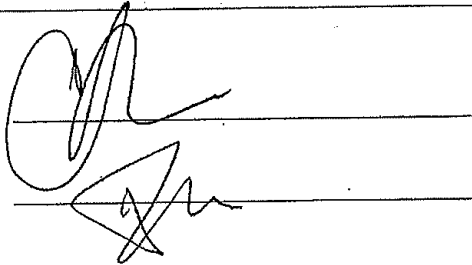
Is site plan approval needed? yes ✓ no

Are any variances required? yes no ✓

The schedule for such improvements to the property (Note- If applicable, you will be required to obtain a building permit in six months of the purchase and a Certificate of Occupancy within one year of that):

Will you be making changes to the floor plan of the building (i.e.: changing the number, size or shape of the rooms)?
yes

Purchaser(s) Signatures:



Please return completed form to:

The Property Acquisition & Disposition Committee
City of Poughkeepsie
62 Civic Center Plaza
Poughkeepsie, New York 12601
C/O: Phone: (845) 451-4065
Fax: (845) 451-4070

IX. ORDINANCES AND LOCAL LAWS:

1. Ordinance O-20-02, amending section 14-23, entitled "Playing in the Streets", to prohibit the placing of basketball hoops in public streets.

**ORDINANCE AMENDING SECTION 14-23 OF THE CODE OF ORDINANCES
ENTITLED PLAYING IN CITY STREETS
(O-20-2)**

INTRODUCED BY COUNCILMEMBER FLOWERS:

SECTION 1. BE IT ENACTED, by the Common Council of the City of Poughkeepsie, an ordinance amending Section 14-23 of the Code of Ordinances of the City of Poughkeepsie entitled "Playing in City Streets" to provide as follows:

Section 14-23 **Playing in City streets.**

[Ord. of 8-19-1980, § 1; Ord. of 8-1-1983, § 1; Ord. of 5-5-1986, § 2]

(a) It is hereby declared by the Common Council that playing in ~~certain~~ *the* streets of the city of such games as baseball, softball, stickball, Frisbee, roller skating, football, soccer, *hockey, basketball* and similar game-playing activities constitute a public nuisance and a hazard both to the persons and property of users of said public streets and to those playing in said public streets. This section is remedial in nature and is designed to protect the public safety, health and welfare.

(b) *It shall be unlawful for any person to play upon any City street, or to place on any city street a soccer goal, hockey goal, basketball hoop or any other sports equipment. Furthermore, no person shall place on their own property any basketball hoop, soccer goal, hockey goal or other sports equipment in an area where the playing of such game creates a public nuisance or hazard to the persons and property of users of the public streets and/or sidewalks in the City.*

~~(b) It shall be unlawful for any person, without a written permit from the City Administrator, to play upon any City street unless said street is designated herein. The City Administrator may, in his discretion, limit such permit as to time and place and may, at any time, revoke such permit, without further notice. Any person who secures a permit under this section shall file said permit or a copy thereof with the Chief of Police. The playing upon the following city streets is hereby permitted without requirement of a permit.~~

(Reserved)

SECTION 2. This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER McNAMARA :

~~STRIKETHROUGH~~ INDICATES DELETION
ITALICS INDICATES ADDED LANGUAGE

X. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM COUNCILMEMBERS FLOWERS AND CHERRY**, a communication regarding a proposed Local Law, amending, Section 14.08 of the Administrative Code, "Entitled Taxes-Penalties, Interest on Unpaid Taxes".

LOCAL LAW AMENDING SECTION 14.08 OF THE ADMINISTRATIVE CODE
ENTITLED TAXES – PENALTIES, INTEREST ON UNPAID TAXES

(LL-20-01—)

INTRODUCED BY COUNCILMEMBERS CHERRY & FLOWERS

SECTION 1. BE IT ENACTED, by the Common Council of the City of Poughkeepsie, a local law amending Section 14.08 of the Administrative Code of the City of Poughkeepsie entitled “Taxes – penalties, interest on unpaid taxes”, to provide as follows:

Section 14.08 Taxes – penalties, interest on unpaid taxes.

- (a) Payment without interest or penalty. There shall be no interest or penalty charged on taxes paid in full on or before February 15.
- (b) Late penalty. There shall be a two-percent penalty levied on the *outstanding unpaid tax balance commencing on taxes paid in full on or after February 16.*
- (c) *Installment payments. When not paid in full by February 15, partial payments in any amount will be accepted by the Commissioner of Finance until the balance is paid in full. When paid in installments, the payments shall be applied in the following order:*
 - 1) *Outstanding Fees*
 - 2) *Interest*
 - 3) *Oldest tax due*

~~Installment fee. There shall be a two-percent fee charged on total taxes when paid on a quarterly installment basis. Such fee shall be payable with the first installment. Installments paid on or before the due dates, namely February 15, May 15, August 15 and October 15 shall not be charged additional interest or penalty.~~

- (d) *Interest charges. Payments made March 1 or after shall, , be subject to interest charges at 1% per month on the outstanding remaining balance, which shall accrue and be added to the balance due on the first day of each calendar month. Payments received shall be applied in the same manner as set forth in section (c) above. in full after February 15, and*

- 2. **FROM ROSE MINIER**, a notice of property damage sustained on March 6, 2020. **Referred to Corporation Counsel**
- 3. **FROM MCCABE COLEMAN VENTOSE & PATTEROSN, PLLC**, a notice of personal injury sustained on January 15, 2020. **Referred to Corporation Counsel**
- 4. **FROM PATRICIA H. GUBER**, a notice on property damage sustained on March 6, 2020. **Referred to Corporation Counsel**

5. **FROM IRENE TOMPKINS**, notice of personal injury sustained on January 8, 2020.
Referred to Corporation Counsel

X. NEW BUSINESS:

XI. OLD BUSINESS:

XII. ADJOURNMENT:

A motion was made by Councilmember Brannen and seconded by Councilmember Lorraine Johnson to adjourn the meeting at 8:18 p.m.

Dated: April 28, 2020

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, April 20, 2020.

Respectfully submitted,

Deanne L. Flynn
City Chamberlain