



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, November 7, 2022, 6:30 p.m.

Common Council Chambers

Welcome to the regularly scheduled Meeting of the City of Poughkeepsie Common Council the date is November 7, 2022, and the time is 6:30 pm.

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

Let's all recite the pledge of allegiance.

I. ROLL CALL: 7 present, 1 absent (Councilmember Johnson late arrival)

II. REVIEW OF MINUTES:

Common Council Meeting – October 17, 2022

Special Meeting – October 19, 2022

Motion to accept the minutes: Councilmember Long

2nd: Councilmember Menist

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

-NONE-

IV. PUBLIC PARTICIPATION

- **Darrett Roberts – 148 Franklin St.**
- **Linda Baxter, 73 Garden St.**
- **Cinderella Campbell – 264 Hudson View Dr.**
- **Donovan Muir – 131 Mill St.**
- **William Smith – 42 Columbia St. - submitted written comments**

November 7, 2022 Common council Public Meeting

I got a card on October 28,2022. It saved the City from financial disaster and created responsible city and county budgets that held the line on taxes.Reduce the burden of skyrocketing [INFLATION] ? What is wrong with the Common Council approving the 2023 budget. With the price of food, gas and housing all going up. Did embody or individual look at past budgets . From 2016 until 2023 budget.Taxes increased over 80% not including City school districts. Rent will go again.To make up the difference for tax cutters on properties. Assessment will go up again like in 2016,17,18 ,19,20,21 and 22. I wish to thank someone for the municipal garbage and recycle cart after a year. Now if the city could get there act together and paint the crosswalk and put up street signs. Positive Step for safety. The mayor's \$109 million budget plan,which includes a general fund appropriation of approximately \$69 million now goes to the Common Council for review and approval. Where in a recession fast price increases. Comes at the expense of consumers. In closing. God bless everyone.

William Smith

- **Laurie Sandow, S. Grand Ave. - submitted written comments**

Laurie Sandow comments, City of Poughkeepsie Common Council meeting, November 7, 2022, Page 1 of 2

I am not a big fan of memes, but I'll make an exception for this quote from Dr. Seuss, which seems especially appropriate to the conduct of both the City of Poughkeepsie's Administration and this city's Common Council. It reads:

*"You have brains in your head. You have feet in your shoes.
You can steer yourself in any direction you choose."*

Where and how does this Administration and Common Council consistently choose to steer?—in the direction of lawlessness, opaque cover-ups and secrecy.

It's unacceptable that I have use part of my precious, limited, three minutes of public comment quoting law to our lawmakers but, since 2012, Open Meetings Law has clearly required that records scheduled for discussion during open meetings be made available to the public, within reasonable limitations, prior to those meetings. As of October 19, 2021, the law was further amended to require that copies of records be made available to the public at least 24 hours before a public meeting, to the extent practicable.

No surprise, the City's Corporation Counsel Rebecca Valk has repeatedly interpreted "practicable" as effectively meaning rare-to-never-practicable, and that if the public objects or disagrees, the public's remedy is to file an Article 78 at their own expense. Neither Valk nor Development Director Quinn even acknowledged, never mind corrected, their failure to post the Bonura walk-on at the August 16 Planning Board meeting, no matter how many times it was brought to their attention. At this past Friday's Finance Committee meeting, neither packet nor slides were posted to the public, nor—as promised—have they been posted since. Only three of five committee members showed up for that Finance meeting; Evan Menist and Nathan Shook were both absent. Megan Deichler left early, leaving the meeting without a quorum, while Debra Long and Nedra Thompson were the only two committee members remaining in attendance.

The Redistricting Commission's October 17th presentation provided Councilmember Menist a great opportunity for grandstanding and information withholding. Evan Menist continues to withhold the correspondence he acknowledged receiving from Josh Simons of the SUNY New Paltz Benjamin Center—an organization that did not reply to the city-issued Request for Proposals (RFP) for consultants to the Redistricting Commission. Consequently, this Council—having violated the City Charter, and set the Commission up for failure—is voting tonight to reject the redistricting plans submitted three weeks ago; while also utterly failing in its promise and obligation—stated on the record at the Council's October 17 meeting—to put its specific objections in writing, both collectively and individually.

According to Evan Menist, Rebecca Valk also advised him—or perhaps the entire Council—that if they failed to meet the Charter-mandated deadline for selecting a new Council Chair, the worst they might suffer is that a member of the public could file suit against them. Somehow, I am not finding the humor in the rogue's gallery of new and returning Councilmembers who are unwilling and/or unqualified to be Chair themselves, but dislike, distrust and dispute their fellow councilmembers to such a degree that they won't select a Chair from among their own number, even after an experienced member offered to fill the position. Instead, these councilmembers are leaning toward giving the Chair's extraordinary power to one of their obedient friends with known conflicts of interest. Lawlessness abounds—while one or more councilmembers are reported to have been leaking Executive Session information to the Mid-Hudson News, not one single councilmember has responded to the Freedom of Information request I submitted. A Mid-Hudson News article reported that former councilmember Sarah Brannen has been lobbying the Council on behalf of one applicant, Vincent Pedi.

The never-ending irony at these meetings is that well-informed members of the public have their comments limited to three minutes, while Councilmembers are secretly lobbied behind closed doors; collecting paychecks while stiffing their constituents; and protecting their own ignorance behind both consent agendas and declarations of “no comment, no questions”.

- **Sean McGinley – Rinaldi Blvd. (Community Voices Heard)**
- **Diamond Mima – 450 Maple St.**
- **June Newmon**
- **Vanessa Cid**
- **Kane Bowers - (For the Many)**
- **Gus Kazolias, 47 Noxon St.**
- **Daniel Atona - College Ave. (For the Many)**
- **David Jenkins**
- **Elizabeth Richardson**

V. CHAIRPERSON'S COMMENTS AND PRESENTATIONS

Chairwoman Cherry: Tomorrow is Election Day. That's the biggest form of advocacy anyone can ever do. You need to get out and vote. We have a lot on the line.

There's both state and federal elections happening tomorrow. And, you know, the power is in the polls, believe it or not. You know, and there's a lot of us and I've been in politics a long time now.

People come here and they speak on their cause and their cause only, and they forget about the other issues. They don't go out to vote. It doesn't stop at that microphone. You know, please go out to vote tomorrow. With that, I'm going to go to and I'm going to change the order. I'm going to go to new and unfinished. But then, Natalie, I'm going to bump you up after that because as we do have an audience, I want to give you an opportunity to present.

**3. A COMMUNICATION FROM DEVELOPMENT DIRECTOR QUINN,
Regarding Updates to the LWRP and Timeline for Adoption**

~~VI. MAYOR'S COMMENTS~~

VII. NEW & UNFINISHED BUSINESS:

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

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS:

A motion to accept the Consent Agenda was made by Councilmember Menist and seconded by Councilmember Deichler.

- 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**

(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 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 exceed \$500,000 for the Pulaski Park reconstruction project; and be it further

RESOLVED, that the City of Poughkeepsie Common Council authorizes the Mayor to agree to the terms and conditions of the Master Contract with OPRHP for the reconstruction of Pulaski Park pool house and facilities and to execute that document and other required agreements and certifications to effectuate the Master Contract.

SECONDED BY: _____

R-22-76 – VOICE VOTE						
			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-22-78**, Resolution Approving The Amendment of The Lease Agreement With Scenic Hudson at Pershing Park to Remove 0.2 Acres

RESOLUTION
(R-22-78)

INTRODUCED BY CHAIRWOMAN CHERRY:

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 _____.

R-22-78 – VOICE VOTE						
			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-22-79, Resolution Approving ARPA-Funded Façade Improvement Program

**RESOLUTION
(R-22-79)**

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

INTRODUCED BY CHAIRWOMAN CHERRY_____:

WHEREAS, the City of Poughkeepsie is a city on the go. New buildings are going up, old favorites are being 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 of visitors 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 to live, work and play. The Main Street business environment was uplifted between 2019 and 2021, with \$5.2M invested in parking meter and facility upgrades in the most utilized areas of Downtown; thereby improving the user experience and making Downtown more welcoming, and addressing critical infrastructure issues. Improvements 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 highlighting why Poughkeepsie is the perfect place to locate new business www.poughkeepsiego.com/work/. Additionally 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. 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 Streets 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 Street 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 _____.

R-22-79 – VOICE VOTE						
			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	☒	☐	☐	☐

4. R-22-80, Resolution Allocating ARPA Funds for Capital Improvements at The Joint Water Project

**RESOLUTION
(R-22-80)**

**RESOLUTION ALLOCATING ARPA FUNDS FOR CAPITAL IMPROVEMENTS AT
THE JOINT WATER PROJECT**

INTRODUCED BY COUNCILMEMBER DEICHLER :

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.

SECONDED BY: _____

R-22-80 – VOICE VOTE			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	☒	☐	☐	☐

5. R-22-81, Resolution to Return Plan to the Redistricting Commission

**RESOLUTION
R-22-81**

INTRODUCED BY CHAIRWOMAN CHERRY:

WHEREAS, the Redistricting Commission submitted its proposed plan of redistricting to the Common Council on October 5, 2022; and The Redistricting Commission presented its proposed plan to the Common Council on October 17, 2022.

WHEREAS, the Redistricting Commission presented its proposed plan to the Common Council during the Common Council's meeting of October 17, 2022; and

WHEREAS, the Common Council has raised concerns with the proposed plans for Redistricting, particularly the need to incorporate Prisoner Adjusted Population data and compliance with Municipal Home Rule Law Section (13)(a)(i);

WHEREAS, pursuant to City Charter Section 2.10(b), the Common Council shall return the plan to the Redistricting Commission with its specific objections and those of individual council members in writing.

NOW THEREFORE,

BE IT RESOLVED, that Common Council hereby returns the proposed plan to the Redistricting Commission for further work in accordance with comments raised in the third WHEREAS clause, above, as well as with the attached specific objections as well as objections of individual council members in writing.

SECONDED BY COUNCILMEMBER _____ .

R-22-81 – VOICE VOTE						
			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	☒	☐	☐	☐

6. **R-22-82**, Resolution in Support of Restore NY Grant for the “Northside Hub” - 58 Parker Ave.

R E S O L U T I O N (R-22-82)

INTRODUCED BY CHAIRWOMAN CHERRY:

WHEREAS, the City of Poughkeepsie is desirous of submitting a grant application to Round 7 of the Restore NY grant program, offered through Empire State Development Corporation, for funding to support the rehabilitation of a property at 58 Parker Avenue, also referred to as “The Northside Hub;” 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 Common Council is desirous of lending its support and endorsement to the Northside Hub 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 7 grant application to secure funds in support of rehabilitating the property at 58 Parker Avenue for future use as commercial and community space;

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 COUNCILMEMBER _____ .

R-22-82 – VOICE VOTE							
			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	☒	☐	☐	☐	

7. **R-22-83 & R-22-84**, SEQRA Resolution and Resolution Approving the Sale of City-Owned Parcel at 7-9 Morgan Ave.

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA) RESOLUTION REGARDING A SALE OF
CERTAIN CITY OWNED PROPERTIES
(R-22-83)**

BY COUNCILMEMBER FLOWERS:

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of city owned property located at unnumbered Morgan Avenue and identified as Tax Map No. 6162-72-458149; 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 _____.

R-22-83 – VOICE VOTE						
			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	☒	☐	☐	☐

RESOLUTION (R-22-84)

INTRODUCED BY COUNCILMEMBER FLOWERS:

WHEREAS, the City of Poughkeepsie has previously taken title to a vacant lot known as unnumbered Morgan Avenue (Tax Map No. 6162-72-458149), in the City of Poughkeepsie by reason of a Treasurer's Deed; and

WHEREAS, the above mentioned properties have been offered for sale by the City in accordance with the policy for the sale of City owned property; and

WHEREAS, an offer has been received from 21st Century Living LLC. ("Developer") to purchase this property from the City for the sum of \$50,000; and

WHEREAS, the Property Acquisition and Disposition Committee, having considered the mission of the Committee and the policies of the City, including the public interest in returning properties to the active tax rolls, stabilizing rents, and improving housing opportunities within the City, has recommended that the Common Council approve the sale, and

WHEREAS, the City and the developer have agreed to certain initial fixed rents and to the maximum amount said rents may be increased on an annual basis for a period of five years, and

WHEREAS, the Common Council hereby finds that the offer from 21st Century Living LLC. is in the best interests of the City; 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 21st Century Living LLC to purchase premises known as unnumbered Morgan Avenue (Tax Map No. 6162-72-458149), in the City of Poughkeepsie for the sum of \$50,000.00 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 (60) days of the date of approval by the Common Council, unless the Property Acquisition & Disposition Committee shall grant an extension as it 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 may be of record.
- D. Purchaser shall commence an Article 15 bar claim action promptly after closing.
- E. Purchaser agrees 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.
- F. Purchaser agrees to abate any existing code violations within thirty (30) days after closing.
- G. Purchaser shall, to the extent practical, utilize local labor with preference given to residents of the City of Poughkeepsie, for any construction/renovation of the proposed project.
- H. Purchaser agrees to complete the project and obtain a certificate of occupancy within eighteen (18) months of the issuance of the building permit. A reasonable extension may be granted by the Property Acquisition and Disposition Committee upon the written request of Purchaser.
- I. Purchaser agrees at its sole cost and expense to complete the project within eighteen (18) months of the issuance of the building permit (the "Completion Date"). In the event the project cannot be accomplished by the Completion Date at no fault of Purchaser, a reasonable extension may be granted by the Property Acquisition and Disposition Committee upon the written request of Purchaser.
- J. Purchaser shall have six (6) months from closing to submit all preliminary plans and specifications to the Building Department in order to obtain all approvals necessary to make the planned improvements. Once plans and specifications have been accepted by the Building Department, the Purchaser will promptly obtain a building permit. If Purchaser is unable to obtain such approvals, complete construction, and obtain a certificate of occupancy within eighteen (18) months of the issuance of the building permit, the Property shall revert to and thereafter become fee simple real estate owned by the City.
- K. In the event the Improvements are not completed by the Completion Date, and the Property reverts back to the City, upon the request of the City, the Purchaser/Grantor will provide a general warranty deed to the Property in form and substance acceptable to the City evidencing the reconveyance of the Property.
- L. During the construction of the improvements, developer shall not place any additional liens or encumbrances on the Property except as consented to by the City. In that regard, the

City agrees not to unreasonably withhold its consent to any construction loan financed with a commercial bank or similar lender intended to fund the construction and development of the Improvements. In such an event, the City will enter into a Subordination Agreement in form satisfactory to such lender.

- M. The contract of sale and/or closing agreement between the City and the Developer shall contain a provision governing the rents developer may charge future tenants, to wit: six two bedroom units will be leased at no more than \$1,518 monthly, and three two bedroom units shall be leased at no more than \$2,000 monthly.
- N. The contract of sale and/or closing agreement between the City and the Developer shall contain a provision governing the maximum annual rent increases for each unit, which shall be no greater than two percent per year for a period of five years calculated from each unit's initial lease date.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to enter into an Agreement for Sale of Land for the above mentioned transaction provided such agreement contains the terms contained herein together with such other terms and conditions which the Mayor and the Corporation Counsel shall deem appropriate, and 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 _____.

R-22-84 – VOICE VOTE						
			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:

- O-22-06**, Ordinance Amending §13-269 Of Chapter 13 of The City of Poughkeepsie Code of Ordinances Entitled “Motor Vehicles And Traffic” – Handicapped Parking on Franklin & Whinfield – **FIRST READ**

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

XII. ORDINANCES AND LOCAL LAWS:

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

- 1. A COMMUNICATION FROM JEFF AMAN, CHAIR OF THE PUBLIC ARTS COMMISSION**, Regarding the Waryas Park Whale Sculpture
- 2. A COMMUNICATION FROM COUNCILMEMBER FLOWERS**, Regarding a Draft Ordinance Amending §13-172 Of Chapter 13 of The City of Poughkeepsie Code of Ordinances Entitled "Motor Vehicles And Traffic" - Dutcher Place

A motion was made to defer the below communication/petition to Corporation Counsel by Councilmember Thompson and was seconded by Councilmember Long.

- 3. FROM BIANCA DUBOIS**, a notice of personal injury sustained on or around September 13, 2022.

XIV. ANNOUNCEMENTS:

XV. ADJOURNMENT:

A motion was made by Councilmember Thompson and seconded by Councilmember Long to adjourn the meeting at 8:38pm.

Dated: November 15, 2022

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, November 7, 2022.

Respectfully submitted,

**Jasmin Nicole Davis
City Chamberlain**

