



COMMON COUNCIL MEETING

Monday, November 21, 2022
Common Council Chambers

6:00 p.m.

Public Hearing: *for the purpose of receiving comments on the proposed introductory Local Law Amending Section 9-68 of the City of Poughkeepsie Code Entitled "Solid Waste Collection Fees"*

6:30 p.m.

I. ROLL CALL

II. REVIEW OF MINUTES:

Common Council Meeting – November 7, 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:

X. ORDINANCES AND LOCAL LAWS:

- 1. O-22-07**, Ordinance Amending §13-172 Of Chapter 13 of The City of Poughkeepsie Code of Ordinances Entitled "Motor Vehicles And Traffic" - Dutcher Place
- 2. LL-22-03**, Local Law Amending Section 9-68 of the City of Poughkeepsie Code Entitled "Solid Waste Collection Fees"

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

XII. ORDINANCES AND LOCAL LAWS:

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

- 1. A COMMUNICATION FROM COUNCILMEMBERS DEICHLER & MENIST,** Regarding Airbnb in the City of Poughkeepsie
- 2. A COMMUNICATION FROM DEVELOPMENT DIRECTOR QUINN,** Regarding a Local Law Amending Chapter 18 ½ of the City Code of Ordinances Entitled “Waterfront Consistency Review”
- 3. A PRESENTATION FROM THE REDISTRICTING COMMISSION,** Final Report and Recommendations of the 2022 Redistricting Commission
- 4. A PRESENTATION FROM OAKWOOD FRIENDS SCHOOL STUDENTS,** Regarding a Community Fridge at Adriance Memorial Library
- 5. FROM RITA LOMBARDI,** a notice of personal injury sustained on August 18, 2022.
- 6. FROM NOVELETT WILLIAMS,** a notice of personal injury sustained on September 19, 2022.
- 7. FROM RAECHAL DUNCAN,** a notice of property damage sustained on October 31, 2022.

XIV. ANNOUNCEMENTS:

XV. ADJOURNMENT:

**ORDINANCE AMENDING §13-172
OF CHAPTER 13 OF THE CITY OF POUGHKEEPSIE
CODE OF ORDINANCES ENTITLED “MOTOR VEHICLES
AND TRAFFIC”**

(O-22-07)

INTRODUCED BY COUNCILMEMBER FLOWERS:

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

SECTION 1: §13-172 is hereby amended by the following addition:

Section 13-172 One-way streets designated.

The following streets or parts of streets are hereby designated one-way streets; and when appropriate signs giving notice thereof are erected, no vehicle shall pass over said streets except in the direction indicated:

Dutcher Place from Smith Street to Bement Ave, except in an easterly direction.

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____:

ADDITIONS denoted by Underline and Bold

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

(LL-22-03)

INTRODUCED BY CHAIRWOMAN CHERRY _____ :

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 collection, 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 _____ :



**THE CITY OF POUGHKEEPSIE
NEW YORK
PLANNING DEPARTMENT
62 CIVIC CENTER PLAZA, 2ND FLOOR
POUGHKEEPSIE, NY 12601
Phone: (845) 451-4055 Fax: (845) 451-4006**

MEMORANDUM OF TRANSMITTAL

To: Common Council of the City of Poughkeepsie
From: Natalie Quinn, Development Director
Date: November 14, 2022
Re: **Local Waterfront Redevelopment Program (LWRP)**

Dear Common Council,

Prior to your meeting on November 21, 2022, a revised draft of the Local Waterfront Revitalization Program will be posted to city's website at the following location:

Local Waterfront Revitalization Program draft November 18, 2022
<https://www.cityofpoughkeepsie.com/392/Project-Documents>

The November 18, 2022 draft has been updated to reflect comments received by staff including:

- Public comments made at the January 18, 2022 public hearing, and follow-up hearing on February 22, 2022.
- Recommended revisions submitted by the Common Council and their consultant, Emily Svenson, in March 2022. Summary posted on website [here](#).
- Comments and revisions received by the NYS Department of State following their review of the [July 6, 2022 draft](#), which incorporated changes from the two bullets above.

As requested at the November 7th meeting, attached is a brief overview of the LWRP Update process thus far and table summarizing comments and revisions received by the NYS Department of State following their review of July 6th draft. All recommended revisions are incorporated and shown via tracked changes in the Word version of the document posted on the city's website.

The next step in the process is to hold a public hearing on the revised Local Law amending Chapter 18 1/2 titled "Waterfront Consistency Review." We encourage the Common Council to set the public hearing for December 5, 2022.

CC:
Marc Nelson, City Administrator
Rebecca Valk, Corporation Counsel
Emily Svenson, Consultant to Council



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MEMORANDUM

To: Common Council of the City of Poughkeepsie
From: Natalie Quinn, Development Director
Date: November 14, 2022
Re: **Poughkeepsie LWRP – Summary of Process & Revisions**

LWRP Process

The process of creating Poughkeepsie's Local Waterfront Revitalization Program (LWRP) began in October 2018. During the planning process, we held ten (10) Working Group meetings, four (4) Common Council briefings (plus an additional meeting with some Common Council members), four (4) briefings of the Waterfront Advisory Committee (WAC), and one (1) joint meeting of the WAC and Common Council. There were two (2) public workshops (December 5, 2018 and March 7, 2019). A public survey, issued online and with hard copies, received over 600 responses. We also held four (4) Stakeholder Meetings with representatives of key groups in the waterfront area. The four meetings included: environmental groups, Fall Kill stakeholders, the Northside Collaborative, and major property owners near the train station. At the request of the Common Council, we conducted additional public outreach during the summer of 2019, which included attendance by City staff and some councilmembers at a number of community events to further publicize the process, get feedback, and make sure community members were aware of the draft documents which have been posted on the City's website. Documentation of the public outreach process is included in the Appendix of the December 10, 2021 draft of the LWRP, which is posted on the City's website.

During the course of this planning process, comments were received and changes made to the document from a wide range of local and regional stakeholders, including:

- New York State Department of State (NYS DOS)
- Poughkeepsie Common Council members
- Waterfront Advisory Committee members
- Historic District and Landmarks Preservation Commission
- Dutchess County Planning Department
- Scenic Hudson
- Cary Institute

Drafts of the LWRP were posted on the City of Poughkeepsie website at key junctures throughout the planning process. Preliminary drafts were posted online on May 1, 2019 and July 1, 2019. The preliminary draft LWRP was also sent to NYS DOS during the summer of 2019. We received an initial set of comments



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from NYS DOS on November 7, 2019. These included comments from the NYS DOS planner and legal counsel. Based on those comments, a complete draft of the LWRP was produced that responded to all of the NYS DOS comments. This full draft was posted online on November 26, 2019.

A revised December 10, 2021 draft was posted on the City website when city staff and councilmembers sought to move the stalled document forward. A minor series of additional revisions was made to the November 26, 2019 draft to produce the December 10, 2021 version. None of these new revisions were substantive—rather, they amount to fixing typos, revising word choice to improve clarity, and improving some transitions between sections for readability.

The Common Council then set a public hearing for January 18, 2022, and follow-up hearing on February 22, 2022. The Common Council and their consultant, Emily Svenson, submitted recommended revisions following the close of the public hearing. All public comments and recommended revisions were incorporated and shown via tracked changes in the July 6, 2022 draft posted on the City's website. A summary of the Common Council's recommended changes is also posted on the city's website.

The July 6, 2022 draft included substantive changes, and was therefore re-circulated to the NYS DOS for review. On August 17, 2022 the City received comments back from NYS DOS legal counsel, LWRP coordinator, consistency reviewer and the project manager. A summary list of those comments is included on the pages below.

The next step in the process is for the City to hold a second public hearing on the Waterfront Consistency Review law. Following the public hearing, the City can conclude the SEQRA process with a negative declaration (indicating that adoption of the Waterfront Consistency Review Law and the LWRP will not result in any significant adverse impacts on the environment). Once the SEQRA process has concluded, the Common Council may adopt the revised Waterfront Consistency Review Law and the LWRP and adopt a resolution stating that the LWRP is ready to be sent to NYS DOS for 60-day review.

60-day review is a process by which the NY Secretary of State circulates a draft LWRP to State and Federal agencies for comment. Agencies have 60-days to respond. NYS DOS circulates letters to interested agencies, posts the draft document on the NYS DOS website, and sends any comments to the municipality. Following 60-day review, the City will be able to prepare a final version of the document. If there are any changes required at this point, the Common Council will adopt the LWRP as revised by comments received during 60-day review.

Benefits of an approved LWRP

An LWRP is a locally prepared planning and policy document with three key objectives:

1. Tool for the Waterfront Advisory Committee (WAC) to conduct consistency review of proposed actions in the Waterfront Revitalization Area.
2. An LWRP that has been approved by NYS DOS revises the NYS Coastal Management Program; therefore, local, State, and Federal actions must be consistent with the local LWRP.
3. Increases the likelihood of receiving grant funding from NYS for projects identified in the plan.



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SUMMARY OF NYSDOS COMMENTS ON JULY 6, 2022 DRAFT	
SECTION	COMMENT
Introduction	• Page i. Narrative changes were made to “Purpose” and “Authority” to properly reference state’s legislative intent and authority • Page v. Update section titles so that they match exactly in summary, TOC and at the beginning of each section • iv. Review the Harbor Management plan to ensure it includes – “Discussion of any conflict, congestion and competition for space in the use of surface waters and underwater lands of the state” • iv. Discuss resilience and adaptation needs in Section II Natural Resources & Habitats
SECTION I	• I-1. Add citation for FEMA per Josh’s comment on page I-1 • Updates to Figure I-2 WRA Boundary map as outlined in Josh’s comments on page I-2 through I-3 • I-3. Describe via narrative and add Harbor Management Area boundary to main map
SECTION II	• II-1. Reference other plans per Josh’s comment • II-6. Add alienation legislation to Appendix VIII (comment repeated on page II-7) • II-7. Confirm ownership of oil storage facility and a site in Sunfish Cove is still Poughkeepsie Landing Corp ○ Add reference of these uses to Policy 36 • II-7. Verify that Cen Hud site and petroleum storage are in fact dependent on river • II-10. Update WRA boundary in Figure II-2 Land Use Map • II-11. Recalculate land use percentages shown in Table II-1 after you make WRA boundary correction • II-13. Update and confirm number of zoning districts in WRA and update Table II-2 • II-14. Answer Danielle’s and Josh’s question about which standards in the WTOD are being referred to here. • II-16. Josh’s comment/suggestion to add something about recreational fishing, swimming and wildlife viewing to water dependent uses • II-16. Josh’s comment regarding the petroleum storage. Is it still active? • II-21. Donna’s comment about KRC not being water dependent. Talk to Josh about this. • II-22 Add key to Figure IV2 to clarify what tan and light blue color represent • II-25. What is difference between “Fall Kill Trail plan” and “Creek Concept Plan”? What years were they completed? • II-31. Update Figure II-6 to clarify what arrows mean. Add to key. • II-33. Add language to clarify if there is any risk to water plant due to flooding/climate change now or in the future. If yes, any opportunity to address? • II-34. Add language regarding the city’s plans to improve resiliency through green infrastructure. Talk to Engineering about MS4 SW management Plan • II-36. Update language regarding CHG&E rate plan. Has it been extended?? Says it goes through 06/30/21



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SECTION II

- II-37 Describe the presence or absence of any known or potential shipwrecks or historic dry docks in WRA
- II-37 In response to Barbara's comments, be sure that the LWRP PDF version currently includes all 10 items listed in Appendix VIII - they need to be there for 60-day review.
- II-38 and II-42. Clarify designation of Hoffman House and Reynolds House
- II-44 Add reference to any "underutilized, vacant, or deteriorated sites," specifically brownfield sites, within the Northern Waterfront Area of the WRA. Central Hudson site?
- II-47. Add additional information regarding urban agriculture within and outside of the WRA
- II-54. Add language regarding if/where any water-dependent uses (kayak launch or fishing) can be added to One Dutchess. Maybe exploration of this possibility can be added to a project, then that project can be reference in Section II here.
- II-55. Add discussion of wildlife viewing and education as further justification of adding the fall kill to the WRA
- II-55. Describe any existing commercial and recreational fishing opportunities in the WRA, including known recreational fishing access points, such as Waryas for striped bass, and the status of the commercial fisheries, esp. the Shad fishery
 - Direct reader to consumption advisories
- II-56. Josh is asking about impacts of the Central Hudson clean up to the WRA. Probably need to totally re-do this section based on current cleanup plans
- II-57. Review USACE info to see if any new dredging projects to improve navigable waters have been scheduled since 2019
- II-57. Add language regarding how potable water intakes are protected regarding mooring and anchorage
- II-64. Barbara's comment about contradictory language regarding the flood hazard area not being extensive
- II-64. Add specific base flood elevation for One Dutchess
- II-65. Add key to Figure II-13 to identify tan, light blue, and medium blue areas.
- II-74. Add list of soil types found in Fall Kill area based on findings in city's NRI
- II-74 Add discussion on Air Quality within the WRA – Europa's text
- II-75 Add discussion on previous and future flooding and resiliency planning in WRA
- II-83 and II-84. Add discussion of subtidal shallows and competition/conflict between boating access and ecological habitat. Reference NRI and Significant Habitat Report (appendix)
- II-87 and 88 – ensure all challenges and opportunities in the summary are discussed elsewhere in Part II. Remove or define red lining. Add narrative on urban renewal and or concentration of poverty. Add narrative regarding Scenic Hudson headquarters, or remove.
- II-49. Maps: Update Figure II-9 to include "Intersection of Pine Street and Rinaldi Boulevard"



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SECTION III	• III-1. Discuss with Council – remove sub-polices and add as policy explanation instead ○ III-9 and III-11. Discuss removal of policy 5A ○ III-17. Discuss removal of Policy 11A ○ III-22. Discuss removal of Policy 18A ○ III-23. Remove Policies 19B, 19C, 19E ○ III-35. Move policy 35A to explanation of policy • III-3. Both public and private marinas are permitted uses, so Josh recommends that remove stated preference of public marinas • III-3. Include relevant excerpts of Waterfront Redevelopment Strategy in Appendix VIII • III-8. Per Josh’s comment – do we need to include an amendment to site plan review process? I’d rather not, so we need to justify to DOS. • III-16. Add narrative regarding opportunities to enhance recreational fishing along the Hudson. Reference inventory and analysis and Policy 1. • III-18. Add reference to setback/landscaping requirements within code that support erosion control • III-19. Add policy 13 implementation chart to appendix. • III-21. I think Josh is recommending that we add a zoning text change to Section 19-4.11 of the code to encourage planting of native plant species. This is likely something that will be included in the new zoning code, but we do not want to await for adoption of code to approve LWRP. Should we drop reference to native plants? • III-24. Review language regarding to waterfront walkways and make sure it “confirms with zoning” per Josh’s comments. • III-30. Verify that the preference for water enhanced and dependent recreation uses align with the zoning code for DeLaval and strategic sites along the Fall Kill • III-36. Multiple comments regarding the fact that the “Intersection of Pine Street and Rinaldi Boulevard” is implemented or referenced in WTOD, not discussed in Section II, and not mapped in Figure II-9 • III-37. Confirm that WTOD zoning is attached in appendix. Then respond to Danielle’s comment. • III-37. Reword policy 26A to be “more indicative of a project” • <u>III-37. As reference to specific sites of urban agriculture to explanation of Policy 26 (also added to I&A)</u> • III-44. In reference to Policy 33, add WTOD zoning code to “policy implementation chart”
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SECTION IV	• Add DOS, LWRP, and zoning or code section to “Regulatory Requirements” sidebar for all relevant projects • A land use map depicting proposed uses is required for Section 4. Can be one map at the beginning, or a separate locator map for each project. • IV-1. Add Figure # for harbor management area • IV-2. Add overview of the proposed future land uses that are included in the project descriptions • IV-2. Add overview of the proposed future water uses that are included in the project descriptions • IV-4. Create table of all projects. Table should have columns for all the project titles, location, costs, timeframe, policies implemented, funding and regulatory as necessary • IV-12. Either change project to creation of Parks Master Plan, or add a project 2a that would create a master plan before proceeding with project 2b park improvements. • Change project regarding landscaping plan to a more broad project regarding resiliency planning in response to climate change and flooding
SECTION V	• V-6. Add text outlining the process of review of state and federal actions • V-2. Add summary of noise ordinance • V-3. Add summary of site plan development and natural resources • V-4. Add summary of private actions needed to implement LWRP
SECTION VI	• VI-18. Add additional federal and state agencies recommended by Josh
SECTION VIII	• VIII-6 add 1-2 sentences on 2021/2022 review

**RESOLUTION
(R22-XX)**

**RESOLUTION INTRODUCING LOCAL LAW AMENDING CHAPTER 18 ½ OF THE
CITY OF POUGHKEEPSIE CODE OF ORDINANCES ENTITLED “WATERFRONT
CONSISTENCY REVIEW”**

INTRODUCED BY COUNCILMEMBER _____ :

BE IT RESOLVED that an introductory Local Law entitled, LOCAL LAW AMENDING CHAPTER 18 ½ , OF THE CITY OF POUGHKEEPSIE CODE OF ORDINANCES ENTITLED “WATERFRONT CONSISTENCY REVIEW” 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 draft Local Waterfront Redevelopment Program dated November 18, 2022, which further enumerates policies identified within the introduced Local Law, is also introduced before the Common Council of the City of Poughkeepsie; and

BE IT FURTHER RESOLVED that the aforesaid proposed Local Waterfront Redevelopment Program is available to the Council and the public on the City’s website; 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, _____ at _____ 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 AMENDING CHAPTER 18 ½ , OF
THE CITY OF POUGHKEEPSIE CODE OF ORDINANCES
ENTITLED "WATERFRONT CONSISTENCY REVIEW"**

(L-22-XX)

INTRODUCED BY COUNCILMEMBER _____:

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

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to amend Section 18 ½ of the City of Poughkeepsie Code of Ordinances entitled "Waterfront Consistency Review" to provide an update of the Local Waterfront Revitalization Program first enacted in 1999. The proposed amendments reflect changes that have occurred in the Waterfront Revitalization Area since its adoption, incorporates recommendations of recent planning efforts, and addresses resilience to flooding and sea level rise, principles of sustainable planning and smart growth, and strategies to boost economic development for the City.

Section 2. AUTHORITY

This local law is adopted pursuant to provisions of the Municipal Home Rule Law and Title 19 of NYCRR Part 600, 601, 602, and 603.

Section 3. Chapter 18 ½ of the Code of Ordinances of the City of Poughkeepsie entitled "Waterfront Consistency Review" shall be amended as follows:

This chapter will be known as the "City of Poughkeepsie Waterfront Consistency Review Law."

**Section 18 1/2-2 Authority and purpose.
[L.L. No. 10-1999, § 1]**

- (a) This chapter is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).
- (b) This chapter is intended to provide a framework for agencies of the City of Poughkeepsie to consider the policies and purposes contained in the Local Waterfront Revitalization Program (LWRP) when reviewing applications for actions or direct agency actions located in the coastal area; and to assure that such actions and direct actions are consistent with the [said] LWRP policies and purposes.
- (c) It is the intention of the City of Poughkeepsie that the preservation, enhancement and utilization of the unique coastal area of the City of Poughkeepsie ~~[natural and manmade resources and water-dependent uses of the city's unique coastal area take place]~~ occur in a coordinated and comprehensive manner to ~~[accommodate population growth and economic development and to]~~ ensure a proper balance between protection of natural resources and the need to accommodate growth. Accordingly, it is the purpose of this chapter to achieve such a balance, permitting the beneficial use of coastal resources

while preventing degradation or loss of living [estuarine] coastal resources and wildlife; diminution of open space areas or public access to the waterfront; disruption of natural waterfront processes [~~erosion of shoreline~~]; impairment of scenic or historical resources [beauty]; losses due to flooding, erosion and sedimentation; impairment of water quality; or permanent adverse changes to ecological systems.

- (d) The substantive provisions of this chapter shall apply only while there is in existence a City of Poughkeepsie local waterfront revitalization program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

Section 18 1/2-3 Applicability.
[L.L. No. 10-1999, § 1]

All boards, departments, offices, other bodies or officers of the City of Poughkeepsie are responsible for the implementation of the LWRP within the bounds of their jurisdiction and must comply with this chapter, to the extent applicable, prior to carrying out, approving or funding any action.

Section 18 1/2-4 Definitions.
[L.L. No. 10-1999, § 1]

As used in this chapter, the following terms shall have the meanings indicated:

ACTIONS

Include all of the following except minor actions [~~Either Type I or unlisted actions as defined in the S.E.Q.R.A. regulations (6 N.Y.C.R.R. Part 617) which are undertaken by an agency and which include~~]:

- (a) Projects or physical activities, such as construction or other activities that may affect natural, manmade, or other resources in the coastal area, or the environment by changing the use, appearance or condition of any [~~natural~~] resource or structure, that:
- (1) Are directly undertaken by an agency; or
 - (2) Involve funding by an agency; or
 - (3) Require one or more new or modified approvals, permits, or review from an agency or agencies[-];
- (b) Agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions[-];
- (c) Adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect coastal resources or the environment[-]; and
- (d) Any combinations of the above.

AGENCY

Any board, agency, department, office, other body or officer of the City of Poughkeepsie.

COASTAL AREA

The portion of New York State Coastal waters and adjacent shorelines as defined in

Article 42 of the Executive Law which is located within the boundaries of the City of Poughkeepsie as shown on the coastal area map on file in the office of the Secretary of State and as delineated and described in the City of Poughkeepsie Local Waterfront Revitalization Program (LWRP).

COASTAL ASSESSMENT FORM (CAF)

The form[~~at~~], a sample of which is appended to this local law, used by an agency to assist [it] in determining the consistency of an action with the City of Poughkeepsie Local Waterfront Revitalization Program.

CONSISTENT

That the action will **fully comply** [~~be in compliance to the maximum extent practicable~~] with the City of Poughkeepsie's LWRP policy[ies] standards, conditions and objectives and, whenever practicable, will advance one or more of them.

DIRECT ACTIONS

Actions planned and proposed for implementation by an agency, such as, but not limited to, a capital project, rule-making, procedure making and policy making.

ENVIRONMENT

All conditions, circumstances, and influences surrounding and affecting the development of living organisms or other resources in the coastal area.

[LOCAL WATERFRONT AREA]

[~~That portion of New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law which is located within the boundaries of the City of Poughkeepsie, as shown on the Coastal Area Map on file in the office of the Secretary of State and as delineated in the City of Poughkeepsie Local Waterfront Revitalization Program.~~]

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)

The Local Waterfront Revitalization Program of the City of Poughkeepsie, as approved by the Secretary of State pursuant to the Waterfront Revitalization [and] of Coastal Areas and Inland Waterways [Resources] Act (Executive Law, Article 42), a copy of which is on file in the Office of the Clerk of the City of Poughkeepsie.

MINOR ACTIONS

Minor actions include the following actions, which are not subject to review under this law:

- (1) maintenance or repair involving no substantial changes in an existing structure or facility;
- (2) replacement, rehabilitation, or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, except for structures in areas designated by local law where structures may not be replaced, rehabilitated or reconstructed without a permit;
- (3) repaving of existing paved highways not involving the addition of new travel lanes;
- (4) street openings and right of way openings for the purpose of repair or maintenance of

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existing utility facilities;

(5) maintenance of existing landscaping or natural growth, except where threatened or endangered species of plants or animals are affected, and in Nature Preserves;

(6) granting of individual setback and lot line variances, except in relation to a regulated natural feature;

(7) minor temporary uses of land having negligible or no permanent impact on coastal resources or the environment;

(8) installation of traffic control devices on existing streets, roads and highways;

(9) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;

(10) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;

(11) official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s);

(12) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;

(13) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;

(14) collective bargaining activities;

(15) investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;

(16) inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;

(17) purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;

(18) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;

(19) engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;

(20) civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;

(21) adoption of a moratorium on land development or construction;

(22) interpreting an existing code, rule or regulation;

(23) designation of local landmarks or their inclusion within historic districts;

(24) emergency actions that are immediately necessary on a limited and temporary basis for the

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protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to coastal resources or the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;

(25) local legislative decisions such as rezoning where the City determines the action will not be approved.

PLANNING BOARD

The Planning Board of the City of Poughkeepsie as created by General City Law Section 27 and City of Poughkeepsie Code Section 2-17.

WATERFRONT ADVISORY COMMITTEE

The Waterfront Advisory Committee of the City of Poughkeepsie, as created pursuant to this chapter. The Committee may review and make recommendations to appropriate agencies regarding the consistency of proposed actions with the LWRP policies.

ZONING ADMINISTRATOR

The Zoning Administrator of the City of Poughkeepsie or his/her duly authorized representative.

ZONING BOARD OF APPEALS

The Zoning Board of Appeals of the City of Poughkeepsie as created by General City Law Section 81 and City of Poughkeepsie Code Section 19-8.1.

Section 18 1/2-5 Waterfront Advisory Committee.

[L.L. No. 10-1999, § 1; L.L. No. 1-2013, 2-19-2013, § 1]

- (a) A Committee is created and shall be hereafter known as the "Waterfront Advisory Committee of the City of Poughkeepsie" (hereafter "Committee"). The Committee is charged with the functions, powers and duties set forth in this chapter and may also perform other functions regarding the coastal area as the Common Council may assign to it from time to time.
- (b) The Committee shall consist of seven members who are City of Poughkeepsie residents and who have a longstanding interest in the waterfront. Three committee members shall be appointed by a majority vote of the Common Council. The Mayor shall appoint the four other committee members.
- (1) Committee members shall serve for terms of two years with the exception of the original appointed members of the Committee who shall serve as follows:
 - a. Three members appointed by the Council shall hold office for a term of two years.
 - b. Two members appointed by the Mayor shall hold office for a term of one year.
 - c. Two members appointed by the Mayor shall hold office for a term of two years.
- (2) Vacancies shall be filled by the Mayor for mayoral appointees and Common Council for Council appointees by appointment for the unexpired term.
- (3) Members may be removed by the Mayor for mayoral appointees and by the Common Council for

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Council appointees, for cause.

- (c) Members of the Committee shall serve without compensation but shall be entitled to reimbursement for necessary expenditures in the performance of their work, subject to budget limitations established by the City.
- (d) The Common Council shall annually appoint one Committee member to serve as Chairperson of the Committee. Upon failure of the Common Council to appoint a Chairperson, the members of the Committee shall elect a Chairperson.
- (e) The Committee may employ such persons as may be needed as authorized by the resolution of the Common Council and pursuant to law. This Committee shall have the power to adopt rules of procedure for the conduct of all business within its jurisdiction. Such rules shall become effective upon approval of the Common Council.
- (f) The Committee will make its own rules of procedure subject to applicable law.
- (g) The Committee shall appoint a Secretary who shall be responsible for keeping the minutes of the committee's meetings as required by the Opening Meetings Law of New York State. The Secretary shall file a copy of such minutes to ~~[the Building Inspector and]~~ the City Clerk's office ~~[Chamberlain]~~. No less than quarterly, the Committee shall provide a report of its activity to the Common Council.
- (h) The Committee shall meet~~[ing]~~ **as needed but in any event, no less frequently than** ~~[at least]~~ quarterly.

Section 18 1/2-6 Functions, powers and duties of Committee.
[L.L. No. 10-1999, § 1]

The Committee shall be responsible for overall management and coordination of the LWRP and will fully participate with and advise and assist other city agencies in the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative and other actions included in the program. In pursuance of this task the Committee will:

- (a) Advise the Mayor and Common Council on implementation, priorities, work assignments, timetables and budgetary requirements of the LWRP.
- (b) As described in § 18 1/2-8. of this chapter, review direct actions of the city and funding and permitting actions, including applications for site plans, zone changes, subdivisions and public works projects in the ~~[Local Waterfront]~~ **Coastal** Area as are referred to it, and advise the appropriate agency as to their consistency with the LWRP.
- (c) Subject to approval by Common Council resolution, make applications for funding from state, federal or other sources to finance projects under the LWRP.
- (d) **Coordinate and oversee** ~~[Maintain]~~ liaison with related city **agencies and departments** ~~bodies~~, including but not limited to the Planning Board and Zoning Board of Appeals, and with other nongovernmental bodies, in order to further the implementation of the LWRP.
- (e) Upon the request of the Mayor and/or Common Council, evaluate in timely fashion proposed actions of

state agencies within the ~~[Local Waterfront]~~ **Coastal** Area in order to assure consistency of such actions with the LWRP, advise Mayor and Common Council of any conflicts and participate in discussion to resolve such conflicts.

- (f) Assist the Mayor and Common Council in the review of proposed federal actions referred by the Department of State and provide an opinion concerning the consistency of the action within 30 days of receipt of the request from the Mayor and/or Common Council.
- (g) Prepare an annual report on progress achieved and problems encountered during the year and recommend such actions as the Committee considers necessary for the further implementation of the LWRP to the appropriate body.
- (h) Perform other functions regarding the ~~[Local Waterfront]~~ **Coastal** Area as are necessary and as the Mayor and/or Common Council may assign to it from time to time, to implement the LWRP.

Section 18 1/2-7 Review of actions.
[L.L. No. 10-1999, § 1]

- (a) Whenever a proposed action is located in the ~~[Local Waterfront]~~ **Coastal** Area, ~~[an]~~ each City agency shall, prior to approving, funding or undertaking the action, make a consistency determination. To move forward with such proposed action, that determination should find that the proposed action is consistent with the LWRP ~~[policies]~~ policy standards summarized in section I. below ~~[set forth in Subsection (g) herein]~~. No action in the ~~[Local Waterfront]~~ **Coastal** Area shall be approved, funded or undertaken without such a determination.
- (b) The Committee shall be responsible for coordinating review of actions in the City's waterfront area for consistency with the LWRP, and will advise, assist and make consistency recommendations for other City agencies in the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative, and other actions included in the program. The Committee will also coordinate with NYS Department of State regarding consistency review for actions by State or Federal agencies. ~~[Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the Local Waterfront Area, the applicant, or in the case of a direct action, the agency, shall prepare a coastal assessment (CA) to assist with the consistency review.]~~
- (c) The Committee will assist each agency with preliminary evaluation of actions in the Coastal Area, and with preparation of a CAF. Whenever an agency receives an application for approval or funding of an action, or as early as possible in the agency's formulation of a direct action to be located in the Coastal Area, the agency shall refer, within 10 days of receipt, to the Committee for preparation of a CAF, a sample of which is appended to this local law. The Committee will coordinate their preliminary evaluation with permitting or other review by each agency or the agencies considering an action. ~~[Prior to making its determination of environmental significance under SEQRA, the agency shall solicit and consider the recommendation of the Waterfront Advisory Committee with reference to the consistency of the proposed action by referring a copy of the completed application, CA, environmental assessment form (EAF) and all other relevant information to the Committee within 10 days of its receipt.]~~

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(d) The Committee shall require the applicant to submit to the Committee all completed applications, EAFs, and any other information deemed necessary to its consistency recommendation. The Committee shall render a written recommendation to the appropriate agency within 30 days following referral of the CAF, unless extended by mutual agreement of the Committee and the applicant or, in the case of direct action, the agency, or if further information is needed that has not been submitted. The recommendation shall indicate whether, in the opinion of the Committee, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards and objectives and shall elaborate in writing the basis for its opinion. The Committee shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action, including the imposition of conditions, to make it consistent with LWRP policy standards and objectives or to greater advance them. [After referral from an agency, the Committee shall consider whether the proposed action is consistent with the LWRP policies set forth in Subsection (g) herein to the maximum extent practicable. The Committee shall require the applicant to submit all completed applications, CA's, EAF's and any other information deemed to be necessary to its consistency recommendations.]

(e) If an action requires approval of more than one agency, decision making will be coordinated between agencies to determine which agency will conduct the final consistency review, and that agency will thereafter act as designated consistency review agency. Only one CAF per action will be prepared. If the agencies cannot agree, the Planning Director shall designate the consistency review agency.

(f) Upon recommendation of the Committee, the agency shall consider whether the proposed action is consistent with the LWRP policy standards summarized in section I. herein. Prior to making its determination of consistency, the agency shall consider the consistency recommendation of the Committee. The agency shall render a written determination of consistency based on the CAF, the Committee recommendation and such other information as is deemed necessary to its determination. No approval or decision shall be rendered for an action in the Coastal Area without a determination of consistency. The designated agency will make the final determination of consistency. (g) Where an EIS is being prepared or required, the draft and final EIS must identify applicable LWRP policy standards and include a discussion of the effects of the proposed action on such policy standards. No agency may make a final decision on an action that has been the subject of a final EIS and is located in the Coastal Area until the agency has made a written finding regarding the consistency of the action with the local policy standards referred to in Section I. herein.

(h) In the event the Committee's recommendation is that the action is inconsistent with the LWRP, and the agency makes a contrary determination of consistency, the agency shall elaborate in writing the basis for its disagreement with the recommendation and explain the manner and extent to which the action is consistent with the LWRP policy standards.

~~[(e) Recommendation.]~~

~~[(1) The Committee shall render its written recommendation to the agency within 30 days following referral of the required information from the agency, unless extended by mutual agreement of the Committee and the applicant or, in the case of direct action, the agency. The recommendation shall indicate whether, in the opinion of the Committee, the proposed action is consistent; consistent, with-~~

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recommended modifications; or inconsistent with the LWRP policies. The recommendation shall elaborate in writing the basis for its opinion and state the manner and extent to which any inconsistency affects the LWRP policies.]

~~[(2) The Committee shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action to make it consistent with LWRP policies or to greater advance them.]~~

~~[(3) Failure by the Committee to make a recommendation upon a referral within the thirty-day time period or any agreed-to extension shall not preclude the agency from making its consistency determination for the action.]~~

~~[(4) *Determination.*]~~

~~[(1) The agency shall make the determination of consistency based on the CA, the EAF, the recommendation of the Committee and such other information as is deemed to be necessary in its determination. Where it is determined that the action may have a significant effect upon the environment, the draft environmental impact statement (DEIS) and the environmental impact statement (EIS) each must contain a discussion of the effects of the action on and its consistency with the LWRP policies identified as applicable.]~~

~~(2) Where it is determined that the action will not have a significant effect upon the environment, the agency shall nonetheless make a written determination of consistency within 14 days of receipt of the Committee's recommendation or, if none is received, within 30 days.~~

~~(3) If the Committee's recommendation is that the action would be inconsistent and the agency determines that it is consistent, the agency must provide a written account describing why its determination disagrees with the recommendation.~~

~~(4) The agency shall issue its determination within 30 days following receipt of the Committee's recommendation and submission by the applicant of any additional information. No determination shall be made before the end of the time period permitted the Committee for recommendations unless the Committee recommendation is received prior to the expiration of the permitted time period. The agency shall have the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this chapter.]~~

~~[(g)-i] Actions to be undertaken within the [Local Waterfront] **Coastal** Area shall be evaluated for consistency in accordance with the following LWRP policies, which are derived from and further explained and described in [Section III of] the City of Poughkeepsie LWRP, a copy of which is on file in the City Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions shall consult with Section IV: **Proposed Land and Water Uses and Projects** of the LWRP in making their consistency determination. The action shall be consistent with the [policy] **policies** to:~~

~~(1) [Restore,] **Revitalize** [and redevelop] deteriorated and underutilized waterfront areas [for commercial, cultural, recreational and other compatible uses] (Policy 1).~~

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(2) Develop city-owned waterfront properties, including ~~[Northern Waryas,]~~ the former DeLaval property ~~[and the former sewage treatment plant, for mixed uses, including recreational, cultural, tourism, residential and compatible commercial]~~ for compatible use that facilitate water dependent and water enhanced uses, with a priority for water dependent uses. (Policy 1).

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(3) Retain and promote recreational water dependent uses [Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters] (Policy, 2).

(4) Strengthen the economic base of small harbor areas by encouraging traditional uses and activities ~~[which develop and enhance traditional uses and activities which have provided such areas with their unique maritime identity]~~ (Policy 4).

(5) ~~Ensure~~ ~~[the location of]~~ development in areas where adequate public infrastructure is available to reduce health and pollution hazards ~~[services and facilities essential to such development are adequate]~~ (Policy 5).

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(6) Evaluate proposed waterfront developments for the potential to complement downtown Poughkeepsie development, particularly by creating linkages to the downtown area of Main and Market Streets ~~[development within the waterfront area for traffic impact, particularly along North Water Street and Pine Street, and evaluate the possibility of expanding carrying capacity of these roadways, if necessary]~~ (Policy 5).

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~~[(7) Improve vehicular access to the industrial areas in the northerly and southerly portions of the city's waterfront to enable vehicles to gain access to private industries directly from Route 9 (Policy 5B).]~~

~~[(8) Encourage greater utilization of mass transit and evaluate proposed development relative to its need for access to mass transit (Policy 5C).]~~

~~[(9) Evaluate proposed waterfront development for its potential to complement downtown Poughkeepsie development, particularly the Main Mall (Policy 5D).]~~

~~[(10)7] Expedite permit procedures in order to facilitate the siting of development activities at suitable locations]~~ Streamline development permit procedures (Policy 6).

~~[(11)8] Protect~~ ~~[, preserve and restore]~~ significant and locally important ~~[coastal]~~ fish and wildlife habitats from human disruption and chemical contamination ~~[resources including, but not limited to, the Poughkeepsie Deepwater Habitat]~~ (Policies 7, 8, 40).

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~~[(12) Perform a risk assessment for any proposed expansion of existing waterfront industries in order to protect, preserve and restore the Poughkeepsie Deepwater Habitat (Policy 7B).]~~

~~[(13) Avoid the introduction of hazardous materials in or near the waterfront area and the Poughkeepsie Deepwater Habitat by, among other measures, prohibiting the introduction of new industries or technologies which would in the presence of hazardous materials and by encouraging existing industries to utilize the most current methods of containment (Policies 8A, 8B).]~~

~~[(14)9] Maintain, promote and expand~~ Expand the recreational use of fish and wildlife resources by

~~expanding access to these resources and develop~~ commercial fishing opportunities (Policies 9 and 10).

~~[(15)]~~**10** Minimize flooding and erosion hazards through nonstructural means; carefully selected, long-term structural measures; and appropriate siting of structures (Policies 11, **12**, 13, 14, 15, **16, and** 17~~, 17A and 17B~~)).

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~~[(16)]~~**11** Protect the Fallkill Creek from encroachment and preserve a linear open space **whenever possible** along the length of the creek for purposes of flood protection, aesthetics and recreation (Policy 11).

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~~[(17)]~~**Public funds shall be used for erosion protection structures only where necessary and in an appropriate manner (Policy 16).**

~~[(18)]~~**12** Safeguard economic, social and environmental interests in the coastal area when major actions are undertaken ~~[, especially with respect to new or expanded bridges or roads]~~ (Policy 18 ~~and 18B~~)).

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~~[(19)]~~**13** Maintain and improve public access to the shoreline and **to** water-related recreational ~~[resources and]~~ facilities while protecting the environment (Policies 1, 2, ~~[2A, 9,]~~ 19, 20, **21 and 22** ~~[and 34B]~~)).

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~~[(20)]~~**14** Encourage the use of public transportation to link ~~destinations along the waterfront~~ and to the ~~[Central Business]~~ **Poughkeepsie Innovation** District (Policy 19).

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~~[(21)]~~**15** Increase access to the Mid-Hudson Bridge ~~[walkways]~~ **and the Walkway Over the Hudson** (Policy 19).

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~~[(22)]~~**16** Encourage tour boats which bring large groups of people to the Poughkeepsie waterfront (Policy 19).

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17) The City of Poughkeepsie's public water-related recreational facilities should be linked via a linear trail along the waterfront. All new development along the Hudson River shall, where practical and appropriate, provide continuous pedestrian access along the water's edge and/or through the site to the waterfront. Water dependent and water enhanced uses shall be encouraged and the linear trail shall not preclude future construction of such uses (Policy 19).

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~~[(23)]~~**Encourage, facilitate and prioritize water dependent and water enhanced recreational resources and facilities near coastal waters (Policy 21).**

~~[(24)]~~**Encourage boating facilities and activity, provided that it does not interfere with other recreational opportunities (Policy 21A).**

~~[(25)]~~**Encourage the development of water related recreational resources and facilities, as multiple uses, in appropriate locations along the shoreline (Policy 22).**

~~[(26)]~~**Recreational activities must be part of any use of the DeLaval property, the former sewage treatment plant and Northern Waryas (Policy 22A).**

~~[(27)]~~**18** Protect ~~[, enhance]~~ and restore historic ~~[architectural cultural]~~ and archeological resources (Policies **23**, 24, ~~and 25 and 25B~~).

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~~[(28)]~~**(19)** Protect ~~[, restore]~~ and ~~[enhance]~~ **upgrade** scenic ~~[areas of statewide and local significance and viewsheds]~~ **resources** (Policies 24, ~~and 25~~ **and 25B**).

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~~[(29)]~~Assure that any new bridge crossing visible from the city's waterfront reflects the quality and motif of the Mid-Hudson Bridge (Policy 25C).

(20) Protect Poughkeepsie's existing urban agricultural lands and provide new opportunities to expand community gardens, commercial farming, and educational gardens within the City (Policies 26 and 29).

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~~[(30)]~~**(21)** Site~~[-]~~ **and** construct ~~[or expand]~~ energy facilities in a manner which will be compatible with the environment and contingent upon the need for a waterfront or water location (Policies 27~~[-]~~ **27A**) and 40).

~~[(34)]~~**(22)** Prevent ice management practices which ~~[w]~~could damage significant fish and wildlife and their habitats (Policy 28).

~~[(32)]~~**(23)** Protect surface and groundwater~~[s]~~ from direct and indirect discharge of pollutants and from overuse (Policies 30, 31, ~~32~~ 33, 34, ~~[34A,]~~ 35, 36, 37, 38and 40).

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~~[(33)]~~Provide and maintain public access along the waterfront at new marina sites; prohibit on-shore storage of boats on publicly-owned waterfront lands; encourage marine toilet pumpout facilities that are hooked into the city's sewage system (Policy 34B).

~~[(34)]~~**(24)** **Perform** ~~[Ensure that]~~ dredging and dredge spoil disposal ~~[are undertaken]~~ in a manner protective of **natural** resources (Policies 15, and 35).

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~~[(35)]~~**(25)** **Handle and dispose of hazardous wastes and effluent in a manner which will not adversely affect the environment (Policies 8, 30, 36, and 39).** ~~[Ensure that any transportation, handling or disposal of solid and hazardous wastes and effluents is in a manner which will not adversely affect the environment (Policies 34, 34A, 36, 39 and 40).]~~

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~~[(36)]~~**(26)** Protect the quality and quantity of surface and groundwater supplies (Policy, 38).

~~[(37)]~~**(27)** Protect air quality (Policies 41, 42 and 43).

(28) Protect tidal and freshwater wetlands (Policy 44)

~~[(h)]~~**i** If the agency determines that ~~[the]~~ **an** action **will be** ~~[is not]~~ **in**consistent with **one or more** ~~[the achievement of the]~~ LWRP policy **standards**, such action shall not be ~~authorized or funded~~ unless **modified to be consistent with the LWRP policies.** ~~[the agency makes a written finding with respect to the proposed action that:]~~

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~~[(1)]~~No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policies.

~~(2)~~ The action taken will minimize all adverse effects on such policies to the maximum extent practicable.

~~(3) The action will advance one or more of the other LWRP policies.~~

~~(4) The action will result in an overriding city, regional or statewide public benefit.~~

~~[Such a finding shall constitute a determination that the action is consistent with the LWRP policies.]~~

~~(f)k~~ Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Committee. Such files shall be made available for public inspection upon request.

Section 18 1/2-8 Severability; conflict with other provisions.

[L.L. No. 10-1999, § 1]

- (a) The provisions of this chapter are severable. If any provision is found invalid, such finding shall not affect the validity of any part or provision hereof other than the provision so found to be invalid.
- (b) Where there is a conflict or discrepancy in the application or effect of the provisions of this chapter with any other law, ordinance, rule or regulation of the city, the provisions of this chapter shall govern.

Section 18 1/2-9 Enforcement.

[L.L. No. 10-1999, § 1]

The City Zoning Administrator shall be responsible for enforcing this chapter. No work or activity on a project in the Local Waterfront Area which is subject to review under this chapter shall be commenced or undertaken until the Zoning Administrator has been presented with a written determination from an agency that the action is consistent with the City's LWRP policies. In the event that an activity is not being performed in accordance with this chapter or any conditions imposed thereunder, the Zoning Administrator shall issue a stop-work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop-work order is in effect.

Section 18 1/2-10 Penalties for offenses.

[L.L. No. 10-1999, § 1]

- (a) A person who violates any of the provisions of, or who fails to comply with any conditions imposed by, this chapter shall have committed a violation, punishable by a fine not exceeding \$500 for a conviction of a first offense and punishable by a fine of \$1,000 for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.
- (b) The Corporation Counsel is authorized and directed to institute any and all actions and proceedings necessary to enforce this chapter. Any civil penalty shall be in addition to and not in lieu of any prosecution and penalty.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual,

corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**ORDINANCE AMENDING §13-172
OF CHAPTER 13 OF THE CITY OF POUGHKEEPSIE
CODE OF ORDINANCES ENTITLED “MOTOR VEHICLES
AND TRAFFIC”**

(O-22-07)

INTRODUCED BY COUNCILMEMBER FLOWERS:

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

SECTION 1: §13-172 is hereby amended by the following addition:

Section 13-172 One-way streets designated.

The following streets or parts of streets are hereby designated one-way streets; and when appropriate signs giving notice thereof are erected, no vehicle shall pass over said streets except in the direction indicated:

Dutcher Place from Smith Street to Bement Ave, except in an easterly direction.

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____:

ADDITIONS denoted by Underline and Bold

METZGER INJURY LAW

The Personal Injury & Accident Attorneys

457 MAPLE STREET, P.O. BOX 1110
POUGHKEEPSIE, NEW YORK 12601

TEL. (845) 473-7000
FAX (845) 473-4110

MARK J. METZGER
KATHLEEN METZGER

mark@metzgerinjurylaw.com

November 14, 2022

VIA CERTIFIED MAIL--RETURN RECEIPT

Rebecca Valk, Esq.
City of Poughkeepsie
Corporation Counsel
62 Civic Center Plaza
Poughkeepsie, New York 12601

Re: **RITA LOMBARDI v.
CITY OF POUGHKEEPSIE**

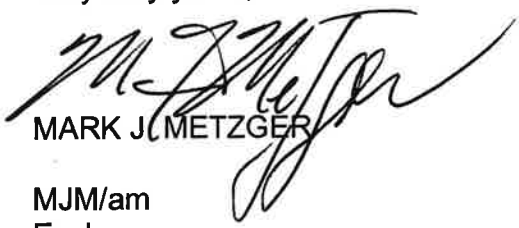
Notice of Claim

Dear Ms. Valk:

Enclosed is a Notice of Claim with respect to the above-cited matter. If you are not the appropriate recipient, please advise immediately.

Thank you.

Very truly yours,


MARK J. METZGER

MJM/am
Encl.

✓ cc: Mayor Robert G. Rolison

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

RITA LOMBARDI,

Claimant(s),

NOTICE OF CLAIM

-against-

CITY OF POUGHKEEPSIE,

Respondent(s).

TO: Rebecca Valk, Esq.
City of Poughkeepsie
Corporation Counsel
62 Civic Center Plaza
Poughkeepsie, NY 12601

NOV 14 PM 1:23
CITY OF POUGHKEEPSIE
CITY CLERK

PLEASE TAKE NOTICE, that claimant(s) hereby makes claim against the City of Poughkeepsie, its agents, servants and/or employees, for damages, and in support of such claim, states the following:

1. Name and Post Office Address of Claimant(s):

Rita Lombardi,
111 South Hamilton Street
Poughkeepsie, New York 12601.

2. Name and Post Office Address of Attorneys for Claimant(s):

Mark J. Metzger, Esq.
Metzger Injury Law
457 Maple Street, P.O. Box 1110
Poughkeepsie, New York 12602
(845) 473-7000

3. The nature of the claim, the time, place, and manner in which the claim arose are as follows:

Nature of Claim – Trip and Fall.

Date and Time When Claim Arose – August 18, 2022, at approximately 4:30 PM.

Place Where Claim Arose – On sidewalk in front of 101 Hamilton Street, Poughkeepsie, New York 12601 where the sidewalk was significantly raised. (See annexed photographs.)

Manner in Which Claim Arose – Claimant was walking in a generally southerly direction on the sidewalk, looking straight ahead when she tripped on a raised portion of the sidewalk. The front of claimants left shoe caught on the raised sidewalk causing her to fall forward and her body struck the sidewalk.

4. Claimant sustained the following personal injuries to: Face, forehead, mouth, teeth, elbows, shoulders, hands, right knee, and left foot.
5. The claim is filed within ninety (90) days after the accrual of the claim.

PLEASE TAKE FURTHER NOTICE, that claimant(s) hereby present(s) [his/ her/ their] claim for adjustment and payment, and notifies you, that unless same is adjusted and paid within thirty (30) days from the date of its presentation, it is [his/ her/ their] intention to commence an action against the respondent to recover the same with costs, attorneys' fees and disbursements.

Dated: Poughkeepsie, New York
November 10, 2022

Yours, etc.

METZGER INJURY LAW


By: Mark J. Metzger, Esq.
Attorneys for Plaintiff(s)
457 Maple Street, P.O. Box 1110
Poughkeepsie, New York 12601
Telephone: (845) 473-7000

STATE OF NEW YORK)
) s.s.:
COUNTY OF DUTCHESS)

Rita Lombardi, being duly sworn, deposes and says the following:

I am the Claimant in the foregoing claim. I have read the same and know the contents thereof. The same is true to my own knowledge except as to those matters alleged to be upon information and belief, and as to those matters, I believe them to be true.


RITA LOMBARDI

Sworn to before me this
10th day of November 2022.


NOTARY PUBLIC

MARK J METZGER
Notary Public, State of New York
No. 02ME4752153
Qualified in Dutchess County
Commission Expires Sept. 30, 2025

STATE OF NEW YORK)
) s.s.:
COUNTY OF DUTCHESS)

On November 10, 2022 before me, the undersigned, a Notary Public in and for said State, personally appeared, Rita Lombardi, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within Instrument and acknowledged to me that he executed the same in [HIS/ HER] his capacity, and that by [HIS/ HER] signature on the Instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


NOTARY PUBLIC

MARK J METZGER
Notary Public, State of New York
No. 02ME4752153
Qualified in Dutchess County
Commission Expires Sept. 30, 2025

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

RITA LOMBARDI,

Claimant(s),

-against-

CITY OF POUGHKEEPSIE,

Respondent(s).

**AMENDED
NOTICE OF CLAIM**

TO: Rebecca Valk, Esq.
City of Poughkeepsie
Corporation Counsel
62 Civic Center Plaza
Poughkeepsie, NY 12601

NOV 17 PM 2:30

CITY OF POUGHKEEPSIE
CITY CLERK

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Poughkeepsie, New York 12601.

2. Name and Post Office Address of Attorneys for Claimant(s):

Mark J. Metzger, Esq.
Metzger Injury Law
457 Maple Street, P.O. Box 1110
Poughkeepsie, New York 12602
(845) 473-7000

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Dated: Poughkeepsie, New York
November 17, 2022

Yours, etc.

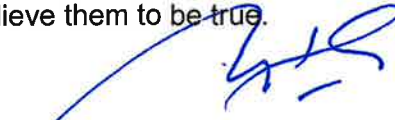
METZGER INJURY LAW


By: Mark J. Metzger, Esq.
Attorneys for Plaintiff(s)
457 Maple Street, P.O. Box 1110
Poughkeepsie, New York 12601
Telephone: (845) 473-7000

STATE OF NEW YORK)
) s.s.:
COUNTY OF DUTCHESS)

Rita Lombardi, being duly sworn, deposes and says the following:

I am the Claimant in the foregoing claim. I have read the same and know the contents thereof. The same is true to my own knowledge except as to those matters alleged to be upon information and belief, and as to those matters, I believe them to be true.



RITA LOMBARDI

Sworn to before me this
17th day of November 2022.



NOTARY PUBLIC

MARK J. METZGER
Notary Public, State of New York
No. 02ME4752153
Qualified in Dutchess County
Commission Expires Sept. 30, 2025

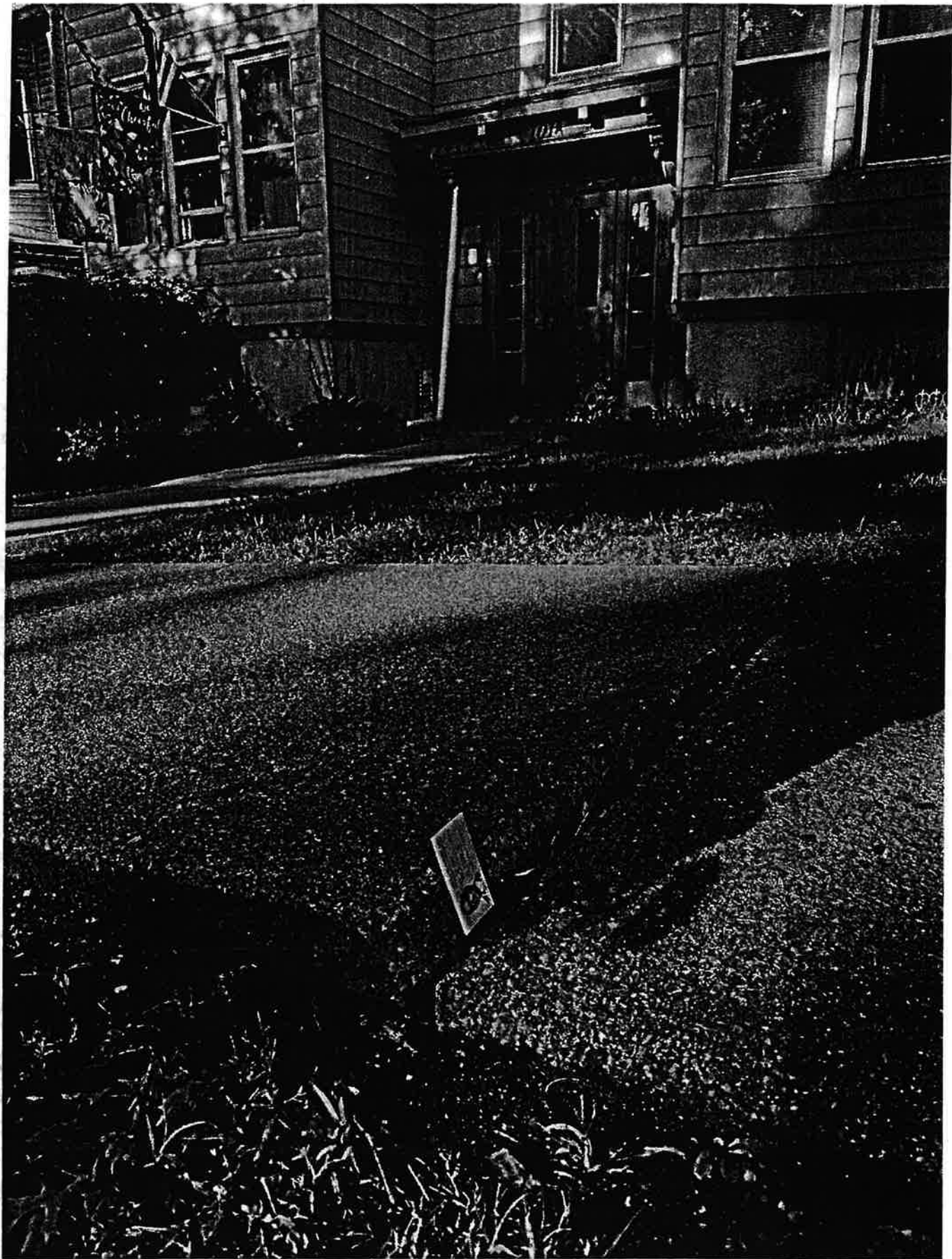
STATE OF NEW YORK)
) s.s.:
COUNTY OF DUTCHESS)

On November 17, 2022 before me, the undersigned, a Notary Public in and for said State, personally appeared, Rita Lombardi, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within Instrument and acknowledged to me that he executed the same in [HIS/ HER] his capacity, and that by [HIS/ HER] signature on the Instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

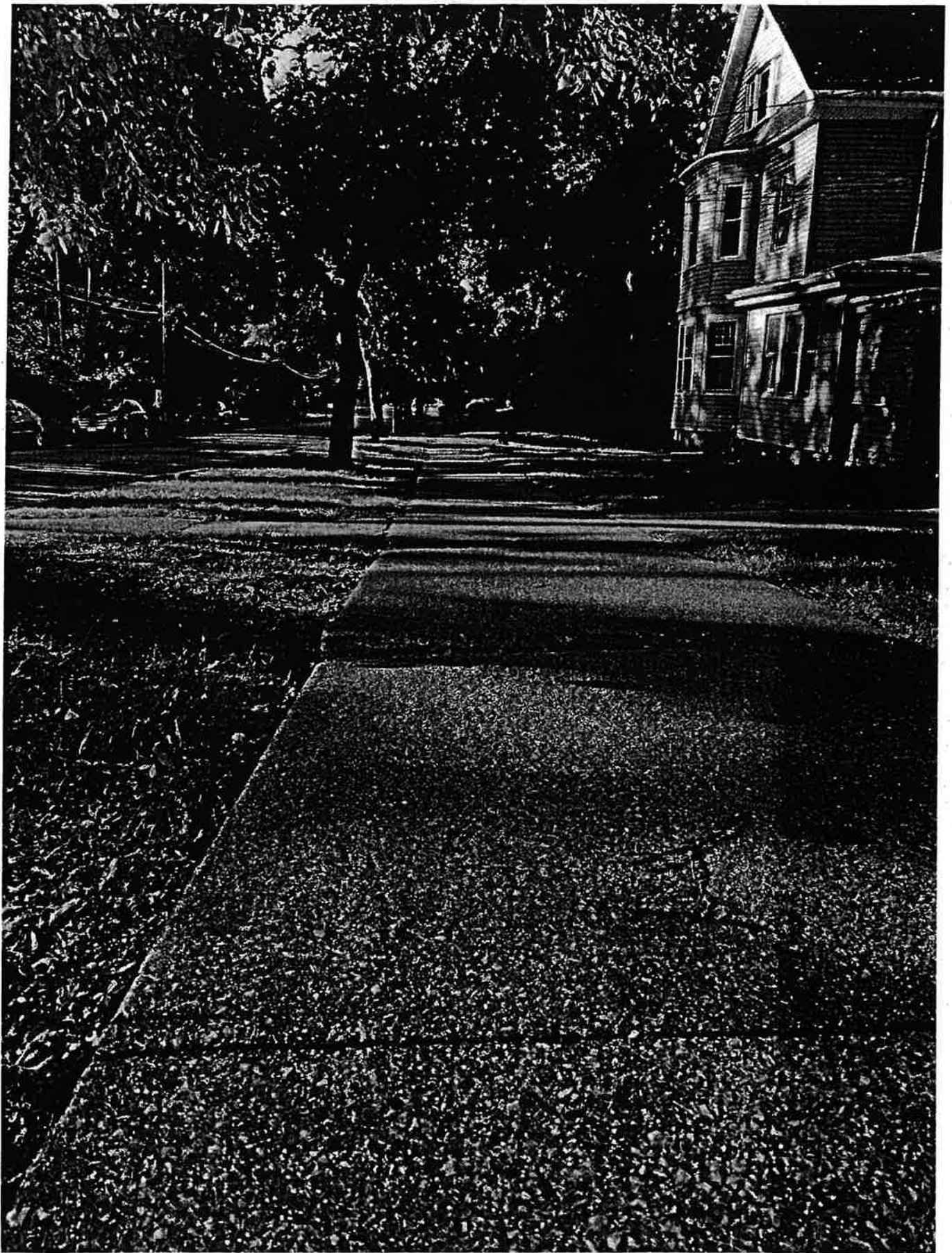


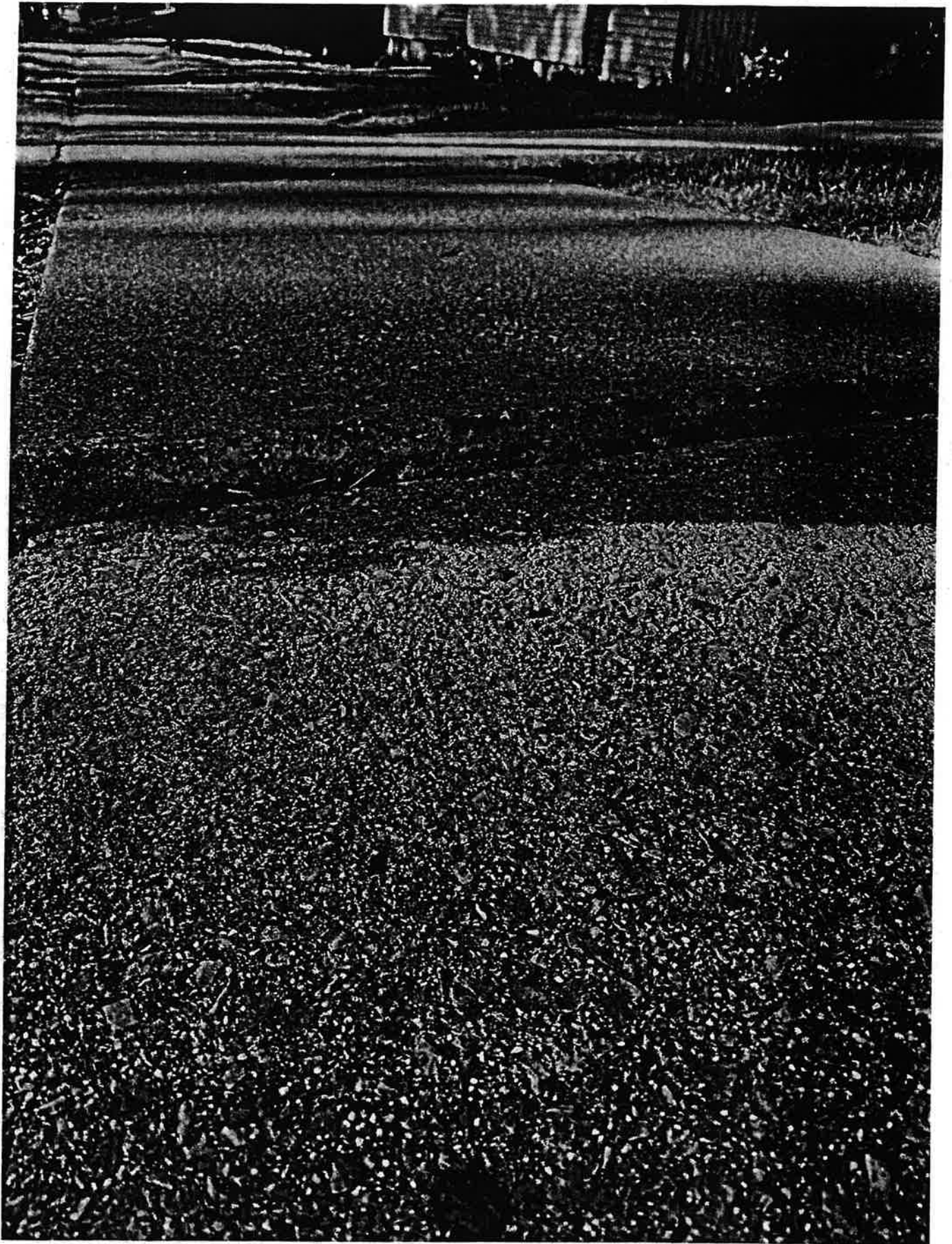
NOTARY PUBLIC

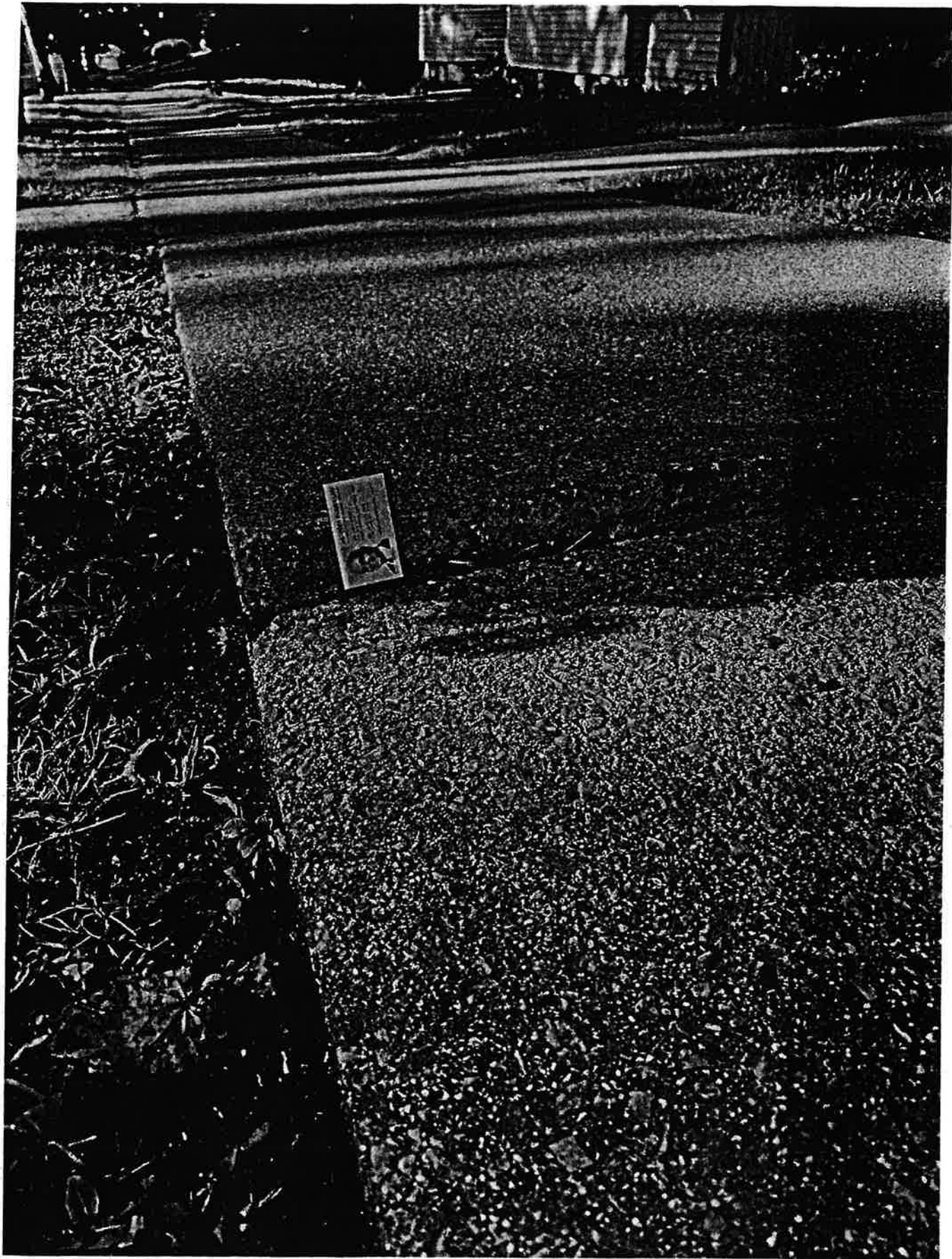
MARK J. METZGER
Notary Public, State of New York
No. 02ME4752153
Qualified in Dutchess County
Commission Expires Sept. 30, 2025



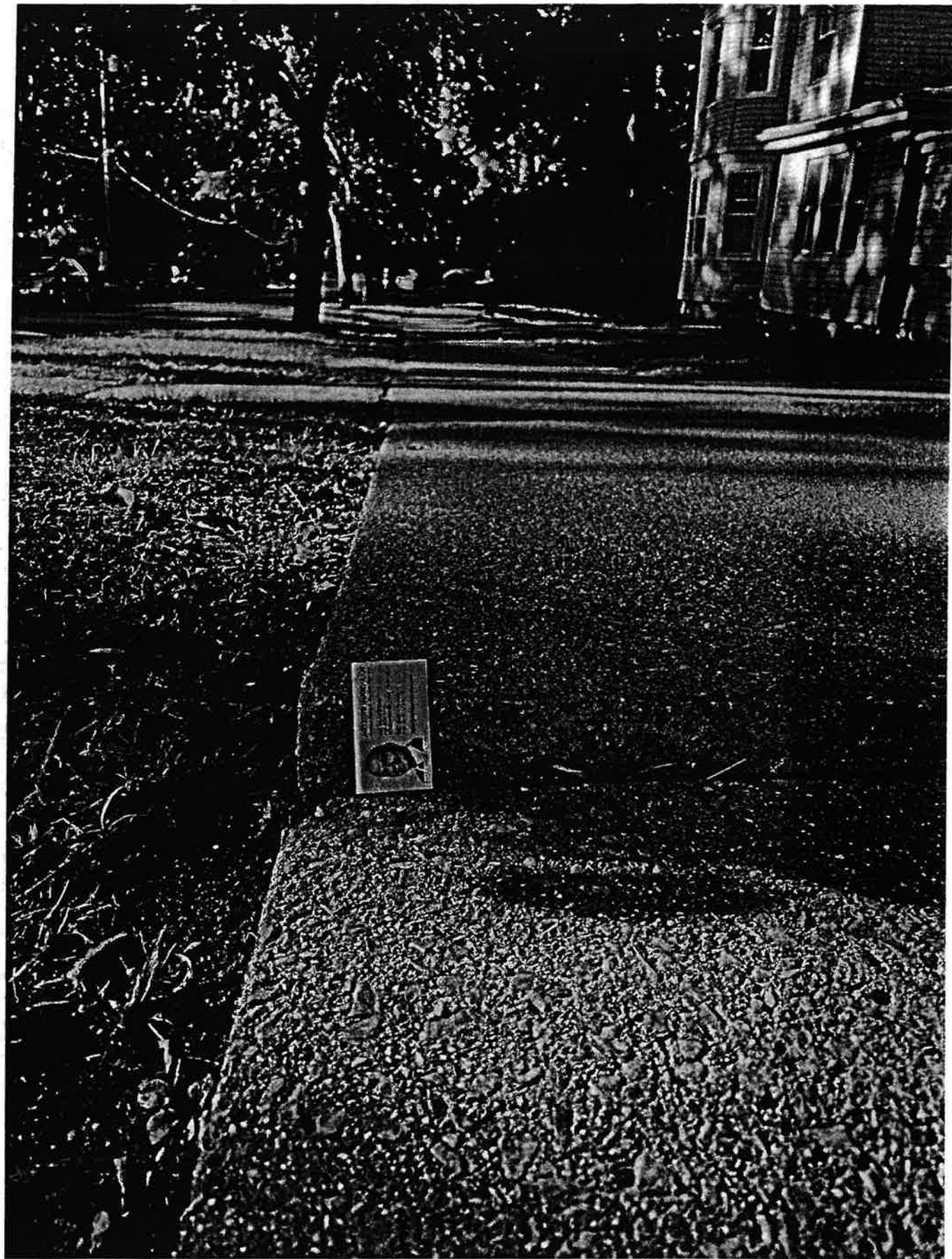
Sent from my iPhone







Sent from my iPhone



Sent from my iPhone

PLEASE PRINT OR TYPE FORM CLEARLY

NOTE: Claim must be filed with and served to the City Chamberlain in triplicate (3 copies) within 90 days after the claim arises. Use additional sheets if necessary.

NOTICE OF CLAIM
AGAINST
THE CITY OF POUGHKEEPSIE, NEW YORK

TODAY'S DATE: 11/10/2022

NAME AND ADDRESS OF EACH CLAIMANT:

Novelett Williams

130 Hudson Ave, Apt 219

Poughkeepsie, NY 12601

TELEPHONE NUMBER: 845-505-9672

NAME AND ADDRESS OF ATTORNEY (IF ANY):

DESCRIBE WHAT HAPPENED AND AMOUNT CLAIMED (PLEASE STATE DATE, TIME, LOCATION, AND MANNER IN WHICH CLAIM AROSE):

They HAS been A rainy evening, AND A Tree lime
Fell, on the banet of the Car, Nabors Came and
Call us to go and AND check our car, We saw

ITEMS DAMAGED OR INJURIES SUSTAINED:

A big Pice of limb
The Car bannet har A big Dent.

Novelett Williams

Signature of Claimant

Novelett Williams

Signature of Claimant

STATE OF NEW YORK, COUNTY OF Dutchess s.s.:

Novelett Williams only being duly sworn, say(s) that he/she is/are the claimant(s) named in the foregoing claim, that he/she has/have read the same and know(s) the contents thereof; that the same is true to his/her own knowledge, except as to the matters alleged upon information and belief and as to those items, he/she believes it to be true.

Novelett Williams

Signature of Claimant

11/10/2022

Signature of Claimant

Sworn to before me this

06 day of October, 2022

Notary Public

JASON D BAKER
Notary Public - State of New York
NO. 01BA6429941
Qualified in Dutchess County
My Commission Expires Mar 7, 2026

NOTE: After submitting this form to the City Chamberlain, please direct any inquires to the Corporation Counsel at (845) 451-4065, Monday to Friday, 8:30 a.m. - 4:00 p.m.

Date of Loss : September 19, 2022

Time of Loss : Between 5:00pm - 6:30pm.

Location : Apartment ~~20~~ 219
130 Hudson Avenue
Poughkeepsie

Amount being claimed : \$4,184.43

What happened:

It was a rainy afternoon.

A dry limb fell from the tree
and hit my vehicle.

My vehicle is a red 2017 Kia 2x
Licensed KTB7907 (NY).

Neighbors called and alerted me
to the fact and I went to
inspect the damage.

Sign Novalett Williams.
11/3/2022

PROGRESSIVE CLAIMS
P.O BOX 22016
ALBANY, NY 12201

PROGRESSIVE®

503484 34579 1 MB 0.515 CLTRS01H 110 034579

NOVELETT V WILLIAMS
1 WHITE ST #2D
HIGHLAND, NY 12528



**Underwritten By:
Progressive Specialty Insurance Company**

Claim Number: 22-7074882
Loss Date: September 19, 2022
Loss State: NY
Document Date: October 19, 2022
Page 1 of 1

claims.progressive.com

Track the status and details of your
claim, e-mail your representative or
report a new claim.

Request for Information

Please complete and return the enclosed form(s) in the envelope provided.

If you have any questions, please contact us.

JOSEPH S JACOBY
Claims Department
1-845-654-4200
1-800-PROGRESSIVE (1-800-776-4737)
Fax: 1-631-547-7085

Form Z575 (01/08)

Enclosures
Form 2421 NY (11/05)
Form Z517 (11/07)

Vince's Auto Body Works

Email: info@vincesautobodyworks.com
QUALITY SERVICE SINCE 1946
185 Smith Street, Poughkeepsie, NY 12601
Phone: (845) 454-3220
FAX: (845) 485-4111

Workfile ID: dc1e4c8c
PartsShare: 72bghs
Federal ID: 14-1677303
State ID: 7034149
License Number: RS# 7034149

Estimate of Record

RO Number: 16769

Written By: Tristine Sutter, IA-1380398, 10/20/2022 9:30:59 AM

Insured: WILLIAMS, NOVELETT Policy #: Claim #: 22-7074882-01
Type of Loss: Date of Loss: 9/19/2022 12:00 AM Days to Repair: 11
Point of Impact: 12 Front

Owner:

WILLIAMS, NOVELETT
1 WHITE STREET #2D
HIGHLAND, NY 12528
(845) 505-9672 Business

Inspection Location:

Vince's Auto Body Works
185 Smith Street
Poughkeepsie, NY 12601
Repair Facility
(845) 454-3220 Business
Date Inspected: 10/19/2022

Insurance Company:

PROGRESSIVE

VEHICLE

2017 KIA Sportage LX AWD 4D UTV 4-2.4L Gasoline Gasoline Direct Injection RED

VIN: KNDPMCAC6H7117422 Interior Color: Mileage In: 83,983 Vehicle Out:
License: KTB7907 Exterior Color: RED Mileage Out:
State: NY Production Date: Condition: Excellent Job #:

TRANSMISSION

Automatic Transmission
4 Wheel Drive

POWER

Power Steering
Power Brakes
Power Windows
Power Locks
Power Mirrors

DECOR

Dual Mirrors
Privacy Glass
Console/Storage
Overhead Console

CONVENIENCE

Air Conditioning
Intermittent Wipers
Tilt Wheel
Cruise Control
Rear Defogger
Keyless Entry
Alarm
Steering Wheel Touch Controls
Rear Window Wiper
Telescopic Wheel
Backup Camera

RADIO

AM Radio

FM Radio

Stereo

Search/Seek

CD Player

Auxiliary Audio Connection

Satellite Radio

SAFETY

Drivers Side Air Bag
Passenger Air Bag
Anti-Lock Brakes (4)
4 Wheel Disc Brakes
Traction Control
Stability Control
Front Side Impact Air Bags

Head/Curtain Air Bags

Hands Free Device

SEATS

Cloth Seats
Bucket Seats

WHEELS

Aluminum/Alloy Wheels

PAINT

Clear Coat Paint

OTHER

Rear Spoiler

Get live updates at www.carwise.com/e/4mTKPM

Estimate of Record

RO Number: 16769

2017 KIA Sportage LX AWD 4D UTV 4-2.4L Gasoline Gasoline Direct Injection RED

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1		INFORMATION LABELS					
2	#	ADJUSTMENT TO MATCH INS ESTIMATE		1		-0.3	
3		Rpl information labels				0.3	
4	Repl	Emission label 2.4 liter AWD	324582G250	1	5.35	Incl.	
5	Repl	AC label	97699A4100	1	6.60	Incl.	
6		FRONT BUMPER & GRILLE					
7	*	Refn Bumper cover w/o prk snsr					<u>1.1</u>
8		Add for Clear Coat					0.4
9	*	O/H bumper assy				<u>3.4</u>	
10	#	R&I FRT BUMPER COVER				Incl.	
11		FRONT LAMPS					
12	R&I	RT R&I headlamp assy				0.3	
13	R&I	LT R&I headlamp assy				0.3	
14		HOOD					
15	**	Repl A/M CAPA Hood AWD	66400D9100	1	477.00	<u>1.3</u>	<u>2.5</u>
16	*	Add for Clear Coat					<u>1.4</u>
17	*	Add for Underside(Complete)					<u>1.3</u>
18	*	Add for Clear Coat					<u>0.0</u>
19	R&I	Insulator				Incl.	
20		FENDER					
21	*	Refn RT Fender					<u>1.2</u>
22		Overlap Major Adj. Panel					-0.4
23		Add for Clear Coat					0.2
24	*	Refn LT Fender					<u>1.2</u>
25		Overlap Major Adj. Panel					-0.4
26		Add for Clear Coat					0.2
27	*	R&I RT Fender liner				<u>0.3</u>	
28	*	R&I LT Fender liner				<u>0.3</u>	
29	*	R&I RT Rear seal				<u>0.1</u>	
30	*	R&I LT Rear seal				<u>0.1</u>	
31	*	R&I RT Wheel flare				<u>0.3</u>	
32	*	R&I LT Wheel flare				<u>0.3</u>	
33	Repl	RT Nameplate "AWD"	86342D9000	1	26.50	0.2	
34	Repl	LT Nameplate "AWD"	86341D9000	1	26.50	0.2	
35		ELECTRICAL					
36	*	R&I Battery				m <u>0.3</u>	
		Note: D&R FOR SPRAY BOOTH AND RESET ELECTRONICS					
37	*	R&I <u>COMMUNICATIONS ANTENNA</u>				<u>0.3</u>	
38		SEATS & TRACKS					
39	*	R&I RT R&I front seat				<u>0.4</u>	
40	*	R&I LT R&I front seat				<u>0.4</u>	
41		ROOF					

Estimate of Record

RO Number: 16769

2017 KIA Sportage LX AWD 4D UTV 4-2.4L Gasoline Gasoline Direct Injection RED

42	*	Rpr	Roof panel			6.0	3.6
43			Overlap Major Non-Adj. Panel				-0.2
44			Add for Clear Coat				0.7
45	#	R&I	RT ROOF MOLDING			0.4	
46	#	R&I	LT ROOF MOLDING			0.4	
47	*	R&I	R&I headliner			6.3	
48			Deduct for Overlap			-0.8	
49	#	R&I	RT ROOF LUGGAGE RACK			0.5	
50	#	R&I	FRT ROOF LUGGAGE RACK CROSS BAR			0.3	
51	#	R&I	REAR ROOF LUGGAGE RACK CROSS BAR			0.3	
52	#	R&I	RT FRT ROOF MOLDING			0.2	
53	#	R&I	LT FRT ROOF MOLDING			0.2	
54	#	R&I	RT REAR ROOF MOLDING			0.2	
55	#	R&I	LT REAR ROOF MOLDING			0.2	
56			PILLARS, ROCKER & FLOOR				
57	*	Refn	<u>RT HINGE PILLAR</u>		S		0.6
58	*		Add for Clear Coat				0.1
59	*	Rpr	<u>LT DOOR OPENING PANEL</u>		S	1.0	0.0
60	*	Refn	<u>LT HINGE PILLAR</u>		S		1.4
61	*		Add for Clear Coat				0.3
62	*	R&I	RT Rocker molding black			0.4	
63	*	R&I	LT Rocker molding black			0.4	
64			QUARTER PANEL				
65	*	Refn	RT Quarter panel				1.3
66			Overlap Major Adj. Panel				-0.4
67	*		Add for Clear Coat				0.2
68	*	Refn	LT Quarter panel				1.3
69			Overlap Major Adj. Panel				-0.4
70	*		Add for Clear Coat				0.2
71		R&I	RT Splash shield			0.4	
72		R&I	LT Splash shield			0.4	
73	*	R&I	RT Wheel flare			0.3	
74	*	R&I	LT Wheel flare			0.3	
75			REAR LAMPS				
76	*	R&I	RT Combo lamp assy w/o LED			0.3	
77	*	R&I	LT Combo lamp assy w/o LED			0.3	
78			REAR BUMPER				
79	*	R&I	R&I bumper assy			1.0	
80			VEHICLE DIAGNOSTICS				
81	*		Pre-repair scan	1		75.00	m
82	*		Post-repair scan	1		75.00	m
83			MISCELLANEOUS OPERATIONS				
84	*	Repl	<u>HAZARDOUS WASTE DISPOSAL</u>	1		5.00	0.0
85	#		PAINT/MATERIALS	1		972.47	

Estimate of Record

RO Number: 16769

2017 KIA Sportage LX AWD 4D UTV 4-2.4L Gasoline Gasoline Direct Injection RED

86	#	CAR COVER (2@\$5.00)	2	10.00	T		
		Note: 1 FOR PRIMER					
87	#	Flex additive	1	6.95	T		
88	#	Repl ROPE GLASS (2 @ \$3.00)	2	6.00		0.6	
89	#	Repl Anti-Corrosion Per Repair Panel	1	5.95	T	0.2	
90	#	Refn EXTENDED CLEAR COAT					1.0
		Note: LT AND RT ROOF RAIL					
91	#	MASK JAMBS	1			1.0	
92	#	Color sand and buff	1		T	2.0	
		Note: MATCH FACTORY TEXTURE/MINIMAL PEEL					
SUBTOTALS				1,698.32		31.3	18.4

ESTIMATE TOTALS

Category	Basis	Rate	Cost \$
Parts			1,675.42
Body Labor	31.3 hrs @	\$ 53.00 /hr	1,658.90
Paint Labor	18.4 hrs @	\$ 53.00 /hr	975.20
Miscellaneous			22.90
Subtotal			4,332.42
Sales Tax	\$ 4,332.42 @	8.1250 %	352.01
Grand Total			4,684.43
Deductible			500.00
CUSTOMER PAY			500.00
INSURANCE PAY			4,184.43

All vehicle parts are O.E.M. unless stated otherwise. Paint, coatings are PPG, 3M and others. Part/labor prices are current and subject to change. Shop is not responsible for damages hidden or otherwise overlooked by its employees. This estimate does not obligate this shop to repair this vehicle.

AUTHORIZATION OF REPAIRS: I authorize Vince's Auto Body Works to make the enclosed described repairs. Their employees and/or agents may road test my vehicle as they see fit. I agree that this shop is not responsible for vehicle damage, theft, fire and/or loss due to reasons beyond their normal control. Old parts will be junked unless instructed otherwise. Signed: _____ Date: _____

Time: _____

DIRECTION OF PAY: I authorize _____ to make payment for the supplemental repairs to my vehicle directly to Vince's Auto Body Works in my behalf. Amount (if known)

\$ _____

Signed _____ Date _____

PURSUANT TO SECTION 2610 OF THE INSURANCE LAW, AN INSURANCE COMPANY CANNOT REQUIRE THAT REPAIRS BE MADE TO A MOTOR VEHICLE IN A PARTICULAR PLACE OR REPAIR SHOP. YOU HAVE THE RIGHT TO HAVE YOUR VEHICLE REPAIRED IN THE SHOP OF YOUR CHOICE.

RO Number: 16769

2017 KIA Sportage LX AWD 4D UTV 4-2.4L Gasoline Gasoline Direct Injection RED

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR COMMERCIAL INSURANCE OR A STATEMENT OF CLAIM FOR ANY COMMERCIAL OR PERSONAL INSURANCE BENEFITS CONTAINING ANY MATERIALLY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO, AND ANY PERSON WHO, IN CONNECTION WITH SUCH APPLICATION OR CLAIM, KNOWINGLY MAKES OR KNOWINGLY ASSISTS, ABETS, SOLICITS OR CONSPIRES WITH ANOTHER TO MAKE A FALSE REPORT OF THE THEFT, DESTRUCTION, DAMAGE OR CONVERSION OF ANY MOTOR VEHICLE TO A LAW ENFORCEMENT AGENCY, THE DEPARTMENT OF MOTOR VEHICLES OR AN INSURANCE COMPANY, COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME, AND SHALL ALSO BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED FIVE THOUSAND DOLLARS AND THE VALUE OF THE SUBJECT MOTOR VEHICLE OR STATED CLAIM FOR EACH VIOLATION.

You are entitled to the return of all replaced parts, except warranty and exchange parts, but you must ask for them in writing before any work is done. If you authorize work by phone, the shop must keep any replaced parts, and make them available when you pick up the vehicle.

THE PREPARATION OF THIS ESTIMATE MAY HAVE BEEN BASED ON THE USE OF CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. THERE ARE WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS. THESE WARRANTIES ARE PROVIDED BY THE MANUFACTURER AND/OR DISTRIBUTOR OF THE PARTS RATHER THAN BY THE ORIGINAL MANUFACTURER OF YOUR VEHICLE.

Estimate of Record

RO Number: 16769

2017 KIA Sportage LX AWD 4D UTV 4-2.4L Gasoline Gasoline Direct Injection RED

Estimate based on MOTOR CRASH ESTIMATING GUIDE and potentially other third party sources of data. Unless otherwise noted, (a) all items are derived from the Guide ARY2304, CCC Data Date 10/17/2022, and potentially other third party sources of data; and (b) the parts presented are OEM-parts. OEM parts are manufactured by or for the vehicle's Original Equipment Manufacturer (OEM) according to OEM's specifications for U.S. distribution. OEM parts are available at OE/Vehicle dealerships or the specified supplier. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships with discounted pricing. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor data provided by third party sources of data may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as Non OEM, A/M or NAGS. Used parts are described as LKQ, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

Some 2023 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The CCC ONE estimator has a list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

The following is a list of additional abbreviations or symbols that may be used to describe work to be done or parts to be repaired or replaced:

SYMBOLS FOLLOWING PART PRICE:

n=MOTOR Mechanical component. s=MOTOR Structural component. T=Miscellaneous Taxed charge category.
X=Miscellaneous Non-Taxed charge category.

SYMBOLS FOLLOWING LABOR:

D=Diagnostic labor category. E=Electrical labor category. F=Frame labor category. G=Glass labor category.
M=Mechanical labor category. S=Structural labor category. (numbers) 1 through 4=User Defined Labor Categories.

OTHER SYMBOLS AND ABBREVIATIONS:

Adj.=Adjacent. Algn.=Align. ALU=Aluminum. A/M=Aftermarket part. Blnd=Blend. BOR=Boron steel.
CAPA=Certified Automotive Parts Association. D&R=Disconnect and Reconnect. HSS=High Strength Steel.
HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non
Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace.
R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel.
Sect=Section. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

CCC ONE Estimating - A product of CCC Intelligent Services Inc.

The following is a list of abbreviations that may be used in CCC ONE Estimating that are not part of the MOTOR CRASH ESTIMATING GUIDE:

BAR=Bureau of Automotive Repair. EPA=Environmental Protection Agency. NHTSA= National Highway
Transportation and Safety Administration. PDR=Paintless Dent Repair. VIN=Vehicle Identification Number.

Estimate of Record

RO Number: 16769

2017 KIA Sportage LX AWD 4D UTV 4-2.4L Gasoline Gasoline Direct Injection RED

PARTS SUPPLIER LIST

Line	Supplier	Description	Price
15	Keystone 24 JEANNE DRIVE NEWBURGH NY 12550 (845) 566-0900	#KI1230141C A/M CAPA Hood AWD Quote: 1457865383 Expires: 12/04/22	\$ 477.00

PLEASE PRINT OR TYPE FORM CLEARLY

NOTE: Claim must be filed with and served to the City Chamberlain in triplicate (3 copies) within 90 days after the claim arises. Use additional sheets if necessary.

NOTICE OF CLAIM
AGAINST
THE CITY OF POUGHKEEPSIE, NEW YORK

CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN
1077 NOV 17 AM 11:41

TODAY'S DATE: November 17, 2022

NAME AND ADDRESS OF EACH CLAIMANT:

Raechal Duncan 20 Harrison St. Apt 2
Poughkeepsie, NY 12601

TELEPHONE NUMBER: 845-204-7957

NAME AND ADDRESS OF ATTORNEY (IF ANY):

DESCRIBE WHAT HAPPENED AND AMOUNT CLAIMED (PLEASE STATE DATE, TIME, LOCATION, AND MANNER IN WHICH CLAIM AROSE):

On 10/31/2022 at about 9:20 AM, I was traveling Northbound on S. Cherry St in Poughkeepsie when I attempted to move to the right so that a City Vehicle could pass as there were cars parked on both sides of the street. As the City Vehicle was passing my vehicle, the front driver side of the City Vehicle hit there rear-driver-side quarter panel of my car

ITEMS DAMAGED OR INJURIES SUSTAINED: Causing damage.

2008 Honda Pilot EX-L No appraisal at this time because the vehicle can not be driven.

Raechal Duncan
Signature of Claimant

Signature of Claimant

STATE OF NEW YORK, COUNTY OF Dutchess s.s.:

Raechal Duncan being duly sworn, say(s) that he/she is/are the claimant(s) named in the foregoing claim, that he/she has/have read the same and know(s) the contents thereof; that the same is true to his/her own knowledge, except as to the matters alleged upon information and belief and as to those items, he/she believes it to be true.

Raechal Duncan
Signature of Claimant

Signature of Claimant

Sworn to before me this

17th day of November, 2022

Debra A. Callahan
Notary Public

DEBRA A CALLAHAN
Notary Public - State of New York
No. 01CA6045844
Qualified in Putnam County
My Commission Expires July 31, 2026

NOTE: After submitting this form to the City Chamberlain, please direct any inquiries to the Corporation Counsel at (845) 451-4065, Monday to Friday, 8:30 a.m. - 4:00 p.m.

POLICE ACCIDENT REPORT

MV-104A (6/04)

Local Codes

2022-27643

Q30202G20GXN

AMENDED REPORT

1	Accident Date Month: 10, Day: 31, Year: 2022		Day of Week MONDAY	Military Time 09:22	No. of Vehicles 2	No. Injured 0	No. Killed 0	Not Investigated at Scene ☐	Left Scene ☐	Police Photos ☐ Yes ☒ No	19 26	
VEHICLE 1					☒ VEHICLE 2 ☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN							20
2	VEHICLE 1- Driver License ID Number: 893685300 Driver Name - exactly as printed on license: HOHEUSLE, LUCAS J Address (Include Number and Street): 524 SALT POINT TPK City or Town: POUGHKEEPSIE, State: NY, Zip Code: 12601 Date of Birth: Month 6, Day 24, Year 1988, Sex: M, Unlicensed: ☐ Name - exactly as printed on registration: POUGHKEEPSIE, CITY OF Address (Include Number and Street): 26 HOWARD ST, City or Town: POUGHKEEPSIE, State: NY, Zip Code: 12601 Plate Number: AG9614, State of Reg: NY, Vehicle Year & Make: 1998 FRHT, Vehicle Type: DUMP, Ins. Code: 238				State of Lic. NY VEHICLE 2- Driver License ID Number: 605653942 Driver Name - exactly as printed on license: DUNCAN, RAECHAL L Address (Include Number and Street): 20 HARRISON ST APT 2 City or Town: POUGHKEEPSIE, State: NY, Zip Code: 12601 Date of Birth: Month 4, Day 27, Year 1989, Sex: F, Unlicensed: ☐ Name - exactly as printed on registration: DUNCAN, RAECHAL L Address (Include Number and Street): 20 HARRISON ST APT 2, City or Town: POUGHKEEPSIE, State: NY, Zip Code: 12601 Plate Number: JBA3628, State of Reg: NY, Vehicle Year & Make: 2007 HOND, Vehicle Type: SUBN, Ins. Code: 069				21 22			
3	Ticket/Arrest Number(s)				Ticket/Arrest Number(s)				23 5			
4	Violation Section(s)				Violation Section(s)				24 1			
5	Check if involved vehicle is: ☐ more than 95 inches wide; ☐ more than 34 feet long; ☐ operated with an overweight permit; ☐ operated with an overdimension permit.				Check if involved vehicle is: ☐ more than 95 inches wide; ☐ more than 34 feet long; ☐ operated with an overweight permit; ☐ operated with an overdimension permit.				25 1			
6	VEHICLE 1 DAMAGE CODES Box 1 - Point of Impact: 12, Box 2 - Most Damage: 12 Enter up to three more damage codes: 12, 3, 4				VEHICLE 2 DAMAGE CODES Box 1 - Point of Impact: 10, Box 2 - Most Damage: 10 Enter up to three more damage codes: 11, 10, 9				26 7			
7	VEHICLE DAMAGE CODING: 1-13 SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER								27 1			
8	Reference Marker				Coordinates (if available) Latitude/Northing				28 1			
9	Reference Marker				Coordinates (if available) Longitude/Easting				29 -			
10	Place Where Accident Occurred: County: DUTCHESS, City: ☒ Village: ☐ Town: ☐ of POUGHKEEPSIE Road on which accident occurred: 49 S CHERRY ST (Route Number or Street Name) at 1) intersecting street: CHURCH ST (Route Number or Street Name) or 2) 100 feet miles of CHURCH ST (Milepost, Nearest intersecting Route Number or Street Name)				ACCIDENT DIAGRAM RELEASED TO: R. Duncan DATE: 11/14/22 CITY OF POUGHKEEPSIE POLICE DEPT. 62 CIVIC CENTER PLAZA POUGHKEEPSIE, NY 12601 Cost of repairs to anyone's vehicle will be more than \$1000. ☐ Unknown/Unable to determine ☒ Yes ☐ No				30 -			
11	Accident Description/Officer's notes Vehicle 1 was traveling southbound on S Cherry St approaching the intersection of Church St. Vehicle 2 was traveling northbound on S Cherry St approaching the intersection of Cannon St. A third uninvolved vehicle, NY: GMA5826, was parked and unoccupied on the west shoulder of the roadway facing south, which was a posted no parking area on this day. Due to the location of the improperly parked vehicle, Vehicle 1 and Vehicle 2 were unable to pass											
12	8	9	10	11	12	13	14	15	16	17	BY	
A	1	1	4	1	34	M	-	-	-		HOHEUSLE, LUCAS J	
B	1	3	4	1	54	M	-	-	-		MCQUADE, CATHAL J	
C	2	1	X	1	33	F	-	-	-		DUNCAN, RAECHAL L	
D												
E												
F												
ALL INVOLVED	Officer's Rank and Signature: PATROLMAN [Signature]				Badge/ID No.: 6941		NCIC No.: 01302		Precinct/Post Troop/Zone		Station/Beat Sector	
	Print Name in Full: NICHOLAS PARADIES								Reviewing Officer: HAMEL, MATTHEW		Date/Time Reviewed: 11/9/2022 10:51	

POLICE ACCIDENT REPORT

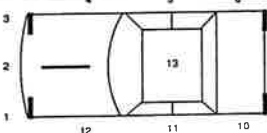
MV-104A (6/04)

Local Codes

2022-27643

Q30202G20GXN

☐ AMENDED REPORT

1	Accident Date Month: 10 Day: 31 Year: 2022	Day of Week MONDAY	Military Time 09:22	No. of Vehicles 2	No. Injured 0	No. Killed 0	Not Investigated at Scene ☐ Accident Reconstructed ☐	Left Scene ☐	Police Photos ☐ Yes ☒ No					
	VEHICLE ☐ VEHICLE ☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN													
2	VEHICLE - Driver License ID Number				State of Lic.		VEHICLE - Driver License ID Number				State of Lic.			
	Driver Name - exactly as printed on license				Driver Name - exactly as printed on license									
	Address (Include Number and Street)				Apt. No.		Address (Include Number and Street)				Apt. No.			
3	City or Town				State		Zip Code		City or Town				State	
	Date of Birth Month Day Year				Sex		Unlicensed		No. of Occupants		Public Property Damaged			
	Name - exactly as printed on registration				Sex		Date of Birth Month Day Year		Name - exactly as printed on registration		Sex			
4	Address (Include Number and Street)				Apt. No.		Haz. Mat. Code		Released		Address (Include Number and Street)		Apt. No.	
	City or Town				State		Zip Code		City or Town		State		Zip Code	
5	Plate Number		State of Reg.		Vehicle Year & Make		Vehicle Type		Ins. Code		Plate Number		State of Reg.	
	Ticket/Arrest Number(s)		Ticket/Arrest Number(s)		Ticket/Arrest Number(s)		Ticket/Arrest Number(s)		Ticket/Arrest Number(s)		Ticket/Arrest Number(s)		Ticket/Arrest Number(s)	
6	Violation Section(s)				Violation Section(s)				Violation Section(s)					
7	Check if involved vehicle is: ☐ more than 95 inches wide; ☐ more than 34 feet long; ☐ operated with an overweight permit; ☐ operated with an overdimension permit.				Check if involved vehicle is: ☐ more than 95 inches wide; ☐ more than 34 feet long; ☐ operated with an overweight permit; ☐ operated with an overdimension permit.				Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles.					
	VEHICLE DAMAGE CODING Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more damage codes Vehicle By: Towed To:				VEHICLE DAMAGE CODING Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more damage codes Vehicle By: Towed To:				ACCIDENT DIAGRAM TO: <u>R. Duvon</u> DATE: <u>11/14/22</u> CITY OF POUGHKEEPSIE POLICE DEPT. 62 CIVIC CENTER PLAZA POUGHKEEPSIE, NY 12601					
	VEHICLE DAMAGE CODING: 1-13 SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 15. TRAILER 16. OVERTURNED 17. DEMOLISHED 18. NO DAMAGE 19. OTHER								Cost of repairs to any one vehicle will be more than \$1000. ☐ Unknown/Unable to determine ☐ Yes ☐ No					
	Reference Marker		Coordinates (if available) Latitude/Northing		Place Where Accident Occurred: County <u>DUTCHESS</u> ☐ City ☐ Village ☐ Town of _____ Road on which accident occurred _____ (Route Number or Street Name) at 1) intersecting street _____ (Route Number or Street Name) or 2) _____ feet _____ miles ☐ N ☐ S ☐ E ☐ W of _____ (Milepost, Nearest intersecting Route Number or Street Name)									
Accident Description/Officer's notes each other un-obstructed. The operator of Vehicle 2 stated that she attempted to move to the right to give Vehicle 1 more room and came to a stop. The operator of Vehicle 1 stated that Vehicle 2 did attempt to move to provide Vehicle 1 with more room. The operator of Vehicle 1 stated that he was attempting to not strike both Vehicle 2 and the improperly parked vehicle as he continued to drive south. Vehicle subsequently struck the rear driver														
8 9 10 11 12 13 14 15 16 17 BY														
ALL INVOLVED	A													
	B													
	C													
	D													
	E													
	F													
Officer's Rank and Signature PATROLMAN <u>NICHOLAS PARADIES</u>		Badge/ID No. 6941		NCIC No. 01302		Precinct/Post Troop/Zone		Station/Beat Sector		Reviewing Officer HAMEL, MATTHEW		Date/Time Reviewed 11/9/2022 10:51		

POLICE ACCIDENT REPORT

MV-104A (6/04)

Local Codes

2022-27643

Q30202G20GXN

☐ AMENDED REPORT

1	Accident Date Month 10 Day 31 Year 2022	Day of Week MONDAY	Military Time 09:22	No. of Vehicles 2	No. Injured 0	No. Killed 0	Not Investigated at Scene ☐ Accident Reconstructed ☐	Left Scene ☐	Police Photos ☐ Yes ☒ No	
	VEHICLE ☐ VEHICLE ☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN									
2	VEHICLE - Driver License ID Number Driver Name - exactly as printed on license Address (Include Number and Street) Apt. No.				VEHICLE - Driver License ID Number Driver Name - exactly as printed on license Address (Include Number and Street) Apt. No.					
3	City or Town State Zip Code				City or Town State Zip Code					
4	Date of Birth Month Day Year Sex Unlicensed No. of Occupants Public Property Damaged				Date of Birth Month Day Year Sex Unlicensed No. of Occupants Public Property Damaged					
5	Name - exactly as printed on registration Sex Date of Birth Month Day Year				Name - exactly as printed on registration Sex Date of Birth Month Day Year					
6	Address (Include Number and Street) Apt. No. Haz. Mat. Code Released				Address (Include Number and Street) Apt. No. Haz. Mat. Code Released					
7	City or Town State Zip Code				City or Town State Zip Code					
8	Plate Number State of Reg. Vehicle Year & Make Vehicle Type Ins. Code				Plate Number State of Reg. Vehicle Year & Make Vehicle Type Ins. Code					
9	Ticket/Arrest Number(s)				Ticket/Arrest Number(s)					
10	Violation Section(s)				Violation Section(s)					
11	Check if involved vehicle is: ☐ more than 95 inches wide; ☐ more than 34 feet long; ☐ operated with an overweight permit; ☐ operated with an overdimension permit.				Check if involved vehicle is: ☐ more than 95 inches wide; ☐ more than 34 feet long; ☐ operated with an overweight permit; ☐ operated with an overdimension permit.				Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles.	
12	VEHICLE DAMAGE CODING Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more damage codes Vehicle By: Towed To:				VEHICLE DAMAGE CODING Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more damage codes Vehicle By: Towed To:				ACCIDENT DIAGRAM RELEASED TO: <u>L. DUNCAN</u> DATE: <u>11/14/22</u> CITY OF POUGHKEEPSIE POLICE DEPT. 62 CIVIC CENTER PLAZA POUGHKEEPSIE, NY 12601 Cost of repairs to any one vehicle will be more than \$1000. ☐ Unknown/Unable to determine ☐ Yes ☐ No	
13	VEHICLE DAMAGE CODING 14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER				VEHICLE DAMAGE CODING 14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER				9.	
14	Reference Marker Coordinates (if available) Latitude/Northing Longitude/Easting				Place Where Accident Occurred: County <u>DUTCHESS</u> ☐ City ☐ Village ☐ Town of _____ Road on which accident occurred _____ (Route Number or Street Name) at 1) intersecting street _____ (Route Number or Street Name) or 2) _____ feet _____ miles ☐ N ☐ S ☐ E ☐ W of _____ (Milepost, Nearest Intersecting Route Number or Street Name)					
15	Accident Description/Officer's notes side quarter panel of Vehicle 2 with the front driver side tire of Vehicle 1, causing damage. No report of injuries to all occupants at this time. 1 parking ticket was issued to the third uninvolved vehicle.									
16	8 9 10 11 12 13 14 15 16 17 BY									
17	ALL INVOLVED Officer's Rank and Signature <u>PATROLMAN</u> <u>NICHOLAS PARADIES</u> Print Name in Full <u>NICHOLAS PARADIES</u> Badge/ID No. <u>6941</u> NCIC No. <u>01302</u> Precinct/Post Troop/Zone Station/Beat Sector Reviewing Officer <u>HAMEL, MATTHEW</u> Date/Time Reviewed <u>11/9/2022 10:51</u>									



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 anybody 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	Councilmember Long	Voter	☒	☐	☐
☐	Defeated	Councilmember Thompson	Voter	☒	☐	☐
☐	Tabled	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.

RESOLUTION **(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**

