



COMMON COUNCIL MEETING

Tuesday, January 3, 2023
Common Council Chambers

12:00 p.m.

Organizational Meeting

12:30 p.m.

I. ROLL CALL

II. REVIEW OF MINUTES:

Public Hearing on Rise in Crime – December 19, 2022
Public Hearing on LWRP – December 19, 2022
Common Council Meeting – December 19, 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 & ANNOUNCEMENTS:

VIII. REPORTS OF COMMITTEES AND BOARDS:

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS:

- 1. R-23-10, Resolution Appointing a Vice Chair to the Common Council**
- 2. R-23-11, Resolution Setting a Public Hearing Regarding the Proposed Nomination of 299 Main Street as a Local Historic Landmark**
- 3. R-23-12, Resolution Amending the Public Hearing Date Regarding the Introduction of a Local Law Adopting The City of Poughkeepsie Redistricting Plan Pursuant to Section 2.10 of the City Charter**
- 4. R-23-13, New York State Environmental Quality Review Act (SEQRA) Resolution Regarding The Adoption Of A Local Law Amending Chapter 18 ½ , of The City of Poughkeepsie Code of Ordinances Entitled "Waterfront Consistency Review" and The Adoption of The Local Waterfront Revitalization Plan (LWRP)**

5. **R-22-14**, Resolution Adopting the Revised Local Waterfront Revitalization Program

X. ORDINANCES AND LOCAL LAWS:

1. **O-23-01**, Ordinance Amending §13-269 Of Chapter 13 of The City of Poughkeepsie Code of Ordinances Entitled “Motor Vehicles And Traffic”
2. **LL-23-01**, Local Law Amending Chapter 18 ½ , Of The City Of Poughkeepsie Code Of Ordinances Entitled “Waterfront Consistency Review”

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

XII. ORDINANCES AND LOCAL LAWS:

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

1. **FROM KENNETH MCNEIL**, a notice of property damage sustained on or around December 17, 2022.
2. **FROM KEELY A. CRAWFORD**, a notice of property damage and personal injury sustained on or around September 23, 2022.
3. **FROM ANN M. FULTON**, a notice of property damage and personal injury sustained on or around December 12, 2022.

XIV. ADJOURNMENT:

RESOLUTION

R-23-10

INTRODUCED BY CHAIRWOMAN BROWN: _____

WHEREAS, the Common Council is comprised of nine (9) members, one elected at-large citywide and one elected from each of the eight wards in the city (Charter Section 2.01); and

WHEREAS, pursuant to Section 2.03 of the Charter, the Common Council, at the annual organization meeting, shall elect a vice-chairperson who shall serve as chairperson and preside at all common council meetings for which the council chair is absent.

NOW THEREFORE,

BE IT RESOLVED, that Common Council hereby appoints the following individual to serve as the vice-chairperson in accordance with Charter Section 2.03.

Nathan Shook

SECONDED BY COUNCILMEMBER _____ .

**A RESOLUTION OF THE CITY OF POUGHKEEPSIE, SETTING A PUBLIC
HEARING REGARDING THE PROPOSED NOMINATION OF 299 MAIN STREET AS
A LOCAL HISTORIC LANDMARK**

(R-23-11)

INTRODUCED BY CHAIRWOMAN BROWN: _____

WHEREAS, 299 Main Street, City of Poughkeepsie is owned by JMS 299 Main LLC,
who is n who is desirous of securing a designation of 299 Main Street as a local historic landmark;
and

WHEREAS, the City of Poughkeepsie Historic District and Landmarks Preservation
Commission (hereinafter “HDLPC”) held a public hearing on November 10, 2022 regarding the
nomination of 299 Main Street as a local historic landmark; and

WHEREAS, the HDLPC voted in favor of the proposed nomination and approved the
application on November 10, 2022; and

WHEREAS, pursuant to Section 19-4.5(4)(f) of the Code of Ordinances of the City of
Poughkeepsie, the HDLPC’s approved application was forwarded to the Common Council for
consideration; and

WHEREAS, representatives of JMS 299 Main LLC appeared before the Common Council
on December 19, 2022 to make an initial presentation on the application;

WHEREAS, the Common Council is required to hold a public hearing prior to the
designation of any historic landmark; and

NOW THEREFORE,

BE IT RESOLVED, that the City Chamberlain be, and she hereby is authorized and
directed to publish a Notice of Public Hearing to be held February 6, 2023 at 6:00 p.m. concerning
the designation of 299 Main Street as a local historic landmark.

SECONDED BY COUNCILMEMBER _____ .



THE CITY OF POUGHKEEPSIE
NEW YORK
DEVELOPMENT DEPARTMENT
62 CIVIC CENTER PLAZA, 2ND FLOOR
POUGHKEEPSIE, NY 12601
Phone: (845) 451-4623 Fax: (845) 451-4006

HISTORIC DISTRICT & LANDMARKS PRESERVATION COMMISSION
NOMINATION FOR DESIGNATION

LOCATION

Address: 299 Main Street

APPLICANT

Name: Teryl Mickens

OWNER

Name: JMS 299 Main, LLC

Address: 225 Broadway, Suite 1300, New York, NY 10007

Open the public hearing

Motion: Gary
Second: John
Votes: 4 0 0
Ayes Nays Abstentions

Close the public hearing

Motion: Tim
Second: Brian
Votes: 4 0 0
Ayes Nays Abstentions

Refer nomination to the Common Council

Motion: Gary
Second: John
Votes: 4 0 0
Ayes Nays Abstentions


Signature of Chairman
Date: 11/10/22

**AMENDED
RESOLUTION
(R-22-90)**

R-23-12

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

INTRODUCED BY COUNCILMEMBER MENIST: _____

BE IT RESOLVED that an introductory Local Law entitled, “**LOCAL LAW ADOPTING THE CITY OF POUGHKEEPSIE REDISTRICTING PLAN PURSUANT TO SECTION 2.10 OF THE CITY CHARTER**”, be and hereby is introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law are laid upon the desk of each member of the Council; and

BE IT FURTHER RESOLVED that the Council shall hold a public hearing on said proposed local law to receive comment from the public on Monday, January 23, 2022 at 5:30 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: _____

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA) RESOLUTION REGARDING THE ADOPTION OF A LOCAL
LAW AMENDING CHAPTER 18 ½ , OF THE CITY OF POUGHKEEPSIE CODE OF
ORDINANCES ENTITLED “WATERFRONT CONSISTENCY REVIEW” AND THE
ADOPTION OF THE LOCAL WATERFRONT REVITALIZATION PLAN (LWRP)**

(R-23-13)

INTRODUCED BY CHAIRWOMAN BROWN _____ :

WHEREAS, the Common Council of the City of Poughkeepsie is considering the adoption of a Local Law Amended Chapter 18 ½ of the City of Poughkeepsie Code of Ordinances Entitled “Waterfront Consistency Review” and the adoption of the Local Waterfront Revitalization Plan (LWRP) (together comprising the “action”); and

WHEREAS, the City of Poughkeepsie has updated its Local Waterfront Revitalization Program to reflect changes that have occurred in the Waterfront Revitalization Area since the City last adopted an LWRP in 1999; to incorporate recommendations of recent planning efforts; to address resilience to flooding and sea level rise, principles of sustainable planning and smart growth, and strategies to boost economic development for the City; and

WHEREAS, the Common Council considers action to be a Type I 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 action; and

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

WHEREAS, the Common Council has considered the hereto attached Full Environmental Assessment Form (EAF) parts 1, 2 and 3, including attachments.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the attached EAF Parts 1, 2 and 3, including attachments, and Negative Declaration, dated December 20, 2022 is hereby accepted and incorporated as part of this resolution.
2. That the Common Council, as lead agency, hereby determines that the proposed action, as previously outlined herein, and for the reasons set forth in the attached determination of non-significance, will not result in a significant adverse impact on the environment and

thus declares, authorizes and approves that a negative declaration in the form and substance annexed hereto be authorized and approved.

3. That based upon the determination that the proposed action will not have a significant impact on the environment, the Common Council further determines as lead agency that an Environmental Impact Statement (EIS) is not required for the proposed action.
4. That pursuant to Section 617.12(b)(1) of the New York State Environmental Quality Review Act (SEQRA), the Common Council shall, as lead agency, maintain a file of its determination and supporting reasons that shall be available for public inspection in the Office of the City Chamberlain, First Floor, Municipal Building, 62 Civic Center Plaza, Poughkeepsie, New York 12602; and shall file a copy with the City of Poughkeepsie chief executive officer.

SECONDED BY COUNCILMEMBER _____ .

Information required by 6 NYCRR §617(a)(1):

Name and Address of Lead Agency:

City of Poughkeepsie Common Council

62 Civic Center Plaza

Poughkeepsie, NY 12601

Name, Address and Telephone Number of a person who can provide additional information:

Natalie Quinn, Development Director

62 Civic Center Plaza

Poughkeepsie, NY 12601

(845) 451-4047

**RESOLUTION
(R-23-14)**

INTRODUCED BY CHAIRWOMAN BROWN:

WHEREAS, the City of Poughkeepsie has presented to the Common Council a revised draft of a proposed Local Waterfront Revitalization Program dated _____, 2022; and

WHEREAS, the City of Poughkeepsie has updated its Local Waterfront Revitalization Program to reflect changes that have occurred in the Waterfront Revitalization Area since the City last adopted an LWRP in 1999; to incorporate recommendations of recent planning efforts; to address resilience to flooding and sea level rise, principles of sustainable planning and smart growth, and strategies to boost economic development for the City; and

WHEREAS, the LWRP program is sponsored by the New York State Department of State (NYS DOS), through which the City of Poughkeepsie received a grant in the amount of \$150,000 to complete the work mentioned herein; and

WHEREAS, the City released a Request for Proposals (“RFP”) on June 18, 2018, to which four planning consulting firms submitted proposals; and

WHEREAS, the firm of Buckhurst Fish & Jacquemart Inc. (“BFJ”) was selected through a competitive review process and was contracted on September 27, 2018 to assist the City with the creation of the proposed LWRP; and

WHEREAS, the City and BFJ utilized a number of community engagement methods and events to collect feedback on the proposed update, including:

- December 5, 2018 – Public Workshop #1 held at the Mid-Hudson Heritage Center
- December 2018 – Series of five stakeholder focus groups
- February 18 – April 15, 2019 – Public Survey (582 total responses)
- March 7, 2019 – Public Workshop #2 held at the Mid-Hudson Children’s Museum
- June 7, 2019 – Pop-up at First Friday @ Earline Patrice Park at Mansion Square
- June 9, 2019 – Pop-up at Poughkeepsie Pride Parade in Waryas Park)
- June 15, 2019 – Pop-up at Malcolm X Park Art Day
- July 13, 2019 – Pop-up at Pershing Avenue Community BBQ
- August 3, 2019 – Pop-up at First Friday @ Walkway Visitors Center

WHEREAS the City and BFJ presented regular briefings to the City of Poughkeepsie Common Council and Waterfront Advisory Committee throughout the project timeline to keep them abreast of the project’s evolution; and

WHEREAS the Common Council held public hearings on the matter on January 18, 2022, February 22, 2022, and December 20, 2022

WHEREAS the city has worked in close coordination with NYS DOS staff to create and review the proposed draft; and

WHEREAS, NYS DOS has advised City staff that the preferred process is for a municipality to adopt the plan and then send to DOS so they can conduct their 60 day review, especially when DOS was kept involved throughout the drafting of the revised plan; and

WHEREAS, the locally adopted Local Waterfront Revitalization Program will be circulated to NYS DOS for a required 60 day review in order to be considered for approval by Secretary of State and federal concurrence from NOAA's Office of Coastal Management for coastal LWRPs; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby approves the attached revised draft of the Local Waterfront Revitalization Program; and

BE IT FURTHER RESOLVED, that the Development Director be and hereby is authorized and directed to transmit a copy of the revised draft of the Local Waterfront Revitalization Program, as approved by the Common Council, with any amendments thereto, to the New York State Department of State with a request that the New York State Department of State review the draft at its earliest possible opportunity and provide the City of Poughkeepsie with its comments.

SECONDED BY COUNCILMEMBER _____.

**ORDINANCE AMENDING §13-269
OF CHAPTER 13 OF THE CITY OF POUGHKEEPSIE
CODE OF ORDINANCES ENTITLED “MOTOR VEHICLES
AND TRAFFIC”**

(O-23-01)

INTRODUCED BY COUNCILMEMBER MENIST:

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

SECTION 1: §13-269 is hereby amended by the following addition:

Section 13-269 Handicapped parking areas designated.

Upon the erection of signs giving due notice thereof, the following areas shall be designated as handicapped parking areas and are to be utilized only for the purpose set forth in this Article:

Franklin Street, South side, beginning 400 feet East of its intersection with Lincoln Ave and continuing East for a distance of 20 feet, for one-parking space

SECTION 2: §13-269 is hereby amended by the following addition:

Section 13-269 Handicapped parking areas designated.

Upon the erection of signs giving due notice thereof, the following areas shall be designated as handicapped parking areas and are to be utilized only for the purpose set forth in this Article:

Whinfield Street, South side, beginning 185 feet East of its intersection with Albany St and continuing East for a distance of 20 feet, for one-parking space

Whinfield Street, North side, beginning 185 feet East of its intersection with Albany St and continuing East for a distance of 20 feet, for one-parking space

SECTION 3: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____:

ADDITIONS denoted by Underline and Bold

**LOCAL LAW AMENDING CHAPTER 18 ½ , OF
THE CITY OF POUGHKEEPSIE CODE OF ORDINANCES
ENTITLED "WATERFRONT CONSISTENCY REVIEW"**

(L-23-01)

INTRODUCED BY CHAIRWOMAN BROWN _____ :

~~STRIKETHROUGH~~ INDICATES DELETION
BOLD and UNDERLINE INDICATES ADDED LANGUAGE

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]~~ **waterfront revitalization** 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 **city's unique waterfront revitalization area of the** ~~[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]~~ **waterfront** 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 waterfront revitalization 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 **waterfront 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 ASSESSMENT (CA)]~~

~~[The format used by an agency to assist it in determining the consistency of an action with the 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 waterfront revitalization 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 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 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 ASSESSMENT FORM (WAF)

The form, 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

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.

WATERFRONT REVITALIZATION AREA

The portion of the coastal area shown on the coastal area map on file in the office of the Secretary of State, plus the extension inland to include the 100-year floodplain around the Fall Kill, a designated inland waterway pursuant to NYS Executive Law Article 42, Section 911. This combined area is described as the City of Poughkeepsie WRA in Section I of the LWRP, approved pursuant to Article 42 of the Executive Law.

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 waterfront revitalization 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~~] three 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 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 **Revitalization** 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 **Revitalization** Area in order to assure consistency of such actions with the LWRP, advise the 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 **Revitalization** 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 **Revitalization** 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** ~~[that it]~~ 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 **Revitalization** 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 Waterfront Revitalization 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 Waterfront Revitalization 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 SEQR, 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.]

- (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 Waterfront Revitalization 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 Waterfront Revitalization 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.
- (g) 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 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.]~~

~~[(f) *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)]~~ **h)** Actions to be undertaken within the ~~[Local]~~ Waterfront **Revitalization** 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).
- (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 uses that facilitate water dependent and water enhanced uses, with a priority for water dependent uses.** (Policy 1[A]).
- (3) **Retain and promote recreational water dependent uses** ~~[Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters]~~ (Policy~~[ies]~~ 2~~[and 2A]~~).
- (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** ~~[Encourage 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).
- (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[A]).
- ~~[(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)]~~ ~~[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, ~~[7A,]~~8, 40).
- ~~[(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, ~~[13A,]~~ 14, 15, **16, and** 17~~[17A and 17B]~~).

~~[(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[A]).

~~[(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]~~ **waterfront revitalization** area when major actions are undertaken ~~[, especially with respect to new or expanded bridges or roads]~~ (Policy~~[ies]~~ 18~~[18A and 18B]~~).

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

~~[(20)]~~ **14** Encourage the use of public transportation to link ~~[Waryas Park and the DeLaval to each other]~~ **destinations along the waterfront** and to ~~[the Central Business District]~~ **downtown Poughkeepsie** (Policy 19[B]).

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

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

(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).

~~[(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, ~~[24A,]~~ and 25~~[25A and 25B]~~).

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

~~[(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).

[(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).

[(31)**22**] Prevent ice management practices which ~~[w]c~~ould 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, 38 and 40).

~~[(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~~[and 35A]~~).

[(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).]~~

[(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]~~ **inconsistent** with **one or more** ~~[the achievement of the]~~ LWRP policy **standards**, such action shall not be ~~[undertaken]~~ **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:]~~

~~[(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.]~~

~~[(H)]~~i) 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.**

SECONDED BY COUNCILMEMBER _____ .

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: 12/19/22
NAME AND ADDRESS OF EACH CLAIMANT:

Kenneth McNeil 35 Catharine Street Poughkeepsie
TELEPHONE NUMBER: 914-513-9164 Apt 403 NY 12601

NAME AND ADDRESS OF ATTORNEY (IF ANY):

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

I was driving towards Montgomery and Academy on Saturday December 17th 2022 and hit a massive pothole that damage the vehicle I was in. This incident occurred at 3:00 am while I was working.

ITEMS DAMAGED OR INJURIES SUSTAINED:

The back right wheel & underneath the car.

Kenneth McNeil
Signature of Claimant

Signature of Claimant

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

Kenneth McNeil 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.

Signature of Claimant

Kenneth McNeil
Signature of Claimant

Sworn to before me this

19th day of December, 2022
[Signature]
Notary Public

CAROL THOMPSON
NOTARY PUBLIC, State of New York
04TH6151306
Qualified in Dutchess County
Commission Expires 8/14/26

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.

2022 DEC 19 PM 1:58

NOTICE OF CLAIM

-----X
In the Matter of the Claim of

KEELY A. CRAWFORD,

- against -

THE CITY OF POUGHKEEPSIE, NEW YORK,
POUGHKEEPSIE CITY SCHOOL DISTRICT,
and
CEVIL JEANBAPTISTE

-----X

TO: Attn: City Chamberlain
THE CITY OF POUGHKEEPSIE, NEW YORK
62 Civic Center Plaza, Poughkeepsie, New York 12601

POUGHKEEPSIE CITY SCHOOL DISTRICT
11 College Avenue, Poughkeepsie, New York 12603

PLEASE TAKE NOTICE that the undersigned claimant hereby makes claim and demands against you as follows:

1. Name and post office address of each claimant and claimants' attorneys is:

Claimant:

KEELY A. CRAWFORD
122 Morgan Court, # 1D
Poughkeepsie, New York 12601

Attorney:

NOVO LAW FIRM, PC
299 Broadway, 17th Floor
New York, New York 10007
(212) 233-6686

2. Nature of Claim: The nature of the claim is for severe and permanent personal injuries, property damage and monetary damages sustained by **KEELY A. CRAWFORD** and all other damages allowed by statute and case law as a result of the negligence, carelessness, recklessness and gross negligence of the **THE CITY OF POUGHKEEPSIE, NEW YORK, and/or POUGHKEEPSIE CITY SCHOOL DISTRICT**, its agents, servants, employees and those acting under its direction, behest, permission and control in the ownership, operation, management and control of a certain motor vehicle and **CEVIL JEANBAPTISTE**, individually and in his official capacity operating the **THE CITY OF POUGHKEEPSIE, NEW YORK, and/or POUGHKEEPSIE CITY SCHOOL DISTRICT** motor vehicle.

3. The time when, the place where and the manner in which the claim arose: The accident occurred on September 23, 2022, at approximately 1:41 p.m. on Church Street at or near its intersection with Jefferson Street, County of Dutchess, City of Poughkeepsie, State of New York. Claimant **KEELY A. CRAWFORD** was a lawful pedestrian at or near the aforesaid location when the claimant was violently struck by a certain motor vehicle owned by the **THE CITY OF POUGHKEEPSIE, NEW YORK, and/or POUGHKEEPSIE CITY SCHOOL DISTRICT** and operated by **CEVIL JEANBAPTISTE** (agent, servant and/or employee of the respondent entities). Said occurrence and the injuries sustained by claimant were due to the negligence, carelessness and recklessness of the **THE CITY OF POUGHKEEPSIE, NEW YORK, and/or POUGHKEEPSIE CITY SCHOOL DISTRICT**, its agents, servants and/or employees in the ownership, operation, management, maintenance and control of the aforesaid motor vehicle; in operating said motor vehicle with a total disregard for the health, safety and welfare of others; in failing to avoid the

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collision with the pedestrian; in failing to timely utilize brakes; in failing and neglecting to properly and adequately slow, stop or otherwise decrease the speed of said motor vehicle so as to avoid the occurrence; in operating said motor vehicle at an unreasonable and improper rate of speed under the circumstances then and there prevailing; in failing and neglecting to turn, swerve or otherwise steer said motor vehicle in such a way so as to avoid the collision; in failing and neglecting to keep a proper, or any, lookout in and upon the roadway; in failing and neglecting to observe the conditions then and there existing in and upon the roadway; in failing and neglecting to honk the horn or otherwise give timely signal, notice or warning of their approach and of impending danger; in failing and neglecting to make proper use of any signaling, sounding or flashing devices; in failing to see what there is to be seen; in failing and neglecting to maintain said motor vehicle, and more particularly the steering, braking, signaling devices and tires, in proper working condition; in following too closely; in failing to maintain a safe distance; in failing to operate said vehicle with due regard to the rights and safety of the claimant; in operating said motor vehicle in a manner which unreasonably endangered the claimant; in failing to properly steer, guide, manage and control said motor vehicle; in failing to make adequate and timely observation of, and respond to conditions; in operating said motor vehicle in violation of the traffic rules, regulations, statutes and ordinances in such cases made and provided; in failing to instruct the driver of said motor vehicle as to the proper practices and procedures in the operation of said motor vehicle; in having negligent and improper hiring practices; in failing to properly investigate employees and potential employees; in allowing and permitting a careless, reckless and negligent driver to operate their vehicle, and in being otherwise careless, reckless and negligent in the maintenance, operation and control of said motor vehicle; and **THE CITY OF POUGHKEEPSIE, NEW YORK, and/or POUGHKEEPSIE CITY SCHOOL DISTRICT**, its agents, servants, and/or employees were otherwise careless, reckless and negligent. Upon information and belief, the motor vehicle owned by the **THE CITY OF POUGHKEEPSIE, NEW YORK, and/or POUGHKEEPSIE CITY SCHOOL DISTRICT** and operated by **CEVIL JEANBAPTISTE**, within the scope of his employment with the **THE CITY OF POUGHKEEPSIE, NEW YORK, and/or POUGHKEEPSIE CITY SCHOOL DISTRICT**, is identified as a 2022 Chevrolet, bearing New York License Plate # BF3542. A copy of the police accident report prepared in connection to the subject accident is attached.

4. Claimant **KEELY A. CRAWFORD**, sustained severe permanent personal injuries, the full extent of which are as yet unknown, including but not limited to, upon information and belief, multiple injuries. Claim is for personal injuries, hospital, physician and other medical expenses, pain and suffering, loss of quality and/or enjoyment of life, and all other damages to which claimant is entitled by case law and statute.

Said claim and demand are hereby presented for adjustment and payment. You are hereby notified that unless they are adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action in these claims. Claim is made for personal injuries in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

Dated: New York, New York
December 19, 2022

/s/ Ilya Novofastovsky

Ilya Novofastovsky, Esq.
NOVO LAW FIRM, P.C.
Attorneys for Claimant
KEELY A. CRAWFORD
299 Broadway, 17th Floor
New York, New York 10007
(212) 233-6686
Our File No.: 22-7196

ATTORNEY'S VERIFICATION

I, the undersigned, an attorney duly admitted to practice in the Courts of New York State, state under penalty of perjury that I am one of the attorneys for Claimant in the within action; I have read the foregoing

NOTICE OF CLAIM

and know the contents thereof; the same is true to my own knowledge, except as to the matters I believe to be true. The reason this verification is made by me and not by my client, is that my client is not presently in the County where I maintain my offices. The grounds of my belief as to all matters not stated upon my own knowledge are the materials in my file and the investigation conducted by my office.

Dated: New York, New York
December 19, 2022

/s/ Ilya Novofastovsky

Ilya Novofastovsky, Esq.
NOVO LAW FIRM, P.C.
Attorneys for Claimant
KEELY A. CRAWFORD
299 Broadway, 17th Floor
New York, New York 10007
(212) 233-6686

RELEASED TO

DATE

New York State Department of Motor Vehicles

POLICE ACCIDENT REPORT OF POUGHKEEPSIE POLICE DEPT

62 CIVIC CENTER PLAZA
POUGHKEEPSIE, NY 12601

Page 1 of 4 Pages

Local Codes
22-24014
Q36564EWZFC

AMENDED REPORT

1	Accident Date Month 9 Day 23 Year 2022	Day of Week FRIDAY	Military Time 13:41	No. of Vehicles 2	No. Injured 1	No. Killed 0	Not Investigated at Scene ☐	Left Scene ☐	Police Photos ☒ Yes ☐ No	19 4	
1	VEHICLE 1				VEHICLE 2- Driver License ID Number 620419495				State of Lic. NY		20 X
2	VEHICLE 1- Driver License ID Number 748833520				Driver Name - exactly as printed on license JEANBAPTISTE, CEVIL				Apt. No.		21 X
01	Address (Include Number and Street) PO BOX 2342				Address (Include Number and Street) 122 MORGAN CT APT D				Apt. No.		22 X
3	City or Town POUGHKEEPSIE				City or Town POUGHKEEPSIE				Zip Code 126010000		23 4
2	Date of Birth Month 7 Day 27 Year 1965	Sex M	Unlicensed ☐	No. of Occupants 01	Public Property Damaged ☐		Date of Birth Month 3 Day 11 Year 1960	Sex F	Unlicensed ☐	No. of Occupants 01	24 X
4	Name - exactly as printed on registration POUGHKEEPSIE, CITY S				Name - exactly as printed on registration				Date of Birth Month Day Year		25 3
1	Address (Include Number and Street) 18 S PERRY ST				Address (Include Number and Street)				Apt. No.		26 77
5	City or Town POUGHKEEPSIE				City or Town				Zip Code 12601		27 1
1	Plate Number BF3542	State of Reg NY	Vehicle Year & Make 2022 CHEV	Vehicle Type VAN	Ins. Code 697	Plate Number		State of Reg	Vehicle Year & Make	Vehicle Type PED	28 2
6	Ticket/Arrest Number(s)				Ticket/Arrest Number(s)				Violation Section(s)		29 3
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.		30 1
1	VEHICLE 1 DAMAGE CODES Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more damage codes				VEHICLE 2 DAMAGE CODES Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more damage codes				ACCIDENT DIAGRAM See the last page of the MV-104A for the accident diagram.		31 2
1	Vehicle By: Towed To:				Vehicle By: Towed To:				Cost of repairs to any one vehicle will be more than \$1000. ☐ Unknown/Unable to determine ☐ Yes ☒ No		32 2
1	VEHICLE DAMAGE CODING: 1-13 SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER				Place Where Accident Occurred: County DUTCHESS ☒ City ☐ Village ☐ Town of POUGHKEEPSIE Road on which accident occurred CHURCH ST at 1) intersecting street JEFFERSON ST or 2) _____ feet _____ miles ☐ N ☐ S ☐ E ☐ W of _____ (Milepost Nearest intersecting Route Number or Street Name)						33 2
Accident Description/Officer's notes Operator of V1 states that he was stopped at the light facing south on Jefferson street Ext. There was one car in front of him. He states that the female was standing on the median near the yellow diamond sign. He states that his light turned green and the vehicle in front of him went straight down Jefferson Street and he proceeded forward and was making a left turn onto Church Street when all of a sudden the pedestrian stepped off the											34 2

ALL INVOLVED

8	9	10	11	12	13	14	15	16	17 BY		
A	1	1	4	1	57	M	-	-	-	JEANBAPTISTE, CEVIL	
B	P	-	-	7	62	F	06	12	6	9999 1306 CRAWFORD, KEELY A	
C											
D											
E											
F											
Officer's Rank and Signature		PATROLMAN <i>P.O. Bruzgul</i>		Badge/ID No.		NCIC No.		Precinct/Post Troop/Zone		Station/Beat Sector	
Print Name in Full		JUSTIN A BRUZGUL		5976		07302				Reviewing Officer HAMEL, MATTHEW	
										Date/Time Reviewed 9/27/2022 12:38	

New York State Department of Motor Vehicles POLICE ACCIDENT REPORT

MV-104A (6/04)

Local Codes
22-24014
Q36564FW2FZC

☐ AMENDED REPORT

1		Accident Date Month: 9, Day: 23, Year: 2022		Day of Week FRIDAY		Military Time 13:41		No. of Vehicles 2		No. Injured 1		No. Killed 0		Not Investigated at Scene ☐		Left Scene ☐		Police Photos ☒ Yes ☐ No	
		VEHICLE		State of Lic.		VEHICLE - Driver License ID Number		Driver Name - exactly as printed on license		Apt. No.		Address (Include Number and Street)		City or Town		State		Zip Code	
2		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 []	
3		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:		Apt. No.		Address (Include Number and Street)		City or Town	
4		Address (Include Number and Street)		Apt. No.		Haz. Mat. Code []		Released ☐		Address (Include Number and Street)		Apt. No.		Haz. Mat. Code []		Released ☐		City or Town	
5		Plate Number		State of Reg.		Vehicle Year & Make		Vehicle Type		Ins. Code		Plate Number		State of Reg.		Vehicle Year & Make		Vehicle Type	
6		Ticket/Arrest Number(s)		Violation Section(s)		Ticket/Arrest Number(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 CODES		VEHICLE DAMAGE CODES		ACCIDENT DIAGRAM													
		Box 1 - Point of Impact		Box 1 - Point of Impact		RELEASED TO <u>S. Horton</u>													
		Box 2 - Most Damage		Box 2 - Most Damage		DATE <u>10/6/22</u>													
		Enter up to three more damage codes		Enter up to three more damage codes		CITY OF POUGHKEEPSIE POLICE DEPT													
		Vehicle By:		Vehicle By:		62 CIVIC CENTER PLAZA													
		Towed To:		Towed To:		POUGHKEEPSIE, NY 12601													
		VEHICLE DAMAGE CODING:		VEHICLE DAMAGE CODING:		Cost of repairs to any one vehicle will be more than \$1000.													
		1-13 SEE DIAGRAM ON RIGHT.		1-13 SEE DIAGRAM ON RIGHT.		☐ Unknown/Unable to determine ☐ Yes ☐ No													
		14. UNDERCARRIAGE		17. DEMOLISHED															
		15. TRAILER		18. NO DAMAGE															
		16. OVERTURNED		19. OTHER															
		Reference Marker		Coordinates (if available)		Place Where Accident Occurred:													
		Latitude/Northing		Longitude/Easting		County <u>DUTCHESS</u>													
						Road on which accident occurred													
						at 1) intersecting street													
						or 2) _____													
						feet miles													
						N S E W													
						of _____													
						(Milepost, Nearest Intersecting Route Number or Street Name)													
						Accident Description/Officer's notes													
						median in front of him and he applied his brakes but the van struck the female. The pedestrian was interviewed at Vassar Brothers Hospital and she stated that she was walking south on Jefferson Street Ext. She arrived at the intersection of Jefferson Street and Church Street. She states that she pushed the crosswalk button and waited to cross the intersection. The crosswalk indicator changed and she started to walk across the													
						8 9 10 11 12 13 14 15 16 17 BY													
						A													
						B													
						C													
						D													
						E													
						F													
						Officer's Rank and Signature													
						PATROLMAN <u>Justin A Bruzgul</u>													
						Print Name in Full													
						JUSTIN A BRUZGUL													
						Badge/ID No.													
						5976													
						NCIC No.													
						01302													
						Precinct/Post Troop/Zone													
						Station/Beat Sector													
						Reviewing Officer													
						HANEL, MATTHEW													
						Date/Time Reviewed													
						9/27/2022 12:38													

ALL INVOLVED

POLICE ACCIDENT REPORT

MV-104A (6/04)

Pages

22-24014

Q36564FWZFZC

AMENDED REPORT

Accident Date Month 9 Day 23 Year 2022		Day of Week FRIDAY	Military Time 13:41	No. of Vehicles 2	No. Injured 1	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. _____ Driver Name - exactly as printed on license _____ Address (Include Number and Street) _____ Apt. No. _____ City or Town _____ State _____ Zip Code _____				VEHICLE - Driver License ID Number _____ State of Lic. _____ Driver Name - exactly as printed on license _____ Address (Include Number and Street) _____ Apt. No. _____ City or Town _____ State _____ Zip Code _____				
3 Date of Birth _____ Sex _____ Unlicensed ☐ No. of Occupants _____ Public Property Damaged ☐ Name - exactly as printed on registration _____ Sex _____ Date of Birth _____ Address (Include Number and Street) _____ Apt. No. _____ Haz. Mat. Code _____ Released ☐ City or Town _____ State _____ Zip Code _____				Date of Birth _____ Sex _____ Unlicensed ☐ No. of Occupants _____ Public Property Damaged ☐ Name - exactly as printed on registration _____ Sex _____ Date of Birth _____ Address (Include Number and Street) _____ Apt. No. _____ Haz. Mat. Code _____ Released ☐ City or Town _____ State _____ Zip Code _____				
5 Plate Number _____ State of Reg. _____ Vehicle Year & Make _____ Vehicle Type _____ Ins. Code _____ Ticket/Arrest Number(s) _____				Plate Number _____ State of Reg. _____ Vehicle Year & Make _____ Vehicle Type _____ Ins. Code _____ Ticket/Arrest Number(s) _____				
6 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. VEHICLE DAMAGE CODES Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more damage codes Vehicle By: _____ Towed To: _____ VEHICLE DAMAGE CODING: 1-13 SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER				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. VEHICLE DAMAGE CODES Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more damage codes Vehicle By: _____ Towed To: _____				
9. ACCIDENT DIAGRAM RELEASED TO <u>Se. Hernandez</u> DATE <u>10/26/22</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				Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles. Rear End 1. Left Turn 3. Right Angle 5. Right Turn 7. Head On Sideswipe (same direction) 2. Left Turn 4. Right Turn 6. Sideswipe (opposite direction) 8.				
Reference Marker _____ Coordinates (if available) _____ Latitude/Northing _____ Longitude/Easting _____				Place Where Accident Occurred: County DUTCHESS ☐ 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) _____ N S of _____ E W (Milepost, Nearest Intersecting Route Number or Street Name)				
Accident Description/Officer's notes intersection in the marked crosswalk. She states that she got to the halfway point and was then struck from behind by vehicle. The impact pushed her to the ground causing pain to her back, left arm and left leg.								

ALL INVOLVED

8	9	10	11	12	13	14	15	16	17	BY
A										
B										
C										
D										
E										
F										
Officer's Rank and Signature PATROLMAN <u>Justin A Bruzgul</u>		Badge/ID No. 5976	NCIC No. 01302	Precinct/Post Troop/Zone _____	Station/Beat Sector _____	Reviewing Officer HAMEL, MATTHEW	Date/Time Reviewed 9/27/2022 12:38			
Print Name in Full JUSTIN A BRUZGUL										

New York State Department of Motor Vehicles
POLICE ACCIDENT REPORT
 MV-104A (6/04)

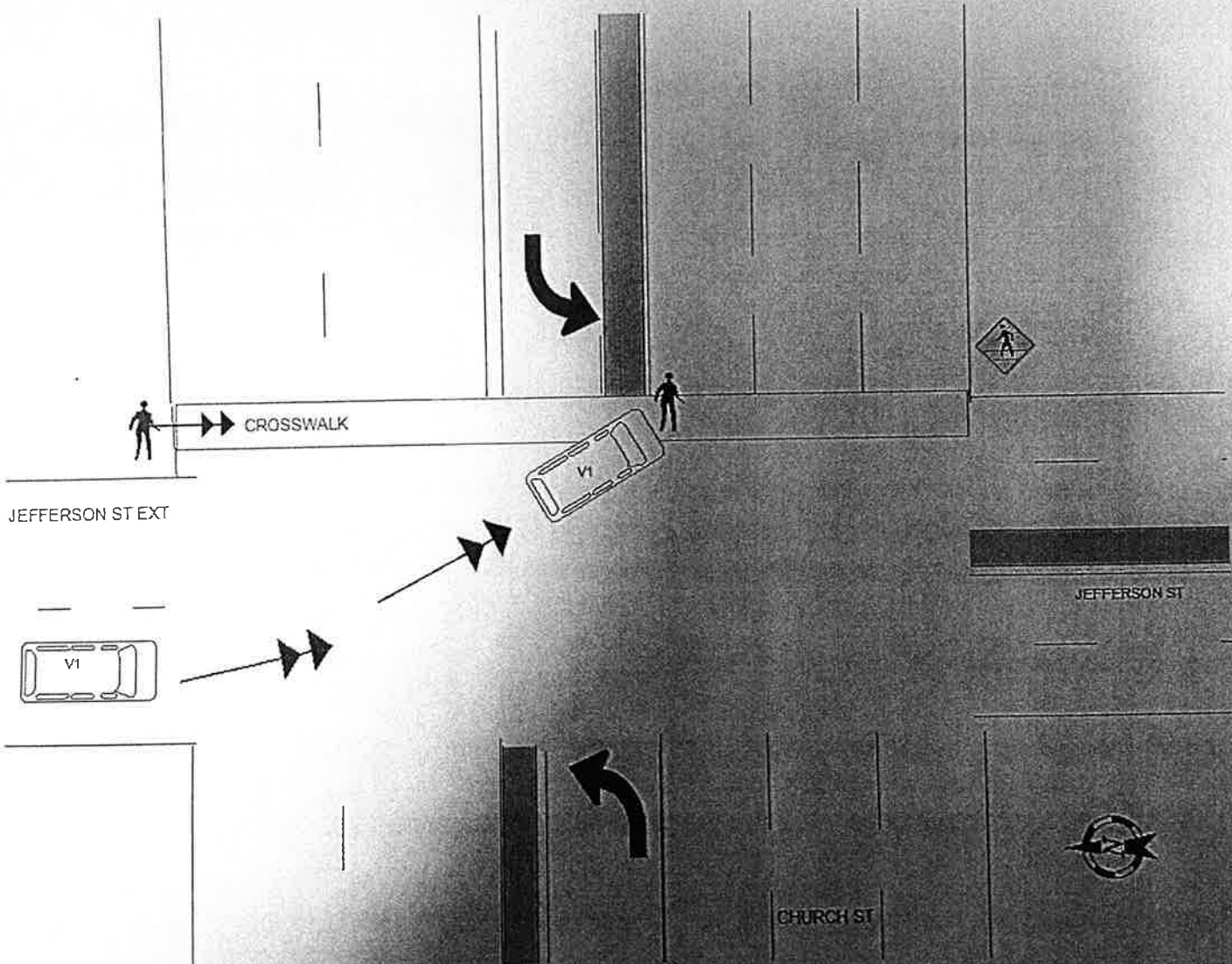
Pages

22-24014

Q36564FWZF2C

☐ **AMENDED REPORT**

Accident Date			Day of Week	Military Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene	☐ Left Scene	Police Photos
Month	Day	Year						Accident Reconstructed	☐	☒ Yes ☐ No
9	23	2022	FRIDAY	13:41	2	1	0			



RELEASED TO S. Horton
 DATE 10/26/22
 CITY OF POUGHKEEPSIE POLICE DEPT.
 62 CIVIC CENTER PLAZA
 POUGHKEEPSIE, NY 12601

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

DEC 28 PM 1:45
CITY CHAMBERLAIN
CITY OF POUGHKEEPSIE

TODAY'S DATE: 12/23/22

NAME AND ADDRESS OF EACH CLAIMANT:

Ann M Fulton
10 Edger St Poughkeepsie, NY, 12603

TELEPHONE NUMBER: 267-621-5455

NAME AND ADDRESS OF ATTORNEY (IF ANY):

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

Poughkeepsie
City of - 1402 Church / Schenck St
I was sitting at the Red light on Cherry St the Trash
Truck was turning onto Schenck St Hit the Driver Side Front
Fender Headlight Bumper

ITEMS DAMAGED OR INJURIES SUSTAINED:

Fender Headlight Bumper

Ann M Fulton

Signature of Claimant

DUTCHESS

Signature of Claimant

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

Ann M Fulton

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.

Ann M Fulton

Signature of Claimant

Signature of Claimant

Sworn to before me this

28 day of DECEMBER, 2022

Kate Farmer

Notary Public



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.

ACCIDENT INFORMATION EXCHANGE FORM

NY State Law requires that any accident resulting in a fatality, injury or damage to property of any person (including damage to your vehicle) or entity over \$1000 be reported by YOU to the Department of Motor Vehicles (DMV) within 10 days after an accident. Failure to report an accident or failure to give correct information is a misdemeanor and may result in the suspension/revocation of your driver's license (or operating privilege in NYS) and all vehicle certifications or registrations.

Report your Accident to DMV on DMV form MV-104 (Report of Motor Vehicle Accident). Police Accident Reports (DMV form MV-104A) DO NOT satisfy YOUR civilian reporting requirement.

Accident Report #	Local Codes	Date	Time	# of Veh.	Town, City, Road Name
Q30202G6GP1K	22-31447	12/12/2022	8:00 AM	2	POUGHKEEPSIE, CITY OF - 1402 CHURCH/S CHERRY STREET
Police Agency			Officer's Name/Badge ID#		
POUGHKEEPSIE CITY PD - 01302			CHRISTOPHER 6943		

VEHICLE # 001

Operator's Name		Date of Birth	Address	
JOHNSON TRAYVON R		01/1989	107 E MARKET ST 4K	
City/State/Zip	Motorist I.D.#	Vehicle Year and Make		License Plate # and State
HYDE PARK NY 12538	353739005	2019 INTI		BA5597 NY
Vehicle Type	Insurance Code and Company		Vehicle Owner	
DUMP	994 - GOVERNMENT OWNED		DPW	
Vehicle Towed By			Vehicle Towed To	

Miscellaneous Notes

VEHICLE # 002

Operator's Name		Date of Birth	Address	
FULTON ANN M		09/29/1971	10 EDGAR STREET	
City/State/Zip	Motorist I.D.#	Vehicle Year and Make		License Plate # and State
POUGHKEEPSIE NY 12603	655432161	2006 FORD		KTZ3859 PA
Vehicle Type	Insurance Code and Company		Vehicle Owner	
SUBN	382 - NATIONWIDE GENERAL INS CO		FULTON ANN M	
Vehicle Towed By			Vehicle Towed To	

Miscellaneous Notes

Please wait 14 days before contacting DMV to request a copy of your accident report.

If you want to purchase a copy of the police accident report, form MV-104A, complete DMV's "REQUEST FOR COPY OF ACCIDENT REPORT" form MV-198C and send it to DMV. The form and instructions are available at www.dmv.ny.gov or at your local DMV office.

THE FORM MV-104A MAY ALSO BE PURCHASED BY CONTACTING THE INVESTIGATING POLICE AGENCY. POUGHKEEPSIE CITY POLICE DEPT., 62 CIVIC CENTER PLAZA, POUGHKEEPSIE, NY 12602

To obtain a blank civilian Accident Report (Form MV-104), visit the DMV office nearest you

or
access forms online at www.dmv.ny.gov



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: 48b1e66d
 PartsShare: 76rNFL
 State ID: 7034149

Estimate

RO Number:

Customer: Insurance: Adjuster: Estimator:
 Fulton, Ann Phone: Create Date: 12/14/2022
 Claim:
 Loss Date:
 Deductible:
 (267) 621-5455

2006 FORD Explorer XLT 114" WB 4WD 4D UTV 6-4.0L Gasoline SMPI

VIN: 1FMEU73EX6UB64847 Interior Color: Mileage In: Vehicle Out:
 License: Exterior Color: Mileage Out:
 State: Production Date: Condition: Job #:

Line	Ver	Operation	Description	Qty	Extended Price \$	Part Type	Labor	Type	Paint
1	E01		FRONT BUMPER						
2	E01	Remove/Replace	O/H front bumper				2.8T	Body	
3	E01	Remove/Replace	Upper cover XLT, Eddie Bauer	1	242.00T	A/M	0.0T	Body	
4	E01	Remove/Replace	Add for fog lamps				0.4T	Body	
5	E01		FRONT LAMPS						
6	E01	Remove/Replace	LT Headlamp assy	1	163.08T	A/M	0.0T	Body	
7	E01		FENDER						
8	E01	Remove/Replace	LT Fender w/wheel opng molding, w/side mldg	1	124.00T	A/M	3.1T	Body	2.2T
9	E01		Add for Clear Coat						0.9T
10	E01		Add for Edging						0.5T
11	E01		Add for Clear Coat						0.1T
12	E01		FRONT DOOR						
13	E01	Repair	LT Door shell				2.0T	Body	2.4T
14	E01		Overlap Major Adj. Panel						(0.4)T
15	E01		Add for Clear Coat						0.4T

Estimate Totals	Discount \$	Markup \$	Rate \$	Total Hours	Total \$
Parts					529.08
Labor, Body			55.00	8.3	456.50
Labor, Refinish			55.00	6.1	335.50
Material, Paint			30.00	6.1	183.00
Subtotal					1,504.08

T = Taxable Item, RPD = Related Prior Damage, AA = Appearance Allowance, UPD = Unrelated Prior Damage, PDR = Paintless Dent Repair, A/M = Aftermarket, Rechr = Rechromed, Reman = Remanufactured, OEM = New Original Equipment Manufacturer, Recor = Re-cored, RECOND = Reconditioned, LKQ = Like Kind Quality or Used, Diag = Diagnostic, Elec = Electrical, Mech = Mechanical, Ref = Refinish, Struc = Structural

12/14/2022 3:04:54 PM

Estimate

RO Number:

2006 FORD Explorer XLT 114" WB 4WD 4D UTV 6-4.0L Gasoline SMPI

Sales Tax	122.21
Grand Total	1,626.29
Net Total	1,626.29

Estimate Version	Total \$
Original	1,626.29

Insurance Total \$:	1,626.29
Received from Insurance \$:	0.00
Balance due from Insurance \$:	1,626.29
Customer Total \$:	0.00
Received from Customer \$:	0.00
Balance due from Customer \$:	0.00

All vehicle parts are O.E.M. unless stated otherwise. Paint, coatings are DuPont, 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: _____

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 _____

Joseph V Lomoriello IA# 703660

Alan A. Crotty IA# 734604



THE CITY OF POUGHKEEPSIE NEW YORK

PUBLIC HEARING

Monday, December 19, 2022 5:30 p.m.

Common Council Chambers

Welcome to the scheduled meeting of the Public Hearing in the City of Poughkeepsie. The date is December 19, 2022 and the time is 5:30 pm.

THIS HEARING IS FOR THE PURPOSE OF RECEIVING COMMENTS ON THE on the rise in crime in the City of Poughkeepsie.

Chairwoman Brown called the meeting to order at 5:35 p.m.

PUBLIC COMMENT: Five (5) minutes per person public comment.

- 1. Nick Kalogris – Maryland Ave.**
- 2. Marta Knapp – S. Clinton St.**
- 3. Brian Robinson – Montgomery St.**
- 4. Darrett Roberts – Franklin St.**
- 5. Laurie Sandow, S. Grand Ave. (submitted written comments)**
- 6. Daniel Hyatt (Ethics Board) – S. Hamilton**

Police Chief Pape and Captain Wilson addressed the audience in attendance and responded to citizens comments and questions from the Common Council.

In August 2021, Sarah Salem held a long-delayed meeting on Gun Violence, Homelessness, and Crime.

Which councilmember publicly protested the delay? None.

What came out of that meeting? Nothing.

Which current councilmembers were absent from that meeting? Approximately half, just like tonight. At least one councilmember claimed they didn't attend because they weren't yet on the Council. Need I point out that being a council member is not a requisite to showing up? Or that this city is plagued by electeds and vacancy-fillers who have no track record for participation or diligence, yet wield the power to make law for all City residents.

In June 2022, Lt. Governor Delgado came to the City to attend a closed-door, so-called "summit" to discuss ways to combat violence in the city. Who attended that meeting, hosted by Rev. Bottoms at Beulah Baptist Church? It's a mystery; attendance is still a secret. What was proposed, and what came out of that meeting? Nothing made public.

Tonight's public hearing is staged "for the purpose of receiving comments on the rise in crime in the City of Poughkeepsie". Therefore, I will address the rise in crime, rogue behavior, and lawbreaking by City Administration and Councilmembers alike—behavior that sets a bad example for our youth, and which threatens and undermines the public's right to know.

With Sarah Salem's resignation, this council was given an opportunity to reverse the former Chair's self-serving control of Council agendas. Instead the Council's chosen to embrace and amplify Salem's behavior. Reports of Committees and Boards have been included on the Council agenda since at least 2020. When has a single Committee or Board made a report—not a presentation, but a report? To my memory, never.

Which councilmembers actually attend Board and Committee meetings, even when agenda items relate to developments in their own Wards? Never to almost never. Yet these same absent, lack of diligence Councilmembers get on their high horses, complaining they weren't informed or consulted. Somehow, members of the public take the time and effort to keep themselves informed, show up and deliver public comments, yet Councilmembers hold tight to their privilege to claim ignorance. Or even to say that they don't have time to visit the City website. How and why does someone hold a seat of power in this City when they don't have the time or inclination to stay on top of City business? Why do Councilmembers get to express outrage and surprise about such things as out-of-state corporate registrations, tax benefits, or zoning subcommittee members only after a member of the public brings those issues to their attention? And what have they done since? Nothing.

Salem introduced Council consent agendas in approximately February 2022. Every current councilmember signed onto that. What has the Council hidden from the public since that time? The answer: Councilmember ignorance, lack of diligence and backroom collusion. Consent agendas are very clearly intended for routine business and not for evasion of Open Meetings Law. Yet Consent agendas are being used and abused to keep councilmember ignorance and backroom jockeying hidden from the public, defeating the public's business, which must be discussed and voted upon publicly.

At the December 5 CC meeting, two different people—Marc Nelson and Evan Menist—both used the word collaboration. Consent agendas are the opposite of collaboration and the embodiment of self-service.

—We have a City Administrator, soon-to-be Mayor, who defends delays in producing documents requested under Freedom of Information Law, even though the law prohibits those delays. Marc Nelson also defends the use of a private Email address for his transition team.

—We have the City Corporation Counsel and Councilmembers, as well as department heads like Natalie Quinn, who violate the State law requiring that records to be discussed at a meeting be made available at least 24-hours before that meeting.

—We have Councilmembers who regularly leak information to an online outlet, but are entirely non-responsive to Freedom of Information requests. We have Dr. Martinez, the FOIL Appeals Officer, who seems to either have no teeth, or to apply no teeth, in obtaining requested FOIL documents that have been withheld. We have Councilmembers who are busy meeting with lobbyists, at the same time they won't answer constituent Emails. Councilmembers who use public monies designated for their Wards without ever disclosing receipt of those funds, consulting or gathering input from their constituents, or disclosing distribution of those funds.

—We have a Corporation Counsel who gives aid and protection to councilmember violations, whether in possession of clear-cut documentation of evidence tampering, or fully aware of Council violations of the City Charter. What has the Corporation Counsel done to enforce the Charter mandate regarding redistricting, including the requirement for Councilmembers to provide written comments in response to Redistricting Commission maps? Nothing to my knowledge, and silence in response to FOIL. Instead, for illegalities large and small, the Corporation Counsel puts the burden on the public to file an Article 78.

—We have Councilmembers who care so little about public involvement and knowledge that they don't even post a meeting agenda until after they're tagged by a member of the public.

—Do the concerned people speaking at this public hearing know that the Council has already agreed to pass the City Budget tonight via consent agenda? Have they seen the amendments the Council made to the budget, entirely behind closed doors, and without ever speaking about these issues and amendments on the record?

In five minutes, I've only begun to touch on the tip of this City's iceberg of the rise in crime, rogue behavior, and lawbreaking by Administration and Councilmembers alike.

*Official Minutes of the Public Hearing of December 19, 2022 for the purpose of receiving comments
on the rise in crime in the City of Poughkeepsie*

At 6:34 pm the Public Hearing was adjourned.

Dated: December 29, 2022

I hereby certify that this true and correct copy of the Minutes of the Common Council Public Hearing held on December 19, 2022.

Respectfully submitted,

**Jasmin N. Davis
City Chamberlain**

*Official Minutes of the Public Hearing of December 19, 2022 for the purpose of receiving comments
on the proposed Local Law Amending Chapter 18 ½ of the City Code of Ordinances Entitled
“Waterfront Consistency Review”*



**THE CITY OF POUGHKEEPSIE
NEW YORK**

PUBLIC HEARING

Monday, December 19, 2022 6:00 p.m.

Common Council Chambers

Welcome to the scheduled meeting of the Public Hearing in the City of Poughkeepsie. The date is December 19, 2022 and the time is 6:00 pm.

THIS HEARING IS FOR THE PURPOSE OF RECEIVING COMMENTS ON THE the proposed Local Law Amending Chapter 18 ½ of the City Code of Ordinances Entitled “Waterfront Consistency Review”

Chairwoman Brown called the meeting to order at 6:45 p.m.

PUBLIC COMMENT: Five (5) minutes per person public comment.

- 1. Nick Kalogris – Maryland Ave.**
- 2. Laurie Sandow, S. Grand Ave. (submitted written comments)**
- 3. John Mylod – Beechwood Ave. (submitted written comments)**
- 4. Vincent Pedi – South Ave.**

Waterfront Advisory Commissions members present – Europa McGovern, Cornelia Harris and Harvey Flad addressed citizens comments and questions posed by the Common Council.

I absolutely support the adoption of this document, the proposed amendment to the Waterfront Consistency Review Law. I am greatly concerned that members of this Council really don't understand the document, and haven't put their comments on the record. And yet, tonight, we have another public hearing. As one of the few members of the public who ever attends Waterfront Advisory Committee (WAC) meetings, I think it's necessary to clarify the purview of the WAC versus the planning and development items that Mr. Kalogris was speaking to. Those are not within the WAC's purview.

What could have been within the WAC's purview is the monstrosity of a Central Hudson regulator that's now sitting in the back of 505 Main Street. And because the waterfront, the Local Waterfront Revitalization Program (LWRP) and its elements have been obstructed for so long, that's a permanent fixture that would have fallen under their consideration. That's not a good thing for the city.

I actually brought my comments from January of this year (2022) because there was also a public hearing at that time. I'm not going to read through them all, especially because I haven't had a chance to alter the times, dates and tenses of the comments I made at that time. But I think it's worthwhile for people to understand how long this effort has been obstructed by this very Common Council.

The fact is that Sarah Salem, Sarah Brannen and Evan Menist were so opposed to the possibility of the January 2022 public hearing that Salem refused to put the resolution (R-21-94) on the agenda for the December 20, 2021, Common Council meeting. Then, when the Resolution was walked-on, the three puppeteers tried to shut it down with an adjournment stunt. On the occasion of the January 18, 2022 public hearing, not only did we hear from some very well-informed and legitimately concerned members of the public, we also heard from many speakers who had never shown interest or concern for the waterfront, or attended waterfront-related meetings. They attended and spoke only because they received a 40-page talking points memo from former Councilmember Sarah Brannen.

And as it turned out, the public did NOT hear from all registered speakers, because once again, Salem deprived the public of their voice by scheduling the public hearing for termination after only 1/2-hour, introducing yet another delay and forcing the remaining speakers to show up at a February public hearing that was held in a vacuum.

With half the current Council being relatively new to your seats, I'm not sure you'll yet have enough knowledge to distinguish those who have been involved, from those who only rally when Brannen, Salem, and Menist sound the alarm. Oddly—but not really—for someone pretending to be seeking a waterfront solution, Brannen intentionally withheld her memo from members of this City's Waterfront Advisory Committee, while blasting the document to the Common Council as well as to members of the Brannen/Salem/Menist pipeline.

Here's a little actual history. First, in order to destroy the institutional memory of the Waterfront Advisory Committee (the WAC), in May of 2018 the Council replaced the long-time chair of the WAC with a member of the Exempt Fireman's Association—a person with neither knowledge, nor prior interest in the work of the WAC. This new chair was, on more than one occasion, often late or absent from WAC meetings.

When the Waterfront Advisory Committee's (WAC) draft Local Waterfront Revitalization Program (LWRP) was issued in December 2019, rather than work in partnership with the WAC, the Council instead created their own secretive committee, which never met in public and never released a report. Reading an excerpt from the August 24, 2020 letter that Sarah Salem wrote to the WAC (attached): "Despite some good work to draft the LWRP, we identified a number of deficiencies...To address these shortcomings, we have taken a number of steps. First, we formed an advisory group consisting of two WAC members, Europa McGovern and Lia Harris; Nathan Shook of the zoning board of appeals and industrial development agency; Randall Johnson, County legislator and member of the industrial development agency; and Jen Benson and Dan Shapley of Riverkeeper. All Council members were invited to join this group and two—Evan Menist and Sarah Brannen—volunteered....Our aspiration is to complete the draft within existing resources, appropriated in the 2020 Council budget, and within the coming few months."

At the time my comments were originally written, nearly 17 months had passed since Salem's letter to the WAC. Did the Council's secret committee ever open their meetings to the public, release meeting minutes, and most importantly, release THEIR complete draft before the end of 2020? No, of course not. And to worsen an already bad situation, the Council's backroom conniving not only obstructed protection for a much larger, expanded waterfront boundary that included the Fallkill, the Council's obstruction also allowed the City to pretend that they couldn't produce a Comprehensive Plan until the Council's LWRP committee had completed its work.

When the glow had worn off the Council's failure to produce their own LWRP draft, they instead moved onto a new obstructive process at the southern waterfront. The Councilmembers who are always first to proclaim themselves as lifelong Hudson Valley and/or Poughkeepsie residents—where were they when Delaval was originally alienated through an 11th hour high-speed ride to Albany? Nowhere. Where were they when Bonura's project was first approved. Nowhere. Where were they when One Dutchess was discussed and approved? Nowhere.

My comments then, as they are now, were not at all made in defense or support of Bonura's projects at the waterfront. But don't kid yourselves that Brannen's interest or her 40-page memo was about, as she claimed, "protecting our precious waterfront". If the LWRP issue had not been forced through a walk-on resolution at a December 2021 council meeting, the LWRP would still remain obstructed, sitting in the Council's circular file, and the January 2022 public hearing would not have taken place at all.

See page 4 for an excerpt from Sarah Salem's the August 24, 2020 letter, written to the WAC (attached).

THE CITY OF POUGHKEEPSIE NEW YORK



Sarah Salem, Chairperson
Common Councilmember At-Large
City of Poughkeepsie
ssalem@cityofpoughkeepsie.com

August 24, 2020

Dear Waterfront Advisory Committee members,

We are deeply grateful for your voluntary service on the city's Waterfront Advisory Committee, an important vehicle for ensuring our shared waterfront will continue to be a vibrant place for generations to come. Additionally, we appreciate your contributions to the draft Local Waterfront Revitalization Plan (LWRP) over the past year and a half.

The Common Council is undertaking our review of the draft LWRP and is committed to having a document that reflects the priorities of the community and will offer clear guidelines for development and waterfront improvements for years to come. The previous LWRP was drafted in 1998 and, although it was never adopted by the state and therefore is not a recognized policy framework, it nonetheless has been used by the city for more than 20 years. One of our other main goals is therefore to ensure the LWRP is approved by the state.

We recognize the WAC's eagerness to have a new set of guidelines, especially given the ongoing development in the waterfront revitalization area. We too are eager to have an LWRP that establishes a clear vision for the city's development, priorities, and policies. There are also a number of exciting projects in the draft LWRP that would enhance the waterfront.

Despite some good work to draft the LWRP, we identified a number of deficiencies in the document that we aim to address. These include the need for a clear vision and goals; a more readable, data-driven, and cogent inventory and analysis; an intentional balance of environmental conservation and economic development; updated maps and visual aids; and community engagement that reflects the diversity of our community.

To address these shortcomings, we have taken a number of steps. First, we formed an advisory group consisting of two WAC members, Europa McGovern and Lia Harris; Nathan Shook of the zoning board of appeals and industrial development agency; Randall Johnson, County legislator and member of the industrial development agency; and Jen Benson and Dan Shapley of Riverkeeper. All Council members were invited to join this group and two- Evan Menist and Sarah Brannen- volunteered.

In addition to this advisory group, the Common Council is endeavoring to hire a consultant to assist in editorial, administrative, and analytical tasks. This consultant will be critical to moving the project forward in an expeditious manner. We have also engaged a graduate student intern who has been working to summarize community engagement findings and best practices, as well as gather supplemental data to improve on the existing draft. The Council members will also be exploring the possibility of some time-bound additional community engagement in the coming weeks to address the lack of diversity in the engagement process thus far.

John Mylod
P.O. Box 1169
Poughkeepsie, NY 12602
jmylod@aol.com

December 19, 2022 Public Hearing
Comments on the
Draft Local Waterfront Revitalization Program
Before the Poughkeepsie Common Council

Chair Brown and Members of the Common Council

My name is John Mylod. I live on Beechwood Avenue and I am her tonight in support of advancing the draft Local Waterfront Revitalization Program (LWRP) to final approval by the council.

I come to you with over fifty years of experience advocating for protection of the Hudson River's natural and scenic resources and for the significant increase in public access to the river's coastal zone.

I served on the original Waterfront Advisory Committee (WAC) established in the mid-1980s by Mayor Aposperous and, more recently, was appointed by the Common Council to the Southern Waterfront Task Force. In addition, I was executive director of the Clearwater organization for eighteen years and am Poughkeepsie's last shad and blue crab fisher.

It is critical that the Poughkeepsie Common Council adopt the LWRP that can be approved by the New York State Department of State (DOS) which can provide guidance to the City on coastal issues and problems, such as climate change and sea level rise which are already having impacts on the estuary and will require close attention by City planners going forward.

Department of State approval of the LWRP will also make the City eligible for and enhance grant application success from such agencies as the DOS, the Hudson River Estuary Management Program and the HR Greenway.

It is shocking to me that the City's draft LWRP has taken thirty-plus years to reach a point where the DOS is likely to approve the plan. Over time, the WAC has struggled to provide appropriate review of development in its boundary area even when not all individual projects were referred to the advisory committee for consideration.

But now is the time to view the LWRP seriously and the WAC with commitment and respect. Previous mayors and councils have not always done so.

The City's coastal area is intertwined with other City natural and built resources which impact the river and the waterfront and it is appropriate to extend the LWRP boundary to include the Fallkill Creek and, as included in the original draft LWRP, distinct areas East of the Route 9.

Like the original draft, this iteration of the LWRP includes consideration of important community views of the river, its view shed, view corridors, views of the West shore areas and views down the river. View consideration was also a critical section of the SW Task Force report, particularly the views down the river from Rinaldi Blvd.

Every Hudson River waterfront is different. Each community has to approach the use of its shoreline with the particular physical, social and community needs of the individual town. What works in Kingston on the Rondout won't necessarily work in Poughkeepsie or Beacon or Newburgh or Nyack. But a common denominator in all of these towns is the public's urge to get to and use the river. The most river for thee most people is not a bad thing.

For generations the river here was walled off by industry and private property, but with the foresight of Mayor Waryas who bought the DeLaval site, and the land for Kaal Rock Park and, fittingly, Waryas Park allows the City now to plan wisely with a framework for decision making. The LWRP is that framework.

Poughkeepsie's waterfront offers great opportunities for increased recreation and education and such programs have long been underway. The "glass eel" project on the Fallkill, a collaboration between the Dept. of Environmental Conservation and the Poughkeepsie Board of Education has received notice far and wide and engaged scores of students, teachers and park users with hands on learning and the wonder of these animals. And of course, Poughkeepsie is the Rowing Capital of the Hudson. Right now, seven high schools, two colleges, and two adult rowing clubs use miles of the waterfront and near-shore waters in season from north of Quiet Cove Park to the Pirate Canoe Club on the South.

New and exciting opportunities to enhance water dependent uses of the waterfront and to build upon acknowledged successes are just around the corner. And as daunting as it may seem, these steps forward need the review structure and guidance of the LWRP process. I again urge the Council to approve the draft document before you.

*Official Minutes of the Public Hearing of December 19, 2022 for the purpose of receiving comments
on the proposed Local Law Amending Chapter 18 ½ of the City Code of Ordinances Entitled
“Waterfront Consistency Review”*

At 7:14 pm the Public Hearing was adjourned.

Dated: December 29, 2022

I hereby certify that this true and correct copy of the Minutes of the Common Council Public Hearing held on December 19, 2022.

Respectfully submitted,

**Jasmin N. Davis
City Chamberlain**



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, December 19, 2022, 6:30 p.m.

Common Council Chambers

Welcome to the regularly scheduled Meeting of the City of Poughkeepsie Common Council the date is December 19, 2022, and the time is 7:26 pm.

I. ROLL CALL: 8 present, 0 absent

II. REVIEW OF MINUTES:

Public Hearing – December 5, 2022

Common Council Meeting – December 5, 2022

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

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

-NONE-

IV. PUBLIC PARTICIPATION

- **Gus Kazolias – Noxon St.**
- **Laura Forman – 66 Washington St.**
- **Donald Fox – Gifford Ave.**
- **Kevin Carswell – Fishkill**
- **Warren Jones – N. Clover St.**
- **William Smith**
- **Ellen Miller - Weed St., Community Voices Heard**
- **Tanisha Kelly – Mansion St.**

- **Liz O’Raffity – 295 Mill St.**
- **Theresa Munchik - For the Many**
- **Gail Moran – For the Many**
- **Nia P. – College Ave., For the Many**
- **Greg Charter**
- **Rosemary DeCruz - For the Many**
- **Kane Bowers – submitted written comments**
- **Laurie Sandow, S. Grand Ave. - submitted written comments**

Dear Council Members,

Hello, This is Kane, Union Street resident. I am sending a written comment instead of speaking tonight because of so many people wanting to speak and how often I get to speak with all of you. I did want to implore all of yall to address the issue of gentrification in our city via Airbnbs. I am a new resident here (coming on 2 years), but I plan to stay here if I can. I have continually been pushed out of my cities due to gentrification. When I moved here for work I was so happy to be back up north near my family, and I felt I was in the city I would make my home for the foreseeable future. I want that future, confidently putting down one’s roots, for myself and my Poughkeepsie neighbors but I see gentrification creeping in and commodifying our city for profit and for people who make a lot more money than me. Airbnbs are not the only cause of the issue that is affecting us, but it is part of it because it jump-starts gentrification and unaffordability because it is not for people like me. I see Airbnbs for 300 dollars a night, and studios for 1,600. As someone who makes \$29,000 (higher than our minimum wage), I could never dream of paying either of those for a night or a month. Those are not here for me or any resident here who makes low wages. Those prices are a part of a trend of gentrification to bring in wealthy folks who have no attachment or accountability to our communities but have immense power in shaping them. This is part of the plans of those who are profiting from the crisis while we suffer. It is not possible to protect our communities and stabilize rent when the housing market is marketed to gentrifiers. It is about short-term profit, not longevity. I ask all of you to read the legislation if you have not yet, and push for a set date for a public hearing. Along with doing a vacancy study so we know the reality of what we face together.

Thank you for your time,
Kane Bowers

Though I arrived on time to speak at both of tonight's earlier public hearings, as well as entering my name early on the sign-up sheet to speak during public comments at tonight's Common Council meeting, Chair Brown chose to call speakers out of order, for the alleged purpose of providing a (quote/unquote) "equitable" chance to those "who normally don't get a chance to speak". Of course, in service to equitability, the Chair could have extended the public comment period so that all could speak. Instead, "equitability" was created as an excuse that would deny comments from those the Chair and/or other councilmembers might prefer to silence.

Manipulating the speaker lineup is not new to this Council. It was a favorite tactic of Chair Brown's predecessor, Sarah Salem.

<https://totalwebcasting.com/view/?func=VIEW&id=cop&date=2022-12-19&seq=3>

Quoting directly from the transcript: "With that said, I will transition in the citizens comments. Citizens comments are on any agenda or not agenda item and are limited to 3 minutes. We do have up to 45 minutes of citizen comment, so we have a lengthy list of speakers. So what I'm going to. Do. As time goes on, I'll have to start identifying people who normally don't get a chance to speak, to be equitable. So if you speak on a regular basis and you may not have an opportunity tonight, please submit all your comments in writing to the city. Chamberlin And she will relay them to us."

Earlier tonight, at both the public hearing regarding the rise in crime, and the public hearing about the LWRP, I spoke about how this Administration and this Common Council bear responsibility for engaging in obstruction, rogue behavior, and lawbreaking—behavior that threatens and undermines the public's right to know, as well as the City's progress and function overall. I cited public hearings that—for grandstanding purposes and obstruction only—are held over and over without ever producing an outcome. About Councilmembers who protest that they haven't been informed, when what they're really saying is that they haven't made the effort to keep themselves informed, let alone inform their constituents. Nor do these Councilmembers acknowledge how they use their own failure at diligence to jerk around, cancel and/or reschedule appearances by others.

Two weeks ago, this Council held a so-called public hearing on the Budget. Did a single member of this Council, in advance of that hearing, comment on the record with insight or information about their own contemplated and/or planned budget amendments? No.

Which brings us to what we find hidden on tonight's consent agenda? Budget amendments that are only visible and findable for residents who know how to explore the nooks and crannies of the City's pathetic website. And if one uncovers the creation date for that budget document, they'll find it was made on December 9—just two days after the public hearing yet never referenced or otherwise mentioned by Councilmembers at the public hearing.

Among the hidden amendments: \$20,000 for the Salary of a PT Council Research Fellow, and \$5,000 for computer equipment for the same "Fellow". Who, what, how and why is this "Fellow" being hired? Thanks to the Council's use and abuse of the consent agenda, no explanation will be forthcoming. Currently, councilmembers salaries are \$15,000/yr.; the councilmember-at-large earns \$22,500/yr., yet this unidentified "Research Fellow" with unidentified research purpose, is scheduled to earn \$20,000/year, and be supplied with a computer priced at \$5,000?!?!?

Also hidden among the budget amendments (quoting from the document):

—a \$2,000 increase for Student Athletic Basketball program; \$150,000 for an attorney regarding Housing and Illegal Evictions; and \$95,000 over two years for a pilot program regarding Senior Home Repair funding.

Other sneak additions to the Consent Agenda:

—a Resolution Approving a Building Department Fee Schedule that's never been discussed in public;

—a Resolution setting a Public Hearing regarding Senior Tax Exemptions; which this Council may or may not have ever discussed with the City Assessor;

—An appointment of Christopher Grant to the Vacant Position of 6th Ward

Councilmember, without identifying the other applicants, or the selection process and reasoning behind the selection.

As always, there's much more to say, and not enough time in three minutes to do that.

V. CHAIRWOMAN'S COMMENTS AND PRESENTATIONS

Before we transition into public participation, I just wanted to clarify a few things because some speakers may be prepared to speak on certain topics and I want to provide information such as our budget may read like there's a proposed reduction in funding, but it's really not. And I wanted to take the opportunity to explain. So last year we did not have a director of youth services, and now we do Ms. Karen Williams, who's doing a phenomenal job. So we just put 915,000 in a youth services line period. But this year we're being a little more strategic since we do have this person. We're putting 760,000 in that line. Also, we're hiring a director of Parks and Recreation. And those of you who grew up in Poughkeepsie, like I did, we used to have that and they had soccer, baseball, football, everything going on through the city.

So it's our hopes those programs will be we'll get reactivated now once. And the key to this and the key to all funding is that our ARPA is going to expire in 2024. We are getting a reduction every year this year for 23, we're going to have approximately almost a \$2 million reduction from last year. So because of that reduction, we have to be more strategic so we can have the staying ability for these youth programs. We don't want to just pump in resources that we have temporarily and then when the resources expire, the programs expire with it.

So we're reimagining things. And by doing that, this council will work with not only the Development Office, not only with the Youth Program Office and the Department of Recreation. We'll work with the Finance Committee and ARPA Committee to identify additional funding opportunities as they arise. But please know that we do have approximately 475,000 and contingency that we will look at again strategically, because the key, the catch term here is to start to sustainability, have it take it too long. Also, we do have about \$100,000 in ARPA unappropriated funds that we can look at the committee as well.

And then in a general fund, approximately \$175,000 may be freed up. So if you add those numbers that if far exceeds the 915,000 that we allocated next year. Also something we're doing differently. Last year we appropriated certain ward funds, 50,000 in ARPA, we're not doing that. And there was a question there was a comment earlier I think from has said now and some of us like myself gave our ward funds back to the youth programs and they were allocated that way. So I didn't expect them amount the six ward. I gave them back to the city as many of our colleagues did.

So instead of doing that this year that money's already going to be in a pot. And plus we'll have our discretionary ward funds that we can also contribute as well. So I just want to clarify that because we didn't have a real opportunity to discuss this budget publicly. And, you know, I believe at the last council meeting. I admitted that, you know, we had a lot going on in the last couple of months. We didn't have our footing. We did not have a permanent chair. And as soon as I assumed that position, I got right to work. So, you know, we're work in progress.

And the only thing I could do is always be honest with you all and as transparent as we can be. But please just be patient and understand that, you know, this is a new basically a new council because it's a new leader and everyone has to get to know each other. And we're learning also for the many.

And you came to the meetings over and over again talking about rent relief, but I don't want you to think that was in vain, because it's not what we found after our discussions with both the administration, the finance department and ARPA is more appropriate. We look at ARPA funding and how we can re-appropriate some of that funding. However, we also identified that it wouldn't be the best mechanism for city government to be directly paying rent relief. So we would be working on a process to identify nonprofits that can apply for the funding and released the rent relief to law.

So I don't want you to think we negated any of that. We didn't. And we want to help. Everyone on this council is in agreement that we should help in some capacity. But what we could do and what we are doing after we adopt this budget, we are hiring an attorney to help with those eviction proceedings to help you out. You know, the people who are having troubles in the courts and, you know, people facing evictions. We are also hiring a paralegal to help us and a common counsel and not to say our corporation counsel is doing a fantastic job. Well, a lot of times we can't make decisions without knowing the legal ramifications. And it is the unfair expectation that call, Becky, at 10:00 at night when we're talking at caucus, you know, about these things. But if we had a part time paralegal that we could work with in those off hours, you know, we can make more informed decisions. So, please, now, we didn't forget about you. We're not going to forget about you. And we all care. And that's jointly between the administration and the council. We are going to do something to help.

VI. MAYOR'S COMMENTS

I want to again, Chair thank you. And this will be my last meeting of the Common Council. It has been an honor to be with all of you and many others that had sat in these chairs prior for the past seven years and I want to just say again, thank you. I thank you for letting me be here with you.

I want to thank the over 350 people that work for this city, Poughkeepsie, every single day, 24 hours a day, seven days a week. They're out there when others are not out there doing all the things that we want them to do as citizens of this city. And that's everything from public safety to the Department of Public Works, to people that work within City Hall and other city departments who come to work every day not looking for accolades, just wanting to do a good job, and having the tools and resources to do that. We address that over the past seven years.

As many of you know, the city's situation in 2006 and obviously prior to that and taking office, the city needed to re-energize itself. And city government certainly was at the top of that list. And we did that together. I want to also acknowledge, because this is a political process, too, you know, election was just held. I have the opportunity now to go to become a state senator next year in Albany. And the experiences that I have had here in this city have shaped me in ways that I never thought would have been imaginable, because if I had not been a mayor, I would probably not be a state senator. It's just that simple. I will always take the local government approach in the way that I look at things, because prior to being the mayor, of this great city, I was a county legislator representing the city of Poughkeepsie.

And that's important because too many times those local concerns and we heard a lot of them tonight and obviously these are all valid concerns, sometimes are not necessarily heard at other levels. And I want to also I want to thank the administration of the city that I have had the honor and privilege and very thankful to have working alongside us here on the third floor and all the floors of the city.

But know no one more than Marc Nelson, the city administrator who by charter becomes the

mayor on January 3rd. I step down. You step in and I want I think you all should also know that I have been I've had the benefit of having a city administrator to work alongside when Marc Nelson takes office. He will not have a city administrator. It will be Marc's responsibility to do both those jobs. And that's not always going to be easy. And he's going to need the support of this council, the staff of here of the city of Poughkeepsie government and the community.

And Marc, I wish you obviously nothing but the best. You were going to serve in that position well, you have been a tremendous city administrator. And prior to that, he was finance commissioner. And so and our finance commissioner, Dr. Martinez, is here this evening. And, Brian, thank you for what you've been able to do in trying to get our fiscal situation in order and you have and Marc, you have done that because everything does start, obviously, with the fiscal condition of any community.

I want to also welcome Chris Grant. I see you're on the agenda tonight, Chris. Congratulations. And let's give him a round of applause for the community Chris. Chris has been a great member of this community in the work that he has done alongside many of you that are here tonight. And Chris, you will be a great addition to the Sixth Ward. To the council chair. I don't know, because I missed a lot of the meetings when you were thinking about becoming chair. And I am so glad that you did it. Well, we came into office together in 2016 and there were many occasions we said we would leave together. But I'm leaving early and you get to leave on time. And Lorraine Johnson, you came in in 2006. And we said the same thing. So I could go on and I don't want to. It's been a pretty long meeting so far, and it's awfully damn hot in here too. I'm sorry about that. Sometimes the heat works and sometimes it doesn't. And tonight's working. I want to wish everybody a happy and safe holiday season.

I'll continue to participate, but also continue to do all the things that you do for this great city. Thank you very much.

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 Long and seconded by Councilmember Johnson.

- 1. R-22-91, Resolution Setting a Public Hearing for the proposed Local Law Amending Chapter 14.35 of the Administrative Code of the City of Poughkeepsie Entitled Taxes – Partial Exemption Granted; Conditions – Senior Tax Exemption**

**RESOLUTION
(R-22-91)**

**RESOLUTION INTRODUCING LOCAL LAW AMENDING SECTION 14.35 OF THE
ADMINISTRATIVE CODE OF THE CITY OF POUGHKEEPSIE ENTITLED “TAXES
– PARTIAL EXEMPTION GRANTED; CONDITIONS”**

INTRODUCED BY COUNCILMEMBER MENIST _____ :

BE IT RESOLVED that an introductory Local Law entitled, “LOCAL LAW
AMENDING SECTION 14.35 OF THE ADMINISTRATIVE CODE OF THE CITY OF
POUGHKEEPSIE ENTITLED ‘TAXES – PARTIAL EXEMPTION GRANTED;
CONDITIONS’” be and hereby is introduced before the Common Council of the City of
Poughkeepsie in the County of Dutchess and State of New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law are laid
upon the desk of each member of the Council; and

BE IT FURTHER RESOLVED that the Council shall hold a public hearing on said
proposed local law to receive comment from the public on Monday, January 23, 2023 at 6 pm in
the Common Council Chambers, Third Floor, City Hall, 62 Civic Center Plaza, Poughkeepsie,
New York;

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public
notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5)
days prior thereto.

SECONDED BY COUNCILMEMBER _____ .

R-22-91 – VOICE VOTE							
☒	Accepted			Yes/Aye	No/Nay	Abstain	Absent
☐	Defeated	Councilmember Long	Voter	☒	☐	☐	☐
☐	Tabled	Councilmember Thompson	Voter	☒	☐	☐	☐

	Councilmember Shook	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Chairwoman Cherry	Voter	☒	☐	☐	☐

2. R-22-92, Resolution Approving the Building Department Fee Schedule

RESOLUTION (R-22-92)

INTRODUCED BY CHAIRWOMAN CHERRY _____:

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby approves and adopts the **Building Department Fee Schedule** attached hereto:

SECONDED BY COUNCILMEMBER _____.

R-22-92 – VOICE VOTE						
			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Chairwoman Cherry	Voter	☒	☐	☐	☐

3. R-22-93, Approving the 2023 Budget for the City of Poughkeepsie

RESOLUTION (R-22-93)

INTRODUCED BY CHAIRWOMAN BROWN_____ :

WHEREAS, pursuant to the Administrative Code of the City of Poughkeepsie, estimates of budget requirements for the year 2023 have been certified to the Mayor, City Administrator and the Commissioner of Finance by the various departments, officers, agencies and boards of the City of Poughkeepsie; and

WHEREAS, the Mayor with the help of the City Administrator and the Commissioner of Finance did review the aforementioned estimates with the various departments, officers, agencies and boards; and

WHEREAS, the Mayor did prepare a proposed budget for the year 2023 based on these aforementioned reviews, which proposed budget with the Mayor's budget message was submitted to the Common Council on October 14, 2022; and

WHEREAS, subsequent to a notice of public hearing being published in the official newspaper, in compliance with provisions of the City Administrative Code, a public hearing was duly held on December 5, 2022; and

NOW, THEREFORE, BE IT

RESOLVED, that the 2023 preliminary budget, as amended by the attached Schedule A, be and hereby is adopted and declared to be the budget of the City of Poughkeepsie for the year 2023; and, be it further

RESOLVED, that the amounts of said budget appropriations, estimated revenues, and contributions from fund balances, be and are hereby appropriated as therein specified in accordance with the provision of the Charter and Administrative Code of the City of Poughkeepsie and General and Special laws of the State of New York applicable to said City; and, be it further

RESOLVED, that the aforementioned general ad valorem taxes required to be raised for such budget purposes would need a homestead tax rate of \$10.28 per one thousand dollars and a non-homestead tax rate of \$15.15 of assessed valuation upon all taxable property of the City of Poughkeepsie according to the valuation of the assessment roll for the current year; and, be it further

RESOLVED, that the required water rate for taxable and nontaxable properties is established at \$5.10 per 100 cubic feet; and, be it further

RESOLVED, that the required sewer rate for taxable and nontaxable properties is established at \$4.55 per 100 cubic feet; and, be it further

RESOLVED, that pursuant to Local Law 3 of 2012 the required sanitation rate for eligible taxable and nontaxable parcels is established as follows:

Single family residence: \$120.00 a quarter
Two family residence: \$237.50 a quarter
Three family residence: \$375.00 a quarter

4 yard dumpster \$671.88 a quarter
6 yard dumpster \$931.25 a quarter
8 yard dumpster \$1,234.38 a quarter

Mixed-use property: \$234.38 a quarter

NOW THEREFORE,

BE IT RESOLVED, in accordance with the Charter and Administrative Code of the City of Poughkeepsie and on or before the date therein specified, a warrant shall be issued to the Commissioner of Finance as City Treasurer, to collect such taxes in accordance with the provisions of the Charter and Administrative Code of the City of Poughkeepsie applicable thereto, with penalties and interest therein provided.

SECONDED BY COUNCILMEMBER _____ .

R-22-93- VOICE VOTE						
			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Chairwoman Cherry	Voter	☒	☐	☐	☐

4. **R-22-94**, Appointing Christopher Grant to the Vacant Position of 6th Ward Councilmember

**RESOLUTION
(R-22-94)**

INTRODUCED BY CHAIRWOMAN BROWN _____:

WHEREAS, the Common Council is comprised of nine (9) members, one elected at-large citywide and one elected from each of the eight wards in the city (Charter Section 2.01); and **WHEREAS**, a vacancy occurred in the position of councilmember for the 6th Ward upon the appointment of Natasha Brown (formerly Natasha Cherry) to the position of councilmember-at-large on November 21, 2022; and

WHEREAS, a vacancy in the membership of the common council shall be filled pursuant to Charter Section 2.08(b); and

WHEREAS, the Common Council solicited resumes from interested residents and conducted interviews of potential candidates; and

WHEREAS, the Common Council wishes to make an appointment to the vacancy in the position of councilmember for the 6th Ward.

NOW THEREFORE,

BE IT RESOLVED, that Common Council hereby appoints the following individual to serve in the position of councilmember for the 6th Ward in accordance with Charter Section 2.08 (b).

Christopher Grant

SECONDED BY COUNCILMEMBER: _____.

R-22-94- 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:

- 1. O-22-08**, Ordinance Amending §13-175 of the City of Poughkeepsie Code of Ordinances Entitled "Stop Signs; Locations Designated"

**ORDINANCE AMENDING §13-175 OF THE
CITY OF POUGHKEEPSIE CODE OF ORDINANCES
ENTITLED “STOP SIGNS; LOCATIONS DESIGNATED”
(O- 22-08)**

INTRODUCED BY COUNCILMEMBER LONG: _____

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

SECTION 1: Section 13-175 of the City of Poughkeepsie Code of Ordinances entitled “**Stop Signs; Locations Designated**” is amended by the **DELETION** of the following language:

~~[On Mill Street, at its intersection with North Perry Street and Charles Street]~~

SECTION 2: This Ordinance shall take effect immediately upon adoption.

SECONDED BY COUNCILMEMBER: _____ .

BOLD and UNDERLINING INDICATE ADDITION
BRACKETS [] AND STRIKETHROUGH INDICATE DELETION

O-22-08- 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	☒	☐	☐	☐

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS: [Added by ADDENDUM]

- 1. R-22-95**, Resolution Allocating ARPA Funds for Hudson Valley Reentry Network

RESOLUTION (R-22-95)

RESOLUTION ALLOCATING ARPA FUNDS FOR HUDSON VALLEY REENTRY NETWORK

INTRODUCED BY CHAIRWOMAN BROWN _____ :

WHEREAS, the Hudson Valley ReEntry Network is a non-profit organization providing various forms of assistance to formerly-incarcerated individuals, their families, and the agencies that serve them;

WHEREAS, federal legislation was passed in 2021 in response to the COVID-19 Pandemic called the American Rescue Plan Act ("ARPA") which provided funds to municipalities throughout the United States aimed at speeding recovery by addressing both the health and economic impacts of the Pandemic;

WHEREAS, ARPA funds may be utilized for a wide-variety of categories to aid in such recovery;

WHEREAS, key uses for the ARPA funds received by the City from the United States Treasury are to provide for food, rent, mortgage, and utility assistance as well as for job training and aid for re-employment;

WHEREAS, the allocation of the ARPA funds provided for herein will enable Hudson Valley ReEntry Network to expand its program offerings by providing approximately two (2) months of rental expenses.

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council approves the transfer of eight thousand dollars (\$8,000) from the City's ARPA contingency budget to fund the above-described objectives of the Hudson Valley ReEntry Network.

SECONDED BY _____.

R-22-95- 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-22-96**, Resolution Allocating ARPA Funds for Rebuilding Our Children and Community Inc.

**RESOLUTION
(R-22-96)**

**RESOLUTION ALLOCATING ARPA FUNDS FOR
REBUILDING OUR CHILDREN AND COMMUNITY INC.**

INTRODUCED BY CHAIRWOMAN BROWN _____ :

WHEREAS, Rebuilding Our Children and Community Inc. ("ROCC") is an organization which provides services to Dutchess County children (ages five through thirteen) which services consist of year-round youth programs. In addition, ROCC hosts various community outreach events throughout the calendar year which connect over one thousand families to necessary resources each year;

WHEREAS, federal legislation was passed in 2021 in response to the COVID-19 Pandemic called the American Rescue Plan Act ("ARPA") which provided funds to municipalities throughout the United States aimed at speeding recovery by addressing both the health and economic impacts of the Pandemic;

WHEREAS, ARPA funds may be utilized for a wide-variety of categories to aid in such recovery;

WHEREAS, key uses for the ARPA funds received by the City from the United States Treasury are to provide for food, rent, mortgage, and utility assistance, childcare, early education, and to address learning losses suffered as a result of the Pandemic;

WHEREAS, the allocation of the ARPA funds provided for herein will enable Rebuilding Our Children and Community Inc. to maintain and expand its program offerings.

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council approves the transfer of twenty thousand dollars (\$20,000) from the City's ARPA contingency budget to fund the above-described objectives of Rebuilding Our Children and Community Inc.

SECONDED BY _____.

No vote was taken on this Resolution. Further discussion warranted, moved to next Council Meeting

XII. ORDINANCES AND LOCAL LAWS:

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

1. **A COMMUNICATION FROM TERYL MICKENS**, Regarding a Proposed Newly Designated Historic Landmark in the City of Poughkeepsie located at 299 Main St.
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"

A motion was made to defer the below communication/petition to Corporation Counsel by Chairwoman Brown and was seconded by Councilmember Menist.

3. **FROM DIANE WARD**, a notice of personal injury sustained on August 31, 2022.

4. **FROM DEMIRA MELVIN**, a notice of property damage sustained on November 29, 2022.
5. **FROM PK PADDYFOTE LLC.** , a notice of intent to obtain a NYS Liquor License.

XIV. ANNOUNCEMENTS:

XV. ADJOURNMENT:

A motion was made by Councilmember Thompson and seconded by Councilmember Flowers to adjourn the meeting at 9:06 PM.

Dated: December 29, 2022

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, December 19, 2022.

Respectfully submitted,

Jasmin Nicole Davis
City Chamberlain

In August 2021, Sarah Salem held a long-delayed meeting on Gun Violence, Homelessness, and Crime.

Which councilmember publicly protested the delay? None.

What came out of that meeting? Nothing.

Which current councilmembers were absent from that meeting? Approximately half, just like tonight. At least one councilmember claimed they didn't attend because they weren't yet on the Council. Need I point out that being a council member is not a requisite to showing up? Or that this city is plagued by electeds and vacancy-fillers who have no track record for participation or diligence, yet wield the power to make law for all City residents.

In June 2022, Lt. Governor Delgado came to the City to attend a closed-door, so-called "summit" to discuss ways to combat violence in the city. Who attended that meeting, hosted by Rev. Bottoms at Beulah Baptist Church? It's a mystery; attendance is still a secret. What was proposed, and what came out of that meeting? Nothing made public.

Tonight's public hearing is staged "for the purpose of receiving comments on the rise in crime in the City of Poughkeepsie". Therefore, I will address the rise in crime, rogue behavior, and lawbreaking by City Administration and Councilmembers alike—behavior that sets a bad example for our youth, and which threatens and undermines the public's right to know.

With Sarah Salem's resignation, this council was given an opportunity to reverse the former Chair's self-serving control of Council agendas. Instead the Council's chosen to embrace and amplify Salem's behavior. Reports of Committees and Boards have been included on the Council agenda since at least 2020. When has a single Committee or Board made a report—not a presentation, but a report? To my memory, never.

Which councilmembers actually attend Board and Committee meetings, even when agenda items relate to developments in their own Wards? Never to almost never. Yet these same absent, lack of diligence Councilmembers get on their high horses, complaining they weren't informed or consulted. Somehow, members of the public take the time and effort to keep themselves informed, show up and deliver public comments, yet Councilmembers hold tight to their privilege to claim ignorance. Or even to say that they don't have time to visit the City website. How and why does someone hold a seat of power in this City when they don't have the time or inclination to stay on top of City business? Why do Councilmembers get to express outrage and surprise about such things as out-of-state corporate registrations, tax benefits, or zoning subcommittee members only after a member of the public brings those issues to their attention? And what have they done since? Nothing.

Salem introduced Council consent agendas in approximately February 2022. Every current councilmember signed onto that. What has the Council hidden from the public since that time? The answer: Councilmember ignorance, lack of diligence and backroom collusion. Consent agendas are very clearly intended for routine business and not for evasion of Open Meetings Law. Yet Consent agendas are being used and abused to keep councilmember ignorance and backroom jockeying hidden from the public, defeating the public's business, which must be discussed and voted upon publicly.

At the December 5 CC meeting, two different people—Marc Nelson and Evan Menist—both used the word collaboration. Consent agendas are the opposite of collaboration and the embodiment of self-service.

—We have a City Administrator, soon-to-be Mayor, who defends delays in producing documents requested under Freedom of Information Law, even though the law prohibits those delays. Marc Nelson also defends the use of a private Email address for his transition team.

—We have the City Corporation Counsel and Councilmembers, as well as department heads like Natalie Quinn, who violate the State law requiring that records to be discussed at a meeting be made available at least 24-hours before that meeting.

—We have Councilmembers who regularly leak information to an online outlet, but are entirely non-responsive to Freedom of Information requests. We have Dr. Martinez, the FOIL Appeals Officer, who seems to either have no teeth, or to apply no teeth, in obtaining requested FOIL documents that have been withheld. We have Councilmembers who are busy meeting with lobbyists, at the same time they won't answer constituent Emails. Councilmembers who use public monies designated for their Wards without ever disclosing receipt of those funds, consulting or gathering input from their constituents, or disclosing distribution of those funds.

—We have a Corporation Counsel who gives aid and protection to councilmember violations, whether in possession of clear-cut documentation of evidence tampering, or fully aware of Council violations of the City Charter. What has the Corporation Counsel done to enforce the Charter mandate regarding redistricting, including the requirement for Councilmembers to provide written comments in response to Redistricting Commission maps? Nothing to my knowledge, and silence in response to FOIL. Instead, for illegalities large and small, the Corporation Counsel puts the burden on the public to file an Article 78.

—We have Councilmembers who care so little about public involvement and knowledge that they don't even post a meeting agenda until after they're tagged by a member of the public.

—Do the concerned people speaking at this public hearing know that the Council has already agreed to pass the City Budget tonight via consent agenda? Have they seen the amendments the Council made to the budget, entirely behind closed doors, and without ever speaking about these issues and amendments on the record?

In five minutes, I've only begun to touch on the tip of this City's iceberg of the rise in crime, rogue behavior, and lawbreaking by Administration and Councilmembers alike.