



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, June 1, 2020 6:30 p.m.

City Hall

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

Welcome to the regularly scheduled meeting of the City of Poughkeepsie Common Council the date is Monday, June 1, 2020, and the time is 6:30 pm

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

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

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

Let's all recite the pledge of allegiance.

I. PLEDGE OF ALLEGIANCE:

ROLL CALL-All Present

II. REVIEW OF MINUTES:

CCM Minutes 5-20-2020						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☐	☐	☐	☒
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

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

NONE

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

Harvey Flad;

Common Council meeting June 1, 2020

Comments re: Resolution R20-51 LWRP review

My name is Harvey Flad. I live at 20 Dutchess Landing Rd., Apt. B202
Poughkeepsie, NY 12601

I have been a member of the Waterfront Advisory committee (WAC) for over 3 decades, as an original member appointed in 1988 that drew up the initial draft of the Local Waterfront Revitalization Program. Carol Sondheimer, waterfront specialist at Scenic Hudson, chaired the citizen committee, while the consultant firm Matthew D. Rudikoff Associates created the maps and the written draft, using the Coastal Management Plan guidelines of the NYS Department of State (DOS). With minor revisions, the Common Council accepted this draft a decade later in 1998 and, although never approved by the State, it has served as the primary document overseeing developments on the waterfront since then.. At that time I requested a leave of absence from WAC as a Fulbright Lecturer in Central Asia, and would later return to a reconstituted committee which is currently working with the consultant firm BFJ to completely revise and update a new LWRP and submit to the DOS and to you, the current Common Council, to coordinate appropriate waterfront development.

The draft that is available for review is a major step forward for the city. It extends the boundary of the Water Resource Area (WRA) to the entire course of the Fall Kill and includes more city-owned public spaces, such as Eastman Park, so that the city can take a more comprehensive approach to its land use assets and to assuring a balance between public access and development.

As a current member of WAC, and as a resident of the city's First Ward on the riverfront, I urge the Council to pass Resolution # R20-51 to appoint an LWRP review committee, and that the committee deliver an updated draft for public comment and a public hearing with its support for rapid acceptance by the Common Council.

Thank you,

Harvey K. Flad

20Dutchess Landing Rd., Apt. B202

Poughkeepsie, NY 12601

(845) 471-5376

flad@vassar.edu

Laurie Sandow:

Robust democracy requires true civic engagement, yet that engagement continues to be thwarted and undermined by Council Chair Salem. Salem has not acted alone—every councilmember who has sat silent, without a word of comment or protest, during these recent Zoom meetings has been complicit in the breach of both City Charter, the Council's own rules and NYS directives.

Tonight's Council agenda is jam-packed with so many important items, that it is both absurd, as well as insult, to limit the public's comments to three minutes per person. But of course, that limitation perfectly reflects the attitude of a Council that maintains its distance from, and hostility toward, the public; and its continued violation of law in providing public access and participation without prior registration.

Regarding the still-pending 15% Council budget cut, which is not on tonight's agenda at all:

In a September 2019 news article, Chris Petsas is quoted as saying: "If the salary of the council person was zero dollars six years ago or zero dollars next year, I am still going to run for that seat in the first ward." Let's put that quote to the test, and immediately eliminate Chris Petsas' salary.

Sarah Salem is also on record saying they did not know they'd be paid for their job. Until her DWI is litigated, let's eliminate Salem's salary too. Because, by the way, Salem has abused their Council seat to issue other fraudulent declarations. We're looking at a Council that has never, ever deprived members of their salaries and decision-making privileges, no matter how late they show up for a meeting, whether they show up for a meeting at all, or whether they've committed crimes for which they should be censured and even removed from office. It's long past time for councilmembers to turn these self-dealing "traditions" around.

Because my time is so limited, I will jump to Agenda Item #3—Resolution R20-52, approving a 40-year PILOT Agreement with Ken Kearney for the Catherine Square Project:

This resolution is an outrage. It will deprive necessary education revenue from the Poughkeepsie City School District as well as FOUR FULL cradle-to-graduation generations of students. It will further lubricate the school-to-prison pipeline. How much money is Hudson River Housing raking off the top as commission to partner with Kearney so that he can avoid the scrutiny and terms of the City's Industrial Development Agency? Why was no public hearing scheduled prior to this vote? Why are Councilmember positions not already on record, PRIOR to public comment?

Why is this PILOT based on LESS THAN the current posted land value of \$125,000, and not the posted market value which would still be inappropriate? Why does Dutchess Parcel Access still not reflect Kearney as an owner, and the amount of his purchase price? Has he bought the property or not? In 40 years at 2%, the \$100,000 baseline of this PILOT will compound to \$220,803.97. That is less than the CURRENT assessment for some modest single-family homes in this City. This resolution raises a million unanswered questions and unacceptable provisions. Electeds in this City act as if developers are doing them a favor by including affordable housing, especially when the housing might not actually qualify as affordable by City AMI (Area Median Income) as opposed to County AMI. They couldn't be more wrong—affordable housing can and should be a requirement, not a favor. Why is City Planner Natalie Quinn missing in action and entirely absent from all these discussions? It is amazing to watch developers eat this City alive by dangling projects offering the very smallest apples and carrots, as if they were instead dispensing precious gifts and rewards. It is amazing to watch the City and the Council continue to make decisions behind closed doors, and then engage in the sham of posting and voting on last-minute resolutions.

Returning to the evening's agenda:

1—Regarding Resolution R20-50, how is it that Councilmember Petsas upended the sale of 25 Whinfield Street by demanding a covenant on the deed, yet he and all other Councilmembers are entirely favorable and copasetic with the non-conforming use and residential-neighborhood-disrupting sale of 123 Smith St., across from the fragile, historic Smith Metropolitan AME Zion Church?

2—Regarding Resolution R20-51. Why is there no presentation on tonight's agenda by the current Chair of the LWRP? Why are current Waterfront Advisory Committee members shown so little respect that they are reduced to 3-minutes speaking time in public comments. This Common Council has an ever-expanding track record for defeating and undermining the work of dedicated, qualified boards, and replacing their members with hand-picked designees that will do the Council's bidding. The resolution to create a new waterfront committee is one example. Another is the naming of Chris Petsas as the new chair of the Council's Finance Committee.

4—Regarding Councilmember Petsas' communication re: the Ice House lease agreement. Why is the communication not included, IN PRINT, in the public's packet? Where is Petsas' disclosure of conflict of interest due to his personal and business relationship with Michael Lund, owner of the Ice House?

V. MAYOR'S COMMENTS:

Mayor Rolison Thanks for the opportunity earlier to have the discussion regarding comments about our friend, Barbara Jeter Jackson.

I'll give you an update tonight on the working groups that have been working diligently on the three aspects of city government, business and upcoming development, and recreation.

So the team downstairs on the second floor, on the Phase One of strategies, has reached out and been reaching out to manufacturers and construction businesses in the city, on the things that they need to do to get back into business using the Phase one guidelines, in conversation with members of the team today. That's going well.

They're also planning on how a Phase Two opening may work. I know that we all probably know this, that the County Executives from various regions have been advocating for the convergence of faces with the different regions, and been speaking with the state on how the potential for the phased reopening could go quicker than two week intervals.

And that's, you know, obviously it's a work in progress based on a lot of aspects of how the phases will work within certain communities, certain counties, and certain regions. But I can tell you that the team is working diligently with all of our partners to understand and also, most importantly, really to sort of anticipate how it may go. Because sometimes, you know, we find out that something may literally have been lifted at a particular point in time. That could be the next day we saw that with social distancing for Memorial Day when the Governor allowed parties of 10 people or less to gather, you know, using proper social distancing.

And there were other parts when it came to houses of worship.

So that's really active and everybody is really doing a great job in trying to not only plan execute the plans and also to also work towards what we're going to see in the future right now.

One other thing that is being discussed, and this is being discussed countywide, and I'm sure in other counties as well. We've been working on strategies that businesses could use to do outdoor retail, not only standard retail, but also for restaurants utilizing outdoor space in various areas and around their businesses.

Also seeing what types of, say, prohibitions that the city has towards that, and how we could be able to facilitate the deal, the abilities of some of these businesses to do our outdoor business. Also, obviously using whatever guidelines that are in place. But obviously, that's going to be social distancing and the use of masks.

We have also been continuing our daily calls with the state, with the regional mayors, with the mayors and supervisors. We were invited to participate in a call at the end of last week, and it was with the Bloomberg Institute of Public Health at Harvard University. And I'll get to why we got involved in that in just a second. But there were over 400 members of various governments throughout the world that were on the call. And what was really interesting about it

was, was that John Hopkins University, and their Institute of Public Health was the lead off of the meeting. And it gave a very comprehensive and up to date overview of COVID 19. And then there was a session on crisis leadership in this crisis that was given by various mayors and elected officials and other governmental entities on how to manage. And it was really good. And I appreciate everything that we got to participate in that.

We had the fire, obviously, the tragic fire on Dwayne Street. We've been staying on top of the progress of the demolition of the buildings. And I was told today that 13 and 15 Dwayne Street have gotten permits for demolition. Our expectation and hope, and we'll be monitoring this extremely closely, is that demolition should be starting early next week, is what I'm being told. But I'll make sure that obviously I'll keep our Councilman from the first ward advised of that.

We had a really great Memorial Day here in the city. I want to thank Veolia, our water and sewer contractor who, along with DPW, painted and then they reworked many of the pumps within the fountain. Some of the water, I believe, at the top. I'm trying remember last year, I don't know if the top was coming out, but there's something new to getting one of the pumps going. And there is other work that needs to be done. But we were able they were able to get it done prior to Memorial Day. And we got this information from some of them are really good stewards of the fountain best to decorate that every year for Christmas. That this is one hundred and fiftieth anniversary of the dedication of Soldier's Fountain, that took place on July 4th. And we are already talking about how we're going to celebrate it. And somehow, some way, we can do something on the fourth. We will. But if we have to move that out a little bit and give it the proper celebration that it needs, well, we'll do that when we can, because we are very lucky to have that fountain in this city.

So when I was talking about the Bloomberg Institute of Public Health, the reason that we got invited to participate in that is because we were just accepted by the All Means Initiative, which is out of the Harvard Graduate School of Education and their education redesign lab. We're already partnered with them from the Children's Cabinet. And the children's cabinet in such a short period of time has done quite a bit, considering of the crisis that we found ourselves in literally a month and a half, or two months after the cabinet was created, that we were asked to be a member of the By All Means Initiative. We, the 10th community in the United States to be part of the By All Means Initiative. And I think there's like 40 plus children's cabinets, but there's only 10 in the By All Means initiative. And we are in really great company with cities like Oakland, Stockton, Louisville, Salem, Massachusetts and others. And we've already been participating in the by all means Zoom conferences that have been taking place. And it's really it's been it's been really exciting, and also really informative and interesting about what these other communities are doing to not only, you know, help the school district, but to help the entire community, in which the school district is, in and the communities inside the school district. So, again, really, really happy about that. And I really want to give it a big thanks to the Poughkeepsie City School District for all they're doing, because they're the ones are playing a big role here. We're were the supporters here in city government.

And speaking of school district, and I know Councilperson McNamara's spoke about the horns honking, and all the things that he heard today at 9:02 a.m. or 9:03 a.m., launched out of the big

Poughkeepsie High School circle with a car, carload of cars, about twenty five cars. They started their convoy this morning and today they visited every single home, or residence of the 214, I think that's the number of graduating seniors. I was able to be there for just about 45 minutes, maybe an hour max, and we only had done about ten stops at that point. I have to tell you that to see these students, you know, come out of their houses, some in their pages to get a sign that they're able to put on their front lawn that says there are 2020 graduate, and then they get their graduation packets, was just it was it was it was overwhelming.

So when we had the logistics meeting and they figured, well, it was gonna be about five minutes at each stop. Captain Wilson figured out it was going to be like a 12 hour operation. So, I mean, my hats off to them in their scope. They got they got everything going on. It's really good. And we have two officers that have been assigned to it all day to make sure that, you know, everybody is safe going through different intersections.

And it's really it's like we're talking about the phase. It's like a Phase One of like a three phase graduation shindig, for our high school seniors. And I think as more than information is coming out, I mean, it's really like they've done just a tremendous job of planning this under such difficult circumstances, not knowing when you would be able to do one, but also having to plan something, because you don't know what you can do it what you make a plan of, what you can do when you can do it and, you know, maybe two or three weeks later you can, but things could be changing. So, again, hats off to the school district for, celebrating the accomplishments of our senior class really under some very difficult circumstances and, you know, good for them. Really good for them.

We were advised on our county call that the county transit will be resuming their full schedule on June 6th. Is also our understanding that there'll will be no fare for transit services for the first two weeks, once full service is restored. Also, my John Penney and I were talking today and got an update on the census. He said that some of the field workers, which would have already been out on the field, are starting now to go out in the field in that region in which we are part of. And what that means is, is that if you or I, we haven't returned the census as of yet, you will be getting something delivered to your door that says, hey, you got to do the Census.

And what they use is, they use the addresses that where these things went out to our P.O. boxes and then they cross-reference whether the address has a mailbox or not. They've got all the addresses in a database. So I know that we all we need to participate. It's been so important and. We got sidetracked and continue to be somewhat sidetracked and still involved with the COVID 19 response. But we have to make sure that we do everything we can to encourage and get people to fill out the census right now my understanding is that there's about a 46 percent return rate. We want if we want to push it to 50, and then push it even farther. We know we can get to 50, but right now we're at a forty six, according to John.

One last point, and obviously probably one of the most important things that I'll have the opportunity to say tonight. I want to thank everybody in this city. I want to thank people who came into the city from the surrounding communities and surrounding counties over the weekend. We had four events, for rallies, for conversations, for protests, that were held and were held. For people to express the feeling of outrage, the grief. They're feeling of

bewilderment. But also to express the other messages that we heard, of love and solidarity and looking out for one another in times like this is even the most important thing. And I want to say that these events one without any challenges really at all, other than lots of people. Which is a good thing, too. And really, you know, I just the deep appreciation to the organizations that that led these rallies. You know, not just for facilitating these important conversations, but, you know, their care and their concern about what they were doing, and when they were doing it and how, you know, the city of Poughkeepsie and the Police Department could be helpful and making sure that everyone was safe and they were held in an extremely responsible manner. And so that was a real, you know, as real example of what we talked about a lot. And that is the greatness of this city, on the greatness of our region. And, you know, when people come here for a reason to hold these things, it's a good sized community, it's the county seat. It's easy to get to and then get out of when you want to go home.

I had a great conversation over the weekend in Mansion Square Park with a woman who came home from High Falls and said heard about it, wanted to be part of it. And I said because it was here. And so we're very lucky to have that and to have the community in which we're all part of a Chairperson Salem. And that is my report for tonight.

VI. CHAIRPERSON'S COMMENTS AND PRESENTATIONS:

Chair Salem: 142 confirmed deaths in Dutchess County as of today and over 167 confirmed active cases here in the City of Poughkeepsie with more than 31,000 tests administered so far in DC. As we gather to mourn, protest, and rally following the murder of George Floyd, another murder of a Black Man in the broad daylight, it's important not to forget that we are still in the midst of a pandemic, and to use precaution for your own safety and for the safety of others. Now, as our country tops 100,000 human lives lost to the Coronavirus.

This past Sunday, I had the opportunity to attend an incredible gathering in Mansion Square Park that was organized by Black Lives Matter Hudson Valley where we convened in circles and held space for discussion, for sharing, the offering of ideas and possible solutions, and for me, a great opportunity for listening. I then, like so many others, attended the candlelight vigil on Sunday evening. 100s lined Mill Street in solidarity and to peacefully pay respects for the murder of George Floyd. Another Black man murdered in broad daylight, unjustly.

I feel grateful and proud that as a community we were able to ground ourselves in peace and in protest in response to racism, oppression, and the ongoing problem of unequal justice. It is our right to protest and take voice when instances of injustice, hate, and racism occur. We have the power to continue to see that it remains productive and peaceful, and as a body, even more so- we have the ability to institute and initiate reforms and policies in order to continue to encourage the unraveling of the conditions that have led to this civil unrest. As James Baldwin said, "Not Everything that is faced can be changed, but nothing can be changed until it is faced." There's a lot that we need to change and now is our time to FACE IT. I want to be held accountable to that statement, plain and simple. Public unrest doesn't happen overnight, and the changes we need to ensure our people feel supported and are protected won't happen overnight either. Let's continue to make sure we elect representatives that are willing to put their voices behind needed reforms at every single level of government.

Community Events/Announcements;

Public Notice was recently posted to fill the vacancy left in Legislative District 10, which is a district that is fully encompassed within the City of Poughkeepsie, holding parts of wards 1, 3, 5, and 6. If you are a resident of this district and are interested in serving your local community at the County level, we are accepting Letters of Interest and Resumes until June 5. More information is available at cityofpoughkeepsie.com.

Dutchess Outreach Fresh Market opens tomorrow and can be found in Front of the Family Partnership Center from 11:30 am - 3:30 pm tomorrow and every Tuesday, Wednesday, Thursday from now until early November.

It's June. Lesbian, Gay, Bisexual, Transgender, and Queer Pride Month (LGBTQ Pride Month) is celebrated each year during the month of June to honor the 1969 Stonewall riots in Manhattan lead by Marsha P. Johnson and Sylvia Rivera, two black trans women, who decided that enough was enough and refused to cooperate with police during a raid. Four nights of rioting commenced. Both police and protesters were injured and dozens were arrested.

A year after the riots, the Christopher Street Liberation Day Umbrella Committee held the first Pride March, and so began the movement and fight for LGBTQ+ equality that we are still engaged with today.

Last year we celebrated Pride in Poughkeepsie like never before, with a march and festival, a real weekend packed with love and community. It feels like much more than a year has passed since then and this year, unfortunately, we will not be able to gather in the same way.

What we can do is stand up and speak out against discrimination and hate against our community. Whether you're an ally or identify as LGBTQ+, your voice is needed.

Because while we have made much progress in the 51 years since the Stonewall riots, we've also seen some states take measures to set the movement back and some groups increase their level of hate and intolerance.

Pride is a Month that highlights these issues and helps to give advocates a chance to rally the community, allies, and supporters in **celebration, protest, and political & social activism for EQUALITY NOW. CHANGE NOW. We have a lot of work left to do and I feel so proud to be a part of such a beautiful movement & community as a Queer Transgender individual.**

VII. REPORTS OF COMMITTEES AND BOARDS:

Finance Committee Member, Councilmember Chris Petsas

VIII. MOTIONS AND RESOLUTIONS:

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

NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) RESOLUTION REGARDING A SALE OF CERTAIN CITY OWNED PROPERTIES (R20-49)

INTRODUCED BY COUNCILMEMBER PETSAS

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of city owned property located at 25 Whinfield Street and identified as Tax Map No.6062-59-866450; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. In accordance with Section 617.5(a)(1) of Title 6 NYCRR, the Common Council determines that the above described action is subject to SEQRA; and
2. In accordance with Section 617.5(a)(2) of Title 6 NYCRR, the Common Council determines that the action does not involve a federal agency; and
3. In accordance with Section 617.5(a)(3) of Title 6 NYCRR, the Common Council determines that the above described action does not involve any other agencies; and
4. In accordance with Section 617.5(a)(4) of Title 6 NYCRR, the Common Council classifies the above described action as an unlisted action. The Common Council in making such classification considered Section 617.12 of Title 6 NYCRR and determined that the above action did not fall into any of the categories listed under Type I, and also considered Section 617.13 of NYCRR and determined that the above described action did not fit under any of the categories listed under Type II

Actions, thus reaching the conclusion that it is to be considered an unlisted action;
and

5. In accordance with Section 617.5(a)(5) the Common Council determines that the above described project will not require a long EAF since the short EAF provides sufficient information; and
6. The Common Council officially makes a determination of non-significance in that the proposed sale of properties are not expected to result in a significant adverse impact on the environment and, therefore, the preparation of a draft environmental impact statement is not necessary; and
7. This determination shall be considered a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law; and
8. The City Chamberlain shall maintain a file of this determination as well as the attached EAF which is hereby made a part of this resolution.

SECONDED BY COUNCILMEMBER BRANNEN

R20-49						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

1. A motion was made by Councilmember Brannen and seconded by Councilmember L. Johnson to receive and print.

**R E S O L U T I O N
(R20-50)**

INTRODUCED BY COUNCILMEMBER PETSAS:

WHEREAS, the City of Poughkeepsie has previously taken title to a single family house located at 25 Whinfield Street (Tax Map No: 6062-59-866450), in the City of Poughkeepsie by reason of unpaid real property taxes; and

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

WHEREAS, an offer has been received from Robert Banach-Page and Regina Horan in the amount of \$40,500; and

WHEREAS, the Property Acquisition and Disposition Committee, having considered the mission of the Committee and the policies of the City, has recommended that the City of Poughkeepsie accept this offer; and

WHEREAS, the Common Council hereby finds that the offer from Robert Banach-Page and Regina Horan is in the best interests of the City of Poughkeepsie; and

NOW, THEREFORE,

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

RESOLVED, that the offer from Robert Banach-Page and Regina Horan to purchase premises known as 25 Whinfield Street (Tax Map No: 6062-59-866450), in the City of Poughkeepsie for the sum of \$40,500.00 is hereby approved subject to the hereinafter mentioned conditions and subject to such other and further conditions which the Corporation Counsel shall deem appropriate; and be it further

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

- A. That the Purchaser shall within thirty (30) days of the date of this resolution, take title to such property.**
- B. The transfer of title and Purchaser's use of the Property shall be subject to all state, federal and local regulations including the City of Poughkeepsie and New York State Building Codes and the City of Poughkeepsie Zoning Ordinance and real property taxes coming due pursuant to law on and after the date of transfer of title;**
- C. Purchaser's obligation to purchase such property shall be contingent upon Seller obtaining an insurable interest in the property pursuant to Article 15 of the Real Property Action and Proceedings Law or other applicable law;**
- D. Purchaser agrees that he shall not use the agreed upon purchase price as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation; and**
- E. Prior to the closing of title, Purchaser shall apply for and obtain the approval from the Planning Board and/or the Zoning Board of Appeals of any site plan approval or zoning variances required by law; and**
- F. Purchaser shall abate all building code violations within sixty (60) days.**
- G. Purchaser agrees that the premises will be owner-occupied for three years from the date of transfer.**

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to sign the deed and any other documents required to effect the sale, provided such deed contains the terms contained herein together with such other terms and conditions which the Mayor and the Corporation Counsel shall

deem appropriate, and the Mayor, the City Administrator and the Corporation Counsel are hereby authorized and directed to do all things necessary to give effect to the terms of this resolution.

SECONDED BY COUNCILMEMBER BRANNEN

The City of Poughkeepsie
New York

John Taylor
Assessor



62 Civic Center Plaza
Poughkeepsie, N. Y. 12601

845-451-4039
Fax: 845-451-4181

April 24, 2020

Re: 25 Whinfield Street
6062-59-866450

Mr. Marc Nelson
City of Poughkeepsie Administrator

Mr. Nelson,

Pursuant to your request, I have been asked to estimate an opinion of market value for the above captioned subject properties for the purpose of marketing. The value reported on the property is qualified by certain assumptions, limiting conditions and definitions. The Valuation was prepared for Mr Marc Nelson, City Administrator and is intended for his specified use.

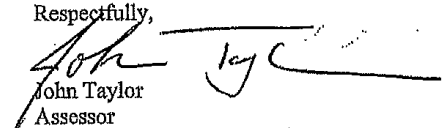
The property is located at 25 Whinfield Street, City of Poughkeepsie and consists of a residential improved parcel with a single family home. A physical field inspection has been made of the property and the property appears to be in poor condition. Additionally, it must be understood that no plans or survey have been reviewed, there are no known deed restrictions, zoning restrictions or other legal restrictions that would have an adverse effect on the establishment of market value.

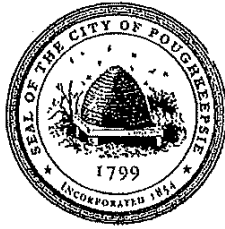
To establish an opinion of market value, a Sales Approach was utilized based on sales of similar properties, in similar condition, within the subject market area. In this approach, value is based on the transfer of properties considered to be similar in use and condition. Due to the lack of recent sales within the subject immediate neighborhood, it was necessary to expand the search into surrounding neighborhoods. Any and all data, reasoning and/or analysis used to develop the opinion of value has been retained and any depth of discussion is specific to the needs of the intended user and the intended use.

After careful consideration, I have concluded the estimated Market Value of the subject property, to be \$45,000.

Should you have any additional questions, please do not hesitate to contact me.

Respectfully,


John Taylor
Assessor
City of Poughkeepsie



Memorandum

To: Common Council Members

From: Marc Nelson, City Administrator *MN*

CC: Paul Ackermann, Corporation Counsel; Property Acquisition & Disposition Committee Members

Date: May 6th, 2020

RE: Communication Regarding the Sale of a City-owned Property Located at 25 Whinfield Street in the First Ward.

The Property Acquisition & Disposition Committee has reviewed the attached offer to purchase a certain city-owned property located at 25 Whinfield Street. The usual documentation is attached for your review. This property will remain a single family home and will also be owner-occupied. The elimination of a vacant property is also an important benefit of this transaction, as is the elimination of city-risk and expense associated with its ownership.

The purchase price agreed is \$40,500 which is \$3,500 less than the current estimate value assigned by the City Assessor, however the PAD believes that the proposed usage and rehabilitation plan proposed by the purchaser warrants this minimal discount, particularly given the current economic climate.

The proposal has the support of First Ward Councilman, and the Administration also is supportive.

Thank you.

The City of Poughkeepsie New York

**Property Acquisition &
Disposition Committee**

Marc S. Nelson
Erle Philipp
John Taylor
Erian Buckley-Falcon
Nancy L. B. Griffin



62 Civic Center Plaza
Poughkeepsie, NY 12601
PHONE: (845) 451-4065
FACSIMILE: (845) 451-4070

**ANY OFFERS OR COUNTEROFFERS ACCEPTED BY PAD ARE SUBJECT
TO THE APPROVAL OF THE CITY OF POUGHKEEPSIE COMMON COUNCIL.**

April 22, 2020

Robert Banach-Page and Regina Horan
VIA EMAIL TO: realestaterobpage@gmail.com
3220 Bayview Drive #301
Ft. Lauderdale, FL 33306

Re: Offer to Purchase City-Owned Property

Dear Mr. Banach-Page and Ms. Horan:

The Property Acquisition and Disposition Committee ("PAD") has reviewed your offer to purchase property located at 25 Whinfield Street.

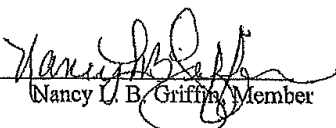
As previously explained, the PAD was created to review any offer to purchase City-owned property in order to insure that the City's goals are met based on certain criteria. After discussion of these factors, the PAD believes your offer of \$40,500.00 is acceptable.

We are now prepared to refer your offer to the Common Council for discussion. In the event the Common Council agrees with the PAD, the offer would then go back to the Common Council for a resolution. If they do not agree, we will let you know as soon as possible whether they have a counteroffer.

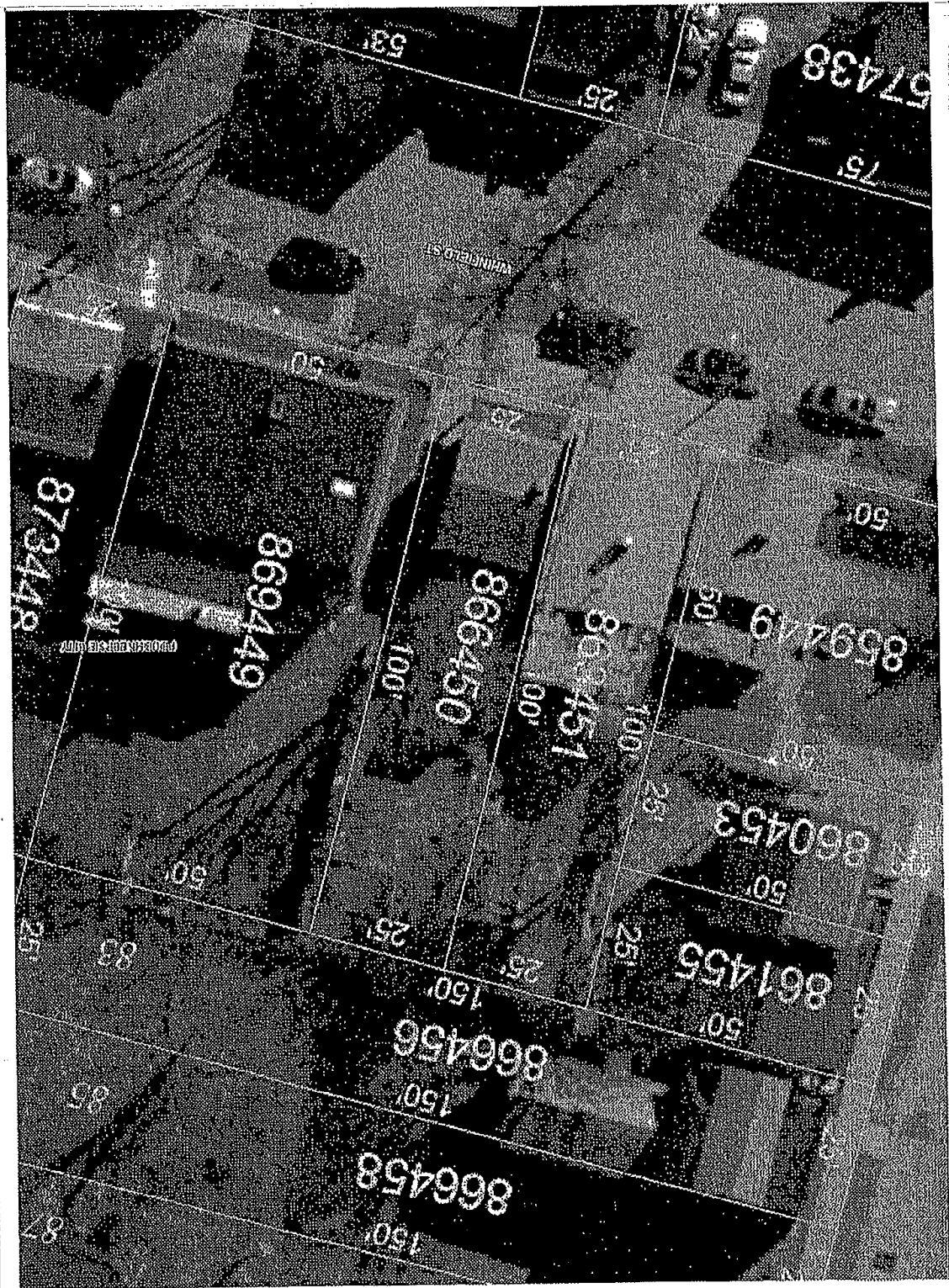
If the above meets with your approval, please contact the undersigned at your earliest convenience, as we cannot refer until we receive your approval. Thank you.

Very truly yours,

CITY OF POUGHKEEPSIE
PROPERTY ACQUISITION &
DISPOSITION COMMITTEE

By: 
Nancy L. B. Griffin, Member

cc: PAD Members



Google Maps 26 Whitfield St

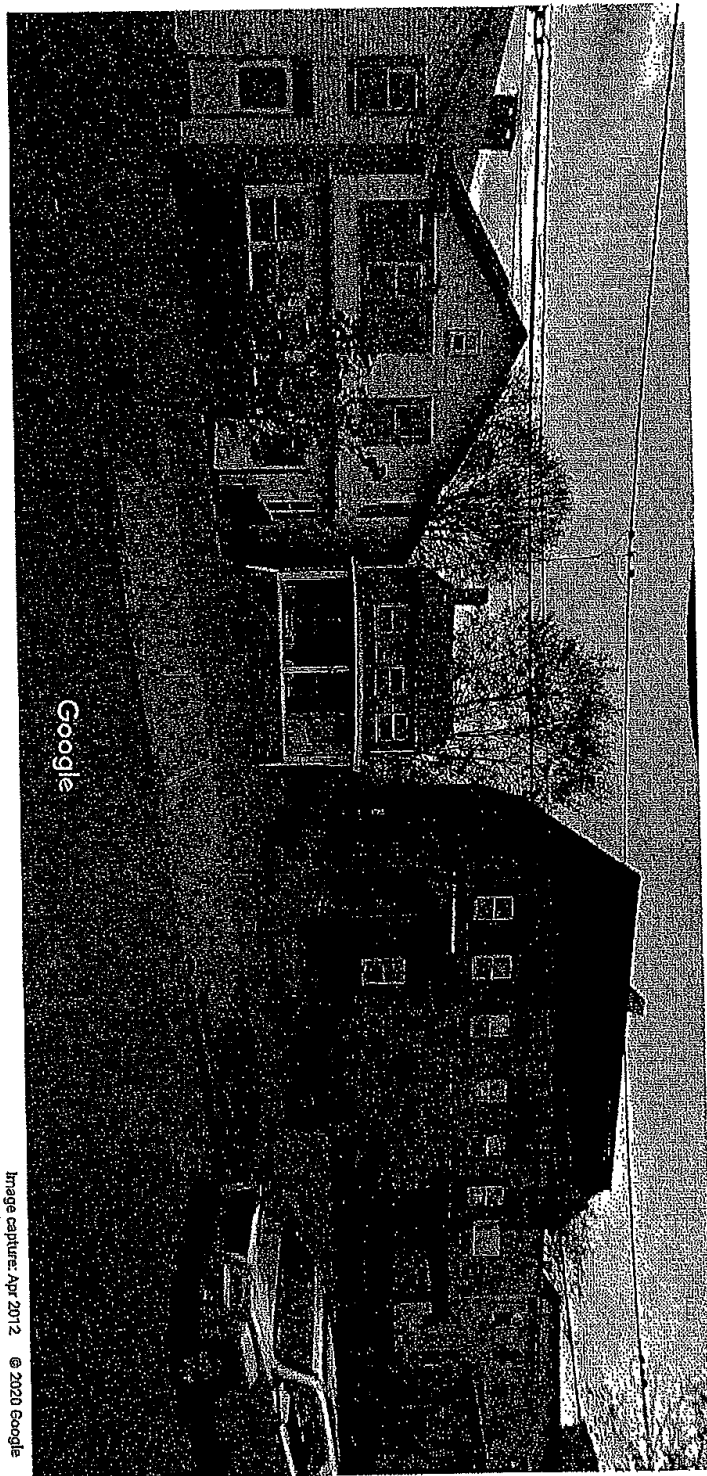
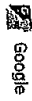
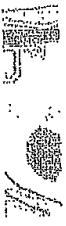


Image capture: Apr 2012 © 2020 Google

Poughkeepsie, New York



Street View



RESIDENTIAL- ONE & TWO FAMILY HOMES

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

Name: Robert Banach-Page and Regina Horan

Address: 3220 Bayview Drive #301, Fort Lauderdale, FL 33306

Home Phone: 954-805-7151 Work Phone: _____ Fax: _____

Employer: _____

Employer Address: _____

If Self Employed: Self Employed Real Estate Broker

Property Needs:

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

If other, please explain: _____

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

Will this purchase require financing: yes _____ no X

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

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

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

If yes, where? _____

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

If yes, where? 95 Albany Street (Mailing address 20 Whinfield Street)

Do you own other property: yes X no _____

If yes, please provide the complete address:

3220 Bayview Drive #301, Fort Lauderdale, FL 33306

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

25 Whinfield Street

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

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

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

Will use our own funds to rehab _____

Other Property owned:

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

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

Please Identify: _____

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

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

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

Development Plan:

The intended use of the property (i.e.: single family, two family, retail business, etc):
Personal use as a single family residence _____

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

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

Rev: 09/23/13

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www.cityofpoughkeepsie.com

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Full renovation inside and out

Is site plan approval needed: yes _____ no X

Are any variances required: yes _____ no X

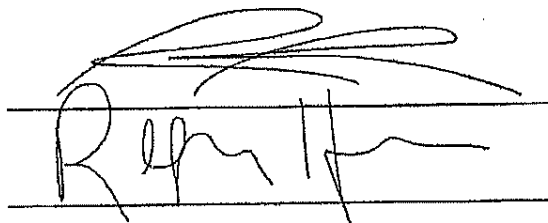
The schedule for such improvements to the property (Note- If applicable, you will be required to obtain a building permit in six months of the purchase and a Certificate of Occupancy within one year of that);

Would like to begin renovations as soon as possible.

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

No

Purchaser(s) Signatures:



Please return completed form to:

Corporation Counsel
City of Poughkeepsie
62 Civic Center Plaza
Poughkeepsie, New York 12601
Phone: (845) 451-4065
Fax: (845) 451-4070

R20-50			Yes/Aye	No/Nay	Abstain	Absent
☐ Accepted ☐ Defeated ☐ Tabled		Councilmember Flowers	Voter	☒	☐	☐
		Councilmember McNamara	Voter	☒	☐	☐
		Councilmember Cherry	Voter	☒	☐	☐
		Councilmember R. Johnson	Voter	☒	☐	☐
		Councilmember Menist	Voter	☒	☐	☐
		Councilmember Petsas	Voter	☒	☐	☐
		Councilmember L. Johnson	Voter	☒	☐	☐
		Councilmember Brannen	Voter	☒	☐	☐
		Chair Salem	Voter	☒	☐	☐

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

**RESOLUTION
R20-51**

A RESOLUTION ESTABLISHING A REVIEW COMMITTEE TO AID THE COMMON COUNCIL IN THEIR COMMITMENT TO THE UPDATE OF THE LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) PLAN AND IN ORDER TO INCORPORATE THEIR COMMENTS IN PREPARATION OF A DRAFT FOR A PUBLIC HEARING.

SPONSORED BY CHAIR SALEM:

WHEREAS, The purpose of an LWRP is to preserve, protect and enhance the environmental, social and economic resources and amenities of a specific coastal area to address opportunities to improve natural, public, commercial, or developed waterfront areas to provide for organizational structure, local laws, projects, and ongoing partnerships to implement our land and water use plan and to coordinates state and federal actions needed to help the community achieve its vision for our coastal area; and

WHEREAS, The LWRP serves as a reference for the City of Poughkeepsie's Waterfront Advisory Committee (WAC) to evaluate development projects in the waterfront area and if accepted by the NYS DOS, the LWRP policies give the city jurisdiction over actions by state and federal agencies and will Increase the likelihood of the city or private entities receiving grant funding from NYS for projects identified in the plan; and

WHEREAS, The city had an LWRP that was drafted in 1998 but that was not approved by NYS and now is the time to update our vision and plan to gain NYS approval; and

WHEREAS, The administration hired a consultant and drafted an LWRP over the last year and a half and the administration and consultant sent a draft to NYS DOS in September of this past year and that draft was returned with significant commentary and critique; and

WHEREAS, The common council is in receipt of the draft subsequent to NYS DOS comments and believes it does not fully address the comments nor does the draft incorporate sufficient vision and values in accordance with the desires of our diverse constituency; and

WHEREAS, The common council is the lead agency, has sole authority to approve the LWRP, which is required before state the document is sent for DOS approval;

WHEREAS; The common council desires to revise the LWRP and hold a public hearing on said revised draft;

NOW, THEREFORE

BE IT RESOLVED, that the City of Poughkeepsie Common Council appoints a review committee to revise the LWRP and deliver an updated draft for public comment and public hearing, and that

committee shall be comprised of members of the Common Council, A representative from the Waterfront Advisory Committee (WAC), a representative from the Industrial Development Agency (IDA), and a member that represents a Local Environmental Agency.

BE IT FURTHER RESOLVED, that we maintain our status as the lead agency on all SEQR matters, we will serve as the main point of contact with NYS DOS during this review and revision process, and that we will devote council resources and seek corporation counsel guidance to finalize.

BE IT FURTHER RESOLVED, that the aforesaid resolutions shall take effect immediately.

SECONDED BY COUNCILMEMBER BRANNEN

R20-51			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

IX. ORDINANCES AND LOCAL LAWS:

1. A motion was made by Councilmember Brannen and seconded by Councilmember Cherry to receive and print.

**ORDINANCE REPEALING CHAPTER 2, ARTICLE VII OF THE CODE OF ORDINANCES
ENTITLED MALL COMMISSION
(O20-04)**

INTRODUCED BY CHAIR SALEM

SECTION 1. BE IT ENACTED, by the Common Council of the City of Poughkeepsie, an ordinance repealing Chapter 2, Article VII of the Code of Ordinances of the City of Poughkeepsie entitled “Mall Commission” to provide as follows:

~~City of Poughkeepsie, NY / Part III: Code of Ordinances / Administration~~

~~Article VII Mall Commission~~

~~Section 2-80 Statement of policy.~~

~~Section 2-81 City of Poughkeepsie Mall Commission.~~

~~Section 2-82 Operation of mall.~~

~~Section 2-83 Boundaries of mall.~~

~~Section 2-84 Vehicular traffic prohibited.~~

~~Section 2-85 Responsibilities of abutting owners, tenants and prohibited materials.~~

~~Section 2-86 Use of mall for nonvehicular purposes.~~

~~Section 2-87 Task force.~~

~~Section 2-88 Penalties for offenses.~~

~~Section 2-89 Remedies deemed cumulative, not exclusive.~~

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~~Section 2-90 Applicability.~~

~~Section 2-91 Promotion.~~

~~Section 2-92 Exterior building and street alterations.~~

~~Section 2-93 through Section 2-100. (Reserved)~~

~~Section 2-80 Statement of policy.~~

~~[Ord. of 8-20-1973, § 1; Ord. of 11-3-1980, § 1, 2]~~

~~(a) The Common Council of the City of Poughkeepsie recognizes the need to maintain, preserve and enhance a strong, attractive and economically viable central business district; that this central business district, as embodied by the Main Mall, should serve as a dynamic focus for social, economic and cultural activities for the City of Poughkeepsie, Dutchess County, and the surrounding Mid-Hudson region; and that the Main Mall, notwithstanding the existing facilities, recent improvements and continuing emphasis upon improving its maintenance and security, should be developed and utilized to its fullest potential.~~

~~(b) It is hereby declared as a matter of public policy that the creation of the City of Poughkeepsie Mall Commission is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this Article is to:~~

- ~~(1) Effect and accomplish the creation of such a Mall Commission.~~
- ~~(2) Safeguard the physical improvements and facilities of the central business district.~~
- ~~(3) Combat existing and threatened deterioration and physical and economic blight.~~
- ~~(4) Encourage the healthy growth of the city.~~
- ~~(5) Stabilize and improve property values, the tax structure, the business climate and the economy of the city.~~
- ~~(6) Protect and enhance the attractiveness of the community.~~
- ~~(7) Foster civic pride.~~
- ~~(8) Promote the use of the Mall for the education, pleasure and welfare of the people of the city.~~

~~Section 2-81 City of Poughkeepsie Mall Commission.~~

~~[Ord. of 8-20-1973, § 1; Ord. of 6-6-1974, § 1; Ord. of 11-3-1980, § 3 through 5]~~

~~(a) In order to execute and effectuate the purposes declared in this Article, there is hereby created a commission to be known as the "City of Poughkeepsie Mall Commission."~~

~~(b) The Commission shall consist of seven members, all of whom shall be residents of the City of Poughkeepsie. The members shall be appointed by the Mayor with the concurrence of the Common Council for terms of five years, provided that two of the seven members shall be owners or tenants within the boundaries of Section 2-83 and two of the seven members shall be members of the Downtown Council and three of the seven members shall be citizens who are neither owners nor tenants nor members of the Downtown Council, and provided that of those members first taking office,~~

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~~two shall be appointed for five years, two shall be appointed for four years, one shall be appointed for three years, one shall be appointed for two years and one shall be appointed for one year. Each member shall serve until the appointment and qualification of his successor. The terms of the members first taking office shall commence on the date of their appointment. The terms of the members presently serving shall be terminated upon adoption of this section.~~

~~(c) The members shall serve without compensation.~~

~~(d) In the event of a vacancy occurring during the term of a member, the Mayor shall make an interim appointment, with concurrence of the Common Council, to fill out the unexpired term of such member.~~

~~(e) The Mayor shall designate one of the members of the Commission to be the initial Chairman. Such initial Chairman shall serve until a successor is elected by the members.~~

~~(f) The Commission shall have such powers and duties as may be prescribed from time to time by the Common Council.~~

~~(g) The Commission shall propose to the Common Council applicable new or revised ordinances and shall also refer to the Common Council for approval proposed rules and regulations concerning the internal administration of the Mall, including but not limited to quorum requirements, regularly scheduled meetings, utilization of consultants, procedures for the implementation of Commission powers and other matters within the jurisdiction of the Commission.~~

~~(h) The Mall Commission shall be convened monthly to consider regular business and may be convened more frequently at the Chairman's request to consider urgent business.~~

Section 2-82 **Operation of mall.**

~~{Ord. of 8-20-1973, § 1; Ord. of 6-6-1974, § 1; Ord. of 11-3-1980, § 6 through 9}~~

~~(a) The Commission shall consider and from time to time propose new or revised ordinances for the consideration of the Common Council of the City of Poughkeepsie regarding the operation and maintenance of the Mall. No such proposed or revised ordinances shall take effect unless and until they are adopted and approved by the Common Council of the City of Poughkeepsie.~~

~~(b) Such proposed new or revised ordinances may include but shall not be limited to:~~

~~(1) (Reserved)~~

~~(2) (Reserved)~~

~~(3) (Reserved)~~

~~(4) Provisions for use of the Mall for sales, concerts, public gatherings, promotions, advertising and other such uses.~~

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- ~~(5) Provisions for creation of an advisory association of merchants on the Mall in order to assist in implementation of mall activities.~~
- ~~(6) Provisions for establishment of fee schedules for use of mall.~~
- ~~(7) Reviewing operation and maintenance of the Mall and making recommendations to the City Administrator.~~
- ~~(8) Procedures for recommendations to the City Administrator regarding replacement, changes, additions and deletions to the Mall.~~
- ~~(9)(Reserved)~~

~~(c) Prior to the adoption of any new or revised ordinances, the Commission shall conduct a public hearing not less than five days after publication of a notice of public hearing in the official newspaper of the City of Poughkeepsie. The notice of public hearing shall include a statement as to the time and place where copies of the proposed new or revised ordinance may be reviewed by the public as well as the time and place of the public hearing.~~

~~(d) Upon the adoption of the proposed or revised ordinance by the Common Council, the Commission shall make provision for distributing copies of such new or revised ordinance to the public.~~

Section 2-83 **Boundaries of mall.**

~~[Ord. of 8-20-1973, § 1; Ord. of 11-3-1980; § 10, 11; Ord. of 12-15-1981; Ord. of 6-17-1991, § 1]~~

~~Beginning at the point of intersection of the easterly line of New Market Street with the northerly line of Main Street, said point being the northwesterly corner of the herein described parcel; thence along the northerly line of Main Street in an easterly direction 458 feet, more or less, to the point of intersection of the northerly line of Main Street with the westerly line of Garden Street; thence along the westerly line of Garden Street in a northerly direction 217.8 feet, more or less; thence crossing Garden Street in an easterly direction 34 feet, more or less, to a point in the easterly line of Garden Street; thence along the easterly line of Garden Street in a southerly direction 217.8 feet, more or less, to the point of intersection of the easterly line of Garden Street with the northerly line of Main Street; thence along the northerly line of Main Street in an easterly direction 496.8 feet, more or less, to the point of intersection of the northerly line of Main Street with the westerly line of Catharine Street; thence beginning again at the northerly line of Main Street at the point of intersection of the easterly line of North Hamilton Street with the northerly line of Main Street; thence still along the northerly line of Main Street in an easterly direction 506.8 feet, more or less, to the point of intersection of the northerly line of Main Street with the westerly line of Little Smith Street; thence crossing Little Smith Street still along the northerly line of Main Street in an easterly direction 30 feet, more or less, to the point of intersection of the easterly line of Little Smith Street with the northerly line of Main Street; thence still along the northerly line of Main Street in an easterly direction 87.4 feet, more or less, to the point of intersection of the westerly line of North Clinton Street with the northerly line of Main Street; thence crossing Main Street along the westerly line of North Clinton Street in a southerly direction 60 feet, more or less, to the point of intersection of the southerly line of Main Street and the westerly line of South Clinton Street; thence along the southerly line of Main Street in a westerly direction 707.9 feet, more or less, to the point of intersection of the easterly line of South Hamilton Street with~~

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~~the southerly line of Main Street; thence beginning again at the point of intersection of the westerly line of Academy Street with the southerly line of Main Street; thence still along the southerly line of Main Street in a westerly direction 459 feet, more or less, to the point of intersection of the easterly line of Liberty Street with the southerly line of Main Street; thence along the easterly line of Liberty Street in a southerly direction 187.7 feet, more or less; thence crossing Liberty Street in a westerly direction 25 feet, more or less, to a point in the westerly line of Liberty Street; thence along the westerly line of Liberty Street in a northerly direction 213.8 feet, more or less, to the point of intersection of the westerly line of Liberty Street with the southerly line of Main Street; thence along the southerly line of Main Street in a westerly direction 106.1 feet, more or less, to the point of intersection of the easterly line of Wood Lane with the southerly line of Main Street; thence along the easterly line of Wood Lane in a southerly direction 213.8 feet, more or less; thence crossing Wood Lane in a westerly direction 15.8 feet, more or less, to a point in the westerly line of Wood Lane; thence along the westerly line of Wood Lane in a northerly direction 213.8 feet, more or less, to the point of intersection of the westerly line of Wood Lane with the southerly line of Main Street; thence along the southerly line of Main Street in a westerly direction 349 feet, more or less, to the point of intersection of the easterly line of Market Street with the southerly line of Main Street; thence crossing Main Street in a northerly direction 66 feet, more or less, to the point of origin.~~

~~(a) The physical boundaries within which the Commission may exercise its powers and duties are as follows:~~

~~(b) All areas identified as streets on the Official Map of the City of Poughkeepsie and intended for use as vehicular thoroughfares which are included within the areas described are to be excluded from the regulations of Sections 2-80 through 2-92.~~

~~(c) For the purpose of review of exterior building alterations (Section 2-92), the boundaries of the Mall shall include all buildings abutting or adjacent to the Mall.~~

~~Section 2-84 Vehicular traffic prohibited.~~

~~{Ord. of 6-17-1974, § 1; Ord. of 12-16-1974, § 1; Ord. of 1-20-1975, § 1; Ord. of 8-15-1977; Ord. of 11-3-1980, § 12 through 20; Ord. of 5-16-1988, § 1 through 3}~~

~~All vehicular traffic upon the Mall is banned and prohibited with the exception of the following:~~

~~(a) Emergency vehicles. Emergency vehicles as herein defined shall include and be limited to police, fire, ambulance and utility company vehicles, said utility company vehicles being included only when making emergency repairs. However, such vehicles, except for police and fire vehicles, shall be operated in accordance with the provisions of Subsection (d).~~

~~(b) Official city vehicles. Official city vehicles shall be permitted on the Mall at all times so long as they are being operated in accordance with official city business, including but not limited to maintenance equipment, so long as said vehicles are operated in accordance with the provisions of Subsection (d).~~

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~~(c) Delivery vehicles.~~ Delivery vehicles shall be permitted on the Mall only between the hours of 6:00 a.m. and 10:00 a.m. daily, unless the City Administrator shall have given prior written approval for delivery vehicles to be on the Mall at other hours. Such approval to vary the hours that delivery vehicles may be permitted on the Mall shall be given only in exceptional hardship instances. All delivery vehicles on the Mall must be operated in accordance with the provisions of Subsection ~~(d)~~.

~~(d) Operation of vehicles.~~ The operation of vehicles permitted on the Mall must comply with all of the following:

- ~~(1) Metal wheels, metal tires, metal snow chains and snow tires with studs are prohibited at all times.~~
- ~~(2) Vehicles leaking lubricants or energy fuels are prohibited at all times.~~
- ~~(3) Vehicles needed for repair, construction or service on the Mall shall be regulated by permit from the City Administrator. A written request by the owner of the property to be repaired must be submitted to the City Administrator which must include the estimated timing of the project, the schedule of expected vehicles to be utilized and the number and type of vehicles. The City Administrator shall review the request and, if permission is granted, shall designate where the vehicle(s) shall be parked. Only one such vehicle will be allowed on site during restricted hours.~~
- ~~(4) The owner and operator of any vehicle spilling any matter upon the surface of the Mall or in any way marring the surface of the Mall shall be responsible to correct such spillage and damage immediately.~~
- ~~(5) No vehicle while operating on the Mall, except for emergency vehicles, shall travel at a speed greater than five miles per hour.~~

~~(e) Bicycles.~~ It shall be unlawful for any person to ride a bicycle, roller skates, skateboard or other recreational devices upon the Mall at all times without the permission of the City Administrator and main Mall Commission under Class B, Category (d), uses. All bicycles must be parked in designated bicycle racks.

~~(f) Penalties.~~

~~(1) Failure to keep the granite guide-on-strip clear shall be punishable by such penalties as provided in Section 1-8 of the Code of Ordinances of the City of Poughkeepsie. Additionally, anyone operating a motor vehicle on the Mall and not removing said vehicle off said guide-on-strip when parked or standing shall be deemed to have consented to the removal of said vehicle by the City of Poughkeepsie, its agents, servants or employees for the purpose of towing away and impounding said vehicle. The City of Poughkeepsie is hereby authorized to tow away and impound said vehicles.~~

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~~(2) All other violations shall constitute petit offenses, punishable by a fine of \$20.~~

~~(g) It shall be unlawful for any person to play a radio, tape deck, television, musical instrument or other device capable of emitting amplified sound upon the Mall at all times without the permission of the City Administrator and main Mall Commission under Class (B), Category (d) uses.~~

~~Section 2-85 Responsibilities of abutting owners, tenants and prohibited materials.~~

~~{Ord. of 6-17-1974, § 1}~~

~~(a) Abutting owners and tenants.~~ It shall be the responsibility of abutting owners and tenants to utilize their respective properties in such a manner as to facilitate the maintenance of the Mall. Recessed store entrances, foyers or other areas within the building lines shall at all times remain the responsibility of the tenants or owners who shall maintain all such recessed store entrances, foyers or other areas within the building lines in accordance with this Article, as well as in accordance with Chapter XV of the Code of Ordinances, as may be amended from time to time.

~~(b) Sweeping and dumping prohibited.~~ The sweeping of refuse or other litter onto the Mall, dumping refuse or otherwise littering on the Mall or in any way impeding the maintenance of the Mall in a clean and orderly fashion is prohibited.

~~(c) Rock salt and chemical agents prohibited.~~ The use of rock salt or other chemical agents upon the Mall is prohibited at all times. Notwithstanding the foregoing, such materials may be utilized if prior written approval has been obtained from the Superintendent of Public Works or his duly authorized agent.

~~Section 2-86 Use of mall for nonvehicular purposes.~~

~~{Ord. of 6-17-1974, § 1; Ord. of 11-3-1980, § 21 through 27}~~

~~(a) Written approval required.~~ A use permit will be required for all events, activities, displays, exhibits, commercial sales and other uses within the boundaries of Section 2-83. Such use permits will be issued in accordance with the provisions of this section. There will be five general classes of permits.

~~(1) Class A: Permits for service activities.~~ Requests for Class A permits are to be referred to and approved directly by the City Administrator with or without conditions. Activities and uses included in this area are:

- ~~a. Vehicles needed for repair, construction or service on the Mall.~~
- ~~b. Delivery vehicles needed on the Mall in accordance with Section 2-84(c).~~
- ~~c. Temporary storage of construction equipment or materials.~~

~~(2) Class B: Permits for parades, assemblages and educational recruiting.~~ Requests for Class B permits are to be issued after review, approval with or without conditions and scheduling by the main Mall Commission and City Administrator. Activities and uses included in this class are:

- ~~a. Parades.~~

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- ~~b. Assemblages.~~
- ~~c. Educational recruiting by colleges or universities accredited by New York State.~~
- ~~d. Similar activities and uses not covered by another class of permit.~~

~~(3) Class C: Permits for nonpecuniary community-oriented activities. Class C permits are to be issued after review, approval with or without conditions and scheduling by the main Mall Commission and City Administrator. Activities and uses will not have a money-making motive. Activities and uses included in this class are:~~

- ~~a. Educational (except as covered by Class B permits).~~
- ~~b. Entertainment (except as covered by Class B permits).~~
- ~~c. Cultural (except as covered by Class B permits).~~
- ~~d. Civic (except as covered by Class B permits).~~
- ~~e. Social (except as covered by Class B permits).~~
- ~~f. Religious (except as covered by Class B permits).~~

~~(4) Class D: Permits for commercial exhibits, promotions and displays. Class D permits relate to activities and uses which will not involve the direct sale of merchandise, products or goods within the boundaries of Section 2-83. Class D permits are to be issued after review, approval with or without conditions and scheduling by the main Mall Commission and the City Administrator. A use fee may be charged for Class D, category (a) or (b) uses if conducted by a profit-making organization in accordance with Section 2-86. Activities and uses included in this class are:~~

- ~~a. Displays and exhibits (except as covered by Class C permit).~~
- ~~b. Advertising and promotion of commercial events, products, services and goods.~~
- ~~c. Decorations of public space in conjunction with special seasons or events.~~

~~(5) Class E: Permits for vending, soliciting and fundraising. Class E permits will relate to activities and uses which involve the direct sales of merchandise, products or goods, fundraising and any city-authorized solicitation for funds. Permits will be issued after review, approval with or without conditions by the main Mall Commission and City Administrator. A use fee may be charged if conducted by a profit-making organization in accordance with Section 2-86. Activities and uses included in this class are:~~

- ~~a. Vending, sales or city-authorized solicitation for profit on a daily basis or for specific time period. These activities shall not include hawking or peddling.~~
- ~~b. Vending, sales or other fundraising activity or city-authorized solicitation by a nonprofit organization. These activities shall not include hawking or peddling.~~

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~~c. Outdoor dining and catering.~~

~~Class B through E permits approved and activities scheduled will be made at the regular meeting of the main Mall Commission unless the chairman of that Commission considers the matter of such importance to call a special meeting. All applications shall be in writing and shall include the intended use, the specific portions of the Mall to be utilized and the reason for such a request. Scheduling of Class B through E uses, if and when given by the main Mall Commission, shall be referred promptly to the City Administrator. The approval of the City Administrator in Class A uses, City Administrator and the main Mall Commission in Class B through E uses, in writing, is necessary prior to the use of the Mall and is in addition to and not in substitution for any other applicable permits and permission required by law.~~

~~(b) Terms and conditions for use. Permission by the City Administrator in Class A uses and the Main Mall commission and City Administrator in Class B through E uses for the use of the area described in Section 2-83 shall be granted upon such terms and conditions that may include, among other things, the locations of the use, the manner of the implementation of the use, requirements for cleaning of the Mall after such event and regulation of the design, sound emitted, degree of supplemental lighting, movie and slide projectors and other types of electrical equipment or display utilized and other reasonable terms and conditions. If, in the opinion of the permit issuer, these terms are being violated during an event, the permittee will be advised of such violation. If this violation is not immediately corrected, the permit will be revoked and the event suspended.~~

~~(c) Fees for promotions within the boundaries of Section 2-83. The fee shall be as follows:~~

~~(1) Nonprofit organizations shall pay no fee.~~

~~(2) Profit making organizations shall pay:~~

~~a. Fifty dollars per day or \$70 per event, per unit of space approximately four feet by eight feet in size allocated to organized groups of casual vendors of small items, such as but not limited to hand-crafted articles, bake goods and plants.~~

~~b. Fifty dollars per day or \$70 per event per unit of space approximately eight feet by twenty feet in size allocated to organized groups of casual vendors of large items, such as but not limited to automobiles, campers, boats and lawn equipment.~~

~~c. A fee of \$50 per day or \$70 per event for the bandstand and other pavilions within the boundaries of Section 2-83. Use of the bandstand and other pavilions will be deemed suitable for individual or groups displaying and/or selling items such as but not limited to garden or lawn furniture or equipment, camping and sporting equipment and building products.~~

~~d. At the option of the City Administrator, a fee of \$50 per day or \$70 per event shall be charged for use of the entire mall or portion thereof, as part of a mall event or promotion, scheduled and supervised by the Downtown Council or other organization representative of mall tenants and property owners as determined by the main Mall Commission and City Administrator.~~

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~~e. The City Administrator shall also be empowered to negotiate a use fee for all Class D, category (a) and (b), and Class E, category (a), (b) or (c), uses which are scheduled by the main Mall Commission for more than 10 calendar days. In each case, the negotiated use fee shall be equal to the average per square foot annual rental and taxes of the adjoining properties. No permit may exceed 30 days in length. All permits may be renewed at the option of the City Administrator.~~

~~(3) The following conditions shall apply to the use within the boundaries of Section 2-83 by profit making groups:~~

- ~~a. If rain should force cancellation of a scheduled event, fees for the canceled event will be returned.~~
- ~~b. All fees must be paid in full one week before the scheduled event.~~
- ~~c. Air space above a unit of space will be limited to eight feet in height without special authorization from the main Mall Commission.~~
- ~~d. All fees collected shall be deposited immediately with the office of the Commissioner of Finance of the City of Poughkeepsie.~~
- ~~e. It is expected that an annual budget will be submitted by the main Mall Commissioner, and that fees collected for use of the area described in Section 2-83 will be used to defray, in part, the expenses of said main Mall Commission.~~
- ~~f. In the event that an application is rejected, the amount tendered with the application shall be promptly refunded.~~

~~(4) The City Administrator will review all Class A through E uses to determine if an excess cleanup cost will be incurred by the City of Poughkeepsie. A performance bond may be requested by the City Administrator equal to the amount of money anticipated for excess cleanup activities. After such use has concluded, if in the opinion of the City Administrator no excess cleanup costs or an amount of excess cleanup costs less than the cumulative amount of the performance bond posted has been incurred, the difference between the excess cleanup costs and the amount of the performance bond will be promptly refunded to the permittee.~~

~~Section 2-87 Task force.~~

~~{Ord. of 6-17-1974, § 1; Ord. of 11-3-1980, § 28, 29}~~

~~The Mall Commission may appoint a task force for specific purposes as the need arises. The purpose of this task force shall be to assist the Commission in the implementation of mall activities and, when necessary, to make appropriate recommendations to others, including the Common Council of the City of Poughkeepsie. Said task force shall meet from time to time to advise the Mall Commission regarding mall activities.~~

~~Section 2-88 Penalties for offenses.~~

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~~[Ord. of 6-17-1974, § 1]~~

~~Except in those cases where a specific penalty is herein set forth, the violation of any provision or provisions of this Article shall be punishable by such penalties as are set forth in Section 1-8 of the Code of Ordinances of the City of Poughkeepsie.~~

~~Section 2-89 Remedies deemed cumulative, not exclusive.~~

~~[Ord. of 6-17-1974, § 1]~~

~~The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law; any and all remedies may be pursued concurrently or consecutively, and the pursuit of any remedy should not be construed as an election or waiver of the right to pursue any and all other remedies.~~

~~Section 2-90 Applicability.~~

~~[Ord. of 6-17-1974, § 1]~~

~~This Article shall apply to everyone, including but not limited to owner, lessee, operator, occupant, mortgagee, vendee in possession, assignee of rents, receiver, executor, trustee, agent, firm, sole proprietorship, partnership, national association and corporation.~~

~~Section 2-91 Promotion.~~

~~[Ord. of 11-3-1980, § 30]~~

~~The Commission, in furtherance of the policy stated in Section 2-80(b)(7) and (8), shall be directed to promote, solicit, sponsor and otherwise encourage the use of the Mall for educational, cultural, civic, commercial and other events.~~

~~Section 2-92 Exterior building and street alterations.~~

~~[Ord. of 11-3-1980, § 31, 32]~~

~~(a) The Commission shall be empowered to review and advise upon all proposals, both public and private, for all temporary and permanent exterior building alterations, including but not limited to signs and building facades in accordance with Section 19-4.9, Signs, of the Code of Ordinances.~~

~~(b) The Commission shall be empowered to review and advise upon all proposals, both public and private, for all temporary and permanent exterior street alterations, including but not limited to landscaping, street furniture and other modifications which directly affect or otherwise influence the visual, aesthetic and physical character of the Mall.~~

~~Section 2-93 through Section 2-100. (Reserved)~~

SECTION 2. This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER CHERRY

~~STRIKETHROUGH~~ INDICATES DELETION
ITALICS INDICATES ADDED LANGUAGE

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O-20-04						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

X. PRESENTATION OF PETITIONS AND COMMUNICATIONS

- 1. FROM COUNCILMEMBER PETSAS**, a communication on the Ice House lease agreement.
- 2. FROM OASIS RESTAURANT CORPORATION**, a notice of intent for Union Tavern, located at 49-57 Union Street to renew their liquor license.

XI. NEW BUSINESS:

XII. OLD BUSINESS:

X. ADJOURNMENT:

A motion was made by Councilmember Brannen and seconded by Councilmember Lorraine Johnson to adjourn the meeting at 8:40 P.M.

Dated: June 10, 2020

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, June 1, 2020.

Respectfully submitted,

Deanne L. Flynn
City Chamberlain

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