



COMMON COUNCIL MEETING

Monday, January 23, 2023
Common Council Chambers

5:30 p.m.

Public Hearing: *for the purpose of receiving comments on the proposed Local Law Adopting The City of Poughkeepsie Redistricting Plan Pursuant to Section 2.10 of The City Charter*

6:00 p.m.

Public Hearing: *for the purpose of receiving comments on the proposed Local Law Amending Section 14.35 of The Administrative Code of The City of Poughkeepsie Entitled "Taxes – Partial Exemption Granted; Conditions*

6:30 p.m.

I. ROLL CALL

II. REVIEW OF MINUTES:

Organizational Meeting – January 3, 2023
Common Council Meeting – January 3, 2023

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-23-15**, Resolution Accepting a Grant for the Fallkill Creek Project
2. **R-23-16**, Resolution Setting the Bond for the Fallkill Creek Project
3. **R-23-17**, Resolution Approving the 2023 Budget Amendment
4. **R-23-18**, Resolution Approving a Lease Agreement with MHA
5. **R-23-19**, Resolution Accepting a Grant from Chai Developers LLC.

6. **R-23-20**, Resolution Approving the Inter-Municipal Agreement with Poughkeepsie City School District

X. ORDINANCES AND LOCAL LAWS:

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

XII. ORDINANCES AND LOCAL LAWS:

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

1. **COMMUNICATION FROM ASSESSOR JOHN TAYLOR**, Regarding the Standards for Electronic Real Property Tax Administration
2. **COMMUNICATION FROM MAYOR NELSON AND CORPORATION COUNSEL VALK**, Regarding the Proposed Acceptance of Land Along the Northern Waterfront
3. **A PRESENTATION FROM BAXTER LLC.**, Regarding Development of the Garden St. Lot
4. **FROM RAYNA POLLARD**, a notice of property damage sustained on or around October 14, 2022.
5. **FROM GENEVA'S BLUES HOUSE**, a 30 day advance notice of intent to obtain a NYS Liquor License.

XIV. ADJOURNMENT:

(R-23-15)

**RESOLUTION ACCEPTING A WATER QUALITY IMPROVEMENT PROJECT
(WQIP) GRANT FROM THE NEW YORK STATE DEPARTMENT OF
CONSERVATION FOR THE FALLKILL SEWER INTERCEPTOR
REHABILITATION PROJECT**

INTRODUCED BY CHAIRWOMAN BROWN: _____

WHEREAS, the City of Poughkeepsie applied for financial assistance from the New York State Department of Environmental Conservation (DEC), under the Water Quality Improvement Project (WQIP) grant fund, for the rehabilitation of the Fallkill Sewer Interceptor; and

WHEREAS, the City of Poughkeepsie has been awarded a grant from the WQIP grant fund in the amount of **\$3,566,800.00** for the rehabilitation of the Fallkill Sewer Interceptor; and

WHEREAS, pursuant to section 2.05(j) of the Administrative Code of the City of Poughkeepsie, the Common Council is authorized to accept this grant on behalf of the City of Poughkeepsie; and

WHEREAS, the Common Council is desirous of accepting such grant to be used for the rehabilitation of the Fallkill Sewer Interceptor; and

NOW THEREFORE,

BE IT RESOLVED, that the City of Poughkeepsie Common Council accepts these grant funds in an amount not to exceed **\$3,566,800.00** for the rehabilitation of the Fallkill Sewer Interceptor; and be it further

RESOLVED, that the City of Poughkeepsie Common Council authorizes the Mayor to agree to the terms and conditions of the Master Contract with the DEC for the rehabilitation of the Fallkill Sewer Interceptor and to execute that document and other required agreements and certifications to effectuate the Master Contract.

SECONDED BY: _____

CERTIFIED TRUE COPY

I, Jasmin N. Davis, Chamberlain of the City of Poughkeepsie, hereby certify that the foregoing is a full, true, and accurate copy of a resolution duly and regularly adopted by the governing body of the municipality, at a meeting duly and regularly held on January 23, 2023, at which quorum was present throughout, and the required majority of the governing body voted in favor of this resolution. I further certify that this resolution is still in full force and effect and has not been revoked or modified.

Dated: January 23, 2023

Jasmin N. Davis
City Chamberlain (Clerk)

Affix Seal of Municipality Here

WORK PLAN WORKSHEET

Summary

PROJECT NAME:	Fallkill Interceptor Rehabilitation Project-WQIP Grant
CONTRACTOR SFS PAYEE NAME:	City of Poughkeepsie, N.Y.
WORK PLAN PERIOD:	From: 05/10/2021 To: 05/09/2026

PROJECT SUMMARY (50000 chars):

Provide a high-level overview of the project, including the overall goal and desired outcomes. Include information such as location, target population, overall number of persons to be served, service delivery method and hours of operation:

Project Background

The City of Poughkeepsie investigated potential sources of inflow and infiltration (I&I) within the City of Poughkeepsie's sanitary sewer collection system in 2019. The sanitary sewer collection system consists of approximately 76 miles of combined sewer that collect both wastewater and stormwater. The City of Poughkeepsie has a population of approximately 31,490 per the 2020 US Census. The city sewer system serves its residents on a continual basis 24 hours a day and seven days a week. The sanitary sewer lines range from 8-inch to 48-inch, and contain approximately 2,653 manholes. The City has six combined sewer overflows that discharge into the Hudson River when the combined sewers exceed their flow capacity during storm events. The City has been mandated to separate the combined sewers by the New York Department of Environmental Conservation in their most recent State Pollutant Discharge Elimination System (SPDES) permit.

The inflow and investigation (I/I) study carried out in 2019 was funded through a NYS CWSRF Engineering Planning Grant. This study pinpointed locations where rehabilitation will alleviate stresses to the collection system as the City continues to separate their combined sewer system. As part of the Infiltration/Inflow (I&I) investigation, 24,000 LF of sanitary and combined sewer was televised using closed circuit television (CCTV) and 267 manholes were inspected. The collection system has historically conveyed elevated levels of extraneous flow, or inflow and infiltration, to the Water Pollution Control Plant (WPCP). These system characteristics have subsequently resulted in mandates to eliminate combined sewer overflows into the Hudson River.

The high levels of inflow and infiltration suggests the sanitary collection system presently has numerous pipe deficiencies. These defects were verified through the implementation of closed circuit camera inspection of the pipes. Structural defects, including cracks and holes were found throughout the sanitary collection system along with deteriorating manholes. These defects cause storm water to enter the system leading to combined sewer overflows during precipitation events.

Contract Number: #

WORK PLAN WORKSHEET

Implementation of a comprehensive sewer rehabilitation program, that includes cured-in-place pipe lining, dig-and-replace pipe replacement, spot repairs, manhole repairs, etc., is recommended to address major structural defects found during the investigation, and to reduce inflow and infiltration within the system. The proposed sewer rehabilitation program will reduce operation and maintenance costs at the Poughkeepsie WPCP by eliminating the need to treat additional water. In addition, it can prevent further deterioration of sewer infrastructure that may lead to street undermining and collapses and reduce combined sewer overflows into the Hudson River.

Based on the findings of the Infiltration/Inflow Study (2019 EPG Grant), a recommendation was made to proceed with the pipe and manhole rehabilitation techniques listed above to repair the observed defects in the sewer system. This rehabilitation approach will mitigate the system's infiltration and inflow contributions, and reduce structural defects in the sewer system. This rehabilitation work will provide future sustainability of the infrastructure and a water quality benefit to the Hudson River.

Project Funding

The City of Poughkeepsie Sewer Rehabilitation WQIP grant award of \$ 3,566,800 was received on January 11, 2022. The minimum Local Match requirement is \$891,700. The required local match, \$ 891,700, is expected to be financed by the city budget, subsequent CDBG allotments, and/or the sewer fund. The City of Poughkeepsie has already committed \$364,000 of its 2022 Community Development Block Grant allotment to fund the engineering design for the project to expedite the design work.

WORK PLAN WORKSHEET

Organizational Capacity (4000 chars):

Describe the staffing, qualifications and ongoing staff development/training activities, and relevant experience of the provider organization to support the project

The City Project Team will consist of the City Engineer, Richard DuPilka, P.E., and a retained engineering consultant, Barton Loguidice.

City Engineer

The city engineer is a registered professional engineer in NY with over 30 years of experience in managing the city's sewer infrastructure including extensive professional development hours in the field of water distribution, wastewater, and sewer and storm sewer systems. Applicable work experience includes the following:

1. The city engineer authored the City of Poughkeepsie Sewer Characterization Study and subsequent CSO Long Term Control Plan in 2010. As a result, he is entirely familiar with the conditions and function of the city sewer systems.
2. Developed a master plan of sewer rehabilitation and storm separation projects to be carried out in the future. The Fallkill Trunk Sewer rehabilitation is one of the projects appearing on the City of Poughkeepsie Master Plan. This sewer projects master plan has been integrated with recent NYS CWSRF listings.
3. Collaborated with the consultant, Barton Loguidice, in carrying out the work identified in the NYS CWSRF funded Engineering Planning Grant (EPG 2019) for this pipe rehabilitation project and will continue this effort with the WQIP grant.
4. Directs and supervises the daily operations of the entire sewage collection system (combined and storm sewers, MS4 program) including the municipal sewage treatment plant and pump stations.

Consultant

The consultant, Barton Loguidice, has worked on behalf of many municipalities in New York State for NYS CWSRF related grants and projects. B&L has a very experienced staff that have enabled the city to move forward with this long awaited rehabilitation project. In 2019 they successfully collaborated with the City Engineer by preparing an Engineering Planning Grant for the current pipe rehabilitation project. During this evaluation, extensive flow metering, data capture, and an engineering report was completed. This report was a basis for the subsequent WQIP grant application for the City of Poughkeepsie Sewer Rehabilitation work that was recently awarded by the NYSDEC. As a result, Barton Loguidice has a great deal of experience with the Fallkill Trunk Sewer project.

Conclusion

The City of Poughkeepsie maintains necessary professional and technical staffing that is capable of providing organizational capacity to carry out the required work in accordance with WQIP Grant requirements.

WORK PLAN WORKSHEET

WORK PLAN WORKSHEET

Detail

Add more rows for objective, task and Performance Measures as needed

To count characters – Select the text block > Select Review menu > Click 'Word Count' option from ribbon

OBJECTIVE	TASKS Name (Max. 75 char)	TASK Description (Max. 250 char)	PERFORMANCE MEASURES Name (Max. 75 char)	PERFORMANCE MEASURES Description (Limit based on Data Capture type)
1. Name (Max. 75 char): City Project Team: City Engineer & Engineering Consultant Development of Sewer Remediation Plan & Specifications Description (Max. 250 char) Field Reconnaissance-Engineering Perform necessary field reconnaissance to assist design of sewer rehabilitation practices. Engineering Design & Preparation of Project Specifications- Develop construction plan with City Engineer to address observed defects in sewer pipes via in-situ pipe and manhole remediation techniques as much as practicable	a. Field Investigations	Field Inspections of Sewers and Manholes/CCTV Field Survey and Mapping as required	i. Work with City of Poughkeepsie Engineer to develop remediation plan for sewers	Complete required field work within 4 months.
			ii. Identify constructability issues so they can be addressed in contract documents	Complete constructability reviews within 3 months
			iii.	
	b. Engineering Design-Rehabilitation Techniques	Develop cost effective rehabilitation program. Prepare engineering drawings and specifications	i. Project Plans and General and Technical Specifications to facilitate reviews by regulatory agencies	Complete necessary engineering design and preparation of contract documents within 6 months.
			ii.	

Contract Number: #

Page 5 of 9; Attachment C – Work Plan

WORK PLAN WORKSHEET

			iii.		
			i.		
			ii.		
			iii.		

WORK PLAN WORKSHEET

Add more rows for objective, task and Performance Measures as needed

To count characters – Select the text block > Select Review menu > Click 'Word Count' option from ribbon

OBJECTIVE	TASKS Name (Max. 75 char)	TASK Description (Max. 250 char)	PERFORMANCE MEASURES Name (Max. 75 char)	PERFORMANCE MEASURES Description (Limit based on Data Capture type)
2. Name (Max. 75 char): Regulatory Review/Approval Description (Max. 250 char) Complete plans and specifications and contract documents for project. Submit to regulatory agency for review and approval. Obtain permits as required.	a. Submit plans and specifications for regulatory review and permitting as required	Develop and present project plans	i. Plan submission	Submit approvable plan documents and obtain permits/approvals within 6 months
			ii. Revise documents	Complete requested engineering revisions as applicable within 1 month
			iii. Obtain approvals and permits	Obtain approvals within 2 months of submissions of revisions
			i.	
			ii.	
			iii.	
	c.		i.	
			ii.	
			iii.	

WORK PLAN WORKSHEET

Add more rows for objective, task and Performance Measures as needed

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OBJECTIVE	TASKS Name (Max. 75 char)	TASK Description (Max. 250 char)	PERFORMANCE MEASURES Name (Max. 75 char)	PERFORMANCE MEASURES Description (Limit based on Data Capture type)
3. Name (Max. 75 char): Prepare Contract for Public Bidding	a. Public Bidding of Project	Bid Phase	i. Advertise and solicit bids from contractors to construct repairs identified in the contract documents. ii.	Complete required contract solicitation and contract award functions. Provide Notice to Proceed to responsive bidder (contractor) within 3 months
			iii.	
Description (Max. 250 char) Bidding/ Construction Phase	b. Construction	Construction of specified work called out in the contract documents	i. Direct contractor to carry out work called for in project plans and specifications. ii. Complete required pipe rehabilitation work iii.	Complete all required pipe and manhole rehabilitation work within 18 months of Notice to Proceed Complete approximately 24,000 lf. of sewer rehabilitation including punch list work by December 31, 2025.
	c. Construction Management & Certifications	Supervise and Observe all Construction Operations-Design Engineer. Utilize MWBE firm for Construction Observation	i. Design Engineer shall direct field operations and issue field orders in collaboration with City Engineer ii. MWBE CM form to observe construction and provide construction records to city iii. Design Engineer shall provide the city with Project Certification once all work is performed,	Maintain construction schedule to complete all construction work by Dec. 31 2025. Provide all necessary documentation monthly to city to support WQIP grant reimbursement functions. Provide all necessary project closeout and certification documentation to city to support WQIP grant reimbursement function 3 months after completion of work by 3/1/2026.

WORK PLAN WORKSHEET

EXTRACT OF MINUTES
(Fall Kill Sewer Interceptor Rehabilitation Project)

A regular meeting of the Common Council of the City of Poughkeepsie, Dutchess County, New York was convened in public session at the Council Chambers, City Hall, Poughkeepsie, New York on January 23, 2023 at 6:30 o'clock p.m., local time.

The meeting was called to order by _____, and, upon roll being called, the following members were:

PRESENT:

Council Chair Natasha Brown
Councilmember Debra Long
Councilmember Evan Menist
Councilmember Lorraine Johnson
Councilmember Nathan Shook
Councilmember Yvonne Flowers
Councilmember Christopher Grant
Councilmember Nedra Patterson Thompson
Councilmember Megan Deichler

ABSENT:

The following persons were ALSO PRESENT:

Commissioner of Finance Brian Martinez, PhD

The following resolution was offered by Councilmember_____, seconded by Councilmember_____, to wit;

BOND RESOLUTION DATED JANUARY 23, 2023

A RESOLUTION AUTHORIZING THE FALL KILL SEWER INTERCEPTOR REHABILITATION PROJECT AT AN ESTIMATED MAXIMUM COST OF \$6,593,000 AND THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,229,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE A PORTION OF THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Poughkeepsie, Dutchess County, New York (the "City") (by the favorable vote of not less than two-thirds of all of the members of the Common Council) as follows:

SECTION 1. Wastewater treatment improvements for the Fall Kill Sewer Interceptor Rehabilitation Project to address combined sewer overflow, including inflow and infiltration

correction, along Fall Kill Creek/Winnakee Avenue to Mill Street, including original furnishings, equipment, machinery and apparatus required therefor, are hereby authorized at an estimated maximum cost of \$6,593,000 and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 4 of paragraph a of Section 11 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty years.

SECTION 2. It has been determined that the aforesaid purpose constitutes a Type II action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQRA not to have a significant impact on the environment.

SECTION 3. The City plans to finance the total cost of said purposes by the issuance of serial bonds of the City in an amount not to exceed \$6,229,000, hereby authorized to be issued therefor pursuant to the Local Finance Law. The proceeds of a Water Quality Improvement Project grant in the estimated amount of \$3,566,800, and any other grants which may be provided through New York State Environmental Facilities Corporation will be used to pay or reimburse a portion of the cost of such purpose.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 5. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations.

SECTION 6. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the City are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of the City a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 7. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Commissioner of Finance, the Chief Fiscal Officer of the City. The

Commissioner of Finance is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Chamberlain is hereby authorized to affix the corporate seal of the City to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 8. The Commissioner of Finance is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, to the extent applicable, to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Commissioner of Finance is further authorized, in his discretion, to execute a project financing and loan agreement and any other agreements with the New York State Environmental Facilities Corporation and/or the New York State Department of Environmental Conservation and/or the New York State Department of Health, and amendments thereto, and to take such actions and execute such documents as may be necessary to provide for the financing or refinancing of the specific object or purpose set forth herein, or a portion thereof, by one or more notes or bond issues of the City and the sale of such issues to the New York State Environmental Facilities Corporation or its designee pursuant to the New York State Revolving Fund Program.

SECTION 10. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) Such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or

(2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with; and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 11. The Chamberlain is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Poughkeepsie Journal, a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

SECTION 12. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Council Chair Natasha Brown	VOTING ____
Councilmember Debra Long	VOTING ____
Councilmember Evan Menist	VOTING ____
Councilmember Lorraine Johnson	VOTING ____
Councilmember Nathan Shook	VOTING ____
Councilmember Yvonne Flowers	VOTING ____
Councilmember Christopher Grant	VOTING ____
Councilmember Nedra Patterson Thompson	VOTING ____
Councilmember Megan Deichler	VOTING ____

The foregoing resolution was thereupon declared duly adopted.

Approved: _____, 2023

Marc Nelson
Mayor

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Chamberlain of the City of Poughkeepsie, Dutchess County, New York (hereinafter called the "City") and the custodian of the records of the City, including the minutes of the proceedings of the Common Council, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Common Council held on the 23rd of January, 2023 and entitled:

BOND RESOLUTION DATED JANUARY 23, 2023

A RESOLUTION AUTHORIZING THE FALL KILL SEWER INTERCEPTOR REHABILITATION PROJECT AT AN ESTIMATED MAXIMUM COST OF \$6,593,000 AND THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,229,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE A PORTION OF THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the City. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Common Council was present throughout said meeting, and a legally sufficient number of members (two-thirds of the Common Council) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the City and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this ____ day of _____, 2023.

-SEAL-

Jasmin Nicole Davis
City Chamberlain

Executive Summary—Not a part of the Resolution

This New Resolution for the **Fall Kill Sewer Interceptor Rehabilitation Project** includes:

<u>Purpose</u>	<u>Capital Budget Items</u>	<u>PPU (Max. Period for Financing)</u>	<u>Total Project Cost 1</u>	<u>Other Funds 2</u>	<u>Bonds Authorized</u>
Section 1: Wastewater Treatment improvement, including inflow and infiltration along Fall Kill Creek/ Winnakee Avenue to Mill Street	Fall Kill Sewer Interceptor Rehabilitation Project	30 years	\$6,593,000	WQIP grant \$3,566,800 BIL grant \$1,331,000	\$6,229,000
Grand Total			\$6,593,000	\$4,897,800	<u>\$6,229,000</u>

Notes:

- 1) Estimated total project cost includes 2022 CDBG funds in the amount of \$364,000 for project design.
- 2) NYS DEC WQIP Award dated 1/11/2022 in the amount of \$3,566,800 (Reimbursement Funding).
NYS EFC IUP (2023) C3-7348-06-00 identifying Project as eligible for BIL Infrastructure financing in the amount of \$1,331,100.

RESOLUTION
(R-23-17)

INTRODUCED BY MAJORITY LEADER MENIST:

WHEREAS, the Common Council by resolution R-22-93 adopted a budget for the fiscal year 2023 (the “2023 Budget”); and

WHEREAS, the Common Council wishes to amend the 2023 Budget to remove funding for the position of Planning Director as the City has been unsuccessful in finding a candidate to fill that role, and allocate the funds to the positions of Planner and Junior Planner; and

NOW, THEREFORE,

BE IT RESOLVED, that the 2023 Budget adopted by the Common Council as Resolution R-22-93 is amended as shown on Schedule A, annexed hereto and made a part hereof.

SECONDED BY _____.

**2023 Budget Amendments
Schedule A**

Department/Division	Current Title/Grade	Amended Title/Grade	GL Account	Budget Impact Increase	Budget Impact Decrease	Comment
Development - Planning	Planning Director		01.11.8020 7103 (Salaries-CSEA)		\$83,524.35	Remove Title
			01.11.8020 7803 (Social Security Tax)		\$5,178.51	
			01.11.8020 7803.M (Medicare Tax)		\$1,211.10	
			01.21.9000 7801 (State Retirement 8%)		\$6,681.95	
					\$96,595.91	
		Planner/Gr. 14	01.11.8020 7103 (Salaries-CSEA)	\$61,558.41		Full Year/Title Added
			01.11.8020 7803 (Social Security Tax)	\$3,816.62		
			01.11.8020 7803.M (Medicare Tax)	\$892.60		
			01.21.9000 7801 (State Retirement 8%)	\$4,924.67		
				\$71,192.30		
	Junior Planner/Gr. 13	Junior Planner/Gr 13	01.11.8020 7103 (Salaries-CSEA)	\$21,965.94		Already Budgeted for half year. Additional funding for 3/4 year.
			01.11.8020 7803 (Social Security Tax)	\$1,361.89		
			01.11.8020 7803.M (Medicare Tax)	\$318.51		
			01.21.9000 7801 (State Retirement 8%)	\$1,757.28		
				\$25,403.61		
			Total:	\$96,595.91		
				\$0.00	\$0.00	
NET EFFECT TO DEVELOPMENT BUDGET						

RESOLUTION

R-23-18

INTRODUCED BY CHAIRWOMAN BROWN: _____

WHEREAS, the City is the owner of a parcel of vacant land located adjacent to Pershing Avenue Park in the City of Poughkeepsie, and more accurately described as Lot 492044 on the official tax map of the City (hereinafter "the Property"); and

WHEREAS, Mental Health America wishes to acquire a leasehold interest in a .2 +/- portion of the Property for the purpose of constructing and administering one or more Outdoor Classrooms as shown on the concept plan made a part of the Lease (the "Project"); and

WHEREAS, the Common Council wishes to enter into the Lease with MHA as attached hereto at Exhibit A; and

NOW, THEREFORE, be it resolved that the Common Council hereby authorizes the Mayor to execute the Lease Agreement attached at Exhibit "A."

SECONDED BY COUNCILMEMBER _____

LEASE AGREEMENT

THIS LEASE AGREEMENT, dated as of _____, by and between:

THE CITY OF POUGHKEEPSIE, a New York municipal corporation with offices at 62 Civic Center Plaza, Poughkeepsie, New York 12601 ("City" or "Lessor"); and

MENTAL HEALTH AMERICA OF DUTCHESS COUNTY, INC., a New York domestic not-for-profit corporation with offices at 253 Mansion Street, Suite 201, Poughkeepsie, New York 12601 ("Lessee").

WHEREAS, the City is the owner of a parcel of vacant land located adjacent to Pershing Avenue Park in the City of Poughkeepsie, and more accurately described as Lots 492044 on the official tax map of the City (hereinafter "the Property"); and

WHEREAS, the Lessee wishes to acquire a leasehold interest in a .2 +/- portion of the Property as shown on the attached Exhibit "A" for the purpose of constructing and administering one or more Outdoor Classrooms as shown on the concept plan attached hereto as Exhibit "B" (the "Project"); and

NOW, THEREFORE, it is hereby agreed between the parties as follows:

Section 1. Grant of Leasehold Interest; Rent.

(a) The City hereby represents that it owns the Property and that it has duly authorized this Lease Agreement. The City hereby grants Lessee an exclusive leasehold interest to Lessee for the purposes of constructing and administering the Project by Lessee.

(b) The rent due to Lessor hereunder shall be \$10.00 per year, which shall be payable by Lessee in annual installments each anniversary of the effective date of this Lease Agreement. Lessor acknowledges that Lessee intends to improve the Property in a manner that will enhance its value and generate benefits for Lessor's constituents. Accordingly, said benefits, in conjunction with the rental payments, shall be deemed adequate consideration for the leasehold interest granted hereby.

Section 2. Use of and Access to the Property. The Lessee intends to create, improve, maintain, operate and administer the Project, as defined above, and associated programs and activities undertaken by Lessee or its designee or sublessee. Lessee agrees to do such work and perform such tasks in such manner as will comply fully with the provisions of any laws, ordinances or other lawful authority, obtaining any and all permits required thereby. Lessee shall use reasonable efforts to perform or cause to be performed regular trash clean-up and maintenance of the grounds associated with the Project

Lessee may make or cause to be made improvements to Property and take such measures as are necessary or appropriate to maintain and repair the same, consistent with the Concept attached as Exhibit B and in furtherance of the purpose for which the leasehold interest has been granted.

Lessee shall have the right to create and share publicly information pertaining to the Project and all associated programming and activities, including but not limited to signage, brochures, flyers, advertising, print and web-based media, and the like.

With respect to Community Events organized by the Lessee which take place at the Property, Lessee shall be exempt from the permit, fee, and security deposit requirements set forth specifically in Part III, Chapter 7 ³/₄ of the Poughkeepsie City Code.

Lessor shall retain the right to access the Property for limited maintenance purposes as may be agreed upon by Lessor and Lessee, including mowing of open areas, snow and/or leaf removal, maintaining water and electrical supplies in working order, and performing necessary repairs or for other maintenance, repairs or improvements that may be agreed upon by Lessor and Lessee.

Section 3. Insurance. The Lessee shall not commence or perform work nor operate machinery under this Lease Agreement until it has obtained all insurance required under this Section 3 and such insurance has been approved by the City.

A. Workers' Compensation Insurance – The Lessee shall take out and maintain during the life of the agreement such Workers' Compensation Insurance for its employees or members to be assigned to the work hereunder as may be required by New York State Law.

B. General Liability and Property Damage Insurance – The Lessee shall take out and maintain during the life of this agreement such general liability and property damage insurance as shall protect it and the City which shall be named as additional insured on all such policies from claims for damages for personal injury including accidental death, as well as from claims for property damage which may arise from operations under this agreement. The amounts of such insurance shall be as follows:

1. General Liability Insurance in an amount not less than \$1,000,000.00 for injuries including wrongful death to any one person and subject to the same limit for each person, in an amount not less than \$2,000,000.00 on account of any one occurrence.
2. Property Damage Insurance in an amount not less than \$50,000.00 for damage on account of all occurrences. The Lessee shall furnish the above certificates of insurance to the City and shall also name the City as an additional named insured in said policies. Such insurance shall be maintained in force during the entire term of this Lease Agreement.

C. Lessee may retain employees, agents, contractors, and consultants, and may engage volunteers, to perform the subject work. In the contract by which Lessee retains such agents, Lessee and such agents shall provide and maintain insurances as required by this Section 3 and name Lessor as additional insured under insurance coverage concerning Lessee's performance of the work referenced herein.

Section 4. Damages. The Lessee will be responsible for all damage, loss or injury to persons or property that may arise in or be incurred which arise out of the negligent performance, other than those wholly caused by Acts of God. The Lessee shall assume all blame, loss and responsibility of any nature directly by reason of the Lessee's gross negligence or as a direct result of the violation by it of any federal, state, county or local laws, regulations or ordinances applicable to

the Lessee and/or the nature of its performance or arising out of its activities. The indemnification requirements set forth herein shall not apply to damages resulting from negligent acts or omissions of the City and its agents. Moreover, Lessee's indemnification obligations described in this Section 4 shall not exceed the amount of insurance coverage referenced in Section 3 hereof.

Section 5. Term of Lease. The leasehold interest hereby granted shall commence upon the signing of this Lease Agreement and shall expire without further notice to either party to the other at midnight December 31, 2025, and shall be renewable at the option of the Lessee for one additional five year term. The lease may be renewed thereafter by the mutual consent of both parties on such terms and conditions as the parties shall agree at that time.

Section 6. Termination of Lease. Lessee may terminate this lease prior to December 31, 2025, or prior to the expiration of any additional terms, with or without cause, on at least ninety (90) days prior written notice to the City. The City acknowledges that Lessee intends to invest significant resources in the Property that it would not otherwise invest absent an agreement by the City to refrain from terminating the leasehold interest without cause. In this regard, the City may not terminate this lease prior to December 31, 2025, or prior to the expiration of any additional term, unless Lessee is in material default of its obligations hereunder and has not, after forty-five (45) days' written notice, cured said default. Upon proper termination by either party, Lessee shall not be entitled to reimbursement of any of its costs, and Lessee and its agents, employees and contractors will restore the Property to a clean and orderly state and in substantially the same condition as existed prior to the granting of this Lease. Unless otherwise agreed to by the parties, upon the termination of this Lease, all improvements made to the Property shall become the Property of Lessor.

Section 7. New York Law. This Lease Agreement shall be construed under New York law and any and all proceedings brought by either party arising out of or related to this Lease shall be brought in the New York Supreme Court, Dutchess County.

Section 8. Modification of Lease Agreement. This Lease Agreement may not be modified except by a writing subscribed by both parties to this Agreement.

Section 9. No Vested Right. It is understood and agreed that no vested right in said Property is hereby granted or conveyed from either party to the other, and that the privileges hereby given are subject to any and all encumbrances, conditions, restrictions and reservations upon or under which the parties held said premises prior to the granting of this lease.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year last written below.

CITY OF POUGHKEEPSIE (LESSOR)

ROBERT G. ROLISON
City of Poughkeepsie Mayor

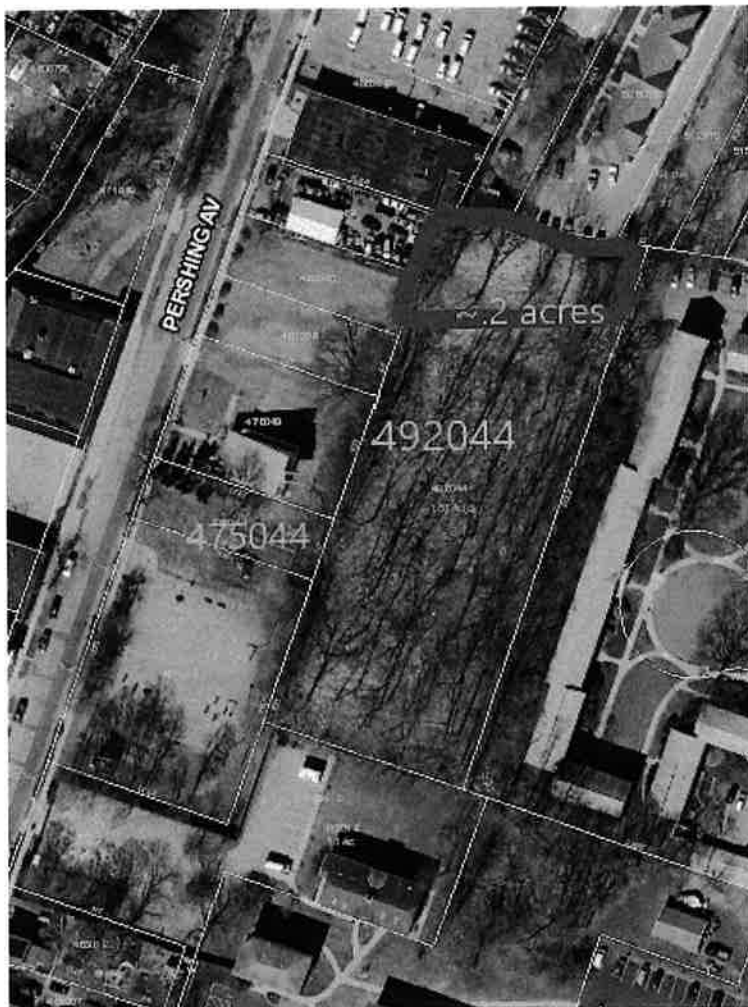
Date: _____

MENTAL HEALTH AMERICA OF DUTCHESS COUNTY, INC., (LESSEE)

ANDREW O'GRADY
Executive Director

Date:

Portion of property to be subleased to MHADC (circled in red).



Portion of property to be subleased to MHADC (circled in red).



A ENTRY AREA

- RUSTIC ARBOR / OVERHEAD FEATURE (picture 1)
- CRUSHED STONE SURFACING TO MATCH EXISTING
- WELCOME SIGNAGE
- 4" CEDAR FRAMED, WELDED WIRE MESH FENCING WITH VERTICAL VEGETATION

B GATHERING AREA

- CRUSHED STONE SURFACING TO MATCH EXISTING
- NATURAL MOVEABLE BENCHES (picture 2)

C DIRT-DIGGING AREA

- IN-GROUND, SMOOTH STONE BORDER
- LOOSE, FRIABLE SOIL AT 12-18" DEPTH
- NATURAL BENCH
- STORAGE FOR TOOLS ALONG FENCE LINE

D FAIRY TALE GARDEN / MUSIC

- GROUND-LEVEL COMPOSITE DECKING
- ROCKING CHAIRS/GLIDERS & VARIETY OF SEATING
- LITTLE FREE LIBRARY
- PERMANENTLY INSTALLED AKAMBIRA (picture 3)
- PLANT MATERIAL SURROUNDING
- SHADE STRUCTURE OVERHEAD
- STORAGE UNIT

E HAMMOCK AREA

- VERTICAL POSTS WITH EYE BOLTS TO SUPPORT HAMMOCKS
- ENGINEERED WOOD FIBER SURFACING
- SHARED STORAGE

F MESSY MATERIALS AREA

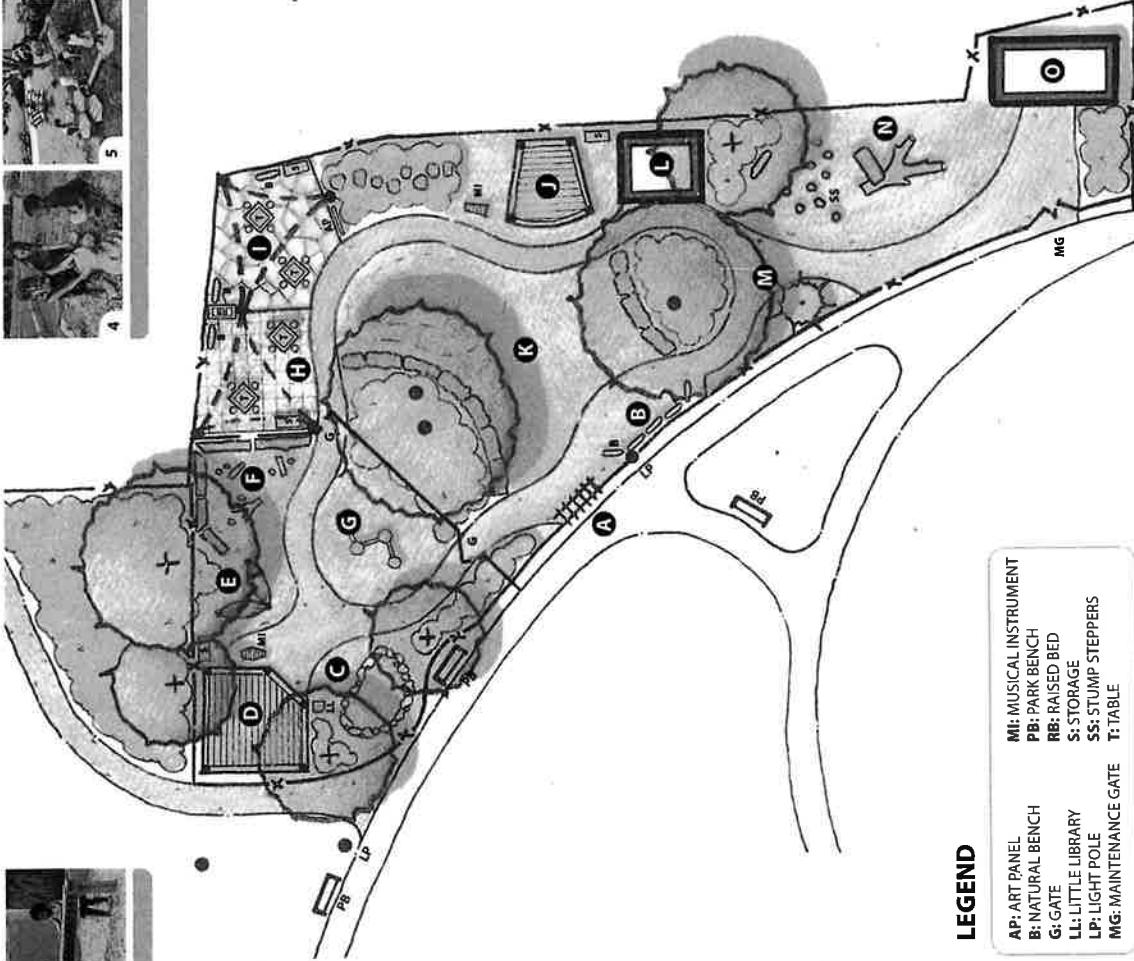
- ANCHORED NATURAL LOG PERIMETER
- GIANT TREE COOKIES/LARGE LOOSE PARTS (picture 4)
- EWF MULCH SURFACING AT 9" COMPACTED DEPTH

G TODDLER CLIMBING AREA

- ENGINEERED WOOD FIBER MULCH AS SAFETY SURFACING (9" SETTLED DEPTH)
- COMMUNITY PLAYTHINGS MODULAR TODDLER CLIMBING SET (picture 5)

H BUILDING AREA

- MODULAR PAVER FLOORING
- DISCOVERY TABLE AND SEATING (picture 6)
- NATURAL BENCHES
- STORAGE
- OVERHEAD SHADE SAIL



LEGEND

AP: ART PANEL	MI: MUSICAL INSTRUMENT
B: NATURAL BENCH	PB: PARK BENCH
G: GATE	RB: RAISED BED
LL: LITTLE LIBRARY	S: STORAGE
LP: LIGHT POLE	SS: STUMP STEPPERS
MG: MAINTENANCE GATE	T: TABLE

I NATURE ART AREA

- STUMP TABLE WITH SEATING
- ART PANEL
- LOCAL/REGIONAL FLAGSTONE SURFACING
- VARIETY OF NATURAL ART MATERIALS
- STORAGE UNIT
- OVERHEAD SHADE SAIL

J MUSIC & MOVEMENT AREA

- MARIMBA OR OTHER PERMANENTLY INSTALLED INSTRUMENT
- WOOD/COMPOSITE STAGE (picture 7)
- EWF SURFACING SURROUNDING
- CONSIDER SHADE SAIL ABOVE

K OPEN AREA

- DROUGHT-TOLERANT TURF
- LOW-MOUNDING BERM
- ARMORSTONE SEAT WALLS OR ANCHORED LOGS AT PERIMETER

L STAFFING SHED

- PREFABRICATED, LOCKABLE SHED (picture 8)
- SHELVED STORAGE
- OPTIONAL ELECTRICAL

M VEGETATED NOOK

- NATURAL STRUCTURE FROM WILLOW CUTTINGS OR SIMILAR
- OPENING AND VIEW TO CLIMBING AREA AND OPEN SPACE

N CLIMBING AREA

- NATURAL ANCHORED PIECES
- LOG STEPPERS
- ENGINEERED WOOD FIBER MULCH AS SAFETY SURFACING (9" SETTLED DEPTH)
- CONSIDER AN ADDITIONAL ANCHORED PIECE

O LARGE STORAGE

- PREFABRICATED, LOCKABLE SHED
- SHELVED STORAGE
- MAINTENANCE GATE TO SHED
- ADJUST FENCE TO MEET EDGES OF SHED



CASA at Mental Health America | Poughkeepsie, NY

Concept Plan | 07.12.22



NOT INTENDED FOR CONSTRUCTION

RESOLUTION
(R-23-19)

INTRODUCED BY CHAIRWOMAN BROWN_____:

WHEREAS, Chai Developers LLC has notified the City of Poughkeepsie of their intent to donate \$6,750.00 toward the 300 Block Main Street Streetscape Project as set forth in the letter annexed hereto as Exhibit A; and

WHEREAS, pursuant to section 2.05(j) of the Administrative Code of the City of Poughkeepsie the Common Council is authorized to accept gifts on behalf of the City of Poughkeepsie; and

WHEREAS, the Common Council is desirous of accepting such donation to be used toward the 300 Block Main Street Streetscape Project on behalf of the City of Poughkeepsie; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby accepts the donation of \$6,750.00 toward the 300 Block Main Street Streetscape Project as set forth in the letter annexed hereto as Exhibit A; and

BE IT FURTHER RESOLVED, that the Mayor is authorized take all steps necessary to process and receive such donation.

SECONDED BY_____.



Marc Nelson, Mayor
City of Poughkeepsie
62 Civic Center Plaza
Poughkeepsie, NY 12601

RE: Contribution to 300 Block Main Street Streetscape Project

Dear Mayor Nelson,

It is my understanding that the City of Poughkeepsie has contracted an engineering firm for professional design services that will result in construction-ready drawings of streetscape improvements on the block of Main Street between Academy Street and Hamilton Street. The intent of the project is to enhance the visual appeal, function, and safety of the surrounding neighborhood. It is my further understanding that the City intends to expand the scope of the project to include a portion of Crannell Street (Exhibit A: Survey extra 1) but that the project budget cannot cover the full extent of Crannell Street (Exhibit A: Survey extra 2).

As an invested property owner within the area I believe that streetscape improvements are essential for economic stimulation of this portion of Main Street and believe that the full extent of Crannell Street should be included within this project. As such, I would like to donate \$6,750.00 to the City of Poughkeepsie to cover the cost of (a) survey services for extra area 2 and (b) half of the additional design services, as estimated in Exhibit A.

The donation will be made upon authorization by the Common Council and it is understood that no repayment is required or expected.

Sincerely,

A handwritten signature in black ink, appearing to read "Berry Kohn".

Berry Kohn
Chai Developers LLC
147 Union Street, STE 101
845-393-1380

Cc: Natalie Quinn, Development Director

**RESOLUTION
(R-23-20)**

INTRODUCED BY COUNCILMEMBER FLOWERS:

WHEREAS, Poughkeepsie City School District (PCSD) owns and maintains gymnasiums and related facilities at its High School, Middle School, and five elementary schools; and

WHEREAS, the City is desirous of utilizing PCSD's gymnasiums for the Student Athletic Basketball Program (SABP); and

WHEREAS, the Common Council of the City of Poughkeepsie and governing boards of PCSD have determined that it is in their mutual interests to enter into an Agreement for the purpose of allowing the Student Athletic Basketball Program to use the gymnasiums for the 2023-2024 program year; and

WHEREAS, the Common Council of the City of Poughkeepsie and governing boards of PCSD have determined that it is in their mutual interests to share the costs of running such program which operates for the benefit of youth in the City of Poughkeepsie who are students of the Poughkeepsie City School District; and

WHEREAS, Article 5-G of the General Municipal Law specifically authorizes and encourages municipal corporations to enter into an agreement with each other in order to provide cooperatively, jointly and by contract any facility, service, activity or undertaking which each participating municipal corporation has the power to provide separately; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council hereby authorizes the Mayor to execute the attached Inter-municipal Agreement in form and substance as attached hereto.

SECONDED BY COUNCILMEMBER _____.

INTERMUNICIPAL AGREEMENT

THIS AGREEMENT made and entered into as of the ____ day of January 2023, between the **POUGHKEEPSIE CITY SCHOOL DISTRICT**, a school district of the State of new York, with offices at 11 College Avenue, Poughkeepsie, New York 12603 (hereinafter "PCSD") and **THE CITY OF POUGHKEEPSIE**, a small city within the State of New York with offices at Municipal Building, Poughkeepsie, New York 12601.

WITNESSETH:

WHEREAS, PCSD owns and maintains gymnasiums and related facilities at its High School, Middle School and five elementary schools; and

WHEREAS, the City is desirous of utilizing PCSD's gymnasiums for the City Recreation Basketball League; and

WHEREAS, governing boards of PCSD and the City have determined that it is in their mutual interests to enter into the Agreement for the purpose of allowing the [Student Athletic Basketball Program] to use the gymnasiums for the City Recreation Basketball League; and

WHEREAS, governing boards of PCSD and the City have determined that it is in their mutual interests to share the costs of running such program which operates for the benefit of youth in the City of Poughkeepsie who are students of the Poughkeepsie City School District; and

WHEREAS, Article 5-G of the General Municipal Law specifically authorizes and encourages municipal corporations to enter into agreement with each other in order to provide cooperatively, jointly and by contract any facility, service, activity or undertaking which each participating municipal corporation has the power to provide separately; and

NOW, THEREFORE, in consideration of the promises and mutual covenants and agreements contained herein, the parties agree as follows:

1. PCSD will allow the City to use its facilities; i.e. gymnasiums and locker rooms at the Elementary, Middle School and High Schools without charge. Additionally, PCSD will provide \$500.00 toward the cost of running this program which shall be available to student of the PCSD. In addition, PCSD will provide security staff to work at competitive events throughout the season.
2. The City agrees to pay all costs for uniforms and any other costs to support the Student Athletic Basketball Program in consideration of the City's use of the PCSD facilities as set forth above.
3. The City and PCSD shall furnish, at the time of the signing of this Agreement, proof of insurance for Commercial General Liability (CGL) insurance in the amount of at least \$1,000,000 per occurrence and \$2,000,000 in the aggregate, including products and completed operations, as well as Excess coverage in the amount of \$2,000,000 on

a "follow-form" basis. The insurance policies will name the Poughkeepsie City School District, its officers, employees and agents, as an additional named insured with ISO additional insured endorsement CG 20 26 or equivalent. Additionally, the City shall provide proof of Workers' Compensation Insurance. The insurance shall remain in force at all times during the term of this Agreement and any renewal hereof, and shall provide for any notice of cancellation to be sent to PCSD at least 30 days prior to any cancellation. The City's failure to obtain or maintain such insurance coverage shall result in the immediate termination of this Agreement, without notice.

4. The City agrees to comply with applicable laws and regulations as well as PCSD's policies, rules, regulations and procedures with regard to the use of its facilities, and which may be subject to change from time to time.
5. It is expressly understood that PCSD shall not be responsible for the payment of any debts or obligations incurred by the City in connection with this program.
6. This Agreement constitutes the complete understanding of the parties. No modification or any provision of this Agreement shall be valid unless in writing and signed by both parties, after authorization by the governing body of PCSD and the City.
7. This Agreement shall be for a term of one (1) year, the terms to commence of February 1, 2023, and to end on January 31, 2024, subject to renewal for additional one-year terms upon approval of the governing body of each party hereto.
8. This Agreement may not be assigned by either party.
9. If any provision of this Agreement is deemed to be invalid or inoperative for any reason, that part shall be deemed modified to the extent necessary to make it valid or operative, or if it cannot be so modified, then severed and the remainder of the Agreement shall continue in full force and effect as if the Agreement had been signed with the invalid portion so modified or eliminated.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed after authorization by the respective governing bodies, on the day and year first above written.

POUGHKEEPSIE CITY SCHOOL DISTRICT

By: _____

CITY OF POGHKEEPSIE

By: _____

Marc S. Nelson, Mayor

RESOLUTION
(R-23-XX)

INTRODUCED BY _____:

WHEREAS, pursuant to authority granted by Real Property Tax Law (RPTL) §104, the City may authorize the electronic filing of (1) applications for real property tax exemptions; and (2) complaints for the administrative review of real property assessments; and

WHEREAS, the City must publish instructions for e-filing applications by a method reasonably calculated to reach prospective applicants and complainants; and

WHEREAS, the Assessor will work with Corporation Counsel and the City division of Information Technology to develop and publish those instructions.

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council hereby authorizes the electronic filing of (1) applications for real property tax exemptions; and (2) complaints for the administrative review of real property assessments contingent upon the development and publication of instructions for e-filing applications by a method reasonably calculated to reach prospective applicants and complainants.

SECONDED BY _____.

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: 1/5/23

NAME AND ADDRESS OF EACH CLAIMANT:

Rayna Pollard:

4676 Albany Post Rd #12C1
Hyde Park, NY 12538

TELEPHONE NUMBER: 561-318-2186

NAME AND ADDRESS OF ATTORNEY (IF ANY):

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

On 10/14/22 at approximately 4pm, as I was making a left turn on to Rinaldi Blvd from Main st in Poughkeepsie, my driver's side wheel hit a newly constructed curb and resulted in a flat tire. I have made this turn many time and there was no indication of new road construction. Request \$206.28 a tire

ITEMS DAMAGED OR INJURIES SUSTAINED:

Signature of Claimant

Signature of Claimant

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

RAYNA POLLARD 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

Signature of Claimant

Sworn to before me this

5th day of JANUARY, 2023

Notary Public

Noel Crotono
NOTARY PUBLIC, STATE OF NEW YORK
No. 01CR6021874
Qualified in Dutchess County
Commission Expires March 22, 2023

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.

History for POLLARD, RAYNA

Current Wo: 42426

Tag: KPR6611

Car: 16 TOYOT

10/15/2022 ST: 225		Cust: POLLARD, RAYNA		Car: 16 TOYOTA		Mi: 54489		Inv#: 27273		\$206.28	
Item		Size		Description		Qty		Unit Price		Ext Price	
				TEST TPMS SYSTEM & BATTERIES							
				TEST TPMS SYSTEM & BATTERIES							
				FLAT TIRE							
				RESERVATION DATE: 10/15/2022							
CKT		CUSTOMER STATES		CHECK TIRES		1		-		-	
				Z0							
CKS		CUSTOMER STATES		CHECK SHOCKS		1		-		-	
CKB		CUSTOMER STATES		CHECK BRAKES		1		-		-	
CKBAT		TECH PLEASE		VERIFY BATTERY LIFE		1		-		-	
				Z0							
				TEST VEHICLE & TPMS BATTERIES							
CKFE		CUSTOMER STATES		CHECK FRONT END		1		-		-	
829313		215/55ZR17 XL		Mavis All Season Highway Tour		1		154.99		154.99	
CKT		CUSTOMER STATES		CHECK TIRES		1		-		-	
216		(16" RIM)		COMPUTER BALANCE PACKAGE		1		19.99		19.99	
1100K		TPMS - SERVICE		PACK WITH LABOR		1		9.99		9.99	
305				Mavis tire recycling charge		1		3.50		3.50	
				R41 Z0							

3/29/2022 ST: 12		Cust: POLLARD, RAYNA		Car: 16 TOYOTA		Mi: 47000		Inv#: 520491		\$195.47	
Item		Size		Description		Qty		Unit Price		Ext Price	
305				Mavis tire recycling charge		1		3.50		3.50	
829313		215/55ZR17 XL		Mavis All Season Highway Tour		1		144.99		144.99	
217		(17" RIM)		COMPUTER BALANCE PACKAGE		1		19.99		19.99	
				0000000							
1100K		TPMS - SERVICE		PACK WITH LABOR		1		9.99		9.99	
CKB		CUSTOMER STATES		CHECK BRAKES		1		-		-	
CKS		CUSTOMER STATES		CHECK SHOCKS		1		-		-	
				0000000							
				TEST TPMS SYSTEM & BATTERIES							
				TEST VEHICLE & TPMS BATTERIES							
CKT		CUSTOMER STATES		CHECK TIRES		1		-		-	
CKBAT		TECH PLEASE		VERIFY BATTERY LIFE		1		-		-	

Adv Plus Banking - 8338 : Account Activity

Balance Summary: \$732.37 (available balance as of today 01/5/2023)

View: today: 01/5/2023

Transactions

Posting date	Description	Type	Amount	Reconcile
Showing results for "mavis".				
10/17/2022	MAVIS TIRE 0225 10/15 PURCHASE HYDE PARK NY	Debit Card	-\$206.28	Cleared



CAMRY Roadside

Oct. 14, 2022 | Claim 009619427-801



We paid THE CROSS COUNTRY GROUP \$93.08 by electronic funds transfer on Oct. 21.

Electronic funds should be available within 3 business days.

[View Estimates, Payments and Coverage](#)



Your roadside assistance is covered. Once we receive the invoice, we'll pay them directly.

We'll pay Cross Country, Agero's parent company, up to the limit of your towing and labor coverage.

Agero is a registered trademark of Agero.

LAW OFFICES OF
LORENZO L. ANGELINO

Tele. (845) 214-1133
Fax (845) 454-5934

42 CATHARINE STREET
POUGHKEEPSIE, NY 12601

www.AngelinoLaw.com
langelino@AngelinoLaw.com

January 11, 2023

VIA HAND DELIVERY
CITY OF POUGHKEEPSIE

Re: 30 Day Notice for On-Premises Beverage License
Tillie's Country Kitchen LLC d/b/a Geneva's Blues House
357 Hooker Ave., Poughkeepsie, NY 12603

RECEIVED
CITY CLERK
2023 JAN 11 PM 12:21

City Clerk,

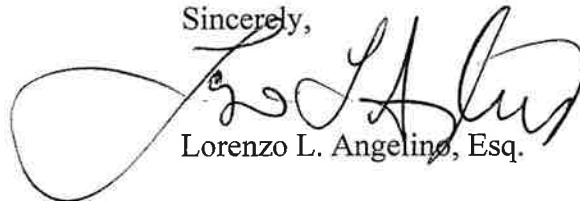
Enclosed please find the standard notice for providing a 30-day advance notice to a local municipality in connection with an on-premises Alcoholic Beverage License.

Please review same with community board and advise this office if there are any objections or further information required for the board's approval.

My client is attempting to submit the application sooner than the thirty day period and may do so with a letter from your community board stating that no objections exist, if they in fact do not, to this application.

Thank you in advance for your courtesy and cooperation, please do not hesitate to contact me with any questions you may have.

Sincerely,



Lorenzo L. Angelino, Esq.

Enclosure

☐ Original

☐ Amended

Date _____

OFFICE USE ONLY

49

Standardized NOTICE FORM for Providing 30-Day Advance Notice to a Local Municipality or Community Board

1. Date Notice Sent:

January 11, 2022

1a. Delivered by:

Personal Delivery with Proof of Receipt

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License:

For premises outside the City of New York:

☒ New Application ☐ Removal ☐ Class Change

For premises in the City of New York:

☐ New Application ☐ New Application and Temporary Retail Permit ☐ Temporary Retail Permit ☐ Removal
☐ Class Change ☐ Method of Operation ☐ Corporate Change ☐ Renewal ☐ Alteration

For **New** and Temporary Retail Permit applicants, answer each question below using all information known to date

For **Renewal** applicants, answer all questions

For **Alteration** applicants, attach a complete written description and diagrams depicting the proposed alteration(s)

For **Corporate Change** applicants, attach a list of the current and proposed corporate principals

For **Removal** applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation

For **Class Change** applicants, attach a statement detailing your current license type and your proposed license type

For **Method of Operation Change** applicants, although not required, if you choose to submit, attach an explanation detailing those changes

Please include all documents as noted above. Failure to do so may result in disapproval of the application.

This 30-Day Advance Notice is Being Provided to the Clerk of the Following Local Municipality or Community Board:

3. Name of Municipality or Community Board: City of Poughkeepsie

Applicant/Licensee Information:

4. Licensee Serial Number (if applicable):

Expiration Date (if applicable):

5. Applicant or Licensee Name: Tillie's Country Kitchen LLC

6. Trade Name (if any): Geneva's Blues House

7. Street Address of Establishment: 357 Hooker Avenue

8. City, Town or Village: Poughkeepsie

, NY

Zip Code:

12603

9. Business Telephone Number of applicant/ Licensee:

8453663020

10. Business E-mail of Applicant/Licensee:

contactus@genevasblueshouse.com

11. Type(s) of alcohol sold or to be sold:

☐ Beer & cider

☐ Wine, Beer & Cider

☒ Liquor, Wine, Beer & Cider

12. Extent of Food Service: ☒ Full Food menu; full kitchen run by a chef/cook ☐ Menu meets legal minimum food requirements; food prep area required

13. Type of Establishment:

Resturant Brewer (full kitchen and full menu required)

☐ Seasonal Establishment

☒ Juke Box

☒ Disc Jockey

☒ Recorded Music

☒ Karaoke

14. Method of Operation:
(check all that apply)

☒ Live Music (give details i.e., rock bands, acoustic, jazz, etc.): eclectic bands

☒ Patron Dancing

☐ Employee Dancing

☐ Exotic Dancing

☐ Topless Entertainment

☐ Video/Arcade Games

☐ Third Party Promoters

☐ Security Personnel

☐ Other (specify):

15. Licensed Outdoor Area:
(check all that apply)

☐ None

☒ Patio or Deck

☐ Rooftop

☐ Garden/Grounds

☐ Freestanding Covered Structure

☐ Sidewalk Cafe

☐ Other (specify):

16. List the floor(s) of the building that the establishment is located on: Ground Floor
17. List the room number(s) the establishment is located in within the building, if appropriate: n/a
18. Is the premises located within 500 feet of three or more on-premises liquor establishments? ☐ Yes ☒ No
19. Will the license holder or a manager be physically present within the establishment during all hours of operation? ☒ Yes ☐ No
20. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee:
- | Name | Serial Number |
|---------|---------------|
| <u></u> | <u></u> |
21. Does the applicant or licensee own the building in which the establishment is located? ☐ Yes (if YES, SKIP 23-26) ☒ No

Owner of the Building in Which the Licensed Establishment is Located

22. Building Owner's Full Name: Highway Displays Inc.
23. Building Owner's Street Address: 404 Maple Street
24. City, Town or Village: Poughkeepsie State: NY Zip Code: 12601
25. Business Telephone Number of Building Owner: 845-452-2121

Representative or Attorney Representing the Applicant in Connection with the Application for a License to Traffic in Alcohol at the Establishment Identified in this Notice

26. Representative/Attorney's Full Name: Lorenzo L. Angelino, Esq.
27. Representative/Attorney's Street Address: 42 Catharine Street
28. City, Town or Village: Poughkeepsie State: NY Zip Code: 12601
29. Business Telephone Number of Representative/Attorney: 8452141133
30. Business E-mail Address of Representative/Attorney: langelino@angelinolaw.com

I am the applicant or licensee holder or a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

31. Printed Principal Name: Terriciana A. Brown Title: Owner

Principal Signature: /s/ Terriciana A. Brown

19 GARDEN STREET



COMMON COUNCIL | JANUARY 2023

19 GARDEN STREET PROPOSAL

Contribute to the revival of Downtown Poughkeepsie by further activating Garden Street & Main Street with this ground up, mixed-use project to build a safe and vibrant community.

Community Investment: \$20M

Development Goals:

- Grow the market-rate housing stock
- Create an active commercial corridor
- Provide sustainable & healthy living
- Promote economic vitality
- Increase pedestrian safety with more activity and eyes on the street

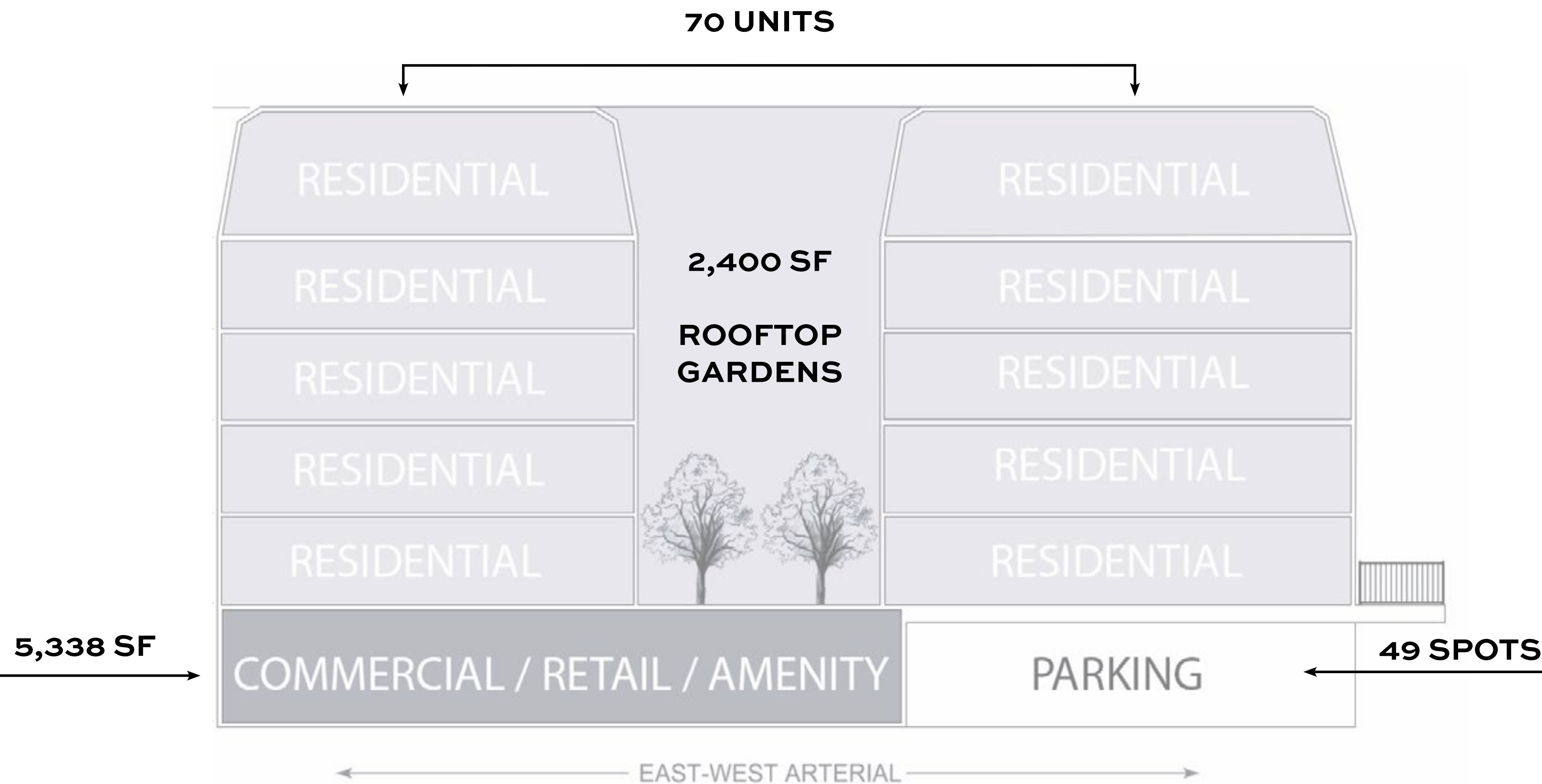
Project Details:

- 70 market rate housing units
- 5,338 SF of retail space
- 1,010 SF amenity space
- 2,400 SF of rooftop gardens
- 49 parking spaces (*meeting parking code requirements*)



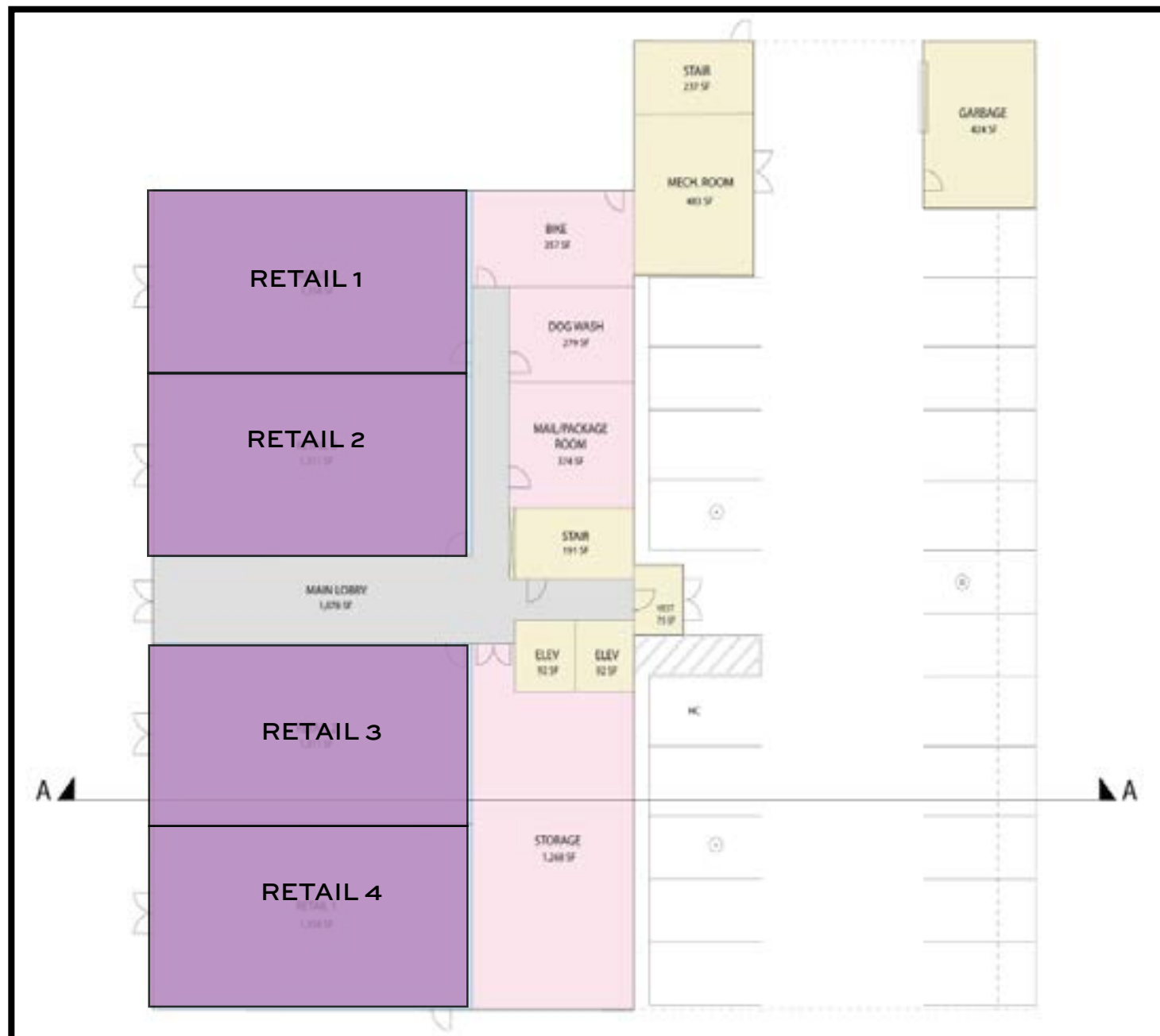
Note: Visuals represented here are to show massing; these are not renderings of the final building design.

PROJECT COMPONENTS



COMMUNITY + COMMERCIAL

- Create infill development from Main Street to Mill Street, by introducing a new commercial storefront along Garden Street, to activate the sidewalk and bring commerce to the neighborhood.
- The 5,338 SF retail space can be split into 2 - 4 commercial spaces, all with road frontage and entrances separate from the residential units.



70 MARKET-RATE RESIDENTIAL UNITS

Unit Mix:

Unit Type	1 BD	2 BD	3 BD
# of Units	45	15	10
Avg SF	710	960	1,530

Sample Floor Plan:

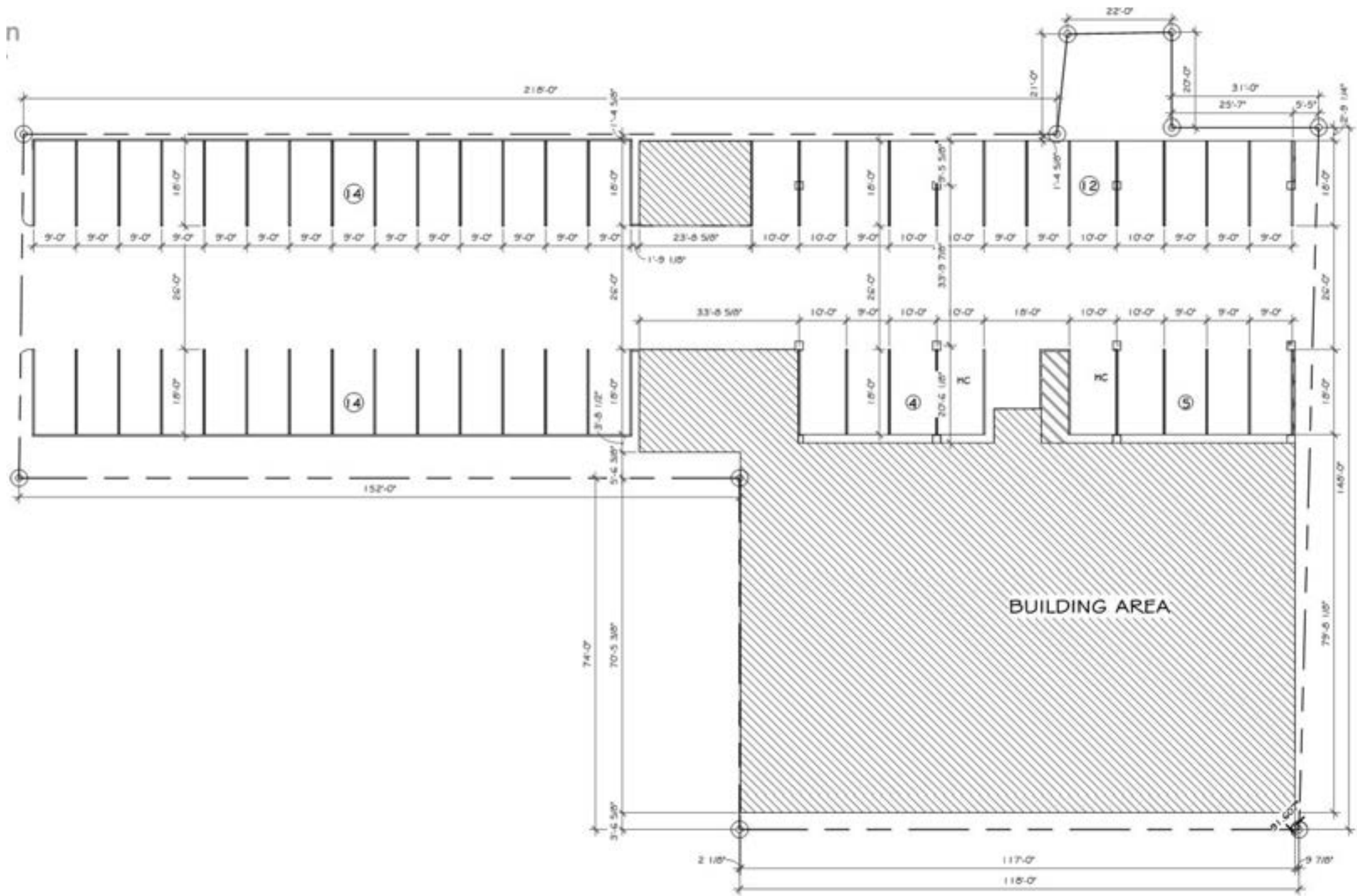


SITE PLAN & PARKING

Parking has been designed to building code, with substantial parking available both in an outdoor parking area as well as covered spots under the building.

Parking Notes:

- In addition to on-site parking, there is an underutilized parking deck across the street to provide additional parking for visitors
- Any parking deficit from a shortage of spaces will be paid into the parking fund for the city



PARKING STUDY

Analysis shows there is an excess of parking in the surrounding area of 19 Garden Street, with currently more than 360 unused spaces, even during peak times.

Area of Analysis: Evaluated all municipally operated off-street parking facilities within 600-ft of the site.
(excl the Garden Street lot)

Findings: **924 TOTAL PARKING SPOTS**

Usage Analysis: Examined current parking utilization, using the most conservative estimates and “worse case scenarios” to inform an accurate analysis.

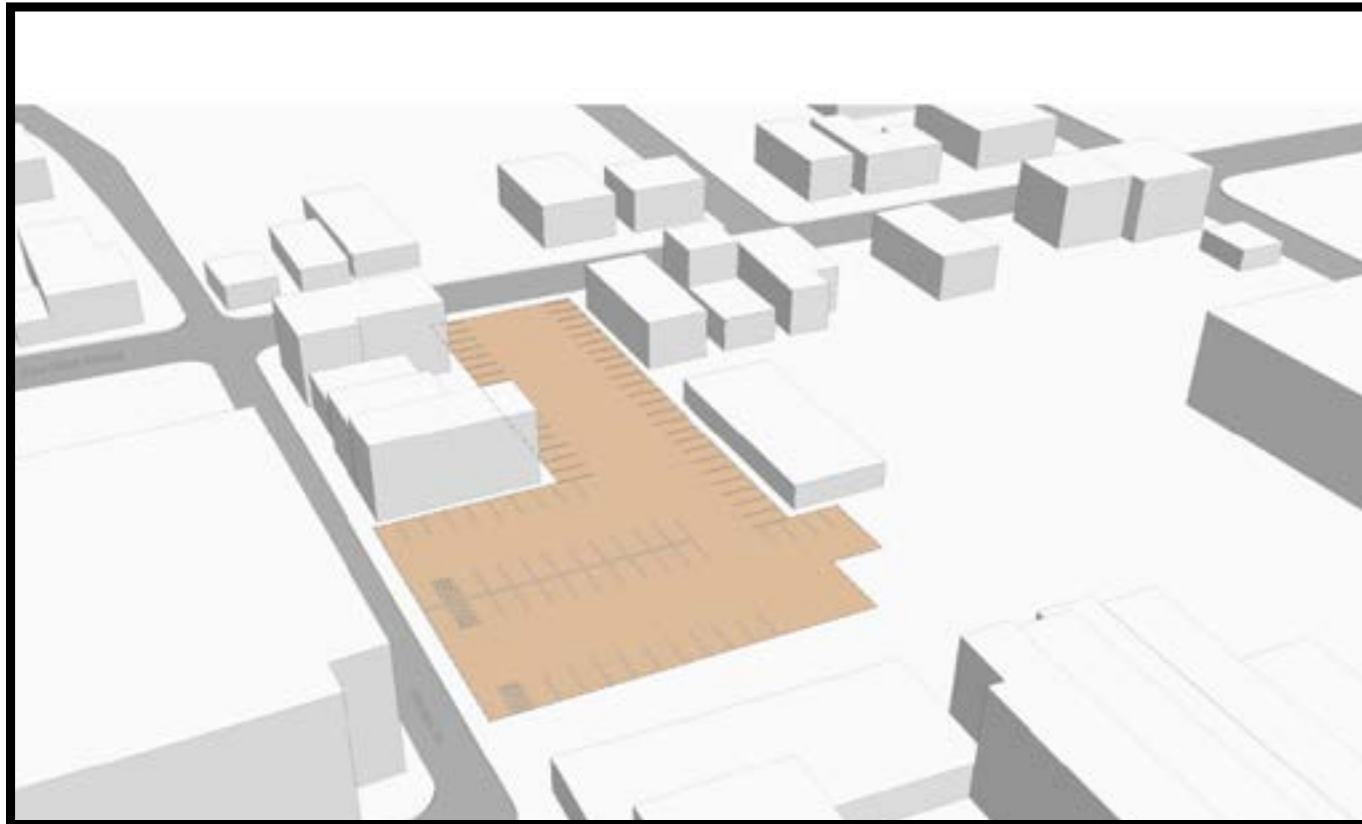
Findings: **>360 UNUSED PARKING SPOTS**

- *The highest usage was on Saturday evenings/over night, with 61% of spaces occupied.*
- *More than **360 parking spots were still available** in the Market Street garage and Crannell Street lot during these peak hours.*
- *More spaces were available during the other study periods.*

Note: The study also examined what the maximum demand for parking would be from potential new developments in the area. If these new projects came to fruition, they would require a total of 252 parking spots. This would still result in an excess of 108 parking spaces for the residents and customers at 19 Garden Street.

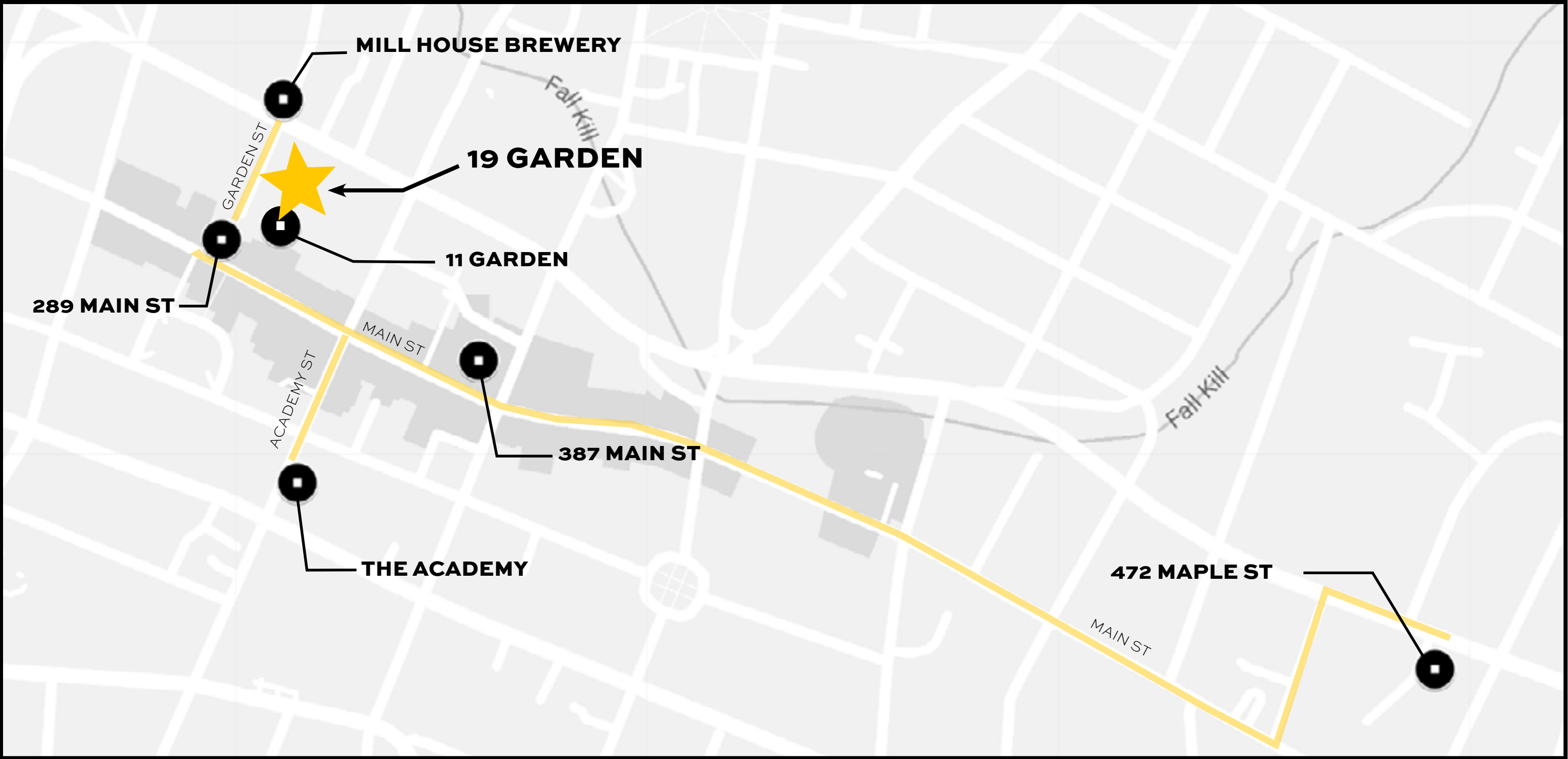
QUANTIFYING THE IMPACT

- This project is activating a low use parking lot where there is often loitering
- 5,338 SF of retail will create an estimated 16 new jobs, it will help activate the block, and it will generate new sales tax for the city
- Assisting the connectivity from northern Poughkeepsie to Main Street



COMMUNITY INVESTMENT

Over the past 10+ years Baxter has been investing in downtown Poughkeepsie to help activate the street and increase economic activity for the city.



COMMUNITY INVESTMENT

THE ACADEMY

MIXED USE

\$15M

Development Value

28

Residential Units

70

Jobs Created



387 MAIN STREET

MIXED INCOME

\$4.5M

Development Value

22

Residential Units



COMMUNITY INVESTMENT

289 MAIN STREET

MIXED USE

\$4.6M

Development Value

6

Residential Units

12

Businesses



472 MAPLE STREET

MIXED INCOME

\$8M

Development Value

40

Residential Units



COMMUNITY INVESTMENT

MILL HOUSE BREWING CO

HOSPITALITY

\$4.6M

Development Value

60

Jobs Created



11 GARDEN

OFFICE

\$3.5M

Development Value

40

Jobs Retained



THANK YOU

BAXTER
DEVELOPMENT

Lauren Lopez Rutkowski | Director of Development

O: 845.471.1047

E: llrutkowski@baxterbuilt.com



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL ORGANIZATIONAL MEETING MINUTES

Monday, January 3, 2023, 12:00 p.m.

Common Council Chambers

Welcome to the Organizational Meeting of the City of Poughkeepsie Common Council the date is January 3, 2023, and the time is 12:06 pm.

Let's all recite the pledge of allegiance.

I. PLEDGE OF ALLEGIANCE:

II. ROLL CALL - 6 PRESENT; 3 ABSENT (Councilmembers Flowers, Johnson & Long)

III. RESOLUTIONS:

Chairwoman Brown read into the record all organizational Resolutions R-23-01 through R-23-09.

A motion was made by Councilmember Shook and seconded by Councilmember Menist to receive and print R-23-01 through R-23-09 by consent.

- 1. Resolution R-23-01, Adopting the 2023 Rules of Conduct and Procedure: By- Laws of the Common Council of the City of Poughkeepsie.**

RESOLUTION R-23-01

INTRODUCED BY CHAIRWOMAN BROWN

BE IT RESOLVED, that the Common Council adopts for use during the year 2023 the Rules of Conduct and Procedure of the Common Council of the City of Poughkeepsie, a copy of which is attached hereto and made a part of this Resolution.

SECONDED BY COUNCILMEMBER _____.

RULES OF CONDUCT AND PROCEDURE: BY-LAWS OF THE COMMON COUNCIL OF THE CITY OF POUGHKEEPSIE FOR THE YEAR 2023

RULE I. Regular meetings of the Common Council shall be held on the first and third Mondays of each

month at six thirty in the evening at the City Hall, or at such other place as the Chairperson shall appoint. The first regular meeting of January shall be held on January 3, 2023 at six thirty o'clock in the evening at City Hall. In case of a holiday on any such day, the regular meeting shall be held on another date. The Common Council may adjourn when convened, to any other day or place, every such stated or adjourned meeting of the Council. In addition, there shall be informational meetings and special meetings held as provided in the Charter.

RULE II. The Councilmember elected At-Large shall be designated as Council Chair, the presiding officer, and the Common Council shall elect its Vice Chairperson in the manner provided for in the Charter. In the event of a vacancy in the office of the Vice Chairperson, the Council shall, by majority vote, elect a Vice Chairperson, at its next regular meeting and within thirty (30) days of vacancy of the office.

RULE III. There shall be a standing sub-committee of the Common Council known as the Finance Committee. The members of the Finance Committee shall be appointed pursuant to the City Charter. The Chairperson may create additional such subcommittees or special committees as they deem necessary and appropriate.

RULE IV. The City Chamberlain shall record the attendance at meetings. The order of business at regular meetings shall be as follows:

1. Pledge of allegiance and Roll Call.
2. Review of the minutes of the previous meeting.
3. Reading by City Chamberlain of any resolution or other items not listed on the printed agenda.
4. Public Participation-limited to 45 minutes.
5. Mayor's comments.
6. Chairperson's comments and presentations.
7. Reports of Committees and Boards.
8. Motions and resolutions.
9. Ordinances and local laws.
10. Presentation of petitions and communications.
11. Unfinished Business.
12. New Business.
13. Adjournment.

RULE V. The presiding officer shall set the agenda at all meetings of the Common Council. A councilmember may add items to New Business with the support of three (3) councilmembers. The order of business may be departed from with a motion, second, and by a majority vote of the members present. Any item added to an agenda must clearly identify a Councilmember as its sponsor.

RULE VI. The presiding officer shall designate the seating arrangement for Councilmembers and staff at Council meetings and the order of voting of Councilmembers on all matters coming before the Council for a vote. The presiding officer may, if they so desire, present motions and resolutions to the Common Council, and they may debate on any question which is being considered by it. The presiding officer, if they deem it appropriate, may allow Councilmembers or the Mayor to respond to or comment upon public comments made at each regular meeting during public participation (Item 4 of the Agenda set forth in Rule IV above), prior to the adjournment of the meeting.

RULE VII. The presiding officer shall have, to the fullest extent provided by New York State law, the sole authority to regulate public comment at any meeting as they, in their sole discretion, shall see fit, including, but not limited to, the authority to set priority for topics of comment and to declare any person to be out of order for failure to follow their directives in this regard. In governing the meeting and regulating public comment the presiding officer shall consider, but shall not be strictly bound by the following guidelines:

- A. The public shall be allowed to speak during the period of the meeting designated as “Public Participation” or as such other time as a majority of the Council shall suspend these rules, or at a duly called public hearing, or any other time required by state law or the City Charter. Speakers must sign-in and provide their name, address, and organization they represent, if applicable. Speakers must be recognized by the presiding officer. During the segment of the meeting designated “Public Participation”, speakers shall limit their remarks to three minutes and will be advised by the presiding officer when three minutes have expired. Speakers are requested to conclude their remarks at that time. “Public Participation” is intended to afford persons an opportunity to express opinions on items on the Common Council’s agenda. No Speaker shall be declared out of order, prevented from speaking or barred from attendance at any meeting because of any disagreement with the Speaker’s position or view on any matter, because of the Speaker’s identity or because of any disagreement with the content of relevant testimony.
- B. All remarks shall be addressed to the Council as a body and not to any member thereof. Speakers shall observe the rules of decorum set forth in Subsection C below. Interested parties or their representatives may address the Council by written communications. Written communications shall be delivered to the City Chamberlain.
- C. Rules of decorum
 - 1. Purposes of rules of decorum.
 - a. To ensure that meetings of the Common Council are conducted in a way that allows the business of the City to be effectively undertaken.
 - b. To ensure that members of the public who attend meetings of the Common Council can be heard in a fair, impartial manner.
 - c. To ensure that meetings of the Common Council are conducted in a way that is open to all viewpoints and which is protective of the content of each speaker’s speech and expression yet is free from hateful, abusive, obstructive or intimidating behavior.
 - d. To ensure that these rules of decorum are understood by persons attending Common Council meetings.
 - e. To ban egregious, inappropriate, and obstructive behavior at meetings of the Common Council.
 - 2. Sergeant At Arms. The Chief of Police or such member or members of the Police Department as they may designate shall be Sergeant-at-Arms of the Common Council and shall carry out all orders given by the presiding officer for purposes of maintaining order and decorum at the Council meeting. Any member of the Common Council may move to require the presiding officer to enforce the rules upon an affirmative vote of a majority of the Common Council.

3. Rules for the Speaker.
 - a. The speaker shall conduct themselves in a professional and respectful manner.
 - b. All remarks shall be directed to the Common Council, as a body, and not a City staff or any member of the public in attendance.
 - c. The speaker shall not defame, intimidate, make personal affronts, make threats of violence, or use profanity. Comments should be directed toward why the speaker either agrees or disagrees with an action, decision or proposal and not attacks or insults personally against the decisionmaker(s).
4. Rules for the public. Members of the public in the audience shall not engage in any of the following activities during a Common Council meeting:
 - a. Shouting, clapping, booing, heckling, unruly behavior, or speaking out when not recognized by the presiding officer. Such behavior is distracting to the members of the Common Council and other members of the public, interfering with their ability to listen to the current speaker.
 - b. Defamation, intimidation, personal affronts, threats of violence, or profanity.
 - c. Behavior that disrupts the orderly conduct of the meeting.
5. Rules for Councilmembers. While the Common Council is in session, the members must preserve order and decorum. Each Councilmember shall conduct themselves with decorum and shall neither, by conversation or otherwise, delay nor interrupt the proceedings or the peace of the Common Council, nor disturb any member while speaking or refuse to obey the orders of the presiding officer.
 - a. Speaker to be recognized by the presiding officer. No Councilmember wishing to speak shall proceed until they shall have been recognized by the presiding officer. After such recognition, the member shall confine discussion to the item at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another member. Speakers should address their remarks to the presiding officer, maintain a courteous tone and shall avoid interjecting a personal note into the debate.
 - b. Discussion of Resolutions, Motions, Ordinances, Laws. Any Councilmember, when recognized by the presiding officer, may speak on any Resolution, Motion, Ordinance, Law on the printed Agenda during the period of discussion following the introduction of the aforementioned items. The Councilmember(s) named as the sponsor(s) of a Resolution, Ordinance, Law or Motion have the privilege of speaking first. No member shall speak more than once

on the same question unless every member desiring to speak to that question shall have had the opportunity to do so.

6. Persons Authorized to be within Rail. No person except members of the Common Council and City Staff shall be permitted within the rail without the consent of the presiding officer.
7. Enforcement of rules of decorum.
 - a. Upon a violation of these rules of decorum, the presiding officer shall advise the person or persons violating a rule or rules to cease the violation with a brief description of the conduct that is in violation. he speaker or member(s) of the public shall be advised to cease the violating conduct and that further violations could result in removal from the meeting room.
 - b. If a violation continues, the presiding officer shall issue a second and final warning to the person(s) that they continue to be violation of the Rules of Conduct and Decorum and that they will be required to leave the Common Council Chambers if the violation continues.
 - c. If the person or persons does not cease the violation(s) the presiding officer shall declare the person out of order and advise the person(s) that their right to continued attendance at the particular meeting has been revoked. The presiding officer, or his/her/their designee, shall contact the Police to arrange for removal of the person(s) from the meeting room. Said person shall be subject to all civil and criminal penalties that may apply to their conduct.

RULE VIII. When a question is under debate, no new motion shall be received, unless for the previous question, to amend it, to lay on the table, to commit it, to postpone it, or to adjourn.

RULE IX. A motion to lay a question on the table shall be decided without amendment or debate, and a motion to postpone shall be decided without debate.

RULE X. A motion to adjourn shall always be in order; and shall be decided without debate.

RULE XI. Every member who shall be present when a question is put, shall vote for or against the same, or abstain with reasons for the abstention stated upon the record.

RULE XII. No question or motion, once put or lost, shall again be put unless reconsidered; and a motion for reconsidering must be made not later than the next regular meeting after that on which the decision proposed to be reconsidered took place, and shall be made by a member who voted with the prevailing side. All motions for reconsidering must be passed by the

affirmative vote of a majority of the voting power of the Common Council.

RULE XIII. On the demand of any member, a roll call vote on any question shall be taken by ayes and nays; and it shall be the duty of the City Chamberlain to enter on the minutes the names of the members voting for or against the question, and also the name of the member demanding the roll call vote.

RULE XIV. All appointments of officers and fixing of salaries shall be by ayes and nays.

RULE XV. The legislation described below shall be read and laid over until the next meeting of the Common Council unless consent for immediate adoption is approved by a majority vote of the Common Council. This rule shall apply to:

- (a) The adoption of the budget
- (b) Ordinances
- (c) Local Laws
- (d) Resolutions amending the Rules and By-Laws of the Council
- (e) Resolutions appropriating money, amending the budget, or approving the execution of contracts

RULE XVI. In order to hear persons other than members of the Common Council, the Mayor, and members of City staff, it shall be necessary to pass a motion suspending the 5 rules of order. A motion to suspend the rules may be made at any time during the meeting and shall be decided without debate. Any such person speaking shall confine themselves to the subject and not longer than three (3) minutes, unless the time is extended by the Chairperson. This rule shall not apply to public hearings.

RULE XVII. All meetings of the Common Council shall be recorded by means of an audio and/or video recording device. The archived results of the meetings shall be kept in the Office of the City Chamberlain, and shall be under their jurisdiction and control. Minutes of the proceedings shall be printed as soon as possible after each meeting and presented to the Common Council at its next meeting for its approval or correction. The minutes shall be available for public review in the Office of the City Chamberlain, and the City Chamberlain shall give a copy of the minutes to persons requesting the same to the extent that they are available. When a request is made for an annual record of the minutes, a fee shall be charged to cover the expenses of the handling and recording and mailing if the record is on paper in accordance with the New York Open Meetings Law. A Ten (\$10.00) Dollar fee shall be paid if the record is digital.

RULE XVIII. An executive session is that portion of the meeting not open to the public because

of the consideration of matters authorized for executive session pursuant to the New York State Open Meetings Law. Proposals, discussions, statements, and transactions in executive sessions are intended to be and shall be held and maintained in confidence and shall not be disclosed.

RULE XIX. The Mayor may be invited to comment to and address the Council and the public on any issues of public concern raised by Councilmembers at the Council's regular meetings each month, prior to motions and resolutions being heard and at any time thereafter at the discretion of the Council chairperson.

RULE XX. All legislation, including local laws, motions, resolutions, and ordinances presented to the Common Council, except for procedural motions, such as motions to amend and motions to refer, shall be numbered to simplify the tracking of such legislation, with the number clearly marked below the title of each piece of legislation and on Common Council agendas, as follows:

Local Laws:	LL-Year- Sequential Number (LL01-
1; LL01-2; etc.)	Motions: M-Year-Sequential Number
(M01-1; etc.)	Resolutions: R-Year- Sequential Number
(R01-1; etc.)	Ordinances: O-Year- Sequential Number
	(O01-1; etc.)

Additionally, any such item listed on the agenda must clearly identify a Councilmember as its sponsor.

RULE XXI. The Chairperson of the Common Council shall give an address in response to the Mayor's annual state of the City address presented pursuant to section 3.02(h) of the City Charter at the next regular meeting of the Common Council following the Mayor's address.

RULE XXII. The Chairperson, or Vice Chairperson in the Chairperson's absence, is authorized to excuse a Councilmember from attending up to three (3) consecutive regular meetings of the Common Council because of a medical injury or illness which physically prevents the Councilmember from attending the meeting(s), if the medical injury or illness and physical inability to attend the meeting(s) is documented by a physician's note. Absences beyond three (3) consecutive regular meetings, for no more than an additional three (3) consecutive regular meetings, may be excused by a majority vote of the entire Council, based upon a written physician's note documenting the medical injury or illness which physically prevents the Councilmember from attending the meeting(s). This medical information is confidential and shall not be disclosed or discussed by individual Council members other than to note that the requesting member has documented the need for their absence.

RULE XXIII. The following rules shall apply to a legally required public hearing held before the Common Council:

Official Minutes of the Common Council Organizational Meeting of January 3, 2023

(a) Speakers shall register in writing prior to the beginning of the hearing by providing their name, address, and organization if any. Individuals arriving after the commencement of the hearing shall be permitted to register upon arrival as long as the Chairperson has not closed the hearing.

(b) The Chairperson shall recognize each speaker, in the order registered, when the hearing is commenced. Speakers shall identify themselves, their address and organization, if any, prior to the remarks.

(c) Speakers must limit their remarks to five (5) minutes. Remarks shall be addressed only to the hearing issues. Failure to limit comments to the public hearing shall be enforced by the presiding officer in the same manner as a violation of the Rules of Decorum. Speakers may not yield any remaining time they may have to another speaker.

(d) Speakers at a public hearing shall follow the Rules of Decorum as set forth in Rule VII (b) & (c). Failure to follow the Rules of Decorum shall be enforced by the presiding officer.

(e) The Chamberlain shall include in the minutes of the hearing the name, address, and organization, if any, of each speaker, a brief synopsis of the remarks, and a list of written statements submitted to the Council and shall either attach the statements to the minutes or indicate that said statements are available in the Office of the Chamberlain.

Adopted by the Common Council; January 3,

2023 Resolution R-23-01

R-23-01			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☐	☐	☐	☒
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

2. **Resolution R-23-02, Adopting Robert's Rules of Order.**

**RESOLUTION
R-23-02**

INTRODUCED BY CHAIRWOMAN BROWN:

BE IT RESOLVED, that Robert's Rules of Order be and the same hereby are adopted as the Parliamentary Rules of the Common Council for the year 2023.

SECONDED BY COUNCILMEMBER _____.

R-23-02			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☐	☐	☐	☒
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

3. **Resolution R-23-03**, Setting bonds for Commissioner of Finance and City Chamberlain.

RESOLUTION R-23-03

INTRODUCED BY CHAIRWOMAN BROWN:

BE IT RESOLVED, that the amount of the faithful performance duty bond, to be executed by the Commissioner of Finance as City Treasurer, and filed in the Dutchess County Clerk's Office, pursuant to Section 2.12 of the Administrative Code of the City of Poughkeepsie, be and the same hereby is fixed at the sum of Five Thousand (\$5,000) Dollars; and be it further

RESOLVED, that the amount of the faithful performance duty bond, to be executed by the City Chamberlain and filed in the Dutchess County Clerk's Office, pursuant to Section 2.12 of the Administrative Code of the City of Poughkeepsie be and the same hereby is fixed at the sum of Five Thousand (\$5,000) Dollars; and it is further

RESOLVED, that the amount of the faithful performance duty bond to be executed by the Clerk of the City Court and filed in the Dutchess County Clerk's Office pursuant to Section 5 of the Act Creating a City Court in and for the City of Poughkeepsie, New York, be and the same hereby is fixed at the sum of Five Thousand (\$5,000) Dollars; and be it further

RESOLVED, that the Commissioner of Finance be and s/he hereby is empowered and directed to procure a public employee's faithful performance blanket position bond in the sum of Five Thousand (\$5,000) Dollars covering every officer and employee of the City, with excess coverage in the amount set opposite the following office and position:

Official Minutes of the Common Council Organizational Meeting of January 3, 2023

Collection in Department of Finance,
Treasury Division.....\$20,000;

and be it further

RESOLVED, that all the premiums which may become due on said bonds during the year 2023 shall be paid by the City as a proper City expense.

SECONDED BY COUNCILMEMBER _____ .

R-23-03			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☐	☐	☐	☒
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

4. **Resolution R-23-04**, Authorizing the Commissioner of Finance to pay public debt, salary and wages for 2023.

**RESOLUTION
R-23-04**

INTRODUCED BY CHAIRWOMAN BROWN:

BE IT RESOLVED, that the Commissioner of Finance be and he hereby is authorized and directed to draw warrants in favor of Chase Bank, Key Bank of New York, M & T Bank, Salisbury Bank, Bank of America, TD Bank, Chase Manhattan Bank and Depository Trust Co., Rhinebeck Bank and Ulster Savings Bank for principal and interest on the public debt as it becomes due from time to time during the year 2023, and be it further

RESOLVED, the Commissioner of Finance, upon presentation to him of properly approved payrolls, be and s/he hereby is authorized and directed to pay the monthly and bi-weekly salaries and wages to the officers and employee of the City who shall be entitled to receive the same during the year 2023.

SECONDED BY COUNCILMEMBER _____ .

R-23-04			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☐	☐	☐	☒
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

5. **Resolution R-23-05**, Approving designation of banks for deposits.

**RESOLUTION
R-23-05**

INTRODUCED BY CHAIRWOMAN BROWN:

RESOLVED, that Chase Bank, Salisbury Bank, TD Bank, Rhinebeck Bank and M & T Bank, all of which are located in the City of Poughkeepsie, be and they hereby are designated as the banks in which the Commissioner of Finance is empowered and directed to deposit all monies of the City of Poughkeepsie; subject to such rules and regulations as the Common Council may from time to time prescribe and subject to such laws and regulations as may be prescribed by the State and Federal Governments from time to time hereafter in relation hereto; and be it further

RESOLVED, that the Commissioner of Finance be authorized to invest idle cash balances in her or his custody with any bank or trust company authorized to do business in New York State and to otherwise make investments pursuant to the investment policy, as adopted and amended from time to time by the Common Council and subject to such laws and regulations in relation thereto as may from time to time be prescribed by the State and Federal governments; and be it further

RESOLVED, that the City Chamberlain be and hereby is directed to mail a copy of this resolution to each such depositories.

SECONDED BY COUNCILMEMBER _____.

Official Minutes of the Common Council Organizational Meeting of January 3, 2023

R-23-05						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☐	☐	☐	☒
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

6. **Resolution R-23-06**, Approving The Poughkeepsie Journal as the official newspaper.

**RESOLUTION
R-23-06**

INTRODUCED BY CHAIRWOMAN BROWN:

BE IT RESOLVED, that the “Poughkeepsie Journal” a newspaper published in the City of Poughkeepsie, be and is hereby designated as the official newspaper of the City of Poughkeepsie for the year 2023.

SECONDED BY COUNCILMEMBER _____

R-23-06						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☐	☐	☐	☒
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

7. **Resolution R-23-07**, Appointing the City Chamberlain and Deputy Chamberlain as a Marriage Officers for the City of Poughkeepsie.

**RESOLUTION
R-23-07**

INTRODUCED BY CHAIRWOMAN BROWN:

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby appoints the City Chamberlain and the Deputy City Chamberlain as Marriage Officers in accordance with and subject to the provisions of Domestic Relations Law §11-c; and be it further

RESOLVED, that the Marriage Officers are hereby appointed for a term of one year, subject to the pleasure of the Common Council.

SECONDED BY COUNCILMEMBER _____.

R-23-07			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☐	☐	☐	☒
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

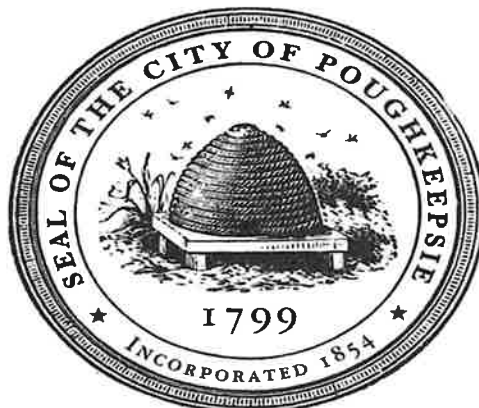
8. **Resolution R-23-08**, Adoption of City's purchasing policy.

RESOLUTION
R-23-08

INTRODUCED BY CHAIRWOMAN BROWN:

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby adopts the purchasing policy of which a copy is attached hereto and made a part of this resolution.

SECONDED BY COUNCILMEMBER _____.



CITY of POUGHKEEPSIE

PROCUREMENT POLICY

Effective January 3, 2023

Hon. Marc S. Nelson, MPA
Mayor

Marc S. Nelson, MPA
City Administrator

Brian Martinez, PHD
Commissioner of Finance

This document is intended to outline the framework for procuring goods and services for the City of Poughkeepsie (City) in a timely manner and, at the same time, assuring the prudent and efficient use of public monies.

INTRODUCTION

In general, the provisions of the City's Procurement Policy are based on the requirements on General Municipal Law, Sections 103 and 104-b.

In part, GML, Section 103 reads "Except as otherwise expressly provided by an act of the legislature of the municipality, by a local law adopted prior to September 1, 1953, all contracts for public work involving an expenditure of more than Thirty Five Thousand Dollars (\$35,000.00) and all purchase contracts involving an expenditure of more than Twenty Thousand Dollars (\$20,000.00) , shall be awarded by the appropriate officer, board or agency of a political subdivision or of any district therein but not limited to a soil conservation district, to the lowest possible bidder furnishing the required security after advertisement for sealed bids in the manner provided by this section."

GML, Section 104-b, states "Goods and services which are not required by law to be procured by political subdivisions or any districts therein pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public monies in the best interests of the taxpayers of the political subdivision or district, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost, under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption....."

BIDDING PROCEDURES

Competitive bidding will be utilized whenever required by law or when determined to be in the best interest of the City in accordance with GML, Section 104-b.

General Municipal Law Sections 103 and 104-b require that annual purchase contracts exceeding \$20,000 and public works contracts exceeding \$35,000 be awarded to the lowest responsive

bidder meeting the intent of the specifications after public advertising of the request for submission of sealed bids.

The requesting department with Finance Department, Purchasing Division shall be responsible for preparing bidding specifications. All bids received shall include a non-collusion certification, an indemnification agreement, and any and all other required documents as per General Municipal Law. All Requests for Bids or Requests for Proposals are to be advertised for a minimum of five days between the first publication date and the date specified for the bid opening, and shall, at a minimum, contain a description of the goods and/or services being solicited, a statement of the time and place where all bids will be publicly opened and read, the time and place of any pre-bid meetings, and a description of where and how bid documents may be obtained. All bid openings will be conducted at a public meeting, unless otherwise specified, and all interested parties may attend. **BID PROCESS**

For projects or purchases exceeding the bidding threshold, the requesting department shall submit a completed *Request for Bid* form to the Purchasing Agent. The Purchasing Agent is delegated certain duties on behalf of the Commissioner of Finance, the Purchasing Agent for the City, in accordance with the City of Poughkeepsie Charter, Section 7.03.

The requesting department(s) shall, in conjunction with the Purchasing Agent, prepare bidding specifications. Specifications should be clearly written. They should provide prospective bidders a common standard by which to be measured, and provide assurance that bidders will be competing on a fair and equal basis. The specifications should indicate the basis by which bids and offers will be evaluated. Specifications should provide prospective bidders with sufficient information for them to formulate bids.

All bids shall include a Non-Collusion Certificate, an Iran Divestment Certification, Indemnification Agreement and all other documents required by General Municipal Law.

A Bid Bond, generally 5% of the bid, may be required on certain projects including service contracts. This bond is intended to protect the City in the event that a bidder refuses to enter into a contract after the contract is awarded or the bidder withdraws his bid before the award.

Performance Bonds in the amount of 100% of the bid are required for all construction projects. This bond offers the City protection in the event of the contractor's failure to perform in accordance with the awarded contract terms.

Prevailing wage rates apply to all projects subject to Articles 8 and 9 of the NYS Department of Labor.

All bids shall be advertised on the Empire State Purchasing Group website, www.bidnetdirect.com/newyork, and on the City website, www.cityofpoughkeepsie.com. Bids for projects or purchases that are federally or state funded may be advertised on the New York State Contract Reporter website, www.nyscr.ny.gov.

On March 10, 2016, The Common Council of the City of Poughkeepsie adopted Resolution *R-2016-27, Amending the Purchasing Policy to Encourage Local Employment*. The resolution directs "the Purchasing Agent to consider as a weighted factor the percentage of City of Poughkeepsie residents employed by a business when considering an award of a contract not subject to competitive bidding if such bidder is otherwise deemed responsive and responsible." If a bidder wishes to request this consideration, he/she must make this request specifically in his/her bid response and provide verifiable documentation of the percentage of his/her employees who are City residents.

Any contractor or subcontractor who bids on a construction project having an anticipated value in excess of \$100,000 must have apprenticeship agreements appropriate for the type and scope of

work to be performed. The apprenticeship program must have been registered with the New York State Commissioner of Labor in accordance with Article 23 of the Labor Law.

BID OPENING and AWARD

The Board of Contract and Supply will have the option to reject all bids and re-advertise at its discretion.

All bid openings will be opened publicly and read at the time and place specified in the advertisement for bids unless otherwise specified. Bid openings can be attended by any and all interested parties.

Bids received after the specified bid opening time will not be accepted, and will be returned unopened to the prospective bidder.

The BOCS shall be comprised of the Commissioner of Finance, Commissioner of Public Works, the Corporation Counsel, and the City Engineer. The City Administrator will act as an ad hoc member of the BOCS to break tie votes. The BOCS will normally be assisted by the Purchasing Agent acting as the recording secretary at all meetings and awards. The Purchasing Agent will generally be in attendance at bid openings but will have no voting rights and cannot be included in the Quorum.

The following rules will govern:

1. The Purchasing Agent and the requesting department will designate any person to open and read the bids aloud.
2. The bids will be recorded in the manner provided by the BOCS and will be recorded and reported at the next regular or special meeting of the BOCS.
3. Copies of original bids will be provided to the Department Head of the originating department to determine that the bids opened meet the bid specifications.
4. A tabulation sheet shall be prepared recording all pricing submitted by responding bidders. The Purchasing Agent will assist the requesting department to evaluate bid responses and prepare a bid evaluation. If a Best Value award is to be made, the submittal will be reviewed in accordance with the criteria established in Local Law 2014-2. Local Law 2014-2 excludes purchase contracts required for the completion of a public works contract pursuant to Labor Law Article 8. The Commissioner of Finance shall determine that sufficient appropriations are contained within the originating department's budget or that other means are available to fund the project or purchase.
5. The BOCS may reject any and all bids that do not meet the bid specification.
6. The originating Department Head will recommend the award and certify in writing that the prospective awardee has submitted a bid or proposal that meets the intent of the bid specifications.
7. The BOCS shall determine the responsibility and responsiveness of the prospective awardee. The originating department will notify any low bidder of a rejection based on a determination that the bidder is not responsible or responsive.
8. A majority of the BOCS must then concur with the award.
9. If federal funds are to be expended for the project or purchase, The Purchasing Agent shall be responsible to determine that the proposed awardee is eligible by all Federal standards.

10. In the event that two or more responsive/responsible bidders submit identical low bids, the BOCS will determine which is awarded the contract.
11. The Purchasing Agent shall draft and submit a proposed contract to the Corporation Counsel for approval. Once approved, the Purchasing Agent will forward three (3) copies of the contract along with a Notice of Award to the awardee for signature and required documents. After execution by the awarded, contract will be forwarded to the Mayor for signature. On receipt of all executed contracts, the Commissioner of Finance acting as the Purchasing Agent of the City will issue a Notice to Proceed.
12. The Purchasing Agent will issue the Non-Award Notice(s) and return all bid bonds to the bidder(s) who were not selected.
13. The BOCS may also request that a notice of Intent to Award be issued in the event that additional time is needed before making an actual award.

BID ERRORS

In the event that a submitted bid or proposal contains a unilateral error in calculation, the responder may withdraw the bid or proposal within three days of the bid opening or before the awarding of the contract, whichever is shorter if:

1. The error is of such magnitude that enforcement would be unconscionable, or against the public interest.
2. The bid or proposal was submitted in good faith, and the responder submits credible evidence that the mistake was merely a clerical error.
3. The error in the bid or proposal is due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work, labor, material, or services made directly in the compilation of the bid or proposal, which error can be clearly shown and;
4. It is possible to maintain the status quo ante, the bid or proposal may be deemed withdrawn and any security returned. Neither the City, its agents or employees, nor members of the Board of Contracts may agree to amend the bid or proposal in order to rectify the error.

BID PROTEST PROCEDURES

There are three basic types of protests based on the time in the procurement cycle when they occur

1. A pre-bid or solicitation phase protest is received prior to the bid opening or proposal due date.
2. A pre-award protest is a protest against making an award and is received after receipt of proposals or bids, but before the award of the contract.
3. A post-award protest is a protest received after award of a contract

Each protest must be in writing and delivered to the Commissioner of Finance, Purchasing Agent of the City within ten (10) calendar days of the City's notice of the intent to award, after receipt of the bid/proposal prior to bid opening and shall be addressed as follows:

Bid Protest
Purchasing Agent

City of Poughkeepsie
62 Civic Center Plaza
Poughkeepsie, NY 12601

Specific contents of a protest shall include the name of the protestor, the solicitation/contract number or description, and a statement of grounds for protest.

The Purchasing Agent shall contact the department responsible for the bid and inform him/her of the bid protest. The department shall gather the relevant information about the solicitation, evaluation and award of the bid and provide it to the Purchasing Agent within ten (10) calendar days of the Bid Protest.

The Purchasing Agent will deliver all relevant information to the BOCS. The BOCS shall review the information relevant to the bid and shall render a decision on the protest. not longer than thirty (30) days after the bid protest was received.

The decision shall contain the action taken and the rationale for such action, and shall be mailed by certified mail, return receipt requested, to the protestor at the address set forth in the bid protest. A copy of the decision shall be maintained by the Corporation Counsel and distributed to the Department, the BOCS, and the Commissioner of Finance with copies to be retained by the Purchasing Agent.

An appeal of the decision may be made either by the department or the protestor as applicable. An appeal may be commenced by delivering seven (7) copies of the following within seven (7) calendar days of the release of the decision.

1. A Notice of Appeal to the Purchasing Agent,
2. A statement of the nature and the reason(s) for the appeal, including claimed errors,
3. A complete set of the documents submitted to the Purchasing Agent.

The Purchasing Agent shall promptly deliver the copies to the BOCS which shall set a hearing date for the appeal to commence, which date shall not be later than forty-five (45) days from the Notice of Appeal. The appellant and respondent will be presented with an opportunity to address the BOCS and may be accompanied by counsel if desired.

Upon the conclusion of the appeal, the BOCS shall issue a decision within thirty (30) days of the conclusion of the appeal. The decision of the BOCS shall be final and conclusive.

The City of Poughkeepsie alone will be responsible in accordance with good administrative practice and sound business judgment for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the City of any contractual responsibility under its contracts.

BEST VALUE

The Common Council of the City of Poughkeepsie has adopted Local Law No. 2014-2 allowing the City's Finance Commissioner the "authority to accept Best Value" in awarding purchasing contracts subject to the requirements of GML, Section 103. The Local Law excludes any purchase contracts necessary for the completion of a public works contract pursuant to Labor Law Article 8.

A "Best Value" award is defined as a basis for awarding contracts "to the offeror which optimizes quality, cost and efficiency among responsive and responsible offerors."

A determination must be made in writing by the Commissioner of Finance in detailing why a "Best Value" award will be made before the solicitation of bids can occur.

When it has been determined that a "Best Value" award is to be made, the criteria by which the "Best Value" will be evaluated and the process by which the evaluation and selection will be made must also be documented and included in the bid package.

The criteria used to determine Best Value shall be made in advance of the initial receipt of offers, and shall be made on an objective and quantifiable analysis of such criteria. The criteria may include, but is not limited to, any or all of the following:

1. Cost of Maintenance,
2. Proximity to the end user if distance and response time is a significant term,
3. Durability,
4. Availability of replacement parts or maintenance contractors,
5. Longer product life,
6. Product performance criteria,
7. Quality of craftsmanship,
8. Price,
9. Local preference.

REQUEST FOR PROPOSAL

Professional Services, not subject to competitive bidding requirements, may be competitively solicited through the Request for Proposal (RFP) process and awarded subject to a pre-determined set of weighted criteria. RFP's may be advertised similarly to bid advertisements, or they may be selectively directed and solicited from others.

The pre-determined criteria may include, but not be limited to the following:

1. Cost
2. Responsiveness –availability to meet project guidelines
3. Qualifications – project understanding and approach
4. Experience – similar services provided to public or private sector clients
5. Local Preference – experience with local projects

Where appropriate, the solicitation shall identify the relative importance and/or weight of each criterion identified.

A criteria evaluation team should be identified before solicitation.

The basis for award should be documented in the procurement file in advance of the initial receipt of offers.

WICKS GML, Section 101

Separate specifications for all contracts for the erection, construction, reconstruction, or alteration of buildings when the entire cost exceeds \$500,000.00 be prepared so as to permit separate bidding for:

1. Plumbing and gas fitting
2. Steam heating, hot water heating, ventilation and air conditioning apparatus; and
3. Electric wiring and standard illumination fixtures.

GENERAL PROCUREMENT PROCESS

General Municipal Law, Section 104(b), requires that procedures be implemented to insure that municipal governments make the most prudent use of public monies.

The Common Counsel has enacted the following regarding the purchase of goods and services that do not have to be competitively bid, but that are intended to ensure that goal.

PURCHASE CONTRACT	
ESTIMATED COST	REQUIREMENT
\$ 0.00 - \$1,999.99	No Request for Authorization – No Requirement to get quotes – No Purchase Order Required
\$2,000.00 - \$4,999.99	No Request for Authorization – No Requirement to get quotes - Purchase Order Required
\$5,000.00 - \$9,999.99	Request for Authorization and 2 Written or Electronic Quotes – Purchase Order Required
\$10,000.00 - \$19,999.99	Request for Authorization – 3 Written or Electronic Quotes – Purchase Order Required
\$20,000.00 and above	Formal Advertised Bid

PUBLIC WORKS CONTRACT	
ESTIMATED COST	REQUIREMENT
\$ 0.00 - \$1,999.99	No Request for Authorization – No Requirement to get quotes – No Purchase Order Required
\$2,000.00 - \$4,999.99	No Request for Authorization – No Requirement to get Quotes - Purchase Order Required
\$5,000.00 - \$9,999.99	Request for Authorization - 2 Written or Electronic Quotes – Purchase Order Required
\$10,000.00 - \$34,999.99	Request for Authorization – 3 Written or Electronic Quotes – Purchase Order Required
\$35,000.00 and above	Formal Advertised Bid

Department Heads have the responsibility, first and foremost, to manage to their respective budgets as adopted by the Common Council. Department Heads must first determine whether the item or service to be acquired is a Purchase or a Public Works contract. Then, based on the estimated cost of that product or service and the charts, requesting Departments will provide any/all documentation required to make purchases. Requests for Authorization, Quotes, and Purchase Orders shall be completed by the requesting department and processed by Finance Department **BEFORE** the purchase is made. Any purchase made that does not conform to these procedures is null and void and the employee responsible for the purchase may be subject to disciplinary action including written warnings that could lead to personal financial responsibility for unauthorized purchases.

EXCEPTIONS to the COMPETITIVE BIDDING REQUIREMENT

1. Purchases through the NYS Office of General Services
2. Purchases under county or other municipal contract (Piggybacking). In the interest of increased efficiency, the purchase of goods and services through the NYS Office of General Services contracts or the "Piggybacking" on contracts existing through the Dutchess County Office of Central Services or those of other political subdivisions is strongly encouraged. The use of the competitive bidding process for the purchase of

commodities otherwise readily available through these contracts will normally not be necessary except under extenuating circumstances; e.g., immediate need and availability through another vendor.

3. Professional Services that do not lend themselves to competitive bidding subject to the following guidelines:
 - a. Service is subject to New York State Licensing or testing requirements,
 - b. Substantial formal education or training is a necessary prerequisite to the performance of the service,
 - c. Performance of the service would require a personal relationship between the entity and municipal officials.

Professional Services not subject to competitive bidding, but subject to the guidelines of General Municipal Law, Section 104-b, should require the issuance of a Request for Proposal and evaluation of all proposals received before a contract is offered.

4. "Sole source supplier" shall mean a manufacturer, software developer, or service provider that sells direct and there are no other sources offering an "or equal". For consideration of sole source status, the entity must provide to the Purchasing Agent a letter, on official letterhead, detailing their sole source status.
5. Single source supplier is defined as a distributor/wholesaler/retailer that has a contractual agreement to provide services within a specific geographic territory to the exclusion of all others. For consideration of single source status, the entity must provide to the Purchasing Agent a letter, on official letterhead, detailing their single source status.
6. Emergencies defined as arising out of an accident or other unforeseen occurrence of condition whereby circumstances affecting public buildings, public property, or the life, health, safety of property of the inhabitants of the City of Poughkeepsie require immediate action which cannot await the competitive bidding process. An Emergency Declaration, signed by the Mayor of the City of Poughkeepsie, is required to be forwarded to the Purchasing Agent. Lack of anticipation or planning cannot be deemed as cause for the Emergency Declaration.
7. Purchases through agencies for the blind and/or severely handicapped.
8. Goods made by correctional facilities (Corecraft)
9. Second-hand goods or surplus from Federal, State or other political subdivision.
10. Products offered by the Federal Government, Government Services Administration (GSA) Schedules 70 & 84, 1122 Public Safety Purchasing Program, NJPA, and other cooperative agreements.
11. Leases defined as true leases, not installment purchases
12. Work performed by municipal employees under municipal cooperation agreements.

STANDARDIZATION – GENERAL MUNICIPAL LAW, Section 103(5)

Bidding for a particular brand or model requires that the Common Council adopt a resolution explaining the reason for standardization by a 3/5 vote.

Guidelines:

1. A substantial amount of equipment of the same make is presently being used by the municipality and uniformity of the make is essential to economy of efficiency,
2. Service facilities are peculiarly adapted to the handling of a particular make of equipment and cannot be converted economically,
3. The municipality has on hand a substantial supply of spare parts for a particular make of equipment and they cannot be disposed of except at a substantial loss,
4. The design, plan or method of construction of an installation is particularly suited to a particular make of equipment and cannot be altered economically,
5. Local geographic or atmospheric conditions require the use of a particular make of equipment to the exclusion of all others,
6. Employees are trained to operate one make of equipment and cannot be trained economically to operate other makes.

The adoption of such a resolution does not eliminate the necessity for conformance to the competitive bidding requirements. Standardization restricts the purchase to a specific model or type of equipment, but does not limit the vendors it can be purchased from.

Standardization should be used very sparingly and only after careful consideration of the ramifications to future purchases and maintenance costs as this tends to reduce or, in some way, eliminate competition thus causing the City more than it may save by standardizing.

PROCUREMENT CARDS

The intent of the Procurement Card (P-Card) Program is to provide a streamlined process for the procurement of goods and services costing less than \$999.00. Department Heads are responsible for annually designating which employees are given P-Cards, distributing a Procurement Card Program Policy to each designated employee, enforcing the Procurement Card Program Policy, and insuring that all purchases made by the card are accounted for on an expense report.

All employees should refer to the separate Procurement Card Program Policy and are responsible for compliance. Failure to comply with reporting requirements will result in suspension of P-Card privileges at the discretion of the Commissioner of Finance.

STANDARDS OF CONDUCT

Any City employee who has, will have, or acquires an interest in, any actual or proposed contract with the City of Poughkeepsie of which he/she is an officer or employee, shall publicly disclose the nature of such interest in writing to the Board of Contract Supply as soon as he/she has knowledge of and actual or prospective interest. This written disclosure will be made part of the official minutes of the Board of Contract Supply. If an officer or employee of the City of Poughkeepsie has a reason to believe that he/she may have a conflict of interest, the office of the Corporation Counsel should be contacted immediately.

Employees shall not engage in outside employment which is inconsistent with their City responsibilities. For example, furnishing advice or services to a firm bidding on or planning to bid on a contract with the City of Poughkeepsie, or which is presently doing business with the City.

No employee, officer, agent, immediate family member, or Board member of the City of Poughkeepsie shall participate in the selection, award, or administration of a contract with the City if a conflict of interest real or apparent, would be involved.

City of Poughkeepsie employees, officers, agents, or Board members will neither solicit nor accept gifts, gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements with the City.

Employees occupying position which are directly involved in the City of Poughkeepsie procurement process are required to disclose any interest in businesses which engage in bid activities with the City.

Failure to abide by these Standards of Conduct will result in disciplinary action, up to and including termination. If said employee is a member or a union and is bound by a collective bargaining agreement with the City of Poughkeepsie, the sanctions undertaken will be addressed within the agreement

PURCHASING RESPONSIBILITY

General Municipal Law, Section 104-b requires the identification of the individual or individuals responsible for purchasing and their respective titles. As such, the following identifications are made with the areas of responsibility:

Brian Martinez, PhD, – Commissioner of Finance and Purchasing Agent of the City

Karen Sorrell – Deputy Commissioner of Finance

Shirley Davison – Purchasing Agent

Rebecca A. Valk – Corporation Counsel

Key References

1. New York State GML § 103- Goods and Services
2. GML 104- Services
3. State Finance Law § 163-Best Value
4. Article 23 of the Labor Law-Apprenticeship
5. Uniform Guidance (2 CFR Part 200, Subparts A through F)- Federal Funded
6. City of Poughkeepsie Charter, Section 7
7. Local Law 2014-2

R-23-08						
			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☐	☐	☐	☒
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

9. Resolution R-23-09, Adoption of the Retention and Disposition Schedule for New York Local Government Records.

RESOLUTION R-23-09

INTRODUCED BY CHAIRWOMAN BROWN:

Official Minutes of the Common Council Organizational Meeting of January 3, 2023

BE IT RESOLVED, by the Common Council of the City of Poughkeepsie that *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

SECONDED BY COUNCILMEMBER _____

R-23-09			Yes/Aye	No/Nay	Abstain	Absent
☒	Accepted	Councilmember Grant	Voter	☒	☐	☐
☐	Defeated	Councilmember Long	Voter	☐	☐	☒
☐	Tabled	Councilmember Flowers	Voter	☐	☐	☒
		Councilmember Deichler	Voter	☒	☐	☐
		Councilmember Thompson	Voter	☒	☐	☐
		Councilmember Johnson	Voter	☐	☐	☒
		Councilmember Menist	Voter	☒	☐	☐
		Councilmember Shook	Voter	☒	☐	☐
		Chairwoman Brown	Voter	☒	☐	☐

X. ADJOURNMENT:

A motion was made by Councilmember Shook and seconded by Councilmember Menist to adjourn the meeting at 12:09 pm.

Dated: Friday, January 6, 2023.

I hereby certify that this true and correct copy of the Minutes of the Common Council Organizational Meeting held on Tuesday, January 3, 2023.

Respectfully submitted,

Jasmin Nicole Davis
City Chamberlain



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Tuesday, January 3, 2023, 12:30 p.m.

Common Council Chambers

Welcome to the regularly scheduled Meeting of the City of Poughkeepsie Common Council the date is January 3, 2023, and the time is 12:15 pm.

I. ROLL CALL: 7 present; 2 absent (Councilmembers Flowers & Long)

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

Motion to accept the minutes: Councilmember Shook

2nd: Councilmember Menist

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

-NONE-

IV. PUBLIC PARTICIPATION

- **Laurie Sandow, S. Grand Ave.**

V. CHAIRWOMAN'S COMMENTS AND PRESENTATIONS

I would like to respond to some of the things that the Ms. Sandow suggested. As I said in subsequent meetings, I know everything has not been done with fidelity here on this council. I've been here, this is my going into my eighth year. But I can say that collectively we are trying to improve on things. I think as the Presiding Officer I do a good job of allowing everyone to exercise their First Amendment rights.

But in speaking with our corporation council, there was some legal ramifications that the way the rules were written, we needed to change. I'm still the presiding officer. I still determine when a speaker's time is up. I intend to still be gracious with that. But we do need to establish a little more decorum. This you know, I don't feel like this council gets the same respect that other lawmakers get. Sometimes we get personally attacked, which has nothing to do with business, and this is not directed at you, so please don't take it as such. The clapping, the snapping. You know, I just want to bring a little more structure to our council meetings. But again, I am the presiding officer, so I will use discretion when I feel like, you know, if someone needs to continue to speak, I will allow them to do so.

I do feel like collaboration is something that is on the top of all of our list here on this council. And the only thing that I can personally do is my best. You know, I'm not going to sit here and act like I'm the be all, end all, and I'm going to fix everything in city government.

But I can assure you and my track record speaks for itself. I always try. And I will continue to try. And another note, I have some great news to share. In response to many citizen comments and many emails and things that are happening here in the city. Section 2.06 of the charter allows me to establish committees when deemed necessary. So in speaking with my colleagues, we deem it necessary to have a Committee on Housing Solutions. This committee will be comprised. And I'm appointing today, Deborah Long as a chair, considering her background, working in public housing, working in weatherization programs, and working in other public agencies surrounding housing, housing issues.

It will be comprised of three council members, count Councilmember Long as the chair Megan Deichler, who takes particular great interest in helping with this housing crisis, and Councilmember Majority Leader Menist, who also has vested interest into this housing epidemic. We'll be asking for members of the public. Right now, we can seat 4 to 7 members of the public. A member from Ms. Quinn's development office and a member from city administration will comprise this committee.

So I'll be working collectively with our Mayor Nelson, to get this up and running fairly quickly. Other announcements, I would like to welcome and congratulate Councilmember Grant. He's a welcome addition to this council and we look forward to working with you. I'd like to say Happy New Year to all my colleagues. I would like to also say that I am appointing Councilmember Johnson as our majority whip.

She is now in leadership.

I feel like Ms. Johnson being one of the senior representatives on this council. Now, I don't mean age because I'm one of the senior reps, too. I think that she will do a good job of us building camaraderie with each other. So, Ms. Johnson, I look forward to you helping us all get along.

Councilmember Johnson: Thank you chair.

Chairwoman Brown: And work.

Councilmember Johnson: I'm working on it.

Chairwoman Brown: I know you are.

Councilmember Johnson: With myself in order to be able to work with everybody else.

Chairwoman Brown: And a Democratic caucus and all support Councilmember Menist to continue as a majority leader. You have done a great job this year. And, you know, the work is just beginning because we've decided in leadership that we're going to build a council agenda. So you'll see a lot of stuff coming directly from this council. And this next year. I'm really excited about the work and the resolution that's before us. After we go to mayor's comments and you and I finish is that my colleague, council member will be unanimously appointed as vice chair. And aside from him being an attorney, he's also very well versed in public relations. So, you know, I'm ecstatic about this leadership team that we have this year. And it is about collaboration. Right.

And I'm hoping that as we go on through the year, I can tap into other the other skill sets that the other members of the council that are not in leadership at this time have and find a place for you as well. I appointed Councilmember Flowers as a chair of the Finance Committee, and Councilmember Flowers served with me several years on the Finance Committee. She works in finance for a living, and I think she's going to do an awesome job as the chair.

I'm also appointing Councilmember Grant, Councilmember Thompson and Councilmember Shook to the Finance Committee. So they're there ready to get to work. And again, I'm really excited. And I just want the members of the public to know all these decisions that I made. I did not do autonomously. I did consult my colleagues and I really, really tried to identify the areas where people were most passionate and put them there.

So, you know, I think we're off to a great start in that. And I want to congratulate, even though he doesn't get sworn, sworn into later and that does oh, I have to say, it's on a record because I did see some comments and we are having this meeting at this time to accommodate us to attend the mayor's swearing in. I think, you know, we're going to work collaboratively. We should be present. And I did not think it was a good idea for me to have a council meeting at the same time that you were being sworn in.

So and in years past, organizational meetings had been early in the day, as you know, right Ms. Johnson? So and for the members of the public who are wondering, I do want to point out a slight change for January in our meeting calendar and our next regularly scheduled council meeting is not going to be until January 23rd.

The 17th is a Tuesday is a Tuesday after Dr. Martin Luther King Day. So however, we are going to do something different. I'm working with the commissioner of finance, Martinez, and the mayor to come up with a council training. I feel like the Lorman's webinars, they're okay. We're experienced council members, but most of our body here is still very new. So we're going to have a council boot camp, which would be in-person. The members of the public will be versed to that schedule. However, it will be closed. We'll be working on everything from the budget, understanding the budget to legal department, to understanding what the different city departments do to the police, to collective bargaining agreement. So this will be a eight hour boot camp that will be split up within those two weeks between that gap and the meetings.

And that concludes my comments, and I'm happy to turn it over to the first time ever, Mayor Nelson.

VI. MAYOR'S COMMENTS

Well, thank you, Chairwoman Brown, and happy New Year to everybody. And, you know, I couldn't be more thrilled. I the first time I get mayors comments, I probably keep them briefer than ever.

But I congratulations, Chris, and looking forward to working with you. And to all of my colleagues on the council and to you, Chairwoman Brown, I'm looking forward to working with all of you in your new roles.

I think it is, as we all know, an opportunity to reflect, but also an opportunity for us to march forward together. And I'm excited about doing that. I think some of the things that the Chairwoman, Brown and I have spoken about already and we've had a lot of conversations give me great hope that things are going to in order to the benefit of the City of Poughkeepsie and all of our residents.

I just want to thank the council, too, and particularly Chairwoman Brown and Councilmember Menist for helping us push through the LWRP on today's agenda. Finally, and I'm just thrilled about this, I see in the audience our development director, Natalie Quinn, is here. We in city staff have worked together on this with members of the public and members of the Council for several years. I won't belabor the point, but I think it's really a cool thing that here on the first meeting of a new year, we are adopting this.

We've come together, the council and the administration, to craft a document that I think everybody could live with. And the public's had an opportunity to make comments on it more than once.

Just, you know, for those watching at home, the adoption of the LWRP coming as it does at the beginning of the year, will enable the city to issue an RFP for development on our southern waterfront. It is a document that a policy document that will set the city in a

better stead for receiving important grants that will help us over the coming years.

And so, as I promised, I think when I made some comments a couple of months back in mayor's comments, the one change I'm going to make over what you've seen, I think, in the past is I'm going to try to limit my remarks to things that are in front of you, that are on the agenda, or we'd like to see on the agenda. And also just spend a minute of my time informing the public about why it's so important that the Council is taking the action that it is.

So today, again, the passage of the local waterfront revitalization plan is probably and I know it is, this is my seventh year here, probably one of the best ways to start a year. So thank you very much. And happy New Year, everybody.

VII. NEW & UNFINISHED BUSINESS & ANNOUNCEMENTS:

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

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS:

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

1. R-23-10, Resolution Appointing a Vice Chair to the Common Council

**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 _____.

R-23-10- VOICE VOTE			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

2. R-23-11, Resolution Setting a Public Hearing Regarding the Proposed Nomination of 299 Main Street as a Local Historic Landmark

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 _____.

R-23-11- VOICE VOTE						
			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

- 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

**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: _____

R-23-12- VOICE VOTE						
			Yes/Aye	No/Nay	Abstain	Absent
☒	Accepted	Councilmember Grant	Voter	☒	☐	☐
☐	Defeated	Councilmember Long	Voter	☐	☐	☒
☐	Tabled	Councilmember Flowers	Voter	☐	☐	☒
		Councilmember Deichler	Voter	☒	☐	☐
		Councilmember Thompson	Voter	☒	☐	☐
		Councilmember Johnson	Voter	☒	☐	☐
		Councilmember Menist	Voter	☒	☐	☐
		Councilmember Shook	Voter	☒	☐	☐
		Chairwoman Brown	Voter	☒	☐	☐

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)

**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

R-23-13- VOICE VOTE			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

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

**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 _____.

R-23-14- VOICE VOTE			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

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”

**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

O-23-01- VOICE VOTE			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

2. **LL-23-01**, Local Law Amending Chapter 18 ½ , Of The City Of Poughkeepsie Code Of Ordinances Entitled “Waterfront Consistency Review”

**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 [~~olicies~~] **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 SEQRA, the agency shall solicit and consider the recommendation of the Waterfront Advisory Committee with reference to the consistency of the proposed action by referring a copy of the completed application, CA, environmental assessment form (EAF) and all other relevant information to the Committee within 10 days of its receipt.~~]
- (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)]~~⁷ [Expedite permit procedures in order to facilitate the siting of development activities at suitable locations] **Streamline development permit procedures** (Policy 6).

~~[(11)]~~⁸ Protect ~~[, preserve and restore]~~ significant **and locally important** ~~[eoastal]~~ 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 ~~[eoastal]~~ **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]~~could damage significant fish and wildlife and their habitats (Policy 28).

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

(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 _____.

LL-23-01- VOICE VOTE			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

XII. ORDINANCES AND LOCAL LAWS:

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

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

- 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:

A motion was made by Councilmember Menist and seconded by Councilmember Johnson to adjourn the meeting at 12:42 PM.

Dated: January 6, 2023

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Tuesday, January 3, 2023.

Respectfully submitted,

**Jasmin Nicole Davis
City Chamberlain**