COMMON COUNCIL MEETING
Monday, June 5, 2023
Common Council Chambers

6:30 p.m.

I. **ROLL CALL**

II. **REVIEW OF MINUTES:**

Public Hearing Minutes – May 15, 2023
Common Council Meeting – May 15, 2023
Special Meeting Minutes – May 30, 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:**

X. **ORDINANCES AND LOCAL LAWS:**

1. **O-23-02,** Ordinance Amending §13-269 of Chapter 13 of The City of Poughkeepsie Code of Ordinances Entitled "Motor Vehicles and Traffic" - Handicapped Parking on Thompson St

ACTION AGENDA:

XI. **MOTIONS AND RESOLUTIONS:**

1. **R-23-45,** Resolution Approving Consent to One Dutchess Sewer Trans, Corp
2. **R-23-46,** Resolution Approving Consent to One Dutchess Water Works, Corp

XII. ORDINANCES AND LOCAL LAWS:

1. ***FIRST READ:*** Ordinance Deleting Section 14-3 "Flying Kites" of Chapter 14 "Offenses and Miscellaneous Provisions" of The City of Poughkeepsie Code of Ordinances

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

1. **A PRESENTATION FROM DUTCHESS COUNTY HEALTH DEPARTMENT**, Regarding the Primary Prevention Lead Program

2. **FROM VALERIE HALL,** a notice of property damage sustained on or around April 28, 2023.

3. **FROM SHAKUR PETERSON,** a notice of property damage sustained on or around May 8, 2023.

XIV. ADJOURNMENT:

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

(O-23-02)

INTRODUCED BY COUNCILMEMBER FLOWERS:

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:

THOMPSON ST., North side, beginning 95 feet East of its intersection with Smith St., and continuing East for a distance of 30 feet, for two parking spaces.

THOMPSON ST., South side, beginning 95 feet East of its intersection with Smith St., and continuing East for a distance of 30 feet, for two parking spaces.

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____:

ADDITIONS denoted by **Underlining and Bold**

MUNICIPAL CONSENT TO FORMATION OF SEWER WORKS CORPORATION

The City Council of the City of Poughkeepsie, Dutchess County, New York hereby consents to the formation of a sewer works corporation under the provisions of the Consolidated Laws of New York, Chapter 63, Article 10, Sewage-Works Corporations for the purpose of supplying the City and Town of Poughkeepsie with a sewer system; and we consent to the filing of the annexed certificate of incorporation for One Dutchess Sewer-Works Corporation upon the condition that the City or the Town shall have the irrevocable option to purchase or acquire by condemnation the sewer works system from One Dutchess Sewer-Works Corporation.

Executed on _____, 2023 at Poughkeepsie, New York

_____
Natasha Brown, Chairwoman

I hereby certify that the Consent herein was passed by the Poughkeepsie City Council on _____, 2023

_____
Jasmin Davis, City Chamberlain

I hereby certify that the foregoing Consent contains the correct text and proper procedures were followed for the Consent above referenced passed by the Poughkeepsie City Council on _____, 2023

_____
Rebecca Valk, Corporation Counsel

APPLICATION FOR MUNICIPAL CONSENT TO FORMATION OF SEWER-WORKS CORPORATION

To: The City Council for the City of Poughkeepsie, Dutchess County, New York.

One Dutchess Phase 3, LLC, One Dutchess Phase 2, LLC and The O'Neill Group-Dutton, LLC, having organized for the purpose of developing the project known as One Dutchess, Located in the Town and City of Poughkeepsie and the formation of a sewer-works corporation is required to supply the Town and City of Poughkeepsie and its inhabitants with a sewer system, hereby applies for consent to the formation of this corporation and state the following:

1. The companies who propose forming this corporation are One Dutchess Phase 3, LLC, One Dutchess Phase 2, LLC and The O'Neill Group-Dutton, LLC.
2. The proposed capital stock of the corporation is 100 shares at $1.00 per share.
3. On January 24, 2022, the undersigned filed, with Dutchess County Department of Behavioral and Community Health (DCDBCH), maps and specifications of the proposed sewer system in the Town. On September 4, 2015 maps and specifications of the proposed sewer system in the City were filed with DCDOH.
4. On January 24, 2022, DCDBCH gave its written approval to the undersigned's proposed sewer system in the Town. On September 4, 2015 DCDOH gave its written approval to the undersigned's' proposed sewer system in the City. A copy of those approvals is annexed to this application as Exhibit A.
5. The City Council of Poughkeepsie are hereby requested to consider this application to supply the City of Poughkeepsie and its inhabitants with a sewer system and to consent to the formation of the proposed corporation.

Dated: City of Hackensack, New Jersey
April 28, 2023

One Dutchess Phase 3, LLC

By Paula O'Neill

Paula O'Neill, Managing Member

Dated: City of Poughkeepsie, New York
_____, 2023

_____

Marc Nelson, Mayor

I hereby certify that the Consent herein was passed by the Poughkeepsie City Council on _____, 2023

_____

Jasmin Davis, City Chamberlain

I hereby certify that the foregoing Consent contains the correct text and proper procedures were followed for the Consent above referenced passed by the Poughkeepsie City Council on _____, 2023

_____

Rebecca Valk, Corporation Counsel

EXHIBIT A

MARCUS J. MOLINARO
COUNTY EXECUTIVE

LIVIA SANTIAGO-ROSADO, MD, FACEP
COMMISSIONER

COUNTY OF DUTCHESS
DEPARTMENT OF BEHAVIORAL & COMMUNITY HEALTH

COMMERCIAL DEVELOPMENT
NOTICE OF APPROVAL

January 24, 2022

One Dutchess Phase 3 c/o George Brandt
241 Hudson Street
Hackensack, NJ 07601

Re: "One Dutchess Phase III"
One Dutchess Avenue, Poughkeepsie, NY, 12601
Tax Map ID: 134689-6062-02-781496 & 768525 & 755495-0000
Town of Poughkeepsie
NOTICE OF APPROVAL

Dear Applicant:

The plan and engineer's report for the above referenced project is **approved effective January 21, 2022** as meeting the appropriate and applied technical standards, guidelines, policies and procedures for the arrangement of the sewage collection and water distribution system to serve the mixed-use project known as "One Dutchess Phase III".

Said approval shows the proposed configuration of water mains, water valves, hydrants, meter pits, backflow prevention devices, sanitary sewers, sanitary sewer manholes, and associated appurtenances.

This project consists of the development of vacant land to serve 84 residential units for a total of 112 bedrooms and a 4,000 sq. ft. commercial space with a use as yet to be determined. This project phase will discharge sewage to the Town Sewer District and will be supplied water from the City of Poughkeepsie Water District via existing service lines through the One Dutchess Phase 2 development.

This approval has been **granted on the following conditions:**

1. The sewage collection and water distribution systems shall be installed in complete conformity to the approved plans and report.

2. Sanitary waste shall not exceed 12,720 gpd
3. Usage of the facilities shall be as presented in the engineer's report.
4. The onsite water distribution system shall provide an adequate and safe potable water supply to all buildings. Water pressure shall be maintained per the approved plan and report and per operational standards.

The engineering section of this department requires notification of construction commencement so that, at its option, an inspection can be made. **This approval is not to be construed in any way as an authorization to operate.** Authorization to operate will be granted only after written Certification of Construction Compliance and supporting test results are received by this department from a licensed NYS design professional. When all of these conditions are complied with, authorization to operate may be requested.

Approval of the plans and amendments thereof **shall terminate** and thereafter be null and void unless construction is undertaken within **five (5) years from the date of approval.** Requests for extension or revised submission of plans and/or associated documents shall be subject to compliance with the technical standards, guidelines, policies and procedures in effect at the time of resubmission.

Two copies of the approved plans have been sent to your design engineer.

Please feel free to contact me by email or phone at (845) 486-3404 with any questions.

Regards,

Jim Teed, PE
Senior Public Health Engineer
Environmental Health Services
jwteed@dutchessny.gov

cc: Design Engineer: Dominick F. Arico, PE (w/ plans)
Building Inspector: Timothy Sickles *via email*
Planning Department: Michael Welti, AICP *via email*
Water Department: Tom Colgan *via email*
Sewer Department: Franco Zani *via email*
Engineering Department: City of Poughkeepsie *via email*
DCDBCH District Office: Poughkeepsie
File: 118974 (w/ plans)

encl: none

MARCUS J. MOLINARO
COUNTY EXECUTIVE

KARI REIBER, MD
COMMISSIONER

COUNTY OF DUTCHESS
DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL HEALTH SERVICES

September 4, 2015

SEP 08 2015

Louis Kaufman
241 Hudson St.
Hackensack, NJ 07601

Re: One Dutchess Ave. – Water Supply & Sewage Disposal
Tax Map Number: 31-6062-59-766443
City of Poughkeepsie

Dear Mr. Kaufman:

Please be advised that the plans and engineer's reports submitted to this office for the above-referenced project were approved on September 3, 2015. Said plan called for the installation of water mains, a meter pit with a pressure reducing valve and cross connection control sewer mains, a sewage pump station and appurtenances with a maximum design flow of 79,200 gallons per day (GPD). A copy of this letter and a set of approved plans have been forwarded to your engineer, Andrew B. Fetherston, P.E.

Said approval is granted on the condition that the water and wastewater improvements will be installed in complete conformity with the approved plans. Approval shall be valid for a period of five (5) years from the date of approval shown on the plans.

Please use this letter as this Department's recommendation for the issuance of a building permit by your municipality.

This approval is not to be construed in any way as an authorization to operate. Authorization to operate will be granted only after a Certification of Construction Compliance has been received from a licensed New York State Professional Engineer. The engineering section of this Department requires notification of construction commencement so that at its option, an inspection can be made. When all these conditions are complied with, authorization to operate may be requested.

If you have any questions relative to this project, feel free to contact me at 486-3404.

Very truly yours,

Daniel J. Keeler, P.E.
Senior Public Health Engineer
Environmental Health Services

DJK: ef
cc: Andrew B. Fetherston, P.E.
City of Poughkeepsie Bldg. Inspector
File 0044619 (w/plan)

☐ 223 Main Street, Beacon, New York 12508 • (845) 838-4801 • Fax (845) 838-4824
☐ 131 County House Road, Millbrook, New York 12545 • (845) 677-4001 • Fax (845) 677-4008
☑ 85 Civic Center Plaza - Suite 106, Poughkeepsie, New York 12601 • (845) 486-3404 • Fax (845) 486-3545 • TTY (845) 486-3417
HealthInfo@dutchessny.gov
www.dutchessny.gov

CERTIFICATE OF INCORPORATION
OF
ONE DUTCHESS SEWER-WORKS CORPORATION

Under Section 4002 of the Business Corporation Law

FIRST: The name of the corporation is:
ONE DUTCHESS SEWER-WORKS CORPORATION

SECOND: The purpose of the corporation is to
Provide a sewer system for the disposal of sewage through an established system of pipe lines treatment plants and other means of disposal; to erect, construct, own, maintain and operate disposal systems, including sewer pipes and other appurtenances which are used in whole or in part in connection with the collection, treatment or disposal of sewage, and other waste, including sewage pumping stations and sewage treatment and disposal plants; to own, lease, hold and maintain lands, buildings, easements chattel, franchises and appurtenances incidental to the collection, treatment and disposal of sewage or other waste.

THIRD: The county within this state in which an office of the corporation is to be located is Dutchess County. Certificates executed on behalf of the local governing body in which any portion of the sewer system provided by this corporation is situated, consenting to the formation of this corporation for the area described in the certificate of incorporation as required by Transportation Corporations Law §116, are annexed to this certificate of incorporation.

FOURTH: The corporation shall have authority to issue one class of shares consisting of 200 common shares without par value.

FIFTH: The Secretary of State is designated as agent of the corporation upon which process against the corporation may be served. The address to which the Secretary of State shall mail a copy of any process accepted on behalf of the corporation is:

One Dutchess Sewer-Works Corporation
241 Hudson Street
Hackensack, NJ 07601

Louis Kaufman, Incorporator
241 Hudson Street
Hackensack, NJ 07601

_____
Signature

MUNICIPAL CONSENT TO FORMATION OF WATER WORKS CORPORATION

The City Council of the City of Poughkeepsie, Dutchess County, New York hereby consents to the formation of a water works corporation under the provisions of the Consolidated Laws of New York, Chapter 63, Article 10, Water-Works Corporations for the purpose of supplying the City and Town of Poughkeepsie with a water system; and we consent to the filing of the annexed certificate of incorporation for One Dutchess Water-Works Corporation upon the condition that the City or the Town shall have the irrevocable option to purchase or acquire by condemnation the water works system from One Dutchess Water-Works Corporation.

Executed on _____, 2023 at Poughkeepsie, New York

_____

Natasha Brown, Chairwoman

I hereby certify that the Consent herein was passed by the Poughkeepsie City Council on _____, 2023

_____

Jasmin Davis, City Chamberlain

I hereby certify that the foregoing Consent contains the correct text and proper procedures were followed for the Consent above referenced passed by the Poughkeepsie City Council on _____, 2023

_____

Rebecca Valk, Corporation Counsel

EXHIBIT A

MARCUS J. MOLINARO
COUNTY EXECUTIVE

LIVIA SANTIAGO-ROSADO, MD, FACEP
COMMISSIONER

COUNTY OF DUTCHESS
DEPARTMENT OF BEHAVIORAL & COMMUNITY HEALTH

COMMERCIAL DEVELOPMENT
NOTICE OF APPROVAL

January 24, 2022

One Dutchess Phase 3 c/o George Brandt
241 Hudson Street
Hackensack, NJ 07601

Re: "One Dutchess Phase III"
One Dutchess Avenue, Poughkeepsie, NY, 12601
Tax Map ID: 134689-6062-02-781496 & 768525 & 755495-0000
Town of Poughkeepsie
NOTICE OF APPROVAL

Dear Applicant:

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Said approval shows the proposed configuration of water mains, water valves, hydrants, meter pits, backflow prevention devices, sanitary sewers, sanitary sewer manholes, and associated appurtenances.

This project consists of the development of vacant land to serve 84 residential units for a total of 112 bedrooms and a 4,000 sq. ft. commercial space with a use as yet to be determined. This project phase will discharge sewage to the Town Sewer District and will be supplied water from the City of Poughkeepsie Water District via existing service lines through the One Dutchess Phase 2 development.

This approval has been **granted on the following conditions:**

1. The sewage collection and water distribution systems shall be installed in complete conformity to the approved plans and report.

2. Sanitary waste shall not exceed 12,720 gpd
3. Usage of the facilities shall be as presented in the engineer's report.
4. The onsite water distribution system shall provide an adequate and safe potable water supply to all buildings. Water pressure shall be maintained per the approved plan and report and per operational standards.

The engineering section of this department requires notification of construction commencement so that, at its option, an inspection can be made. **This approval is not to be construed in any way as an authorization to operate.** Authorization to operate will be granted only after written Certification of Construction Compliance and supporting test results are received by this department from a licensed NYS design professional. When all of these conditions are complied with, authorization to operate may be requested.

Approval of the plans and amendments thereof **shall terminate** and thereafter be null and void unless construction is undertaken within **five (5) years from the date of approval**. Requests for extension or revised submission of plans and/or associated documents shall be subject to compliance with the technical standards, guidelines, policies and procedures in effect at the time of resubmission.

Two copies of the approved plans have been sent to your design engineer.

Please feel free to contact me by email or phone at (845) 486-3404 with any questions.

Regards,

Jim Teed, PE
Senior Public Health Engineer
Environmental Health Services
jwteed@dutchessny.gov

cc: Design Engineer: Dominick F. Arico, PE (w/ plans)
Building Inspector: Timothy Sickles *via email*
Planning Department: Michael Welti, AICP *via email*
Water Department: Tom Colgan *via email*
Sewer Department: Franco Zani *via email*
Engineering Department: City of Poughkeepsie *via email*
DCDBCH District Office: Poughkeepsie
File: 118974 (w/ plans)

encl: none

MARCUS J. MOLINARO
COUNTY EXECUTIVE

KARI REIBER, MD
COMMISSIONER

COUNTY OF DUTCHESS
DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL HEALTH SERVICES

September 4, 2015

SEP 08 2015

Louis Kaufman
241 Hudson St.
Hackensack, NJ 07601

Re: One Dutchess Ave. – Water Supply & Sewage Disposal
Tax Map Number: 31-6062-59-766443
City of Poughkeepsie

Dear Mr. Kaufman:

Please be advised that the plans and engineer's reports submitted to this office for the above-referenced project were approved on September 3, 2015. Said plan called for the installation of water mains, a meter pit with a pressure reducing valve and cross connection control sewer mains, a sewage pump station and appurtenances with a maximum design flow of 79,200 gallons per day (GPD). A copy of this letter and a set of approved plans have been forwarded to your engineer, Andrew B. Fetherston, P.E.

Said approval is granted on the condition that the water and wastewater improvements will be installed in complete conformity with the approved plans. Approval shall be valid for a period of five (5) years from the date of approval shown on the plans.

Please use this letter as this Department's recommendation for the issuance of a building permit by your municipality.

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If you have any questions relative to this project, feel free to contact me at 486-3404.

Very truly yours,

Daniel J. Keeler, P.E.
Senior Public Health Engineer
Environmental Health Services

DJK: ef
cc: Andrew B. Fetherston. P.E.
City of Poughkeepsie Bldg. Inspector
File 0044619 (w/plan)

☐ 223 Main Street, Beacon, New York 12508 • (845) 838-4801 • Fax (845) 838-4824
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☑ 85 Civic Center Plaza - Suite 106, Poughkeepsie, New York 12601 • (845) 486-3404 • Fax (845) 486-3545 • TTY (845) 486-3417
HealthInfo@dutchessny.gov
www.dutchessny.gov

APPLICATION FOR MUNICIPAL CONSENT TO FORMATION OF WATER-WORKS CORPORATION

To: The City Council for the City of Poughkeepsie, Dutchess County, New York.

One Dutchess Phase 3, LLC, One Dutchess Phase 2, LLC and The O'Neill Group-Dutton, LLC, having organized for the purpose of developing the project known as One Dutchess, Located in the Town and City of Poughkeepsie and the formation of a water-works corporation is required to supply the Town and City of Poughkeepsie and its inhabitants with a water system, hereby applies for consent to the formation of this corporation and state the following:

1. The companies who propose forming this corporation are One Dutchess Phase 3, LLC, One Dutchess Phase 2, LLC and The O'Neill Group-Dutton, LLC.
2. The proposed capital stock of the corporation is 100 shares at no par value.
3. On January 24, 2022, the undersigned filed, with Dutchess County Department of Behavioral and Community Health (DCDBCH), maps and specifications of the proposed water system in the Town. On September 4, 2015 maps and specifications of the proposed water system in the City were filed with DCDOH.
4. On January 24, 2022, DCDBCH gave its written approval to the undersigned's proposed water system in the Town. On September 4, 2015 DCDOH gave its written approval to the undersigned's' proposed water system in the City. A copy of those approvals is annexed to this application as Exhibit A.
5. The City Council of Poughkeepsie are hereby requested to consider this application to supply the Town of Poughkeepsie and its inhabitants with a water system and to consent to the formation of the proposed corporation.

Dated: City of Hackensack, New Jersey
April 28, 2023

One Dutchess Phase 3, LLC
One Dutchess Phase 2, LLC
The O'Neill Group-Dutton, LLC
By: Paula O'Neill
Paula O'Neill, Managing Member

Dated: City of Poughkeepsie, New York
_____, 2023

_____
Marc Nelson, Mayor

I hereby certify that the Consent herein was passed by the Poughkeepsie City Council on _____, 2023

_____
Jasmin Davis, City Chamberlain

I hereby certify that the foregoing Consent contains the correct text and proper procedures were followed for the Consent above referenced passed by the Poughkeepsie City Council on _____, 2023

_____
Rebecca Valk, Corporation Counsel

ORDINANCE DELETING SECTION 14-3 "FLYING KITES" OF CHAPTER 14 "OFFENSES AND MISCELLANEOUS PROVISIONS" OF THE CITY OF POUGHKEEPSIE CODE OF ORDINANCES

(O-23-##)

INTRODUCED BY COUNCILMEMBER THOMPSON:

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

SECTION 1: §14-3 is hereby deleted from the City Code of Ordinances:

~~Section 14-3 **Flying kites.**~~
~~[Ord. of 2-4-1929, § 11]~~
~~No person shall raise or fly any kite in any of the streets of the City.~~

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____:

ADDITIONS denoted by **Underlining and Bold**

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: 05/11/2023

NAME AND ADDRESS OF EACH CLAIMANT:

VALERIE HALL
120 Morgan Court APT. 2F
Poughkeepsie NY 12601

TELEPHONE NUMBER: 845-380-9115

NAME AND ADDRESS OF ATTORNEY (IF ANY):

CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN
2023 MAY 12 PM 12:30

DESCRIBE WHAT HAPPENED AND AMOUNT CLAIMED (PLEASE STATE DATE, TIME, LOCATION, AND MANNER IN WHICH CLAIM AROSE): The amount claimed is $1,233.0
Valerie Hall
On April 28, 2023 at around 9:20 PM, I was on my way to work, leavin
Tubman Terrence closet at Pine St/Williams ST Accross from the Poughke
-sie Pubic Library (Adreanne memorial library) When I turn I ran over a manhole
Causing the pipe and shield under neath my 2016 Honda CIVIC damaged.
ITEMS DAMAGED OR INJURIES SUSTAINED: the police was notified. Police officer
name is JAMES Simmons Badge# 20
(23-10820)

FLEX PIPE For my Car
SAFETY SHIELD For my Car

Valerie Hall
Signature of Claimant

Signature of Claimant

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

Valerie Hall 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
11 day of MAY 2023

Notary Public

CAROLYN M. HAINES
Notary Public - State of New York
No. 01HA6281157
Qualified in Dutchess County
My Commission Expires May 13, 2025

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.

Valerie Hall

120 Morgan Court Apt.

Poughkeepsie, NY, 12601

Junniemartin71@gmail.com

845-380-9115

05/11/2023

City Chamberlain of Poughkeepsie

62 Civic Center Plaza

Poughkeepsie, NY 12601

Subject: Complaint and Request for Assistance Regarding Damages to My Vehicle

Dear City Chamberlain and Common Council Members,

I hope this letter finds you in good health and high spirits. I am writing to bring to your attention an unfortunate incident that occurred on April 28, 2023, at approximately 9:20 PM. I, Valerie Hall, was on my way to work, leaving Tubman Terrace close to Pine St/Williams St, across from the Poughkeepsie Public Library (Adrianne Memorial Library), when I ran over a manhole, resulting in severe damage to my Honda Civic's pipe and shield.

Immediately following the incident, I promptly notified the police, and Officer James Simmons, badge #30, attended the scene. Officer Simmons provided me with the reference number 23-10830, which I have included for your reference. I have also attached copies of the police officer's information, the estimate of damages, and photographs depicting the damage sustained by my vehicle.

The incident has caused significant inconvenience and financial burden. As a responsible citizen, I believe it is crucial to bring such matters to the attention of the local authorities, with the hope that appropriate actions will be taken to rectify the situation and prevent similar incidents from occurring in the future.

I kindly request that you investigate the matter and provide me with assistance in addressing the damages caused to my vehicle. Additionally, I encourage the City Chamberlain and the Common Council

to consider conducting an evaluation of the overall condition of the manholes in our city, with the aim of ensuring the safety of both pedestrians and drivers.

Furthermore, I would greatly appreciate any guidance or information regarding the appropriate steps to be taken to file a claim for the damages incurred. Your support and cooperation in this matter would be highly valued.

Thank you for your attention to this matter. I eagerly await your prompt response and look forward to a satisfactory resolution to this issue. Should you require any further information or clarification, please do not hesitate to contact me at the provided phone number or email address.

Yours sincerely,

Valerie Hall

X Valerie Hall

Top Notch Automotive
11 DELAVERGNE AVE
WAPPINGERS FALLS, NY. 12590
(845) 218-9466

ESTIMATE #1733

topnotchauto845@gmail.com

BAR# 7123931

CUSTOMER:	VALERIE VICTORIA 120 MORGAN CT POUGHKEEPSIE, NY. 12601	YEAR:	2016	TRANS/DRIVE:	ECVT E/
		MAKE/MODEL:	HONDA CIVIC EX	LICENSE/STATE:	/NY
Cell:	(845) 380-9115	VIN:	2HGFC3B31GH360153	MILES IN/MILES	/
		ENGINE:	1.5L I4 F DOHC		

In: 5/1/2023 Out: 5/2/2023

VEHICLE ISSUE #1: CUSTOMER STATES HIT MANHOLE				
PART: 12588032125	FLEX PIPE	1 @ $299.65	$299.65	NEW
PART: 258966	SAFETY SHIELD	1 @ $368.22	$368.22	NEW
LABOR: TABER, R	REPLACE FLEX PIPE		$367.50	LABOR
LABOR: TABER, R	REPLACE SAFETY SHIELD		$105.00	LABOR

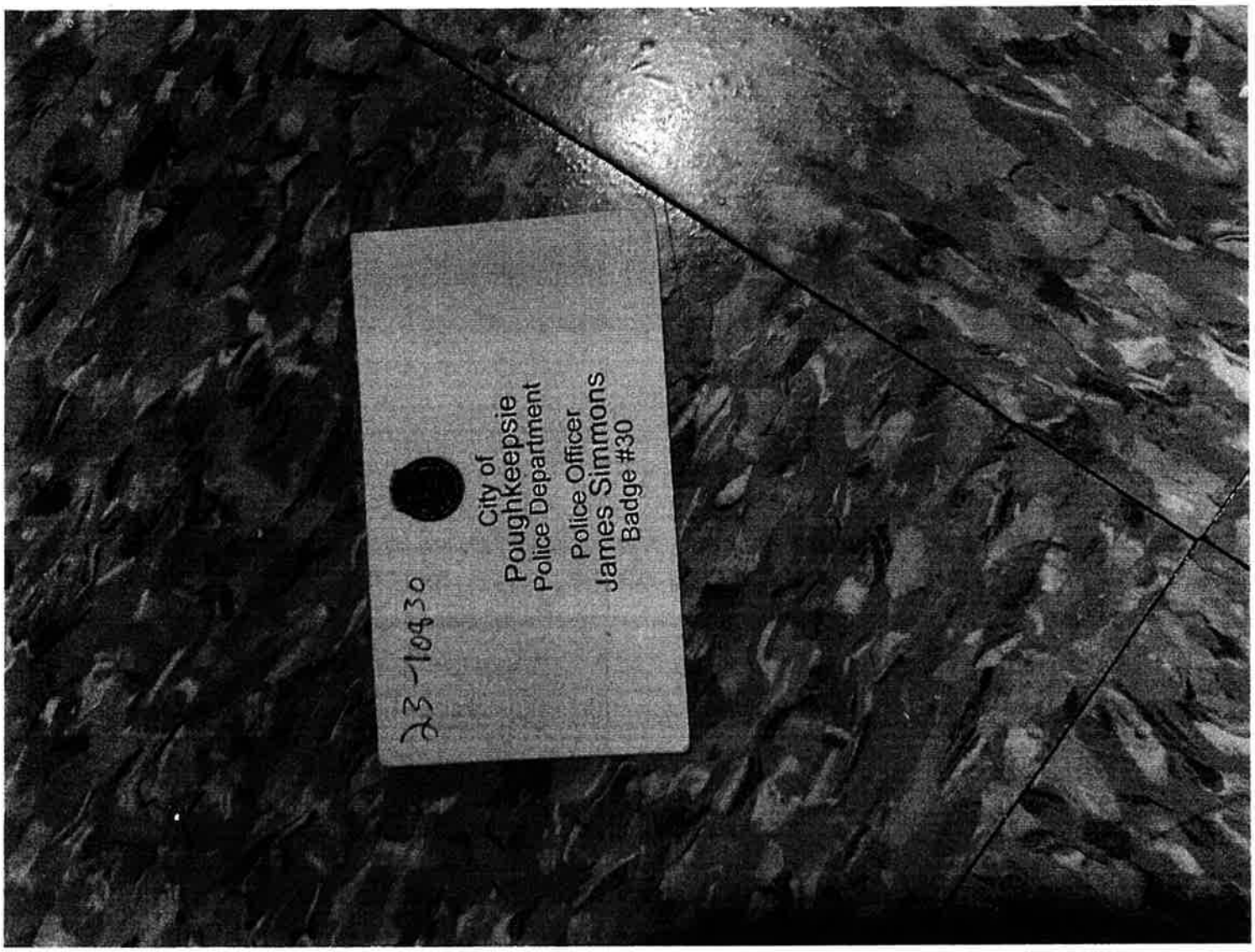
Recommended Repairs:

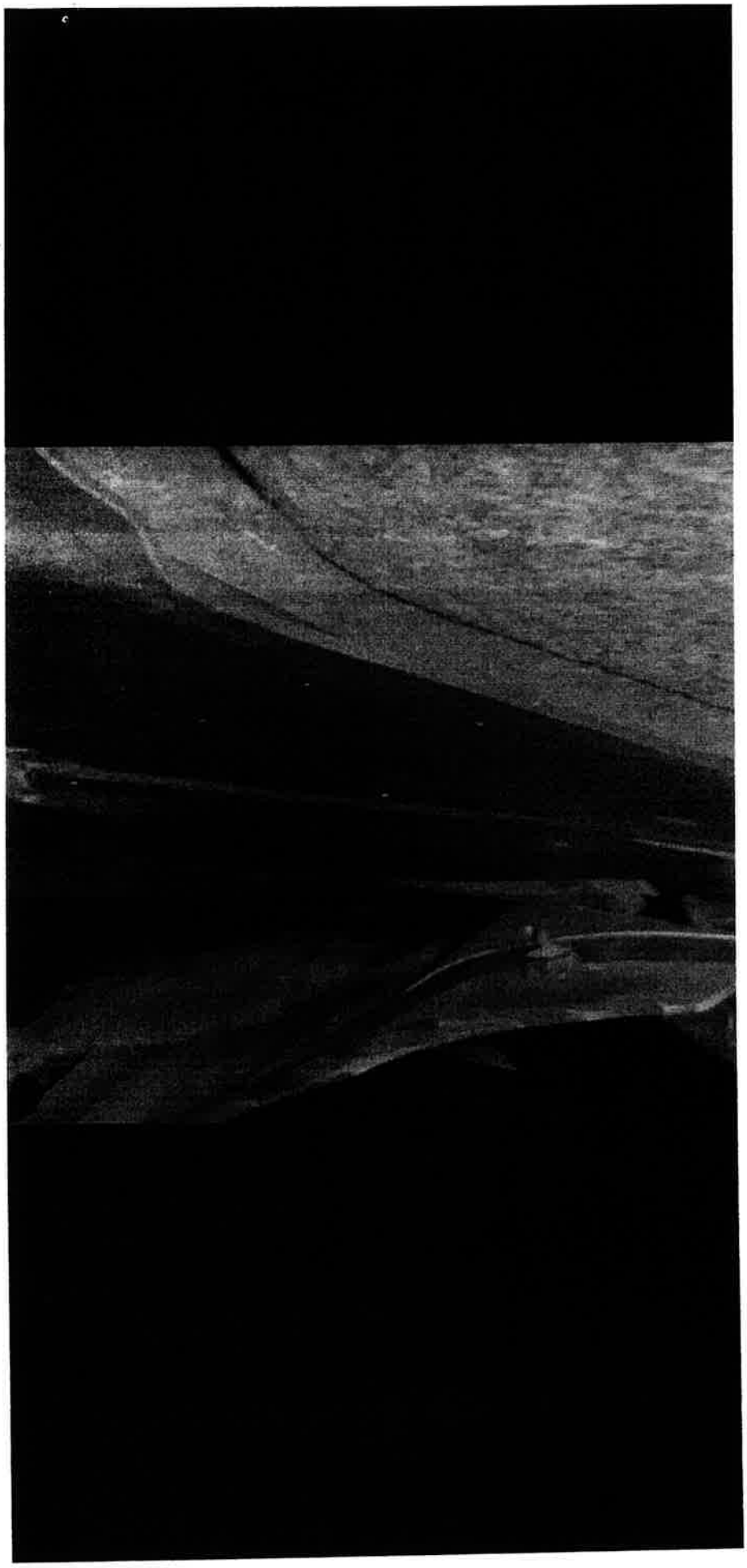
Warranty: From the date of delivery for a period of 3 months or 3000 miles, whichever comes first, this firm will repair free of charge any defects in material and workmanship to the repairs stated on the invoice. All work to be done in our shop only. This does not include towing charges or customer supplied parts. A storage fee of 0.00 per day will be charged 24 hours after notification that work is complete. Neglect/abuse of vehicle will immediately void any and all warranties.

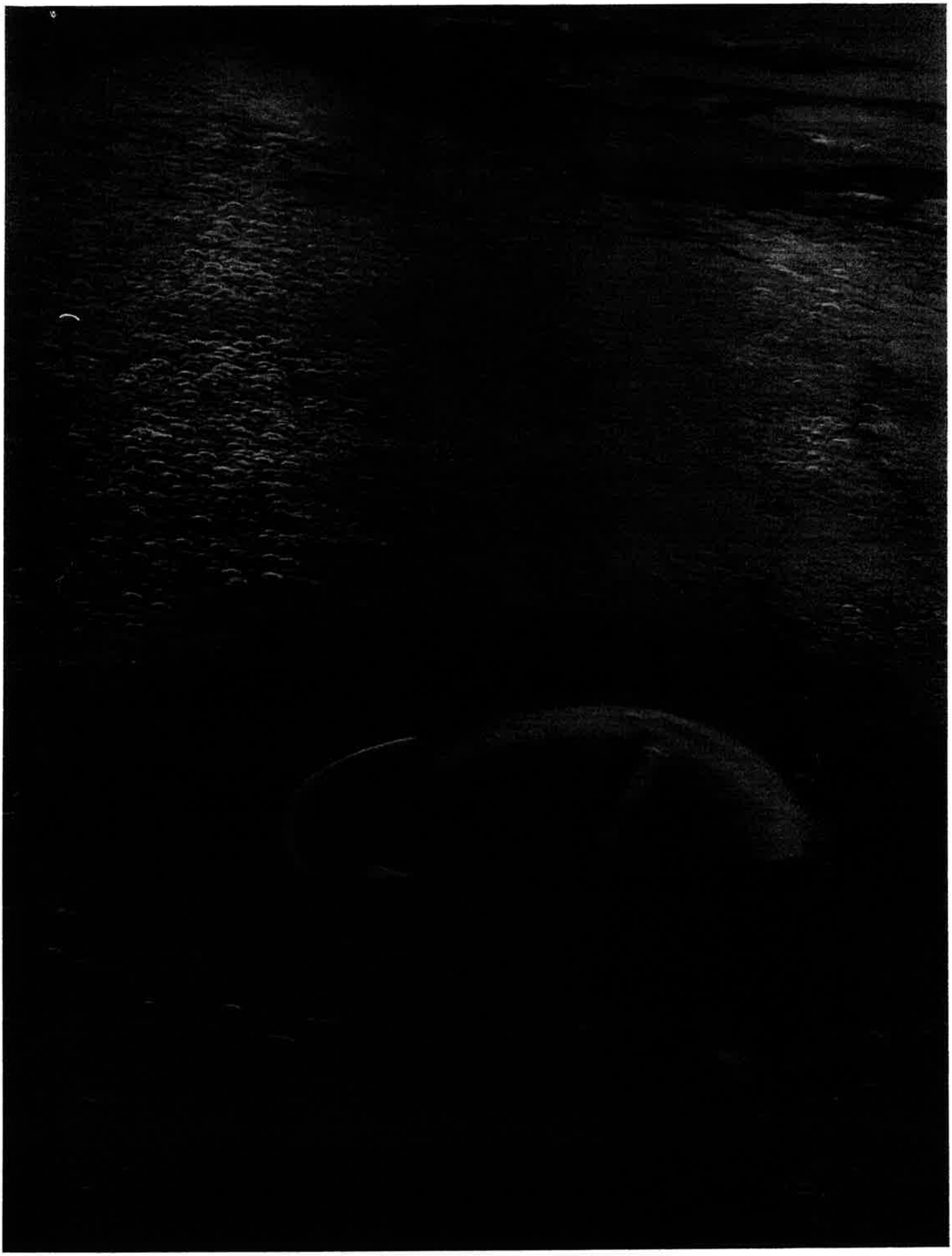
Labor/Jobs	$472.50
Parts	$667.87
Sublet	$0.00
Total Fees	$0.00
Subtotal	$1,140.37
Tax @ 8.125%	$92.65
Total	$1,233.02
Payments	$0.00
Balance	$1,233.02

Replaced parts may be requested by customer. I hereby authorize the above repair work to be done along with all necessary materials. You and your employees may operate the above vehicle for the purposes of testing, inspection or delivery at my risk. An express mechanic's lien is acknowledged on the above vehicle to secure the amount of repairs thereto. The shop will not be held responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft, accident or any other cause beyond your control. In the event legal action is necessary to enforce this contract, I understand that I am solely responsible for all costs including attorney's fees and court costs. I have read the above and acknowledge receipt of an estimate.

X_____ Date 5/2/2023


23-10430
City of
Poughkeepsie
Police Department
Police Officer
James Simmons
Badge #30





PLEASE PRINT OR TYPE FORM CLEARLY

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

NOTICE OF CLAIM
AGAINST
THE CITY OF POUGHKEEPSIE, NEW YORK

CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN
2023 JUN -1 PM 3:26

TODAY'S DATE: 6/1/2023

NAME AND ADDRESS OF EACH CLAIMANT:
Shakur Peterson
3 Claudia Lane Poughkeepsie, NY 12603

TELEPHONE NUMBER: 845-702-6247

NAME AND ADDRESS OF ATTORNEY (IF ANY):

DESCRIBE WHAT HAPPENED AND AMOUNT CLAIMED (PLEASE STATE DATE, TIME, LOCATION, AND MANNER IN WHICH CLAIM AROSE): City of PK Police offic in a marked police vehicle attempted a K-turn & ended up backing into my parked car.

ITEMS DAMAGED OR INJURIES SUSTAINED:
Car Damage + Deductible + Rental cost
2,093.43 + 500 + 402.64 = $2,996.07

Signature of Claimant

Signature of Claimant

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

Shakur Peterson 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
1st day of June, 2023

Notary Public

CAROL NICHOLSON
NOTARY PUBLIC, State of New York
No. 04NI6182576
Qualified in Dutchess County
Commission Expires 2/25/2024

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.

Page 1 of 1 Pages

New York State Department of Motor Vehicles

POLICE ACCIDENT REPORT

MV-104A (6/04)

Local Codes: 23-11646 / Q30999GQ5HSD

☐ AMENDED REPORT

19: 4

Accident Date (Month / Day / Year)	Day of Week	Military Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene / Accident Reconstructed	Left Scene	Police Photos
5 / 8 / 2023	MONDAY	10:26	2	0	0	☐ / ☐	☐	☑ Yes ☐ No

20: –

VEHICLE 1

2	3	4	5	6	7
–	7	1	1	1	1

- VEHICLE 1- Driver License ID Number: 000000000
- State of Lic.: NY
- Driver Name - exactly as printed on license: SANTIAGO, RICHARD D
- Address (Include Number and Street): 62 CIVIC CENTER PLAZA
- Apt. No.:
- City or Town: POUGHKEEPSIE
- State: NY
- Zip Code: 12601
- Date of Birth (Month / Day / Year): 5 / 8 / 1993
- Sex: M
- Unlicensed: ☐
- No. of Occupants: 01
- Public Property Damaged: ☐
- Name - exactly as printed on registration: CITY OF POUGHKEEPSIE,
- Sex: C
- Date of Birth (Month / Day / Year):
- Address (Include Number and Street): 26 HOWARD ST
- Apt. No.:
- Haz. Mat Code: –
- Released: ☐
- City or Town: POUGHKEEPSIE
- State: NY
- Zip Code: 12601
- Plate Number: 19
- State of Reg.: NY
- Vehicle Year & Make: FORD
- Vehicle Type: SUBN
- Ins. Code: 238
- Ticket/Arrest Number(s):
- Violation Section(s):

Check if involved vehicle is:
- ☐ more than 95 inches wide;
- ☐ more than 34 feet long;
- ☐ operated with an overweight permit;
- ☐ operated with an overdimension permit.

VEHICLE 1 DAMAGE CODES

	1	2
Box 1 - Point of Impact	9	
Box 2 - Most Damage		18
Enter up to three more damage codes	3	4	5

Vehicle By: Towed To:

VEHICLE 2

2	3	4	5	6	7
–	2	3	1	2	5

☑ VEHICLE 2 ☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN

- VEHICLE 2- Driver License ID Number:
- State of Lic.:
- Driver Name - exactly as printed on license: PARKED,
- Address (Include Number and Street):
- Apt. No.:
- City or Town:
- State:
- Zip Code:
- Date of Birth (Month / Day / Year):
- Sex:
- Unlicensed: ☐
- No. of Occupants: 00
- Public Property Damaged: ☐
- Name - exactly as printed on registration: PETERSON, SHAKUR K
- Sex: M
- Date of Birth (Month / Day / Year): 8 / 22 / 1987
- Address (Include Number and Street): 3 CLAUDIA LANE
- Apt. No.:
- Haz. Mat Code: –
- Released: ☐
- City or Town: POUGHKEEPSIE
- State: NY
- Zip Code: 12603
- Plate Number: GMA4251
- State of Reg.: NY
- Vehicle Year & Make: 2012 ACUR
- Vehicle Type: 2DSD
- Ins. Code: 349
- Ticket/Arrest Number(s):
- Violation Section(s):

Check if involved vehicle is:
- ☐ more than 95 inches wide;
- ☐ more than 34 feet long;
- ☐ operated with an overweight permit;
- ☐ operated with an overdimension permit.

VEHICLE 2 DAMAGE CODES

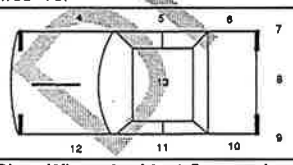
	1	2
Box 1 - Point of Impact	1	
Box 2 - Most Damage		1
Enter up to three more damage codes	3	4	5

Vehicle By: Towed To:

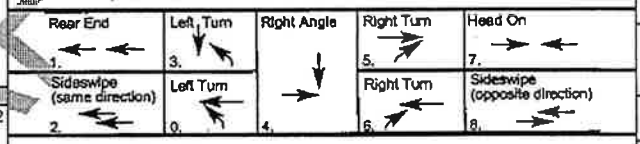
VEHICLE DAMAGE CODING:

1-13 SEE DIAGRAM ON RIGHT.

14. UNDERCARRIAGE
15. TRAILER
16. OVERTURNED
17. DEMOLISHED
18. NO DAMAGE
19. OTHER



Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles.



26: 10

ACCIDENT DIAGRAM

9.

27: 1

Cost of repairs to any one vehicle will be more than $1000.

☑ Unknown/Unable to determine ☐ Yes ☐ No

28: 1

Reference Marker	Coordinates (if available)
	Latitude/Northing
	Longitude/Easting

Place Where Accident Occurred:

County: DUTCHESS ☑ City ☐ Village ☐ Town of: POUGHKEEPSIE

Road on which accident occurred: MAIN ST (Route Number or Street Name)

at 1) intersecting street (Route Number or Street Name)

or 2) 50 feet miles ☐ N ☐ S ☑ E ☐ W of MARKET ST (Milepost, Nearest intersecting Route Number or Street Name)

29:

Accident Description/Officer's notes

30:

v1 IS A MARKED POLICE VEHICLE. THE OPERATOR IS A UNIFORMED POLICE OFFICER WITH THE CITY OF POUGHKEEPSIE POLICE DEPARTMENT. OFFICER STATES HE WAS WESTBOUND ON MAIN ST WHEN HE RECEIVED A CALL FOR SERVICE THE OPPOSITE DIRECTION. HE ATTEMPTED A K-TURN. WHILE BACKING, HE BACKED INTO THE LEFT FRONT CORNER OF V2, WHICH WAS PARKED FACING WEST. DAMAGE TO V2, NO DAMAGE TO V1, NO INJURIES. PHOTOS OF BOTH VEHICLES TAKEN.

ALL INVOLVED

	8	9	10	11	12	13	14	15	16	17 BY			
A	1	1	4	1	30	M	–	–	–			SANTIAGO, RICHARD D	
B													
C													
D													
E													
F													

Officer's Rank and Signature	Badge/ID No.	NCIC No.	Precint/Post Troop/Zone	Station/Beat Sector	Reviewing Officer	Date/Time Reviewed
SERGEANT [signature]	5000	01302				
Print Name in Full: WILLIAM BADNER						

CALIBER - POUGHKEEPSIE

RESTORING THE RHYTHM OF YOUR LIFE
487 Haight Avenue, Poughkeepsie, NY 12603
Phone: (845) 486-7500
FAX: (845) 486-7673

Workfile ID:	d0852c1b
Federal ID:	33-0730794
State ID:	7124485
Federal EPA:	CESQG

Estimate of Record

Customer: Peterson, Shakur

Written By: Tiffany Depolo, IA-1398067, 5/15/2023 5:35:45 PM
Adjuster: Moncada, Gustavo, (800) 531-8722 Business

Insured:	Peterson, Shakur	Policy #:	025156266-7103	Claim #:	025156266000000800001
Type of Loss:	Collision	Date of Loss:	5/8/2023 10:26 AM	Days to Repair:	0
Point of Impact:	10 Left Front Pillar				

Owner:
Peterson, Shakur
3 CLAUDIA LN
POUGHKEEPSIE, NY 12603-5605
(845) 702-6247 Cell

Inspection Location:
CALIBER - POUGHKEEPSIE
487 Haight Avenue
Poughkeepsie, NY 12603
Repair Facility
(845) 486-7500 Business
Date Inspected: 5/15/2023

Insurance Company:
USAA GENERAL INDEMNITY COMPANY
DRP-1801
Visit us at USAA.com or Call #8722
P.O. Box 33490
San Antonio, TX 78265
(800) 531-8722 Business

VEHICLE

2012 ACUR TL Tech Automatic AWD w/Super Handling 4D SED 6-3.7L Gasoline Electronic Fuel Injection gold

VIN:	19UUA9F57CA004262	Interior Color:		Mileage In:	151,251	Vehicle Out:	
License:	GMA4251	Exterior Color:	gold	Mileage Out:			
State:	NY	Production Date:	10/2011	Condition:	Good	Job #:	

TRANSMISSION
Automatic Transmission
4 Wheel Drive
POWER
Power Steering
Power Brakes
Power Windows
Power Locks
Power Mirrors
Heated Mirrors
Power Driver Seat
Power Passenger Seat
Memory Package
DECOR
Dual Mirrors
Console/Storage
CONVENIENCE
Air Conditioning
Intermittent Wipers
Tilt Wheel
Cruise Control
Rear Defogger
Keyless Entry
Alarm
Message Center
Steering Wheel Touch Controls
Telescopic Wheel
Climate Control
Navigation System
Backup Camera
Home Link
RADIO
AM Radio
FM Radio
Stereo
Search/Seek
CD Player
Auxiliary Audio Connection
Premium Radio
Satellite Radio
SAFETY
Drivers Side Air Bag
Passenger Air Bag
Anti-Lock Brakes (4)
4 Wheel Disc Brakes
Front Side Impact Air Bags
Head/Curtain Air Bags
Hands Free Device
ROOF
Electric Glass Sunroof
SEATS
Bucket Seats
Leather Seats
Heated Seats
WHEELS
Aluminum/Alloy Wheels
PAINT
Clear Coat Paint
OTHER
Fog Lamps
Traction Control
Stability Control
Rear Spoiler
Signal Integrated Mirrors
Xenon or L.E.D. Headlamps
Power Trunk/Liftgate

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Customer: Peterson, Shakur

2012 ACUR TL Tech Automatic AWD w/Super Handling 4D SED 6-3.7L Gasoline Electronic Fuel Injection gold

39	#	Refn	Color Tint						0.5
			Note: will need to blend fender and door						
40	#	Repl	Flex Additive	1		6.00	T		
			Note: Required to be added to paint material for this flexible component to avoid damage during handling						
41	#		Mask Jambs, Opening, Entry	1		12.00	X	0.3	
42	#	Rpr	Measure to Identify					1.0	
			Note: tram front end due to impact						
43			OTHER CHARGES						
44	#		E.P.C.	1		3.00			
			SUBTOTALS			**1,121.35**		**10.7**	**7.4**

NOTES

Estimate Notes:
** Estimate, DTP On File, Please Pay Shop **
DR-5/15
DI-5/15
SCHD: not yet
ERT: 12
EDT: 9
DRV- yes
PRODUCTION DATE: 10/11
Vehicle owner emailed damage report and QRP brochure by Center prior to repairs.
Prior Damage: rt light

Prior Damage Notes:
INSURED DENIED UPD IN THE AREA THERE IS DAMAGE

ESTIMATE TOTALS

Category	Basis		Rate	Cost $
Parts				1,078.45
Body Labor	10.7 hrs	@	$ 58.00 /hr	620.60
Paint Labor	7.4 hrs	@	$ 58.00 /hr	429.20
Paint Supplies	7.4 hrs	@	$ 36.00 /hr	266.40
Miscellaneous				39.90
Other Charges				3.00
Pre-Tax Discount			-1.6 %	-39.00
Subtotal				2,398.55
Sales Tax	$ 2,398.55	@	8.1250 %	194.88
Grand Total				**2,593.43**
Deductible				500.00
CUSTOMER PAY				**500.00**
INSURANCE PAY				**2,093.43**

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Customer: Peterson, Shakur

2012 ACUR TL Tech Automatic AWD w/Super Handling 4D SED 6-3.7L Gasoline Electronic Fuel Injection gold

sheet metal replacement parts.

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

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

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

Customer: Peterson, Shakur

2012 ACUR TL Tech Automatic AWD w/Super Handling 4D SED 6-3.7L Gasoline Electronic Fuel Injection gold

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

Curb the High Cost of Vehicle Repairs With USAA's Quality Replacement Parts Program

The following information summarizes USAA's Quality Replacement Parts program.

Rising repair costs impact auto insurance rates. To manage these costs, USAA offers the Quality Replacement Parts (QRP) program. Using the QRP program helps keep vehicle repairs competitive in terms of price while maintaining quality.

The QRP program includes parts for a repair when they are of like kind and quality and readily available. These parts may include new or recycled non-Original Equipment Manufacturer (OEM), recycled OEM, rebuilt and remanufactured parts. QRP parts are generally offered on vehicles older than two years from the date of production and are clearly identified on the damage report. If an owner requests, we will include QRP parts on vehicles produced within the past two years. USAA complies with all applicable state laws in the application of its QRP program.

When damaged in a covered loss, if your vehicle has glass that is not branded for or by your vehicle manufacturer, we may include the same type of glass whenever replacement is necessary. However, if your vehicle glass is branded for or by your vehicle manufacturer, you have the choice to replace the glass with the same branded glass when replaced within two years from the vehicle's date of production. All replacement glass and lighting included in a damage report will meet the U.S. Department of Transportation Society of Automotive Engineers' (DOT/SAE) federal safety standards.

We are confident you will receive a quality repair with these parts and would like you to feel the same. Therefore, we offer a limited warranty.

USAA warrants QRP parts identified in our damage report and installed during vehicle repairs. These parts will be like kind and quality to the function, fit, finish and corrosion protection of the damaged parts they replace, or the parts will be repaired or replaced at no cost to you. Our warranty on sheet metal and plastic replacement body parts is valid for the period of time equal to the remainder of the original manufacturer's warranty or three years from the date of the repair, whichever is greater. Our warranty on mechanical parts will be equal to the warranty period provided by an authorized original manufacturer for those parts when provided through your manufacturer's distributor as replacement parts. The USAA warranty on replacement parts automatically transfers with ownership of the vehicle.

Excluded from this warranty is normal wear and tear and damage caused by accident, abuse,

Customer: Peterson, Shakur

2012 ACUR TL Tech Automatic AWD w/Super Handling 4D SED 6-3.7L Gasoline Electronic Fuel Injection gold

Q. If I am dissatisfied with a non-OEM part used in my vehicle repair, who do I call?
A. If you experience a problem, call your claims advisor. We will work with the repair shop and the parts supplier to correct the problem at no cost to you, so long as the part is still under USAA's warranty.

Q. Will using a non-OEM part void the warranty on my vehicle?
A. The overall warranty on your vehicle will not be adversely affected. QRP parts included in your vehicle's repair will carry USAA's Limited Parts Warranty. It is equal to or better than the warranty provided by the distributor for new OEM parts.

Q. What should I do if my repair shop refuses to use QRP parts?
A. Your repair shop has the right to conduct its business the way it chooses and can charge you more than the reasonable and competitive cost for the repair; so, you will have to choose where and how your vehicle will be repaired. If you choose not to use another repairer and/or your shop refuses to use QRP parts, you will have to pay any difference in the final repair cost.

USAA Claims Philosophy
It is the policy of USAA to handle all claims with fairness and integrity, exercising the highest standards of ethical and professional conduct while transacting claims business. We will provide timely and responsive service, with full recognition of our obligations to the insureds and the public.

If you have questions about the program or warranty, log on to http://usaa.com or call 1-800-531-USAA (8722).

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Customer: Peterson, Shakur

2012 ACUR TL Tech Automatic AWD w/Super Handling 4D SED 6-3.7L Gasoline Electronic Fuel Injection gold

ALTERNATE PARTS USAGE

2012 ACUR TL Tech Automatic AWD w/Super Handling 4D SED 6-3.7L Gasoline Electronic Fuel Injection gold

VIN:	19UUA9F57CA004262	Interior Color:		Mileage In:	151,251	Vehicle Out:
License:	GMA4251	Exterior Color:	gold	Mileage Out:		
State:	NY	Production Date:	10/2011	Condition:	Good	Job #:

Alternate Part Type	Selection Method	# Of Times Notified Of Available Parts	# Of Parts Selected
Aftermarket	Automatically List	1	1
Optional OEM	Automatically List	0	0
Reconditioned	Automatically List	0	0
Recycled	N/A	2	2

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enterprise

Rental Agreement Summary
RA#: 9VXXHX
Renter: SHAKUR K PETERSON
Billing Cycle: CALENDAR DAY

Dates & Times

Location

Pick up

Thursday, May 25, 2023 4:38 PM
Start Charges:
Thursday, May 25, 2023 4:38 PM

696 DUTCHESS TPKE
SUITE B
POUGHKEEPSIE,
NY 12603-6445
(845) 485-2222

Anticipated Return

Monday, June 5, 2023 11:59 PM

696 DUTCHESS TPKE
SUITE B
POUGHKEEPSIE,
NY 12603-6445
(845) 485-2222

Vehicle

2021 CHEV EQUI 1LT4 BLACK
VIN: 2GNAXUEV5M6104645
License: NJ R30RTJ
Vehicle: 7TXYLQ

Pickup:
05/25/2023 @ 4:38 PM
ODO:52168 Fuel:14.4g

Vehicle Condition:

leftQuarterPanel
Other:
dent:
scratch:
frontBumper
alignment:
rightRearDoor
scratch:

Summary of Charges

Estimated Bill-To

USAA STARS
Reference: 025156266-800

Pays:100.0%	**$30.00 / Day**	**$900.0 MAX / Rental**

Charges	Price/Unit	Total
TIME & DISTANCE 5/25/23-6/5/23	$24.97 / Day	$299.69
CAR RENTAL SALES TAX (12%)	12%	$35.96
SALES TAX (8.125%)	8.125%	$24.35
Subtotal		($360.00)

Estimated Renter Charges

Charges	Price/Unit	Total
TIME & DISTANCE 5/25/23-6/5/23	$17.53 / Day	$210.31
NO CHARGE DISTANCE 5/25/23-6/5/23	$0.00 / Mile	$0.00
DAILY RATE:	$42.50 / Day	
REFUELING CHARGE	$5.34 / Gallons	$0.00

Optional Protections Accepted

No optional protections accepted.

Optional Protections Declined

PERSONAL EFFECTS COVERAGE	@ $7.50 / Day	$0.00
DW/CDW OPTIONAL	@ $14.99 / Day	$0.00
SUPPLEMENTAL LIABILITY PROTECTION 2	@ $16.20 / Day	$0.00
RAP	@ $6.99 / Day	$0.00

Renter Acknowledgement of Accepted and Declined Protections

I acknowledge that I have accepted or declined protections as indicated above.

Taxes and Fees

CAR RENTAL SALES TAX (12%)	12%	$25.24
SALES TAX (8.125%)	8.125%	$17.09
Total Estimated Charge:		$252.64
Payments:		
MASTERCARD ******1394	Sale	($189.48)
MASTERCARD ******1394	Sale	($213.16)

Renter Acknowledgement of Charges

I acknowledge that I have reviewed and agree to all Estimated Renter Charges and fees listed on Summary of Charges and further agree to pay for final charges in accordance with the Additional Terms and Conditions of this Contract.

Owner: ELRAC, LLC

Additional Drivers

No Additional Drivers are authorized to drive the vehicle with the exception of the drivers listed below.
(Additional driver names listed here if applicable)

Please keep this Rental Agreement Summary with you in the vehicle during the rental.

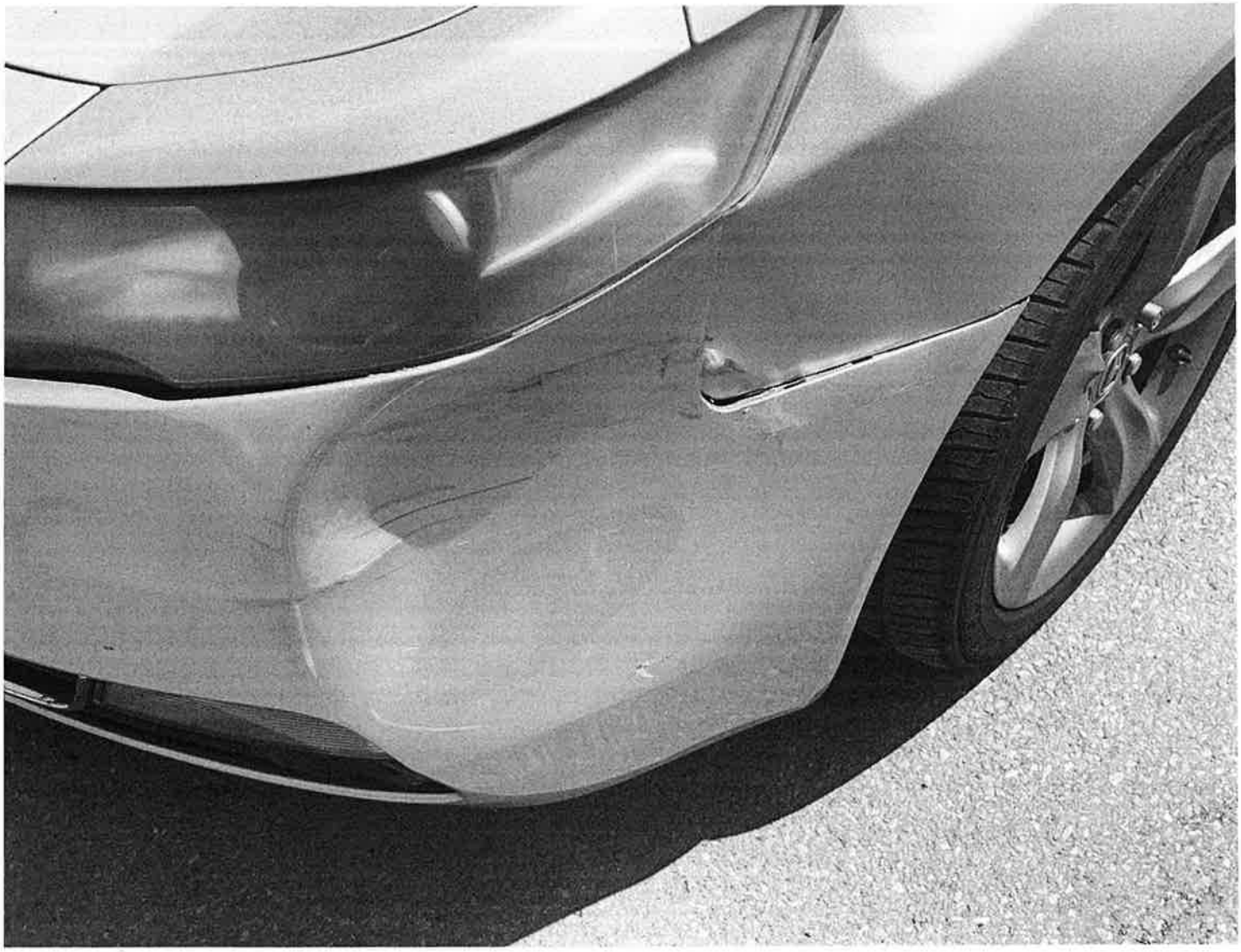
Local Addenda

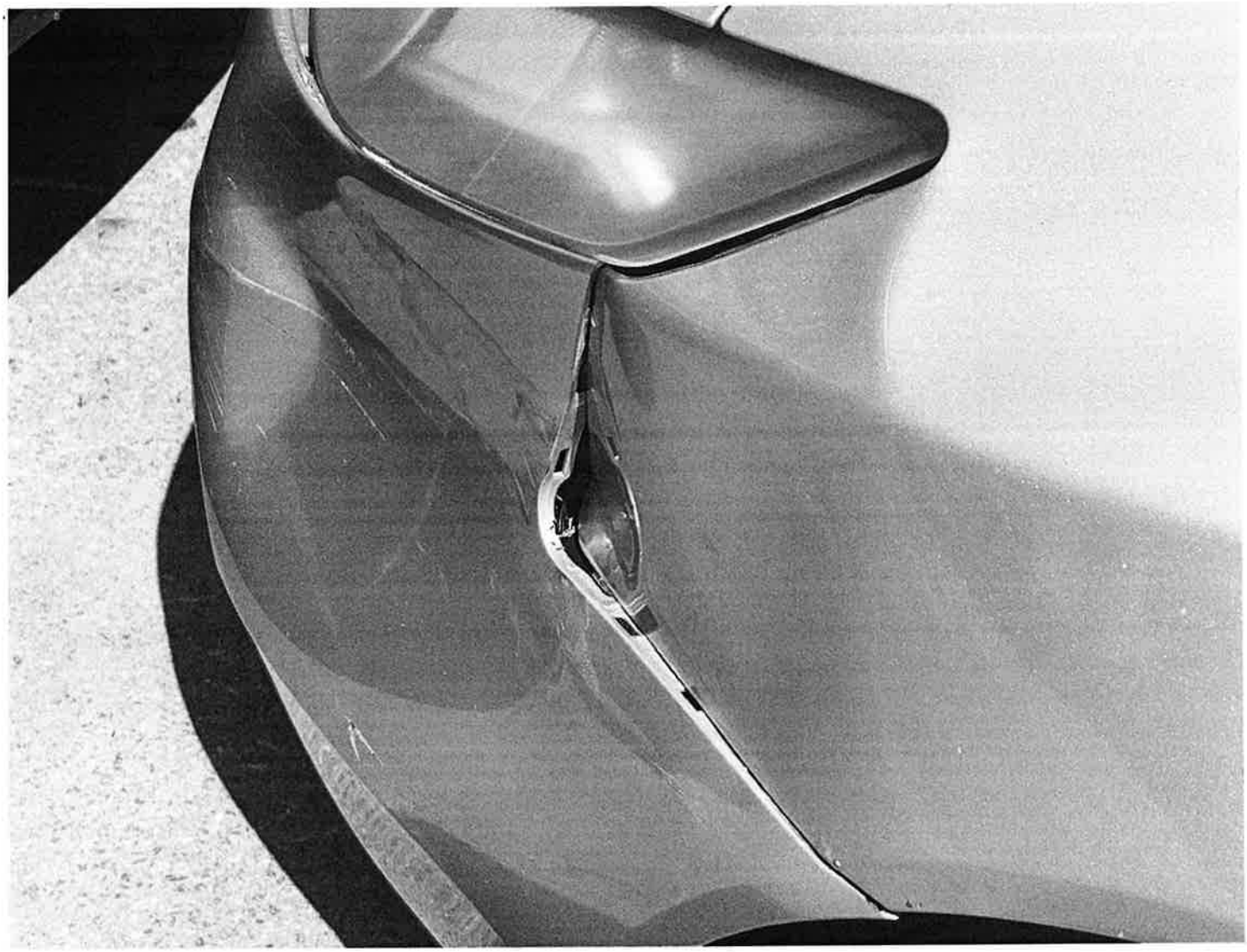
Notice: This contract offers, for an additional charge, optional vehicle

AND CONDITIONS. BY SIGNING BELOW RENTER AGREES TO OWNER'S COLLECTION OF INFORMATION ABOUT RENTER'S USE OF VEHICLE AND TEXTING & CALLING TERMS. SEE PARAGRAPHS WITH THE HEADINGS TEXT & CALL AND OWNER'S COLLECTION AND USE OF VEHICLE DATA: RENTER'S USE OF VEHICLES NAVIGATION AND INFOTAINMENT SYSTEMS AND VEHICLE MANUFACTURER APPS IN THE ADDITIONAL TERMS AND CONDITIONS.

9VXXHX

Duplicate





Official Minutes of the Public Hearing of Monday, May 15, 2023 for the purpose of receiving comments on the proposed introductory Local Law Adding Section 19-4.23 Entitled "Short-Term Rental Regulations"

THE CITY OF POUGHKEEPSIE
NEW YORK

PUBLIC HEARING

Monday, May 15, 2023 6:00 pm **Common Council Chambers**

Welcome to the scheduled Public Hearing in the City of Poughkeepsie. The date is May 15, 2023 and the time is 6:08 pm.

THIS HEARING IS FOR THE PURPOSE OF RECEIVING COMMENTS ON a proposed Local Law regulating Short-Term Rentals.

Councilwoman-at-Large Brown called the meeting to order at 6:08 pm.

I. **WELCOME**

II. **ROLL CALL: 5 present, 4 absent (Arrival after Roll Call: Councilmembers Johnson & Thompson)**

III. **PUBLIC PARTICIPATION: Five (5) minutes per person public comment.**

1. Nancy Fedoreshenko– Fallkill Rd
2. Vincent Pedi – 127 South Ave
3. Constantine Kazolias – 47 Noxon St
4. Nicholas Kalogris – 14 Maryland Ave
5. Daniel Atonna – 116 College Ave
6. Katie Carpenter
7. Laurie Sandow* – S. Grand Ave.
8. June Nemon – 197 Union Ave
9. Nanette Koch – 127 S. Hamilton St.
10. Sylvia Buccelli – 18 Barclay St
11. Marta Knapp – 10 S. Clinton St.
12. Linda Haas Manley – 2633 South Rd.
13. Freddie Thompson – 3 Hook Rd
14. Caitlin Munchick – 16 Grand St.

LOCAL LAW No. X of 2023

HOMES ARE NOT HOTELS - POUGHKEEPSIE SHORT-TERM RENTAL REGULATIONS (LL 23-XX)

SPONSORED BY: MAJORITY LEADER MENIST, COUNCILMEMBER DEICHLER

CO-SPONSORS: COUNCIL MEMBERS _____

BE IT ENACTED, by the common council of the city of Poughkeepsie as follows:

§19-4.23. Short-term rental regulations.

1) **PURPOSE:** The Common Council of the City of Poughkeepsie finds that unregulated short-term rentals contribute to and exacerbate the housing crisis facing Poughkeepsie's residents. Tenants and homeowners are facing increased prices while available housing stock is severely limited, making it extremely difficult for residents to find an apartment to rent or a home to purchase. Non-owner-occupied short-term rentals, defined in this law as "vacation rentals" contribute to the severely limited housing stock. These vacation rentals can often be owned and operated by absentee investors, who's primary interests are in short-term profits rather than the safety and security of our community. In addition to impacting housing availability and affordability, these vacation rentals turn residential neighborhoods into unregulated hotels, harming public safety and the character of local communities. This law seeks to limit the number of vacation rentals in Poughkeepsie while allowing those who live here and who wish to use their residence for home-sharing to be able to do so through a comprehensive registration and enforcement process, ensuring neighborhoods are protected, homeowners can earn income, and the City can collect revenues. This law also seeks to put the burden of enforcement on the hosting platforms that profit from operating in our community by prohibiting them from facilitating transactions from unregistered listings and requiring them to collect appropriate occupancy taxes to remit to the City.

2) **DEFINITIONS:**
   A. The term "Bedroom", as used in this article, shall mean any habitable space in a dwelling unit other than a kitchen or living room that is intended for or capable of being used for sleeping, is separated from other rooms by a door, is accessible to a bathroom without crossing another bedroom, and contains at least one egress window.
   B. The term "Booking Transaction", as used in this article shall mean any reservation or payment service provided by a person who facilitates a home-sharing or vacation rental transaction between a prospective visitor and a host.
   C. The term "Dwelling Unit" as used in this Article shall mean one or more rooms designed, occupied, or intended exclusively for residency purposes with full cooking, sleeping, and bathroom facilities for the exclusive use of a single household. A dwelling unit includes a

single-family residence, and each unit of an apartment, duplex, or multiple dwelling structure designed as a separate habitation for one or more persons, but does not include units located within city-approved hotels, motels, and bed and breakfasts, as defined in section 19 of the City of Poughkeepsie Code of Ordinances. An accessory dwelling unit constitutes a separate dwelling unit for the purposes of this Article. Recreational Vehicles, tents, yurts, mobile homes, or any other structure that does not meet the requirements outlined in this subsection (C) do not constitute a separate dwelling unit.

D. The term "Eligible Resident" as used in this article shall mean any natural person who: (1) is either (i) a long-term resident of a dwelling unit or (ii) an owner of a dwelling unit and (2) uses that dwelling unit as his or her primary residence.

E. The term "Home-Sharing" as used in this article shall mean renting for a period of 30 consecutive days or less, one or more bedrooms in a dwelling unit that is the primary residence of the host, while the host lives on-site, in the dwelling unit, throughout the visitors' stay. A dwelling unit rented out for home-sharing is referred to as a "home-share."

F. The term "Host" as used in this article shall mean any natural person who is an eligible resident of a dwelling unit offered for use as a home-share.

G. The term "Hosting Platform" as used in this article shall mean a person who participates in the home-sharing or vacation rental business by collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting a booking transaction using any medium of facilitation.

H. The term "Lives On Site" as used in this article shall mean maintains a physical presence in the dwelling unit, including, but not limited to, sleeping overnight, preparing and eating meals, and engaging in other activities in the dwelling unit, of the type typically maintained by a natural person in the dwelling unit in which he or she is an eligible resident.

I. The term "Long-Term Resident" as used in this article shall mean any natural person who, as of the date a home-share application is submitted pursuant to Section 3 of this Article: (1) has occupied the dwelling unit that is the subject of the home-share application as his or her primary residence for at least the prior 12 months; and (2) has either (i) if the natural person is a tenant, subtenant, lessee, or sublessee, a written rental housing agreement for the dwelling unit for a period of 12 months or more after the date the home-share application is submitted or (ii) if the natural person is not a tenant, subtenant, lessee, or sublessee, written documentation establishing that the natural person will reside at the dwelling unit for a period of 12 months or more after the date the home-share application is submitted.

J. The term "Owner" as used in this article shall mean any person who, alone or with others, has legal or equitable title to a dwelling unit. A person whose interest in a dwelling unit is solely that of a tenant, subtenant, lessee, or sublessee under an oral or written rental housing agreement shall not be considered an owner.

K. The term "Person" as used in this article shall mean any natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, or organization of any kind.

L. The term "Primary Residence" as used in this article shall mean The usual place of return for housing of an eligible resident as documented by the requirements listed in Section 3 (A) of this Article. A person can only have one primary residence.

M. The term "Vacation Rental" as used in this article shall mean renting for a period of 30 consecutive days or less any dwelling unit, in whole or in part, for exclusive transient use. Exclusive transient use shall mean that no eligible resident of the dwelling unit lives on-site, in the dwelling unit, throughout any visitor's stay. Rentals of units located within City-approved hotels, motels, and bed and breakfasts shall not be considered vacation rentals.

N. The term "Visitor" as used in this article shall mean a natural person who rents a home-share or vacation rental.

O. The term "Vacation Rental Proprietor" as used in this article shall mean a natural person who is an eligible owner or lessee of a dwelling unit offered for use as a vacation rental.

3) HOME SHARING AUTHORIZATION:

A. Notwithstanding any provision of this Code to the contrary, home-sharing shall be authorized in the City, provided that the host complies with each of the following requirements:

(1) Obtains and maintains at all times a City home-sharing permit issued pursuant to Section 4 of this Article;

(2) Operates the home-sharing activity in compliance with all permit conditions for home-sharing as set forth in Section 4 of this Article and any regulations promulgated pursuant to this Article;

(3) Posts a printed copy of the permit inside the home-share rental;

(4) Posts the host rules conspicuously inside the home-share rental;

(5) Collects and remits Hotel Occupancy Tax, in coordination with any hosting platform if utilized, to the City and complies with all City and County Hotel Occupancy Tax requirements as set forth in Article III of the Dutchess County Administrative Code and Article XIV of the City of Poughkeepsie Administrative Code.

(6) Takes responsibility for and actively prevents any nuisance activities that may take place as a result of home-sharing activities;

(7) Ensures that basic health and safety features are provided, including fire extinguishers, smoke detectors, and carbon monoxide detectors;

(8) Does not book or rent to more than two groups of visitors for any given date, whether the visitors within the groups are related to one another or not;

(9) Limits the occupancy of the home-share to up to 10 visitors per listing;

(10)Limits visitors to no more than one vehicle per bedroom rented as part of the home-share. A visitor's vehicle may be parked on-site, to the extent available, or in legal street parking;

(11) Maintains liability insurance to cover home-sharing with minimum limits of not less than $1,000,000 or conducts each home-sharing transaction through a hosting platform that provides equal or greater coverage;

(12)Complies with Section 5 of this article governing advertisements of home-shares;

(13)Complies with all applicable laws, including the noise limitations set forth in Chapter 13 ½ of the City of Poughkeepsie Code of Ordinances, and all health, safety, building, fire protection, and rent control laws;

(14)Complies with all state and local criminal laws. Violation of existing state or local criminal laws constitutes a violation of this Article for the purposes of permit renewal pursuant to Section 4 of this Article; and

(15)Complies with all regulations promulgated pursuant to this Article.

B. All hosts and their respective properties, authorized by the City for home-sharing purposes pursuant to this Article, shall be listed on a registry created by the Finance Department and updated periodically by the Finance Department. The City shall publish portions of the registry online as described in Section 10 of this Article, and a copy shall be sent electronically to any person upon request.

C. A building owner, including any applicable homeowners association or board of directors in the case of buildings governed in that manner, may notify the Commissioner of Finance or the City Chamberlain that short-term rentals are not permitted to operate in that building. The City shall maintain a list, known as the prohibited buildings list, identifying the address(es) of all such buildings. The Finance Department shall:

(1) Verify that each application for home-share does not appear on the prohibited buildings list published pursuant to this subsection;

(2) Post the prohibited building list on the City webpage as described in Section 10 of this Article;

(3) Establish a process by rule for verifying any notification received from a building owner(s) request to include such building on the prohibited buildings list; and

(4) Establish a process, by rule, to enable building owners to remove buildings from the prohibited buildings list.

D. If any provision of this Article conflicts with any provision of Chapter 19 of the City of Poughkeepsie Code of Ordinances the terms of this Article shall prevail with respect to interpretation and enforcement of this Article.

4) HOME-SHARING PERMIT CONDITIONS

A. **Application Requirements**. Before any permit under this article is issued, an application shall be submitted to the City Chamberlain and Department of Finance and signed by the host under penalty of perjury. All applications shall be made upon forms provided by the City. The City Finance Department, at their discretion, may require additional

documentation associated with the application as may be necessary to enforce the requirements of this local law. In addition to any other requirements, applicants shall provide the following documentation showing the official City of Poughkeepsie address of the short-term rental:

(1) A valid New York driver's license or a valid New York state identification card;

(2) At least two (2) of the following documents indicating that the short-term rental is the applicant's primary residence:

  (a) Proof of valid motor vehicle registration;

  (b) Proof of voter registration;

  (c) Federal or state tax returns or other financial documentation;

  (d) A utility bill;

(3) Proof of possession of the short-term rental, either by valid warranty deed, valid lease, or other verification of the tenant's right to possession of the premises. If the applicant does not own the dwelling unit, the applicant must also provide written documentation from the property owner allowing the applicant to conduct a short-term rental on the proposed licensed premises;

(4) The name and contact information for any other eligible residents of the proposed home-share who will be serving as hosts, together with proof that each identified host is an eligible resident of the proposed home-share;

(5) A plot plan of identifying on-site parking spaces;

(6) A floor plan identifying bedrooms, living spaces, emergency evacuation routes and locations of smoke detectors, carbon monoxide detectors and fire extinguishers;

(7) The maximum number of visitors per night, which shall not exceed the maximum permitted in accordance with Section 3 (A) of this Article;

(8) Proof of insurance;

(9) If the host has received violations of any law or regulation, including disciplinary action, the application for renewal shall include a copy of the notice or disciplinary action;

(10) A list of platforms that will be used to solicit bookings and correlating URL links, if any; and

(11) Any other information required by regulations promulgated pursuant to this Article.

(12) Initial home-sharing permit applications require an inspection of the rental by the City of Poughkeepsie Building Department and the City of Poughkeepsie Fire Inspector prior to granting of the initial permit;

(13) Renewal home-sharing permit applications require an inspection of the rental by the City of Poughkeepsie Building Department and the City of Poughkeepsie Fire Inspector prior to granting the renewal permit if the rental has not been inspected by the City of Poughkeepsie Building Department and the City of Poughkeepsie Fire Inspector in the previous 5 years.

B. **Certification**. In submitting their application, the applicant shall self-certify under penalty of perjury under the laws of the State of New York that:
   (1) They live on-site and will be present in the home-share throughout each visitor's stay;
   (2) The information provided in the application is correct and the documentation submitted with the application is authentic; and
   (3) They will comply with all provisions of this Article and all regulations promulgated pursuant to this Article or be subject to the revocation of their home-sharing permit.

C. **Application Fee**. The initial application fee for a home-sharing permit shall be $250 and each renewal application for a home-sharing permit shall be accompanied by an application fee of $50.

D. **Duty to Amend Application**. If there are any material changes to the information submitted on a home-sharing permit application, the host shall submit an amended application on a form to be provided by the City and signed by the host under penalty of perjury within 30 days of any such changes. For the purposes of this Section, any change to the information required to be included in a home-sharing permit application by subsection (A.) of this section shall constitute a material change. Failure to submit an amended home-sharing permit application may result in revocation of the home-sharing permit.

E. **Term of Permit.** Notwithstanding any provision of this Code to the contrary, any home-sharing permit shall be effective for one year and require renewal annually.

F. **Renewal of Permit.** A host may renew his or her home-sharing permit by submitting a completed permit renewal application on a form to be provided by the City and signed by the host under penalty of perjury. The permit renewal application shall include all of the information required by subsection (A.) of this Section.

G. **No Transfer or Assignment**. A home-sharing permit may not be assigned or transferred to any other person.

H. **Revocation of permit.** The City may revoke a host's home-sharing permit for:
   (1) Failure to comply with all provisions of this Article and all regulations promulgated pursuant to this Article, or
   (2) The dwelling unit was added to the prohibited building list after the permit had been approved.

5) ADVERTISEMENTS FOR HOME SHARING

A. The host shall include the following information in any advertisement for home-sharing:
   (1) The home-sharing permit registration number issued by the City;
   (2) That the host lives on-site and will be present in the home-share throughout the visitor's stay;
   (3) The permitted occupancy of the home-share as specified in the home-sharing permit application;

(4) The permitted number of visitor vehicles, in accordance with Section 3 (A) (10) of this Article;

(5) That the home-share cannot be booked or rented to more than two groups of visitors for any given date, whether the visitors within the groups are related to one another or not; and

(6) Any other information required by regulations promulgated pursuant to this Article.

B. A host is limited to posting no more than two listings for the home-share on each hosting platform or other media outlet. If a host posts a listing for the home-share on multiple hosting platforms or other media outlets, only two listings may be booked for any given date.

C. No host shall post an advertisement for a listing exceeding the number of visitors allowed as defined in Section 3 (A) (9).

D. The use of an unauthorized permit number in home-sharing advertisements is prohibited.

E. No advertisements regarding the availability of a dwelling unit for home sharing shall be posted in or on any exterior area of the dwelling unit, any exterior area of any other dwelling unit on the same lot, or the lot on which the dwelling unit is located.

6) VACATION RENTAL AUTHORIZATION:

A. Notwithstanding any provision of this Code to the contrary, vacation rentals shall be authorized in the City, provided that the vacation rental proprietor complies with each of the following requirements:

(1) Obtains and maintains at all times a City vacation rental permit issued pursuant to Section 7 of this Article;

(2) Operates the vacation rental activity in compliance with all permit conditions for vacation rentals as set forth in Section 7 of this Article and any regulations promulgated pursuant to this Article;

(3) Posts a printed copy of the permit inside the vacation rental;

(4) Posts the vacation rental proprietor rules conspicuously inside the vacation rental;

(5) Collects and remits Hotel Occupancy Tax, in coordination with any hosting platform if utilized, to the City and complies with all City and County Hotel Occupancy Tax requirements as set forth in Article III of the Dutchess County Administrative Code and Article XIV of the City of Poughkeepsie Administrative Code.

(6) Takes responsibility for and actively prevents any nuisance activities that may take place as a result of vacation rental activities;

(7) Ensures that basic health and safety features are provided, including fire extinguishers, smoke detectors, and carbon monoxide detectors;

(8) Does not book or rent to more than two groups of visitors for any given date, whether the visitors within the groups are related to one another or not;

(9) Limits the occupancy of the vacation rental to up to 10 visitors per listing;

(10) Limits visitors to no more than one vehicle per bedroom rented as part of the home-share. A visitor's vehicle may be parked on-site, to the extent available, or in legal street parking;

(11) Maintains liability insurance to cover vacation rentals with minimum limits of not less than $1,000,000 or conducts each vacation rental transaction through a hosting platform that provides equal or greater coverage;

(12) Complies with Section 8 of this article governing advertisements of vacation rentals;

(13) Complies with all applicable laws, including the noise limitations set forth in Chapter 13 ½ of the City of Poughkeepsie Code of Ordinances, and all health, safety, building, fire protection, and rent control laws;

(14) Complies with all state and local criminal laws. Violation of existing state or local criminal laws constitutes a violation of this Article for the purposes of permit renewal pursuant to Section 7 of this Article; and

(15) Complies with all regulations promulgated pursuant to this Article.

B. All vacation rental proprietors and their respective properties, authorized by the City for vacation rental purposes pursuant to this Article, shall be listed on a registry created by the Finance Department and updated periodically by the Finance Department. The City shall publish portions of the registry online as described in Section 13 of this Article, and a copy shall be sent electronically to any person upon request.

C. A building owner, including any applicable homeowners association or board of directors in the case of buildings governed in that manner, may notify the Commissioner of Finance or the City Chamberlain that short-term rentals are not permitted to operate in that building. The City shall maintain a list, known as the prohibited buildings list, identifying the address(es) of all such buildings. The Finance Department shall:

(1) Verify that each application for a vacation rental does not appear on the prohibited buildings list published pursuant to this subsection;

(2) Post the prohibited building list on the City webpage as described in Section 10 of this Article;

(3) Establish a process by rule for verifying any notification received from a building owner(s) request to include such building on the prohibited buildings list; and

(4) Establish a process, by rule, to enable building owners to remove buildings from the prohibited buildings list.

D. If any provision of this Article conflicts with any provision of Chapter 19 of the City of Poughkeepsie Code of Ordinances the terms of this Article shall prevail with respect to interpretation and enforcement of this Article.

7) VACATION RENTAL PERMIT CONDITIONS

A. **Application Requirements.** Before any permit under this article is issued, an application shall be submitted to the City Chamberlain and Department of Finance and signed by

the vacation rental proprietor under penalty of perjury. All applications shall be made upon forms provided by the City. The City Finance Department, at their discretion, may require additional documentation associated with the application as may be necessary to enforce the requirements of this local law. In addition to any other requirements, applicants shall provide the following documentation showing the official City of Poughkeepsie address of the short-term rental:

(1) Proof of possession of the short-term rental, either by valid warranty deed, valid lease, or other verification of the tenant's right to possession of the premises. If the applicant does not own the dwelling unit, the applicant must also provide written documentation from the property owner allowing the applicant to conduct a short-term rental on the proposed licensed premises;

(2) A plot plan of identifying on-site parking spaces;

(3) A floor plan identifying bedrooms, living spaces, emergency evacuation routes and locations of smoke detectors, carbon monoxide detectors and fire extinguishers;

(4) The maximum number of visitors per night, which shall not exceed the maximum permitted in accordance with Section 6 (A) of this Article;

(5) Proof of insurance;

(6) If the vacation rental proprietor has received violations of any law or regulation, including disciplinary action, the application for renewal shall include a copy of the notice or disciplinary action;

(7) A list of platforms that will be used to solicit bookings and correlating URL links, if any; and

(8) Any other information required by regulations promulgated pursuant to this Article.

(9) Initial vacation rental permit applications require an inspection of the rental by the City of Poughkeepsie Building Department and the City of Poughkeepsie Fire Inspector prior to granting of the initial permit;

(10) Renewal vacation rental permit applications require an inspection of the rental by the City of Poughkeepsie Building Department and the City of Poughkeepsie Fire Inspector prior to granting the renewal permit if the rental has not been inspected by the City of Poughkeepsie Building Department and the City of Poughkeepsie Fire Inspector in the previous 2 years.

B. **Certification**. In submitting their application, the applicant shall self-certify under penalty of perjury under the laws of the State of New York that:

(1) The information provided in the application is correct and the documentation submitted with the application is authentic; and

(2) They will comply with all provisions of this Article and all regulations promulgated pursuant to this Article or be subject to the revocation of their vacation rental permit.

C. **Application Fee**. The initial application fee for a vacation rental permit shall be $1,000 and each renewal application for a vacation rental permit shall be accompanied by an application fee of $500.

D. **Duty to Amend Application**. If there are any material changes to the information submitted on a vacation rental permit application, the host shall submit an amended application on a form to be provided by the City and signed by the vacation rental proprietor under penalty of perjury within 30 days of any such changes. For the purposes of this Section, any change to the information required to be included in a vacation rental permit application by subsection (A.) of this section shall constitute a material change. Failure to submit an amended vacation rental permit application may result in revocation of the vacation rental permit.

E. **Application Acceptance Window**. The Finance Department of the City of Poughkeepsie shall designate a 30-day window each year to accept applications for vacation rental permits. Applications for vacation rental permits shall only be accepted by the City of Poughkeepsie Finance Department within the Application Acceptance Window each year. No vacation rental permit shall be granted for an application that was received outside of the application acceptance window. The City of Poughkeepsie Chamberlain shall cause notice of the application acceptance window to be published at minimum once in the official newspaper at least 15 days prior to the opening of the application acceptance window each year.

F. **Number of Vacation Rental Permits Issued.** There shall be a cap on the total number of vacation rental permits issued each year. The cap shall be equal to one-half of one percent (0.5%) of the total number of dwelling units within the City of Poughkeepsie as determined by the most recent United States Decennial Census or United States Census Bureau's American Community Survey, whichever is more recent.

G. **Vacation Rental Permit Lottery**. If the City of Poughkeepsie receives more vacation rental applications during the annual vacation rental application window than the total number of vacation rental permits to be issued under this section, the Department of Finance of the City of Poughkeepsie shall conduct a lottery system of all valid applications to determine which applicants receive a vacation rental permit.

H. **Term of Permit**. Notwithstanding any provision of this Code to the contrary, any vacation rental permit shall be effective for one year and require renewal annually.

I. **Renewal of Permit.** A vacation rental proprietor may renew his or her vacation rental permit by submitting a completed permit renewal application during the vacation rental application acceptance window on a form to be provided by the City and signed by the vacation rental proprietor under penalty of perjury. The permit renewal application shall include all of the information required by subsection (A.) of this Section. Submission of a renewal application does not guarantee the issuance of a renewed permit. All renewal applications are subject to the cap on the number of vacation rental permits issued each year and the vacation rental permit lottery.

J. **No Transfer or Assignment.** A vacation rental permit may not be assigned or transferred to any other person.

K. **Revocation of permit.** The City may revoke a vacation rental proprietor's vacation rental permit for:

(1) Failure to comply with all provisions of this Article and all regulations promulgated pursuant to this Article, or

(2) The dwelling unit was added to the prohibited building list after the permit had been approved.

8) ADVERTISEMENTS FOR VACATION RENTALS

A. The vacation rental proprietor shall include the following information in any advertisement for the vacation rental:

(1) The vacation rental permit registration number issued by the City;

(2) The permitted occupancy of the vacation rental as specified in the vacation rental permit application;

(3) The permitted number of visitor vehicles, in accordance with Section 6 (A) (10) of this Article;

(4) That the vacation rental cannot be booked or rented to more than two groups of visitors for any given date, whether the visitors within the groups are related to one another or not; and

(5) Any other information required by regulations promulgated pursuant to this Article.

B. A vacation rental proprietor is limited to posting no more than two listings for the vacation rental on each hosting platform or other media outlet. If a host posts a listing for the vacation rental on multiple hosting platforms or other media outlets, only two listings may be booked for any given date.

C. No vacation rental proprietor shall post an advertisement for a listing exceeding the number of visitors allowed as defined in Section 6 (A) (9).

D. The use of an unauthorized permit number in vacation rental advertisements is prohibited.

E. No advertisements regarding the availability of a dwelling unit as a vacation rental shall be posted in or on any exterior area of the dwelling unit, any exterior area of any other dwelling unit on the same lot, or the lot on which the dwelling unit is located.

9) PROHIBITIONS

A. No person shall undertake, maintain, authorize, aid, facilitate or advertise any vacation rental or any home-sharing that does not comply with this Article. For the purposes of this section only, person does not include a hosting platform.

B. No person shall undertake, maintain, authorize, aid, facilitate or advertise any home-share or vacation rental if the building owner, including any applicable homeowners association or board of directors in the case buildings governed in that manner, notifies the Commissioner of Finance or the City Chamberlain that home-share rentals are not permitted to operate in the building, as described in Section 3 (C) and Section 6 (C) of this Article.

C. Rental of the property or any portion of the property by the hour or for a period of less than 1 night is prohibited.
D. No host may be the host for more than one home share.
E. No vacation rental proprietor may be the vacation rental proprietor for more than one vacation rental.

10) HOSTING PLATFORM RESPONSIBILITIES

A. Hosting platforms shall be responsible for collecting all applicable Hotel Occupancy Tax and remitting the same to the City of Poughkeepsie and/or Dutchess County. The hosting platform shall be considered an agent of the host or vacation rental proprietor for purposes of Hotel Tax collections and remittance responsibilities as set forth in Article III of the Dutchess County Administrative Code and Article XIV of the City of Poughkeepsie Administrative Code.
B. Subject to applicable laws, hosting platforms shall disclose to the Finance Department on a monthly basis the following information for each booking transaction within the City for which the hosting platform charged, collected, or received a fee, directly or indirectly, in an auditable, non-anonymized and non-aggregate format:
    (1) The names and addresses of the persons responsible for the listing;
    (2) The permit registration number of the listing;
    (3) The address of each such listing;
    (4) The length of stay for each such listing;
    (5) The price paid for each individual stay;
    (6) The URL of the short term rental listing;
    (7) The hosting platform shall maintain such records for a minimum of five years.
C. A hosting platform shall obtain, from each host and/or vacation rental proprietor using such hosting platform to offer, manage or administer a short-term rental, lawful consent to provide the information described in Section B to the Department of Finance. Obtaining lawful consent may include, but is not limited to, advising or providing notice to a user of the hosting platform that new or continuing use of such hosting platform as a host and/or vacation rental proprietor constitutes consent to such disclosure. It shall not be a defense to a violation of subdivision that the hosting platform did not obtain consent.
D. Information reported pursuant to Section 10 (B) shall be available for public review only to the extent required by federal, state, and local law. The Commissioner of Finance shall establish rules governing retention and disposal of information obtained pursuant to this chapter.
E. Hosting platforms shall not complete any booking transaction for any residential property or unit unless it is listed on the City's registry created under Section 3 (B) or Section 6 (B) of this Article, at the time the hosting platform receives a fee for the booking transaction. The provisions of this subsection (E) are entirely strict liability in nature.

F. Hosting platforms shall not collect or receive a fee, directly or indirectly through an agent or intermediary, for facilitating or providing services ancillary to an unregistered vacation rental or unregistered home-share, including, but not limited to, insurance, concierge services, catering, restaurant bookings, tours, guide services, entertainment, cleaning, property management, or maintenance of the residential property or unit.

G. Safe Harbor. A hosting platform operating exclusively on the Internet, which operates in compliance with subsections (A), through (G) above, shall be presumed to be in compliance with this Article, except that the hosting platform remains responsible for compliance with the administrative subpoena provisions of this Article.

H. Any hosting platform that violates the provisions of Section 9 of this Article shall be subject to penalties laid in Section 11 of this Article.

I. The provisions of this Section shall be interpreted in accordance with otherwise applicable State and Federal law(s) and will not apply if determined by a competent jurisdiction to be in violation of, or preempted by, any such law(s).

11) REGULATIONS: The Commissioner of Finance may promulgate regulations, which may include, but are not limited to, permit conditions, reporting requirements, inspection frequencies, enforcement procedures, additional advertising restrictions, disclosure requirements, administrative subpoena procedures or additional insurance requirements, to implement the provisions of this Article. No person shall fail to comply with any such regulation.

12) FEES: The Common Council may establish and amend by resolution all fees and charges as may be necessary to effectuate the purpose of this Article, including, but not limited to, the application fees required by Section 4 and Section 7 of this Article.

13) ONLINE WEBPAGE: The City shall establish and maintain an online webpage to centralize information and resources for home-sharing and vacation rentals which shall include:

A. An application system for hosts to submit home-sharing permit applications as described in Section 4 of this Article and renew their permits.

B. An application system for vacation rental proprietors to submit vacation rental permit applications as described in Section 7 of this Article.

C. Portions of the registry authorized by the City for home-sharing purposes as established by Section 3 of this Article which shall include the following for each home-sharing listing in the City:

(1) Permit registration number;

(2) Address and unit number;

(3) Status of the permit, including active or revoked; and

(4) Expiration date of permit.

D. Portions of the registry authorized by the City for vacation rental purposes as established by Section 6 of this Article which shall include the following for each vacation rental listing in the City:

(1) Permit registration number;

(2) Address and unit number;
(3) Status of the permit, including active or revoked; and
(4) Expiration date of permit.

E. A list of, which shall be known as the prohibited buildings list, identifying the address(es) of all buildings whose owner(s), including any applicable homeowners association or board of directors, have notified the Commissioner of Finance or the City Chamberlain, pursuant to this Article, that no short-term rental is permitted to operate anywhere in such building.

F. Accessible information on existing regulations on short-term rentals, including this Article.

G. A complaint form to lodge complaints on illegal short-term rentals or nuisance complaints.

14) ENFORCEMENT:

A. The City shall designate the Building Department to enforce the provisions of this Article, including, but not limited to, reviewing permit applications and maintaining the registry created under Section 3 (B) and Section 6 (B) of this Article, monitoring listings on hosting platforms, and assessing fines.

B. Any host or vacation rental proprietor violating any provision of this Article, any person other than a hosting platform who facilitates or attempts to facilitate a violation of this Article, or a hosting platform that violates its obligations under Section 10 of this Article, shall be guilty of an infraction, which shall be punishable by a fine of $750 per day of the violation, or a misdemeanor, which shall be punishable by a fine of $1,000 per day of the violation.

C. The penalties described in the above Subsection (B) shall be fully integrated into the existing structure of penalties outlined in Section 6 of the City of Poughkeepsie Code of Ordinances.

D. Any person convicted of violating any provision of this Article in a criminal case or found to be in violation of this Article in a civil or administrative case brought by a law enforcement agency shall be ordered to reimburse the City and other participating law enforcement agencies their full investigative costs, pay all back Occupancy Taxes, and remit all illegally obtained rental revenue to the City so that it may be returned to the home-sharing or vacation rental visitors or used to compensate victims of illegal short-term rental activities.

E. Any host or vacation rental proprietor who violates any provision of this Article, any person other than a hosting platform who facilitates or attempts to facilitate a violation of this Article, or a hosting platform that violates its obligations under Section 10 of this Article, shall be subject to administrative fines of $750 per day and additional administrative penalties pursuant to the City Code of Ordinances.

F. Any interested person may seek an injunction or other relief to prevent or remedy violations of this Article. The prevailing party in such an action shall be entitled to recover reasonable costs and attorney's fees.

G. The City may issue and serve administrative subpoenas as necessary to obtain specific information regarding home-sharing and vacation rental listings located in the City, including, but not limited to, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay, to determine whether the home-sharing and vacation rental listings comply with this Article. Any subpoena issued pursuant to this section shall not require the production of information sooner than 30 days from the date of service. A person that has been served with an administrative subpoena may seek judicial review during that 30-day period.

H. The Finance Department and City Chamberlain shall make information related to violations of this Article publicly available subject to applicable laws.

I. The remedies provided in this Article are not exclusive, and nothing in this Article shall preclude the use or application of any other remedies, penalties, or procedures established by law.

15) **MODIFICATION OF EXISTING CODE:** Any provision of the City of Poughkeepsie Code or appendices thereto inconsistent with the provisions of this Article, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Article.

16) **SEVERABILITY:** If any section, subsection, sentence, clause, or phrase of this Article is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Article. The City Council hereby declares that it would have passed this Article and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the article would be subsequently declared invalid or unconstitutional.

17) **EFFECTIVE DATE:** The Mayor shall sign and the City Chamberlain shall attest to the passage of this Article. The City Chamberlain shall cause the same to be published once in the official newspaper within 30 days after its adoption. This Article shall become effective 120 days from its adoption, and shall apply to all short-term rentals, including those operating prior to the effective date of this Article.

Laurie Sandow comments, c/PK Common Council public hearing, Short-Term Rentals, May 15, 2023:

Tonight's public hearing on Short Term Rentals is a good example of how this Council willfully creates delays, arranging for and lending itself to months of repetitive commentary by organizations that propose one after another piece of one-off, short-sighted legislation. That was the case years ago with Good Cause Eviction, and is now the case with the proposed Short Term Rental legislation.

It's worth making special note that the organizations "For The Many" (FTM) [an organization that previously operated under the name "Nobody Leaves Mid-Hudson", until being caught up by bad press about their treatment of interns], and "Community Voices Heard" (CVH). do NOT show up, speak out, and stay involved with and informed about issues in front of this Council unless they're pushing a piece of short-sighted legislation. And that FTM (For the Many), goes so far as to offer $25 T-shirts to people in exchange for showing up to speak on their short-sighted legislation. Keep watch: it will be usual to see their members leave the room once they're done speaking, or once their singular agenda issue has been discussed or passed.

But, to be clear, that's not to say that the housing shortage, homelessness, short-term rentals, evictions, building code violations, unaffordable rents, and more are not urgently worthy of attention and solutions. That's just to say that FTM and CVH are not the ones doing it. For example: When it comes to housing issues, have For the Many and Community Voices Heard shown up to speak about the homeless shelter? No, they haven't. Did they show up to speak when the Innovation District was proposed? No, they didn't.

But now that two Councilmember shills—Evan Menist and Megan Deichler—seem to have garnered enough votes to move short-term rental legislation up for a vote, suddenly a public hearing's been scheduled. Need I note that neither Menist nor Deichler has held a recent ward meeting? And that the same two councilmembers illegally hide comments on their social media? And, that Deichler, while featuring FTM events on her own FB page, is otherwise unresponsive to constituent issues, inquiries, complaints and correspondence?

Also, before Deichler and Menist protest the label of shill, one dictionary definition explains: *A shill, also called a plant or a stooge, is a person who publicly helps or gives credibility to a person or organization without disclosing that they have a close relationship with said person or organization. Shills can carry out their operations in the areas of media, journalism,*

marketing, politics, sports, confidence games, cryptocurrency, or other business areas. A shill may also act to discredit opponents or critics of the person or organization in which they have a vested interest.

The origins of this City's housing crisis do not lie in short-term rentals. It traces back to such things as the creation of the Innovation District, which did not obligate affordable housing; as well as tax credits and other advantages given to market-rate developments and developers and refusal of the Planning Department to transparently disclose the parties behind LLCs, property transfers and purchases.

In February 2019, I said the following on the record:
"While tonight's Innovation District Ordinance pretends to represent "best practices" [and, unlike the 2017-2018 Pace Land Use draft framework,] it creates a District that does not include any guarantees of affordable commercial space, of affordable housing, of continuing open space, community space, or parkland. In fact, it codifies the exact opposite."

In 2021, speaking about Good Cause Eviction, I said this on the record:
"There is so much that this so-called Good Cause Eviction law does not and will not do. It does not stabilize rents, many of which have already risen to unsustainable levels for rent-burdened city residents. It does nothing to address rampant violations of tenant protections, violations that go largely unrecorded and unpunished in this City; it does nothing about out-of-town or out-of-state landlords who do not maintain their properties; it does not establish anything resembling resources like a free Court Help Desk for tenants and landlords alike. It does not deter living condition violations and neglected maintenance in existing senior and subsidized housing. In brief, it does not automatically deter rent increase abuses without litigation…."

I also said, "I am currently speaking in opposition to Salem and Menist's "Good Cause Eviction" resolution. Why? Not because I lack concern for tenants—quite the opposite. But because the existing proposal will NOT protect tenants, does not begin to stabilize or cure the city's housing and rental situation, sets the baseline for future increases at already inflated levels, and is principally a drawn-out election season stunt. The primary accomplishment of this law will be to increase, NOT decrease, litigation between landlord and tenant, at the expense, and to the detriment, of both parties. Court outcomes are predictable considering that the cost of goods, services, water, sanitation and property taxes have all seen recent drastic increases…."

Now, many years later, as if they invented the wheel, this Council is falling all over itself in self-congratulation at providing legal support at court one day a week, but only for those with court cases the same day. Otherwise they throw back to the pitiful and clueless washing-their-hands, not-my-problem advice that Salem, Deichler and other councilmembers offered to tenants when the eviction moratorium expired:

"I urge Poughkeepsie renters to know their rights, stay in their homes, and engage with judicial proceedings as they play out. Only a court order can remove you from your home – not your landlord. Contact Legal Services of the Hudson Valley if you feel you are being evicted without good cause. Do not self-evict."

The translation: Don't come to us for help, go somewhere else. We leave you to your own devices and to fend for yourself.

Dutchess County Association of REALTORS®
www.dcar.com

We provide programs and services to support and enhance our member's ability to excel, and to better serve the communities in which they work and live.

May 12, 2023

Hon. Natasha Brown
Chairwoman, City of Poughkeepsie Common Council
62 Civic Center Plaza
3rd Floor
Poughkeepsie, NY 12601

Dear Chairwoman Brown:

On behalf of the members of the Dutchess County Association of REALTORS®, I am writing to express concern over the proposed short-term rental law currently being considered by the Common Council. We believe as an association that short-term rentals should be regulated to protect the health and safety of the guests. We also share in the council's assessment that there is a housing shortage in not only the City of Poughkeepsie, but in the country. However, the current proposal places an unfair burden on hosts and includes onerous requirements on property owners. We hope the council will consider changes to the proposal that will ensure fairness for all involved.

The restriction to only allow short-term rentals where the host is physically on the premises during the guests stay restricts a property owner's right to do what he or she wants with their property. Courts have routinely found this type of restriction unconstitutional, including most recently with a decision by the U.S. Fifth Circuit Court of Appeals in August of 2022[1]. We also believe that the $1,000 permit fee and subsequent $500 a year renewal fee is exorbitant and could be disqualifying for many residents. Perhaps the City could consider lowering the fee or extending the permit for two years instead of one, which would help property owners defray the cost.

We additional concerns over the lack of an appeals process when a permit is revoked. Currently, the bill does not give short-term rental operators the ability to contest a revocation of a permit, and it does not give them a chance to remedy an issue that may come up. This lack of due process is concerning and could lead to costly litigation in the future. Almost every short-term rental law that is passed at the local level includes some form of an appeals process or opportunity to remedy an issue before a permit is revoked.

Finally, we find the permit application process to arbitrary and could lead to many residents being denied the opportunity host their homes. The .5% number of permits seems to be

[1] https://www.wwno.org/news/2023-01-17/whats-next-for-short-term-rentals-in-new-orleans-heres-what-could-happen-ahead-of-march-deadline

a way to severely limit residents' opportunity to offer their homes as a short-term rental. The 30-day window to apply for a permit is concerning as well. Will that window open during the same time every year, or will it change? Will the City make every effort to advertise that to the public? This could lead to residents losing their current permit and preventing others from getting one.

We hope that the Council will continuing working on this proposal to find a middle ground where both residents of the City feel protected but where the rights of property owners are respected. The current iteration of this proposal unfairly targets operators of short-term rentals and seeks to punish them for a housing problem that they did not create.

Sincerely,

Fred Cantor

Fred Cantor
2023 President, Dutchess County Association of REALTORS®

CC: Mayor Marc Nelson
City Chamberlain Jasmin Davis

TRAVEL TECH
The Travel Technology Association

Via Electronic Mail

May 12, 2023

City of Poughkeepsie Common Council
62 Civic Center Plaza
3rd Floor
Poughkeepsie, NY 12601

Re: Comments on Proposed Poughkeepsie Ordinance

Dear Chairwoman Natasha Brown and Members of the Poughkeepsie Common Council:

On behalf of the Travel Technology Association (Travel Tech) and our members, I submit the following comments concerning the City of Poughkeepsie's proposed short-term rental ordinance. Travel Tech advocates for public policy that promotes market transparency and competition to encourage innovation and preserve consumer choice. Our members include innovators in travel technology, including online travel agencies, metasearch engines, short-term rental platforms, global distribution systems, and travel management companies.

We are writing today to state our opposition to proposed Local Law Adding Section 19-4.23 "Short Term Rental Regulations". Various provisions of this ordinance violate the federal Communications Decency Act, 47 U.S.C. § 230 ("CDA") because they impose liability on short-term rental platforms for publishing third-party content. Local laws aimed at holding platforms responsible for the acts of others are preempted by Section 230.

Additionally, the data sharing requirements of the ordinance violate the Fourth Amendment, because the provisions compel disclosure of business records and personally identifiable information. The Fourth Amendment and state corollaries protect individual and business information, and limit disclosure to governmental entities. When platforms partner with local governments, it is imperative they adhere to privacy and constitutional safeguards in compliance with applicable federal and state laws.

In light of these issues, we urge you to remove these requirements and continue to consult with our members and other stakeholders on developing reasonable regulations for the industry. Thank you for your careful consideration of this matter.

Sincerely,

Laura Chadwick

Laura K. Chadwick
President & CEO
Travel Technology Association

Donna DeLuca

From: J V <jillvose@gmail.com>
Sent: Saturday, May 13, 2023 7:13 PM
To: Donna DeLuca
Subject: Home share/vacation rental

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,
I strongly disagree with the proposal to govern whom I can and cannot allow use my home and for what purpose. This is a direct violation of my freedom of enterprise and an attempt to take more earned income from an already heavily taxed district. This is another reason New York is becoming un-investable. This proposal does nothing but support hotel chains and hotel owners that are not selling out because they are monopolizing and price fixing and our government does nothing about that.
Hotels call around each day set rates based on what the other hotel is selling. When a huge company like Marriott has multiple managed hotel brands in the same market, they adopt the same selling strategy plus or minus amenities. It's a regulation that is totally unnecessary and is harmful to the guy who bought a house and can't afford to keep it or pay the taxes. It's really a step in the wrong direction.
Jill Vose
3 Cora Ln, Poughkeepsie, NY 12603

From: Teresa Cabrero
To: Donna DeLuca
Subject: Short term rentals Dutchess County
Date: Monday, May 15, 2023 9:44:06 AM

Dear members of the office of the city of Poughkeepsie,

My family has been severely impacted in the last 3 years. My husband was diagnosed with cancer in 2020 and endured a very costly battle against the disease. Despite our best efforts, he unfortunately passed away last summer leaving behind two sons, now 11 and 13 years old.

Now as head and sole provider of our household, I am facing many challenges. Tragedy stroke our door and I have been struggling to make ends meet. Having the extra income of renting our property has been a huge help, one that allows us to keep afloat. As a single working mother, it is my priority to keep my sons safe and sound, please make sure we can keep counting with this extra income that makes a difference in our family.

I am writing because I can't attend tonight's meeting. But please hear our story so you can account for the help families like mine receive from the short term rentals.

Thank you very much,

Teresa Cabrero Nehme
:: 917.304.5244

Donna DeLuca

From: Michael Griggs <michael.t.griggs@gmail.com>
Sent: Monday, May 15, 2023 3:07 PM
To: Donna DeLuca
Subject: Public Hearing on Short-term Rentals

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing as a resident of 18 Stonehedge Drive, Poughkeepsie NY 12603

I want to voice my concern over the new regulations for short term rentals, which I strongly believe will be detrimental to the tourism opportunities and ultimately revenue.

As both a resident and short term rental owner, this is more than just about me. I actually do not make a profit on my rental, rather bringing good people to find family friendly ways to visit loved ones to Vassar/Marist, or just explore more of what Poughkeepsie has to offer - all while being cheaper than the lowest rated local hotels.

I ask that you do not vote in favor of regulating short term rentals to the degree in which its proposed.

Thank you very much,
Mike Griggs

Sent from my iPhone.

From: timbarnum1@gmail.com
To: Donna DeLuca
Subject: RE: The city of Poughkeepsie Short Term Rentals conAmbassadors for Poughkeepsiesideratins
Date: Monday, May 15, 2023 5:23:42 PM

Common Council Meeting 5/15/2023 Short Term Rentals

Dear commissioners:

I want to make you aware that guests book on Airbnb from all over the country and the world. It adds a huge amount of visibility for Poughkeepsie.

You may not understand that Airbnb hosts become essentially ambassadors for the city of Poughkeepsie.

Guests are provided with list of restaurants, stores, and lists and pamphlets on activities and events, even Bardavon schedules.

Families with children considering or starting or graduating from the local colleges can have a significantly more pleasant experience at an important time in their lives than being a Marriot or Holiday inn.

A search today on Airbnb found 2 offers of rooms 2 offers of an entire house and 17 apartment. A total of 21 options

You must understand that owners who live in homes with apartments most often do not want the hassle of a full time tenant.

The sort term rental helps pay for taxes and heat and it allows them to have their homes to themselves most of the time, **Many would never consider renting their home apartments full time. You might reconsider how may housing stock apartments will really come on the market with this.**

Will this really solve an issue that is much larger than Airbnb units

Finally Airbnb hosts currently automatically pay Dutchess county hotel tax and would do the same for any City of Poughkeepsie Resort Tax.

Thank you
Tim Alan

15. Edie Roberts – 59 Whittier Blvd
16. Alan Rodriguez
17. Melissa Hoffman – 21 Lexington Ave
18. Summer-Annie Johnson – 797 Sergeant Palmateer Way

***submitted written comments**

Additional written comments were sent in to be included in the official record by:

1. Fred Cantor, President, Dutchess County Association of REALTORS
2. Laura K. Chadwick, President & CEO, Travel Technology Association
3. Jill Vose, 3 Cora Lane, Poughkeepsie, NY
4. Teresa Cabrero Nehme
5. Mike Griggs, 18 Stonehedge Dr, Poughkeepsie, NY
6. Tim Alan

IV. ADJOURNMENT:

The Public Hearing ended at 7:01 pm.

Dated: May 18, 2023.

I hereby certify that this true and correct copy of the Minutes of the Common Council Public Hearing held on May 15, 2023.

Respectfully submitted,

Donna M. DeLuca
Deputy City Chamberlain

THE CITY OF POUGHKEEPSIE
NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, May 15, 2023, 6:30 p.m. **Common Council Chambers**

Welcome to the regularly scheduled Meeting of the City of Poughkeepsie Common Council the date is Monday, May 15, 2023, and the time is 7:15 pm.

I. ROLL CALL: 7 Present, 2 Absent (Councilmembers Long and Grant)

II. REVIEW OF MINUTES:

Public Hearing – May 1, 2023
Public Hearing – May 1, 2023
Common Council Meeting – May 1, 2023

Motion to accept the minutes: Councilmember Shook, Seconded by Councilmember Johnson.

PH & CCM Minutes of MAY 1, 2023 - 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	☑	☐	☐	☐

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

ADD:

IX. CONSENT AGENDA: MOTIONS AND RESOLUTIONS:

1. **R-23-49**, SEQRA Resolution Approving the Amending of The City of Poughkeepsie Code Entitled "Main Street Commercial (C-2A)"

X. CONSENT AGENDA: ORDINANCES AND LOCAL LAWS:

1. **LL-23-05,** Local Law Amending The City of Poughkeepsie Code Entitled "Main Street Commercial (C-2A)"

XI. PUBLIC PARTICIPATION

1. **Marta Knapp – 10 S. Clinton St**
2. **Jamar Cummings – 5th Ward**
3. **Robert Phillips – 4th Ward**
4. **Mark Villanti – 408 Waterview**
5. **Daniel Atonna – 16 College Ave (For the Many)**
6. **Constantine Kazolias – 47 Noxon St**
7. **Vincent Pedi – 127 South Ave**
8. **Nicholas Kalogris – 14 Maryland Ave**
9. **Laurie Sandow – S. Grand Ave. ***
10. **June Nemon – 197 Union (For the Many)**
11. **Doug Nobiletti – 145 Academy St**
12. **Peter Van Aken – 94 Wilbur Blvd**
13. **Darrett Roberts – 146 Franklin St**
14. **Naomi Brooks – S. Grand Ave ***
15. **Tonisha Kelly – 16 Mansion St**

*** Submitted Written Comments**

V. CHAIRWOMAN'S COMMENTS AND PRESENTATIONS:

Chairwoman Brown: That concludes public comment. That leads to Chairwoman comments. I only have two, it's a late hour so I'm not going to talk long. The first is at the last council meeting I did commit to providing feedback of the citizens concerns revolving around the HDLPC meeting because this council is still a party to a legal matter and I am not going to put my opinion on the record at this time. I don't think it is advisable for me to do so, but I do owe it to the members of the public to explain why I'm not to publicly comment. And I would encourage my colleagues not to publicly comment at this time. May 20th, which is this Saturday,

Laurie Sandow comments, City of Poughkeepsie Common Council meeting, May 15, 2023

I have plenty to say, but I'll skip through most of my comments. But I will say that it's now ten weeks since the March 6th Special Informational meeting, and I still have no written replies from unelected Mayor Marc Nelson, Chairwoman Brown, Chamberlain Davis, and others. How many weeks and months will I have to waste my first sentences at Council meetings keeping count of their refusal to reply to questions they swore they'd answer?

And in the meantime, Nelson and Corporation Counsel Valk have put false and/or misleading statements on the record. Both Nelson and Valk continue to violate the spirit and intent of Freedom of Information Law, introducing lengthy delays in producing documents that should be readily accessible. One example is the resumés of those now sitting as Commissioners of the City of Poughkeepsie Historic District and Landmarks Preservation Commission (HDLPC), with Nelson's assistant Allyson Smith claiming that the delay is due to Rolison and Nelson appointments being kept in separate files. So, I have to ask: how poorly is this City being administered by Nelson that one can say "sorry, it's in two separate files, I just can't produce that stuff" when some of these Commissioners have just been appointed and their documents newly filed and accessible and the earlier documents should be readily accessible as well.

Another example is Valk's claim of the need for 90 days to produce communications sent by Tinkelman, Nussbickel and their associates to various City representatives. Valk's default reply to most FOIL (Freedom of Information Law) requests is that nearly anything and everything from her office is protected by attorney-client privilege, as well as resorting to that old attorney trick of issuing verbal instructions in order to avoid creating a paper trail for the record or for court proceedings.

The RFEI (Request for Expressions of Interest) that was issued for the Southern Waterfront was written in such a way as to actually prevent most visionary applications from being submitted by extraordinary firms that have created notable projects elsewhere, up and down the East Coast as well as internationally, which could bring tremendous revenue, and visitors, and enjoyment to City residents—but not with the terms of the RFEI that was issued.

Having been told that I'm running out of time, I'll close by saying that at the last Council meeting we had councilmembers with pensions and Cadillac health coverage boasting about their hard work, which struck me as seemingly clueless about the hard work, hard lives and limited health coverage of their constituents. If you want more people to show up at these meetings and be involved, hold ward meetings. Ward meeting where you, the Councilmember, talks from your own knowledge about Council and City issues. Not ward meetings where some proxy talks about some issue that's not a Council issue. I don't need to see more of those ward meetings where Hudson River Housing and their offshoots show up and talk; or where no ward meetings are held whatsoever.

Laslty, I sent a letter to Megan Deichler five days ago, asking about Central Hudson trenching in the 8th Ward that's going to rip up newly paved streets. Did I get an answer? No, of course not. This is typical of what the 8th Ward councilmember doesn't do for 8th Ward constituents and also doesn't hold Ward meetings.

Poughkeepsie Common Council meeting May 15, 2023
Naomi Brooks, South Grand Ave

Good evening. We've learned of a lot of new activity in the last few weeks, and instead of having procedures in place to be part of the *initial* process, all we can do is *react*. Being reactive is never as effective as being proactive. I continue to urge you to create the local laws allowed in our charter so you can better supervise the administration of our city.

1 - Only two local developers responded to a request for developing the Delaval siteII
. One was recently paid $1,000,000 to remove his problematic proposal from tying up the ability to move forward with something different, and his new proposal is remarkably similar to the older, inappropriate one. If *neither* submitted proposal meets the goals of the Local Waterfront Revitalization Program or the recommendations of the Waterfront Task Force's survey findings and research results, we do not have to select between these two. We can reopen the request and make sure we get the kind of project this site deserves. There's been a lot of commenting on social media about this, and I urge the public to also voice their opinions to their councilperson as well as here in city meetings.

2 - Some Historic District and Landmarks Commission members, along with legal counsel and planning department staff, showed their bias and their unprofessionalism on broadcast TV after the last HDLPC meeting. I'd been questioning the *qualifications* of some commission members before, and now I add my alarm at their contemptuous *attitudes*. And these commissioners chose to give Pelton Partners a certificate of appropriateness but did not comment about why it met appropriateness criteria. Instead, their comments included the arts function of the mansion ... and yet in tomorrow's Planning Board agenda, the Pelton project documents show residential only – no commercial or arts use. What is going on here?

3 - Planning, Zoning, and HDLPC meetings no longer have a public comment agenda item. It is hard to give input on the important projects before them if there is no public place to do so.

4 - Both Kaal Rock and Bartlett parks have modifications being planned without public input about what modifications are important to our park users. We have only been asked to react to specific proposed modifications. A firm was retained without this public input of what is important to us that the firm should provide. Kaal Rock's modifications were not discussed with the Waterfront Advisory Commission, and Bartlett's were not distributed to a wide selection of park users, just to those in the 5th ward and adjacent to the park. Public design sessions for each project should have been led by landscape architects proficient in artistic park planning, instead of having information sessions after the fact led by an engineering firm.

The above are just a few examples of what happens when clear and complete communication is missing, when neutrality and transparency is missing, and when vibrant and useful public input is a minor afterthought. Please become a more active participant by supervising the process.

is our Family Unity Festival for the School District right on the high school track field. Please come out. Bring your children, bring your grandchildren. There's about 62 community-based organizations providing free resources. We have free food. We have fun games. Everything is free. This is a way for the school district to really celebrate and partner with our community. So, I hope you all can join us. Last year we had over 1500 people and we had Councilmember Thompson there. Councilmember Johnson always comes, Councilmember Flowers, Councilmember Menist, Councilmember Long and Councilmember Shook. I hope all my colleagues can at least stop by. It is from 12 to 3, and please, I encourage all of you to attend this event. I'm going to turn over to Mayor's comments, but I would ask him to try to limit it to about 10 minutes, if you don't mind, Mr. Mayor?

VI. MAYOR'S COMMENTS

Mayor Nelson: Thank you, Madam Chair. I'll go fast. I know we had a lot of things that we wanted to address.

Chairwoman Brown: The first – I want you to be able to answer..

Mayor Nelson: Yeah, I will try my best just with, I'll do my prepared remarks first. I just want to thank Greg Charter and everybody else, including many of our council colleagues that made Friday's pep rally over at Eastman, such a great success and thank you all for those that showed up. But, you know, there's a lot going on in the city. You know, I have to resist the temptation to respond to all the negativity at these meetings twice a month, because what will happen is we'll be forced away from all the good things that are really going on. I want to also thank the organizers, but also for this past weekend for the Stand Against Racism Event that took place at the Family Partnership. What an incredible turnout. Specifically, shout out to Isis and Talent Davis and others that were there that made that a really uplifting event. I've got to say that those are the types of things that make me really enjoy my job as mayor of the City of Poughkeepsie. When I see a community coming together and I wish I could spend a few minutes on that. I want to, before I get to the police and all the other things I've been asked to comment about today, I just want to go back to my mentor and good friend Rob Rolison's commitment to spend over $6 million on city parks and $2 million - now $3 million- on city pools. Let's be absolutely clear – no one was changing in the Pulaski pool house as long as I can remember, and people were using port-a-potties going back before COVID. So, we are investing almost $3 million to rebuild and it's already been demolished. Go up to Pulaski pool and park and take a look, the fence is up, that thing came down within, you know, 5 minutes of the ground frost, you know what, fine, and work is underway. And let me be clear about one other thing. That pool will not open this year because the project will extend through the season. And that was the case no matter when we did it. There was no point during the calendar year that you could get this building demolished and rebuilt and still have a pool open for a season. The only issue was whether we, you know, had the pool closed last year or this year, and the decision was to do it this year. We're also investing millions of dollars in all our parks. And somebody mentioned Kaal Rock and Bartlett. Let me be clear about that as well – there is public engagement. There are two public meetings. One is for the specific property owners contiguous to the park and the other is for the wider public. Talk to John Penney in Communications, go on the city website, please participate. It's been a long time.

Our Chairwoman Brown will tell you, that it's been years since we first promised to do work at Bartlett Park. She was the Sixth Ward Councilperson and Bartlett was in her ward. She came to me years ago and said, "what are we going to do about Bartlett Park?". If there's anybody that can complain about anything in this room today, it's Councilmember Brown, who's been more patient than anybody else. While we put millions of dollars into Pershing Park, Malcolm X Park and so on. So, we are keeping the commitment that Mayor Rolison made to this community – almost $9 million. And I can't wait to see the improvements at Spratt, which are also coming Mr. Van Aken. You've got *my* commitment on that. And this investment is the biggest single investment in parks, pools and city infrastructure in our city history. And still, we have people complaining about it. Now, those were my comments. Now, we'll go on to thank our police department. And let me just catch my breath, because when people are getting shot in the City of Poughkeepsie, that's what we care about. That's what my colleagues up here care about. That's what I care about. I haven't heard on commenter in the public talk about it. Not one. While we're talking about Airbnb's and we're talking about parks and why people can't wash their hands in a restroom, people are getting killed in the City of Poughkeepsie. I've got three police officers in here right now. Why? I would challenge every one of you to ask me *that* question, Mr. Pedi. Why I have three paid officers? I've only got ten minutes. Why do I have three paid officers in a room full of public commenters when they should be on the street? I'll tell you what, if the Chair will agree, I will dismiss them right now because I think it's a waste of time to have three armed police officers in our Council Chambers when they could be doing other work. But they're here because of the type of angst that we have in this community right now because of the commenters. And let's talk about the HDLPC for a minute. I am appalled, absolutely appalled by the behavior of public, members of the public, and particularly members – past members of the commission who now go in there and harass the current members because they don't like the decisions that are being made. If you want more proof that the former commissioners had a bias against a project all you have to do is watch the videotape of what's going on in the public. And that's why there's no public comment, because if my Corporation Counsel says there doesn't have to be , there isn't going to be until we can start having public discourse without three armed cops in the building. You think it can't get worse in Poughkeepsie? It can. You think these elections don't matter? They do. You want somebody that's going to tell you like it is? Well, that's Marc Nelson. So let me finish my comments. I want to get to Delaval and I know I only have three minutes. We're in a public comment period right now. We put out an RFEI to ask the development community what they think is possible. We've spent eight years asking ourselves what we would like to have there as, as we've said, one visioning session after another. And I quote our own RFEI, there have been multiple visioning centers while the city has sought to find out what it wants. We can't get out of our own way. How about for the first time in ten years, we have asked the developers, the ones that invest the money in this city, "what do you think is possible in today's environment with interest rates as high as they are? What do you think is possible?" So let me answer Mr. Pedi, who wants to know why we only got two instead of five proposals. Well, I can't conjure up another three for you, Mr. Pedi, but I can tell you that if I was investing hundreds of millions of dollars, I'm not sure I would invest it in the City of Poughkeepsie right now. Taking a look at what's going on in this room tonight. I think that will just about do it for my comments for this evening.

Madam Chair, I'm going to turn it back over to you and I encourage, one more word, members of the public, please check our website for community engagement about Bartlett Park and about

Kaal Rock Park. And one other thing that the volleyball and the sandball or whatever it is, is at the top. It's not down by the river. So everybody who said on Facebook that the sand is going to get washed out the Hudson River, whatever, that's not going to happen. Thank you.

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 Deichler and seconded by Councilmember Johnson.

1. **R-23-43,** Resolution to Approve Agreement with PCSD for Pool Use

RESOLUTION
(R-23-43)

INTRODUCED BY CHAIRWOMAN BROWN:

WHEREAS, the pool-house at the Pulaski Park Pool has been closed and unusable for a number of years, having fallen into a state of disrepair during the years 2009 – 2015; and

WHEREAS, the City has budgeted funds to demolish and rebuild the pool-house using funding received from the American Rescue Plan Act of 2021 (Public Law 117-2); and

WHEREAS, due to this construction period the Pulaski Pool will not be open and will therefore be unavailable during the 2023 summer season; and

WHEREAS, the City will be partnering with the Poughkeepsie City School District to enable City residents, and particularly our city's youth, to use the School District's indoor swimming pool located in the Middle School during this time; and

WHEREAS, the Poughkeepsie City School District's Board of Education welcomes and encourages the use of school facilities within the limits as may be set by law in accordance with District Policies No. 1500-1500-R.1.

WHEREAS, the City of Poughkeepsie has requested the District's permission to use the swimming pool and related equipment at the District's middle school for the purpose of conducting a swimming program for the benefit of the residents of the District.

WHEREAS, the District has agreed to this request upon the terms and conditions as set forth in Exhibit A, attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the Mayor is authorized to execute an Agreement with the Poughkeepsie City School District for use of the swimming pool and related equipment at the District's middle school in the form attached hereto as Exhibit "A."

SECONDED BY COUNCILMEMBER SHOOK

R-23-43- VOICE VOTE

☑ 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	☑	☐	☐	☐

2. R-23-44, Resolution to Approve Agreement with PCSD for School Resource Officer

RESOLUTION
(R-23-44)

INTRODUCED BY CHAIRWOMAN BROWN:

WHEREAS, the City of Poughkeepsie has and maintains a Police Department (hereinafter referred to as the "Department"); and

WHEREAS, among its purposes and obligations, part of the Department's mission is to protect and to serve the health, safety and welfare of the community and to create and maintain a feeling of security within the community of the City of Poughkeepsie; and

WHEREAS, the School District desires the presence of a police officer at its schools for the purpose of providing security for the benefit of its administration, employees, students and the community at large; and

WHEREAS, the City and the School District are authorized to enter into intermunicipal agreements per Article 5-G of the General Municipal Law for the performance between themselves, or one for the other, of their respective functions, powers and duties on a cooperative contract basis; and

WHEREAS, the School District desires to enter into such an agreement for such services to be provided by the Department as set forth on Exhibit "A," attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED that the Mayor is authorized to execute a proposed Agreement with the Poughkeepsie City School District for a School Resource Officer in the form attached hereto as Exhibit "A."

SECONDED BY COUNCILMEMBER SHOOK

R-23-44- 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	☑	☐	☐	☐

3. R-23-47, SEQRA Resolution Approving the Amending of the Zoning Map for North Clinton St

RESOLUTION
(R-23-47)

RESOLUTION OF THE CITY OF POUGHKEEPSIE COMMON COUNCIL CONCERNING A DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE PERTAINING TO THE PROPOSED LOCAL LAW AMENDING THE ZONING MAP TO CHANGE THE ZONING OF TWO PARCELS ON NORTH CLINTON STREET

INTRODUCED BY COUNCILMEMBER FLOWERS:

WHEREAS, the City of Poughkeepsie Common Council is considering a local law to amend the City's zoning map to change the zoning of two parcels on North Clinton Street; and

WHEREAS, a public hearing on the proposed local law was held on April 17, 2023; and

WHEREAS, in consideration of issuing this negative declaration the Common Council of the City of Poughkeepsie the Common Council considered the Short Environmental Assessment Form.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the attached Negative Declaration dated May 15, 2023 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)(2) 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 SHOOK

R-23-47– 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	☑	☐	☐	☐

4. **R-23-48,** Resolution Calling Upon the NYS Legislature to Pass A.4454/S.305 regarding Prohibiting Eviction without Good Cause

RESOLUTION
(R-23-48)

RESOLUTION CALLING UPON THE NEW YORK STATE LEGISLATURE TO PASS, AND GOVERNOR KATHY HOCHUL TO SIGN, A.4454/S.305, IN RELATION TO PROHIBITING EVICTION WITHOUT GOOD CAUSE

INTRODUCED BY COUNCILMEMBERS DEICHLER, MENIST, THOMPSON, GRANT, LONG, FLOWERS AND CHAIRWOMAN BROWN:

WHEREAS, the housing affordability crisis and homelessness crisis are immediate and pressing problems both in the City of Poughkeepsie and across the State of New York; and

WHEREAS, increased numbers of evictions threaten to impact the most vulnerable Poughkeepsie residents and would put enormous pressure on Dutchess County's homeless services; and

WHEREAS, A.4454, also known as Good Cause Eviction, sponsored by Assemblymember Pamela Hunter in the New York State Assembly and companion bill S.305, sponsored by State Senator Julia Salazar in the New York State Senate, would prohibit landlords from taking any action to evict, fail to renew a lease, or to remove a tenant from a housing accommodation unless it was done for a good cause; and

WHEREAS, a study by the Community Service Society found that 68% of renter households in Dutchess County would be protected from arbitrary evictions by Good Cause Eviction; and

WHEREAS, in November 2021 the City of Poughkeepsie Common Council passed a local Good Cause Eviction law based on the statewide Good Cause Eviction bill; and

WHEREAS, the City's local Good Cause Eviction law was held to be preempted by state law which made Poughkeepsie's local law unenforceable per two decisions issued by the Honorable Frank Mora, City of Poughkeepsie City Court, dated March 7, 2023; and

WHEREAS, in order for City of Poughkeepsie residents to be protected from evictions without good cause, thus allowing more tenants to stay housed, the statewide Good Cause Eviction law must be passed; now, therefore,

NOW, THEREFORE, BE IT RESOLVED, That the City of Poughkeepsie Common Council calls upon the New York State Legislature to swiftly pass, and the Governor to sign, A.4454/S.305, in relation to prohibiting eviction without good cause.

SECONDED BY COUNCILMEMBER SHOOK

R-23-48– VOICE VOTE						
☑ 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	☑	☐	☐	☐

5. **R-23-49**, SEQRA Resolution Approving the Amending of The City of Poughkeepsie Code Entitled "Main Street Commercial (C-2A)"

RESOLUTION
(R-23-49)

RESOLUTION OF THE CITY OF POUGHKEEPSIE COMMON COUNCIL CONCERNING A DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE PERTAINING TO THE PROPOSED LOCAL LAW AMENDING CHAPTER 19, SECTION 19-3.23.1 OF THE CITY OF POUGHKEEPSIE CODE ENTITLED "Main Street Commercial (C-2A)"

INTRODUCED BY COUNCILMEMBER FLOWERS:

WHEREAS, the City of Poughkeepsie Common Council is considering a local law to amend Chapter 19, Section 19-3.23.1 of the City of Poughkeepsie Code entitled "Main Street Commercial (C-2A); and

WHEREAS, a public hearing on the proposed local law was held on May 1, 2023; and

WHEREAS, in consideration of issuing this negative declaration the Common Council of the City of Poughkeepsie the Common Council considered the Short Environmental Assessment Form.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the attached Negative Declaration dated May 15, 2023 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)(2) 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 SHOOK

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:
Rebecca A. Valk, Corporation Counsel
62 Civic Center Plaza
Poughkeepsie, NY 12601
(845) 451-4065

R-23-49– 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	☑	☐	☐	☐

XI. ORDINANCES AND LOCAL LAWS:

1. **LL-23-04,** Local Law Amending the Zoning Map for North Clinton St.

LOCAL LAW AMENDING THE ZONING MAP OF THE CITY OF POUGHKEEPSIE
(LL-23-04)

INTRODUCED BY COUNCILMEMBER FLOWERS:

SECTION 1. BE IT ENACTED, by the Common Council of the City of Poughkeepsie, a local law amending the City of Poughkeepsie Zoning Map to change the zoning of the following two parcels from Walkway-Gateway (W-G), **sub-district Gateway Commercial Mixed Use (G-CM)** to Walkway-Gateway (W-G), **sub-district Gateway Residential Mixed Use (G-RM).**

1. 219 North Clinton Street – currently identified as Tax Grid #6162-55-340485 comprising .07 +/- acres.
2. 221 North Clinton Street – currently identified as Tax Grid #6162-55-340488 comprising .07 +/- acres.

SECTION 2. This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

SECONDED BY COUNCILMEMBER SHOOK

LL-23-04– VOICE VOTE

			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	☑	☐	☐	☐

☑ Accepted
☐ Defeated
☐ Tabled

2. **LL-23-05,** Local Law Amending The City of Poughkeepsie Code Entitled "Main Street Commercial (C-2A)"

LOCAL LAW AMENDING CHAPTER 19, SECTION 19-3.23.1 OF THE CITY OF POUGHKEEPSIE CODE ENTITLED "Main Street Commercial (C-2A)"

(LL 23-05)

INTRODUCED BY COUNCILMEMBER FLOWERS:

SECTION 1: BE IT ENACTED, by the Common Council of the City of Poughkeepsie, a local law amending Section 19-3.23.1 of the Code of the City of Poughkeepsie to read in pertinent part as follows:

~~STRIKETHROUGH~~ INDICATES DELETION

BOLD and UNDERLINE INDICATES ADDED LANGUAGE

Section 19-3.23.1 **Main Street Commercial (C-2A).**
[Ord. of 2-21-1989, § 1; Ord. of 5-6-1991, § 3]

(1) *Purpose of district.* The purpose of this district is to provide for a wide range of commercial uses which would normally be located on roadways that experience high traffic volumes and that are located adjacent to or in close proximity to residential uses.

(2) *Permitted uses.* No building or premises shall be used, in whole or in part for any purpose except those listed below:

(a) Uses permitted by right:
1. Retail stores and service businesses.
2. Wholesale businesses, warehouses and building material sales, provided that all storage is fully enclosed by a permanent structure, but excluding storage of coal, coke, fuel oil or junk.
3. Building, plumbing and electrical contractors.
4. Cold storage plant, beverage distributor, baking and other food processing plant that is not offensive, obnoxious or detrimental to neighboring uses by reason of dust, smoke, vibration, noise, odor or effluent.
5. Motor vehicle sales, including the sale of recreation vehicles and trailers and boat sales, with accessory repair facilities, subject to the following requirements:
(i) Sale of used vehicles or boats shall be conducted only as accessory to the sale of new vehicles or boats.
(ii) Outdoor area lighting shall be that generally required for security purposes.
(iii) Entrance and exit driveways shall have an unrestricted width of not less than 12 feet (one-way), shall not be located closer than 10 feet to any property line and shall be so laid out as to avoid the necessity of any vehicle backing out into any public right-of-way.
(iv) Vehicle lifts or pits, dismantled vehicles and all parts and supplies shall be located within a building enclosed on all sides.

(v) All service or repair of motor vehicles shall be conducted in a building enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.
(vi) Gasoline or flammable oils in bulk shall be stored fully underground, not nearer than 10 feet to any lot line.
(vii) No commercial sale of gasoline shall be permitted, nor shall any pump be located in a front or side yard.

6. Standard restaurants.
7. Dry-cleaning establishments.
8. Funeral parlors.
9. Retail sale and accessory storage and display of garden materials, supplies and plants, including nursery operations, provided that the outdoor storage or display of plants and material does not obstruct pedestrian flow or vehicular traffic and does not occur within three feet of a property line.
10. Municipal parks and recreational facilities, including refreshment and service buildings accessory thereto and any other governmental uses and structures of the City of Poughkeepsie, the County of Dutchess or the state or federal governments or agencies thereof:
11. Public utility installations.
12. Places of worship.
13. Printing plants.
14. Taxi station.
15. Auto rental.
16. Radio, television and recording studio.
17. Arts and crafts studios or studios for teaching the performing arts.
18. Buildings with mixed uses, subject to the following requirements:
(i) All lot and bulk requirements for each use are satisfied.
(ii) Separate entrances and exits shall be provided for residential and nonresidential portions of the building.

(b) Uses, subject to issuance of special permit by the Planning Board in accordance with Section 19-6.2 of this Chapter.
1. Research and development uses, provided that any manufacturing shall be limited to prototypes and products for testing.
2. Institutions for higher learning, business, vocational and training schools, including colleges, universities, junior colleges, business, banking, business management, secretarial and office service schools, computer and data processing schools, art and drafting schools, barber, beauty and cosmetology schools, commercial or noncommercial food preparation schools, photography schools, schools for training in the martial arts, dancing, gymnastics and music, schools for fashion design; under the following conditions:
(i) The curriculum shall satisfy the requirements of the New York State Department of Education.
(ii) No accommodations for resident students shall be permitted.
(iii) No music or noise shall be audible in any R-1 through R-6 District.
3. Motor vehicle service stations or gasoline pumps as part of another use, provided that:
(i) No traffic hazard affecting the public safety will be present.

(ii) No sale of gasoline shall be permitted to be established on any lot within a distance of 500 feet of an existing gasoline or filling station or of any lot for which a building permit has been issued for the erection of such a station or any use which includes gasoline pumps.
(iii) No such establishment shall be within a distance of 200 feet of any school, public or private; religious institution, hospital, library, park, nursing home, extended care facility or any similar institution or other place of public assembly; said distance to be measured in a straight line along or across a street between the nearest points of each of the lots or premises, regardless of the district where either premises is located.
(iv) No such establishment shall be within a distance of 30 feet of any R-1 through R-6, O-R or PRD District or a property on or eligible for a federal, state or local historic register.
(v) Entrance and exit driveways shall have an unrestricted width of not less than 12 feet (one-way), nor more than 24 feet (two-ways); shall not be located nearer than 10 feet to any lot line; and shall be so laid out as to avoid the necessity of any vehicle backing into any public right-of-way.
(vi) Vehicle lifts or pits, dismantled automobiles, all parts or supplies, goods, equipment, materials, refuse, garbage or debris shall be located within a building enclosed on all sides.
(vii) All service or repair of motor vehicles shall be conducted in a building enclosed on all sides. The requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.
(viii) Gasoline or flammable oils in bulk shall be stored fully underground, not nearer than 10 feet to any other lot line and the top of the tank shall be not less than two feet below the surface of the ground.
(ix) Gasoline pumps or lubricating or other devices shall be located not nearer than 20 feet from any street or other lot line.

4. Membership clubs catering exclusively to members and their guests and private playgrounds, swimming pools, tennis courts and recreational buildings, except the following are prohibited:
(i) Exterior lighting other than that which is essential for the safety of users of the premises.
(ii) Location of any part of the building nearer than 30 feet to any street or property line unless the property adjoins a nonresidential district in which case the yard requirements of that district shall apply.

5. Fast-food restaurants, provided that eating on the premises of the fast-food restaurant shall be permitted only inside the structure or in areas specifically designated and properly maintained outside of the structure, and provided that the premises is not adjacent to or abutting a property on or eligible for a federal, state or local historic register.

6. Off-street parking, as the principal use of a lot, subject to the following requirements:
(i) The parking facility shall be designed and maintained in accordance with provisions of Section 19-4.3 of this Chapter entitled "Off-street parking and loading."
(ii) Said facility shall be utilized solely for parking registered and operable motor vehicles.
(iii) The lot and bulk requirements of this section do not pertain to any paved or resurfaced parking area; however, if a building or structure is proposed to be erected on the lot, said structure must conform to the lot and bulk requirements herein.

7. Mini-marts, subject to the following requirements:
(i) Mini-marts shall not exceed 400 square feet in improved interior floor area, including but not limited to areas devoted to sales, coolers, storage of goods sold in the mini-mart, office space and any other facilities related to the operation of the mini-mart.
(ii) Drive-up windows shall not be permitted.
(iii) Arcade, game machines or any other coin-operated electronic games are prohibited.
(iv) At least two trash receptacles shall be located next to the walkway for customer use.
(v) An enclosed dumpster area shall be provided.
(vi) Special consideration will be given to the impact of noise, litter, lighting and traffic on adjacent properties.
(vii) Off-street parking shall be provided at a rate of one space for each 300 square feet of gross floor area. Said parking spaces shall be in addition to those required for the service station.
(viii) The sale of alcoholic beverages is prohibited.
(ix) The physical boundaries of the mini-mart must be dearly delineated on the site plan.

8. Multiple dwellings in new structures at urban density (R-6), provided that the first floor is devoted to commercial use; and further provided that the usable open space requirements of Section 19-3.15(4)(i) are satisfied.

9. As a means of preserving existing sound buildings, especially historically or architecturally significant structures, as well as to encourage population in the central business area and provide an additional housing resource, conversion of existing buildings that do not meet minimum lot size requirements to residential use or additional residential units, provided that:

(i) A building is in existence on the effective date of this Chapter.
(ii) All Main Street-facing ground floor uses shall be limited to nonresidential uses.
(iii) No dwelling unit shall contain more than two bedrooms.
(iv) The minimum floor area of a dwelling unit not containing a separate bedroom shall be 400 square feet.
(v) The minimum floor area of a one-bedroom dwelling unit shall be 600 square feet.
(vi) The minimum floor area of a two-bedroom dwelling unit shall be 750 square feet.
(vii) Off-street parking space shall be provided in accordance with the requirements of Section 19-4.3 of this chapter, and such space shall be located within 600 feet of the premises.

(3) *Accessory uses.* Accessory uses shall be as follows:
(a) Off-street parking.
(b) Buildings for housing pets; playhouses.
(c) Garden houses, greenhouses.
(d) Signs, subject to the requirement of Section 19-4.9 of this Chapter.
(e) Swimming pool and/or tennis court and related recreational facilities, subject to the requirements of Sections 19-4.7 and/or 19-4.9 of this chapter.
(f) Fully enclosed storage.
(g) Cafeteria and recreational facility for employees or clientele.

(4) *Lot and bulk requirements*. Lot and bulk requirements shall be as follows:

(a) Minimum lot area required: none.
(b) Minimum required frontage: 40 feet.
(c) Minimum required yards:

1. Front: 10 feet.
2. Side: 10 feet.
3. Rear: 20 feet.

Except as otherwise specified, where a use in a C-2A District is within 50 feet of an R-1 through R-6 District or property on or eligible for a federal, state or local historic register, a landscaped buffer of at least 20 feet shall be provided along the property line.

(d) Maximum FAR: 2.0.
(e) Maximum lot coverage: 60%.

(5) *Parking and loading.* Off-street parking and loading spaces shall be provided in accordance with Section 19-4.3 of this chapter.

(6) *Landscaping and screening.* Landscaping and screening shall be provided, subject to the requirements of Section 19-4.11 of this chapter.

SECTION 2. This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

SECONDED BY COUNCILMEMBER SHOOK

LL-23-05– VOICE VOTE

☑	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	☑	☐	☐	☐

ACTION AGENDA:

X. MOTIONS AND RESOLUTIONS:

A motion was made to TABLE Resolution R-23-45 and Resolution R-23-46 until June 5, 2023 by Councilmember Flowers and seconded by Councilmember Shook

1. **R-23-45,** Resolution Approving Consent to One Dutchess Sewer Trans, Corp

MUNICIPAL CONSENT TO FORMATION OF SEWER WORKS CORPORATION

The City Council of the City of Poughkeepsie, Dutchess County, New York hereby consents to the formation of a sewer works corporation under the provisions of the Consolidated Laws of New York, Chapter 63, Article 10, Sewage-Works Corporations for the purpose of supplying the City and Town of Poughkeepsie with a sewer system; and we consent to the filing of the annexed certificate of incorporation for One Dutchess Sewer-Works Corporation upon the condition that the City or the Town shall have the irrevocable option to purchase or acquire by condemnation the sewer works system from One Dutchess Sewer-Works Corporation.

Executed on _____, 2023 at Poughkeepsie, New York

_____
Natasha Brown, Chairwoman

I hereby certify that the Consent herein was passed by the Poughkeepsie City Council on _____, 2023

_____
Jasmin Davis, City Chamberlain

I hereby certify that the foregoing Consent contains the correct text and proper procedures were followed for the Consent above referenced passed by the Poughkeepsie City Council on _____, 2023

_____
Rebecca Valk, Corporation Counsel

2. R-23-46, Resolution Approving Consent to One Dutchess Water Works, Corp

MUNICIPAL CONSENT TO FORMATION OF WATER WORKS CORPORATION

The City Council of the City of Poughkeepsie, Dutchess County, New York hereby consents to the formation of a water works corporation under the provisions of the Consolidated Laws of New York, Chapter 63, Article 10, Water-Works Corporations for the purpose of supplying the City and Town of Poughkeepsie with a water system; and we consent to the filing of the annexed certificate of incorporation for One Dutchess Water-Works Corporation upon the condition that the City or the Town shall have the irrevocable option to purchase or acquire by condemnation the water works system from One Dutchess Water-Works Corporation.

Executed on _____, 2023 at Poughkeepsie, New York

_____
Natasha Brown, Chairwoman

I hereby certify that the Consent herein was passed by the Poughkeepsie City Council on _____, 2023

_____
Jasmin Davis, City Chamberlain

I hereby certify that the foregoing Consent contains the correct text and proper procedures were followed for the Consent above referenced passed by the Poughkeepsie City Council on _____, 2023

_____
Rebecca Valk, Corporation Counsel

XI. ORDINANCES AND LOCAL LAWS:

1. ***FIRST READ:*** **O-23-XX,** Ordinance Amending §13-269 of Chapter 13 of The City of Poughkeepsie Code of Ordinances Entitled "Motor Vehicles and Traffic" - Handicapped Parking on Thompson St

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

(O-23-##)

INTRODUCED BY COUNCILMEMBER FLOWERS:

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:

THOMPSON ST., North side, beginning 95 feet East of its intersection with Smith St., and continuing East for a distance of 30 feet, for two parking spaces.

THOMPSON ST., South side, beginning 95 feet East of its intersection with Smith St., and continuing East for a distance of 30 feet, for two parking spaces.

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____:

ADDITIONS denoted by **Underlining and Bold**

XII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

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

1. **FROM JESSICA Z. SEGAL,** a notice of property damage sustained on or around April 20, 2023.

XIII. ADJOURNMENT:

A motion was made by Councilmember Deichler and seconded by Councilmember Johnson to adjourn the meeting at 8:53 PM.

Dated: May 18, 2023

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, May 15, 2023.

Respectfully submitted,

Donna M. DeLuca
Deputy City Chamberlain

THE CITY OF POUGHKEEPSIE
NEW YORK
SPECIAL COMMON COUNCIL MEETING MINUTES

Tuesday, May 30, 2023 6:00 pm Common Council Chambers

Vice Chair Shook called the meeting to order at 6:01 p.m.

I. Welcome

II. Roll Call

III. **R-23-50,** Resolution adopting the Municipal Home Rule Law

Councilmember Menist made a motion to amend the sponsoring councilmember of the Resolution from Chairwoman Brown to Councilmember Menist. The motion was seconded by Vice Chair Shook.

RESOLUTION
(R-23-50)

INTRODUCED BY COUNCILMEMBER MENIST_____:

WHEREAS, the City of Poughkeepsie wishes to have the authority to collect a tax on renters of lodging on an overnight basis such as hotels, motels, bed and breakfast and other short term rental facilities; and

WHEREAS, the Common Council wishes to request official action of the state legislature through §40 of the Municipal Home Rule Law; and

WHEREAS, Senator Rolison and Assemblyman Jacobson have drafted legislation that has been introduced in both the Senate and the Assembly, and such legislation has been printed by both the Senate and the Assembly as Senate Bill No. S06679 and as Assembly Bill No. A06555, copies of which are annexed hereto;

NOW, THEREFORE,

BE IT RESOLVED, as follows:

1. The Common Council and the Mayor of the City of Poughkeepsie hereby issue this Home Rule Request for Senate Bill No. S06679 and Assembly Bill No. A06555 entitled "An Act to Amend the tax law, in relation to authorizing the City of Poughkeepsie to impose a hotel and motel tax; and providing for the repeal of such provisions upon expiration thereof;" and

2. The City Chamberlain and/or Corporation Counsel be and hereby are authorized and directed to forward a certified copy of this resolution and Home Rule Request Form with appropriate transmittal letter to Senator Rolison and Assemblyman Jacobson for the New York State Legislature.

SECONDED BY COUNCILMEMBER VICE-CHAIR SHOOK _____.

IMPORTANT: READ INSTRUCTIONS ON REVERSE SIDE

HOME RULE REQUEST

(Request by a Local Government for Enactment of a Special Law)

To the Legislature:

Pursuant to Article IX of the Constitution, the CITY (county, city, town or village) of POUGHKEEPSIE (name) requests the enactment of Senate / Assembly (strike out one) bill (no. A6555/S6679), entitled "

AN ACT TO AMEND THE TAX LAW, IN RELATION TO AUTHORIZING THE CITY OF POUGHKEEPSIE TO IMPOSE A HOTEL AND MOTEL TAX; AND PROVIDING FOR THE REPEAL OF SUCH PROVISIONS UPON EXPIRATION THEREOF.

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows. (Check appropriate box)

- [x] The local government does not have the power to enact such legislation by local law.
- [ ] Other facts, as set forth in the following "Explanation" establish such necessity.

EXPLANATION

(If space below is not sufficient, use separate sheet and attach here)

Such request is made by: (Check appropriate box)

- [ ] The chief executive officer of such local government, concurred in by a majority of the total membership of the local legislative body. (See paragraph A below)
- [ ] The local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request. (See paragraph B below)

READ BEFORE SIGNING

A. If the request is made by the chief executive officer and concurred in by a majority of the total membership of the local legislative body, *both* the chief executive officer *and* the clerk of the local legislative body must sign below. In such case use the word "majority" below even though the vote may have been greater.

B. If the request is made by the local legislative body, at least two-thirds of the total membership thereof having voted in favor of such request, *only* the clerk of the local legislative body must sign below. In such case use the words "two-thirds" below.

CHIEF EXECUTIVE OFFICER'S SIGNATURE

(Signed) ..... (chief executive officer)

..... (Print or type name below signature)

Date: ..... 20 .... (Title of chief executive officer)

CLERK'S CERTIFICATION

I, ... (print or type name) ..... do hereby certify that I am Clerk of the ..... (local legislative body) ..... of the ..... (county, city, town or village) ..... of ..... (name) ..... and that on the ..... day of ..... , 20____, such legislative body, at least two-thirds / a majority (strike out one) of the total membership having voted in favor thereof, approved the foregoing request.

(Signed) ..... (clerk)

(CITY OR LOCAL GOVERNMENT SEAL)

..... (Print or type name below signature)

Date: ..... 20 .....

STATE OF NEW YORK

6679

2023-2024 Regular Sessions

IN SENATE

May 4, 2023

Introduced by Sen. ROLISON -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to authorizing the city of Poughkeepsie to impose a hotel and motel tax; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The tax law is amended by adding a new section 1202-nn to read as follows:

§ 1202-nn. Hotel or motel taxes in the city of Poughkeepsie. (1) Notwithstanding any other provisions of law to the contrary, the city of Poughkeepsie, in the county of Dutchess, is hereby authorized and empowered to adopt and amend local laws imposing in such city a tax, in addition to any other tax authorized and imposed pursuant to this article such as the legislature has or would have the power and authority to impose upon persons occupying hotel or motel rooms in such city. For the purposes of this section, the term "hotel" or "motel" shall mean and include any facility consisting of rentable units and providing lodging on an overnight basis and shall include those facilities designated and commonly known as "bed and breakfast" and "tourist" facilities. The rates of such tax shall not exceed five percent of the per diem rental rate for each room, provided however, that such tax shall not be applicable to a permanent resident of a hotel or motel. For the purposes of this section the term "permanent resident" shall mean a person occupying any room or rooms in a hotel or motel for at least ninety consecutive days.

(2) Such tax may be collected and administered by the chief fiscal officer of the city of Poughkeepsie by such means and in such manner as other taxes which are now collected and administered by such officer or as otherwise may be provided by such local law.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD10676-01-3

(3) Such local laws may provide that any tax imposed shall be paid by the person liable therefor to the owner of the hotel or motel room occupied or to the person entitled to be paid the rent or charge for the hotel or motel room occupied for and on account of the city of Poughkeepsie imposing the tax and that such owner or person entitled to be paid the rent or charge shall be liable for the collection and payment of the tax; and that such owner or person entitled to be paid the rent or charge shall have the same right in respect to collecting the tax from the person occupying the hotel or motel room, or in respect to nonpayment of the tax by the person occupying the hotel or motel room, as if the tax were a part of the rent or charge and payable at the same time as the rent or charge; provided, however, that the chief fiscal officer of the city, specified in such local law, shall be joined as a party in any action or proceeding brought to collect the tax by the owner or by the person entitled to be paid the rent or charge.

(4) Such local laws may provide for the filing of returns and the payment of the tax on a monthly basis or on the basis of any longer or shorter period of time.

(5) This section shall not authorize the imposition of such tax upon any transaction, by or with any of the following in accordance with section twelve hundred thirty of this article:

a. The state of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada), improvement district or other political subdivision of the state;

b. The United States of America, insofar as it is immune from taxation;

c. Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

(6) Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefor is made to the supreme court within thirty days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the civil practice law and rules shall not be instituted unless:

a. The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of financial services of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

b. At the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

(7) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the proper fiscal officer or officers, and such officer or officers shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the civil practice law and rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

(8) Except in the case of a wilfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return, provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

(9) All revenues resulting from the imposition of the tax under the local laws shall be paid into the treasury of the city of Poughkeepsie and shall be credited to and deposited in the general fund of the city. Such revenues may be used for any lawful purpose.

(10) If any provision of this section or the application thereof to any person or circumstance shall be held invalid, the remainder of this section and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed 3 years after such date.

STATE OF NEW YORK

6555

2023-2024 Regular Sessions

IN ASSEMBLY

April 18, 2023

Introduced by M. of A. JACOBSON -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to authorizing the city of Poughkeepsie to impose a hotel and motel tax; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The tax law is amended by adding a new section 1202-nn to read as follows:

§ 1202-nn. Hotel or motel taxes in the city of Poughkeepsie. (1) Notwithstanding any other provisions of law to the contrary, the city of Poughkeepsie, in the county of Dutchess, is hereby authorized and empowered to adopt and amend local laws imposing in such city a tax, in addition to any other tax authorized and imposed pursuant to this article such as the legislature has or would have the power and authority to impose upon persons occupying hotel or motel rooms in such city. For the purposes of this section, the term "hotel" or "motel" shall mean and include any facility consisting of rentable units and providing lodging on an overnight basis and shall include those facilities designated and commonly known as "bed and breakfast" and "tourist" facilities. The rates of such tax shall not exceed five percent of the per diem rental rate for each room, provided however, that such tax shall not be applicable to a permanent resident of a hotel or motel. For the purposes of this section the term "permanent resident" shall mean a person occupying any room or rooms in a hotel or motel for at least ninety consecutive days.

(2) Such tax may be collected and administered by the chief fiscal officer of the city of Poughkeepsie by such means and in such manner as other taxes which are now collected and administered by such officer or as otherwise may be provided by such local law.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD10676-01-3

(3) Such local laws may provide that any tax imposed shall be paid by the person liable therefor to the owner of the hotel or motel room occupied or to the person entitled to be paid the rent or charge for the hotel or motel room occupied for and on account of the city of Poughkeepsie imposing the tax and that such owner or person entitled to be paid the rent or charge shall be liable for the collection and payment of the tax; and that such owner or person entitled to be paid the rent or charge shall have the same right in respect to collecting the tax from the person occupying the hotel or motel room, or in respect to nonpayment of the tax by the person occupying the hotel or motel room, as if the tax were a part of the rent or charge and payable at the same time as the rent or charge; provided, however, that the chief fiscal officer of the city, specified in such local law, shall be joined as a party in any action or proceeding brought to collect the tax by the owner or by the person entitled to be paid the rent or charge.

(4) Such local laws may provide for the filing of returns and the payment of the tax on a monthly basis or on the basis of any longer or shorter period of time.

(5) This section shall not authorize the imposition of such tax upon any transaction, by or with any of the following in accordance with section twelve hundred thirty of this article:

a. The state of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada), improvement district or other political subdivision of the state;

b. The United States of America, insofar as it is immune from taxation;

c. Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

(6) Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefor is made to the supreme court within thirty days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the civil practice law and rules shall not be instituted unless:

a. The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of financial services of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

b. At the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

(7) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the proper fiscal officer or officers, and such officer or officers shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the civil practice law and rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

(8) Except in the case of a wilfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return, provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

(9) All revenues resulting from the imposition of the tax under the local laws shall be paid into the treasury of the city of Poughkeepsie and shall be credited to and deposited in the general fund of the city. Such revenues may be used for any lawful purpose.

(10) If any provision of this section or the application thereof to any person or circumstance shall be held invalid, the remainder of this section and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed 3 years after such date.

R-23-50– VOICE VOTE						
☑ 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	☐	☐	☐	☑

IV. Adjournment

A motion was made by Councilmember Menist and seconded by Councilmember Deichler to adjourn the meeting at 6:07 PM.

Dated: May 31, 2023.

I hereby certify that this true and correct copy of the Minutes of the Special Informational Meeting held on May 30, 2023.

Respectfully submitted,

Jasmin Nicole Davis
City Chamberlain