



COMMON COUNCIL MEETING

Common Council Chambers

Tuesday, September 8, 2020

6:30 p.m.

- I. ROLL CALL:**
- II. REVIEW OF MINUTES:**
- III. READING OF ITEMS by the City Chamberlain of any resolutions not listed on the printed agenda.**
- IV. PUBLIC PARTICIPATION:**
- V. MAYOR'S COMMENTS:**
- VI. CHAIRPERSON'S COMMENTS AND PRESENTATIONS:**
- VII. REPORTS OF COMMITTEES AND BOARDS:**
 - Chair of the IDA, Melanie Vetter**
- VIII. MOTIONS AND RESOLUTIONS:**
 - 1. SEQRA Resolution R20-75 and Sale Resolution R20-76, approving the sale of city owned lots located on Taylor Avenue.
 - 2. Resolution R20-77, approving the ratification of the amendment to the IMA between the Town of Poughkeepsie and the City of Poughkeepsie Joint Water Board.
- IX. ORDINANCES AND LOCAL LAWS:**
- X. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:**
- XI. UNFINISHED BUSINESS:**

XII. NEW BUSINESS:

XIII. ADJOURNMENT:

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA) RESOLUTION REGARDING A SALE OF
CERTAIN CITY OWNED PROPERTIES
(R20-75)**

INTRODUCED BY COUNCILMEMBER L. JOHNSON

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of city owned property located at 78 Taylor Avenue and no number Taylor Avenue and identified as Tax Map Nos.: 6162-54-176458 and 6162-54-165446, respectively; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. In accordance with Section 617.5(a)(1) of Title 6 NYCRR, the Common Council determines that the above described action is subject to SEQRA; and
2. In accordance with Section 617.5(a)(2) of Title 6 NYCRR, the Common Council determines that the action does not involve a federal agency; and
3. In accordance with Section 617.5(a)(3) of Title 6 NYCRR, the Common Council determines that the above described action does not involve any other agencies; and
4. In accordance with Section 617.5(a)(4) of Title 6 NYCRR, the Common Council classifies the above described action as an unlisted action. The Common Council in making such classification considered Section 617.12 of Title 6 NYCRR and determined that the above action did not fall into any of the categories listed under Type I, and also considered Section 617.13 of NYCRR and determined that the above described action did not fit under any of the categories listed under Type II Actions, thus reaching the conclusion that it is to be considered an unlisted action; and
5. In accordance with Section 617.5(a)(5) the Common Council determines that the above described project will not require a long EAF since the short EAF provides sufficient information; and

6. The Common Council officially makes a determination of non-significance in that the proposed sale of properties are not expected to result in a significant adverse impact on the environment and, therefore, the preparation of a draft environmental impact statement is not necessary; and
7. This determination shall be considered a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law; and
8. The City Chamberlain shall maintain a file of this determination as well as the attached EAF which is hereby made a part of this resolution.

SECONDED BY COUNCILMEMBER _____.

RESOLUTION
(R20-76)

INTRODUCED BY COUNCILMEMBER L. JOHNSON

WHEREAS, the City of Poughkeepsie is the owner of real property located at 78 Taylor Avenue and known as Tax Map No.: 6162-54-176458 and an adjacent parcel unnumbered on Taylor Avenue known as Tax Map No.: 6162-54-165446 which is hereinafter referred to as the "Property"; and

WHEREAS, the Property was offered for sale by the City of Poughkeepsie Property and Acquisition and Disposition Committee; and

WHEREAS, the City received two responses with which the PAD selecting the offer of Parkview Development & Construction LLC ("Parkview" or "Purchaser") who proposes to construct a new development that will consist of approximately 75 residential units with an on-site affordable day-care center (the, "Project"); and

WHEREAS, Parkview has offered to purchase the property for \$267,300; and

WHEREAS, the Administration of the City of Poughkeepsie, supports the Project and recommends the sale of the Property to Parkview; and

WHEREAS, the Common Council hereby finds it is in the best interests of the City of Poughkeepsie to approve the offer from Parkview; and

WHEREAS, the Common Council's action to sell this property is contingent upon Parkview obtaining proper land development approvals for the proposed by December 31, 2020 and for purposes of SEQRA, this action is limited to the authorization to sell the Property and shall not be deemed to constitute an approval of the Project; and

WHEREAS, the Common Council by Resolution (R-20-XX) officially makes a determination of non-significance in that the proposed sale is not expected to result in a significant adverse impact on the environment and, therefore, the preparation of a draft environmental impact statement is not necessary

NOW, THEREFORE,

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

RESOLVED, that the offer from Parkview Development & Construction LLC to purchase the parcel(s) in the City of Poughkeepsie and known as 78 Taylor Avenue, Grid #6162-54-176458 and unnumbered Taylor Avenue Grid #6162-54-165446 for the sum of \$267,300.00 is hereby approved subject to the hereinafter mentioned conditions and subject to such other and further conditions which the Corporation Counsel shall deem appropriate; and be it further

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

- A. the conveyance of title and the payment of the purchase price shall take place on or before December 31, 2020, unless the Corporation Counsel shall grant such extension as he deems appropriate; and**
- B. The transfer of title and Purchaser's use of the Property shall be subject to all state, federal and local regulations including the City of Poughkeepsie and New York State Building Codes and the City of Poughkeepsie Zoning Ordinance and real property taxes coming due pursuant to law on and after the date of transfer of title; and**
- C. Purchaser shall accept such title to the real property as the City of Poughkeepsie is possessed of and agrees to accept such title by quitclaim deed subject to any defects or encumbrances as are of record; and**
- D. Purchaser agrees that he shall not use the agreed upon purchase price as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation; and**
- E. Purchaser shall on or before December 31, 2020 obtain all necessary land development approvals necessary to construct a residential development containing approximately 75 apartments and an affordable daycare center; and**
- F. Purchaser shall, to the extent practical, utilize local labor with preference given to residents of the City of Poughkeepsie to construct the proposed development/**

RESOLVED, that the Mayor is hereby authorized to enter into a contract for the above mentioned transaction provided such contract contains the terms contained herein together with such other terms and conditions which the Corporation Counsel shall deem appropriate, and the Mayor, the City Administrator and the Corporation Counsel are hereby authorized and directed to do all things necessary to give effect to the terms of this resolution.

SECONDED BY COUNCILMEMBER _____.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Sale of City Owned Property- 78 Taylor Avenue; Unnumbered Taylor Avenue			
Project Location (describe, and attach a location map): Taylor Avenue; City of Poughkeepsie; County of Dutchess			
Brief Description of Proposed Action: Sale of City owned property to Kearney Realty and Development. This SEQRA determination is for the purpose of the sale of the property without any definite plan for development.			
Name of Applicant or Sponsor: City of Poughkeepsie Common Council		Telephone: (845) 451-4276 E-Mail: commoncouncil@cityofpoughkeepsie.com	
Address: 62 Civic Center Plaza			
City/PO: Poughkeepsie		State: NY	Zip Code: 12601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO ☐ YES ☒
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO ☐ YES ☒
3. a. Total acreage of the site of the proposed action? 1.5 acres b. Total acreage to be physically disturbed? 0 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.5 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☒ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☒	☐	☐
b. Consistent with the adopted comprehensive plan?	☒	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☒	☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?			
	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			
	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☒	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☒	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☒	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?			
	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			
	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☒	☐
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Sarah Salem, Chair</u> Date: _____ Signature: _____ Title: _____		

R E S O L U T I O N
(R20-77)

**APPROVING AMENDMENTS TO THE INTER-MUNICIPAL AGREEMENT
CONCERNING THE POUGHKEEPSIE JOINT WATER TREATMENT FACILITY**

INTRODUCED BY COUNCILCHAIR SALEM:

WHEREAS, the City of Poughkeepsie and Town of Poughkeepsie have executed an inter-municipal agreement between them pursuant to Article 5-G of the Municipal Law for a Joint Water Project; and

WHEREAS, the Joint Water Board has proposed and approved certain amendments to the inter-municipal agreement relating to the consideration of the proposed budget and the filing of the annual reconciliation, which are detailed more fully in the attached proposed Third Amendment to the Inter-Municipal Agreement Concerning the Poughkeepsies' Water Treatment Facility; and

WHEREAS, the amendments require ratification by the respective legislative bodies of the City and Town of Poughkeepsie before they become effective; and

NOW, THEREFORE, BE IT

RESOLVED, that the amendments, in substantially the same form and substance as annexed hereto be, and the same hereby are authorized and approved, subject to authorization and approval of the amendments by the Town of Poughkeepsie Board; and be it further

RESOLVED, that the Mayor is authorized, upon receiving evidence that the Town Board has authorized and approved the amendments, to execute the amendments on behalf of the City; and be it further

RESOLVED, that this resolution shall take effect immediately.

SECONDED BY COUNCILMEMBER _____.

At a Regular Meeting of the Poughkeepsies' Joint Water Project Board held via Zoom pursuant to an Executive Order of the Governor, on the 4th day of August 2020.

RESOLUTION NO. /2020

RE: APPROVAL OF THIRD AMENDMENT TO INTER-MUNICIPAL AGREEMENT CONCERNING THE POUGHKEEPSIES' WATER TREATMENT FACILITY

The meeting was called to order by Chairman Carlos, and upon roll being called, the following were

PRESENT: William Carlos, Chairman
 Marc Nelson
 Jay Baisley
 Jessica Sanchez
 Sarah Salem Absent
 Rich Dupilka Absent

The following Resolution was proposed by Board Member Marc Nelson who moved its adoption, seconded by Board Member Jessica Lopez.

WHEREAS, the City and Town desire to amend the Agreement with respect to the dates that a reconciliation is due and make certain changes regarding proposed budgets; and

WHEREAS, the deadline for the filing of annual update documents with the Office of the State Comptroller has been changed to May 1 and the time for the annual reconciliation in the Agreement should be amended to reflect the May 1 deadline; and

WHEREAS, the August 15 deadline in the existing Agreement does not give the Joint Water Board sufficient time to consider the proposed budget and the Agreement should be revised to reflect a deadline of the September Board Meeting which is consistent with the budget time frames for special districts in the Town and for the City's budget adoption and gives the Joint Board adequate time to consider the proposed budget; and

WHEREAS, the Attorney for the Board drafted an Amendment that changes the due dates in the IMA to reflect a more appropriate reconciliation date and budget review dates;

NOW THEREFORE, BE IT RESOLVED that the Board approves the THIRD AMENDMENT TO INTER-MUNICIPAL AGREEMENT CONCERNING THE POUGHKEEPSIES' WATER TREATMENT FACILITY in the form annexed hereto; and be it further

RESOLVED that a certified copy of this resolution be delivered to the legislative bodies of the Town and City with the Boards favorable recommendation that the same should be duly considered by them for adoption; and be it further

RESOLVED, that the THIRD AMENDMENT to the IMA shall take effect after approval by the legislative bodies of the Town and City.

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

	AYE	NAY	ABSENT
William Carlos, Chairman	X		
Marc Nelson	X		
Jay Baisley	X		
Jessica Sanchez	X		
Sarah Salem			X
Rich Dupilka			X

The Resolution is hereby declared duly adopted.

I hereby certify that the above is a true and correct copy of the Resolution passed by the Poughkeepsies' Joint Water Project Board at its Regular Meeting held on August 4, 2020.

Dated: August 28, 2020

William Carlos, Chairman

THIRD AMENDMENT TO INTER-MUNICIPAL AGREEMENT
CONCERNING THE POUGHKEEPSIES' WATER TREATMENT FACILITY

This Agreement dated as of the ____ day of September 2020 by and between the City of Poughkeepsie (hereinafter the City), the Town of Poughkeepsie (hereinafter the Town) (collectively referred to herein as the municipalities) amends the Inter-Municipal Agreement between the municipalities dated August 3, 1995 as subsequently amended (the "Agreement").

WITNESSETH THAT:

WHEREAS, the City and Town desire to amend the Agreement with respect to the dates that a reconciliation is due and make certain changes regarding proposed budgets; and

WHEREAS, the deadline for the filing of annual update documents with the Office of the State Comptroller has been changed to May 1 and the time for the annual reconciliation in the Agreement should be amended to reflect the May 1 deadline; and

WHEREAS, the August 15 deadline in the existing Agreement does not give the Joint Water Board sufficient time to consider the proposed budget and the Agreement should be revised to reflect a deadline of the September Board Meeting which is consistent with the budget time frames for special districts in the Town and for the City's budget adoption and gives the Joint Board adequate time to consider the proposed budget;

NOW THEREFORE, it is mutually agreed:

§ 7.2.7 is hereby amended to read in its entirety as follows:

7.2.7 Before the first day of May, the Joint Board shall retroactively calculate the actual operational, maintenance and capital costs in accordance with the terms of this agreement for the preceding calendar year. The actual costs shall be compared to the payments received from each party or third party for that calendar year and an appropriate credit or debit calculated, the credit or debit shall be included in the June 1 bills.

§ 11.1.2 is hereby amended to read in its entirety as follows:

11.1.2 The proposed Operating Budget for the Joint Project shall be delivered to the Joint Board by the July Board Meeting. The Joint Board shall review the proposed Operating Budget and may make revisions to it. The Joint Board shall approve the proposed Operating Budget, with any amendments thereto by the September Board Meeting of each year and such budget shall be deemed the Joint Project Operating Budget. If the Joint Board fails to adopt a proposed Operating Budget for the Joint Project at or before its September Board Meeting of each year, the Water Plant Administrator's proposed Operating Budget shall be deemed to be the Joint Project Operating Budget. The Joint Project Operating Budget shall be submitted to the City and the Town for inclusion within their respective budgets.

IN WITNESS WHEREOF, the participating municipalities have executed this Amendment as of the date affixed next to the signature pursuant to resolution of the governing body of each municipality.

CITY OF POUGHKEEPSIE

BY: _____
Robert G. Rolison, Mayor

ACKNOWLEDGEMENT

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

On the ____ day of September in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

TOWN OF POUGHKEEPSIE and TOWN WIDE WATER IMPROVEMENT AREA

BY: _____
Jon J. Baisley, Supervisor

ACKNOWLEDGEMENT

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

On the ____ day of September in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC