THE CITY OF POUGHKEEPSIE
NEW YORK

COMMON COUNCIL MEETING
MINUTES

Monday, October 19, 2020 6:30 p.m. **City Hall**

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

Welcome to the regularly scheduled meeting of the City of Poughkeepsie Common Council the date is Monday, October 19, 2020, and the time is 6:30 pm.

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

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

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

Let's all recite the pledge of allegiance.

I. PLEDGE OF ALLEGIANCE:

ROLL CALL-All Present

II. REVIEW OF MINUTES:

CCM 9-21-2020 and 10-5-2020						
			Yes/Aye	**No/Nay**	**Abstain**	**Absent**
☑ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☑	☐	☐	☐
	Councilmember McNamara	Voter	☑	☐	☐	☐
	Councilmember Cherry	Voter	☐	☐	☐	☑
	Councilmember R. Johnson	Voter	☑	☐	☐	☐
	Councilmember Menist	Voter	☐	☐	☐	☑
	Councilmember Petsas	Voter	☑	☐	☐	☐
	Councilmember L. Johnson	Voter	☑	☐	☐	☐
	Councilmember Brannen	Voter	☑	☐	☐	☐
	Chair Salem	Voter	☑	☐	☐	☐

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

ADD:

VII: MOTIONS AND RESOLUTIONS:

3. Resolution R20-86, overriding the Mayoral Veto of R20-79.

4. Resolution R20-87, approving an appointment to the Arts Commission.

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

1. Brian Robinson-
2. Earl Brown- Merrick Road
3. Laurie Sandow-South Grand Avenue

V. CHAIRPERSON'S COMMENTS AND PRESENTATIONS:

Chair Salem-We have a special meeting for the presentation of the 2021-2025 Capital Plan this Wednesday, October 21, 2020, at 6:30 pm. The Capital Improvement Plan defines projects and initiatives for the five-year period of 2021-2025 and acts as a blueprint for planning our city's capital expenditures. Members of the public can register in advance for this special meeting; https://us02web.zoom.us/webinar/register/WN_ZSjCLyofQmu2RBNLl8sq3g. After registering, you will receive a confirmation email containing information about joining the session.

We will be conducting budget hearings on the proposed 2021 budget, a draft of which we received this past Thursday, October 15, 2020. Thank you to the Commissioner of Finance and City Administration for their timely delivery. We will now take time to review it and as a part of that review, we have invited the Mayor's office to present the draft with narration at a Public Hearing on Monday, November 9, 2020, at 6 pm. Following the initial budget hearing, the budget will go into the Finance Committee for a more detailed review, and the Council will convene to make modifications and to balance the budget before it is adopted by December 31st. Register in advance for this hearing:

https://us02web.zoom.us/webinar/register/WN_SshmJvyHRBCuHLOtTST_rA. After registering, you will receive a confirmation email containing information about joining the session.

The School district capital improvement project vote is TOMORROW. Please get out and vote.

The first meeting of the Dutchess Poughkeepsie Land Bank is this Thursday, October 22 at 6:30 pm. The meeting is being held using GoToWebinar videoconference software and is open to the public- Registration information is posted at www.cityofpoughkeepsie.com

Election Day is coming! Make a voting plan. Vote by mail, request a mail-in ballot by October 27. Vote early- early voting in NYS Starts THIS SATURDAY, October 24, and runs through November 1. Vote on Election Day, November 3- check out where your polling site is in advance so you're ready to go. Whichever way you choose to do it, get it done.

ADD:

VII: MOTIONS AND RESOLUTIONS:

3. Resolution R20-86, overriding the Mayoral Veto of R20-79.

4. Resolution R20-87, approving an appointment to the Arts Commission.

VI. REPORTS OF COMMITTEES AND BOARDS:

NONE

VIII. MOTIONS AND RESOLUTIONS:

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

NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) RESOLUTION REGARDING A SALE OF CERTAIN CITY OWNED PROPERTIES (R20-85)

INTRODUCED BY COUNCILMEMBER FLOWERS AND COUNCILMEMBER PETSAS

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of city owned property located at 16 Bement Avenue and identified as Tax Map No. 6162-80-390070; 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 property; and

WHEREAS, the Common Council has reviewed the proposed sale of property 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 property 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; and

7. This determination shall be considered a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law; and

8. The City Chamberlain shall maintain a file of this determination as well as the attached EAF which is hereby made a part of this resolution.

SECONDED BY COUNCILMEMBER BRANNEN

R20-85						
			Yes/Aye	No/Nay	Abstain	Absent
☑ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☑	☐	☐	☐
	Councilmember McNamara	Voter	☑	☐	☐	☐
	Councilmember Cherry	Voter	☑	☐	☐	☐
	Councilmember R. Johnson	Voter	☑	☐	☐	☐
	Councilmember Menist	Voter	☑	☐	☐	☐
	Councilmember Petsas	Voter	☑	☐	☐	☐
	Councilmember L. Johnson	Voter	☑	☐	☐	☐
	Councilmember Brannen	Voter	☑	☐	☐	☐
	Chair Salem	Voter	☑	☐	☐	☐

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

R E S O L U T I O N
(R-20-84)

INTRODUCED BY COUNCILMEMBERS FLOWERS AND PETSAS:

WHEREAS, the City of Poughkeepsie has previously taken title to a parcel known as 16 Bement Avenue (Tax Map No: 6162-80-390070), in the City of Poughkeepsie, by deed from Federal Home Loan Mortgage Corporation; and

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

WHEREAS, an offer has been received from Habitat for Humanity of Dutchess County, Inc., to purchase the property for the sum of $1.00; and

WHEREAS, the Property Acquisition and Disposition Committee, having considered the mission of the Committee and the policies of the City, one of which is to increase homeownership, has recommended that the City of Poughkeepsie accept this offer; and

WHEREAS, the Common Council hereby finds that the offer from Habitat for Humanity of Dutchess County, Inc., is in the best interests of the City of Poughkeepsie; and

NOW, THEREFORE,

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

RESOLVED, that the offer from Habitat for Humanity of Dutchess County, Inc., to purchase premises known as 16 Bement Avenue (6162-80-390070), in the City of Poughkeepsie for the sum of $1.00 is hereby approved subject to the hereinafter mentioned conditions and subject to such other and further conditions which the Corporation Counsel shall deem appropriate; and be it further

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

A. That the Purchaser shall, within thirty (30) days of the date of this resolution, take title to such property.
B. Purchaser shall obtain a permit for the demolition of the structure on the property within six (6) months of the closing of title.
C. Purchaser shall obtain a building permit for construction of a multi-family house on the property within six (6) months of the completion of demolition;
D. Purchaser shall obtain a valid Certificate of Occupancy for the property within one (1) year after the issuance of a building permit;
E. 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;
F. Purchaser's obligation to purchase such property shall be contingent upon Seller obtaining an insurable interest in the property pursuant to Article 15 of the Real Property Action and Proceedings Law or other applicable law;
G. Purchaser agrees that it 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
H. Prior to the closing of title, Purchaser shall apply for and obtain the approval from the Planning Board and/or the Zoning Board of Appeals of any site plan approval or zoning variances required by law; and

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

SECONDED BY COUNCILMEMBER BRANNEN

R20-84						
			Yes/Aye	**No/Nay**	**Abstain**	**Absent**
☑ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☑	☐	☐	☐
	Councilmember McNamara	Voter	☑	☐	☐	☐
	Councilmember Cherry	Voter	☑	☐	☐	☐
	Councilmember R. Johnson	Voter	☑	☐	☐	☐
	Councilmember Menist	Voter	☑	☐	☐	☐
	Councilmember Petsas	Voter	☑	☐	☐	☐
	Councilmember L. Johnson	Voter	☑	☐	☐	☐
	Councilmember Brannen	Voter	☑	☐	☐	☐
	Chair Salem	Voter	☑	☐	☐	☐

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

RESOLUTION TO OVERRIDE MAYORAL VETO OF R20-79

(R20-86)

SPONSORED BY CHAIR SALEM, VICE-CHAIR BRANNEN, MAJORITY LEADER LORRAINE JOHNSON, COUNCILMEMBER MENIST, COUNCILMEMBER CHERRY, AND COUNCILMEMBER RANDALL JOHNSON:

WHEREAS, on or about October 2, 2020 the Common Council passed resolution R20-79, which rescinded resolution R-10-41, authorizing the conveyance of the City-owned land known as the Delaval parcel, the last City owned land on its Hudson River waterfront, to the City of Poughkeepsie Industrial Development Agency for eventual lease to the developer chosen to redevelop said parcel; and

WHEREAS, such redevelopment has been too long delayed; and

WHEREAS, resolution R20-70 provided a 45-day period before the effective date of such rescission of authority to convey the land, to allow the chosen developer to re-commence the approval process for such redevelopment; and

WHEREAS, on or about October 14, 2020 Mayor Robert G. Rolison vetoed Resolution 20-79, and transmitted such veto to the Common Council; and

WHEREAS, the redevelopment of the DeLaval parcel would constitute a valuable economic and recreational asset for the City, which remains long overdue; and

WHEREAS, the Common Council has authority under section 2.07 of the City Charter to override the Mayor's veto upon the affirmative vote of not less than two thirds of its entire membership.

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council hereby overrides the mayoral veto of R20-79.

SECONDED BY COUNCILMEMBER BRANNEN

R20-86						
			Yes/Aye	**No/Nay**	**Abstain**	**Absent**
	Councilmember Flowers	Voter	☐	☑	☐	☐
	Councilmember McNamara	Voter	☐	☑	☐	☐
	Councilmember Cherry	Voter	☑	☐	☐	☐
☑ Accepted	Councilmember R. Johnson	Voter	☑	☐	☐	☐
☐ Defeated	Councilmember Menist	Voter	☑	☐	☐	☐
☐ Tabled	Councilmember Petsas	Voter	☐	☑	☐	☐
	Councilmember L. Johnson	Voter	☑	☐	☐	☐
	Councilmember Brannen	Voter	☑	☐	☐	☐
	Chair Salem	Voter	☑	☐	☐	☐

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

R E S O L U T I O N
(R20-87)

INTRODUCED BY CHAIR SALEM

WHEREAS, by Executive Order EO-16-1 the Mayor established the City of Poughkeepsie Public Arts Commission (the, "Arts Commission"); and

WHEREAS, pursuant to the executive order, the Common Council has authority to appoint three members to the Arts Commission; and

WHEREAS, it is in the best interest of the City of Poughkeepsie and its citizens that the Arts Commission should have a full complement of members in order to properly conduct the business required of the Commission; and

WHEREAS, the Common Council is desirous of making appoints to the Arts Commission; and

NOW, THEREFORE, BE IT

RESOLVED, that the Common Council hereby makes the following appoints with a term to expire is indicated and contingent upon the signing of his/her oath of office:

Art Jones Term Expires: 07/31/2023

SECONDED BY COUNCILMEMBER BRANNEN

R20-87						
			Yes/Aye	**No/Nay**	**Abstain**	**Absent**
☑ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☑	☐	☐	☐
	Councilmember McNamara	Voter	☑	☐	☐	☐
	Councilmember Cherry	Voter	☑	☐	☐	☐
	Councilmember R. Johnson	Voter	☑	☐	☐	☐
	Councilmember Menist	Voter	☑	☐	☐	☐
	Councilmember Petsas	Voter	☑	☐	☐	☐
	Councilmember L. Johnson	Voter	☑	☐	☐	☐
	Councilmember Brannen	Voter	☑	☐	☐	☐
	Chair Salem	Voter	☑	☐	☐	☐

IX. ORDINANCES AND LOCAL LAWS:

X. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM MASELO REALTY, LLC,** regarding proposed Amendment of Zoning Map to a Planned Residential Development (PRD) District at Parcel #6162-73-623227 on Milton Street.

2. **FROM GINO'S PIZZA AND RESTAURANT,** located at 706 Main Street, a notice of intent to renew their Liquor License. **Referred to Corporation Counsel**

3. **FROM IRENE TOMPKINS,** a notice personal injury sustained on June 8, 2020. **Referred to Corporation Counsel**

XI. NEW BUSINESS:

XII. OLD BUSINESS:

X. ADJOURNMENT:

A motion was made by Councilmember Brannen and seconded by all Councilmembers to adjourn the meeting at 8:25 p.m.

Dated: October 27, 2020

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, October 19, 2020

Respectfully submitted,

Deanne L. Flynn
City Chamberlain