



COMMON COUNCIL MEETING

Monday, December 18, 2023

Common Council Chambers

6:00 p.m.

Public Hearing: *for the purpose of receiving comments on the proposed Local Law Amending Chapter 9 “Garbage, Trash and Weeds,” Article V “Solid Waste Management,” Section 9-68 “Solid Waste Collection Fees,” Subsection (E) “Exemptions”.*

6:30pm

I. ROLL CALL

II. REVIEW OF MINUTES:

Common Council Public Hearing – December 4, 2023

Common Council Meeting – December 4, 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. ORDINANCES AND LOCAL LAWS:

- 1. LOCAL LAW LL-23-08**, to override the Tax Levy Limit established in General Municipal Law § 3-c for fiscal year 2024

X. MOTIONS AND RESOLUTIONS:

- 1. R-23-79**, Resolution approving the 2024 Budget with Amendments.

2. **SEQRA Resolution R-23-80** and Sale Resolution **R-23-81**, authorizing the Sale of City Owned Property - vacant lot known as 61 Academy Street (Tax Map No. 6161-21-093964)
3. **SEQRA Resolution R-23-82** and Sale Resolution **R-23-83**, authorizing the Sale of City Owned Property located at unnumbered Cannon Street (Tax Map No. 6161-23-276969)
4. **SEQRA Resolution R-23-84 and Sale Resolution R-23-85**, authorizing the Sale of City Owned Property - three vacant lots located at Hector Place (Tax Map Nos. 131300-6161-48-395621-0000, 131300-6161-48-391617-0000, and 131300-6161-39-373635-0000)
5. **R-23-86**, Resolution Setting a Public Hearing on the Proposed Local Law entitled “CITY OF POUGHKEEPSIE HOTEL AND MOTEL OCCUPANCY TAX LAW”
6. **R-23-87**, Resolution Approving of Settlement terms of : *The O’Neill Group-Dutton, LLC v. The Assessor of the City of Poughkeepsie, New York, et al.* Appellate Div. Docket No. 2020-05080.”

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

XII. ORDINANCES AND LOCAL LAWS:

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

1. **FROM DONNA FARANDA**, a notice of personal injury sustained on September 6, 2023
2. **FROM VIJAY CHARY TIPPARTHI**, a notice of property damage sustained on November 15, 2023

XIV. ADJOURNMENT:

LOCAL LAW NO. 8 OF 2023
LL-23-08

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN
GENERAL MUNICIPAL LAW § 3-c**

INTRODUCED BY CHAIRWOMAN BROWN:

BE IT ENACTED, by the Common Council of the City of Poughkeepsie of the County of Dutchess as follows:

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the City of Poughkeepsie, County of Dutchess pursuant to General Municipal Law § 3-c, and to allow the City of Poughkeepsie, County of Dutchess to adopt a budget for the 2024 fiscal year that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. AUTHORITY

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the City Council to override the tax levy limit by the adoption of a local law approved by the Common Council.

Section 3. TAX LEVY LIMIT OVERRIDE

The City of Poughkeepsie Common Council is hereby authorized to override the Tax Levy Limit established pursuant to N.Y. General Municipal Law §3-c, for Fiscal Year 2024, and to adopt a budget for Fiscal Year 2024 that requires a real property tax levy in excess of the amount otherwise prescribed in N.Y. General Municipal Law §3-c.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

SECONDED BY COUNCILMEMBER _____.

**RESOLUTION
(R-23-79)**

INTRODUCED BY CHAIRWOMAN BROWN:

WHEREAS, pursuant to the Administrative Code of the City of Poughkeepsie, estimates of budget requirements for the year 2024 have been certified to the Mayor, City Administrator and the Commissioner of Finance by the various departments, officers, agencies and boards of the City of Poughkeepsie; and

WHEREAS, the Mayor with the help of the City Administrator and the Commissioner of Finance did review the aforementioned estimates with the various departments, officers, agencies and boards; and

WHEREAS, the Mayor did prepare a proposed budget for the year 2024 based on these aforementioned reviews, which proposed budget with the Mayor's budget message was submitted to the Common Council on October 15, 2023; and

WHEREAS, subsequent to a notice of public hearing being published in the official newspaper, in compliance with provisions of the City Administrative Code, a public hearing was duly held on December 4, 2023; and

NOW, THEREFORE, BE IT

RESOLVED, that the 2024 preliminary budget, as amended by the attached Schedule A, be and hereby is adopted and declared to be the budget of the City of Poughkeepsie for the year 2024; and, be it further

RESOLVED, that the amounts of said budget appropriations, estimated revenues, and contributions from fund balances, be and are hereby appropriated as therein specified in accordance with the provision of the Charter and Administrative Code of the City of Poughkeepsie and General and Special laws of the State of New York applicable to said City; and, be it further

RESOLVED, that the aforementioned general ad valorem taxes required to be raised for such budget purposes would need a homestead tax rate of \$10.26 per one thousand dollars and a non-homestead tax rate of \$13.98 of assessed valuation upon all taxable property of the City of Poughkeepsie according to the valuation of the assessment roll for the current year; and, be it further

RESOLVED, that the required water rate for taxable and nontaxable properties is established at \$5.65 per 100 cubic feet; and, be it further

RESOLVED, that the required sewer rate for taxable and nontaxable properties is established at \$4.65 per 100 cubic feet; and, be it further

RESOLVED, that pursuant to Local Law 3 of 2012 the required sanitation rate for eligible taxable and nontaxable parcels is established as follows:

Single family residence: \$120.00 a quarter

Two family residence: \$237.50 a quarter

Three family residence: \$375.00 a quarter

4 yard dumpster \$671.88 a quarter

6 yard dumpster \$931.25 a quarter

8 yard dumpster \$1,234.38 a quarter

Mixed-use property: \$234.38 a quarter

NOW THEREFORE,

BE IT RESOLVED, in accordance with the Charter and Administrative Code of the City of Poughkeepsie and on or before the date therein specified, a warrant shall be issued to the Commissioner of Finance as City Treasurer, to collect such taxes in accordance with the provisions of the Charter and Administrative Code of the City of Poughkeepsie applicable thereto, with penalties and interest therein provided.

SECONDED BY COUNCILMEMBER _____ .

Schedule A

Budget Amendment to the 2024 Mayor's Preliminary Budget

G/L	G/L Name	Description	Increase		Decrease	
01-00 1001	Real Property Tax	Decrease in Property Tax Revenue (Reduces Tax Cap Override to 4.75% from 6.34%)	\$	-	\$	(423,048)
01-00 1113	Tax on Hotel Room Occupancy	Addition of Hotel Room Revenue (~4%, 6 mos.)	\$	83,841	\$	-
01-14-1430 7158.AR	ARPA*	Changes \$400K in General Fund Expenses to ARPA Revenue Replacement for Departmental Equipment Expenses. Reduces General Fund expenses by \$400K.	\$	-	\$	(400,000)
01-11-3620 7103	Salaries- CSEA	Correct Previously Approved Dep. Building Inspector Position that was Left Out of Preliminary Budget	\$	68,287	\$	-
01-11-3620 7803	Social Security Tax	Correct Previously Approved Dep. Building Inspector Position that was Left Out of Preliminary Budget	\$	4,234	\$	-
01-11-3620 7803.M	Medicare Tax	Correct Previously Approved Dep. Building Inspector Position that was Left Out of Preliminary Budget	\$	990	\$	-
01-03-1230 7102	Salaries- Management	Correct City Administrator Position to Make Consistent with CSEA, PD & Mgt Pay Raise.	\$	9,551	\$	-
01-03-1230 7803	Social Security Tax	Correct City Administrator Position to Make Consistent with CSEA, PD & Mgt Pay Raise.	\$	592	\$	-
01-03-1230 7803.M	Medicare Tax	Correct City Administrator Position to Make Consistent with CSEA, PD & Mgt Pay Raise.	\$	138	\$	-
01-11-7310 7469.Y	Contracted Services- Youth Grants	Student Athletic Basketball Program	\$	7,000	\$	-
01-08-1640 7444	Repair/Maint- Vehicles	Fire Emergency Vehicle Repairs Moving from DPW to Fire Department	\$	-	\$	(45,000)
01-10-3410 7115	Overtime- Fire	Reduction of Fire Overtime	\$	-	\$	(50,000)
01-10-3410 7423	Mat & Supp- General	Fire Materials and Supplies	\$	24,000	\$	-
01-10-3410 7444	Repair/Maint- Vehicles	Fire Emergency Vehicle Repairs Moving from DPW to Fire Department	\$	41,000	\$	-
Total Increases and Decreases			\$	239,634	\$	(918,048)
Gross Difference Compared to Preliminary Budget					\$	(678,414)
Net Change in Budgeted Revenues					\$	(339,207)
Net Change in Budgeted Expenses					\$	(339,207)

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA) RESOLUTION REGARDING A SALE OF
CERTAIN CITY OWNED PROPERTIES
(R-23-80)**

BY COUNCILMEMBER MENIST:

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of city owned property located at 61 Academy Street and identified as Tax Map No. 6161-21-093964; 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 _____ .

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:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO	YES
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.			☐	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:			☐	☐
3. a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 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, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO ☐ ☐	YES ☐ ☐	N/A ☐ ☐
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? If Yes, identify: _____	NO ☐	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? 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?	NO ☐ ☐ ☐	YES ☐ ☐ ☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO ☐	YES ☐	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO ☐	YES ☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO ☐	YES ☐	
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? 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?	NO ☐ ☐	YES ☐ ☐	
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? 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: _____ _____ _____	NO ☐ ☐	YES ☐ ☐	

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 ☐

49. 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: _____ Date: _____ Signature: _____ Title: _____		

Project:

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing:		
a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

RESOLUTION
(R-23-81)

INTRODUCED BY COUNCILMEMBER MENIST:

WHEREAS, the City of Poughkeepsie has previously taken title to a vacant lot known as 61 Academy Street (Tax Map No. 6161-21-093964), in the City of Poughkeepsie by reason of a Treasurer's Deed; and

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

WHEREAS, an offer has been received from Davina Thomasula, Jasmine Turner, Russell Beck and Charlie Webb, to purchase this property for the sum of \$15,000.00; 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 return properties to the tax rolls, has recommended that the City of Poughkeepsie accept this offer; and

WHEREAS, the Common Council hereby finds that the offer from Davina Thomasula, Jasmine Turner, Russell Beck and Charlie Webb 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 Davina Thomasula, Jasmine Turner, Russell Beck and Charlie Webb to purchase premises known as 61 Academy Street (Tax Map No. 6161-21-093964), in the City of Poughkeepsie for the sum of \$15,000.00 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 within thirty (30) days of the date of approval by the Common Council, unless Corporation Counsel shall grant an extension as deemed appropriate.
- B. The transfer of title and Purchaser's use of the Property shall be subject to all state, federal and local regulations, including the City of Poughkeepsie and New York State

Building Codes and the City of Poughkeepsie Zoning Ordinance, and real property taxes coming due pursuant to law on and after the date of transfer of title.

- C. Purchaser 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.
- D. Purchaser shall commence an Article 15 bar claim action promptly after closing.
- E. Purchaser agrees that they shall not use the purchase price agreed to as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to enter into an Agreement for Sale of Land for the above-mentioned transaction provided such agreement 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 _____.

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA) RESOLUTION REGARDING A SALE OF
CERTAIN CITY OWNED PROPERTIES
(R-23-82)**

BY COUNCILMEMBER GRANT:

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of city owned property located at unnumbered Cannon Street and identified as Tax Map No. 6161-23-276969; 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 _____ .

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:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:		State:		Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO	YES
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.			☐	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:			☐	☐
3. a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 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, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO ☐ ☐	YES ☐ ☐	N/A ☐ ☐
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? If Yes, identify: _____	NO ☐	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? 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?	NO ☐ ☐ ☐	YES ☐ ☐ ☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO ☐	YES ☐	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO ☐	YES ☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO ☐	YES ☐	
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? 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?	NO ☐ ☐	YES ☐ ☐	
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? 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: _____ _____ _____	NO ☐ ☐	YES ☐ ☐	

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, 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: _____ _____	NO ☐ ☐ ☐	YES ☐ ☐ ☐
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 ☐
49. 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: _____ Date: _____ Signature: _____ Title: _____		

Project:

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing:		
a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

RESOLUTION
(R-23-83)

INTRODUCED BY COUNCILMEMBER GRANT:

WHEREAS, the City of Poughkeepsie has previously taken title to a vacant lot known as unnumbered Cannon Street (Tax Map No. 6161-23-276969), in the City of Poughkeepsie by reason of a Treasurer's Deed; and

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

WHEREAS, an offer has been received from JARROD JONES and STACIAN JONES to purchase this property for the sum of \$50,000.00; 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 return properties to the tax rolls, has recommended that the City of Poughkeepsie accept this offer; and

WHEREAS, the Common Council hereby finds that the offer from JARROD JONES and STACIAN JONES 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 JARROD JONES and STACIAN JONES to purchase premises known as unnumbered Cannon Street (Tax Map No. 6161-23-276969), in the City of Poughkeepsie for the sum of \$50,000.00 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 within thirty (30) days of the date of approval by the Common Council unless Corporation Counsel shall grant an extension as deemed appropriate.
- B. The transfer of title and Purchaser's use of the Property shall be subject to all state, federal and local regulations, including the City of Poughkeepsie and New York State

Building Codes and the City of Poughkeepsie Zoning Ordinance, and real property taxes coming due pursuant to law on and after the date of transfer of title.

- C. Purchaser 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.
- D. Promptly after 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.
- E. Purchaser shall commence an Article 15 bar claim action promptly after closing. In the event that this action takes more than sixty (60) days, purchaser shall request an extension from Corporation Counsel.
- F. Purchaser agrees that they shall not use the purchase price agreed to as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation.
- G. Purchaser agrees that once the Article 15 bar claim action is completed, they will promptly apply for any necessary building permits. Further, they will commence work on the project, by first abating all code violations, if any, within sixty (60) days of completion of the Article 15.
- H. Purchaser shall, to the extent practical, utilize local labor with preference given to residents of the City of Poughkeepsie, for any construction/renovation of the proposed project.
- I. Purchaser agrees to complete the project and obtain a certificate of occupancy within twelve (12) months of the issuance of the building permit (the "Completion Date"). In the event the project cannot be accomplished by the Completion Date at no fault of Purchaser, a reasonable extension may be granted by Corporation Counsel upon the written request of Purchaser.
- J. During the construction of the Improvements, Purchaser will not place any additional liens or encumbrances on the Property except as consented to by the City. In that regard, the City agrees not to unreasonably withhold its consent to any construction loan financed with a commercial bank or similar lender intended to fund the construction and development of the Improvements. In such an event, the City will enter into a Subordination Agreement in form satisfactory to such lender. Upon completion of the Improvements satisfactory to the City, the City agrees to issue a letter acknowledging the release of the reverter rights described herein.
- K. In the event the Improvements are not completed by the Completion Date, and the Property reverts back to the City, upon the request of the City, the Purchaser/Grantor will

provide a general warranty deed to the Property in form and substance acceptable to the City evidencing the reconveyance of the Property.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to enter into an Agreement for Sale of Land for the above-mentioned transaction provided such agreement 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 _____.

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA) RESOLUTION REGARDING A SALE OF
CERTAIN CITY OWNED PROPERTIES
(R-23-84)**

INTRODUCED BY CHAIRWOMAN BROWN:

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of city owned property located at Hector Place and identified as Tax Map Nos. 131300-6161-48-395621-0000, 131300-6161-48-391617-0000, and 131300-6161-39-373635-0000.

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 _____ .

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:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:		State:		Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO	YES
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.			☐	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:			☐	☐
3. a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 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, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO ☐ ☐	YES ☐ ☐	N/A ☐ ☐
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? If Yes, identify: _____	NO ☐	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? 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?	NO ☐ ☐ ☐	YES ☐ ☐ ☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO ☐	YES ☐	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO ☐	YES ☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO ☐	YES ☐	
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? 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?	NO ☐ ☐	YES ☐ ☐	
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? 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: _____ _____ _____	NO ☐ ☐	YES ☐ ☐	

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 ☐

49. 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: _____ Date: _____ Signature: _____ Title: _____		

Project:

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing:		
a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

RESOLUTION
(R-23-85)

INTRODUCED BY COUNCILMEMBER BROWN:

WHEREAS, the City of Poughkeepsie has previously taken title to three vacant lots located at Hector Place (Tax Map Nos. 131300-6161-48-395621-0000, 131300-6161-48-391617-0000, and 131300-6161-39-373635-0000), in the City of Poughkeepsie by reason of Treasurer's Deeds; and

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

WHEREAS, an offer has been received from Williams Assets LLC to purchase this property for the sum of \$15,000.00; and

WHEREAS, the Common Council hereby finds that the offer from Williams Assets LLC 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 Williams Assets LLC to purchase three vacant lots located at Hector Place (Tax Map No. 131300-6161-48-395621-0000, 131300-6161-48-391617-0000, and 131300-6161-39-373635-0000), in the City of Poughkeepsie for the sum of \$15,000.00 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 within thirty (30) days of the date of approval by the Common Council, unless Corporation Counsel shall grant an extension as deemed appropriate.
- B. The transfer of title and Purchaser's use of the Property shall be subject to all state, federal and local regulations, including the City of Poughkeepsie and New York State Building Codes and the City of Poughkeepsie Zoning Ordinance, and real property taxes coming due pursuant to law on and after the date of transfer of title.

C. Purchaser 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.

D. Purchaser shall commence an Article 15 bar claim action promptly after closing.

E. Purchaser agrees that they shall not use the purchase price agreed to as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to enter into an Agreement for Sale of Land for the above-mentioned transaction provided such agreement 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 _____.

**RESOLUTION INTRODUCING LOCAL LAW
AND PROVIDING FOR PUBLIC
NOTICE AND HEARING
(R-23-86)**

INTRODUCTED BY COUNCILMEMBER MENIST:

WHEREAS, pursuant to New York State Tax Law §1202-nn as added by L.2023, c. 294, §1, the City of Poughkeepsie is authorized to impose a Hotel and Motel Occupancy Tax.

NOW, THEREFORE, BE IT

RESOLVED, that an introductory Local Law, entitled “A LOCAL LAW OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY ENTITLED “CITY OF POUGHKEEPSIE HOTEL AND MOTEL OCCUPANCY TAX LAW” be and it hereby is introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law are laid upon the desk of each member of the Council; and

BE IT FURTHER RESOLVED that the Council shall hold a public hearing on said proposed local law at City Hall, 62 Civic Center Plaza, Poughkeepsie, New York, at 6:00 o’clock P.M., on _____; and

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto.

SECONDED BY COUNCILMEMBER _____ .

**A LOCAL LAW OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY ENTITLED
“CITY OF POUGHKEEPSIE HOTEL AND MOTEL OCCUPANCY TAX LAW”**

SPONSOR:

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

Section 1. The City Code shall be amended to amend the Administrative Code to add a new Section 14.85 entitled “City of Poughkeepsie Hotel and Motel Occupancy Tax Law.”

14.85 City of Poughkeepsie Hotel and Motel Occupancy Tax Law

A. Definitions

For purposes of this Section, the following definitions shall apply:

EFFECTIVE DATE: The date that the local law creating this section 14.85 is filed with the Secretary of State.

HOTEL or MOTEL: Any facility consisting of rentable living space or spaces (units) and providing lodging on an overnight basis and shall include those facilities designated and commonly known as "Bed-and-Breakfast", “Air B&B,” “short term rentals” and "tourist" facilities.

OCCUPANCY: The use or possession, or the right to the use or possession, of any room in a hotel.

OCCUPANT: A natural person who, for a consideration, uses, possesses or has the right to use or possess any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement or otherwise.

OPERATOR: Any person operating a hotel or motel in the City of Poughkeepsie, including, but not limited to, an owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such hotel or motel.

PERMANENT RESIDENT: Any natural person occupying any room or rooms in a hotel for at least 90 consecutive days shall be considered a "Permanent Resident" with regard to the period of such occupancy.

PERSON: An individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, or any combination of the foregoing.

RENT: The per diem rental rate received for occupancy of each room, valued in money, whether received in money or otherwise, for the occupancy of a room in a hotel for any period of time.

RETURN: Any return filed or required to be filed as herein provided.

ROOM: Any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.

B. Imposition of Tax

On or after the effective date of this Section, there is hereby imposed and there shall be paid a tax of 4% upon the rent for every occupancy of a room or rooms in a hotel or motel in this City, except that the tax shall not be imposed upon a permanent resident, or as otherwise provided herein.

C. Exempt organizations.

Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this Section:

1. 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;
2. The United States of America, insofar as it is immune from taxation;
3. 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 section;
4. A permanent resident of a hotel or motel.

D. Territorial limits

The tax imposed by this Section shall apply only within the territorial limits of the City of Poughkeepsie.

E. Registration

1. Within 10 days after the effective date of this Section or, in the case of operators commencing business after such effective date, within three days after such commencement or opening, every operator shall file with the Commissioner of Finance a certificate of registration in a form prescribed by the Common Council.
2. The Commissioner of Finance shall, within seven (7) business days after such

registration, issue without charge to each operator a certificate of authority empowering such operator to collect the tax from the occupant and a duplicate thereof for each additional hotel of such operator. Each certificate or duplicate shall state the hotel to which it is applicable. Such certificate of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such certificate shall be non-assignable and nontransferable and shall be surrendered immediately to the Commissioner of Finance upon the cessation of business at the hotel named or upon its sale or transfer.

F. Administration and collection

1. The tax imposed by this Section shall be administered and collected by the Commissioner of Finance, or such other City employee as he/she may designate, by such means and in such manner as are other taxes which are now collected and administered or as otherwise provided by this Section.
2. The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement of charges made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the City, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this Section, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant, as if the tax were part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he/she may have in the event of nonpayment of the rent by the occupant; provided, however, that the Commissioner of Finance or employees or agents duly designated by him/her shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.
3. The Commissioner of Finance may, whenever he/she deems it necessary for the proper enforcement of this Section, provide by regulation that the occupant shall file returns and pay directly to the Commissioner of Finance the tax imposed at such times as returns are required to be filed and payment made over by the operator.
4. The tax imposed by this Section shall be paid upon any occupancy on and after the effective date of this Section, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after the effective date of this Section. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Commissioner of Finance may, by regulation, provide for credit and/or refund of the

amount of such tax upon application therefor as provided in Section 14.85(L) of this Section

5. For the purpose of the proper administration of this Section and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator or occupant. Where an occupant claims exemption from the tax under the provisions of Section 14.85(C), the rent shall be deemed taxable hereunder unless:

a. The operator shall receive from the occupant claiming such exemption a copy of a New York State sales tax exemption certificate; or

b. Unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant is its agent, representative, or employee, together with a certificate executed by the occupant that the occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association.

G. Records to be kept.

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the Commissioner of Finance may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the Commissioner of Finance or his/her duly authorized agent or employee and shall be preserved for a period of three years, except that the Commissioner of Finance may consent to their destruction within that period or may require that they be kept together.

H. Returns

1. Every operator shall file with the Commissioner of Finance a return of occupancy and of rents and of the taxes payable thereon for the three-month periods ending the last day of March, June, September and December on and after the effective date of this Section. Such returns shall be filed within 30 days from the expiration of the period covered thereby. The Common Council may permit or require returns to be made for other periods upon such dates as it may specify. If the Common Council deems it necessary in order to ensure the payment of the tax imposed by this Section, it may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as it may specify.

2. The forms of return shall be prescribed by the Common Council and shall contain such information as it may deem necessary for the proper administration of this Section. The Commissioner of Finance may require amended returns to be filed within 20 days after notice and to contain the information specified in the notice.

3. If a return required by this Section is not filed, or if a return is incorrectly filed or is insufficient on its face, the Commissioner of Finance shall take such steps as he/she deems necessary to enforce the filing of such return or of a corrected return.

I. Payment of Tax

At the time of filing a return of occupancy and of rents, each operator shall pay to the Commissioner of Finance the taxes imposed by this Section upon the rents required to be included in such return, as well as all other moneys collected by the operator acting or purporting to act under the provisions of this Section; even though it be judicially determined that the tax collected is invalidly required to be filed, it shall be due from the operator and payable to the Commissioner of Finance on the date prescribed herein for the filing of the return for such period, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and taxes due thereon. Where the Commissioner of Finance in his/her discretion deems it necessary to protect revenues to be obtained under this Section, he/she may require any operator required to collect the tax imposed by this Section to file with him/her a bond, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this state as to solvency and responsibility, in such amount as the Commissioner of Finance may find to secure the payment of any tax and/or penalties and interest due or which may become due from such operator. In the event that the Commissioner of Finance determines that an operator is to file such bonds, he/she shall give notice to such operator to that effect, specifying the amount of the bond required. The operator shall file such bond within five days after the giving of such notice unless, within such five days, the operator shall request, in writing, a hearing before the Commissioner of Finance at which the necessity, propriety and amount of the bond shall be determined by the Commissioner of Finance. Such determination shall be final and shall be complied with within 15 days after the giving of notices thereof. In lieu of such bond, securities approved by the Commissioner of Finance or cash in such amount as he/she may prescribe may be deposited with him/her, which shall be kept in the custody of the Commissioner of Finance, who may at any time, without notice of the depositor, apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him/her at public or private sale without notice to the depositor thereof.

J. Determination of Tax

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 78 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 78 of the Civil Practice Law and Rules shall not be instituted unless:

1. 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 Insurance 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

2. 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.

K. Disposition of Revenues

All revenue resulting from the imposition of the tax under this Section shall be paid into the treasury of the City and shall be credited to and deposited in the general fund of the City. Such revenues may be used for any lawful purpose.

L. Refunds

1. In the manner provided in this section, the Commissioner of Finance shall refund or credit, without interest, any tax penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the Commissioner of Finance for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the Commissioner of Finance, he/she shall state his/her reason therefor, in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. Such application may also be made by an operator who has collected and paid over such tax to the Commissioner of Finance, provided that the application is made within one year of the payment to the operator, but no actual refund of moneys shall be made to such operator until it shall first establish to the satisfaction of the Commissioner of Finance, under such regulations as the Commissioner of Finance may prescribe, that it has repaid to the occupant, or other person who has actually paid the tax, the amount for which the application for refund is made. The Commissioner of Finance may, in lieu of any refund required to be made, allow credit therefor on payments due or to become due from the applicant.

2. Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the Commissioner of Finance, and such Commissioner of Finance shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under Article 78 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 Commissioner of Finance 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.

3. A person shall not be entitled to a revision, refund or credit of a tax, interest or penalty which had been determined to be due pursuant to the provisions of Section 14.85(O) where it has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail itself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the Commissioner of Finance made pursuant to Section 14.85(O) unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the Commissioner of Finance after a hearing or on his/her own motion or in a proceeding under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

M. Reserves

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review a determination adverse to him/her on his/her application for refund, the Commissioner of Finance shall have the option of crediting future tax payments to meet the cost of any settlements or judgments or, at his/her option, may, in the first instance, set up appropriate reserves to meet any decision adverse to the City.

N. Remedies Exclusive

The remedies provided by Section 14.85(J) and Section 14.85(L) shall be the exclusive remedies available to any person for the review of tax liability imposed by this Section, and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in a nature of a certiorari proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he/she institutes suit within 30 days after a deficiency assessment is made and pays the amount of the deficiency assessment to the Commissioner of Finance prior to the institution of such suit and posts a bond for costs as provided in Section 14.85(I).

O. Penalties and Interest

1. Any person failing to file a return or to pay or pay over any tax to the Commissioner of Finance within the time required by this Section shall be subject to a penalty of 5% of the amount of tax due plus interest at the rate of 1% of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this Section. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this Section.

2. Any operator or occupant and any officer of an operator or occupant failing to file a return required by this Section, or filing or causing to be filed or making or causing to be made or

giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this Section which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required to be filed pursuant to Section 14.85(I), or failing to file a registration certificate and such data in connection therewith as the Commissioner of Finance may by regulation or otherwise require, or failing to display or surrender the certificate of authority as required by this Section or assigning or transferring such certificate of authority; and any operator or any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed or willfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issued or employed by the operator or willfully failing or refusing to collect such tax from the occupant; any operator or any officer of a corporate operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this Section, and any such person or operator failing to keep records required by this Section, shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishable by a fine of up to \$1,000, imprisonment for

not more than one year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this Section and penalties and interest thereon and subject to the fines and imprisonment herein authorized.

3. The certificate of the Commissioner of Finance to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed or that information has not been supplied pursuant to the provisions of this Section shall be presumptive evidence thereof.

P. Returns to be Confidential

It shall be unlawful, except in accordance with proper judicial order or as otherwise provided to the fullest extent permitted by law, for the Commissioner of Finance or employee or designee of the Commissioner of Finance to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required under this Section. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Commissioner of Finance in an action or proceeding under the provisions of this Section or on behalf of any party to any action or proceeding under the provisions of this Section when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his/her duly authorized representative of a certified copy of any return filed in connection with his/her tax nor to prohibit the publication of statistics so classified to prevent the identification of particular returns and items thereof or the inspection by the City's Corporation Counsel or other legal representatives of the City or by the District Attorney of any county of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three years and thereafter, until the Commissioner of Finance permits them to be destroyed.

Q. Notices and Limitations of Time

1. Any notice authorized or required under the provisions of this Section may be given to the person to whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him/her pursuant to the provisions of this Section or in any application made by him/her or, if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to who addressed. Any period of time which is determined according to the provisions of this Section by the giving of notice shall commence five days after the date of mailing of such notice.

2. The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by

the City to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this Section. However, except in the case of a willfully false, 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 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.

3. Where, before expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented, in writing, that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

R. Proceedings to Recover Tax

Whenever any operator, any officer of a corporate operator, any occupant, or other person fails to collect and pay over any tax and/or penalty or interest as imposed by this Section, the City Corporation Counsel shall, at the request of the Common Council, bring or cause to be brought an action to enforce the payment of the same on behalf of the City in any court of the State of New York or of any other state or of the United States. If, however, the Commissioner of Finance believes that any such operator, officer, occupant, or other person is about to cease business, leave the state, or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, such tax or penalty may be declared to be immediately due and payable, and the Commissioner of Finance may issue a warrant immediately.

S. General Powers of Commissioner of Finance

In addition to the powers granted in this Section, the Commissioner of Finance is hereby authorized and empowered to:

1. Extend for cause shown, the time of filing any return for a period not exceeding 30 days; and for cause shown, to remit penalties, but not interest; and to compromise disputed claims in connection with the taxes hereby imposed;
2. Request information from the Tax Commission of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such Tax Commission or Treasury Department relative to any person, notwithstanding any other provision of this Section;
3. Delegate functions hereunder to any employee of Commissioner of Finance;
4. Prescribe methods for confirming the rents for occupancy and to confirm the accuracy of information on the taxable and nontaxable rents;

5. Require any operator within the City, if it is determined that adequate records are not being maintained, to keep detailed records of the nature and type of hotel maintained; nature and type of service rendered; number of rooms available and occupied; daily leases, occupancy contracts or arrangements; rents received, charged, and accrued; the names and addresses of the occupants; whether or not any occupancy is claimed to be subject to the tax imposed by this Section; and to furnish such information at the request of the Commissioner of Finance;
6. Impose as a penalty upon any operator within the City any necessary costs of auditing services generated by discrepancies discovered upon audit, in the records of the operator; and
7. Make, adopt, and amend such other rules and regulations appropriate to the carrying out of this Section and the purposes thereof as may be approved by the City of Poughkeepsie Common Council.

T. Administration of oaths; compelling testimony

1. The Commissioner of Finance or employees or agent(s) duly designated and authorized shall have the power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Section. The Commissioner of Finance shall have power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of the duties hereunder in the enforcement of this Section, and to examine them in relation thereto. The Commissioner of Finance shall also have the power to issue commissions for the examination of witnesses who are out of the state, unable to attend, or who are excused from attendance.
2. A Supreme Court Justice, either in court or in chambers, shall have the power to summarily enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers, and documents called for by the subpoena of the Commissioner of Finance under this Section.
3. Any subpoenaed person who refuses to testify or produce books or records, or who testifies falsely in any material matter pending before the Commissioner of Finance under this Section shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than \$1,000 or imprisonment for not more than one year, or both such fine and imprisonment.
4. The officers who serve the summons or subpoena of the Commissioner of Finance and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein provided otherwise. Such officers shall be the City of Poughkeepsie police, or any officers or employees of the Commissioner of Finance's office designated to serve such process.

U. Accounting and Reporting of Tax

From time to time, but no less than quarterly each year, the Commissioner of Finance shall provide a report to the Common Council, for its audit and review, of all actions taken pursuant to this Section. The Commissioner of Finance's report shall contain a list of all certificates of registration filed or issued to any operator in the City of Poughkeepsie, and for each operator shall state the returns filed all operators; the returns that have not been timely filed by any operator; the amount of tax determined to be payable by any operator; the tax paid and collected from any operator; any tax that may be due and owing or past due from any operator, and any enforcement action taken to collect any tax due under this Section.

Section 2. Authority

This Local Law is enacted pursuant to special legislation adopted by the State of New York, authorizing the City of Poughkeepsie to impose a hotel and motel occupancy tax. If any provision of this Local Law, or the application thereof to any person or circumstance, shall be held invalid, the remainder of this Local Law and the application of such provision to other persons or, circumstances shall not be affected thereby.

Section 3. Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Common Council of the City of Poughkeepsie hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Construction and Enforcement

This Local Law shall be construed and enforced in conformity with Articles 28 and 29. of the Tax Law of the State of New York," including, but not limited to New York State Tax Law §1202-nn as added by L.2023, c. 294, §1, which expires and is deemed repealed on August 23, 2026, pursuant to which the same is enacted. **Accordingly, this Local Law shall remain in effect for three (3) years from the date of its enactment.**

Section 5. Rules & Regulations

The Common Council is authorized to adopt rules and regulations, by resolution, to further implement the provisions of this Local Law.

Section 6. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

RESOLUTION

R-23-87

INTRODUCED BY COUNCILMEMBER _____

WHEREAS, the Common Council wishes to enter into a settlement agreement *The O’Neill Group-Dutton, LLC v. The Assessor of the City of Poughkeepsie, New York, et al*, Index No. 2020-05080 attached hereto at Exhibit A; and

NOW, THEREFORE, be it resolved that the Common Council hereby authorizes the Mayor to execute the settlement agreement attached at Exhibit “A.”

SECONDED BY COUNCILMEMBER _____

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT (“Agreement”) is made this ____ day of December 2023, by and among the parties of the first part, The O’Neill Group-Dutton, LLC (“TOGD”), One Dutchess Phase 2, LLC (“OD-P2”), Dutchess Avenue Riverwalk North, LLC (“DARN”); and Dutchess Avenue Riverwalk, LLC____ (“DAR”), hereinafter collectively referred to as “Owner,” and the parties of the second part, the Assessor of the City of Poughkeepsie, New York (“Assessor”), The Board of Assessment Review of the City of Poughkeepsie, New York (“BAR”), and the City of Poughkeepsie, New York (“POK”), hereinafter collectively referred to as “the City.” Owner and the City are collectively referred to in this Agreement as the “Parties,” and individually as “Party.”

RECITALS

WHEREAS, Owner is the developer and title owner of the property comprising the mixed-use residential and commercial complex commonly known as One Dutchess located in Poughkeepsie, New York 12601 (hereinafter referred to as the “Project”); and

WHEREAS, the Project was developed in two (2) phases fully owned by Owner (“the Subject Property”); and

WHEREAS, Phase 1 consists of the three (3) buildings, namely (i) 20 Dutchess Landing Road (parcel no. 6062-59-758432); (ii) 30 Dutchess Landing Road (parcel no. 6062-59-760448) and 5 Long Reach Road (parcel no. 6062-59-780438), hereinafter collectively referred to as “Phase 1”; and

WHEREAS, Phase 2 consists of five (5) buildings, namely, (i) 10 Dutchess Landing Road (parcel no. 6062-59-752407); (ii) 15 Fin’s Lane (parcel no. 6062-59-776461); (iii) 25 Shipyard Road (parcel no. 6062-59-775476); (iv) 40 Dutchess Landing Road (parcel no. 6062-59-758460); and (v) 50 Dutchess Landing Road (parcel no. 6062-59-758477), hereinafter collectively referred to as “Phase 2;” and

WHEREAS, on July 26, 2019, TOGD filed an Article 7 action against the City challenging the 2019 real property assessments for the Subject Property in the Supreme Court of New York, Dutchess County, entitled *In the Matter of the Application of The O’Neill Group-Dutton, LLC v. The Assessor of the City of Poughkeepsie, New York, The Board of Assessment Review of the City of Poughkeepsie, New York, and The City of Poughkeepsie, New York* (Index no. 2019-52925), assigned to the Honorable James V. Brands, JHO (hereinafter referred to as “the Action”); and

WHEREAS, among the relief sought by TOGD in the Action was judgment entitling the entire Project (Phase 1 and Phase 2) to receive full benefit of the partial 12-year exemption provided under New York Real Property Tax Law § 485-a, adopted by the Common Council of the City of Poughkeepsie Local Law No. 6 dated August 31, 2011 (hereinafter referred to as the “§485-a Tax Exemption”); and

WHEREAS, upon the decision of the Honorable James V. Brands dated May 15, 2020, judgment was entered in the Action in favor of TOGD granting the entire Project the full benefit of the partial 12-year §485-a Tax Exemption (hereinafter referred to as the “2020 Decision”); and

WHEREAS, the City appealed the 2020 Decision, pending in the Supreme Court of New York, Appellate Division, Second Department, entitled *The O’Neill Group-Dutton, LLC v. The Assessor of the City of Poughkeepsie, New York, et al*, Index No. 2020-05080 (hereinafter referred to as “the Appellate Action”);

WHEREAS, Phase I (and all tax parcels included therein) began receiving the §485-a Tax Exemption with the 2020 Final Tax Assessment Roll and each tax year thereafter;

WHEREAS, Phase II (and all tax parcels included therein) began receiving the §485-a Tax Exemption with the 2022 Final Tax Assessment Roll and each tax year thereafter;

WHEREAS, The City of Poughkeepsie, the BAR and the Assessor entered into a Settlement Agreement with TOGD and One Dutchess Phase 2, LLC (“OD-P2”) on or about August 9, 2022, whereby the parties agreed to settle only the issue of date of implementation of the §485-a exemption, specifically it was agreed that (a) that the §485-a for Phase 1 commenced with the 2020 Final Tax Assessment Roll with the last year Phase 1 shall receive the benefit of §485-a being the 2031 Final Tax Assessment Roll; and (b) that the §485-a for Phase 2 commenced with the 2022 Final Tax Assessment Roll with the last year Phase 2 shall receive the benefit of §485-a being the 2033 Final Tax Assessment Roll. By the referenced Settlement Agreement, the issue of the timing when the §485-a exemption would commence, which Judge Brands’ decision left open was removed from consideration by the Appellate Division; and

WHEREAS, through this settlement, the parties acknowledge that under the Decision and Order of Judge Brands the terms of the RPTL § 485-a exemption shall apply to the assessments of both Phase 1 and Phase 2 as delineated in the Decision and Order and where said exemption shall apply to all taxing jurisdictions;

WHEREAS, the Parties want to avoid the costs and uncertainty of further litigation by settling this matter as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth herein, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

1. The above recitals are incorporated herein by reference as if set forth at length, and the Parties intend the above recitals to constitute material terms of this Agreement.
2. The Parties mutually represent and agree that each have received fair and valuable consideration for making this Agreement.
3. Owner agrees to pay the City of Poughkeepsie the total sum of \$300,000 to be paid as follows:

- a. \$60,000 to be paid before December 31, 2023;
 - b. \$60,000 to be paid on or before October 1, 2024;
 - c. \$60,000 to be paid on or before October 1, 2025;
 - d. \$60,000 to be paid on or before October 1, 2026;
 - e. \$60,000 to be paid on or before October 1, 2027.
4. The City shall be permitted to deposit the funds received pursuant to paragraph 3 into the City's General Fund to be used for any legitimate municipal purpose.
5. The City of Poughkeepsie shall take title to the property commonly known as the "Greenway Trail" and as described on Exhibits "A" and "B" attached hereto and made a part hereof.¹ The approval by the Common Council of this Settlement Agreement shall authorize the Mayor to accept the deeds and execute any documents necessary to complete this transfer. The date upon which the deeds are delivered to the City of Poughkeepsie with all necessary forms in order to permit their filing with the Dutchess County Clerk shall be considered the "Date of Transfer" for purposes of this agreement.
6. Owner shall undertake customary and regular maintenance of the public park on the Greenway Trail for a term of 25 years commencing upon the Date of Transfer so that the Greenway Trail remains in the same or substantially the same condition as on the Date of Transfer. The parties agree that a copy of this settlement agreement will be recorded with the Dutchess County Clerk to memorialize this obligation and that it is binding on heirs, successors and assigns of the Owner.
7. After the date of transfer, Owner will undertake a public campaign to notify its residents and the general public that the public park is now available for use by the public. This public campaign shall consist of a minimum of a combination of flyers, signage and social media announcements and such other outreach efforts as agreed to by the parties.
8. If Owner fails to make the Payment in full required by Paragraph 3 by November 1st of any year, the City shall be entitled to re-levy any outstanding amount onto the tax bill for parcel # 131300-6062-59-752407-0000 with interest, as calculated under the then current Department of Taxation and Finance interest rate for court-ordered property tax refunds, to be paid in the next calendar year.
9. Upon execution of this Agreement by all parties, the City shall notify the Appellate Division, 2d Department of the settlement and ask that the matter be withdrawn from the Court's docket with prejudice and without costs. Owners shall cooperate with the withdrawal as necessary.

¹ The Town of Poughkeepsie declined ownership of so much of the Greenway Trail located within the Town by Town Board Resolution 2:16 - #SC4 of 2022 dated February 16, 2022.

10. The parties shall execute general releases indicating that this settlement has resolved all claims between the parties except for any claim that may arise from a breach of the terms of this settlement. The general releases shall be held in escrow by each party's counsel and after the later of: (a) the delivery of deeds for the Greenway Trail or (b) the first payment pursuant to Paragraph 3.
11. If any provision of this Agreement or the application thereof to any person or circumstance shall, for any reason and to any extent, be invalid or unenforceable, the remainder of this Agreement and the application of such provision to other persons or circumstances shall nevertheless be binding with the same force and effect as though the void parts were deleted and shall be enforced to the greatest extent permitted by law.
12. The terms of this Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective heirs, beneficiaries, executors, administrators, successors and assigns and shall be governed and controlled by the laws of the State of New York.
13. Any action to enforce the terms of this Agreement shall be venued in the Supreme Court of the State of New York, County of Dutchess.
14. This Agreement may not be amended or altered in any way except in writing executed by all Parties hereto.
15. Both Parties acknowledge that they were aided or had the opportunity to be aided by counsel of their choice in the negotiation, preparation, and execution of this Agreement. Accordingly, in the interpretation and/or construction of this Agreement, no weight shall be given to the preparation of this Agreement, or any part thereof, by counsel for one or the other Party to this Agreement. In the event of an ambiguity in or dispute regarding the interpretation of this Agreement, it shall not be construed strictly for or against either Party.
16. This Agreement may be executed in counterparts, all of which together shall constitute one and the same Agreement. Electronic and facsimile signatures shall be deemed original signatures for all purposes.

[REMINDER OF PAGE INTENTIONALLY LEFT BLANK]

**Assessor of the City of Poughkeepsie, New York
Board of Assessment Review of the City of Poughkeepsie, New York
City of Poughkeepsie, New York**

By: _____
Marc Nelson, Mayor

By: _____
John Taylor
Assessor of the City of Poughkeepsie, New York

The O'Neill Group-Dutton, LLC

By: _____

One Dutchess Phase 2, LLC

By: _____

Dutchess Avenue Riverwalk North, LLC

By: _____

Dutchess Avenue Riverwalk, LLC

By: _____

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

On the ____ day of _____ before me, the undersigned, a notary public in and for said state, personally appeared Marc Nelson 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 she executed the same in his capacity as Corporation Counsel for the City of Poughkeepsie, New York, and that by her signature on the instrument, the individual, and/or the entity upon behalf of which the individual acted, executed the instrument.

Notary Public

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

On the ____ day of _____ before me, the undersigned, a notary public in and for said state, personally appeared John Taylor 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 as Assessor for the City of Poughkeepsie, New York, and that by his signature on the instrument, the individual, and/or the entity upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW JERSEY)
) ss.:
COUNTY OF BERGEN)

On the ____ day of _____ 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 as _____, and that by his signature on the instrument, the individual, and/or the entity upon behalf of which the individual acted, executed the instrument.

Notary Public

EXHIBIT A

CITY AREA GREENWAY TRAIL

ALL that certain parcel of land now or formerly under the waters of the Hudson River, adjacent to and adjoining the lands of The O'Neill Group-Dutton, LLC, with the buildings and improvements thereon erected, situate, lying and being in the City Of Poughkeepsie, County of Dutchess and State of New York, being bounded and described as follows.

ALL that certain parcel of land now or formerly under the waters of the Hudson River, adjacent to and adjoining the lands of The O'Neill Group-Dutton, LLC, with the buildings and improvements thereon erected, situate, lying and being in the City Of Poughkeepsie, County of Dutchess and State of New York, being bounded and described as follows.

BEGINNING at a point on the northerly line of Dutchess Avenue in the City of Poughkeepsie at a point being S. 74° 44' 52" E., and distant 11.29 feet from the southwesterly corner of a grant of lands underwater to Martin Hoffman by Letters Patent dated August 10, 1815 and recorded in the New York State Department of State in Book 26 of Patents at page 505; thence from said point of beginning heading northerly through lands formerly under the waters of the Hudson River, the following 6 courses:

- 1) N. 05° 54' 45" E., a distance of 282.76 feet to a point;
- 2) S. 84° 05' 15" E., a distance of 7.39 feet to a point;
- 3) N. 05° 09' 22" E., a distance of 98.67 feet
- 4) on a curve to the right having a Radius of 142.43 feet, and a length of 49.92 feet to a point;
- 5) on a curve to the left having a Radius of 140.32 feet, and a length of 90.80 feet to a point;
- 6) on a curve to the right having a Radius of 178.64 feet, and a length of 23.23 feet (long chord, N. 08° 06' 43" W., a distance of 23.21 feet) to a point at the southwest corner of a grant of lands under water to Fallkill Iron Works by Letters Patent dated December 12, 1862 and recorded in Book 39 of Patents at page 128; thence heading along the same and not tangent to the previous curve, N. 06° 59' 22" E., a distance of 455.33 feet to the southwesterly corner of a grant of lands underwater to Henry D. Myers by Letters Patent dated March 26, 1870, recorded in Book 42 of Patents at page 1; thence along said lands granted to Myers, N. 06° 59' 22" E., a distance of 10.36 feet to the line between the City of Poughkeepsie and the Town of Poughkeepsie, said line formerly defined by the centerline of an underground stream known as "Kidney Creek"; thence heading northwesterly along the projected Town/City line and through lands formerly underwater, N. 74° 26' 38" W., a distance of 81.21 feet to a point at the low water line of the Hudson River as surveyed in 2008 and updated in 2014; thence heading southerly along said low water line on the easterly bank of the Hudson River, the following 11 courses:

- 1) S. 61° 06' 03" W., a distance of 36.69 feet to a point;
- 2) S. 20° 16' 06" E., a distance of 40.02 feet to a point;

- 3) S. 08° 05' 56" W., a distance of 79.35 feet to a point;
- 4) S. 00° 45' 01" W., a distance of 46.73 feet to a point;
- 5) S. 09° 16' 43" E., a distance of 72.20 feet to a point;
- 6) S. 03° 58' 41" W., a distance of 99.64 feet to a point;
- 7) S. 10° 05' 05" W., a distance of 59.05 feet to a point;
- 8) S. 02° 10' 56" E., a distance of 60.51 feet to a point;
- 9) S. 09° 03' 51" W., a distance of 150.54 feet to a point;
- 10) S. 35° 58' 27" W., a distance of 51.00 feet to a point;
- 11) S. 12° 54' 26" W., a distance of 338.71 feet to a point at the projection of the northerly line of Dutchess Avenue; thence heading southeasterly along the Dutchess Avenue projection and through lands formerly under the waters of the Hudson River, S. 74° 44' 52" E., a distance of 123.09 feet to the point and place of beginning.

CONTAINING 1.949 acres of land, more or less.

EXHIBIT B

TOWN AREA GREENWAY TRAIL GRANT

ALL that certain parcel of land now or formerly under the waters of the Hudson River, adjacent to and adjoining the lands of The O'Neill Group-Dutton, LLC, with the buildings and improvements thereon erected, situate, lying and being in the Town of Poughkeepsie, County of Dutchess and State of New York, being bounded and described as follows.

BEGINNING at a point on the northerly line of The O'Neill Group-Dutton, LLC on the southerly line of lands now or formerly of Vassar College, said point also being at the northwesterly corner of a grant of lands underwater to Henry D. Myers by Letters Patent dated March 26, 1870, recorded in Book 42 of Patents at page 1; thence heading northwesterly through lands formerly under the waters of the Hudson River, N. 83° 53' 08" W., a distance of 43.71 feet to a point at the low water line of the Hudson River as surveyed in 2008 and updated in 2014; thence heading southerly along said low water line on the easterly bank of the Hudson River, the following 7 courses:

- 1) S. 09° 10' 00" W., a distance of 29.05 feet to a point;
- 2) S. 20° 11' 30" W., a distance of 80.02 feet to a point;
- 3) S. 02° 22' 07" W., a distance of 91.57 feet to a point;
- 4) S. 16° 46' 01" W., a distance of 38.53 feet to a point;
- 5) S. 07° 34' 36" W., a distance of 104.22 feet to a point;
- 6) S. 48° 51' 23" E., a distance of 36.08 feet to a point;
- 7) S. 03° 53' 49" W., a distance of 8.61 feet to a point at the line between the City of Poughkeepsie and the Town of Poughkeepsie, said line formerly defined by the centerline of an underground stream known as "Kidney Creek"; thence heading southeasterly along the projected Town/City line, S. 74° 26' 38" E., a distance of 81.21 feet to a point on the previously mentioned lands granted to Myers; thence heading northerly along the same, N. 06° 59' 22" E., a distance of 252.64 feet and N. 13° 05' 38" W. a distance of 137.75 feet to the point and place of beginning.

CONTAINING 0.824 acres of land, more or less.

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
DEC -4 PM 3:47

TODAY'S DATE: December 1 2023

NAME AND ADDRESS OF EACH CLAIMANT:

Donna Faranda
12 Park Place, Apt 1
Poughkeepsie NY 12601

TELEPHONE NUMBER: 914-471-3421(cell) or 914-274-2074

NAME AND ADDRESS OF ATTORNEY (IF ANY):

Ernest Harris
1823 South Road, Rt. 9
Wappingers Falls, New York 12590

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

Please see attached sheet

ITEMS DAMAGED OR INJURIES SUSTAINED:

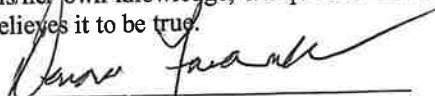
Please see attached sheet


Signature of Claimant

Signature of Claimant

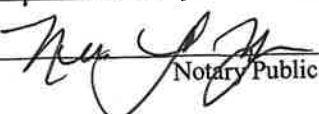
STATE OF NEW YORK, COUNTY OF Dutchess s.s.:

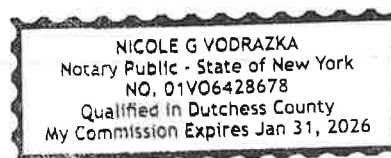
_____, being duly sworn, say(s) that he/she is/are the claimant(s) named in the foregoing claim, that he/she has/have read the same and know(s) the contents thereof; that the same is true to his/her own knowledge, except as to the matters alleged upon information and belief and as to those items, he/she believes it to be true.


Signature of Claimant

Signature of Claimant

Sworn to before me this
4th day of December, 2023


Notary Public



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.

December, 3, 2023

Donna Faranda
12 Park Place, Apt 1
Poughkeepsie NY 12601

Ernest Harris
Wappingers Falls Office
1823 South Road, Rt. 9
Wappingers Falls, New York 12590
Phone: (845) 485-3377

CITY OF Poughkeepsie
CITY CLERK
DEC -4 PM 3:47

On September 6, I walked out of the Poughkeepsie Journal Building, where I work, to get a sandwich to eat at my desk. I left the Journal Building around 12:10 PM, walking eastward on Market Street between Mansion and Mill Streets. About 25 - 50 feet down the street, the pavement near the fence gate was full of cracks. It was here at the top-most part of the cracks that the front end of my shoe got caught in one of these cracks which was about ½ inch wide. Losing my balance, I fell on the concrete surface. Bracing myself with two arms stretched out in front of me, I fell forward, landing face down. It was very difficult to get back on my feet but was able to boost myself up while holding on to the chain link fence. I had scrapes on my left toes, my left knee and both of my wrists. At around 12:15 a police officer, who saw me fall came by and asked me if I needed an ambulance. Being in shock I said no, and I hobbled back to my desk at around 12:20 PM after asking a fellow employee to help me get back into the building. Someone in my department told me that I needed to go to the hospital, as my wrists were by now terribly swollen. I first to Pulse MD on Route 44 in Poughkeepsie and then onto Northern Dutchess Hospital in Rhinebeck for an orthopedic consult. It was here that I was told that I had fractured both my ulnae at the wrists and was given a splint to wear until I could see an Orthopedic Surgeon. The surgeon told me that I needed to stay home and recuperate with my hands in a splint for at least 8 weeks and do occupational therapy for about 13 sessions. This painful experience has not only left me with physical scars but mental scars as well as I still have nightmares over this incident. I am claiming \$350,000 for lost wages, medical bills and pain and suffering.

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: 12/05/2023

NAME AND ADDRESS OF EACH CLAIMANT:

Vijay Chary TIPPARTHI
84 ALBANY ST APT 3; Poughkeepsie, NY 12601

TELEPHONE NUMBER: 551-344-4449

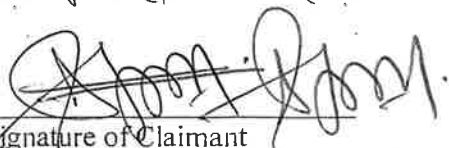
NAME AND ADDRESS OF ATTORNEY (IF ANY):

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

Damaged caused to my vehicle because of dumpster truck on 11/15/2023. 11:27AM in Tyler Avenue, Poughkeepsie; Estimation \$4,932.12

ITEMS DAMAGED OR INJURIES SUSTAINED:

Front part of car damaged; No injuries.


Signature of Claimant

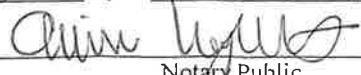
Signature of Claimant

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

_____, 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 05th day of December, 2023

Notary Public

ALICIA KNIGHTS
Notary Public - State of New York
No. 01KN6446464
Qualified in Dutchess County
My Commission Expires Jan. 23, 2027

NOTE: After submitting this form to the City Chamberlain, please direct any inquiries to the Corporation Counsel at (845) 451-4065, Monday to Friday, 8:30 a.m. - 4:00 p.m.

ACCIDENT INFORMATION EXCHANGE FORM

NY State Law requires that any accident resulting in a fatality, injury or damage to property of any person (including damage to your vehicle) or entity over \$1000 be reported by YOU to the Department of Motor Vehicles (DMV) within 10 days after an accident. Failure to report an accident or failure to give correct information is a misdemeanor and may result in the suspension/revocation of your driver's license (or operating privilege in NYS) and all vehicle certifications or registrations.

Report your Accident to DMV on DMV form MV-104 (Report of Motor Vehicle Accident). Police Accident Reports (DMV form MV-104A) DO NOT satisfy YOUR civilian reporting requirement.

Accident Report #	Local Codes	Date	Time	# of Veh.	Town, City, Road Name
Q30202HDJPRN	23-30393	11/15/2023	11 27 AM	2	POUGHKEEPSIE, CITY OF - 1402 TAYLOR AVE
Police Agency			Officer's Name/Badge ID#		
POUGHKEEPSIE CITY PD - 01302			SANTIAGO RICHARD 7013		

VEHICLE # 001

Operator's Name		Date of Birth	Address	
DENHAM PETER A		04/07/1968	457 MAPLE ST APT A211	
City/State/Zip		Motorist I.D.#	Vehicle Year and Make	License Plate # and State
POUGHKEEPSIE NY 12601		193415044	2005 STLG	BG8050 NY
Vehicle Type	Insurance Code and Company		Vehicle Owner	
DUMP	994 - GOVERNMENT OWNED		POUGHKEEPSIE CITY	
Vehicle Towed By			Vehicle Towed To	

Miscellaneous Notes

VEHICLE # 002

Operator's Name		Date of Birth	Address	
KATTA SAIRAM		11/05/1993	15 SPRUCE ST	
City/State/Zip		Motorist I.D.#	Vehicle Year and Make	License Plate # and State
POUGHKEEPSIE NY 12601		727626034	2005 MERZ	KXE6756 NY
Vehicle Type	Insurance Code and Company		Vehicle Owner	
4DSD	012 - ALLSTATE INDEMNITY CO		TIPPARTHI VIJAYCHARY	
Vehicle Towed By			Vehicle Towed To	

Miscellaneous Notes

Please wait 14 days before contacting DMV to request a copy of your accident report.

If you want to purchase a copy of the police accident report, form MV-104A, complete DMV's "REQUEST FOR COPY OF ACCIDENT REPORT" form MV-198C and send it to DMV. The form and instructions are available at www.dmv.ny.gov or at your local DMV office.

THE FORM MV-104A MAY ALSO BE PURCHASED BY CONTACTING THE INVESTIGATING POLICE AGENCY. POUGHKEEPSIE CITY POLICE DEPT., 62 CIVIC CENTER PLAZA, POUGHKEEPSIE, NY 12602

To obtain a blank civilian Accident Report (Form MV-104), visit the DMV office nearest you

or
access forms online at www.dmv.ny.gov

POLICE ACCIDENT REPORT

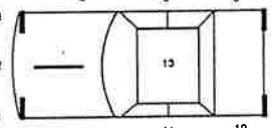
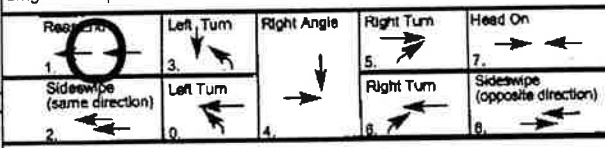
MV-104A (6/04)

Local Codes

23-30393

Q30202HDJPRN

☐ AMENDED REPORT

1	Accident Date Month: 11, Day: 15, Year: 2023			Day of Week WEDNESDAY	Military Time 11:27	No. of Vehicles 2	No. Injured 0	No. Killed 0	Not Investigated at Scene ☐	Left Scene ☐	Police Photos ☐ Yes ☒ No
	VEHICLE 1						☒ VEHICLE 2 ☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN				
2	VEHICLE 1- Driver License ID Number: 193415044 Driver Name - exactly as printed on license: DENHAM, PETER A Address (Include Number and Street): 457 MAPLE ST APT A211 City or Town: POUGHKEEPSIE, State: NY, Zip Code: 12601 Date of Birth: Month 4, Day 7, Year 1968, Sex: M, Unlicensed: ☐ , No. of Occupants: 02, Public Property Damaged: ☐					State of Lic. NY VEHICLE 2- Driver License ID Number: 727626034 Driver Name - exactly as printed on license: KATTA, SAIRAM Address (Include Number and Street): 15 SPRUCE ST City or Town: POUGHKEEPSIE, State: NY, Zip Code: 12601 Date of Birth: Month 11, Day 5, Year 1993, Sex: M, Unlicensed: ☐ , No. of Occupants: 02, Public Property Damaged: ☐					
	Name - exactly as printed on registration: POUGHKEEPSIE, CITY, Sex: C, Date of Birth: Month , Day , Year , Released: ☐					Name - exactly as printed on registration: TIPPARTHI, VIJAYCHARY, Sex: M, Date of Birth: Month 7, Day 15, Year 1996, Released: ☐					
3	Address (Include Number and Street): 26 HOWARD ST, Apt. No. , Haz. Mat. Code: , Released: ☐					Address (Include Number and Street): 8 MT CARMEL PL 3, Apt. No. , Haz. Mat. Code: , Released: ☐					
	City or Town: POUGHKEEPSIE, State: NY, Zip Code: 12601					City or Town: POUGHKEEPSIE, State: NY, Zip Code: 12601					
4	Plate Number: BG8050, State of Reg. NY, Vehicle Year & Make: 2005 STLG, Vehicle Type: DUMP, Ins. Code: 994					Plate Number: KXE6756, State of Reg. NY, Vehicle Year & Make: 2005 MERZ, Vehicle Type: 4DSD, Ins. Code: 012					
	Ticket/Arrest Number(s):					Ticket/Arrest Number(s):					
5	Violation Section(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.					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.					
6	VEHICLE 1 DAMAGE CODES Box 1 - Point of Impact: 1, 2 Box 2 - Most Damage: 8, 8 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					VEHICLE 2 DAMAGE CODES Box 1 - Point of Impact: 1, 2 Box 2 - Most Damage: 2, 2 Enter up to three more damage codes: 3, 4, 5 Vehicle By: , Towed To: 					
	Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles. 					ACCIDENT DIAGRAM 9. Cost of repairs to any one vehicle will be more than \$1000. ☐ Unknown/Unable to determine ☒ Yes ☐ No					
7	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: TAYLOR AVE (Route Number or Street Name) at 1) intersecting street: 50 feet miles, N S E W of WASHINGTON ST (Route Number or Street Name) or 2) 50 feet miles, N S E W of WASHINGTON ST (Milepost, Nearest intersecting Route Number or Street Name)					
	Accident Description/Officer's notes: While on Taylor Ave V1 was attempting to back up for garbage collection while V2 was behind said garbage truck. The driver of V1 states that he did not see V2 and continued to back the truck up. The driver of V2 states he activated his horn but was unable to get the drivers of V1's attention before V1 made contact with V2. V2 sustained damage to the front end of the vehicle, V1 sustained minor scratches to the tow hitch. No injuries reported. No										

ALL INVOLVED	8	9	10	11	12	13	14	15	16	17 BY						
	A	1	1	4	1	55	M	-	-	-	DENHAM, PETER A					
	B	1	3	4	1	52	M	-	-	-	DOYLE, JOHN D					
	C	2	1	4	1	30	M	-	-	-	KATTA, SAIRAM					
	D	2	3	4	1	25	M	-	-	-	BOPPIDI, RAKSHITH R					
	E															
F																
Officer's Rank and Signature		PATROLMAN A <i>Santiago</i>			Badge/ID No.		NCIC No.		Precinct/Post Troop/Zone		Station/Beat Sector		Reviewing Officer		Date/Time Reviewed	
Print Name in Full		RICHARD SANTIAGO			7013		01302						ACKEN, EDWIN		11/22/2023 11:24	

POLICE ACCIDENT REPORT

Local Codes

23-30393

Q30202HDJPRN

☐ AMENDED REPORT

MV-104A (6/04)

1 Accident Date Month 11 Day 15 Year 2023		Day of Week WEDNESDAY		Military Time 11:27		No. of Vehicles 2		No. Injured 0		No. Killed 0		Not Investigated at Scene ☐		Left Scene ☐		Police Photos ☐ Yes ☒ No							
VEHICLE ☐ VEHICLE ☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN																							
2 VEHICLE - Driver License ID Number						State of Lic.		VEHICLE - Driver License ID Number						State of Lic.									
Driver Name - exactly as printed on license								Driver Name - exactly as printed on license															
Address (Include Number and Street)						Apt. No.		Address (Include Number and Street)						Apt. No.									
City or Town						State		Zip Code		City or Town						State		Zip Code					
Date of Birth Month Day Year		Sex		Unlicensed ☐		No. of Occupants		Public Property Damaged ☐		Date of Birth Month Day Year		Sex		Unlicensed ☐		No. of Occupants		Public Property Damaged ☐					
Name - exactly as printed on registration						Sex		Date of Birth Month Day Year		Name - exactly as printed on registration						Sex		Date of Birth Month Day Year					
Address (Include Number and Street)						Apt. No.		Haz. Mat. Code ☐		Released ☐		Address (Include Number and Street)						Apt. No.		Haz. Mat. Code ☐		Released ☐	
City or Town						State		Zip Code		City or Town						State		Zip Code					
Plate Number		State of Reg.		Vehicle Year & Make		Vehicle Type		Ins. Code		Plate Number		State of Reg.		Vehicle Year & Make		Vehicle Type		Ins. Code					
Ticket/Arrest Number(s)						Ticket/Arrest Number(s)																	
6 Violation Section(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.						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.						Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles.											
VEHICLE DAMAGE CODES Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more damage codes						VEHICLE DAMAGE CODES Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more damage codes						ACIDENT DIAGRAM											
Vehicle By: Towed To:						Vehicle By: Towed To:						9.											
VEHICLE DAMAGE CODING: 1-13 SEE DIAGRAM ON RIGHT.						14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER						Cost of repairs to any one vehicle will be more than \$1000. ☐ Unknown/Unable to determine ☐ Yes ☐ No											
Reference Marker		Coordinates (if available) Latitude/Northing		Place Where Accident Occurred: County DUTCHESS ☐ City ☐ Village ☐ Town of _____ Road on which accident occurred _____ (Route Number or Street Name) at 1) intersecting street _____ (Route Number or Street Name) or 2) _____ feet _____ miles ☐ N ☐ S of _____ (Milepost, Nearest intersecting Route Number or Street Name) ☐ E ☐ W																			
Accident Description/Officer's notes vehicles towed from the scene.																							

8	9	10	11	12	13	14	15	16	17	BY					
A															
B															
C															
D															
E															
F															
Officer's Rank and Signature		PATROLMAN A <i>[Signature]</i> #77		Badge/ID No.		NCIC No.		Precinct/Post Troop/Zone		Station/Beat Sector		Reviewing Officer		Date/Time Reviewed	
												ACKEN. EDWIN		11/22/2023	

NORTHSIDE AUTO BODY
"Where Perfection Is No Accident"
119 PARKER AVE, POUGHKEEPSIE, NY 12601
Phone: (845) 452-7111

Workfile ID: 131183b0
PartsShare: 7GMYm7
Federal ID: 38-4020063
State ID: R7122103
Resale Number: 141477475

Preliminary Estimate

Customer: Tipparthi, Vijay Chary

Written By: Jack Bonventre

Insured: Tipparthi, Vijay Chary
Type of Loss:
Point of Impact:

Policy #:
Date of Loss:

Claim #:
Days to Repair: 0

Owner:
Tipparthi, Vijay Chary
(551) 344-4449 Cell

Inspection Location:
NORTHSIDE AUTO BODY
119 PARKER AVE
POUGHKEEPSIE, NY 12601
Repair Facility
(845) 452-7111 Business

Insurance Company:

VEHICLE

2005 BENZ C-Class C240 4MATIC 4D SED 6-2.6L Gasoline SMPI

VIN: WDBRF81J75F674158
License:
State: NY

Interior Color:
Exterior Color:
Production Date:

Mileage In:
Mileage Out:
Condition:

Vehicle Out:
Job #:

TRANSMISSION

Automatic Transmission
Overdrive
4 Wheel Drive

POWER

Power Steering
Power Brakes
Power Windows
Power Locks
Power Mirrors
Heated Mirrors
Power Driver Seat
Power Passenger Seat

DECOR

Dual Mirrors

Body Side Moldings
Tinted Glass
Overhead Console
Wood Interior Trim

CONVENIENCE

Air Conditioning
Intermittent Wipers
Tilt Wheel
Cruise Control
Rear Defogger
Keyless Entry
Alarm
Message Center
Steering Wheel Touch Controls
Telescopic Wheel

Climate Control

RADIO

AM Radio
FM Radio
Stereo
Search/Seek
CD Player
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
Rear Side Impact Air Bags

SEATS

Bucket Seats
Reclining/Lounge Seats
Leather Seats
Heated Seats

WHEELS

Aluminum/Alloy Wheels

PAINT

Clear Coat Paint

OTHER

Fog Lamps
Traction Control
Stability Control
Signal Integrated Mirrors
Power Trunk/Liftgate

Get live updates at www.carwise.com/e/4EGKrp

Preliminary Estimate

Customer: Tippiarhi, Vijay Chary

2005 BENZ C-Class C240 4MATIC 4D SED 6-2.6L Gasoline SMPI

40	#	VISIBLE DAMAGE ONLY *ADDITIONAL DAMAGE MAY BE FOUND UPON DISASSEMBLY	1
SUBTOTALS			2,106.00 11.8 15.5

ESTIMATE TOTALS

Category	Basis	Rate	Cost \$
Parts			2,103.00
Body Labor	11.3 hrs @	\$ 65.00 /hr	734.50
Paint Labor	15.5 hrs @	\$ 65.00 /hr	1,007.50
Mechanical Labor	0.5 hrs @	\$ 125.00 /hr	62.50
Paint Supplies	15.5 hrs @	\$ 42.00 /hr	651.00
Miscellaneous			3.00
Subtotal			4,561.50
Sales Tax	\$ 4,561.50 @	8.1250 %	370.62
Grand Total			4,932.12
Deductible			0.00
CUSTOMER PAY			0.00
INSURANCE PAY			4,932.12

MyPriceLink Estimate ID / Quote ID:

1160996394840891392 / 131931496

NORTHSIDE AUTO REPAIR WARRANTS WORKMANSHIP, INCLUDING REFINISHING
FOR AS LONG AS THE CUSTOMER HAS THE CAR.

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.

Keep this document to show to the police and courts.

MV-639TR (4/21)

NEW YORK STATE REGISTRATION DOCUMENT



X PAS

KXE6756

2005 ME/BE NONTRANSFERABLE

4DSD BK WDBRF81J75F674158

003415 G 6 HX296422 AUG 23 2022

Wt/Seats

Fuel/Cyl

SMW PGK536

Expires 08/22/24

TIPPARTHI, VIJAYCHARY

8 MT CARMEL PL 3

27.50

POUGHKEEPSIE NY 12601

ANNUAL CHG

AMT PAID (INCL ADD CHG)

HX296422

VOID IF ALTERED EXCEPT FOR ADDRESS

214.38



Mark J. Schneider
Commissioner of Motor Vehicles

NEW YORK STATE ^{USA} LEARNER PERMIT

NOT FOR
FEDERAL
PURPOSES

ID **727 626 034**

Class **D**



**KATTA
SAIRAM**

**15 SPRUCE ST.
POUGHKEEPSIE, NY 12601**

DOB **11/05/1993**

Issued **05/04/2023**

Expires **11/05/2027**

E **NONE**

R **NONE**

Sex **M** Height **5'-07"** Eyes **BLK**

K. Sairam
NOV 93



**KATTA
SAIRAM**





Doc# 77IW3U7701

dmv.ny.gov

Hereby make an annual report

Restrictions:
ORIGINAL ISSUE DATE: 03-27



01223 003479649 07



Doc# IWJZYBUL13

dmv.ny.gov

I hereby make an anatomical gift

V10

SIGNATURE

ENTER AUTHR TO CHANGE



01223 004602498 05

Official Minutes of the Public Hearing of December 4, 2023 for the purpose of receiving comments on the proposed 2024 budget for the City of Poughkeepsie.



THE CITY OF POUGHKEEPSIE NEW YORK

PUBLIC HEARING

Monday, December 4, 2023 5:30 pm

Common Council Chambers

Welcome to the scheduled meeting of the Public Hearing in the City of Poughkeepsie. The date is December 4, 2023, and the time is 5:30 pm.

THIS HEARING IS FOR THE PURPOSE OF RECEIVING COMMENTS ON THE proposed 2024 City of Poughkeepsie Budget

[2024 City of Poughkeepsie Preliminary Budget](#)

Chairwoman Brown called the meeting to order at 5:30 pm.

I. WELCOME

II. ROLL CALL: 7 present, 2 absent (Absent: Councilmembers Johnson and Thompson)

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

1. James Watson & Jill Rose Gomez – Poughkeepsie Children’s Cabinet
2. Jeff Aman – 5 Barnard Ave
3. Naomi Brooks – S. Grand Ave *
4. Brian Robinson – Montgomery St
5. Laurie Sandow – S. Grand Ave. *
6. Daniel Atonna – 116 College Ave / For The Many

***Submitted written comments**

IV. ADJOURNMENT:

Chairwoman Brown closed the Public Hearing at 6:23pm

Dated: December 14, 2023

I hereby certify that this true and correct copy of the Minutes of the Common Council Public Hearing held on December 4, 2023.

Respectfully submitted,
Donna M. DeLuca
Deputy City Chamberlain

Common Council Public Hearing 2024 Budget
December 4, 2023

Naomi Brooks
S. Grand Avenue

Good evening. It would have been helpful to have Dr. Martinez' analysis, and comments from the budget committee, available before tonight's meeting. As it is, we only had a 300-page document with incredibly complex detail about next year's proposed budget to sift through and make sense of.

The mayor and the finance commissioner are asking that you approve a 2024 budget increase of 6.3%, more than 3 times the legal tax cap limit of 2%. That extra increase in property taxes will generate 1.2 million dollars.

When describing why that 1.2 million dollars is *needed* for the city budget, increased costs of pensions and insurance, equipment and supplies are always the reply. When describing what will be *eliminated* if the additional tax is not approved, the reply is often essential services such as police, fire, sanitation, and other public works.

I urge you to look at this budget of revenues and expenses in a different way than that standard set of replies.

Where is the money coming from? Our proposed total budget of 104 million gets 28 million from property tax, 15 million from water and sewer charges, and 5 million from sanitation charges. That is almost half the budget from property owners' taxes and fees. Within the revenue worksheet pages, other income anticipated in the 2023 budget was not actually collected – things like Waryas concessions, parking and traffic fines, film fees, blight fees. Just the ones I mention add up to over 1.5 million dollars of uncollected revenue. This could happen again in 2024.

Where is the money going? About 34 million dollars pays our administrative staff and department workers, and another 18 million pays benefits for those positions. If over half our budget is spent on personnel, we need to take a close look at efficiency and duplication. I continue to ask why the mayor collected a full salary for a city administrator position plus most of the mayor's salary? That was an extra expense of about 100K. Why is the mayor's salary impossible to find within these 300 pages, and why has the mayor's office budget almost doubled for 2024? The mayor is the most public of the positions so it is the easiest to question, but surely there are other positions worth reviewing. For example, how much time and money has been spent on legal staff and settlement payouts for the numerous lawsuits filed against poor city practices and poor city decisions?

How can we raise money apart from taxing property owners to their breaking point? Can we more aggressively and cohesively apply for funding of special projects from even more sources than we've already tapped? Can we have a better campaign for collecting the largest unpaid property taxes from absentee landlords of large properties? Is it really necessary to have the IDA give such large tax breaks to only 19 projects, that it removes almost 5% of our property taxes from being collected?

Wasteful spending coupled with uncollected taxes, fines, and fees ... the small individual property owners are being asked to make up the difference. An increase over the tax cap described as a few hundred dollars extra for the average homeowner may result in residents whose budgets are stretched beyond their limit, and that may mean even more uncollected taxes. As an aside, there are other states whose *total* property tax bills on 300K homes are under 2K. We may lose residents to those states.

Please take a closer and more creative look at how to balance our budget *within* the tax cap. Inflation is real, I understand, but it is also real for your city residents, and we shouldn't be asked to bear more of a burden than our tax cap law requires.

Laurie Sandow comments, City of Poughkeepsie
Common Council Budget Public Hearing, December 4, 2023

As a consequence of Dr. Martinez's unscheduled presentation and comments, I've got to start with my last paragraph first: Tonight's public hearing is a grand sham, staged by a Council that refuses transparency, accountability and responsibility for their own votes and opinions. The Council's secrecy is not abated by an 11th-hour presentation by Dr. Martinez. In fact, his presentation pours salt on the wounds of a public kept in the dark.

A five-minute public hearing means a maximum of 300 seconds per speaker. For a 300-page budget, that would give a speaker exactly one second of commentary per page, or ten seconds if addressing just one item on each of only 30 pages. Reasonable? Only in the minds of Councilmembers who complain about receiving chump change and benefits, hold practically zero constituent meetings and make zero other efforts to inform their constituents, and who put zero comments on the public record before voting on items that will have radical effect on the public.

How is it that time and again, this Council violates the Charter, hides behind its consent agendas, yet wants the public to comment at hearings about documents which they, themselves have refused to discuss, whether specifically and critically, or even just in the most general uneducated way possible.

What if this Council actually invited people to learn alongside them, or current Councilmembers each made the effort to inform and involve people themselves? But instead this Council holds the public at arm's distance—or even further away whenever possible—so that they do not expose themselves as people who lie, cheat, fritter away and trade ARPA funds between themselves, and exclude and manipulate the public in order to maintain and hide their ignorance.

The Council's own rules read (and I quote): "There shall be a standing sub-committee of the Common Council known as the Finance Committee. The members of the Finance Committee shall be appointed pursuant to the City Charter. The Chairperson may create additional such subcommittees or special committees as they deem necessary and appropriate. The first sentence of City Charter Section 2.06 reads (and I quote): "The council chair shall have the authority and the duty to appoint members to a standing committee on finance, and to other committees as he or she decides necessary to efficiently conduct the business of the council."

Yet neither one member of the Administration, nor one single City of Poughkeepsie Common Council member, has publicly provided education, opinion or analysis of the budget. According to the NYS Committee on Open Government, the Common Council's standing Finance subcommittee should be meeting in public—and yet, they don't. In fact, Corporation Counsel Rebecca Valk has not only declared that the city's Finance Committee is immune from Open Meetings Law, she's also asserted that all eight Committee members have equal say and that their recommendations have gone to the full nine-member Common Council for consideration. Yeah, right—please provide the dates and times when that happened.

Valk claims that the Finance Committee consists of four members of the Common Council and four members of the Administration—those being Yvonne Flowers, Chair; Chris Grant; Nathan Shook; Nedra Thompson; Marc Nelson; Brian Martinez; Joe Bryant; James Nytko...as if two consultants are Administration members. Incoming Mayor Yvonne Flowers, the Finance chair, even claimed that the committee's membership was specifically structured and limited to guarantee that they wouldn't have to hold public meetings. Is this what we can expect from the Flowers administration? Committees and committee members that are conjured for the specific purpose of providing less transparency, less communication, and more closed door meetings?

Since I'm running out of time, I'll call out just one line item in the posted budget—that is the nearly \$73,000 salary plus benefits paid to Chamberlain Jasmin Davis. Davis who is repeatedly absent; who plays favorites with Freedom of Information (FOIL) requests, delaying some, while providing instant service to others; and never providing me with FOIL responses in the requested machine-readable (i.e. searchable text) format.

Yet this overpaid, underperforming public servant is featured in a current Hudson Valley Magazine cover article titled “Power Women”, where she makes the false claim that she (quote) “provides quality services to meet the needs of city residents and business owners in an effective, efficient, and timely manner” and goes on to use the article to shill for a role on “The Real Housewives of New York”.

From the article (quote): *“If you weren't in your current career, you'd be...*

“An international public relations magnate, travel influencer, and socialite! I visualize myself on Bravo's “The Real Housewives of New York” in the future. (Here's looking at you Andy Cohen!)”

CITY OF POUGHKEEPSIE

2024 BUDGET PRESENTATION

Brian Martinez, PhD
Commissioner of Finance

12/4/2023



What's Driving Expenses In 2024?



Item	Before	After	Increase
<u>Must Pays (City Does Not Control)</u>			
Police & Fire Overtime	2019: \$1,664,000	2023: \$2,362,000	42% \$698,000
Police & Fire Pension	2020: \$3,500,000	2023: \$4,600,000	31% \$1,100,000
Other Pensions	2020: \$1,500,000	2023: \$1,680,000	12% \$180,000
Health Insurance	2020: \$7,450,000	2023: \$9,320,000	25% \$1,870,000
Subsidy To PCSD	2020: \$489,000	2023: \$870,000	78% \$381,000
NY Liability Insurance	2020: \$653,000	2023: \$759,000	16% \$106,000
Outsourcing EMS	-New-	2024: \$630,000	\$630,000
<u>Commodities (Market Based)</u>			
Joint Water Chemicals	2020: \$580,000	2023: \$1,300,000	124% \$720,000
Fuel	2020: \$194,000	2023: \$331,000	71% \$137,000
Electricity	2021: \$900,000	2023: \$1,400,000	56% \$500,000
TOTAL:	\$16,930,000	\$23,252,000	37% \$6,322,000

• Above General Fund Costs Increased By = **\$6,322,000**

• General Fund Year-Over-Year Increase = **6.99%**

• NYS Comptroller: Inflation Factors In **2022 = 6.22%** & **2023 = 7.45%**

How We Compare To Our Peers



2023 To 2024 Comparative Growth Of The General Fund Budget

Municipality	% Increase*	2023 Budget	2024 Budget**	2024 Fund Balance Appropriation
City of Newburgh	11.69%*	\$62,672,542	\$66,596,188**	\$3,399,807
Town of Poughkeepsie	7.96%*	\$5,709,147	\$5,863,535**	\$300,000
City of Middletown	7.61%	\$44,192,298	\$47,554,394	-
City of Poughkeepsie	6.99%	\$61,233,579	\$65,516,163	-
City of Beacon	4.31%*	\$24,606,871	\$25,418,651**	\$250,000
* Percent Increase Adjusted For General Fund Balance Contributions				Fund Balance Cash Was Used To Pay For Budgetary Increases In 2024
** Municipality's 2024 Budget Is Adopted				

The City's Proposed 2024 Budget Is Conservative Compared To Some Peers

What Are We Doing To Mitigate Increasing Costs?



Tax Cap Override Only Covers 24% Of Higher Costs

Total Increase In General Fund Expenditures:	-\$6,322,000
Revenue Raised By Breaking The Tax Levy Limit:	+\$1,534,600
Remaining Differential To Be Offset By Other Initiatives:	-\$4,787,400

Primary Initiatives To Offset Rising Expenses

Initiative Description	Amount
Sales Tax Agreement (2022 – Yr. 2)	+\$2,982,700
Decrease In Debt Payments	+\$730,700
Interest Earnings	+\$674,000
ARPA: Revenue Replacement	+\$400,000
Total Inflow Into The General Fund:	\$4,787,400

Overall, The City’s Financial Outlook Continues To Improve Post-Pandemic
And Amidst A Prolonged Inflationary Cycle

The 2024 Budget Balances Program Support & Infrastructure
Renewal With Continued Fiscal Responsibility

BACKUP

Rate Setting: Water/Sewer & Sanitation

Type	2023 Rate	2024 Proposal	YOY % Change	Net % Change
Water	\$5.10/unit	\$5.50/unit	7.84%	6.22%
Sewer	\$4.55/unit	\$4.75/unit	4.40%	
Sanitation	\$120/quarter	-No Change-	-No Change-	-No Change-

Benchmarking: Water/Sewer Median Annual Payment For Services

Type	City of Pok. 2024	Kingston 2023	Newburgh 2023
Water	\$174.00	\$218.96	\$200.40
Sewer	\$133.00	\$109.12	\$216.43

Impact On Median Homeowner: \$4.20/Quarter = \$16.80/Year

Property Tax Rate

Property Type	2018	2023	2024 (Proposed)	YOY % Change	% Change (5 Years)
Homestead	\$13.29	\$10.27	\$10.26	-0.10%	-22.80%
Non-Homestead	\$17.72	\$15.11	\$13.98	-7.49%	-21.13%

% Increase In Proposed Budget:	6.3%
Avg. Annual Cost Of Increase Over Tax Cap:	\$258
Avg. Total Annual Increase For Homeowner: (Including 2% Tax Cap)	\$378

Property Value ↑	
Rates ↓	Taxes ↑

No Tax Rate Increase Since 2018



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, December 4, 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, December 4, 2023, and the time is 6:35 pm.

I. ROLL CALL: 8 Present, 1 Absent (Councilmember Johnson)

II. REVIEW OF MINUTES:

Common Council Meeting – November 20, 2023

Motion to accept the minutes: Councilmember Long, Seconded by Councilmember Thompson.

CCM Minutes of November 20, 2023 - 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	☒	☐	☐	☐

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

ADD:

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS:

Official Minutes of the Common Council Meeting of December 4, 2023

1. **R-23-78**, SEQRA Resolution regarding a lease with Verizon Wireless – addition of Short Form EAF)

IV. PUBLIC PARTICIPATION:

1. **Suprina Troche – Delafield St.**
2. **Joseph Troche – Delafield St.**
3. **Naomi Brooks – S. Grand Ave ***
4. **Laurie Sandow – S. Grand Ave ***
5. **Daniel Atonna – 116 College Ave / For the Many**
6. **Warren Jones - N. Clover St.**
7. **Daved Henningsen – 137 Academy St.**
8. **Darren Young – 9 Hook Rd**
9. **Larry Treppel – 15 S. Bridge St.**
10. **Michael De Cordova – 246 New Hackensack Rd.**
11. **Nicholas Kolagris – 14 Maryland Ave**
12. **June Nemon – 147 Union/ For The Many**
13. **Kenneth Kelley – 17 Rose St / Unity in the Community**
14. **Amanda Brentnall– 33 Delafield St./ DSA**
15. **Jasmine Rohan – 515 Haight Ave /MHA**

***Submitted written comments**

City of Poughkeepsie Common Council meeting, December 4, 2023
Naomi Brooks, S. Grand Avenue

Good evening. As the 2024 budget is foremost in your minds, I would like to remind you that this Council held a public hearing in January of 2023 for citizen input on raising the income threshold for property tax breaks for low income seniors. You have been waiting since then for the Finance Department's impact assessment of raising this threshold. Councilmember Shook was able to give a rough idea of how many seniors an increased threshold may impact, and how much real estate tax would not be collected if the city were to implement this break. Now we see in the proposed 2024 budget, that the *current* exemptions, impacting 100 lower-income seniors, account for less than 1/3 of 1% of property taxes, about \$84,000. Raising the income threshold could mean a tremendous amount to the seniors eligible for such a break. Many long time residents' property tax bills are pricing them out of the city where they have worked and raised their families. Please make sure you get the information you need to make this important decision, for their sakes. Please make sure you that your decision occurs in enough time for the city assessor to incorporate it into the upcoming property tax bills. This becomes an even more urgent request given the possibility of a 6.3% tax increase.

A separate reminder, with implications for everyone in the city: this year, you began to discuss a resolution that would require Common Council approval of the mayor's appointments to boards and commissions. This sensible approach aligns with our city's shared government model. It would provide checks and balances between the administrative and legislative duties of our city. Some recent appointments have proved problematic, and additional eyes on the appointment process could have avoided these difficulties. I urge you to revisit the idea as soon as possible so our boards and commissions can be filled with resident volunteers having the most appropriate mix of education, experience, and interest in moving our city forward.

Laurie Sandow comments, City of Poughkeepsie Common Council meeting,
December 4, 2023

I'll begin with a quote from human rights and environmental activist Arundhati Roy, winner of the 1997 Booker Prize for Fiction for her novel "The God of Small Things". Ms. Roy said, "There's really no such thing as the 'voiceless'. There are only the deliberately silenced, or the preferably unheard."

If there's anything that this Council has achieved with great success, it's deliberately silencing the public, driving them away from attending and speaking at these meetings, and sitting like doorknobs, entirely unresponsive and without disclosure when the public asks probing questions that the Council seeks to ignore or hide from.

At the last Council meeting, Council Chair Brown told the public that a last-minute consent agenda resolution was being added, allegedly for possible boiler repairs. The actual resolution said absolutely nothing to that effect, nor was it posted to the City's website in advance of the meeting or printed for reading by those in attendance at the meeting.

This Council just approved minutes from the November 20 meeting that do not appear and were not even included in the December 4 agenda packet. How does that work?—does the Council expect us to believe they read the minutes somewhere other than in the published packet? And what about the public's access to the minutes that were not included in the packet?

I attended Dutchess County's ThinkDifferently conference last week. Not a single City Administration or Common Council member was in attendance. At that meeting, I learned that municipal leaders throughout the County, Marc Nelson included, had received correspondence about Americans with Disability compliance that he should have replied to, and that also should have been posted to the City's website. That compliance statement is nowhere to be found—and of course we also have the continuing, documented history of this City ignoring repeated public comments and requests for closed captioning and better volume on City webcasts.

At the Council's November 20 meeting, there were three applications for cannabis dispensaries. Tonight's agenda includes three more, one of them amended from November 20th. Yet, even after the recent assault on a City parking enforcement agent, without a single mention of those applications, or word of objection or clarification from a single Councilmember—and because we don't already have enough drug trafficking and crime in the City of Poughkeepsie—this Common Council seeks to make the City of Poughkeepsie ground zero for cannabis dispensaries, whether legal or not. In the meantime, in 2021, the Town Board of the town of Poughkeepsie, adopted a local law opting out of allowing on-site cannabis consumption.

It's not okay for councilmembers—who fly through meetings by using consent agendas where they say nothing, reveal nothing, leave no trace of knowledge or opinion on the record—to tell the public that they've got their information wrong. I had to submit a Freedom of Information request for Council ARPA distributions—they hadn't been transparently posted to the public, though that not-obvious webpage was recently revised. And I still haven't gotten answers to some of my questions about how councilmembers spent those funds, including why \$10k is missing from the accounting of each and every councilmembers' total. Per the City's ARPA Task Force webpage <https://cityofpoughkeepsiearp.org/process/#task> the Task Force was facilitated by an unnamed facilitator, and composed of the following members: Marc Nelson, MPA, City Administrator; Brian Martinez, Ph.D, Commissioner of Finance; Nathan Shook, Councilmember; Yvonne Flowers, MPA, Councilmember; Natasha Brown (née Cherry), Councilmember; William Brady, Community Member and City Resident.

With only three minutes, I don't even have time to address the still unaddressed, unresolved Memorandum of Agreement between the PBA and Marc Nelson, the City of Poughkeepsie Fire Department contract that's about to expire, the ARPA funds that Councilmembers kicked back and wasted on trash cans, the question of whether insurance funds the City received after the fire at the Transfer Station have already been depleted, and on and on. Add to that the new councilmembers who've shown zero interest in attending these meetings before taking their seats, who've never tested themselves against the 3-minute public comment time limit, never put themselves in the shoes of the public, weren't transparent about belonging to a private membership club with a very checkered legal past, yet are about to sit in seats of power making rules for the residents of this city.

V. CHAIRWOMAN’S COMMENTS AND PRESENTATIONS:

- NONE -

VI. MAYOR’S COMMENTS:

- NONE -

VII. NEW & UNFINISHED BUSINESS & ANNOUNCEMENTS:

VIII. REPORTS OF COMMITTEES AND BOARDS:

- NONE -

*A motion to approve the consent agenda was made by **Councilmember Long** and seconded by **Councilmember Menist**.*

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS:

1. **R-23-74**, Resolution Setting a Public Hearing Regarding a Local Law Amending Chapter 9 “Garbage, Trash And Weeds,” Article V “Solid Waste Management,” Section 9-68 “Solid Waste Collection Fees,” Subsection (E) “Exemptions”

**RESOLUTION
(R-23-74)**

RESOLUTION INTRODUCING LOCAL LAW AMENDING CHAPTER 9 “GARBAGE, TRASH AND WEEDS,” ARTICLE V “SOLID WASTE MANAGEMENT,” SECTION 9-68 “SOLID WASTE COLLECTION FEES,” SUBSECTION (E) “EXEMPTIONS”

INTRODUCED BY CHAIRWOMAN BROWN_____:

BE IT RESOLVED that an introductory Local Law entitled, “ A LOCAL LAW AMENDING CHAPTER 9 “GARBAGE, TRASH AND WEEDS,” ARTICLE V “SOLID WASTE MANAGEMENT,” SECTION 9-68 “SOLID WASTE COLLECTION FEES,” SUBSECTION (E) “EXEMPTIONS” ” be and hereby is introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

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BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law are laid upon the desk of each member of the Council; and

BE IT FURTHER RESOLVED that the Council shall hold a public hearing on said proposed local law to receive comment from the public on Monday, December 18 at 6 pm in the Common Council Chambers, Third Floor, City Hall, 62 Civic Center Plaza, Poughkeepsie, New York;

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto.

SECONDED BY COUNCILMEMBER MENIST _____

R-23-74 - 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-23-75, Resolution Approving the Verizon Contract for a Cell Tower on Cedar Ave.

**RESOLUTION
R-23-75**

INTRODUCED BY CHAIRWOMAN BROWN: _____

WHEREAS, the City is the owner of a parcel of land located at 33 Cedar Avenue in the City of Poughkeepsie, and more accurately described as Lot 6167-67-7512643 on the official tax map of the City (hereinafter “the Property”); and

WHEREAS, Verizon Wireless of the East LP d/b/a Verizon Wireless (“Verizon Wireless”) wishes to lease a portion of the property for purposing of constructing a communications facility; and

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

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

SECONDED BY COUNCILMEMBER MENIST _____

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R-23-75 - 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	☒	☐	☐	☐

3. **SEQRA Resolution R-23-76** and Sale Resolution **R-23-77**, authorizing the Sale of City Owned Property – vacant lot known as 171 South Cherry Street (Tax Map No. 6161-31-318779)

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA) RESOLUTION REGARDING A SALE OF
CERTAIN CITY OWNED PROPERTIES
(R-23-76)**

BY CHAIRWOMAN BROWN_____ :

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of city owned property located at 171 South Cherry Street and identified as Tax Map No. 6161-31-318779; 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

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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 MENIST_____.

R-23-76 - 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	☒	☐	☐	☐

**RESOLUTION
(R-23-77)**

INTRODUCED BY CHAIRWOMAN BROWN_____:

WHEREAS, the City of Poughkeepsie has previously taken title to a vacant lot known as 171 South Cherry Street (Tax Map No. 6161-31-318779), in the City of Poughkeepsie by reason of a Treasurer's Deed; and

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

WHEREAS, an offer has been received from Williams Assets LLC to purchase this property for the sum of \$35,000.00; 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 return properties to the tax rolls, has recommended that the City of Poughkeepsie accept this offer; and

WHEREAS, the Common Council hereby finds that the offer from Williams Assets LLC 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 Williams Assets LLC to purchase premises known as 171 South Cherry Street (Tax Map No. 6161-31-318779), in the City of Poughkeepsie for the sum of \$35,000.00 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 within thirty (30) days of the date of approval by the Common Council, unless Corporation Counsel shall grant an extension as deemed appropriate.
- B. The transfer of title and Purchaser's use of the Property shall be subject to all state, federal and local regulations, including the City of Poughkeepsie and New York State Building Codes and the City of Poughkeepsie Zoning Ordinance, and real property taxes coming due pursuant to law on and after the date of transfer of title.
- C. Purchaser 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.
- D. Purchaser shall commence an Article 15 bar claim action promptly after closing.

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- E. Purchaser agrees that they shall not use the purchase price agreed to as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to enter into an Agreement for Sale of Land for the above-mentioned transaction provided such agreement 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 MENIST_____.

R-23-77 - 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	☒	☐	☐	☐

X. ORDINANCES AND LOCAL LAWS:

1. **LL-23-07**, Local Law Amending Chapter 6 “Building and Utility Codes,” Article I “Building Code” to Address Corporate Fines and to Set a Minimum Fine for Violations of The Building Code

(LL 23-07)

**A LOCAL LAW AMENDING CHAPTER 6 “BUILDING AND UTILITY CODES,”
ARTICLE I “BUILDING CODE” TO ADDRESS CORPORATE FINES AND TO SET A
MINIMUM FINE FOR VIOLATIONS OF THE BUILDING CODE**

SPONSOR: CHAIRWOMAN BROWN

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

~~STRIKETHROUGH INDICATES DELETION~~
BOLD and UNDERLINE INDICATES ADDED LANGUAGE

SECTION 1: City Code Chapter 6 “Building and Utility Codes,” Article I “Building Code,” Division I “Building Code” Section 6-11 is amended to read as follows:

Section 6-11. Penalties.

Any person, **firm, corporation, association or entity** violating any of the provisions of this Building Code or of the Uniform Code adopted in Section 6-3 shall be liable to a penalty **of no less than \$250 but** not exceeding \$1,000 and, for a continuation of such violation, to an additional penalty not exceeding \$10 per day. **For the purposes of section 80.10 of the penal law, this shall constitute a special corporate fine.**

SECTION 2: City Code Chapter 6 “Building and Utility Codes,” Article I “Building Code,” Division II “Administration of Building Code” Section 6-39(o) is amended to read as follows:

(o) Penalties. Any person, firm, corporation, ~~or~~ association **or entity** violating the provisions of this section shall be subject to a penalty of **not less than \$100 per day but not exceeding** \$300 per day, per property, for the following violations, which shall constitute distinct and separately chargeable violations. **For the purposes of section 80.10 of the penal law, this shall constitute a special corporate fine.**

(1) Failure to register a property as required in Section 6-39(c). The first date on which a penalty for failure to register may be imposed is the latter of the following:

- a. The 11th day after the owner is provided with written notice **of** the existence of a vacant property; **or**
- b. The 11th day after the initiation of foreclosure proceedings.;~~or~~
- ~~c. The 11th day after the effective date of this section.~~

(2) Failure to provide a cash bond as required in Section 6-39(j). The first date on which a penalty for failure to provide a cash bond may be imposed is the latter of the following:

- a. The 21st day after the owner is provided with written notice of the existence of a vacant property; **or**
- b. The 21st day after the initiation of foreclosure proceedings.;~~or~~
- ~~c. The 21st day after the effective date of this section.~~

(3) Failure to replenish a cash bond that the Building Inspector has drawn down pursuant to Section 6-39(m). The first date on which a penalty for failure to provide a cash bond may be imposed is the 11th day after the Building Inspector notifies the owner of the obligation to replenish the bond to the minimum of \$10,000.

(4) Failure to provide proof of liability insurance as required in Section 6-39(k). The first date on which a penalty for failure to provide a cash bond may be imposed is the latter of the following:

- a. The 21st day after the owner is provided with written notice of the existence of a vacant property; **or**
- b. The 21st day after the initiation of foreclosure proceedings.;~~or~~
- ~~c. The 21st day after the effective date of this section.~~

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(5) Failure to rectify violations of Section 6-39(g). An owner who fails to remedy violations of Section 6-39(g) within 10 days of the date of a citation issued pursuant to Section 6-39(h) shall be subject to civil penalties as set forth in Sections 6-11 and 6-12 for each day the violation is unremedied or until the Building Inspector exercises his or her authority under Section 6-39(m) to take necessary steps to ensure the property is properly maintained pursuant to Section 6-39(g).

SECTION 3. This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Local Law be laid upon the desk of each council member; and

BE IT FURTHER RESOLVED, that the Common Council shall hold a public hearing on said proposed Local Law and that the City Clerk shall publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto.

SECONDED BY COUNCILMEMBER _____ :

R-23-77 - 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:

XI. MOTIONS AND RESOLUTIONS:

XII. ORDINANCES AND LOCAL LAWS:

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

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

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- 1 **FROM LORRAINE JOHNSON**, a notice of personal injury sustained on September 3, 2023.
- 2 **FROM JEFFREY WILLIAMS**, a notice of property damage incurred on September 7, 2023.
- 3 **FROM BALLI CANN, INC. / JASWINDER KAUR**, a notice of intent to apply for Licensure with the Office of Cannabis Management to open a retail dispensary premises.
 - a. **FROM MAZIGH CORP. / KHEIREDDINE MAZOUZI**, a notice of intent to apply for Licensure with the Office of Cannabis Management to open a retail dispensary premises.
 - b. **FROM KAYA NATURAL REMEDIES INC. / AUDREY GRAHAM-O'GILVIE**, an amended notice of intent to apply for Licensure with the Office of Cannabis Management to open a retail dispensary premises.

II. ADJOURNMENT:

*A motion was made by **Councilmember Long** and was seconded by **Councilmember Thompson** to adjourn the meeting at 7:54pm.*

Dated: December 15, 2023

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, December 4, 2023.

Respectfully submitted,

Donna M. DeLuca
Deputy City Chamberlain