



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, March 1, 2021 6:30 p.m.

City Hall

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

Welcome to the regularly scheduled meeting of the City of Poughkeepsie Common Council the date is March 1, 2021, and the time is 6:30 pm.

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

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

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

Let's all recite the pledge of allegiance.

I. PLEDGE OF ALLEGIANCE:

ROLL CALL- ALL PRESENT

II. REVIEW OF MINUTES:

- 1. A motion was made by Councilmember Brannen and seconded by Councilmember Cherry to receive and print.**

Official Minutes of the Common Council Meeting of March 1, 2021

CCM Minutes of Public Hearing 02-16-2021						
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

CCM Minutes of 02-16-2021						
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

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

REMOVED:

VII: MOTIONS AND RESOLUTIONS:

8. Resolution R21-30, approving a Memorandum of Agreement between the Police Benevolent Association (PBA) and the City of Poughkeepsie

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

1. Brian Robinson – 143 Montgomery St
2. Darrett Roberts – Franklin St
3. Joan D. Mandle, PhD – 201 Roosevelt Drive
4. Bill Rubin – 18 Eagle Lane
5. Jarah Clarke – 25 Roosevelt Ave
6. Laura Forman
7. Jeffrey Schneider – 80 N. Water St
8. Kris Tal
9. Elijah Appelson

10.Laurie Sandow – S. Grand Ave

Laurie Sandow comments at Common Council meeting, March 1, 2021 — Pg. 1 of 2

Yet again, we have last minute alterations to tonight's Common Council agenda.

Yet again, only certain privileged people were notified in advance, while the rest of the public was left in the dark until the Council meeting began, or left to check and recheck the City's website for updates.

Yet again, members of the public, please pay close attention to Chris Petsas' logging on an off this meeting, while Chair Salem enforces zero decorum or obligation for people claiming to be present demonstrate their attendance by remaining on-camera.

Yet again, the Council flips the bird to both the public and Police Chief Pape, scheduling his presentation way at the end of tonight's agenda. The Council may not care to hear from him, but ALL City residents deserve more respect for their time and attention to this meeting, without being subject to the effect of Council's childish, self-serving scheduling.

As I said earlier tonight at the Common Council's public hearing regarding the phony and purposely misnamed "ETHICS" [Tenant Protection] Act, tonight's Common Council meeting, just the same as the public hearing that preceded it, proves that if you don't begin with transparency, you won't end with transparency; and if you don't abide by good government and introduce good policy, you won't end with good government, nor with good policy.

Tonight's Council agenda is chockful of Council rules and City Charter violations.

It appears the Council has entirely abandoned their own Rule XV (#15), requiring them to read and lay over certain Ordinances, Local Laws and Resolutions. Where are the City of Poughkeepsie councilmembers who, on principle, have and will consistently vote to expose and oppose these violations?

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Laurie Sandow comments at Common Council meeting, March 1, 2021 — Pg. 2 of 2

As just one example of a recent violation, last week I was invited to join a secretive committee of the Common Council, allegedly composed of members of the public who would help advise the Council on, and I quote, “needed edits/updates to the [police reform plan in response to the Governor’s EO 203] prior to our adoption.” Who are the members of that committee? I have no idea. Who and how were they chosen? Again, no idea. Do they actually represent the public, or only a very particular point of view? Is silence and complicity with Council abuse of power and rules ever okay if, in exchange, one is gifted with the privilege of a seat at the table? I think not. I call on Council Chair Salem to disclose the names of committee members at tonight’s meeting, to explain why the process and the meetings themselves were not made public, and also to explain to the public why, once again, this Common Council knowingly violates the City Charter.

The violation in this case especially concerns Section 2.04 (d) of the City Charter, which reads in part: “All meetings of the common council and its committees shall be open to the public except those that are closed pursuant to the provisions of the public officers law of the state of New York. ...”

I will close my comments, by repeating myself from the earlier public hearing: I am here today, as I am at most of the City’s public comment periods. And I am wondering why I’m here, since it has become increasingly clear that public hearings and public comments in this City are staged for little purpose other than window dressing,... The date from which I am quoting myself: February 11, 2019. Because in the City of Poughkeepsie, the more things pretend to change, the more they remain the same and the more they don’t really change at all.

11. Matthew Carroll – 29 Taylor Ave
12. Serena Marie

V. CHAIRPERSON’S COMMENTS AND PRESENTATIONS:

This Wednesday, March 3, at 6 pm The Mayor and I are hosting a Special Meeting using Zoom to hear a presentation on a proposed path toward the future use of the former YMCA at 35 Montgomery St. The presentation will be to us, the Council, and we will hear from folks who make up the 35 Montgomery St. Coalition, the Mayor, the County Executive, and others. You can register using zoom for the meeting by visiting https://us02web.zoom.us/webinar/register/WN_7Bph4quPSraVxHRU9BSEaQ.

Following the presentation, there will be an opportunity for members of the public to pose questions and if you’re interested in doing so please email Donna, at ddeluca@cityofpoughkeepsie.com. Following questions from the public Councilmembers will ask questions. If you can’t make it, the session will be recorded and subsequently posted to our website for future viewing.

I called for the formation of a short-term working group as a step in the process of adopting a Police Reform Plan prior to April 1, 2021 to provide further advice to the Common Council in our review, adaptation, and eventual adoption to ensure community voices are heard, not to negate any of the work that has already been done through prior community focus groups, through virtual forums hosted, or through the work of the Procedural Justice Committee but to provide yet another avenue toward community participation and feedback, as well as increased interaction with the process, in their advisement to the Common Council. We met for two meetings, on Friday, Feb. 19, and Friday, Feb. 26, with notes recorded and submitted to the council. I want to thank working group participants for their efforts and for lending their voices during our meetings and on-going through this process. Tonight, we will hear from the Chief of Police, the Mayor, and Captain Wilson on the changes they’ve made to the draft policy reform report and to pose further suggestions/questions.

COVID is still causing incredible harm to our community, a year later, I can’t believe it’s been a year. Information on getting tested, contact tracing, resources available are available on the city and county website. Vaccination information is available on the County and New York State websites. I understand the eligible folks are having difficulty making appointments locally to receive the vaccine. Limited supply is causing this to occur. I’m feeling optimistic that with more vaccine supply, we will see more local and accessible pop-up vaccination locations for those who are eligible for the shot. In the meantime, available appointments are posted to the County and State websites, you can sign up for email or text alerts, or you can call directly for access to appointments. Wear a mask (wear two!), keep your distance in public places, and continue to use all of the safety devices we have been using over the last year.

VI. REPORTS OF COMMITTEES AND BOARDS:

VII. MOTIONS AND RESOLUTIONS:

- 2. A motion was made by Councilmember Brannen and seconded by Councilmember Flowers to receive and print.**

RESOLUTION
R21-23
EXTRACT OF MINUTES
[Park Improvements—Neg Dec]

A regular meeting of the Common Council of the City of Poughkeepsie, Dutchess County, New York was convened in public session at the Council Chambers, City Hall, Poughkeepsie, New York on March 1, 2021 at 6:30 o'clock p.m., local time.

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

PRESENT:

Council Chair Sarah A. Salem
Councilmember Sarah Brannen
Councilmember Natasha Cherry
Councilmember Yvonne Flowers
Councilmember Lorraine Johnson
Councilmember Randall A. Johnson II
Councilmember Matthew McNamara
Councilmember Evan Menist
Councilmember Christopher D. Petsas

ABSENT:

The following persons were ALSO PRESENT:

Commissioner of Finance Brian Martinez, PhD

The following resolution was offered by Councilmember Brannen and seconded by Councilmember Flowers, to wit;

RESOLUTION DATED MARCH 1, 2021
RESOLUTION ADOPTING A SEQRA DETERMINATION OF NONSIGNIFICANCE
REGARDING PARK IMPROVEMENTS

Official Minutes of the Common Council Meeting of March 1, 2021

WHEREAS, the City of Poughkeepsie is considering the improvement of Pershing Park, including community garden facilities and improvements, reconstruction and replacement of the existing basketball court and playground, park furniture, and landscaping involving Tax Parcels_131300-6162-80-471034, 131300-6162-80-475044, and 31300-6162-80-492044, and to further undertake preliminary planning studies with respect to other parks in the City (the "Project"); and

WHEREAS, the Common Council has reviewed Part 1 of a short Environmental Assessment Form (EAF) for the proposed action and determined that the proposed action is best classified as an unlisted action under SEQRA and the Common Council is the only involved agency; and

WHEREAS, the Common Council has reviewed Part 2 of a short Environmental Assessment Form (EAF) for the proposed action and considered the criteria set forth in Section 6 NYCRR Sec. 617.7; and

WHEREAS, the Common Council has reviewed a draft Negative Declaration setting forth reasons supporting a determination that the proposed action will not have a significant adverse impact on the environment;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Poughkeepsie, Dutchess County, New York (the "City") as follows:

1. The Common Council hereby adopts the findings and conclusions relating to probable environmental effects contained with the attached Negative Declaration concluding that the Project will not have a significant adverse impact on the environment, and that preparation of a draft environmental impact statement is not required. This determination shall be deemed a negative declaration for purposes of Article 8 of the Environmental Conservation Law.
2. The Mayor is authorized to execute the EAF and Negative Declaration which shall be filed in the office of the Chamberlain.
3. The Common Council authorizes and directs the Chamberlain to distribute a copy of the Negative Declaration and a copy of this resolution to interested agencies and any person that has requested a copy, and to make all other filings as may be required by law.
4. This resolution shall take effect immediately.

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

Council Chair Sarah A. Salem	VOTING Aye
Councilmember Sarah Brannen	VOTING Aye
Councilmember Natasha Cherry	VOTING Aye
Councilmember Yvonne Flowers	VOTING Aye
Councilmember Lorraine Johnson	VOTING Aye
Councilmember Randall A. Johnson II	VOTING Aye

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Councilmember Matthew McNamara VOTING Aye
Councilmember Evan Menist VOTING Aye
Councilmember Christopher D. Petsas VOTING Aye

The foregoing resolution was thereupon declared duly adopted.

R21-23						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

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

RESOLUTION
R21-24
EXTRACT OF MINUTES
[Park Improvements]

A regular meeting of the Common Council of the City of Poughkeepsie, Dutchess County, New York was convened in public session at the Council Chambers, City Hall, Poughkeepsie, New York on March 1, 2021 at 6:30 o'clock p.m., local time.

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

PRESENT:

Council Chair Sarah A. Salem
Councilmember Sarah Brannen
Councilmember Natasha Cherry
Councilmember Yvonne Flowers
Councilmember Lorraine Johnson
Councilmember Randall A. Johnson II
Councilmember Matthew McNamara
Councilmember Evan Menist
Councilmember Christopher D. Petsas

ABSENT:

The following persons were ALSO PRESENT:

Commissioner of Finance Brian Martinez, PhD

The following resolution was offered by Councilmember Brannen, seconded by Councilmember Flowers, to wit;

BOND RESOLUTION DATED MARCH 1, 2021

A RESOLUTION AUTHORIZING PARK IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$350,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

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

SECTION 1. The improvement of Pershing Park, including community garden facilities and improvements, reconstruction and replacement of the existing basketball court and playground, park furniture, and landscaping, is hereby authorized at an estimated maximum cost of \$825,000, and said amount is hereby appropriated therefore. It is hereby determined that said purpose is an object or purpose described in subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen years.

SECTION 2. The preparation of surveys, plans and specifications for capital improvements to City parks and City pools is hereby authorized at an estimated maximum cost of \$25,000, and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 62(a) of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is five years.

SECTION 3. It is hereby determined that the aforesaid purposes described constitute an unlisted action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQR not to have a significant impact on the environment.

SECTION 4. The City plans to finance a portion of the cost of said purposes by the issuance of serial bonds of the City in an amount not to exceed \$350,000, hereby authorized to be issued

therefor pursuant to the Local Finance Law. The remaining portion of such cost is to be financed from grants and in kind services.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 6. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds shall be applied to reimburse the City for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations.

SECTION 7. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the City are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the City a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Commissioner of Finance, the Chief Fiscal Officer of the City. The Commissioner of Finance is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Chamberlain is hereby authorized to affix the corporate seal of the City to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Commissioner of Finance is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, to the extent applicable, to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(i) of the Code.

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

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- (1) Such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with;

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

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

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

SECTION 12. This resolution shall take effect immediately.

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

Council Chair Sarah A. Salem	VOTING Aye
Councilmember Sarah Brannen	VOTING Aye
Councilmember Natasha Cherry	VOTING Aye
Councilmember Yvonne Flowers	VOTING Aye
Councilmember Lorraine Johnson	VOTING Aye
Councilmember Randall A. Johnson II	VOTING Aye
Councilmember Matthew McNamara	VOTING Aye
Councilmember Evan Menist	VOTING Aye
Councilmember Christopher D. Petsas	VOTING Aye

The foregoing resolution was thereupon declared duly adopted.

R21-24						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

4. **A motion was made by Councilmember Brannen and seconded by Councilmember Flowers to receive and print.**

**RESOLUTION
R-21-25**

AUTHORIZING A LEASE AGREEMENT WITH SCENIC HUDSON, INC. FOR EXCLUSIVE USE AND POSSESSION OF AND ACCESS TO TWO CITY-OWNED PARCELS (LOTS 475044 AND 492044) FOR THE PERSHING AVENUE NEIGHBORHOOD FARM

INTRODUCED BY COUNCILMEMBERS SALEM, FLOWERS AND RANDALL JOHNSON

WHEREAS, the City of Poughkeepsie (“City”) owns two (2) parcels of real property in the City of Poughkeepsie, County of Dutchess, State of New York, located east of Pershing Avenue, identified as Lots 475044 and 492044 (the “Property”); and

WHEREAS, The Scenic Hudson Land Trust, Inc. (“Scenic Hudson”), desires to create the Pershing Avenue Neighborhood Farm (the “Farm”), comprised of a community garden and urban farm, located immediately east of Pershing Avenue Park (the “Park”) on a portion of the Property for the purpose of gardening, education, employment training, and other programs; and

WHEREAS, Scenic Hudson has prepared the Property for its intended purpose with its own resources and the contributed in-kind resources of the City; and

WHEREAS, Scenic Hudson has involved and secured the support of community stakeholders in the process of planning for the Farm, including but not limited to Nubian Directions III; the AME Zion Church; Dutchess Outreach; Poughkeepsie Farm Project; The Art Effect; New City Parks; and Hudson River Housing; and

WHEREAS, the Farm will provide affordable, healthy fruits and vegetables to surrounding neighborhood residents and encourage public use and enjoyment of the Pershing Avenue Park; and

WHEREAS, Scenic Hudson does not intend to use any pollutants, pesticides, or chemical fertilizers and will design beds and plantings to minimize runoff; and

WHEREAS, Scenic Hudson will coordinate its advertising, social media presence, and programming for the Farm with the City and other community stakeholders; and

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WHEREAS, Scenic Hudson will partner with community stakeholders to hold workshops on organic farming and related subjects for free or on a sliding scale basis and will offer jobs for local youth; and

WHEREAS, the Lease Agreement provides for an initial term to expire on December 31, 2025, which term may be renewed for a five (5) year term by an amended agreement following the expiration of the initial term; and

WHEREAS, the Lease Agreement provides for an annual fee of TEN DOLLARS (\$10.00); and

WHEREAS, the Common Council has reviewed such Lease Agreement and determined that entering into same will increase the efficiency of the City-owned properties and is in the best interest of the City.

NOW, THEREFORE

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby approves and supports the Lease Agreement attached hereto and made a part hereof as if fully set forth; and be it further

RESOLVED, by the Common Council of the City of Poughkeepsie that the Mayor, on behalf of the City of Poughkeepsie, is authorized to enter into a Lease Agreement in form and substance as attached hereto with Scenic Hudson; and be it further

RESOLVED, that the Corporation Counsel is authorized to approve said Lease Agreement as to form and content; and be it further

RESOLVED, that the City Chamberlain is directed to forward certified copies of this Resolution to the appropriate City Officials; and be it further

RESOLVED, this Resolution shall take effect immediately.

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

I, Donna DeLuca, Acting City Chamberlain of the City of Poughkeepsie, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said **Common Council** at a meeting duly called and held at the **City of Poughkeepsie** on **March 1, 2021**, by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the City of Poughkeepsie, New York, this **2nd** day of **March, 2021**.

Acting City Chamberlain, City of Poughkeepsie

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R21-25						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

5. A motion was made by Councilmember Brannen and seconded by Councilmember Flowers to receive and print.

RESOLUTION R21-26 EXTRACT OF MINUTES [Library District]

A regular meeting of the Common Council of the City of Poughkeepsie, Dutchess County, New York was convened in public session at the Council Chambers, City Hall, Poughkeepsie, New York on March 1, 2021 at 6:30 o'clock p.m., local time.

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

PRESENT:

Council Chair Sarah A. Salem
 Councilmember Sarah Brannen
 Councilmember Natasha Cherry
 Councilmember Yvonne Flowers
 Councilmember Lorraine Johnson
 Councilmember Randall A. Johnson II
 Councilmember Matthew McNamara
 Councilmember Evan Menist
 Councilmember Christopher D. Petsas

ABSENT:

The following persons were ALSO PRESENT:

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Commissioner of Finance Brian Martinez, PhD

The following resolution was offered by Councilmember Brannen and seconded by Councilmember Flowers, to wit;

REFUNDING BOND RESOLUTION DATED MARCH 1, 2021

A REFUNDING BOND RESOLUTION AUTHORIZING THE ISSUANCE OF
REFUNDING BONDS OF THE CITY OF POUGHKEEPSIE IN AN
AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,200,000
PURSUANT TO THE LOCAL FINANCE LAW AND DELEGATING
CERTAIN POWERS IN CONNECTION THEREWITH TO THE
COMMISSIONER OF FINANCE

WHEREAS, the City of Poughkeepsie (the "City") has heretofore issued its Public Improvement (Serial) Bonds, Series 2009A (Greater Poughkeepsie Library District) in the aggregate principal amount of \$6,049,852 (the "2009 Bonds"); and

WHEREAS, the 2009A Bonds were dated as of April 15, 2009, have a final maturity date of December 15, 2030, mature serially on the dates and in the amounts set forth at Exhibit A attached hereto and made a part of this resolution, and are subject to redemption on any date on or after December 15, 2019 at a redemption price of par plus accrued interest to the redemption date; and

WHEREAS, refunding the aggregate outstanding principal amount of the 2009 Bonds is expected to result in present value savings in debt service as required by Section 90.10 of the Local Finance Law;

WHEREAS, the City of Poughkeepsie (the "City") has heretofore issued its Public Improvement (Serial) Bonds, Series 2020A in the aggregate principal amount of \$2,319,878 (the "2020 Bonds"); and

WHEREAS, the 2020 Bonds were dated as of April 30, 2020, have a final maturity date of April 15, 2027, mature serially on the dates and in the amounts set forth at Exhibit A attached hereto and made a part of this resolution, and the bonds of such series maturing on or after April 15, 2022 are subject to redemption on any date on or after April 15, 2021 at a redemption price of par plus accrued interest to the redemption date; and

WHEREAS, refunding the aggregate outstanding principal amount of the 2020 Bonds is expected to result in present value savings in debt service as required by Section 90.10 of the Local Finance Law;

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

Section 1. It would be in the public interest to refund the aggregate outstanding principal amount of the 2009 Bonds and the 2020 Bonds by the issuance of the City's refunding bonds pursuant to Section 90.10 of the Local Finance Law.

Section 2. For the object or purpose of refunding the \$3,395,000 aggregate outstanding principal amount of the 2009 Bonds due on and after December 15, 2021 (the "2009 Refunded Bonds") and the \$2,075,000 aggregate outstanding principal amount of the 2020 Bonds due one and after April 15, 2022 (the "2020 Refunded Bonds" and together with the 2009 Refunded Bonds, the "Refunded Bonds") including providing moneys which shall be sufficient to pay (i) said outstanding aggregate principal amount of the Refunded Bonds; (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which each of the Refunded Bonds mature or are subject to redemption, all in accordance with the Refunding Financial Plan, as defined herein, and (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including, without limitation, the development of the Refunding Financial Plan, compensation to the underwriter or underwriters, the fees and costs of the financial advisor to the City, the fees and costs of bond counsel to the City, the execution and performance of the terms and conditions of the Escrow Contract, as hereinafter defined, the fees and charges of the Escrow Holder, as hereinafter defined, and the premium or premiums for a policy of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, there are hereby authorized to be issued the refunding bonds of the City in the aggregate principal amount of not to exceed \$6,200,000 (the "Refunding Bonds") pursuant to the provisions of Section 90.10 of the Local Finance Law.

Section 3. It is hereby determined that the maximum amount of the refunding bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law.

Section 4. It is hereby determined that the amount and description of the bonds to be refunded is set forth at Exhibit B.

Section 5.

- a. It is hereby determined that the original period of probable usefulness of the purposes funded by the 2009 Bonds was 25 years pursuant to subdivision 12(a)(1) of Section 11(a) of the Local Finance Law, that the first bond anticipation notes issued pursuant to the authorizing resolution for such purpose were issued April 24, 2008, and that the expiration of the maximum period of probable usefulness at the time of issuance of the 2009 Bonds for the purposes for which the 2009 Bonds were issued, computed from the earlier of the first bond anticipation note or the date of the 2009 Bonds, was not earlier than December 15, 2030.
- b. It is hereby determined that the original period of probable usefulness of the purposes funded by the 2020 Bonds was not less than 15.49 years pursuant to Section 11(a) of the Local Finance Law, that the first bond anticipation notes

issued pursuant to the authorizing resolution for such purpose were issued May 8, 2015, and that the expiration of the maximum period of probable usefulness at the time of issuance of the 2020 Bonds for the purposes for which the 2020 Bonds were issued, computed from the earlier of the first bond anticipation note or the date of the 2020 Bonds, was not earlier than April 15, 2027.

- c. The last installment of the Refunding Bonds shall mature not later than the expiration of the remaining period of probable usefulness of the purposes for which the Refunded Bonds were issued, or in the alternative, the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with such Refunded Bonds, in accordance with the provisions of the Local Finance Law.

Section 6. It is hereby determined that the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 7 hereof.

Section 7. The financial plan for the refunding authorized by this resolution (the “Refunding Financial Plan”), showing the sources and amounts of all moneys required to accomplish such refunding, is set forth in preliminary form at Exhibit B attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount set forth at Exhibit B and will mature, be of such terms and bear interest as set forth in the Refunding Financial Plan. This Common Council recognizes that the aggregate principal amount of the Refunding Bonds, and the maturities, terms, and interest rate or rates borne by the Refunding Bonds will most likely be different from such assumptions and that the final Refunding Financial Plan will most likely be different from the preliminary plan set forth at Exhibit B. The Commissioner of Finance is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the designation thereof, the date of such bonds and the date of issue thereof, the maturities and terms thereof, whether such bonds shall be issued with substantially level or declining annual debt service, the provisions relating to any redemption of the Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds will be sold as sinking fund bonds, whether the Refunding Bonds shall be sold in one or more series, whether the Refunding Bonds will be sold to an underwriter or underwriters at private sale and the details of such sale, whether the Refunding Bonds shall be sold at a discount in the manner authorized by Section 57 of the Local Finance Law and subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and the rate or rates of interest to be borne thereby, and to prepare, or cause to be provided, a final Refunding Financial Plan, and all powers in connection therewith may be exercised by the Commissioner of Finance; provided that the amount and terms of the Refunding Bonds, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law, as amended. The Commissioner of Finance shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the City Chamberlain within ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 8. The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the Commissioner of Finance, and its corporate seal or a facsimile thereof shall be impressed thereon and attested by the City Chamberlain. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52 of the Local Finance Law, and shall otherwise be in such form and contain such recitals as the Commissioner of Finance shall determine.

Section 9. The faith and credit of the City are hereby irrevocably pledged for the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the City a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

Section 10. The Commissioner of Finance is hereby authorized and directed to enter into an escrow contract on behalf of the City (the "Escrow Contract") with a bank or trust company located and authorized to do business in New York State as he shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunded Bonds, and in connection with the proceeds of the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 11. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding any accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder. Any accrued interest on the Refunding Bonds shall be paid to the City to be expended to pay interest on the Refunding Bonds on the first interest payment date or dates thereof. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders from time to time of the Refunded Bonds actually refunded shall have a lien upon such moneys held by the Escrow Holder, and an amount sufficient to pay the Refunding Bonds and interest thereon, as the same shall become due and payable, is hereby appropriated therefor. Such pledges and liens shall become valid and binding upon the issuance of the Refunding Bonds, and the moneys and investments held by the Escrow Holder in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledges and liens shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof.

Section 12. The Refunding Bonds shall be sold at private sale as shall be determined by the Commissioner of Finance for a purchase price or prices to be determined by the Commissioner of Finance, plus accrued interest, if any, from the date of the Refunding Bonds to the date of delivery of and payment for the Refunding Bonds, and the Commissioner of Finance is further authorized to execute and deliver a purchase contract for the Refunding Bonds on behalf of the City providing for the terms and conditions for the sale and delivery of the bonds, subject to the

approval of the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law. After the Refunding Bonds have been duly executed, they shall be delivered by the Commissioner of Finance to the underwriter or underwriters in accordance with such purchase contract upon the receipt by the City of said purchase price, including accrued interest.

Section 13. Subject only to the issuance of the Refunding Bonds as herein authorized, the City hereby elects to redeem all of the Refunded Bonds maturing on and after the date of issuance of the Refunding Bonds that are callable at a present value savings, if any. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the time provided in the respective Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the notice requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 14. The Commissioner of Finance is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the notes authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, to the extent applicable, to designate the bonds and notes authorized by this resolution as "qualified tax-exempt bonds" for purposes of Section 265(b)(3) of the Code.

Section 15. The Commissioner of Finance is further authorized to execute and deliver a continuing disclosure agreement with the initial purchaser of the Refunding Bonds, if required, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12 of the Securities Exchange Act of 1934, as amended.

Section 16. It is hereby determined that the issuance of the Refunding Bonds constitutes a Type II Action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which are determined under SEQR not to have a significant impact on the environment.

Section 17. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Commissioner of Finance, and all powers in connection therewith are hereby delegated to the Commissioner of Finance. The Commissioner of Finance and the City Chamberlain and all other officers, employees and agents of the City are further authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution. In the event of the absence or unavailability of the Commissioner of Finance, all such powers are hereby delegated to the Deputy Commissioner of Finance.

Section 18. The validity of said Refunding Bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which the City is not

Official Minutes of the Common Council Meeting of March 1, 2021

authorized to expend money; or

(2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with;

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

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

Section 19. The City Chamberlain is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Poughkeepsie Journal, a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

Section 20. This resolution shall take effect immediately upon its adoption.

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

Council Chair Sarah A. Salem VOTING Aye
Councilmember Sarah Brannen VOTING Aye
Councilmember Natasha Cherry VOTING Aye
Councilmember Yvonne Flowers VOTING Aye
Councilmember Lorraine Johnson VOTING Aye
Councilmember Randall A. Johnson II VOTING Aye
Councilmember Matthew McNamara VOTING Aye
Councilmember Evan Menist VOTING Aye
Councilmember Christopher D. Petsas VOTING Aye

The foregoing resolution was thereupon declared duly adopted.

R21-26						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

**RESOLUTION
R-21-25**

AUTHORIZING A LEASE AGREEMENT WITH SCENIC HUDSON, INC. FOR EXCLUSIVE USE AND POSSESSION OF AND ACCESS TO TWO CITY-OWNED PARCELS (LOTS 475044 AND 492044) FOR THE PERSHING AVENUE NEIGHBORHOOD FARM

INTRODUCED BY COUNCILMEMBERS SALEM, FLOWERS AND RANDALL JOHNSON

WHEREAS, the City of Poughkeepsie (“City”) owns two (2) parcels of real property in the City of Poughkeepsie, County of Dutchess, State of New York, located east of Pershing Avenue, identified as Lots 475044 and 492044 (the “Property”); and

WHEREAS, The Scenic Hudson Land Trust, Inc. (“Scenic Hudson”), desires to create the Pershing Avenue Neighborhood Farm (the “Farm”), comprised of a community garden and urban farm, located immediately east of Pershing Avenue Park (the “Park”) on a portion of the Property for the purpose of gardening, education, employment training, and other programs; and

WHEREAS, Scenic Hudson has prepared the Property for its intended purpose with its own resources and the contributed in-kind resources of the City; and

WHEREAS, Scenic Hudson has involved and secured the support of community stakeholders in the process of planning for the Farm, including but not limited to Nubian Directions III; the AME Zion Church; Dutchess Outreach; Poughkeepsie Farm Project; The Art Effect; New City Parks; and Hudson River Housing; and

WHEREAS, the Farm will provide affordable, healthy fruits and vegetables to surrounding neighborhood residents and encourage public use and enjoyment of the Pershing Avenue Park; and

WHEREAS, Scenic Hudson does not intend to use any pollutants, pesticides, or chemical fertilizers and will design beds and plantings to minimize runoff; and

WHEREAS, Scenic Hudson will coordinate its advertising, social media presence, and programming for the Farm with the City and other community stakeholders; and

WHEREAS, Scenic Hudson will partner with community stakeholders to hold workshops on organic farming and related subjects for free or on a sliding scale basis and will offer jobs for local youth; and

WHEREAS, the Lease Agreement provides for an initial term to expire on December 31, 2025, which term may be renewed for a five (5) year term by an amended agreement following the expiration of the initial term; and

WHEREAS, the Lease Agreement provides for an annual fee of TEN DOLLARS (\$10.00); and

WHEREAS, the Common Council has reviewed such Lease Agreement and determined that entering into same will increase the efficiency of the City-owned properties and is in the best interest of the City.

NOW, THEREFORE

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby approves and supports the Lease Agreement attached hereto and made a part hereof as if fully set forth; and be it further

RESOLVED, by the Common Council of the City of Poughkeepsie that the Mayor, on behalf of the City of Poughkeepsie, is authorized to enter into a Lease Agreement in form and substance as attached hereto with Scenic Hudson; and be it further

RESOLVED, that the Corporation Counsel is authorized to approve said Lease Agreement as to form and content; and be it further

RESOLVED, that the City Chamberlain is directed to forward certified copies of this Resolution to the appropriate City Officials; and be it further

RESOLVED, this Resolution shall take effect immediately.

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

I, Donna DeLuca, Acting City Chamberlain of the City of Poughkeepsie, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said **Common Council** at a meeting duly called and held at the **City of Poughkeepsie** on **March 1, 2021**, by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the City of Poughkeepsie, New York, this **2nd** day of **March, 2021**.

Acting City Chamberlain, City of Poughkeepsie

Official Minutes of the Common Council Meeting of March 1, 2021

R21-25						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

RESOLUTION R21-26 EXTRACT OF MINUTES [Library District]

A regular meeting of the Common Council of the City of Poughkeepsie, Dutchess County, New York was convened in public session at the Council Chambers, City Hall, Poughkeepsie, New York on March 1, 2021 at 6:30 o'clock p.m., local time.

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

PRESENT:

Council Chair Sarah A. Salem
 Councilmember Sarah Brannen
 Councilmember Natasha Cherry
 Councilmember Yvonne Flowers
 Councilmember Lorraine Johnson
 Councilmember Randall A. Johnson II
 Councilmember Matthew McNamara
 Councilmember Evan Menist
 Councilmember Christopher D. Petsas

ABSENT:

The following persons were ALSO PRESENT:

Commissioner of Finance Brian Martinez, PhD

The following resolution was offered by Councilmember Brannen and seconded by Councilmember Flowers, to wit;

REFUNDING BOND RESOLUTION DATED MARCH 1, 2021

A REFUNDING BOND RESOLUTION AUTHORIZING THE ISSUANCE OF
REFUNDING BONDS OF THE CITY OF POUGHKEEPSIE IN AN
AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,200,000
PURSUANT TO THE LOCAL FINANCE LAW AND DELEGATING
CERTAIN POWERS IN CONNECTION THEREWITH TO THE
COMMISSIONER OF FINANCE

WHEREAS, the City of Poughkeepsie (the "City") has heretofore issued its Public Improvement (Serial) Bonds, Series 2009A (Greater Poughkeepsie Library District) in the aggregate principal amount of \$6,049,852 (the "2009 Bonds"); and

WHEREAS, the 2009A Bonds were dated as of April 15, 2009, have a final maturity date of December 15, 2030, mature serially on the dates and in the amounts set forth at Exhibit A attached hereto and made a part of this resolution, and are subject to redemption on any date on or after December 15, 2019 at a redemption price of par plus accrued interest to the redemption date; and

WHEREAS, refunding the aggregate outstanding principal amount of the 2009 Bonds is expected to result in present value savings in debt service as required by Section 90.10 of the Local Finance Law;

WHEREAS, the City of Poughkeepsie (the "City") has heretofore issued its Public Improvement (Serial) Bonds, Series 2020A in the aggregate principal amount of \$2,319,878 (the "2020 Bonds"); and

WHEREAS, the 2020 Bonds were dated as of April 30, 2020, have a final maturity date of April 15, 2027, mature serially on the dates and in the amounts set forth at Exhibit A attached hereto and made a part of this resolution, and the bonds of such series maturing on or after April 15, 2022 are subject to redemption on any date on or after April 15, 2021 at a redemption price of par plus accrued interest to the redemption date; and

WHEREAS, refunding the aggregate outstanding principal amount of the 2020 Bonds is expected to result in present value savings in debt service as required by Section 90.10 of the Local Finance Law;

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

Section 1. It would be in the public interest to refund the aggregate outstanding principal amount of the 2009 Bonds and the 2020 Bonds by the issuance of the City's refunding bonds pursuant to Section 90.10 of the Local Finance Law.

Section 2. For the object or purpose of refunding the \$3,395,000 aggregate outstanding principal

amount of the 2009 Bonds due on and after December 15, 2021 (the “2009 Refunded Bonds”) and the \$2,075,000 aggregate outstanding principal amount of the 2020 Bonds due one and after April 15, 2022 (the “2020 Refunded Bonds” and together with the 2009 Refunded Bonds, the “Refunded Bonds”) including providing moneys which shall be sufficient to pay (i) said outstanding aggregate principal amount of the Refunded Bonds; (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which each of the Refunded Bonds mature or are subject to redemption, all in accordance with the Refunding Financial Plan, as defined herein, and (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including, without limitation, the development of the Refunding Financial Plan, compensation to the underwriter or underwriters, the fees and costs of the financial advisor to the City, the fees and costs of bond counsel to the City, the execution and performance of the terms and conditions of the Escrow Contract, as hereinafter defined, the fees and charges of the Escrow Holder, as hereinafter defined, and the premium or premiums for a policy of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, there are hereby authorized to be issued the refunding bonds of the City in the aggregate principal amount of not to exceed \$6,200,000 (the “Refunding Bonds”) pursuant to the provisions of Section 90.10 of the Local Finance Law.

Section 3. It is hereby determined that the maximum amount of the refunding bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law.

Section 4. It is hereby determined that the amount and description of the bonds to be refunded is set forth at Exhibit B.

Section 5.

- a. It is hereby determined that the original period of probable usefulness of the purposes funded by the 2009 Bonds was 25 years pursuant to subdivision 12(a)(1) of Section 11(a) of the Local Finance Law, that the first bond anticipation notes issued pursuant to the authorizing resolution for such purpose were issued April 24, 2008, and that the expiration of the maximum period of probable usefulness at the time of issuance of the 2009 Bonds for the purposes for which the 2009 Bonds were issued, computed from the earlier of the first bond anticipation note or the date of the 2009 Bonds, was not earlier than December 15, 2030.
- b. It is hereby determined that the original period of probable usefulness of the purposes funded by the 2020 Bonds was not less than 15.49 years pursuant to Section 11(a) of the Local Finance Law, that the first bond anticipation notes issued pursuant to the authorizing resolution for such purpose were issued May 8, 2015, and that the expiration of the maximum period of probable usefulness at the time of issuance of the 2020 Bonds for the purposes for which the 2020 Bonds were issued, computed from the earlier of the first bond anticipation note or the date of the 2020 Bonds, was not earlier than April 15, 2027.

- c. The last installment of the Refunding Bonds shall mature not later than the expiration of the remaining period of probable usefulness of the purposes for which the Refunded Bonds were issued, or in the alternative, the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with such Refunded Bonds, in accordance with the provisions of the Local Finance Law.

Section 6. It is hereby determined that the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 7 hereof.

Section 7. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, is set forth in preliminary form at Exhibit B attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount set forth at Exhibit B and will mature, be of such terms and bear interest as set forth in the Refunding Financial Plan. This Common Council recognizes that the aggregate principal amount of the Refunding Bonds, and the maturities, terms, and interest rate or rates borne by the Refunding Bonds will most likely be different from such assumptions and that the final Refunding Financial Plan will most likely be different from the preliminary plan set forth at Exhibit B. The Commissioner of Finance is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the designation thereof, the date of such bonds and the date of issue thereof, the maturities and terms thereof, whether such bonds shall be issued with substantially level or declining annual debt service, the provisions relating to any redemption of the Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds will be sold as sinking fund bonds, whether the Refunding Bonds shall be sold in one or more series, whether the Refunding Bonds will be sold to an underwriter or underwriters at private sale and the details of such sale, whether the Refunding Bonds shall be sold at a discount in the manner authorized by Section 57 of the Local Finance Law and subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and the rate or rates of interest to be borne thereby, and to prepare, or cause to be provided, a final Refunding Financial Plan, and all powers in connection therewith may be exercised by the Commissioner of Finance; provided that the amount and terms of the Refunding Bonds, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law, as amended. The Commissioner of Finance shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the City Chamberlain within ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 8. The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the Commissioner of Finance, and its corporate seal or a facsimile thereof shall be impressed thereon and attested by the City Chamberlain. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52 of the Local Finance Law, and

shall otherwise be in such form and contain such recitals as the Commissioner of Finance shall determine.

Section 9. The faith and credit of the City are hereby irrevocably pledged for the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the City a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

Section 10. The Commissioner of Finance is hereby authorized and directed to enter into an escrow contract on behalf of the City (the "Escrow Contract") with a bank or trust company located and authorized to do business in New York State as he shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunded Bonds, and in connection with the proceeds of the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 11. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding any accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder. Any accrued interest on the Refunding Bonds shall be paid to the City to be expended to pay interest on the Refunding Bonds on the first interest payment date or dates thereof. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders from time to time of the Refunded Bonds actually refunded shall have a lien upon such moneys held by the Escrow Holder, and an amount sufficient to pay the Refunding Bonds and interest thereon, as the same shall become due and payable, is hereby appropriated therefor. Such pledges and liens shall become valid and binding upon the issuance of the Refunding Bonds, and the moneys and investments held by the Escrow Holder in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledges and liens shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof.

Section 12. The Refunding Bonds shall be sold at private sale as shall be determined by the Commissioner of Finance for a purchase price or prices to be determined by the Commissioner of Finance, plus accrued interest, if any, from the date of the Refunding Bonds to the date of delivery of and payment for the Refunding Bonds, and the Commissioner of Finance is further authorized to execute and deliver a purchase contract for the Refunding Bonds on behalf of the City providing for the terms and conditions for the sale and delivery of the bonds, subject to the approval of the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law. After the Refunding Bonds have been duly executed, they shall be delivered by the Commissioner of Finance to the underwriter or underwriters in accordance with such purchase contract upon the receipt by the City of said purchase price, including accrued interest.

Section 13. Subject only to the issuance of the Refunding Bonds as herein authorized, the City hereby elects to redeem all of the Refunded Bonds maturing on and after the date of issuance of the Refunding Bonds that are callable at a present value savings, if any. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the time provided in the respective Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the notice requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 14. The Commissioner of Finance is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the notes authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, to the extent applicable, to designate the bonds and notes authorized by this resolution as "qualified tax-exempt bonds" for purposes of Section 265(b)(3) of the Code.

Section 15. The Commissioner of Finance is further authorized to execute and deliver a continuing disclosure agreement with the initial purchaser of the Refunding Bonds, if required, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12 of the Securities Exchange Act of 1934, as amended.

Section 16. It is hereby determined that the issuance of the Refunding Bonds constitutes a Type II Action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which are determined under SEQR not to have a significant impact on the environment.

Section 17. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Commissioner of Finance, and all powers in connection therewith are hereby delegated to the Commissioner of Finance. The Commissioner of Finance and the City Chamberlain and all other officers, employees and agents of the City are further authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution. In the event of the absence or unavailability of the Commissioner of Finance, all such powers are hereby delegated to the Deputy Commissioner of Finance.

Section 18. The validity of said Refunding Bonds may be contested only if:

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

(2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with;

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and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

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

Section 19. The City Chamberlain is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Poughkeepsie Journal, a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

Section 20. This resolution shall take effect immediately upon its adoption.

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

Council Chair Sarah A. Salem VOTING Aye
 Councilmember Sarah Brannen VOTING Aye
 Councilmember Natasha Cherry VOTING Aye
 Councilmember Yvonne Flowers VOTING Aye
 Councilmember Lorraine Johnson VOTING Aye
 Councilmember Randall A. Johnson II VOTING Aye
 Councilmember Matthew McNamara VOTING Aye
 Councilmember Evan Menist VOTING Aye
 Councilmember Christopher D. Petsas VOTING Aye

The foregoing resolution was thereupon declared duly adopted.

R21-26						
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

- 6. A motion was made by Councilmember Brannen and seconded by Councilmember Flowers to receive and print.**

**RESOLUTION INTRODUCING LOCAL LAW
AND PROVIDING FOR PUBLIC**

**NOTICE AND HEARING
(R-21-27)**

INTRODUCED BY COUNCILMEMBER McNAMARA:

BE IT RESOLVED, that an introductory Local Law, entitled “**LOCAL LAW AMENDING SECTION 14.35 OF THE ADMINISTRATIVE CODE ENTITLED TAXES – PARTIAL EXEMPTION GRANTED; CONDITIONS**” 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 virtually pursuant to an Executive Order of the Governor with information on how to access the virtually public hearing being posted by the City Chamberlain on the City’s website, at 5:30 o’clock P.M., on March 15, 2021; 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 BRANNEN

R21-27						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

7. **A motion was made by Councilmember Brannen and seconded by Councilmember Flowers to receive and print.**

**RESOLUTION
(R-21-28)**

INTRODUCED BY COUNCILMEMBER PETSAS:

WHEREAS, there are now pending in Dutchess County Supreme Court tax review proceedings commenced for the years 2016 and 2019 seeking a reduction in the tax assessment of property located at One Dutchess Avenue (Tax Map #6062-59-766443) and owned by The O'Neill Group-Dutton, LLC, for those tax rolls; and

WHEREAS, there are companion cases related to the same real property but converted to condominiums bearing the caption One Dutchess Phase 2, LLC vs. The Assessor of the City of Poughkeepsie, New York, et. al (Index No. 2020-52018) and One Dutchess Phase 2, LLC vs. The Assessor of the City of Poughkeepsie, New York, et. al (Index No. 2020-52040) and One Dutchess Phase 2, LLC vs. The Assessor of the City of Poughkeepsie, New York, et. al (Index No. 2020-52041) and One Dutchess Phase 2, LLC vs. The Assessor of the City of Poughkeepsie, New York, et. al (Index No. 2020-52053) and One Dutchess Phase 2, LLC vs. The Assessor of the City of Poughkeepsie; and

WHEREAS, the City has negotiated a settlement of these tax review proceeding subject to approval by the Common Council; and

NOW, THEREFORE,

BE IT RESOLVED, as follows:

1. The Common Council of the City of Poughkeepsie hereby approves the settlement on behalf of the City of Poughkeepsie of the tax review proceedings brought by the O'Neill Group-Dutton, LLC and the companion cases, in accordance with the Settlement Agreement attached hereto; and
2. The Mayor, the City Administrator, the Commissioner of Finance, the City Assessor and the Corporation Counsel are hereby authorized to take all action necessary and appropriate to effectuate the terms of this Resolution and Settlement Agreement, including, but not limited to, the execution of a Consent Order embodying the above settlement, the obtaining of an Order from the Dutchess County Supreme Court embodying the above settlement and a refund or crediting of tax payments, without interest, if paid within sixty (60) days after service of the Order with Notice of Entry, all in accordance with the above authorized settlement.

SECONDED BY COUNCILMEMBER BRANNEN

R21-28						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

**RESOLUTION
(R-21-29)**

INTRODUCED BY COUNCILMEMBER CHERRY:

WHEREAS, the City of Poughkeepsie and City of Poughkeepsie School District are desirous of hiring a professional Community Relations Coordinator for the purpose of disseminating important information to the public regarding the business of each entity; and

WHEREAS, the City of Poughkeepsie and City of Poughkeepsie School District are desirous of sharing the services of the Community Relations Coordinator in order to reduce redundancy, share overhead expenses and coordinate the dissemination of important information to the public; and

WHEREAS, the City of Poughkeepsie and the City of Poughkeepsie School District have negotiated an agreement to provide for the hiring of a shared Community Resources Coordinator; and

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

NOW, THEREFORE,

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

SECONDED BY COUNCILMEMBER BRANNEN.

R21-29						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

8. This resolution was removed from the official agenda. During Unfinished/New Business, a motion by Councilmember Flowers and seconded by Councilmember McNamara was made to walk this resolution back on the agenda for consideration.
9. A motion was then made to “Call the Question” by Councilmember McNamara and seconded by Councilmember Flowers.

Motion To Call The Question						
☐ Accepted ☒ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☐	☒	☐	☐
	Councilmember R. Johnson	Voter	☐	☒	☐	☐
	Councilmember Menist	Voter	☐	☒	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☐	☒	☐	☐
	Chair Salem	Voter	☐	☒	☐	☐

Motion Fails 4 Aye's 5 Nay's

10. A motion was made by Councilmember Menist and seconded by Councilmember Brannen to refer this resolution to the Finance Committee.

Motion To Refer R21-30 to Finance Committee						
☐ Accepted ☒ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☐	☒	☐	☐
	Councilmember McNamara	Voter	☐	☒	☐	☐
	Councilmember Cherry	Voter	☐	☒	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☐	☒	☐	☐
	Councilmember L. Johnson	Voter	☐	☒	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

Motion Fails 4 Aye's 5 Nay's

11. A recess was called at 10:36 by Chair Salem. A motion to resume the regular meeting was made by Councilmember Brannen and seconded by Councilmember L. Johnson at 11:30pm.

12. A motion was then made to “Call the Question” by Councilmember Flowers and seconded by Councilmember McNamara.

Motion To “Call The Question”						
☐ Accepted ☒ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☐	☒	☐	☐
	Councilmember Menist	Voter	☐	☒	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☐	☒	☐	☐
	Chair Salem	Voter	☐	☒	☐	☐

Motion Fails 5 Aye’s 6 Nay’s

**RESOLUTION
(R21-30)**

INTRODUCED BY COUNCILMEMBER CHERRY

WHEREAS, the most recent Collective Bargaining Agreement between the City of Poughkeepsie (the “City”) and the Police Benevolent Association (PBA) is set to expire on December 31, 2021; and

WHEREAS, representatives of the City and the PBA, having agreed to re-open the current agreement, negotiated on and settled upon certain financial terms and conditions to modify said Collective Bargaining Agreement which are set forth in the Memorandum of Agreement annexed hereto and made a part hereof, and

WHEREAS, the PBA’s membership has ratified the terms of the settlement; and

WHEREAS, it is the desire of the Common Council to authorize and approve the financial terms of the settlement; and

WHEREAS, the 2021 City Budget reflects the impact of the settlement according to the fiscal impact statement provided by the Finance Commissioner; and

WHEREAS, the Common Council has determined that this resolution constitutes a Type II action as defined by the New York State Environmental Quality Review Act and 6 NYCRR Part 617,

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council does hereby authorize and approve the proposed settlement of the collective bargaining negotiations between the City and the CSEA for a

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successor agreement for the period January 1, 2021 to December 31, 2024, containing the financial terms substantially in the same form and substance as set forth in the Memorandum of Agreement annexed hereto; and be it further

RESOLVED, that the Common Council does hereby authorize the Mayor to enter into a successor agreement with the CSEA, containing financial terms substantially in the same form and substance as set forth in the Memorandum of Agreement annexed hereto, and be it further

RESOLVED, that this resolution take effect immediately.

SECONDED BY COUNCILMEMBER BRANNEN

R21-30						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☐	☐	☒	☐
	Councilmember Menist	Voter	☐	☐	☒	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☐	☐	☒	☐
	Chair Salem	Voter	☐	☐	☒	☐

13. A motion was made by Councilmember Brannen and seconded by Councilmember Menist to receive and print.

RESOLUTION

R-21-31

Resolution to Create a Southern Waterfront Site Redevelopment Task Force

Sponsored by Chair Salem, Councilmembers Menist, Brannen, Cherry, R. Johnson:

WHEREAS, the City of Poughkeepsie owns a parcel of land on the southern Hudson River waterfront, formerly known as the “DeLaval site,” which consists of 13.4 acres; and

WHEREAS, this southern waterfront site is the last remaining undeveloped City-owned land on its riverfront; and

WHEREAS, for many years, the City has desired to redevelop the parcel for its most socially beneficial and productive use on behalf of residents and visitors alike; and

WHEREAS, in 2001, pursuant to a request for proposals, the City designated JM Development (hereinafter, along with all related companies, “the Designated Developer”) as the developer of the Southern Waterfront Development Project on three parcels of land:

- the former DeLaval site;
- the parcel immediately north of the former DeLaval site, known as the STP site because the City sewage treatment plant was located there, and which is now the site of Shadows on the Hudson and the Grandview; and
- land east of and across Rinaldi Boulevard from the STP site, known as the PURA-14 parcels because of their former ownership by the Poughkeepsie Urban Redevelopment Authority and now the site of the Water Club apartments; and

WHEREAS, in 2013, the remediation of industrial contamination on the former DeLaval site was completed after a combined expenditure of more than \$17 million of City and State funds, and the City granted the New York State Department of Environmental Conservation (“the DEC”) an Environmental Easement restricting the use of the site based on the extent and protectiveness of the cleanup under DEC regulations; and

WHEREAS, in 2014 DEC issued a Certificate of Completion officially recognizing the successful completion of the remediation work on the former DeLaval site; and

WHEREAS, no redevelopment has occurred on the former DeLaval site since that time; and

WHEREAS, in numerous communications since 2016, the Designated Developer has indicated that it would not be able to implement the agreed project on the DeLaval site (the “Agreed Project”); and

WHEREAS, in light of these facts, it has become increasingly unclear whether redevelopment of the Agreed Project will be realized at any point in the near future; and

WHEREAS, the former DeLaval site includes nearly a half mile of frontage along the Hudson River and affords spectacular views across the River to the Esopus Lloyd Scenic Area of Statewide Significance, as well as upriver to the Mid-Hudson Bridge and Walkway Over the Hudson and beyond, and many miles downriver to the Hudson Highlands; and

WHEREAS, the State legislation authorizing the City to convey land on the former DeLaval site to a private developer for redevelopment (L. 2004 ch. 335; “the Parkland Alienation Law”) requires the City to retain in its own ownership 2.42 acres on the site’s riverfront for the purpose of a public promenade (the “Waterfront Land”); and

WHEREAS, the former DeLaval site remains undeveloped and, for practical purposes, unusable by the public, especially given a locked fence that prevents access; and

WHEREAS, the City has been awarded three grants totaling \$1.3 million to fund a promenade and other amenities on the southern waterfront for public use; and

WHEREAS, the development of the promenade is in the City’s 2021-2025 Capital Plan; and

WHEREAS, the delay in redevelopment of the former DeLaval site has deprived, and continues to deprive, residents of and visitors to the City, Dutchess County, and broader Hudson Valley region of the opportunity to use the riverfront amenities contemplated the Agreed Project and any other amenities that may be otherwise developed on the site, or to otherwise to enjoy the scenic and recreational experience of visiting the site, and deprives the City of the opportunity for revenue and to attract visitors and promote the City through the Agreed Project or other amenities or public access; and

WHEREAS, the Common Council has authority pursuant to Article II of the City Charter and Article XIII of the Administrative Code to dispose of City-owned property; and

WHEREAS, the Common Council has authority pursuant to Article VI of the City Charter to convene a commission to investigate and advise it on matters of City interest; and

WHEREAS, in the event that the Agreed Project does not materialize due to the Designated Developer's failure to undertake the Agreed Project in a reasonable timeframe, the City of Poughkeepsie is desirous of understanding alternative uses for the former DeLaval site.

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council hereby creates and authorizes a commission to be named the Southern Waterfront Site Redevelopment Task Force ("Task Force"), as specified herein:

1. Membership

- a. The Council will, by resolution, appoint up to 11 people to the Southern Waterfront Site Redevelopment Task Force upon nominations submitted to it as follows:
 - o Two Common Council Members nominated by the Common Council Chair;
 - o One Waterfront Advisory Committee Member nominated by the Mayor and one Waterfront Advisory Committee Member nominated by the Common Council Chair;
 - o One City Industrial Development Agency ("IDA") Member nominated by the IDA Chair; and
 - o Four members of the community at large nominated by the Common Council Chair and two members of the community at large nominated by the Mayor.
- b. The Common Council will appoint 2 individual Task Force members as Co-Chairs. The Co-Chairs will include one member of the Common Council and one additional member of the Task Force.
- c. The Mayor may designate one member of the City Administration to serve as a technical advisor to the Task Force. The technical advisor may fully participate in the meetings and deliberations of the Task Force but, pursuant to the City Charter, may not vote on Task Force resolutions.

2. Powers and duties

a. The Task Force will advise the Common Council and provide recommendations on options on the following two aspects of redevelopment of the former DeLaval site, Near-term improvements and Longer-term Redevelopment, as set forth below:

b. Near-term improvements. Near-Term Improvements will include the long-planned promenade on the Waterfront Land, and related amenities. Additionally, the Task Force may recommend other amenities that could facilitate public use of the site on an interim basis, including those that provide public access to the Waterfront Land. The Task force will consider the cost and practicability of any Near-term improvements, as well as their safety and benefit to the public, and will make recommendations to the Common Council within 60 days after the Task Force's Inauguration Date. The Task Force will consider the grants the City has obtained from the State to effect improvements on the Waterfront Land.

c. Longer-term Redevelopment. The Task Force will consider options for the long term redevelopment of portion of the former DeLaval site inland from the Waterfront Land, in the event the Agreed Project does not proceed. The Task Force will advise the Common Council on development options that maximize the benefit to City residents including, without limitation, the scenic, recreational, economic and promotional benefits. The Task Force will also consider the economic practicability of any proposed redevelopment, including the promptness with which any project may be realized. To the extent practicable, the Task Force will investigate and recommend redevelopment that would take maximum advantage of the former DeLaval site's riverfront location and sizable area, to realize a landmark for the benefit of the City, its residents and visitors.

d. To effectuate this process, the Task Force will review the original Request for Proposals for the former DeLaval site; all applicable regulatory, legal, and environmental restrictions to development of the site; and prior public engagement related to the southern waterfront. The Task Force's recommendations on the Longer-term Redevelopment may consist of: 1) a vision for the type of development that would benefit the City and its residents based on current and future economic, environmental, and community needs; and/or 2) specific proposed improvements to guide the City in any future issuance of a request for proposals to develop the improvements. The Task Force will provide its recommendations to the Common Council within 90 days after its Inauguration Date.

e. The Task Force will consider any recommendations provided by the City Administration. If the Mayor designates a member of the Administration as a technical advisor as provided above, the technical advisor will coordinate the Administration's providing of such recommendations to the Task Force.

3. Procedure

a. The Task Force will commence upon the Common Council's appointment of at least seven members and the Chairs ("the Inauguration Date").

- b. Task Force meetings will be open to the public, and the Task Force will solicit public input on the recommendations with regard to the Near-Term Improvements and the Longer-term Redevelopment.
- c. The Task Force will solicit comments and recommendations from prospective partners on the amenities and other improvements including, but not limited to, the Designated Developer, as well as people with expertise in urban waterfront development design. Where practicable, the Task Force will allow for responsible developers and commenters to offer detailed presentations during its meetings.

4. Duration

The Task Force will be dissolved after its submittal to the Common Council of recommendations for Near-term improvements and the Longer-term Redevelopment.

SECONDED BY COUNCILMEMBER BRANNEN

A motion to “table” this resolution was made by Councilmember McNamara. No councilmember seconded the motion. Motion to table dies.

R21-31						
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☐	☒	☐	☐
	Councilmember McNamara	Voter	☐	☒	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☐	☐	☒	☐
	Councilmember L. Johnson	Voter	☐	☒	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

14. A motion was made by Councilmember Brannen and seconded by Councilmember Flowers to receive and print.

R E S O L U T I O N
(R21-32)

INTRODUCED BY CHAIR SALEM

WHEREAS, the office of city chamberlain is appointed by the mayor pursuant to the City Charter §3.02(b); and

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WHEREAS, the appointment of a City Chamberlain by the Mayor is subject to confirmation by the Common Council; and

WHEREAS, the Mayor has appointed Jasmin Nicole Davis to the office of City Chamberlain and has submitted such appointment to the Council for confirmation; and

WHEREAS, the Common Council finds that it is in the best interest of the City of Poughkeepsie for the Mayor's appointment to be confirmed; and

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor's appointment of Jasmin Nicole Davis to the office of City Chamberlain be, and the same hereby is confirmed.

SECONDED BY COUNCILMEMBER BRANNEN

R21-32						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

15. A motion was made by Councilmember Brannen and seconded by Councilmember Flowers to receive and print.

VIII. ORDINANCES AND LOCAL LAWS:

16. A motion was made by Councilmember Brannen and seconded by Councilmember Flowers to receive and print

**ORDINANCE
(O-21-03)**

**AMENDING §§13-214 OF THE MOTOR VEHICLES AND TRAFFIC
ORDINANCE ENTITLED "EMERGENCY SNOW ROUTES"**

INTRODUCED BY COUNCILMEMBER PETSAS:

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

SECTION 1: Section 13-214 of the City of Poughkeepsie Code of Ordinances entitled “**Emergency Snow Routes**” is hereby amended by the addition and deletion:

Mill Street from Columbus Drive to [~~South Clover Street~~] **Davies Place**

SECTION 2: This Ordinance shall take effect immediately upon adoption.

SECONDED BY COUNCILMEMBER BRANNEN

Underlining and Bold denotes ADDITION.

BRACKETS [] AND ~~STRIKETHROUGH~~ INDICATE DELETION

O21-3						
			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

17. A motion was made by Councilmember Brannen and seconded by Councilmember Flowers to receive and print.

**ORDINANCE
(O-21-04)**

**AMENDING §13-186
OF CHAPTER 13 OF THE CITY OF POUGHKEEPSIE
CODE OF ORDINANCES ENTITLED “MOTOR VEHICLES
AND TRAFFIC”**

(FIRST READ)

INTRODUCED BY COUNCILMEMBER PETSAS:

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

SECTION 1: §13-186 is hereby amended by the following addition:

Section 13-186 - Parking prohibited between 8:00 a.m. and 6:00 p.m., Monday through Friday, except Saturdays, Sundays and holidays.

Upon the erection of signs giving due notice thereof, the following areas shall be designated as Parking prohibited between 8:00 a.m. and 6:00 p.m., Monday through Friday, except Saturdays, Sundays and holidays and are to be utilized only for the purpose set forth in this Article:

Washington St., west side, starting 350 feet north of the intersection with Mansion St. Continuing for 75 feet north.

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____:

ADDITIONS denoted by **Underlining and Bold**

FIRST READ – NO ACTION TAKEN

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

- 1. A COMMUNICATION FROM POLICE CHIEF TOM PAPE**, regarding the City of Poughkeepsie Police Reform & Modernization Collaborative.
- 2. FROM JOAN YOUNG**, a notice of personal injury sustained on November 24, 2020.

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3. **FROM MARSHA LEE-KEANE**, a notice of property damage sustained on February 5, 2021.
4. **FROM HENRY C. JENKINS**, a notice of property damage sustained on February 17, 2021

X. UNFINISHED BUSINESS:

XI. NEW BUSINESS:

XII. ADJOURNMENT:

A motion was made by Councilmember Brannen and seconded by Councilmember Petsas to adjourn the meeting at 11:50pm.

Dated: March 8, 2021

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, March 1, 2021

Respectfully submitted,

Donna M. DeLuca
Acting City Chamberlain

