



COMMON COUNCIL MEETING

Common Council Chambers

Monday, March 15, 2021

6:30 p.m.

5:30 Public Hearing regarding proposed amendment to Local Law §14.35 "Senior Tax Exemption"

6:00 Special Informational Meeting

I. ROLL CALL:

II. REVIEW OF MINUTES:

Public Hearing of March 1, 2021

Common Council Meeting of March 1, 2021

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

IV. PUBLIC PARTICIPATION:

V. CHAIRPERSON'S COMMENTS AND PRESENTATIONS:

VI. REPORTS OF COMMITTEES AND BOARDS:

VII. MOTIONS AND RESOLUTIONS:

1. Resolution R21-33, setting a public hearing regarding the proposed nomination of "Eastman Park Oval" as a local historic landmark.

VIII. ORDINANCES AND LOCAL LAWS:

IX. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

1. **A PRESENTATION FROM GERALDINE LAYBOURNE and DR. JULIE RIESS**, on the Day One Early Learning Community.
2. **A COMMUNICATION FROM THE ADMINISTRATION**, regarding a Resolution Transferring Ownership of the former YMCA Property to Dutchess County for the Design and Construction of a New Youth Center.
3. **A COMMUNICATION FROM COUNCILMEMBER CHERRY**, regarding a proposed IMA with the School District regarding Parking Enforcement.

4. **FROM KENDRA SMITH**, a notice of personal injury sustained on December 23, 2020.
5. **FROM EL BRACERO RESTAURANT**, a located at 581 Main Street, a notice of intent to renew their Liquor License.
6. **FROM TERESA FANDEL**, a notice of property damage sustained on or about February 23, 2021

X. UNFINISHED BUSINESS:

XI. NEW BUSINESS:

XII. ADJOURNMENT:

A RESOLUTION OF THE CITY OF POUGHKEEPSIE, SETTING A PUBLIC HEARING
REGARDING THE PROPOSED NOMINATION OF "EASTMAN PARK OVAL" AS A LOCAL
HISTORIC LANDMARK

(R-21-33)

INTRODUCED BY COUNCILMEMBER MENIST :

WHEREAS, an application for nomination as a locally designated Historic Landmark has been received by the City of Poughkeepsie for property known as the "Eastman Park Oval" ; and

WHEREAS, the City of Poughkeepsie Historic District and Landmarks Preservation Commission (hereinafter "HDLPC") held a public hearing on February 11, 2021; and

WHEREAS, the HDLPC voted in favor of the proposed nomination and approved the application on February 11, 2021; and

WHEREAS, pursuant to Section 19-4.5(4)(g) of the Code of Ordinances of the City of Poughkeepsie, the HDLPC's approved application was forwarded to the Common Council for consideration on February 16, 2021; and

WHEREAS, the Common Council is required to hold a public hearing prior to the designation of any historic landmark within sixty (60) days from receipt of the approved application from the HDLPC; and

NOW THEREFORE,

BE IT RESOLVED, that the City Chamberlain be, and she hereby is authorized and directed to publish a Notice of Public Hearing to be held April 5, 2021 at 5:30 p.m. concerning the designation of the "Eastman Park Oval" as a locally designated historic landmark.

SECONDED BY COUNCILMEMBER _____ .

R-E-S-O-L-U-T-I-O-N
(R-21-xx)

INTRODUCED BY COUNCILMEMBER _____

WHEREAS, the City of Poughkeepsie (the "City") is the current owner of a parcel of property located at 35 Montgomery Street, parcel number 6061-28-946914, on which sits a building which is commonly known as and was at one time operated as the "YMCA" until approximately 2009 when it closed its doors and ceased operations permanently; and

WHEREAS, the property began to fall into disrepair and had been vacant for some time prior to the conclusion of a foreclosure action titled *Mahopac National Bank v. Dutchess County Young Men's Christian Association a/k/a Dutchess County Young Men's Christian Association of Poughkeepsie*, in 2014, whereupon the property was transferred by Referee's deed to The Potter House, Inc., on October 23, 2014, which planned the renovation of the property and the establishment of a new community youth center on the site; and

WHEREAS, for more than four (4) years thereafter, as the building sat vacant and continued to deteriorate, the City saw no progress towards the establishment of a new youth and community center at the site, while property taxes and water and sewer charges went into arrears and remained unpaid, and

WHEREAS, throughout this time, the City continued to work with The Potter House, Inc., holding numerous meetings with its principals designed to help move their proposed project along, which efforts ultimately proved unsuccessful, and

WHEREAS, on February 22, 2019, acting on a recommendation of the City's Anti-Blight Task Force, the Commissioner of Finance caused to be executed a tax deed in favor of the City and recorded on the records of the Dutchess County Clerk on February 25, 2019, which deed vested title in the City. By letter dated March 5, 2019, the City notified The Potter House, Inc., a copy of which is attached as Exhibit "A" and made a part hereof, and

WHEREAS, through the spring of 2019, the City took steps to secure the property, inspect the interior, and provide for its insurance, all steps which helped facilitate the issuance of a "Request for Expressions of Interest" ("RFEI") to the public and interested parties, seeking proposals to develop a youth and community center on the site. A copy of the RFEI issued by the City is attached as Exhibit "B" and made a part of the record herein, and

WHEREAS, while the RFEI issued by the City requested responses by interested parties no later than June 3, 2019, the City conducted a number of community visioning sessions, including two public meetings which were held on May 13, 2019, and June 26, 2019, and were well attended, and

WHEREAS, the clear result of the City's community outreach and dialogue with numerous stakeholders, was the strong preference amongst city residents that a multi-purpose, state-of-the-

art facility be constructed which would house a youth activity center and provide a wide range of community benefit, particularly in the area of arts, education, and wellness, recreation and child care, and

WHEREAS, the City established the "YMCA Site Selection Committee", Chaired by the Honorable Barbara Jeter-Jackson, to review proposals, community comments and related documents, which committee met on September 17, 2019, and November 12, 2019, prior to making its recommendation to the City, and

WHEREAS, a thorough and diligent review of proposals received led to the selection of the "35 Montgomery Street Coalition" as the successful respondent with which the City would move forward to explore various business models, seek financial and other in-kind commitments from community stakeholders, and explore inter-governmental partnerships, and

WHEREAS, as a result of all the foregoing efforts and ongoing discussions with the 35 Montgomery Street Coalition and Dutchess County, Mayor Rob Rolison and County Executive Marcus Molinaro executed a "Memorandum of Understanding" regarding the furtherance of the project, on August 19, 2020, a copy of which is attached hereto as Exhibit "C" and made a part hereof, and

WHEREAS, the City's Property Acquisition and Disposition group ("PAD"), which is comprised of internal career public servants, including the City Assessor, and the City's Tax Collector and Building Inspector, met on January 27, 2021, and unanimously agreed to recommend the sale of the property to Dutchess County, subject to the County's agreement to demolish the existing structure within one year from closing of title between the City and County, and

WHEREAS, Dutchess County has pledged, subject to the approval of the Dutchess County Legislature and any State or local laws relative to purchase of real property, procurement, bonding, or loaning of credit, up to \$25 Million (\$25,000,000.00) Dollars towards a phased development project that begins with demolition of the existing structure and the greening of the parcel, followed by the design and construction of the new facility, and

WHEREAS, the City has pledged, subject to the approval of the Common Council by an Authorizing Resolution, to transfer title to the property to Dutchess County, and prior to the closing of title with the County, to maintain and continue insurance as well as municipal services to the property, including but not necessarily limited to those routinely provided by the City's Department of Public Works, Engineering, Water and Sewer, and the plowing of snow, and

WHEREAS, the City has determined that it does not have the financial capacity to complete this development project on its own, and that the proposed project will provide essential and wide-ranging services to the community, including a new indoor swimming facility, early learning facility, and child care services which are vital to many Poughkeepsie families, and

WHEREAS, the Common Council hereby finds that it is in the best interest of the City of Poughkeepsie to approve the transfer of the Property to the County of Dutchess for the development of a youth activity center, and

WHEREAS, the action is an unlisted action pursuant to the State Environmental Quality Review Act (SEQR) and as such is subject to a determination thereunder, and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council hereby makes the following determinations: (a) that there is no existing municipal purpose or need for the Property, other than that described herein and which requires the partnership with Dutchess County, and (b) that the sale price and conditions imposed herein represent fair and adequate consideration for the conveyance, including to wit: the County's commitment of up to \$25 Million (\$25,000,000) Dollars for the demolition, design, and construction of a youth empowerment and community center, and be it further

RESOLVED, that the City of Poughkeepsie is hereby authorized to sell the property located at 35 Montgomery Street known as parcel number: 6061-28-946914 in the City of Poughkeepsie to the County of Dutchess, for a sum of \$10.00, subject to the covenants contained herein, and subject to authorization to purchase said Property by the Dutchess County Legislature, and further subject to such other conditions which the Corporation Counsel shall deem appropriate, and be it further

RESOLVED, that by Resolution R-21____, the Common Council of the City, pursuant to the State Environmental Quality Review Act, has determined that this action will not have a negative environmental impact, and be it further

RESOLVED, that the Mayor is authorized to enter into an agreement for the sale of the Property, subject to the following covenants, and such other terms and conditions that the Mayor, City Administrator and/or the Corporation Counsel shall deem appropriate:

- A. County shall have up to three (3) months from the enactment of this resolution to perform any and all due diligence, including but not limited to an environmental assessment, and City shall provide County with all necessary authorizations for the County's employees, agents, and contractors to enter the Property to complete such due diligence, and
- B. The City is hereby authorized to enter into a Contract of Sale Agreement with the County of Dutchess, to purchase the Property, consistent with this Resolution within six (6) months from the enactment of this resolution. The Contract of Sale Agreement shall provide the County with an additional six (6) months from closing of title to obtain financing for the development of a youth activity center; however, County shall not be required to finance more than Twenty-Five Million (\$25,000,000) Dollars, and
- C. County shall establish a coalition of stakeholders, who shall be made up of parties from the "35 Montgomery Street Coalition", the City, and the County, and who shall have input on the design of the youth activity center and its future operations, and
- D. The County shall, within twelve (12) months of the closing of title between the City and County, demolish the existing structure on the Property with the City contributing 25% percent, in an amount not to exceed Two Hundred Forty Thousand (\$240,000.00) Dollars,

of costs associated with demolition, which may include but is not limited to, design and bid specifications for the demolition, and

- E. County shall be required to commence construction of the youth activity center within twenty-seven (27) months from closing of title between the City and County, and
- F. Purchaser shall accept such title to the real property as the City of Poughkeepsie is possessed of and agrees to accept such title by quitclaim deed subject to any defects or encumbrances as are of record, except that City shall defend, indemnify and hold harmless the County with regard to claims or causes of action seeking to invalidate the City's tax deed and/or City's sale of property to the County, and
- G. Said deed shall contain a restrictive covenant prohibiting the installation of coin operated or public telephones, and
- H. The City of Poughkeepsie is hereby authorized to sell the Property to the County of Dutchess, and a Contract of Sale with the County and resulting deed shall contain such provisions as are necessary to implement the intent of paragraphs A, B, D, and E herein. More specifically, time is of the essence, and the provisions related to the time within which the County must complete its due diligence, execute a Contract of Sale, finance the redevelopment of the Property, demolish the existing structure, and construct the new youth opportunity center, shall constitute covenants running with the land. The City is authorized to enter into a Contract of Sale with the County and it shall include language which is substantially similar to the following: the County perform the aforementioned with due diligence, but that a failure to perform within the time period prescribed in the Contract may result in the City placing the County on notice of its failure, and if the County fails to cure within a determined period of time, the City is authorized to repurchase the Property for the amount the County has expended, including but not limited to outstanding bonded indebtedness, to improve the Property.

RESOLVED, that the Mayor, the City Administrator and the Corporation Counsel are hereby authorized and directed to do all things necessary to give effect to the terms of this Resolution including but not limited to the execution of a Contract of Sale and any documents necessary to convey title pursuant to said contract.

Exhibit A



The City of Poughkeepsie

New York

Robert G. Rolison
Mayor

Marc S. Nelson
City Administrator

March 5, 2019

Pastor & Mrs. Whitted
The Potter's House
P.O. Box 134
Poughkeepsie, NY 12601

Re: 35 Montgomery Street, Former YMCA Property

Dear Pastor and Mrs. Whitted:

Further to our recent telephone conversations, I am writing to inform you that the City of Poughkeepsie has recorded a Commissioner's deed, taking ownership of the above parcel due to unpaid property taxes. For your records, I enclose a copy of the deed now on record at the Dutchess County Clerk's Office.

As you know, the building has been vacant for many years, has significant environmental risks associated with it, and had remained a blight on that part of our community for some time. For some years, prior City leadership deferred taking the parcel for taxes, in recognition of your plan to raise funds, rehabilitate the property, and convert it into vibrant new space to include a community youth center for Poughkeepsie residents.

Through the meetings and discussions held last year, it became clear that efforts by the Potter House to secure funding for its plan had failed. The more than \$188,000 in delinquent tax liens were not only a financial barrier to success, but likely contributed to your inability to secure financing on the property – without which forward progress was not possible.

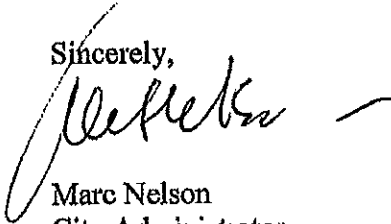
Upon the City vesting ownership in itself, the delinquent taxes are extinguished by operation of law and will no longer remain an impediment to the successful redevelopment of the parcel. The City plans, in the near future, to release a "Request for Expressions of Interest", also known as an "RFEI", in order to seek input from the public and interested parties regarding the property, its potential for development, and its "highest and best use".

March 5, 2019
The Potter's House
Page two

The Potter House is encouraged to respond to the City's RFEI, when issued, and to share its vision for the property during an upcoming public comment period. The City plans to conduct meaningful community engagement, leading to a competitive request for proposals which could include the long-term lease, or the sale of the property.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Nelson", followed by a horizontal line.

Marc Nelson
City Administrator

cc: Members of the Common Council

Hon. Rob Rolison, Mayor

Paul Calagorakis, Economic Development Director

Paul Hesse, Community Development Coordinator

Ron Hicks, Director, Dutchess County Economic Development

Natalie Quinn, Planning Director (City)

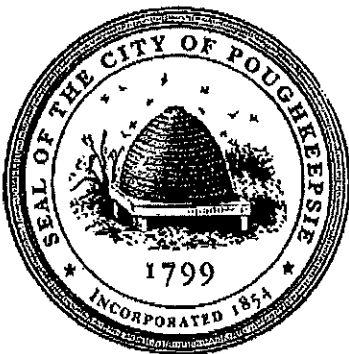
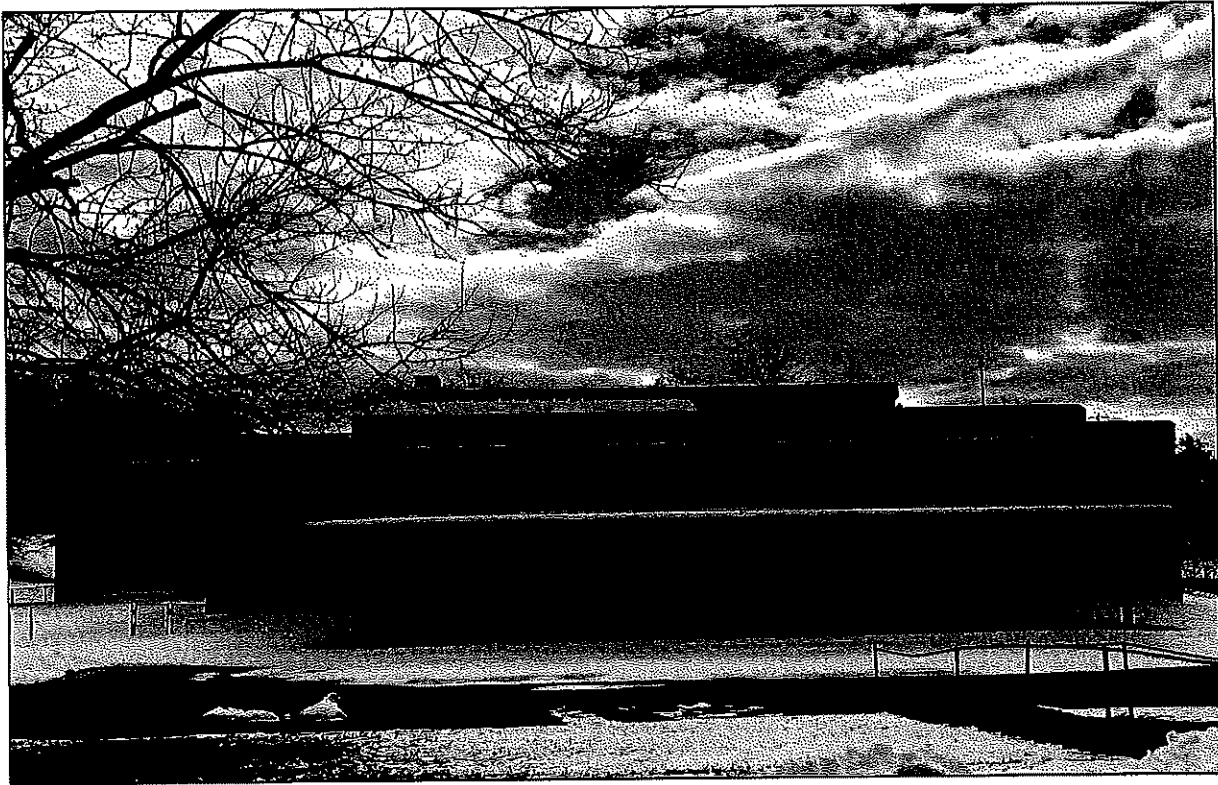
All City Boards and Commissions

Anti-Blight Task Force Members

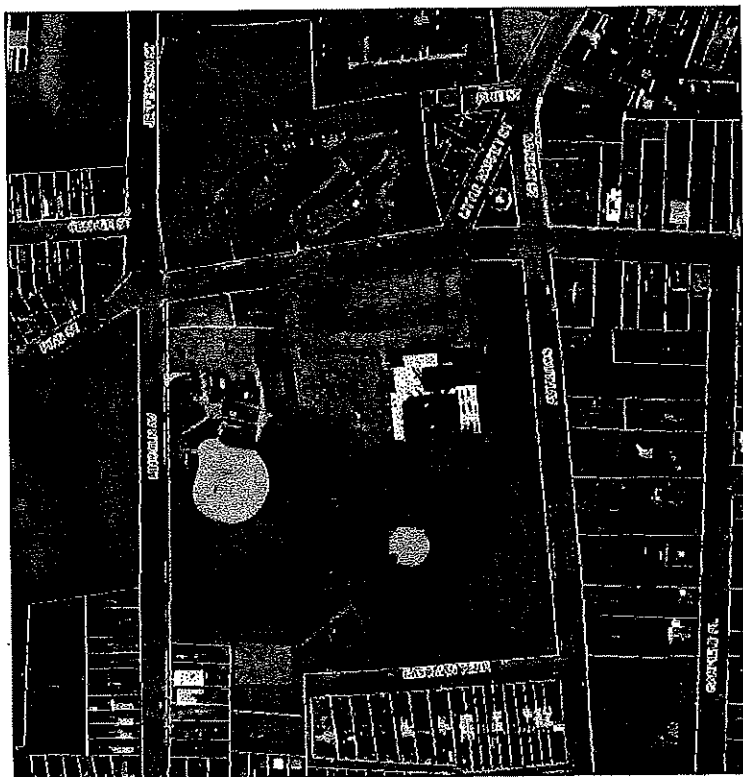
Exhibit B

REQUEST FOR EXPRESSIONS OF INTEREST

THE CITY OF POUGHKEEPSIE SEEKS QUALIFIED PARTIES INTERESTED IN PURCHASING AND DEVELOPING CITY-OWNED PROPERTY LOCATED AT 35 MONTGOMERY STREET IN THE CITY OF POUGHKEEPSIE



Robert G. Rolison
City of Poughkeepsie
62 Civic Center Plaza
Poughkeepsie, NY 12601
Released: April 2, 2019



INTRODUCTION

The City of Poughkeepsie is seeking development proposals for the city-owned property located at 35 Montgomery Street (Parcel # 6061-28-946914), which houses the former Dutchess YMCA building. This is a high-profile location, situated just south of Downtown Poughkeepsie, easily accessed from Routes 44/55 and 9. The site is adjacent to well used Eastman and Lincoln Parks, Garfield Place Historic District, and is across the street from Soldier's Fountain, a National Historic Landmark. The site is less than 600 feet from the Adriance Memorial Library on Market Street and is 0.6 miles from Vassar Brothers Medical Center.

The city's development goals for the site include:

1. Proposals that maximize the development potential of the site and contribute to the vibrancy of the neighborhood.
2. Proposals that provide public benefits, possibly including economic development, social and neighborhood cohesion, facilities and services for youth and young adults, and a sense of place that promotes accessibility.
3. Architecture should complement nearby historic resources such as Soldier's Fountain, Eastman Park, and the Academy Street and Garfield Place Historic Districts.
4. Consistency with the site's deed restriction for use of the site as educational, recreational and cultural uses.

PROPOSAL DEADLINE: MONDAY JUNE 3RD, 2019 AT 3:00PM

Proposals are due in to the City of Poughkeepsie Planning and Development Department in the format described below no later than 3:00PM on Monday June 3rd, 2019.

BACKGROUND INFORMATION

Location and Description of Parcel

35 Montgomery Street (Parcel # 6061-28-946914) is located on the southwest corner of Montgomery Street and South Avenue. The site is approximately 3.35 acres, with approximately 410 feet of street frontage on Montgomery Street, situated within Eastman Park. The site is served by municipal water and sewer. The site is relatively flat, with no unique geological or topographical features. The site is not within the 100 year floodplain nor contains any wetlands. The building on the site, constructed in 1968 and housing the former YMCA, contains approximately 60,000 square feet of gross floor area and has been vacant since 2009. The building is in deteriorated condition, with the presence of lead and asbestos as well as mold.



Figure 1: 35 Montgomery Street, including the former Dutchess YMCA

Nearby Historic Locations

While neither the building at 35 Montgomery Street nor the parcel has historic designation, the site is located in close proximity to a number of National Historic sites, including the buildings at Harlow Row and Eastman Terrace, Adriance Memorial Library, Soldier's Fountain, and the Garfield Place and Academy Street Historic Districts.

Eastman Park and the Former YMCA Building

Harvey G. Eastman, educator, former mayor and prominent citizen of Poughkeepsie, purchased 27 acres south of his mansion on Montgomery Street and created Eastman Park in 1865. The park was intended to be Poughkeepsie's "Central Park," with fountains, a pond, a skating park, a small zoo and flower garden, lined with marble walls and bluestone paths. While privately owned by Eastman, the park was open to the public and enjoyed for decades. In the early 20th century, the city acquired Eastman Park, including Eastman's mansion. The Department of Public Works occupied and operated out of the mansion until the 1960s. In 1966, the parcel known as 35 Montgomery

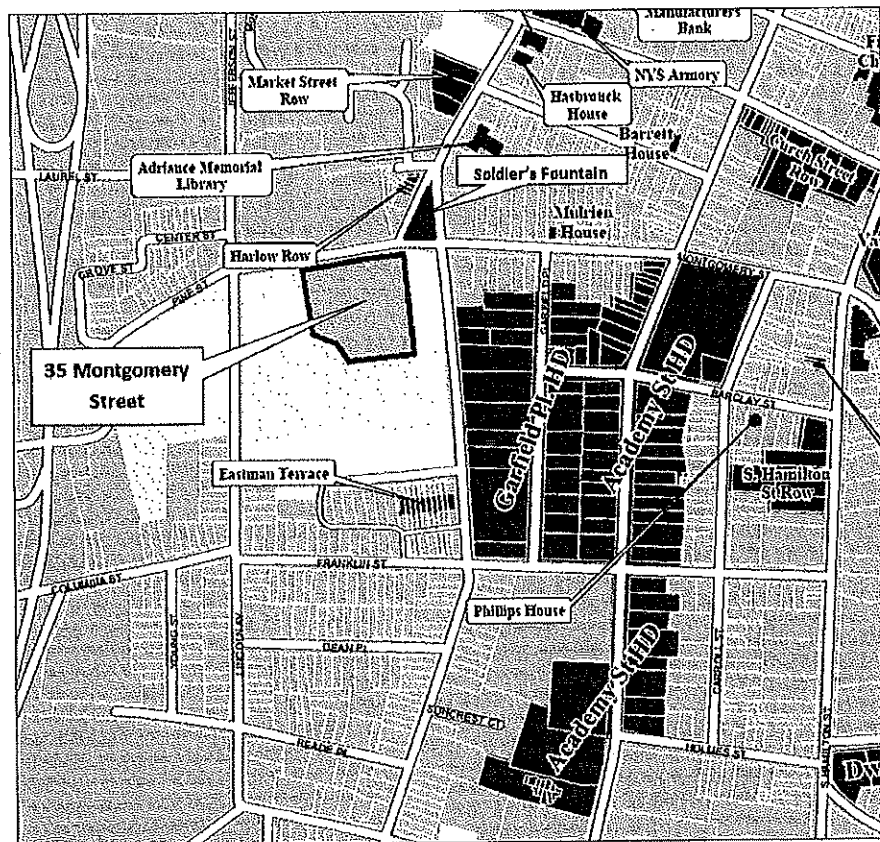


Figure 2: Map of historic sites within proximity to 35 Montgomery Street



Figure 3: Eastman's mansion, at the corner of Montgomery and South Streets

assisted and physical fitness supported generations of Poughkeepsie youth. Unfortunately, in 2009 the YMCA shut its doors for good, and the building has been vacant ever since. The city took possession of the property in early 2019.

The city is in the process of evaluating the structural integrity and environmental condition of the building on

35 Montgomery Street was alienated by act of state legislature and sold to the Dutchess YMCA. The mansion was demolished, and the current building on site was constructed in 1968 to house the new YMCA facility.

With community rooms, a fitness center, gymnasium, indoor track, and a large 25 yard swimming pool among other amenities, the Dutchess YMCA was enjoyed by city and county residents for decades. The site was known as a true hub of community activity, well-used by children and adults alike.

Afterschool programs offering academic

site. The city has not formed an opinion on whether the building is salvageable or whether the building will need to be demolished. Respondents to this Request for Expressions of Interest, to the extent that they are familiar with the building, are encouraged to suggest how some portion or all of the building could be rehabilitated. In the event that the building is demolished, respondents should describe the new facility to be constructed.

Deed Restriction

The site at 35 Montgomery Street has a deed restriction, established by the Common Council in 1966, limiting future land uses to "educational, recreational and cultural purposes" (see Appendix B for full deed restriction language). Respondents are encouraged to develop their proposals within those parameters. If a respondent has a proposal for the site that goes beyond the limitation of the deed restriction, respondents are encouraged to submit their ideas. However, the proposal should have a demonstrated community benefit. The Common Council has the ability to modify or remove the deed restriction.

Zoning

The zoning for the site is the R-3 Medium-Density Residence District. The full set of regulations, including permitted and specially permitted land uses, lot and bulk requirements, parking and landscape requirements can be found in Appendix A. If a respondent is proposing a use that requires a zoning change, the respondent should clearly describe alternative zoning that would permit such a use. All proposals will be subject to site plan review.

Local Waterfront Revitalization Program

The City of Poughkeepsie is currently in the process of updating its Local Waterfront Revitalization Program (LWRP). The LWRP is a locally prepared land and water use plan that addresses opportunities to improve natural, public, commercial or developed waterfront areas. The LWRP contains state and locally specific policies that the Waterfront Advisory Committee (WAC) uses to evaluate consistency of development projects within the city's defined LWRP boundary. The city is proposing to expand its current LWRP boundary, which would include the site at 35 Montgomery Street, thus potentially making any proposal subject to consistency review by the WAC. Inclusion within the LWRP boundary would also make projects potentially eligible for state

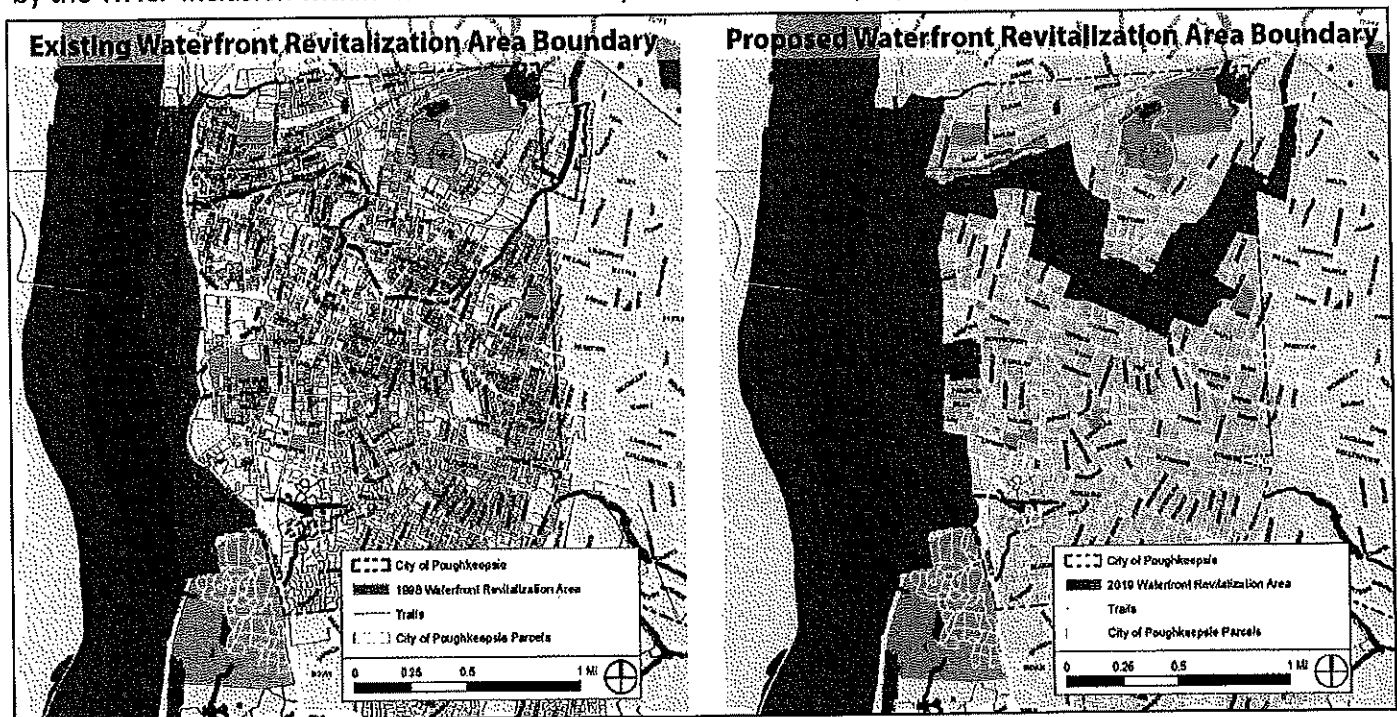


Figure 4: Existing and proposed LWRP boundary

grant funding.

Respondents are encouraged to familiarize themselves with the current LWRP policies to get a sense for possible consistency requirements, while being mindful that the policies are highly probable to change as the city completes its update to the document. The current LWRP can be found here: http://cityofpoughkeepsie.com/wp-content/files/Plan_LWRP-Section-III_Full-Document.pdf

More information about the LWRP update project can be found here: <http://cityofpoughkeepsie.com/lwrpupdate/>

Development Goals

The city wishes to activate this long-vacant site. Respondents submitting proposals should propose uses for the site that are in the community's interest, supporting economic development and providing uses that are currently lacking and in demand. Proposals should take advantage of the site's prominent location and ease of access. Proposals should take into consideration the existing neighborhood character and contribute to physical and social connectivity.

The city is looking for economically viable, financially feasible and operationally sustainable project ideas. Public-private partnerships, including with the City of Poughkeepsie, are possible. Respondents should describe how they expect to achieve their vision, including any partnerships necessary to make that vision a reality.

Should the building be demolished, architectural design and building scales should be harmonious with characteristics of the area. Parking accommodations should not dominate the streetscape and should not interfere with pedestrian movement in and out of the location. Hours of operation, lighting and signage, and impact on area traffic should not detract from the residential character of nearby residential areas.

The goal of the RFEI is to identify qualified developers/organizations that have both the experience and financial and design/construction capabilities to be able to successfully complete redevelopment of the site. The RFEI may lead to a Request for Proposals (RFP) process that may result in an award of a preferred developer to negotiate a Joint Development Agreement that will memorialize the terms and conditions for a development.

The RFEI submission and subsequent discussions with respondents are intended to provide input that will help clarify the development potential and community benefits of the site and determine effective parameters for the issuance of a competitive RFP. Additional community engagement, concurrent with this RFEI, will include at least two public outreach meetings in order to gather ideas about the property. A public comment period for 60 days, also concurrent with the RFEI process, will allow members of the public to submit their comments in writing via this [Google Form](#).

REQUIREMENTS

1. Proposals must be submitted in the proposal format required. Proposals will be received by the City of Poughkeepsie Planning and Development Department, via PDF attachment to the following email address: PoughkeepsieRFEI@cityofpoughkeepsie.com.
2. The proposal must be an electronic version in Adobe Acrobat (PDF), submitted as one PDF.
3. Proposals must arrive no later than Monday June 3rd at 3:00 p.m. Proposals received after the deadline will be deemed unacceptable for further consideration. All proposals become the property

of the City of Poughkeepsie after the deadline whether awarded or rejected.

4. All information in a submitter's proposal is subject to disclosure under the provisions of the Freedom of Information Act. Should the submitter feel any aspect of the proposal, particularly with respect to financial disclosures, is propriety and confidential, the submitter should clearly indicate this.
5. The city accepts no financial responsibility for costs incurred by any submitter in responding to this RFEI. By responding to this RFEI, the submitter agrees to hold the city harmless in connection with the release of any information contained in its proposal.
6. Should any prospective submitter be in doubt as to the true meaning of any portion of this RFEI, or should the submitter find any ambiguity, inconsistency, or omission therein, the submitter shall make a written request for an official interpretation or correction. All questions concerning the solicitation and specifications shall be submitted in writing via mail, e-mail or fax to the name below. You are encouraged to submit your questions via e-mail. Questions must be submitted no later than May 20th at 4:00 p.m.

Planning and Development
Attn: Paul Calogerakis
City of Poughkeepsie
62 Civic Center Plaza
Poughkeepsie, New York 12601
PoughkeepsieRFEI@cityofpoughkeepsie.com
Facsimile No. 845-451-4006

Any oral responses to any questions shall be unofficial and not binding on the City of Poughkeepsie. City staff will make such interpretation or correction, as well as any additional RFEI provisions that the city may decide to include, only as an RFEI addendum. Staff will deliver addendums to each prospective submitter recorded as having received a copy of the RFEI. Any addendum issued by the city shall become a part of the RFEI. Submitters should consider issued addendums in preparing their proposals.

NON-COLLUSION

By submission of a proposal, the submitter certifies in connection with this proposal:

1. The submitter declares that this proposal is made in good faith, without fraud or collusion with any person or persons submitting a proposal on the same agreement.
2. The submitter has carefully read and examined the "Request for Expressions of Interest" documents and understands them. The submitter declares that it is fully informed as to the nature of and the conditions relating to the subject property.
3. The submitter acknowledges that they have not received or relied upon any representations or warranties of any nature whatsoever from the City of Poughkeepsie, its agents or employees, and that its response is based solely upon the undersigned's own independent business judgment.
4. The submitter has arrived at the proposed proposal independently, without communication, consultation or agreement, for the purpose of restricting competition with any other proposal submitter or with any competitor.
5. No attempt has been made or shall be made by the proposed submitter to induce any other person or firm to submit or not submit a proposal for the purpose of restricting competition.
6. Each person signing the proposal certifies that he/she is the person in the proposal submitter's organization authorized to bind the organization and such person has full authority to act on behalf of the organization.

7. Employees of the City of Poughkeepsie and his/her immediate family members are disqualified from submitting a proposal.

SCOPE OF PROJECT

1. Proposal must include a detailed plan of development, including but not limited to an impact study of the development of this site and a detailed work plan listing all elements necessary to accomplish redevelopment of the site. The work plan will include a time line schedule depicting the sequence and duration of plan components showing how the work will be organized and executed. Any additional project elements suggested by the submitter are to be included in the work plan and identified as submitter-suggested elements. Also include in the work plan proposed steps, if any, to expedite completion of the individual components within the project. This will be given due consideration during evaluation of proposals.
2. Proposals should include a statement about how the plan of development is economically viable, financially feasible and operationally sustainable.
3. Proposals must include a statement that the submitter agrees to defend, indemnify and hold harmless the City of Poughkeepsie, its officers, employees and agents from and against all claims, lawsuits, losses and expenses including attorney's fees arising out of or resulting from the performance of this award.
4. Proposals must include the time period by which this project will be initiated and completed.
5. At this time, an acquisition cost proposal is **not** requested. Should the city decide to move forward with a development proposal, acquisition cost negotiations will then commence.

INFORMATION REQUIRED FROM ALL PROPOSAL SUBMITTERS

Proposals should be submitted using the following format. Clearly indicate whether portions of the proposal are proprietary and should be made confidential.

Section 1: Proposal Statement

Section 2: Project Description: This section should provide a narrative summary description of the proposed project. Proposed uses, number and type of units, parking requirements, phasing, circulation, concept and building design objectives shall be addressed.

Section 3: Target Population: This section should describe the targeted residents of the units, including income levels for residential units, as well as estimated numbers and kinds of tenants for the other elements of the building if a mixed-use project is proposed.

Section 4: Impact Analysis: This section should provide an analysis of the impact of the project upon the community, including economic impact through commercial activities, streetscape modifications, housing impact, traffic impacts and other related facets. Response should be developed incorporating the development goals discussed earlier in this RFEI.

Section 5: Plans: This section should provide a schematic plan including site plan data and schematic floor plans for each level. Plans shall be no larger than 11 inches x 17 inches in size.

Section 6: Project Schedule: This section should include a project completion schedule including start and completion dates and other key dates as identified for action. Proposal must include the time period by

which this project will be initiated and completed.

Section 7: Construction Team: This section should identify the professionals who will provide the following components of the project: design, construction oversight, and construction. Include the name of executive and professional personnel by skill and qualification that will be employed in the work. Resumes or qualifications of proposed project personnel may be submitted as an appendix.

Section 8: Overview of the organization and its services: This section should give a summary of the development firm's history, including years in business, locations, size, growth, services and financial stability. Include information regarding any pending or recent lawsuits against the organization, its officers or employees. If the proposal was submitted by a lead organization on behalf of several partners, provide similar information for each partner. Also, provide information regarding any parent organization(s).

Section 9: Professional Qualifications: This section should include the full name and address of your organization and, if applicable, the branch office or other subordinate element that will perform, or assist in performing, the work hereunder. Indicate whether it is operated as an individual, partnership or corporation. If as a corporation, include whether it is qualified to do business. This information shall be provided for all organizations participating in the development of the property. If the proposal is submitted by a lead organization on behalf of several partners, list all key partners and their respective roles in the proposal. Identify the technical expertise which makes the organization(s) qualified for this work.

Section 10: Prior Experience: This section should provide a description of other infill projects completed. Include names, title and phone numbers of contact persons from units of government where these projects are located. Include supporting documents to demonstrate capacity.

Section 11: Financial Capacity: This section should provide a description of financial capacity of the organization, including appropriate documentation and banking references. Provide three (3) years of audited financial statements.

Section 12: Anticipated Project Financing: This section should include information regarding anticipated project financing. Include the anticipated time schedule to assemble needed financial commitments, types of financing expected and letters of interest from banks or other sources. Financial partnerships (e.g., public/private; nonprofit/profit) must be identified. Should the city decide to move forward with a proposal, a full development budget and 10 year operating pro forma may be required.

Section 13:

1. Each submitter shall submit a list of at least four (4) references for recent projects. Two of the references must be governmental or other public corporations. References must include a point of contact, an email address and a telephone number where the point of contact can be contacted. The reference list shall also include the dates when these projects were constructed.
2. Each submitter shall also submit at least two (2) financial references from banks or other financial institutions attesting to the submitter's financial capacity and ability to finance a project as proposed.

PROCESS

All responses will be reviewed and evaluated by the City of Poughkeepsie economic development staff, the Property Acquisition and Disposition team, and representatives from the Common Council. Based on responses to key submission criteria, the city will hold further direct discussions with select developers/

organizations to assist the city in developing a competitive RFP. Upon review of the RFEI submissions the city reserves the right to:

- Issue a subsequent competitive Request for Proposals (RFP), to identify and select a developer.
- Take other action deemed appropriate, including no further action.

CITY OF POUGHKEEPSIE'S RIGHT TO MODIFY OR TERMINATE RFEI PROCESS

Notwithstanding any other provision of this RFEI and without any liability to any prospective respondent, the city reserves the unilateral right to postpone submission deadlines, reject any and all proposals, negotiate with one or more respondents, seek additional input from one or more respondents (but not necessarily all respondents), waive any requirement of this RFEI, and modify or withdraw this RFEI.

APPENDIX A—ZONING

Section 19-3.14 Medium-Density Residence District (R-3).

[Ord. of 4-17-1989, § 1, 2; Ord. of 4-1-1991, § 1; Ord. of 11-7-1994, § 1; Ord. of 12-19-1994, § 1; Ord. of 11-21-1996, § 5]

(1) Purpose of district. The purpose of the district is to provide areas for several types of housing at a relatively low-density with access to community services and transportation.

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

(a) Uses permitted by right:

1. Single-family detached dwellings.
2. Two- and three-family dwellings.
3. Conversion of buildings in existence on the effective date of this Chapter for occupancy by up to four families.
4. Renting of not more than two rooms by the resident family, provided that no sign advertising the availability of such rooms shall be displayed.
5. Home occupations, subject to the requirements of Section 19-4.1 of this Chapter or professional offices, subject to the requirements of Section 19-4.2 of this Chapter.
6. Municipal parks and recreational facilities, including refreshment and service buildings accessory thereto and any other governmental uses or structures of the City of Poughkeepsie, the County of Dutchess or the state or federal governments or agencies thereof.
7. Public, private, parochial schools, subject to the requirements of Section 19-3.12(2)(a)4 of this Chapter.
8. Cemeteries.
9. Student home, subject to the requirements of Section 19-4.22 of this chapter.

(b) Uses subject to issuance of a special permit by the Planning Board, in accordance with requirements of Section 19-6.2 herein:

1. Places of worship, including parish houses, religious schools, meeting rooms and recreation facilities customarily accessory thereto, subject to the requirements of Section 19-3.12(2)(b)1 of this Chapter.
2. Cluster developments, in accordance with the requirements of Section 19-4.16 of this Chapter.
3. Nursery or preschool educational establishments or day-care centers, subject to the requirements of Section 19-3.12(2)(b)3 of this Chapter.
4. (Reserved)
5. Libraries, museums and/or art galleries on lots having an area of not less than 20,000 square feet.
6. Golf, tennis or swimming clubs, subject to the requirements of Section 19-3.12(2)(b)6 of this Chapter.

ter.

7. Family day-care homes.

8. Agency group homes, agency community residences or family care homes, subject to the requirements of Section 19-3.12(2)(b)8 of this Chapter.

9. The conversion and remodeling of buildings on a lot, both in existence on the effective date of this Chapter, for use by practicing physicians or dentists, either singly or in groups. The aggregate number of professional practitioners employed in any one building shall not exceed four.

10. The conversion and remodeling of buildings on a lot, both in existence on the effective date of this Chapter, for use as an office for architects, provided that the building is located in a National Historic District. All of the above shall be subject to the following requirements:

(i) In no manner shall the appearance of the building be altered, nor shall the office within the residential zone be conducted in a manner that will cause the premises to lose its residential character, either by use of colors, materials, construction or lighting.

(ii) No architect's office shall create noise, dust, vibration, odor, smoke, electrical interference, fire hazard or any other nuisance that is perceptible beyond the lot lines.

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

a. Minimum required lot area: 14,000 square feet.

b. Minimum required lot width: 100 feet.

c. Minimum required frontage: 100 feet.

d. Minimum required yards:

e. Front yard: 15 feet.

f. Side yard: 20 feet.

g. Rear yard: 50 feet.

h. Minimum gross floor area: 2,900 square feet.

(iv) Off-street parking and loading spaces shall be provided in accordance with Section 19-4.3 of this Chapter and shall be treated the same as an office building, other than medical or dental offices.

(v) The only signs allowed must be in accordance with Section 19-4.9(12) of this Chapter.

(3) *Accessory uses.* Accessory uses shall be as follows:

(a) Off-street parking.

(b) Buildings for housing pets; playhouses.

(c) Garden houses; greenhouses.

(d) Professional signs, real estate signs applicable to the premises and announcement signs for public, charitable, educational or religious institutions, subject to the requirements of Section 19-4.9 of this Chapter.

(e) Servants' quarters or guest house, limited to one building per lot, for the exclusive use of employees or temporary guests of the residents of the principal building.

(f) Swimming pools and/or tennis courts and related recreational facilities, subject to the applicable requirements of Sections 19-4.7 and/or 19-4.8 of this Chapter.

(g) Keeping of not more than three customary household pets over six months old. The commercial breeding or boarding of pets shall be prohibited.

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

(a) Minimum required lot area.

1. Single-family dwelling or mobile home: 6,000 square feet.
2. Two-or-more-family dwellings: 10,000 square feet, plus 4,000 square feet additional for each dwelling unit above two.
3. Uses not otherwise specified: 6,000 square feet.

(b) Minimum required lot width:

1. All other uses: 50 feet.

(c) Minimum required frontage:

1. All other uses: 30 feet.

(d) Minimum required yards:

1. Front yard: 20 feet.
2. Side yard: six feet for one, two- or three-family dwellings; all other uses: 10 feet.
3. Rear yard: 15 feet.

(e) Maximum height: 2 1/2 stories or 35 feet.

(f) Maximum lot coverage: 35%.

(g) Required open space: same as R-4 Districts [Section 19-3.15(4)(i)].

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

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

APPENDIX B—DEED RESTRICTION

THIS INDENTURE, made the 31st day of October, 1966, between the CITY OF POUGHKEEPSIE, a Municipal Corporation of the State of New York, located at Dutchess County, party of the first part, and

POUGHKEEPSIE YOUNG MEN'S CHRISTIAN ASSOCIATION, with its principal place of business at 60 Market Street, Poughkeepsie, Dutchess County, New York, party of the second part.

WITNESSETH

WHEREAS, the Common Council of the City of Poughkeepsie at its regular meeting held on September 19, 1966, by the affirmative vote of more than three-fourths of all the members of said Common Council authorized and directed the City Chamberlain of the City of Poughkeepsie to sell the hereinafter described parcel of real property at public auction to the highest bidder for the sum of not less than \$99,262.00; and

WHEREAS, pursuant to said resolution a notice of such sale was published in the Poughkeepsie Journal, the official newspaper of the City of Poughkeepsie, on September 23, September 30, and October 7, 1966; and

WHEREAS, pursuant to said resolution and notice of sale, the City Chamberlain conducted said public auction at the City Hall in the City of Poughkeepsie, New York, on the 14th day of October, 1966, at 11:00 o'clock in the forenoon; and

WHEREAS, the party of the second part, Poughkeepsie Young Men's Christian Association, bid the sum of \$99,262.00, for the said parcel of real property, which bid was the highest bid made at such sale, and the City Chamberlain thereupon sold the said property to the said party of the second part; and

WHEREAS, Mayor Richard W. Mitchell filed his approval of said sale with the Common Council at its regular meeting held on October 17, 1966; and

WHEREAS, the City Chamberlain reported said sale to the Common Council at its regular meeting held on October 17, 1966,

LIBER 1214 PAGE 396 396

by filing with it a copy of the notice of sale, a memorandum of sale signed by the highest bidder and the affidavit of publication of the notice of said sale; and

WHEREAS, the Common Council of the City of Poughkeepsie at its regular meeting held on October 17, 1966, by resolution authorized the sale of the hereinafter described real property to the party of the second part, Poughkeepsie Young Men's Christian Association, by the affirmative vote of three-fourths of all the members of said Common Council for the sum of Ninety-Nine Thousand, Two Hundred Sixty-Two (\$99,262.00) Dollars, and at the same regular meeting said Common Council authorized the Mayor of the City of Poughkeepsie to execute and acknowledge a quit-claim deed of said real property to the said Poughkeepsie Young Men's Christian Association, and to attach thereto the corporate seal of the City of Poughkeepsie,

NOW, THEREFORE, in consideration of the sum of NINETY-NINE THOUSAND, TWO HUNDRED SIXTY-TWO (\$99,262.00) DOLLARS, lawful money of the United States, paid by the party of the second part to the party of the first part, the said party of the first part does hereby remise, release and quit-claim unto the party of the second part, its successors and assigns forever, the following described parcel of real property:

ALL THAT PARCEL of land situate on the southerly side of Montgomery Street, between Market Street or South Avenue and Lincoln Avenue, in the City of Poughkeepsie, County of Dutchess, and State of New York bounded and described as follows:

BEGINNING at a point in the center of a cut stone cap topping a stonewall on the southerly line of Montgomery Street, which point is distant South $70^{\circ}-47'-00''$ West 16.21 feet from a survey tack located in the southerly curb of Montgomery Street, and distant westerly 115.0 feet from, and at right angles to, the northerly projection of the center of a cut stone cap topping a stonewall on the westerly line of Market Street or South Avenue (1) Thence South $70^{\circ}-47'-00''$ West 399.92 feet running, in part, parallel to said westerly line of Market Street or South Avenue, and passing through a T-bar set (a standard 18" Bailey iron stake with disc cap marked "Survey Point--Do Not Disturb") at 2.60 feet to a second T-bar set, which last mentioned T-bar is distant North $82^{\circ}-13'-00''$ West 114.29 feet from a survey tack located in the center of aforementioned cut stone cap on the westerly line of Market Street or South Avenue,

- (2) Thence North $82^{\circ}-13'-00''$ West 267.19 feet, passing through a nail set in the fork of a 2 foot diameter beech at 121.47 feet to a T-bar set,
 (3) Thence North $17^{\circ}-02'-20''$ West 86.14 feet running parallel to and distant 1.0 feet northeasterly (measured at right angles) from a woven wire fence to a T-bar set opposite the angle in said fence,
 (4) Thence North $64^{\circ}-17'-30''$ West 93.14 feet running parallel to and distant 1.0 feet northerly (measured at right angles) from a woven wire fence to a T-bar set,
 (5) Thence North $40^{\circ}-22'-10''$ East 249.66 feet, passing 1.0 feet easterly (measured at right angles) from the easterly brick wall of the building housing the fire alarm station to a point on the southerly line of Montgomery Street, which point is distant South $40^{\circ}-22'-10''$ West 14.87 feet from a survey tack leaded in the southerly curb of Montgomery Street,
 (6) Thence South $86^{\circ}-49'-50''$ East 22.54 feet along the southerly line of Montgomery Street to the northwesterly corner of lands of Floyd B. and Mary Hynde, (No. 21 Montgomery Street),
 (7) Thence South $4^{\circ}-43'-00''$ West 104.50 feet along the westerly line of lands of said Hynde, passing through an end fence post at 2.16 feet and along a woven wire fence for 83.71 feet, to end beyond the southerly end post to a point, thence the following five courses along the rear of lots No. 21 through No. 35, inclusive, fronting on Montgomery Street:
 (8) South $83^{\circ}-56'-10''$ East 48.86 feet, running southerly of a frame shed to a point on a retaining wall,
 (9) South $86^{\circ}-08'-30''$ East 40.93 feet to a point,
 (10) South $86^{\circ}-29'-40''$ East 68.51 feet to a point,
 (11) South $87^{\circ}-14'-00''$ East 55.83 feet to a point and
 (12) South $86^{\circ}-36'-30''$ East 56.86 feet to a point in the fence line atop a low retaining wall, which point is distant westerly 0.33 feet from the southwesterly brick corner of a building housing the Board of Public Works,
 (13) Thence North $29^{\circ}-31'-10''$ East 107.30 feet to a point on the southerly line of Montgomery Street, which point is 14.87 feet southerly of a survey tack leaded in the southerly curb of Montgomery Street and distant 60.5 feet easterly from the north-easterly masonry corner of the house on No. 31 Montgomery Street.
 (14) Thence South $83^{\circ}-54'-00''$ East 37.85 feet along Montgomery Street to the center of the westerly end of the first mentioned stone wall,
 (15) Thence South $81^{\circ}-33'-20''$ East 84.09 feet along Montgomery Street to the point of beginning;

Bearings are as compass pointed in February, 1966.
 Containing 2.712 acres

The above described premises shall be used only for educational, recreational and cultural purposes (including the construction and operation of a Y.M.C.A.), and no commercial or industrial use shall be made of the above described parcel.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, the party of the first part has caused its corporate seal to be hereunto affixed and these

LIBER 1214 PAGE 398

398

presents to be signed by its duly authorized officer the day
and year first above written.



THE CITY OF POUGHKEEPSIE

by Richard W. Mitchell
Richard W. Mitchell, Mayor

STATE OF NEW YORK }
COUNTY OF DUTCHES } ss. i

On this 21st day of October, 1966, before me personally
came Richard W. Mitchell, to me known, who being by me duly
sworn, did depose and say that he is the Mayor of the City of
Poughkeepsie, the municipal corporation described in and which
executed the foregoing instrument; that he knows the seal of said
Corporation; that the seal affixed to said instrument is such
corporate seal; that it was so affixed by Order of the Common
Council of the City of Poughkeepsie, and that he signed his
name thereto by like order pursuant to a resolution adopted
by the said Common Council at its regular meeting held on
October 17, 1966.

DEED		OR SUPPLEMENTAL INSTRUMENT
CERT \$1.00	NO.	7037
PAGE 6.00	IND. BY	6
REV.	STAMP	
OR DIS.		
TOT. 7.00		no

Allen E. Knapp
Allen E. Knapp, Notary Public
Notary Public, Dutchess County
My Commission Expires March 19, 1967

Raymond, Bulfinch, Wash
25 Market St.

DUTCHESS COUNTY CLERK'S OFFICE
RECEIVED ON THE 21 DAY OF Nov 1966
AT 1 N 37 M 1 P. M. RECORDED IN
BOOK No. 167 OF Deeds
AT PAGE 398 AND EXAMINED

Joseph H. Hartman CLERK

BUILT IN LIBRARY
NOV 28 1 58 PM '66
COUNTY CLERK'S
OFFICE

Exhibit C

MEMORANDUM OF UNDERSTANDING

YOUTH OPPORTUNITIES CENTER

Between

CITY OF POUGHKEEPSIE

and

COUNTY OF DUTCHESS

This Memorandum of Understanding (hereinafter "MOU") between the CITY OF POUGHKEEPSIE, a municipal corporation of the State of New York with its offices at 62 Civic Center Plaza, Poughkeepsie, New York 12601 (hereinafter "CITY") and COUNTY OF DUTCHESS, a municipal corporation of the State of New York with its offices at 22 Market Street, Poughkeepsie, New York 12601, (hereinafter "COUNTY"),

WITNESSETH:

WHEREAS, CITY is currently the owner of the former YMCA building located at 35 Montgomery Street in the City of Poughkeepsie, County of Dutchess, State of New York and more particularly described as Tax Map No.: 6061-28-946914 (the "Property"), which was acquired by tax deed dated February 19, 2019 and recorded in the Dutchess County Clerk's Office on February 25, 2019 as Document No.: 02-2019-1335; and

WHEREAS, from 1965 until January 12, 2009, the Property was home to the YMCA of Dutchess County which provided the community with important programs and facilities including childcare, a youth center, a swimming pool, a fitness center and community activity rooms; and

WHEREAS, since the YMCA closed its doors in 2009 the building has been vacant and idle without any real plan of redevelopment; and

WHEREAS, the Property contains a deed restriction requiring the Property be used for "educational, recreational and cultural purposes"; and

WHEREAS, in 2019 the Anti-Blight Task Force created by Mayor Rob Rolison recommended the CITY take title to the property based upon unpaid tax liens which had accrued since 2008; and

WHEREAS, at the recommendation of the Anti-Blight Task Force, City's Commissioner of Finance executed the tax deed acquiring title to the Property; and

WHEREAS, on April 2, 2019, CITY released a Request for Expressions of Interest ("RFEI") to seek potential development proposals and contemporaneity the CITY held several stakeholder engagement sessions, including two public meetings on May 13, 2019 and June 26, 2019, in order to assess community/stakeholder needs; and

WHEREAS, conclusion of the stakeholder engagement sessions supported the creation of a multi-purpose facility encompassing a youth activity center, education, arts, health and wellness as well as a 24-hour daycare facility; and

WHEREAS, CITY received only one viable response to its RFEI from a coalition of stakeholders known as the "35 Montgomery Street Coalition" which coalition has been selected by CITY to identify possible capital funds and develop programing at the redeveloped Property, subject to meeting certain milestones; and

WHEREAS, the CITY has recently conducted a preliminary environmental and structural review of the Property which concludes that the Property must be demolished and which conclusion is supported by the Building Inspector of CITY who has ordered the Property unsafe; and

WHEREAS, the CITY lacks the resources to redevelop the Property in accordance with the will of the community stakeholders; and

WHEREAS, ongoing negotiations between the CITY and COUNTY have Identified a potential partnership which would allow for the demolition of the Property and secure funding toward the development of a Youth Opportunity Center; and

WHEREAS, the CITY and COUNTY wish to memorialize its discussions, lay out the joint objectives of the parties, and establish a formalized plan to redevelop the Property.

NOW, THEREFORE, the parties hereto set forth their understanding of this undertaking as follows:

ARTICLE I: OBJECTIVES

The CITY and COUNTY wish to establish a formal partnership for the redevelopment of the Property into a Youth Opportunity Center. In order to accomplish this, the City and County shall formalize an Inter-Municipal Agreement ("IMA") subject to ratification by its respective bodies which IMA contains the mutual agreements set forth herein.

ARTICLE II: OWNERSHIP

As a result of the significant funding by COUNTY and due to the joint objective that the parties enter into a partnership, CITY agrees to transfer Title to the Property, which shall be held in the names of the CITY and COUNTY as Joint Tenants. The transfer of the title is contingent upon approval of the governing authorities of the County and City.

ARTICLE III: FUTURE FUNDING

Following the transfer of title to the COUNTY, the COUNTY agrees to commit funding for the demolition, design, and construction of the Property in an amount up to \$25 million. Such funding is contingent upon the availability of funds and approval by the County governing authority. Such funds shall be used solely for the construction of a community youth center in keeping with the deed restrictions on the Property.

Article IV: CITY REPRESENTATIONS

1. Power and Authority

CITY has the necessary power and authority to enter into and perform its duties under this MOU.

2. Impediments

(a) CITY represents that there is no action, suit, proceeding, inquiry, or investigation, at law or in equity, before or by any court, public board or body pending or threatened in writing against or affecting CITY or any basis thereof, wherein an unfavorable decision, ruling or finding would materially, adversely affect the transaction contemplated hereby, or which in any way would adversely affect the validity or enforceability of this MOU and any subsequent agreement.

(b) CITY represents that existing obligations and commitments of CITY do not conflict with this MOU and do not adversely affect its ability to fulfill its obligations under this MOU and any subsequent agreement. City further represents that it will address in a timely manner any future obligations or commitments that may conflict with this MOU or any subsequent agreement.

(c) Except as disclosed in writing to COUNTY, to the best of its knowledge, CITY is not in violation of any law, order, rule or regulation applicable to any facility or program operated, maintained or managed by CITY the violation of which would adversely affect the parties' performance of this MOU and any subsequent agreement.

Article V: COUNTY REPRESENTATIONS

1. Power and Authority

COUNTY has the necessary power and authority to enter into and perform its duties under this MOU and any subsequent agreement.

2. Impediments

(a) COUNTY represents that there is no material action, suit, proceeding, inquiry, or investigation, at law or in equity, before or by any court, public board or body pending or threatened in writing against or affecting the COUNTY or on any basis thereof, wherein an unfavorable decision, ruling or finding would

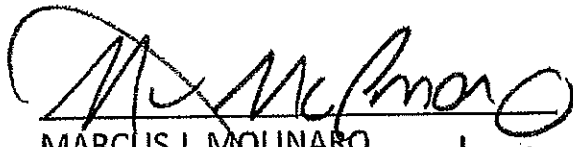
materially, adversely affect the transaction contemplated hereby, or which in any way would adversely affect the validity of this MOU and any subsequent agreement.

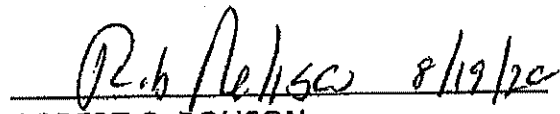
(b) The existing obligations and commitments of the COUNTY do not conflict with this MOU and do not adversely affect its ability to fulfill its obligations under this MOU and any subsequent agreement.

IN WITNESS WHEREOF, the parties have caused this MOU to be executed by their duly authorized representatives as of the 19th day of August, 2020.

COUNTY OF DUTCHESS

CITY OF POUGHKEEPSIE


MARCUS J. MOLINARO
COUNTY EXECUTIVE 8/19/20


ROBERT G. ROLISON
MAYOR 8/19/20

CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN
2021 MAR -3 PM 2:34

STATE OF NEW YORK SUPREME COURT

COUNTY OF DUTCHESS

KENDRA SMITH,

CLAIMANT,

NOTICE OF CLAIM

-AGAINST-

CITY OF POUGHKEEPSIE

RESPONDENT.

CLAIMANT, THROUGH ATTORNEY PAMELA GABIGER PROVIDES
THE FOLLOWING NOTICE OF CLAIM AGAINST RESPONDENT:

1. CLAIMANT IS KENDRA SMITH RESIDING AT 19 SMITH STREET, APT.
1, POUGHKEEPSIE, NY 12601.
2. THE ATTORNEY FOR CLAIMANT: PAMELA GABIGER, PO BOX 2952,
POUGHKEEPSIE, NY 12603.
3. THE DATE THE CLAIM AROSE WAS APPROXIMATELY DECEMBER
23, 2020 TO PRESENT.

4. THE MANNER IN WHICH THE CLAIMS AROSE WAS THAT

CLAIMANT FELL ON SNOW AND ICE AT 22 SMITH STREET,

POUGHKEEPSIE, NEW YORK.
5. RESPONDENT, ITS AGENTS, OFFICERS, DIRECTORS, SERVANTS AND

EMPLOYEES WERE NEGLIGENT IN FAILING TO PERFORM ALL THE

ACTS NECESSARY TO PREVENT SNOW AND ICE FROM

DEVELOPING AND REMAINING ON THE PREMISES, IN ALLOWING

SNOW AND ICE TO DEVELOP AND REMAIN ON THE PREMISES, IN

FAILING TO PROPERLY SALT AND SAND THE AREAS, IN FAILING TO

ERECT BARRICADES AND WARNINGS, IN CREATING THE

DANGEROUS CONDITIONS AND IN BEING OTHERWISE NEGLIGENT.
6. AS A RESULT OF THE NEGLIGENCE, AND NEGLIGENT INFLECTION

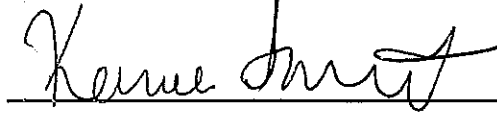
OF EMOTIONAL DISTRESS, CLAIMANT HAS SUFFERED SEVERE AND

PERMANENT INJURIES, LOST EARNINGS AND INCURRED EXPENSES

FOR MEDICAL TREATMENT.
7. AS A RESULT OF THE NEGLIGENCE AND NEGLIGENT INFLECTION OF

EMOTIONAL DISTRESS BY RESPONDENTS, THEIR OFFICERS,

DIRECTORS, SERVANTS, AGENTS AND EMPLOYEES, CLAIMANT
SUFFERED SEVERE PERSONAL INJURIES, PAIN AND SUFFERING
AND EMOTIONAL DISTRESS AND OTHER INJURIES.

A handwritten signature in cursive script, appearing to read "Kendra Smith", is written over a horizontal line.

KENDRA SMITH

VERIFICATION

STATE OF NEW YORK)

COUNTY OF DUTCHESS) SS.:

KENDRA SMITH, BEING DULY SWORN, DEPOSES AND SAYS THAT SHE IS CLAIMANT IN THE WITHIN PROCEEDING, SHE HAS READ THE FOREGOING NOTICE OF CLAIM, THE SAME IS TRUE TO HER OWN KNOWELDGE EXCEPT AS TO THE MATTERS THEREIN ALLEGED TO BE UPON INFORMATION AND BELIEF AND AS TO THOSE MATTERS, SHE BELIEVES IT TO BE TRUE.

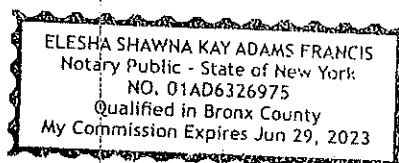
Kendra Smith

KENDRA SMITH

SWORN TO BEFORE ME THIS 26th DAY
OF February, 2021

Elesha Adams-Francis

NOTARY PUBLIC



To: CITY OF POGHKEEPSIE CLERK.-

From: "EL BRACERO" RESTAURANT OWNER HONORIO
RODRIGUEZ

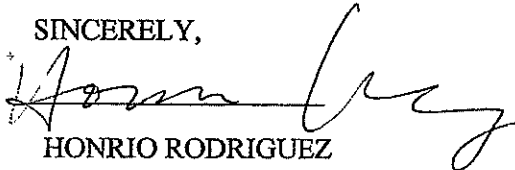
RE: TWO YEAR RENEWAL OF WINE/BEER LICENSE

Dear City Clerk of Poughkeepsie,-

With this letter I, Honorio Rodriguez, owner of "El Bracero Inc."
hereby notifying you my intention of the summoning of the
RENEWAL APPLICTION with the New York State Liquor Authority
for the renewal of wine/beer license for El Bracero Restaurant located
at 581 Main Street Poughkeepsie New York, 12601.

Thank you for your anticipated help.

SINCERELY,



HONRIO RODRIGUEZ

581 Main Street.

Poughkeepsie, N.Y. 12601

(845)485-9679

2-21-21

CITY OF POGHKEEPSIE
CITY CHAMBERLAIN

2021 FEB 25 PM 1:30

PLEASE PRINT OR TYPE FORM CLEARLY

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

NOTICE OF CLAIM
AGAINST
THE CITY OF POUGHKEEPSIE, NEW YORK

TODAY'S DATE: 3-2-2021

NAME AND ADDRESS OF EACH CLAIMANT:

Teresa Fandel
5 Thompson Dr.
Staatsburg, N.Y. 12580

TELEPHONE NUMBER: 845-773-9045

NAME AND ADDRESS OF ATTORNEY (IF ANY):

CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN
2021 MAR -8 AM 9:03

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

A Poughkeepsie, City Plow Truck hit my
Side View mirror and ~~and~~ it broke off.

ITEMS DAMAGED OR INJURIES SUSTAINED:

Side View mirror.

[Signature]
Signature of Claimant

Signature of Claimant

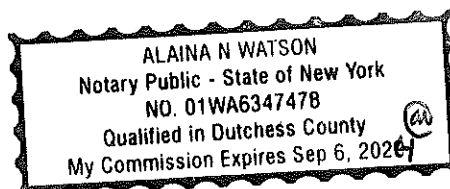
STATE OF NEW YORK, COUNTY OF Dutchess s.s.:

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

[Signature]
Signature of Claimant

Signature of Claimant

Sworn to before me this
3rd day of March, 2021
[Signature]
Notary Public



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

RS AUTO CORP.

STATE INSPECTIONS DIAGNOSTICS

TERESA FANDEL
5 THOMPSON DR
STAATSBURG N 12580
(845)773-9045 (845)430-9114

248 HOOKER AVE.
POUGHKEEPSIE N, Y, 12603
(845)471-6545
7104974

Year Make. 2006 Jeep Commander
Engine V6 3.7L
License JHW9577
MLG in/out 123245 / 123245
Vin 1FBNE3BL6BDA44617

Date 02/23/21 Schedule 02/23/21		ESTIMATE : 8001092		08:29 am Page 1		
REMARKS AND LABOR DESCRIPTIONS	HRS	PRICE	PARTS & LUBRICANTS	QTY	PRICE	TOTAL
R/R PANNEL INSTALL NEW MIRROR		66.00	SIDE VIEW MIRROR L/SIDE WO/ MEMORY	1.00	116.92	116.92
DATE TIME PHONE APPROVED AMOUNT I acknowledge notice and oral approval of an increase in the original estimated price			All Parts Are New Unless Shown As (U) Used or (R) Rebuilt Labor 66.00 Sublet 0.00 This charge represents costs and profits to themotor vehicle repair facility for miscellaneousshop supplies or waste disposal.		Parts & Lubricants 116.92 HAZ. DISPOSAL 0.00 Gasoline 0.00 Sub Total 182.92 Sales Tax 14.86 Deposit 0.00 Disc. Applied 0.00 TOTAL 197.78 BALANCE DUE 197.78	

Payment Using: UNDECIDED



ACCEPTANCE SIGNATURE
I accept the charges and terms of this agreement.

I authorize the above repairs and necessary materials. Your employees may operate vehicle for inspection, testing, delivery at my risk. You will not be responsible for loss or damage to vehicle or items left in it. I agree to pay reasonable storage on vehicle left more that 3 working days after notification that job is completed. Labor is guaranteed 90 days or 4000 miles whichever occurs first. All other guarantees are made by the manufacturer. Warrantee work based on this bill must be performed at this shop. IF PAYMENTS ARE MADE AND NOT KEPT TO AGREED TERMS WE WILL RECLAIM THE CAR UNTILL PAID FOR INITIAL HERE _____



THE CITY OF POUGHKEEPSIE NEW YORK

PUBLIC HEARING

Monday, March 1, 2021 5:30 p.m.

City Hall

The Public Hearing was conducted using videoconferencing, as permitted by the NYS Open Meetings Law.

Welcome to the scheduled meeting of the Public Hearing in the City of Poughkeepsie. The date is March 1, 2021 and the time is 5:30 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.

THIS HEARING IS FOR THE FOLLOWING PROPOSED LOCAL LAW:

**LOCAL LAW No. 1 of 2021
THE POUGHKEEPSIE EMERGENCY TENANT HOUSING, AND INCLUSIONARY
CONSTRUCTION STRATEGY ACT OF 2020
(Poughkeepsie ETHICS Act) (LL 21-01)**

SPONSORED BY COUNCILMEMBER MENIST:

WHEREAS, the COVID-19 pandemic has caused immense damage to the local Poughkeepsie economy, and has led to the loss of income for thousands of Poughkeepsie residents; and

WHEREAS, prior to the COVID-19 pandemic, the housing market in the City of Poughkeepsie was already experiencing an extremely low vacancy rate as of the most recent housing study conducted by Dutchess County in 2016, causing upward pressure on rent prices; and

WHEREAS, the Governor of the State of New York issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York;

NOW, THEREFORE,

BE IT RESOLVED,

- (1) all applicants requesting site plan approval with the City of Poughkeepsie Planning board and who wish to newly construct or significantly rehabilitate multifamily residential development in excess of 5 units, anywhere within the city of Poughkeepsie, shall comply with the following requirements:
 - a. A minimum of 10% of units shall be designated affordable housing, defined as 60% Area Median Income, based on current Dutchess County statistics with adjustment for family size and shall be updated to the most recent statistics at the time of the applicant's submission to the Planning Board.
 - b. The 10% minimum shall constitute no less than 1 unit per development in excess of 5 units.
 - c. The cost of these affordable housing units shall be calculated as to not exceed 30% of a household's income and will be verified by the City of Poughkeepsie on an annual basis.
 - d. The definition for "significantly rehabilitated" shall mean any rehabilitation of a multifamily residential unit building in which the rehabilitation will result in an increased market value in excess of 50%.
 - e. a. The City shall be authorized to implement such policy and procedures necessary to carry out the intent of this Local Law, but which are not inconsistent with this Local Law.
- (2) This local law shall take effect January 1, 2021 and be applicable to any application for the construction or significant rehabilitation of residential units submitted to the City on or after its effective date.
- (3) This article will remain in effect for three years and will sunset on December 31, 2023.

SECONDED BY COUNCILMEMBER _____.

Councilmember-At-Large Salem called the meeting to order at 5:35 p.m.

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

1. Brian Robinson - I do know that council member Brannen and corporation counsel Ackerman had been working on a more comprehensive long term solution and I think it's important to acknowledge this is a stopgap. And especially with the pandemic going on and the economic fallout we have, affordable housing is incredibly important. I do want to talk about long term solutions. And I know it's easy, as always, to armchair quarterback from my living room here. But it when tax revenue has dried up, as it has recommending an appropriation for a study for a longer term solution is difficult. But I really think stopgap legislation needs to be put in place and that that should be pursued. And one thing I'd like to talk about with that is and this is again, it's a very easy thing to say, whereas it is exceedingly difficult, if not impossible, to pull it off. We know there's always going to be organizations, parties that will game the system. And in the long term solutions that work for this city, I think preventative measures and vigilance need to be looked at creatively dealt

with to make sure those bad actors aren't able to game this system and it doesn't end up working against a long term solution., again not the stopgap working against small business owners, new entrepreneurs, particularly employees and people of color, so I think it's necessary to get something in place. For the meantime, but I would also encourage the common council to continue to work toward a longer solution, a longer term solution that works for everybody in the community and make sure that the people, the landlords, the businesses that are always trying to do right by their tenants aren't going to be penalized in the long term with a bigger, longer lasting solution.

2. **Laura Forman** - I guess I'm more confused because one of the things I remember reading about this plan is that the building owners, property managers were allowed to put up 2 or at least 10 percent of the available apartments as affordable rents and how they're defining affordable rents. I don't know. I hope it's based on the city of Poughkeepsie incomes and not the total county, but I'm thinking if there are 50 apartments in the building, 10 percent would give you, like, five apartments available, which seems to be ridiculous. Something's got to be done that's a bit more specific to the size of the building. I don't know if that's possible, but I'd like to think that that will be worked at.

3. **Lindsay Duvall** - My name is Lindsay Duvall. I use she/her pronouns and I'm here to provide comments on behalf of Hudson River Housing.

Hudson River Housing is a Poughkeepsie based nonprofit organization that provides a continuum of services that improves lives and communities through housing, with compassion and development, with vision.

Hudson River housing supports tools including policies like the Poughkeepsie Ethics Act that preserve housing affordability. Our home is the foundation from which we all thrive and can achieve our full potential, yet most residents in the city in Poughkeepsie were struggling to maintain this foundation even before the onset of the covid-19 pandemic, according to a 2019 profile of Poughkeepsie written by Hudson Valley Patterns for Progress, two thirds of all housing units in Poughkeepsie are renter occupied.

The median rents rose over twenty five percent between 2000 and 2018.

Fifty eight percent of Poughkeepsie renters are cost burdened, meaning they spend more than 30 percent of their income on housing costs. And 38% of renters are severely cost burden, paying more than 50% of their income toward housing. In addition, in 2020, the Poughkeepsie, Newburgh, Middletown, HUD Metro Fair Market Rent Area was ranked the fourth most expensive in New York, with an average two bedroom apartment rented at \$1397.00.

Unfortunately, the covid-19 pandemic has magnified the urgency of quality, stable and affordable housing for all residents in the city. We hear daily from residents who are struggling to pay their rent or find an affordable place to live. We are witnessing an influx of more affluent residents from other parts of the region, which is putting extreme pressure on the entire housing market and pushing city rents beyond what residents can afford. Here are a few quotes from city residents who have shared that their housing has been impacted by covid-19 quote, "It's hard when I have to decide between lights, food and rent." "My husband and I lost our jobs due to covid-19, we both receive unemployment at the moment,

but it hasn't been enough.” “In March, 2020, the landlord increased rent 10 percent. I've been unable to work due to covid since that time.”

Housing affordability is an urgent concern for city of Poughkeepsie residents.

Inclusionary zoning policies like the Poughkeepsie Ethics Act have helped preserve housing affordability in other municipalities, including here in Dutchess County.

They are one of many tools cities can use to ensure that all residents can afford to live and stay in Poughkeepsie. Hudson River housing is encouraged that the council members are discussing and considering this policy, we hope the city will continue to explore and prioritize other tools and policies to stabilize the housing market and preserve affordability in the long term. We remain available as a resource to discuss these tools with any council member or member of the public.

4. **Jeff Kosmacher**- I live at 51 Fountain Place and I use he/him pronouns. And I just want to briefly say that the Ethics Act is important to me as a city resident, because I feel like much of the pressure on rents in the city is being driven by investors in the city of Poughkeepsie real estate, who in large part don't have a great deal of interest in the larger welfare of the city. And I think it's completely appropriate that we create measures like the Ethics Act to enable development to occur in the city that does serve our local economy, but also serves the broader interests of our community. And I think lacking something like the Ethics Act, we are left with being at the discretion of real estate developers and investors. And to the extent that we are witnessing more of these folks taking interest in Poughkeepsie real estate who are coming from outside of our city, let alone outside of our region, I think it's all the more crucial that we have the city government take an active hand in sorting out the needs of affordability alongside of the needs of bringing new development and new economic investment in the city of Poughkeepsie.

5. Laurie Sandow – S. Grand Ave:

Laurie Sandow comments at CC public hearing, March 1, 2021 — "Poughkeepsie Emergency Tenant Housing and Inclusionary Construction Strategy (ETHICS) Act of 2020" — Pg. 1 of 3

Tonight's public hearing has allegedly been convened to discuss the "Poughkeepsie Emergency Tenant Housing and Inclusionary Construction Strategy (ETHICS) Act of 2020". In reality, this proposed law is lipstick on the pig of the Council's exclusionary zoning. More than anything, tonight's public hearing 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.

In a typical display of contempt for the public at this hearing, the Common Council has not even bothered to update the text and content of the documentation they posted to the public, which document still refers to dates that are already past in the years 2020 and 2021.

But as a far greater demonstration of contempt, this so-called ETHICS Act is introduced by the very councilmember who—prior to running for office—repeatedly supported and endorsed creation of the City's exclusionary Innovation District, one of the most gentrifying and exclusive rezoning carve-outs to take place in the City of Poughkeepsie during the last three years.

I'm sure that Evan Menist will be forever grateful for the technical malfunctions on the night of the Innovation District Council meeting and public hearing where he made his endorsements. Those malfunctions have deprived the public of a permanent webcast archive of his statements. If only those comments were preserved on tape, the public would have a birds-eye view into tonight's proposal as a meaningless, cover-your-rear-end piece of legislation, rather than a resolution bearing even passing resemblance to anything that might be described as ethical.

Laurie Sandow comments at CC public hearing, March 1, 2021 — "Poughkeepsie Emergency Tenant Housing and Inclusionary Construction Strategy (ETHICS) Act of 2020" — Pg. 2 of 3

Perhaps Councilmember Menist, City Planner Natalie Quinn, or any other councilmember will recite all the multi-family developments already underway in the City of Poughkeepsie, on which this piece of legislation, if passed, will have absolutely no bearing. — I doubt it.

Perhaps Menist or Quinn or any other councilmember will list all possible other multi-family developments currently on the drawing table, but not yet in the pipeline, on which this legislation might possibly have an effect. — Again, I doubt it.

Perhaps Menist or Quinn or any other councilmember will disclose all the loopholes that will render this legislation nothing beyond virtue signaling, entirely meaningless and ineffective. I doubt it. Why would they, when this proposed legislation is being used to shine reputations and pad resumé's, as opposed to actually serving and protecting City residents.

Though a waste of time in the big picture, it's also worthwhile to review extracts from comments I made at the Innovation District public hearing of February 11, 2019.

Way back then, I said:

"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,...

"Regarding tonight's vote on the Innovation District, I am unalterably opposed to the Ordinance as written—that is, if I actually knew what was written, because the final language of the Ordinance was not posted to the City's website or the Special Meeting notice. Once again, as is the City's habit, the public is deprived of the opportunity to comment knowledgeably because necessary documents have been withheld from them....

Laurie Sandow comments at CC public hearing, March 1, 2021 — "Poughkeepsie Emergency Tenant Housing and Inclusionary Construction Strategy (ETHICS) Act of 2020" — Pg. 3 of 3

"While [the Ordinance discussed and approved by this Council in early 2019] pretended to represent 'best practices,' it created a District that did not include ANY guarantees for affordable commercial space, for affordable housing, for continuing open space, for community space, or for parkland. In fact, it codified the exact opposite...."

Not one bit of affordable housing was codified in the Innovation District ordinance. Not one bit of affordable housing was protected or retained. Not open space, nor community space, nor parkland.

And as we see now, those Council goose eggs have come home to roost—for example, at Luckey Platt, purchased by Baxter in partnership with certain anonymous investors—among them individuals associated with MASS Design.

The property owners on Main Street, in this so-called Innovation District are largely absentee landlords. They are the very ones who've kept downtown blighted and their properties vacant for the past many years. A change in the area's name won't change the stripes of these owners, nor will it cause them to straighten up and fly right. In fact, it will do the opposite, delivering benefits in exchange for the harm they've been doing.

The councilmembers who voted in favor of the Innovation District Ordinance were willing partners in that. And no amount of smoke-and-mirrors, falsely-flagged, falsely-named "ETHICS" Act legislation will ever change that or repair and remedy the damage caused.

6. **Doug Nobiletti** - I am a property owner on Main Street and have a private residence here in the city, Poughkeepsie as well. And, you know, it's tough to follow that criticism that scathing criticism, Laurie.

I own 328 and 330 Main Street -328 since 2001, 330 since 2009 and purchased during the

depths of the financial crisis. And we have an affordable unit in there.

Our lender, Community Preservation Corp., didn't want us to go too heavy because it does create an imbalance in the books. And that's one of the issues we do rent at market rate, or actually, I might correct that to below market rate. Our market rate standard is somewhat lower than the standard that most other units are at. And we have one affordable unit which is subject to all the rules and regulations that the state imposes.

Unfortunately, none of this can be rectified when our insurance goes up. My real estate tax is triple and our utilities climb nonstop. The reason that people own properties is because they operate like a business, want to do some public service, but also if that's your chosen line of business, you have every right to have a return on the investment.

And when you have multiple millions of dollars out there investing in real estate in the city and there's little to no return and the return weatherizing gets smaller, it's harder and harder to justify. Now, I assume that a lot of the new development that's coming in is using tax credits. I was unable to. I was at that period when the Empire Zone was cancelled by Governor Paterson. I lost all my tax credits and my governor nearly put me into bankruptcy. It took me almost a year to be able to refinance because KeyBank pulled the plug. It wasn't easy. And I have given over 330 Main Street as 330 gallery, for the past three and a half years, free of charge to Dave Henningsen to run as a community oriented space. In addition, it's been available for community pop ups. It has been used by what was formerly Mill Street Loft that has been used by Barrett Art Center. We've had several pop up gallery exhibits, but one, notably by Marist College and the Dutchess County Arts Council was planning to take the space until that unfortunate day when Officer Rene Knapp had her throat slashed on the corner of Academy and Main. We're trying to bring the city up, not down. And as difficult as it is to accept, you have to have some aspect of an upscale economy in order to provide proper jobs, high paying jobs, which are better than what you're going to find working in a dollar store, sweeping the floor and stocking shelves.

There is there is a balance that has to be met. And I know that that word gentrification gets used quite frequently. But I have to say that it's often misunderstood. When you're trying to improve a community, there are other mechanisms at work besides just putting in a Starbucks and putting it at the store, at the other extreme dollar stores are vicious.

They are predatory. Take a good look. Listen to the NPR report on dollar stores on Planet Money. They'll tell you how they operate. They basically rape a community, putting out the small mom and pop grocery stores. They serve no produce, no quality food. They contribute to the food desert because they primarily provide fast foods and off the shelf goods. No, no fresh nurturing vegetables. So it's a very complex scenario of what it takes to make a thriving community. But I have to say this - I know that there are a lot of units that are in the affordable bracket. I, I have I know others that have. And it's not all hunky dory glory. We have people coming in that do buy properties that might be from outside the area. However, a lot of that has to do with the prior administrations lack of having a land bank and their decisions to just flip properties into the hands of anybody who's willing to take them. And you end up not crafting and creating a community.

You end up with a hodgepodge of non invested non community members as well.

And I just want to stand up for those of us who are community members who do give to this city and are in business to make a profit, to be able to pay our bills and put food on our tables as well.

7. **Michael DiCordova** – 2406 New Hackensack Rd. I am the owner of the up to date building and I'm looking forward to presenting an exciting new proposal for the renovation of that building. And the council signed off to endorse me for a state grant to two months ago, for which I'm very appreciative and want to thank you. I'm very concerned about downtown, I'm going to be making an incredible investment of my family's resources in this building. Other speakers have suggested that landlords are just getting rich "beyond the dreams of avarice", whatever the word is, building property in downtown. And I don't believe that that is the case. It's certainly not going to be the case for me. Even with a \$500,000 grant from New York State, our development requires probably 1.3 million in cash. And so I'm worried about downtown because of the optics of what's going on, what's being built there, and the other speaker has suggested perhaps that Eric Baxter, it's a slam dunk home run. I don't think it could be anything further from the truth. And I think the scary aspect is if his project doesn't succeed, I think there are a lot of pressures on why his project may not get full. That would bode poorly for all of us. There's going to be terrific parking pressure. And as I mentioned to a few members of the council, there is no amenity retail in downtown. There is very few reasons for people to want to live downtown. There's no coffee shop except for Dunkin Donuts. There's no dry cleaner.

There aren't supportive services, and we need people with money in their pockets, not rich people who don't work for a living. And there's a lovely brewery in Cannon and there's a coffee shop there, quite small. There's a lovely pizzeria, we have to grow these things and if you don't have a multitude of them, you won't attract people. I'm very, very worried about the Wallace campus. Why do I mention them, I mention this because I'm in the unenviable position of trying to attract retailers to the first floor of my building, as every landlord is. And right now, there are none who will come to Poughkeepsie. And it's a struggle. Where are my clients going to park? What is that over there? I don't even want to mention what's on the ground over there that they're pointing out. It is terrible. And so, what I find interesting about the prior speaker was that she blamed the innovation district for, I don't know, Eric Baxter buying the lucky plat building. In my view, the innovation district is responsible for the Wallace campus that eliminated the requirement for parking and it incentivized high rents for low and moderate income. And what did you get? Well, I don't know what the council expected to get, but you got was a proposal to tear down three buildings. And combined with the Hudson River housing, can county project eliminate 140 really important parking spaces.

So we've added with a proposal for the Wallace building 220 apartments. Ken Carney. Seventy five more parking and lucky lot more parking at 316 Main Street, which is 80 units. More parking for my building. Retailers aren't going to come with respect to the affordability component. I, I respectfully oppose this with all genuine sincerity. I don't know why one would force a mandate on a developer when every development.

on Main Street and in the corridor has used affordability provided by New York State, every one. Sullivan, Academy Street, Baxter, Baxter Bertman of Health, Baxter 316 is going to use them. Certainly Ken Carney used low income housing tax credits, because the whole thing is low income housing, Wallace plans to do the same thing and I, too, have used an affordability component because contrary to what the prior speaker spoke of, you have to use them.

Otherwise you will make no money whatsoever. And so the optics of this for me are we are forcing low income and that will, in my view, reinforce a perception that Poughkeepsie is all about providing housing for institutional rehabilitative people in Wallace, the supportive housing program is.

It's very severe in the type of people that would be living there, who need a lot of supportive services, and in my view, that type of development will drive down the entire building to that level, at least common denominator.

And it will do the same thing for the neighborhood. But I don't know why legislation would be created for something that's already working. And in my view, inclusionary zoning works for neighborhoods where the market has been established. Inclusionary zoning will harm it quickly. And as a consequence, I think we need to establish the market and then bring in an inclusionary component.

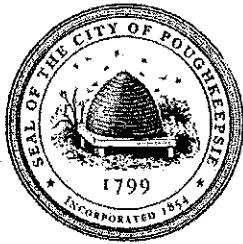
At 6:05 PM the Public Hearing was adjourned.

Dated: March 8, 2021

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

Respectfully submitted,

**Donna M. DeLuca
Acting City Chamberlain**



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			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	☒	☐	☐	☐

CCM Minutes of 02-16-2021						
☒ 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	☒	☐	☐	☐

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?

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

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

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

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:

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

- (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

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

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	☒	☐	☐	☐

- 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:

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	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;

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

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						
			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	☒	☐	☐	☐

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"						
			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	☐	☒	☐	☐

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 successor agreement for the period January 1, 2021 to December 31, 2024, containing the financial terms

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

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						
			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	☐	☐	☒	☐

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:

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

- 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	☐ Yes/Aye	☒ No/Nay	☐ Abstain	☐ Absent
	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.

**RESOLUTION
(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

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.

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

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