



COMMON COUNCIL MEETING

Common Council Chambers

Monday, May 17, 2021

6:30 p.m.

I. ROLL CALL:

II. REVIEW OF MINUTES:

Public Hearing Meeting May 3, 2021

Common Council Meeting May 3, 2021

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

IV. PUBLIC PARTICIPATION:

V. CHAIRPERSON'S COMMENTS AND PRESENTATIONS:

VI. REPORTS OF COMMITTEES AND BOARDS:

- 1. SOUTHERN WATERFRONT REDEVELOPMENT TASK FORCE CO-CHAIR, COUNCILMEMBER BRANNEN**

VII. MOTIONS AND RESOLUTIONS:

- 1. Resolution R-21-41, a Resolution transferring former YMCA to Dutchess County for design and construction of a new community and youth center.**

VIII. ORDINANCES AND LOCAL LAWS:

IX. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

- 1. A COMMUNICATION FROM CITY ADMINISTRATOR NELSON, authorizing Sale of City Owned Property at: Spruce Street Vacant Lot #6062-60-924470**
- 2. A COMMUNICATION FROM CITY ADMINISTRATOR NELSON, authorizing Sale of City Owned Property at: 375 Church Street Vacant Lot: 6161-24-430899**
- 3. A COMMUNICATION FROM CITY ADMINISTRATOR NELSON, on the introduction of a Local Law restricting Off-Road Vehicles.**
- 4. FROM JOHNATHAN PAGAN, a notice of personal injury sustained on February 6, 2021.**

5. FROM TAMARA FAULBLAS, a notice of personal injury sustained on March 16, 2021.

6. FROM TACO GOL RESTAURANT CORP., a 30 day notice of intent to apply for its liquor license.

1. UNFINISHED BUSINESS:

2. NEW BUSINESS:

3. ADJOURNMENT:

R-E-S-O-L-U-T-I-O-N
(R-21-41)

INTRODUCED BY COUNCILMEMBER MENIST

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 among City residents that a multi-purpose, state-of-the-art

community center and facility be constructed which would have the following primary uses: adult and youth education, youth activity center, arts, wellness, recreation, child care services, early learning, and indoor swimming pool, which are vital to many Poughkeepsie families. The intent of the project will be to create a facility that adequately accommodates these multiple uses, 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” which is attached hereto, 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 this 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; (b) that the current prevailing community need for the property is development of a multi-purpose community facility as described herein and which benefits from the partnership with Dutchess County, and (c) 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 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 that the new facility and any related equipment, operation, or activities will be limited to the parcel located at 35 Montgomery Street and will not encroach upon adjacent or nearby parcels or parkland, and be it further

RESOLVED, that by Resolution R-2147____, 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 and community center described herein; 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, the Common Council of the City of Poughkeepsie, the County, and the Dutchess County Legislature and who shall have input on operation, direction, and design of the youth and community center, before and after its construction, and with regard to 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 and community 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 and community 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. Additionally, the County assumes responsibility for operating the property consistent with the outlined objectives of this project, and shall ensure its good maintenance and financial stability after construction. If the property falls into disrepair or financial insolvency, then the same procedure related to notice of defect, opportunity to cure, and repurchase outlined herein shall apply.

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.

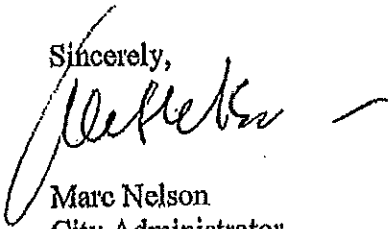
Upon the City vesting ownership in itself, the delinquent taxes are extinguished by operation of law and will no longer remain an impediment to the successful redevelopment of the parcel. The City plans, in the near future, to release a "Request for Expressions of Interest", also known as an "RFEI", 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 Rollison, Mayor

Paul Calagorakis, Economic Development Director

Paul Hesse, Community Development Coordinator

Ron Hicks, Director, Dutchess County Economic Development

Natalie Quinn, Planning Director (City)

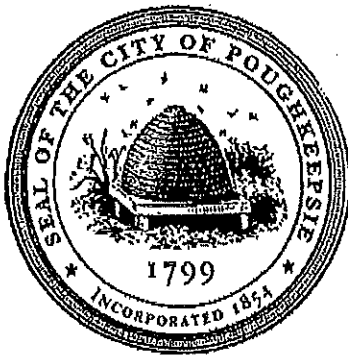
All City Boards and Commissions

Anti-Blight Task Force Members

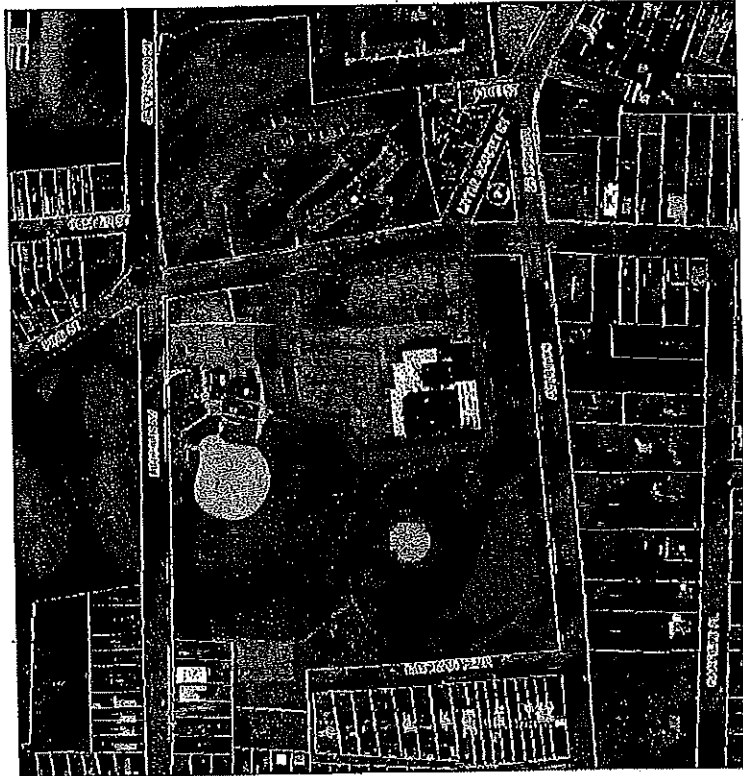
Exhibit B

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 Adirondack 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.

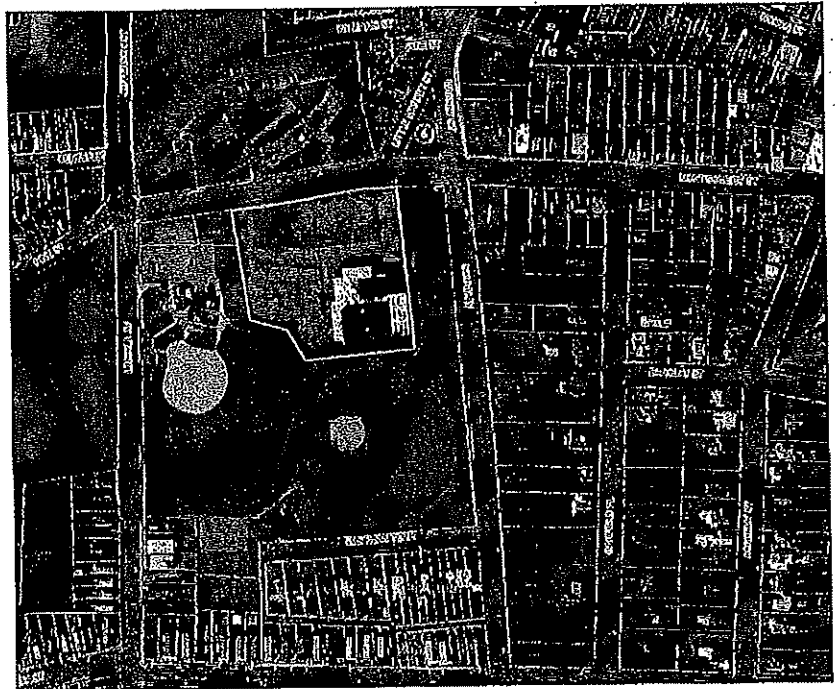


Figure 1: 35 Montgomery Street, including the former Dutchess YMCA

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, Adriaance 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 Mont-

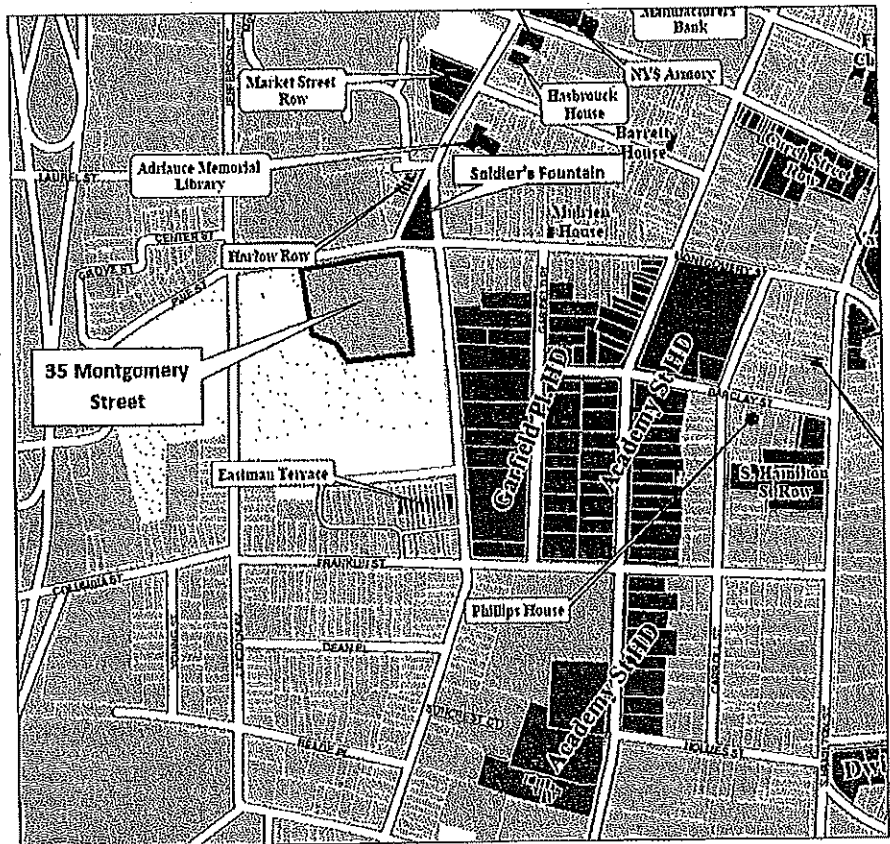


Figure 2: Map of historic sites within proximity to 35 Montgomery Street

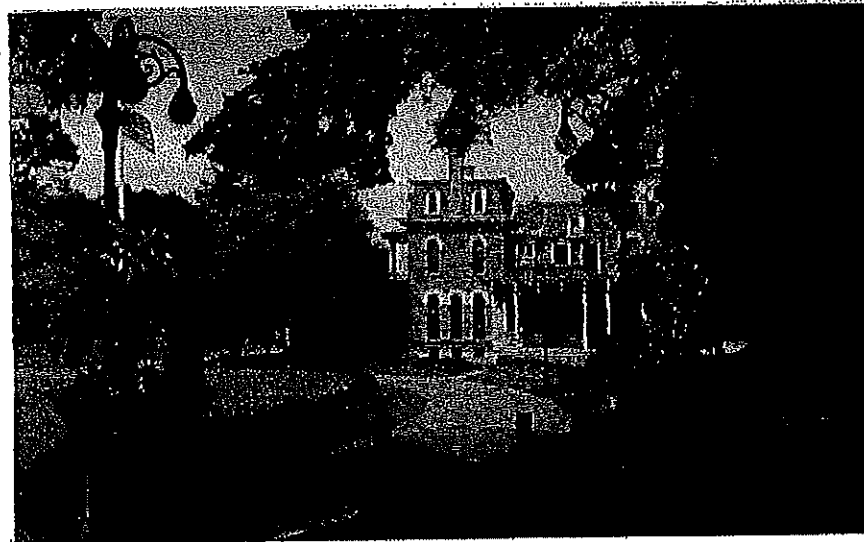


Figure 3: Eastman's mansion, at the corner of Montgomery and South Streets

gomery 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

assistance 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

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 Poughkeepsle 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

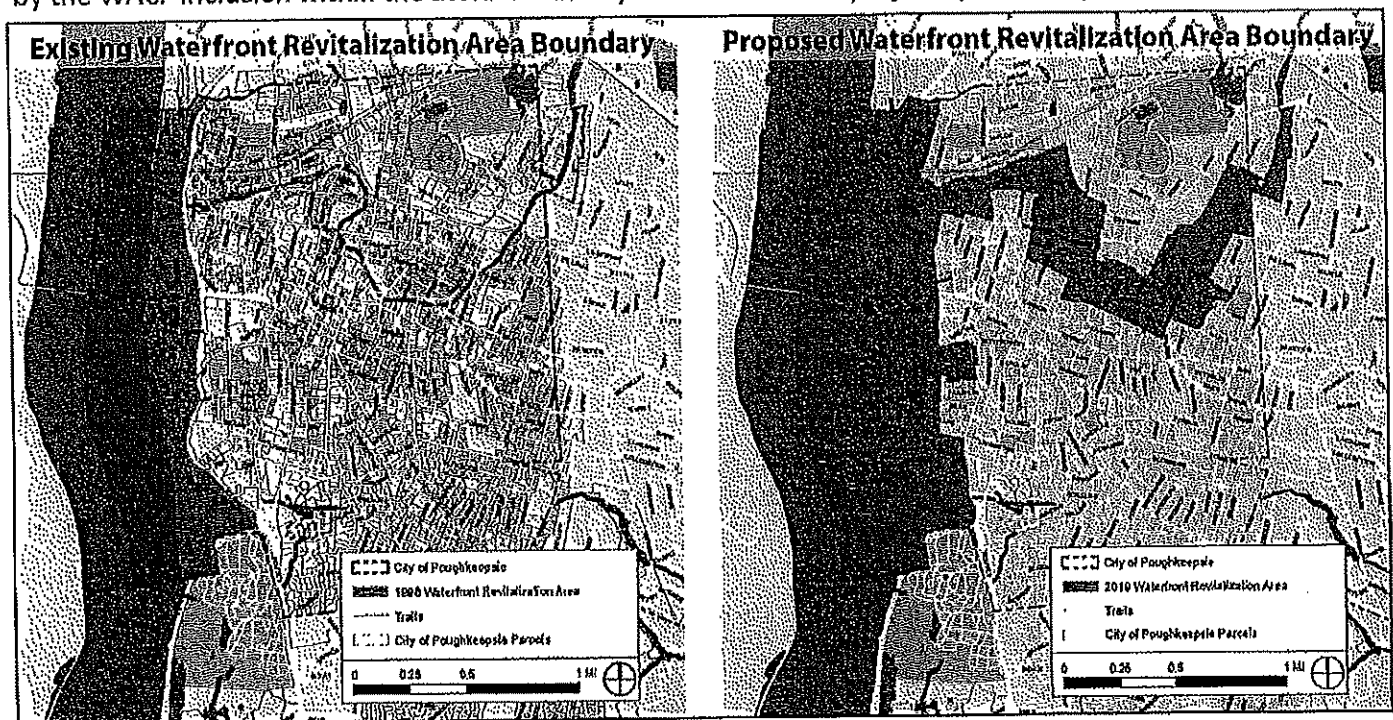


Figure 4: Existing and proposed LWRP boundary

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)(l)].

(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,

UNDER 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 stone wall on the southerly line of Montgomery Street, which point is distant South 7°-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 stone wall on the westerly line of Market Street or South Avenue (1) Thence South 7°-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 02°-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 $83^{\circ}-13'-00''$ 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 95.14 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 249.55 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 located in the southerly curb of Montgomery Street,
- (6) Thence South $86^{\circ}-49'-30''$ East 22.54 feet along the southerly line of Montgomery Street to the northwesterly corner of lands of Floyd B. and Mary Hynds, (No. 21 Montgomery Street),
- (7) Thence South $4^{\circ}-43'-00''$ West 104.50 feet along the westerly line of lands of said Hynds, passing through an end fence post at 2.16 feet and along a woven wire fence for 83.71 feet, to and 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 $86^{\circ}-56'-30''$ East 55.88 feet to a point in the fence line atop a low retaining wall, which point is distant westerly 0.33 feet from the northwesterly brick corner of a building housing the Board of Public Works,
- (13) Thence North $20^{\circ}-31'-10''$ 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 located 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

LIVER 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 DUTCHESS) S.S.

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		SUPPLEMENTAL INSTRUMENT	
CURT \$1.00	RD.	7037	
PAGE 6.00	TRD. BK.	6	
REV.	STAMP	7.00	

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

R & R Summary, Butler, W. H.
25 Market St.

DUTCHESS COUNTY CLERK'S OFFICE
RECEIVED ON THE 21 DAY OF Nov 1966
AT 1 M 12 P M. RECORDED IN
BOOK No. 111 OF 111
AT PAGE 293 AND EXAMINED

Joseph H. Heston CLERK

BUILT IN
COUNTY CLERK'S
OFFICE
NOV 28 1 59 PM '66

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 programming 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

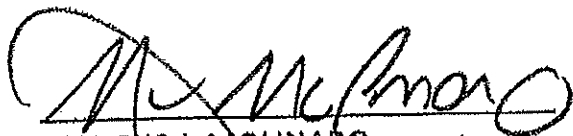
materially, adversely affect the transaction contemplated hereby, or which in any way would adversely affect the validity of this MOU and any subsequent agreement.

(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

The City of Poughkeepsie

New York

Property Acquisition &
Disposition Committee

Eric Phillip
John Taylor
Erian Buckley-Falcon
Marc S. Nelson
Nancy L. B. Griffin



MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: PROPERTY ACQUISITION & DISPOSITION COMMITTEE
SUBJECT: Sale of City-Owned Vacant lot at Spruce Street (corner of Talmadge)
DATE: May 3, 2021 (for Communication at meeting of May 17, 2021)

The Property Acquisition & Disposition Committee (PAD) recommends the sale of a City owned parcel located at the corner of Spruce Street and Talmadge Street (parcel number 6062-60-924470) under the terms and conditions below:

Spruce Street Vacant Lot to Rejuvenate Properties 2, LLC (Brian Tietje) Purchase Price \$1,500.

The proposed purchaser owns both 69 Spruce and 125 Talmadge, which border this lot. He does not plan on doing anything with the lot, but the City will require as part of the transaction that he merge it into one or the other. Mr. Tietje has successfully renovated a number of properties in the city and has a fairly lengthy track record of successfully completing projects he begins. Combining this vacant parcel with one of the adjacent properties and placing it back on the active tax rolls is in the best interests of the city.

Thank you.





Parcel Lines
Internet
5/5/2020

Created by:
Parcel Lines

0 5 10

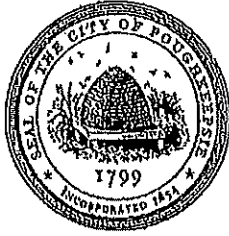


Parcel Lines
Dutchess County, NY
Poughkeepsie, NY

The City of Poughkeepsie

New York

John Taylor
Assessor



62 Civic Center Plaza
Poughkeepsie, N. Y. 12601

845-451-4039
Fax: 845-451-4181

October 20, 2020

Re: Spruce Street
Fka 71 Spruce St
6062-60-924470

Mr. Marc Nelson
City Administrator
City of Poughkeepsie

Mr. Nelson,

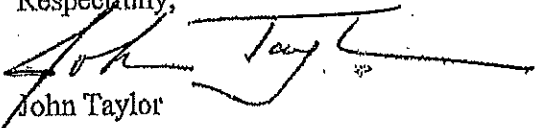
Pursuant to your request, I have been asked to estimate an opinion of market value for the above captioned subject properties for the purpose of marketing. The value reported on the property is qualified by certain assumptions, limiting conditions and definitions. The Valuation was prepared for Mr Marc Nelson, City Administrator and is intended for his specified use.

The property is located at Spruce Street, City of Poughkeepsie and consists of a vacant residential parcel (NYS Class 311) totaling 0.02 acres in a R-4 zone. A physical field inspection has been made of the property. Additionally, it must be understood that no plans or survey have been reviewed, there are no known deed restrictions, zoning restrictions or other legal restrictions that would have an adverse effect on the establishment of market value.

To establish an opinion of market value, a Sales Approach was utilized based on sales of similar properties, within the subject general market area. In this approach, value is based on the transfer of properties considered to be similar in use and condition. Due to the lack of recent sales within the subject immediate neighborhood, it was necessary to expand the search and utilize property with similar functional utility. Any and all data, reasoning and/or analysis used to develop the opinion of value has been retained and any depth of discussion is specific to the needs of the intended user and the intended use.

After careful consideration, I have concluded an estimated Market Value of the subject property, to be \$2,500.

Respectfully,


John Taylor
Assessor

City of Poughkeepsie

**RESOLUTION
(R-21-XX)**

INTRODUCED BY COUNCILMEMBER PETSAS:

WHEREAS, the City of Poughkeepsie has previously taken title to a lot improved with an accessory structure known as Unnumbered Spruce Street (Tax Map No: 6062-60-924470), in the City of Poughkeepsie by reason of unpaid taxes; and

WHEREAS, the property is a unused vacant lot owned by the city that is therefore not currently on the active tax rolls; and

WHEREAS, the City's Property Acquisition and Disposition Committee has secured an agreement to purchase from the owner of the adjoining properties on either side of this vacant lot; and

WHEREAS, the proposed purchaser has agreed as a condition of sale, to merge this vacant lot into to parcel commonly known as 125 Talmadge Street, which is on the corner of Talmadge and Spruce Streets; and

WHEREAS, an offer has been received from Rejuvenate Properties 2, LLC to purchase these properties for the sum of \$1,500.00; and

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

WHEREAS, the Common Council hereby finds that the offer from Rejuvenate Properties 2, LLC is in the best interests of the City of Poughkeepsie; and

NOW, THEREFORE,

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

RESOLVED, that the offer from Rejuvenate Properties 2, LLC, to purchase premises known as unnumbered Spruce Street (6062-60-924470), in the City of Poughkeepsie for the sum of \$1,500.00 is hereby approved subject to the hereinafter mentioned conditions and subject to such other and further conditions which the Corporation Counsel shall deem appropriate; and be it further

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

- A. That the Purchaser shall within thirty (30) days of the date of this resolution, take title to such property.
- B. The transfer of title and Purchaser's use of the Property shall be subject to all state, federal and local regulations including the City of Poughkeepsie and New York State Building Codes and the City of Poughkeepsie Zoning Ordinance and real property taxes coming due pursuant to law on and after the date of transfer of title;
- C. Purchaser shall merge the property with the adjacent property it currently owns located 125 Talmadge Street.
- E. Purchaser agrees that he shall not use the agreed upon purchase price as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation; and
- F. Prior to the closing of title, Purchaser shall apply for and obtain the approval from the Planning Board and/or the Zoning Board of Appeals of any site plan approval or zoning variances required by law; and

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

SECONDED BY COUNCILMEMBER _____.

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA) RESOLUTION REGARDING A SALE OF
CERTAIN CITY OWNED PROPERTIES
(R21-XX)**

INTRODUCED BY COUNCILMEMBER PETSAS :

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of city owned property located at no number Spruce Street and identified as Tax Map No: 6062-60-924470; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

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

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

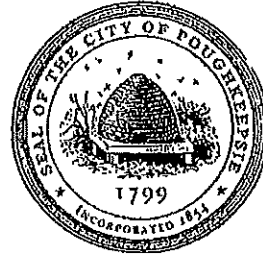
SECONDED BY COUNCILMEMBER _____.

The City of Poughkeepsie

New York

Property Acquisition &
Disposition Committee

Eric Phillip
John Taylor
Erian Buckley-Falcon
Marc S. Nelson
Nancy L. B. Griffin



MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: PROPERTY ACQUISITION & DISPOSITION COMMITTEE
SUBJECT: Sale of City-Owned Vacant lot at 375 Church Street
DATE: May 3, 2021 (for communication at meeting of May 17, 2021)

The Property Acquisition & Disposition Committee (PAD) recommends the sale of a City owned parcel located at 375 Church Street (parcel number 6061-24-430899) under the terms and conditions below:

375 Church Street Vacant Lot to Zafnulla Baksh: Purchase Price \$10,000.

The proposed purchaser plans a community garden at the location.

All necessary permits and/or certificates of compliance must be issued within one year.

Thank you.

66 Spruce St

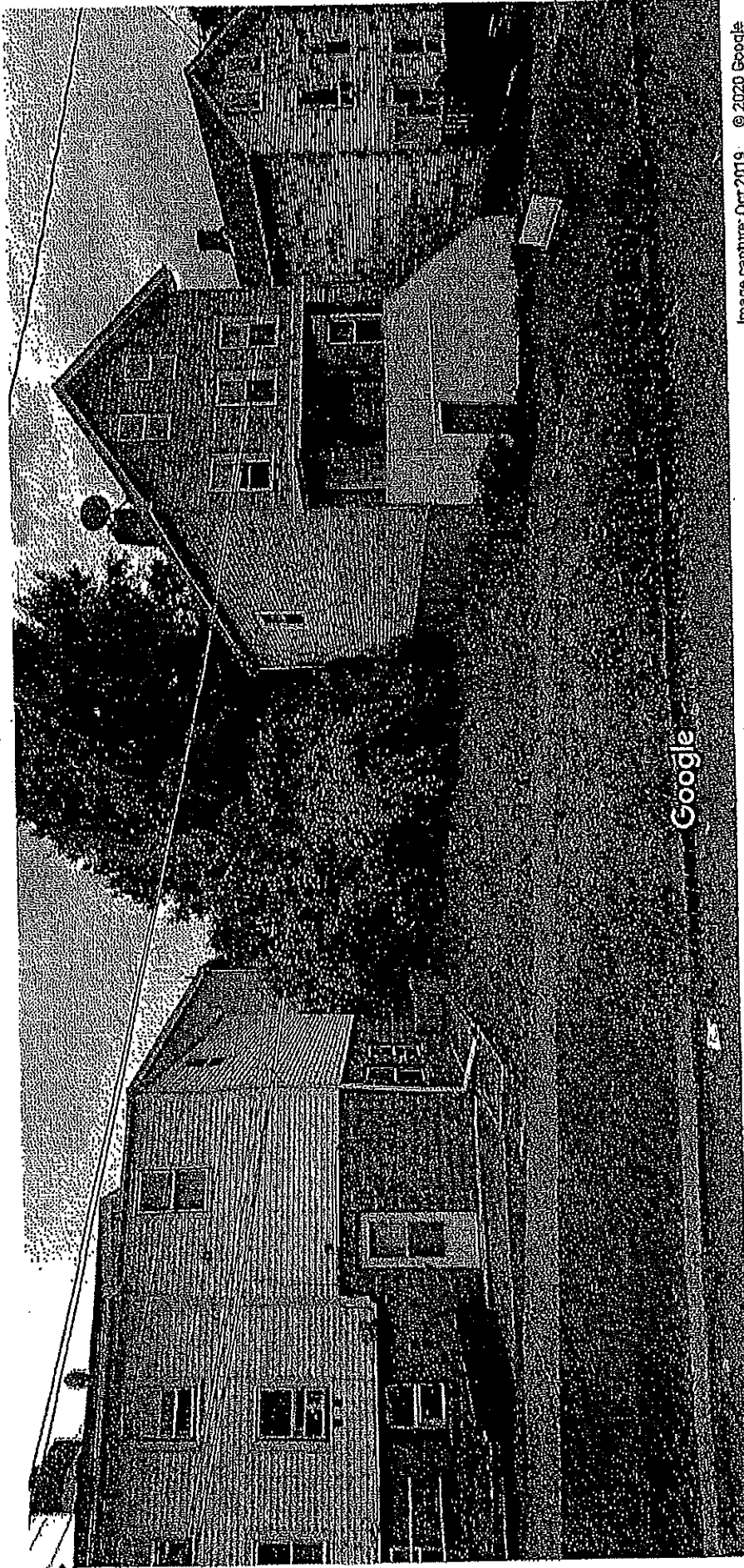
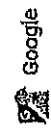


Image capture: Oct 2019 © 2020 Google

Poughkeepsie, New York



Street View



The City of Poughkeepsie

New York

John Taylor
Assessor



62 Civic Center Plaza
Poughkeepsie, N. Y. 12601

845-451-4039
Fax: 845-451-4181

October 20, 2020

Re: 375 Church Street
6161-24-430899

Mr. Marc Nelson
City Administrator
City of Poughkeepsie

Mr. Nelson,

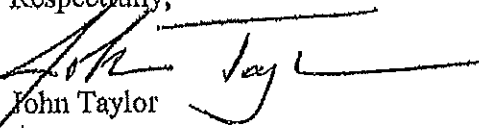
Pursuant to your request, I have been asked to estimate an opinion of market value for the above captioned subject properties for the purpose of marketing. The value reported on the property is qualified by certain assumptions, limiting conditions and definitions. The Valuation was prepared for Mr Marc Nelson, City Administrator and is intended for his specified use.

The property is located at 375 Church Street, City of Poughkeepsie and consists of a vacant residential parcel (NYS Class 311) totaling 0.09 acres in a R-2A zone. A physical field inspection has been made of the property. Additionally, it must be understood that no plans or survey have been reviewed, there are no known deed restrictions, zoning restrictions or other legal restrictions that would have an adverse effect on the establishment of market value.

To establish an opinion of market value, a Sales Approach was utilized based on sales of similar properties, within the subject general market area. In this approach, value is based on the transfer of properties considered to be similar in use and condition. Due to the lack of recent sales within the subject immediate neighborhood, it was necessary to expand the search and utilize property with similar functional utility. Any and all data, reasoning and/or analysis used to develop the opinion of value has been retained and any depth of discussion is specific to the needs of the intended user and the intended use.

After careful consideration, I have concluded an estimated Market Value of the subject property, to be \$9,000.

Respectfully,


John Taylor
Assessor
City of Poughkeepsie

**RESOLUTION
(R-21-XX)**

INTRODUCED BY COUNCILMEMBER CHERRY:

WHEREAS, the City of Poughkeepsie has previously taken title to a vacant lot known as 375 Church Street (Tax Map No: 6161-24-430899), in the City of Poughkeepsie by reason of a Treasurer's Deed; and

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

WHEREAS, an offer has been received from Zafrulla Baksh to purchase these properties for the sum of \$10,000; and

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

WHEREAS, the Common Council hereby finds that the sale of this city-owned property to Zafrulla Baksh is in the best interests of the City of Poughkeepsie; and

NOW, THEREFORE,

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

RESOLVED, that the offer from Zafrulla Baksh to purchase premises known as 375 Church Street (6161-24-430899), in the City of Poughkeepsie for the sum of \$10,000.00 is hereby approved subject to the hereinafter mentioned conditions and subject to such other and further conditions which the Corporation Counsel shall deem appropriate; and be it further

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

- A. That the Purchaser shall within thirty (30) days of the date of this resolution, take title to such property.

- B. Purchaser shall obtain any permits which may be required for the project, which will consist of raised garden boxes, tables with benches, and other items necessary for a community garden, within six (6) months of the closing of title;
- C. Purchaser shall obtain, if required, a valid Certificate of Compliance for the property within one (1) year after the issuance of a building permit;
- D. The transfer of title and Purchaser's use of the Property shall be subject to all state, federal and local regulations including the City of Poughkeepsie and New York State Building Codes and the City of Poughkeepsie Zoning Ordinance and real property taxes coming due pursuant to law on and after the date of transfer of title;
- E. Purchaser agrees that he shall not use the agreed upon purchase price as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation; and

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

SECONDED BY COUNCILMEMBER _____.

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA) RESOLUTION REGARDING A SALE OF
CERTAIN CITY OWNED PROPERTIES
(R21-XX)**

INTRODUCED BY COUNCILMEMBER CHERRY :

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of city owned property located at 375 Church Street and identified as Tax Map No: 6161-24-430899; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

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

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

SECONDED BY COUNCILMEMBER: _____ .

**IN THE MATTER OF THE CLAIM OF
JONATHAN PAGAN,**

Claimant,

-against-

**THE CITY OF POUGHKEEPSIE and
THE POUGHKEEPSIE POLICE
DEPARTMENT**

Defendants.

NOTICE OF CLAIM

CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN
2021 MAY -7 PM 2:17

PLEASE TAKE NOTICE that Claimant, JONATHAN PAGAN, (hereinafter "Pagan" or "Claimant") makes this claim against the City of Poughkeepsie and the Poughkeepsie Police Department, as follows:

NAME, ADDRESS, AND PHONE NUMBER OF CLAIMANT:

Jonathan Pagan
30 Eastern Parkway
Poughkeepsie, New York 12603
845-505-0906

NAME, ADDRESS, AND PHONE NUMBER OF COUNSEL:

Robert Rickner
14 Wall Street, Ste 1603
New York, New York 10005
212-300-6506

Note: Attorney is retained for the limited purpose of filing this Notice. Please contact the Claimant for future communications related to this claim.

NATURE OF THE CLAIM:

Upon information and belief, Claimant makes a claim for, inter alia: false imprisonment; false arrest; excessive detention; assault; battery; trespass on the person; trespass to chattels; conversion; willful destruction of property; abuse of process; negligent infliction of emotional

distress; negligence; negligent hiring, screening, retention, supervision, and/or training; violation(s) of Claimant's rights pursuant to the Constitution of the State of New York, including, but not limited to, Article I, Sections 6 (due process and right to counsel), 8 (freedom of speech and press), 9 (right to assemble and petition), 11 (equal protection), and/or 12 (unlawful search and seizure) thereof; and/or violation(s) of the New York State Human Rights Law; violation(s) of the New York City Human Rights Law.

Claimant makes this claim against the City of Poughkeepsie based a respondeat superior theory of liability, as well as against the individual Poughkeepsie PD members who were involved in violating, and who failed to intervene to prevent the violations of, Claimant's rights.

TIME, PLACE, AND MANNER IN WHICH THE CLAIM AROSE:

This claim on February 6, 2021 at approximately 7:55 p.m. at or around 2273 South Road, Poughkeepsie, New York, when Officer Weronika Jezlorski, Badge No. 193, unlawfully searched Claimant's person without probable cause following a routine traffic stop. Claimant, a military veteran, is a lawful gun owner with a license to carry his firearm. Officer Jezlorski ordered Claimant out of his vehicle after he disclosed that he was in lawful possession of his registered firearm, had him turn facing the driver's side door and put his hands in the air, searched his person, seized the firearm, and emptied it. A second officer approached and started to ask Claimant to put his hands behind his back without any further inquiry, until Officer Jezlorski informed the second officer that Claimant had a license to carry. Claimant protested this procedure and requested a superior officer come to the scene.

THE DAMAGES SUSTAINED BY CLAIMANT:

As described above, Claimant sustained injuries to his physical and emotional well-being, as well as violations of his constitutional, common law, and statutory rights. Claimant alleges the

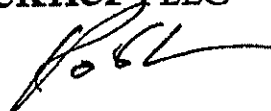
following damages, among others: Compensatory damages for past and/or future emotional and physical pain and suffering; compensatory damages for unlawful physical restraint and detainment; compensatory damages for violation(s) of Claimant's constitutional rights; compensatory damages for other economic damages; diverse general and special damages; and punitive damages, all in amounts to be determined by a jury.

Claimant also demands that the City of Poughkeepsie, the Poughkeepsie Police Department, and their employees, agents, and representatives take immediate steps to preserve all documents, electronically stored information (including but not limited to all video footage and audio recordings relevant to the claim, and all metadata associated therewith), and tangible things relevant to the claims or defenses relating to this matter. Claimant's demand that the City of Poughkeepsie, the Poughkeepsie Police Department, and their employees, agents, and representatives preserve evidence or materials extends to all documents, electronically stored information or other tangible things in any form whatsoever, including, without limitation, writings, authorizations, inspections, notes, drafts, plans, drawings, charts, photographs, sound recordings, video recordings, images, emails, instant messages, voicemails, text messages, computer files, flash drives, hard drives, and other data or data compilations stored in any medium from which information can be obtained that are in the City of Poughkeepsie's or the Poughkeepsie Police Department's possession, custody, or control, or in the possession, custody, or control of others under the City's control or authority, including their agents, members, and servants.

Dated: New York, New York
May 5, 2021

Rickner PLLC

By:



Rob Rickner

14 Wall Street, Suite 1603
New York, New York 10005
Phone: (212) 300-6506
Fax: (888) 390-5401
Attorney for Claimant

TO:
City Chamberlin
City Hall – First Floor
62 Civic Center Plaza
Poughkeepsie, NY 12601

ATTORNEY'S VERIFICATION

I, Rob Rickner, an attorney duly admitted to practice before the Courts of the State of New York, affirm the following to be true under the penalties of perjury:

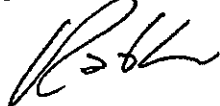
1) I am the attorney for the Claimant for the limited purpose of filing this Notice of Claim.

2) I have read the annexed Verified Claim and know the contents thereof, and the same are true to my knowledge, except those matters therein which are alleged upon information and belief, and as to those matters, I believe them to be true. My beliefs, as to those matters therein not stated upon knowledge, are based upon facts, records, other pertinent information in my files.

3) This verification is made by me because Plaintiff does not reside in the County where I maintain my offices.

Dated: New York, New York
May 5, 2021

Rickner PLLC

By: 

Rob Rickner

14 Wall Street, Suite 1603
New York, New York 10005
Phone: (212) 300-6506
Fax: (888) 390-5401
Attorney for Claimant



MCCABE COLEMAN
VENTOSA & PATTERSON PLLC
ATTORNEYS AT LAW

Christopher S. Coleman

John J. Ventosa

Steven K. Patterson

Dean McGee

Partner Emeritus
Daniel J. McCabe

Of Counsel
David L. Steinberg

2021 MAY -3 PM 2:57
CITY OF Poughkeepsie
CITY CHAMBERLAIN

April 30, 2021

Via Certified Mail, Return Receipt Requested, Article No.: 7017 2680 0000 6704 9403

CITY OF PoughKEEPSIE - City Chamberlain
Donna DeLuca – Acting City Chamberlain
62 Civic Center Plaza
Poughkeepsie, NY 12601

RE: NOTICE OF CLAIM – TAMARA FAULBLAS
MCVP File No.: 21-00234

Dear City Chamberlain DeLuca,

Enclosed for service upon you please find the Notice of Claim of our client, Tamara Faublas.

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

Thank you for your attention to this matter.

Very truly yours,

MCCABE COLEMAN VENTOSA & PATTERSON PLLC

By: *Kelly McCartney*
Kelly McCartney
Paralegal

Enclosures

PHONE 845.379.2222

WWW.MCCABECOLEMAN.COM

FAX 845.454.5934

42 Catharine Street, Poughkeepsie, NY 12601
7405 South Broadway (Route 9), Red Hook, NY 12571
73 Gleneida Avenue, Carmel NY 10512 (by appointment only)
Please direct all correspondence to Poughkeepsie office | Service by electronic means not authorized

IN THE MATTER OF THE CLAIM OF

-----X
TAMARA FAUBLAS,

Claimant,

-against-

NOTICE OF CLAIM

CITY OF POUGHKEEPSIE,

Respondent.

-----X
TO: CITY OF POUGHKEEPSIE - City Chamberlain

Donna DeLuca – Acting City Chamberlain

62 Civic Center Plaza

Poughkeepsie, NY 12601

Via Certified Mail, Return Receipt Requested, Article No.: 7017 2680 0000 6704 9403

TO: CITY OF POUGHKEEPSIE - Corporation Counsel

City Hall

62 Civic Center Plaza-3rd Floor

Poughkeepsie, NY 12601

Via Certified Mail, Return Receipt Requested, Article No.: 7010 2680 0000 6704 9410

TO: CITY OF POUGHKEEPSIE - Rob Rolison – Mayor

City Hall

62 Civic Center Plaza-3rd Floor

Poughkeepsie, NY 12601

Via Certified Mail, Return Receipt Requested, Article No.: 7017 2680 0000 6704 9526

TO: CITY OF POUGHKEEPSIE - Department of Public Works

Chris Gent - Commissioner of Public Works

62 Civic Center Plaza

Poughkeepsie, NY 12601

Via Certified Mail, Return Receipt Requested, Article No.: 7017 2680 0000 6704 9533

PLEASE TAKE NOTICE that the claimant herein hereby makes claim and demand against CITY OF POUGHKEEPSIE as follows:

- The name and post-office address of the claimant and of her attorney are:**

TAMARA FAUBLAS

Claimant

22 Topaz Run

Poughkeepsie, New York 12603

McCabe Coleman Ventosa & Patterson PLLC
Attorneys for Claimant
42 Catharine Street
Poughkeepsie, New York 12601

2. The nature of the claim is:

Negligence, gross negligence, recklessness; negligent hiring, negligent training, negligent retention; and inadequate security. The claim is for injuries sustained by claimant TAMARA FAUBLAS and all other damages allowed by statute and case law as a result of the wrongful, negligent and careless acts and omissions of CITY OF POUGHKEEPSIE their agents, servants, and employees in failing to maintain the sidewalk in a reasonably safe condition; causing and/or allowing the said sidewalk to be and remain in an unlevel, pitted, cracked and otherwise dangerous condition despite due notice of same; actually creating a dangerous, defective and hazardous condition; failing to place barricades, warnings and/or signs in the subject area; failing to properly and adequately maintain a tree and its roots, thereby causing same to damage the said sidewalk area and create a tripping hazard; in having prior written notice of said dangerous conditions and failing to remedy same; in violating the City of Poughkeepsie Code and in otherwise being careless, reckless and negligent.

3. The time when, the place where, and the manner in which the claims arose are:

The incident complained of occurred on the 16th day of March, 2021 at approximately 3:00 pm.

The location of the complained of incident was the sidewalk along Main Street directly in front of Alex's Restaurant located at 1 Main Street, Poughkeepsie, NY 12601, near the South-East corner of the intersection of Main Street and Market Street. The precise location of the defect is depicted in the following photograph, marked with a red circle:



The claim arose as claimant, TAMARA FAUBLAS was a lawful pedestrian walking on the sidewalk abutting the property known as Alex's Restaurant, Poughkeepsie, New York, she was caused to fall due to dangerous and defective conditions thereat. Said conditions included, but are not limited to a cracked, pitted, broken, grooved, fissured, dangerous portion of the said sidewalk/roadway thereat Claimant was caused to sustain serious and permanent personal injuries as a result.

4. The items of damage or injuries claimed are:

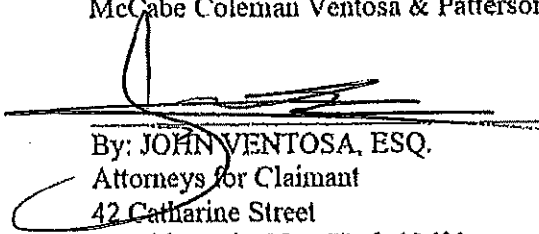
Claimant, TAMARA FAUBLAS, sustained serious and permanent personal injuries, including but not limited to her left knee, requiring surgical repair of a torn meniscus, and right knee, and economic loss as a result of the aforementioned injuries. Plaintiff is presently unaware of the full extent of her injuries as she is still undergoing medical treatment for same.

The claim and demand are hereby presented for adjustment and payment.

PLEASE TAKE FURTHER NOTICE that by reason of the foregoing, default of CITY OF POUGHKEEPSIE to pay to the Claimant her claim within the time limited for compliance with this demand by CITY OF POUGHKEEPSIE by the applicable statutes, claimant intends to commence an action against CITY OF POUGHKEEPSIE to recover her damages with interest and costs.

Dated: Poughkeepsie, New York
April 28, 2021

Yours Etc.,
McCabe Coleman Ventosa & Patterson PLLC



By: JOHN VENTOSA, ESQ.
Attorneys for Claimant
42 Catharine Street
Poughkeepsie, New York 12601
(845) 379-2222

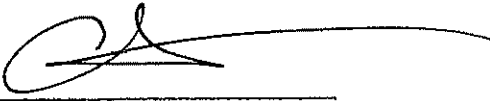
VERIFICATION

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

TAMARA FAUBLAS being duly sworn, deposes and says: That she is the claimant herein; that she has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to the knowledge of deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters she believes to be true.

Tamara Faublas
TAMARA FAUBLAS

Sworn to before me this
29th day of April, 2021.

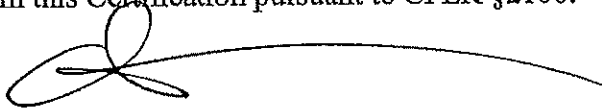

Notary Public

CHRISTOPHER S. COLEMAN
Notary Public, State of New York
No. 02CO4978418
Qualified in Ulster County
Commission Expires March 4, 2023

CERTIFICATION IN CONNECTION WITH DOCUMENT NOTARIZED BY AUDIO-VISUAL MEANS PURSUANT TO NEW YORK STATE EXECUTIVE ORDER 202.7

I, Christopher S. Coleman, Esq., a Notary Public duly sworn and commissioned in the State of New York, under Registration No. 02CO4978418 (expiration March 4, 2023), hereby certify as follows:

1. On April 29, 2021, I observed via audio-video technology TAMARA FAUBLAS ("Signatory") execute the following document(s): Verification of Notice of Claim captioned: TAMARA FAUBLAS v. CITY OF POUGHKEEPSIE.
2. I was presented with the following form(s) of valid photo identification during the audio-video conference: NYS Driver's License (expiration 01-28-2029).
3. The video conference allowed for direct interaction and was not a pre-recorded video of the document(s) being signed.
4. I was situated in the State of New York, Dutchess County while the audio-video conference was taking place.
5. Signatory was situated in the State of New York, Dutchess County while the audio-video conference was taking place.
6. A legible copy (or copies) of the signed document(s) were transmitted to me by fax or electronic means on the date executed.
7. I affirm this Certification pursuant to CPLR §2106.



Christopher S. Coleman, Esq.

Dated: April 29, 2021

ANDREA O'BRIEN
NYS ABC LAW CONSULTING GROUP
LIQUOR LICENSE CONSULTANT
WWW.NYSLIQUOR.ORG
ANDREA@LIQUORAUTHORITY.ORG
914-980-9717

CITY OF Poughkeepsie
CITY CHAMBERLAIN
2021 APR 29 PM 2:09

April 26, 2021

City of Poughkeepsie
Office of the City Clerk
62 Civic Center Plaza
1st Flr
Poughkeepsie, NY 12601

Re: Taco Gol Restaurant Corp
DBA: Taco Gol Restaurant
553 Main ST
Poughkeepsie, NY 12601

Dear City Clerk:

Enclosed herewith is the 30-Day Notice to the Municipality for the above-mentioned Taco Gol Restaurant Corp., part of the NYS Liquor Authority application for a Liquor License.

We respectfully request a waiver of the 30-day wait period so that the applicant can proceed quickly with submitting the change request to the NYSLA.

If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely yours,

Andrea O'Brien

Andrea O'Brien
Liquor License Consultant

Encl.

Standardized NOTICE FORM for Providing 30-Day Advance Notice to a Local Municipality or Community Board

1. Date Notice was Sent: 4/27/2021

1a. Delivered by: Certified MAIL Return Receipt Requested

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License:

- ☒ New Application ☐ Renewal ☐ Alteration ☐ Corporate Change ☐ Removal ☐ Class Change ☐ Method of Operation Change

For New applicants, answer each question below using all information known to date

For Renewal applicants, answer all questions

For Alteration applicants, attach a complete written description and diagrams depicting the proposed alteration(s)

For Corporate Change applicants, attach a list of the current and proposed corporate principals

For Removal applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation

For Class Change applicants, attach a statement detailing your current license type and your proposed license type

For Method of Operation Change applicants, although not required, if you choose to submit, attach an explanation detailing those changes

CITY OF Poughkeepsie
CITY CHAMBERLAIN
2021 APR 29 PM 2:09

This 30-Day Advance Notice is Being Provided to the Clerk of the Following Local Municipality or Community Board:

3. Name of Municipality or Community Board: City of Poughkeepsie

Applicant/Licensee Information:

4. Licensee Serial Number (if applicable): _____ Expiration Date (if applicable): _____

5. Applicant or Licensee Name: Taco Gal Restaurant Corp

6. Trade Name (if any): Taco Gal Restaurant

7. Street Address of Establishment: 553 MAIN ST

8. City, Town or Village: Poughkeepsie, NY Zip Code: 12601

9. Business Telephone Number of Applicant/Licensee: 845 471 9223

10. Business E-mail of Applicant/Licensee: CALM3X@hotmail.com

11. Type(s) of alcohol sold or to be sold: ☐ Beer & Cider ☐ Wine, Beer & Cider ☒ Liquor, Wine, Beer & Cider

12. Extent of Food Service:

- ☒ Full food menu; full kitchen run by a chef or cook ☐ Menu meets legal minimum food availability requirements; food prep area at minimum

13. Type of Establishment: Restaurant (Full Menu)

14. Method of Operation: (check all that apply)

☐ Seasonal Establishment ☐ Juke Box ☐ Disc Jockey ☒ Recorded Music ☐ Karaoke

☐ Live Music (give details i.e., rock bands, acoustic, jazz, etc.): _____

☐ Patron Dancing ☐ Employee Dancing ☐ Exotic Dancing ☐ Topless Entertainment

☐ Video/Arcade Games ☐ Third Party Promoters ☐ Security Personnel

☐ Other (specify): _____

15. Licensed Outdoor Area: (check all that apply)

☒ None ☐ Patio or Deck ☐ Rooftop ☒ Garden/Grounds ☐ Freestanding Covered Structure

☐ Sidewalk Cafe ☐ Other (specify): _____

OFFICE USE ONLY		
☐ Original	☐ Amended	Date _____

16. List the floor(s) of the building that the establishment is located on: Ground level & Basement

17. List the room number(s) the establishment is located in within the building, if appropriate: N/A

18. Is the premises located within 500 feet of three or more on-premises liquor establishments? ☒ Yes ☐ No

19. Will the license holder or a manager be physically present within the establishment during all hours of operation? ☒ Yes ☐ No

20. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee:

_____	_____
Name	Serial Number

21. Does the applicant or licensee own the building in which the establishment is located? ☒ Yes (if YES, SKIP 23-26) ☐ No

Owner of the Building in Which the Licensed Establishment is Located

22. Building Owner's Full Name: Main White Apartments LLC

23. Building Owner's Street Address: 1397 Second Ave Suite 170

24. City, Town or Village: NY State: NY Zip Code: 10021

25. Business Telephone Number of Building Owner: 917-453-9948

Representative or Attorney Representing the Applicant in Connection with the Application for a License to Traffic in Alcohol at the Establishment Identified in this Notice

26. Representative/Attorney's Full Name: Andrea O'Brien

27. Representative/Attorney's Street Address: 6 Mathes Ct.

28. City, Town or Village: Lake Peekskill State: NY Zip Code: 10537

29. Business Telephone Number of Representative/Attorney: 914-980-9717

30. Business E-mail Address of Representative/Attorney: Andrea@liquorauthority.org

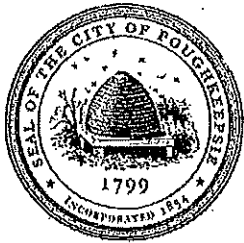
I am the applicant or licensee holder or a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under Penalty of Perjury - that the representations made in this form are true.

31. Printed Principal Name: Roberta Flores Title: President

Principal Signature: Roberta Flores

Official Minutes of the Public Hearing of May 3, 2021 Public Hearing regarding the proposed nomination of 112 Mill Street as a Local Historic Landmark



THE CITY OF POUGHKEEPSIE
NEW YORK

PUBLIC HEARING

Monday, May 3, 2021 5:30 p.m.

City Hall / Zoom

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 May 3, 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 PURPOSE OF RECEIVING COMMENTS ON THE PROPOSED NOMINATION OF 112 MILL STREET AS A LOCAL HISTORIC LANDMARK

Councilmember-At-Large Salem called the meeting to order at 5:32 p.m.

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

1. **Naomi Brooks** – S. Grand Ave - My grandfather, who was born in 1886, came to America from Romania in 1912. He died when I was young, but I was transfixed by his stories of the old country, the little villages where his father was a grain merchant, the pig that bit him when he was a child. I traveled to Romania about a decade ago to see for myself and nothing remained houses he lived in the businesses all gone. Even the cemetery was locked and overgrown. His family, once in America, dispersed to make new starts around the country. Again, I searched for some of the old addresses found in census records, places where he worked and lived. None remained. It was disheartening and it leaves a hole in the knowledge of my past. It's a puzzle piece that will never be found because the bearers of those stories and

Official Minutes of the Public Hearing of May 3, 2021 Public Hearing regarding the proposed nomination of 112 Mill Street as a Local Historic Landmark

the physical manifestation of their past, both are gone now. Here in Poughkeepsie, a similar story unfolded in a similar time frame, but with a different result, a thriving factory and its offices were pivotal part of our area and which became to be known as Little Italy. When the business closed, the buildings remained, the buildings remained. And an Italian immigrant named Carmelo Barrone, also born in 1886, who arrived in Poughkeepsie in 1912 after immigrating a few years earlier, bought the Pelton's PIN factory office building and proceeded to make it his family home. He had attaches to the architecture that reflected his Italian heritage. He planted a fruit orchard overlooking the Falko Creek and the hillhouse the Pelton's mansion. We have a remarkable opportunity here. Not only do the Cotan factory and the mansion remain, but the Pilton offices at one Mill Street remain in the Brown family. Carmelo's daughter, Jean, still lives there. The history of the family is written in each of the changes they made to the building, many of the plantings on the grounds that are still thriving. We should recognize this property as a pivotal part of little Italy's history, both in its place during factory operations and later as the neighborhood thrived with the Brown family, home and grocery business. It's a puzzle piece here in Poughkeepsie that is not lost at all and deserves the support and protection of historic designation. So the story remains to be read. Thank you.

2. Laurie Sandow - South Grand Avenue - I have spoken before and I'm speaking again absolutely in support of 112 Mill designation as a local historic landmark. I also note that an hour has been allowed for this public hearing. And I suggest that this be the basis of all public hearings at least an hour, including the special informational meeting that the same courtesy given here for potential speakers be given at other meetings. Thank you. Again, I'm in support of 112 Mill as a local historic landmark.

3. Toni Mauro - Commissioner with the HDLPC - Thank you for allowing me to speak. My name is Toni Mauro and the commissioner with the HDLPC and I had the incredible honor of writing this historic nomination. For the family that has spent decades living at one mill, Millstreet, it has a renowned history and a prominent history in the first ward of Poughkeepsie. As Naomi so eloquently stated, we know that it goes as far back as the before the mid 19th century, when Slocombe and Joelson, who became known for their famous Poughkeepsie pens and invented the A device that would attach pens to paper, and we would refer to it today as the stapler. We're working in Poughkeepsie and manufacturing pens. Then with the arrival of the Pelton's brothers, they secured the building, but they also purchased Slocomb and Jolson's business. And then they set up, as you heard, Naomi State on Mill street taking over first the building next door to the former silk factory, which then became Pelton's carpet factory. And then we have the PIN factory. It employed quite a few people and then it went on to be a successful business until the Pelton's stopped working there. And several businesses later, many decades later into the early 20th century, it became the famous cigar factory. Once we begin to discuss Carmela Boron's history in this building, it's important to realize that we are very proud of this building I grew up in the first walk around the corner from it, passed it every day, every week on my way to church, attending more Carmel School, and always thought that its Mediterranean look was

Official Minutes of the Public Hearing of May 3, 2021 Public Hearing regarding the proposed nomination of 112 Mill Street as a Local Historic Landmark

different compared to the other 19th century structures that we saw in the neighborhood. Certainly it's lovingly, affectionately called Little Italy today, but to us it was home and the barons were very much a part of making it home for so many Italian immigrants. For Carmelo Barrone, his wife Rosaria, and his brother Marcelo Barrone, it wasn't an easy journey. It wasn't romantic in any way, and I think that that's most important to keep in mind. One of the most startling things we've come to realize that I came to realize in researching this home as a Carmella Barrone, who first lived directly across the street from where we're Carmel School is, which was the old Barrone store before he purchased this property in the neighborhood at the time, sadly, of Italian immigrants who had come to live in the neighborhoods. Delafield Street, Clover Street. Dwayne St. One common place, we're not listed in the earliest directories by their surnames, but rather as quote unquote Italians, it was not easy, but the Barones helped to make it easy for several immigrants as they came specifically to Poughkeepsie for the community that was growing in the first ward. Bartolo Barrone and Carmelo Barrone were able to speak English, they were able to help people with their travel arrangements so that they could come to Poughkeepsie, they Bartolo Barrone had his own bank, as we all remember, as I remember it from way back when he was a travel agent as well, and he, Carmello was able to assist people to buy their own homes, help them to set up their businesses. And this has become really significant in terms of the history of 112, Mill street. So when I was approached by the family because they wanted to historically landmark their home so that it was part of our architectural heritage in Poughkeepsie. It was an honor and an adventure. It was great to sit with Jean and with Laura and to find their stories, to write them down. And now to have documented them. So I strongly, highly recommend that the council move. To vote for one 12 Mill street as a historic landmark in the city of Poughkeepsie. I hope that you enjoyed reading the history and if you have any questions, I'd be happy to answer them for you. If not here and now, you can certainly email me about them. Thank you very much.

At 5:44 PM the Public Hearing was adjourned.

Dated: May 11, 2021

I hereby certify that this true and correct copy of the Minutes of the Common Council Public Hearing held on May 3, 2021.

Respectfully submitted,

**Jasmin N. Davis
City Chamberlain**



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, May 3, 2021 6:30 p.m.

City Hall/Zoom

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 May 3, 2021, and the time is 6:35 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 - Seven present, two absent (Councilmember R. Johnson, & L. Johnson late arrival)

II. REVIEW OF MINUTES:

**Public Hearing Meeting April 5, 2021
Common Council Meeting April 5, 2021
Common Council Meeting April 19, 2021**

A motion was made by Councilmember Brannen and seconded by Councilmember Flowers to accept the minutes.

CCM Minutes & Public Hearing 04-05-2021 / CCM Minutes 04-19-2021						
			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 Pelsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

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

ADD:

UNDER MOTIONS AND RESOLUTIONS:

R-21-47

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA) RESOLUTION REGARDING A SALE OF
CERTAIN CITY OWNED PROPERTIES LOCATED AT 35 MONTGOMERY
STREET FORMALLY KNOWN AS THE YMCA**

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

1. Naomi Brooks – S. Grand Ave.

Harvey Eastman was a Poughkeepsie powerhouse. A three-time mayor, he was instrumental in the creation of infrastructure projects such as the Poughkeepsie Railroad Bridge, paving our streets and sidewalks, creation of sewer systems, and installation of streetlights. He erected fine brownstone townhouses and the Soldiers and Sailors Monument. He also supported cultural events, helping bring an opera house and a free lecture series to the city. He truly was a man of many talents, and used all of them to improve our city. The grounds of Eastman's own home were an astonishing combination of fine horticulture, a dedicated space for various sports, and a walking path circling a lush expanse of lawn. There was something for everyone on those grounds, and he invited the public in, in a huge way. One example were the Arbor Day events – which is always celebrated at

this time of year - bringing all of Poughkeepsie's schoolchildren to the Eastman property for dance, song, patriotic displays and sports contests, and were watched by up to 10,000 spectators. He believed in the power of cultural events, and of the power of both active and passive forms of recreation. His property supported them all. I am encouraged to think that we are on the cusp of continuing Eastman's legacy for his property in three ways. 1) The athletic fields he created, now called Stitzel Field continue, and are supplemented by the neighboring Lincoln Field across the street. 2) A reimagining of the YMCA space on Eastman's property will once again be a place for various indoor community activities. 3) The Eastman oval with its path and open lawn provide a place to walk on the tree-lined perimeter and enjoy the calm open green space. Our city and its citizens continue to need and appreciate all three of these kinds of activities, much as it did in Eastman's day. This pandemic year has illuminated how important fresh air and open space is to all of us, not just for sports but also for quieter forms of outdoor enjoyment. I was dismayed to see the oval's lawn cut and striped as a sports field. Eastman Oval should be designated as a local historic landmark, and support given to its upkeep as a vital part of this property's trio of uses. The building's indoor activity, the playing fields' outdoor sporting activity, and the oval's outdoor quiet enjoyment: we need them all. May is Historic Preservation Month, and it would be a perfect time for you to support this historic designation.

2. James Watson – 35 Montgomery Community Coalition
3. Donna Levinson – 24 Garfield Pl.
4. Kris Tal – community leader in the city of Poughkeepsie
5. Laurie Sandow – S. Grand Ave.

I'll begin my comments by talking about the power of one—the power of any one person to attend and speak at council meetings; the power of any one person to take to their feet and influence an outcome. This stands in stark contrast to the councilmembers who like to boast about being lifelong or longtime residents, but who—though having no track record of involvement prior to election—now abuse the power of their positions to defeat public knowledge, comment and influence. With 10 items on tonight's agenda under motions, resolutions and communications alone, it's not hard to recognize the mathematical farce of providing the public with only three minutes to address them (3 minutes = 180 seconds; divided by 10 = 18 seconds per item). So quickly, regarding the motion to sell 123 Smith St.—I was criticized months ago for advocating in favor of Smith Metropolitan A.M.E. Zion's interest in this parcel, as if my advocacy was the cause of 123 Smith's deplorable condition. No, that building is in deplorable condition because the family or foundation that owned the building did not pay its taxes and did not maintain the property, and neither did the city once it took possession. 18 seconds does not allow me to say more. Regarding tonight's

resolution to transfer the former Y to Dutchess County: a joint presentation was held on March 3, but when was there a public hearing? There was none. How foolish to have sat quietly through that presentation in order to learn the details, thinking I'd have a chance to speak at a public hearing that has never happened. Where is the SEQRA document that is not in the packet, though it was supposed to be attached to the resolution? I had to submit a Freedom of Information request, which was never answered, while the document magically appeared on the City website at 4:46pm or later this afternoon, right before the meeting. Equally, if not more important, who in their right mind would support a resolution or contract without a hint of a site plan, input by the historic commission, or a citizen review process not solely gifted to the hands of the white-male dominated "35 Montgomery Street Coalition"? And because comedy in this city never ends, note the document clause prohibiting coin-operated or public phones, yet—in keeping with comparable fiduciary breaches in the Wheaton Park contract—the only clawback appears to be time-based, at which point the city can repurchase the property for the amount the County spent already, plus any open bonds. What a great deal for the county, and lousy deal for the city. I hope any councilmember who supports this resolution is prepared to have their salaries garnished from now to eternity to enable the City to apply that clawback. Laurie Sandow comments, City of Poughkeepsie Common Council meeting, May 3, 2021, Page 2 of 2. Lastly, about the dog-and-pony show of the Southern Waterfront Task Force, let's be sure everyone understands that there is no "public process" when Sarah Brannen, the task force chair, is not only non-responsive to Freedom of Information requests, but also blocks comments from myself and others in this city. A process is not public when information is withheld and members of the public are blocked from commenting. At the last Waterfront Advisory (WAC) committee meeting the administration announced they'd recently met with three unidentified Council members who, after months and months, have yet to specify their own LWRP (Local Waterfront Revitalization Program) critiques and alternatives in writing. Need I remind people that I was silenced and arrested at a Council meeting when I referred to Sarah Salem opting for a private meeting with Hudson Pointe residents, rather than participating in a citywide election forum? Or that, in 2016, Hudson Pointe concocted a reason to make their own property gated, chasing city residents off their property, while now employing the old magic trick of pointing their fingers at other off-limits properties? Will Lou Viglotti and Joan Mandle reveal the administrators, and Hudson Pointe involvement, in the so-called Riverfront Partnership page? Or maybe Sarah Brannen will disclose that information? While the Council's two different waterfront committees twiddle their thumbs, grant opportunities and tangible improvements under the LWRP are being wasted or defeated, including: —Failure to protect the Fallkill and adjacent properties; —Failure to protect the former Y site and several other parks that would fall under the revised LWRP; —Items related to a light pollution initiative; —Items related to water drainage and runoff protection; —Visibility and viewshed concerns including, for example, those from the Walkway, and —Issues of public access, transit and social equity related to the water. And there you have it, once again,

public knowledge and input defeated by the three-minute time limit, and by the refusal of electeds and appointeds at every level of this city to conduct open, public, fully informative resident meetings

V. CHAIRPERSON'S COMMENTS AND PRESENTATIONS:

The Dutchess County State Supreme Court Justice Hal Greenwald has rejected the Mayor's attempt to prevent the Common Council from hiring its own lawyers in situations in which the City's Corporation Counsel has a conflict of interest. Justice Greenwald's decision dismissing the lawsuit also retroactively vacates the injunction issued in early January prohibiting the Common Council's lawyers from providing advice to and representing it in litigation, including in the lawsuit brought by the Mayor against the Council. In other words, Justice Greenwald agreed with all of our arguments and concluded that, because the Mayor could not prove any of the legally required criteria to win, he would (1) vacate and retroactively nullify the TRO and Preliminary Injunction; (2) uphold the Council's actions, including the two challenged resolutions; (3) authorize the Council to retain outside counsel any time that the Council believes that the Corporation Counsel has a conflict of interest with the Council; (4) retroactively permit Lamb & Barnosky to represent the Council; and (5) dismiss the petition. This is a positive step forward for us as a legislative body and one that lays down a good path toward our request for a third party opinion in the matter and filing that we initially brought up which has yet to be decided as to whether or not we have the power to hire our own professional staff to assist us in policies and projects. There were many successful events throughout the city this past weekend, the Riverkeeper Sweep included. Down at Waryas, we took out hundreds of lbs of trash along the shore and the surrounding parkland. I look forward to this event every year and to meeting all the folks who share the same commitment to protecting our beautiful Hudson River and environment and I can't wait until next year, however, we should all try and love our river and our parks every day and pick up when we can if we're able to do so safely, wearing gloves and not causing any injury. It's a simple act that not only makes our community shine bright visually but shows the care that we have and the pride that we have for our city. I've received reports of dirt bikes and 4 wheelers on the roads. This happens every year and with more frequency as the weather warms. We've been informed and assured that the police department is aware of the issue and has been working on coming to a solution. Additional reports of threats of violence, weapons, and other nuisances throughout the city have been received. These in particular are a part of a more complex issue involving our rising homeless population and limited access to housing that is affordable or fit for transition and support services. I know every member of this council is equally concerned with these issues and understands the urgency and critical nature of developing a multipronged solution to ensuring that we are able to fulfill the needs of all those who reside here. Again, this particular issue isn't unfamiliar to the particular neighborhoods and blocks of the city experiencing it now, so it has persisted and will worsen if we don't really start to put our heads together to get to start to come up with a solution. I'm setting this as a priority for the short term. Covid vaccinations are still available, soon to adolescents, and now walk-ins are being accepted at all state-run

vaccination sites. Information on getting a vaccination can be found on the New York State website, as well on the Dutchess County website, and linked from the City of Poughkeepsie website in addition to information on testing and accessing other community resources such as rent relief, food, and other financial aid and support. The SBA opened applications for their restaurant revitalization fund. The American Rescue Plan Act established the Restaurant Revitalization Fund (RRF) to provide funding to help restaurants and other eligible businesses keep their doors open. This program will provide restaurants with funding equal to their pandemic-related revenue loss up to \$10 million per business and no more than \$5 million per physical location. Recipients are not required to repay the funding as long as funds are used for eligible uses no later than March 11, 2023. Other exciting news, The Poughkeepsie Waterfront Farmers Market opened their season today down by the River at the Pavilion of the Mid-Hudson Children's Museum. The Monday night market runs from 3:00 pm – 6:30 pm now through mid-October and features a number of local farms and purveyors of local foods, including the Dutchess Outreach Fresh Market, the Poughkeepsie Grind, HRH Vetzero Heroes, j&j farms, lasher meadows, and more. Shop local and support your local farmer.

VI. REPORTS OF COMMITTEES AND BOARDS:

1. FINANCE COMMITTEE

Thank you very much so is a productive meeting at our last meeting of the Finance Committee, major highlights for the council. There is a resolution on the agenda tonight recommending the addition of positions that were previously cut from the budget last year and were kept out of this year's budget due to the covid-19 pandemic and the financial adjustments that needed to be made to the budget for the city of the Finance Committee did vote unanimously to move that item out of the Finance Committee and recommend it to the council for approval. It will be adding back the positions that were cut, as well as an additional new position. We'll talk more about that when the agenda item is raised later. But that did pass unanimously out of the Finance Committee. Other items we discussed in the Finance Committee meeting will be discussed tonight, I believe, further along in the agenda. But overall, it was, as I said, a very, very productive finance committee meeting and we were able to talk a good amount about some needed adjustments to the budget this year based on money that will be coming in through the American rescue plan and some immediate upgrades that would like we would like to do to some of the physical infrastructure that the city has. And I know that will all be forthcoming as well. After being discussed in the Finance Committee. For anyone who is interested in viewing the reporting of the Finance Committee meeting, it should be available online on the city's website. So you should be able to go back and review that meeting. And I thank my colleagues on the Finance Committee Council, Councilwoman Flowers, Councilwoman Cherry, Councilmember Petsas and councilmember Randall Johnson, all for participating and ensuring we were able to have a productive meeting and make the

recommendations out of the committee. So thank you all for that. Appreciate the time.

2. SOUTHERN WATERFRONT REDEVELOPMENT TASK FORCE

I asked to give an update tonight because we are on a really tight time frame for this task force it's only 90 days. And I wanted to make sure all the council members were apprised of the work that we're doing and our progress so far invite you to attend the meetings and also to ask any questions along the way. So just a reminder, we made the appointments to the task force in early April, so we have until early July in order to complete the work in the 90 days that we've been given. My co-chair Kafui wanted to be here tonight, but he couldn't because he teaches on Monday evenings. So I'll be giving the update to you all myself. So a reminder, we have 11 people on the task force, including myself, council member Menist and then nine other members. We had our first meeting already, mostly that was to introduce the task force members and talk about the time frame between now and the end of the 90 days and to begin to form some subgroups and also to plan out our next few meetings. So the next meeting will be this coming Thursday, May six, at seven p.m. We have invited Scenic Hudson in to come in and present on their report regarding best practices for waterfront development. And we've also invited Project for Public Spaces, who has a department dedicated to waterfront development to come in and talk about best practices and waterfront development. And we have a couple of subgroups. One of them is focused on community engagement. And there will be an online survey going out this week. So you'll get a copy of it from either myself or Kafui. And we would just ask that you, A, respond and B, share it with your constituents so that they also respond. It will be translated into Spanish. And we're going to be working with Felicia Watson, who's on the task force, and also Leah Harris, who's a member of the PTA and also on the task force to try and get it out through the school district and maybe to try and get some paper copies out to folks who might not have online access. So that will be the public input portion. There are also a couple of youth specific focus groups that are going to be happening in the coming weeks. And of course, we have public comment at each of the meetings, I think we had about 14 or 15 people sign up for public comment at the first meeting. And I'm not sure how many will have this coming Thursday, but we are providing unlimited access to public comment. So anybody who signs up and wants to speak is able to speak. If anyone on the council is interested in the materials, they're all going to be on the city's website. I want to thank Al in I.T. for getting a landing page. All the materials, all the public comment that's been provided in written form will be accessible on the website. And then also the meetings are all recorded. If you can't make it, you can come onto the city's website and see the recording of the meetings. We are supposed to be delivering to the council short term recommendations for public access. We have a subgroup working on that. That includes myself, Nick DeLucia, Randy Johnson, the county legislator, legislator Mike Young from the WAC and Naomi Brooks, who spoke earlier this evening, has been advising us as she is a landscape

designer and we've gotten really good information from the administration. Thank you, Mr. Nelson, for that and also from Rich Dupilka in city engineering. So we're hoping to circulate some draft recommendations within the next week or two on short term access to the site and safety measures and protocols and things like that to make it accessible to people. And I think that's pretty much it. And then the longer term recommendations, again, are due in July. Happy to answer any questions.

VII. MOTIONS AND RESOLUTIONS:

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

1. Resolution R-21-40, designation of the Eastman Park oval as a local historic landmark.

A RESOLUTION OF THE CITY OF POUGHKEEPSIE DESIGNATING THE EASTMAN PARK OVAL AS A LOCAL HISTORIC LANDMARK

(R-21-40)

INTRODUCED BY COUNCILMEMBER MENIST:

WHEREAS, the "Eastman Park Oval" located in Eastman Park a public park of the City of Poughkeepsie which property has been nominated for a local historic landmark designation with the City of Poughkeepsie Historic District and Landmarks Preservation Commission (hereinafter "HDLPC"); and

WHEREAS, the HDLPC held a public hearing on February 11, 2021 regarding the application as a local historic landmark; and

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

WHEREAS, the HDLPC's approved application was forwarded to the Common Council for consideration on February 16, 2021; and

WHEREAS, the Common Council held a public hearing on April 5, 2021 regarding the

nomination as a local historic landmark; and

WHEREAS, after duly considering the factors specified in Section 19-4.5(4) of the Code of Ordinances of the City of Poughkeepsie, the Common Council hereby finds that the Eastman Oval at Eastman Park possesses special character, historic and aesthetic value as part of the cultural, economic and social history of the City of Poughkeepsie; embodies distinguishing landscape characteristics; is identified with historic personages; and is the work of a designer whose work has significantly influenced an age.

NOW THEREFORE,

BE IT RESOLVED, that the City of Poughkeepsie Common Council hereby designates Eastman Oval at Eastman Park as a local historic landmark. The City Chamberlain is authorized and directed to forward notice of the designation of Eastman Oval at Eastman Park to the Dutchess County Clerk for recordation.

SECONDED BY COUNCILMEMBER BRANNEN

R-21-40						
			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	☒	☐	☐	☐

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

ADDENDUM: R-21-47

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA) RESOLUTION REGARDING A SALE OF**

BY COUNCILMEMBER **MENIST** **:**

1. In accordance with Section 617.5(a)(1) of Title 6 NYCRR, the Common Council determines that the above described action is subject to SEQRA; and
2. In accordance with Section 617.5(a)(2) of Title 6 NYCRR, the Common Council determines that the action does not involve a federal agency; and
3. In accordance with Section 617.5(a)(3) of Title 6 NYCRR, the Common Council determines that the above described action does not involve any other agencies; and

4. In accordance with Section 617.5(a)(4) of Title 6 NYCRR, the Common Council classifies the above described action as an unlisted action. The Common Council in making such classification considered Section 617.12 of Title 6 NYCRR and determined that the above action did not fall into any of the categories listed under Type I, and also considered Section 617.13 of NYCRR and determined that the above described action did not fit under any of the categories listed under Type II Actions, thus reaching the conclusion that it is to be considered an unlisted action; and
5. In accordance with Section 617.5(a)(5) the Common Council determines that the above described project will not require a long EAF since the short EAF provides sufficient information; and
6. The Common Council officially makes a determination of non-significance in that the proposed sale of properties are not expected to result in a significant adverse impact on the environment and, therefore, the preparation of a draft environmental impact statement is not necessary; and
7. This determination shall be considered a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law; and
8. The City Chamberlain shall maintain a file of this determination as well as the attached EAF which is hereby made a part of this resolution.

SECONDED BY COUNCILMEMBER BRANNEN

R-21-47			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	☒	☐	☐	☐

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

2. Resolution R-21-41, a Resolution transferring former YMCA to Dutchess County for design and construction of a new community and youth center.

RESOLUTION (R-21-41)

INTRODUCED BY COUNCILMEMBER MENIST:

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.

MOTION WAS MADE BY COUNCILMEMBER MENIST TO TABLE R-21-41

MOTION TO TABLE R-21-41						
			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 TO TABLE R-21-41 UNTIL MAY 17, 2021 COMMON COUNCIL MEETING

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

3. SEQRA Resolution R-21-42, and Sale Resolution R21-43 for the sale of city-owned property located at 123 Smith Street

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA) RESOLUTION REGARDING A SALE OF
CERTAIN CITY OWNED PROPERTIES
(R-21-42)**

BY COUNCILMEMBER: FLOWERS

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of city owned property located at 123 Smith Street and identified as Tax Map No.: 6161-72-411198; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. In accordance with Section 617.5(a)(1) of Title 6 NYCRR, the Common Council determines that the above described action is subject to SEQRA; and
2. In accordance with Section 617.5(a)(2) of Title 6 NYCRR, the Common Council determines that the action does not involve a federal agency; and
3. In accordance with Section 617.5(a)(3) of Title 6 NYCRR, the Common Council determines that the above described action does not involve any other agencies; and

Official Minutes of the Common Council Meeting of May 3, 2021

4. In accordance with Section 617.5(a)(4) of Title 6 NYCRR, the Common Council classifies the above described action as an unlisted action. The Common Council in making such classification considered Section 617.12 of Title 6 NYCRR and determined that the above action did not fall into any of the categories listed under Type I, and also considered Section 617.13 of NYCRR and determined that the above described action did not fit under any of the categories listed under Type II Actions, thus reaching the conclusion that it is to be considered an unlisted action; and
5. In accordance with Section 617.5(a)(5) the Common Council determines that the above described project will not require a long EAF since the short EAF provides sufficient information; and
6. The Common Council officially makes a determination of non-significance in that the proposed sale of properties are not expected to result in a significant adverse impact on the environment and, therefore, the preparation of a draft environmental impact statement is not necessary; and
7. This determination shall be considered a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law; and
8. The City Chamberlain shall maintain a file of this determination as well as the attached EAF which is hereby made a part of this resolution.

SECONDED BY COUNCILMEMBER ___BRANNEN___.

R-21-42						
			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	☒	☐	☐	☐

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

RESOLUTION
(R-21-43)

INTRODUCED BY COUNCILMEMBER FLOWERS:

WHEREAS, the City of Poughkeepsie is the owner of 123 Smith Street and more particularly known as Tax Map No.: 6162-72-411198 (the, "Property"); and

WHEREAS, the Property is an improved by a vacant warehouse which is in need of demolition; and

WHEREAS, the city has received an offer to purchase the Property from Rejuvenate Properties LLC; and

WHEREAS, the city is desirous of selling the Property to Rejuvenate Properties LLC; and

WHEREAS, Rejuvenate Properties LLC has offered to purchase the Property for \$25,000 and the Common Council has determined that to be fair and just compensation; and

WHEREAS, the Common Council hereby finds that the sale of the Property is in the best interests of the City of Poughkeepsie to approve such offer so that the premises may be returned to the tax rolls; and

NOW, THEREFORE,

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

RESOLVED, that the offer from Rejuvenate Properties LLC to purchase the premises identified as Tax Map No.: 6162-72-411198 in the City of Poughkeepsie for the sums of \$25,000 is hereby approved subject to the hereinafter mentioned conditions and subject to such other and further conditions which the Corporation Counsel shall deem appropriate; and be it further

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

- A. the conveyance of title and the payment of the purchase price shall take place within thirty days of the date of this resolution, unless the Corporation Counsel shall grant such extension as he/she deems appropriate;
- B. The transfer of title and Purchaser's use of the Property shall be subject to all state, federal and local regulations including the City of Poughkeepsie and New York State Building Codes and the City of Poughkeepsie Zoning Ordinance and real property taxes coming due pursuant to law on and after the date of transfer of title;

- C. Purchaser shall accept such title to the real property as the City of Poughkeepsie is possessed of and agrees to accept such title by quitclaim deed subject to any defects or encumbrances as are of record;
- D. Purchasers agree that they shall not use the purchase price agreed to as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation; and

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

SECONDED BY COUNCILMEMBER BRANNEN.

R-21-43			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	☒	☐	☐	☐

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

4. Resolution R-21-44, Authorizing the appropriation and advance funding of expenses of the Grand Avenue Street Reconstruction Project.

RESOLUTION (R-21-44)

AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE

INTRODUCED BY COUNCILMEMBER MCNAMARA

WHEREAS, a Project for the Grand Avenue Street Improvements in the City of Poughkeepsie, PIN 8762.58 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds; and

WHEREAS, the City of Poughkeepsie desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering and right-of-way incidentals work; and

WHEREAS, the Common Council has determined that this Project is in the best interest of the City.

NOW, THEREFORE

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby approves the above-subject Project; and it is hereby further

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

RESOLVED, that the Common Council of the City of Poughkeepsie hereby authorizes the City of Poughkeepsie to pay in the first instance 100% of the federal and non-federal share of the cost of preliminary engineering and right-of-way incidentals work for the Project or portions thereof; and it is further

RESOLVED, that the sum of TWO HUNDRED SIXTY THOUSAND DOLLARS (\$260,000) is hereby appropriated from GRNDI-01 (12-08-5110-7252/7469/7461) and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the Project exceed the amount appropriated above, the Common Council of the City of Poughkeepsie shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Mayor thereof, and it is further

RESOLVED, that the Mayor of the City of Poughkeepsie be and is hereby authorized to execute all necessary Agreements, certifications, or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the City of Poughkeepsie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Mayor the following municipal titles: City Administrator, Commissioner of Public Works, and City Engineer are also hereby authorized to execute any necessary Agreements or certifications on behalf of the City of Poughkeepsie, with NYSDOT in

Official Minutes of the Common Council Meeting of May 3, 2021

connection with the advancement or approval of the project identified in the State/Local Agreement; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

[illegible]

I, _____, Clerk 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 _____ at a meeting duly called and held at the _____ on _____ 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 _____ day of _____, 2021.

Clerk, City of Poughkeepsie

SECONDED BY COUNCILMEMBER BRANNEN

R-21-44			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	☒	☐	☐	☐

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

5. Resolution R-21-45, approving an amendment to the 2021 budget to restore or add certain positions to the city workforce

R-E-S-O-L-U-T-I-O-N

(R-21- 45)

AMENDING THE 2021 ADOPTED BUDGET TO AUTHORIZE CERTAIN MID-YEAR PERSONNEL HIRINGS AND TO RESTORE CERTAIN POSITIONS THAT HAD BEEN REDUCED OR NOT INCLUDED IN THE ORIGINAL BUDGET DUE TO THE IMPACTS OF THE CORONAVIRUS PANDEMIC.

INTRODUCED BY COUNCILMEMBERS MENIST, CHERRY, FLOWERS, PETSAS, L. JOHNSON, R. JOHNSON:

WHEREAS, due to the impacts of the coronavirus pandemic, the city made a number of mid-year budget amendments to its 2020 operating budget which included the elimination of certain vacant positions throughout city government; and

WHEREAS, due to the impacts of the coronavirus pandemic, the uncertainty around the amount of state and federal aid that the city might receive in 2021, and in order to assure the 2021 budget remained under the New York State Tax Cap, the administration removed certain vacant positions from the 2021 budget proposed to the Common Council, which budget was ultimately adopted; and

WHEREAS, due to the introduction of highly successful vaccines and other mitigating efforts of the public, there are positive signs the pandemic is easing, and the State of New York has been gradually reducing restrictions as the economy moves towards a full reopening; and

WHEREAS, the City Administrator has recommended the restoral or hiring of certain positions as described on Schedule A attached hereto, to accommodate, among other things, a backlog of court cases caused by the previous closure of the court system, the significant increase in human resource and personnel function tasks necessary in the wake of the coronavirus, the increased public use of city parks, and the upcoming shared services agreement with the Poughkeepsie School District regarding parking control and enforcement; and

WHEREAS, the Finance Commissioner of the City has determined that the amendment will not have a negative impact on the 2021 budget as offsetting adjustments to revenue and expenses offset the proposed changes equally; and

WHEREAS, the Finance Committee of the City, at its regular meeting held on April 26, 2020, has acted to favorably recommend this budget amendment to the Common Council; and

WHEREAS, the Common Council of the City of Poughkeepsie 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; and

Now, Therefore,

BE IT RESOLVED, that the Budget for the City of Poughkeepsie is hereby amended as set forth in Schedule A.

SECONDED BY COUNCILMEMBER

BRANNEN

Official Minutes of the Common Council Meeting of May 3, 2021

R-21-45						
			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	☒	☐	☐	☐

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

6. Resolution R-21-46, an Inter-municipal Agreement with the City of Poughkeepsie School District for the Enforcement of Parking Regulations on School Properties

**RESOLUTION
(R-20-46)**

INTRODUCED BY COUNCILMEMBER CHERRY:

WHEREAS, General Municipal Law Section 119-o authorizes municipal corporations to enter into agreements for the performance among themselves or one for the other in their respective functions, powers and duties on an individual, cooperative, joint or contract basis; and

WHEREAS, The City of Poughkeepsie School District has experienced a significant increase in incidents of vehicles being abandoned on school district property and school district parking lots; and

WHEREAS, The City of Poughkeepsie maintains a parking enforcement unit within the parking division of the Department of Public Works; and;

WHEREAS, The Shared-services and collaboration between the School District and the City's Municipal government saves costs for the taxpayers of the City of Poughkeepsie; and

WHEREAS, The School District and the City are desirous of entering into an inter-municipal agreement under which the City can enforce the parking regulations on School District property, issue permits to authorized vehicles, and otherwise administer the parking at these locations;

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby approves the proposed inter-municipal agreement and authorizes the Mayor or the City Administrator to execute such agreement in substantially the same for as attached hereto.

SECONDED BY COUNCILMEMBER BRANNEN .

R-21-46			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	☒	☐	☐	☐

A MOTION WAS MADE TO MOVE A COMMUNICATION FROM THE FINANCE COMMITTEE, authorizing a budget transfer from Contingency to Information Technology to improve Cybersecurity **AS A RESOLUTION**

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

R-E-S-O-L-U-T-I-O-N
(R-21- 48)

AMENDING THE 2021 ADOPTED BUDGET TO TRANSFER FUNDS FROM CONTINGENCY TO INFORMATION TECHNOLOGY IN ORDER TO SUPPORT MID-YEAR CYBER-SECURITY UPGRADES TO THE CITY'S INFORMATION TECHNOLOGY INFRASTRUCTURE.

INTRODUCED BY COUNCILMEMBER MENIST:

WHEREAS, the City has received alerts from its State and Federal partners relating to a significant increase in attacks on the information technology infrastructure of U.S. firms, government entities and other organizations which store, maintain and utilize a wide range of data, including personally identifiable information; and

WHEREAS, the Office of the State Comptroller has recently concluded several audits of the Information Technology divisions of other area municipalities and school districts, and has typically found areas of weakness, which the City has taken note of; and

WHEREAS, the Finance Commissioner and the City Administrator have recommended the City take immediate steps to improve system security immediately, rather than await funding approval as part of next year's budget process;

Now, therefore:

BE IT RESOLVED, that the 2021 Budget for the City of Poughkeepsie is hereby amended as follows:

Budget Line	Description	Amount
From: 01.20.1900.7498	Contingency	\$50,000.00
To: 01.20.1900.7466	General Fund- Information Technology Contract Services	\$50,000.00

BE IT FURTHER RESOLVED, the Common Council of the City of Poughkeepsie 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.

SECONDED BY COUNCILMEMBER
BRANNEN

R-21-48			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	☒	☐	☐	☐

VIII. ORDINANCES AND LOCAL LAWS:

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

A COMMUNICATION FROM CITY ADMINISTRATOR NELSON, authorizing Sale of City Owned Property at: Spruce Street Vacant Lot #6062-60-924470

A COMMUNICATION FROM CITY ADMINISTRATOR NELSON, authorizing Sale of City Owned Property at: 375 Church Street Vacant Lot: 6161-24-430899

A COMMUNICATION FROM THE FINANCE COMMITTEE, authorizing a budget transfer from Contingency to Information Technology to improve Cybersecurity

A COMMUNICATION FROM COUNCILMEMBER FLOWERS, Amending Section 6-39 of Chapter 6 of the City of Poughkeepsie Code of Ordinances

FROM KENDRA DENNIS/PROGRESSIVE, a notice of property damage sustained on February 3, 2021.

FROM BRIAN GAFFNEY, a notice of property damage sustained on February 22, 2021.

FROM GRACE CHERRY, a notice of personal injury sustained on April 9, 2021.

FROM CATURDAY CATERING INC., a 30 day notice of intent to apply for its liquor license.

X. OLD BUSINESS:

XI. ADJOURNMENT:

A motion was made by Councilmember Brannen and seconded by Councilmember Flowers to adjourn the meeting at 9:50pm.

Dated: May 10, 2021

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, May 3, 2021.

Respectfully submitted,

Jasmin Nicole Davis
City Chamberlain

