



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Tuesday, September 3, 2024 6:30 p.m. Common Council Chambers

Welcome to the regularly scheduled Meeting of the City of Poughkeepsie Common Council the date is September 3, 2024, and the time is 6:52pm

I. ROLL CALL: 7 Present, 2 Absent (Council Chair Da’Ron Wilson and Vice Chair Nathan Shook)

II. REVIEW OF MINUTES:

Common Council Meeting Minutes of August 20, 2024

A motion to accept the minutes was made by Councilmember Menist and seconded by Councilmember Brown.

CCM Minutes of August 20, 2024 –VOICE VOTE						
			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Henry	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Brown	Voter	☒	☐	☐	☐
	Councilmember James	Voter	☒	☐	☐	☐
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Majority Leader Patterson Thompson	Voter	☒	☐	☐	☐
	Vice Chair Shook	Voter	☐	☐	☐	☒
	Chairman Wilson	Voter	☐	☐	☐	☒

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

-NONE -

IV. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

- 1. FROM BUENA VENTURA CORP**, a 30-Day notice of application for a Liquor License

A motion to defer the 30-Day notice for a Liquor License to Corporation Counsel was made by Councilmember Menist and Seconded by Councilmember Grant

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

- **Carmen McGill – Glenwood Ave/CAS**
- **Daniel Atonna – College Ave/For the Many**
- **Laurie Sandow – S. Grand Ave***
- **Lezette Wiliams/Ramon Vazquez – Blvd Knolls**
- **Andrew Sysak / Radcliffe Rd**
- **Paul Vogelsay – Radcliffe Rd**
- **Ken Stickle – Catharine St**
- **Gladys Lyles – N. Clinton St**

***Submitted written comments**

Laurie Sandow comments, c/Poughkeepsie Common Council meeting, September 3, 2024

It's a shame—as well as an insult to the public and a waste of public time—that anyone should have to come to these meetings to ask the same question, or address the same issue over and over, as if a broken record. It's even more of a shame that this City has a Mayor who ran on a platform of “Poughkeepsie before Politics”, yet operates so thoroughly in violation of law that she'll block, unfriend and delete all critical questions and comments, pretending that her Facebook page is a “personal page” rather than a public forum by virtue of her elected position and the content of her posts.

We have a Council using taxpayer money to turn City Hall into a locked fortress. We have public questions that don't get answered because this City loves its secrecy and backroom deals, and because this Council has a rule that they don't reply to public comments—policies that neither satisfy nor serve the residents of this City. Is there a single sentence among the Council's self-serving rules that imposes sanctions and penalties on Councilmembers for their own trespasses and rule violations, including those displayed earlier tonight by Council Chair Da'Ron Wilson?

Not only won't the Common Council reply to questions posed at these meetings, they also don't make the effort to inform constituents inside or outside of Council meetings, whether through presentations of their own opinions and beliefs on the record; through newsletters and social media posts that reveal their own opinions and stances, or by holding regular Ward meetings where they are the sole presenters, exposing themselves to the many questions that constituents would like answered, rather than hiding behind an invited guest speaker. It's worth noting the contrast that, at Dutchess County Legislature meetings, county departments and department heads make presentations prior to legislature votes on resolutions.

The Council has a public hearing scheduled for September 17: “Local Law Adopting a New Zoning Code”. Which Councilmember has posted the text of that law, and a link to the current zoning plan to their social media? Sent it in newsletters to constituents? Explained what they’ve heard from the public and what they believe and will likely vote regardless of public input?

Where is the transparency about developer and development applications that are sitting in the pipeline, waiting for the zoning plan to be passed? Is there a single Common Council member, not to mention this City’s Mayor, who’ll put comprehensive comments on the record prior to the public hearing? The City promised, but never delivered, the public comments collected on the sticky notes at the dog-and-pony “public meetings”. Why should the public have confidence that their concerns have been reflected in the document now titled as the final zoning plan?

In conclusion, it’s unfortunately necessary to repeat myself from the last Council meeting: tonight’s Council agenda reflects what’s all too predictable in the City of Poughkeepsie, a Common Council that has taken a 6-week summer break, and bookended the break with meetings where they handle little-to-no business other than consent agenda items; and a Council that holds so-called public hearings that are just for show, voting items through as if the public had never spoken, never putting their own positions on the record either before or after a public hearing, and making sure that the public is never given the opportunity to scrutinize or comment upon the positions and votes of electeds whose purpose is to represent them, yet who make little to no effort to communicate with or actually represent them.

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

NONE

VII. MAYOR'S COMMENTS:

Okay, back to where we were at. So now we're back at Mayors comments.

I just want to say, I understand your frustration. I know that I've been approached a few times.

[To constituent: This is not a back-and-forth conversation. So, this is just comments. So, you can sit back down, sir. Thank you.]

I will talk with our council member. When this happened, there were individuals that came forward and they have complained about the parking there. And of course, I don't know the conversations that they had with the councilmember. And when it's time for her to make her comments, I'm pretty sure she'll explain why she went in that direction.

What we did is we - I'm pretty sure our Department of Parking was involved to look at the situation. When it came up for the council, there was no one else that came here except the couple that was there. And I'm not sure what that process is. And the thing is, is that Councilmember, Nedra Thompson would go through that with you and what? But I think there's a way that we can figure this out, you know, and work with you on this.

Like I said, I wasn't aware of the situation. When the councilmembers come to us and said they have a problem, we get our departments to look at it, to see how they can rectify it. Whether who was notified or what. I wasn't sure about what happened there, but it was something that was out in the in the meetings for a couple of meetings. And then it was approved [at the] last meeting.

[From audience - inaudible] Should we receive a letter? I don't look for a knife in my back from my next-door neighbor on a daily basis.

Well, it seems like there's an issue that's going on there. That something that I - and I know your council member in the seventh ward. She's very thorough. I don't know what happened here, but I know that she'll work along with you and we'll - our office would do that as well. So, you can come up with a solution to this all. So that way everybody, there's some type of compromise. So, everyone doesn't have to feel like you're having this fight going on, because it sounds like this can only be one of other things that are going on. So, it really needs to be addressed. So, I just want to let you know, as far as...that was done, but we'll have more of a conversation going forward. And our corporate counsel if you want to say anything...

Corporation Counsel Walk: It was done by ordinance. The ordinance procedure requires it be posted on the meeting agenda two times. That's the law. And, you know, you can discuss with your councilmember and the council about whether or not amendments will be proposed.

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[From the audience] does ADA laws stand in place? Do we - can we get a curb cut there if this goes through? So, walls of unsafe soil - was that - was a study done on the property? Was - is there a study done or anything in report?

Corporation Counsel Valk: I'm waiting for you to finish just to understand, because you keep throwing questions at me before I have an opportunity to respond. So, because this is a local city road, that level of study is not required. However, if you're interested in curb cuts, other things we would need to discuss with the engineering department, I think Public Works has a permit process for a curb cut. But my, you know, the limited response I wanted to give at this point is the procedure does not require, even if it were to be done by local law, there's not individual notice. However, you have the opportunity to speak to your council members regarding your concerns.

Mayor Flowers: All right. And here again, like I said, in anything that we can do as far as that department is going and working with our council member to go over and look at it, to figure out what else can be done to kind of remedy whatever issue that's going on over there. I mean, they'd be willing to, you know, work with her to do that. So, especially the fact that you came out that there's another concern. So, you know, you all live there. So, you got to find a way of how, you know, [it] works out for all of you. So, we'll work on that with her.

So school is about to start on Thursday. So, we, the school district had a convocation today which brought all the, the administrators and teachers in, so everyone's getting ready for our children, to start school. We are walking district. So, I just want to make sure that people are mindful of the fact that our kids will be walking through, the streets and, just to be, you know, make sure it's safe. And there's some things that we are putting in place, which I believe, Captain – Chief Wilson, mentioned to you in regards to what we're doing. So, just to let you know and we'll - well, I'll let everyone else know, too. We had a meeting today, and we met with several organizations and agencies that are in the area that's been working with me on what, Main Street along the way. But we're trying to come up with more creative ways of dealing with the situation we got going on. This is not an overnight fix. The councilmembers and this administration has been working very hard on Main Street. And if you've been going through Main Street, because I work - I drive there every day and I walk Main Street. Yeah. Well, I walk it at night. So when I see what's happening during the day and night, if you go there now, it's not the number of people that were there before, because our police department is doing a very, very great job, an excellent job in dealing with that. And so is our DPW. The problem is, is that whether you go in one area, they move to another.

So right now my directive to the police department and in those in our - in other departments, is that in the morning when our kids are going to school, everyone is going out in the morning to ensure that everyone is pretty much clear, and also that the streets are ready for our kids to walk through the street.

And you also have police officers that are going to be at all the elementary schools because some of the individuals have went to different parks.

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So we have came up with a game plan to at least deal with the situation right now. Because of what's been going on, whether it's going to work, we will see. But we are making an assertive effort to ensure that our kids are not going to walk to Main Street like they did before. You would also see me there on Thursday morning on Main Street to actually see it. And this is what I've been doing all along. And I know you come here at every meeting and you complain and say it's a mess. It's been a mess. It's been a mess for a long time, and we've been working very hard and doing so. And I appreciate the fact that you come at every meeting now and bringing this up. I know you've been in the parks in, in the past and you have helped out. It'd be nice to get your help. You know, with other things that are going on as well. We're all in this together. You know, you see what's happening at Malcolm X Park. So, we've been over there too, especially this last weekend. So, we are working hard on it. And it was 25 different, people that were here today with different organizations and are willing to put that same commitment. So. Well, you'll see us out there. Especially in the safe passageway.

[**From audience**] You got my phone number so you can call me any time.

Mayor Flowers: Okay. We might need your help. By Morse School.

So, we definitely - like I said, we need everybody's help on this because it's not an easy fix.

The other thing is, too, is that if anybody is interested or know anyone who wants to be a crossing guard, please ask them to apply. We do need more crossing guards.

If anyone is willing to help out, even volunteer around the schools to kind of help out, please let me know. [**Inaudible**] me to tell a community we all got to come out to do what we need to do to make sure our kids are back and forth to school safe. My main effort is to make sure the kids are in a safe environment. I'm going to do everything I can to assure that. And like I tell everybody, if we focus in on our kids, that means we're focusing on our families.

That means we're focusing on our community. So, this is what we're trying to do at this point, and we're hoping that you will see a change within the next few weeks based on what we put in place.

Pershing Park will be - have a lot more attention to it because there is a program there year round now, and there's a lot of issues going on there as well. I have also talked to our corporate counsel and also talk to other entities in the area to think about even different legislations that we've put in place so that our police department would have more, teeth, you know, out there in certain, issues that's going on.

I mean, it might be good to also be more vocal on a state level about making make some adjustments to some of our laws, because right now it's like our hands are tied. So we want to get people into treatment, want to get them help, but we really don't have too much of a mechanism to make them get to that point. So, even when they're ticketing doesn't mean they're going to show up at court. And from what I've seen, as people have gotten tickets, they've been wandering around in the city for almost a year or so before they actually picked up on some other, you know, crime or so. So we're trying, I have to say, we're definitely trying. And so I thank everybody's efforts and, you know, and pitching in to do that.

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I want to, you know, thank our, our police department and our DPW staff. I mean, we've been having a lot of events this summer. And I think the events that have been happening throughout the summer has really helped keep down the level of shootings, the level of, you know, different negative activity our kids were engaged in. We've noticed it all. And I commend every councilmember, every single council member was either hosted event or involved in events. And this is something I haven't seen in a long time.

So I really commend you all for really coming together and in doing that for the summer. It went fast, but almost every weekend there were events and there were in our parks that were in the streets. It was a really good, positive vibe throughout the city, and I really commend you all for being a part of that, and we feel that that's going to help our city as well. So, you know, I wanted to congratulate those who were involved with that and making it a safe place.

I know it came up about the chief of police. Our chief of police. The person who will be selected has to take a civil service test. So, we're very limited to about who we can choose based on that list. So, we're waiting for those results to come back, and then we'll evaluate that, go through a series of interviews and also some other things we'll go through to, to make sure we're choosing the right chief. And so, there was a survey that went out on National Night Out for people to respond to about what they want to see in the next chief. So that way, as we're choosing that person with the selection that is given us, we can choose the right person that's, going to be a benefit to the city. So, I know that came up.

So, I just want to let people know that also with zoning, it's going to come forward. The zoning plan is on the website now. People can review it. They can make their comments. I mean, we're not going to keep entertaining comments. This has been going out for a long time. So, it is going to go before the, the council, public hearing, right? It's public hearing is coming up.

And so, you know, we'll see whether there's any other changes that need to be made or groups figure out, you know, if it I don't know if there so many changes that were made trying to figure out what changes will be at this point, because we've had plenty of time now to give the people the time in, to make comments and also make some changes. There is some drastic changes that were done to the zoning. If you look at the new one, you would actually see some of the neighborhoods that are no longer now being turned into high rise buildings. They're staying as 1 or 2 family homes, and a lot of the streets on the north side were changed. Because of the fact that in the old zoning, most of those streets, I think our whole North side just kind of destroyed 1 or 2 family homes.

So that that was some of the changes that were made. So, I do encourage people to go online and to be able to review the, the current, zoning code. It's here and be ready.

So when it comes before the council and the public and the public comment, I mean, public hearing, which is going to be in October. Yeah, I think it's in October, so. The other thing is –

Chamberlain Cummings: it's September 17.

Mayor Flowers: The 17th ? Okay. Thank you.

Also, too, I just want to put this out there. We are, planning on applying for DRI grant, which is the Downtown Revitalization Initiative grant. So, we also are going to be asking for input from the public, and we also will sit down and talk with the councilmembers, because we can't talk about a plan today about how we wanted to get the council members involved in being able to engage in the in the public. So, if you have any board meetings that are coming up, within the next few weeks, please let us know. And we would ask if you can invite our Planning and Development department to attend. So that way we can start that process in getting that input of what we need for this particular grant. So, something that we're hoping to eventually get and hopefully Poughkeepsie will get it this year.

And, I think that's it.

Oh, also too, Congressman, James Clyburn was here over the weekend. He came on Sunday. He was at Beulah Baptist Church. And then he also was in Newburgh. So, I got a chance to see him over in Newburgh. It was a pleasant, visit. He came with Congressman Pat Ryan. So it was a great time to actually have a conversation with a legendary person who has also has fought for civil rights in this country and has been congressman for decades. So if you ever get a chance to read up on, you'll be very impressed with the work he has done in the past.

So thank you, chair.

I think that's pretty much it for me.

VIII. NEW & UNFINISHED BUSINESS & ANNOUNCEMENTS:

IX. REPORTS OF COMMITTEES AND BOARDS:

CONSENT AGENDA:

X. MOTIONS AND RESOLUTIONS:

1. **R-24-69**, Resolution Approving the Formation of Highview Sewage-Works Corp. as a Sewage-Works Corporation.

RESOLUTION R-24-69

MUNICIPAL CONSENT TO FORM A SEWAGE-WORKS CORPORATION

The City Council of the City of Poughkeepsie, Dutchess County, New York hereby consents to the formation of a sewage-works corporation, pursuant to Article 10 of the Transportation

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Corporations Law of the State of New York, to the formation of a Sewage-Works Corporation for the purpose of supplying within a part of the City of Poughkeepsie sewer transport service; and we consent to the filing of the annexed certificate of incorporation for Highview Sewage-Works Corporation upon receipt of the approval of the sewer system by the Dutchess County Department of Behavioral and Community Health.

Executed on _____, 2024 at Poughkeepsie, New York

Yvonne Flowers, Mayor

I hereby certify that the Consent herein was passed by the Poughkeepsie City Council on _____, 2024

Jamar Cummings, City Chamberlain

I hereby certify that the foregoing Consent contains the correct text and proper procedures were followed for the Consent above referenced passed by the Poughkeepsie City Council on _____, 2024

Rebecca Valk, Corporation Counsel

EXHIBITS

LAW OFFICES
ALBERT A. NATOLI, P.C.

49 COLD SPRING POINT ROAD • SOUTHAMPTON • NEW YORK 11968
TELEPHONE: (212) 619-8087 • FACSIMILE: (877) 770-8087 • EMAIL: Natoli.Esq@gmail.com

August 14, 2024

By E-mail

Honorable Yvonne Flowers, Mayor
and Members of the Common Council
City of Poughkeepsie
62 Civic Center Plaza, 3rd Floor
Poughkeepsie, NY 12601

RE: Petition for Consent from the Common Council, City of Poughkeepsie to
Form the Highview Sewage-Works Corp.

Dear Mayor Flowers and Members of the Common Council:

By this letter, Maselo Realty, LLC (“**Petitioner**” or “**Owner**”), petitions the City of Poughkeepsie (“**City**”) for its consent to form Highview Sewage-Works Corp. (“**HSW**”), as a sewage-works corporation pursuant to the provisions of the Transportation Corporations Law of the State of New York (“**TCL**”) (“**Petition**”). The corporation would provide sewer transport services to two parcels.

Highview II - Milton Street

Owner is proposing to construct the Highview II development, a 63-apartment unit development on an 8.80± acre parcel, located on a single parcel at the junctions of Fitchett Street, Milton Street, and Arnold Road in the City of Poughkeepsie. The parcel is identified as 131300-6162-73-623227 on the City of Poughkeepsie (“**COP**”) Tax Map (“**Owner’s Parcel**”). The project consists of the construction of 31 one-bedroom and 32 two-bedroom units for residences (“**Highview**”). The location of the project is shown on the map that is attached as **Appendix 1**.

The Mountain Brook Apartment complex, in the Town of Poughkeepsie (“**TOP**”), tax map number 6162-19-685225-0000 (“**Mountain Brook**”), directly adjoins the Owner’s Parcel to the east. Domestic sewage from Mountain Brook is piped through the Owner’s Parcel. The sewer line does not cross any other parcels or public lands. The existing sanitary sewer line traverses above the Fallkill Creek where it then connects to a TOP sewer trunk line. The TOP trunk line runs along the western side of the Fallkill Creek to a TOP lift station, which then conveys the sewage to a COP main and ultimately

into the COP Wastewater Treatment Facility (“WWTF”). The existing sewer manholes and line serving Mountain Brook are illustrated on Appendix 1.

The on-site gravity collection system for Highview will be connected to the existing sanitary sewer line now serving Mountain Brook, as depicted on Appendix 1.¹ The existing sanitary sewer line from the point it enters onto the Owner’s Parcel to the TOP connection (“**Sewer System**”) will be transferred to and maintained by the proposed transportation corporation.

The Sewage-Works Corporation

TCL Article 10 grants local municipalities, in this case the City of Poughkeepsie, the authority to consent to the formation of a sewage-works corporation.²

Since the Sewer System will serve more than one real estate parcel, the Dutchess County Department of Behavioral & Community Health (“**DOH**”) claims that a sewage-works corporation is needed to operate and maintain the Sewer System. The Owner does not agree; however, to avoid conflict and to promptly obtain the approvals needed to begin construction at Highview, the Petitioner seeks to form a sewage-works corporation under the TCL to own, operate, maintain, repair, and replace the Sewer System, which would serve the two parcels. The Owner has agreed with Mountain View that it would pay and be responsible for the maintenance, repair, and replacement of the Sewer System at its own cost and expense.

Article 10 of the TCL sets forth the conditions that should be met before a municipality consents to the formation of a sewage-works corporation.

TCL § 116 states that a certificate by the municipality consenting to the formation of the corporation must be annexed to a proposed Certificate of Incorporation for a sewage-works corporation when it is filed with the Secretary of State. **Appendix 2** is the proposed Certificate of Incorporation for Highview Sewage-Works Corp. **Appendix 3** is

1 The existing sewer line is shown on Appendix 1 in yellow. The “New Proposed Relocated Sewer Line and Easement” shown on the map will not be built. The Highview apartments will be connected to the existing sewer line.

2 The sewage transport services to be performed by HSW will occur exclusively within the boundaries of the COP. In addition to the effluent generated within COP, HSW will collect sewage from one user located in the TOP and transport all of the effluent for discharge into the TOP sewer trunk line. This discharge shall comply with sewer tenancy agreements between TOP and each user.

As the transportation of sewage occurs totally within COP boundaries and the discharge complies with existing agreements, no approval from TOP is legally required. However, a courtesy copy of this filing is being sent to the TOP Town Attorney to ensure transparency and allow for any comments TOP may wish to offer.

a proposed Consent of Common Council allowing the formation of a Sewage-Works Corporation that would be filed with the Certificate of Incorporation.

TCL § 117 provides that approval by DOH is needed before a municipality approves the formation of a sewage-works corporation. Since DOH has indicated that it will not issue its approval for the Sewer System unless a transportation corporation can be formed, Owner requests that COP approve the formation of the corporation contingent on obtaining DOH approval and hold the municipal consent until the Owner files a copy of DOH's approval with the COP.

TCL § 118 provides that the local governing body may use its own professional engineer or retain a licensed professional engineer to examine the plans, inspect construction, and report to the local governing body regarding the construction of the sewage-works system and appurtenances. The Petitioner and its representatives will discuss with COP the amount that needs to be posted to provide for the City's engineering cost and is willing to post the amount agreed upon with COP.

TCL § 119(1) authorizes that a performance bond be posted by the applicant to guarantee the construction of the sewage-works system. The Petitioner and its representatives will estimate the cost needed to connect into the existing sewer line, provide that estimate to COP, and is willing to post a performance bond in the amount needed.

TCL § 119(2) provides that the corporation guarantee that it will continue to maintain and operate the system for a period of at least five years. Compliance can be achieved by posting a security that reflects the cost to operate the facility for five years less the revenue anticipated from the users. Since the Owner has agreed to pay 100% of the cost to operate the system, and, therefore, the revenue anticipated from users is 100% of the cost to operate the system, a five-year security to guarantee the operations of the system would be \$0.00 and a bond is unnecessary.

TCL § 119(3)(a) requires that the stock of the sewage-works corporation is to be placed in escrow with COP in order to authorize the passing of title to the municipality in the event that the maintenance and operation of the sewage-works system is abandoned or discontinued. The applicant agrees to place the stock in escrow with COP.

TCL § 120 permits the local governing body to require an option to purchase the system from the corporation. Since the sewer line is the only plant and neither COP nor the Town sewer district owns, operates, or maintains sewer service pipes on private property that serve individual privately owned parcels, and since the Sewer System serves only two parcels, there appears to be no reason why COP would seek to own these facilities. Therefore, there is no reason to prepare and enter into an option to purchase agreement.

Typically, pursuant to TCL § 121, the rates that will be charged by the sewage-works corporation need to be approved by the municipality. Rates are typically proposed after the corporation is formed. However, the Owner has agreed to pay 100% of the cost to maintain, repair, and replace the Sewer System. Therefore, the rate to be charged has been determined, and no other rate needs to be approved by COP.

State Environmental Quality Review Act

Under the State Environmental Quality Review Act (“**SEQRA**”), Article 8 of the Environmental Conservation Law, and its implementing regulations (Title 6 of the New York Codes, Rules, and Regulations [“**NYCRR**”] Part 617), all State and local agencies, including cities, must determine whether the actions they take may have a significant impact on the environment.

Appendix 4 is a Short Environmental Assessment Form, Part 1 (“**Short EAF**”), relating to the formation of the proposed sewage-works corporation. It is attached only to support the conclusion that this is a Type II action found at 6 NYCRR §617.5(c)(11). The action proposed is for permission to form a transportation corporation. Based upon the criteria for determining significance listed in 6 NYCRR § 617.7(c), the proposed action will not have significant impacts upon the environment.

The only external approval needed to form the transportation corporation is from the DOH. All other approvals are internal to COP. DOH will have already approved the connection to the existing sewer line before COP gives its final approval to form the transportation corporation. Since no additional State or local permits or approvals are needed for COP to grant its permission to form the transportation corporation, no further review, including a coordinated review under SEQRA, is needed. Thus, COP should determine that this Petition meets the Type II criteria and no further review is required.

If you have any questions regarding these materials, please call. Thank you for your attention to this matter.

Very truly yours,

Albert A. Natoli
On Behalf of Maselo Realty, LLC

AAN:khn
Enclosures

CC: Rebecca A. Valk Esq., Corporation Counsel
Jamar Cummings, Chamberlain, City of Poughkeepsie (by U.S. Mail)
James Nelson, Esq., Town Attorney, Town of Poughkeepsie

**CERTIFICATE OF INCORPORATION
OF
HIGHVIEW SEWAGE-WORKS CORP.**

PURSUANT TO ARTICLE 10 OF THE
TRANSPORTATION CORPORATIONS LAW OF THE STATE OF NEW YORK

I, the undersigned, for the purposes of forming a sewage-works corporation pursuant to Article 10 of the Transportation Corporations Law of the State of New York, hereby certify:

FIRST: The name of the proposed corporation is:

HIGHVIEW SEWAGE-WORKS CORP.

SECOND: The purposes for which the corporation is formed are to provide for the disposal, treatment, and removal of sewage by transporting sewage to a municipally owned sanitary sewer line for treatment at a municipally owned Wastewater Treatment Facility and to operate, maintain, keep, and repair a sewer pipe and appurtenances on an 8.80± acre parcel, at the junctions of Fitchett Street, Milton Street, and Arnold Road, identified as 131300-6162-73-623227 on the City of Poughkeepsie Tax Map, in the City of Poughkeepsie, County of Dutchess, and State of New York and to transport sewage from The Mountain Brook Apartment complex, in the Town of Poughkeepsie, tax map number 6162-19-685225-0000, to the Town of Poughkeepsie sewer trunk line (the "Service Area"); to lay, maintain, repair, and operate such facilities in any street, highway, or public place of any city, town, village, or other municipal area, in which it has obtained the consent required by Section 116 of the Transportation Corporations Law; to perform all other permitted activities under Article 10 of the Transportation Corporations Law; and to take and hold title to real estate.

THIRD: The aggregate number of shares which the Corporation shall have the authority to issue is 200 shares of no par value stock.

FOURTH: The office of the Corporation is to be located in Dutchess County, State of New York.

FIFTH: The Secretary of State is designated as agent of the Corporation upon whom process against it may be served. The post office address to which the Secretary of State shall mail a copy of any process against the Corporation served upon him/her is:

HIGHVIEW SEWAGE-WORKS CORP.
c/o Maselo Realty, LLC
18 Eastview Road
Monsey, NY 10952

SIXTH: This Corporation shall be empowered to engage in any similar lawful business or enterprise that is or might be incidental to and in any manner connected with its primary purposes.

SEVENTH: The area to be served by the Corporation is an 8.80± acre parcel, at the junctions of Fitchett Street, Milton Street, and Arnold Road in the City of Poughkeepsie, County of Dutchess, and State of New York and it is further authorized to accept sewage from The Mountain Brook Apartment complex, in the Town of Poughkeepsie, tax map number 6162-19-685225-0000.

EIGHTH: The consent of the Common Council of the City of Poughkeepsie, the local governing body, has been obtained as required by Section 116 of the Transportation Corporations Law and is annexed hereto.

NINTH: A director of the Corporation shall not be liable to the Corporation or its shareholders for damages for any breach of duty in such capacity except for:

(i) liability if a judgment or other final adjudication adverse to a director establishes that his or her acts or omissions were in bad faith or involved intentional misconduct or a knowing violation of law or that the director personally gained in fact a financial profit or other advantage to which he or she was not legally entitled or that the director's acts violated BCL Section 719, or

(ii) liability for any act or omission prior to the adoption of this provision.

TENTH: No holder of any of the shares of any class of the Corporation shall be entitled as of right to subscribe for, purchase, or otherwise acquire any shares of any class of the Corporation which the Corporation proposes to issue, or any rights or options which the Corporation proposes to grant for the purchase of shares of any class of the Corporation or for the purchase of any shares, bonds, securities, or obligations of the Corporation which are convertible into or exchangeable for, or which carry any rights to subscribe for, purchase or otherwise acquire shares of any class of the Corporation; and any and all of such shares, bonds, securities or obligations of the Corporation, whether now or hereafter authorized or created, may be issued, or may be reissued or transferred if the same have been reacquired and have treasury status, and any and all of such rights and options may be granted by the Board of Directors to such persons, firms, corporations and associations, and for such lawful consideration and on such terms, as the Board of Directors in its discretion may determine, without first offering the same, or any thereof, to any said holder. Without limiting the generality of the foregoing stated denial of any and all preemptive rights, no holder of shares of any class of the Corporation shall have any preemptive rights in respect of the matters, proceedings, or transactions specified in subparagraphs (1) to (6), inclusive, or paragraph (e) of Section 622 of the Business Corporation Law.

ELEVENTH: Except as may otherwise be specifically provided in this Certificate of Incorporation, no provision of this Certificate of Incorporation is intended by the Corporation to be construed as limiting, prohibiting, denying, or abrogating any of the general or specific powers or rights conferred under the Transportation Corporations Law or, by virtue of Article 10 thereof, the Business Corporation Law upon the Corporation, upon its shareholders, bondholders, and security holders, and upon its directors, officers and other corporate personnel including, in particular, the power of the Corporation to furnish indemnification to directors and officers in the capacities defined and prescribed by the Business Corporation Law, and the defined and prescribed rights of said persons to indemnification as the same are conferred by the Business Corporation Law.

TWELFTH: The undersigned incorporator is of the age of twenty-one years or over.

IN WITNESS WHEREOF, this certificate has been subscribed on this ____ day of _____, 2024.

Signature of Incorporator

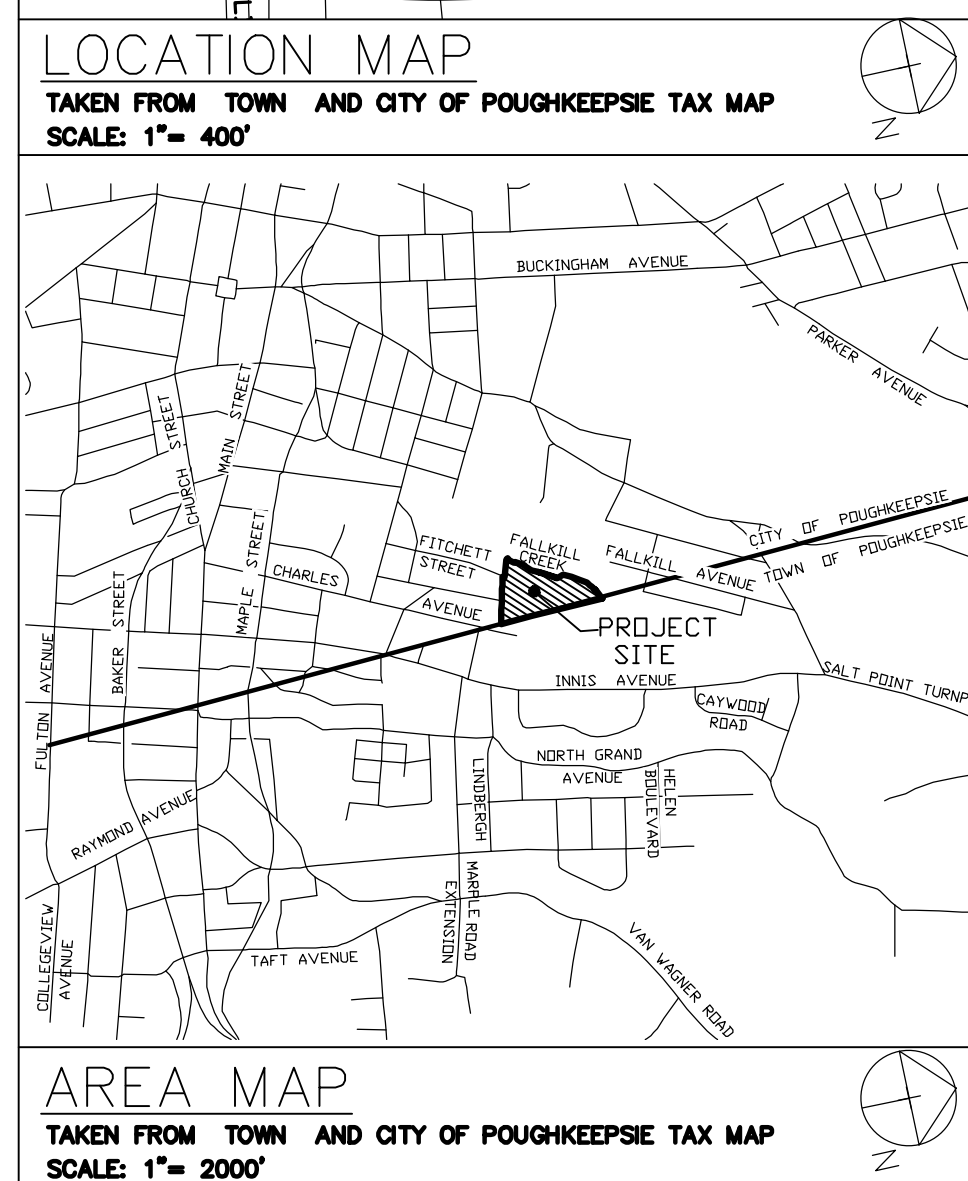
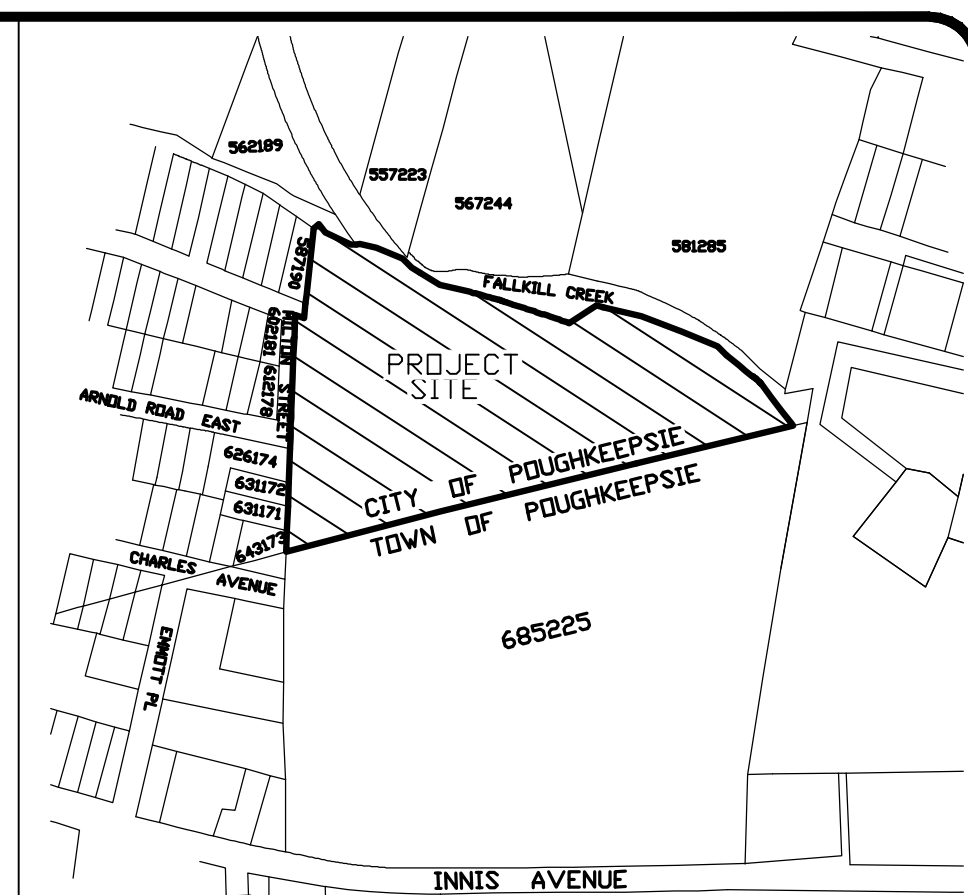
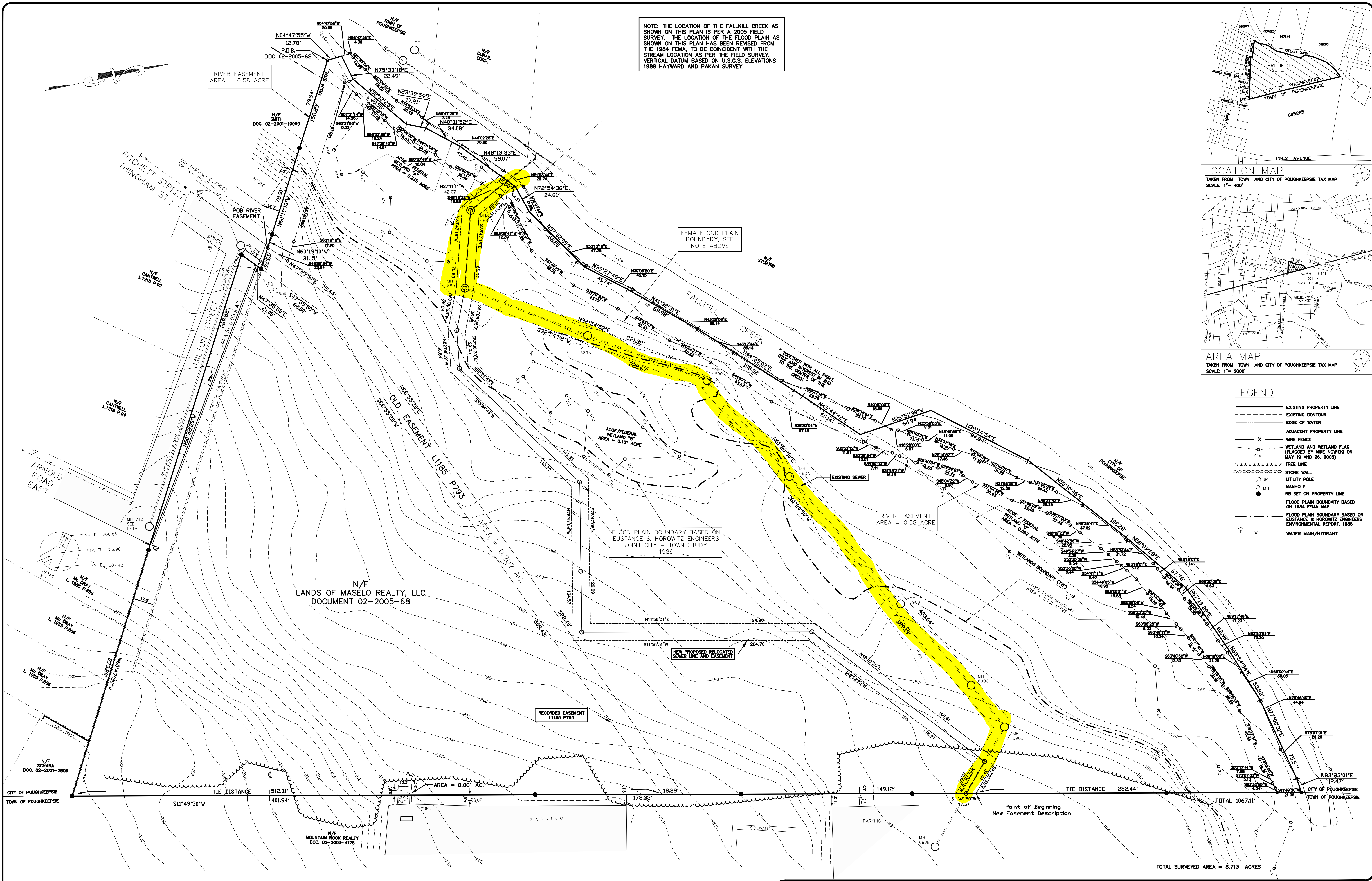
Printed Name of Incorporator

Address of Incorporator

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

On the ____ day of _____, in the year 2024, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)



- LEGEND
- EXISTING PROPERTY LINE
 - EXISTING CONTOUR
 - EDGE OF WATER
 - ADJACENT PROPERTY LINE
 - WIRE FENCE
 - WETLAND AND WETLAND FLAG (FLAGGED BY MDC NOWOOD ON MAY 19 AND 26, 2005)
 - TREE LINE
 - STONE WALL
 - UTILITY POLE
 - MANHOLE
 - RB SET ON PROPERTY LINE
 - FLOOD PLAIN BOUNDARY BASED ON 1984 FEMA MAP
 - FLOOD PLAIN BOUNDARY BASED ON EUSTANCE & HOROWITZ ENGINEERS ENVIRONMENTAL REPORT, 1986
 - WATER MAIN/HYDRANT

- CERTIFIED TO:
- PHOENIX CAPITAL PARTNERS III, LLC
287 BOWMAN AVENUE
PURCHASE, NY 10577
 - LENNAR NEW YORK, LLC
 - COMMONWEALTH LAND TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP WAS MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND ACSM IN 1999, PURSUANT TO THE ACCURACY STANDARDS (AS ADOPTED BY ALTA AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION).

CARNEY RHINEVAULT NYSLS No.49097

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DRAWING IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW

NO.	DATE	REVISIONS	DRN	APPR
1	06/14/05	PHOENIX ADDRESS	AH	CR
2	8/10/05	REVISE WETLAND BOUNDARY	LLN	CR
3	10/5/05	EASEMENTS	DJF	CR
4	10/17/05	ADD CONTOURS AROUND PERIMETER	DJF	CR
5	4/11/06	COMBINE MAPS	DJF	CR
6	4/13/06	RIVER EASEMENT	DJF	CR
7	4/18/06	ADD CERTIFICATIONS. CALCULATE ENROACHMENT AREAS	DJF	CR

PROJECT	
PROJ. ENGR.:	
DESIGNED BY:	
DRAWN BY:	AH
CHECKED BY:	CR
APPROVED BY:	CR
CONTOUR INTERVAL:	2 FT
DATUM:	DATUM_SOURCE
0 7.5 15 30 60	
1" = 30'	

MAP OF
HIGH VIEW AT FALLKILL CREEK
A PROJECT OF PHOENIX CAPITAL PARTNERS, LLC
SITUATE AT MILTON STREET
CITY OF POUGHKEEPSIE
DUTCHESS COUNTY, NEW YORK

SPECTRA ENGINEERING, ARCHITECTURE
AND SURVEYING P.C.
1 Civic Center Plaza, Suite 401
Poughkeepsie, NY 12601
TEL (845) 454-9440 FAX (845) 454-9206

DATE: 05/27/05 SCALE: 1"=30' PROJ NO: 05191 SHEET 1 OF 1

Official Minutes of the Common Council Meeting of September 3, 2024

R-24-69 - VOICE VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Henry	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Brown	Voter	☒	☐	☐	☐
	Councilmember James	Voter	☒	☐	☐	☐
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Majority Leader Patterson Thompson	Voter	☒	☐	☐	☐
	Vice Chair Shook	Voter	☐	☐	☐	☒
	Chairman Wilson	Voter	☐	☐	☐	☒

At 7:55 pm a motion to adjourn the meeting was made by Councilmember Brown and seconded by Councilmember Grant.

Dated: September 10, 2024

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Tuesday, September 3, 2024.

**Respectfully submitted,
Donna M. DeLuca
Deputy City Chamberlain**