



The City of Poughkeepsie New York

Common Council Meeting Minutes

Tuesday, November 19, 2024

6:30 PM

Common Council Chambers

**Welcome to the regularly scheduled Meeting of the City of Poughkeepsie
Common Council the date is November 19, 2024, and the time is 6:30pm**

I. ROLL CALL:

7 Present, 2 Absent (Councilmember - 2nd Ward Evan Menist, Council Member At-Large Da'Ron Wilson)

II. REVIEW OF MINUTES:

A motion to Approve was made by Council Member- 7th Ward Patterson Thompson and seconded by Council Member- 6th Ward Grant.

Motion to Approve the Minutes - VOICE VOTE	
Yes/Aye:	Council Member- 1st Ward Henry, Council Member- 3rd Ward Brown, Council Member- 5th Ward James, Council Member- 6th Ward Grant, Council Member- 8th Ward Deichler, Council Member- 7th Ward Patterson Thompson, Council Member- 4th Ward Shook
No/Nay:	None
Abstain:	None
Absent:	Councilmember - 2nd Ward Menist, Council Member At-Large Wilson
Result:	Passed

1. Continued Public Hearing for Adopting New Zoning Code - October 15, 2024 (amended)
2. Public Hearing for Amending Chapter 6 of City Code on October 15, 2024
3. Common Council Meeting Minutes of October 15, 2024 (amended)

4. Public Hearing Amending Chapter 14, Article VII of City Code November 4, 2024
5. Public Hearing on 2025 Budget for City of Poughkeepsie November 4, 2024
6. Common Council Meeting Minutes of November 4, 2024

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

NONE

IV. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

A motion to Defer to Corporation Counsel was made by Council Member- 7th Ward Patterson Thompson and seconded by Council Member- 3rd Ward Brown.

Motion to Defer Items to Corporation Counsel - VOICE VOTE	
Yes/Aye:	Council Member- 1st Ward Henry, Council Member- 3rd Ward Brown, Council Member- 5th Ward James, Council Member- 6th Ward Grant, Council Member- 8th Ward Deichler, Council Member- 7th Ward Patterson Thompson, Council Member- 4th Ward Shook
No/Nay:	None
Abstain:	None
Absent:	Councilmember - 2nd Ward Menist, Council Member At-Large Wilson
Result:	Passed

1. **FROM KAJZIA GREEN AND JONATHAN GREEN**, a notice of personal injury and damages sustained on September 27, 2024
2. **FROM GINO'S PIZZA AND RESTAURANT INC**, a 30-day advance notice of NYS Liquor License application

V. PUBLIC PARTICIPATION: Three Minutes Per Person on Any Topic

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

Official Minutes of the Common Council Meeting of November 19, 2024

Laurie Sadow* - S. Grand Ave
Ken Levinson - Garfield Place
Daniel Atonna - College Ave

***Submitted written comments**

Laurie Sandow public comments, Common Council meeting, November 19, 2024

Today, November 19th, marks the 161st anniversary of the Gettysburg Address, where President Lincoln said, in part: "The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us — that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion — that we here highly resolve that these dead shall not have died in vain — that this nation, under God, shall have a new birth of freedom — and that government of the people, by the people, for the people, shall not perish from the earth."

Lincoln spoke to a standard so disturbingly absent from what takes place in this room—where a consent agenda, Mayoral and Council belligerence and ignorance, lack of transparency and accountability, fraud and hostility to the public, all rule the day, gleefully depriving residents of this City from the ideals embodied by "government of the people, by the people, for the people."

At the last Council meeting, Yvonne Flowers used her comments for more double-talk and attacks on members of the public. She said, and I quote: "Ward meetings are usually for the residents that are in their ward... It's not necessarily for the whole city to attend." Yet, at the previous meeting, she criticized those she labeled as "a certain small demographic" for their failure to show up on behalf of the City's north side. And within a few minutes Flowers reversed herself again, saying "this is a whole one city... You know, I just like people when they come out and notice that we have challenges throughout the entire city." This is the same Mayor who—when someone is willing to make note of these challenges and failures—retaliates by illegally blocking and deleting them from the public forum of her social media, as well as deleting the entire thread where she stated her intent to delete criticism.

At the last Council meeting, Flowers asked the Council to delay their vote on zoning, arguing that (quote) "it wasn't enough time" for people to have heard about the section being deleted. Yet tonight, with only 3-days notice, and most people in this City entirely unaware, a Poughkeepsie Urban Renewal Agency ("PURA") public hearing and resolution made it clear that the meaning of "enough time for people to know" is nothing but opportunistic hogwash from a Mayor who's got something up her sleeve, and who thinks it's a laughing matter that no-one showed up to speak. How unfortunate that this City has a Mayor who thinks it's cause for celebration when she and this Council fail to widely, actively, consistently inform the public and circulate the content of these meetings, and have made the meetings so unwelcoming, antagonistic and retaliatory against public commenters that, meeting after meeting, attendance and comments have dwindled to a very small handful.

Did the residents of this City have enough time to learn about all the items on tonight's consent agenda, which consent is achieved in caucus, behind closed doors? These consent items include Item #3, the 204 Church St. settlement with Baxter, not dissimilar from a previous settlement with Neshiewat, in both cases the 204 Church Street property suffering decline and malignant demolition by purchaser neglect before the property is reclaimed by the City (**R-24-86, Resolution Authorizing Purchase Settlement property at 204 Church Street**). And what about Item #4, a parcel sale that included a very clear restriction against use as a parking lot, though it's been illegally used that way for years since purchase, and is now gaining Council approval for parking use, even when other bidders on the property were eliminated from the same use. (**R-24-87, Modifying Resolution R-20-39 Regarding Conditions Attached to The Sale of Formerly City Owned Property At 556 Main Street**).

And with the sound of the "bell"—there you have it: the 3-minute time limit that guarantees how little "of the people, by the people, and for the people" ever takes place in this room, or can be addressed through public comments—exactly as the Mayor and Council prefer it.

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

NONE

VII. MAYOR'S COMMENTS:

I just want to thank everyone who came out for the public hearings - especially for the BID

It was a comment that was made as far as, you know, some people have felt like this would turn Poughkeepsie into like a Beacon or like, they say, a Rhinebeck, but that's not the case.

And we're actually trying to make the improvements in the City of Poughkeepsie so it becomes a more improved Poughkeepsie, you know, that all residents in the City of Poughkeepsie can enjoy. So we're working hard to ensure that that happens.

We don't want to see anybody pushed out, but we do appreciate the fact that we have business owners that are willing to kind of work together in order to make the improvements in our Main Street corridor.

Also, too, there's been a couple of comments that were made. It's sometimes in conversations we have as well about the homeless individuals being pushed around. They're not being pushed around. They're just not allowed to be sleeping and camping in our parks. So, we have been making sure that we address those concerns because, you know, we have been getting those complaints and also sleeping on our public streets. So, we've been addressing that. But while we're doing that, we also been working with agencies that have been going out every day and actually working with these individuals to provide services for them. We just find out that we that they're still bringing people here to the city of Poughkeepsie. So, we're also still trying to deal with that as well. But, you know, we're not being insensitive to the fact that there are people who don't have homes and that they are on our streets. But we have been taking an approach to help these individuals, but also to let them know that our streets and our parks cannot be the place that they will be sleeping and congregating in. Some have been very irate and been very dangerous when it comes down to some of our residents. And so that is improving. It's getting better. There's many agencies that are out there actually addressing this as well. So I'm very hopeful that this will be more under control, which it is, because it really if you if you go down Main Street, even in the evening, I've noticed the difference and I'm noticing a difference during the day and business owners are actually reaching out and saying they're seeing the improvements. So, we reached out to Councilmember Grant, and James in that corridor there that we were having some challenges and actually kind of work with those business owners as well, because they're not part of the bid. But we can still build a coalition between them all about how they can work together along with our council members, in order to make improvements in their area as well.

So, that's something that we're working on. And I know there is a process of setting up a meeting and so we'll speak with them.

And at this point, I'm not going to say anything else. So, thank you.

VIII. NEW & UNFINISHED BUSINESS & ANNOUNCEMENTS:

During NEW BUSINESS, Councilmember James with the support of Councilmembers Grant and Deichler, walked onto the floor **Resolution R-24-88**

**RESOLUTION
R-24-88**

INTRODUCED BY COUNCILMEMBERS JAMES, GRANT AND DEICHLER:

BE IT RESOLVED, that the Common Council hereby amends the 2024 Rules of Conduct and Procedure of the Common Council of the City of Poughkeepsie to delete Rule XXIV as shown on the attached document.

RULE XXIV: A memorialization resolution is used to make any statement that asks another government official or body to act or intended to encourage support or opposition to an action by or being considered by another government official or body. Any memorialization shall require at least four sponsors and must have a direct impact on City of Poughkeepsie Government and provide a fiscal impact statement and other supporting documentation for such proposed action. Any memorialization to the NYS Legislature or the US Congress must have bill numbers in both houses and the bills must be referred to and attached to the resolution.

A motion to table Resolution R-24-88 was made by Vice Chair Shook and seconded by Councilmember Brown

Motion to Table R-24-88 - Roll Call Vote	
Yes/Aye:	Council Member- 1st Ward Henry, Council Member- 3rd Ward Brown, Council Member- 5th Ward James, Council Member- 6th Ward Grant, Council Member- 8th Ward Deichler, Council Member- 7th Ward Patterson Thompson, Council Member- 4th Ward Shook
No/Nay:	None
Abstain:	None
Absent:	Councilmember - 2nd Ward Menist, Council Member At-Large Wilson
Result:	Passed

IX. REPORTS OF COMMITTEES AND BOARDS:

X. CONSENT AGENDA: MOTIONS AND RESOLUTIONS:

A motion to Approve consent agenda was made by Council Member- 7th Ward Patterson Thompson and seconded by Council Member- 6th Ward Grant.

Approving the Consent Agenda- VOICE VOTE

Yes/Aye:	Council Member- 1st Ward Henry, Council Member- 3rd Ward Brown, Council Member- 5th Ward James, Council Member- 6th Ward Grant, Council Member- 8th Ward Deichler, Council Member- 7th Ward Patterson Thompson, Council Member- 4th Ward Shook
No/Nay:	None
Abstain:	None
Absent:	Council Member - 2nd Ward Menist, Council Member At Large - Wilson
Result:	Passed

1. **R-24-84**, Resolution Introducing a Local Law to Add a New Section 15-17.1 “Outdoor Cooking, Food and Beverage Preparation Facilities” and Setting Public Hearing

**RESOLUTION
(R-24-84)**

**RESOLUTION INTRODUCING A LOCAL LAW TO ADD A NEW SECTION 15-17.1
“OUTDOOR COOKING, FOOD AND BEVERAGE PREPARATION FACILITIES”**

**INTRODUCED BY COUNCILMEMBER SHOOK, PATTERSON THOMPSON,
BROWN, JAMES :**

BE IT RESOLVED that an introductory Local Law entitled, “A LOCAL LAW TO ADD A NEW SECTION 15-17.1 “OUTDOOR COOKING, FOOD AND BEVERAGE PREPARATION FACILITIES” be and hereby is introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

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

BE IT FURTHER RESOLVED that the Council shall hold a public hearing on said

proposed local law to receive comment from the public on Tuesday, December 3, 2024 at 5:30pm in the Common Council Chambers, Third Floor, City Hall, 62 Civic Center Plaza, Poughkeepsie, New York;

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

2. **R-24-85**, Resolution Introducing a Local Law to Amend Chapter 10 “Hawkers, Peddlers and Transient Vendors,” Section 10-20 “Penalties” and Setting Public Hearing

**RESOLUTION
(R-24-85)**

**A LOCAL LAW TO AMEND CHAPTER 10 “HAWKERS, PEDDLERS AND
TRANSIENT VENDORS,” TO REVISE SECTION 10-4 “VETERANS,” THE SECTIONS
GOVERNING RESTRICTIONS ON PRIOR CRIMINAL CONVICTIONS AND TO
AMEND SECTION 10-20 “PENALTIES”**

**INTRODUCED BY COUNCILMEMBER WILSON, SHOOK, PATTERSON
THOMPSON, BROWN, JAMES, GRANT :**

BE IT RESOLVED that an introductory Local Law entitled, “A LOCAL LAW TO AMEND CHAPTER 10 “HAWKERS, PEDDLERS AND TRANSIENT VENDORS,” TO REVISE SECTION 10-4 “VETERANS,” THE SECTIONS GOVERNING RESTRICTIONS ON PRIOR CRIMINAL CONVICTIONS AND TO AMEND SECTION 10-20 ‘PENALTIES’” be and hereby is introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

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

BE IT FURTHER RESOLVED that the Council shall hold a public hearing on said proposed local law to receive comment from the public on Tuesday, December 17, 2024 at 6:00pm in the Common Council Chambers, Third Floor, City Hall, 62 Civic Center Plaza, Poughkeepsie, New York;

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

3. **R-24-86**, Resolution Authorizing Purchase Settlement property at 204 Church

Street

RESOLUTION

(R-24-86)

SPONSORED BY COUNCILMEMBERS SHOOK, PATTERSON THOMPSON, BROWN, JAMES, GRANT AND DEICHLER

WHEREAS, on the 23rd day of July, 2021, 204 Church LLC purchased from the City of Poughkeepsie the Property at 204 Church Street by quit-claim deed which deed was recorded in the office of the Dutchess County Clerk on July 28, 2021 as Document # 02-2021-52779 (the, “DEED”); and

WHEREAS, the deed contained certain conditions subsequent in which the Property would automatically revert back to the City if 204 Church LLC did not meet; and

WHEREAS, 204 Church LLC has notified the City that it is unable to satisfy the conditions subsequent contained in the DEED given the current economic climate; and

WHEREAS, the Parties wish to resolve this matter without the necessity of litigation.

NOW, THEREFORE, be it resolved that the Common Council authorizes the Mayor’s signature on the attached settlement agreement and any documents necessary to effectuate the transfer of property at 204 Church Street to the City of Poughkeepsie.

4. R-24-87, Modifying Resolution R-20-39 Regarding Conditions Attached to The Sale of Formerly City Owned Property At 556 Main Street

A motion to Move to Action Agenda was made by Council Member- 6th Ward Grant and seconded by Council Member- 8th Ward Deichler.

Motion to Move R-24-87 to Action Agenda - VOICE VOTE	
Yes/Aye:	Council Member- 1st Ward Henry, Council Member- 3rd Ward Brown, Council Member- 5th Ward James, Council Member- 6th Ward Grant, Council Member- 8th Ward Deichler, Council Member- 7th Ward Patterson Thompson, Council Member- 4th Ward Shook
No/Nay:	None
Abstain:	None
Absent:	Councilmember - 2nd Ward Menist, Council Member At-Large Wilson
Result:	Passed

RESOLUTION

(R-24-87)

**MODIFYING RESOLUTION R-20-39 REGARDING CONDITIONS ATTACHED TO
THE SALE OF FORMERLY CITY OWNED PROPERTY AT 556 MAIN STREET**

**SPONSORED BY COUNCILMEMBERS SHOOK, BROWN, JAMES, GRANT AND
DEICHLER**

WHEREAS, by Resolution R-20-39, the City of Poughkeepsie authorized the sale of 556 Main Street (Tax Map No.: 6161-24-392943) to 558 Main Street LLC upon the condition that the property be developed as a three-story mixed-use building as set forth in the deed recorded with the Dutchess County Clerk at Document #02 2020 2474; and

WHEREAS, the current owner, 556 Main LLC (having taken title from 558 Main Street LLC) has requested a modification of the conditions set forth within resolution R-20-39, and the deed, to allow 556 Main Street to be used as a parking lot accessory to the existing structure at 558 Main Street; and

WHEREAS, conditions A and E of Resolution R-20-39 have been satisfied and conditions C, D and F will remain unchanged.

NOW, THEREFORE, the Common Council hereby amends resolution R-20-39 as follows:

1. Modify condition B which previously read “Purchaser shall obtain a building permit for the construction of a three-story mixed-use building within six (6) months of the closing of title” to now read “**Purchaser shall obtain a building permit to allow the Property at 556 Main Street to be used as a parking lot accessory to 558 Main Street within six months of the date of this resolution;**” and
2. Delete from condition G the phrase “Prior to Closing;”

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Mayor is authorized to sign any and all documents to reflect this amendment to the deed with the Dutchess County Clerk.

XI. CONSENT AGENDA: ORDINANCES AND LOCAL LAWS:

A motion to Adopt Ordinance and Local Laws was made by Council Member- 6th Ward Grant and seconded by Council Member- 7th Ward Patterson Thompson.

CCM Minutes of November 19, 2024 - VOICE VOTE	
Yes/Aye:	Council Member- 1st Ward Henry, Council Member- 3rd Ward Brown, Council Member- 5th Ward James, Council Member- 6th Ward Grant,

	Council Member- 8th Ward Deichler, Council Member- 7th Ward Patterson Thompson, Council Member- 4th Ward Shook
No/Nay:	None
Abstain:	None
Absent:	Councilmember - 2nd Ward Menist, Council Member At-Large Wilson
Result:	

1. **LL-24-13**, Local Law to Amend Chapter 14, Article VII “Off-Road Vehicles,” to Regulate the Fueling of Off-Road Vehicles Within the City

LOCAL LAW NO. 13 OF 2024

**A LOCAL LAW TO AMEND CHAPTER 14, ARTICLE VII “OFF-ROAD VEHICLES,”
TO REGULATE THE FUELING OF OFF-ROAD VEHICLES WITHIN THE CITY**

**INTRODUCED BY COUNCILMEMBER WILSON, SHOOK, PATTERSON-
THOMPSON, HENRY, MENIST, BROWN, JAMES, GRANT AND DEICHLER:**

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

Section 1. Section 14-73 “Definitions” is amended to add the following:

RETAIL GAS STATION: A filling station where gasoline or diesel fuel is stored, primarily for sale by delivery directly into the ordinary fuel tank connected with the engine of a motor vehicle to be consumed in the operation of such motor vehicle.

Section 2. Section 14-74 is amended to add a new subsection (c) as follows:

c. Regulations regarding the fueling of off-road vehicles

1. It shall be prohibited for an individual to fill an Off-Road Vehicle with gasoline at a retail gas station unless such Off-Road Vehicle is being towed or trailed by another vehicle.
2. Every retail gas station shall post a sign in a clear and conspicuous manner within sixty (60) days of the adoption of this local law indicating to customers that any Off-Road Vehicle (a/k/a “ATV”) must be on a tow or trailer when being filled with gas.

Section 3. Section 14 -75 “Penalties for Offense; impoundment and redemption” is

amended as follows:

1. Any person who ~~operates an off-road vehicle in violation of~~violates Section **14-74** of this chapter shall be guilty of an offense punishable by a fine not to exceed \$250.
 - (b) In addition to the penalties set forth in Subsection (a) of this section, a police officer may immediately impound an off-road vehicle that has been operated in violation of Section **14-74** of this chapter. Such impounded off-road vehicle shall be stored by the Police Department or enforcement agency pending the identification of the owner of such off-road vehicle as registered with the New York State Department of Motor Vehicles. Such title owner shall be sent notice of such impoundment, at the address on file with the New York State Department of Motor Vehicles, by certified mail within 10 days after the impoundment, if such titled owner can be identified. Neither the City of Poughkeepsie, nor any agent or employee thereof, shall be liable for any damages arising out of the provision of any erroneous name or address of such owner. The owner of the off-road vehicle operated in violation of Section **14-74** of this chapter may redeem such off-road vehicle upon satisfactory proof of ownership and payment of a redemption fee of \$1,000. An off-road vehicle impounded under this subsection shall only be released to the owner of such off-road vehicle, or to such owner's agent as evidenced by a written, notarized proof of agency, or duly executed power of attorney. After 60 days, any and all unclaimed off-road vehicles impounded as a result of a violation of this article shall be destroyed in accordance with ~~all applicable laws~~Vehicle and Traffic Law Section 1224.

Section 4. EFFECTIVE DATE

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

2. LL-24-14, Local Law Amending Chapter 6 “Building and Utility Code”

See attached

(LL 24-14)

A LOCAL LAW AMENDING CHAPTER 6 “BUILDING AND UTILITY CODE”

SPONSORED BY COUNCILMEMBER SHOOK, PATTERSON THOMPSON, MENIST, BROWN, JAMES AND GRANT:

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

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

SECTION 1: Section 6-14 “Registry of property managers and property management companies,” subsection (a) is amended as follows:

(a) *Legislative purpose.* It is recognized by the Common Council of the City of Poughkeepsie that a ~~rare majority~~ **number** of commercial and residential properties are owned by landlords who do not reside in the City of Poughkeepsie or, in many cases, the County of Dutchess. It has been the experience of the Building Department, Fire Department, Police Department, Department of Public Works and other City departments that when these Departments need to contact the absentee owner, they encounter difficulties in obtaining the property residence address and telephone number at which to reach these owners, causing delay and/or the inability of these City Departments to contact the owners. The Common Council recognizes the need for City departments, particularly in emergency situations, to be able to quickly contact the owner and/or manager of a property located within the City. The Council further recognizes that a growing number of properties with absentee landlords are being managed by property managers and property management companies. These managers are responsible for the daily operation of these buildings within the City of Poughkeepsie, act as agents for the absentee owners, are more available and accessible than the owners and thus are the more appropriate individuals for the City to contact concerning a building in the City. In order to facilitate contact with the property managers and property management companies by the City departments, this section is being enacted to require nonowner occupied property owners to provide the name, address and twenty-four-hour telephone number of property managers and property management companies that manage property within the City of Poughkeepsie to register information concerning those properties managed so as to provide the City and its various departments with accessible accurate information concerning the property and the person or persons to contact should there be a problem or emergency at the property.

SECTION 2: Section 6-20 “Duties and powers of Building Inspector,” subsection (c) is amended as follows:

(c) Service of Notices and orders. ~~He shall issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to ensure compliance during the entire course of construction with the requirements of such laws, ordinances or regulations. He shall make all inspections which are necessary or proper for the carrying out of his duties.~~ **The Building Inspector, or his designee, shall cause a compliance order for a violation of the Uniform Code, or a copy thereof, to be served on the person or entity in violation personally or by certified or registered mail within ten (10) days of the date of the order. A compliance order for violations of the Uniform Code shall be deemed served on the date it is mailed by certified or registered mail. The Building Inspector shall be permitted, but not required, to cause a compliance order for violations that are not under the Uniform Code, or a copy thereof, to also be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.**

SECTION 3: Section 6-20 "Duties and powers of Building Inspector," subsection (e) is amended as follows:

(e) *Electrical inspections.* The Building Inspector shall, during and within a reasonable time after completion of the installation of an electric wiring system, request inspections to be made by an inspector certified by the City Fire Chief **Building Inspector** to conduct inspections of electrical work and systems, pursuant to the requirements of the National Electrical Code known as the "National Fire Protection Association Pamphlet No. 70" to assure compliance with the provisions of the Electrical Code of the City and the Uniform Code.

SECTION 4: Section 6-22 "Duties of other departments and agencies," subsection (b) is amended as follows:

(b) In the case of gas- or oil-fired heat-producing appliances and of the storage of flammable liquids, the Chief of the Fire Department **Building Inspector** or his duly authorized representative shall make inspections and shall issue the necessary certificates of approval. Application for permit shall be made at the office of the Building Inspector as provided in Section 6-23 and a fee shall be charged as provided in Section 6-26.

SECTION 5: Section 6-23 "Scope of permit requirements," subsection (d) "Demolition permits, subsection (4) is amended as follows:

(4) Prior to the start of demolition permit being issued, the ~~Plumbing~~ **Building** Inspector shall certify to the ~~Building Inspector~~ that the water source is disconnected from the main, the sewer lateral is properly disconnected from the building and that the water meter has been removed.

SECTION 6: Section 6-23 “Scope of permit requirements,” subsection (e) “Permits to move structure,” subsection (2) is amended as follows:

(2) Upon the written approval of the ~~Superintendent~~ **Commissioner** of Public Works, the Building Inspector, at his discretion, may grant the permit for which the application is made. However, before any permit to move shall be granted, the applicant shall produce good and satisfactory proof to the Building Inspector that he has obtained public liability and owner's and contractor's protective insurance in an amount **approved by Corporation Counsel considering all facts including the value of the structure and the distance it will be moved.** ~~not less than \$100,000 for injuries, including wrongful death to any one person, and subject to the same limit for each person and an amount not less than \$300,000 on account of one accident and property damage insurance in an amount not less than \$25,000 for each accident and for an aggregate limit of not less than \$50,000.~~ This insurance shall be written with an acceptable company authorized to do business in the State of New York, shall be taken out before any operations of the contractor are commenced and shall be kept in effect until all operations shall be satisfactorily completed. Copies of the originals, as the case may be, of such policies, shall be furnished to the city, and such policies shall be approved by the city before operations are commenced.

SECTION 7: Section 6-28 “Stop Orders” is amended as follows:

~~Whenever the Building Inspector has reasonable grounds to believe that work on any building or structure is being prosecuted in violation of the provisions of the applicable building laws, ordinances or regulations or not in conformance with the provisions of an application, plans or specifications on the basis of which a building permit was issued or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent or the person performing the work to suspend all work and any such persons shall forthwith stop such work and suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by certified mail, return receipt requested.~~

The Building Inspector shall cause the stop-work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally or by certified mail. A copy of the stop work order shall also be posted upon a conspicuous portion of the building under construction. The stop work order is effective immediately upon posting. The Building Inspector shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder,

architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop-work order, personally or by certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order.

SECTION 8: Section 6-30 “Certificate of Occupancy” is amended to add a new subsection (f) as follows:

(f) Revocation of certificate of occupancy. The Building Inspector or their designee may, upon written notice to the owner served in accordance with Section 6-20(c), revoke a certificate of occupancy in the following instances:

(1) Where the Building Inspector determines that a building or premises is uninhabitable. The Building Inspector shall order any occupants to immediately vacate such building or premises, and the premises or building shall not thereafter be reoccupied until the Building Inspector determines that it is habitable and has issued a new certificate of occupancy.

(2) Where a notice of unsafe building or structure issued pursuant to Section 6-35 is not complied with within the period required on the written notice.

(3) Where a building or structure has remained vacant for a period of more than six months and for which no vacant property registration has been filed as required by Section 6-39.

(4) Where it is determined that a building or structure is being used in a manner not conforming with its approved use(s). The Building Inspector may temporarily revoke the certificate of occupancy until such time as the owner demonstrates that the nonconforming use(s) ceased.

SECTION 9: Section 6-33 “Temporary Certificate of Occupancy” is amended as follows:

Upon request, the Building Inspector may issue a temporary certificate of occupancy for a building or structure or part thereof before the entire work covered by the building permit shall have been completed, provided that such portion or portions as have been completed may be occupied safely without endangering life or the public welfare. Notwithstanding the preceding, the Building Inspector may issue a certificate of occupancy for a building or structure or part thereof before the entire work covered by the building permit shall have been completed, provided that the provisions of Section 19-7.4(3-a) of the Code of Ordinances have been satisfied. **A temporary certificate of occupancy shall be issued for a maximum of six months renewable on a month-to-month bases after and only as long as the permit is valid.**

SECTION 10: Section 6-39 “Abandoned/vacant and foreclosed or foreclosing properties,” subsection (c) is amended as follows:

(c) *Registration.*

- (1) Properties with vacant structures. Within ~~10~~ **30** days of the date on which a structure becomes vacant, or within ~~10~~ **30** days of being provided notices from the Building Inspector of the existence of a vacant structure that has not been registered, the owner shall register said property with the Building Department on a form provided by the Department.
- (2) Foreclosed and foreclosing properties. Within ~~10~~ **30** days of the effective date of this section, or within ~~10~~ **30** days of the initiation of foreclosure proceedings, whichever is later, the owner of any foreclosed or foreclosing property shall register said property with the Building Department on a form provided by the Building Department.
- (3) Registration pursuant to this subsection must be renewed at the end of each six months if the property is still in foreclosure and/or is vacant.
- (4) Any mortgagee who holds a mortgage on real property located within the City shall perform an inspection of the property that is the security for the mortgage, upon default by the mortgagor, prior to the issuance of a notice of default. If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the mortgagee shall, within ~~10~~ **30** days of the inspection, register the property in accordance with this subsection and obtain a vacant property permit in accordance with Section 6-39(i) below. If the property is occupied but remains in default, it shall be inspected by the mortgagee or mortgagee's designee on a monthly basis until the mortgagor or other party remedies the default; or it is found to be vacant or shows evidence of vacancy. Such determination may be made by communication with the mortgagor, a visual inspection of the real estate, or other means reasonably calculated to determine if the structure is vacant. The property shall be deemed abandoned upon such time as it is found to be vacant or shows evidence of vacancy, and the mortgagee shall, within ~~10~~ **30** days of the inspection, register the property in accordance with this subsection.
- (5) The Common Council, by resolution, shall establish a fee schedule for the registering of vacant structures and foreclosed or foreclosing properties but shall not require that an owner pay more than one registration fee per parcel per six-month period.
- (6) The owner shall notify the Building Inspector within ~~10~~ **30** days of any change in the registration information, including the sale or transfer of the property, by filing an amended registration statement on a form provided for such purposes.

SECTION 11. Section 6-39 “Abandoned/vacant and foreclosed or foreclosing properties,” subsection (f) is amended as follows:

- (f) *Failure to file a Statement of Plan and/or register.* Should the owner fail to submit a plan or fail to comply with such plan after it has been approved by the Building Department, the Building Inspector shall ~~recommend to the Office of Corporation Counsel that a criminal information be filed in City Court, and the property shall be deemed abandoned pursuant to Section 6-39(m) of this chapter.~~ **issue a written notice of the violation(s) and serve same as provided in Section Section 6-20(c). Upon the owner's failure to abate the violation(s) within the stated deadline, the Building Inspector shall recommend to the Office of the Corporation Counsel that a criminal proceeding be commenced in a court of competent jurisdiction.**

SECTION 12. Section 6-39 "Abandoned/vacant and foreclosed or foreclosing properties," subsection (h) is amended as follows:

- (h) *Inspections.* The Building Inspector, Fire Department, Sanitation Inspector and/or Police Department shall have the authority to inspect properties subject to this section for compliance with Section 6-39(g) and to issue citations for any violations with directions to remedy the violation within ~~40~~ **30** days of the date of the citation.

SECTION 13. Section 6-39 "Abandoned/vacant and foreclosed or foreclosing properties," subsection (j) is amended as follows:

- (j) *Cash bond.* Within ~~40~~ **30** days of the date on which the registration form is required under Section 6-39(c), the owner of any vacant and/or foreclosing or foreclosed property shall provide a cash bond in the amount of ~~\$10,000~~ **\$5,000** to the Building Inspector, as security in the event the Building Inspector is authorized pursuant to Section 6-39(m) below to provide for the continued maintenance of the property until such time as the property is again legally occupied, sold, or transferred and to remunerate the City for any expenses incurred in inspecting, securing, marking, maintaining, or making such property safe. A portion of said bond, in an amount to be determined by the Building Inspector, not to exceed 10% of the total bond value, shall be retained by the City as an administrative fee to fund an account for expenses incurred relative to inspecting, securing, maintaining and marking other vacant and/or foreclosed or foreclosing properties that are not in compliance with this section. Any owner of a vacant and/or foreclosed or foreclosing property providing a bond pursuant to this subsection must also provide bonds for all other vacant and foreclosed or foreclosing properties owned in the City. **The Building Inspector may waive the bond requirement for a period not exceeding one year in the following instances:**

- (1) Where the owner has applied for and receive a building permit that encompasses alterations, renovations, repairs, or construction to be performed so that the building or structure may be legally re-occupied.**
- (2) Where a property is being actively marketed for sale and is otherwise being maintained by the owner in compliance with the Code.**

SECTION 14. Section 6-39 “Abandoned/vacant and foreclosed or foreclosing properties,” subsection (k) is amended as follows:

- (k) *Liability insurance.* Within ~~10~~ **30** days of the date on which the registration form is required under Section 6-39(c), the owner of any vacant and/or foreclosed or foreclosing property shall procure liability insurance for the property' with a coverage amount to exceed \$150,000 and shall furnish the Building Inspector with a copy of said certificate of insurance.

SECTION 15. Section 6-39 “Abandoned/vacant and foreclosed or foreclosing properties,” subsection (m) is amended as follows:

- (m) *Certification of abandonment.* Upon the Building Inspector's determining a property has been abandoned and/or is otherwise vacant and not in compliance with Section 6-39(c) through (g), the Building Inspector shall cause a “Certification of Abandonment” to be filed with the Building Department's records, and such certification shall be served upon the owner of the premises, ~~either personally or by posting a copy of the certification in a conspicuous place on the property and by mailing a copy by certified mail to the owner or owners' last known address.~~ **as provided in Section 6-20(c).**

- (1) Upon the Building Inspector's filing a Certification of Abandonment, the Building Inspector, Sanitation Inspector, Police Department and/or Fire Department may, without further notice to the owner, take all necessary steps to ensure the property is properly maintained pursuant to Section 6-39(g). ~~The Building Inspector shall then provide the owner with a written statement of all costs associated with inspecting, securing, and maintaining the property. If the owner fails to reimburse the City within five days of receiving said written statement of costs, the City shall draw down upon the bond paid by the owner pursuant to Section 6-39(j).~~ **All costs associated with inspecting, securing, and maintaining the property shall be reimbursed to the City by drawing down upon the bond paid by the owner pursuant to Section 6-39(j). The Building Inspector shall maintain a written statement of all costs in the property file located in the Building Department.** If there is no bond available or if such bond proves inadequate to cover such costs, the costs incurred to ensure the property and/or dwelling is properly maintained shall be paid out of the municipal treasury on the attestation of the Building Inspector that such incurred costs are necessary and will be expended on that property. Such costs shall be charged against the land on which the building exists/existed, as a municipal lien, or shall be added to the tax roll as an assessment or shall be levied as a special tax against the land upon which the building stands or stood or shall be recovered in a suit at law against the owner.
- (2) If the Building Inspector draws down a cash bond provided pursuant to Section 6-39(j), he or she shall forthwith notify the owner of the amount by which the cash bond has been drawn down, and the owner shall have ~~10~~ **30** days from the date of said notice to replenish the bond to the minimum of ~~\$10,000~~ **\$5,000** required in Section 6-39(j).

- (3) The owner of a property for which a Certification of Abandonment has been filed may petition the Building Department to extinguish the Certification of Abandonment by providing proof to the Building Inspector that the basis for the Certificate of Abandonment no longer exists and the owner is in compliance with this article.

SECTION 16. Section 6-39 “Abandoned/vacant and foreclosed or foreclosing properties,” subsection (o) is amended as follows:

- (o) *Penalties.* Any person, firm, corporation, association or entity violating ~~the provisions~~ **any provision** of this section shall be subject to a penalty of not less than \$100 per day but not exceeding \$300 per day, per property, **penalties as provided in Section 6-11.** ~~for the following violations, which shall constitute distinct and separately chargeable violations: For the purposes of section 80.10 of the penal law, this shall constitute a special corporate fine.~~

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

a. ~~The 11th day after the owner is provided with written notice of the existence of a vacant property; or~~

b. ~~The 11th day after the initiation of foreclosure proceedings;~~

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

a. ~~The 21st day after the owner is provided with written notice of the existence of a vacant property; or~~

b. ~~The 21st day after the initiation of foreclosure proceedings.~~

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

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

a. ~~The 21st day after the owner is provided with written notice of the existence of a vacant property; or~~

b. ~~The 21st day after the initiation of foreclosure proceedings.~~

(5) ~~Failure to rectify violations of Section 6-39(g). An owner who fails to remedy~~

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

SECTION 17. Section 6-39 “Abandoned/vacant and foreclosed or foreclosing properties,” subsection (p) is amended as follows:

(p) *Procedure for serving notices.* Notices required pursuant to this section shall be served in the following manner: **manner provided in Section 6-20(c).**

(1) ~~Personally on any owner as defined in this section;~~

(2) ~~Left at the last and usual place of abode of any owner, if such place of abode is known and is within or without the state; and sent by certified or registered mail, return receipt requested.~~

SECTION 18. Section 6-97 “Designation of inspectors; function” is amended as follows:

Any person, business, agency, partnership or corporation certified by the City ~~Fire Chief~~ **Building Inspector** to perform electrical inspections in the City is hereby authorized and deputized as an agent of the City to make inspections and reinspections of all electrical installations theretofore and hereafter described and to approve or disapprove the same. In no event, however, will the cost of expense of such inspections and reinspections be a charge against the City.

SECTION 19. Section 6-98 “Duties of Inspector” is amended as follows:

It shall be the duty of the inspector to report in writing to the ~~Chief Code Enforcement Officer~~ **Building Inspector**, whose duty it shall be to enforce all the provisions of this code, all violations of or deviations from or omissions of the electrical provisions of the National Electrical Code and of all local laws, ordinances and the Building Code referred to in this article insofar as any of the same apply to electrical wiring.

SECTION 20. Section 6-112 “Issuance of electricians’ license restricted” is amended to read as follows:

No license as an electrician shall be granted to any person unless he/she shall prove to the satisfaction of the ~~Examining Board of Electricians~~ **Building Inspector** that he/she has or intends in good faith to establish a place for the regular transaction of business; that he/she is a competent electrician and qualified to do electrical contracting construction and installation work and electrical wiring; that he/she has a working knowledge of electricity and the natural laws and functions of electricity and of appliances, apparatus and devices for electrical light, heat and power purposes used and required in such work; and that he/she has a practical working knowledge of

the National Electric Code requirements as demonstrated in the applicant's obtaining a passing grade of 70% or above on the examination given by the ~~Board~~ **Building Inspector** ~~in accordance with Section 6-109 of this chapter.~~ No such license shall be granted to any person who is less than 21 years of age nor to any person who shall not subscribe and take an oath that he/she has had at least five years' practical experience in such work.

SECTION 21. Section 6-113 "Issuance of license; records; insurance required," subsection (a) is amended as follows:

~~(a)~~ Upon determining the qualifications of any applicant for an electrician's license, the ~~Examining Board of Electricians~~ **Building Inspector** shall, upon proof of insurance as set forth in Subsection ~~(b)~~ below, forthwith issue to such applicant a license hereunder authorizing the holder to engage in the business of a master electrician within the City and shall register his or her name alphabetically, his or her business address and the number and date of the license in a book to be kept in its office for that purpose.

SECTION 22. Section 6-116 "Renewal of electrician's license" is amended as follows:

Whenever an electrician's license shall have been issued as herein provided, it shall be renewed annually without further examination, provided that the holder thereof, within 30 days after January 1 in each year, shall provide a certificate of liability insurance as set forth in Section ~~6-113(b)~~ and pay the annual license fee as hereinbefore prescribed. **In addition, proof of completion of 4 hours of continuing education within the current license year in a curriculum pertaining to electrical wiring must be submitted.** Such annual renewal shall be certified by the endorsement thereof upon said license, subscribed by the ~~President of the Examining Board of Electricians~~ **Building Inspector**. Any lapse in renewal shall require a payment of an administrative fee in an amount equal to the license fee. This administrative fee shall be in addition to the reapplication fee. Applications for renewal submitted beyond April 1 in each year shall become null and void and require reexamination. Prior to expiration, a licensed electrician may petition the Building Inspector to suspend his/her license. An electrician whose license has been suspended at the electrician's request may reinstate such license at any time within five years from the date the license was scheduled to expire. There shall be a fee in addition to the license fee to reinstate a license that has been suspended at the request of the electrician.

SECTION 23. Section 6-117 "Revocation of electrician's license," subsection (a) is amended as follows:

(a) Authority. Any electrician's license or renewal may be revoked at any time by the ~~Examining Board of Electricians~~ **Building Inspector**, after hearing upon written charges, if the licensee, his/her agent, servant or employee performing any work under his/her direction shall willfully violate any law or ordinance relating to electrical construction or make any electrical installation

in a negligent or careless manner or which is a hazard to life or property.

SECTION 24. Section 6-119 “Special electricians’ license” is amended to read as follows:

An individual licensed as an electrician in another municipality of New York State **except New York City** shall be eligible for a special license in the City of Poughkeepsie from the ~~Examining Board of Electricians~~ **Building Inspector** without the necessity of complying with the provisions of Section ~~6-112~~ of this chapter, provided that the ~~Examining Board of Electricians~~ **Building Inspector** determines that the licensing municipality has adopted and followed the same electrical codes set forth in Section ~~6-93~~ of this chapter, requires the same or substantially the same qualifications to license the electrician as the City of Poughkeepsie and that the licensing municipality agrees in writing to reciprocate by permitting electricians licensed by the City of Poughkeepsie to perform electrical work in that jurisdiction without the necessity of obtaining an electrician's license in that jurisdiction, and provided a certificate of liability insurance as set forth in Section ~~6-113(b)~~ is submitted. Said special license shall be required before each job is performed. The fee for such license shall be \$250 per electrical job up to \$10,000, \$600 per electrical job from \$10,000 to \$100,000, and \$1,500 per electrical job in excess of \$100,000.

SECTION 25. This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

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

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

SECONDED BY COUNCILMEMBER _____ :

XII. ACTION AGENDA: MOTIONS AND RESOLUTIONS:

RESOLUTION

(R-24-87)

MODIFYING RESOLUTION R-20-39 REGARDING CONDITIONS ATTACHED TO THE SALE OF FORMERLY CITY OWNED PROPERTY AT 556 MAIN STREET

SPONSORED BY COUNCILMEMBERS SHOOK, BROWN, JAMES, GRANT AND DEICHLER

WHEREAS, by Resolution R-20-39, the City of Poughkeepsie authorized the sale of 556 Main Street (Tax Map No.: 6161-24-392943) to 558 Main Street LLC upon the condition that the property be developed as a three-story mixed-use building as set forth in the deed recorded with the Dutchess County Clerk at Document #02 2020 2474; and

WHEREAS, the current owner, 556 Main LLC (having taken title from 558 Main Street LLC) has requested a modification of the conditions set forth within resolution R-20-39, and the deed, to allow 556 Main Street to be used as a parking lot accessory to the existing structure at 558 Main Street; and

WHEREAS, conditions A and E of Resolution R-20-39 have been satisfied and conditions C, D and F will remain unchanged.

NOW, THEREFORE, the Common Council hereby amends resolution R-20-39 as follows:

1. Modify condition B which previously read “Purchaser shall obtain a building permit for the construction of a three-story mixed-use building within six (6) months of the closing of title” to now read “**Purchaser shall obtain a building permit to allow the Property at 556 Main Street to be used as a parking lot accessory to 558 Main Street within six months of the date of this resolution;**” and
2. Delete from condition G the phrase “Prior to Closing;”

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Mayor is authorized to sign any and all documents to reflect this amendment to the deed with the Dutchess County Clerk.

Official Minutes of the Common Council Meeting of November 19, 2024

A motion to Table Resolution R-24-87 was made by Vice Chair Shook and seconded by Councilmember Deichler

MOTION TO TABLE R-24-87- VOICE VOTE	
Yes/Aye:	Council Member- 1st Ward Henry, Council Member- 3rd Ward Brown, Council Member- 5th Ward James, Council Member- 6th Ward Grant, Council Member- 8th Ward Deichler, Council Member- 7th Ward Patterson Thompson, Council Member- 4th Ward Shook
No/Nay:	None
Abstain:	None
Absent:	Councilmember - 2nd Ward Menist, Council Member At-Large Wilson
Result:	Passed

XIII. ACTION AGENDA: ORDINANCES AND LOCAL LAWS:

XIV. ADJOURNMENT:

At 7:10 pm a motion to adjourn the meeting was made by Councilmember Patterson Thompson and seconded by Councilmember Grant.

Dated: November 22, 2024

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Tuesday, November 19, 2024.

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