



COMMON COUNCIL MEETING

Tuesday, January 21, 2024
Common Council Chambers
6:30 p.m.

I. ROLL CALL

II. REVIEW OF MINUTES:

**Common Council Organizational Meeting of January 2, 2025
Common Council Meeting of January 7, 2025**

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

IV. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

- 1. DEVON GETHERS**, a notice of claim for injury sustained on December 22, 2024

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

VI. NEW & UNFINISHED BUSINESS & ANNOUNCEMENTS

VII. REPORTS OF COMMITTEES AND BOARDS: NONE

CONSENT AGENDA:

VIII. MOTIONS AND RESOLUTIONS:

- 1. R-25-11**, Resolution Setting a Public Hearing Regarding the Proposed Nomination of 10 South Clinton Street as a Local Historic Landmark
- 2. R-25-12**, Resolution Setting a Public Hearing Regarding the Proposed Nomination of 52 South Hamilton Street, Currently Known as “Vassar Warner Home” as a Local Historic Landmark
- 3. R-25-13**, Resolution Introducing a Local Law to Establish the Downtown Poughkeepsie Business Improvement District

4. **R-25-14**, Resolution Introducing a Local Law to Amend the City's Administrative Code, Sections 15.02 and 15.03 Regarding the Requirement of Prior Written Notice of an Alleged Defect
5. **R-25-15**, Resolution Introducing a Local Law to Amend the City's Zoning Code to Remove the Footnote at Section 19-3.3(2)(C) Of the Zoning Code and to Correct Various Definitions
6. **R-25-16**, Resolution Appointing Sakima McClinton to City of Poughkeepsie 8th Ward Common Council Seat
7. **R-25-17**, Resolution Approving Settlement of Pending Litigation Entitled *National Union Fire Insurance Co a/s/o New Hamburg Fire District v. City of Poughkeepsie*

IX. ORDINANCES AND LOCAL LAWS:

ACTION AGENDA:

X. MOTIONS AND RESOLUTIONS:

XI. ORDINANCES AND LOCAL LAWS:

XII. MAYOR'S COMMENTS:

XIII. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

XIV. ADJOURNMENT:



The City of Poughkeepsie New York

Common Council Meeting Minutes

Thursday, January 2, 2025

3:00 PM

Common Council Chambers

Welcome to the Organizational Meeting of the City of Poughkeepsie Common Council, the date is January 2, 2025, and the time is 3:00pm

I. PLEDGE OF ALLEGIANCE:

II. ROLL CALL:

6 Present, 2 Absent (Council Member- 1st Ward Ernest Henry, Councilmember - 2nd Ward Evan Menist)

III. NOMINATIONS AND ELECTIONS:

1. R-25-09, Appointing Nathan Shook as Vice-Chair

RESOLUTION

R-25-09

INTRODUCED BY CHAIRMAN WILSON

WHEREAS, the Common Council is comprised of nine (9) members, one elected at-large citywide and one elected from each of the eight wards in the city (Charter Section 2.01); and

WHEREAS, pursuant to Section 2.03 of the Charter, the Common Council, at the annual organization meeting, shall elect a vice-chairperson who shall serve as chairperson and preside at all common council meetings for which the council chair is absent.

NOW THEREFORE,

BE IT RESOLVED, that the Common Council hereby appoints the following individual to serve as the vice-chairperson in accordance with Charter Section 2.03.

Nathan Shook

A motion to Approve was made by Council Member- 3rd Ward Brown and seconded by Council Member- 6th Ward Grant.

NOMINATION OF NATHAN SHOOK AS VICE CHAIR - VOICE VOTE	
Yes/Aye:	Council Member- 3rd Ward Brown, Council Member- 5th Ward James, Council Member- 6th Ward Grant, Council Member- 7th Ward Patterson Thompson, Council Member- 4th Ward Shook, Council Member At-Large Wilson
No/Nay:	None
Abstain:	None
Absent:	Council Member- 1st Ward Henry, Councilmember - 2nd Ward Menist
Result:	Passed

IV. RESOLUTIONS:

1. **R-25-01**, Adopting the 2025 Rules of Conduct and Procedure: By- Laws of the Common Council of the City of Poughkeepsie.

**RESOLUTION
R-25-01**

INTRODUCED BY CHAIRMAN WILSON

BE IT RESOLVED, that the Common Council adopts for use during the year 2025 the Rules of Conduct and Procedure of the Common Council of the City of Poughkeepsie, a copy of which is attached hereto and made a part of this Resolution.

A motion to Approve was made by Council Member- 4th Ward Shook and seconded by Council Member- 3rd Ward Brown.

R-25-01- VOICE VOTE	
Yes/Aye:	Council Member- 3rd Ward Brown, Council Member- 5th Ward James, Council Member- 6th Ward Grant, Council Member- 7th Ward Patterson Thompson, Council Member- 4th Ward Shook, Council Member At-Large Wilson
No/Nay:	None
Abstain:	None
Absent:	Council Member- 1st Ward Henry, Councilmember - 2nd Ward Menist
Result:	Passed

2. R-25-02, Setting Bonds for Commissioner of Finance and City Chamberlain.

**RESOLUTION
R-25-02**

INTRODUCED BY CHAIRMAN WILSON

BE IT RESOLVED, that the amount of the faithful performance duty bond, to be executed by the Commissioner of Finance as City Treasurer, and filed in the Dutchess County Clerk's Office, pursuant to Section 2.12 of the Administrative Code of the City of Poughkeepsie, be and the same hereby is fixed at the sum of Five Thousand (\$5,000) Dollars; and be it further

RESOLVED, that the amount of the faithful performance duty bond, to be executed by the City Chamberlain and filed in the Dutchess County Clerk's Office, pursuant to Section 2.12 of the Administrative Code of the City of Poughkeepsie be and the same hereby is fixed at the sum of Five Thousand (\$5,000) Dollars; and it is further

RESOLVED, that the amount of the faithful performance duty bond to be executed by the Clerk of the City Court and filed in the Dutchess County Clerk's Office pursuant to Section 5 of the Act Creating a City Court in and for the City of Poughkeepsie, New York, be and the same hereby is fixed at the sum of Five Thousand (\$5,000) Dollars; and be it further

RESOLVED, that the Commissioner of Finance be and s/he hereby is empowered and directed to procure a public employee's faithful performance blanket position bond in the sum of Five Thousand (\$5,000) Dollars covering every officer and employee of the City, with excess

RULES OF CONDUCT AND PROCEDURE: BY-LAWS OF THE COMMON COUNCIL OF THE CITY OF POUGHKEEPSIE FOR THE YEAR 2025

Amended 1/2/25

RULE I. Regular meetings of the Common Council shall be held on the first and third **Tuesdays** of each month at six thirty in the evening at the City Hall, or at such other place as the Chairperson shall appoint. The first regular meeting of January shall be held on January 2, 2025, at 3:00pm at City Hall. In the case of a holiday on any such day, the regular meeting shall be held on another date. The Common Council may adjourn when convened, to any other day or place, every such stated or adjourned meeting of the Council. In addition, there shall be informational meetings and special meetings held as provided in the Charter.

RULE II. The Councilmember elected At-Large shall be designated as Council Chair, the presiding officer, and the Common Council shall elect its Vice Chairperson in the manner provided for in the Charter. In the event of a vacancy in the office of the Vice Chairperson, the Council shall, by majority vote, elect a Vice Chairperson, at its next regular meeting and within thirty (30) days of vacancy of the office.

RULE III. There shall be a standing sub-committee of the Common Council known as the Finance Committee. The members of the Finance Committee shall be appointed pursuant to the City Charter. The Chairperson may create additional subcommittees or special committees as they deem necessary and appropriate.

RULE IV. The City Chamberlain shall record the attendance at meetings. The order of business at regular meetings shall be as follows:

1. Pledge of allegiance and Roll Call.
2. Review of the minutes of the previous meeting.
3. Reading by City Chamberlain of any resolution or other items not listed on the printed agenda.
4. Presentations of Petitions and Communications
5. Public Participation-limited to 45 minutes.
6. New and Unfinished Business and Announcements
7. Reports of Committees and Boards
8. CONSENT AGENDA: Motions and Resolutions
9. CONSENT AGENDA: Ordinances and Local Laws
10. ACTION AGENDA: Motions and Resolutions
11. ACTION AGENDA: Ordinances and Local Laws
12. Mayor's Comments New and Unfinished Business and Announcements
13. Chairperson's comments and presentations.
14. Adjournment.

RULE V. Per the City's Charter, the Councilmember at Large shall set the agenda for all meetings of the Common Council.

- a. A councilmember may add items to New Business (also known as a “walk-on resolution”) by offering the item as new business which is then to be joined by the supporting vote of three (3) councilmembers. Once the item has been added to new business, it must then be offered for vote by a motion and second.
- b. The order of business may be departed from with a motion, second, and affirmative vote by a majority vote of the members present. Any item added to an agenda must clearly identify a Councilmember as its sponsor.

RULE VI. The presiding officer shall designate the seating arrangement for Councilmembers and staff at Council meetings and the order of voting of Councilmembers on all matters coming before the Council for a vote. The presiding officer may, if they so desire, present motions and resolutions to the Common Council, and they may debate on any question which is being considered by it. The presiding officer, if they deem it appropriate, may allow Councilmembers or the Mayor to respond to or comment upon public comments made at each regular meeting during public participation (Item 5 of the Agenda set forth in Rule IV above), prior to the adjournment of the meeting.

RULE VII. The presiding officer shall have, to the fullest extent provided by New York State law, the sole authority to regulate public comment at any meeting as they, in their sole discretion, shall see fit, including, but not limited to, the authority to set priority for topics of comment and to declare any person to be out of order for failure to follow their directives in this regard. In governing the meeting and regulating public comment the presiding officer shall consider, but shall not be strictly bound by the following guidelines:

- A. The public shall be allowed to speak during the period of the meeting designated as “Public Participation” or as such other time as a majority of the Council shall suspend these rules, or at a duly called public hearing, or any other time required by state law or the City Charter. Speakers must sign-in and provide their name, address, and organization they represent, if applicable. Speakers must be recognized by the presiding officer. During the segment of the meeting designated “Public Participation,” speakers shall limit their remarks to three minutes and will be advised by the presiding officer when three minutes have expired. Speakers are requested to conclude their remarks at that time. “Public Participation” is intended to afford persons an opportunity to express opinions on items on the Common Council’s agenda. No Speaker shall be declared out of order, prevented from speaking or barred from attendance at any meeting because of any disagreement with the Speaker’s position or view on any matter, because of the Speaker’s identity or because of any disagreement with the content of relevant testimony.
- B. All remarks shall be addressed to the Council as a body and not to any member thereof. Speakers shall observe the rules of decorum set forth in Subsection C below. Interested parties or their representatives may address the Council by written communications. Written communications shall be delivered to the City Chamberlain.

C. Rules of decorum

1. Purposes of rules of decorum.
 - a. To ensure that meetings of the Common Council are conducted in a manner that allows the business of the City to be effectively undertaken.
 - b. To ensure that members of the public who attend meetings of the Common Council can be heard in a fair, impartial manner.
 - c. To ensure that meetings of the Common Council are conducted in a way that is open to all viewpoints, and which is protective of the content of each speaker's speech and expression yet is free from hateful, abusive, obstructive or intimidating behavior.
 - d. To ensure that these rules of decorum are understood by persons attending Common Council meetings.
 - e. To ban egregious, inappropriate, and obstructive behavior at meetings of the Common Council.
2. Sergeant At Arms. The Chief of Police or such member or members of the Police Department as they may designate shall be Sergeant-at-Arms of the Common Council and shall carry out all orders given by the presiding officer for purposes of maintaining order and decorum at the Council meeting. Any member of the Common Council may move to require the presiding officer to enforce the rules upon an affirmative vote of a majority of the Common Council.
3. Rules for Speakers
 - a. Speakers shall conduct themselves in a professional and respectful manner.
 - b. All remarks shall be directed to the Common Council, as a body, and not at City staff or any member of the public in attendance.
 - c. The speaker shall not defame, intimidate, make personal affronts, make threats of violence, or use profanity. Comments should be directed toward why the speaker either agrees or disagrees with an action, decision or proposal and not attacks or insults personally against the decisionmaker(s).
4. Rules for the public. Members of the public in the audience shall not engage in any of the following activities during a Common Council meeting:
 - a. Shouting, clapping, booing, heckling, unruly behavior or speaking out when not recognized by the presiding officer. Such behavior is distracting to the members of the Common Council and other members of the public, interfering with their ability to listen to the current speaker.
 - b. Defamation, intimidation, personal affronts, threats of violence, or profanity.
 - c. Behavior that disrupts the orderly conduct of the meeting.
5. Rules for Councilmembers. While the Common Council is in session, the members must preserve order and decorum. Each Councilmember shall conduct himself with decorum and shall neither, by conversation or otherwise, delay nor

interrupt the proceedings or the peace of the Common Council, nor disturb any member while speaking or refuse to obey the orders of the presiding officer.

- a. Speaker to be recognized by the presiding officer. No Councilmember wishing to speak shall proceed until they shall have been recognized by the presiding officer. After such recognition, the member shall confine discussion to the item at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another member. Speakers should address their remarks to the presiding officer, maintain a courteous tone and shall avoid interjecting a personal note into the debate.

- b. Discussion of Resolutions, Motions, Ordinances, Laws.

Any Councilmember, when recognized by the presiding officer, may speak on any Resolution, Motion, Ordinance, Law on the printed Agenda during the period of discussion following the introduction of the aforementioned items. The Councilmember(s) named as the sponsor(s) of a Resolution, Ordinance, Law or Motion have the privilege of speaking first. No member shall speak more than once on the same question unless every member desiring to speak to that question shall have had the opportunity to do so.

6. Persons Authorized to be within Rail. No person except members of the Common Council and City Staff shall be permitted within the rail without the consent of the presiding officer.

7. Enforcement of rules of decorum.

- a. Upon a violation of these rules of decorum, the presiding officer shall advise the person or persons violating a rule or rules to cease the violation with a brief description of the conduct that is in violation. The speaker or member(s) of the public shall be advised to cease the violating conduct and that further violations could result in removal from the meeting room.
- b. If a violation continues, the presiding officer shall issue a second and final warning to the person(s) that they continue to be violation of the Rules of Conduct and Decorum and that they will be required to leave the Common Council Chambers if the violation continues.
- c. If the person or persons does not cease the violation(s) the presiding officer shall declare the person out of order and advise the person(s) that their right to continued attendance at the particular meeting has been revoked. The presiding officer, or his/her/their designee, shall contact the Police to arrange for removal of the person(s) from the meeting room. Said person shall be subject to all civil and criminal penalties that may apply to their conduct.

RULE VIII. When a question is under debate, no new motion shall be received, unless for the previous question, to amend it, to lay on the table, to commit it, to postpone it, or to adjourn.

RULE IX. A motion to lay a question on the table shall be decided without amendment or debate, and a motion to postpone shall be decided without debate.

RULE X. A motion to adjourn shall always be in order; and shall be decided without debate.

RULE XI. Every member who shall be present when a question is put shall vote for or against the same, or abstain with reasons for the abstention stated upon the record.

RULE XII. No question or motion, once put or lost, shall again be put unless reconsidered; and a motion for reconsidering must be made not later than the next regular meeting after that on which the decision proposed to be reconsidered took place, and shall be made by a member who voted with the prevailing side. All motions for reconsidering must be passed by the affirmative vote of a majority of the voting power of the Common Council.

RULE XIII. On the demand of any member, a roll call vote on any question shall be taken by ayes and nays; and it shall be the duty of the City Chamberlain to enter on the minutes the names of the members voting for or against the question, and also the name of the member demanding the roll call vote.

RULE XIV. All appointments of officers and fixing of salaries shall be by ayes and nays.

RULE XV. In order to hear persons other than members of the Common Council, the Mayor, and members of City staff, it shall be necessary to pass a motion suspending the rules of order. A motion to suspend the rules may be made at any time during the meeting and shall be decided without debate. Any such person speaking shall confine themselves to the subject and not longer than three (3) minutes, unless the time is extended by the Chairperson. This rule shall not apply to public hearings.

RULE XVI. All meetings of the Common Council shall be recorded by means of an audio and/or video recording device. The archived results of the meetings shall be kept in the Office of the City Chamberlain and shall be under their jurisdiction and control. Minutes of the proceedings shall be printed as soon as possible after each meeting and presented to the Common Council at its next meeting for its approval or correction. The minutes shall be available for public review in the Office of the City Chamberlain, and the City Chamberlain shall give a copy of the minutes to persons requesting the same to the extent that they are available. When a request is made for an annual record of the minutes, a fee shall be charged to cover the expenses of the handling and recording and mailing if the record is on paper in accordance with the New York Open Meetings Law. A Ten (\$10.00) Dollar fee shall be paid if the record is digital to compensate for reproduction costs.

RULE XVII. An executive session is that portion of the meeting not open to the public because of the consideration of matters authorized for executive session pursuant to the New York State Open Meetings Law. Proposals, discussions, statements, and transactions in executive sessions are intended to be and shall be held and maintained in confidence and shall not be disclosed.

RULE XVIII. The Mayor may be invited to comment to and address the Council and the public on any issues of public concern raised by Councilmembers at the Council's regular

meetings each month, prior to motions and resolutions being heard and at any time thereafter at the discretion of the Council chairperson.

RULE XIX. All legislation, including local laws, motions, resolutions, and ordinances presented to the Common Council, except for procedural motions, such as motions to amend and motions to refer, shall be numbered to simplify the tracking of such legislation, with the number clearly marked below the title of each piece of legislation and on Common Council agendas, as follows:

Local Laws: LL-Year- Sequential Number (LL01-1; LL01-2; etc.)

Motions: M-Year-Sequential Number (M01-1; etc.)

Resolutions: R-Year- Sequential Number (R01-1; etc.)

Ordinances: O-Year- Sequential Number (O01-1; etc.)

Additionally, any such item listed on the agenda must clearly identify a Councilmember as its sponsor.

RULE XX. The Chairperson of the Common Council shall give an address in response to the Mayor's annual state of the City address presented pursuant to section 3.02(h) of the City Charter at the next regular meeting of the Common Council following the Mayor's address.

RULE XXI. The Chairperson, or Vice Chairperson in the Chairperson's absence, is authorized to excuse a Councilmember from attending up to three (3) consecutive regular meetings of the Common Council because of a medical injury or illness which physically prevents the Councilmember from attending the meeting(s), if the medical injury or illness and physical inability to attend the meeting(s) is documented by a physician's note. Absences beyond three (3) consecutive regular meetings, for no more than an additional three (3) consecutive regular meetings, may be excused by a majority vote of the entire Council, based upon a written physician's note documenting the medical injury or illness which physically prevents the Councilmember from attending the meeting(s). This medical information is confidential and shall not be disclosed or discussed by individual Council members other than to note that the requesting member has documented the need for their absence.

RULE XXII. The following rules shall apply to a legally required public hearing held before the Common Council:

- (a) Speakers shall register in writing prior to the beginning of the hearing by providing their name, address, and organization if any. Individuals arriving after the commencement of the hearing shall be permitted to register upon arrival if the Chairperson has not closed the hearing.
- (b) The Chairperson shall recognize each speaker, in the order registered, when the hearing commences. Speakers shall identify themselves, their address and organization, if any, prior to the remarks.
- (c) Speakers must limit their remarks to five (5) minutes. Remarks shall be addressed only to the hearing issues. Failure to limit comments to the public hearing shall be enforced by the presiding officer in the same manner as a violation of the Rules of Decorum. Speakers may not yield any remaining time they may have to another speaker.

- (d) Speakers at a public hearing shall follow the Rules of Decorum as set forth in Rule VII (b) & (c). Failure to follow the Rules of Decorum shall be enforced by the presiding officer.
- (e) The Chamberlain shall include in the minutes of the hearing the name, address, and organization, if any, of each speaker, a brief synopsis of the remarks, and a list of written statements submitted to the Council and shall either attach the statements to the minutes or indicate that said statements are available in the Office of the Chamberlain.

RULE XXIII: The following rules shall apply to the informational meetings required by the City Charter:

- (a) Speakers shall register in writing prior to the beginning of the meeting by providing their name, address, and organization if any. Individuals arriving after the commencement of the meeting shall be permitted to register upon arrival if the Chairperson has not closed the hearing.
- (b) The Chairperson shall recognize each speaker, in the order registered, when the hearing commences. Speakers shall identify themselves, their address and organization, if any, prior to their questions.
- (c) Speakers shall be permitted five (5) minutes to read their questions. Speakers may not yield any remaining time they may have to another speaker.
- (d) Department heads who wish to respond to questions immediately after the speaker finishes their five (5) minutes shall be permitted to do, but in no instance will a Department Head be required to answer a question on the spot if they indicate they need to review files, documents or records in order to accurately answer the question. In such case, the Department Head shall submit a written response to the Chairperson within the time specified by the Chairperson.
- (e) Speakers may submit their questions in writing either in advance of or at the informational meeting.

Adopted by the Common Council: January 2, 2025

Resolution R-25-01

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coverage in the amount set opposite the following office and position:

Collection in Department of Finance,
Treasury Division.....\$20,000;

and be it further

RESOLVED, that all the premiums which may become due on said bonds during the year 2025 shall be paid by the City as a proper City expense.

A motion to Approve was made by Council Member- 4th Ward Shook and seconded by Council Member- 6th Ward Grant.

R-25-02 - VOICE VOTE	
Yes/Aye:	Council Member- 3rd Ward Brown, Council Member- 5th Ward James, Council Member- 6th Ward Grant, Council Member- 7th Ward Patterson Thompson, Council Member- 4th Ward Shook, Council Member At-Large Wilson
No/Nay:	None
Abstain:	None
Absent:	Council Member- 1st Ward Henry, Councilmember - 2nd Ward Menist
Result:	Passed

3. **R-25-03**, Authorizing the Commissioner of Finance to Pay Public Debt, Salary and Wages for 2025.

RESOLUTION

R-25-03

INTRODUCED BY CHAIRMAN WILSON:

BE IT RESOLVED, that the Commissioner of Finance be and he hereby is authorized and directed to draw warrants in favor of Chase Bank, Key Bank of New York, M & T Bank, Salisbury Bank, Bank of America, TD Bank, Chase Manhattan Bank and Depository Trust Co., Rhinebeck Bank and Ulster Savings Bank for principal and interest on the public debt as it becomes due from time to time during the year 2024, and be it further

RESOLVED, the Commissioner of Finance, upon presentation to him of properly approved payrolls, be and s/he hereby is authorized and directed to pay the monthly and bi-weekly salaries

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and wages to the officers and employee of the City who shall be entitled to receive the same during the year 2025.

A motion to Approve was made by Council Member- 4th Ward Shook and seconded by Council Member- 6th Ward Grant.

R-25-03- VOICE VOTE	
Yes/Aye:	Council Member- 3rd Ward Brown, Council Member- 5th Ward James, Council Member- 6th Ward Grant, Council Member- 7th Ward Patterson Thompson, Council Member- 4th Ward Shook, Council Member At-Large Wilson
No/Nay:	None
Abstain:	None
Absent:	Council Member- 1st Ward Henry, Councilmember - 2nd Ward Menist
Result:	Passed

4. R-25-04, Approving Designation of Banks for Deposits.

**RESOLUTION
R-25-04**

INTRODUCED BY CHAIRMAN WILSON

RESOLVED, that Chase Bank, Salisbury Bank, TD Bank, Rhinebeck Bank and M & T Bank, all of which are located in the City of Poughkeepsie, be and they hereby are designated as the banks in which the Commissioner of Finance is empowered and directed to deposit all monies of the City of Poughkeepsie; subject to such rules and regulations as the Common Council may from time to time prescribe and subject to such laws and regulations as may be prescribed by the State and Federal Governments from time to time hereafter in relation hereto; and be it further

RESOLVED, that the Commissioner of Finance be authorized to invest idle cash balances in her or his custody with any bank or trust company authorized to do business in New York State and to otherwise make investments pursuant to the investment policy, as adopted and amended from time to time by the Common Council and subject to such laws and regulations in relation thereto as may from time to time be prescribed by the State and Federal governments; and be it further

RESOLVED, that the City Chamberlain be and hereby is directed to mail a copy of this resolution to each such depositories.

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A motion to Approve was made by Council Member- 4th Ward Shook and seconded by Council Member- 6th Ward Grant.

R-25-04 - VOICE VOTE	
Yes/Aye:	Council Member- 3rd Ward Brown, Council Member- 5th Ward James, Council Member- 6th Ward Grant, Council Member- 7th Ward Patterson Thompson, Council Member- 4th Ward Shook, Council Member At-Large Wilson
No/Nay:	None
Abstain:	None
Absent:	Council Member- 1st Ward Henry, Councilmember - 2nd Ward Menist
Result:	Passed

5. **R-25-05**, Approving the Poughkeepsie Journal as the Official Newspaper.

RESOLUTION
R-25-05

INTRODUCED BY CHAIRMAN WILSON:

BE IT RESOLVED, that the “Poughkeepsie Journal” a newspaper published in the City of Poughkeepsie, be and is hereby designated as the official newspaper of the City of Poughkeepsie for the year 2025.

A motion to Approve was made by Council Member- 4th Ward Shook and seconded by Council Member- 6th Ward Grant.

R-25-05 - VOICE VOTE	
Yes/Aye:	Council Member- 3rd Ward Brown, Council Member- 5th Ward James, Council Member- 6th Ward Grant, Council Member- 7th Ward Patterson Thompson, Council Member- 4th Ward Shook, Council Member At-Large Wilson
No/Nay:	None
Abstain:	None
Absent:	Council Member- 1st Ward Henry, Councilmember - 2nd Ward Menist
Result:	Passed

6. **R-25-06**, Appointing the City Chamberlain and Deputy Chamberlain as Marriage Officers for the City of Poughkeepsie.

RESOLUTION

R-25-06

INTRODUCED BY CHAIRMAN WILSON:

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby appoints the City Chamberlain and the Deputy City Chamberlain as Marriage Officers in accordance with and subject to the provisions of Domestic Relations Law §11-c; and be it further

RESOLVED, that the Marriage Officers are hereby appointed for a term of one year, subject to the pleasure of the Common Council.

A motion to Approve was made by Council Member- 4th Ward Shook and seconded by Council Member- 6th Ward Grant.

R-25-06 - VOICE VOTE	
Yes/Aye:	Council Member- 3rd Ward Brown, Council Member- 5th Ward James, Council Member- 6th Ward Grant, Council Member- 7th Ward Patterson Thompson, Council Member- 4th Ward Shook, Council Member At-Large Wilson
No/Nay:	None
Abstain:	None
Absent:	Council Member- 1st Ward Henry, Councilmember - 2nd Ward Menist
Result:	Passed

7. **R-25-07**, Adoption of City's Purchasing Policy.

RESOLUTION

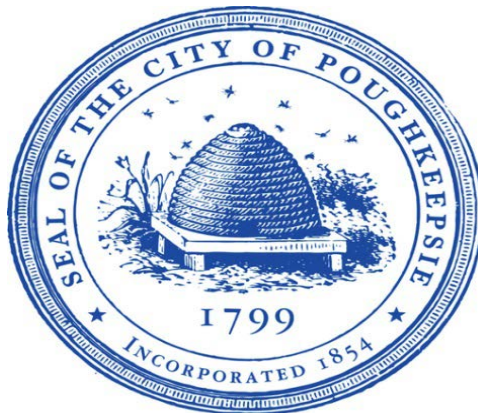
R-25-07

INTRODUCED BY CHAIRMAN WILSON:

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby adopts the purchasing policy of which a copy is attached hereto and made a part of this resolution.

A motion to Approve was made by Council Member- 4th Ward Shook and seconded by Council Member- 3rd Ward Brown.

R-25-07- VOICE VOTE	
Yes/Aye:	Council Member- 3rd Ward Brown, Council Member- 5th Ward James, Council Member- 6th Ward Grant, Council Member- 7th Ward Patterson Thompson, Council Member- 4th Ward Shook, Council Member At-Large Wilson
No/Nay:	None
Abstain:	None
Absent:	Council Member- 1st Ward Henry, Councilmember - 2nd Ward Menist
Result:	Passed



CITY of POUGHKEEPSIE

PROCUREMENT POLICY

Effective January 2, 2025

Hon. Yvonne Flowers
Mayor

Joseph Donat
City Administrator

Brian Martinez, PHD
Commissioner of Finance

This document is intended to outline the framework for procuring goods and services for the City of Poughkeepsie (City) in a timely manner and, at the same time, assuring the prudent and efficient use of public monies.

INTRODUCTION

In general, the provisions of the City's Procurement Policy are based on the requirements of General Municipal Law, Sections 103 and 104-b.

In part, GML, Section 103 reads "Except as otherwise expressly provided by an act of the legislature of the municipality, by a local law adopted prior to September 1, 1953, all contracts for public work involving an expenditure of more than Thirty Five Thousand Dollars (\$35,000.00) and all purchase contracts involving an expenditure of more than Twenty Thousand Dollars (\$20,000.00), shall be awarded by the appropriate officer, board or agency of a political subdivision or of any district therein but not limited to a soil conservation district, to the lowest possible bidder furnishing the required security after advertisement for sealed bids in the manner provided by this section."

GML, Section 104-b, states "Goods and services which are not required by law to be procured by political subdivisions or any districts therein pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public monies in the best interests of the taxpayers of the political subdivision or district, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost, under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption....."

BIDDING PROCEDURES

Competitive bidding will be utilized whenever required by law or when determined to be in the best interest of the City in accordance with GML, Section 104-b.

General Municipal Law Sections 103 and 104-b require that annual purchase contracts exceeding \$20,000 and public works contracts exceeding \$35,000 be awarded to the lowest responsive bidder meeting the intent of the specifications after public advertising of the request for submission of sealed bids.

The requesting department with the Finance Department, Purchasing Division shall be responsible for preparing bidding specifications. All bids received shall include a non-collusion certification, an indemnification agreement, and any and all other required documents as per General Municipal Law. All Requests for Bids or Requests for Proposals are to be advertised for a minimum of five days between the first publication date and the date specified for the bid opening, and shall, at a minimum, contain a description of the goods and/or services being solicited, a statement of the time and place where all bids will be publicly opened and read, the time and place of any pre-bid meetings, and a description of where and how bid documents may

be obtained. All bid openings will be conducted at a public meeting, unless otherwise specified, and all interested parties may attend.

BID PROCESS

For projects or purchases exceeding the bidding threshold, the requesting department shall submit a completed *Request for Bid* form to the Purchasing Agent. The Purchasing Agent is delegated certain duties on behalf of the Commissioner of Finance, the Purchasing Agent for the City, in accordance with the City of Poughkeepsie Charter, Section 7.03.

The requesting department(s) shall, in conjunction with the Purchasing Agent, prepare bidding specifications. Specifications should be clearly written. They should provide prospective bidders a common standard by which to be measured and provide assurance that bidders will be competing on a fair and equal basis. The specifications should indicate the basis by which bids and offers will be evaluated. Specifications should provide prospective bidders with sufficient information for them to formulate bids.

All bids shall include a Non-Collusion Certificate, an Iran Divestment Certification, Indemnification Agreement, and all other documents required by General Municipal Law.

A Bid Bond, generally 5% of the bid, may be required on certain projects including service contracts. This bond is intended to protect the City in the event that a bidder refuses to enter into a contract after the contract is awarded or the bidder withdraws his bid before the award.

Performance Bonds in the amount of 100% of the bid are required for all construction projects. This bond offers the City protection in the event of the contractor's failure to perform in accordance with the awarded contract terms.

Prevailing wage rates apply to all projects subject to Articles 8 and 9 of the NYS Department of Labor.

All bids shall be advertised on the Empire State Purchasing Group website, www.bidnetdirect.com/newyork, and on the City website, www.cityofpoughkeepsie.com. Bids for projects or purchases that are federally or state funded may be advertised on the New York State Contract Reporter website, www.nyscr.ny.gov.

On March 10, 2016, The Common Council of the City of Poughkeepsie adopted Resolution R-2016-27, *Amending the Purchasing Policy to Encourage Local Employment*. The resolution directs "the Purchasing Agent to consider as a weighted factor the percentage of City of Poughkeepsie residents employed by a business when considering an award of a contract not subject to competitive bidding if such bidder is otherwise deemed responsive and responsible." If a bidder wishes to request this consideration, he/she must make this request specifically in his/her bid response and provide verifiable documentation of the percentage of his/her employees who are City residents.

Any contractor or subcontractor who bids on a construction project having an anticipated value in excess of \$100,000 must have apprenticeship agreements appropriate for the type and scope of work to be performed. The apprenticeship program must have been registered with the New York State Commissioner of Labor in accordance with Article 23 of the Labor Law.

BID OPENING AND AWARD

The Board of Contract and Supply will have the option to reject all bids and re-advertise at its discretion.

All bid openings will be opened publicly and read at the time and place specified in the advertisement for bids unless otherwise specified. Bid openings can be attended by any and all interested parties.

Bids received after the specified bid opening time will not be accepted and will be returned unopened to the prospective bidder.

The BOCS shall be comprised of the Commissioner of Finance, Commissioner of Public Works, the Corporation Counsel, and the City Engineer. The City Administrator will act as an ad hoc member of the BOCS to break tie votes. The BOCS will normally be assisted by the Purchasing Agent acting as the recording secretary at all meetings and awards. The Purchasing Agent will generally be in attendance at bid openings but will have no voting rights and cannot be included in the Quorum.

The following rules will govern:

1. The Purchasing Agent and the requesting department will designate any person to open and read the bids aloud.
2. The bids will be recorded in the manner provided by the BOCS and will be recorded and reported at the next regular or special meeting of the BOCS.
3. Copies of original bids will be provided to the Department Head of the originating department to determine that the bids opened meet the bid specifications.
4. A tabulation sheet shall be prepared recording all pricing submitted by responding bidders. The Purchasing Agent will assist the requesting department to evaluate bid responses and prepare a bid evaluation. If a Best Value award is to be made, the submittal will be reviewed in accordance with the criteria established in Local Law 2014-2. Local Law 2014-2 excludes purchase contracts required for the completion of a public works contract pursuant to Labor Law Article 8. The Commissioner of Finance shall determine that sufficient appropriations are contained within the originating department's budget or that other means are available to fund the project or purchase.
5. The BOCS may reject any and all bids that do not meet the bid specification.
6. The originating Department Head will recommend the award and certify in writing that the prospective awardee has submitted a bid or proposal that meets the intent of the bid specifications.

7. The BOCS shall determine the responsibility and responsiveness of the prospective awardee. The originating department will notify any low bidder of a rejection based on a determination that the bidder is not responsible or responsive.
8. A majority of the BOCS must then concur with the award.
9. If federal funds are to be expended for the project or purchase, The Purchasing Agent shall be responsible to determine that the proposed awardee is eligible by all Federal standards.
10. In the event that two or more responsive/responsible bidders submit identical low bids, the BOCS will determine which is awarded the contract.
11. The Purchasing Agent shall draft and submit a proposed contract to the Corporation Counsel for approval. Once approved, the Purchasing Agent will forward three (3) copies of the contract along with a Notice of Award to the awardee for signature and required documents. After execution by the awardee, the contract will be forwarded to the Mayor for signature. On receipt of all executed contracts, the Commissioner of Finance acting as the Purchasing Agent of the City will issue a Notice to Proceed.
12. The Purchasing Agent will issue the Non-Award Notice(s) and return all bid bonds to the bidder(s) who were not selected.
13. The BOCS may also request that a notice of Intent to Award be issued in the event that additional time is needed before making an actual award.

BID ERRORS

In the event that a submitted bid or proposal contains a unilateral error in calculation, the responder may withdraw the bid or proposal within three days of the bid opening or before the awarding of the contract, whichever is shorter if:

1. The error is of such magnitude that enforcement would be unconscionable, or against the public interest; and
2. The bid or proposal was submitted in good faith, and the responder submits credible evidence that the mistake was merely a clerical error; and
3. The error in the bid or proposal is due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work, labor, material, or services made directly in the compilation of the bid or proposal, which error can be clearly shown; and
4. It is possible to maintain the status quo ante, the bid or proposal may be deemed withdrawn, and any security returned. Neither the City, its agents, or employees, nor members of the Board of Contracts may agree to amend the bid or proposal in order to rectify the error.

BID PROTEST PROCEDURES

There are three basic types of protests based on the time in the procurement cycle when they occur:

1. A pre-bid or solicitation phase protest is received prior to the bid opening or proposal due date.
2. A pre-award protest is a protest against making an award and is received after receipt of proposals or bids, but before the award of the contract.
3. A post-award protest is a protest received after award of a contract.

Each protest must be in writing and delivered to the Commissioner of Finance, Purchasing Agent of the City within ten (10) calendar days of the City's notice of the intent to award, after receipt of the bid/proposal prior to bid opening and shall be addressed as follows:

Bid Protest
Purchasing Agent
City of Poughkeepsie
62 Civic Center Plaza
Poughkeepsie, NY 12601

Specific contents of a protest shall include the name of the protestor, the solicitation/contract number or description, and a statement of grounds for protest.

The Purchasing Agent shall contact the department responsible for the bid and inform him/her of the bid protest. The department shall gather the relevant information about the solicitation, evaluation and award of the bid and provide it to the Purchasing Agent within ten (10) calendar days of the Bid Protest.

The Purchasing Agent will deliver all relevant information to the BOCS. The BOCS shall review the information relevant to the bid and shall render a decision on the protest no longer than thirty (30) days after the bid protest was received.

The decision shall contain the action taken and the rationale for such action, and shall be mailed by certified mail, return receipt requested, to the protestor at the address set forth in the bid protest. A copy of the decision shall be maintained by the Corporation Counsel and distributed to the Department, the BOCS, and the Commissioner of Finance with copies to be retained by the Purchasing Agent.

An appeal of the decision may be made either by the department or the protestor as applicable. An appeal may be commenced by delivering seven (7) copies of the following within seven (7) calendar days of the release of the decision.

1. A Notice of Appeal to the Purchasing Agent,
2. A statement of the nature and the reason(s) for the appeal, including claimed errors,

3. A complete set of the documents submitted to the Purchasing Agent.

The Purchasing Agent shall promptly deliver the copies to the BOCS which shall set a hearing date for the appeal to commence, which date shall not be later than forty-five (45) days from the Notice of Appeal. The appellant and respondent will be presented with an opportunity to address the BOCS and may be accompanied by counsel if desired.

Upon the conclusion of the appeal, the BOCS shall issue a decision within thirty (30) days of the conclusion of the appeal. The decision of the BOCS shall be final and conclusive.

The City of Poughkeepsie alone will be responsible in accordance with good administrative practice and sound business judgment for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the City of any contractual responsibility under its contracts.

BEST VALUE

The Common Council of the City of Poughkeepsie has adopted Local Law No. 2014-2 allowing the City's Finance Commissioner the "authority to accept Best Value" in awarding purchasing contracts subject to the requirements of GML, Section 103. The Local Law excludes any purchase contracts necessary for the completion of a public works contract pursuant to Labor Law Article 8.

A "Best Value" award is defined as a basis for awarding contracts "to the offeror which optimizes quality, cost and efficiency among responsive and responsible offerors."

A determination must be made in writing by the Commissioner of Finance detailing why a "Best Value" award will be made before the solicitation of bids can occur.

When it has been determined that a "Best Value" award is to be made, the criteria by which the "Best Value" will be evaluated and the process by which the evaluation and selection will be made must also be documented and included in the bid package.

The criteria used to determine Best Value shall be made in advance of the initial receipt of offers and shall be made on an objective and quantifiable analysis of such criteria. The criteria may include, but is not limited to, any or all of the following:

1. Cost of Maintenance,
2. Proximity to the end user if distance and response time is a significant term,
3. Durability,
4. Availability of replacement parts or maintenance contractors,
5. Longer product life,
6. Product performance criteria,
7. Quality of craftsmanship,
8. Price,

9. Local preference.

REQUEST FOR PROPOSAL

Professional Services, not subject to competitive bidding requirements, may be competitively solicited through the Request for Proposal (RFP) process and awarded subject to a pre-determined set of weighted criteria. RFP's may be advertised similarly to bid advertisements, or they may be selectively directed and solicited from others.

The pre-determined criteria may include, but not be limited to the following:

1. Cost
2. Responsiveness –availability to meet project guidelines.
3. Qualifications – project understanding and approach.
4. Experience – similar services provided to public or private sector clients.
5. Local Preference – experience with local projects

Where appropriate, the solicitation shall identify the relative importance and/or weight of each criterion identified.

A criteria evaluation team should be identified before solicitation.

The basis for award should be documented in the procurement file in advance of the initial receipt of offers.

WICKS GML, Section 101

Separate specifications for all contracts for the erection, construction, reconstruction, or alteration of buildings when the entire cost exceeds \$500,000.00 be prepared so as to permit separate bidding for:

1. Plumbing and gas fitting
2. Steam heating, hot water heating, ventilation, and air conditioning apparatus; and
3. Electric wiring and standard illumination fixtures.

GENERAL PROCUREMENT PROCESS

General Municipal Law, Section 104(b), requires that procedures be implemented to ensure that municipal governments make the most prudent use of public monies.

The Common Counsel has enacted the following regarding the purchase of goods and services that do not have to be competitively bid, but that are intended to ensure that goal.

PURCHASE CONTRACT	
ESTIMATED COST	REQUIREMENT

\$ 0.00 - \$1,999.99	No Request for Authorization – No Requirement to get quotes – No Purchase Order Required
\$2,000.00 - \$4,999.99	No Request for Authorization – No Requirement to get quotes - Purchase Order Required
\$5,000.00 - \$9,999.99	Request for Authorization and 2 Written or Electronic Quotes – Purchase Order Required
\$10,000.00 - \$19,999.99	Request for Authorization – 3 Written or Electronic Quotes – Purchase Order Required
\$20,000.00 and above	Formal Advertised Bid

PUBLIC WORKS CONTRACT	
ESTIMATED COST	REQUIREMENT
\$ 0.00 - \$1,999.99	No Request for Authorization – No Requirement to get quotes – No Purchase Order Required
\$2,000.00 - \$4,999.99	No Request for Authorization – No Requirement to get Quotes - Purchase Order Required
\$5,000.00 - \$9,999.99	Request for Authorization - 2 Written or Electronic Quotes – Purchase Order Required
\$10,000.00 - \$34,999.99	Request for Authorization – 3 Written or Electronic Quotes – Purchase Order Required
\$35,000.00 and above	Formal Advertised Bid

Department Heads have the responsibility, first and foremost, to manage their respective budgets as adopted by the Common Council. Department Heads must first determine whether the item or service to be acquired is a Purchase or a Public Works contract. Then, based on the estimated cost of that product or service and the charts, requesting Departments will provide any/all documentation required to make purchases. Requests for Authorization, Quotes, and Purchase Orders shall be completed by the requesting department and processed by the Finance Department **BEFORE** the purchase is made. Any purchase made that does not conform to these procedures is null and void and the employee responsible for the purchase may be subject to disciplinary action including written warnings that could lead to personal financial responsibility for unauthorized purchases.

EXCEPTIONS TO THE COMPETITIVE BIDDING REQUIREMENT

1. Purchases through the NYS Office of General Services

2. Purchases under county or other municipal contract (Piggybacking). In the interest of increased efficiency, the purchase of goods and services through the NYS Office of General Services contracts or the "Piggybacking" on contracts existing through the Dutchess County Office of Central Services or those of other political subdivisions is strongly encouraged. The use of the competitive bidding process for the purchase of commodities otherwise readily available through these contracts will normally not be necessary except under extenuating circumstances, e.g., immediate need and availability through another vendor.
3. Professional Services that do not lend themselves to competitive bidding subject to the following guidelines:
 - a. Service is subject to New York State Licensing or testing requirements,
 - b. Substantial formal education or training is a necessary prerequisite to the performance of the service,
 - c. Performance of the service would require a personal relationship between the entity and municipal officials.

Professional Services not subject to competitive bidding, but subject to the guidelines of General Municipal Law, Section 104-b, should require the issuance of a Request for Proposal and evaluation of all proposals received before a contract is offered.

4. "Sole source supplier" shall mean a manufacturer, software developer, or service provider that sells direct and there are no other sources offering an "or equal." For consideration of sole source status, the entity must provide the Purchasing Agent with a letter, on official letterhead, detailing their sole source status.
5. Single source supplier is defined as a distributor/wholesaler/retailer that has a contractual agreement to provide services within a specific geographic territory to the exclusion of all others. For consideration of single source status, the entity must provide to the Purchasing Agent a letter, on official letterhead, detailing their single source status.
6. Emergencies defined as arising out of an accident or other unforeseen occurrence of condition whereby circumstances affecting public buildings, public property, or the life, health, safety of property of the inhabitants of the City of Poughkeepsie require immediate action which cannot await the competitive bidding process. An Emergency Declaration, signed by the Mayor of the City of Poughkeepsie, is required to be forwarded to the Purchasing Agent. Lack of anticipation or planning cannot be deemed as cause for the Emergency Declaration.
7. Purchases through agencies for the blind and/or severely handicapped.
8. Goods made by correctional facilities (Corecraft)
9. Second-hand goods or surplus from Federal, State, or other political subdivision.
10. Products offered by the Federal Government, Government Services Administration (GSA) Schedules 70 & 84, 1122 Public Safety Purchasing Program, NJPA, and other cooperative agreements.
11. Leases defined as true leases, not installment purchases.

12. Work performed by municipal employees under municipal cooperation agreements.

STANDARDIZATION – GENERAL MUNICIPAL LAW, Section 103(5)

Bidding for a particular brand or model requires that the Common Council adopt a resolution explaining the reason for standardization by a 3/5 vote.

Guidelines:

1. A substantial amount of equipment of the same make is presently being used by the municipality and uniformity of the make is essential to economy of efficiency,
2. Service facilities are peculiarly adapted to the handling of a particular make of equipment and cannot be converted economically,
3. The municipality has on hand a substantial supply of spare parts for a particular make of equipment, and they cannot be disposed of except at a substantial loss,
4. The design, plan, or method of construction of an installation is particularly suited to a particular make of equipment and cannot be altered economically,
5. Local geographic or atmospheric conditions require the use of a particular make of equipment to the exclusion of all others,
6. Employees are trained to operate one make of equipment and cannot be trained economically to operate other makes.

The adoption of such a resolution does not eliminate the necessity for conformance to the competitive bidding requirements. Standardization restricts the purchase to a specific model or type of equipment but does not limit the vendors it can be purchased from.

Standardization should be used very sparingly and only after careful consideration of the ramifications to future purchases and maintenance costs as this tends to reduce or, in some way, eliminate competition thus causing the City more than it may save by standardizing.

PROCUREMENT CARDS

The intent of the Procurement Card (P-Card) Program is to provide a streamlined process for the procurement of goods and services costing less than \$999.00. Department Heads are responsible for annually designating which employees are given P-Cards, distributing a Procurement Card Program Policy to each designated employee, enforcing the Procurement Card Program Policy, and confirming that all purchases made by the card are accounted for on an expense report.

All employees should refer to the separate Procurement Card Program Policy and are responsible for compliance. Failure to comply with reporting requirements will result in the suspension of P-Card privileges at the discretion of the Commissioner of Finance.

STANDARDS OF CONDUCT

Any City employee who has, will have, or acquires an interest in, any actual or proposed contract with the City of Poughkeepsie of which he/she is an officer or employee, shall publicly disclose the nature of such interest in writing to the Board of Contract Supply as soon as he/she has knowledge of and actual or prospective interest. This written disclosure will be made a part of the official minutes of the Board of Contract Supply. If an officer or employee of the City of Poughkeepsie has reason to believe that he/she may have a conflict of interest, the office of the Corporation Counsel should be contacted immediately.

Employees shall not engage in outside employment which is inconsistent with their City responsibilities. For example, furnishing advice or services to a firm bidding on or planning to bid on a contract with the City of Poughkeepsie, or which is presently doing business with the City.

No employee, officer, agent, immediate family member, or Board member of the City of Poughkeepsie shall participate in the selection, award, or administration of a contract with the City if a conflict of interest, real or apparent, is involved.

City of Poughkeepsie employees, officers, agents, or Board members will neither solicit nor accept gifts, gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements with the City.

Employees occupying positions which are directly involved in the City of Poughkeepsie procurement process are required to disclose any interest in businesses which engage in bid activities with the City.

Failure to abide by these Standards of Conduct will result in disciplinary action, up to and including termination. If said employee is a member of a union and is bound by a collective bargaining agreement with the City of Poughkeepsie, the sanctions undertaken will be addressed within the agreement.

PURCHASING RESPONSIBILITY

General Municipal Law, Section 104-b requires the identification of the individual or individuals responsible for purchasing and their respective titles. As such, the following identifications are made with the areas of responsibility:

Brian Martinez, PhD, – Commissioner of Finance and Purchasing Agent of the City

Karen Sorrell – Deputy Commissioner of Finance

Shirley Davison – Purchasing Agent

Rebecca A. Valk – Corporation Counsel

KEY REFERENCES

1. New York State GML § 103- Goods and Services
2. GML 104- Services

3. State Finance Law § 163-Best Value
4. Article 23 of the Labor Law-Apprenticeship
5. Uniform Guidance (2 CFR Part 200, Subparts A through F)- Federal Funded
6. City of Poughkeepsie Charter, Section 7
7. Local Law 2014-2

8. **R-25-08**, Adoption of the Retention and Disposition Schedule for New York Local Government Records.

**RESOLUTION
R-25-08**

INTRODUCED BY CHAIRMAN WILSON:

BE IT RESOLVED, by the Common Council of the City of Poughkeepsie that *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

A motion to Approve was made by Council Member- 4th Ward Shook and seconded by Council Member- 6th Ward Grant.

R-25-08- VOICE VOTE	
Yes/Aye:	Council Member- 3rd Ward Brown, Council Member- 5th Ward James, Council Member- 6th Ward Grant, Council Member- 7th Ward Patterson Thompson, Council Member- 4th Ward Shook, Council Member At-Large Wilson
No/Nay:	None
Abstain:	None
Absent:	Council Member- 1st Ward Henry, Councilmember - 2nd Ward Menist
Result:	Passed

V. ADJOURNMENT:

Official Minutes of the Common Council Meeting of January 2, 2025

At 3:08pm a motion to adjourn the meeting was made by Council Member- 7th Ward Patterson Thompson and seconded by Council Member- 3rd Ward Brown.

Dated: January 3, 2025

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Thursday, January 2, 2025.

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



The City of Poughkeepsie New York

Common Council Meeting Minutes

Tuesday, January 7, 2025

6:30 PM

Common Council Chambers

**Welcome to the regularly scheduled Meeting of the City of Poughkeepsie
Common Council the date is January 7, 2025, and the time is 6:31pm**

I. ROLL CALL:

8 Present, 0 Absent ()

II. REVIEW OF MINUTES:

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

CCM Minutes of January 7, 2025 - VOICE VOTE	
Yes/Aye:	Council Member- 1st Ward Henry, Councilmember - 2nd Ward Menist, Council Member- 3rd Ward Brown, Council Member- 5th Ward James, Council Member- 6th Ward Grant, Council Member- 7th Ward Patterson Thompson, Council Member- 4th Ward Shook, Council Member At-Large Wilson
No/Nay:	None
Abstain:	None
Absent:	
Result:	Passed

1. Common Council Public Hearing Minutes of December 17, 2024 - "Hawkers, Peddlers and Transient Vendors"
2. Common Council Meeting of December 17, 2024

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

IV. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

A motion to Defer to Corporation Counsel was made by Councilmember - 2nd Ward Menist and seconded by Council Member- 3rd Ward Brown.

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

1. **THOMAS A MYERS AND BARRY F PAUST**, a notice of claim for property damage sustained on December 11, 2024
2. **REFINERY 51**, a 30-day advance notice of New York State liquor license application
3. **J&P CATERING SERVICES LLC**, a 30-day advance notice of New York State liquor license application
4. **ZZZ SMOKE SHOP INC.**, a notice of adult-use retail cannabis dispensary license application

V. PUBLIC PARTICIPATION:

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

Daniel Atonna- College Ave

Ryan D- PORPA

Laurie Sandow- S. Grand Ave*

Ken Levinson- Garfield Place

***Submitted written comments**

Laurie Sandow public comments, Common Council Meeting, January 7, 2025

This Council begins the new year in much the same way it ended 2024, with an agenda listing only two consent items. If it wasn't for public comments—the public speaking on the record—there'd be practically no record at all about any matter coming before, and sailing through this Council. If it wasn't for the public paying attention to details, this Administration's covert, malicious revises of the zoning document would never have been revealed. The Council continues to extend their backroom arrogance, illegality and/or restrictions further with their 11th-hour posting, alterations and insertions into the Council's new 2025 Rules of Conduct and Procedure, passed at an Organizational meeting with just enough Councilmembers present to achieve a quorum (Present: Da'Ron Wilson, Terricena Brown, Nathan Shook, Ondie James, Christopher Grant, Nedra Patterson-Thompson; Absent: Ernest Henry, Evan Menist; Vacant Seat: 8th Ward). In the meantime, they have yet to post the 8th Ward vacancy, and seem likely to assert a right to appoint someone that suits THEIR own good-old-boys-and-girls purposes rather than the interests of 8th Ward residents. For the record, in the absence of a vacancy posting, I submitted a Letter of Interest and received absolutely no acknowledgment, no reply.

At Dan Aymar-Blair's January 4, 2025, swearing-in ceremony as the new Dutchess County Comptroller, Yvonne Flowers said, and I quote: "transparency and accountability IS good government". But not for the Flowers Administration, nor for this Common Council, who conduct their business in the fashion of "do as I say, not as I do." It is amazing how they've turned public service on its head, using taxpayer money to make the public into servants and themselves into masters.

At the Council's last meeting of 2024, I asked Megan Deichler for a direct, honest, on-the-record reply as to whether she actually still lived in the 8th Ward, and not just owned an unsold home. No surprise, she ignored my request. So let me provide a quick timeline exposing the lack of diligence by certain City departments to certify legal residence, and the willful silence and/or collusion about Deichler's relocation by certain people in this room, as well as some watching at home.

Megan Deichler first put her 12 Cedar Avenue house on the market on October 4, 2024. Five days later, on October 9, she and her husband closed on a house in Pleasant Valley/LaGrange. Two days after that, on October 11, Deichler submitted a so-called “formal” resignation letter that did not show any address at all. (In what world is that acceptable? Megan Deichler, Executive Director, Catskill-Hudson Area Health Education Center (CHAHEC) submits a “formal” letter sans letterhead and personal address.) As the result of correspondence with Corporation Council Valk, Deichler withdrew her resignation. On November 27, she took her 12 Cedar Avenue, Poughkeepsie, house off the market. On December 3, Deichler submitted a second so-called “formal” resignation letter, again without an address. Right after submitting her December 3 second resignation, extending her term to December 31, Deichler skipped the Council meeting on the very same night. On December 29, her Cedar Avenue house reappeared on the market with a new MLS number and rooms that were very clearly vacated.

What does that mean? It means that no later than the evidence shown in that December 29 MLS listing, and almost certainly earlier—the very instant she was no longer living in the ward from which she was elected—her seat was rendered vacant under the terms of both the City Charter as well as New York State Public Officers Law. Neither the City Charter, nor NYS Law provide for Deichler’s twice-stated (October 11 and December 3) resignation hooley of, quote: “upon completion of this transition”, nor for her to submit an effective date of convenience that lets her collect a taxpayer-funded salary, insurance coverage or buyout, or any other benefits for a seat she has vacated.

When I submitted a Freedom of Information request for a dated and time-stamped change of address form submitted by Megan Deichler to the City of Poughkeepsie; a change of address form submitted by Megan Deichler to the United States Postal Service; and a sworn statement by Megan Deichler, verifying that she has only been living at, and would continue to live and maintain residence only at 12 Cedar Avenue through the effective date of her so-called “formal” resignation, I got a reply that there were no documents responsive to my request.

Attached: Megan Deichler’s resignation letter dated December 3, 2024

December 3, 2024

Jamar Cummings

Poughkeepsie City Chamberlain

62 Civic Center Plaza

Poughkeepsie, NY 12601

Dear Mr. Cummings,

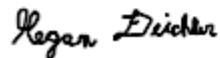
I am writing to formally resign from my position as a member of the Poughkeepsie Common Council, effective December 31, 2024.

This decision was not made lightly, as serving the community of the City of Poughkeepsie has been one of the greatest honors of my life. However, due to my family relocating outside of the City of Poughkeepsie, I find it necessary to step down upon completion of this transition, which should be complete by the end of the year.

I am grateful for the opportunity to work alongside dedicated colleagues and to serve our constituents. I appreciate the support and collaboration we have shared, and I remain committed to the vision of a better Poughkeepsie.

Thank you for your understanding.

Sincerely,

A handwritten signature in black ink that reads "Megan Deichler". The signature is written in a cursive, flowing style.

Megan Deichler

Common Council Member, Ward 8

VI. NEW & UNFINISHED BUSINESS & ANNOUNCEMENTS:

VII. REPORTS OF COMMITTEES AND BOARDS:

VIII. CONSENT AGENDA: MOTIONS AND RESOLUTIONS:

1. **R-25-09**, Resolution to Establish the Downtown Poughkeepsie Business Improvement District

RESOLUTION

(R-25-10)

RESOLUTION TO ESTABLISH THE DOWNTOWN POUGHKEEPSIE BUSINESS IMPROVEMENT DISTRICT

SPONSORED BY CHAIRMAN WILSON, COUNCILMEMBERS PATTERSON-THOMPSON, HENRY, MENIST, BROWN, JAMES AND GRANT

WHEREAS, by resolution R-24-50, the Common Council authorized the preparation of a District Plan for the Downtown Poughkeepsie Business Improvement District; and

WHEREAS, by resolution R-24-81, the Common Council scheduled a public hearing on the proposed Downtown Poughkeepsie Business Improvement District and directed publication and mailing in compliance with General Municipal Law; and

WHEREAS, the public hearing was held on November 19, 2024; and

WHEREAS, the City only received one objection to the proposed Downtown Poughkeepsie Business Improvement District and the property owned by that objector is less than the 51% required to object to formation of the District pursuant to GML §980-e;

NOW, THEREFORE, BE IT RESOLVED by the Common Council as follows:

1. The notice of public hearing was published and mailed as required by law and is otherwise sufficient;
 - (2) That, except as otherwise provided GML §980-a, all the real property within the boundaries of the proposed district will benefit from the establishment or extension of the district;
 - (3) That all the real property benefited is included within the limits of the proposed district; and

(4) the establishment of the district is in the public interest.

A motion to Approve was made by Councilmember - 2nd Ward Menist and seconded by Council Member- 6th Ward Grant.

R-25-09- VOICE VOTE	
Yes/Aye:	Council Member- 1st Ward Henry, Councilmember - 2nd Ward Menist, Council Member- 3rd Ward Brown, Council Member- 5th Ward James, Council Member- 6th Ward Grant, Council Member- 7th Ward Patterson Thompson, Council Member- 4th Ward Shook, Council Member At-Large Wilson
No/Nay:	None
Abstain:	None
Absent:	
Result:	Passed

IX. CONSENT AGENDA: ORDINANCES AND LOCAL LAWS:

1. **LL-25-01**, 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”

A Motion to to move Local Law 25-01 to Action Agenda was made by Council Member- 1st Ward Henry and seconded by Councilmember - 2nd Ward Menist.

Motion to Move LL-25-01 to Action Agenda - VOICE VOTE	
Yes/Aye:	Council Member- 1st Ward Henry, Councilmember - 2nd Ward Menist, Council Member- 3rd Ward Brown, Council Member- 5th Ward James, Council Member- 6th Ward Grant, Council Member- 7th Ward Patterson Thompson, Council Member- 4th Ward Shook, Council Member At-Large Wilson
No/Nay:	None
Abstain:	None
Absent:	
Result:	Passed

X. ACTION AGENDA: MOTIONS AND RESOLUTIONS:

XI. ACTION AGENDA: ORDINANCES AND LOCAL LAWS:

1. **LL-25-01**, 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”

(LL 25-01)

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”

SPONSORED BY CHAIRMAN WILSON, COUNCILMEMBER SHOOK, PATTERSON THOMPSON, HENRY, 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 10-4 is amended as follows:

10-4 Veterans

1. Any honorably discharged veteran of the armed services of the United States who has obtained a veteran's license from the Dutchess County Clerk, under § 32 of the General Business Law, to hawk, peddle, vend or solicit trade on the streets and highways within the County of Dutchess shall be exempt from the provisions of Section [10-7](#) of this article. Upon approval of the veteran's application, the City Chamberlain will issue the license to said veteran to ply his or her trade in the City of Poughkeepsie, subject to all provisions of this article.
2. **Any honorably discharged veteran of the armed services of the United States who seeks a license from the City only shall be entitled to a 50% discount on the fee set forth in Section 10-7(a)(1).**

Section 2: Section 10-5(a)(6) is amended as follows:

(6) Whether or not the applicant has ever been convicted of a felony **(disclosure shall only be required if the felony has not been sealed pursuant to Criminal Procedure Law §160.57 or by other statute or court order)**, misdemeanor or violation of any municipal ordinance, except traffic violations, and, if so, the date, court, ordinance ~~ordinance~~ **statute** violated and sentence of the court.

SECTION 3: Section 10-6(c) is amended as follows:

(c) If such investigation shall prove the applicant to have been convicted of any felony **which has not been sealed pursuant Criminal Procedure Law §160.57 or by other statute or court order**, or any misdemeanor, except a misdemeanor defined in Articles 156, 158 or 275 of the Penal Law, the Environmental Conservation Law, or the Vehicle and Traffic Law, the conviction would disqualify the applicant from obtaining a license unless such a disability has been removed as provided in the Correction Law. **the applicant may still qualify for a peddling license after the Police Department has considered the factors listed below. Such determination shall be on a form prepared by the Police Department and forwarded to the Chamberlain:**

1. **The public policy of the State of New York, to encourage employment and business activities of persons previously convicted of one or more criminal offenses; and**
2. **The time which has elapsed since the occurrence of the criminal offense or offenses; and**
3. **The age of the person at the time of occurrence of the criminal offense or offenses; and**
4. **The seriousness of the offense or offenses; and**
5. **Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct; and**
6. **The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.**

SECTION 4: Section 10-6(e) is deleted and subsection (f) is amended as follows:

(e) The City Chamberlain may refuse to issue the license if, in the judgment of the City Chamberlain, either the convictions render the applicant unfit or undesirable to carry on the trade or occupation involved, or the applicant shall be an undesirable person or incapable of properly conducting the trade or occupation involved.

-

(f) Any applicant who has been denied a license under Subsection (e) shall be notified by mail of

such rejection. Such notification shall be mailed within five business days of such rejection. The applicant shall then have 10 business days from the date of such mailing to appeal such rejection by the City Chamberlain to the Common Council. The Common Council, upon hearing the appeal by the applicant, shall approve or deny the issuance of the license.

SECTION 5. Section 10-20 of the City Code shall be amended as follows:

Section 10-20 PENALTIES.

—

1. **In addition to the remedy provided in subsection 10-19, any person violating any provision of this article shall be guilty of a violation and shall be punishable by a fine of not more than \$250 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment. The continuance of an offense for each twenty-four-hour period shall be deemed a distinct and separate violation. Enforcement shall be by appearance ticket returnable in Poughkeepsie City Court. Said ticket may be issued by the Building Inspector, Code Enforcement Officer, Fire Inspector, Sanitation Inspector, or any officer of the City of Poughkeepsie Police Department in his or her own discretion or based upon a signed complaint.**

SECTION 6. 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.

A motion to Approve was made by Councilmember - 2nd Ward Menist and seconded by Council Member- 6th Ward Grant.

LL-25-01 - VOICE VOTE	
Yes/Aye:	Council Member- 1st Ward Henry, Councilmember - 2nd Ward Menist, Council Member- 3rd Ward Brown, Council Member- 5th Ward James, Council Member- 6th Ward Grant, Council Member- 7th Ward Patterson Thompson, Council Member- 4th Ward Shook, Council Member At-Large Wilson
No/Nay:	None
Abstain:	None
Absent:	
Result:	Passed

XII. MAYOR'S COMMENTS, NEW & UNFINISHED BUSINESS & ANNOUNCEMENTS:

NONE

XIII. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

And I just want to wish everybody once again that were not at the organizational meeting, you know, a Happy 2025.

And we're going to continue to strive here in the City of Poughkeepsie. Thank you all for coming out for your public comments and concerns.

And we will definitely... the city administrator and the appropriate people will address your concerns.

And with that being said, can I have a motion to adjourn?

XIV. ADJOURNMENT:

At 7:17pm a motion to adjourn the meeting was made by Council Member- 7th Ward Patterson Thompson and seconded by Councilmember - 2nd Ward Menist.

Dated: January 10, 2025

I hereby certify that this is a true and correct copy of the Minutes of the Common Council Public Hearing held on Tuesday, January 7, 2025.

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

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS**

In the Matter of the Claim of

Devon Gethers

v.

NOTICE OF CLAIMCITY OF Poughkeepsie
CITY CHAMBERLAIN
2024 JAN -6 AM 9:45

City of Poughkeepsie, Town of Poughkeepsie, City
of Poughkeepsie Police Department, Town of
Poughkeepsie Police Department, State of New York,
City Officials 1-10, City Police Officers 1-10
(fictitious names to be named later)

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

1. The name and post-office address of the claimant and of his attorney is:
 - a. Claimant: Devon Gethers, 17 Rose Street, Apt. 209, Poughkeepsie, New York 12601
 - b. Attorney: Michael S. Golner, The Haddad Law Firm, P.C., 100 West Pond Road, Hopelawn, New Jersey, 08861
2. Nature of Claim:

On December 22, 2024, Devon Gethers was visiting a friend in apartment 109 of the Fallkill Commons located at 17 Rose Street, Poughkeepsie, New York, 12601. At that time, police officers rounded the corner in to the hallway where Mr. Gethers was standing, opened fire, unannounced, striking Mr. Gethers in the back. Mr. Gethers was then taken by ambulance to Mid-Hudson Regional Hospital for his injuries.
3. Time, when, and where the incident occurred:

Fallkill Commons, 17 Rose Street, Poughkeepsie, New York, 12601. The time was approximately 10:12 PM.
4. Damages:

Mr. Gethers damages are unclear at this time. However, the extent of his injuries along with the malice exhibited by the offending officers is valued at over ten million dollars.

That said claim and demand is hereby presented for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on this claim.

Dated: December 30, 2024
Hopelawn, New Jersey

OG
Devon Gethers

STATE OF NEW JERSEY)
) ss.
COUNTY OF MIDDLESEX)

I, Devon Gethers, am the Claimant in the above-entitled action. I have read the foregoing complaint and know the contents thereof. The contents are true to my own knowledge except as to matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

OG
Devon Gethers

Sworn to me on this 30th day Of December, 2024.

Ruth Rocky
Notary Public:

RUTH ROCKY
A Notary Public of New Jersey
My Commission Expires March 21, 2026



NYSCEF Confirmation Notice

NYS Court of Claims

The NYSCEF website has received an electronic filing on 12/30/2024 02:48 PM. Please keep this notice as a confirmation of this filing.

Claim Number NOT assigned
Devon Gethers v. City of Poughkeepsie et al
Assigned Judge: None Recorded

Documents Received on 12/30/2024 02:48 PM

Doc #	Document Type
1	VERIFIED CLAIM

Filing User

MICHAEL SCOTT GOLNER | michgolner@gmail.com | 7324479064
100 West Pond Road, Hopelawn, NJ 08861

E-mail Service Notifications

An email regarding this filing has been sent to the following on 12/30/2024 02:48 PM:

MICHAEL SCOTT GOLNER - michgolner@gmail.com



NYSCEF Confirmation Notice

NYS Court of Claims

Claim Number NOT assigned
Devon Gethers v. City of Poughkeepsie et al
Assigned Judge: None Recorded

Email Notifications NOT Sent

Role	Party	Attorney
Defendant	City of Poughkeepsie	No consent on record.
Defendant	Town of Poughkeepsie	No consent on record.
Defendant	City of Poughkeepsie Police Department	No consent on record.
Defendant	Town of Poughkeepsie Police Department	No consent on record.

* Court rules require hard copy service upon non-participating parties and attorneys who have opted-out or declined consent.

NYSCEF Resource Center, nyscef@nycourts.gov

Phone: (646) 386-3033 | Fax: (212) 401-9146 | Website: www.nycourts.gov/efile

**A RESOLUTION OF THE CITY OF POUGHKEEPSIE, SETTING A PUBLIC
HEARING REGARDING THE PROPOSED NOMINATION OF 10 SOUTH CLINTON
STREET AS A LOCAL HISTORIC LANDMARK**

(R-25-11)

**INTRODUCED BY CHAIRMAN WILSON, COUNCILMEMBER SHOOK, PATTERSON
THOMPSON, HENRY, MENIST, BROWN, JAMES AND GRANT**

WHEREAS, 10 South Clinton Street, City of Poughkeepsie is owned by JMS 299 Main LLC, who is owned by Judith Green, who has applied for and is desirous of securing a designation of 10 South Clinton Street as a local historic landmark; and

WHEREAS, the City of Poughkeepsie Historic District and Landmarks Preservation Commission (hereinafter “HDLPC”) held a public hearing on January 9, 2025 regarding the nomination of 10 South Clinton Street as a local historic landmark; and

WHEREAS, the HDLPC voted in favor of the proposed nomination and approved the application on January 9, 2025; and

WHEREAS, pursuant to Section 19-4.5(4)(f) of the Code of Ordinances of the City of Poughkeepsie, the HDLPC’s approved application was forwarded to the Common Council for consideration; and

WHEREAS, the Common Council is required to hold a public hearing prior to the designation of any historic landmark; and

NOW THEREFORE,

BE IT RESOLVED, that the City Chamberlain be, and she hereby is authorized and directed to publish a Notice of Public Hearing to be held **Tuesday, March 18, 2025 at 6:00 p.m.** concerning the designation of 10 South Clinton Street as a local historic landmark.

SECONDED BY COUNCILMEMBER _____ .

RECEIVED

DEC 23 2024



CITY OF POUGHKEEPSIE, NEW YORK
BUILDING DEPARTMENT
(845) 451-4007
(845) 451-4006 (FAX)

HISTORIC DISTRICT & LANDMARKS NOMINATION FORM

LOCATION (For District nominations, attach list of all properties)

Street and Number: 10 SOUTH CLINTON STREET - ORIGINALLY # 8

NAME OF PROPERTY ORIGINALLY 8 SOUTH CLINTON STREET

Historic Name (if any): _____

Other Names (if any): _____

CLASSIFICATION

Ownership of Property

☐ Private

Owner: JUDITH A. GREEN

Address: 10 S. CLINTON ST.

City: POUGHKEEPSIE

State/Zip: NY 12601

☐ Public

Owner: _____

Address: _____

City: _____

State/Zip: _____

Category of Property

☐ Building(s)

☐ District

☐ Site

☒ Structure

☐ Object

FUNCTION OR USE

Historic Functions or Uses:

Built in 1862 10 S. Clinton St. is one of the last remaining brick row structures in the city built by the distinguished master builder Elias Spross

Current Functions or Uses:

Private Residence

NAME OF ARCHITECT (if known): Elias Spross ? Builder

ATTACHMENTS

NARRATIVE DESCRIPTION: Describe the historic and current conditions of the property on one or more continuation sheets, and attach the sheets to the application.

MAPS: Please attach a map of the subject property or properties.

PHOTOGRAPHS: Please attach photographs of the property or properties.

Nomination Form
Page 2

Statement of Significance: Mark "X" in all of the applicable boxes below for the criteria qualifying the property for local register listing.

- ☒ Property is associated with events that have made a significant contribution to the broad patterns of our history.
- ☒ Property is associated with the lives of person significant in our past.
- ☒ Property embodies the distinctive characteristics of a type, period or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- ☒ Property has yielded, or is likely to yield, information important in prehistory or history.
- ☒ Property is listed, or is eligible for listing, on the State and/or National Registers of Historic Places. *currently pursuing the possibility*

Narrative Statement of Significance: Explain the significance of the property, in terms of the boxes checked above, on one or more continuation sheets, and attach the sheet(s) to the application.

Bibliography: Cite any books, articles or other sources used in preparing this form on one or more continuation sheets, and attach the sheet(s) to the application.

Form Prepared by:

Name/Title: JUDITH GREEN

Organization: City of Portland

Street: 10 S. Clinton Street

City/State/Zip: Portland, ME 04101

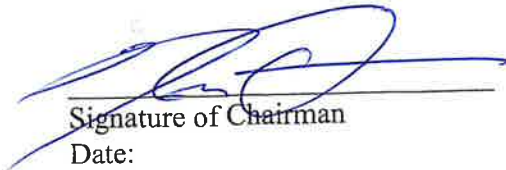
Telephone: 845 454 3859

Date: November 12, 2024

HDLPC RECOMMENDATION

The HDLPC hereby certifies that this application ☐ does ☐ does not meet the criteria for designation as a local historic district, landmark or landmark site, and recommends approval of the application to the Common Council in accordance with the provisions of Section 19-4.5(3) of the Zoning Ordinance.

Motion: Kyle Desjardins
Second: Anthony LaRocca
Votes: 7 0 0
Ayes Nays Abstentions


Signature of Chairman
Date:

Narrative Description

The 1862 brick structure at 10 South Clinton Street (formerly #8) has a peaked slate roof (35' L x 20' W) covering the four floors on the Eastside and a flat roof (10' L x 20' W) that covers the Westside back sections of the first three floors.

The interior space of the four floors measures 3,200 sq. feet.

There is a (10' L x 4' W) wood overhang extension on the Northside of the third floor

There are two, three chamber chimneys, one located in the middle of the slate roof and the other aligned with the first at the back of the flat roof.

There are thirty-four windows throughout the four floors, all original, the majority double sash with four panes of glass.

Two ariel windows with three double sash casings and four panes each are located on the first and second floors.

Two main entrances on the second floor have a glass panel above the door and a beveled plate glass window on the upper half of the door.

The two entrances on the first floor have multiple glass panes on the upper portions of the doors.

The main entrance is accessed by a (25' L x 6' W) L shaped porch with a two-room shed beneath the Southside section of the porch.

Narrative Description (2)

Vestiges of the historic conditions of the property include cemented areas on the exterior brick on the fourth floor that indicate the removal of support structures that suggest the former

existence of a small balcony accessed by a ten-windowpane door, currently a wood banister with balusters as a barrier.

There are cemented areas on each side of a stone mantel over the Northside first floor entrance indicating a roof structure once existed. A (21' L x 9' W) concrete slab at the Westside entrance suggests an enclosed area on back porch existed.

The first floor has a northside main entrance into a small landing at the bottom of a two-tier stairwell that leads to second and third floor hallways.

A second entrance at the westside back is an entrance into a room with an air tank and furnace. The house is heated by a cast iron radiator system.

The first floor has three rooms and a full bath, two closets and a storage area under the front porch northeast section.

The west room has a large brick opening at the base of the chimney that contains a wood burning stove.

There is a stone slate manel with an ornate metal grate in the middle room.

An ariel window on the south wall and a wide board pine floor.

Narrative Description (3)

The third room has two windows on the northside, a door on the east wall that enters the storage area under the porch and a wide board pine floor.

The second-floor entrance opens into a hallway with an inlaid maple and oak floor with a curved staircase at the midpoint that leads to the third floor and a northside doorway at the end of the hall that enters the back stair well.

The southside hallway wall has an entrance into both the front and middle room, an adjoining third room is the only equipped and functional kitchen currently. A full bath is located to the northeast adjacent to the kitchen. There are two windows, a closet and a narrow board pine floor.

There is a marble mantle with an ornate grate on the west wall.

There are two additional marble mantels on either side of the center chimney in the middle and front rooms.

The floors in these two rooms are wide board pine.

The middle room has an oriel window and a pocket door, with two sliding panels with etched glass on the upper portion of the doors, between the kitchen and the middle room.

Narrative Description (4)

The front room has two windows.

Elaborate plaster ogee moldings encase the upper portion of the walls and ceiling edges with ornate medallions encircling the ceiling light fixtures in all three rooms.

Detailed carpentry with multi layered baseboard woodwork and window casings exist throughout the house.

The third-floor hall has a west window and three doors a southside entrance into four rooms, a door entering a full bath and another into a pantry. The bath and pantry have tin ceilings.

The west room has two windows and a narrow board pine floor.

The middle room entered through a large archway has a tin ceiling.

A short hall on the northside of the room has a door that opens to a curved staircase leading to the fourth floor.

The front room has a carved wood mantel, on the west wall, that encases a large mirror.

A large archway enters into a smaller room on the northeast side of the connecting rooms. The west wall has a walk-in closet.

There are four windows on the eastside pf these two rooms. All three rooms have wide board pine floors.

Narrative description (5)

The fourth floor has two rooms and a half bath, sloped ceilings, three dormer windows, wide board pine floors, a westside window with easy access to the back flat roof, two small closets, a round window on the northside stairwell and the multi-pane glass paneled door on the eastside.

Current conditions are structural and sound with some carpentry work needed on the front porch. Extensive plaster work due to roof leaks that have recently been repaired. The pending plaster repairs necessitate the clearing out of three floors that have been used for storage of work-related supplies for a painting business, furniture and an accumulation of artworks for the past forty years. The clearing out of these areas is proceeding and the plaster work should begin soon.

There is also exterior and interior paining and landscaping to be scheduled this fall and in the spring.

Statement of Significance

The brick row structure at 10 South Clinton Street is the work of one of Poughkeepsie's most important 19th century builders Elias Spross.

Elias Spross and his colleagues' carpenters Andrew Sperback and Griffen Whipple built the five brick row structures on South Clinton Street for their families (1913 map attached).

Andrew Sperbeck lived at 10 South Clinton Street (formally #8) one of the few remaining examples of Spross's exceptional constructions built during the 19th century in the city of Poughkeepsie.

Due to the high incidence of cholera and dysentery during the late 1800's, Elias Spross and his partner Andrew Sperback were among the first in the city to build a private sewer line between Reservoir Square and Main Street (1901 Poughkeepsie Eagle news article attached).

Elias Spross was a master builder who excelled at his craft. The artistic attention to detail and fine workmanship is evident throughout the 10 South Clinton Street structure.

Bibliography

D.C Department of records

Adriance Library Archive

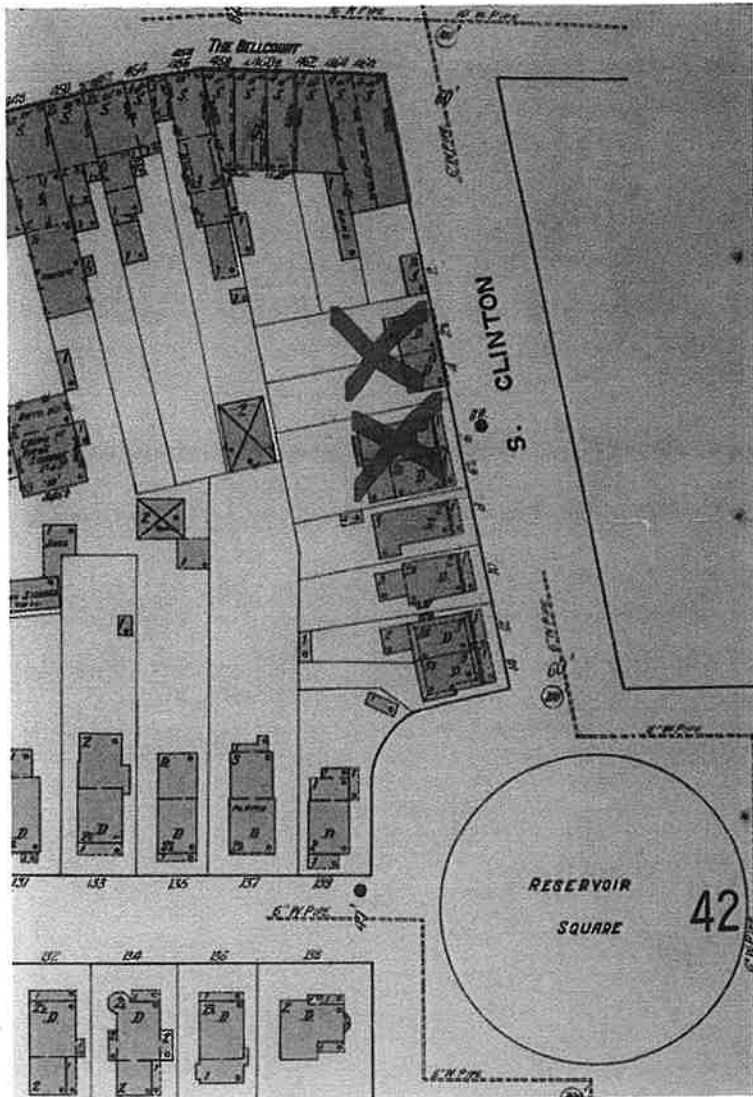
Adriance Library District Historian Shannon Beetler

Local Historian Holly Walhberg

D.C Historian William Tatum Ph.D.

Jospeh Chenier Engineer DPW City of Poughkeepsie

Poughkeepsie Journal Archives



1913 Sanborn Fire Insurance Map. Green X's shows demolition of brick residential structures.

Mr. Spross appeared before the
board as a private owner of the
land on Canal Street, from 1880
to 1885. In 1885 the
city of Poughkeepsie allowed
him and his partner, Mr. Spr-
oss, to purchase a piece of land on
Canal Street, with
the understanding that it would be ap-
propriated for the city. The city
then reimbursed
him for the cost of the sewer. Several
years ago, in connection with this
land, Mr. Spross wrote the mat-
ter up to whether he shall col-
lect or whether the city will
pay for it on his hands.

September 4, 1901 Poughkeepsie Eagle News (Spross appearing before the Board of Public Works
(DPW))

DEC 23 2021

Statement of Significance: 10 S. Clinton Street: Sperbeck House

In 2013, 148 Cannon Street was locally landmarked because of its history as the original Clinton School, predating today's Clinton School on Montgomery Street. 148 Cannon was originally two stories, built in 1877 by local machinist and carpenter, Andrew Sperbeck who died before he could occupy his new workshop at 148 Cannon Street. The City School District quickly purchased the building, adding a 3rd floor to gain more space but otherwise finding the building's quality brick construction and central location well-suited for school purposes.

Little has been known about 148 Cannon's original builder, Andrew Sperbeck until recent research on Sperbeck's home at 10 S. Clinton Street uncovered the existence of a closely connected group of agricultural implement inventors and manufacturers who developed and populated this small area around Reservoir Square in the 1860s and 1870s in close proximity to their foundries and workshops nearby.

10 S. Clinton Street's builder and first occupant, Andrew Sperbeck (1836-1878) was a native of Duanesburg and a 2nd generation carpenter. In 1862 at age 26, Sperbeck moved to Poughkeepsie to join his brother-in-law, Griffin Whipple (1815-1886). Both men were carpenters by trade and brothers-in-law married to the sisters, Urania and Cynthia Carpenter, also of Duanesburg. By 1870, the Sperbeck and Whipple families were living side by side at 10 and 12 S. Clinton Street where Sperbeck and master mason Elias Spross (1826-1907) had partnered to develop a row of brick homes on land split off from the holdings of another of their machinist colleagues, Alanson Gale of 139 Cannon Street.

Gale was perhaps the most accomplished member of this group of inventors having attained patents on reaper and mower designs in 1854 and 1857. His designs were manufactured at the Main Street foundry of John Adriance, Sr., scion of the great Adriance agricultural implement manufacturing family. In an 1853 ad for Gale's patented mowers and reapers, John Adriance Sr. noted that Alanson Gale was "well known to the public as one of the best machinists in the country."

With carpentry skills that seemed readily transferable to building with metal, the two brothers-in-law, Sperbeck and Whipple, became reaper and mower entrepreneurs in the 1850s and 1860s. Their involvement with master mason Elias Spross, one of Poughkeepsie's up and coming builders, may have been through their work as carpenters; but Spross and his brother Thomas were also masons for one of the city's largest iron foundries and were likely familiar with many of Poughkeepsie's machinists and foundry workers.

Like his machinist associates, first generation German immigrant Elias Spross (1826-1907) was not afraid to get his hands dirty – whether it was laying brick or building sewers. In 1876, Spross and Sperbeck built a private sewer line for the homes along S. Clinton Street from Main to Reservoir Square after the city's mounting debt for the completion of comprehensive sewer and water installations halted further investments in 1874. As a City Water Commissioner himself (with a brother who built the City's sand filtration public water plant in 1872), Spross understood public infrastructure's importance and demonstrated the ability to build it on his own when necessary.

The involvement of Spross in helping his carpentry and foundry colleagues build this row of homes in the 1860s is significant since much else of what Spross built (portions of the Hudson River State Hospital, St. Paul's School, Church of the Nativity School and Parsonage, Poughkeepsie Post Office on Market Street, buildings in the 400 block of Main Street) have now been demolished – leaving Spross's own home at 8 Garfield Place and its neighbor at 63 Montgomery St. among Spross's few known surviving works. As

both a devout Catholic and a first generation German immigrant, Spröss overcame significant economic, religious and class barriers to build and occupy a home on Garfield Place.

Along S. Clinton and Cannon Streets, in what was then an outlying but busy pocket of the city, the Sperbeck and Whipple families experienced a work and home life that took place largely in the two to three block radius along Main Street's industrial 400 block and streets near Reservoir Square. Along with demonstrating this neighborhood development pattern, Sperbeck and his colleagues also provide a window into the period from 1850 to 1870 when the mechanization of American farming produced a flurry of inventions and inventors who dreamed of replicating the success of men like John Deere and Cyrus McCormick. During this exciting era of farming's rapid mechanization, Poughkeepsie's Adriance family became one of the world's largest makers of horse drawn mowers and reapers – eventually building a sprawling 17-acre riverfront factory employing over 1,000.

But Andrew Sperbeck's 'carpenter's cottage' at 10 S. Clinton St. and its brick neighbors exemplify the homes and deeply interconnected lives of the "little guy" entrepreneurs who were also trying to succeed in this field and whose web of family connections and business partnerships continued to operate into the 1870s - albeit in the shadow of the Adriance family's rapidly growing industrial might.

Architecturally, 10 S. Clinton is a masonry version of a Gothic style workman's cottage which is a type more commonly constructed in Poughkeepsie of wood, rather than brick. Built in 1862 toward the end of the Gothic period, the house also has some transitional elements of the later Italianate style. Most striking is the Gothic front gable's decorated vergeboard trim with applied trefoils and acanthus leaves. There is a full width one story front porch with a balustrade pattern of repeating arches along with supporting columns decorated with scroll sawn brackets. A tall Italianate full arched window extends high into the front gable. Segmental arched window openings with lintels and two over two sashes are crowned by three arched bands of brick that create a simple masonry version of decorative window hoods. Gable dormers, a flat roofed rear addition, first floor side bay, and a cantilevered 2nd floor wood frame addition all function to help increase light and interior living space in a narrow lot urban setting.

Obit: Elizabeth Gale; Eagle News May 2 and 3, 1880.

Obit: Alanson Gale: Poughkeepsie Journal February 18 1877.

Obit: Elias Spröss: Evening Enterprise August 21, 1907.

"Referee's Sale: Alanson Gale's House: Eagle May 18, 1876.

Partnership Notice: Gale, Spencer and Nelson; Eagle November 27 1867.

"Dickinson and Whipple: Self Raker to Reaping Machine." Eagle October 8, 1859.

"Gale and Dickinson and Whipple Exhibit at State Fair" Eagle October 8, 1859.

"Gale Patent Improved Mower" Eagle June 16, 1860.

"Dissolution: Disbrow and Whipple" Eagle March 23, 1864.

"Gale Foundry to be Used as Store" Poughkeepsie Journal March 11 1877.

"Agricultural Establishment of J. Adriance" Eagle July 30, 1853.

"Brick Dwelling to Let, 8 S. Clinton" Eagle April 22, 1878.

"At Public Auction; Estate of Andrew Sperbeck" Eagle April 24, 1878.

"Building Note: New Building of Mr. A. Sperbeck" Eagle December 28, 1877.

"Sperbeck Advocates for Extension of Cannon to Cherry" Eagle May 10, 1871.

"Water Commissioner's Report: Poughkeepsie, 1876; Spröss and Sperbeck Connect Sewer"

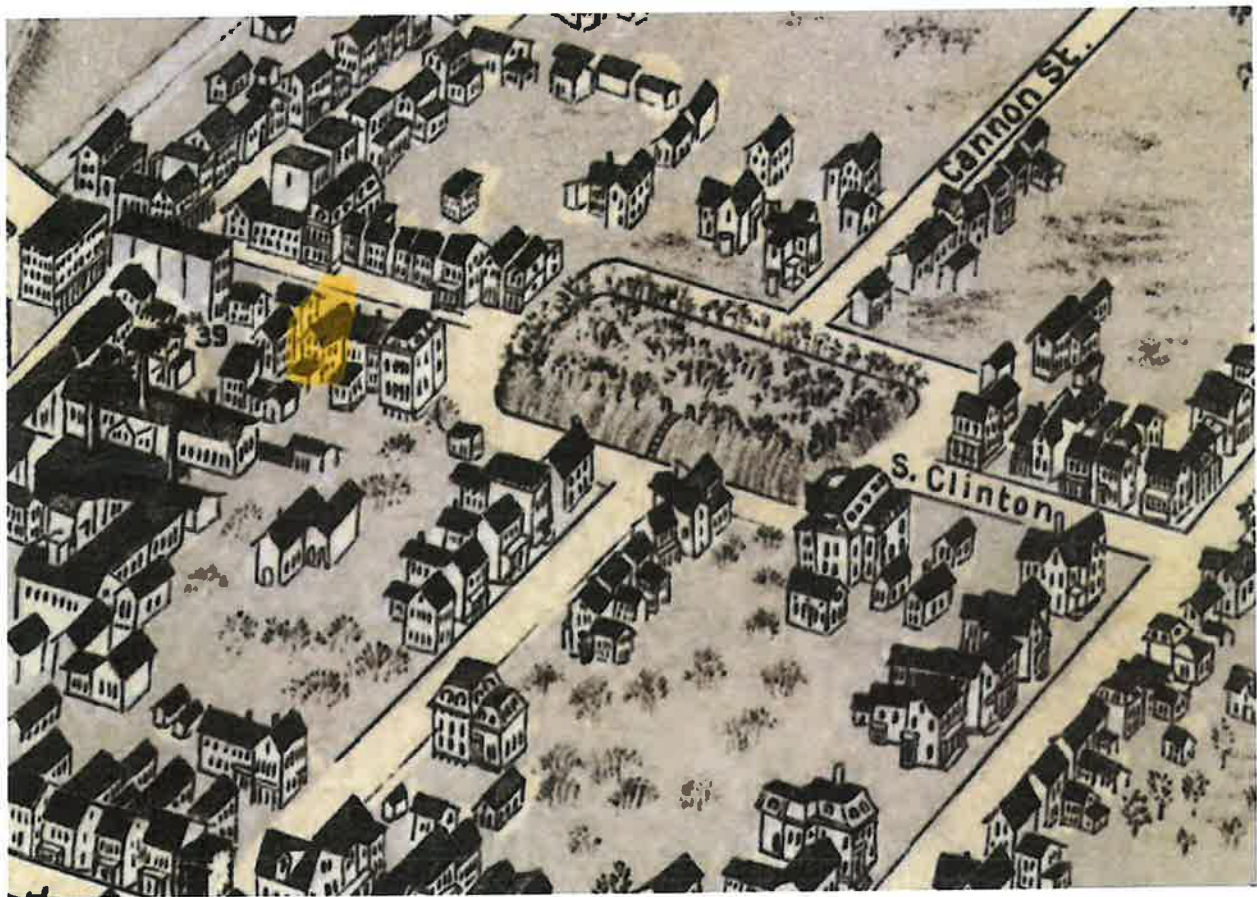
Poughkeepsie: Eagle Printing House, 1877; www.Hathitrust.com.

"Sewer Through S. Clinton St." Eagle April 15, 1874.

"Spröss Appears About Private Sewer" Evening Enterprise September 4, 1901.

"Sewer of Sperbeck and Spröss" Eagle September 5, 1906.

“Church of the Nativity’s New Parochial School” Poughkeepsie Journal September 8 1895.
“Thomas Spross” Poughkeepsie Journal February 13 and 17, 1895.
“Elias Spross” Commemorative Biographical Record. New York: J. H. Beers and Co. 1897, 588.
“Federal Govt. Building Contract to Clark and Spross” Poughkeepsie Journal May 24, 1885.
“Eli Spross, Contractor Erecting new Post Office” New Telegraph April 11, 1885.
“School at Rear of St. Paul’s” Poughkeepsie Journal August 18 and 20, 1882.
“Contract for New Parsonage for German Catholic Church” Poughkeepsie Journal September 1, 1878.
“Filtering Works Contracts” Eagle February 6, 1872.
“Sewering S. Clinton Street” Eagle April 15, 1874.
“Contract for Center Building at Asylum” Poughkeepsie Journal September 17, 1876; April 24, 1877.
“Building Notes 425-427 Main” Eagle June 30 1874.
Deed: Alanson Gale to Urania Sperbeck. Liber 126, p. 96.

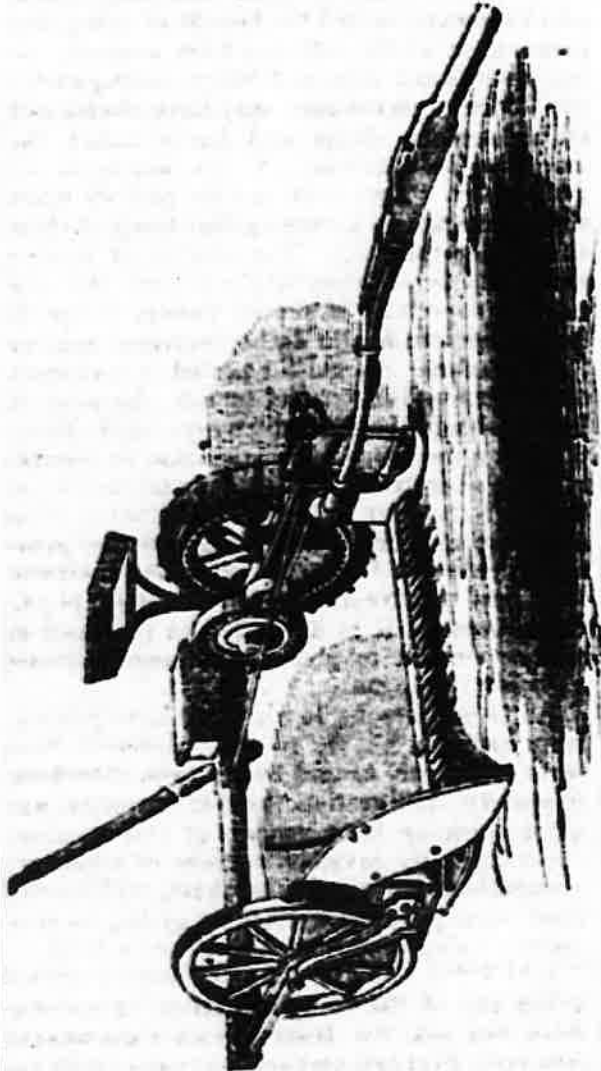


1874 Map

**GALE'S PATENT
IMPROVED MOWER,
And the Best Machine in the World!**

Patented August 11th, 1867.

Manufactured by A. GALE, at Pe'keepsie, Dutchess Co. N. Y.



GALE'S MOWING MACHINE will be offered to the public with confidence that it is **THE MOST PERFECT MACHINE IN USE**, being durable, and nothing about it that any farmer with prudent use can get out of order. It has many advantages over all others in use.

Alanson Gale Mower Ad, 1860



8 Garfield Place, one of the few Spross buildings surviving



148 Cannon, Andrew Sperbeck's 1877 workshop – original 2 floor design still visible with 3rd floor added by City School District

**A RESOLUTION OF THE CITY OF POUGHKEEPSIE, SETTING A PUBLIC
HEARING REGARDING THE PROPOSED NOMINATION OF 52 SOUTH HAMILTON
STREET, CURRENTLY KNOWN AS “VASSAR WARNER HOME” AS A LOCAL
HISTORIC LANDMARK**

(R-25-12)

**INTRODUCED BY CHAIRMAN WILSON, COUNCILMEMBER SHOOK, PATTERSON
THOMPSON, HENRY, MENIST, BROWN, JAMES AND GRANT**

WHEREAS, 52 South Hamilton Street, known as “Vassar Warner Home,” City of Poughkeepsie is owned by Vassar-Warner Home; and

WHEREAS, Richard J. Schuster, in his capacity as Chairman for Save Vassar-Warner, has applied for and is desirous of securing a designation of 52 South Hamilton Street as a local historic landmark; and

WHEREAS, the City of Poughkeepsie Historic District and Landmarks Preservation Commission (hereinafter “HDLPC”) held a public hearing on December 12, 2024 and January 9, 2025 regarding the nomination of 52 South Hamilton Street as a local historic landmark; and

WHEREAS, the HDLPC voted in favor of the proposed nomination and approved the application on January 9, 2025; and

WHEREAS, pursuant to Section 19-4.5(4)(f) of the Code of Ordinances of the City of Poughkeepsie, the HDLPC’s approved application was forwarded to the Common Council for consideration; and

WHEREAS, the Common Council is required to hold a public hearing prior to the designation of any historic landmark; and

NOW THEREFORE,

BE IT RESOLVED, that the City Chamberlain be, and she hereby is authorized and directed to publish a Notice of Public Hearing to be held **Tuesday, February 18, 2025 at 6:00 p.m.** concerning the designation of 52 South Hamilton Street as a local historic landmark.

SECONDED BY COUNCILMEMBER _____ .



CITY OF POUGHKEEPSIE, NEW YORK
BUILDING DEPARTMENT
(845) 451-4007
(845) 451-4006 (FAX)

HISTORIC DISTRICT & LANDMARKS NOMINATION FORM

LOCATION (For District nominations, attach list of all properties)

Street and Number: 52 S. Hamilton Street

NAME OF PROPERTY

Historic Name (if any): Old Ladies Home

Other Names (if any): Vassar-Warner Home

CLASSIFICATION

Ownership of Property	Category of Property
☒ Private	☒ Building(s)
Owner: <u>Vassar-Warner Home</u>	☐ District
Address: <u>same</u>	☐ Site
City: _____	☐ Structure
State/Zip: _____	☐ Object
☐ Public	
Owner: _____	
Address: _____	
City: _____	
State/Zip: _____	

FUNCTION OR USE

Historic Functions or Uses:
Independent and Assisted Living Facility for Women Seniors

Current Functions or Uses:
Independent and Assisted Living Facility for Seniors

NAME OF ARCHITECT (if known): 1898 Rear Addition by Corydon Wheeler

ATTACHMENTS

NARRATIVE DESCRIPTION: Describe the historic and current conditions of the property on one or more continuation sheets, and attach the sheets to the application.

MAPS: Please attach a map of the subject property or properties.

PHOTOGRAPHS: Please attach photographs of the property or properties.

Nomination Form

Page 2

Statement of Significance: Mark "X" in all of the applicable boxes below for the criteria qualifying the property for local register listing.

- ☒ Property is associated with events that have made a significant contribution to the broad patterns of our history.
- ☒ Property is associated with the lives of person significant in our past.
- ☒ Property embodies the distinctive characteristics of a type, period or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- ☐ Property has yielded, or is likely to yield, information important in prehistory or history.
- ☒ Property is listed, or is eligible for listing, on the State and/or National Registers of Historic Places.

Narrative Statement of Significance: Explain the significance of the property, in terms of the boxes checked above, on one or more continuation sheets, and attach the sheet(s) to the application.

Bibliography: Cite any books, articles or other sources used in preparing this form on one or more continuation sheets, and attach the sheet(s) to the application.

Form Prepared by:

Name/Title: Applicant: Save Vassar-Warner
Organization: Richard J. Schuster, Chairman
Street: (Researched by: Holly Wahlberg, Historian)
City/State/Zip: _____
Telephone: 203-885-9285 richardjschuster@gmail.com
Date: October 1, 2024

HDLPC RECOMMENDATION

The HDLPC hereby certifies that this application ☐ does ☐ does not meet the criteria for designation as a local historic district, landmark or landmark site, and recommends approval of the application to the Common Council in accordance with the provisions of Section 19-4.5(3) of the Zoning Ordinance.

Motion: Elisaf
Second: Kyle Neiswender
Votes: 6 0 0
Ayes Nays Abstentions

[Signature]
Signature of Chairman
Date: 1/9/2024

**RESOLUTION
(R-25-13)**

**RESOLUTION INTRODUCING A LOCAL LAW TO ESTABLISH THE
DOWNTOWN POUGHKEEPSIE BUSINESS IMPROVEMENT DISTRICT**

INTRODUCED BY CHAIRMAN WILSON, COUNCILMEMBER SHOOK, PATTERSON THOMPSON, HENRY, MENIST, BROWN, JAMES AND GRANT:

BE IT RESOLVED that an introductory Local Law entitled, “A LOCAL LAW TO ESTABLISH THE DOWNTOWN POUGHKEEPSIE BUSINESS IMPROVEMENT DISTRICT” 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, March 18, 2025 at 6:15 pm** 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.

SECONDED BY COUNCILMEMBER _____ .

(LL 25-XX)

**A LOCAL LAW TO ESTABLISH THE
DOWNTOWN POUGHKEEPSIE BUSINESS IMPROVEMENT DISTRICT**

SPONSOR:

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: Administrative Code Section 14.42 is amended as follows:

Section 14.42. Taxes – ~~economic development zones~~ **Business Improvement Districts**; ~~state law applicable~~

A. The provisions of article 19-A of the General Municipal Law are hereby determined to be applicable to the establishment or extension of business improvement districts in the ~~city~~**City**.

B. Downtown Poughkeepsie Business Improvement District

- 1. The Downtown Poughkeepsie Business Improvement District shall be and is hereby established in the City of Poughkeepsie, the City Council having found by resolution dated January 7, 2025 that the establishment of the Business Improvement District is in the public interest; that all notice, mailing and public hearing requirements have been complied with; that, except as otherwise provided GML §980-a, all the real property within the boundaries of the proposed district will benefit from the establishment of the district; and that all real property benefited is included within the limits of the district.**
- 2. The boundaries of the district are set forth in the District Plan of the Downtown Poughkeepsie Business Improvement District and are set forth as follows:**
 - a. NORTHERN BOUNDARY: Where Market St. reaches Mansion St. to Garden St. south to Mill St. where it reaches Hamilton St. The BID includes only properties on the west side of Garden St. The BID includes properties on both the north and south side of Mill St.**
 - b. EASTERN BOUNDARY: Hamilton Street between Mill St. and Church St. The BID includes on properties on the west side of Hamilton St.**
 - c. SOUTHERN BOUNDARY: Northernmost side of Church St. from the intersection of the westbound Rt. 44/55 arterial to Hamilton St.**
 - d. WESTERN BOUNDARY : Mill St. and the westbound Rt. 44/55 arterial behind the Civic Center and County office buildings to its intersection with Church St.**

- 3. The provision of services within the district shall be pursuant the District Plan of the Downtown Poughkeepsie Business Improvement District. All services shall be in addition to, and not a substitution for, required municipal services provided by the City of Poughkeepsie on a citywide basis.**
- 4. Any amendments to the Downtown Poughkeepsie Business Improvement District or the district plan shall be made in accordance with the provisions of article 19-A of the General Municipal Law.**

SECTION 2: If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudicated by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law.

SECTION 3: This Local Law shall become effective only upon compliance with General Municipal Law §980-g requiring review and approval of the New York State Comptroller of the proposed Downtown Poughkeepsie Business Improvement District.

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 _____ :

**RESOLUTION
(R-25-14)**

**RESOLUTION INTRODUCING A LOCAL LAW TO AMEND THE CITY'S
ADMINISTRATIVE CODE, SECTIONS 15.02 AND 15.03 REGARDING THE
REQUIREMENT OF PRIOR WRITTEN NOTICE OF AN ALLEGED DEFECT**

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

BE IT RESOLVED that an introductory Local Law entitled, “ A LOCAL LAW TO AMEND THE CITY'S ADMINISTRATIVE CODE, SECTIONS 15.02 AND 15.03 REGARDING THE REQUIREMENT OF PRIOR WRITTEN NOTICE OF AN ALLEGED DEFECT” 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, February 4, 2025 at 6:15 pm** 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.

SECONDED BY COUNCILMEMBER _____ .

(LL 25-XX)

**A LOCAL LAW TO AMEND THE CITY'S ADMINISTRATIVE CODE,
SECTIONS 15.02 AND 15.03 REGARDING THE REQUIREMENT OF PRIOR
WRITTEN NOTICE OF AN ALLEGED DEFECT**

SPONSOR:

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: Administrative Code Section 15.02 is amended as follows:

Section 15.02. Action against city due to defective condition of streets, sidewalks; notice required.

~~No action shall be brought against the city because of injuries resulting from defective or slippery streets or sidewalks, or because of any obstruction upon any street or sidewalk, unless the party so injured, or someone in his or her behalf shall first within five days after the date of said injury, said date inclusive, file with the commissioner of public works of said city a notice of such injury specifying in a general way the kind of injury, together with the exact date thereof, and designating the street and the precise location of the defect, obstruction or other cause which produced the injury, and all actions on such claims shall be commenced within thirty days after the rejection thereof by the common council.~~

No civil action may be maintained against the city for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous, or obstructed unless, before the occurrence resulting in such damages or injury, (a) notice of the defective, unsafe, dangerous or obstructed condition was delivered to the Commissioner of Public Works at 26 Howard Street, Poughkeepsie, New York 12601 in the form of a written physical hard copy and (b) the city failed or neglected to repair or remove the defect, danger or obstruction within a reasonable time after being given such notice. No action may be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any sidewalk, crosswalk, or street unless notice thereof relating to the particular place was delivered to the Commissioner of Public Works at 26 Howard Street, Poughkeepsie, New

York 12601 in the form of a written physical hard copy and (b) the city failed or neglected to cause such snow or ice to be removed or to otherwise reasonably make safe the place within a reasonable time after receiving the notice. Notice of a defect submitted via email, the city's website, any service, website, or application the city uses to allow the public to submit reports or service requests to the city, comments on social media page maintained by the city, or any other electronic means does not satisfy the process and procedure for submitting written notices of defect required by this section.

SECTION 2: Administrative Code Section 15.03 is deleted:

Section 15.03. ~~**Liability of city for defective streets, sidewalks, etc.; notice required.**~~

~~The city shall not be liable for the damage or injury sustained by any person in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk in said city being out of repair, unsafe, dangerous, or obstructed by snow, ice or otherwise, in any way or manner, unless written notice of the defective, unsafe, dangerous or obstructed condition of said street, highway, bridge, culvert, sidewalk or crosswalk shall have been given to the commissioner of public works of said city at least twenty-four hours previous to such damage or injury.~~ **RESERVED**

SECTION 3: This Local Law shall take effect immediately upon its adoption by the Common Council.

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 _____ :

**RESOLUTION
(R-25-15)**

**RESOLUTION INTRODUCING A LOCAL LAW TO AMEND THE CITY’S ZONING
CODE TO REMOVE THE FOOTNOTE AT SECTION 19-3.3(2)(C) OF THE ZONING
CODE AND TO CORRECT VARIOUS DEFINITIONS**

**INTRODUCED BY CHAIRMAN WILSON, COUNCILMEMBER SHOOK, PATTERSON
THOMPSON, HENRY, MENIST, BROWN, JAMES AND GRANT**

BE IT RESOLVED that an introductory Local Law entitled, “A LOCAL LAW TO
AMEND THE CITY’S ZONING CODE TO REMOVE THE FOOTNOTE AT SECTION 19-
3.3(2)(C) OF THE ZONING CODE AND TO CORRECT VARIOUS DEFINITIONS” 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, February 4, 2025 at 6:00
pm** 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.

SECONDED BY COUNCILMEMBER _____ .

(LL 25-XX)

**A LOCAL LAW TO AMEND THE CITY’S ZONING CODE TO REMOVE THE
FOOTNOTE AT SECTION 19-3.3(2)(C) OF THE ZONING CODE AND TO CORRECT
VARIOUS DEFINITIONS**

SPONSOR:

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 19-3.3(2)(c) “Lot Coverage” is amended to delete the footnote that states
“Includes all buildings/structures.”

SECTION 2: Section 19-10.2 is amended to delete the definition of “Accessory Dwelling Unit
(ADU)” and add a definition for “Accessory Apartment” as follows:

~~ACCESSORY DWELLING UNIT (ADU)~~

~~An accessory residential dwelling unit physically connected or attached to a principal single unit
or two-unit dwelling or connected or attached to an existing accessory structure such as a garage
or carriage house. The ADU must be connected by at least one common wall or be structurally
interdependent in some other way with the existing structure.~~

ACCESSORY APARTMENT:

**A small, independent living space on the same lot as a single family dwelling which is
clearly subordinate to that principal use.**

SECTION 3: Section 19-10.2 is amended to delete the definitions for “Apartment” and
“Backbuilding” as follows:

~~APARTMENT~~

~~A dwelling unit located on an upper floor of a shopfront building or a factory building and
having a minimum floor area of 300
square feet.~~

~~BACKBUILDING~~

~~A single-story structure connecting a principal building to an outbuilding.~~

SECTION 4: Section 19-10.2 is amended to correct the definitions for “Commission,” “Day Care Home/Family Day Care Home,” “Restaurant, Standard” and “Sidewalk Café.”

COMMISSION (HDLPC)

The Historic **District and Landmark** Preservation Commission created pursuant to this Chapter.

DAY CARE HOME/FAMILY DAY CARE HOME

~~A day care home is a dwelling in which a permanent resident provides licensed care in a protective setting for up to six children or elderly or disabled adults for less than 24 hours per day. The number counted includes the family’s natural, adopted, or foster children who are under six years of age.~~ **A home-based program that provides regular care for children in compliance with the requirements of New York State Office of Children and Family Service.**

RESTAURANT, STANDARD (erroneously given retail establishment’s definition)

~~An establishment engaged in the sale to the general public of commodities or goods in small quantities to ultimate consumers. Any establishment separately defined in this chapter shall not be considered a retail establishment.~~ **An establishment whose principal business is the sale of food in a ready to consume state, normally ordered from a menu and delivered to a table for consumption on premises.**

SIDEWALK CAFÉ

An **accessory seating area for a** restaurant or café open to the sky, with readily removable tables, chairs or railings, and no overhead coverage other than umbrellas or retractable awnings, compliant with Section 19-15-14 of the Code of Ordinances.

SECTION 5: Section 19-10.2 is amended to move “Development” below “Demolition” to be alphabetically correct.

SECTION 6: This Local Law shall take effect upon filing with the New York 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 _____ :

**RESOLUTION
(R-25-16)**

**INTRODUCED BY CHAIRMAN WILSON, COUNCILMEMBER SHOOK,
PATTERSON THOMPSON, BROWN AND JAMES**

WHEREAS, the Councilmember for the Eighth Ward, Meghan Deichler, has submitted her resignation to the City Chamberlain and that resignation was effective December 31, 2024; and

WHEREAS, the office of Councilmember for the Eighth Ward is vacant; and

WHEREAS, Section 2.08 of the Charter of the City of Poughkeepsie places on the Common Council the responsibility of filling the said vacancy by the appointment of a qualified elector of the Eighth Ward; and

WHEREAS, Sakima McClinton, a resident of the City's Eighth Ward, has consented to serve the City and the people of the City as Councilmember for the Eighth Ward;

NOW, THEREFORE,

BE IT RESOLVED, the Common Council of the City of Poughkeepsie hereby appoints Sakima McClinton to fill the vacant position of Councilmember for the Eighth Ward until January 1, 2026 in accordance with the Charter of the City of Poughkeepsie.

SECONDED BY COUNCILMEMBER_____.

RESOLUTION
(R-25-17)

INTRODUCED BY CHAIRMAN WILSON AND COUNCILMEMBER MENIST

NOW, THEREFORE, BE IT

RESOLVED, that the Common Council of the City of Poughkeepsie hereby authorizes the Corporation Counsel to settle litigation currently pending entitled *National Union Fire Insurance Co a/s/o New Hamburg Fire District v. City of Poughkeepsie* in the amount of \$67,500.00 and that said amount shall be paid from the 2025 budget for judgment/claims; and be it further

RESOLVED, that the City does not admit liability in making this settlement; this Settlement Agreement reflects the Parties' compromise and Settlement of disputed claims; and be it further

RESOLVED, that the Mayor and or Corporation Counsel are authorized to do all things necessary to give effect to this resolution including but not limited to executing a stipulation of settlement and a stipulation of discontinuance.

SECONDED BY COUNCILMEMBER _____.