



The City of Poughkeepsie New York

Common Council Meeting Minutes

Tuesday, February 4, 2025

6:15 PM

Common Council Chambers

I WELCOME:

Welcome to the scheduled Public Hearing of the City of Poughkeepsie Common Council. The date is Tuesday, February 4, 2025 and the time is 6:59pm

This Public Hearing is for the purpose of receiving comments on Amending the City of Poughkeepsie Administrative Code Regarding Prior Written Notice of an Alleged Defect.

II ROLL CALL:

9 Present, 0 Absent ()

III PUBLIC PARTICIPATION: Five Minutes Per Person

Five (5) minutes per person for public comment on any agenda and non-agenda item.

Laurie Sandow- S Grand Ave*

***Submitted written comments**

IV ADJOURNMENT:

At 7:07pm, a motion to close the public hearing was made by 3rd Ward Council Member Brown and seconded by 6th Ward Council Member Grant.

Dated: February 5, 2025

I hereby certify that this is a true and correct copy of the Minutes of the Common Council Public Hearing held on Tuesday, February 4, 2025.

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



PUBLIC HEARING MEETING AGENDA

Tuesday, February 4, 2025
6:15 PM
Common Council Chambers

City of Poughkeepsie Common Council Public Hearing;

NOTICE IS HEREBY GIVEN that pursuant to the Charter and Codes of the City of Poughkeepsie, one Common Council Public Hearing will be held on **Tuesday, February 4, 2025 at 6:15 pm** in the Common Council Chambers, 3rd Floor, City Hall, 62 Civic Center Plaza, Poughkeepsie, NY for the purpose of receiving comments on: 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

- I.** Welcome
- II.** Roll Call
- III.** Public Participation
- IV.** Adjournment:

**CITY OF POUGHKEEPSIE, NEW YORK
COMMON COUNCIL
PUBLIC HEARINGS
TUESDAY, FEBRUARY 4, 2025**

NOTICE IS HEREBY GIVEN that pursuant to the Charter and Codes of the City of Poughkeepsie, one Common Council Public Hearing will be held on **Tuesday, February 4, 2025 at 6:00 pm** respectively, in the Common Council Chambers, 3rd Floor, City Hall, 62 Civic Center Plaza, Poughkeepsie, NY for the purpose of receiving comments on:

1. 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

When: Tuesday, February 4, 2025, at 6:00 PM (EST)

Location: Common Council Chambers, 3rd FL, City Hall, 62 Civic Center Plaza, Poughkeepsie, NY 12601

Dated: January 22, 2025

Respectfully submitted,

Jamar M. Cummings
City Chamberlain

**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 _____ :

Laurie Sandow public comments, February 4, 2025

Common Council public hearing, Requirement of Prior Written Notice of an Alleged Defect

Tonight's public hearing regarding a proposed Local Law to require prior written notice is an insult to any resident or traveller through the City of Poughkeepsie ["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"].

Here we have a City that regularly fails to maintain, repair and provide safe streets, highways, sidewalks and more. A City that refuses to issue violations to preferred developers and even goes so far as purchase back properties from investors and developers that have willfully sought to demolish their properties and buildings by neglect, yet this City and this Council wants to shift the burden of prior defect reporting to the ordinary citizen, resident, or visitor—which notice can only be made in person and in hard copy.

Because why would this City ever want to create a trackable 3-1-1 reporting system—a 3-1-1 reporting system that I have repeatedly requested at both City and County meetings—that would also provide transparency and accountability, as well as employment and customer service and a sense that the City wants to be a good and responsible steward of its domain.

Adding insult to injury, the City—and apparently every Councilmember who has signed on as sponsor—seeks to free and protect themselves further by using the most vague language of the city repairing or removing the defect, danger or obstruction “**within a reasonable time**: after being given such notice—which “reasonable time” is completely unstated.

May I suggest that what the Council should instead be doing is to obligate Chris Gent to survey the entire City to create an interactive map of all existing defects and a timeline of repair for known defects. And that rather than a person having to personally deliver their prior notice to the Commissioner in person, the Commissioner of Public Works be compelled to pick up each of these hard copy complaints in person within 15 minutes of being authored, and to go to inspect the damage and provide a written estimate for timing and quality of repair, which reasonable timing will not surpass 24 hours after being notified.

The resolution goes on to say (see fuller extract further below): “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.**”

So even if you walked out of your house and your car was at the bottom of a brand new sinkhole, if you didn't stop everything that you were doing and race over to Howard Street with a hard copy of the defect, your suit would still be denied for failure to serve prior notice. And if, in the meantime, while a friend or a ride-share service was taking you to Howard Street, some four-year-old fell in that same sinkhole, neither one of you would be qualified to sue this city.

I'm not into frivolous lawsuits, but I *am* into responsible city government. And this resolution does not bear the faintest resemblance to responsible government.

Per proposed 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”

“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 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. RESERVED

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