



COMMON COUNCIL MEETING

Common Council Chambers

Tuesday, January 22, 2019

6:30 p.m.

5:30 Committee of the Whole and public hearing
Regarding parking in the City of Poughkeepsie

I. ROLL CALL

II. REVIEW OF MINUTES:

Common Council Meeting of October 15, 2018

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

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

V. CHAIRWOMAN'S COMMENTS AND PRESENTATIONS:

VI. MAYOR'S COMMENTS:

VII. MOTIONS AND RESOLUTIONS:

1. Resolution R19-18, approving a budget amendment in the Department of Public Works, amending the position of Tree Climber to Assistant Tree Climber.
2. Resolution R19-19, setting a public hearing for the proposed Local Law to create the Department of Human Resources.
3. Resolution R19-20, approving an Inter-Municipal Agreement with the Poughkeepsie City School District for the Student Athletic Basketball Program.
4. Resolution R19-21, approving the allocation of funds from community development and improvement funds to the 5th ward for the PHS Youth Summit, College Hill Community Day, and block parties.

5. Resolution R19-22, setting a public hearing for the proposed rezoning of 27 High Street.
6. Resolution R19-23, approving contract for the replacement of the Garden Street Bridge.
7. Resolution R19-24, scheduling an oversight hearing regarding crime statistics and crime reduction.

VIII. ORDINANCES AND LOCAL LAWS:

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM JD'S PUB & BREW, INC.**, located at 347 Hooker Avenue, a notice of intent to renew their license.
2. **FROM TRACEY CALABRESE**, a notice of personal injury sustained on December 10, 2018.
3. **FROM STEPHEN STEARNS**, a notice of personal injury sustained on November 5, 2018.

X. UNFINISHED BUSINESS:

XI. NEW BUSINESS:

XII. ADJOURNMENT:

**RESOLUTION
(R-19-18)**

INTRODUCED BY COUNCILMEMBER_____:

WHEREAS, the 2019 adopted budget provided for the position in the Department of Public Works of one (2) Tree Climber; and

WHEREAS, the currently is a vacancy in the position of Tree Climber; and

WHEREAS, the Department of Public Works has requested an amendment to the budget to provide for (1) Tree Climber and (1) Assistant Tree Climber; and

WHEREAS, the amendment of the budget will not have a financial impact on the 2019 adopted budget; and

NOW, THEREFORE,

BE IT RESOLVED, that the 2019 Budget for the City of Poughkeepsie is hereby amended as follows:

	<u>Position</u>	<u>#</u>
From: 01.08.8560.7130	Tree Climber	2
To: 01.08.8560.7103	Tree Climber	1
	Assistant Tree Climber	1

SECONDED BY COUNCILMEMBER_____.

**RESOLUTION INTRODUCING LOCAL LAW
AND PROVIDING FOR PUBLIC
NOTICE AND HEARING
(R-19-19)**

INTRODUCED BY COUNCILMEMBER _____

BE IT RESOLVED, that an introductory Local Law, entitled “Local Law Amending the Administrative Code of the City of Poughkeepsie creating the Department of Human Resources ” be and it 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 at City Hall, 62 Civic Center Plaza, Poughkeepsie, New York, at 6:15 o’clock P.M., on February 4, 2019; and

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 _____

LOCAL LAW NO. 1 OF 2019

**A LOCAL LAW AMENDING THE ADMINISTRATIVE CODE OF THE CITY OF
POUGHKEEPSIE BY THE ADDITION OF ARTICLE VII-A ENTITLED,
“DEPARTMENT OF HUMAN RESOURCES”**

INTRODUCED BY COUNCILMEMBER _____ :

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

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to amend the City of Poughkeepsie Administrative Code by the addition of Article VII-A entitled Department of Human Resources which shall be responsible for insuring a fair and healthy work environment by providing high quality resources for its employees in a timely, efficient and professional manner and leading initiatives to develop higher performing employees.

Section 2. AUTHORITY

This local law is adopted pursuant to section 16.01 of the Administrative Code and provisions of the Municipal Home Rule Law.

Section 3. The Administrative Code of the City of Poughkeepsie shall be amended by the addition of Article VII-A entitled “Department of Human Resources” as follows:

Section 7 ½ .01 Director of Human Resources

There shall be a director of human resources who shall be appointed in accordance with the charter. He/She shall be a person with knowledge of municipal employment practices, civil service and public labor relations

Section 7 ½.02 Powers and Duties

The Director of Human Resources shall be responsible for the administration of personnel benefits, assisting in the negotiations of employee contracts, training of personnel, health , safety, long range staff planning, and all other personnel functions assigned by the State and County to local municipalities.

The Director of Human Resources shall also be responsible for administering the City’s affirmative action policy, monitor compliance with EEOC guidelines, workforce diversity and inclusivity programs.

Section 4. Chapter 7, Section 7-76 of the Code of Ordinances entitled, "Equal employment opportunity affirmative action responsibilities" shall be amended as follows:

§ 7-76 Equal employment opportunity affirmative action responsibilities.

The responsibility section of this plan outlines the duties of management, supervisory personnel, the Personnel Department and the equal employment opportunity/affirmative action office in the implementation of this affirmative action program.

- (a) *Poughkeepsie Common Council.* The City of Poughkeepsie's Common Council has committed the city to a policy of equal employment opportunity and pledges to continue to encourage the attainment of affirmative action objectives.
- (b) *City Administrator.* The City Administrator shall be responsible for ensuring that equal employment opportunity is a reality for every person and that all affirmative action objectives are being met in all of the city departments. Further, the City Administrator shall be responsible for consulting with the equal employment opportunity office concerning goals for job groups in the departments and providing appropriate assistance so that full implementation can be realized in every city department.
- (c) *Department heads.* Department heads are responsible for:
 - (1) Working actively and cooperatively with the City Administrator and the equal employment opportunity (EEO) office to coordinate and implement this policy in order to ensure that equal employment opportunity is a reality in the department.
 - (2) Establishing affirmative action goals and timetables, with the assistance of the EEO office and, in consultation with the appropriate union, for recruiting, hiring and promoting minorities and women into job groups currently underutilizing them.
 - (3) Reviewing on a semiannual basis the progress the department is making toward affirmative action objectives. This review is to be in report form and given to the equal employment opportunity office and the City Administrator.
- (d) ~~[Personnel Department]~~ **Department of Human Resources**. The ~~[Personnel Department]~~ **Department of Human Resources** shall receive all notices of job vacancies from all departments with job descriptions, giving minimum qualifications and duties that are job related. All job recruitment for vacancies shall be processed through the ~~[Personnel Department]~~ **Department of Human Resources**. The ~~[Personnel Department]~~ **Department of Human Resources** shall receive and post all job applications. The ~~[Personnel Department]~~ **Department of Human Resources** also shall arrange job interviews with all city department heads and complete appropriate applications of persons interviewed for employment. All applications must be returned to and kept in the ~~[personnel office]~~ **Department of Human Resources**. The ~~[Personnel~~

~~Department]~~ **Department of Human Resources** shall coordinate all vacancies, recruiting, job selection, promotions, training, layoffs and terminations with the equal employment opportunity office. The ~~[Personnel Department]~~ **Department of Human Resources** shall be responsible for ensuring that the City of Poughkeepsie's equal employment opportunity policy is communicated to all job applicants. The department will regularly meet with the EEO office to review the effectiveness of the city's plan and will enlist the cooperation and active support of the EEO office.

Section 5. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. EFFECTIVE DATE

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

SECONDED BY COUNCILMEMBER _____.

**RESOLUTION
(R-19-20)**

INTRODUCED BY COUNCILMEMBER _____:

WHEREAS, Poughkeepsie City School District (PCSD) owns and maintains gymnasiums and related facilities at its High School, Middle School, and five elementary schools; and

WHEREAS, the City is desirous of utilizing PCSD's gymnasiums for the Student Athletic Basketball Program (SABP); and

WHEREAS, the Common Council of the City of Poughkeepsie and governing boards of PCSD have determined that it is in their mutual interests to enter into an Agreement for the purpose of allowing the Student Athletic Basketball Program to use the gymnasiums for the 2018 program year; and

WHEREAS, the Common Council of the City of Poughkeepsie and governing boards of PCSD have determined that it is in their mutual interests to share the costs of running such program which operates for the benefit of youth in the City of Poughkeepsie who are students of the Poughkeepsie City School District; and

WHEREAS, the Common Council of the City of Poughkeepsie has allocated \$3,500 in its 2019 operating budget for the SABP; and

WHEREAS, Article 5-G of the General Municipal Law specifically authorizes and encourages municipal corporations to enter into an agreement with each other in order to provide cooperatively, jointly and by contract any facility, service, activity or undertaking which each participating municipal corporation has the power to provide separately; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council hereby authorizes the Mayor to execute the attached Inter-municipal Agreement in form and substance as attached hereto.

SECONDED BY COUNCILMEMBER _____.

INTERMUNICIPAL AGREEMENT

THIS AGREEMENT made and entered into as of the ____th day of January, 2019, between the **POUGHKEEPSIE CITY SCHOOL DISTRICT**, a school district of the State of New York, with offices at 11 College Avenue, Poughkeepsie, New York 12603 (hereinafter "PCSD") and **THE CITY OF POUGHKEEPSIE**, a small city within the State of New York, with offices at Municipal Building, Poughkeepsie, New York 12601.

WITNESSETH:

WHEREAS, PCSD owns and maintains an athletic complex and related facilities at its High School, and

WHEREAS, the City is desirous of utilizing PCSD's gymnasiums for the City Recreation Basketball League; and

WHEREAS, governing boards of PCSD and the City have determined that it is in their mutual interests to enter into this Agreement for the purpose of allowing the [Student Athletic Basketball Program] to use the athletic complex for the City Recreation Basketball League; and

WHEREAS, governing boards of PCSD and the City have determined that it is in their mutual interests to share the costs of running such program which operates for the benefit of youth in the City of Poughkeepsie who are students of the Poughkeepsie City School District; and

WHEREAS, Article 5-G of the General Municipal Law specifically authorizes and encourages municipal corporations to enter into agreements with each other in order to provide cooperatively, jointly or by contract any facility, service, activity or undertaking which each participating municipal corporation has the power to provide separately; and

NOW, THEREFORE, in consideration of the promises and mutual covenants and agreements contained herein, the parties agree as follows:

1. PCSD will allow the City to use its facilities; i.e. gymnasiums and locker rooms at the Elementary, Middle School and High Schools without charge. Additionally, PCSD will provide \$500.00 toward the cost of running this program which shall be available to the students of the PCSD. In addition, PCSD will provide security staff to work at competitive events throughout the season.
2. The City agrees to pay an amount not to exceed \$3,500 toward the costs of uniforms and any other costs to support the Student Athletic Basketball Program in consideration of the City's use of the PCSD facilities as set forth above.
3. Ms. Yvonne Flowers will serve as the District's volunteer coordinator and liaison with the City for this program.
4. The City shall furnish, at the time of the signing of this Agreement, proof of insurance for Commercial General Liability (CGL) insurance in the amount of at least

\$1,000,000 per occurrence and \$2,000,000 in the aggregate, including products and completed operations, as well as Excess coverage in the amount of \$2,000,000 on a "follow-form" basis. The insurance policies will name the Poughkeepsie City School District, its officers, employees and agents, as an additional named insured with ISO additional insured endorsement CG 20 26 or equivalent. Additionally, the City shall provide proof of Workers' Compensation insurance. The insurance shall remain in force at all times during the term of this Agreement and any renewal hereof, and shall provide for any notice of cancellation to be sent to PCSD at least 30 days prior to any cancellation. The City's failure to obtain or maintain such insurance coverage shall result in the immediate termination of this Agreement, without notice.

5. The PCSD will carry general liability insurance in limits of at least One Million Dollars (\$1,000,000) per occurrence, Two Million Dollars (\$2,000,000) in the aggregate, and the liability insurance will name the City as an additional insured.
6. The City shall defend, indemnify and hold harmless the Poughkeepsie City School District, its officers, employees and agents, from any claims, liabilities, suits proceedings and actions, of whatever name and nature, as the same may relate, in any manner, to the services provided by the City pursuant to this Agreement. Said indemnification, defense and hold harmless shall apply to any claim, liability, suit, proceeding or action in which the District, its officers, employees and agents may be named as a party (except for negligent acts and/or omissions of the District), notwithstanding that the City may deem said claim, liability, suit, proceeding or action frivolous or without merit. It is intended that this provision be interpreted in the broadest manner possible so as to insulate the District from any liability or judgment, monetary or otherwise, as the same may relate to the personnel and services provided by the City pursuant to this Agreement (but not for the negligent acts and/or omissions of the District, its officers, employees and agents).
7. The PCSD shall defend, indemnify and hold harmless the City, its officers, employees and agents, from any claims, liabilities, suits proceedings and actions, of whatever name and nature, as the same may relate, in any manner, to the services provided by the PCSD pursuant to this Agreement. Said indemnification, defense and hold harmless shall apply to any claim, liability, suit, proceeding or action in which the City, its officers, employees and agents may be named as a party (except for intentional and/or negligent acts and omissions of the City and/or its agents), notwithstanding that the PCSD may deem said claim, liability, suit, proceeding or action frivolous or without merit. It is intended that this provision be interpreted in the broadest manner possible so as to insulate the City from any liability or judgment, monetary or otherwise, as the same may relate to the property, personnel and services provided by PCSD pursuant to this Agreement (but not for the negligent acts or omissions of the City, its officers, employees and agents).
8. The City agrees to comply with applicable laws and regulations as well as PCSD's policies, rules, regulations and procedures with regard to the use of its facilities, and which may be subject to change from time to time.

9. It is expressly understood that PCSD shall not be responsible for the payment of any debts or obligations incurred by the City in connection with this program.
10. This Agreement constitutes the complete understanding of the parties. No modification or any provision of this Agreement shall be valid unless in writing and signed by both parties, after authorization by the governing body of PCSD and the City.
11. This Agreement shall be for a term of one (1) year, the term to commence upon the approval and execution of this agreement, subject to renewal for additional one-year terms upon approval of the governing body of each party hereto.
12. This Agreement may not be assigned by either party.
13. If any provision of this Agreement is deemed to be invalid or inoperative for any reason, that part shall be deemed modified to the extent necessary to make it valid or operative, or if it cannot be so modified, then severed and the remainder of the Agreement shall continue in full force and effect as if the Agreement had been signed with the invalid portion so modified or eliminated.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed, after authorization by the respective governing bodies, on the day and year first above written.

**POUGHKEEPSIE CITY SCHOOL
DISTRICT**

BY: _____

THE CITY OF POUGHKEEPSIE

BY: _____

**RESOLUTION
(R19-21)**

INTRODUCED BY COUNCIL MEMBER FLOWERS:

BE IT RESOLVED, the Common Council of the City of Poughkeepsie hereby approves the appropriation of \$2,500 from Contingency- Community Development and Improvements (01.20.1900.7498) for the Ward 5 community events.

SECONDED BY _____ .

**RESOLUTION INTRODUCING AMENDMENT TO
THE CITY OF POUGHKEEPSIE CODE OF ORDINANCES ENTITLED
“ZONING AND LAND USE REGULATION
AND PROVIDING FOR PUBLIC
NOTICE AND HEARING
(R-19-22)**

INTRODUCED BY COUNCILMEMBER: _____

BE IT RESOLVED that an introductory ordinance amending the City of Poughkeepsie Zoning Map with respect to 27 High Street from I-1 (Light Industrial) District to R-4 (Medium High Density Residential) District, be and it 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 ordinance be laid upon the desk of each member of the Council; and

BE IT FURTHER RESOLVED that the Council hold a public hearing for public comments on said proposed ordinance at City Hall, 62 Civic Center Plaza, Poughkeepsie, New York, at 6:00 o'clock P.M., on _____; and

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 ten (10) days prior thereto; and

BE IT FURTHER RESOLVED that the Clerk shall submit the change to Dutchess County Planning, as required under General Municipal Law 239-m.

On a motion by _____, seconded by _____, the resolution was adopted on a vote of _____ Ayes, _____ Nays.

Dated: _____ The Mayor declared this resolution adopted.

SECONDED BY COUNCILMEMBER: _____

**ORDINANCE
(O-19-01)
ORDINANCE AMENDING CHAPTER XIX, SECTION 19-3.2 OF
THE CITY OF POUGHKEEPSIE CODE OF ORDINANCES
ENTITLED ZONING MAP**

INTRODUCED BY COUNCILMEMBER_____:

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

SECTION 1: The official Map of the City of Poughkeepsie as adopted by the Common Council on February 20, 1979, as amended, is further amended as follows:

Parcel # 6162-55-267439 – 27 High Street to be rezoned from I-1 (Light Industrial) District to R-4 (Medium High Density Residential) District.

SECTION 2: That the City Chamberlain be and is hereby directed to amend the official Zoning Map in accordance with this Ordinance.

SECTION 3: That the Common Council of the City of Poughkeepsie, after a review of the facts, finds that the site is more appropriately zoned as an R-4 District. Due to the existing surrounding uses, utilization of the site as multi-family residential, will provide a beneficial transition between industrial uses to the North and East, and lower density residential uses to the South and West. Use of the site as residential rather than industrial will be less harmful to the existing residential neighborhood and in line with recommendations of the Comprehensive Plan.

SECTION 4: That the Common Council of the City of Poughkeepsie as lead agency has determined that there are no other involved agencies, that the action is an Unlisted Action and upon the Short Environmental Assessment Form and the examination of 6 N.Y.C.R.R §617.7 of the State Environmental Quality Review Act the attached Negative Declaration is adopted because no Negative impacts anticipated will occur by reason of this text amendment.

SECTION 5: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER_____:

RESOLUTION
(R19-23)

Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the Garden Street over Fall Kill Creek Bridge Replacement (BIN 2262680) in the City of Poughkeepsie, identified as PIN 8761.96 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

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

NOW, THEREFORE,
the City of Poughkeepsie Common Council duly convened does hereby

RESOLVE, that the City of Poughkeepsie Common Council hereby approves the above-subject project; and it is hereby further

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

RESOLVED, that the sum of \$4230,000.00 is hereby appropriated from Account 30-08-5110-7254 18DPB WSB ("Capital Street Maintenance Bridge") and made available to cover the cost of participation in the above phase of the Project; and it is further

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

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

RESOLVED, that in addition to the City Administrator the following municipal titles: Mayor, Commissioner of Public Works, and City Engineer are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

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

RESOLVED, this Resolution shall take effect immediately.

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

I, Deanne L. Flynn, Clerk of the City of Poughkeepsie, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said _____
at a meeting duly called and held at the _____ on _____
by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the City of Poughkeepsie, New York, this _____ day of _____, 2019

Clerk, City of Poughkeepsie

**RESOLUTION SCHEDULING AN OVERSIGHT HEARING ON CRIME STATISTICS
AND CRIME REDUCTION IN THE CITY OF POUGHKEEPSIE**

(R19-24)

INTRODUCED BY COUNCILMEMBER SALEM:

WHEREAS, the City of Poughkeepsie has seen a marked increase of visible criminal incidents over the past year; and

WHEREAS, the health, safety, and security of our residents and community must be a top priority of the Common Council and administration; and

WHEREAS, high or increased levels of crime have been proven to contribute to lower levels of civic engagement, lower property values, increased outmigration, and economic stagnation; and

WHEREAS, residents of the City of Poughkeepsie deserve a concerted effort by local officials and our police department to address the city's high crime rate;

NOW, THEREFORE

BE IT RESOLVED, that the City of Poughkeepsie Common Council shall hold an Oversight Hearing on Crime Statistics and Crime Reduction at City Hall, 62 Civic Center Plaza, Poughkeepsie, New York, at **6 P.M.**, on **Monday, March 11, 2019**; and be it further

RESOLVED, that the Oversight Hearing be conducted with crime data presented by the police department and other city staff identifying crime trends and neighborhood concentrations based on the Uniform Crime Report and court records; and be it further

RESOLVED, comparative data of crime statistics from other regional municipalities shall be presented; and be it further

RESOLVED, experts in the field will be invited to discuss crime prevention and reduction best practices; and be it further

RESOLVED, that the City Chamberlain publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said Oversight Hearing at least five (5) days prior thereto.

SECONDED BY COUNCILMEMBER _____



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, October 15, 2018 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL- All Present

II. REVIEW OF MINUTES:

CCM 8-20-18						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Salem	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Chairwoman Finney	Voter	☒	☐	☐	☐

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

ADD:

VII. MOTIONS AND RESOLUTIONS:

- 3. Resolution R18-93**, approving the allocation of funds from community development and improvement funds to the 4th ward for the purpose of tree planting.

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

**Constantine Kazolias 47 Noxon Street
Laurie Sandow South Grand Avenue**

Karlton Jones 2 Mt. Carmel Place
Warren Jones 36 North Clover Street
Marta Knapp 10 South Clinton Street
Evan Menist 40 Cannon Street
Earl Brown 5 Merrick Road
Darrett Roberts 148 Franklin Street
Faith Ruiz-Guido 208 South Avenue

V. CHAIRWOMAN'S COMMENTS AND PRESENTATIONS:

Chairwoman Finney- recognize and present a proclamation to Community Matters 2

VI. MAYOR'S COMMENTS:

Mayor Rolison- wanted to make a comment about a statement made earlier tonight, that the city was using Community Development Block Grant funds to tear down buildings all over the city, and that is not correct. Those monies are being used in targeted neighborhoods with houses that need to come down, that are blighted houses that cannot be rehabilitated, and that are causing public safety risk not only for the house themselves, but the ones that are on either side. A quick update on some of our parking lot repaving. We repaved the city owned parking lot on Mill Street and we also paved the Garden Street lot that's across the street. We also sealed and striped the Duro lot which is on the 200 block, directly behind the Civic Center. The Hooker Avenue project is coming to a close. They were planting some grass on the west-end of Hooker and that's the sidewalk and curbing and the repaving of Hooker Avenue from Montgomery up to Clinton. Main Street, as we know has been repaved. Understanding is that during the recent rain event drainage was much improved with the way that they engineered the street because it's still draining to the middle. We are hoping that the weather will be cooperating over the next 48 hours. We will be doing all of the crosswalks on Main Street from North Water Street to Grand Avenue. Centerline striping will also be done on approximately 40 city streets where centerline striping will be done and we are just waiting for the weather to cooperate. Want to thank everybody who helped and participated and came to the last First Friday event down in the 1st ward. The San Gennaro themed festival and there were over 1000 people who came. Many of the vendors who were there, spoke to the guys from Rossi's who said that they had three times the amount of people that they served, which is a good indicator on what was happening that night down in the 1st ward. Speaking of the 1st ward, want to thank Councilmember, Chris Petsas and former Mayor, John Tkazyik for organizing the Pulaski Day on Sunday. It went really well and that was from St. Joseph's on Lafayette and went up to Pulaski and what was nice about it was, people were on the Walkway looking down at it, and seeing this beautiful red and white sea of individuals coming up the street. It was a great example of what the City of Poughkeepsie is. Want to also ask for help of the Council, if possible with your communication in your wards, is that we embarked on that Procedural Justice survey, where 3000 people received surveys, in both Spanish and English to 3000 randomly selected households. That survey is still coming in. We are extending the deadline, but we would like a larger sample. We sent the reminder cards out to the same households that got the survey. If you have any contact, or if anyone asks you

about the survey, please fill it out, and send it in to us. The preliminary budget was delivered today to the council. Happy to report that we are under the tax cap. We will have a lot of time to talk about this over the next month and a half, and look forward to that. We briefed the Finance Committee, the Council Chair came in this morning and spoke with the City Administrator and the Finance Commissioner and himself, and look forward to those conversations. Want to thank the Department Heads. This process started about five months ago, where department heads put together their ideas on their departments and things that they believed that they needed. It was a long process to getting here today, and can tell you that the finance team and the department heads were working on this last week. We pushed and pushed as much as we could, but there was a deadline to get the books printed for you to have today. Want to thank the Commissioner of Finance, Bill Brady and his Deputy, Karen Sorrell along with Regina Sweat from HR and budget, along with the City Administrator, Marc Nelson who put hours and hours into putting this budget together. I think it's a good budget. I think it's a smart budget, given the financial wherewithal. But we have to do certain things. You will notice that we have asked for an increase in the sanitation fee. It is the only fee that we have asked for an increase in. And that is because we are continuing to subsidize that from the general fund. And you will see in this budget proposal there is a \$225,000 subsidy from the general fund into sanitation. But currently the rates don't keep up with the services that we are providing. Tipping fees are up, recycling costs are up, we are adding another staff member to sanitation and it is costly to keep the city clean. We would like to do more, but feel this is a reasonable increase to wean ourselves away from that sanitation fund subsidy. Also to, we have been awarded money last year from the county and shared services a government efficiency grant to study DPW operations. And what we did was, we asked the county if we would be able to take that money and target it just to sanitation. That would be a pretty good place to analyze services that we currently provide. Are there ways that we can do it more efficiently, and also too, are there ways that we can increase revenue in sanitation, by expanding sanitation services to other organizations and non-profits and businesses, school district, housing authority, just to name a few. So we are looking forward to getting that out, and we will probably be going out for an RFP for consulting groups specializing in sanitation. Again, want to thank everybody and we look forward to the conversations with the council on this, are we are ready and prepared when you are to have any discussions you need. As we said to the Chair today, the Administrator and the Finance Department are ready to answer any questions.

VII. MOTIONS AND RESOLUTIONS:

- 1. A motion was made by Councilmember Petsas and seconded by Councilmember Lorraine Johnson to receive and print.**

NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) RESOLUTION REGARDING A SALE OF CERTAIN CITY OWNED PROPERTIES (R18-89)

INTRODUCED BY COUNCILMEMBER PETSAS

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of city owned property located at 263 Church Street and identified as Tax Map No.: 6161-22-214935; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. In accordance with Section 617.5(a)(1) of Title 6 NYCRR, the Common Council determines that the above described action is subject to SEQRA; and
2. In accordance with Section 617.5(a)(2) of Title 6 NYCRR, the Common Council determines that the action does not involve a federal agency; and
3. In accordance with Section 617.5(a)(3) of Title 6 NYCRR, the Common Council determines that the above described action does not involve any other agencies; and
4. In accordance with Section 617.5(a)(4) of Title 6 NYCRR, the Common Council classifies the above described action as an unlisted action. The Common Council in making such classification considered Section 617.12 of Title 6 NYCRR and determined that the above action did not fall into any of the categories listed under Type I, and also considered Section 617.13 of NYCRR and determined that the above described action did not fit under any of the categories listed under Type II Actions, thus reaching the conclusion that it is to be considered an unlisted action; and
5. In accordance with Section 617.5(a)(5) the Common Council determines that the above described project will not require a long EAF since the short EAF provides sufficient information; and
6. The Common Council officially makes a determination of non-significance in that the proposed sale of properties are not expected to result in a significant adverse impact on the environment and, therefore, the preparation of a draft environmental impact statement is not necessary; and
7. This determination shall be considered a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law; and

Official Minutes of the Common Council Meeting of October 15, 2018

8. The City Chamberlain shall maintain a file of this determination as well as the attached EAF which is hereby made a part of this resolution.

SECONDED BY COUNCILMEMBER LORRAINE JOHNSON

R 18-89						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Salem	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Chairwoman Finney	Voter	☒	☐	☐	☐

2. A motion was made by Councilmember Petsas and seconded by Councilmember Lorraine Johnson to receive and print.

**RESOLUTION
(R18-90)**

INTRODUCED BY COUNCILMEMBER PETSAS

WHEREAS, the City of Poughkeepsie is the owner of 263 Church Street and more particularly known as Tax Map No.: 6161-22-241935 (the, "Property"); and

WHEREAS, the Property is an improved by a two-family vacant residence; and

WHEREAS, the city has received an offer to purchase the Property from Evin Lederman.; and

WHEREAS, the city is desirous of selling the Property to Evin Lederman under a development agreement to rehabilitate the building back to a two-family residence; and

WHEREAS, Evin Lederman has offered to purchase the Parcel for \$5,000 and the Common Council has determined that to be fair and just compensation; and

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

NOW, THEREFORE,

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

RESOLVED, that the offer from Evin Lederman to purchase the premises identified as Tax Map No.: 6161-22-241935 in the City of Poughkeepsie for the sums of \$5,000 is hereby approved subject to the hereinafter mentioned conditions and subject to such other and further conditions which the Corporation Counsel shall deem appropriate; and be it further

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

- A. the conveyance of title and the payment of the purchase price shall take place within thirty days of the date of this resolution, unless the Corporation Counsel shall grant such extension as he/she deems appropriate;**
- B. The transfer of title and Purchaser's use of the Property shall be subject to all state, federal and local regulations including the City of Poughkeepsie and New York State Building Codes and the City of Poughkeepsie Zoning Ordinance and real property taxes coming due pursuant to law on and after the date of transfer of title;**
- C. Purchaser shall accept such title to the real property as the City of Poughkeepsie is possessed of and agrees to accept such title by quitclaim deed subject to any defects or encumbrances as are of record;**
- D. Purchaser shall execute a Developer Agreement setting forth an agreement for rehabilitation.**
- E. Purchasers agree that they shall not use the purchase price agreed to as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation; and**

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

SECONDED BY COUNCILMEMBER LORRAINE JOHNSON

R 18-90						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Salem	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Chairwoman Finney	Voter	☒	☐	☐	☐

- 3. A motion was made by Councilmember Petsas and seconded by Councilmember Lorraine Johnson to receive and print.**

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA) RESOLUTION REGARDING A SALE OF
CERTAIN CITY OWNED PROPERTIES
(R18-91)**

INTRODUCED BY COUNCILMEMBER PETSAS

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of city owned property located at 17 Grey Street and identified as Tax Map No.: 6161-31-362825; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

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

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5. In accordance with Section 617.5(a)(5) the Common Council determines that the above described project will not require a long EAF since the short EAF provides sufficient information; and
6. The Common Council officially makes a determination of non-significance in that the proposed sale of properties are not expected to result in a significant adverse impact on the environment and, therefore, the preparation of a draft environmental impact statement is not necessary; and
7. This determination shall be considered a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law; and
8. The City Chamberlain shall maintain a file of this determination as well as the attached EAF which is hereby made a part of this resolution.

SECONDED BY COUNCILMEMBER LORRAINE JOHNSON

R 18-91						
			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Salem	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Chairwoman Finney	Voter	☒	☐	☐	☐

4. A motion was made by Councilmember Petsas and seconded by Councilmember Lorraine Johnson to receive and print.

R E S O L U T I O N
(R18-92)

INTRODUCED BY COUNCILMEMBER PETSAS

WHEREAS, the City of Poughkeepsie has a possessor interest in 17 Gray Street and more particularly known as Tax Map No.: 6161-31-362825 (the, "Property"); and

WHEREAS, the Property is an improved by a two-family vacant residence; and

WHEREAS, the city has received an offer to purchase the Property from Evin Lederman.; and

WHEREAS, the city is desirous of selling the Property to Muhannad Al-Nisheiwat under a development agreement to rehabilitate the building back to a two-family residence; and

WHEREAS, Muhannad Al-Nisheiwat has offered to purchase the Parcel for \$10,000 and the Common Council has determined that to be fair and just compensation; and

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

NOW, THEREFORE,

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

RESOLVED, that the offer from Muhannad Al-Nisheiwat to purchase the premises identified as Tax Map No.: 6161-31-362825 in the City of Poughkeepsie for the sums of \$10,000 is hereby approved subject to the hereinafter mentioned conditions and subject to such other and further conditions which the Corporation Counsel shall deem appropriate; and be it further

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

- A. the conveyance of title and the payment of the purchase price shall take place within thirty days of the date of this resolution, unless the Corporation Counsel shall grant such extension as he/she deems appropriate;**
- B. The transfer of title and Purchaser's use of the Property shall be subject to all state, federal and local regulations including the City of Poughkeepsie and New York State Building Codes and the City of Poughkeepsie Zoning Ordinance and real property taxes coming due pursuant to law on and after the date of transfer of title;**
- C. Purchaser shall accept such title to the real property as the City of Poughkeepsie is possessed of and agrees to accept such title by quitclaim deed subject to any defects or encumbrances as are of record;**
- D. Purchaser shall execute a Developer Agreement setting forth an agreement for rehabilitation.**
- E. Purchasers agree that they shall not use the purchase price agreed to as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation; and**

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

SECONDED BY COUNCILMEMBER LORRAINE JOHNSON

Official Minutes of the Common Council Meeting of October 15, 2018

R 18-92						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Salem	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Chairwoman Finney	Voter	☒	☐	☐	☐

5. A motion was made by Councilmember Petsas and seconded by Councilmember Lorraine Johnson to receive and print.

**RESOLUTION
(R18-93)**

INTRODUCED BY COUNCILMEMBER BRANNEN:

BE IT RESOLVED, the Common Council of the City of Poughkeepsie hereby approves the appropriation of \$500 from Contingency- Community Development and Improvements (01.20.1900.7498) for the purchase of trees to be planted in public right-of-way- Ward 4. This sum of money is in addition to the amount of \$1,500 already approved for the same purpose by Resolution R18-86.

SECONDED BY COUNCILMEMBER PETSAS

R 18-93						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Salem	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Chairwoman Finney	Voter	☒	☐	☐	☐

VIII. ORDINANCES AND LOCAL LAWS:

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM LITE & RUSSELL, PLLC**, a notice or personal injury sustained by Eunice Bass on August 20, 2018. **Referred to Corporation Counsel**
2. **FROM ROXIE L. WILLIAMS**, a notice of personal injury sustained on August 20, 2018. **Referred to Corporation Counsel**

- 3. FROM JULIE AND GERARDO GUTIERREZ, a notice of claim. Referred to Corporation Counsel**
- 4. FROM MACKEY BUTTS & WISE, LLP, a notice of intent for the Exempt Firemen's Association, located at 200 Mansion Street to obtain a liquor license. Referred to Corporation Counsel**

X. NEW BUSINESS:

XI. OLD BUSINESS:

XII. ADJOURNMENT:

A motion was made by Councilmember Cherry and Councilmember Petsas to adjourn the meeting at 8:00 p.m.

Dated: January 17, 2019

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on October 15, 2018

Respectfully submitted,

**Deanne L. Flynn
City Chamberlain**

JD's Pub & Brew, Inc.
30 Manchester Road
Poughkeepsie, NY 12603
(845) 454-6920

January 3, 2019

CITY OF Poughkeepsie
CITY CHAMBERLAIN
2019 JAN -8 AM 8:28

Via certified mail return receipt requested

City of Poughkeepsie Clerk
Poughkeepsie Municipal Building
62 Civic Center Plaza
Poughkeepsie, New York 12602

Re: Liquor License Renewal
JD's Pub & Brew, Inc.
347 Hooker Avenue, Poughkeepsie, NY 12603

Dear Sir or Madame:

Please be advised that JD's Pub & Brew, Inc. intends to renew its liquor license with the New York State Liquor Authority.

Please find enclosed the 30 day notice as required by the SLA. The premises is located at 347 Hooker Avenue, Poughkeepsie, NY 12603.

Thank and please feel free to contact us with any additional questions.

Very Truly Yours,

JD's Pub & Brew, Inc.

By: Joseph T. Gemmati

Encl.

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

1. Date Notice was Sent: January 3, 2019 1a. Delivered by: Certified Mail Return Receipt

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

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

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

For Renewal applicants, answer all questions

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

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

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

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

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

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

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

Applicant/Licensee Information:

4. Licensee Serial Number (if applicable): 2198574 Expiration Date (if applicable): 3/31/2019

5. Applicant or Licensee Name: JD's Pub & Brew Inc.

6. Trade Name (if any): NA

7. Street Address of Establishment: 347 Hooker Avenue

8. City, Town or Village: City of Poughkeepsie, NY Zip Code: 12603

9. Business Telephone Number of Applicant/Licensee: 8454540090

10. Business E-mail of Applicant/Licensee: JDspubbrew@gmail.com

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

12. Extent of Food Service:

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

13. Type of Establishment: Commercial Dining Establishment: Bar/Tavern

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

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

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

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

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

☐ Other (specify): _____

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

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

☐ Sidewalk Cafe
 ☐ Other (specify): _____

16. List the floor(s) of the building that the establishment is located on: First Floor
17. List the room number(s) the establishment is located in within the building, if appropriate: NA
18. Is the premises located within 500 feet of three or more on-premises liquor establishments? ☐ Yes ☒ No
19. Will the license holder or a manager be physically present within the establishment during all hours of operation? ☒ Yes ☐ No
20. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee:
- | Name | Serial Number |
|-----------|---------------|
| <u>NA</u> | |
21. Does the applicant or licensee own the building in which the establishment is located? ☒ Yes (if YES, SKIP 23-26) ☐ No
- Owner of the Building in Which the Licensed Establishment is Located**
22. Building Owner's Full Name: Gemmati Brothers Inc.
23. Building Owner's Street Address: 30 Manchester Road
24. City, Town or Village: Poughkeepsie State: NY Zip Code: 12603
25. Business Telephone Number of Building Owner: 845-454-6920

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

26. Representative/Attorney's Full Name: Joseph T. Gemmati
27. Representative/Attorney's Street Address: 30 Manchester Road
28. City, Town or Village: Poughkeepsie State: NY Zip Code: 12603
29. Business Telephone Number of Representative/Attorney: 845-454-6920
30. Business E-mail Address of Representative/Attorney: j.gemmati@gmail.com

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

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

31. Printed Principal Name: Joseph T. Gemmati Title: President

Principal Signature: _____

PLEASE PRINT OR TYPE FORM CLEARLY

NOTE: Claim must be filed with and served to the City Chamberlain in triplicate (3 copies) within 90 days after the claim arises. Use additional sheets if necessary.

NOTICE OF CLAIM
AGAINST
THE CITY OF POUGHKEEPSIE, NEW YORK

TODAY'S DATE: 1/2/19

NAME AND ADDRESS OF EACH CLAIMANT:

Tracey Calabrese
(see attached Notice of Claim, incorporated hereto and made a part hereof)

TELEPHONE NUMBER: _____

NAME AND ADDRESS OF ATTORNEY (IF ANY):

O'Connor & Partners, PLLC
11 Market Street, Suite 203
Poughkeepsie, NY 12601

DESCRIBE WHAT HAPPENED AND AMOUNT CLAIMED (PLEASE STATE DATE, TIME, LOCATION, AND MANNER IN WHICH CLAIM AROSE):

December 10, 2018 at approximately 12:45 p.m.
(see attached Notice of Claim, incorporated hereto and made part hereof)

ITEMS DAMAGED OR INJURIES SUSTAINED:

Tracey Calabrese
Signature of Claimant

Tracey Calabrese
Signature of Claimant

STATE OF NEW YORK, COUNTY OF Dutchess s.s.:

Tracey Calabrese being duly sworn, say(s) that he/she is/are the claimant(s) named in the foregoing claim, that he/she has/have read the same and know(s) the contents thereof; that the same is true to his/her own knowledge, except as to the matters alleged upon information and belief and as to those items, he/she believes it to be true.

Tracey Calabrese
Signature of Claimant

Tracey Calabrese
Signature of Claimant

Sworn to before me this 2 day of January, 2019
LOIZAIDA DE JESUS
Commissioner of Deeds
City of New York - No. 3-7347
Certificate Filed in New York County
Notary Public
Commission Expires March 1, 2011 5/1/19

NOTE: After submitting this form to the City Chamberlain, please direct any inquires to the Corporation Counsel at (845) 451-4065, Monday to Friday, 8:30 a.m. - 4:00 p.m.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

-----X
TRACEY CALABRESE,

Claimant(s),

~~against~~

CITY OF POULKEEPSIE,

Respondent(s).

-----X

NOTICE OF CLAIM

TO: CITY OF POULKEEPSIE
City Hall
62 Civic Center Plaza
Poughkeepsie, NY 12601

PLEASE TAKE NOTICE that the claimant TRACEY CALABRESE, hereby files a claim against the CITY OF POULKEEPSIE as a result of tortious injuries suffered by her and caused by the above entity. The claim for said tortious injuries is herewith presented to you for personal damages suffered by the claimant as a result of injuries resulting from the negligence of the above-mentioned respondent.

1. The claimant TRACEY CALABRESE, resides at 5 Park Drive, Pleasant Valley, New York 12569.
2. The claimants' attorneys O'Connor & Partners, PLLC have their offices at 11 Market Street, Suite 203, Poughkeepsie, NY 12601.
3. The injuries for which this claim is made occurred on December 10, 2018, at or near 71 Washington Street, Poughkeepsie, NY.
4. At the time of the injury the claimant, TRACEY CALABRESE, was walking on or about the sidewalk in front of the home located at 71 Washington Street, Poughkeepsie, NY, when she was caused to precipitate to the ground due to a

substantial defect existing on the sidewalk ground and surrounding area. More specifically, the claimant tripped and fell on uneven and otherwise defective sidewalk. (Photographs of the location are annexed and incorporated hereto).

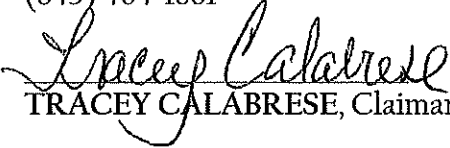
5. The negligence against the respondents, their officers, agents, servants and/or employees, in failing and or improperly maintaining the sidewalk area adjacent to the home located at 71 Washington Street, Poughkeepsie, NY at the aforesaid location and in failing to maintain the sidewalk and surrounding area therein, and in creating the dangerous condition through improper maintenance and in failing to provide warning of the same.

6. The claimant, TRACEY CALABRESE, suffered serious bodily injuries including but not limited to a RIGHT ANKLE FRACTURE AND RELATED SEQUELAE.

7. The accident and injuries which resulted were incurred entirely through the negligence and culpable conduct of the above respondents, their officers, agents, servants and/or employees without any comparative negligence on the part of the complainant.

8. As a result of the forgoing, the complainant, demands compensatory damages for injuries sustained in the amount of \$500,000.00, along with medical expenses together with costs and disbursements of this action.

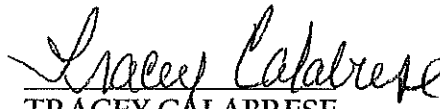
Dated: Poughkeepsie, New York
January 2, 2019

By: O'CONNOR & PARTNERS, PLLC
CHRISTOPHER P. RAGUCCI, ESQ.
Attorneys for Claimant
11 Market Street, Suite 203
Poughkeepsie, NY 12603
(845) 404-1881

TRACEY CALABRESE, Claimant

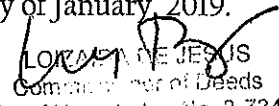
VERIFICATION

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

TRACEY CALABRESE, being duly sworn, deposes and says: That I am the Claimant in the above action. I have read the annexed Notice of Claim and know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true.


TRACEY CALABRESE

Sworn to before me, this
2nd day of January, 2019.


LORENA DE JESUS
Commissioner of Deeds
City of New York - No. 3-7347
Notary Public, State of New York County
Commission Expires March 4, 2011

5/1/19

In the Matter of the Claim of

Stephen Stearns

Against

THE CITY OF POUGHKEEPSIE, NEW YORK and
THE CITY OF POUGHKEEPSIE INDUSTRIAL DEVELOPMENT AGENCY

TO: **THE CITY OF POUGHKEEPSIE, NEW YORK**
62 Civic Center Plaza
Poughkeepsie, NY 12601

THE CITY OF POUGHKEEPSIE INDUSTRIAL DEVELOPMENT AGENCY
62 Civic Center Plaza
Poughkeepsie, NY 12601

1. The name and post-office address of each claimant and claimant's attorney is:

Claimant:

Stephen Stearns
187 North Drive, Saugerties, NY, 12477

Claimant's attorneys:

WINGATE, RUSSOTTI, SHAPIRO & HALPERIN, LLP
420 Lexington Avenue, Suite 2750
New York, New York 10170
(212) 986-7353

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CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN

2. **The nature of the claim:** The nature of the claim is for severe and permanent personal injuries sustained by Stephen Stearns and all other damages allowed by statute and case law as a result of the negligence, carelessness, recklessness and gross negligence of **THE CITY OF POUGHKEEPSIE, NEW YORK and THE CITY OF POUGHKEEPSIE INDUSTRIAL DEVELOPMENT AGENCY** their agents, servants, licensees contractors, subcontractors, employees and other affiliates, agencies and departments without any contributory negligence on the part of the claimant, in their ownership, operation, maintenance, control and management of the premises/construction site known as One Dutchess Avenue, located at 1 Dutchess Ave. Poughkeepsie, New York, 12601. The tax map locale is known as, and includes, upon information and belief: 6062-02-763508 and/or 6062-59-766443, 6062-59-737435 and 738405, deed plate number is, upon information and belief #22004-10889.

3. **The time when, the place where and the manner in which the claim arose:** On or about November 5, 2018, at approximately, 12:00 PM, the claimant *Stephen Stearns* was caused to sustain serious and permanent injuries as a result of falling from an elevated height when a temporary safety railing collapsed. Upon information and belief, the incident occurred at a location known as "Building C" to aforesaid the premises/construction site.

