



COMMON COUNCIL MEETING

Monday, December 20, 2021

Virtual / Zoom

5:45 p.m.

Public Hearing: on a Resolution introducing a Local Law and setting a Public Hearing to amend certain residency requirements for the position of Fire Chief

https://us02web.zoom.us/webinar/register/WN_zDEWRgpyRN6OukGAg2qq0Q

6:30 p.m.

https://us02web.zoom.us/webinar/register/WN_v1TIOuo6Q1CWdS3WMGUybQ

- I. ROLL CALL
- II. REVIEW OF MINUTES:
 - Common Council Meeting November 1, 2021
 - Common Council Meeting November 15, 2021
 - Public Hearing Meeting December 6, 2021
 - Common Council Meeting December 6, 2021
 - Public Hearing Meeting December 13, 2021
 - Public Hearing Meeting December 13, 2021
- III. READING OF ITEMS by the City Chamberlain of any items not listed on the printed agenda.
- IV. PUBLIC PARTICIPATION
- V. CHAIRPERSON'S COMMENTS AND PRESENTATIONS
- VI. MAYOR'S COMMENTS
- VII. REPORTS OF COMMITTEES AND BOARDS:
- VIII. MOTIONS AND RESOLUTIONS:
 1. R-21-89, Resolution amending the 2021 Budget to Increase Federal Aid Received under the American Rescue Plan Act
 2. R-21-90, Resolution appointing Ben Caldwell, Matthew Diggins, Rose Graziano and Vincent Pedi to serve on the board of the City of Poughkeepsie Industrial Development Agency
 3. R-21-91, Resolution in support of the joint application by Heritage Financial Credit Union and the City of Poughkeepsie to create a Banking Development District
- IX. ORDINANCES AND LOCAL LAWS:
 1. O-21-05, Approving an amendment to the City of Poughkeepsie code of ordinances entitled "Zoning and Land Use Regulation"

2. **LL-21-05**, Local Law adopting the state provisions for the enforcement of unpaid taxes, fees and assessments and repealing those portions of the City's administrative code providing for the local enforcement of unpaid taxes, fees and assessments converting from Tax Lien Sales to In REM foreclosure for the enforcement of delinquent property taxes
3. **LL-21-06**, a Local Law amending Chapter 19, section 4.5 of the Code of Ordinances of the City of Poughkeepsie regarding historic resources and improvement on the historic preservation administrative process

X. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

1. **FROM EVERTON SMITH**, a notice of personal injury sustained on September 17, 2021.
2. **FROM JESSICA DIXON**, a notice of personal injury sustained on November 6, 2021.

XI. UNFINISHED BUSINESS:

XII. NEW BUSINESS:

XIII. ADJOURNMENT:

RESOLUTION

(R-21-89)

Amending the 2021 Budget to Increase Federal Aid Received under the American Rescue Plan Act in order to replace revenue lost by virtue of the impacts of the Coronavirus Pandemic.

INTRODUCED BY COUNCILMEMBERS MENIST, FLOWERS & PETSAS:

WHEREAS, The Finance Commissioner, after reviewing the year-to-date budget performance across various City departments, has determined that there is a shortfall in projected revenues which may be filled by use of the "Revenue Replacement" provisions governing the use of American Rescue Plan funds; and

WHEREAS, The City's 2021 General Fund budget projected \$1 Million in federal aid, in anticipation of COVID relief funding from the Federal Government, when the actual amount of federal aid was uncertain; and

WHEREAS, In March of 2021 the American Rescue Plan Act was approved by Congress and signed by President Biden, which awarded the City of Poughkeepsie \$10.4 Million in 2021 and \$10.4 Million in 2022, subject to rules policies and procedures promulgated by the U.S. Treasury Department; and

WHEREAS, it is necessary to designate \$2 Million of American Rescue Plan funding as revenue replacement in the current year, requiring a budget amendment to increase the amount of federal aid by \$2 Million, from \$1 Million to a total of \$3 Million as more fully described in Schedule "A" attached hereto; and

WHEREAS, the Common Council of the City of Poughkeepsie has determined that this resolution constitutes a Type II action as defined by the New York State Environmental Quality review Act and 6 NYCRR Part 617

NOW THEREFORE

BE IT RESOLVED, that the 2021 budget is hereby amended as provided in Schedule "A", and be it further

RESOLVED, that the Commissioner of Finance be, and he hereby is, authorized to make such technical adjustments and corrections he deems necessary to this resolution to carry out the intent of this Council.

SECONDED BY COUNCILMEMBER _____.

Schedule A

2021 Revenue Replacement Budget Amendment

G/L	Description	Revenue Increase	Expense Increase
01-00 4089.ARR	General Fund Revenue Replacement	\$ 2,000,000	
01-04-1320 7106	Salaries- Temporary		\$ 15,000
01-04-1320 7463	Contract Services-Accounting		\$ 30,000
01-04-1320 7469	Contract Services-Other		\$ 30,000
01-04-1680 7466	Contract Services- Computer		\$ 30,000
01-04-1680 7469	Contract Services- Other		\$ 12,500
01-06-1410 7178	Accumulated Pay-Sick		\$ 16,000
01-07-1420 7460	Contract Services-Legal		\$ 10,000
01-08-1620 7113	Overtime-CSEA		\$ 20,000
01-08-1620 7432	Rent/Lease-Motor Vehicles		\$ 15,000
01-08-1640 7448	Repair/Maint-Gasoline		\$ 35,000
01-08-5110 7113	Overtime-CSEA		\$ 60,000
01-08-5142 7443	Mat&Supplies- Snow Removal		\$ 70,000
01-08-5182 7469	Contract Services-Other		\$ 15,000
01-08-5630 7469	Contract Services-Other		\$ 15,000
01-08-5650 7465	Contract Services- TPAs		\$ 15,000
01-08-5650 7469	Contract Services- Other		\$ 22,500
01-08-7110 7106	Salaries-Temporary		\$ 20,000
01-08-7110 7113	Overtime-CSEA		\$ 12,500
01-08-7550 7469	Contract Services-Other		\$ 20,000
01-08-8560 7178	Accum Pay- Sick		\$ 18,000
01-08-8560 7179	Accum Pay- Vacation		\$ 10,000
01-09-3120 7114	Police-Overtime		\$ 150,000
01-09-3120 7178	Accum Pay- Sick		\$ 100,000
01-09-3120 7179	Accum Pay- Vacation		\$ 70,000
01-09-3123 7114	Police- Overtime		\$ 40,000
01-09-3124 7177	Accum Pay- Comp		\$ 20,000
01-09-3124 7202	Computer Equipment		\$ 15,000
01-09-3124 7462.M	Medical- Mental Health		\$ 15,000
01-09-3126 7211	Police Equipment		\$ 10,000
01-09-3127 7114	Police- Overtime		\$ 30,000
01-09-3127 7178	Accum Pay-Sick		\$ 80,000
01-09-3128 7114	Police-Overtime		\$ 60,000
01-09-3128 7178	Accum Pay- Sick		\$ 55,000
01-09-3131 7113	Overtime-CSEA		\$ 40,000
01-10-3410 7115	Fire Overtime		\$ 370,000
01-10-3410 7178	Accum Pay-Sick		\$ 55,000
01-10-3410 7443	Repair/Maint-Equipment		\$ 15,000
01-11-3620 7177	Accum Pay- Comp		\$ 12,500
01-11-3620 7178	Accum Pay-Sick		\$ 32,000
01-11-8020 7469	Contract Services-Other		\$ 15,000
01-14-1430 7179	Accum Pay- Vacation		\$ 6,500
01-20-1900 7449	Rpr-Maint Serv-Contract		\$ 140,000
01-20-1900 7466	Contract Ser-Computer		\$ 60,000
01-20-1910 7460	Contract Serv- Legal		\$ 45,000
01-20-1910 7465	Contract Serv- TPAs		\$ 55,000
01-21-9000 7809	Education Reimb.		\$ 17,500
NET CHANGE		\$ 2,000,000	\$ 2,000,000

RESOLUTION
(R-21-90)

INTRODUCED BY CHAIR SALEM _____:

WHEREAS, in accordance with New York General Municipal Law, the Common Council of the City of Poughkeepsie is authorized to make appointments of City residents to serve on the board of the City of Poughkeepsie Industrial Development Agency ("CPIDA"); and

WHEREAS, the members of the CPIDA serve at the pleasure of the Common Council; and

WHEREAS, it is in the best interest of the City of Poughkeepsie and its citizens that the CPIDA Board have a full complement of members in order to properly conduct the business required of the CPIDA; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby appoints the following individuals to the Board of the City of Poughkeepsie Industrial Development Agency, to serve at the please of the Common Council for a term ending 12/31/23:

Ben Caldwell
Matthew Diggins
Rose Graziano
Vincent Pedi

SECONDED BY _____.

R-E-S-O-L-U-T-I-O-N
(R-21-91)

INTRODUCED BY: CHAIR SALEM .

WHEREAS, Heritage Financial Credit Union is establishing a Financial Opportunity Center at the Family Partnership in the City of Poughkeepsie, which will expand economic opportunities for underserved members of the community; and

WHEREAS, Heritage Financial Credit Union is a U.S. Department of Treasury certified Community Development Financial Institution, with a mission to expand economic opportunity for underserved people and communities by providing equal access to capital and basic financial services to all regardless of socio-economic standing; and

WHEREAS, the New York State Legislature created the Banking Development District program in 1997 to encourage the establishment of bank branches in areas across New York State with a demonstrated need for banking services; and

WHEREAS, in conjunction with the Financial Opportunity Center, Heritage Financial Credit Union is desirous of establishing a Banking Development District to provide greater access to banking opportunities and promote economic development in underserved communities; and

WHEREAS, an application for a Banking Development District must be submitted to the New York State Department of Financial Services for consideration; and

WHEREAS, the process for establishing a Banking Development District requires an authorized financial institution to jointly apply with a local municipality to the New York State Department of Financial Services for the designation of such a district; and

WHEREAS, the Common Council recognizes there is a demonstrated need in the City of Poughkeepsie for a Banking Development District as it would provide greater access to financial services and enhance access to capital for local businesses; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby agrees to be a co-applicant with Heritage Financial Credit Union for the establishment of a Banking Development District in the City of Poughkeepsie; and

BE IT FURTHER RESOLVED, that the Mayor and City Administrator are authorized to execute any documents necessary to give effect to this resolution and take all steps necessary to process such application.

SECONDED BY: _____.



**Department of
Financial Services**

BDD APPLICATION

For New BDD Branch and Area Designations

benefiting banks: enriching communities

Updated: March 29, 2021

SECTION I: AREA DESIGNATION APPLICANT INFORMATION AND SUPPORTING DOCUMENTATION

1. LOCAL GOVERNMENT INFORMATION

Name of Local Government	City of Poughkeepsie
Address	62 Civic Center Plaza, 2nd Floor
City	Poughkeepsie
State	New York
ZIP	12601
Contact Person	Paul Hesse
Title	Community Development Coordinator
Contact Telephone	845-451-4106
Contact Email	phesse@cityofpoughkeepsie.com

Please provide a concise description of the local government applicant and its relationship to the proposed Banking Development District area.

The Government for the City of Poughkeepsie is comprised of the Mayor, the legislative body the Common Council and several Departments including the Planning Division which oversees Community Development. The Common Council is comprised of eight council members and is supportive of the BDD designation for the entire City which includes 8 wards, or 8 census tracts.

2. LOCAL APPROVAL

Please submit evidence of the approval of the application by the governing board of the local government applicant.

Resolution of approval pending.

3. LOCAL COMMUNITY SUPPORT

Please attach any indications of community support for the application, such as letters from entities such as local Chambers of Commerce, local businesses, community-based organizations, nonprofit organizations, government officials, or community residents.

Please find the X letters of support from:

Family Services of Poughkeepsie
Dutchess Outreach
Dutchess Community College
City of Poughkeepsie Community Development Coordinator
City of Poughkeepsie Mayor Robert G. Rolison

4. INSTITUTION

Name of Institution	Heritage Financial Credit Union
Address	25 Rykowski Lane
City	Middletown

State	New York
Zip	10941
Contact Person	Chad Beach
Title	Community Development Officer
Contact Telephone	845 561-5607 ext 115
Contact Email	Chad.beach@contacthf.com

5. PROPOSED BDD BANK BRANCH INFORMATION

Address	29 N. Hamilton Ave.
City	Poughkeepsie
State	New York
Zip	12601

6. INSTITUTION LETTER

Please provide a letter from the banking institution stating the institution's intent to establish or improve a branch in the proposed Banking Development District and affirming that it will not establish the proposed Banking Development District branch with the intention of closing or relocating any existing nearby branch or branches. The original letter should be signed by senior management from the banking institution and be presented on the institution's letterhead.

Please find the attached HFCU BDD Memo of Intention

SECTION II: AREA INFORMATION

At the discretion of the Superintendent of Financial Services, the following questions have been included to assist in determining whether to approve an application for the designation of a BDD branch or area

1. GEOGRAPHIC INFORMATION

- A. Please provide a map of the proposed Banking Development District. The map should clearly indicate the boundaries of the proposed BDD and be attached to the application on 8 1/2 x 11-inch sheet.

Please see the BDD proposed map by ward and census track.

- B. Please provide a rationale for the appropriateness of the BDD boundaries.

Rationale for BDD designation and intended impact will be addressed in Section III., answer #1. The rationale for the BDD boundaries for the City as a whole is that Poughkeepsie is determined as partially, mostly, or completely challenged at income level, access to banking services or in need of development in some form depending on the source. Different sections of Poughkeepsie are designated as low to-moderate income service area [HUD], economically distressed [US Treasury, IRS], or a Difficult Development Area [Office of Policy Development and Research (PD&R)]. Please find the referenced respective documents.

HUD has identified four census tracts north of the East-West Arterial as a low-mod service area as well as parts of three census tracts south of the East-West Arterial. The IRS and US Treasury have designated two census tracts of Poughkeepsie (36027220100 and 36027221100) as Qualified Opportunity Zones (QOZ) which is defined as an economically distressed area. The Office of Policy Development and Research (PD&R) lists all of Poughkeepsie as a Difficult Development Area (DDA) which are areas with high land, construction and utility costs relative to the area median income and are based on Fair Market Rents, income limits, the census counts, and 5-year American Community Survey (ACS) data.

Using the Family Partnership Center (FPC) as a guide for the potential geographic boundary for beneficiaries of the proposed new location, many FPC clients depend on more than one service and reside in the area accessible by foot or public transportation. We believe that the unique combination of financial education, counseling and financial services and products will benefit those not just in the immediate area, but will be offered to those that live, work, or worship in the greater City of Poughkeepsie. There is a large financial education gap that spans from kindergarten to retirement that more desperately impacts low to-moderate income and minority demographics that are represented within the broader city limits of Poughkeepsie.

- C. Does the proposed Banking Development District or any portion thereof fall within an existing BDD? If so, please explain the degree to which an additional branch or a BDD overlap is needed in the subject community.

No.

- D. Does the proposed Banking Development District or any portion thereof fall within an area that has been designated as a New York State Empire Zone or Federal Enterprise Community or Empowerment Zone or has received similar designation from any federal, state, or local government entity?

Yes, Dutchess County is designated as a Development Zone. Please see attached empire zone map

- E. Please describe the public transportation systems and major roadways, if any, in the proposed Banking Development District. A map or diagram may be attached in support of the response.

Dutchess County provides bus service throughout the County including in the City and Town of Poughkeepsie. There are twelve routes that serve the City of Poughkeepsie; all twelve use the Transit Hub, located on Market Street between Main Street and the westbound Arterial approximately a half mile from the Family Partnership Center. On most routes, service is approximately hourly. While service area coverage and hours have steadily improved in recent years, taking a bus to most destinations in the City of Poughkeepsie and elsewhere in Dutchess County continues to be a lengthy time commitment.

The 1950s-1970s were an era of highway development in the City of Poughkeepsie, which helped facilitate an exodus of residents and businesses from the city. Routes 9 and 44/55 were completed over a 20 year period and bisected the city in lasting ways. US Route 9 extends in a north-south direction through the City and Town of Poughkeepsie. In the City, US Route 9 is a four-lane limited access highway, functionally classified as an Urban Principal Arterial (Expressway) that provides access into the City only at interchanges.

US Route 44 and NY Route 55 extend in an east-west direction and overlap (or run concurrently) in the City, but split east of Taft Avenue / Fairmont Avenue in the town, with Route 44 turning northeast and Route 55 southeast. The Arterials provide three travel lanes in each direction, increasing to four lanes westbound where the Arterial turns south onto Columbus Drive.

F. Please describe any natural or man-made geographic barriers that may impede the physical access to existing banking services for residents of the proposed BDD.

The most notable geographic barrier to physical access to banking services for residents of the proposed BDD is the east-west arterial highway system. These twin highways traverse the heart of the City of Poughkeepsie on either side of downtown and are commonly considered to be the divide between the north side and south side of the city. The character and condition of areas north of the arterials is noticeably different, with a higher density of development and greater number of buildings in physical distress when compared to the city's south side. Nearly all mid-century public housing was built on the city's north side, often next to industrial areas.

The few financial institutions still present within the city's boundary are mostly located within the city's downtown, meaning a person must either cross the eastbound arterial (if you live on the south side) or westbound arterial (if you live on the north side) to get to them. Many north side residents do not have access to a vehicle, and walking along or across the arterial to access a bank downtown can be an intimidating prospect. Statistics show a high number of pedestrian-involved crashes along the arterials over the most recent five year period. Other transportation alternatives, such as bus, taxi or bicycle, are less appealing for a variety of reasons including infrequency of bus times, cost of taxi or ride share, and danger riding a bike along city streets, especially the arterials. The financial institutions located outside of the city's boundary, along Route 9 for example, are even more distant and therefore harder to access for someone with limited transportation and mobility options.

Locating a Financial Opportunity Center north of the east-west arterials means that residents of the north side will have an easier time accessing services. The Family Partnership Center is centrally located but north of the arterials and is widely viewed by the community as a center for services.

2. SOCIOECONOMIC INFORMATION

- A. Please provide information on the economic transformation of the proposed area. Specifically, please describe any significant local business developments or housing developments in the proposed BDD, including, but not limited to; large corporate restructurings; plant closings; recent proposed business openings or expansions; affordable or market-rate housing developments; etc.

Poughkeepsie's economy continues to evolve in the 21st century. While the city had much of the typical industry of the late 19th and early 20th centuries – manufacturing and textiles, paper mills, breweries, etc. – by the mid 20th century automation and globalization began to affect Poughkeepsie's economy just as it did other cities in the industrial Northeast and Upper Midwest. Many companies shrank, moved or closed. Suburbanization further thinned the city's business sector and families began to follow. Poughkeepsie's population high of 41,000 in 1950 dropped steadily every ten years until its low point in 1990 at 28,000. Despite the population loss, the Poughkeepsie economy saw something of a renaissance in the second half of the 20th century in the growth of IBM, with locations both within the city boundary and in nearby Town of Poughkeepsie. Switching from smokestack-style industry to the technology sector fueled the area's growth as a company town. However, IBM began to downsize in the early 1990s, and Poughkeepsie's economy has never quite recovered.

Poughkeepsie's economy today is largely made up of the healthcare and social services sector, which represents 51% of the jobs located in the city. Vassar Brothers Medical Center recently completed a \$500M expansion to their hospital campus on the city's near south side. With Dutchess County offices here in the county seat, public administration and government are also major employers. And finally, with Dutchess Community College, Vassar College and Marist College all within two miles of downtown, education is another top job sector in the area.

Spurred by economic development efforts such as the Poughkeepsie Innovation District (PID), small business is making a comeback in Poughkeepsie, despite the recent challenges during the pandemic. Rezoning and rebranding the city's Central Business District as the PID, the city has streamlined the approvals process in order to incentivize redevelopment of long-vacant buildings for increased residential space. The city is also focused on arts and entertainment, makers and the creative economy. Today, nearly 2,000 housing units have recently come online, are under construction or have been approved by the city, and approximately one-third of those are below market rate. Notable new developments include Crannell Square, a 75 unit mixed-income apartment building under construction currently on a former underutilized surface parking lot. The Academy, also currently under construction downtown, will include 20 affordable apartments along with co-working space, and a 24,000 sf food hall.

Bow Tie Cinemas is also in the planning stages for a new entertainment complex within the city's downtown.

- B. Please provide information on the demographic and socioeconomic transformation of the proposed area. Specifically, please describe any significant shifts in population cohorts (such as increases or decreases the populations of children, senior citizens, etc.); changes related to area income, employment; etc.; changes in population composition (primarily any increases in immigrant populations), etc.

The City of Poughkeepsie has had a number of demographic and socioeconomic changes over the last several decades. There is a marked increase in both children under 18 and seniors over 60 years old. According to 2019 statistics from the American Community Survey, the proportion of Poughkeepsie's under 18 population crept up four percentage points to 19.7% when compared to the 2010 ACS. A similar comparison of 60+ population shows that the share has increased more than three percentage points to 21%.

Poughkeepsie has also experienced a sharp increase in population identifying as Hispanic or Latino in the last several decades. In 1980, just 1.7% (518) of the population identified as Hispanic or Latino according to Census statistics. In the 2020 Decennial Census, the total number of folks identifying as Hispanic or Latino grew to 7,105 or 22.5% of the total population, representing a 93% increase between 1980-2020.

Over the last twenty years, employment numbers in the City of Poughkeepsie have not changed dramatically. The labor force participation rate between 2010 and 2019 (according to American Community Survey statistics) ranges between 63%-65% and the unemployment rate, tracking with New York State as a whole, while the employment rate has remained steady at around 9.5%, well above New York State's rate of 4.4% (according to 2019 ACS). However, spending power has decreased over the last twenty years as median income has not kept pace with inflation. When adjusted for inflation, the median household income in the City of Poughkeepsie was \$45,208 in 2010. In 2019, that number was \$43,794. City of Poughkeepsie median household income is just 54% that of Dutchess County's, and at the Census Tract level, five of the eight city Census Tracts fall below 50% of the county median income. (ACS 2019 statistics) The percentage of all people estimated to be living below the poverty line in the City of Poughkeepsie is 19.4%. Four of the city's eight Census Tracts are above 20%, with some Census Tracts reaching as high as 30% on the city's north side (ACS 2019 statistics). For comparison, New York State's estimated percentage of people living below the poverty line is 14.1% while Dutchess County is just 9%, according to the most recent American Community Survey.

- C. Please provide a brief economic profile of the proposed BDD area. It should include a description of local commercial establishments, vacancy rates (estimates), and a list (where available) of the number and type of small, medium and large businesses located in the proposed Banking Development District.

The economic profile of the city has changed over the last twenty years, with decreases in retail, information and professional services. At the same time, there have been notable increases in healthcare and social assistance sector, as well as arts, entertainment and food services jobs.

Work Area Profile Report				
Total All Jobs				
	2019		2002	
	Count	Share	Count	Share
Total All Jobs	14,190	100.0%	14,418	100.0%
Jobs by NAICS Industry Sector				
	2019		2002	
	Count	Share	Count	Share
Agriculture, Forestry, Fishing and Hunting	15	0.1%	0	0.0%
Mining, Quarrying, and Oil and Gas Extraction	2	0.0%	0	0.0%
Utilities	0	0.0%	39	0.3%
Construction	569	4.0%	293	2.0%
Manufacturing	596	4.2%	564	3.9%
Wholesale Trade	237	1.7%	266	1.8%
Retail Trade	606	4.3%	1,387	9.6%
Transportation and Warehousing	101	0.7%	65	0.5%
Information	363	2.6%	632	4.4%
Finance and Insurance	242	1.7%	390	2.7%
Real Estate and Rental and Leasing	217	1.5%	369	2.6%
Professional, Scientific, and Technical Services	659	4.6%	1,053	7.3%
Management of Companies and Enterprises	145	1.0%	85	0.6%

Administration & Support, Waste Management and Remediation	998	7.0%	1,085	7.5%
Educational Services	1,055	7.4%	1,205	8.4%
Health Care and Social Assistance	6,074	42.8%	4,750	32.9%
Arts, Entertainment, and Recreation	215	1.5%	88	0.6%
Accommodation and Food Services	1,020	7.2%	776	5.4%
Other Services (excluding Public Administration)	531	3.7%	728	5.0%
Public Administration	545	3.8%	643	4.5%
Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2019).				

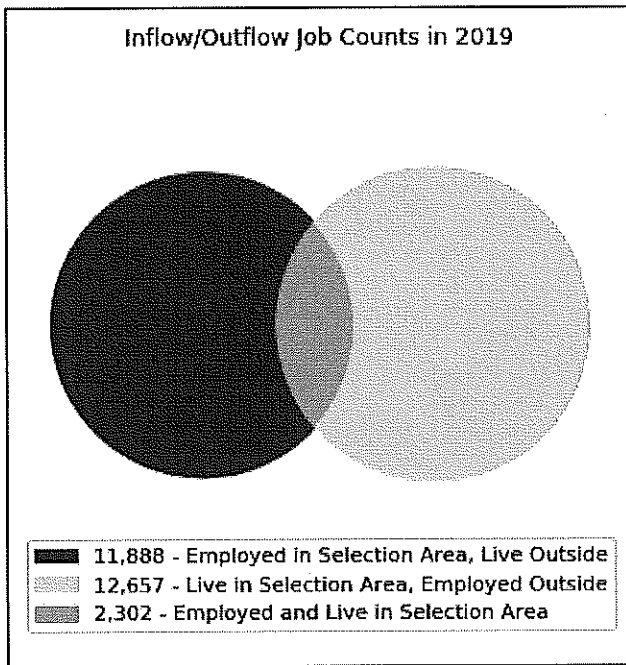
According to the most recent ZIP code business patterns from the Census Bureau, nearly half of all employers in the City of Poughkeepsie have less than five employees. The two largest non-governmental employers in the city are Vassar Brothers Medical Center (1,600) and Central Hudson Gas & Electric (600). Dutchess County is also a major employer in the city, with many of its departments located either downtown or elsewhere in the city. Other employers in the city include law offices, small retail establishments and groceries, restaurants and bars, along with entertainment venues like the Bardavon Opera House, Chance Theater, and Mid-Hudson Civic Center.

Employment Establishment Characteristics in ZIP Code 12601 (Poughkeepsie, NY)			
Employment size of establishments	Year	Number of establishments	Share of Total
All establishments	2019	1,343	100%
Establishments with less than 5 employees	2019	628	46.8%
Establishments with 5 to 9	2019	245	18.2%

employees			
Establishments with 10 to 19 employees	2019	229	17.1%
Establishments with 20 to 49 employees	2019	147	10.9%
Establishments with 50 to 99 employees	2019	51	3.8%
Establishments with 100 to 249 employees	2019	33	2.5%
Establishments with 250 to 499 employees	2019	5	0.4%
Establishments with 1,000 employees or more	2019	3	0.2%

U.S. Census Bureau, 2019 County Business Patterns; Table ID CB1900CBP; Dataset CBP2019

It is notable that 83.8% of the jobs located in the City of Poughkeepsie are held by people living outside the city boundary, while 84.6% of folks living in the city and employed work outside the city boundary.



According to vacancy statistics aggregated by HUD from USPS reported data on business addresses, the 18.8% of Poughkeepsie's business addresses were vacant in the third quarter of 2021, with the most vacancies found in Census Tract 2211, which includes the downtown.

Census Tract	Num of Business Addresses	Share of Total Business Addresses	Vacant Addresses	Percentage Vacant	Share of Total Vacant Addresses
220100	235	12.5%	51	21.7%	14.5%
220201	424	22.6%	37	8.7%	10.5%
220300	120	6.4%	14	11.7%	4.0%
220700	161	8.6%	56	34.8%	15.9%
220801	140	7.5%	42	30.0%	11.9%
220901	56	1.6%	7	12.5%	2.0%
221001	30	1.6%	0	0.0%	0.0%

221100	708	37.8%	145	20.5%	41.2%
Total	1874		352		

HUD Aggregated USPS Administrative Data on Address Vacancies Q3,
2021

3. EXISTING BANKING SERVICES AND NEEDS

- A. Please describe the availability of banking services within the proposed Banking Development District.

There are six credit unions and twenty bank locations within three 5-digit zip codes of Poughkeepsie. As demonstrated on the Poughkeepsie Area Credit Union and Bank map, there are clusters of banking locations within a few block radius of one another on the West and East sides of the Arterial leaving large areas of banking deserts throughout the city. Regarding Alternative Financial Services (AFS), there are two known check cashing facilities and three pawn shops competing in the same geographical cluster.

Please find the referenced Distribution of banking services and Poughkeepsie Area Credit Union Bank map Distribution of banking service providers documents.

- B. Please specify whether (and how) the bank's specific products and services differ from those offered by other providers of financial services in the proposed BDD. Where product-specific, please provide a comparison.

Of the three credit unions or banks that have three or more locations in Poughkeepsie, only one advertised their personal loan products for uses of debt consolidation or rebuilding credit. None of them offered financial education services with the exception of one that outsources services and tools to a third party. None of these institutions offered one-to-one financial coaching by their staff or at their location. HFCU will utilize the Credit Rebuilder loan in conjunction with establishing financial action planning to improve clients credit understanding and score, reduce debt, increase savings, build assets in an effort to make them more financially sound and confident. The Credit Union is in the process of developing a small dollar Borrow and Save product that will be offered as a Payday Alternative loan product to ween community members off of fee based AFS.

Mainstream FIs don't use risk-based underwriting to approve auto loans beyond FICO. Credit unions TEG, Hudson Valley, and Ulster and community bank Rhinebeck's terms exclude subprime and deep subprime, requiring min FICOs ranging from 600-640. Chase doesn't offer unsecured loans and TD's min FICO of 660 excludes borrowers. Locally, TEG, Hudson Valley, Rhinebeck, and Ulster exclude subprime; TEG requires a high FICO of 640 all have DTIs below

45%. Consumer advocates are pushing the CFPB for a DTI cutoff of 50% in other products like QM because DTI is less predictive than LTV or FICO (CFPB 2020).

As mentioned in section 2B, AFS providers offer bank services to unbaked households for a fee. These services include, but are not limited check cashing services, pre-paid Visa cards, ATM and bill payment services. According to the 2019 FDIC Survey of Household Use of Banking and Financial Services, 18.4% of New York Households used nonbank financial services in the last 12 months. 38.4% of these users are black and 29.9% are Hispanic which underscores the predominant use (68.3%) of AFS by minority communities.

Please reference the Used nonbank check cashing, money order, or bill payment service in past 12 months for New York, 2019 by Selected Household Characteristics document.

SECTION III: PROPOSED RATIONALE AND GOALS

At the discretion of the Superintendent of Financial Services, the following questions have been included to assist in determining whether to approve an application for the designation of a BDD branch or area

1. RATIONALE FOR BDD DESIGNATION AND INTENDED IMPACT

Please provide a rationale for designating this Banking Development District. The summary should describe why the applicants believe the area is underbanked. The applicants must include data in support of the rationale.

New York has the second-highest income inequality in the nation (Prosperity Now 2020) disproportionately impacting minorities. 23% of HFCU's lending and 26% of development services are in high poverty areas.

Poughkeepsie is the larger of two cities in Dutchess County and has a high poverty rate at 20.2%. [Community Action Partnership Community Needs Assessment for Dutchess County 2020-2023] 44% of Poughkeepsie residents are African American. In Poughkeepsie, the high school dropout rate is 17.8%, compared to the state average of 13.5%. Without a high school diploma, median earnings are only \$24,085, 60% less than incomes earned by individuals with a Bachelor's Degree. Not surprisingly, reliance on SNAP/food assistance is 23.7%.

Segregated neighborhoods of poverty still exist today, with banking deserts leaving minority residents vulnerable to wealth draining AFS including check cashing, pawn shops, buy here pay here (BHPH) auto financiers, and merchant cash advance lenders that seize assets using the New York courts as debt collectors. These marginalized African American and Hispanic communities need access to traditional financial services from an institution willing to invest in their future.

Mainstream Financial Institutions won't anchor in neighborhoods where the cost of business and risk outweigh profit, as is the case in Poughkeepsie. Poughkeepsie has a violent crime rate that is 119% higher than the New York average and 92% higher than the national average (FBI 2019).

Without inclusive access to mainstream financial services, in Poughkeepsie, over 23% of households are un/underbanked, with 6.2% completely unbanked. Comparatively, 12.7% of minority households are unbanked, 4.2 times the rate of White households, leaving them vulnerable to predatory AFS providers (FDIC 2017). In Poughkeepsie, 27.7% of households have zero or negative net worth. (Prosperity Now 2018). Credit invisibility leads directly to predatory lenders for 59% of low-income consumers without credit, or limited/impaired credit (Philadelphia FRB 2018). The current and immediate need the CDFI can meet is to preserve limited household incomes by creating a barrier to financial predators and by reaching the most economically distressed community through strong partners.

It is important to note there is a disparity between the city of Poughkeepsie and the rest of the county about median household income. According to the most recent census, reports show that most areas in the county have a median income over \$55,000. The city of Poughkeepsie has the lowest median income in the county which falls between \$35,001 and \$45,000 per year. [FDIC Household Survey Analysis 2019]. Poughkeepsie's poverty rate for ages 0-17 is 26.8%., with 29.4% for ages 0-4 (21.9% avg for NY, 21.5% for US).

Low income consumers, especially African American and Hispanic, are more likely to have no credit history or not enough current credit history to produce a credit score (CFPB 2016). A strong credit score helps the consumer qualify for better interest rates, improve the chances of getting into a better apartment or even a home, receive better car insurance rates, lock-in utility services, and get a job (FINRA 2015).

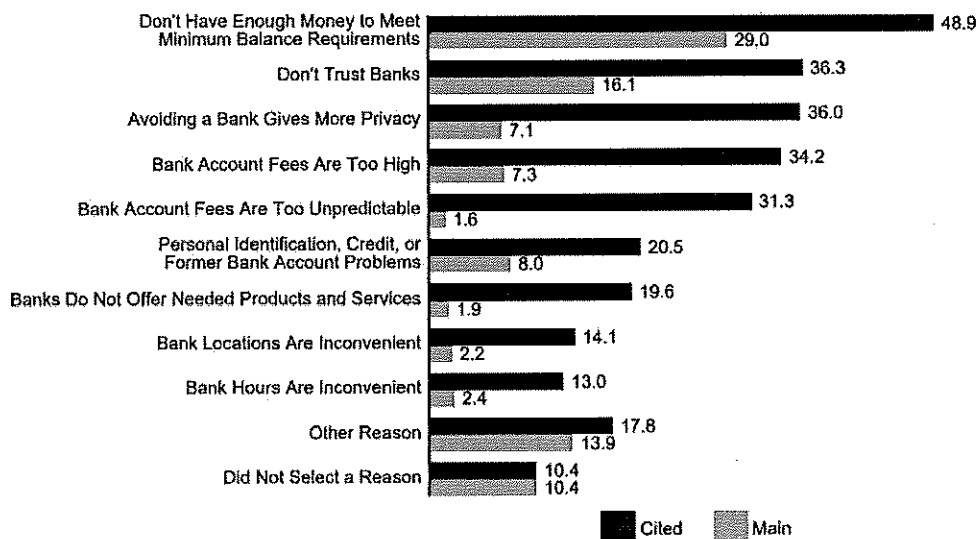
Heritage Financial has a goal to increase loan originations to our Target Market of LMI households intended to prevent capital from being siphoned out of the community by AFS.

According to the New York Attorney General Letitia James release of a list of the top consumer scams perpetrated against New Yorkers in 2020, 4%, or 1,436, of the 33,653 complaints that year were related to Credit. Of these complaints on credit, payday lending was among them. This is evidence that payday lending was an issue in 2020 as the result of COVID and represents a past and ongoing issue for not only New York but particularly those in areas that have low income households such as Poughkeepsie.

According to the 2019 FDIC household survey analysis, respondents of unbanked households claimed that the top two reasons for not having a bank account are 1) Feeling they do not have enough money to meet minimum balances and 2) Don't trust banks. Providing a trusted relationship and safe and reliable products can go a long way in this environment. The use of AFS is a direct reflection of financial insecurity and the city of Poughkeepsie has evidence of

low income households that are likely to unbanked or under banked.

Figure ES.3 Reasons for Not Having a Bank Account, Among Unbanked Households, 2019 (Percent)



According to the my credit summit payday-loan-debt-statistics publication in 2021, 12 million Americans use payday loans each year and as of 2017, there were 14,348 payday loan storefronts in the United States with an average annual percentage interest rate (APR) of 396%. While payday loans are illegal in New York, borrowers can access them by calling *901*11*1# or via the internet. If there are 330,000,000 Americans and 30,000 residents in Poughkeepsie which means that approximately 1,000 residents in Poughkeepsie may have used payday loans in 2020. Heritage Financial's Credit Rebuilder loan, Debt Consolidation loan and the Payday Alternative Borrow and Save loan under development would be products made available to low income households in an effort to combat predatory lending for the city of Poughkeepsie community.

2. SPECIFIC BANKING AND CREDIT NEEDS IN THE COMMUNITY

A. Please describe the banking products and services needs in the proposed BDD.

The purpose of the Community Action Partnership Community Needs Assessment for Dutchess County 2020-2023 is to determine local needs, identify opportunities and gaps in available services and provide a basis for planning for the services that are necessary to mitigate the causes of poverty within our community and help people reach self-sufficiency and economic security. It outlines the Household Survival Budget which is reflective of the minimum cost to live and work in Dutchess County, and Poughkeepsie, including essential household needs such as housing, child care, food, transportation, health care, technology (cellphone plan), and taxes and the hourly wage needed. Financial insecurity, the lack of financial education and the evidence of underserved households in Poughkeepsie contributes to the inability of households to establish confident and stable means of how to reduce debt, to establish

savings and to access credit for affordable transportation and housing. Without the financial education and the ability to understand the importance of having good credit, the knowledge of how to properly save and budget or the ability to establish oneself as a qualified borrower through improved credit keep many Poughkeepsie households in a cycle of poverty. The needs of Poughkeepsie are access to a trusted financial institution that will provide safe and affordable loan products, no minimum balance checking and savings accounts, products that encourage saving while you borrow and no application fees for small dollar loans.

- B. Please describe the credit needs (including the needs of small businesses and area residents) in the proposed BDD.

There are two Thrifty Cash Checking locations each within 2 miles of the proposed Financial Opportunity Center. Anecdotes from City of Poughkeepsie Common Council members in the 2nd and 3rd wards describe long lines every Saturday of residents waiting to cash their pay checks as they do not have relationships with a safe and reliable banking institution. As an example, Thrifty's website offers convenient locations to cash a check, pay a utility bill, send a fax, and send a wire transfer. You can also purchase money orders, receive money from Western Union, and even play lotto. Their website misspells their services "For Buisnesses". Community members should not need to rely upon check cashing services that charge up to 4%, fees for pre-paid Visa cards, ATM or bill payment services. All of this comes fee free as an HFCU credit union member. Plus HFCU does not provide the ability nor encourage gambling on lotto.

The high rate of poverty in Poughkeepsie demonstrates a need for educated savings behavior, budget management and understanding and utilizing good credit for emergency services and life expenses.

3. BDD BRANCH GOALS

- A. Using the following chart, please clearly state the applicant's specific goals for the proposed BDD. These goals may be account- or service-specific, focused on lending objectives to consumers or businesses, or intended to meet a community or economic development objective.

Goals	Describe the activities that the branch will undertake to achieve this goal	Note the quantifiable annual outcomes anticipated from the activities noted (include, e.g., the type and

		number of accounts, loans to be originated, rate of credit profile increase, etc.)
Goal 1: Provide financial counseling and education to community members with emphasis on LMI community	a. Free financial and credit assessment to build action plans to improve financial capability, decrease debt, increase savings, establish or improve credit, connecting members with high quality financial products and deep member engagement.	a. >500 coaching sessions year 1 (12 months). 40% of those in program achieve 1 or more goal. 20% of those in program take out a loan. >50% of those without credit establish a credit score. >50% of those in program 6 months or more improve credit score.
	b. One-to-one coaching sessions in Spanish and English with	b. >500

	prescribed action plans and education curriculum tailored to their needs and goals.	coaching sessions year 1 (12 months). 40% of those in program achieve 1 or more goal.
	c. Group workshops (in-house and in surrounding areas) on topics tailored for the needs of a communal group.	c. Conduct 12 workshops year 1 (12 months). on topics made available by our partner Balance.
Goal 2: Increase of financial wellbeing confidence of LMI community	a. Reduce number of community members currently using AFS.	a. Reduce clients or members using AFS by >25%.
	b. Measure of client financial confidence pre and post entering the FE program. Other metrics may include:	b. These will be KPIs tracked and reported to measure progress with no initial goal set. Loan and
	Number of Accounts Opened to the Unbanked	
	Number and Amount of loan referred from location and Program	
	Number & Amount of loans originated to previously unbanked	
	Number of Individuals & Members Provided with Financial Literacy and Other Training	
	Number of members who improved credit score 5-25	
	25-50	
	50-100	
100-200		

	Number of members in program	deposit incentives will be considered in future years. Goals based on non-revenue KPIs may be set in subsequent years based on year 1 metrics.
	% of Members at location in program	
	Number of members who have accomplished 1-5 short term goals	
	Number of members who have completed the program	
	Average \$ amount of increased savings of those in program	
	% of walk ins converted to members	
	# of referrals to and from HFCU	
	c.	c.
	b.	b.
	c.	c.
Goal 3: Increase loan originations to LMI Target market by count and amount.	We will track the amount by count and amount of loans originated in this location that contribute to our CDFI loan performance goal to increase the % of loans to our LMI target market	There will be no initial goal however we will use Marketing and Community outreach efforts to increase this %. Future goals may be set based on benchmark metrics.

- B. Please provide a brief explanation for the basis of the outcomes proposed in the table above (For example, if an outcome for an activity in outreach consists of new customers, note the basis for the proposed number of new customers).

The primary goal for this location will be to provide financial education to increase general wellbeing and capability. As stated, there will be a host of KPIS set to measure progress in this area however specific goals will be forthcoming. We want to avoid setting traditional sales incentives as this may present a conflict of interest with our primary goals. A byproduct of our primary goal is to establish deep engagement with the community to identify needs and to meet the immediate goals. As the financial proforma demonstrates, we foresee an organic growth potential for loans and deposits which will help drive profitability and sustainability however we want to be strategic and sound in our direction. An underlying goal is to support an increase in loan originations to our CDFI LMI target market; with an emphasis on growth in Poughkeepsie and what strategies and program attributes we can consider for broader roll out.

4. ASSESSMENT OF BDD BRANCH GOALS

How will the BDD Branch ensure that its goals remain responsive to the banking needs of the community? Be sure to provide detailed information on the tools to be used (e.g., questionnaires, focus groups, event meetings, board participation, etc.) and the people with whom the banking institution will consult (e.g. residents, business owners, community-based organizations, etc.) to ascertain this information.

Lead by the site manager, HFCU's Financial Opportunity Center will conduct community outreach by meeting with local organizations, government, chambers of commerce, small businesses, non-profits, and places of worship to help identify and understand the needs of the LMI communities and how we best meet them. HFCU will host or sponsor community events and conduct financial education workshops. The location manager will be responsible for working with other community service organizations to develop potential additional programs and services such as those benefiting unbanked immigrants, transportation programs, workforce development, minority owned businesses and first time home buyers. The Credit Union believes the best product development will be created based on the discovered needs of the communities as we build trusted relationships with the residents and organizations within this BDD community.

As part of the Financial Empowerment program, clients will be given a Financial Confidence survey to measure the level of understanding and confidence before and after participating in the program. These measure will be tracked and reported to Senior Management to measure progress, identify areas of focus, potential products and other potential program attributes for development.

As part of the Community Outreach effort, the Center manager will organize community focus groups with clients and staff with partnering community organizations within the FPC and surrounding area to help identify community needs for future product and program development. Similar focus groups will be conducted with local small businesses and Chambers of Commerce. HFCU has conducted focus groups with retail staff and member business owner surveys to identify needed business products and services for our Member

Business Services program development. Similar efforts will be made in the surrounding area of the designated BDD area.

5. MARKETING AND OUTREACH

- A. What methods will the proposed BDD branch utilize to engage and inform residents and businesses about the additional banking services available in the proposed Banking Development District?

As mentioned above, the Center manager will lead community outreach efforts to engage with local organizations, clients seeking those services, residents, small businesses and local government. The manager and Community Development Officer will coordinate with the HFCU Marketing team and Executive team on campaigns, promotions and program initiatives designated for our Target Market.

- B. How will the proposed BDD branch market its New York State Basic Banking Account (or equivalent) to residents of the proposed BDD?

Heritage Financial Credit Union's Financial Opportunity Center will utilize multiple Marketing Channels to inform its residents of our Basic Banking Account Product. The Marketing Channels include:

1. **Digital Advertising** – running select advertisements via the Google and Social Media Networks informing residents within the area of our Opportunity Center of this specific product.
2. **Email Marketing** – Once we receive email address of residents within the area of the Opportunity Center, we will send them available information about this product to assist them in making sound financial decisions.
3. **Print Materials** – The HFCU Marketing Team will work to construct print materials (flyers, buckslips, etc) that a resident, member, or prospective member can take with them to read at their leisure to assist in making financial decisions. This print information will be sure to include contact information of our Financial Service Representatives for this resident, member or prospective member to utilize in the event they have additional questions in regards to this product.
4. **HFCU Website** – The Heritage Financial Website will be enhanced to include more robust information in regards to this product. The website will be utilized for our residents, members, prospective members, who prefer to digest information digitally.

This communication distribution strategy will ensure that we are utilizing more than just one Marketing Channel to reach residents around the HFCU Financial Opportunity Center to provide them effective financial opportunities and assistance.

SECTION IV: BANKING PRODUCTS AND SERVICES

The information requested below may be answered in the space provided below or on clearly labeled separate sheets. Applicants also are strongly encouraged to provide maps that clearly demonstrate the requested information.

1. DESCRIPTION OF PRODUCT AND SERVICES TO BE OFFERED

A. Please describe the banking products and services to be offered in response to the banking needs identified in the community.

Account Type	Features	Fees (and waiver methods)
Basic Checking (draft)	0% dividend with no minimum balance	No application fee
Accelerator Checking (draft)	Tiered dividend rate with associated tiered balance requirements. Monthly dividend compounding and crediting. Must receive e-statements, 1 direct deposit per month, 10 or greater debit card transactions (or) have an average daily loan balance of at least \$10k.	No application fee
Regular Savings (Shares)	Minimum to open balance is 0.01\$. Minimum balance of \$500 to earn 0.01% APY.	No application fee
Super Saver	Tiered APY and minimum balance savings account structure starting at \$25,000 minimum balance to earn 0.05% APY with a \$25,000 minimum balance.	No application fee
IRA Savings	Traditional IRA to defer taxes until you're retired, or the benefit of a Roth IRA for a tax-deferred return on investment. 0.10% APY with \$500 minimum balance.	No application fee
Money Market	Tiered APY and minimum balance savings account structure starting at \$2,500 minimum balance to earn 0.05% APY with a \$2,500 minimum balance.	No application fee
Certificates	6, 12, 24, 36, 48, 60 month certificates with associated APY and \$500 minimum balance.	No application fee
Secured Visa Shares	Deposit up to \$600 into a collateral account. Credit limit on the card will be \$500.	No application fee
Business Savings	Regular savings for business accounts.	No application fee
Business Checking	Regular checking for business accounts.	No application fee
Loan Type	Features	Fees (and waiver

		methods)
Credit Rebuilder	12 month loan with fixed PAR as low as 18%	No application fee
Debt Consolidation	60 months with fixed APR as low as 9.99%	No application fee
Overdraft Line of Credit	If you overdraft on your checking account, HFCU will automatically deposit enough funds from the Overdraft Line of Credit to cover the overdraft amount. The member only pays interest on the amount of the line used and avoids returned check fees.	No application fee
Secured Visa	Deposit up to \$600 into a collateral account. Credit limit on the card will be \$500. As you make payments on time, you'll begin establishing good credit. Payment information on this card is shared with major credit bureaus, helping to build credit history. APR as low as 17.99%.	No application fee
Visa Signature	A Visa credit card with a rate as low as 9.99%.	No application fee
New Auto		No application fee
Used Auto	Tiered rates based on model year.	No application fee
Boat/Motorcycle/RV	New and used vehicles.	No application fee
Mortgage	Conventional and unconventional residential mortgages. FHA loans available with as little as 3% down. Fixed and Adjustable Rates available.	No application fee. Loan closing fees apply
Fixed Home Equity loan	60 up to 240 months with fixed APR.	No application fee
HELOC	10 year draw/15 year repayment. Variable APR as low as 3%.	No application fee
Service type	Features	Fees (and waiver methods)
One on one financial counseling	Financial assessment and program intake with financial counselors and program tracking and reporting	0
Credit Reviews	One-to-one review of credit score if the client accepts a soft credit pull. Credit report is uploaded to education software for client profile intake and action planning.	0
Creditor term negotiations	Client may approve of HFCU negotiating terms with creditors	0
Financial webinars & workshops	Selection of 50+ webinars and workshops for youths and adults offered through our education parent	0

	Balance and HFCU branded presentations that can be conducted on site at the Family Partnership Center or at a specified location.	
Financial education Resources	Modules, worksheets, toolkits, articles, videos, booklets, podcasts, calculators, newsletters made available through our partner Balance.	0
Confidential financial counseling	Available through our partner Balance. Monday–Thursday 10:30 AM–9 PM, Friday 10:30 AM–8 PM, Saturday 12 PM–5 PM (Eastern Time)	0
Notary		0

B. Please note any other initiatives that the applicant plans to implement that may help meet the banking needs of the proposed BDD, and that have not been previously mentioned. Be specific, especially with regard to special services geared to the community (e.g., job training, employment opportunities, etc.).

C. Please complete the following tables to set branch account targets consistent with profitability projections for the BDD branch

Bank accounts to be opened (annually)

Account Type	Projected Number of Accounts
Basic Banking <i>(or equivalent)</i>	0
FDIC Safe Start Checking <i>(or equivalent)</i>	60
Other Retail Checking	0
FDIC Safe Start or NYC SafeStart Account <i>(or equivalent)</i>	70
Other savings	10
Business Checking	2
Other <i>(e.g., money market, certificate of deposit, other accounts)</i> <i>(add rows as needed)</i>	8
TOTAL	150

Loans to be originated (annually)

Loan Type	Projected Number of Loans	Projected Amount of Loans
Small Business ¹	2	\$50,000
Commercial	0	
Construction	0	

¹ Loans of \$1mm or less.

Residential Mortgage	4	\$600,000
Personal (excluding credit cards and small dollar loans)	12	\$40,000
Small dollar loans ²	12	\$20,000
Auto	12	\$120,000
Credit Card	16	\$100,000
Other (please describe)		
TOTAL	58	\$930,000
Community Development Loans (Subset of above)	35	\$650,000
Loans to Minority and Women Owned Business Enterprises (Subset of above)	1	\$25,000

D. Please note the methodology (or rationale) for the proposed outcomes in the tables above.

The five year financial projections that was conducted for this location looked at the lowest performing branch (SUNY) that is mainly comprised of college students and is a LMI demographic. Since Poughkeepsie has a considerable larger (25,000) population than SUNY (7,000), we also looked at loan and deposit volumes for our Newburgh location which has a similar population and LMI demographic. The volumes by count and amount were discounted by ~25% considering this is a new location and the primary focus will be on education and counseling but acknowledge there will be a number of potential members looking for HFCU as their primary FI.

E. In the chart below, please list and thoroughly describe any customized or new products and services that the proposed BDD branch will offer to residents and/or businesses in the proposed BDD that have been designed specifically to meet the needs of this area.

CUSTOMIZED PRODUCTS/SERVICES		
Product/service	Product/Service	Features
Credit Rebuilder Loans		This is a no credit check, unsecured loan up to \$1K that assists those who need to build/rebuild credit. Terms out to 12 months allow for affordable monthly payments commensurate with household budgetary constraints. On-time payments are reported to credit bureaus to increase credit score. Automated payments are aligned with payroll frequency.
Debt Consolidation		No minimum (min.) credit score
		Fees (waiver method)

² Loans meeting the FDIC small dollar loan pilot definition noted in Appendix II.

	is required for this loan designed to consolidate higher-interest debt into one lower monthly payment, with terms out to 60 months and limits ranging from \$500 to \$50K. HFCU makes payments directly to the creditors.	
Buy Here Pay Here Auto-Refinance loan	With a loan-to-value ceiling of 135%, this loan refinances refinance high cost, upside down, predatory auto loans. With no credit score or debt-to-income (DTI) requirements, the loan is designed for the most financially challenged. The min balance is just \$1K, allowing even low income consumers the opportunity to finance an affordable vehicle. With a min. rate of 18%, versus the 25% to 30% of BHPH auto dealers, the loan will save borrowers thousands. Repayment terms up to 72 months keep payments manageable.	

F. What are the proposed days/hours of operation for the proposed BDD branch?

	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Branch Hours	10-6pm	10-6pm	10-6pm	10-6pm	10-6pm		
Drive Up Hours (if available)	N/A	N/A	N/A	N/A	N/A	N/A	N/A

SECTION V: FINANCIAL VIABILITY OF THE BRANCH

I. PROFITABILITY PROJECTIONS

A. Please comment on the economic viability of the proposed BDD branch. Include a projection of the volume of individual and business deposits from the proposed BDD (excluding expected municipal and/or state deposits), and details on income (including

the municipal and/or state deposits) and expenses for the period necessary for the branch to become profitable. Explain how these initial projections were determined.

HFCU has conducted a 5 year financial analysis as demonstrated by the attached proforma used for the DFS new station application. The Credit Union will use part of the \$557,000 CDFI FY2020 FA award and part of the \$1.8M CDFI FY2021 RRP Award for location build out and expenses. The Credit Union is awaiting decision from the CDFI Fund on our \$1M FY2021 CDFI FA grant application and is in the process of applying for another \$1M FY2022 CDFI FA grant. Funds from these awards will be used to offset expense for the location. The projections were conservatively taken from the last 12 financial statements of the lowest performing branch (SUNY New Paltz) which has a predominant student population which we consider a low income demographic.

- B. Please provide the expected years of profitability with and without deposit, from the proforma provided. In addition, please describe the assumptions made in the profitability projections.

ACTIVITY	Year Profitable (20__)
Year that proposed BDD Branch will be profitable with deposits	2026
Year that proposed BDD Branch will be profitable without deposits	2026

Current projections demonstrate that even without the potential FY2021 and FY 2022 CDFI FA awards, starting with a conservative annual estimate of \$90,000 loans and \$60,000 of deposits per month the new location will become profitable by year 5. Although they will be tracked and monitored, there will be no loan or deposit goals or incentives set for this location in year one however we expect that the needs of the community will drive loan and deposit growth beyond what has been forecast. The primary initial goal is to offer and measure, through KPIs, the impact of the Financial Education program and the benefit it provides creating enhanced financial wellness.

- C. Using the following table, please estimate the projected number of jobs that will be created or retained directly and indirectly through lending or other activities in the BDD area in the next five years.

ACTIVITY (E.g., direct employment of BDD residents, employment from BDD-related tax credit opportunities, employment resulting from the BDD branch's lending, or other)	Amount Invested (if applicable)	Projected Number of Jobs Created/Retained
TOTAL		

SECTION VI: FINANCIAL EDUCATION

1. FINANCIAL EDUCATION PLAN

- A. All BDD branches are required to submit a financial education plan for the branch. Please use the charts below to provide specific information regarding the branch's financial education plan.

Financial Education Plan Components	Bank's Response
The specific financial education need identified, such as money management, saving, budgeting, credit, etc.	Teaching the importance of understanding and having good credit, credit score assessment, establishment and improvement, budgeting and money management, debit reduction, good savings behavior, asset building, loan qualification, first time home ownership
The audience(s) to be targeted	CDFI LMI Target Market and broader Poughkeepsie community residents and small businesses.
The partnerships in place to execute the plan (if no partnerships to date, please explain the process by which the branch will establish partnerships in the first year of designation)	Family Services and the 24 community service organizations that reside in the Family Partnership Center, Habit for Humanity, RUPCO and the City of Poughkeepsie government. Potential partners are local places of worship, Poughkeepsie Chamber of Commerce and local businesses. One of the primary objectives of the location manager will be to establish active and visible relationships with current partners and to create a network of local partners to understand the needs of the underserved community and to create a referral program through

	events and workshops.
The Branch's capabilities to conduct financial education. Keep in mind the following: • In the absence of internal resources to execute the plan, note the extent to which partnerships will be necessary to execute the plan • Other capabilities, for example funds, space, or other resources (whether in-kind or monetary)	We currently conduct credit reviews with our members. We are in the process of signing an agreement with Inclusiv to use their Pathways One Financial Education software used by other successful CDFI credit unions. The partner will provide system and core counseling training. The projected staff for this location will be expected to complete Financial Counseling training and certification through either CUNA or AFCPE.

Financial education topic or service (e.g., identity theft prevention; first time homebuyer; credit rehabilitation, etc.).	Proposed number of workshops	Projected number of participants	Partner (if any)	Planned grant support to be provided to partner (if any)
Financial Education assessment and intake form	1 per client	~500 first year	Pathways One (Inclusiv & Neighborhood Trust Financial Partners)	
Credit score assessment	1 per client	~250	Pathways One (Inclusiv & Neighborhood Trust Financial Partners)	
Credit Matters	1 per client	~300	Balance	
Checking Account Management	1 per client	~200	Balance	
Money Management	1 per client	~200	Balance	
Financial Planning	1 per client	~200	Balance	
Teens and Money	1 per client	~100	Balance	
TOTAL		1,750		

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

(0-21-05)

INTRODUCED BY COUNCILMEMBER FLOWERS :

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 and as amended thereof is further amended as follows:

Parcel # 6162-63-266293 - 117 North Hamilton Street from R4 (Main High Density Residence District) to I-1 (Light Industrial District).

SECTION 2: 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 amendment.

SECTION 3: that the City Chamberlain be and she hereby is directed to amend the official Zoning Map in accordance with this Ordinance.

SECTION 4: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____ :

**RESOLUTION OF THE CITY OF POUGHKEEPSIE COMMON COUNCIL
INTRODUCING A LOCAL LAW ADOPTING THE STATE PROVISIONS FOR THE
ENFORCEMENT OF UNPAID TAXES, FEES AND ASSESSMENTS AND REPEALING
THOSE PORTIONS OF THE CITY'S ADMINISTRATIVE CODE PROVIDING FOR
THE LOCAL ENFORCEMENT OF UNPAID TAXES, FEES AND ASSESSMENTS**

LL-21-05

INTRODUCED BY COUNCILMEMBER BRANNEN:

WHEREAS, currently the City of Poughkeepsie enforces delinquent taxes, fees and assessments pursuant to its Administrative Code through the annual sale of tax liens having opted out of Article 11 of the Real Property Tax Law; and

WHEREAS, selling tax liens has become an inefficient tax enforcement practice whereby profitable liens are sold to investors and the City is left holding liens with little or no value; and

WHEREAS, research also reveals that tax liens severely impact communities of color and senior citizens, particularly low-income seniors who face the potential of not only losing their home, but their home's equity; and

WHEREAS, the judicial foreclosure process contained in Article 11 of the Real Property Tax Law is a more just, fair and equitable tax enforcement procedure; and

WHEREAS, this local law is hereby introduced, laid on the desk of the Common Council and a public hearing shall hereby be scheduled for its consideration; and

WHEREAS, history has shown that in rem tax foreclosures are a better vehicle for the collection of unpaid taxes, resulting in the overwhelming majority of communities in New York State repealing their previous opt out from RPTL Article 11.

SECTION 1. BE IT ENACTED, by the Common Council of the City of Poughkeepsie, a local law adopting the state provisions for the enforcement of unpaid taxes, interest and penalties pursuant to Title 3, Article 11 of the Real Property Tax Law and repealing those sections of Article XIV of the Administrative Code which are contract to the states provisions for the foreclosure of tax liens by an action in rem, as follows:

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BOLD and UNDERLINE INDICATES ADDED LANGUAGE

Section 14.06. Adoption of State Provisions

The City of Poughkeepsie, New York elects to adopt Title 3 of Article 11 of the Real Property Tax Law, foreclosure of tax lien by action in rem, as the procedure to be used for the tax year 2022 and subsequent years thereto for the enforcement of the collection of delinquent taxes, interest, penalties, assessments, water rates and other charges the city is authorized to collect under its Charter.

Pursuant to RPTL §1106, there shall be a transition period of up to four years where taxes that have become liens prior to January 1, 2022 shall be enforced pursuant to the procedures for tax lien sales existing as of the adoption of this local law. If an installment agreement is executed by a property owner pursuant to RPTL §1184, that agreement shall apply to all outstanding liens held by the City no matter when arising and a default under that will be enforced under RPTL Article 11. At any point during this transition period of up to four years, the Commissioner of Taxes shall have the option to relevy taxes becoming liens prior to January 1, 2022 and enforce same pursuant RPTL Article 11.

Section 14.07. Title Search

Pursuant to § 1102 Subsection 1(e), of the Real Property Tax Law, a charge per parcel shall be imposed for the reasonable and necessary costs of title searches required or authorized to satisfy the notice requirements of the Real Property Tax Law.

Section 14.08. Taxes – Interest on Unpaid Taxes and Payment of Delinquent Taxes In Installments

(a) Payment without interest or penalty. There shall be no interest or penalty charged on taxes paid in full on or before February 15.

~~(b)~~ Late penalty. There shall be a two percent penalty levied on taxes paid in full on or after February 16.

~~(e)~~ **(b)** Installment payments. When not paid in full by February 15, partial payments in any amount will be accepted by the Commissioner of Finance until the balance is paid in full. When paid in installments, the **The** payments shall be applied in the following order:

- (1) Outstanding fees.
- (2) Interest
- (3) Oldest tax due.

~~(d)~~**(c)** Interest charges. Payments made after March 1 **February 16** or after shall, in addition to the late fee set forth in ~~(b)~~ above, be subject to interest charges at 1% per month **retroactive to January 1st** on the outstanding remaining balance **as shown below**. The payments shall be applied in the same manner as forth in section ~~(e)~~**(b)** above.

<u>Interest</u>	<u>Date of Payment of Delinquent Taxes</u>
<u>2%</u>	<u>February 16 — February 28/29</u>
<u>3%</u>	<u>March 1 — March 31</u>
<u>4%</u>	<u>April 1 — April 30</u>
<u>5%</u>	<u>May 1 — May 31</u>
<u>6%</u>	<u>June 1 — June 30</u>
<u>7%</u>	<u>July 1 — July 31</u>
<u>8%</u>	<u>August 1 — August 31</u>
<u>9%</u>	<u>September 1 — September 30</u>
<u>10%</u>	<u>October 1 — October 31</u>
<u>11%</u>	<u>November 1 — November 30</u>
<u>12%</u>	<u>December 1 — December 31</u>

(d) Pursuant to §1184 subsection (2) any owner of any property may enter into an installment payment plan for eligible delinquent taxes with the Commissioner of Taxes provided that such agreement shall not exceed thirty-six months in length, requires monthly payments and provided that such agreement requires the property owner to pay a minimum of ten percent of the outstanding taxes at the time the agreement is executed. Any agreement shall be pursuant to §1184 of the Real Property Tax law.

Section 14.06 Taxes — ~~continuation of collection of taxes pursuant to charter.~~

~~(a) The collection of taxes within the city shall continue to be enforced pursuant to the charter of the city and this code as they may from time to time be amended. This provision is intended to~~

constitute a determination to "opt out" from the otherwise applicable provisions of the Real Property Tax Law as provided in Section 6 of chapter 602 of the Laws of 1993.

~~(b) This section shall take effect immediately upon compliance with all applicable provisions of law including filing with the state board of equalization and assessment.~~

~~Section 14.07 Taxes — notice regarding collection of taxes.~~

~~On the delivery of the city roll and warrant to the commissioner of finance and again three (3) months and again six (6) months and again eight (8) months after the date of the first publication of the first notice, he shall post in five (5) conspicuous places in the city and shall publish once a week for two (2) successive weeks notice that he will attend at his office with said roll and warrant for one (1) month next after the first publication of each of said four (4) notices from ten o'clock in the morning to three o'clock in the afternoon to receive city, county and state taxes.~~

SECTION 2. The following Sections of the City of Poughkeepsie Administrative Code shall be repealed and replaced by the in rem tax foreclosure procedure contained in Real Property Tax Law Title 3, Article 11 except to the extent that the procedures below shall apply for __ year pursuant to new Section 14.06 :

~~Section 14.16 Taxes — action to collect taxes.~~

~~Whenever any person or corporation shall refuse or neglect to pay any tax or assessment, the same may be collected by action in the name of the city against any such person or corporation, unless the property taxed or assessed is advertised for sale as provided in this code; such action shall not operate to release any lien upon property for such tax, until the judgment rendered in such action shall have been satisfied.~~

~~Section 14.17 Taxes — lien of taxes, assessments, water, sewer rents; manner of collection.~~

~~Every tax for city, county or state purposes, and every assessment on real estate under this act for whatever purpose imposed or charged upon any real estate within the city, shall be a lien upon such real estate from the time of the first publication of the notice for the collection of the same until paid. Water rates and sewer rents shall be a lien from the date of the delivery to the commissioner of finance of the warrant for the collection thereof, until paid. And every assessment upon real estate, water rates or sewer rents imposed under this act, may, when due, be collected in the same manner as herein provided for the collection of taxes, except that the warrant for the collection of water rates and sewer rents shall be issued by the city administrator and the commissioner of the department of public works.~~

~~Section 14.18 Taxes — transcript of unpaid taxes; correction of assessments.~~

~~(a) Immediately after the fifteenth day of October next after any tax shall have been imposed upon any real estate in said city, the commissioner of finance shall make and deliver to the~~

assessor a transcript of all such taxes which remain unpaid, and the commissioner of assessment, on or before the fifteenth day of November thereafter shall make and deliver to the commissioner of finance a statement containing the name of the owner or occupant so far as the same shall be known to said commissioner of assessment, with a brief description of the property, boundary, and the estimated quantity of each parcel of said land. If any such lands shall have been erroneously assessed, it shall be the duty of such officer to include in such statement a corrected assessment at the same valuation as before.

- (b) ~~A corrected assessment shall only be made after notice to the owner or occupant of such property. Such notice shall be directed to the owner or occupant of such property and shall contain a brief description of the property, to whom it is assessed, the amount of the assessment thereon and the amount of taxes imposed upon such assessment, the time when and the place where such reassessment will be made, not earlier than ten days after the second publication of such notice, and shall be published twice prior to such reassessment in the official newspaper. Any erroneous assessment appearing upon the assessment rolls of the city, heretofore or hereafter made upon real estate herein, upon which taxes have been or may be imposed may be reassessed in like manner. Any such corrected assessment, and the amount of taxes levied upon said lands shall be valid.~~

Section 14.19 Taxes — sale of land for unpaid tax, penalty, interest — authorized.

~~Whenever any tax, penalty or interest shall remain unpaid on the fifteenth day of November, the commissioner of finance shall advertise and sell the land upon which the same was imposed, for the payment of such tax, penalty or interest remaining unpaid, and the expenses of sale, as hereinafter prescribed, shall also be a charge upon such lands.~~

Section 14.20 Taxes — obtaining of title search and identification of lienors for unpaid real property taxes.

~~Whenever any tax, or portion thereof, penalty or interest shall remain due and unpaid on the 16th day of August, in any year, the commissioner of finance shall cause to be obtained a title search for the premises which are the subject of the unpaid tax, penalty, or interest, sufficient to indicate the owner or owners of record for the premises, and the lienors, if any, or record for the premises. Further, whenever any tax, or portion thereof, penalty or interest not due as of August 16th of any year, becomes due and remains unpaid as of the 16th day of October, in any year, the commissioner of finance shall cause to be obtained a title search for the premises which are the subject of the unpaid tax, penalty, or interest, sufficient to indicate the owner or owners of record for the premises, and lienors, if any, of the record for the premises. The commissioner of finance shall provide notice to such owner or owners of record, and such lienors, if any, of record of the public auction to be held on the date established pursuant to Section 14.21 of this code for the purpose of selling parcels of land on account of unpaid taxes, penalties, or interest. The expense incurred by the commissioner of finance in obtaining such title search shall be an expense of sale~~

to be due and payable at the same time as the tax, penalty, interest, and other expenses of sale.

Section 14.21 Taxes — advertisement, conduct of sale.

The commissioner of finance shall immediately after the fifteenth day of November cause to be published once in each week for three successive weeks in the official newspaper a list or statement of the parcels of land charged with unpaid tax, penalty or interest, describing each parcel with a notice that each of the parcels of land will on a day within ten days after the expiration of said three weeks, to be specified in said notice, be sold at public auction at the county court house in the city, to discharge the tax, penalty or interest and expenses aforesaid, which shall be due thereon at the time of sale. On the day and at the place stated in said notice the commissioner of finance shall commence the sale of said parcels of land, and shall continue the sale from day to day until all shall be disposed of.

Section 14.22 Taxes — duty of purchaser; purchase by city; certification of sale.

The purchasers on such sales shall pay the amounts of their respective bids to the commissioner of finance immediately after each parcel shall be struck off. In case a purchaser shall fail to pay the amount of his bid, as herein prescribed, the commissioner of finance shall forthwith offer the parcel for sale again and proceed as though it had not been struck off, and the sale shall be held open for that purpose. Should there be no bid sufficient to cover the amount due on any lot or parcel of land to be sold, then the commissioner of finance shall bid in the same for the city, and the city is hereby authorized to acquire said parcels, and the common council shall have the care and control of all such parcels, and may lease or sell and convey the same. As soon as practicable after the completion of the sale the commissioner of finance shall prepare and execute in duplicate as to each parcel sold, a certificate describing the parcel purchased, by a brief general description of the location, boundary and estimated quantity thereof, and stating the fact of the sale, the name of the purchaser, the sum paid therefor on the sale, the amount due thereon at the time of the sale, the name of the person or persons against whom said tax was assessed, the name of the reported owner thereof, together with any other facts the commissioner of finance may deem essential. One of said duplicates shall be delivered to the said purchaser, or in case the parcel was struck off to the city, then it shall be retained by the commissioner of finance. The commissioner of finance shall deliver the other duplicate certificate to the clerk of the county, who shall file said certificate in his office and record the same in a book to be kept in the said clerk's office for that purpose, and index the certificate in the name of the person, company or corporation to whom the parcel was assessed, the name of the reported owner thereof, and in the name of the purchaser, in the same book and manner as deeds are required by law to be indexed. The county clerk shall be entitled to receive a fee of fifty cents (\$0.50) for each certificate so filed and recorded, which fee shall be paid by the commissioner of finance and shall be a part of the expenses of the sale of the parcel.

Section 14.23 Taxes — conduct of sale by city chamberlain.

If from any cause the commissioner of finance shall be unable to attend at the time and place of sale, the chamberlain of said city may conduct the sale with the same force and effect as though made by the commissioner of finance.

Section 14.24 Taxes — disposition of proceeds.

The proceeds of the sale of each parcel, other than those struck off to the city, shall be applied to the payment of the expenses of the sale as herein provided, and to the extinguishment of the tax, percentage and interest for which it was sold; and if there shall be any residue the commissioner of finance shall hold the same until the owner, at the time of such sale, or any other person or persons entitled to do so, shall redeem said premises from the sale as herein provided, then the commissioner of finance shall pay such owner or other person or persons entitled thereto the said surplus. In all other cases the commissioner of finance shall hold the same until the period of redemption shall have expired, when he shall pay such surplus to the person or persons entitled thereto; and the person or persons entitled thereto shall be ascertained in the same manner and by the same proceedings as in case of surplus on statutory foreclosure of a mortgage upon real estate.

Section 14.25 Taxes — redemption of property sold at tax sale.

The owner of or any person interested in or having a lien upon any parcel or lot so sold may redeem the same from such sale at any time within two years by paying to the commissioner of finance, for the use of the purchaser or his assigns, or, if the same shall have been redeemed by any person other than the owner thereof, then for the use of such person, the sum mentioned in the certificate, with interest thereon at the rate of twelve per centum per annum from the day of sale, together with any tax, assessment, sewer rents or water rates upon said parcel or any part thereof that the said purchasers or assigns or persons before redeeming shall have paid between the days of sale and such redemption, with interest at the rate of twelve per centum per annum upon such tax, assessment, rent or rate from the time of payment.

Section 14.26 Taxes — notice of redemption from tax sale; publication, effect.

At least one month before the expiration of the time for the final redemption of any parcels of land so sold, the commissioner of finance shall publish once a week for three successive weeks in the official newspaper a notice of redemption from such sales, which shall consist of a statement showing in a general way the property sold, the year when the sale took place and the last day for the redemption of lands not already redeemed by the owners, without other or further description. The publication of such notice shall preclude all persons except the purchaser on said sale, or his heirs or assigns, or the lienor finally redeeming from claiming any interest in or lien upon said lands, or any part thereof, in case the lands shall not be redeemed from such sale as herein provided.

Section 14.27 Taxes — conveyance of property upon expiration of period of redemption.

If any parcel or lot so sold shall not be redeemed as herein provided, the commissioner of finance immediately after the expiration of said two years, shall execute and deliver to the purchaser, his heirs or assigns, or to the city or its assigns, or to the lienor finally redeeming, as the case may be, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an estate in fee, subject only to the liens, if any, of unpaid taxes, assessments or water rates thereon. The commissioner of finance executing such conveyance shall be entitled to demand and receive from the grantee one dollar (\$1.00) for preparing every such conveyance, but all purchases made for the city in any one year shall be included in one conveyance, for which the commissioner of finance shall be entitled to receive ten dollars (\$10.00).

Section 14.28 Taxes — tax deed; execution, recordation, effect.

Every such conveyance shall be executed by the commissioner of finance and the execution thereof shall be acknowledged before some officer authorized to take and certify acknowledgements of instruments for record in said county, and such conveyance shall be conclusive evidence that the sale and subsequent proceedings were regular, and presumptive evidence that all previous proceedings were regular and according to law. Any such conveyance may be recorded in the manner and with the effect of any other conveyance of real estate.

Section 14.29 Taxes — right of grantee in tax deed to possession.

The said grantee or his assigns, or the city or its assigns, as the case may be, shall be entitled to have and possess the granted lands from and after the execution of such conveyance and he, they or it may cause the occupants of such lands to be removed therefrom and the possession thereof delivered to him or it, in the same manner and by the same proceedings and by and before the officers, as in case of a tenant holding over after the expiration of his term without permission of his landlord.

Section 14.30 Taxes — refund of money paid at tax sale.

Whenever any grantee under any such sale shall be unable to obtain possession of the lands conveyed to him by reason of any error or irregularity in the assessment of any person or property or in the levying of a tax or any proceedings for the collection of any tax, the common council shall refund the purchaser the money so paid with interest, the same to be audited and paid as other city charges.

Section 14.31 Taxes — lands acquired by city for taxes; exemption from tax, sale.

After the city shall have acquired the title to any lands sold for taxes, such lands shall be exempt while owned by the city from all taxes. Whenever a sale of any lands belonging to the city shall be made, the city chamberlain shall forthwith notify the assessor thereof, and in case the sale shall be made after the first day of July the commissioner of assessment shall certify to the

common council the proper assessed value of said lands, with the name of the person or persons to whom assessed, and the said council shall add the same to the town or city assessment roll, and apportion and levy the proper tax thereon.

Section 14.32 Taxes — ~~unpaid assessments, water rates, other liens; levy correction, enforcement, collection.~~

~~Whenever any assessment, water rate, sewer rent or other lien upon real estate, except general city, county and state taxes and assessments made in accordance with the law shall remain unpaid in whole or in part thirty days before the time designated by the Tax Law for the filing of the annual assessment roll for general city, county and state taxes, the commissioner of finance shall prepare and deliver for the commissioner of assessment a statement of all such unpaid assessments, water rates, sewer rents and other liens together with the penalties and interest then due thereon, and the commissioner of assessment shall in a separate column of such annual assessment roll assess the amount of such unpaid assessments, water rates, sewer rents and other liens upon the property against which the same are a lien and the amount so assessed shall be paid in equal quarterly installments at the same time as general city taxes as prescribed herein. Hearings shall be held thereon and the same shall be levied, corrected, enforced and collected in the same manner, by the same proceedings, under the same penalties and having the same lien upon the property assessed as the general city, county and state tax and as a part thereof.~~

SECTION 3. This Local Law shall take effect on January 1, 2022 and shall be immediately filed with the New York State Secretary of State and the New York State Department of Taxation and Finance.

SECONDED BY COUNCILMEMBER _____ :

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 virtually via videoconferencing, (as permitted by the NYS Open Meetings Law) for the purpose of receiving comment on the proposed Local Law; and

BE IT FURTHER RESOLVED, 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 LOCAL LAW AMENDING CHAPTER 19, SECTION 4.5 OF THE CODE OF ORDINANCES OF
THE CITY OF POUGHKEEPSIE TO FURTHER PROTECT THE CITY OF POUGHKEEPSIE'S
HISTORIC RESOURCES AND IMPROVE ON THE HISTORIC PRESERVATION
ADMINISTRATIVE PROCESS**

SPONSOR: COUNCILMEMBER BRANNEN

COSPONSORS: CHAIR SALEM AND COUNCIL MEMBER MENIST

SECTION 1. Legislative Intent

The City of Poughkeepsie has a remarkable and unique history, illustrated by its historic resources throughout all of its neighborhoods. These historic resources, when preserved and cared for, create a link to our past and our shared sense of place and identity, which, in turn, fosters strong community ties. These historic resources also offer a pathway to a more economically secure and vibrant future. Ample research has demonstrated the economic value of historic preservation through improved property values, attracting new residents and visitors to historic districts, and more cost-efficient rehabilitation, compared to demolition and new construction. Moreover, historic rehabilitation offers a more environmentally sustainable form of development for legacy cities, such as Poughkeepsie.

Unfortunately, the City of Poughkeepsie has had limited success over the past several generations in preserving its unique history, superb architectural craftsmanship and beauty, and economically important historic assets. As reported by the Historic District and Landmark Preservation Commission to the Common Council in their update of the historic resource inventory of 2019, many of our historic assets have been lost since the previous historic resource inventory. Of those designated as "exceptional," 29 percent have been lost through alteration or demolition. Of those designated as "excellent," 39 percent have been lost through alteration or demolition. Of those designated as "good," 44 percent have been lost through alteration or demolition. As demonstrated by the updated historic resource inventory, historic assets are much more likely to be preserved if they are designated. Additionally, there is a further problem of many historically significant properties being lost through demolition by neglect.

To address this significant loss of historic assets and the ongoing problem of demolition by neglect, it is the intent of the Common Council of the City of Poughkeepsie to clarify and strengthen the current historic preservation ordinance to further protect the city's stock of historic properties. The amendments will enhance the city's ability to protect historic properties against demolition by neglect. The amendments will better protect the city's historic stock by implementing a demolition review process that will require a review of historic properties, designated and non-designated, prior to the issuance of a demolition permit. The amendment will also change the administrative review process for the issuance of a certificate of appropriateness where the proposed application needs additional city approvals. It is the goal of the council to provide reasonable measures of protection of historic and potentially historic properties while respecting the rights of property owners.

SECTION 2. BE IT ENACTED, by the Common Council of the City of Poughkeepsie, a local law amending Section 19-4.5 of the Code of Ordinances of the City of Poughkeepsie entitled "Historic District and Landmarks Preservation Commission", to provide as follows:

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BOLD and UNDERLINE INDICATES ADDED LANGUAGE**

Section 19-4.5 Historic District and Landmarks Preservation Commission.

(1) *Definitions.*

ADJACENT PROPERTY

The term adjacent property shall be defined as any property with a boundary line that is situated within 150 feet of a building within a historic district or that is on the local, state, national historic registry or on the city's adopted historic resource inventory.

ALTERATION

Change or modification of an improvement on a landmark site or of an improvement parcel located within a historic district, including, but not limited to:

- (a) Exterior changes to or modifications of structure, architectural details or visual characteristics such as paint color and surface texture;
- (b) Grading or surface paving;
- (c) Construction of new structures;
- (d) Cutting or removal of trees and other natural features;
- (e) Disturbance of archaeological sites or areas; and
- (f) The placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories that affect the exterior visual qualities of the improvement parcel.

BUILDING

A building, such as a house, barn, hotel or similar construction, which is created principally to shelter any form of human activity. Building may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.

CERTIFICATE OF APPROPRIATENESS

A certificate issued by the Commission indicating its approval of plans for alteration, construction, removal, or demolition of a landmark, an improvement on a landmark site or an improvement located within an historic district.

COMMISSION

The Historic Preservation Commission created pursuant to this section.

COMPATIBLE

Capable of existing together in harmony (harmonious, consistent).

CONTRIBUTING PROPERTY IN A HISTORIC DISTRICT

Includes any building, other structure or site that, by age, location, design, setting, materials, workmanship or association, adds to the district's sense of time and place and historical development or is capable of yielding important information about a historically significant period.

DEMOLITION

Any act or process that destroys in part or in whole any exterior improvement or landscape feature of a historic landmark or within a historic district.

EXTERIOR ARCHITECTURAL FEATURE

The architectural style, design, general arrangement and components of all of the outer surfaces of an improvement, as distinguished from the interior surfaces enclosed by said exterior features, including, but not limited to, the kind, color and texture of the building material and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.

HISTORIC DISTRICT

A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. In addition, historic districts consist of contributing and noncontributing properties. Objects, structures, buildings and sites within a historic district are usually thematically linked by architectural style or designer, date of development, distinctive urban plan, and/or historic associations.

IMPROVEMENT

Any structure, building, fixture, object or feature which, in whole or in part, constitutes an exterior or public interior betterment of any real property.

LANDMARK

A building, district, site, structure, or object significant in American history, architecture, engineering, archaeology or culture at the national, state, or local level.

NONCONTRIBUTING PROPERTY IN A HISTORIC DISTRICT

Includes any building, other structure or site that does not add to the district's sense of time and place and historical development; or one where the location, design, setting, materials, workmanship or association have been so altered or have so deteriorated that the overall integrity of the building, structure, or site has been irretrievably lost. Although changes to a noncontributing property may not have historical significance, they may affect the historic integrity of the district as a whole.

OBJECT

The term "object" is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Examples include boundary markers, mileposts, boats, fountains, monuments, and sculpture.

ORDINARY REPAIRS AND MAINTENANCE

Replacement of any part of an improvement for which a permit issued by the Building Department is not required by law, where the purpose and effect of such work or replacement is to correct any deterioration or decay of or damage to such improvement or any part thereof and to restore same, as

nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage.

OWNER

Any person or persons having such right to, title or interest in any improvement so as to be legally entitled upon obtaining the required permits and approvals from the City agencies having jurisdiction over building construction, reconstruction, alteration or other work as to which such person seeks the authorization or approval of the Commission pursuant to this chapter.

REMOVAL

Any relocation of an improvement and/or landscape feature on its site or to another site.

SITE

A geographic location of historic significance not necessarily containing a building. Examples of a site are a battlefield, designed landscape, landscape feature, trail, cemetery, or camp site.

STRUCTURE

The term "structure" is used to distinguish from buildings those functional constructions made for purposes other than creating human shelter. Examples would include bridges, piers, clocks, lighthouses, bandstands, gazebos, water towers, tunnels, and civil engineering structures such as a canal.

- (2) *Purpose.* It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of landmarks and historic districts are necessary to promote the economic, cultural, educational, and general welfare of the public. Inasmuch as the identity of a people is founded on its past and inasmuch as the City of Poughkeepsie has many significant historic, architectural and cultural resources which constitute its heritage, this section is intended to:
- (a) Protect and enhance the landmarks and historic districts, which represent distinctive elements of the City of Poughkeepsie's historic, architectural, and cultural heritage;
 - (b) Foster civic pride in the accomplishments of the past;
 - (c) Protect and enhance the City of Poughkeepsie's attractiveness to visitors and the support and stimulus to the economy thereby provided;
 - (d) Ensure the harmonious, orderly, and efficient growth and development of the City of Poughkeepsie; and
 - (e) Stabilize and improve property values.
- (3) *Historic Preservation Commission.* There is hereby created a Commission to be known as the "City of Poughkeepsie Historic District and Landmark Preservation Commission."
- (a) The Commission shall consist of seven members to be appointed, to the extent available in the community, by the Mayor as follows:

1. At least one shall be an architect experienced in working with historic buildings;
 2. At least one shall be a historian;
 3. At least three members shall reside in historic districts or historic landmarks;
 4. At least one shall have demonstrated significant interest in and commitment to the field of historic preservation evidenced either by involvement in a local historic preservation group, employment or volunteer activity in the field of historic preservation, or other serious interest in the field; and
 5. All members shall have a known interest in historic preservation and architectural development within the City of Poughkeepsie.
- (b) Commission members shall serve for a term of four (4) years, with the exception of the initial term of one (1) of the members, which shall be one (1) year, one (1) which shall be two (2) years, and one (1) which shall be three (3) years.
1. The Mayor shall act within 60 days to fill a vacancy, including expired terms. A member whose term has expired shall serve until the Mayor appoints a successor;
 2. Any Commission member missing three (3) consecutive meetings shall automatically forfeit his or her appointment, and as such, a vacancy shall automatically be created. Further, any member missing four (4) meetings in a calendar year, except for major illness, shall forfeit his or her appointment, creating a vacancy.
- (c) The Chairman and Vice Chairman of the Commission shall be elected by and from among the members of the Commission.
- (d) The powers of the Commission shall include:
1. Employment of staff and professional consultants to assist the Commission in carrying out its duties, within the budget provided by the City;
 2. Promulgation of rules and regulations as necessary to carry out the duties of the Commission;
 3. Adoption of criteria for the identification of significant historic, architectural, and cultural landmarks and for the delineation of historic districts;
 4. Conduct of surveys of significant historic, architectural, and cultural landmarks and historic districts within the City;
 5. Recommending designation of identified structures or resources as landmarks and historic districts;
 6. Recommendation to the Common Council of the donation of facade easements and development rights and the making of recommendations to the City government concerning the acquisition of facade easements or other interests in real property as necessary to carry out the purposes of this section;

7. Increasing public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs;
8. Making recommendations to City government concerning the utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the City;
9. Recommending acquisition of a landmark structure by the City government where its preservation is essential to the purposes of this section and where private preservation is not feasible;
10. Approval, approval with modifications or disapproval of certificates of appropriateness pursuant to this section; and
11. Deciding hardship pursuant to this section.

12. Review proposed actions located or proposed to be located adjacent to a Local Landmark or building listed on the State or National historic registry or building within a Local, State or National Historic District and render an advisory opinion to the reviewing body, agency, department or official as to whether or not the proposed action will adversely affect the historic character and integrity of the adjacent landmark or historic district. An action shall be defined as an action under Article 8 of the NYS Environmental Conservation Law.

- (e) The Commission shall meet at least monthly, but meetings may be held at any time on the written request of any two Commission members or on the call of the Chairman or the Mayor.
- (f) A quorum for the transaction of business shall consist of a majority of the Commission's members, but not less than a majority of the full authorized membership may grant or deny a certificate of appropriateness or recommend landmarks or historic districts.
- (g) **The Commission shall publish an annual report by December 31st of each calendar year that lists the properties or districts newly designated on the local, state, or national historic registries, as well as any properties on the adopted historic resource inventory that have been lost to demolition or that are undergoing demolition by neglect, as well as other findings or Commission activities it deems pertinent to an annual report. This report shall be circulated to the Mayor, the Common Council, the Planning Board, and the Building Inspector and shall be published on the city website.**
- (h) **The Commission shall submit a historic resource inventory to the Common Council for consideration and adoption every tenth year, commencing in the year 2022. The historic resource inventory shall be based on a reconnaissance survey that enumerates the existing and new historic resources that have reached an age threshold of at least 50 years that are designated or eligible for historic designation. The Common Council shall appropriate funds for the hiring of a qualified expert to conduct the reconnaissance survey. The expert must meet the 36 CFR 61 professional qualifications established by the National Park Service and who is chosen by the City and the Commission based on the following competencies:**
 - (i) experience in preparing historic resource surveys**

(ii) knowledge of architectural styles

(iii) experience working with Certified Local Government Programs in New York State

(iv) knowledge of the architectural history of the City of Poughkeepsie and surrounding area

(v) experience working with municipalities in landmarking and/or the creation of historic property designations

(vi) ability to present an end product for ready public access

The Common Council shall hold a public hearing on and adopt by majority vote the historic resource inventory within 120 days of its submission by the Commission to the Common Council. All property owners of properties listed on the historic resource inventory shall be notified of their property's appearance on the historic resource inventory by mail by the City Chamberlain to the most recent known address no fewer than 15 days prior to the public hearing.

(4) *Designation of landmarks or historic districts.*

(a) The Commission may designate a building, object, structure, or site as a landmark if it:

1. Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state or nation; or
2. Is identified with historic personages; or
3. Embodies the distinguishing characteristics of an architectural style; or
4. Is the work of a designer whose work has significantly influenced an age; or
5. Because of unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.

(b) The Commission may designate a group of properties as an historic district if it:

1. Contains properties which meet one or more of the criteria for designation of a landmark; and
2. By reason of possessing such qualities, it constitutes a distinct section of the City.

(c) The boundaries of each historic district and each individual landmark designated henceforth shall be specified in detail and shall be filed, in writing, with the Building Department for public inspection.

(d) Notice of a proposed designation shall be sent by regular mail to the owner of the property proposed for designation or the property upon which the landmark sits, describing the property and/or proposed landmark under consideration for designation and announcing a public hearing by the Commission to consider the designation. Once the Commission has issued notice of a proposed designation, no building permits shall be issued by the Building Inspector until the Commission has made its decision.

- (e) The Commission shall hold a public hearing prior to designation of any landmark or historic district. The Commission, the applicant, owners and any interested parties may present testimony or documentary evidence at the hearing which will become part of a record regarding the historic, architectural, or cultural importance of the proposed landmark or historic district. The record may also contain staff reports, public comments, or other evidence offered outside of the hearing.
- (f) The Commission shall approve, approve with modifications or deny the application within 45 days of the public hearing, except that the Commission may agree with the owners, in writing, to extend the time period within which a designation will be made.
- (g) An application recommended for approval shall be forwarded to the Common Council for their consideration. The Common Council shall hold a public hearing prior to the designation of any landmark or historic district. Such public hearing shall occur within 60 days from receipt of the approved application from the Commission. Notice of the hearing shall be sent by regular mail to the owner of the property proposed for designation. No building permits shall be issued by the Building Inspector until the Common Council has made its decision. The same criteria for designation shall be used by the Common Council and the Commission. The Common Council shall approve or disapprove the designation within 75 days from receipt of the approved application from the Commission.
- (h) The City Chamberlain shall forward notice of each designated building, object, site, structure, or district and the boundaries of each to the office of the Dutchess County Clerk for recordation.
- (5) *Certificate of appropriateness for alteration, demolition or new construction affecting landmarks or historic districts.* No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction, or moving of a landmark or property within an historic district, nor shall any person make any material change in the appearance of such property or landmark, its light fixtures, signs, sidewalks, fences, steps, paving, or other exterior elements which affect the appearance and cohesiveness of the landmark or historic district, without first obtaining a certificate of appropriateness from the Commission. **The Building Department shall review all applications for building permits to determine if a property is a locally designated landmark or in a local historic district and shall refer all such properties to the Commission to obtain a certificate of appropriateness prior to issuance of a building permit for any of the actions listed above.**
- (6) *Criteria for approval of certificate of appropriateness.*
 - (a) In passing upon an application for a certificate of appropriateness, the Commission shall not consider changes to interior spaces, unless they are open to the public. The Commission's decision shall be **guided by the Secretary of the Interior's Standards for Rehabilitation and** based on the following principles:
 1. Properties which contribute to the character of the historic district shall be retained, with their historic features altered as little as possible;
 2. Any alteration of existing properties shall be compatible with their historic character, as well as with the surrounding district; and
 3. New construction shall be compatible with the district in which it is located.

(b) In applying the principle of compatibility, the Commission shall consider the following factors:

1. The general design, character and appropriateness to the property of the proposed alteration or new construction;
2. The scale of the proposed alteration or new construction in relation to the property itself, surrounding properties and the neighborhood;
3. Texture, materials, and color and their relation to similar features of other properties in the neighborhood;
4. Visual compatibility with surrounding properties, including proportion of the property's front facade, proportion and arrangement of windows and other openings within the facade, roof, shape, and the rhythm of spacing of properties on streets, including setback; and
5. The importance of historic, architectural or other features to the significance of the property.

(c) **Actions requiring approvals of both the Historic District & Landmark Preservation Commission and the Planning Board.**

Any development that requires both approval from the Planning Board and a Certificate of Appropriateness is required to first make application to and receive from, the Commission a Certificate of Appropriateness. For developments that are subject to review under the State Environmental Quality Review Act (SEQRA), the SEQRA process must be completed before the Commission may issue a Certificate of Appropriateness.

(d) **Actions located or proposed to be located adjacent to a local landmark or building on the state or national historic registry or a building in a local, state or national historic district.**

The commission shall render within 60 days a written advisory opinion to the reviewing body, agency, department or official based on that government entity's official record of the project as to whether or not the proposed action will adversely affect the historic character and integrity of the adjacent landmark or historic district. An action shall be defined as an action under Article 8 of the NYS Environmental Conservation Law.

(7) *Certificate of appropriateness application procedure.*

- (a) Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for a building permit as necessary along with an application for a certificate of appropriateness on a form as approved by the Building Inspector and shall contain, at a minimum, the following:

1. Name, address and telephone number of applicant;

2. Location and photographs of property;
 3. Elevation drawings of proposed changes, if available;
 4. Perspective drawings, including relationship to adjacent properties, if available;
 5. Samples of color or materials to be used;
 6. Where the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination, and a plan showing the sign's location on the property; and
 7. Any other information which the Commission may deem necessary in order to visualize the proposed work.
- (b) No building permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the Commission. The certificate of appropriateness required by this section shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the City of Poughkeepsie.
- (c) The Commission shall approve, deny or approve the certificate of appropriateness with modifications within 45 days after receiving the completed application from the Building Department. The Commission may hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views.
- (d) All decisions of the Commission shall be in writing. A copy shall be provided to the applicant and a copy filed with the Building Department for public inspection. The Commission's decision shall state the reasons for denying or modifying the application.
- (e) Certificates of appropriateness shall be valid for a concurrent period of time with the building permit required to complete the work approved by the certificate of appropriateness or for one year if no building permit is required.

(8) **Early Design Guidance**

- (a) **Large projects, as defined below, could potentially have a significant impact on an individual landmark or historic district. For this reason, large projects are required to participate in the Early Design Guidance process. The purpose of this process is to provide input from the Commission on the design of the project as it relates to criteria for the approval of a Certificate of Appropriateness at a time when such input may readily be incorporated into the design without adversely affecting design costs or the project schedule.**
- (b) **For the purposes of this chapter, large projects are defined as:**
- 1. New construction in an historic district of any primary structure, or**
 - 2. New construction of any accessory structure with a gross square footage of 800 square feet or more in an historic district, or new construction of any accessory structure with a gross square footage of 800 square feet or more on the same tax parcel as an individual landmark, or new**

construction of any accessory structure with a gross square footage of 800 square feet or more when the proposed accessory structure will be located within 150 feet of the individual landmark, or

3. New additions that will increase the existing footprint of an individual landmark or a structure located within an historic district by 50% or more, or

4. Any renovation or reconstruction (excluding projects that involve only the replacement of roof coverings) that will affect 50% or more of the exterior envelope of an individual landmarks or a structure located within an historic district.

- (c) Applicants subject to Early Design Guidance shall submit materials for review by the Commission as soon as the design has reached a stage of development that would allow the Commission to understand the basic proposal and its significant details.
- (d) Based on the information provided, the Commission will provide written general feedback and non-binding recommendations and comments that might help the applicant further refine the project prior to submitting an application for a Certificate of Appropriateness.
- (e) The Commission shall circulate the written recommendations and comments from Early Design Guidance to the Chamberlain who will then circulate such document to the Planning Department, Planning Board Chair, Common Council Chair, and Corporation Counsel.

(9)(8) Certificate of economic hardship.

- (a) *Relief where a certificate of appropriateness is denied.* An applicant whose certificate of appropriateness has been denied or approved with conditions that the applicant finds unacceptable may apply for a certificate of economic hardship for the purposes of obtaining relief from the strict application of this chapter.
- (b) *Application form.* Application for a certificate of economic hardship shall be made on a form prepared by the Commission.
- (c) The Commission shall schedule a public hearing concerning the application, and any person may testify at the hearing concerning economic hardship. The Commission may solicit expert testimony or request that the applicant for a certificate of economic hardship make submissions concerning any or all of the following information before it makes a determination on the application:
 - 1. Estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Commission for changes necessary for the issuance of a certificate of appropriateness;
 - 2. A report from a licensed architect or engineer with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
 - 3. The estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Commission; and in the case of a proposed demolition, after renovation of the existing property for continued use;

4. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
 5. Amount paid for the property upon which the landmark exists, the date of purchase, and the party from whom was purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased and any items of financing between the seller and buyer;
 6. If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
 7. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years;
 8. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property;
 9. Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years;
 10. Assessed value of the property according to the two most-recent assessments;
 11. Real estate taxes for the previous two years;
 12. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other;
 13. Any other information, including the income tax bracket of the owner, applicant, or principal investors of the property, considered necessary by the Commission to make a determination as to whether the property does yield a reasonable return to the owners.
- (d) *Proof required.* In order to prove the existence of economic hardship, the applicant must establish that unless the proposed work is accomplished, the property will be incapable of earning a reasonable return or of being put to reasonable use.
- (e) In the case of a proposal to remove or demolish a landmark or structure within an historic district, the applicant must additionally prove that:
1. The property cannot be adapted for any other use, whether by the current owner or a purchase, which would result in reasonable return; and
 2. Reasonable efforts to find a purchaser interested in acquiring the property for rehabilitation and preservation have been made and failed.

- (a) *Hardship not proven.* If hardship is not proven, the Commission shall deny the application and notify the applicant, in writing, of the final denial, and a copy shall be filed with the Building Department for public inspection.
- (b) *Hardship proven.* If the Commission finds that economic hardship has been proven, relief shall be provided in one of the following ways:
 - 1. The Commission may relax the strict application of the criteria concerning certificates of appropriateness sufficiently to relieve the hardship. In this case, the Commission shall issue a certificate of appropriateness, with conditions as necessary. The Commission shall approve only such work as is necessary to alleviate the hardship.
 - 2. The Commission may investigate plans and make recommendations to the Common Council for City actions which, if taken, will allow for a reasonable use of or reasonable return from the subject property or will otherwise preserve the property without hardship to the owner.
- (c) If neither Subsection (9)(b)1 nor 2 resolves the issue, the Commission may issue a certificate of economic hardship allowing the work to proceed as proposed.

(11) Demolition Review.

The purpose of this section is to establish a procedure for reviewing requests to demolish building(s) or structure(s) designated on the State and/or National Register of Historic places or listed on the adopted City of Poughkeepsie Historic Resource Inventory as potentially eligible for designation at the local, state and/or national level. Before any building permit is granted, such building(s) or structure(s) proposed for demolition will first be reviewed to determine whether the property shall be recommended by the commission for designation as a local landmark.

Said inventory heretofore mentioned and on file in the Development Department was prepared pursuant to a Memorandum of Agreement between the city, the State Historic Preservation office (SHPO) and the federal Advisory Council on Historic Preservation. Said inventory may be amended to include additional building(s) or structure(s) and said amendments shall be filed in the Development Department and shall be subject to the provisions of this article. Amendments may be initiated by the commission or the property owner following submittal of a Historic Determination Application documenting the significance of the resource. The commission shall determine whether or not the property will be added to the Inventory based on the criteria of historic significance listed in Section 19-4.5, Section 4(a).

(a) Procedure for Demolition Review:

- 1. **Whenever an application is filed with the appropriate city department for a demolition permit of any building or structure, said city department shall review the property to determine if it is on the State and/or National Register of Historic Places, is in a local historic district, or is enumerated on the adopted City of Poughkeepsie Historic Resource Inventory.**
- 2. **Whenever an application is filed with the appropriate city department for a demolition permit of any building or structure designated on the State and/or National Register of Historic Places or enumerated on the City of Poughkeepsie Historic Resource Inventory,**

said city department shall forward a copy of said application to the commission within two (2) business days of receipt of the same.

3. Any owner of a property who proposes to demolish any building or structure designated or enumerated as provided in paragraph 1 above, may prior to the filing of an application with the appropriate city department for a demolition permit, request the commission to initiate the procedure set forth in this article for a determination whether said property shall be recommended for designation as a local landmark as if an application for demolition had been filed.
4. The commission shall hold a public hearing for consideration as to whether said building or structure shall be recommended for designation as a local landmark.
5. The commission shall make its recommendation within forty-five (45) days of the date of filing of the application for a demolition permit with the City of Poughkeepsie or forty-five (45) days of the date of receipt of a request for a commission demolition review. Failure to take action thereon within such time shall be deemed a determination not to recommend the designation of the building or structure as a local landmark.
6. In the event the commission recommends to City Council that the subject property be designated a local landmark, the Chairperson or his designee shall appear at the public hearing of the City Council to give testimony on behalf of the commission. The City Planner shall be responsible for transmitting the commission's recommendation to the City Chamberlain and members of the City Council within two (2) business days of the commission's decision.
7. In making its determination, the commission shall use the criteria specified in Section 19-4.5, Section 4(a). The procedure for recommending the designation of building(s) or structure(s) as local landmark shall be completed in accordance with the provisions of Section 19-4.5, Section 4(a-h).
8. Buildings or structures which have been determined to constitute an imminent danger to public health, safety or welfare are subject to the exercise of the chief code enforcement officer's emergency powers to cause said building(s) or structure(s) to be immediately demolished.

(12)(10)-Enforcement. All work performed pursuant to a certificate of appropriateness issued under this section shall conform to any requirements included therein. It shall be the duty of the applicant to notify the Building Inspector to inspect any work to assure compliance. In the event work is found that is not being performed in accordance with the certificate of appropriateness, or upon notification of such fact by the Commission, the Building Inspector shall issue a stop-work order, and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.

(13)(11) Maintenance and repair required.

- (a) Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within an historic district which does not involve a change in design, material, color or outward appearance.

- (b) No owner or person with an interest in real property designated as a landmark or included within an historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any architectural feature which would, in the judgment of the Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.
- (c) Examples of such serious disrepair and deterioration include:
1. Deterioration of exterior walls, foundations or other vertical support that causes leaning, sagging, listing, or buckling or deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, slitting, listing, or buckling;
 2. Deterioration of roofs or other horizontal members;
 3. Deterioration of exterior chimneys that causes leaning, sagging, listing or buckling;
 4. Deterioration [of] or crumbling of exterior plaster, stucco or mortar;
 5. Ineffective waterproofing of exterior walls, including lack of paint or weathering due to lack of paint or other protective covering, roofs or foundations, including broken windows or doors;
 6. Deterioration of any feature so as to create a hazardous condition, which could lead to the claim that demolition is necessary for the public safety.
 7. Rotting, holes, or other forms of decay;
 8. Deterioration of exterior stairs, porches, handrails, windows and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling;
 9. Deterioration that has a detrimental effect on the surrounding historic district or deterioration that contributes to a hazardous or unsafe condition;
 10. Deterioration of fences, gates, and accessory structures;

(14) Demolition by neglect.

If, in the judgment of the commission, a violation of this local law exists that will result in a detrimental effect upon the life and character of a designated historic resource, landmark, property or on the character of a historic district as a whole, the commission shall request the Building Department to establish a record of violations. Such record may include dated materials such as photographs and written reports of the condition of the property so as to record or measure the deterioration.

The building inspector and the commission are authorized to work with a property owner to identify resources for maintenance and stabilization before taking enforcement action under this section.

The Commission, based on the written record of violations, shall hold a public hearing to receive testimony from the Building Inspector, property owner, and other members of the public or city staff

or officials to determine if a demolition by neglect is occurring. The Commission shall make such determination by a majority vote and state in writing the necessary repairs to reverse the demolition by neglect.

The building department and the owner of record shall be notified of the Commission's finding, stating the reasons thereof. Such notice shall be accomplished in the following manner:

- (1) By certified mailing to the last known address of the owner of record by the City Chamberlain;
or
- (2) Notice shall be attached to the building or landmark by the Building Inspector.

Upon receipt of the Commission's written notice of determination of demolition by neglect, the Building Inspector shall issue a written notice to the owner of record giving ninety (90) days from the date of mailing such notice to satisfy the commission that necessary repairs have been effected. The commission, upon request, may allow an extension for a reasonable period to allow the owner to secure financing, labor or materials.

If the necessary repairs are not completed, the Building Inspector and Corporation Counsel shall commence legal action against the owner and shall have the right to pursue all remedies available to the City at law or equity.

~~(15)~~(12) Violations.

- (a) Failure to comply with any of the provisions of this section shall be deemed a violation, and the violator shall be liable to a penalty ~~not exceeding \$1,000 and, for a continuation of such violation, to an additional penalty not exceeding \$10 per day.~~ of not less than \$500 or 15 days in jail, or both for each day the violation continues.

- (b) Any person who demolishes, alters, constructs, or permits a designated property to fall into a serious state of disrepair in violation of this section shall be required to restore the property and its site to its appearance prior to the violation. Any action to enforce this subsection shall be brought by the Corporation Counsel. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

~~(15)~~(13) Appeals. Any person aggrieved by a decision of the Historic Preservation Commission relating to a hardship or a certificate of appropriateness may, within 30 days of the decision, file a written application with the Common Council for review of the decision. Reviews shall be conducted ~~based on the same record that was before the Commission using the same criteria.~~

(16) Any person aggrieved by a decision of the Commission may bring a proceeding to review in a manner provided by Article 78 of the Civil Practice Law and Rules.

(17) Miscellaneous

The provisions of this law shall supersede any inconsistent law or ordinance of the City of Poughkeepsie.

SECTION 3. This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF DUTCHESS

EVERTON SMITH, PARENT AND NATURAL GUARDIAN OF
QURAAN SMITH, DECEASED INFANT CLAIMANT, AND AS
AWAITING LETTERS OF ADMINISTRATION OF THE ESTATE
OF QURAAN SMITH, DECEASED,

CLAIMANT, NOTICE OF CLAIM

-AGAINST-

MID-HUDSON REGIONAL HOSPITAL OF WESTCHESTER
MEDICAL CENTER, ARLINGTON HIGH SCHOOL, ARLINGTON
SUPERINTENDENT DAVID MOYER, ARLINGTON SCHOOL DISTRICT,
PRESIDENT OF ARLINGTON SCHOOL DISTRICT, JOANNE MASSI, DUTCHESS
COUNTY SHERIFF, DEPUTY STROKA, DEPUTY STEVEN PRICE, DUTCHESS COUNTY
SERGEANT DETECTIVE GERARD PFITSCHER, DUTCHESS COUNTY SHERIFF'S
DEPARTMENT, DUTCHESS COUNTY EXECUTIVE, MARCUS MOLINARO, DUTCHESS
COUNTY DISTRICT ATTORNEY, FRANK PETRAMALE, COUNTY OF DUTCHESS, CITY
OF POUGHKEEPSIE, CITY OF POUGHKEEPSIE MAYOR, ROBERT ROLISON,
TOWN OF POUGHKEEPSIE POLICE, TOWN OF POUGHKEEPSIE, LAGRANGE FIRE
DEPARTMENT AND TOWN OF LAGRANGE, NEW YORK,

RESPONDENTS.

CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN
2021 DEC 16 AM 10:47

CLAIMANT, EVERTON SMITH, BY AND THROUGH ATTORNEY
PAMELA GABIGER, PROVIDES THE FOLLOWING NOTICE OF CLAIM TO
RESPONDENTS:

1. CLAIMANT IS EVERTON SMITH AND RESIDES AT 8 STREIT
AVENUE, POUGHKEEPSIE, NEW YORK.
2. THE ATTORNEY FOR CLAIMANT IS PAMELA GABIGER, PO BOX
2952, POUGHKEEPSIE, NEW YORK 12603.
3. THE DATE AND APPROXIMATE TIME OF THE INCIDENT WAS
SEPTEMBER 17, 2021 AT APPROXIMATELY 9:00 IN THE
EVENING AND BEFORE 9:00 IN THE EVENING AND THEREAFTER.
4. THE APPROXIMATE LOCATION WAS ARLINGTON HIGH SCHOOL
IN THE STANDS BEFORE THE STUDENTS LEFT THE SCHOOL AND
THEREAFTER IN THE PARKING LOT, 1157 STATE ROUTE 55,
LAGRANGEVILLE, NEW YORK AND ENROUTE TO MID-HUDSON
REGIONAL HOSPITAL OF WESTCHESTER MEDICAL CENTER AND
AT MID-HUDSON REGIONAL HOSPITAL OF WESTCHESTER

MEDICAL CENTER, 241 NORTH ROAD, POUGHKEEPSIE, NEW YORK.

5. THE MANNER IN WHICH THE CLAIM AROSE WAS THAT THE INFANT CLAIMANT SCHOLAR AND STAR, SUPERB RUNNING BACK ATHLETE, QURAAN SMITH WAS STABBED AT THE ARLINGTON HIGH SCHOOL PARKING LOT AND LATER DIED AS A RESULT OF HIS INJURIES AND SEVERE TRAUMA.
6. THE NATURE OF THE CLAIM IS NEGLIGENCE OF THE RESPONDENTS, THEIR OFFICERS, DIRECTORS, AGENTS, SERVANTS AND EMPLOYEES IN FAILING TO HAVE ATTENDEES SHOW IDENTIFICATION AT THE ARLINGTON HIGH SCHOOL FOOTBALL GAME, IN ALLOWING NESTOR ORTIZ OCAMPO TO LEAVE AND COME BACK AND FAIL TO SEARCH HIM AND FAIL TO REQUIRE HIM TO SHOW IDENTIFICATION, IN ALLOWING A NON-CITIZEN TO STAB AND MURDER THE DECEASED INFANT CLAIMANT, IN FAILING TO SEARCH ATTENDEES FOR WEAPONS, IN FAILING TO CAP THE CAPACITY AT THE GAME, IN ALLOWING

BAGS INTO THE GAME, ALLOWING ATTENDEES THAT WERE OUTSIDE OF ARLINGTON AND THE TOWN THAT THEY WERE AGAINST IN THE FOOTBALL GAME, FAILING TO HAVE COUNTY SHERIFF DEPUTIES PRESENT AND IF THEY WERE PRESENT THE COUNTY SHERIFFS FAILING TO PROPERLY PREVENT A FIGHT, PREVENT A STABBING AND RESULTING DEATH, IN DUTCHESS COUNTY SHERIFF DETECTIVE SERGEANT GERARD PFITSCHER FAVORING THE DEFENSE OF NESTOR ORTIZ OCAMPO AND FAILING TO TURN OVER THE FILE WHEN REQUESTED WITH A PROPER AND VALID FOIL REQUEST, AND FAILING TO PROVIDE INFORMATION, IN FAILING TO PROPERLY SUPERVISE, FAILING TO BREAK UP THE FIGHT WHEN KNOWN, FAILING TO PAY ATTENTION TO KNOW THE FIGHT WAS GOING ON AND BREAK IT UP, IN KNOWING THAT A FIGHT BEGAN IN THE STANDS, IN SEPARATING THE GROUPS KNOWN TO BE GOING TO FIGHT AND THEN IMMEDIATELY THEREAFTER LETTING THE GROUPS AND NESTOR ORTIZ OCAMPO TO LEAVE WHILE KNOWING THE

OTHER GROUP HE WAS ATTEMPTING TO FIGHT WAS IN THE PARKING LOT OR NEARBY, AND ALLOWING A FIGHT TO BEGIN AND ENSUE, FAILING TO HAVE ENOUGH SHERIFF DEPUTIES AND OTHER POLICE PRESENT AT THE ARLINGTON HIGH SCHOOL, FAILING TO HAVE ARLINGTON HIGH SCHOOL SAFETY TEAM MEMBERS, HIGH SCHOOL ADMINISTRATORS AND AN AMBULANCE PRESENT AND IF THEY WERE PRESENT THEY FAILED TO ACT ACCORDINGLY TO PREVENT THE FIGHT, TO STOP IT AND TO STOP THE STABBING AND RESULTING DEATH, IN FAILING TO COME TO THE IMMEDIATE AIDE OF THE DECEASED INFANT CLAIMANT, QURAAN SMITH'S AIDE WHEN HE ASKED FOR HELP MORE THAN ONCE, IN FAILING TO SHOOT NESTOR ORTIZ OCAMPO AND OTHERS TO PREVENT THE STABBING AND DEATH, FAILING TO HAVE ENOUGH PROPER WEAPONS AT THE SCENE, FAILING TO STOP THE FIGHT FROM OCCURRING, FAILING TO PROPERLY SUPERVISE SO THAT ONCE THEY WERE AWARE OF A FIGHT THEY COULD STOP IT, FAILING

TO HAVE SUFFICIENT PEOPLE AND WEAPONS TO STOP THE
FIGHT, FAILING TO HAVE AN AMBULANCE AT THE SCENE OF
THE FOOTBALL GAME AND THEREAFTER, AT THE ARLINGTON
HIGH SCHOOL, IN ALLOWING DANGEROUS INDIVIDUALS ONTO
THE PROPERTY, IN ALLOWING KNOWINGLY DANGEROUS
INDIVIDUALS WHO WERE NOT STUDENTS ONTO THE PROPERTY,
IN FAILING TO HAVE ADEQUATE SECURITY AT THE ARLINGTON
HIGH SCHOOL FOOTBALL GAME AND THEREAFTER WHILE IT
WAS FORESEEABLE AND THEY KNEW OF THE POTENTIAL OF
VIOLENCE BEFOREHAND AS THERE HAD BEEN SEVERAL FIGHTS
THERE BEFORE, IN FAILING TO PROPERLY SUPERVISE
INDIVIDUALS AT THE ARLINGTON HIGH SCHOOL FOOTBALL
GAME AND THEREAFTER, IN FAILING TO CONTACT THE
DECEASED INFANT CLAIMANT'S FAMILY, IN DEPUTY STROKA
HAVING THE MURDERER, NESTOR ORTIZ OCAMPO SECURED
ON THE GROUND AND ALLOWING HIM TO WIGGLE AWAY
FROM HER AND GET LOOSE AND STAB AND MURDER THE

INFANT CLAIMANT QURAAN SMITH, IN DISTRICT ATTORNEY,
FRANK PETRAMALE FAILING TO ARREST AND CHARGE ALL
POSSIBLE ACCOMPLICES ACCORDING TO SERGEANT GERARD
PFITSCHER AND THOSE THAT AIDED AND ABEDDED THE
MURDERER NESTOR ORTIZ OCAMPO IN STABBING QURAAN
SMITH AND CAUSING HIS DEATH, IN FAILING TO CHARGE
NESTOR ORTIZ OCAMPO WITH FEDERAL CRIMES, IN FAILING TO
CHARGE NESTOR ORTIZ OCAMPO WITH THE HIGHEST CRIMES
POSSIBLE, IN AIDING AND ABEDDING SERGEANT GERARD
PFITSCHER WITH PROTECTING NESTOR ORTIZ OCAMPO AND
BEING ON HIS SIDE, IN DEPUTY PRICE WALKING QURAAN
SMITH OVER TO A BENCH AND ALLOWING HIM TO LOSE TOO
MUCH BLOOD AND COLLAPSE INSTEAD OF HAVING AN
AMBULANCE THERE RIGHT AWAY, IN DISTRICT ATTORNEY
FRANK PETRAMALE AND SERGENT GERARD PFITSCHER FAILING
TO TURN OVER ALL VIDEOTAPES, WITNESS STATEMENTS AND
THE COMPLETE FILE REGARDING THIS MATTER PURSUANT TO

A VALID AND PROPER FREEDOM OF INFORMATION REQUEST,
IN FAILING TO HAVE PROPER MEDICAL TREATMENT AT THE
ARLINGTON FOOTBALL GAME AND THEREAFTER, IN MARCUS
MOLINARO, THE COUNTY OF DUTCHESS AND RESPONDENTS
DEFUNDING THE POLICE OR ALLOWING THE SHERIFF'S
DEPARTMENT AND OTHER POLICE DEPARTMENTS TO BE
DEFUNDED, IN FAILING TO GET AN AMBULANCE THERE AND
HAVE AN AMBULANCE THERE IMMEDIATELY, IN MAYOR
ROBERT ROLISON FAILING TO HAVE ENOUGH POLICE AND
EMERGENCY VEHICLES AT THE GAME, IN FAILING TO PROPERLY
AND ADEQUATELY TREAT THE DECEASED INFANT CLAIMANT,
QURAAN SMITH AT THE MID-HUDSON REGIONAL HOSPITAL OF
WESTCHESTER MEDICAL CENTER AND THEREAFTER, IN
ALLOWING THE INFANT CLAIMANT TO REMAIN AT MID-
HUDSON REGIONAL HOSPITAL OF WESTCHESTER MEDICAL
CENTER WITHOUT TREATMENT AND WITHOUT PROPER
MEDICAL TREATMENT AND IN BEING OTHERWISE NEGLIGENT

AND IN RACIAL PROFILING AND FAILING TO PROTECT THE
INFANT CLAIMANT BASED UPON HIS RACE, IN POSTING
QURAAN SMITH'S NAME AND PICTURES ALL OVER THE PAPERS
AND MEDIA WITHOUT EVER CONTACTING EVERTON SMITH,
HIS FATHER, IN THE MAYOR, ROBERT ROLISON FAILING TO ACT
APPROPRIATELY TO PREVENT THE MURDER AND FAILING TO
CONTACT QURAAN SMITH'S FAMILY. ARLINGTON HIGH
SCHOOL IS A SCHOOL, NOT A WAR ZONE. RESPONDENTS, THEIR
OFFICERS, DIRECTORS, AGENTS, SERVANTS AND EMPLOYEES
WERE NEGLIGENT IN HAVING INADEQUATE, INEPT,
IMPROPERLY TRAINED SHERIFF'S AT THE SCENE, RESPONDENTS
FAILED THE STUDENTS AND NOBODY'S

PARENTS SHOULD HAVE TO DEAL WITH THIS MENTAL
SUFFERING. RESPONDENTS WERE GROSSLY NEGLIGENT.

7. BY REASON OF THE NEGLIGENCE OF THE RESPONDENTS, THEIR
OFFICERS, DIRECTORS, AGENTS, SERVANTS AND EMPLOYEES,
THE CLAIMANT HAS BEEN SEVERELY DAMAGED, SUFFERED
SEVERE EMOTIONAL, AND PSYCHOLOGICAL DISTRESS, POST-
TRAUMATIC STRESS DISORDER AND OTHER INJURIES AND
DAMAGES IN THE AMOUNT OF ONE HUNDRED FIFTY MILLION
AND NO/100 (\$150,000,000.00) DOLLARS.

8. BY REASON OF THE FOREGOING, CLAIMANT DEMANDS
JUDGMENT IN THE AMOUNT OF ONE HUNDRED FIFTY MILLION
AND NO/100 (\$150,000,000.00) DOLLARS TOGETHER WITH
INTEREST, COSTS AND DISBURSEMENTS OF THIS ACTION AND
FOR SUCH OTHER AND FURTHER RELIEF AS TO THIS COURT
MAY SEEM JUST AND PROPER.

DATED: OCTOBER 19, 2021



EVERTON SMITH

VERIFICATION

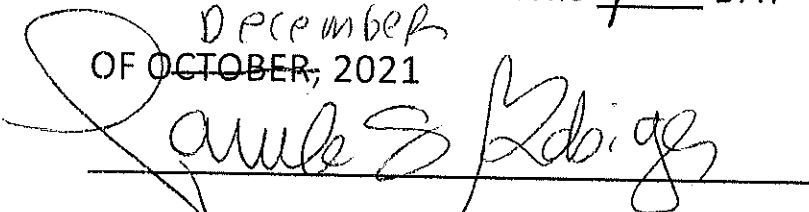
STATE OF NEW YORK)
COUNTY OF DUTCHESS) SS.:

EVERTON SMITH, BEING DULY SWORN, DEPOSES AND SAYS
THAT HE IS CLAIMANT IN THE WITHIN ACTION, THAT HE HAS
READ THE FOREGOING NOTICE OF CLAIM, THE SAME IS TRUE
TO HIS OWN KNOWLEDGE EXCEPT AS TO THE MATTERS
THEREIN STATED TO BE UPON INFORMATION AND BELIEF AND
AS TO THOSE MATTERS HE BELIEVES THEM TO BE TRUE.



EVERTON SMITH

SWORN TO BEFORE ME THIS 14th DAY
December
OF ~~OCTOBER~~, 2021


NOTARY PUBLIC

PAMELA J GABIGER
Qualified in Dutchess County
Commission Expires 5-4-2023
01GA4891675

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

JESSICA DIXON,

CLAIMANT,

NOTICE OF CLAIM

-AGAINST-

5 INDIVIDUAL JOHN DOE POLICE OFFICERS, THE NAMES JOHN DOE
BEING FICTITIOUS AS THEIR NAMES ARE UNKNOWN AND

CITY OF POUGHKEEPSIE POLICE, CITY OF POUGHKEEPSIE, JESSICA FROM
DUTCHESS, COUNTY MENTAL HYGIENE, AND COUNTY OF DUTCHESS
POLICE,

RESPONDENTS.

STATE OF NEW YORK)

COUNTY OF DUTCHESS) SS.:

JESSICA DIXON, BEING DULY SWORN, DEPOSES AND SAYS:

1. I AM THE CLAIMANT IN THE ABOVE PROCEEDING.
2. I LIVE AT 20 NORTH BRIDGE STREET, APT 4A, POUGHKEEPSIE, NY
12601.

2021 DEC -3 PM 4:01

CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN

3. THE ATTORNEY FOR CLAIMANT IS PAMELA GABIGER, PO BOX 2952, POUGHKEEPSIE, NY 12603.
4. THE DATE AND TIME OF THE INCIDENT WAS SATURDAY, NOVEMBER 6, 2021 AT APPROXIMATELY 1PM AND THEREAFTER.
5. THE MANNER IN WHICH THE CLAIM AROSE WAS CLAIMANT WAS HOME AND 5 CITY OF POUGHKEEPSIE POLICE CAME TO HER HOUSE FALSELY ACCUSING HER FOR A WEAPON AND DRUGS IN HER HOME AND THEY WERE THERE ABOUT THIRTY MINUTES WITH NO PROBABLE CAUSE.
6. THE NATURE OF THE CLAIM IS HARASSING HER WHEN SHE CALLED FOR HELP BECAUSE HER CABLE SERVICE KEPT COLLAPSING AND SHE FELT SOMETHING SUSPICIOUS WAS GOING ON AND THAT IS WHY SHE CALLED THE POLICE SO THEY CAME TO HER HOME AND FALSELY ACCUSED HER AND CAUSED HER EMOTIONAL AND MENTAL DISTRESS AND SHE IS AFRAID TO EVEN LIVE IN HER HOME.

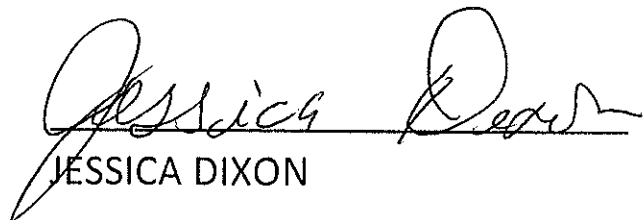
7. DECEMBER 2, 2021, I CALLED POLICE BECAUSE LANDLORD KEVIN CAME TO MY APARTMENT. THEY CAME WITH A LADY FROM MENTAL HYGIENE, CALLING ME SCHIZOPHRENIC AND MENTAL. WHEN THEY CAME THEY WOULDN'T LEAVE UNTIL I SIGNED A CONSENT FORM. I WENT TO FAMILY SERVICES FOR HELP ABOUT TWO WEEKS AGO. I TOLD RACHEL AT FAMILY SERVICE ANNEX BUILDING. THEY KNOW THAT POLICE ARE PICKING ON ME. I AM SCARED BECAUSE I DON'T WANT TO GET SET UP WITH PEOPLE WALKING IN AND OUT OF MY HOUSE WITHOUT PERMISSION. THE MENTAL HYGIENE LADY ASKED IF I HARM MYSELF. I SAID NO. I AM HONEST. I DON'T PLAY WITH MY LIFE. WHEN I STATED MY LAWYER WAS PAM GABIGER, THEY SAID I KNOW HER AND THEY STARTED PICKING LIKE "OH, PLEASE." I TOLD THEM THAT I WANT TO MOVE OUT OF MY APARTMENT BECAUSE THERE IS A LOT GOING ON OVER THERE AND I DON'T WANT TO BE INVOLVED WITH THOSE TROUBLES AND I WANT TO BREAK MY LEASE TO LEAVE THERE. I AM SCARED TO LIVE THERE IN THE

NEIGHBORHOOD. MY LANDLORD IS GIVING ME A PROBLEM. I AM NOT GETTING EVICTED BUT I CALLED MY SECTION 8 WORKER WHO IS TRYING TO HELP ME GET OUT OF THERE. I FEEL FRIGHTENED THAT THE POLICE ARE BOTHERING ME, PICKING ON ME, I FEEL AFRAID TO BE ALONE IN MY HOUSE.

8. BY REASON OF THE FOREGOING CLAIMANT SUFFERED SERIOUS PERSONAL INJURIES, EMOTIONAL, MENTAL AND PSYCHOLOGICAL DISTRESS AND OTHER INJURIES AND DAMAGES.

9. BY REASON OF THE FOREGOING CLAIMANT HAS BEEN DAMAGED IN THE SUM OF TWENTY MILLION AND NO/100 (\$20,000,000.00) DOLLARS TOGETHER WITH INTERESTS, COSTS AND DISBURSEMENTS OF THIS ACTION AND FOR SUCH OTHER AND FURTHER RELIEF AS TO THIS COURT MAY SEEM JUST AND PROPER.

DATED: DECEMBER 3, 2021


JESSICA DIXON

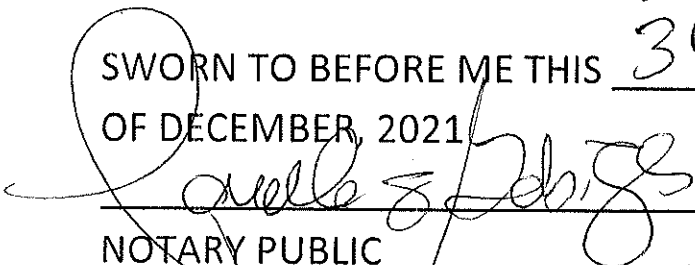
VERIFICATION

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

JESSICA DIXON, BEING DULY SWORN, DEPOSES AND SAYS
THAT SHE IS CLAIMANT IN THE WITHIN PROCEEDING, SHE HAS
READ THE FOREGOING NOTICE OF CLAIM, THE SAME IS TRUE TO
HER OWN KNOWLEDGE EXCEPT AS TO THE MATTERS THEREIN
STATED TO BE UPON INFORMATION AND BELIEF AND AS TO
THOSE MATTERS SHE BELIEVES THEM TO BE TRUE


JESSICA DIXON

SWORN TO BEFORE ME THIS 3RD DAY
OF DECEMBER, 2021


NOTARY PUBLIC

PAMELA J GABIGER
Qualified in Dutchess County
Commission Expires 5-4-2023
016A4891675



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, November 1, 2021 6:30 p.m.

Virtual / Zoom

Welcome to the regularly scheduled meeting of the City of Poughkeepsie Common Council the date is November 1, 2021, and the time is 6:32 pm.

I'd like to acknowledge that we are gathered, wherever we are, on the traditional territory of the Lenape people and this territory was a critical resting place along a popular trade route for people of the Lenape Nation and other cultures as is evidenced in the earliest derivation of the name 'Poughkeepsie' with an indigenous string of words, U-puku-ipi-sing, that, when translated, means 'reed-covered lodge by the little water place' or resting place.

Let's all recite the pledge of allegiance.

I. PLEDGE OF ALLEGIANCE:

ROLL CALL – Nine present at time of roll call

II. REVIEW OF MINUTES:

Public Hearing Meeting October 4, 2021

Common Council Meeting October 4, 2021

Motion to accept the minutes: Councilmember Brannen

2nd: Councilmember Menist

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

NONE

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

1. Laurie Sandow, S. Grand Ave. – submitted written comments

For those who've not yet done so, I urge you to please vote tomorrow, Election Day, November 2. And when you vote, I urge you to carefully consider who and what it will take to cure the factionalism and dysfunction of this current Council. The polls will be open citywide from 6am to 9pm. In the 8th Ward—where I'm on the ballot on the "People for PK" line—the two 8th Ward polling sites are either Krieger Elementary or St. John's Church on Wilbur.

Regarding tonight's agenda, please note that one resolution is a well-deserved retroactive salary increase for the Fire Department, but it is NOT a settlement of the contract that expired in December 2020, and which is still being negotiated.

As is the unfortunate habit in the City of Poughkeepsie, two other agenda items are listed under "Communications" in such a way as to conceal their content.

First is a communication described as the City Administrator's "acceptance of a donation of certain real property". That undescribed property is a 17-acre parcel directly adjacent to landmarked Springside, Andrew Jackson Downing's historic landscape. Springside, located on one of the major roads welcoming visitors to this city—a park where investment would help create both a national tourist attraction as well as produce revenue for the City. Yet, for lack of vision, and for other undisclosed reasons that are hard to understand, Springside was not included on the list of parks designated by the City for investment of \$4 million in funds from the American Rescue Plan (ARP).

Another camouflaged agenda item is the communication from Acting Development Director Natalie Quinn, supporting rezoning for 117 N. Hamilton. Don't recognize the address? Join the crowd. It's a Baxter-owned property buried on page 95 of the current agenda packet. I encourage all watching to look it up the address on Dutchess Parcel Access, where you'll find...nothing. Use the parcel # to find, and there's still no clue that it's a Baxter-owned property. What you'll find is one LLC after another, with the owner's primary address listed as a warehouse on Cottage Street, and not Baxter's office. And what a surprise!—this property that wants rezoning from the Council, and not from the ZBA, is just a three-minute walk from Page's re-development of 27 High Street.

Is no-one else concerned that Natalie Quinn's been promoted to a new, but unannounced job title? That she's justifying her rezoning recommendation based

Official Minutes of the Common Council Meeting of November 1, 2021

on a 20-year-old Comprehensive Plan even while sitting at the helm of the PK4Keeps steering committee which, quoting from the PK4Keeps site itself: “...will help define the community’s vision for its future and translate that vision into priorities, strategies, policies, and guidance for making decisions within City Hall and throughout the city.”

Yeah, right...the secretive PK4Keeps might or might not define the community’s vision, but that’ll come long after developers have turned this City into a company town—getting their purchases, variances and site plans approved long before they’re subject to any new Comprehensive and Zoning plan. I urge this Council to look closely into Ms. Quinn’s seeming conflict of interest in this rezoning communication. [As it happens, this “communication” was never made at the November 1, 2021, Common Council meeting due to councilmembers who disappeared mid-way through meeting, leaving the meeting without a quorum. I’m sure these same councilmembers will rapidly reappear when it’s time to collect their paychecks.]

Councilmember Brannen made a motion to go into Executive Session at 6:58pm and was seconded by Councilmember Menist.

Executive Session						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McClinton	Votes	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

Councilmember Brannen made a motion to resume the regular session at 8:27pm and was seconded by Councilmember Menist.

V. CHAIRPERSON’S COMMENTS AND PRESENTATIONS:

And now we'll move to chairperson's comments. So over the past few days here in the city of Poughkeepsie, there were several shootings, which is very unnerving. To say the least, and so I've been thinking over these days, a lot of them happening in the vicinity of Main Street. I know over in Yvonne's neighborhood on Main Street, down over in all parts of the city. And you know, honestly, I live right on Main Street and I was outside for both of the shootings, the one on Thursday night and Saturday night, and I thought I heard gunshots and I was like, Absolutely not, couldn't be gunshots. And it's feeling very, as I said, unnerving to be right. And to hear those shots so close by and to know that this is a weekend where a lot of people were out and about it was a beautiful weekend. Besides, you know, the washed out day that we had for part of it. And you know, we really we've got to leverage our resources, the resources we have, the resources we have coming in to address the underlying conditions and contributors to gun violence here in our community so that we can reduce the risks and increase our individuals, families and communities own resilience. And we can do that by investing in different things, investing in public safety reform and initiatives and public health solutions in social infrastructure improvements and recognizing that gun violence, as you know, as it is a critical and preventable public health and social safety net problem. And we are going through, you know, stages of developing and planning for the implementation of Comprehensive Community Safety Plan. We have to continue to do that in a way that reduces the violence. And, you know, in a way that helps us to include prevention and intervention in and in investing in the trauma that comes with this violence that this community has to experience so that we have high quality, culturally competent and coordinated mental health support services that come with it. And, you know, providing basic need to our community members to reduce some of the stressors that people are experiencing.

We know all of us here know that there are higher instances of gun violence in under resourced neighborhoods and in cities that suffer from underfunded services. Cities that have fewer job opportunities. Cities that experience concentrated poverty. And so we have to think of different avenues that can help us tackle those root causes. We need to find programs that tackle them as well as investing in our youth, which I know we're planning. And we're in the stages of dealing with the new Youth Empowerment Center and the New Youth Division of Youth Development and Empowerment. And we need to do things that help us stimulate our economy and plan for innovative economic development programs that attract industry so that we can create jobs so that we can grant people opportunity and so that we are able to then investing programs that encourage affordable housing. Again, we have to address the root causes using our own political influence for community members.

Using your citizen influence to continue to lobby for common sense gun laws and protections is important. However, that's not going to stop the illegal gun trafficking, which is how many of these weapons are getting into the city of the city. So we need to advocate for specific policies that help us as a community, close the

gaps in our federal and state laws that continue to allow firearms to be diverted from the underground gun market right here into our community. Things like background checks, lost and stolen, firearm reporting procedures and stronger licensing requirements.

We have got to get the guns out of our communities. And unfortunately, the approach that we've used to date have not been effective. They haven't worked. This community doesn't deserve this kind of trauma. I was glad to see that in the draft budget that was sent to us on October 15. Some of the American Rescue Plan funds are appropriated to departments into initiatives that might grant us a shot at tackling this persisting in this critical issue. However, we have to ensure that these funds are used in a strategic and targeted way so that we don't waste this once in a lifetime opportunity to pull the city out of its disinvest state and put it on a path of recovery and progress once and for all. There is no better time than now, and I know that this council will see that it gets done as we review this budget. We make amendments as needed, and we, we put it, put an end to this issue. Again, we have to address the root causes. We need to get these guns off the street. It is a really unsettling feeling, and I know I'm not the only one that feels that way. And I really trust in this body and the administration and the mayor to see what we can do to get this done. I'm held accountable by members of the public, and I've gotten numerous phone calls, texts, emails. People don't feel safe right now. They don't feel at home in a community that they love, and nobody should feel that way. So I know we can get this done, and I do really believe that these funds that were being granted by the federal government present a once in a lifetime opportunity. But we need to be strategic about it. So that's what I'll say about that.

And tomorrow's Election Day polls are open from six a.m. to nine p.m. make sure you get out and vote. And don't forget to flip your ballot over. There are a number of critical propositions on the back of the ballot. Five statewide, one county wide, one local proposition. And if you need any information on those, I know it's a lot of information to take in. Feel free to message me, call me, email me or, you know, I'm sure any of my colleagues on the council will have all the information that you might need to really make an informed decision when you flip that ballot over. If you're looking for where to go, you can go on the Dutchess Board of Election website to find your polling location. And again, polls are open tomorrow from six a.m. to nine p.m. There are some critical elections that are determining the future of our community in our county on that ballot, so please, everyone, if you can get out and vote. Don't forget, tell everyone that you know your neighbors, your friends, that it's an election. It's not a federal election year, but it's a local election year and all elections matter. And that concludes my comments. And with that, I'd like to move to the mayor's comments.

VI. MAYOR'S COMMENTS

Official Minutes of the Common Council Meeting of November 1, 2021

Thank you chair. And co-chair and as you stated, we had violence in the city of Poughkeepsie over the past several days that we have not seen the likes of maybe ever or the types of violence in the way it was perpetrated. Officers were saying they hadn't seen that many individuals affected by gunfire and probably 30 years of one particular evening. I want to talk a little bit about that. I also respectfully, I have a call with police command that was scheduled for 8:30 to talk about some of the things we want to talk about right now. So I appreciate the ability to do that when I get done with these comments. And if there are any questions or discussions that need to be had, I will be in here first thing tomorrow morning with another meeting with additional resources that we're discussing and as part of the call tonight.

So I appreciate that chair and I first want to commend the men and women of the City of Poughkeepsie Police Department, who exhibit on unbelievable bravery the other night. And they do it every single day, 24 hours a day. But the strain on those officers the other night and extremely violent situations was exemplary how they handled it. Also want to thank all of our surrounding agencies that came in to the city of Poughkeepsie when calls for help were broadcast. And they also deserve our thanks because all of these agencies work together as a team.

There are many challenges to this gun violence and other types of violence that the cities and communities across this nation are facing, but specifically here in the city. And as you spoke about, there are lots of things that we need to discuss and we'll have that opportunity, especially with budget process starting to happen in earnest. I'm sure shortly where they run the gamut from prevention, education and enforcement and making sure that we have enough officers on the street to not only protect themselves, but the public and many of all of these. These challenges do have potential solutions that we will explore together.

We also want I want to talk just about a couple of things that that that took place in the early evening hours. And this was this was this was a series of events that started a little bit before midnight and went on through the early morning hours here in the city and we were aware of certain things. The police department was aware of certain things and there was special policing resources that were in place. However, when things changed dramatically after the initial incident, which took place on Cannon Street, which was a joint, I give detail on our gun involved violence elimination details. This one was with the state police and our officers were a vehicle stop was initiated due to certain types of activity that resulted in a brief pursuit that that vehicle ended up crashing into the wall in front of the Post Office.

There were two individuals in the car. The driver fled and subsequently eluded our officers and state police members. Two handguns were recovered in that car, along with the passenger who was charged by the state police. This is a state police case now. That was the beginning of it. Then approximately a little after one o'clock in the morning while we were still working on the incident that with the

chase that there was a report of an individual with a gun on Cannon Street, officers responded to that location of the individual with the gun was pointed out to our officers that had responded and there was a struggle with that individual at which time the report was that bottles and some rocks were thrown at our officers. In a fairly chaotic scene. They were essentially surrounded by some. Not all. Not everybody that was there. But there was enough to make it a very dangerous situation for the officers. The individual was taken into custody and was in possession of a handgun. Another additional handgun was found under a car on that street.

And so that shows you what was happening in in those in those early hours of Friday morning, starting just a little bit before midnight. And then we become aware of a bus that came down from the Albany area that was involved in a series of incidents in different parts of the downtown, where we believe that shots were exchanged and individuals were became gunshot victims. We tell you that the bus was subsequently located that during that initial search of the bus because the bus was at the hospital.

Where our understanding is that it dropped off some individuals who were wounded in one of these locations where shots were being fired, that there was a search warrant executed on the bus and five handguns were found on the bus along with shell casings, and that you had approximately you had nine handguns that were removed from the street that night there. At this point, there were the two arrests, one from the vehicle chase with the handguns and one with the individual who was in possession of the handgun on Cannon Street. We have made a targeted policing hotspot.

Policing has been part of the policing program here in the city of Poughkeepsie. For a good number of years, we will be doing additional hotspot and targeted policing in areas where we believe there is their propensity for gun violence. And unfortunately, you had five victims from the incidents on early Friday morning. My understanding is four were from the Albany area and one was from the city of Poughkeepsie. And then on Saturday evening, both in the six o'clock hours and I believe the 10:00 hours that would be another two incidents of gun violence in the city.

One of the main street and one near Soldiers Fountain at this time, I don't know. I would not speculate whether those are related to the Friday morning incidents, and there is a lot of work that is continuing to be done. And that's why I am speaking with command. And just a little bit is that we can we can say that cooperation has not been we haven't got as much cooperation as we need, but that doesn't mean that that they're not doing all the other things that they need to do. We have gun evidence. We have we have evidence from shell casings and expended rounds to work rounds fired into the bus. We believe that individuals were hit actually on the bus.

Official Minutes of the Common Council Meeting of November 1, 2021

And what I would say is that I don't know what, how those types of things with other individuals coming into the community and apparently in possession of firearms. That is an extraordinary incident in the way that it took place and unfolded throughout the early morning hours, with our officers responding to multiple locations with the assistance of the state police, which were already in the city. And then additional state police members were here, along with sheriff's deputies and Poughkeepsie police officers and the MTA police. But very difficult to prepare for something like that.

I pray that we never have an incident like that again, and we are going to continue to do all that we can to prevent those types of things, but also to deter them like we tried to do. But the circumstances just overwhelmed the, you know, the amount of officers that we had available to handle these types of things. And we do we do need help from the public. And we say this after every incident of violence, you know, specifically gun violence and know I can say, you know, as many times as it can be said is that we don't get a lot of cooperation.

And that really makes it very difficult to make cases against people that we want to hold accountable for these incidents. And we encourage people to call, you know, our tip line, which is, you know, 451-7577 seven say something to someone. You know, all these calls are kept confidential. But this was a series of incidents that took place that, you know, essentially without our partners in other communities, could have been different.

And I understand that people are frustrated. I am. I am frustrated, but we are continuing to work on solutions. And we will obviously work together on this, and as you spoke about earlier than the fact that we have rescue plan money, this council, it's in the budget to be debated the body, and we look forward to that also over the weekend.

On a good note, and obviously many of you were present, I was able to attend one of the Halloween events. There were at least three actually, there were four. There was the trunk or treat that was originally that was that was scheduled to happen, there was the big event on College Hill that was moved to the library and appreciate everyone, you know, working together to try to move that. There also was an event at Change Point Church. There was another trunk or treat event and then there was the event on Sunday at Eastman Park. And the weather obviously cooperated for that very well attended and that was by many of our community partners and specifically involving the 35th Montgomery Street coalition.

Tonight I have the honor and the opportunity to introduce to you for some that may not know this person, but chair that is of the individual that I have asked to be our next corporation counsel with. Obviously, with your approval. Becky Valk, Rebecca Valk, who have served with the corporation counsel previously here in the city.

Official Minutes of the Common Council Meeting of November 1, 2021

I've asked her to take over the position that Paul Ackerman is leaving after 14 years, and I can't ever say enough about my friend and our colleague Paul and what he has been able to do for the corporation counsel's office and taking care of the legal aspects with his team here in the city of Poughkeepsie for 14 years. And that's a pretty darn good run. But Becky comes with just a wealth of experience in municipal law, and she will be coming on board. She's going to start. Her effective start date is on November 15th, and we look forward to having Becky here working with all of us. And I believe Chair, she is here. If you wanted to, if you wanted to at least bring her on for a minute or two when she could, she could say hello to all of you. I know that recently sent an email and her resume has been circulated and anyone who wants to, you know, to meet with Becky can. We could certainly help out with that. Stacy Bottoms here in the offices is able to set up any meetings one on one or at will. I'll leave that up to you, chair and the council on how they might want to do it. I see that Rebecca, Becky Valk is here. Welcome to this meeting and look forward to the future meetings with you and the council.

Chair Salem: Thank you, Rob. Rebecca, it's great to have you on this meeting, I do want to offer you an opportunity just to say hi to everyone. We'll hold questions for another time. But yeah, I mean, welcome you to say hi to speak to whatever your experience, but you have.

Rebecca Valk, Esq.: Well, I won't take too long because you have a very heavy agenda this evening, first of all, thank you, mayor, for those lovely comments. I appreciate the introduction. I look forward to hopefully serving even close to what Mr. Ackerman has done in the last 14 years with the city of Poughkeepsie. He's done an amazing job. I worked with him for two years and I look forward to continuing his great work with the city. I look forward to meeting all of you. As the mayor stated, I've been asked to begin on November 15th. However, I am available any time between now and that point. If you would like to have a conversation with me and get to know me a little bit better, I do understand you have my resume. I have pretty much for my entire career focused on work that is government based on municipal base. And I'm just really excited for this opportunity. Thank you.

Chair Salem: Great. Thank you so much. Really appreciate that. Good to see you. Yeah. And we'll be in touch. And if any council members have questions, you have Rebecca or miss Bob's contact info and can reach out. And I do want to echo the mayor's sentiments, too, Mr. Ackerman. You've been incredible since I've been on the council. It's been a pleasure to work with you. And I'm actually very sad to see you go honestly. And I'm sorry if I accidentally text you legal questions, but I promise I will.

Corporation Counsel Paul Ackerman: Anytime you want.

Chair Salem: Great. Thanks, Paul. Awesome. So, Rebecca, I'm going to pop you back over to the attendee side.

Mayor Rolison: And chair, I appreciate the opportunity tonight. And as you had mentioned in your remarks, tomorrow is Election Day. Very important day for all the communities that have elections and people should go out and exercise that right. Thank you chair.

VII. REPORTS OF COMMITTEES AND BOARDS:

VIII. MOTIONS AND RESOLUTIONS:

A motion was made by Councilmember Brannen and seconded by Councilmember Flowers to receive and print.

1. Resolution R-21-79, Approving a Memorandum of Agreement with PPFPA

**RESOLUTION
(R-21-79)**

**INTRODUCED BY COUNCIL MEMBERS L. JOHNSON, PETSAS, FLOWERS
McCLINTON, R. JOHNSON, CHERRY, MENIST, BRANNEN & SALEM:**

WHEREAS, the City of Poughkeepsie (the “City”) and the Professional Firefighters Association, Local 396, IAFF, AFL-CIO (“PPFFA”) are parties to a Collective Bargaining Agreement for the period ending December 31, 2020; and

WHEREAS, the parties are actively engaged in negotiations for a successor collective bargaining agreement and, pending the conclusion of said negotiations, the City has agreed to pay all members of the bargaining unit a raise of 2.5%, retroactive to January 1st, 2021, under the terms of the attached Memorandum of Agreement executed as of October 25, 2021, and

WHEREAS, the Firefighters union has ratified the terms of the Memorandum of Agreement, by a vote of its members, and

WHEREAS, it is the desire of the Common Council to authorize and approve the financial terms of the settlement; and

WHEREAS, the Common Council has determined that this resolution constitutes a Type II action as defined by the New York State Environmental Quality Review Act and 6 NYCRR Part 617,

NOW THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby approves a Memorandum of Agreement between the City of Poughkeepsie and the City of Poughkeepsie CSEA in form and substance as attached hereto; and be it further

RESOLVED, that the Mayor is authorized to execute and give effect to the Memorandum of Agreement and that the terms contained in the Memorandum of Agreement shall supersede any inconsistent provisions in the Collective Bargaining Agreement currently in effect between the parties thereto to the extent that there is a conflict.

SECONDED BY _____.

R-21-79						
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McClinton	Votes	☒	☐	☐	☐
	Councilmember Cherry	Voter	☐	☐	☐	☒
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

IX. ORDINANCES AND LOCAL LAWS:

X. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

1. **A COMMUNICATION FROM CITY ADMINISTRATOR NELSON**, regarding the acceptance of a donation of certain real property
2. **A PRESENTATION FROM ASSISTANT CORPORATION COUNSEL WILSON**, addressing Blight Through Updated Codes and Code Enforcement

The meeting was adjourned at 10:05 by Chair Salem in the absence of quorum.

- ~~3. A COMMUNICATION FROM ACTING DEVELOPMENT DIRECTOR QUINN, Rezoning Application Regarding 117 N. Hamilton Street~~

Official Minutes of the Common Council Meeting of November 1, 2021

~~4. FROM WAYNE CRAFT, a notice of property damage sustained on October 13, 2021~~

~~XI. UNFINISHED BUSINESS~~

~~XII. NEW BUSINESS~~

~~XIII. ADJOURNMENT~~

Dated: November 19, 2021

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, November 1, 2021.

Respectfully submitted,

**Jasmin Nicole Davis
City Chamberlain**



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, November 15, 2021 6:30 p.m.

Virtual / Zoom

Welcome to the regularly scheduled meeting of the City of Poughkeepsie Common Council the date is November 15, 2021, and the time is 6:36 pm.

I'd like to acknowledge that we are gathered, wherever we are, on the traditional territory of the Lenape people and this territory was a critical resting place along a popular trade route for people of the Lenape Nation and other cultures as is evidenced in the earliest derivation of the name 'Poughkeepsie' with an indigenous string of words, U-puku-ipi-sing, that, when translated, means 'reed-covered lodge by the little water place' or resting place.

Let's all recite the pledge of allegiance.

I. PLEDGE OF ALLEGIANCE:

ROLL CALL – Five present, 4 absent at time of roll call (Late arrival: Councilmembers Flowers & Cherry)

II. REVIEW OF MINUTES:

**Public Hearing Meeting October 18, 2021
Common Council Meeting October 18, 2021**

**Motion to accept the minutes: Councilmember R. Johnson
2nd: Councilmember Menist**

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

NONE

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

1. Laurie Sandow, S. Grand Ave. – submitted written comments

I registered to speak at the Common Council meeting of November 15, 2021, but my name was not called. That meeting, as has become commonplace, failed to begin on time due to habitual lateness and absenteeism by certain councilmembers. As a result, all of those registered to speak at the meeting, as well as those registered to virtually attend via zoom were kept twiddling their thumbs, waiting for enough councilmembers to show up to constitute a quorum. Chair Sarah Salem announced that 65 people had signed up to speak during public comments, yet all registrants were NOT granted the opportunity to speak. Of the fraction given that privilege, all but one spoke in favor of the proposed “Good Cause Eviction” law, and most were members of organizations that endorsed Salem’s re-election. Favoritism much, or pure “coincidence”? Let me guess.

In addition, Chair Salem chose to turn their back on both the public and the democratic process, by refusing to exercise the following option from the c/PK Charter: “Prior to submitting any proposed legislation to a vote of the common council at any regular or special meeting, the person serving as chairperson shall suspend the rules of the meeting upon such conditions as he or she may determine to permit comment upon such proposed legislation by any member of the public in attendance who wishes to be heard.” During public comments, Salem had also refused a fellow councilmember's request to hear from speakers who had comments on matters other than Good Cause Eviction.

Given the questionable proceedings and violations that took place at the November 15 Common Council meeting, a Freedom of Information request was submitted for the time-stamped correspondence from all who registered to speak, as well for the list of all those who registered to attend the meeting via Zoom. Though the requested information was, and remains, instantly available to both Council Chair Sarah Salem, and City Chamberlain Jasmin Davis, each has been non-responsive to the Freedom of Information request, violating the City of Poughkeepsie Administrative Code, the Freedom of Information Law, as well as their own oaths of office.

That City of Poughkeepsie Administrative Code includes the following extracts: Chapter 2. Administration – Article VIII. Public Access to Records Section 2-101. Purpose and scope; construction. [Res. of 12-18-1979, § 1; Ord. of 1-18-2005] (a) The people's right to know the process of government decision-making and the

documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality. (b) This article provides information concerning the procedures by which records may be obtained. (c) Personnel shall furnish to the public the information and records required by the Freedom of Information Law,[1] as well as records otherwise available by law. [1] Editor's Note: See Article 6 of the Public Officers Law. (d) Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records. AND, from the same Article VIII. Public Access to Records: Section 2-102. (a) The Common Council is responsible for ensuring compliance with the regulations herein...

As to my comments which were kept from entering the audible record, they would have begun by noting the illegal Executive Session at the Common Council meeting of November 1, 2021. Open Meetings Law requires that a motion for Executive Session be made identifying the subject to be considered, and that the subject be one that is legally qualified for Executive Session. As one of the many members of the public left in the lurch during this and other Executive Sessions, I note the irony of the Council's "privilege", taking their sweet time to leave the public hanging for legal and illegal Executive Sessions vs. Salem's usual impatience and haste to terminate public comments.

At the November 15 Council meeting, the agenda included a rescheduled "communication" by Planning Director and Acting Development Director Natalie Quinn (who currently wears both hats), seeking to rezone Baxter's 117 N. Hamilton St. parcel. Yet Corporation Counsel Sarah Wilson's presentation—abruptly and inexcusable derailed when half the councilmembers disappeared in the middle of the November 1 meeting—was not rescheduled. Need I point out the paychecks collected by the same councilmembers who jumped ship, or never attended, that November 1 meeting?

Ask yourselves, though, why Natalie Quinn's communication was rescheduled, and is front of the Council in the first place? Ask yourselves how many members of the Common Council are familiar with zoning law, variances and other obligatory zoning considerations. Ask yourselves which councilmembers have regularly—or ever—attend City of Poughkeepsie Planning Board and/or Zoning Board of Appeals meetings, or followed up on whether a sale resolution that they've personally sponsored, and that the Council has authorized, to carefully and continuously assure that the buyer has kept to the terms of the Resolution. Also ask yourselves why Ms. Quinn, who is heading the secretive PK4Keeps

Comprehensive Plan and Zoning charade—where no meeting dates, minutes, or attendance records are ever shared with the public, and no webcasts ever recorded or broadcast—whether Quinn has brought this particular rezoning request to the secretive Steering Committee for their consideration and oversight, or how much of the City Quinn relentlessly continues to have developed and rezoned before PK4Keeps ever produces a final “vision”.

Hardly least on the November 15 Common Council meeting agenda was the cynical “Good Cause Eviction Law”, an election season stunt which pretends to protect tenants while being certain to harm them. As I have said before at previous meetings, providing more detail and speaking at greater length, this law does nothing to prevent the short-term leases that plague this City, nor to roll back the already unaffordable rents, nor does it address landlord’s use of more stringent screening, credit score and income requirements. It doesn’t guarantee legal aid to tenants or landlords. It does nothing to cure housing conditions and landlord housing code violations, to overcome tenant’s fear of retaliation if they report those violations, nor landlord’s predictable intent to respond to this law by raising rents 5% each and every year so as not to fall behind the inflated market curve.

Furthermore, Evan Menist’s developer and architect friends—at Luckey Platt, for example—have already laid the groundwork and led the way in the coded language that Menist calls “incentivized” investment, justifying evictions and jacked up rents way beyond 5% per annum. When tenants land in court as a result of this law, as they surely will, it’s a near-certainty that this Council’s virtue-signaling members—the same ones currently grandstanding about “Good Cause Eviction”—will be nowhere to be found to aid, support, or defend those tenants.

2. Justin Philips – submitted written comments

Good Cause eviction will stifle investment in housing in the City of Poughkeepsie. The value of rental properties in markets with good cause eviction standards will decrease.

The sale of rental units with tenants that can only be evicted for good cause may bring in 30% to 40% less than the sale of vacant rental units. Decreases in rental housing investment will also have a negative impact on the amount of revenue generated by state and local real estate transaction taxes. Dutchess County receives money through the State’s real estate transaction taxes. If less houses are being purchased to be utilized as rental housing, Dutchess County will receive less in their allocation.

Limiting landlords to an arbitrary rent cap of five percent will discourage landlords from making necessary improvements to their rental properties and will negatively impact tenants who are already living in these properties.

Small mom and pop landlords will in some cases be forced to sell their rental properties thus taking much needed affordable housing units off the market.

This bill enacts de-facto rent control in the City of Poughkeepsie. One of the unintended consequences of rent control is that many times these properties are occupied by more affluent residents and fail to help those who they are intended to help.

Good cause eviction will discourage individuals who are looking to purchase property in Poughkeepsie as rental units thus making affordable housing units more scarce in the City.

Renters in the City of Poughkeepsie will lose the personal relationship they have with mom-and-pop landlords in the City and will have to deal with larger Corporate landlords who are not as attentive to their needs and less willing to work with them in certain situations.

Good cause eviction is antithetical to the notion of private property rights. For many small landlords, their real estate properties.

3. Lily Bencivenga, West Cedar Street – submitted written comments

Hi my name is Lily Bencivenga. I use she/her pronouns and I currently reside on West Cedar Street in Poughkeepsie. I am speaking with the grassroots organization, For The Many.

I am a renter who has lived in Poughkeepsie for a few years now. I am here to speak in support of Good Cause Eviction. I think it is important that a tenant has the right to renew their lease and to be protected against unfair rent increases and eviction. If I pay my rent and abide by the law and lease, I should not have to face eviction or homelessness. If somebody is abiding by the law then it is extremely unfair for them to end up homeless. This issue is important to me because growing up, I was raised by a single mom, there were times that my family struggled to afford our home and we actually had to quickly and unexpectedly relocate somewhere else. The house that we had to relocate to had dirty water, mice, and mold. This proposal would allow kids in my same position to actually have a solid home and not fear homelessness from a young age. Housing is a human right and growing up in poverty and fearing homelessness will impact me my whole life. This is a law that deeply impacts people's lives. I demand that you act now to protect tenant rights and keep our community together! I can really only see benefits coming from this legislation as somebody who has had to fear not having a roof above my head and food in my stomach growing up.

4. Lisa Boneta – submitted written comments

My name is Lisa Boneta and my pronouns are (she/her) and I am a renter who lives at Hudson Harbour Apartments and have been living in Poughkeepsie for 2 years. I'm emailing you today to speak in support of Good Cause Eviction. This law is needed to protect a tenant's right to renew their lease, and to guard against predatory rent increases and unfair evictions. All members of the community of Poughkeepsie deserve to have their housing rights protected.

I have seen many friends and neighbors leave Poughkeepsie because of rent increases - some over hundreds of dollars, especially during a pandemic when people were very vulnerable, uncertain of their finances, job and housing security - landlords saw this as an opportunity to make more money instead of showing up for the community.

No members of the community should have to face the threat of eviction, nor should they face rent increase, which is basically the same as an eviction. Housing is a BASIC HUMAN RIGHT not a privilege, and everyone in Poughkeepsie deserves QUALITY HOUSING - housing is not an opportunity for corporate landlords to make profits. I urge the council to pass Good Cause and put the residents of Poughkeepsie first - but I also ask that we don't just stop with Good Cause and hope the council will continue this fight for more affordable housing and rights for the people of Poughkeepsie. I demand that you act now to protect tenant rights, and keep our community together.

The Poughkeepsie Council has an opportunity to fix this issue by passing Good Cause. Thank you.

V. CHAIRPERSON'S COMMENTS AND PRESENTATIONS:

Chair Salem: In the interest of time I would like to hold my comments and pass to the mayor for mayor's comments.

VI. MAYOR'S COMMENTS

Thank you, Chair. As many of you know, unfortunately, lately, there was a shots fired incident earlier this afternoon, approximately 3:30 on Forbus Street in the vicinity of Poughkeepsie High School. Fortunately, no one was injured in that incident. I can tell you that our officers who are in the areas of the high school and the middle school for school dismissal were able to locate two individuals. My understanding is that one of our officers was involved in a foot pursuit. Those individuals were detained. A handgun was recovered from that area. Those individuals were brought to police headquarters. And at this time, it's the only information that I have on that incident. I

Official Minutes of the Common Council Meeting of November 15, 2021

am also aware and I do not have details at this point that at approximately before six o'clock, I believe, I know I was in-route here to City Hall. There was another incident of gunfire in the area of Smith Street and that that is actively being investigated as we speak. And if I do get definitive details on that, I certainly will make that available. But I don't want to comment any further because I just at this point, I just don't know.

On a lighter note that we will be celebrating this year the celebration of lights for the first time since 2019. It's going to take place on Friday, December 3rd at 6:30 and we'll go from essentially the Main Street and Catharine Street area down Main Street to Dongan Square, where there will be fireworks. I want to thank the Bardavon, who has been the chief sponsor of this, along with the River District Business Association for making this happen and I look forward to obviously participating in that. On December 3rd.

Updates on the comprehensive plan, that's moving along. There is another open house on the comp plan and the zoning code update initiatives that the city is taking place, the city has taken, is going on right now, and that's on December 1st from five to seven at the Adriance Memorial Library and also the online survey is still available on the PK 4 Keeps dot org website. We would appreciate anyone's input on this plan.

Ongoing back to, so on Tuesday and Wednesday of last week, I attended the Executive Committee meetings of the Conference of Mayors, where a lot of discussion was on not only the gun violence that is taking place in communities, but funding issues that are related to combating gun violence and other things that that are that are plaguing cities right now with drops in revenue. And we talked about rescue plan monies and a variety of other topics, including marijuana and new cannabis laws on what communities are doing as far as opting out, staying in and got a lot of information from NYCOM that I will be sharing with all of you on where NYCOM is in this as far as understanding of the different aspects of the new cannabis laws.

Excuse me. I'm also fighting a little bit of a cold where I see a couple of folks are out, I'm sure probably that's exactly what they've got going on something's going around. On Wednesday, excuse me again, I will be going up to Albany and I will be speaking before a hearing, a Senate hearing. Senator Jeremy Cooney, who is the committee chair of the committee called cities too. We're going to be talking about issues surrounding funding for local governments expect, especially the smaller cities throughout the state. I'm looking forward to having that opportunity to share the story here of Poughkeepsie with Senator Cooney and his staff and other legislators, and that's going to take place on Wednesday. And I'll be able to tell you a little bit about that when at our next meeting.

An update on our pedestrian safety program, the new pedestrian work that is going on at the targeted intersections throughout the city, which are high volume areas where we have had incidents of accidents and pedestrian challenges. Right now, the work is

taking place at Rinaldi and Main, Main and Worrall. Also, there is work going on at Cherry and Main Street. All of this is somewhat weather dependent, but those intersections, which are being done right now will then will be followed up next year when the weather warms up again by the rest of the intersections that are targeted in the city.

We have been the recipient, very lucky that the McCann Foundation has purchased a brand new playground for Spratt Park, which is currently being installed, again, literally as we speak. I don't know exactly when it will be finished. That's also weather dependent. They're pouring concrete and doing things such as that. But that is going on right now, and we really want to thank the McCann Foundation for that generous gesture for the Spratt Park playground.

Leaves are being picked up citywide. We will be going to two shifts of leaf trucks being out if we haven't already. Leaf bags are being also picked up so people can put their leaves to the curb, both in the piles or also in leaf bags. And leaf bags are being picked up also by sanitation on Wednesdays. So that's probably the best day to get them out there because we can't pick them up with the vac trucks. They will be, leaves will be picked up as we do every year as long as we can go, weather dependent. And I know they're really starting to drop now with some of the weather and some of the wind and rain activity that we've had. So we encourage city residents to, you know, get them out to the curb, and we will get to them, and if you feel that you may have been missed, just give our Department of Public Works a ring or send one of us or your councilperson an email and we'll make sure it gets addressed. Snow equipment is being readied. Hopefully, we will not have to utilize it any time soon, but our equipment is ready to go when needed.

I'll end, Chair, just with one thing and it this sort of particular and has something you know that we all are concerned about is obviously the gun violence that that we're experiencing all too often, is that we had a very, very successful gun buyback program in partnership with the Attorney General's Office. There will be another gun buyback on December 4th at Beulah Baptist Church, where it was held last time between 10 and one, and we will make sure, I just literally received a flyer from the AG's office and the City of Poughkeepsie Police Department, and we'll get that distributed to all the councilmembers so we can get that out. Because the one that we had a few months ago, I believe, there was something along the lines of about 80 guns were turned in and any gun, whether it's completely operable, one that hasn't been used in a long time or one that just was not going to get in the hands of someone else who may come in possession of a gun and also, too, the accidental shootings that also can get can take place with individuals that aren't trained in the proper use of firearms and every gun off the street is a good gun that we don't need on the street. So thank you, Chair. Appreciate it.

VII. REPORTS OF COMMITTEES AND BOARDS:

Chair Salem moved communication #1 under X. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS (the below communication from Acting Development Director Natalie Quinn) out of order before moving to VII. MOTIONS AND RESOLUTIONS

- 1. A COMMUNICATION FROM ACTING DEVELOPMENT DIRECTOR QUINN, Rezoning Application Regarding 117 N. Hamilton Street**

VIII. MOTIONS AND RESOLUTIONS:

A motion was made by Councilmember Menist and seconded by Councilmember L. Johnson to receive and print.

- 1. R-21-80, Resolution setting a Public Hearing on proposed re-zoning of 117 N. Hamilton St.**

**RESOLUTION INTRODUCING AMENDMENT TO THE CITY OF POUGHKEPSIE
CODE OF ORDINANCES ENTITLED "ZONING AND LAND USE REGULATION AND
PROVIDING FOR PUBLIC NOTICE AND HEARING
R-21-80**

INTRODUCED BY COUNCIL MEMBER: FLOWERS

BE IT RESOLVED that an introductory ordinance amending the City of Poughkeepsie Code of Ordinances, entitled "Zoning and Land Use Regulation, the rezoning of 117 North Hamilton Street" 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 December 6th, 2021; and

Official Minutes of the Common Council Meeting of November 15, 2021

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.

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

Dated: November __, 2021

R-21-80						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McClinton	Votes	☐	☐	☐	☒
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☐	☐	☐	☒
	Chair Salem	Voter	☒	☐	☐	☐

2. R-21-81, Resolution accepting a donation of certain real property (for subsequent conveyance to Springside Condominium Association

RESOLUTION
R-21-81

INTRODUCED BY COUNCILMEMBER BRANNEN :

WHEREAS, J. Allen Britvan has offered to convey title to certain parcels of real property more fully described in Schedule "A" attached as a gift to the City; and

Official Minutes of the Common Council Meeting of November 15, 2021

WHEREAS, pursuant to section 2.05(j) of the Administrative Code of the City of Poughkeepsie the Common Council is authorized to accept gifts on behalf of the City of Poughkeepsie; and

WHEREAS, the Common Council has found it to be in the best interest of the City and the residents thereof to accept the gift of the real property with the understanding that the City will negotiate the subsequent sale of the parcels with the Springside Homeowners Association which will return the parcels to the tax rolls; and

NOW, THEREFORE,

BE IT RESOLVED, that the City of Poughkeepsie hereby accepts the gift from J. Allen Britvan of title to the real property more fully described in Schedule "A" attached; and be it further

RESOLVED that the Mayor and the City Administrator and the Corporation Counsel be and they hereby are authorized and empowered to execute all documents and to take any steps necessary and convenient to give full effect to this Resolution.

SECONDED BY COUNCILMEMBER _____.

R-21-81						
			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McClinton	Votes	☐	☐	☐	☒
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☐	☒	☐	☐
	Councilmember Brannen	Voter	☐	☐	☐	☒
	Chair Salem	Voter	☒	☐	☐	☐

IX. ORDINANCES AND LOCAL LAWS:

A motion was made by Councilmember Menist and seconded by Councilmember Cherry to receive and print.

1. **LL-21-04**, a Local Law amending Chapter 12 entitled "Housing" of the code of the City of Poughkeepsie to prohibit evictions without good cause

LL-21-04

A LOCAL LAW AMENDING CHAPTER 12 ENTITLED "HOUSING" OF THE CODE OF THE CITY OF POUGHKEEPSIE TO PROHIBIT EVICTIONS WITHOUT GOOD CAUSE

SPONSORED BY CHAIR SALEM AND COUNCILMEMBER MENIST:

Section 1. Title

This local law shall be known as Local Law No. 04 for the year 2021.

Section 2. Legislative Findings, Intent, and Purpose.

Renters in the City of Poughkeepsie, especially low- and moderate-income renters are increasingly faced with the refusal of landlords to continue to rent to otherwise credit-worthy tenants and tenants who are otherwise following all applicable laws. Increased real estate prices in the city is leading to increases in gentrification and the displacement of tenants who cannot afford increasing rents. The purpose of this law is to protect tenants from exorbitant rent increases that could result in increased homelessness within the City.

Section 3. Statement of Authority

This local law is authorized by the Municipal Home Rule Law (chapter 36-a of the Consolidated Laws of the State of New York) and the General City Law (chapter 21 of the Consolidated Laws of the State of New York).

Section 4. Amendment to the Code of the City of Poughkeepsie

Chapter 12 of the Code of the City of Poughkeepsie, entitled "Housing" is amended by ADDING the following Division within Article III entitled "Minimum Standards":

DIVISION 9

Prohibition of Eviction Without Good Cause

Section 12-175 Applicability

This article shall apply to all housing accommodations except:

- A. Owner-occupied premises with less than four units.
- B. Premises where the possession, use, or occupancy of which is solely incident to employment and such employment is being lawfully terminated.
- C. Premises otherwise subject to regulation of rents or evictions pursuant to state or federal law to the extent that such state or federal law requires "good cause" for termination or non-renewal of such tenancies.
- D. Premises sublet pursuant to section two hundred twenty-six-b of the New York State Real Property Law or otherwise, where the sub-lessor seeks in good faith to recover possession of such housing accommodation for personal use and occupancy.

Section 12-176 Grounds for removal of tenants

A. No landlord shall remove a tenant from any housing accommodation, or attempt such removal or exclusion from possession, notwithstanding that the tenant has no written lease or that the lease or other rental agreement has expired or otherwise terminated, except upon order of a competent jurisdiction entered in an appropriate judicial action or proceeding in which the petitioner or plaintiff has established one of the following grounds as good cause for removal or eviction:

(1) The tenant has failed to pay rent due and owing, provided, however, that the rent due and owing, or any part thereof, did not result from a rent increase or pattern of rent increases which, regardless of the tenant's prior consent, if any, is unconscionable or imposed for the purpose of circumventing the intent of this article. In determining whether all or part of the rent due and owing is the result of an unconscionable rent increase or pattern of rent increases that is imposed for the purpose of circumventing this article, the Court may consider, among other factors,

i) the rate of the increase relative to the tenant's ability to afford said increase and to the relative rate of rent burden, ii) improvements made to the subject unit or common areas serving said unit, iii) whether the increase was precipitated by the tenant engaging in the activity described at Section 223-b (1)(a)-(c) of the Real Property Law, iv) significant market changes relevant to the subject unit, and v) the condition of the unit or common areas serving the unit, and it shall be a rebuttable presumption that the rent for a dwelling is unconscionable or imposed for the purpose of circumventing the intent of this article if said rent has been increased in any calendar year by a percentage exceeding five percent;

- (2) The tenant is violating a legal obligation of their tenancy, other than the obligation to surrender possession, and has failed to cure such violation after written notice that the violation ceases within ten days of receipt of such written notice, provided, however, that the obligation of tenancy for which violation is claimed was not imposed for the purpose of circumventing the intent of this article;
- (3) The tenant is committing or permitting a nuisance in such housing accommodation, common areas, or other areas of the property, or is maliciously or by reason of negligence damaging the housing accommodation, common areas, or other areas of the property; or the tenant's conduct is such as to interfere with the comfort of the landlord or other tenants or occupants of the same or adjacent buildings or structures, including but not limited to, smoking inside the residential unit where smoking inside the residential unit has been prohibited by the landlord and such prohibition has been communicated to the tenant, failing to dispose of waste created by the tenant's pet(s) from the property on which the residential unit is located in accordance with relevant laws, repeatedly engaging in activities that cause an unreasonable amount of noise or allowing others to do so without taking appropriate steps to mitigate such noise, and causing the accumulation of excessive rubbish and/or garbage in the residential unit and common areas
- (4) Occupancy of the housing accommodation by the tenant is in violation of or causes a violation of law and the landlord is subject to civil or criminal penalties, therefore; provided however that the City of Poughkeepsie or other qualified governmental entity has issued an order requiring the tenant to vacate the housing accommodation. No tenant shall be removed from the possession of a housing accommodation on such ground unless the court finds that the cure of the violation of law requires the removal of the tenant and that the landlord did not, through neglect or deliberate action or failure to act, create the condition necessitating the order to vacate. In instances where the landlord does not undertake to cure conditions of the housing

accommodation causing such violation of the law, the tenant shall have the right to pay or secure payment in a manner satisfactory to the court, to cure such violation provided that any tenant expenditures shall be applied against rent to which the landlord is entitled. In instances where removal of a tenant is absolutely essential to their health and safety, the removal of the tenant shall be without prejudice to any leasehold interest or other right of occupancy the tenant may have and the tenant shall be entitled to resume possession at such time as the dangerous conditions have been removed. Nothing herein shall abrogate or otherwise limit the right of a tenant to bring an action for monetary damages against the landlord to compel compliance by the landlord with all applicable laws;

- (5) The tenant is using or permitting the housing accommodation to be used for an illegal purpose;
- (6) The tenant has unreasonably refused the landlord access to the housing accommodation for the purpose of making necessary repairs or improvements required by law or for the purpose of showing the housing accommodation to a prospective purchaser, mortgagee, or other person having a legitimate interest therein;
- (7) The landlord seeks in good faith to recover possession of a housing accommodation located in a building containing fewer than twelve units because of immediate and compelling necessity for their own personal use and occupancy as their principal residence, or the personal use and occupancy as principal residence of their partner, spouse, parent, child, stepchild, father-in-law or mother-in-law, when no other suitable housing accommodation in such building is available. This paragraph shall permit recovery of only one housing accommodation and shall not apply to a housing accommodation occupied by a tenant who is sixty-two years of age or older or who is a disabled person;

- (8) The landlord seeks in good faith to recover possession of any or all housing accommodations located in a building with less than five units to personally occupy such housing accommodations as their principal residence;
- (9) The owner-landlord has in good faith entered into a contract for the sale of the housing accommodation and such contract requires that the housing accommodation be transferred free and clear of any and all residential tenancy obligations as a condition of such sale where the owner-landlord has no shared financial or other interest with the potential buyer other than the sale of the housing accommodation in question and submitted sufficient proof to the com1 thereof
- (10) Where the tenant has refused in bad faith to enter into a written lease which has been offered in good faith to the tenant by the landlord, subject to the following:
 - (a) The proposed written lease must have been offered to the tenant in writing on at least two occasions at least two weeks apart, and such written offer shall include:
 - (i) an original and one copy of the proposed written lease, executed by the landlord or their designee;
 - (ii) notice of the landlord's intention to pursue eviction if the tenant rejects the proposed written lease and/or does not enter into said lease within thirty days of the initial offer and specifying that the landlord may pursue eviction at any time between the expiration of the 45 days and 120 days of the date of such offer;

(iii) clear instructions to the tenant concerning the manner in which the tenant is to communicate to the landlord acceptance or rejection of the written lease;

(iv) Notice of any proposed increase in rent equal to or greater than 5% shall be provided in compliance with Real Property Law § 226-C;

(b) the proposed written lease shall not supersede an existing, active lease to which the landlord and the tenant are parties;

(c) The terms of the proposed written lease may not

(i) be unconscionable and/or mandate or proscribe activities not rationally related to the regulation of activities that would create a nuisance at the property or cause discomfort to the tenants or occupants of the same or adjacent buildings or structures, including, but not limited to activities described in subdivision (3) of subsection A above; or

(ii) substantially alter the terms of any existing lease other than to provide reasonable clarification of the terms and conditions of the tenancy;

(d) the proposed written lease shall not be offered for the purposes of circumventing this article;

(e) the tenant shall be entitled to dismissal of any eviction petition brought for the tenant's refusal to enter into a lease according to these terms if

(i) the tenant consents to enter into the proposed written lease presented in the first offer pursuant to subsection 10(a) at any time prior to the earlier of the execution of the warrant of eviction or the

good faith execution of an enforceable lease agreement between the landlord and a different party in an arms-length transaction for the premises occupied by the tenant regardless of landlord's willingness to accept said consent at the time it is communicated; and/or

(ii) prior to the commencement of the eviction proceeding the tenant attempted in good faith to negotiate the terms of the proposed written lease without substantially altering the terms of the prior lease agreement and that the landlord refused in bad faith to engage in such negotiation; and/or

(iii) the tenant's failure to enter into the proposed written lease was due to a good-faith failure to comprehend the terms of the proposed written lease;

(iv) the tenant is a victim of domestic violence as defined by NY Social Service Law §459-A and is unable to safely enter into the proposed written lease due to good faith concerns for the tenant's personal safety; and/or

(V) the proposed written lease includes an increase in rent or increase in the tenant's responsibility for recurring payments associated with the tenancy that would violate the terms or intent of subdivision (1) of subsection (A), above;

(f) that any proceeding for eviction pursuant to this subsection shall have been commenced within 120 days of the proposed written lease first having been offered to the tenant, provided, however, the landlord may commence the process for execution of a lease pursuant to this subdivision by submitting a new or revised lease to the tenant that would recommence the 120-day time period for a potential eviction action pursuant to this subdivision.

Section 5. Severability.

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined to its operation in said clause, sentence, paragraph, section or part of this Local Law.

Section 6. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

LL-21-04						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McClinton	Votes	☐	☐	☐	☒
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☐	☒	☐	☐
	Councilmember Brannen	Voter	☐	☐	☐	☒
	Chair Salem	Voter	☒	☐	☐	☐

X. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

1. ~~A COMMUNICATION FROM ACTING DEVELOPMENT DIRECTOR QUINN, Rezoning Application Regarding 117 N. Hamilton Street~~ *(moved communication to before VII. Motions & Resolutions by Chair Salem)*
2. A COMMUNICATION FROM SARAH SMILEY, on C-PACE Financing Program
3. A PRESENTATION FROM COMMUNITY DEVELOPMENT COORDINATOR HESSE & CHAD BEACH, HERITAGE FINANCIAL CREDIT UNION, an Introduction to HFCU Financial Opportunity Center
4. A COMMUNICATION FROM CITY ADMINISTRATOR NELSON, on proposed sale of a vacant lot on N. Hamilton Street
5. A COMMUNICATION FROM CITY ADMINISTRATOR NELSON, on a proposed amendment to our local code (Section 19-4-1) in order to allow certain home businesses to operate during the pandemic

XI. ~~EXECUTIVE SESSION TO DISCUSS THE PROPOSED SALE, ACQUISITION OR LEASE OF REAL PROPERTY~~ *(moved Executive Session to after XII. UNFINISHED BUSINESS & XIII. NEW BUSINESS by Chair Salem)*

XII. UNFINISHED BUSINESS

XIII. NEW BUSINESS

**EXECUTIVE SESSION TO DISCUSS THE PROPOSED SALE, ACQUISITION
OR LEASE OF REAL PROPERTY**

Councilmember Menist made a motion to resume regular meeting and was seconded by Councilmember Flowers.

XIV. ADJOURNMENT

A motion was made by Councilmember Flowers and seconded by Councilmember Menist to adjourn the meeting at 11:08pm.

Dated: December 1, 2021

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, November 15, 2021.

Respectfully submitted,

**Jasmin Nicole Davis
City Chamberlain**

Official Minutes of the Public Hearing of December 6, 2021 Public Hearing Regarding the Proposed
re-zoning of 117 N. Hamilton St.



THE CITY OF POUGHKEEPSIE
NEW YORK

PUBLIC HEARING

Monday, December 6, 2021 6:00 p.m.

Virtual / Zoom

Welcome to the scheduled meeting of the Public Hearing in the City of Poughkeepsie. The date is December 6, 2021 and the time is 6:00 pm.

THIS HEARING IS FOR THE PURPOSE OF RECEIVING COMMENTS ON THE Public Hearing Regarding the proposed re-zoning of 117 N. Hamilton St.

Councilmember-At-Large Salem called the meeting to order at 6:10 p.m.

PUBLIC COMMENT: Five (5) minutes per person public comment.

1. Laurie Sandow, S. Grand Ave.

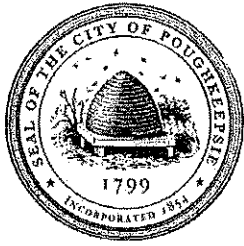
At 6:23 pm the Public Hearing was adjourned.

Dated: December 13, 2021

I hereby certify that this true and correct copy of the Minutes of the Common Council Public Hearing held on December 6, 2021.

Respectfully submitted,

**Jasmin N. Davis
City Chamberlain**



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, December 6, 2021 6:30 p.m.

Virtual / Zoom

Welcome to the regularly scheduled meeting of the City of Poughkeepsie Common Council the date is December 6, 2021, and the time is 6:33 pm.

I'd like to acknowledge that we are gathered, wherever we are, on the traditional territory of the Lenape people and this territory was a critical resting place along a popular trade route for people of the Lenape Nation and other cultures as is evidenced in the earliest derivation of the name 'Poughkeepsie' with an indigenous string of words, U-puku-ipi-sing, that, when translated, means 'reed-covered lodge by the little water place' or resting place.

Let's all recite the pledge of allegiance.

I. PLEDGE OF ALLEGIANCE:

ROLL CALL – Six present, 3 absent at time of roll call (Late arrival: Councilmembers Cherry & L. Johnson)

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

NONE

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

1. Laurie Sandow, S. Grand Ave. (submitted written comments)

Had I been allowed to speak at the November 15 Council meeting, I would have started by addressing the illegal Executive Session at the Council's November 1st meeting, which violated Open Meetings Law. But instead it's necessary to begin by addressing how and why I was unable to speak at the last meeting, and that is because—in violation of procedure that forbids people from adding more than their own name to the public comment list—Sarah Salem, in concert with the Chamberlain, allowed just two people from just two organizations—organizations

that “happened” to have endorsed Salem’s re-election campaign—to submit running lists for 59 people who couldn’t even be bothered to register on their own.

Those same organizers somehow began lobbying councilmembers before the meeting agenda was even posted. How did they learn about this agenda item before it was posted? And though Salem, as usual, was illegally non-responsive to Freedom of Information requests, one of Salem’s emails included this exchange with one organizer: “Do you have any way of letting me know who will be sharing and under what name? That would help me get the right person promoted and able to speak. ... Thanks, Sarah” Brahvan, The deadline is 4 pm the day of the meeting. For example, people interested in making a comment the next meeting must email Jasmin prior to 4 pm Monday, November 15. Do you have any way of letting me know who will be sharing and under what name? That would help me get the right person promoted and able to speak. Please send me these details prior to 4 pm on the day of the meeting- so November 15. I won't have enough time to check my email after that. Are you able to send this information prior to 4 pm on November 15? Thanks, Sarah

To ice the cake, when another councilmember asked Salem to allow speakers who wanted to address more than Good Cause Eviction, Salem dishonestly answered that they had no way of knowing what people wanted to talk about, even though Salem had full knowledge of the organizations, organizers, and purpose behind at least 59 registrants. I also call attention to the fact that the Chamberlain has not provided meeting minutes since October 18th—a violation of Open Meetings Law §106 which states in part that: “Minutes of meetings of all public bodies shall be available to the public ... within two weeks from the date of such meeting...”

Going back to the illegal Executive Session at the November 1 Council meeting, which violated Open Meetings Law requiring a motion for Executive Session identify the subject to be considered, as one of many members of the public left in the lurch, I wonder about its unidentified subject. Could it have been about: — How Salem, Brannen and Menist—entirely without authority—have made secret attempts to negotiate a settlement with Bonura? —Or about Mike Lund’s recent buildout at the Ice House, even knowing that his license had expired and was being terminated; illegally installing another business with the aid of former City employee Gary Beck, and circumventing a pending RFP. Or maybe it was about the City’s Building Department issuing a Stop Work order and then allowing work to resume, seemingly unaware of Lund’s terminated license. —Could it be about the City’s secret Wheaton Park settlement negotiations, a holdover fiduciary breach spearheaded by disgraced former Mayor Tkazyik, who is now employed at the Board of Elections? — Is everyone aware that Salem is non-responsive to even the Ethics Committee, effectively stopping them dead in their tracks? Or aware of

the Council's continuing failure to assemble a Redistricting Committee? continued obstruction of the City's Local Waterfront Revitalization Program (LWRP)? And on and on... The list is long, and three minutes is short. Time and again, Salem rules the Council with secrecy, favoritism and lawbreaking, and not with democracy.

2. **Kevin Carswell**

3. **Brian Robinson,**

4. **Joan Mandle**

5. **Darrett Roberts, 140 Franklin St.**

IV. CHAIRPERSON'S COMMENTS AND PRESENTATIONS:

And so now we move to chairperson's comments. I hope everybody had a really great Thanksgiving holiday. And I do want to call out November was the month to celebrate indigenous culture and indigenous people. And I read a land acknowledgement at the beginning of every meeting to honor and draw attention to and shared learning surrounding the indigenous cultures in the land that the original inhabitants of the land that we live on and we enjoy, we get benefit from profit from. And so I like to take that into my Thanksgiving holiday and really think about indigenous cultures that contribute to much of the food that we share on Thanksgiving and have contributed to the land around us in respect and honor for the environment. And so if you want to learn a little bit more on that, I can send you some links as to why the land acknowledgement in the beginning of meetings is important and the origin of Poughkeepsie in indigenous culture, which is actually there's a nice plaque and I know many of the council members know this and probably all of City administration on City Hall as you enter the building that says a lot of what I say about the name Poughkeepsie and the indigenous string of words that it came from. So just take a look at that and you get a chance on your way in or out of City Hall. Again, I hope everyone had a nice and enjoyable holiday.

This past Friday was the festival of lights, which we hadn't been able to celebrate the past couple of years because of the coronavirus pandemic. So it was very, really good to see it back and great to see folks out on the street having a good time. I want to thank the city administration, DPW for cleaning up the streets.

I saw them out there picking the streets, you know, two days prior even to the event, and it looked really great out there. And everyone, all the city departments and agencies for, you know, making the parade really just flow seamlessly to the organizations, the community members, artists, everyone that participated to make the event a really, really, really great one. And the fireworks at the end were a really, really nice surprise. So it's always good to see fireworks.

I do want to also call out that I know folks commented tonight about funding in, you know, budget funds and where we should allocate some of those. Tonight, we will be

setting a public hearing for the budget. So there will be another opportunity for folks who are interested in making a comment and have ideas about how we should be allocating our funds this year and that date, of the resolution passes will be Monday, December 13 at six p.m.

So once that is ready to go, there will be a link on the city website for you to register. And if you're interested in making a comment, that's a good time to do that and what the timing works out really well because we'll have the public hearing for the budget and then council member Menist who is the chair of the Finance Committee.

We'll have a finance committee meeting and then we'll have an opportunity to bring the budget up with amendments and suggestions from all council members and the public for a vote prior to the end of the year. So again, I want to flag that date for everyone December 13, six p.m. And that is, of course, pending the resolution to set the public hearing tonight.

Then finally, I want to keep my comments short. I do want to shout out an event that's been planned for tomorrow night, December 7th at 6:30 p.m. That'll take place at 505 Main Street, which is the public safety building right here on Main. It's called "Shut Up and Listen." It's being coordinated by city county legislators and to discuss a forum to discuss mental health in the black and brown community. Again, that's tomorrow night at 6:30 505 Main Street, which is the public safety building. And it looks like it will be a good discussion, needed and necessary discussion. And I just want to thank the county legislators about two of whom that represent the city, one that represents the town county legislator, Johnson County Legislator Atkin's and county legislator Giancarlo for coordinating that meeting and that public forum and encourage everyone to get out to that.

And with that, I will conclude my comments and we can move to the mayor's comments.

V. MAYOR'S COMMENTS

Thank you chair, good evening everybody. As to just kind of follow up what you had said chair on Celebration of Lights, which we did not have last year because of the pandemic. This year, we were able to do it. I believe this is either the 26th, the 27th year that the celebration of lights is taking place in Poughkeepsie and it would not happen without the work of Chris Silva and the Bardavon and the River District Business Association, who had been the prime sponsors of this to help make this happen. And I think it was really great that so many of us on the council and other community members were able to be there. The turnout was pretty spectacular.

It may have been one of the larger parades that we have had, at least in my memory, with the amount of floats and individuals that were participating in this year's parade. It was different because we did not encourage marching per se because of COVID guidelines, and many of the marchers were from local school districts. So we,

while we saw less of that, we saw more of other things, and it really was just a great night. And as you said, share a lot of work goes into this, really. The Department of Public Works has been working on decorating of various spots of the city and the parade route for almost probably two weeks. It takes that long to get those lights replaced up, run tested and then all the other work that takes place in and around the parade route to make sure that it's accessible for folks. The police department has a very big plays a big part in the safety of this.

We had, I think, upwards of 15 police officers working on the parade route and the side streets to make sure that it was safe. We took additional safety precautions this year to make sure that everyone participating and doing it could see it, along with the fire department, which obviously always plays an important role in making sure that Santa is safely taken from the beginning of the parade route down to the end. And also our parking department plays an important role as well. And I just think, you know, in closing on that it was needed for all of us. It was a great evening and it really just showed that people were ready to get together again to celebrate the holiday season, to celebrate, you know, the greatness of this community. It was a great night.

New playground at Spratt Park has been installed. That was the generous donation of the McCann Foundation. The other one, which was in need of repair. McCann's Foundation wanted to do something for Spratt, obviously, because of their presence right in that area there with the golf course, and we're really happy that they were able to do that with a successful gun buyback program over the weekend.

This is the second one we've done in conjunction with the Attorney General's Office, Letitia James. Fifty six firearms were taken off the street. That is a really good number at any number is a good number, but fifty six is a is a really good number and I'm glad that our police department partnering again with the AG's office to do this, and I'm sure we'll probably see additional gun buybacks because obviously they do provide a measure of safety to the community and to our police officers and people are participating in them. So that that's really a good thing.

We've got some new changes for our website as it relates to FOILs. This is a brand new online portal. We're using software called Just FOIA software. It's to better serve and access the request process. And also it sort of coordinates that also to for the departments within the city that that get FOIL requests and be able to track them and to be not only user friendly, but also to be timely, friendly. And that is something because obviously a city the size we do get, you know, a fairly decent amount of Foil requests. And we want to make sure that not only do we follow the guidelines and the protocols in the timing, but it should be as easy as possible for individuals that want to use the FOIL System to gain information on their city government.

Talk a little bit about housing rent relief funding. We had funded Hudson River Housing earlier in the pandemic, approximately \$220,000 in rent relief funding. Because we recently in about the past two weeks, we had monies returned from the small business enterprise grants, we've reallocated that money that's 150,000

immediately to Hudson River Housing to go back into the rent relief program. They have additional applications for rent relief in the city of Poughkeepsie. And that CDBG money cannot be used. County CDBG and those funds cannot be used in the city, so those funds have to come from the city, and we were very happy to provide those funds that we received back right to Hudson River Housing so they could do the most good. Also, when I know it bears repeating is that we have also allocated a 100,000 to legal services of the Hudson Valley for an eviction attorney to be present in city court when the eviction moratorium will be lifted. Don't know when that is, but at this point we're ready to go along with legal services of the Hudson Valley.

Want to just give you as an end bit of information, the school district and the city and the county recently met on additional programming for Poughkeepsie City school district students as it relates to youth and policing and understanding. There is a program called YPI, Youth Police Initiative, which has taken place in the city of White Plains for approximately 15 years. It is been deemed a success there, obviously, because it's been there for 15 years or so. The measurements are there and the county is going to be paying for this program to come here to our school district in the city, which will be starting after the first of the year.

And essentially what that is six police officers, two from the city, three from the sheriff's office and one from the state police are going to be trained in this program, along with Poughkeepsie City School District students. And they will. It's kind of a train the trainer program, and this will set the program in motion to continue for not only this year but into next year as well. We're really excited about this partnership and again, that this is a proven program and it is not necessarily a program that is going to tell people about careers and law enforcement, which we have.

This is more about the roles, the feelings and in trying to put each other in each other's shoes of how people feel about policing, public safety and how the individuals on the student side feel about their communities. And it is a very interactive initiative, and we look forward to being able to see and report to you on how that is going to play out. We're going to be identifying through various sources the students that will participate in that, obviously of their own choice.

Chair, that's my report for this evening.

VI. REPORTS OF COMMITTEES AND BOARDS:

Chair Salem: Councilmember Menist, can you just give us an update as to when the next Finance Committee meeting will take place?

Councilmember Menist: Next Finance Committee meeting will be Thursday, December 16th. Let me just make sure it is a Thursday. I believe it is, yes. Next Thursday, December 16th, three days after the budget hearing on the

13th, and we will have a more in-depth discussion on the 16th about the budget for 2022, as well as the American Rescue Plan funding spending.

The agenda for that will be forthcoming by the end of this week or early Monday morning will be posted, but the meeting has been posted on the website for over a month now.

VII. MOTIONS AND RESOLUTIONS:

A motion was made by Councilmember Brannen and seconded by Councilmember Menist to receive and print.

1. **R-21-82**, Resolution setting a Public Hearing on the 2022 Budget

(R-21-82)

INTRODUCED BY CHAIR SALEM:

WHEREAS, the Common Council has received the Mayor's proposed 2022 budget for the City of Poughkeepsie along with the budget message from the Mayor; and

WHEREAS, the City of Poughkeepsie Administrative Code section 14.04 requires that upon such receipt, the Common Council shall set a public hearing thereon, giving the public notice of at least five (5) days in the official newspaper; and

WHEREAS, the Common Council of the City of Poughkeepsie is desirous of setting such public hearing.

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie shall hold a public hearing to receive comment from the public concerning the proposed 2022 budget on Monday, December 13, 2021 at 6:00 p.m., and the Chamberlain is hereby directed to publish proper notice of the above hearing.

SECONDED BY COUNCILMEMBER _____.

R-21-82			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McClinton	Votes	☒	☐	☐	☐
	Councilmember Cherry	Voter	☐	☐	☐	☒
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☐	☐	☐	☒
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

A motion was made by Councilmember Brannen and seconded by Councilmember Flowers to receive and print.

2. **R-21-83**, Resolution introducing a Local Law and setting a public hearing on converting from Tax Lien Sales to In REM foreclosure for the enforcement of delinquent property taxes

RESOLUTION OF THE CITY OF POUGHKEEPSIE COMMON COUNCIL SETTING A PUBLIC HEARING REGARDING THE PROPOSED LOCAL LAW ADOPTING THE STATE PROVISIONS FOR THE ENFORCEMENT OF UNPAID TAXES, FEES AND ASSESSMENTS AND REPEALING THOSE PORTIONS OF THE CITY'S ADMINISTRATIVE CODE PROVIDING FOR THE LOCAL ENFORCEMENT OF UNPAID TAXES, FEES AND ASSESSMENTS

(R-21-83)

INTRODUCED BY COUNCILMEMBER BRANNEN:

WHEREAS, currently the City of Poughkeepsie enforces delinquent taxes, fees and assessments pursuant to its Administrative Code through the annual sale of tax liens having opted out of Article 11 of the Real Property Tax Law; and

WHEREAS, the Common Council is considering adopting Article 11 of the Real Property Tax Law to enforce unpaid taxes, fees and assessments and repealing those portions of the City's Administration Code providing for local enforcement; and

WHEREAS, the Common Council seeks to hold a public hearing in order to gather public input and comment regarding the proposed local law; and

NOW THEREFORE,

BE IT RESOLVED, that the Common Council shall call a public hearing on the proposed local law at City Hall, 62 Civic Center Plaza, Poughkeepsie, New York, at 5:00 o'clock P.M., on December 13, 2021; and

BE IT RESOLVED, that the City Chamberlain is authorized and directed to publish or cause to be published a Notice of Public Hearing in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto.

SECONDED BY COUNCILMEMBER _____.

R-21-83						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McClinton	Votes	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☐	☐	☐	☒
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

A motion was made by Councilmember Brannen and seconded by Councilmember Flowers to receive and print.

3. **R-21-84**, Resolution confirming Rebecca Valk, Esq. as Corporation Counsel

**RESOLUTION
(R-21-84)**

INTRODUCED BY CHAIR SALEM _____:

WHEREAS, the office of Corporation Counsel is appointed by the Mayor pursuant to the City Charter §3.02(b); and

WHEREAS, the appointment of a Corporation Counsel by the Mayor is subject to confirmation by the Common Council; and

WHEREAS, the Mayor has determined to appoint Rebecca Valk to the office of Corporation Counsel, and has submitted such appointment to the Common Council for confirmation; and

WHEREAS, the Common Council finds that it is in the best interest of the City of Poughkeepsie for the Mayor's appointment to be confirmed; and

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor's appointment of Rebecca Valk to the office of Corporation Counsel be, and the same hereby is confirmed.

SECONDED BY _____.

R-21-84			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McClinton	Votes	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☐	☐	☐	☒
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

A motion was made by Councilmember Brannen and seconded by Councilmember Flowers to receive and print.

4. **SEQRA Resolution R-21-85 and Sale R-21-86**, Resolution approving the sale of 165 N. Hamilton Street

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA) RESOLUTION REGARDING A SALE OF
CERTAIN CITY OWNED PROPERTIES
(R-21-85)**

BY COUNCILMEMBER FLOWERS _____ :

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of city owned property located at 165 North Hamilton Street and identified as Tax Map No: 6162-55-279377; 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
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 _____.

R-21-85						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McClinton	Votes	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☐	☒	☐	☐
	Councilmember Petsas	Voter	☐	☐	☐	☒
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

RESOLUTION (R-21-86)

INTRODUCED BY COUNCILMEMBER FLOWERS :

WHEREAS, the City of Poughkeepsie has previously taken title to a lot improved with an accessory structure known as 165 North Hamilton Street (Tax Map No: 6162-55-279377), in the City of Poughkeepsie by reason of unpaid taxes; and

WHEREAS, the above mentioned property has been offered for sale by the City in accordance with the policy for the sale of City owned property; and

WHEREAS, an offer has been received from Nick Dykhousé to purchase the property for the sum of \$8,000.00; and

WHEREAS, the Property Acquisition and Disposition Committee, having considered the mission of the Committee and the policies of the City, one of which is to increase ownership by City residents, has recommended that the City of Poughkeepsie accept this offer; and

WHEREAS, the Common Council hereby finds that the offer from Nick Dykhousé is in the best interests of the City of Poughkeepsie; 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 Nick Dykhousé to purchase premises known as 165 North Hamilton Street (6162-55-279377), in the City of Poughkeepsie for the sum of \$8,000.00 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. That the Purchaser shall within thirty (30) days of the date of this resolution, take title to such property.**
- 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 merge the property with the adjacent property it currently owns located 163 North Hamilton Street.**
- D. Purchaser agrees that he shall not use the agreed upon purchase price as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation; and**
- E. Prior to the closing of title, Purchaser shall apply for and obtain the approval from the Planning Board and/or the Zoning Board of Appeals of any site plan approval or zoning variances required by law; and**

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to enter into a contract of sale for the above mentioned transaction provided such contract contains the terms contained herein together with such other terms and conditions which the Mayor and the Corporation Counsel shall deem appropriate, and 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 _____.

R-21-86			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McClinton	Votes	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☐	☒	☐	☐
	Councilmember Petsas	Voter	☐	☐	☐	☒
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

A motion was made by Councilmember Brannen and seconded by Councilmember Flowers to receive and print.

5. **R-21-87**, Resolution introducing a Local Law and setting a Public Hearing to amend certain residency requirements for the position of Fire Chief

**RESOLUTION INTRODUCING LOCAL LAW
AND PROVIDING FOR PUBLIC
NOTICE AND HEARING
(R-21-87)**

INTRODUCED BY COUNCILMEMBER L. JOHNSON & FLOWERS

BE IT RESOLVED, that an introductory Local Law, entitled "Local Law Amending Section 15.08(e) of the Administrative Code of the City of Poughkeepsie, New York"; 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 5:45 o'clock P.M., on December 20, 2021, and such hearing will be held via videoconferencing (as permitted by the NYS Open Meetings Law); 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 _____.

R-21-87						
			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McClinton	Votes	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☐	☒	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☐	☐	☐	☒
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☐	☒	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

A motion was made by Councilmember Brannen and seconded by Councilmember Flowers to receive and print.

6. **R-21-88**, Resolution setting a Public Hearing regarding the proposed amendments to section 19-6.4 of the code of the City of Poughkeepsie entitled "Natural Resources"

**RESOLUTION OF THE COMMON COUNCIL SETTING A PUBLIC HEARING
REGARDING THE PROPOSED AMENDMENTS TO SECTION 19-6.4 OF THE CODE
OF THE CITY OF POUGHKEEPSIE ENTITLED "NATURAL RESOURCES"
(R-21-88)**

INTRODUCED BY CHAIR SALEM _____:

WHEREAS, the Common Council adopted Local Law No. 2 of 2019 on September 9, 2019, thereby amending Chapter 19, Article VI of the Code of the City of Poughkeepsie by adding section 19-6.4 entitled "Natural Resources" and the attached Natural Resource Inventory ("NRI"); and

WHEREAS, section 19-6.4(2) acknowledges that the NRI as adopted by the Common Council may be amended from time to time; and

WHEREAS, the Common Council is considering changes to section 19-6.4 and the attached NRI as provided in the "List of Addendums" that details the proposed amendments to the NRI; and

WHEREAS, the Common Council seeks to hold a public hearing in order to gather public input and comment regarding the proposed amendment to section 19-6.4; and

NOW THEREFORE,

BE IT RESOLVED, that the Common Council shall call a public hearing on the proposed updates to section 19-6.4 and the attached NRI at City Hall, 62 Civic Center Plaza, Poughkeepsie, New York, at 6:00 o'clock P.M., on January 10, 2022; and

BE IT RESOLVED, that the City Chamberlain is authorized and directed to publish or cause to be published a Notice of Public Hearing in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto.

SECONDED BY COUNCILMEMBER _____.

R-21-88						
			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McClinton	Votes	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☐	☐	☐	☒
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

VIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

1. **A COMMUNICATION FROM CITY FINANCE COMMISSIONER DR. MARTINEZ**, regarding a Fourth Quarter budget transfer to cover COVID related budget gap pursuant to the American Rescue Plan Act

A motion to defer the remainder of the petitions to Corporation Counsel for was made by Councilmember Brannen and seconded by Councilmember Menist.

2. **FROM SAGER MAZ ENTERPRISES, LLC**, a notice of intent for The Thinkubator Nutrition, Inc. to obtain a Liquor License
3. **FROM SYLVIA JAMAICAN RESTAURANT, INC.**, a notice of intent for Sylvia Jamaican Restaurant to obtain a Liquor License
4. **FROM ALVARATTA LLC.**, a notice of intent for Christian's PP LLC to obtain a Liquor License
5. **FROM DONALD J. CIAGO**, a notice of personal injury sustained on August 10, 2021.
6. **FROM BERRY PITTMAN JR.**, a notice of personal injury sustained on August 22, 2021.
7. **FROM KIM GREEN**, a notice of personal injury sustained on or about August 30, 2021.
8. **FROM JOSHUA STRATTON**, a notice of property damage sustained on September 2, 2021.
9. **FROM ANNMARIE GARCIA**, a notice of personal injury sustained on or about September 10, 2021.
10. **FROM CORINTHIAN DIMMIE**, a notice of property damage.

At 9:05pm a motion was made to suspend the regular meeting to enter Executive Session by Councilmember Brannen and seconded by L. Johnson.

IX. EXECUTIVE SESSION: REGARDING COLLECTIVE BARGAINING MATTERS

At 9:54pm a motion was made to end the Executive Session and resume the regular meeting by Councilmember Brannen and seconded by McClinton.

Resolution R-21-89, approving the Collective Bargaining Agreement between the City of Poughkeepsie Professional Firefighters Association Local 596, International Association of Firefighters

A motion was made by Councilmember Brannen and seconded by Councilmember McClinton to receive and print.

**RESOLUTION
(R-21-89)**

INTRODUCED BY COUNCILMEMBER CHAIR SALEM_____:

WHEREAS, the most recent Collective Bargaining Agreement between the City of Poughkeepsie (the "City") and Poughkeepsie Professional Firefighters Association Local 596, International Association of Firefighters, AFL-CIO expired on December 31, 2020; and

WHEREAS, representatives of the City and Fire Department Union have negotiated on and settled upon certain financial terms and conditions to modify said Collective Bargaining Agreement which are set forth in the Memorandum of Agreement annexed hereto and made a part hereof; and

WHEREAS, the Fire Department's membership has ratified the terms of the Memorandum of Agreement; and

WHEREAS, it is the desire of the Common Council to authorize and approve the financial terms of the Memorandum of Agreement; and

WHEREAS, the Common Council has determined that this resolution constitutes a Type II action as defined by the New York State Environmental Quality Review Act and 6 NYCRR Part 617,

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council does hereby authorize and approve the proposed settlement of the collective bargaining negotiations between the City and the Fire Department Union for a successor agreement for the period January 1, 2021 to December 31, 2023, containing the financial terms substantially in the same form and substance as set forth in the Memorandum of Agreement annexed hereto; and be it further

Official Minutes of the Common Council Meeting of December 6, 2021

RESOLVED, that the Common Council does hereby authorize the Mayor to enter into a successor agreement with the Poughkeepsie Professional Firefighters Association Local 596, International Association of Firefighters, AFL-CIO, containing financial terms substantially in the same form and substance set forth in the Memorandum of Agreement annexed hereto, and be it further

RESOLVED, that this resolution shall take effect immediately.

SECONDED BY COUNCILMEMBER _____.

R-21-89						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☐	☐	☐	☐
	Councilmember McClinton	Votes	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☐	☐	☐	☒
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

A motion to suspend rules to allow City of Poughkeepsie Fire Department Union President Nick Bucher to speak about the Collective Bargaining Agreement and was seconded by Councilmember Brannen.

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

XII. ADJOURNMENT

A motion was made by Councilmember Brannen and seconded by Councilmember Cherry to adjourn the meeting at 10:37pm.

Dated: December 16, 2021

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, December 6, 2021.

Respectfully submitted,

**Jasmin Nicole Davis
City Chamberlain**

Official Minutes of the Common Council Meeting of December 6, 2021

Official Minutes of the Public Hearing of December 13, 2021 Public Hearing for the purpose of receiving comments on the proposed 2022 Budget.



**THE CITY OF POUGHKEEPSIE
NEW YORK**

PUBLIC HEARING

Monday, December 13, 2021 6:00 p.m.

Virtual / Zoom

Welcome to the scheduled meeting of the Public Hearing in the City of Poughkeepsie. The date is December 13, 2021 and the time is 6:00 pm.

THIS HEARING IS FOR THE PURPOSE OF RECEIVING COMMENTS ON THE proposed 2022 Budget.

Councilmember-At-Large Salem called the meeting to order at 6:00 p.m.

PUBLIC COMMENT: Five (5) minutes per person public comment.

1. **Brian Robinson**, CEO Equitable Future Inc.
2. **Isis Benitez**, Community Health Promoter, Planned Parenthood of Greater New York
3. **Anne Lancellotti**
4. **Talent Davis**, Lead For Poughkeepsie Fellow, Community Engagement Specialist, MASS Design Group
5. **Katie Hite**, 80 North Water Street
6. **Darrett Roberts**
7. **Carmen McGill**
8. **Barbara Walsh**
9. **Suprina Troche**
10. **Laura Forman**, 66 Washington St

Official Minutes of the Public Hearing of December 13, 2021 Public Hearing for the purpose of receiving comments on the proposed 2022 Budget.

- 11. Kevin Carswell**
- 12. Eva Woods Peiró**
- 13. Earl Brown**
- 14. Geri Willmott**
- 15. Melissa Hoffmann**
- 16. Cornelia Harris**
- 17. Matthew Carroll, 29 Taylor Ave**
- 18. Elizabeth O'Raffity**
- 19. Sarah Rivers**
- 20. Kris Tal**
- 21. Jeffrey Schneider**
- 22. John Rath, 154 Mill St.**
- 23. Elizabeth Cook**
- 24. Lindsay Duvall, Manager of Advocacy & Community Engagement, Hudson River Housing (submitted written comments)**

City of Poughkeepsie Public Hearing on 2022 Budget
12.13.21

Hudson River Housing appreciates the City of Poughkeepsie's effort to weigh multiple community needs in developing its 2022 budget. While the City certainly faces many challenges at this moment, it also has a tremendous opportunity, particularly with the infusion of \$7.4 million in American Rescue Plan Act funding, to create a bold vision for the future and address the root causes to these challenges.

The City must increase investment in housing and community development programming in the 2022 budget. And the City must prioritize American Rescue Plan Act funding to build and preserve affordable rental housing in all neighborhoods and ensure access to robust supportive services to help people of all ages stabilize and maintain their housing.

The United Way's 2020 ALICE Report shows that 62% of City residents are struggling to afford their basic needs. The pandemic has devastated our economy, with disproportionate negative outcomes for Black, Indigenous and other people of color, low-wage workers and low-income families. At the same time, housing costs in the City of Poughkeepsie have skyrocketed, forcing families to make impossible choices or, in the worst cases, pushing them into homelessness. Tragically, homelessness rates have risen over the past two years. Our homes are the foundation from which we all thrive and can achieve our full potential. The pandemic has also made it clear that housing is healthcare, as it provides a safe place to retreat from the risks of catching and spreading COVID-19. Investing in affordable housing creates a thriving, diverse community in which everyone can contribute and we all benefit.

The City must also ensure that these critical federal resources are used to address long standing inequities and are targeted to residents and neighborhoods who have suffered the legacy of racist federal housing policies and practices. The October 2021 report by the PK4Keeps consultants "How did we get here... And where do we go from here?" demonstrates how "inequitable investment patterns over the past century continue to shape Poughkeepsie today". The maps and data included in this report show how divided the City has become, where Northside neighborhoods have consistently higher poverty rates, deteriorating housing conditions, lower home sales prices, higher vacancy rates, and a concentration of public housing, compared to Southside neighborhoods. American Rescue Plan Act funding can begin to address racial inequities in our City if invested in a strategic and equitable way.

We believe people most impacted by poverty and inequity should be at the center of any decisions about solutions, particularly when it comes to public resource allocation. Yet too often these voices are left out of public hearings such as this. In addition to providing direct services to hundreds of homeless and housing insecure residents each week, Hudson River Housing coordinates a Resident Advisory Council of low-income renters and supports a Youth Action Board of youth and young adults who have experienced homelessness and housing instability. Together, we have the expertise to combat the rise of homelessness and housing instability in our community. Funding from the American Rescue Plan Act could create a big and lasting impact and secure a brighter future for the City.

Ensuring access to safe, stable and affordable housing for all residents should be a top priority for the City of Poughkeepsie. Numerous affordable housing development and programmatic activities are allowable within the provisions of the State and Local Fiscal Recovery funds. We strongly urge the City to review the 2022 ARPA spending proposal and allocate funds for affordable housing development and the provision of supportive services to help people of all ages stabilize and maintain their housing.

Hudson River Housing remains available as a resource to help the City of Poughkeepsie understand the complexities of housing affordability tools, policies and programs, as well as how investment in affordable housing will benefit us all.

*Official Minutes of the Public Hearing of December 13, 2021 Public Hearing for the purpose of
receiving comments on the proposed 2022 Budget.*

At 7:36 pm the Public Hearing was adjourned.

Dated: December 16, 2021

I hereby certify that this true and correct copy of the Minutes of the Common Council Public Hearing held on December 13, 2021.

Respectfully submitted,

**Jasmin N. Davis
City Chamberlain**

Official Minutes of the Public Hearing of December 13, 2021 Public Hearing Regarding the Proposed Local Law adopting the state provisions for the enforcement of unpaid taxes, fees and assessments and repealing those portions of the City's administrative code providing for the local enforcement of unpaid taxes, fees and assessments.



**THE CITY OF POUGHKEEPSIE
NEW YORK**

PUBLIC HEARING

Monday, December 13, 2021 5:30 p.m.

Virtual / Zoom

Welcome to the scheduled meeting of the Public Hearing in the City of Poughkeepsie. The date is December 13, 2021 and the time is 5:30 pm.

THIS HEARING IS FOR THE PURPOSE OF RECEIVING COMMENTS ON THE Public Hearing Regarding the Proposed Local Law adopting the state provisions for the enforcement of unpaid taxes, fees and assessments and repealing those portions of the City's administrative code providing for the local enforcement of unpaid taxes, fees and assessments.

Councilmember-At-Large Salem called the meeting to order at 5:32 p.m.

PUBLIC COMMENT: Five (5) minutes per person public comment.

1. Naomi Brooks, S. Grand Ave. (submitted written comments)

My comments tonight are about the collection of taxes.

In all the conversations about the old administrative fee for quarterly payments versus the new monthly interest charges, there have been no concrete examples to explain the difference in terms of total amounts due.

For example, if a property owner has a \$5000 yearly tax bill and pays it in full, their total amount paid is \$5,000.00.

In the old system, a 2% administrative charge on the total amount due would be \$100, making the total of the four payments \$5,100.00.

I tried to use the chart in Section 14.08 of the proposed local law, included in the Common Council meeting packet for December 6, 2021, to determine what the total charges would be if you made 12 equal payments on your taxes (which is not

Official Minutes of the Public Hearing of December 13, 2021 Public Hearing Regarding the Proposed Local Law adopting the state provisions for the enforcement of unpaid taxes, fees and assessments and repealing those portions of the City's administrative code providing for the local enforcement of unpaid taxes, fees and assessments.

specified but would be the most typical way of utilizing this new schedule). To the best of my ability, I came up with \$275, for total payments of \$5,275.00.

Is there a reason for an increase of more than double the fee for partial payments? In my example, the fee on quarterly payments was \$100 and the fee for 12 equal monthly payments would be \$275. It would have been incredibly helpful for Common Council members to have had the actual and correct numbers in a simple example such as the one I used. It was extremely difficult to determine the actual amount due with this new system.

Although paying monthly is the only option for cash-strapped property owners, what at first glance looks like a step in the right direction actually penalizes these owners further.

To make matters worse, a billing error this past year will not be adjusted for the property owners who paid the quarterly fee and then were also charged the monthly fee. I do not know how many property owners this glitch impacts, but through no mistake of their own, they are being charged two kinds of fees for their payments. If those owners elected to finish out the year making monthly payments, some portion of their administrative fee on quarterly payments should be prorated to them.

Although the switch to monthly payments is commendable, please consider the increase in a homeowner's cost if choosing this option. The interest rate's impact on total payments should not be a new way of collecting yet more money from those least able to afford it. Please make this interest rate, and its accompanying payment schedule, more straightforward and equitable.

- 2. Lindsay Duvall, Manager of Advocacy & Community Engagement, Hudson River Housing (submitted written comments)**

City of Poughkeepsie Public Hearing on 2022 Budget
12.13.21

Hudson River Housing appreciates the City of Poughkeepsie's effort to weigh multiple community needs in developing its 2022 budget. While the City certainly faces many challenges at this moment, it also has a tremendous opportunity, particularly with the infusion of \$7.4 million in American Rescue Plan Act funding, to create a bold vision for the future and address the root causes to these challenges.

The City must increase investment in housing and community development programming in the 2022 budget. And the City must prioritize American Rescue Plan Act funding to build and preserve affordable rental housing in all neighborhoods and ensure access to robust supportive services to help people of all ages stabilize and maintain their housing.

The United Way's 2020 ALICE Report shows that 62% of City residents are struggling to afford their basic needs. The pandemic has devastated our economy, with disproportionate negative outcomes for Black, Indigenous and other people of color, low-wage workers and low-income families. At the same time, housing costs in the City of Poughkeepsie have skyrocketed, forcing families to make impossible choices or, in the worst cases, pushing them into homelessness. Tragically, homelessness rates have risen over the past two years. Our homes are the foundation from which we all thrive and can achieve our full potential. The pandemic has also made it clear that housing is healthcare, as it provides a safe place to retreat from the risks of catching and spreading COVID-19. Investing in affordable housing creates a thriving, diverse community in which everyone can contribute and we all benefit.

The City must also ensure that these critical federal resources are used to address long standing inequities and are targeted to residents and neighborhoods who have suffered the legacy of racist federal housing policies and practices. The October 2021 report by the PK4Keeps consultants "How did we get here...And where do we go from here?" demonstrates how "inequitable investment patterns over the past century continue to shape Poughkeepsie today". The maps and data included in this report show how divided the City has become, where Northside neighborhoods have consistently higher poverty rates, deteriorating housing conditions, lower home sales prices, higher vacancy rates, and a concentration of public housing, compared to Southside neighborhoods. American Rescue Plan Act funding can begin to address racial inequities in our City if invested in a strategic and equitable way.

We believe people most impacted by poverty and inequity should be at the center of any decisions about solutions, particularly when it comes to public resource allocation. Yet too often these voices are left out of public hearings such as this. In addition to providing direct services to hundreds of homeless and housing insecure residents each week, Hudson River Housing coordinates a Resident Advisory Council of low-income renters and supports a Youth Action Board of youth and young adults who have experienced homelessness and housing instability. Together, we have the expertise to combat the rise of homelessness and housing instability in our community. Funding from the American Rescue Plan Act could create a big and lasting impact and secure a brighter future for the City.

Ensuring access to safe, stable and affordable housing for all residents should be a top priority for the City of Poughkeepsie. Numerous affordable housing development and programmatic activities are allowable within the provisions of the State and Local Fiscal Recovery funds. We strongly urge the City to review the 2022 ARPA spending proposal and allocate funds for affordable housing development and the provision of supportive services to help people of all ages stabilize and maintain their housing.

Hudson River Housing remains available as a resource to help the City of Poughkeepsie understand the complexities of housing affordability tools, policies and programs, as well as how investment in affordable housing will benefit us all.

Official Minutes of the Public Hearing of December 13, 2021 Public Hearing Regarding the Proposed Local Law adopting the state provisions for the enforcement of unpaid taxes, fees and assessments and repealing those portions of the City's administrative code providing for the local enforcement of unpaid taxes, fees and assessments.

At 5:43 pm the Public Hearing was adjourned.

Dated: December 16, 2021

I hereby certify that this true and correct copy of the Minutes of the Common Council Public Hearing held on December 13, 2021.

Respectfully submitted,

**Jasmin N. Davis
City Chamberlain**