



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, December 20, 2021 6:30 p.m.

Virtual / Zoom

Welcome to the regularly scheduled meeting of the City of Poughkeepsie Common Council the date is December 20, 2021, and the time is 6:34 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 – Seven present, 2 absent at time of roll call (Late arrival: Councilmembers R. Johnson & L. Johnson)

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 resolutions not listed on the printed agenda.

Yes –

ADD:

VII. MOTIONS AND RESOLUTIONS:

4. R-21-92, Resolution of the City of Poughkeepsie concerning a determination of environment significance pertaining to the state environmental quality review (SEQRA) as it relates to an Ordinance amending Chapter XIX, Section 19-3.2 of the City of Poughkeepsie Code of Ordinances entitled zoning map

5. R-21-93, Resolution approving the 2022 preliminary budget amended by the changes set forth on the annexed Schedule A

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

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

Above the fold is a concept with a long history. It refers to the most important newspaper headlines, which can be easily read on a newsstand. And it refers to websites, too. Yet the City of Poughkeepsie's website redesign features nothing but pretty pictures above the fold, while burying important information where the sun don't shine.

When meetings start and people can't log on, they don't call the city—they call or message me. When people can't find agendas, resolutions, and other information, they've given up writing or calling the city—instead they call and message me. Can't access, download or maneuver through the City's user-unfriendly GoToMeeting platform? The City's attitude is too bad, tough luck. People stop me in the supermarket and in parking lots to complain about their lack of access, and why they can't see the names and faces of other attendees. Yet the city continues unabashed and unfazed, pretending that information is accessible, and that the problem lies with anyone who dares to question or say otherwise.

Looking for a past resolution? Only five are posted to the Common Council's page, and three of those are dated 2015. The City claims it's taken steps to make it easier for people to access public documents. But check the City's newly created Freedom of Information portal and you'll find there's not a single previous FOIL document available to the public.

Let's talk about councilmembers who show up late, or claim to be present but aren't on camera. Let's talk about the way Council agendas are posted and not

posted—constantly posted at the last minute, and amended without timestamps and without further notice. Entire packets posted as graphic images, rather than searchable, machine-readable text files, even though individual parts of the packet are now posted as readable text. If I were to download the separate parts for today’s meeting alone, I’d have to download at least 20 different files. How is it that the City can’t assemble one full packet in readable fashion? One can only surmise that this administration, and this Council, really doesn’t want the public informed and involved.

Which brings me to tonight’s Council agenda: —Which contains an excellent Local Law amendment regarding this City’s historic resources and preservation; That one thoughtful item stands in stark contrast to: —A vote on Baxter’s Hamilton St. rezoning, added at the last minute, cleverly disguised on the agenda with a description of only an amendment to the zoning map. Why? Because Natalie Quinn and Baxter Building could never get a use variance approved by the ZBA, so instead they rely on an uninformed Council to rezone the parcel instead. —A resolution appointing certain people—en masse—to serve on the City’s Industrial Development Agency. No individual votes. No mention that at least one is a functionary on the County’s Democratic Committee, and one or more others are likely proxies for other special interests. —Or the Sarah Salem-sponsored item supporting Heritage Financial’s application to set up shop in the Family Partnership, the same location where Salem and many of Salem’s endorsing organizations work and pay rent.

Three minutes, as always, is too short for meaningful input by the public. Yet it’s all that the public’s allowed by public servants who really don’t want to hear from the public. Administration and Council, I hope you’re listening—my comments tonight represent only a partial list of resolutions for your New Year’s list

b. Michael Dolan, 19 Dwight St.

c. Brian Robinson, Montgomery St.

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

I frequently make public comments at city meetings, and I have to write them up ahead of time to get my thoughts organized. It’s a lot of work, doing background research on the topic and then making sure I say something clearly and not get off track in my three minutes. I put it off like crazy. And this afternoon, I was procrastinating on Facebook, and came across something from the High Line, a wildly successful historic adaptation project that has brought billions to NYC in real estate values and tourism dollars. Twenty years ago, Rudy Guiliani signed demolition papers

for the High Line as one of his departing acts as mayor. Vocal supporters, and a new administration that listened to them, were able to change that, and shepherded that wonderful project forward. It was one demolition permit away from being lost forever.

Our Local Law 21-06 will help Poughkeepsie do the same thing – strengthening and clarifying the process that preserves and protects our valuable history. Additions to the code of ordinances provide specific definitions; create courses of action with accompanying timelines; and remedy trouble spots that have arisen without this clear direction.

The amendment details how the Historic District and Landmarks Preservation Commission should provide early guidance for large new projects, with feedback and recommendations distributed appropriately. It describes the creation of an inventory of current and potential landmarks. It outlines a system to prevent losses of landmarks by demolition or neglectful ownership. Importantly, it also clearly states the order in which projects need to proceed: first an environmental review if required, then the HDLPC review, and then to the planning board and the building department for permits.

Finally, it directs the HDLPC to use nationally accepted standards from the Secretary of the Interior in their reviews and decisions.

With all the care and consideration that has gone into this amendment, I urge the Common Council to pass this law. The amendment will strengthen and clarify an often-confusing process, and make navigating it more fair and straightforward.

I am sorry to end on a negative note, but without this amendment, I have watched a few historic properties become derelict or demolished, and have seen new projects on historic sites move forward that should have never been approved. Please pass this law so that we can begin to change that.

e. **Arthur Rollin, 114 Hooker Ave.**

f. **Antonia Mauro, 3 Willow Ave.**

g. **Doug Nobiletti**

V. CHAIRPERSON’S COMMENTS AND PRESENTATIONS:

Great, thanks, everyone, so chairperson’s comments. We're seeing an active case 11 month high here in the county for COVID. And I do want to remind folks that, you know, it's important that we continue to use the safety protocols that we use over the past couple of years that we've been in this thing. The new variant is spreading rapidly and we're seeing more and more breakthrough cases among vaccinated folks. If you're not vaccinated, go get vaccinated. If you're vaccinated, go get booster. It's very easy at

this point to set up appointments. If you need rides, there are rides available and there are sites in the city that are initiating or administering vaccinations and administering booster shots. And I have been wearing my mask inside public places, and I think it's an important protocol. I think masks work. They do work. Vaccines work.

And I think the only way we're going to beat this thing and start to see cases go down is to follow, continue to follow those protocols. The holiday season is here. I hope everybody is having a happy holiday and I want to see everyone safe and make it through the holidays. And as we start to go over more than 40 thousand active cases in Dutchess County continuing to see that chart go up and up. It's just very it's very concerning because this is cold and flu season. On top of that, we all want to spend time with family and friends.

We all want to have, you know, festivities and fun and happy and, you know, warm and loving holiday. So it's important to continue to adhere to the public health advisories. So again, if you can get vaccinated, vaccinated, get boosted, continue to wear a mask. There is a mask mandate in effect by our governor in indoor places for public indoor spaces that aren't requiring that vaccine checks or anything like that. But I think it's really important that we continue to follow those protocols.

I do want to say we are, you know, we have a budget adoption and amendment resolution up on the agenda tonight. We did have a caucus as a council to come up with amendments to the budget to satisfy some of what we heard from the public. And you know, when we get to that amendment, you know, we'll go into more detail. There was a schedule attached to that amendment and I understand that it didn't get posted to the website and I apologize for that.

I talked with Dr. Martinez today and ironed out some of the things that we all talked about in caucus as it pertains to changes to the budget, as you know, was proposed by Mayor Rolison. And I have to say, I want to thank Mayor Rolison and Dr. Martinez. Marc Nelson, all the City Department heads, chair of our Finance Committee, Councilmember Menist, managed all the members of the Finance Committee for really putting their heads together, getting this budget up and down. I know it wasn't any small feat, especially coming out of a very difficult year and understanding that we have a lot more funding through federal relief funds and, you know, knowing how complicated that makes things really trying not to overload one area or cost center of the budget over another. I think it's very important.

And some of the proposals that the public made of the testimony that the public made during the last meeting were also very critical. And I can say that this council's listening to you and doing the best that we can to ensure that we're passing a budget that's not only balanced that not only meets the needs of the general population in the city and helps fill in some of those gaps, but ensures that we're doing

that on a long term basis. And there is some, you know, fiscal responsibility along with that.

Yeah. And you know, I really honor that process that Dr. Martinez is taking us through and respect the collaborative nature of the work. So I did want to give that a shout. And again, you know, when we get to that resolution, I can pop up the schedule A of our amendments onto the screen so everyone can see them. And I might even call up Dr. Martinez, who is in attendance to help kind of go through some of those changes that we discussed. And, you know, I would really appreciate that help.

And then the last thing I want to end on this is our last council meeting of 2021, and we have many members who will not be returning to the council in 2020, too many members who have served this city for a very, very long time. And others who have served in one capacity or another for long enough, it takes a very unique and dedicated individual to serve on the common council. And I want to really honor the service that has been demonstrated by these folks. And Councilmember McClinton, you've been with us for the shortest period of time. However, it has been a pleasure to work with you in this capacity. I had had the pleasure of working with you in other capacities, and I know that you will continue your dedication to the city of Poughkeepsie in one way or another, and I'm glad you had the opportunity to be on the council. I know it was a unique circumstance and you know, I think you did a really great job and it's been really great to work with you. So thank you for that.

You know, we're losing council member Brannen and you know, you and I started on the council together. However, I've lost count of the years when I was almost four years ago and you know, we have worked very well together. I feel lucky that, you know, we worked together during our day job, so it won't be the last time, you know, I'll see you on Zoom box or in a meeting. And you know, I really appreciate the dedication and hard work that you demonstrated for the city because see, there's many, many, many things that you should be proud of. And I really hope that you're able to end your service on a positive note, knowing that you've changed lives for the better. And I honestly, you know, you've made I've been influenced positively by your policy background and, you know, some of the initiatives that we worked on together. I value that collaboration and you should feel again, very proud of the work that you've done.

Councilmember Randall Johnson, I know you will not be returning for 2020 and you are a long standing member of this body. You have dedicated a number of hours as the youngest member of the council still. And I think that, you know you yourself service on the Finance Committee and in other capacities in the city of bankruptcy. I know that you'll continue to do very, very amazing and excellent things as you move through the world, and I hope that you'll never forget us here in the city of Poughkeepsie and your work on the council. I always enjoy when we're able to chat together, and I hope we stay in contact, you know, and I'd love to hear about what you're up to and what you do next. Honestly, because I know we will do great things. I

don't have to tell you that, but I'm proud to know you and I'm proud to have served with you.

And Councilmember Petsas, you are coming from years and years of experience on the council. And I mean, it would be an understatement to say that you should be proud of the work that you've done for the city. You have been tireless in your work for the city of Poughkeepsie. And I'm going to miss you on the council. I'm going to miss your spirit, your energy, and I hope that we stay in contact. And I know you're going to be doing work for the city of Poughkeepsie and use your energy and the capacity that you had to continue to serve this place that you call home. You have called home grown up here, and I just really I took a lot. I learned a lot from you. When I was first on the council, you gave me much advice and a lot of it I still use to this day and I won't forget it. And you continue to up until this moment is really, really solid advice. And I know that, you know, we went through a race that doesn't change my affinity toward the way that you've dedicated yourself to this city, and I admire that. So I thank you. I thank you all for your service. And I hope we can all stay in touch.

And I know that in one way or another, you're going to continue to be involved in whatever capacity that is, and I hope to continue to see how that unfolds. So thank you. And that concludes my comments. I really hope everyone has a safe and happy holiday and a happy new year. And now we'll move to mayor's comments.

VI. MAYOR'S COMMENTS

Thank you, chair, and I appreciate you indulging me. We talked, you talked earlier on about COVID and the resurgence of cases. Currently just some numbers as background. Seventy three point two percent of the general population in the county has at least one shot. Eighty two point five percent of 18 and older have at least one shot. The state average is ninety four point three. On that, in 12601, sixty five point four percent has at least one shot and 12603 zip. Seventy four point one percent has at least one shot.

Obviously, we hope that the ones that need the second shot get the second shot and the ones that can get the booster can get the booster overall. If you look at the Mid-Hudson region, Dutchess County is doing OK. There is always, you know, there's always room for improvement. And as we've seen the resurgence of COVID, which especially was probably going to happen due to holidays, weather getting colder right now in the county. There are sixteen hundred and fifty active cases, though, City Poughkeepsie has one hundred and fifty one. That number has gone up. At 50, we were at 54 several weeks ago. There are other communities and I don't need to get into those other communities that have more cases than the city. Those are also some communities with larger populations. The number that is always important, too, is the hospitalization numbers, and that's at 71 right now.

I was on a call today with the mayors and supervisors. It was a call with the county executive and his staff. There is a lot of moving parts right now with the state. The governor had a press conference as well as today announced some initiatives, giving additional moneys to the counties for assistance in making sure that requirements are met. There is also another initiative that's going to be announced, and I and I'm not sure exactly where it is, and I'm not going to speak to it tonight. But as soon as that information becomes public, we all know about with additional capabilities for communities, counties and communities and testing. And so that is where we are today and chair of encouraging people. If you don't feel well, you know, to not go to work, if you if you're if you're really feeling crummy, don't go to work, get tested, if you can. And if you are able to get vaccinated, you should. And especially for those of us who have had vaccinations, please, if you have the opportunity and you feel it's something that you want to do, you should get the booster shot.

There's discussion tonight about the budget, and I appreciate the work that everybody on the budget team has put in to this preliminary budget, which will be acted upon tonight, and I appreciate that. Recently we were awarded \$500000. We just got notified last week from the state about the design and construction of the new pool house at Pulaski Park Pool. This is the pool house that needs to be taken down. We have been working with finance, engineering and our DPW teams along with new city parks, which helped us with the grant application.

New city parks, as you know, is the design group that is doing the design work and other aspects of the Pershing Avenue Park Rehabilitation and Rebuild, along with the Malcolm X rehabilitation and rebuild along with the scenic Hudson and other partners and Nubian Directions deserves a thank you as well. They did the community outreach at Pulaski over the summer to talk about different design concepts, and all of these groups are the key to this is all these groups working together. Also strengthened our grant application with the state and a \$500000 reward towards that one particular item. And that is the pool house. And that is exactly where those monies will be spent.

We estimate that is in excess probably of a million dollars million, one million to that. That is so important. That's the first one that we want to do and we will do so. Our children and families will have an appropriate pool house and structure and infrastructure to enjoy their summers there.

And as you also said, Chair, we're coming into the holidays, we're actually in the holidays. The police department, with the assistance from the fire department, had their winter wonderland drive this past week. It was attended by so many people and what they did there was just absolutely spectacular. It brightened the holidays for everyone and anyone that had the chance to see it and Santa Claus was there, which

was obviously very important for our children and adults also to see that he swung through. And I just want to say well done to the police department and our fire department for that. I also want to thank the outgoing council members for their service. And I want to wish everyone here on the meeting tonight, people listening.

But really to the obviously the entire city of Poughkeepsie, a very safe and happy holiday and looking forward to working together collaboratively next year. 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 amending the 2021 Budget to Increase Federal Aid Received under the American Rescue Plan Act

**RESOLUTION
(R-21-95)**

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

Official Minutes of the Common Council Meeting of December 20, 2021

\$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 _____.

R-21-95						
☒ 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.

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

R E S O L U T I O N
(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 _____.

Official Minutes of the Common Council Meeting of December 20, 2021

R-21-90						
☒ 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 Menist to receive and print.

- 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**

**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: _____.

R-21-91						
			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.

- R-21-92**, Resolution of the City of Poughkeepsie concerning a determination of environment significance pertaining to the state environmental quality review (SEQRA) as it relates to an Ordinance amending Chapter XIX, Section 19-3.2 of the City of Poughkeepsie Code of Ordinances entitled zoning map

RESOLUTION

(R-21-92)

**RESOLUTION OF THE CITY OF POUGHKEEPSIE CONCERNING A
DETERMINATION OF ENVIRONMENT SIGNIFICANCE PERTAINING TO THE
STATE ENVIRONMENTAL QUALITY REVIEW (SEQRA) AS IT RELATES TO AN
ORDINANCE AMENDING CHAPTER XIX, SECTION 19-3.2 OF
THE CITY OF POUGHKEEPSIE CODE OF ORDINANCES
ENTITLED ZONING MAP**

INTRODUCED BY COUNCILMEMBER FLOWERS :

WHEREAS, the Common Council has received a request to rezone 117 N. Hamilton Street from Medium High-Density Residence District (R-4) to Light Industrial (I-1) zoning district by application dated October 17, 2021; and,

WHEREAS, this action is considered to be an Unlisted Action under SEQRA; and

WHEREAS, the applicant submitted a Short Environmental Assessment Form which adequately describes the proposed action; and,

WHEREAS, the Board has compared the impacts that are likely to result from the action against those in 617.7(c)(1)(i) through (xii), as noted in the EAF, and has determined that there will be no significant adverse environmental impacts and therefore, a draft environmental impact statement will not be prepared:

NOW THEREFORE BE IT RESOLVED that the Planning Board hereby adopts a Negative Declaration of Significance for the requested rezoning at 117 N. Hamilton Street.

SECONDED BY COUNCILMEMBER _____ :

R-21-92						
☒ 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	☒	☐	☐	☐

5. **R-21-93**, Resolution approving the 2022 preliminary budget amended by the changes set forth on the annexed Schedule A

A motion to suspend the meeting rules to invite Dr. Brian Martinez, Commissioner of Finance was made by Chair Salem and seconded by Councilmember Brannen.

**RESOLUTION
(R-21-93)**

INTRODUCED BY CHAIR SALEM, COUNCILMEMBER PETSAS, COUNCILMEMBER MENIST, COUNCILMEMBER LORRAINE JOHNSON, COUNCILMEMBER BRANNEN, COUNCILMEMBER FLOWERS, COUNCILMEMBER CHERRY, COUNCILMEMBER RANDALL JOHNSON, COUNCILMEMBER MCCLINTON:

WHEREAS, pursuant to the Administrative Code of the City of Poughkeepsie, estimates of budget requirements for the year 2022 have been certified to the Mayor, City Administrator and the Commissioner of Finance by the various departments, officers, agencies and boards of the City of Poughkeepsie, and

WHEREAS, the Mayor with the help of the City Administrator and the Commissioner of Finance did review the aforementioned estimates with the various departments, officers, agencies and boards, and

WHEREAS, the Mayor did prepare a proposed budget for the year 2022 based on these aforementioned reviews, which proposed budget with the Mayor's budget message was submitted to the Common Council on October 15, 2021; and

WHEREAS, subsequent to a notice of public hearing being published in the official newspaper in compliance with provisions of the City Administrative Code, a public hearing was duly held on December 13, 2021; and

NOW, THEREFORE,

BE IT RESOLVED, that the 2022 preliminary budget amended by the changes set forth on the annexed Schedule A be and hereby is adopted and declared to be the budget of the City of Poughkeepsie for the year 2022, and be it further

RESOLVED, that the 2022 preliminary budget be and hereby is adopted and declared to be the budget of the City of Poughkeepsie for the year 2022, and be it further

RESOLVED, that the amounts of said budget appropriations, estimated revenues, and contributions from fund balances, be and are hereby appropriated as therein specified in accordance with the provision of the Charter and Administrative Code of the City of Poughkeepsie and General and Special laws of the State of New York applicable to said City, and be it further

RESOLVED, that the aforementioned general ad valorem taxes required to be raised for such budget purposes would need a homestead tax rate of \$11.54 per one thousand dollars and a non-homestead tax rate of \$16.13 of assessed valuation upon all taxable property of the City of Poughkeepsie according to the valuation of the assessment roll for the current year, and be it further

RESOLVED, that the required water rate for taxable and nontaxable properties is established at \$4.86 per 100 cubic feet, and be it further

RESOLVED, that the required sewer rate for taxable and nontaxable properties is established at \$4.34 per 100 cubic feet, and be it further

RESOLVED, that pursuant to Local Law 3 of 2012 the required sanitation rate for eligible taxable and nontaxable parcels is established as follows:

Single family residence: \$120.00 a quarter

Two family residence: \$237.50 a quarter

Three family residence: \$375.00 a quarter

4 yard dumpster \$671.88 a quarter

6 yard dumpster \$931.25 a quarter

8 yard dumpster \$1234.38 a quarter

Mixed-use property: \$234.38 a quarter

RESOLVED, in accordance with the Charter and Administrative Code of the City of Poughkeepsie and on or before the date therein specified, a warrant shall be issued to the Commissioner of Finance as City Treasurer, to collect such taxes in accordance with the provisions of the Charter and Administrative Code of the City of Poughkeepsie applicable thereto, with penalties and interest therein provided.

SECONDED BY COUNCILMEMBER _____ .

Official Minutes of the Common Council Meeting of December 20, 2021

R-21-93						
☒ 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	☒	☐	☐	☐

IX. ORDINANCES AND LOCAL LAWS:

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

O-21-05, Ordinance amending Chapter XIX, Section 19-3.2 of the City of Poughkeepsie code of ordinances entitled “Zoning Map”

**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 _____ :

O-21-05						
☒ 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.

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

**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:

STRIKETHROUGH INDICATES DELETION

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.

LL-21-05						
☒ 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.

A motion to suspend the rules to allow Arthur Rollins, of the Historic District Landmark Preservation Committee was made by Councilmember Brannen and seconded by Councilmember Flowers.

- 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

(LL-21-06)

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:

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

Section 19-4.5 Historic District and Landmarks Preservation Commission.

(1) *Definitions.*

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.
- (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.

(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.

(10)(9) Determination by the Commission.

- (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.

LL-21-06 – as amended on the floor						
☒ 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:

A motion to defer the petitions of personal injury to Corporation Counsel for was made by Councilmember Brannen and seconded by Councilmember McClinton.

- 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

Councilmember Menist made a motion to adjourn the meeting and was seconded by Councilmember Brannen.

Councilmember Menist made a motion to divide the vote. Chair Salem asked for a vote to be taken on the adjournment.

Motion to adjourn						
☐ Accepted ☒ Defeated ☐ Tabled	Councilmember Flowers	Voter	Yes/Aye	No/Nay	Abstain	Absent
	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 to walk-on Resolution R-21-94 by Councilmember McClinton and seconded by Councilmember Flowers.

Motion to walk on R-21-94						
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	Yes/Aye	No/Nay	Abstain	Absent
	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 to suspend the rules to allow City Administrator Nelson to comment on the walk-on Resolution by Councilmember McClinton and seconded by Councilmember Flowers.

Official Minutes of the Common Council Meeting of December 20, 2021

A motion was made to resume the rules by Councilmember Flowers and seconded by Councilmember Flowers.

Motion to resume rules						
☒ 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 to walk-on Resolution R-21-94 by Councilmember McClinton and seconded by Councilmember Flowers and a third by Councilmember L. Johnson.

Motion to walk on R-21-94						
☒ 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 to receive and print by Councilmember Flowers and seconded by Councilmember McClinton.

Motion to receive and print						
☒ 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 INTRODUCING LOCAL LAW

**AND PROVIDING FOR PUBLIC
NOTICE AND HEARING
(R-21-94)**

**INTRODUCED BY COUNCILMEMBERS: MCCLINTON, FLOWERS, PETSAS,
RANDALL JOHNSON, Jr. AND LORRAINE JOHNSON:**

BE IT RESOLVED, that an introductory Local Law, entitled “Local Law Amending Section 18 1/2 of the Code of Ordinances 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 a draft Local Waterfront Redevelopment Program dated December 10, 2021, which further enumerates polices identified within the introduced Local Law, is also 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 aforesaid proposed Local Waterfront Redevelopment Program is available to the Council and public on the city’s website; and

BE IT FURTHER RESOLVED that the Council shall hold a public hearing on said proposed local law at 6:00 o’clock P.M., on January 18, 2022, 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 _____ .

Official Minutes of the Common Council Meeting of December 20, 2021

Motion to set the Public Hearing (R-21-94)						
☒ 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 Petsas and seconded by Councilmember McClinton to adjourn the meeting at 11:40pm.

Dated: December 28, 2021

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, December 20, 2021.

Respectfully submitted,

Jasmin Nicole Davis
City Chamberlain

