



COMMON COUNCIL MEETING

Tuesday, February 22, 2022

Virtual / Zoom

5:45 p.m.

Public Hearing Cont'd: *for the purpose of receiving comments on the proposed introductory Local Law, entitled "Local Law Amending Section 18 1/2 of the Code of Ordinances of the City of Poughkeepsie, New York"; Local Waterfront Redevelopment Program.*

https://us02web.zoom.us/webinar/register/WN_O14E9rDvTTaT3ZjJFnJlIQ

6:30 p.m.

https://us02web.zoom.us/webinar/register/WN_31m6UHmTKOYtioHWNBtog

I. ROLL CALL

II. REVIEW OF MINUTES:

Common Council Public Hearing – February 7, 2022

Common Council Meeting – February 7, 2022

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

IV. PUBLIC PARTICIPATION

V. CHAIRPERSON'S COMMENTS AND PRESENTATIONS

VI. MAYOR'S COMMENTS

VII. NEW & UNFINISHED BUSINESS:

VIII. REPORTS OF COMMITTEES AND BOARDS:

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS:

1. **R-22-20**, Resolution Extending the Rezoning Approval Granted by Ordinance 0-21-01
2. **R-22-21**, Resolution Authorizing Improvements to Sewage Pump Stations and Water Treatment Plant
3. **R-22-22**, Resolution Reappointing Colleen Kinneary McCabe, Michael Harris, and Gregory Gartland to the Board of Ethics
4. **R-22-23**, Resolution Reappointing LaLana Hunt Smiling to the Board of Assessment Review

X. ORDINANCES AND LOCAL LAWS:

1. **O-22-01**, Ordinance amending §13-269 of Chapter 13 of the City of Poughkeepsie Code of Ordinances Entitled “Motor Vehicles and Traffic”, establishing a Handicapped parking spot
2. **LL-22-02**, Local Law to Establish a Sustainable Energy Loan Program (Open C-PACE) in the City of Poughkeepsie

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

1. **R-22-24**, Resolution accepting a donation from the Dyson Foundation to the City of Poughkeepsie to be used to upgrade, improve and maintain the condition of various City of Poughkeepsie parks.

XII. ORDINANCES AND LOCAL LAWS:

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

1. **FROM NANCY TOMASZEWSKI**, a notice of personal injury sustained on January 20, 2022.

XIV. ANNOUNCEMENTS:

XV. ADJOURNMENT:

**RESOLUTION EXTENDING THE REZONING APPROVAL GRANTED BY
ORDINANCE 0-21-01**

(R-22-20)

INTRODUCED BY COUNCILMEMBER FLOWERS:

WHEREAS, the Common Council of the City of Poughkeepsie, by Ordinance O-21-01 on February 16, 2021, rezoned a nine (9) acre vacant parcel of land located on Milton Street known on the tax maps as Grid No. 6162-73-623227 from R-2 (Medium Low Density Residential District) to Planned Residential Development (PRD); and

WHEREAS, pursuant to City of Poughkeepsie City Code Section 19-3.18(6)(a), a rezoning to PRD is effective for twelve months; and

WHEREAS, the Common Council is authorized to grant extensions to the approval, the first extension not to exceed an additional six months upon good cause shown by the applicant; and

WHEREAS, LaBella Associates, as representative for the applicant, has submitted a letter dated February 4, 2022, supporting a request for a 6 month extension.

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

Upon good cause shown, Ordinance 0-21-01, rezoning a nine (9) acre vacant parcel of land located on Milton Street known on the tax maps as Grid No. 6162-73-623227 from R-2 (Medium Low Density Residential District) to Planned Residential Development (PRD) is hereby extended for a period of six months effective February 16, 2022.

SECONDED BY COUNCILMEMBER _____ :

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

(0-21-01)



INTRODUCED BY COUNCILMEMBER MENIST

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

SECTION 1: That the zoning map established pursuant to Chapter 19, §19-3.2, of the Code of Ordinances entitled “Zoning Map” of the City of Poughkeepsie be and same hereby is amended to rezone a nine (9) acre vacant parcel of land located on Milton Street known on the tax maps as Grid No. 6162-73-623227 from R-2 (Medium Low Density Residential District) to Planned Residential Development.

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

SECTION 3: That the Planning Board of the City of Poughkeepsie as lead agency pursuant to a coordinated review has determined that the action is an unlisted action and upon a Full Environmental Assessment Form and the examination of 6 N.Y.C.R.R. §617.7 of the State Environmental Quality Review Act adopted a negative declaration because no Negative impacts anticipated will occur by reason of this action and the Common Council hereby adopts the Negative Declaration of the Planning Board dated January 20, 2021.

SECTION 4: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER BRANNEN

Submitted to Council: June 3, 2015 Council Action: Approved Roll call vote taken: Yes <u>X</u> No _____ Ayes 9 Nays 0 Abstain 0 Absent 0 Approved by Mayor On <u>2/18/21</u> Mayor's Signature <u>R. J. Peluso</u>	I hereby certify the foregoing to be a true and correct copy of a Resolution duly adopted at a regular meeting of the Common Council held <u>February 16, 2021</u> <u>Donna M. DeLuca</u> Acting City Chamberlain
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MEMORANDUM

TO: Chairperson Sarah Salem; Jasmin Davis, City Chamberlain

FROM: LaBella Associates (formerly Chazen Companies), Caren LoBrutto, Senior Planner

CC: Planning Director, Natalie Quinn; Yvonne Flowers, Councilperson; Simon Abikhzer (Maselo Realty); Nate Abikhzer (Masolo Realty);

DATE: February 4, 2022

RE: Highview/Milton Street: Request for a Rezoning Extension and to appear at February 7 Common Council Meeting

PROJECT NO.: 81947

PROJECT DESCRIPTION

The Applicant and owner, Maselo Realty, LLC, is requesting an extension of the rezoning approval (February 16, 2021, Common Council Ordinance 0-21-01) for the approximately nine-acre vacant tax parcel on Milton Street in the City of Poughkeepsie from Medium Low-Density Residential (R-2) to Planned Residential Development (PRD). The rezoning was undertaken to allow for the construction of a 63-apartment unit clustered multifamily development within two buildings, with a swimming pool and accessory surface parking, with two accesses off Milton Street. The parcel is identified as parcel number 131300-6162-73-623227 on the City of Poughkeepsie Tax Map. The Town of Poughkeepsie abuts the eastern edge of the property.

REZONING APPROVAL BACKGROUND

The parcel is currently undeveloped and was zoned for Medium Low-Density Residential (R-2) within which multifamily development is not permitted. Therefore, to facilitate the proposed project, the Applicant petitioned the City for a rezoning of the property from R-2 to PRD by the Common Council. The Planning Board as lead agency determined that the action was an unlisted action and upon examination of the Full Environmental Assessment Form (FEAF) and 6 N.Y.C.R.R Section 617.7 of the State Environmental Quality Review Act (SEQRA), adopted a negative declaration on February 26, 2020. The Common Council and City's Mayor approved the amendment to the Zoning Map on February 18, 2021. Additionally, the Applicant received Zoning Board of Appeals (ZBA) approval for three area variances on September 14, 2021 to enable the proposed development.

Since the Applicant is still in the process of obtaining final site plan approval and all other approvals required for the project, and the PRD rezoning approval from the City of

1

Poughkeepsie will end as of February 18, 2022, the Applicant is seeking an extension of the rezoning approval.

CURRENT STATUS - PROJECT CHALLENGES

The project has undergone significant site plan review with the Planning Board, including architectural evaluation and review of all elements are still underway. The proposed project has not changed since the rezoning was approved and no changes are proposed now, nor are they the reason for the rezoning extension. In short, the extension is being requested due to the complexities of development in a City environment with utility responsibilities shared by more than one municipalities and difficulty obtaining important records. As noted above, the Applicant has obtained the required ZBA variances.

REQUEST TO APPEAR AT FEBRUARY 7, 2022 COMMON COUNCIL MEETING

The approved rezoning expires on February 18, 2022. Therefore, the Applicant respectfully requests to appear at the February 7, 2022 Common Council Meeting.

PRD REZONING EXTENSION REGULATIONS

The project site is located within the PRD Zoning District and an approval for rezoning to a PRD District shall be effective for a period of 12 months after Common Council approval of such rezoning. The City Code states that in the event that the applicant has not obtained final site plan approval and all other approvals required for the lawful commencement of the project described in the approved final site plan and commence substantial construction¹ of the project, the PRD zone shall terminate and the zoning for the subject property shall revert to the zoning designation in effect prior to the rezoning to PRD. For good cause shown, the Common Council may extend the 12-month period set forth above, for a period of time not to exceed an additional 6 months per Zoning Section (ZS) 19-3.18(6)(a).

ZS 19-1.38(6)(a) also states that the Common Council may, upon application and in its discretion, grant a further extension of time, in increments of one-year extensions, not to exceed, in total, a maximum of three years of additional extension, all such extensions measured from the date of expiration of the 6-month extension.

In considering such discretionary extension, an applicant must demonstrate the following to the Common Council

¹ Zoning Section 19-3.18(b) states that for the purposes of this section, commencement of substantial construction shall mean the commencement of physical construction of not less than 30% of the residential units shown in the final approved site plan, including excavation, footings and foundations or slabs; or 20% of the residential units shown in the first phase of development if the final approved site plan provides for development in phases.

- (1) Such additional extension is required by reason of the inability of the applicant to obtain an approval or approvals from one or more governmental agencies required to implement construction within the PRD District and must further demonstrate that such inability to obtain such approval or approvals results from reasons beyond the control of the applicant, unrelated, in whole or in part, to any fault or failure on the part of the applicant in applying for or processing such applications for such approval or approvals.*

As stated previously, the project has undergone significant site plan review with the Planning Board, including architectural evaluation and review of all elements are still underway. The project has not changed since the rezoning was approved and no changes are proposed now, nor are they the reason for the rezoning extension. In short, the extension is being requested due to the complexities of development in a City environment with utility responsibilities shared by more than one municipalities and difficulty obtaining important records. As these reasons are beyond the control of the applicant, an additional extension would provide the necessary time needed to obtain all the approvals required.

Any such discretionary extension requires findings by the Common Council that such discretionary extension is consistent with the purposes and objectives of PRD Zoning as set for in Section 19-3.18 (1) and (2) of the City's Code of Ordinances, together with findings that the approval for which such discretionary extension is sought is consistent with any amendments to PRD zoning as may have been adopted, from time to time, on and after the date when PRD approval was given to the applicant.

In considering such discretionary extension, an applicant must demonstrate project consistency with the PRD's intent and objectives set forth in Sections 19-3.18 (1) and (2) of the City Code.

Section 19-3.18(1):

- 1) To encourage innovations in residential development so that the growing demands for housing of different types at all economic levels may be met by greater variety in type, design and siting of dwellings*

The project has not changed since the rezoning was approved and no changes are proposed now. The PRD would permit multifamily residential development and allow for the creation of two residential apartment buildings, unlike the former R-2 District, which would preclude apartment development. The proposed project would include 64 apartment dwelling units, which are anticipated to be leased at market rate. The units are comprised of 31 one-bedroom units and 32 two-bedroom units.

The project is consistent with the PRD's intent to encourage innovation and diversity in residential development.

- 2) *To encourage the maximum reasonable conservation and the most efficient possible use of large tracts of land.*

The PRD District would permit multifamily residential development and approximately 22,100 SF of usable open space for tenant use as part of the project. It is anticipated to result in a more environmentally sensitive development of the property than that of a traditional single-family home development. The design preserves natural resource elements and is located upland away from the Fallkill, wetlands, riparian and floodplain areas. The proposed project would access the existing road network and utilize internal driveways, drive aisles and parking with no new streets proposed. Connections are proposed to existing municipal utilities. Stormwater design will use best practices including bioretention areas and stormwater retention and will be conveyed via swales and subsurface piping. The project is unchanged and is consistent with the PRD's intent to encourage the maximum reasonable conservation and most efficient use of land.

Section 19-3.18(2):

- a) *An increase in choices of housing types available to city residents at various economic levels.*

The project includes 63 apartment dwelling units, which are anticipated to be leased at market rate. The project is unchanged and is consistent with this objective.

- b) *More usable open space and recreation areas.*

Approximately 22,100 SF of usable open space will be provided for tenant use as part of the proposed project. The project is unchanged and is consistent with this objective.

- c) *Preservation of trees and outstanding natural topographic and geological features and prevention of soil erosion.*

The rezoning of the property to a PRD District will permit multifamily residential development and is anticipated to result in a more environmentally sensitive development of the property than that of a traditional single-family home development. The development would be clustered away from the Fall Kill Creek, which is an important natural resource in the City and trees with a diameter of eight inches or more, measured three feet from the base of the tree, are intended to be preserved to the fullest extent possible consistent with good design.

The proposed project will require greater than one acre of disturbance and will require coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity. A Stormwater Pollution Prevention Plan has been prepared in conformance with the most current New York State Stormwater Management Design Manual and New York State Standards and Specifications for Erosion and Sediment Control.

The project is unchanged and is consistent with this objective.

d) More convenience in location of accessory commercial and service areas.

The project does not include accessory commercial or service areas. The project is unchanged and is consistent with this objective.

e) A smaller network of utilities and streets which would lower housing and public maintenance costs.

The proposed project would utilize internal driveways, drive aisles and parking. No new streets are proposed. The site is currently served by municipal utilities, and it is anticipated that connections to these utilities will be made. The project is unchanged and is consistent with this objective.

f) A more desirable environment than would be possible through the strict application of other provisions of this Chapter (19).

A strict application of the Medium Low-Density Residential (R-2) Zoning District to the project site could theoretically yield 63 single-family homes. The R-2 Zoning District does allow cluster development, but the residential uses permitted in a cluster development are limited to the residential uses permitted in the underlying zoning district. In the R-2 District, the residential use is single family detached dwellings, which would preclude apartment development. The Applicant proposes to rezone the property to PRD to allow multifamily development within a development that conforms to the parcel's unique environmental character. The project is unchanged and is consistent with this objective.

RESOLUTION
R-22-21
EXTRACT OF MINUTES
[Supplemental Resolution for Pump Station Renovation, CSO & WWTP Improvements]

A regular meeting of the Common Council of the City of Poughkeepsie, Dutchess County, New York was convened in public session at the Council Chambers, City Hall, Poughkeepsie, New York on February 22, 2022 at 6:30 o'clock p.m., local time.

The meeting was called to order by Chair Salem, and, upon roll being called, the following members were:

PRESENT:

Council Chair Sarah A. Salem
Councilmember Natasha Cherry
Councilmember Megan Deichler
Councilmember Yvonne Flowers
Councilmember Lorraine Johnson
Councilmember Debra Long
Councilmember Evan Menist
Councilmember Nedra Patterson Thompson
Councilmember Nathan Shook

ABSENT:

The following persons were ALSO PRESENT:

Commissioner of Finance Brian Martinez, PhD

The following resolution was offered by Councilmember Salem, seconded by Councilmember _____, to wit;

SUPPLEMENTAL BOND RESOLUTION DATED FEBRUARY 22, 2022

A RESOLUTION AUTHORIZING IMPROVEMENTS TO SEWAGE PUMP STATIONS, IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT, AND IMPROVEMENTS TO ADDRESS COMBINED SEWER OVERFLOW AT AN INCREASED ESTIMATED MAXIMUM COST OF \$12,370,000, AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$11,256,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE A PORTION OF THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

WHEREAS, the City of Poughkeepsie, Dutchess County, New York (the "City") has previously approved its Bond Resolution No. R15-16 dated February 17, 2015, as supplemented by a Supplemental Bond Resolution No. R15-70 dated September 8, 2015, regarding Pump

Station Renovation, CSO & WWTP Improvements (as supplemented, the "Bond Resolution"), authorizing the issuance of serial bonds for the purposes described therein in an aggregate principal amount not to exceed \$11,256,000; and

WHEREAS, the City has previously issued its EFC Clean Water Facility Note-2017A (Bond Anticipation Note) in the principal amount of \$8,419,500 dated April 27, 2017 pursuant to the Bond Resolution; and

WHEREAS, based on updated estimated costs of the improvements to be financed pursuant to the Bond Resolution, including certain costs to be financed with the proceeds of grants awarded to the City, it is necessary to increase the estimated project cost by \$1,114,000, without increasing the authorized amount of obligations;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Poughkeepsie, Dutchess County, New York (the "City") (by the favorable vote of not less than two-thirds of all of the members of the Common Council) as follows:

SECTION 1. Section 1 of the Bond Resolution is hereby amended and supplemented to read as follows:

SECTION 1. The improvement of pump stations including Meyer Avenue Pump Station, Pine Street Pump Station and Cedar Avenue Pump Stations, the improvements to the Wastewater Treatment Plant, the completion of storm sewer line separation to eliminate the Riverview Combined Sewer Overflow, installation of bioretention and porous pavement at Liberty Street lot to reduce stormwater runoff to address combined sewer overflows; and the relining of sewer pipes at various locations in the City to address sanitary sewer overflows to the receiving waters, is hereby authorized at an increased estimated maximum cost of \$12,370,000, and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 4 of paragraph a of Section 11 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty years.

SECTION 2. Section 3 of the Bond Resolution is hereby amended and supplemented to read as follows:

SECTION 3. The City plans to finance a portion of the total cost of said purposes by the issuance of serial bonds of the City in an amount not to exceed \$11,256,000, hereby authorized to be issued therefor pursuant to the Local Finance Law. The City plans to pay or reimburse a portion of the total project costs from the proceeds of certain grants including a preliminary engineering grant, a WIIA grant, and a GIGP grant. Nothing in this resolution shall be deemed to impair the obligations previously issued pursuant to the Bond Resolution.

SECTION 3. It is hereby determined that the above purposes constitute a Type II action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQR not to have a significant impact on the environment.

SECTION 4. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) Such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or

(2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with;
and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 5. The Chamberlain is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Poughkeepsie Journal, being a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Council Chair Sarah A. Salem	VOTING ____
Councilmember Natasha Cherry	VOTING ____
Councilmember Megan Deichler	VOTING ____
Councilmember Yvonne Flowers	VOTING ____
Councilmember Lorraine Johnson	VOTING ____
Councilmember Debra Long	VOTING ____
Councilmember Evan Menist	VOTING ____
Councilmember Nedra Patterson Thompson	VOTING ____
Councilmember Nathan Shook	VOTING ____

The foregoing resolution was thereupon declared duly adopted.

Submitted to Council: Council Action: Roll call vote taken: Yes ____ No ____ Ayes ____ Nays ____ Abstain ____ Absent ____ Approved by Mayor on _____ Mayor's Signature _____ Robert G. Rolison	I hereby certify the foregoing to be a true and correct copy of a Resolution duly adopted at a regular meeting of the Common Council held February 22, 2022. _____ City Chamberlain
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CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Chamberlain of the City of Poughkeepsie, Dutchess County, New York (hereinafter called the "City") and the custodian of the records of the City, including the minutes of the proceedings of the Common Council, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Common Council held on the 22nd day of February, 2022 and entitled:

SUPPLEMENTAL BOND RESOLUTION DATED FEBRUARY 22, 2022

A RESOLUTION AUTHORIZING IMPROVEMENTS TO SEWAGE PUMP STATIONS, IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT, AND IMPROVEMENTS TO ADDRESS COMBINED SEWER OVERFLOW AT AN INCREASED ESTIMATED MAXIMUM COST OF \$12,370,000, AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$11,256,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE A PORTION OF THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the City. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Common Council was present throughout said meeting, and a legally sufficient number of members (two-thirds of the Common Council) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the City and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this ____ day of _____, 2022.

-SEAL-

Jasmin Nicole Davis
City Chamberlain

Executive Summary–Not a part of the Resolution

This Supplemental Bond Resolution for **Pump Station, CSO & WWTP Improvements** includes:

<u>Purpose</u>	<u>Capital Budget Items</u>	<u>PPU (Max. Period for Financing)</u>	<u>Total Estimated Maximum Cost</u>	<u>Other Funds*</u>	<u>Bonds Authorized</u>
Section 1. Renovation of Meyer Avenue Pump Station, Pine Street Pump Station, and Cedar Avenue Pump Station, WWTP Improvements and Storm Sewer Separation (including Liberty lot) and Sewer Pipe Lining	Pump Station renovation, WWTP improvements CSO Storm Sewer (including Liberty lot GIGP green infrastructure)	30 years	\$7,756,000 original resolution plus \$3,500,000 first supp. Resolution plus \$1,114,000 second supp. Resolution for a total project cost of \$12,370,000	\$30,000 CWSRF Engineering Planning Grant \$2,806,500 WIIA \$1,200,000 GIGP	\$11,256,000
Grand Total			\$12,370,000	\$4,036,500	\$11,256,000

*Estimated Other Funds, Sources:

CWSRF Engineering Planning Grant

WIIA 2015 Round 2 Grant, NYS EFC CWSRF Project C3-7348-03-00 PFA dated as of April 27, 2017

Green Innovation Grant Program Project C3-7348-05-00 GIGP Application 1583 Grant Agreement dated as of October 9, 2019

RESOLUTION
(R-22-22)

INTRODUCED BY CHAIR SALEM:

WHEREAS, in accordance with City Charter §6.08 and Administrative Code §15.05, the Common Council of the City of Poughkeepsie is authorized to make appointments of City residents to serve on the City of Poughkeepsie Board of Ethics; and

WHEREAS, all appointments to the Board of Ethics are currently vacant; and

WHEREAS, three members of the Board of Ethics have expressed their desire for reappointment to serve another two year term.

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby appoints the following individuals to the Board of Ethics for a two (2) year term:

Gregory Gartland
Michael Harris
Colleen Kinneary McCabe

SECONDED BY _____.

**RESOLUTION
(R 22-23)**

INTRODUCED BY CHAIRPERSON SALEM

WHEREAS, the members of the Board of Assessment Review are appointed by the Common Council pursuant to the City Charter 5.02(1) and Section 523 of the New York Real Property Tax Law; and

WHEREAS, member LaLana Hunt Smiling has previously served on the Board of Assessment Review and has expressed an interest in continued service; and

WHEREAS, the Commissioner of Assessment has recommended the reappointment of LaLana Hunt-Smiling as a member of the Board of Assessment Review; and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Poughkeepsie does hereby re-appoint LaLana Hunt-Smiling to the Board of Assessment Review for a term of five (5) years commencing on October 1, 2021 and expiring on September 30, 2026.

SECONDED BY COUNCILMEMBER _____

The City of Poughkeepsie

New York

John Taylor
Assessor
jtaylor@cityofpoughkeepsie.com



62 Civic Center Plaza
Poughkeepsie, N. Y. 12601
845-451-4039

January 10, 2022

COMMON COUNCIL
City of Poughkeepsie

Re: Board of Assessment Review

Chairperson Salem and Councilmembers,

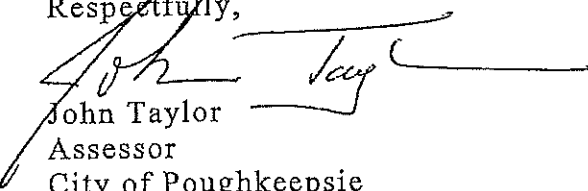
I am pleased to write this letter of recommendation for Ms LaLana Hunt-Smiling to be reappointed to serve on the City of Poughkeepsie Board of Assessment Review. Ms Hunt's addition to the BAR has brought a level of Real Estate expertise that benefits the BAR and the community as a whole.

Ms Hunt-Smiling has held a Real Estate license, for over 6 years and concentrates on properties in the surrounding community. She is also a Poughkeepsie City School District teacher and is a community home owner.

I strongly recommend the City of Poughkeepsie Common Council appoint Ms Hunt-Smiling to a new five year term on the Board of Assessment Review.

Please do not hesitate to contact me should you have any additional questions or concerns regarding my recommendation.

Respectfully,


John Taylor
Assessor
City of Poughkeepsie

**ORDINANCE AMENDING §13-269
OF CHAPTER 13 OF THE CITY OF POUGHKEEPSIE
CODE OF ORDINANCES ENTITLED "MOTOR VEHICLES
AND TRAFFIC"**

(O-22-01)

INTRODUCED BY COUNCILMEMBER LONG:

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

SECTION 1: §13-269 is hereby amended by the following addition:

Section 13-269 -Handicapped parking areas designated.

Upon the erection of signs giving due notice thereof, the following areas shall be designated as handicapped parking areas and are to be utilized only for the purpose set forth in this Article:

Mill Street, South side, beginning 25 feet East of its intersection with S. Bridge St. and continuing East for a distance of 20 feet, for one-parking space

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____:

ADDITIONS denoted by **Underlining and Bold**

LOCAL LAW NO. LL-22-01

**A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN
PROGRAM (OPEN C-PACE) IN THE CITY OF POUGHKEEPSIE**

INTRODUCED BY CHAIRPERSON SALEM AND COUNCILMEMBER MENIST:

Be it enacted by the City of Poughkeepsie (the “Municipality”) as follows:

Section 1. This local law shall be known as the “Energize NY Open C-PACE Financing Program” and shall read as follows:

ARTICLE I

§1. Legislative findings, intent and purpose, authority.

- A. It is the policy of both the City of Poughkeepsie and the State of New York (the “State”) to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The City of Poughkeepsie finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of the City of Poughkeepsie pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between the City of Poughkeepsie and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).
- B. The City of Poughkeepsie is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.
- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

§2. Definitions

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Annual Installment Amount – shall have the meaning assigned in Section 8, paragraph B.

Annual Installment Lien – shall have the meaning assigned in Section 8 paragraph B.

Authority – the New York State Energy Research and Development Authority.

Benefit Assessment Lien – shall have the meaning assigned in Section 3, paragraph A.

Benefited Property – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

Benefited Property Owner – the owner of record of a Benefited Property.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the Municipality to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the Municipality as a charge to be levied on the real property.

Eligible Costs – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC's Program administration fee, closing costs and fees, title and appraisal fees, professionals' fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

Enabling Act – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

Finance Agreement – the finance agreement described in Section 6A of this local law.

Financing Charges – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys' fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

Financing Parties – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the Municipality.

Municipality – the City of Poughkeepsie, a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

Municipal Lien – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

Non-Municipal Lien – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

Program – the Energize NY Open C-PACE Financing Program authorized hereby.

Qualified Project – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

Qualified Property – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

Qualified Property Owner – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

RPTL – the Real Property Tax Law of the State, as amended from time to time.

Secured Amount – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

State – the State of New York.

§3. Establishment of an Energize NY Open C-PACE Financing Program

- A. An Energize NY Open C-PACE Financing Program is hereby established by the Municipality, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the Municipality, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the

“Benefit Assessment Lien”) on the land records for the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality.

- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

§4. Procedures for eligibility

- A. Any property owner in the Municipality may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Municipality’s offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the Municipality, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 5 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 6 of this local law.

§5. Application criteria

Upon the submission of an application, EIC, acting on behalf of the Municipality, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current in payments on any real property taxes on the Qualified Property; and

- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.

§6. Energize NY Finance Agreement

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the Municipality, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property").
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.
- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

§7. Terms and conditions of repayment

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the Municipality. The special benefit assessment shall constitute a "charge" within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the Municipality, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the Municipality.

- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the Municipality, as provided in the Finance Agreement.

§8. Levy of Annual Installment Amount and Creation of Annual Installment Lien

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the Municipality. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the Municipality, in the land records for properties in the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the Municipality.
- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the "Annual Installment Amount"). The Annual Installment Amount shall be levied by EIC, on behalf of the Municipality, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the "Annual Installment Lien") and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the Municipality, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon

the Benefited Property and shall be collected by EIC, on behalf of the Municipality, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the Municipality, or the Financing Party, as may be provided in the Finance Agreement.

- E. EIC shall act as the Municipality's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.
- F. EIC, on behalf of the Municipality, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

§9. Verification and report

EIC, on behalf of the Municipality, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

§10. Separability. If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

Section 2. It is the intention of the City of Poughkeepsie Common Council and it is hereby enacted that the provisions of this Local Law shall be included in the Code of Ordinances of the City of Poughkeepsie; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the words "Local Law" shall be changed to "Chapter," "Section," or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 3. This local law shall take effect upon filing with the Secretary of State.

SECONDED BY COUNCILMEMBER _____.

RESOLUTION
(R-22-24)

INTRODUCED BY CHAIR SALEM:

WHEREAS, the Dyson Foundation has agreed to donate \$319,000 to the City of Poughkeepsie to be used to upgrade, improve and maintain the condition of various City of Poughkeepsie parks; and

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

WHEREAS, the Common Council is desirous of accepting such donation to be used to upgrade the infrastructure of city parks as detailed in Exhibit "A" attached; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby accepts a donation from the Dyson Foundation in the amount of \$319,000 which funds shall be used as detailed in the attached Exhibit "A"; and

BE IT FURTHER RESOLVED, that the Mayor, City Administrator and Finance Commissioner shall be authorized to execute any agreements necessary to give full force and effect to this resolution.

SECONDED BY _____.

Schedule A

Items requested of Tyson Foundation for City Parks projects.

Item	Location	Cost
Pool Cover Pulaski	Pulaski Park Pool	\$34,000
Pool Cover Spratt	Spratt Park Pool	\$20,000
Light tower replacement	Stitzel Field	\$100,000
Ball Field Safety Netting	Stitzel Field, College Hill, Spratt	\$60,000
Field Re-grating Project	Stitzel Field, College Hill, Spratt Park	\$20,000
Parks Maintenance Vehicle	All Parks	\$14,500
24x36 Storage Structure	TBD	\$17,000
200 tons infield clay mix	College Hill, Stitzel Field, King Street T-Ball Field, Spratt Park	\$20,000
Ball Field Backstop Upgrades	College Hill Softball Field, Spratt Park	\$16,000
Glass Backboards	Wheaton Park and Pershing Ave.	\$18,000
TOTAL:		\$319,500

February 1, 2022

Nancy Tomaszewski
27 Greentree Drive South
Hyde Park, NY 12538
845-489-1347

City of Poughkeepsie
City Chamberlain
62 Civic Center Plaza
Poughkeepsie, NY 12601

CITY OF Poughkeepsie
CITY CHAMBERLAIN
2022 FEB - 1 PM 2:59

To Whom It May Concern:

Enclosed please find Notice of Claim filled out in triplicate to document a fall I sustained in the Parking Deck on Market Street on 1/20/22 at approximately 4:40 pm. I left a voicemail with the Parking Authority at 4:45 pm on 1/20 and another around 9:30 am on 1/21 to which I received no response. I also notified the Mayors Office when I received no response from the Parking Authority. Where I stepped was a sheet of ice and my legs went in the air and I fell, resulting in pain to my left hand, neck, shoulder and back. I am requesting that this accident report be kept on file and acknowledged.

Sincerely,


Nancy J. Tomaszewski

PLEASE PRINT OR TYPE FORM CLEARLY

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

NOTICE OF CLAIM
AGAINST
THE CITY OF POUGHKEEPSIE, NEW YORK

TODAY'S DATE: 2/1/22

NAME AND ADDRESS OF EACH CLAIMANT:

NANCY J TOMASZEWSKI
57 GREENTREE DR SO
HYDE PARK NY 12538

TELEPHONE NUMBER: 845 489 1347

NAME AND ADDRESS OF ATTORNEY (IF ANY):

N/A

CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN
2022 FEB - 1 PM 2:59

DESCRIBE WHAT HAPPENED AND AMOUNT CLAIMED (PLEASE STATE DATE, TIME, LOCATION, AND MANNER IN WHICH CLAIM AROSE): I was walking to my paid parking space on 1/20/22 @ approx. 4:40 PM I stepped on the curb towards the inside of the deck & slid on ice, went in the air & landed on my hand & back experiencing pain in my hand, shoulder & back. ITEMS DAMAGED OR INJURIES SUSTAINED:

Bruising on my hand, pain in my neck, shoulder & back

Signature of Claimant

Signature of Claimant

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

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

Signature of Claimant

Signature of Claimant

Sworn to before me this 1 day of February, 2022

Ann Marie Piccone
Notary Public

Ann Marie Piccone
Notary Public, State of New York
No. 5008778
Qualified in Dutchess County
Commission Expires March 1, 2023

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

Official Minutes of the Public Hearing of February 7, 2022 for the purpose of receiving comments on the proposed introductory Local Law, entitled "Energize NY Open C-PACE Financing Program"



THE CITY OF POUGHKEEPSIE NEW YORK

PUBLIC HEARING

Monday, February 7, 2022 6:00 p.m.

Virtual

Welcome to the scheduled meeting of the Public Hearing in the City of Poughkeepsie. The date is February 7, 2022 and the time is 6:01 pm.

THIS HEARING IS FOR THE PURPOSE OF RECEIVING COMMENTS ON THE PROPOSED INTRODUCTORY LOCAL LAW, ENTITLED "ENERGIZE NY OPEN C-PACE FINANCING PROGRAM"

Councilmember-At-Large Salem called the meeting to order at 6:02 p.m.

I. WELCOME

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

1. John Rath – 154 Mill St.

III. ADJOURNMENT:

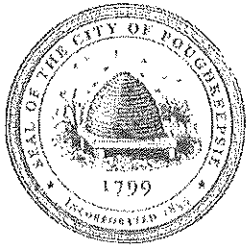
The Public Hearing ended at 6:08pm.

Dated: February 11, 2022

I hereby certify that this true and correct copy of the Minutes of the Common Council Public Hearing held on February 7, 2021.

Respectfully submitted,

**Jasmin N. Davis
City Chamberlain**



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, February 7, 2022, 6:30 p.m.

Virtual

The Council Meeting was conducted using videoconferencing, as permitted by the NYS Open Meetings Law.

Welcome to the regularly scheduled Meeting of the City of Poughkeepsie Common Council the date is February 7, 2022, and the time is 6:32 pm.

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

Let's all recite the pledge of allegiance.

I. ROLL CALL: (8 present, 1 absent: Councilmember Flowers)

II. REVIEW OF MINUTES:

Common Council Organizational Meeting – January 3

Common Council Meeting – January 3

Common Council Public Hearing – January 18

Common Council Meeting – January 18

**Motion to accept the minutes: Councilmember Long
2nd: Councilmember Cherry**

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

NONE

IV. PUBLIC PARTICIPATION

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

On tonight's agenda, there's an item reading: "Veto Override so that LL [Local Law] 21-06 shall be effective". I urge all councilmembers to vote in favor of this override. In December 2021, this Council passed Local Law 21-06 to make much needed improvements to the city's preservation ordinance; improvements that were proposed only after months of good faith work between the Council, the preservation commission, the City attorney and City Administration. Therefore, it's a mystery why, after months of that work, the Mayor would choose to veto the law. It's also a mystery whether the Mayor's veto was, in fact, made in a timely and legal fashion. News of the veto was never posted to the City website. After nearly two weeks, I have yet to receive an Administration response to a Freedom of Information request for time-stamped documents verifying the veto. Why is that? Two different sections of the City's Charter [§2.07 and §3.02(f)], spell out the process of timely vetoes and overrides. Tonight, I urge all Councilmembers to override the alleged veto. Whether a timely veto exists, and whether the Administration acted in good faith, can and should be debated at a future date.

The erosion of democratic norms is growing ever-more entrenched and epidemic in this City's sadly dysfunctional, backroom world. The Administration is not the only party with a questionable relationship to democratic norms. As I have raised during previous public comments, this Council has issued a meeting schedule that violates the City Charter, has yet to create the Charter-mandated Redistricting Commission, and so much more. Rather than support and encourage public comment, Chair Salem repeatedly terminates public hearings after only 1/2-hour, forcing remaining speakers to show up on a second future date. How long will this Council continue to abide by this intentional sabotage of public input? Does Salem provide Councilmembers with the names and number of speakers registered for any given meeting, so that the Council can provide a timing extension to accommodate all registrants? If not, why not?

At the January 18th Council meeting, a presentation was made by PK4Keeps consultants and City Planner and Acting Development Director Natalie Quinn. Evan Menist is one of four councilmembers who sit on the PK4Keeps steering committee, where it is common knowledge that attendance is a dismal failure, and that steering committee documents look nothing like the documents released to the public. Contrary to the misrepresentation by Evan Menist, a transparent, inclusive process would be one that's on tape, open to the public, and has full disclosure of documents, minutes and attendance records. (Sarah Salem, Yvonne Flowers and Debra Long are the other three councilmembers who sit on the PK4Keeps steering committee.)

It was shocking at the last meeting to see that after the PK4Keeps presentation, four out of nine Councilmembers had no comments and no questions at all. Does our current crop of Councilmembers not feel obligated to educate themselves about agenda items and City issues before collecting a paycheck? Instead, councilmember

Official Minutes of the Common Council Meeting of February 7, 2022
[Amended February 22, 2022]

silence and collusion ruled the roost, not only about a Comprehensive Plan that's gone without updating for more than 20 years, but about how districts and spot rezonings being spearheaded by Natalie Quinn are undermining this City's affordable housing, diversity and equity. In the meantime, Quinn is resolutely changing the face of planning and zoning long before any new plans can be issued, with an aim toward creating an entitled, millennial, developer-favorable, Disneyworld future City—a nightmare already well underway, mostly under cover of shrouded LLCs, dark backrooms, and ridiculous confirmation-bias, colored dot surveys that pretend to measure public input.

2. Naomi Brooks, S. Grand Ave. - submitted written comments

I am speaking about the Mayor's veto on amendments to the historic preservation part of our code of ordinances through Local Law 21-06. The amendments will enhance the city's ability to protect historic properties. They are the product of many months of conversation resulting in agreement among city staff, Common Council, and Historic District and Landmarks Preservation Commission members. The Common Council members in attendance at the December 20, 2021 meeting unanimously approved these changes.

[The amendments will enhance the city's ability to protect historic properties against demolition by neglect, and will implement a demolition review process before issuing a demolition permit. This work will happen in concert with the city building department.

The amendments will change the order of the administrative review process where an application needs additional city approvals. This will provide early design guidance for large projects to reduce changes that have shown to be costly to both developers and the city, in terms of time and money.]

The HDLPC, as directed by our City Code of Ordinances, is comprised of professional architects, historians, community members living in landmarked properties, and others showing significant commitment to historic preservation. Their decisions are guided by recognized standards for rehabilitation, using specific criteria.

Other volunteer boards and commissions within the city have the same structure: appointed members with deep content knowledge and experience, who are guided by criteria set within our Code of Ordinances, who provide approvals or denials for the applications before them.

I am grateful to these people, who give freely of their time and expertise without pay, whose motivation lies only to use that knowledge and experience to make this city the best it can be. We rely on such advice in our everyday lives as well, often turning to others to guide us. We have friends who are better chefs, hire construction workers to do jobs with finer detail than we can. We consult with accountants and lawyers and doctors. It is a network that helps make our lives better.

Official Minutes of the Common Council Meeting of February 7, 2022
[Amended February 22, 2022]

The Mayor's veto message characterized the amendments as "an unnecessary and unwise delegation of power by our city's duly elected legislature to a Commission comprised of unelected volunteers". The Mayor appoints these volunteers! They are here to provide additional expertise! Could the City be run by the Mayor alone, without guidance and input by members of the various departments, each carrying out tasks in their areas of expertise? As a citizen, I voted for a mayor who in turn hires staff to help fulfill the city's duties. As a citizen, I voted for a Common Council representative and expect them to be able to count on similar support mechanisms, so they can fulfill their duties in the best way. Again, the changes approved by Common Council were a product of many months of conversation resulting in agreement among city staff, Common Council, and HDLPC members. I am baffled by this about-face on the part of the Mayor. Please allow these amendments to stay and override the Mayor's veto.

3. **Peter Van Aken**
4. **Ken Stier**
5. **John Rath, 154 Mill St.**
6. **Gary Pritvasky, HDLPC**
7. **Laura Strait, 112 Mill St.**

V. CHAIRPERSON'S COMMENTS AND PRESENTATIONS

First, I'd like to thank DPW for the recent storm cleanup. We just experienced an incredible and terrifying at points ice storm this past weekend. And, you know, I'm so thankful that folks that lost power here in Poughkeepsie had it restored fairly quickly, which was not the case for a lot of folks across the river and up north, some of which are still without power and so without heat, which is, you know, a very horrible situation to be in, especially if you have young children or you're elderly or you have pets, even just yourself, it's not a good situation to be in, especially when we're seeing temps drop below zero, which I do want to mention too.

Part of the reason the cleanup is so difficult and you know, we have a lot of folks out at DPW to thank for being out there on an ongoing basis is because of the low temps and the inability for the salt to even be effective or any of the other kind of melting techniques. And still, you know, even today, some of the sidewalks are just covered in ice. It's like a skating rink out there in parts of the city, you know, on the sides of the roads, on a lot of the sidewalks.

There's one over here in front of Mural Square. The whole square is a sheet of ice and the sidewalk then extended onto Main Street is a sheet of ice. So just use extreme caution. There's a lot of black ice as well, just again, because we're getting periods of changing temperatures and as much as folks are throwing salt down, it's just not, you know, you can.

You can see the remains of the salt not really doing anything on the ice, which you

Official Minutes of the Common Council Meeting of February 7, 2022
[Amended February 22, 2022]

know again, it wreaks havoc on the environment, as well, is like the leftover salt that you see on the streets. And really, the most effective thing that you can do for that is if you notice the salt isn't doing anything, if you're able to sweep it back up, that actually helps a lot with runoff and the other negative impacts of that salt, which we're also seeing on a lot of the streets in the city of Poughkeepsie.

There are some gnarly potholes up and along a lot of the neighborhoods in Poughkeepsie that weren't there just before the storm and just before these kinds of shifts in temperature. And I know, you know, folks have probably been calling those in and there was actually a sign out as you got on to parts of the arterial calling out those potholes. So just be cautious if you're driving, if you're walking. Take it easy.

So COVID, I know that we have had a number of at home test distributions and they tend to run out incredibly fast and there are throughout the county more and more distribution sites and testing sites now being set up. So just keep an eye out for that.

I know, you know, the city has been doing, John Penney specifically, a good job at keeping everyone aware of when the city is hosting distributions of tests and masks. I know Assembly member Jacobson recently did another distribution of at home tests and masks.

So just keep your eye out, either on Facebook, on the city website, the county website is a good resource as well. At Dutchess Outreach, the food pantry actually has a nice stock of at home tests. So if you're coming in for food, feel free to ask for a test. If you don't have masks, ask for those as well. We have a limited stock of N95 masks for free and just, you know, continue to use precautions. We're seeing what we want to see. The curve is going down finally.

You know, I keep checking the New York Times graphic and I see New York now is shade shaded in orange, which is a good thing because the rest of the country still looks pretty dark or dim, I should say. So we're headed in in a good direction, in a positive direction. And, you know, as a council, we'll have to start to consider soon in caucus what it's going to look like for us to come back into the chambers at some point. I know that City Hall previously and probably still is not, we still can't even go back there because the technology isn't reinstalled after HBO did some shooting in there.

But I know that I've been talking with John Penney and our tech team, and they're ready to get that those chambers back up and running so that we can, when it's time, get back to meeting in person. I know Governor Hochul did extend the executive order to allow for virtual meetings for governing bodies, and the extension actually doesn't have an end date, it's just until the pandemic is over, is the literal phrase that they have in a lot of that press release. So, you know, it's going to be a situation that we're going to have to continually monitor and obviously, too, take into consideration comfort levels.

Official Minutes of the Common Council Meeting of February 7, 2022
[Amended February 22, 2022]

If we're able to meet virtually, folks don't feel that they want to be in person even wearing a mask inside, which those measures, I don't think, are going to be taken away as quickly, then we're going to have to play it by ear to see where we're going. But the bottom line is we're headed in the right direction, which is great. That means people are getting vaccinated. People are getting boosted. People are staying home if they're sick and they're continuing to wear masks.

Boards and committees, I know someone mentioned the redistricting commission and our caucus is aware of the number of expiring terms on a lot of the boards and committees and commissions that the Common Council makes appointments to. So we're going to be going over that list. I know the WAC has some expired members that we have appointments for and a number of other bodies. We're going to have to go through those lists and see if there are folks who are interested in renewing terms or, you know, put out a call for applicants. And as for the redistricting committee, or commission, we are fully aware that we want and we do want to get this body up and running. We do need more applicants in order to do that. So another call will be posted for that. Hopefully, we can get folks on that committee up and commission up and meeting as soon as possible, understanding the importance of that.

Council meeting change of process. We're doing it tonight. We're starting a different kind of structure and we're going to be conducting our council meetings as I mentioned during our last meeting with a consent agenda and with a separate action agenda.

The consent agenda is really incredible actually, it's something that proves that we're meeting in caucus and we're able to come together as a body and have discussion so that we're not bringing that all out on the floor. So the items that you see on the consent agenda, we all got together, we caucus together, we were able to determine which items we wanted to put on put on that side. And so there will not be any discussion on those items. We'll kind of be going through each item, taking a vote on them and then from there moving to the action agenda. Items that are on the action agenda will have discussion. You'll notice tonight if you take a look at the agenda, there are no items on the action agenda tonight. And that is another direct result of caucus, which we are doing regularly.

I want to give a big shout to our Majority Leader, Councilmember Menist and Vice Chair Councilmember Natasha Cherry on just really coordinating this leadership team and helping to coordinate caucus, really bringing the rest of the council together. Really, all the council members have been, you know, we've all been doing really well in 2022. So I do want to say that this change is a direct result of those conversations, conversations that we had in leadership. And I really think it will benefit all of us and the flow of the meeting, the efficiency, and we'll be able to get a lot more done on behalf of our constituents here in the city of Poughkeepsie, and leave off the things that don't need to happen in meetings. So that is a positive thing and we're trying it out tonight.

And with that, I just, you know, one other thing, a number of folks mentioned

during public participation in, you know, about the veto, the mayor's veto on the historic legislation law, local law 21 06. And just to clarify, I did receive a phone call from the mayor expressing his intent to veto. However, you know, what we didn't receive, what we typically receive is an email. We as a council, we usually receive an email on the deadline for the veto, and we didn't we didn't get that, which was odd to us. And really, it kind of left us in a state of not really knowing whether or not the phone call and the veto was actually going to be taken, taken on. And you know, a lot of people worked really hard for this local law, and I think it is a great change. I think it helps not only preserve our historic infrastructure and character of the city of Poughkeepsie, prevents demolition by neglect, but it also helps to restructure the development process in a way that makes more sense, in a way that's been advised by the PACE Land Use Center and, honestly, just the back and forth in the iterative process of workshopping with the council and the Corporation Counsel and the administration and the historic commission was really a thing that I thought was really demonstrated how collaborative the process was to getting to the point of us passing this law. So I'm, again, I stand behind our ability to override the veto. And I do want to say, the way that we received the veto message was not, you know, traditionally what we're used to. And with that, I will now conclude my comments and we will move to the mayor's comments.

VI. MAYOR'S COMMENTS

Thank you, Chair.

Just wanted to let everyone know that the city is in receipt of additional test kits. We received them today and we're going to be working with our partners on how they're going to be distributed. We do know that the county has given kits to various non-profits within the city, and we want to make sure that we don't duplicate that and get them into the hands of entities and individuals that may not have had the opportunity in the past. What we did with the last group, we had a successful giveaway at police headquarters where almost all of them were received by members of the public. We did also utilize the housing authority and other housing complexes to distribute that.

So we're going to look at where they went and where they can additionally go. We're going to utilize the resources of the Poughkeepsie library district here in the city to have a location there, so it might be easier time wise, and when we do that, we will obviously let everyone know and they'll be released to our social media outlets and the media so individuals from our community will know where they're going to be able to get these kits. We believe, and I said this I think the last time we spoke, that we would be getting these hopefully every week or every other week. I think what we're seeing because I'm hearing this sort of anecdotally that some of the kits, the rush is not on as it once was, which is probably a good thing. But at the same time, we want to get these in the hands of people. You may not need the kit today. You might need the kit two weeks from

Official Minutes of the Common Council Meeting of February 7, 2022
[Amended February 22, 2022]

now or a month from now, so please don't hesitate to grab them. You don't, obviously, there's no requirement to use them immediately. You need them just when you have the opportunity that you need to use them.

Chair, you spoke about the inclement weather has been a super challenge for the Department of Public Works here in the city and as you had stated, regionally, we were very lucky with the recent ice storm that we did not have the power outages that our friends across the river in Ulster County had. I had a conversation with Mayor Steve Noble Friday morning and as of Friday morning of last week, seventy one percent of the city of Kingston was without power, and today there was a press conference involving county executive Pat Ryan. The governor was there, emergency management people. This is, I think they're calling it the largest outage, possibly in Central Hudson history. And it was just that corridor there, really in Ulster County that was impacted the way it was with the ice. But as we've seen, everyone is working together to get the resources there to Ulster County and hopefully within the next couple of days, the majority of people will be back online.

They've made significant process, progress in the past couple of days and we really were very fortunate that we didn't have it. We had, as you all know, a significant amount of ice. The Department of Public Works came in on Friday early and worked till two o'clock in the morning on Sunday, both with some plowing at times.

But the majority was the application of salt on our streets to keep them passable. And I can tell you that on Friday and then on Saturday, I did have the opportunity to visit every single ward in the city, and the roads were really in really good shape considering the amount of ice and what they were dealing with. So my hat's off, as you said, Chair, to our DPW for they come in, they stay as long as they can. We split them in two shifts. And I do know that we've ordered a lot more salt to our DPW compound to be ready if there is a next event. I do know that this week we're going to be dealing with some warmer weather, which is good. We'll be able to maybe address some things in some areas that we haven't been able to get to because the things, it was a flash freeze that we still have not been able to recover from. And that's difficult. So, you know, just go slow. Stay safe. Watch where you're walking. And hopefully, if February is going to be kind to us, the weather will warm up versus getting colder.

One of the things, and you also spoke about it, Chair, was the sign board that was on the arterial highway. I saw on the eastbound at Church Street. I've never seen that before, and I know there was a reason it was there because if you look at some of the holes that have opened up on our arterials in addition to city streets, we're dealing right now with an unprecedented amount of potholes and other road insecurity that I don't think we've seen this early. And that's because of the warm weather, the rain, the flash freeze and things just give out. So the Department of Public Works is mobilizing to address this, but I just I don't want to be anything but cautious in saying, this is going to be tough. This is going

Official Minutes of the Common Council Meeting of February 7, 2022
[Amended February 22, 2022]

to be difficult because we're not even really quote unquote into the normal pothole season. But we will be doing the very best we can and also working with our state partners.

I think I may have mentioned this in the last Council meeting was that Governor Hochul has created in her preliminary budget to the Legislature this new pothole fund.

And we will be looking at that and obviously trying to make sure that we're able to access some of those dollars to recover monies. And this is going to be an ongoing challenge for not just the city of Poughkeepsie, but for communities, especially in this region that deal with more of the warmer and the colder weather versus some of the communities north that have colder weather longer.

And while they don't have, they certainly have potholes, I don't think they may experience exactly what we do being right where we are in the middle of this and warm and freeze line. A state of the city, we're working on that now. It's our expectation to do that, obviously in early March, want to do it in person. So this is something that we're looking at timing wise. And as the chair said before as well, how some of the restrictions and guidance may be loosening, talked about chambers and hopefully we can all get back to in-person, you know, sooner than later. But obviously we're going to do what's right for everybody's public health.

Excited to announce that the children's cabinet has been recognized by the state for its literally groundbreaking work. We had a meeting back in December that was attended by the Board of Regents Chancellor Lester Young and one of his Board of Regents, and at that meeting, they were there for the entire meeting and we're now going to be going to Albany in February, actually a week from tomorrow to present to the Board of Regents on the concept of what a children's cabinet is, how it has made tremendous progress in the collaboration that it that it that it's constructed to do.

And we're really excited about that because we believe and we have heard from Chancellor Young and his colleagues that they believe this is something that can be beneficial to school districts and communities throughout the state. And as I've said before, we are the only community in the state of New York outside of New York City that has a cabinet. And so that is going to be at 9:00 a.m. on the 15th. It will be, I believe, live on the NYSED website, which is WWW dot regions dot NYSED, N Y S E D, dot gov slash meetings. And then we also will attempt to archive that to make sure that we'll be able to put that on our city website. And if you want to find more about the children's cabinet, you can go to WWW PK children's cabinet dot com.

We're very encouraged by the help of members of the council as we put together our response to getting the ARPA money was that our website and our ARPA guidance, which is which is on the city website, was actually spotted by

Official Minutes of the Common Council Meeting of February 7, 2022
[Amended February 22, 2022]

The Associated Press and they did a story about the city of Poughkeepsie and other communities and how ARPA is going to be used, potentially could be used, how you do it. And they were here in the city of Poughkeepsie for a few hours. And that is now an AP story.

So if you have the opportunity to take a look at it, they did a pretty good job. I mean, they actually did a really good job and I want to thank the city administrator who was first contacted by the AP staff and then led myself. I was there for a bit, the prior commissioner, John Penny and Marc took the AP photographer to different sites in the city, and one of the areas that they were most interested in was the improvement to the parks and specifically the Pulaski Pool House and the Spratt Pool House and how we're looking to put money in areas that will have long lasting effects for f our city. The along with ARPA, so the Conference of Mayors has also looked at our ARPA link, and they now have that in in their publications, and we're excited about that as well.

And also just to let you know, the winter conference of NYCOM is next week. It's actually in Albany the day before we go to the State Education Department and myself and Paul Pontieri, who is the village mayor of the village of Patchogue on Long Island, we are now the co-chairs of the Community Revitalization Committee, which is which is exciting. I've been on that committee since they started it in '17. So we get to have the opportunity to collaborate with many of both our village and cities throughout the state on community revitalization, which is centered around many things. But that will be next week as well.

Thank you, Chair.

VII. NEW & UNFINISHED BUSINESS

VIII. REPORTS OF COMMITTEES AND BOARDS:

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS:

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

- 1. R-22-16, Approving the Memorandum of Understanding between City of Poughkeepsie and Vassar Brothers Hospital**

**RESOLUTION
(R-22-16)**

INTRODUCED BY CHAIR SALEM: _____

Official Minutes of the Common Council Meeting of February 7, 2022
[Amended February 22, 2022]

WHEREAS, Vassar Brothers Hospital (the “Hospital”) operates in the City of Poughkeepsie and provides a disproportionate share of health care services to the Medicare population in addition to supporting many programs that benefit the indigent, uninsured, or underinsured population in New York;

WHEREAS, the Hospital desires to participate in the drug discount program established under Section 340B of the Public Health Service Act (the “304B Program”);

WHEREAS, in order to participate in the 340B Program, the Hospital must enter into an agreement with a unit of the state or local government pursuant to which the Hospital commits to provide health care services to low income individuals who are not entitled to Medicare or Medicaid benefits at no reimbursement or considerably less than full reimbursement from these patients.

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council hereby authorizes the Mayor to execute the attached Memorandum of Understanding in form and substance as attached hereto.

SECONDED BY COUNCILMEMBER _____.

R-22-16			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

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

2. **R-22-17, Approving a 2022 Budget Amendment to allow for a Full Time Engineer Position**

**RESOLUTION
(R-22-17)**

Official Minutes of the Common Council Meeting of February 7, 2022
[Amended February 22, 2022]

INTRODUCED BY CHAIR SALEM _____:

WHEREAS, the City Administrator and Finance Commissioner, in consultation with the department heads, have identified the need to amend certain budgeted positions in the Engineering Department which help make City Government more efficient and ensure necessary functions of that office and City Government continue; and

WHEREAS, the administration is requesting that the Common Council amend the 2022 budget as proposed in the attached Schedule "A", to meet the needs of the Engineering Department; and

WHEREAS, the City Administrator provided a communication to the Common Council at their January 18, 2022 meeting regarding the need for this budget amendment; 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; and

BE IT RESOLVED, that the 2022 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-22-17						
			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

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

3. R-22-18, Accepting a Grant from New City Parks

RESOLUTION

Official Minutes of the Common Council Meeting of February 7, 2022
[Amended February 22, 2022]

(R-22-18)

INTRODUCED BY _____ :

WHEREAS, New City Parks (NCP) has notified the City of Poughkeepsie of their intent to donate \$112,000 for the purchase and installation of solar light poles for Pershing Avenue; and

WHEREAS, such funds were provided to New City Parks by Green Mountain Energy Sun Club; and

WHEREAS, Regional Plan Association (RPA), the fiscal sponsor of New City Parks will transfer the funds on behalf of NCP upon receipt of an invoice from the City of Poughkeepsie for the purchase and installation of approximately thirteen solar light poles for Pershing Avenue; and

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

WHEREAS, the Common Council is desirous of accepting such donation to be used for the cost of the purchase and installation of the solar light poles on behalf of the City of Poughkeepsie; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby accepts the donation of \$112,000 which funds shall be used for the purchase and installation of approximately thirteen solar light poles for Pershing Avenue; and

RESOLVED, that the Mayor and City Administrator are authorized to execute an agreement or other documents necessary to give effect to this resolution and take all steps necessary to process and receive such donation.

SECONDED BY _____.

R-22-18						
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

Councilmember Menist made a motion to move R-22-19, to the Action Agenda for discussion and was seconded by Councilmember Johnson.

4. R-22-19, Veto Override so that LL-21-06 shall be effective

X. ORDINANCES AND LOCAL LAWS:

- 1. O-22-01, an Ordinance amending §13-269 of chapter 13 of the City of Poughkeepsie Code of Ordinances entitled “Motor Vehicles and Traffic”**

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

R-22-19, Veto Override so that LL-21-06 shall be effective

RESOLUTION
(R-22-19)

INTRODUCED BY CHAIR SALEM, VICE-CHAIR CHERRY, MAJORITY LEADER MENIST:

WHEREAS, the Common Council of the City of Poughkeepsie adopted Local Law LL-21-06 on December 20, 2021 which local law amended 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, a copy of which is annexed hereto; and

WHEREAS, by a message to the City Chamberlain dated January 19, 2022, the Mayor vetoed said resolution pursuant to the City Charter at §3.02(f); and

WHEREAS, in the Mayor’s veto message, they characterized Local Law LL-21-06 as “an unnecessary and unwise delegation of power by our city’s duly elected legislature to a Commission comprised of unelected volunteers”; and

WHEREAS, the Common Council is desirous of depoliticizing the appeal process for a “Certificate of Appropriateness” by removing it from the purview of an elected body; and

WHEREAS, the Common Council is desirous of streamlining the real-estate development process and bringing the approval process of the volunteer Historic District and Landmarks

Official Minutes of the Common Council Meeting of February 7, 2022
[Amended February 22, 2022]

Preservation Commission in line with the approval process of other volunteer boards of the City of Poughkeepsie including the Planning Board; and

WHEREAS, the 2022-2023 Common Council has reviewed the Mayor's veto message as well as testimony provided at a public hearing held by the 2020-2021 Common Council and the legislative intent of the 2020-2021 Common Council; and

WHEREAS, the 2022-2023 Common Council supports the letter and spirit of Local Law LL-21-06 in furtherance of the above stated goals and is desirous of overriding the Mayor's veto.

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council, hereby overrides the Mayor's veto so that Law LL-21-06 shall be effective upon adoption of this Resolution.

SECONDED BY COUNCILMEMBER _____:

R-22-19						
			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☐	☒	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

XII. ORDINANCES AND LOCAL LAWS:

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

- 1. A COMMUNICATION FROM CITY FINANCE COMMISSIONER DR. MARTINEZ**, regarding a Supplemental Bond Resolution (No Fiscal Impact)

A motion was made by Councilmember Cherry and seconded by Councilmember Shook to defer the remaining petitions to Corporation Counsel.

- 2. FROM JUDITH MEADE**, a notice of personal injury sustained on April 28, 2000.
- 3. FROM ALEXSIA BENITEZ & MARIA JUAREZ**, a notice of property damage sustained on January 18, 2022.

Official Minutes of the Common Council Meeting of February 7, 2022
[Amended February 22, 2022]

4. **FROM CAMILLE GEORGE**, a notice of property damage sustained on or around January 20, 2022.

XIV. ANNOUNCEMENTS:

XV. ADJOURNMENT:

A motion was made by Councilmember Cherry and seconded by Councilmember Long to adjourn the meeting at 7:47pm.

Dated: Monday February 14, 2022.

I hereby certify that this true and correct copy of the Minutes of the Common Council Organizational Meeting held on Monday, February 7, 2022.

Respectfully submitted,

Jasmin Nicole Davis
City Chamberlain