



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Tuesday, June 21, 2022, 6:30 p.m.

Common Council Chambers

Welcome to the regularly scheduled Meeting of the City of Poughkeepsie Common Council the date is June 21, 2022, and the time is 6:53 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 Long absent)

II. REVIEW OF MINUTES:

Common Council Meeting – June 6, 2022

**Motion to accept the minutes: Councilmember Menist
2nd: Councilmember Deichler**

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

-NO-

IV. PUBLIC PARTICIPATION

1. Antonia Mauro - (submitted comments in writing)

Public Comment for Common Council Meeting June 21, 2022

Antonia L. Mauro
3 Willow Avenue
Poughkeepsie, NY 12603

Your attention and vote this evening to amend the city code and local law, chapter 2 and chapter 19 as it directly affects the Historic Districts and Landmarks Preservation Commission.

There have been recent excessive delays to replace commissioners. The startling fact is that numerous highly qualified citizens of the city applied to the mayor's office months ago.

This unwarranted suspension in appointments has raised unnecessary suspicion amongst our constituents.

- Is this delay related to current applications?
- Is this delay related to political aspirations?
- Is this delay due to lack of applications or individual qualified for applications?
- Is this delay due to applicants who would not favor the policies of the administration?

As a former HDLPC commissioner I believe this adjournment is deliberate. This is NOT in the best interest of the city. This is a manipulation of the system and places our fragile historic resources in peril. It prevents the commission from performing daily responsibilities at full capacity utilizing the skills mandated in the ordinance.

The HDLPC agenda of recent is abundantly full. The partnership established with the Common Council has ensured effective results and this evening's vote will augment and strengthen this working relationship instilling further confidence to the public that you advocate and will continue to work to protect our architectural heritage. Our collaborative achievements are to be celebrated!

The CLG status of the HDLPC is not only essential to the City of Poughkeepsie but prestigious and a strategic tool in historic preservation. Delaying competent individuals to these overdue appointments will, in the long term, prevent funding from being sourced and additional projects from being initiated.

I am asking this Council to also vet all applicants for board positions thoroughly. These appointments are **volunteer**. However, these appointments are places of honor and professionalism and represent the public. There must be careful vetting. Appointments must be non-partisan. Applicants must prove in writing that they meet stringent criteria and should meet with fellow commissioners and Common Council members during the application process. I would even recommend references.

Commissioners are entitled to work together in a safe and productive environment in the best interest of the city under no personal or professional concerns.

June 21, 2022
Common Council meeting

Naomi Brooks
S. Grand Avenue

Good evening. I know you each do a lot of work for the city outside of these meetings, communicating with residents, business people, and other government officials in both caucuses and separately. Some of the content is private, as part of litigation or as an executive session. All of that background work that is not available to the general public sometimes makes it hard to comment meaningfully, as we don't have the full picture.

However.

I have comments on two of tonight's agenda items.

The first is about the long-term lease of marina docks on the Delaval property. While I don't have information about the negotiations in the developer's lawsuit, and I don't know who will ultimately develop the property and how that will look, I feel that creating a long-term agreement adds a variable that impacts what that future use will look like. Just like the Southern Waterfront Task Force came up with suggestions for short-term use that has no permanent features to work around, why not also create a short-term agreement? If the next phase of the property does not have this encumbrance, whatever entity develops it can enter new negotiations about the dock storage if they like.

The second comment is about the editing of our code to include Common Council input and agreement on commission and board appointments. I think it is a great idea to have multiple partners working together to find and appoint the best candidates. I look forward to a public hearing on this to continue to share that sentiment.

I'll begin my comments tonight by noting, once again, that the Council was late in posting an agenda, waiting even longer before posting an incomplete public packet, and then suddenly, out of nowhere at 3:54pm today, posting a packet with resolution details that had previously been withheld—as if members of the public are even online or have time at 4pm on the day of the Council meeting to read through and absorb the content of legal documents.

It's entirely unacceptable that Council Chair Salem has engineered a closeted format, with Council work done in the dark, caucus meetings attended by unidentified councilmembers, and where councilmembers can delay posting important items, coming and going from actual Council meetings at will, and using "consent agendas" to get out of meetings early enough to get home for their favorite TV programs. Rather than record their positions at meetings, councilmembers now roll through the agenda without any discussion at all or even a call for discussion, voting "yes" on so-called consent-agenda items, no matter what the content, whether or not that content was made available to the public, or how far-reaching or damaging the consequences of their vote. I am referring globally, but right now specifically referring to R-22-45, Resolution Approving Settlement of Litigation and Authorizing a Long-Term License Agreement at the Delaval site—but what does this Council care about the public's opinion, whose tax dollars were used for the litigation, and are now being used for the settlement?

Shining light on a more local example of unacceptable councilmember behavior are the exchanges I've had with 8th Ward councilmember Megan Deichler, whose Council campaign and seat was bought through the endorsements and deep pockets of certain 2nd and 4th Ward councilmembers and residents. Last night, Deichler finally circulated her first Ward newsletter, but made sure that I was not a recipient. It's amusing—not—that a councilmember who has zero track record of interest in the life of this City, and zero prior attendance at its events and meetings, is making it their business to exclude a constituent whose record of attendance, knowledge and activism began nearly the first day I moved here eight years ago.

I'm curious to learn who's writing Deichler's replies for her, as she doesn't answer until after a vote has come and gone—answering with such foolishness as saying she voted in favor because (quote) “I have not heard any opposition from any constituents regarding this particular ordinance”. Why would Deichler hear opposition? When, if ever, has Deichler or any other councilmember actually posted Council agenda items and documents and asked for feedback before they voted? Quoting Poet Gold's wisdom from the most recent Dutchess County legislature meeting: “I wish to take a moment to remind the leadership and the elected officials present that the people do not elect officials to think *for* them, we elect officials to think *with* us.”

The public trusts that our electeds will think with us, yet councilmembers and administration alike consistently break and violate that trust, making it clear that the more people they're able to chase away from involvement, and deprive of knowledge, the happier they are. And that includes their own involvement, too. Only three councilmembers—Yvonne Flowers, Nedra Patterson and Lorraine Johnson—attended and spoke in opposition to the 26 Oakley shelter at more than one Dutchess County legislature meeting. Debra Long attended once, but did not speak, leaving five other councilmembers—Salem, Menist, Shook, Cherry and Deichler—who neither attended nor spoke at all.

Returning to the resolutions previously missing and just posted today at 3:54pm for tonight's public packets, who but our own councilmembers have the brass to vote on agenda items and saddle the public with the ramifications of their vote, without first speaking to their constituents, and without going on the record about how they arrived at their “consent agenda” agreements and without demonstrating that all councilmembers agreeing to this “consent agenda” actually understand the history and background behind their consent?

2. Shannon Barbuto – 158 Smith St.
3. Vincent Pedi
4. Naomi Brooks - S. Grand Ave. (submitted comments in writing)
5. John Rath – 154 Mill St.
6. Elizabeth M. O’Raffity – 295 Mill St.
7. Laura Forman – 66 Washington St.
8. Laurie Sandow – S. Grand Ave. (submitted comments in writing)
9. Gus Kazolias – Noxon St.
10. Warren Jones
11. Ty Johnson – 15 S. Bridge St.
12. Jamar Cummings
13. Doug Nobiletti – 6 Liberty St.

V. CHAIRPERSON’S COMMENTS AND PRESENTATIONS

I want to address a few things. Understanding we went a little bit over into the meeting from the public hearing and through public participation. However, I think it's important first to mention what's been going on in this city for quite some time, and now it seems over the past few weeks to have become more frequent, and that is the shootings that are taking place and continue to occur here, not just tucked away in the Fifth Ward now or in the Third Ward or in parts of the Sixth Ward, the first or the second right on right out on Main Street, almost in the broad daylight right before sunrise, when folks are getting up and going to work commuting on main.

And, you know, a lot of people are still out and hanging on Main Street. But, you know, even besides the recent shooting on Main Street that killed one person and injured two others, the shootings that have been happening in the fifth, in the third, in the sixth and the first in the second ward have been devastating.

And I know a number of my colleagues here on this council have been more intimately engaged and involved as they are occurring in their own words. But, I mean, this is just got to end. And I know that we've been talking about this for a very long time. I know this is not unique to the city of Poughkeepsie.

I know that it's happening all over the country and in larger cities at an even more alarming rate. But this is our small community, right? And we want it to be safe. We don't want folks to be afraid to walk outside at any time of day.

We don't want people to be afraid to walk off the train and up into the city. We don't want family members to be frightened for their kids walking home from school, walking to school, walking to work. You have to think to yourself, am I going to see that person again today? We

shouldn't have to think that in this community. And I know that we've been trying to come up with solutions to calm the issue.

I know that a lot of it is related to, you know, gang violence, to ghost guns that are not even registered. However, one of the things we can do is we can lobby for stricter gun laws, for common sense gun laws, so that we can ensure that those laws will then impact this community. And, you know, if we're able to do that, which is, you know, more on the federal level, on the state level, then we can see changes here in our community because then there will be less guns. Period.

We need to get the guns out of here. We need to get the guns out of the hands of kids. And I am sure my colleagues will mention. A lot more having to do with this, but it's just it's incredibly frustrating as city council members, as folks that, you know, care about the city that we live in, have neighbors, have family members and want to see it thriving, don't want people to talk so negatively about this community, not want to come out and visit the restaurants, the arts districts, go to events like Juneteenth.

It's just it's getting to the point where we need to lobby for what we can get. And that is stricter gun laws and we can hold our elected officials at higher levels and hold us accountable to doing that for you, because that's one thing I know that can help this situation. Other than that, I know that, you know, public safety, we're working on improving just general upkeep and cleanliness of the streets, filling in the gaps on Main Street, filling in the gaps throughout the city. It can make an impact on all of that.

The next thing I want to address is 26 Oakley. I know that there was a vote at the city legislature meeting to sell the property and that happened. And, you know, this council did express that we didn't agree with that purchase. We didn't agree with that position for that homeless shelter. We didn't say that we don't care about unhoused folks. We did not say that we don't care about mental illness. What we did say is that is not the right place.

That is not the right place throughout all of Dutchess County to put that institution. And that was further, you know, demonstrated in a recent housing study that was conducted on our behalf by pattern for progress that stated very, very clearly in alliance, even that the city of the U.S. has been overburdened by these kinds of social services. And there's plenty of space throughout Dutchess County and there's plenty of other ways to consider a successful rehousing of individuals, which is what we all want.

So understanding that the sale has gone through, the council is pursuing legal action so that we can see if we're able to prevent the closing on this property and prevent that project from being placed in an underserved area of the city over birding and just a space in the city of Poughkeepsie that does not deserve more of these racist actions. So we're moving forward on

that.

I know a lot of people mentioned that during your public comment and a mentioning that with Pelton another vote took place at the historic commission meeting. And, you know, there have been ongoing discussions among parties understanding that there is an active lawsuit.

So when it comes to things that are engaged in a lawsuit, there's very little that we can say without influencing decisions. However, one thing we can say that happened recently at the historic commission meeting is that the members of the commission expressed a negative sentiment toward the developer and any changes that they wanted to make in order to move forward with the project. And so now with that, there will be a process that is ongoing. There's still a decision to be made by a judge. And so we will see what decision is granted in that case, and then we will move from there.

We have been talking about what action the council can take in caucus. We just recently caucused on Monday. And, you know, we're going to as these points of decisioning progress, we will then move with that. And I can assure you that, you know, we hear the public on this and we want to make sure that we're being responsible legislators.

The next thing I want to mention is on an item that is on tonight's agenda. Again, it's difficult when you're in an active lawsuit or it's actually illegal to talk about certain things. Right, because you don't want to incriminate any of the parties and you make agreements and you come to, you know, different points of decisions. But I will say that, you know, tonight's resolution will take us and help us advance so that we can start to think about things that the Southern Waterfront Redevelopment Task Force has mentioned. We can start to think about projects that are, you know, cited in the local waterfront revitalization plan, and we can start to move forward as far as that's concerned.

And so a couple other things. Board appointment. I did put out a call and I think it was sent to the Poughkeepsie Journal, Jasmin. Thank you. And I'm going to check in to see if it was posted online. I didn't see the posting. However, I did announce that we are currently seeking candidates' city residents for a number of different boards, committees and commissions. So the land bank board, we are seeking candidates. And so if you're interested in that, send your resignation, your cover letter to me. My email is SSalem@cityofpoughkeepsie.com and if you're interested in the ethics committee seeking members for that and if you're interested in the Industrial Development Agency, we are seeking city residents to serve on that board and then the Arts Commission. We're looking for folks to serve on that board. So, again, if you're interested, email me your resume, your cover letter and it's ssalem@cityofpoughkeepsie.com.

Early voting is happening now. It started this past Saturday and it runs till June 26. We have an early voting site and this is for the primaries in the city, Poughkeepsie at the Mid-Hudson Library Auditorium, and that is at 103 Market Street. The hours are posted. There's

wonky hours this year, Tuesdays and Thursdays. I think it's only from like 12 to 6. All other days it looks like it's 9 to 6. But again, that runs since this past Saturday through June 26. And it's at the Mid-Hudson Library Auditorium as an early voting site in the city, and it gives other sites all over the county. So if you can't make it out on primary election day, which is June 28, you can go out during any of those days to early vote. Now, June 28, voting hours are 6 a.m. to 9 p.m. And if you're looking for your location specifically around the area that you live, you can find that information at the Board of Elections website and that's elections dot Dutchess dot gov.

Let me just look at my list here. Oh, and then the last thing I wanted to say is happy summer solstice. Great. And that concludes my comments. Thank you. And so now we'll move on to the mayor's comments.

VI. MAYOR'S COMMENTS

Thank you, Chair. And happy summer to you, too. Even though it doesn't really feel like it today. Hopefully it will be warming up. To Ms. Forman, the railings are on order for the steps that were repaired and it was DPW was opinion that we didn't want to open them until the railings were there for people to get support coming up and down. So that is in progress.

I want to just give everybody an update on something we've been working very hard at and that is opening both of our municipal pools. We early on were suffering from a lifeguard shortage, as many pools throughout the country have been saying. There's the national articles on it. Swim lessons being canceled, things that we've seen.

So and I know I've said this before, but an update is important. Is that because we upped the lifeguard salaries in the pool manager positions, all those hourly, hourly rates have been raised and we had sign on bonuses and completion of summer bonuses is that we now have approximately 24 lifeguards are ready to go. The Department of Public Works is working on both pools. We will be announcing within the next few days on the schedule of the opening. And our expectation is, is they will be opened around the same time as they have been consistently at the end of the school year. Also to just as part of this is that the Board of Health has to sign off on both locations. And as soon as that happens, there will be a public announcement on that. We will not be charging again this year for usage of the pools. And again, you know, we work really hard at this.

I want to commend the Department of Public Works, Brian Lafon and his staff from Parks, Regina Pittman from Human Resources, and with the city administrator and the finance commissioner being able to locate available moneys. That is really good because, you know, we hear a lot about things that, you know, need to be done for our children. And thousands of children every year use both of those pools. It is their recreation spot. We take

that as a priority along with our parks.

There was something I heard tonight about the county giving us \$3 million for the parks. That that's incorrect. We're spending our own money on the parks that may have had to do with the sales tax agreement. So I just want to make sure people were understanding that on the police front.

So this council and public and the administration and the police command staff made a concerted effort to recruit, locally trained, locally preparing people for the civil service test.

And I said that again, but it bears repeating because we're now getting ready to swear in on Friday, July 1st, three more officers to the city because the police department, all city residents, all off the civil service test, all individuals that we recruited and made sure that they wanted to become city cops. And we made sure that they are going to become city cops. All right. Thank you. Pretty excited because it's something we worked really hard at. And also on July 8th, there will be in the council chambers, I think it's going to be 3:00, essentially an introduction of all these new officers and a couple of officers within the ranks of the police department that have been recently promoted. So stay tuned for that. This is a great group of men and women from diverse backgrounds, both from within the city and from with outside the city, who will now be serving the residents and businesses and visitors that come to the city.

The fire department was part of the response to the tragic accident over the weekend at Junior's lounge, which unfortunately resulted in the deaths of the tractor trailer driver. But our fire department, along with La Grange Fire and Arlington Fire, are part of a collapsed building excuse me, collapse rescue team with specialized training that each of those departments, when notified, they send their firefighters with all of the specialized equipment that is housed in special trailers as shoring equipment. They went out. They were able to stabilize the remainder of the building that was part of it was on top of the truck and to be able to safely remove the individual, unfortunately, who passed away from those injuries. And it was a multi-hour job. And again, you know, we're very blessed to have a fire department and public safety group here in the city that are specialized in many things. And we are called upon on a very frequent basis to provide those specialties to neighboring communities that don't have that.

Talked a little bit about garbage tonight. Well, I'm happy to say that we have a brand new garbage truck and it's already in use on our streets. We've upgraded our fleet for the past several years, had not been done in quite some time.

And we now feel that we have a really good, dependable fleet along with the spare that because what happens is, is that, you know, we have Department of Public Works and sanitation in seven days a week and we are constantly removing garbage from our own

kitchens and from spots on the streets, in the parks. You know, over the weekend and the weekend prior, the amount of activity and people and parties and wedding photos that were going on in our parks at Waryas Park, there was a thousands of people there over the past couple of weekends. It requires a lot of effort to maintain.

And then and then obviously, the efforts in the morning of DPW to make sure that it's clean and ready to go for the for the following day. I can say that because we look at this, you know, pretty much on a daily basis, is that we are seeing, depending on the time of day, that most people are now utilizing all of our new garbage cans and recycling cans down there at Waryas because that is our busiest park and castle rock doesn't see doesn't see the usage because it's just a quiet tucked away little gem. But we're going to be doing some improvements down there that will probably make that a busier place as well.

We had the Pride Parade. It's Pride Month here in the city of Poughkeepsie. It was the first time it was a person parade since the first year, which was in 2000, in 19, 18? And when COVID was in 2021. So it was 19 that there were well in excess of 1000 people on the parade route. The festival down at Waryas was attended by even more people. And it's very gratifying to know that that's our parade. This is this city's parade, and we're not giving it up. We're going to make sure that there's no reason that they need to go anyplace else, because it's just a great way to start it market and go down the hill. And it was discussed.

We talked about the Juneteenth celebrations that took place in the city over the weekend, starting with the Champions Walk Memorial unveiling at the circle. Its history roundabout was just I mean, it was such a heartfelt and enlightening conversation that we all had and recognized the champions that will be memorialized there. And then also then going over to Mansion square park where the Juneteenth main celebration was going on. And it was great to honor Tree Arrington. The festivities and I know I'm sure Yvonne will speak about it in a little greater detail. It was quite the shindig over there. I mean, it really was from all the things that the different community organizations, from nonprofits to the children, from the school district and from real skills.

And then the entertainment with Jeff Redd, who I did not know the name, but I knew the song when he sang it that he's famous for, and then which kind of rounded out Juneteenth, which I was able to go to the Poughkeepsie High School football alumni event down at Eastman Park. And there had to be, oh, 300 people there. The group that put that together, the football players that came, it was it was just so great to see the former pioneers telling war stories and then getting out in the field and holding these clinics with these kids that we're looking at these guys like they were, you know, they were heroes to them. Of course they were, because they're, you know, former pioneer football players. But that was really it was that was good stuff that was going on.

Fourth July, fireworks will take place on Monday, the fourth. And we obviously that's a free event. And then we'll have a rain date of the following Saturday, which is July 9th.

Now this I want to talk because there was some just a quick comment made about ShotSpotter and there has is senate person Jacobson's office is working with the police command on upgrading current camera systems but we are and this is what we're paying for ourselves is a new system. It actually is more advanced. And then ShotSpotter with what we're doing, it's called the Flock Safety System. It's video and audio. And it is a direct link to the 911 center where ShotSpotter goes to a third party. That makes the call. But I just wanted to let everybody know that we are doing that and it is actually here. We are also doing as there's always a discussion and I get it because, you know, I drive on the streets like everybody else. We are doing over \$1,000,000 in pay this year. We did over a million last year. We're doing over a million this year.

And that's not to say that we might be able to allocate some additional ARPA funds to that. And I will end with this chair, even though it's not the most exciting city bit of news, but it is very encouraging because there was a lot of discussion about this of back when we all got together here about the stumps. The city for years was taking down dead trees and for whatever reason they didn't do anything with the stumps. And so to date, we've done over 3500 stump removals in the city since 2019. So we've got about 100 more to do, but that's pretty good number. And I give the DPW all the credit for that. Thank you for that.

VII. NEW & UNFINISHED BUSINESS

VIII. REPORTS OF COMMITTEES AND BOARDS

NONE

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS:

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

- 1. SEQRA Resolution R-22-43 and Sale Resolution R-22-44 For The Sale of City Owned Property at 171 Union Street**

NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW

**ACT (SEQRA) RESOLUTION REGARDING A SALE OF
CERTAIN CITY OWNED PROPERTIES
(R-22-43)**

INTRODUCED BY COUNCILMEMBER MENIST:

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of city owned property located at 171 Union Street and identified as Tax Map No. 6062-84-928094; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. In accordance with Section 617.5(a)(1) of Title 6 NYCRR, the Common Council determines that the above described action is subject to SEQRA; and
2. In accordance with Section 617.5(a)(2) of Title 6 NYCRR, the Common Council determines that the action does not involve a federal agency; and
3. In accordance with Section 617.5(a)(3) of Title 6 NYCRR, the Common Council determines that the above described action does not involve any other agencies; and

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

SECONDED BY COUNCILMEMBER THOMPSON

SEQRA R-22-43						
			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	☒	☐	☐	☐

RESOLUTION (R-22-44)

INTRODUCED BY COUNCILMEMBER MENIST:

WHEREAS, the City of Poughkeepsie has previously taken title to a vacant lot known as 171 Union Street (Tax Map No. 6062-84-928094), in the City of Poughkeepsie by reason of a Treasurer's Deed; and

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

WHEREAS, an offer has been received from South Bridge Street LLC to purchase this property for the sum of \$25,527.00; and

WHEREAS, the Property Acquisition and Disposition Committee, having considered the mission of the Committee and the policies of the City, one of which is to return properties to the tax rolls, has recommended that the City of Poughkeepsie accept this offer; and

WHEREAS, the Common Council hereby finds that the offer from South Bridge Street LLC is in the best interests of the City of Poughkeepsie; and

NOW, THEREFORE,

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

RESOLVED, that the offer from South Bridge Street LLC to purchase premises known as unnumbered Morgan Avenue (Tax Map No. 6062-84-928094), in the City of Poughkeepsie for the sum of \$25,527.00 is hereby approved subject to the hereinafter mentioned conditions and subject to such other and further conditions which the Corporation Counsel shall deem appropriate; and be it further

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

- A. The conveyance of title and the payment of the purchase price shall take place within thirty (30) days of the date of approval by the Common Council, unless the Property Acquisition & Disposition Committee shall grant an extension as it deems appropriate.
- B. The transfer of title and Purchaser's use of the Property shall be subject to all state, federal and local regulations, including the City of Poughkeepsie and New York State Building Codes and the City of Poughkeepsie Zoning Ordinance, and real property taxes coming due pursuant to law on and after the date of transfer of title.

- C. Purchaser shall accept such title to the real property as the City of Poughkeepsie is possessed of and agrees to accept such title by Quitclaim deed subject to any defects or encumbrances as are of record.
- D. Purchaser shall commence an Article 15 bar claim action promptly after closing. In the event that this action takes more than sixty (60) days, purchaser shall request an extension from the Property Acquisition & Disposition Committee.
- E. Purchaser agrees that they shall not use the purchase price agreed to as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation.
- F. Purchaser agrees that once the Article 15 bar claim action is completed, they will promptly apply for any necessary building permits. Further, they will commence work on the project, by first abating all code violations, if any, within sixty (60) days of completion of the Article 15.
- G. Purchaser shall, to the extent practical, utilize local labor with preference given to residents of the City of Poughkeepsie, for any construction/renovation of the proposed project.
- H. Purchaser agrees to complete the project and obtain a certificate of occupancy within twelve (12) months of the issuance of the building permit (the "Completion Date"). In the event the project cannot be accomplished by the Completion Date at no fault of Purchaser, a reasonable extension may be granted by the Property Acquisition and Disposition Committee upon the written request of Purchaser.
- I. Promptly after the closing of title, Purchaser shall apply for and obtain the approval from the Planning Board and/or the Zoning Board of Appeals of any site plan approval or zoning variances required by law.
- J. Purchaser agrees at its sole cost and expense to complete the project within twelve (12) months of the issuance of the building permit (the "Completion Date"). In the event the project cannot be accomplished by the Completion Date at no fault of Purchaser, a reasonable extension may be granted by the Property Acquisition and Disposition Committee upon the written request of Purchaser.
- K. Purchaser shall have six (6) months from the date of this agreement to submit all preliminary plans and specifications to the Building Department to obtain all approvals necessary to make the Improvements required hereunder. Once plans and specifications have been accepted by the Building Department, the Purchaser will promptly obtain a building permit. If Purchaser is unable to obtain such approvals, complete construction, and obtain a certificate of occupancy within twelve (12) months of the issuance of the building permit, the Property shall revert to and thereafter become fee simple real estate owned by the City and the Purchaser shall be entitled to payment of \$25,527.00 Dollars.

- L. In the event the Improvements are not completed by the Completion Date, and the Property reverts back to the City, upon the request of the City, the Purchaser/Grantor will provide a general warranty deed to the Property in form and substance acceptable to the City evidencing the reconveyance of the Property.
- M. During the construction of the Improvements, Purchaser will not place any additional liens or encumbrances on the Property except as consented to by the City. In that regard, the City agrees not to unreasonably withhold its consent to any construction loan financed with a commercial bank or similar lender intended to fund the construction and development of the Improvements. In such an event, the City will enter into a Subordination Agreement in form satisfactory to such lender. Upon completion of the Improvements satisfactory to the City, the City agrees to issue a letter acknowledging the release of the reverter rights described herein.

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

SECONDED BY COUNCILMEMBER THOMPSON

R-22-44						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	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 Menist and seconded by Councilmember Johnson to receive and print.

2. **R-22-45, Resolution Approving Settlement of Litigation *POUGHKEEPSIE WATERFRONT DEVELOPMENT, LLC ET. AL. V. THE CITY OF POUGHKEEPSIE COMMON COUNCIL ET. AL.* and Authorizing the Execution of a License Agreement to allow the long-term use of the Marina and Dock Storage on the DeLaval Site.**

R-E-S-O-L-U-T-I-O-N
(R-22-45)

**INTRODUCED BY COUNCILMEMBERS: SALEM, MENIST, CHERRY, SHOOK,
JOHNSON, DEICHLER, PATTERSON THOMPSON, LONG AND FLOWERS:**

RESOLUTION APPROVING SETTLEMENT OF LITIGATION
POUGHKEEPSIE WATERFRONT DEVELOPMENT, LLC ET AL. V. THE CITY OF
POUGHKEEPSIE, THE CITY OF POUGHKEEPSIE COMMON COUNCIL, AND THE
CITY OF POUGHKEEPSIE INDUSTRIAL DEVELOPMENT AGENCY
AND AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT TO ALLOW
THE USE OF THE MARINA AND DOCK STORAGE ON THE DELAVAL SITE

WHEREAS, the City of Poughkeepsie is the owner of a parcel of property commonly known as the DeLaval property, located at the end of Rinaldi Boulevard, along the city's southernmost Hudson River waterfront, identified as parcel number 131300-6061-43-752749; and

WHEREAS, in the summer of 2001 the City issued a Request for Proposals (the "RFP") which resulted in the award of "preferred developer" status to Southern Waterfront Development, LLC and which related to three parcels commonly known as: (i) the "STP site" which was the former City Sewer Treatment Plant and is now Shadows-on-the-Hudson and the Grandview; (ii) the "PURA-14 site", which has since been developed as the Water Club Apartments; and (iii) the DeLaval site, a 13.4 acre waterfront site which is the subject this Resolution; and

WHEREAS, the City sought a mixed use development with destination attractions and space for public recreation; and

WHEREAS, the RFP was responded to and awarded to Poughkeepsie Waterfront Development, LLC ("PWD") and JM Development Group ("JM") (collectively referred to herein as the "Developer"); and

WHEREAS, the three parcels were Brownfield sites and have since been remediated with the DeLaval site remediation mostly paid for by New York State's Department of Environmental Conservation ("DEC") and the City, and a portion paid by the Developer; and

WHEREAS, in 2007 the City executed a Site Development Agreement and in 2010 the City executed a License Agreement in which it agreed, among other things, to reimburse the Developer for certain site development costs and engineering expenses on the DeLaval site in the event that a lease was not ultimately delivered; and

WHEREAS, beginning in 2010 the Developer installed underground utilities and graded the site in accordance with prior Planning Board approvals, completed the Brownfield cleanup, and performed certain work at the DeLaval site in accordance with the 2010 License Agreement; and

WHEREAS, the DEC issued a Certificate of completion for the DeLaval site in November 2013; and

WHEREAS, due to changing market conditions over these years, the Developer sought a change which would add a residential component to the development on the DeLaval site so as to provide for approximately fifty residential units on the upper floors, a change that was never presented for consideration by the Common Council; and

WHEREAS, further delays by the Developer in the project led the Common Council to adopt Resolution R 20-79 to rescind a prior approval authorizing the conveyance of the DeLaval parcel to the IDA; and

WHEREAS, on November 4, 2020, the Developer filed a hybrid Article 78/common law Petition/Complaint against the Common Council, the IDA and the City of Poughkeepsie in Dutchess County Supreme Court under Index No. 2020-53607; and

WHEREAS, on January 8, 2021, Developer commenced a separate proceeding in Dutchess County Supreme Court under Index No. 2021-50086 against the Common Council, the IDA and the City containing Developer's common law contract claims; and

WHEREAS, the proceeding under Index No. 2020-53607 continued to assert claims pursuant to CPLR Article 78 to require the City of Poughkeepsie, the Common Council and the IDA to take certain actions; and

WHEREAS, the Common Council and the IDA filed Motions to Dismiss the Article 78 Petition filed pursuant to Index No. 2020-53607 and the Plenary Action Complaint filed pursuant to Index No. 2021-50086; and

WHEREAS, by Decision and Order, dated November 23, 2022, the Hon. Hal B. Greenwald, J.S.C. dismissed the Article 78 Petition filed pursuant to Index No. 2020-53607 by the Developer and denied the motion by the Common Council and the IDA to dismiss the plenary action complaint filed under Index No. 2021-50086; and

WHEREAS, said Decision and Order was entered in the Office of the Clerk of Dutchess County on November 30, 2021; and

WHEREAS, the Developer filed a notice of appeal dated December 29, 2021 from the Decision and Order; and

WHEREAS, discovery has commenced regarding the Developer's contract claims; and

WHEREAS, the parties to this action desire to avoid the further expense and distraction of further discovery, motion practice, hearings or litigation and, therefore, without admission of fault or liability, desire to settle all disputes among them; and

WHEREAS, the parties have agreed as part of the settlement to enter into a long-term License Agreement to allow the Developer to operate and manage a 99 slip public marina located at Rinaldi Boulevard and utilize the DeLaval site for dock storage pursuant to the terms and conditions set forth in the License Agreement; and

WHEREAS, a Stipulation of Settlement and Discontinuance has been prepared to settle the instant litigation pursuant to the terms and conditions set forth therein, which terms and

conditions include, but are not limited to, the execution of a License Agreement for the continued use of the marina and dock storage.

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council hereby approves the Stipulation of Settlement and Discontinuance; and be it further

RESOLVED, that the Common Council hereby authorizes the Commissioner of Finance to release payment of the initial settlement funds in the amount of Six Hundred Thousand and 00/100 (\$600,000.00) Dollars that is required to be paid within 30 days of fully executing the Stipulation of Settlement; and be it further

RESOLVED, that the Common Council hereby authorizes the Mayor to execute a License Agreement with the Developer for the continued use not to exceed 20 years of the marina located at Rinaldi Boulevard, which marina is more particularly described in the License Agreement to be executed as set forth therein, and to allow the Developer to continue to store docks in their current location as identified in the License Agreement; and be it further

RESOLVED, that the Mayor and the City Administrator are hereby authorized and directed to do all things necessary to give effect to the terms of this resolution including, but not limited to, the execution and implementation of the Stipulation of Settlement and Discontinuance and the attached License Agreement as written.

SECONDED BY COUNCILMEMBER JOHNSON

R-22-45			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	☒	☐	☐	☐

XI. ORDINANCES AND LOCAL LAWS:

1. **O-22-05**, Ordinance Entitled “Motor Vehicles And Traffic” – Bement Residential District Parking (FIRST READ)

**ORDINANCE AMENDING §13-126
OF CHAPTER 13 OF THE CITY OF POUGHKEEPSIE
CODE OF ORDINANCES ENTITLED “MOTOR VEHICLES
AND TRAFFIC”**

(O-22-05)

INTRODUCED BY COUNCILMEMBER FLOWERS:

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

SECTION 1: §13-126 is hereby amended by the following addition:

Section 13-126(C)(2) District 4 - Permits for public parking permit system.

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

Bement Ave, Both sides, between Cottage St. and Mansion St. Permit Parking Only. No Time Regulation.

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____:

ADDITIONS denoted by **Underlining and Bold**

ACTION AGENDA:

IX: MOTIONS AND RESOLUTIONS:

1. **R-22-46**, Resolution setting a public hearing regarding a proposed Local Law amending Chapters 2 and 19 of the Code of the City of Poughkeepsie.

RESOLUTION OF THE CITY OF POUGHKEEPSIE COMMON COUNCIL SETTING A PUBLIC HEARING REGARDING THE PROPOSED LOCAL LAW AMENDING CHAPTERS 2 AND 19 OF THE CODE OF THE CITY OF POUGHKEEPSIE TO PROVIDE FOR COMMON COUNCIL CONFIRMATION OF APPOINTMENTS TO THE PLANNING BOARD, ZONING BOARD OF APPEALS AND THE HISTORIC DISTRICT AND LANDMARK PRESERVATION COMMISSION AND, IN THE EVENT THE MAYOR FAILS TO FILL A VACANCY WITHIN 60 DAYS, TO PERMIT THE COMMON COUNCIL TO FILL SUCH VACANCY BY 2/3 VOTE.

(R-22-46)

INTRODUCED BY _____:

WHEREAS, the Common Council is considering amendments to Chapters 2 and 19 of the Code of the City of Poughkeepsie to provide for Common Council confirmation of appointments to the Planning Board, Zoning Board of Appeals and the Historic District and Landmark Preservation Commission and, in the event the Mayor fails to fill a vacancy within 60 days, to permit the Common Council to fill such vacancy by 2/3 vote; and

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

NOW THEREFORE,

BE IT RESOLVED, that the Common Council shall call a public hearing on the proposed local law at City Hall, 62 Civic Center Plaza, Poughkeepsie, New York, at 6 o'clock P.M., on Tuesday, July 5, 2022; and

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

SECONDED BY COUNCILMEMBER _____.

Official Minutes of the Common Council Meeting of June 21, 2022

A motion was made to table R-22-46 to the July 5 Common Council meeting by Councilmember Flowers and was seconded by Councilmember Shook.

Motion to table R-22-46 to 7/5/22 CCM						
			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	☒	☐	☐	☐

R-22-46						
			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	☒	☐	☐	☐

X. ORDINANCES AND LOCAL LAWS:

XI. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

1. **FROM MR. ERNEST HENRY**, a presentation on Hudson Valley ReEntry Network's Grace Academy

A motion was made to defer the below communications/petitions to Corporation Counsel by Councilmember Menist and was seconded by Councilmember Flowers.

2. **FROM FARMERS INSURANCE A/S/O YESENIA CHEVEREZ**, A Notice of Claim for personal property damage that occurred on January 17, 2022
3. **FROM MYRTLE BARRETT**, A Notice of Claim for personal injury sustained on March 3, 2022

Official Minutes of the Common Council Meeting of June 21, 2022

4. **FROM JONNA SPILBOR, BIG BALLS HOLDINGS AND LAW OFFICE OF JONNA M. SPILBOR, LLC**, A Notice of Claim for property damage that occurred on March 14, 2022.

XII. ANNOUNCEMENTS:

XIII. ADJOURNMENT:

A motion was made by Councilmember Menist and seconded by Councilmember Thompson to adjourn the meeting at 9:43 pm.

Dated: June 28, 2022

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Tuesday, June 21, 2022.

Respectfully submitted,

Jasmin Nicole Davis
City Chamberlain