



COMMON COUNCIL MEETING

Tuesday, July 5, 2022
Common Council Chambers

6:30 p.m.

I. ROLL CALL

II. REVIEW OF MINUTES:

Public Hearing Meeting – June 21, 2022
Common Council Meeting – June 21, 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:

X. ORDINANCES AND LOCAL LAWS:

1. **O-22-05**, Ordinance Entitled "Motor Vehicles And Traffic" – Bement Residential District Parking.

ACTION AGENDA:

XI. 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.
2. **R-22-47**, Resolution to Amend the 2022 Budget to Include Certain ARPA-funded Youth Grant Awards Recommended by the ARPA Task Force.

XII. ORDINANCES AND LOCAL LAWS:

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

- 1. FROM CITY ADMINISTRATOR NELSON**, a communication regarding Amending the 2022 Budget to Add Certain Full Time Positions.
- 2. FROM CITY ASSESSOR TAYLOR**, a communication on Approving the Annual Adjusted Base Proportion
- 3. FROM CITY ADMINISTRATOR NELSON**, a communication on the Sale of an Unnumbered Vacant Lot on Holmes Street
- 4. FROM CITY ADMINISTRATOR NELSON**, a communication on the Soccer Pitch Installation Project at Pulaski Park
- 5. FROM COUNCILMEMBER FLOWERS & CITY ADMINISTRATOR NELSON**, a communication on a proposed License Agreement with the Poughkeepsie Alliance regarding the Champion's Walk Memorial"
- 6. FROM DEVELOPMENT DIRECTOR QUINN**, a communication regarding a resolution of support for CFA applications made by local not-for-profits
- 7. FROM MAUREEN BOOTHE-DAVIS**, A Notice of Claim for property damage that occurred on June 7, 2022
- 8. FROM JESSICA M. LANE**, A Notice of Claim for property damage that occurred on June 13, 2022.

XIV. ANNOUNCEMENTS:

XV. ADJOURNMENT:

**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

(R-22-46)

**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.**

INTRODUCED BY COUNCILMEMBER MENIST:

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 Monday, July 11, 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 _____.

RESOLUTION
(R-22-47)

Amending the 2022 Budget to Include Certain ARPA-funded Youth Grant Awards Recommended by the ARPA Task Force; and allocating funding for the City's Redistricting Committee Pursuant to the City Charter.

INTRODUCED BY COUNCILMEMBERS CHERRY, SHOOK AND FLOWERS

WHEREAS, The City Task Force overseeing expenditures of funds received pursuant to the American Rescue Plan Act ("ARPA") met on June 20, 2022, to consider a number of applicants for sub-recipient funding which applications were submitted by organizations providing various services to City youth; and

WHEREAS, Prior to adoption of the 2022 budget, the Common Council made an amendment to increase funding for youth services and programs so that ARPA funding could be made available to eligible non-profit entities operating in the City of Poughkeepsie in support of city youth;

WHEREAS, Subsequent to the adoption of the 2022 budget, the Common Council has appointed a Redistricting Commission, pursuant to the City Charter, which Commission is desirous of engaging a consultant to assist it with its duties and responsibilities; and

WHEREAS, The line item changes to the 2022 budget necessary to effectuate these expenditures are more fully described in "SCHEDULE A" attached hereto;

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

NOW THEREFORE

BE IT RESOLVED, that the 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 _____.

Schedule A

To amend the 2022 Adopted Budget, transferring ARPA funds in line with the recommendations of the ARPA Task Force, and to provide the Common Council with funding for redistricting analysis.

From:		To:		Comments:
01-20-1900 7498.AR (Contingency-ARP)	\$	01-03-1230 7469.AR (93,750) (Contract Ser-Other)	\$	Community Foundations of the Hudson Valley (Oaxaca Exhibit)
		01-03-1230 7469.AR (Contract Ser-Other)	\$	Dutchess County Land Bank
		01-11-7310 7469.AR (Contract Ser-Other ARP)	\$	Nubian Directions II, Inc. (Summer Employment Opportunity)
		01-11-7310 7469.AR (Contract Ser-Other ARP)	\$	Stingendo, Inc. (Music School)
		01-11-7310 7469.AR (Contract Ser-Other ARP)	\$	The Art Effect of the Hudson Valley (Trolley Barn)
01-08-1620 7217.AR (Building Equipment-ARP)	\$	01-08-1640 7469.AR (75,000) (Contract Ser-Other ARP)	\$	Transfer DPW ARPA funds from "Trailer Buyout" to "DPW Garage Repairs".
01-20-1900 7498 (Contingency)	\$	01-01-1010 7469 (Contract (15,000) Ser-Other)	\$	To provide the Common Council with funds for redistricting analysis.

RESOLUTION
(R-22-##)

A Resolution Amending the 2022 Budget to Add New Full-Time Positions to the Fire Department, the Building Division and to Section 8 Administration.

INTRODUCED BY COUNCILMEMBERS:

WHEREAS, The City Administrator and Human Resources Director, in consultation with the department heads, have identified the need to amend certain budgeted positions in the various departments to make City Government more efficient and ensure necessary functions of government continue; and

WHEREAS, the administration is requesting that the Common Council amend the 2022 budget as proposed in the attached Schedule "A", to wit:

Creating two new full time firefighter positions within the Fire Department; and

Adding a position of Deputy Zoning Administrator in the Building Division; and

Adding a position of Section 8 Housing Account Specialist; 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 _____.

2022 Budget Amendments
Schedule A
July 5, 2022 CC Meeting

Department/Division	Current Title/Grade	Amended Title/Grade	GL Account	Budget Impact Increase	Budget Impact Decrease	Comment
Fire	N/A	(2) Fire Fighters	01.10.3410 7105 (Salaries-Fire) 01.10.3410 7145 (Uniform) 01.10.3410 7155.002 (Wash up) 01.10.3410 7803 (Social Security Tax) 01.10.3410 7803.M (Medicare Tax) 01.21.9000 7802 (Police&Fire Retirement) 01.21.9000 7808 (Health Insurance)	\$47,902.40 \$2,000.00 \$600.00 \$3,131.15 \$732.28 \$9,999.48 \$12,200.44 \$76,565.75		1/2 yr base salary
Development/Building Dept/Safety Insp	Code Enforcement Officer/Gr. 9	Deputy Zoning Administrator/Gr.15	01.11.3620 7103 (Salaries-CSEA) 01.10.3620 7803 (Social Security Tax) 01.10.3620 7803.M (Medicare Tax) 01.21.9000 7801 (State Retirement)	\$9,063.60 \$61.94 \$131.42 \$951.68 \$10,708.64		1/2 yr salary difference
General Non Departmental			01.20.1900 7498 (Contingency)		\$87,274.39	
Development/Section 8 Program	Housing Program Assistant/Gr. 8	Section 8 Housing Account Specialist/Gr. 10	08.11.8610 7103 (Salaries-CSEA) 08.11.8610 7803 (Social Security Tax) 08.11.8610 7803.M (Medicare Tax) 08.21.9000 7801 (State Retirement)	\$2,065.70 \$128.07 \$29.95 \$309.86 \$2,533.58		1/2 yr salary difference
Development/Section 8 Program			08.11.8610 7463 (Contract Ser- Accounting)		\$2,533.58	

The City of Poughkeepsie

New York

John Taylor
Assessor
jtaylor@cityofpoughkeepsie.com



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

July 5, 2022

COMMON COUNCIL
City of Poughkeepsie

CC Meeting: July 5, 2022
Resolution: R22-XX

Re: Adjusted Base Proportions

Chairperson Salem and Councilmembers,

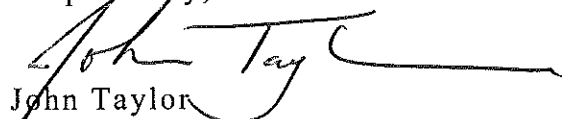
Annexed hereto please find proposed Resolution: R22-XX regarding the above referenced Adjusted Base Proportions. The base Homestead and Non-Homestead proportions for 2022 are required for City of Poughkeepsie tax preparation and I respectfully request that you approve the attached Certificate pursuant to Article 19 of Real Property Tax Law.

Article 19 established as part of Real Property Tax Law in 1981 for the purpose of mitigating the shift of taxes to residential property as a result of reassessment. A proportional ratio is established between the two classes and annual adjustments to the base proportion are required in order to account for changes during the assessment year due to construction, demolition, change in exempt status and/or change in NYS Classification Code. The method of calculating adjustments are prescribed in RPTL 1803-a, and overseen by NYS Office of Tax and Finance.

This Certificate, prepared by the Assessor in conjunction with the NYS Office of Real Property Service, pursuant to the Real Property Tax Law and the Rules and Regulations of the Office of Real Property Tax Service.

I will present myself at your Council Meeting of July 5, 2022 to provide detail and answer questions.

Respectfully,


John Taylor
Assessor
City of Poughkeepsie

**RESOLUTION
(R 22-XX)**

INTRODUCED BY CHAIR SALEM

BE IT RESOLVED, that the attached certificates of Base Percentages, Current Percentage, Base proportions and Certificate of Adjusted Base Proportions for the levy of taxes on the 2022 Assessment roll are hereby approved in accordance with Article 19 of the Real Property Tax Law.

SECONDED BY COUNCILMEMBER_____.

***** NEW YORK STATE OFFICE OF REAL PROPERTY TAX SERVICES *****									
***** Bldg 8A - WA Harriman Campus Albany, NY 12227 *****									
***** RP-6701 *****									
***** CERTIFICATE OF BASE PERCENTAGES, CURRENT PERCENTAGES AND *****									
***** CURRENT BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTL, FOR THE *****									
***** LEVY OF TAXES ON THE 2022 ASSESSMENT ROLL *****									

***** Approved Assessing Unit City of Poughkeepsie, 131300 *****									
***** Name of Portion City of Poughkeepsie, 131300 *****									

***** DETERMINATION OF BASE PERCENTAGES *****									

***** Section I *****									
***** (A) (B) (C) (D) *****									
***** 2006 2006 Estimated Base *****									
***** Taxable Class Equalization Rate Percentages *****									
***** Assessed Value *****									
***** Class A/(B*100) C/(sum of C) *****									
***** Homestead 1,663,288,662 100.00 1,663,288,662 70.8173 *****									
***** Nonhomestead 685,416,541 100.00 685,416,541 29.1827 *****									
***** Total 2,348,705,203 2,348,705,203 100.0000 *****									

***** DETERMINATION OF CURRENT PERCENTAGES *****									

***** Section II *****									
***** (E) (F) (G) (H) *****									
***** 2021 2021 Estimated Current *****									
***** Taxable Class Equalization Rate Percentages *****									
***** Assessed Value *****									
***** including Special Franchise E/(F*100) G/(sum of G) *****									
***** Homestead 1,311,026,760 100.00 1,311,026,760 66.3689 *****									
***** Nonhomestead 664,335,673 100.00 664,335,673 33.6311 *****									
***** Total 1,975,362,433 1,975,362,433 100.0000 *****									

***** DETERMINATION OF CURRENT BASE PROPORTIONS *****									

***** Section III *****									
***** (I) (J) (K) (L) (M) (N) (O) *****									
***** Local Base Prospective Current Base Adjusted % difference Maximum Current *****									
***** Proportion for the 2006 Assessment Roll Column (L) Prior Tax Levy Base Proportion Base Proportion *****									
***** Prorated to 100.00 ((K/L)-1*100) Base Proportion Current Base Proportions *****									
***** Class I*(H/D) J/(sum of J) L*(1.05) *****									
***** Homestead 65.20854 61.11251 60.38353 58.54192 3.15 60.38353 *****									
***** Nonhomestead 34.79146 40.09474 39.61647 41.45808 -4.44 39.61647 *****									
***** Total 100.00000 101.20725 100.00000 100.000000 100.000000 100.00000 *****									

***** signature *****									
***** title *****									
***** date *****									

***** 06/23/22 *****									

CERTIFICATE OF ADJUSTED BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTL
FOR THE 2022 ASSESSMENT ROLL

CERTIFICATION

Approved Assessing Unit City of Poughkeepsie, 131300
Name of Portion 2021 City of Poughkeepsie, 131300
Reference Roll 2022
Levy Roll

DETERMINATION OF PORTION CLASS NET CHANGE IN ASSESSED VALUE DUE TO PHYSICAL AND QUANTITY CHANG
EQUALIZATION CHANGES AND COMPUTATION OF CLASS CHANGE IN LEVEL OF ASSESSMENT FACTOR

Section I	(A) Total Assessed Value on the Reference Roll (Special Franchise)	(B) Total Assessed Value of Physical and Quantity Increases between the Reference Roll and Levy Roll	(C) Total Assessed Value of Physical and Quantity Decreases between the Reference Roll and Levy Roll	(D) Net Assessed Value of Physical and Quantity Changes (B-C)	(E) Surviving Total Assessed Value on the Reference Roll (A-C)
Class					
Homestead	1,325,451,686	2,002,200	1,716,185	286,015	1,324,735,501
Nonhomestead	601,038,591	19,201,550	9,413,000	9,788,550	591,625,591

I, the clerk of the legislative body of the approved assessing
unit identified above, hereby certify that the legislative body
determined on _____ base percentages, current
percentages, and current base proportions as set forth herein
for the assessment roll and portion as identified above.

Section II	(F) Total Assessed Value of Equalization Increases between the Reference Roll and Levy Roll	(G) Total Assessed Value of Equalization Decreases between the Reference Roll and Levy Roll	(H) Net Equalization Changes (F-G)	(I) Change in Level of Assessment Factor (H/E)+1
Class				
Homestead	210,256,571	882,237	209,374,334	1.15805
Nonhomestead	52,638,779	10,714,947	41,923,932	1.07086

COMPUTATION OF PORTION CLASS ADJUSTMENT FACTOR

Section III	(J) Taxable Assessed Value on the Levy Roll excluding Special Franchise	(K) Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (J/I)	(L) Assessed Value of Special Franchise on the Levy Roll at the Reference Roll Level of Assmnt (K+L)	(M) Total Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (K+L)	(N) Taxable Assessed Value on the Reference Roll	(O) Class Adjustment Factor (MIN)
Class						
Homestead	1,522,599,841	1,314,796,384	1,314,796,384	1,314,796,384	1,311,026,760	1.00288
Nonhomestead	637,446,334	595,264,538	106,766,037	702,032,575	664,335,673	1.05674

COMPUTATION OF ADJUSTED BASE PROPORTIONS

Section III	(P) Current Base Proportions	(Q) Current Base Proportions adjusted for Physical and Quantity Changes (P*O)	(R) Adjusted Base Proportions	(Q/sum of Q)
Class				
Homestead	60.38553	60.55715		59.12537
Nonhomestead	39.61647	41.86446		40.87463
Total	100.00000	102.42161	100.00000	

Local Adjustments to the Adjusted Base Proportions

The municipality may make certain adjustments to the ABPs.
See Subsection 1903-4(c) of the Real Property Tax Law.

City of Poughkeepsie

2022

STEP 1 - Subtract the Adjusted Base Proportion for the Homestead Class from the Current Percentage for the Homestead Class

Current Percentage for Homestead Class (part H of form RP-6701)		66.36892
Adjusted Base Proportion for Homestead Class (part R of form RP-6703)	-	59.12537
Difference		7.24356

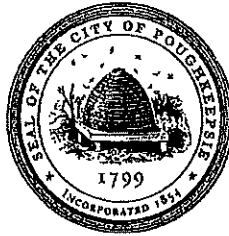
**STEP 2 - Take the Difference computed in STEP 1 and multiply it by 10%, 20%, 25%, 30%, 40%, 50%, 60%, 70%, 75%, 80%, and 90%.
Add this amount to the Homestead Adjusted Base Proportion.**

			POSSIBLE TAX SHARES WHICH MAY BE ADOPTED	
Select a Percentage	Amount to be added to Homestead ABP		Homestead	NonHomestead
			59.12537	40.87463
10%	0.72436		59.84972	40.15028
20%	1.44871		60.57408	39.42592
25%	1.81089		60.93626	39.06374
30%	2.17307		61.29843	38.70157
40%	2.89742		62.02279	37.97721
50%	3.62178		62.74714	37.25286
60%	4.34613		63.47150	36.52850
70%	5.07049		64.19586	35.80414
75%	5.43267		64.55803	35.44197
80%	5.79484		64.92021	35.07979
90%	6.51920		65.64457	34.35543
100%	7.24356		66.36892	33.63108

#3

The City of Poughkeepsie New York

John Taylor
Assessor



62 Civic Center Plaza
Poughkeepsie, N. Y. 12601
845-451-4039
Fax: 845-451-4181

June 27, 2022

Mr Marc Nelson
City Administrator
City of Poughkeepsie

Re: Holmes Street -- 6161-37-091746

Mr. Nelson,

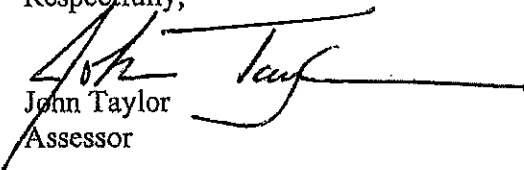
Pursuant to your request, I have been asked to estimate an 'as is' opinion of market value for the above captioned subject property for the purpose of estimating market value. The value reported on the property is qualified by certain assumptions, limiting conditions and definitions. The Valuation was prepared for Mr Marc Nelson, and is intended for his specified use.

The property is on Holmes Street, City of Poughkeepsie and consists of one unimproved vacant parcel, totaling 0.07 acres. The property is classified as residential vacant land (NYS Class 311) and is situated within a Medium-Density Residence District (R-3). The purpose of the district is to provide areas for several types of housing at a relatively low-density with access to community services and transportation. A visual inspection of the property has been performed. Additionally, it must be understood that no plans/survey have been reviewed, there are no known deed restrictions, zoning restrictions or other legal restrictions that would have an adverse effect on the establishment of market value.

To establish an opinion of market value, a Sales Approach was utilized based on sales of similar properties, within the subject's general market area. In this approach, value is based on the transfer of properties considered to be similar in use and condition. Due to the lack of recent sales within the subject's immediate neighborhood similar in acreage and functional utility it was necessary to expand the search into surrounding neighborhoods and utilize sales with similar functional utility. Any and all data, reasoning and/or analysis used to develop the opinion of value has been retained and any depth of discussion is specific to the needs of the intended user.

After careful consideration, I have concluded an estimated Market Value of the subject property to be \$15,000.

Respectfully,

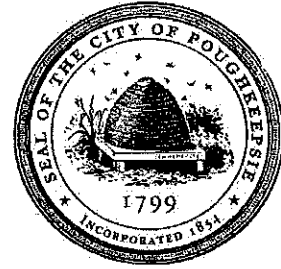

John Taylor
Assessor

The City of Poughkeepsie

New York

Property Acquisition &
Disposition Committee

Eric Phillip
John Taylor
Erian Buckley-Falcon
Marc S. Nelson
Nancy L. B. Griffin



MEMORANDUM

TO: *MEMBERS OF THE COMMON COUNCIL*

FROM: *PROPERTY ACQUISITION & DISPOSITION COMMITTEE*

SUBJECT: *Sale of City-Owned Property – A vacant lot adjacent to 21 Holmes Street. Parcel Number 6161-37-086746*

DATE: *June 30, 2022*

21 Holmes Street to Ms. Paulette Duhaney-Parcell (Purchase Price \$1; to combine parcel with residential lot).

Ms. Duhaney-Parcell is the owner of 19 Holmes Street, and at one time was also the owner of this adjacent lot. At some time subsequent to her purchase her mortgage company made an error which resulted in the taxes on this lot not being paid via escrow, as were the taxes on the primary parcel on which her home rests.

The error may have occurred on the occasion of a refinance, or perhaps a change in mortgage servicer. This was a relatively common error during the housing crisis of the early 2000's and remains an error that we see occasionally today.

As taxes were not escrowed, the parcel became tax-delinquent and ultimately fell into city ownership. There are a number of these situations around the City where the appropriate solution is to combine the adjacent parcels into one taxable lot, particularly where there is no legitimate governmental purpose for the City to continue to own the contiguous vacant parcel.

From a risk-management perspective, we believe the best path forward for this parcel is to transfer it to Ms. Duhaney-Parcell, with the condition that she work with the City Assessor to accomplish the necessary lot-line adjustment needed to combine the vacant parcel with her residential lot.

The action, if approved by the Council, will reduce the city's risk inherent in the ownership of land, and it will also reduce our administrative burden. Furthermore, combining the lot with the owner's primary parcel will put this lot back on the active tax rolls (it has been tax exempt, obviously, since the City first took title to it).

Thank you.

MINI PITCH PROGRAM
DONATION AGREEMENT – FISCAL YEAR 2023

Pursuant to this Mini Pitch Program Grant Agreement (“Agreement”), dated as of the June 15, 2022 (“Effective Date”), the United States Soccer Foundation, Inc. (“Foundation”) agrees to award the Grant (“Grant”) to the **City of Poughkeepsie**, (“Grantee”) FY23-715, and Grantee accepts such Grant, in accordance with the terms and conditions set forth herein.

1. **Foundation:** **U.S. Soccer Foundation**
Attn: Operations Department
1140 Connecticut Ave. NW, Suite 1200
Washington, DC 20036

Grantee: **City of Poughkeepsie**
Attn: Marc Nelson
62 Civic Center Plaza
Poughkeepsie, NY 12601
2. **Grant:** This Grant, awarded in the form of two acrylic mini pitch surfaces with goal and lighting installation (“Mini Pitches”), supplied by Musco Sports Lighting (“Vendor”), which shall be valued by Foundation, in its sole and absolute discretion, in an amount up to **\$200,000**.
3. **Acrylic Mini Pitches:** Consistent with Foundation’s interests in promoting youth soccer, particularly within vulnerable communities, this Grant will provide the Mini Pitches at the **Pulaski Park** (the “Grant Project”).
4. **Execution of the Grant Agreement:** Grantee must return an executed copy of this Agreement to the Foundation by the July 10, 2022.
5. **Grantee Covenants:** In order to induce Foundation to enter into this Agreement, and to award the aforementioned Grant, Grantee covenants as follows:
 - (a) Grantee commits \$100,000 in funding for the Grant Project, representing one of the two Mini Pitches being installed at Pulaski Park. Grantee shall issue payment in one (1) installment, due to the Foundation the first day of installation of the Grant Project, upon invoice received from the Foundation.
 - (b) Foundation will be granted usage of the Mini Pitches for one (1) day per year over the first five (5) years following its completion, including, without limitation, for Special Events (as defined below) that are organized by Foundation. Foundation will make best efforts to schedule such usage for dates and times mutually agreed upon with the Grantee, and Grantee will not unreasonably withhold play space time for such usage. For purposes of this Agreement, “Special Events” shall be defined as tournaments, clinics, events, training sessions, media functions and any other similar event the Foundation so determines.
 - (c) In preparation for the Mini Pitch installation, Grantee will provide necessary access for the Foundation’s Vendor, which includes, but is not limited to: proving an asphalt cap of at least 2 inches in thickness to the tennis court areas of Pulaski Park, identification and communication of underground utilities or other access issues related to the Vendor’s ability to access the Mini Pitch location via forklift, temporary removal of chain link fencing, and providing access for freight truck delivery. Additionally, Grantee will complete electrical work to provide power to the Mini Pitches within 3 months of the installation completion, if not completed prior to the installation start date.

Should Grantee fail to provide such access and information, especially as it relates to underground utilities, the Foundation and Vendor shall not be responsible for damage caused by Vendor due to lack of such information.

- (d) Upon completion, the Mini Pitches will be maintained in accordance with Vendor's recommendations for user safety. Grantee acknowledges and agrees that it will be responsible for the maintenance and safety of the Mini Pitches following their completion.
- (e) Grantee presently owns, or is currently tenant to an appropriate long-term lease of, the property on which the Mini Pitches will be installed. An appropriate long-term lease shall mean a lease of at least ten (10) years in length following the Effective Date.
- (f) Prior to commencing installation of the Mini Pitch, Grantee will obtain, or shall assist (where necessary) in obtaining, all permits, authorizations and consents from third parties, including governmental entities, necessary for the installation of the Mini Pitch.

6. **Facts and Representations True and Correct:** Grantee hereby affirms the representations made in its conversations and communications with Foundation are true and correct and that Foundation may rely upon the truth and correctness of the representations made in all conversations and communications regarding this Grant Project, without further independent investigation. Grantee further affirms that it has not omitted any material facts, the knowledge of which would adversely impact the awarding of the Grant to Grantee. Grantee avows that no adverse events have occurred since the latest communication which have materially and adversely altered the truth or reliability of the Grant Project, including the tax status of Grantee and the Grantee's ability to allow successful completion of the Grant Project. Grantee agrees to immediately inform the Foundation within five (5) business days of any material change, in Grantee or the Grant Project, which might affect any terms of this Agreement.

7. **Grantee Books and Records:** Grantee agrees to maintain sufficient operating and financial books, records and related documentation regarding the activities of Grantee and other evidence sufficient for Foundation to satisfy its fiduciary, public and governmental responsibilities and duties. Foundation shall have reasonable access to the books and records of Grantee for inspection purposes and shall be entitled to copies, as they relate to the Grant Project.

8. **Grantee Reports:**

- (a) **Impact Reports:** Following completion of the Mini Pitch, Grantee shall complete to Foundation a report, provided by the Foundation, describing the impact of the Mini Pitches. Such report shall be submitted to Foundation annually, for five (5) years after completion of the Mini Pitches and shall include photographs of the Mini Pitches in use by youth soccer players and provide information on play space usage rates, stories of impact on the community, and any other information reasonably requested by Foundation.
- (b) **Site Visits:** Grantee will use its best efforts to accommodate any representative of Foundation who requests to conduct a site visit, at the sole cost of Foundation, for the purposes of collecting information about the Grant's impact.
- (c) **Photographs/Videos/Stories/Testimonials:** In addition to submitting digital photographs, videos, stories and testimonials relating to the Grant Project in the aforementioned Impact Reports, the Grantee shall submit the same to the Foundation upon request by the Foundation, including before and after photographs, both in daytime and at night, of the Mini Pitches site area.

9. **Publicity Material and Recognition:**

- (a) Grantee, upon written approval by the Foundation, shall recognize the Foundation and acknowledge the Grant in Grantee's written materials, news releases, website and related marketing or publicity.
- (b) The Foundation shall have the right to publicize, show photographs of, and use the name of the Mini Pitches and otherwise promote its contributions in any and all media, including the Internet. Grantee authorizes the Foundation to utilize those logo or logos, owned or controlled by Grantee and associated with the Grant Project, for related marketing and/or publicity.
- (c) Grantee agrees to fully assist and cooperate in a mutually acceptable dedication event, should the Foundation request such, which may include appearances by athletes affiliated with the Foundation.

10. **Awareness Opportunities:** Grantee grants to Foundation the right to permanently place Foundation's trademark, trade name or any design/logo owned or controlled by Foundation (each, a "Mark" and together, the "Marks"), and/or that of its funding partners, on the surface of the Mini Pitches. Unless Foundation chooses to forego the right, standard Marks will be included during installation of the Mini Pitch, per the rendering found in Attachment A, in consultation with Grantee. Foundation may change its Marks at any time in its sole discretion and at its sole cost. Each Mark will remain on the surface of the Mini Pitch for as long as the Mini Pitch is operational, unless removed by Foundation or unless Foundation otherwise gives its written consent to the removal of such Mark.

Additionally, Grantee will allow Foundation to install signs/banners on the premises on which the Mini Pitches are installed, per the rendering found in Attachment A, in order to promote and recognize the Foundation and other funders for their contribution to the Mini Pitches.

11. **Grant Not Assignable:** Grant is intended solely for the benefit of Grantee. No benefit of the Grant may be delegated, assigned or otherwise transferred without the advance, written consent of Foundation, which consent shall be in the sole and absolute discretion of Foundation.
12. **Proper Authority:** Each of the parties and its officers represent and warrant that they are authorized to enter into this Agreement and execute the same without further authority.
13. **Absence of Warranties:** FOUNDATION MAKES NO REPRESENTATIONS OR WARRANTIES OF ANY KIND, EITHER EXPRESS OR IMPLIED, AS TO ANY MATTER INCLUDING, BUT NOT LIMITED TO, IMPLIED WARRANTIES OF FITNESS FOR A PARTICULAR PURPOSE, MERCHANTABILITY OR OTHERWISE RELATING TO THE MINI PITCHES OR ANY COMPONENT PART THEREOF, OR ANY OTHER ENTITIES AND THEIR ASSOCIATED SERVICES. IN NO EVENT WILL FOUNDATION BE LIABLE FOR ANY DAMAGES OF ANY KIND INCLUDING, BUT NOT LIMITED TO, PERSONAL INJURY, LOST PROFITS, OR OTHER CONSEQUENTIAL, EXEMPLARY, INCIDENTAL OR PUNITIVE DAMAGES ARISING OUT OF THIS AGREEMENT OR PERFORMANCE OF THE OBLIGATIONS HEREUNDER.
14. **Assumption of Risk:** Grantee hereby agrees to assume all risks and liabilities associated with the use, operation, maintenance, safety and condition of the Mini Pitches.
15. **Indemnification:** Grantee agrees to indemnify, defend and hold harmless Foundation, its parent, subsidiary and affiliated companies, sponsors, benefactors, donors, officers, directors, employees, accountants, attorneys, agents, successors and assigns ("Foundation Parties") from and against any and all third party claims, demands, losses, damages, liabilities, costs and expenses (including reasonable

legal/attorneys' fees and expenses arising out of or related to any legal proceeding and any legal appeal) ("Claim" or "Claims") related to the Grant, the Mini Pitches or this Agreement and liabilities of any kind or nature whatsoever, whether in contract, tort, or otherwise, resulting from any claim (including, without limitation, personal injury, death, or property damage) actually or allegedly arising out of or in connection with the maintenance, location, or condition of the Mini Pitch, or any person's use of the Mini Pitches, whether authorized or unauthorized, proper or improper. Grantee's indemnification obligation hereunder shall survive the expiration or earlier termination of this Agreement. Without limiting this obligation, Grantee will maintain the insurance described in Section 18 of this Agreement.

Grantee represents to Foundation that the Mini Pitch does not violate any applicable law, regulation, ordinance, lease, or otherwise violate the rights of any person or entity.

16. Insurance Requirements:

- (a) **Insurance Requirements of the Mini Pitches.** At all times while the Mini Pitches are in place, Grantee shall provide and maintain, at its expense, the following insurance, or appropriate self-insurance, which shall protect Grantee and the Foundation on a primary basis from any and all Claims arising out of or in connection with the Grant Project and the Mini Pitch pursuant to this Agreement:
- (i) Commercial General Liability insurance with limits not less than \$1,000,000 each occurrence and \$2,000,000 in the aggregate. Such insurance shall include coverage for contractual liability, premises liability, products-completed operations, personal and advertising injury, property damage and bodily injury liability (including death). Said policy shall be endorsed to name the Foundation and Foundation Parties as Additional Insureds.
 - (ii) Automobile Liability insurance covering liability arising out of the Grantee's use, operation and/or maintenance of any auto (including trucks and other construction vehicles), with limits not less than \$1,000,000 each accident combined single limit for bodily injury and property damage.
 - (iii) Workers' Compensation insurance covering employees of Grantee involved with the use and maintenance of the Mini Pitch, with limits as required by statutory law, including Employer's Liability coverage with limits not less than \$1,000,000 each accident, \$1,000,000 disease-each employee and \$1,000,000 disease-policy limit.
 - (iv) Umbrella and/or Excess Liability insurance with limits not less than \$2,000,000 each occurrence shall apply in excess of the Commercial General Liability, Automobile Liability and Employer's Liability policy limits.
 - (v) Participant Accident insurance covering all Participants and other individuals using the Mini Pitch with limits not less than \$5,000 per participant for Accident Medical coverage and \$1,000 per participant for AD&D coverage.

All such insurance required above shall be (1) considered primary with respect to Claims arising out of the use and maintenance of the Mini Pitches; and (2) shall be written by insurance companies that are licensed to do business in the state in which the Mini Pitches are located. Grantee shall not allow any of the required policies to be materially changed, reduced or cancelled unless Grantee provides thirty (30) days prior written notice thereof to Foundation.

Upon execution of this Agreement, Grantee shall provide Foundation with a certificate of insurance confirming that the appropriate insurance is in place and that the policies have been properly endorsed to meet the insurance requirements as set forth above.

17. **Participant Waiver and Release Forms:** To the extent that Grantee requires Participants in its programs or others who use the Mini Pitches to sign waiver and release forms, Grantee shall include the Foundation and the Foundation Parties as released parties in the form.
18. **Use of Mark:** Notwithstanding anything in this Agreement to the contrary, in the event Grantee desires to use a Mark owned or controlled by Foundation in a manner consistent with this Agreement, Grantee shall first submit a sample of the concept of the proposed use to Foundation for prior written approval, which approval may be withheld in the sole discretion of Foundation. Any such use by Grantee shall create no rights for Grantee in or to the Mark. Each Mark shall remain at all times the sole and exclusive intellectual property of Foundation, and Foundation shall have the right, from time to time, to request samples of use from which it may determine compliance with these terms and conditions. Notwithstanding any provision of this Agreement to the contrary, Foundation reserves, in its sole and absolute discretion, the right to prohibit use of its Marks.
19. **Applicable Law; Jurisdiction:** This Agreement shall be governed by and construed in accordance with the laws of the state of New York, without regard to principles of conflict of laws. Each party agrees that any action or proceeding with respect to this Agreement may only be brought in a federal or state court situated in the state of New York, and by execution and delivery of this Agreement, such party irrevocably consents to jurisdiction and venue in each such court.
20. **Attorneys' Fees:** Grantee agrees to pay all costs and expenses, including reasonable attorneys' fees, incurred by Foundation in connection with any litigation concerning this Agreement should Foundation prevail against Grantee in such litigation, whether commenced by Foundation or Grantee.
21. **Third Party Beneficiaries:** It is expressly agreed and by this statement specifically intended by the parties that nothing within this Agreement shall be construed as indicating any intent by either party to benefit any other entity or person not a party signatory to this Agreement by any provision or to entitle any such third party to any right of action on account hereof.
22. **Notices:** Any notices given under this Agreement must be made in writing (a) if to Foundation, at the address of Foundation as provided or at such other address as Foundation may designate, or (b) if to Grantee, at the address of Grantee provided or at such other address as Grantee may designate.
23. **Entire Agreement; Modifications:** This Agreement contains the entire agreement between Foundation and Grantee and cannot be changed, modified, amended, waived or canceled except by an agreement in writing and executed by each of the parties hereto.
24. **Counterparts and Facsimile Signatures:** This Agreement may be executed in one or more counterparts each of which shall be deemed an original but all of which together shall constitute the same instrument. This Agreement may be executed by facsimile signature by any party and such signature will be deemed binding for all purposes hereof without delivery of an original signature being thereafter required.

IN WITNESS WHEREOF, the parties have executed this Agreement by their duly authorized signatories as of the date first above written.

U.S. Soccer Foundation

City of Poughkeepsie

By: _____

By: _____

Name: Rob Kaler

Name: _____

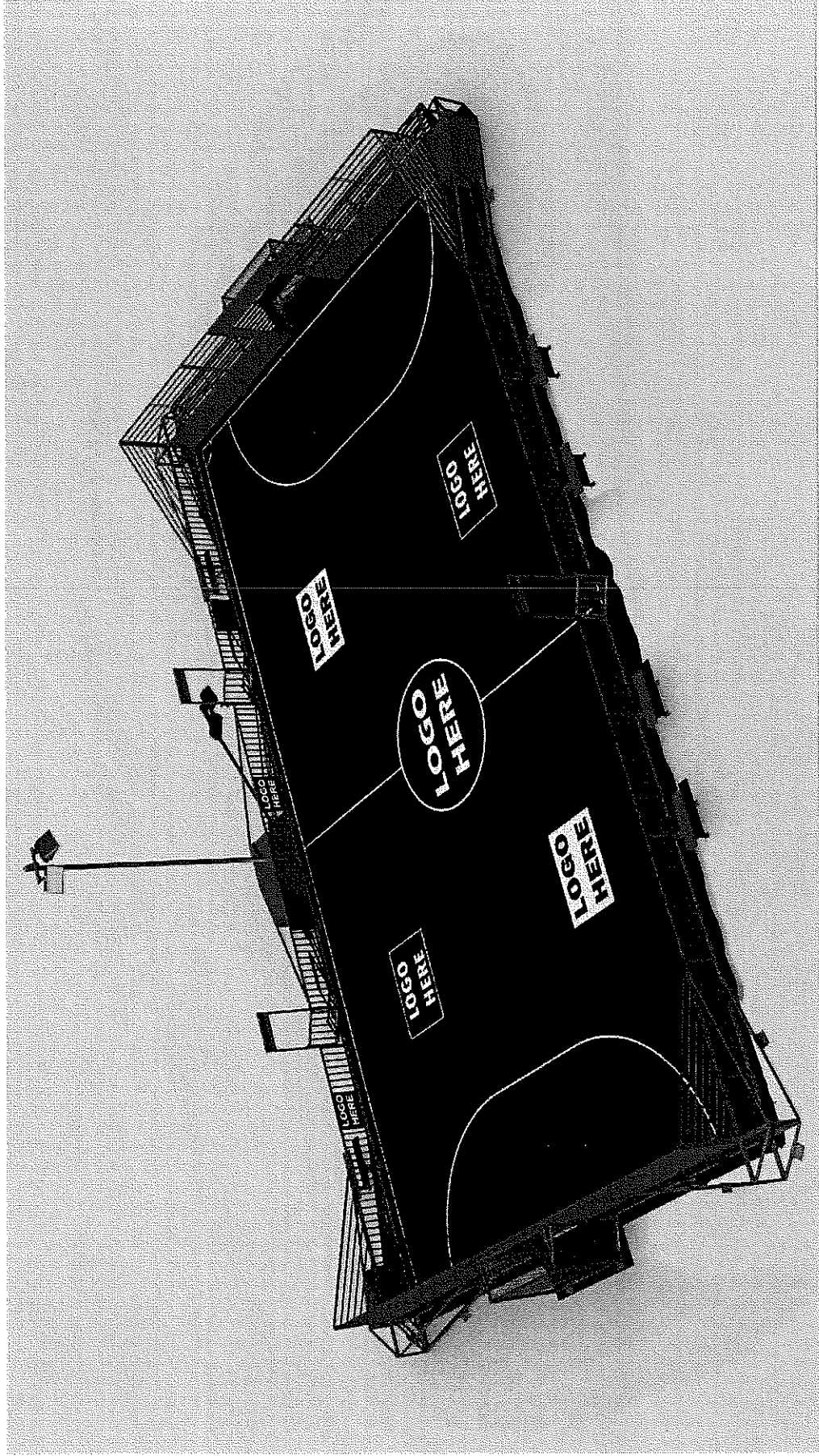
Title: COO & General Counsel

Title: _____

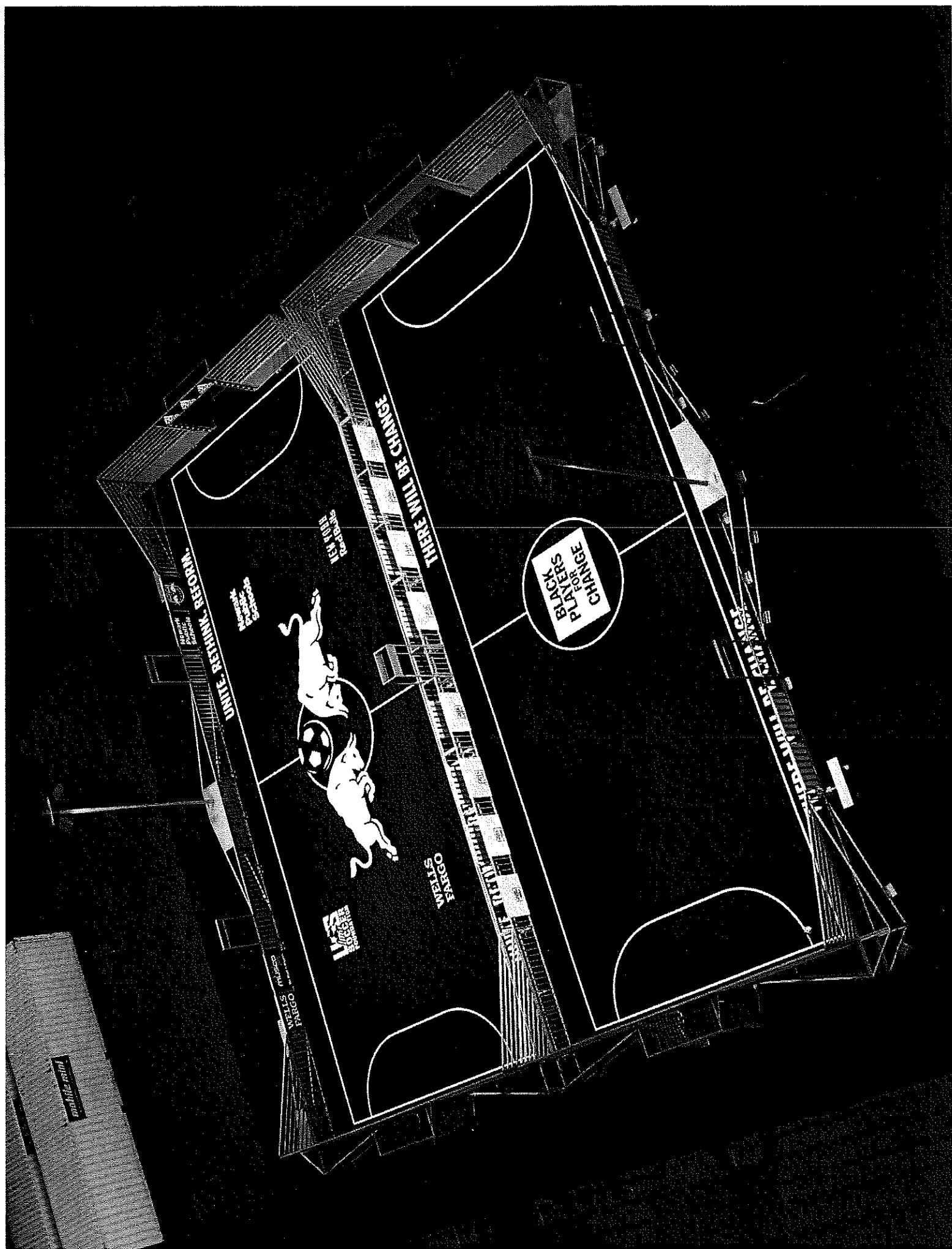
Date: _____

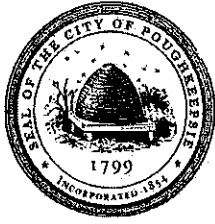
Date: _____

ATTACHMENT A









**THE CITY OF POUGHKEEPSIE
NEW YORK
PLANNING & ZONING
62 CIVIC CENTER PLAZA, 2ND FLOOR
POUGHKEEPSIE, NY 12601
Phone: (845) 451-4055 Fax: (845) 451-4006**

MEMORANDUM

To: Common Council
From: Paul Hesse, Community Development Coordinator
Date: July 5, 2022
Re: 2022 Consolidated Funding Application Resolution of Support

Every year since 2011, New York State accepts grant applications through a "one stop shop" portal created to consolidate nearly all state funding opportunities. Depending on the funding program, public, private and/or non-profit entities are eligible to apply.

Some of the funding programs in the Consolidated Funding Application (CFA) require a municipal resolution of support from the host community. In years past, the City of Poughkeepsie has done a joint resolution of support for all applications being submitted within the city. This memo outlines all applications, to the best of our knowledge, being submitted within the City of Poughkeepsie that require a resolution of support.

CFA applications are due at 4pm on July 29th, 2022. Our hope is to have a resolution approved by the Council at the June 11th, 2022 meeting.

As always, thank you for your attention, and please let me know if there are any questions.

Respectfully,

Natalie Quinn

Development Director

Applicant: Hudson River Housing

Grant Program(s): New York Main Street Program; Empire State Development Grant Funds

Funding Agency(s): New York State Department of Homes and Community Renewal; Empire State Development

Funding Request: New York Main Street Program - \$500,000; Empire State Development Grant Funds - \$1,300,000

Project Description: The Poughkeepsie Trolley Barn (PTB) is the adaptive reuse of a formerly vacant and blighted building located at 489 Main Street in the City of Poughkeepsie into an arts-based community hub. Beginning in 2018, the building has undergone multiple phases of development resulting in the completion of a 3,000 sq ft. art gallery, office space, and performance studio. Additional structural improvements have been made to the remaining 11,000 sq ft of unrenovated space including partial reframing of the roof, new skylights, windows, structural columns, and accessibility ramp. This next phase of development would completely fit-out the unrenovated 11,000 sq ft as arts programming space and office space including, painting and sculpting studios and sound and video production and editing space.

Since 2020, the PTB has been occupied by The Art Effect, a City of Poughkeepsie based non-profit which offers a variety of arts and youth programs. The Art Effect is slated to be a long-term tenant of the Trolley Barn and will be moving their entire organization staff and programming to the Trolley Barn when the final phase of construction is complete in mid to late 2024.

Applicant: Nubian Directions II, Inc. and Kirchner Realty, Inc.

Grant Program(s): New York Main Street Program

Funding Agency(s): New York State Department of Homes and Community Renewal

Funding Request: New York Main Street Program - \$500,000

Project Description: Nubian Directions II Inc., in construction and/or property management with Kirchner Realty, Inc., requests NYMS Anchor Project funding in the amount of \$500,000 to renovate a 30,000 sq. foot building located at 278 Main St. in Poughkeepsie, NY adding a mezzanine level to the 4th floor apartments and constructing a new 5th floor and an 800 square foot addition to the first floor. Another 1,000 square foot building on Wood Lane, a portion of the former Royal Tuxedo building, will be renovated and used for commercial purposes. In addition to the renovation of over 11,000 sq. feet of commercial space on the building's first floor, the project will include a total of 24 new apartments, including: (2) studios; (8) 1 bedroom/1bath; (6) 1 bedroom/2 baths, with mezzanine; (1) 2 bedroom/2 baths with mezzanine; (5) 2 bedroom/1 bath; and (2) 2 bedroom/2 baths.

The property owner will make available and maintain the affordability of six residential housing units supported by NYMS funds to persons of 90% AMI for five years. The building's iconic façade will be restored with the removal of the 1970's-era brown pebble aggregate first floor façade and the installation of 30+ new 9' windows on Main St. to replace the existing ones. Sixty new openings will be created on the east and west walls to accommodate new windows for the upper floor residential units.

Two new fire-rated stair towers (one with an elevator) will be constructed in compliance with current fire/safety codes.

Applicant: 47 Cannon Street, LLC

Grant Program(s): New York Main Street Program

Funding Agency(s): New York State Department of Homes and Community Renewal

Funding Request: New York Main Street Program - \$500,000

Project Description: The 47 Cannon St project was recently approved by the City of Poughkeepsie Planning Board for a change of use and an expansion of the building to a mixed-use development. The project was designed to closely follow the stated purpose of the new Poughkeepsie Innovation District ordinance. The existing 10,000 sq ft space will be converted into a restaurant with a distillery/brewery which will stimulate the creative economy, create permanent jobs and draw patrons to downtown Poughkeepsie. Additionally, we are expanding above and behind the existing building to create 66 new units of housing while providing 10% of the units as affordable housing units using the "bonus heights" clause of the ordinance.

Applicant: Scenic Hudson

Grant Program(s): New York Main Street Program

Funding Agency(s): New York State Department of Homes and Community Renewal

Funding Request: New York Main Street Program - \$500,000

Project Description: Scenic Hudson has embarked on a major adaptive reuse project, transforming a derelict former manufacturing site in Poughkeepsie into a vibrant community resource. The project deepens Scenic Hudson's roots in its hometown of Poughkeepsie, and builds on the organization's work in revitalizing the city's Northside neighborhoods. Located at the former Standard Gage site at 58 Parker Avenue, the Northside Hub project will house Scenic Hudson offices; workspace for local businesses, meetings and community events; as well as outdoor parkland and public space for community gatherings and educational activities.

Transforming this long underused site into a dynamic, year-round center of activity for local residents and visitors alike, Scenic Hudson's Northside Hub project will be a critical anchor to neighborhood revitalization. As one of the first major projects along the Walkway-Gateway Corridor that will spur economic development as part of Poughkeepsie's continuing revitalization, bringing new activity and new opportunities to the neighborhood.

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

INTRODUCED BY: _____.

WHEREAS, the City of Poughkeepsie has received several requests to support and endorse applications of several Not-for-Profit organization under the Consolidated Funding Application (CFA) ; and

WHEREAS, the City of Poughkeepsie has reviewed these request in conjunction with its overall goal of advancing its Comprehensive Plan, Main Street Economic Development Strategy, Waterfront Revitalization Strategy and increasing the sustainability of its community resources needed to support such strategies; and

WHEREAS, the City of Poughkeepsie is committed to advancing its economic development strategy through ongoing collaboration with other governmental units and private partners; and

WHEREAS, an important component of any economic development strategy is the simultaneous strengthening of the City's Not-for-Profit organizations that provide the local economy with public goods that generate positive externalities; and

WHEREAS, the Common Council of the City of Poughkeepsie is desirous of lending its support and endorsement to applicants that have been deemed to support its underlying mission; and

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Common Council of the City of Poughkeepsie wholeheartedly support and endorse the following applications under the Consolidated Funding Application (CFA) and make a finding that such applications advance the city's approved economic development strategies:

1. Hudson River Housing and The Art Effect – New York State Homes and Community Renewal NY Main Street Anchor Program for the continued renovation of Poughkeepsie's historic Trolley Barn into an arts and community hub.
2. Nubian Directions II, Inc. and Kirchner Realty, Inc.– New York State Homes and Community Renewal NY Main Street Anchor Program for renovation of 278 Main Street (former Up To Date department store) into a mixed use building with 11,000 sq. feet of commercial space and 24 residential units.
3. 47 Cannon Street, LLC – New York State Homes and Community Renewal NY Main Street Anchor Program for renovation of 47 Cannon Street (former Board of

Elections) into a mixed use building with 10,000 sq. feet of commercial space for a restaurant with distillery / brewery and 66 residential units.

4. Scenic Hudson - New York State Homes and Community Renewal NY Main Street Anchor Program for adaptive reuse of 58 Parker Avenue into the organization's offices, workspace for local businesses, meeting and community events, and publically accessible outdoor open space.

BE IT FURTHER RESOLVED, that the Mayor is and hereby shall do all things necessary to give effect to the resolution including but not limited signing any document needed for submission or acceptance.

SECONDED BY:_____.

#7

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

CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN
2022 JUN 15 PM 1:14

TODAY'S DATE: 6-13-2022

NAME AND ADDRESS OF EACH CLAIMANT:

Maureen Boothe-Davis

8 Merrick Road

Poughkeepsie, NY 12603

TELEPHONE NUMBER: (845) 616-1770

NAME AND ADDRESS OF ATTORNEY (IF ANY):

DESCRIBE WHAT HAPPENED AND AMOUNT CLAIMED (PLEASE STATE DATE, TIME, LOCATION, AND MANNER IN WHICH CLAIM AROSE): On Tuesday, June 7, 2022 at approximately 8:50 am on Noxon St in Poughkeepsie I was driving to work. My front & rear driver side tires & fenders hit a pothole resulting in busting both my tires and cracking both my fenders. The total amount of damage caused - \$ 776.46

ITEMS DAMAGED OR INJURIES SUSTAINED:

2 run flat tires - front & rear (drivers side)

2 fenders - front & rear (drivers side)

Maureen Boothe-Davis

Signature of Claimant

Signature of Claimant

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

Maureen Boothe-Davis 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.

Maureen Boothe-Davis

Signature of Claimant

Signature of Claimant

Sworn to before me this

13 day of June, 2022

Carol Miles-Milligan
Notary Public

CAROL MILES-MILLIGAN
Notary Public, State of New York
No. 01M16334735

Qualified in Dutchess County
Commission Expires 12-21-2022

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

D/B/A BMW OF THE HUDSON VALLEY

2068 South Road

NO REFUNDS ON ELECTRICAL PARTS OR SPECIAL ORDERS.

NO RETURNS AFTER 10 DAYS

All warranties on the product sold hereby are those made by the manufacturer. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products.

DATE ENTERED	YOUR ORDER NO.	DATE SHIPPED	INVOICE DATE	INVOICE NUMBER
09 JUN 22		09 JUN 22	09 JUN 22	104786

S
O
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ACCOUNT NO. 99

PARTS CUSTOMER
2068 SOUTH RD
POUGHKEEPSIE, NY 12601

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PARTS CUSTOMER
2068 SOUTH RD
POUGHKEEPSIE, NY 12601

PAG

PAGE 1 OF 1

SHIP VIA			SLSM.		B/L NO.		TERMS		13:49:		F.O.B.	
			1180		(845)462-3411		CASH		POUGHKEEPSIE, NY			
ORD.	SHIP	B.O.	PART NUMBER		DESCRIPTION		LIST	NET.	AMOUNT			
2	2	0	36-11-2-466-723		BRIDGESTOTR1		260.65	250.00	500.00			
			CORE EXCHANGE					0.00	0.00			
2	2	0	TIRE-FEE		NYS WASTESOP		2.50	2.50	5.00			
			CORE EXCHANGE					0.00	0.00			
PARTS DEPT. NOW OPEN SAT 9AM - 12PM							PARTS		505.00			
NO RETURN'S AFTER 10 DAYS							SUBLET					
NO RETURN'S ON ELECTRICAL/SPECIAL ORD							FREIGHT		0.00			
20% HANDLING CHARGE ON RETURN'S							SALES TAX		40.63			
							TAX ID#					
							TOTAL		545.63			

CUSTOMER | COPY

Merchant Copy
BMW OF THE HUDSON VALLEY
2068 SOUTH ROAD
POUGHKEEPSIE, NY 12601
845-462-1030

BMW OF THE HUDSON VALLEY 2
Date: 06/09/2022 01:49:34 PM
CREDIT CARD SALE

MASTERCARD
CARD NUMBER: *****9526
ENTRY METHOD: ICC
AUTH MODE: Issuer
AMOUNT: \$545.63
APPROVAL CD: 23778P
RECORD #: 000
CLERK ID: justinmcdonald
INVOICE #: 104786

APPROVED

SIGNATURE VERIFIED

PLEASE RETAIN FOR YOUR RECORDS

AID: A0000000041010

TVR: 0000008000

IAD: 0110A040012200000000000000000000

OFF

TSI: E800

Mastercard

Quality Custom Muffler Shop

+18456708618

Re

ceipt #1832

359 Hill Street - Poughkeepsie, NY, USA

1 item (Qty.: 2)

2 x Rims.....

.....\$ 158.00

1 UN x \$ 79.00

Subtotal: \$ 158.00

Tax(8.12%): \$ 12.83

Total: \$ 170.83

Payment method:

Cash: \$ 170.83

Trans

8457976298

June 9, 2022 4:23 PM

Purchase Order

Williams Auto Service

538196

TO	Margaret Boothe	DATE	06-10-2022
ADDRESS	8 Merrick Rd	DATE REQUIRED	
CITY, STATE, ZIP	Roughkeepsie NY 12603	TERMS	
SHIP TO		HOW SHIPPED	
ADDRESS	39 Thompson St	REQ. NO. OR DEPT.	
CITY, STATE, ZIP	Roughkeepsie NY 12601	FOR	2 tires & 2 Rims

QUANTITY	DESCRIPTION	PRICE	UNIT
1	Mount & Balance	30.00	1
2	2 tires and Rims	30.00	1
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15	CASH	60.00	

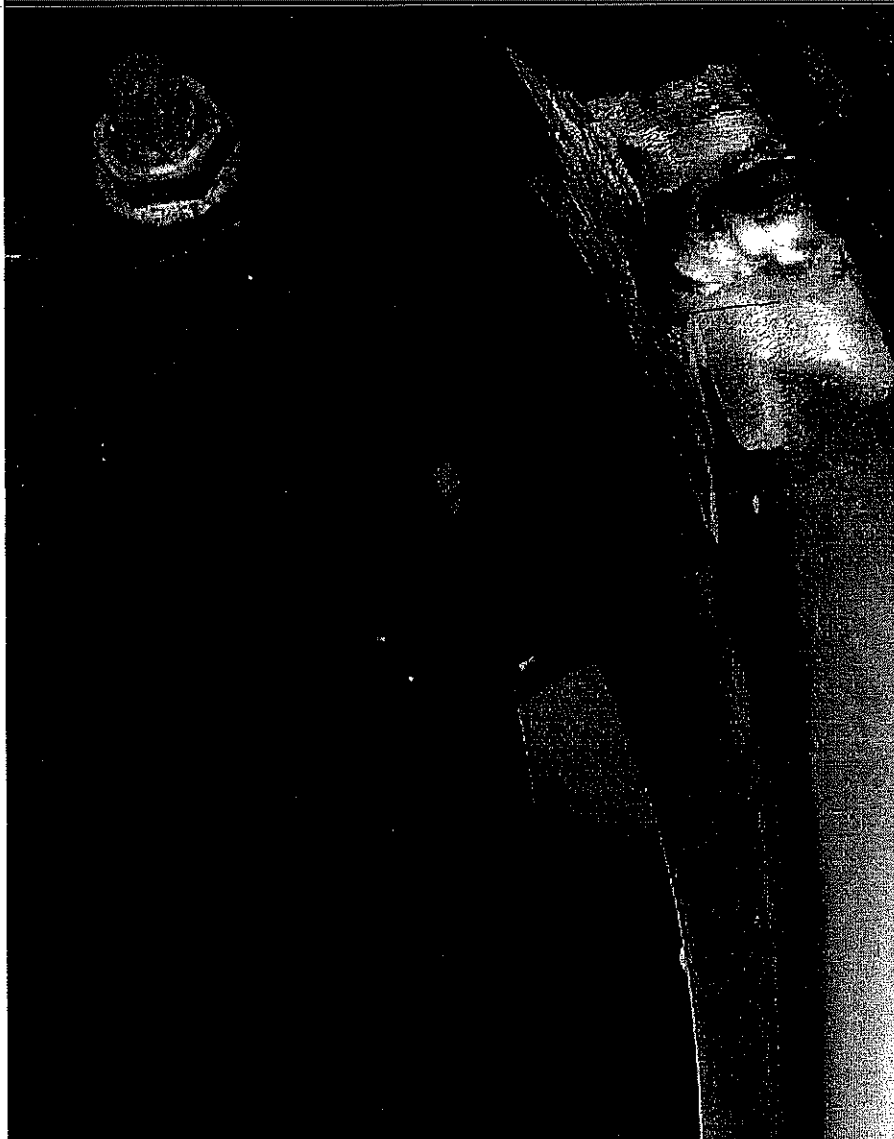
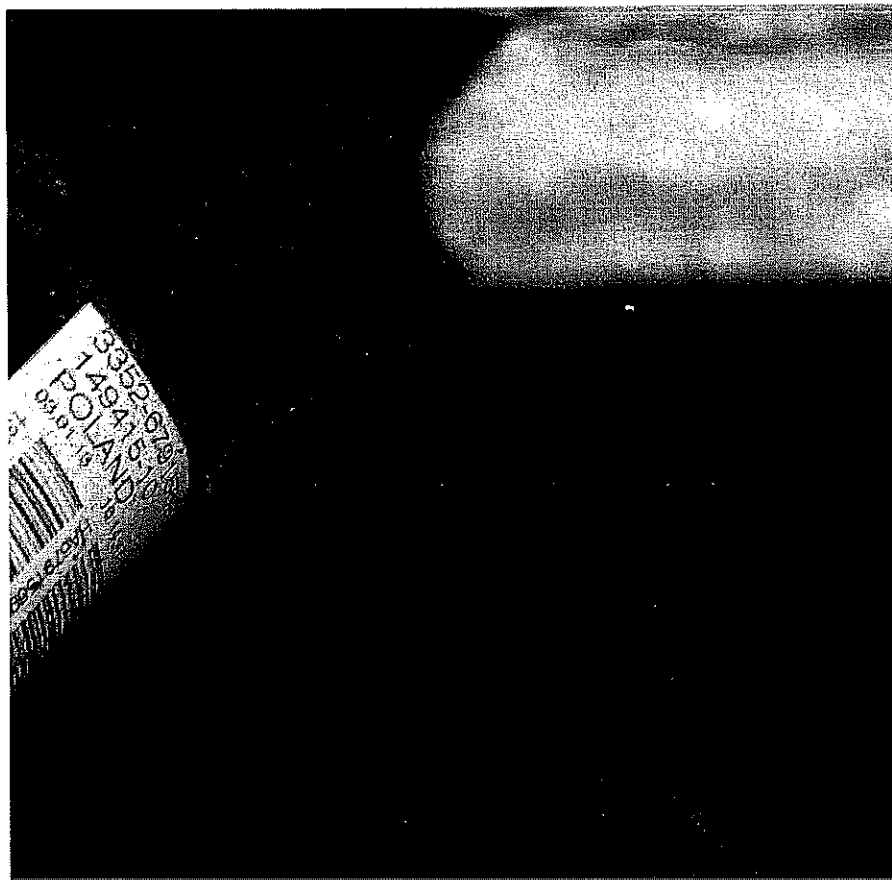
IMPORTANT Purchase Order Number must appear on all invoices - packaging, etc. Please notify us immediately if you are unable to complete the order by date specified.	Please send _____ copies of your INVOICE with ORIGINAL BILL OF LADING. <i>WAG</i> PURCHASING AGENT
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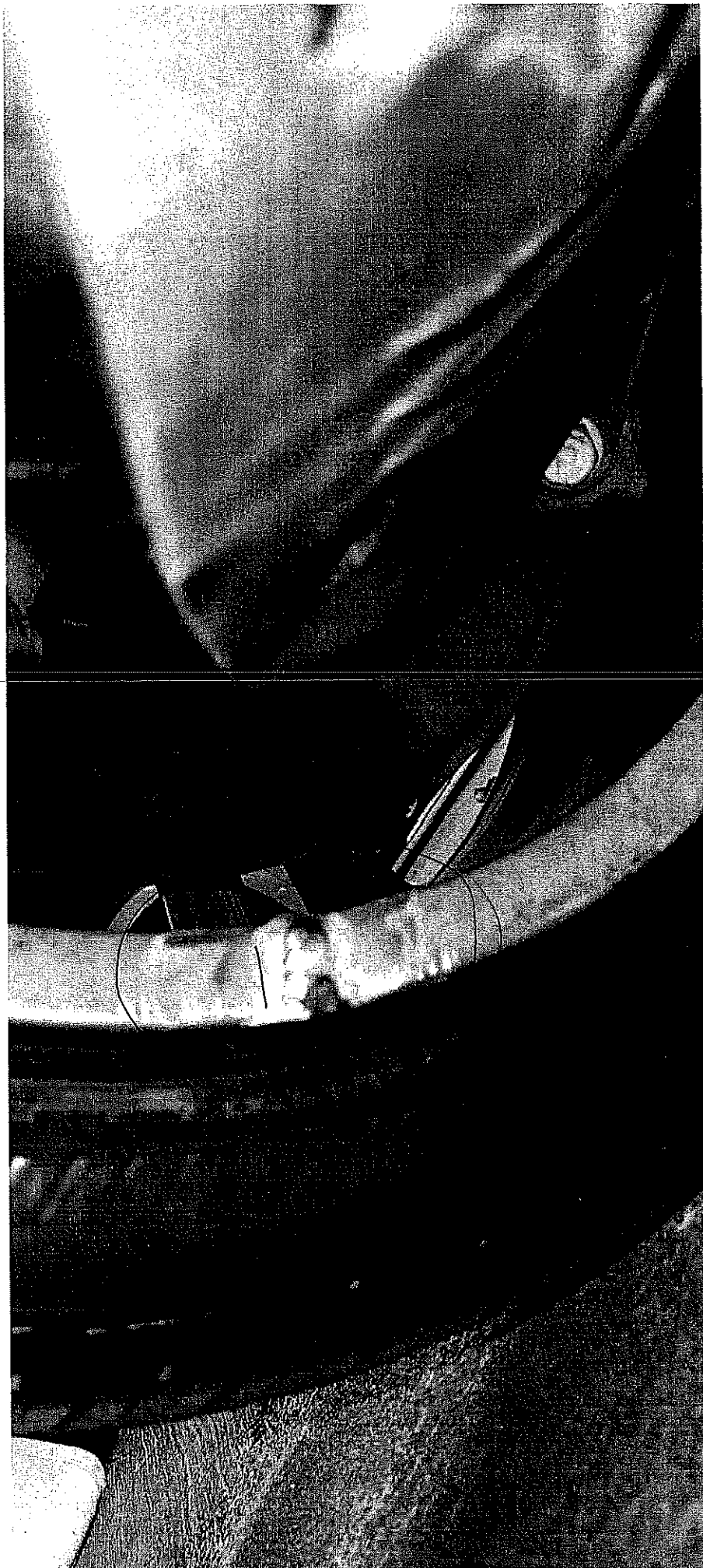
A-5531
T-46140/46141

ORIGINAL

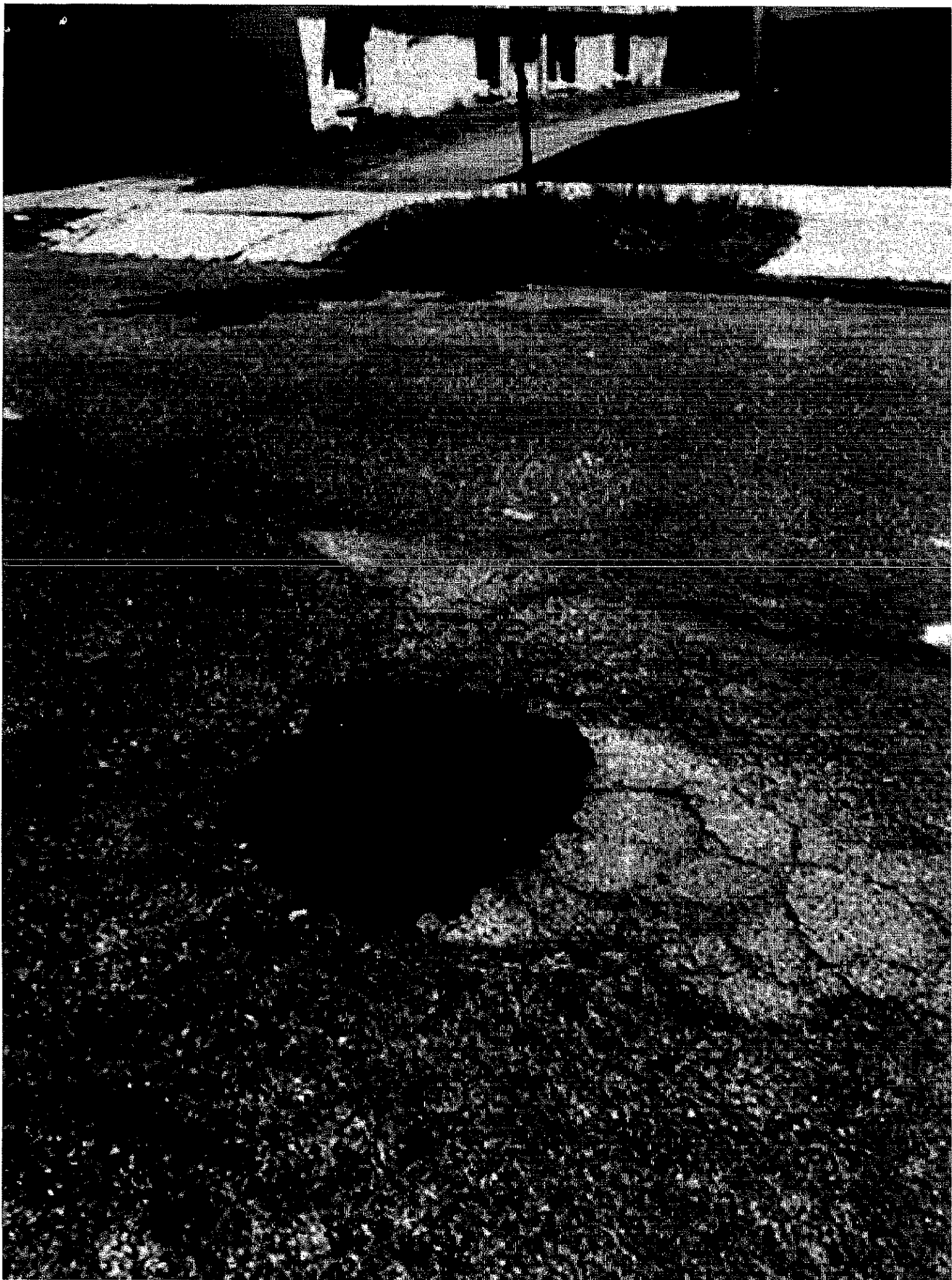
01-11











48

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: June 15, 2022

NAME AND ADDRESS OF EACH CLAIMANT:

Jessica M. Lane
88 South Grand Ave., Poughkeepsie, NY 12603

TELEPHONE NUMBER: (716) 983-2435

NAME AND ADDRESS OF ATTORNEY (IF ANY):

Brenner, Gordon, & Lane, Esq.
219 Church St., Poughkeepsie, NY 12601

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

Monday 6/13; 18:07pm; 88 S. Grand Pk., NY 12603

Metal spike in ground punctured tire; Two(2) tires must be replaced and installed. *see attached receipt* \$1666.73
ITEMS DAMAGED OR INJURIES SUSTAINED:

2020 Jeep Grand Cherokee *see attached photos

Jessica M. Lane
Signature of Claimant

Signature of Claimant

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

Jessica M. Lane 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.

Jessica M. Lane
Signature of Claimant

Signature of Claimant

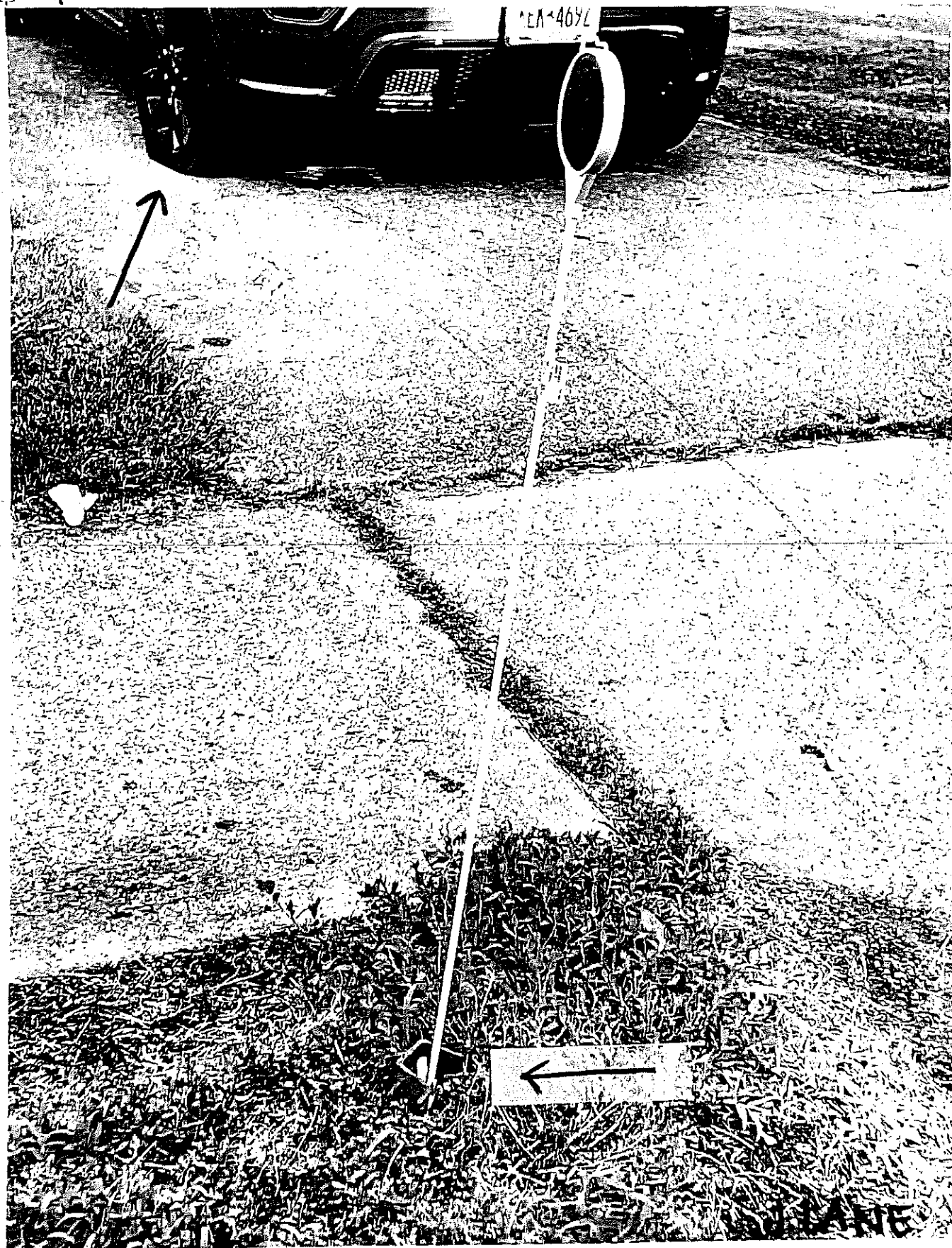
Sworn to before me this
15th day of June, 2022
Denise Watson
Notary Public

Denise Watson
Notary Public, State of New York
EXPIRATION DATE
Commission Expires November 09, 2022

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.

CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN
2022 JUN 17 AM 11:24

J. LANE







LANE



2285-2291 South Rd. (Rt. 9) Poughkeepsie, NY 12601
845-462-7700 WWW.DUTCHSCARS.COM



60994 LAN

JESSICA MARIE LANE-HOWLEY 88 S GRAND AVE POUGHKEEPSIE, NY 12603 jlanehowley@gmail.com		VEHICLE ID	MILES IN	MILES OUT	DATE/TIME IN	DATE OUT	INVOICE NO
		1C4RJFAG9LC379246	14249	14252	06/15/22 10:38	06/15/22	60994
		VEHICLE DESCRIPTION				TAG NO.	STATUS
		2020 JEEP GRAND CHER (GY)					COMPLETE
CONTROL NO.	LICENSE PLATE NO.	CUST. LABOR RATE	PROD. DATE	IN-SERV DATE	DELIV. DATE	DELIV. MILES	TERMS
099436	KEK4692	170.0		09/24/20	09/24/20	24	Cash
HOME PHONE	WORK PHONE	CELL PHONE	STOCK NO.	SERV. ADV			TO COMMENT
	(845) 720-2275	(716) 983-2435	D20867S	DYLAN DELAHANTY (689)			
CASH ☒ CHECK ☐ CREDIT CARD ☐ CHARGE ☐		PAYMENT METHOD: EXPRESSED LIMITED WARRANTY ON LABOR IS 90 DAYS OR 1,000 MILES, WHICHEVER COMES FIRST. ALL PARTS INSTALLED ARE NEW UNLESS SPECIFIED OTHERWISE					
Line	Op-Code	Fail Code	Tech	Hours	Type	Amount	
A	90		A04		Customer	\$0.00	
Concern z-(DMS Appt. Feed) Line 10 [MSER08; THANK YOU FOR YOUR BUSINESS. WE WILL BE SENDING YOU A SURVEY REGARDING YOUR EXPERIENCE TODAY. THE SURVEY IS OUR REPORT CARD, ANY SCORE LESS THAN A 10 IS A FAILING GRADE.]							
Line Total...						\$0.00	
B	90		A04		Customer	\$0.00	
Concern z-(DMS Appt. Feed) Line 9 [WE OFFER A CASH DISCOUNT TO OUR CUSTOMERS FOR PAYING WITH CASH OR AN APPROVED CHECK. ALL OTHERS WILL BE ASSESSED A 4% CHARGE FOR USING CREDIT OR DEBIT CARDS OF ANY KIND. WE APPRCIATE YOUR BUSINESS AND HOPE YOU UNDERSTAND.]							
Line Total...						\$0.00	
C	22TIRE2		A04		Customer	\$40.00	
Concern z-(DMS Appt. Feed) Line 8 [CUSTOMER REQUESTS MOUNT AND BALANCE 2 NEW TIRES....Bridgestone Dueller HL400]							
Correction MOUNTED AND BALANCED 2 NEW TIRES							
Part Number		Description		Qty.	Unit Price	Ext. Price	
TBR0009161		TIRE 265/5		2	\$286.00	\$572.00	
Parts Total...						\$572.00	
Misc. Code		Description		Qty.	Unit Price	Ext. Price	
		TIRE TAX - CHRYSLER		2.0	\$2.50	\$5.00	
Misc Total...						\$5.00	
Line Total...						\$617.00	
Warranty Claim Type: W		Authorization Code:		Service Cont No:			

06/15/22 11:58

INVOICE

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Page 1 of 2

J. LANE

JESSICA MARIE LANE-HOWLEY 88 S GRAND AVE POUGHKEEPSIE, NY 12603 jlanehowley@gmail.com		VEHICLE ID		MILES IN	MILES OUT	DATE/TIME IN	DATE OUT	INVOICE NO
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HOME PHONE	WORK PHONE	CELL PHONE	STOCK NO.	SERV. ADV			TO COMMENT	
	(845) 720-2275	(716) 983-2435	D20867S	DYLAN DELAHANTY (689)				

Totals

	Amount
Labor	\$40.00
Parts	\$572.00
SalesTax	\$49.73
Misc Tax.	\$5.00
Total Amount Due	\$666.73
Amount Due	\$666.73

STATEMENT OF DISCLAIMER

The factory warranty constitutes all of the warranties with respect to the sale of this item/items. The Seller hereby expressly disclaims all warranties either express or implied, including any implied warranty of merchantability or fitness for a particular purpose. Seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item/items.

On behalf of servicing dealer, I hereby certify that the information contained hereon is accurate unless otherwise shown. Warranty services described were performed at no charge to owner. There was no indication from the appearance of the vehicle or otherwise, that any part repaired or replaced under this claim had been connected in any way with any accident, negligence, or misuse. Records supporting this claim are available for (1) year from the date of payment notification at the servicing dealer for inspection by manufacturer's representative.

X

CUSTOMER SIGNATURE

X

(SIGNED) DEALER, GENERAL MANAGER OR AUTHORIZED PERSON
(DATE)

06/15/22 11:58

INVOICE

CUSTOMER COPY

Page 2 of 2

J. LANE

Official Minutes of the Public Hearing of June 21, 2022 for the purpose of receiving comments on the on the draft, Comprehensive Plan PK4Keeps: A Comprehensive Plan for Poughkeepsie.



THE CITY OF POUGHKEEPSIE NEW YORK

PUBLIC HEARING

Tuesday, June 21, 2022 6:00 p.m.

Common Council Chambers

Welcome to the scheduled meeting of the Public Hearing in the City of Poughkeepsie. The date is June 21, 2022 and the time is 6:00 pm.

THIS HEARING IS FOR THE PURPOSE OF RECEIVING COMMENTS ON THE draft,
Comprehensive Plan PK4Keeps: A Comprehensive Plan for Poughkeepsie.

Councilmember-At-Large Salem called the meeting to order at 6:03 pm.

I. WELCOME

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

1. Jeff Aman – submitted written comments
2. Vincent Pedi
3. Naomi Brooks – S. Grand Ave. – submitted written comments
4. John Rath – 154 Mill St.
5. Elizabeth M. O’Raffity
6. Mary Linge
7. Laurie Sandow – S. Grand Ave. – submitted written comments
8. Harvey Flad
9. Constantine (Gus) Kazolias – Noxon Rd.
10. Mike Decorvado

Jeff Aman

Re: City of Poughkeepsie Comprehensive Plan Draft

44/55 Arterials

Pulling our City together as a community will not be possible until we totally demolish the 44/55 arterials, converting both of them to a single lane in each direction and slowing traffic down considerably. The arterials are a major divide and are merely an urban racetrack, and traffic volumes don't justify this major rift and danger to our community. Traffic can be handled by three two-lane routes, Church, Main, and Mill, safely slowing traffic as done in Wappinger, Hyde Park, Rhinebeck, and Red Hook.

Main Street Corridor

The Main Street corridor in its entirety, including the Middle Main area, must be transformed into an "Urban Neighborhood" that is livable, supporting the residents. We have not had a Central Business District in decades and never will have one again. All of our significant arts and culture venues reside in this area and should be supported by our City and promoted, and local business growth should be nourished and even funded by the City. An inviting urban residential neighborhood with local businesses would encourage venue visitors to linger and spend money locally.

Dutchess County and Westchester Medical

A huge detriment to our City is the treatment of the homeless and people with mental and/or addiction problems. I filed a fraud complain with the New York State Comptrollers office against Westchester Medical for their "business decision" to transport people for treatment to Poughkeepsie from Orange and Ulster Counties, and then "dumping" them on the streets of Poughkeepsie by releasing them with no way home and no treatment followup plans. Similarly legal action should be filed against Dutchess County with the New York State Attorney General and the ACLU for their racist actions of dumping all of the problems in Dutchess County within the City of Poughkeepsie to keep the rest of Dutchess County all white and clean.

Arts and Culture

While the Comprehensive Plan Draft does address many important issues in our neighborhoods it does totally ignore means by which our divided City can be unified as a whole. Our strong arts and culture communities are the primary means by which we can bring people together, share our values, and share our diversity. Focus on individual neighborhood revitalization is a good thing, however specific actions are needed to unite our neighborhoods and to build a sense of community with the Poughkeepsie City School District.

Tourism and Economic Growth

Means by which long term economic growth of our City are void in the draft plan. We have valuable assets in our City that can be developed and exploited to attract tourism revenue, while at the same time informing our residents of the rich history and diversity of our our City that can make us proud of where we live.

June 21, 2022
PK4Keeps Public Meeting

Naomi Brooks
South Grand Avenue

I think of a city's comprehensive plan as a combination of mission statement and road map. An overview of such a plan should provide us with a quick glance of who we are, what matters to us, where we want to go, and how we plan on getting there. The draft plan covers almost all of that, and I hope it will be able to guide future policy, planning, and decision-making. It should make any question of "does this fit with Poughkeepsie's plan?" an easier one to answer.

I know CZB, Ingalls, and city staff did a lot of research and listening, but I feel the problems, priorities, and solutions they uncovered could describe many cities of similar size as ours. What's missing for me is what makes Poughkeepsie unique. What makes Poughkeepsie unique is its geography – set on the wonderful Hudson River, with all the Hudson Valley at its doorstep. What makes Poughkeepsie unique are the remarkably large number of people who have lived, and currently live here and their major contributions to art, industry, and social justice. What makes Poughkeepsie unique are the hundreds of architectural gems and their sparkling details.

These unique qualities – the markers that you are in Poughkeepsie, specifically - are missing from this document. Having them celebrated, preserved, and protected would only enhance every other goal within this document. I would like to see language - that reminds us these assets are crucial to our uniqueness - be incorporated in planning and decision-making, and in specific improvement efforts. Without embedding recognition of those unique assets into our plan, we can lose sight of the power of the river, the charms of the architecture, and the influence of the people. Please acknowledge their importance by adding them into any equation.

I'll start my comments by making note of the missing councilmembers—consistent behavior on the part of councilmembers who don't show up for public hearings but who then are going to vote anyway, not considering or caring what the public had to say. Returning to where I'd intended to begin my comments:

1—What magician can address the contents of a 94-page document in 5 minutes?

And 2—by naming names. Let's see if you can figure out what the following names have in common:

Shane Bartholomew, Russell Beck, Azia Brown, Ariel Cordova, Alana Daly, Yvonne Flowers, Debra Gause, Andrew Gori, Madeline Henriquez, Ambre Kelley, Mary Linge, Debra Long, Tim Massie, Tim McQueen, Evan Menist, Don Minichino, Kyle Neiswender, Ovid Reichelt, Kari Rieser, Melaine Rottkamp, Kellyann Royce-Giron, Sarah Salem, and Brandon Walker.

These are the names of PK4Keeps steering committee members. If every one of these 23 members walked past you on the street, how many would you recognize by sight? how many would you know personally? how many of them have ever attended or spoken at a Common Council meeting? How many would be in this room tonight if not for Natalie Quinn sending out an S.O.S. for steering committee members to show up tonight? How many of them actually attended the very PK4Keeps steering committee meetings they were appointed to, or held the mandated kitchen table conversations? Why, in a city that is majority minority, are 2/3rds of the steering committee members white, and only 1/3rd of the steering committee members people of color?

I've asked this before, and I'm asking again: why hasn't Natalie Quinn and why haven't the four councilmembers on the steering committee—Sarah Salem, Evan Menist, Yvonne Flowers and Debra Long—ever made their own presentation as PK4Keeps steering committee members and taken questions and answers from the public? why does the city grapevine report an epic argument between C councilmember Long and Hudson River Housing Real Estate Director Mary Linge, who just spoke, yet not a peep about this argument at any Council meeting? Like so much else that happens behind closed doors in this city, did steering committee members swear an oath of “omerta”—the famous criminal code of silence—before being allowed to attend meetings? And as usual, no surprise, dead silence tonight from these councilmembers.

We live in a City with a digital divide. Recently, some residents without Email and computer asked me about the PK4Keeps draft plan. When I reached out to the Chamberlain's office, I discovered that it would cost \$11.50 to print a black and white version of the unnecessarily colorful PDF. At one local copy shop, it would cost close to \$60 for a color version. It's great that there's a copy at the Chamberlain's desk. But who can read and write notes to a 94-page document while standing at that desk? And why isn't there a Spanish-language version of the draft?

The cost of printing is not the Chamberlain's fault, it's the fault of Natalie Quinn and consultants whose own document bemoans (quote) the "Disconnection and disengagement identified as a real, if somewhat intangible, problem". And to whom do they assign blame for that disconnect? Not to themselves and their zero attempts to remedy, but to (quote) "The erosion of traditional media, the large number of renters, difficulties accessing or navigating public processes, low levels of trust, and a range of other factors". Who wouldn't have a low level of trust with the arrogance and secrecy of the PK4Keeps procedure? More than once, I mentioned to the consultants that their colored document might be a nice-looking website trophy, but would otherwise not only fail those with visual, financial and online challenges, but also fail as a series of open-ended squibs, rather than a thorough narrative.

But, of course, that was always the plan—to create a so-called "advisory committee" that would not have to answer to, or be open to the public, that would not keep minutes or attendance, that would not provide a plan in narrative form, and whose work would not subject to Freedom of Information requests—all of that in service to then-Planning Director, now Development Director Natalie Quinn being able to do anything she wanted with the final Comprehensive and Zoning Plan, just as she has been doing with the rash of spot rezonings that the Council has been approving even before the Comp Plan is finalized.

More than once, I've asked Natalie Quinn for a "heat map" of purchasers and parties behind various LLCs, so that the public has a clear idea of which parties are buying up properties throughout the City. Quinn's response?: the City Planning Division does not currently track private property sales nor LLCs or the entities that make up an LLC—therefore cannot and will not produce such a map. Quinn basically told me to look it all up myself.

Who, in their right mind, creates a comprehensive plan without having a comprehensive and real-time view of how the City's landscape and ownership is changing. Foolish question, because that would be the City of Poughkeepsie and their Planning and Development departments, who are busy failing Main Street businesses, letting squatter businesses occupy the Ice House, serving the market rate and millennial transplant crowd, the developers creating a Bermuda Triangle of grant-funded supportive housing units to satisfy the County's 26 Oakley shelter, and instituting zoning text like Natalie Quinn's Innovation District, which did not require affordable units and while laying a foundation for the City's current gentrification.

And just a last word about Hudson River Housing's Mary Linge talking about how open and available the PK4Keeps process has been. Hudson River Housing (HRH) sent a secret letter to unknown parties, the Planning Board included, willfully misquoting me about Empire State Supporting Housing Initiative (ESSHI) grant-funded housing. Hudson River Housing has a secret messaging guide that they give only to their people instructing them exactly how to respond to the public when questions are raised about the homeless at the PODs and elsewhere. Why doesn't Hudson River Housing—with their claims of an open process—release that messaging guide to the public?

A so-called public meeting with a bunch of stickies or a survey with pre-filled questions is not public input. For a project like this, Natalie Quinn can and will take whatever she wants from that "public process" and toss the rest, in just the same way Paul Hesse at one of those meetings shrugged his shoulders—his own gesture of blowing me off—when I said that it was not a public process to give people a bunch of sticky notes and colored dots and walk around a room with a bunch of pretty, pre-fabricated, filled-out posters.

Thank you.

*Official Minutes of the Public Hearing of June 21, 2022 for the purpose of receiving comments on the on the draft, Comprehensive Plan **PK4Keeps: A Comprehensive Plan for Poughkeepsie**.*

III. ADJOURNMENT:

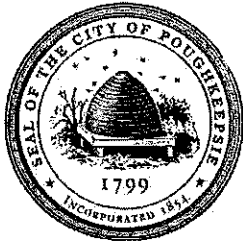
The Public Hearing ended at 6:51 pm.

Dated: June 28, 2022

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

Respectfully submitted,

**Jasmin Nicole Davis
City Chamberlain**



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						
☒ 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	☒	☐	☐	☐

**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						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
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	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**

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

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