



COMMON COUNCIL MEETING

Monday, September 19, 2022

Common Council Chambers

6:30 p.m.

I. ROLL CALL

II. REVIEW OF MINUTES:

Common Council Meeting – September 6, 2022

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

IV. PUBLIC PARTICIPATION

V. CHAIRPERSON'S COMMENTS AND PRESENTATIONS

VI. MAYOR'S COMMENTS

VII. NEW & UNFINISHED BUSINESS:

VIII. REPORTS OF COMMITTEES AND BOARDS:

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS:

1. SEQRA Resolution **R-22-66**, and Sale Resolution **R-22-67**, approving the Sale of City Owned Property at 171 S. Cherry Street
2. **R-22-68**, Resolution Appointing Daniel Hyatt to the Ethics Board
3. **R-22-69**, Resolution Correcting the Land Bank Appointment Term of Jordan Schinella

X. ORDINANCES AND LOCAL LAWS:

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

1. **R-22-70**, Resolution Extending the Re-Zoning Approval Granted by Ordinance O-21-01

I. ORDINANCES AND LOCAL LAWS:

II. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

1. **COMMUNICATION FROM COUNCILMEMBERS MENIST AND LONG** regarding Handicapped Parking spaces on Franklin Ave. and Whinfield Ave.
2. **COMMUNICATION FROM CORPORATION COUNSEL VALK** regarding DPW/NYS DOT Shared Services Agreement.

III. ANNOUNCEMENTS:

IV. ADJOURNMENT:

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA) RESOLUTION REGARDING A SALE OF
CERTAIN CITY OWNED PROPERTIES
(R-22-66)**

BY COUNCILMEMBER CHERRY:

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of city-owned property located at 171 South Cherry Street and identified as Tax Map No. 6161-31-318779; 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 _____ .

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:		State:		Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			☐	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:			☐	☐
3. a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
☐ Urban	☐ Rural (non-agriculture)	☐ Industrial	☐ Commercial	☐ Residential (suburban)
☐ Forest	☐ Agriculture	☐ Aquatic	Other(Specify):	
Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO ☐ ☐	YES ☐ ☐	N/A ☐ ☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☐	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO ☐ ☐ ☐	YES ☐ ☐ ☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO ☐	YES ☐	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO ☐	YES ☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO ☐	YES ☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO ☐ ☐	YES ☐ ☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO ☐ ☐	YES ☐ ☐	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest Agricultural/grasslands Early mid-successional ☐ Wetland ☐ Urban Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☐	YES ☐
16. Is the project site located in the 100-year flood plan?	NO ☐	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO ☐	YES ☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO ☐	YES ☐

49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO ☐	YES ☐

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO ☐	YES ☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		

Project:

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing:		
a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

RESOLUTION
(R-22-67)

INTRODUCED BY COUNCILMEMBER CHERRY:

WHEREAS, the City of Poughkeepsie has previously taken title to a two-family house located at 171 South Cherry Street (Tax Map No. 6161-31-318779), in the City of Poughkeepsie by reason of unpaid real property taxes; and

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

WHEREAS, an offer has been received from Guido Alvarez in the amount of \$71,000; and

WHEREAS, the Property Acquisition and Disposition Committee, having considered the mission of the Committee and the policies of the City, has recommended that the City of Poughkeepsie accept this offer; and

WHEREAS, the Common Council hereby finds that the offer from Guido Alvarez 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 Guido Alvarez to purchase premises known as 171 South Cherry Street (Tax Map No. 6161-31-318799), in the City of Poughkeepsie for the sum of \$71,000.00 is hereby approved subject to the hereinafter mentioned conditions and subject to such other and further conditions which the Corporation Counsel shall deem appropriate; and be it further

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

- A. The Purchaser shall within thirty (30) days of the date of this resolution, take title to such property.**
- B. The transfer of title and Purchaser's use of the Property shall be subject to all state, federal and local regulations including the City of Poughkeepsie and New York State Building Codes and the City of Poughkeepsie Zoning Ordinance and real property taxes coming due pursuant to law on and after the date of transfer of title;**

- C. Prior to the closing of title, Purchaser shall apply for and obtain the approval from the Planning Board and/or the Zoning Board of Appeals of any site plan approval or zoning variances required by law;**
- D. 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. If necessary, Purchaser will promptly commence an RPAPL Article 15 action to quiet title.**
- E. Purchaser will apply for building permits for the renovation of the premises within 30 days after the closing of title, or in the case of the necessity of an Article 15 action, 30 days after title has been granted by the Court;**
- F. Purchaser shall abate any and all building code violations during the course of renovating the premises. Seller agrees that its Building Department will not issue any violations against the property until such time as relevant building permits have been issued and renovations have commenced. Seller further agrees that any violations will only reflect against work that is being done pursuant to permits issued, unless Purchaser has commenced work on items that are not a part of issued permits.**
- G. Purchaser agrees that, after building permits have been issued and renovations have commenced, it will complete work within one year. In the event Purchaser is unable to complete the work through no fault of its own, it will request an extension of time from the City's Corporation Counsel;**
- H. Purchaser agrees that it shall not use the agreed upon purchase price as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation;**
- I. Purchaser agrees that once the project is completed, he will occupy the premises as his/her/their primary residence for a period of no less than three (3) years.**

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to sign the deed and any other documents required to effect the sale, provided such deed contains the terms contained herein together with such other terms and conditions which the Mayor and the Corporation Counsel shall deem appropriate, and the Mayor, the City Administrator and the Corporation Counsel are hereby authorized and directed to do all things necessary to give effect to the terms of this resolution.

SECONDED BY COUNCILMEMBER _____.

R E S O L U T I O N
(R-22- 68)

INTRODUCED BY CHAIR SALEM:

WHEREAS, in accordance with New York General Municipal Law, the Common Council of the City of Poughkeepsie is authorized to make appointments of City residents to serve on the City of Poughkeepsie Board of Ethics; and

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

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

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby appoints the following individual to the City of Poughkeepsie Board of Ethics, to serve at the pleasure of the Common Council for a term ending September 30, 2024.

DANIEL HYATT

SECONDED BY _____.

R E S O L U T I O N
(R-22-69)

INTRODUCED BY CHAIR SALEM:

WHEREAS, on August 22, 2022, by Resolution R-22-57 the Common Council appointed Jordan Schinella to the Board of Directors of the Dutchess County Poughkeepsie Land Bank, for a term ending on August 31, 2024

WHEREAS, the Inter-municipal Agreement between City and the County of Dutchess, as well as the by-laws of the Land Bank, state that members of the Board of Directors shall serve three (3) year terms; and

WHEREAS, the Common Council wishes to correct R-22-57 by providing that Jordan Schinella's term shall be for three (3) years.

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby corrects R-22-57 so that the term of Jordan Schinella shall expire on **August 31, 2025**.

SECONDED BY _____.

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

(R-22-70)

INTRODUCED BY COUNCILMEMBER CHAIR SALEM:

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

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

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

WHEREAS, the Common Council is granted the six-month extension effective as of February 16, 2022 and expiring on August 16, 2022; and

WHEREAS, the Common Council is authorized pursuant to Code Section 19-3.18(6)(a) to grant up to three more additional extensions of one year each, in its discretion; and

WHEREAS, LaBella Associates, as representative for the applicant, has submitted a letter dated September 1, 2022, supporting a request for a one year extension.

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

Upon good cause show, Ordinance 0-21-01, rezoning a nine (9) acre vacant parcel of land located on Milton Street known on the tax maps as Grid No. 6162-73-623227 from R-2 (Medium Low Density Residential District) to Planned Residential Development (PRD) is hereby extended for a period of one year effective August 16, 2022 and ending August 16, 2023.

SECONDED BY COUNCILMEMBER _____:

MEMORANDUM

TO: Chairperson Sarah Salem; Jasmin Davis, City Chamberlain

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

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

DATE: September 1, 2022

RE: Highview/Milton Street: Request for a One-Year Rezoning Extension

PROJECT NO.: 81947

PROJECT DESCRIPTION

The Applicant and owner, Maselo Realty, LLC, is requesting an extension of the rezoning approval (February 16, 2021, Common Council Ordinance 0-21-01), as extended (February 16, 2022, Common Council Ordinance R-22-20), for the approximately nine-acre vacant tax parcel on Milton Street in the City of Poughkeepsie from Medium Low-Density Residential (R-2) to Planned Residential Development (PRD). The rezoning was undertaken to allow for the construction of a 63-apartment unit clustered multifamily development within two buildings, with a swimming pool and accessory surface parking, with two accesses off Milton Street. The parcel is identified as parcel number 131300-6162-73-623227 on the City of Poughkeepsie Tax Map. The Town of Poughkeepsie abuts the eastern edge of the property.

REZONING APPROVAL BACKGROUND

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

Since the Applicant is still in the process of obtaining final site plan approval and all other approvals required for the project, and the PRD rezoning approval extension from the City of Poughkeepsie ended as of August 16, 2022, the Applicant is seeking a one-year extension of the rezoning approval.

CURRENT STATUS - PROJECT CHALLENGES

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

The Dutchess County Health Department ("DOH") has informed the Applicant that a transportation corporation is required to maintain a passive sanitary sewer lateral ("Sewer Lateral") that will serve two properties (Royal Cove Apartments/Mountain View Apartments) when Highview is built. The Applicant has engaged the Town of Poughkeepsie to ensure their support and the Town has expressed a willingness to approve the formation of the transportation corporation since it is being required by DOH.

The Sewer Lateral at issue now serves and is owned and maintained by the Royal Cove Apartments/Mountain View Apartments complex. This complex is located directly adjacent to Highview. The Sewer Lateral runs directly through the Highview property. No easement permitting Mountain Brook to have the Sewer Lateral on the Highview property could be found by Highview, Mountain Brook, or the Town of Poughkeepsie. Searches of the County records also failed to find any evidence that such an easement exists.

The proposed transportation corporation would be expected to maintain the Service Lateral, and an agreement between Highview and the apartment complex is under negotiation. Once the agreement is in place, Highview will petition the Town to allow for the formation of a transportation corporation and begin providing additional information to the City's Planning Board to advance a potential site plan approval.

PRD REZONING EXTENSION REGULATIONS

The project site is located within the PRD Zoning District and an approval for rezoning to a PRD District shall be effective for a period of 12 months after Common Council approval of such rezoning. The City Code states that in the event that the applicant has not obtained final site plan approval and all other approvals required for the lawful commencement of the project described in the approved final site plan and commence substantial

construction¹ of the project, the PRD zone shall terminate and the zoning for the subject property shall revert to the zoning designation in effect prior to the rezoning to PRD. For good cause shown, the Common Council may extend the 12-month period set forth above, for a period of time not to exceed an additional 6 months per Zoning Section (ZS) 19-3.18(6)(a).

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

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

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

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

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

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

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

Section 19-3.18(1):

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

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

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

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

Section 19-3.18(2):

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

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

b) More usable open space and recreation areas.

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

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

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

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

The project is unchanged and is consistent with this objective.

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

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

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

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

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

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

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

(O-22-##)

INTRODUCED BY COUNCILMEMBER MENIST:

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

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

Section 13-269 Handicapped parking areas designated.

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

**Franklin Street, South side, beginning 400 feet East of its intersection with
Lincoln Ave and continuing East for a distance of 20 feet, for one parking space**

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____:

ADDITIONS denoted by Underlining and Bold

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

INTRODUCED BY _____:

WHEREAS, pursuant to General Municipal Law Section 99-r, the City may enter into a contract with any state agency for services; and

WHEREAS, the City's Department of Public Works has a long-standing relationship through prior Shared Services Agreements with the New York State Department of Transportation (NYSDOT) wherein the City and the State share services, exchange or lend materials or equipment which shall promote and assist the maintenance of State and Municipal roads and highways and provide a cost savings by maximizing the effective utilization of both parties' resources; and

WHEREAS, prior Shared Services Agreements have expired; and

WHEREAS, the parties wish to continue this long-standing and mutually beneficial relationship by executing the Shared Services Agreement attached hereto as **Exhibit A**.

NOW, THEREFORE,

BE IT RESOLVED, the Common Council hereby authorizes the Mayor to execute the attached Share Services Agreement with the NYS DOT.

SECONDED BY _____.

SHARED SERVICES AGREEMENT
Between
NYSDOT and the CITY OF POUGHKEEPSIE

THIS AGREEMENT, dated September ___, 2022, is between the People of the State of New York, hereinafter referred to as "State" or "NYSDOT" and the City of Poughkeepsie, hereinafter referred to as "Municipality." Pursuant to Section 99-r of the General Municipal Law, the State and the Municipality wish to share services, exchange or lend materials or equipment which shall promote and assist the maintenance of State and Municipal roads and highways and provide a cost savings by maximizing the effective utilization of both parties' resources. Shared Services shall mean any service provided by one party (Provider) to another party (Recipient). The State and the Municipality agree to share services as follows:

1. The parties hereby agree to share services, materials or equipment as may be needed from time to time, and will document details of the services, materials or equipment shared by contemporaneous memorandum. The total value of each share shall not exceed twenty-five thousand dollars (\$25,000.00).
2. Recognizing that the needs of the State and Municipality vary and the parties will not always have the need for sharing at the same time, the parties may, if applicable, indicate in the memorandum that the return exchange will be determined at a later date.
3. The Provider's employees shall remain under full supervision and control of the Provider. The parties shall remain fully responsible for their own employees for all matters, including but not limited to, salary, insurance, benefits and Workers Compensation.
4. If the borrowed machinery or equipment is damaged or otherwise needs repair arising out of or in connection with the Recipient's use, the Recipient shall be responsible for such repairs.
5. The Municipality agrees to defend and indemnify the State for any and all claims arising out of the Municipality's acts or omissions under this Agreement. The term of this Agreement shall be for four (4) years commencing on October 1, 2022 and ending October 1, 2026. Either party may revoke this Agreement by providing sixty (60) days written notice of such revocation. Upon revocation, any outstanding obligations of the parties must be satisfied within thirty (30) days of the date of such revocation.

NYSDOT – Region __

By: _____ Date: _____

Resident Engineer, North & Central
Dutchess County

CITY OF POUGHKEEPSIE

By: _____ Date: _____

Robert G. Rolison, Mayor

NYSDOT – Region __

By: _____ Date: _____

Regional Director of Operations



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Tuesday, September 6, 2022, 6:30 p.m.

Common Council Chambers

Welcome to the regularly scheduled Meeting of the City of Poughkeepsie Common Council the date is September 6, 2022, and the time is 6:30 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: 6 present, 3 absent at the time attendance was taken: (Late arrival; Councilmembers Johnson, Cherry. Councilmember Diechler; absent.)

II. REVIEW OF MINUTES:

**Common Council Meeting – August 22, 2022
Common Council Meeting – August 29, 2022**

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

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

-NONE-

IV. PUBLIC PARTICIPATION

1. Gus Kazolias

2. **Daniel Atonna – 116 College Ave., For the Many**
3. **Laurie Sandow – S. Grand Ave. (submitted comments in writing)**

Laurie Sandow comments, City of Poughkeepsie Common Council meeting, September 6, 2022, Page 1 of 2

I'll begin by saying that, for me and many others in this City, Sarah Salem's September 13th trial date can't come soon enough. And I'll follow that by saying that under Salem's so-called leadership, this Council's descent into go-along-to-get-along silence and collusion is a betrayal of your oaths of office. Not one councilmember was elected to turn this body, which is obliged to public service, into a body that functions as a backroom den of thieves.

On July 11, the last meeting before the six-week summer break, three Councilmembers were absent (Cherry, Long and Menist) and one arrived late (L. Johnson). On August 22, the first meeting after the summer break, one councilmember was absent (L. Johnson). On August 29, the second meeting after the summer break, four councilmembers were absent (Long, Flowers, Menist and Cherry). In what world of public service is six weeks paid vacation insufficient? And though a quorum of councilmembers was present at the August 29 meeting, they conspired NOT to work, but instead adjourned to caucus.

This Council doesn't have a trickle-down strategy; it has a tinkle-down strategy. The Council pisses on the public with consent agendas and attendance misconduct (repeated absences, late arrivals, early departures), effectively flipping the bird to the public with a "tough luck, so sue me" attitude. Rather than be motivated by "the fierce urgency of now", in Dr. Martin Luther King's words, this Council is driven by their own fierce urgency to collect a paycheck for the shortest, least informative, most meaningless meetings possible.

Consent agendas were developed for use in purely routine and non-controversial matters. They weren't invented—except under the twisted existence of the current Council—to cover up councilmember ignorance, and refusal to do the work and record their own informed opinions on the record. Yet, on tonight's agenda, there are six—count 'em, six—consent agenda items that, if passed, will change the face of this City for years to come.

Laurie Sandow comments, City of Poughkeepsie Common Council meeting, September 6, 2022, Page 2 of 2

Among the consent agenda items are Comprehensive Plan and SEQRA (NY State Environmental Quality Review Act) resolutions where six black Councilmembers hand the reins of City planning and development to Natalie Quinn, the white, entitled city employee whose Innovation District looms large in this City's current housing crisis, rewarding exclusionary market rate housing while barely mentioning affordable housing. This is the same Natalie Quinn who more than once has accepted "no questions, no comments" from councilmembers, but has

never taken questions and comments about the Comprehensive Plan from the public, in a public on-the-record meeting; the same Natalie Quinn whose “vacation day” allowed her to duck public questioning by being absent from a bi-annual Informational Meeting; the same Natalie Quinn who scheduled a Shadows and Grandview walk-on presentation at the last Planning Board meeting (August 16) without ever posting that agenda item to the public, either before the meeting or afterward. If you search the agenda, you won’t find it listed. If you weren’t there, you’d never know that it happened.

Alongside the Comp Plan sham on tonight’s agenda is the accompanying SEQR negative declaration (neg dec). It would be no surprise to learn that more than half this Council is entirely unfamiliar with SEQRA. Who actually prepared tonight’s document? Which councilmembers read it in its entirety before approving its addition to the consent agenda? Worse still, the councilmembers challenging Dutchess County’s 26 Oakley SEQRA negative declaration are on the verge of passing a resolution where the entire city is swallowed whole by a negative declaration resolution. New York State’s Environmental Quality Review Act (SEQRA) requires all state and local government agencies to consider environmental impacts equally with social and economic factors during discretionary decision-making. But who gives a damn?—certainly not our councilmembers when it comes to passing a negative declaration, with their vote, knowledge, and/or lack thereof protected by the secrecy of a consent agenda. Will a single councilmember have the spine to stand up and break the silence? I hope so, but sadly, I am not holding my breath.

4. Diamond Mima – 450 Maple St.

V. CHAIRPERSON’S COMMENTS AND PRESENTATIONS

We are still looking for candidates interested in serving on the Industrial Development Agency. So if that's you or if that's somebody that you know, please have them send their cover letter and resumé to me. My email is at Salem at City of Poughkeepsie dot com to get interviews scheduled and get that seat filled and there's always opportunities that open up.

So, you know, if you're interested in serving on some other board or committee, just reach out to your council member, reach out to me and we can connect you with opportunities that are upcoming. And that concludes my comments.

VI. MAYOR’S COMMENTS

VII. NEW & UNFINISHED BUSINESS:

VIII. ~~REPORTS OF COMMITTEES AND BOARDS:~~

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS:

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

A motion to move Resolution R-22-58 to the Action Agenda was made by Councilmember Menist and seconded by Councilmember Cherry.

1. ~~R-22-58, Resolution Approving the Sanitation Can Budget Amendment~~

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

2. R-22-59, Resolution Supporting The New York Clean Slate Act

R E S O L U T I O N (R-22-59)

INTRODUCED BY CHAIR SALEM & COUNCILMEMBERS LONG, MENIST, JOHNSON, SHOOK, FLOWERS, CHERRY, THOMPSON & DEICHLER:

WHEREAS: The New York Clean Slate Act (S.1553D/A. 6399C) was introduced on June 7th, 2021, as a comprehensive Justice reform measure to provide those with certain judicial convictions once they become eligible to be automatically sealed after they have served their time; and

WHEREAS, it is estimated that 2.3 million people in New York State have criminal conviction records; and

WHEREAS, people with criminal conviction records face thousands of civil barriers to employment, licensing, housing and educational opportunities long after they have completed their sentences; and

WHEREAS, racial disparities and socio-economic discrimination are rampant throughout the criminal legal system, and statistics and anecdotal evidence show that convictions for even low level offenses result in cyclical harm and structural instability for individuals, families and communities; and

WHEREAS, excluding individuals with criminal records from full participation in society through a system of perpetual punishment creates intergenerational trauma and exacerbates racial and economic inequality; and

WHEREAS, studies have shown that historically Black and Latinx New Yorkers are far more likely to be stopped, arrested, prosecuted, convicted and incarcerated in the criminal legal system than white New Yorkers; and

WHEREAS, people of color are far more likely to be discriminated against based on a conviction record; and

WHEREAS, it has been estimated that people who have been to prison lose an average of \$484,400 in earnings over their lifetime; and

WHEREAS, it has been estimated that excluding individuals with conviction histories from the workforce costs the economy between \$78 billion and \$87 billion in lost gross domestic product; and

WHEREAS, approximately 95% of incarcerated people return to their communities after serving their sentences; and

WHEREAS, giving people access to jobs, housing, education and licenses to practice a trade increases their participation in the economy and reduces the likelihood they will return to prison, thereby making our communities safer; and

WHEREAS, only approximately 2,500 of an estimated 600,000 eligible people — or less than 0.5% — have had their records sealed since New York’s current application-based sealing law went into effect in 2017; and

WHEREAS, A system of automatic sealing and expungement of criminal records is essential to provide relief to those who need it most; and

WHEREAS, the Clean Slate Act would remove systemic barriers to stable housing, employment and education and allow millions of New Yorkers to participate fully in civic life and in their communities; and

WHEREAS, numerous other states, including Pennsylvania, Michigan, Utah and Connecticut, have already passed “Clean Slate” legislation.

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie calls on the New York State Legislature to pass and the Governor to sign the Clean Slate Act.

SECONDED BY _____.

R-22-59							
☒	Accepted			Yes/Aye	No/Nay	Abstain	Absent
☐	Defeated	Councilmember Long	Voter	☒	☐	☐	☐

☐ Tabled	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 to receive and print was made by Councilmember Long and seconded by Councilmember Thompson.

3. R-22-60, Resolution Approving Legal Fee Agreement with Joule Assets Inc.

R E S O L U T I O N (R-22-60)

INTRODUCED BY CHAIR SALEM_____:

WHEREAS, by Resolution R-22-39, the City of Poughkeepsie Common Council authorized the commencement of litigation, on behalf of the City, along with Joule Assets Inc. (“Joule”) and other participating municipalities as Plaintiffs (collectively referred to as “Plaintiffs”), against Columbia Utilities LLC for the purpose of enforcing the Community Choice Aggregation Supply Agreement (Supreme Court, Ulster County, EF-2022-1113); and

WHEREAS, the resolution authorized the retention of Hodgson Russ, LLP as outside counsel; and

WHEREAS, Hodgson Russ, LLP was retained at no cost to the City because Joule is responsible for the payment of all legal fees incurred in the litigation; and

WHEREAS, Joule has requested that the City execute the attached Legal Fee Agreement, attached hereto as **Exhibit A**, which provides that: in the event that there is Award paid or payable to the Parties and/or the Program Participants, and prior to the payment to the Parties or Program Participants, proceeds of such Award will be paid first to: (a) any outstanding Legal Fees owed to Plaintiff’s Counsel in relation to the Litigation, and then (b) to reimburse Joule for any Legal Fees previously paid by Joule to Plaintiff’s Counsel in relation to the Litigation.

NOW, THEREFORE,

BE IT RESOLVED, the Common Council hereby authorizes the Mayor to execute the attached Legal Fee Agreement.

SECONDED BY _____.

R-22-60						
☒ 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 to receive and print was made by Councilmember Long and seconded by Councilmember Thompson.

- 4. R-22-61, Negative Declaration Under SEQRA for the proposed adoption of the PK4Keeps Comprehensive Plan**

RESOLUTION (R-22-61)

RESOLUTION OF THE CITY OF POUGHKEEPSIE COMMON COUNCIL CONCERNING A DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE PERTAINING TO THE PROPOSED ADOPTION OF THE CITY OF POUGHKEEPSIE COMPREHENSIVE PLAN

INTRODUCED BY _____:

WHEREAS, the City of Poughkeepsie Common Council assigned the task of reviewing and updating the City’s Comprehensive Plan to a steering committee that worked, in conjunction with the City of Poughkeepsie’s Department of Planning & Zoning, czbLLC and Ingalls Planning & Design, to solicit feedback from the broader public and developed a draft document known as *PK4Keeps: A Comprehensive Plan for Poughkeepsie* (the “Comprehensive Plan”); and

WHEREAS, the Steering Committee submitted the draft Comprehensive Plan to the Common Council for their consideration; and

WHEREAS, the adoption of the Comprehensive Plan is a Type I action pursuant to the State Environmental Quality Review Act (SEQRA) 6 NYCRR 617.4(b)(1) and the proposed plan will not require permits and approval from any other local, regional and State agencies prior to adoption of the plan and a coordinated SEQRA review is not required; and

WHEREAS, the Common Council referred the matter to the Dutchess County Department of Planning and Development to review the draft plan pursuant to GML §239-m and General City Law §28-a(6)(b) by resolution R-22-38 adopted on May 2, 2022; and

WHEREAS, the Dutchess County Department of Planning and Development issued its comments by letter dated _____

WHEREAS, the Common Council, as the only involved agency, declared itself lead agency for the SEQRA review of the proposed Comprehensive Plan by resolution R-22-38 adopted on May 2, 2022 ; and

WHEREAS, a public hearing on the draft comprehensive plan was held on June 21, 2022 and, thereafter, a Final Comprehensive Plan dated August 2022 was prepared; and

WHEREAS, in consideration of issuing this negative declaration the Common Council of the City of Poughkeepsie the Common Council considered the following;

1. Full Environmental Assessment Form including
Parts 1-3 Dated August 22, 2022 (Parts 1 & 2) and August 30, 2022 (Part 3)
2. Supporting information contained in FEAF dated August 30, 2022

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the attached Negative Declaration dated August 30, 2022 is hereby accepted and incorporated as part of this resolution.
2. That the Common Council, as lead agency, hereby determines that the proposed action, as previously outlined herein, and for the reasons set forth in the attached determination of non-significance, will not result in a significant adverse impact on the environment and thus declares, authorizes and approves that a negative declaration in the form and substance annexed hereto be authorized and approved.
3. That based upon the determination that the proposed action will not have a significant impact on the environment, the Common Council further determines as lead agency that an Environmental Impact Statement (EIS) is not required for the proposed action.
4. That pursuant to Section 617.12(b)(2) of the New York State Environmental Quality Review Act (SEQRA), the Common Council shall, as lead agency, maintain a file of its determination and supporting reasons that shall be available for public inspection in the Office of the City Chamberlain, First Floor, Municipal Building, 62 Civic Center Plaza, Poughkeepsie, New York 12602; and shall file a copy with the City of Poughkeepsie chief executive officer.

SECONDED BY COUNCILMEMBER _____.

Information required by 6 NYCRR §617(a)(1):

Name and Address of Lead Agency:

City of Poughkeepsie Common Council
62 Civic Center Plaza

Poughkeepsie, NY 12601

Name, Address and Telephone Number of a person who can provide additional information:

Natalie Quinn, Development Director

62 Civic Center Plaza

Poughkeepsie, NY 12601

(845) 451-4047

R-22-61						
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Long	Voter	☐ Yes/Aye	☒ No/Nay	☐ Abstain	☐ Absent
	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 to receive and print was made by Councilmember Long and seconded by Councilmember Johnson.

A motion to move Resolution R-22-62 to the Action Agenda was made by Councilmember Menist and seconded by Councilmember Cherry.

5. ~~R-22-62, Resolution Adopting the PK4Keeps Comprehensive Plan~~

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

6. R-22-63, Resolution Authorizing The City to Agree to an Amendment to The IMA Between and Among The Member Communities of The Hudson 7

**RESOLUTION
(R-22-63)**

INTRODUCED BY CHAIR SALEM_____:

WHEREAS, the Hudson River Estuary is the primary drinking water supply for over 100,000 people in the City and Town of Poughkeepsie, Village and Town of Rhinebeck, Town of Hyde Park, Town of Lloyd and Town of Esopus; and,

WHEREAS, maintaining and enhancing water quality in the Hudson River and its tributaries is essential to the public health, economic well- being, environmental resources and quality of life for these communities; and,

WHEREAS, source water protection is a series of measures, defined and encouraged through federal and state programs, including the Safe Drinking Water Act amendments of 1996 and New York's Drinking Water Source Protection Program, designed to take a watershed approach to protecting public drinking water supplies from contamination; and,

WHEREAS, a review of source water protection-related programs by the Center for Watershed Protection and Riverkeeper in 2018 recommended a number of actions, including the formation of an intermunicipal drinking water council and securing of funding for the council to hire support staff; and,

WHEREAS, a memorandum of agreement was entered into on 31st day of May 2018 by and between the seven municipalities to form the Hudson River Drinking Water intermunicipal Council (the Hudson 7); and,

WHEREAS, the City of Poughkeepsie has a voting member on the Council; and,

WHEREAS, Riverkeeper has provided an interim coordinator on a part-time basis for the Hudson 7 for the past five years with an end date of approximately January 1, 2023; and,

WHEREAS, a subcommittee formed by the Hudson 7 to define a coordinator position in 2020; and,

WHEREAS, through its first five years, the Hudson 7 has addressed significant source water issues, and has been recognized by all levels of government and the business community as a respected stakeholder in issues affecting the quality of the Hudson River; and

WHEREAS, ongoing work by the Hudson 7 includes developing a first-ever source water protection plan via New York State's Drinking Water Source Protection Program, negotiating protections for drinking water intakes during permitted construction and remediation activities, liaising with the U.S. Coast Guard and other agencies on industrial spill prevention and response, and other activities; and,

WHEREAS, none of these activities are possible by any municipality or drinking water utility alone, and have only been possible through the collective effort of members of the Hudson 7 and its partners; and,

WHEREAS, a key to ongoing progress on these and other issues requires dedicated support staff for the council; and,

WHEREAS, Dutchess County (DC) and Ulster County (UC) have each committed \$25,000 annually for three years to support the hiring of a full-time coordinator for the Hudson 7; and,

WHEREAS, DC’s funding is contingent on all Hudson 7 members contributing to support the cost of a coordinator position. DC wants to be a voting member, as a party contributing monies; and,

WHEREAS, DC has also committed up to \$19,999 for legal services to support the hiring of a coordinator; and,

WHEREAS, the City of Poughkeepsie’s commitment to hiring a coordinator is Five Thousand and 00/100 (\$5,000) Dollars per year for an initial three years, along with the commitments of the counties and other Hudson 7 municipalities; and,

NOW, THEREFORE,

BE IT RESOLVED, that the City of Poughkeepsie approves the revised Intermunicipal Agreement as attached at Exhibit A and authorizes the Mayor to execute the same.

SECONDED BY _____.

R-22-63			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:

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

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

1. R-22-58, Resolution Approving the Sanitation Can Budget Amendment

R E S O L U T I O N (R-22-58)

INTRODUCED BY COUNCILMEMBERS LONG, THOMPSON PATTERSON, SHOOK AND DEICHLER:

WHEREAS, the Common Council by resolution R-21-93 adopted a budget for the fiscal year 2022 (the “2022 Budget”); and

WHEREAS, the City undertook a Pilot program wherein City provided Trash cans were given to the homeowners fronting on both the east- and west-bound arterials; and

WHEREAS, Dutchess County undertook a sanitation study in 2018 in which it was recommended that the City standardize and provide trash cans throughout the City; and

WHEREAS, the Common Council wishes to make changes to the adopted budget by means of a budget amendment to provide funding for a city-wide Trash Can initiative (less the properties included in the Pilot program mentioned above); and

WHEREAS, approval of this resolution will not result in a funding increase to the 2022 Budget for the City of Poughkeepsie, but it is necessary to transfer the funds to appropriate budget lines; 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

NOW, THEREFORE,

BE IT RESOLVED, that the 2022 Budget adopted by the Common Council as Resolution R-21-93 is amended as shown on Schedule A, annexed hereto and made a part hereof.

SECONDED BY _____.

R-22-58						
☒ 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 to receive and print was made by Councilmember Cherry and seconded by Councilmember Long.

5. R-22-62, Resolution Adopting the PK4Keeps Comprehensive Plan

**RESOLUTION
(R-22-62)**

**RESOLUTION OF THE CITY OF POUGHKEEPSIE COMMON COUNCIL
ADOPTING THE CITY OF POUGHKEEPSIE COMPREHENSIVE PLAN**

INTRODUCED BY _____:

WHEREAS, the City of Poughkeepsie Common Council assigned the task of reviewing and updating the City’s Comprehensive Plan to a steering committee that worked, in conjunction with the City of Poughkeepsie’s Department of Planning & Zoning, czbLLC and Ingalls Planning & Design, to solicit feedback from the broader public and developed a draft document known as *PK4Keeps: A Comprehensive Plan for Poughkeepsie* (the “Comprehensive Plan”); and

WHEREAS, the Steering Committee submitted the draft Comprehensive Plan to the Common Council for their consideration; and

WHEREAS, the adoption of the Comprehensive Plan is a Type I action pursuant to the State Environmental Quality Review Act (SEQRA) 6 NYCRR 617.4(b)(1) and the proposed plan will not require permits and approval from any other local, regional and State agencies prior to adoption of the plan and a coordinated SEQRA review is not required; and

WHEREAS, the Common Council referred the matter to the Dutchess County Department of Planning and Development to review the draft plan pursuant to GML §239-m and General City Law §28-a(6)(b) by resolution R-22-38 adopted on May 2, 2022; and

WHEREAS, the Dutchess County Department of Planning and Development issued its comments by letter dated June 21, 2011; and

WHEREAS, the Common Council, as the only involved agency, declared itself lead agency for the SEQRA review of the proposed Comprehensive Plan by resolution R-22-38 adopted on May 2, 2022 ; and

WHEREAS, a public hearing on the draft comprehensive plan was held on June 21, 2022 in compliance with General City Law §28-a(7)(a) and (c); and

WHEREAS, a Final Comprehensive Plan dated August 2022 was prepared and is attached hereto; and

WHEREAS, the Common Council adopted a Negative Declaration of Environmental Significance as to the adoption of the Comprehensive Plan on September 6, 2022.

NOW, THEREFORE, BE IT RESOLVED that the Common Council hereby adopts the attached Final Comprehensive Plan, dated August 2022.

SECONDED BY COUNCILMEMBER _____.

R-22-62						
☒ 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 to receive and print was made by Councilmember Cherry and seconded by Councilmember Long.

1. R-22-64, Resolution For Budget Amendment Due To Sales Tax Payment

RESOLUTION
(R-22-64)

INTRODUCED BY CHAIR SALEM _____:

WHEREAS, the City of Poughkeepsie General Fund owes the City of Poughkeepsie Capital Projects Fund Six Million Two Hundred Sixty Seven Thousand Eight Hundred Sixty Four and 00/100 (\$6,267,864.00) Dollars; and

WHEREAS, the City of Poughkeepsie and the City of Beacon have previously entered into a Sales Tax Agreement with the County of Dutchess and that Agreement will expire in February of 2023; and

WHEREAS, by resolution R22-26, the Common Council authorized the Mayor and the Commissioner of Finance to amend the existing 2013 Sales Tax Agreement with the City of Beacon and County of Dutchess (the “2013 Sales Tax Agreement”) and

WHEREAS, the amendment to the 2013 Sales Tax Agreement provided for a one time distribution to the City of Poughkeepsie in the amount of Three Million and 00/100 (\$3,000,000.00) Dollars to assist in reducing the City’s deficit; and

WHEREAS, the amendment to the 2013 Sales Tax Agreement was approved by the New York State Comptroller by letter dated May 31, 2022; and

NOW, THEREFORE,

BE IT RESOLVED, the Common Council hereby authorizes the transfer of the Three Million and 00/100 (\$3,000,000.00) Dollars to the Capital Projects Fund from the General Fund to reduce the City’s deficit.

SECONDED BY _____.

R-22-64						
☒ 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	☒	☐	☐	☐

XII. ORDINANCES AND LOCAL LAWS:

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

- 1. A COMMUNICATION FROM CITY ADMINISTRATOR NELSON** – Regarding
The Proposed Sale of Sale of City Owned Property at 171 S. Cherry Street
- 2. A COMMUNICATION FROM CITY ADMINISTRATOR NELSON** – Regarding
Accepting a Grant from the MHR Foundation

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

**R E S O L U T I O N
(R-22-65)**

INTRODUCED BY COUNCILMEMBER CHERRY:

WHEREAS, The Millman Harris Romano Foundation “MHR” is family foundation based in Poughkeepsie whose mission statement is to improve the quality of life in the Poughkeepsie community through education, the arts, and community service; and

WHEREAS, the City has received an offer of a restricted-use monetary grant from MHR to fund the replacement of the existing twelve (12) light poles that border Bartlett Park and continue onto Circular Road; and

WHEREAS, the attached exhibit illustrates the specifications of the “Grand Series” light poles proposed to be installed at this location,

WHEREAS, it is the intent of the Common Council to accept these funds on behalf of the City as same will contribute to both the safety and further beautification of this area; and

NOW, THEREFORE, BE IT

RESOLVED, that the Common Council accepts the restricted-use grant from The Millman Harris Romano Foundation in an amount up to \$35,000; and be it further

RESOLVED, that the Mayor is authorized to execute the proposed grant disbursement agreement in substantially the same form as attached hereto and to take all steps necessary to process and receive such grant.

SECONDED BY _____.

R-22-65						
☒ 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	☒	☐	☐	☐

XIV. ANNOUNCEMENTS:

A motion was made by Councilmember Cherry and seconded by Councilmember Menist to adjourn the meeting at 8:33 pm.

Dated: September 9, 2022

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Tuesday, September 6, 2022.

Respectfully submitted,

Jasmin Nicole Davis
City Chamberlain