



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, September 19, 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 19, 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: 5 present, 4 absent at the time attendance was taken: (Late arrival; Councilmembers Diechler, Flowers, Johnson & Cherry.)

II. REVIEW OF MINUTES:

Common Council Meeting – September 6, 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 – Noxon St.**
- 2. Doug Nobiletti – Academy St.**
- 3. Nestor Madalenwoitia**
- 4. Laurie Sandow – S. Grand Ave. – submitted written comments**

Laurie Sandow comments, City of Poughkeepsie Common Council meeting, September 19, 2022, Page 1 of 5

Last week, I sent an Email to four members of the City Administration about a Zoning Board of Appeals (ZBA) meeting where important decisions were made, but which—supposedly for technical reasons—has neither webcast, nor transcript, nor audio, and for which the so-called minutes are woefully inadequate. I asked—twice—for confirmation that my message had been received and distributed to ZBA members. Twice I received no reply.

When the ZBA meeting rolled around, Development Director Quinn and Corporation Counsel Valk—apparently too frightened by input from this little old 70-year-old in running shoes—referred to my correspondence only as a “complaint from a member of the public”. Valk instructed the ZBA that they were obliged only to provide minutes that are a (quote) “record of actions taken at the board meeting and the vote, their [sic] on”. Beyond that, Valk dismissed my comments, including the portion of Open Meetings Law [Chapter 587 of the Laws of 2021] that addresses “unabridged video recordings or unabridged audio recordings or unabridged written transcripts”. The following day, I wrote to Ms. Valk, asking her to put her statement in writing. She ignored that correspondence. When I saw her in person and asked again, she replied, in effect: she won’t be putting her statement in writing, she doesn’t work for me, I have no right to make extra work for her, and that she finds me hostile.

So let me enumerate just a few of the ways in which this Administration and Common Council have doubled-down in their own hostility to the public.

Let’s start with who works for who:

- Unless Administration members and Common Council members are being paid from a slush fund other than taxpayer money, they most certainly work for City taxpayers and residents;
- Or let’s take Natalie Quinn’s recent Open Meetings Law violation, failing to post the Bonura walk-on at the August Planning Board meeting, another violation of Open Meetings Law;
- Or the dirty sale of Wheaton, done behind closed doors.

Let's move on to the hostility involved when Councilmembers are given access to knowledge and information, but consistently withhold that information from the public. These councilmembers do this even while voting to impose certain decisions and laws on the same public from whom they've withheld information;

—Seeing that Council Chair Salem is currently in court, how about the hostility of a Corporation Counsel who won't address that office-holder's well-documented ethical violations, instead telling me that I have a legal remedy—a remedy only available by taking money from my own pocket.

—Consider the hostility of a Council and their Chair, willfully choosing to ignore dates and other instructions detailed in the City Charter. For example:

- Unexplained alterations in regular Council meeting dates;
- Curtailed public questioning and rescheduled dates for Informational meetings;
- Failure to ever suspend the rules and open the floor to the public comment prior to a legislative vote, as allowed by the City Charter.

Councilmembers, when your time in office is ended, can you imagine the emptiness of wondering what you stood for? Only going along to get along, serving little purpose beyond fattening your own wallets?

Lastly, I want to add that though posters are lining the walls and floors of these Chambers, no presentations were ever posted to tonight's agenda, despite a clause in Open Meetings Law [Public Officers Law §103], which mandates, as much as practicable, to have any resolutions, laws, rules, policies available to the public at least 24 hours in advance of the meeting at which they are discussed.

At the Friday, September 16, noontime Restore NY Public Hearing—far more than 24 hours in advance of tonight’s Council meeting—there was an announcement for the vanishingly few who attended or watched online that the Chair intended to include them on tonight’s agenda. Yet, neither line item, nor presentations, nor any other kind of heads-up to the public were ever included on the agenda.

Quoting excerpts from the transcript of that September 16 Restore NY hearing:

“...just [so] everyone’s aware, the council chair has agreed to let these presentations happen again at Monday’s Common Council meeting. They will happen during Chair’s comments and there will not be a public comment period held on this. But the general public comment at the beginning of the meeting can be used for those purposes. And then I was just going to ask if both applicants can leave me with the presentation. ... I think it would be great if we could post your presentations to the Council’s agenda that way those are up there, if that’s agreeable to everyone.”]

Finally, that the text of Ordinance O-21-01, which dates back to the Common Council meeting of Tuesday, February 16, 2021, or perhaps further—why was that text not linked or supplied in the agenda posting? Ordinance O-21-01, approved a zoning amendment for the rezoning to a vacant nine-acre parcel on Milton Street from Medium-low Density to Planned Residential Density (PRD). Who can find that Ordinance on the City website? Why was there no link and no text posted to the agenda? Why does a member of the public have to hunt on a website that’s been destroyed through redesign. Therefore, it’s no longer easy to even find that information, which is not to say that it was ever easy.

COMMITTEE ON OPEN GOVERNMENT

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EXECUTIVE DIRECTOR

SHOSHANAH BEWLAY

MEMORANDUM

TO: Whom it May Concern

FROM: Shoshanah Bewlay
Executive Director, Committee on Open Government

RE: *Chapter 481 of the Laws of 2021 Relating to Records Scheduled to be Discussed at an Open Meeting*

Chapter 587 of the Laws of 2021 Relating to the Posting of Meeting Minutes

Chapter 676 of the Laws of 2021 Relating to the Definition of "Public Body"

Chapter 1 of the Laws of 2022 amending Chapter 417 of the Laws of 2021 "Notwithstanding" Elements of Public Officers Law Article 7 "The Open Meetings Law" Through the End of the Declared Disaster Emergency

DATE: November 9, 2021 (Updated February 28, 2022)

On September 2, 2021, Governor Kathy Hochul signed into Law Chapter 417 of the Laws of 2021 which, in part, authorizes most public bodies "to meet and take such action authorized by law without permitting in public in-person access to meetings and authorize such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed."

The language of the Law substantially mirrors former Executive Order 202.1 issued in March 2020. Guidance relating to that order can be found on the Committee on Open Government's website under Open Meetings Law Advisory Opinions, key phrase "Declared Disaster Emergency." Links to those opinions are below.

[OML AO 5630A](#), [OML AO 5631A](#), [OML AO 5632A](#),

On October 19, 2021, the Governor signed into law Chapter 481 of the Laws of 2021 which amends § 103(e) of the Open Meetings Law to require that records to be discussed at a meeting be made available, to the extent practicable, upon request and posted online, at least 24-hours before the meeting. The obligation to make records available to the public upon request "prior to or at the meeting" and to post the records on the agency or public body website "prior to the meeting" has been in effect since February 2012. This amendment simply places a 24-hour minimum time frame for making those records available. Additional guidance can be found [here](#).



On November 8, 2021, the Governor signed into law Chapter 587 of the Laws of 2021 which amends the Open Meetings Law to require agencies that maintain a website and use a high-speed internet connection to post meeting minutes on its website within two weeks of the date of the meeting, or within one week of an executive session. It further states: “unabridged video recordings or unabridged audio recordings or unabridged written transcripts may be deemed to be meeting minutes. Nothing in this section shall require the creation of minutes if the public body would not otherwise take them.”

On December 21, 2021, the Governor signed into law Chapter 676 of the Laws of 2021 which amends the definition of “public body” contained in the Open Meetings Law. The definition now reads:

“Public body” means any entity, for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the state or for an agency or department thereof, or for a public corporation as defined in section sixty-six of the general construction law, or committee or subcommittee or other similar body consisting of members of such public body or an entity created or appointed to perform a necessary function in the decision-making process. A necessary function in the decision-making process shall not include the provision of recommendations or guidance which is purely advisory and which does not require further action by the state or agency or department thereof or public corporation as defined in section sixty-six of the general construction law.

Public Officers Law § 102(2).

**** On February 24, 2022, the Governor signed into law Chapter 115 of the Laws of 2022** which made changes to Chapter 676 of the Laws of 2021 (see above), to clarify the definition of “public body” for purposes of the Open Meetings Law. The amended definition now reads:

“Public body” means any entity, for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the state or for an agency or department thereof, or for a public corporation as defined in section sixty-six of the general construction law, or committee or subcommittee or other similar body consisting of members of such public body or an entity created or appointed to perform a necessary function in the decision-making process for which a quorum is required in order to conduct public business and which consists of two or more members. A necessary function in the decision-making process shall not include the provision of recommendations or guidance which is purely advisory and which does not require further action by the state or agency or department thereof or public corporation as defined in section sixty-six of the general construction law.

On January 14, 2022, Governor Kathy Hochul signed into Law Chapter 1 of the Laws of 2022 amending Chapter 417 of the Laws of 2021 to authorize any public body (as that term is defined by [§ 102\(2\) of the Open Meetings Law](#)) “to meet and take such action authorized by law without permitting in public in-person access to meetings and authorize such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed.”

Chapter 1 takes effect immediately and shall expire and be deemed repealed upon the expiration or termination of the state disaster emergency declared pursuant to [Governor Hochul’s Executive Order 11](#) or any extension or modification thereof. As of the updated date of this memo, Executive Order 11.3 had extended Executive Order 11 through March 16, 2022.

5. **JD Lawrence – Raymond Ave.**
6. **Kane Bowers – For The Many, Union St.**
7. **Melissa Hoffman – For The Many, Lexington Ave.**
8. **Ravi Ranga – For The Many**
9. **Ken Stenger – Pelton Partners LLC.**
10. **John Rath**
11. **Ken Stier – Verrazano Blvd.**

V. CHAIRPERSON'S COMMENTS AND PRESENTATIONS

So now we'll move to chairpersons comments to clarify a few points that were made by members of the public tonight during public participation during chairpersons comments tonight I have decided to the benefit of myself and my colleagues really to host a couple of presentations from members of the community.

Um, both of these organizations or groups had an opportunity to present at a public hearing on Friday afternoon. A lot of the council members couldn't make it. We do have to vote to see which project we want to approve to then apply for the Restore New York grant opportunity.

So I thought this is a benefit to offer space to these groups to come and give us, you know, a little primer as to what project they're working on, the benefit that they will bring to Poughkeepsie and other details. So, you know, just to further clarify, during chairpersons comments, it is my sole prerogative to decide what happens during my comment.

So if I decide that I want to have a presentation on a Friday afternoon, on a Monday meeting, then that's what will happen. That is within my rule as the Common Council chairperson and that's what we're doing tonight. And I'm really excited to hear from both organizations that we have with us tonight.

I believe development director Ms. Quinn can come up whenever and give us a little preamble to the Restore New York grant. We did receive several materials on this grant and from specific projects that are applying or interested in applying to this grant.

And then just as a reminder, Hudson River Housing benefited from this grant in order to restore the Trolley Barn, which is now a vibrant space on Main Street that is a host to arts organizations and other events and projects. So Ms. Quinn if you can just kind of give us for our benefit a little overview on the Restore New York program and what its intent is, and then we'll hear from the organizations.

Development Director Quinn: So Restore New York is funding that's made available for municipalities specifically to revitalize for revitalization of commercial and residential properties. It's the funding is available for demolition, deconstruction, rehabilitation and

reconstruction of vacant, abandoned or condemned properties. There are two rounds this year. This is this is restore New York, round six. And there are two rounds. One application is due October 11th and the next one is going to be due sometime in December, probably December, middle of December. We can only as a municipality submit one application per round. So both of the projects you're hearing for tonight, you're not necessarily approving those. Those projects both have site plan approval by the City of Poughkeepsie Planning Board. They could theoretically start development tomorrow as soon as they filed their building permits. What we're what the council is charged with deciding is which application we will put forward as a partner to try and get funding. And so just some eligibility requirements for this.

The city has to be the applicant. We have to be the listed applicant on the grant application. Only municipalities, counties, cities, towns can apply to this grant.

The max grant amount for a city the size of Poughkeepsie is \$2 million. This time it's changed throughout the years. The project cannot be for municipal use, so you can't kind of put in your city hall or your DPW campus. Those aren't eligible projects. It can be a city owned property, but it can't be for city use. The building must be vacant, abandoned or condemned.

A match is required of no less than 10% of whatever amount is awarded and the funding is is awarded upon completion of the project. So the responsibilities, as you know, as was mentioned, we have been successful. This is round six. We've been successful three times before. Out of the five rounds, I'll just go through them quickly, but I can give more if there's questions on it. In 2008, we did site scattered sites along Cottage Street. We got about \$600,000 for that.

In 2010, we partnered with a local developer, John Berens, and got 2.4 million for 23 Academy Street. And in round five, which was in 2018, the Trolley Barn was awarded \$1,000,000 and we partnered with Hudson River housing on that application. And so we always enter into a sub grantee agreement, right? So the city has to receive the funds, our name has to be on the application. But then because these are we are partnering with developers who these are their projects, right, that we want to encourage within the city, but we are not partners within necessarily that project. The applicant is going to be responsible for completing the full application for doing, if successful, doing all the reporting, providing the 10% match. All of that has to come from the applicant team.

So that's what they should be talking about here tonight of how they're going to do that and how they'll be competitive in the grant and the grant application.

So that's basic overview. Happy to give any answer questions or additional details on that. Otherwise we can let them present on their projects.

Chair Salem: And just again, to clarify, we are not voting on anything today.

And even when we do vote, as you stated, the projects have technically already been granted, you know site removal. Yeah. So we're just giving them, you know, our stamp of the Common Council wants to see this through for the first round and then the second round comes about and we could do the same exact thing for the other project

Development Director Quinn: Well, we will be putting our name on the application is going to say this is from the city of Poughkeepsie. So it's, you know, stamp of approval and we are submitting it. But they hold a lot of responsibility in terms of executing that grant in that agreement.

Chair Salem: Awesome. Thank you. So before we jump into the presentations, does anyone else have any questions?

Councilmember Cherry: Why if we're going to be a co-applicant, why do we only have like a three week turnaround to make a decision?

Development Director Quinn: So we were waiting for the grant applicants to they put together very kindly put together their application about a month in advance. Right. We received those last Monday is when we received the full applications.

We took care of the posting as staff just because there's a little bit more stringent requirements on that.

It had to be posted three consecutive days with a piece of the application. There's a property assessment list for each application that had to specifically be in the Poughkeepsie Journal for three days consecutive.

So staff has always taken care of that portion of the public hearing and posting just so we can make sure we so we don't disqualify ourselves basically from the application before we get there.

So we waited until we received the draft applications from both applicants on Monday the 16th, I think that was Monday the 16th and then had the public hearing that following Friday.

Chair Salem: Councilmember Flowers.

Councilmember Flowers: So I just had a question in regards to the 10% match its actually the applicant that has to come up with that, correct?

Development Director Quinn: Correct.

Councilmember Flowers: So for the city, they don't have to contribute any kind of funding towards any of this.

Development Director Quinn: Exactly. We are not putting towards funding on this.

Councilmember Flowers: And so the only thing that the city will be doing is will just handling the payments. So the money from -

Development Director Quinn: The Money will come to us. Yeah.

Councilmember Flowers: Right. And then you would disburse the payments to the applicant based on reimbursement or?

Development Director Quinn: Yeah. So it's done upon completion.

The payments are once work is completed and again the applicant has to send all that paperwork to the state to say, hey, this is the work we completed, this was the dollar amount, the check will be issued to the city and then the city has to redistribute that to the sub grantee, which is the developer.

Councilmember Flowers: Okay. So then the state actually looks at it to find out how it's completed and submit all that.

Development Director Quinn: Yeah. With most grants like they won't issue the funding until you submit your reporting and your documentation, right. To show that you've done what you said you were going to do. And then they issue the payment.

Councilmember Flowers: Okay. And in the city issues it. Now, you said that there was a few grants that were issued and I mean a few grants that were submitted, and not all of them, I guess, were chosen.

Did you get any feedback of why some of them were not chosen?

Development Director Quinn: As far so there's been five rounds before we were successful in three of them. Right. All three of those.

I don't know if we - I know we did apply in round one for the same the Cottage Street Development. So we did that in round one. We're not successful, reapplied around two and then were successful that time. That was back in 2008.

So I'd have to dig through that paperwork to see if we had like an exit interview, you know, to see why we weren't successful and round.

It was successful for the next round. For the next round.

Councilmember Flowers: So what was the other one that wasn't successful? Round four.

Development Director Quinn: Round four. But I'm not sure if we had I'm not sure if we submitted an application for round four.

Councilmember Flowers Oh, okay.

Development Director Quinn: I can look into that. I didn't see a folder for that in my file, so I don't know if maybe we didn't submit that year. Maybe there wasn't staff here to do it. I'm not sure.

Councilmember Flowers: Okay. That was all my questions Chair, thank you.

Chair Salem: Sure. Thank you. Any other questions?

Councilmember Shook: But just to be clear, the next round is this coming December?

Development Director Quinn: Yes. So the application will release sometime in late October, I think, and then it'll be due middle December.

Councilmember Shook: So there's nothing stopping the applicant that we don't choose from being part of that round then?

Development Director Quinn: Right.

Development Director Quinn: Yeah. The only really guidance we've gotten from ESD is that for this October round they are looking for shovel ready projects like have their construction drawings ready to start with building tomorrow, like as soon as they receive the funding. That's the only like there.

That's why they did two rounds. Get out, get the ones that are completely ready, out of the way now and then. That gives time for some more preparation before December.

Councilmember Shook: And then we can expect that the guidelines are going to be largely similar in the next round as far as what kind of projects they're looking for?

Development Director Quinn: Yeah. Based on the based on the webinar that I intended and that I attended, I expect the application to be very similar, the grant award to be very similar.

So almost exactly the same based on what the information they gave, they treated it as if it was the same kind of info session for both rounds.

Councilmember Shook: And the scoring criteria. We don't do the scoring that's that's for the state?

Development Director Quinn: It is, yeah.

Councilmember Shook: The state will be scoring so

Development Director Quinn: Right. Just because we support an application does not mean we're going to be successful. So what they're looking at, they're looking on economic distress of the community. So we will score highly on that.

They're looking at their priorities, which is, is it in an empire zone? Is it a brownfield opportunity area? And are you leveraging other state and federal programs? They will look at their program goals, which is inducing commercial investment and improving local housing project readiness and feasibility.

And then there's also up to 15 points of discretionary for the president, CEO or commissioner. Yeah.

Councilmember Shook: Okay. Thank you.

Chair Salem: Excellent. So we'll go ahead and get started. We'll start with folks from Scenic Hudson.

PRESENTATIONS FROM SCENIC HUDSON AND MICHAEL DE CORDOVA (THE NEWBERRY).

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 Long.

1. SEQRA Resolution **R-22-66**, and Sale Resolution **R-22-67**, approving the Sale of City Owned Property at 171 S. Cherry Street

**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 _____ .

R-22-66						
			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled		Councilmember Long	Voter	☒	☐	☐
		Councilmember Thompson	Voter	☒	☐	☐
		Councilmember Shook	Voter	☒	☐	☐
		Councilmember Deichler	Voter	☒	☐	☐
		Councilmember Flowers	Voter	☒	☐	☐
		Councilmember Menist	Voter	☒	☐	☐
		Councilmember Johnson	Voter	☒	☐	☐
		Councilmember Cherry	Voter	☒	☐	☐
		Chair Salem	Voter	☒	☐	☐

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

R-22-67, approving the Sale of City Owned Property at 171 S. Cherry Street

R E S O L U T I O N
(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-22-67						
☒ 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 Thompson and seconded by Councilmember Long.

2. R-22-68, Resolution Appointing Daniel Hyatt to the Ethics Board

**RESOLUTION
(R-22- 68)**

INTRODUCED BY _____:

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-22-68						
☒ 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.

3. R-22-69, Resolution Correcting the Land Bank Appointment Term of Jordan Schinella

RESOLUTION (R-22-69)

INTRODUCED BY _____:

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 _____.

R-22-69						
☒ 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	☒	☐	☐	☐

X. ORDINANCES AND LOCAL LAWS:

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

A motion to suspend the rules to allow clarification from Karen Labruda of LaBella Associates, representing Marcello Realty and their petition for an extension of the rezoning was made by Councilmember Menist and seconded by Councilmember Flowers.

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

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

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

(R-22-70)

INTRODUCED BY COUNCILMEMBER _____ :

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 _____ :

R-22-70						
			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

XII. ORDINANCES AND LOCAL LAWS:

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

Communication #1 was tabled by Councilmember Menist

- 1. ~~COMMUNICATION FROM COUNCILMEBERS 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**

XIV. ANNOUNCEMENTS:

A motion was made by Councilmember Cherry and seconded by Councilmember Thompson to adjourn the meeting at 9:27pm.

Dated: September 28, 2022

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, September 19, 2022.

Respectfully submitted,

**Jasmin Nicole Davis
City Chamberlain**

