



COMMON COUNCIL MEETING

Common Council Chambers

Tuesday, January 17, 2016

6:30 p.m.

6:00 p.m. Public Hearing regarding the proposed
designation of 55 Noxon Street, the Barrett Art Center

I. ROLL CALL

II. REVIEW OF MINUTES:

Common Council Meeting Minutes of December 19, 2016

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

IV. PUBLIC PARTICIPATION: Three (3) minutes per person up to 45 minutes of public comment on any agenda and non-agenda items.

V. MAYOR'S COMMENTS:

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

VII. MOTIONS AND RESOLUTIONS:

- 1. FROM COUNCILMEMBER YOUNG, Resolution R17-11, setting a public hearing for the proposed amendments to the Historic District Landmark Preservation Commission Ordinance.**

VIII. ORDINANCES AND LOCAL LAWS:

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM JD'S PUB & BREW, INC,** (located at 347 Hooker Avenue), a notice of intent to renew their Liquor License.
2. **FROM DANIEL FLORES REYES,** a notice of personal injuries sustained on October 14, 2016.

X. UNFINISHED BUSINESS:

X. NEW BUSINESS:

XI. ADJOURNMENT:

**RESOLUTION INTRODUCING HISTORIC
PRESERVATION LAW PROPOSAL
AMENDING CHAPTER 19, ARTICLE IV
SECTION 19-4.5**

BE IT RESOLVED that an introductory local law amending Chapter 19, Article IV entitled HISTORIC PRESERVATION to the City of Poughkeepsie Code of Ordinances, be and hereby is introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law be laid upon the desk of each member of the Council; and

BE IT FURTHER RESOLVED that the Council hold a public hearing for public comments on said proposed local law at City Hall, 62 Civic Center Plaza, Poughkeepsie, New York, at 6:00 o'clock P.M., on February 21, 2017; and

BE IT FURTHER RESOLVED that the City Chamberlain refer the proposed local law to the Dutchess County Department of Planning and Planning Board for comment prior to the hearing; and

BE IT FURTHER RESOLVED that the proposed local law is a Type I action pursuant to 6NYCRR Part 617, the Common Council declares intention to act as Lead Agency and directs the Development Director to issue Notice of Intention of Lead Agency to potential involved agencies.

BE IT FURTHER RESOLVED that the Chamberlain publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least ten (10) days prior thereto.

On a motion by _____, seconded by _____, the resolution was adopted on a vote of ____ Ayes, ____ Nays.

The Mayor declared this resolution adopted.

Dated: January ___, 2017

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Section 19-4.5 Historic District and Landmarks Preservation Commission.
[Ord. of 6-17-1999, § 1; Ord. of 6-17-1999, § 2; Ord. No. 12-06, 7-2-2012]

(1) *Definitions.*

ALTERATION

Change or modification of an improvement on a landmark site or of an improvement parcel located within an historic district including, but not limited to:

- (a) Exterior changes to or modifications of structure, architectural details or visual characteristics such as paint color and surface texture;
- (b) Grading or surface paving;
- (c) Construction of new structures;
- (d) Cutting or removal of trees and other natural features;
- (e) Disturbance of archaeological sites or areas; and
- (f) The placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories that affect the exterior visual qualities of the improvement parcel.

CERTIFICATE OF APPROPRIATENESS

A certificate issued by the Commission indicating its approval of plans for alteration, construction, removal, or demolition of a landmark, an improvement on a landmark site or an improvement located within an historic district.

COMMISSION

The Historic Preservation Commission created pursuant to this section.

COMPATIBLE

Capable of existing together in harmony (harmonious, consistent).

DEMOLITION

Any act or process that destroys in part or in whole any exterior improvement or landscape feature of an historic landmark or within an historic district.

EXTERIOR ARCHITECTURAL FEATURE

The architectural style, design, general arrangement and components of all of the outer surfaces of an improvement, as distinguished from the interior surfaces enclosed by said exterior features, including, but not limited to, the kind, color and texture of the building material and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.

HISTORIC DISTRICT

Any area designated pursuant to this chapter containing improvements and/or landscape features which are of historical, social, cultural, architectural or aesthetic significance to the City, the state or the nation.

~~HISTORIC LANDMARK-~~

~~Any improvement and/or landscape feature designated pursuant to this chapter which as a whole or in part has historical, social, cultural, architectural or aesthetic significance to the City, the state or the nation.~~

IMPROVEMENT

Any structure, building, fixture, object or feature which in whole or in part constitutes an exterior or public interior betterment of any real property.

LANDMARK

Any improvement, structure, cultural site and/or landscape feature designated pursuant to this chapter which as a whole or in part has historical, social, cultural, architectural or aesthetic significance to the City, the state or the nation.

BUILDING:

Any construction created to shelter any form of human use, such as a house, garage or barn, and which is permanently affixed to the land. Building may also refer to a historically related unit, such as a house and a barn or a courthouse and jail.

OBJECT:

a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment. Examples include boundary markers, mileposts, boats, fountains, monuments, and sculpture.

SITE:

a geographically defined location possessing historical, cultural, or aesthetic significance and value, regardless of its association with a structure. Examples of a site are a battlefield, designed landscape, landscape feature, trail, cemetery, or camp site.

STRUCTURE:

Any construction other than a building; examples would include bridges, piers, clocks, lighthouses, bandstands, gazebos, water towers, tunnels, and civil engineering structures such as a canal.

DISTRICT:

a geographically definable area containing buildings, structures, objects and/or sites that are linked historically or aesthetically by plans or physical development and acknowledged to possess collective importance.

LANDMARK:

A building, district, site, structure, or object significant in American history, architecture, engineering, archeology or culture at the national, State, or local level.

~~LANDMARK SITE-~~

~~An improved parcel or part thereof on which is situated a landmark and any abutting improvement parcel or part thereof used as and constituting part of the premises on which the landmark is situated, and which has been designated as a landmark site pursuant to the provisions of this chapter.~~

ORDINARY REPAIRS AND MAINTENANCE

Replacement of any part of an improvement for which a permit issued by the Building Department is not required by law, where the purpose and effect of such work or replacement is to correct any deterioration or decay of or damage to such improvement or any part thereof and to restore same, as

nearly and may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage.

OWNER

Any person or persons having such right to, title or interest in any improvement so as to be legally entitled, upon obtaining the required permits and approvals from the City agencies having jurisdiction over building construction, reconstruction, alteration or other work as to which such person seeks the authorization or approval of the Commission pursuant to this chapter.

REMOVAL

Any relocation of an improvement and/or landscape feature on its site or to another site.

- (2) *Purpose.* It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of landmarks and historic districts are necessary to promote the economic, cultural, educational, and general welfare of the public. Inasmuch as the identity of a people is founded on its past and inasmuch as the City of Poughkeepsie has many significant historic, architectural and cultural resources which constitute its heritage, this section is intended to:
 - (a) Protect and enhance the landmarks and historic districts, which represent distinctive elements of the City of Poughkeepsie's historic, architectural, and cultural heritage;
 - (b) Foster civic pride in the accomplishments of the past;
 - (c) Protect and enhance the City of Poughkeepsie's attractiveness to visitors and the support and stimulus to the economy thereby provided;
 - (d) Ensure the harmonious, orderly, and efficient growth and development of the City of Poughkeepsie; and
 - (e) Stabilize and improve property values.
- (3) *Historic Preservation Commission.* There is hereby created a commission to be known as the City of Poughkeepsie Historic District and Landmark Preservation Commission.
 - (a) The Commission shall consist of seven members to be appointed, to the extent available in the community, by Mayor as follows:
 1. At least one shall be an architect experienced in working with historic buildings;
 2. At least one shall be a historian;
 3. At least three members shall reside in historic districts or historic landmarks;
 4. At least one shall have demonstrated significant interest in and commitment to the field of historic preservation evidenced either by involvement in a local historic preservation group, employment or volunteer activity in the field of historic preservation, or other serious interest in the field; and
 5. All members shall have a known interest in historic preservation and architectural development within the City of Poughkeepsie.
 - (b) Commission members shall serve for a term of four years, with the exception of the initial term of one of the members, which shall be one year, one which shall be two years, and one which shall be three years.
 1. The Mayor shall act within 60 days to fill a vacancy, including expired terms. A member whose term

has expired shall serve until the Mayor appoints a successor. [Added by Ord. No. O-14-2002, 4-7-2014, § 1]

2. Any Commission member missing three consecutive meetings shall automatically forfeit his or her appointment, and as such, a vacancy shall automatically be created. Further, any member missing four meetings in a calendar year, except for major illness, shall forfeit his or her appointment creating a vacancy. [Added by Ord. No. O-14-2002, 4-7-2014, § 1]
- (c) The Chairman and Vice Chairman of the Commission shall be elected by and from among the members of the Commission.
- (d) The powers of the Commission shall include:
 1. Employment of staff and professional consultants to assist the Commission in carrying out its duties, within the budget provided by the City;
 2. Promulgation of rules and regulations as necessary to carry out the duties of the Commission;
 3. Adoption of criteria for the identification of significant historic, architectural, and cultural landmarks and for the delineation of historic districts;
 4. Conduct of surveys of significant historic, architectural, and cultural landmarks and historic districts within the City;
 5. Recommending designation of identified structures or resources as landmarks and historic districts;
 6. Recommendation to the Common Council of the donation of facade easements and development rights and the making of recommendations to the City government concerning the acquisition of facade easements or other interests in real property as necessary to carry out the purposes of this section;
 7. Increasing public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs;
 8. Making recommendations to City government concerning the utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the City;
 9. Recommending acquisition of a landmark structure by the City government where its preservation is essential to the purposes of this section and where private preservation is not feasible;
 10. Approval, approval with modifications or disapproval of certificates of appropriateness pursuant to this section; and
 11. Deciding hardship pursuant to this section.
- (e) The Commission shall meet at least monthly, but meetings may be held at any time on the written request of any two Commission members or on the call of the Chairman or the Mayor.
- (f) A quorum for the transaction of business shall consist of a majority of the Commission's members, but not less than a majority of the full authorized membership may grant or deny a certificate of appropriateness or recommend landmarks or historic districts.
- (4) *Designation of landmarks or historic districts.*
 - (a) ~~The Commission may designate an individual property, a structure, improvement, cultural site or landscape feature as a landmark if it:~~

(a) The Commission may designate a building, object, structure, or site as a landmark if it:

1. Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state or nation; or
2. Is identified with historic personages; or
3. Embodies the distinguishing characteristics of an architectural style; or
4. Is the work of a designer whose work has significantly influenced an age; or
5. Because of unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.

(b) The Commission may designate a group of properties as an historic district if it:

1. Contains properties which meet one or more of the criteria for designation of a landmark; and
2. By reason of possessing such qualities, it constitutes a distinct section of the City.

(c) The boundaries of each historic district and each individual landmark designated henceforth shall be specified in detail and shall be filed, in writing, with the Building Department for public inspection.

(d) Notice of a proposed designation shall be sent by regular mail to the owner of the property proposed for designation or the property upon which the landmark sits, describing the property and/or proposed landmark under consideration for designation property and announcing a public hearing by the Commission to consider the designation. Once the Commission has issued notice of a proposed designation, no building permits shall be issued by the Building Inspector until the Commission has made its decision.

(e) The Commission shall hold a public hearing prior to designation of any landmark or historic district. The Commission, the applicant, owners and any interested parties may present testimony or documentary evidence at the hearing which will become part of a record regarding the historic, architectural, or cultural importance of the proposed landmark or historic district. The record may also contain staff reports, public comments, or other evidence offered outside of the hearing.

(f) The Commission shall approve, approve with modifications or deny the application within 45 days of the public hearing, except that the Commission may agree with the applicant in writing to extend the time period within which a designation will be made.

(g) An application recommended for approval shall be forwarded to the Common Council for their consideration. The Common Council shall hold a public hearing prior to the designation of any landmark or historic district. Such public hearing shall occur within 60 days from receipt of the approved application from the Commission. Notice of the hearing shall be sent by regular mail to the owner of the property proposed for designation. No building permits shall be issued by the Building Inspector until the Common Council has made its decision. The same criteria for designation shall be used by the Common Council and the Commission. The Common Council shall approve or disapprove the designation within 75 days from receipt of the approved application from the Commission.

(h) The City Chamberlain shall forward notice of each designated building, object, site, structure, or district property, structure, cultural site and/or landscape feature designated as a landmark and the boundaries of each ~~designated historic district~~ to the Office of the Dutchess County Clerk for recordation.

(5) *Certificate of appropriateness for alteration, demolition or new construction affecting landmarks or*

historic districts. No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction, or moving of a landmark or property within an historic district, nor shall any person make any material change in the appearance of such property or landmark, its light fixtures, signs, sidewalks, fences, steps, paving, or other exterior elements which affect the appearance and cohesiveness of the landmark or historic district, without first obtaining a certificate of appropriateness from the Commission.

(6) *Criteria for approval of certificate of appropriateness.*

(a) In passing upon an application for a certificate of appropriateness, the Commission shall not consider changes to interior spaces, unless they are open to the public. The Commission's decision shall be based on the following principals:

1. Properties which contribute to the character of the historic district shall be retained, with their historic features altered as little as possible;
2. Any alteration of existing properties ~~and/or landmarks~~ shall be compatible with their historic character, as well as with the surrounding district; and
3. New construction shall be compatible with the district in which it is located.

(b) In applying the principle of compatibility, the Commission shall consider the following factors:

1. The general design, character and appropriateness to the property of the proposed alteration or new construction;
2. The scale of proposed alteration or new construction in relation to the property itself, surrounding properties and the neighborhood;
3. Texture, materials, and color and their relation to similar features of other properties in the neighborhood;
4. Visual compatibility with surrounding properties, including proportion of the property's front facade, proportion and arrangement of windows and other openings within the facade, roof, shape, and the rhythm of spacing of properties on streets, including setback; and
5. The importance of historic, architectural or other features to the significance of the property.

(7) *Certificate of appropriateness application procedure.*

(a) Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for a building permit as necessary along with an application for a certificate of appropriateness on a form as approved by the Building Inspector and shall contain, at a minimum, the following:

1. Name, address and telephone number of applicant;
2. Location and photographs of property;
3. Elevation drawings of proposed changes, if available;
4. Perspective drawings, including relationship to adjacent properties, if available;
5. Samples of color or materials to be used;
6. Where the proposal includes signs or lettering, a scale drawing showing the type of lettering to be

used, all dimensions and colors, a description of materials to be used, method of illumination, and a plan showing the sign's location on the property; and

7. Any other information which the Commission may deem necessary in order to visualize the proposed work.
 - (b) No building permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the Commission. The certificate of appropriateness required by this section shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the City of Poughkeepsie.
 - (c) The Commission shall approve, deny or approve the certificate of appropriateness with modifications within 45 days after receiving the completed application from the Building Department. The Commission may hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views.
 - (d) All decisions of the Commission shall be in writing. A copy shall be provided to the applicant and a copy filed with the Building Department for public inspection. The Commission's decision shall state the reasons for denying or modifying the application.
 - (e) Certificates of appropriateness shall be valid for a concurrent period of time with the building permit required to complete the work approved by the certificate of appropriateness or for one year if no building permit is required.
- (8) *Certificate of economic hardship.*
 - (a) *Relief where a certificate of appropriateness is denied.* An applicant whose certificate of appropriateness has been denied or approved with conditions that the applicant finds unacceptable may apply for a certificate of economic hardship for the purposes of obtaining relief from the strict application of this chapter.
 - (b) *Application form.* Application for a certificate of economic hardship shall be made on a form prepared by the Commission.
 - (c) The Commission shall schedule a public hearing concerning the application, and any person may testify at the hearing concerning economic hardship. The Commission may solicit expert testimony or request that the applicant for a certificate of economic hardship make submissions concerning any or all of the following information before it makes a determination on the application.
 1. Estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Commission for changes necessary for the issuance of a certificate of appropriateness;
 2. A report from a licensed architect or engineer with experience in rehabilitation as to the structural soundness of any structures on the property ~~or landmark on the property~~ and their suitability for rehabilitation;
 3. ~~For designated properties, the~~ estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Commission; and in the case of a proposed demolition, after renovation of the existing property for continued use;
 4. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure and/or landmark on the property;

5. Amount paid for the property upon which the landmark exists, the date of purchase, and the party from whom was purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased and any items of financing between the seller and buyer;
 6. If the property is income producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
 7. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years;
 8. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property;
 9. Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years;
 10. Assessed value of the property according to the two most recent assessments;
 11. Real estate taxes for the previous two years;
 12. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other;
 13. Any other information, including the income tax bracket of the owner, applicant, or principal investors of the property, considered necessary by the Commission to make a determination as to whether the property does yield a reasonable return to the owners.
- (d) *Proof required.* In order to prove the existence of economic hardship, the applicant must establish that unless the proposed work is accomplished, the property will be incapable of earning a reasonable return or of being put to reasonable use.
- (e) In the case of a proposal to remove or demolish a landmark or structure within an historic district, the applicant must additionally prove that:
1. The property cannot be adapted for any other use, whether by the current owner or a purchaser, which would result in reasonable return; and
 2. Reasonable efforts to find a purchaser interested in acquiring the property for rehabilitation and preservation have been made and failed.
- (9) *Determination by the Commission.*
- (a) *Hardship not proven.* If hardship is not proven, the Commission shall deny the application and notify the applicant in writing of the final denial and a copy shall be filed with the Building Department for public inspection.
- (b) *Hardship proven.* If the Commission finds that economic hardship has been proven, relief shall be provided in one of the following ways:
1. The Commission may relax the strict application of the criteria concerning certificates of appropriateness sufficiently to relieve the hardship. In this case, the Commission shall issue a certificate of appropriateness, with conditions as necessary. The Commission shall approve only such work as is necessary to alleviate the hardship.

2. The Commission may investigate plans and make recommendations to the Common Council for City actions which, if taken, will allow for a reasonable use of or reasonable return from the subject property or will otherwise preserve the property without hardship to the owner.

(c) If neither Subsection (9)(b)1 nor 2 resolves the issue, the Commission may issue a certificate of economic hardship allowing the work to proceed as proposed.

(10) *Enforcement.* All work performed pursuant to a certificate of appropriateness issued under this section shall conform to any requirements included therein. It shall be the duty of the applicant to notify the Building Inspector to inspect any work to assure compliance. In the event work is found that is not being performed in accordance with the certificate of appropriateness, or upon notification of such fact by the Commission, the Building Inspector shall issue a stop-work order, and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.

(11) *Maintenance and repair required.*

(a) Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within an historic district, which does not involve a change in design, material, color or outward appearance.

(b) No owner or person with an interest in real property designated as a landmark or included within an historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any architectural feature which would, in the judgment of the Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.

(c) Examples of such deterioration include:

1. Deterioration of exterior walls or other vertical supports;

2. Deterioration of roofs or other horizontal members;

3. Deterioration of exterior chimneys;

4. Deterioration or crumbling of exterior stucco or mortar;

5. Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors;

6. Deterioration of any feature so as to create a hazardous condition, which could lead to the claim that demolition is necessary for the public safety.

(12) *Violations.*

(a) Failure to comply with any of the provisions of this section shall be deemed a violation, and the violator shall be liable to a penalty not exceeding \$1,000 and, for a continuation of such violation, to an additional penalty not exceeding \$10 per day.

(b) Any person who demolishes, alters, constructs, or permits a designated property to fall into a serious state of disrepair in violation of this section shall be required to restore the property and its site to its appearance prior to the violation. Any action to enforce this subsection shall be brought by the Corporation Counsel. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

(13) *Appeals.* Any person aggrieved by a decision of the Historic Preservation Commission relating to a

hardship or a certificate of appropriateness may, within 30 days of the decision, file a written application with the Common Council for review of the decision. Reviews shall be conducted based on the same record that was before the Commission using the same criteria.



THE CITY OF POUGHKEEPSIE
NEW YORK

COMMON COUNCIL MEETING
MINUTES

Monday, December 19, 2016 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL- All Present

II. REVIEW OF MINUTES:

Special Meeting of December 8, 2016

			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember McNamara	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

ADD:

VII.

MOTIONS AND RESOLUTIONS:

3. **FROM CORPORATION COUNSEL ACKERMANN, Resolution R16-103, approving an Inter-Municipal Agreement with the Poughkeepsie City School District for the Student Athletic Basketball Program.**
4. **FROM CORPORATION COUNSEL ACKERMANN, Resolution R16-104, setting a public hearing for the proposed designation of 55 Noxon Street, the Barrett Art Center.**

5. **FROM CHAIRMAN PETSAS**, Resolution R16-105, overriding the Mayoral veto of R16-100, adopting the 2017 Budget with Council amendments.

IX. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

2. **FROM TOM MCCLAIN AND DAVE BROWN**, a presentation
The City Youth Baseball Softball League, formerly Poughkeepsie Little League.
3. **FROM COUNCILMEMBER YOUNG**, a communication about
proposed amendments to the Local Historic Preservation Ordinance.

IV. PUBLIC PARTICIPATION: Three (3) minutes per person up to 45 minutes of public comment on any agenda and non-agenda items.

Constantine Kazolias-47 Noxon Street

Kevin Newman-288 Church Street

Bill Smith-

Mae Parker Harris-16 Allen Place

Warren Jones-North Clover Street

Damon Crumb-73 Mansion Street

Holly Whalberg-35 Garfield Place

Lauriel Spuhler-37 Parkwood Blvd

Steven Planck-Carroll Street

Ken Stickle-118 Catherine Street

Lauire Sandow-201 South Grand Avenue

Comments of Laurie Sandow at Common Council meeting, Dec. 19, 2016 – Page 1 of 2

I'd like to wish happy holidays and a good new year to the Administration and City employees, as well as members of the Common Council.

I will flatly state my opposition to the Council's intent to override the Mayor's proposed 2017 Budget. The Administration's property tax increase is severe, and I am among many facing difficult decisions as a consequence. But while other departments and personnel have taken cuts, this Common Council has not done the same, instead cynically using the term "revenue-generating" to sweeten their health insurance buyout, even while some members already have coverage under other health care policies.

At the most recent Council meeting, the Mayor and the County Executive were subject to repeated personal attack, while members of the Common Council sat silent. This is not new behavior from the Council—they've sat silent before while the Mayor and County Executive were attacked, while Tracy Hermann and family were attacked, and while a fellow Councilmember used ethnic slurs. Later in the same meeting one councilmember lectured a member of the public for respectfully identifying another councilmember by full name, while the councilmember in question has repeatedly accused the public of disrespectful attack by FAILING to name the councilmember by name. You'd think after more than eleven (11) months in office, this councilmember would understand 1) the difference between accountability and attack; and 2) that the public's First Amendment rights are curtailed at these meetings, and we are not allowed to cite councilmembers by name. This policy intentionally forces the public that does not regularly attend or watch these meetings to be left wondering which Councilmember is responsible for which action.

Two meetings ago, a certain councilmember read a prepared statement abstaining from a vote. Based on the way this councilmember stumbled through the text, it is fair to ask whether the councilmember was the original author of the statement. If the votes and statements of any elected official are being secretly authored or controlled by unelected members of the public, this City is facing a serious problem worthy of State attention.

Comments of Laurie Sandow at Common Council meeting, Dec. 19, 2016 – Page 2 of 2

I encourage the City Administration to demand a digital copy of the file for the councilmember's written statement so that its origin and author can be verified. I also encourage the Administration to start collecting doctor's notes from Councilmembers who don't show up for meetings, and collecting cell phones from Councilmembers prior to each meeting. Since the public comment period ends at the beginning of each Common Council meeting, it is a clear violation of procedure for input and communications from family members and/or selected members of the public to continue after the close of the public comment period.

On the last meeting's agenda, as on other Common Council agendas preceding it, there was a resolution for the sale of a parcel at 15 N. Clinton Street. After obtaining the documents for this sale by filing under Freedom of Information Law (FOIL), it became obvious that 1) the Building Department seems to have granted a Certificate of Occupancy for at least one unit that fails to meet NY State building code for ingress, egress and safety, and 2) that the landlord and proposed buyer's own written statement documents his violations of the tenants' Warranty of Habitability. Curiously, certain Councilmembers continue advocating for the sale of MORE property to a known violator, rather than reaching out to the landlord's tenants to support them in a lawsuit, or initiating a Resolution that will prohibit the sale of City-owned property to landlords with known violation histories.

The FOILed documents also make clear that the parcel in question is a buildable lot, that the hopeful purchaser refused to be bound by a restriction limiting the parcel's use to parking, and there is virtually no paper trail from the two Councilmembers who've been moving the sale forward, and barely any other paper trail on the matter, even though this matter has been bouncing around since at least July 2016. The lack of a paper trail regarding committee members, decision-making, and meeting minutes is a known problem in the matter of the alienation of Wheaton Park. It is a repeated and alarming situation that needs to be remedied immediately, unless the City prefers to draw the attention and supervision of appropriate NY State agencies.



THE CITY OF POUGHKEEPSIE
NEW YORK

1st Ward Councilmember

November 2, 2016

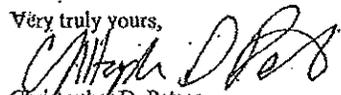
Laurie Sandow
[REDACTED]

Re: FOIL Request submitted October 20, 2016
regarding document pertaining to 36 North
Cloyer Street

Dear Ms. Sandow:

I am in receipt the above referenced FOIL request. The information you are requesting does not exist, therefore is not available.

Very truly yours,


Christopher D. Petsas
Council Chairman

62 Civic Center Plaza

Poughkeepsie NY 12601

15 N. Clinton St Parking Lot Proposal

Dear Common council members,

I would like to thank all board members for taking the time to review my proposal in purchasing 60 feet of the city parking lot located between Smith Street and N. Clinton St.

I purchased the abandoned building on 15 N. Clinton Street roughly a year and a half ago. At the time the building suffered significant fire damage and became a nest for all sorts of drug and prostitution undertakings. Since my acquisition I have invested a significant amount of time and private money restoring the building to its current condition. The hard work and money invested was well worth it, now I drive by the building and see it as a home for multiple families and I'm also proud to say that it is cosmetically one of the best in the neighborhood and no longer an eyesore.

Since the improvements and getting the apartments occupied with tenants I have encountered several issues regarding safety, sanitation, parking, and egress to apartment 18 located in the rear of the building. The following bullet points outline the problems my tenants, community members and I have currently with the existing parking lot.

Safety

- Clustered parking is blocking off the only egress to the back apartment (18), the fire department and EMS will practically never be able to get back there if there was an emergency. In purchasing the parking lot I will put in a sidewalk which will create an easy pathway to that apartment making it much safer and easier in times of an emergency.
- No lighting, this is a big issue because there are so many people that use the poor lighting in the parking lot to camouflage themselves in the dark hours of the night to conduct all sorts of illegal business. This also scares the women and children that live there and that have to pull in and out of this parking lot at night. This issue will be solved because I will be putting in LED lighting which will not only illuminate the small section I'm proposing to buy but also much of the remainder of the lot.
- Deadly exhaust fumes and cars crashing into the building, currently my main level tenants have complained to me on numerous occasions on how exhaust fumes fill their bedrooms in the morning from cars idling next to their windows. The other threat they feel is when cars pull in at high speeds to park, they feel it's a matter of time before someone comes crashing in their

bedroom windows. Not to mention the nuisance have constantly having headlight glare beaming in all the time. In the new parking lot lay out cars will no longer be able to park alongside the building anymore. Rather, new parking will be alongside the new fence and over 30 feet away from the building.

Peeping Toms, this is a MAJOR concern to me because if my female tenants do not feel the safety and privacy that we all should feel when we are home than it is not home for them. This can also lead to very bad case scenarios that women only dread from. My solution here is to install a beautiful six foot high security fence which will keep out all unwanted trespassers and give my tenants a secure living environment.

Sanitation

- I have been cited by the City of Poughkeepsie in the past for garbage being on the sidewalk all week long. I don't expect my tenants to keep garbage in their apartment until the designated pick up days. This also is not a pleasant site for viewing and in addition creates an unsanitary environment.
- Constant picking through the rubbish for cans is also another issue. This creates a big mess and is unfair for anyone to have to keep cleaning after.
- Dumping of mattresses, tires and all sort of trash is a never ending problem in the parking lot and I imagine this is an unnecessary financial strain for the city to constantly have to clean up.

The solution here is to create a fenced in designated garbage area that hides the rubbish from the view of the city and will also keep all illegal dumping out of the parking lot. In addition I will no longer violate the city's law regarding the garbage placement. Hence, I will have the property to keep all the trash off the sidewalk, because currently my property line ends alongside the building.

Aesthetics

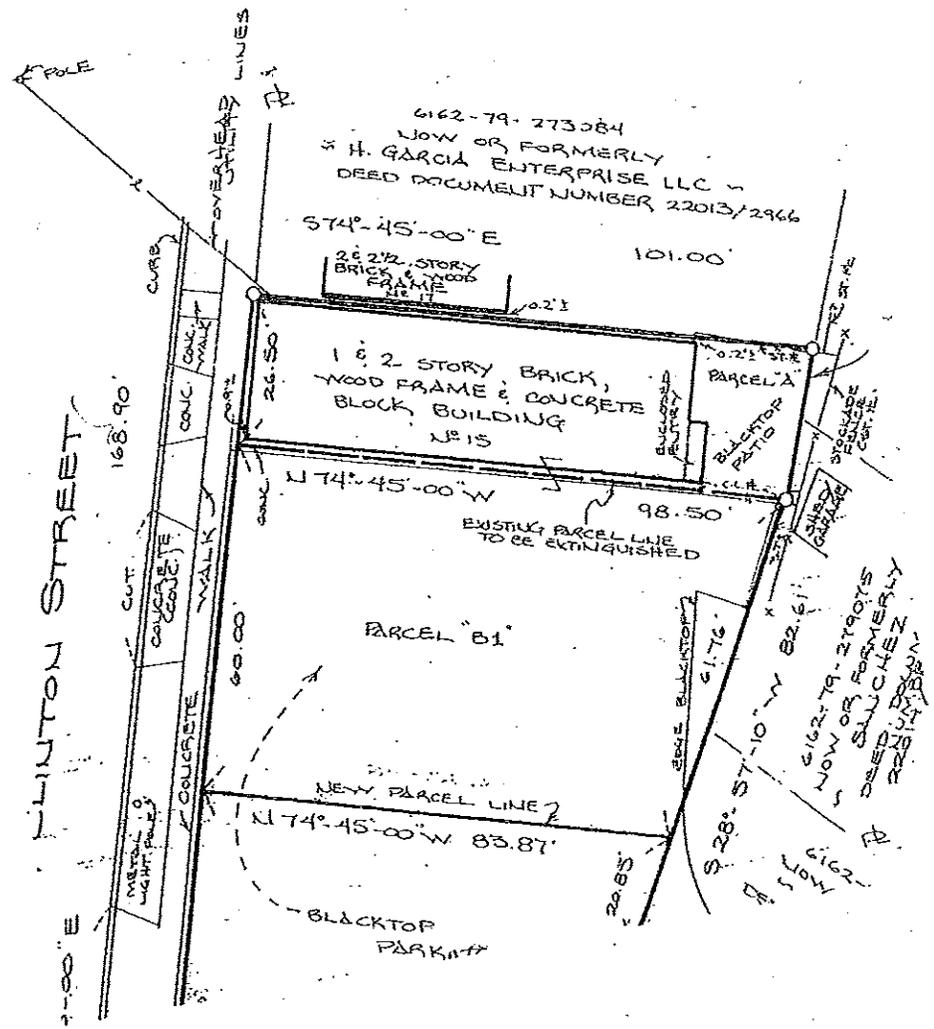
- The current curb appeal for one of the most important corners of the City Of Poughkeepsie does not demonstrate the effort that has gone into this particular corner in the last two years. After purchasing this small section of the parking lot I will be planting Japanese maple trees, evergreen pine trees, boxwood shrubs along the new fence. I will also be laying down river stone along the new sidewalk and mulch to further enhance this corner.
- Currently the section I'm proposing to buy is in the worse condition in comparison to the remainder of the lot. I will be repaving this section because it desperately needs it and I will also be striping it for the new designated parking spaces.
- This corner will be much more attractive and welcoming once I complete the enhancements.

Official Minutes of the Council Meeting of Monday, December 19, 2016

Again I would like to thank all board members for the opportunity to propose this project and I hope that some of the reasons I listed above illustrate the absolute necessity for this acquisition. Your agreement to grant my tenants and I this small piece of real estate would make 15 N Clinton Street a safer home for all its residents, provide security that we all look for from home, and will dramatically enhance the corner. Currently I have the support of the community, the tenants and Ebenezer Baptist Church and I hope to gain your approval as well.

Thank you for your time,

Issa Nesheiwat



Ackermann, Paul

From: Jon Adams <jha@cgrlaw.com>
Sent: Monday, June 13, 2016 10:54 AM
To: Ackermann, Paul
Subject: North Clinton

I understand you have the survey. Is it possible to project a tentative schedule for action by the Common Council and closing?



Jon Holden Adams, Esq.
Corbally, Gartland and Rappleyea, LLP
35 Market Street
Poughkeepsie, New York 12601
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Ackermann, Paul

From: Jon Adams <jha@cgrlaw.com>
Sent: Thursday, June 23, 2016 10:05 AM
To: Ackermann, Paul
Subject: Re: FW: SURVEY
Attachments: maps and sketches.pdf

Limiting the area to the gravel was never proposed. The sketches and narrative provided indicated that the area was to accommodate off street parking for the occupants of the building as well as the sidewalk along the building to provide access to the rear apartment. attach them again.

On Wed, Jun 22, 2016 at 12:25 PM, Ackermann, Paul <PAckermann@cityofpoughkeepsie.com> wrote:

Jon-

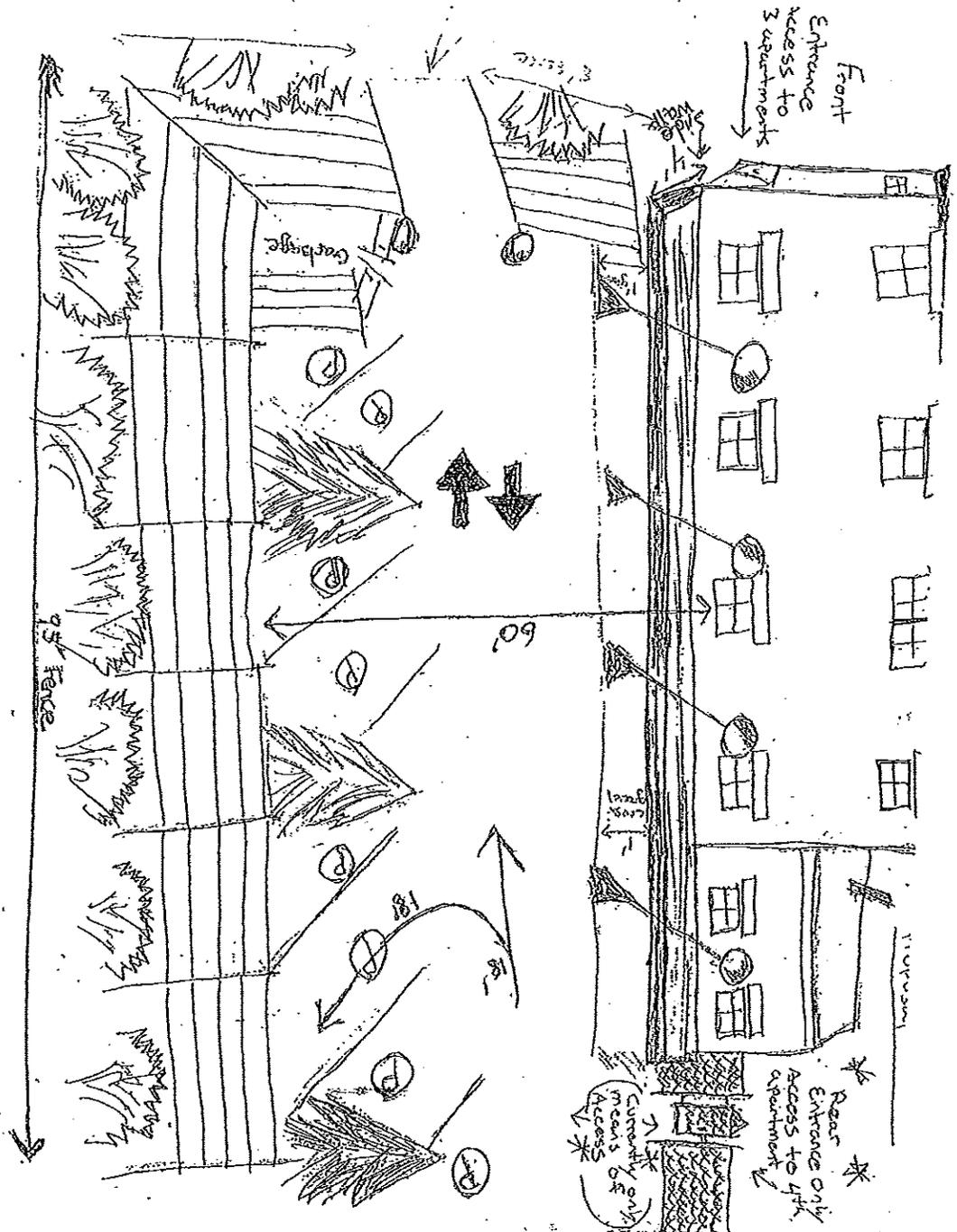
I am in receipt of the attached survey. It appears that the lot as depicted on the map is a lot bigger than the area discussed. My understanding is that it was just suppose to be the gravel area adjacent to you clients building.

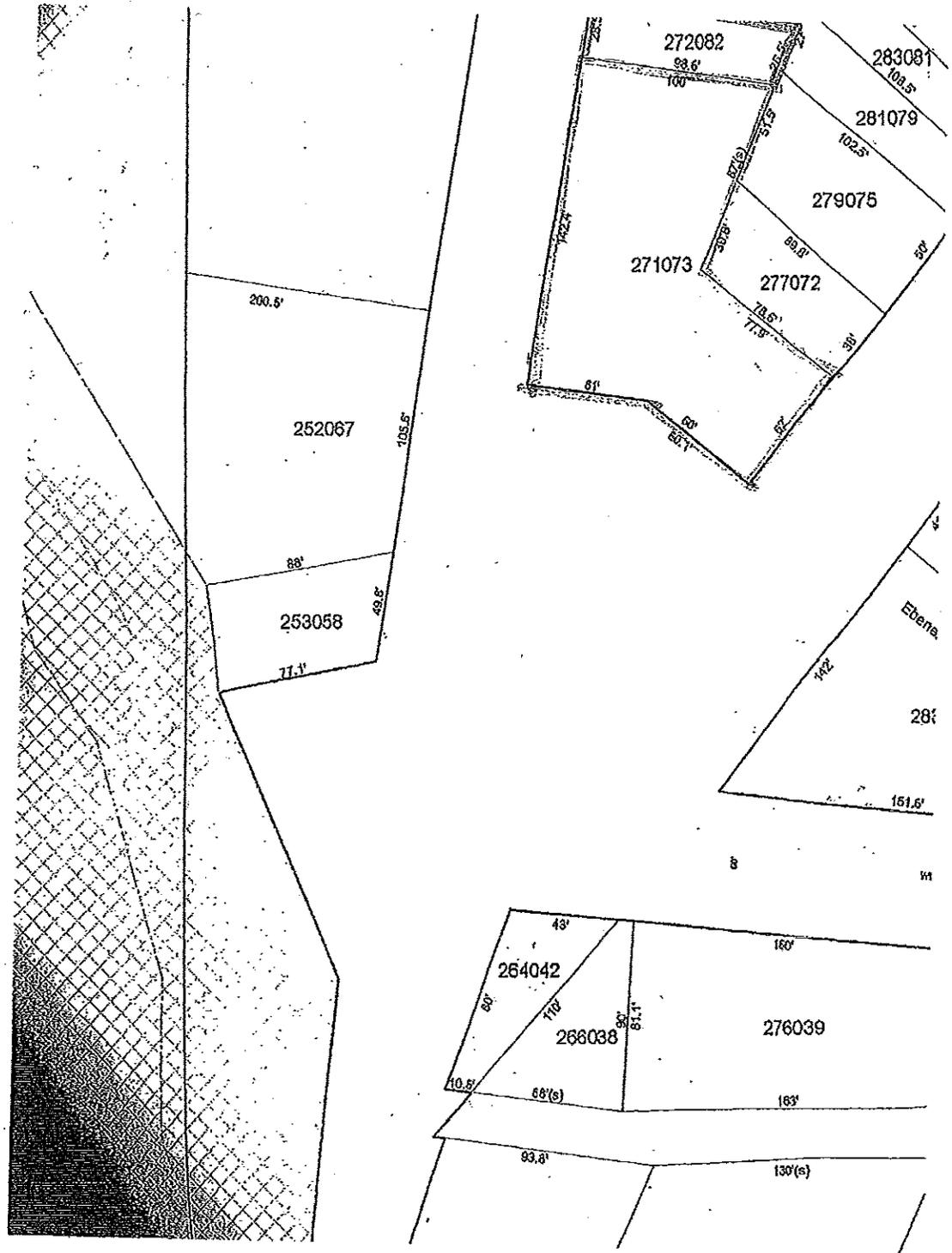
Regardless, I will speak to the administration and get back to you.

PA

From: Buckley, Erian
Sent: Wednesday, June 22, 2016 12:16 PM
To: Knapp, Ron <RKnapp@cityofpoughkeepsie.com>; Petsas, Christopher D. <CPetsas@cityofpoughkeepsie.com>
Cc: Ackermann, Paul <PAckermann@cityofpoughkeepsie.com>
Subject: SURVEY

See attached survey.





Ackermann, Paul

From: Jon Adams <jha@cgrlaw.com>
Sent: Tuesday, July 06, 2016 8:47 AM
To: Ackermann, Paul
Subject: Re: North Clinton

I do not see this item listed for tonight's agenda. will is be presented?

On Mon, Jun 13, 2016 at 3:04 PM, Ackermann, Paul <PAckermann@cityofpoughkeepsie.com> wrote:

I do. I anticipate presenting the Resolution at the first meeting in July (July 6th) and having it considered for a vote on the second meeting (July 13).

From: Jon Adams (mailto:jha@cgrlaw.com)
Sent: Monday, June 13, 2016 10:54 AM
To: Ackermann, Paul <PAckermann@cityofpoughkeepsie.com>
Subject: North Clinton

I understand you have the survey. Is it possible to project a tentative schedule for action by the Common Council and closing?



Jon Holden Adams, Esq.

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Ackermann, Paul

From: Issa Nesheiwat <issanesh@gmail.com>
Sent: Tuesday, July 05, 2016 9:18 PM
To: Ackermann, Paul; John Adams; Knapp, Ron; Petsas, Christopher D.
Subject: Parking Lot 15 N Clinton

Hey Paul,

I was under the impression that the first meeting regarding the parking lot was for tomorrow, however by chance I found out it was today and surprisingly I was not put on the agenda. I spoke to Nancy earlier and then I was transferred over to another person in which I left a message for Ron Knapp regarding this issue. I was told that I would get a call back today and I received no call or any other form of correspondence. Please provide me with an update regarding tonight's meeting and getting on the agenda for July 12th (I guess there was a complete misunderstanding regarding that date as well because I was told it's on July 13th) Thank in advance for your help and cooperation.

Sent from my iPhone

Ackermann, Paul

From: Jon Adams <jha@cgrlaw.com>
Sent: Friday, July 08, 2016 11:11 AM
To: Ackermann, Paul
Cc: Issa Nesheiwat
Subject: North Clinton

as to the location of the line, aside from maps and sketches we provided, the location documented by survey was shown to both Councilpersons Johnson and Pesa when they did a site visit with our client.



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Ackermann, Paul

From: Jon Adams <jha@cgrlaw.com>
Sent: Wednesday, July 13, 2016 12:07 PM
To: Ackermann, Paul
Cc: Issa Nesheiwat
Subject: North Clinton

Issa is prepared to pay \$2250 for the parcel. This figure is based on conversations with both the Assessor and several other public officials. It is also my understanding the the entire parcel as been earmarked for 10K; I believe the portion Issa is purchasing it about 25% .



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Ackermann, Paul

From: Klein, Lee
Sent: Wednesday, July 13, 2016 10:29 AM
To: Ackermann, Paul; Knapp, Ron; Common Council
Subject: RE: North Clinton

Paul -I would support allowing the owner to proceed without such a covenant.

Lee

From: Ackermann, Paul
Sent: Tuesday, July 12, 2016 1:04 PM
To: Knapp, Ron; Common Council
Subject: FW: North Clinton

It does not look like Issa Nesheiwat is willing to put a restriction on the property that would require it be used for a parking lot.

Please advise if the council/administration is willing to proceed without such a covenant. The contemplated lot that will be created is a buildable lot.

PA

From: Jon Adams [mailto:jha@cgrlaw.com]
Sent: Tuesday, July 12, 2016 12:10 PM
To: Ackermann, Paul <PAckermann@cityofpoughkeepsie.com>
Cc: Issa Nesheiwat <Issanesh@gmail.com>
Subject: North Clinton

It is my understanding that while you may have suggested that restrictive covenants be placed on the parcel, the Council did not require this as a condition.

To the extent it remains an issue, such would be inappropriate in this situation. We cannot predict the dynamics of the future. What could be appropriate today could be inappropriate tomorrow. Owners should be able to retain the discretion as to the best use of the property. The City has zoning laws to protect its neighborhoods. It does not need covenants. This is not a circumstance where the property is affected by unique circumstances that would justify a departure from the norm of free use of land.

Robert Brower-1652 Route 9G
Chris Spiegel-184 Hooker Avenue
Laurie Sandow-201 South Grand Avenue

V. MAYOR'S COMMENTS:

Mayor Rolison wanted to highlight a few things, and make a few comments. The city started the anti-blight campaign about two weeks ago. Unfortunately, they did not know that the house in questions was being taken down. The house that Mrs. Cherry was talking about on the Arterial and Palmer, which was 375 Church Street, and has been a fire damaged house for several years, and was where a Firefighter fell through the floor, and was seriously injured, and has not returned to work as a result of his injuries. The city has taken that house down, and it will be one of many. Now looking at ways, as we move into 2017, to fund these takedowns of these unsafe structures. Next time we will know in advance, so we can be there to see it. It happened, and didn't even know that it was coming down that day. Also, there was a statement made by city sanitation rates rising in 2017, they will not be. There are no raising of any of the rates of water, sewer, or sanitation. If that information exists somewhere incorrectly, let us know, and we will rectify that. On the storm response and the leaf removal. As the leaf removal was a topic up until the snowfall, which they addressed as much as they could. Now people have been emailing and calling in reference to different concerns about storm response and clearing. Will be meeting with Commissioner Gent, who has been on vacation, and is back tomorrow, and will be meeting with him by the end of the week with his staff along with the City Administrator to talk about this response. This is the first snow storm that he has had since being Mayor and for the new City Administrator. They will get a better understanding of how it works, and what needs to be done as far as staffing. There was one truck that has been out of service. It is interesting that there are some areas of the city that people were praising the response, and some areas that people were not. They will have a better idea of how that works, and if they can improve it, they will. One of the speakers tonight, spoke about sidewalks. Drove around a big part of the city today and saw many sidewalks that have not been shoveled and now they're frozen. Many are in front of commercial establishments that are not vacant. That will be addressed as well. Especially because of the safe passage of the residents, seniors, and students. Saw students walking over areas that were not properly maintained.

Wanted to address the discussion on the sales tax reduction that took place in 2013. The number in the reduction in the sales tax for the City of Poughkeepsie was \$1.9 Million. How that went, for the record, was the council's for both the City of Poughkeepsie and the City of Beacon approved that agreement, which was negotiated by the three parties. That being the two Mayor's the County Executive and their legal staff. The last group of individuals, the legislative body that had to approve what was already approved by the two councils was the Legislature. We can debate the number, and what that has meant financially to the city. Wanted to make sure we were all clear on that.

Wanted to thank Holly Whalberg for her hard and dedicated work when it comes to historic sites in the city. We met early in the year, after taking office, and talked about Soldiers Fountain, and a few of the other locations in the city. In reference to Soldiers Fountain, if many of you have been down by Soldier's Fountain, it has been decorated again this year. That's been done by Tom and Barbara Best, on their own, so wanted to thank them. Also, wanted to thank Richard and Louise Marchetti, who are residents in the 8th Ward who donated the holiday tree on Main Street at Commerce Square Park.

There have been some comments tonight about the work of council people in the community. First of all, wanted to say, as the year end approaches, wanted to thank the Common Council for all of your hard work, and what you do in your community. Because we are there, mostly together, doing it, or at least seeing what you're doing. Had the opportunity to attend Ann Perry's 5th Ward holiday party at New Hope, which was spectacular. Also went to the Family University Day that Councilmember Cherry helped to organize in her official capacity in the City of Poughkeepsie at the middle school. The Chairman, last night, had a holiday run with the Exempts, and every single one of you is doing something, someplace at some time. You need to be commended for that. At this point Mr. Chairman, wanted to thank you, again for your great work. Also, city staff, and the community members. People who come to the meetings, and have discussions on what their feelings are. We had a really great and productive year. Next year, he believes will be even better. There are a lot things on the horizon, which he believes will improve the finances of the city, and some of the things that are happening downtown, and the waterfront and other areas. We will work on it together. Happy Holidays to all of you, and this Great City of Poughkeepsie.

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Petsas a quick question with regard to Mr. Crumb. Asked Mr. Ackermann about the Council's subpoena powers. Is it a resolution to bring the Page's before the council? Stated that he is tired of getting the run around, and that this council has no powers outside of subpoena powers.

Corporation Counsel Ackermann responded that it would be by resolution. He also added that it is the intention of the Page's to relocate the unit to the roof of the building. They are currently investigating their ability to do that. They have hired a structural engineer who is reviewing the matter and will submit as soon as possible his opinion to the Building Department whether or not it can be done. And then if it could be done, it is their desire to relocate that to the roof of the building, which would hopefully alleviate the issue.

Chairman Petsas responded that he just wanted to know if this would be a form of a resolution if the council desired. Thinks that Damon and his partner deserves some closure on this. And the council and the public deserve to know what's going on here. We are all shaking our heads as to what is going on, and why it is taking so long.

Two other things to report: One is that he wanted to thank the members of the Fireman Exempts Club, members of the Stout Family, Morrison Family, Barrigton Atkins and Sitera Brown. They came together with this idea that they ran past him about a week and a half ago, wanting to do a "Santa Run" through all of the public housing communities in the City of Poughkeepsie. They needed the fire truck at the Exempts. There were about 12-15 volunteers who went out on a last minute, letting people know by social media, where they were going, and handed out toys to over 250 children last night. In these housing complexes that probably don't get to see

Santa, or don't get to take pictures with Santa. Couldn't be more proud of them. It was an inspiring ordeal. They hit Charles Street, Delafield Street apartments, Harriet Tubman, Smith Street, Boulevard Knolls, Main Street, Lent Street, Winnkee, and it was really an amazing experience. Plan to do it again next year, with an even bigger reach throughout the City of Poughkeepsie. If you live in Fairview, if you live in Arlington, you know their Fire Departments go out and do this. It brings some holiday cheer; especially as some people have indicated in this room tonight, there is a lot of gloom, it brought a lot of smiles to a lot of children, and a lot of families. Final comment as Chairman is this will be his final year as Chairman of this Council. Has decided to go back into the regular council role. Believes that new blood and new leadership is necessary for any legislative body. There are a lot of new faces on this council. Half of them are new here, with new ideas, and new energy. He has extremely enjoyed his time as Chairman. Has served in a leadership position on this council for the last three years. From Majority Leader for one year, and Council Chairman for the last two years. It is a strenuous job being the Chairman of this council. It does add a lot of added responsibility. His parents are getting older, he's getting older, has things to do at his house, their house, and really wants to focus on the 1st Ward. That's his love, the 1st Ward. They've done some incredible things in the 1st Ward, and is excited to do some wonderful things in the 1st Ward. Thanked all of the members of the public, the Mayor, to the staff, it's been enjoyable. Looking forward to working with the new Council Leadership next year.

VII. MOTIONS AND RESOLUTIONS:

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

**RESOLUTION
(R16-101)**

INTRODUCED BY COUNCILMEMBER CHERRY

**License Agreement between the City of Poughkeepsie and Mr. Biagio Bamonte d/b/a
"Benny's 10th Inning"**

WHEREAS, the City of Poughkeepsie has previously licensed to Mr. Biagio Bamonte certain premises located at 35 Lincoln Avenue in the City of Poughkeepsie; and

WHEREAS, said license agreement was executed in April of 1978 and provided for a one (1) year term, which term was later extended by an amended agreement in 1979, 1981, 1995 and 2011; and

WHEREAS, the term of said license agreement has expired; and

WHEREAS, after discussions between the parties, the City of Poughkeepsie and Mr. Bamonte desire to enter into a new ten (10) year license agreement which would commence on January 1, 2017 and expire on December 31, 2026; 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 617.5(c)(26) and (27), and

NOW THEREFORE,

BE IT RESOLVED, that the Mayor, the City Administrator and the Corporation Counsel are hereby authorized to execute this new license agreement annexed hereto and do all other things necessary and convenient to give full effect to this Resolution.

SECONDED BY COUNCILMEMBER JOHNSON

R16-101			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Accepted	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Councilmember McNamara	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

R E S O L U T I O N
(R16-102)

INTRODUCED BY COUNCILMEMBER CHERRY

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

WHEREAS, member John Todoroff has served on the Board of Assessment Review for several terms, and as such is an experience member of the board; and

WHEREAS, the Commissioner of Assessment has recommended the reappointment of John Todoroff as a member of the Board of Assessment Review; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie does hereby re-appoint John Todoroff to the Board of Assessment Review for a term of five (5) years commencing on October 1, 2016 and expiring September 30, 2021.

SECONDED BY COUNCILMEMBER JOHNSON

R16-102			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember McNamara	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**RESOLUTION
(R-16-103)**

INTRODUCED BY COUNCILMEMBER CHERRY

WHEREAS, Poughkeepsie City School District (PCSD) owns and maintains gymnasiums and related facilities at its High School, Middle School, and five elementary schools; and

WHEREAS, the City is desirous of utilizing PCSD's gymnasiums for the Student Athletic Basketball Program (SABP); and

WHEREAS, the Common Council of the City of Poughkeepsie and governing boards of PCSD have determined that it is in their mutual interests to enter into an Agreement for the purpose of allowing the Student Athletic Basketball Program to use the gymnasiums for the 2017 program year; and

WHEREAS, the Common Council of the City of Poughkeepsie and governing boards of PCSD have determined that it is in their mutual interests to share the costs of running such program which operates for the benefit of youth in the City of Poughkeepsie who are students of the Poughkeepsie City School District; and

WHEREAS, Article 5-G of the General Municipal Law specifically authorizes and encourages municipal corporations to enter into agreement with each other in order to provide cooperatively, jointly and by contract any facility, service, activity or undertaking which each participating municipal corporation has the power to provide separately; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council hereby authorizes the Mayor to execute the attached Inter-municipal Agreement in form and substance as attached hereto.

SECONDED BY COUNCILMEMBER JOHNSON

R16-103			Yes/Aye	No/Nay	Abstain	Absent	
		Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Accepted	Councilmember McNamara	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

A RESOLUTION OF THE CITY OF POUGHKEEPSIE, SETTING A PUBLIC HEARING REGARDING THE PROPOSED NOMINATION OF COLLEGE HILL PARK AS A LOCAL HISTORIC LANDMARK

(R16-104)

INTRODUCED BY COUNCILMEMBER CHERRY

WHEREAS, 55 Noxon Street is a commercial building owned by Dutchess County Arts Association, Inc. who is desirous of securing a designation of 55 Noxon Street as a local historic landmark; and

WHEREAS, the City of Poughkeepsie Historic District and Landmarks Preservation Commission (hereinafter "HDLPC") held a public hearing on November 10, 2016 regarding the nomination of 55 Noxon Street as a local historic landmark; and

WHEREAS, the HDLPC voted in favor of the proposed nomination and approved the application on November 10, 2016; and

WHEREAS, pursuant to Section 19-4.5(4)(f) of the Code of Ordinances of the City of Poughkeepsie, the HDLPC's approved application was forwarded to the Common Council for consideration on November 18, 2016; and

WHEREAS, the Common Council is required to hold a public hearing prior to the designation of any historic landmark; within sixty (60) days from the receipt of the approved application from the HDPLC; and

NOW THEREFORE,

BE IT RESOLVED, that the City Chamberlain be, and she hereby is authorized and

directed to publish a Notice of Public Hearing to be held January 21, 2017 at 6:00 p.m. concerning the designation of 55 Noxon Road as a local historic landmark.

SECONDED BY COUNCILMEMBER JOHNSON

R16-104			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember McNamara	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

FROM CHAIRMAN PETSAS, Resolution R16-105, overriding the Mayoral veto of R16-100, adopting the 2017 Budget with Council amendments.

R16-105			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Accepted <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember Young	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember McNamara	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VIII. ORDINANCES AND LOCAL LAWS:

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

LOCAL LAW NO. 3 OF 2016

LOCAL LAW AMENDING CHAPTER 9, ARTICLE V OF THE CODE OF THE CITY OF POUGHKEEPSIE BY ADDING A NEW COLLECTION PROCEDURE FOR THE SOLID WASTE COLLECTION FEE

INTRODUCED BY COUNCILMEMBER CHERRY

BE IT ENACTED, by the Common Council of the City of Poughkeepsie of the County of Dutchess as follows:

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to change the collection procedure for the solid waste collection fee. The City of Poughkeepsie is desirous of eliminating the solid waste collection fee as a line-item on the annual property tax bill. The solid waste collection fee is a user fee as opposed to a tax and does not belong on the annual tax bill. Additionally it leads to confusion, as some residential property owners' mortgage companies refuse to pay the sanitation user fee as part of the escrow.

Section 2. Section 9-68 of Chapter 9, Article V of the Code of Ordinances of the City of Poughkeepsie entitled "Solid Waste Collection Fee" is amended by the following additions and Deletions

Section 9-68 Solid Waste Collection Fees

(a) Annual Determination of Fees.

The Mayor as a part of the budget process shall propose the fees charged by the City for solid waste collection and disposal services annually. A schedule of the annual collection fees shall be approved by the City Common Council by resolution and maintained on file in the Commissioner's office and the office of the City Clerk.

(b) Billing of solid waste collection fee. The Commissioner of Finance shall bill and collect the solid waste collection fee from the responsible property owner. The solid waste collection fee shall be due and payable on January 1, however, without penalty, a responsible property owner may elect to pay the solid waste collection fee in quarterly installments with 25% payable on or before April 30, 25% payable on or before July 31st, 25% payable on or before October 31st and 25% payable on or before December 1. ~~The solid waste user fee shall be billed for each calendar year as a separate line item on an annual real property tax bill for each assessed property subject to this Article.~~

(c) Interest on unpaid residential refuse fees. If a residential refuse fee for each improved real property is not timely paid when due, interest shall accrue on such unpaid amount at the rate of 2% per calendar month or portion thereof, computed from the original due date until paid in full, and shall be collected at the time of payment or enforcement of such solid waste collection fee.

(d) Levy of and lien on unpaid solid waste collection fee. If a residential solid waste collection fee including interest thereon, is not fully paid on or before, December 1 of the calendar year for which originally billed, the unpaid amount shall become a lien as of January 1 of the next succeeding year and shall accrue additional interest, be collected, and be enforced in the same manner and at the same time as provided by law for City taxes due in such next succeeding year.

(e) Exemptions:

(1) Any person who because of age or disability shall qualify for exemption from City real property taxes based on an enhanced star exemption or low income tax exemption, shall be charged a reduced fee for solid waste collection and disposal services in the total sum of \$100.00 annually.

(2) Any residential user eligible for STAR tax exemption from City real property taxes, upon demonstrating that only one unit of a two or three unit residential parcel is occupied as their residents, all other units being permanently vacant, after certification to the Commissioner and inspection, pursuant to regulations promulgated by the Commissioner and approved by resolution of the City Common Council, shall pay only the annual base unit fee.

(f) For Profit Mixed Residential, Multi-Residential and Commercial Users:

The annual fee shall be based upon that user's proportional share of the cost of waste collection services not funded by *ad valorem* tax, the formula for which shall be determined annually by the Commissioner, recommended to the Mayor, and adopted by resolution of the City Common Council. The Commissioner, consistent with the formula adopted by the City Common Council, is authorized to negotiate fees pursuant to Section 9-64(g) of this Chapter, based on volume and time requirements for collegian, provided that such fees shall in all instances cover at a minimum the costs of providing the service.

(g) Not-For-Profit Institutional Users:

The annual fee shall be based upon that user's proportional share of the total cost of waste collection services, the formula for which shall be determined annually by the Commissioner, recommended by the Mayor, and adopted by resolution of the City Common Council. The Commissioner, consistent with the formula adopted by the City Common Council, is authorized to negotiate fees pursuant to Section 9-64(g) of this Chapter, based on volume and time requirements for collection, provided that such fees shall in all instances cover at a minimum the costs of providing the service.

Section 3. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 4. EFFECTIVE DATE

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

SECONDED BY COUNCILMEMBER JOHNSON

Official Minutes of the Council Meeting of Monday, December 19, 2016

LL16-3			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember McNamara	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IX. PRESENTATION OF PETITIONS AND COMMUNICATION:

1. **FROM DALLAS WYNN**, a notice of property damage sustained on November 30, 2016. **Referred to Corporation Counsel**

2. **FROM TOM MCCLAIN AND DAVE BROWN**, a presentation regarding The City Youth Baseball Softball League, formerly Poughkeepsie Little League.



City of Poughkeepsie Youth Baseball Softball League

Good evening my name is Dave Brown, and this is Tom McLain from the City of Poughkeepsie Youth Baseball Softball League (formally City of Poughkeepsie Little League). First we like to thank chairman Chris Petsas for all his help with providing us with a meeting location, and for allowing us to be on the agenda tonight.

I just want to clear up some misconceptions about our baseball program. In 2016 we did have "Little League" baseball. There were a total of 7 teams with approx 65 participants 4 T-Ball and 2 coach pitch teams. We did not have older participant at the competitive level. Unfortunately we had to let the older players participate in the surrounding Town of Poughkeepsie Leagues (Little League, Cal Ripkin, and Babe Ruth) . Some of our City children even participated in the All star tournament for Little League.

Towards the conclusion of the spring season we were approached by The Town Little League program about merging programs to play as one Poughkeepsie team. I as the President thought about it, but felt there were many obstacles that existed. My first thought was that the cost would rise from a merger, and my second thought was that the travel would still be a challenge for many of our participants. But the most important thing I felt that would be lost was not having our own youth program anymore for our City of Poughkeepsie children.

This past August I was contacted by the "Friends of Spratt" organization about bringing baseball "back" to the City of Poughkeepsie. I explained the challenges that we have face over the past few years and also the loss of having older participants in the program. I explained that the City of Poughkeepsie has been an affiliated with Little League for 61 years but there were portions of the program that did not "work" for us anymore. With Little League we did not have a girls softball program, and for 2017 Little league eliminated the 17-18 year old "Big League" division. I suggest that we entertain looking into another affiliation. The past October we met with the area district administrator Ed Marsh from Babe Ruth league. He gave us a brief explanation on Babe Ruth and Cal Ripkin League. We were all very impressed on the meeting and felt that this was a great fit for the City of Poughkeepsie children.

This new league affiliation offers us an opportunity to serve children from 4 – 18 years with a program for girl's softball. The younger age's 4-12 play under Cal Ripkin baseball/softball, older children play under Babe Ruth baseball/softball. With joining this new league this will give the City of Poughkeepsie the opportunities to host baseball and softball tournaments which will bring more people into our area to spend more money in the economy. This new league also allows us to have a much more affordable price and will allow us to start a "Bambino Buddy" league in the near future for children with special needs.

This spring the City of Poughkeepsie Youth Baseball Softball League will be participating in the 2017 METS Future Stars Program. This will give all participants a chance to go to a METS game and have a



City of Poughkeepsie Youth Baseball Softball League

parade on the outfield at CITI Field on May 19th. The METS are also offering us a clinic at CITI Field for our coaches and grounds crew on April 22nd. We are very excited about this program, especially for the children of the City of Poughkeepsie to attend a Major League Baseball game.

One again I want to thank chairman Chris Petsas , Matt McNamara, and the Friends of Spratt for all the help they have given us to date. I would also like to invite Mayor Rollison and all council members to our opening day parade on April 29, 2017 @ 9AM with a Rain date of April 30, 2017. Thanks again for your time and support of our children in the City of Poughkeepsie.

Dave Brown

City of Poughkeepsie Youth Baseball Softball League

3. FROM COUNCILMEMBER YOUNG, a communication regarding the proposed amendments to the Local Historic Preservation Ordinance.

X. OLD BUSINESS:

XI. NEW BUSINESS:

XII. ADJOURNMENT:

A motion was made by Councilmember Young and Councilmember McNamara to adjourn the meeting at 10:00 p.m.

Dated: January 11, 2017

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, December 19, 2016

Respectfully submitted,

**Deanne L. Flynn
City Chamberlain**

JD's Pub & Brew, Inc.
30 Manchester Road
Poughkeepsie, NY 12603
(845) 454-6920

January 4, 2017

2017 JAN -6 PM 3:29
CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN

Via certified mail return receipt requested

City of Poughkeepsie Clerk
Poughkeepsie Municipal Building
62 Civic Center Plaza
Poughkeepsie, New York 12602

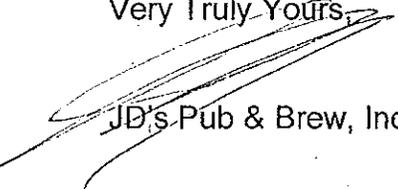
Re: JD's Pub & Brew, Inc.
Liquor License Renewal

Dear Sir or Madame:

Please be advised that JD's Pub & Brew, Inc. intends to renew a liquor license with the New York State Liquor Authority. The premises is located at 347 Hooker Avenue, Poughkeepsie, NY 12603.

Thank and please feel free to contact us with any additional questions.

Very Truly Yours,


JD's Pub & Brew, Inc

Encl.

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____



State Liquor Authority

Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a Local Municipality or Community Board

(Page 2 of 2)

17. List the floor(s) of the building that the establishment is located on:
18. List the room number(s) the establishment is located in within the building, if appropriate:
19. Is the premises located within 500 feet of three or more on-premises liquor establishments? Yes No
20. Will the license holder or a manager be physically present within the establishment during all hours of operation? Yes No
21. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee.
22. Does the applicant or licensee own the building in which the establishment is located? Yes (If Yes SKIP 23-26) No

Owner of the Building in Which the Licensed Establishment is Located

23. Building Owner's Full Name:
24. Building Owner's Street Address:
25. City, Town or Village: State: Zip Code:
26. Business Telephone Number of Building Owner:

Representative or Attorney representing the Applicant in Connection with the application for a license to traffic in alcohol at the establishment identified in this notice

27. Representative/Attorney's Full Name:
28. Street Address:
29. City, Town or Village: State: Zip Code:
30. Business Telephone Number of Representative/Attorney:
31. Business Email Address:

I am the applicant or hold the license or am a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

32. Printed Name: Title

Signature: X

2017 JAN -6 PM 3:29
 CITY OF POUGHKEEPSIE
 CITY CHAMBERLAIN

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____



State Liquor Authority

Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a Local Municipality or Community Board

(Page 1 of 2)

1. Date Notice Was Sent: 1a. Delivered by:

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License

- New Application
- Renewal
- Alteration
- Corporate Change
- Removal
- Class Change

For **New** applicants, answer each question below using all information known to date.

For **Renewal** applicants, set forth your approved Method of Operation only.

For **Alteration** applicants, attach a complete written description and diagrams depicting the proposed alteration(s).

For **Corporate Change** applicants, attach a list of the current and proposed corporate principals.

For **Removal** applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation.

For **Class Change** applicants, attach a statement detailing your current license type and your proposed license type.

This 30-Day Advance Notice is Being Provided to the Clerk of the following Local Municipality or Community Board

3. Name of Municipality or Community Board:

Applicant/Licensee Information

4. License Serial Number, if Applicable: Expiration Date, if Applicable:

5. Applicant or Licensee Name:

6. Trade Name (if any):

7. Street Address of Establishment:

8. City, Town or Village: ,NY Zip Code:

9. Business Telephone Number of Applicant/Licensee:

10. Business Fax Number of Applicant/Licensee:

11. Business E-mail of Applicant/Licensee:

12. Type(s) of Alcohol sold or to be sold: Beer & Cider Wine, Beer & Cider Liquor, Wine, Beer & Cider

13. Extent of Food Service: Full food menu; Full Kitchen run by a chef or cook Menu meets legal minimum food availability requirements; Food prep area at minimum

14. Type of Establishment:

15. Method of Operation: (Check all that apply)

Seasonal Establishment Juke Box Disc Jockey Recorded Music Karaoke

Live Music (Give details: i.e. rock bands, acoustic, jazz, etc.):

Patron Dancing Employee Dancing Exotic Dancing Topless Entertainment

Video/Arcade Games Third Party Promoters Security Personnel

Other (specify):

16. Licensed Outdoor Area: (Check all that apply) None Patio or Deck Rooftop Garden/Grounds Freestanding Covered Structure Sidewalk Cafe Other (specify):

2017 JAN -6 PM 3:55
 CITY OF POUGHKEEPSIE
 CITY CHAMBERLAIN

PLEASE PRINT OR TYPE FORM CLEARLY

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

**NOTICE OF CLAIM
AGAINST
THE CITY OF POUGHKEEPSIE, NEW YORK
AND
THE CITY OF POUGHKEEPSIE INDUSTRIAL DEVELOPMENT AGENCY**

TODAY'S DATE: January 03, 2017

NAME AND ADDRESS OF EACH CLAIMANT:

Daniel Flores Reyes
43D Colonial Drive
New Paltz, New York 12561

TELEPHONE NUMBER: (845) 797-8750

NAME AND ADDRESS OF ATTORNEY, IF ANY:

Cynthia K. Fichera, Esq.
Spiegel, Brown & Fichera, LLP
272 Mill Street
Poughkeepsie, NY 12601
(845) 452-7400
(845) 452-4731 Fax

2017 JAN -6 PM 3:36
CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN

NATURE OF THE CLAIM:

The claim is for personal injuries, pain and suffering, medical and related expenses and loss of time from work occurring to claimant, Daniel Flores Reyes.

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

The claim arose on or about October 14, 2016 between approximately 1:00 p.m. and 3:00 p.m. in the basement of building number 1 at the property located at 36 Pine Street in the City of Poughkeepsie, County of Dutchess in the State of New York.

The property where the accident occurred is owned by the City of Poughkeepsie and/or the City of Poughkeepsie Industrial Development Agency and leased to JM Development Group who is constructing an apartment complex on the site. At the time of the accident, claimant was employed as a laborer by JM Development Group.

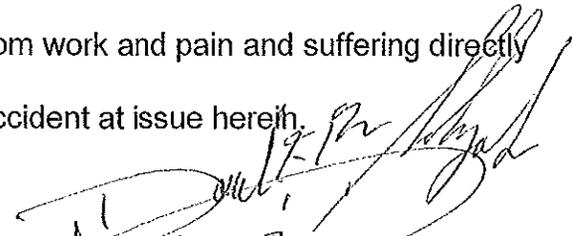
The manner in which the claim arose was that a forklift operator was lifting two large pallets of mirrors at the above referenced construction site. The pallets were not properly secured to the forklift and fell off the forklift onto claimant, causing injury to his right leg resulting in estimated damages of TWO MILLION AND 00/100 (\$2,000,000.00) DOLLARS for medical bills, lost wages and pain and suffering.

It is alleged that the occurrence and resultant injuries were caused in whole or in part by the negligence, wantonness, recklessness, carelessness and/or statutory violation of the City of Poughkeepsie and/or the City of Poughkeepsie Industrial Development Agency, its agents, servants and/or employees in, among other things: failing to provide a safe work environment; failing to provide adequate safety devices to protect the claimant from gravity-related danger; failing to advise of the dangerous condition that may have and/or existed; in allowing, causing and/or permitting said pallet of mirrors to be moved without being adequately secured to the forklift; in failing to provide appropriate inspection and oversight to the project being undertaken at the time of the accident; in failing to enforce safe work practices on the work site; in failing to maintain the work site in a safe and reasonable condition for employees working thereon; in failing to use that degree of prudence and care which was reasonable and proper under the controlling circumstances; in failing to take those steps necessary to

avoid the accident which herein occurred and in violating the statutory requirements of Labor Law §200, §240(1), § 241(6) and 12 NYCRR 23.

ITEMS DAMAGED OR INJURIES SUSTAINED:

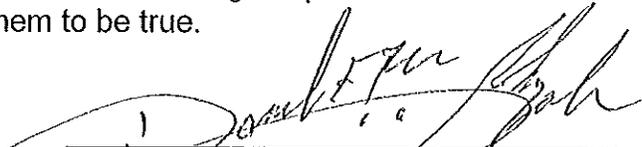
The Claimant seeks damages for reimbursement of related medical bills (past and future) and related expenses, loss of time from work and pain and suffering directly relating from the right leg injury suffered in the accident at issue herein.

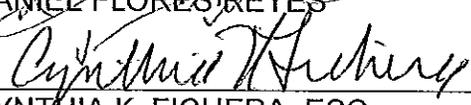


DANIEL FLORES REYES

STATE OF NEW YORK)
)
) ss:
COUNTY OF DUTCHESS)

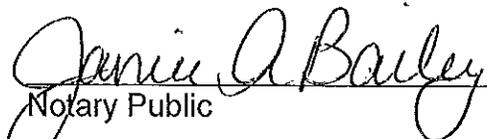
DANIEL FLORES REYES, being duly sworn, says that he is the Claimant named in the foregoing claim, that he has read the same and knows the contents thereof, that same is true to his knowledge, except as to the matters alleged upon information and belief, and as to those items, he believes them to be true.



DANIEL FLORES REYES


CYNTHIA K. FICHERA, ESQ.
Spiegel, Brown & Fichera, LLP
Attorneys for Claimant
272 Mill Street
Poughkeepsie, New York 12601
(845) 452-7400

Sworn to before me this 3rd
day of January, 2017.



Notary Public

JANICE A. BAILEY
NOTARY PUBLIC, State of New York
Qualified in Dutchess County
Comm. #: 01BA4961494
Commission Expires February 5, 2018

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