



## **COMMON COUNCIL MEETING**

Common Council Chambers

Thursday, March 10, 2016

6:30 p.m.

**I. ROLL CALL**

**II. REVIEW OF MINUTES:**

Common Council Minutes of February 16, 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 CHERRY**, Resolution R16-27, amending the purchasing policy with regard to encouraging local employment.
2. **FROM COUNCILMEMBER YOUNG**, Resolution R16-22, requesting the City pursue planning and development review of the Dutchess County Justice and Transition Center.

3. **FROM CITY ADMINISTRATOR KNAPP**, Resolution R16-23, approving an agreement with Neighborhood Economic and Activity Program.
4. **FROM CITY ADMINISTRATOR KNAPP**, Resolution R16-24, approving an increase in rates for McCann-Caven Golf Courses, Inc.
5. **FROM CHAIRMAN PETSAS**, Resolution R16-25, approving the re-appointment of Ken Stickle to the Board of Assessment Review.
6. **FROM CHAIRMAN PETSAS**, Resolution R16-26, approving appointments to the Waterfront Advisory Committee.

**VIII. ORDINANCES AND LOCAL LAWS:**

**IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:**

1. **FROM ALTAGRACIA GONZALEZ**, a notice of personal injury sustained on November 11, 2015.

**X. UNFINISHED BUSINESS:**

**XI. NEW BUSINESS:**

**XII. ADJOURNMENT:**

**RESOLUTION**  
**(R-16-27)**

**AMENDING THE PURCHASING POLICY TO ENCOURAGE LOCAL EMPLOYMENT**

**INTRODUCED BY COUNCILMEMBER CHERRY:**

**WHEREAS**, the Common Council of the City of Poughkeepsie recognizes the importance of using local businesses, contractors and employees to work on City of Poughkeepsie funded projects; and

**WHEREAS**, the Common Council of the City of Poughkeepsie is desirous of improving the employment opportunities for City of Poughkeepsie residents by amending the purchasing policy of the City of Poughkeepsie to provide an incentive to those businesses that employ City of Poughkeepsie residents; and

**WHEREAS**, General Municipal Law Section 104-b allows a municipality to formulate their own procedures and policies for the award of contracts not subject to competitive bidding when such policies are in the "best interests" of the municipality; and

**WHEREAS**, the employment of City of Poughkeepsie residents on City funded projects will result in the public benefit of an employed citizenry, reduced costs and a more stabilized local economy; and

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the purchasing officer of the City of Poughkeepsie shall consider as a weighted factor the percentage of City of Poughkeepsie residents employed by a business when considering the award of a contract not subject to competitive bidding if such bidder is otherwise deemed responsive and responsible; and be it further

**RESOLVED**, that this resolution shall take effect immediately.

**SECONDED BY COUNCILMEMBER** \_\_\_\_\_.

# **R E S O L U T I O N**

## **(R-16-22)**

**INTRODUCED BY COUNCILMEMBER YOUNG  
CO-SPONSORED BY COUNCILMEMBER LORRAINE JOHNSON AND  
COUNCILMEMBER PERRY**

**WHEREAS**, the County of Dutchess ("County") intends to construct a Justice and Transition Center ("the Project") on a 12.6 acre site in the City of Poughkeepsie, on parcels identified as 104 and 108 Parker Avenue and 150 and 182 North Hamilton Street, on land which currently houses the county jail and sheriff's offices as well as additional parcels,

**AND WHEREAS**, the project site is within the Walkway-Gateway District, established by the City in 2013 with the intent of harnessing the economic power of the Walkway Over the Hudson State Park, which lies about 500 feet from the project site, in particular by "revitaliz[ing] this mixed industrial and residential area of the City so that it becomes a vibrant and attractive walkable mixed-use neighborhood where people will want to live, shop and invest" and "encourag[ing] visitors to the Walkway and the Dutchess Rail-Trail to visit surrounding areas, before or after their visit, in order to help revitalize the neighborhood,"

**AND WHEREAS**, much of the project site is in a neighborhood with socio-economic stresses and limited means, within the 3rd ward and adjacent to the 5th ward,

**AND WHEREAS**, the project represents a major investment of public funds, for which the County has proposed \$192 million in bonding authority,

**AND WHEREAS**, the County has prepared an Environmental Assessment Form ("EAF") that proposes a Negative Declaration under the State Environmental Quality Review Act ("SEQRA"; NY ECL Article 8) which would terminate the review of potential adverse impacts from the project,

**AND WHEREAS**, the County has not applied to the City Planning Board for site plan approval or the Zoning Board of Appeals for variances for the Project, and instead the County asserts that the Project is exempt from the City of Poughkeepsie zoning law,

**AND WHEREAS**, the City Planning Board is the agency duly authorized to consider site plan approval for land development projects in the City of Poughkeepsie,

**AND WHEREAS**, the Zoning Board of Appeals is the agency duly authorized to consider variances for Projects which do not fully comply with the regulations in the City of Poughkeepsie zoning law,

**AND WHEREAS**, recognition of the jurisdiction of the Planning Board and Zoning Board of Appeals to review the project under the zoning law would qualify them as

involved agencies under SEQRA, with authority to approve or object to the County's exercise of authority as lead agency for the SEQRA review of the Project,

**AND WHEREAS**, the greater intensity of use projected by the project could result in substantial adverse impact to the Walkway-Gateway District and to the adjacent neighborhood, which impacts may include occupying land that could otherwise be used for tourism-related business or other industries that would provide jobs for city residents, reducing the likelihood of tourism-related businesses being attracted to the area, visual impact, increased traffic hazards, releases of hazardous chemicals from underground contamination on the project site, as well as substantial adverse impacts on the City's infrastructure and budget, including more fire and EMS calls, greater wear on city streets, greater draw on bus service, greater inputs to the stormwater system, and loss of opportunity to increase the City's tax base among other impacts,

**AND WHEREAS**, the participation of the City agencies with authority to review the Project, including the Planning Board and the Zoning Board of Appeals, is essential to preserve the efficacy of the Walkway-Gateway district, ensure the proper cleanup of buried toxic chemicals on the project site, minimize all other adverse impacts, and ensure adequate mitigation of any remaining impacts, including reasonable measures to provide benefits to the adjacent neighborhood and the Walkway-Gateway District, for example by pedestrian, bicycling and bus amenities, street trees and streetscape improvements, or other on- and off-site enhancements that could advance the goals of the Walkway-Gateway district and improve the quality of life for the neighborhood.

**AND WHEREAS**, when a municipality intends to construct a project within another municipality, the law of New York State does not provide the project sponsor with blanket immunity from the host jurisdiction's land use regulations, but instead requires the agencies to balance the interests of the respective municipalities with legal jurisdiction over the project, as first explained by the state Court of Appeals in *Matter of County of Monroe v. City of Rochester*, 72 N.Y.2d 338 (1988), ("Monroe Analysis"),

**AND WHEREAS**, among the factors the Monroe Analysis requires careful consideration of the impact upon legitimate local interests, including all of the impacts described above,

**AND WHEREAS**, the Monroe Analysis also requires consideration of intergovernmental participation in the project development process and an opportunity to be heard,

**AND WHEREAS**, in consideration of these nine Monroe factors, it is essential that the City exercise its legitimate jurisdiction to review the Project, and mitigate its impacts, including in particular the Planning Board's authority to review the site plan in accordance with its zoning, and the ZBA's authority to review any necessary variances,

**AND WHEREAS**, there is no indication that such exercise of City authority would impede the permitting and development of the Project if any substantial adverse impacts on the host neighborhood and the community were adequately mitigated,

**AND WHEREAS**, the County Attorney has only produced and circulated a proposed Monroe Analysis recently, over 6 months after circulating the EAF and less than 20 days prior to the scheduled Negative Declaration,

**AND WHEREAS**, the proposed Monroe Analysis circulated by the County Attorney is insufficient in "balancing the interest" of the City of Poughkeepsie and its residents against the County, including but not limited to interests related to conversion of property directly adjacent to residential property, proper and timely notice to the City of Poughkeepsie and its relevant boards, explanations as to what impacts might affect the County if it were to participate in the City site plan review process and request variances, and reasons why City building, planning, and zoning law should not apply,

**AND WHEREAS**, the County Attorney confirms that "the County Executive has publically stated that the City of Poughkeepsie will be involved",

### **NOW THEREFORE**

**BE IT RESOLVED** that the Dutchess County Justice and Transition Center project is subject to the City of Poughkeepsie's planning, building, and zoning law.

**AND BE IT FURTHER RESOLVED** that the City's Planning Board and Zoning Board of Appeals should demand that the County apply to them for their respective site plan review and variances for the Project, and that the Planning Board and Zoning Board of Appeals should further assert their status as involved agencies under SEQRA and determine whether to approve or disapprove of the County as lead agency for the Project's SEQRA review.

**AND BE IT FURTHER RESOLVED** that the City Corporation Counsel should draft and distribute a full Monroe Analysis of the Project which demonstrates the proper and appropriate application of the City planning, building and zoning law to the Project and the legal role of the Planning Board and ZBA in its review.

**SECONDED BY COUNCILMEMBER** \_\_\_\_\_



# The City of Poughkeepsie

New York

Ronald Knapp  
Acting City Administrator

February 29, 2016

COMMON COUNCIL  
City of Poughkeepsie

Re: Agreement with NECAP for Afterschool Basketball Program

Dear Chairman Petsas and Members of the Common Council:

Attached, please find Resolution R-16-23 authorizing the Mayor to enter into an agreement with the Neighborhood Economic and Cultural Activity Program (NECAP) where the City of Poughkeepsie would provide funding in the amount of \$3,000.00 which will be used to help pay for the costs of funding an after-school basketball program. NECAP is a subsidiary of the Poughkeepsie Housing Authority that enjoys 501(c)(3) status and provides educational and recreational activities to the youth of the City of Poughkeepsie. The City of Poughkeepsie partners with NECAP to provide funding to their after-school basketball program and in turn NECAP oversees and operates the program in conjunction with the school district. Previously, the council adopted Resolution R-16-13 authorizing the Mayor to enter into an inter-municipal agreement with the school district, and the agreement with NECAP is another component which is necessary for the operation of the basketball program.

The contract between the City of Poughkeepsie and NECAP is attached for your review.

Sincerely,

Ronald Knapp

Acting City Administrator

**RESOLUTION**  
**(R-16-23)**

**AUTHORIZATION TO ENTER INTO A CONTRACT  
WITH NEIGHBORHOOD ECONOMIC and CULTURAL ACTIVITY PROGRAM FOR  
AN AFTER-SCHOOL BASKETBALL PROGRAM**

**INTRODUCED BY COUNCILMEMBER \_\_\_\_\_:**

**WHEREAS**, the Common Council of the City of Poughkeepsie recognizes the importance of after-school programs and activities that will provide a positive outlet for the youth of the City of Poughkeepsie; and

**WHEREAS**, the Neighborhood Economic and Cultural Activity Program (NECAP), a non-profit entity organized by the Poughkeepsie Housing Authority, provides an after-school basketball program for children of low income and residents of the City of Poughkeepsie; and

**WHEREAS**, the Common Council is desirous of providing financial support to NECAP in the amount of \$3,000.00, for the operation of the after-school basketball program; and

**WHEREAS**, the Common Council of the City of Poughkeepsie wishes to enter into a written agreement with the Neighborhood Economic and Cultural Activity Program to formalize the terms of their partnership in the operation of an After-School Basketball Program for 2016;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Agreement, in the same form and substance as annexed hereto be, and the same hereby is authorized and approved; and be it further

**RESOLVED**, that the Mayor is authorized to execute the Agreement on behalf of the City; and be it further

**RESOLVED**, that this resolution shall take effect immediately.

**SECONDED BY COUNCILMEMBER \_\_\_\_\_**

**CONTRACTUAL AGREEMENT BETWEEN  
CITY OF POUGHKEEPSIE  
AND  
Neighborhood Economic and Cultural Activity Program, Inc.**

This AGREEMENT entered into this \_\_\_\_\_ day of March, 2016 by and between the CITY OF POUGHKEEPSIE, New York (hereinafter referred to as the "CITY") and NEIGHBORHOOD ECONOMIC and CULTURAL ACTIVITY PROGRAM, INC. ("NECAP"), having an address of 4 Howard Street, Poughkeepsie, New York, 12601 (hereinafter referred to as the "CONTRACTOR").

**WITNESSETH:**

WHEREAS, the CITY is desirous of improving the quality of life for City of Poughkeepsie by supporting activities that target the youth in the City of Poughkeepsie and providing programming as an alternative to criminal activity; and

WHEREAS, the CONTRACTOR is a non-profit organized under the laws of New York State with the purpose of providing economic and cultural programming to low income youth in the City of Poughkeepsie; and

WHEREAS, the CITY and CONTRACTOR are desirous of partnering to provide a after-school basketball program known as Student Basketball Athletic Program (the "PROJECT"); and

WHEREAS, the CITY is desirous of providing funds to CONTRACTOR, towards the cost of the Project;

NOW, THEREFORE, the parties hereto do agree as follows:

1. CONTRACTOR shall arrange for the Project to be performed in accordance with the attached specifications and within the scope of the budget attached to this contract annexed as Exhibit A.
2. CONTRACTOR shall provide for an after school and summer basketball program for children of low income and residents of the City of Poughkeepsie.
3. CONTRACTOR shall hire and/or contract with staff for this program in accordance with the budget attached hereto as Exhibit A.
4. CONTRACTOR agrees to provide, outside of the resources of this contract and the budget attached hereto, staffing necessary to carry out the Project, if necessary.

5. CONTRACTOR agrees to provide, outside the resources of this contract and of the budget attached hereto, secretarial and bookkeeping services.
6. CONTRACTOR agrees to provide, outside the resources of this contract and outside of the budget attached hereto, public relations material and publicity about the existence of this program, to be distributed through the schools, the local media, neighborhood shops and stores.
7. The agreement shall not be changed orally.
8. All phases of the program shall be the sole responsibility of the CONTRACTOR.
9. All information relative to this contract is to be made available to the City of Poughkeepsie Recreation Department and Commissioner of Finance or their representative upon request.
10. CONTRACTOR shall obtain a public liability insurance policy with coverage of \$500,000 naming the City of Poughkeepsie as an additional insured. A copy of the Certificate of Insurance for such a policy and a copy of the Contractor's Workmen's Compensation Plan shall be submitted to the City prior to or simultaneously with the execution of this agreement.
11. CONTRACTOR shall obtain an auto liability insurance policy with a minimum coverage of \$300,000 per person or \$500,000 per event noting the City of Poughkeepsie as an additional insured. A copy of the Certificate of Insurance for such policy shall be submitted to the City prior to or simultaneously with the execution of this agreement.
12. CONTRACTOR agrees that the Budget attached hereto and labeled Exhibit A, shall be strictly adhered to and further agrees that the Budget shall not be changed, altered or departed from in any way unless and until approval is obtained from the City.
13. All the terms and conditions set forth shall apply to this contract.
14. CONTRACTOR agrees that all the funds herein shall be used only for the purpose of the contract and with the scope of services of this contract.
15. CITY agrees to pay CONTRACTOR a sum not to exceed Three Thousand and 00/100 (\$3,000.00) Dollars as full and complete compensation for this contract.
16. CITY shall make funds available as an advanced grant for eligible expenses as provided for in Exhibit A. CONTRACTOR shall document all disbursements and provide a written report with documentation to CITY upon completion of the program, but in no case later than December 31, 2016. CONTRACTOR shall, upon demand, return any unused funds or disbursements determined to be ineligible by CITY, to the CITY within thirty (30) days.

17. CONTRACTOR shall supply an annual narrative report in addition to the documentation provided for in Paragraph "16" above, such narrative report shall include the number of persons serviced, their ethnicity, age, and ward in which the participants reside.

18. CONTRACTOR further agrees that, if upon termination of this contract, any funds provided to CONTRACTOR have been unencumbered or undisbursed, said funds shall revert to CITY and shall be the property of the CITY.

19. CONTRACTOR further agrees that all non-consumable supplies, utilized consumable supplies and equipment purchased under this contract shall be and remain the property of CITY. CONTRACTOR agrees to furnish CITY with a complete inventory of supplies and equipment purchased under this contract at the termination of this agreement.

20. CONTRACTOR shall comply with all applicable laws, ordinances and codes of Local, State and Federal governments and CONTRACTOR shall hold CITY forever free and harmless with respect to any and all damages arising out of their performance of this contract.

21. This contract shall be in effect as of the date of execution thereof and shall terminate three hundred sixty-four (364) days from the execution. (January \_\_, 2016 - December 31, 2016).

IN WITNESS WHEREOF, the CITY and the CONTRACTOR have executed this contract as of the date first above written.

CITY OF POUGHKEEPSIE

By: \_\_\_\_\_  
ROBERT G. ROLISON  
Mayor

By: \_\_\_\_\_  
NANCY DOTTERER  
Executive Director



## Schedule A

### Project Budget

Uniforms-	\$1800
Certified Referees -	\$1,000
(2) Youth Basketballs-	\$70
Cheerleading Pom Poms-	\$200
Cheerleading T-shirts-	\$200
Trophies-	\$300
(2) Scorebooks	\$20
Sponsors Banner-	\$100
Awards Dinner-	\$686.57



# The City of Poughkeepsie

New York

Ronald Knapp  
Acting City Administrator

February 29, 2016

COMMON COUNCIL  
City of Poughkeepsie

Re: Fee Schedule for 2016, McCann-Caven Golf Courses, Inc.

Dear Chairman Petsas and Councilmembers:

Annexed hereto, please find a proposed resolution to approve an increase in the schedule of fees proposed to be charged by McCann-Caven Golf Courses, Inc. which manages and operates the City's two municipal golf courses. Representatives from McCann-Caven have previously addressed the Common Council explaining the need for the increase.

Your favorable action at that time is requested.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald Knapp", written in a cursive style.

Ronald Knapp

Acting City Administrator

**RESOLUTION**  
**(R-16-24)**

**INTRODUCED BY** \_\_\_\_\_:

**WHEREAS**, the City of Poughkeepsie owns two municipal golf courses for the use and enjoyment of the citizens of the City and the public in general located at Spratt Park and at College Hill Park respectively; and

**WHEREAS**, these golf courses are operated on behalf of the City by McCann-Caven Golf Courses, Inc. under an agreement with the City; and

**WHEREAS**, the said agreement provides that the schedule of fees charged for the use of the golf courses and related amenities must be approved by the Common Council of the City of Poughkeepsie; and

**WHEREAS**, in order to preserve and maintain the recreational opportunity that these golf courses provide to the citizens of the City and the public in general, McCann-Caven Golf Courses, Inc. has requested that the Common Council consider a revision to the current fee schedule which was last revised in 2013; and

**WHEREAS**, McCann-Caven Golf Courses, Inc. has provided good and sufficient justification for the requested revision; and

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the schedule of fees annexed hereto to be charged for the use of the golf courses located in Spratt Park and in College Hill Park and for the use of the facilities and amenities related thereto is hereby approved by the Common Council; and be it further

**RESOLVED**, that the annexed schedule of fees shall take effect no sooner than March 14, 2016; and be it further

**RESOLVED**, that the Mayor, the City Administrator and McCann-Caven Golf Courses Inc. be and they hereby are authorized to take all steps necessary to give full effect to this resolution.

**SECONDED BY** \_\_\_\_\_.

	Total purchased	2015 Rate	2016 proposed rate	Price Change	Impact
City and Town Weekday 18	1464	\$22	\$24	\$2	\$2,928
Dutchess Weekday 18	922	\$27	\$29	\$2	\$1,844
Non-Resident Weekday 18	292	\$36	\$38	\$2	\$584
Weekday 9	31	\$15	\$16	\$1	\$31
Senior Weekday 18	4281	\$19	\$20	\$1	\$4,281
Senior Weekday 9	1299	\$14	\$15	\$1	\$1,299
Weekday Junior 18	241	\$15	\$16	\$1	\$241
Weekday Junior 9	584	\$8	\$10	\$2	\$1,168
City and Town Weekend 18	2703	\$27	\$29	\$2	\$5,406
Dutchess Weekend 18	293	\$31	\$33	\$2	\$586
Non-Resident Weekend 18	876	\$40	\$42	\$2	\$1,752
Weekend 9	1882	\$16	\$17	\$1	\$1,882
Cart 18 Double	1567	\$30	\$32	\$2	\$3,134
College Hill Single Cart	1451	\$11	\$12	\$1	\$1,451
College Hill Double Cart	3347	\$16	\$18	\$2	\$6,694
College Hill Weekday Junior	1095	\$6	\$8	\$2	\$2,190
College Hill Weekend Junior	1769	\$7	\$8	\$1	\$1,769
<b>Total:</b>					<b>\$37,240</b>

# RESOLUTION

(R-16-25)

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_ :

**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 Ken Stickle has previously served on the Board of Assessment Review and has expressed an interest in continued service; and

**WHEREAS**, the Commissioner of Assessment has recommended the reappointment of Ken Stickle 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 Ken Stickle to the Board of Assessment Review for a term of five (5) years commencing on October 1, 2015 and expiring September 30, 2020.

SECONDED BY COUNCILMEMBER \_\_\_\_\_ :



THE CITY OF POUGHKEEPSIE  
NEW YORK

COMMON COUNCIL MEETING  
MINUTES

Tuesday, February 16, 2016 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

II. REVIEW OF MINUTES:

Common Council Minutes of February 1, 2016

Common Council Meeting Minutes		Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Accepted as Amended	Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Accepted	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	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"/>

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



ADDENDUM  
COMMON COUNCIL MEETING  
Common Council Chambers  
Tuesday, February 16, 2016  
6:30 P.M.

ADD:

VII. MOTIONS AND RESOLUTIONS:

5. FROM CORPORATION COUNSEL ACKERMANN, Resolution R16-21, waiving the thirty day notice for a Liquor License Application for Essie's Restaurant (located at 14 Mt. Carmel Place).

IX. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

6. FROM THE ELIZABETH WALDSTEIN-HART, a communication regarding the marathon on the Walkway over the Hudson.

REMOVE:

IX. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

1. FROM COMMISSIONER OF PUBLIC WORKS GENT, a communication regarding a contract with A Fleet Management contract with Enterprise.

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

COMMON COUNCIL MEETING

Time: 6:30 p.m.

Date: Tuesday, February 16, 2016

Place: Common Council Chambers, City Hall, City of Poughkeepsie

**Public Comment Sign-up**

Public Comment: Three (3) minutes per person on any agenda item or non-agenda item. Time period not to exceed 45 minutes total.

Please clearly print your name and address below:

1. CONSTANTINE KAZOLIAS, 47 NOVO ST POK. NY. ✓
2. ~~Pat Gray~~
3. Steven Plank Carroll Street
- 4.

I am writing to you today to voice my concerns about possible zoning violations in the City of Poughkeepsie. My daughter owns a home in Poughkeepsie's eighth ward; her neighborhood is designated as an R-2 zone. One of the homes in her neighborhood is advertising a room for rent on the website [www.airbnb.com](http://www.airbnb.com). This would ordinarily be of no concern to me or my daughter, but the room is advertised as a short term rental with a minimum one night stay, similar to a hotel.

According to the zoning regulations for an R-2 zone in the City of Poughkeepsie (Section 19-3.13), a special is required for "Renting of not more than two rooms by the resident family, provided that no sign advertising the availability of such rooms shall be displayed." Even if the property in question has the permits necessary to rent rooms in a similar fashion to a hotel, I believe this type of activity is not in the best interests of the City. My daughter's property values have been going down with every passing year. Having a short term rooming house in her neighborhood will certainly drive property values down even further. This type of transient tenancy, if left unchecked, will certainly lead to the destabilization of Poughkeepsie's neighborhoods. Who would want to buy a house next to an unregulated hotel?

My other concern is for the safety and security of my daughter and her family. Unlike a long term rental, these short term tenants are only screened as much as a hotel patron might be. Long term renters normally go through a background check before renting, but anyone with a credit card can book these rentals. Do these rentals have fire extinguishers/sprinklers/exits like hotels are required to have? Do they have the proper insurance required for rentals?

I would also encourage you to look into other short term rentals in the City of Poughkeepsie. Currently there are sixteen rentals in the City listed on the airbnb website. Besides the issue I presented above, the City should also be concerned with lost tax revenue due to these rentals. Tourists can rent a room in a private home instead of renting a room at the Grand Hotel and paying tax on the room. Also, are the homeowners who rent rooms required to pay tax on their rental income?

In closing, I hope you will determine the legality of the rental property in my daughter's neighborhood. I also hope that you look into the impact that short term rentals will have on the City of Poughkeepsie.

*Amelia Karlin*  
CONSTANCE KAZOWITZ  
47 N. WOOD ST. P.O. BOX 2601  
02114/15

10F4

airbnb Poughkeepsia, NY

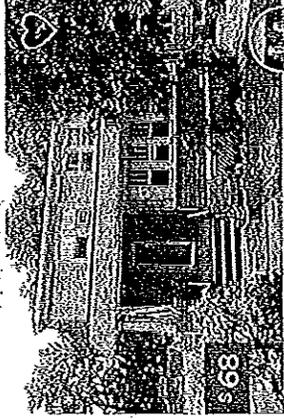
Room Type:  Entire home/apt  Private room  Shared room

Price Range: \$10 \$157 Average \$1000+

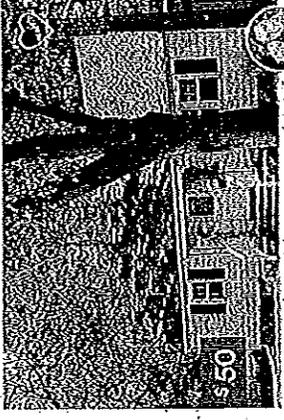
More Filters

Enter dates to see full pricing. Additional fees apply. Taxes may be added.

3 Rentals in Poughkeepsia



**Southside Guest Room Getaway**  
Private room • 4.5 stars • 22 reviews



**The Esplanade Room**  
Private room • 4.5 stars • 13 reviews

Search as I move the map

Help Sign Up Log In

Become a Host

Google Maps

Language and Currency

2014

The screenshot displays the Airbnb search interface for Poughkeepsie, NY, United States. The search bar at the top contains the text "Search as I move the map". Below the search bar, the "Dates" section includes a "Check In" field and a "Check Out" field, with "1 Guest" selected. The "Room Type" section offers options for "Entire home/apt.", "Private room", and "Shared room". A "Price Range" slider is set between \$10 and \$1000+, with a "More Filters" button. A "16 Rentals - Poughkeepsie, NY" notification is visible. Below the filters, there are two preview cards for rental listings, one priced at \$68 and another at \$45. The map on the right shows the Poughkeepsie area with various rental listings marked. The page footer includes "airbnb Poughkeepsie, NY, United States" and navigation links: "Become a Host", "Help", "Sign Up", and "Log In".

3044

airbnb dutchess county, NY

Dates

Dutchess County, NY, United States

Room Type  Shared room  Standard room

Price Range \$1000+

1 Guest

300+ Rentals • Dutchess County

Enter dates to see full pricing. Additional fees apply. Taxes may be added.

More Filters

Powered by Google

Search as I move the map

Become a Host Help Sign Up Log In

Language and Currency

4 of 4

Official Minutes of the Council Meeting of Tuesday, February 16, 2016

POUGHKEEPSIE, N.Y. --- "The city of Poughkeepsie has over 700 abandoned properties," said Second Ward Councilman Mike Young, "and it's more if you count partially or underutilized properties."

That's why the city is beginning an effort to clean those properties up. Mayor Rob Rolison established a Neighborhood Stabilization Team to help identify properties in need to help. He says 11 are going to be inspected and cleared out in the next few weeks.

"We can go into properties that have different types of challenges, whether it's debris, garbage, furniture, abandoned cars," Rolison said.

He says owners who have abandoned their properties will be financially responsible for cleaning them up.

"We can use a legal process where we can cite the landowner," the mayor continued, "and if they do not remediate it within 48 hours, we can actually go in with our sanitation department and clean these properties up."

Once the properties are cleaned, Rolison and his team hope the homes will go back on the market, to be resold or redeveloped.

"Try to make sure those properties get rehabilitated, so we want to create incentives to get those places filled back in," Young said.

Young said blight hasn't been a major issue up until now, but he added he's excited to see that changing.

"The previous administration didn't have a lot of enforcement over making sure that those buildings stayed clean, had their lawns taken care of, had garbage removed and were shored up to make safe," Young said.

The city plans to get to most of the abandoned homes by the end of the year.

On your recent segment on Time Warner News titled "Poughkeepsie Mayor Develops Plan to Fight Blight" you showed property that I own located at 50 Academy Street. This property is not abandoned and currently has a resident occupying the house. I request a public apology and an on air retraction to this erroneous reporting by you, J'Nelle Agee. Signed Constantine Kazollas

*Constantine Kazollas*



**V. MAYOR'S COMMENTS:**

**Mayor Rolison** wanted to give a brief update on some of the discussions that have happened with the Administration since the February 1<sup>st</sup> meeting. They have been working, Councilman Young, on the Fiscal Advisory Group. They have been working on strategies involving Moody's investment service; which is analyzing the City's bond rating again. He stated that they are being advised that they are going to present to their committee on the city's bond rating probably within the next two weeks. The city has been talking with Moody's, they had a conference call on many of the things that they have been doing as it relates to the city's fiscal situation. But as of right now, he is unable to tell you, because they have not given any indication about what is going to happen with that. They are hoping for an upgrade, they would be also be ok to be kept where we are. They are just hoping that the city doesn't get downgraded. Stated that he had the honor of attending the neighborhood club luncheon where our own Lorraine Johnson was recognized, and Lorraine brought the house down when she spoke. Also, had a meeting with the City Administrator with the Chamber of Commerce Management Team, last week with the partnerships as relates to commerce and activities within the City of Poughkeepsie. Also had a meeting with the Dyson Foundation regarding their funding for Pace Law School Land Use Center grant, the Main Street Central Business District Plan. Both myself, Councilman Hermann and Councilman Young attended a meeting of the Arts Community this past Wednesday where we spoke about how we're going to create the Arts Commission, which was spoken about last year, and we made a commitment to establish one. They are going to be putting together a work group to

work with himself, and specifically Councilmember Hermann on that. Received today, a box of paperwork in reference to the correctional facility, and also included the expanded full Environmental Assessment Form and a RFP for a design professional for that project, the preliminary storm water pollution plan. Had discussions with Councilmember Young last week, and we have requested that the county make the city an Interested Agency in this process, and spoke today with the County Executive, and we will be an Interested Agency in the process. The County Executive also did say if we want to have specific people assigned and to be part of this team and project as it moves forward, I will talk to the Chair Person about that. Wanted to comment on a couple of things that have happened; one continually, and one over the weekend, we had a water main break on Saturday morning at approximately 10:00 a.m. at South Hamilton and Holmes Street, it was a difficult break to manage based on the water flow. DPW was on the scene, along with a private contractor was not able to shut off the water to the break area. A special contractor was brought in, which was able to stop the flow, and are making the necessary repairs now. Give his hats off to DPW, who tried their best to shut the water off, and work under difficult conditions. We have challenges with our heating and air conditioning problems in this building, it is not new, and has been going on for quite some time. We are in the process of trying to rectify that, we are getting prices. Thank our city hall DPW team who was in again this weekend because the Police Department for a period of time was completely out of heat. We have to address this and we are going to have to spend money to do that.

#### **VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:**

**Chairman Petsas** stated that he was away last week, so apologizes to anyone who emailed him, or left him a voicemail, is in the process of getting through them. There are three items on tonight's agenda that he thinks are very important. That is Resolution and the Sale of the lot on Balding Avenue. This has been a long abandoned and has a chance to return another property to our tax roles. It is being purchased by the neighboring landlord who has an invested interest in the neighborhood. Implores his colleagues to support the resolution for the Potter House, to try and do something for the old YMCA. He stated that the city is not in the position do anything, there is no one else barking at our doors. He believes this is a chance for this gentleman and his organization to do something positive for our city and our young people, so encourages the council to support it. Finally, an added resolution for the liquor license for the restaurant that is a new business coming into our city in Mt. Carmel Place. Three things that are deserving of the Council's support. This council has embarked to support a citizen and business of each ward, and this evening Councilman Johnson is going to present his business of the month, Kane Motors Rent a Wreck. Councilmember Hermann presented his citizen from the eight ward, Michael Thompson, from Cedar Avenue.

**VII. MOTIONS AND RESOLUTIONS:**

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

## The City of Poughkeepsie

New York

PAUL ACKERMANN  
Corporation Counsel  
[packerma@cityofpoughkeepsie.com](mailto:packerma@cityofpoughkeepsie.com)



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CC MEETING 2/16/16  
ITEM # VII-1

February 9, 2016

COMMON COUNCIL  
CITY OF POUGHKEEPSIE

Re: R-16-16 & R-16-17  
SALE & SEQRA RESOLUTION FOR UNNUMBERED  
LOT ON BALDING AVENUE

Dear Chairman Petsas and Councilmembers:

Enclosed herewith, please find a proposed SEQRA and sale resolution for a vacant parcel on Balding Avenue. This property is located in Councilwoman Johnson's ward and she supports the sale. The City took title to the property on July 1, 2015 for unpaid taxes. The property contains a large garage which is dilapidated along with several other smaller garages. It is also located in a flood zone which would restrict any substantial improvement of the property.

We have received an offer to purchase same from Michael John Siepietoski. Mr. Siepietoski is the owner of the adjacent property. For all intensive purposes his property surrounds the subject property. He plans to demolish the garages and return the property to vacant land. The City would also require that it be merged with his existing parcel. The City has received a range of value from a certified appraiser which indicated the range to be \$2,500 - \$2,725. However, it should be noted that that range assumes the garages are removed, which comes at an additional expense.

The offer is for \$2,500. This property has not generated tax revenue since 2011. While it has been on the tax rolls, those taxes have not been paid and the city has been left maintaining the property.

Please let me know if additional information is requested by the Council.

Very truly yours,

CITY OF POUGHKEEPSIE

---

Paul Ackermann, Esq.  
Corporation Counsel

PA/mt  
Encl.-

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW  
ACT (SEQRA) RESOLUTION REGARDING A SALE OF  
CERTAIN CITY OWNED PROPERTIES  
(R-16-16)**

**INTRODUCED BY COUNCILMEMBER CHERRY**

**WHEREAS**, the Common Council of the City of Poughkeepsie is considering the sale of certain properties now owned by the City of Poughkeepsie, located at the dead-end of Balding Avenue and more specifically known as Grid Number 6162-61-114317 ; and

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

**WHEREAS**, Title 6 NYCRR, Section 617.6 specifies that an agency will be the lead agency when it proposes to undertake or receives an application for funding or approval of an Action that does not involve another agency; and

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

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

**WHEREAS**, the Common Council has considered the hereto attached short form Environmental Assessment Form (EAF)

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

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

3. In accordance with Section 617.5(a)(3) of Title 6 NYCRR, the Common Council determines that the above described action does not involve any other agencies; and
4. In accordance with Section 617.5(a)(4) of Title 6 NYCRR, the Common Council classifies the above described action as an unlisted action. The Common Council in making such classification considered Section 617.12 of Title 6 NYCRR and determined that the above action did not fall into any of the categories listed under Type I, and also considered Section 617.13 of NYCRR and determined that the above described action did not fit under any of the categories listed under Type II Actions, thus reaching the conclusion that it is to be considered an unlisted action; and
5. In accordance with Section 617.5(a)(5) the Common Council determines that the above described project will not require a long EAF since the short EAF provides sufficient information; and
6. The Common Council officially makes a determination of non-significance in that the proposed sale of property is not expected to result in a significant adverse impact on the environment and, therefore, the preparation of a draft environmental impact statement is not necessary; and
7. This determination shall be considered a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law; and
8. The City Chamberlain shall maintain a file of this determination as well as the attached EAF which is hereby made a part of this resolution.

**SECONDED BY COUNCILMEMBER JOHNSON**

R16-16			Yes/Aye	No/Nay	Abstain	Absent
		Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Accepted as Amended	Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Accepted	Councilmember Klein	Voter	<input checked="" 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"/>
		Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Petsas	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"/>

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

**RESOLUTION**

(R-16-17)

**INTRODUCED BY COUNCILMEMBER CHERRY**

**WHEREAS**, the City of Poughkeepsie is the owner of real property known as Tax Map Number: 6162-61-114317 and located at unnumbered Balding Avenue in the City of Poughkeepsie by reason of unpaid taxes, which is hereinafter referred to as the "Property"; and

**WHEREAS**, the above mentioned Property has been offered for sale by the City pursuant to §13.02 of the Administrative Code of the City of Poughkeepsie; and

**WHEREAS**, an offer has been received to purchase the Property under certain circumstances from Michael John Siepietoski; and

**WHEREAS**, the Administration of the City of Poughkeepsie, after consideration of the condition of the property and any potential municipal use of the property, has recommended that the City of Poughkeepsie accept this offer; and

**WHEREAS**, the Common Council hereby finds that the offer from Michael John Siepietoski is the most favorable of the offers presented and that it is in the best interests of the City of Poughkeepsie to approve such offer;

**NOW, THEREFORE,**

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

**RESOLVED**, that the offer from Michael John Siepietoski to purchase the parcel located at unnumbered Balding Avenue in the City of Poughkeepsie known as Grid Number: 6162-61-114317 for the sum of \$2,500.00 is hereby approved subject to the hereinafter mentioned conditions and subject to such other and further conditions which the Corporation Counsel shall deem appropriate; and be it further

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

- A. the conveyance of title and the payment of the purchase price shall take place within thirty days of the date of this resolution, unless the Corporation Counsel shall grant such extension as he deems appropriate;
- B. Purchaser shall obtain a demolition permit for the demolition of any structure on the parcel thereby removing any building code violations;
- C. Purchaser shall within one (1) year of its purchase, merge said parcel with a parcel he owns located adjacent to the Property;
- D. The transfer of title and Purchaser's use of the Property shall be subject to all state, federal and local regulations including the City of Poughkeepsie and New York State

**Building Codes and the City of Poughkeepsie Zoning Ordinance and real property taxes coming due pursuant to law on and after the date of transfer of title;**

- E. Purchaser shall accept such title to the real property as the City of Poughkeepsie is possessed of and agrees to accept such title by quitclaim deed subject to any defects or encumbrances as are of record;**
- F. Purchaser agrees that he shall not use the agreed upon purchase price as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation.**

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

**SECONDED BY COUNCILMEMBER JOHNSON**

R16-17			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Accepted as Amended <input checked="" type="checkbox"/> Accepted <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 Hermann	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 Petsas	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"/>

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

**The City of Poughkeepsie**  
New York

Paul Ackermann  
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02/16/16

February 9, 2016

COMMON COUNCIL

City of Poughkeepsie

CC Meeting:

Item # VII-2  
R-16-18

Re: Authorization and Approval to waive tax liens on former YMCA property

Dear Chairman Petsas and Council Members:

Attached hereto is a proposed resolution which would authorize the waiving of several years of tax liens, specifically 2008, 2009, 2010, 2011, 2012, 2013 & 2014, as requested by the Potter House Inc. and the Common Council. The total amount of liens being waived is approximately \$102,306 plus interest. The resolution would give the Potter House Inc. five years to obtain a Certificate of Occupancy for the building permitting it to be used as a youth center. If the Potter House, Inc. fails to obtain a Certificate of Occupancy within five years, a judgment for the amount of the liens waived would attach to the property.

The Potter House Inc., has indicated that they have commitments for financing, but the lenders will not consider lending to it until the tax lien issue is resolved. This will, provided it has funding opportunities, permit them to proceed. It should be noted that unless specific plans of development are presented to the assessor by taxable status date next year, the owner would not be entitled to a tax exemption.

Last year, a similar resolution was adopted by the Council, but vetoed by former Mayor Tkazyik. This resolution, while in a new legislative session, is substantively different as it tries to address some of the items discussed in the veto message along with concerns of the Council. Added to the resolution were the following conditions:

1. The mortgage shall be interest free and payable in a lump-sum on the fifth anniversary; however, the mortgage shall be forgiven provided that the Potter House, Inc. obtains a Certificate of Occupancy for use of the premises as a youth center.
2. At all times while the property is mortgaged, the owner shall maintain property insurance for a least the amount of the loan, naming City of Poughkeepsie as a loss payee and providing proof of insurance to the City.
3. The building shall be maintained free of graffiti and in compliance with Article III of Chapter 14 of the Code of Ordinances of the City of Poughkeepsie as well as §§9-6; 9-7 and 9-10 thereof.
4. Prior to execution of the Mortgage, the owner shall provide proof that all liens against the property have been satisfied with the exception of those tax liens held by the City.
5. The City at its discretion, which will not be unreasonably withheld and upon written request, will subordinate its interest in the property.
6. The mortgage shall be immediately due and payable upon a transfer of the property or dissolution of the owner.

Trusting this is satisfactory. I am,

Very truly yours,

CITY OF POUGHKEEPSIE  
PAUL ACKERMANN  
Corporation Counsel

By: \_\_\_\_\_  
Paul Ackermann, Esq.,  
Corporation Counsel

**RESOLUTION**  
**(R-16-18)**

**INTRODUCED BY COUNCILMEMBER CHERRY**

**WHEREAS**, the Potter House, Inc. a local not-for-profit organization has purchased the former YMCA property located at 35 Montgomery Street in the City of Poughkeepsie and more specifically known as Tax Map No.: 6128-94-691400; and

**WHEREAS**, the city is currently the holder of tax liens for the years 2008, 2009, 2010, 2011, 2012, 2013 and 2014 in an outstanding amount of approximately \$102,306, which liens represent unpaid fees and assessments; and

**WHEREAS**, such liens, which are attributable to the former YMCA, present an obstacle to redevelopment of the building which is prohibiting Potter House, Inc. from seeking financing; and

**WHEREAS**, the Potter House, Inc. wishes to redevelop the property into a youth center for the betterment of the City of Poughkeepsie and more specifically it's youth; and

**WHEREAS**, the Common Council previously entertained a resolution waiving the tax liens for the property, which resolution was vetoed by former Mayor Tkazyik; and

**WHEREAS**, the Common Council is desirous of assisting the Potter House, Inc. while addressing concerns raised by former Mayor Tkazyik and as such are considering this new resolution; 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 as codified by NYCRR.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Common Council of the City of Poughkeepsie hereby determines that the redevelopment of the former YMCA building, located at 35 Market Street in the City of Poughkeepsie, by the Potter House, Inc., a not-for-profit organization, into a youth center is in the best interest of the residence of the City of Poughkeepsie; and be it further

**RESOLVED**, that in furtherance of this action, the City of Poughkeepsie hereby agrees to waive the City held 2008, 2009, 2010, 2011, 2012, 2013 and 2014, tax liens which liens shall be stricken for the records by the Commissioner of Finance; and be if further

**RESOLVED**, that the City's forbearance of the City held 2008, 2009, 2010, 2011, 2012, 2013 and 2014 shall be subject to the Owner executing a mortgage in favor of the City in an amount equal to the total liens waived in form and substance as approved by Corporation Counsel and containing the following conditions:

1. The mortgage shall be interest free and payable in a lump-sum on the fifth anniversary; however, the mortgage shall be forgiven provided that the Potter House, Inc. obtains a Certificate of Occupancy for use of the premises as a youth center.
2. At all times while the property is mortgaged, the owner shall maintain property insurance for a least the amount of the loan, naming City of Poughkeepsie as a loss payee and providing proof of insurance to the City.
3. The building shall be maintained free of graffiti and in compliance with Article III of Chapter 14 of the Code of Ordinances of the City of Poughkeepsie as well as §§9-6; 9-7 and 9-10 thereof.
4. Prior to execution of the Mortgage, the owner shall provide proof that all liens against the property have been satisfied with the exception of those tax liens held by the City.
5. The City at its discretion which will not be unreasonably withheld and upon written request, will subordinate its interest in the property.
6. The mortgage shall be immediately due and payable upon a transfer of the property or dissolution of the Potter House, Inc. Be it further resolved,

**RESOLVED**, that the Mayor of the City of Poughkeepsie, its City Administrator and Corporation Counsel shall do all things necessary to give effect to the intent of this resolution including, but not limited to, signing an agreement or documents necessary.

**SECONDED BY COUNCILMEMBER JOHNSON**

**Councilmember Young** made a motion to table, **Councilmember Hermann** seconded the motion.

Motion to Table R16-18		Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/>	Accepted as Amended	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Accepted	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Tabled	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Councilmember L. Johnson	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

**RESOLUTION  
(R-16-19)**

**AMENDING CITY EMPLOYMENT APPLICATION TO NO LONGER REQUIRE DISCLOSURE OF PAST CRIMINAL HISTORY DURING INITIAL JOB APPLICATION PROCESS**

**INTRODUCED BY COUNCILMEMBER CHERRY**

**WHEREAS**, the County of Dutchess has adopted a policy effective February 1, 2016 whereby the Dutchess County Department of Human Resources will discontinue use of questions about criminal history or employment dismissals on exam and recruitment application forms; and

**WHEREAS**, Dutchess County advises that effective February 1, 2016 appointing authorities such as the City of Poughkeepsie, whom rely upon the County Civil Service list, will be solely responsible for performing pre-employment screening and background checks on applicants according to their own policy; and

**WHEREAS**, the City recognizes that there is an increasing need for employers to work with public and private agencies to find employment opportunities for ex-offenders while ensuring that public safety is still protected; and

**WHEREAS**, positions of employment with vulnerable populations including children and the elderly and safety sensitive job positions will continue to require full criminal background investigations on job applicants.

**NOW, THEREFORE BE IT RESOLVED**, by the Common Council of the City of Poughkeepsie that the City declares a commitment to increase job opportunities for individuals with previous criminal convictions and the City will amend its employment application to no longer require disclosure of past criminal history during the initial job application process for certain job positions within the City; and

**BE IT FURTHER RESOLVED**, that the City Administrator is directed to revise the City's application policy to ensure that such questions are removed from the initial job application process, but that consideration of the criminal history is evaluated and taken into account after an application has been submitted and before the individual is considered for hiring.

**SECONDED BY COUNCILMEMBER JOHNSON**

R16-19			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Accepted as Amended <input checked="" type="checkbox"/> Accepted <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 Hermann	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 Petsas	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"/>

5. A motion was made by Councilmember Cherry and seconded by Councilmember

Johnson to receive and print.

**RESOLUTION  
(R-16-20)**

**AMENDING CITY EMPLOYMENT APPLICATION TO NO LONGER REQUIRE DISCLOSURE OF PAST CRIMINAL HISTORY DURING INITIAL JOB APPLICATION PROCESS**

**INTRODUCED BY COUNCILMEMBER CHERRY**

**WHEREAS**, the County of Dutchess has adopted a policy effective February 1, 2016 whereby the Dutchess County Department of Human Resources will discontinue use of questions about criminal history or employment dismissals on exam and recruitment application forms; and

**WHEREAS**, Dutchess County advises that effective February 1, 2016 appointing authorities such as the City of Poughkeepsie, whom rely upon the County Civil Service list, will be solely responsible for performing pre-employment screening and background checks on applicants according to their own policy; and

**WHEREAS**, the City recognizes that there is an increasing need for employers to work with public and private agencies to find employment opportunities for ex-offenders while ensuring that public safety is still protected; and

**WHEREAS**, positions of employment with vulnerable populations including children and the elderly and safety sensitive job positions will continue to require full criminal background investigations on job applicants.

**NOW, THEREFORE BE IT RESOLVED**, by the Common Council of the City of Poughkeepsie that the City declares a commitment to increase job opportunities for individuals with previous criminal convictions and the City will amend its employment application to no longer require disclosure of past criminal history during the initial job application process for certain job positions within the City; and

**BE IT FURTHER RESOLVED**, that the City Administrator is directed to revise the City's application policy to ensure that such questions are removed from the initial job application process, but that consideration of the criminal history is evaluated and taken into account after an application has been submitted and before the individual is considered for hiring.

**SECONDED BY COUNCILMEMBER JOHNSON**

R16-20			Yes/Aye	No/Nay	Abstain	Absent
		Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Accepted as Amended	Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Accepted	Councilmember Klein	Voter	<input checked="" 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"/>
		Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Petsas	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"/>

6. 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  
(R-16-21 )**

**INTRODUCED BY COUNCILMEMBER CHERRY**

**WHEREAS**, ESSIE’S RESTAURANT, LLC has notified the City of Poughkeepsie of its intent to submit a new application for a liquor license for the premises known as 14 Mt. Carmel Place, Poughkeepsie, New York; and

**WHEREAS**, New York State Alcoholic Beverage Control Law Section 64 requires every applicant, whether new or existing, to notify the municipality of their intent to file an application or renewal with the State or obtain a waiver from the municipality; and

**WHEREAS**, the request has been reviewed by the City of Poughkeepsie and the City of Poughkeepsie has no objection to the application of ESSIE’S RESTAURANT, LLC and has had sufficient time to investigate the proposed application; and

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Common Council of the City of Poughkeepsie by copy of this resolution to the New York State Liquor Authority hereby waives the notice requirement pursuant to NYS ABC § 64 for ESSIE’S RESTAURANT, LLC and acknowledges its intent to apply for a liquor license.

**SECONDED BY COUNCILMEMBER JOHNSON**

Official Minutes of the Council Meeting of Tuesday, February 16, 2016

R16-21						
			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Accepted as Amended <input checked="" type="checkbox"/> Accepted <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 Hermann	Voter	<input type="checkbox"/>	<input checked="" 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 Petsas	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"/>

**VII. ORDINANCES AND LOCAL LAWS:**

**VIII. PRESENTATION OF PETITIONS AND COMMUNICATIONS:**

1. **FROM COMMISSIONER OF PUBLIC WORKS GENT**, a communication regarding a contract with A Fleet Management contract with Enterprise.  
**Removed**
2. **FROM CITY ADMINISTRATOR KNAPP**, a communication regarding the McCann Golf Course fees.

## McCann-Caven Golf Courses, Inc.

February 1, 2016

By electronic mail

Common Council  
City of Poughkeepsie  
62 Civic Center Plaza  
Poughkeepsie, New York 12601

Robert Rollson, Mayor  
City of Poughkeepsie  
62 Civic Center Plaza  
Poughkeepsie, New York 12601

Ladies and Gentlemen:

In 1969, the James J. McCann Charitable Trust funded the construction of McCann Memorial Golf Course at 155 Wilbur Boulevard in Poughkeepsie. Since 1976, McCann-Caven Golf Courses Inc., a New York not-for-profit corporation, has operated the McCann Memorial Golf Course and the College Hill Golf Course as the City of Poughkeepsie's licensee. McCann-Caven bears the full cost and responsibility of maintaining and operating both courses, for the benefit of residents of the City of Poughkeepsie and the greater Mid-Hudson Valley. McCann has received Hudson Valley Magazine's Best Golf Course award numerous times, and we host at least 15 charity fundraising outings a year, including for Habitat for Humanity of Dutchess County, Marist College, the City of Poughkeepsie PBA and the City of Poughkeepsie firefighters.

Our budget, which was submitted to the council on December 15, 2015 (a copy of which is attached), projects a 2016 loss of approximately \$41,000 (after taking into account approximately \$100,000 in grant pledges from the McCann Trust). In light of this budget gap, we believe a modest increase in prices is necessary for the courses to remain viable. Accordingly, we request the council's approval to increase various rates by a dollar or two as set forth in the attached impact schedule. We are proud to point out that even after instituting this proposed price increase, each course's rates will still be among the lowest in the area and a virtually unheard of value for courses of their caliber and condition.

Assuming our 2016 season sees the same level of play as 2015 (which, due to the weather, was our shortest season to date), the proposed increases would fully bridge our operating shortfall. Any increase in rounds played over the 2015 season will result in increased revenue, to be used to invest in much needed capital improvements and deferred maintenance and to build reserves for future equipment needs and budget gaps.

We make this request with the needs of our community in mind. Accordingly, to minimize the impact of the proposed increases on our local customers, we plan to extend the hours our senior rates are available and provide new discounts to Poughkeepsie residents during off hours.



McCann Memorial  
Golf Course  
155 Wilbur Blvd  
Poughkeepsie, NY 12603  
845 471 3717



COLLEGE HILL  
GOLF COURSE  
149 N. Canton St.  
Poughkeepsie, NY 12601  
845 485 9112



2:57 PM  
12/14/15  
Accrual Basis

**MCCANN-CAVEN GOLF COURSES, INC.**  
**Profit & Loss Budget Overview**  
January through December 2016

	College Hill Jan - Dec 16	McCann Jan - Dec 16	TOTAL Jan - Dec 16
55600 - Uniforms	700.00	2,800.00	3,500.00
66000 - Payroll Expenses	500.00	2,500.00	3,000.00
Total Expense	315,920.00	989,525.00	1,305,445.00
Net Ordinary Income	-35,470.00	-5,475.00	-40,945.00
Net Income	-35,470.00	-5,475.00	-40,945.00

3. **FROM JUSTINE PORTER**, a communication regarding Poughkeepsie Community Wealth Building Summit. **Referred to Corporation Counsel**
4. **FROM RICHARD J. BURKE, JR.**, a notice of personal injury sustained by Sally Ciampaglione on October 21, 2015. **Referred to Corporation Counsel**
5. **FROM NIA BRYANT**, a notice or claim sustained on October 31, 2015. **Referred to Corporation Counsel**
6. **FROM THE ELIZABETH WALDSTEIN-HART**, a communication regarding the marathon on the Walkway over the Hudson.

2/16/2016



**WALKWAY MARATHON**

June 11, 2016  
and  
June 12, 2016

Think Differently Dash  
5K  
Half Marathon  
Full Marathon

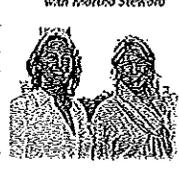
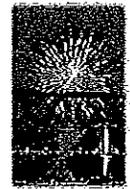
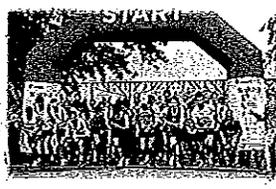
**WALKWAY THE HUDSON**

In Partnership with  
Dutchess County Government and  
NYS Office of Parks, Recreation and Historic Preservation



**WALKWAY THE HUDSON**

*Through engaged stewardship and fundraising,  
the Walkway Over the Hudson, a 501(c)(3) nonprofit group,  
enhances the Walkway experience, supports capital improvements, and delivers innovative programs  
that attract visitors and contribute to the economic vitality of the Hudson Valley.*

<p>2015 Walkway Marathon Emcee, Szezy Jones</p> 	<p>Walkway Golf, Starry Starry Night, with Martha Steward</p> 	<p>July 4<sup>th</sup> Fireworks</p> 	<p>2015 Walkway Marathon Start at Mohist College Water Front</p> 
---	---	---	--

46,000 Fans    6,000 Followers    2000 Followers

2/16/2016

**WALKWAY OVER THE HUDSON**

**ELEVATE YOUR EXPECTATIONS**

500,000+ visitors annually  
3,000,000+ million visitors from 50 states and over 40 countries

*The Greater Walkway Experience*

Walkway Elevator

East & West Portions

Mooie Nights

Walkway Ambassadors & Get FR Hudson Valley Program

**WALKWAY OVER THE HUDSON**

**ELEVATE YOUR EXPECTATIONS**

**2nd Annual Walkway Marathon**

What's the same as 2015...building on success!

- Partnering with Dutchess County Government
- Featuring the scenic Walkway and rail trails
- Maintaining USTAF certification for Boston Qualifier
- Pledging sustainability as a Green Race
- Collaborating with committed partners

USTAF 2015 VERIFIED  
UNIVERSITY STATE TRACK AND FIELD ASSOCIATION  
MEMBER FOR A REASON

2,550 registered, from 32 states, 6 countries  
10,000 Spectators

William R. Steinhilber DRT & Hudson Valley Rail Trail

Dutchess Tourism Health & Wellness Expo

Walkway Over the Hudson

2/16/2016

### Public Partnerships

- City and Town of Poughkeepsie Governments
- Cornell Cooperative Extension Dutchess County
- Dutchess County Government
- Dutchess County Regional Chamber of Commerce
- Dutchess and Ulster Counties Tourism
- Dutchess Community College
- Marist College
- Mid-Hudson Road Runners Club
- NYS Bridge Authority
- NYS Office of Parks, Recreation and Historic Preservation
- Town of LaGrange
- Town of Lloyd
- Town of Wappinger
- Ulster County Regional Chamber of Commerce
- Vassar College

Parks, Recreation and Historic Preservation

### Civic Minded Partnerships

- Arnoff
- Chronogram
- Dutchess Community College
- Greenway Environmental Services
- HealthQuest
- HV Shred, Inc.
- IHeart Media
- Royal Carting Service Company
- Mobile Life Support Services, Inc
- Moriarty Physical Therapy
- Poughkeepsie Journal
- Rose and Kiernan, Inc.
- TEG Federal Credit Union
- Walters-Stork Design Group

2/16/2016



## 2<sup>nd</sup> Annual Walkway Marathon

What's different in 2016...elevating expectations!

- Creating a destination race weekend
- Attracting athletes around the world of all abilities
- Introducing a Think Differently Dash
- Building upon our eco-friendly practices
- Strengthening our community connections



3,500 athletes and thousands of spectators



Think Differently Dash - 1 mile run for individuals with physical & developmental disabilities



The Great Connector...connecting the community!



2016  
CITY OF SUSTAINABILITY  
ATHLETES FOR A BETTER WORLD



## Think Differently Dash

- 1 mile run for individuals with physical and developmental disabilities
- Features the City of Poughkeepsie
- Partners
  - Abilities First
  - Anderson Center for Autism
  - ARC of Dutchess
  - Cardinal Hayes Home for Children
  - City of Poughkeepsie, Fire, EMS, Police Administration Support
  - Down Syndrome Association
  - Graystone Programs, Inc.
  - MHAPD, Inc.
  - MHRRC
  - New Horizons Resources, Inc.
  - Taconic Resources for Independence



Saturday  
June 11<sup>th</sup>  
10:00am



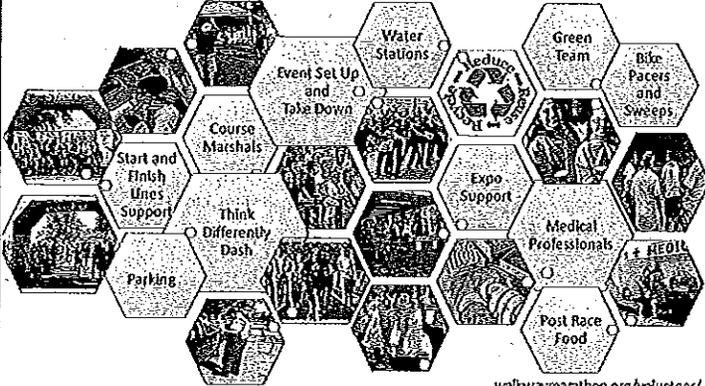
2/16/2016



**ELEVATE**  
YOUR EXPECTATIONS

**WALKWAY**  
THE HUDSON

### Volunteer Groups Needed



- Water Stations
- Green Team
- Bike Pacers and Sweeps
- Event Set Up and Take Down
- Medical Support
- Course Marshals
- Expo Support
- Medical Professionals
- Start and Finish Lines Support
- Think Differently Dash
- Post Race Food
- Parking

[walkwaymarathon.org/volunteer/](http://walkwaymarathon.org/volunteer/)

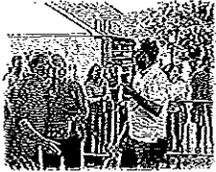


**ELEVATE**  
YOUR EXPECTATIONS

**WALKWAY**  
THE HUDSON

### Get Involved!

- Register to run!
- Spread the word throughout the community
- Become a Sponsor and/or Expo participant
- Join our community of enthusiastic volunteers
- Model green practices in your own community



<http://walkwaymarathon.org/sponsors/>

<http://walkwaymarathon.org/volunteer/>

2/16/2016



**WALKWAY MARATHON**

**ELEVATE**  
YOUR EXPECTATIONS

**WALKWAY**  
ON THE HUDSON

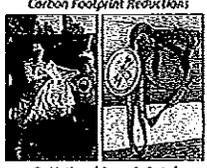
**Dutchess County Green Goals**

- Reduce Waste
- Increase Recycling
- Convert Waste to Electricity

**2015 Walkway Marathon**  
1<sup>st</sup> Certified NYS Green Marathon



Carbon Footprint Reductions



2x Notional Recycle Rate

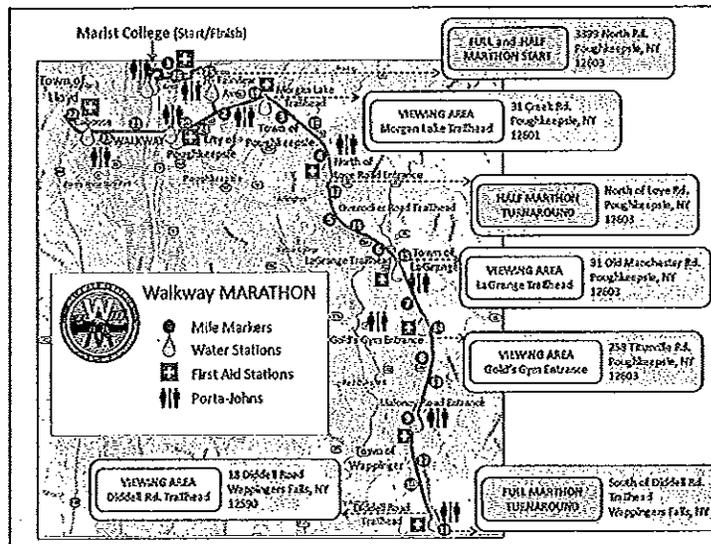


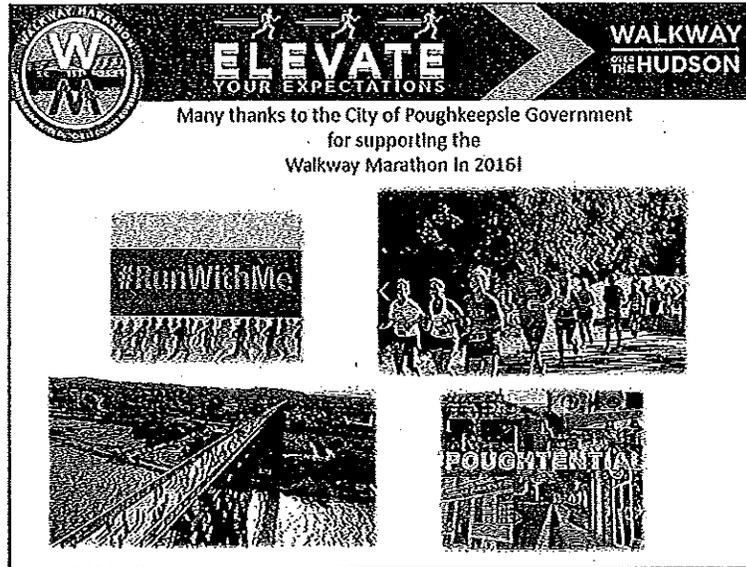
100% waste recycled/converted

**Your 'Green' Community**

- Go paperless where possible
- Promote public transportation
- Educate community on organic recycling
- Recycle & compost at events with trained volunteers
- Have vendors use compostables
- Engage carriers for composting and Resource Recover Facility usage







7. FROM CENTRAL HUDSON, a presentation regarding gas line replacement.



## Natural Gas Line Replacements

Central Hudson Gas & Electric Corporation is replacing certain natural gas lines in communities throughout the Mid-Hudson Valley to ensure the safety and reliability of the natural gas system.

Certain natural gas mains (which run along roads and streets) and service lines (which connect to individual homes, apartment buildings and businesses) comprised of cast iron and steel are being replaced over time. A new initiative accelerates the pace at which these lines are being replaced.

The majority of cast iron and steel mains and services are located some of the region's cities and villages, and areas gas service was first offered in the Mid-Hudson Valley; many of these pipelines were installed in the 1930s or earlier.

This year, Central Hudson plans to replace 13 miles of pipeline with new polyethylene mains and services, which is extremely durable and less susceptible to environmental conditions. Similar plans to replace gas mains are anticipated to continue across the region through 2019, and potentially later.

Gas main replacements in 2016 are scheduled to take place in portions of the following communities:

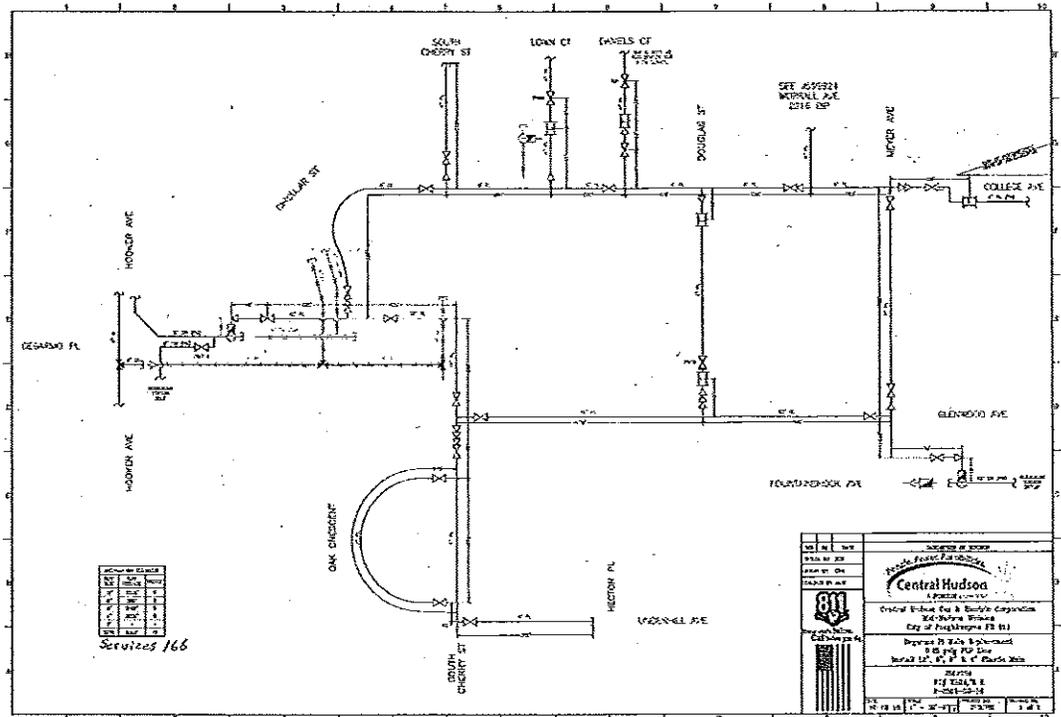
- Village of Saugerties
- City of Kingston
- Town of Ulster
- Town of Lloyd
- City of Poughkeepsie
- City of Beacon
- City of Newburgh
- Town of New Windsor
- Village of Cornwall

As part of this initiative, Central Hudson may relocate indoor natural gas meters to and outdoor locations for homes and businesses in neighborhoods where line replacement is taking place, to improve access to this equipment by utility personnel. Property owners with indoor gas meters will be contacted by utility representatives to review the details and discuss options about this work.

Central Hudson is working closely with municipal officials to coordinate these projects, and meeting with residents to provide information and listen to their concerns and needs. Any disturbances to streets or property as a result of this work will be repaired and restored by Central Hudson and its contractors. For the safety and security of residents, all Central Hudson personnel and contractors will wear identification badges.

We appreciate your patience and understanding as we work to upgrade natural gas facilities to better serve you.





**X. UNFINISHED BUSINESS:**

**XI. NEW BUSINESS:**

**XII. ADJOURNMENT:**

A motion was made by Councilmember Hermann and Councilmember Johnson to adjourn the meeting at 9:50 p.m.

**Dated: March 1, 2016**

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, February 16, 2016

**Respectfully submitted,**

**Deanne L. Flynn  
City Chamberlain**

# NOTICE OF CLAIM

In the Matter of the Claim of

ALTAGRACIA GONZALEZ

-against-

THE CITY OF POUGHKEEPSIE,  
THE TOWN OF POUGHKEEPSIE, and  
DUTCHESS COUNTY

2016  
FEB - 9 PM 4:26  
CITY OF POUGHKEEPSIE  
CLERK'S OFFICE

To: THE CITY OF POUGHKEEPSIE  
62 Civic Center Plaza, Poughkeepsie, New York 12601

THE TOWN OF POUGHKEEPSIE  
1 Overocker Road, Poughkeepsie, New York 12603

DUTCHESS COUNTY  
22 Market Street, Poughkeepsie, New York 12601

1. The name and address of the claimant and claimant's attorney:

Claimant	Attorney(s)
ALTAGRACIA GONZALEZ	GUERRERO & ROSENGARTEN
39 Hooker Avenue, Apt. 2	363 Seventh Avenue 7 <sup>th</sup> Floor
Poughkeepsie, New York 12601	New York, New York 10001
	(212) 777-7000

2. The nature of the claim: The nature of the claim is for severe and permanent personal injuries sustained by ALTAGRACIA GONZALEZ and all other damages allowed by statute and case law as a result of the negligence, carelessness, recklessness and gross negligence of THE CITY OF POUGHKEEPSIE, THE TOWN OF POUGHKEEPSIE, and/or DUTCHESS COUNTY, its/their employees, agents, servants, representatives, licensees, contractors, subcontractors, and other affiliates, agencies and departments, without any contributory negligence on the part of the claimant.

3. The time when, the place where and the manner in which the claim arose: The accident occurred on November 11<sup>th</sup>, 2015 at approximately 4:00 PM on the east side public sidewalk of Academy Street, between Cannon Street and Church Street in the City of Poughkeepsie, Dutchess County, and State of New York. While claimant, ALTAGRACIA GONZALEZ, was walking northbound along the east side public sidewalk of Academy Street and adjacent to the commercial premises with an address commonly known as 25 Academy Street, Poughkeepsie, New York 12601, the claimant was caused to trip and fall violently to the ground without warning due to an unsafe, upraised, depressed, missing, broken, non-level, defective, hazardous, dangerous, and/or damaged portion of public sidewalk adjacent to the aforesaid premises. The fall of the claimant occurred without any contributory negligence by the claimant. The defective

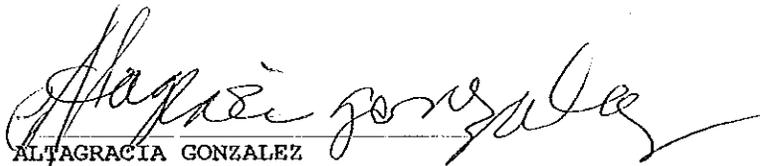
portion of sidewalk was generally linear in shape, was located approximately one hundred and thirty-nine inches (139") south from the southeast corner of Cannon Street and Academy Street, Poughkeepsie, New York, 12601, was sixty-three inches (63") east from the east side sidewalk curb of Academy Street, Poughkeepsie, New York, 12601, and averaged over one inch (1") in height creating a significant tripping hazard. Please see the attached photographic images and diagram. Said unsafe, defective, dangerous, hazardous, and/or damaged portion of public sidewalk was a significant tripping hazard. The attached photographic images and diagram show the aforementioned defective portion of unsafe, upraised, depressed, missing, uneven, non-level, broken, defective, hazardous, dangerous, and/or damaged portion of public sidewalk. The defective condition(s) and/or situation(s) had not been ameliorated or repaired at the time the photographic image(s) were taken. In addition, Freedom of Information Law (FOIL) requested documents in the possession of **THE CITY OF POUGHKEEPSIE, THE TOWN OF POUGHKEEPSIE, and/or DUTCHESS COUNTY**, also show the existence of unsafe and defective condition(s) and/or situation(s) at the aforesaid public sidewalk area more than fifteen (15) days prior to the accident at issue herein, providing evidentiary support of "prior written notice" for the alleged injuries and/or damages claim(s) of the claimant or claimants in accordance with all applicable laws, case law, rules, and/or regulations. On the date and at the time of the accident, the aforesaid unsafe, defective, hazardous, dangerous, and/or damaged portion of public sidewalk was under the ownership, management, operation, maintenance, repair, inspection, supervision, and/or control of **THE CITY OF POUGHKEEPSIE, THE TOWN OF POUGHKEEPSIE, and/or DUTCHESS COUNTY**, or its/their employees, servants, agents, affiliates, contractors, subcontractors, partners, and/or representatives. Therefore, their failure to properly manage, operate, maintain, inspect, construct, supervise, and/or repair the defective aforesaid public sidewalk area created dangerous, hazardous, unsafe, and/or trap-like condition(s) and/or situation(s) that caused the claimant to trip and to be precipitated violently and uncontrollably to the ground without warning. The aforesaid sudden fall was caused by the negligent action(s) and/or omission(s) of **THE CITY OF POUGHKEEPSIE, THE TOWN OF POUGHKEEPSIE, and/or DUTCHESS COUNTY**. The violent fall of the claimant may have been witnessed by one or more pedestrians, motorists, and/or nearby residents. The grandson of the client, "Nathanael Lajas" with telephone number 518.505.7228 witnessed the accident and provided assistance to the claimant. One Good Samaritan witness called 911 for emergency medical services. The claimant was transported via ambulance to a local area hospital emergency room associated with the Saint Francis Hospital located at 35 North Road, Poughkeepsie, New York 12601 and with telephone number 845.431.8220. The injured claimant, **ALTAGRACIA GONZALEZ**, was caused to be violently precipitated to the ground due to the negligent action(s) and/or omission(s) of **THE CITY OF POUGHKEEPSIE, THE TOWN OF POUGHKEEPSIE, and/or DUTCHESS COUNTY**, as well as, its/their employees, servants, agents, and/or representatives. Said improper, careless, reckless, negligent, and/or grossly negligent management, inspection, maintenance, repair, operation, supervision, and/or control of the aforesaid public sidewalk area resulted in severe, personal, and/or permanent injuries and/or damages to the claimant due to the negligence, carelessness, recklessness, and/or gross negligence of **THE CITY OF**

POUGHKEEPSIE, THE TOWN OF POUGHKEEPSIE, and/or DUTCHESS COUNTY, its/their employees, agents, servants, representatives, licensees, associates, contractors, subcontractors, and/or other affiliates, agencies, and/or departments, and/or those acting under their direction, behest, permission, supervision, and/or control. They were negligent, careless, reckless, and/or grossly negligent: in the ownership, operation, design, creation, management, maintenance, contracting, subcontracting, and/or supervision of the aforesaid public sidewalk area; in failing to warn or protect the members of the public and/or the claimant as lawful pedestrians; in failing to properly hire, manage, train, supervise, screen, control, instruct, monitor, entrust, assign duties to, and/or delegate responsibilities to, and/or correct its/their employees, agents, servants, and/or representatives; in causing, permitting, and/or allowing an unfit, unqualified, incompetent, untrained individual or individuals to control, operate, manipulate, construct, inspect, repair, maintain, and/or otherwise manage the aforesaid public sidewalk area despite actual and/or constructive notice; in failing to take any necessary steps to alleviate and/or ameliorate said condition(s) and/or situation(s); in failing to properly protect the claimant and/or members of the public; in failing to prevent said employees, agents, servants, and/or representatives from endangering the general public and, more particularly, claimant herein; in failing to warn the general public and/or claimant herein, of the unsafe, dangerous, and/or hazardous condition(s) and/or situation(s) under the care of its/their employees, agents, servants, and/or representatives; in permitting and/or allowing said employees, agents, servants, and/or representatives to manage, operate, manipulate, supervise, and/or control said public sidewalk area on the date and at the time at issue herein; in failing to avoid the aforesaid incident, which was foreseeable; and in being otherwise negligent, careless, reckless, and/or grossly negligent in the execution of its/their duties. Copies of photographic image(s) of the alleged accident location along with relevant evidentiary material(s) are attached hereto and made a part hereof to assist **THE CITY OF POUGHKEEPSIE, THE TOWN OF POUGHKEEPSIE, and/or DUTCHESS COUNTY** in its/their investigation.

4. Claimant, **ALTAGRACIA GONZALEZ**, sustained multiple permanent bodily and psychological injuries, the full extent of which are not presently known, including, but not limited to, upon information and belief, injuries to the head, neck, back, facial fracture of the left inferior orbital floor, facial fracture of the inferior most aspect of the posterior lateral wall of the left maxillary sinus, left shoulder full thickness tear of the supraspinatus insertion, left shoulder, left wrist, left elbow, left hand, left arm, left eye, chest nondisplaced left 2<sup>nd</sup> anterior lateral rib fracture, spinal trauma, as well as, psychological trauma and/or emotional distress. Claim is for personal injuries, hospital, physician, and other medical expenses, mental anguish, loss of earnings, pain and suffering, loss of quality and/or enjoyment of life, and all other damages to which claimant is entitled to by case law and statute. These injuries have caused claimant to incur and continue to incur expenses for medical attention and treatment and caused claimant to be absent from employment with a resultant loss therefrom.

The undersigned Claimant(s) therefore presents this/these claim(s) for adjustment and payment. You are hereby notified that unless said claim(s) is/are adjusted and paid within the time provided by law from the date of presentation to you, the Claimant(s) intends to commence an action on this/these claim(s).

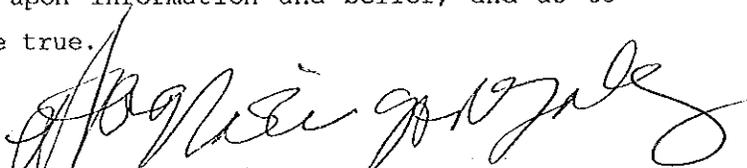
Dated: New York, New York  
February 4<sup>th</sup>, 2016

  
ALTAGRACIA GONZALEZ

VERIFICATION

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF NEW YORK )

ALTAGRACIA GONZALEZ, being duly sworn, deposes and says that deponent is the above named Claimant; deponent has read the foregoing NOTICE OF CLAIM and knows its/their contents; the same is true to deponent's knowledge, except as to those matters stated to be alleged upon information and belief, and as to those matters deponent believes it to be true.

  
ALTAGRACIA GONZALEZ

Sworn and subscribed to before me  
on this 4<sup>th</sup> day of February, 2016.

  
Notary Public

**PAMELA J. ROBAYO**  
Notary Public, State of New York  
No: 01RO6194206  
Qualified in Queens County  
Commission Expires: September 29, 2016

GUERRERO & ROSENGARTEN  
Attorney(s) for Claimant  
ALTAGRACIA GONZALEZ  
363 Seventh Avenue 7<sup>th</sup> Floor  
New York, New York 10001  
(212) 777-7000

**VENDOR'S LICENSE  
FOR COMMUNITY EVENTS  
PADDY ON THE RIVER  
Silverleaf Resorts**

Office of the City Chamberlain  
City of Poughkeepsie, New York

License No.: 15-06  
Date Issued: 3/8/2016  
Event Date(s) 3/12/2016  
Fee Paid: \$35.00

I, Scott Kokaly, have read and understand the Rules and Regulations as set forth in the City of Poughkeepsie Ordinance, Section 10-9, for this license and understand that the license may be revoked after notice and hearing, pursuant to for any of the reasons set forth therein.

<input checked="" type="checkbox"/>	With Motor Vehicle Only	Plate #	N/A
<input type="checkbox"/>	On Foot Only	Plate #	
<input type="checkbox"/>	With Motor Vehicle and Foot	Plate #	N/A
<input type="checkbox"/>	Food Only		
<input type="checkbox"/>	Weight and Measure Device		
<input type="checkbox"/>	Other Wares Only		

  
Applicant Signature

N/A  
Driver's License No. & Expiration Date

City Chamberlain

**VENDOR'S LICENSE  
FOR COMMUNITY EVENTS  
PADDY ON THE RIVER**

Office of the City Chamberlain  
City of Poughkeepsie, New York

License No.: 16-05  
Date Issued: 3/8/2016  
Event Date(s) 3/12/2016  
Fee Paid: \$35.00

I, David Humphreys, have read and understand the Rules and Regulations as set forth in the City of Poughkeepsie Ordinance, Section 10-9, for this license and understand that the license may be revoked after notice and hearing, pursuant to for any of the reasons set forth therein.

<input type="checkbox"/>	With Motor Vehicle Only	Plate #	<u>N/A</u>
<input checked="" type="checkbox"/>	On Foot Only		
<input type="checkbox"/>	With Motor Vehicle and Foot	Plate #	<u>N/A</u>
<input type="checkbox"/>	Food Only		
<input type="checkbox"/>	Weight and Measure Device		
<input type="checkbox"/>	Other Wares Only		

  
Applicant Signature

N/A  
Driver's License No. & Expiration Date

City Chamberlain