THE CITY OF POUGHKEEPSIE
NEW YORK

COMMON COUNCIL MEETING
MINUTES

Monday, October 17, 2011 6:30 p.m. **City Hall**

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

All present

II. REVIEW OF MINUTES:

Public Hearing of 2-28-11

☑ Accepted
☐ Accepted as Amended
☐ Tabled

		Yes/Aye	No/Nay	Abstain	Absent
Councilmember Johnson	Voter	☑	☐	☐	☐
Councilmember Solomon	Voter	☑	☐	☐	☐
Councilmember Flowers	Voter	☑	☐	☐	☐
Councilmember Murphy	Voter	☑	☐	☐	☐
Councilmember Mallory	Voter	☑	☐	☐	☐
Councilmember Parise	Voter	☑	☐	☐	☐
Councilmember Herman	Voter	☑	☐	☐	☐
Councilmember Klein	Voter	☑	☐	☐	☐

CCM 2-28-11

☑ Accepted
☐ Accepted as Amended
☐ Tabled

		Yes/Aye	No/Nay	Abstain	Absent
Councilmember Joh son	Voter	☑	☐	☐	☐
Councilmember Solomon	Voter	☑	☐	☐	☐
Councilmember Flowers	Voter	☑	☐	☐	☐
Councilmember Murphy	Voter	☑	☐	☐	☐
Councilmember Mallory	Voter	☑	☐	☐	☐
Councilmember Parise	Voter	☑	☐	☐	☐
Councilmember Herman	Voter	☑	☐	☐	☐
Councilmember Klein	Voter	☑	☐	☐	☐

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

ADD

VII. MOTIONS AND RESOLUTIONS:

3. **FROM ASSISTANT CORPORATION COUNSEL ACKERMANN,** Resolution R11-85, setting the public hearing for the Mayor's 2012 preliminary budget.

REMOVE:

VIII. ORDINANCES AND LOCAL LAWS:

1. **FROM ASSISTANT CORPORATION COUNSEL ACKERMANN,** Ordinance O-11-21, amending parking on Main Street between North Cherry and Clinton Square.

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

Ken Stickle 118 Catherine Street

V. MAYOR'S COMMENTS

Mayor Tkazyik

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Klein

VII. MOTIONS AND RESOLUTIONS:

1. **A motion was made by Councilmember Herman and seconded by Councilmember Parise to receive and print.**

NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) RESOLUTION REGARDING A SALE OF CERTAIN CITY OWNED PROPERTIES (R-11-82)

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of certain properties now owned by the City of Poughkeepsie known as 40 Cottage Street and 42 Cottage Street, City of Poughkeepsie, County of Dutchess, State of New York; and

WHEREAS, the Common Council considers the proposed sale to be a Type I Action under Title 6 NYCRR, Section 617.2 of the SEQRA regulations; and

WHEREAS, Title 6 NYCRR, Section 617.6 specified that an agency will be the lead agency when it proposes to undertake or receives an application for funding or approval of a Type I 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 properties; and

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

WHEREAS, the Common Council has considered the hereto attached long Environmental Assessment Form (EAF)

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. In accordance with Section 617.5(a)(1) of Title 6 NYCRR, the Common Council determines that the above described action is subject to SEQRA; and

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

3. In accordance with Section 617.5(a)(3) of Title 6 NYCRR, the Common Council determines that the above described action does not involve any other agencies; and

4. In accordance with Section 617.5(a)(4) of Title 6 NYCRR, the Common Council classifies the above described action as an unlisted action. The Common Council in making such classification considered Section 617.12 of Title 6 NYCRR and determined that the above action did not fall into any of the categories listed under Type I, and also considered Section 617.13 of NYCRR and determined that the above described action did not fit under any of the categories listed under Type II Actions, thus reaching the conclusion that it is to be considered an unlisted action; and

5. In accordance with Section 617.5(a)(5) the Common Council determines that the above described project will not require a long EAF since the short EAF provides sufficient information; and

6. The Common Council officially makes a determination of non-significance in that the proposed sale of properties are not expected to result in a significant adverse impact on the environment and, therefore, the preparation of a draft environmental impact statement is not necessary; and

7. This determination shall be considered a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law; and

8. The City Chamberlain shall maintain a file of this determination as well as the attached EAF which is hereby made a part of this resolution.

SECONDED BY COUNCILMEMBER PARISE

R-11-82						
			Yes/Aye	**No/Nay**	**Abstain**	**Absent**
☑ Accepted ☐ Accepted as Amended ☐ Tabled	Councilmember Johnson	Voter	☑	☐	☐	☐
	Counci member Solomon	Voter	☑	☐	☐	☐
	Councilmembe Flowers	Voter	☐	☐	☐	☑
	Councilmember Murphy	Voter	☑	☐	☐	☐
	Councilmember Mallory	Voter	☑	☐	☐	☐
	Councilmember Parise	Voter	☑	☐	☐	☐
	Councilmember Herman	Voter	☑	☐	☐	☐
	Councilmember Klein	Voter	☑	☐	☐	☐

2. A motion was made by Councilmember Herman and seconded by Councilmember Parise to receive and print.

R E S O L U T I O N
(R-11-83)

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, the City of Poughkeepsie has previously taken title to premises known as 40 Cottage Street (6162-71-324229), and 42 Cottage Street (6162-71-336235), in the City of Poughkeepsie by reason of unpaid real property taxes; and

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

WHEREAS, an offer has been received from LCS FACILITY GROUP to purchase these properties for the sum of $150,000; and

WHEREAS, the City of Poughkeepsie having considered the City's policy for the sale of City owned properties, has recommended that the City of Poughkeepsie accept this offer; and

WHEREAS, the Common Council hereby finds that the offer from LCS FACILITY GROUP 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 so that the premises may be returned to the tax rolls; and

NOW, THEREFORE,

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

RESOLVED, that the offer from LCS FACILITY GROUP to purchase premises known as 40 Cottage Street (6162-71-324229), and 42 Cottage Street (6162-71-336235) in the City of Poughkeepsie for the sum of $150,000 is hereby approved subject to the hereinafter mentioned conditions and subject to such other and further conditions which the Corporation Counsel and the Director of Property Development 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 ninety days of the date of this resolution, unless the Corporation Counsel shall grant such extension as she deems appropriate;

B. Purchaser shall obtain a building permit inconformity with the proposed redevelopment plan submitted to the City within six (6) months of the date of closing of title;

C. Purchaser shall obtain a valid Certificate of Occupancy for all three properties and in accordance with the development plan submitted to the City within one (1) year after obtaining the building permit;

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, and subject to a restrictive covenant in form and substance satisfactory to the Corporation Counsel that no self-service credit or currency-operated pay telephones shall be placed on the exterior of the premises;

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; and

G. Prior to the closing of title, Purchaser shall apply for and obtain the approval from the Planning Board and/or the Zoning Board of Appeals of any site plan approval or zoning variances required by law; and

H. The City has received approval for Restore New York grant money to rehabilitate 40 Cottage Street in the amount of $142,534. The Purchaser will be eligible for reimbursement of qualified expenses as outlined in the grant application provided that the Purchaser is incompliance with this sale resolution.

BE IT FURTHER 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 Mayor, the Director of Property Development and the Corporation Counsel shall deem appropriate, and the Mayor, the City Administrator and the Corporation Counsel are hereby authorized and directed to do all things necessary to give effect to the terms of this resolution.

SECONDED BY COUNCILMEMBER PARISE

R-11-83						
			Yes/Aye	**No/Nay**	**Abstain**	**Absent**
☑ Accepted ☐ Accepted as Amended ☐ Tabled	Councilmember Johnson	Voter	☑	☐	☐	☐
	Councilmember Solomon	Voter	☑	☐	☐	☐
	Councilmember Flowers	Voter	☑	☐	☐	☐
	Councilmember Murphy	Voter	☑	☐	☐	☐
	Councilmember Mallory	Voter	☑	☐	☐	☐
	Councilmember Parise	Voter	☑	☐	☐	☐
	Councilmember Herman	Voter	☑	☐	☐	☐
	Councilmember Klein	Voter	☑	☐	☐	☐

3. A motion was made by Councilmember Herman and seconded by Councilmember Parise to receive and print.

RESOLUTION
(R-11-84)

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, there are now pending in Dutchess County Supreme Court tax review proceedings commenced in the years 2003-2010 by Eckerd Corporation/Rite Aid Corporation concerning certain parcels of real property in the City of Poughkeepsie known as 709-719 Main Street seeking a reduction in the tax assessment rolls for the 2003-2010 assessment year; and

WHEREAS, the City Assessor and Corporation Counsel recommend that settlement of these tax review proceedings on the terms and conditions set forth herein below;

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby approves the settlement on behalf of the City of Poughkeepsie of the tax review proceedings by Eckerd Corporation/Rite Aid Corporation bearing Dutchess County Index(s) No. 2003/3799, 2004/3236, 2005/3508, 2006/3860, 2007/4128, 2008/5249, 2009/5067, 2010/4850 and by reducing the assessments as set forth in the Consent Judgment annexed to this Resolution; and be it further

RESOLVED, that the Mayor, the City Administrator, the Commissioner of Finance, the City Assessor and the Corporation Counsel are hereby authorized to take all action necessary and appropriate to effectuate the terms of this Resolution including but not limited to the execution of a Stipulation, the obtaining of an Order from the Dutchess County Supreme Court embodying the above settlement and a refund or crediting of tax payments all in accordance with the above authorized settlement.

SECONDED BY COUNCILMEMBER PARISE

R-11-84						
			Yes/Aye	**No/Nay**	**Abstain**	**Absent**
☑ Accepted ☐ Accepted as Amended ☐ Tabled	Councilmember Johnson	Voter	☑	☐	☐	☐
	Councilmember Solomon	Voter	☑	☐	☐	☐
	Councilmember Flowers	Voter	☑	☐	☐	☐
	Councilmember Murphy	Voter	☑	☐	☐	☐
	Councilmember Mallory	Voter	☑	☐	☐	☐
	Councilmember Parise	Voter	☑	☐	☐	☐
	Councilmember Herman	Voter	☑	☐	☐	☐
	Councilmember Klein	Voter	☑	☐	☐	☐

4. **A motion was made by Councilmember Herman and seconded by Councilmember Parise to receive and print.**

RESOLUTION
(R-11-85)

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, the Common Council has received the Mayor's proposed 2012 budget for the City of Poughkeepsie and the budget message from the Mayor; and

WHEREAS, the City of Poughkeepsie Administrative Code section 14.04 requires that upon such receipt, the Common Council shall set a public hearing thereon, giving the public notice of at least ten (10) days in the official newspaper; and

WHEREAS, the Common Council of the City of Poughkeepsie is desirous of setting such public hearing.

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie shall hold a public hearing to receive comment from the public concerning the proposed 2012 budget on Monday, November 21, 2011 at 6:00 pm in the Common Council Chambers, Third Floor, City Hall, 62 Civic Center Plaza, Poughkeepsie, New York and the Chamberlain is hereby directed to publish proper notice of the above hearing.

SECONDED BY COUNCILMEMBER PARISE

R-11-85						
			Yes/Aye	**No/Nay**	**Abstain**	**Absent**
☑ Accepted ☐ Accepted as Amended ☐ Tabled	Councilmember Johnson	Voter	☑	☐	☐	☐
	Councilmember Solomon	Voter	☑	☐	☐	☐
	Councilmember Flowers	Voter	☑	☐	☐	☐
	Councilmember Murphy	Voter	☑	☐	☐	☐
	Councilmember Mallory	Voter	☑	☐	☐	☐
	Councilmember Parise	Voter	☑	☐	☐	☐
	Councilmember Herman	Voter	☑	☐	☐	☐
	Councilmember Klein	Voter	☑	☐	☐	☐

VIII. ORDINANCES AND LOCAL LAWS:

1. **A motion was made by Councilmember Herman and seconded by Councilmember Parise to receive and print.**

ORDINANCE AMENDING §§13-126 OF THE MOTOR VEHICLES AND TRAFFIC ORDINANCE CONCERNING VARIOUS PARKING REGULATIONS

(O-11-22)

INTRODUCED BY COUNCILMEMBER HERMAN

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

SECTION 1: Section 13-126(1) (b) of the City of Poughkeepsie Code of Ordinances entitled **"**The following on-street parking permit districts are hereby created:**"** is hereby amended by the addition of following district: "District 6: **South side District"**

Street	**Side**	**Description**	**Parking Regulation**	**Time Regulation**
Reynolds Avenue	**South side**	**Subject to § 13-180 concerning end-zones**	**Two-hour and Permit parking**	**Sunday-Saturday Except Holidays**

SECTION 2: This Ordinance shall take effect immediately upon adoption.

SECONDED BY COUNCILMEMBER PARISE

Bold denotes ADDITION.

2. **A motion was made by Councilmember Herman and seconded by Councilmember Parise to receive and print.**

ORDINANCE AMENDING CHAPTER XIII, SECTION 13-180.1 OF THE CITY OF POUGHKEEPSIE CODE OF ORDINANCES ENTITLED "NO TURN ON RED LIGHT; NO TURN OR RED LIGHT BETWEEN 8:00 A.M. AND 4:00 P.M., MONDAY THROUGH FIRDAY; NO TURN ON RED LIGHT BETWEEN 8:00 A.M. AND 6:00 P.M., MONDAY THROUGH FRIDAY"

(O-11-23)

INTRODUCED BY COUNCILMEMBER HERMAN

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

SECTION 1: Section 13-180.1(d) of Chapter 13 of the City of Poughkeepsie Code of Ordinances is hereby amended by the following addition/deletions:

Section 13-180.1(d)

After signs bearing the legend "No Turn on Red**, School Days,** Between the Hours of 7:00 a.m. and 6:00 p.m.; Monday through Friday," are erected, turns on red traffic signal, as provided for in the Vehicle and Traffic Law of the State of New York, shall be prohibited at the following intersections during the above hours and days:

Hooker Avenue and Grand Avenue

SECTION 2: This Ordinance shall take effect immediately upon adoption.

SECONDED BY COUNCILMEMBER PARISE

Underlining and Bold indicates ADDITION**.**
[~~Brackets and Strikethrough~~**]** indicate DELETION.

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM THOMAS SCHIRRIPA,** a notice of intent for Log Cabin to renew its Liquor License. **Referred to Corporation Counsel**

2. **FROM SEAN GRANT,** a notice of personal injury sustained on July 21, 2011. **Referred to Corporation Counsel**

3. **FROM THOMAS F. STURGESS AND BERNICE STURGESS,** a notice of personal injury sustained on September 11, 2011. **Referred to Corporation Counsel**

4. **FROM TRACY DURHAM,** a notice of property damage sustained on September 1, 2011. **Referred to Corporation Counsel**

X. UNFINISHED BUSINESS:

XI. NEW BUSINESS:

XII. ADJOURNMENT:

A motion was made by Chairman Klein and seconded by Councilmember Herman moved to adjourn meeting at 7:25 p.m.

Dated:

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, October 17, 2011 at 6:00 p.m.

Respectfully submitted,

City Chamberlain

COMMON COUNCIL MEETING

Common Council Chambers
Monday, October 17, 2011
6:30 p.m.

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

III. REVIEW OF MINUTES:

Public Hearing of February 28, 2011
Common Council Meeting of February 28, 2011

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

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

VI. MAYOR'S COMMENTS:

VII. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

VIII. MOTIONS AND RESOLUTIONS:

1) **FROM ASSISTANT CORPORATION COUNSEL ACKERMANN,** SEQRA Resolution R11-82, and Sale Resolution R11-83, authorizing the sale of City-owned property located at 40-42 Cottage Street.

2) **FROM ASSISTANT CORPORATION COUNSEL ACKERMANN,** Resolution R11-84, approving a settlement of a tax certiorari proceeding for Rite Aid Corporation, 709-719 Main Street.

IX. ORDINANCES AND LOCAL LAWS:

1) **FROM ASSISTANT CORPORATION COUNSEL ACKERMANN,** Ordinance O-11-21, amending parking on Main Street between North Cherry and Clinton Square.

2) **FROM ASSISTANT CORPORATION COUNSEL ACKERMANN,** Ordinance O-11-22, amending parking permit district to include Reynolds Avenue.

3) **FROM ASSISTANT CORPORATION COUNSEL ACKERMANN,** Ordinance O-11-23, no turn on red for South Grand and Hooker Avenue.

X. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

5. **FROM THOMAS SCHIRRIPA,** a notice of intent for Log Cabin to renew its Liquor License.

6. **FROM SEAN GRANT,** a notice of personal injury sustained on July 21, 2011.

7. **FROM THOMAS F. STURGESS AND BERNICE STURGESS,** a notice of personal injury sustained on September 11, 2011.

8. **FROM TRACY DURHAM,** a notice of property damage sustained on September 1, 2011.

XIII. UNFINISHED BUSINESS:

XIV. NEW BUSINESS:

XV. ADJOURNMENT: