



**THE CITY OF POUGHKEEPSIE  
NEW YORK**

**COMMON COUNCIL MEETING  
MINUTES**

**Monday, May 7, 2012 6:30 p.m.**

**City Hall**

**I. PLEDGE OF ALLEGIANCE:**

**ROLL CALL**

**All Present**

**II. REVIEW OF MINUTES:**

**Common Council Meeting of March 19, 2012**

CCM Mins 3-19-12			Yes/Aye	No/Nay	Abstain	Absent
		Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Mallory	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	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Accepted as Amended	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Councilmember Boyd	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**REMOVE**

**VII. MOTIONS AND RESOLUTIONS:**

- 4) **FROM CORPORATION COUNSEL ACKERMANN**, Resolution R-12-39, supporting a municipal home rule request for 83 North Water Street.

**VIII. ORDINANCES AND LOCAL LAWS:**

- 1) **FROM CORPORATION COUNSEL ACKERMANN**, Ordinance O-12-5, approving a parking change for South Clover Street and DeLano Street.

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

**Jeff Anzevino (Scenic Hudson-1 Civic Center Plaza):** I would like to talk about the findings statement for 1 Dutchess Avenue project. We can't overstate the importance of this project for the City of Poughkeepsie. We hope that when the findings statement is approved you will insure that the park is something that will be built at the beginning of the process. In an article in the Daily Freeman today, there is a large project proposed spanning the city of Kingston and the Town of Ulster and likewise in the that project there is a waterfront esplanade and public waterfront along the entire riverfront and the Town of Ulster voted saying that the Town and City of Kingston would benefit from the construction of a deeded permanent publicly owned promenade in the immediate future rather than wait for it to be built over several years and several phases. We hope that you understand and take the proper action for the city to get this park. It is critical in connecting Walkway Over the Hudson with points to the North like Marist College and up into the Town of Poughkeepsie and the Town of Hyde Park. Scenic Hudson is working with others to create a long Greenway trail to connect the city to the national historic sites in the Town of Hyde Park. Also the findings statement will reflect the appropriate responsibility and authority for the planning boards so they can insure that the park is going right and the architecture is the way it should be, that the building and roadway are appropriate and the connections are made to the off site.

**Scott Wohl (Building Association of the Hudson Valley):** Speaking on behalf of hundreds of builders in the Hudson Valley that are anxiously awaiting projects such as the one at 1 Dutchess Avenue. As community leaders, I am sure you have considered the many factors in regards to this project. Environmental repair, park creation and leveraging approximate rail and pedestrian corridors: these are all tangible assets. However periodic analysis that is conducted the by the builders association shows quantifiable financial gains for the local community and the region result from both residential and commercial construction. Job creation, income generation and tax revenue enhancement will be seen both immediately and over time as 1 Dutchess Avenue helps to jumpstart the local economy over the three phases of construction ripple and then the ongoing impact. Both onsite and offsite job creation will obviously result in the increase in the consumption of locally produced products and services. In fact, according to a 2009 study conducted by our association, a household moving into a new home generally spends about three fifths of their income on goods and services in the local economy. It is because of this research and

the documents which I can provide the council that I wholeheartedly agree that this project will serve as an economic engine propelling the City of Poughkeepsie into renaissance and revitalization.

**John Mylod- 101 Beechwood Avenue:** I urge to put on hold tonight the proposed resolution to amend the Icehouse license lease for a full service restaurant that would be allowed for the first time to serve alcohol. Once again defining the project as Type Two the council would be asked to skirt the regulatory review process under in place under procedure. The local waterfront revitalization plan requires review by the Waterfront Advisory Committee and the Poughkeepsie Planning Board. The city is not in compliance with these requirements. The proposed amended license lease and the inclusion of the alcohol agreement is not a simple agreement. It substantially changes the use of the Icehouse building conceptually and architecturally. As a project located in public parkland, it has a significant proposed change in use of the building and surrounding patios. The project needs a great deal more public scrutiny and a review by the Waterfront Advisory Committee before the question is put before the council again. Just as the license for a private tour boat company to have exclusive use of the floating dock at Wayras Park was deemed to be illegal by the office of Parks, Recreation and Historic Preservation the same may hold true for the defacto exclusive use of the outdoor patios. There has been little or no review of the problems associated with opening a full service restaurant serving alcohol. Where will the customers of the restaurant park? Where will park users park when restaurant users take most or all of the available parking? How will a full service restaurant impact the park? Why does a private for-profit business being given special permission to serve alcohol when in fairness that was not part of the City's original request for proposals? The Icehouse building in the mid-90's was conceived as a snack bar and an education facility. Two grants totaling \$30,000 were awarded to Poughkeepsie for the latter purposes by the Hudson River Improvement Fund of the Hudson River Foundation. Will those funds be returned to the Foundation? Will the use of park facilities and restaurants violate the grants of OPR to upgrade the bulkhead and patio areas? These are some questions that need to be answered before a public hearing about the proposal can be fully understood. Unfortunately, the administration has eliminated the planning department staff of urban planners, who would have thoroughly reviewed the proposed project and asked the hard questions in search of possible solutions. Inexplicably, we no longer have such a department. In the mid-1980's a similar plan for an exclusive restaurant was proposed for the Icehouse and nearly approved until significantly concerns were raised by the public and were heeded by the Mayor and Common Council.

**Arnold Serotsky 188 South Grand Avenue:** I have spoken favorably and in support of waterfront development in the last three months. I am excited about the possibilities and the positive impact they can have on my city. I hope to have the opportunity to serve on the promised Stakeholder Committee that should be soon formed to guide the Dyson Foundation as they development the Upper Landing. I am eager to hear the findings and advisements of the Waterfront Advisory Committee on the Dutton Project and the new project involving the Icehouse which seems to present a number of complicated issues. I like restaurants and eating out and there is no nicer

place to eat out than on the waterfront. From what I have seen and heard there a number of very serious issues to be discussed and decided upon following procedure and for the good of the cause of the city. That includes more than simply commercial causes. I am sure you will be considering all those things.

**Constantine Kazolias 47 Noxon Street:** Listening to John's speech, I think you are making a mistake about allowing alcohol at the Icehouse. You are asking for trouble with parking and everything else. I came here tonight to talk about rezoning something. I am glad to see that two thirds of the Dutton property is going to be in the City unlike the Cosimo's property which is all in the Town. We just got the parking and the short end of the stick. All of this is nothing but a site plan. I think we need to go forward with the Walkway connecting city line to city line. If the state doesn't get any more federal money for Medicaid you are going to need all the tax payables you can get. We're hurting and we're going to hurt bad. Once again let's approve the zoning so we can go forward with the site plan. We need tax rateables in the City. We have 300 properties abandoned and 10% behind in taxes and we see the people moving out of the city. Let's start bringing people in instead of kicking them out. One of the ways to do this is to get more tax rateables on the books. I feel very strongly about the Dutton project because the properties are going to owner occupied and not rentals. There is a higher rate of respect when owned than with a rental property.

**Ken Stickle 118 Catherine Street:** I remember sitting here when the Icehouse was put up and it was said that it was going to be a deli with no alcohol. We are in a public park down there. We don't allow drinking down there when we barbeque. Why are we going to allow alcohol in a restaurant down there? I think it should stay a deli like it was originally proposed. It should be something that people can go down and enjoy. We have enough restaurants. We have Andy's Place. We have River Station. We have the Brown Derby, Shadows, The Grandview. Do we need another place serving alcohol on the waterfront? No. I have been recently working off of Forbus and Hooker Avenue. I am over there when the kids are getting out of school. We need more police patrols over in that area. I recently did a roof on Worrall Avenue. I saw one of the school people, I wasn't able to get his name, he actually had to stop two kids. One was on someone's property and the others were throwing garbage cans. We need more control. The kids are coming out of school, I know they have to unwind but they don't have to be unruly to the people's property they pass. We need some more police in that area. What are we going to do with these kids in the summer?

**Joyce Mayo 7 Hammersley Avenue:** I have been a resident on Hammersley Avenue for 20 years. I have seen the neighborhood go from owners to a lot of renters. The problem is that the renters don't take quite the care of the property as a home owner. They trash the place and don't seem to mind. I have the problem that there is a basketball court right on the curb. I drive around Poughkeepsie and there is no other court on the street. We have alternate parking and it has limited people from parking. And the fact that the court is right across from my house, I live with basketball seven

days a week. I don't see any other neighborhood where anybody is subjected to what me and my three other neighbors at the end of Hammersley before it hits the arterial. The Sunday before last there was a car accident. God forbid that accident would have went a little bit further into that basketball court, I am sure someone could have got hit. I see it as a violation of safety. The fact that I have a park right across the street from me. There are more kids on Hammersley playing basketball then on Barletly. Me and the other few residents that live there are frustrated. I don't know who it is. I have sit there and watch them with their pants sagging and butts showing but I have to hear their language. It's not nice language. I can't stop anyone from having people on their porch but I have a park right in front of my home. I have pictures and I would be glad to share them with Mr. Long. Because it is like a park there is a lot of trash. You have kids coming from Tubman to come to Hammersley. My brother-in-law said you might as well call it Hammersley park. It has turned from residential to park. Just Friday night there was a fight. When you get crowds there is fighting and keeping friends that loiter. It is just bad. When you constantly get more renters than owners it's a mess. If the City needs money, they need to start ticketing people.

**Harvey Flaad 115 Academy Street:** Thank you Council Chair for responding to an email that I sent to all council persons. I appreciate the response. The crux of those emails had to do with the role of the Waterfront Advisory Committee. The three deliberations that you have tonight, one is a resolution on the findings statement and I would suggest that WAC has not officially received the findings statement. So WAC would have no comment to you. I would hope that you would therefore put that off until you hear commentary. It is a very conflicted and quite unusual findings statement. There are a lot of problems with it that I think WAC could help you move your way through. Second, there is the other resolution on the Icehouse. The information on the Icehouse is somewhat conflicted and WAC should have some previous information about that and then give you some information and hopefully you will put that off until such information can get you from the WAC. Thirdly is the question of rezoning. This is not a difficult question but WAC should have input because it is already involved in the LWRP, we would have something to say to you. The fact that the consultant has already been hired from the planning department has said that it is consistent with the determination from the LWRP. WAC is your committee to give you the advice. It is useful to have a consultant from the outside but it is the Waterfront Advisory Committee that will give you the information. So I hope you put all three of those on hold for a while until you get the appropriate advice from the WAC.

**Thomas O'Neil 17 Lockerman Avenue:** I am Chairman of the City of Poughkeepsie Planning Board. Since I last addressed you some very positive things have taken place. I have had the chance to meet with parties, council people and staff. The findings statement was amended on behalf of all people mentioned. Those amendments are before you tonight. Our residential housing on the waterfront in Poughkeepsie has been an abject failure. The Dutton Project becomes one of the most importation projects that you will deal with in your tenure in government. My position is that the architecture of the project needs to be changed. I believe that I have six other members of the Planning Board that support that. We will work

tirelessly with the City Mayor, Staff and all of you to make this a project that is worthy of the City of Poughkeepsie and a place where folks can come and live and raise a family. Lastly, I think that WAC should have an opportunity to review and I would support the application to wait two weeks and look this over. If a group of citizens are entrusted to do a job you should let them do the job.

**Tom Rolston- Cold Spring:** Twenty seven years ago I developed a restaurant in Cold Spring, which was a failing town at that time. We created the Cold Spring Depot Restaurant which is the anchor restaurant for all of Cold Spring and certainly the busiest. It is a family restaurant. We allow animals to eat the same time their owners are there. I became involved in the Icehouse in January and I was brought in as a partner and as someone who has been in the restaurant business for 30 years. I heard some things tonight about the Icehouse that are not necessarily true. First, we are already allowed based on our license to serve wine and beer. In my experience in the restaurant business, wine and beer license is redundant. We run a very family oriented restaurant on the waterfront in Poughkeepsie serving moderately priced food. We are asking for the hours to be extended from 9 o'clock to 11 because if we have to close at 9 pm we need to stop serving food at 7:30 and most people go out to dinner after 7:30. We are not asking for a lot. We are putting a lot of money into the Icehouse, \$600,000 to \$800,000. I just want a fair shake from Poughkeepsie. I think you will be pleased if anyone has been to the Depot. I invite you to come. It is a well run, well established place. Thank you.

**Nancy Cozean 116 Hooker Avenue:** I was interested in the comments the former gentleman just made. Resolution R-12-38 would increase the types of the liquor allowed at the historic Icehouse to include "hard liquor." With the council already approving the license for beer and wine this may seem like a simple advancement. As a former member of the Waterfront Advisory Committee, I am asking that you table this resolution until you give this further consideration and acquire more information. You should welcome a green light from the WAC and the Planning Board to indicate that you are not making this decision without thorough review of the consequences and justification. These government bodies are here to assist you and to provide information. It is a big waterfront advisory riverfront plan that has been two decades in the making. Hard liquor indicates to people that this is not simply a dining facility but that it is a night club. One of the considerations is that now they are asking for an extension on hours after the parks close. The Icehouse is located in a public park which is different than The Depot. It is mostly families that use the Icehouse facility. There are numerous restaurants in the surrounding area including the train station that do provide bar services. What is missing is a simple snack facility that families who do not want hard liquor served can go to. Restaurants require parking. Parking is already a problem on the waterfront. They will need more private parking for the restaurant patrons. This is a public park and where will the public go for parking? Are you making sure that there is no obstruction to the sidewalk because the sidewalks require ADA approval? Also this is a greenway trail. You have received money in the past for both of these types of improvements and is this in keeping with what these grants have provided? You must consider past experiences. In the 1990's Aldopho's was located in what is now the Children's

Museum. There were constant complaints from the neighbors on both sides of the river about the noise, disruptive activities and constant police presence. This among other things forced them to sell and become part of the Children's Museum. Think in terms of what the Icehouse provides. That is a wonderful, historic, educational facility. It can be a dining facility. But turning it into a night club like atmosphere, you will find yourself revisiting many of the things we want to avoid. I hope that you use the assistance of the Planning Board and WAC. That is their job to be your consultants and to help gain monies from the government.

**Ken Levinson 24 Garfield Place:** I think it is great if we go ahead with something for the Icehouse. Being boarded up doesn't do anyone any good. I don't know too much about the upcoming proposal but one of the partner is Kevin Lund. I don't know Kevin. He might be a very nice fellow but I don't know. His partner, Tom Rolston was here today and he seems like a very nice fellow. What concerns me, is that back in 2010, this Council granted Kevin Lund permission to proceed and renovate the Icehouse. Two years later, nothing has been done. It is still boarded up. I don't know what happened but for two years this gentleman didn't come through. If I were sitting in your seat, I would wonder why would I give this gentleman a second chance. This needs to be looked into. So I did some research at the Dutchess County Clerk's Office. I looked up Kevin Lund. His wife is Deborah Lund. He has a company called KBL Corporation. Kevin Lund has 39 judgments against him. Stopped by Chairwoman Johnson. There will be no personal attacks.

## V. MAYOR'S COMMENTS

**Mayor Tkazyik** – First I would like to thank Ken and Cheryl Rose for a fabulous weekend at Morgan Lake for the annual Hooked on Fishing Event. Twenty-five years celebrated in the City of Poughkeepsie. Now to lay out some facts and information. First, I will just touch on the Icehouse resolution that is before you tonight. First, we should make clear that the licensee has made the request to be heard before the city and the council on the proposed amendments that is before us. This not something that has come from the administration nor the council at large. The licensee would like to be heard on the requested amendments to the agreement that was signed almost two years ago. Two years ago, there was an RFP done. Three individuals responded to the RFP. KBL was the awardee of that. Since that time, they have invested over \$100,000 into the property and a lot of that investment had been wiped out with the devastating effects of Hurricane Irene and Tropical Storm Lee which completely flooded Waryas Park including a lot of the enhancements, improvements and equipment from this project. I know that they are committed to the project and representatives are here tonight to discuss the amendment and would like to be heard before the City. Again, the licensee is coming to us to be heard. It is not something we have brought forward or the council. I wanted to make that clear. I know that Council Chair Johnson can speak to that as well. Also before us tonight is a huge step in the history of the City. I would like to start by saying that this project of One Dutchess Avenue has had a long history with the City. Both with my administration, previous administrations and representatives of the city at large. We have worked tirelessly to ensure that any negative impacts from a development of this

size are minimized and that the City can be proud of the end product. This project did come to fruition in a vacuum. Numerous public hearings and public meetings were held and all the comments and suggestions of the public were taken into consideration when developing the Environmental Impact Statement and the Findings Statement. I have personally met with representatives of both Scenic Hudson, Dutchess County Planning, Town of Poughkeepsie and neighbors and I am proud to say that this project is not one person's project but it is the people's project. It is now time to move forward and to allow the transformation of the northern waterfront. The people of the City of Poughkeepsie demand progress and deserve it. The proposed rezoning and subsequent development of this project is consistent with the recommendation of the City's comprehensive plan particularly the recommendation that a mix of commercial, entertainment, recreational and residential uses is being encouraged along our waterfront. The City's Waterfront Advisory Committee reviewed the project on September 15, 2012 back with an original submission. At that time they found that the project was not consistent with the City's local waterfront revitalization plan better known as the LWRP. The WAC subsequently reviewed the revised project at a meeting on November 30, 2011. The WAC informally found that the revised project is consistent with the City's LWRP. The City Council has then considered the comments of the WAC and the analysis of the LWRP consistently in both the DEIS and the FEIS and finds that the project is consistent with the overall LWRP of the City. This property has been vacant and under-utilized for decades. The City will ultimately receive a waterfront park and a significant investment of condominiums, townhomes and commercial space. The developer, The Dutton O'Neil Group LLC has pledged to invest over \$100 million creating new jobs, strengthening our economy and leading to an additional tax base to support our City, our County and our school system. The close proximity to the train station, this waterfront location will advertise the resource that the City of Poughkeepsie has and help to revitalize our economy all at the same time. Madam Chair that concludes my comments this evening. And I look for a favorable action before the City Council on both the findings and the rezoning of this next step in the City's revitalization efforts along our northern waterfront. Thank you. 68:05

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

**Chairwoman Johnson** – I would like to apologize for the negative comments during public participation. The owners and their family are in the audience tonight. There are many ways to get your point across without the drama. That is not how we do business here in the City of Poughkeepsie.

Tonight we will finally have closure on another very important city project. First was the Upper Landing Project and now before us tonight is the One Dutchess Avenue – O'Neill/Dutton Group. This 2.5 parcel of industrial Brownfield has been vacant and underutilized for decades. The Common Council was declared the Lead Agency for this project since February 17, 2009. This project has been lingering for 3 ½ years, though three other Common Councils. We have had countless meetings, public hearings and presentations with many revisions. This project will bring 500 construction jobs, homes and revenues to the City of Poughkeepsie. This project is a

\$100 million investment in Poughkeepsie with a completion date year of 2015. We will also get a beautiful waterfront public park that will connect Marist and Vassar parks. That will ultimately connect to the Walkway Over the Hudson and will become a part of the Greenway Trail for all the residents in Poughkeepsie to enjoy. I applaud this Common Council of 2012 again for all their hard work and Mayor Tkazyik, City Administrator Long, Corporation Counsel Ackermann and our Chamberlain, Ms. Deanne Flynn for once again working together in a bi-partisan effort. By putting the best interests of the city first in accomplishing what no other council has been able to achieve. Now for some very special news. Saturday, May 5<sup>th</sup> our Mayor John Tkazyik celebrated his 33<sup>rd</sup> birthday. Please join me in wishing this exceptional young man a happy, healthy and wealthy birthday. And this concludes Chairwoman's Comments.

**VII. MOTIONS AND RESOLUTIONS:**

- 1. A motion was made by Councilmember Rich and seconded by Councilmember Boyd to receive and print.**

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW  
ACT (SEQRA) RESOLUTION REGARDING A SALE OF  
CERTAIN CITY OWNED PROPERTIES  
(R-12-33)**

**INTRODUCED BY COUNCILMEMBER RICH**

**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 3 Zimmer Avenue (Tax Map No.: 6162-62-173318); and

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

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

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

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

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

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

2. In accordance with Section 617.5(a)(2) of Title 6 NYCRR, the Common Council determines that the action does not involve a federal agency; and
3. In accordance with Section 617.5(a)(3) of Title 6 NYCRR, the Common Council determines that the above described action does not involve any other agencies; and
4. In accordance with Section 617.5(a)(4) of Title 6 NYCRR, the Common Council classifies the above described action as an unlisted action. The Common Council in making such classification considered Section 617.12 of Title 6 NYCRR and determined that the above action did not fall into any of the categories listed under Type I, and also considered Section 617.13 of NYCRR and determined that the above described action did not fit under any of the categories listed under Type II Actions, thus reaching the conclusion that it is to be considered an unlisted action; and
5. In accordance with Section 617.5(a)(5) the Common Council determines that the above described project will not require a long EAF since the short EAF provides sufficient information; and
6. The Common Council officially makes a determination of non-significance in that the proposed sale of properties are not expected to result in a significant adverse impact on the environment and, therefore, the preparation of a draft environmental impact statement is not necessary; and
7. This determination shall be considered a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law; and
8. The City Chamberlain shall maintain a file of this determination as well as the attached EAF which is hereby made a part of this resolution.

**SECONDED BY COUNCILMEMBER BOYD**

R12-33						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Boyd	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. **A motion was made by Councilmember Rich and seconded by Councilmember Boyd to receive and print.**

**R E S O L U T I O N**  
**(R-12-34)**

**INTRODUCED BY COUNCILMEMBER RICH**

**WHEREAS**, the City of Poughkeepsie is the owner of certain real property located at 3 Zimmer Avenue in the City of Poughkeepsie, County of Dutchess, New York; 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 Mark Pastreich to purchase this property for the sum of \$10,000.00 along with a proposed development plan; 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 development plan; and

**WHEREAS**, the Common Council hereby finds that the offer and development plan from Mark Pastreich is the most favorable of the offers received 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 development in accordance with the plan of development submitted; 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 Mark Pastreich to purchase the premise known as 3 Zimmer Avenue (6162-62-173318), in the City of Poughkeepsie for the sum of \$10,000 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. **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;**

- B. Purchaser shall obtain a valid Certificate of Occupancy for all structures and all other parcels shall be developed in accordance with the development plan submitted to the City within one (1) year after obtaining the building permit;
- C. 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;
- D. Purchaser shall accept such title to the real property as the City of Poughkeepsie is possessed of and agrees to accept such title by quitclaim deed subject to any defects or encumbrances as are of record, 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;
- E. 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
- F. Purchaser shall promptly 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

**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 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 BOYD**

R12-34						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Boyd	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

**Corporation Counsel Ackermann** informed the Council that said resolution which accepts, authorizes the issuance of a Findings Statement relative to the State Environmental Quality Review Act (SEQRA) for the One Dutchess Avenue development project. As the lead agency for the SEQRA review for the development project the Common Council adopted and issued the Final Environmental Impact Statement (FEIS)

on March 19, 2012 that was prepared with respect to this project and on April 16, 2012 issued a Statement of Findings based on the FEIS. This resolution will adopt the Statement of Findings as the Common Council's written statement of findings as required by Section 617.11 (c) of the Regulations.

**RESOLUTION ACCEPTING, AUTHORIZING AND APPROVING THE ISSUANCE OF A FINDING STATEMENT RELATIVE TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE ONE DUTCHESS AVENUE DEVELOPMENT PROJECT.**

**(R-12-35a)**

A motion was made by **Councilmember Rich** and seconded by **Councilmember Boyd** to suspend the rules to hear from the City's consultant, Stu Messenger from Chazen.

A motion was made by **Councilmember Rich** and seconded by **Councilmember Boyd** to resume the rules.

**INTRODUCED BY COUNCILMEMBER RICH**

**WHEREAS**, The O'Neil Group-Dutton, LLC has submitted an application to the City of Poughkeepsie for a development project known as One Dutchess Avenue (the "Project") and has requested an amendment to the zoning code of the City of Poughkeepsie for the location of the project which is One Dutchess Avenue in the City of Poughkeepsie and more specifically known as Tax Map #: 6062-59-766443; and

**WHEREAS**, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQRA ACT") and the regulations (the, "Regulations") adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (collectively with the SEQRA Act, "SEQRA"), the City of Poughkeepsie Common Council (the, Common Council") has acted as Lead Agency for the SEQRA review of the Project; and

**WHEREAS**, on March 19, 2012, the Common Council, by Resolution R-12-29 adopted and issued the Final Environmental Impact Statement (the, "FEIS") prepared with respect to the Project, and on April 16, 2012 issued a Statement of Findings; and

**WHEREAS**, copies of the FEIS and the Statement of Findings have been made available to the members of the Common Council; and

**WHEREAS**, the Common Council now desires to adopt the Findings Statement as the Common Council's written statement of findings relative to the Project, as required by Section 617.11(c) of the Regulations;

**NOW THEREFORE, BE IT**

**RESOLVED**, by the Common Council of the City of Poughkeepsie as follows:

1. Based upon the consideration of and discussion held by the members of the Common Council respecting the FEIS and the Finding Statement (collectively, the “SEQRA Documents”) and the review of the Statement of Findings, the Common Council hereby (1) makes the findings and provides the rationale for such findings as set forth in the Statement of Findings, which Statement of Findings is hereby incorporated into and made a part of this resolution, and (2) adopts the Statement of Findings as the Common Council’s written statement of findings relative to the Project, as required by Section 617.11(c) of the Regulations.
2. Based upon the foregoing, the Common Council hereby finds and determines that:
  - a. The Common Council has reviewed the FEIS and has considered the relevant environmental impacts, facts and conclusions disclosed in the FEIS;
  - b. The Common Council has weighted and balanced the relevant environment impacts identified in the FEIS with social, economic and other considerations;
  - c. The Common Council has reviewed the SEQRA Act, the FEIS, and the Statement of Findings, and based on said materials, the Common Council finds no compelling reason not to proceed with the Project;
  - d. The requirements of SEQRA have been met with respect to the Project; and
  - e. As set forth in the Statement of Findings, consistent with social, economic and other essential considerations, from among the reasonable alternatives available, (1) the Project minimizes adverse environmental impacts to the maximum extent practicable and (2) adverse environmental effects revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the Project those mitigative measures that were identified as practicable in the FEIS.
3. The applicant is directed to send a copy of this Resolution to each entity identified by the Lead Agency as an “involved agency” or “interested party” with respect to the Project, and a copy of this Resolution shall be filed with City Chamberlain and maintained in the files of the Development Department and readily accessible to the public and made available upon request.
4. This Resolution shall take effect immediately.

**SECONDED BY COUNCILMEMBER BOYD**

R12-35A			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	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 Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Boyd	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	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"/>

**VIII. ORDINANCES AND LOCAL LAWS:**

- 1. A motion was made by Councilmember Rich and seconded by Councilmember Boyd to receive and print.**

**ORDINANCE AMENDING CHAPTER XIX, SECTION 19-3.2 OF  
THE CITY OF POUGHKEEPSIE CODE OF ORDINANCES  
ENTITLED ZONING MAP**

**(0-12-4)**

**INTRODUCED BY COUNCILMEMBER RICH:**

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

**SECTION 1:** The official Map of the City of Poughkeepsie as adopted by the Common Council on February 20, 1979 and as amended thereof is further amended as follows:

Parcel # 6062-59-766443- 1 Dutchess Avenue from I-2 (General Industrial District) to W (Waterfront District).

**SECTION 2:** That the Common Council of the City of Poughkeepsie as lead agency has determined, pursuant to 6 NYCRR §617.9 the proposed action is a Type I action and that such negative impacts adopted in the Scoped Positive Declaration have been adequately addressed in the Final Environmental Impact Statement which was accepted by the Common Council on March 19, 2012 and which Notice of Acceptance has been circulated to all the involved agencies and interested parties.

**SECTION 3:** that the City Chamberlain be and she hereby is directed to amend the official Zoning Map in accordance with this Ordinance.

**SECTION 4:** This Ordinance shall take effect immediately.

**SECONDED BY COUNCILMEMBER BOYD:**

O-12-4						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	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 Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Boyd	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	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"/>

A motion was made by **Councilmember Rich** and seconded by **Councilmember Boyd** to hold a public hearing at 6:00 pm before the next Common Council meeting to get public input on the proposed change in hours and full liquor license for the Icehouse Restaurant. Motion also to have Clerk publish notice of the Public Hearing. Motion also to refer to Waterfront Advisory Committee to receive a written report from the Committee Chair.

Vote on Public Hearing from motion above						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	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 Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Boyd	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	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"/>

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

- 1. FROM POLICE CHIEF KNAPP,** a communication regarding a joint application with the Town of East Fishkill for funding from the U.S. Department of Justice under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, FY 2012 Local Solicitation.

~~IX~~ 1.

## PUBLIC NOTICE

### 2012 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROPOSED JOINT LAW ENFORCEMENT APPLICATION

The Edward Byrne Memorial Justice Assistance Grant is a formula grant awarded through the U.S. Department of Justice, Bureau of Justice Assistance, and is awarded to assist law enforcement agencies in crime prevention and safety activities. The City of Poughkeepsie Police Department and East Fishkill Police Department will be filing a joint application. The purpose of this public notice is to make community members aware that the application is being filed and to pose an opportunity for input to be offered. Each department has formulated independent, specific programs to address the needs of its community. Funding is allocated by the Federal government as follows: City of Poughkeepsie Police Department \$34,650 and Town of East Fishkill Police Department \$14,471. If community members would like to offer input on the use of proposed funding please do so at the next City of Poughkeepsie Common Council Meeting on May 7, 2012 or writing to Chief Ronald J. Knapp, City of Poughkeepsie Police Department, 62 Civic Center Plaza, Poughkeepsie, New York 12601. Letters must be received no later than May 7, 2012 5pm.

### Edward Byrne Memorial Justice Assistance Grant (JAG)

#### Overview

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program (42 U.S.C. 3751(a)) is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system, from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. JAG-funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

#### Formula

Once each fiscal year's overall JAG Program funding level is determined, BJA partners with the Bureau of Justice Statistics (BJS) to begin a four-step grant award calculation process which consists of:

1. Computing an initial JAG allocation for each state and territory, based on their share of violent crime and population (weighted equally).
2. Reviewing the initial JAG allocation amount to determine if the state or territory allocation is less than the minimum ("de minimus") award amount defined in the JAG legislation (0.25 percent of the total). If this is the case, the state or territory is funded at the minimum level, and the funds required for this are deducted from the overall pool of JAG funds. Each of the remaining states receives the minimum award plus an additional amount based on their share of violent crime and population.

3. Dividing each state's final award amount (except for the territories and District of Columbia) between state and local governments at a rate of 60 and 40 percent, respectively.
4. Determining local unit of government award allocations, which are based on their proportion of the state's three-year violent crime average. If a local eligible award amount is less than \$10,000, the funds are returned to the state to be awarded to these local units of government through the state agency. If the eligible award amount is \$10,000 or more, then the local government is eligible to apply for a JAG award directly from BJA.

#### **Purpose Areas**

JAG funds may be used for state and local initiatives, technical assistance, strategic planning, research and evaluation, data collection, training, personnel, equipment, forensic laboratories, supplies, contractual support, and criminal justice information systems that will improve or enhance such areas as:

- Law enforcement programs.
- Prosecution and court programs.
- Prevention and education programs.
- Corrections and community corrections programs.
- Drug treatment and enforcement programs.
- Planning, evaluation, and technology improvement programs.
- Crime victim and witness programs (other than compensation).

#### **Prohibited Uses**

No JAG funds may be expended outside of JAG purpose areas. Even within these purpose areas, however, JAG funds cannot be used directly or indirectly for security enhancements or equipment for nongovernmental entities not engaged in criminal justice or public safety. Nor may JAG funds be used directly or indirectly to provide for any of the following matters unless BJA certifies\* that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order:

- \*\*Vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters).
- Luxury items.
- Real estate.
- Construction projects (other than penal or correctional institutions).
- Any similar matters.

2. **FROM RAFIQ AKBAR**, a notice of property damage sustained on April 25, 2012. **Referred to Corporation Counsel.**

**Chairwoman Johnson reads a communication from Governor Cuomo wishing Mayor Tkazyik a Happy Birthday.**

#### **X. UNFINISHED BUSINESS:**

**Councilmember Rich:** Update on "Make Poughkeepsie Shine": It is going to be held on June 2<sup>nd</sup>. I have been able to get people and organizations to help me such as Academy Street Partnership, Christ Episcopal Church, and River Keeper who is conducting a cleanup of the Hudson River that day as well. There are flyers out and all council members have a copy. Also there is a solicitation letter ready to go. Helping me in these activities have been Mike Brady, Corporation Counsel and Al

Gernhardt, Computer Center and so far, so good. I would ask the other council members what not-for-profits or organizations in their ward they should contact to be part of our team. Examples would be CSEA, Fire Department, Police Department, Teachers Union, Youth Programs, Pop Warner Group, Poughkeepsie Soccer Club and Poughkeepsie Little League. All of these folks have a stake in a cleaner neighborhood especially in our parks. Others who should be involved: The Poughkeepsie Journal, the school district, The Chamber of Commerce, The Bardavon, The Civic Center, and County government. Also a host of commercial businesses that may help us as well as non-profits and churches. By the 21<sup>st</sup> we should know how many volunteers we have and how much money we have to spend on food and t-shirts for volunteers. We then need to decide where we are going to meet and where is our start point, where we are going to take the garbage, etc.

**Councilmember Solomon:** Is it too early to ask...Are we going to have three or four sites for cleanup or is everyone going to clean up their own park?

**Councilmember Rich:** After the 21<sup>st</sup> we will have a better idea of number of volunteers and money and then we will make that determination. Parks, Main Street and certain neighborhoods will be made top priorities.

**Councilmember Boyd:** My ward has no parks, so I thought I would put out flyers to help the elderly clean up their yards. Also I think we should have a rain date.

**Councilmember Rich:** We haven't decided on a rain date yet. We can tell you in two weeks what the rain date will be.

**Councilmember Perry:** I would like to wish the Mayor a belated birthday. Mr. Long, it is good to see you. I took a trip up to College Hill park and I noticed that there was great improvement up there. Branches cut and trimmed and the place cleaned up. You did an excellent job. And to the fine members of the Public Works department, please extend my thanks to them. I have one little disappointment. After all that good work was done, someone went up there and spray painted. I saw some spray paint on the steps. I am very sure that the Public Works department did not do that. Hopefully, the people that are listening, we are going to refurbish College Hill Park again. It is going to come back to being one of the better parks in our City. We are serving notice to them. If you are not going up to help clean up, then you don't need to be there.

**Chairwoman Johnson:** King Street Park, the baseball field needs to be cleaned up and the lines need to be painted. Also I didn't get my geraniums in the whiskey barrel planters so that it looks presentable for the start of Little League.

**City Administrator Long:** Usually they start striping when the games start. They usually don't stripe for the practices. We will try to get them up there.

**Councilmember Perry:** Are we going to do something for the 7<sup>th</sup> ward that we are not going to do for the 5<sup>th</sup> ward?

**City Administrator Long:** They do stripe the field at College Hill Park.

**Councilmember Perry:** Since Councilmember Boyd doesn't have any parks in her ward, maybe she would consider helping the 3<sup>rd</sup> and 5<sup>th</sup> wards since we are closer to the Walkway. It would be nice to spruce up the North side so it will blend in a little better with what we are doing on the Walkway Over the Hudson.

**Councilmember Parise:** We have no geraniums in our park. But the Mystere is now docked at Waryas Park, so come down and take a cruise.

## **XI. NEW BUSINESS:**

**Councilmember Boyd:** For Corporation Counsel. When I became a councilmember as of January 2012 I was told by the current administration that Mr. Banero was looking into some financing with the banks. I would like to know what is happening with the Banero property on DeLaval.

**City Administrator Long:** There are several things that are happening simultaneously. First, the city is under contract to the site completed in terms of the DEC requirements for the Brownfield remediation project. They are in the process of finalizing the cap. That was just recently approved by DEC. The next step is the development of the site. The Benauro family has made progress in that respect and we have had some meetings with the State of New York regarding grants and assistance towards the development of it. All of the utilities were installed as part of the last phase. I believe the next step is the site plan approval for the first building they will install which is smaller building near the marina. I don't think he has gone before the planning board as of yet. Another issue is working with the Empire State Development Corporation. And there has also been some tax issues that have been unresolved for quite some time. He is very close to negotiating a settlement with the State of New York about the pilot agreement and the taxes and the way they have been paid in the past. We are hopeful that he will begin construction this year.

**Councilmember Mallory:** Without a planning department and a commissioner of economic development, how is the City conducting business?

**Mayor Tkazyik:** We are conducting the planning business through a private consultant as all the other towns and cities in Dutchess County. The applicants pay through an escrow for the services are rendered. We are saving approximately \$200,000 in salaries. All marketing of property and development is done through the administrator or my office or legal department. The builder inspector is a division head of the City and oversees the intake of that process as well as supervises all staff within the building division/planning area.

**Councilmember Mallory:** Is the consultant full time?

**Mayor Tkazyik:** They are considered full time. There are hours designated within the building department when he is here. I believe it is Tuesday and Thursday from

8:30 to 1:00. Then if a special meeting is set up for a potential applicant or developer then those services are rendered. It is the same procedure if someone wanted to come in and meet with a member of staff in the Building Department. They should ask for Mr. Greg Bolner. The City conducted an RFP and we got about 8 responses and Clark, Patterson, Lee was selected at no cost to the City. Corporation Counsel is establishing a fee schedule with the Building Department and will be bringing that to the counsel shortly. Right now everything is as written. Fee schedule is the same as it was. The consultant has been with us about two months. Any questions can go through Mr. Beck. Consistency has been the biggest factor in this change besides the salary savings.

**City Administrator Long:** Additionally, I am also a professional planner. I am a member of the American Institute of Certified Planners. I am also doing a lot of the smaller things the Planning Director was doing. We were involved in a lot of the community outreach projects. We are working with the Walkway Over the Hudson, we are working the Waterfront Revitalization Projects. Building Inspector Beck has been taking care of the day to day intake, but I have been very involved in the day to day bigger picture issues.

**Councilmember Solomon:** What is the status of the Animal Warden?

**Corporation Counsel Ackermann:** I will have to check on the results of the test. The test was given and we will have to check to see if the list is ready.

**Chairwoman Johnson:** We have an abundance of pitbulls running around and we already had an incident in the 5<sup>th</sup> Ward. We really need a dog warden. I have noticed that no one is abiding the pooper scooper law. They don't clean up after their dogs and one dog had an accident in front of my door.

**Councilmember Perry:** If we don't get a dog warden soon, I am going to feel like I am the dog warden. I have had so many calls from people. One of my constituents who walks all over Poughkeepsie doesn't walk anymore because there are too many pit bulls. When someone has to stay in their house because they are afraid of pit bulls then I think we need an ordinance. And if we already have one then we need to start enforcing it. There was an eight year old child that was bitten in my area. Two weeks ago I saw a person walking two huge dogs and I don't think that person had the physical strength to hold onto those dogs if they hadn't gotten loose. I am not picking on pit bulls but a lot of people are very uncomfortable with them.

**Mayor Tkazyik:** We are working through the civil service process as fast as we can. Once we get the results from the County we will canvass immediately.

**Chairwoman Johnson:** What can we do about dangerous dogs?

**Corporation Counsel Ackermann:** There is an ordinance in place on the books in the City of Poughkeepsie for dangerous dog. It is also regulated by the State and the agricultural market law. We do get complaints on occasion about dangerous dogs and

we act upon them. Generally, we find that very few people are willing to come and testify for circumstances regarding a dog and why it's dangerous. So it is difficult to act upon them. We actually one going on right now in Mr. Parise's ward where we have people willing to come forward and sign a complaint and testify. We had one last year in the 7<sup>th</sup> ward where an insurance adjuster was bit by a dog while he was out looking at a car. The dog was actually seized. This was a pit bull. When we get complaints and willing participants, they are acted upon. That incident was on Mansion Street.

**Chairwoman Johnson:** I think people are afraid to come forward due to retaliation. Is there anything we can do to make the process a little easier?

**Corporation Counsel Ackermann:** Once we have an Animal Warden, they have the ability to go out and visit with the dog and make an assessment on whether the dog is dangerous. You probably wouldn't get a seizure that way but the Warden can make sure that dog is muzzled when out. Muzzling can be required by the court. This can be used when the isn't dangerous enough to be seized or put down. If a dog bites someone, the dog may be declared dangerous, depending upon the circumstances. The court may takes steps including having the dog muzzled , to put down, to having the dog see a therapist to determine the likelihood of another attack.

**Chairwoman Johnson:** We can put something in place saying that only so many pit bulls per household?

**Corporation Counsel Ackermann:** You can limit the amount of domesticated animals in one location which is done through the zoning code but you can't be breed specific to certain types of dogs.

**Councilmember Rich:** Would a dog warden be able to solve our problem of dangerous animals?

**Corporation Counsel Ackermann:** I don't think it will solve the problem but will it help the situation where we need people to testify if they are afraid. It should help people file complaints. Once the animal warden makes an assessment, sometimes you can deal with the situation with that information alone. In a city of 30,000 people there is a large pit bull population, so one warden or ten wardens aren't going to solve the problem.

**Councilmember Rich:** So what is the solution? Have other cities had this problem?

**Corporation Counsel Ackermann:** I know what some councilmembers are getting at. That a ban on pit bulls would be the answer. That would be for the courts higher than this one to decide whether or not that is allowed.

**City Administrator Long:** The problem is that about half of the people don't get licenses at all.

**Corporation Counsel Ackermann:** If the dog is not licensed it can be seized on the spot. One of our most active animal wardens was very good about checking for licenses and seizing dogs that didn't have licenses. There are still going to ones that don't comply.

**Councilmember Parise:** The dogs that attacked in my ward were licensed.

**City Administrator Long:** I don't think anyone wants to get into this issue but when we seize a dog we then have to keep it and maintain it. We have to give the dogs shots and end up with a huge bill when we take dogs off the street.

**Corporation Counsel Ackermann:** The owner does get billed for this but half the time you don't see the money. You just see a judgment against that person. The owner does not get their dog back until all bills are paid. Many times the owner can't or won't pay so they abandon the dog. The city then pays to maintain the dog for a certain amount of time. We contract with a private animal hospital to act as our pound. We are required by agricultural market law to have a pound. Since we don't have a city facility as a pound we contract with an animal hospital to take care of the responsibility of having a pound for the City.

**Chairwoman Johnson:** Is this one of those consolidated services that we could do with the town?

**City Administrator Long:** We have talked about it.

**Corporation Counsel Ackermann:** The problem is that there doesn't seem to be any savings with the Town. Their animal warden is full time and when we have an Animal Warden they are full time as well. Unless you want to create a joint City and Town Pound. Generally speaking, when a person is bit by a dog, there is a protocol that the dog needs to be quarantined for a period of time and tested for rabies.

**Chairwoman Johnson:** This is another thing: dog barking. What do we do about barking dogs? Can the police issue a ticket?

**Corporation Counsel Ackermann:** The police need to be called and they can issue a ticket.

**Councilmember Herman:** Can the school district reimburse the City for maintaining Spratt Park? Since that is where the high school team is playing.

**City Administrator Long:** Not that I am aware of. We do charge Lourdes to use our fields.

**Councilmember Herman:** My other question is for Councilmember Boyd. It has been brought to my attention that you have requested a meeting with the Police Chief on Public Safety. We have a Public Safety Committee and I know I wasn't notified

of the request and I don't know if Councilmember Mallory was notified. If you are looking to have a meeting on Public Safety I don't know why you would eliminate us.

**Councilmember Boyd:** I was eliminating anyone. I was just inquiring about a meeting. We don't have a date or time or anything. I was just trying to get the Police Chief involved so we could have a meeting. Once we have a date and time, I would more than likely let you know.

**Councilmember Herman:** I'm not saying I am an expert but I probably know more about public safety than anyone on this board. Also if you are looking to have a meeting, I ask that you notify us that you are requesting a meeting about public safety issues. I don't like being the dark. I don't like surprises; I just want to be informed. If there is a meeting and I am not involved in it, there is going to be a problem.

**Chairwoman Johnson:** I think that we have four or five standing committees. I think it might be a good practice to meet with the committees if you want a meeting so everyone can check their schedules. And that goes for even the finance committee. In my opinion, no one person should be seeking out meetings when we have a committee for that. That way we can work as a group.

**Councilmember Herman:** Can I ask what some of the issues are that you are concerned about?

**Councilmember Boyd:** I don't really have the issues in front of me right now. I was told by a few of my constituents that they would like to meet with the Police Chief and I have no idea what the issues are.

**Mayor Tkazyik:** Just for the record, all those meetings need to be advertised and published.

**Chairwoman Johnson:** For all new councilmembers, this is why we need to meet with our committees. Or at least send them an email.

**Mayor Tkazyik:** Also a notice needs to be sent to the City Administrator and myself if any city staff needs to be present at those meetings.

**Councilmember Rich:** When I first was a council person, I requested a lot of committees and found that my issues would be better addressed by a Committee of the Whole. That way we can all talk about these issues that seem to be coming and going.

**Mayor Tkazyik:** I cannot agree with Councilmember Rich more. He is absolutely right. The rules for the Council for 2010 and 2011, when I was a councilmember, incorporated the committees as the committee of the whole.

**City Administrator Long:** Another point, school districts have different levels of involvement that we do here. Each organization is different.

**Councilmember Perry:** Is the City going to be doing any bulk pick up for large items?

**City Administrator Long:** This next week, I believe the 14<sup>th</sup> of May is when there is a free drop off at DPW. The week of May 14<sup>th</sup> is free drop off.

**Mayor Tkazyik:** The senior five item bulk pick up will continue by appointment from May to October. We plan to advertise that for the season as well. A senior is defined as someone over 65 years old.

**City Administrator Long:** I have asked the Commissioner of Public Works to put the final version of the recycling guidelines. We are in the process of going to single stream recycling. We have a new contract with an electrical company so we are now getting paid for our electronics recycling. There is no longer a cost for people to drop off TVs and electronics at the transfer station.

**Chairwoman Johnson:** I gave Corporation Counsel Ackermann the historical ordinance from the historical commission. I know that Mr. Brady has been in contact with Holly Walberg and the historical commission. Do we have all the members in place for the historical commission?

**Mayor Tkazyik:** We filled the attorney spot. The architect just handed me his resignation. A resident of the 7<sup>th</sup> ward, an architect Gary Prevatsky has agreed to serve. We sent a letter out to him. The attorney, Sam Brooks, has agreed to serve. He lives on Pembroke in the 8<sup>th</sup> ward.

## **XII. ADJOURNMENT:**

A motion was made by **Councilmember Rich** and **Councilmember Boyd** seconded the motion to adjourn the meeting at 9:58 p.m.

**Dated: January 28, 2013**

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, May 7, 2012 at 6:30 p.m.

**Respectfully submitted,**

**City Chamberlain**



## **COMMON COUNCIL MEETING**

Common Council Chambers

Monday, May 7, 2012

6:30 p.m.

### **I. PLEDGE OF ALLEGIANCE:**

#### **ROLL CALL**

#### **5) REVIEW OF MINUTES:**

**Common Council Meeting of March 19, 2012**

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

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

**8) MAYOR'S COMMENTS:**

**9) CHAIRMAN'S COMMENTS AND PRESENTATIONS:**

**10) MOTIONS AND RESOLUTIONS:**

- a. FROM CORPORATION COUNSEL ACKERMANN, SEQRA Resolution R12-33 and Sale Resolution R12-34 for 3 Zimmer Avenue.**

- b. FROM CORPORATION COUNSEL ACKERMANN**, Resolution R12-35, approving the Findings Statement for One Dutchess Avenue.
- c. FROM CORPORATION COUNSEL ACKERMANN**, Resolution R12-38, amending a license agreement for the Ice House.
- d. FROM CORPORATION COUNSEL ACKERMANN**, Resolution R12-39, supporting a municipal home rule request for 83 North Water Street.

**11) ORDINANCES AND LOCAL LAWS:**

- a. FROM CORPORATION COUNSEL ACKERMANN**, Ordinance O-12-4 amending the zoning for One Dutchess Avenue from “I-2” General Industrial District to “W” Waterfront District.
- b. FROM CORPORATION COUNSEL ACKERMANN**, Ordinance O-12-5, approving a parking change for South Clover Street and DeLano Street.

**12) PRESENTATION OF PETITIONS AND COMMUNICATIONS:**

- 3. FROM POLICE CHIEF KNAPP**, a communication regarding a joint application with the Town of East Fishkill for funding from the U.S. Department of Justice under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, FY 2012 Local Solicitation.
- 4. FROM RAFIQ AKBAR**, a notice of property damage sustained on April 25, 2012.

**XIII. UNFINISHED BUSINESS:**

**XIV. NEW BUSINESS:**

**XV. ADJOURNMENT:**