



**THE CITY OF POUGHKEEPSIE
NEW YORK**

**COMMON COUNCIL MEETING
MINUTES**

Monday, August 27, 2012 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

All Present

II. REVIEW OF MINUTES:

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

REMOVE:

VIII. ORDINANCES NAD LOCAL LAWS:

- 1. FROM CORPORATION COUNSEL ACKERMAN, Ordinance, O-12-8, amending the Department of Public Works fees.**

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

Ken Stickle, 118 Catharine Street – As you all know, I have been out mowing on College Hill. I would like to know why we are not enforcing the dog leash law. I think the fine should be increased if they're out walking their dogs without a leash and they do not have a plastic bag the fine should go up to \$250 - \$500. I would like to know when the City is going to get serious about cleaning out the storm drains. There is a lot of garbage and when we get a storm like Hurricane Irene and Lee, the

drains can't handle the amount of water that came through. I would like to see the City clean out the drains.

Jason Feldman 6 Linden Road – We have been having some devastating water issues. There are 4 or 5 residents on the street have had their entire homes flooded. I have a one year old daughter and didn't have heat for multiple days. One of the storms damaged my entire basement - hot water heater and furnace. I am looking for some assistance regarding the water in the back yard and getting the water to the streets. It's affecting multiple neighbors. In a previous storm I reached out the the fire department and I didn't get any help.

Constantine Kazolias 47 Noxon Street – People are going down my street at 50 miles per hour. I have talked to several contractors and they are totally against the DPW fees because they are too high. It will fall on the homeowner. There was a bond back in January to purchase heavy equipment. Why the snowplows haven't been ordered yet? Council should appoint a civilian police review board.

Sean Harden 36 Glenwood Avenue - I want to thank all the Emergency Responders who have dealt with so many things in the City lately. There was a fire last night 156 Parker Avenue that was quickly put out due to the efficient response. I would also like the mention the deadly car accident at Worrall and Baker. Again, very quick and efficient response. Unfortunately two lives were lost. I believe the Police took appropriate action. I hope he spends a long time in prison for his actions. Overall, I am very pleased with the response by the Police. One issue that has been mentioned in the past is speeding on Glenwood Avenue. I really think a three way stop would work at Glenwood and Douglas. I would also like to mention some of the parking issues on Glenwood. Alternate side of the street parking should be enforced. There should be some adjustments to the parking ordinance and bring in a parking enforcement officer for the weekends.

X. MAYOR'S COMMENTS

Mayor Tkazyik

We have a few scheduled community events to look forward to here in the City over the next month or two. So mark your calendars. I know that throughout the wards there will be parties and each of the Councilmembers will talk about them. On September 6 – 9th you will have the Italian Center Festival right across the street. On Sunday, October 7th you will have the Taste of Little Italy down at Mt. Carmel neighborhood. On Sunday, October 14th we will have Polaski Day Celebration. Tentatively, on Fri. November 30th we will have the annual Festival of Lights Celebration hosted by The Bardavon and the River District Restaurant Association. We have a few community events to look forward to. I know there will be block parties in your wards and I know each of you will speak to those as well. We look forward to participating in those events. On the agenda tonight is the proposed 2013-

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2017 Capital Plan which identifies potential projects of infrastructure that we anticipate as a blueprint over the next 5 years of which to address. As the City Administrator pointed out, we look to both state and federal funding to support a lot of this. Since the overall extent of borrowing and indebtedness over the City has related to a debt service cost and we have reduced the amount of borrowing and bonding that has taken place over the years. So we look for these sources of revenues to complete some of these critical projects that we see along our neighborhoods. Also on the agenda tonight you will see city owned property being sold and put back on the tax rolls. Specifically, you have a project at 12 S. Hamilton Street to a proven developer with a track record and a great community service organization the Potter House on Noxon Street. We certainly support the sale of both those properties, to put them back to productive use, beautify the neighborhood and to continue our revitalization efforts throughout the City.

CHAIRMAN’S COMMENTS AND PRESENTATIONS:

Chairwoman Johnson

The press conference at Beulah Baptist Church and Project Thunder opens new homework center. They will be making that announcement this Thursday, August 30th at 11:00AM at 92 Catharine Street.

Poughkeepsie – we believe all children can learn no matter what challenges life has prepared for them. That’s why Beulah Baptist Church and Project Thunder is opening a homework center to meet these challenges. The afternoon homework center will serve all grade levels from 3:30 to 5:30 PM. Please join us on Thursday, August 30 at 11:00 AM to take part in opening of our new afternoon homework center to help our children in our community.

Kudos to Randy Johnson and Pastor Jesse Bottoms for doing positive things to better the youth in our community.

This concludes Chairwoman Johnson’s comments.

Councilmember Solomon – Motion to go into Executive Session to discuss the garbage ordinance and the sale of property.

Seconded by Councilmember Rich.

Councilmember Rich - Motion to resume the rules. Seconded by Councilmember Boyd.

VII. MOTIONS AND RESOLUTIONS:

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

The City of Poughkeepsie

New York

Michael H. Long
City Administrator
mlong@cityofpoughkeepsie.com



62 Civic Center Plaza
Poughkeepsie, New York 12601
TEL: (845) 451-4072 FAX: (845) 451-4013

August 22, 2012

Chairman Johnson and Members of City Council
62 Civic Center Plaza
Poughkeepsie, NY 12601

Re: Proposed 2013-2017 Capital Improvement Program (CIP)

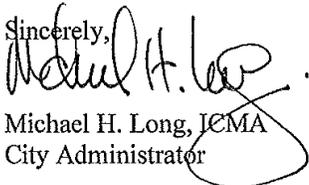
Dear Chairman Johnson and Members of the Common Council;

The City is required to adopt an annual Capital Improvement Program (CIP) which identifies potential projects that are in need of financial support and project future needs. The draft of the 2013-2017 Capital Improvement Program (CIP) was presented to the Common Council at the July 2, 2012 Council meeting. Since that time, I have met with several of the Common Council Members in order to review specific requests and understand the process in how it works.

As the Common Council is well aware, the city has completed extensive Capital borrowing and Bond Indebtedness over many years which resulted in very large debt service costs. Since 2008, the administration has dramatically reduced the bonding due to the impact that the past actions had on the annual operating budgets. With the economic conditions of the State of New York and nearly all local governments, we have tried to shift our anticipated expenditures toward soliciting State and Federal grants rather than continuing to allocate mostly local taxpayer funds to implementing capital projects. The Community Development Block Grant (CDBG) program of the U.S. Department of Housing and Community Renewal is one of the few remaining grant sources that the city continues to rely on to complete infrastructure projects. This has been utilized for projects over the last several years for Water and Sewer emergencies, sidewalk and curbing, street paving and park redevelopment projects.

The proposed 2013-2017 Capital Plan anticipates continuing this trend. The Common Council held a public hearing on August 20, 2012 to receive comments. The Common Council has requested that the Linden Rd. drainage project be considered for inclusion in the CDBG project allocations. I have modified the CIP page (see attached) for "Utilities" to identify the Linden Rd. as a potential storm / sanitary project for consideration for use of the CDBG funds should they be available.

I am requesting that the Common Council adopt the 2013-2017 Capital Improvement Program at the next meeting to be held on August 27, 2012.

Sincerely,

Michael H. Long, ICMA
City Administrator

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Utilities:	Adopted 2012	Proposed 2013	Proposed 2014	Proposed 2015	Proposed 2016	Proposed 2017+	Totals (1000's)	Funding Source: Resolution Number @	(A) Approved (F) Proposed
Water System Improvements: Overall System Upgrades Loop of 18" Main (College Hill to Parker Ave.) Market Street Water Main upgrades (Urban Renewal) Water Volume - Cedar, Arnold, Miller Hill, etc. Water Volume - Academy St, South, Garfield, etc. Design/Construct New 4MG Closed Reservoir	150 2,200	1,500 150 325 7,000	200 250	200 750	200		1,500 700 2,200 325 750 7,000	Approp. Request (P) Sen. Gillibrand/Cong. Hinchey Water Fund Bond (P) / CDBG (P) Water Fund Bond (P) Approp. Request (P) Cong. Hinchey/Sen. Schumer Water Fund Bond (P) Water Fund Bond (P) Water Fund Bond (P)	
Storm / Sanitary Sewer Improvement Projects: Storm / Sanitary Sewer-City-wide Spot Rehab (such as Linden Rd. and other Meyer - Cedar Ave. Pump Station Replacements Sanitary Sewer Main St (Cherry - Clinton) Southern Waterfront - Kaal Rock - 16" Force Main	200 1,100	250 850	250	250	250		950 1,100 850 1,250	CDBG (P) Sewer Fund Bond (P) Sewer Fund Bond (P) Sewer Fund Bond (P)	
Combined Sewer Overflow (CSO) Long Term Control Plan NYS DEC Plan submitted for compliance: CSO LTCP Flow Meter Installations (4) (Due 9/1/12) Elimination of Fallkill Creek CSO (Due 1/1/2015) Fallkill Creek - CSO Abandonment (Due 2015) Riverview CSO abatement (Laurel St - Jefferson St) Design/Construction Columbia St Crossover CSO Montgomery St. (Market St - Noxon St) Pine Street CSO Beechwood - Alden - CSO (Sharon Drive) Old Fallkill Trunk Sewer Relining / Reconstruction	100	300		100 1,000 1,100 2,000	2,100 2,000		0 100 300 2,100 1,000 2,000 1,100 4,000	CDBG (P) Sewer Fund Bond (P)	
Joint Sewage Treatment Plant (65% City/35% Town): Administration Bldg. Roof and HVAC		455 245		325 175			455 245	City Sewer Fund Bond 65% (P) / CDBG (A) Town of Poughkeepsie 35% (P)	
Sewage Treatment Plant Process Improvements			357.5 192.5		877.5 472.5		357.5 192.5 877.5 472.5	City Sewer Fund Bond 65% (P) Town of Poughkeepsie 35% (P) City Sewer Fund Bond 65% (P) Town of Poughkeepsie 35% (P)	
STP Generator replacement					552.5 297.5		552.5 297.5	City Sewer Fund Bond 65% (P) Town of Poughkeepsie 35% (P)	
Large Odor Scrubber System Improvements									
STP Wet Weather Cap Design / Construction									
Totals:	\$300	\$5,150	\$12,125	\$5,900	\$8,000	\$0	\$31,175		

Councilmember Rich – What is our capacity to borrow should we be faced with something that had to be repaired? What is our bonding ability if we had no choice but to fix it?

Finance Commissioner Bunyi – Our percentage of debt is over 15. I can look it up and get you a better number of what our capacity is. We should be below 10%. On our debt we are between 15 – 18% which is a little too high for most financing companies.

Councilmember Rich – How will the proposed library addition in the Town of Poughkeepsie affect our borrowing power?

Finance Commissioner Bunyi – It will make it worse.

Councilmember Rich – Will it take up some of our bonding power? Would the library take up our bonding capacity?

Finance Commissioner Bunyi – It will take our capacity up. It will take up some of the room but I want to get you the right numbers.

Councilmember Boyd – If we don't have the funding for Linden Ave., can we contact our Fire Dept. that when they get phone calls from these residents who are swamped with water, have no furnace? It's important for us to be able to help them.

City Administrator Long – I will send a memo to them.

R E S O L U T I O N

(R-12-59)

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, in accordance with Section 5.02 of the Charter of the City of Poughkeepsie, the City Administrator has presented the 2013-2017 Capital Projects Program to the Common Council; and

WHEREAS, the Common Council held its public hearing concerning the 2013-2017 Capital Projects Program on August 20, 2012; and

WHEREAS, the Capital Projects Program is considered a planning document for the City's anticipated Capital Projects needs for the ensuing five-year period, and as such, the Program may be amended from time to time before a particular Capital Project is implemented and final project approval will be made as sources of funds are identified; and

WHEREAS, the Common Council of the City of Poughkeepsie has determined that this resolution constitutes a Type II action as defined by the New York State Environmental Quality Review Act and 6 NYCRR Part 617,

NOW, THEREFORE,

BE IT RESOLVED, that the 2013-2017 Capital Projects Program budget annexed hereto is hereby approved by the Common Council subject to such amendments as may be deemed necessary and/or advisable, and also subject to such further approvals as may be required by law.

SECONDED BY COUNCILMEMBER BOYD

R12-59			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"/>

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

Corporation Counsel Ackermann informed the Council of said resolution which is a sale resolution and corresponding SEQRA resolution authorizing the City to sell 12 South Hamilton Street to Lapore Properties, LLC. In 2010 the City authorized the sale to EKP Management, LLC however, that owner failed to close. Since that time, the City has continued to market the property and until this time have not received any other offers. It should be noted that the property has continued to deteriorate and recently Verizon, has put the City on notice that parts of the exterior wall or falling on vehicles parked in their parking lot. I have enclosed picture for your review.

Mr. Lapore of Lapore Properties has a proven track record. The City has sold him numerous other properties which he has rehabilitated. He is prepare to close within 10 days of the approval of the sale and will immediately take steps to stabilize the building. He intends to seek a tenant in the near future.

He has offered \$10,000, which the City has determined to be an acceptable price.

Councilwoman Solomon, whose ward the property resides, has indicated her support.

Councilmember Rich – How much taxes will this put back on the books?

Corporation Council Ackermann – I don't have the current assessed value but he will start paying real estate taxes after we close which will be prorated to the end of the year. If he is doing improvements, which he indicated he will be doing, the assessed value is going to change. Once he completes the work, it will be reassessed based on the improvements.

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA) RESOLUTION REGARDING A SALE OF
CERTAIN CITY OWNED PROPERTIES
(R-12-60)**

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 12 South Hamilton Street and further known as Tax Map No.: 6162-78-181018; 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

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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

R12-60						
			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"/>

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

**R E S O L U T I O N
(R-12-61)**

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, the City of Poughkeepsie has previously taken title to premise known as 12 South Hamilton Street (6162-78-181018), 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 Lepore Property, LLC to purchase these properties for the sum of \$10,000; and

WHEREAS, the City of Poughkeepsie's Director of Property Development, 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 Lepore Property, LLC 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 Lepore Proeprty, LLC to purchase premises known as 12 South Hamilton Street (6162-78-181018) 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 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 Director of Property Development shall grant such extension as she deems appropriate;
- B. Purchaser shall obtain a building permit in conformity 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

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.

R12-61						
			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"/>

- 4. 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 is a proposed sale and ands SEQRA resolution authorizing the City to sell an unnumbered lot on Noxon Street to the neighboring property owner, The Potter House, Inc. In 2010 the City authorized the sale to the neighbor on the west side of the property, however, that owner failed to close. The Potter House also submitted an offer to purchase at that time.

The City has owned the vacant lot for many, at one time it was used as a community garden. The .085 acre of land is located in an O-R Zone (Office-Residential).

The Potter House, Inc. of 54 Noxon Street, operated by Minister Curtis Whitted, has requested that the property be sold for \$1.00. The vacant lot would be kept as a “greed side yard” to their community center. The Potter House will conduct a title search and perform any needed title clearing process, upon completion; the lot will be merged with the property at 54 Noxon Street and become tax exempt as is the Potter House. The Potter House is a community minded support center for local organizations.

He stated that he has spoke with Vice-Chair Rich, whose ward the property resides, and he is in full support of the sale.

Councilmember Boyd – Who is The Potter House and what do they do?

Corporation Counsel Ackermann – They are a Not For Profit Community Center.

Concilmember Rich - Motion to suspend rules to allow Curtis Whitted to speak.
Seconded by Councilmember Boyd.

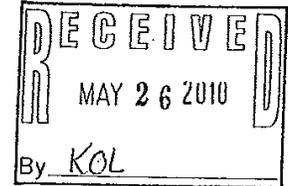
The Potter House, Inc.

54 Noxon Street
P.O. Box 134
Poughkeepsie, New York 12601
(845) 452-7484
Curtis L. Whitted, Pastor
Mary Whitted, Co-Pastor

May 25, 2010

The City Of Poughkeepsie
Property Development
62 Civic Center Plaza
Poughkeepsie, NY 12601

RE: NOXON STREET, POUGHKEEPSIE, NEW YORK
Grid number: 6161-21-054964



Dear Ms. Karen Lewis,
Director of Property Development

I am asking for the city to donate this property to The Potter House, Inc.
which is located at 54 Noxon St. next to this property.

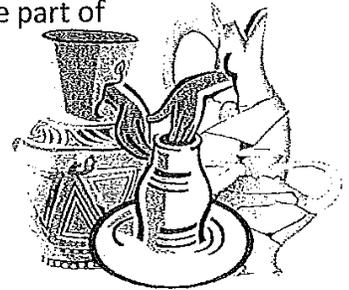
The property will be kept as "Green Side Yard."

The property will be in the name of The Potter House, Inc.

I will agree to pay appropriate taxes on the property until title search and
bar claim action can be carried out, at which time property would be
merged with The Potter House property and then would be part of
Non-Profit and tax exempt.

Sincerely,

Min. Curtis L. Whitted
Min. Curtis L. Whitted



"Arise, and go down to the potter's
house, and there I will cause thee to
hear my words"
Jeremiah 18:2

(R-12-62)

SEQRA RESOLUTION FOR SALE OF THE CITY OWNED PROPERTY LOCATED AT
52 NOXON STREET

BY COUNCIL MEMBER:

Rich

- WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of a city owned property located at 52 Noxon Street; and
- WHEREAS, the sale of this city owned property is to allow the owner of 54 Noxon Street to combine the two properties into one lot of record and maintain the parcel known as 52 Noxon Street as a green side yard; and
- WHEREAS, 6 NYCRR Section 617.6(b)(1) specifies that an agency will be the lead agency when it proposes to undertake, fund or approve a Type 1 or Unlisted Action that does not involve another agency; and
- WHEREAS, the Common Council has determined that the above described action is an Unlisted Action under the provisions of 6 NYCRR of Part 617 of SEQRA and does not involve any other agencies; and
- WHEREAS, The property is 0.085 acres, roughly 3,700 square feet and is too narrow to place a structure on and can only be used as a green side yard for one of the two adjacent parcels; and
- WHEREAS, the Common Council has considered the hereto attached Short Environmental Assessment Form (EAF), and has determined that there are no potential significant adverse environmental impacts that will occur as a result of the proposed sale; and
- WHEREAS, the Common Council has reviewed the proposed sale of property in accordance with 6 NYCRR 617.7(c) which is outlined in the Environmental Staff report which is made a part of this resolution by reference.

NOW THEREFORE BE IT RESOLVED

1. In accordance with Section 617.6(a)(1)(i) of Title 6 NYCRR, the Common Council determines that the above described action is subject to SEQRA; and
2. In accordance with Section 617.6(a)(1)(ii) of Title 6 NYCRR, the Common Council determines that the action does not involve a federal agency; and
3. In accordance with Section 617.6(a)(1)(iii) of Title 6 NYCRR, the Common Council determines that the above described action does not involve more than one agency; and
4. In accordance with Section 617.6(a)(1)(iv) of Title 6 NYCRR, the Common Council classifies the above described action as an Unlisted Action.

5. In accordance with Section 617.6(a)(3) of Title 6 NYCRR, the Common Council determines that the above described project requires a Short Environmental Assessment Form for Unlisted Actions; and
6. That the Common Council officially makes a determination of nonsignificance in that the proposed sale of the property is not expected to result in a significant adverse impact on the environment and, therefore, the preparation of a draft environmental impact statement is not necessary; and
7. That this determination shall be considered a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law; and
8. That the City Chamberlain shall maintain a file of this determination as well as the attached EAF and staff report which are hereby made a part of this resolution.

SECOND BY COUNCIL MEMBER: Boyd

R12-62			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 Pery	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"/>

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

**RESOLUTION
(R-12-63)**

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, the City of Poughkeepsie is the owner of certain real properties located at an unnumbered lot on Noxon Street in the City of Poughkeepsie, County of Dutchess, New York more specifically known as Tax Grid # 6161-21-054964; and

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

WHEREAS, an offer has been received from THE POTTER HOUSE, INC. to purchase this property for the sum of \$1.00; and

WHEREAS, this property has been offered for sale in accordance with the City of Poughkeepsie's policy for the sale of city owned property; and

WHEREAS, the Common Council hereby finds that the offer from THE POTTER HOUSE, INC. 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; 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 THE POTTER HOUSE, INC. to purchase the premise known as an unnumbered lot on Noxon Street (6161-21-054964), in the City of Poughkeepsie for the sum of \$1.00 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 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; and**
- B. 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; and**
- C. 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**
- D. the conveyance of title and the payment of the purchase price shall take place within ninety days of the date of the City merging the two parcels into one single parcel,**

unless the Director of Property Development shall grant such extension as she deems appropriate; and

- E. transfer of subject property shall be subject to a restrictive covenant ensuring the parcel will forever be green and prohibiting any development on such parcel.**

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 BOYD

R12-63			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 Parise to receive and print.**

Assistant Corporation Counsel Brady informed the Council that before them are several amendments to the After Hour Ordinance. There are seven amendments that are proposed. The first amendment is that every after hour convenient store is required under the existing ordinance to have a security camera system that is approved by the Chief of Police. One of the problems we have had in speaking to members of the police department is that they are required to have this camera system but there is nothing in the ordinance that makes it mandatory that the owner or operator of the business provides the police department with a copy of the video. We've had instances where there has been criminal activity at these establishments and when the police go to get the video, its withheld. So one of the things we want to do is to make this mandatory that they turn this over to the members of the police department. Second amendment would be on page two and that's Section 14-69. One of the things the ordinance in its present state requires is a Notice of Violation and it gives these establishments time to amend whatever deficiencies

they have. The problem with doing that is that we have to wait 30 days before we take any business to court and we don't see the need for doing that, there are a lot of problems that need immediate action. There was a problem with one of the establishments where basically one of the things that they are required to do is to have the windows not covered by advertising or signs more than 25%. The idea is when the police go by they can look in the establishment and make sure that people are safe. We want to streamline this and allow for either the building department or police department to issue citations and be able to go right to court. The third amendment is a fairly simple one, in Section 14-70, we are adding a penalty section, and currently we can only issue citations to the owner of the business, not the operator. In many of the business the owners are absentee owners and the business is ran entirely by a manager or absentee owner. So in order for the police or the building department to issue citations they would have to find the owner, many times in New York City and be able to personally serve them with a citation. This would allow the police department or the Building Inspector to serve an operator of the business. The fourth amendment, currently the law in its present state allows the police or building department to if there is a violation to close the business but the problem with that is it never said between 11:00 p.m. and 5:00 a.m. so the only remedy we had was to completely shut the business down in its entirety which is a little drastic. The fifth amendment would be that in the event that a business was closed between 11:00 p.m. and 5:00 a.m. the aggrieved party, if they wanted to fight that closure, the old law had no system, no recourse for them, no hearing. If the permit was revoked or suspended at a hearing the City Administrator would appoint a hearing officer and there would be a hearing but it never gave that remedy to a business if it was closed between 11:00 p.m. and 5:00 a.m. We just wanted to add a due process element for the business owner or operator so they would have a hearing if that were to occur. The sixth amendment is a penalty provision, one of the things that he found prosecuting these cases was that the ordinance allowed the police department and building department to issue citations but there was never a penalty. So we would be in court and there was no recourse. We added a penalty provision that suggests that the fine would be no more than \$1000.00 and an additional \$100.00 for every day that the noncompliant condition exists. The reason for that fine amount is the permit amount is \$500.00. We wanted to have it more than \$500.00 because a business might be inclined not to get the permit at all if it was less than \$500.00. It would be cheaper for them to be noncompliant, so we want to have some teeth to this. The last amendment, if a business were convicted under this article they would not be eligible for a permit for one year post conviction. So we don't have situation where there are constant violations but we continue to issue permits.

**ORDINANCE AMENDING ARTICLE VI
OF CHAPTER 14 OF THE CITY OF POUGHKEEPSIE
CODE OF ORDINANCES ENTITLED "EXTENDED HOURS
CONVIENENCE STORES"**

(O-12-9)

INTRODUCED BY COUNCILMEMBER RICH

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

SECTION 1:

Section 14-68 Extended hours convenience store security

- (a) Every extended hours convenience store shall be equipped with the following security devices and standards:
- (1) A fully operative security camera system which meets the minimum requirements as determined by the Chief of Police. **Any security camera system and any video and/or audio tape, DVD, CD, still frame depiction, download, or any other means by which video and/or audio is captured and/or memorialized by a security camera system shall be made immediately available upon request to any member of the Police Department in the furtherance of any investigation.**
 - (2) A drop safe or cash management device for restricted access to cash receipts.
 - (3) Any parking lot shall be light to an intensity of at least two footcandles per square foot at 18 inches above the surface.
 - (4) A conspicuous notice at the entrance which states that the cash register contains \$50 or less.
 - (5) Windows shall not be obstructed or covered more than 25%.
 - (6) Height markers at the entrance of the extended hours convenience store which display height measures.
 - (7) A cash management policy to limit the cash on hand at all times.
- (b) An extended hours convenience store shall not have window tinting, signs or other obstructions that reduces exterior or interior view in the normal line of sight.
- (c) Every extended hours convenience store shall be equipped with a silent alarm to a central station alarm monitoring company.

SECTION 2:

Section 14-69 Creating or maintaining noncompliant extended hours convenience stores prohibited.

Complaint of violation. Any individual or any civic organization affected by the action or inaction of an extended hours convenience store subject to the provisions of this article may contact the City of Poughkeepsie Police Department to initiate a complaint.

~~(b) — *Notice of violation; order to correct; time limit for compliance.* If an owner or agent of an extended hours convenience store has violated provisions of this article, the Building Inspector, Deputy Building Inspector or Property Development Specialist shall serve a notice of violation and an order to correct such violation on the property owner of record and the owner or agent of the extended hours convenience store. If the owner's address is the same as the property where the violation has occurred, then a notice may be left at the time the violation is noted.~~

~~(e) — *Failure to correct deficiencies.* If an owner of property and/or an owner or agent of an extended hours convenience store has been served with a notice of violation and order to correct deficiencies, and has failed to do so within 30 days as determined upon subsequent inspection, the owner of property and/or the owner or agent of the extended hours convenience store shall be punished by a fine in the amount of \$100 for each day that each noncompliant condition persists beyond 30 days from the effective date of the order.~~

SECTION 3:

Section 14-70 Enforcement and Penalties

(a) No owner **or operator** of any extended hours convenience store shall operate his, her or its business between the hours of 11:00 p.m. and 5:00 a.m., or any portion thereof, without a permit nor allow, create, or maintain an environment that attracts or encourages criminal activity.

(b) If an extended hours convenience store owner **or operator** operates his, her or its business without a permit between the hours of 11:00 p.m. and 5:00 a.m., or any portion thereof, the Poughkeepsie Police Department, Building Inspector, Deputy Building Inspector, or Property Development Specialist has the authority to close the business **between the hours of 11:00 p.m. and 5:00 a.m.** and issue citations for each violation of operating without a permit.

(c) Upon the occurrence of any events involving serious criminal activity, the Chief of Police may reasonably conclude that the business constitutes a disorderly establishment, and the extended hours convenience store permit may be suspended for up to 30 days. Such permit may thereafter be suspended again or may be revoked if two or more serious criminal activity events occur during a twelve-month period.

(d) Any owner, **operator** or person designated by the owner may appeal his, her or its **closure**, suspension or revocation of the permit of an extended hours convenience store in accordance with the following procedure:

(1) Any person **owner or operator** ~~served with a notice of~~ **aggrieved by a closure pursuant to Section 14-70(b), or** suspension or revocation **pursuant to Section 17-70(c),** shall be granted a hearing on the matter before a hearing officer duly appointed by the City Administrator. Such person shall file in the office of the City Chamberlain a written petition requesting such hearing and setting forth a brief statement of the grounds therefor, within 10 business days after the date notice was served. Upon receipt of such petition, the City Administrator shall set a time and place for such hearing and shall give the petitioner written

notice thereof. At such hearing, the petitioner shall be given the opportunity to be heard and to show why such notice should be modified or withdrawn.

(2) After such hearing, the City Administrator shall sustain, modify or withdraw the notice, depending upon the finding as to whether the provisions of this article and of rules and regulations adopted pursuant thereto have been complied with. (Ord. No. O-09-09)

(e) Notwithstanding any closure, revocation or suspension of a permit, any owner or operator who fails to abide by any of the provisions of this Article shall be punished by a fine of not more than \$1000 for each violation and an additional \$100 for each day that the noncompliant condition exists.

(f) Any owner, operator or business convicted under this Article shall not be eligible for a permit or a permit renewal for one year from the date of conviction.

SECTION 4: This Ordinance shall take effect immediately.

Councilmember Boyd If the operator's doors are shut down because they didn't comply with any one of these, are they still fined a \$1000?

Assistant Corporation Counsel Brady Very rarely do we ask for \$1000, that is the maximum amount that can be levied against the business. We would like to have that discretion in court because if a business keeps violating over and over we want to be able to enhance the fines for the businesses that are completely non compliant which we have had in the past.

Councilmember Boyd If their doors are closed, they don't pay \$100 per day?

Assistant Corporation Counsel Brady – Correct.

Councilmember Rich – It seems to me that these convenience stores provide a very valuable service to those who can't get to the supermarkets on a regular basis. Unfortunately, the criminals don't care about that. They are just interested in conducting their business usually right in front of everyone in front of the store. We need this ordinance to help the police protect the law abiding citizens and a less convenient place to do business if you are a criminal. I see it as an improvement.

SECONDED BY COUNCILMEMBER BOYD

ADDITIONS denoted by **Bold** and **Underlining**
DELETIONS denoted by Brackets [] and ~~Strikethrough~~

Official Minutes of the Common Council Meeting of August 27, 2012

O-12-9			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"/>
		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"/>
		Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		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"/>

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

Corporation Counsel Ackermann informed the Council that said ordinance will amend §13-269 of the Motor Vehicle and Traffic Ordinance entitled “Handicapped Parking”. Over ten (10) years ago an ordinance was adopted creating several Handicapped Parking spaces for the Reformed Church. They were created to accommodate church services on Sunday and a medical equipment loan facility that operated on Wednesday. It has come to the attention of the City that the signs, as they have existed for over ten years, do not match the actual text of the ordinance. Therefore, this is an ordinance to simply make the text of the ordinance match the existing Handicapped signs.

The City has worked with Pastor Bob Geehan of the Dutch Reformed Church to correct this situation. Councilwoman Solomon has been made aware of the proposed change and concurs with it.

**ORDINANCE AMENDING §13-269
OF CHAPTER 13 OF THE CITY OF POUGHKEEPSIE
CODE OF ORDINANCES ENTITLED “MOTOR VEHICLES
AND TRAFFIC”**

(O-12-10)

INTRODUCED BY COUNCILMEMBER RICH

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

SECTION 1: §13-269 is hereby amended by the following deletion:

Section 13-269 -Handicapped parking areas designated.

Upon the erection of signs giving due notice thereof, the following areas shall be designated as handicapped parking areas and are to be utilized only for the purpose set forth in this Article:

~~Hanseom Avenue, west side, four parking spaces at the base of the entrance ramp to the Reformed Church. This provision shall be effective only on Sunday, from 8:00 a.m. to 2:00 p.m., and on Wednesday, from 9:00 a.m. to 12:30 p.m.~~

SECTION 2: §13-269 is hereby amended by the following additions:

Section 13-269 -Handicapped parking areas designated.

Upon the erection of signs giving due notice thereof, the following areas shall be designated as handicapped parking areas and are to be utilized only for the purpose set forth in this Article:

Hanscom Avenue, west side beginning 30 feet north of the northwestern corner of the 90 degree turn on Hanscom to a point 46 feet north thereof. This provision shall be effective on Sundays, from 8:00 a.m. to 2:00 p.m.

Hanscom Avenue, west side beginning 175 feet north of the northwestern corner of the 90 degree turn on Hanscom to a point 24 feet north thereof. This provision shall be effective on Wednesdays, from 9:00 a.m. to 12:30 p.m.

This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER BOYD

ADDITIONS denoted by **Underlining and Bold**

DELETIONS denoted by ~~Strikethrough~~

O-12-10		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"/>

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

- 1. FROM AMANDA SMITH, a notice of property damage sustained. Referred to Corporation Counsel.**
- 2. FROM ABDERAHMAN BERRADA, a notice of property damage sustained. Referred to Corporation Counsel**
- 3. FROM DAVID C. LAFFIN, a notice of intent for the Shamrock Association to renew its Liquor License. Referred to Corporation Counsel**

X. UNFINISHED BUSINESS:

Councilmember Rich The seventh annual Christmas in August was held at Christ Church on August 18th in which 1500 carrying bags full of school supplies were given out and could have used several hundred more. Each year several churches and stores throughout the area have helped us raised money. It is a very useful thing. They come out and eat and there is entertainment and they go home with enough school supplies to get them started. I want to thank all those who have participated in this activity.

Councilmember Boyd Our caucus has been meeting at the Public Safety Building. The building is a disgrace. There are waste-high weeds and empty whiskey barrels that have weeds. I have gotten several calls properties in my ward and it's hypocritical when we go after the residents for not keeping up their property when we are not doing the same in the City. We need to pay more attention to the Public Safety Building as well as Soldier Fountain. Soldier Fountain is full of green slime water. West Nile Virus is one of the biggest killing diseases on Long Island and Upstate New York. It needs to be cleaned out. It is mosquito infested and we really need to take a look at the properties in the City.

Councilmember Mallory Where do we stand with the brackets for the Dock Extension and is the City supposed to be purchasing this?

Corporation Counsel Ackermann – I believe the first section has been installed. The second section has been purchased and all the brackets are there. As part of the settlement, the City is now required to install those until the next season. They have marked out for the concrete pier that is needed to stabilize the additional sections. That will be done as a gift to the City by a local business owner. That will all go in next season.

Councilmember Mallory – For the next Quarterly Report, is it possible to put in cost expenditures for each department. Can we get a breakdown due the budget problems we may be facing?

Councilmember Perry – I noticed the orange tape on the Club Royale/Blue Note at 117 N. Hamilton Street. Is that an indication that the building will be torn down, repaired or remodeled?

City Administrator Long – We met with the developer and he indicated that he is in the process of getting some funding. I believe he has cut the grass and has installed a fence to contain some of the neighbors. We recommended that he get a demolition permit and start to take it down. He said he would cordon it off. He hasn't given us a date that he would take it down.

Councilmember Perry – The fence is not strong. The neighbors are saying that the building won't last through the winter and that it is leaning toward their house.

City Administrator Long – I will have the building inspector go there and verify that the gates are held back enough so that people feel safe.

Councilmember Perry – There are some orange cones in front of 141 N. Hamilton Street. Any idea why they are there?

City Administrator Long – I will check into it and let you know.

Councilmember Perry – Mr Stickle has been very diligent with doing work at College Hill. Can we get signs for Exit, to go Slow, no Dogs and No Parking on the lawn. We cannot allow cars to park on the lawn.

City Administrator Long – We can go together with the Sign Shop personnel and you can tell us where the signs should go.

Councilmember Perry – I wondered if you have had a chance to look at the signs on Tobias Ave and the sign for road that leads to Bartlet Park is hidden.

Councilmember Rich - We are going through an audit through the Comptroller's Office. I got a letter from the Comptroller's Office and it was very upsetting. The language in the letter is very upsetting. I am submitting the letter for the record.

Councilmember Perry - The house at 166 Thompson Street requested a tree be cut down about 6 months. I was there a few days ago and the tree is still there. I'm wondering what the roadblock is that is preventing this tree from being taken down? What can I tell the constituents about that tree being taken down?

City Administrator Long – Any time I get a request, there is a work order that is generated and it goes to Public Works. A request of this nature would go to the Shade Tree Commission. I can check to see what has happened with this work order.

XI. NEW BUSINESS:

XII. ADJOURNMENT:

A motion was made by **Chairwoman Johnson** and **Councilmember Rich** seconded the motion to adjourn the meeting at 8:23 p.m.

Dated: January 17, 2013

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, August 27, 2012 at 6:30 p.m.

Respectfully submitted,

City Chamberlain



COMMON COUNCIL MEETING

Common Council Chambers

Monday, August 27 2012

6:30 p.m.

- I. ROLL CALL**

- III. REVIEW OF MINUTES:**

- 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 CITY ADMINISTRATOR LONG, Resolution R12-59, adopting the 2013-2017 Capital Plan.**

 - 2. FROM CORPORATION COUNSEL ACKERMANN, SEQRA Resolution, R12-60 and Sale Resolution R12-61 for 12 South Hamilton Street.**

 - 3. FROM CORPORATION COUNSEL ACKERMANN, SEQRA and Sale Resolution, R12-62, and Sale Resolution R12-63 for an unnumbered lot on Noxon Street (6161-21-054964).**

IX. ORDINANCES AND LOCAL LAWS:

1. **FROM CORPORATION COUNSEL ACKERMANN**, Ordinance, O12-8, amending Department of Public Works permit fees.
2. **FROM ASSISTANT CORPORATION COUNSEL BRADY**
Ordinance, O-12-9, amending the After Hour Ordinance.
3. **FROM CORPORATION COUNSEL ACKERMANN**, Ordinance, O-12-10, amending parking on Hanscom Avenue.

X. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM AMANDA SMITH**, a notice of property damage sustained.
2. **FROM ABDERAHMAN BERRADA**, a notice of property damage sustained.
3. **FROM DAVID C. LAFFIN**, a notice of intent for the Shamrock Association to renew its Liquor License.

XIII. UNFINISHED BUSINESS:

XIV. NEW BUSINESS:

XV. ADJOURNMENT: