



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, August 29, 2011 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.

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

Constantine Kazolias 47 Noxon Street – Like they say about the unborn, they don't have a voice; also my granddaughter doesn't have a voice. I have been told I lived too long, maybe I did, maybe I didn't. I remember back in the 60s and 70s we were getting all this money to separate the sewers/sanitary and the storm drains. Money was allocated, where it went I do not know. I don't know what that council did with the money but they didn't put it into the infrastructure. My daughter lives in the 8th ward on Mildred Avenue and the sanitary is coming up on the street and up into the sink and everything else. This is a health hazard. I want the 3 members of that council who are still alive to tell us what they did with that money. I am here to speak for my granddaughter, because you only have 1 sanitary.

Ken Stickle 118 Catherine Street – Was flooded out of my home from hurricane Irene. My street took one of the worst hits besides North Hamilton and is hoping the city will go and send some workers tonight. I am going to file for FEMA and would like the city to publicize how to do it, in the PKJ and online. I ask the city to do something with the wall from Malcolm X Park to High Street. I could sell my property for Lake Front. My patio furniture is gone, my barbeque is gone, my fence has been devastated, I can't get into my shed and I've been pumping out of Mansion Street. We need help with FEMA; we don't all have flood insurance. I am in the loss of \$40,000 to \$50,000 personally.

V. MAYOR'S COMMENTS

Mayor Tkazyik - Stated that he spoke with Gus and he will have a meeting with City Engineer, Commissioner DuPilka regarding that pump station concern. We have redirected a lot of our CDBG funds to developments that have been neglected for so long. I apologize to Mr. Stickle for the unfortunate events that took place at your property, I was out there today in that neighborhood as well as the 5th and 7th wards. As soon as we get the FEMA information, we have been working with congressman Hinchey on that, and they are working with us to get Dutchess County added to that list. Once that is done and we get the proper procedures we will assist any resident with that. We will have a debrief for the council with Commissioner DuPilka and Administrator Long about the Fallkill Creek and the walls. It is not always solely a city issue, there is a lot involved with relation to property lines and what testing or MS4 plan would be needed to be put in place for flood zone. We had helicopters taking photos of the flood zone areas so that we may use that in working with DC emergency response and our MS4 flood zone planning. **City Administrator Long adds that the creek was here before the houses, and unfortunately they we built around it in not the best planned layout. During the WPA project era, they had done some wall stabilization. There are multiple owners along the creek itself; the city owns a portion of it but a lot of times the owners own back to the middle of the creek. It is not as simple as going out and building a wall, we would have to do some hydrologic studies. We need to look at the volume of water coming through the Fallkill, but more importantly we need to look at the ownership. We would like to do a study where this would be a sequential thing over time, and adopt the toughest areas first to make improvements.** Some of the positive things to bring up in the capital plan, as for infrastructure improvements, the transportation improvement plan. The state will be cutting 36% of the allocation along the project list this November. Tonight what you would adopt is only a plan. However, we have advocated for the city to keeping these key projects on course.

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Klein – The Southside of the city was not immune to the hurricane. Quite a few residents experienced substantial flooding. Portions of Beechwood were closed off as an example, also many trees are down and there are power outages. Kingston also is without power. The city of Poughkeepsie fared well by comparison. I can assure you that many people experienced distress in terms of personal property damage and loss as well as infrastructure damage to furnace and water systems. We understand your concerns and the mayor and city staff will keep us up to date on all developments also regarding info from State and Federal government.

VII. MOTIONS AND RESOLUTIONS:

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

City Administrator Long – The Poughkeepsie/Dutchess transportation council is the body that adopts the 5 year capital plan. The numbers that were included are the actual numbers at the time the plan was put into effect by the agencies. There is a 36% reduction in the Federal and State highway transportation funding, \$2million to be eliminated out of the 2012 budget Year. Over the course of 5 years they plan to cut over \$17.8 million out of the entire program. Our research shows a lot of work needs to be done on bridges and the capital plan will have to take a change, rather than replacing bridges, they will be repairing bridges. The new approach will be a T & L type service where they mill it up, create drainage improvements put down new asphalt. It is not a Band-Aid but much less than a typical sub base reconstruction. We will continue to move city projects forward. This plan is comprehensive and encompasses councilmember concerns over many years.

Councilwoman Solomon – Recently there was an article in the Poughkeepsie Journal about cost overruns on 287, and I suppose that is where the \$2million went? Also, we have in the last 2 years seen notice of studies of the Fallkill by Scenic Hudson and others, are those of use to the city?

City Administrator Long – I asked that specific question, because we had a meeting after that article and that is not even on the table yet. I have been attending some of Scenic Hudson's meetings and I know our assistant city engineer has been attending. There was a public meeting just a couple weeks ago and what they are doing is looking at the Fallkill as being an opportunity for development. They are not looking at the hydrological issues. It is a plan that may have some relationship with our comprehensive planning, developments by Donigan Park and other areas, but not dealing with the engineering issues.

RESOLUTION

(R-11-76)

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, in accordance with Section 5.02 of the Charter of the City of Poughkeepsie, the City Administrator has presented the 2012-2016 Capital Projects Program to the Common Council; and

WHEREAS, the Common Council held its public hearing concerning the 2012-2016 Capital Projects Program on August 22, 2011; 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 2012-2016 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 PARISE

✓ Vote Record – R11-76						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input checked="" 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 Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Murphy	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 Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- 2. FROM ASSISTANT CORPORATION COUNSEL ACKERMANN, SEQRA**
Resolution R11-50 and Sale Resolution R11-51, approving the sale of a 12' x 80' lot adjacent to 400 Main Street.

Asst. Corp. Counsel Ackermann – Introduces the resolution as originally proposed in may and at the request of Councilwoman Solomon, the building and zoning departments took another look at the property to asses whether or not there were outstanding violations. There were numerous violations that were identified and those violations have been corrected. There was an issue with security and the placement of posters and a window divider. Therefore the agreement that will be entered into will make it contingent on all the violations being corrected, the last of which is for safety issues with the windows. The property is a small strip to the east of the property 400 Main Street, there is a proposed restaurant for the building. They have planning board approval, there is a duct system that crosses over into the city property and NYS building code will not allow that system to be on a separate parcel.

Councilwoman Solomon – Wishes that this be tabled for 1 more week. The violations are the things that bother me. The deli promised weeks ago to clean up everything and they did some, but put it all back up again. I met with river realty last Wednesday; we went through again what was required to make a clean attractive presentation to the city and keeping things up to code. I was promised everything and I went in today at 5pm and there is more on the windows. I would like to please table this for at least a week and I will get in touch with the management company and speak with them about what they have to get done.

Councilwoman Solomon makes a motion and is seconded by Councilman Mallory to table these resolutions.

VIII. ORDINANCES AND LOCAL LAWS:

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

City Administrator Long – This is an incentive tool that was put together for urban redevelopment of depressed areas. The City of Poughkeepsie is certainly a city that would benefit from this type of program. There has been conversation with the school board as well as the county about adopting our local law when it is put into effect.

Councilman Mallory – This can be used for mixed use? And if a developer wants to convert or change property from non-residential to residential would they be eligible for this?

City Administrator Long – Yes. This is for primarily former commercial properties and turning it into a commercial residential mix. That is the intent. It will have to be mixed use not solely residential or commercial.

LOCAL LAW NO. 6 OF 2011

INTRODUCED BY COUNCILMEMBER HERMAN

A LOCAL LAW ESTABLISHING A REAL PROPERTY TAX EXEMPTION FOR NON-RESIDENTIAL REAL PROPERTY CONVERTED TO MIXED USE PROPERTY PURSUANT TO SECTION 485-a OF NEW YORK REAL PROPERTY TAX LAW

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

Section 1. The purpose of this Local Law is to provide for the real property tax exemption authorized by Section 485-a of the Real Property Tax Law of the State of New York. This Local Law shall be read in conjunction with the provisions of Section 485-a of the Real Property Tax Law to effectuate the authorized real property tax exemption.

Section 2. Definitions

- a. "Municipality" means the City of Poughkeepsie located in the County of Dutchess, New York.
- b. "Commercial Construction Work" means the modernization, rehabilitation, expansion or other improvement of the portion of mixed-use property to be used for commercial purposes.
- c. "Commercial Purpose or Use" means the buying, selling or otherwise providing of goods or services, including hotel services, or other lawful business or commercial activities permitted in the mixed-use property.
- d. "Mixed-use Property" means property on which will exist, after completion of residential construction work or a combination of residential construction work and commercial construction work, a building or structure used for both residential and commercial purposes.
- e. "Residential Construction Work" means the creation, modernization, rehabilitation, expansion or other improvement of dwelling units, other than dwelling units in a hotel, in the portion of mixed-use property to be used for residential purposes.

Section 3. The City hereby provides that non-residential real property converted to mixed-use property, located in the City of Poughkeepsie, shall be exempt from City taxation and special ad valorem levies consistent with New York Real Property Tax Section 485-a and as provided in subdivision 4 of this .

Section 4.

- (a) For a period of twelve years from the approval of an application, the increase in assessed value of such property attributable to such conversion shall be exempt as provided herein.

Such exemption shall be computed with respect to the “exemption base”. The exemption base shall be determined for each year in which there is an increase in assessed value so attributable from that of the previous year’s assessed value.

<u>Year of Exemption</u>	<u>Percent of Exemption</u>
1 through 8	100% of exemption base
9	80% of exemption base
10	60% of exemption base
11	40% of exemption base
12	20% of exemption base

- (b) No such exemption shall be granted unless (i) such conversion was commenced subsequent to the date on which the municipality’s local law took effect; and (ii) the cost of such conversion exceeds Ten Thousand (\$10,000) Dollars.
- (c) For purposes of this section, the term conversion shall not include ordinary maintenance and repairs.
- (d) No such exemption shall be granted concurrent with or subsequent to any other real property tax exemption granted to the same improvements to real property, except, where during the periods of such previous exemption, payment in lieu of taxes or other payments were made in an amount that would have been equal to or greater than the amount of real property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this Local Law. In such case, an exemption shall be granted for a number of years equal to the twelve (12) year exemption granted pursuant to this local law less the number of years the property would have been previously exempt from real property taxes.

Section 5. Severability

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

Section 6. This local law shall take effect upon filing pursuant to the provisions of the New York State Municipal Home Rule Law.

SECONDED BY COUNCILMEMBER PARISE

✓ Vote Record – O-11-19						
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input checked="" 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 Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Murphy	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 Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM DANIELE TRETOLA and NATHANIEL LYONS, JR.,** a notice of property damage sustained on August 7, 2011. **Referred to Corporation Counsel**
2. **FROM THE BARDAVON,** a notice of intent to renew their Liquor License. **Referred to Corporation Counsel**
3. **FROM THEODORE VANIKIOTIS,** a notice of intent for the Palace Diner to renew its Liquor License. **Referred to Corporation Counsel**
4. **FROM THE POLISH AMERICAN CITIZENS CLUB,** a notice of intent to renew its Liquor License. **Referred to Corporation Counsel**

Councilman Parise – There are many police calls and activities that have been going there, many into the morning hours. I would like corporation counsel to look into that and that those police reports are accurate and considered.

Asst. Corp. Counsel Ackermann – The nuisance committee will review the renewal application and they have already corresponded with the liquor authority about that after several fights. As you are aware the Mayor’s office, my office, and the police department met with representatives of that club to make them aware of our concerns. I am sure all of that will be discussed again in the nuisance committee. The council will then receive correspondence on that.

Mayor Tkazyik – I believe that as we have with other establishments, at the request of the police department, we are now receiving a calendar of events for this establishment based on the call volume of this establishment.

5. **FROM GUILLERMINA CRUZ,** a notice of intent for **EL DORADO** to renew its Liquor License. **Referred to Corporation Counsel**

X. UNFINISHED BUSINESS:

Councilmember Flowers – Last week I mentioned about the million fathers march, Warren school will participate on the 1st day of school September 8th. They will start at Earline Patrice Park at 7:30am and march to Warren school. This is a nationwide event, encouraging Fathers to walk to school with their children. Clinton School and Columbus schools will be involved. Also, what is happening on Winnikee and Harrison and Thompson wants to thank the Fire Department for their help in that area. Also thanks Central Hudson and DPW for their work and letting the residents know what has to be done, evacuating and all. Thanks the Mayor for making the residents feel more comfortable. Also there will be patrols in those areas so that when it gets bark even without power they can feel safe.

Mayor Tkazyik – The westbound arterial is now open all the way from the town line to the bridge. This means a lot of the water is receding. Additionally, we will notify the chief about the concerns of Malcolm X Park.

Councilmember Johnson – The power has not been restored yet to Maplewood. I would like the Mayor and city Administrator to come with me after the meeting tonight to do some home visits and to make sure this issue is resolved. We are talking about seniors on oxygen tanks.

Mayor Tkazyik – We will gladly do that, we know Central Hudson is there and we can get an update on the power restoration.

Chairman Klein – Administrator Long and I have been receiving many emails concerning the historic preservation ordinance. What we have done is to encourage John Fisher, historic preservation commission chair, to have the emails and proposals and changes directed to Mr. Fisher and that those changes come to city hall, to Mr. Morgan, the Mayor and myself as well as members of the council from Mr. Fisher. That way we are not bombarded by all those emails and have to assimilate them or integrate them. We would appreciate that, because that way we will have one central source of these concerns, which could unfortunately complicate and lengthen the process.

XI. NEW BUSINESS:

Councilmember Flowers – Invites everyone to the picnic in the park this Saturday from 8am to 4pm at Earline Patrice Park, September 3rd.

Councilmember Mallory – We have 32 cab companies operating in the city now, is that more or less than we have had in the past?

City Chamberlain Flynn – There are certainly more licensed now than in the past, but Councilman Herman believes there are more. As for an exact number we do not know, but there are definitely more drivers.

Councilmember Johnson – Saturday Project Thunder had a field trip planned to go to the city to see the Lion King play. As you know the city was shut down and I wanted to thank all the volunteers because it didn't stop them from handing out loads of school supplies to the children in the program.

Chairman Klein – Our Sept. 19th meeting at 6pm there will be a special informational meeting. Our building inspector Gary Beck will speak to us about the lead grant.

XII. ADJOURNMENT:

A motion was made by Chairman Klein and seconded by Councilmember Herman moved to adjourn meeting at 7:35 p.m.

Dated: 1/11/12

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, August 29, 2011 at 6:30 p.m.

Respectfully submitted,

Deputy City Chamberlain



COMMON COUNCIL MEETING

Common Council Chambers

Monday, August 29, 2011

6:30 p.m.

*6:15 Public Hearing regarding
proposed provisions to Section 485-a
of the New York Real Property Tax Law*

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

3. REVIEW OF MINUTES:

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

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

6. MAYOR'S COMMENTS:

7. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

8. MOTIONS AND RESOLUTIONS:

- a. **FROM CITY ADMINISTRATOR LONG**, Resolution R11-76, adopting the 2012-2016 Capital Plan.

- b. **FROM ASSISTANT CORPORATION COUNSEL ACKERMANN**, SEQRA Resolution R11-50 and Sale Resolution R11-51, approving the sale of a 12' x 80' lot adjacent to 400 Main Street.

9. ORDINANCES AND LOCAL LAWS:

- a. **FROM CITY ADMINISTRATOR LONG**, Local Law LL-11-6, approving proposed provisions to Section 485-a of the New York Real Property Tax Law.

10. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

- 6. **FROM DANIELE TRETOLA and NATHANIEL LYONS, JR.**, a notice of property damage sustained on August 7, 2011.
- 7. **FROM THE BARDAVON**, a notice of intent to renew their Liquor License.
- 8. **FROM THEODORE VANIKIOTIS**, a notice of intent for the Palace Diner to renew its Liquor License.
- 9. **FROM THE POLISH AMERICAN CITIZENS CLUB**, a notice of intent to renew its Liquor License.
- 10. **FROM GUILLERMINA CRUZ**, a notice of intent for **EL DORADO** to renew its Liquor License.

XIII. UNFINISHED BUSINESS:

XIV. NEW BUSINESS:

XV. ADJOURNMENT: