



COMMON COUNCIL MEETING

Common Council Chambers

Monday, February 1, 2016

6:30 p.m.

I. ROLL CALL

II. REVIEW OF MINUTES:

Common Council Minutes of November 4, 2015

Common Council Minutes of November 16, 2015

Common Council Minutes of December 7, 2015

Common Council Minutes of December 21, 2015

Common Council Minutes of the Special Meeting of December 14, 2015

Common Council Minutes of the Special Meeting of December 28, 2015

Common Council Minutes of the Organizational Meeting of January 2, 2016

Common Council Minutes of January 2, 2016

Common Council Minutes of January 19, 2016

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

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

V. MAYOR'S COMMENTS:

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

VII. MOTIONS AND RESOLUTIONS:

- 1. FROM CITY ADMINISTRATOR KNAPP, Resolution R16-13, approving an Inter-Municipal Agreement with Poughkeepsie School District.**

2. **FROM CORPORATION COUNSEL ACKERMANN**, Resolution R16-14, supporting an application to the Dutchess County Industrial Development Agency for the rehabilitation of the former Kings Court Apartments.
3. **FROM CORPORATION COUNSEL ACKERMANN**, Resolution R16-15, introducing, and setting a public hearing for the proposed abandonment of Livingston Street between Lincoln Avenue and Fox Street.

VIII. ORDINANCES AND LOCAL LAWS:

1. **FROM COUNCILMEMBER LORRAINE JOHNSON**, Ordinance ~~O~~-16-1, amending §13-180 of Chapter 13 of the City of Poughkeepsie Code of Ordinances entitled "MOTOR VEHICLES AND TRAFFIC", eliminating two no parking spaces on Zimmer Avenue.

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM JPOD**, a presentation.
2. **FROM DEBORAH GAMIEL**, a notice of personal injury sustained on November 2, 2015.
3. **FROM THE ARTIST'S PALATE**, a notice of intent to renew their Liquor License.
4. **FROM THYME 3 FOOD, INC.**, a notice of intent for Canvas Restaurant to renew their Liquor License.

X. UNFINISHED BUSINESS:

XI. NEW BUSINESS:

XII. ADJOURNMENT:



The City of Poughkeepsie

New York

Ronald Knapp
Acting City Administrator

February 1, 2016

MEMORANDUM #16-005

TO: Members of the Common Council
FROM: Ron Knapp, Acting City Administrator *RK*
RE: Inter-Municipal Agreement with Poughkeepsie City School District

Attached, please find Resolution R-16-13 authorizing the mayor to enter into an inter-municipal agreement with the Poughkeepsie City School District for the operation of the City Recreation Basketball League for the 2016 season. The agreement memorializes the desire of the City of Poughkeepsie and the School District to provide a youth basketball program for City residents. The School District will allow for the use of their facilities for the league and will also provide \$500.00 to help run the program. The City of Poughkeepsie will pay for the cost of the uniforms and will also provide other financial support to the basketball league. This program has been successfully run since 2013.

**RESOLUTION
(R-16-13)**

**AUTHORIZATION TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT
WITH CITY OF POUGHKEEPSIE SCHOOL DISTRICT FOR THE CITY
RECREATIONAL BASKETBALL LEAGUE**

INTRODUCED BY COUNCILMEMBER _____ :

WHEREAS, the Common Council of the City of Poughkeepsie wishes to enter into a written agreement with the City of Poughkeepsie School District, Dutchess County, New York, to formalize the terms of their partnership in the operation of the City Recreation Basketball League and for the 2016 season;

NOW, THEREFORE, BE IT

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

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

RESOLVED, that this resolution shall take effect immediately.

SECONDED BY COUNCILMEMBER _____.

INTERMUNICIPAL AGREEMENT

THIS AGREEMENT made and entered into as of the th day of December 2015, between the **POUGHKEEPSIE CITY SCHOOL DISTRICT**, a school district of the State of New York, with offices at 11 College Avenue, Poughkeepsie, New York 12603 (hereinafter "PCSD") and **THE CITY OF POUGHKEEPSIE**, a small city within the State of New York, with offices at Municipal Building, Poughkeepsie, New York 12601.

WITNESSETH:

WHEREAS, PCSD owns and maintains an athletic complex and related facilities at its High School, and

WHEREAS, the City is desirous of utilizing PCSD's gymnasiums for the City Recreation Basketball League; and

WHEREAS, governing boards of PCSD and the City have determined that it is in their mutual interests to enter into this Agreement for the purpose of allowing the [Student Athletic Basketball Program] to use the athletic complex for the City Recreation Basketball League; and

WHEREAS, governing boards of PCSD and the City have determined that it is in their mutual interests to share the costs of running such program which operates for the benefit of youth in the City of Poughkeepsie who are students of the Poughkeepsie City School District; and

WHEREAS, Article 5-G of the General Municipal Law specifically authorizes and encourages municipal corporations to enter into agreements with each other in order to provide cooperatively, jointly or by contract any facility, service, activity or undertaking which each participating municipal corporation has the power to provide separately; and

NOW, THEREFORE, in consideration of the promises and mutual covenants and agreements contained herein, the parties agree as follows:

1. PCSD will allow the City to use its facilities; i.e. gymnasiums and locker rooms at the Elementary, Middle School and High Schools without charge. Additionally, PCSD will provide \$500.00 toward the cost of running this program which shall be available to the students of the PCSD. In addition, PCSD will provide security staff to work at competitive events throughout the season.
2. The City agrees to pay all costs for uniforms and any other costs to support the Student Athletic Basketball Program in consideration of the City's use of the PCSD facilities as set forth above.
3. Ms. Yvonne Flowers will serve as the District's volunteer coordinator and liaison with the City for this program.

urnish, at the time of the signing of this Agreement, proof of
mercial General Liability (CGL) insurance in the amount of at least
urrence and \$2,000,000 in the aggregate, including products and
ons, as well as Excess coverage in the amount of \$2,000,000 on a
is. The insurance policies will name the Poughkeepsie City School
s, employees and agents, as an additional named insured with ISO
endorsement CG 20 26 or equivalent. Additionally, the City shall
Workers' Compensation insurance. The insurance shall remain in
uring the term of this Agreement and any renewal hereof, and shall
tice of cancellation to be sent to PCSD at least 30 days prior to any
City's failure to obtain or maintain such insurance coverage shall
iate termination of this Agreement, without notice.

arry general liability insurance in limits of at least One Million
00) per occurrence, Two Million Dollars (\$2,000,000) in the
liability insurance will name the City as an additional insured.

end, indemnify and hold harmless the Poughkeepsie City School
ers, employees and agents, from any claims, liabilities, suits
ctions, of whatever name and nature, as the same may relate, in any
rvice provided by the City pursuant to this Agreement. Said
efense and hold harmless shall apply to any claim, liability, suit,
on in which the District, its officers, employees and agents may be
r (except for negligent acts and/or omissions of the District),
at the City may deem said claim, liability, suit, proceeding or
without merit. It is intended that this provision be interpreted in
er possible so as to insulate the District from any liability or
ry or otherwise, as the same may relate to the personnel and
by the City pursuant to this Agreement (but not for the negligent
ns of the District, its officers, employees and agents).

defend, indemnify and hold harmless the City, its officers,
nts, from any claims, liabilities, suits proceedings and actions, of
d nature, as the same may relate, in any manner, to the services
SD pursuant to this Agreement. Said indemnification, defense and
I apply to any claim, liability, suit, proceeding or action in which
rs, employees and agents may be named as a party (except for
negligent acts and omissions of the City and/or its agents).

8. The City agrees to comply with applicable laws and regulations as well as PCSD's policies, rules, regulations and procedures with regard to the use of its facilities, and which may be subject to change from time to time.
9. It is expressly understood that PCSD shall not be responsible for the payment of any debts or obligations incurred by the City in connection with this program.
10. This Agreement constitutes the complete understanding of the parties. No modification or any provision of this Agreement shall be valid unless in writing and signed by both parties, after authorization by the governing body of PCSD and the City.
11. This Agreement shall be for a term of one (1) year, the term to commence on July 1, 2015 and to end on June 30, 2016, subject to renewal for additional one-year terms upon approval of the governing body of each party hereto.
12. This Agreement may not be assigned by either party.
13. If any provision of this Agreement is deemed to be invalid or inoperative for any reason, that part shall be deemed modified to the extent necessary to make it valid or operative, or if it cannot be so modified, then severed and the remainder of the Agreement shall continue in full force and effect as if the Agreement had been signed with the invalid portion so modified or eliminated.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed, after authorization by the respective governing bodies, on the day and year first above written.

POUGHKEEPSIE CITY SCHOOL
DISTRICT

BY: Joseph Gress 1/13/16

THE CITY OF POUGHKEEPSIE

BY: _____

APPROVED JAN 06 2016

The City of Poughkeepsie

New York

Paul Ackermann
Corporation Counsel
packermann@cityofpoughkeepsie.com



62 Civic Center Plaza
Poughkeepsie, New York 12601
TEL: (845) 451-4065 FAX: (845) 451-4070

CC 2/1/16
Item VII-2

February 1, 2016

COMMON COUNCIL
City of Poughkeepsie

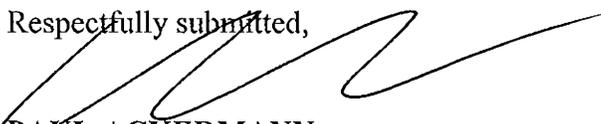
RE: Resolution Supporting the Application of Cardinal Court Apartments, LLC to the Dutchess County IDA

Dear Chairman Petsas and Councilmembers:

Attached please find Resolution R-16-14 formalizing the council's approval and endorsement of an application to the Dutchess County Industrial Development Agency from Cardinal Court Apartments, LLC. This is in reference to the rehabilitation and revitalization of 40 Cannon Street, also known as Kings Court Apartment Complex. The structures at this location were destroyed by fire in 2011. In 2013 Cardinal Court Apartments, LLC purchased the property and has already spend over \$1 million stabilizing the structures. The project will revitalize the facility, create approximately 49 residential units, 6 commercial spaces and approximately 750 square feet of "public space". They have also partnered with Hudson River Housing and intend to provide some affordable housing at this location. Cardinal Court Apartments, LLC has applied to the Dutchess County Industrial Development Agency for financial assistance in the form of relief from sales tax and mortgage recording tax. Any dollar saved from this relief will be used for the development of this project. The proposed resolution memorializes the council's support of the application before the IDA.

Please consider this matter at your February 1st Council meeting.

Respectfully submitted,


PAUL ACKERMANN
Corporation Counsel

RESOLUTION
(R-16-14)

INTRODUCED BY _____:

WHEREAS, Cardinal Court Apartments, LLC has applied to the Dutchess County Industrial Development Agency for financial assistance in the form of relief from sales tax and mortgage recording tax for a project which will repurpose the former Kings Court Apartment Complex that was destroyed by fire in 2011; and

WHEREAS, the project calls for the reconstruction and renovation of the facility, that consists of two buildings, into a mixed-use development of approximately 49 residential units, 6 commercial spaces and 750 square feet of public space; and

WHEREAS, the downtown location of Kings Court is in a critical area for redevelopment, and is an important project for the community, as it will have an immediate economic impact on the area by increasing neighboring property values; and

WHEREAS, the project has recently been awarded a \$500,000 grant through the 2015 CFA application process; and

WHEREAS, the Common Council is in full support of Cardinal Court Apartments, LLC and wishes to formally recognize its support of the application now pending before the Dutchess County Industrial Development Agency ; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby does approve and endorse the application of Cardinal Court Apartments, LLC to the Dutchess County Industrial Development Agency for financial assistance in the form of relief from sales tax and mortgage recording tax; and be it further

RESOLVED, that the City Chamberlain is and shall be directed to send a copy of this resolution to the Chairman of the Dutchess County Industrial Development Agency.

SECONDED BY _____.

The City of Poughkeepsie

New York

ROBERT G. ROLISON

Mayor

rolison@cityofpoughkeepsie.com



62 Civic Center Plaza

Poughkeepsie, New York 12601

TEL: (845) 451-4073 FAX: (845) 451-4201

January 19, 2016

Charles Daniels, III, Chairman
Dutchess County Industrial Development Agency
3 Neptune Road
Poughkeepsie, NY 12601

Re: Cardinal Court Apartments, LLC

Dear Chairman Daniels:

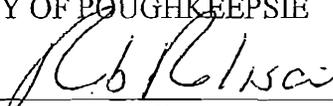
Please accept this letter as the City of Poughkeepsie's endorsement of the above application. This is a critical project located in a priority area for the City. As you are aware, this project will transform a long vacant, fire damaged building into a mix-use development consisting of approximately forty-nine (49) residential units and nearly 13,000 square feet of commercial space on the ground level.

This project was recently awarded a \$500,000 grant under the Consolidated Funding Application and your approval of financial assistance would go a long way to making this project a reality.

I thank you in advance for your consideration of this important application.

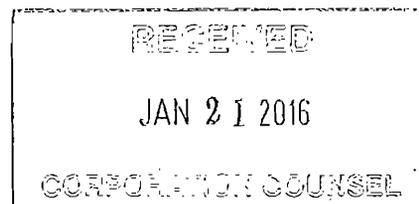
Very truly yours,

CITY OF POUGHKEEPSIE

By: 

Robert G. Rolison, Mayor

cc: Corporation Counsel Paul Ackermann



**APPLICATION TO CITY OF POUGHKEEPSIE
INDUSTRIAL DEVELOPMENT AGENCY
FOR
INDUSTRIAL DEVELOPMENT REVENUE BOND FINANCING**

Applicant: CARDINAL COURT APARTMENTS LLC

Applicant's address: P.O. Box 305

City: PAWLING State: NY Zip: 12564

Name of person (s) authorized to speak for applicant with respect to this application:

JAMES J. SULLIVAN

Telephone number: Area Code: 845 Number: 380 1448

Name of attorney: LEWIS B. STADLER

Attorney's address: 12 E. MAIN ST

City: PAWLING State: NY Zip: 12564

Telephone number: Area Code: 845 Number: 855 - 5808

NOTICE

The answers to the questions contained in this application are necessary to determine your firm's eligibility for financing and/or other assistance from the City of Poughkeepsie Industrial Development Agency (the 'Agency'). These answers will also be used in the preparation of papers in this transaction. Accordingly, all questions should be answered accurately and completely by an officer or other employee of your firm who is thoroughly familiar with the business and affairs of your firm and who is also thoroughly familiar with the proposed project. This application is subject to acceptance by the Agency.

Please read the instructions on page 2 before filling out the rest of this form

Return the completed application to:

City of Poughkeepsie Industrial Development Agency
62 Civic Center Plaza
Poughkeepsie, NY, 12601
Attn: IDA

INSTRUCTIONS

- (1) The Agency will not approve any application unless in the judgment of the Agency said application contains sufficient information upon which to base a decision whether to approve or tentatively approve the project contemplated therein.
- (2) Fill in all blanks, using "none" or "not applicable" or, "N/A" where the question is not appropriate to the project which is the subject of this application.
- (3) If an estimate is given as the answer to a question put "(est)" after the figure or answer which is estimated.
- (4) If more space is needed to answer any specific question, attach a separate page and so state.
- (5) When completed, return this application to the Agency at the address indicated on the first page of this application.
- (6) The Agency will not give final approval of this application until the agency receives a completed environmental assessment form concerning the project that is the subject of this application.
- (7) Please note that Article 6 of the Public Officers Law declares that all records in the possession of the Agency (with certain limited exceptions) are open to public inspection and copying. If there are elements of the project which are in the nature of trade secrets which, if disclosed to the public or otherwise widely disseminated, would cause substantial injury to the applicant's competition position, the applicant must identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of the Public Officers Law.
- (8) The applicant will be required to pay all actual costs incurred by the Agency in connection with the application and the project contemplated herein, regardless of whether a closing occurs. This includes the fees and expenses of the Agency's general counsel and bond counsel.
- (9) The Agency has established an administrative fee to be paid by the applicant upon successful conclusion of the sale of the bonds, said fee being intended to cover a portion of the indirect expenses incurred by the Agency in administering the project. The administrative fee will be one percent of the aggregate principal amount of the bonds issued with respect to the project. For projects that do not involve the issuance of debt, the Agency's fee will be negotiated during project review.

I. **INFORMATION CONCERNING PERSON TO WHOM THE AGENCY IS TO LEASE OR SELL THE PROJECT (REFERRED TO AS THE "COMPANY").¹**

Company name: CARDINAL COURT APARTMENTS LLC

Present address: P.O. Box 305

City: PAWLING State: NY Zip: 12564

Employer's ID No.: 46-3258520

If the Company differs from the applicant, explain relationship: _____

NONE

Indicate type of business organization of Company:

_____ Corporation _____ Partnership
_____ Sole proprietorship Other LLC

Indicate type of corporation, partnership or other entity:

County incorporation in: DUTCHESS

State incorporation in: NY

Date incorporated: 07 | 2013

If not a New York corporation, date authorized to do business in New York: N/A

Is the Company a subsidiary or direct or indirect affiliate of any other organization(s)? If so, indicated name of related organization(s) and relationship

NONE

¹ The Agency is not empowered to lend money. The Agency's participation in the financing of the Project will require the Agency to acquire a fee or leasehold interest in the Project and to either sell or lease (with option to purchase) the Project to the applicant.

Management of Company: List all owners, officers, directors and partners (complete all columns for each person):

Name	Address	Office Held	Other Principal Business Affiliations
JAMES J. SULLIVAN	P.O. Box 305 PAWLING, NY 12564	MEMBER	N/A
SUNIL GUPTA	7 VALLEY VIEW RD CHAPOQUA NY 10514	MEMBER	N/A
VIPUL GUPTA	1045 ATKINSON LN MENLO PARK, CA 94025	MEMBER	N/A

Has any such person ever been convicted of a criminal offense (other than a minor traffic violation)?

_____ Yes

_____ No

Has any such person or any concern with whom such person has been connected ever been in receivership of been adjudicated as bankrupt?

_____ Yes

_____ No

Has the Company, or any affiliate, now or in the past, been the beneficiary of industrial development revenue financing in the City of Poughkeepsie or any other jurisdiction in the United States?

_____ Yes

_____ No

If any of the foregoing questions were answered "yes," furnish details in a separate attachment.

Principal owners of Company: Is Company publicly held? _____ Yes No
If yes, list exchanges where stock of the Company is traded:

If no, list all stockholders or partners having a 5% or greater percentage interest in the ownership or profits of the Company:

Name	Address	Percentage of Holdings
JAMES J. SULLIVAN	P.O. Box 305 PAWLING, NY 12564	25
SUNIL GUPTA	7 VALLEY VIEW RD CHAPPAQUA, NY 10514	60
VIPUL GUPTA	1045 ATKINSON LN MENLO PARK, CA 94025	15

Company's principal bank(s): CHASE BANK

II. INFORMATION CONCERNING PERSON(S) TO WHOM THE COMPANY INTENDS TO LEASE OR SUBLEASE THE PROJECT (HEREINAFTER REFERRED TO AS THE "SUBLESSEES").

Does the Company intended to lease of sublease more than 10% (by area or fair market value) of the Project? Yes _____ No

If yes, please give the following information with respect to each Sublessee to whom the Company intends to lease or sublease more than 10% (by area or fair market rental value) of the Project. Use a separate sheet if there is more than one sublessee.

What percentage of the space intended to be leased or subleased is now subject to a binding written lease or sublease? 0 %

Company name: N/A

Present address: N/A

City: N/A State: N/A Zip: N/A

Employer's ID No.: N/A

Sublessee is:

 Corporation Partnership Sole Proprietorship Other (explain)

Relationship to Company: N/A

Percentage of Project to be leased or subleased: N/A

Use of Project intended by Sublessee: N/A

Date of lease of sublease to Sublessee: N/A

III. TYPE OF ASSISTANCE

Does the Company contemplate seeking:

- An agreement for payments in lieu of real estate taxes?
 Yes No
- A reduction in the assessed value of the Project by application under the Real Property Tax Law?
 Yes No
- An Exemption from sales tax? Yes No
- A Mortgage Tax Exemption? Yes No
- The issuance of tax-exempt Bonds? Yes No

If yes, please describe:

IV. DATA REGARDING PROPOSED PROJECT

Summary: (Please provide a brief narrative description of the Project.)

FORMERLY KNOWN AS KINGS COURT APARTMENTS,
WE PLAN TO REVIVE AND IMPROVE THE PROPERTY
FROM ITS CURRENT CONDITION WHICH WAS A
RESULT OF A CATASTROPHIC FIRE IN AUGUST 2011

Location of proposed Project (Street address): 40 CANNON ST

Project size (Approximate square feet): 50,000 SQ. FT

Utilities serving project site:

Water-Municipal: CITY OF PoughKEEPSIE

Other (describe): _____

Sewer-Municipal: CITY OF PoughKEEPSIE

Other (describe): _____

Heat-Utility: CENTRAL HUDSON

Other (describe): _____

Site Ownership:

Present legal owner of project site: CARDINAL COURT APARTMENTS LLC

If the Company is not the owner, does Company (or any Sublessee) have an option signed with owner to purchase the project site? _____ Yes _____ No N/A

If yes, indicate date option signed with owner: N/A

Date option expires: N/A

If the Company (or any Sublessee) does not own the project site, is there a relationship legally or by common control between the Company (or any Sublessee) and the present owners of the project site? _____ Yes _____ No (If yes, describe in detail on separate attachment)

N/A

The Company (or any Sublessee) owns the project site, indicate date of purchase and Purchase Price: 265,000 Nov 10 2013

Zoning district in which project site is located: C-2

Building:

Are there existing buildings on the project site? Yes No (If yes, indicate number and approximate size (in square feet) of each existing building):

2 BUILDINGS. 1ST IS 35 X 75 WITH 4 STORIES
AND AN UNFINISHED BASEMENT 2ND BUILDING IS
35 X 165 WITH 5 STORIES AND FINISHED BASEMENT
10,500 SQ FT + 34,650 SQ FT TOTAL FINISHED SPACE

Are existing buildings in operation? Yes No (If yes, describe present use of present buildings):

Are existing buildings abandoned or about to be abandoned? Yes No VACANT

Does part of the Project consist of a new building or buildings? Yes No
If yes, indicate number and size of new buildings:

Does part of the Project consist of additions and/or renovations to the existing buildings?
 Yes No If yes, indicate nature of expansion and/or renovation:

BOTH BUILDINGS TO BE GUT RENOV

Describe the principal uses to be made by the Company of the building or buildings:

PLANS FOR 6 COMMERCIAL SPACES AND 51

STUDIO / ONE BEDROOM APARTMENTS

Equipment: Does any part of the Project consist of new or used equipment and/or machinery that will not be attached to or become part of the building? Yes ✓ No If yes, indicate type of equipment and/or machinery and whether it is new or used:

What are the principal products to be produced at the Project?

N/A

What are the principal activities to be conducted at the Project?

N/A

Will any portion of the Project be used for any of the following purposes:

Retail food and beverage services	<u> </u> Yes	<u> </u> No	UNKNOWN
Automobile sales or service	<u> </u> Yes	<u> ✓ </u> No	
Recreation or entertainment	<u> </u> Yes	<u> ✓ </u> No	
Golf course	<u> </u> Yes	<u> ✓ </u> No	
Skybox or other private luxury box	<u> </u> Yes	<u> ✓ </u> No	
Gambling facility	<u> </u> Yes	<u> ✓ </u> No	
Facility for the sale of alcoholic beverages for consumption off-premises	<u> </u> Yes	<u> </u> No	UNKNOWN
Office equipment	<u> </u> Yes	<u> ✓ </u> No	
Country club	<u> </u> Yes	<u> ✓ </u> No	
Massage parlor	<u> </u> Yes	<u> ✓ </u> No	
Tennis club	<u> </u> Yes	<u> ✓ </u> No	
Skating facility (including roller skating, skateboard, and/or ice skating)	<u> </u> Yes	<u> ✓ </u> No	

CPC MORTGAGE SCHEDULE - Sources and Uses

Premises: 40-44 Cannon Street
 # of units: 50
 Construction period (months): 24
 Construction Interest: LIBOR + 480% (Floor 6%)

	Projected Cost	Equity	Mortgage	HOME
ACQUISITION & REFINANCING				
Acquisition	265,000	265,000	0	
Refinancing	0	0	0	
Construction Above Current Mtg	0	0	0	
Other	0	0	0	
Total	265,000	265,000	0	
CONSTRUCTION COST				
Contractor Price	5,096,501	1,256,151	3,590,350	250,000
Contingency (10%)	509,650	0	509,650	
Other	0	0	0	
Total	5,606,151	1,256,151	4,100,000	
PROFESSIONAL FEES				
Borrower's Legal	10,000	10,000	0	
Borrower's Eng/Arch Fees	0	0	0	
Bank's Engineer -- Prep.	3,500	3,500	0	
Bank's Engineer -- Insp's.	7,200	7,200	0	
Environmental Review	1,900	1,900	0	
Other	0	0	0	
Total	22,600	22,600	0	
CLOSING AND OTHER FEES				
CPC Commitment Fee 2% (Const & Perm)	88,000	88,000	0	
Appraisal	3,000	3,000	0	
CPC Legal -- constr. loan	10,000	10,000	0	
CPC Legal -- perm. loan	4,500	4,500	0	
Title	14,777	14,777	0	
Mortgage Tax (1.5%)	66,000	66,000	0	
SONYMA Mtg Ins. App Fee	4,400	4,400	0	
SONYMA 1st Year Premium (.50%)	22,000	22,000	0	
Survey	1,000	1,000	0	
Pension Fund Deposit 1% (<i>Refundable</i>)	44,000	44,000	0	
Other	0	0	0	
Total	257,677	257,677	0	
CARRYING COSTS				
Construction Interest	300,000	0	300,000	
Real Estate Tax	0	0	0	
Water and Sewer Tax	0	0	0	
Insurance	0	0	0	
Utilities	0	0	0	
Marketing	0	0	0	
Other	0	0	0	
Total	300,000	0	300,000	
TOTAL DEVELOPMENT COST	6,451,428	1,801,428		
TOTAL LOAN			4,400,000	
TOTAL BORROWER EQUITY	27.92%	1,801,428		
BORROWER'S LETTER OF CREDIT:		\$509,650		
	CPC LOAN \$4,400,000	100.00%	88,000	
	TOTAL \$4,400,000	100.00%	88,000	

These figures are estimates only and are subject to change.

Prepared by: Mary S Paden

Cardinal Court Apartments



Kings Court Hotel circa 1940

Project Description

Overview

The Cardinal Court Project involves the substantial rehabilitation of the building located at 40 Cannon Street in the City of Poughkeepsie, formerly known as King's Court. **49 units of residential housing and 6 commercial units will be created in this building that has sat vacant since a fire ravaged it in August of 2011.** Hudson River Housing has partnered with Cardinal Assets to restore this community landmark to its former splendor. **Five units will be set-aside for Veterans, two for very-low income households and eight for low-income households.** The project will consist of 8 studio apartments, 39 one-bedroom units and 2 penthouse apartments. For the residents; parking, outdoor green space, well-appointed common areas, a fitness center, laundry facilities and storage will be available. The project is another result of the Middle Main Initiative, a grass roots planning effort that has promoted a community environment and will increase the supply of affordable housing in this historically underserved area. Tenants of Cardinal Court are expected to be a mix of families and singles.

Financing

The restoration of 40 Cannon Street will be funded with a mix of private and public funding. Sources being considered are the **New York State Consolidated Funding Application (CFA) through the NYS Main Street Downtown Anchor Program; Dutchess County's Home Investment Partnership Program (HOME), Community Preservation Corporation and private investors.**

Timeline

Stabilization of the structure has been taking place since October of 2013, and includes demolition, stabilization of the interior load bearing walls from the basement to the roof and a new roof on the main building. **Full rehabilitation is expected to commence in August 2015 and be completed December 2017.**

Relevant Experience

Hudson River Housing has been serving residents of Dutchess County and beyond for over 33 years. To date, HRH has directly invested over \$41,000,000 creating affordable housing units in the City of Poughkeepsie, with over \$15,000,000 City projects in the pipeline. **In its history, HRH has successfully secured over \$104,000,000 of funding for housing development, including \$1.6M in CFA funding and \$5.3M in Dutchess County/CDBG funding and \$1.2M in NY Main Street funding.** Community engagement opportunities, financial fitness education, job readiness training and empowerment activities are offered to all residents living in HRH's units.

James and Gina Sullivan, of **Cardinal Assets**, have been developing quality housing in Poughkeepsie since 2010. They currently manage 29 other units of housing in the City of Poughkeepsie, and have 38 units in their portfolio.



Kings Court Apartments
June 2015

**PRELIMINARY RESOLUTION
(Cardinal Court Apartments, LLC 2016 Project)**

A Regular meeting of the Dutchess County Industrial Development Agency was convened in public session on January 19, 2016 at 8:00 a.m., local time, at the office of the Dutchess County Industrial Development Agency, Three Neptune Road, Poughkeepsie, New York.

The meeting was called to order by the Chairman, with the following members being:

PRESENT: Charles Daniels III, Chairman
Timothy Dean, Vice Chairman
Angela E. Flesland, Assistant Secretary
Edward Summers
Mark Doyle
Alfred D. Torreggiani

ABSENT: Phyllis DiStasi Keenan, Secretary/Treasurer

ALSO PRESENT: Sarah Lee, Executive Director
Donald Cappillino, Counsel

On motion duly made by _____ and seconded by _____, the following resolution (the "Resolution") was placed before the members of the Dutchess County Industrial Development Agency:

Resolution (i) Taking official action toward the issuance of financial assistance to Cardinal Court Apartments, LLC (Cardinal Court Apartments LLC 2016 Project) in the form of potential exemption from sales and use taxes and mortgage recording taxes; and (ii) appointing Cardinal Court Apartments, LLC as agent of the Agency for the purpose of reconstructing, improving, repairing, renovating, installing, furnishing and equipping of facilities to be the subject of the financial assistance; and (iii) authorizing the execution and delivery of an agreement by and between the Agency and Cardinal Court Apartments LLC with respect to such financial assistance.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York as amended and Chapter 335 of the Laws of 1977 of the State of New York (collectively the "Act"), the Dutchess County Industrial Development Agency (the "Agency") was created with the authority and power to provide financial assistance for the purpose of, among other things, acquiring, renovating and equipping certain facilities as authorized by the Act; and

WHEREAS, Cardinal Court Apartments LLC, a New York limited liability

company with offices at 126 Old Route 55, Pawling, New York 12564 (the “Company”), has applied to the Agency for Financial Assistance (as hereinafter defined) to finance the following project (the “Project”): the reconstruction, improvement, repair, renovation, installation, furnishing and equipping of a certain facility consisting of two (2) buildings: (i) a four-story building with an unfinished basement; and (ii) a five-story building with a finished basement, both buildings being connected on the ground floor by a common lobby and a connecting corridor on the upper floors; containing a gross floor area of approximately 62,106 sq. ft. of mixed uses located on approximately 0.63 acres of land at 40 Cannon Street, City of Poughkeepsie, New York 12601, bearing Tax Map Grid No. 131300-6162-77-068023-0000. The Project includes an approximately \$6.4 million upgrade to the structure including, but not limited to the construction of an addition of approximately 1,400 sq. ft., a complete renovation of the property for the installation of forty-nine (49) residential apartments consisting of approximately 37,000 sq. ft. including eight (8) studio apartments containing approximately four hundred (400) sq. ft. each, thirty-nine (39) one-bedroom apartments that will range from approximately five hundred sixty (560) sq. ft. to seven hundred five (705) sq. ft. each, and two (2) two-story one-bedroom penthouse apartments containing approximately one thousand four hundred (1,400) sq. ft. each and both will include one bathroom, one kitchen, an outdoor balcony and roof-top-deck. The property will also contain six (6) commercial spaces consisting of approximately 12,840 sq. ft. The lobby containing 750 sq. ft. which is expected to include provisions for the exhibit of art created by local artists. The renovations shall include the improvement of the existing seventy (70) parking spaces to be used by the tenants; and

WHEREAS, the Project includes the following, as they relate to the improvement, reconstruction, repair, renovation, installation, furnishing, equipping, and completion of such Facility, whether or not any materials or supplies described below are incorporated into or become an integral part of such Project: (i) all purchases, leases, rentals and other uses of tools, machinery and equipment in connection with renovation of the Project; and (ii) purchases, rentals, uses or consumption of supplies, materials and services of every kind and description used in connection with renovation of the Project and installation of the equipment; and

WHEREAS, the Agency has given due consideration to the application submitted by the Company, in which it is represented by the Company that the financial assistance (as defined herein) for the Project will not result in the abandonment of a facility of the Company located elsewhere in the State of New York; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations adopted by the Department of Environmental Conservation of the State of New York (the laws and regulations hereinafter collectively referred to as “SEQRA”), the Agency is required to determine whether the financial assistance (as defined herein) for the Project may have a significant effect on the environment and therefore require the preparation of an Environmental Impact Statement; and

WHEREAS, the Agency has yet to make a determination of environmental significance on this application but will do so prior to its grant of any financial assistance; and

WHEREAS, the Agency has not yet held hearings pursuant to §859-a of Article 18-A of the General Municipal Law of the State of New York; and

WHEREAS, although the resolution authorizing the Financial Assistance has not yet been presented for approval by the Agency, a Preliminary Agreement relative to the proposed Financial Assistance has been presented for approval by the Agency.

NOW, THEREFORE, BE IT RESOLVED by the Dutchess County Industrial Development Agency, as follows:

1. Based upon the representations made by the Company to the Agency, the Agency hereby finds and determines that:

- (a) The Project constitutes a “project” within the meaning of the Act;
- (b) The Financial Assistance for the Project will not result in the abandonment of a facility of the Company;
- (c) In accordance with the Retail and Housing Policy of the Agency, the approval of the project by the City of Poughkeepsie must be obtained;
- (d) The Financial Assistance will promote job opportunities, health, general prosperity and the economic welfare of the inhabitants of Dutchess County, New York, and improve their standard of living, and thereby serve the public purposes of the Act; and
- (e) It is desirable and in the public interest for the Agency to assist the Company by granting the Financial Assistance.

2. Subject to the conditions set forth in ¶3 of this Resolution, the Agency will:

- (a) acquire a leasehold interest in the Project; and
- (b) sublease the Project to the Company pursuant to agreements by and between the Agency and the Company.

3. The provision of Financial Assistance herein, as contemplated by ¶2 of this Resolution, shall be subject to:

- (a) the execution and delivery by the Company of the Preliminary Agreement attached hereto as Exhibit “A” setting forth certain conditions for the provision of the Financial Assistance;

(b) approval of the City of Poughkeepsie in accordance with the Retail and Housing Policy of the Agency; and

(b) compliance with SEQRA.

4. The form and substance of a proposed Preliminary Agreement (in substantially the form presented to this meeting) by and between the Agency and the Company setting forth the undertakings of the Agency and the Company with respect to the provision of Financial Assistance is hereby approved. The Executive Director of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver the Preliminary Agreement and the Secretary (or Assistant Secretary) of the Agency is hereby authorized to affix the seal of the Agency hereto and to attest to this meeting, with such changes in terms and conditions as the Executive Director shall constitute conclusive evidence of such approval.

5. Provided the public hearing has been held pursuant to §859-a of Article 18-A of the General Municipal Law of the State of New York and no objection has been received by the Agency pursuant thereto, the Company is hereby appointed the true and lawful agent of the Agency to make, execute, acknowledge, and deliver any contracts, orders, receipts, writings, and instructions, as the designated agent for the Agency, and in general to do all things which may be requisite or proper for the acquisition, improvement, construction, reconstruction, renovation, installation, furnishing and equipping of the Project.

6. Counsel to the Agency is hereby authorized to work with counsel to the Company and others to prepare for submission to the Agency, all documents necessary to effect the authorization and provision of Financial Assistance. The Company shall be responsible for the fees of Agency, Agency's Counsel and Transaction Counsel in relation to this Project and the provision of Financial Assistance.

7. The Agency hereby approves and authorizes the following actions by the Chairman of the Agency, prior to the granting of any Financial Assistance with respect to the Project, after consultation with counsel to the Agency and Transaction Counsel, (i) to establish the time, date and place for a public hearing of the Agency to hear all person interested in the Project and the proposed Financial Assistance being contemplated by the Agency with respect to the Project, said public hearing to be held in the City of Poughkeepsie, Dutchess County, New York; (ii) to cause notice of such public hearing to be given to the public by publishing a notice in accordance with the applicable provisions of the N.Y. General Municipal Law, as well as, at the same time, provide notice of the hearing to the chief executive officer of each affected tax jurisdiction; (iii) to conduct such public hearing or cause such hearing to be conducted by his designee; and (iv) to cause a stenographic transcript of said public hearing to be promptly prepared and cause copies of said report to be made available to the member of the Agency.

8. The Executive Director of the Agency is hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such

acts as may be necessary or convenient to implement the provisions of this Resolution. The Agency hereby appoints each Member of the Agency and the Agency Counsel to serve as an Assistant Secretary of the Agency for purposes of this project.

9. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was put to vote on roll call, which resulted as follows:

Charles Daniels, III, Chairman	VOTING	
Timothy Dean, Vice Chairman	VOTING	
Phyllis DiStasi Keenan, Secretary/Treasurer	Being	ABSENT
Angela E. Flesland, Assistant Secretary	VOTING	
Edward Summers	VOTING	
Mark Doyle	VOTING	
Alfred D. Torreggiani	VOTING	

The Resolution was thereupon declared duly adopted.

Adopted: January 19, 2016

PRELIMINARY AGREEMENT
(Cardinal Court Apartments, LLC 2016 Project)

THIS PRELIMINARY AGREEMENT (the "Preliminary Agreement"), made as of January 19, 2016 between the **DUTCHESS COUNTY INDUSTRIAL DEVELOPMENT AGENCY**, a public benefit corporation, organized and existing under the General Municipal Law of the State of New York, having offices at Three Neptune Road, Poughkeepsie, New York 12601 (the "Agency"), and **CARDINAL COURT APARTMENTS, LLC**, a New York limited liability company with offices at 126 Old Route 55, Pawling, New York 12564 (the "Company").

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York as amended and Chapter 335 of the Laws of 1977 of the State of New York (collectively the "Act"), the Agency was created with the authority and power to provide financial assistance for the purpose of, among other things, acquiring, renovating and equipping certain facilities as authorized by the Act; and

WHEREAS, Cardinal Court Apartments LLC, a New York limited liability company with offices at 126 Old Route 55, Pawling, New York 12564 (the "Company"), has applied to the Agency for Financial Assistance (as hereinafter defined) to finance the following project (the "Project"): the reconstruction, improvement, repair, renovation, installation, furnishing and equipping of a certain facility consisting of two (2) buildings: (i) a four-story building with an unfinished basement; and (ii) a five-story building with a finished basement, both buildings being connected on the ground floor by a common lobby and a connecting corridor on the upper floors; containing a gross floor area of approximately 62,106 sq. ft. of mixed uses located on approximately 0.63 acres of land at 40 Cannon Street, City of Poughkeepsie, New York 12601, bearing Tax Map Grid No. 131300-6162-77-068023-0000. The Project includes an approximately \$6.4 million upgrade to the structure including, but not limited to the construction of an addition of approximately 1,400 sq. ft., a complete renovation of the property for the installation of forty-nine (49) residential apartments consisting of approximately 37,000 sq. ft. including eight (8) studio apartments containing approximately four hundred (400) sq. ft. each, thirty-nine (39) one-bedroom apartments that will range from approximately five hundred sixty (560) sq. ft. to seven hundred five (705) sq. ft. each, and two (2) two-story one-bedroom penthouse apartments containing approximately one thousand four hundred (1,400) sq. ft. each and both will include one bathroom, one kitchen, an outdoor balcony and roof-top-deck. The property will also contain six (6) commercial spaces consisting of approximately 12,840 sq. ft. The lobby containing 750 sq. ft. which is expected to include provisions for the exhibit of art created by local artists. The renovations shall include the improvement of the existing seventy (70) parking spaces to be used by the tenants; and

WHEREAS, the Project includes the following, as they relate to the renovation and completion of such Project, whether or not any materials or supplies described below are incorporated into or become an integral part of such Project: (i) all purchases, leases, rentals and other uses of tools, machinery and equipment in connection with the renovation of the Project; and (ii) purchases, rentals, uses or consumption of supplies, materials and services of every kind and

description used in connection with the renovation of the Project and installation of the equipment for the Project; and

WHEREAS, the Agency has determined that the financing of the Project will promote and further the purposes of the Act; and

WHEREAS, on January 19, 2016, the Agency adopted a Preliminary Resolution (the "Preliminary Resolution") authorizing the Project and the execution of this Preliminary Agreement; and

WHEREAS, in the Preliminary Resolution the Agency appointed the Company its agents for the purposes of financing the Project and doing all things requisite and proper for completing the Project.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Agency and the Company agree as follows:

1. Undertakings of the Agency. Based upon the statements, representations, and undertakings of the Company and subject to the conditions set forth herein and in the Preliminary Resolution, the Agency agrees as follows:

(a) The Agency shall adopt, or cause to be adopted, such proceedings and authorize the execution of such documents as may be necessary or advisable for (i) reconstruction, improvement, repair, renovation, installation, furnishing and equipping of the Project and the financing of such costs; and (ii) the subleasing of the Project to the Company and leasing the Equipment to the Company, all as shall be authorized by law and be mutually satisfactory to the Agency and the Company.

(b) The Agency shall enter into an agreement to sublease the Project to the Company (the "Lease Agreement"). The Lease Agreement shall contain all provisions required by law and such other provisions as shall be mutually acceptable to the Agency and the Company.

(c) The Agency shall appoint and does hereby appoint the Company the true and lawful agents of the Agency: (i) to acquire the Project; and (ii) to make, execute, acknowledge, and deliver any contracts, orders, receipts, writings, and instructions, as the stated agent for the Agency, and in general, to do all things which may be requisite or proper for the acquisition, renovation, installation, furnishing and equipping of the Project.

(d) The Agency shall take or cause to be taken such other acts and adopt such further proceedings as may be required to implement the aforesaid undertakings or as it may deem appropriate in pursuance thereof.

2. Representations of the Company. The Company hereby represents to the Agency that:

- (a) The Project is located in the Dutchess County, New York;
- (b) The proposed financing of the Project will contribute to increased employment opportunities in Dutchess County, New York;
- (c) The Company intends that the Project will comply with all applicable federal, state, and local laws, ordinance, rules, and regulations and the Company shall have obtained all necessary approvals and permits required thereunder.

3. Undertakings of the Company. Based upon the statements, representations, and undertakings of the Agency and subject to the conditions set forth herein and in the Preliminary Resolution, the Company agrees as follows:

(a) The Company shall use all reasonable efforts necessary or desirable to enter into a contract or contracts for the acquisition of the Project (to the extent not heretofore acquired) and on the terms and conditions set forth in the Lease Agreement, transfer to the Agency, or cause to be transferred to the Agency, title to or a leasehold interest in, the Project. The Company shall use all reasonable efforts necessary or desirable to enter into a contract or contracts for the acquisition of the equipment and on the terms and conditions set forth in the Lease Agreement transfer to the Agency, or cause to be transferred to the Agency, title to the Equipment, in connection with the renovation of the Project.

(b) (i) To the extent the Agency is not defended and indemnified under a policy of insurance maintained by the Company, and subject to any subrogation waivers contained in the Lease Agreement, the Company shall defend and indemnify the Agency and hold the Agency harmless from all losses, expenses, claims, damages and liabilities arising out of or based on: (1) labor, services, materials and supplies, including equipment, ordered or used in connection with the acquisition of the Project and installation of equipment in the Project (including any expense incurred by the Agency in defending any claims, suits or actions which may arise as a result of any of the foregoing) except that the Company shall not be required to indemnify the Agency for the willful or grossly negligent conduct of the Agency, its employees, agents, or representatives; or (2) any untrue statement or alleged untrue statement of a material fact necessary in order to make the statements herein, in the light of the circumstances under which they were made, not misleading.

(ii) The Company shall not permit to stand, and shall at its own expense take all steps reasonably necessary to remove, any mechanic's or other liens against the Project for labor for the renovation, installation, furnishing and equipping of the Project.

(iii) To the extent the Agency is not defended and indemnified under a policy of insurance maintained by the Company, and subject to any subrogation waivers contained in the Lease Agreement, the Company shall indemnify and hold the Agency harmless from all claims and liabilities for loss or damage to property or any injury to or death of any person that

may be occasioned subsequent to the date hereof by any cause whatsoever in relation to the Project, including any expenses incurred by the Agency in defending any claims, suits or actions which may arise as a result of the foregoing, except that the Company shall not be required to indemnify the Agency for the willful or grossly negligent conduct of the Agency, its employees, agents, or representatives.

(c) The Company shall, as agent for the Agency, comply with the requirements of Article 8 of the Labor Law of the State of New York, as amended, to the extent, if any, such Article is applicable to the Project.

(d) The Company shall take such further action and adopt such further proceedings as may be required to implement its aforesaid undertakings or as it may deem appropriate in pursuance thereof.

4. General Provisions.

(a) This Preliminary Agreement shall take effect on the date of execution hereof until the Lease Agreement becomes effective. It is the intent of the Agency and the Company that this Preliminary Agreement be superseded in its entirety by the Lease Agreement.

(b) It is understood and agreed by the Agency and the Company that the execution of the Lease Agreement and related documents are subject to: (i) obtaining all necessary governmental approvals, and (ii) approval of the members of the Agency.

(c) The Company agrees that they will reimburse the Agency for all reasonable and necessary direct out-of-pocket expenses which the Agency may incur as a consequence of executing this Preliminary Agreement or performing its obligations hereunder, including but not limited to, the cost of causing a notice of any public hearing held with respect to the Project to be published, the cost of making and transcribing records of said hearings and the reasonable fees and expenses charged and incurred by Transaction Counsel and Agency's Counsel in connection with their representation of Agency in this matter and their preparation of any documents pertaining to the provisions of Financial Assistance.

(d) All commitments of the Agency under ¶1 hereof and of the Company under ¶¶2 and 3 hereof (excepting the obligations of the Company set forth in subparagraphs 3(b) and 4(c) hereof, which shall survive the termination of this Preliminary Agreement) are subject to the condition that the Lease Agreement shall have been executed no later than fifteen (15) months from the date hereof (or such other date as shall be mutually satisfactory to the Agency and the Company).

(This space was intentionally left blank.)

IN WITNESS WHEREOF, the parties hereto have entered into this Preliminary Agreement as of the 19th day of January, 2016.

DUTCHESS COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

By: _____
Sarah Lee, Executive Director

CARDINAL COURT APARTMENTS LLC

By: _____
James J. Sullivan, Member

The City of Poughkeepsie

New York

Paul Ackermann
Corporation Counsel
pAckermann@cityofpouqhkeepsie.com



62 Civic Center Plaza
Poughkeepsie, New York 12601
TEL: (845) 451-4065 FAX: (845) 451-4070

**CC 2/1/16
Item VII-3**

February 1, 2016

**COMMON COUNCIL
City of Poughkeepsie**

**RE: Resolution Setting a Public Hearing for the Abandonment of Livingston Street
between Lincoln Avenue and Fox Street**

Dear Chairman Petsas and Councilmembers:

Attached is a resolution setting a public hearing for the abandonment of Livingston Street between Lincoln Avenue and Fox Street. The New York State Department of Transportation has an interest in the former Fox Street entrance ramp, however, the City may continue to have an interest in the underlying roadbed and as such, the abandonment will include that portion of Livingston Street to Fox Street.

General City Law §29 authorizes and empowers the city to close streets as it may deem in the interest of the public. When a City Street is abandoned, pursuant to the General City Law, those lands from the center line of the street revert to the abutting property owner. In this case, Vassar Brothers Hospital is the abutting property owner of all the lands and as such will acquire same.

The action here is simply to set the public hearing pursuant to GCL §29. A formal vote of abandonment and the corresponding environmental determination will come after the public hearing.

I have also included a proposed site plan so you can see Vassars proposed use of the former street.

Please consider this matter at your February 1st Council meeting.

Respectfully submitted,

**PAUL ACKERMANN
Corporation Counsel**

RESOLUTION
(R-16-15)

INTRODUCED BY COUNCILMEMBER _____:

WHEREAS, Vassar Brothers Hospital (“Vassar Brothers”) is the sole owner of those properties abutting Livingston Street between Lincoln Avenue and its intersection with the New York State DOT right-of-way at Route 9, in the City of Poughkeepsie; and

WHEREAS, Vassar Brothers intends to construct a seven level, 696,000± square-foot pavilion for in-patients along with the re-construction and renovation of approximately 13,800 square feet of its existing hospital; and

WHEREAS, Vassar Brothers application requests the City formally abandon Livingston Street from its intersection with Lincoln Avenue and continuing to its intersection with Fox Street (including any ownership the City may have in the lands subject to a New York State Department of Transportation Right-of-Way) which by operation of law would revert to Vassar Brothers as the adjoining property owners; and

WHEREAS, the Common Council is desirous of taking up the consideration of this proposal and the closing of Livingston Street between Lincoln Avenue and Fox Street; and

WHEREAS, the Corporation Counsel has advised that General City Law §29 requires that a public hearing be held to consider this matter and that at least five (5) days notice of this hearing be published at least once in the official publication of the City; and

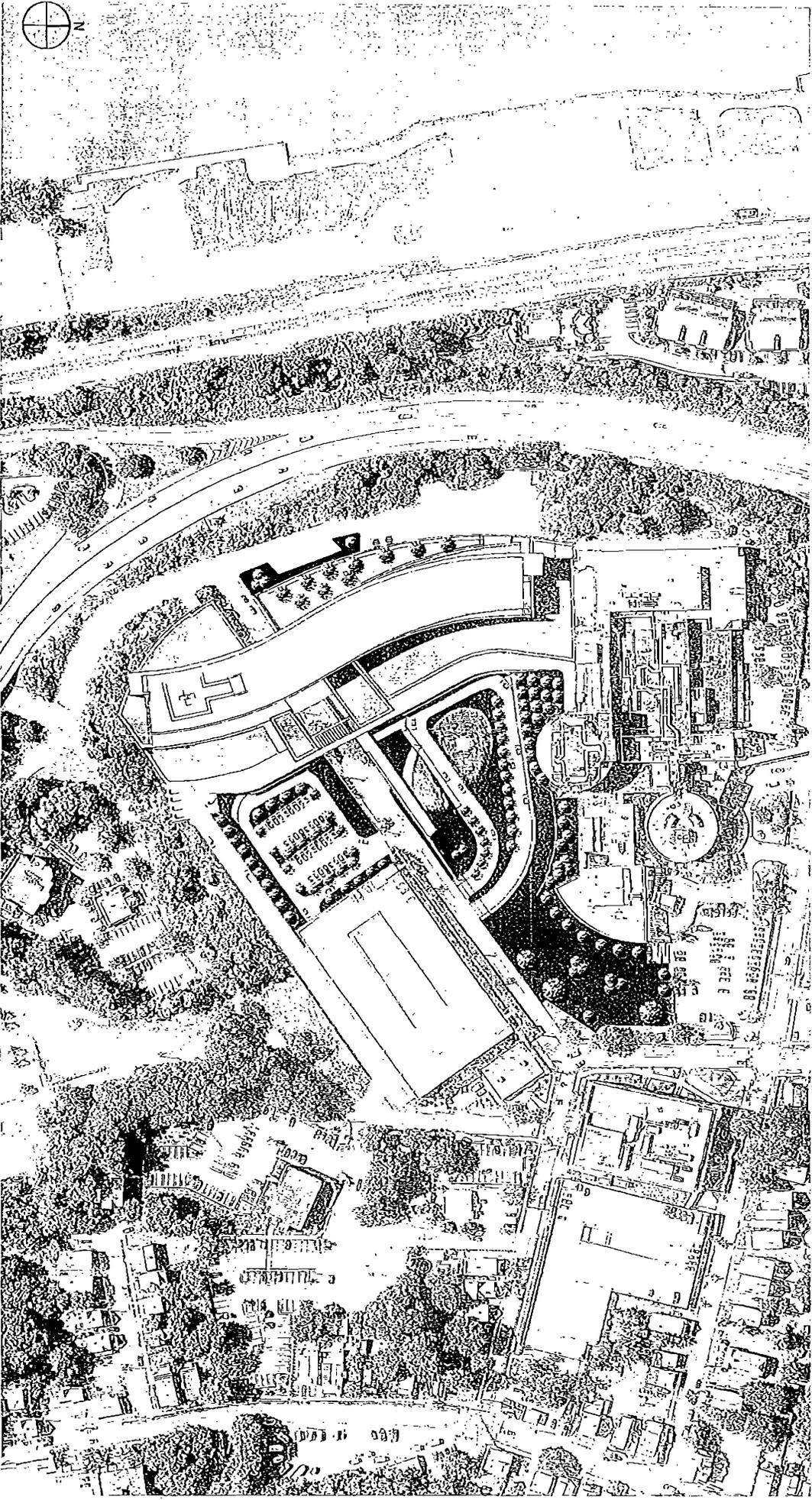
NOW, THEREFORE,

BE IT RESOLVED, the Common Council hereby sets March 7, 2016 at 6:00 p.m. in the Common Council Chambers, City Hall, Third Floor, 62 Civic Center Plaza, Poughkeepsie, New York as the date, time and place of a public hearing to consider the proposal to abandon and close Livingston Street in the City of Poughkeepsie from Lincoln Avenue to Fox Street (including any ownership the City may have in the lands subject to a New York State Department of Transportation Right-of-Way); and be it further

RESOLVED, that the City Chamberlain is hereby authorized and directed to publish notice of this public hearing at least once in an official newspaper of the City at least five (5) days before such date.

SECONDED BY COUNCILMEMBER _____.

PROPOSED SITE PLAN



VASSAR BROTHERS MEDICAL CENTER
CONNECTIVITY TO THE FUTURE

The City of Poughkeepsie

New York

Paul Ackermann
Corporation Counsel
pAckermann@cityofpoughkeepsie.com



62 Civic Center Plaza
Poughkeepsie, New York 12601
TEL: (845) 451-4065 FAX: (845) 451-4070

**CC 2/1/16
Item VIII-1**

February 1, 2016

**COMMON COUNCIL
City of Poughkeepsie**

RE: ORDINANCE AMENDING PARKING REGULATIONS ON ZIMMER AVENUE

Dear Chairman Petsas and Councilmembers:

At the request of Councilwoman Lorraine Johnson, I have prepared the annexed Ordinance to amend §13-180 of the Code of Ordinances to eliminate a no parking zone on Zimmer Avenue. The change would result in the removal of two no parking signs that are currently situated in front of 11 Zimmer Avenue. The no parking signs were installed in 2011 at the request of the previous owner of the property. The property at 11 Zimmer Avenue is now under new ownership, and is occupied by two separate families who are desirous of increasing the amount of on street parking in front of the residence. The police department was consulted on this matter and has no objections to the removal of the no parking signs.

Please consider this matter at your February 1st Council meeting.

Respectfully submitted,



PAUL ACKERMANN
Corporation Counsel

**ORDINANCE AMENDING §13-180
OF CHAPTER 13 OF THE CITY OF POUGHKEEPSIE
CODE OF ORDINANCES ENTITLED “MOTOR VEHICLES
AND TRAFFIC”**

(O-16-01)

INTRODUCED BY COUNCILMEMBER _____:

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

SECTION 1: §13-180 of the City of Poughkeepsie Code of Ordinances is hereby amended by the following additions and deletions:

Section 13-180 Parking prohibited at all times.

When appropriate signs giving notice thereof are erected, parking upon the following streets or parts of streets shall be prohibited at all times:

~~[Zimmer Avenue, north side, from a point 115 feet from its intersection with Elm Place to a point 57 feet westerly therefrom.]~~

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____

ADDITIONS denoted by **Bold** and **Underlining**

DELETIONS denoted by Brackets **[]** and **Strikethrough**

<p>Submitted to Council: February 1, 2016 Council Action: Approved Roll call vote taken: Yes ___ No ___ Ayes Nays Abstain Absent Approved by Mayor on _____ Mayor's Signature _____</p>	<p>I hereby certify the foregoing to be a true and correct copy of a Resolution duly adopted at a regular meeting of the Common Council held _____ _____ City Chamberlain</p>
--	---



January 9, 2016

Lorraine Johnson
147 Mansion Street
Poughkeepsie, NY 12601

RE: 11 Zimmer Avenue - Removal of No Parking Signs

Dear Councilwomen Johnson,

My name is Robin Dennard. I'm a local REALTOR and Property Manager. I manage the property at 11 Zimmer Avenue here in the city of Poughkeepsie which is currently owned by Derek Owens.

The prior owner had requested no parking signs be installed in front of the house because her elderly mother who was handicap lived there at the time. The property now occupies 2 separate families. Parking is very limited so the tenants family and guests are having to park on neighboring streets.

Councilman Mallory was who I was put in touch with. Unfortunately, this request wasn't completed prior to the end of his term. He did contact the Police Department and confirmed the removal of the signs was okay. He advised me to follow-up with you.

I can be reached at 845.216.9950 or via email at robindennard@gmail.com.

Thanks,

Robin L. Dennard

VERIFIED NOTICE OF CLAIM

In the Matter of the Claim of

DEBORAH GAMIEL

-against-

**COUNTY OF DUTCHESS, CITY OF POUGHKEEPSIE, and
CITY OF POUGHKEEPSIE DEPARTMENT OF PUBLIC
WORKS**

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

TO: **Marcus J. Molinaro, County Executive**
22 Market Street
Poughkeepsie, New York 12601

John Tkazyik, Mayor
62 Civic Center Plaza
Poughkeepsie, New York 12601

Chris Gent, Commissioner of Public Works
26 Howard Street
Poughkeepsie, New York 12601



PLEASE TAKE NOTICE that the undersigned Claimant hereby Claim and Demand against you as follows:

1. The name and post-office address of each Claimant and Claimant's attorneys are:

CLAIMANT:

Deborah Gamiel
69 College Avenue
Poughkeepsie, New York 12603

CLAIMANT'S ATTORNEYS:

SOBO & SOBO, L.L.P.
One Dolson Avenue
Middletown, New York 10941
Brandon Cotter, Esq.

2. **The nature of the claim:** negligence, recklessness, wantonness, carelessness, gross negligence, failure to warn the Claimant of the dangerous conditions described herein,

failure to act, creating a trap, failure to take those steps necessary to avoid the contingency which occurred herein, failure to inspect and report of dangers at the location described, failure to use that degree of caution, prudence, and care which was reasonable and proper under the controlling circumstances, failure to take cognizance of the notorious and hazardous conditions which in the exercise of reasonable diligence should have been known and recognized, acting with the reckless disregard for the safety of others, and the respondents, their agents, servants and/or employees were in other ways negligent to be investigated and to be discovered.

3. The time when, the place where and the manner in which the claim arose: The claim arose on or about the 2nd day of November, 2015, at approximately 1:15 p.m. on the sidewalk located at 55 Washington Street, in the City of Poughkeepsie, County of Dutchess, State of New York 12601. The accident occurred when the Claimant was lawfully on the sidewalk, walking towards the United States Post Office, when she was caused to be precipitated to the ground by a defect which existed as a result of the Respondents' negligence, namely by a gap between the sidewalk and the metal structure that was encased in the sidewalk, a dangerous tripping hazard. Pictures of the area of the Claimant's fall are attached hereto as "Exhibit 1". The City of Poughkeepsie, and their agents, servants, and/or employees were negligent, reckless, and careless by failing to adequately address a dangerous condition on the sidewalk in the form of a gap within the sidewalk. In addition, Respondents failed to address the dangerous condition within a reasonable amount of time after which the City of Poughkeepsie knew or should have known of the condition from prior written notice.

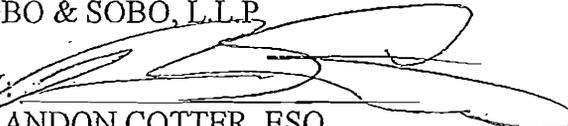
4. The items of damage or injuries claimed are: The Claimant sustained severe and serious permanent injuries to her mind and body, including, but not limited to, a fracture of the fifth metatarsal bones in her right foot, potentially requiring future surgery, medical bills that are a result of the incident described herein.

You are hereby notified that unless this claim is addressed within the time provided by law from the date of presentation to you, the Claimant intends to commence an action.

Dated: December 23, 2015
Middletown, New York

Respectfully

SOBO & SOBO, L.L.P.

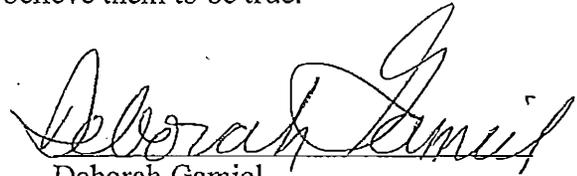
BY: 
BRANDON COTTER, ESQ.

Attorneys for Claimant
One Dolson Avenue
Middletown, New York 10940
(845) 343-7626

VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF ORANGE)

Deborah Gamiel, being duly sworn says; I am the Claimant in the action herein; I have read the annexed NOTICE OF CLAIM, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

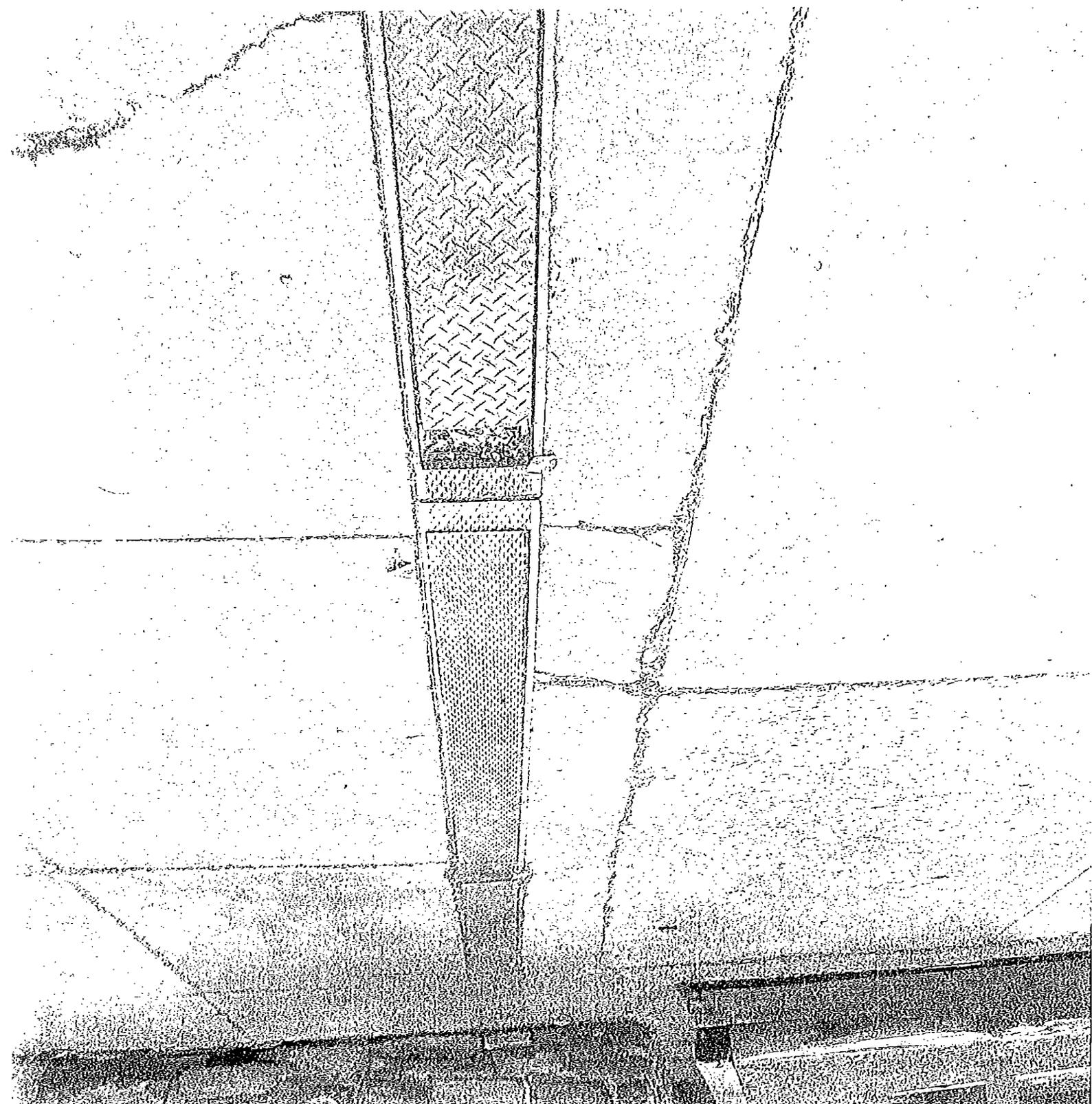

Deborah Gamiel

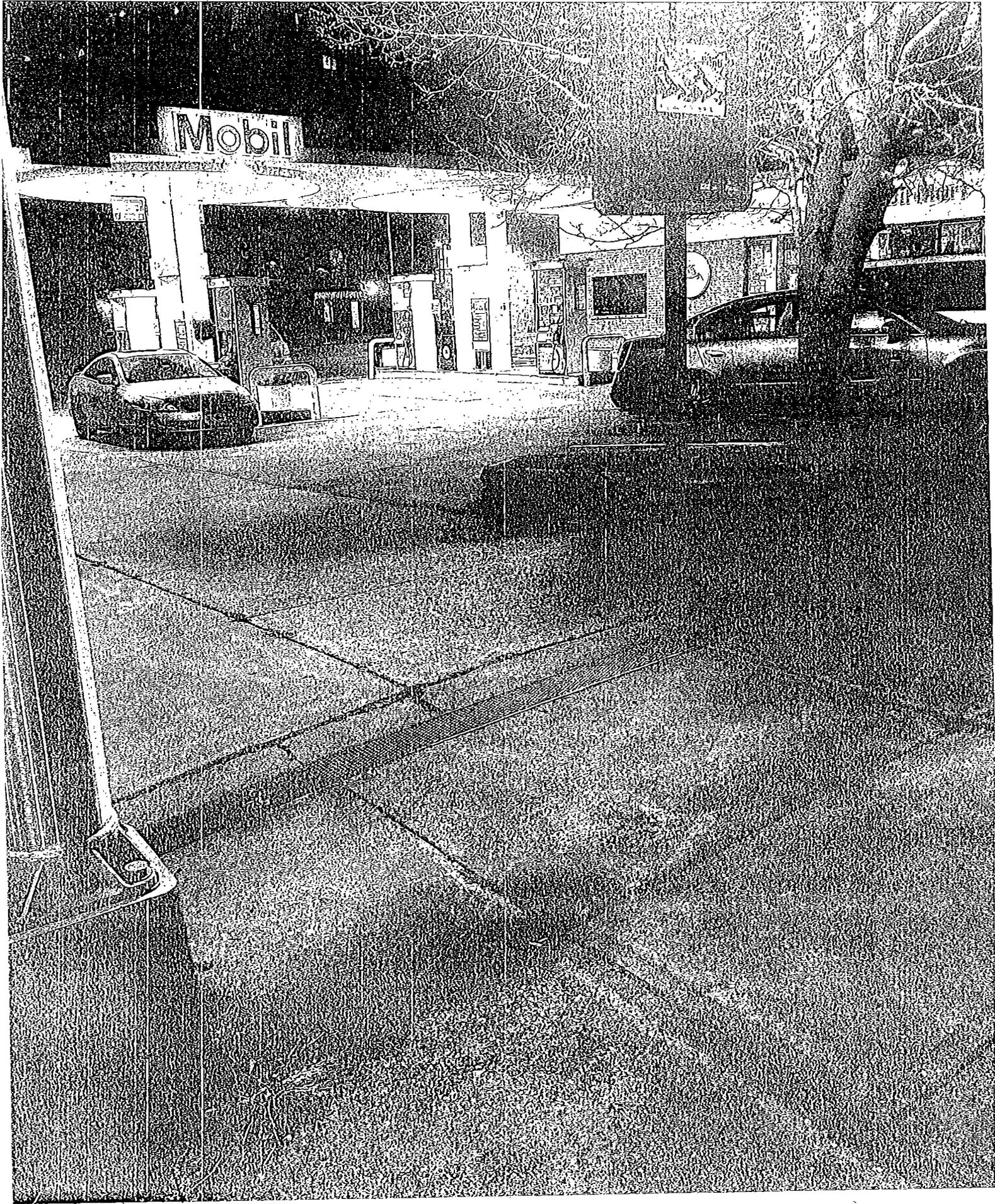
Sworn to before me on this
~~23rd~~ day of ~~November, 2015~~ *December, 2015*


NOTARY PUBLIC

VERONICA M. WESLEY
Notary Public, State of New York
Qualified in Orange County
Registration No. 01WE607542718
Commission Expires June 3, 2018



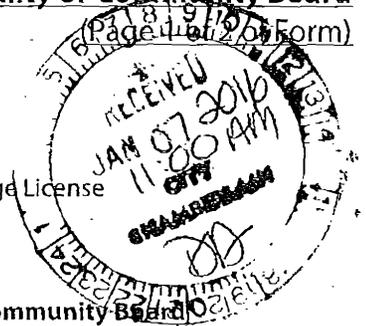




OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____

State of New York
 Executive Department
 Division of Alcoholic Beverage Control
 State Liquor Authority

Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a Local Municipality or Community Board



1. Date Notice was Sent: (mm/dd/yyyy)

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License

- New Application Renewal Alteration Corporate Change

This 30-Day Advance Notice is Being Provided to the Clerk of the following Local Municipality or Community Board

3. Name of Municipality or Community Board

Applicant/Licensee Information

4. License Serial Number, if not New Application: Expiration Date, if not New Application:

5. Applicant or Licensee Name:

6. Trade Name (if any):

7. Street Address of Establishment:

8. City, Town or Village: ,NY Zip Code:

9. Business Telephone Number of Applicant/Licensee:

10. Business Fax Number of Applicant/Licensee:

11. Business E-mail of Applicant/Licensee:

**For New applicants, provide description below using all information known to date.
 For Alteration applicants, attach complete description and diagram of proposed alteration(s).
 For Current Licensees, set forth approved Method of Operation only.
 Do Not Use This Form to Change Your Method of Operation.**

12. Type(s) of Alcohol sold or to be sold: ("X" One) Beer Only Wine & Beer Only Liquor, Wine & Beer

13. Extent of Food Service: ("X" One) Restaurant (Sale of food primarily; Full food menu; Kitchen run by chef) Tavern/Cocktail Lounge/Adult Venue/Bar (Alcohol sales primarily; Meets legal minimum food availability requirements)

14. Type of Establishment: ("X" all that apply)

Recorded Music Live Music Disc Jockey Juke Box Karaoke Bar Stage Shows

Patron Dancing (small scale) Cabaret, Night Club (Large Scale Dance Club) Catering Facility

Capacity of 600 or more patrons Topless Entertainment Restaurant Hotel

Recreational Facility (Sports Facility/Vessel) Club (e.g. Golf Club/Fraternal Org.) Bed & Breakfast

Seasonal Establishment

15. Licensed Outdoor Area: ("X" all that apply)

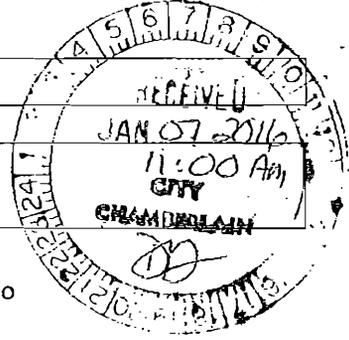
None Patio or Deck Rooftop Garden/Grounds Freestanding Covered Structure

Sidewalk Cafe Other (specify):

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____

State of New York
 Executive Department
 Division of Alcoholic Beverage Control
 State Liquor Authority

**Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a
 Local Municipality or Community Board**
 (Page 2 of 2 of Form)



16. List the floor(s) of the building that the establishment is located on: first
17. List the room number(s) the establishment is located in within the building, if appropriate:
18. Is the premises located with 500 feet of three or more on-premises liquor establishments? Yes No
19. Will the license holder or a manger be physically present within the establishment during all hours of operation? Yes No
20. Does the applicant or licensee own the building in which the establishment is located? ("X" One) Yes (If Yes SKIP 21-24) No

Owner of the Building in Which the Licensed Establishment is Located

21. Building Owner's Full Name: Stephen Aronson
22. Building Owner's Street Address: 26 Carrol Street
23. City, Town or Village: Poughkeepsie State: Ny Zip Code: 12601

**Attorney Representing the Applicant in Connection with the Applicant's License Application Noted as Above for the
 Establishment Identified in this Notice**

25. Attorney's Full Name:
26. Attorney's Street Address:
27. City, Town or Village: State: Zip Code:
28. Business Telephone Number of Attorney:
29. Business Email Address of Attorney:

I am the applicant or hold the license or am a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

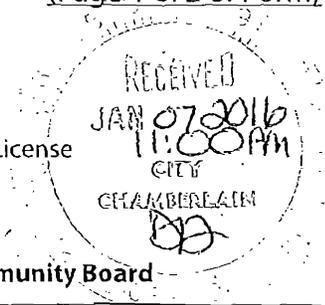
30. Printed Name: Megan Fells Title: Owner
- Signature: X

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____

State of New York
 Executive Department
 Division of Alcoholic Beverage Control
 State Liquor Authority

Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a Local Municipality or Community Board

(Page 1 of 2 of Form)



1. Date Notice was Sent: (mm/dd/yyyy) January 4, 2016

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License
 New Application Renewal Alteration Corporate Change

This 30-Day Advance Notice is Being Provided to the Clerk of the following Local Municipality or Community Board

3. Name of Municipality or Community Board City of Poughkeepsie

Applicant/Licensee Information

4. License Serial Number, if not New Application: 2156421 Expiration Date, if not New Application: 02/29/2016

5. Applicant or Licensee Name: Thyme 3 Food Inc

6. Trade Name (if any): Canvas

7. Street Address of Establishment: 305 Main Street

8. City, Town or Village: Poughkeepsie, **NY** Zip Code: 12601

9. Business Telephone Number of Applicant/Licensee: 8454838074

10. Business Fax Number of Applicant/Licensee: 8454838075

11. Business E-mail of Applicant/Licensee: babypalate@gmail.com

**For New applicants, provide description below using all information known to date.
 For Alteration applicants, attach complete description and diagram of proposed alteration(s).
 For Current Licensees, set forth approved Method of Operation only.
 Do Not Use This Form to Change Your Method of Operation.**

12. Type(s) of Alcohol sold or to be sold: ("X" One) Beer Only Wine & Beer Only Liquor, Wine & Beer

13. Extent of Food Service: ("X" One) Restaurant (Sale of food primarily; Full food menu; Kitchen run by chef) Tavern/Cocktail Lounge/Adult Venue/Bar (Alcohol sales primarily; Meets legal minimum food availability requirements)

14. Type of Establishment: ("X" all that apply)
 Recorded Music Live Music Disc Jockey Juke Box Karaoke Bar Stage Shows
 Patron Dancing (small scale) Cabaret, Night Club (Large Scale Dance Club) Catering Facility
 Capacity of 600 or more patrons Topless Entertainment Restaurant Hotel
 Recreational Facility (Sports Facility/Vessel) Club (e.g. Golf Club/Fraternal Org.) Bed & Breakfast
 Seasonal Establishment

15. Licensed Outdoor Area: ("X" all that apply)
 None Patio or Deck Rooftop Garden/Grounds Freestanding Covered Structure
 Sidewalk Cafe Other (specify):

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____

State of New York
 Executive Department
 Division of Alcoholic Beverage Control
 State Liquor Authority

**Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a
 Local Municipality or Community Board**
 (Page 2 of 2 of Form)

16. List the floor(s) of the building that the establishment is located on:
17. List the room number(s) the establishment is located in within the building, if appropriate:
18. Is the premises located with 500 feet of three or more on-premises liquor establishments? Yes No
19. Will the license holder or a manger be physically present within the establishment during all hours of operation? Yes No
20. Does the applicant or licensee own the building in which the establishment is located? ("X" One) Yes (If Yes SKIP 21-24) No

Owner of the Building in Which the Licensed Establishment is Located

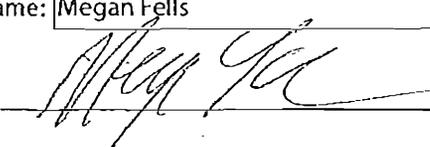
21. Building Owner's Full Name:
22. Building Owner's Street Address:
23. City, Town or Village: State: Zip Code:

**Attorney Representing the Applicant in Connection with the Applicant's License Application Noted as Above for the
 Establishment Identified in this Notice**

25. Attorney's Full Name:
26. Attorney's Street Address:
27. City, Town or Village: State: Zip Code:
28. Business Telephone Number of Attorney:
29. Business Email Address of Attorney:

I am the applicant or hold the license or am a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

30. Printed Name: Title
- Signature: X 



THE CITY OF POUGHKEEPSIE
NEW YORK

COMMON COUNCIL MEETING
MINUTES

Wednesday, November 4, 2015 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL – All Present

II. REVIEW OF MINUTES:

Council Minutes of 8-17-15 and 8-24-15						
			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember McClinton	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 Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Accepted	Councilmember Klein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Councilmember Hermann	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Councilmember Rich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Mallory	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Petsas	<input checked="" type="checkbox"/>	<input 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:

1. FROM CORPORATION COUNSEL ACKERMANN, Resolution R15-78 and Resolution R15-79, SEQRA and Sale Resolution for the sale of multiple excess city owned properties.
2. FROM CORPORATION COUNSEL ACKERMANN, Resolution R15-80, authorizing the retention of a financial consultant by the Common Council.

VIII. ORDINANCES AND LOCAL LAWS:

1. FROM ASSISTANT CORPORATION COUNSEL AQEEL, Ordinance Q-15-8, amending the parking on Wilbur Blvd.

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

4. **FROM CORPORATION COUNSEL ACKERMANN**, a communication regarding the Inter-municipal Agreement between the Poughkeepsie School District and the City of Poughkeepsie with regard to Pop-Warner Football.

ADD:

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

8. **FROM ASSISTANT CORPORATION COUNSEL AQEEL**, Ordinance O-15-8, amending the parking on Wilbur Blvd.

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

COMMON COUNCIL MEETING

Time: 6:30 p.m.

Date: Wednesday, November 4, 2015

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

Public Comment Sign-up

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

Please clearly print your name and address below:

1. Mike Young 20 Barday St ✓
2. Aime Castellano 52 Mitchell Ave
3. Ken Stickle 118 Catherine St ✓
- ~~4. [REDACTED]~~
5. ROBERT MONTAGU 310 ARFIELD Pt. Ⓞ
6. Sarah Benson - 7878 - Ripiche ✓
7. STANLEY MOSS - 122 Major Court
8. SUZANNE GILLESPIE - 9 ARNOLD BLVD ✓
9. Peter Barnard - Scenic Hudson, 1045 Bay St.
- X10. Arnold Serotzky - 188 South Grand
- X11. LAURIE SANDOW - Southern Grand
- X12. Tanya Kinady - Deane Place
- X13. John Maffei -
14. Jessy Clayton - Wapping Falls 15 Pine Rd.
15. Moros → PUNY - City Disposal
16. _____

(Circled note: City Disposal to be on)

V. MAYOR'S COMMENTS:

Not Present

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Petsas said that he will not support any budget that calls for those cuts to the Police Department. They have their work cut out for them, but thinks that they can get there, and preserve those positions, and put together a better budget. They are going to work on that very hard over the next thirty days. Also thanked those who attended the memorial service for Firefighter Gunther that was held at Mansion Square Park. To the boys at the DPW that set everything up, and to the tree department that helped to clean up the area, it was a very fitting memorial for him, as we unveiled his name on the fallen firefighter monument. Thank you to his colleagues who attended, and to the Fire Department as well. With 36 North Clover Street, if those comments are true and we have missed a law deadline by needed to be posted for seven days, if there are other flaws in this, we will discuss that momentarily, and if it has to come off the agenda for better clarity, it will. I don't think a couple of more weeks will hurt this council, or the potential development of it. Congratulate the new Mayor elect, Mr. Rolison, the new council members, and we will continue to try to move this city along.

VII. MOTIONS AND RESOLUTIONS:

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

Corporation Counsel Ackermann advised the council that said resolution is introducing the sale of city-owned property located at 36 North Clover Street. The City has just received confirmation that the City's Municipal Home Rule Request requesting alienation of the above property was signed into law by Governor Cuomo allowing for the sale to proceed. This resolution introduces the sale and commences the environmental review for the sale. Because the sale of the property is contingent upon certain development requirements, it is our suggestion that the environmental review be a coordinated review amongst the various agencies that will have jurisdiction. With that said, it is also our suggestion that the Common Council be lead agency since ultimately you have the ultimate say as to whether or not the property will be sold.

This resolution provides for the commencement of SEQRA, the Council's intent to declare itself lead agency and the circulation of your intent. A copy of the applicants EAF Part I was provided to all of you as soon as it became available along with a copy of the proposed contract. It was additionally placed on the city website, and a hardcopy placed on all of your desks tonight.

**R-E-S-O-L-U-T-I-O-N
(R-15-81)**

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, the City of Poughkeepsie is currently the owner of an approximately 2.26 acre improved parcel of land located at 36 North Clover Street and more specifically known as Tax Map No.: 6062-75-837228 (the "Property"); and

WHEREAS, the City previously issued two separate request for proposals for the Property seeking either to sell or lease the Property to a not-for profit. The City only receiving two offers for its purchase, recommended to the Common Council that the property be sold to Pelton Partners, LLC; and

WHEREAS, prior to authorizing the sale of the Property the City undertook the formal alienation of the Property as a park which action was approved by the Common Council by resolution R-15-38 and which Municipal Home Rule Request was signed into law on or about October 25, 2015; and

WHEREAS, the Common Council now wishes to commence with the sale of the Property to Pelton Partners, LLC based on the Request for Proposal which it submitted to the City and upon which the City determined to be in its best interest; and

WHEREAS, attached hereto and made a part hereof is a copy of the proposed "Contract of Sale" containing the terms and condition upon which the sale is contemplated and which terms are hereby introduced; and

WHEREAS, the Common Council now wishes to commence a coordinated environmental review in preparation of authorizing the sale of the Property which action has been determined to be a "Type I" action under the State Environmental Quality Review Act ("SEQRA"); and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council hereby undertakes an action which is subject to review under the State Quality Review Act and which action shall be known as the "Sale of city owned property located at 36 North Clover Street"; and be it further

RESOLVED, that the action shall be a coordinated review in such that the sale of the property will be contingent upon the development of the property consistent with a Request for Proposal submitted by Pelton Partners, LLC which development will require appropriate development approvals; and be it further

RESOLVED, that the Common Council of the City of Poughkeepsie hereby appoints and declares its intent to be "Lead Agency" for purposes of SEQRA; and be it further

RESOLVED, that the City Chamberlain shall, pursuant to SEQRA, circulate a copy of this resolution, along with the City's intent to be lead agency to any other agency that is deemed an involved agency as well as any other interested party.

SECONDED BY COUNCILMEMBER HERMANN

Official Minutes of the Common Council Meeting of November 4, 2015

R15-81			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember McClinton	Voter	<input checked="" type="checkbox"/>	<input 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 Johnson	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	Voter	<input type="checkbox"/>	<input checked="" 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 Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Assistant Corporation Counsel Aqeel informed the council that said resolution is a resolution consenting to the assignment and assumption of two (2) water sale agreements to the Dutchess County Water and Waste Authority (DCWWA) by the Town of Hyde Park. The DCWWA is in the process of acquiring all of the assets of the Arbors Water District and the Greenbush (Violet Avenue) Water District from the Town of Hyde Park and as a condition of that agreement, it is required that the Water Sale Agreements be assigned from the Town of Hyde Park to the DCWWA. The DCWWA has authorized the execution of an Assignment and Assumption whereby the Town of Hyde Park assigns the agreements along with their rights and obligations to the DCWWA and the DCWWA assumes all rights and obligations thereunder.

The Town of Hyde Park thereafter adopted resolutions authorizing the execution of the Assignment and Assumption Agreement. Following that, the Town of Poughkeepsie and City of Poughkeepsie Joint Water Board (JWB) has authorized the Assignment and Assumption. At this time, the JWB, Town of Hyde Park and the DCWWA are hereby requesting consent to the assignment by the City of Poughkeepsie’s legislative body.

**RESOLUTION
(R-15-82)**

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, the City of Poughkeepsie is a joint owner of the City/Town Joint Water Treatment Facility and pursuant to an inter-municipal agreement serves on the Poughkeepsie Joint Water Project Board (the, “Board”); and

WHEREAS, the Board is a party to an agreement with the Dutchess County Water and Wastewater Authority (the, “Authority”) for the sale of potable water through the Authority’s Central Dutchess Water Transmission Line (“CDWTL”) which agreement further allows for the third-party sale of potable water by the authority to other municipalities; and

WHEREAS, the Authority’s ability to sell water requires the consent of the Board and the legislative bodies of the City of Poughkeepsie and the Town of Poughkeepsie as owners; and

WHEREAS, Town of Hyde Park and the Board entered into a Water Sale Agreement (the "Greenbush Agreement"), dated August 3, 1995 and henceforth amended May 23, 2002, pursuant to which Town of Hyde Park agreed to purchase a specified amount of Potable Water from the Board and the Board agreed to sell such Potable Water to Town of Hyde Park on the terms and conditions set forth in the "Greenbush Agreement"; and

WHEREAS, Town of Hyde Park and the Board entered into a Water Sale Agreement (the "Arbors Agreement"), dated September 3, 2002 and henceforth amended June 8, 2010, pursuant to which Town of Hyde Park agreed to purchase a specified amount of Potable Water from the Board and the Board agreed to sell such Potable Water to Town of Hyde Park on the terms and conditions set forth in the "Arbors Agreement"; and

WHEREAS, the Authority hereby requests the consent of this legislative body for the Assignment and Assumption of the "Greenbush Agreement" and "Arbors Agreement" from the Town of Hyde Park; and

WHEREAS, the Town of Hyde Park wishes to assign all of its rights and obligations under those agreements to the Authority and the Authority wishes to assume all of Hyde Park's rights and obligations under those agreements, as more particularly described in the Assignment and Assumption Agreement; and

WHEREAS, the Authority, Town of Poughkeepsie, City of Poughkeepsie and the Board have been asked to consent to the Assignments and Assumptions; and

WHEREAS, the Authority has agreed to consent to the Assignments and Assumptions subject to the terms and conditions set forth in the Assignment and Assumption Agreement; and

WHEREAS, the Water Plant administrator has indicated that there is sufficient capacity to meet the needs of the agreements and the Board has approved the assignment and assumption; and

NOW, THEREFORE,

BE IT RESOLVED, that this resolution shall serve as the consent of the City of Poughkeepsie required pursuant to the Poughkeepsie Water Sale and Purchase Agreement dated November 19, 2004 and pursuant to the Inter-Municipal Agreement between the City of Poughkeepsie and the Town of Poughkeepsie to the Assignment and Assumption of the Purchase and Sale Agreement between the Dutchess County Waste Water Authority and the Joint Water Board in form and substance, and be it further

RESOLVED, that the City Chamberlain shall forward certified copies of this resolution to the Chairman of the Poughkeepsies' Joint Water Project Board and the Mayor, City Administrator or Corporation Counsel may execute any and all documents necessary to give effect to this resolution including but not limited to the Assignment and Assumption attached hereto and made a part hereof.

SECONDED BY COUNCILMEMBER HERMANN

ASSIGNMENT AND ASSUMPTION AGREEMENT

This Assignment and Assumption Agreement ("Agreement") is made effective as of _____, 2015 by and among the TOWN OF HYDE PARK, a municipal corporation with offices at 4383 Albany Post Road, Hyde Park, New York 12538 (the "Town of Hyde Park"), the DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY, a New York public benefit corporation ("DCWWA"), having an address of 27 High Street, Poughkeepsie, New York 12601, the POUGHKEEPSIE'S JOINT WATER PROJECT BOARD, a Water Board formed pursuant to Article 5C of the General Municipal Law of the State of New York (the "Board"), having an address of 3431 North Road, Poughkeepsie, New York 12601, acting on behalf of itself, the CITY OF POUGHKEEPSIE, a New York municipal corporation with an address of Civic Center Plaza, Poughkeepsie, New York 12601 (the "City of Poughkeepsie") and the TOWN OF POUGHKEEPSIE, a New York municipal corporation with an address of 1 Overocker Road, Poughkeepsie, New York 12603 (the "Town of Poughkeepsie").

WHEREAS, the Town of Hyde Park, acting on behalf of the Greenbush Water District and the Violet Avenue Water District, the Town of Poughkeepsie, the City of Poughkeepsie, and the Board entered into that certain Agreement, dated May 23, 2002 and subsequently amended in February 2003 and again on December 12, 2005 (the "G/V Agreement"), pursuant to which the Town of Hyde Park agreed to purchase a specified amount of Potable Water (as defined in the G/V Agreement) from the Board and the Board, on behalf of itself, the Town of Poughkeepsie and the City of Poughkeepsie (both of which consented to the G/V Agreement), agreed to sell such surplus water to the Town of Hyde Park on the terms and conditions set forth in the G/V Agreement;

WHEREAS, the Town of Hyde Park, acting on behalf of the Arbors Water District, the Town of Poughkeepsie, the City of Poughkeepsie, and the Board entered into that certain Agreement, dated September 3, 2002 and amended on September 8, 2010 (the "Arbors Agreement" and, along with the G/V Agreement, the "Agreements"), pursuant to which the Town of Hyde Park agreed to purchase a specified amount of Potable Water (as defined in the Arbors Agreement) from the Board and the Board, on behalf of itself, the Town of Poughkeepsie and the City of Poughkeepsie (both of which consented to the Arbors Agreement), agreed to sell such surplus water to the Town of Hyde Park on the terms and conditions set forth in the Arbors Agreement;

WHEREAS, in conjunction with the transfer of ownership of the Greenbush, Violet Avenue and Arbors Water Districts from the Town of Hyde Park to DCWWA, the Town of Hyde Park wishes to assign all of the Town's rights under the Agreements to the DCWWA, and the DCWWA wishes to assume all of the Town's obligations under the Agreements, as more particularly described herein (collectively, the "Assignment and Assumption");

WHEREAS, the Town of Poughkeepsie, the City of Poughkeepsie and the Board have been asked to consent to the Assignment and Assumption;

Official Minutes of the Common Council Meeting of November 4, 2015

WHEREAS, the Town of Poughkeepsie, the City of Poughkeepsie and the Board have agreed to consent to the Assignment and Assumption subject to the terms and conditions set forth herein.

NOW THEREFORE, In consideration of the foregoing and the mutual covenants and promises set forth in this Assignment and Assumption Agreement and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Town of Hyde Park, DCWWA, Town of Poughkeepsie, the City of Poughkeepsie and the Board agree as follows:

1. Defined Terms. Capitalized terms not defined herein shall have the meanings set forth in the Agreements.
2. Assignment of Certain Rights. Town of Hyde Park hereby assigns to DCWWA all of the Town of Hyde Park's rights under the Agreements.
3. Assumption of Obligations. DCWWA hereby assumes all of the Town of Hyde Park's obligations under the Agreements.
4. Town of Hyde Park's Acknowledgements, Representations and Warranties. Town of Hyde Park represents and warrants to the Town of Poughkeepsie, the City of Poughkeepsie and the Board as of the date of this Agreement that:
 - a. Town of Hyde Park has no defenses, offsets or counterclaims to the performance of Town of Hyde Park's obligations under the Agreements;
 - b. There are no defaults by Town of Hyde Park under the provisions of the Agreements; and
 - c. All provisions of the Agreements are in full force and effect.

The Town of Hyde Park understands that each of the other parties hereto will rely on the representations and warranties contained herein.

5. DCWWA's Acknowledgements, Representations and Warranties.
 - a. DCWWA acknowledges, ratifies, assumes and agrees to be bound by the terms and conditions of the Agreements; and
 - b. DCWWA represents and warrants to the Town of Poughkeepsie, the City of Poughkeepsie and the Board as of the date of this Agreement and after due diligence and reasonable inquiry that the representations and warranties contained in Section 4(a) through (c) above are true and correct to the best of DCWWA's knowledge.

DCWWA understands that each of the other parties hereto will rely on the representations and warranties contained herein.

Official Minutes of the Common Council Meeting of November 4, 2015

6. The Board's Acknowledgements, Representations and Warranties.

a. The Board acknowledges that there are no defaults by Town of Hyde Park under the provisions of the Agreements.

7. Consent to Assignment and Assumption. Each of the Town of Poughkeepsie, the City of Poughkeepsie and the Board hereby consents to the Assignment and Assumption, subject to the terms and conditions set forth in this Agreement. The consent of the Town of Poughkeepsie, the City of Poughkeepsie and the Board to the Assignment and Assumption is not intended to be and shall not be construed as consent to any subsequent transfer, assignment and/or assumption which requires any of the Town of Poughkeepsie's, the City of Poughkeepsie's and/or the Board's consent pursuant to the terms of the Agreements.

8. Effective Date. The Assignment and Assumption of the G/V Agreement shall become effective as of the date that ownership of the Greenbush and Violet Avenue Water Districts transfer to the DCWWA. The Assignment and Assumption of the Arbors Agreement shall become effective as of the date that ownership of the Arbors Water District transfers to the DCWWA. In each circumstance the Town and the DCWWA shall provide notice to the Board of the effective date of the assignment. If the assignment occurs on a date other than the start of a new billing cycle, DCWWA shall be fully responsible for all outstanding billing.

9. Notices. All notices, electronic and written communication between the parties concerning this Agreement, except the Board's invoices and remittance's to the Board, shall be deemed to have been delivered upon receipt or the party's intentional refusal to accept delivery to the following addresses:

If to the Town of Hyde Park

Town of Hyde Park
4383 Albany Post Road
Hyde Park, New York 12538
Attn: Supervisor
Fax: _____

If to DCWWA:

Dutchess County Water and Wastewater Authority
27 High Street
Poughkeepsie, New York 12601
Attn: Executive Director
Fax: _____

If to the Board

Official Minutes of the Common Council Meeting of November 4, 2015

Joint Water Project Board
3431 North Road
Poughkeepsie, New York 12601
Attn: Water Plant Administrator
Fax No: 453-4175

If to the City of Poughkeepsie

City of Poughkeepsie
P.O. Box 300
Poughkeepsie, New York 12602
Attn: Mayor
Fax Number: 451-4201

If to the Town of Poughkeepsie

Town of Poughkeepsie
Town Hall - One Overlooker Road
Poughkeepsie, New York 12603
Attn: Supervisor
Fax No.: 486-8035

10. Miscellaneous.

- a. This Agreement shall be construed according to and governed by the laws of New York State without regard to its conflicts of law principles.
- b. If any provision of this Agreement is adjudicated to be invalid, illegal or unenforceable, in whole or in part, it will be deemed omitted to that extent and all other provisions of this Agreement will remain in full force and effect.
- c. No change or modification of this Agreement shall be valid unless the same is in writing and signed by all parties hereto.
- d. The captions contained in this Agreement are for convenience of reference only and in no event define, describe or limit the scope or intent of this Agreement or any of the provisions or terms hereof.
- e. This Agreement shall be binding upon and inure to the benefit of the parties and their respective heirs, legal representatives and successors.
- f. This Agreement may be executed in any number of counterparts with the same effect as if all parties hereto had signed the same documents. All such counterparts shall be construed together and shall constitute one instrument, but

In making proof hereof it shall only be necessary to produce one such counterpart.

- g. Except as expressly modified hereby or as contemplated herein, the Agreements shall remain in full force and effect.
- h. THIS AGREEMENT, AND THE G/V AGREEMENT AND THE ARBOR'S AGREEMENT REPRESENT THE FINAL AGREEMENTS BETWEEN THE PARTIES AND MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS OR SUBSEQUENT ORAL AGREEMENTS. THERE ARE NO UNWRITTEN ORAL AGREEMENTS BETWEEN THE PARTIES.

R15-82			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Accepted <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember McClinton	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 Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	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 Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VIII. ORDINANCES AND LOCAL LAWS:

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM CORPORATION COUNSEL ACKERMANN, a communication regarding a temporary lien release against the YMCA.**
2. **FROM CORPORATION COUNSEL ACKERMANN, a communication regarding proposed development of PURA 14 and DeLaval.**
3. **FROM CORPORATION COUNSEL ACKERMANN, a communication regarding the proposed bargaining agreement with United Federation of Police (Joint Water Employees). Executive Session**
4. **FROM CORPORATION COUNSEL ACKERMANN, a communication regarding the Inter-municipal Agreement between the Poughkeepsie School District and the City of Poughkeepsie with regard to Pop-Warner Football. Removed**
3. **FROM SEAN LEWIS, a notice of personal injury sustained on August 20, 2015. Referred to Corporation Counsel**

Official Minutes of the Common Council Meeting of November 4, 2015

4. **FROM THERESA LEWIS**, a notice of personal injury sustained on August 20, 2015. **Referred to Corporation Counsel**
5. **FROM JOSHUA SULLUM**, a notice of personal injury sustained on July 29, 2015. **Referred to Corporation Counsel**

X. UNFINISHED BUSINESS:

XI. NEW BUSINESS:

XII. ADJOURNMENT:

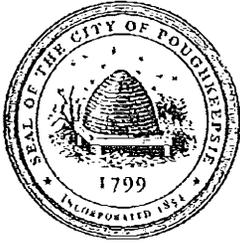
A motion was made by Councilmember Rich and Councilmember Mallory to adjourn the meeting at 9:20 p.m.

Dated: January 22, 2016

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Wednesday, November 4, 2015 at 6:30 p.m.

Respectfully submitted,

**Deanne L. Flynn
City Chamberlain**



THE CITY OF POUGHKEEPSIE
NEW YORK

COMMON COUNCIL MEETING
MINUTES

Monday, November 16, 2015 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL – All Present

II. REVIEW OF MINUTES:

CCM 9-8-15-PH 9-8-15-Special Informational Mtg 9-21-15			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Accepted	Councilmember McClinton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Rich	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 Petsas	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:

3. FROM CORPORATION COUNSEL ACKERMANN, Resolution R15-81, approving the collective bargaining agreement with United Federation of Police (Joint Water Employees).

VIII. ORDINANCES AND LOCAL LAWS:

1. FROM ASSISTANT CORPORATION COUNSEL AQEEL, Ordinance O-15-8, amending the parking on Wilbur Blvd.

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

4. **FROM CORPORATION COUNSEL ACKERMANN**, a communication regarding the Inter-municipal Agreement between the Poughkeepsie School District and the City of Poughkeepsie with regard to Pop-Warner Football.

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

COMMON COUNCIL MEETING

Time: 6:30 p.m.

Date: Monday, November 16, 2015

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

Public Comment Sign-up

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

Please clearly print your name and address below:

1. LOU STRICKLE 118 CANTONMENT ✓
2. GUS KAZOLIAS 47 NOXON ST ✓
3. SEAN HARDEN 36 GLENWOOD AVE ✓
4. LOU STRIPPOLI 145 MILL ST ✓
5. Wanda Jones, 32 N. Down Street ✓
6. Dany Marcinelli 31 Miller Rd ✓
7. DANIEL CRUMB 73 MARSHAL ✓
8. Marc Kascsak 18 creekside in Pleasant Valley ✓
9. Marina Roberti 14 Greenhouse Ln, Paler ✓
10. Holly Wahlberg 35 Garfield Place ✓
11. MICHAEL JOHN SIEDZIOSKI 34 BALDING AVE
12. Michael Frlmawicz 19 Balding Ave.
13. MARK PASTRICH - ONE CIVIC CENTE
14. Billi Pykes 76 S. Hamilton Street, PH/5011E 620
15. Niklasu Cherny 173 S Cherny Street
16. Pastor. Curtis Whitford YMCA, 211 N Hamilton
- ← 17. Tonya Pineda Deves Place
18. Laura Sardon Smith Road

Page 1

V. **MAYOR'S COMMENTS:**

Not Present

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Petsas spoke to Pastor Whitted, and the Commissioner of DPW, and the graffiti, one way or another will be removed off of the YMCA tomorrow by the end of the day. Whether through the efforts of our graffiti machine, or through his efforts of painting it over, that kind of graffiti, or that kind of wordage is not tolerable in the city. Tonight the council will be voting on selling several city owned properties that will generate some income for the city, but more importantly, rehab these homes and bring them back to life. Note that for the last two months there has been a coalition of business owners and residents in the downtown area have been meeting over the last two weeks to develop a game plan to try to focus some more energy on downtown Poughkeepsie. This Saturday at 11:00 that group will be meeting at the Liberty Street parking lot to do some work on the lot. They will be painting, and restoring some of the wood and barriers that have been broken, and planting five new trees on Cannon Street side. They are also looking at working on the Financial Plaza deck, and cameras will be installed there shortly. A point of clarity, it is easy to come to the microphone and say different things, the website is strictly an administration decision. What is on that website, how it was developed, how it's usable, that was an administration function, nothing to do with the city council So if you are unhappy with the website, I encourage you to speak to the Administration.

VII. MOTIONS AND RESOLUTIONS:

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

Corporation Counsel Ackermann informed the Common Council that the City of Poughkeepsie acquired several properties for reason of unpaid taxes. Earlier in the year they offered those properties for sale by placing a sign on each property, sending the listings to our listserv, and posting them on the city website with a deadline of October 1, 2015 for responses. All of the properties are in pretty bad shape. It is advisable that the city quickly remove them from the City's ownership and place them in private hands. Additionally, it is always the goal to get these properties in the hands of individuals that have the wherewithal to put them back to use. The offers have been thoroughly vetted and deemed to be in the best interest of the City. The sale of these properties will result in approximately \$15,000 in additional tax revenue for 2016.

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA) RESOLUTION REGARDING A SALE OF
CERTAIN CITY OWNED PROPERTIES
(R-15-78)**

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of several properties that it acquired be reason of unpaid taxes and which are more specifically described in the Schedule "A" attached hereto; 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 HERMANN

R15-78			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember McClinton	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 Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	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 Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**RESOLUTION
(R 15-79)**

AUTHORIZING THE SALE OF TAX DEED PROPERTIES

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, the City of Poughkeepsie has acquired the properties described in the attached Schedule "A" (the, "Properties") by virtue of unpaid taxes; and

WHEREAS, the Properties have been offered for sale by the City in compliance with the policy for the sale of City owned property; and

WHEREAS, the City accepted offers for the purchase of the Properties until October 1, 2015; and

WHEREAS, the offers set forth on Schedule "A" attached hereto and made a part hereof have been deemed to be the best offers after consideration of the City's policy for the sale of City owned property and the Administration of the City of Poughkeepsie has recommended that the City of Poughkeepsie accept the offers set forth; and

WHEREAS, the Common Council hereby finds that the offers attached in Schedule "A" are most favorable of the offers presented and that it is in the best interest 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 the Property, and (b) that the sale price and conditions imposed herein represent fair and adequate consideration for the conveyance; and be it further

RESOLVED, the offers set forth in Schedule "A" is hereby approved subject to the hereinafter mentioned conditions and subject to such other and further conditions which the Corporation Counsel shall deem appropriate; and be it further

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

- A. the conveyance of title and the payment of the purchase price shall take place within Thirty (30) days of the date of this resolution, unless the Corporation Counsel shall grant such extension as he deems appropriate;
- B. Purchaser shall obtain a building permit for the proposed redevelopment within six (6) months of the date of closing of title unless such property is vacant land which this requirement shall not apply;
- C. Purchaser shall obtain a valid Certificate of Occupancy for the Property within one (1) year after obtaining the building permit, unless the Corporation Counsel shall grant an extension as he/she deems appropriate;
- D. The transfer of title and Purchaser's use of the Property shall be subject to all state, federal and local regulations including the City of Poughkeepsie and New York State Building Codes and the City of Poughkeepsie Zoning Ordinance and real property taxes coming due pursuant to law on and after the date of transfer of title;
- E. Purchaser shall accept such title to the real property as the City of Poughkeepsie is possessed of and agrees to accept such title by quitclaim deed subject to any defects or encumbrances as are of record;
- F. Purchaser agrees that he shall not use the agreed upon purchase price as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation; 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 if applicable; and be it further resolved

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

SECONDED BY COUNCILMEMBER HERMAN

SCHEDULE "A"

Updated 11-16-15

Property Address	Tax ID #	Offeror	Offer
37 North Clinton Street	6162-79-277115	Steven F. Neshelwat Maher A. Fakhoury	\$6,000.00
9 South Clinton Street	6161-23-257985	Cardinal Assets of NY, LLC	\$5,000.00
4 Hammersley Avenue	6161-23-284889 6161-23-282893	Cardinal Assets of NY, LLC	\$3,000.00
338 Mansion Street	6162-80-449112	Joels Family Futures, LLC	\$4,500.00
49 Thompson Street	6162-71-288131	Hot Diggly Dog, Inc.	\$10,100.00
98 Washington Street	6162-61-015296	36 Cottage St. LLC	\$1,500.00
3 Zimmer Avenue. Unnumbered W. Oakley	6162-62-173318 6162-62-187336	Mark L. Pastrelch	\$25,000.00
204 Church Street	6161-21-098986	Clinton Jackson	\$10,000.00

R15-79			Yes/Aye	No/Nay	Abstain	Absent	
		Councilmember McClinton	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"/>
<input checked="" type="checkbox"/>	Accepted	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Councilmember Hermann	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 Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTION

(R-15-80)

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, the Common Council has received the Mayor's proposed 2016 budget for the City of Poughkeepsie and the budget message from the Mayor; and

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

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

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie shall hold a public hearing to receive comment from the public concerning the proposed 2015 budget on Monday, December 7, 2015 at 5:30 pm in the Common Council Chambers, Third Floor, City Hall, 62

Civic Center Plaza, Poughkeepsie, New York and the Chamberlain is hereby directed to publish proper notice of the above hearing.

SECONDED BY COUNCILMEMBER HERMANN

R15-80			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Accepted <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember McClinton	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 Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	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 Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VIII. ORDINANCES AND LOCAL LAWS:

1. A motion was made by Councilmember Rich and seconded by Councilmember Hermann to receive and print.

LOCAL LAW NO. 1 OF 2015

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW

INTRODUCED BY COUNCILMEMBER RICH

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

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the City of Poughkeepsie, County of Dutchess pursuant to General Municipal Law § 3-c, and to allow the City of Poughkeepsie, County of Dutchess to adopt a budget for the 2016 fiscal year that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. AUTHORITY

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the City Council to override the tax levy limit by the adoption of a local law approved by the Common Council.

Section 3. 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 4. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

SECONDED BY COUNCILMEMBER HERMANN

LL-15-1			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Accepted <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember McClinton	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 Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	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 Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM CENTRAL HUDSON**, a presentation regarding their 2016 Gas Main Replacement Project. **Removed**
2. **FROM WENDELL ENERGY**, a presentation regarding the LED Phase Two Project.
3. **FROM AMBER ADAMS**, a notice of property damage sustained on September 15, 2015. **Referred to Corporation Counsel**
4. **FROM THERESA MIKOLESKI**, a notice of property damage sustained on October 9, 2015. **Referred to Corporation Counsel**

X. UNFINISHED BUSINESS:

XI. NEW BUSINESS:

XII. ADJOURNMENT:

Official Minutes of the Council Meeting of Monday, November 16, 2015

A motion was made by Councilmember Rich and Councilmember Mallory to adjourn the meeting at 9:05 p.m.

Dated: January 20, 2015

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, November 16, 2015 at 6:30 p.m.

Respectfully submitted,

**Deanne L. Flynn
City Chamberlain**



THE CITY OF POUGHKEEPSIE
NEW YORK

COMMON COUNCIL MEETING
MINUTES

Monday, December 7, 2015 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL – All Present

II. REVIEW OF MINUTES:

CCM 9-21-15 & CCM 10-5-15			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Accepted	Councilmember McClinton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Rich	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 Petsas	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:

2. FROM CHAIRMAN PETSAS AND COUNCILMEMBER HERMANN, Resolution R15-83, approving appointments to the WAC (Waterfront Advisory Committee).

VIII. ORDINANCES AND LOCAL LAWS:

1. FROM ASSISTANT CORPORATION COUNSEL AQEEL, Ordinance O-15-8, amending the parking on Wilbur Boulevard.

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

COMMON COUNCIL MEETING

Time: 6:30 p.m.

Date: Monday, December 7, 2015

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

Public Comment Sign-up

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

Please clearly print your name and address below:

1. ~~ERIN O'NEILL 129 MILL ST~~ ✓
2. ~~Toed Sackett 23 VERAZZANO BLVD~~ ✓
3. ~~Anthony ...~~ ✓
4. ~~Joe Stuppola 445 MILL ST.~~ ✓
5. ~~NAAMI BROOKS 516 DUTCHESS AVE~~ ✓
6. ~~Steven Hank Carroll St.~~ ✓
7. ~~Thomas J O'Neill 11 Lockwood Ave~~
8. ~~JERRY SEXT 6 BEAL PATON Ln. RD.~~
9. ~~Peter ...~~
10. Damon Crumb, 73 Mansion Street.
11. Laurin Sandow Grand Avenue
12. Tanya Pineda Denise Street
13. Felicia Petteway - Gifford Avenue
14. Tory DeLoatch Cannon Street
15. Gus Kazilas 47 Noxon Street
16. _____

V. MAYOR'S COMMENTS:

Not Present

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Petsas the Wheaton project continues to move along, according to the law, and the process that's been followed. Wanted to say that while he appreciates the passion of some audience members to come up and make false claims, want to make sure a few of those false claims are corrected. 1) Appointment of the IDA by the Mayor. The IDA is not appointed by the Mayor, it's appointed by the City Council. 2) Some said that the other offer for Wheaton was \$800,000. In fact, the offer was \$100, 000, not \$800,000. 3) Executive Session, it is the policy of the council to schedule executive session at the end of the meeting so that the residents that come out here are not sitting out here for hours and hours. Today's executive session will be a client-attorney only meeting, to discuss the Wheaton project. Thanked the business owners from the 1st ward that came out to support this. This is a project that continues to be massaged along, and will continue to be. Those that attended and organized the Festival of Lights, it was a great showing. A very large crown, and a great showing.

VII. MOTIONS AND RESOLUTIONS:

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

Corporation Counsel Ackermann informed the Common Council that said resolution is authorizing and approving the financial terms of a settlement for an original collective bargaining agreement with the Federation of Police, the successor to the CSEA in representation of the employees of the Poughkeepsie Joint Water Plant.

**RESOLUTION
(R15-90)**

INTRODUCED BY COUNCIL MEMBER RICH

WHEREAS, the representatives of the City (on behalf of the Poughkeepsie Joint Water Plant) and the Federation of Police (successors to the CSEA) have negotiated on and settled upon certain financial terms and conditions that form a Collective Bargaining Agreement ("CBA") between the City and the Town of Poughkeepsie as authorized by the Joint Water Plant Agreement, as amended, the proposed CBA being annexed hereto and made a part hereof, and

WHEREAS, the union membership has ratified the terms of the CBA; and

WHEREAS, it is the desire of the Common Council to authorize and approve the financial terms of the settlement; and

WHEREAS, the 2015 City Budget does not require amendment, as the impact of the settlement will be absorbed in the existing budget; and

WHEREAS, the Common Council 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 Common Council does hereby authorize and approve the financial aspects of the proposed CBA, in substantially the same form and substance as annexed hereto; and be it further

RESOLVED, that the Common Council does hereby authorize the Mayor to enter into the CBA with the Federation of Police, containing financial terms of substantially the same form and substance as in the proposed CBA annexed hereto, and be it further

RESOLVED, that this resolution take effect immediately.

SECONDED BY COUNCIL MEMBER HERMANN

R15-90			Yes/Aye	No/Nay	Abstain	Absent	
		Councilmember McClinton	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"/>
<input checked="" type="checkbox"/>	Accepted	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Councilmember Hermann	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 Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

A RESOLUTION OF THE CITY OF POUGHKEEPSIE ACCEPTING ENGINEERING PLANNING GRANTS (EPG)

(R-15-84)
(Amended 12-7-15)

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, the City of Poughkeepsie in conjunction with Dutton-ONEil applied for an Engineering Planning Grant (“EPG”) for the purpose of engineering and design to correct and extend public infrastructure resources in the area of the Hudson River waterfront running from the Walkway Over the Hudson north to the Marist College Boat House and from the Hudson River East to the CSX railway right of way (collectedly, “Dutchess Avenue Engineering” or the “Project”); and

WHEREAS, the City has been awarded a grant through the New York State

Environmental Facilities Corporation toward the Dutchess Avenue Engineering in an amount of \$30,000 with a local match of \$6,000; and

WHEREAS, the O'Neill-Dutton has agreed to supply the \$6,000 local match toward the Dutchess Avenue Engineering; and

WHEREAS, the Common Council of the City of Poughkeepsie is desirous of accepting such grant and local match and authorizing the execution of the Grant Agreement; and

NOW THEREFORE,

BE IT RESOLVED, that the City of Poughkeepsie Common Council hereby accepts the grant from the New York State Environmental Facilities Corporation and authorizes the Mayor to execute a Grant Agreement and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City's obligations under the Engineering Planning Grant ("EPG") Agreement; and be it further

RESOLVED, that the City of Poughkeepsie accepts the pledge of \$6,000 from The O'Neill Group-Dutton, LLC for the local match required by the EPG for the Project but in the alternative the City of Poughkeepsie authorizes and appropriates a minimum of 20% local match as required by the EPG for the Dutchess Avenue Engineering project. Under the EPG Program, this local match must be at least 20% of the total project cost. The maximum local share appropriated subject to any changes agreed to by the Common Council shall not exceed \$6,000 based upon a total estimated maximum project cost of \$30,000. The Mayor may increase this local match through the use of in kind services with further approval from the Common Council; and be it further

RESOLVED, that the Common Council hereby determines that the proposed Dutchess Avenue Engineering is a Type II action in accordance with 6 NYCRR Section 617.5(c) (18) which constitutes engineering studies which do not commit the agency to undertake, fund or approve any Type I or unlisted action and therefore no subject to review under 6 NYCRR Part 617.

SECONDED BY COUNCILMEMBER HERMANN

R15-84			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember McClinton	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 Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	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 Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**RESOLUTION
(R-15- 85)**

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, the City of Poughkeepsie Police Department submitted a grant proposal under the U.S. Department of Justice, COPS Office under its’ Cops Hiring Program (“CHP”); and

WHEREAS, on September 21, 2015 the City was awarded a grant from CHP in the amount of \$625,000 to fund five (5) newly-hired and/or rehired, full-time sworn law enforcement officers for thirty-six (36) months; and

WHEREAS, the City is required to provide a financial commitment above that which is provided under the CHP program; and

WHEREAS, the City Administrator must execute agreements and documents necessary to accept and receive said grant; and

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

NOW, THEREFORE,

BE IT RESOLVED, that the grant in the sum of \$625,000.00 from the U.S. Department of Justice, COPS Office under its’ Cops Hiring Program (“CHP”) be and the same is hereby accepted on behalf of the City of Poughkeepsie; and be it further

RESOLVED, that the City shall be obligated for and will budget appropriately the difference in salary and benefits of the five (5) officers hired under this program; and be it further

RESOLVED, that the City Administrator of the City of Poughkeepsie is hereby authorized and directed to execute in the name of the City of Poughkeepsie Police Department and City of Poughkeepsie, any agreements, and all other documents required by CHP and any amendments thereto, as well as any necessary documents; and be it further

RESOLVED, that the City will retain the newly hired or re-hired full-time sworn law enforcement officers for no less than twelve (12) months after expiration of the three year term CHP grant.

SECONDED BY COUNCILMEMBER HERMANN

R15-85			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Accepted <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember McClinton	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 Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	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 Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. A motion was made by Councilmember Rich and seconded by Councilmember Hermann to receive and print.

Corporation Counsel Ackermann informed the Common Council that proposed resolution which would authorize the waiving of several years of tax liens specifically 2007, 2008, 2009, 2010, 2011, 2012, 2013 & 2014 as requested by the Potter House Inc. and the Common Council. The total amount of liens being waived is approximately \$102,306 plus interest. The resolution would give the Potter House Inc. five years to obtain a Certificate of Occupancy for the building permitting it to be used as a youth center. If the Potter House, Inc. fails to obtain a Certificate of Occupancy within five years, a judgment for the amount of the liens waived would attach to the property.

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

Lastly, at the request of Councilman Klein a provision will be added requiring regular updates on the progress of the development.

**RESOLUTION
(R-15- 86)**

INTRODUCED BY COUNCILMEMBER RICH

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

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

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

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

WHEREAS, the Common Council of the City of Poughkeepsie is desirous of assisting the Potter House, Inc. by waiving the 2008, 2009, 2010, 2011, 2012, 2013 and 2014 tax liens held by the City in an approximate amount of \$102,306 plus interest; and

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

NOW, THEREFORE,

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

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

RESOLVED, that the Potter House, Inc shall enter into an agreement and confession of judgment in an amount of the liens waived and in form satisfactory to the Corporation Counsel which shall provide that in the event that the Potter House In., does not obtain a Certificate of Occupancy for the former YMCA located at 35 Market Street, Poughkeepsie, New York, County of Dutchess, allowing for the property to be used as a youth center, the amount of the lien waived shall immediately become due and owing and a lien on the property; and be it further

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

SECONDED BY COUNCILMEMBER HERMANN

R15-86			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Accepted <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember McClinton	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 Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Malory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. A motion was made by Councilmember Rich and seconded by Councilmember Hermann to receive and print.

**RESOLUTION
(R-15-87)**

INTRODUCED BY COUNCILMEMBER RICH

BE IT RESOLVED, that pursuant to the 2015 purchasing policy as adopted, the Common Council hereby approves the issuance of the Request for Proposal for the sale of 253 Main Street in form and substance as attached hereto; and

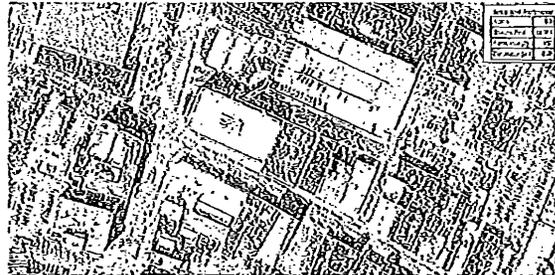
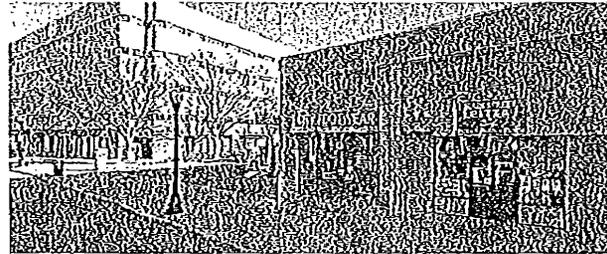
BE IT RESOLVED, the such action is a Type II action pursuant to Section 617.5 as such action is administrative in nature and does not commit the agency to commence, engage in or approve such action; and

BE IT RESOLVED, that the Commissioner of Finance and Corporation Counsel is and are hereby authorized and empowered to take appropriate sets to give effect to this resolution.

SECONDED BY COUNCILMEMBER HERMANN

REQUEST FOR PROPOSAL

THE CITY OF POUGHKEEPSIE SEEKS QUALIFIED PARTIES INTERESTED IN PURCHASING AND DEVELOPING CITY-OWNED PROPERTY LOCATED AT 253 MAIN STREET IN THE CITY OF POUGHKEEPSIE



JOHN C. TKAZYIK, MAYOR
CITY OF POUGHKEEPSIE
62 CIVIC CENTER PLAZA
POUGHKEEPSIE, NEW YORK 12601

SECTION 1
GENERAL INFORMATION AND
INSTRUCTIONS

PURPOSE

The City of Poughkeepsie (the "City") is seeking high quality proposals for the purchase and development of two vacant City-owned parcels, totaling approximately 0.30 acres, located in a desirable downtown location on Main Street.

SUBJECT PROPERTY

"Subject Property" is located at 253 Main Street, in the City of Poughkeepsie, County of Dutchess and State of New York. It is more specifically known as Tax Id # 6162-77-062103 and 6162-77-064109. The adjacent parcels are currently vacant.

GOALS FOR THE SITE

- A unique in-fill development that is consistent with the history of the City of Poughkeepsie, its architecture and its downtown Main Street location.
- Maximize the financial return to the City for the sale of the property.
- Provide a use that is pedestrian friendly and consistent with commuter living.
- In keeping with the Poughkeepsie Main Street Economic Development Strategy

CITY'S VISION

- A project design that is appropriate for this area of downtown that takes into consideration its Main Street location with access to the Financial Plaza Parking Deck.

- A pedestrian friendly building(s) that relates well to the street and which includes amenities consistent with a walking and commuter population.
- A project that will help activate the area.
- A project that consist of either a commercial, retail or a mixed use building consisting of residential and retail.
- A project that will include a number of environmentally sensitive design features that follow Leadership in Energy Environmental Design (LEED) standards.
- A project that is consistent with the Poughkeepsie Central Business District Revitalization Strategy as adopted by the Common Council.

REQUIREMENTS

1. Proposals must be submitted in the proposal format required. Sealed proposals will be received by the City Chamberlain, located on the 1st floor of City Hall, 62 Civic Center Plaza, Poughkeepsie, New York 12601 at the time stipulated.
2. One original and nine copies of the Proposal and an electronic version of the report in Adobe Acrobat (PDF) format shall be submitted. The information included therein should be as concise as possible. To be considered, each Submitter must submit a complete response to this RFP using the format found in Section 3 of this RFP.
3. Proposals must arrive no later than Monday, February 19, 2015 at 3:00 p.m. local time. Proposals received after the deadline will be deemed unacceptable for further consideration. Regardless of the delivery method, the Submitter is responsible for the actual delivery of the proposal to the City Chamberlain as of the deadline. Submitters agree to honor their proposals for a period of one hundred twenty (120) days from the proposal due date. All proposals become the property of the City of Poughkeepsie after the deadline whether awarded or rejected.
4. All information in a Submitter's proposal is subject to disclosure under the provisions of the Freedom of Information Act. It should be noted that submission contents will not be deemed proprietary information, and individuals who submit proposals will be provided opportunities to review other proposals, if requested, after the submission deadline.
5. The City accepts no financial responsibility for costs incurred by any Submitter in responding to this RFP. By responding to this RFP, the Submitter agrees to hold the City harmless in connection with the release of any information contained in its proposal.
6. Should any prospective Submitter be in doubt as to the true meaning of any portion of this RFP, or should the Submitter find any ambiguity, inconsistency, or omission therein, the Submitter shall make a written request for an official interpretation or correction. All questions concerning the solicitation and specifications shall be submitted in writing via e-mail or fax to the name below. You are encouraged to submit your questions via e-mail.

Corporation Counsel
Attn: Nancy L.B. Griffin
City of Poughkeepsie
62 Civic Center Plaza
Poughkeepsie, New York 12601
ngriffin@cityofpoughkeepsie.com
Facsimile No. 845-451-4070

Questions must be submitted no later than February 9, 2015 at 4:00 p.m. (5 business days prior to submission deadline).

7. Any oral responses to any questions shall be unofficial and not binding on the City of Poughkeepsie. The City staff will make such interpretation or correction, as well as any additional RFP provisions that the City may decide to include, only as an RFP addendum. Staff will mail or deliver addendums to each prospective Submitter recorded as having received a copy of the RFP. Any addendum issued by the City shall become a part of the RFP. Submitters should consider issued addendums in preparing his or her proposal.
8. A pre-proposal meeting will be held on January 15, 2015 at 10:00 a.m. in the Common Council Chambers, 3rd Floor, City Hall, 62 Civic Center Plaza, Poughkeepsie, New York 12601. The purpose of the meeting is to discuss the Request for Proposal, its goals and objectives with prospective Submitters and to answer questions concerning the RFP. Any questions and answers furnished will not be official until verified in writing by the City of Poughkeepsie. Answers that change or substantially clarify the RFP will be affirmed in writing. Copies will be provided to all in attendance.
9. It is required that interested parties attend this meeting. Prospective Submitters may bring up to two persons to the pre-proposal meeting. It is strongly suggested that one of the two persons in attendance be the intended primary contact for the Submitter if the contract is awarded to that Submitter.

NON-COLLUSION

By submission of a proposal, the Submitter certifies in connection with this proposal:

1. The Submitter declares that this Proposal is made in good faith, without fraud or collusion with any person or persons submitting a proposal on the same Agreement.
2. The Submitter has carefully read and examined the "Request for Proposal" documents and understands them. The Submitter declares that it is fully informed as to the nature of and the conditions relating to the Subject Property. Additionally, the Submitter was given a full opportunity to inspect the premises prior to submitting the proposal.

3. The Submitter acknowledges that it has not received or relied upon any representations or warranties of any nature whatsoever from the City of Poughkeepsie, its agents or employees, and that its response is based solely upon the undersigned's own independent business judgment.
4. The Submitter has arrived at the proposed proposal independently, without consultation, communication, or agreement, for the purpose of restricting competition with any other proposal submitter or with any competitor.
5. Unless otherwise required by law, the price which has been quoted in the proposal has not been knowingly disclosed by the Submitter and will not knowingly be disclosed by the Submitter prior to award directly or indirectly to any other prospective Submitter or to any competitor.
6. No attempt has been made or shall be made by the proposed Submitter to induce any other person or firm to submit or not submit a proposal for the purpose of restricting competition.
7. Each Person signing the proposal certifies that he/she is the person in the proposal Submitter's organization authorized to bind the organization and such person has full authority to act on behalf of the organization.
8. Employees of the City of Poughkeepsie and his/her immediate family members are disqualified from submitting a proposal.

SELECTION CRITERIA

The initial screening evaluation will be based upon the responses to the questions outlined in the specifications. Responses to the RFP will be evaluated using a two-tier selection system.

I. Tier One Proposal Evaluation

Professional Qualifications	30% weighting
Past Involvement with Similar Project- verified by references, including experience with downtown infill development projects, and experience with urban, pedestrian friendly developments	35 % weighting
Financial capacity and ability to finance, including experience and capacity to develop an attractive retail/commercial or mixed use project	35% weighting

The proposals that are evaluated to have sufficient credentials under Tier One will then be passed along for a Tier Two evaluation.

II. Tier Two Proposal Evaluation

Extent to which the proposal meets the goals and project scope of the RFP and achievement of site development goals and visions.
Proposed purchase price

SELECTION PROCESS

The Selection Committee will consist of five (5) members appointed by the Mayor, the Common Council Chairman or his designee, and the Council member of the ward where the property resides. The committee will be assisted by City Staff as necessary.

The Selection Committee will evaluate the proposals based on the above two tier process. The committee may, at its sole discretion, schedule interview(s) with any of the Submitters who will be given an opportunity to discuss in more detail their qualifications, past experience, proposed work plan and acquisition cost proposal.

Following the evaluation process, the Committee will make a recommendation to the Common Council for the award of the proposal and the sale of the property. The act of selling city owned property by the Common Council is purely discretionary and as such, the City reserves the right to accept or reject any and all proposals received pursuant to this request, to negotiate with one or all qualified respondents, or to cancel in part or in its entirety this RFP if it is in the best interest of the City to do so.

The City may negotiate a mutually acceptable purchase and sale agreement with the approved Submitter. The City will determine whether the final scope of the project to be negotiated will be entirely as described in this RFP, a portion of the scope, or a revised scope. This agreement will not contain any assurances of any rezoning or site plan approvals necessary to complete the project. The Selected Submitter must secure and pay for all plan review fees necessary for the development of its proposal. The City will provide for a reasonable time in which to obtain such approvals before closing. If a purchase and sale agreement is not fully executed within thirty (30) days of the date approved by the Common Council, the City, at its sole option, may choose to initiate negotiations with any other qualified Submitter, or reopen the entire process.

DOWNPAYMENT

Each Proposal must be submitted with a \$10,000 refundable deposit ("Earnest Deposit") made payable to the City of Poughkeepsie, as a good-faith commitment to proceed. The City will return the Earnest Deposit to the unsuccessful Submitter(s) within thirty (30) days of the date the Common Council approves the sale of the property. If the submitter wishes to voluntarily withdraw his/her/its proposal, the earnest deposit will be returned within thirty (30) days of the date notice is received by the City. The City will retain the Earnest Deposit for the successful Submitter and the City will apply the Earnest Deposit to the purchase price upon closing. The Earnest Deposit shall be in addition to and not in lieu of a good-faith deposit required upon the execution of a purchase and sale agreement.

INFORMATION

For additional information about this Request for Proposal, please contact Nancy L.B. Griffin, at (845) 451-4065 or ngriffin@cityofpoughkeepsie.com.

INSPECTION

The Property will be available for inspection upon request. Please contact Nancy L.B. Griffin at (845) 451-4065 or ngriffin@cityofpoughkeepsie.com to schedule an appointment.

RESERVATION OF RIGHTS

This RFP is not an offer to enter into an agreement with Submitters. Only the execution of a written purchase and sale agreement will obligate the City in accordance with the terms and conditions in such agreement. The City reserves the right to accept or reject any and all proposals received pursuant to this request, to negotiate with one or all qualified respondents, or to cancel in part or in its entirety this RFP, to waive irregularities and/or informalities in any proposal if it is in the best interest of the City to do so.

PROPERTY SUMMARY

PRESENT USE: Vacant

LOCATION: 253 Main Street, City of Poughkeepsie, County of Dutchess, State of New York

OWNER: CITY OF POUGHKEEPSIE

TAX MAP #: 6162-77-062103 and 6162-77-064109

ACREAGE: 0.30 acres

ZONING: (C-2) Central Commercial District

IMPROVEMENTS: None

UTILITIES: Municipal Water/Sewer

TOPOGRAPHY: Level

FLOOD ZONE: None

WETLANDS: None

RESTRICTIONS: None

SECTION 2

PROPOSAL SCOPE OF PROJECT

Site Development

The City of Poughkeepsie wishes to advance a number of important goals with the sale and development of two (2) vacant Main Street Parcels. The required elements of any proposal need to include:

1. Any development shall include a mix-use development.
2. Adequate parking for the intended use, as provided in the zoning code, which is hidden from view of the street and does not utilize public parking.
3. Pedestrian-friendly design of all street frontages consistent with its downtown location and proximity to the train station.
4. A project that will include a number of environmentally sensitive design features that follow Leadership in Energy and Environmental Design (LEED) standards.
5. A development that is consistent with the Poughkeepsie Central Business District Revitalization Study as adopted by the Common Council.
6. A project design and use of the site to help activate the area.

SCOPE OF PROJECT

1. Proposal must include a detailed plan of development, including but not limited to an impact study of the development of this site and a detailed work plan listing all elements necessary to accomplish redevelopment of the site. The work plan will include a time line schedule depicting the sequence and duration of plan components showing how the work will be organized and executed. Any additional project elements suggested by the Submitter are to be included in the work plan and identified as Submitter-suggested elements. Also include in the work plan proposed steps, if any, to expedite completion of the individual components within the project. This will be given due consideration during evaluation of proposals.
2. Proposals must include a statement that the Submitter agrees to defend, indemnify and hold harmless the City of Poughkeepsie, its officers, employees and agents from and against all claims, lawsuits, losses and expenses including attorney's fees arising out of or resulting from the performance of this award.
3. Proposal must include the time period by which this project will be initiated and completed. Failure to perform, initiate and complete work within an acceptable time period will trigger the City's ability to reclaim title on the property.

SECTION 3
INFORMATION REQUIRED FROM ALL
PROPOSAL SUBMITTERS

Proposals should be submitted using the following format:

Section 1: Proposal Statement

Section 2: Project Description: This section should provide a narrative summary description of the proposed project. Proposed uses, number and type of units, parking requirements, phasing, circulation, concept and building design objectives shall be addressed.

Section 3: Target Population (if residential is included): This section should describe the targeted residents of the units, including income levels for residential units, as well as estimated numbers and kinds of tenants for the other elements of the building if a mixed use project is proposed.

Section 4: Impact Analysis: This section should provide an analysis of the impact of the project upon the community, including economic impact through commercial activities, streetscape modifications, housing impact, traffic impacts and other related facets. Response should be developed incorporating the project goals in Sections 1 and 2.

Section 5: Plans: This section should provide a schematic plan including site plan data and schematic floor plans for each level. Plans shall be no larger than 11 inches x 17 inches in size.

Section 6: Project Schedule: This section should include a project completion schedule including start and completion dates and other key dates as identified for action. Proposal must include the time period by which this project will be initiated and completed.

Section 7: Construction Team: This section should identify the professionals who will provide the following components of the project: design, construction oversight, and construction. Include the name of executive and professional personnel by skill and qualification that will be employed in the work. Resumes or qualifications of proposed project personnel may be submitted as an appendix.

Section 8: Overview of the Organization and Its Services: This section should give a summary of the development firm's history, including years in business, locations, size, growth, services and financial stability. Include information regarding any pending or recent lawsuits against the organization, its officers or employees. If the proposal was submitted by a lead organization on behalf of several partners, provide similar information for each partner.

Section 9: Professional Qualifications: This section should include the full name and address of your organization and, if applicable, the branch office or other subordinate element that will

perform, or assist in performing, the work hereunder. Indicate whether it is operated as an individual, partnership or corporation. If as a corporation, include whether it is qualified to do business. This information shall be provided for all organizations participating in the development of the property. If the proposal is submitted by a lead organization on behalf of several partners, list all key partners and their respective roles in the proposal. Identify the technical expertise which makes the organization(s) qualified for this work.

Section 10: Prior Experience: This section should provide a description of other infill downtown projects completed, including those with mixed-use and residential components. Include names, title and phone numbers of contact persons from units of government where these projects are located. Include supporting documents to demonstrate capacity.

Section 11: Financial Capacity: This section should provide a description of financial capacity of the organization, including appropriate documentation and banking references. If available, provide three (3) years of certified financial statements.

Section 12: Project Financing: This section should include a development budget and a ten-year pro forma (operating budget) analysis and other financial information for the project. Include the anticipated time schedule to assemble needed financial commitments, types of financing expected and letters of interest from banks or other sources. Financial partnerships (e.g., public/private; nonprofit/profit) must be identified.

Section 13: Acquisition Cost Proposal (must be separately submitted in sealed and marked envelope): This section should include the amount offered for purchase of the property, in whole or in part; and any purchase contingencies proposed. Any financial contingencies must also be identified.

Section 14:

1. Each Submitter shall submit a list of at least four (4) references for recent projects. Two of the references must be governmental or other public corporations. References must include a point of contact, an email address and a telephone number where the point of contact can be contacted. The reference list shall also include the dates when these projects were constructed.
2. Each submitter shall also submit at least two (2) financial references from banks or other financial institutions attesting to the submitter's financial capacity and ability to finance a project as proposed.

Section 15: Each submitter shall submit a non-collusion statement for each director and officer of the submitter. (See Attachment "A")

R15-87			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Accepted <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember McClinton	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 Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	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 Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. A motion was made by Councilmember Rich and seconded by Councilmember Hermann to receive and print.

A RESOLUTION OF THE CITY OF POUGHKEEPSIE DESIGNATING 120 MARKET STREET AS A LOCAL HISTORIC LANDMARK

(R-15-88)

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, Soldiers Memorial Fountain and Park located at 120 Market Street is owned by the City of Poughkeepsie and has been nominated for a local historic landmark designation with the City of Poughkeepsie Historic District and Landmarks Preservation Commission (hereinafter “HDLPC”); and

WHEREAS, the HDLPC held a public hearing on September 23, 2015 regarding the application nominating 120 Market Street as a local historic landmark; and

WHEREAS, the HDLPC voted unanimously in favor of the proposed designation and approved the application on September 23, 2015; and

WHEREAS, the HDLPC’s approved application was forwarded to the Common Council for consideration on October 7, 2015; and

WHEREAS, the Common Council held a public hearing on November 16, 2015 regarding the nomination of 120 Market Street as a local historic landmark; and

WHEREAS, after duly considering the factors specified in Section 19-4.5(4) of the Code of Ordinances of the City of Poughkeepsie, the Common Council hereby finds that premises located at 120 Market Street possesses special character, historic and aesthetic value as part of the

cultural, economic and social history of the City of Poughkeepsie; embodies distinguishing characteristics of an architectural style; is identified with historic personages; and is the work of a designer whose work has significantly influenced an age.

NOW THEREFORE,

BE IT RESOLVED, that the City of Poughkeepsie Common Council hereby designates 120 Market Street as a local historic landmark. The City Chamberlain is authorized and directed to forward notice of the designation of 120 Market Street to the Dutchess County Clerk for recordation.

SECONDED BY COUNCILMEMBER HERMANN

R15-88			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Accepted <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember McClinton	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 Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	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 Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. A motion was made by Councilmember Rich and seconded by Councilmember Hermann to receive and print.

RESOLUTION
 R15-89
 EXTRACT OF MINUTES
 [LED Lighting-Phase II]

A regular meeting of the Common Council of the City of Poughkeepsie, Dutchess County, New York was convened in public session at the Council Chambers, City Hall, Poughkeepsie, New York on December 7, 2015 at 6:30 o'clock p.m., local time.

The meeting was called to order by Chairman Petsas, and, upon roll being called, the following members were:

PRESENT:

- Councilmember Christopher D. Petsas
- Councilmember Joseph Rich
- Councilmember Robert L. Mallory, Jr.
- Councilmember Lee David Klein

Councilmember Ann Perry
Councilmember ShaRon McClinton
Councilmember Randall A. Johnson II
Councilmember Tracy Hermann

ABSENT:

The following persons were ALSO PRESENT:

Acting Commissioner of Finance Karen Sorrell

The following resolution was offered by Councilmember Rich, seconded by Councilmember Hermann, to wit;

BOND RESOLUTION DATED DECEMBER 7, 2015

A RESOLUTION AUTHORIZING THE INSTALLATION OF LED LIGHTING PHASE II IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,153,947 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

BE IT RESOLVED, by the Common Council of the City of Poughkeepsie, Dutchess County, New York (the "City") (by the favorable vote of not less than two-thirds of all of the members of the Common Council) as follows:

SECTION 1. The acquisition and installation of LED lighting improvements including street and area lighting at various locations throughout the City, to achieve energy savings, is hereby authorized at an estimated maximum cost of \$1,153,947, and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 35 of paragraph a of Section 11 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen years.

SECTION 2. It is hereby determined that the aforesaid purpose constitutes a Type II Action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQR not to have a significant impact on the environment.

SECTION 3. The City plans to finance the total cost of said purpose by the issuance of serial bonds of the City in an amount not to exceed \$1,153,947, hereby authorized to be issued therefor pursuant to the Local Finance Law. The City anticipates receiving NYSERDA grant funds in the estimated amount of \$72,460 for the project purpose, to be applied to repay obligations so issued.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 5. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds shall be applied to reimburse the City for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations.

SECTION 6. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the City are hereby irrevocably pledged for the

payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the City a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 7. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Commissioner of Finance, the Chief Fiscal Officer of the City. The Commissioner of Finance is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Chamberlain is hereby authorized to affix the corporate seal of the City to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 8. The Commissioner of Finance is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, to the extent applicable, to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with; and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or
- (3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 10. The Chamberlain is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Poughkeepsie Journal, being a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

SECTION 11. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Councilmember Christopher D. Petsas	VOTING Aye
Councilmember Joseph Rich	VOTING Aye
Councilmember Robert L. Mallory, Jr.	VOTING Aye
Councilmember Lee David Klein	VOTING Aye
Councilmember Ann Perry	VOTING Aye

Official Minutes of the Council Meeting of Monday, December 7, 2015

Councilmember ShaRon McClinton VOTING **Aye**
 Councilmember Randall A. Johnson II VOTING **Aye**
 Councilmember Tracy Hermann VOTING **Abstain**

The foregoing resolution was thereupon declared duly adopted:

Approved: December 7, 2015

John C. Tkazyik
 Mayor

R15-89			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Accepted <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember McClinton	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 Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	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 Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VIII. ORDINANCES AND LOCAL LAWS:

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM LORELEI POLLOCK**, a notice to appeal the rejection of her application for a vendor permit. **Tabled to further meeting**
2. **FROM CORPORATION COUNSEL ACKERMANN**, a communication regarding the Inter-municipal Agreement between the Poughkeepsie School District and the City of Poughkeepsie with regard to Pop-Warner Football.
3. **FROM AMBER SUMMERSON**, a notice of property damage sustained on September 13, 2015. **Referred to Corporation Counsel**
4. **FROM KEITH S. RINALDI, P.C.** a notice of personal injury sustained by Heather Knapp on August 5, 2015. **Referred to Corporation Counsel**
5. **FROM EL PATRON**, a notice of intent to renew their Liquor License. **Referred to Corporation Counsel**

X. UNFINISHED BUSINESS:

XI. NEW BUSINESS:

XII. ADJOURNMENT:

Official Minutes of the Council Meeting of Monday, December 7, 2015

A motion was made by Councilmember Rich and Councilmember Mallory to adjourn the meeting at 9:40 p.m.

Dated: January 21, 2015

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, December 7, 2015 at 6:30 p.m.

Respectfully submitted,

**Deanne L. Flynn
City Chamberlain**



**THE CITY OF POUGHKEEPSIE
NEW YORK
SPECIAL COMMON COUNCIL
MEETING MINUTES**

Monday, December 14, 2015 6:30 pm

City Hall

Chairman Petsas called the meeting to order at 6:30 p.m.

I. PLEDGE OF ALLIANCE:

ROLL CALL

All Present

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

III. MOTIONS AND RESOLUTIONS:

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

**RESOLUTION
(R-15-91)**

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, pursuant to the Administrative Code of the City of Poughkeepsie, estimates of budget requirements for the year 2016 have been certified to the Mayor, City Administrator and the Commissioner of Finance by the various departments, officers, agencies and boards of the City of Poughkeepsie, and

WHEREAS, the Mayor with the help of the City Administrator and the Commissioner of Finance did review the aforementioned estimates with the various departments, officers, agencies and boards, and

WHEREAS, the Mayor did prepare a proposed budget for the year 2016 based on these aforementioned reviews, which proposed budget with the Mayor's budget message was submitted to the Common Council on October 15, 2015; and

WHEREAS, subsequent to a notice of public hearing being published in the official newspaper in compliance with provisions of the City Administrative Code, a public hearing was duly held on December 7, 2015; and

NOW, THEREFORE, BE IT

RESOLVED, that the 2016 preliminary budget amended by the changes set forth on the annexed Exhibit A be and hereby is adopted and declared to be the budget of the City of Poughkeepsie for the year 2016, and be it further

RESOLVED, that the amounts of said budget appropriations, estimated revenues, and contributions from fund balances, be and are hereby appropriated as therein specified in accordance with the provision of the Charter and Administrative Code of the City of Poughkeepsie and General and Special laws of the State of New York applicable to said City, and be it further

RESOLVED, that the aforementioned general ad valorem taxes required to be raised for such budget purposes would need a homestead tax rate of \$11.1395 per one thousand dollars and a non-homestead tax rate of \$14.3980 of assessed valuation upon all taxable property of the City of Poughkeepsie according to the valuation of the assessment roll for the current year, and be it further

RESOLVED, that the required water rate for taxable and nontaxable properties is established at \$4.30 per 100 cubic feet, and be it further

RESOLVED, that the required sewer rate for taxable and nontaxable properties is established at \$4.00 per 100 cubic feet, and be it further

RESOLVED, that pursuant to Local Law 3 of 2012 the required sanitation rate for eligible taxable and nontaxable parcels is established as follows:

Single family residence: \$28.00 a month
Two family residence: \$55.00 a month
Three family residence: \$80.00 a month

4 yard dumpster \$170 a month
6 yard dumpster \$240 a month
8 yard dumpster \$320 a month

Mixed-use property: 50.00 a month

RESOLVED, in accordance with the Charter and Administrative Code of the City of Poughkeepsie and on or before the date therein specified, a warrant shall be issued to the Commissioner of Finance as City Treasurer, to collect such taxes in accordance with the provisions of the Charter and Administrative Code of the City of Poughkeepsie applicable thereto, with penalties and interest therein provided.

SECONDED BY COUNCILMEMBER HERMANN

R15-91			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember McClinton	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 Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	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 Petsas	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 Hermann to receive and print.

R15-92 and R15-93 were tabled to the meeting December 21, 2015

X. ADJOURNMENT:

A motion was made by **Councilmember Rich** and seconded by **Councilmember Petsas** to adjourn the meeting at 7:13 p.m.

Dated: January 26, 2016

I hereby certify that this true and correct copy of the Minutes of the Special Common Council Meeting held on Monday, December 14, 2015 at 6:30 p.m.

Respectfully submitted,
Deanne L. Flynn
City Chamberlain



THE CITY OF POUGHKEEPSIE
NEW YORK

COMMON COUNCIL MEETING
MINUTES

Monday, December 21, 2015 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL – All Present

II. REVIEW OF MINUTES:

CCM 10-19-15			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Accepted	Councilmember McClinton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Rich	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 Petsas	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:

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. FROM CAPITAL MARKETS, a presentation regarding the five year financial strategic plan.
2. FROM JPOD, a presentation regarding the transportation system on Main Street.
3. FROM CITY ADMINISTRATOR BUNYI, a communication regarding the acceptance of the Fleet Management program for DPW vehicles.

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

Carolyn Evelyn 52 Oakwood Blvd
Arthur Johnson 138 Garden Street

Kate and Olivia Calandra- no address given
Paul Hermann- Spoor Avenue
John Mylod- Beachwood Avenue
Laurie Sandow-201 South Grand Avenue
Suzanne-no last name or address given
David Petrovitz-120 Hudson Point Drive
Ron Knapp- City of Poughkeepsie Police Chief
Ken Stickle-118 Catherine Street
Frank Castella, Jr. President of Dutchess County Chamber of Commerce
Brian Doyle-Director Family Partnership
Naomi Brooks-56 Dutchess Avenue
Jeff Anzevino-Director of Land Use Advocacy Scenic Hudson
Elizabeth Waldstein Heart-Executive Director Walkway over the Hudson
Mike Young- 20 Barkley Street
Bill Dykus-South Hamilton Street
Natasha Cherry-173 South Cherry Street
Constantie Kazolias-47 Noxon Street
Tanya Pinea- Davies Place
Paul Calgogerakis- Waterview Drive
Sean Fitzgerald-Police PBA President
Mya Forster-16 Davies Place

V. MAYOR'S COMMENTS:

Not Present

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Petsas as the Chairman of the Council, interpreting different legal things is not his forte. Wanted to thank Councilmembers McClinton, Rich and Mallory for their service to the City of Poughkeepsie. This is not an easy job, it takes a lot of dedication, thank you all for your service.

VII. MOTIONS AND RESOLUTIONS:

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

**RESOLUTION
(R15-94)**

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, the Dyson Foundation has approved a grant to the City of Poughkeepsie in the amount of \$50,000 to be used to retain the services of a consultant to perform a search for a City Administrator and Commissioner of Finance; and

WHEREAS, the Dyson Foundation requires a grant agreement be signed as a condition of accepting such grant; and

WHEREAS, the Common Council is desirous of accepting such grant to be used to retain a consultant to conduct a employment search; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby accepts a grant in the amount of \$50,000 which funds shall be used solely for the purpose of conducting a search for a City Administrator and/or Commissioner of Finance and any ancillary expenses; and

BE IT FURTHER RESOLVED, that the Mayor or City Administrator shall execute the Grant Agreement in substantially the same form and substance as attached hereto.

SECONDED BY COUNCILMEMBER HERMANN

R15-90			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember McClinton	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 Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	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 Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

RESOLUTION

(R-15-92)

RESOLUTION OF THE CITY OF POUGHKEEPSIE CONCERNING A DETERMINATION OF ENVIRONMENT SIGNIFICANCE PERTAINING TO THE STATE ENVIRONMENTAL QUALITY REVIEW (SEQRA) AS IT RELATES TO THE RESTORATION OF PELTON MANSION (A/K/A HILL HOUSE) AND THE DEVELOPMENT OF APPROXIMATELY 38 RESIDENTIAL APARTMENTS IN FOUR NEW BUILDINGS; LOCATED AT 36 NORTH CLOVER STREET IN THE CITY OF POUGHKEEPSIE, NEW YORK.

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, the City of Poughkeepsie Common Council has previously forwarded, to the hereto attached list of potential lead agencies, a statement expressing its intention to be designated as lead agency for a coordinated review of a Type 1 Action pertaining to the State Environmental Quality Review Act (SEQRA) for the action as outlined above; and

WHEREAS, the Common Council has determined that the above referenced action is a Type 1 Action under SEQRA due to the fact that the subject building is located in the Union Street Historic District which boundary was increased by the Mill Street-North Clover Historic District, is locally designated pursuant to §19-4.5 of the Code of Ordinances of the City of Poughkeepsie and is substantially contiguous to several properties located on both the State and National Register of Historic Places; and

WHEREAS, the Common Council has further forwarded an Environmental Assessment Form (EAF) to all potentially involved and/or interested agencies; and

WHEREAS, none of the potentially involved agencies have objected to the determination of lead agency status by the City of Poughkeepsie Common council within the mandated thirty (30) day period; and

WHEREAS, the specific action as contemplated by Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Review Act) of the Environmental Conservation Law is the proposed sale of approximately 2.45 acres of City property located at 36 North Clover Street in the City of Poughkeepsie, State of New York (the, "Project") which property was alienated by act of the New York State legislature and the development of multifamily housing with required approvals as identified in the FEAF; and

WHEREAS, in consideration of issuing this negative declaration the Common Council of the City of Poughkeepsie the Common Council considered the following;

1. Full Environmental Assessment Form including
Parts 1-3 Dated 10/30/15
2. Supporting information contained in FEAF dated 10/30/15
3. NYSOPRHP submittal with supporting
Documentation dated November 20, 2015
4. NYSOPRHP submittal including revised concept plan;
5. Proposed Pelton Mansion elevations;
6. Rendering of proposed new residential buildings;
7. Elevations of proposed new residential buildings;
8. Photographs of Pelton Mansion and nearby structures;
9. Aerial view of site and vicinity
10. Proposed Contract of Sale with Pelton Partners, LLC
11. NYSOPRHP letter dated 12/7/2015;
12. Numerous correspondence from public submitted as well as
comments obtained from public;
13. Memorandum to Paul Ackermann from Greg Bolner dated
12/14/2015;
14. Revised Full Environmental Assessment Form dated 12/14/15
including Parts 1-3;

15. Supporting information contained in the Revised FEAF dated 12/14/15; and

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the City of Poughkeepsie Common Council be and hereby is designated as lead agency for the purposes of the New York State Environmental Quality Review Act (SEQRA), in connection with the proposed project as previously outlined herein.
2. That the attached Negative Declaration dated December 14, 2015 is hereby accepted and incorporated as part of this resolution.
3. That the Common Council, as lead agency, hereby determines that the proposed action, as previously outlined herein, and for the reasons set forth in the attached determination of non-significance, will not result in a significant adverse impact on the environment and thus declares, authorizes and approves that a negative declaration in the form and substance annexed hereto be authorized and approved.
4. That based upon the determination that the proposed action will not have a significant impact on the environment, the Common Council further determines as lead agency that an Environmental Impact Statement (EIS) is not required for the proposed action.
5. That pursuant to Section 617.12(b)(2) of the New York State Environmental Quality Review Act (SEQRA), the Common Council shall maintain a file of its determination and supporting reasons that shall be available for public inspection in the Office of the City Chamberlain, First Floor, Municipal Building, 62 Civic Center Plaza, Poughkeepsie, New York 12602; and shall file a copy with the City of Poughkeepsie chief executive officer; with the lead agency; with any person requesting a copy; with all other involved agencies; with the New York State Department of Environmental Conservation; and with the applicant.

SECONDED BY COUNCILMEMBER HERMANN

R15-92		Yes/Aye	No/Nay	Abstain	Absent	
	Councilmember McClinton	Voter	<input checked="" type="checkbox"/>	<input 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 Johnson	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	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 Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**R-E-S-O-L-U-T-I-O-N
(R-15-93)**

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, the City of Poughkeepsie is the current owner of a parcel of property located at 36 North Clover Street improved by a building commonly known as the Pelton Mansion which since approximately 1911 has been occupied by the Poughkeepsie Day Nursery, a not-for-profit organization; and

WHEREAS, the Poughkeepsie Day Nursery has vacated the premises and discontinued operations of a daycare center; and

WHEREAS, after the property was vacated by the Poughkeepsie Day Nursery the City issued a Request for Proposal and determined that there is no municipal use for the property; and

WHEREAS, subsequent to the issuance of the RFP, a proposal was received from Pelton Partners, LLC which proposes to restore the former Pelton Manor and construct approximately 38 residential units in four buildings on the site; and

WHEREAS, pursuant to Chapter 408 of the Laws of New York State of 2015 the New York State Legislature authorized the alienation of any parkland designation constraining the sale of the property; and

WHEREAS, Pelton Partners, LLC has offered to purchase the property for \$600,000 along with other consideration including an amount up to \$25,000 for the construction of a pocket-park or other park improvements which amounts are subject to certain conditions which are contained in the Contract of Sale attached hereto; and

WHEREAS, the Common Council has determined that the offer from Pelton Partners, LLC is the best offer and adequately represents the properties fair market value after consideration of the contract in its totality and an appraisal obtained by the City; and

WHEREAS, the Common Council by Resolution (R-15-92) officially makes a determination of non-significance in that the proposed sale 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

WHEREAS, the Common Council, pursuant to Section 2.10(b) of the Administrative Code, do hereby, by a vote of 2/3 of its membership, waive the requirement for the consideration of a fiscal impact statement; 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 the Property, and (b) that the sale price and conditions imposed herein represent fair and adequate consideration for the conveyance; and be it further

RESOLVED, that the offer from Pelton Partners, LLC to purchase 36 North Clover Street known as Grid # 6162-78-178075 in the City of Poughkeepsie for a sum as set forth in the Contract of Sale which is attached hereto and is hereby approved subject to the conditions contained therein

and further subject to such other and conditions which the Corporation Counsel shall deem appropriate; and be it further

RESOLVED, that by resolution R-15-92 the Common Council pursuant to the State Environmental Quality Review Act, has determined that this action will not have a negative environmental impact; and be it further

RESOLVED, that the Mayor is authorized to enter into an the Contract of Sale of the Property, subject to the conditions contained therein; and be it further

RESOLVED, that 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 including but not limited to the execution of the attached Contract of Sale and any documents necessary to convey title pursuant to said contract.

SECONDED BY COUNCILMEMBER HERMANN

R15-93			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember McClinton	Voter	<input checked="" type="checkbox"/>	<input 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 Johnson	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	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 Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. A motion was made by Councilmember Rich and seconded by Councilmember Hermann to receive and print.

R15-95			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Accepted <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember McClinton	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 Johnson	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Councilmember Klein	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Councilmember Petsas	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. ORDINANCES AND LOCAL LAWS:

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM CAPITAL MARKETS**, a presentation regarding the five year financial strategic plan. **Removed**
2. **FROM JPOD**, a presentation regarding the transportation system on Main Street. **Removed**

3. **FROM CITY ADMINISTRATOR BUNYI**, a communication regarding the acceptance of the Fleet Management program for DPW vehicles. **Removed**
 4. **FROM CAMILO'S DELI CORP** (located at 399 Main Street), a notice of intent to obtain a liquor license. **Referred to Corporation Counsel**
- X. UNFINISHED BUSINESS:**
- XI. NEW BUSINESS:**
- XII. ADJOURNMENT:**

A motion was made by Councilmember Rich and Councilmember Mallory to adjourn the meeting at 9:35 p.m.

Dated: January 26, 2015

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, December 7, 2015 at 6:30 p.m.

Respectfully submitted,

Deanne L. Flynn
City Chamberlain



THE CITY OF POUGHKEEPSIE
NEW YORK
SPECIAL COMMON COUNCIL
MEETING MINUTES

Monday, December 28, 2015 6:30 pm

City Hall

Chairman Petsas called the meeting to order at 6:30 p.m.

I. PLEDGE OF ALLIANCE:

ROLL CALL

All Present

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

III. MOTIONS AND RESOLUTIONS:

1. A motion was made by Councilmember Rich and seconded by Councilmember Hermann to receive and print.

RESOLUTION

R15-96

Overriding the Mayor's Veto of the Common Council Amended Budget

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, by Resolution (R-15-91), the Common Council adopted the 2016 City budget; and

WHEREAS, by a message dated December 24, 2015, the Mayor has, pursuant to City Administrative Code §3.04 vetoed the budget in its entirety; and

Special Common Council Meeting Minutes of December 28, 2015

WHEREAS, the Common Council may override the said mayoral veto upon the affirmative vote of three-fourths of its members as authorized by City Charter §2.07; and

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

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor’s Veto of the Common Council’s adopted budget is hereby overridden; and be it further

RESOLVED, that in accordance with City Charter §2.07, the said Resolution R-15-91 shall be deemed enacted in its original form.

SECONDED BY COUNCILMEMBER HERMANN

R15-96			Yes/Aye	No/Nay	Abstain	Absent	
		Councilmember McClinton	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"/>
<input checked="" type="checkbox"/>	Accepted	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Councilmember Klein	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Councilmember Hermann	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 Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

X. ADJOURNMENT:

A motion was made by **Councilmember Rich** and seconded by **Councilmember Petsas** to adjourn the meeting at 7:20 p.m.

Dated: January 26, 2016

I hereby certify that this true and correct copy of the Minutes of the Special Common Council Meeting held on Monday, December 28, 2015 at 6:30 p.m.

Respectfully submitted,
Deanne L. Flynn
 City Chamberlain



**ORGANIZATION MEETING OF THE
COMMON COUNCIL**
Common Council Chambers
1:00 p.m.
Saturday, January 2, 2015

I. PLEDGE OF ALLEGIANCE:

II. ROLL CALL

All present

III. NOMINATIONS AND ELECTIONS:

1. A motion was made by **Councilmember Hermann** to nominate **Mike Young** as **Council Chair**.

Council Chair Nominee			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Accepted <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember Petsas	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember L. Johnson	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Cherry	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. A motion was made by Councilmember Randall Johnson to nominate **Chris Petsas** as **Council Chair**.

Council Chair Nominee			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Young	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input 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 Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Official Minutes of the Organizational Meeting of January 2, 2016

3. A motion was made by **Councilmember Randall Johnson** and seconded by **Councilmember Lorraine Johnson** to nominate **Councilmember Cherry** as **Council Vice-Chair**.

Council Vice Chair Nominee			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Accepted					
<input checked="" type="checkbox"/>	Defeated					
<input type="checkbox"/>	Tabled					
	Councilmember Klein	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 Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. Majority Leader: The Democratic Caucus has selected and appointed **Randall Johnson** as Majority Leader.
5. Minority Leader: Request to self-nominate **Lee David Klein**, by reason of default.

IV. RESOLUTIONS:

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

**RESOLUTION
(R16-01)**

INTRODUCED BY COUNCILMEMBER CHERRY

WHEREAS, the office of city chamberlain is appointed by the mayor pursuant to the City Charter §3.02(b); and

WHEREAS, the appointment of a City Chamberlain by the Mayor is subject to confirmation by the Common Council; and

WHEREAS, the Mayor has appointed Deanne L. Flynn to the office of City Chamberlain and has submitted such appointment to the Council for confirmation; and

WHEREAS, the Common Council finds that it is in the best interest of the City of Poughkeepsie for the Mayor's appointment to be confirmed; and

NOW, THEREFORE,

Official Minutes of the Organizational Meeting of January 2, 2016

BE IT RESOLVED, that the Mayor's appointment of Deanne L. Flynn to the office of city chamberlain be, and the same hereby is confirmed.

SECONDED BY COUNCILMEMBER JOHNSON

R15-1			Yes/Aye	No/Nay	Abstain	Absent
		Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- Accepted
- Accepted
- Tabled

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

RESOLUTION
(R16-02)
(amended 1.1.16)

INTRODUCED BY COUNCILMEMBER CHERRY

WHEREAS, the office of corporation counsel is appointed by the mayor pursuant to the City Charter §3.02(b); and

WHEREAS, the appointment of a corporation counsel by the Mayor is subject to confirmation by the Common Council; and

WHEREAS, the Mayor has determined to appoint Paul Ackermann to the office of corporation counsel and has submitted such appointment to the Council for confirmation; and

WHEREAS, the Common Council finds that it is in the best interest of the City of Poughkeepsie for the Mayor's appointment to be confirmed; and

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor's appointment of Paul Ackermann to the office of corporation counsel be, and the same hereby is confirmed subject to reconfirmation on or before January 2, 2017.

SECONDED BY COUNCILMEMBER JOHNSON

Official Minutes of the Organizational Meeting of January 2, 2016

R16-1			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted <input type="checkbox"/> Tabled	Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Young	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**RESOLUTION
(R16-03)**

INTRODUCED BY COUNCILMEMBER

BE IT RESOLVED, that the Common Council adopts for use during the year 2016 the Rules of Conduct and Procedure of the Common Council of the City of Poughkeepsie, a copy of which is attached hereto and made a part of this Resolution.

SECONDED BY COUNCILMEMBER

RULES OF CONDUCT AND PROCEDURE: BY-LAWS OF THE COMMON COUNCIL OF THE CITY OF POUGHKEEPSIE FOR THE YEAR 2016

RULE I. Regular meetings of the Common Council shall be held on the first and third Mondays of each month at six thirty in the evening at the City Hall, or at such other place as the Chairperson shall appoint. The first regular meeting of January shall be held on January 2, 2016 at one p.m.at City Hall. In case of a holiday on any such day, the regular meeting shall be held on the Tuesday following at six thirty in the evening. The Common Council may adjourn when convened, to any other day or place, every such stated or adjourned meeting of the Council. In addition, there shall be informational meetings and special meetings held as provided in the Charter.

RULE II. The Common Council shall elect its Chairperson and Vice Chairperson in the manner provided for in the Charter. In the event of a vacancy in the office of Chairperson, the Vice Chairperson shall become Chairperson and the Council, at its next regular meeting and within thirty (30) days of the vacancy in Chairperson, shall elect, by majority vote, a new Vice Chairperson. In the event of a vacancy in the office of Vice Chairperson, the Council shall, by majority vote, elect a Vice Chairperson, at its next regular meeting and within thirty (30) days of vacancy of the office.

RULE III. Committee of the Whole, as so directed by the Chairperson of the Council,

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shall meet on either the 2nd Monday or the 4th Monday of the month at 6:30 p.m. The purpose of such meetings is for discussion, oversight, and strategic planning to those matters associated with **Finance** (tax/revenue, accounting, purchasing, payroll, risk management, human resources, budget management, data processing, debt management, treasury, assessor), **Public Safety/Public Works** (police department, neighborhood recovery, animal control, juvenile, communications, support services, fire department, fire suppression and prevention, code inspections, hydrant management, department of public works, engineering, building and grounds, garage, street maintenance, snow removal, street lighting, sanitation, transit, parking, water, sewer, trees, parks, and recreation), **Economic/Physical Planning/Development** (planning and zoning, property development, community development, Section 8 housing) and **Social/Community Issues** (senior citizens, youth programs, arts, schools, use of technology).

In order to promote community participation, the rules may be suspended at meetings of the Committee of the Whole to allow members of the public to speak on matters before the Committee.

The City Chamberlain will be responsible for maintaining the minutes of each meeting.

RULE IV. The City Chamberlain shall record the attendance at meetings. The order of business at regular meetings shall be as follows:

1. Pledge of allegiance and Roll Call.
2. Review of the minutes of the previous meeting.
3. Reading by City Chamberlain of any resolution or other item not listed on the printed agenda.
4. Public participation for a period not to exceed 45 minutes. At the outset of each meeting, individuals will be asked to register their intent to speak, providing their name and address. Each speaker may speak for up to three minutes on an agenda item or any aspect of City government or legislation. When the number of persons who have registered to speak requires that the allotted 45 minutes will be exceeded, an additional 15 minutes will be allotted for registered speakers, following all other business of the Council. Suspension of the rules will, as needed, be considered for those matters where further public participation may be warranted.
5. Mayor's comments
6. Chairperson's comments and presentations
7. Motions and resolutions.
8. Ordinances and local laws.
9. Presentation of petitions and communications.
10. Unfinished business.
11. New business.
12. Adjournment.

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RULE V. The order of business may be departed from by majority vote of the members present.

RULE VI. The presiding officer shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Common Council; the appeal to be taken without debate. The presiding officer shall designate the seating arrangement for Councilmembers and staff at Council meetings and the order of voting of Councilmembers on all matters coming before the Council for vote. The presiding officer may, if (s)he so desires, present motions and resolutions to the Common Council, and (s)he may debate on any question which is being considered by it. The presiding officer, if (s)he deems it appropriate, may allow Councilmembers or the Mayor to respond to or comment upon public comments made at each regular meeting during public participation (Item 4 of the Agenda set forth in Rule IV above), prior to the adjournment of the meeting.

RULE VII. When a question is under debate, no new motion shall be received, unless for the previous question, to amend it, to lay on the table, to commit it, to postpone it, or to adjourn.

RULE VIII. A motion to lay a question on the table shall be decided without amendment or debate, and a motion to postpone shall be decided without debate.

RULE IX. A motion to adjourn shall always be in order; and shall be decided without debate.

RULE X. Every member who shall be present when a question is put, shall vote for or against the same, or abstain with reasons for the abstention stated upon the record.

RULE XI. No question or motion, once put, or lost, shall again be put unless reconsidered; and a motion for reconsidering must be made not later than the next regular meeting after that on which the decision proposed to be reconsidered took place, and shall be made by a member who voted with the prevailing side. All motions for reconsidering must be passed by the affirmative vote of a majority of the voting power of the Common Council.

RULE XII. On the demand of any member, a roll call vote on any question shall be taken by ayes and nays; and it shall be the duty of the City Chamberlain to enter on the minutes the names of the members voting for or against the question, and also the name of the member demanding the roll call vote.

RULE XIII. All appointments of officers and fixing of salaries shall be by ayes and nays.

RULE XIV. The legislation described below shall be read and laid over until the next meeting of the Common Council unless a majority of the Common Council consent for immediate action. This rule shall apply to:

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- (a) The adoption of the budget
- (b) Ordinances
- (c) Resolutions amending the Rules and By-Laws of the Council
- (d) Resolutions appropriating money, amending the budget, or approving the execution of contracts.

RULE XV. In order to hear persons other than members of the Common Council, the Mayor, and members of City staff, it shall be necessary to pass a motion suspending the rules of order. A motion to suspend the rules may be made at any time during the meeting and shall be decided without debate. Any such person speaking shall confine himself-herself to the subject and not longer than three (3) minutes, unless the time is extended by the Chairperson. This rule shall not apply to public hearings.

RULE XVI. All meetings of the Common Council shall be recorded by means of a recording device. The recorded of the meetings shall be kept in the Office of the City Chamberlain, and shall be under his/her jurisdiction and control. A record of the proceedings shall be printed as soon as possible after each meeting and presented to the Common Council at its next meeting for its approval or correction. Twenty copies shall be bound annually in a volume to be preserved in the Office of the City Chamberlain. The minutes shall be available for public review in the Office of the City Chamberlain, and the City Chamberlain shall give a copy of the minutes to persons requesting the same to the extent that they are available. When a request is made for an annual record of the minutes, an annual fee of thirty (\$30.00) Dollars shall be made to cover the expenses of the handling and recording and mailing if the record is on paper. A Ten (\$10.00) Dollar fee shall be paid if the record is digital.

RULE XVII. An executive session is that portion of the meeting not open to the public because of the consideration of matters authorized for Executive Session pursuant to the New York State Open Meetings Law. Proposals, discussions, statements and transactions in executive session are intended to be and shall be held and maintained in confidence and shall not be disclosed.

RULE XVIII. Members of the public shall be prohibited from approaching any Councilmember or the Council dais and seating area in Council chambers during any regular, committee, or special meeting of the Common Council.

RULE XIX. The Mayor may be invited to comment to and address the Council and the public on any issues of public concern raised by Councilmembers at the Council's regular meetings each month, prior to motions and resolutions being heard and at any time thereafter at the discretion of the Council chairperson.

RULE XX. All legislation, including local laws, motions, resolutions, and ordinances presented to the Common Council, except for procedural motions, such as motions to amend and motions to refer, shall be numbered to simplify the tracking of such

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legislation, with the number clearly marked below the title of each piece of legislation and on Common Council agendas, as follows:

Local Laws:	LL-Year- Sequential Number (LL01-1; LL01-2; etc.)
Motions:	M-Year-Sequential Number (M01-1; etc.)
Resolutions:	R-Year- Sequential Number (R01-1; etc.)
Ordinances:	O-Year- Sequential Number (O01-1; etc.)

RULE XXI. The Chairperson of the Common Council shall give an address in response to the Mayor's annual state of the City address presented pursuant to section 3.02 of the City Charter at the next regular meeting of the Common Council following the Mayor's address.

RULE XXII. The Chairperson, or Vice Chairperson in the Chairperson's absence, is authorized to excuse a Councilmember from attending up to three (3) consecutive regular meetings of the Common Council because of a medical injury or illness which physically prevents the Councilmember from attending the meeting(s), if the medical injury or illness and physical inability to attend the meeting(s) is documented by a physician's note. Absences beyond three (3) consecutive regular meetings, for no more than an additional three (3) consecutive regular meetings, may be excused by a majority vote of the entire Council, based upon a written physician's note documenting the medical injury or illness which physically prevents the Councilmember from attending the meeting(s).

RULE XXIII. The following rules shall apply to a legally required public hearing held before the Common Council:

- (a) Speakers shall register in writing prior to the beginning of the hearing by providing their name, address, and organization, if any. Individuals arriving after the commencement of the hearing shall be permitted to register upon arrival as long as the Chairperson has not closed the hearing.
- (b) The Chairperson shall recognize each speaker, in the order registered, when the hearing is commenced. Speakers shall identify themselves, their address and organization, if any, prior to the remarks.
- (c) Speakers must limit their remarks to five (5) minutes. Remarks shall be addressed only to the hearing issues. Speakers may not yield any remaining time they may have to another speaker.
- (d) All remarks shall be addressed to the Council as a body and not to any individual member thereof.
- (e) Speakers shall observe the commonly accepted rules of courtesy, decency, dignity and good taste. Any loud, boisterous individual shall be asked to leave Council chambers by the Chairperson and may be removed at the request of the Chairperson. Speakers addressing issues outside the scope of the hearing shall be asked to cease their comments.

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(f) Interested parties may address the Council by written communication. The statements shall not be read at the hearing, but shall be provided to all Councilmembers and entered in the minutes of the hearing by the Chamberlain.

(g) The Chamberlain shall include in the minutes of the hearing the name, address and organization, if any, of each speaker, a summary of the remarks, and written statements submitted to the Council.

Adopted by the Common Council; January 2, 2016

Resolution R16-03

R16-3			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted <input type="checkbox"/> Tabled	Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**RESOLUTION
(R16-04)**

INTRODUCED BY COUNCILMEMBER CHERRY

BE IT RESOLVED, that Robert's Rules of Order be and the same hereby are adopted as the Parliamentary Rules of the Common Council for the year 2016.

SECONDED BY COUNCILMEMBER JOHNSON

R16-4			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted <input type="checkbox"/> Tabled	Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**RESOLUTION
(R16-05)**

INTRODUCED BY COUNCILMEMBER CHERRY

BE IT RESOLVED, that the amount of the faithful performance duty bond, to be executed by the Commissioner of Finance as City Treasurer, and filed in the Dutchess County Clerk's Office, pursuant to Section 2.12 of the Administrative Code of the City of Poughkeepsie, be and the same hereby is fixed at the sum of Five Thousand (\$5,000) Dollars; and be it further

RESOLVED, that the amount of the faithful performance duty bond, to be executed by the City Chamberlain and filed in the Dutchess County Clerk's Office, pursuant to Section 2.12 of the Administrative Code of the City of Poughkeepsie be and the same hereby is fixed at the sum of Five Thousand (\$5,000) Dollars; and it is further

RESOLVED, that the amount of the faithful performance duty bond to be executed by the Clerk of the City Court and filed in the Dutchess County Clerk's Office pursuant to Section 5 of the Act Creating a City Court in and for the City of Poughkeepsie, New York, be and the same hereby is fixed at the sum of Five Thousand (\$5,000) Dollars; and be it further

RESOLVED, that the Commissioner of Finance be and s/he hereby is empowered and directed to procure a public employee's faithful performance blanket position bond in the sum of Five Thousand (\$5,000) Dollars covering every officer and employee of the City, with excess coverage in the amount set opposite the following office and position:

Collection in Department of Finance,
Treasury Division.....\$20,000;

and it is further

RESOLVED, that all the premiums which may become due on said bonds during the year 2016 shall be paid by the City as a proper City expense.

SECONDED BY COUNCILMEMBER JOHNSON

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R16-5			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted <input type="checkbox"/> Tabled	Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

RESOLUTION
(R16-06)

INTRODUCED BY COUNCILMEMBER CHERRY

BE IT RESOLVED, that the Commissioner of Finance be and s/he hereby is authorized and directed to draw warrants in favor of Chase Bank, Key Bank of New York, M & T Bank, Riverside Bank, Bank of America, TD Bank, Chase Manhattan Bank and Depository Trust Co., Rhinebeck Bank and Ulster Savings Bank for principal and interest on the public debt as it becomes due from time to time during the year 2016, and be it further

RESOLVED, the Commissioner of Finance, upon presentation to her or him of properly approved payrolls, be and s/he hereby is authorized and directed to pay the monthly and bi-weekly salaries and wages to the officers and employee of the City who shall be entitled to receive the same during the year 2016.

SECONDED BY COUNCILMEMBER JOHNSON

R16-6			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted <input type="checkbox"/> Tabled	Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. A motion was made by Councilmember Cherry and seconded by Councilmember Johnsons to receive and print.

**RESOLUTION
(R16-07)**

INTRODUCED BY COUNCILMEMBER CHERRY

RESOLVED, that Chase Bank, Bank of America, Key Bank of New York, Riverside Bank, a division Salisbury Bank, TD Bank, Rhinebeck Bank and M & T Bank, all of which are located in the City of Poughkeepsie, be and they hereby are designated as the banks in which the Commissioner of Finance is empowered and directed to deposit all monies of the City of Poughkeepsie; subject to such rules and regulations as the Common Council may from time to time prescribe and subject to such laws and regulations as may be prescribed by the State and Federal Governments from time to time hereafter in relation hereto; and be it further

RESOLVED, that the Commissioner of Finance be authorized to invest idle cash balances in her or his custody with any bank or trust company authorized to do business in New York State and to otherwise make investments pursuant to the investment policy, as adopted and amended from time to time by the Common Council and subject to such laws and regulations in relation thereto as may from time to time be prescribed by the State and Federal governments; and be it further

RESOLVED, that the City Chamberlain be and hereby is directed to mail a copy of this resolution to each such depositories.

SECONDED BY COUNCILMEMBER JOHNSON

R16-7			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted <input type="checkbox"/> Tabled	Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**RESOLUTION
(R16-08)**

INTRODUCED BY COUNCILMEMBER CHERRY

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby adopts the purchasing policy of which a copy is attached hereto and made a part of this resolution.

SECONDED BY COUNCILMEMBER JOHNSON

R16-8			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted <input type="checkbox"/> Tabled	Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Young	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**RESOLUTION
(R16-09)**

INTRODUCED BY COUNCILMEMBER CHERRY

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby appoints the City Chamberlain and the Deputy City Chamberlain as Marriage Officers in accordance with and subject to the provisions of Domestic Relations Law §11-c; and be it further

RESOLVED, that the Marriage Officers are hereby appointed for a term of one year, subject to the pleasure of the Common Council.

SECONDED BY COUNCILMEMBER JOHNSON

R16-9			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted <input type="checkbox"/> Tabled	Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

RESOLUTION
(R16-10)

INTRODUCED BY COUNCILMEMBER CHERRY

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby adopts the purchasing policy of which a copy is attached hereto and made a part of this resolution.

SECONDED BY COUNCILMEMBER JOHNSON

PURCHASING HANDBOOK
POLICIES AND PROCEDURES

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COMPETITIVE BIDDING - GENERAL MUNICIPAL LAW, SECTION 103

General Municipal Law, Section 103, contains the primary requirements and reads in part:

"Except as otherwise expressly provided by an act of the legislature or by a local law adopted prior to September 1, 1953, all contracts for public work involving an expenditure of more than twenty thousand dollars and all purchase contracts involving an expenditure of more than ten thousand dollars, shall be awarded by the appropriate officer, board, or agency of a political subdivision or of any district therein including but not limited to a soil conservation district, to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided by this section."

PURCHASE CONTRACTS

1. Purchases of commodities and equipment, not the purchase of land.
2. Public works contracts: involve services, labor and construction and may also include materials used.
3. Aggregate amounts:
 - a. bid when it is known or can reasonably be expected that the aggregate amount to be spent will exceed the bid limits within a fiscal year. Items of a similar nature which are generally handled by one vendor should be grouped together when determining the aggregate amount in one fiscal year.

EXCEPTIONS TO COMPETITIVE BIDDING - STATUTORY

1. Purchases through the Office of General Services;
2. Purchases under county contract;
3. Second hand goods or surplus items from the Federal or State government or another political subdivision;
4. In the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety of property of the inhabitants of a political subdivision, require immediate action which cannot await competitive bidding;

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5. Municipal hospital purchases;
6. Purchases through agencies for the blind and severely handicapped;
7. Goods made in correctional facilities
8. Perishable foods - school districts only.

EXCEPTIONS TO COMPETITIVE BIDDING - COMMON LAW

1. Professional services - services which do not readily lend themselves to competitive bidding.

Guidelines:

- a. whether the services are subject to State licensing or testing requirements;
- b. whether substantial formal education or training is a necessary prerequisite to the performance of the services;
- c. whether the services require a personal relationship between the individual and municipal officials.

Examples:

services of a certified public accountant; services of an engineer engaged to prepare plans; securing insurance coverage or services of an insurance broker; printing services involving extensive writing, editing or art work; computer software or programming services for customized programs.

2. Sole source situations;
3. Leases - true leases, not installment purchases;
4. Concessions;
5. Work performed by municipal employees under municipal cooperation agreements.

FTA THIRD PARTY CONTRACTING REQUIREMENTS

CITY OF POUGHKEEPSIE TRANSIT SYSTEM

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STANDARDS OF CONDUCT

Every City of Poughkeepsie employee and dept. involved in the award or administration of contracts will be given a copy of the City's standards of conduct, and will be required to sign a statement that they are familiar with and will abide by these standards.

1. Employees must not engage in outside employment which is inconsistent with their City responsibilities. For example, furnishing advice or services to a firm bidding on or planning to bid on a contract with the City, or which is doing business presently with the City.
2. No employee, officer, agent, immediate family member, or Board member of the City of Poughkeepsie shall participate in the selection, award, or administration of a contract supported by FTA funds if a conflict of interest, real or apparent, would be involved.
3. The City of Poughkeepsie's employees, officers, agents, or Board members will neither solicit or accept gifts, gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.
4. Employees occupying positions which are directly involved in government procurement processes are required to disclose any investments in businesses which engage in bid activities with the City.

Failure to abide by these standards of conduct will result in disciplinary action, up to and including, termination. If said employee is a member of a union and is bound by a collective bargaining agreement, the sanctions undertaken will be addressed within the agreement.

BIDDING PROCEDURES

1. Bid notice must be published in the municipality's official newspaper, if any, or otherwise in a newspaper designated for such purpose. The law only requires a statement of the time and place where bids received will be opened.
 - At least five days must elapse between the first publication and the date specified for opening and reading.
 - 1.01 In the case of an FTA funded procurement, the FTA website, (the current Master Agreement and FTA Best Practices Procurement Manual, found on the FTA Website, should be checked for the FTA required clauses.) shall be checked for FTA required clauses at the time of the FTA funded procurement. Changes/additions/deletions shall be made accordingly.

Governing body determines based on: accountability, reliability, financial responsibility, capital resources, skill, judgment, integrity, prior criminal activity or moral worth.

REJECTION AND RE-ADVERTISEMENT

Governing body in its discretion, may reject all bids and re-advertise.

WICKS GML §101

Separate specifications for all contracts for the erection, construction, reconstruction or alteration of buildings when the entire cost exceeds \$50,000 be prepared so as to permit separate bidding for:

1. plumbing and gas fitting;
2. steam heating, hot water heating, ventilating and air conditioning apparatus; and
3. electric wiring and standard illuminating fixtures

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specified."

1. Governing body may designate any officer or employee to open bids
2. The bids must be recorded in the manner provided by the governing body and reported to the governing body at the next regular or special meeting.
3. Bid mistakes - bidder makes a unilateral mistake in calculating the proposal. Bidder may withdraw the bid within three days after opening or before awarding the contract, whichever is shorter if:
 - a. the price the bid was based is an error of such magnitude that enforcement would be unconscionable
 - b. the bid was submitted in good faith and the bidder submits credible evidence that the mistake was a clerical error as opposed to a judgment error
 - c. the error in the bid is actually due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work, labor, material, or services made directly in the compilation of the bid, which error can be clearly shown and
 - d. it is possible to place the municipality in status quo. The bid is withdrawn and the security is returned. The municipality cannot agree to amend or reform the bid to rectify the mistake.

AWARD OF BIDS

All contracts "shall be awarded by the appropriate officer, board or agency ... to the lowest responsible bidder furnishing the required security after advertisement for sealed bids."

1. Non-compliance with bid specifications

Municipality may decline bids which fail to comply with the literal requirements of the bid specifications, or it may waive a technical non-compliance with bid specs if the defect is a mere irregularity and it is in the best interests of the municipality to do so. Where the variance between the bid and the specification is material or substantial, the defect may not be waived and the municipality must reject the bid.

2. Responsibility of bidder

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INTENT

It is the intent of this section to show the limits of purchase by City of Poughkeepsie Departments, with respect to the limitations set forth by the State of New York, General Municipal Law §103 and §103b.

Limits are as follows:	Commodity(s)	\$20,000.00
	Public Works Contracts	\$35,000.00

In addition to these limits, a procedure must be enacted by the local governing body (The Common Council) that sets forth the policy on purchases of goods and services which do not have to be bid.

The following will show the procedure that the City of Poughkeepsie will follow with respect to the purchase of goods, commodities and public works contracts.

AUTHORIZATION

The payment of all invoices is the responsibility of the City of Poughkeepsie Finance Department, through the efforts of the Audits and Accounts Division, City Auditor, and the Purchasing Agent, with the direct supervision of the Commissioner of Finance.

The authorization for all payments of invoices is the responsibility of the Department Head or authorized representative; conversely the Department Head is the only person authorized to order equipment or services.

METHODS OF PURCHASE

If a Department Head/Division Head has items and funds to purchase in the fiscal year's budget, the following procedure should be used to obtain the commodity or public works services:

1. Look at the estimated monetary amount allocated for the item, check the attached chart for the procedure to use, follow the procedure.
2. If the procedure required involves a request for proposal, or a full advertised bid or (3) or more written quotations, the Purchasing Department should be called, to find out if the item is on a New York State or Dutchess County Contract, or what will be involved in the purchase of that item. (Call City of Poughkeepsie Purchasing Dept. at 451-4048)
3. Once a method of purchase has been chosen from the attached chart(s), it will be the responsibility of the department head or designated representative to perform the following:

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- a. Generate a "DIRECT VOUCHER" or "PURCHASE REQUISITION" for the purchase of the commodity or public works service. (Use Direct Vouchers for \$999.00 or Less) (Use Purchase Requisitions for \$1000.00 or More)

After the generation of the direct voucher or purchase requisition, a modified flow chart of the routing is as follows:

CITY DEPARTMENT
Invoice or Purchase Order

TO

AUDITS & ACCOUNTS
Invoice Becomes a Check
Purchase Order is approved and printed

TO

VENDOR
Purchase Order or check

CITY DEPARTMENT
Copy of Purchase Order

The above may be altered, as is the case in a Blanket Purchase Order or Public Work Contract Purchase Order, where multi payments may be made from a single Purchase Order Number. The flow will not be broken, the only difference will be in the number of payments sent to the vendor.

METHODS OF PAYMENT:

The payment for commodities and public work services are made in the following manner:

Goods or Services Delivered to the City Department

Vendor sends invoice for goods

Invoice entered into NWS by Dept. Invoice is signed by Dept. Head and sent to Audits & Accounts for payment processing (Audits & Accounts must have all of the paper work in place in order to cut a check to the vendor)

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SALE OF PROPERTY - REAL OR PERSONAL

Villages and cities have the power to sell real or personal property as required for municipal purposes. There are no statutory guidelines.

PROPERTY WHICH MAY BE SOLD

No requirement that property be declared surplus, but legislative body should make determination that property is no longer needed for public use.

Wharves, cemeteries and parks are held in public trust and may not be diverted to other uses or sold without State legislative authorization.

METHOD OF SALE

Legislative body determines method of sale and notice or public hearing requirements.

Method of sale should be the one which it is thought will bring the best price or maximum financial benefits:

1. public auction
2. private negotiated sale request for proposals
3. or any other reasonable method

PRICE

Fair market value must be received - best price available in the board's judgement or the most beneficial terms available. Cannot make a gift of property or sell for nominal consideration.

SALE WHEN NO MARKET VALUE

Make an attempt at sale of the property to prove no market value, then may discard or donate the items without being considered a gift.

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CITY OF POUGHKEEPSIE
2014 PURCHASING POLICY

PURCHASE CONTRACT	
ESTIMATED AMOUNT	REQUIREMENT
\$1,000 - \$4,999	N/A
\$5,000 - \$9,999	2 Written or Electronic Quotations
\$10,000 - \$20,000	3 Written or Electronic Quotes
Above \$20,000	Formal Advertised Bid

PUBLIC WORKS CONTRACT	
ESTIMATED AMOUNT	REQUIREMENT
\$1,000 - \$4,999	N/A
\$5,000 - \$9,999	2 Written or Electronic Quotations
\$10,000 - \$35,000	3 Written or Electronic Quotations
Above \$35,000	Formal Advertised Bid

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RESOLUTION
(R-11-34)

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, Labor Law Section 816-b authorizes municipalities to require that contractors and subcontractors on construction projects participate in an approved apprenticeship program prior to entering into the construction contract, notwithstanding the provisions of §103 of the General Municipal Law; and

WHEREAS, such apprenticeship programs must be approved by the Commissioner of the Department of Labor; and

WHEREAS, the Common Council desires to implement the provisions of Labor Law §816-b subject to certain limitations; and

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

NOW, THEREFORE,

BE IT RESOLVED that the Common Council of the City of Poughkeepsie hereby authorizes the Commissioner of Finance to require that any contractor or subcontractor who bids on a construction project having an anticipated value in excess of \$100,000, have apprenticeship agreements appropriate for the type and scope of work to be performed. The apprenticeship program(s) must have been registered with the New York State Commissioner of Labor in accordance with Article 23 of the Labor Law. The contractor or subcontractor shall provide satisfactory evidence of registration with the New York State Commissioner of Labor on or before the deadline to submit its bid package for the construction project on which it is bidding; and be it further

RESOLVED, that this resolution shall apply only to construction contracts with an anticipated value in excess of \$100,000.00 dollars; and be it further

RESOLVED, that this resolution shall apply to construction contracts advertised for bid on or after the date on which this resolution is approved by the Mayor of the City of Poughkeepsie.

SECONDED BY COUNCILMEMBER PARISE

Submitted to Council: April 4, 2011 Council Action: Approved Roll call vote taken: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Ayes 7 Nays 0 Abstain 1 Absent 0 Approved by Mayor on <u>4/5/11</u> Mayor's Signature <u>[Signature]</u>	I hereby certify the foregoing to be a true and correct copy of a Resolution duly adopted at a regular meeting of the Common Council held <u>April 4, 2011</u> <u>[Signature]</u> City Chamberlain
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LOCAL LAW AMENDING ARTICLE VII OF THE ADMINISTRATIVE CODE
TO ALLOW PURCHASING BASED ON BEST VALUE
(LL-14-2)

INTRODUCED BY COUNCILMEMBER RICH

BE IT ENACTED, by the Common Council of the City of Poughkeepsie, in regular meeting convened a local law amending Article VII of the Administrative Code, to provide as follows:

SECTION 1- Legislative Intent: New York General Municipal Law §103(1) allows the City to authorize, by local law, the award of certain purchase contracts (including contracts for services) subject to competitive bidding under General Municipal Law §103 on the basis of "best value" as defined in §163 of the New York State Finance Law. The "best value" option may be used, for example, if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder or offerer if factors such as lower cost of maintenance, durability, higher quality and longer product life can be documented. The City hereby determines that it is the best interest of the City of Poughkeepsie and its residents for the City of Poughkeepsie to have the authority to award purchase contracts on the basis of "best value."

SECTION 2- Authorization to Accept the Best Value: Article XII of the City of Poughkeepsie Administrative Code entitled "FINANCE DEPARTMENT" is hereby amended to add a new section 7.08 entitled "Authority to accept best value" to read as follows:

On or after the effective date of this law, the City of Poughkeepsie may award purchase contracts subject to bidding under General Municipal Law §103, including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Labor Law Article 8, on the basis of "best value," as defined in State Finance Law §163, to a responsive and responsible bidder or offerer.

- (a) Where the basis for award is the best value offer, the Commissioner of Finance as the purchasing agent shall document, in the procurement record and in advance of the initial receipt of offers, the criteria to be used to determine "best value." Whenever possible, the determination shall be made on an objective and quantifiable analysis of such criteria. The criteria may include, but shall not be limited to, any or all of the following: cost of maintenance; proximity to the end user if distance and response time is a significant term; durability; availability of replacement parts or maintenance contractors; longer product life; product performance criteria, quality of craftsmanship
- (b) Where appropriate, the solicitation shall identify the relative importance and/or weight of each criterion identified within the procurement record to be considered by the Board of Contract and Supply in its determination of best value.

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FIRST AMENDMENT TO THE PURCHASING HANDBOOK POLICIES AND PROCEDURES

The Purchasing Policy as adopted by the Common Council by Resolution R-14-8 on January 2, 2014 is hereby amended to reflect the additional Exemption to Competitive Bidding- Statutory:

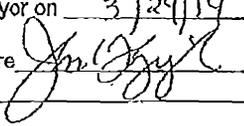
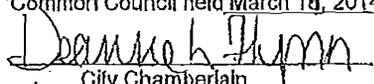
9. Products offered by the Federal Government, Government Services Administration (GSA) Schedules 70 & 84, where the use of the Schedule will result in cost savings after all factors, including charges for service, material and delivery, have been considered.

RESOLUTION
(R-14-23)

INTRODUCED BY COUNCILMEMBER RICH

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby adopts the First Amendment to the purchasing policy which was adopted by the Common Council by Resolution R-14-8, of which a copy is attached hereto and made a part of this resolution.

SECONDED BY COUNCILMEMBER JOHNSON

<p>Submitted to Council: March 18, 2014 Council Action: Approved Roll call vote taken: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Ayes 7 Nays 0 Abstain 0 Absent 1 Approved by Mayor on <u>3/24/14</u> Mayor's Signature </p>	<p>I hereby certify the foregoing to be a true and correct copy of a Resolution duly adopted at a regular meeting of the Common Council held <u>March 18, 2014</u>  City Chamberlain</p>
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Official Minutes of the Organizational Meeting of January 2, 2016

RESOLUTION
(R-12-10)

INTRODUCED BY COUNCILMEMBER RICH

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby adopts the purchasing policy of which a copy is attached hereto and made a part of this resolution.

SECONDED BY COUNCILMEMBER BOYD

Submitted to Council: January 2, 2012 Council Action: Approved Roll call vote taken: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Ayes 8 Nays 0 Abstain 0 Absent 0 Approved by Mayor on <u>1/4/12</u> Mayor's Signature <u><i>Jim Boyd</i></u>	I hereby certify the foregoing to be a true and correct copy of a Resolution duly adopted at a regular meeting of the Common Council held <u>January 2, 2012</u> <u><i>Dorothy L. Ryan</i></u> City Chamberlain
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RESOLUTION APPROVING AND ADOPTING PROCUREMENT
POLICIES AND PROCEDURES FOR THE CITY OF POUGHKEEPSIE
(R12-10)

INTRODUCED BY COUNCILMEMBER _____

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid; and

WHEREAS, by earlier resolution in 2010, the Common Council of the City of Poughkeepsie has approved such a policy; and

WHEREAS, a recommendation has have been received from all officers in the City of Poughkeepsie involved in the procurement process that certain amendments of said policy are advisable

NOW, THEREFORE, BE IT

RESOLVED, that the City of Poughkeepsie does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

PROCUREMENT POLICY FOR THE
CITY OF POUGHKEEPSIE

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once the determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$20,000 and public works contracts under \$35,000; emergency purchase; certain municipal hospital purchase; goods purchased from agencies for the blind or severely handicapped; goods purchases from correctional institutions; purchases under State and county contracts; and surplus and second-hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the

Official Minutes of the Organizational Meeting of January 2, 2016

purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services not required to be publicly bid pursuant to General Municipal Law Section 103 will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that facilitates the purchase of goods and services at the lowest prices and that guards against favoritism, except in the following circumstances: purchase contracts over \$20,000 and public works contracts over \$35,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under county contracts pursuant to Section 103(3) of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy.

3. The following method of purchase will be used when required by this policy in order to achieve the best value:

<u>Estimated Amount of Purchase Contract</u>	<u>Method</u>
\$5,000 - \$9,999	2 written or electronic quotations
\$10,000 - \$20,000	3 written or electronic quotations
Above \$20,000	Formal advertised bid

<u>Estimated Amount of Public Works Contract</u>	<u>Method</u>
\$5,000 - \$9,999	2 written or electronic quotations
\$10,000 - \$35,000	3 written or electronic quotations
Above \$35,000	Formal advertised Bid or Request for Proposal

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement.

5. Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible offerer. This documentation will include an explanation of how the

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award will achieve the best value or the basis for the conclusion that the offerer was not responsible. A determination that the offerer is not responsible shall be made by the Commissioner of Finance or his/her designee and may not be challenged under any circumstances.

All awards from telephone, facsimile, electronic or written quotes shall be made to the supplier offering the best value to the City. In determining the best value for the City, the purchase price and whether the goods or services meet specifications are the most important considerations. However, the Purchasing Agent may consider other relevant factors, including:

- (a) Installation costs;
- (b) Life cycle costs;
- (c) The quality and reliability of the goods and services;
- (d) The delivery terms;
- (e) Indicators of probable supplier performance under the contract such as past supplier performance, the supplier's financial resources and ability to perform, the supplier's experience or demonstrated capability and responsibility, and the supplier's ability to provide reliable maintenance agreements and support;
- (f) The cost of any employee training associated with a purchase;
- (g) The effect of a purchase on agency productivity; and

All quotes (electronic, written or telephone) shall be documented in the procurement record and shall be filed in the respective year's quote files or attached to the Purchasing Division's copy of the purchase order or be electronically attached to the purchase order within the currently accepted accounting program software. All purchases resulting from a written, electronic or telephone quote shall have the quote number referenced on the electronic purchase order or voucher, thus creating an audit trail.

6. Pursuant to General Municipal Law Section 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the City of Poughkeepsie to solicit quotations or document the basis for not accepting the lowest bid:

a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the Commissioner of Finance shall take into consideration the following guidelines:

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- (a) Whether the services are subject to State licensing or testing requirements;
- (b) Whether substantial formal education or training is a necessary prerequisite to the performance of the services; and
- (c) Whether the services require a personal relationship between the individual and municipal officials.

Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer or architect engaged to prepare plans, maps and estimate; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services, printing services involving extensive writing, editing or art work; management of municipality owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten public buildings, public property or the life, health, safety of property of the residents. The declaration of an emergency shall be made by the Mayor or his/her designee. This section does not preclude alternate proposals if time permits. A purchase order must be obtained as soon as possible.

c. Purchases of surplus and second-hand goods under \$20,000 from any source. If alternate proposals are required, the City of Poughkeepsie is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

d. Goods or services under \$5,000. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

7. Purchase orders shall be required for each procurement of goods and services of \$1,000 and more. The appropriate number of quotes must be either electronically or physically attached to the purchase order.

8. This policy shall go into effect upon adoption and will be reviewed annually.

SECONDED BY COUNCILMEMBER _____

Official Minutes of the Organizational Meeting of January 2, 2016

R16-10			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted <input type="checkbox"/> Tabled	Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

V. ADJOURNMENT:

A motion was made by Councilmember Rich and Councilmember Hermann moved to adjourn meeting at 1:45 p.m.

Dated: January 22, 2015

I hereby certify that this true and correct copy of the Minutes of the Organizational Meeting held on Saturday, January 2, 2016 at 1:00 p.m.

Respectfully submitted,
 Deanne L. Flynn
 City Chamberlain



THE CITY OF POUGHKEEPSIE
NEW YORK

COMMON COUNCIL MEETING
MINUTES

Saturday, January 2, 2016 1:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL – All Present

II. REVIEW OF MINUTES:

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

- 1) Ken Stickle-118 Catherine Street
- 2) Laurie Sandow-South Grand Avenue
- 3) Sheila Drew-no address given
- 4) Darrett Roberts-Franklin Street
- 5) Bill Dykus-South Hamilton

IV. MAYOR'S COMMENTS:

Mayor Rolison acknowledge Mayor John Tkazyik, publically thank him for his help on the transition. Just a little while ago they were all sworn in together, and the word "together" is how he intends to proceed as the new Mayor. Working together with this Common Council to address challenges that they're going to face as a city, and they will do it together. Honored to be in this chamber, sitting in front of this audience, and working with you, and other city hall staff. Thanked the Common Council for appointing Deanne Flynn as City Chamberlain, and Paul Ackermann as Corporation Counsel. Before you, you have a resolution asking for the appointment of Chief Ron Knapp as the Acting City Administrator. Briefly, I can tell you, since Election Day, they have been working on a transition. He and the Chief had spoken, not too long after the election about the possibility of him becoming Acting City Administrator to help this city to move forward, while we conduct a national search for a new City Administrator. Since then they have had numerous meetings with the transition team, and Ron has proved to be valuable, and he feels very confident that as we move forward into this new year, before we get a permanent City Administrator that the Chief will be invaluable to all of us, and I ask you to support this appointment. Thank you.

V. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Petsas thanked **Mayor Rolison** and his team for putting together a very nice swearing in ceremony. It definitely built up that spirit of unity, and togetherness. He recognizes that this council was not unanimous in the selection of a Chairman, but wants to make it clear that he is not a person that holds grudges, not going to hold any axes, no bad feelings towards anyone, which way they votes, and will work with every Councilmember up here to make this city progress and move it ahead. This is not about a title for him, this about to keep the City of Poughkeepsie on track, and work with the new Mayor, and that's the bottom line. Thanked Mr. Hermann for his role as Majority Leader last year, and welcome aboard the new councilmembers.

VII. MOTIONS AND RESOLUTIONS:

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

**RESOLUTION
(R16-11)
(amended 1.1.16)**

INTRODUCED BY COUNCILMEMBER CHERRY

WHEREAS, there currently exists a vacancy in the office of City Administrator; and

WHEREAS, in accordance with City Charter §3.08(b) the Mayor appointed an Acting City Administrator; and

WHEREAS, City Charter §3.08(b) also provides that said appointment is only effective for sixty days in any fiscal year unless extended by resolution of the Common Council; and

WHEREAS, the City is currently undergoing a national search to find a successor City Administrator which search is anticipated to take approximately 120 days; and

WHEREAS, Mayor Rolison has communicated his desire to appoint Ronald J. Knapp as Acting City Administrator until such time as a successor City Administrator is confirmed by the Common Council; and

WHEREAS, the Common Council deems it to be in the best interest of the City and its residents that an Acting City Administrator be so extended beyond the permitted sixty (60) days;

NOW, THEREFORE,

BE IT RESOLVED, that the pursuant to Section 3.08(b) of the City Charter, the Mayor's appointment of Ronald J. Knapp as Acting City Administrator is approved for a period of three (3) months from the date of this resolution or until the confirmation of a permanent successor City Administrator, whichever shall occur first.

SECONDED BY COUNCILMEMBER JOHNSON

R15-1			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted <input type="checkbox"/> Tabled	Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VIII. ORDINANCES AND LOCAL LAWS:

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

X. UNFINISHED BUSINESS:

XI. NEW BUSINESS:

XII. ADJOURNMENT:

A motion was made by Councilmember Hermann and Councilmember Johnson to adjourn the meeting at 2:30 p.m.

Dated: January 25, 2015

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Saturday, January 2, 2016 at 1:30 p.m.

Respectfully submitted,

**Deanne L. Flynn
City Chamberlain**



THE CITY OF POUGHKEEPSIE
NEW YORK

COMMON COUNCIL MEETING
MINUTES

Tuesday, January 19, 2016 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL – All Present

II. REVIEW OF MINUTES:

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

COMMON COUNCIL MEETING

Time: 6:30 p.m.

Date: Saturday, January 19, 2016

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

Public Comment Sign-up

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

Please clearly print your name and address below:

1. Denny Lewis - 28 Harrison Street
2. Arthur W. Johnson - 128 Golden St
3. Kev Seickes - 118 Catherine Street
4. Gus Kardos 47 Nova Street
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____

IV. MAYOR'S COMMENTS:

Mayor Rolison on your desk tonight there was a letter submitted (below) in reference to several things. A considerable amount of time has been spent looking this building. City Hall is in desperate need of repair. The heating system is not what it should be, found out that the heating system is either "on or off", there are no controls to regulate the heat. They have been working on getting prices to remedy that. There was a meeting today, and they are getting prices to do a full assessment on the fiscal plan of city hall, and other city buildings as it relates to capital expenses that have not taken place in recent years. So that we can have a plan in moving forward to address some of these challenges. Also thanked both this council and the employees who have been very generous to him in their thoughts and comments, and their help since starting at the 1st of the year. He has met with many of the employees, talked to all fire and police shifts and the various departments in the city. Something all of you know, we have a very dedicated group of city employees here. Doing some feedback sessions, offsite, with the employees to get their opinions on the values that we need to put forth for our city and our city workforce. Received a letter towards the end of last year, and it may have been resent, and it was from the School District in reference to the money that we owe the school district, it is approximately 1.2 million. Today that Dr. Nicole Williams came here, and he gave her a check for \$300,000 to help pay that debt down, and she is very understanding of our fiscal situation as it relates to cash flow, and making these payments. Also, tonight, here with us in the council chambers is Jim Mercer, and Jim Miller from the Mercer Group. They are here for two days to talk to the various stakeholders. They are the recruiters that are going to be developing position descriptions for City Administrator and the Commissioner of Finance. Sensitive to the comment that Councilmember Young made as far as the minutes go, and we will do our best to provide the minutes that need to be provided to the council in a timely manner. Thank you.



The City of Poughkeepsie
New York

Robert G. Rolison
Mayor

January 19, 2016

Dear Council Members:

According to the Charter the Mayor is to give a State of the City at the first council meeting after the organizational meeting which would be Tuesday, January 19, 2016.

As you know my administration took office on January 1, 2016. We have worked hard over the past 10 business days to understand the City's challenges. What I can tell you is our challenges are numerous and myriad. Due to the nature and extent of these challenges, I feel unprepared to give this Council and the public a full and fair assessment of the City at this point in time. It is my intention to give the State of the City at the last meeting in February or the first meeting in March.

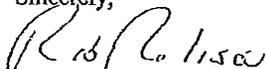
I would like to give you an update on some of the work we have undertaken. We have formed a Fiscal Advisory Group to help us understand our budget, debt and negative fund balance, cash flow, accounts receivable, and our fiscal reporting and practices. We expect a Fiscal Strategic Improvement Plan to be issued by City's financial consultant within the next month.

I've also been meeting with City employees to get their feedback. I've been able to visit every department, including all police and fire shifts. We've also had two structured feedback sessions and will hold the final session on Wednesday, January 20, 2016. Information from these sessions is being collated and will help identify areas for improvement and areas of opportunity.

We have formally begun the search for the City Administrator and Commissioner of Finance. The consultant conducting the search is in Poughkeepsie this week interviewing various stakeholders. After this they will finalize the position descriptions and begin recruitment. We expect to be able to make and offer to a City Administrator candidate by early April and a Commissioner of Finance candidate by early May.

I want to thank you for your support and patience, and I look forward to presenting a comprehensive State of the City to you by early March.

Sincerely,


Rob Rolison

V. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Petsas thank everyone that was involved, and the Mayor presented a nice opening of Garden Street in downtown Poughkeepsie this past week. Encourage you to

take that route, if you can. It is now open so that you can get to the Financial Plaza easier. It is a beautiful job, well done. Briefly, in terms of the council and the city override of the Mayor's budget. This council just dealt with the tax increase, and left the Mayor's proposed increases to sanitation and water to stand. This council did not tackle them, it was the former Mayor that proposed those increases to your sanitation and water bills that you see today. The council did not touch those, they simply saved the positions through a higher tax increase. There are two presentations this evening. One of his favorite parts of being on the council is being able to honor and salute both a citizen of the city, and a business of the city, as both a citizen and business of the month.

Business of the month-Councilmember Perry's Ward-Vince's Auto Body
Citizen of the month-Councilmember Cherry's Ward-Mike Butts

VII. MOTIONS AND RESOLUTIONS:

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

Corporation Counsel Ackermann for your consideration is a proposed Resolution, made pursuant to the Inter-Municipal Agreement between the City and Town of Poughkeepsie, whereby the Common Council is authorized to appoint two (2) city residents to serve on the Joint Water Board for a three (3) year term. Historically, the Council appointments have been a councilmember and the Mayor and the Mayor, who has an appointment, has appointed the City Engineer/ Commissioner of Public works.

There are currently two (2) openings on the Board. Mayor Tkazyik, who was appointed by the council, had his term expire on December 31, 2015 and Councilmember Mallory effectively vacated his seat because he was the legislative member that had served. Chairman Petsas has submitted Councilman Hermann's name to fill the remainder of Councilman Mallory's term and Mayor Robert G. Rolison for a full three-year term.

RESOLUTION (R-16-12)

INTRODUCED BY COUNCILMEMBER CHERRY

WHEREAS, in accordance with the Inter-Municipal Agreement between the City of Poughkeepsie and the Town of Poughkeepsie dated August 3, 1995, the Common Council of the City of Poughkeepsie is authorized to make appointments of City residents to serve on the Joint Water Board; and

WHEREAS, by resolution of the Common Council dated May 2, 1996, two (2) members of the Joint Water Board shall be appointed by the Common Council with one (1) member being a member of the legislative branch and (1) member shall be appointed by the Mayor; and

WHEREAS, Board Member Robert Mallory vacated his appointment by virtue of no longer being a member of the legislature thereby creating a vacancy which may be filled for his unexpired term; and

WHEREAS, Board Member John Tkazyik’s appointment expired on December 31, 2015; and

WHEREAS, it is in the best interest of the City of Poughkeepsie and its citizens that the Joint Water Board should have a full complement of members in order to properly conduct the business required of the Board; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby appoints the following individuals to the Joint Water Board for the respective term as indicated below:

- Mayor Robert G. Rolison (Expires: 12/31/18)
- Councilman Tracy Hermann (Expires: 12/31/16)

SECONDED BY COUNCILMEMBER JOHNSON

R15-12			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Accepted	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Accepted	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VIII. ORDINANCES AND LOCAL LAWS:

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM LORELEI POLLOCK**, a notice of appeal for the denial of her vendor permit.
2. **FROM COUNCILMEMBER HERMANN**, a communication regarding the proposed rules of conduct and decorum amendments.



The City of Poughkeepsie

Common Council
City of Poughkeepsie
62 Civic Center Plaza
Poughkeepsie, NY 12601

Memorandum

Common Council
City of Poughkeepsie

Re: Rules of Conduct changes, draft proposals

On January 2, the Common Council adopted its Rules of Conduct and Procedures for the 2016 legislative year. By and large, these rules mirrored the same Rules of Conduct that have been adopted by the Council in recent years.

The rules define, among other things, acceptable conduct, like that outlined in Rule #23, sections d & e. Currently, there are no rules governing the use of electronic devices in the Council chamber; however, in recent years, the use of electronic devices in the Council chamber has increased substantially, both by the public and by the members of the Common Council, themselves. Electronic devices provide Council members with a means for accessing information related to the business of the Council, and provide additional benefits; however, when the use of such electronic devices becomes excessive, when their use detracts members of the Council from the business at hand, they compromise the public good.

Several municipalities, including the Town of Pleasant Valley, have adopted resolutions similar to the one presented tonight for your review. I urge you to not only review the recommendation, but to offer up modifications that you feel might better reflect its intent. I also encourage members of the public to review and to urge your representatives to support this change in seeking to promote better governance.

Thank you for your consideration.

Sincerely,

Councilman Tracy Hermann
8th Ward, City of Poughkeepsie
845.416.8285
jtracyhermann@gmail.com

Draft Proposal

RESOLUTION
(R-16-xx)

INTRODUCED BY: Councilmember Hermann

WHEREAS technology in the form of laptop computers, tablet computers, I-Pads, I-Phones, cellular phones and other hand-held devices, provide City of Poughkeepsie Common Council members with an efficient and environmentally friendly means of storing, organizing, and accessing information related to the business of the Council including during Council meetings; and,

WHEREAS, the City of Poughkeepsie recognizes the many beneficial uses of technology by Council members in both their preparation for and participation in Council meetings; and,

WHEREAS, by this resolution the City of Poughkeepsie desires to establish a procedure for such devices during Council meetings, including regular business and special meetings, and hearings of the Council;

Now, Therefore,

Be it RESOLVED, that the City of Poughkeepsie Common Council hereby establishes the following rules for the use of electronic devices during Common Council meetings:

- All Councilmembers and administrative personnel may use laptop computers, tablet computers, I-Pads, I-Phones, cellular phones and other hand-held devices at all Council meetings for the purpose of conducting City business during such meetings. The conducting of City business during a Council meeting shall include viewing and reviewing documents relevant to a Council meeting or the business of the Common Council, and/or retrieving and/or researching information relevant to a Council discussion or agenda item. The volume shall be turned off and/or set to vibrate on all such electronic devices during open meetings of the Common Council.
- Council members and administrative personnel members shall not be permitted to use electronic devices during Council meetings for the purpose of accessing social media, making personal phone calls, or for the purpose of sending text messages or emails to members of the public, the administration, or to other Council members regarding Council business or that are personal in nature, except in an emergency.

All Council members, administrative personnel and members of the public shall be required to utilize a silent alert mode or to mute the sound emitted from all electronic devices in their possession (including but not limited to laptop computers, tablet computers, I-Pads, I-Phones, cellular phones and other hand-held devices during all Common Council proceedings. Law enforcement and emergency services personnel acting in their official capacity shall be exempt from the provisions described herein.

SECONDED BY COUNCILMEMBER _____

3. **FROM ELAINE CASE, ADMINISTRATIX OF THE ESTATE OF KASEEM J. PANKEY**, a notice of claim. Referred to Corporation Counsel
4. **FROM MARY BOSHART**, a notice of personal injury sustained on December 21, 2015. Referred to Corporation Counsel
5. **FROM JOSEPH FAIRCLOTH**, a notice of personal injury sustained on September 23, 2015. Referred to Corporation Counsel

X. UNFINISHED BUSINESS:

The City of Poughkeepsie
New York

Paul Ackermann, Esq.
Corporation Counsel
packermann@cityofpoughkeepsie.com



62 Civic Center Plaza
Poughkeepsie, New York 12601
TEL: (845) 451-4065 FAX: (845) 451-4070

Memorandum
(OPINION 01-2016)

TO: CHAIRMAN PETSAS

FROM: PAUL ACKERMANN

DATE: JANUARY 6, 2016

SUBJECT: PUBLIC HEARINGS AND PUBLIC PARTICIPATION AT COUNCIL MEETINGS

CC: COMMON COUNCIL, MAYOR ROLISON, CITY ADMINISTRATOR
KNAPP

The Common Council has requested a legal opinion regarding public comment at Special Meetings of the Common Council. State law requires a municipality to hold a public hearing before certain agenda items can be voted on, such as the passing of a local law or adoption of a budget. The authority for this public hearing requirement can be found in Section 10 of the Municipal Home Rule Law.

In reference to public participation during regular and special meetings of the common council, Section 2.04 of the City of Poughkeepsie Charter vests the chairperson of the common council with the authority to suspend the meeting rules and allow public comment on any legislation before the council for a vote. Legislation contemplates an ordinance enacted by the council, and the adoption of the 2016 budget and the sale of 36 North Clover Street do not fall into this category. Similarly, pursuant to Section 2.04, the chairperson of the common council has the authority to allow public comment on any aspect of city government. Any member of the council can introduce a motion suspending the rules to allow for public comment, and if that resolution is seconded, and passed, the meeting rules would be suspended to allow for such public comment. It has been, and still is, this office's opinion that the common council meetings are run at the discretion of the council chair, who controls the items placed on the agenda as well as the meeting procedures. If the chairperson does elect to allow for a period of public comment during a regular or special meeting of the common council the public is allowed to speak on the proposed legislation before the council as well as any other aspect of city government.

On December 14, 2015 the Common Council of the City of Poughkeepsie held a special meeting to vote on the passage of the 2016 budget as well as the sale of 36 North Clover Street. Both of these items on the agenda had been the subject of several, separate, public hearings. Pursuant to the authority vested in the chairperson of the council, and at Chairman Petsas' request, the December 14, 2015 special meeting did not provide a period of public comment on the specific agenda items or any other aspect of City Government. The presence, or absence, of a period of public comment does not nullify a vote of the common council on proposed legislation that had previously been the subject of a public hearing. Similarly, the absence of public comment does not invalidate the meeting. "Only a departure in substance from the formula proscribed by statute will invalidate a municipal enactment." *Mantello v. City of Troy*, 172 Misc.2d 664 (1997).

XI. NEW BUSINESS:

XII. ADJOURNMENT:

A motion was made by Councilmember Hermann and Councilmember Johnson to adjourn the meeting at 2:30 p.m.

Dated: January 22, 2015

Official Minutes of the Council Meeting of Saturday, January 19, 2016

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Saturday, January 2, 2016 at 1:30 p.m.

Respectfully submitted,

**Deanne L. Flynn
City Chamberlain**