



**THE CITY OF POUGHKEEPSIE
NEW YORK**

**COMMON COUNCIL MEETING
MINUTES**

Monday, July 2, 2012 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

All Present

II. REVIEW OF MINUTES:

NONE

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

NONE

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

Ken Stickle 118 Catherine Street-For the past week he and his partner have been up at college hill and they have been mowing by the pavilion. Why the city can't send someone up there to pick up the trash containers, it hasn't been picked up there for about a week. He recently found out that there is a monument up there for Mr. Wow who planted the garden in that area and it is covered with poison ivy. He is not asking that the city mows up there, he is dedicating his time, but is asking that the city send up a sanitation truck every couple of days and maybe place more barrels up there and a little more of the city's policing.

Constantine Kazolias 47 Noxon Street- stated that the Fallkill Creek needs to be cleaned up. The Clearwater is giving the City of Poughkeepsie \$50,000 to clean up the creek and between the volunteers and the money, the creek should be cleaned up.

Caroline Miller 7 Virginia Avenue-stated that the city needs to start cleaning up the streets. Our city is very dirty, walks her own street. How do you expect to bring people in because we cannot get results. There are neighbors who do not cooperate, absentee landlords and is very frustrated.

Les Ming 19 Virginia Avenue-stated that city streets are not clean. The house across the street always has kids talking loud, smoking weed, they leave bottles, park cars on the front lawn, it is a nuisance. The cops show for him, would like if the music is too loud, and have them turn it down.

Thomas Henry 57 Cannon Street- spoke about revitalization around Main Street and Luckey Platt- is has been great. The law enforcement has been appropriately concerned when he calls them. Complained about Union Square on Market Street, this is the loudest and the furthest from where he lives. He wants there to be more to enforce the noise. The police show up and they have them turn the music down and the very next week the music is turned back up. He wants clarification of what the law is, both for business owners and for residents.

Virginia Hancock 26 Loockerman Avenue-stated that she spend an hour on the 400 block of Main Street where there were posters on the old Foodworks building that she took off. These posters are put up with very sticky, ugly tape which is very difficult to take down. She wanted for the council to see who was putting the posters on these properties down there. The city has got to get the word out that this is not permissible in the city and get these things off and clean these areas.

Laura Downing 25 Lincoln Avenue- thanked the City, Lincoln Park, Stitzel and Tuttle Field have all been kept nice and clean by the city.

V. MAYOR'S COMMENTS

Mayor Tkazyik thanked everyone for coming tonight and voicing their concerns and making us aware of issues going on in your neighborhood. He would like to address a couple of things in relation to the establishment and the loud noise. That was brought up at a community meeting hosted by Councilmember Boyd last week and since that time the city immediately met with the establishment, the owner, Lieutenant Wilson . The Police Department has met with them and they did a tour inside and out, they looked at making some changes to the music venue, how that is done.

Also, the City Administrator is working with many of the residents who came in tonight regarding some of the issues in the neighborhood. In relation to the signs, as fast as we take them down, as fast as they get put up. Corporation Counsel Paul Ackermann in the past has sent letters to both the establishment and the promoter. We get the address on the sign but remember they can't be ticketed unless we see them hanging the sign. The other thing he wanted to point out is that if we take them down on a Friday and they put new ones up on a Friday night, they are not going to be taken down until Monday or when we get a chance to do it. There is no more evening overtime, there is no more Saturday overtime. Those all come with budget cuts and reductions, so yes, it is taking more time but we appreciate you bringing those to us tonight. We will go after these establishments with letters, at least warning them and the promoters about the ordinance about posting these types of signs on city property or public property or trees or lamp posts.

Also tonight on your agenda there are a couple important issues. Of course one is to fund the 2012 allocation for the Community Development Block Grant, very important money that comes to the city from the Federal Government, each year we are seeing this diminish. As you know we calculated it to be roughly around \$900,000 and in the end it we only be \$781,782 and it will probably be next to \$500,000 next year or worse. So these monies help us support the infrastructure and improvements of the city.

Also, talking about aggressively attacking vacant and abandoned properties in the city, as you know this has become an undue burden, an overwhelmingly over 300 properties are vacant or abandoned within the City of Poughkeepsie. And that has taken a lot of staff time and staff manpower because these people and banks walk away and it is falling into the municipalities lap. Tonight on the council agenda you are seeing stiffer penalties and going after nuisance properties, vacant and abandoned properties, property owners and the banks in relation to the expense occurred by the city. In the end they fall in our laps when the banks or homeowners do nothing about it. Corporation Counsels Office is doing everything they can in city court in relation to addressing many of these problems. Again, this burden puts the stress onto our workforce to go after these properties. Stated that we he became Mayor, the list was about 16 properties which we sold off and put back on the tax rolls to try to get back to productive use. Now we are seeing vacant and abandoned properties well over 300 and we are confirming that through our water meter records. The Finance Department is working very closely with our nuisance committee on that. This is an issue that we are aggressively attacking, the Common Council, The Administration and we are working with PACE Landuse Center and coming up with strategies and many nonprofits, developers and agencies to deal with this burden facing the city. Urges the council to pass these resolutions tonight and it will help us address many of the quality of life concerns going on in our neighborhoods

Lastly he wanted to talk about the issues that are going on in many of our establishments late at night. As you know it is putting a toll, a lot of stress on our city police department, operating to all hours into 4:00 a.m. causing havoc and unfortunately shootings amongst our young people. It's terrible, it's horrific, and it has got to stop. The city, we take a zero tolerance to this stuff. We work and collaborate with the state liquor authority and our nuisance committee. Some establishments comply, others don't, some owners work with us, others don't. We are being very aggressive in going after establishments that aren't following the law and that are becoming a real nuisance. It is something that we are taking very seriously in working with Police Chief Ron Knapp on a daily basis and Corporation Counsel's office and it is something that he wants everyone to know that we are not sweeping underneath the rug either. We have a lot of establishments in the City of Poughkeepsie, a lot of them operate at large capacities, and a lot of these establishments put a lot of people on the city's streets at the early morning hours and is something that the city will continue to be vigilant on. We will not tolerate it and we do not want it in our city.

Again, want to thank Councilmember Nina Boyd for hosting a neighborhood meeting with the residents of South Avenue, they collectively came together to hear their concerns and ideas as well as signing necessary petitions in relation to that particular neighborhood. And thank you to the police department for meeting with us and addressing many of the concerns going on and especially moving forward.

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Good Evening and Welcome,

Tonight we will be voting on our New Poughkeepsie Historical Ordinance.

I am very proud of the Common Council for attending the briefings and meetings. And for giving their input, and for working in collaboration with the Executive branch.

I am especially proud of our new Assistant Corporation Counsel Mike Brady for all of his hard work, for listening and including the concerns of the Council, the Mayor, the Historical Commission, and also responding to the input for the residents for the public hearing. While maintaining a balance, so that we could still be in compliance to obtain our CLG status. Thank you to everyone for a great job.

Now, because I will be on vacation for our next meeting on 7/9, I will be announcing our July volunteer tonight, Ms. Elizabeth "Betty" Chapland. Ms. Betty Chapland as she is affectionately known is one of our loyal citizens who attends countless Common Council Meetings. Ms. Chapland was also the President of the Poughkeepsie Taxpayers Association. She has also been a volunteer for many years at

the VFW and the American Legion for Veterans. Giving of herself to help others in need. Ms. Chapland is also responsible for the flags that are displayed on the desks here in the Council Chambers. So please join me in awarding the July volunteer of the month, Ms. Elizabeth "Betty" Chapland.

And this concludes Chairwoman's comments.

VII. MOTIONS AND RESOLUTIONS:

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

Social Development Director MacIsaac informed the council that the Community Development Block Grant (CDBG) Action Plan was being prepared and submitted to the Common Council for approval, the exact 2012 allocation was unknown, thus an estimate of \$900,000.00 was used for the calculations.

Subsequently, the City has been notified by HUD that the 2012 allocation is \$781,702, a difference of \$118,298 from the estimated. Furthermore, the 2012 is \$152,718 less than the 2011 allocation. I have attached the amended amounts for each of the CDBG projects.

As required by our Citizens Participation Plan, the public was given 30 days, May 26, 2012 through June 28, 2012, to comment on the attached amendments and no comments were received.

**RESOLUTION
(R-12-52)**

INTRODUCED BY COUNCILMEMBER RICH:

WHEREAS, in accordance with 24 CFR Part 91, Consolidated Submission for Community Planning and Development Programs, the City of Poughkeepsie submitted a one Year Action Plan in 2012 which outlined proposed uses of Community Development Block Grant (CDBG) funds for that year, and

WHEREAS, the Department of Housing and Urban Development (HUD) awarded the City less funding than the amount estimated by the City's 2012 CDBG Action Plan submission; and

WHEREAS, the Social Development Director has recommended the City amend the 2012 Action Plan allocating funding to coincide with monies received pursuant to HUD; and

Official Minutes of the Common Council Meeting of July 2, 2012

WHEREAS, the Common Council of the City of Poughkeepsie desires to amend the 2012 Action Plan as approved by the U.S. Department of Housing and Urban Development and in accordance with the Social Development Director's recommendations; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby amends the 2012 Community Development Block Grant Action Plan; and

BE IT FURTHER RESOLVED, that the Common Council of the City of Poughkeepsie hereby authorizes the submission of the amendments to the U.S. Department of Housing and Urban Development.

SECONDED BY COUNCILMEMBER BOYD

AMENDED
Proposed 2012 CDBG Allocations

Public Service

<u>Agency</u>	<u>Project Description</u>	<u>Allocation</u>	<u>Amended</u>
Summer Recreation	Lifeguards at Pulaski Pool Operation of Skate Park	\$ 40,000	\$ 40,000
<u>Objective:</u> Creating Suitable Living Environment			
<u>Outcome:</u> Availability/Accessibility			
Catharine Street Community Ctr	After school & summer enrichment programs	15,000	11,732
<u>Objective:</u> Creating Suitable Living Environment			
<u>Outcome:</u> Availability/Accessibility			
Poughkeepsie Day Nursery	Day care scholarships	5,300	3,682
<u>Objective:</u> Creating Suitable Living Environment			
<u>Outcome:</u> Availability/Accessibility			
NECAP	After school & summer programs	4,500	3,018
<u>Objective:</u> Creating Suitable Living Environment			
<u>Outcome:</u> Availability/Accessibility			
Family Services	Battered Women's Services	5,000	3,432
<u>Objective:</u> Creating Suitable Living Environment			
<u>Outcome:</u> Availability/Accessibility			
Family Services	Domestic Abuse Awareness Classes For Men (DACC)	5,000	3,432
<u>Objective:</u> Creating Suitable Living Environment			
<u>Outcome:</u> Availability/Accessibility			
Dutchess Outreach	Operation of the Lunch Box and financial assistance	20,200	16,047
<u>Objective:</u> Creating Suitable Living Environment			
<u>Outcome:</u> Availability/Accessibility			

Official Minutes of the Common Council Meeting of July 2, 2012

Hudson River Housing	Operation of overnight homeless Shelter	35,000	28,330
<u>Objective:</u> Creating Suitable Living Environment			
<u>Outcome:</u> Availability/Accessibility			
Grace Smith House	Services for victims of domestic Violence	10,000	7,582
<u>Objective:</u> Creating Suitable Living Environment			
<u>Outcome:</u> Availability/Accessibility			
Public Service Total		\$ 140,000	117,255

City Projects

Infrastructure Project	Maintenance and repair of City's infrastructure – sanitary, water, sidewalks, street paving	\$ 595,000	508,447
<u>Objective:</u> Creating Suitable Living Environment			
<u>Outcome:</u> Sustainability			
Planning & Administration		\$ 165,000	156,000

R12-52						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Boyd	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

RESOLUTION

(R-12-53)

INTRODUCED BY COUNCILMEMBER RICH

BE IT RESOLVED, that the City Chamberlain be, and she hereby is authorized and directed to publish a Notice of Public Hearing to be held August 20, 2012 at 6:15 p.m. concerning the adoption of the 2013 to 2017 capital plan as submitted to the Common Council on July 1, 2012.

SECONDED BY COUNCILMEMBER BOYD

R12-53			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Paris	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Boyd	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VIII. ORDINANCES AND LOCAL LAWS:

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

Corporation Counsel Ackermann: Chairwoman Johnson, members of the Council, before you is a proposed Ordinance amending the Historic Districts and Landmarks Preservation Commission. These changes were developed between the Council and Administration, Council of the Whole at a public hearing, where the public gave their input. Assistant Corporation Counsel Brady has met with some of the speakers that came to the hearing that had some concerns. Slight changes have been made in some of the wording as a result of this meeting. Before you is the final draft. It was circulated and received back from the county with no objections.

Councilmember Boyd: Wanted to thank Assistant Corporation Counsel Brady for his role in getting the Ordinance initiated. Expressed gratitude for the collaboration between Corporate Counsel and the Common Council.

Councilwoman Johnson: What are the provisions concerning the public hearing?

Corporation Counsel Ackermann: There are some minor and major changes. One major change is that there will be representatives from each landmark district to the Commission. The time period was increased from 30 days to 60 days.

Chairwoman Johnson: Can you explain that, because it's important about the decision about being pressed for time.

City Administrator Long: Elaborated on the changes regarding the language of days. Rather than stating 30 business days in one section and 60 calendar days in another, it will be changed to reflect 60 calendar days for consistency in the Ordinance.

Mayor Tkazyik: Wanted to clarify that there can be three from one district, not just one from each district (i.e. you can have three from Dwight Street).

Councilmember Solomon: Is Grove Street historic?

Corporation Counsel Ackermann: It may be federally designated as historic, or one building on Grove Street may be recognized historic by federal or state guidelines. I don't know that it's locally designated. Portions of Mill Street are federally designated as historic, not locally.

Councilmember Rich: One of the good things about this ordinance besides that we have a consensus, is that we were careful in starting the process modeled after the State Office of Historic Preservation by using Boiler Plate Language as a start point. We made adjustments to it and were successful. What that does, I believe is to qualify us as a Certified Local Government, a CLG community. There are 60+ in the state. This enables us to get funding so that our Historic Preservation Commission can get training and also to arrange workshops for people who own (or are contemplating owning) an historic building(s) to educate them in what can or cannot be done to the façade and providing them with information to guide them if they need to renovate the property within the Historic provisions in keeping the façade historic. This is a big step forward. There are currently about 115 homes out of 7,000 buildings in the city that are historic. Although it is a small number, it's important that we preserve them. We will be able to preserve Hoffman House and Reynolds House, when we thought we wouldn't be able to. They are in rough shape, but the Dyson Foundation has agreed to restore them, so that we can preserve for future generations.

Councilmember Solomon: Wanted to clear up a few myths. The first is with regard to the cost of putting a slate roof on a historic building. Was told that it would cost over \$100,000. It does not. Depending upon the size of the roof, it may be \$40,000 or so. One house on Academy just paid around \$40,000 for an enormous roof. The other myth is that the Historic Commission does not help homeowners. This is not true. In fact, there is a brochure that the Commission has put together, available in the Building Department. They are very happy to help all residents in the Historic District with their concerns on the proper way to maintain their buildings.

Chairwoman Johnson: The response from the public regarding the Historic Ordinance was surprisingly positive. Thanked the Mayor and the Executive Branch and members of the Common Council for their collaborative efforts in accomplishing this goal. Roll call and vote.

AN ORDINANCE OF THE CITY OF POUGHKEEPSIE, REPLACING CHAPTER 19, SECTION 4.5 OF THE CODE OF ORDINANCES, ENTITLED “HISTORIC DISTRICTS AND LANDMARKS PRESERVATION COMMISSION”

(O-12-6)

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, that the Common Council has determined that the protection, enhancement and perpetuation of landmarks and historic districts are necessary to promote the economic, cultural, educational, and general welfare of the public; and

WHEREAS, that the City of Poughkeepsie has many significant historic, architectural and cultural resources, which constitute its heritage; and

WHEREAS, that that the Common Council intends on fostering civic pride in the accomplishments of the past, protecting and enhancing the City of Poughkeepsie’s attractiveness to visitors, supporting and stimulating the economy, insuring harmonious, orderly, and efficient growth and development and stabilizing and improving property values; and

NOW THEREFORE,

BE IT RESOLVED, that the Common Council hereby adopts the attached ordinance replacing Chapter 19, Section 4.5 entitled “Historic Districts and Landmarks Preservation Commission” in its entirety.

SECONDED BY COUNCILMEMBER BOYD

Section 19-4.5 Historic Districts and Landmarks Preservation Commission

1. *Definitions*

Alteration – change or modification of an improvement on a landmark site or of an improvement parcel located within a historic district including, but not limited to:

- (a) exterior changes to or modifications of structure, architectural details or visual characteristics such as paint color and surface texture;
- (b) grading or surface paving;
- (c) construction of new structures;
- (d) cutting or removal of trees and other natural features;
- (e) disturbance of archaeological sites or areas; and
- (f) the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories that affect the exterior visual qualities of the improvement parcel.

Certificate of Appropriateness – a certificate issued by the commission indicating its approval of plans for alteration, construction, removal, or demolition of a landmark, an improvement on a landmark site or an improvement located within a historic district.

Commission – the Historic Preservation Commission created pursuant to this ordinance.

Compatible – capable of existing together in harmony (harmonious, consistent).

Demolition – any act or process that destroys in part or in whole any exterior improvement or landscape feature of a historic landmark or within a historic district.

Historic District – any area designated pursuant to this chapter containing improvements and/or landscape features which are of historical, social, cultural, architectural or aesthetic significance to the City, the state or the nation.

Improvement – any structure, building, fixture, object or feature which in whole or in part constitutes an exterior or public interior betterment of any real property.

Exterior Architectural Feature – the architectural style, design, general arrangement and components of all of the outer surfaces of an improvement, as distinguished from the interior surfaces enclosed by said exterior features, including, but not limited to, the kind, color and texture of the building material and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.

Historic Landmark – any improvement and/or landscape feature designated pursuant to this chapter which as a whole or in part has historical, social, cultural, architectural or aesthetic significance to the City, the state or the nation.

Landmark Site – an improvement parcel or part thereof on which is situated a landmark and any abutting improvement parcel or part thereof used as and constituting part of the premises on which the landmark is situated, and which has been designated as a landmark site pursuant to the provisions of this chapter.

Ordinary Repairs and Maintenance – replacement of any part of an improvement for which a permit issued by the Building Department is not required by law, where the purpose and effect of such work or replacement is to correct any deterioration or decay of or damage to such improvement or any part thereof and to restore same, as nearly and may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage.

Owner – any person or persons having such right to, title or interest in any improvement so as to be legally entitled, upon obtaining the required permits and approvals from the city agencies having jurisdiction over building construction, reconstruction, alteration or other work as to which such person seeks the authorization or approval of the Commission pursuant to this chapter.

Removal – any relocation of an improvement and/or landscape feature on its site or to another site.

2. *Purpose*

It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of landmarks and historic districts are necessary to promote the economic, cultural, educational, and general welfare of the public. Inasmuch as the identity of a people is founded on its past and inasmuch as the City of Poughkeepsie has many significant historic, architectural and cultural resources, which constitute its heritage, this act is intended to:

- (a) protect and enhance the landmarks and historic districts, which represent distinctive elements of the City of Poughkeepsie's historic, architectural, and cultural heritage;
- (b) foster civic pride in the accomplishments of the past;
- (c) protect and enhance the City of Poughkeepsie's attractiveness to visitors and the support and stimulus to the economy thereby provided;

- (d) insure the harmonious, orderly, and efficient growth and development of the City of Poughkeepsie; and
- (e) stabilize and improve property values.

3. *Historic Preservation Commission*

There is hereby created a commission to be known as the City of Poughkeepsie Historic District and Landmark Preservation Commission.

- (a) The Commission shall consist of 7 members to be appointed, to the extent available in the community, by Mayor as follows:
 - (i) at least one shall be an architect experienced in working with historic buildings;
 - (ii) at least one shall be a historian;
 - (iii) at least three members shall reside in historic districts or historic landmarks;
 - (iv) at least one shall have demonstrated significant interest in and commitment to the field of historic preservation evidenced either by involvement in a local historic preservation group, employment or volunteer activity in the field of historic preservation, or other serious interest in the field; and
 - (v) all members shall have a known interest in historic preservation and architectural development within the City of Poughkeepsie.
- (b) Commission members shall serve for a term of four years, with the exception of the initial term of one of the members, which shall be one year, one which shall be two years, and one which shall be three years.
- (c) The Chairman and Vice Chairman of the Commission shall be elected by and from among the members of the Commission.
- (d) The powers of the Commission shall include:
 - (i) employ staff and professional consultants to assist the Commission in carrying out its duties, within the budget provided by the City;
 - (ii) promulgation of rules and regulations as necessary to carry out the duties of the Commission;

- (iii) adoption of criteria for the identification of significant historic, architectural, and cultural landmarks and for the delineation of historic districts;
 - (iv) conduct of surveys of significant historic, architectural, and cultural landmarks and historic districts within the City;
 - (v) recommend designation of identified structures or resources as landmarks and historic districts;
 - (vi) recommendation to the Common Council of the donation of facade easements and development rights and the making of recommendations to the City government concerning the acquisition of façade easements or other interests in real property as necessary to carry out the purposes of this act;
 - (vii) increasing public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs;
 - (viii) making recommendations to City government concerning the utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the City;
 - (ix) recommending acquisition of a landmark structure by the City government where its preservation is essential to the purposes of this act and where private preservation is not feasible;
 - (x) approval, approval with modifications or disapproval of Certificates of Appropriateness pursuant to this act; and
 - (xi) decide hardship pursuant to this act.
- (e) The Commission shall meet at least monthly, but meetings may be held at any time on the written request of any two Commission members or on the call of the Chairman or the Mayor.
- (f) A quorum for the transaction of business shall consist of a majority of the Commission's members, but not less than a majority of the full authorized membership may grant or deny a certificate of appropriateness or recommend landmarks or historic districts.

4. *Designation of Landmarks or Historic Districts*

- (a) The Commission may designate an individual property as a landmark if it:
 - (i) possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state or nation; or
 - (ii) is identified with historic personages; or
 - (iii) embodies the distinguishing characteristics of an architectural style; or
 - (iv) is the work of a designer whose work has significantly influenced an age; or
 - (v) because of unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.

- (b) The Commission may designate a group of properties as a historic district if it:
 - (i) contains properties which meet one or more of the criteria for designation of a landmark; and
 - (ii) by reason of possessing such qualities, it constitutes a distinct section of the City.

The boundaries of each historic district and each individual landmark designated henceforth shall be specified in detail and shall be filed, in writing, with the Building Department for public inspection.

- (c) Notice of a proposed designation shall be sent by regular mail to the owner of the property proposed for designation, describing the property and announcing a public hearing by the Commission to consider the designation. Once the Commission has issued notice of a proposed designation, no building permits shall be issued by the Building Inspector until the Commission has made its decision.

- (d) The Commission shall hold a public hearing prior to designation of any landmark or historic district. The Commission, the applicant, owners and any interested parties may present testimony or documentary evidence at the hearing which will become part of a record regarding the historic,

architectural, or cultural importance of the proposed landmark or historic district. The record may also contain staff reports, public comments, or other evidence offered outside of the hearing.

- (e) The Commission shall approve, approve with modifications or deny the application within 45 days of the public hearing, except that the Commission may agree with the applicant in writing to extend the time period within which a designation will be made.
- (f) An application recommended for approval shall be forwarded to the Common Council for their consideration. The Common Council shall hold a public hearing prior to the designation of any landmark or historic district. Such public hearing shall occur within 60 days from receipt of the approved application from the Commission. Notice of the hearing shall be sent by regular mail to the owner of the property proposed for designation. No building permits shall be issued by the Building Inspector until the Common Council has made its decision. The same criteria for designation shall be used by the Common Council and the Commission. The Common Council shall approve or disapprove the designation within 75 days from receipt of the approved application from the Commission.
- (g) The City Chamberlain shall forward notice of each property designated as a landmark and the boundaries of each designated historic district to the Office of the Dutchess County Clerk for recordation.

5. *Certificate of Appropriateness for alteration, demolition or new construction affecting landmarks or historic districts.*

No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction, or moving of a landmark or property within a historic district, nor shall any person make any material change in the appearance of such property, its light fixtures, signs, sidewalks, fences, steps, paving, or other exterior elements which affect the appearance and cohesiveness of the landmark or historic district, without first obtaining a Certificate of Appropriateness from the Commission.

6. *Criteria for approval of Certificate of Appropriateness*

- (a) In passing upon an application for a Certificate of Appropriateness, the Commission shall not consider changes to interior spaces, unless they are open to the public.

The Commission's decision shall be based on the following principals:

- (i) properties which contribute to the character of the historic district shall be retained, with their historic features altered as little as possible;
 - (ii) any alteration of existing properties shall be compatible with their historic character, as well as with the surrounding district; and
 - (iii) new construction shall be compatible with the district in which it is located.
- (b) In applying the principle of compatibility, the Commission shall consider the following factors:
- (i) the general design, character and appropriateness to the property of the proposed alteration or new construction;
 - (ii) the scale of proposed alteration or new construction in relation to the property itself, surrounding properties and the neighborhood;
 - (iii) texture, materials, and color and their relation to similar features of other properties in the neighborhood;
 - (iv) visual compatibility with surrounding properties, including proportion of the property's front façade, proportion and arrangement of windows and other openings within the façade, roof, shape, and the rhythm of spacing of properties on streets, including setback; and
 - (v) the importance of historic, architectural or other features to the significance of the property.

7. *Certificate of Appropriateness application procedure*

- (a) Prior to the commencement of any work requiring a Certificate of Appropriateness, the owner shall file an application for a building permit as necessary along with an application for a Certificate of Appropriateness on a form as approved by the Building Inspector and shall contain, at a minimum, the following:
- (i) Name, address and telephone number of applicant;
 - (ii) Location and photographs of property;
 - (iii) elevation drawings of proposed changes, if available;

- (iv) perspective drawings, including relationship to adjacent properties, if available;
 - (v) samples of color or materials to be used;
 - (vi) where the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination, and a plan showing the sign's location on the property; and
 - (vii) any other information which the Commission may deem necessary in order to visualize the proposed work.
- (b) No building permit shall be issued for such proposed work until a Certificate of Appropriateness has first been issued by the Commission. The Certificate of Appropriateness required by this act shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the City of Poughkeepsie.
- (c) The Commission shall approve, deny or approve the Certificate of Appropriateness with modifications within 45 days after receiving the completed application from the Building Department. The Commission may hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views.
- (d) All decisions of the Commission shall be in writing. A copy shall be provided to the applicant and a copy filed with the Building Department for public inspection. The Commission's decision shall state the reasons for denying or modifying the application.
- (e) Certificates of Appropriateness shall be valid for a concurrent period of time with the building permit required to complete the work approved by the Certificate of Appropriateness or for one year if no building permit is required.
8. *Certificate of Economic Hardship*
- (a) Relief where a Certificate of Appropriateness is denied. An applicant whose Certificate of Appropriateness has been denied or approved with conditions that the applicant finds unacceptable may apply for a Certificate of Economic Hardship for the purposes of obtaining relief from the strict application of this chapter.

- (b) Application form. Application for a Certificate of Economic Hardship shall be made on a form prepared by the Commission.
- (c) The Commission shall schedule a public hearing concerning the application, and any person may testify at the hearing concerning economic hardship. The Commission may solicit expert testimony or request that the applicant for a certificate of economic hardship make submissions concerning any or all of the following information before it makes a determination on the application:
 - (i) estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Commission for changes necessary for the issuance of a Certificate of Appropriateness;
 - (ii) a report from a licensed architect or engineer with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
 - (iii) Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Commission; and in the case of a proposed demolition, after renovation of the existing property for continued use;
 - (iv) in the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
 - (v) amount paid for the property, the date of purchase, and the party from whom was purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased and any items of financing between the seller and buyer;
 - (vi) if the property is income producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

- (vii) remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous 2 years;
 - (viii) all appraisals obtained within the previous 2 years by the owner or applicant in connection with the purchase, financing or ownership of the property;
 - (ix) any listing of the property for sale or rent, price asked, and offers received, if any, within the previous 2 years;
 - (x) assessed value of the property according to the two most recent assessments;
 - (xi) real estate taxes for the previous 2 years;
 - (xii) form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other;
 - (xiii) any other information, including the income tax bracket of the owner, applicant, or principal investors of the property, considered necessary by the Commission to make a determination as to whether the property does yield a reasonable return to the owners.
- (d) Proof required. In order to prove the existence of economic hardship, the applicant must establish that unless the proposed work is accomplished, the property will be incapable of earning a reasonable return or of being put to reasonable use.
- (e) In the case of a proposal to remove or demolish a landmark or structure within a historic district, the applicant must additionally prove that:
- (i) the property cannot be adapted for any other use, whether by the current owner or a purchaser, which would result in reasonable return; and
 - (ii) reasonable efforts to find a purchaser interested in acquiring the property for rehabilitation and preservation have been made and failed.

9. *Determination by the Commission.*

- (a) Hardship not proven. If hardship is not proven, the Commission shall deny the application and notify the applicant in writing of the final denial and a copy shall be filed with the Building Department for public inspection.
- (b) Hardship proven. If the Commission finds that economic hardship has been proven, relief shall be provided in one of the following ways:
 - (i) The Commission may relax the strict application of the criteria concerning Certificates of Appropriateness sufficiently to relieve the hardship. In this case, the Commission shall issue a Certificate of Appropriateness, with conditions as necessary. The Commission shall approve only such work as is necessary to alleviate the hardship.
 - (ii) The Commission may investigate plans and make recommendations to the Common Council for City actions which, if taken, will allow for a reasonable use of or reasonable return from the subject property or will otherwise preserve the property without hardship to the owner.
- (c) If neither subsection 9(b)(i) or (ii) resolves the issue, the Commission may issue a Certificate of Economic Hardship allowing the work to proceed as proposed.

10. *Enforcement*

All work performed pursuant to a Certificate of Appropriateness issued under this ordinance shall conform to any requirements included therein. It shall be the duty of the applicant to notify the Building Inspector to inspect any work to assure compliance. In the event work is found that is not being performed in accordance with the Certificate of Appropriateness, or upon notification of such fact by the Commission, the Building Inspector shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.

11. *Maintenance and repair required*

Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district, which does not involve a change in design, material, color or outward appearance.

No owner or person with an interest in real property designated as a landmark or included within a historic district shall permit the property to fall into a serious state of

disrepair so as to result in the deterioration of any architectural feature which would, in the judgment of the Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.

Examples of such deterioration include:

- (a) Deterioration of exterior walls or other vertical supports;
- (b) Deterioration of roofs or other horizontal members;
- (c) Deterioration of exterior chimneys;
- (d) Deterioration or crumbling of exterior stucco or mortar;
- (e) Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors;
- (f) Deterioration of any feature so as to create a hazardous condition, which could lead to the claim that demolition is necessary for the public safety.

12. *Violations*

- (a) Failure to comply with any of the provisions of this ordinance shall be deemed a violation and the violator shall be liable to a penalty not exceeding \$1,000 and, for a continuation of such violation, to an additional penalty not exceeding \$10.00 per day.
- (b) Any person who demolishes alters, constructs, or permits a designated property to fall into a serious state of disrepair in violation of this ordinance shall be required to restore the property and its site to its appearance prior to the violation. Any action to enforce this subsection shall be brought by the Corporation Counsel. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

(13) *Appeals*

Any person aggrieved by a decision of the Historic preservation Commission relating to a hardship or a Certificate of Appropriateness may, within 30 days of the decision, file a written application with the Common Council for review of the decision. Reviews shall be conducted based on the same record that was before the Commission using the same criteria.

Official Minutes of the Common Council Meeting of July 2, 2012

O-12-6			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled		Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Boyd	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Corporation Counsel Ackermann informed the Council that proposed ordinance will amend §6-39 of the Building Code. There are two major changes to the ordinance. First, the amended law would provide for a penalty of \$1000 when the City must abate any building, sanitation of other violation at a building that has been declared vacant or abandoned.

The second change is to place the emphasis of registering a vacant or abandoned building on the property owner or mortgage company. As the ordinance currently stands, there is no requirement that the owner register the building upon vacancy, instead the only requirement is when notice is provided by the building department. This will improve the City’s ability to enforce the registration requirements.

Councilmember Solomon: 251 Church Street – rotting and nothing has been done for a couple of months. Wanted to know if that any penalties would be imposed for that.

Corporation Counsel Ackermann: 251 Church Street was the site of a fire. That, along with several other buildings have a common owner, common mortgagee that were vacant and abandoned. The City was, and continues to be involved in litigation with these properties. That property was cited on the day of the fire. Due to safety issues, the building was raised. The period of time for compliance has passed. If the City had the resources to take care of the problem, it would never recoup the monies spent to remove the debris due to the declined property value. It would cost the City more than what the property is worth. Our option, which we are pursuing now, is to get a court order from the Supreme Court, directing the property owner to remedy that situation. The process is longer, so it will take more time to remedy.

Councilmember Solomon: There is a property in the 6th Ward at 55 Forbus Street which is abandoned, but the neighbors have been mowing the grass and keeping up the property so it doesn’t look abandoned. The high school behind the house is building a new football field and has seemed to dislodge rats, and that’s more than the neighbors can take.

Corporation Counsel Ackermann: Not familiar with that property. Doesn’t know if it is listed on the Abandoned Property List. Will look into it to see if we know about it and if not, the City will try to locate the property owner or mortgagee, send out violations for it, do

an inspection and board and secure it. People are encouraged to report properties which appear to be abandoned. It's easier that we know from the beginning earlier rather than later. Besides normal violation code actions that we bring in City Court, which are about a dozen to 15 a month, we also bring 3 to 4 actions against vacant and abandoned properties per month that we're working on right now. Two are on Forbus Street, Hooker Avenue and an enormous amount in the 5th Ward. They're all over the city. We try to take them back to be put into useful hands.

Chairwoman Johnson: Does the City have anything in place for rats?

Corporation Counsel Ackermann: I don't think that we have anything that addresses rats, but even if we did, it wouldn't help. We do have an ordinance on the books regarding a public health and safety issue, but nothing as far as abating that violation.

Mayor Tkazyik: I think that they can contact the Department of Environmental Conservation would investigate that matter in relation to rats.

Chairwoman Johnson: I think you have to get that situation under control before they populate.

Councilmember Boyd: Two questions: How are we going to enforce this with the bank? Are they aware of what's going on here? I can see how you can with residents that own the property? What about the banks that are holding the mortgage – how are they going to feel about that? That's one question. The next question is, we have our caucus meetings at the Public Safety Building, and I don't want to be hypocritical by giving property owners fines, when the city doesn't even take care of its' own property.

Mayor Tkazyik: That was done this morning, at your request.

Corporation Counsel Ackermann: **Councilmember Boyd** is correct. It is harder to enforce this against the mortgage holders, because most of them are nationwide and international. A lot of them are bundling other mortgages and you don't know what's what. However, what it does, is because the City's liens are levied as a tax and it goes onto the lien; our liens are superior to any mortgages that are on the property. So, when we're giving these banks, a \$1,000 every time we go out there, the bank quickly sees that any equity that they may have is quickly dwindling because of the fines that are now accumulating on the property. We will notify them when we levy fines against it. They'll quickly realize that these fines are adding up. Hopefully, that will get them to take action and put them on notice that they need to maintain the property. The other thing with regard to the mortgages, is that a lot of times, the banks pays the mortgage doesn't want to lose their interest in the property. Again, if we sell the property as a tax lien for non-payment of taxes, that compromises the mortgage holder's interest or lien on the property, so they're more likely to pay the mortgage. They'll notice the increase in taxes from the previous year to the current one. It will cost the City a lot of money to buy plywood at \$165 for a couple of pieces, and an hour of labor for a

Official Minutes of the Common Council Meeting of July 2, 2012

worker’s time. If they see it as a way to have the City take care of it for a few hundred dollars, they won’t maintain it. We need to make it more harsh so that the owner or the bank takes care of the property. It would cost around \$250 to cut the grass, plus labor involved, so it comes to around \$300 to \$400 to go out and secure the property.

Councilmember Perry I’d like to know if I can make a motion to increase the fee from \$1,000 to \$1,500. The owners of abandoned properties should be taking care of their properties. Stiffer fines should be imposed on these owners who contribute to the dilapidated buildings. They should face up to their responsibilities. When the Mayor was first elected to office, there were 60 properties that were abandoned. There are now 300. Something must be done. They need to own up to it. You have my support, Common Council to raise the fine to \$1,500. **Councilmember Parise** seconded the motion.

Vote log to amend O-12-7 (fine increase)						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Boyd	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AN ORDINANCE OF THE CITY OF POUGHKEEPSIE, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, ENTITLED “BUILDING AND UTILITY CODES”

(O-12-7)

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, the City of Poughkeepsie has experienced an increase in the number of abandoned properties; and

WHEREAS, it is important for the City of Poughkeepsie to establish a process to address the abandoned properties throughout the City; and

WHEREAS, the presence of vacant and abandoned properties can lead to a decline in property value, create aesthetic nuisances, and lead to general decrease in neighborhood and community aesthetics; and

WHEREAS, the current conditions of vacant and abandoned properties present a serious threat to the public health and safety of the community; and

WHEREAS, the presence of vacant and abandoned properties discourage buyers from purchasing property within the City; and

WHEREAS, many vacant and abandoned properties are the responsibility of out-of-state lenders and trustees who fail to adequately secure and maintain such properties; and

WHEREAS, the City has a vested interest in protecting the City against the decay caused by vacant and abandoned properties and concludes that it is in the best interest of the residents to amend the Code of Ordinances and impose registration requirements on such properties located within the City.

SECTION 1- Chapter 6, Section 39 of the City of Poughkeepsie Code of Ordinances is hereby amended by the following additions and deletions:

ABANDONED/ VACANT PROPERTY

Section 6-39 Abandoned/Vacant Property

(2) Registration. ~~Whenever the Building Inspector provides written notice to the owner of the existence of a vacant property, the owner shall within ten (10) days of such notice register said structure with the Building Department.~~ **Whenever a structure is vacant and/or abandoned, the owner or mortgagee of such structure shall have an affirmative duty to register said structure within ten (10) days of the existence of such vacancy and/or abandonment.** This registration must be renewed at the end of each six months if the property is still vacant. The Common Council, by resolution, shall establish a fee schedule for the registering of such vacant building or dwelling.

(3) Form. The registration shall be submitted on forms ~~provided by~~ **available at** the Building Department and shall include the following information supplied by the owner:

- (1) A description of the premises;
- (2) The names and addresses of the owner or owners;
- (3) If the owner does not reside in Dutchess County, the name and address of any third party who the owner has entered into a contract or agreement with for property management;
- (4) The names and addresses of all known lien holders and all other parties with an ownership interest in the building;
- (5) A telephone number where a responsible party can be reached at all times during business and non-business hours; and
- (6) A vacant building plan described in Section 6-39(a)(4).

(6) Vacant Building or Structure. All vacant real property shall at all times be properly maintained. A vacant building or structure shall be considered properly maintained if it:

- (a) Has all doors and windows and other openings weather-tight and secured against entry by the general public as well as animals;

- (b) All roof and roof flashings shall be sound and tight such that no rain will penetrate the structure and must allow for appropriate drainage so as to prevent deterioration of the interior walls or other interior portions of the building;
- (c) The building must be maintained in good repair, be structurally sound and free from rubbish, garbage, and other debris;
- (d) Structured members of the building shall be capable of bearing both live and dead loads and the foundation walls likewise shall be capable of supporting an appropriate load;
- (e) The exterior of the structure shall be free of loose or rotten materials as well as holes. Any exposed metal, wood or other surface shall be protected from the element by appropriate weather- coating materials (paint or similar treatment);
- (f) Any balconies, canopies, signs, metal awnings, stairways, fire escapes or other overhanging extensions shall be in good repair, appropriately anchored. The exposed metal and wood surface of such overhanging extensions shall also be protected from the element against rust or decay by appropriate application of paint or similar weather-coating;
- (g) Any accessories or appurtenant structures, including but not limited to garages, sheds and other storage facilities shall meet the same standards;
- (h) The Property contains a posting with the name and twenty-four hour contact phone number of the local individual or property management company responsible for the maintenance. This sign must be posted on the front of the property so it is clearly visible from the street;
- (i) All bushes must be trimmed so as to provide an unobstructed view of the front of the house from the public roadway; and
- (j) **All weeds, grass and rank vegetation must be maintained pursuant to and in compliance with Chapter 9, Sections 6 and 7.**

(9) Mortgagee's requirement to register. Any mortgagee who holds a mortgage on real property located within the City shall perform an inspection of the property that is the security for the mortgage, upon default by the mortgagor, prior to the issuance of a Notice of Default. If the property is ~~found to be vacant~~ **or abandoned** or shows evidence of vacancy **or abandonment**, it shall be deemed **vacant or** abandoned and the mortgagee shall, within ten (10) days of the inspection register the property in accordance with Section 6-39(a)(2) above and obtain a Vacant Property Permit in accordance with Section 6-39(a)(6) above.

a. If the property is occupied but remains in default, it shall be inspected by the mortgagee or mortgagee's designee on a monthly basis until:

(1) the mortgagor or other party remedies the default; or

(2) it is found to be vacant **or abandoned** or shows evidence of vacancy **or abandonment** at which time it is deemed vacant or abandoned, and the mortgagee shall

Official Minutes of the Common Council Meeting of July 2, 2012

within ten (10) days of the inspection, register the property in accordance with Section 6-39(a)(2) above.

(10) Certification of Abandonment. Upon the Building Inspector or his designee determining a property has been abandoned, he/she shall cause a Certification of Abandonment, to be filed with the building department's records and such certification shall be served upon the owner of the premises either personally or by posting a copy of the Certification in a conspicuous place on the property and by mailing a copy ~~by certified mail~~ to the owner(s) or mortgagee(s) last known address.

- a. Upon the Building Inspector filing a Certification of Abandonment, the Building Inspector, Sanitation Inspector, Police Department and/or Fire Department may, without further notice to the owner, take necessary steps to ensure the property and/or dwelling is properly maintained pursuant to Section 6-39(a)(6). Costs incurred under this section **plus a sum equal to 10% of such actual cost for inspection and other additional costs in connection therewith with** shall be paid out of the municipal treasury on certificate of the Building Inspector. **Such costs plus a penalty in the amount of \$1,500** shall be charged against the land on which the building existed, as a municipal lien, or shall be added to the tax roll as an assessment or shall be levied as a special tax against the land upon which the building stands or stood or shall be recovered in a suit at law against the owner.
- b. The owner of a property declared abandoned may petition the Building Department remove the certification of abandonment by providing proof to the Building Inspector that the basis of the certificate of abandonment no longer exists and the owner is in compliance with this Article.

(12) Penalties. **Notwithstanding and in addition to any costs and penalties imposed pursuant to Section 6-39(10)**, any person, firm, corporation, or association violating the provisions of this chapter shall be subject to penalties as provided in Section 6-11 and Section 6-12.

SECTION 2 - This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER BOYD

O-12-7			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Boyd	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

- 1. FROM CITY ADMINISTRATOR LONG,** a presentation regarding the 2013-2017 Capital Improvement Plan.

The City of Poughkeepsie

New York

Michael H. Long
City Administrator
mhlong@cityofpoughkeepsie.com



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

July 2, 2012

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

Re: Capital Plan 2013-2017

42 JUL -2 PM 2:38
CITY OF POUGHKEEPSIE
CITY CLERK

Dear Chairwoman Johnson and Members of the Common Council;

Each and every year, the City of Poughkeepsie prepares and adopts the annual Five Year Capital Improvement Plan. Typically, the Mayor and Administrator develop the Capital Plan with input from the various city departments which is presented to the Common Council. A "Public Hearing" is held and after which the Common Council adopts that year's plan. The specific projects are later brought back to the Council to authorize financing to implement specific projects.

As some may recall four years ago when the Capital Plan was adopted, the Common Council had authorized \$11,858,275 in additional long-term financing projects. This was the time when we first acknowledged the city was facing financial challenges due to excessive capital debt. As the city had experienced budget shortfalls, the list of projects was reviewed with the Common Council and with council authorization; the list of bonded projects was reduced \$6,661,137 to a total of \$5,179,863 for financed projects. In the past, small vehicles and police cars were bonded and they were then moved into the operating budget as annual expenses. Also, the administration began the process of utilizing the annual CDBG grant funds where appropriate; to help with public improvements such as parks, sewers, playgrounds, etc. to minimize the amount of funds required to be borrowed for infrastructure projects.

A new approach of developing the Capital Improvement Plan (CIP) was to include the city's overall debt service cost and annual debt payment schedule. Initial review of the previous administration's projects identified a significant increase in debt service payment would be incurred. Over the last three CIP's, I have included a debt service schedule so that the council members can be made more aware of the specific debt service costs that resulted from the previous Capital Plans. The traditional "rule of thumb" is that 10% of the General Fund appropriations are dedicated to debt service payments. The City of Poughkeepsie has been in excess of this amount which in combination of the down turn in the economy has compounded the fiscal challenges.

The overspending of past administration for past capital projects in combination with the city's financial conditions mandates that the administration continue to look for ways to reduce our operating expenses. The 2013-2017 Capital Plan continues this trend and is focused on supporting the major capital project grants that we were successful in obtaining. This year's Capital Plan again will continue this philosophy of searching for grants to offset needed improvements.

O:\Mike Long\Capital Plan\2013 - 2017\council memo CIP timeline 7 2 12.docx

Official Minutes of the Common Council Meeting of July 2, 2012

2013 - 2017 Capital Plan – Common Council Memo – July 2, 2012.

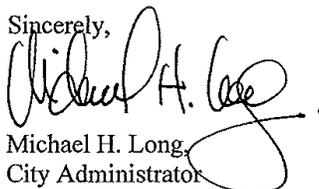
The Poughkeepsie Dutchess County Transportation Council (PDCTC) adopts the regions Five Year Capital Plan which includes the local Federal Highway Aided projects. As they have plan revisions during the year, we will utilize these current projects and estimated amounts for the 2013-2017 capital plan. This Highway program comprises the majority of the city's Capital Improvement Program. Typically, these projects include an 80% Federal Grant, 15% New York State Grant, and a 5% Local Match. As they set the actual dates for moving capital projects forward, there may be some slight adjustments with the city of Poughkeepsie's adopted Capital Plan. There are several projects that have been included within the program and as the Federal and State budgets are delayed and reduced, the projects are "pushed out" to be completed in the same priority basis but in later years. The next scheduled Federal Highway Project is the Creek Road. Little George intersection project and Washington St. Traffic signals. The PDCTC has pushed out several earlier anticipated projects, such as Academy St. and South Grand Avenue have been delayed out further due to Federal and NYS budget constraints coupled with cost increases in earlier scheduled projects. Requests have been submitted utilizing the Market St. design for Congressional Appropriations to implement.

The primary source of funding for Capital Projects for 2012 is through the Community Development Block Grants (CDBG). This year's "Entitlement" Community allocation for capital projects totals \$508,000. The overall CDBG program was reduced this year over \$200,000 and I fear that this trend will continue in the future.

An overview of the 2013-2017 Capital Plan will be presented to the Common Council at the July 2th meeting. It is recommended that the Common Council can hold the required Public Hearing at 6:15 PM at the August 20th meeting and adopt the program at that same meeting later in the agenda that same evening.

I am available to meet with Council members individually to discuss this in greater detail.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael H. Long", with a large, stylized flourish extending from the end of the signature.

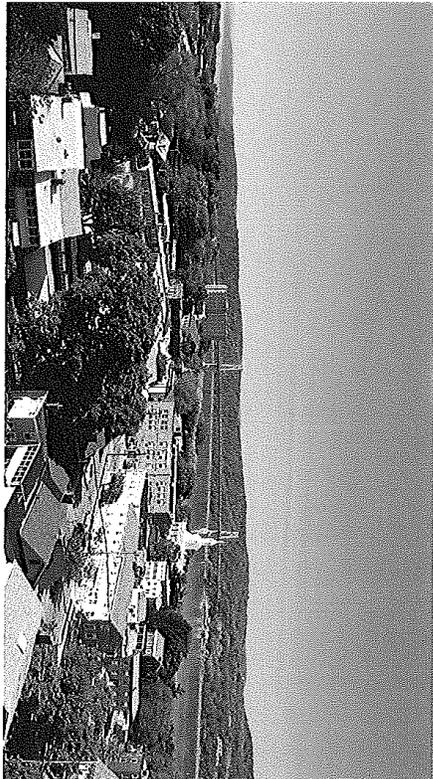
Michael H. Long
City Administrator

cc: Commissioner of Finance
Commissioner of Public Works



The City of Poughkeepsie, NY Capital Plan 2013-2017

- I. Introduction
- II. Debt Payments
- III. Summary
- IV. Transportation
- V. Utilities
- VI. Facilities
- VII. Transit
- VIII. Vehicles



Mayor John C. Tkazyik

City Administrator Michael H. Long

City Councilmembers

Thomas Parise, 1st Ward Joseph Rich, 2nd Ward Robert Mallory, Jr., 3rd Ward

Nina Boyd, 4th Ward Ann Perry, 5th Ward Mary Solomon, 6th Ward

Gwen Johnson, 7th Ward/Chairwoman Paul Herman, 8th Ward



The City of Poughkeepsie, NY Capital Plan 2013-2017

The City of Poughkeepsie, NY 2013-2017 Proposed Capital Improvement Plan

The City of Poughkeepsie has completed a detailed Capital Improvement Plan (CIP) over the last several years. This is an opportunity to identify grant opportunities and solicit funding options in addition to city issued bonds. The city borrowed extensively until 2008, when an effort was made to reduce long-term debt payments. The city received Federal - ARRA Stimulus grants for the Hoffman Street Bridge Project and the proposed Bus Hub and 2 new Hybrid Diesel Electric Buses to complete the fleet.

With limited borrowing capacity, the city has implemented a strategy to use the Community Development Block Grant (CDBG) Program to assist with capital improvement projects. The 2011 CDBG capital included street pavement and several sewer and water main breaks. The timeliness criteria was met to get the required work done. New playgrounds were planned for Pershing Park, King St. Park and Maryas Park. This is also the sidewalk program's only existing source of funding.

Under the 2010 Federal Economic Recovery Act - ARRA Stimulus Program, the city received funding for several large projects. These 100% reimbursement grants were for the Hoffman Street Bridge, Transit Projects including 2 new Hybrid Buses and a portion of the Bus Hub on Market Street.

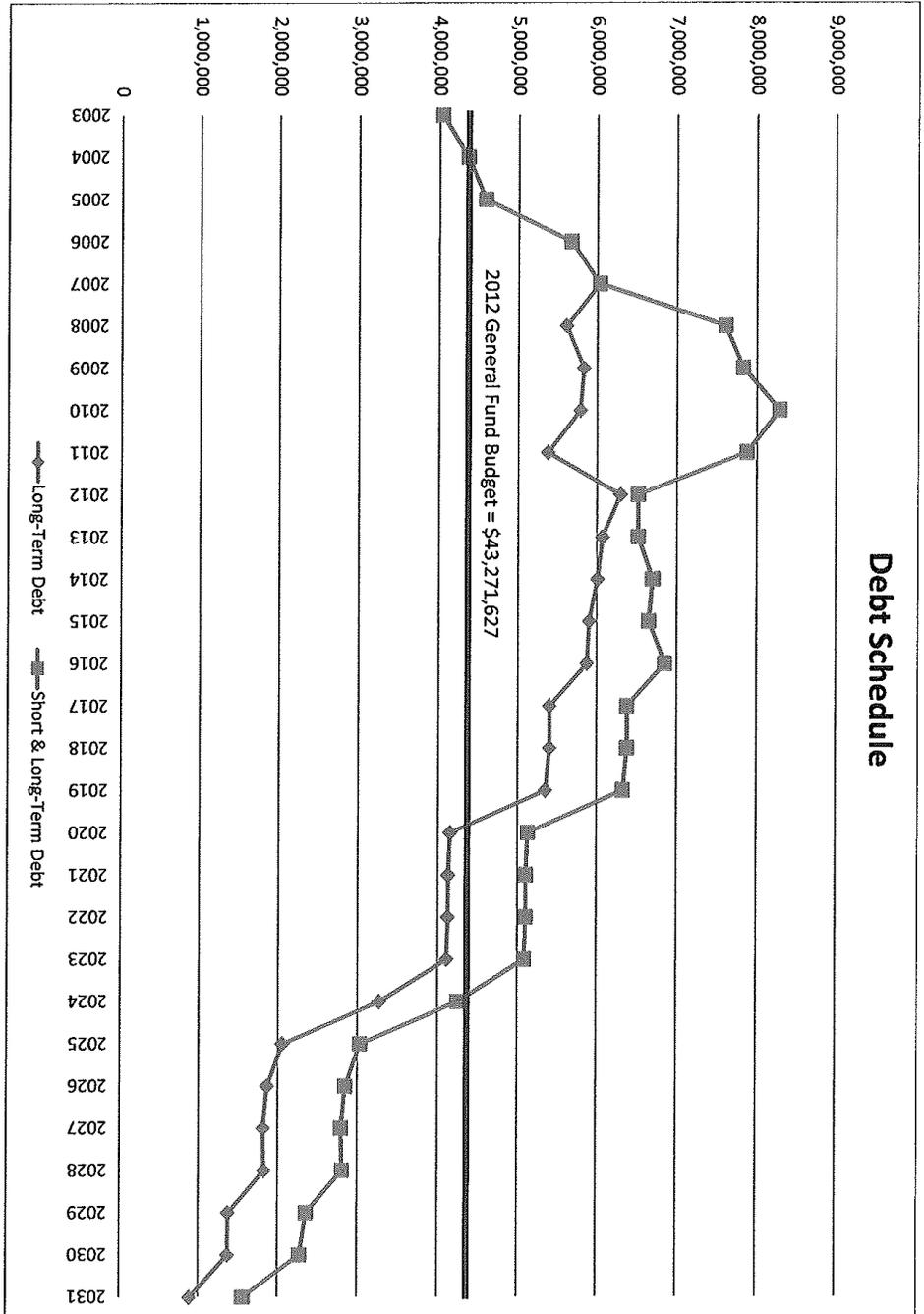
The majority of new capital projects relate to the Federal Highway Administration (FHWA), which is administered through the Poughkeepsie Dutchess County Transportation Council (PDCTC). They are responsible for planning the NYS DOT Five Year Capital Plan. Often, these projects are initially rated within the region and are funded as program eligible expenses, which are allocated annually through the TIP update process.

The next planned project is the Creek Rd. at Little George St intersection. Other large projects planned in future years are Academy St. and S. Grand Ave. Design has been completed on the Market Street (2 way conversion) Several requests have been submitted for Congressional consideration. Typically, these projects include 80% Federal grant, 15% New York State grant and 5% local share match of eligible project expenses. The city is required to finance the project upfront, complete the work and then submit for reimbursement. Cash flow and construction financing costs are also a consideration. Financing is the most difficult part of implementation.

The NYS DEC has approved the City's CSO Long term Control Plan which includes major projects improving the sanitary sewer and removing stormwater from the overall system. The City has a long-term agreement to make these improvements. The Water Distribution System also has pressure improvements that continue to be made annually as funds are available. The staff will continue to search for grant opportunities to upgrade the utilities however, the severity of the needs indicates several long-term expenses. Water Flow meters are the next large project that require implementation which is planned to utilize CDBG grants.

At a time when costs continue to rise and revenues fall, the City must contain costs and not take on any additional long-term debt. The focus of this 2013-2017 program is to support grant-funded projects that maximize the city's funding assistance.

The Capital Improvement Plan (CIP) does not commit the city these these projects but identifies future needs. The Common Council must adopt financial resolutions to commit the city to implement these proposed projects.



The City of Poughkeepsie, NY 2013-2017 Proposed Capital Improvement Plan

Transportation:	Adopted		Proposed		Proposed		Proposed		Proposed		Totals (\$1000s)	Funding Source:	(A) Approved (P) Proposed (T) Tip
	2012	2013	2014	2015	2016	2017+	2017+	2017+					
Annual City Streets Paving Project: Local Financial Paving Program	737	360	360	360	360	360	360	360	360	360	1800	NYS CHRS Allocation (A)/(P)	
Sidewalk and Curb Replacements: Scattered Sidewalks	0	100	100	100	75	75	75	75	75	75	450	CDRG (P)	
Little George St.—Creek Rd. Intersection (Pin #: 875782): Reconfigure intersection to DCC, require bond acquisition prior to construction phase	208	100	75	50	50	50	50	50	50	50	325	CDRG (P)	
Market St.—2 Way Conversion Road reconstruction, new curbing, lighting Street furniture to add to additional on-street parking, street trees, benches, etc.		528	174	58	5137	963	321	5137	963	321	5137	Federal (P)—Requester submitted to Schumner, Gilliland, and Hindey 963 New York State (P)	
Traffic Signal Projects & Design Phase Followed by Construction: Washington St. signal—Clark St., Bain Ave., Orchard Place Verezzano Blvd., Mansion St., Parker Avenue (Pin #: 875870)		54	11	4	4	1	19	297	57	19	355	Federal 80% (T) 69 State 15% (T) 23 Local 5% (P)	
North Water Street Sidewalk Design/Construction (Pin #: 875908): Fallkill to Dutchess Avenue Replacement of Detentioned Sidewalks		12	3	0	0	0	0	5	1	0	81	Federal 80% (T) 20 State 15% (T) 6 Local 5% (P)	
Grand Avenue* (Pin #: 875982): Main St. to Hooker Avenue Design/Engineering Phase followed by Construction/Observation Phases Sidewalks, curbs, drainage, signals, traffic calming		178	34	11	178	34	11	9	2	30	1603	Federal 80% (T) 137 State 15% (T) 42 Local 5% (P)	
Academy Street Reconstruction* (Pin #: 875909): Design/Engineering phase followed by Construction/Observation		299	59	20	299	59	20	14	2	1	2053	Federal 80% (T) 1341 State 15% (T) 406 Local 5% (P)	
Washington St. Bridge over Fallkill* (Pin #: 875983): Reconstruction of historic arch stone bridge to address Scour Protection		262	50	17	262	50	17	14	2	1	2366	Federal 80% (T) 1341 State 15% (T) 406 Local 5% (P)	
Mansion Street at Purching Bridge Replacement (Pin #: 875653): Over the Fallkill		272	52	17	272	52	17	8	2	1	1530	Federal 80% (T) 344 State 15% (T) 113 Local 5% (P)	
Southern Waterfront/DelaVal Site (Pin #: 875048): Multiple Park financed through Hindey Appropriation for DeLaVal site with Bonura Development Project	500	749	93	300	749	93	300	290	290	95	300	NYS Dormitory Authority Grant/Senator Island 749 Federal Highway via Congressman Hindey 80% (A) 93 Local Match 20% (P) 300 NYS ERF Grant to Complete Project (A)	
Totals:	\$1,445	\$1,789	\$2,293	\$7,606	\$3,303	\$7,955	\$22,946						

*Subject to change with Federal Highway/NYS DOT changes and funding constraints. Project begins in the Federal Fiscal year on October 1st of prior year.

The City of Poughkeepsie, NY 2013-2017 Proposed Capital Improvement Plan

Utilities:	Adopted 2012	Proposed 2013	Proposed 2014	Proposed 2015	Proposed 2016	Proposed 2017+	Totals (\$1000s)	Funding Source: (A) Approved (P) Proposed (T) Ttp
Water System Improvements:								
Overall System Upgrades								
Loop of 28" Main (College Hill to Parker Avenue)		150	1500	75	75	75	1500	Approp. Congressional Request (P)
Market Street Water Main Upgrades (Urban Renewal)		2200	100	75	75	75	475	Water Fund Bond (P)/CDBG (P)
Water Volume—Cedar, Arnold, Miller Hill, etc.		0	325	750	750	750	2200	Approp. Congressional Request (P)
Water Volume—Academy St., South Ave., Garfield Pl., etc.			750	7000			7750	Water Fund Bond (P)
Design/Construct New AMG Closed Reservoir								
Storm/Sanitary Sewer Improvement Projects:								
Storm/Sanitary Sewer City-wide spot rehab	200	125	75	75	150	150	575	CDBG (P)
Myer-Cedar Ave. Pump Station Replacements			1100				1100	Sewer Fund Bond (P)
Sanitary Sewer Main St. (Cherry-Clinton)				850			850	Sewer Fund Bond (P)
Southern Waterfront—Kaal Rock—1st Force Main					1250		1250	Sewer Fund Bond (P)
Combined Sewer Overflow (CSO) Long-Term Control Plan								
NYS DEC Plan submitted for compliance:								
CSO LTCP Flow Meter Installations 4 (Due: 9/14/12)	100			100			0	CDBG (P)
Elimination of Fallkill Creek CSO (Due: 1/1/15)		300					300	Sewer Fund Bond (P)
Fallkill Creek—CSO Abandonment (Due: 2015)							2100	Sewer Fund Bond (P)
Riverview CSO abatement (Laurie St.-Jefferson St.) Design/Construction				1000			1000	Sewer Fund Bond (P)
Columbia St. Crossover CSO				1100			1100	Sewer Fund Bond (P)
Montgomery Street (Market St.-Nixon St.) Pine Street CSO				2000			2000	Sewer Fund Bond (P)
Beechwood-Alden CSO (Sharon Drive)		500	1500				4000	Sewer Fund Bond (P)
Old Fallkill Trunk Sewer Relining/Reconstruction								
Joint Sewage Treatment Plant (65% City/35% Town):								
Administration Bldg. (Roof & HVAC)		455		325			455	City Sewer Fund Bond 65% (P)
		245		175			245	Town of Poughkeepsie 35% (P)
Sewage Treatment Plant Process Improvements								
STP Generator Replacement								
			358				358	City Sewer Fund Bond 65% (P)
			193				193	Town of Poughkeepsie 35% (P)
Large Odor Scrubber System Improvements								
					878		878	City Sewer Fund Bond 65% (P)
					473		473	Town of Poughkeepsie 35% (P)
STP Wet Weather Cap Design/Construction								
						553	553	City Sewer Fund Bond 65% (P)
						298	298	Town of Poughkeepsie 35% (P)
Totals:	\$300	\$3,975	\$5,900	\$13,450	\$6,925	\$1,075	\$31,325	

The City of Poughkeepsie, NY 2013-2017 Proposed Capital Improvement Plan

Facilities:	Adopted 2012	Proposed 2013	Proposed 2014	Proposed 2015	Proposed 2016	Proposed 2017+	Totals (\$1000s)	Funding Source: (A) Approved (P) Proposed (T) Tip
Energy Project Phase II: All major city buildings Conservation with Solar Systems, Lift Stations, windows, electric, traffic signals, etc. City Hall Roof	1000						0	NYP&A/NYSERDA Grants (P)
Energy Project Phase III: Street lighting upgrade project utilizing LED or induction lighting		200					200	Central Hudson Energy Program II (P)
Kaal Rock Point: Development of master plan, geological info with costs Shoreline Stabilization Project and surface improvements			150	2500			0 NYS DOS Grant (A) 2650 NYS DOS Grant (P)	
Morgan Lake: Spillway improvements/Dam Stabilization Project				250			250	NYS DEC Grant Application High Hazard Level Dam (P)
City Hall: Emergency Generator—City Hall		2000					2000	Bond (P)
Community Development Block Grant Infrastructure Program: Evaluation of a systematic rehab of neighborhood parks			50	50	50	50	200	CDBG Grant Program (P)—as adopted in the CDBG Action Plan
Falkkill Creek Pedestrian Bridge: In support of the Walkway Over the Hudson Elevator Project and Upper Landing Park as proposed by the Dyson Foundation	100						0	CDBG—Capital Funds (A)/(P)
Totals:	\$1,400	\$2,200	\$200	\$2,800	\$50	\$50	\$5,300	

The City of Poughkeepsie, NY 2013-2017 Proposed Capital Improvement Plan

Transit:	Adopted	Proposed	Proposed	Proposed	Proposed	Proposed	Totals	Funding Source:
	2012	2013	2014	2015	2016	2017+	(\$1000s)	
Transit Hub Center Market St. adjacent Financial Plaza Automated Vehicle Location (AVL) System (PIN #: 8TRD42)	764	50					0	0 Federal 5305 Grant NY-04-X058 (A) 50 Federal 09 ARRA Grant NY-96-X927 (A) 1490 Federal 5307 Grant NY-90-X646 (A) 11 (T) 12 77 State Match Grant (A) 312 Local Match (A) 0
Two Diesel Electric Hybrid Buses:	1066						0	0 ARRA Stimulus Transit Grant NY-96-X023 (A)
Installation of Bus Shelters at Locations Along the City Transit System (PIN #: 8TRD51)	331	1490		24			24	24 FTA 5307 80% Grant (T) 3 State Share 10% (T) 3 Local Share 10% (T)
Intelligent Transportation System Software: Bus Shelters, parking, access and collection system Intelligent Transportation System Software (PIN #: 8TRD45)	282	60	8	3			0	0 Federal 09 ARRA NY-96-X027 (A) 60 Federal 5307 80% (T) 8 State 10% (T) 8 Local 10% (T)
Install Intelligent Transportation System Equipment for Transit System (PIN #: 8TRD47)	80	10					0	0 Federal 5307 80% NY-90-X646 (A) 0 State 10% (A) 0 Local 10% (P)
Installation of an Information Distribution System for Route and Schedule Information at New Transit Hub (PIN #: 8TRD54):	10						0	0 Federal 09 ARRA NY-96-X027 (A) 48 Federal 5307 Grant (T) 6 State Match Grant (T) 6 Local Match—Operating Budget (P)
Purchase of Four (4) Replacement Batteries for Existing Hybrid Transit Vehicles that are in need of replacement due to maintenance schedule (PIN #: 8TRD54)	95	12					48	48 Federal 5307 Grant 80% 58 State Share 10% (T) 58 Local Share 10 (T) 0 FTA 09 ARRA (A)
Transit Capital Projects: Purchase One (1) Hybrid-Electric Heavy Duty Transit Vehicle to Replace One (1) Existing Vehicle in City Transit System (PIN #: 8TRD66)	128	460					460	460 Federal 5307 Grant 80% 58 State Share 10% (T) 58 Local Share 10 (T) 0 FTA 09 ARRA (A)
Purchase Farebox Equipment for Eight (8) Vehicles for City Transit System (PIN #: 8TRD74)		58					20	20 Federal 5307 Grant (T) 3 State Share (T) 3 Local Share (T)
Replace One (1) Transit Support Vehicle for the City's Transit System (PIN #: 8TRD67)							3	3 State Share (T) 3 Local Share (T)
Totals:	\$3,315	\$2,581	\$0	\$116	\$0	\$0	\$2,697	

The City of Poughkeepsie, NY 2013-2017 Proposed Capital Improvement Plan

Vehicles:	Adopted 2012	Proposed 2013	Proposed 2014	Proposed 2015	Proposed 2016	Proposed 2017+	Totals (\$1000s)	Funding Source: (A) Approved (P) Proposed (T) Tip
DPW-Dump Truck-6 Wheel with Plow							265 (R) 08-23	
DPW-Elephant Vac							71 Operating Budget (P)	
DPW-Leaf Truck for Streets			125		140		265 (R) 08-23	
DPW-Pick-Up Truck with Plow			35		36		0 (R) 08-23	
DPW-Small Packer	84						0 (R) 08-23	
DPW-Garbage Truck			245				245 (R) 08-23 / Lease DPW Operating Budget (A)/(P)	
DPW-Tow Truck (Flatbed) Central Garage			55				0 (R) 08-23	
DPW-Small Dump Truck			80				171 Operating Budget (P)	
DPW-4x4-6 Wheel Dump with Plow with Salter	390			57		59	235 Lease DPW Operating Budget (A)/(P)	
DPW-Traffic Truck-Elevated Platform					235		80 Bond (P)	
DPW-Street Sweeper							235 Lease DPW Operating Budget (A)/(P)	
DPW-Roll-off Truck (Hook Truck)				86			86 Bond (P)	
DPW-Pay Loader	150						265 Bond (P)	
DPW-Electric Bucket Truck							285 Bond (P)	
DPW-Backhoe Tractor			55				190 Bond (P)	
DPW-Sewer Utility Truck with Lift				56			56 Bond (P)	
DPW-Cab for Tractor Trailer					110	107	107 Bond (P)	
DPW-Clean Truck for Trees	47						110 Bond (P)	
DPW-Tool Cat/Utility Truck	60						0 Capital Lease (A)	
DPW-Utility Body Trucks (Water and Sewer)					920		0 Capital Lease (A)	
Fire-Tower Ladder Truck							920 Bond (P)	
Parking-Small Dump with Plow				35			35 Operating Budget (P)	
Police Vehicles-Patrol	69	69	125	70	128	72	464 (R) 08-23 -Police Dept. Operating Budget	
Police Vehicles-Unmarked	26	28	56	29	58	29	200 (R) 08-23 -Police Dept. Operating Budget	
Totals:	\$826	\$97	\$776	\$333	\$1,627	\$722	\$3,555	

X. UNFINISHED BUSINESS:

Councilmember Herman asked **City Administrator Long**, that since the Ice House is open, are they starting to pay rent.

Councilmember Herman: Just have a couple of questions. Gus brought up that the Walkway is donating \$50,000 to the clean-up of the Fallkill. How far does the \$4.2 Million and the clean-up of the Fallkill go? I'm at a loss here...

City Administrator Long: They are going to work within the city boundaries. We identified the problem areas. They'll focus on those first.

Councilmember Herman: \$1.2 Million is for the Fallkill. Then the Walkway is donating another \$50,000 to the Fallkill?

City Administrator Long: I'm not aware of what that \$50,000 is for.

Councilmember Rich: I'm only quoting the Poughkeepsie Journal. It is a grant for Clearwater who manages The Fallkill for the City. It is for education and possible signage, not for clean-up. One of the staff at Clearwater is the Chair at Fallkill.

Councilmember Herman: Fed up with complaints against City workers. They work in extreme heat, mowing lawns and trimming trees, and everyone comes in here complaining that the streets are filthy. I'm going on record to say these guys are doing a great job. They're doing city-owned properties, and doing their jobs. They're not slacking off everything else with only six guys from 6 o'clock in the morning to 4 o'clock in the afternoon. I just want to applaud the sanitation division, the tree division and applaud the street division. I wish the public could come in here and applaud them as well. These guys are the backbone of the city and go out there every day and believe it or not, they all care about us.

Chairwoman Johnson: People don't understand that there are only six workers, how many parks, there's no temp help. When you have a block and have a problem, you should form a block association and get the people on that block to clean up. Take pride in your property.

Councilmember Herman: That being said,...Nubian, are they doing any work this year? Last year, they did the scoreboard at Spratt. The median in my area needs to be taken care of...

City Administrator Long: They're doing the flowers...

Mayor Tkazyik: They are doing the flowers, but they are at a point where they may be taking on too much, between the flowers contract, property on Winnikee and

Cottage and now the creek. There is a meeting to discuss that, because if something cannot be handled, we need to address that and we need to know it, because we do have an agreement and there is monies involved.

Chairwoman Johnson: I see some weeding being done on the medians on South Grand. Councilmember Herman and I have people who are volunteers, who adopted these medians, putting a lot of money into them. There should be water, maintenance and some weeding. Again, we need to get people to take pride in their community and volunteer. There are two types of people. You're either part of the problem, or part of the solution. Any more old business before going on to new business?

Mayor Tkazyik: Madam Chair, I just wanted to remind everyone about the Fireworks Spectacular. The display will take place between 9:00 and 9:20 p.m. at Waryas Park. I want to thank all of our sponsors because we did get all of the fireworks contributed, and to us, the City of Poughkeepsie, the Town of Lloyd who are partnering with us and cancelled their fireworks this year; they contributed \$6,000 toward the event. Walkway over the Hudson contributed, TD Bank, M&T Bank and Royal Carting Services, so I wanted to thank all of the sponsors for their participation. We mail out to everyone we do business with, so we try to get participation and support, again, in tough times is very important. So, fireworks is this Wednesday. Friday, Saturday and Sunday we are hosting the Fourth Annual Industrial Fair. Please come down to the upper landing at the Hoffman and the Reynolds House. Taking a look back at the earliest days of the Poughkeepsie settlement, the City's historian, George Lucas will be there on hand and of course, former Mayor, Nancy Cozean will be present. It's always an enthusiastic and informative weekend at the upper landing site and I just like it when George Lucas wears his top hat from back in the day. That's July 6, 7 and 8th and it runs from 11:00 a.m. to 4:00 p.m. at the upper landing site.

Councilmember Solomon: If I were at Walkway- Over-the-Hudson – what time do we have to be there?

Mayor Tkazyik: I believe it closes around mid-afternoon and reopens at 6:00 and 7:00 p.m. to get up onto the Walkway and you must have a ticket.

Councilmember Solomon: Do we really need to get there at 7 o'clock?

City Administrator Long: You can come anytime you want to, but the question is, finding a place to park and a place to sit.

Mayor Tkazyik: There will be entertainment by radio and I do have one more piece of good news. The concession stand at the Ice House will be open.

Chairwoman Johnson: Will the Porta-Potties be in place?

Mayor Tkazyik: Nodded. They informed us today.

XI. NEW BUSINESS:

Vice Chair Rich: Wondered what was going on at the YMCA. Hearing loud noises, like construction sounds.

Mayor Tkazyik: I believe that the loud noises were coming from the Clinton School. They were doing some kind of construction , into the late hours of 11:00 p.m. but have been shut down by the police. They were doing masonry work and loud stuff.

Councilmember Boyd: Wanted to know if we could post bus schedules in collaboration with the Town at shopping plazas for the people to know when the buses come and go.

Councilmember Perry: Is the concession stand at Ice House having a grand opening?

Mayor Tkazyik: Yes. There will be a grand opening, but they want Charlie North there - he's got to cut the ribbon.

Councilmember Perry: Recommended Ken Stickle as next month's Volunteer of the Month due to his voluntary clean-up of College Hill Park, using his own lawn mower, his own gas and gives his time volunteering.

Chairwoman Johnson: We'll certainly take that into consideration. We love our volunteers.

Councilmember Parise: I just wanted to let you know our June volunteer, camera man, Bob Mannino had been hospitalized and has been very ill. He's recovering so I'd just like to say, please keep Bob Mannino in your prayers.

Councilmember Solomon: Who sets the time that the bars close? The County? Why don't we see if we (the Council) can change those hours? I heard Chief Knapp say that everything happens after 1:00 a.m. I believe that that's an opinion held by the City. We do have two County Legislators.

Mayor Tkazyik: Corporate Counsel can speak more on that. I know there was a request, under Mayor LaFuentes time, a resolution of the Council to the legislature in relation to the concern on those problems, late night hours in the city.

Chairwoman Johnson: I think the problem is that when you think of the county as a whole, then the people may not want it.

Mayor Tkazyik: Because of sales tax, commerce, portion of DWI's to Ulster County.

Corporation Counsel Ackermann: For a while now, the Mayor has expressed concerns with the closing hours of the bars, we've been reviewing it. It's absolutely pre-empted by the State, which gives authority to the County to set the closing hours. We will reach out to the county legislators in our districts to see if it's something they willing to at least carry and support. If there is some willingness on members to do that, I think we will be able to work something out. I don't anticipate getting much support at the county level, but it never hurts to ask. But in the alternative, if this is not an option, our office is looking at drafting local legislation on a city level that does not regulate the actual closing hour, but will set other regulations similar to what we do with convenience stores. In that, we can regulate security; if you're going to be open after a certain time, whatever that time will be, there has to be security measures in place, there has to be camera systems in place, certain lighting in place, certain cash money systems in place. I think that's something that (inaudible)...constitutionality of it. I don't believe that is pre-empted in the same way that actual closing hours are pre-empted by the State Liquor Authority or State Law. So, that's what we're looking at drafting now, in case (we're anticipating) the county saying we're not interested in closing hours, we can expand our convenience store limits to include these types of establishments, or do a separate ordinance, regulating these establishments. Not that you can't close or have to close, but saying that if you choose to stay open, this is what the city is going to require. That's what we're in the process of doing now.

Councilmember Solomon: That's refreshing to hear. Spoke about problems with a convenience store (inaudible) in her ward.

Corporation Counsel Ackermann: We continue to have some problems, but a lot of popular residential stores we had problems with in the past, don't even want to be bothered with it (regulations) and it gives us a little leeway. We're having a problem with one now, and the ordinance is helping to enforce.

Chairwoman Johnson: Any other new business?

Councilmember Rich: It just occurred to me that back in the 1980's, while being a County Legislator representing the Town of LaGrange, I think it was Mayor LaFuente when we were having lots of problems and wanted to change the closing hours. The rest of the county thought it was crazy, due to the loss of revenue that would occur. They then stated that if we had a problem with crime, it was our problem, not theirs.

Corporation Counsel Ackermann: That's the problem. The City of Beacon may be told to do it, City of Poughkeepsie may be told to do it, parts of the Town of Poughkeepsie may be told to do it, but outside of these areas they will not.

Chairwoman Johnson: Is there any other new business? Motioned to adjourn.

XII. ADJOURNMENT:

A motion was made by **Councilmember Rich** and **Councilmember Boyd** seconded the motion to adjourn the meeting at 9:03 p.m.

Dated: February 11, 2013

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, July 2, 2012 at 6:30 p.m.

Respectfully submitted,

City Chamberlain



COMMON COUNCIL MEETING

Common Council Chambers

Monday, July 2, 2012

6:30 p.m.

**6:00 Public Hearing regarding the EAF
for the Transit Hub**

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

III. REVIEW OF MINUTES:

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

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

VI. MAYOR'S COMMENTS:

VII. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

VIII. MOTIONS AND RESOLUTIONS:

1) FROM SOCIAL DEVELOPMENT DIRECTOR MACISAAC, Resolution R12-52, amending the 2012 CDBG Action Plan.

2) FROM CITY ADMINISTRATOR LONG, Resolution R12-53, setting a public hearing for the 2013-2017 Capital Improvement Plan.

IX. ORDINANCES AND LOCAL LAWS:

1. **FROM CORPORATION COUNSEL ACKERMANN**, Ordinance O-12-6, approving amendments to the Historic Preservation Ordinance.
2. **FROM CORPORATION COUNSEL ACKERMANN**, Ordinance O-12-7, amending Chapter 6 of the Code of Ordinances entitled Building Utility Codes.

X. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

2. **FROM CITY ADMINISTRATOR LONG**, a presentation regarding 2013-2017 Capital Improvement Plan.

XIII. UNFINISHED BUSINESS:

XIV. NEW BUSINESS:

XV. ADJOURNMENT: