



**THE CITY OF POUGHKEEPSIE  
NEW YORK**

**COMMON COUNCIL MEETING  
MINUTES**

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**Tuesday, July 5, 2011 6:30 p.m.**

**City Hall**

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**I. PLEDGE OF ALLEGIANCE:**

**ROLL CALL**

**7 present, 1 Absent (Councilmember Solomon)**

**II. REVIEW OF MINUTES:**

**Common Council Meeting of November 1, 2010**

**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.**

**Cecilia Nowak 14 Beekman Street:**

At your last session, the council had requested information on zoning from ZBA member, Mr Rodie.

I have a few answers from the "James Coon Local Government Technical Series" for zoning boards of nys, which I'll give you copies. I too, have some questions concerning zoning at 16 Beekman st, Pok. Approximately, 2yrs ago we were in a yr long battle with zoning, concerning 207 Washington St. this parcel was zoned R2, yet a 14,000 sq ft medical bldg now sits in our back yard . After which, this same developer acquired 16 Beekman st. and is now being rented out as a home. Shortly after that, he made the backyard of 16 Beekman st (zoned R2) into a parking lot for 207 Washington st. medical bldg. This is a great example of one question, concerning self created hardship.

I called city hall, about this illegal parking lot. Judy Kanauss and Jeremy Doxie personally came to this address to review the situation. The backyard of 16 Beekman St was developed into an illegal parking lot. There were no permits, no traffic study, no elevation, no drainage or lighting submissions. The lot was roped off. After approximately two weeks the rope was ignored and being used as a parking lot again. Weeks went by and I inquired again about this illegal parking lot in a zone R2 area. I was told it was in "legal". What does that mean?...IN LEGAL!!! this has been in legal over a year now. I would like an investigation as to why an illegal parking lot is being allowed in a R2 area. If this developer needs more parking for 207 Washington St, this is a perfect example of self created hardship.

In the last meeting Mr Rodie of the ZBA board said, " he wants to encourage developers and make it easier for developers to obtain zoning, Chairman Klein agreed. What about home owners, value of homes are declining, because its easy for developers to obtain irregular zoning. Another question that was asked of Mr Rodie, was: "can ZBA change zoning", he answered "no". In my experience ZBA can not change zoning, but they can change usage of zoned land parcels. I think that's called "spot zoning".

We sell parcels of land for a \$1.00, so developers can have it easy. Home owners are told to pay extra taxes for environmental clean up of the river. A Parking lot at the river is being rented out for a profit by the developer, so why is the home owner paying for clean up ? These developers are known as "Friends of the City of Pok". I've lived in pok for 62yrs, owned a home in pok for 42yrs . I was once a friend of pok. But the old friends have been replaced for new friends, "The Developers".

Also at the last meeting, mention of the armory for a youth organization was offered by Councilman Mallory, I thought this was a great idea. But the suggestion came with many objections by city employees. Has a decision already been made for the use of this property?

Many decisions are being made behind closed doors these days. The council has to removed these lockes and ask WHY!!

**Ken Stickle 118 Catherine Street:** I would like to congratulate the city for putting on the beautiful fireworks last night. One thing that I did notice trying to get out of the down town area was that we had all the police on Main Street trying to direct

traffic instead of on other streets that were pretty congested last night. Maybe next time when we have something as big as the fireworks maybe we should start thinking that we should put more police officers in different locations instead of just on Main Street. In the past you passed a law regarding the garbage. If you go on North Hamilton Street in front of the old fire house the gentleman puts his garbage out on the street in black bags. They go out Saturday, which means they were out Saturday, Sunday, and Monday night. I thought we were enforcing the law of a fine if somebody puts out black trash bags on to the curb. The city is not doing a good job I know at properties that I take care of one gentleman has been fined quite heavily, but throughout the city I see black plastic bags sitting out on the curb, and I cannot believe that people on the north side do not have enough common sense to know that if there is a major holiday then there is no garbage pickup. If we have a major holiday and we want to make the city more appealing for people to come in we need to get out to the property owners that are putting out garbage over the long weekend.

**Constantine Kazolias 47 Noxon Street:** I just heard the woman before me talking about a parking lot. When I put in a parking lot they charged me engineering fees, permit fees everything. It cost me nearly 50,000 dollars to put in my parking lot. I do not know what is going on here but I think it should be looked into, because I know these people have been living there for years. After reading the Poughkeepsie Journal, whi8vk talked about the caps and the city of Poughkeepsie being under the cap, but what people do not understand what the levy and the cap is. People are under the misconception that, that is the tax rate which it is not. I would like to have a clarification on how this 2% cap affects the City of Poughkeepsie.

**V. MAYOR'S COMMENTS:**

Happy Fourth of July and speaking of that I would like to thank Marshal and Sterling Insurance, TD Bank, and M&T Bank for their sponsorship and providing the fireworks for the City of Poughkeepsie. It was a spectacular day and evening down at Orious Park, and collaborating with officials from Walkway over the Hudson where they had 3,000 visitors on the Walkway, and many people were filling our restaurants and shops downtown. Both Main Street and the Parks were filled to capacity. I would also like to commend the city staff our police department, fire department, mobile life support, and our Sheriff department for their assistance. This year we did have to work around the Mount Carmel district as mentioned. Having the Huffman Street Bridge closed was unfortunate, but hopefully we will not have that problem next year. It was a wonderful evening and the fireworks were truly spectacular so I would like to thank everyone for participating in that event. Before you tonight is a resolution to sell two City owned properties. The administration has been working very diligently with Nubian Directions on this proposal for 343 Mansion and 209 Cottage Street along with councilwoman Flowers from the 5<sup>th</sup> ward. This will definitely help to remediate these dilapidated properties. Eventually to put one back on the tax role and sold to an owner/occupant, and the other to restore an old warehouse that can be put to use as part of a proposal that you will see that Nubian will present upon, and putting our young people to work within the city. We talk about collaborating and

creating more programs. We collaborate with Nubian on our summer gardening program working throughout the various parks and gardens within the city, and now we will see this Youth Build project take place within the 5<sup>th</sup> ward Cottage Street and Mansion neighborhood. We are proud to present this before you tonight also as required we submitted in July the 2012-2016 capital plan. City Administrator Long has for you and he will speak about it later regarding the plan and what proposals you will see over the next couple of years in regards to infrastructure improvement throughout the city. In speaking to the comment made earlier the Poughkeepsie Journal did publish an article regarding the tax cap, and for those of you who read the article it was not online it was only in hard copy. The City of Poughkeepsie was 1 in 6 municipalities that would not have been impacted if the plan was in place today. Also the City of Poughkeepsie was 1 of the 3 lowest municipalities in Dutchess County for lowest tax levy increase. We have not raised the tax levy over the past three years by no more than 1%, and that is quite commendable to all involved the members of the common council and to the employees and department heads that put all the efforts in working with us to provided a fiscal responsible government, and to provide to the best of our ability the quality of life for our citizens. Of course without mandate relief it will be very hard to maintain the tax cap as being proposed. As you know there are mandates that we have to pay to the state in relation we are still awaiting a final confirmation to the pension costs that the city could face, and that we will have to be prepared for. We know where we stand with AIM currently but we do not know what future impact there will be down the road. I would like the City Administrator and Commissioner of Finance to elaborate a little more on the tax cap. Mr. Chairman if you would allow them during my time to further elaborate on that.

**Commissioner of Finance Bunyi:** As you know the State passed a 2% tax cap. The basic tax cap states that every year the maximum that any municipality or school district can pass is a 2% levy, or whatever the cost of inflation is, whichever is lower. However the biggest thing that applies to the City of Poughkeepsie is that there is a provision within the law that specifically says that if you do not use the tax cap the previous year you are allowed to a maximum of 1.5% increase on top of the 2%. If we were to follow that in the current conditions technically the City of Poughkeepsie can raises its tax levy to 3.5% increase in 2012. That is a very important to use only because we do not know yet what is going to happen to all the others. It is something that is good to know because there are municipalities that had a tax cap in which they had to give back 673,000 dollars for the tax levy for this year. Also it is important for our people to know that the tax cap of 2% can be overwritten by the governing body as long as there is a 60% approval from the body to override the tax cap. We know that the two items that impact any municipality or school district is the health cost, which we are looking at right now. The first estimate is a 13-20% increase for the 2012 health cost. We also know that the retirement costs are exempt from the tax cap. The state retirement fund is still about 8 billion dollars short, but we anticipate that we are getting that also. So at this point what I think that is good is the City of Poughkeepsie is in a very good position right now to protect itself from the tax cap.

**City Administrator Long:** I believe that the message here is that it is a formula driven process, and as the Commissioner said the retirement costs are going to be exploding our health costs are going to be exploding as well, but the State Comptroller at the end of the year will assign a number to each municipality, which will be our limit as to how far we can go up or down. As the mayor indicated I think that mandate relief is critical in terms of all of the different governments. Municipalities have to look at what is out there. Our decisions will be driven by which services we want to provide. Over the next year we will have to continuously monitor and look at how we can control costs, which we have done an excellent job doing over the past three years. We are now getting to the point where we are going to have look at what services we will no longer provide to our resident, and these will be the hard decisions that we will have to make.

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

First I would like to welcome John Murphy from the 1<sup>st</sup> ward and welcome him to his first council meeting. We look forward to your input and your participation. I would also like to say that enjoyed watching the fireworks on the Hudson River. Third I would like to remind us all of what those fireworks commemorate, which is the signing of the Declaration of Independence followed by the drafting and ratification of the Constitution. In terms of significance there is probably no greater document in modern times than the Constitution, which has formed not only this nation, but has been the basis for the formation of free and open societies and democracies all over the world. This community was the witness to the ratification by New York State ratification to that document in 1788 when Poughkeepsie was the capital of New York State. Therefore we have here in the City of Poughkeepsie much to cherish and much to be proud of, as we have help light a beacon that has lit the word for some 223 years. So I wish for all of us to think again during this time of year the significance of that document, and the role of this city in its promulgation to the world.

**VII. MOTIONS AND RESOLUTIONS:**

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

**Assessor DeMarco:** informed the council that said resolution is adopting adjusted based proportions for homestead and non-homestead properties for taxes levied based on the 2011 tax assessment roll. This is a result of a calculation that has been done by myself, the State, and the collaboration of the department of real property services to come up with the adjusted proportions, which effect how our levy is broken up between commercial and residential parcels. Before you, you have the results of that, and if there are any other questions I know it looks rather complicated, and it can take some time to get it all down, but every year I have the State sign off on my numbers. What we have here is the need for you to pass a resolution

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to adopt the calculated adjustments for the 2011 assessment roll, which was finalized July 1<sup>st</sup>. If you have any specific questions I will be more than happy to answer them.

**Chairman Klein:** Mr. Commissioner these breakdowns or calculations are prescribed by New York State and your quest through this resolution is to implement that which is prescribed by the state here in the City of Poughkeepsie?

**Assessor DeMarco:** Correct. After the final role I get a worksheet from the State, and I fill out the form and send it back to them that they then sign off on the final numbers. The numbers change each year, because of the numbers in the role for multiple reasons; add-ons, additions to the tax break, and exemption changes. We have mergers and new construction that creates new numbers every year aside from the fact that the assessments change every year depending upon the market analysis that both my office and the State collect to change the individual roll on each parcel. This year we change some 7,000 parcel assessments of the 8,938 parcels, so as you can see it is a task that is very daunting every year and we do the best we can to get it right.

**Mayor:** I would just like to thank Commissioner DeMarco and his staff a lot of time and effort goes into preparing the document that is before you, and submitting everything to the State Office of Real Property for their sign off, and of course throughout the year updating and maintaining the records and status changes that may come throughout the year for various properties throughout the City of Poughkeepsie. So I would like to thank them for their due diligence in all of this.

**R E S O L U T I O N  
(R 11-65)**

**INTRODUCED BY COUNCILMEMBER HERMAN**

**BE IT RESOLVED,** that the attached certificates of Base Percentages, Current Percentage, Base Proportions and Certificate of Adjusted Base Proportions for the levy of taxes on the 2011 Assessment roll are hereby approved in accordance with Article 19 of the Real Property Tax Law.

**SECONDED BY COUNCILMEMBER PARISE**

R11-65			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Accepted	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Accepted as Amended	Councilmember Solomon	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Tabled	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Councilmember Murphy	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 Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Klein	Voted	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**Assistant Corporation Counsel Ackermann** informed the council that a couple of years ago the council authorized the sale of these same properties (209 Cottage Street, 343 Mansion Street, and 206 Winnike Avenue). At that time the proposed purchaser was not able to close in a reasonable amount of time. There came an opportunity once the agreement was canceled with the proposed purchaser for a new purchaser that being Nubian Directions to purchase those same properties. The development plan calls for the rehabilitation of the warehouse and also the houses to be sold to an owner/occupant or first time home buyer. The warehouse will be used as part of their program. The amount that it is to be sold at is significantly less for several reasons. One the buildings have continued to deteriorate, and also because this is a collaboration with a non-profit that will hopefully put some youths to work in part of their programming. The administration asks that you vote to transfer these properties to Nubian Directions.

**Chairman Kline: Made a motion to suspend the rules in order to discuss the matter in further detail.** It is my understanding is that under the contract there was a time is of the essence letter given that at this time has expired, and the prospective purchaser does not have any recourse against the city at this point in terms of this particular transaction.

**Assistant Corporation Counsel Ackermann:** That is correct. The process that is needed to terminate the agreement requires a closing. We were prepared ready and willing to transfer the title on some of the properties. We were waiting to clear title some titles, which have been accomplished, and the contract requires. Those have all been accomplished and we are prepared to close

A motion to suspend the rules was made by Chairman Klein and seconded by Councilmember Herman seconded, and approved.

A motion to resume the rules was made by Chairman Klein and seconded by Councilmember Herman seconded, and approved.

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW  
ACT (SEQRA) RESOLUTION REGARDING A SALE OF  
CERTAIN CITY OWNED PROPERTIES  
(R-11-66)**

**INTRODUCED BY COUNCILMEMBER HERMAN**

**WHEREAS**, the Common Council of the City of Poughkeepsie is considering the sale of certain properties now owned by the City of Poughkeepsie, known as: 209 Cottage Street, 343 Mansion Street and 206 Winnikee Avenue; and

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

**WHEREAS**, Title 6 NYCRR, Section 617.6 specified that an agency will be the lead agency when it proposes to undertake or receives an application for funding or approval of a Type I Action that does not involve another agency; and

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

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

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

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

1. In accordance with Section 617.5(a)(1) of Title 6 NYCRR, the Common Council determines that the above described action is subject to SEQRA; and
2. In accordance with Section 617.5(a)(2) of Title 6 NYCRR, the Common Council determines that the action does not involve a federal agency; and
3. In accordance with Section 617.5(a)(3) of Title 6 NYCRR, the Common Council determines that the above described action does not involve any other agencies; and
4. In accordance with Section 617.5(a)(4) of Title 6 NYCRR, the Common Council classifies the above described action as an unlisted action. The Common Council in making such classification considered Section 617.12 of Title 6 NYCRR and determined that the above action did not fall into any of the categories listed under Type I, and also considered Section 617.13 of NYCRR and determined that the above described action did not fit under any of the categories listed under Type II Actions, thus reaching the conclusion that it is to be considered an unlisted action; and
5. In accordance with Section 617.5(a)(5) the Common Council determines that the above described project will not require a long EAF since the short EAF provides sufficient information; and

6. The Common Council officially makes a determination of non-significance in that the proposed sale of properties are not expected to result in a significant adverse impact on the environment and, therefore, the preparation of a draft environmental impact statement is not necessary; and
7. This determination shall be considered a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law; and
8. The City Chamberlain shall maintain a file of this determination as well as the attached EAF which is hereby made a part of this resolution.

**SECONDED BY COUNCILMEMBER PARISE**

R11-66						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled <input type="checkbox"/> Defeated	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Murphy	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voted	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**RESOLUTION  
(R-11-68)**

**INTRODUCED BY COUNCILMEMBER HERMAN**

**WHEREAS**, the City of Poughkeepsie has previously taken title to premises known as 209 Cottage Street (6162-72-500144), 343 Mansion Street (6162-72-487134) and 206 Winnikee Avenue (6162-80-490125), in the City of Poughkeepsie by reason of unpaid real property taxes; and

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

**WHEREAS**, an offer has been received NUBIAN DIRECTIONS II, INC. to purchase these properties for the sum of \$75,000; and

**WHEREAS**, the City of Poughkeepsie’s Development Department, having considered the City’s policy for the sale of City owned properties, has recommended that the City of Poughkeepsie accept this offer; and

**WHEREAS**, the Common Council hereby finds that the offer from NUBIAN DIRECTIONS II, INC. is the most favorable of the offers presented and that it is in the best interests of the City of Poughkeepsie to approve such offer so that the premises may be returned to the tax rolls; and

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Common Council hereby makes the following determinations: (a) that there is no existing municipal purpose or need for this property, and (b) that the sale price and conditions imposed herein represent fair and adequate consideration for the conveyance; and be it further

**RESOLVED**, that the offer from NUBIAN DIRECTIONS II, INC. to purchase premises known as 209 Cottage Street (6162-72-500144), 343 Mansion Street (6162-80-490125) and 206 Winnikee Avenue (6162-72-487134) in the City of Poughkeepsie for the sum of \$75,000 is hereby approved subject to the hereinafter mentioned conditions and subject to such other and further conditions which the Corporation Counsel and the Director of Property Development shall deem appropriate; and be it further

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

- A. That the Purchaser shall within thirty (30) days of the date of this resolution, enter into a Lease agreement with the Option to purchase the properties and the conveyance of title and the payment of the purchase price shall take place no later than one (1) year of the date of this resolution, unless the Corporation Counsel shall grant such extension as she deems appropriate;**
- B. Purchaser shall obtain a building permit inconformity with the proposed redevelopment plan submitted to the City prior to the closing of title;**
- C. Purchaser shall obtain a valid Certificate of Occupancy for all three properties and in accordance with the development plan submitted to the City within one (1) year after the date of this resolution and prior to the conveyance of title;**
- D. The transfer of title and Purchaser’s use of the Property shall be subject to all state, federal and local regulations including the City of Poughkeepsie and New York State Building Codes and the City of Poughkeepsie Zoning Ordinance and real property taxes coming due pursuant to law on and after the date of transfer of title;**
- E. Purchaser shall accept such title to the real property as the City of Poughkeepsie is possessed of and agrees to accept such title by quitclaim deed subject to any defects or encumbrances as are of record, and subject to a**

restrictive covenant in form and substance satisfactory to the Corporation Council that no self-service credit or currency-operated pay telephones shall be placed on the exterior of the premises;

- F. Purchaser agrees that he shall not use the agreed upon purchase price as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation; and
- G. Prior to the closing of title, Purchaser shall apply for and obtain the approval from the Planning Board and/or the Zoning Board of Appeals of any site plan approval or zoning variances required by law; and
- H. The City has received approval for Restore New York grant money to rehabilitate 209 Cottage Street in the amount of \$308,321 and 206 Winnikee Avenue in the amount of \$90,000. The Purchaser will be eligible for reimbursement of expenses as outlined in the grant application provided that the Purchaser is in compliance with this sale resolution.

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

**SECONDED BY COUNCILMEMBER PARISE**

R11-68						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled <input type="checkbox"/> Defeated	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Murphy	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	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 Herma	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voted	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**City Administrator Long** informed the council that each July the city is required to come up with our Five Year Capital Plan, and in past years it was a very easy thing to do, because there were a lot of wishes, and a lot of projects had been funded for many consecutive years, and as we started to take a look at the budget process and try to get a handle on the cumulative spending that had taking place. We wanted to hopefully get more projects funded through subsidies, grants, and things of that nature. What I have for you tonight is a draft application for the first go round in terms of the Capital Improvement Plan, which we will as part of this resolution actually set the public hearing date. Typically the presented material will be available at the next council meeting, where I will go through every

project. I just wanted to give you this so that you could read through it and become a little more acquainted with it, but more importantly we will need to set a public hearing to give the public an opportunity to comment on the resolution itself, and hopefully at the next common council meeting it will adopted by the council.

**RESOLUTION**

**(R-11-67)**

**INTRODUCED BY COUNCILMEMBER HERMAN**

**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 22, 2011 at 6:15 p.m. concerning the adoption of the 2012 to 2016 capital plan as submitted to the Common Council on July 11, 2011.

**SECONDED BY COUNCILMEMBER PARISE**

<b>R11-67</b>						
			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled <input type="checkbox"/> Defeated	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Murphy	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voted	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**VIII. ORDINANCES AND LOCAL LAWS:**

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

1. **FROM POLICE CHIEF KNAPP**, a communication regarding a joint application with the Town of East Fishkill for funding from the U.S. Department of Justice under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, FY 2011 Local Solicitation.
2. **FROM CITY ADMINISTRATOR LONG**, a presentation on the 2012-2016 Capital Plan.
3. **FROM CITY ADMINISTRATOR LONG**, a communication regarding the Central Hudson Energy Savings Initiative.

4. **FROM ELLEN DIGGS**, a notice of personal injury sustained on June 18, 2010. **Referred to Corporate Council.**

5. **FROM MICHELLE SPELLER**, a notice of personal injury sustained by **KAYLENE PERKINS**, on March 28, 2011. **Referred to Corporate Council.**

**X. UNFINISHED BUSINESS:**

**Councilmember Mallory:** It was just brought to my attention today that our Saturday 4-23-10 webcast archived, because a resident brought it to my attention that the webcast was not available. I just wanted to be sure that we could look into that. 7-11-11 public hearing historical ordinance are the updates now available on the city website?

**Mayor:** The recommended changes from the commission are not on the website. They are still being drafted we hope to have it ready by tomorrow, and it will be sent to all of you and reposted.

**XI. NEW BUSINESS:**

**Councilmember Mallory:** Bull and Buddha restaurant: sidewalks tables and chairs I still see them there do we know when we are moving forward on that?

**Assistant Corporation Council Paul Ackermann:** It is my understanding that the building department has been out there, and that they agreed to at night move the railing in, and take it in at night so the sidewalks can be clean. All of that is being addressed by an amended site plan application, and will be filed with the planning department.

**XII. ADJOURNMENT:**

A motion was made by Chairman Klein and seconded by Councilmember Herman moved to adjourn meeting at 7:58 pm.

**Dated: January 4, 2011**

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, July 5, 2011 at 6:30 p.m.

**Respectfully submitted,**

**Deputy City Chamberlain**



## **COMMON COUNCIL MEETING**

Common Council Chambers

Tuesday, July 5, 2011

6:30 p.m.

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

#### **ROLL CALL**

### **VII. REVIEW OF MINUTES:**

**Common Council Meeting of November 1, 2010**

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

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

### **X. MAYOR'S COMMENTS:**

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

### **XII. MOTIONS AND RESOLUTIONS:**

- 1. FROM ASSESSOR DEMARCO, Resolution R11-65, setting the adjusted base proportions for the 2011 tax roll.**
- 2. FROM ASSISTANT CORPORATION COUNSEL ACKERMANN, SEQRA Resolution R11-66 and Sale Resolution R11-68, authorizing the sale of City owned property located at 209 Cottage Street, 343 Mansion Street and 206 Winnikee Avenue**

3. **FROM CITY ADMINISTRATOR LONG**, Resolution R11-67, setting a public hearing regarding the 2012-2016 Capital Plan.

**XIII. ORDINANCES AND LOCAL LAWS:**

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

6. **FROM POLICE CHIEF KNAPP**, a communication regarding a joint application with the Town of East Fishkill for funding from the U.S. Department of Justice under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, FY 2011 Local Solicitation.
7. **FROM CITY ADMINISTRATOR LONG**, a presentation on the 2012-2016 Capital Plan.
8. **FROM CITY ADMINISTRATOR LONG**, a communication regarding the Central Hudson Energy Savings Initiative.
9. **FROM ELLEN DIGGS**, a notice of personal injury sustained on June 18, 2010.
10. **FROM MICHELLE SPELLER**, a notice of personal injury sustained by **KAYLENE PERKINS**, on March 28, 2011.

**XIII. UNFINISHED BUSINESS:**

**XIV. NEW BUSINESS:**

**XV. ADJOURNMENT:**