



**THE CITY OF POUGHKEEPSIE  
NEW YORK**

**COMMON COUNCIL MEETING  
MINUTES**

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**Monday, March 19, 2012 6:30 p.m.**

**City Hall**

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**I. PLEDGE OF ALLEGIANCE:**

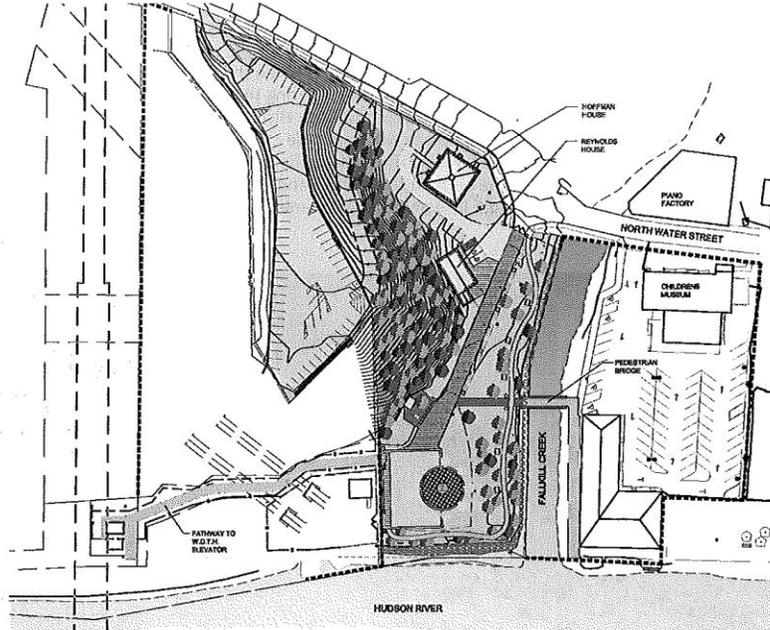
**ROLL CALL**

**All Present**

***Presentation: The Dyson Foundation's Plan for the Preservation, Improvement and  
Renewal of the Upper Landing Property:***

*The Dyson Foundation's Plan for the Preservation,  
Improvement and Renewal of the Upper Landing Property*

- The Dyson Foundation wishes to purchase the Upper Landing Property from the City of Poughkeepsie for the purposes of preserving and improving this historically significant 2.7-acre tract and rendering it suitable for use as a public park. The Dyson Foundation is offering to purchase this parcel for \$675,000.
- Upon purchasing the property, the Dyson Foundation proposes to immediately begin the First Phase of its improvement plan, including a series of landscape improvements and aesthetic enhancements designed to make the grounds suitable for public use and enjoyment in time for the Walkway Waterfront Elevator's planned opening in the spring of 2013.

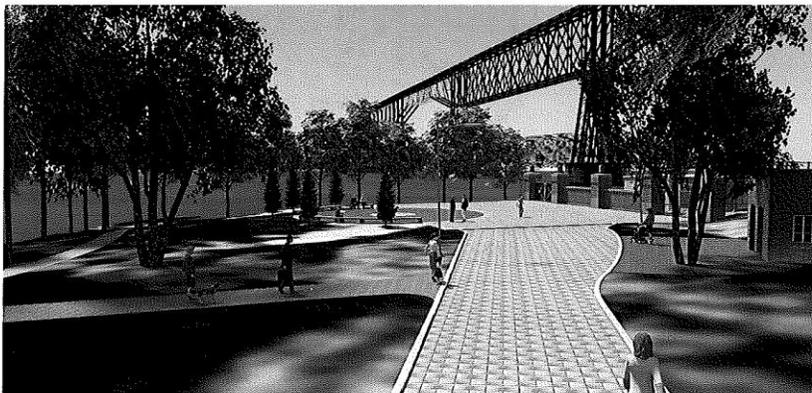


- The Second Phase will involve a public examination and determination of the most appropriate uses for the Hoffman House and the Reynolds House, two historically significant buildings which date to the late 18<sup>th</sup> Century settling of the community. The Foundation will seek public input and engage community stakeholders to determine the best public uses for the buildings given their current condition and other site challenges.
- In addition to its cultural and historic importance, the Foundation believes the Upper Landing property is significant to the future development of the city's northern waterfront, particularly given the pending construction—expected to be completed in 2013—of a 21-story waterfront elevator to transport visitors from Poughkeepsie's waterfront to the Walkway Over the Hudson State Historic Park.



## Official Minutes of the Common Council Meeting of March 19, 2012

- The Dyson Foundation will commit the property to uses involving public access and to public benefit, and will further seek to protect the property through a conservation easement on the open space. Ultimately, the Foundation hopes to serve as a catalyst for the creation of a public waterfront experience that will serve as a centerpiece for the City of Poughkeepsie's historic preservation, public recreation, and economic revitalization.
- Central Hudson Gas & Electric Corporation sold the Upper Landing parcel to the City of Poughkeepsie in 2005. As part of the purchase agreement, the City granted Central Hudson an easement permitting access to and from its electric power transfer station bordering the Upper Landing property to the north. In 2006, the City leased a parking lot on the property consisting of 68 parking spaces, to the Metropolitan Transportation Authority (MTA) for a period of 50 years.
- The Hoffman House and the Reynolds House are each currently listed on the National Register of Historic Places. All proposed improvements to the Upper Landing property will be conducted with the utmost sensitivity to the property's distinct historical significance.
- The Dyson Foundation envisions a time in the near future when the Upper Landing Historic Park will be transformed into a vibrant new gateway, annually ushering tens of thousands of visitors along a path through Poughkeepsie's rich past. The Upper Landing Historic Park will become a public park dotted with shade trees and benches, a place where people can come to stroll or picnic along the Fallkill Creek and the majestic Hudson River. Throughout the park grounds there will be highly visible educational displays highlighting the early Dutch settlers and Industrial Age innovators who set the stage for Poughkeepsie's Golden Age by establishing commercial enterprises and homesteads on the Upper Landing property.



- The Dyson Foundation wishes to purchase the Upper Landing property from the City of Poughkeepsie through a subsidiary holding company, 1687 Properties LLC. The Foundation promises to negotiate and execute a fair and equitable Payment in Lieu of Taxes (PILOT) agreement with the City in order to assure that the property once again contributes financially to the City of Poughkeepsie.
- The Dyson Foundation is a private, family-directed charitable grantmaking foundation established in 1957. Headquartered in Millbrook, New York, the Foundation awards grants throughout the six counties of the Mid-Hudson Valley. During the last 10 years, the Dyson Foundation has awarded 289 grants totaling nearly \$23.4 million to nonprofit organizations based in the City of Poughkeepsie.

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DYSON FOUNDATION

## II. REVIEW OF MINUTES:

**Councilman Rich made a motion and seconded by Councilman Boyd to accept the minutes of the Re-Organizational Meeting of January 2, 2012**

Official Minutes of the Common Council Meeting of March 19, 2012

Re-Org Mtg 1-2-12						
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled			Yes/Aye	No/Nay	Abstain	Absent
	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"/>

**Councilman Rich made a motion and seconded by Councilman Boyd to accept the minutes of the Common Council meeting of January 2, 2012**

CCM 1-2-12						
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled			Yes/Aye	No/Nay	Abstain	Absent
	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"/>

**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.**

**Frank Clark 50 Rinaldi Blvd-** congratulate Mrs. Johnson as for being nominated as Chairwomen and congratulate all of the other elected officials. Made reference to jewelry stores advertising the Pandora bracelet, which is a very expensive bracelet. He looks at our waterfront as a giant Pandora bracelet and we have to make sure that every project becomes a jewel and that it's all connected together. We are lucky enough to have Waryas Park, which is considered a jewel right now; Shadows and the Grandview are on the books now and also the development of the DeLaval site. The Walkway over the Hudson and the Mid Hudson Bridge are also considered jewels. You people here have the opportunity tonight to add another jewel and that is to except the proposal from the Dyson Foundation to put together this park, hopes you really do that because it is going to be a beautiful jewel and he is a member of the WAC Committee and has gone through the project and everybody associated with it had every answer to every question that they had and very professional people, the consultants and everybody. The other two jewels that we need to think about is Kaal Rock Park which is on the books to be revitalized and hopes the plans are put into effect to make this also a jewel.

The final link is down on the AC Dutton Property, which is the final jewel of what is considered the Pandora bracelet. You people have to make sure that this ends up to be the final jewel on our waterfront because after that's done we are all done with any development down there so please think carefully about those two projects. Please accept this proposal from the Dyson Foundation.

**Nicholas Kalogris 14 Maryland Avenue-** We have to consider restoring historic character of a project if not for anything that we have to promote the economic and the safety revitalization of the City of Poughkeepsie. All I want to leave with you tonight is whatever you decide to do with that property, please consider the citizens of the City of Poughkeepsie first. By considering the citizens first, whatever you decide you have to think, preserving the history of that site will also help provide economic vitality for the city which we desperately need right now as well as improving the safety of the City of Poughkeepsie we can't have economic development. Please whatever you decide to do please consider the citizens first, by considering the citizens first, the historic character has to be preserved and make it attractive to the newcomers to the City of Poughkeepsie. The people who come and have money to spend will have something pleasant to look at and will have a very good feeling about the City of Poughkeepsie.

**Nancy Cozean 115 Hooker Avenue-**Update some notes as far as the background of the Upper Landing. In 2005 and 2006, when she was Mayor, the city purchased this property from Central Hudson because the city had waited 15-20 years to purchase this valuable property. As a partner of the Greenway Organization as well as a member of the Counties Greenway Pact, we had just secured a Greenway Trail from the Southern Waterfront all the way to the Children's Museum through State Legislative Action. Furthermore we have reached agreements with new owners of the Northern Waterfront all the way down to Upper Landing. This piece of the Greenway was the last important part of the Waterfront connection. It was the cities job we felt to hold in public trust and use this for the benefit of this historic property. This is the oldest landing in the city, dating to the 17<sup>th</sup> century. Public access to waterfront property is all too lost these days as you can ask other Mayors at other cities on the Hudson. There are other reasons, public safety, many of the cities important utilities are connected to this property. A large underground transmission cable, a sewer line that runs parallel through the creek and a Central Hudson transfer station. It is the city's job we felt to protect this property for the city, the Walkway, for Homeland and National Security purposes. Whether the city's most important assets is water. This parcel was to be exchanged for parkland on College Hill for a trade to upgrade the city's reservoir. Furthermore, it is the cities responsibility to respond to flooding which occurs on that waterfront, including Upper Landing. The Fallkill Creek is a threatened Class C Creek that must protect threatened species of eel and fish. Historically this is the oldest property in the city where the Dutch signed

treaties in 1683 which predates our founding with Wappinger Indians for a mill. We are glad the Dyson Foundation is promoting protecting the sensitive historic property and its building. And as part of the Upper Landing Committee which was formed during the Hudson Champlain Quadricentennial, we are glad to see this overall proposal matches our vision and by the way Mayor, this was given to us by the Governor for our 63 events which we held. We have had many dignitaries on Upper Landing as well as SHIPO a number of times, the Office of Parks has been there, the Preservation League of New York has been there, a number of historic groups have been there including those from Holland and New York City. As part of the Upper Landing Committee formed during the Hudson Champlain Quadricentennial we are glad to see the overall proposal matches our vision as well. We would encourage however public participation continues from the residents of the City of Poughkeepsie. This is their heritage; it is also by the way the heritage of the county which met in Hoffman House to build a new court house. Events like the Industrial Fair, those meetings with Dignitaries throughout the world, meetings with historic groups, meetings with people, the Industrial Fair is only part of this, keeps it what it should be and that is an active part. We would also hope you would with our City Historian George Luckas who has been phenomenal in digging up often lost documents along this line and by the way we just found some more from the Todd Brinkerhoff Estate which clarifies some of the Huguenot history as well. Finally a sustainable bridge such as this was the last part of our mission as part of the Quadricentennial. This was the last project, she was part of the original Dutch families on this property and unfortunately she died before this project was completed. As a member of the Daughters of the American Revolution and the Upper Landing, we would like to see this project continue into the 21<sup>st</sup> Century in her honor, thank you.

**Peter VanAken 94 Wilbur Blvd**-stated that he respects the efforts of the Dyson Foundation to beautify and preserve historically significant properties like Hoffman House on the Upper Landing. But he wishes that the city would enter into a lease agreement thereby retaining ownership of one of the few parcels of waterfront property that are left. Systematically in recent years the city has preceded to sell off valuable pieces of waterfront to private owners and now possibly after tonight, there goes another one. If members of the Common Council make the decision to sell opposed to a lease public land to a private buyer I would at least like to request that the city retain the option of right of first refusal for possibly reacquiring in the future. Another point that I wish to make as more crowds use this property there will be a greater need to make sure this property remains safe. The City of Poughkeepsie Police Department becomes less effective in maintaining security if the property is in private ownership. Finally, it would be nice to see the Dyson Foundation urge the city to allow citizens participation and ideas for the proposed bridge across the Fallkill Creek to allow access from the Children's Museum property across Upper Landing, leading to the elevator up to the Walkway over the

Hudson State Park. Can the Dyson Foundation allow the city to put up a boring, bland, inexpensive bridge? Sure. Can the Dyson Foundation urge the city to make a commitment for sustainable, cooperative, ADA compliant expressive bridge? If the city makes a commitment to the future, we can. Like all of us, I want this to be the keystone property and I'm glad that the Dyson Foundation has a practical, inviting plan to make a riverfront park. But when I think of my city and my tax supported park system, we miss our chance to add this keystone property if it is sold and not leased.

**Harvey Flad 115 Academy Street (WAC)**- stated that the Dyson Foundation's presentation to the Waterfront Advisory Committee as well as a walkthrough through the property has been very effective in answering many questions that we would have, which is why in fact the Waterfront Advisory Committee has sent you, the Common Council, a letter of support. Speaking of the Waterfront Advisory Committee, I have a number of questions that I would like to pose to the Common Council with respect to the Motions and Resolutions 1, 2 and 3. That is the issue of process; the Waterfront Advisory Committee is exactly that, with advisory to you. Unless the process is followed, according to the LWRP, which has a flow chart on page 5 which has not been actually followed in any of these directions and I will list a couple of these just to say what seems to be a problem or at least a possible problem. When you will be voting on a SEQRA resolution, which never came to WAC, it is supposed to have come to WAC first so they could advise you of the SEQRA resolution. A second aspect has to do with 1 and 3, which is the Dutton O'Neil property in which one of them is the FEIS that did not come to WAC. Apparently it was supposed to have come to WAC back in January, it never came to the members of WAC, so we could not deal with it. That is according to the LWRP flow chart, we should have seen that to advise you about that. With respect to the Dutton O'Neil property on No. 3, I see that you will be having a public hearing. That would be fine but WAC should have a public hearing about the rezoning prior to the decision that you make on the rezoning. We should be able to examine that issue and give you our advice as to that. With that being said, let me just say that once again in terms of the Upper Landing in particular, I am very excited about it and am just asking you in the future we follow the way in which it should be done and it will be best for everybody.

**Holly Whalberg 35 Garfield Place**- as a building historian it has been painful for her to watch the houses at Upper Landing fall into decay and abandonment. It is equally painful when an owner blocks an historic building from joining the National Register of Historic Places as Central Hudson did to the buildings at Upper Landing for 25 years. When Mayor Nancy Cozean approached her in 2006 to ask if she would help in reviving the nominations of these buildings to our historic registers, it was her privilege to help in that effort. Looking at the buildings today, it is understandably hard to imagine that the Reynolds Homestead and the Hoffman House were in fact the beloved

private family homes of four generations of Poughkeepsie's leading families. But if respected and cared for, buildings can and do have many lives. These buildings have the potential to rise again with new purpose and beauty and both of them are worth our care and attention because they help give our community its character, its individuality, its history. As long as we keep buildings like this alive we are not just any place USA. I would ask that the vote on this sale be postponed until April 2<sup>nd</sup> so that final revisions of both the conservation and façade easement can be reviewed carefully and thoughtfully, not in one weekend or one afternoon. I would like to thank former Mayor Nancy Cozean especially for her unflagging belief in these buildings and this special parcel of land and especially thank you to the Dyson Foundation for believing in Poughkeepsie's past in also its future. Thank you.

**Kathy Velie 74 North Water Street-** while I appreciate the offer from the Dyson Foundation to purchase the Hoffman property, our waterfront property belongs to city residents. It is our heritage and our history and should not be owned by one person or a foundation. I know the city has claimed that they have not been able to get funding our grants to help with the purchase and rehabilitation of this property but from the little research that I found, there are many organizations offering grants to municipalities to save historic sites, parklands and open space which I am sure the Dyson Foundation will be taking advantage of. Some of these are the Dutchess County Partnership for Manageable Growth for Open Space and Farmland Protection, the Trust Republic Land to help protect and save land, the DEC has open space funding from the EPA, the New York State Parks Recreation and Historic Preservation, the Federal Government has funding programs for open space conservation. President Obama last year started The Great American Outdoor Program to help save open space and parks for future generations. All of these programs are funded with our tax dollars, so why can't we, the city residents use our own tax dollars to save all of the vacant property on the waterfront in the city. The second thing she mentioned was about the rezoning of One Dutchess Avenue, says definitely no to the rezoning of One Dutchess Avenue. This is not the type of project that enhances our beautiful waterfront. She stated that she noticed while looking over the traffic studies that the survey was done in April and December and that there would not be that much additional traffic added to the area. She stated that she also noticed reports of speed bumps as being added as a way of slowing down traffic in the area. Isn't April and December the Easter and Christmas season when a majority of the CIA and Marist students are on vacations which would cut down on a number of automobiles using our local streets.

**Andrew Ashman (Plass the Plumber)-** came to as a longstanding past member of the Plumbing Board and one that wasn't able to answer Mr. Harris's questions, came to thank the Mayor for allowing him the honor and the privilege to have served on the last plumbing board under his tutelage. Wanted to offer his assistance should a new, legitimate, empowered plumbing

board be reinstated and appointed again. He would like to offer his service. The one thing that he would like to ask is that it might not be too much to maybe send a not of thanks to the past members of the plumbing board because they haven't heard anything.

**Ken Stickle 118 Catherine Street-** stated that he supports the Dyson Foundation 100% on this project because he knows that those two buildings are going to be costing about \$5 million if they are going to bring them back to the original shape that they belong in. It is more money than the state or federal government is going to hand out to anybody. So lets get behind them and get this job done. The other thing is that he wanted to ask every councilperson, every one of the elected city members to get a hold of the county. He went to the last county meeting and proposed his pitch about taking the old state hospital and turning it into an extension of the county jail, taking nonviolent criminals out of the jail, which we are spending \$5million a year transporting all over the state, putting them up at the state hospital grounds and putting them out to work. We don't need nonviolent people locked up in Dutchess County Jail. We need felons and people who are waiting to go to prison in there, people who are not a risk.

**Mae Parker Harris 116 Allen Place** stated that the Dyson Foundation has a beautiful program here but don't sell it. The riverfront is beautiful, the project there is beautiful. When they redid the waterfront, they do not have her people on their agenda, they said that they did. As soon as it got to be beautiful they chased them away and found all kind of reasons why they can't enjoy the riverfront. They put that park down there, they say that they are welcome but they know that they aren't welcome. When you make decisions include everybody, not just some.

**Gram Jones 42 Barnard Avenue-** Stated that on October 19<sup>th</sup> there was a letter received stating that the mortgage foreclosed was particularly harsh in cities like Poughkeepsie and there is a vacant property ordinance that was passed in recent years and at that time approximately 50 vacant properties had been identified. Then on February 29<sup>th</sup> there was a piece in the paper stating Mortgage Crisis Effects Communities Too. At that time it said that through water usage records the City of Poughkeepsie has identified more than 300 potentially abandoned properties and as of today it is confirmed that approximately 100 properties that are vacant, abandoned and a public nuisance. The concern he has is that they had a generalized abstract response to the questions as to what is being done. He stated that he has no idea what has actually been done. There have been numerous attempts to find out what the city is doing but the details are not there. He isn't sure if the city has a problem with revealing that information to the media or to the public. However he thinks that the Common Council should know what's happening because this is a very serious problem. There is a house in his neighborhood which was foreclosed on by bankruptcy and nobody knows who owns it. The

people on either side would like to buy it and they are apparently not able to buy it and the house is going to go downhill.

**Elizabeth Waldstein-Hart 82 Washington Avenue- (Walkway over the Hudson)** she wanted to bring up a few points with reference to the Upper Landing. As a Walkway over the Hudson representative we are very supportive of the walkway. It is important for us to remember that there is a timing issue, we have been working long and hard on a elevator to provide greater access to the Walkway over the Hudson to encourage tourist to come from New York City off of the train and to be a part of that crown, to be another jewel in the crown of the Hudson Valley. Also wanted to mention that it has taken a long time to get here, we have accessed a lot of grants, millions of dollars of federal grants and millions of dollars of state grants. We have worked with the city on grants, we have gotten grants from the Dyson Foundation, we have worked with the Federal Government, we have worked with both the City of Poughkeepsie, Town of Lloyd and we have gone out for grants and we know they are out there. They should be applicable to this waterfront project and they take a while to get there and there must be a plan in place. We were thrilled that giving the timing of the elevator that the Upper Landing parcels would be resolved by then. That work would actually have begun and that our work that we do with the State Parks with Central Hudson, the City of Poughkeepsie and so many others would be supported by this sale of Upper Landing. Right now it seems unrealistic to ask the City of Poughkeepsie, based on the budget to do \$5 million worth of renovation at to at this point pay for a new park and thinks it is wonderful that the Dyson Foundation has come forward with this.

#### V. **MAYOR'S COMMENTS**

**Mayor Tkazyik** stated that today is a monumental day in the City's history. What began as the founding of our community has blossomed over the past 300 plus years into the city that we know today. When he was a member of the Common Council along with Mayor Cozean, the city decided by a course of action to preserve and maintain the Upper Landing property. By bringing the right set of individual together we are now able to implement this vision. Based on the proposal submitted by the Dyson Foundation, the City of Poughkeepsie residents will have a new waterfront public access park. This will continue the success that we have seen with the opening of the Walkway over the Hudson which has brought over 1 million visitors to our community. As the elevator project gets underway, the Upper Landing will be the first impression that many people will have on Poughkeepsie. The city is not in a position to do this project ourselves which is why we are very thankful for the Dyson Foundation to step forward with this true gift to the city. The restoration and adaptive reuse of Hoffman House and Reynolds Homestead are additional benefits that we will enjoy for decades to come. We will recommend that the project be adopted by the Common Council and

implemented as soon as practical. The City of Poughkeepsie has had several wasteland sites that have required attention. The city undertook the Brown Fields remediation project but even with the New York State DEC grants to pay half the costs it was still extremely expensive. The city has a major investment in this piece of property. Now the State of New York has an economic incentive program to let developers shoulder this burden in the form of tax credits. What we have before us tonight will put in motion the development of the former Dutton Lumber company site. Several years have been spent looking at height, density, proximity to the water, parking and public access to the Waterfront. In this time, I believe we have all come to terms that satisfy these concerns. The city will ultimately receive a waterfront park and a significant investment of condominiums, townhomes and receive commercial property. The developer, The O'Neill Group, LLC has pledged to invest over \$100 million creating new jobs, strengthening our economy and adding additional tax base to support our city, our county and our school system. This brings to end round 2 of the negotiations in getting this project underway. After the Common Council has a public hearing and the re-designation of the zone from Industrial to Waterfront, the developers can then submit formal applications to the Planning Board for site plan approval. Many people have expressed interests in the building facades and the developers have pledged to take these interests into consideration when preparing to submit the final version. In close proximity to the train station this waterfront location will advertise the resources that the City of Poughkeepsie has and hope to revitalize our economy all at the same time. And he also wanted to say between the Dyson Project proposal and the Dutton Lumber proposal, that the members of staff, the members of the Common Council have gone through these projects thoroughly and have spent a lot of time, a lot of questions, a lot of answers and a lot of input on bringing these matters to the floor. It is not something that the city makes in haste, it is something that we evaluate and care for very property in bringing these items onto the Common Council's agenda. In fact, the city and this common council was praised in the most recent editorial at the end of last year commending the city for not rushing any project down the throat of the city residents but by hearing the value input and concern and public comment that comes along with investing such an important piece of properties within our city boundaries.

Madam Chair, with us tonight I would also like to introduce one of our new Assistant Corporation Counsel's Mike Brady. Mike comes to us from the Public Defender's Office and he and his wife and family reside on the south side of the City of Poughkeepsie. Of course now with Mr. Ackermann's promotion to Corporation Counsel, I know many of you have met Mike and he looks forward to working with all of you and he has hit the ball rolling right of way working on all of these tasks that come before the city on a daily basis. So Mike, I would like to welcome you to the city and to the council and Madam Chair that concludes my comments this evening.

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

**Chair Johnson-** tonight before us are two very important projects.

First we have the O'Neill/Dutton project and then the Dyson Foundation project. Both are along our beautiful waterfront. Both ventures have been before this and other councils with potential investors and many, many revisions.

But tonight the Common Council of 2012 along with the hard work of the Mayor, City Administrator and Corporation Counsel we finally are able to move forward with renewed ideas and innovating thinking.

First I will like to bring you up to date with a briefing on what is before us tonight.

Adoption of the "Final Environmental Impact Statement", for One Dutchess Avenue.

This O'Neill/Dutton project stems back to 2009, when the Common Council declared itself Lead Agency for this project. There have been public hearings held in 2010 and many revisions in 2011.

The site of this project is on a 2.45 acres of land that was formally an industrial Brownfield site. The complicated and expensive clean-up of this riverfront parcel will restore this land back to a useable condition. This project is fully supported by both the town and city governments. The specific site plans includes, but are not limited to the layout of parking, vehicle access, circulation and includes the connection to the adjoining properties including the walkway elevator, the Upper landing and the greenway trail.

The O'Neill/Dutton Group is committed to cleaning up the waterfront parcel and constructing a riverfront park that will be fully accessible to the public. In accordance with the City of Poughkeepsie's project to reconstruct the Hoffman Street Bridge over the railroad tracks, which is scheduled for completion in 2012. This bridge will provide improved access to the O'Neill/Dutton project. The O'Neill/Dutton Project will consist of : 121-1 bedroom units, 227-2 bedroom units and 363-3 bedroom units. Phase 1 is the Brownfield Clean-up, Phase 2 in the construction of the townhouses in the Town of Poughkeepsie, Phase 3 is the construction of the townhouses in the City of Poughkeepsie, Phase 4, Building B is Residential Unit and Phase 5, Building A will be the mixed commercial and additional residential units and a completed waterfront park plan.

I am very happy that before this Common Council of 2012 we will vote tonight on this very special project which will bring tax revenues into our city,

while restoring and cleaning this unsightly and undeveloped parcel of land. This is just another example of the city and the Common Council working together to move our city forward. And to continue our quest to bring positive development to our waterfront, while also giving back to our community with access to the greenway trail and a beautiful public park.

The sale of the Upper Landing Property: The original intent of the Common Council back in 2006 was to acquire this waterfront property known as the Upper Landing to stabilize and restore the historic buildings and also create additional public access. The city never received any New York State Grants or Federal Grants and the property has been closed to the public for use a public park. In fact, the City Council of 2006 authorized (two) consecutive 50 year leases of \$5900 to Metro North commercial parking.

The Hoffman House is documented as most likely being the oldest residential structure in Poughkeepsie, dating back as early as 1717.

The proposal from the Dyson Foundation accomplishes all of the original goals that the old Common Council originally envisioned. The proposal is to create a “Public Access Park” which will allow our Poughkeepsie Residents and visitors from the walkway to enjoy the Hudson River.

Phase 1 is to stabilize the historical buildings to prevent further deterioration. The park plan improvements are anticipated to be coordinated with the opening of the 21 story elevator for the walkway over the Hudson down to the riverfront.

Phase 2 will include public discussion on the potential uses of both the Hoffman and the Reynolds House. Which includes façade easements and conservation easements that will be voted on tonight by the common council.

The Dyson Foundation must be commended for their “true Gift” to the city.

This is a historic occasion for the City of Poughkeepsie, a moment when a generous foundation came together with Mayor Tkazyik, the Common Council, City Administrator, and Corporation Counsel in working together. The Dyson Foundation will not only create a splendid public park, which will enhance the walkway over the Hudson, but will also, preserve, our two historical buildings (the Hoffman and Reynolds House).

We all look forward to this with gratitude to the Dyson Foundation, with confidence and pride in helping to advance this great benefit to the City of Poughkeepsie and the whole Hudson Valley.

Now on a much lighter note, I am very proud tonight, to announce the winners from the Common Council, and Mayor Tkazyik.

Black history essay contest:

The Poughkeepsie Middle School Winner is Deiondre Wilson a 6<sup>th</sup> grade student and the Poughkeepsie High School Student/Alexus Lemmon.

Each student will receive:

1. A gift card from Barnes and Noble
2. A certificate from the Common Council and Mayor
3. A tray of delicious cookies from the Lollypop Tree
4. A complimentary dinner for two Andy's Place

And now for the moment we have all been waiting for...the March recipient for Volunteer of the month is our very own Mr. Robert Mannino.

Mr. Mannino has been videotaping our common council meetings for many years, giving of himself so that our community could view the government meetings with open and transparency reporting.

Please come forward Mr. Mannino and receive your certificate from the Common Council and the Mayor.

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.**

**Corporation Counsel Ackermann** informed the Council that said resolution is determining the final environmental impact statement (FEIS) for One Dutchess Avenue is complete and accepted. The FEIS has been submitted after the Developer remedied inadequacies as were determined to be present in the draft environmental impact statement (DEIS) which was filed with the Agency on February 23, 2012. Subsequent to the Agency's determination, by way of resolution, that the DEIS was complete a duly noticed public hearing was held on July 28, 2010. The FEIS discusses the information required by the Scoping Document, satisfies the requirements of Section 6 and 7 of NYCRR 617.9 and contains DEIS, supplemental information and comments. Stewart Messenger is here to answer any questions you should have.

**Councilmember Rich** made a motion to suspend the rules to allow Stewart Messenger to answer any questions, **Councilmember Boyd** seconded the motion.

**Stewart Messenger** informed the Council that there is a parallel action in the Town to approve the rezoning and then the Planning Board will then have site plan review responsibilities. You are rezoning approving use, density and bulk requirements. The Planning Board is still going to be looking at the site plan aspects of the project such as the appearance of the buildings and so forth. The Waterfront Advisory Committee will make comments on those as well.

**Councilmember Rich** made a motion to resume the rules, **Councilmember Boyd** seconded the motion.

**R-E-S-O-L-U-T-I-O-N  
(R-12-24)**

**RESOLUTION DETERMINING THAT FINAL ENVIRONMENTAL IMPACT STATEMENT RECEIVED REGARDING ONE DUTCHESS AVENUE IS COMPLETE AND ACCEPTED**

**INTRODUCED BY COUNCILMEMBER RICH**

**WHEREAS**, on April 6, 2009 the City of Poughkeepsie as lead agency (the “Agency”) adopted a Scoped Positive Declaration requiring The O’Neil Group-Dutton, LLC (the “Developer”) to prepare a Draft Environmental Impact Statement (DEIS) relating to its proposed construction and operation of a multi-family residential project with a small commercial component development on Tax Map No.: 6062-59-766443 in the City of Poughkeepsie and Tax Map No.: 6062-02-763508 located in the Town of Poughkeepsie and more commonly known as One Dutchess Avenue ; and

**WHEREAS**, on February 23, 2010 the Developer filed said DEIS with the Agency; and

**WHEREAS**, the Agency forwarded pertinent sections of said DEIS to various consultants retained by the Agency for the purpose of reviewing and critiquing the same; and

**WHEREAS**, said consultants’ report were thereafter received and reviewed by the Agency’s Engineer and other interested departments; and

**WHEREAS**, various of said consultants indicated a need for supplemental information in order to properly evaluate the DEIS in the environmental areas involved; and

**WHEREAS**, on April 5, 2010 the Agency, in regular session duly convened, resolved that:

1. The DEIS submitted by the Developer was determined to be inadequate.
2. The Agency's Consultant was directed to transmit to the Developer copies of each of the consultant reports received by the Agency.
3. Pursuant to 6 NYCRR section 617.8(b)(3) governing the implementation of SEQRA regulations, the Developer was directed to remedy the deficiencies identified in said consultant reports.
4. Any supplemental information received from developer responding to said deficiencies was to be transmitted to the Agency's Consultant with a request for further review of the supplemental materials so received from the Developer.
5. Upon receipt of supplemental reports from said consultant addressing the supplemental information received from Developer, Agency Consultant was to summarize the same and report to the Agency as to whether the DEIS appears to be adequate for public comment and review, and

**WHEREAS**, said supplemental information was submitted by the Developer to said consultants who have made their reports relative to the same to the Agency Consultant; and

**WHEREAS**, on June 21, 2010 the Agency at a regular session by resolution declared the DEIS complete and circulated same to the involved agencies and interested parties; and

**WHEREAS**, on July 28, 2010 the Agency did hold a public hearing which hearing was duly noticed; and

**WHEREAS**, on June 15, 2011 and December 29, 2011 the Developer submitted draft FEIS's which were reviewed by the Agency and its Consultants; and

**WHEREAS**, the Developer has submitted a Final Environment Impact Statement ("FEIS") to Agency and Agency now deems said FEIS filed with Agency to be complete in that it:

1. Adequately discusses the information required by the Scoping Document.
2. Satisfies the requirements of 6NYCRR §617.9 setting forth the required contents of a FEIS; and

3. Satisfies the organizational requirements of 7 NYCRR §617.9.
4. Contains the Draft Environmental Impact Statement, the supplemental Information and the comments thereto.

**Now, Therefore,**

**BE IT RESOLVED**, that the Common Council as Lead Agency declares the FEIS as submitted by the Developer is complete and is accepted by the Agency and orders that the accepted FEIS shall be circulated to the involved agencies and interested parties with Notice of Acceptance as required pursuant to 6 NYCRR §617.12 and that the City Chamberlain is directed to cause such notice of same to be published in the official newspapers of the City of Poughkeepsie and posted as any other official notice.

**SECONDED BY COUNCILMEMBER BOYD**

R12-24						
			Yes/Aye	No/Nay	Abstain	A sent
<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"/>

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

**Corporation Counsel Ackermann** informed the council that said resolutions are to the SEQRA and Sale Resolutions for 83 North Water Street. The proposed purchaser, 1687 Properties, LLC has plans to restore and rehabilitate the property as a portion will be used as a public park. The agreed upon sale price is set at \$675,000 and there will be a payment in lieu of taxes agreement between the City and the purchaser. Additionally, as part of the sale, there will be a Façade Agreement to protect the historic nature and characteristics of the buildings and a Conservation Easement which will limit the development to the use as a public park. These two agreements will ensure the properties historic, scenic and architectural features will be maintained and that a portion of the property will be utilized for public access. The sales resolution also contains provision which offers the City the “Right of First Negotiation” should the property be sold transferred in the future. The SEQRA resolution lists this as an unlisted action and attached is a short form Environmental Assessment Form.

**(R-12-25)**

**SEQRA RESOLUTION FOR SALE OF THE CITY OWNED PROPERTY  
LOCATED AT  
83 NORTH WATER STREET (TAX PARCEL # 6062-67-756311)**

**INTRODUCED BY COUNCILMEMBER RICH**

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of a city owned property located at 83 North Water Street with the intent of Historical Preservation and expansion of Public Recreation; and

WHEREAS, the sale of this city owned property is for the purchaser(s) to create an outdoor court yard and other public amenities as well as the immediate stabilization and future restoration of two historical buildings; and

WHEREAS, 6 NYCRR Section 617.6(b)(1) specifies that an agency will be the lead agency when it proposes to undertake, fund or approve a Type 1 or Unlisted Action that does not involve another agency; and

WHEREAS, the Common Council has determined that the above described action is an Unlisted action notwithstanding the fact that Section 617.4(b)(9) of Title 6 NYCRR, which states a Type 1 action includes "Any unlisted action (unless the action is designed for the preservation of the facility or site) occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district, or a prehistoric site as listed on the National Register of Historic Places, or that has been proposed by the New York State Board of Historic Preservation for a recommendation to the State Historic Preservation Officer, for nomination for inclusion in said National Register, or that is listed on the State Register of Historic Places." It should be noted that the above described structures are listed on National Register of Historic Places, however, the action taken is designated for the purpose of preservation of the historical structures, views and architecture; and

WHEREAS, the Common Council has considered the hereto attached Short Environmental Assessment Form (EAF), despite the fact that the property is listed on the National Register of Historic Places since the action that will be taken is designed for the preservation of the Reynolds House and Hoffman House which is exhibited by the Façade Easement Agreement made a part of the Purchase Contract; and

WHEREAS, the Common Council has reviewed the proposed sale of property in accordance with 6 NYCRR 617.7(c) which is outlined in the Purchase Agreement report which is made a part of this resolution by reference.

**NOW THEREFORE BE IT RESOLVED**

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1. In accordance with Section 617.6(a)(1)(i) of Title 6 NYCRR, the Common Council determines that the above described action is subject to SEQRA; and
2. In accordance with Section 617.6(a)(1)(ii) of Title 6 NYCRR, the Common Council determines that the action does not involve a federal agency; and
3. In accordance with Section 617.6(a)(1)(iii) of Title 6 NYCRR, the Common Council determines that the above described action does not involve more than one agency; and
4. In accordance with Section 617.6(a)(1)(iv) of Title 6 NYCRR, the Common Council classifies the above described action as an Unlisted action. The Common Council, in making such preliminary classification, considered Section 617.4(b)(9) of Title 6 NYCRR, which states as one example of a Type 1 Action "Any unlisted action (unless the action is designed for the preservation of the facility or site) occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district, or a prehistoric site as listed on the National Register of Historic Places, or that has been proposed by the New York State Board of Historic Preservation for a recommendation to the State Historic Preservation Officer, for nomination for inclusion in said National Register, or that is listed on the State Register of Historic Places." It should be noted that the above described structure is listed on the National Register of Historic Places, however the action is designed to preserve the scenic, historical and architectural integrity of the property categorizing it to be considered an Unlisted Action; and
5. In accordance with Section 617.6(a)(2) of Title 6 NYCRR, the Common Council determines that the above described project requires only a Short Environmental Assessment Form; and
6. That the Common Council officially makes a determination of nonsignificance in that the proposed sale of property is not expected to result in a significant adverse impact on the environment and, therefore, the preparation of a draft environmental impact statement is not necessary; and
7. That this determination shall be considered a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law; and
8. That the City Chamberlain shall maintain a file of this determination as well as the attached EAF which are hereby made a part of this resolution.

ENVIRONMENTAL DETERMINATION OF SIGNIFICANCE REPORT FOR THE SALE OF CITY OWNED PROPERTY LOCATED AT 83 NORTH WATER STREET (TAX PARCEL NUMBER 6062-67-756311)

Official Minutes of the Common Council Meeting of March 19, 2012

The proposed action to be assessed is the sale of a city owned property, located at 83 North Water Street. The property will be sold to 1687 Properties, LLC, with the mailing address of c/o Dyson Foundation, 25 Halcyon Road, Millbrook, New York 12545 in order to create an outdoor public park, increase public access and restoration of two historic properties.

The reviewer has compared all 12 criteria enumerated under Section 617.7(c) of the State Environmental Quality Review Act and has concluded that the Unlisted Action of selling the property (which is listed on the National Register of Historic Places) will not result in a significant adverse impact in any of the areas enumerated below:

- (i) A substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) Removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; or substantial adverse effects on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse effects to natural resources;
- (iii) The impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to Subdivision 617.14(g) of this part;
- (iv) The creation of material conflict with a community's current plans or goals as officially approved or adopted;
- (v) The impairment of the character or quality of important historical archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
- (vi) A major change in the use of either the quantity or type of energy;
- (vii) The creation of a hazard to human health;
- (viii) A substantial change in the use or intensity of use of land including agricultural, open space, or recreational resources or in its capacity to support existing uses;
- (ix) The encouraging or attracting of a larger number of people to a place or places for more than a few days, compared to the number of people who would come to such places absent the action;
- (x) The creation of a material demand for other actions that would result in one of the above consequences;
- (xi) Changes in two or more elements of the environment, no one of which has a significant impact on the environment, but which when considered together result in

Official Minutes of the Common Council Meeting of March 19, 2012

a substantial adverse impact on the environment; or

- (xii) Two or more related actions undertaken, funded, or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively, would meet one or more of the criteria in this subdivision.

Furthermore, for purposes of determining whether an action will cause one or more of the foregoing consequences, the lead agency considered reasonably related long-term; short-term and cumulative impact, including other simultaneous or subsequent actions which are:

- 1) included in any long-range plan in which the action under consideration is a part; or
- 2) likely to be undertaken as a result thereof; or
- 3) is dependent thereon.

Significance of a likely consequence, i.e., whether it is material, substantial, large or important, was assessed in connection with:

- 1) its setting (e.g., urban or rural);
- 2) its probability of occurrence;
- 3) its duration;
- 4) its irreversibility;
- 5) its geographic scope;
- 6) its magnitude;
- 7) the number of people affected.

In view of the above, it is the underlying conclusion of the reviewer that the proposed action, the sale of the city owned property located at 83 North Water Street will not result in the creation of any significant adverse impact on the environment. This conclusion is based on the comparison of the action to the criteria of significance listed above, as well as the fact that the property sale is for purposes as described above.

**SECONDED BY COUNCILMEMBER BOYD**

R12-25			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"/>

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

**RESOLUTION  
(R-12-26)**

**INTRODUCED BY COUNCILMEMBER RICH**

**WHEREAS**, the City of Poughkeepsie is the owner of certain real property located at 83 North Water Street in the City of Poughkeepsie, County of Dutchess, New York; and

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

**WHEREAS**, an offer has been received from 1687 Properties, LLC to purchase this property for the sum of \$675,000.00 along with a proposed development plan; and

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

**WHEREAS**, The City of Poughkeepsie purchased this property in 2005 with the intent to potentially use the property for City Parks and Recreation offices and operations, a Police Department substation, to lease a portion of the property for appropriate not-for profit use, and to dedicate at least a portion of the Hoffman House property as public parkland in the parkland exchange for the College Hill Reservoir project. However, these goals were never formalized or achieved due to a lack of grant funding for the projects.

**WHEREAS**, 1687 Properties LLC intends, to utilize the property for parkland, with the exception of that portion of the property that is currently leased to the MTA, and that the portion not leased will be accessible to the public, as in line with the original goal of the City of Poughkeepsie.

**WHEREAS**, the Purchaser has agreed to take title to such property with certain restrictions including a Façade Easement and a Conservation Easement thereby guaranteeing certain conditions such as the properties historic, scenic and architectural

features will be maintained and that portion of the property not subject to a lease, will be maintained for public access; and

**WHEREAS**, the Common Council hereby finds that the offer and development plan from 1687 Properties LLC is the most favorable of the offers received and that it is in the best interests of the City of Poughkeepsie to approve such offer so that development in accordance with the plan of development submitted can be achieved; and

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

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Common Council, Mayor, City Administrator and Corporation Counsel 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 1687 Properties LLC to purchase the premise known as 83 North Water Street (6062-67-756311), in the City of Poughkeepsie for the sum of \$675,000 is hereby approved subject to the hereinafter mentioned conditions and subject to such other and further conditions which the Corporation Counsel shall deem appropriate; and be it further

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

- A. The sale shall be subject to a Façade Easement, Conservation Easement and Payment In Lieu of Taxes (PILOT) Agreement in form acceptable to Corporation Counsel and in substantially the form approved by the Common Counsel which is attached hereto and made a part hereof.**
- B. The offer from 1687 Properties LLC is the creation of a public park to provide access to the residents of the City of Poughkeepsie. In the future if the property is to be sold or transferred, 1687 Properties, LLC shall offer the City of Poughkeepsie “Right of First Negotiation” prior to any transfer of ownership.**
- C. Purchaser shall obtain a building permit, if required, in reasonable conformity with phase one of the proposed redevelopment plan submitted to the City within six (6) months of the date of closing of title;**
- D. Purchaser shall obtain a valid Certificate of Occupancy, if required, for all structures and all other parcels shall be developed in reasonable accordance**

**with the development plan submitted to the City within two (2) years after obtaining a building permit;**

- E. 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;**
- F. 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 and in accordance with the purchase and sale agreement as to be agreed upon by the Common Counsel and the Mayor, and subject to a restrictive covenant in form and substance satisfactory to the Corporation Counsel and approved by the Common Council that no self-service credit or currency-operated pay telephones shall be placed on the exterior of the premises;**
- G. Purchaser shall promptly, after the execution of the purchase and sale agreement, 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 with respect to the above referenced phase one; and**

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

**SECONDED BY COUNCILMEMBER BOYD**

R12-26			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"/>

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

**Corporation Counsel Ackermann** informed the Council that said resolution setting a public hearing amending the zoning map of the City of Poughkeepsie to change the zoning of One Dutchess Avenue for 1-2 (General Industrial) to W (Waterfront District). The public hearing is set on April 2, 2012 at 6:00 p.m.

**RESOLUTION INTRODUCING AMENDMENT TO  
THE CITY OF POUGHKEPSIE CODE OF ORDINANCES ENTITLED  
“ZONING AND LAND USE REGULATION  
AND PROVIDING FOR PUBLIC  
NOTICE AND HEARING  
(R-12-27)**

***BE IT RESOLVED*** that an introductory ordinance amending the City of Poughkeepsie Code of Ordinances, entitled “Zoning and Land Use Regulation,” for a zone change for One Dutchess Avenue, from Industrial to Waterfront, be and it hereby is introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

***BE IT FURTHER RESOLVED*** that copies of the aforesaid proposed ordinance be laid upon the desk of each member of the Council; and

***BE IT FURTHER RESOLVED*** that the Council hold a public hearing for public comments on said proposed ordinance at City Hall, 62 Civic Center Plaza, Poughkeepsie, New York, at 6:00 o’clock P.M., on April 2, 2012; and

***BE IT FURTHER RESOLVED*** that the Clerk publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least ten (10) days prior thereto.

On a motion by **COUNCILMEMBER RICH** seconded by **COUNCILMEMBER BOYD** the resolution was adopted on a vote of **8 Ayes, 0 Nays**.

The Mayor declared this resolution adopted.

R12-27			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"/>

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

**Assistant Corporation Counsel Brady** informed the Council that said resolution is introducing proposed Local Law LL-12-2 which replaces, in its entirety, Section 19-4.6 of the Code of Ordinances, entitled “Flood Damage Prevention,” with a revised ordinance sharing the same section number and name as its predecessor. Should this resolution be approved, the public hearing will be scheduled for Monday, April 16, 2012 at 6:15 p.m.

**RESOLUTION INTRODUCING LOCAL LAW  
AND PROVIDING FOR PUBLIC  
NOTICE AND HEARING  
(R-12-28)**

**INTRODUCED BY COUNCILMEMBER RICH**

**BE IT RESOLVED**, that an introductory Local Law, entitled “Flood Damage Prevention, Replacing Section 19-4.6 of the Code of Ordinances of the City of Poughkeepsie, New York”; and it hereby is introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

**BE IT FURTHER RESOLVED** that copies of the aforesaid proposed local law are laid upon the desk of each member of the Council; and

**BE IT FURTHER RESOLVED** that the Council shall hold a public hearing on said proposed local law at City Hall, 62 Civic Center Plaza, Poughkeepsie, New York, at 6:15 o’clock P.M., on April 16, 2012; and

**BE IT FURTHER RESOLVED** that the Clerk publish or cause to be published

Official Minutes of the Common Council Meeting of March 19, 2012

a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto

**SECONDED BY COUNCILMEMBER BOYD**

R12-28						
		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:**

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

- 1) **FROM COMMISSIONER OF FINANCE BUNYI**, an update on the Pop Warner Football Program.



The City of Poughkeepsie  
New York

Camilo Bunyi  
Commissioner of Finance

March 14, 2012

Chairwoman Gwen Johnson  
And Members of the Common Council  
City of Poughkeepsie  
62 Civic Center Plaza  
Poughkeepsie, New York 12601

Re: Communication on Pop Warner Football Program

Dear Chairwoman Johnson and Common Council Members:

For the 2012 Season the Community Foundation of Dutchess County and the City of Poughkeepsie Pop Warner Program entered into an agreement where the Community Foundation will have complete oversight of the city funds budgeted for the Pop Warner Program.

The arrangement addresses the Pop Warner's lack of an approved 501C IRS status. Furthermore, the Community Foundation will have strict oversight on all of the program expenses.

The arrangement between the Community Foundation and the City of Poughkeepsie Pop Warner will facilitate the program to continue serving the over 200 youths that participate in the football program.

Should you have any questions, please feel free to contact me.

Respectfully,



Camilo Bunyi

**Chairwoman Johnson** requested that representatives from Pop Warner Football program attend the next Council Meeting along with someone from Community Foundation also be in attendance to give the Common Council an update.

- 2) **FROM LOUISE M. FOLSTER**, a notice of property damage sustained on February 13, 2012. **Referred to Corporation Counsel.**

**X. UNFINISHED BUSINESS:**

**Councilmember Perry** wanted to congratulate Mike Brady on his new job as our new member to the City Legal Staff. Also wanted to address the Mayor, thanked him for appointing both her and Councilmember Boyd as the School Board Liaison's and they have been attending meetings. There was a sign put outside of the school that they were concerned about. Two TA's were scheduled to be cut from staff and they have been reinstated and another 2 have been hired, so it's a good day for TA's in the City of Poughkeepsie School District. The School District President would like to see more collaboration between the school board and the Common Council.

**Mayor Tkazyik** thanked Councilmember Perry and Councilmember Boyd for attending the meetings and keeping us abreast as to what's going on at the City of Poughkeepsie Schools as they are tackling their budget along as the many issues that take place every day throughout the school year and we thank you for your participation in collaborating with the board and we know more that this body and my office is always open to meeting with them on a variety of issues.

**Councilmember Solomon** stated that for the last week, for the second time in about 3 months a zoning variance was given to build a 3 family house on South Hamilton which is an R-2 zone. The homeowners on South Clinton are very upset and they have asked her why these variances granted and also what happened to the new zoning law that we spent so much money on a couple of years ago. She stated that she thinks it is time to revisit that zoning law and to get ourselves a zoning plan and then abide by it. What's the point of having an R-2 zone when people who don't live on South Clinton Street get to build 3 family houses or renovate old houses when it is a R-2 zone. It is very upsetting to the people who live there and to her.

**XI. NEW BUSINESS:**

**Councilmember Mallory** mentioned how hot it is in the Council Chambers this evening, wanted to know if the AC can be put on next time, this is rough. He also wanted to know the status on the Animal Warden. It is that time of year and he stated that he is already getting phone calls.

**City Administrator Long** responded that we have a process as you know, the list has been exhausted. We had an individual who was going to start the position who then had a medical issue and believes that now they have decided to not take the job. The police department has been interviewing other individuals to try to fill that position. The County has just given the Civil Service test so it should take six months to grade.

**Mayor Tkazyik** added that he has tried to broach the issue with the Chief about merging with the Town on some coordinated effort on making it one and there is ongoing discussions and issues surrounding with relation to time

about beefing up resources, that's a separate discussion that we have been having. Maybe it is something that could come to fruition but as they said the test was given and hopefully we can select someone soon.

**Councilmember Boyd** mentioned that on Glenwood Avenue the other afternoon as she was picking up her daughter from Poughkeepsie Middle School from a ½ a day, a fire hydrant was running water. There was no Fire Department there, there was no water treatment there. It was just running and there was no one from the City of Poughkeepsie in the area. She stated that she called the Fire Department and was told that they received lots of phone calls regarding this and that they received a notice from the Water Department that the fire hydrants were being tested. Maybe in the future, to avoid all of these phone calls, we should have some sort of sign up by the fire hydrant saying testing or something to avoid any problems with the people who live in the area who are being flooded by the fire hydrant running with the water.

**Councilmember Rich** given the report from Councilmember Perry and Councilmember Boyd, our liaisons to the school district, it may be a good idea for the council to consider an offer to meet with the city school district board for a workshop just to discuss areas of mutual concern and to get to know each other for purposes of cooperating and collaborating on some future activities. Thinks we need to extend the hand of friendship to them to see what they have to say about things in Poughkeepsie that we might be able to work together on.

## **XII. ADJOURNMENT:**

A motion was made by Chair Johnson and Councilmember Boyd seconded to adjourn the meeting at 9:40 p.m.

**Dated: May 2, 2012**

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, March 19, 2012 at 6:30 p.m.

**Respectfully submitted,**

**City Chamberlain**



## **COMMON COUNCIL MEETING**

Common Council Chambers

Monday, March 19, 2012

6:30 p.m.

*6:00 Special Informational Meeting*

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

#### **ROLL CALL**

- a) **PRESENTATION**, a communication from the Dyson Foundation on the purchase and redevelopment of Upper Landing as a public park.

### **III. REVIEW OF MINUTES:**

**Re-Organizational Meeting of January 2, 2012**

**Common Council Meeting of January 2, 2012**

### **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 CORPORATION COUNSEL ACKERMANN**, Resolution R12-24, Adopting the Final Environmental Impact Statement as complete for One Dutchess Avenue.

- 2) **FROM CORPORATION COUNSEL ACKERMANN, SEQRA** Resolution R12-25, and Sale Resolution R12-26 for Upper Landing Property (83 North Water Street).
- 3) **FROM CORPORATION COUNSEL ACKERMANN,** Resolution R12-27, setting a public hearing for a zone change for One Dutchess Avenue from Industrial to Waterfront.
- 4) **FROM ASSISTANT CORPORATION COUNSEL BRADY,** Resolution R12-28, setting a public hearing to introduce proposed Local Law LL-12-2, regarding mandatory flood prevention regulations.

**IX. ORDINANCES AND LOCAL LAWS:**

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

- 1) **FROM COMMISSIONER OF FINANCE BUNYI,** an update on the Pop Warner Football Program.
- 2) **FROM LOUISE M. FOLSTER,** a notice of property damage sustained on February 13, 2012.

**XIII. UNFINISHED BUSINESS:**

**XIV. NEW BUSINESS:**

**XV. ADJOURNMENT:**