



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, May 20, 2013 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

All Present

II. REVIEW OF MINUTES:

CCM 2-19-13						
			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 Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember 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 Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Chairman Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Public Hearing 3-4-13						
			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 Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember 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 Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Chairman Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CCM 3-4-13						
			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 Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember 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 Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Chairman Mallory	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.

ADD

VI: CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Presentation by New Day Repertory

REMOVE

VII. MOTIONS AND RESOLUTIONS:

- 5. FROM CHAIRMAN MALLORY**, Resolution R13-46, requiring the Common Council is notified for all inter-fund transfers and advances.
- 6. FROM CORPORATION COUNSEL ACKERMANN**, Resolution R13-47, approving a parking agreement for North Hamilton Street parking lot with the Family Partnership.

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

Ken Stickle 118 Catherine Street

Constantine Kazolias 47 Noxon Street

THE RFP/ ICE HOUSE WAS FOR 'A CONSESSION STAND'. A PREVIOUS DEVELOPER SANK \$100,000 ONLY TO WALK AWAY!!! WHY/? WHAT CHANGED? ONCE THE ICE HOUSE DEVELOPER GOT HIS FOOT IN THE DOOR, THE WHOLE CONCEPT CHANGED BY ADDING ALCOHOL, EXPANDED INTO THE WARYAS PARK LAND WITHOUT ADDED NEW PARK LAND VIOLATING STATE LAW... THE ORIGINAL LEASE WAS FOR \$12,000/YR WAS FOR 'A CONSESSION STAND'. SIMILAR TO BENIE11th INNING, BOTH ARE LEASED ON CITY PARK LAND. BENIS IS WITHOUT A RVERVIEW, NO PARKING PROBLEM, PAYS \$30,000/YR PLUS \$3,000/YR FOR PRIVATE GARBAGE PICKUP. THE REPUBLICAN CONTROLLED COUNCIL UNDER MAYOR TKYZIK CHANGED THE ICE/H OUSE LEASE BY ADDING BEER/WINE, FIRST WARD COUNCILMAN PARISSSE HAS PROPOSED BY A VEST POCKET RESOLUTION, IS ASKING FOR AN ADDITIONAL LIQUOR LICENSE, WITHPUT COMPARABLE ADDITIOANAL RENT. THEN FIRST WARD COUNCILMAN 'GOT OFF SCRIPT' BY NOT COMPARING THE ICE HOUSE TO BENES WHICH BOTH LEASES ARE WITH THE CITY, OTHERWISE COMPARING APPLES TO APPLES, BY BEING DISENGENEUOS IN AN ATTEMPT TO EQUATE CHRISTOES WHICH IS LEASED FROM THE MCCANN FOUNDATION IS LIKE COMPARING APPLES TO ORANGES. THE WALKWAY AND MILLONS TOURISTS DOLLARS PASSING THRU THE WATERFRONT IS PRIME AREA FOR BUSSINESS. THE COUNTY WANTS TO CHERRY PICK THIS PLUM BY TAKING OVER THE PLANNING AND DEVELOPMENT FROM THE WALKWAY TO KAAL ROCK BUT NOT THE KAAL ROCK PARK...ITS CALLED KUSPHAH, AFTER SHORTCHANGING THE CITY \$2 MILLION, THE C.E. HAS PROPOSED A PITANCE IN FUTURE SALE TAX REVENUES, RESULTING IN MASSIVE RESRUCTURING OF CITY SERVICES, BY MERGING COUNTY SERVICES, PLUS OUTSOURSING BY PRIVATIZING. , THE CITY 99 YEAR LEASES i.e. THE SHADOWS, ARE SWEET HEART GIVEAWAYS TO THOSE CONNECTED, ESPECIALLY EXPENSIVE PRIME RARE RIVERFRONT PROPERTY, POSSIBLY i.e. 99 YEAR LEASE IS IN THE MAKING FOR THE ICE HOUSE?

IN THE TALE OF TWO CITIES, SCOTT'S PROLOGUE, 'OH WHAT A WEB WE WEAVE, WHEN FIRST WE PRACTICE TO DECIEVE' THAT'S EPEIMISES THE TKYZIK ADMINISTRATION. THREE EXAMPLES ARE; [1] THE TAKEN OF PARK LAND WITHOUT ADDING NEW PARKLAND, i.e. THE SHADOWS/GRANDVIEW, THE ICE HOUSE, THE RFP/ICEHOUSE WITH NO ALCOHOL,, [2] THE SANITATION ENTERPRISE AND [3] THE \$500,000 LOAN TO WATER /SEWER NEVER REPAYED.FINALLY, SHORTLY, DC AND CITY WILL BE PARTNERING RE; WORKING COMPENSATION INSURANCE, I ASKED MS LILLIUS, THE D.C. THE SPEAKER, WOULD PRE-EXISTING CONDITIONS BE CARRIED OVER? HER ANSWER WAS NO!!! RE; THE NEW SANITATION ACCOUNT WHICH IS SEPARATE AND NEW, AND COMP INS HAS TO BE ISSUED TO CARRY THOSE SANITATION WORKERS. ALSO, APPLYING ZERO BASED BUDGETING, WHY IS \$300,000 FOR PRE-EXISTING CONDITIONS CARRIED OVER /ADDED TO THE NEW SANITATION [ENTERPRISE] ACCOUNT? AS PER NYS STATE LAW REGARDING LATE TAXES/FEES COLLECTED BY THE CITY ,i.e. SCHOOL, WATER/SEWER AND SANITATION ARE NOT THE CITIES, TO KEEP!!!

Frank Clark 50 Rinaldi Blvd

William Dykas 96 South Hamilton Street

George Bridle 8 Mansion Street

Doug Nobelitti 145 Academy Street

Bruce Dooris 41 Wilson Blvd

Sean Harden 36 Glenwood Avenue

Jason Fox 20 Academy Street

James Gordon 18 Davies Place (Church of the Holy Comforter)

Tron Milton 15 Morgan Avenue

V. MAYOR'S COMMENTS

Mayor Tkazyik:

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Mallory

VII. MOTIONS AND RESOLUTIONS:

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

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA) RESOLUTION REGARDING A SALE OF
CERTAIN CITY OWNED PROPERTIES
(R-13-40)**

INTRODUCED BY COUNCILMEMBER SOLOMON

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 26 North Hamilton Street (6162-78-202102) 28 North Hamilton Street (6162-78-203104) and 30 North Hamilton Street (6162-78-203105); and

WHEREAS, the Common Council considers the proposed sale to be an Unlisted Action under Title 6 NYCRR, Section 617.2 of the SEQRA regulations; and

WHEREAS, 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 an Unlisted 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 short Environmental Assessment Form (EAF)

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. In accordance with Section 617.5(a)(1) of Title 6 NYCRR, the Common Council determines that the above described action is subject to SEQRA; and
2. In accordance with Section 617.5(a)(2) of Title 6 NYCRR, the Common Council determines that the action does not involve a federal agency; and
3. In accordance with Section 617.5(a)(3) of Title 6 NYCRR, the Common Council determines that the above described action does not involve any other agencies; and

4. In accordance with Section 617.5(a)(4) of Title 6 NYCRR, the Common Council classifies the above described action as an unlisted action. The Common Council in making such classification considered Section 617.12 of Title 6 NYCRR and determined that the above action did not fall into any of the categories listed under Type I, and also considered Section 617.13 of NYCRR and determined that the above described action did not fit under any of the categories listed under Type II Actions, thus reaching the conclusion that it is to be considered an unlisted action; and
5. In accordance with Section 617.5(a)(5) the Common Council determines that the above described project will not require a long EAF since the short EAF provides sufficient information; and
6. The Common Council officially makes a determination of non-significance in that the proposed sale of properties are not expected to result in a significant adverse impact on the environment and, therefore, the preparation of a draft environmental impact statement is not necessary; and
7. This determination shall be considered a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law; and
8. The City Chamberlain shall maintain a file of this determination as well as the attached EAF which is hereby made a part of this resolution.

SECONDED BY COUNCILMEMBER BOYD

R13-40			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 Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input type="checkbox"/>	<input checked="" 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 Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Chairman Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**RESOLUTION
(R-13-41)**

INTRODUCED BY COUNCILMEMBER SOLOMON

WHEREAS, the City of Poughkeepsie has previously taken title to real properties located at 26 North Hamilton Street (6162-78-202102); 28 North Hamilton Street (6162-78-203104) and 30 North Hamilton Street (6162-78-203105 in the City of Poughkeepsie pursuant to Article 19-a of the New York State Real Property Action and Proceeding Law, all of which is hereinafter referred to as the “Property”; and

WHEREAS, the City acquired the properties due to the threat to public safety from the buildings being vacant and abandoned; and

WHEREAS, the City has sought development partners that have the capability to return the properties to a useful life and eradicate the threat to the general public; and

WHEREAS, an offer has been received to purchase the Properties under certain circumstances from Cardinal Assets of NY, LLC for the sum of \$7,000.00; and

WHEREAS, the Administration of the City of Poughkeepsie, after consideration of the City's policy for the sale of City owned property, has recommended that the City of Poughkeepsie accept this offer; and

WHEREAS, the Common Council hereby finds that the offer from Cardinal Assets of NY, LLC 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;

NOW, THEREFORE,

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

RESOLVED, that the offer from Cardinal Assets of NY, LLC to purchase the parcel located at 26 North Hamilton Street (6162-78-202102); 28 North Hamilton Street (6162-78-203104) and 30 North Hamilton Street (6162-78-203105) in the City of Poughkeepsie for the sum of \$7,000.00 is hereby approved subject to the hereinafter mentioned conditions and subject to such other and further conditions which the Corporation Counsel shall deem appropriate; and be it further

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

- A. the conveyance of title and the payment of the purchase price shall take place within ninety days of the date of this resolution, unless the Corporation Counsel shall grant such extension as he deems appropriate;**
- B. Purchaser shall obtain a building permit for the proposed redevelopment within sixty (60) days of the date of closing of title;**
- C. Purchaser shall obtain a valid Certificate of Occupancy for a maximum of three (3) dwelling units per building within one (1) year after obtaining the building permit, unless the Corporation Counsel shall grant an extension as she deems appropriate;**
- D. The transfer of title and Purchaser's use of the Property shall be subject to all state, federal and local regulations including the City of Poughkeepsie and New York State Building Codes and the City of Poughkeepsie Zoning Ordinance and real property taxes coming due pursuant to law on and after the date of transfer of title;**
- E. Purchaser shall accept such title to the real property as the City of Poughkeepsie is possessed of and agrees to accept such title by quitclaim deed subject to any defects or encumbrances as are of record;**

- F. Purchaser agrees that he shall not use the agreed upon purchase price as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation; and
- G. Prior to the closing of title, Purchaser shall apply for and obtain the approval from the Planning Board and/or the Zoning Board of Appeals of any site plan approval or zoning variances required by law.

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

SECONDED BY COUNCILMEMBER BOYD

R13-41			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 Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember 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 Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Chairman Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

A RESOLUTION OF THE CITY OF POUGHKEEPSIE, SETTING A PUBLIC HEARING REGARDING THE PROPOSED AMENDMENT TO THE LICENSE AGREEMENT FOR THE ICE HOUSE

(R13-45)

INTRODUCED BY COUNCILMEMBER PERRY

WHEREAS, The Poughkeepsie Ice House, Inc. is seeking to amend their license agreement with the City of Poughkeepsie to allow for the sale of alcoholic beverages on the premises; and

WHEREAS, the City of Poughkeepsie Common Council is desirous of holding a public hearing in order to gather public input and comment regarding the proposed amendment to the license agreement;

NOW THEREFORE,

BE IT RESOLVED, that the City Chamberlain be, and she hereby is authorized and directed

Official Minutes of the Common Council Meeting of May 20, 2013

to publish a Notice of Public Hearing to be held June 3, 2013 at 5:45 p.m. concerning the proposed amendment to the license agreement.

SECONDED BY COUNCILMEMBER SOLOMON

R13-45						
			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 Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember 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 Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Chairman Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. A motion was made by Councilmember Solomon and seconded by Councilmember Boyd to receive and print.

A RESOLUTION OF THE CITY OF POUGHKEEPSIE DESIGNATING 16 DAVIES PLACE AS A LOCAL HISTORIC LANDMARK

(R-13-48)

INTRODUCED BY COUNCILMEMBER SOLOMON

WHEREAS, 16 Davies Place is a private three-family residence owned by Hagra, Inc., whose Chief Executive Officer, Tanya Pineda, nominated the property and applied for a local historic landmark designation with the City of Poughkeepsie Historic District and Landmarks Preservation Commission (hereinafter “HDLPC”); and

WHEREAS, the HDLPC held a public hearing on March 27, 2013 regarding the application nominating 16 Davies Place as a local historic landmark; and

WHEREAS, the HDLPC voted unanimously in favor of the proposed designation and approved the application on March 27, 2013; and

WHEREAS, the HDLPC’s approved application was forwarded to the Common Council for consideration on April 5, 2013; and

WHEREAS, the Common Council held a public hearing on May 6, 2013 regarding the nomination of 16 Davies Place as a local historic landmark; and

WHEREAS, after duly considering the factors specified in Section 19-4.5(4) of the Code of Ordinances of the City of Poughkeepsie, the Common Council hereby finds that premises located at 16 Davies Place possesses special character, historic and aesthetic value as part of the cultural, economic and social history of the City of Poughkeepsie; embodies distinguishing characteristics of an architectural style; is identified with historic personages; and is the work of a designer whose work has significantly influenced an age.

NOW THEREFORE,

BE IT RESOLVED, that the City of Poughkeepsie Common Council hereby designates 16 Davies Place as a local historic landmark. The City Chamberlain is authorized and directed to forward notice of the designation of 16 Davies Place to the Dutchess County Clerk for recordation.

SECONDED BY COUNCILMEMBER BOYD

R13-48			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 Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember 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 Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Chairman Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**RESOLUTION
(R-13-49)**

INTRODUCED BY COUNCILMEMBER SOLOMON

Sales Tax Agreement between the City of Poughkeepsie and Dutchess County

WHEREAS, the City of Poughkeepsie and Dutchess County have previously entered into an agreement for the distribution of sales tax to the City of Poughkeepsie; and

WHEREAS, said agreement was executed in November of 1994 and provided for a five (5) year term, which agreement was extended by amended agreements in 2000, and 2003; and

WHEREAS, the term of the said agreement has expired; and

WHEREAS, after discussions between the parties, the City of Poughkeepsie and Dutchess County desire to enter into a new ten year agreement for the distribution of sales tax to the City of Poughkeepsie; and

NOW THEREFORE,

BE IT RESOLVED, that the Mayor, the City Administrator and the Corporation Counsel are hereby authorized to execute this new sales tax agreement annexed hereto and do all other things necessary and convenient to give full effect to this Resolution.

SECONDED BY COUNCILMEMBER BOYD

R13-49						
			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 Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Chairman Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VIII. ORDINANCES AND LOCAL LAWS:

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

**ORDINANCE AMENDING CHAPTER 15
OF THE CITY OF POUGHKEEPSIE CODE OF ORDINANCES ENTITLED “STREETS,
SIDEWALKS AND PUBLIC PLACES”, TO ADD SECTION 15-14 ENTITLED
“SIDEWALK CAFES”.
(O-13-5)**

INTRODUCED BY COUNCILMEMBER SOLOMON

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

SECTION 1: Chapter 15, of the City of Poughkeepsie Code of Ordinances is hereby amended to include section 15-14 entitled "Sidewalk Cafes":

Section 15-14. Sidewalk Cafes.

GENERAL REFERENCES

Alcoholic beverages – See Ch. 14-19.

Fees – See Ch. 6-26.

Streets and sidewalks – See Ch. 15.

Zoning – See Ch. 19.

- (a) **Permit required. Notwithstanding any inconsistent provision contained in Chapter 15, Streets and Sidewalks, sidewalk cafes for the sale to the public of food and beverages, and for no other purpose, shall be permitted, provided that a permit is obtained therefor from the Building Inspector.**
- (b) **Application for permit. Any person, firm or corporation desiring a permit shall make application to the Building Inspector on forms provided therefor.**
- (c) **Conditions for issuance of permit. A permit for a sidewalk café may only be issued to the owner or the tenant of a building occupied and used for the sale of cooked and prepared food, and abutting the public sidewalk adjacent thereto, provided that the following requirements are met:**
- (1) **The sidewalk abutting the property, from the property line to the curb line, must not be less than ten (10) feet in width.**
 - (2) **The area to be used for the sidewalk café must not encroach onto the sidewalk more than ten (10) feet from the property line abutting the sidewalk and must not extend beyond the extension of the side of property lines onto the sidewalk.**
 - (3) **No permanent structures may be affixed to the sidewalk area used for the café or affixed to the building abutting the area for purposes of the café, and the area may be occupied only by chairs, tables, benches, umbrellas, movable railings, and planters for the convenience of the patrons to be served in such area. Movable railings or planters shall be so arranged as to enclose the dining area and the sidewalk shall be inconspicuously marked to delineate the approved position for such barriers.**
 - (4) **A clear, unoccupied space must be provided, not less than three (3) feet in width, from all entrances of the building abutting the sidewalk to the unoccupied portion of the public sidewalk.**
 - (5) **Neither outdoor lighting nor live or mechanical music may be used on or for the café area, except that in such cases where street lighting is sufficient to so illuminate the**

dining area so that a hazard to those traveling the sidewalk may be created, the Building Inspector shall direct and the applicant shall provide such lighting for nighttime hours as the Building Inspector shall require.

- (6) General comprehensive liability insurance naming the applicant and the City of Poughkeepsie, its officers, agents and employees as named insureds must be provided, with limits of \$25,000.00/\$50,000.00 for property damages and \$1,000,000.00/\$2,000,000.00 for personal injury, effective for the duration of the permit.
- (7) Permits shall be issued annually and shall be for such duration, within the time provided herein, as the applicant may request.
- (8) There shall be a minimum clear distance of five (5) feet, exclusive of the area occupied by the sidewalk café, free of all obstructions, such as trees, parking meters, utility poles, streetlights, benches, planters, and movable railings in order to allow for adequate and safe pedestrian movements.

(d) Operating restrictions.

- (1) All sidewalk cafes shall cease operations by 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday.
- (2) All alcoholic beverages to be served at sidewalk cafes shall be prepared within the existing restaurant and shall only be served to patrons while seated at tables. The drinking of alcoholic beverages by a member of the public while a patron of the sidewalk café within the confines of the sidewalk café area shall not be construed to be a violation of any local law prohibiting the consumption of alcoholic beverages in a public place or area. *Editor's Note: See Ch. 14-19 Alcoholic Beverages.* The operator of a sidewalk café shall be in full compliance with the licensing requirements of the State Liquor Authority, as the same may exist, and shall comply with all other laws and regulations concerning the sale of alcoholic beverages in the state. In the event that said sidewalk café is not in full compliance with State Liquor Authority laws, rules and regulations concerning the sale of alcoholic beverages, then serving alcoholic beverages in the sidewalk cafe area shall be prohibited.
- (3) The restaurant shall not serve food or beverages to a patron at a sidewalk café unless that patron is seated at a table.
- (4) Sidewalk cafes and the public property on which they are located shall be kept neat and clean at all times and free from any substance which might damage the sidewalk or cause injury to pedestrians.

(e) Fees and deposits.

- (1) The fee for each permit shall be as set forth in Chapter 6-26, Fees, payable upon the issuance of the permit.

- (2) The sum of One Hundred Dollars and 00/100 (\$100.00) shall be deposited upon the issuance of the permit to guarantee compliance with the terms of this chapter and the removal of such items, as may be placed upon the public sidewalk, upon the expiration date of the permit. In the event that the permittee should violate any of the provisions of this chapter, the Building Inspector may terminate the permit, after five (5) days notice in writing, by certified mail return receipt requested, mailed to the address shown in the application, effective on the date of mailing, with an opportunity to the permittee for a hearing and upon a finding by the Commissioner of such violation, or upon the default of the permittee to appear for the hearing at the time and date specified in such notice.
- (f) City action upon failure to comply. In the event that the permittee should fail to remove all items placed upon the public sidewalk, upon the expiration of the permit by lapse of time, or for violation of this chapter, the Building Inspector may have such items removed, forfeit the deposit for the cost and charge the permittee for any excess cost above the deposit, together with the cost for storage of such items until removed by the permittee from storage. In the event that the permittee should fail to pay the cost of storage and any excess cost of removal within ninety (90) days after storage, the Building Inspector may sell the items at the public auction, reimburse the City for all costs and, if any surplus monies remain, pay them over to the permittee.
- (g) Penalties for offenses. An offense against the provisions of this chapter shall be punishable by a fine of not more than \$250.00 or by imprisonment for not more than 15 days, or both.

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER BOYD

Bold and Underline indicates addition.

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

- 1. FROM LORENZO L. ANGELINO**, a notice of intent for Hudson House, PK., Inc., to obtain a Liquor License. **Referred to Corporation Counsel**
- 2. FROM NATHAN PRICE**, a notice of personal injuries sustained on February 13, 2013. **Referred to Corporation Counsel**

X. UNFINISHED BUSINESS:

XI. NEW BUSINESS:

XII. ADJOURNMENT

A motion was made by **Chairman Mallory** and **Councilmember Solomon** seconded the motion to adjourn the meeting at 9:28 p.m.

Dated:

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, May 20, 2013 at 6:30 p.m.

Respectfully submitted,

City Chamberlain