



**THE CITY OF POUGHKEEPSIE  
NEW YORK**

**COMMON COUNCIL MEETING  
MINUTES**

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**Monday, September 15, 2014 6:30 p.m.**

**City Hall**

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**I. PLEDGE OF ALLEGIANCE:**

**ROLL CALL**

**All Present**

**II. REVIEW OF MINUTES:**

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

**AMEND**

**VII. MOTIONS AND RESOLUTIONS:**

- 1. FROM CORPORATION COUNSEL ACKERMANN, Resolution R14-65, Setting a Public Hearing and introducing a local law amending Chapter XIX, Article II of the City of Poughkeepsie Code of Ordinances entitled "District Regulations and Map" with the addition of a new "Waterfront Transit-Oriented Development" District.**

**ADD**

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

- 8. FROM COUNCILMEMBER HERMANN AND COUNCILMEMBER PETSAS, a communication regarding proposed ordinance entitled "Publication Committee, Board, and Commission Directory."**

**REMOVE**

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

- 3. FROM CITY ADMINISTRATOR BUNYI**, a presentation regarding the 2013 Sedore Audit.

**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 Catharine St.** – When will the street sweeper be out on Main St. again? How can we pass an ordinance for anyone that owns property on Main St. to sweep in front of their building along with the curb like they do in the city at least once a day. I thought the ambulance company was supposed to build its headquarters at Main and Pershing. I see that lot is up for sale. What is going on with 512, the high-end steakhouse project? Have we lost those 5 lots for \$100? I don't see any development going on there. It would be nice to see something going up on Main St. besides hair and nail salons and cellphone and convenient stores. I'd like to see an antique store. Maybe we could get the gentlemen who owns Up-to-Date to put in an antique center. That building is looking shabby.

**Gwen Johnson, 52 Manitou Ave.** – I would like to say that the eastbound arterial the reason why you see all the garbage and litter is because the City no longer controls that. They gave the contract back to the state. So now the state is responsible for the litter, snow removal and leaf pick-up. So when you see all the dumping, the City has washed their hands of the eastbound arterial from Little Church St across from Smith Elementary School up to S. Grand. That's what is happening with our City. I would like to invite the City of Poughkeepsie to an Opiate, Heroin and PCP Community Forum given by me, Gwen Johnson, Dutchess County Executive Marc Molinaro this Thursday, Sept. 18<sup>th</sup> from 6pm to 9pm at Poughkeepsie High School. There's a big problem with other high schools in the surrounding area where high school students are actually using heroin. It has not happened in our high school yet but our kids are using wet PCP and it is running rampant in our City. It's important to get knowledge of the situation about drug addiction and prevention. We have the best of the best representatives who are going to be there from the Dept. of Health, Dept. of Hygiene, the Council on Addition Prevention and Education, Dutchess County Sheriff's office and Poughkeepsie's finest.

**Constantine Kazolias, 47 Noxon Street** – I attended the 911 ceremony. The best ceremony I ever attended. No politics involved. Parking meters – Mansion should have meters. You'd make \$200,000. Put them down on the riverfront. Let's take advantage of what we have. People shouldn't complain about the new water meters. According to Rich DuPilka, the meters weren't functioning and they were losing a percentage every year. All these years, they've been getting free water. Now they're paying for the water that they're using. We need money for the water plant expansion. How come the Tappansee Bridge is getting Clearwater money? That's part of the Thruway. That affects us. How come Kingston got a \$350,000 EPA grant for their garbage cans? How come we can't get one?

**Bill Dykas, 96 S. Hamilton St.** – There was a gentleman here at the last meeting speaking about his bodega, Poncho Villa on Main comparing himself to the ambulance, police and fire departments because they don't get charged. What was he talking about? I'm all for the parking meters but I do have a change of heart especially after I've seen some things these past couple of weeks. I would like to see them not ticket after 4:00. I think they should not ticket on Saturdays. I would to see that happen. It brings people in. I was at a nice restaurant on Main Street. I'm so proud of the City Administrator and Common Council and anyone who has anything to do with the decent places on Main. It was so nice to sit in that restaurant. It was clean and nice to look out and see all types of people on Main. I haven't seen that in years. This is lower Main below Market. I saw a lot of people from out of town. They're spending money here. Don't over charge them with tickets.

**Raesonya Squire, Grey Street** – I'm here to speak out against the parking meters. I have been victimized. I have a \$20 ticket for a \$.25 parking meter. I'm unemployed. I was going to the unemployment department. I did pay for my ticket. Unfortunately, being a first time user, I placed it in my pocket and failed to put it on the windshield. I had an appointment which I was trying to rush in to. When I came outside, I saw that I had a ticket and it was \$20. It doesn't make any sense to me. I had only been there for 15 minutes. I am familiar with Hudson's parking meter system. I had a situation where I didn't pay enough for the time that I was there. I received an announcement that I would have to pay a fine of \$8. I thought that was a pretty big hike. I will remember to place my ticket on the windshield. But comparing Hudson's \$8 to Poughkeepsie's \$20, that's a huge difference. We have been complaining about the parking meters since they have gone in. I don't know if there have been any changes announced or if a solution has been implemented. We definitely need to look at the amount of the tickets. It's astronomical especially if you're unemployed. I also want to announce that I'm part of a group called Engine and we're having a Speak-Out on Sept. 27<sup>th</sup>. It is for the public. It will be at the Family Partnership from 11am – 2pm. It is a jailhouse speak out. Basically, we are there to address some of the issues that people have found themselves in when they are in the criminal system. We would like the public to come and give us some of their stories – was it a positive situation, was it rehab or was it a situation of where the system had placed them in a position of being a second class citizen.

**Tron Melton, Morgan Avenue** – I'm only bringing this up because it came up at a different venue and it was about me. I do not stand up for the Pledge of Allegiance because of religious beliefs. As an American, I'm guaranteed my ineligibile rights to freedom of religion, freedom of speech and freedom of expression. I should not be criticized, ostracized or censured because I exercised said rights. My people on both sides of the isle have been treated less than human. On one side of the isle, their land was taken from them. They were murdered and displaced. The Trailorteers forced my people to relocate to baron pieces of land that America called reservations under the Indian Removal Act of 1830, violently and forcefully removed from their own land, genocide. My other people, which I am proudly associated with, were violently abducted from their homeland and brought to a strange land. Most of them died before they reached the American shore. While here they were enslaved in shadow slavery which made them not human according to the laws here, but property. During this hard time, my people were bought and sold at will. Men, women, boys and girls were raped, maimed, lynched and beaten. They were separated from their families never to

reunite again. We went from being property to two-thirds of a person to the invisible man yet all the while being targeted for violence and hatred without provocation. The Chief Justice of the Supreme Court Roger B. Torney had the unmitigated gall to write in his decision the Dred Scott case they had for more than a century before been regarded as beings of an inferior order and altogether unfit to associate with the white race either in social or political relations. So far inferior, that they had no rights that the white man was bound to respect and that the negro might justly and lawfully be reduced to slavery for his own benefit. Even if it wasn't my religious belief, I still would not stand for the Pledge of Allegiance to the flag. Why would I want to pledge allegiance to an entity that treated and still treats my people as less than human and 2<sup>nd</sup> class citizens. A black man or boy is killed by police, security or vigilante every 24 hours in this country. Why should I stand for the Pledge of Allegiance, another genocide. When this nation treats my people as equals and respects their rights to exist, I will pray to Yaweh and see if it's okay for me to stand for the Pledge of Allegiance. They talk about showing respect. When they show respect to my people, I will show respect for them. Until then I will not stand for the Pledge of Allegiance. It is my God-given, ineligible right as an American citizen to do so and the constitution says I don't have to. X03073425

**V. MAYOR'S COMMENTS:**

Good evening members of the Council and members of the public. Thank you all for coming. First, I'd like to thank everyone who participated in our 9/11 ground breaking ceremony: members of the Council, Kiwanis Club, City employees, our sponsors and everyone who was there for the festivities of the day. Although it was a somber time to remember that horrific day 13 years ago, we celebrated in relation to the memorial that will now be erected and will celebrated next year with our new 9/11 park right here at City Hall. This past week, I announced the 2015 Preliminary Budget with a 1.56% tax levy increase which meets the State's 2% tax cap. It is 1.56% because of the CPI index. They say it is 2% but it is really less. I'm proud to announce that there are no layoffs in the proposed budget and no cuts to services. We'll be having the first set of budget review sessions on 9/29, 9/30 and 10/1 here at 5:30. The public is welcome to attend. The department heads will present before the Common Council each of their budgets. I'd like to take this time to introduce Herbert Bullock, our new Social Development Director for the City. Herbert comes to us with extensive background in operations, specifically Booz Allen Hamilton. He is a Persian Gulf Veteran. He has worked on several grant administrative functions for the Dept. of Defense and the National Security Council. He has also worked with numerous non-profits, such as, Hudson River Housing and Habitat for Humanity. He is very familiar with our community and non-profits. I know he looks forward to working with all of us so I want to welcome Herb. Today is his first day and I know he looks forward to working with all of you. At this time, I would also like to call up the members of the Simon family and Stephen Gusovich. As you know, we had the church festival @ St. Joseph's a couple of weeks ago. A gentleman there went into cardiac arrest at the festival and this family, Gail, Mikayla and Christian Simon and Stephen, who is not with us tonight, came to the life saving grace of this man who was going into cardiac arrest. I want to recognize them for their bravery and heroic efforts in saving the life of this gentleman. In fact, Dr. Simon, who is an anesthesiologist is their father and husband. He was not there at the scene but he tells me that Stephen and

Christian had just gone through CPR Training and here they are going to someone's aid. I would like to present you with these certificates of Mayoral Recognition for your bravery and heroic efforts and proclaim it each your day in the City of Poughkeepsie. Also as you've read in the paper from the River District and Bardavon, we're looking forward to the Celebration of Lights which will take place on the first Friday in December. We look forward to everyone participating in the parade and of course the fireworks spectacular that takes place. So put that in your calendars for the first Friday in December for the Festival of Lights.

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

Good evening. Kudos to my colleagues, our relationship with Kiwanis Club, this administration, DPW and all that had worked hard and together for the 9/11 Memorial Plaza. I look forward to next year's event when it is before us all for the ceremony. Roughly 7 years ago, with the input from the community, Police Dept. particularly Sgt. McCarthy, City Chamberlain, then Asst. Corp. Counsel, and I drafted our extended hour convenient store ordinance. It was done to regulate late night hours of the convenient store and to address quality of life issues and concerns associated with late night businesses. But as time passed, some of our owners and operators of convenient stores, instead of doing the right thing, found loopholes that circumvented the actual ordinance or spirit of its intent. Loitering, illegal activity and other quality of life issues continue to plague our neighborhoods. Soon some other businesses, that weren't convenient stores and weren't regulated under the current convenient store ordinance, displayed a behavior of not caring, not taking responsibility for the activities around their businesses which in turn affected the quality of life in our neighborhoods. Ordinance O14-16 amending the current extended hour convenient store ordinance, which is before this body for vote, is a collaborated effort by my colleagues on the Council, Police Dept. particularly Sgt. McCarthy, our City Chamberlain, and Asst. Corp. Counsel Gildard. These amendments singled out our efforts in closing the loopholes and holding all owners and operators of establishments that want to conduct business after 11pm accountable for the quality of life we want and expect in the City of Poughkeepsie. I truly ask for a favorable vote from my colleagues. This concludes Chairman's comments.

## **VII. MOTIONS AND RESOLUTIONS:**

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

**Corporation Counsel Ackermann** informed the Council that said resolution is a resolution introducing an ordinance that would amend the zoning map for a parcel of land located on Maple Street between Corlies Avenue and Jewette Avenue. The parcel is vacant and approximately 1.43 acres. It is currently owned by Maple Street of Dutchess LLC.

Currently part of the parcel is zoned C-2A (Main Street Commercial District) and part of the parcel is zoned R-4 (Medium High Density Residential District). Originally that portion of the property which is zoned C-2A was part of 617 Main Street, but was later subdivided, leaving the parcel with no frontage on Main Street. The subdivided parcel was then combined with a

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residential lot (the R-4 lot) that fronts on Maple Street, giving the property ingress and egress from Maple Street.

Given the fact that the property now accesses Maple Street, no longer fronts Main Street and is surrounded by the R-4 district, the property should be zoned all R-4. Of important, is the fact that no other parcel in the C-2A district does not abut Main Street. Also, as the property abuts the Glebe House, the R-4 designation is the less dense district.

The resolution before you simply introduces the ordinance and sets a public hearing is scheduled for October 20, 2014 at 6:00 p.m. to receive comments.

**RESOLUTION INTRODUCING ORDINANCE  
AND PROVIDING FOR PUBLIC NOTICE AND HEARING  
(R-14-64)**

**INTRODUCED BY COUNCILMEMBER RICH**

**BE IT RESOLVED**, that an introductory Local Law, entitled “The 2014 Zoning Map Amendment for unnumbered Maple Street” and 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 the Common Council hereby appoints and declares its intent to be “Lead Agency” for purpose of SEQRA; 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 6:00 o’clock P.M., on October 20, 2014; and

**BE IT FURTHER RESOLVED**, that a copy of this introductory local law shall be forwarded by the Clerk to the Planning Board, Zoning Board of Appeals and the Dutchess County Planning Department for their comments; 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 five (5) days prior thereto.

**SECONDED BY COUNCILMEMBER JOHNSON**

R14-64			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember McClinton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**Corporation Counsel Ackermann** informed the Council that before them is another resolution to set a public hearing. This one is around the train station, and comes after a long study that was originally started by the Dyson Foundation, in conjunction with the City of Poughkeepsie and Dutchess County. The result is a proposed new district which would be called the “WTOD”, or “Waterfront Transit Oriented Development District”. Attached to the resolution is the actual text of the new district, along with a map of the area that it would encompass. It would completely replace the current transportation district and it will also amend portions of adjoining districts along Rinaldi Blvd, and to the north where the current Piano Factory is. At this time the resolution will set a public hearing, declare the Common Council as Lead Agency, this is the only body that can make changes to the zoning district; there are other interested parties, such as the County, the Planning Board, the Zoning Board and the Waterfront Advisory Committee will all be notified for them to send comments.

**RESOLUTION INTRODUCING LOCAL LAW  
AND PROVIDING FOR PUBLIC NOTICE AND HEARING  
(R-14-65)**

**INTRODUCED BY COUNCILMEMBER RICH**

**BE IT RESOLVED**, that an introductory Local Law, entitled “The 2014 Zoning Map Amendment providing for a new Waterfront Transit-Oriented Development District (WTOD) of the City of Poughkeepsie” and 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 the Common Council hereby appoints and

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declares its intent to be “Lead Agency” for purpose of SEQRA; 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 6:00 o’clock P.M., on October 22, 2014; and

**BE IT FURTHER RESOLVED,** that a copy of this introductory local law shall be forwarded by the Clerk to the Planning Board, Zoning Board of Appeals Waterfront Advisory Committee and the Dutchess County Planning Department for their comments; 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 five (5) days prior thereto.

**SECONDED BY COUNCILMEMBER JOHNSON**

R14-65			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember McClinton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**VIII. ORDINANCES AND LOCAL LAWS:**

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

**Corporation Counsel Ackermann** informed the Council that this is an ordinance that was introduced at a previous Council Meeting and subject of a public hearing.

**ORDINANCE AMENDING ARTICLE VI OF CHAPTER 14 OF THE CITY OF  
POUGHKEEPSIE CODE OF ORDINANCES ENTITLED “EXTENDED HOURS  
CONVENIENCE STORES”  
ORDINANCE  
O-14-16**

**INTRODUCED BY COUNCILMEMBER RICH**

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

**ARTICLE VI EXTENDED HOURS-CONVENIENCE STORES  
RETAIL SALES AND SERVICE ESTABLISHMENTS**

**Section 14-65 Legislative Findings**

- (a) The City has experienced significant problems with extended hours-~~convenience store~~ **retail sales and service establishment** security and illegal activity within and surrounding extended hours-~~convenience stores~~ **retail sales and service establishments** in the City for several years, including but not limited to problems with loitering, the illegal sale of narcotics, harassment, weapon offenses, alcohol and beverage control violations, public health law violations, assaults, homicides, and other criminal activity. Such activity poses a substantial risk to the public and employees of extended hours ~~convenience stores~~ **retail sales and service establishments** and creates a nuisance to neighborhoods, residents and visitors of the City.
- (b) This article is intended to aid in preventing crimes and nuisance, to protect employees of extended hours-~~convenience stores~~ **retail sales and service establishments** and the consumer public at extended hours-~~convenience stores~~ **retail sales and service establishments** between the hours of 11:00 p.m. and 5:00 a.m. and to establish security standards for these extended hours-~~convenience stores~~ **retail sales and service establishments** that are uniform throughout the City.
- (c) The City now declares, in order to permit the development and implementation of reasonable controls that will effectively protect the public, extended hours-~~convenience store~~ **retail sales and service establishment** operators and their patrons, that this article be enacted.

**Section 14-66 Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

*Business premises* – The main structure and the property belonging to or associated with the business premises.

~~*Extended hours convenience store*—Any building, structure, or grounds primarily used for the retail sale of groceries, foods, frozen desserts or beverages to the consumer in a ready-to-consume state, usually served in paper, plastic or other disposable containers, for consumption either within the premises, elsewhere on the premises or for carry-out for consumption off the premises, consumables, commodities or both groceries, consumables, commodities and gasoline open for business throughout the day, but particularly between the hours of 11:00 p.m. and 5:00 a.m., or any part thereof.~~

**Retail Sales and Service Establishment – An establishment or business that provides for the sale, provision of service, service, or on-premises incidental production or assembly of general merchandise to the general public for direct use or consumption. This shall include, but not be limited to, carry-out restaurants and the like with six (6) or fewer seats, any building, structure, or grounds primarily used for the retail sale of groceries, foods, frozen desserts or beverages to the consumer in a ready-to-consume state, usually served in paper, plastic or other disposable containers, for consumption either within the premises, elsewhere on the premises or for carry-out for consumption off the premises, consumables, commodities or both groceries, consumables, commodities and gasoline open for business throughout the day, but particularly between the hours of 11:00 p.m. and 5:00 a.m., or any part thereof.**

The term ~~extended hours convenience store~~ **retail sales and service establishment** does not include:

- (a) A business that is solely or primarily a standard restaurant, as defined in Section 19-2.2 of the Zoning and Land Use Regulations of the City of Poughkeepsie.
- (b) A business that has at least 10,000 square feet of retail floor space within the main structure.

*Disorderly establishment* – Includes any business and business premises where acts are performed or activities are conducted or condoned, whether inside or outside the business premises, which are contrary to the rules of good order and behavior, violative of the public peace, indecent, or which tend to corrupt the morals of the community and promote criminal activity.

*Owner* – The person, corporation, partnership, joint venture or other entity or group enterprise licensed to do business at an extended hours convenience store at a particular location or locations, in lawful possession of said location by virtue of a deed, license, lease, sublease or other contract or agreement.

### **Section 14-67 Permit required**

- (a) No ~~extended hours convenience store~~ **retail sales and service establishment** shall be open between the hours of 11:00 p.m. and 5:00 a.m. or any portion of that time without first having obtained a permit as provided in this article. **Such permit shall not supersede any site**

**plan approval, or other conditions, regarding the time the establishment is required to close.**

(b) The fee for **this application and permit** will be \$**1,500**, which shall include one (1) inspection and one (1) re-inspection. Each re-inspection thereafter shall require an additional \$50.00 fee per re-inspection. **If the establishment does not pass inspection by the third attempt the business must begin the process over and re-apply for an after-hours permit.**

**(c) For those retail sales and service establishments applying for a renewal of an existing after hours permit, the business must file their permit application at least thirty (30) days prior to the expiration of their active after hours permit. The calendar year for after-hours permits shall be from June 1<sup>st</sup> to May 31<sup>st</sup>.**

**Section 14-68 Extended Hours-~~convenience~~ Retail Sales and Service Establishment Security**

(a) Every extended hours-~~convenience~~ **retail sales and service establishment** shall be equipped with the following security devices and standards:

(1) A fully operative security camera system which meets the minimum requirements as determined by the Chief of Police or his designee. Any security camera system and any video and/or audio tape, DVD, CD, still frame depiction, download, or any other means by which video and/or audio is captured and/or memorialized by a security camera system shall be made immediately available upon request to any member of the City of Poughkeepsie Police Department in the furtherance of any investigation.

(2) A drop safe or cash management device for restricted access to cash receipts. Said drop safe or cash management device shall be permanently affixed to the floor or wall of the interior of the building or otherwise adequately secured to prevent theft.

(3) Any parking lot shall be lit to an intensity which makes all vehicles or persons within the parking lot clearly visible from the public streets and sidewalks from dusk until dawn.

(4) A conspicuous notice at the entrance which states that the cash register contains \$50 or less.

(5) Windows shall not be obstructed or covered more than 25%.

(6) Height markers at the entrance of the ~~extended hours convenience store~~ **retail sales and service establishment** which display height measures.

(7) A cash management policy to limit the cash on hand at all times **to less than \$150.00.**

(8) An ~~extended hours convenience store~~ **retail sales and service establishment** shall have a minimum of 50 square feet of unobstructed window space and shall not have

window tinting, signs or other obstructions that reduce exterior or interior view in the normal line of sight.

(9) Every ~~extended hours convenience store~~ **retail sales and service establishment** store shall be equipped with a silent alarm to a central station alarm monitoring company.

**(10) Every owner or operator of a retail sales and service establishment shall keep the sidewalk directly in front of their establishment clear for pedestrian travel and must comply with all other requirements relating to sidewalks and noise found in the City of Poughkeepsie Code of Ordinances.**

**(11) Every retail sales and service establishment operating with a valid permit shall be subject to four (4) random inspections to be performed by the Chief of Police, or his designee, to ensure compliance with the requirements of this ordinance.**

#### **Section 14-69 Creating or maintaining noncompliant ~~extended hours convenience stores~~ retail sales and service establishments prohibited**

*Complaint of violation.* Any individual or any civic organization affected by the action or inaction of an ~~extended hours convenience store~~ **retail sales and service establishment** subject to the provisions of this article may contact the City of Poughkeepsie Police Department to initiate a complaint.

#### **Section 14-70 Enforcement and penalties**

(a) No owner or operator of any ~~extended hours convenience store~~ **retail sales and service establishment** shall operate his, her or its business between the hours of 11:00 p.m. and 5:00 a.m., or any portion thereof, without a valid permit nor allow, create, or maintain an environment that attracts or encourages criminal activity.

(b) If an ~~extended hours convenience store~~ **retail sales and service establishment** owner or operator operates his, her or its business without a valid permit between the hours of 11:00 p.m. and 5:00 a.m., or any portion thereof, the City of Poughkeepsie Police Department, Building Inspector, Deputy Building Inspector, or Property Development Specialist has the authority to close the business between the hours of 11:00 p.m. and 5:00 a.m. and issue citations for each violation of operating without a valid permit.

(c) Upon the occurrence of any events involving serious criminal activity, whether occurring inside or outside the business premises, including but not limited to, violent felony offenses, the sale or possession with intent to sell narcotics or marijuana, offenses listed in Article 125 of the Penal Law of the State of New York, or offenses listed in Article 265 of the Penal Law of the State of New York, the Chief of Police or his designee may reasonably conclude that the business constitutes a disorderly establishment and immediately suspend the ~~extended hours convenience store~~ permit pending the outcome of a hearing pursuant to subsection (d) of this Section. Notification of said suspension shall be in written form and served upon the permittee, or any employee or agent of the permittee, either personally or via regular mail at the permittee's

last known address. **Any request for a hearing must be made in writing to the Chief of Police, or his designee, and such request must be made within fifteen (15) days of the date of the suspension. The hearing shall be conducted within fifteen (15) days of the receipt of a timely hearing request.** A hearing conducted under this subsection where the City sustains its burden and provides adequate factual evidence supporting the suspension shall result in a suspension of the permit for up to ~~six (6) months, or a revocation for~~ one (1) year.

(1) Upon the occurrence of any events involving violations of the Alcohol and Beverage Control Law, the Tax Laws, the Public Health Law, the Code of Ordinances of the City of Poughkeepsie, or activities that are conducted or condoned, whether inside or outside the business premises, which are otherwise illegal or promote criminal or nuisance activity, the Chief of Police or his designee may reasonably conclude that the business constitutes a disorderly establishment and shall schedule a hearing pursuant to subsection (d) of this Section seeking a suspension of the permit. Notification of said hearing shall be in written form and served upon the permittee, or any employee or agent of the permittee, either personally or via regular mail at the permittee's last known address. **Any request for a hearing must be made in writing to the Chief of Police, or his designee, and such request must be made within fifteen (15) days of the date of the suspension. The hearing shall be conducted within fifteen (15) days of the receipt of a timely hearing request.** A hearing conducted under this subsection where the City sustains its burden and provides adequate factual evidence supporting the suspension shall result in a suspension of the permit for up to ~~6 months~~ **one year.**

(2) A hearing resulting in a second suspension pursuant to Section 14-70(c)(1) within a twelve (12) month period shall result in an immediate one (1) year revocation of the permit.

(d) Any owner, operator or person designated by the owner may appeal his, her or its; suspension, prospective suspension or revocation of the permit of an extended hours ~~convenience store~~ **retail sales and service establishment** in accordance with the following procedure:

(1) Any owner or operator aggrieved by a suspension or prospective revocation pursuant to Section 14-70(c), or a prospective suspension pursuant to Section 14-70(c)(1), shall be granted a hearing on the matter before a hearing officer duly appointed by the City Administrator. The City Administrator shall set a time and place for such hearing and shall give the permittee written notice thereof. **Any request for a hearing must be made in writing to the Chief of Police, or his designee, and such request must be made within fifteen (15) days of the date of the suspension. The hearing shall be conducted within fifteen (15) days of the receipt of a timely hearing request.** At such hearing, the City shall have the burden and shall be required to provide factual evidence supporting the closure, suspension or revocation of the extended hours permit. The owner, operator or person designated by the owner shall be given the opportunity to confront or contradict any evidence put forth by the City and be heard as to why such notice should be modified or withdrawn. For the purpose of the hearing the formal rules of evidence shall not apply.

(2) In the event that an owner, operator or person designated by the owner fails to appear at a duly scheduled hearing, the hearing shall be held in absentia and the permittee's right to take part and defend a suspension and/or revocation shall be deemed waived.

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(3) After such hearing, the hearing officer shall provide a written decision and recommendation to the City Administrator. Upon receipt of the written decision and recommendation, the City Administrator shall provide a written decision sustaining, modifying or withdrawing the suspension or revocation, depending upon the finding as to whether the provisions of this article and the rules and regulations adopted pursuant thereto have been complied with and whether the suspension or revocation is justified by the evidence elicited at the hearing.

(4) The effective date of any suspension or revocation issued after a hearing shall be the date the City Administrator issues his decision pursuant to Section 14-70(d)(3).

(e) Notwithstanding any closure, revocation or suspension of a permit, any owner or operator who fails to abide by any of the provisions of this Article, **and who is convicted of the same in a court of competent jurisdiction**, shall be punished by a fine of not more than \$1,000 for each violation and an additional \$100 for each day that the noncompliant condition exists.

**Additionally, any conviction for a violation of this chapter shall result in a suspension of the extended hours permit for up to thirty (30) days for the first offense, sixty (60) days for the second offense and ninety (90) days for the third offense. Any establishment convicted of violating any provision of this ordinance four (4) times shall have their extended hours permit revoked for a period of one (1) year from the date of conviction.**

(f) Any owner, operator or business convicted of operating an extended hours ~~convenience store~~ **retail sales and service establishment** without a valid permit under this Article shall not be eligible for a permit or a permit renewal for one (1) year from the date of conviction.

(g) Upon the occurrence of any suspension or revocation, a member of the City of Poughkeepsie Police Department shall seize the extended hours permit and transfer the same to the City Chamberlain. The City Chamberlain shall hold the extended hours permit until the permittee's privilege to obtain and display the same is granted pursuant to this Article.

#### Section 14-71 Application Denials

(a) All applications shall be reviewed by the Chief of Police or his designee prior to the issuance of any permit. If the issuance of the permit is not in the best interest of the general public welfare and safety, the Chief of Police or his designee shall deny the application and provide a written basis for the denial. Denials may be based upon violations of this article, including but not limited to, criminal activity, violations of the public health law, violations of the alcohol and beverage control law, nuisance activity in and around the ~~convenience store~~ **retail sales and service establishment**, and prior revocations and/or suspensions pursuant to this article.

(b) Any application shall be denied if the ~~convenience store~~ **establishment**, or the property thereon, is not in compliance with the zoning and building codes of the City as determined by the Building Inspector and/or Zoning Administrator.

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(c) Any applicant aggrieved by a denial pursuant to this section shall be granted a hearing on the matter in accordance with the hearing procedure as outlined in Section 14-70. At such hearing, the City shall have the burden and shall be required to provide factual evidence supporting the application denial. The petitioner shall be given the opportunity to confront or contradict any evidence put forth by the City and be heard as to why such application should not be denied. For the purpose of the hearing the formal rules of evidence shall not apply.

(d) After such hearing, the hearing officer shall provide a written decision and recommendation to the City Administrator. Upon receipt of the written decision and recommendation, the City Administrator shall sustain or overturn the decision to deny the application, depending upon a finding as to whether the provisions of this article and the rules and regulations adopted pursuant thereto have been complied with and whether the denial is justified by the evidence elicited at the hearing.

**SECONDED BY COUNCILMEMBER JOHNSON**

O-14-16			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember McClinton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

- 1. FROM CORPORATION COUNSEL ACKERMANN AND CHIEF JOHNSON,** a communication regarding Ambulance/EMS services.
- 2. FROM CORPORATION COUNSEL ACKERMANN,** a communication regarding the reallocation of 2007 CDBG funds.

## The City of Poughkeepsie

New York

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### *Memorandum*

**TO:** COMMON COUNCIL  
**FROM:** PA  
**DATE:** 9/14/2014  
**SUBJECT:** BRAC

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In 2005, the United States Government adopted the Base Realignment and Closure Law ("BRAC") which effectively left numerous surplus Army Reserve Centers including one located in the City of Poughkeepsie at 25 Oakley Street.

Pursuant to BRAC, local governments were given an opportunity to determine the fate of these surplus properties, through a Local Redevelopment Authority ("LRA"). However, BRAC required that consideration be given to the needs of the homeless. In 2006 the Common Council designated the CPIDA as the local LRA. The CPIDA proceeded to issue a Request for Proposals one of which was received by Hudson River Housing which sought to use the center as an emergency homeless shelter.

In 2011, the City of Poughkeepsie negotiated with HRH to withdraw its proposal because the City wished to retain Dorsey Gage in the City. Dorsey needed to expand its operations and if it could not do so at its current location, it would have had to move out of the City. As part of the negotiation, the City agreed to certain provisions to meet the needs of the homeless as required by BRAC.

One of the issues the City was concerned with was that at the time, the homeless in-take was being conducted at the First Congressional Church on Mill Street. The City had requested that the in-take be conducted at the Family Partnership Center where the day shelter was located. HRH agreed, but the City was to cover the additional expenses of keeping the day shelter open until such time that the overnight shelter opened. The agreement further provided that HRH would apply through CDBG to cover the expenses in the future. This year, HRH did **not** apply for CDBG funds to cover the expenses as required. However, the City wishes to continue having the homeless shelter in-take conducted at the Family Partnership Center site, so this request is to move funding from unused CDBG funds to cover such costs.

O:\reallocation of CDBG monies.doc

- 3. FROM CITY ADMINISTRATOR BUNYI, a presentation regarding the 2013 Sedore Audit. Removed from Agenda**

4. **FROM PATRICK MAHONEY**, a notice of injury sustained on May 27, 2014.  
**Referred to Corporation Counsel**
5. **FROM DANIEL DORN**, a notice of claim sustained on August 8, 2014 and on August 22, 2014. **Referred to Corporation Counsel**
6. **FROM LAW OFFICES OF L'TANYA M. WATKINS, ESQ.**, a notice of claim sustained on May 24, 2014. **Referred to Corporation Counsel**
7. **FROM DAIN S. HYMAN**, a notice of personal injury sustained on June 9, 2014.  
**Referred to Corporation Counsel**

**X. UNFINISHED BUSINESS:**

**Councilmember Hermann:** To anyone who this may pertain to in response to something that was mentioned either in presentation or public comment regarding the Charter Review Commission. Mr. Ackermann – you had promised to look into Mr. Garrity what the charter says and I would certainly like that information too as far as how that is supposed to move forward. My base question is does the mayor have the right to be the sole arbiter of who sits on that board. I know he says that he's going to rely on leadership input.

**Corporation Counsel Ackermann:** I believe I provided a time line and how the process goes.

**Chairman Mallory:** I didn't receive it.

**Corp. Counsel Ackermann:** I will reissue it.

**Councilmember Hermann:** under the mental hygiene law, the one that we're all familiar with, are the group homes – do they remain as group homes on the tax rolls.

**Corp. Counsel Ackermann:** They're taken off. They're a tax exempt organization.

**Councilmember Hermann:** Can I get a clarification on the price per ton of recycling? That we talked about so quickly.

**Councilmember Hermann:** This goes back to a discussion that we had at the previous Common Council meeting. Someone earlier had given us a figure of how much tonnage we've submitted to date to the plant and how much income revenue we have received. I want to make sure that's being appropriated accordingly.

**Councilmember Petsas:** I know you said you were going to give a timeline for the Charter Review Commission. Who exactly appoints the commission? Mr. Garrity

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did point out the 601/602 saying that the legislative body appoints it. You're going to give us clarity?

**Corporation Counsel Ackermann:** Absolutely

**Councilmember Petsas:** I know there's some discussion on trees. I believe there's \$5,000 or \$6,000 in grants. Those trees have been ordered?

**Councilmember Petsas:** I know in previous councils as it was commented on that there's a certain amount of trees allocated per ward. We always had 4 or 5 trees per ward. The council person would either say they didn't want them or give them to someone else. No, that's not true? That's what I understood from my previous colleague.

**Councilmember Petsas:** that was a grant that will be reimbursed. There's not budget line item simply for council people to have 4 or 5 trees put in?

**Chairman Mallory:** It used to be that way, but for the matching grant, we had to designate areas specifically for where those trees would be planted. We wouldn't have gotten the grant money. We had to share with them where those trees were going to be planted. That was part of the grant process. So this year it was budgeted for a strip of area, not a specific ward. That's how it was for 2014.

**Councilmember Petsas:** So for 2013, it was the same grant you were getting but you were able

**Chairman Mallory:** No, there was no grants specifics for the trees. This grant is totally different. This was a matching grant where we had to show where the trees would be planted. Before, we had budgeted tree money. So if a councilmember got 4 trees, they chose where they could be planted in their ward. If they chose not to have them, then it would be at discretion of the Shade Tree Commission where they could be planted.

**Councilmember Petsas:** So what happened to the trees per ward? I'm confused, somehow we lost that. It wasn't budgeted.

**Chairman Mallory:** It wasn't budgeted. Smith Street was designated to receive grant trees. We had to plan accordingly to plant the trees along Smith Street and the same thing for other areas in the City of Poughkeepsie. I'm not sure I have to look through my notes.

**Councilmember Petsas:** To be clear, there's not money and no trees for any wards outside of the grant.

**Chairman Mallory:** For the designated area of the grant for this year.

**Councilmember Petsas:** And that's been the normal.

**Chairman Mallory:** No, it's just for this year.

**City Administrator Bunyi:** I think what Mr. Mallory is trying to explain is this is a matching grant. We have to match whatever grant we got. The money we have normally used to buy specific trees for different wards was used to match this so we can get the maximum amount of trees we can get from the grant.

**Chairman Mallory:** That's only for 2014. Whatever happens in 2015 – that's only for 2014.

**Councilmember Rich:** My memory is a little different. Going back to 2008, I would get a letter saying Dear Mr. Rich, you can get up to 6 trees if you want them. Let us know because if you don't want them, then we're going to give them to someone else. This has been done since I came on the council. 2014 is different. That's why I think Mr. Petsas thinks it's supposed to be done. If it's done a different way, then we should be notified that it's going to be done differently. I think if you're going to change the rules, we should be notified.

**City Administrator Bunyi:** We didn't change the rules. The bottom line is this was a grant that went before the Common Council and it was approved by the Common Council.

**Chairman Mallory:** Yes it was.

**Councilmember Rich:** I'm talking about getting notice every single year that each Council could have up to X number of trees if they wanted them and had a place for them. That's what I'm talking about. Not a grant. Procedure.

**Chairman Mallory:** He's talking about the procedure.

**Councilmember Petsas:** The lights on Route 9. I probably get at least one comment a week on the lights. I know we're talking about the conduit is bad. We had a meeting with the Assemblyman, Senator a few months ago about it. They sent an email back that there is power to all of those poles. So I'm just trying to figure out, that's the email that I got. I will forward it to you. They asked Central Hudson to go check the poles. They checked and said that there is power to the poles. I would like some kind of report, something because it's a big problem down there. It makes us look foolish because we're a city of 30,000 people that can't have lights going through our main street.

**Commissioner Gent:** Here's the problem. There may be power to the poles but there's a pole box buried under 5 feet of dirt. There's conduit that goes from pole to pole. Whereas, they may give me power to each pole, it's not connected. It's chewed, it's ripped up and chiseled through. There's power there if we want to run

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all new lines and conduit to make sure it loops from pole to pole. Sure the power is right there. It's provided. New wire from pole to pole, dig the conduit, stop the traffic.

**Councilmember Petsas:** Do you have to dig or could you string wire from pole to pole instead of going underground.

**Commissioner Gent:** That would be a huge project for us to stop traffic on Rt. 9 to do that.

**Councilmember Petsas:** So the huge project is stopping traffic or the actual stringing of the

**Commissioner Gent:** We would have to close the lane to get all that done. Bring trucks in with the big reels of wire. It's a big, big project that we can't handle.

**City Administrator Bunyi:** Remember that we cannot make a decision to stop traffic on Rt. 9

**Chairman Mallory:** The State does.

**City Administrator Bunyi:** The State is the only one who can determine whether or not we can stop the traffic.

**Commissioner Gent:** Could we do it if we took everyone for a month and got the plan in with the State and met for 6 months and maybe come up with the money for it. We could do it. It's just a huge undertaking for that. You would bid that out to a contractor to do that and say just fix this because we can't. Traffic control, permits, it's a big project.

**Councilmember Petsas:** That's not what I want to hear.

**Commissioner Gent:** Me neither.

**Councilmember Petsas:** It just seems that there's nobody fighting to get these lights back on. That's a concern because it looks crazy to go through our city and have total blackness when you get to places. There are enough accidents there during the day because of the design. It just makes no sense. I'm not an electrician but we have lights on one side of Main Street. I don't know why we can't get 4 or 5 of them on the on-ramp. I guess it's a bigger project than simply that.

**Councilmember Rich:** It would seem to me that the City of Poughkeepsie and the State have responsibility for Route 9. It would seem to me that's a State road. If the State will not do what needs to be done for safety and security, then we may need to go to the 3<sup>rd</sup> branch of government and sue them. They should be lighting that area. That's their Route 9. That's right where they go north, south, east and west. Excuse me but that's my ward. That is dangerous anytime but especially at night when the

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lights aren't on. It is more than dangerous. It's an accident waiting to happen. If the State won't do it, then we should go to court and say you must do it. It's your road. It's not ours, it's yours. We just gave the State back the arterials which we took from them for some strange bizarre reason. They are now doing it because they have to do it. They are required to do it – plow. We say we're not doing it anymore and they said okay because they knew they couldn't do anything. Let us just say who is responsible, the State and it's time. We have 3 attorneys, let's sue them. Let's go to court – Article 78 or whatever it's called. That will get their attention. We have tried to get their attention through the representatives. They won't give us their attention. Let's sue them. That will get their attention. That's what I think we should do. We should have done it a long time ago.

**Councilmember McClinton:** I concur with Vice Chair.

**Councilmember Perry:** I wholeheartedly agree with 2<sup>nd</sup> Ward Councilman. Whoever is responsible for should be held responsible. If it's the State, then they should do what they're supposed to do. After all, they're supposed to serve the citizens. The City shouldn't have to bear responsibility that the State is supposed to bear. If it requires a lawsuit, Mr. Ackermann, then proceed with one, if that is what it requires. I'm not a lawyer and I don't pretend to speak as one. On the other hand, if they're responsible, let's hold them responsible. Now if it's because we have given up on taking care of the highway that the lights are no longer on and the garbage is piling up, let's sue them for the garbage as well. It's their responsibility. Taxes go from this county and this City to NY State. We need to find out exactly what responsibility they have to our City. So whatever you need to do Mr. Ackermann, we're standing with the 2<sup>nd</sup> Ward

**Councilman Rich** and what he says.

**Councilmember Johnson:** More problems with the State. As one of my constituents mentioned today. The litter on the arterial from May Street to Worrall Avenue is getting out of control and now the school is back in session and it's getting worse every day. Can send someone to come look at it this week?

**Councilmember Klein:** Mr. Ackermann, on the lights, is there some way we can meet with the principals, or stakeholders (interested parties) so is there a way to resolve it by getting the right people in the room to work on this?

**Corporation Counsel Ackermann:** We've met with DOT. In 1967, during the construction of the north/south arterial or Route 9, the City elected as an option the installation of the street lights. To the State, it's an amenity and it's not a safety issue. There's no data to support the fact that street lights make it safer where there is no pedestrian crossings. At that time, the Common Council agreed by resolution which was adopted by the State that the State would provide the street lights, pay for the installation but it would be the City's responsibility to maintain them. That's the issue. We've met with them. Their position is you guys wanted them, you guys

agreed to maintain them. It's your responsibility, not ours. If you don't want to maintain them, then remove them. We consider them an amenity.

**Councilmember Klein:** Perhaps the City can contact the governor who is running for re-election who seeks to have the votes of the voters of the Mid-Hudson Valley including those in the City of Poughkeepsie. Perhaps our County Executive could be enlisted to help and some higher level stakeholders could be included. This is just something for Corp. Counsel and City Administrator to consider, giving the timing, this may be an appropriate time. I'll leave that to your discretion. Obviously a law suit is something that requires a lot of time and resources with an uncertain outcome. So I will leave that to your discretion.

**Corporation Counsel Ackermann:** We'll review it.

**City Administrator Bunyi:** When we met with DOT, their engineers were there and basically came right out and said through the State, there is no statistical data to support our concern for safety. As far as they're concerned, the lights on Rt. 9 are not a necessity. They were very clear and their engineers were sitting right there in front of us, that we could take down the lights. To them, they are not a safety issue. That's the engineers of DOT.

**Councilmember Klein:** Mr. Ackermann, is there any word on the 204 church Street deal? Is it still in the works or up in the air, or has it died?

**Corporation Counsel Ackermann:** That's correct at this time.

**Councilmember Klein:** That's unfortunate. Also the proposed Poughkeepsie Ambassador project resolution – was that ever vetted through the union to see if there would be an issue with that.

**Corporation Counsel Ackermann:** Not at this time.

**Councilmember Klein:** Is that something contemplated?

**Corporation Counsel Ackermann:** Yes.

**Councilmember Rich:** I have some information about that. I did contact the union, the president, vice president and they said no problem whatsoever.

**Corporation Counsel Ackermann:** They have to communicate that to us.

**Councilmember Rich:** They communicated that to me. I will call them again and tell them to communicate it to you.

**Corporation Counsel Ackermann:** That's fine.

**Councilmember Rich:** The 2013 Sedore Audit. I finally got it. It wasn't in a nice booklet, the paper wasn't good and the print was very small. I read it. We're going to have the Sedore folks come. The problem is we were directed by the State Comptroller not to do it this way. He said get that budget in your hands well before you go into the budget process. He criticized us heavily for that and we're going to have the audit right in the middle of the budget process, in late October. That means more work for this already stressed out council. We have meetings, one right after the other and it's all about money. The Sedore Audit would have been useful for us to have had 3, 4 or 5 months ago so we could know. I've read it and they've said some nice things about the 2013 budget. Even though you have to go look for it because in the beginning there's City Administration. We have a nice surplus in the 2013 budget. The general fund is very nice. We have a very nice surplus user fee in the sanitation budget. That's the first time under this mayor that we've had a surplus in our general fund budget. I think Gwen Johnson, Nina Boyd and others – we have to say thank you for stopping the bleeding. I'm hoping in 2014 we won't have a deficit. If we didn't stop it, we would be in receivership. We stopped it. Thank you Gwen, Nina and all the other's that worked on it.

**Chairman Mallory:** Two weeks ago Majority leader had asked about the reviewing of contracts. Is it a Review Contract Board?

**Corporation Counsel Ackermann:** Board of Contract and Supply.

**Chairman Mallory:** Could you provide us a list of who sits on that?

**City Administrator Bunyi:** We could provide you that.

**Chairman Mallory:** And also the contracts that they have approved in the last 2 years and the expiration date of those contracts. We're going to need them for the budget.

**City Administrator Bunyi:** Sure.

**Councilmember Petsas:** The sanitation tax will be part of the tax bill? I just wanted to make sure that's going to happen for next year. The City Council had voted on it.

**City Administrator Bunyi:** It's not a sanitation tax. It's a user fee.

**Councilmember Petsas:** That's going to be included. I just wanted to make sure.

## **XI. NEW BUSINESS:**

**Councilmember Petsas:** I want to thank the crews for cleaning up Waryas Park beyond what is expected. They cleared out that whole back section and we have reclaimed that section of the park for the average citizens. It's very nice down there. They did a great job. They put a lot of work into it. I deeply appreciate the Dyson

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Foundation's millions that they have pumped into the Walkway over the Hudson and the Upper Landing. I reached out to them to see if we could do some beautification projects along Gifford Avenue. Gifford Avenue is the front porch of the Walkway. It's the first street you see and it's the worst street in the 1<sup>st</sup> ward. Half of the houses are vacant. There are three trees on the street. I reached out to them to see if they could find a few dollars to re-tree line the street. They said that's not their business. I'm going to say publicly that I'm very disappointed that they would invest millions into the Walkway, Riverfront park, elevator and nothing for the neighborhood where the people live. It's nice to have this great attraction but underneath it we have dozens of vacant homes, street scenes that look out of another era. I'm frustrated and disappointed that they responded the way they did.

**Councilmember Perry:** I agree with Councilmember Petsas. When I look in this waterfront proposal, there's nothing that includes the surrounding areas. Just strictly the waterfront. So it would be nice if some of the other areas were considered. You don't want people to just come and be on the Walkway and leave the city. You want them to be able to have something of interest that they can walk around the city and look at. That would include areas in the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 5<sup>th</sup> wards if they would go that far up the hill. It's all beautiful areas that could be beautified. If we want to have this elevator to work and the Walkway to work, you have to help beautify the surrounding areas. It doesn't matter what you have in this document if you're going to exclude the surrounding areas. It's not fair.

**Chairman Mallory:** The Dyson Foundation had approached the City about what our needs are. They had heard about our needs for our parks. We all received information from Dept. of Public Works Commissioner about what our needs were for all 17 City parks. The City of Poughkeepsie had spoken to Dyson. They wanted to see the list of requests for all 17 of our parks. They are seriously, well were seriously, considering making a major contribution to all our City parks.

**Councilmember Hermann:** Did you say that we were requested to provide a list of what we see as improvements to our parks?

**Chairman Mallory:** No, we received the list from DPW and City Administrator. That information has been forwarded to the Dyson Foundation who believes it's very important for us to work to enhance our parks and they were considering assisting us in addressing those needs that were pinpointed by DPW and Administration.

**Councilmember Hermann:** Thank you for the clarification. Mr. Gent, can I ask you about Spratt? As most of you know, Spratt doesn't receive CDBG Funds and is in dire need. It's the 8<sup>th</sup> Ward's great treasure. It's a beautiful park. Can you give me a greater understanding of how often the park division of DPW maintains that park and at what point they stop trimming the grass during the season?

**Commissioner Gent:** They trim it until it doesn't grow anymore. We do it promptly once a week. The tree crew has been up there. The recreation has been up there.

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Buildings and grounds has been up there. We've repaired benches, tables, and fences. We've cleared out trees. We did pool work – painted the pool, put in a new pump and did the bathrooms. We do a lot of work in house. We may not get state funds, but we make sure it's nice.

**Councilmember Hermann:** Could I have a list of what's been done over the last..

**Commissioner Gent:** Absolutely.

**Councilmember Hermann:** There has been an initiative in the 8<sup>th</sup> ward to spur a Friends of Spratt Park. If anybody at home is listening and you have facebook, go to Friends of Spratt Park and friend it. The hope is that there's more community-private and community-public partnerships to get some much needed resources at Spratt. This is hopeful that Dyson might be giving us some money. That's great to hear.

**Commissioner Gent:** We got another park adopted this past week, Kael Rock Park.

**Councilmember Hermann:** That's great.

**Commissioner Gent:** We have local business leaders that have gotten together and formed a group and have put a significant amount of money in a pot. They're looking at Lincoln Park to do something nice down there. Not next year, but tomorrow. There's a significant project that is going to be happening at Lincoln Park in the next couple of weeks.

**Chairman Mallory:** This is not a one-time deal. This is going to be one of those things that they make investments to other parks. But they're going to start with Lincoln Park first.

**Councilmember Hermann:** If someone wants to adopt a park, what is the process to do that?

**Commissioner Gent:** What they do is send a letter of request to the City Administrator saying that they would like to adopt a park. We have a packet of paperwork. We have a form they have to fill out and a contract showing what they're responsible for and what we're responsible for and then we go from there.

**Councilmember Hermann:** This doesn't cost the individual anything?

**Commissioner Gent:** No, it doesn't cost them anything.

**Councilmember Hermann:** Apart from their time.

**Commissioner Gent:** Absolutely.

**Councilmember Hermann:** Mr. Bunyi, a constituent said that she understood that the Armory was in danger of foreclosure?

**City Administrator Bunyi:** We're not familiar with that one.

**Councilmember Hermann:** She must have misinformation.

**City Administrator Bunyi:** The Seventh Day Adventist just bought that at State Auction.

**Councilmember Hermann:** So the current owner of the Armory is the Seventh Day Adventist?

**Chairman Mallory:** Yes, they bought it at state auction.

**Councilmember Hermann:** Pursuant to Mr. Harden's question regarding the Glenwood sign, the stop sign, are we planning to address...

**Chairman Mallory:** Yes

**Councilmember Hermann:** Will you let me know when that has been done?

**Chairman Mallory:** Yes.

**Councilmember McClinton:** Mr. Ackermann, the properties that we were previously discussing – how far along are we on that?

**Corporation Counsel Ackermann:** We're moving along. We actually should get the determination pretty soon.

**Councilmember McClinton:** To bring you up to speed, at caucus there was a group who presented certain addresses in the other area of my ward that I shared with you and I did share with my colleagues that those issues had also been addressed.

**Corporation Counsel Ackermann:** Yes.

**Councilmember McClinton:** The last thing that I wanted to ask you is the feces on Main Street. There are supposed to be signs to curb your dog and they're not there. It's like playing hopscotch. One resident is really angry because it seems to be one person who walks two dogs. He continues to not clean up after them and there are no signs. There's no signs stipulating that there's also a fine for not cleaning up after your dog. When he was approached, he said he couldn't be fine. There's no sign.

**Corporation Counsel Ackermann:** That's not true.

**Councilmember McClinton:** Of course I know it's not true, but I'm saying if you don't know and there's no signs. I have looked, there's not sign. It's really bad on upper Main by Family Dollar and when you cross over to the cellphone store, it gets

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gross again. One individual is in a wheelchair and it got on his wheels and he had to go back into his house. It's not fair. It needs to be enforced and if the sign isn't there or it's not visible, something has to be done, Mr. Gent, Mr. Ackermann, Mr. Bunyi.

**Councilmember Perry:** I just wanted to mention a resident of 6 Rose Street called to say that he needs help from the City with his building that is falling down to the ground. Did anyone else get a call about that?

**Corporation Counsel Ackermann:** I believe you're referring to the gentleman that bought the lot at auction.

**Councilmember Perry:** He claimed the City should be helping him to take care of that.

**Corporation Counsel Ackermann:** We don't have a responsibility. We sold it at auction, as is. Unfortunately, before he bought the property, he didn't inspect it and now he wants the City to assist him in removing the debris. The whole point of us putting it to auction is so we weren't responsible for it.

**City Administrator Bunyi:** Mrs. Perry, so you understand, we have had conversations with him and the last conversation that we had was if he removed the debris, we would be more than glad to take it and receive at the transfer station. He said he had no way to take it there. It's a big concession on our part that we are ready to take it for free when other developers do not get it for free. Now he wants us to take it from him and take it back to the transfer station.

**Councilmember Perry:** I only mentioned it because he called me, otherwise I wouldn't have said anything.

**Councilmember McClinton:** That's the one that's in my ward that I was discussing with Mr. Ackermann and there were other things that he has done and that's why I suggested he call you. He was told already and we have been dealing with him for months. That is his responsibility along with him owning the other lot as well on Rose Street. There are issues with it and I have been asking Mr. Ackermann. I'm glad you spoke to with him, Councilmember Perry, because he needs to understand there are rules and regulations that he will not be an exception to. It will cost the City of Poughkeepsie more money. Also, there are other things that have gone on at 6 Rose Street that Mr. Ackermann is addressing right now.

## **XII. ADJOURNMENT:**

A motion was made by **Councilmember** and seconded by **Councilmember** to adjourn the meeting at 7:50 p.m.

**Dated: April 10, 2015**

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I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, September 15, 2014 at 6:30 p.m.

**Respectfully submitted,**  
**Deanne L. Flynn**  
**City Chamberlain**



**COMMON COUNCIL MEETING**

Common Council Chambers  
Monday, September 15, 2014

**6:30 p.m.**

***6:00 Special Informational Meeting***

**I. ROLL CALL:**

**II. REVIEW OF MINUTES:**

**Common Council Meeting of May 19, 2014**

**Public Hearing June 2, 2014 regarding LL-14-3**

**Public Hearing of June 2, 2014 regarding proposed historic designation of  
The Clarence Lown Rock Memorial and 148 Cannon Street**

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

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

**V. MAYOR'S COMMENTS:**

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

**VII. MOTIONS AND RESOLUTIONS:**

- 1 FROM CORPORATION COUNSEL ACKERMANN, Resolution R14-64, setting a public hearing for the rezoning of an unnumbered Maple Street parcel (Tax Map Number 6161-25-504927) from C-2A/R4 to R-4.**

2. **FROM CORPORATION COUNSEL ACKERMANN**, Resolution R14-65, Introducing a local law amending Chapter XIX, Article II of the City of Poughkeepsie Code of Ordinances entitled “District Regulations and Map” with the addition of a new “Waterfront Transit-Oriented Development” District.

**VIII. ORDINANCES AND LOCAL LAWS:**

1. **FROM ASSISTANT CORPORATION COUNSEL GILDARD**, Ordinance O-14-16, amendments to Section 14-65 entitled “Extended Hour Convenience Stores”.

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

1. **FROM CORPORATION COUNSEL ACKERMANN AND CHIEF JOHNSON**, a communication regarding Ambulance/EMS services.
2. **FROM CORPORATION COUNSEL ACKERMANN**, a communication regarding the reallocation of 2007 CDBG funds.
3. **FROM CITY ADMINISTRATOR BUNYI**, a presentation regarding the 2013 Sedore Audit.
4. **FROM PATRICK MAHONEY**, a notice of injury sustained on May 27, 2014.
5. **FROM DANIEL DORN**, a notice of claim sustained on August 8, 2014 and on August 22, 2014.
6. **FROM LAW OFFICES OF L’TANYA M. WATKINS, ESQ.**, a notice of claim sustained on May 24, 2014.
7. **FROM DAIN S. HYMAN**, a notice of personal injury sustained on June 9, 2014.

**X. UNFINISHED BUSINESS:**

**XI. NEW BUSINESS:**

**XII. ADJOURNMENT:**

