



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, September 6, 2011 6:30 p.m.

City Hall

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.

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

Constantine Kazolias 47 Noxon Street – Got some bad news today about the uniforms, \$45 apiece. They haven't resolved the shoes yet and that is big issue. More importantly, what they have to go through isn't an option. You have to make an appointment with the administrator, do this and all like that. It is then up to the administrator to reject or grant not wearing the uniform. We are not educating the kids we are indoctrinating them for future work. Good luck in the election, whether your democrat or republican, I've been there.

Ken Stickle 118 Catherine Street – Thanks all the departments for their work though Hurricane Irene. I got my information from FEMA in city hall. I have had a

lot of problems with the police department over the years but they have been great. They have gone out above and beyond what they need to do. DPW cleaned up the streets. I would like to see the city getting the storm drains cleaned out. That was part of the problem with the drainage during the hurricane the storm drains weren't properly cleaned out. I am asking the city to cut some of the dangerous trees. We have to get out and look at these trees, they are a liability. One by Malcolm X Park and one by College Hill are especially bad.

Regina Stroman 87 Winnikee Avenue – Is still w/o power. The city told us we need to have a licensed plumber and electrician come in to verify that it is ok. That cost is very high, and I cannot afford it. Where do I stand? **Chairman Klein tells her that he will have the city administrator meet with her after the meeting.**

V. MAYOR'S COMMENTS

Mayor Tkazyik – We have representatives from FEMA here and they are on the ground, they will speak to us this evening. We thank them for being here and being proactive in the city on collaboration with all our departments and working with Dutchess County emergency response to come to the recovery and aid of those affected by hurricane Irene. Thanks John Flowers for his 11th annual church picnic. It was a great afternoon and we thank all the participants. The 1st and 2nd weekends of October there will be many events in the city. City hall is working diligently in putting together the 2012 budget, working with the departments and the commissioner of finance. The economic condition has made the job very difficult and challenging. Also of course with the condition of the State and the unfunded mandates that get passed on, makes that a greater challenge. We will present the 2012 budget by October 15th. Additionally this evening we have 2 sales on city owned property they would be positive endeavors in our continuing revitalizing efforts.

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Klein – We are all proud of how the city responded given the conditions during and after hurricane Irene. Also we thank Mayor Tkazyik for his leadership during that time of crisis. The city prepared as best it could and we are grateful for all the efforts. The church picnic was a wonderful time with the residents and many of the council members. Also a number of us were at Poughkeepsie City high school this afternoon where the mayor spoke. It was a wonderful kickoff to an inspiring school year and we thank the school district for having us.

VII. MOTIONS AND RESOLUTIONS:

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

Assistant Corporation Counsel Ackermann - Informed the Council that this resolution was tabled at the last meeting. The concerns were over some violations of a neighboring property 400 Main Street that were outstanding and needed to be corrected. Councilwoman Solomon requested the resolution be updated to include paragraph E. Other than that all terms and conditions remain the same.

Councilwoman Solomon – Is happy to state that there has been a true improvement in the look and manner in which business is being carried on there. The windows are clear and everything is painted. New windows will be installed and it will be nice. Thanks the council for letting her make some conditions concerning the sale of property.

RESOLUTION

(R-11-50)

(Amended 9/6/11)

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, the City of Poughkeepsie has previously taken title to certain vacant parcel located 404 Main Street in the City of Poughkeepsie known more specifically as Grid No. 31-6162-78-186025; and

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

WHEREAS, an offer has been received from Third NY Investment to purchase these properties for the sum of \$1,000.00; and

WHEREAS, Third NY Investment is the owner of an adjacent property known as 400 Main Street and has received approval for the Planning Board of the City of Poughkeepsie to operate a restaurant, however a Certificate of Occupancy for the restaurant requires the acquisition of this property; and

WHEREAS, the City of Poughkeepsie Corporation Counsel's Office, 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 Third NY Investment is the most favorable of the offers presented and that it is in the best interests of the City of Poughkeepsie to approve such offer so that the premises may be returned to the tax rolls; and

NOW, THEREFORE,

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

RESOLVED, that the offer from Third NY Investment to purchase premises known as Grid No. 31-6162-78-186025 in the City of Poughkeepsie for the sums of \$1,000.00 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/she deems appropriate;**
- B. 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;**
- C. 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;**
- D. Purchasers agree that they shall not use the purchase price agreed to as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation; and**
- E. Prior to the closing of title, Purchaser shall apply for and obtain the approval from the Planning Board and/or the Zoning Board of Appeals of any site plan approval or zoning variances required by law, and**
- F. That prior to closing and at all times thereafter, owner shall maintain the property and the adjacent property located at 400 Main Street in compliance with all local, state and federal rules, regulations, laws and ordinance including the building and zoning code of the State of New York and the City of Poughkeepsie.**

BE IT 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 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 PARISE

✓ Vote Record – R11-50						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Murphy	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
 ACT (SEQRA) RESOLUTION REGARDING A SALE OF
 CERTAIN CITY OWNED PROPERTIES
 (R-11-51)**

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of certain properties now owned by the City of Poughkeepsie known as 404 Main Street (6162-78-186025); and

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. In accordance with Section 617.5(a)(1) of Title 6 NYCRR, the Common Council determines that the above described action is subject to SEQRA; and
2. In accordance with Section 617.5(a)(2) of Title 6 NYCRR, the Common Council determines that the action does not involve a federal agency; and
3. In accordance with Section 617.5(a)(3) of Title 6 NYCRR, the Common Council determines that the above described action does not involve any other agencies; and
4. In accordance with Section 617.5(a)(4) of Title 6 NYCRR, the Common Council classifies the above described action as an unlisted action. The Common Council in making such classification considered Section 617.12 of Title 6 NYCRR and determined that the above action did not fall into any of the categories listed under Type I, and also considered Section 617.13 of NYCRR and determined that the above described action did not fit under any of the categories listed under Type II Actions, thus reaching the conclusion that it is to be considered an unlisted action; and
5. In accordance with Section 617.5(a)(5) the Common Council determines that the above described project will not require a long EAF since the short EAF provides sufficient information; and
6. The Common Council officially makes a determination of non-significance in that the proposed sale of properties are not expected to result in a significant adverse impact on the environment and, therefore, the preparation of a draft environmental impact statement is not necessary; and
7. This determination shall be considered a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law; and
8. The City Chamberlain shall maintain a file of this determination as well as the attached EAF which is hereby made a part of this resolution.

SECONDED BY COUNCILMEMBER PARISE

Official Minutes of the Common Council Meeting of September 6, 2011

✓ Vote Record – R11-51						
			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Murphy	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- Accepted
- Accepted as Amended
- Tabled

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

Mayor Tkazyik - Informed the Council that Mrs. MacIsaac is unavailable tonight, but that Fire Chief Johnson in here for any questions. This comes to the council from a communication on August 22nd from both of them with regards to those recommendations made to the action plan to reallocate funds as noted below. These decisions are prudent and are beneficial to the future of the city.

Councilwoman Flowers – Regarding the economic development loan fund, what was the total amount allocated for that? **Mayor Tkazyik believes that is the total amount, \$50,000. She has done mailing and radio advertisements to promote the loan.**

Councilwoman Johnson – What is the total in scattered sidewalks all together? **Mayor Tkazyik tells the councilwoman that this is not going to be reallocated to scattered sidewalks but to scattered street paving. This will be in addition to the chips program of \$375,000 for street paving.** All this money for scattered sidewalks and the paving, though, there is not much getting done. Additionally my ward had gotten poor work and would like there to be more than 1 contractor so that they can get all the work done. **Mayor Tkazyik answers that they are on target with scattered street paving, and actually ahead of schedule. These new funds will allow us to get more streets done earlier. And I will get you a list, once Clinton street is done, which is taking up a lot of time and effort they will be able to more onto other streets and get them done much quicker, especially with this additional money allowing the contractor to utilize more man power.**

**RESOLUTION
(R-11-77)**

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, in accordance with CFR 24 Part 91, Consolidated Submission for Community Planning and Development Programs, the City of Poughkeepsie submitted a one year Action Plan in 2007 and 2008 which outlined the proposed uses of Community Development Block Grant (CDBG) funds for those years; and

WHEREAS, the 2007 CDBG Action Plan contained \$166,588 for the New Retail Business Rental Subsidy Grant and the 2008 CDBG Action Plan contained \$100,000 for the Economic Development Loan Fund (EDLF); and

WHEREAS, the Social Development Director has recommended the reallocation of \$150,000 from the 2007 New Retail Business Rental Subsidy Grant to Scattered Street Paving Project, \$50,000 from the 2008 Economic Development Loan Fund to the Scattered Street Paving Project and \$50,000 from the 2008 Economic Development Loan Fund to the Fire Department Equipment Project; and

WHEREAS, the Common Council of the City of Poughkeepsie desires to amend the 2007 and 2008 Community Development Block Grant Action Plans as approved by the U.S. Department of Housing and Urban Development and in accordance with the Social Development Director’s recommendation; and

NOW, THEREFORE, BE IT

RESOLVED, that the Common Council of the City of Poughkeepsie hereby approves the amendment of the 2007 Action Plan to reallocate \$150,000 from 07.11.8668.7480 CD070065 (New Retail Business Rental Subsidy Grant)) to 07.11.8662.7442 CC07037A (Scattered Street Paving Project), amendment of the 2008 Action Plan to reallocate \$50,000 from 07.11.8684.7481 CD080013 (EDLF) to 07.11.8662.7442 CC08037 (Scattered Street Paving Project) and \$50,000 from 07.11.8684.7481 CD080013 (EDLF) to 07.11.8989.7212 CD08070A (Fire Department Equipment Project); and

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

SECONDED BY COUNCILMEMBER PARISE

✓ Vote Record – R11-77						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Murphy	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Assistant Corporation Counsel Ackermann - Informed the Council that this resolution is a sale of 2 city owned parcels, 288 Main Street and Wood Lane. The city has been in negotiations to develop the parcel with the adjacent parcel. A presentation will be given about the intended use. And easement will be required by the city once the city decommissions Wood Lane, will be for public access

from Main Street so that we can maintain that public access. 280 Main will be used for outdoor space to develop and dress up that area. There is an amended resolution that was given to the council today, including 288 Main and Wood lane.

Councilman Herman makes a motion and is seconded by Councilman Parise to suspend the rules.

Mr. de Dordova – (submits hand outs to the council) Excited to be presenting this to the council as we have worked many years to this day, buying parcels up and down. The plan all along has been to have it face east. There is currently rubble there, which we intend to make into a plaza that would benefit the city in terms of outdoor space. You can see in the handout the design of the plaza is preliminary. Still pending site plan approval and we may modify it as well. The plan is an outdoor space perhaps with a gazebo and landscaping, statues and outdoor dining. It will be beneficial to the city and also help us rent the 1st floor. We want to find a commercial vendor to occupy the retail space there. There has been interest in the 1st floor. There will be large apartments, it will be an expensive project over \$3million. We plan to create 54 new windows in the building and the magnificent ceiling heights in the apartments; we plan to make lofts in the attic. We secured all the building variances we would need. We are looking forward to improving this plaza area and building. It was crucial for us to obtain Wood lane and 280 Main because renters wanted to know what their customers would see. Would it be a city owned parcel or would it be part of our landscape. We are interested in working with the city to make this project work. These business plans are great, but it is a struggle because banks are not stepping up to lend.

Mayor Tkazyik – We see this as another anchor and catalyst for downtown redevelopment. This project will bring in new jobs to the city and enhancing the appearance of Wood Lane. Also highlighting the recent economic engine tool with the 485A that was adopted last week. The state cutbacks with the empire program, the excelsior program never getting off the ground we need these types of resources and tools for developers and interested parties to come into downtown. This is a positive step.

Councilwoman Flowers – The parking lot here, is that the TD Bank parking lot?

Mr. de Dordova – This is across the street from a city owned lot.

Councilman Mallory – Is this lot where the building was knocked down?

Mr. de Dordova – There were 3 buildings initially, a city owned lot. There was a business there that burned down and later took by the city for taxes. Hollywood window was on Wood lane and west of that was the royal tuxedo building. We left a portion of that standing and west of that, there was a pizzeria building. We have been trying to resituate the property of the last 13 years and have done so.

Councilman Mallory – Is the city still in negotiation with you as far as parking. I see 17 apartments, and we know that parking is an issue in the city. Are we looking to rent out or give lots in this area?

Mayor Tkazyik – We will negotiate that when that plan takes place.

Assistant Corporation Counsel Ackermann - We don't know the specific needs but we will negotiate it at the correct time. The planning board will have to look at what is needed and go through those steps, what the code requires etc. Those are issues for another body and another time, but they will have to meet those requirements regardless of this sale or not. This is for the purpose of the outdoor court yard.

Councilman Mallory – We are talking about a public easement and a sale, maintaining that public easement. Would that be the new property owner's responsibility during incimate weather?

Assistant Corporation Counsel Ackermann – It will be in the final contract after negotiations between the 2 parties. Although it is our stance that the owner would have to maintain that, obviously with the input of the planning board. The city will maintain that there is public access. Further, with public utilities running under it, there may not be any possibility of putting in a foundation for developing.

Councilwoman Solomon – Is curious as to why the information in the packet is labeled confidential: attorney - client communication. I did receive a few questions about this property and is not at liberty to discuss it.

Assistant Corporation Counsel Ackermann – The negotiation of a sale of building, purchase price is all exempt because of the detriment it could have to further negotiate sales of the property should this go forward. There is unique design and criteria for the property and the proposal. Should an agreement not be reached or a sale not go through it could hurt the city and purchaser in the future. The specific terms are confidential.

Councilwoman Johnson – Wishes them the best, you have a beautiful building and there is development all around you. I know you would like to get your building up and running and so I wish you the best. I am looking forward to the open space, as far as the parking concerned I am sure you will work something out later. You do have the financial parking there, the Cannon Street lot parking and the city streets.

(R-11-78)

**SEQRA RESOLUTION FOR SALE OF THE CITY OWNED PROPERTY
LOCATED AT**

288 MAIN STREET (TAX PARCEL # 6162-77-068081)

INTRODUCED BY COUNCIL MEMBER HERMAN

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of a city owned property located at 288 Main Street; and

WHEREAS, the sale of this city owned property is for the purchaser(s) to create an outdoor court yard; and

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

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

WHEREAS, the Common Council has considered the hereto attached Full Environmental Assessment Form (EAF), due to the fact that pursuant to Section 617.6(a)(2) of Title 6, NYCRR for Type 1 Actions, it is stated that a Full Environmental Assessment Form (EAF) must be used to determine the significance of such actions that are funded, approved, or directly undertaken by an agency unless a draft EIS has been prepared on the action; and in accordance with Section 617.6(b)(1), since the Common Council is proposing to undertake the environmental review of the application for a Type 1 Action in which no other agency is involved, this action need not undergo a coordinated review; and

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

NOW THEREFORE BE IT RESOLVED

1. In accordance with Section 617.6(a)(1)(i) of Title 6 NYCRR, the Common Council determines that the above described action is subject to SEQRA; and

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

SECONDED BY COUNCIL MEMBER PARISE

ENVIRONMENTAL DETERMINATION OF SIGNIFICANCE REPORT FOR THE SALE OF CITY OWNED PROPERTY LOCATED AT 288 MAIN STREET (TAX PARCEL NUMBER 6162-77-068081)

The proposed action to be assessed is the sale of a city owned property, located at 288 Main Street. The property will be sold to Kirchner Realty, Inc., with the mailing address of 2406

New Hackensack Road, Poughkeepsie, New York 12603 in order to create an outdoor courtyard.

The reviewer has compared all 12 criteria enumerated under Section 617.7(c) of the State Environmental Quality Review Act and has concluded that the Type 1 Action of selling the property (which is listed on the National Register of Historic Places) will not result in a significant adverse impact in any of the areas enumerated below:

- (i) A substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) Removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; or substantial adverse effects on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse effects to natural resources;
- (iii) The impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to Subdivision 617.14(g) of this part;
- (iv) The creation of material conflict with a community's current plans or goals as officially approved or adopted;
- (v) The impairment of the character or quality of important historical archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
- (vi) A major change in the use of either the quantity or type of energy;
- (vii) The creation of a hazard to human health;
- (viii) A substantial change in the use or intensity of use of land including agricultural, open space, or recreational resources or in its capacity to support existing uses;
- (ix) The encouraging or attracting of a larger number of people to a place or places for more than a few days, compared to the number of people who would come to such places absent the action;
- (x) The creation of a material demand for other actions that would result in one of the above consequences;
- (xi) Changes in two or more elements of the environment, no one of which has a significant impact on the environment, but which when considered together result in a substantial adverse impact on the environment; or
- (xii) Two or more related actions undertaken, funded, or approved by an agency, none of

Official Minutes of Common Council Meeting of September 6, 2011

which has or would have a significant impact on the environment, but when considered cumulatively, would meet one or more of the criteria in this subdivision.

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

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

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

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

In view of the above, it is the underlying conclusion of the reviewer that the proposed action, the sale of the city owned property located at 288 Main Street will not result in the creation of any significant adverse impact on the environment. This conclusion is based on the comparison of the action to the criteria of significance listed above, as well as the fact that the property sale is for purposes as described above.

✓ Vote Record – R11-78						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Murphy	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

R E S O L U T I O N

(R-11-79)

(Amended 9/6/11)

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, the City of Poughkeepsie is the owner of certain real property located at 288 Main Street and Wood Lane (the, "Property") in the City of Poughkeepsie, County of Dutchess, New York; and

WHEREAS, an offer has been received from Kirchner Realty, Inc. to purchase this property for the sum of \$5,000.00 along with a proposed development plan to create an outdoor court yard; and

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

WHEREAS, the Common Council hereby finds that the offer and development plan from Kirchner Realty, Inc. is the most favorable of the offers received and that it is in the best interests of the City of Poughkeepsie to approve such offer so that the premises may be returned to the tax rolls and development in accordance with the plan of development submitted; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council hereby makes the following determinations: (a) that there is no existing municipal purpose or need for this property except as preserved by easement, 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 Kirchner Realty, Inc. to purchase the premise known as the Property, in the City of Poughkeepsie for the sum of \$5,000 is hereby approved subject to the hereinafter mentioned conditions and subject to such other and further conditions which the Corporation Counsel shall deem appropriate; and be it further

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

- A. the 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 she deems appropriate;**

- B. Purchaser shall obtain site plan approval in conformity with the proposed redevelopment plan submitted to the City within six (6) months of the date of closing of title unless extended by mutual agreement;**
- C. Purchaser shall obtain a valid Certificate of Occupancy for the Property in accordance with the development plan submitted to the City within eighteen (18) months after obtaining the building permit;**
- 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. City shall convey such property subject to a restrictive covenant in form and substance satisfactory to the Corporation Counsel that no self-service credit or currency-operated pay telephones shall be placed on the exterior of the premises;**
- F. Purchaser agrees that he shall not use the agreed upon purchase price as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation; and**
- G. Purchaser shall promptly apply for and obtain the approval from the Planning Board and/or the Zoning Board of Appeals of any site plan approval or zoning variances required by law; and**
- H. The sale shall be subject to an environmental clause requiring Purchaser to remediate any and all environmental conditions at the subject property and a corresponding indemnification clause as approved by the Corporation Counsel.**
- I. The sale of the property and the schedules contained herein shall be contingent upon the City abandoning Wood Lane and the Purchaser conveying to City a permanent easement for public access as well as a utility easement and a covenant restricting the development of the parcel, which agreement shall be in form and substance acceptable to Corporation Counsel.**

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

SECONDED BY COUNCILMEMBER PARISE

✓ Vote Record – R11-79						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Murphy	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	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 Herman and seconded by Councilmember Parise to receive and print.

Assistant Corporation Counsel Ackermann - Informed the Council that this was presented at the last council meeting, set for a public hearing; we received word from the county that it is a matter of local concern and it is appropriate for the council to take action.

Councilwoman Flowers – My concern is that when this goes through the planning board they have restriction on there. I know what the intentions are and I am sure he will follow on that, but if we grant this I don’t want later on down the road there to be a used car lot sitting out in this residential area, because it is a small area. It would cause problems in the ward and be an eye sore if it turns into that.

Councilman Mallory – Spoke to tenants that were living there and it is residential area, there are a lot of renters. They had no concern per say, but they don’t want a big lot in the future with flags saying for sale. Otherwise, to benefit that business, I am for that and so are the tenants, but I think it needs to pass through the planning board.

**ORDINANCE AMENDING CHAPTER XIX, SECTION 19-3.2 OF
THE CITY OF POUGHKEEPSIE CODE OF ORDINANCES
ENTITLED ZONING MAP
O-11-19**

INTRODUCED BY COUNCILMEMBER HERMAN

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

SECTION 1: The official Map of the City of Poughkeepsie as adopted by the Common Council on February 20, 1979, as amended, is further amended as follows:

Parcel # 6162-55-266433 – 204 North Hamilton Street; and
 Parcel # 6162-55-267439 – 208 North Hamilton Street to be rezoned from R-3A
 (Central Medium Density Residential) District to I -1 (Light Industrial) District.

SECTION 2: That the City Chamberlain be and is hereby directed to amend the official Zoning Map in accordance with this Ordinance.

SECTION 3: That the Common Council of the City of Poughkeepsie, after a review of the facts, recognizes that the two (2) properties are owned by the same individual and one is used as a commercial automotive repair shop which has existed at that location for several decades prior to the latest zoning and that both properties about the I-1 Zoning District to the north, which in practicality is more in keeping with the historic use of the site and allows for additional future revitalization of the two parcels.

SECTION 4: That the Common Council of the City of Poughkeepsie as lead agency has determined that there are no other involved agencies, that the action is an Unlisted Action and upon the Short Environmental Assessment Form and the examination of 6 N.Y.C.R.R §617.7 of the State Environmental Quality Review Act the attached Negative Declaration is adopted because no Negative impacts anticipated will occur by reason of this text amendment.

SECTION 5: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER PARISE

✓ Vote Record – O-11-19						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Murphy	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Councilwoman Solomon makes a motion and is seconded by Councilman Mallory to suspend the rules.

Representatives from FEMA give a presentation on what the residents need to do to register with FEMA and what FEMA is doing in the local area to help the residents. Additionally, what FEMA does and how it does it in terms of relief for victims of the hurricane Irene disaster. The SBA is the arena for landlords, FEMA deals with residents and tenants not businesses. Also the SBA can offer homeowners loans up to \$200,000. We cannot make everything whole again, but what we do is help get people back on their feet. There also is help for public buildings as well as certain non-profits. The FEMA grant may be contingent on the homeowner’s insurance award first. The maximum grant is \$30,200, but most fall in the \$6,000 to 10,000 range. The registration deadline will be 60 days from the declaration and that will

be near the end of October. When the recovery center opens it will be open from 8am to 8pm every day until further notice.

Councilman Herman makes a motion and is seconded by Councilman Parise to resume the rules.

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

- 1. FROM COMMISSIONER OF FINANCE BUNYI**, a communication regarding Spratt and Pulaski Pools. There are two key points. 8592 people participated in the open swim, a 17.5% increase over last season. The sales of family season passes increased from 44 to 49, and the lesson program increased by 45% to 495 people. Last year there was a slight deficient in the budget, but this year there looks to be a positive balance. From Pulaski pool, there are 200 swimmers in the lessons program, 88 have completed their requirements for the Red Cross. We had 50 lunches which increased to 100. The public swim program had 12,278 swimmers or over 200 everyday. The budget was reduced to \$47,000 and we said we would try our best to live with that. We have spent so far over \$50,000; however Mr. Bell accomplished revenue of over \$6,000 where last year was less than \$500. The quality of the programs and the care for the kids has certainly improved.

Councilman Parise – Has meet Mr. Bell numerous times and he has done an excellent job, also with the first aid extension. Mr. & Mrs. Bell are great assets to our community development. The kids know him, they respect him and it is again an asset. There has been a big improvement.

Councilman Mallory – Would like to have more information on Spratt Park pool. **He is answered by Mr. Bunyi that that will be available.**

Councilwoman Solomon – Likes the way the disciplinary aspect of the pools has been set up, with a 3 strike you're out policy.

Councilwoman Johnson – Is worried about the state grant for Pulaski Pool. The Mayor assures her that he will call the Senator and get them on it.

- 2. FROM SCOT DAVIS**, a notice of property damage sustained on August 25, 2011. **Referred to Corporation Counsel**
- 3. FROM RENEE MIDDLETON**, a notice of personal injury sustained on June 8, 2011. **Referred to Corporation Counsel**
- 4. FROM GREWAL CORP.**, a notice of intent for **CITY CENTER DELI** to renew its Liquor License. **Referred to Corporation Counsel**

5. FROM JPM EVERARD, INC., a notice of intent for OUT to obtain a Liquor License. Referred to Corporation Counsel

X. UNFINISHED BUSINESS:

Councilmember Mallory – On July 11th Corp. Counsel shared a summary with events happening in May with walkway postings etc. and we have still not gotten that. **The mayor answers that counsel along with the city administrator and himself would like to cover that in executive session in an upcoming meeting.** Also wants a report prior to the budget on what rentals were done and the budget line they came out of for the 2011 budget. **Commissioner of Finance Bunyi answers that he will get him the report.**

Councilmember Flowers – Some residents were concerned about when they come around to pick up the garbage that if garbage is outside of the can they will get fined. **The mayor answers that sanitation is extending the courteously until next Monday.** Thanks Gary Beck and others for helping to restore the power. There are a lot of residents that still are without power. There is a process and they are doing their best to help the residents with the storm damage. Additionally, the school uniforms are considered a restricted dress code because the children need to come to school wearing a certain palate of colors. It is not a particular uniform they have to purchase, they can go anywhere and purchase plain pants, also certain colors but they have to be plain. The palate is basically blue, kaki, white, black and grey.

XI. NEW BUSINESS:

Councilmember Murphy – Thanks Doug Harrington for his work with the city youth basketball league. Also thanks Dennis Dean for the younger kids in that program. It is guys like that who make youth sports work around here. Knockout Cuts on 198 Main Street will have a fundraiser on Sunday Sept. 11th 9am to 5pm, and invites all police, fireman, EMS; they will be doing haircuts and have donations sent to the 9/11 families.

Mayor Tkazyik – We are working with the local chamber of Commerce and also through the building department seeking contractors who will perform such work probono or for a reduced rate. It is really for their own safety that these regulations are in place with regard to eclectic and gas plumbing.

Councilmember Flowers – Thanks Angela Belmonte and Tracy Lane for giving out cloths on Winnikee Ave., they are also accepting donations of cloths for the needy families in that area that still do not have power and we will have a block party there on Saturday. If there are licensed electricians and/or plumber who want to help they can contact the Mayor's office or the

Official Minutes of Common Council Meeting of September 6, 2011

building department and speak with them to make arrangements. There have been electricians and plumbers who have come in and done good work at a reasonable cost, and I thank them.

Councilmember Johnson – Thanks the Salvation Army for bringing for bringing 17 dinners. Also Penny Lewis for bringing 2 boxes of food and cash an anonymous benefactor gave \$150 to a family of woman and many children on Persian Ave.

Chairman Klein – Reminds the council that the next meeting will be on Sept. 19th at 6:30, but there will be a special informational meeting held at 6pm.

XII. ADJOURNMENT:

A motion was made by Chairman Klein and seconded by Councilmember Herman moved to adjourn meeting at 8:10 p.m.

Dated: December 27th, 2011

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

Respectfully submitted,

Deputy City Chamberlain



COMMON COUNCIL MEETING

Common Council Chambers

Tuesday, September 6, 2011

6:30 p.m.

*6:15 Public Hearing regarding
the re-zoning of 2 parcels*

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

III. REVIEW OF MINUTES:

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

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

VI. MAYOR'S COMMENTS:

VII. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

VIII. MOTIONS AND RESOLUTIONS:

- 1) **FROM ASSISTANT CORPORATION COUNSEL ACKERMANN,** SEQRA Resolution R11-50 and Sale Resolution R11-51, approving the sale of a 12' x 80' lot adjacent to 400 Main Street.
- 2) **FROM COMMUNITY DEVELOPMENT DIRECTOR MACISAAC,** Resolution R11-77, amending the 2007 and 2008 CDBG Action Plans.

- 3) **FROM ASSISTANT CORPORATION COUNSEL ACKERMANN, SEQRA** Resolution R11-78 and Sale Resolution R11-79, approving the sale of 288 Main Street.

IX. ORDINANCES AND LOCAL LAWS:

- 1) **FROM ASSISTANT CORPORATION COUNSEL ACKERMANN,** Ordinance O-11-19, approving the rezoning of 2 parcels, 204 North Hamilton Street (6162-55-266433) and 208 North Hamilton Street (6162-55-267439) from R-3A to I-1.

X. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

6. **FROM COMMISSIONER OF FINANCE BUNYI,** a communication regarding Spratt and Pulaski Pools.
7. **FROM SCOT DAVIS,** a notice of property damage sustained on August 25, 2011.
8. **FROM RENEE MIDDLETON,** a notice of personal injury sustained on June 8, 2011.
9. **FROM GREWAL CORP.,** a notice of intent for **CITY CENTER DELI** to renew its Liquor License.
10. **FROM JPM EVERARD, INC.,** a notice of intent for **OUT** to obtain a Liquor License.

XIII. UNFINISHED BUSINESS:

XIV. NEW BUSINESS:

XV. ADJOURNMENT: