



**THE CITY OF POUGHKEEPSIE
NEW YORK
SPECIAL COMMON COUNCIL
MEETING MINUTES**

Tuesday, December 23, 2014 6:00 pm

City Hall

Chairman Mallory called the meeting to order at 6:30 p.m.

I. PLEDGE OF ALLIANCE:

ROLL CALL

All Present

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

III. MOTIONS AND RESOLUTIONS:

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

**RESOLUTION
(R14-81)**

INTRODUCED BY CHAIRMAN MALLORY

WHEREAS, by resolution R14-76 the Common Council duly adopted an amended 2015 budget thereby setting the levy, water rate, sewer rate and sanitation rate; and

WHEREAS, on November 19, 2014, the Mayor sent the resolution back to the City Chamberlain and pursuant to Article II, Section 3.02 of the Charter and Section 3.04 of the Administrative Code he did veto Resolution R14-76 vetoing the Common Council's budget as amended, and

WHEREAS, the Common Council has had sufficient time to consider the Mayor’s veto and duly has called a special meeting to override the Mayor’s veto of R14-76; and

NOW, THEREFORE, BE IT

RESOLVED that the Common Council of the City of Poughkeepsie does hereby override the Mayor’s veto of Resolution R14-76 dated November 19, 2014; and be it further

RESOLVED that the Common Council affirms the amended budget as adopted by the Common Council and that Resolution R14-76 shall be given in full force and effect as if adopted this date;

RESOLVED, in accordance with the Charter and Administrative Code of the City of Poughkeepsie and on or before the date therein specified, a warrant shall be issued to the Commissioner of Finance as City Treasurer, to collect such taxes in accordance with the provisions of the Charter and Administrative Code of the City of Poughkeepsie applicable thereto, with penalties and interest therein provided.

SECONDED BY COUNCILMEMBER RICH

Override Mayoral Veto			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Defeated <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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 Petsas to receive and print.

Corporation Counsel Ackermann informed the council that this resolution is a proposed settlement with regard to 235 Main Street. At your last council meeting, in executive session we discussed the terms of the settlement, it was included in your packet. The council is being asked to approve this settlement for those years, 2009-2014.

**RESOLUTION
(R-14-82)**

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, there are now pending in Dutchess County Supreme Court tax review proceedings commenced in the years 2009, 2010, 2011, 2012, 2013, and 2014 by Mid-Hudson Properties, Inc.. concerning a certain parcel of real property in the City of Poughkeepsie known as 235 Main

Special Common Council Meeting Minutes of Tuesday, December 23, 2014

Street seeking a reduction in the tax assessment rolls for the 2009, 2010, 2011, 2012, 2013 and 2014 assessment year; and

WHEREAS, the City Assessor and Corporation Counsel recommend that settlement of these tax review proceedings on the terms and conditions set forth herein below;

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby approves the settlement on behalf of the City of Poughkeepsie of the tax review proceedings by Mid-Hudson Properties, Inc. bearing Westchester Index Nos. 15641/2009, 17333/2010 and 12841/2011 and Dutchess County Index Nos. 04132/2012, 04257/2013 and 50434/2014 and by reducing the assessments as set forth in the proposed Stipulation of Settlement annexed to this Resolution; and be it further

RESOLVED, that the Mayor, the City Administrator, the Commissioner of Finance, the City Assessor and the Corporation Counsel are hereby authorized to take all action necessary and appropriate to effectuate the terms of this Resolution including but not limited to the execution of a Stipulation, the obtaining of an Order from the Dutchess County Supreme Court embodying the above settlement and a refund or crediting of tax payments all in accordance with the above authorized settlement.

SECONDED BY COUNCILMEMBER PETSAS

R14-82			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Defeated <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"/>

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

City Administrator Bunyi resolution taking the LED lighting program to the next level, which is the financing. As you remember this is the first phase, and we need this first phase so that we can proceed with the second phase, which includes basically addressing the poles that belong to Central Hudson. It is a very straight forward resolution, which has been reviewed by our Bond Counsel, The progress of the work has already begun. If you have driven through Route 9, you will see that 75% of the lights on Route 9 are already operational and the next move, once the financing is done, we will be in the

process of securing the lights for Route 9 as soon as possible so that can be done, before the rest of the city can be done.

**RESOLUTION
R14-77**

**EXTRACT OF MINUTES
[LED Lighting]**

INTRODUCED BY COUNCILMEMBER RICH

A regular meeting of the Common Council of the City of Poughkeepsie, Dutchess County, New York was convened in public session at the Council Chambers, City Hall, Poughkeepsie, New York on December 23, 2014 at 6:30 o'clock p.m., local time.

The meeting was called to order by Chairman Mallory, and, upon roll being called, the following members were:

PRESENT:

Councilmember Christopher D. Petsas
Councilmember Joseph Rich
Councilmember Robert L. Mallory, Jr.
Councilmember Lee David Klein
Councilmember Ann Perry
Councilmember ShaRon McClinton
Councilmember Randall A. Johnson II
Councilmember Tracy Hermann

ABSENT:

The following persons were ALSO PRESENT:

The following resolution was offered by Councilmember Rich, seconded by Councilmember Petsas, to wit;

BOND RESOLUTION DATED DECEMBER 23, 2014

A RESOLUTION AUTHORIZING THE INSTALLATION OF LED LIGHTING IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,180,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

BE IT RESOLVED, by the Common Council of the City of Poughkeepsie, Dutchess County, New York (the "City") (by the favorable vote of not less than two-thirds of all of the members of the Common Council) as follows:

SECTION 1. The acquisition and installation of LED lighting improvements including traffic lights and systems to replace existing traffic lights and systems at various locations throughout the City, to achieve energy savings, is hereby authorized at an estimated maximum cost of \$314,797, and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 72 of paragraph a of Section 11 of the Local Finance Law, and that the period of probable usefulness of said purpose is twenty years.

SECTION 2. The acquisition and installation of LED lighting improvements including street and area lighting at various locations throughout the City, to achieve energy savings, is hereby authorized at an estimated maximum cost of \$2,865,203 and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 35 of paragraph a of Section 11 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen years.

SECTION 3. It is hereby determined that the aforesaid purpose described constitutes a Type II Action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which have been determined under SEQR not to have a significant impact on the environment.

SECTION 4. The City plans to finance the total cost of said purpose by the issuance of serial bonds of the City in an amount not to exceed \$3,180,000, hereby authorized to be issued therefor pursuant to the Local Finance Law. The City anticipates receiving NYSERDA grant funds in the estimated amount of \$190,098 for the project purpose, to be applied to repay obligations so issued.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 6. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds shall be applied to reimburse the City for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations.

SECTION 7. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the City are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the City a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Commissioner of Finance, the Chief Fiscal Officer of the City. The Commissioner of Finance is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Chamberlain is hereby authorized to affix the corporate seal of the City to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Commissioner of Finance is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, to the extent applicable, to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with; and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or
- (3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 11. The Chamberlain is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Poughkeepsie Journal, being a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

SECTION 12. This resolution shall take effect immediately.

SECONDED BY COUNCILMEMBER PETSAS

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Councilmember Christopher D. Petsas	VOTING _____
Councilmember Joseph Rich	VOTING _____
Councilmember Robert L. Mallory, Jr.	VOTING _____
Councilmember Lee David Klein	VOTING _____
Councilmember Ann Perry	VOTING _____
Councilmember ShaRon McClinton	VOTING _____
Councilmember Randall A. Johnson II	VOTING _____
Councilmember Tracy Hermann	VOTING _____

The foregoing resolution was thereupon declared duly adopted.

Approved: December 23, 2014

John C. Tkazyik
Mayor

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Chamberlain of the City of Poughkeepsie, Dutchess County, New York (hereinafter called the "City") and the custodian of the records of the City, including the minutes of the proceedings of the Common Council, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Common Council held on the 15th day of December, 2014 and entitled:

BOND RESOLUTION DATED DECEMBER 15, 2014

A RESOLUTION AUTHORIZING THE INSTALLATION OF LED LIGHTING IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,180,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the City. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Common Council was present throughout said meeting, and a legally sufficient number of members (two-thirds of the Common Council) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the City and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this ____ day of _____, 2014.

-SEAL-

Deanne Flynn
City Chamberlain

Executive Summary–Not a part of the Resolution

This New Resolution for **\$3,180,000 LED Lighting Improvements** includes:

<u>Purpose</u>	<u>Capital Budget Items</u>	<u>PPU (Max. Period for Financing)</u>	<u>Total Cost</u>	<u>Other Funds</u>	<u>Bonds Authorized</u>
Section 1:	Acquisition and installation of LED traffic signals and systems at various locations	20 years	\$314,797	\$0	\$314,797
Section 2:	Acquisition and installation of LED lighting improvements including street and area lighting at various locations	15 years	\$2,865,203	\$0	\$2,865,203
Grand Total				\$0	<u>\$3,180,000</u>

Grant Funds estimated: NYSERDA \$190,098

R14-77			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Defeated <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"/>

4. A motion was made by Councilmember Rich and seconded by Councilmember Petsas to receive and print.

Chairman Mallory before us is a resolution funding and supporting a vehicle needed for the electrician. This will help us out with LED lighting, installment for the city, to provide a safe use of a vehicle for any activities for the electrician department.

**RESOLUTION
(R-14-83)**

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, by resolution R14-77 the Common Council of the City of Poughkeepsie approved the funding of a Project known as the LED Street Light Replacement Project Phase 1; and

WHEREAS, the Common Council is desirous of utilizing city staff to partially install a portion of the LED lights;

WHEREAS, in order to undertake such a project, city staff needs proper equipment including a properly operating “platform” truck which could be funded through the utilization of city staff to install a portion of the LED lights; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby authorizes and requires the purchase of a new “platform” truck in order to utilize city staff to install a portion of the lights installed under the LED Street Light Replacement Project Phase 1; and be it further

RESOLVED, that the Mayor, the City Administrator, the Commissioner of Finance, the City Assessor and the Corporation Counsel are hereby authorized to take all action necessary and appropriate to effectuate the terms of this Resolution.

SECONDED BY COUNCILMEMBER PETSAS

R14-83		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"/>

X. ADJOURNMENT:

A motion was made by **Councilmember Rich** and seconded by **Councilmember Petsas** to adjourn the meeting at 7:13 p.m.

Dated: July 23, 2015

I hereby certify that this true and correct copy of the Minutes of the Special Common Council Meeting held on Tuesday, December 23, 2014 at 6:30 p.m.

Respectfully submitted,
Deanne L. Flynn
City Chamberlain



**SPECIAL MEETING OF THE
COMMON COUNCIL**

Common Council Chambers
Tuesday, December 23, 2014
6:30 p.m.

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

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

III. MOTIONS AND RESOLUTIONS:

1. **FROM CHAIRMAN MALLORY**, Resolution R14-81, overriding the Mayoral veto of Resolution R14-76 (adopting the 2015 Budget with amendments).
2. **FROM CORPORATION COUNSEL ACKERMANN**, Resolution R14-82, approving the settlement of a tax certiorari for 235 Main Street.
3. **FROM CITY ADMINISTRATOR BUNYI**, Resolution R14-77, approving the financing for the LED Street Light Replacement Project.
4. **FROM CHAIRMAN MALLORY**, Resolution R14-83, requesting funding from the LED Street Light Replacement Project be used to purchase a vehicle for DPW.

IX. ADJOURNMENT: