

THE CITY OF POUGHKEEPSIE New York

COMMON COUNCIL MEETING MINUTES

Monday, January 3, 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.

Ken Kraft 15 Rosiland Road- Recyclables have not been picked up in my neighborhood for 3 weeks. This is the heaviest time of the year for recyclables, with people home for the holidays, and people entertaining their family and friends. This is unacceptable. This is poor planning. This is the failure of this administration. You can place blame on whoever you want but the reality is that the blame rests firmly on the shoulders of the Mayor and the city administrator. The 4th and the 8th wards are the most affected by this. The Councilmen for these wards should be speaking out against the administration on behalf of their constituents. But I suspect you don't dare question anything this administration does. (Interrupted by council chair, reminded that there are to be no public attacks on members of the council)

This situation should have been anticipated and planned for. But, no, we need to figure out how to reduce our tipping fee costs. You spend time on this issue and forget about the day to day operation of this city. The DPW will have to pick up three weeks of recyclables on Friday. These guys are not going to be happy. But you don't care, it's their job. Well it's your job to do the right thing for the residents and the city workforce, and you have failed that test. Here is what you should have done. You should have planned ahead, you should have noticed this was going to happen; you should have scheduled a special recycling collection. You didn't even notify the public that the sanitation recyclables would not be collected on Christmas Eve. You didn't notify the public that the city was closed on Christmas Eve. A news item appeared in the Poughkeepsie Journal on Christmas Day, after I sent an e-mail to the Mayor and the DPW superintendant pointing out that there was no mention on the city website, or in the local newspaper –the official newspaper of the City of Poughkeepsie- of the city being closed on Christmas Eve. The little news article did mention, it's going to be closed New Years Eve. How could this small, excuse me, very big detail be missed? I just think that this is just a failure here, another failure, on the part of this group of people. Thank you. Happy New Year.

Ken Stickle 118 Catherine Street- Good Evening. Again, I have to follow Mr. Kraft's sentiment, I really do. The City did fail to let the residents know about the garbage pick-up. As far as most residents felt, Christmas Eve was another day, since Christmas Day fell on a Saturday. Usually it's the north side that suffers, we don't get our pick-ups on the north side usually because we push all the holidays off on a Monday. So you know I'm so sorry on the south side for this year the North side finally won one battle, Thank God. Now, I think the national weather forecast system told every municipality in the state we had a blizzard coming. I didn't see a state of emergency. North Hamilton still had cars parked, I still see snow out in the middle of the street. North Clinton, Main Street looks horrible, as far as I'm concerned. I've seen a lot of walkways that people couldn't get through. Thank God we didn't have school, because the little children would go slide right over the snow bank. I knew a couple of people that worked the school crossing they used to take the school crossing guards stop signs and go out and chop the snow so that the kids could get by to go out to get across the crossings. Our city failed, miserably. On this last snow storm, knowing that we had a major blizzard coming. The garbage piled up in the snow storm. And you people want to take the garbage collection away from the people. Isn't that nice. Which one of you really wants to be the Grinch that stole Christmas? Because you need to go out and pick up the Christmas trees next. I cannot believe that we did not have a state of emergency and we did not keep the cars off the major thoroughfares, and if you go right out here, along the highway, you will still see the snow piled up along. You will see it around the islands, the city needs to get out and clean this mess up before the nest snow storm. We have

another one coming this week, gentlemen. Who knows maybe we'll be getting another 18 - 20 inches. Thank you.

Constantine Kazolias 47 Noxon Street- I want to say something. You have to keep the emergency routes open. Academy Street is one of those emergency routes and I will say this, the snow is pushed up onto my property, which I can understand you got to keep those routes open not like New York you know with Bloomberg says, I don't want to go in that direction. But the point is, I got on the east-west arterial highway after the plow and all that. So as far as I'm concerned to say these emergency routes weren't open is a complete fallacy right up front. If somebody has a bone to pick with Poughkeepsie let them pick it but don't pick it with the guys. Another thing too that surprised me though, you know you come to these meetings you learn a lot. And everybody talks about the garbage, where are the garbage bags hanging all over? They aren't out in front of single family houses, the homestead ones, no it's the 411's and other ones, four or more. So let's put the blame where the blame is put. As far as raccoons go, look I cover my garbage cans, I got raccoons I got opossums and wild cats I got everything there so in other words the raccoons can go anywhere. Even with a lid on it they can take that off too. But I want to say something else too, always remember the lowest guy on the totem pole is the garbage guy. These recyclable guys they go around and I don't know how to use the internet but I subscribe to the Poughkeepsie Journal. And it says what's going to be closed and everything like that. But as far as these guys picking up that garbage they pick it up they don't leave a lot of garbage behind the only ones that are left behind are the multiple four or more tell it the way it is. As far as dumpsters, a person saying hazardous waste in a dumpster. I wonder, they found a body in a dumpster down in Delaware this past few days. Is that a hazardous waste? You know they're not going to be in the single can, but I don't want to go in that direction. But as far as I'm concerned these people better dummy up and don't bump the garbage men. I know that the union leader is here too. If he don't get up and talk he's lost my respect.

Bruce Dooris (CSEA, Vice President) — I represent the guys who pick up the garbage, the guys who also plow the streets. I will give you a little chronological order of what happened during the storm, then you can decide on your own how we did. We started to come in to be prepared for this storm at 11 o'clock on Sunday, before the storm hit. B team came in at 11 o'clock, we loaded up the plow trucks, we have 8 plow trucks, we loaded up the salt, checked the plows and ready to roll as soon as it hits. The A team came in at 4 o'clock that's the way the shifts work. There is no difference between A and B team, it's just a letter. They work from 4 on Sunday to 7:30AM on Monday. How do I know that? I am on the A team. I have a route, I drive a plow, I know and I also supervise part of that team. Our instructions to the plow guys was that this is going to be a very tough storm, were going to get anywhere from over a foot, 16 to 18 inches. Our instructions were to keep the

main roads open, keep the hills plowed, salt the hills. You don't have to use a lot of salt because on Monday it will warm up and at that point we will hit with the salt after we plow. We plowed and kept the main roads open up until about 5. At 5 o'clock we all assembled on grand and the arterial for the eastwest. All 7 trucks with me leading the pack went down and opened up the arterial. Opened up the westbound going to the bridge and then opened up the eastbound going up to Grand Avenue. At that time the salt trucks salted it and that route was open for commute traffic to and from the bridge. At 7:30 on Monday the B team came in, worked started pushing back all main roads and secondary roads. They worked from 7:30 to midnight that night. At that time, we made a decision to start hauling off Main Street and Market Street at Midnight. My team hauled 8 hours in the morning and then the B team came in once again to clear streets on Monday. On Monday some trucks stayed in until midnight. We hauled from Tuesday midnight into Wednesday, we hauled off of Lent, Thompson, Bemonte, we've done the south side, we've done the north side, we've done main street and we've done market street, we've done mill street, we've done them all. I'm going to tell you that was a very difficult storm the initial 16 hours because the wind was blowing. The Journal's headline here is 'wall to wall snow and too much wind'. That was the initial 16 hours, we did an excellent job. Not an OK job not a job that I'll quote from the paper, we didn't do an 'I think we survived' job or a 'not too bad of a' job we did an excellent job. That's what we did, now, is there still some piles out there here and there yes there is, but I could tell you if you wanted to go to work on Monday you could have gone to work. Or if you stayed home, which was probably the best thing to have done, but the roads were open for those who had to get to work. That is how we attacked this storm and we did an excellent job. As far as the garbage they are some of the hardest working guys around. I've been publicly saying all along here, as far as farming out I'm against farming out on the 411s. The common council, corporation council, and the Mayor all know where I stand on this. We can do it better and cheaper in house we can pick up 411s cheaper and better and cleaner. The cops are the finest, the firefighters are the bravest, as far as our garbage guys go the DPW and sanitation workers are the strongest. I was out in that storm for 36 hours, from midnight on.

V. MAYOR'S COMMENTS:

Mayor Tkazyik – Thank you Mr. Chairman. Congratulations on your reelection to the chair of the council. Happy New Year to everyone, and the council members, and for those coming out tonight to give comment before the city. I would also like to commend after Bruce, the union representative, the men and women of for the fine, excellent, and tremendous job that they did in this winter storm. They were out there all hours working tirelessly for all of us keeping all of us safe and our roads in working condition to the best that they could. Declaring snow emergencies is not something that we do, at

the snap of a finger. A lot of collaboration goes into declaring snow emergencies. Collaborating with the county, collaboration with the police, the sheriffs, because sometimes when you make a haphazard decision or you rush to the conclusion to go to a snow emergency, a lot of people end up with tickets, because they don't know about the snow emergency or don't hear about it in time. We are very careful about declaring an emergency; I get a lot of input from a lot of different agencies before we make that type of decision. As to some of the comments regarding some of the street conditions, if there is a particular street where the recyclables were not picked up for an extended period of time or the garbage not picked up. The city administrator and myself are available along with the commissioner of public works to address any of those. Even if it were a day or two that it was lapsed. We are proud of the men and women that are out there working for us each and every day, and our new commissioner Rich DuPilka is doing a fantastic job with reorganization of the department of public works. Also before you tonight Mr. Chairman is the sanitation ordinance a decision that has brought a lot of people out. It's affecting many different people in many different ways, but a decision that the city has taken very seriously. I am disheartened to hear some of the comments to the administration or any elected member of this body would take discriminatory action on a decision of any kind. We would not, it's outrageous and it's disgusting. It's something that we take very seriously, the city budget, always putting the taxpayers, the residents, and the business people in mind first. These are not easy decisions. The 2012 Budget will be more difficult than this budget that is before this council. How am I going to make a \$2 million increase in pension costs? How am I going to make up a cost is we lose our NYS aid funding? I hope we find out in the Governor's State of the State message on Wednesday. So Mr. Chairman, good luck on your deliberations this evening and thank you for your time.

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Klein- Thank you Mr. Mayor. I wish to echo sentiments made, the commissioner of public works Rich DuPilka and his personnel including Mr. Dooris, who spoke a few moments ago. I am glad that there are comments from the audience regarding NYC. The first of a city's responsibility is to provide essential services providing for the safety and security of its citizens and New York City failed miserably. The Mayor of NYC's comments on Monday were that everybody should relax, stop whining and take in a show. Our commissioner of public works came in and met with his staff at 11am on Sunday Morning as Mr. Dooris indicated. They worked very, very hard and tirelessly without sleep and rest. I think under the circumstances given the conditions aside I think they did a great job and I wish to add my comments of commendation to our commissioner of public works and his people. Additionally, my understanding is that there are concerns about the pickup of garbage; it worked out this year that the two holidays fell on two Fridays in a row. These are holidays, Christmas Eve and

New Years Eve. Ladies and gentleman, I live in the city, we all live in the city, we are all effected by that. We accumulated recyclables, we put out the recyclables this Friday. It's manageable it's doable, the alternative is to deny the men and women who work in the city of Poughkeepsie their holiday. It was publicized quite well that the city as well as every other public agency was closed for this past Friday and the Friday before. We will have to make due because everybody knows the holidays circulate every year they are different days of the week. We will have to manage, and the efforts to collect were put aside last week only because of efforts of snow removable. Commissioner of Public Works DuPilka assured me that because they were working double and triple shifts to clear snow, that they got behind on the garbage pickup, they have caught up. It was a tough week all around. If I had to take an example of how to run a city I'll take the city of Poughkeepsie over any other city in the country. Next, regarding the issues that have been of great issue to the people that have come here: Everyone seems well informed, you must read the newspapers, you must watch the news you are aware of that fact that no doubt, that every municipality in the region, and in the state is under duress. In financial extremist and under great pressure to meet their obligations, provide essential services. Everyone wants the municipality to not raise taxes, not cut services, and not cut personnel. In the city of Poughkeepsie, this city has succeeded in presenting and putting forth a budget that does not cut personnel, cuts services in a small way and maintains taxes at a nominal increase based largely upon a reduction in value that has hit the entire northeastern United States. The reality is, what the Mayor is talking about, is there is the possibility of a perfect storm, preparing of the budget for 2012. People spoke about all kinds of solutions as how to fix it. Find money some place else. We made that effort; this budget was work shopped three nights in a row since October. One solution was to have it only picked up once a week. The tipping fees make up the largest share of the money that is trying to be saved. The tipping fees would not be reduced if the tipping were only done once a week because it is the same amount of garbage. People complain about garbage lying around, if you only have pickup once a week there will be more opportunity for more garbage to be lying around. We have made every effort to do what is best and fair, particularly when one considers the entire region in context. There was an effort to tout the city of Beacon as an example of the way it's done. Those of you who read the Poughkeepsie Journal notice that the city Beacon is raising their taxes 24%. Do you think, ladies and gentlemen, that of there was a tax increase of that nature in the City of Poughkeepsie, that each and every one of us would be effected where we rented or owned or what we rented or what we owned. The reality is, is that Beacon is not exceptional. Newburgh is raising taxes double that. Every municipality in the region is raising taxes. Many of them as a number of land lords know and those who own properties as rentals in municipalities, in which there are no sanitation service provided. They know this, and they fear raises in taxes. All those municipalities are raising their taxes double digits, and I'm not referring to 10 percent. It's more than that. So this is what we are

trying to do. Also there was a mention of the resource recovery agency, this is run by the county, and those of you who have been reading the paper know the resource recovery agency has been receiving a great deal of attention. That is because we in the city are not entirely sure exactly what it is going to cost for tipping fees in the future. That is another issue; we have to deal with that. The can cannot be kicked down the road, everyone knows this. That's the situation were in. I'm not saying this because I am Republican Party by affiliation. The governor elect of this state Governor Cuomo has warned that this is the case. The former Governor Patterson has also warned the State. We are in dire circumstances. Also, ladies and gentlemen, increases of a sizable nature impact everybody. Not just your rent, they impact the financial health and rating of the city. The commissioner of finance can tell you that our financial status is rated by Moody's. That the city needs to make filings with the SEC, people have said that this particular measure regarding the 411s will inter or impede development. This city has sustained a large growth and development over the last couple of years. And will continue to do so because one of the things developers tend to look at is taxes and increases in taxes, and fiscal health, and Moody's ratings and SEC filings. If the taxes go up rents go up, and the profile of the city as a destination for people who want to work, live, do business, changes in the negative. This city remains right now as we sit here this evening and oasis of economic vitality. In relation to the surrounding region, and yes the rest of the State, including NYC, which is facing tremendous deficits and cannot provide essential services. They have cut their police department. I put this to you; this is the context in which we act. You can get up here and say whatever you like, you can have your own opinion, and it's a free country. But as Senator Daniel Patrick once said, everyone is entitled to their own opinion but not their own facts. We have to deal with the facts as we know them to be, and deal with them as best we can. Those of you who have threatened to vote us out of office if we vote for this measure. What will happen if you turn us out is you will be sitting down with new city leaders and you will complain to them that they must restore the things the bad council got rid of, and they will agree with everything you say, they will nod their head in the affirmative. They will be the most agreeable and compliant and city leaders. At the end of the year they will implement a budget with a double digit tax increase, what will happen is that we won't be seeing you at city council meetings anymore; I direct this to the property owners, because your properties will be for sale. And people who have for sale signs planted in front of their properties don't attend city council meetings. I ask you to consider all that, ladies and gentlemen, we do is best for the city, and what's best for the people who live, work, and do business here and come and visit. This city is now a destination, and we are trying to make sure we stay on that track. Thank you very much.

VII. MOTIONS AND RESOLUTIONS:

- 1. A motion was made by Councilmember Herman and seconded by Councilmember Parise to receive and print.
 - 1) FROM SOCIAL DEVELOPMENT DIRECTOR MACISAAC, Resolution R11-09-, approval of the 2011 action plan.

Director MacIsaac – The resolution you have before you, is approval for the 2011 community development block grant and housing opportunities for persons with AIDs. The YES grant that will be funded in 2011. There was a public meeting held in August over 30 people in attendance to discuss the process. What is eligible what is not eligible, a very informal informational meeting. There were two public hearings held, at the beginning of the application process, as well as during the 30 day comment period once the action plan was prepared. The resolution is before you for your approval.

RESOLUTION (R-11-09)

INTRODUED BY COUNCILMEMBER HERMAN

WHEREAS, in accordance with 24 CFR, Part 91, Consolidated Submission for Community Planning and Development Programs, the City of Poughkeepsie is required to submit a Consolidated Annual Action Plan on the utilization of Community Development Block Grant (CDBG) and Housing Opportunities For Persons With AIDS (HOPWA) funds for 2011; and

WHEREAS, The City prepared a Draft Action Plan which was made available for public review and comment on November 23, 2010; and

WHEREAS, the Draft Action Plan was available for public review and comment through December 30, 2010; and

WHEREAS, A Public Hearing was held on December 16, 2010 as an additional means to gather public comment on the proposed Draft Action Plan; and

NOW, THEREFORE

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby approves the 2011 Consolidated Annual Action Plan; and be if further

RESOLVED, that the City of Poughkeepsie's Consolidated Annual Action Plan shall be submitted to the Department of Housing and Urban Development.

SECONDED BY COUNCILMEMBER PARISE:

R11	R11-09								
				Yes/Aye	No/Nay	Abstain	Absent		
		Councilmember Johnson	Voter				☑		
		Councilmember Solomon	Voter	☑					
	Accepted Accepted as Amended Tabled	Councilmember Flowers	Voter	☑					
		Councilmember Coates	Voter	☑					
		Councilmember Mallory	Voter	☑					
	Tabled	Councilmember Parise	Voter	\square					
		Councilmember Herman	Voter						
		Councilmember Klein	Voter	☑					

Chairman Klein made a motion to bring R11-09 back on the agenda to be voted on, **Councilmember Herman** seconded the motion

R11	-09						
				Yes/Aye	No/Nay	Abstain	Absent
		Councilmember Johnson	Voter	☑			
		Councilmember Solomon	Voter	☑			
		Councilmember Flowers	Voter	Ø			
	Accepted Accepted as Amended	Councilmember Coates	Voter	Ø			
	Tabled	Councilmember Mallory	Voter	Ø			
	Tabled	Councilmember Parise	Voter	☑			
		Councilmember Herman	Voter	Ø			
		Councilmember Klein	Voter	Ø			

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

FROM CHAIRMAN KLEIN, Resolution R11-10, approving an appointment to the Industrial Development Agency.

Chairman Klein – There is a vacancy in the IDA, by the resignation of Frank Moore, who has become a city court judge, beginning New Year's Day. You have before you a resolution for filling that vacancy by council selection of Yvoone Flowers.

Councilmember Mallory – This was almost a year ago we ran into a similar situation, with an appointment to the board of assessors. It was a common council appointment. I want to express my concern and displeasure as far as not being incorporated in the dialog. One, I didn't know the council was looking for someone else and that's not to say that Councilwomen Flowers is not appropriate for that. But it is a council appointment and I would, had hoped, had wanted, to again be included in the process as I shared last January at this time.

Councilmember Johnson – What happened to bipartisanship?

Chairman Klein – This is a recommendation made by me, and it's in the form of resolution.

RESOLUTION (R-11-10)

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, in accordance with New York General Municipal Law, the Common Council of the City of Poughkeepsie is authorized to make appointments of City residents to serve on the board of the City of Poughkeepsie Industrial Development Agency ("CPIDA"); and

WHEREAS, the members of the CPIDA serve at the pleasure of the Common Council; and

WHEREAS, it is in the best interest of the City of Poughkeepsie and its citizens that the CPIDA Board have a full complement of members in order to properly conduct the business required of the CPIDA; and

WHEREAS, a vacancy has been created on the board of the CPIDA with the resignation of Frank Mora; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby appoints the following individual to the Board of the City of Poughkeepsie Industrial Development Agency, to serve at the please of the Common Council:

Yvonne Flowers

SECONDED BY COUNCILMEMBER PARISE

R11	R11-10								
Ø				Yes/Aye	No/Nay	Abstain	Absent		
		Councilmember Johnson	Voter		\square				
	D. C 1	Councilmember Solomon	Voter			\square			
	Defeated Accepted Accepted as Amended Tabled	Councilmember Flowers	Voter	☑					
		Councilmember Coates	Voter				☑		
		Councilmember Mallory	Voter			☑			
	Tabled	Councilmember Parise	Voter	☑					
		Councilmember Herman	Voter	☑					
		Councilmember Klein	Voter	\square					

Chairman Klein made a motion to bring R11-10 back on the agenda to be voted on, **Councilmember Herman** seconded the motion

R11-10								
				Yes/Aye	No/Nay	Abstain	Absent	
		Councilmember Johnson	Voter		\square			
		Councilmember Solomon	Voter		\square			
	Accepted Accepted as Amended Tabled	Councilmember Flowers	Voter	☑				
		Councilmember Coates	Voter	☑				
		Councilmember Mallory	Voter			\square		
	Tabled	Councilmember Parise	Voter	☑				
		Councilmember Herman	Voter	☑				
		Councilmember Klein	Voter	☑				

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

FROM CHAIRMAN KLEIN, Resolution R11-11, approving an appointment to the Joint Water Board.

Chairman Kline – Before you is a resolution to appoint councilmember Herman to the joint water board.

Councilmember Mallory – I just wanted to share again, our common council as a whole and as I stated with Councilwomen Flowers. I have worked with Councilmember Herman before, on the tax ordinance that will come before us soon. Again, I would want to be part of the process, know what was available, as far as the opportunity. This has no reflection what so ever my concern expressing Councilmember Herman and the work he has done.

Councilmember Solomon – I would like to know Councilman Herman's opinion about restoring chlorination into the city of Poughkeepsie water supply.

Councilmember Herman – I am new to the process I would have to investigate it.

Councilmember Solomon – One would only hope you would be persuaded to do so.

Mayor Tkazyik – The joint water board is something that we take very seriously. We look to our commissioner of public works, Rick DuPilka, who advises us on our city and water distribution system. We work together collectively with the town on producing the finest water to our residents.

Councilmember Johnson - In the past, Mayor Tkazyik, would always complain about bipartisanship. I see here that the three democrats were constantly left out of decision making, and decisions are made, appointments are made without our knowledge. Everything comes as a surprise when we show up.

Chairman Klein – My response to that is that the packets were available the middle of last week.

RESOLUTION (R-11-11)

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, in accordance with the Inter-Municipal Agreement between the City of Poughkeepsie and the Town of Poughkeepsie dated August 3, 1995, the Common Council of the City of Poughkeepsie is authorized to make appointments of City residents to serve on the Joint Water Board; and

WHEREAS, a vacancy on the Joint Water Board has been created by the resignation of member Frank Mora who was appointed by the Common Council to a three year term by resolution R-10-15; and

WHEREAS, it is in the best interest of the City of Poughkeepsie and its citizens that the Joint Water Board should have a full complement of members in order to properly conduct the business required of the Board; and

WHEREAS, the Common Council now wishes to appoint a member to fill the unexpired term of Frank Mora; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby appoints the following individual to the Joint Water Board to serve the remainder of the unexpired term of Frank Mora whose resignation was effective December 31, 2010:

Paul T. Herman

SECONDED BYCOUNCILMEMBER PARISE

R11	-11						
				Yes/Aye	No/Nay	Abstain	Absent
		Councilmember Johnson	Voter		☑		
		Councilmember Solomon	Voter			☑	
	Accepted Accepted as Amended Table	Councilmember Flowers	Voter	Ø			
		Councilmember Coates	Voter	\square			
		Councilmember Mallory	Voter			☑	
		Councilmember Parise	Voter	\square			
		Councilmember Herman	Voter	V			
		Councilmember Klein	Voter	V			

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

FROM ASSISTANT CORPORATION COUNSEL ACKERMANN,

Resolution R11-12, approving registration fees and penalty schedule for vacantabandoned property ordinance.

Mr. Ackermann – Earlier last year, the council approved the vacant property ordinance. At that time I indicated that there would be a resolution provided to the council for their approval setting the fee schedule for vacant properties and abandoned properties. The fee schedule is after consultation with the building department over cost of recouping as well as some thought behind it that would try to encourage those that have vacant and abandoned properties to put them back to useful life. That is why you will see that there is a scale depending on the months that the property is vacant.

Chairman Klein – This brings up to speed the efforts of the city to address the issue of vacant and/or abandoned properties.

Mr. Ackermann – Yes, as in the adoption of the original ordinance, this has become a problem. Especially, given the nature of the housing market, and try to address that the council adopted the vacant property/ abandoned property ordinance and this fee schedule is just to go along with that ordinance.

Councilmember Mallory – When will this fee schedule go into effect?

Mr. Ackermann – The actual ordinance is already in effect. They are starting to require the registration, and now just have to set the fee schedules.

RESOLUTION (R-11-12)

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, by Ordinance 10-32 the Common Council of the City of Poughkeepsie adopted the Abandoned/Vacant Property Ordinance which requires any owner of a vacant or abandoned residential property situated in the City of Poughkeepsie to register their vacant or abandoned property with the building inspector; and

WHEREAS, the Ordinance requires the Common Council set the fee for such registration; and

NOW, THEREFORE

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby approves and adopts the registration fee as set forth in the schedule below:

Registration Fee:

(Registration fee includes inspection fee and permit fee)

Months Vacant: (per six months)

iis vacaiit.	(per six monuis)
0-6	\$125
6-12	\$150
12-24	\$250
24-48	\$500
48 +	\$1000

SECONDED BY COUNCILMEMBER PARISE

R11-12								
				Yes/Aye	No/Nay	Abstain	Absent	
		Councilmember Johnson	Voter	☑				
		Councilmember Solomon	Voter	☑				
		Councilmember Flowers	Voter	☑				
\square	Accepted Accepted as Amended	Councilmember Coates	Voter	☑				
	Tabled	Councilmember Mallory	Voter	☑				
	Tabled	Councilmember Parise	Voter	\square				
		Councilmember Herman	Voter	☑				
		Councilmember Klein	Voter	\square				

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

FROM DEVELOPMENT DIRECTOR WOJOTWICZ and BUILDING INSPECTOR BECK, Resolution R11-13, approving amendments to fee schedules for building and development fees.

Director Wojtowicz – We have many fees in the development department, between the building department and the planning department. Occasionally, from time to time, we need to change those fees. Usually up them somewhat. We look at other towns and cities in our area and see what they are charging for certain items and be sure that we are not really low or really high in any one particular area. And what you have before you is the proposal for the building department, for public assembly, for licensing, for fee schedules, and the planning board and zoning department fees.

Asst. Corp. Counsel Ackermann – Right now the way the city code is set up, it is really somewhat archaic. Everywhere throughout the code is fees for this fees for that. There is no centralized fee schedule, which pretty much every municipality has at this point. A fee schedule that can be adopted from time to time, amended from time to time by the common council. Without the necessity of going through the entire code to make one small change to the fee schedule, to have to go through and change every little place where a certain fee would be. It is really bringing the code up to the 21st century, some other minor changes that were made with respect to other changes that the council had already previously approved.

Councilmember Mallory – You mentioned that our fees had to look comparable to other municipalities. How are they compared to the others, locally?

Director Wojtowicz – They are low. We look at pretty much just Dutchess County, because Westchester is very high, and we are pretty low.

Councilmember Mallory – Why is low bad? In other words, if a fee is low, wouldn't that draw more people into the city?

Director Wojtowicz – I don't think so. Like site plan review is \$400 and an additional \$35 for off street parking, and other things. If someone wants to build a retail building, I don't think it is going to stop them, because fees are a little bit higher than another municipality. This is where they want to build this is where they are going to build.

Councilmember Mallory – On the other hand, though, if fees get too high will it would discourage development?

Director Wojtowicz – I don't think so, I have never seen that, I have been doing this for many years. Places like East Fishkill have very high fees, and people build there because they have plenty of land and subdivisions. That doesn't stop anyone from building. I haven't really heard anyone complain because we have such reasonable rates.

Councilmember Mallory – I'm not saying that. If were low, you would think that would be a good thing to maintain. But you are sharing that if they want to come they will pay.

Councilmember Solomon - We didn't get to what is wrong with low, though, other than more revenue for the city. I have a couple of constituents who want to put up one of those pre-fab sheds in their back yard, and they need to get a permit. A permit is \$100. That is a lot of money for that.

Mayor Tkazyik – There are individuals that have to come out and inspect. There are permit applications that need to be made and distributed. There are people who have to come out and do the work. The cost of doing business does increase at times. I think we have been prudent in these slight increases, across the board not just in building and planning, but throughout the city.

Director Wojtowicz – Also we have consolidated a lot of things since January last year when I took over the building department. Then Gary became the building inspector in April. We had 10 or 12 different building permits. Now you may not be paying double for everything. We now have one building permit, fees are on there but they have been consolidated, so that they are not paying for a bunch of little things.

Mr. Beck – We are still lower than the other communities we compared this to. If you look at the fee schedule, and look at the proposed fee schedule from 2008 that has been in place. As an example, residential was \$50 plus \$.40 per square foot. What we are

proposing is \$50 plus \$.40 per square foot. There are certain areas in here that we did not raise. We have combined the fire, plumbing and other essentials such as elevator inspections and sprinklers as per NYS. Those fees that the other departments had done for many years have not been raised in many years. We have a staff of five people trying to do three different jobs and there were just certain areas that had to be raised, and consolidated to eliminate the red tape.

Asst. Corp. Counsel Ackermann – One of the good examples is the fire assembly permit. To get an assembly it would cost the same for a church that has a gathering space in the basement as it did a huge complex like Mahoney's Irish Pub. Some of those things in a practical sense had to be changed.

Mr. Beck – This is one of the things that (Laura has been in charge of our department since January) the staff has been doing. Sitting down with the public and listening to their concerns and we have gotten to where we are today and we are comfortable with it. We are still lower than the other communities.

Councilmember Johnson – What is a letter of good standing?

Mr. Beck – The letter of good standing is for another municipality. Putnam County has licensing requirements for electricians, as we do. If you are licensed here in Poughkeepsie and not licensed there, and they had a special permit for you to do one job, than you could come here pay the city of Poughkeepsie building department a fee to write you a letter that states that you are in good standing. You have had a license in Poughkeepsie for 10 years, with license number 2; you have maintained your insurance, and other necessary information. They take that to the county, and they would accept that and issue them a special license.

Councilmember Johnson – In the past that was \$15 and now it is \$75. That is a big jump.

Mr. Beck – The electrical that you see in here and those types of fees have not been raised in many years. We compared them to other letters written in my office and we made it comparable with those. The cost of taking the test is \$350, the cost of this type of letter from other municipalities with around \$150 to \$250.

RESOLUTION (R-11-13)

INTRODUCED BY COUNCILMEMBER HERMAN

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby approves and adopts the following fee schedules as set forth in the Fee Schedules attached hereto:

2011 Assembly/Operating Permit Fee Schedule 2011 Licensing/Exam Fee Schedule 2011 Building Department Fee Schedule 2011 Planning and Zoning Fee Schedule

SECONDED BY COUNCILMEMBER PARISE

R11	-13						
_				Yes/Aye	No/Nay	Abstain	Absent
		Councilmember Johnson	Voter	☑			
		Councilmember Solomon	Voter	☑			
	Accepted Accepted as Amended Tabled	Councilmember Flowers	Voter	Ø			
		Councilmember Coates	Voter	☑			
		Councilmember Mallory	Voter	Ø			
		Councilmember Parise	Voter	Ø			
		Councilmember Herman	Voter	Ø			
		Councilmember Klein	Voter	Ø			

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

Asst. Corp. Counsel Ackermann – Currently the city has an agreement with Veolia North America. At some point the parties decided it was time to negotiate an amendment of the agreement and a furtherance of the agreement, handled mostly by Commissioner DuPilka. What is attached to the resolution is the final terms of the memorandum of understanding and now it is before the council for approval. It is a five year extension agreement.

Commissioner DuPilka – To brief you, about five years ago we went through the contract with them. This is the renewal option that was created in that document. Essentially what this agreement does it provides for sewer plant operations, which is generally 1/3 town and 2/3 city of Poughkeepsie by flow. Also includes operation of the pumping stations for the city there are ten of them, basically daily operations, maintenance, etc. So, it does include those. What you would though as far as the sewer plant we do split with the town of Poughkeepsie, they pay 1/3. Before we entered into this MOU, and I prepared it. I contacted the town to make sure they were on board. There is no increase in this for 2011, it is a flat fee. I feel it is fair and the same odor control provisions are included in this.

RESOLUTION (R-11-14)

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, City of Poughkeepsie (the "City") owns and provides for the operation of wastewater, collection and related treatment facilities; and,

WHEREAS, the City has employed the services of Veolia Water North America Operating Services, LLC ("Veolia") in the management, operation and maintenance of these facilities, and the City and Veolia Water desire to extend Veolia's employment for those services through an amended and restated service agreement; and

WHEREAS, the City and Veolia have negotiated the business terms of such extension, which would be effective for five years effective January 1, 2011; and

WHEREAS, the business terms are contained in the schedule annexed hereto and made a part hereof; and

WHEREAS, the Common Council has reviewed such terms and finds them acceptable and approves execution of an amended and restated agreement containing the attached business terms for the extension period;

NOW, THEREFORE, BE IT

RESOLVED, by the Common Council of the City of Poughkeepsie that the business terms for the extension of the contract between the City and Veolia be, and the same hereby are, approved and authorizes execution of a final agreement that incorporates the attached business terms into a final agreement otherwise identical to the current contract.

SECONDED BY COUNCIL MEMBER PARISE

R10	R10-14									
				Yes/Aye	No/Nay	Abstain	Absent			
		Councilmember Johnson	Voter	☑						
	Accepted Accepted as Amended Tabled	Councilmember Solomon	Voter	☑						
		Councilmember Flowers	Voter	☑						
		Councilmember Coates	Voter	☑						
lΗ		Councilmember Mallory	Voter	Ø						
		Councilmember Parise	Voter	☑						
		Councilmember Herman	Voter	☑						
		Councilmember Klein	Voter	☑						

VIII. ORDINANCES AND LOCAL LAWS:

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

FROM CITY ADMINITRATOR LONG, Local Law LL10-07, amending Chapter 9 of the City Code of Ordinances with respect to solid waste.

Administrator Long – There has been considerable conversation on the solid waste issue as was noted earlier. This conversation goes back to the beginning of October, when the first budget was prepared. Everyone will look at this as a budget measure. Something we have to do in order to try and save some money, but let me reassure everyone here that this administration here the last three years has worked very hard at eliminating a lot of costs in many different areas, not just solely in refuse collection. Primarily we reduced the workforce by about 9% over that time period. We have also reduced our overtime by about \$400,000 per year. We have reduced [numerous aspects of the budget], turned back \$5million in capital expenditures, and have spent much of our CBDG money on infrastructure projects, putting that money into the community where it is well needed. The problem with the refuse collection is that there are many variables in this whole formula. Those of you who may have been familiar with the solid waste management plan which has been proposed by the Dutchess County Resource Recovery Agency. In there it speaks of another half million dollar potential increased cost to the city of Poughkeepsie, should there management plan go into effect with the increased rates of the resource recovery plan. As we went back and took a look at the usage of the garbage and trash, we spend approximately \$2million per year. It is one of the services many people rely on. As we get into the actual implementation of this program, the 411s also the commercial properties with residential above, we have 455 441s, 173 residential/commercial combined properties. This legislation will affect 628 properties out of 8000 properties within the city. It is a small percentage in terms of our overall numbers, but we felt it was important to try and get ahead of this issue. We have had several budget meetings that have been held, talked about the different impacts, special meetings, talking about this particular issue. I feel bad for the types of properties that are caught in the middle here. I think Executive towers, because of the way the state legislation is set up; their definition of commercial property affects that property more so than others. As a co-op the way that NYS real property assessment is setup they would then be subject to this type of legislation. Therefore if you have anger it should be directed to the State of NY. In terms of the legislation and how they classify properties. Georgetown is another one that probably has more interest because of the individual ownership issue there. The way the state of NY classifies its 411 properties, that's the only way the assessor can designate those properties. He has to follow the state mandates and rules that all municipalities across the state follow. Our other issue is when we started to look at other local municipalities, the town of Poughkeepsie, all of their household residential, their commercial; they all have to pay privately to have their trash picked up. As you go from community to community, everybody is saying why is the city of Poughkeepsie the sole organization that continues to provide this service? We have been able to do this in the past, but we are at the point where we can no longer provide that continued level of service. The city of Beacon provides 1 garbage can per property, whether multifamily commercial or residential. If you have a 30 unit apartment complex you pay for the other 29 garbage cans. They only pay for a small portion, if any for the 411s. It is the job of the common council to take a look at the budget, the requests made of the department heads as presented by the mayor and administration, to try to look at where we spend our money and how it's invested. We had hoped to put the ordinance before the council earlier, the council asked for another two weeks to talk about the trash issue. We had a special whole meeting about different options of things

that could happen to try to offset some of the costs. I want to recommend a lot of thanks form the council members who were trying to come up with creative ideas of ways that we could try to reduce the cost of doing business and at the same time provide that level of service. It's just not in the cards right now. At the last meeting December 20th, the common council was given the draft seeker proposal that was prepared and as we indicated at that meeting, there is really two things that happen: 1st would be the State Environmental Review Act would take a look at affects of the change. Primarily the seeker process is viewed in terms of construction projects. It's about creating jobs, building buildings, adding new community members to a community. In our case the amount of trash that is being generated, is the same amount of trash that will continue to be generated. The difference will be that one organization will pick it up in the existing situation. In the proposed situation there would be several organizations where trucks would pick up. The 2nd thing is the draft ordinance that was distributed at the last meeting. On tonight's agenda we have distributed a revised version, which adds January 17th as the unifying date. As many of you may know we send out letters to all the 411 properties throughout the city to let them know that this was coming. We have spoken to several of the organizations that provide this level of service. I know that a lot of community members have talked about a \$25 fee. Most of the organizations we have talked to it was an \$8 to \$10 per month per unit. One particular vendor I spoke with said that people have actually been receptive, that the fees are actually less than what they heard. We have spent a lot of time deliberating about this particular issue; it is a corner stone of the budget, what it was built on. It is a \$400,000 financial impact on the city itself.

Councilmember Mallory – You mentioned about the \$400,000 impact, that's a given. I see that 7 of those listed one there have dumpsters from 411s have they approached us about renegotiating their pilots? That is something we would see in a quarterly report.

Commissioner Long – No, I have not.

Councilmember Johnson – In regards to this ordinance, I would like to say that I am a single family homeowner and I am opposed to this new garbage ordinance and LL 10-07. I am also against privatization; I believe that we will be better off keeping our garbage pick-up in house. This ordinance is unconstitutional and discriminatory. It violates the rights of low income residents, creating an unnecessary economic hardship. How can this administration collect taxes for garbage pick-up and not provide the service to the 411s. This will cause health problems, unsanitary conditions throughout the city. And with that being said I will not support this ordinance, nor did I support the amendment to this ordinance in the budget.

Councilmember Flowers – I just want to say, everyone knows where my vote was as far as the budget is concerned, based on information that I researched. Another thing is, too that my decision that I make on this is not based on the number of votes I will receive but based on the needs of my ward, and the impact that it will have on the majority. I know there were comments out there about what will happen in the next election, well, if the people want to make that decision they can. I have always stated that the decisions I

make are based on the needs of the majority of the area, the needs of my particular area and not based on votes. If your rent is being increased by \$25 then you need to talk to your landlord, because there are contractors out there when I researched it, to find out what impact it would have on the residents, it was on average \$8 to \$10 per unit. When I talked to several of these different complexes and people who are going to be affected in my ward they did not realize that was it because they were given false information. Otherwise we would have to raise the taxes on residential and commercial properties, which will be a lot more than what you are receiving now. That is why I voted the way I did, as far as the budget is concerned. And I am also supporting the ordinance.

Chairman Klein – Mr. Adams, an attorney for the corporate owner of quarterlies addressed this issue of the environmental review. That is embodied in the proposed ordinance?

Commissioner Long – That is the first step of the process as the seeker, the New York State Environmental Review Act. That would be the first action the council would take as typically we do.

Chairman Klein – Mr. Morgan, William Murray, an attorney, sited a particular case from the impellent division, which is a firm. Is that a case that is familiar to you? It is something that the corporation council has reviewed?

Mr. Morgan – Yes, we have. We feel that it is distinct and different from this situation.

Chairman Klein – You also heard a number of threats regarding the issue of a lawsuit, and the issue of whether attorneys' fees would be sustained by the city as well as damages. Isn't it a fact that if a lawsuit is initiated in the NYS Supreme Court then the NYS rules of court part 130 provide for sanction in the form of attorneys' fees for frivolous conduct. And if a lawsuit is brought into Federal Supreme Court, there is a rule 11 in civil procedure, which provides for sections in the form of attorneys' fees and other costs and expenses in the instance of frivolous conduct. And that rule 11 does not cap sanctions.

Mr. Morgan – Yes, that is all correct.

Chairman Klein – Mr. Long, the issue of the RRA, the resource recovery agency. The old issue for tipping fees. The RRA and the cost imposed on municipalities are an open issue at this point.

Commissioner Long – That is correct, it has been well reported in the community newspapers. It is a county agency run solely on its revenue. If they need additional costs to cover their costs then they raise the price.

Chairman Klein – Some have indicated that somehow the city imposes the cost of rent on residents. The city doesn't not charge the rent it is the landlords that charge the rent.

It's a free market and rent is a combination of a number of things, not just maintenance, insurance, taxes, repairs, and so forth. It is set by market demand.

Commissioner Long – That is correct.

Chairman Klein – Commissioner of Finance. Mr. Bunyi, tell us what impact would be on the city of Poughkeepsie a tax increase of 24%, which is happening in another city in Dutchess county in terms of our fiscal health, our fiscal rating, SEC and Moody's.

Commissioner Bunyi - It is about \$3million more in taxes, that would put us in the same category as another municipality in Dutchess county. Junk bond would be Moody's rating. And most probably we would not be able to borrow money.

Chairman Klein – When a municipality can't borrow it's like when an individual can't borrow but worse, because you may not be able to provide essential services. Also, what do the economic outlooks look like for 2011-2012 in this municipality, in this region, in this state?

Commissioner Bunyi – It is going to be very challenging, we anticipate the governor will announce a cut in our state aid. There are several things we are currently looking at right now. The first of which will be on Wednesday we anticipate a big cut in our \$4million state aid, as much as \$2million. Already we have projected a \$2million increase in the police and fire retirement, alone. We are also looking at other costs, just this morning we sent out a message to all department heads because as you know the gasoline prices are going up, and they are not being determined by supply and demand. Rather by the capitol market or the pressure of speculators, which mean that the prices of gasoline will most probably stay up around \$3.50 all the way through the rest of the year. That will be about a 30 to 40 percent increase from what we pay now. There are a lot of factors we are facing in 2011, 2012 and it's not going to be pretty.

Chairman Klein – Mr. Morgan can I ask you, there were allegations made by certain members of the audience, on part of their own legal opinion, that this particular measure is unconstitutional in that it violates the equal protection clause of the Bill of Rights. Have you come to an opinion on that?

Mr. Morgan - We have decided that the Roslin litigations and others cited are distinct and different situation from what the city is facing. In those cases there were different facts, different programs. There were similarities but they were not exactly what we are considering at this moment. One of the distinctions would be there are carved out justifications between 411 properties and 3 families and less residential properties. In the zoning law as it has been for decades in the city of Poughkeepsie. That 411s are required to get site plan approval from the planning board because of the belief stemming back for decades that more intensive site management is required of those properties than less intensively used properties. That has been in our zoning law; site plan is not required of 1 family, 2 family, 3 family. that is an expense, that goes into the operation, founding of those investments, those properties, for when they expand and change. Our view is that the greater intensity of the use of these multifamily structures is the basis not only for site

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plan requirements but also should be the basis for this decision with respect to solid waste management in the city. We are not talking about the kind of garbage that's coming out of it necessarily the quantity of garbage coming out of the different properties per unit. We are talking about site management, Waste management and those types of things specified in the legislative in section 1 of the local law.

NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) RESOLUTION REGARDING SOLID WASTE REFORM OF CHAPTER 9 OF THE CODE OF ORDINANCES

BY COUNCILMEMBER HERINGY

WHEREAS, the Common Council of the City of Poughkeepsie is introducing a local law to pr for the shifting of responsibility for trash collection to owners of multi-family residential buil containing four or more residential units (411 parcels) and authorizing the Mayor by Executive to issue regulations to require trash carters servicing 411 parcels to satisfy newly imposed lice requirements before January 1, 2012 and providing for enforcement and periodic evaluation of program; and

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

WHEREAS, the Common Council has determined that there is no need for a coordinated revithis action as there are no other levels of government with jurisdiction over any part of the actidefined above; and

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

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

WHEREAS, the Common Council has considered the hereto attached long Environm 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. This determination shall be considered a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law; and
- 6. The Common Council officially makes a determination of non-significance in that the proposed local law is not expected to result in a significant adverse impact on the environment for the reasons stated in the attached SEQRA negative declaration form dated January 3, 2011 and, therefore, preparation of a draft environmental impact statement is not necessary; and
- 7. 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	Pacise	Ł,

R-10-136								
				Yes/Aye	No/Nay	Abstain	Absent	
		Councilmember Johnson	Voter		☑			
		Councilmember Solomon	Voter		☑			
	A 1	Councilmember Flowers	Voter	☑				
	Accepted	Councilmember Coates	Voter	☑				
	Accepted as Amended Tabled	Councilmember Mallory	Voter			\square		
	Tabled	Councilmember Parise	Voter	\square				
		Councilmember Herman	Voter	\square				
		Councilmember Klein	Voter	☑				

ABSTRACT OF PROPOSED LOCAL LAW 1 OF 2011 SOLID WASTE REGULATION AMENDMENTS OF CH 9 OF THE CITY OF POUGHKEEPSIE CODE LL-11-01

INTRODUCED BY COUNCILMEMBER HERMAN

[The following provisions are introduced to the members of the Common Council in final form excepting section numbers that will be added when the Local Law is approved.]

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF POUGHKEEPSIE as follows:

1. Legislative Findings: The Common Council of the City of Poughkeepsie finds that the Statement of Legislative Determinations and Findings of Fact contained in Sec 9-60 (Article V of Chapter 9) of the City of Poughkeepsie Code of Ordinances shall be reaffirmed with an amendment of §9-60 (B) to classify multiple-family residences containing four (4) or more residential units as commercial, non-homestead parcels for which the City shall not be required to remove solid waste from. The Common Council bases this determination on the heightened level of site management required due to the greater intensity of use of multi-family structures than single family residences, two family and three family residences. This greater intensity of use of multi-family structures is the basis for the site plan requirements of the City of Poughkeepsie Zoning Law to apply specifically to residential parcels containing four (4) or more residential units, [see Sec 19-6.1(b)]. The site plan requirement expresses the City of Poughkeepsie's responsibility to exercise a heightened degree of oversight of activities on multi-family parcels, which historically has included the storage and disposal of solid waste, suppression of noise and odors, use of disposal containers and the like. No different from the Common Council's authority to provide for site plan oversight of multi-family uses of four (4) units or more, the Common Council finds that it possesses authority to enact legislation to improve and handle trash pick-ups more efficiently and safely for multi-family parcels of four (4)

or more units. The Common Council further finds that private carters are capable of providing solid waste pick-up and recycling for such larger residential facilities, with containers and trucks owned by private carters that are better suited to servicing multi-family parcels than the City of Poughkeepsie is capable of providing with the limited equipment, carting vehicles and personnel that the City possesses.

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2. §9-61 shall be amended to provide that "The Department of Sanitation shall collect and remove garbage [...] in the City only for premises utilized for residential purposes containing one, two or three residential units. For the purposes of this section and this article, the utilization of premises for residential purposes shall be deemed to mean such premises as are actually occupied as the residence of one or more persons or families, but less than four persons or families, and such additional premises or residential units as are vacant but available for use as a residential unit for a person or family.
[Underlined is new text]

3. [New Text for Chapter 9]

a. Commencing on or before January 17, 2011, all owners of multi-family residences containing four (4) or more residential units shall be required to provide for the removal, and disposal of solid waste generated by the occupants of their premises on at least twice a week basis, and removal of recycling at least once per week, by a solid waste carter who is licensed by Dutchess County Resource Recovery Agency or the Dutchess County Commissioner of Solid Waste.

- b. City of Poughkeepsie Sanitation shall terminate collection of solid waste and recyclables from multi-family residences with four (4) residential units or more no later than January 17, 2011.
- c. The Department of Public Works and Corporation Counsel shall provide for the regulations to be drafted to govern the licensing of carters to perform the removal of solid waste and recyclables from multi-family residences of four (4) or more units, and the means and methods of managing solid waste on such affected parcels, and the collection, disposal and enforcement thereof, by executive order upon public notice thereof.
- d. Owners of affected parcels (four (4) residential units or more) shall file proof of a current contract with a qualified solid waste carter on or before January 17th each year for each such parcels under their ownership.
 Failure to file such proof with the Commissioner of Department of Public Works by such time shall be a violation enforceable as provided in Chapter 9 of this Code.
- e. Carters shall provide the owners of multi-family parcels with four (4) or more units with adequate containers that shall be sufficient in the judgment of the Department of Public Works Commissioner.
- f. Department of Public Works shall maintain a current list provided by carters listing the locations that each carter services with such other data as may be required by the Department of Public Works Commissioner.
- g. City Administrator shall create a map showing the location of each multifamily parcel comprised of four (4) or more units.

h. City Administrator shall investigate what commercial parcels in the City should be specially assessed for garbage collection, and file a report with the Mayor by July 1, 2011, for possible response.

LL-10-07								
				Yes/Aye	No/Nay	Abstain	Absent	
		Councilmember Johnson	Voter		☑			
		Councilmember Solomon	Voter		☑			
	Accepted Accepted as Amended Tabled	Councilmember Flowers	Voter	Ø				
		Councilmember Coates	Voter	☑				
		Councilmember Mallory	Voter			\square		
		Councilmember Parise	Voter	☑				
		Councilmember Herman	Voter	☑				
		Councilmember Klein	Voter	☑				

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

O-11-1, amending certain sections of the building code, and the fire prevention code to allow an establishment of fee schedule.

Councilmember Mallory – If this is amending, do we need a public hearing?

Asst. Corp. Counsel Ackermann – No, it is an ordinance not a local law.

ORDINANCE AMENDING CHAPTER, 6 ENTITLED "BUILDING AND UTILITY CODES" AND CHAPTER 8 ENTITLED "FIRE PREVENTION AND PROTECTION. (O-11-01)

INTRODUCED BY COUNCILMEMBER HERMAN

BE IT ORDAINED, by the Common Council of the City of Poughkeepsie that the Chapter 6, Section 26, Entitled "Building, Zoning and Planning Fees of the Code of Ordinances of the City of Poughkeepsie is replaced in its entirety with the following new section:

SECTION 1: Section 6-26 of Chapter 6, Article I, Division 2 is replaced in its entirety by the following:

Section 6-26 Building, zoning and planning fees

A fee schedule shall be established by resolution of the Common Council of this City. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule

or amended fee schedule shall be charged and collected for the issuance of all permits and/or certificates issued by the Department of Development pursuant to the Building Code, Housing Ordinance, Zoning Ordinance or any other ordinance of the City of Poughkeepsie requiring the issuance of a permit by the Department of Development.

SECTION 2: Section 6-30(e) of Chapter 6, Article I, Division 2 shall be amended by the following additions and deletions:

- (e) Applications for inspections and certificates of occupancy for existing one-family dwellings.
 - The Building Inspector shall not inspect existing one-family dwellings for (1) which a certificate of occupancy has been previously issued and for which such previously issued certificate of occupancy remains in effect solely for the purpose of or in connection with the conveyancing or financing or refinancing of such existing one-family dwelling, except upon the written request of the owner; and, further, the Building Inspector shall similarly not inspect existing one-family dwellings built prior to 1963 for which a certificate of occupancy was never issued and on which no physical activity has taken place that would have required the issuance of a building permit; provided, however, that the above provisions are not applicable to and are not intended to limit the duties and powers of the Building Inspector in connection with construction, enlargement, extension, repair, modification, removal or demolition of such existing one-family dwellings, and provided further, however, that such provisions are not intended to limit the duties and powers of the Building Inspector in connection with the installation and use of materials in such existing one-family dwellings nor in connection with the use, occupancy and maintenance of such one-family dwellings. The above provisions are further not intended to limit the duties and powers of the Building Inspector in connection with changes in use or type of occupancy nor are they intended to limit the duties and powers of the Building Inspector in connection with the enforcement of the rules, regulations, standards and procedures set forth in the New York State Uniform Fire Prevention and Building Construction Code.
 - (2) When a Building Inspector receives a request for an inspection and/or issuance of a certificate of occupancy solely for the purpose of or in connection with the conveyancing or financing or refinancing of an existing one-family dwelling as described in Subsection (e)(1) above, the Building Inspector shall advise, in writing, the party making the request of the above provision directing that inspections not be made in the circumstances described above and shall further advise the party making the request that a certificate of occupancy has previously been issued and that it remains in effect and shall enclose a copy of such previously issued certificate of occupancy or, in the alternative, shall advise that no certificate of occupancy has been issued but that the premises may be lawfully occupied without a certificate of occupancy. In such response, the Building Inspector shall further

advise the party making the request whether there are or there are no existing violations of record in connection with the premises. If there are existing violations of record, the Building Inspector shall include a copy of such existing violations of record with the response. The Building Inspector shall charge a fee [of \$50] for the provision of a response as herein provided.

One-family dwellings built prior to 1963 for which a certificate of occupancy was never issued and for which no physical activity has taken place since 1963 that would have required the issuance of a building permit may be lawfully occupied without a certificate of occupancy; provided, however, that any physical activity taking place thereon, on and after the adoption of this provision, shall be subject to the otherwise applicable requirements of law for building permit and certificate of occupancy. (Ord. of 7-1-1963, Art. II, §14; Ord. of 4-3-1989, §1; Ord. of 12-4-1997, § 2)

SECTION 3: Section 6-31 of Chapter 6, Article I, Division 2 shall be amended by the following additions and deletions:

Section 6-31 Inspections prior to issuance of certificate

- (a) Prior to issuing a certificate of occupancy, the Building Inspector shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a building permit to construct, enlarge, alter, repair, remove, demolish or change the use or occupancy. The Building Inspector may conduct such inspections as he deems appropriate from time to time during and upon completion of the work for which a building permit has been issued.
- (b) In addition, the Building Inspector shall receive written notification of final inspections from the Health Department, [Fire Department and Plumbing Inspector] where such inspections are required by ordinance or by other applicable laws.
- (c) There shall be maintained in the Building Inspector's office a record of all such examinations and inspections and notifications of inspections by other departments, together with a record of findings of violations of the law.
- (d) The following fees shall be payable to the office of the Building Inspector for inspections made prior to issuance of a certificate of occupancy:
 - (1) Where an application is made for a certificate of occupancy for a building or structure in connection with a previously issued building permit, no fee shall be required.
 - (2) Where an application is made for a certificate of occupancy for a one- or two-family dwelling for which a building permit is not required, the fee shall be \$50.
 - (3) Where an application is made for a certificate of occupancy for any other residential or nonresidential building or structure for which a building permit is not required, the fee shall be \$100.

- (4) Where an application is made for a certificate of occupancy for a rooming house, hotel, motel, nursing home or building or structure used or intended to be used as a residence for the care of mentally ill or physically disabled individuals, the fee shall be \$100.
- (5) Where an application is made for a certificate of occupancy for nonresidential premises, and where Subsections (d)(1), (2), (3) and (4) do not otherwise apply, the fee shall be \$100.
- (d)[(e)] When a property owner, building permit holder or his/her agent or representative requests that an inspection be conducted to inspect a building, structure or site at which construction, enlargement, alteration, repair, removal, demolition or change in use or occupancy is being done or work has been completed pursuant to the building permit and, upon arrival of the Building Inspector or his/her deputy, the structure or site is not ready to be inspected at the agreed upon time, an [civil penalty] administrative fee in an amount set forth pursuant to Section 6-26 above, may be assessed against the property owner, permit holder or his/her agent or representative. [in the sum of fifty dollars (\$50.).]
- [(f)] If a property owner, building permit holder or his/her agent or representative requests an inspection of work at a building, structure or site being done pursuant to a building permit and the inspection cannot be arranged by the Building Inspector or his/her deputy within two (2) business days, the Building Inspector or his/her deputy will issue a written report to the Building Inspector and the City Administrator, with a copy to the property owner or building permit holder, explaining the reason why the inspection cannot be scheduled within two (2) business days and providing the next available date that an inspection will be scheduled. (Ord. of 7–1–1963, Art. II, § 15; Ord. of 4–19–1976, § 1, 2; Ord. of 10–6–1981, § 2; Ord. of 5–16–1983, § 1; Ord. of 4–3–1989, § 1, 2; Ord. of 1–21–1992, § 2; Ord. of 12–4–19976, § 3)

SECTION 4: Section 6-33 of Chapter 6, Article I, Division 2 shall be amended by the following additions and deletions:

Section 6-33 Temporary certificate of occupancy

Upon request, the Building Inspector may issue a temporary certificate of occupancy for a building or structure or part thereof before the entire work covered by the building permit shall have been completed, provided that such portion or portions as have been completed may be occupied safely without endangering life or the public welfare. [The fee for a temporary certificate of occupancy shall be ten dollars \$75.] Notwithstanding the preceding, the Building Inspector may issue a certificate of occupancy for a building or structure or part thereof before the entire work covered by the building permit shall have been completed, provided that the provisions of Section 19-7.4(3-a) of the Code of Ordinances have been satisfied. (Ord. of 7-1-1963, Art. II, § 17; Ord. of 11-4-1991; Ord. of 1-21-1992, § 3; Ord. of 8-21-1995, § 3; Ord. of 12-4-1997, § 4)

SECTION 5: Section 6-148 of Chapter 6, Article I, Division 3 shall be replaced in its entirety with the following Section:

Section 6-148 Fees

A fee schedule shall be established by resolution of the Common Council of this City. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the issuance of all permits and/or certificates issued by the Department of Development pursuant to the Administration of the Plumbing Code and the Administration of Plumbing Standards of New York State Uniform Fire Prevention and Building Code.

SECTION 6: Section 8-24 of Chapter 8, Article I, shall be amended by the following additions and deletions:

Section 8-24 License and fees for places of public assembly

- (a) It shall be unlawful for any person, firm, business or corporation to conduct, maintain or operate a place of public assembly within the City of Poughkeepsie without first obtaining from the Fire Chief or his/her designee a license. All parties conducting, operating or maintaining a place of public assembly must obtain a license and pay the fee as required by this section within 60 days after the effective date of this section.
- (b) A "place of public assembly" shall be defined as a building, or portion of a building, used for gathering together 50 or more persons for amusement, athletic, civic, dining, educational, entertainment, patriotic, political, recreational, religious, social or similar purposes.
- (c) Said license shall be obtained on an annual basis on or before March 15 of each year and prior to the opening or use of any new building used for the purpose of public assembly. Prior to issuance of said license each year, the [Fire Inspector] Building Inspector shall inspect the place of public assembly to make a determination as to the maximum safe occupancy of the proposed place of public assembly pursuant to the Fire Code of New York State and to approve and ensure its compliance with all laws, codes and ordinances relative to maximum occupancy allowed and fire protection and safety. The applicant shall pay an annual license fee [of \$100] at the time the license application and/or renewal is made to the [Fire Chief] Building Inspector or his or her designee. The fee shall be in accordance with the fee schedule as approved by the Common Council of the City.
- (d) Upon the failure of any party to obtain the necessary license, the [Fire Chief] **Building Inspector** shall promptly notify the Corporation Counsel who may institute an appropriate action in the court to cause the operation of the place of public assembly to cease until and unless the inspection is permitted and the license required by this section is obtained.
- (e) *Penalties*. Any person, firm, business or corporation who violates the provisions of this section by operating or maintaining a place of public assembly without obtaining a license shall be subject to a penalty of \$250 for each violation thereof, and each day that

said violation is allowed to remain in existence shall constitute a separate violation.

- (f) Suspension of license:
 - (1) Upon a second conviction of any violation of Section 8-25 or 8-26 of this article, the public assembly license of the business shall be deemed suspended for a period of seven calendar days commencing the day of the date of such conviction.
 - Upon a third or subsequent conviction of any violation of Section 8-25 or 8-26, the public assembly license of the business shall be deemed suspended for a period of 14 calendar days commencing the day of the date of such conviction. (Ord. of 2-18-1993 § 3; Ord. of 1-17-1995, § 1; Ord. of 2-12-2001, § 2; Ord. of 3-25-2002, § 1; Ord. of 2-13-2003, § 1; L.L. No. 3-2003, 5-19-2003, § 1)

SECTION 7: Section 6-114 of Chapter 6, Article I, Division 2 shall be amended by the following additions and deletions:

Section 6-114 License fees for electricians

- (a) Original license. An applicant for an electrician's license shall [deposit with the City Treasurer a nonrefundable handling fee of \$100 and file with the Examining Board his/her receipt therefor.] pay a non-refundable application fee in an amount as set forth on the fee schedule adopted by the Common Council in accordance with Section 6-26. The original license shall expire on December 31st of the year it was issued and there shall be no reduction in the annual fee and the annual fee shall not be prorated. [If, thereafter, a license shall be issued to such applicant, an additional sum of \$250 per year shall be paid as the license fee for the term expiring December 31 after such license shall have been issued.] An application and fee for a license shall be filed within 60 days after notification of successful completion (passing) of an examination.
 - [(1) Reapplication. In the event of an applicant's failure to pass the original examination for license, the applicant may reapply. If the reapplication is for the next available testing cycle, the nonrefundable handling fee shall be reduced from \$100 to \$50. For all other testing cycles the nonrefundable testing fee shall be \$100.]
- (b) *Refund.* Should such license be denied, the sum deposited by the applicant shall not be returned to him/her.
- [(c) Renewal. The annual renewal fee for all licenses after the first issued to the same person shall be \$250 per year due January 1 of each year.]
- [(d)](c) Letter of good standing. Any licensed electrician in the City of Poughkeepsie may request a letter of good standing for electrical work to be preformed in other municipalities. The fee for a letter of good standing shall be [\$15] \$75 per request and notice for such a request shall be provided at least 24 hours in advance to the Building Department. The letter of good standing shall include the letter of good standing and a certified copy of the City of Poughkeepsie electrical license. (Ord. of 10-15-1928, § 10; Ord. of 9-27-1976, § 1, 2; Ord. of 3-1-1993, § 8; Ord. No. O-07-14, § 1; Ord. No. O-09-

 $03, \S 1)$

SECTION 8: Section 6-116 of Chapter 6, Article II, Division 2 shall be amended by the following additions and deletions:

Section 6-116 Renewal of electrician's license

Whenever an electrician's license shall have been issued as herein provided, it shall be renewed annually without further examination, provided that the holder thereof, within 30 days after January 1 in each year, shall provide a certificate of liability insurance as set forth in Section 6-113(b) and pay the annual license fee as hereinbefore prescribed. Such annual renewal shall be certified by the endorsement thereof upon said license subscribed by the President of the Examining Board of Electricians. Any lapse in renewal shall require a payment of an administrative fee in an amount equal to the license fee This administrative fee shall be in addition to the reapplication fee. [that in the sum of \$400]. Applications for renewal submitted beyond April 1 in each year shall become null and void and require re-examination. Prior to expiration, a licenses electrician may petition the Building Inspector to suspend his/her license. An electrician whose license has been suspended at the electricians request may reinstate such license at anytime within five (5) years from the date the license was scheduled to expire. There shall be a fee in addition to the License Fee to reinstate a license that has been suspended at the request of the electrician. (Ord. of 10-15-1928, §12; Ord. of 12-19-2005, §1; Ord. No. O-02-15, §1)

SECTION 8: Section 6-136(e) of Chapter 6, Article III, Division 2 shall be amended by the following additions and deletions:

(e) To charge and collect <u>a fee</u>, for the issuance of a certificate of registration to qualify the employing of a master plumber, [the sum of \$75], or, for the renewal of such certificate, [the sum of \$75]. Any lapse in renewal shall require an administrative fee in an amount equal to the reapplication fee. The administrative fee shall be in addition to any fee charge for reapplication. [payment of a fee in the sum of \$150]. Prior to expiration, a licenses master plumber may petition the Building Inspector to suspend his/her license. A master plumber whose license has been suspended at the master plumbers request may reinstate such license at anytime within five (5) years from the date the license was scheduled to expire. There shall be a fee plus the License Fee to reinstate a license that has been suspended at the request of the master plumber.

SECTION 9: Section 6-136(e) of Chapter 6, Article I, Division 2 shall be amended by the following additions and deletions:

Section 6-164 Registration of master plumbers

(a) *Issuance*. Any applicant who has successfully passed the examination provided for by this article and received a certificate of competency who desire to engage in the

business of plumbing in the City and who wishes at any time to execute any plumbing work within the City shall register with the [Plumbing Board] Building Inspector for such purpose, and upon payment of a fee [of \$75] as provided for in Section 6-26 above. the [Plumbing Board] Building Inspector shall issue to him/her a certificate of registration appropriately lettered or marked "Licensed Plumber" and with such further marking or lettering as may from time to time be prescribed by this Code.

(b) Duration, renewal. All certificates of registration shall expire on the 31st day of December of the year in which they are issued and shall be renewed within 30 days preceding such expiration by application to the [Plumbing Board] Building Inspector upon payment of a renewal fee [of \$75] as provided in Section 6-26, above. Any lapse in renewal shall require a payment of an administrative fee in an amount equal to the reapplication fee. The administrative fee shall be in addition to any reapplication fee. [the sum of \$150]. (Ord. of 8-6-1973, § 1; Ord. of 5-1-1995, § 7; Ord. of 12-4-1997, § 5; Ord. No. O-07-1, § 2) Prior to expiration, a licenses master plumber may petition the Building Inspector to suspend his/her license. A master plumber whose license has been suspended at the master plumbers request may reinstate such license at anytime within five (5) years from the date the license was scheduled to expire. There shall be a fee plus the License Fee to reinstate a license that has been suspended at the request of the master plumber.

SECTION 10: Section 6-179 of Chapter 6, Article IIII, Division 5 shall be amended by the following additions and deletions:

Section 6-179 License required; penalties for offenses

No person shall engage in or conduct the business of the installation of a new or (a) replacement oil or gas heat-producing equipment in the City without first obtaining from the [Plumbing Inspector] **Building Inspector** of the City a license to do such work. Persons applying to be licensed to engage in or conduct the business of the installation of gas and/or oil heat-producing equipment shall present satisfactory proof to the [Plumbing Inspector] Building Inspector that (s)he is competent to make such installation and has been engaged in the installation of such equipment for a period of at least four years prior to the date of application or has graduated from a four-year college or university with major course work in heating engineering and has had one year's experience as a journeyman heating contractor or (s)he shall be a licensed professional engineer. In addition, the applicant shall be required to take a written examination prepared by the [Plumbing Inspector] Building Inspector and pay a nonrefundable examination fee [of \$150] as set forth in Section 6-26, above. If the applicant satisfactorily passes the examination, (s)he shall receive a heating license from the City. All licenses granted hereunder shall expire as of June 30 of each calendar year and must be renewed on an annual basis within 30 days preceding the expiration by application to the [Plumbing Inspector] Building Inspector and payment of a renewal fee [of \$100] as set forth in Section 6-26, above. Any person who permits his gas/oil license to lapse may apply for and receive a certificate of renewal upon payment of a fee [of \$200] as set forth in Section 6-26, above. Prior to expiration, a person licensed under this section may petition the Building

Inspector to suspend his/her license. A person whose license has been suspended at the their request may reinstate such license at anytime within five (5) years from the date the license was scheduled to expire. There shall be a fee plus the License Fee to reinstate a license that has been suspended at the request of the licensee. Any license granted under this section is revocable by the [Plumbing Inspector] Building Inspector for cause. Licenses may be granted for installation of oil-burning apparatus only or gas-burning apparatus only. Fees for licenses shall be as [follows:] set forth in Section 6-26, above.

Type	Fee Per Year
Oil license	[\$100]
Gas license	[\$100]

(b) Any person, business, partnership or corporation who violates any provision of this section shall be liable to a penalty of \$500 per day of violation or imprisonment not exceeding six months. (Ord. of 6-20-1996, § 1; Ord. of 12-4-1997, § 6; Ord. No. O-07-19, § 1)

SECTION 11: Section 6-106 of Chapter 6, Article IIII, Division 5 shall be amended by the following additions and deletions:

Section 6-106 Examining Board of Electricians

(a) Appointment. The Mayor shall appoint an Examining Board of Electricians. The Building Inspector of the City during his/her term of office shall be a member of said Board. The Mayor shall select annually one or more [among the electricians] certified electricians [by the Fire Chief] to conduct electrical inspections for the City to the Board. In addition, the Mayor shall appoint two employing or master electricians of not less than five years' practical experience in such work and one journeyman electrician of like experience.

SECTION 12: This provision shall take effect immediately.

SECONDED BY COUNCILMEMBER PARISE

0-11-1									
V	Accepted Accept d as Amended Tabled			Yes/Aye	No/Nay	Abstain	Absent		
		Councilmember Johnson	Voter	\square					
		Councilmember Solomon	Voter	\square					
		Councilmember Flowers	Voter	\square					
		Councilmember Coates	Voter	\square					
		Councilmember Mallor	Voter	\square					
		Councilmember Parise	Voter	\square					
		Councilmember Herman	Voter	\square					
		Councilmember Klein	Voter	\square					

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

- **1. From City Administrator Long,** a communication regarding the 2010 Youth Program Census report.
- **2.** From Commissioner of Finance Bunyi, a communication regarding the refinancing of remaining capital and interest on outstanding 1996 and 2000 Environmental Facilities Corporation Bonds.

Commissioner Bunyi – Once in a while the environmental facilities corporation offers up an opportunity to refinance existing bonds. What we normally do is when they send us some information; we try to do some financial crunching. To see if it is worth the city to join the refinancing pool. What you have in front of you is two bonds that have existed in the city, obtaining the remaining years of the bond. If you look at the 1996 bond it will provide \$17,223 in savings to the city. That is if we can get 3.0%, we have been getting 2.3% 2.4%, even perhaps as low as 2.0%, to be conservative 3.0%. The second bond, shows about a \$28,000 savings and again that is based on 3.0% rather than a 2.0% or 2.3%, 2.2%. Between the two we are looking at a \$45,000 but could push it to a \$60,000 savings for the city. After consulting with our bond counsel we decided to join the pool. This was not something the common council needed to approve. These are existing bonds due to expire 2014 and 2020. These are EFC bonds, most probably water or sewer. Primarily have to do with environmental, not the landfill or airport bonds.

Chairman Klein – These favorable refinancing opportunities. Have they come about on the part of the city to maintain and enhance fiscal health, discipline and order?

Commissioner Bunyi – Yes, it is a direct result. It is one of the things that they look at before they allow you to join the pool.

- 3. From Jesse Torres, a notice of property damage sustained. Referred to the Corporation Counsel.
- **4. From Amanda Hoysrad,** a notice of property damage sustained on December 21, 2010. **Referred to the Corporation Counsel.**

X. UNFINISHED BUSINESS:

Councilmember Mallory – I would like to bring to attention our obligation as the council to fill the vacancies in the water front advisory committee. I know the Mayor wanted to speak to the chairman. Also, in the past there was talk about a letter about changing the amount of members on the council. I think we need to do our diligence and find out who wants o serve and make decisions from there.

Mayor Tkazyik – Last meeting I advised the Chairman to meet with the Chairman Nelson about a 13 member board, and how realistic that is. The city has not had a 13 member board in 14 years. It has only been 9, and even at 9 it is difficult. I would advise even decreasing the number of members to 7 as with the zoning and planning boards. The city needs to look at that board. There must have been a reason for 13 but in this day and age.

Councilmember Mallory – Is the chairman going to make a decision on who the council appoints? Initially it was shared about a letter, and there was none, I didn't find anything that said a letter was written that the council would lose their power or purgative to appoint or select members. And I understand why you recommend talking to the chairman about the viability of a certain number but we do have a certain number as a council. It is one thing to ask the chairman or inquire is one thing but on the same token.

Mayor Tkazyik – You have been on the council nearly 4 years and have not once asked about the water front advisory committee.

Councilmember Mallory – Now I start asking questions about what is a council's right. That's all it is. I didn't find anything in there. If you want to find something in there than fine. This council has a responsibility, and all I ask is that we move forward with our responsibility.

Mayor Tkazyik – I think the issue is not of the council's role. The issue is the number serving on the board, and if that should be changed. What amount should be appointed by the council and what appointments should be made by the mayor. All I am saying to you is, I think 13 is an unrealistic number, and I think even 9 is difficult. Therefore, I am advising the council to speak with the chair, the development director, who administers. I am not denying the council their role to an appointment. I waited 3 and half years to put my appointments on the committee, just as every other mayor has before me. I cannot help the fact that pervious councils had not appointed there four members, even what I was a member of the council. I am not denying that right. All I am saying is I think we need to be realistic on how the body should function. There are 9 appointments.

Asst. Corp. Counsel Ackermann – My belief is that the actual code calls for there to be staggered terms. The original members were supposed to serve some 1 year, some 2 year, and some 3 year so that there were staggered terms. At some point that was not done. The last couple appointments were made were for 3 year terms all at the same time. The city clerk's office was trying to go back and see with the oath of office book but has been unable to verify those appointments.

Mayor Tkazyik – There are to be 13 appointments 4 council and 9 mayoral. Currently only the mayoral have been appointed. All appointments are up.

The board is a workable board.

Chairman Klein - Mr. Ackermann may we ask that your office make inquiry with Mr. Nelson, to report what he knows so that we can get this back on track.

Councilmember Solomon – There was a lady here, she didn't come by car and she could not get into the common council meeting because all the doors were locked, and tonight this happened as well.

Mayor Tkazyik – The doors are programmed to stay open for 90 minutes after the start of the meeting.

Councilmember Flowers – I wanted to mention there were comments made about the snow removal. I want to thank the DPW fro the work that they did in my area. There are a lot of narrow streets and they did a very good job. I really want to thank everyone for their efforts. I do have one concern, as I was riding through the ward, and other wards, is that the cross walks, the corners are not shoveled or plowed. There are mounds of snow at the corners.

Administrator Long – What it is an accumulation of snow at the crossings. In an instance like that, if you could let us know and the city staff can take care of that. But the property owner is responsible for their sidewalk unless is it on the arterial.

Councilmember Johnson – This has been a problem because the home owners are not sure that that is their responsibility, the same with the fire hydrants. Maybe we need to send out some reminders.

XI. NEW BUSINESS:

Councilmember Johnson – I am in need of an updated phone list, for employees and department heads, with all the changes.

Councilmember Flowers – The elementary basketball program, actually the student athletic basketball program. Kids started school today and so they are going to be working on a director for that, and hopefully striving to have their first game on January 26th. I want to thank the school board members and councilman Coates who put a lot of effort into this, and hopefully you can attend the first game.

Councilmember Johnson – I just want to say that, I hope Poughkeepsie won tonight in that big game against NFA.

Councilmember Coates – Poughkeepsie won by 11.

XII. ADJOURNMENT:

A motion was made by Chairman Klein and seconded by Councilmember Herman moved to adjourn meeting at 9:55 p.m.

Dated: August 22, 2011

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, January 3, 2011 at 6:30 p.m.

Respectfully submitted,

Jonathan Myers Deputy City Chamberlain