



**THE CITY OF POUGHKEEPSIE
NEW YORK**

**COMMON COUNCIL MEETING
MINUTES**

Monday, December 2, 2013 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL – All Present

II. REVIEW OF MINUTES:

Common Council Meeting of October 7, 2013

CCM 10-7-13			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Boyd	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

NONE

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

Frank Clark – 50 Rinaldi Blvd. – Thank you, Chairman, Council members and Administration. At the last meeting, Corporation Counsel Ackermann introduced a resolution to have parking in front of the Credit Union on Market Street be limited to 30 minutes. The Council did the right thing by not approving the ordinance. City Administrator said that the Credit Union asked for his help so that their customers could pull up and run in and do their business. Hel also said that the Credit Union is the last bank on Market Street. I’d like to remind him that there’s a TD Bank on Market Street,

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where very soon, their customers will have to put \$2.00 in a meter to go run in to do their banking. I'd like to know why two weeks before the last meeting, the City installed a sign on the corner of Main Street (in front of the Credit Union) that reads, "HVCU 30 minute Parking." That now illegal sign, should be removed immediately, unless the City Administrator has a signed contract by the Credit Union, to pay \$2.00 per hour for each space in front of their bank from 9:00 a.m. to closing. Next, I'd like to ask a member of this Council, under the new business, to ask Corporation Counsel, Paul Ackermann to make a ruling tonight (or by the next meeting) whether or not, the Mayor solely has the right, according to the City Charter, to eliminate the City Buses. The citizens of the City of Poughkeepsie have the right to know. Thank you.

Steven Planck – 81 Carroll Street – I think I might have signed the wrong sheet, but I'll repeat one thing I said earlier. It's long overdue that the Mayor sits down and negotiates contracts with the unions. It's one example of how we can save the City millions. I would love to see a resolution come from the Common Council, which binds this Mayor and the successors into making sure that all contracts with the City get negotiated in a timely fashion. I think that 3 years is negligence at this point. I think that's something you all can come up with and get a resolution together. Thank you.

Darrett Roberts – 148 Franklin Street – Spoke to people who ride the City bus last week and they are very concerned about losing the bus. Also went to Price Chopper and Stop & Shop and spoke to the business owners there and they are very concerned about losing the City buses. It would impact their profits, etc. Would like to see the Mayor go down to the Hub and ask people how they feel about losing their bus, or just ride around on the bus and talk to the people about their concerns. Would like to have bus service improved to have the buses run 24/7. It would increase revenue to the City. It would be less of an impact to the students, elderly and those who work in those areas. Thank you to those who are coming to the Community Voices Heard event on December 5th. We will hear your concerns and you will hear ours. Thank you.

De Juan Encarnacion – 327 Mansion Street – Heard that the City buses might be taken over by Loop Bus. That is not good for the students who rely on them to go to Dutchess. Loop buses only go to the outskirts of Poughkeepsie. The Loop doesn't go to many of the areas that the City buses go. He's a student at Dutchess Community College as well and brought a petition to school regarding the proposed bus takeover and obtained 70-80 signatures. He brought the list with him if the Council wants it.

Chairman Mallory: Give it to the Chamberlain when you're done.

Mr. Encarnacion: Also, this will not help the seniors or myself to get to the Civic Center, because it's a long walk, especially in bad weather. Mr. Encarnacion was in a wheelchair, so it would adversely affect him.

Kevin Newman – 2 Mack Road – There are many facets with the merging of the two bus systems. Many of the people spoke about some of the facets, but the one facet is that the Mayor wants to give away \$4 million in City property to the Loop which the taxpayer

would still have an indebtedness with the bond that was created for them. In addition, there are enough inconsistencies with the recent survey that was done, to suggest some date of manipulation, and I would suggest to the City Council that a moratorium be held on this and we could have a public proper and public meeting on this subject as was done with the Transit Development Plan in 2007 to go over...everything should be made public at that meeting, and the citizens could decide the fate of the City bus. We need the two systems. They would compliment each other. Loop buses would provide the core services and the City buses would provide the much needed City services. So, we should have a public meeting on the subject before anything is done. Thank you.

Dawn Rabidou – 230 South Grand Avenue – Had a dream the night of the last meeting. She dreamt of the City bus going up the hill and asked if she needed a ride. She stated that the bus drivers have done that in the past when she had surgery or was ill, they got permission to detour and pick her up in front of her house so didn't have to walk. She praised the City bus drivers; they make sure you get to and from your destination safely and on time. The Loop Bus is never on time. Encourages those who have never ridden the City buses, to do so and meet the drivers. Hopes the Mayor will reconsider this merger. Thank you.

William Smith – 42 Columbia Street – I had the opportunity to see and read the City of Poughkeepsie 2014 Preliminary Budget. I don't understand why everything has gone up 10-35% more than the actual amount paid out in the 2013 Budget. The Public Works Department had an actual expenditure of \$3,534,187.00 for '13. Now, the 2014 Budget it's requesting \$5,976,922.00. The Police Department had an actual expenditure of \$8,309,658.00 for '13. Now, in the 2014 Budget it's requesting \$12,765,174.00. I hope that the property owners and homeowners know that the City of Poughkeepsie is only 4 ½ square miles where 27% do not pay property tax. As far as recycling – the Common Council gave half of our recycling to private enterprise. Homeowners cannot make up for half of the loss that was given away. We have no more to recycle. If we take \$1 million from the Police, Fire and DPW's budget, this will save the Sanitation budget and eliminate tax in the home. With over 300 homes abandoned in the City of Poughkeepsie, the Common Council should be working on bringing in new families, better schools so the City of Poughkeepsie would be a better place to live. When are we going to get some relief from the rising costs of owning a home? I try to keep my house looking good by making improvements, but the taxes and fees keep going up, making it harder to keep up with these improvements. If the City keeps raising taxes, all that will be left will be empty homes and abandoned properties. We need the Common Council to look at homeowners' and property [owners'] rights – not others. We pay the fees and taxes for all. The Shade Tree Committee's budget is \$288,983.00 – do we need more trees this year? Page 142 in the Budget. Thank you.

Jeffrey Santiago – 74 College Avenue – Did not respond.

Ken Stickle – 118 Catharine Street – I'd like everyone to take a moment for those people who lost their lives on the MTA train after I get up from my three minute speech. Our government wants us to have some type of transportation system. That's the reason

why they bonded out the money for our buses in our garage. They want us to get away from foreign oil; they want less cars on the road; they want us to use more public transportation; they want us to recycle garbage to make into fuel, so on and so forth. Every time you throw a plastic bottle into the recycling, that's part of your new carpeting. Recycling produces many things. Our Administration has failed to turn around and drum recycling into people's heads. Sanitation Department is taking our computers, electronics, so on and so forth...this is what the government is trying to do. I don't like Big Brother down my neck, but you know what? When we can make money, we can make money. I still see TV's thrown all over the City of Poughkeepsie – why? Because people don't know they can get rid of them for nothing. We get paid so much per pound. We take away our buses...we have enough cars on the road. Don't we have enough problems with parking as it is? Try to find a parking spot on Main Street. Everyone's worried about having more money coming in. How about having the Police Department go out, and for everybody who's over that white line and give them a ticket. I thought it was a law on the books. Make it easier for us. Parking revenue stays in the City. A friend owns a deli on Main Street. There's supposed to be 2 hour parking there. We have more people from the County and the lawyers from Market Street, parking on lower Main Street all day long, not paying for parking. It's unfair to small businesses that are trying to do things the right way; we're putting them out of business because they can't get a customer into their store. If the City would think about ways to generate money, we wouldn't have to be raising taxes, we would not have to get rid of our Sanitation guys, we would not have to get rid of our bus system. These are things that belong in the City, and I'd like to see them stay in the City of Poughkeepsie. We need to do something about the crime in this city. Start by checking license plates. When someone is in the City over 30 days, they're supposed to switch out of state plates.

Chairman Mallory: Mr. Stickle, could you finish up, please?

Mr. Stickle: I'll be at the next meeting and finish this. Thank you.

John Marvella – 139 Hooker Avenue – Addressed the Mayor. Did you forget that the Common Council is the voice for “We, the people?” Did you forget it was, “We, the people,” and not the City code that elected you into office? I don't think you've forgotten. It brings to mind, you don't care. Are you aware by using the City code to get your way by silencing the Common Council, it's a direct form of bullying? President Abraham Lincoln, a fellow Republican once stated, “Character is like a tree, and reputation is like a shadow. The shadow is what we think of it. The tree is the real thing.” The people have spoken, Mr. Mayor. Please, step out of the shadow and become that tree. You have repeatedly stated that this is only a study. Please show the character and let it remain just that. Let us move forward. I know of three times people have called your office with a statement and they were disregarded and were told, “Oh, the bus drivers put you up to this.” Speaking for myself...I am not a puppet who is being manipulated by strings by anyone. I speak for the bus riders and, I don't know how to say it, but why are you so adamant for the ruination of our good City bus service? Is it to be your legacy that you ignore the voters? It makes me wonder, is there some hidden agenda? I don't know what to think. That's enough.

Michael Walker – 396 Mansion Street – He wrote a speech for the City of Poughkeepsie Bus System. He read it aloud, but didn't submit it for the record. It basically stated that the people are content and passionate about the bus system, its drivers as well as its reliability and service. He stated that the Loop Bus System is privately owned, as is not part of the County. That means that its drivers can go on strike, if necessary. When the City buses are gone, they're gone for good. The people do not want to lose the City buses. Thank you for the opportunity to discuss this matter in front of you today.

Bruce Dooris – 41 Wilson Blvd. – First off, I'd like to thank all those who have supported the bus drivers and our whole bus department. It is a tremendous bus department, as you've heard from the last month. We had actually gotten it back (at least the mechanic part of it) from the County because they were doing a lousy job. Now you want to give it back to them. Just so you know, they're going to probably change vendors next year, because their contract is up. Who knows what it's going to be with the Loop? I rode the Loop a couple of weekends ago. I rode two routes (Galleria to Beacon). The lady who drove was wonderful, but it was impossible for her to keep that schedule. She had 38 stops – there was no way for her to keep that schedule, which made her half an hour behind. Trust me – she drove very, very well. I can tell you the Hyde Park (bus #801) needs to come off the road...it looks terrible and runs terrible. It can't be getting more than 2 or 3 miles per gallon of gas. Sanitation is 11 months in and running. Gasoline and diesel – what we budget is under budget. Repairs and maintenance again, it's under budgeted. With labor, we've gone all year minus one employee in Sanitation. He left service in January, and we haven't replaced him. Come January, they moved another one – the Sanitation Inspector has been moved out of the Sanitation Budget and moved into Streets, which is OK, but Councilwoman Johnson spoke and said, "You got to move the helpers, too." You have to move those two helpers too because even Mayor Tkazyik said, in his last budget that he was saving 6 of the employees. Those 6 do non-garbage stuff. Like parking lots - our guy's been out sick on medical leave for the last 4 or 5 months. Sanitation has been cleaning parking lots, they do the plowing, they pick up leaves. So, even the Mayor says, 6 of the employees who he was saving is quality of life stuff. Move them out of Sanitation and you've got a realistic budget. Our budget is realistic now. We are under budget. We're even under budget at the burn plant. We're under budget for Workers' Comp. – it was \$119,000.00 they said here they budgeted \$300,000.00 but raised it to \$400,000.000. Our bus department is the best run department in the County. Thank you.

Constantine Kazolias – 47 Noxon Street – The schools are interested in making sure that the kids are picked up by the buses and brought to school. The City buses are City-owned, the Loop Bus is privately owned. The service and the maintenance on the Loop buses are much to be desired - I'll put it that way. At least we know our buses are being serviced in the City. I was surprised to hear \$4 million in capital investments went into the buses and now you're going to give them to the County? The County is short-changing the City. I didn't realize that under short-changed the City \$1.2 million, by the previous Mayor (Mayor Cozean who talked to me about it once), and now Marc

[Molinaro] short-changed us \$2 million. That's \$3.5 million in 2 years. I spoke to County Executive, Marc Molinaro who said the County has no intention of taking over the buses and even Rolison said there's no money in the budget to take over the buses. What really gets me is, this money coming in...we don't have a Planning Department. When the buses came in, the Planning Department set up the roots and everything else. Who's doing this? I'm going to the County Budget [meeting] tomorrow night to talk about the budget, too. We're being nailed with a sales tax increase in our energy, plus the \$2 million. We're being "ripped off." He mentioned the person who spoke about keeping the City buses from his wheelchair earlier. Mr. Kazolias said that he cried. If you forget the people that are hurting, and you don't take care of them, you're not doing your job as a public servant and I feel very strongly about it.

Phil McCain – 411 Maple Street – I'm coming tonight about towing in the City of Poughkeepsie. I want to be on the list. I spoke to a lot of people on the Council. I know you're busy, but I'd appreciate getting a call back about it. That's all I want to say tonight. Thanks.

Kristina Atkinson – No address given. No response...may have left.

William Davis – 12 Corinne Drive (Town over by Dutchess Community College) – This has to do with the Town of Poughkeepsie and the City as well. It concerns safety. It's street lighting. I travel up and down Route 9 at least twice a week at night and I turn off to go to where the unlit City of Poughkeepsie sign is and there are about 3 traffic/street lights that have been out for at least 6 months. I counted about 20 or so...I didn't know who to address, but I figured I'd come here tonight to at least let everybody know because it's very dark there and it's a safety issue. I understand that some of it's in the City and some is in the Town. I wanted to make you aware of it so you might see what you might do. I'm sure if there are some accidents there, some action will be taken. I just wanted to alert you to that, that's all.

Irving Scott – 5 Carroll Street – I want to speak about the water meters. I don't know whose idea it was that the water meters had to be changed in the City at this time. Out of the 6,500 water meters there's probably 3,500 that have to be moved by a plumber – not by the people who are supposedly upgrading these water meters, but have to come in with freezing the line because the water line has not been moved for 20 years. That is all now on the homeowner to fit the bill for these meters, which supposedly was not going to cost the taxpayers anything. Again, you folks pay no attention to the cost of something to the homeowners. You're driving us to death with your costs, and I believe that is an Administration problem, not the Common Council's. Pay attention to what we have to pay to fix your problems. Those meters did not have to be changed at this particular time, when there's so many buildings being walked away from. You're just adding more and more problems to the City by doing that. You can't turn off the water in the City because half the petcocks have been cut off/broken off out in the street. If you want to save the City money, go dig up the petcocks and turn the water off to the vacant buildings that you've got. Thank you.

V. MAYOR'S COMMENTS:

Mayor Tkazyik: Good evening members of the Council, public. Thank you all for coming this evening. I'd like to wish everyone a Happy Thanksgiving. I hope they had a blessed weekend. Now, if we can please pause for a moment of silence to remember the victims on the derailment of the Metro North line from Poughkeepsie to New York City. Especially, for their families and to all those emergency responders. I want to remind you that this Friday is the Annual Festival of Lights. I want to again thank the Bardavon and the River District Restaurant Association for their sponsorship of this event. Please join us downtown. The parade kicks off at Main Street and Garden Street. Line up, I believe is around quarter to six. We will light the two trees – both on Main Street and at Donegan Park, and there will be a Fireworks Spectacular down at Donegan Park to conclude the festivities that evening. So, please come downtown and enjoy us bringing in this Holiday Season. The City of Poughkeepsie was successful in receiving a combined grant with the Arlington Fire Department. \$226,000.00 for technical rescue team training which will be beneficial to our City of Poughkeepsie Fire Department for ongoing training needs. I want to thank the Chiefs of the departments for aggressively pursuing these grants, which fell under Homeland Security. In relation to comments regarding union contracts, the City has negotiated in good faith with all the bargaining units, but I have to point out that it takes two (to bargain). And, State Law requires that benefits in a union contract continue until a successor contract is reached which gives little incentive for bargaining units to want to seek or agree to future contract concessions that contain cost saving measures, because they continue to keep on to the previous contract because it just continues to roll over. That is a State Law that is in place that we have no control over. We would like to settle the contract as quickly as we can, but it takes two and it takes real concessions on both sides to make them happen. Especially, during these tough times. We can't be looking for 6%, 8%, 3%. It's not realistic, and I'm not going to support any agreement with those types of increases coming before this Administration. And, I would not think the Common Council would approve such increases from bargaining units in these tough times. When we see over 700 tax liens that were posted in the paper 2 weeks ago. When we see people who are struggling to make ends meet and to pay their bills. That concludes my comments this evening.

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Mallory: Good evening. I hope everyone had a safe and enjoyable Thanksgiving. A few days ago, there was a letter to the Editor in regards to Senator Gibson coming before the Council. The article mentioned the Mayor having a Police presence during the Council meeting. I'd like to report, that was inaccurate. During the public participation of our October 21st Common Council meeting, residents spoke very passionately about the bus services. And, for the most part, those in Council Chambers were respectful and adhered to the 3 minutes allocated. When I attempted to have those who exceeded their 3 minutes to finish up, a few members in

the Council Chambers vocally encouraged them to continue speaking. We all need to be mindful of the time allocated, and not to incite disrespectfulness. Prior to November 6th, I was able to speak to one of the residents who was encouraging those to speak longer than 3 minutes. He shared his concerns on the possibility of losing bus service and apologized for his behavior. I told him I understood and accepted his apology. Because I wasn't able to get in contact with two other residents, I wanted to make sure that on November 6th, everyone would be able to express their views, opinions, without any interference, and with proper behavior. Having a Police presence there, was only to assist those who refused to adhere to conduct expected of all of us and would not leave the Council Chambers, if requested. That ends my comments.

VII. MOTIONS AND RESOLUTIONS:

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

Councilmember Rich: Thank you Mr. Chairman. This was tabled at the last meeting. What's been added is the type of agreement that has to be put through between the City and any resident who would like to get their building changed from a two or three family to a one family. We have two people that have gone through this process so far, and I hope that we will vote on them tonight. This is only two for the whole year, but these folks did successfully do what they had to do to get to this point, so I think we owe them a vote of "Yes." Thank you.

Councilmember Johnson: I want to concur with Councilmember Rich. One of the properties is in my ward. My constituent has been here on multiple occasions, and I would like to see this resolution go forward in a favorable light.

Councilmember Boyd: I had asked for the agreement to be attached to this resolution regarding agreement between the property owner. But, I also feel the agreement is a general agreement regarding this resolution and the resolution states, "of two properties." If this agreement is attached to this resolution, shouldn't those two properties be a general...because it doesn't explicitly say in the agreement for exemption of these two properties mentioned. It's basically, a general exemption agreement.

Corporation Counsel Ackermann: The proper procedure is to...next to the resolution a sample form agreement that would then...and is required pursuant to the resolution that those receiving the exemption will have to execute with the City.

Councilmember Boyd: If that's the case, then why is this written as a general resolution agreement that's attached to the two property resolution? It doesn't make sense to me. If we have a resolution regarding two properties then we have an agreement for an exemption of a general agreement, then how is this corresponding with the resolution of the two properties?

Corporation Counsel Ackermann: Well, the resolution specifically lists the two properties in the first resolve.

Councilmember Boyd: But the agreement does not.

Corporation Counsel Ackermann: It indicates that the property owners will be required to execute an agreement in the third resolve.

Councilmember Boyd: But this agreement does not say those two properties.

Corporation Counsel Ackermann: If you would like, what you could do in the third resolve is to indicate here in the resolve are the properties that shall, upon the adoption of this resolution execute an agreement with the city in the form, substance is attached hereto, which would indicate that they would have to execute the agreement attached to the resolution.

Councilmember Rich: I don't mind that amendment, but I think it's pretty clear that this agreement applies to the two people applying. So, what they have to sign is what's here...simply that their names are not in a particular piece of paper that's presented to us, because what they have to sign is here. It's fine with me if this resolution goes through but with this amendment, but it's not necessary. Thank you.

Councilmember Perry: I noticed it clearly says, "two properties" here – are we referring to 4, 5, 6, 7? Or, are we referring to 2?

Corporation Counsel Ackermann: You're referring to the two properties listed on the resolution.

Councilmember Perry: So, what happens to all the other people?

Corporation Counsel Ackermann: They should be encouraged to file through this process and Common Council could entertain exemptions for them also.

Councilmember Perry: But, should we not remove, "two" to make the resolution more clear? The last meeting I recall we had the same confusion and here we have the resolution brought back before the Council again, and it again represents more confusion. Isn't there some way we can straighten this out before we are asked to vote on it? Thank you, Mr. Chairman.

Councilmember Solomon: I would prefer a more general statement, and I am leery or I am loathe to vote for something that names two properties as recipients of this largesse. There are many people in the City of Poughkeepsie who own multi-family homes and only one family is living in them and I do not think that they were aware that this was an option. So, anything that points toward getting all of the other people on board about this, I think is very important. I also believe there are a number of people living in two

family houses that has only one family there, and we need to make an adjustment on our revenues in our Sanitation Department.

Councilmember Johnson: I think, just for clarification, that the resolution that's stating the two properties is because they went through the process and they requested to be reclassified. The agreement which was asked for at the last Common Council meeting which was the holdup was, it's a blanket agreement to be used for future people who want to fall under this category that want to come before the Common Council and ask for this reclassification. The only other way that was stated, was that we would have to change the Local Law which was a long, lengthy process. So, anybody right now that sees this meeting or anybody else that wants to come forward, can simply apply with Corporation Counsel or the City Administrator. Then they can go through the process, find the information (the do's and don'ts) and also apply in a resolution for a reclassification. Then they would have to then submit and sign this agreement, which is for each individual property owner who would like to have that reclassification. That's why they don't have any particular address listed on here, because this is the formal agreement. Anyone who wants to have a reclassification will have to fill this form out. It's very simple.

Councilmember Perry: May I ask the Corporation Counsel this question? Does this mean that everyone who wants to go through this process has to come with a resolution to the Council every time for that process? Or, does this cover everything once and for all?

Corporation Counsel Ackermann: No. The Common Council, pursuant to the current Ordinance grants exemptions for these types of exemptions. So, if somebody would want to apply for these exemptions it would go through the process and ultimately, come before the Common Council to grant the exemption for that property.

Councilmember Perry: That was my question. Each person has to come...each property owner has to come to request that?

Corporation Counsel Ackermann: Pursuant to the current Ordinance, that is the process.

Councilmember Perry: That's exactly what I'm saying. Do you realize how time consuming, how much paperwork, how much of everything has to be put into this?

Councilmember Rich: On December 17, 2012 – a date I remember, because I have to repeat it over and over in these chambers...

Chairman Mallory: Yes, you do.

Councilmember Rich: ...is the date the Local Law concerning user fee and creating an Enterprise Zone for garbage pickup was passed. It was passed 8-0 and signed by the Mayor that very night. In the process, if you read the Local Law, it says that if you have a two or three family and are living as a one family, if you choose, you may apply for

single family status. You will have to apply through the Building Department and they will go through the process with you. They will come out and look at your building. Then and only then, if the Building Department says it's a "go" and Corporation Counsel says it's a "go" does your name come before the Common Council. For 2014, so far, despite my best efforts, of talking about this at every meeting, only two people applied. I don't believe these two people should be harmed because they applied and nobody else paid attention. These two only get their exemption for 2014 even though they applied early in 2013. They're being hurt, in a sense. I don't know what they'll do, but I do know that anybody else out there that wants to apply, has time to do so, and we can look at them person by person, building by building and they too can go through the process starting at the Building Department, then to Corporation Counsel and finally to the Common Council. Let others come through and we'll deal with them as well. I do not know why my friends on the Common Council have not looked at the Local Law and what it says. This is the process that it talks about. And, if you vote "No," you're voting against the Local Law. Thank you.

Councilmember Parise: Again, I agree with Vice Chair Solomon. Here we go again. If, the way I understand this resolution is, every application, every homeowner application, has to come before this Common Council, correct?

Corporation Counsel Ackermann: According to the current Ordinance.

Councilmember Parise: But we become judge and jury. Correct?

Corporation Counsel Ackermann: No. You issue exemptions based on the information before you.

Councilmember Parise: I understand Mr. Rich's concern, but in order for this to be changed, the whole Local Law has to be changed, correct?

Corporation Counsel Ackermann: Correct. The current Ordinance provides for this process if it's the desire of the Council to have a different process, they'd want to continue to offer this exemption, yet, they want a different process. In issuing the exemption, the Ordinance has to be amended by Local Law to provide for a different process of issuing an exemption. But currently, this is the process that is in the Ordinance.

Mayor Tkazyik: A concern that I have is, how do you want us to handle all the claims that are going to come in and refunds that are going to be asked for of the people who did go through the Building Department, did get a building permit, did rip out their kitchens on the third and second floor, and comply with State regulations on how you reduce your overall assessment or dwelling, let's say, classification? How do you want us to handle that? That's going to be the underlying question in all of this...of what's yet to come. This is not just going to affect these properties. This is going to go citywide. But the claims that are going to come in, or the requests for refunds of those who've already followed the Building Department, reduced their kitchens, and it cost a lot of money to

do all that and they're going to be looking for those types of claims. How are we going to cover those costs?

Councilmember Johnson: I find it amazing, since I spoke to Corporation Counsel way back in the Spring, concerning this process. This process is fair, it's pursuant to the Local Law. I would like to know how many landlords that Gary Beck went to see (or anybody in his department) that ripped out...how many kitchens are we talking about? How many homeowners are we referring to? Do you know? Of course, he doesn't know. So, they ripped out their kitchens only because you didn't use due diligence. This was told to Corporation Counsel that the process should not be another hardship on the homeowner, and that there was an easier way to pursue this process. I don't know how many people in this day and age, in this economy, that have a two family or three family house would not be renting out, trying to get some sort of revenue. So, that in itself – I don't think a lot of people fall into this classification. People have to go before the Zoning Board, the Planning Board...we're supposed to be fair and reasonable and understand the day to day hardships people are facing. If you say there are 700 tax liens, that's 700 people who can't even pay their property taxes; they can't pay the water bill. Now you want to put on them \$2.00 an hour parking meters. Then you wanted to put on them the new water meters that's going to raise their water and sewer bill. Do we really care about the financial hardship that we're causing people? And, we can alleviate some of this, all we get is a brick wall. People acting unreasonable. This is an annual agreement. If you read this, who would want to have to pay a \$1,000.00 penalty, plus all the back fees. This isn't no little...no nice, sweet little agreement. This is something for somebody that is not utilizing another section of their house and they're really operating as a single family household.

Councilmember Rich: I'm confused with our Mayor. Mr. Mayor, you're confusing apples and oranges. All it is, is two apartments...one is empty, one is not. Unless you apply, you have to pay \$25.00 twice in one month for garbage pickup. This is only about garbage pickup. It's not about a person's assessment for purposes of property tax. I don't know how our Building Department screwed this up; but they did in talking about removing appliances. We had nothing in there about that. I talked to Mr. Ackermann about that a long time ago. He said he would talk with the Building Department and would encourage them to look at what the Local Law really says, not at what he thinks it says. It only has to do with garbage pickup and nothing to do with assessment. These two folks went through the process, as can anybody else. You all voted on this. I assume you all know what you voted on. Let's keep the Local Law legal and vote for this, because it's on the books. If you vote, "No," you're voting against the Local Law. That's not a good thing for this Council to do. Thank you.

Councilmember Johnson: This resolution was first put on about a month or two ago? It was removed. I spoke to Corporation Council way back in the Spring. We put it back on. There was a lot of discussion about, "Well, we'd like to see the agreement before we can vote on this." Is that what was understood?

Councilmember Johnson: It was tabled for that reason. It didn't even have to come back on the agenda. So, you made the agreement and we still have problems understanding this.

Chairman Mallory: Any other questions or comments?

Councilmember Herman: Let's just vote on it.

**RESOLUTION
(R-13-79)**

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, Section 9-68(b)(2) of the Code of Ordinances of the City of Poughkeepsie provides an exemption from the sanitation user fee where a legal two or three family home is the primary residence of the owner and all other residential units are permanently vacant; and

WHEREAS, such exemption provides that the property shall only be charged for the base sanitation user fee; and

WHEREAS, by resolution, the Common Council must approve such exemption; and

WHEREAS, the building department has performed an inspection and the owner has certified that the property is used solely for his/her/their primary residence and no portion thereof is rented or produces income; and

WHEREAS, the Common Council has considered this certification and report of the building department; and

WHEREAS, the Common Council is desirous of providing an exemption to these properties so that they will only be charged the base rate; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby approves and authorizes an exemption pursuant to Section 9-68(b)(2) of the Code of Ordinances of the City of Poughkeepsie for the following properties:

**26 Lexington Avenue S/B/L- 6161-32-455829
81 South Hamilton Street- S/B/L- 6161-29-121862**

BE IT RESOLVED, that such exemption shall apply for the 2014 fiscal year and shall not renew automatically; and

BE IT RESOLVED, the property owners shall, upon adoption of this resolution, execute an agreement with the City, whereby he/she/they shall be required to immediately notify the city of any change in the use of the property that will effect this exemption and also shall be liable for any sanitation user fees, plus a penalty of 100 percent of the sanitation user fee for failure to report any change in the use of the property that would effect this exemption. Such agreement shall be in form and substance acceptable to the Corporation Counsel.

SECONDED BY COUNCILMEMBER BOYD

SAID RESOLUTION WAS DEFEATED, VOTE IS AS FOLLOWS:

R13-79						
			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled <input checked="" type="checkbox"/> Defeated	Councilmember Herman	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Boyd	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Corporation Counsel Ackermann: Thank you Mr. Chairman, members of the Council. Before you is a resolution introducing a local law – Local Law 4 of 2013 (LL13-4), which would change the collection procedure for the sanitation...solid waste collection fee. The proposed public hearing on the local law would be held December 16th at 5:30 p.m. The local law would change the collection procedures. An annual bill would be generated, which would be due and payable on January 1st. However, without penalty, there would be the ability for the property owner to pay the solid waste collection fee in quarterly installments, with 25% payable on or before April 30th, 25% payable on or before July 31st, 25% payable on or before October 31st, and 25% payable on or before December 1st. If the property bill...just so that you're aware...the solid waste collection fee would be a separate line item on the annual Real Property tax bill. If a portion of the Sanitation collection fee is not paid by one of those dates, there would be a 2% late charge per calendar month. If it is unpaid by December 1st, it will be collected as a lien on the property for the following year as the tax is collected. So, unpaid Sanitation fee would go on to the next year's bill and collected as if it was unpaid tax.

Councilmember Boyd: Councilman (sic) Ackermann, why wasn't the Council told about this public hearing? I've been asking for this user fee to be put on the tax bill...I believe, since January of this year and now, all of a sudden we have to have a public hearing. You never once mentioned to the Common Council, that we needed a public hearing on this.

Corporation Counsel Ackermann: It's Corporation Counsel, first.

Councilmember Boyd: Sorry about that – Corporation Counsel.

Corporation Counsel Ackermann: That's OK. This was asked to be put on. I gave my opinion to members of the Council, with regard to this proposed law. I was asked for this to be put on the agenda via an e-mail from the Chairman. As soon as he asked me to put it on, I added it onto the agenda.

Councilmember Boyd: Again asked why the Council wasn't told about this public hearing prior to December, since she had been trying to have the user fee put on the tax bill since January.

Chairman Mallory: Explained what Ms. Boyd was concerned about was that it was never mentioned that a public hearing would have to be set in order to amend the Local Law.

Corporation Counsel Ackermann: During those discussions, the questions that were posed to me regarding this were about substance and change to this. I don't believe I was ever asked procedurally, how this would be done until it was asked to be put on the agenda. And, any time a local law or ordinance is adopted by local law gets adopted, that requires a public hearing.

Councilmember Boyd: I still feel that you represent the Mayor as well as the Common Council, and you should have told us this procedure prior to, when you knew that I was talking about this since January. That's number one. Number two is, since the 400 Series and our New World computer system, can we actually put this on our tax bill?

Corporation Counsel Ackermann: I believe the conversations we had, when we met outside of this meeting, the last thing (my understanding) was that it was going to be an annual bill, but not put on the tax bill specifically because Finance had raised issues with regard to the software and the necessary software to be able to do this. However, despite that, I was asked to draw a local law or I was asked to make the change and that procedure is by local law and that's what I've done.

Councilmember Boyd: OK, so this could still be able to be put on the tax bill, according to the 400 Series and our software or is that still a problem? Because we had a Leadership meeting and there was another meeting scheduled for November 12th and nobody has gotten back to the Common Council or the Leadership to discuss this.

City Administrator Bunyi: If you approve the public hearing, the IT person who is responsible for collating, converting, putting together all the tax, water, sanitation, service bills and all the things that we do, has to come before the Common Council and present his personal opinion of whether or not this can be done.

Chairman Mallory: Thank you very much. We appreciate that.

Councilmember Rich: I'd like to ask, "Is this a new local law we're creating?"

Corporation Counsel Ackermann: You're amending a local law.

Councilmember Rich: What local law are we amending?

Corporation Counsel Ackermann: You're amending Sanitation Section 9-68 of Article 9.

Councilmember Rich: Well, we just had a Councilmember say they couldn't vote for this last resolution because the local law was deficient in telling people how to go about applying for a reduction of their user fee – from two or three apartments to one. Since there's a deficiency, why don't we put our Corporation Counsel to work putting together something involving that, along with this...change in the local law? Otherwise, we'll have to do the local law again if we want to change so somebody can get their money, if they've got a two or three apartment place, but they're only living there by themselves. Otherwise, every Councilmember can come up and vote, "no." I don't see why we're doing this without doing the other thing. It just doesn't make sense to me. I want both of them done. Thank you.

Councilmember Perry: Thank you, Mr. Chairman. I just want to make a comment here. Are we replacing "user fee" with "solid waste collection fee?"

Corporation Counsel Ackermann: No, we commonly refer to it as "user fee," but the actual term is "solid waste collection fee."

Councilmember Perry: So, we're using the proper term, now?

Corporation Counsel Ackermann: We're trying to.

Councilmember Perry: That's not going to be replaced with something else, meaning the same thing?

Corporation Counsel Ackermann: No.

Councilmember Johnson: Amending the local law is a fine timeline that must be met. It has to be so many days laid on the desk. It has to be a public hearing; it has to be so many days to put in the newspaper. If you miss a timeline or procedure, the whole local law is invalid. That's just food for thought. Secondly, we had a lot of people about a month ago with a problem amending the local law. They wanted to amend it so that everybody could reclassify their apartments. Why wasn't it included with this local law public hearing? It would've been very simple. Why wasn't that discussed in Leadership meeting, since they were amending putting the Sanitation user fee on the tax bill...why didn't they amend it and do the reclassification also, since we're amending the Local Sanitation Law? Corporation Counsel Ackermann?

Councilmember Johnson: I understand that there's a legality. This is not my doing. I understand he gave an opinion in contrast to this, saying that this cannot be done and the Finance or the City Administrator's saying it can't even be put into the accounting system or the accounting system can't operate like that on a quarterly basis. I'm speaking on a separate issue. Since we're amending local laws and have been talking for quite some time about these two little people here, they could've easily had another local law with a public hearing to address that – that's all I'm saying.

Chairman Mallory: What I want to say is I brought it before the Council today at the behest of the majority leader, who has been working on this. Let's have a roll call vote for setting a public hearing on it.

**RESOLUTION INTRODUCING LOCAL LAW
AND PROVIDING FOR PUBLIC
NOTICE AND HEARING
(R-13-86)**

INTRODUCED BY COUNCILMEMBER SOLOMON

BE IT RESOLVED, that an introductory Local Law, entitled "LOCAL LAW AMENDING CHAPTER 9, ARTICLE V OF THE CODE OF THE CITY OF POUGHKEEPSIE BY ADDING A NEW COLLECTION PROCEDURE FOR THE SOLID WASTE COLLECTION FEE" be and it hereby is introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law are laid upon the desk of each member of the Council; and

BE IT FURTHER RESOLVED that the Council shall hold a public hearing on said proposed local law at City Hall, 62 Civic Center Plaza, Poughkeepsie, New York, at 5:30 o'clock P.M., on December 16, 2013; and

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto.

SECONDED BY COUNCILMEMBER BOYD

R13-86			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Boyd	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VIII. ORDINANCES AND LOCAL LAWS:

None.

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM ISEMAN, CUNNINGHAM, RIESTER & HYDE, LLC**, a notice of intent for Blue Collar Brewery, Inc., to obtain a Liquor License. **Referred to Corporation Counsel.**
2. **FROM ARLENE A. WELCH**, a notice of property damage sustained on October 16, 2013. **Referred to Corporation Counsel.**
3. **FROM BOTTINI FUEL**, a notice of property damage sustained on October 25, 2013. **Referred to Corporation Counsel.**
4. **FROM TYLISHA QUILL**, a notice of property damage sustained on August 26, 2013. **Referred to Corporation Counsel.**

X. UNFINISHED BUSINESS:

Councilmember Boyd: After reading that Fire Department study that you gave us, there was a clarification in the newspaper just recently. I think the Mayor quoted that, “Fairview Fire Department wasn’t interested in collaboration of any sort.” Well, apparently, he made a statement which said, “We would support consolidation as long as long as Fairview Fire District is able to provide the same or better service to the taxpayers.” Could we actually look into something like this? If we do our homework properly, maybe something can become of it.

Councilmember Solomon: We got a copy of Steven Medaugh’s remarks in one of the recent discussions about bus service and he did some research. There is a question about the published Summary of Budget Transit funding for the City of Poughkeepsie in 2010 and 2011. The most interesting part is the inter-fund transfers of \$363,000 and \$475,000 which are unexplained. Those were added to costs of

running the bus service. I thought inter-fund transfers were supposed to be zero sum. So, if it was added in one place, should it have been subtracted in another? Maybe not tonight because you're not ready, but I'd love to have someone explain the cost of Transportation service and yet, were not subtracted at a later time.

Chairman Mallory: If the City Administrator or Finance Commissioner can give us more details, that would be fine.

Mayor Tkazyik: I had asked the Deputy Commissioner of Finance, Karen Sorrell who handles the majority of the Transit information, to digest those comments and to provide the Council with information there in relation to some of the inter-fund transfers or maybe statements that were made, just to question what projects those things are related to. She's going to provide that to the Council.

Councilmember Solomon: Terrific. It is very problematic.

Mayor Tkazyik: It's not problematic. There's no problem about it. In fact, a lot of those comments are inaccurate.

Chairman Mallory: We'll wait for your Deputy Commissioner.

Councilmember Herman: I sent an e-mail to the Executive Branch about 10 days ago, about Sanitation and DPW concerns. I've yet to get a reply. I just want to know why - number one. Number two, it's getting cold and they had a snow event on Thursday, and I just want to know if money is being allocated to the central garage to get the snow equipment up and running in the event of a snow event.

City Administrator Bunyi: I will check my e-mails about the concerns that you brought up. As far as the snow is concerned, and if money's being allocated, anything that the Commissioner has asked for has been granted by the Commissioner of Finance.

Mayor Tkazyik: In the e-mail regarding sanitation, that was simply stated during the last budget cycle that you wanted to know about the model after Beacon and to know about the model, you have to get the union to agree to privatize. You have to give something up in order to...

Councilmember Herman: I gave you guys an e-mail, that I talked to union people up there. All I wanted was an answer; I never get an answer when I send it to the Executive Branch. I've got only one more meeting here and you've got 25 days to get me an answer, because I think it's an idea that would work. But, because it comes from me, and people have issues with me nothing gets addressed and I'm sick of it, OK? So, if I send you an e-mail as a Councilmember, I want a timely response. I don't want a two-week response, I want a day's response. So, from every e-mail sent, I want a response within days – not weeks. That's all I have to say.

Councilmember Rich: As a courtesy to me, I would like the Executive Branch to notify the two people that have had their requests to go to a single family billing for their user fee be notified of the vote and who voted and how they voted (yes, no, abstained). That's the least we can do to let them know what happened here. And, this would be a warning to others that if you want to apply, then you're probably going to be voted, "no." So, why would you want to apply? Thank you, Mr. Chairman. But, I hope you will send a letter out to these people; at least notifying them. The Executive should do that. Would you please...

Mayor Tkazyik: The Chamberlain...we'll issue the Chamberlain to send the tally of the of the minutes and the roll of the vote – the official copy.

Councilmember Rich: Thank you. That's the least we could do for these folks.

Councilmember Perry: Thank you, Mr. Chairman. I would like to know, is this a common practice to notify every citizen in the City of Poughkeepsie exactly how the Common Council members vote?

Chairman Mallory: Are you asking me as Chair?

Councilmember Perry: I'm asking you as Chair – I see the Corporation Counsel is not here. I really was addressing him. Mr. Mayor?

Mayor Tkazyik: The Council has made a request. We would then ask the Chamberlain to meet that request, but no, this information is public information. The public has the right to review the video tape, request the minutes...we don't normally mail copies of resolutions unless foiled or unless an individual pays for that to be sent. However, the Councilman has requested that of my office and I will refer it to the Chamberlain who issues such official minutes, but no, it's not customary.

Councilmember Perry: Thank you, Mr. Mayor. Mr. Chairman, may I continue speaking, please?

Chairman Mallory: Yes.

Councilmember Perry: It just seemed to me, as Council members, we should be able to vote our conscience. And, I'm getting the feeling that there is resentment over how each of us voted. I think that's wrong, because if the people that elected us to represent them from each ward, we should know how the resolution is written, understand it and get clarity from the Corporation Counsel. And in caucus discussions, as to how we can and should vote. Once we come here and make a decision, I see no reason for resentment for anyone. I also would like to know who pays for the water meters that require a plumber to install?

City Administrator Bunyi: We have resolved all the issues that have been brought up pertaining to any problems with water meters involving any possible plumbing

issues today. We have installed or recapped over 2,000 meters. We have encountered about 100 problems. Those 100 problems, by virtue of an arrangement between the Engineering Department, Public Works, Building Department, Wendel and In-Line, the city is using the money that's been set aside to protect the City ...

Councilmember Perry: You were calling it, "contingency money," before.

City Administrator Bunyi: ...the contingency fund of the project, to be able to resolve those problems.

Councilmember Perry: So, am I to understand that if, while installing the meters, they encounter broken pipes it would not be charged to the residents?

City Administrator Bunyi: If the broken pipe is beyond the scope of what they're doing, because we have about 4 or 5 that they've run into, where the pipe is so old that the broken pipe is nowhere near the water meter, it is no longer the responsibility of the City to replace that pipe. But, we will replace the pipe, 6 feet from either side of the water meter, replace the valve that turns the water meter on and off. If it involves the water meter on the street, we will also take care of that. Any pipes coming from that meter going through the house, which we have encountered, we are not responsible for. Like I said, those 3 or 4 cases for the most part of the 100 that we have run into in over the 1,000 that we have done, we, the City, have used the project contingency fund to cover the cost of repairing them.

Councilmember Perry: Who determines the scope?

City Administrator Bunyi: It is a combination of the Building Department, Engineering Department and the people that are installing them.

Councilmember Perry: The people who are installing them and the other two departments...where does the owner of the property – where are the property owners? Are they supposed to have an independent observer there, to know this?

City Administrator Bunyi: Yes.

Councilmember Perry: Who pays for the observer?

City Administrator Bunyi: We are not allowed in the house, unless the owner is there. So, the owner actually sees everything that's being done. If there's an issue with the piping, and any of the people would like to see the product, we have before and after pictures. And, if it is a serious piping problem that is beyond the water meter issue, there are actual pictures of those pipes that are presented to the City Public Works, so that everybody gets a say in exactly what the responsibility is of the City.

Councilmember Perry: But, all the property owners are not plumbers.

City Administrator Bunyi: That is correct. I can tell you that 6 feet beyond the location of the water meter, not only replacing the water meter, the shut-off valve is being responsible for any possible problems on the street shut-off valve, that is a big undertaking that the City has taken, which normally (if this was not a major water replacement)...if you went to the Building Department today and said that your water meter is not working, we will give you the water meter but it's your responsibility to hire a plumber to do that job. We're not doing that – we're taking the whole thing – 6 feet before and 6 feet after is a very liberal approach to improving the transmission system.

Councilmember Perry: Is that 6 feet in the house, or is it just somewhere on the property...?

City Administrator Bunyi: Yes.

Councilmember Perry: I just want to know where on the property.

City Administrator Bunyi: No, we don't mess with the piping that is underneath the front yard.

Councilmember Perry: So, where does the 6 feet begin?

City Administrator Bunyi: The 6 feet begins where the water meter is and goes to the left and to the right of that water meter.

Councilmember Perry: The meters for the parking (I heard the name mentioned as pilots, I just want to get the right word here)...are they still going to be installed on Market Street?

City Administrator Bunyi: They are installed, ma'am.

Councilmember Perry: They are? When were they installed?

City Administrator Bunyi: Monday of this week.

Councilmember Perry: Does everyone here on the Council know they were installed?

Councilmember Solomon: Today is Monday.

City Administrator Bunyi: No, I mean...

Mayor Tkazyik: Last week.

City Administrator Bunyi: Last week. I'm sorry. That's my fault.

Councilmember Perry: So they are...how long are they going to be there for?

City Administrator Bunyi: The agreement is for 90 days?

Councilmember Perry: How long have we gone into the 90 days?

Councilmember Rich: A week?

City Administrator Bunyi: I would say a week.

Councilmember Perry: The question really was, from the time we talked about it, for it to be installed, and the time that it was installed, does that include the 90 days?

City Administrator Bunyi: No, ma'am.

Councilmember Perry: Thank you.

Councilmember Johnson: Yes, I just want to say for the listening audience that, for the record, I was the only person that didn't vote for the water meters. Nor, did I vote for the parking meters \$2.00 an hour, for the record. I would like to know, from the eastbound arteria (sic) from Smith School to South Grand...when are they going to rake the leaves up on the arteria (sic)?

City Administrator Bunyi: We will give it to the DPW to take a look at it tomorrow, ma'am.

Councilmember Johnson: OK, and my last question is to the Democratic Caucus. I'm an independent Democrat, for everybody to know. I do not caucus with the other Democrats. I know the Republicans, they caucus together; Mr. Herman and Parise. I would just like to know, since the Democratic Caucus, which is in the majority, is working on your amendments for the budget. And, I would like to know – are you going to have a public hearing so that the public can weigh in on whatever you're proposing? Because, right now I haven't really heard the end results. I've heard things "through the grapevine," but I really don't know what's going on as far as the Property Tax Cap, parking meters, what's going on with the fees or how much is going to be charged with that, so I would just like to know when are we going to be hearing something from the Democratic Caucus, as far as the amendments are concerned toward the Mayor's Proposed Budget, and if you're going to be having a public hearing, are you just going to come in with the amendments and then vote that night? What is the process that's going to happen with the amended budget from the Democratic Caucus?

Chairman Mallory: Well, I won't speak about caucus as a whole, but we will present it to all Council members that have given input on the budget process in itself, and what amendments that it is. I do expect to present something to all my colleagues

here of a proposal onto that one. As far as a public hearing? No. There will be ample time to discuss those things, but those who have participated; their views have been taken and I look at what is being proposed, or will be proposed as far as amendments go, is a give and take from everyone that has participated in discussion.

Councilmember Johnson: So, are you saying that on December 16th that will be the budget vote?

Chairman Mallory: A possibility, yeah.

Councilmember Johnson: Because that's the only meeting that I've been made aware of through e-mails, other than a Special Meeting for the 19th for the Sanitation...

Chairman Mallory: But, that's a special meeting.

Councilmember Johnson: ...and that they're overriding the veto which is the...is there another meeting that I'm...

Chairman Mallory: No, but those special meetings that are called upon, we can have a vote on any other topic. But, hopefully, this week we'll be getting it out; just fine-tuning some things, and take it from there.

Councilmember Johnson: OK, so let me understand. So, the budget vote may or may not take place on the 16th, and there will not be a public hearing. Will the amendments be presented to the public, or will all this happen on the same night? Is that...

Chairman Mallory: No, ample information will be given out to the public prior to the 16th.

Councilmember Johnson: Prior to the 16th. We have another meeting before the 16th?

Chairman Mallory: No. Meetings are the 1st and 3rd Wednesday.

Councilmember Johnson: Oh. Well.

Councilmember Rich: I'd like to make a point of personal privilege, which takes precedence over everybody else that added comment. I would like to say, that as a Councilman of the 2nd Ward, it's my job to help people in the 2nd Ward. The person that was applying for a change in their status and of their user fee is a person that lives in the 2nd Ward, and therefore, I should help them. I don't like the idea that I am a person of resentment. I simply told you what I saw as the truth. I'd like to add to that, now that we voted on this, I think we have put ourselves in danger of a lawsuit from one or more of these individuals, because we have violated local law. And, they

will have to decide whether they want to continue this, so I urge the Council and urge the Executive to please change the local law, if you are unable or unwilling to vote for it as it is so that somebody can actually vote...get a change from a two or three apartment place [dwelling unit] to a one apartment place [dwelling unit] if they're there by themselves and have no other residents. Otherwise, you have a local law that's not working. If it doesn't work, that means something is wrong and I think the next group of people to decide this would be the court system. That's what I think, and it's not resentment. It's trying to save this Council in this City another lawsuit, because God only knows, we have a bunch. I see them every Council meeting. And, from what I've seen, most of the ones we seem to come up with, we seem to lose some, "biggies." Now, I can mention some, but I'm not supposed to mention things that were in Executive Session. We lost a bunch of stuff and we could lose this one, too. It's up to you guys to think if that's resentment or just a careful caution. From your 2nd Ward Councilmember, thank you.

Councilmember Boyd: I also abstained [voting] for the water meters, because I felt that the Administration did not do their homework. It proves to show that we have a problem with the old pipes. And, in the resolution that was passed, it never said anything about 6 feet (from one side to the other side), never said anything about old pipes, never said anything of the sort. That's number one. Number two. Somebody brought up in the audience the Hudson Valley Federal Credit Union has 30 minute parking signs. I thought we voted against that. Why are they there?

City Administrator Bunyi: We will check into it, first thing in the morning.

Councilmember Boyd: Number three. What is the situation with the buses? If the County is saying, "no," the Comptroller is saying, "no," why do we still have an issue about it? And, does the Common Council have anything to say about it?

Mayor Tkazyik: We have no response from the FTA or the County on any final documents or paperwork, so I really have nothing new to report...until we hear back from the FTA. We have yet to hear back.

Councilmember Boyd: And this resolution is not going to come before the Common Council? So it would be only your decision and the FTA and the County?

Mayor Tkazyik: I'm waiting for a response from the FTA. The way I...

Councilmember Boyd: I'm sure our citizens of Poughkeepsie would like to know exactly...

Mayor Tkazyik: I can't spell out a plan until I hear from the higher authorities, Councilwoman, Boyd.

Councilmember Boyd: And, when is that going to be?

Mayor Tkazyik: I don't know – call Washington.

XI. NEW BUSINESS:

Chairman Mallory: For myself, Corporation Counsel, someone had brought up in the audience beforehand, of legal interpretation. Could you give us, in writing a legal interpretation of, in particular with this bus?

Corporation Counsel Ackermann: I can give you a legal interpretation. However, there are varying scenarios and I've been very apprehensive about giving anything in the past, because like I said, in the past, I really don't know how this is going to formulate at this point. It's still in the investigative stage. It's still preliminary. Like the Mayor said, there's FTA input that needs to be considered. There's County input that needs to be considered. So, exactly, if this is going to happen and how it's going to happen and how it's going to be structured is very preliminary, but if based on several scenarios, I can give you an opinion on different possible scenarios.

Chairman Mallory: I think what was being asked before, was the opinion in itself of what...of the report in itself and in the last paragraph – the last three sentences of the paragraph.

Corporation Counsel Ackermann: Right, but the report doesn't articulate exactly, legally how this is going to happen. It makes a recommendation as to is it a possibility? Yes, and if it is, this is what can be done. It wasn't done with a procedural part of it that says this is how...this is going to be accomplished. This talks about a merger with the County. What does a merger mean? Does it mean? Does it mean there's going to be one unified bus system under one umbrella? Does it mean...it can play out in varying scenarios, and until those are developed, until the input from the Federal Transportation Authority comes back and until County Government gives us their opinions of how this is going to be accomplished, it's hard to give you an opinion of how this is going to be done.

Chairman Mallory: I hear what you're saying, but if that's the case in point, then what about those three sentences? That any merger agreement must come before both Legislative bodies – the County and...

Corporation Counsel Ackermann: I would concur with that, but my understanding is that it's not ultimately...after federal authorities and whatnot, I don't believe it's going to be a merger. There are other possible scenarios that it would be done if it was a merger as was suggested in that report. Mind you, they weren't asked to give their legal opinion as to how this would be accomplished. They're just giving their opinion on whether or not it could be done and function in a unified bus system. Again, until we actually see the legal procedure of how this is going to be accomplished, it's hard to give you an opinion as to what procedure this body, the County, or any other body would have to take.

Chairman Mallory: Well, you answered the last three sentences for me.

Councilmember Solomon: It is my understanding that the FTA would be very interested in hearing the opinions of the ridership, and their problems and concerns would be addressed.

Mayor Tkazyik: It would be full public hearing disclosure in relation to a plan, or final plan once we have all the details, for the public to definitely respond to. That's definitely part of the process - absolutely.

Councilmember Solomon: Well, I think it's very important for people to know that this is not their last chance to say something, but the the FTA will be very interested in their opinions...

Mayor Tkazyik: Absolutely.

Councilmember Solomon: ...and their needs...

Mayor Tkazyik: Absolutely.

Councilmember Solomon: ...as we are.

Mayor Tkazyik: I'd clarify the budget question and the budget comment in relation to the Chairman of the Legislature, saying it's not in the budget. If they read the report of the PDTC, the County's expansion of transit services into the City is budget neutral for Dutchess County. So, when he says it's not in the budget, that's just the report shows that it's budget neutral for Dutchess County. So, I just want to clarify when they say it's not in the budget, the report is saying it's budget neutral. I don't think the County would entertain such expansion if the report didn't come back budget neutral on their end.

Councilmember Rich: I also read that last paragraph of the report. It would seem to me, that if we're going to ask the people what they think...we've been listening to what they think and I understand that the County Executive and the County Legislature made their decision, would it not, Mr. Ackermann, be appropriate for this Council to go on record, as opposed to any merger at this time?

Corporation Counsel Ackermann: I don't know at this point, what action the Council would take to oppose something that doesn't exist, because there's no formal agreement to do this. There's no concrete plan to have a merger of the system. All they have at this point, is a report that was done, I believe that was paid for by the Federal Transportation Authority and their recommendations. If the Council is of the opinion that the report and the recommendation is unsatisfactory, they can take the stance that their report is unsatisfactory and this is why. But, until there's something

more concrete, I'm not really sure what the County...what the Council's resolution would be and what you would be opposing.

Councilmember Rich: Well it would be opposing...it would be a sense of the Council. We always have a right to a resolution, and to say how we feel. We're citizens of this city as well as the folks in the audience. It would seem to me that the Council by majority is not interested in merging with the Loop system and having our system privatized, because that's what would happen. The County wouldn't take it over. It would be by private contractor. We've listened to our constituents over and over again, and it's time the Council went on the record as to how they feel. It seems to me, appropriate to let the FTA and the County Executive and County Legislature know our opinion. They already gave their opinion. I inquired of the County Executive and it's not in his budget and I asked the County Legislature and they're not going to be dealing with it in the budget, so it just seems to me that we ought to make a decision, that we are not, at this time, interested in merging with the Loop system and having our City bus system taken out of the City and given lock, stock and barrel (including all the things we own – at least I think we own the buses) to be given to the County. That's all I'm saying, because I don't think we want to do this. I don't think that's gotten through to the Mayor and the Executive...we don't want to do it! Why are you forcing us to do something we don't want to do? That's what I get the impression of.

Mayor Tkazyik: I'm not forcing you to do anything.

Councilmember Rich: Then why can't I have a resolution?

Mayor Tkazyik: I don't even have a plan. You can pass any resolution you want.

Councilmember Rich: I think it's good for the people out there, that I'm opposed and so are the other Council members I've talked to. We have these poor folks come here week after week telling us how upset they are by this idea. I'd really like to give them some comfort, especially at this time of year. Thank you.

Councilmember Boyd: Corporation Counsel, you said to Chairman Mallory that it would not be an Executive decision? It would be up to the Common Council and the body of the Legislature? Is that what you said, because that's exactly what this study suggested.

Corporation Counsel Ackermann: I don't remember saying that. I believe what I just said was that I can't give you an opinion at this point because I do not know exactly how – procedurally, quote, "This merger would happen, and until I know exactly how the merger would happen, I can't give you an opinion what procedure this Council, what procedure the County Legislature would have to take, or the County Executive."

Councilmember Boyd: So, it's not an Executive decision?

Corporation Counsel Ackermann: I'm not saying it's not an Executive decision. I can't give you an opinion as to whether or not it is because procedurally, there is no plan of action I can review and how this is going to be done.

Chairman Mallory: What I asked...if you don't mind me interjecting a little bit. What I had asked is, do you believe the last three sentences to be accurate? That it must be approved before the end, before the County Legislature and this body here and you said, "yes."

Corporation Counsel Ackermann: If it's a merger, yes. But, what does a merger mean?

Chairman Mallory: Right, that's what I asked about the last three sentences.

Councilmember Johnson: I agree with Councilmember Rich, that we should craft a symbolic resolution showing our support for the residents in the City of Poughkeepsie, and that we're against any type of merger with the County. I think that would be nice if we had that for our next Common Council meeting to give some sort of relief to the people coming here to let them know we do support them in this venture.

Chairman Mallory: That, we can do. You want something written?

Councilmember Johnson answered in the affirmative.

Councilmember Perry agreed that a symbolic resolution should be made to show the Council's support in keeping the City's bus system because the people have come week after week, expressing over and over, their need for it, whether it's for children who to travel to school or people who need it to bring them where they have to go, they rely upon it and the drivers they spoke so highly of. She wants the citizens to know that the Council members care and a symbolic resolution would be something that might comfort the people to let them know the Council is listening to them, they care [about them], and that they also feel that the bus service should remain in the City. All the people who have been calling her can stop asking if she supports the City's bus service, because she stated, "Yes, I do. You don't have to call me anymore, I do support it." She wants those people in the audience to let others know not to call her about it, but call her about something else, unrelated to the bus system. We need the bus service and she'll tell the County Executive how she feels about it. She also was letting the Mayor know. She asked City Administrator Bunyi a question.

Councilmember Perry: How did we manage to decide to install the water meters in the Wintertime as opposed to Spring or Summer? Thank you, Mr. Chairman.

City Administrator Bunyi: We basically started this project in September, actually. It's a 4 to 5 month process and knew it could run into the Winter. Most, or hopefully

all of the meters are inside the house. There is no reason why we can't continue working through the Wintertime. One thing that the people of the City of Poughkeepsie need to understand is that, the people the City hired, through an RFP process are not amateurs. These people have been doing this (at least to my knowledge), in about 12 to 15 municipalities including our neighbors in the south, Beacon. These people know exactly how to go about doing this. Weather is not an issue to them. We did not target a specific month. We're trying to get this whole water meter project completed in time for the first billing of 2014.

Councilmember Johnson: I want to take this opportunity to publicly thank Mr. Brady for a wonderful job that you've done in the short time you've been here as the Finance Commissioner.

Councilmember Johnson: I personally will miss your smile and wish you much success in Beekman. I guess everyone should know by now, that Mr. Brady is leaving us December 5th, so he will not be at our next meeting. We're going to miss you, since we're in the middle of our budget process. I would also like to say that the symbolic resolution I will find very helpful, since I am the new Dutchess County Legislator Elect and that will help me to work and fight for my City on the County Legislator. I will have something on hand to show them, because I'm not sure if any of our constituents have even attended a County meeting to let them know how much we are against, or opposed to any type of merger with the County Loop service. I just want to wish everybody here that's on the Council...a few are leaving that's term limited. Ms. Solomon, Mr. Parise and Mr. Herman is counting the days, the seconds and the minutes; Ms. Boyd, I'm sure a lot of people are going to miss you on the Common Council. I noticed two of our new Council people elect that have been coming to the meetings, and I just want to say, "Welcome and thank you, to Ms. McClinton, who has been diligently coming to all of the meetings." And, of course, to Mr. Johnson. I look forward to you guys...this is what you'll have to deal with when you come to the 2014 Budget. Welcome."

Mayor Tkazyik: The new Council members will try to be out a little bit earlier, (said jokingly). No, I just want to take this opportunity to thank Mr. Brady of course, for his service as Finance Commissioner. Wish him well on his new post in the Town of Beekman, where he is going to return. And, I just want to thank you for your service, of course. Advertisement is out today, so I just want to say, "Anyone looking to be Finance Commissioner, please send in your resume to Ms. Sweat and all the requirements are online and we'll take applications up until January 3rd. The Deputy will handle the day-to-day during that time.

Councilmember Perry: I also want to express my sadness in seeing Mr. Brady go. I had no idea you were leaving, sir, but I wish you well. It was very nice to work with you while you were here. You're a very pleasant man and very much success where you're going.

Official Minutes of the Common Council Meeting of December 2, 2013

Councilmember Solomon: What did we do? We had both Brady's and we liked them...what did we do, wrong?

Councilmember Parise: We scared them away.

Councilmember Solomon: Good Luck!

XII. ADJOURNMENT:

A motion was made by Chairman Mallory and Councilmember Solomon to adjourn the meeting at 8:30 p.m.

Dated: January 13, 2014

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, December 2, 2013 at 6:30 p.m.

Respectfully submitted,

**City Chamberlain
Deanne L. Flynn**



COMMON COUNCIL MEETING

Common Council Chambers

Monday, December 2, 2013

6:30 p.m.

*5:30 p.m. Public Hearing regarding the
Proposed Local Law LL-13-3, to override the tax cap.*

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

III. REVIEW OF MINUTES:

Common Council Meeting of October 7, 2013

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

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

VI. MAYOR'S COMMENTS:

VII. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

VIII. MOTIONS AND RESOLUTIONS:

- 1. FROM COUNCILMEMBER RICH, Resolution R13-79, approving exemptions pursuant to the Sanitation Ordinance.**

2. **FROM CORPORATION COUNSEL ACKERMANN**, Resolution R13-86, setting a public hearing for proposed Local Law LL13-4, to amend the Sanitation Bills.

IX. ORDINANCES AND LOCAL LAWS:

X. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

5. **FROM ISEMAN, CUNNINGHAM, RIESTER & HYDE, LLC**, a notice of intent for Blue Collar Brewery, Inc., to obtain a Liquor License.
6. **FROM ARLENE A. WELCH**, a notice of property damage sustained on October 16, 2013.
7. **FROM BOTTINI FUEL**, a notice of property damage sustained on October 25, 2013.
8. **FROM TYLISHA QUILL**, a notice of property damage sustained on August 26, 2013.

XIII. UNFINISHED BUSINESS:

XIV. NEW BUSINESS:

XV. ADJOURNMENT: