



**THE CITY OF POUGHKEEPSIE
NEW YORK**

**COMMON COUNCIL MEETING
MINUTES**

Monday, February 7, 2011

6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

All Present

II. REVIEW OF MINUTES:

Common Council Meeting of May 17, 2010

CCM 5-17-10						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Common Council Meeting of September 7, 2010

CCM 9-1-10						
			Yes/Aye	No Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember erman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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.

Ken Stickle 118 Catherine Street – I'd like to know, when the city can void courtesy parking. This Sunday Mansion Street was horrible. We have two churches on Mansion Street in my area we have St. Paul's and we have Beulah Baptist. Beulah Baptist this weekend only used on side of Catherine Street, because the snow was horrible on the street. Well, Mansion Street is no better. You got 3 to 4 feet of snow away from the curb on each side of the street. I stopped at the police station because as I was pulling out, there is, every corner, it doesn't matter, so I know it's not only Beulah, I know it is also St. Paul's the people park behind the no parking signs. You take your life in your hands when you come out of Catherine Street. I've asked the city to do something about it, nothing seems to be done. I gave you guys a way to handle this, Beulah has 2 city buses. Let them use parking lots and have them shuttle people from city parking lots. Keep the roads safe, it's bad enough you got to watch out for kids and everything. But when you have vehicles blocking Mansion Street, you can't see up or down either way. I stopped the staff sergeant on Sunday at 11:30, I said can you send somebody up to go into the Church and ask them to move their cars? Do something. Hand out tickets, they're parked illegally. He says were not handing out any tickets while that church is having a service. Well, wait a minute, if I park Monday through Saturday, illegally behind these signs what difference does it matter whether I'm doing it on Sunday also? I'm sorry the Churches are breaking the law; they need to start parking legally. Courtesy parking, we are giving them a courtesy, be courteous to us so that we are being safe. We have to watch out for small kids running between vehicles right now, this time of the year. We have snow banks taller than most of the vehicles out here. And it's not getting better; something has got to be done. And the city, I keep saying, you guys are putting yourselves in liability for a lawsuit if somebody gets hurt or killed. You guys are putting yourself, because you are giving the courtesy parking. I had a lady that was parked on the corner of Mansion and Catherine, her rear end was out half way into the middle of the street while she was in church. It's ridiculous; you cannot get a police officer to go up and down that street on Sunday? I'd like to know what they did the rest of the week.

Caroline Miller 7 Virginia Avenue – I know that we are all sick about hearing the S word: Snow. I know it has been bad for everybody, but one of the biggest things is I almost got into an accident on the way here tonight because of the narrowing of the streets. I had my mirror practically taken off

because of the narrowing of the streets and people not giving courtesy when they pass you. It's getting to the point, I travel a lot through the city streets and it's horrible. I mean we had the city come down and try to take some of the snow away. This is the worst, I've lived over 20 years in the city, and I have seen the problem with the snow at its greatest. We had more snow in years past and it was taken away in a much safer and timely manner than it is here. We've got people who park on State Street, and Virginia Avenue that park there that live on the Arterial, that are taking up the parking spaces there. Parking past right near the corners, the corners aren't even cut back from the snow so when you come around and make the turn wide, somebody almost hit me head on. In the past 2 weeks with all the snow, I have almost gotten in 4 accidents, and I'm wondering if I have 9 lives like a cat. Because it's getting to the point where, you're driving around, my street I pay my taxes, my husband is a hard working man, we do our part we clean up our street, we clean the catch basin, they continually plow into the catch basin. When we go up to the guy that's plowing he gives us a dirty look, he gets wise and fresh with his mouth, and he goes straight back and plows it in. Now to me that's double duty work for the city, because now the plow, all he has to do is turn the plow a little bit in a direction to keep the one catch basin we have on the entire street clear, and instead he plows it in so we have to get back up on the phone and call somebody else up to come and clean out the catch basin. Now you've got to send out a work crew, got to put in a work order. Plowing in our only fire hydrant across from the street, my neighbors and I constantly shovel it out they come down and plow that in. I know they have a hard job. They also, and the next time I throw my back out shoveling after the plow has come down 3 times and plowed it in so bad by the end of my driveway that I have had boulders the size of toddlers that I have had to roll out of my driveway. I'd like to see one of you out there shoveling it. It takes us 3 hours to get our driveway shoveled out, by the time the plow comes through. The other night my husband plowed it out its all clean, the plow comes down looks right at him plows it right back in again. I kid you not up to here (stands with her hand up to her chest). To the point that the plow comes down so fast, down our street, pushes it back up over onto my sidewalk, up over the mound, and a quarter of the way up my driveway. The signs, we have no parking signs to the corners on our streets, the police will come down and give us tickets for alternate side parking, we can't even get our cars out onto the street because we're going to get a ticket, but people park right on the corners, so buses and stuff can't even get around, and they don't give tickets to them. I mean, the garbage and everything has been horrific. Your platform, Mayor Tkazyik, made me vote for you that fact was that you ensured us that our services would not be cut. No offence, but ever since you have been in office, every time I call for service, I've gotten the run around. I've heard about budget cuts from supervisor after supervisor. I had the supervisor of the public works down on my street; well you know we have budget cuts, and unfortunately you're a dead end street. Fine, then I'm going to wait for somebody to get hurt, or hit on that street, or get hurt myself. And no offence,

I don't believe in lawsuits but I'll be the first one on your doorstep because it's gotten bad. And if you don't want to put money into the city, you're not going to get anything back out. And what really killed me was seeing that article in the Poughkeepsie Journal in January, stating that the city was going to clear out Waryas Park and make it for people to come in, and beautify it. And I'm thinking to myself, come down my street and see the garbage and drive around, because I walk the city streets. I walk from here all the way down to Vassar Street, and my mother-in-law is sick and her street is horrific, and if we had to get an ambulance down there to get her out, they would be on the phone because they would have a hard time getting down there. It's just horrific; the city is falling apart and I down mean to beat it but I go up and down my streets cleaning up the garbage that is left. People call me the garbage lady, with a garbage thing in one hand and a dust pan in the other, literally, cleaning up the streets. Because we can't even get a street cleaner down, the garbage from the crows and everything else is literally just all over the place. And it's not just my streets I see it walking down the arterial, throughout all the city streets, and come this spring it's going to be some mess. This is a beautiful area with the walkway and everything, if we want to bring tourism back to the city, we need to put a little bit of time and money into beautifying it back up. I don't want to see walking up and down the streets, used garbage, used prophylactics, used syringes. Our kids have to walk these streets, and after the snow is all gone, that's what's going to be left. And I am so upset anymore with where I live, my kids, to the point where people call my street the ghetto. How do you think that makes me feel, when my kids have to tell their friends they live in the ghetto? I pay my taxes and my house is one of the most beautiful houses in the city, all restored and everything. Think about it think if that was your house, and that was your home, and you can't take pride in it because what it looks like. It's gotten to the point that I'm at my breaking point; I will spend 2 to 3 hours out there cleaning up the street and I get nothing in return from the city. And I'm sorry but I've bit my tongue all I possibly can, and the snow is the breaking point.

Gus Kazolias 47 Noxon Street – I just want to make a couple remarks, This Benny's 10th inning, they make good food down there so I approve of their lease. As far as Faith Assembly, they had a Saturday shindig across the street, I let them park at my place. You know they are doing God's work so it's on me or it's on God. I'm going to say something to the Chair, I know the Millers, and they lived on Noxon Street. They have been living in the city for over 100 Years, they are good people, and for what she is saying, because the miller's grew up with my kids just to let you know. I direct my comments to the chair (Chairman asks that he direct his comments to the whole council). Let's put it this way, for her to come up here, a person that lived in the city, who's great grandfather lived in the city and all like that, to come here and make a complaint, I think it should be addressed. To me, believe me I feel for her, because the Miller's are part of my family, just to let you know. The Miller's are good people, so whatever, who's ever ward, whatever has to be

done, do it because it isn't right for, she's no string chicken, either to go out there and shovel snow. But I will say this though, when that 7 o'clock for cleaning your fire hydrant, I told my son get out there, but I will say this though at 7 o'clock the cop was coming down the street to cite because he was in the process of cleaning it. Mr. Mayor, please, thank you.

Janet Houseton 114 Rinaldi Boulevard – I am here to talk about the waterfront advisory committee and I thought our chairperson was going to be here about the number of people. That is one of the things I want to address. I have served the Waterfront Advisory Committee under the last 4 mayors much too long. During those years the committee went from 13 members down to 9. The higher numbers did result in having no quorum, but in the past year with 9 members there has been a quarrel at every meeting. I don't think that 9 members are that many and I personally think that is probably a good number. I have 2 concerns; one is about how the committee is formed. According to our LWRP, a certain number of members are appointed by the Mayor and a certain number are to be appointed by the common council and at least one of that group should be a staff member of an environmental organization. The committee could use the expertise of such a person; it does not say they have to be a resident of the city of Poughkeepsie, because if they can't vote that's fine. But at least we would have that information. I feel that it would be very valuable to have someone like that on the Committee. My other concern is that I am in disagreement about what we are supposed to be working on. We were not as you know given the opportunity to participate in discussions of the tour boat project and we were told it didn't fall under our jurisdiction. Nevertheless, we did meet to discuss the project and raised some serious questions on every aspect of the plan. The biggest problem is that it allows a private company to have exclusive use of public park space that would develop with public funds to my understanding. That may not be legal under federal and State guidelines. I think it needs to be looked at if it hasn't already. For the period of 10 years it would take away the use of popular dock, the adjacent land, and possibly prevent or curtail the use of the only public launching area in our waterfront parks. I don't know if that is what will happen but from what I have looked at on the map it appears that it could be the case. Operating a tour boat business in a park does make sense, but it should be at the long dock on the south end of Waryas Park and it should not be granted exclusive use of Public Park land especially for 10 years. It is my hope that a review of the Seaway navigation contract will take place and that the waterfront committee will be fully involved in waterfront development so that it can carry out its responsibilities.

Virginia Hancock 26 Loockerman Avenue – I also would like to jump onboard the discussion regarding the waterfront advisory committee. I have been coming to meetings for many, many years and they do operate under the LWRP, as the city should of course. And this should be the document, the rule of law that the city abides by and I don't feel that that is necessarily done.

I think that the committee should be taken more seriously. The project should be reviewed; our waterfront is very, very special, as is the park. I know that in other communities, seems to me that those are the areas that developers would really love to get their hands on. For us in the city I feel that, a lot of people feel that that is a precious commodity and so should be treated as such and should go by LWRP.

Harvey Flad 115 Academy Street – Former member of the Waterfront Advisory Committee and I see from the agenda that there is to be a public hearing to amend the waterfront advisory committee and I would just like to say tonight that I hope that the common council takes the concerns that have just been expressed, whatever the issues are, to be discussed and hope that those amendments whatever they might be would be put up on the website so that those of us in the public who might have something to say about them. I think that the common council has to take into consideration the real role of the waterfront advisory committee in the future.

V. MAYOR'S COMMENTS:

Mayor Tkazyik – Thank you Mr. Chairman, good evening all. Thank you for attending. The city administrator will present his annual report that is required and I've asked him to follow up with some of the complaints that are regarding Virginia Avenue this evening. And we will forward those police concerns to Chief Knapp regarding the parking, behind the no parking signs. Rich DuPilka and his team are doing a superb job, magnificent, given the amounts of snow that has been coming our way. They have been working around the clock. I am getting a tally from finance now to see where we stand with the budget. But I know we only budgeted about \$500,000 for snow. Last year we didn't spend any, so that went back into the fund balance but probably with this storm it's all gone. But they are working around the clock, working as hard as they can, working with police to post certain streets. When we come through and clear certain streets they have to be posted and try to get the residents to comply with that, we do appreciate everyone's patience. And of course we are handling the calls and complaints as best we can, getting our crews out there, I wanted to speak to that. Also, we received the good news this past week with the governor's proposed budget as you know there was only a 2% reduction in the AIM funding, that is aid to municipalities. Only reducing the City of Poughkeepsie's aid by roughly \$86,000, we will still receive roughly \$4.2Million, what a relief. Again, I think that Governor Cuomo is listening to the concerns of municipalities across the state and understands how important this type of funding is. In fact in yesterday's paper you saw they did a story on AIM funding and what it goes towards. It assists us in the operating budget in the general account. They cover the central garage it helps us maintain our fleets and Parks, the men and women that work in the city. That money is just so crucial to municipalities across the

state. We will have to keep a closetful eye and watch on the State Comptroller, as we move forward with the pension costs and discussions. We will have to be very mindful in moving forward and preparing for a 2012 budget. In speaking about the waterfront advisory committee, I believe the council's consensus, under the recommendation of the administration, is to have 9 members as the board has been working for a number of years. The city of course follows the LWRP and of course consults with legal on all those matters that get referred to the waterfront advisory committee. All of those agencies will continue to serve as advisory in nature, of course, all appointed members as is every other appointed member of the city must be a city resident. Voting rights of the city, taxpayers, live, work around the waterfront and participate on all our other boards are the appointed members and voting members of this committee.

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Klein – I wish to echo the Mayor's comments on the DPW. Commissioner and staff have done an excellent job, there have been spots. They can't be everywhere, it has been a tough season, I can tell from watching the news other communities have not fared so well. The dedication is evident throughout the city. I drive around a lot, during the storms and afterward, and I've spoken with Mr. DuPilka and to his supervisory personnel, Mr. Doris and Mr. VanTassel. They are working very hard, to the point of exhaustion throughout the city. I had an occasion and was traveling north bound on South Hamilton Street when 4 trucks came through on the arterial in wing formation clearing the arterial for traffic going eastbound and very impressive and very efficient. There have been spots but they are being cleared up. Some places needed some extra attention and they are being cleared up today. I would certainly say in Mr. Doris's words that the DPW is the cities strongest. Secondly, I wish to address the Mayor's state of the city. I thank the Mayor for presenting his status of his leadership and stewardship of the city at this time and his vision for the city for the future. We on the council share the Mayor's commitment enhancing services and quality of life in the city. The atmosphere for those who live, work, and do business here and we all share, regardless of our different opinions, a vision for vital activity and good productivity and excitement for things to come. And so we support the mayor's message and his commitment to making the city a better place to live and work. Additionally, we also congratulate the Mayor for the article in the daily news online, which featured the walkway over the Hudson, but listed also the other aspects of this, our city that make it stand out in this region, in this state, on so many counts. Additionally, I would like to say that my wife Michelle and I enjoyed attending the Poughkeepsie neighborhood club 93rd Lincoln-Douglas annual luncheon this past Saturday the 5th at the Poughkeepsie Grand Hotel here in the city where 2 of our own council members Yvonne Flowers and Ralph Coates were among the Honorees. We were honored to attend it was a wonderful event, we got their late, I

understand the Mayor had left before we got there. But it was a wonderful event and we congratulate Mrs. Flowers and Mr. Coates. Additionally, we also share the Mayor's relief at the fact that the governor's budget did not include the cuts that we feared. Although it did contain cuts it provided us with a certain measure of relief.

VII. MOTIONS AND RESOLUTIONS:

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

Asst. Corporation Counsel Gildard – Before you tonight is proposed resolution R-11-18, which will authorize the Mayor to enter into a license agreement With Mr. Biagio Belmonte doing business as “Benny’s 10th Inning” for the concession located at 35 Lincoln Avenue. If approved by the council this license agreement will replace the previous license agreements first began in 1979, 1981, 1995. It has a 5 year term, there really no substantial changes from the previous license agreement in 1995 except that I believe the rent was increased in 2005 and that was \$2197. This lease calls for \$2500 per month for the 5 year term.

Councilman Mallory – How did we come up with a rental fee for \$2500?

Asst. Corporation Counsel Gildard – The Finance commissioner took a look at the previous numbers, it had escalated based on a year or two scale. The last increase in 2005 was \$197. I cannot speak for him but I am sure he took into account the state of the economy what kind of business Mr. Belmonte does as well. I can tell you from meeting with Mr. Belmonte, he expressed some concern about the size of the premises he has there. I don't think it is a substantial establishment in terms of square footage, so all those factors were considered in talking in the rent amount.

Councilwoman Flowers – On the lease agreement number 43, it mentions about the lease agrees to operate and maintain the restrooms located on the premises in good and clean order and that it's open to the public. Was that something that was added or was on previous agreements?

Asst. Corporation Counsel Gildard – I believe that was in the last agreement. I would have to check but like I said there were not many changes from the previous license agreement so I would have to say that had been included.

Councilwoman Flowers – So that means that any of the games that are going on down there that those bathrooms should be open and be able for use by the public? And they are supposed to maintain those bathrooms in good order?

Mayor Tkazyik – I believe it is for the duration of the operations of the business hours only.

**RESOLUTION
(R-11-18)**

INTRODUCED BY COUNCILMEMBER HERMAN

**License Agreement between the City of Poughkeepsie and Mr. Biagio Belmonte
d/b/a “Benny’s 10th Inning”**

WHEREAS, the City of Poughkeepsie has previously licensed to Mr. Biagio Belmonte certain premises located at 35 Lincoln Avenue in the City of Poughkeepsie; and

WHEREAS, said license was executed in April of 1978 and provided for a one (1) year term, which term was later extended by an amended agreement in 1979, 1981, and 1995; and

WHEREAS, the term of the said license has expired; and

WHEREAS, after discussions between the parties, the City of Poughkeepsie and Mr. Belmonte desire to enter into a new five year license agreement which would commence on April 1, 2011 and expire on March 31, 2016; and

WHEREAS, the Common Council of the City of Poughkeepsie has determined that this resolution constitutes a Type II action as defined by the New York State Environmental Quality Review Act and 6 NYCRR Part 617.5(c)(26) and (27), and

NOW THEREFORE,

BE IT RESOLVED, that the Mayor, the City Administrator and the Corporation Counsel are hereby authorized to execute this new license agreement annexed hereto and do all other things necessary and convenient to give full effect to this Resolution.

SECONDED BY COUNCILMEMBER PARISE

R11-18			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallor	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Commissioner of Assessment DiMarco – This is just a simple change in personnel. What we call the personnel titles we had a lot of difficulty getting someone with the qualifications required for the assessment technician as per the county. This will facilitate getting someone on board a lot quicker than the experience we have had so far this year. It is already a month into the year and we haven't been able to find someone with those qualifications. So it was my idea to change this to a clerk's job, which diminishes the qualifications but yet in my opinion will be able to function as well as the assessment technician's part time job, would have done. If you recall we had that job as full time but throughout the course of years we changed that through budgets into part time. It still came with the same qualifications but as a part time, it was difficult to get someone to fill that so hopefully we can get someone to do this job. That is what this is all about this evening.

Mayor Tkazyik – I would just like to say that there is no financial impact with this budget change, on the commissioner's recommendation here other than title.

Councilwoman Solomon – I am looking at the table that is contained in the resolution and it says from one part time position to 2 part time positions.

Commissioner of Assessment DiMarco – We already have a part time clerk in the office. There was a part-time clerk and a part time assessment technician, a data collector, myself, and the assistant. We are just taking out one assessment technician position and putting in a clerk position. So no new positions, we are not increasing the budget in any way. It is the same budget that you the council and the Mayor had previously approved for this year.

Councilwoman Solomon – It wouldn't be more desirable to have 1 full time position rather than 2 part time positions?

Commissioner of Assessment DiMarco – Yes it would, but that is not how the budget is written.

Councilwoman Solomon – So we are making a change in the budget now aren't we?

Commissioner of Assessment DiMarco – Well then we would have to get rid of another person.

Councilwoman Solomon – Couldn't that person grow to a full time position?

Commissioner of Assessment DiMarco – Not the way the budget is structured right now. But it is food for thought going into next year's budget. The other problem with it is it becomes an expensive addition to the budget when you put a full time person one.

Number one you have to start paying benefits, it becomes a competitive position and we would have to go from a list there a lot of complications to it. But it certainly is food for thought for next year.

Councilwoman Solomon – They work 17 ½ hour a week and these two part time people do not enjoy any benefits?

Commissioner of Assessment DiMarco – No, now you know why I had a hard time filling the position with someone meeting the qualifications of the assessment technician. For now this will facilitate what we need to get through this year.

Councilman Mallory – I know the commissioner of finance is not here, as the mayor just shared. So your saying that two part time positions that are grade 4 equals in the salary of a grade 11? I am just confused in how it doesn't affect the budget.

Commissioner of Assessment DiMarco – What was budgeted for the assessment technician part-time was \$12/ hr. this new clerks position will be \$12/ hr.

Councilwoman Flowers – Ok, so it was going from a grade 11 to a 4 so those duties have switched? I really don't know as far as the duties are concerned, because it is such a significant change in the grade.

Commissioner of Assessment DiMarco – The duties have really not switched. The title that comes along with that grade and certain qualifications, the duties have not switched. The functioning will be just like the grade 11. But as part time the grade 11 was impossible to fill.

Asst. Corporation Counsel Ackermann – Just to clarify it if I may. I think that after review of the duties that the part time person will be doing going forward. Those duties are consistent with the title of a clerk.

Commissioner of Assessment DiMarco – Yes, with the addition that most people who work for me or at least under my tutelage try to strive to do a little more. And I am going to be teaching them more and more and more, and we are all doing more and more with less and less. Will they be doing strictly clerical work? No, they will be doing some mathematical writing equations, data and a bunch of other things but it does fall within the clerical position.

Councilwoman Flowers – That's what I was concerned with. I just don't want a problem with anyone saying they are working out of title.

Commissioner of Assessment DiMarco – No, that will not happen.

**RESOLUTION
(R-11-19)**

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, the currently exists a part-time position of Assessment Technician in the Department of Assessment; and

WHEREAS, the Commissioner of Assessment has determined that the duties of Assessment Technician are more consistent with that of a clerk and as such is requesting the Assessment Technician be replaced with a clerk; and

WHEREAS, approval of this resolution will not result in a funding increase to the 2011 budget for the City of Poughkeepsie, but it is necessary to amend the 2011 budget to reflect the change of positions; and

WHEREAS, the Common Council of the City of Poughkeepsie has determined that this resolution constitutes a Type II action as defined by the New York State Environmental Quality Review Act and 6 NYCRR Part 617,

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie authorizes and approves the deletion of one (1) position in the department of Assessment entitled “Assessment Technician” and the addition of one (1) position in the Department of Assessment entitled “Clerk”; and

BE IT FURTHER RESOLVED, that the 2011 Budget for the City of Poughkeepsie is hereby amended as follows:

Budget Line	Description	# of Positions FROM	# of Positions TO:	Salary Grade
01.05.1355.7108	Assessment Technician- P/T	1	0	11
01.05.1355.7108	Clerk- P/T	1	2	4

BE IT FURTHER RESOLVED, that the Commissioner of Finance be, and he hereby is authorized to make such technical adjustments and corrections he deems necessary to this resolution to carry out the intent of this Council.

SECONDED BY COUNCILMEMBER PARISE

Official Minutes of Common Council Meeting of February 7, 2011

R11-19						
			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- Defeated
- Accepted
- Accepted as Amended
- Tabled

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

Asst. Corporation Counsel Ackermann – At our last council meeting there was some discussion with regard to the waterfront advisory committee, specifically with the makeup of the board. At that time you indicated that a more workable board with reduced numbers may be appropriate. Originally it was discussed of a board between 5 and 7 members; the council had indicated that their preference for the board would be 9 members, which is basically what it has been operating with for the last number of years. A percentage appointed by the Mayor and a percentage appointed by the council, to try and keep it as consistent as possible with the previous ordinance. Therefore, before is a local law that simply amends section 18 ½ - 5, that is the waterfront advisory committee reducing the board from 9 members. There is also a requirement now that all who serve are appointed by this body or the mayor’s office is a resident of the City of Poughkeepsie. However, what I should make clear is at no time does that limit the participation of other groups or consultants that may be necessary for the board to operate. There may be times when a consultant is needed or members of various environmental organizations are used or utilized for purposes of their discussions and action, those members would be able to participate in the committee, help them make their decisions, and they will be utilized when necessary. However, all the members that are actually on the board would be city residents. The additional changes were made to adjust for the fact that the last couple of years there has not been staggered terms, this will put back into place the staggered terms and also consistent with previous applications of the ordinance. It has been the Mayor who appoints the chairman of the waterfront advisory committee not the common council and that change has been made to facilitate how it has been operating in the past. At this time the only action that is necessary for the council is to set a public hearing. I have proposed your next meeting, February 22nd 2011 at 6:15pm. That would be prior to your council meeting, so the adoption of that is what is being considered today.

Chairman Klein – So this is only setting a public hearing on this particular resolution.

Councilwoman Solomon – What is that you said about the mayor has historically been appointing the chairman of the waterfront advisory committee?

Asst. Corporation Counsel Ackermann – Yes, the chair has been, since 1996 appointed by the mayor.

Councilwoman Solomon – You know we also appointed the whole waterfront advisory committee in one fell swoop. We did a number of things that were improper. I say we, being the Mayor and the common council, and this is an effort to do things properly. I believe that the common council should retain the right to appoint a chairman, and also that it fits right in with what the whole purpose of this resolution is.

Councilman Mallory – I just want to echo that because, on 18 ½ - 5 D, it says that the common council should annually appoint one committee member as chairman of the committee, upon failure of the common council to appoint a chairperson the members of the committee shall elect a person. What we are asking now is to change that?

Asst. Corporation Counsel Ackermann – Correct that is what is being proposed.

Councilman Coates – That is not consistent with what Mr. Ackermann is saying, since you said 1996 the mayor has been appointing the chair. That is not consistent with the charter.

Councilman Herman – How do you go about staggering the terms if you appoint all 9 at once?

Asst. Corporation Counsel Ackermann – The way that the ordinance would do it, it would allow for 3 members of the council to be appointed for 2 years, which no council appointments have been made in recent years. Then the Mayor would appoint 3 for 3 years and then 3 for 1 year. And I believe he has some appointments that have not been made yet. So he has been holding off on certain appointments so those would be made consistent with those staggered terms.

Chairman Klein – My understanding Mr. Ackermann is that we tried to have Mr. Nelson, chair of the waterfront advisory committee here for discussion, but he was unable to make it this evening. My understanding Mr. Mayor, there has been an effort made to make sure Mr. Nelson will attend next meeting for the public hearing.

Mayor Tkazyik – Yes, next meeting. I know his schedule taking on the role of the town now has been conflicting a little bit.

Chairman Klein – His council matters for the Town of Poughkeepsie. You indicated that you are fairly confident that he can be available for the public hearing portion of the meeting, and we may be able to suspend the rules to hear from him in the meeting.

Councilman Mallory – Can we suspend the rules for a former member?

Chairman Klein – I don't have a problem with doing that, I just want to make sure that all the council members had an opportunity to speak, and ask Mr. Ackermann any questions. What we can also do is invite Mrs. Houseton to participate in the public hearing because all we are doing now is scheduling a public hearing for the meeting.

Councilwoman Solomon – I would like to amend... **(Deemed inappropriate by Mr. Ackermann as the action is only setting the public hearing)**

Councilwoman Flowers – I do have something in regards to this because I know we discussed this before but does this have any kind of conflict with anything we were scheduling in the future with presentations.

Chairman Klein – On that point there is a presentation we had spoken about regarding Elaine Patrice Park and Mansion Square Park. I believe if this hearing is scheduled for

6:15pm we can have the presentation at 6:00pm. I know that is of interest to many members of the council and many members of the community.

**RESOLUTION INTRODUCING LOCAL LAW
AND PROVIDING FOR PUBLIC
NOTICE AND HEARING
(R-11-20)**

INTRODUCED BY COUNCILMEMBER HERMAN

BE IT RESOLVED, that an introductory Local Law, entitled “Amendments to Waterfront Advisory Committee” 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 6:15 o’clock P.M., on February 22, 2011; 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 PARISE

R11-20						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Table	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallor	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Asst. Corporation Counsel Ackermann – Before you is a resolution authorizing the Mayor to execute a work agreement with NYS DOT. This is with regard to the underpass constructed at the main gate of Marist College, underneath route 9. The council had previously authorized the relocation of a jointly owned sewer transmission line, in October of 2010. This is the work agreement that would be entered into. It is a standard agreement that will be entered into with the DOT and authorizes the mayor to execute that agreement. Whereby the DOT will move the line, reconstruct it, and once it is done the city will once again will continue to maintain the line in its new location.

Councilwoman Solomon – Does the line go under route 9 now?

Asst. Corporation Counsel Ackermann – I do not believe it goes under route 9 now. It is in the shoulder area just west of the highway.

Councilwoman Solomon – Upon relocation it will be?

Asst. Corporation Counsel Ackermann – At the October Council meeting when you passed the agreement there was actually an easement map, and I believe it will be moved in west further from route 9. I apologize I did not include the map with this resolution, though I did in October's council meeting.

Councilwoman Solomon – So it will be no more difficult to service that line in its new position.

Asst. Corporation Counsel Ackermann – No, and actually the DOT in conjunction with Marist College has agreed to monument the easement, which has not been done now. So it will be easier to locate in the future.

Mayor Tkazyik – I wanted to inform the council this project will begin right after graduation. There are going to be some alternative routes, going around Beck Place past the Rite-Aid. So I believe they are going to try and complete this project, the majority of it in a week, and I believe they are going to begin the week of the July 4th holiday.

**RESOLUTION
(R-11-21)**

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, the New York State Department of Transportation proposes to build a pedestrian walkway under Route 9 and to restore Route 9 in the vicinity of Marist College in the Town of Poughkeepsie located in Dutchess County, Project Identification Number 8010.63.101/Contract D261566; and

WHEREAS, the State will include as part of the construction of the above mentioned project, the maintenance, placement and construction of a new water main and appurtenances owned by Joint City/Town Water Plant, pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the Project and meeting the requirements of the owner; and

WHEREAS, the service life of the relocated and/or replaced utilities has not been extended; and

WHEREAS, the state will provide for reconstruction of the above mentioned work, as shown on the contract plans relating to the above mentioned project; and

NOW, THEREFORE,

BE IT RESOLVED, That the City of Poughkeepsie approves the relocation, maintenance and support of the existing water main, the above mentioned work performed on the project and shown on the contract plans relating to the project and that the City/Town Joint Water Plant will maintain or cause to be maintained the adjusted facilities performed as above stated as shown on the contract plans; and be it further

RESOLVED, that the Mayor, City Administrator and Corporation Counsel have the authority to sign, with the concurrence of the Common Council of the City of Poughkeepsie, any and all documentation that may become necessary as a result of this project as it relates to the City of Poughkeepsie; and it is hereby further

RESOLVED, that the Chamberlain of the City of Poughkeepsie is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

SECONDED BY COUNCILMEMBER PARISE

R11-21			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallor	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 Herm n	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VIII. ORDINANCES AND LOCAL LAWS:

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1) **FROM CITY ADMINISTRATOR LONG**, annual City Administrator's report.

2) **FROM THE LAW OFFICES OF RICHARD J. DAVOLIO, P.C.**, a notice of personal injury sustained by Matthew S. Sviridoff on November 12, 2010.

Referred to Corporation Counsel Office by Chairman Klein for legal action.

3) **FROM DEANA PERILLO**, a notice of personal injury sustained on November 18, 2010.

Referred to Corporation Counsel Office by Chairman Klein for legal action.

4) **FROM JOHN A. BANKS, JR.**, a notice of personal injury sustained on February 8, 2010

Referred to Corporation Counsel Office by Chairman Klein for legal action.

5) **FROM OUR LADY OF MT. CARMEL CHURCH**, a notice of property damage sustained on December 27, 2010.

Referred to Corporation Counsel Office by Chairman Klein for legal action.

6) **FROM EDWARD LACKAYE, ESQ.**, a notice of intent for Noah's Ark to renew its Liquor License.

Referred to Nescience Committee by Chairman Klein for action.

X. UNFINISHED BUSINESS:

Councilmember Mallory – Prior to the New Year, councilwomen Johnson brought up as did councilwoman Solomon, the phone list for departments in city hall.

Administrator Long – I know I talked to Erian about it, we are putting it together. (councilmembers will be included as per councilwoman Solomon)

XI. NEW BUSINESS:

Councilmember Johnson – There is an even on Saturday, February 26th, at 12pm at the Latif Islam Auditorium Family Partnership Center. They are having a Black History celebration, with project thunder and real skills network. And I am sure all are invited. It's going to be a really, really great event. The second thing I would like to discuss, you all know I was in New Orleans, when my mother had passed away, she was 94 years old. But while I was down there, something was brought to my attention that I was unaware of, that is very alarming and it's all over, even probably in our city as we speak. It's about bath salts. It's made in China and India, costs about \$20 per gram. You can inject it or snort it, it's sold at local convenience stores. It has a devastating effect, hallucinogenic, people have even been killed. They even banned it and passed a law in New Orleans. The governor I am told knows about how dangerous this is. You can buy it over the counter. I would like to work with our corporate counsel and also putting something to ban this in our city. Its distribution, use in our city.

Councilwomen Flowers – I have one question, DPW has been great getting rid of the snow and clearing the streets, but on north Clinton, there is an issue where there are a lot of cars that were buried in the snow. I wanted to know when they are trying to clear the streets, that way they can come through, because they had a problem getting to that street because there were cars parked. Are we actually enforcing, where we are towing cars? Out of that area so they can get through there, because I noticed that there were still cars buried in the snow and it was making it difficult for them to clear. **(Mayor Tkazyik and Administrator Long informed that in one day 10 cars were towed, and the last snow storm over 40 cars were impounded)**

Councilman Coates – I would like to piggy-back off of councilwoman flowers about the snow removal. I have been sending emails to our commissioner of public works on a daily basis. In fact, I believe, it was Friday when I spoke with Mr. Long we had a major problem on union where some cars were damaged because the street was not opened up enough. What is our plan for going through the city assessing the streets that need more snow removed, because some street especially if you take a look at union, it's very narrow without snow. There have been issues in my ward, and complaints.

Administrator Long – I appreciate your call Friday afternoon, I did get a hold of the supervisor on call as well as Mr. DuPilka, and we talked to the parks department as well. He did send someone up to union and try to touch it

up as best as they could for that day. The major issue is getting it back to the curb. They have one piece of apparatus that they come in like a large snow blower. It basically goes behind the truck and they try to cut back the banks, they have used that on several streets, but unfortunately the way the weather has fallen we have hit a lot of ice. It works great in snow but it does not work well in the ice. We have to wait until we get a thaw of some sort. As you know they cleared out main and market. The state routes are the highest priority, but they do try to get to everything on the list.

Councilman Coates – I would like to commend the mayor and all the council members who attended the youth basketball program last Thursday, the gym was jam-packed. With parents, with young people excited about the beginning of this new program and I would like to thank all those involved and the support of the Mayor, his administration, and the council seeing this program through. It was an exciting day, the principals and superintendent was on hand. I would like to thank all the volunteers, there were many volunteers.

Councilwoman Johnson – I guess I would be remised if I did not mention that in the last few weeks that I have been a volunteer in project thunder, in field trips with about 30 so odd kids. Where one of the field trips we took to NYC to see the King Tut exhibit, which was very educational. Also, this last Saturday they were taken to NYU to explore the college. They have been doing a lot of positive things in the city. As far as the snow removal, this has been record breaking snow. And Rich DuPilka, I must say, if we were worried about him. He's got the mother load, he got like 5 years in one year. I don't think that somebody else could have done what he has done.

Councilwomen Flowers – I know it has been talked about over the past year or so, and it came up last year. About opening up around Winnike by the store, there has been an issue with the cars not being able to pass there, and I know traffic control has been there a few times. I was told that that whole situation was being assessed.

Mayor Tkazyik – I just want to take this opportunity to wish councilmen Parise a happy birthday, he is 39 today.

Councilman Parise – In the words of Gus, I am no Spring Rooster.

Councilmember Mallory – How does one become a preferred developer?

Asst. Corporation Counsel Ackermann – A preferred developer is an agreement that is entered into with administration of our development department to a certain project and what it basically does is it gives the developer some assurance that the city is not going to negotiate with any other

party and allows them some ability to further develop their concept/ idea. It is a written agreement that is entered into between administration and developers.

XII. ADJOURNMENT:

A motion was made by Councilman Herman and seconded by Councilman Parise moved to adjourn meeting at 8:50 p.m.

Dated: September, 21 2011

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, February 7, 2011 at 6:30 p.m.

Respectfully submitted,

Deputy City Chamberlain