



THE CITY OF POUGHKEEPSIE  
NEW YORK

COMMON COUNCIL MEETING  
MINUTES

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Monday, August 26, 2013 6:30 p.m.

City Hall

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**I. PLEDGE OF ALLEGIANCE:**

**ROLL CALL- All present**

**II. REVIEW OF MINUTES:**

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

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

**Ken Stickle – 118 Catharine Street** – I received an interesting phone call from Former Mayor, Nancy Cozean that College Hill received an \$8,000 grant and I'm the Acting Vice President of the College Hill Park up there. Wanted to give a big round of applause to all the guys back there and all the city workers who mow the lawn and take care of that park. It's come a long way. I also want to thank Councilwoman Perry for the dedication she's shown, the Mayor and right on down the line. I wish the Councilmembers could take a ride up there to see what the City workers have done up there. They deserve a round of applause. Everyone applauded. I'm hoping it continues and that it's not an election year thing. Every city park is a reflection of the people of Poughkeepsie and if we don't keep it clean, it sends a message out to the people who visit the City. Also thanked the Police for catching the killer of Underhill Avenue so quickly, so that the senior citizens can sleep peacefully again.

**Darrett Roberts – 148 Franklin Street** – Came to support Resolution R13-68 for funding under the Urban Initiative for the Family Partnership Center. Feels it's important to the people who need it that cannot support themselves. Thank you for your support.

**John Darrow – Darrow Funeral Home – South Hamilton Street** – Is really concerned about the three parking spaces that he wants to have designated as, "No Parking." He stated that he almost got hit a few days before while pulling out and is very concerned about safety.

Cars speed there and going North is a disaster. Someday somebody is going to get hit or killed and I hope it isn't me. It was better when it was a One-Way. Now that it was turned into a Two-Way, it's a disaster. Asked for the Council's consideration in his request. Thank you and God Bless you all.

**Barbara Dubraski – 9 Dutchess Avenue** – I live on the other side of Dutchess Avenue, next to Dutton Lumber. I'm the only house there now. The City let a restaurant be put there and that's fine, that's progress. The only thing is they gave them nine parking spaces and marked them on the street. Now, her husband, her sons and she are forced to park down by the river – not in front of their own house. They park where there are signs, "No Parking Here to Corner," they park facing the wrong direction. They don't care. The Police do not give tickets, and it's getting to be a pain in the neck. Winter's coming and I'm really afraid that we're going to end up parking in the middle of the road. They've got parking in the back and don't use it. What are her and her husband supposed to do when they can't find a place in front of her house? Getting a designated spot for herself and husband as Handicap was proposed, but what happens when a handicapped patron of the restaurant comes? They're going to park there while she's not home. I'm all for progress, but what happens to the people around it? Another problem is the Stop Sign at the bridge. You have to get your car halfway out in order to see if something is coming up, because they made the wall so high. It used to have three Stop Signs: One, as you go over the bridge, one on the north side and one on the south side. Now, they just zoom over Water Street. They don't stop; they don't care. Thank God there's a Stop Sign on Dutchess Avenue. You have to go through where the pedestrians walk in order to see what's coming, and by that time you're broadsided by another car. I wish "you's" could help me. I really do. Thank you.

**Honorable Frank Mora – City of Poughkeepsie resident** – Came to discuss the recent E-coli and boil water notice because it directly affects me, my wife Sherry and my three young children. I'm a former member and Chairman of this Council, a former member of the Water Board for 10 years and as Chairman and Vice Chairman for several of those years. I had to resign my position on the Water Board when I changed my employment on January 1, 2011. Although I was not at your Committee as a Whole Meeting on July 24, 2013, I viewed it online. I fully agree that every member of this Council should have been notified, the moment the City was aware that a water sample tested positive for E-coli. This was on July 10, 2013. I fully agree with Councilmember Rich regarding the statements he made about his newborn grandchild, as my young children, my elderly parents and my 93 year old aunt, were also drinking the water. I wholeheartedly disagree with the Health Department, when it says that an advisory notice should not have gone out immediately because the public would not take seriously a boil water notice. This is akin to the story of the Boy Who Cried Wolf. The government is not and should not treat the public like children. An advisory notice would allow the public to decide for itself, whether it wanted to drink the water, boil the water or get an alternate source of water. I was disappointed that you scheduled your meeting for a date that you knew Mayor Tkazyik was on vacation and Councilmembers Herman and Parise were not present. Both Mayor Tkazyik and Councilmember Herman are members of the Water Board and their presence may have been beneficial to ask pertinent questions. Although the July 24<sup>th</sup> meeting should have been utilized to get answers to basic questions of how the sample tested positive for E-coli, it seemed more of a meeting to

excoriate Mayor Tkazyik and his administration for not advising this Council and the public sooner. Make no mistake, I already said you and the public should've been notified right away, which would've been on Wednesday, July 10<sup>th</sup> – not on Monday, July 8<sup>th</sup> when the sample was taken. I'm not here to defend the Mayor or his administration. What I am very troubled at was that Randy Alstadt was in attendance at the meeting. He is our Water Plant Administrator and has been for a total of 12 years. He was ready, willing and able to answer just about any question that would've been asked of him. He was prepared with charts, graphs and data. Unfortunately, he was never asked to come up and speak with you. Why? I have no idea. So, I will fill you in on a few of the things that Mr. Alstadt could have told you. No one seems to be asking the question, what is different this year than last year, or other years? Prior to January 1<sup>st</sup> of this year, the College Hill's Reservoir and the City's distribution system was controlled and monitored by the Water Plant. Prior to January 1<sup>st</sup>, the Water Board, except for Mark Newton, had the brilliant idea of terminating the full-time Lab Director's position, thereby getting rid of any water sample testing at the Water Plant. The full-time Lab Director's salary with benefits was approximately \$70,000. With the elimination of this position, the City would now have to pay for an independent lab to test our water. This may have saved approximately \$20,000. This is pocket change compared to the Water Plant's budget and was a big mistake. Prior to January 1<sup>st</sup>, Water Plant employees tested the water at the reservoir 3 times per week. They tested the City's Distribution Center approximately 5 times per week. Testing the samples at the Water Plant allowed for almost immediate responses to how much chlorine should be added to the system. In addition, having a full-time Lab Director allowed for almost unlimited sampling of water at a fixed cost. Now, every test that is needed has to be paid for. This is a complete waste. Remember, to save that precious \$20,000 the City of Poughkeepsie took over monitoring the reservoir and the Distribution System as of January 1, 2013. That is what changed this year. When you look at the log book of the samples taken at the reservoir, you see that the City rarely sampled it. This is a complete outrage. I was appalled that, not only does this Council not know this, but Councilmember Johnson asked for a round of applause for Commissioner DuPilka and Clerk of the Works, Purcell. No mention was made of the Water Plant employees who came in to work on Friday, July 12<sup>th</sup>, when they were off-duty at the urgent request of the City, to transport chlorine with a 12% base, a highly toxic substance to help alleviate this problem. When Plant Administer Alstadt was in control of this, a sample never tested positive for E-coli. Prudence dictates that you refund the Lab Director position and get the monitoring back into Water Plant hands.

**Bruce Dooris – 41 Wilson Blvd.** – I'm here just to let the Council know that we do have new officers in CSEA from the beginning of July and I fully support them, I'm happy with the results of the election and the officers as a whole group is a very knowledgeable group and are going to be good leaders for our CSEA Union. I'm also here to talk about the fire incident at 375 Church Street, which is owned by the City of Poughkeepsie – not privately owned, which is up for auction very soon after the fire happened. Just to let you know that on Thursday, the day of the fire I got called over to the fire by my foreman, Pat Coyle to look at the tree and bushes in front, to see if we could get them out as soon as possible for a better site and for the officers. I got there between 11:00 and 11:30 a.m. and, lo and behold, there were two gentlemen in front surveying the property and talking about boarding up the property. I was kind of shocked because they were talking about boarding up the property,

because they weren't City employees. Now, remember, this is a City property. They recognized the one employee. So, I immediately contacted Timmy Nevins, who's in charge of Building and Grounds and they were aware of the fact that it was getting contracted out to a local contractor here in the City of Poughkeepsie. Paul Ackermann deemed it unsafe and didn't want them on the property. After lunch, I was assigned to take down the tree and clean out the bushes – basically, to clean up the property. I appreciate the City worrying about the safety of their employees because it is one of our most important duties as officers of the Union but when the same employees work in the same department, Bill Beehler and the Sign Department were on the same property, putting signs on the porch of the same property that the Buildings and Grounds guys were told that they could not go on the property. Maybe they forgot...no, I don't think they forgot to tell Bill Beehler not to go on the porch because brand new boards were put up. What I'm trying to say is, they should notify all employees and not just one department; but, lo and behold, when I got there in the afternoon, there was LCS – putting up the boards. How do I know? Because their van was in front of the property. So, they got the contract to put up the boards... brand new new plywood. Plywood that was there that we could've used; that Timmy Nevins and Terry Clayton and his crew could've put up for no cost – that they could have put up for no cost! So, as you can see by the pictures, our employees are on the porch, doing the same work as LCS, so LCS left and we finished the work and left at 2:30 p.m. to go home at 3:00 p.m. I went by there later that night to see if LCS returned to put up more boards on the east side – they did not. It was still not boarded up, so on Friday, our guys had seen Milo Bunyi in City Hall and Milo said, "Well, go board it up." He knew nothing about LCS...

**Chairman Mallory:** Can you wrap it up, please?

**Bruce Dooris:** Yes. What I'm trying to say is, two days later, Mr. Bunyi sent out memos about spending; about curbing spending, because we don't have any money. He gave praise to Newburgh about spending money, that they're doing a good job. Well, we just wasted money at LCS. Not only did LCS do the boards, but do you know the snow fence around it? They did that too – they went out and bought a brand new snow fence and we have snow fencing in our facility to do it ourselves. Matter of fact, the fire farther down Church Street (by St. Mary's) we put the snow fence around it ourselves. So, we are not spending more money, that side is spending more money...spending unnecessarily. Spending unnecessarily. If anybody wants to see these pictures, copies of the memos, we have them. We're just going to let people know that in advance, we are going to let the Council know what's going on here in the City.

**Terry Clayton – 13 Plaza Road, Wappingers Falls, new President of CSEA** – I briefly want to touch...I know the budget's coming out in October. I just want to briefly touch on the hard men and women of the City here and would like to start off with the civilians who work in Police and the jobs they do...I mean, you can ask any Police Officer or Police Chief if he was to lose any one employee, how much work it would be for his officers who really need to be on the street. From there, I could go to the buses – the bus drivers...the people who ride the buses love the drivers. They speak highly of them; I've spoken with them and wouldn't want to go a day without seeing them. There is the Building Department on the second floor. You can ask Gary Beck about the work that they do. They do a great job an,

an amazing job. There's a lot of stuff that needs attention, and they're out there constantly. There's Sanitation...Cy Van Tassell and his crew, easily the hardest job in the City. I did that job; it's tough going out there every day in the heat, the rain and snow picking up that garbage. That's something the City should never lose and that's something I feel needs a chance to get some "legs" and get going. I think the Sanitation fee is something that will work very well. Then there's Recreation, with Roland Plain and he only has five guys. You have 20+ parks in the city, plus City Hall and these guys are out there cutting grass every day, taking care, picking up litter. They're constantly on top of it. From there you can go to the garage with Mike Inello and his crew; you have all these police cars, garbage trucks, pick-up trucks...seven guys keep these trucks, etc. up and running. Occasionally, you have...more than occasionally you have to wait for parts, but such is life. You go to Kevin Wyle and his crew of six guys on the water crew taking care of water mains in the middle of the night. They get out of bed and take care of it, working constantly. Sewer Department has five guys and they go out in the middle of the night for sewer back-ups, etc. There's Sam DuBois and Pat Coyle who run the Street Department. No easy task. There are a lot of roads here in the city. There's my department with Timmy Nevins. We've remodeled the whole second floor in-house. We've saved hundreds of thousands of dollars by involving the Engineering Department here by doing it in-house and getting them off of paying rent. We remodeled the Building Department. We did partial remodel up here on the third floor. Saving money, we all get. It's tough out there and the Union understands that and we want to work with the Council and the Mayor and Administrator to keep spending down. The Tree Department has guys that come out in the middle of the night risking their lives, leaving their families. It's no easy task. The reason I'm mentioning all of this is because in the last six or seven years, we've probably lost 30 to 40 employees who have not been replaced. So, that's less employees, more work on the people who are here working. We get up, come to work every day. We don't say, "boo," we just do our jobs. We've been without a contract for two years. Listen, I understand times are tough. I'm hoping to sit down with the Administration to get the "ball rolling." There are other unions in the city. The Police Department is awesome. I would put them up against anybody and they're down to the bare minimum; the Fire Department – down to bare minimum and those guys are out there constantly. I've never seen firehouses with two guys in it, but they're here, they get the call and they go.

**Chairman Mallory:** Mr. Clayton, could you wrap it up, please?

**Terry Clayton:** Sure. That's basically all I want to say. Sometimes you just have got to look in the mirror and say, "Listen, if that's what's going to solve the problem...you look in the mirror and try to figure what's going on around you," and that's it. Thank you.

**Constantine Kazolias - 47 Noxon Street** – Thanked the Police for breaking down his door when there was a gas problem and fortunately, it wasn't a rookie cop...that's a dig at somebody else – at least they did a good job. A couple of things to mention. The jail isn't going to go into the Town of Poughkeepsie, it has to be built in the City of Poughkeepsie because you know what happened there, so it has to be re-zoned. As far as Kaal Rock Park, it wasn't even discussed. Councilmember Perry, you're rezoning areas that the Councilmembers should be involved in. You know what I'm saying. It's not an oversight,

just inconsideration. Stated that the previous speaker, (Terry Clayton) forgot to mention that he also picks up dead cats in front of Mr. Kazolias' house because they're homeless. As far as the water goes, I don't drink City water. The City Judge touched all the bases. Let's get a lab guy in there because I only drink "Poland Water." Read the scanned statement aloud. After statement was read he indicated that John Darrow should get the parking for his Funeral Home. Mr. Kazolias stated that Torsone and Doyle have parking lots, Mr. Darrow doesn't and that he almost got killed leaving the Darrow lot. He further stated that although he and Mr. Darrow are long time friends and that Mr. Darrow is his undertaker, he doesn't want to be "put away" too soon. He said, "I beseech you to give him what he wants."

**Doug Nobiletti – 145 Academy Street** – Is President of the Academy Street Area Partnership of the City of Poughkeepsie and property owner on Main Street – the block between Academy and Market. Wanted to address publicly some of the things going on in the City and to thank those responsible for helping. One is crime. Thanked the Police in the quick work they did in solving the horrendous murder we just had. Thanked the Sanitation Department who have agreed to shift schedules, so pick-ups can be made on Saturday and Sunday. We now have 7 day coverage which should help alleviate the large amassed amounts of garbage that have destroyed the look of Main Street specifically on my block, but also others. We've had an increase in crime in almost all the statistics. Guns, murders, shootings...this is not a way to run a city that is trying to draw new people to the city. I don't come here to pin blame on the Administration or the Police Department because I know that everyone's working within the confines of what they have. I have to say this: I'd rather have to pay higher taxes to have better policing and better crime prevention. Because in the end we're all paying it anyway, by lowered property values. We're seeing a massive depreciation every year. Our Commissioner sends out of Assessments (formerly Gene DeMarco), now I don't think we have anyone as an Assessor in a full time position. These funds cannot be cut any further. We need to be able to fund that which makes the City operate as a whole city again. Like I said, we can raise some taxes and bring in the money to hold positions or reinstate some positions as needed. In addition, the idea that the jail was going to go across the street from Marist...I know that's not your issue – that's a county issue, but the City should try to get the criminal justice system relocated to the other side of this county, putting it out in a cow pasture out in Harlem Valley might be a much better location, because even the cost of transferring these prisoners back and forth will be recouped by increased property values by having a normally functioning city. We have too many criminals living and lingering around our criminal justice system in the City of Poughkeepsie and I intend to pursue that with the county. I will wrap it up quickly. The Parker Avenue development, I will clarify for people who didn't understand...that rezoning is going to create opportunity. Scenic Hudson, Walkway-over-the-Hudson; they're not developers. They don't have to RFP anything, they just want to help the City understand to reconfigure assets so they can be best utilized. Right now, you have this residential neighborhood, Ms. Perry, but without a zoning change all you're going to get are gas stations, tire shops and oil change places. With these changes, you will have opportunities for increased varieties of businesses to come in. This will increase employment opportunities and make it more diverse while attracting new people to the City. All of these things need to be addressed in some way, shape or form. Good luck on the next administration, to those

who remain and those who have yet to take office and those who will continue with the Council, and I thank you all for the work.

**Elizabeth Waldstein-Hart – 82 Washington Street** – Wanted to thank the Council for their public service. Poughkeepsie has the problems of many small cities around the United States, and the answers aren't easy so I thank you for working hard to find some solutions. I think the zoning is one of the solutions and it is something I'm proud to be a part of. We are lucky to have some non-profit funders and some foundations that have said, "Look, let's get the experts we have together and get the resources." I'm not actually on the committee that meets all the time, because I don't have the expertise. Also thanked some of the people who volunteered. You asked about some of the folks: John Bickford, Dominique from the other side, Harvey Flad, Jeffrey Pyle who runs the Empire Cruise Line. A lot of people have come in and have been a part of this zoning discussion, but it was a smaller committee because it was hard work and takes a certain amount of expertise and many hours. The thing that I'm proud of is all the public sessions we have had. I think I've met with almost all of you at one time about the zoning. So, I'd like to thank Jeff Ancivino for putting together a year-long worth of work and the many who volunteered who try and put together a plan that would allow development that would encourage developers – we can't make them come, but we can at least set up the environment by addressing crime and address some of the things the other people were talking about to make it more desirable. I also am happy to tell you that today I hosted the New York State Secretary of State, Cesar Perales. Councilman Bob Mallory and the Mayor was there. We were able to show him a positive step that we're taking in spending a Department of State grant that has come to the City of Poughkeepsie and also to show him the elevator and walk across the Walkway and say, "Look at Poughkeepsie, here's some opportunities." Again, he's cognizant of what some of the problems of the state and some of the small cities around the country. I think we impressed a couple of things upon him. One, was that there was a tremendous amount of hope, that this is the time when some positive things can happen and I think he realizes that it's people in Ulster and people in Dutchess and Poughkeepsie and Highland. It's a joint effort that people are involved in to make improvements and I think, ultimately, that's what it's going to take. Ask questions of myself or anyone on the committee. Take a look at the zoning and when the discussion comes up, I would just hope that you would support this effort to improve the opportunities for Poughkeepsie. Thank you.

**Mayor Nancy Cozean** - Good evening, Council and good evening, Mayor. I want to echo what Elizabeth Hart was talking about. In many ways there are other expansions going on. In this case, and I want to thank Councilwoman Perry in particular for directing this. It hasn't been announced yet in the newspaper, but we did receive notification from the Governor, that the City of Poughkeepsie was only one of three cities to receive a grant from the Department of Environmental Conservation. This was a brand new grant. Seventeen different people were involved in this grant. The City of Yonkers, the City of Newburgh and the City of Poughkeepsie received a grant. Thanked the Mayor and Council for all their support in terms of this. This was not easy. The grant process in New York has gotten much, much more difficult. We needed approvals from the Regional Economic Development Council and the DEC and then we had to get approval of a pre-qualifying application form. Thanked the school systems, Marist College, DEC, DCC, Vassar which

are all participating, the City of Poughkeepsie Public Schools. Warring Elementary School is going to have a public classroom at College Hill. Thanked Robert Wright, a Pastor from Nubian Directions who will have young people working with us, U.S. Green Builders Council, who are coming in from Wappingers to help us in terms of establishing sustainability, Kathy Tallman, coming from Ulster County who is with the Poughkeepsie Garden Club, George Luckas, the City Historian; all of these people when we were getting encouragement from the DEC to continue to push to reclaim a garden that has been lost, the Clarence Lowe Memorial Rock Garden, that had been lost to the City since almost 1920 when FDR's mother dedicated this along with the Mayor of Poughkeepsie. You have a wonderful green gem garden now that will be a pride in the city and one of the most beautiful parks in the city. There is another part of this I think we all need to appreciate. That is, not only are you claiming a major park in the City of Poughkeepsie; one that many people can benefit from, but it is going to be an extension of what Elizabeth was talking about what you all have been talking about tonight, because that would be an extended trail with the Dutchess County Rail Trail and with the Walkway Trail that will be extended. It is a beautiful opportunity for tourists coming in – the variety that the City of Poughkeepsie offers...not only do you have a green and one of the best golf courses in the County, is the College Hill Golf Course. You can clearly see it from this new trail that's going to happen. Secondly, it takes you through a working city's operation as well. Hopefully, with some of this new zoning, you'll see a more smooth reception in terms of that but we shouldn't forget that this is a city of industry. Industry helped start the city in 1683 when the Dutch came in and it started as mills. We should not be losing that...(inaudible). And, the last part of it is tourism. It will make a huge pronounced difference. So I want to thank all of the seventeen different people and organizations taking part in this and I want to thank the City of Poughkeepsie for its continued stalwart. Poor John [Tkazyik] would keep getting phone calls, "John, we need another letter to the State." But it has paid off. I think you'll all be glad to see the product that will come out of this. It will help our young people learn the importance of being the oldest Tree City in the State of New York, it will help the future people coming into the City to appreciate what we have and what other communities don't have and it will give us an extended future, as part of this extended trail and rezoning that we're looking at. So, thank you all very much. It's been a joy working with you.

**Steven Planck – 81 Carroll Street** - There's a real opportunity here tonight. There's a new local law for after hours convenience stores. I know Joe Rich had a real good crack at it last year, he started it. He put something through. I think tonight we're going to have an opportunity to set some things in motion. I've been coming to Council meetings for almost a year and if there's one word that could describe all the problems that I see go on is identity. The City of Poughkeepsie has no identity. There's some people over here that are fighting for the piece of the pie; there are some people over there that are fighting for their piece of the pie. I love that the Waterfront always gets talked about, but there's so many other things...the City of Poughkeepsie is such a bigger place than just the Waterfront. That's not to take anything away from the progress that's going on at the Waterfront, but there's just so much more that's happening. Looking at Brady's proposal tonight, Section 14-68, Section A, line 1, I think it would be lovely if those camera feeds went directly to the Police Station and they had the opportunity to monitor live feeds as it was happening. That would be fantastic. Section 14-70, Section A, I would love to see you guys shut these all night mini-

marts down. I think leaving them open until 11:00 p.m. is too late. I think 9:30 p.m. is fine. You tend to attract a different clientele once you get past “normal hours.” I think most of the trouble that we see or the “riff-raff” or whatever name you want to give it is happening at later hours. Section 14, Section E – I think the fine should be a lot steeper, actually. I think \$1,000 is too cheap. Again, it’s really trying to send a message. \$2,500 or even \$5,000...who cares? Send a message that enough is enough. Another thing is, I’d like to know what’s going on with the union contracts. We listened last week to the finance person. I forget his name, I’m sorry. But, he told us that the Year-to-Date (YTD) Transactions was everything they billed but they’d only received 58% which means that the Sanitation budget, is still, according to my calculations, \$459,000 short. There were comments about borrowing it from the General Fund and that the General Fund has to get paid back once that money gets paid to the General Fund because of the the tax liens. I think 60% of the City’s budget going toward employees compensation is a lot of money. I’d really like to know what the CSEA Union is doing to help us. There’s a saying that my mother has, “You can’t absorb the problems of the world.”

**Brian Doyle – 3 Kimball Road** – Good evening, Council Chair Mallory, Council members from the various wards, the Mayor and City staff. I’m here this evening as Chief Executive Officer of Family Services. One of Family Services’ many programs and divisions is the Family Partnership Center at 29 North Hamilton Street. This evening, you have before you a resolution by which the Council is being asked to support an application that Family Services has filed with New York State and that application is for \$150,000 to go toward improvements at the Family Partnership Center. It was filed with the New York State Department of Housing Renewal under the Urban Initiatives program, and we’re looking for your support this evening. Specifically, the funding for the proposal is for \$150,000 to go toward projects that include improvements in the gymnasium. Specifically, a new HVAC system and repair to the bleachers. Also for better and more direct access to the gym and auditorium as well as improvements to the auditorium lighting. We are targeting the gymnasium and auditorium because those are the areas predominantly used by the youth groups. The HVAC is needed because it gets too hot in the summer when you have 40 kids running around creating additional heat. That’s when we have to cancel the activities. So, we’re asking for your support. We are certainly not asking for funding from the City, but this would go a long way in providing support without having to fund any of it. I urge you to vote in the affirmative in this resolution, which is actually required for the funding source, so it’s pretty critical that we get this resolution this evening. I want acknowledge and thank the Council for passing the resolution to allow for the City and Family Services to reach an agreement on the use of the City-owned parking lot across the street. We pledged to have fencing put around that but we haven’t heard back from the low bidder, so we’ll go to the next bidder get that done, hopefully in the near future. I also want to tell you that I greatly appreciate the Mayor’s efforts and Corporation Counsel’s efforts as well as the Council’s participation in moving toward removal of the blight of those townhouses across the street. Three of them are being worked on by the developer. You may see new roofing being put on which improves the look of the area. We will be using grant money we received to erect a sign that will point the community to the 19 programs and organizations within the Family Partnership Center that provide critical services to the community – 43,000 client visits per year, addressing critical needs of the community. Once we have that erected, we will be

sending out an invitation to the Mayor, his staff and Council for the ribbon cutting. Thank you for your time and in anticipation of your support of the resolution. I'll remain available at the point of that item on the agenda if there are any questions. Thank you.

**Tron Melton – 15 Morgan Avenue** – I was disappointed last week, but I understood one part of that, being paperwork. Me and Paul never got a chance to get together. I spoke to him about what was necessary, but schedules conflict. But, I was troubled by one area of disapproval of last week. That was the money aspect. I keep hearing about stakeholders. You must mean stakeholders with money. People, especially on the northside don't have that money. I was belittled and I was made trivia of that, "Oh, you can buy a meal for that." I don't buy a meals for that kind of money. People see me and think I don't have that kind of money. I live well below the federal poverty level, so when you say this, you're telling me that the stakeholders like me who don't have money, will not get (like he said), "A piece of the pie." In my case, I can't even smell the pie because it's being snatched from me. The other part is my fault because me and Paul couldn't get together. I understood that, but if that's the way you're going to play it, talking about stakeholders...don't talk about stakeholders – talk about stakeholders with money because that's what you mean. You don't mean anybody like me or...things like that. Last week a certain Councilperson, they were all excited; spoke up very forcefully about bushes on a sidewalk. I wish I had got that same forcefulness when I came to them with a problem. I didn't get that, I got quietness. I can understand (and I've been a Democrat all my life), how people switch to the Republican Party, because I'm not having a problem with the Republican Party and never did. Tom O'Neil and them have been great to me. It's just certain things they stand for that I don't approve of, but we can come together in a certain area. If the Republicans were to come and say, "Look, we're for you, we're for people like you," I would have to go that way because they're the ones that would and they're strong because they stay together and help their constituents and fight hard for them. But, I don't see that in the Democratic Party; maybe one I see in the Democratic Party. They're outspoken. I understand that, but the rest...you're not. You don't help the Democratic Party, you hurt them by what you're doing. Some of you won't be able to run again. You feel, "Ain't no skin off my nose." That's the wrong thing to do. If the Republicans were to come to us and say that they'll do your needs or at least talk to us, there may be more of us on that side.

**Roy Leemer – 196 Mill Street** – I basically came in as an observer and I think that there's a resolution as I read on the agenda to close the convenience stores maybe at 9:30 p.m. You may be considering that. If you can tell me what that resolution is about – the 9:30 that's on the schedule from what the people were speaking about...

**Chairman Mallory:** There's a resolution before the Council tonight.

**Mr. Leemer:** And, what's that resolution, please?

**Chairman Mallory:** If you stay, you'll find out more. I can't go into ...

**Mr. Leemer:** OK. I'd just like to say that I hope that you consider all aspects. Most convenience stores close at 11:00 p.m. There is also a late night crowd, late night college

sessions, theater goes stop in for something fast, etc. I think staying open to 11:00 p.m. is fine. Thank you very much.

**Yvonne Flowers – 31 Lent Street** – Spoke about the resolution for extended hours for convenience stores. Is against it. She stated that the whole neighborhood changes after 11:00 p.m. with a lot of riff-raff. Had issue with a store in her area. It took a long time with a lot of effort, but by getting her neighbors involved and working with the Police Department and the Mayor, the store was eventually closed down. It was a long process, and once they were able to close at 11:00 p.m. after we all agreed that it would be in their best interest, after they closed, we didn't have too much of a problem in our neighborhood. Eventually, they closed completely because they realized the type of revenue they were getting that late at night. So, that just goes to show you what goes on after 11:00 p.m. in a lot of these stores. So, I would appreciate it if you (Council and Corporate Counsel) could look at creative ways to prevent stores surrounded by residential homes from being open or given the option of staying open past 11:00 p.m., because it brings havoc, devastation and deterioration to the quality of life in our communities. They shouldn't be open that late. No one has to go to the store in a particular area after 11:00 p.m. especially in areas or streets that are not high traffic areas. On Main Street it's one thing, but in residential communities without a lot of traffic and the only traffic is being created from these stores, that's something to reconsider. I'd like to see an option; if there's a way of doing it, even if it has to go through some type of zoning, etc. that these stores that are in these high residential areas are not able to stay open or given the option to stay open after 11:00 p.m.

**Sam Finnerman – 7 Ivy Terrace** – I don't have anything to say, but I have a question. Someone told me that the City of Poughkeepsie has a \$13 Million debt. Is that true?

**Chairman Mallory:** Unfortunately, sir, this is not a question and answer, but I'm sure the City Administrator could speak to you afterwards.

**Sam Finnerman:** OK. Is that where I find out information?

## **IX. MAYOR'S COMMENTS:**

**Mayor Tkazyik Mayor Tkazyik:** Thank you Mr. Chairman, good evening members of the Council, members of the public. Thank you all for coming. First, and foremost, I want to commend the men and women of the City of Poughkeepsie Police Department for their outstanding Police work that took place in solving the murder, the senseless act, the horrific act that took place on Underhill Avenue. Our deepest sympathy and prayers go out to the Gumbinger Family and having spoken to many of them, she was a loving, caring person who loved her family and friends and it's such a rich history and sense of the city. But, you could see with the operation and magnitude involved and the turnaround of how justice needed to be served. Again, I want to commend our department and all the other agencies that participated and the State Police who assisted in this operation, and again, to the community because many times a lot of people don't want to come forward and speak up or leave a tip or give information if they hear something to say something. But, it was the community that

assisted us in turning this around so quickly. Neighbors came forward, eyewitnesses who heard something spoke up. It's very, very important as we combat and deal with crime that faces our city, each and every day. So, I want to commend the community for coming forward with valuable information and assisting us in bringing about this arrest. Before you, you have a full agenda tonight with several key issues and topics that face the City. We had a wonderful presentation from Walkway-Gateway regarding the rezoning aspects of the Parker Avenue corridors areas with the first, third and fifth wards of the city and this is going to be an absolute tool in resource as we continue to market that Walkway-Gateway area and to make the fine improvements and attractions that will entice both public and private partners to come together to see these come to fruition. On top of that, the Council will be also reviewing, hopefully next month, the proposals that have been going on for the Waterfront study that the City and the County have been working so closely on with their consultants to get the recommended proposals and zoning for that so that with this piece that's before you tonight and the final piece that you get for the Waterfront study and there'll be another public component of that will be participation. We can then conclude the overall zoning code with these final last two pieces and adopt that final code by the end of the year. I've pledged to do that along with Chair Mallory to see that come to fruition. Also, tonight is a blueprint – a 5 year capital plan blueprint. I call it a blueprint because that's what it is. It's an overall plan of the infrastructure and equipment needs of the City. Of course, this is all tied to funding. Funding is key whether it be from state, federal or local matching grant funds that the City receives and that all ties into a Capital Program that meets the needs of the residents as well as the opportunities, in which limits us from borrowing at a capacity where we cannot. And, that clearly defines an area of need and of course, all these blueprints, whenever the funding becomes available and is in place, all comes back to the Common Council for their review and their final approval on any of the financing. So again, that's the 5 year Capital Plan. Dutchess Avenue and the Walkway – we do have a new restaurant that opened up there. I know the staff has been working with Councilman Parise and the Building Department and Police Department are looking at those stripes that are on the road. We believe that they were added, and they were not part of the Site Plan because that is all a public right-of-way, which, the public is allowed to park on both sides, so we'll be addressing that with the property owners soon, because we believe we did not place those stripes there on the City street. However, Councilman Parise is working to create two handicap spots, which will help alleviate parking needs within that area. It's not going to solve all problems, but I think it will help part of the residential spot and it's something that the city's going to have to monitor closely with the opening of the Upper Landing park and the elevator coming into fruition. Of course, a lot of visitors are going to come and they're going to enter through the Upper Landing park and go over our new pedestrian footbridge that's going to be installed. While there's an easement with Central Hudson to enter on the Dutchess Avenue side, that's not going to be ready now, and that may not be ready for a year or two down the road. However, that is the overall plan; to connect that opening and entranceway on that side so that people can access Dutchess Avenue from Sutton in that way. Of course, there will be parking needs; you have it on your agenda tonight to correct some of the things now with the Hoffman Street bridge, so we want to assure the residents and the businesses that we're doing everything we can to meet the overall needs and monitor the progress and growth taking place in the City. Last, but not least is the convenience store extended hours ordinance that is before you. You know, over the past couple of months,

we've had serious incidents that took place at many of these convenience stores. In fact, two homicides took place in and around convenience stores. The City cannot regulate the hours of operation, unfortunately. That does not fall within our authority to do so. However, the City can limit what takes place and regulate what takes place in these types of stores by setting up these various laws to control various points of activity after 11:00 p.m. This was a good step forward in many of the issues we've been dealing with. However, due to the rise and increase of illegal activity, the Common Council and Police Department have come together with the assistance of Corporation Counsel to tighten up the regulations of these convenience stores even more, because we're not going to stand or tolerate this type of activity and we're going to use the power and means within our authority to make sure they're operating legally and that people can enjoy the quality of life and feel safe when using and frequenting these stores. That concludes my comments this evening.

#### **X. CHAIRMAN'S COMMENTS AND PRESENTATIONS:**

**Chairman Mallory:** I only want to echo one particular thing that has come out in the audience and the Mayor himself. I too, want to commend the Police Department for acting very aggressively and for the community to respond to a tragic event. I'm glad we've apprehended the suspect and he's in our custody. So ends my comments.

#### **VII. MOTIONS AND RESOLUTIONS:**

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

**City Administrator Bunyi:** The first resolution has been discussed by Mr. Brian Doyle and I think the City would like to ask if you could support his proposal.

**Councilmember Boyd:** I feel this is a really important resolution to be passed by our Common Council regarding the Family Partnership Center. I feel that they've done a lot for our community and I really feel that we, as the Common Council should support this.

**Councilmember Johnson:** Yes, I just wanted to say, "Welcome to former Chair, Brian Doyle." It's good seeing you, and I'm very happy with the good work you're doing at the Family Partnership. They have a lot of great programs. I know Tre Arrington is doing a great job. Community Voices Heard is there. I've been there for events. Great group, great community events. I was at the gymnasium for a few parties when my daughter was little. Yes, it needs many, many upgrades. So, I'm happy to see that you're getting some funding to upgrade those two facilities at the Family Partnership.

**Councilmember Rich:** Yes, I'd just like to commend the Family Partnership for finding a potential grant for \$150,000; it's very competitive out there when you're going for such grants, and I wish you the best of luck. Thank you.

**Chairman Mallory:** I too, would like to concur with what Councilman Rich said. Congratulations for finding funding in that magnitude, and I hope it goes a long way to support our community as well.

**R-E-S-O-L-U-T-I-O-N  
(R-13-68)**

**INTRODUCED BY COUNCILMEMBER SOLOMON**

**A RESOLUTION IN SUPPORT OF AN APPLICATION  
SUBMITTED BY FAMILY SERVICES FOR FUNDING UNDER THE URBAN  
INITIATIVES PROGRAM OF THE NEW YORK STATE DIVISION OF HOUSING AND  
COMMUNITY RENEWAL**

**WHEREAS**, Family Services has submitted a grant application for funding through the Urban Initiatives Program of the NYS Division of Housing and Community Renewal in order to upgrade the areas of the Family Partnership Center that focus primarily on youth activities, including the auditorium and gymnasium;

**WHEREAS**, Family Services has applied for a grant request in the amount of \$150,000.00 with additional funds coming by way of donor support and in-kind contributions;

**WHEREAS**, the Family Partnership Center is seeking to upgrade and improve the quality of the gymnasium and auditorium by adding an HVAC system in the gymnasium to allow for year round sporting activities, providing adequate spectator seating in the gymnasium, updating the lighting system in the auditorium, and joining these two spaces together by creating direct access from the gymnasium to the auditorium;

**WHEREAS**, the City of Poughkeepsie Common Council recognizes the need to find safe and attractive programs and facilities for the youth of the City of Poughkeepsie to ensure positive growth and development;

**BE IT RESOLVED**, that the Common Council of the City of Poughkeepsie supports the grant application that has been submitted by Family Services for upgrades to the Family Partnership Center, as the desired improvements will enhance the programs and opportunities available to our community;

**SECONDED BY COUNCILMEMBER BOYD**

R13-68			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"/>

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

**Mayor Tkazyik:** Mr. Chairman, before you tonight is a amendment to transfer funds from contingency to cover the Acting Assessor’s position for the remainder of 2013. As many of you know, our current Assessor, Gene DeMarco has served the City with distinction for many years has retired and has served a consultant role in this past year of 2013 to meet the City’s needs and to meet all real property regulations and standards. His term as Assessor comes to an end with that, this year. Assessors are appointed for 6 year terms. I know Gene has worked through 3 Administrations, both as Assessor and other capacity. So, that brings us to tonight. This gentleman, John Taylor, has worked alongside Gene for the past 2 ½ years. He’s developed many of the values that’s kept us at 100 % equalization. He’s a State certified and licensed appraiser for over 20 years. He’s completed over half the courses of what is required of a New York State Assessor, and has worked at various capacities to appraisal companies throughout the years and currently serves the city in a part-time capacity. He will be taking on the role of Acting Assessor position, and as Gene served as a consultant within that time period, and coming of course, to his retirement, we will need to cover the remainder of the year to full-time status to meet the new position requirements and salary. The Council can see that that will come as a savings overall. Thank you, Mr. Chairman.

**RESOLUTION  
(R-13-69)**

**INTRODUCED BY COUNCILMEMBER SOLOMON**

**WHEREAS,** the City Administrator has requested that the position of City Assessor be temporarily filled until the end of the fiscal year; and

**WHEREAS,** the funding of this position will not result in a funding increase in the 2013 Budget for the City of Poughkeepsie, but it is necessary to amend the 2013 Budget to reflect the transfer of funds to fill the position from contingency funds; and

**WHEREAS,** said position has previously been approved by the Dutchess County Department of Personnel and approved by the County; 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 funding of the City Assessor position until the end of the fiscal year is hereby authorized and approved, and

**BE IT FURTHER RESOLVED**, that the 2013 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	City Assessor	0	1	Management

**SECONDED BY COUNCILMEMBER BOYD**

R13-69						
			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"/>

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

**RESOLUTION**

**(R-13-70)**

**INTRODUCED BY COUNCILMEMBER SOLOMON**

**BE IT RESOLVED**, that the City Chamberlain be, and she hereby is authorized and directed to publish a Notice of Public Hearing to be held September 16, 2013 at 5:30 p.m. concerning the adoption of the 2014 to 2018 capital plan as submitted to the Common Council on August 26, 2013.

**SECONDED BY COUNCILMEMBER BOYD**

R13-70			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"/>

**VIII. ORDINANCES AND LOCAL LAWS:**

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

**Assistant Corporation Counsel Brady:** Mr. Chairman, members of the Council, this ordinance was prepared at the request of Councilman Rich. The Ordinance, if adopted will make the three parking spaces on South Hamilton Street directly in front of the Darrow Funeral Home a prohibited parking zone.

**Councilmember Rich:** This problem was brought to my attention by Mr. John Darrow concerning a safety problem he was having out of his parking lot. I went over and talked with him. He explained what he felt was the safety problem and I referred the matter to Captain Tom Pape, which is the usual way. Captain Pape agreed that there is a safety issue and had no problem if I wished to proceed. I realize that some parking spaces will be taken away, but I think safety comes before convenience. Mr. Darrow has done business with the City 40 – 50 years, and if he feels that safety is an issue, I take that very seriously.

**Councilmember Boyd:** Mr. Brady, can you explain what’s going to happen to those residences where they find they can no longer park there? I did some homework. I went down South Hamilton Street and I did see three cones there in front of Darrow’s Funeral Home. Are we going to have a problem with residents if they won’t be able to park there? Do you find that might be an issue?

**Assistant Corporation Counsel Brady:** I know the one spot on the corner of Church Street will remain there. It’s the three in front of the Darrow Funeral Home. I didn’t canvass the neighborhood and speak to the residents. I believe Mr. Rich may have done that. I did not. I just wrote the Ordinance.

**Councilmember Boyd:** Is there any way we can possibly go for two instead of three?

**Assistant Corporation Counsel Brady:** I think the situation would be better eliminating the three rather than the two. That was the discussion I had with him.

**Councilmember Solomon:** I am really against this because South Hamilton Street is packed and used to be that the Methodist Church, now River Church, allowed people to

park in their parking lot during the week, because they mostly needed it on Sunday and holidays but that is no longer the case. If you drive South Hamilton after 6:00 p.m. every day as I do, since I live up the street, you will find that it's packed from Church Street to the Tennis Club. That's because a lot of people live there and there's no other place to park. They need the parking. I went to Darrow's Funeral Home and took a practice run. You can look over the hood of the car and see the parked cars and you can see whether traffic is coming...so, all you need to do is drive carefully. You will be saving the residents of South Hamilton Street three precious parking spots. I intend to vote against this motion.

**Councilmember Johnson:** I know I went over to that intersection when we had that tragedy with the high school student. I almost got ran over. That's a very dangerous intersection...a lot of speeding. Something is wrong with that intersection. It's another disaster waiting to happen. I also know the problem of pulling out of a parking space or any type of place where you have a blind spot and you can't see. You have cars coming off the eastbound arterial; they're speeding. That's one of the number one problems in the City of Poughkeepsie. I always hear, "Ms. Johnson...speeding, speeding...can we put speed bumps?" No, speed bumps are illegal in the City of Poughkeepsie. That's one of the problems. I've been on the Common Council for 8 consecutive years and I have never seen Darrow Funeral Home come here and complain. Not one time, and I'm sure this man has integrity. He wouldn't be here trying to take away parking spaces from anybody. He has a business and he serves the community well. If we can save another life from that intersection, because God only knows how many people is pulling out...in fact, one of our very dear friends, had a car accident pulling out of a restaurant (Mr. Anspak), so I understand when it's a safety issue and it's near the corner, and it's a very bad intersection. You have to be quick. I couldn't even get across the street to St. Mary's so there's no wonder why there was a horrible tragedy there already – unsolved. Thank you. I will be supporting this change. I think that the Funeral Home owner, along with Councilman Joe Rich, who is my colleague and it's in his ward, that the least we can do is on a trial basis. If there is a problem, we can always come back to the table and reverse it, but I think that if it comes to safety and saving even one life from that intersection, then it's well worth it.

**Councilmember Herman:** Yes, I'm going to be in support of this also. It is a bad intersection. If they did a poll of how many intersections [accidents?] at that intersection, I'm sure the number would be very high. People who pull out of lots don't judge speed and most of the people that are going through that intersection are trying to run the light. He's a business owner; I think we should come together; him being a business owner is an asset to the community. I don't think this is an out of line request for a gentleman who's been in business for so many years and has served our community, so I'm going to be in favor of this.

**ORDINANCE AMENDING CHAPTER 13, SECTION 13-180, OF THE MOTOR  
VEHICLES AND TRAFFIC ORDINANCE  
(O-13-7)**

**INTRODUCED BY COUNCILMEMBER RICH:**

**SECTION 1.** Section 13-180 of the Motor Vehicles and Traffic Ordinance entitled “Parking prohibited at all times” shall be amended by the following addition:

**South Hamilton, west side, starting 60 feet from the curbline of Church Street to a point 150 feet southerly thereof**

**SECTION 2.** This Ordinance shall take effect immediately upon adoption.

**SECONDED BY COUNCILMEMBER SOLOMON**

Underline and bold denotes **ADDITION**  
 Bracket and Strikethrough denoted [~~DELETION~~]

O-13-7						
			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 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.**

**Assistant Corporation Counsel Gildard:** Thank you, Chairman Mallory, Councilmembers. Before you tonight is Ordinance O-13-9, which is seeking to amend parking regulations on Mains Street. This ordinance comes at the request of Councilmember Johnson and who had expressed some concerns of when pulling onto Main Street, essentially, there are cars parks from where Sabia Motors’ driveway is to Pershing Avenue. So, if you’re pulling onto Main Street, those cars can block your line of sight and would potentially be a hazard to drivers. Based on those concerns, this ordinance is before you tonight.

**Councilmember Johnson:** Yes, that’s the intersection I was really almost killed at. Matter of fact, I try to avoid Pershing at all costs. When you’re going down Pershing from the westbound arterial and you try to make a left onto Main Street, it’s a blind spot there. They have a church there, but more importantly, that is the new polling place. You’re going to have old people, teenagers, people that know how to drive, don’t know how to drive pulling out of that street along with the regular people. Again, that is a bad intersection. It’s just a raceway. I understand the problem, so I’m asking for at least the visibility on the left – for that to be cleared as a safety issue.

**Councilmember Boyd:** I went and saw Pershing and have a couple of questions. Do they have alternate sides of the street parking there?

**Assistant Corporation Counsel Gildard:** I'm not sure about Pershing. What this ordinance would seek to address would be the parking on the north side of Main Street, so if you're coming west, towards the river, essentially it would be the right side; right past Sabia Motors right before you get to Pershing.

**Councilmember Boyd:** So, it's right on Main Street, it's not on Pershing.

**Assistant Corporation Counsel Gildard:** If you're turning off of Pershing...

**Councilmember Johnson:** If you're coming down Pershing, there at the intersection, it's a "T" at Main Street when you try to make a left if you're trying to go toward TJ's; that corner right there. You have to inch out...it's very bad.

**Councilmember Boyd:** OK.

**ORDINANCE AMENDING §13-180  
OF CHAPTER 13 OF THE CITY OF POUGHKEEPSIE  
CODE OF ORDINANCES ENTITLED "MOTOR VEHICLES  
AND TRAFFIC"**

**(O-13-09)**

**INTRODUCED BY COUNCILMEMBER SOLOMON**

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

**SECTION 1:** §13-180 of the City of Poughkeepsie Code of Ordinances is hereby amended by the following additions and deletions:

**Section 13-180 Parking prohibited at all times.**

When appropriate signs giving notice thereof are erected, parking upon the following streets or parts of streets shall be prohibited at all times:

**On the North side of Main Street at the intersection of Main Street and Pershing Avenue, starting at a point '67 east of the intersection.**

**SECTION 2:** This Ordinance shall take effect immediately.

**SECONDED BY COUNCILMEMBER BOYD**

O-13-9			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"/>

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

**Assistant Corporation Counsel Brady:** This ordinance if adopted would create the three-way stop sign at the intersection of North Water Street and Hoffman Street, which was discussed tonight just so that the Council is aware, the next three ordinances – this one and the next two deal with that area. I provided a map that was drafted by Engineering, just so you can get a visual on the area and what these three different parking regulations would do to the area. This one would create those three stop signs; would create a three-way stop at the intersection there at the new bridge.

**Chairman Mallory:** So, with that said, before anyone has comments, this is addressing who in the audience is concerned with beforehand the stop signs?

**Assistant Corporation Counsel Brady:** Correct.

**Councilmember Johnson:** Yes, I’ve driven that North Water Street a few years when my son was in crew, and I would cringe when I got to that bridge. I never knew what was going to fly out of there. I don’t know, I think she mentioned that the height of the wall is high, that’s unfortunate, so I’m very glad to see that they’re going to have a three-way stop sign. I can’t even imagine what it was like without any stop signs there.

**Councilmember Boyd:** I agree with the three-way stop sign. I was almost hit with my daughter, picking her up from crew. It was very dangerous and I think it’s a good thing to do.

**ORDINANCE AMENDING §13-175 OF THE  
CITY OF POUGHKEEPSIE CODE OF ORDINANCES  
ENTITLED “STOP SIGNS; LOCATIONS DESIGNATED”  
(O-13-10)**

**INTRODUCED BY COUNCILMEMBER SOLOMON**

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

**SECTION 1:** Section13-175 of the City of Poughkeepsie Code of Ordinances entitled “**Stop signs; locations designated**” is amended by the **ADDITION and DELETION** of the following language:

On North Water Street (northbound) at its intersection with ~~Dutchess Avenue~~ **Hoffman Street**

On North Water Street (southbound) at its intersection with ~~Dutchess Avenue~~ **Hoffman Street**

**On Hoffman Street (westbound) at its intersection with North Water Street**

**SECTION 2:** This Ordinance shall take effect immediately upon adoption.

**SECONDED BY COUNCILMEMBER BOYD**

**BOLD AND UNDERLINING** INDICATES ADDITION;

~~**STRIKETHROUGH**~~ INDICATES DELETION

O-13-10						
			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"/>

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

**Assistant Corporation Counsel Brady:** Thank you, Mr. Chairman. This ordinance was prepared at the request of Councilmember Parise. It would create a handicap parking zone on the north side of Dutchess Avenue west at the intersection of North Water Street and Dutchess Avenue. If you look at the map I provided, it’s the top left hand corner of the map. It’s about where the 40 foot mark is.

**Councilmember Boyd:** Is there any way that we can address the parking issue from the woman that was here and spoke earlier, that lives on Dutchess Avenue? And, before we add two handicap parking spaces? It sounds like we have issues there that should be addressed.

**Mayor Tkazyik:** I believe they are being addressed down at the Police and Building Department. Those white markers that were put on the street claimed 8 spots. Those are street spots; those are not restaurant spots. So, I believe those lines she was referring to was placed by the owner of the property, which causes also, an enforcement problem, because if we didn't put them down, they're probably not to code. It doesn't hold up in court when a ticket's being issued. We had this problem on lower Albany and Dutchess Avenue as well. So, we're going to address that one first because it's a street. Dutchess Avenue...it's not 8 spots for a restaurant...it's a public street. I know that they're advertising the park and the private lot behind it and the property in Kelly & Meenah Law Office. I think the two...and Councilmember Parise can speak to this, handicap spots are going to assist these residents with getting in and out. Again, it doesn't limit them as Councilman Rich knows on Columbia Street to permanent parking. The only other option down the road, if and when I think the elevator and walkway really takes off, is to extend the Mt. Carmel permit parking zone to the lower end of Dutchess Avenue to help the residents. I think future, that's where that district's going to have to go. But, until that access from Central Hudson takes off and Dutton happens, I think right now you guys should monitor it. It's only my recommendation. I'm a neighbor to the property. I see it from my balcony, and wave down there, but you know, I think what Councilman Parise's asking makes sense. But I do hear you. You've got to be prepared for what is to come and what the elevator's going to bring, but there's not going to be access from that northern side and I think I'm going to go the other way – train, North Water, Waryas Park, it's going to be more of a demand the other way, but let's wait and see what happens.

**Councilmember Boyd:** What was the address of that woman that lived on Dutchess Avenue. Was it in front of 44?

**Mayor Tkazyik:** I wrote it down. I think it was 8 or 9.

**Assistant Corporation Counsel Brady:** If I can? The number 44 – it's just a foot marker. Her house, when I went down there, I believe is right in front of that. That's the driveway.

**Councilmember Parise:** Thank you, Mr. Chairman. As we heard in the Mayor's comments, he just explained and we heard from Mrs. Dubrowski here, this is not...these parking spots are on-street parking. They're not parking for the restaurant. So, there is plenty of parking on the street. So I think this handicap will assist Mrs. Dubrowski and her husband. They both are handicapped. Not to say that they're going to park there all the time, but I think this will assist their needs.

**Mayor Tkazyik:** One point to clear – right now, I know the restaurant is only open from 4:30 p.m. to 11:00 p.m., I think it's Wednesday to Sunday or Thursday to Sunday. They're not open a full week and they're not open for lunch. So, that's another thing to monitor as this area progresses.

**Councilmember Solomon:** I was driving around there today to make sure that I knew exactly where Kittredge Place was, or what it looked like. What really impresses you is that all of those streets are so narrow. I hope there's never any big fire down there because you get two or three firetrucks, accompanying police...

**Mayor Tkazyik:** You're right. That's why a lot of those streets are "No Parking" on either side when you get over the bridge and water...is very narrow, you're right.

**Councilmember Solomon:** Very narrow. Water Street is just so dangerous. Well, I guess we'll have to incrementally improve things down there, but it is very, very tight.

**Councilmember Herman:** How many houses are on that? She's the only house on that, right?

**Mayor Tkazyik:** Yes, she's the only house.

**Councilmember Herman:** Why can't we just put, "Restricted Resident Parking Only?" The two spots in front of the house?

**Mayor Tkazyik:** You can't...correct me if I'm wrong, but I don't think you can limit a public street just to residents. It has to be some level of enforcement...

**Councilmember Herman:** Does it have to be a thorofare or dead end?

**Mayor Tkazyik:** It has to be a public right-of-way.

**Councilmember Parise:** I tried that.

**Mayor Tkazyik:** I can give you a crazy opinion...

**Councilmember Herman:** What if you gave permit parking and they were the only ones that hold the permit? If we put handicap parking there, I know what's going to happen – just like what happened at Columbia. Somebody from Mid-Hudson Medical Group that goes there, is going to be parked there and it's not going to solve anything.

**Mayor Tkazyik:** I agree, because a City resident who's going to take a permit is going to get it for free. Anyone else who's coming there to park from Metro North is going to have to pay to get a permit there. I think that Councilman Parise's recommendation of starting this is a first step. I think going to permit parking right now, what I'm fearful of is Metro North taking advantage of it now. Because now, you're going to be waking up a dead end street that no one really knows about. I still think we need to monitor the progress before a permit district goes there. You can do it...

**Councilmember Herman:** What if you put, "Handicap Permit Only?"

**Mayor Tkazyik:** That's what it is, Handicap Only.

**Councilmember Herman:** Yes, but somebody from the Train Station is not going to be parking there. Resident permit only. I mean, handicap permit only. I just think we've got to try to solve this. Handicap, in my eyes, will work for a bit, but like you said, somebody's going to go into the restaurant, they're going to label those a handicap spot and we're going to be in the same boat here. Mrs. Dubrowski going to go to the next meeting and she's going to be irate because here we are, trying something and it's one house on the block. It's not like Columbia Street where it was a street of houses.

**Mayor Tkazyik:** What are the hours going to be? What is the regulation going to be?

**Councilmember Herman:** 23 ½ hours...who cares? It's one person that parks there. You're telling me it's not open at night.

**Mayor Tkazyik:** It's the enforcement for a permit zone. That's what Captain Pape and Councilman Parise would have to figure out because now, we're making it a permit zone. Someone who is going to the restaurant, who is there more than an hour or two is going to get a ticket. Welcome to Mt. Carmel. So...welcome to the Walkway! That's going to be the other plight of it. Before you think permit, let's try this out. They're not open all day and they're not open all week. Let's see what happens.

**Councilmember Herman:** I understand that, but I grew up with George and T and they've been the only house on that block forever. I know what you're saying, but there's got to be a way or a loophole within the parking permits that we can accommodate these people. It's one house.

**Mayor Tkazyik:** I support it, it's just...what's the regulation going to be and for how long, and how big is the area the permit district going to be on that street? Then the argument's going to be, "Oh, I'm in the restaurant more than an hour or two and now I got a ticket going to the restaurant, because I'm in the permit zone longer than the time."

**Councilmember Parise:** That's what I'm afraid of.

**Councilmember Solomon:** Make it 3 hours.

**Mayor Tkazyik:** I agree with you. Any way we can help them.

**Councilmember Boyd:** I really think this needs to be looked into further, because I don't think by having two spots for handicap is going to solve the problem.

**Mayor Tkazyik:** No, but it's not going to hurt the problem.

**Councilmember Boyd:** But it's not going to solve the problem and these people are going to come back to us again, and it's going to go on and on and on until we finally fix the problems. Let's try to fix the problems, instead of doing something half-assed.

**Mayor Tkazyik:** I think this is Councilman Parise's recommendation. I don't think it's half...I think we need more discussion with Captain Pape regarding if a residential permit zone was put in place on the lower end of Dutchess Avenue; where it would be, how big, and what time. You're going to get 20 other visitors. Look at how many people get a ticket on Parker Avenue right now, who visit the Walkway and they park in a permit zone. Welcome to Poughkeepsie on a Sunday.

**Councilmember Herman:** And there are also 40 houses on Parker Avenue. There's one on Dutchess Avenue.

**Mayor Tkazyik:** And 14 of them don't have driveways. That's the other argument.

**Councilmember Herman:** I mean, I can see doing it, but I think we've got to try to revisit it.

**Mayor Tkazyik:** I agree. I think we can go back out and look at it.

**Councilmember Parise:** Like I say, Chairman, this is not the answer, but I think right now, I think it will help. It will assist her for a while, until we figure something out, a different plan. I want it to be user friendly, the street. I don't want it to be like Parker, where we issue the tickets. I don't want that to happen.

**Councilmember Perry:** Thank you, Mr. Chairman. I think a discussion for Captain Pape is necessary to accommodate these people, since they're the only ones on that street. I think we should revisit that and give them an opportunity to park there without all the difficulties that we're talking about here. There has to be a solution. Thank you, Mr. Chairman.

**Mayor Tkazyik:** One other point. Very important. In their mind, creating the permit district will be within this zone, I want to park in the permit district, but I want it to be right in front of my driveway. When you create that permit zone, it's got to be within this area, so that's not going to limit where the person who may or may not have a sticker being able to park. You follow me?

**Councilmember Parise:** Correct, Mayor. Yes.

**Mayor Tkazyik:** So, in the resident's mind (because we go through it on Parker Avenue), "I'm within this spot. I want to park within my front door." Well, that's not what the regulation's going to read. It's going to be, you're allowed to park for this long beyond the hours within this zone.

**Councilmember Parise:** Mr. Chairman? That's the problem I have on Hoffman.

**Mayor Tkazyik:** Right.

**Councilmember Parise:** It's the same thing. She can't park in front of her house.

**Mayor Tkazyik:** Right, that's the issue.

**Councilmember Parise:** That's the issue there.

**Mayor Tkazyik:** And I think if we limit it to one spot, in front of someone's house in a permit zone, now we're probably looking at a legal class action.

**Councilmember Herman:** What if you did 2 hour parking permit only? I just think there's a way around it to accommodate them – it's one house on the street. They've lived there their whole lives down there. I just don't think anybody's going to park there except those that are going to the restaurant. I don't think anybody's going to park there to go to the Walkway, the Ice House or the Train. I just think that it's a starting point, but I think we've got to research it to see if there's something else that we can do.

**Chairman Mallory:** I do concur that it's a starting point. I do think that it will be coming before us quite quickly after a conversation with Pape and yourself, Minority Leader Parise.

**ORDINANCE AMENDING CHAPTER 13, SECTION 13-269, OF THE MOTOR  
VEHICLES AND TRAFFIC ORDINANCE ENTITLED "HANDICAPPED PARKING  
AREAS DESIGNATED"  
(O-13-11)**

**INTRODUCED BY COUNCILMEMBER SOLOMON**

**SECTION 1.** Section 13-269 of the Motor Vehicles and Traffic Ordinance entitled "Handicapped parking areas designated" shall be amended by the following ADDITIONS:

**Dutchess Avenue, north side, beginning 125 feet west of the intersection of Dutchess Avenue and North Water Street to a point 44 feet westerly therefrom**

**SECTION 2.** This Ordinance shall take effect immediately upon adoption.

**SECONDED BY COUNCILMEMBER BOYD**

**BOLD AND UNDERLINING INDICATES ADDITIONS;**

**~~STRIKETHROUGH~~ INDICATES DELETION**

O-13-11			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"/>

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

**Assistant Corporation Counsel Brady:** Thank you, Mr. Chairman. Before you, this ordinance would essentially would create a “No Parking Zone” in the entire west side of Kittredge Place in a “No Parking Zone” on the east side of Kittredge Place northbound from the intersection from Hoffman Street. So, I’m looking on the map. You’ll see Kittredge Place; the permitted parking area, you’ll see a structure that has striped diagonal lines on it. That’s the warehouse – basically the only building on Kittredge Place. Right across from that there would be 5 places where parking will be permitted. The rest of the entire street will be “No Parking.” You see the Route 9 off-ramp there and the street is very narrow.

**Councilmember Boyd:** When I went down to Kittredge Place, I already saw “No Parking” signs on both sides of the street.

**Assistant Corporation Counsel Brady:** They’re already up. They’re essentially unenforceable.

**Councilmember Boyd:** Yeah, “No Parking” signs on both sides of the street and all the way down.

**Assistant Corporation Counsel Brady:** The same thing with the stripes that are put up. Until they’re in the code book they’re unenforceable, but they’re on there for safety in case there was something down there. We just don’t want to have someone park there.

**Councilmember Boyd:** I found it odd that it was on the resolution and the parking signs are already up.

**Councilmember Parise:** It’s not on the books.

**Assistant Corporation Counsel Brady:** It’s not on the books, yet.

**Councilmember Boyd:** OK

**ORDINANCE AMENDING CHAPTER 13, SECTION 13-180, OF THE MOTOR VEHICLES AND TRAFFIC ORDINANCE ENTITLED “PARKING PROHIBITED AT ALL TIMES”**

**(O-13-12)**

**INTRODUCED BY COUNCILMEMBER SOLOMON**

**SECTION 1.** Section 13-180 of the Motor Vehicles and Traffic Ordinance entitled “Parking prohibited at all times” shall be amended by the following ADDITIONS:

**Kitteredged Place, west side**

**Kitteredged Place, east side, from the intersection of Kitteredged Place and Hoffman Street to a point 665 feet northerly therefrom**

**SECTION 2.** This Ordinance shall take effect immediately upon adoption.

**SECONDED BY COUNCILMEMBER BOYD**

**BOLD AND UNDERLINING INDICATES ADDITIONS;**

**~~STRIKETHROUGH~~ INDICATES DELETION**

O-13-12						
			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"/>

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

**Assistant Corporation Counsel Brady:** Thank you, Mr. Chairman. Before you is the proposed amendments to the City of Poughkeepsie Extended Hours Convenience Ordinance. These proposed amendments were drafted with the assistance of Counsel Assistant Mallory, Captain Pape, Lieutenant Clausen, Sergeant McCarthy, Deanne Flynn and the entire Nuisance Committee. As you know, the City is experiencing significant increases in illegal activity in and around convenience stores. On December 23<sup>rd</sup>, there was a homicide which factually began inside a permitted convenience store on Main Street, carried out into the street where there was a gunshot and a homicide. Most recently, on Academy Street there was a shooting that happened within the convenience store. That, coupled with the nuisance activity that’s surrounding these stores, some stores have been charged criminally with the possession of stolen property. Many of them are violating the public health laws of the County daily and New York State Tax Code daily. So, to try to combat those issues we try to tighten up the ordinance we have already. The old ordinance...one of the major problems was we would have to wait until two serious police incidents before we could suspend or revoke a permit. I think this

ordinance tried to be a little bit more proactive as opposed to reactive, so we don't have to wait for bad things to happen before we do something about it. I was asked to go through this ordinance piece by piece just to explain why we're doing things. Just stop me if I'm getting long-winded. The first section is 1465. I want to expand the legislative findings to basically give it more accurate portrayal as to what is actually going on at these places, so it includes, aside from the loitering and illegal sale of narcotics, harassment weapons offenses, ABC violations, alcohol violations, public health law violations, assaults and homicides I also added a section...just acknowledges activity poses a financial risk to the public and the employees of these stores and creates a nuisance to the neighbors and the residents and the visitors of the City. The next amendment will be on the second page. It expands the definition of extended hours convenience store. The reason this was done was because we require permits for (top of my head) two businesses that could arguably say they're not convenience stores. We want to expand that definition to make sure that places that are selling fast food throughout all hours of the night are required to get this permit and have the video camera system, etc. The next section down from there is little "a." We want to exclude restaurants. Before, it just said that business is primarily a restaurant. I added the language, "primarily a standard restaurant if defined by the Zoning Code." That standard restaurant that provides meals at tables and you order off a menu, and you're getting tableside service from a waitress or waiter. The next amendment is 1467, sub-section b. What we're finding is there's a permit fee. That's not going to change. It's \$500 per year. What we're asking is for...let me explain what's happening is when the Police Department goes out to inspect these businesses, they do so and typically they may be a failure – video camera system isn't working, there's not a drop safe, there's stickers all over the windows and the Police can't see inside when they drive by. Then they'll fail the business. The business will call the next day and say, "We're ready for you to come back." They go back the next day, and the same issues are still there or there are different issues. So, the Police Department's had to go to one store in particular, I think 6 times before they eventually pass the inspection and that's taking Police off the street fighting crime and inspecting convenience stores. We just want to make a fee so you get your first inspection and your second re-inspection, but the second inspection and beyond are \$50 per inspection they'd have to pay through the Chamberlain's Office. Next, we have 1468 – the security. You'll see "a" and then "1." I just added the Chief of Police or his designee, when we do these inspections or when we take action. This way, in case Chief Knapp is tied up with bigger and better things, he can designate somebody, usually the Administrative Sergeant, who is Sean McCarthy, to inspect these places and then deal with the issues as they arise. Next is sub-section 3. Is effective lighting. We want to make sure these places are lit up at night and the parking lots. I think it's a little easier for a Police Officer to know when it's lit...they can see people from the street, as opposed to foot candles per square foot, 18 inches above the surface. So, I just think it's easier for everyone to understand what's required for both the person seeking the permit and the Police Department inspecting the premises. Next, I added subsection 8. One of the things we realize is the big issue is with the covering of windows. If you ride up Main Street on a particular day, you'll see the windows have a lot of stickers, advertisements. The ordinance doesn't allow for those windows to be covered more than 25%. We realize that there's nothing that prevents them...nothing requiring them to have

windows, period. So, one of our fears is that one of our stores in particular kept getting in trouble for this and kept going to court for this. We were worried that they would cover the windows up entirely, and that was a loophole so that prevents that from happening. There's a lot of change in 1470. This is the enforcement and penalties. The word, "Valid," was just added because I think it makes it clearer, but just skip down to the next page, subsection "c," this is the beginning requiring two serious incidents to happen before we take action. If this ordinance is passed, subsection "c" deals with serious crimes. Under there you'll see a "1" that deals with more minor offenses, so take them piece by piece. Under section "c" if there is serious criminal activity, the Chief of Police can then immediately suspend the permit, so that the next day, the Police Department would go in, seize the permit, and they would not be able to operate between 11:00 p.m. and 5:00 a.m. After that seizure, we would set up a hearing. The City Administrator would set up a hearing in front of a Hearing Officer where, if the City prevailed in a hearing, the permit would be suspended for 6 months or revoked for one year, depending upon the Hearing Officer's finding, and whether or not the City Administrator concurred in that finding. "1" underneath there, deals with the more minor offenses. These deal with the Alcohol and Beverage Control Law (ABC) – selling to minors; things of that nature. The tax law, which has been a big problem and a big complaint is that the cigarettes that many of these convenience stores are selling don't have tax stamps on them, or they have different states' tax stamps on them or they have forged tax stamps on them. There's penalties felonies pending against one convenience store, because it only dealt with crimes, penal law crimes. Penal law, under the old ordinance, if you're selling cigarettes out of the pack, it's a Public Health Law offense - it was tough to argue that it's a crime, because it's not a Penal Law Offense. In the Code of Ordinances of Poughkeepsie, that deals with the loitering – loitering for marijuana, loitering for narcotics, that type of behavior. So, under this section, if there is minor offenses that happen, we would then notify the permittee that we're going to have a hearing to attempt to suspend their permit. They would still be able to operate until that hearing took place. If the Hearing Officer and the City Administrator concurred in his finding that the permit should be suspended, it would be suspended for up to 6 months. You'll see sub-section 2 deals with that minor offense section, which basically says that if a business has two minor offenses, and is basically convicted at a hearing, that would be a 1 year revocation. So, if this thing happens repeatedly, we can take action; we can actually revoke the permit. On the next page, this deals with the hearings themselves, and one of the things I found in doing the hearings with Chief Knapp is that there was very little language about how...what the substance of the hearing was going to be and what the procedures were going to be. I wanted to tighten that up. So, skip down to halfway. The City Administrator shall set a time and place for such hearing and shall give the permittee written notice thereof, at such hearing the City of Poughkeepsie shall show the burden of proof and shall be required to provide factual evidence supporting the closure, suspension, revocation of the extended hours permit. There was nothing in there saying who had the burden, so the first thing the Hearing Officer would ask me was, "Who has the burden? Do they have to prove they didn't do this, or do we have to prove that they did?" So, that was a pretty important thing we had to do legally. I wanted to deal with the hearsay issue, so let's take a homicide, for example. If I was going to suspend this permit – if we dealt with the formal rules of evidence, I would have to call

so many Police Officers, potentially crime scene technicians, witnesses into a hearing to determine...it's untenable. So, if hearsay's admissible, the Chief of Police and the Administrative Sergeant can testify to what happened there through hearsay and we can submit documents so the Hearing Officer can consider those without me having to lay foundations through numerous witnesses. Sub 2, if the permittee failed to appear for a hearing, we can do it without them attending. Any finding would be binding upon them. We find a lot of times with the taxi hearings, a lot of the people don't come and we do the hearings anyway, in abstentia and it would be binding if they failed to appear. Subsection 3, the Hearing Officer shall provide written decision and recommendation to the City Administrator. Upon receipt, the City Administrator would provide a written decision and determine whether or not the suspension is justified by the evidence solicited at the Hearing. The City Administrator is the only one who can take away a City issued permit. The Hearing Officer doesn't have the power to do that. Sub 4, we had to put a section in of when that revocation or suspension would take effect. That would be the date of the City Administrator's decision. Sub f, I just want to explain briefly. Before, if we had a permittee that was issued a Criminal Information, and we prosecuted that in court, any conviction whatsoever would result in their revocation and their ineligibility for a permit for a year. In a lot of cases, that's appropriate. In one particular case, there was a business that had followed all the rules, and had some window stickers that took up more than 25%. The next day, after he got the ticket, he took those down and came to court and I didn't want to have this...if he was convicted, I didn't want to have to pull the permit for a year; it just didn't seem right. I would want to have some discretion for it. It's not always fair for that to be the case. So, basically, in this section, that would apply to anyone that's operating without a valid permit. A lot of times, we'll see it now in court we have 3 or 4 of these cases pending where we've suspended or revoked a permit and they just continue to operate. So, in that case, it's gone for a year. If it's a technical violation, it wouldn't have to be. Lastly, 1471, I added a whole section here about application denials. I won't read it word for word. But, what we found is a lot of these businesses would be revoked or suspended throughout the year. There were just so many violations and one particular place, on Academy Street. The year before that business opened I think there were 29 police incidents there. After they opened, within 6 months, there were 167. That just gives you an idea of what a drain on resources some of these places have been. The problem was we could revoke them, we could suspend them, they could be charged in court, but we had nothing we could deny an application for the following year. So, we needed something that said...just as we did with the taxes, if an applicant came forward and if they weren't appropriate, based on facts and they had and were entitled to a Hearing and all that, but there are certain places that shouldn't have these permits and we would have the authority to say, "Next year you can't have one," and would be able to deny those applications. So that's it in a nutshell.

**Councilmember Rich:** Yes, this looks like a lot of hard work; many hours. So, thank you very much to you and all the folks to do this.

**Assistant Corporation Counsel Brady:** Can I just say this, there is a lot of talk tonight about this...not allowing these businesses to open at all after 9:00 p.m. or 9:30 p.m. We can't do that in an ordinance like this. The one thing we can do, and I think this is going

to be the second part of this whole process is that we could do it, I think it was said for the Zoning Code. That is something we're going to work on.

**Councilmember Johnson:** Thank you, Mr. Brady, once again for a great job. We had our Honorable Judge here earlier and he mentioned when I gave a compliment to our DPW Commissioner. I agree with the things that Mr. Mora said in regards to the E-coli, but the one thing we have to stress is that the people here – the workers in the City of Poughkeepsie do a really good job. They're understaffed, it's a lot of hard work and a lot of times, all they hear is criticisms. And, it's always good to give a compliment – even when it comes to children. You can always look at the bright side or the good side. I just want to thank you again. You did a fabulous job with the Historical Ordinance and now, you did a great job here. However, I hear that you're going to be leaving us. I'm very sad about that because you're really such a good attorney. I want to agree with Ms. Flowers. I really don't like convenience stores in residential neighborhoods. I don't see any use for them past 9, 10 o'clock. They're just a haven for undesireables hanging around, so I'm hoping that we can come up with a Zoning Code to put an end to these stores in residential neighborhoods to give life back to the community because they are destroying our communities with this hanging out. It's a bad, bad look. We have supermarkets that are open, drug stores that are open, family dollar stores...there's enough places you can go. We have 24 hour supermarkets. Everybody has a car. They should be able to go and get whatever they need in the timely hours. I just don't agree in residential...I had one store in my ward, and I had to aggressively put an end to his business. He was selling cigarettes without the tax code; he was selling loose cigarettes to kids. There were other types of alleged illegal businesses going on, and now I hear this convenience store is going to be opened up again and we had a senior citizen operating it. She felt ill and now it's going to be rented out to another person, so I'm really not happy about that and that they're going to be able to be open until 10 o'clock at night. We don't really need a convenience store open 9, 10 o'clock at night in the 7<sup>th</sup> Ward. This is just bad news. It gives me the "creeps" thinking about it, so I hope we can come up with Zoning Code. Thank you, Ms. Flowers. I hope that you continue to come and advocate for that, because we really need to put an end to the convenience stores surrounding residential houses. Thank you.

**Chairman Mallory:** I would like to thank Assistant Corporation Council, City Chamberlain and the Police Department, as well for a lengthy dialogue on closing various loopholes that this ordinance came in place 2 years ago. Definitely moving forward.

**ORDINANCE  
O-13-13**

**ORDINANCE AMENDING CHAPTER 14, §§14-65, 14-66, 14-67, 14-68, 14-70, AND  
CREATING §14-71, OF THE CITY OF POUGHKEEPSIE CODE OF ORDINANCES  
ENTITLED "EXTENDED HOURS CONVENIENCE STORES"**

**INTRODUCED BY COUNCILMEMBER SOLOMON**

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

**Section 1:** Section 14-65 of the City of Poughkeepsie Code of Ordinances entitled “Legislative findings” is amended by the ADDITION of the following language:

**Section 14-65 Legislative findings**

- (a) The City has experienced significant problems with extended hours convenience store security and illegal activity within and surrounding extended hours convenience stores in the City for several years, including but not limited to problems with loitering, the illegal sale of narcotics, **harassment, weapon offenses, alcohol and beverage control violations, public health law violations, assaults, homicides,** and other serious criminal activity. **Such activity poses a substantial risk to the public and employees of extended hours convenience stores and creates a nuisance to neighborhoods, residents and visitors of the City.**
- (b) This article is intended to aid in preventing crimes and nuisance, to protect employees of extended hours convenience stores and the consumer public at extended hours convenience stores between the hours of 11:00 p.m. and 5:00 a.m. and to establish security standards for these extended hours convenience stores that are uniform throughout the City.
- (c) The City now declares, in order to permit the development and implementation of reasonable controls that will effectively protect the public, extended hours convenience store operators and their patrons, that this article be enacted.

**Section 2:** Section 14-66 of the City of Poughkeepsie Code of Ordinances entitled “Definitions” is amended by the ADDITION of the following language:

**Section 14-66 Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

*Business premises* – The main structure and the property belonging to or associated with the business premises.

*Extended hours convenience store* – Any building, structure, or grounds primarily used for the retail sale of groceries, **foods, frozen deserts or beverages to the consumer in a ready-to-consume state, usually served in paper, plastic or other disposable containers, for consumption either within the premises, elsewhere on the premises or for carry-out for consumption off the** premises, consumables, commodities or both groceries, consumables, commodities and gasoline open for business throughout the day, but particularly between the hours of 11:00 p.m. and 5:00 a.m., or any part thereof. The term extended hours convenience store does not include:

- (a) A business that is solely or primarily a **standard** restaurant, **as defined in Section 19-2.2 of the Zoning and Land Use Regulations of the City of Poughkeepsie.**
- (b) A business that has at least 10,000 square feet of retail floor space within the main structure.

*Disorderly establishment* – Includes any business and business premises where acts are performed or activities are conducted or condoned, whether inside or outside the business premises, which are contrary to the rules of good order and behavior, violative of the public peace, indecent, or which tend to corrupt the morals of the community and promote criminal activity.

*Owner* – The person, corporation, partnership, joint venture or other entity or group enterprise licensed to do business at an extended hours convenience store at a particular location or locations, in lawful possession of said location by virtue of a deed, license, lease, sublease or other contract or agreement.

**Section 3:** Section 14-67 of the City of Poughkeepsie Code of Ordinances entitled “Permit required” is amended by the ADDITION of the following language:

**Section 14-67 Permit required**

- (a) No extended hours convenience store shall be open between the hours of 11:00 p.m. and 5:00 a.m. or any portion of that time without first having obtained a permit as provided in this article.
- (b) The fee for this permit will be \$500 per annum, **which shall include one (1) inspection and one (1) re-inspection. Each re-inspection thereafter shall require an additional \$50.00 fee per re-inspection.**

**Section 4:** Section 14-68 of the City of Poughkeepsie Code of Ordinances entitled “Extended hours convenience store security” is amended by the ADDITION and DELETION of the following language:

**Section 14-68 Extended hours convenience store security**

- (a) Every extended hours convenience store shall be equipped with the following security devices and standards:
  - (1) A fully operative security camera system which meets the minimum requirements as determined by the Chief of Police **or his designee**. Any security camera system and any video and/or audio tape, DVD, CD, still frame depiction, download, or any other means by which video and/or audio is captured and/or memorialized by a security camera system shall be made immediately available upon request to any member of the City of Poughkeepsie Police Department in the furtherance of any investigation.

(2) A drop safe or cash management device for restricted access to cash receipts. Said drop safe or cash management device shall be permanently affixed to the floor or wall of the interior of the building or otherwise adequately secured to prevent theft.

(3) Any parking lot shall be ~~light lit~~ to an intensity which of at least two footcandles per square foot at 18 inches above the surface. **makes all vehicles or persons within the parking lot clearly visible from the public streets and sidewalks from dusk until dawn.**

(4) A conspicuous notice at the entrance which states that the cash register contains \$50 or less.

(5) Windows shall not be obstructed or covered more than 25%.

(6) Height markers at the entrance of the extended hours convenience store which display height measures.

(7) A cash management policy to limit the cash on hand at all times.

~~(b)~~**(8)** An extended hours convenience store shall **have a minimum of 50 square feet of unobstructed window space and shall** not have window tinting, signs or other obstructions that reduce exterior or interior view in the normal line of sight.

~~(e)~~**(9)** Every extended hours convenience store shall be equipped with a silent alarm to a central station alarm monitoring company.

**Section 5:** Section 14-70 of the City of Poughkeepsie Code of Ordinances entitled “Enforcement and penalties” is amended by the ADDITION and DELETION of the following language:

### **Section 14-70 Enforcement and penalties**

(a) No owner or operator of any extended hours convenience store shall operate his, her or its business between the hours of 11:00 p.m. and 5:00 a.m., or any portion thereof, without a **valid** permit nor allow, create, or maintain an environment that attracts or encourages criminal activity.

(b) If an extended hours convenience store owner or operator operates his, her or its business without a **valid** permit between the hours of 11:00 p.m. and 5:00 a.m., or any portion thereof, the City of Poughkeepsie Police Department, Building Inspector, Deputy Building Inspector, or Property Development Specialist has the authority to close the business between the hours of 11:00 p.m. and 5:00 a.m. and issue citations for each violation of operating without a **valid** permit.

~~(c) — Upon the occurrence of any events involving serious criminal activity, the Chief of Police may reasonably conclude that the business constitutes a disorderly establishment, and the extended hours convenience store permit may be suspended for up to 30 days. Such permit may thereafter be suspended again or may be revoked if two or more serious criminal activity events occur during a twelve month period.~~

**(c) Upon the occurrence of any events involving serious criminal activity, whether occurring inside or outside the business premises, including but not limited to, violent felony offenses, the sale or possession with intent to sell narcotics or marijuana, offenses listed in Article 125 of the Penal Law of the State of New York, or offenses listed in Article 265 of the Penal Law of the State of New York, the Chief of Police or his designee may reasonably conclude that the business constitutes a disorderly establishment and immediately suspend the extended hours convenience store permit pending the outcome of a hearing pursuant to subsection (d) of this Section. Notification of said suspension shall be in written form and served upon the permittee, or any employee or agent of the permittee, either personally or via regular mail at the permittee's last known address. A hearing conducted under this subsection where the City sustains its burden and provides adequate factual evidence supporting the suspension shall result in a suspension of the permit for up to six (6) months, or a revocation for one (1) year.**

**(1) Upon the occurrence of any events involving violations of the Alcohol and Beverage Control Law, the Tax Laws, the Public Health Law, the Code of Ordinances of the City of Poughkeepsie, or activities that are conducted or condoned, whether inside or outside the business premises, which are otherwise illegal or promote criminal or nuisance activity, the Chief of Police or his designee may reasonably conclude that the business constitutes a disorderly establishment and shall schedule a hearing pursuant to subsection (d) of this Section seeking a suspension of the permit. Notification of said hearing shall be in written form and served upon the permittee, or any employee or agent of the permittee, either personally or via regular mail at the permittee's last known address. A hearing conducted under this subsection where the City sustains its burden and provides adequate factual evidence supporting the suspension shall result in a suspension of the permit for up to 6 months.**

**(2) A hearing resulting in a second suspension pursuant to Section 14-70(c)(1) within a twelve (12) month period shall result in an immediate one (1) year revocation of the permit.**

(d) Any owner, operator or person designated by the owner may appeal his, her or its closure, suspension, **prospective suspension or** revocation of the permit of an extended hours convenience store in accordance with the following procedure:

(1) Any owner or operator aggrieved by a closure pursuant to Section 14-70(b), suspension **or prospective** revocation pursuant to Section 14-70(c), **or a prospective suspension pursuant to Section 14-70(c)(1)**, shall be granted a hearing on the matter before a hearing officer duly appointed by the City Administrator. ~~Such person shall file in the office of the City Chamberlain a written petition requesting such hearing and setting forth a brief statement of the grounds therefor, within 10 business days after the date notice was served. Upon receipt of such petition, the~~ **The** City Administrator shall set a time and place for such hearing and shall give the ~~petitioner~~ **permittee** written notice thereof. At such hearing, **the City shall have the burden and shall be required to provide factual evidence supporting the closure, suspension or revocation of the extended hours permit.** The ~~petitioner~~ **owner, operator or person designated by the owner** shall be given the opportunity **to confront or**

**contradict any evidence put forth by the City and** ~~to be heard and to~~ **as to** why such notice should be modified or withdrawn. **For the purpose of the hearing the formal rules of evidence shall not apply.**

(2) **In the event that an owner, operator or person designated by the owner fails to appear at a duly scheduled hearing, the hearing shall be held in absentia and the permittee's right to take part and defend a suspension and/or revocation shall be deemed waived.**

(3) After such hearing, **the hearing officer shall provide a written decision and recommendation to the City Administrator. Upon receipt of the written decision and recommendation,** the City Administrator shall **provide a written** decision sustaining, modifying or withdrawing ~~sustain, modify or withdraw~~ the notice of closure, **suspension or revocation,** depending upon the finding as to whether the provisions of this article and the rules and regulations adopted pursuant thereto have been complied with **and whether the suspension or revocation is justified by the evidence elicited at the hearing.**

(4) **The effective date of any suspension or revocation issued after a hearing shall be the date the City Administrator issues his decision pursuant to Section 14-70(d)(3).**

(e) Notwithstanding any closure, revocation or suspension of a permit, any owner or operator who fails to abide by any of the provisions of this Article shall be punished by a fine of not more than \$1,000 for each violation and an additional \$100 for each day that the noncompliant condition exists.

(f) Any owner, operator or business convicted **of operating an extended hours convenience store without a valid permit** under this Article shall not be eligible for a permit or a permit renewal for one (1) year from the date of conviction.

(g) Upon the occurrence of any suspension or revocation, a member of the City of Poughkeepsie Police Department shall seize the extended hours permit and transfer the same to the City Chamberlain. The City Chamberlain shall hold the extended hours permit until the permittee's privilege to obtain and display the same is granted pursuant to this Article.

**Section 6:** Section 14-71 of the City of Poughkeepsie Code of Ordinances entitled "Application denials" is created by the ADDITION of the following language:

**Section 14-71 Application denials**

(a) **All applications shall be reviewed by the Chief of Police or his designee prior to the issuance of any permit. If the issuance of the permit is not in the best interest of the general public welfare and safety, the Chief of Police or his designee shall deny the application and provide a written basis for the denial. Denials may be based upon violations of this article, including but not limited to, criminal activity, violations of the public health law, violations of the alcohol and beverage control law, nuisance activity in and around the convenience store, and prior revocations and/or suspensions pursuant to this article.**

**(b) Any application shall be denied if the convenience store or the property thereon is not in compliance with the zoning and/or building codes of the City as determined by the Building Inspector and/or Zoning Administrator.**

**(c) Any applicant aggrieved by a denial pursuant to this section shall be granted a hearing on the matter in accordance with the hearing procedure as outlined in Section 14-70. At such hearing, the City shall have the burden and shall be required to provide factual evidence supporting the application denial. The petitioner shall be given the opportunity to confront or contradict any evidence put forth by the City and be heard as to why such application should not be denied. For the purpose of the hearing the formal rules of evidence shall not apply.**

**(d) After such hearing, the hearing officer shall provide a written decision and recommendation to the City Administrator. Upon receipt of the written decision and recommendation, the City Administrator shall sustain or overturn the decision to deny the application, depending upon a finding as to whether the provisions of this article and the rules and regulations adopted pursuant thereto have been complied with and whether the denial is justified by the evidence elicited at the hearing.**

*Section 7:* This Ordinance shall take effect immediately upon adoption

**SECONDED BY COUNCILMEMBER BOYD**

**BOLD AND UNDERLINING INDICATES ADDITIONS;**

**~~STRIKETHROUGH~~ INDICATES DELETION**

O-13-13			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"/>

**IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:**

- 1. FROM CITY ADMINISTRATOR BUNYI,** a communication regarding the 2014-2018 Capital Plan.

**City Administrator Bunyi:** Dear Common Councilmembers, as the Mayor said, Mr. DuPilka will be here next week to answer any questions you have about the Capital Plan. The only thing I'm going to do today is to cover the 2013 year, because there are questions about some things we are doing right now. I think, on your desk, Mr. DuPilka provided for you the rationale as well as the listing of all CHIPS programs. That is part of the transportation program. Also, in that 2013 transportation is a sidewalk and curb

replacements – scattered sidewalks. \$100,000 is what has been set aside from the CDBG Action Plan. If you go to the next category, under Utilities, you see the \$5,120,000 for the water meter replacement and upgrade. We also have put aside, from CDBG, another \$100,000 from the CDBG Action plan. Look down to the Joint Water Treatment Plant, our first expense for the upgrade is \$1,291,000 which you approved. It is going to happen this year, but the rest of the \$9 Million will not happen until 2014. Then if you go to Facilities, the only thing we have under Facilities is all the way down to the Fallkill Creek Pedestrian Bridge, which is for \$180,000; that is a combination of the CDBG funds as well as a Dyson Foundation Grant. On the very next page is the transit, where there seems to be a lot of activities in 2013. On the transit, there seems to be a lot of activity for 2013. Unfortunately, that includes the transit hub itself, the installation of different bus systems or information systems as well as the installation of the camera system. That whole project for transit hub, as well as installation of other projects, such as the camera system will run about \$3,579,000. On the final page, if you look at the vehicles, we do not anticipate any spending right now, because all of that or most of that comes from the budget. It does not come from any grants or any of those activities or plans to do our first purchases in 2014. Mr. DuPilka will be joining me next week to proceed with 2014, all the way to 2018. As you know, our Capital Plan comes from about 4 or 5 different resources. The first one is the CDBG money. The second one is grants, either from the federal or the state. We also get money from CHIPS and of course, the most expensive portion of this is from the bonding. The State and Federal Grants, specifically, transportation and transit are pre-determined for us by the PDTC. That's the Transportation Council for Poughkeepsie and Dutchess County.

**Councilmember Johnson:** Yes, I'm very disturbed by the resurfacing and the trip hazards, the CHIPS money and the CDBG. I noticed that the 7<sup>th</sup> Ward ... we've been excluded. Let's go to 2011. Look at the Wards: 2nd Ward, 1st Ward, 2nd Ward, 2nd Ward, 3rd Ward, 3rd Ward, 2nd Ward, 2nd Ward, 4th Ward, 5th Ward, 5th Ward, 8th Ward, 2nd Ward, 4th Ward, 4th Ward; 2011 – nothing done in the 7<sup>th</sup> Ward. Let's go to 2012: 2<sup>nd</sup> Ward, 2<sup>nd</sup> Ward, 6<sup>th</sup> Ward, 1<sup>st</sup> Ward, 1<sup>st</sup> Ward, 5th Ward, 7<sup>th</sup> Ward – one little block – Fountain Place. This other thing that you tried to stick in here, Helmsley Avenue (sic)...that's the 6<sup>th</sup> Ward. OK, now then we go to the 1<sup>st</sup> Ward, 2<sup>nd</sup> Ward, 4<sup>th</sup> Ward, 4<sup>th</sup> Ward, 8<sup>th</sup> Ward, 8<sup>th</sup> Ward, 8<sup>th</sup> Ward. So, two of these... I really only had one thing done in 2012; nothing done in 2011, and I had to call up because the 7<sup>th</sup> Ward wasn't included in 2013 at all, but I see in 2013, pavers – 8<sup>th</sup> Ward, 8<sup>th</sup> Ward, 8<sup>th</sup> Ward, 5<sup>th</sup> Ward, 3<sup>rd</sup> Ward, 4<sup>th</sup> Ward, 8<sup>th</sup> Ward, 1<sup>st</sup> Ward, 3<sup>rd</sup> Ward, 8<sup>th</sup> Ward, 6<sup>th</sup>, 5<sup>th</sup>... it seems like the 8<sup>th</sup> Ward is getting all the money. It's not being done fair. We have a whole city. I don't know what's going on, as far as trip hazards is concerned. I have trip hazards dating back on Manitou, when Michael was the DPW Commissioner and we all know he's been gone for awhile now. So I don't know why I can't get work done in the 7<sup>th</sup> Ward; why all the work seems to be getting done in the 1<sup>st</sup> Ward, the 8<sup>th</sup> Ward, so you guys are lucky. But, nothing's being done in the 7<sup>th</sup> Ward. So make a correction for 2012 - that Meyer, between Wilson and Hooker is the 8<sup>th</sup> Ward. Change that to 8<sup>th</sup>. Helmsley Avenue (sic), Church and Forbus... I think that's the 6<sup>th</sup> Ward?

**Councilmember Solomon:** Yes.

**Councilmember Johnson:** OK, it's not the 7<sup>th</sup> Ward. So, maybe that's the misunderstanding here. I'm not getting anything done in the 7<sup>th</sup> Ward, and I want to know why. Why, all of a sudden, we're being excluded 3 years in a row, when we have a lot of streets that need work...the whole city. We have 8 Wards. We have 8 representatives here. Our constituents call us. They tell us what they want done or tell us about trip hazards. They mark up the sidewalks; the markings come, they fade, they come, they go. The requests are not being honored by the Council people, so I don't see where the Administration is really working with the Council people. We know what has to be done. In the past, the money was divided equally between all 8 Wards, or if it was a CDBG, I know the 8<sup>th</sup> Ward was kinda excluded from that, but if the work wasn't completed then that money rolled over to the next year. So, none of that is being done. We need to go back to the old way, so that everything could be done in every ward, so we don't think there's favoritism going on at City Hall, 'cause right now, I'm thinking there's favoritism going on. I rode around in the 8<sup>th</sup> Ward last year. There were so many streets, newly paved. I barely could get one little street paved in the 7<sup>th</sup> Ward. No trip hazard work whatsoever in 3 years. This is terrible. And, it's the truth.

**Mayor Tkazyik:** (Inaudible) outline...this program...and methodology for that. I can say that, in years past...it's not the way we operate today. Previously, prior to 2007, the City used to bond its way through Capital Plans in terms of paving and repairing the sidewalks. There was a formula created based on that bonded amount of \$600,000 each year...(inaudible)rolled over...square footage...whatnot...curb in sidewalks...(inaudible)...Since that type of bonding ceased, and the city primarily depended upon State and Federal funds to create this program, the theory and methodology in relation to how the CHIPS money allotment covers 4 ½ square miles...(inaudible)...this year we can only do about 1 to 1.5, which is only 10-12 streets, and the assessment to say how he bases each one. To say that it's favoritism, that's simply ludicrous and inaccurate. This sheet was sent to all of you on 5/24. Councilmember Johnson didn't respond – she was the only Councilmember.

**Councilmember Johnson:** I've been responding year after year. Years...I've been sending list after list, to Mr. DuPilka, to Michael, to Milo and that's why I ever called him up again. How many times do you want me to send a list?

**Mayor Tkazyik:** Paving is different than curbing sidewalks. (Inaudible)...money and CHIPS money...a lot sooner. The issue with the curbs and sidewalk money particularly for this year – the contractor hasn't even started the 2013 allotment, because we have not received the 2013 CDBG. The season ends December 15<sup>th</sup>.

**Councilmember Johnson:** Excuses, excuses, OK? I have streets with markings on them that have come and gone. Some are faded, some not. So, how many times can I keep putting the same streets in year after year and nothing's being done? Oh, the money didn't come; then the money comes in; then they start the 1<sup>st</sup> Ward; then they go to the 8<sup>th</sup> Ward; then time is up; then next year comes and they go back to the same wards. Come on, the numbers speak for themselves. You have 5 streets being done in the 8<sup>th</sup> Ward for

2013. Last year, in 2012, 5 were also done, so that's 10 streets done in 2 years. Come on, really?

**Chairman Mallory:** The City Administrator would like to speak Mr. Mayor. Do you want him to answer some...?

**Mayor Tkazyik:** ...limited resources. Again, the City is not looking at wards when it comes to base conditions, and improvement to a street – how it's rated to a specific need for utility work. We're not laying wards on the table and saying, "Where do we pick?"

**Councilmember Johnson:** I have streets with potholes. I have streets that are well-traveled...Worrall Avenue...I have a lot of people travel down Worrall Avenue to get to the south side, OK? I have the Middle School and the High School in my ward – two schools. I have tons of people travelling over there all the time. The taxpayers in the 7<sup>th</sup> Ward, they pay taxes – the residents, the homeowners; they pay taxes like everybody else, so they shouldn't be excluded year after year with these excuses. Really, it's not fair. I don't care how you want to tell the story, it's not fair. Every ward has problems. Every ward has problems and the lady here (Golden Krust) has a sidewalk that's lifted up, and this is on Main Street. Three years, I'm asking now to get...I had to call up again, because she still wasn't included from the original list.

**Mayor Tkazyik:** If I get the money by Labor Day, I will make that a priority spot, but when we released the bond in March...(inaudible)...\$600,000 we began work 2 months later. Those days are over. We're bonding into oblivion. That's

**Councilmember Johnson:** I understand that, about the bonding. I'm talking about the actual work. How does the work get done? When does the work get done, and what ward? It seems like we're just going to two places only, and we're not going to any other wards getting the work done.

**Mayor Tkazyik:** We can argue location, the spot, Engineering... (inaudible)... Council input was asked for in May.

**Councilmember Johnson:** I give input all the time, trust me. Obviously something is amiss...

**Chairman Mallory:** All right, Councilmember Herman?

**Councilmember Herman:** The 8<sup>th</sup> Ward gets absolutely nothing from the City, except for CHIPS. We get no sidewalk money. The way the sidewalk money...I agree with Councilwoman Johnson – it starts in the 1st and ends in the 3<sup>rd</sup> and in the following year it starts in the 1<sup>st</sup> again. It should continue in the ward it was left off. But, I don't get any park money for Spratt. It's the busiest...I get no money for recreational tools. I get no money for sidewalks and streets is the only thing...and half the streets that are on here was because there's utility work done and the streets are a mess, so I don't think there's favoritism – absolutely not. By no means is there favoritism. The 8<sup>th</sup> Ward and the 4<sup>th</sup>

Ward get absolutely zero. Every 10 years when they do the Census, that formula's got to stop because the 4<sup>th</sup> is in the elite and the 8<sup>th</sup> is an elite. We're all just people paying our taxes, and we get absolutely donut, so if we want to point the blame, point it to how the money's allocated, because I've lived up there 47 years, and I can't remember the last time I saw a truck taking a sidewalk up. It's ridiculous. I've been a Councilman for 4 years and I haven't had one sidewalk done in 4 years. So, there's no favoritism here. It's a formula with Rich DuPilka. I wanted Grand to be done, but there's no money for it, so you take some of the small streets and that's what they come up with, so we get nothing in the 8<sup>th</sup>. John Meyers comes in every meeting. He's been looking for curbs and sidewalks for 4 years. He gets nothing. There's nothing but drainage problems in the 8<sup>th</sup> Ward. Everybody is pumping their basements out. I'm going out in the floods and undoing drains, so enough. Enough with the favoritism, because there's no favoritism here, especially for the 8<sup>th</sup> Ward, because we get nothing. We pay the highest taxes and we get absolutely zero for every part of our ward. Nothing at Spratt; it's the busiest park. King Street's got two new things because of CDBG. I get nothing from CDBG because we're upper class and wealthy, which is total...I can't use the word; I'm going to behave, but it's ridiculous that it's gone on this far and too long. So, if we want to start at the point, let's divvy all the money up, CDBG all the money up from the 1<sup>st</sup> Ward up to the 8<sup>th</sup>, because I got kids that want to play at Spratt. The equipment's been pulled out because it's old and decrepit and it's never been replaced, so I take offense in saying that it's favoritism, because I don't think it's favoritism.

**City Administrator Bunyi:** Unfortunately, Mr. DuPilka's not here, but I would like to be able to say that I think that he does a tremendous job of trying to identify where the priorities are. If you go to page 4, the Pavement Condition Evaluation that he does...one of the things he expressed to me and I see him do that...this is not a one-time deal, but rather different people from Engineering go out and evaluate each road we have. He does it over a 2 year period and identifies exactly, based on an objective numbering system. We may not agree with the numbering system, but at the end of the day, I think he's very objective. The second thing I want to point out is, if you go to the 2013, on the very bottom is Worrall Avenue, which is in the 7<sup>th</sup> Ward, there would have been a second one on Smith Street, but if you've driven through Smith Street, they're only halfway done. Central Hudson is digging up all of Smith Street. It will not be done until the end of this year. The only thing we've been on top of, asking Central Hudson, is to make sure that their contractor puts back whatever the digging is, in some semblance of order so that next year, Smith Street will be done as one of the first streets that will be paved. It was supposed to be paved this year, but we cannot pave Smith Street this year because the digging is just going to make it impossible to get it done. The final thing is that we have tried to do everything we can with whatever CDBG money is left for the sidewalks. I think if you look at your desk, Ms. Johnson, ...

**Councilmember Johnson:** I'm looking at all of this.

**City Administrator Bunyi:** ...we sent you a list of the sidewalks that we faxed over to a contractor about August 16<sup>th</sup>, to get started to fix those sidewalks. That is what is left of our money in 2012. We cannot do any more sidewalks, until we get our 2013 money.

Unfortunately, and I just want to bring this up, the County got their money about 2 weeks ago. We still haven't gotten our money.

**Councilmember Johnson:** I agree that the money comes late. Every ward should get their fair share. That's all I'm saying. Every ward should get their fair share, so that the work can be done. I don't know who is going out in Engineering, because obviously, they don't live or drive in my ward in my streets, like I do and my constituents. I don't know where they live at. We don't want to get into who lives or doesn't live in the City, but if I live in my ward and I know the problems firsthand, do I not count? I am the elected official, so how can someone else come into my ward and tell me what is the priority? Also, when you talk about sidewalks, this is a walking district. We have kids walking. Do we care about them tripping over trip hazards? We have people that are walking – thousands of kids; they don't. Talk about the rich and the famous...our kids don't have buses. They have to walk all the way from Delafield, from "Rip," from Smith Street. They're walking in the cold, sub-zero weather and they should be able to walk without falling down, because somebody planted a big, humongous tree that ripped up the sidewalk.

2. **FROM SOTO & SOTO, LLP**, a notice of personal injury sustained on June 4, 2013. **Referred to Corporation Counsel**
3. **FROM THE BARDAVON**, a notice of intent to renew their Liquor License. **Referred to Corporation Counsel**
4. **FROM WALLACE AND WALLACE**, a notice of intent for Andy's Restaurant Inc., d/b/a Andy's Place to renew their Liquor License. **Referred to Corporation Counsel**

**X. UNFINISHED BUSINESS:**

**Councilmember Johnson:** Judge Mora came and stated his case. I would also like to say that, as far as the Committee of the Whole Meeting was concerned, I must have called Councilman Joe Rich 10, 15 times about having a Committee of the Whole Meeting. I wanted it more than anybody. I contacted Majority Leader Boyd. I would have like to have had the meeting the next week after that Friday, Tuesday or Wednesday. I'm the one that advocated for the Committee of the Whole Meeting. I was very concerned. Also, as far as who's terminated at the Water Plant, that has nothing to do with the DPW Commissioner or the other guy that was here from the Water Plant. I applaud them because they had to work around the clock to solve this problem. Rich DuPilka had all kinds of illnesses because he has family problems...God Bless. We know his father just recently passed away. He's wearing two hats, doing Engineering and DPW. So, I was applauding them for the work that they did because yes, the Mayor wasn't here, the two...8<sup>th</sup> Ward and the 1<sup>st</sup> Ward Councilpersons weren't here. They were taking the heat for something that they didn't cause, but they had to solve the problem. The people that should have been answering the questions weren't here sitting in the hot seat. So, I felt a little kindness

toward them and I didn't want them to think that we're sitting here blaming you, because what happened wasn't their fault. I'm sure they didn't hire and fire the guy at the lab. That wasn't their decision to make. Whatever decisions were made, they shouldn't be held accountable for it. I was giving them a compliment because they were working around the clock, solving the problem. He's wearing two hats these days - Rich DuPilka is a very good Engineer and a very honest person. Everybody agrees, he does a great job, just like a lot of other employees. What happened with the E-coli in the water was not his fault. Letting the lab person go was not his call. When people come, they need to get the facts. Blame the person that needs to be blamed, and compliment those who worked to solve the problem.

**Councilmember Boyd:** You had given us a vendor sheet and about 2 Common Council meetings [ago] you also gave us a contracted services sheet that was split up by department. I was wondering if this vendor sheet could be split up into departments so we know where the money is being spent.

**City Administrator Bunyi:** That is a complete vendor list for DPW.

**Councilmember Boyd:** That's it, just DPW?

**City Administrator Bunyi:** There is a different list for Police; there is a different vendor list for Fire. That completes all the vendors we have.

**Councilmember Boyd:** But the contract service list that you gave us was all broken down into departments.

**City Administrator Bunyi:** I didn't give you that.

**Councilmember Boyd:** Well, we got it in our packet, and it was broken down into departments. I'd like to know exactly where we're using these contract services.

**Mayor Tkazyik:** Those are just DPW. We can get you Police and Fire.

**Councilmember Boyd:** What about Finance? We had contracted services in Finance for \$12,000.

**City Administrator Bunyi:** Correct.

**Mayor Tkazyik:** Inaudible. That's General Administration for all of City Hall. It's not contracted services in all departments – Clerk, Assessor, Finance, IT... we'll give you all...that's General Administration, not just contracted services...DPW...

**Councilmember Boyd:** Well, that's what was on the list. It was contracted services...

**Chairman Mallory:** Let her finish.

**Councilmember Boyd:** ...for each individual department and you gave us for each individual department, how much money was being spent in contract services and that's what I wanted to have this whole list be broken down, to find out exactly where, what department is spending what kind of money.

**Mayor Tkazyik:** ...(inaudible)...that was strictly DPW...(inaudible).

**City Administrator Bunyi:** Because your request last week had to do with "Easy Street," – you wanted to know the striping cost and everything else. I said, "Sure, DPW."

**Mayor Tkazyik:** We'll get the other departments requested for vendors – Police, Fire and General Administration...

**Councilmember Boyd:** Thank you.

**Councilmember Herman:** I don't know if it falls under Unfinished Business or not. I want to echo your comments and the Marist comments on the investigation. I remember Fanny very well. Every time I went door to door, she would always invite me in. You're supposed to "hit quick" and go to the next door, but she'd keep you there for an hour, telling you stories, and when I hear it was her, I was heartbroken. In the same token, I knew it was the right Police Department to do what they had to do, because I've been saying it. I've been in the field and have worked side by side with these guys for the past 23, 24 years and I knew that they weren't going to stop until they made an apprehension, which they did, so...we, as a City are thankful for the guys we have. I know they're understaffed but, when it comes to dollars and cents it doesn't matter. They do what they've got to do to get the job done. My heartfelt feelings for the family...like I said, I knew Fanny, every year that I went out. She'll be missed. Thank you.

**Chairman Mallory:** I'd like to express, "Thank you to the Mayor, City Administrator Bunyi, Senior City Staff, Muggy, Rich, DPW employees, Officer Barbagallo, sponsors, Exempt Fireman's Association, former Councilwoman, Yvonne Flowers, her father, John Flowers, WHVW 950 AM Radio, Price Chopper, Take 5 Deli, Stewart Shops and M & O Sanitation who assisted me with my 4<sup>th</sup> Annual Block Party. I'd also like to thank Hudson River Housing, SWARM and Power Kingdom Motorcycle Club, Essence Nilsson, WellCare, Positive Brothers, Durante's Party Rentals, Abe Santiago, DJ Kirk Crazee and the over 20 volunteers for providing activities for adults and children and making sure all activities went smoothly and safely. Thank you to New York State Senator, Terry Gibson, his wife, Councilmembers Johnson and Perry, the Catharine Street Community Center Executive, Shirley Adams for attending. Finally, I'd like to thank Chris Petsis, President of the Exempt Fireman's Association and Gloede Signs. For the first time ever, the banner promoting the Annual Block Party was stolen from Earline Patrice Park. Both Chris and staff at Gloede Signs made sure I had two new banners in two

days, secured them in another location that promoted this positive activity, so thank you all onto that one.

**Councilmember Johnson:** I just want to say that I attended your event. I wasn't feeling well earlier and I got there around 4:00 p.m. and I tell you, I saw so many people having such a good time. I never saw so many kids with new bicycles. I heard they had ice cream and of course, I missed that too, but the musical chairs was a lot of fun with the kids, and also with the parents. The pie eating contest...I have a constituent that really wants a picture of her winning the pie eating contest; Karen Princivelli – she had the chocolate all over her shirt. She would like her picture, please. Thank you.

**Councilmember Herman:** What happened to the Poughkeepsie sign?

**Mayor Tkazyik:** Mr. Gloede is back. He went away for a while and we weren't able to get the estimate back from them, but it's going to cost us over \$5,000 to replace it.

**Councilmember Herman:** Where did it go? Were they destroyed, or something?

**Mayor Tkazyik:** Yes. We had vandalism. They really destroyed them again. They broke them again, but they broke them all, but it wasn't just something that they could put back and we got the estimate. We were going to bring this before the Council, because this is something we were going to bring before the Council because this is going to be over a \$5,000 expense that we can't continue to do. This is something that was gifted to the City.

**Councilmember Herman:** It's a sign like the entrance to Academy Street.

**Mayor Tkazyik:** Well, we did that all in-house. It was designed by Bill Beehler. He did a nice job, but there's a lot of (inaudible) that was donated by the Garden Club and the agreement then was for us to maintain it. But \$5,200. Now, last time, we had a Good Samaritan come forward. We honored him.

**Councilmember Johnson:** Mr. August.

**Mayor Tkazyik:** Yes. It was only, I believe \$2,300 the last time. He paid out-of-pocket for that personally, but this is a quite hefty expense to pay. We don't have the money in the budget to do it. But, we're going to need some input from the Council, because obviously it's not going to be a decision I'm going to make alone, if changes are going to be made. Because you're going to have the Garden Club, you're going to have other people and you're going to have other people who like the Academy sign. So, look, the City received this gift collectively as a City and Council. We just did that and it's unique, so I will definitely appreciate your ideas, suggestions or recommendations on how to move forward. Yes, Mr. Chairman?

**Chairman Mallory:** Thank you on that one. Councilmember Johnson?

**Councilmember Johnson:** The Poughkeepsie letters were very pretty. They were vandalized. Someone continues to vandalise them – twice. The Good Samaritan, Mr. August gave us \$2,300 out-of-pocket. Now you're saying it's going to cost over \$5,000 because I can only assume that the letters will continue to be vandalized, and we can't keep putting money out. I think the Garden Club should maybe do a fundraiser to try to repair these letters, but at this point, it's so unfortunate it was very unique, very beautiful, but I think at this point we're really going to have to rethink how we move forward, because unfortunately, we live in a City with a lot of vandalism, so maybe we have to look at it a little bit differently.

**Mayor Tkazyik:** Collectively as a Council, I know the City Administrator and I will appreciate your input to how we should proceed together.

**City Administrator Bunyi:** The exact cost is \$5,800.

**Councilmember Johnson:** And then they can be broken the very next day, again.

**Councilmember Parise:** Right.

**Mayor Tkazyik:** And, there were no tips. No one came forward that saw anything take place.

**Councilmember Parise:** When did that happen?

**Mayor Tkazyik:** A couple of months ago...I think around Memorial Day. We just got the estimate a while ago.

**Councilmember Johnson:** So this will be the third time?

**Mayor Tkazyik:** This will be the third time.

**Councilmember Johnson:** It's unfortunate.

**City Administrator Bunyi:** So you're aware. Mr. Gloede said it was a methodical vandalism in the sense that they took every letter and made sure that the letter itself broke from the base, and that the wiring was completely taken out of the letter – each one of them. They actually did 5 or 6 at one time; then came back and finished it off. Same people.

**Councilmember Johnson:** We can't have anything nice. We should realize that.

**Councilmember Parise:** It's too bad.

**Councilmember Perry:** Thank you, Mr. Chairman. That has happened 3 times? Isn't there a camera or something there, so you can at least see who's doing this?

**Mayor Tkazyik:** This would be an additional expense that I'd have to talk with the Chief about. There's no camera at that angle, I believe, covering that island that the City has within vicinity. Another camera would be an additional expense. I don't know what the price of that would be on top of the replacement.

**Councilmember Perry:** It seems that that is happening in plain view; that there should be some way to find out who's actually doing this.

**Mayor Tkazyik:** It was done in the early morning hours, I believe, when it was reported, but we will definitely continue this discussion and Mr. Chairman, you want to have a working group or something, or maybe two advocates to the Poughkeepsie Garden Club from the Council.

**Councilmember Parise:** What about leadership?

**Chairman Mallory:** That's a point - at leadership. I know they expressed their feelings on it. They had expressed some of the concerns that Councilwoman Johnson had expressed, that this happened again and that it was an investment. I can reach out and see if they'll come to Leadership to see what they'll share.

## **XI. NEW BUSINESS:**

**Councilmember Boyd:** Getting back to Church Street – why are we not using our in-house guys to board up our homes? Why are we spending extra contract services money to use somebody else to do the jobs that our guys can?

**City Administrator Bunyi:** Can I just relate a different story? What exactly happened was, Corporation Counsel Paul Ackermann, the Building Inspector and Fire Chief Johnson were there inspecting the fire, and two people from DPW came and expressed that they did not want to go into the building, because that is exactly where one of them got hurt last year. So, Corporation Counsel reiterated the question, "Do you, or do you not want to board up this place, exactly the way we want it boarded up, because it's up for auction?" The answer was, "Definitely not." We had no option, and Mr. Ackermann and Mr. Beck and the Fire Chief had no option but to go out and hire a contractor to board up the place, because a fireman had already fallen through that building. It was not because they did not ask them. They were standing there and they said, "Absolutely not." On the very next day, I was not here, so Mr. Ackermann and the crew made a decision...the right decision. I was misled. Two people from the Building Department came to see me and said, "Do you, or do you not want that building boarded up?" I said, "Which one?" The response was, "The one that was in the fire." I said, "Of course." But, they did not tell me that they had told the Corporation Counsel that they did not want to board it up. It was a set up,

because now they're saying that I said to board it up and the Corporation Counsel said the other way. It was a set up and I don't think that Gary Beck, Fire Chief Johnson and Corporation Counsel will lie about saying, "No, we don't want to go in there because one of us had to have a shoulder operation for boarding up that place last year."

**Councilmember Boyd:** Well, if that's the case, then if we had safety issues, and an article in the newspaper, we were trying to figure out what caused the fire, then why wasn't the other side of the house boarded up? The windows are only 4 feet off the ground and if we're really concerned about safety – and there's no substitution for safety, why wasn't the whole building boarded up?

**City Administrator Bunyi:** Let me finish the whole story, then. That whole day, a different crew – the tree crew was there and basically harassed the people who were doing that and basically they had to leave that building alone, because the harassment got so bad. They were told, "Why are you in this building? You're not supposed to be here and every time they started work, those guys from the tree department, instead of cutting the tree that I asked to be cut down, because it was overhanging not only that house, but two other houses. They decided to spend their day harassing those people, so they had no choice but to leave. I'm surprised that we had not been sued for harassment.

**Councilmember Boyd:** What about the boarding up of the house? It was at 8:30 at night and there were still windows on the side of that house that were still not boarded up. That's very unsafe.

**City Administrator Bunyi:** Yes, but if you were a contractor, and you were shooed away or harassed away, would you come back at 8 o'clock that night?

**Councilmember Boyd:** Well, I'm not really so sure that's even part of the truth, because I know that the tree guys were there, and they cut down the trees. I have pictures of them cutting down the trees. They cut down a big tree, a tree in front, a tree on the side. Every tree that you requested for them to do their work, they did it. Whether they harassed people or not, I don't really know because I wasn't there when that happened. But that still does not – does not have anything to do with not boarding up the side of the building. There was a fireman that got hurt in that building. The whole side of that building was open all night long until the next morning. Those windows were 4 feet off the ground. Anybody could have gotten hurt in there...anybody.

**Mayor Tkazyik:** That's a question of professional decision by the Building Inspector who deemed the property unsafe. That is a question for the Building inspector; it is not a question for the City Administrator or myself. We will have Mr. Beck present at the next meeting with the Corporation Counsel, who served, I believe in the Acting capacity at that time...

**City Administrator Bunyi:** Yes.

**Mayor Tkazyik:** ...that made that decision. That professional decision was made; we cannot answer that here at this time. But we're not going to sit here and listen to the CSEA's one side of the story, between now and the end of the year because they're going to complain about the Administration. It's not the Common Council's role, as legislators to even...look, you're asking a question – we're answering it, which is fair. But, we're not going to listen to these one-sided stories; now we have a grievance. It's becoming a personnel thing and we really can't go much further into this event that took place. But, the City Administrator's recollection of the event and how it occurred is absolutely what took place.

**Chairman Mallory:** And what you're sharing now – I understand you can't talk further but the Building Inspector will be here next week?

**Mayor Tkazyik:** She's questioning a professional judgment of opinion, so we'll...

**Chairman Mallory:** No, no, right. But what I'm saying...got it.

**Mayor Tkazyik:** ...have that information of why that decision was even made or not. Yes.

**Councilmember Johnson:** I was ill for the last meeting, but watched the meeting from my laptop, and just had a question concerning...what is it, the SLU?

**City Administrator Bunyi:** Yes.

**Councilmember Johnson:** OK, the SLU in expense in Sanitation; I believe we had it for \$300,000? Was it \$300,000 for the analysis or \$350K?

**City Administrator Bunyi:** It's up to \$350,000 now.

**Councilmember Johnson:** So, it's up to \$350,000 and you said this money has been used up?

**City Administrator Bunyi:** No, all this money will be paid out this year.

**Councilmember Johnson:** It will be paid out? I would like a breakdown.

**City Administrator Bunyi:** We can't do that because of the HIPAA Rules.

**Councilmember Johnson:** No, you don't have to give me any names.

**City Administrator Bunyi:** We can't give you...because now we're discussing...if you want a private session, you're welcome to come down. We would be more than glad, but we're not going to be discussing it.

**Councilmember Johnson:** Can we have an Executive Session? I don't want to be the only that gets this information. Can we have an Executive Session about the \$350,000 with how much each claimant – without names, like Employee A, Employee B...

Mayor Tkazyik was speaking (inaudibly) in the background.

**Councilmember Johnson:** Aren't I still speaking?

**Chairman Mallory:** Wait, hold on.

**Councilmember Johnson:** Employee A, Employee B, date the injury was incurred, how much was the payout, because this is a huge expense that really affects the sanitation user fee. OK, and I want to know how this all because I think everybody needs to be educated, when did this start because this hasn't going on for years? How do other municipalities, like Newburgh and Schenectady handle such a big expense (\$350,000) and how many times can they claim this? Also, my other question...I don't see anybody writing anything down...my other question is, how are these claims handled by other departments, such as Fire and Police? I'm sure they get injured also.

**Assistant Corporation Counsel Gildard:** Just generally...without getting into any specifics. Police and Fire are governed by the General Municipal Law, so Fire, in their contract had written out Workers' Comp., so there isn't any Workers' Comp. for the Fire Department anymore. So, under the General Municipal Law, if a firefighter's out injured, for the course of that absence, he or she receives full salary and benefits. There's no scheduled loss of use attached to the Fire Department like there is with DPW or something like that. Police is governed by the General Municipal Law as well, it's 207 C. They still have in their contract Workers' Comp. but that's kind of ancillary. There are payouts, but they're usually not done until retirement or later on in their employment because again, during the course of their absence, they're getting their full salary and benefits.

**Councilmember Johnson:** OK, and where does that money come from? Is that budgeted already? Where does this money come out from for this payout in their salary, when they're injured?

**Assistant Corporation Counsel Gildard:** It's just part of their regular salary.

**Councilmember Johnson:** Oh, it's part of their salary? So, the only problem we have is with the Sanitation men? We have 13 Sanitation guys, right? That's what was budgeted for...that \$350,000 based on 13 guys, right? And, 13 guys had \$350,000 worth of claims?

**City Administrator Bunyi:** Correct.

**Councilmember Johnson:** That spanned across what time period? I really think we need to explore...

**Chairman Mallory:** And, I was going to share with you, Councilwoman Johnson, that after this, tomorrow I'll coordinate and see what we can do, as far as what information can be provided to us and see if we can get into Executive Session – probably on the 16<sup>th</sup>. A week is too short for all this information.

**Councilmember Johnson:** OK, yeah. Because this really takes an entire part of the sanitation user fee, and there just has to be a better way to handle that, because if we didn't have the \$350,000 we would be in the black as far as monies are concerned...since we're only \$179,000 in the red?

**City Administrator Bunyi:** That is only through July. It doesn't really reflect the whole year.

**Councilmember Johnson:** Well, I'm not talking about the whole year, I'm talking about July, because we don't know what expenses/revenues are going to be from one day to the next. We don't want to speculate or "guesstimate" but this \$350,000 is a huge expense. I call it the "800 pound gorilla." So, we really need to know who's getting all this money...13 men; this is like another whole paycheck.

**City Administrator Bunyi:** Let me explain something to you. If you want, we will give you the list of employees blindfold[ed], but there's only one employee out of the whole Sanitation that does not have a claim for an SLU.

**Councilmember Johnson:** Only one...and this is the thing because you're saying that they put a claim in for all this money, yet they're still working?!

**City Administrator Bunyi:** Absolutely. We cannot fire 'em!

**Councilmember Johnson:** What?! I didn't say anything about firing them! What I'm saying is that we're paying this big, huge, expense because remember, the sanitation user fee, you have the expenses...\$350,000 – you have to absorb that first. That's one big bill.

**City Administrator Bunyi:** Mrs. Johnson, how do you want us to pay for all their claims?

**Councilmember Johnson:** That's what you need to find out. What I'd like to know is...call up Newburgh, Schenectady...other people that have a sanitation user fee and find out how they're handling all this. I'm sure their men get injured just like ours, but they may be handling it differently.

**Chairman Mallory:** With that, and I hear what you're saying, we're meeting tomorrow anyway and can talk further onto that one. See what our golden objective is for the 16<sup>th</sup>.

**Councilmember Rich:** I'd like to ask a question about the scheduled loss of use. It's in the user fee, it's in the sanitation fund (whatever you want to call it). In the past, 2012, '11 and '10, these workers were in the General Fund budget for scheduled loss of use. How much were these 12 or 13 Garbage guys getting in '12, '11 and '10, vis-a-vis 13? Is this an unusual number? Why did you put this number in because it seems like a lot of money for...

**City Administrator Bunyi:** It's based on the historical data that we get. We spend over a million dollars in and based on what our lawyer said, the Police and the Fire do not really participate in the Workers' Comp. so that million dollars is primarily DPW, and your single biggest cost center is Sanitation. We spend over a million dollars a year on Workers' Comp. I told you in one of the last previous sessions, we had somebody hit a home run on us. Not only did he get [it] for his knees...left knee, right knee, left shoulder, right shoulder, left elbow, right elbow...each one is \$20,000 to \$30,000 a shot.

**Councilmember Rich:** That's not what I'm asking. I'm trying to compare years. I see that the \$350,000 is in the Sanitation budget; it's not in the General Fund. But, in 2012, '11, '10, these 13 Sanitation workers must have been in the General Fund budget and I'd like to know what we were being charged for these particular...I guess you'd call it, accidents they've had.

**Chairman Mallory:** Yes, please do.

**Councilmember Rich:** Being a garbage man is a tough job. It does carry a lot of accidents, bad knees, bad shoulders, bad backs. I've read about it. I read a whole book on the garbage guys in New York City and how often they are injured and how long they can last on the job before they basically have to walk away from it because they are incapable of doing it. So, I realize the garbage guys have a special situation in terms of how much they put their bodies at risk. I'm just asking if \$50,000...how did you come up with that number as opposed to 2012, '11 and '10 so I've got something comparative; maybe the \$350,000 is low, compared to...

**City Administrator Bunyi:** We'll get you historical data over the last few years, to give you an idea. We need to find out...we have to go in and find the claims.

**Councilmember Johnson:** Have you reached out to Congressman Maloney, State Senator Gibson for any grant money for new garbage trucks that have the lift? Maybe we can get new garbage cans, because that would eliminate a lot of this SLU moving forward, since we're now in the garbage business. And, we should conduct ourselves like the private entities out there and maybe get some updated trucks with

the lift and the new garbage cans, so are we looking into any type of money as far as trucks and garbage cans?

**Mayor Tkazyik:** We submit appropriation requests based on a description of need from each level of government...

**Councilmember Johnson:** Have you spoken to them and told them this is a big need?

**Mayor Tkazyik:** Yes, we've met with representatives. We met with Sen. Gibson, we met with Assemblyman Skartados in the past. The area of need for funding they recommend for us to apply for is how we base our appropriation request. So far we've had transportation requests, environmental upgrades to the Water Plant are of importance. Vacant and abandoned property initiatives in areas where money has been needed or criminal justice type of funds.

**Councilmember Johnson:** OK. Let's get to the \$800,000 that the County was supposedly giving us back. Can we use that toward new equipment?

**Mayor Tkazyik:** Those funds are tied to specific projects and certain descriptions that the projects must meet.

**Councilmember Johnson:** So now they're going to give us back the \$800,000 but they took away our \$2 Million, but now that has strings attached. But yet, the \$2 Million they took away from us, they're offering it to all the towns and villages for shared services. I don't understand this. Does anybody care about the City of Poughkeepsie?

**Mayor Tkazyik:** Councilwoman Johnson, if you could get 18 people to change it in January, I'm sure the City will be right there behind you rooting away, but you're going to need more than 7 votes to do it.

**Councilmember Johnson:** We have a whole city. Don't underestimate the people in the City of Poughkeepsie, because I guarantee you, once the story gets out, this City is not going to take this lying down, OK. They're going to fight to get their money back.

**Councilmember Solomon:** When people are collecting this money for shoulders, elbows, knees...are they still working?

**City Administrator Bunyi:** SLU's are basically based on past injuries. I may get the injury 6 months ago, and now I'm back to work. They've had work sessions with Union Lawyers on how to file for SLU's. It's a lot worse now, because they've been having sessions on exactly how to fill out the forms so that the Workers' Comp. Board (WCB) cannot be challenged by the municipality. We lose every single one of them.

**Councilmember Solomon:** So, they were out of work for a period...

**City Administrator Bunyi:** Workers' Comp.

**Councilmember Solomon:** ...on Workers' Comp. Oh, because someone called me up to say that they're getting full pay and money for their injuries as well, and I don't know if that's so.

**City Administrator Bunyi:** That is correct. Basically, so people understand what SLU is, a Scheduled Loss of Use. Basically, I hurt my shoulder, I have an operation, I come back to work and I tell my doctor I can only lift it up to here (motions raising his hand up to a certain level). The doctor then tells them that they have an 80% loss. Now they take that 80% loss, put it on a form, and that form is submitted to the WCB. The WCB comes back and determines that for 80% loss of use, the municipality is responsible to give them a one-time payment for that particular loss of use for about \$40,000. We have to pay it. We also have to pay the lawyer, because they're represented by a lawyer.

**Councilmember Herman:** Aren't they sent for an IME? And if the IME says they're ready to come back to work, then they can't go back on that injury? They're being cleared to come back...?

**City Administrator Bunyi:** No. Being able to come back to work has nothing to do with having an independent meeting with their doctor and their doctor filing a claim that their particular...whatever it is...if it's a knee, a shoulder, the back, puts them at a 50% use of their body or body part. Then their lawyer submits it to WCB and we are being judged to pay \$30,000...\$40,000. The highest that we paid to my knowledge is, I think is like, \$50,000 and we can't win any of them.

**Councilmember Herman:** We keep them as an employee?

**City Administrator Bunyi:** We keep them as an employee.

**Councilmember Johnson:** Mr. Osin in Schenectady told me that he doesn't allow people to come back unless he gets a doctor's note saying 100% use.

**City Administrator Bunyi:** That is correct.

**Councilmember Johnson:** So, I don't know how people are coming back, and they only have "x" amount of use and they didn't sue them for \$50,000. We're not the money train.

**City Administrator Bunyi:** We know that.

**Councilmember Johnson:** It's a money train, here.

**Chairman Mallory:** I just want to finish up with Councilman Rich and Councilmember Johnson. I will be following up tomorrow and will try to get that. That was good comparison what Councilwoman Johnson's asking about, so we'll get that information before us.

**XII. ADJOURNMENT:**

A motion was made by Chairman Mallory and Vice Chair Solomon to adjourn the meeting at 9:50 p.m.

**Dated: October 10, 2013**

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, August 26, 2013 at 6:30 p.m.

**Respectfully submitted,**

**City Chamberlain**



## **COMMON COUNCIL MEETING**

Common Council Chambers

Monday, August 26, 2013

6:30 p.m.

*6:00 p.m. Presentation from Gateway to Walkway Committee  
regarding zoning amendments*

**I. PLEDGE OF ALLEGIANCE:**

**ROLL CALL**

**III. REVIEW OF MINUTES:**

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

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

**VI. MAYOR'S COMMENTS:**

**VII. CHAIRMAN'S COMMENTS AND PRESENTATIONS:**

**VIII. MOTIONS AND RESOLUTIONS:**

- 1. FROM CITY ADMINISTRATOR BUNYI, Resolution R13-68, supporting an application of the Family Partnership Center for funding under the Urban Initiative.**

2. **FROM CITY ADMINISTRATOR BUNYI**, Resolution R13-69, approving a budget amendment for the transfer of funds from contingency to fund the remainder of the year for the City Assessor.
3. **FROM CITY ADMINISTRATOR BUNYI**, Resolution R13-70, setting a public hearing for the proposed 2014-2018 Capital Plan.

**IX. ORDINANCES AND LOCAL LAWS:**

1. **FROM ASSISTANT CORPORATION COUNSEL BRADY**, Ordinance O-13-7, amending parking regulations on South Hamilton Street.
2. **FROM ASSISTANT CORPORATION COUNSEL GILDARD**, Ordinance O-13-9, amending parking regulations on Main Street east of Pershing Avenue.
3. **FROM ASSISTANT CORPORATION COUNSEL BRADY**, Ordinance O-13-10, amending the location of stop signs on Hoffman Street and North Water Street.
4. **FROM ASSISTANT CORPORATION COUNSEL BRADY**, Ordinance O-13-11, amending parking regulation of Dutchess Avenue to add two Handicapped Parking spaces.
5. **FROM ASSISTANT CORPORATION COUNSEL BRADY**, Ordinance O-13-12, amending parking regulations on Kittredge Place.
6. **FROM ASSISTANT CORPORATION COUNSEL BRADY**, Ordinance O-13-13, amending Chapter 14, Article VI entitled "Extended Hours Convenience Stores".

**X. PRESENTATION OF PETITIONS AND COMMUNICATIONS:**

5. **FROM CITY ADMINISTRATOR BUNYI**, a communication regarding the 2014-2018 Capital Plan.
6. **FROM SOTO & SOTO, LLP**, a notice of personal injury sustained on June 4, 2013.
7. **FROM THE BARDAVON**, a notice of intent to renew their Liquor License.
8. **FROM WALLACE AND WALLACE**, a notice of intent for Andy's Restaurant Inc., d/b/a Andy's Place to renew their Liquor License.

**XIII. UNFINISHED BUSINESS:**

**XIV. NEW BUSINESS:**

**XV. ADJOURNMENT:**

