



**THE CITY OF POUGHKEEPSIE
NEW YORK**

**COMMON COUNCIL MEETING
MINUTES**

Tuesday, September 3, 2013 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL- 7 Present, 1 Absent (Councilmember Solomon)

II. REVIEW OF MINUTES:

Common Council Meeting of July 8, 2013

CCM 7-8-13						
			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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

ADD:

VII. MOTIONS AND RESOLUTIONS:

- 1. FROM CITY ADMINISTRATOR BUNYI, Resolution R13-71, accepting grant from Dyson Foundation for the Fallkill Pedestrian Bridge.**

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

Ken Stickle - 118 Catharine Street – Good evening. This has been a disturbing couple of weeks in the City of Poughkeepsie. We had a 99 year old lady murdered in her home. We had a 20 year old killed on Marshall Street. We had a 15 year old arrested in the City of Poughkeepsie area, after he molested a little 7 year old girl down in Fishkill and he tried to kill her. I'd like to know why we have so many police officers during the day, and so during the evening, when we really need them out here. Our crime rate is soaring in the evening; it's not in the daytime. I'm not saying that we don't need our cops out on the street during the day, but we need more cops on the street at night. We really do. When we call for a Police Officer to come, for any reason, it should not take an hour for an officer to come to an area when the crime is going to be gone. It's time to tell the Police force that we want more Police on the street at night when the crime is really happening. I understand they have to do their investigations. I don't care which way you guys fix this, but it's time that the citizens do not have to worry about the drug dealers, the gangs and some 20 year old punk who wants to kill a 99 year old lady or a 15 year old punk who wants to have sex with a 7 year old child. I'm sick and tired of picking up the paper and that's all I'm seeing in the Poughkeepsie Journal. It's time we start taking our streets back – and we really need to take them back. I'm sick and tired of the drug dealings going on in my ward, the 3rd Ward. When I call the Police Department, I'm told, "We'll send somebody to investigate." I'm sorry, that's not good enough. I'm sick and tired of people throwing their hypodermic needles out on the street, right around the corner with little kids walking by. We need help and it's time that the Mayor and the City Council start telling the Police Department that it's time to start distributing the Police Department fairly. We can't have them all during the day. We need them more at night, too. Thank you very much.

Laura Downing - 25 Lincoln Avenue – Good evening, everybody. As I'm sitting here, I'm getting more and more frustrated – not from anything you guys personally did. But, I was here last month complaining about the storm drains. Let me tell you, yesterday I had it full blast. I had about 4 to 5 inches within 10 minutes. It was coming out of my floor like a major fire hydrant... maybe 2 fire hydrants, let me put it that way. I thought I was safe for that little bit. I went down after it rained and everything was dry. I was so happy. Less than 10 minutes later, my husband went down there and it was past my ankles. I walked around outside. I looked over at the field. It was again, underwater. I looked again at Lincoln Park. It was bubbling out of the manhole. I was frustrated, so I contacted my Councilperson. Let me tell you, you want to add insult to injury, with due respect, when you contact a Councilperson, they're supposed to be there for the resident. If not, the entire Council is supposed to be there for the residents – am I not correct? Well, I didn't want to hear stories about the E-coli opening on South Avenue. I didn't want to hear about personal issues with that scare. I didn't want to hear about an educational background. I was told that he had no clue that there was ever a problem in Stitzel Field. I've been living here since

1970. I've never had problems with water. Stitzel Field has always flooded out, but recently, it's been a lot more. It's like "Irene" again. You're talking about all these zoning things, and that's great and dandy, but how about taking care of us residents that are really footing the bill, here? I want to see people come into the City...don't get me wrong. But, what are they going to see? They're going to look down off of that bridge and see the entire City of Poughkeepsie under water because money was fritted away and not put away for a "rainy day" to take care of our sewers and drains and all the major infrastructure. I need somebody to help with me now. I do not do a private meeting. I don't do meetings behind closed doors. I believe in transparency. I don't sue people, but let me tell you, if I've got to keep putting in hot water heaters every time we get a heavy rain, because the City doesn't clean it all out, then my lawyer will talk behind closed doors, not me. I'll be right here on the Council floor complaining until I get help. I went to three neighbors. They were all flooded. This cannot continue. I talked to Mr. Mayor and Mr. Bilyou, and they assured me that they would do as much as they possibly can to fix the situation. I finally had a Mr. "Jessie" come in this morning to talk. I shouldn't have to go through all these problems. When a resident has a problem, they go to their Councilperson and their Councilperson takes it from there. Am I correct? If your Councilperson can't do it, you go to the next. You're not to going to be told, "Oh no, you're getting her involved now." More or less, what is that telling the residents? That's not right. I'm not doing anything to anybody. I'm paying the taxes; I shouldn't have a problem. Am I correct or am I not? I just need help and I don't want to sue. I don't believe in that. You guys need the money to keep our system going. So please, please, get help down on Lincoln Avenue. It's a mess. As far as the tourists – if they look over towards us, they're not going to see anything pretty over on our side, either. Thank you very much. I really do appreciate it and I'm going to try to calm down.

Constantine Kazolias - 47 Noxon Street - First, I want to compliment the DPW. Another cat lost one of its' 9 lives and they came and picked it up Saturday. I'd like to know if the parking situation brought up by that elderly woman has been resolved. I hope it has, because she's not here tonight. Something else I just wrote down...I just follow the money. We're going to have 2 – 3 million people pay for tours. There's going to be a sales tax involved. Yet, the County Executives have the audacity, and he's cut \$2 Million out of our budget. Giving credit to the City...they did sell the parking decks, like Detroit is selling their parking decks, and other city owned property and Chicago followed suit, but one concern of mine is that one parking deck that got sold on Cannon Street was bought by the Church and I just hope that becomes a tax rateable, and not just another one off the rolls, if you know what I'm saying. I don't have to speak politics, I just speak the money. I've got to say...I've criticized this administration – I'm not through yet, John, but I've got to say, that was a smart move selling them – whoever's idea it was. That builds up our fund balance because we got a problem there. People don't understand, the City's losing its tax rateables. As far as this rainy day – forget about it. When they say they got 4 inches from the previous one, I got 8 inches in a barrel. I don't know what the infrastructure underneath can take; the water's going underground and everything is getting saturated. I don't know what's going on...the infrastructure needs fixing, but

the money's not there so I don't know what to say to you. I checked with my daughter. She lives on Mildred Avenue. Luckily, they didn't have a problem up there. But, you need a new pump up there, but that's something else. Anyway, let's make sure that parking deck gets on as a tax rateable. As I've said before, France owns all the churches and the religious aspects have to rent those churches. So, I don't see why that thing should even come off the tax rolls because I feel very strongly about it. I appreciate your time.

Bruce Dooris – 41 Wilson Blvd – Tree supervisor. The reason I'm back today from last week, is because after I left, we had the City Manager, Milo Bunyi accuse the Tree Department of harassing LCS employees. I could say without a fact, that did not happen. I was there, 5 of my employees were there and my head supervisor was there at all times. When we got there like I said last week, we got there, we took pictures, LCS was on the front porch fixing the windows. Immediately, our guy parked the boom truck and was prepared to take down the tree. We already decided, myself and Pat Coyle, to take down the tree, take out the bushes and trim the one tree on the east side. As you can see from the pictures, the whole work...all the work was being done on the east side of that building, where the windows were wide open...where they had left to do for boarding up. I said to LCS, because it was explained to me by Pat Coyle that there was no overtime on this project and we had to be done by 3:00 p.m. I informed LCS employees that they would have to come back later because our guy was prepared to take down the tree – as you can see (held up photo). So, they left and at no time was there harassment going on. I just wanted to make that clear. Also, we weren't just sent over by my boss, Pat Coyle. We were also sent over by Milo Bunyi, who sent out a memo on August 8th – that morning, Thursday, at 6:23 a.m. It says, "Can we please ask trees to immediately address the overhanging limbs? This morning we had a fire at 375 Church Street. The trees on both 373 and 375 Church are overgrown. The Fire Department expresses safety concerns due to the trees." That's why we were over there, OK? I don't blame LCS employees. I blame the Administration for sending them over there and wasting taxpayers' money. Then the other thing that got brought up last week was comp. They talked about Fire and Police and how they get 100% - it's true, they get 100% of their check. We don't get 100% of our check. We get 2/3. We get 66% of our check. So then, the other thing is, when there is an award, Milo said that the City pays the attorney. The City doesn't pay the attorney. The attorney's fee is taken from the award. Just go to the New York State Compensation Board and all those questions will be asked. That fee is determined by the judge. The judge determines how much the attorney gets.

Darrett Robert - 148 Franklin Street – I just wanted to comment about the needles that are on the street that the gentleman spoke about. I walk a lot...I walked from Franklin Street to come here and I shudder at the thought of needles on the sidewalk that the children might see. It's a dangerous hazard. Heroin was used for anesthesia, not for being stuck in our arm. The gentleman said that the Police should be out on evenings, but we also should consider the people who get arrested and are on heroin. They should get treatment because they can try to go "Cold Turkey," and can die from that. That's why we need more mental health people out in the community to

help people get off it, because it's a very addictive drug. People want to see Poughkeepsie as a better place to live in. That's why we need to get this kind of problem resolved. Thank you.

Doug Nobelitti - 145 Academy Street – I was here last week and spoke about crime being an issue. Shortly after I left, I had an interesting encounter with my neighbor in which we stopped and thwarted a gunpoint holdup right behind my house. 82 Carroll Street has been a problem site; the site of a recent shooting. It's always been a problem apartment dwelling. It's recently changed hands. That doesn't mean that things have gotten better. These three thugs were hiding behind the apartment building, with a gun waiting to hold up the Domino pizza delivery guy and we had the Police over there just at the right moment, to actually interrupt it. Two got away, one was captured. The one that was captured wasn't held, because he didn't have a gun. So I asked, "What's up with criminal trespass, loitering with intent?" A variety of other charges that always seem to sound right, but never seem to apply. I'm here to make an appeal to all of you Council folks. This happens not north side, not south side...it seems to be happening everywhere in our city. One of the gentlemen that was captured briefly, resides on South Avenue towards Route 9. Every Council person I think, has got to inquire what's going on. I know it's not the Police at fault. I don't fault the Administration, per se, but I think that a closer look as to what has happened to our city needs to take place. Change can only come from within. Every district needs to look within its community, find its rotten apples and kick 'em out. I'm a big proponent of moving the criminal justice system out of the City, so our city has a chance to function like a normal city once again. But, as long as we're plagued with crime; unless we really pursue development with fervor, we're going to be on the losing end of the stick. And, Councilwoman Perry, knowing that there have been issues concerning the developments in your area. I'd like to address some. I think that as a property owner on Main Street I was concerned that these developments might cause harm to already existing developments. I know there's been a lot of push what was going on at the waterfront, was going to supersede the developments on Main Street. To this, I say, I think we kind of need everything at this point. We need to see the City increase its potential, to improve its chances of overcoming the plague we know that hits us in the headlines on a semi-regular basis. And, to that, I just wish you'd all get together, meet, put your politics aside, look at the City as a whole and say, "We can be better, we can do better. We need to work together to find out how." Hopefully, the development that takes place will be done wisely and will be to the benefit of all, and it will bring people back to the City – this great city that needs to reclaim its shine. That's all I have to say. Thank you.

Tron Melton - 15 Morgan Avenue - I've been listening to a couple of people talking about crime in the area and heard what they had to say. There are some that are unredeemable, that need to go away forever. But when you lump them all into one category to say, "We need to get rid of the bad eggs," who makes that decision? Who says who's bad and who's not? If you don't know where they came from or how they got there, then you can't say that they're bad. What else do you have for them to do? I'm not justifying the things that they're doing, because that's not

justifiable. A step we can take, is to have something for them to do, jobs for them to have, a center for them to have, somewhere for them to go, because they don't have anything. If they don't have anything – like it says, “Idle hands” in the Bible, and that's what they have, idle hands. For all those people who say, “Kick ‘em out, put ‘em in jail, build more jails,” ...you can do that, and arrest who you feel or who you deem need to be arrested, but you need to understand where they come from and why certain things are done. I truly believe if there was something for them to do, you could bring crime down a good 50% just by doing that. You're spending millions of dollars on a new jail or different things. If you spend the same amount of money getting them a center or something for them to do, you would see crime go down. You wouldn't have to maintain that jail, because when they get that “Three hots and a cot,” it costs \$50,000 - \$60,000 a year to maintain them. We could do a program for a lot less money. Not only that, you will create a person that would be proud of their community, knowing the things that are right or wrong. Now, they're not being taught by dealers and gangsters and stuff like that, coming up. This is all they have. They have nobody else to teach them. So, we're saying here, “Don't teach them, kick them out of town, put them in jail.” You're sending the wrong message, because that just makes them think, “This is what they think of us, so if this is what they think of us, this is what we need to do, because they're not going to change – they're not going to help us.” The only thing they have is to help themselves. Like I said, I don't condone the things that they're doing; I'm just saying we can do it a better way to help them to not do the things that they're doing. Thank you.

V. MAYOR'S COMMENTS:

Mayor Tkazyik: Thank you, Mr. Chairman. Good Evening Councilmembers. First, today we had an exciting school convocation, welcoming our new Superintendent, Dr. Nicole Williams with teachers, some staff and students to welcome the new academic year. I was there for the beginning of the morning part. It was fun-filled and exciting to hear the greetings and messages and the staff was certainly looking forward to the beginning of a new school year working with our youth. Of course, I want to thank all the Councilmembers who came this morning and were present on the dais as well as other local elected officials in our business community. The past weekend, as well, we celebrated the Annual Church Picnic in the Park in Mansion Square. It was a huge turnout. As usual, I want to thank John Flowers, and all his elves and all our community organizations – especially our churches within the community, who do so much to give back, who share their faith, their family and of course, the goods that we received in the park that day, so I want to thank all of our faith organizations that came together in the park that afternoon. We had a successful citywide auction that the Common Council authorized earlier in the Summer. The City generated a little over \$1.8 Million to help us with our General Fund balance. This year, as part of our goals and initiatives, and working with the State Comptroller to reduce the overall negative fund balance of the City, this was successful. And, to sell off municipal property that was no longer of use to the City, and of course, certainly to bring the majority of those properties back onto the tax rolls. I would say

that this endeavor was quite successful and we look forward to doing more of those in the future, as we move forward in planning and dealing with different tax liens and properties that the City gets back. And talking with the Common Council on future city owned properties that we may own. The comment about the majority of Police only working during the day, is not accurate. Manpower is deployed amongst each shift, across the board, as based off of contract. You may see different personnel on at different times during the day when there is civilian patrol, or there are different specialty units that are involved during certain shifts of the Police Department. But a lot of those manpower efforts among each shift are regulated per contract and the overall patrolling manpower, as you see, is evenly dispersed. You do see specialty units, and specialty detail taking place at various times. The City does participate of course, in Operation Impact and works with several different agencies and task force amongst the County and the State at various times of the week and at various times of the month. So, I wanted to speak about that, and of course, to our overall efforts, the Police are out to the best of their ability each and every day, working with the resources that they have and the intelligence they receive and the community coming together to assist them in their overall efforts is very critical and important. A lot of the people here tonight continue to do just that, in working with us and working with the detectives in NRU and with Chief Knapp, as we solve many of the crimes that we see take place in some of our neighborhoods around the City. Of course, projects such as this Walkway rezoning, and rebranding that we talked about earlier in the year is just positive pieces of the puzzle. It ties a lot of these things all together. These are going to be the tools and the resources that the City needs to continue to promote itself, and to promote that the City of Poughkeepsie is open for business and is business friendly. And, what we've tried to do whether it be the waterfront, whether it be Main Street, whether it be the Parker Avenue corridor, is to build partnerships with private enterprise and people who own the majority of these properties. Remember, the City does not own the majority of these properties. We're working with landlords, with absentee landlords and developers who want to have an interest here, in the City. We have demonstrated an ability to work with them at various points. At each point, there comes contention. Of course, a lot of the property along Parker Avenue will say on the record, this property in contention, and is tied up in legal battles amongst neighboring property owners, which the City really has no business in, but has attempted to bring parties together to talk. We will continue to make those efforts across board, whether it be on Main Street, at the waterfront and of course, working to rebirth the Parker Avenue north side area, along the Walkway-Over-the-Hudson. So, we're excited about this rezoning project, tying in the Walkway study that will be coming forward next and to then finalizing the overall citywide updated zoning before the end of the year. Council Chair Mallory and members of the Council were committed to getting that done and we're working with staff and working with all of our partners with all of you in the community. Thank you, Mr. Chairman. That concludes my comments.

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Mallory: I'd like to share a couple of comments. The convocation today was very inspiring. I have to say, personally, that the School Board did an excellent job in selecting the new leader of the school district. She's very inspirational, she sounded very on-point and I wish her the best in her success. I also want to thank the students and children that performed for us as well, and again, Mr. North, who played the saxophone very well. I share and thank my colleagues, Councilmembers Rich, Perry and Johnson for attending with me as well. As far as the Gateway to Walkway rezoning, it has been a long period and attempts have been made to include others into that one. Either in separate meetings, or one on one sessions to include every and all businesses and residences in there, to have a say; to have a feel of ownership, of a stake in the area. One thing we can safely say is it's an ongoing process, but we are meeting with owners of properties, and all. I can safely say that we say down with the owner of Alloy's. He came by and brought some things to our attention that will be tweaked accordingly. But, it is positive and, it is moving forward and we're still looking for input as we move forward with this rezoning in the area. That's all for my comments for today for Chairman's comments. At this time the Council needs to go into Executive Session to discuss personnel and grievance issues.

VII. MOTIONS AND RESOLUTIONS:

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

City Administrator Bunyi: Good evening, Chairman Mallory and members of the Common Council. As you are aware, the City is committed to putting up the Fallkill Pedestrian Bridge, connecting the Children's Museum to the Upper Landing. What had happened was, when we put it out for a bid, the project came in at \$176,000. We had allotted CDBG money for \$150,000. We approached the Dyson Foundation, and because they were so anxious and excited they offered to pay for the first \$26,000 as a grant to bridge the gap. Actually, we're starting the project and the Dyson Foundation had offered to the City to put up the money until we get the CDBG funds to be able to get back the other \$150,000. We don't think we need that, but we welcome the \$26,000 they're willing to offer us.

Councilmember Rich: In going to a couple of Waterfront Advisory Committee Meetings, they were at first, talking about a \$50,000 bridge and people said, "That's not going to do the job." So, it's now going to be \$176,000 for the bridge that we're going to put up?

City Administrator Bunyi: Correct. We budgeted \$150,000 on CDBG's so the Dyson foundation came up with the other \$26,000.

Councilmember Rich: I must've misheard, because I thought it was \$50,000 we budgeted. It's actually \$150,000.

City Administrator Bunyi: Correct.

Councilmember Rich: Alright, thank you very much.

Councilmember Boyd: Do we know who's doing the work on this bridge?

City Administrator Bunyi: Yes we do. It was put out for a bid. I'm not familiar with the name of the people doing the job.

Councilmember Boyd: So, it was put out for an RFP?

City Administrator Bunyi: No, a bid. That was the lowest price out of all the candidates.

Councilmember Boyd: Can you tell me whether it was somebody local?

City Administrator Bunyi: No, they were the lowest.

Chairman Mallory: Were they local?

City Administrator Bunyi: Oh, I couldn't...

Mayor Tkazyik: ...(inaudible)...never heard of them.

Councilmember Boyd: ...and the \$26,000...so, let me understand this. So, Dyson Foundation is laying out the whole \$176,000?

City Administrator Bunyi: If we needed it before our CDBG funds became available.

Councilmember Boyd: I see, and when do we expect our CDBG funds?

City Administrator Bunyi: We keep hoping it's next week.

Councilmember Boyd: Approximately, how much are we getting from CDBG funds?

City Administrator Bunyi: It's over \$700,000.

Councilmember Boyd: So, we think we'll have enough money to do a couple of other projects regarding some flooding I have in my Ward.

City Administrator Bunyi: We don't know. The Commissioner of Public Works will be working with Paul Hese, to determine the priorities.

Councilmember Boyd: OK.

Mayor Tkazyik: The sewers are part of that allotment and will go towards improvement. You have a larger project for the Capital Plan, which will be allocated to the next round. You talking about Linden or the sewer...

Councilmember Boyd: I'm talking about Linden and Beechwood – two bad flooding areas. Beechwood...I'm not really too sure what's causing that flooding. I think that's something I have to look into with Mr. DuPilka.

Mayor Tkazyik: Yes, but water/sewer improvements are budgeted in the CDBG allotment.

**R E S O L U T I O N
(R-13-71)**

INTRODUCED BY COUNCILMEMBER PARISE

WHEREAS, the Dyson Foundation has approved a grant to the City of Poughkeepsie in the amount of \$26,000 to be used toward the construction of a pedestrian bridge over the Fall Kill Creek where it meets the Hudson River; and

WHEREAS, the Dyson Foundation requires a grant agreement be signed as a condition of accepting such grant; and

WHEREAS, the Common Council is desirous of accepting such grant to be used for the construction of the Fall Kill Bridge and entering into an agreement; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby accepts a grant in the amount of \$26,000 which funds shall be used solely for the construction of a pedestrian bridge over the Fall Kill Creek at its intersection with the Hudson River; and

BE IT FURTHER RESOLVED, that the Mayor or City Administrator shall execute the Grant Agreement in substantially the same form and substance as attached hereto.

SECONDED BY COUNCILMEMBER BOYD

R13-71						
			Yes/Aye	No/Nay	Abstain	Absent
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	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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Parise and seconded by Councilmember Boyd to receive and print.**

Corporation Counsel Ackermann: Thank you, Mr. Chairman, members of the Council. Before you is a simple ordinance change that would create a parking zone at the entrance of Catharine Street Community Center. Currently, there is a site distance issue, when pulling out of the driveway from the center. The Police Department has reviewed it and concurs that it is an issue, and recommends that two spots be eliminated. One on either side of the entrance to the Catharine Street Community Center.

Councilmember Boyd: So this is a siteage [sic] issue, according to what you suggest – just like the other two parking issues that we had...one on Main and Pershing, and the other one on South Hamilton and...

Corporation Counsel Ackermann: Correct.

Councilmember Boyd: So they have a problem when they come out of Catharine Street Community Center – they cannot see?

Corporation Counsel Ackermann: Yes, they have an issue when they're pulling out of the driveway, either way onto Mansion Street.

Councilmember Perry: I was wondering was there some kind of hedging or fence or something blocking the view from there?

Chairman Mallory: No. It's clear – what it is, if I may speak on that? What it is, is that the parking lot, itself when you're pulling in...cars park right up to the entrance. So you literally have to creep into the middle of the road to make a right or a left, so what the Executive Director, Shirley Adams asked us to remove just those two spots so it clears your view onto the street.

Councilmember Rich: So, this is a siteage [sic] problem?

Chairman Mallory: Siteage? Yes.

**ORDINANCE AMENDING CHAPTER 13, SECTION 13-180, OF THE MOTOR
VEHICLES AND TRAFFIC ORDINANCE, ENTITLED "PARKING
PROHIBITED AT ALL TIMES"
(O-13-14)**

INTRODUCED BY COUNCILMEMBER PARISE

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:

Mansion Street, south side, starting from a point 135 feet east of the intersection of Mansion Street and Catherine Street to a point 70 feet easterly therefrom

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

SECONDED BY COUNCILMEMBER BOYD

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

O-13-14			Yes/Aye	No/Nay	Abstain	Absent
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	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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. FROM CORPORATION COUNSEL ACKERMANN, Ordinance 0-13-15, amending Article IX of Chapter 13 entitled, “Parking Meters.”

A motion to receive and print by Councilmember Parise and seconded by Councilmember Boyd.

Corporation Counsel Ackermann: Thank you, Mr. Chairman, members of the Council. The City Administration has been exploring the possibility of installing “Pay-station” style parking meters on designated city streets. In evaluating the concept, the city thought it would be good to do a pilot project. They have selected Market Street between Main Street and Church Street. The company that will be doing the pilot project previously presented to the Council.

Attached hereto is a proposed ordinance amending Article IX, Chapter 13 of the Code of Ordinance allowing the installation of “pay-station” style parking meters. It should be noted that the Code previously permitted traditional parking meters.

It would also allow the installation of the meters on this portion of Market Street for the pilot project.

Councilmember Boyd: Don't you think, in this agreement, we should have how much the parking fee will be and not really leave it up to the Police Department?

Corporation Counsel Ackermann: That's the Council's prerogative.

Councilmember Boyd: We hold the purse of the City. Don't you think that we should decide? Also, the Police Department will be monitoring these parking meters – is that correct?

Corporation Counsel Ackermann: They'll be enforcing them, correct.

Councilmember Boyd: So that means that we're not going to be taking any extra men off the City streets to fight crime during the day and in the evening – is that correct?

Corporation Counsel Ackermann: It will be policed...actually, it will be more efficient...they'll be policed most likely during the day by civilian traffic enforcement officers. The police officers do it from time to time and write parking tickets. They're permitted to, and they do, but for the most part they'll be policed by the traffic enforcement officers. This system allows a more efficient policing of those meters. No spaces.

Councilmember Boyd: OK, well I think it's only fair for the Common Council to decide on the fee for the parking.

Corporation Counsel Ackermann: Again, that's the Council's prerogative. If you guys wish to have designated times, and the designated fee, then you can do that. It was thought for this pilot part of the project, there may be a need or a want to adjust it, to just see what the different timeframes capture or the different amounts capture. But, at the end of the day, you can set the fee and the time.

Councilmember Boyd: How long is this trial period for?

Corporation Counsel Ackermann: It's only for three months.

Councilmember Boyd: And, who's keeping track of the revenues for this? The Police Department or the Finance Department?

City Administrator Bunyi: The Parking Department.

Councilmember Boyd: The Parking Department's going to keep track of the revenues?

City Administrator Bunyi: Yes.

Councilmember Boyd: What exactly does “pilot” mean? When they say, a pilot – what does that actually mean?

Corporation Counsel Ackermann: It’s a trial period. It’s not a full implementation. We’re not expending the money to actually purchase parking meters and install them. It’s a project where the company is going to allow us to use the parking meters for a period of time, so the City can evaluate going forward, whether or not, it’s something the City wants to do on a more wide scale basis. In order to determine whether or not we want a full-blown parking meter system in order to know what revenue would be generated or better know what revenue could be generated. This is an opportunity for us to take a look at what is generated, and then have an idea of how a full parking meter zone or project would generate for the City, what the consumers think about it. Do they not like the credit card? Would they rather have it just cash? Do they not like the timeframe or all that feedback in order to be for the City if the Council decides to vote on a full-blown parking meter project.

Councilmember Boyd: This pilot is for three months. After that, does it come back to the Common Council to review again, so we could review the revenues and see what the intake is?

Corporation Counsel Ackermann: Sure. There’s two parts of this...two things going on. The first part, is in order to do this project legally, Counsel has to provide for in the Ordinance, because we have to be able to enforce it, and you can only enforce it if you have an Ordinance to back it up. So, the first thing is the Ordinance on the street. The second thing is that, there’s going to be an agreement with the company that ultimately is doing the pilot project, so Counsel will approve the agreement. That will be for a stated period of time. If the Council does not want to move forward with a full project, then the Council would...that agreement would cease after that time period and then the Council would make a change to this Ordinance, removing this one street from this Ordinance.

Councilmember Boyd: And this project is not costing the City a dime...?

City Administrator Bunyi: No, ma’am.

Councilmember Boyd: Nothing?

City Administrator Bunyi: Nothing.

Councilmember Boyd: Absolutely zero?

City Administrator Bunyi: Absolutely zero.

Councilmember Boyd: OK. I would just like to have the fees changed and I think it would be really...

Corporation Counsel Ackermann: It's in there.

Councilmember Boyd: I know, I see that. I think it should be everything, I think it should be change and debit and credit...

Corporation Counsel Ackermann: I believe all those forms of currency are in there.

Councilmember Boyd: I thought I just saw coins, but it did mention debit and credit at some point in here, but I just want to make sure that...

Corporation Counsel Ackermann: I did put those forms of payment in here...

Councilmember Boyd: Credit card or debit card or form of payment is determined by the Chief of Police...and I think all three of them should be in there.

Corporation Counsel Ackermann: Yes, all U. S. currency, credit or debit or other forms of payment.

Councilmember Boyd: I have one more question. What about the lines? It says, parking meter zones in 13-153, so I said, "What about the snow?" I mean, how are you going to be able to see the lines?

Corporation Counsel Ackermann: That's the good thing about this system – you don't need lines. Once you find an open space, you put your receipt or proof of payment in the window, and there's no need to see the lines.

Councilmember Boyd: Each meter contains how many parking spaces?

Corporation Counsel Ackermann: Approximately, 8...8 to 10 spaces per meter.

Councilmember Boyd: Depending on the size of the vehicle? So there are no lines?

Corporation Counsel Ackermann: Yes, correct.

Councilmember Parise: She did answer my question. That would be like, 24-30 spaces that we're talking about, right...during the pilot?

Corporation Counsel Ackermann: Approximately, yes.

Mayor Tkazyik: Mr. Chairman, the Chief and the Administration recommend \$2.00 for the pilot. It's a recommendation to the Council, to add as the fee for the program. As the Chief explained, we want to try the pilot so the on-street cost of the meter is more than what it would be in a city lot. So, we're recommending \$2.00.

Councilmember Rich: I'm looking at the map you provided us tonight, for Market Street. Market Street is in the 2nd Ward, so the pilot project is in the 2nd Ward. I see that there are three proposed parking meters. You said that each of these meters will have 8 spaces, approximately?

Corporation Counsel Ackermann: Yes, 8 to 10 spaces.

Councilmember Rich: So, that would be 24 parking spaces that will be utilized for this new project.

City Administrator Bunyi: 24 to 30.

Councilmember Rich: 24 to 30? So it's at least 24 spaces...I thought it was less. So I can see that you could try it. What is our parking meter zone? How big is this? I know this is the pilot for Market Street, but if this is successful, what is our zone then going to be?

Mayor Tkazyik: The Chief, in his presentation did lay out a couple of different scenarios, but that is actually being analyzed right now between Engineering and Police. We're going to come out with more information as this pilot goes on, as a recommended zone and tie the revenue to each particular scenario, so the Council can get an idea.

Councilmember Rich: So, we really don't have, yet, a parking meter zone with these types of meters, where we're putting in these sophisticated...

Mayor Tkazyik: They're studying activity at different times, different locations, between various points and the Chief will be coming back with a couple of different scenarios, as this plan moves forward.

Councilmember Rich: I would assume it would involve in its next step, Main Street?

Mayor Tkazyik: Yes.

Councilmember Rich: What other streets off of Main Street, would likely be...

Mayor Tkazyik: Right now, I'd just say that we're reviewing the central business district, waterfront areas and county government zones...during the study.

Councilmember Rich: OK, so it could get to...in terms of how many parking spaces we have with this eventual...this zone.

Mayor Tkazyik: Yes.

Councilmember Rich: So it could be quite a few parking spaces...that would be under this new meter.

Mayor Tkazyik: Yes. New meter, timing would eventually be determined by the Council in the end. Of course, all that would be tied to revenue projection, depending on the size of the area in which it gets adopted.

Councilmember Rich: What we're voting on tonight isn't just the pilot...we're voting on changing this part of our law. So, we're really saying, the pilot's going on, but then, we've really changed the law so we don't have to come back after the...

Mayor Tkazyik: No, no. We have to come back.

Councilmember Rich: We have to come back and vote again?

Mayor Tkazyik: This will cease at the end of the pilot, as Corporation Counsel explained. And, this only covers the area between...on Market Street, between Main and Church [Streets]. This will come to an end in three months...

Corporation Counsel Ackermann: Let me just clarify something. The Ordinance will remain on the books until the Council removes...and all you'd do in the future is remove that one street, but the pilot project would have the agreement with the company to place the meters, would only be for a period of time. If they remove the meters, we have no ability to collect. So, there's no parking zone, but at that time it would be appropriate if the Council decides not to go forward with a full project, to remove the one street from...all the other infrastructure of this Ordinance was in place and the changes you're making today, could stay in place with the...except with the removal of that one street in the parking zone, if the Council decides not to go forward with the project.

Councilmember Perry: I was concerned about the time period myself. It's only going to be for three months and then you mention about full-blown, what did you mean?

Corporation Counsel Ackermann: Well, it can be a more extensive, permanent project, after this pilot, if the Council decides to implement the full project.

Councilmember Perry: That means covering several other streets? Or, are you going piece by piece like Market Street, like you're doing right now?

Mayor Tkazyik: It would be a broader plan for parking meters...I don't want to say citywide, because that wouldn't be the appropriate word to use, but parking meter area district within the areas that I mentioned earlier, within the central business district Main Street, waterfront areas, and even going to some of this technology in some lots.

Councilmember Perry: When you said, "Full-blown," I was looking at entire Poughkeepsie, and since we're trying to get visitors to come here, that could scare them away. I don't understand...there's a fine of \$50 or five days in jail for violating the parking...?

Mayor Tkazyik: That goes under the same section as...

Corporation Counsel Ackermann: That's the existing section. That's what it is now.

Mayor Tkazyik: Nothing new.

Councilmember Perry: Five days in jail if you don't pay \$2.00? Thank you, Mr. Chairman.

Councilmember Johnson: You stated there's an expiration on the pilot and the pilot is only for three months. Where's that stated?

Corporation Counsel Ackermann: I said before, there's two things going on here. There's the change of the Ordinance, which you're going to approve tonight and there's the agreement with the company for the pilot project for the meters. That agreement will be for a period of set time – three months.

Councilmember Johnson: We're voting on that agreement tonight?

Corporation Counsel Ackermann: No, no, no. You're voting on just the parking Ordinance.

Councilmember Johnson: The amendment to the parking Ordinance.

Corporation Counsel Ackermann: Right. Because in order for us to move forward with an agreement with the company, we need to have this in place and...

Councilmember Johnson: Will that agreement come before the Council?

Corporation Counsel Ackermann: Yes.

Councilmember Johnson: So, we're voting on the changes to the ordinance; when will the agreement come before the Council?

Corporation Counsel Ackermann: We're working on it now and we're hoping for the 16th to have that agreement in place.

Councilmember Johnson: September 16th?

Corporation Counsel Ackermann: And that will be for a temporary use of three meters for 90 days.

Councilmember Johnson: OK, I just want to understand that. Because if we're voting on stuff and the next minute, there's meters all over town. I went shopping with my daughter this weekend (to Fordham Road in the Bronx) and saw that they have these meters. We had to put in a credit card and the slip, so they're actually doing it in the Bronx and the surrounding areas. It was \$1.00 for an hour, and that's all you could put in, and my husband had to go to the meter several times. I don't know if I agree with the fee of \$2.00 – would it be \$2.00 for an hour?

Mayor Tkazyik: Yes, it would be \$.50 more than it is in the current lot now.

Councilmember Johnson: I think the purpose of these boxes were to scare people into the lots. I thought it was to create new revenue and to be fair and equitable. So, I think again, \$1.00...

Mayor Tkazyik: ...we're talking about prime parking spaces, where people park all day downtown.

Councilmember Johnson: But it's free right now. That's the part that's tricky for me.

Mayor Tkazyik: That would defeat the purpose, then.

Councilmember Johnson: I can't agree with \$2.00 an hour.

Corporation Counsel Ackermann: Just in speaking with the company, they've had experience doing these all over, their suggestion is that, the rate for the entry as the Mayor said, to force people to go to the parking lots if they're going to stay for an extended period of time, because they want the turnover for the businesses on the street where the meters are. So those parking spots are more likely to turnover than getting the person...because if they're the same for the lot and it's the same for them to park all day, on the street in front of a business...instead of going to the lot, they're going to park all day for the same rate on the street. But if it's more, then they're not going to stay all day. They will go into the parking

lot, and then leave these spaces to free up for the businesses on Main Street or wherever the meters are.

Councilmember Johnson: My concern is that when we expand into the other areas – Main Street, Central Business District, Waterfront areas, that we have to stay consistent with the fee. So now, we're going to be infringing on the Mom and Pop businesses on Main Street...not the big expensive restaurants whose customers probably can afford \$2.00 an hour. We have a lot of Mom and Pop businesses, beauty parlors...and let me tell you, it takes hours to do black hair. That's why I don't go there, I do my own. That's why I look a mess, but that's going to really hurt businesses: barber shops – you have to sit and wait for a chair to open up. So, I don't know how that's really going to play out with other businesses when we expand the parking boxes.

City Administrator Bunyi: I think that that's the idea behind making this into a pilot project, because I think it will answer a lot of the questions that we have right now. Right now, we're making assumptions, not based on any type of any actual realities.

Councilmember Johnson: Yeah, I based it on the reality of what I experienced in the Bronx. I thought \$1.00 for an hour was reasonable and obviously, they thought \$1.00 for an hour was reasonable also. That's what I'm basing it on. That's not an assumption – that's a fact.

Councilmember Herman: Is that time limited parking now, like 2 hour parking?

Corporation Counsel Ackermann: Yes.

Councilmember Herman: So that's going to be...

Corporation Counsel Ackermann: They can park all day if they want, as long as they're paying for it.

Councilmember Herman: Right, but is that going to be taken away during the pilot, or are you still going to have 2 hour parking there?

Corporation Counsel Ackermann: No.

Councilmember Herman: It would be taken away by the pilot.

Corporation Counsel Ackermann: Yes.

Councilmember Johnson: There's a button where you can add to your time, as long as you're feeding the machine...because that's what it is – a revenue mechanism, but we don't want it to be a greedy mechanism.

Councilmember Rich: This pilot's being done in my ward – the 2nd Ward. Will my 2nd Ward residents be a little upset with me? What I think we're going to get with these new parking meter spaces, will, eventually when it's expanded is that this will be people that don't live in the City, but come from outside the City and that would be nice if they would come in and give us some money for all of the freebies – especially, if you're working for the county government, or the state, etc. We give them Police, Fire and DPW services without paying us. What I think we're going to get is people that don't live in the City actually contributing to our City's ability to continue providing these services to them and for our own people. That's why I thought I'd be for this. If it was just for my own constituents, I'd have a hard time explaining why they're not paying, but I think this will be mostly for the people that are from outside the City of Poughkeepsie limits. We've got to find a way for our city to survive financially and I see why we're moving towards this. It's not pleasant to raise any kind of tax; even though they say it's a fee, it's a tax. But, we have to do this because our city is in serious financial difficulty. Thank you.

Councilmember Johnson: I disagree with Councilmember Rich. I have driven many constituents. I've even had Ms. Perry with me driving constituents to the DPW. I even had to pay for one person's identification card (\$10)...she was getting evicted. They think I'm a Social Worker. A lot of people...they have attorneys in the Bardavon Building. They go to the Department of Motor Vehicles, Family Court for Child Support, Social Services, etc. So, I disagree – a lot of our local people park on Market, Main Street and every other street in the City of Poughkeepsie.

Councilmember Boyd: I think that if we charge \$1.50 right now for parking, we should charge \$1.50 for Main Street for the meters. I think we should keep everything consistent, so this way, there's no arguing between any of our constituents that have any problems parking in the City of Poughkeepsie, period.

Councilmember Johnson: I've parked in the parking lots. Sometimes they're full and I can't even get a spot in the parking lots. I think that a lot of people tend to forget there are a lot of hardships out here. A lot of people have lost their jobs. If parking was free and now we're charging, we don't have to be consistent with the parking lots, because the people in the parking lots...all the people who actually have jobs on Main Street and have to have long term parking. A lot of them have permit parking. I think that for a person who is on a fixed income...seniors...or for people that really don't have the money financially and I think \$1.00 again, for one hour is good. If it's not a dollar, I will not be voting for this. Thank you.

Chairman Mallory: Corporation Counsel, questions brought up before by **Majority Leader Boyd** about Section 13-150(a) about amending. If she brings that up and it passes, what is our role as far as determining duration of time and

fees? Is that something that is presented to us next time we sit down as a Council and make a determination...

Corporation Counsel Ackermann: You could make a motion to second now, with regard to either two of those, or one of those. So, if it's the Council's prerogative that they want to set the fee, but they want to leave the duration to the Chief, then you can do that. If it's the Council's prerogative to set the fee and the duration, then you can make it a motion to amend that, or obviously, you can remain to be voted on, as is.

Chairman Mallory: With that said, we've heard conversation before about fees. If it's about a determination that had to be made today or about duration of time and what the fee is? Or, can it be done at the time of the agreement?

Corporation Counsel Ackermann: The Council can amend this at any time. Or, if they want to have conversations with the Chief about what they want, I'm sure the Council can come to some kind of agreement with the Chief without memorializing it in here, but if Council wanted to, at a later date, they can memorialize it in here what duration they would like to see.

Chairman Mallory: OK.

Councilmember Boyd: I'd like to amend this motion...this resolution.

Corporation Counsel Ackermann: Would you like me to suggest some language?

Councilmember Boyd: Sure.

Corporation Counsel Ackermann: In anticipation, my suggestion would be to leave any other section or subsection of this article, notwithstanding the Chief of Police or his designee is hereby authorized and directed to determine the duration. Strike and the fees for the operation of parking meters on any parking spaces...that would be a period after that we would add. We would add a new "b" that would read, "The fee for parking in a parking meter zone shall be \$1.50 for each hour or part thereof." And, the current "b" would be amended to "c."

Councilmember Johnson: Where you suggest, "Notwithstanding," that it should read, "The Common Council." And they should determine the fines and the fees.

Corporation Counsel Ackermann: The thing is, that everything in the code is directed by the Common Council, so you do not have to put yourself in here, so if you're going to choose to set those, then you're just going to set them now.

Councilmember Johnson: It says here, "The Chief or his designee is hereby authorized..." Why can't it say, "The Common Council is hereby authorized and

directed to determine the duration and times and fees.” Why can’t it be stated like that?

Corporation Counsel Ackermann: Because then you are directing the whole code; you’re directing and determining things yourself. You can’t direct yourself to do something. You either have to do it in here, or you have to direct somebody else to do it. If it’s your intention to set the fee and the duration, then we should be setting the fee and duration today. Let me just back up. Procedurally, we have a motion on the floor. I’ll read it just one more time for clarification purposes.

It would read now:

“13-150(a) Any other section or subsection of this article notwithstanding, the Chief of Police or his designee, is hereby authorized and directed to determine the duration times for the operation of meters on any parking space.”

“Section, subsection (b) Parking in a parking meter zone shall be \$1.50 for each hour or part thereof.”

“(c) Shall be the paragraph that starts with each parking meter.”

Mayor Tkazyik: Mr. Chairman, Mr. Ackermann and Mr. Bunyi and the Chief were recommending 8:00 a.m. to 6:00 p.m. for times. I think they wanted to try 8:00 a.m. to 8:00 p.m. at times. If you’re going to set them, I believe that’s what he was recommending for this project.

Corporation Counsel Ackermann: So, you want to set the times? Any section or subsection of this article notwithstanding...Strike “City of Police or designee is hereby authorized and directed to determine the duration times for the operation of meters on any parking spaces shall be 6:00...”

Councilmembers Boyd and Johnson: 8.

Corporation Counsel Ackermann: Oh, excuse me. 8:00 a.m. to 6:00 p.m.

Chairman Mallory: And, I appreciate you doing that, but what it is, it’s for...and that’s what I was getting at. As we were amending this, not to say that Majority Leader Boyd isn’t following through, and I hear what you’re saying...my thing is the duration – now do we do 7 days per week, do we do that in itself?

Councilmember Johnson: Is it Monday through Friday?

Chairman Mallory: Right – those are the things in itself.

Councilmember Parise made a motion to table Ordinance O13-15,
Councilmember Boyd seconded the motion.

Councilmember Rich: I'd like to talk about this motion. Here's my thought. The reason we said the Police Chief was because this is a pilot. This allows the Police Chief to experiment with the cost and the time. Then after 90 days, he should be able to tell us whether our numbers work or they don't work. And, what we're doing is we're already saying that the experiment is really over, except for...are we going to expand the...

Councilmember Parise: That's a good point, Joe.

Councilmember Rich: So, I think we should experiment to see if this is going to work, before we go out and do this all over our city.

Corporation Counsel Ackermann: We have a motion and a second. You either have to vote it down...

Councilmember Parise: We can still table it.

Councilmembers Rich and **Councilmember Herman** voted, "Nay," during a vote to table.

Councilmember Herman: I just don't think it's...I mean, if the Police Chief wants to do the pilot, they're in the business of knowing what the hours are; they're in the business to know what the volume is. We can always "tweak it" 90 days out if we're going to keep it or not. It's just a pilot; a trial thing. I think we're getting ahead of ourselves designating times and fees. Let's just charge everybody a dime like the Roaring '30's. We're here to make money and part of the people are parking out there 5 hours a day – it's a business district.

Chairman Mallory: It's tabled, 5-2.

Corporation Counsel Ackermann: All those options are still on the table, so...

Chairman Mallory: Right, we'll just bring it up on the 16th.

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

- 1. FROM CYNTHIA LINTEL**, a notice of property damage sustained on August 9, 2013. **Referred to Corporation Counsel**
- 2. FROM FRANCES M. DURY**, a notice of personal injury sustained on August 9, 2013. **Referred to Corporation Counsel**

3. FROM LINDA RUOTT, a notice of intent to renew liquor license for 134 Smith Street. Referred to Corporation Counsel

X. UNFINISHED BUSINESS:

Councilmember Johnson: There is an increase in graffiti. What do we plan to do? I know we had an incident at Krieger School with a bunch of graffiti. It's getting out of control. They paint sprayed the new benches at King Street Park, the Port-a-Potty; Graffiti is all over. Is there a plan of action? Is there something we can do with our County Legislators or stopping the sale of spray paint to minors? We have to do something, because pretty soon the whole City is going to be littered with graffiti.

Mayor Tkazyik: Mr. Chairman, we just had a meeting of supervisors in Public Works regarding graffiti. Looking at the overall Ordinance and will be making some recommendations just to tighten that with the Common Council on violations and abatement. Also, looking into some new equipment, using CDBG funds. Mr. Paul Hesse is reviewing to see if it would be applicable to assist Public Works with the removal of graffiti in various locations of the City. Councilman Rich, I know, worked very hard on a graffiti...wipe out graffiti plan. There was a lot of important literature that went to school districts and churches and non-profits under that information. Maybe we could dig that up again and see if we could collaborate more with the schools and other agencies to get the word out on graffiti, but enforcement-wise, in abatement, we just had a meeting in-house and we're looking at some equipment that's needed in order to tackle this problem.

Councilmember Johnson: I'm glad that you have a good memory, because when you were a Councilman, it was I who brought up the whole problem about graffiti and Councilmember Doyle appointed that to Councilmember Rich. In the 2nd Ward there is an abundance of graffiti, so maybe you need to start in that ward first.

Mayor Tkazyik: I remember Councilmember Rich bringing that forward; that's all I remember.

Councilmember Johnson: But you know, the memory of an elephant. I'm not talking about a Republican either.

Councilmember Rich: Mr. Chairman, Councilman Rich did not get assigned it. I assigned it myself, and I'm the one that did the research; I'm the one that wrote the law, based on other cities and so, Mr. Doyle, our former Chairman, had nothing to do with this. This was all my doing and whether it worked or not depends on if we have the staff to make it work.

Councilmember Johnson: You can't steal other people's ideas. This is the thing, you can come up with research, but if it's not implemented, then that means absolutely zero. Again, there is an abundance in the 2nd Ward. The abundance of

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graffiti is right there on the arterial. It's been there for a long time. You've seen it...it's all over.

Councilmember Boyd: OK, I have a couple of questions. The City Administrator brought up at the last meeting, \$350,000 for Workers' Compensation. I'd like to know to date, from January to December, 2012 and from January 2013 to August 2013, exactly how much did we use in Workers' compensation? That's number 1.

Chairman Mallory: We bring that up the 16th.

Mayor Tkazyik: We agreed to the 16th.

City Administrator Bunyi: We agreed on the 16th there will be an Executive Session, where our TPA will make a presentation to the Common Council on Workers' Comp.

Chairman Mallory: That's something Councilmember Johnson brought up too, and Councilmember Rich.

Councilmember Boyd: My next question is, May 4th and May 5th...this is the third time I'm bringing this up. The Fire Chief put a rig out of service because we didn't have enough firemen to operate it. How safe is that for the City?

Mayor Tkazyik: You were just with the Chief – you should have asked him....

Councilmember Boyd: We were in Executive Session and talked about something else.

Mayor Tkazyik: You could have asked him - you talked about every other thing in there, so...

Chairman Mallory: Alright. Mr. Mayor.

Councilmember Boyd: And also, we've asked many times for a meeting with Bonura.

Mayor Tkazyik: Yes, that is being scheduled as we speak, Councilwoman Boyd.

Councilmember Boyd: Well, we were told that several times, too and that hasn't happened either.

Mayor Tkazyik: He's willing to meet with members of the Common Council Leadership in 4 four sessions. If you accept the offer, let me know.

Chairman Mallory: After Leadership.

Councilmember Johnson: Is the street sweeper working? I haven't seen it.

Mayor Tkazyik: It's on my street.

Councilmember Johnson: Can you send it on my block, so I can actually see it working?

Chairman Mallory: Can I just piggyback on something I just shared? **Councilman Herman** had asked that as well as myself about the availability of the street sweeper. We were supposed to get some information if it's up and operating, and when is it available to hit our streets.

City Administrator Bunyi: We will get a schedule from the street people.

Chairman Mallory: Thank you.

Councilmember Johnson: I have one other thing we voted on – the moving of the parking sign on Main Street. When is it actually going to happen? I would like for it to be moved right away. The Salvation Army is a new polling site. We're going to have hundreds of people pulling out of Pershing onto Main Street. If we can save a life, let's try to do it. I want it on the record.

Mayor Tkazyik: Mr. Beehler's ready to do that. He's got it.

Councilmember Johnson: When is he actually going to move it? All he has to do is move the sign.

Mayor Tkazyik: He has the ordinance. There's a process to that.

Councilmember Johnson: It's a process? Can you give me an idea when the sign is going to be moved?

City Chamberlain Flynn: He was in my office today for the sign...

Mayor Tkazyik: He will be in my office tomorrow.

Councilmember Johnson: There's a primary election coming up, hundreds of people will be coming out of there. Is concerned for public safety. Safety and saving lives. We don't want any more fatalities. We have enough things going on in the City.

Mayor Tkazyik: We agree.

Councilmember Johnson: I don't want to bring stuff up, so I'm just saying...do I have to go out there and move the sign myself?

Mayor Tkazyik: Maybe he's doing Darrow Funeral Home first. There are families there who are going to visit people who have died, too.

Councilmember Johnson: Have it on record. This is Main Street, a new polling site at the Salvation Army on Pershing. Many people – seniors, teenagers, everybody's going to be pulling out from there. There's not going to be that many people dying at Darrow Funeral Parlor as there are going to be people coming from the polling place.

City Administrator Bunyi: We'll make sure that the signs are up for the weekend.

Councilmember Perry: Thank you, Mr. Chairman. I noticed there was a lapse in memory, regarding the graffiti situation. I thought we would be finding a solution to the graffiti problem. As I look over the City, most of them look exactly the same...for years...same group, same people, same artist – whatever. Has anyone ever been prosecuted for that, in the memory of anyone?

Corporation Counsel Ackermann: We've had people prosecuted for graffiti.

Councilmember Perry: So there is really no solution to this?

Mayor Tkazyik: (Inaudible)...no microphone.

Councilmember Perry: Mr. Mayor, you said the property owner. I would suspect that it was not the property owner that goes around and puts graffiti on their own building, but again, we're saying the property owner would have to pay for this. That's another tax. I'm really thinking we should, if possible, focus on the criminal who is doing this.

Mayor Tkazyik: Unless the person is caught in the act, or is a witness to the act, or the Police sees the action, the responsibility will fall to the property owner. This is comparable to the person that leaves two bags of garbage in front of your house and leaves, and no one sees them doing it. (Inaudible)

Chairman Mallory: Mr. Mayor, put your microphone up.

Mayor Tkazyik: The Police are aware of the graffiti going on, they monitor the "symbols" that get put on objects and properties, but unless and until the person is seen in the act...

Councilmember Perry: So there again, the property owner has to bear the brunt of something else. It does seem to me that this is an ongoing thing with graffiti, and this is a lot of years. We find so many solutions for a lot of other things. I'm sure, there's a lot of technology where we can find out who these people are. They look so much the same. It has to be the same people that are doing it. Thank you, Mr. Chairman.

Councilmember Parise: I want to report that the signs are up on Dutchess Avenue – the Handicap. I'd like to thank the Council for voting for that. So far, so good, there haven't been any complaints.

Councilmember Johnson: What I would like to see as far as the graffiti is concerned – we have family advocates, new family advocates with the school district. We know that it's young people that are doing this...young adults. This is one-horse town...everybody knows everybody. Maybe pictures could be submitted to the school district and maybe we can have a reward system for identifying that particular name or tag of the person. Also, again...is there anything we can do with the local laws with the County, in places that are selling this spray paint to minors, because they have to be getting this paint from somewhere, so maybe we could launch some sort of a program or something to let people know if there is anything we can do?

Mayor Tkazyik: We can look further into that. I would suggest that Councilmembers Boyd and Perry get with Councilmember Rich on the graffiti information that he produced and worked with staff to do, as our two school liaisons, that they get together with him and talk about some education through the school system using that plan because it was effective then, and the information was there. We will look at your suggestion in relation to the law, of paint but Corp. Counsel will have to review that further.

Councilmember Johnson: I think we're going to have to "think outside the box." As I said, this situation is really getting out of hand. Our city is already looking bad with the litter. Now we're going to have graffiti writing all over. Again, we have two family advocates. I do attend school board meetings on a regular basis. I don't know who else around here is attending those meetings. I've seen Ms. Perry there. This is a serious situation. There is a serious situation at Krieger School. I had pictures...I should have brought them with me. Maybe the Police would...we have Police that work in the schools. Maybe we can have a Youth Council work on it or have the legislation change the law so that a person would have to be 18 years old to buy spray paint. Can we just look into it?

Mayor Tkazyik: We'll review that part of it, yes.

Chairman Mallory: I just have a quick question. A hard copy for the audit?

Mayor Tkazyik: Yes, I was about to hand it out.

Councilmember Rich: Just to enlighten folks...when we wrote that graffiti law in 2009, we included people that sell spray paint, have to keep it behind the counter and that a person has to be at least 18 to buy it. That was passed by the County. The problem is, that it's very hard to enforce, because in this city, there aren't many places that sell paint. In the County, there are plenty of places, and so the County, while it had a law, was not able to properly enforce it, because they don't have the staff to do that. The Sheriff's Deputies would have to go in to the mall, paint stores,

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etc. The secret of graffiti abatement is not rocket science, it's been studied. The answer is, when you see graffiti, within 48 hours, if you eliminate it...and that's what our law says, that within 48 hours it has to be eliminated, or the City will eliminate it. The people that write graffiti get very frustrated. They like to have their work for many days, weeks and maybe months. But, if they put something up and it's immediately taken down, they start to get discouraged. Around the country, that is the main way to do it, to get graffiti under control. I know we had one guy doing graffiti in 2009 when the law was passed. I don't know what we're doing today, but when I call it in, for places like Stitzel Field, it takes a long time to get it down. It's so long that it's ineffective to have a law where you cannot get it down immediately – that's the key for fighting graffiti. Under Unfinished Business, I'm bringing this up about the fourth or fifth time. Mr. Terry Horner, of 81 South Hamilton Street, is an individual that lives in a home that has several apartments that are vacant, and our new local law our enterprise zone for garbage collection. It is stated that if you are in the house alone, even though you have several apartments, you're by yourself and you can prove it, you can then appeal to the City; fill out a form and you get the fee for an individual person, or individual home, rather than to the two or three bedroom. Mr. Horner is paying for three. So, instead of paying \$25.00 per month, he's paying \$75.00. He's asked for this law to be applied to him as an individual. I think he's the only person who has ever used that piece of the law, which covers only two or three building apartments. When you go to four, you're under 411. I'm asking that you fix this by using the new law. That would be wonderful. He was told that he'd have to take out appliances in all the apartments to qualify...that's not in our local law, whatsoever. We never thought of that in the local law, yet it's being imposed in the local law. It's time to get this done.

Mayor Tkazyik: We'll meet with Building and Corp. Counsel tomorrow regarding 81 South Hamilton Street.

Councilmember Rich: Mr. Terry Horner is the only one that I know of, that applied under the law for a local reduction.

Mayor Tkazyik: No, there are several. There are State Building Code regulations on how that function of the removal and downgrade, (I guess if you want to call it), of a dwelling, steps have to be taken. We'll review that and...

Councilmember Rich: Yes, because when we wrote the local law, we didn't know about these problems. We just assumed that it was just sanitation pick up, it was not going to be a problem.

Mayor Tkazyik: Right, but when people want to change their dwelling to make it less, because they don't utilize the unit(s), there are steps under the Building Code that homeowners have to comply with.

Councilmember Rich: When we wrote the law, we thought this was only about garbage. It wasn't about other things.

Mayor Tkazyik: Joe, it's pretty hard in 17 days to get everything down pat.

Councilmember Johnson: I believe that Corporation Counsel and I spoke about an incident concerning senior citizens living in a two family that can claim it as a one family, so there was some discussion about that. I also spoke to Corporation Counsel in regards to other situations where a homeowner is not utilizing the other dwelling. And, what I spoke to him about was that I think it's unreasonable to have to take out a stove and all of that. I think what we had decided, was that the person come in and sign a Notarized agreement, stating that for that year, that apartment will not be used for any type of rental or something like that, and if it is and they are caught will get a violation and will have to pay back fees for the entire year, plus penalties...blah, blah, blah and this will be renewed on an annual basis. So there was discussion in regards to this. Correct, Corporation Counsel?

Corporation Counsel Ackermann: Yes.

Councilmember Johnson: Thank you.

Councilmember Boyd: I think we also asked for Unfinished Business, contract services – a list for every department. We just received it for DPW, but nobody else.

Mayor Tkazyik: That list is being compiled.

Councilmember Boyd: Thank you.

XI. NEW BUSINESS:

Councilmember Rich: Thank you, Mr. Chairman. I had a constituent come and speak to the Council. I asked her to come and speak and have talked to her. I want to get a meeting with Milo for her situation on Lincoln Avenue, but Stitzel Field has become a major problem. For example, earlier in my term, there was a lot of graffiti. It took a long time, but it finally got done. About a month ago, someone told me there were trees and bushes growing out of the bleachers. I went and saw the trees and bushes growing out of them and behind them, the grass is extremely high. I reported that, and now I hear that Stitzel Field gets flooded a lot. That's never been reported to me, and never looked at it when it was flooded because I couldn't see it from the road. That's something we have to be careful of. Stitzel Field is not getting the use it used to with the City of Poughkeepsie School District having its own field, which we attended today – beautiful field...\$22 Million field. Our Lady of Lodes got it's own field now, so Stitzel Field is not being utilized. Otherwise, they would've complained to us if there was a problem. We have to figure out a way, when we have these horrible rainstorms, to get Stitzel Field and Lincoln Avenue fixed.

Councilmember Boyd: We just received the hard copy of the Sedore Report. I reviewed page 47, the copy that I received on the computer. I don't know where Sedore got this information from, but I believe it's incorrect. The retirement...the employees do not receive 100% retirement from the City when they retire.

City Administrator Bunyi: We will check with them.

Mayor Tkazyik: What line? Where is it written?

Councilmember Boyd: Page 47. It says, "CSEA Retired prior to 1989, 100% to the retiree, 100% to the spouse. That is not correct. Retirees hired prior to 1995, 100% to the retiree, 100% to the spouse.

Mayor Tkazyik: We will check that with Sedore.

Councilmember Boyd: PBA is not correct, either...

Mayor Tkazyik: We will check with them.

Councilmember Boyd: ...but this is thousands of dollars we're talking about.

City Administrator Bunyi: What do you mean, thousands of dollars? It's a piece of paper.

Councilmember Boyd: We don't...no, I'm talking about the figures.

Mayor Tkazyik: We'll check it. It could be a mistake, a typo in a rush to get it to you today.

Councilmember Boyd: It's a whole sheet, how can it possibly be a typo?

Mayor Tkazyik: We will check, Ms. Boyd. We'll get back with you.

Councilmember Boyd: I want to bring up 60 Beechwood...I have to speak to Rich DuPilka about the flooding, because it's definitely a problem. I believe the house is in partial foreclosure and need to look into that.

Councilmember Johnson: I want to make another correction in regards to Laura Downing. She called me about the water in her basement. I tried to help her and give her advice. I also gave her your phone number, Councilmember Rich for her to call you.

Councilmember Rich: She called me.

Councilmember Johnson: I also gave her advice as to Mr. Bunyi and explained about Mr. DuPilka and why he may not have addressed the problem because of personal issues. I would not like to see Ms. Downing come here again. I know she has personal problems and I don't want to see her get ill because of this, having new expenses with new water meters. Obviously, there's a flooding problem over there. So, if there's anything we can do...get somebody out there, and really solve the problem. I'd really appreciate it, so Ms. Downing doesn't call me again. I'm getting other people's constituents calling me and I'm in a Primary

Mayor Tkazyik: Mr. Chairman, Mrs. Downing called me as well. I called her back and e-mailed her three times. City staff was there today, reviewing...assessing the situation, speaking with her. She explained to them, what was going on. Water/Sewer was there...Jessie Purcell spoke with her personally to address the matter, and I did speak with Councilmember Rich, whose ward it's in, regarding the matter. Let the minutes reflect that the City Administrator handed the audit to the Council, and we will look at Councilwoman Boyd's, because that always was a mystery, because that's how it always was. It was always placed on the desk, rather than on the agenda. This was handed to them. I got the audit every year when I was a Councilmember. I have them all at home.

Chairman Mallory: On this, New Business, Academy Street parking, on that one – that's a parking lot where they take the ticket out and put it on their dashboard...I mean, receipt?

City Administrator Bunyi: Yes.

Chairman Mallory: Is that the only one we have in the City? It seems efficient. We're talking about parking meters.

City Administrator Bunyi: We have two in that parking lot. We hope that, if this whole thing goes...it's the same machine that can be used for the parking lots, that can also be used for on street parking.

Chairman Mallory: So, are you saying, it's something we, as a City are looking for that similar type of machinery to go into the other municipal parking lots?

City Administrator Bunyi: Correct.

Chairman Mallory: OK. We'll talk about that later, come budget.

Councilmember Rich: Yes, it's good that we have this new report, because shortly ahead of us is our 2014 Budget deliberations, and I think what we need to do after we get a chance to read it – it's a long document (100 pages), we need to ask Sedore & Co. to come in as they did with the 2011 and present to us, their analysis so we can also ask questions of them, and see what we can learn.

City Administrator Bunyi: Absolutely.

Councilmember Rich: I think it would be useful that, every time we get an audit, to have a session where we can learn (from Sedore) what is in the audit and what it's telling us...as far as I can see, one thing that looks better (in quotes) is that the deficit that we ran in the general deficit for 2012 is down, from 2011. If I'm reading this right, it's approximately a \$2.5 Million deficit from 2012 in the general fund. It's at least going down now instead of up and I'm hoping that 2013 will see us even better and maybe we can eventually get our deficit down, so the Comptroller can praise us, instead of critique us.

City Administrator Bunyi: Whenever Chairman Mallory decides to schedule the date, we will approach Sedore to provide the key lead people for their audit.

Councilmember Johnson: Well, I would think that it was elementary that things would get better when we took \$2.3 Million out of the General Fund, with the Sanitation User Fee, so that was a huge expense that the City didn't have to incur. Well, Sanitation was paid from...what...the property taxes? Now, you don't have that expense anymore. When the County took the \$2 Million, that put us in this predicament, that was an expense that you no longer have.

Mayor Tkazyik: You have a major shortfall in the Sanitation Fund.

Councilmember Johnson: Well, we may have a major shortfall, but at one point in time, you were paying a whole bill from property taxes, so it's not a shortfall. Actually, the residents in the City of Poughkeepsie are subsidizing their garbage pickup. So, you have gotten revenue. They have helped to solve a problem that was put upon them by the County.

Mayor Tkazyik: No.

Councilmember Johnson: Yes.

Mayor Tkazyik: They're not solving it by not paying it.

Councilmember Johnson: Not paying? It was in the property tax...it was a free service – for decades.

Mayor Tkazyik: They're not paying the user fee.

City Administrator Bunyi: Ma'am, I'd like to point out that the action taken by the Common Council affects 2013 Budget. The audit that you have is for 2012. So, hopefully, because of the actions taken by the Common Council, the 2013 will see a dramatic reduction in the negative fund balance.

Councilmember Johnson: Thank you, Mr. Bunyi.

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Councilmember Parise: I just want to report that coming in October 13th is the City of Poughkeepsie's Pulaski Day Parade. The parade begins at the Italian Center at 12:00 p.m. We march through this first ward, up to Pulaski Park for laying a wreath at the monument and then a ceremony afterwards at the Italian Center. Hope to see you all there.

Chairman Mallory: Repeat that date?

Councilmember Parise: October 13th – Sunday, 12:00 p.m. at the Italian Center, the parade kicks off.

Councilmember Perry: Thank you, Mr. Chairman. I know you want to go, Mr. Mayor.

Mayor Tkazyik: I always have time for you, Ms. Perry.

Councilmember Perry: I am also trying to have an event on the 28th of this month, so I invite Councilman Parise to join me there before his event in October. Also, I noticed Mr. Milo mentioned CDBG funds towards the bridge and I was wondering when he comes, since I suffered so much with the house two doors down from where I live, if there was a possibility that the sidewalk because it's really, really, broken in pieces. It's not just one crack...it's several. Could that be fixed for the people that walk in that area, a high traffic area. A lot of people go up to the beverage place up the road, and it's used all the time. I'd hate to see someone falling there and cause a major problem for the City. If there's some way you can consider looking at that area one day, and make an assessment as to what you think should be done, I'd really appreciate that.

XII. ADJOURNMENT:

A motion was made by Chairman Mallory and Councilmember Parise to adjourn the meeting at 9:04 p.m.

Dated: October 24, 2013

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Tuesday, September 3, 2013 at 6:30 p.m.

Respectfully submitted,

City Chamberlain