



THE CITY OF POUGHKEEPSIE NEW YORK

PUBLIC HEARING (PROPOSED LOCAL LAW LL11-2) MINUTES

Monday, February 28, 2011 6:15 pm City Hall

Chairman Klein called the public hearing to order at 6:15 p.m.

Janet Houston 114 Rinaldi Blvd – I am a member of the waterfront advisory committee. I am speaking for myself and on my experience on the committee. Before the common council considers a resolution regarding changes to the waterfront advisory committee as written in the current LWRP, I would like to suggest that you allow the committee the opportunity to meet to discuss these changes, particularly whether or not we need or would like to have a staff member of a local environmental organization as part of the committee. I believe this is a reasonable request, considering that the waterfront committee is responsible for reviewing all actions within the waterfront district. As to consistency with the policies of the LWRP, and would have the experience that could shed some insight on this matter. There are at least 3 members of the committee, perhaps 4 that have served for 15 years. We know the requirements of the policies as well as the kinds of concerns that often arise with any particular project along the waterfront. Anyone who has attended our meetings or watched them on the city's webcast knows the committee members have been increasingly frustrated by the lack of communication from the city and our lack of participation in what is going on along the waterfront. This is another reason, perhaps, that we should have a chance to discuss this and to offer our input, knowing that you are the ones who will make the decision. It sometimes seems that our main source of information comes from what we read in the newspapers. In addition, we haven't been having meetings very often, which we have commented on. In 2010 we were called together just 4 times. Our January meeting was supposed to be spent reviewing the proposed zoning code for the waterfront district, but that meeting was cancelled as was the one in February, last week we were notified there will be no meeting in March. We are beginning to feel that we are being ignored, and this could be an opportunity to make us realize that we do have some responsibilities. I am hoping that this common council will allow the waterfront advisory committee to meet and to discuss how proposed changes might impact the work of the committee.

Before you vote to change anything, I am also hoping that we'll begin meeting again on a regular basis, so that we can do the job we are supposed to do.

Brian Doyle 3 Kimball Road – I appreciate the opportunity to offer my comments on the proposed changes to the waterfront advisory committee. I wish to make several points. First, reducing the members from 13 to 9 effects the range of perspective that might best inform the opinions and judgments of the advisory committee in their work. Should the current maximum of 13 members stand, in those instances where perhaps the issue of quorum comes into question then the number of appointed members falls below 13. The committee bylaws could simply allow for a quorum to be defined as a majority of those appointed members rather than a majority of 13. This would permit the work of the committee to proceed without undo interruption. Secondly, the current ordinance calls for representation by the staff of a local environmental organization. This allows for the invaluable perspective that can be provided by such a member, while limiting their role to a nonvoting status if that person is not a resident of the city. As a city we should be welcoming such perspectives in any way they can. That can help the committee make more informed decisions in their deliberations. The third point I wish to make is that the current ordinance calls for the mayor to appoint the majority of members with the council or the waterfront advisory committee to appoint the chair. This was done to provide proper balance in the different branches of city government. With neither having unbridled power, this makes perfect sense and with that respect as well the current ordinance should stand. Finally, I want to pick up on point made by Janet Houston, in a recent Poughkeepsie Journal column, beyond proposed amendments to the current ordinance there is the matter to the extent of matter pertaining to the waterfront have not been given to the committee for their input in a meaningful and timely basis. I was surprised for instance to hear that the recent seaway navigation contract pertaining to the dock at Waryas park was seen by the committee only after the contract was signed. Furthermore, recently the committee is convened less and less frequently. While discussions regarding the potential private development of the Hoffman and Rynolds properties have been going on in this administration for years, why has this important matter not come before the waterfront advisory committee? The waterfront advisory committee can serve a meaningful purpose for the future of city. Limiting participation, limiting its role may be seen by some as getting rid of unnecessary red tape. In reality, a vital and working committee in fact represents the best in city participation and democracy and it can lead to smarter and more long term benefit to our city.

Harvey Flad 115 Academy Street – Former member of the waterfront advisory committee. I am pleased to see this amendment come before the council because the role of WAC is actually being considered and that the common council is actually going to be considering the work of WAC that has to some degree been less involved in the last few years. I am looking into a good future for this that the council is interested in having some advice from WAC in having any developments occurring at the waterfront. That brings up at least 2 things one of which is that there have been many occasions which WAC has not met and one way around that is an amendment to how a meeting is called, perhaps a majority could call the meeting and not the chair. That brings up a second

point and that is over the last there have been a number of issues occurring on the waterfront that includes the boat ramp and upper landing that WAC has not delt in. And yet I would call your attention to the LWRP that WAC in fact the scope of WAC's interest is the entire waterfront. And so that should be clearly stated in some way, what the scope of WAC is. So that those appointed to WAC know the area that they are to give advice to you about. In my own opinion going down to 9 is feasible that makes a good committee, I would urge that instead of a 6 3 split in terms of appointment, that it be more likely a 5 4 split, the mayor having 5 and the council 4. There are many possibilities on how the chair is selected; one suggestion might be that if it does change from the council to the mayor that it is with consent of the council. This is how the senate works.

John Mylod 101 Beechwood Avenue – In my view a waterfront advisory committee reduced from 13 to 9 members can effectively carry out its functions and duties as set forth in section 18.5 of the city code of ordinances. However, it is critical that the committee be comprised of individuals who are representative of many different interests and serve the public as well as having knowledge understanding of the river, the waterfront, the community and environmental regulations. Born out of a controversy related to the proposed icehouse and other areas of Waryas park, the city created the WAC in the mid 1980s. It then set out to apply the state coastal zone management act of the local waterfront revitalization plan, LWRP. Indeed, it was the very diversity of waterfront needs and concerns that led to the development of a 13 member committee. Boaters, fishers, commercial fisherman, environmentalists, historians, advocates, business people and others were appointed. As a member of the original WAC I know full well the intent of the common council which established the committee. Advisory in nature, inserted in city agency review procedures the committee was to follow a serious course of action that reflected the extreme importance of the waterfront and the river environment. It was not to be a rubber stamp, quite the contrary. According to the ordinance, the committee shall be responsible for overall management and coordination of the LWRP and will participate with the other city agencies on the implementation of the LWRP in policies, projects, including physical, legislative, regulative, administrative and other actions included in the program. Moreover, in establishing the committee the common council followed a structure of checks and balances and while under representative to committee appointments, the council retained the right to appoint the chair of the committee as a means of seeking a balanced approach to waterfront issues. Consequently, in considering the proposed amendments to the ordinance I would urge the council to reduce the number of committee members from 13 to 9 and yet maintain a broad range of community representation. Restore the common council's purgative to appoint 4 members of the WAC in order to more easily and evenly balance the number of appointments. Restore the common council prerogative to appoint the chair of the committee, since there is no convincing rational for changing this council duty especially if the number of council appointments is reduced to 3. And restore the requirement that one of the appointees will be a representative of scenic Hudson or a similar environmental organization, in order to bring about important environmental, regulatory, and planning perspectives to committee deliberations on a regular basis. I think that

invigorating the waterfront advisory committee is a good idea. It is a step forward for having a public forum for discussions of waterfront issues.

Ryan Palmer-Clearwater – Clearwater is committed to the long term vitality of the Poughkeepsie waterfront, including preserving its historical and ecological integrity and providing ample public access and economic development opportunities. We are working with the city of Poughkeepsie as one of 4 river cities chosen as part of our new green cities Clearwater's initiative and are committed to provide long term services and environmental education, youth empowerment, watershed planning and green infrastructure projects for the Fallkill watershed and experiential learning and recreational opportunities aboard Clearwater. We have been successful in receiving aid from state, federal, and private sources for Poughkeepsie based projects that spur economical development and a healthy and accessible waterfront is vital for our future efforts. Clearwater opposed the proposed amendments to WAC and we believe the following. 1) We believe the chair should continue to be appointed by the common council in order to maintain a balance that all stakeholder opinions are considered. 2) We believe that the mandate to include one person from a local environmental organization should not be removed. 3) We believe that the number of members and some of the specific serving requirements of the committee should not be changed at this time. The Poughkeepsie waterfront is at a critical crossroads and we believe a strong waterfront advisory committee is a crucial component of the decision making process. These are important decisions that have long term effects on the city of Poughkeepsie and hopefully they will lead to a healthy and vibrant waterfront for all of us. Therefore, Clearwater is also willing and respectfully requesting to be considered for appointment to the committee to fill the mandated seat for the local environmental group that has been vacant for quite some time.

Virginia Hancock 26 Loockerman Avenue – I have here the document establishing the LWRP. At that time there was a preamble and a vision. The preamble states the City of Poughkeepsie sees relationship with the Hudson River is one of its most important historical, cultural, economical, and esthetic resources. However the waterfront is under utilized in recent decades in term of usage and economic benefits. We are missing an opportunity to bring people to the city as visitors and residents. The Vision to accomplish this, our vision is to create a riverfront that is a front porch for the city, which respects the unique assets of the waterfront that maintains and enhances public accessibility. That attracts private investment, creates jobs and provides its residents and tourists a safe setting. I think for something as important as this committee, which has not been active due to not having items referred them. That should be under discussion with the committee as it has been suggested and not just go forth with this resolution that is on your agenda tonight. Many opinions have been stated and we have been here many times and stated concerns about the whole suggestion of changing things. Yes, there needs to be change, but it needs to be discussed with those involved for many years. This is a very important committee and should not be short changed. I think that what concerns me the most is how many times you have sat here and listened to the concerns of your constituents and yet you still would put upon the agenda without having a time to

talk to the committee a resolution which would concern many changes. I think you should think very deeply about this and remember that constituents have been before you expressing their concern.

Nancy Shackelton 10 Ferris Lane – The reason I am here is because I want to address to you all as to an upstate lake that we were going to buy property on, and subsequently did not. This goes to also our shore. Every single acre of that lake was privately owned; the people who lived there all year long had one raft on one part of the beach while they lived on a beautiful upstate lake. I want to make it clear to you I don't want this to happen on our shores here. I can remember going to the tercentennial, we could go right down to the edge of the water. Kids were there playing in the band, the high school band was there, the community was there. There were buttons; we were having a great time. **(Chairman Kline address to Mrs. Shackelton that this is the public hearing on the proposed amendments to the waterfront advisory committee, and does he wish to speak in the later public participation portion of the common council meeting.)**

James Nelson 5 Seaman Road – I am the Chairman of the Waterfront Advisory Committee. Like Janet Houston who spoke to you earlier, as a member I wish to speak. Although, I am not speaking on behalf of the committee, but personally as a member of that committee. My records go back to 2001 and not any further, but I can tell you I was appointed to the WAC and as its chair Mayor Lafuete. My membership was continued, I was pleased to find out by Mayor Cozean, and subsequently by Mayor Tkazyik. There are some issues you have before you tonight and I would certainly say those lye within your discretion, considering the various points of view that you are hearing. But just on a couple of them, first the number of people that sit on the WAC. Right now the WAC is set up to have 13 members, 9 appointed by the Mayor 4 by the council. The proposal is to change that to 9 members 6 by the mayor and 3 by the council. I reviewed earlier some of the minutes of meetings over the last several years. We tend to have membership turnout that ranges from 6 to 7 and sometimes 8 members. That membership although it has been at 13, I just can't tell you that I recall having 13 people to come together to sit as the WAC. I can also tell you that as we met even though the number of people was only 6, 7, or 8 we have had divergence of opinion. Frequently you will notice as you look at our minutes that we report the consensus of the WAC members, the opinions of those who had individual and independent points of view. As far as mandated representative membership on the WAC, we did in the early years when I was there had folks who came as members of the WAC specifically because they represented a particular organization. We had a council representative, and we also had an environmental organization representative. I think the most recent environmental group rep we had way Mira Seca, who to my recollection was there from Clearwater. If it is your decision to have mandated membership from an environmental group that is something which we have worked with in the past and that we could continue to work with in the future. However, I would point out to you that this organization, even though it is an advisory board, it doesn't make decisions on planning etc.; notwithstanding that our meetings have always been conducted in accordance with the open meeting law. Secondly, notice of our meetings are widely circulated in the press, the department of

state, and various organizations. In fact, I think anyone who wished to be on the notice list could be easily put there. Finally, as far as people who wish to be heard, groups that wish to be heard, I can remember John Mylod, Jeff Anzino from Scenic Hudson by the department of state. The WAC has always heard from anyone who wishes to speak with us, we give them notice of our meetings, and I can recall no instance where we denied anyone to speak.

Nancy Cozean 115 Hooker Avenue – Thank you for providing this opportunity to speak on the WAC, with which I have had the opportunity to serve for 2 years. During those 2 years I have served it became quite apparent that Poughkeepsie's waterfront is really a jewel of the city. While other waterfront communities have run into lack of space and access, the parks system in Poughkeepsie on its waterfront is open to events year round big and small. This in mind I feel it important that more educated and informed voices be involved in the planning of the waterfront. The WAC and the LWRP are important instruments with which the council and the mayor should use extensively to usher important changes on our waterfront and those in neighboring communities as well. For example this past year NYS began the smart growth initiative, which the planning board and WAC should be advised of when looking at developments. While some boards meet on a more regular basis, WAC not as frequently, those meeting that I did attend had a quorum. Regretfully, they were often held in the decision making process after the council made decisions. But WAC is extremely important. It is an advisory tool for legislation and good legal counsel. The mayors have had the ability to appoint 9 members for the WAC. If this is addressed on a 5 4 split that seems fine as to a balance. There are members of the city who saw the planning or the downside of lack of good planning because they lived here and heard firsthand the comments about their decisions. This after all is the city waterfront. However, I would also include the viewpoints of other groups, which are not regular attendees when possible to provide a broad viewpoint. That could include 3 or 4 other unofficial votes. Environmental planning groups are important by the way providing updates and other outside information and planning. Here are just some of the issues that need to be thought of that I have encountered in regional planning as well. Parkland in agreements with the city has to be thought of as a NYS contract and a special agreement in planning developments. Parking should be included in these considerations, both tour groups, residents, and the public. Parking as you know is often a conflict. Changes to buildings on parkland should be approved by appropriate departments and public spaces secured for the city by public money need to be kept with the public in mind, especially if there are vendors or other private use. One other point and that is the sunshine laws in NYS which are meant to encourage councils and city halls to adopt a policy of openness to the public. By keeping the appointments of the chair through council appointment ensures the checks and balances of government and also promotes consensus building between the two. I am aware there are proposals before the council on upper landing as has been noted. And I would hope as part of this openness policy on proposals other than the ones that are currently under consideration be considered as well in the future. I would like to see these other alternatives being proposed. This wacky sounding committee should be a good tool for you to use for the city.

Holly Wahlberg 35 Garfield Place – For the majority of you the mayor is the leader of you party and you enthusiastically support his agenda. But that agenda is not what we are here to talk about. This is an unusual kind of night, because what you have in front of you tonight is not partisan. Tonight all 8 of you on the city council are as 1. You are the legislative branch of city government facing an executive branch of government that is asking you to alter the city charter in order to weaken your branch of government. The proposal before you tonight diminishes your role as an equal partner with the executive branch in WAC. The city charter was intended to stop over reaching by the executive, the charter states, “the powers of the mayor while strengthened are far from unlimited. The common council continues to represent the legislative branch of government and posses certain vital checks and balances.” Under the current charter, the creation of WAC is a clear example of the checks and balances at work. Right now both the legislative and executive branch has roughly equal input into the creation of WAC, the council has 4 appointees the mayor has 5, but the council can exercise the power to appoint the chair and this balances out the mayors 5th appointment, so that both branches do have equal weight and input. This ordinance may have been sloppily written, and I think it was, but the basic concept was rock solid and still is. As for the 4 nonvoting that take the number up to 13, they are also appointed by the mayor. And give the mayor and added extra opportunity to shape WAC to make sure that professional expertise is represented. For these nonvoting members the mayor could for example try make sure that there were specialists, a river biologist, a developer, an engineer, or other similar professionals, even an environmentalist who would impart special expertise w/o necessarily residing in the city. But even if you now decide to dispense those 4, 9 voting members, the current 9 voting member in the process be selected via a careful balance where both branches participate equally, and this is something we must maintain. WAC is not like the planning board or zoning board, it is not solely a committee of the executive branch. It was established to review what cut across all agencies and was created to advise both city council and the mayor equally. It must remain an independent body, owing no more to the mayor than the council. Its loyalty must be to the waterfront itself and the principles of good urban planning. Any attempts to disrupt this balance was created in the charter and you must politely but firmly say no to any encroachments by the executive branch onto the powers of your branch of government because this is not just about 1 particular mayor you may like very much or one particular project. This is about something more fundamental and that is an attempt to change the charter and alter the balance between two branches of government. Frankly, I think any mayor, democrat, republican, independent, conservative, any mayor who senses an opening will try this maneuver on, expand power. It is just the nature of the push pull between the two branches. Now that he’s tried it, it is up to you to say we are proud of our role in city government and our branch of government we believe we should be an equal partner at the table. You must say to this mayor, nothing personal Mayor Tyazik, but we aim to protect the system of checks and balances because it is the best system (**interrupted by Chairman Kline that there are to be no personal comments**).

Paul Guyen- 100 College Avenue – I am a member of the Hudson valley vernacular architecture society but I am here speaking for myself. I wanted to point out that the upper landing is a generally well preserved enclave of early 19th century buildings. North of the creek there are very few early buildings there. With the elevator going in that area will be a focal point of the neighborhood. It could be spoiled by adding condos or other new buildings. **(Interrupted by Chairman Kline the issue of the public hearing must be addressed)**. The critical mass of old harbor buildings could be diluted with modern. With that in mind to ensure that the area is well preserved, I believe the waterfront committee should be well staffed as intended to be a large group of people with people with strong backgrounds in environmental, development and community, as well as historic preservation. I would also support having the chair appointed by the common council.

Constantine Kozalias 47 Noxon Street – Listening to the speakers before me they are all informed and I don't question their credibility, but I was surprised to hear you have 13 on this committee and you have 4 that are non voters, so your already down to 9 voting members. As a point of information I did not realize that. I don't know what's happening here all I know is whatever it is. The point is going from 13 to 9 with the 4 not voting therefore you really have only 9 voting members. From the outside I want to say too from the waterfront down there, when a certain building was sold down there, there was a lot of parking space that was available for that area. But it got leased out. Therefore, it cut back the public parking as far as I'm concerned. Now I don't want to make this a political issue but my point is my concerns with the waterfront is 2 things: the docks, Clearwater comes in that's one thing, the other one should be available to the public, and because I see people coming in and out, right near the pizza place. My main concern with the waterfront, and I'll be honest with you, I want to make sure that path, I call it the Ms. Rupsis Path, that goes from one end of the city to the other and it's all public. So the public you can walk up and down there in front of any development that comes in. So that's my personal concern. I'm just surprised its 13 and there are only 9 voters that's what I can't understand why the concern is whether you go from 13 down to 9 if you only got 9 voters, that is my point.

Dated:

I hereby certify that this a true and correct copy of the Minutes of the Public Hearing held on Monday, February 28, 2011 at 6:15 p.m.

Respectfully submitted,

Deputy City Chamberlain