



**THE CITY OF POUGHKEEPSIE
NEW YORK**

**COMMON COUNCIL MEETING
MINUTES**

Monday, April 4, 2011

6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

All Present

II. REVIEW OF MINUTES:

Common Council Meeting of August 30, 2010

CCM 8-30-10						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Public Hearing of August 30, 2010

Public Hearing 8-30-10						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

None

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

Mary Kay Vrba-Director of Dutchess County Tourism-Neptune Road: I am here this evening to encourage you to continue with the license agreement with Seaway Navigations. I believe this is a win, win situation for the both the City of Poughkeepsie and the County of Dutchess. This gives us an opportunity where before we have had great support by some of the river boats on the Hudson, but nothing on a day to day basis and having Seaway navigation come into the waterfront will allow us to draw more visitors into the city. Plus it will allow us to provide a service to the residents that we do not have now both in the city of Poughkeepsie and the County of Dutchess. Previously if someone wants to get on the river and have an organized group sail. They either have to go down to Newburgh or up to Hudson or Kingston on a daily basis. As I mentioned occasionally we did have people who were willing to do group tours out of Poughkeepsie. This also gives us an opportunity to market our group tours and individual. We can create packages with Metro North that will bring people up by train. They will be able to walk on the walkway, go on the boat, eat at our restaurants, and stay overnight. For example tomorrow the City of Poughkeepsie will have 25 tour operators and over 200 group leaders coming to the Poughkeepsie Grand Hotel. Each of these has the potential of bringing back a group, and when they see that we have a boat cruise, which is usually the number one group activity required when a group comes in, and that they can do this right in the City of Poughkeepsie. We hope that each of these will bring a group back into Dutchess County. The American Bus association reports that when a bus stays overnight in an area there is a 15,000\$ impact in that particular area. This particular business will help to generate sales tax, increase employment, and it will also increase the sales of local vendors who provide meals on the boat. It will add to the 4 million visitors that already come to Dutchess County. This will help the City of Poughkeepsie and other groups that are trying to rejuvenate the City of Poughkeepsie. So I encourage you to continue with this agreement and fulfill this need within the city and the county.

A. Noor Rahaman-Hudson Cruises, Inc.: I am with Hudson Cruises out of Hudson NY. We come down to Poughkeepsie frequently and do charters in the area as well as some tours. We have been doing this for four years now, and we are a very well established business. We would like to ensure that we can continue to come down and apply our trade. We have about 20 charters so

far booked for this area. We have been using Orious Park as our launch site for the last four years, but we understand that this might be difficult. Yet, by working with the city we would like to ensure that we can continue to apply our trade down here. We are working with the other establishments such as The Marina just south of there. We are also going to be working off the Fix docks more in order to give the new boats an opportunity to really get going as much as we possibly can. We will try to ask them to accommodate us as little as possible, but we would also just like to ensure that we can continue to receive the same accommodations that we have received throughout the last four years of business. In the last four years we have brought a lot of revenue and bus groups down to the City, and we would like to ensure that the buses feel secure that when they book with us we are working out of a Poughkeepsie venue.

Constantine Kazolias 47 Noxon Street: In regards to non smoking on public city golf courses. I think that it will discourage golf outings if there is no smoking on public golf courses.

-Letters to the editors are uncalled for. Robo-calls are harassment. My question is in regards to public access at Orious Park will this boat have a monopoly over the access?

Anthony Olheiser 16 Holmes Street: I am here to express my feelings and that of others. I do agree with the tourism person, but it is not a win, win situation. If we are not permitted to use that float there is not much point in launching a boat there. There are other alternatives. This administration's goal should be to represent all of the people not just some of the people. It is not a win, win situation if some people have to lose access to the float. In regards to the issue of docking and unloading boats I believe that the use of finger piers might help to elevate the problem. I just wanted to add that just south there is another pier that could be modified, and solve this problem. Another thing is that in about a month there has been an increase of trailer boats for bass fishing I was not aware of this, and these people have to stay and eat somewhere it would be better attract them to our area rather than further north or south. If we can utilize the business from the fishermen it is something that could be considered for possible tourism.

Ken Stickle 118 Catherine Street: I see we are adding a new law for no smoking in the city parks. I would like to know when the police department will start enforcing other laws like cleaning up after your dog. Another issue is the shopping carts filled with bottles going up and down the streets at 4am. I would just like to know how the police are going to address these laws. We do not have enough police officers to combat the drug dealers and other crimes, and now we are going to add no smoking in the parks. I have asked before I would really like to get an ordinance going to make the homeowners and business owners responsible for cleaning up in front of their property. I think that would be vital to the city to start seeing people's property cleaned up

more. In order to make the city a better place we have to clean it up, and before we pass the no smoking in city parks we need to address how we are going to address all of the other laws I have mentioned. If we cannot enforce other laws how are we going to enforce this one.

Maurice Collen 6 Whitehouse Avenue: The first is in regards to the licensing agreement with Seaway navigation. It is a great money winner for the City of Poughkeepsie it is a wonderful thing to bring in revenues, but we still need to provide access for the public, and the docks are extremely beneficial to the public, and seaway is major company that could afford to build their own dock that will not affect the citizen, but we do not want to lose the revenue that the company can bring into the city. The second is in regards to the City of Poughkeepsie school district budgeting. The budget is in dire straits. We are trying to come up with a way to cover our over 8 million dollar deficit cutting programs, kindergarten classes, cutting 38 professionals to 18, and less security at the high school. We have issues with students congregating and harassing others after classes. Maybe something can be done between the schools and the city to prevent these issues of student delinquencies. The main issue is that the City of Poughkeepsie school district is broke, and the only way to get the City of Poughkeepsie to survive is through the education of our children. If the children cannot get a good education because we are losing kindergarten classes, teachers, and summer school then we are going to lose everything.

Gayle Cromartie 7 Franklin Street: I am forming a drill team, which I will name PK stomp (Poughkeepsie stompers). I am here to ask the City to support me with this and see how it turns out. I have received the permission to form this drill team. I collected 110 names, and the high school is going to let me set up informational meeting with parents and students to explain more about it. I am just asking to receive Poughkeepsie's backing with this.

Irving Scott 5 Carroll Street: In regards to the dock. I disagree with this idea that this large boat is going to pull out and allow individuals to dock their boats. It's not going to happen. They are going to be there all day long and regular people are not going to be able to use the docks. I would also like to know why they get special treatment in terms of dock pricing. Their discounted price is revenue gone out the window. Another thing is that this company has the opportunity to go down the river and build their own docks. I would think that the city would give them the opportunity to put sidewalks and a dock in that they could use continuously. The smoking ordinance is ridiculous. You are making laws for feel good and no other reason. You cannot enforce it and it will not be enforced. Make important laws don't make garbage laws.

John Mylod 101 Beechwood Avenue: I want to speak about the tour boat resolution. In the resolution before the city the action is claimed to be a type

two action under Seeker, and that it needed no further environmental impact review. This is not supported by the facts. The common council has not provided and evidence that it followed the proper procedure when coming to this determination. There was no public and environmental review, no short or long term environmental assessment form, no formal review or recommendation by the water front advisory committee, no written or documented material on the tour boat presented to the public, no public hearing, and no planning board review of the site plan for an onshore structure of Orious park connected to the operation. There is also strong evidence that this agreement would be classified as a type one action under Seeker. The changes in the new document are substantial and not merely clerical. The new license agreement remains an exclusive use agreement with the virtual presence of the tour boat at the dock continuous. This agreement will severely limit the public's uses of the docks. Another section will force the city to pay damages if it revoked the license at will. That will be a serious reason for the city not to revoke the license at will making this an exclusive use agreement. Why would the city enter into an agreement like this, and be liable for unknown damages and costs? I urge you not to agree with this agreement. I am not opposed to a tour boat I am just opposed to it here. This is a bad deal for the people of Poughkeepsie.

Rosemary Callista 10 Cresant Road: I agree with everything that Mr. Mylod just said he obviously did his homework. As a former corporation council office person I agree with him, and to my knowledge taking away the public use of this dock is probably illegal. So I urge you tonight to take a closer look at this one before you give it your final approval. I think it is a lovely idea to have a tour boat. I think it is a lousy idea to take this dock away from the public uses.

Laura Downing 25 Lincoln Avenue: It is a deep concern because I was born here in the city, and from my understanding you are going to take this tour boat and major access to Orious Park and dock. That park is a city park and belongs to the city residents. You keep taking park land away. I don't understand why you cannot move it down further, because that is where the ship yards use to be. For you to take park land away from the public is lawfully wrong. Parks are for people not for businesses. Also in regards to smoking in the park I think it's totally ridiculous people are going to smoke, and you are taking away people's rights.

Suzanne Gilbert 9 Garfield Place: I first became aware that public access at Orious Park was going to be taken away on the day of Janet Huston's letter went into the Poughkeepsie journal. That day I called her out of concern to find out what was really going on. She explained to me that Seaway navigation and the city had entered into a contract for a period of 10 years in exclusive use of the entire dock at Orious Park. I later found out that it is not just the floating dock but also the riverfront all the way to Main Street. It was

done without giving proper notice to the Waterfront advisory committee or the public. As a city resident I thought about how this will affect me. I also spoke with the captain of Seaway navigation to discuss it with him. He confirmed that yes there is in fact a contract for the duration of 10 years giving Seaway navigation sole use of this dock for profit. He also confirmed that there was no communication with public environmental groups like Scenic on the Hudson. He also mentioned that this is only temporary because there will be a new dock built for the tour boat on the waterfront. I have not heard anyone mention this, and I'm concerned about that because I like going down to the waterfront to walk and do not want to have to buy a ticket to do that, and nor do I want to have to look at a 65ft boat near the river. I know that there are other alternatives. So my first question is regarding Janet Huston and why her seat on the waterfront advisory committee was not renewed? Secondly why as a private citizen should it be ok for me to accept that my local administration is exerting 100% control over what should be and what is a public access park? I think that it would be great to settle some of these questions before the existing contract is amended.

Rick Gerald 123 Academy Street: A few years ago the mayor knocked on my door asking for my vote stating that he cares about human life. I have raised two children and their memories involve being able to go to the water throw stones, have a cookout, hang out, and learn about the beauty of the water and about how lucky they are to live on a waterfront like this. To me out of everything I have heard about is that the only reason to do this project is to increase revenue. I know that is important, but is that more important than quality of life for our children. Another thing that I do not understand is that if there are other alternatives and other possibilities to create a win, win why not bring it into the public domain not contentiously, but in a way that could make parents happy and the economy happy. Why settle for something where someone is going to lose when we could really work the situation to create it where everyone wins.

Anne Lancilotti 9 Ivy Terrace: I have lived in the City of Poughkeepsie for 22 years I love living in Poughkeepsie. Recently I have really enjoyed telling my friends to come with me to Orious Park we sit, we stroll, and we enjoy the river. I have only recently been made aware of this issue of the tour boat. I would like to say that of what I have heard this evening that if Mr. Mylod is correct and if the attorney is correct you may be doing something illegal. You maybe be doing something without the minimum environmental review, and this really seems to be not the best thing for the residents of the City of Poughkeepsie. I would strongly encourage you to reconsider for all of our sakes.

Mike Harman 57 Hooker Avenue: I would like to comment on the seaway contract a couple of things. I have an 86 year old father-in-law he enjoys going out on the boat. He cannot get at the ramp. He has trouble getting off

the dock and through the traffic down there. We use the floating dock to get him in and out of the boat. If we take this away I am afraid he has loss his access to the river. Also the river is a public space would you appreciate a hot dog cart on your front yard? Why should we have commercial enterprises in our public parks? There is a great facility just down the street the commercial marina it is a great place. Commercial property is already there Commercial enterprise should be run out of that property not out of our public parks. There should be an environmental assessment on this. Traffic congestion and number of people it is very busy in the summer down there. I do not want to lose access to our city parks because there are cars parked there all day for someone who is out on a tour. I say it is great bring the tour boats in here, it is great for the city it's great to show it off, but it should not be done out of this facility. We have a great private facility they should negotiate and deal with that.

Mae Parker 16 Allen Place: I have been a resident of Poughkeepsie since I was a child too small to even walk a block by myself. My family has always enjoyed going to the river and doing whatever we want to do that was within the law of the City of Poughkeepsie, and I have a problem when I pay taxes in the City of Poughkeepsie and a public park is going to restrict me, family, and friends from being able to go and enjoy the park in any form that is within the law. I do not know who made this decision, but I remember when the candidates for mayor were running they said that they were there for the embitterment of the people in the City of Poughkeepsie. We have already given up a large part of the river already for many residents that are not paying taxes in the City of Poughkeepsie, but they go there and have business there, and do what they want to do. I personally do not think it is fair to the City of Poughkeepsie. When the boats come in there are many restrictions to parking when families want to go down to the river that live in the city and pay taxes that we cannot park anymore because of that. 9 out of 10 of the city of Poughkeepsie residents do not even own boats, but they come in and take over our city parks. The city park up on Clinton Street the people that do not live in the city have come in and taken over that park, and also College Park. When are you going to stop giving away? We all have a problem with that. There have been times on Clinton Street where parking has been limited. They do not live in the City of Poughkeepsie but they have voices in the city. I think it is about time that the people of the City start taking this city back over, and by doing that we all need to come together and work on it, and make a decision about what we want to happen in the City of Poughkeepsie instead of someone else making the decision for us. We have a problem with parking in the city and people that come into the city taking our private parking. They do not pay taxes in the city but they have parking in the city that we are not allowed to park in. When are we going to stop giving this city away to non tax payers? Enough is enough there are many things that this city has given up because of people coming here and making demands, or because friends and

buddies deciding what they want to do in the city. It is time for the people of the city to take our city back.

Edward Hayes 9 Ivy Terrace: It would be great to have a tour boat in the city. What I do not understand is why at this pier in Orious Park? There are bigger piers elsewhere it does not make a lot of sense to me.

Nestor Mayangoltia 26 Marian Ave: I am an activist as well as a local artist. From the point of view of the arts one of my purposes of being an artist is showing everybody that comes to Poughkeepsie the beauty of the waterfront. I think the landscape of the river is beautiful as it is. On a personal level my family and I go to Orious Park year round. I teach the youth about the river through my murals and I just want to keep it the way it is.

A. MAYOR'S COMMENTS:

Mayor Tkazyik: I would just like to reiterate some of my comments from previous meeting regarding the seaway navigation proposal. This proposal came to the city through working with the tourism office and the chamber of commerce to bring something great to the City of Poughkeepsie. Our parks are for public recreation and public enjoyment, and to bring these great amenities so people can participate in this wonderful atmosphere down at Orious Park. There was nothing private about it every negotiation every contract everything that comes to the common council agenda comes before the mayor and city administrator. That is the role of the executive branch of government, and then it is presented mister chairman to the office of the corporation council. I know that assistant corporate councilmen Ackerman went through both the type I and type II action regarding seeker, and the relationship of this with the waterfront advisor committee, and how items that are referred are based on that. So everything that goes public goes on this agenda, which is posted on our website, which is provided in the city chamberlain's office prior to the common council meeting. I do believe that the first round of the seaway navigation vote went two meetings, because I believe one of the council members needed more time. So there is nothing private about anything that is before you mister chairmen. I would just like to educate the public that whether the city is selling property or selling city owned land or seeing a contract for a new water pipe line with the town of Poughkeepsie. All these things are negotiated with the executive branch through the administration it is then presented like this with seaway navigation to the common council, which is on a public agenda, which is at a public meeting, and the public has the right to talk about and to discuss. As I mentioned previously we look forward to having seaway navigation at Orious Park. My friends it is not easy for municipalities this day to bring thing like this to the city. We talk about providing addition dock down at Orious Park. Yes we want to provide additional docks. We want to go after additional funding and by working together through public private partnerships just like

this. Just as we have done with the field and ice park. We need to get together and collaborate with private enterprise to see that these things happen and to continue at a time when revenues are a challenge, and holding the line on taxes and spending. We need to do everything we can to promote these partnerships. We do not just do them down on the waterfront we do them on Main Street as well. We do them throughout the city where we can build and connect bridges such as this. In working with seaway navigation people will be able to park at the river, people will be able load in their boat, and to make way for them to get on to the river safely, and to make the normal arrangements as they would have done previously. When they called the recreation department and made their agreement previously. No one is going to be shut out of the Poughkeepsie water front. No one is going to be shut out of our parks. This is a good thing we should be happy that they have not gone to Wappinger or Lagrange. It is exciting to see that we have a beautiful waterfront like this in our queen city and that is why our city continues to shine. With the addition of the elevator that the council is going to approve the easement tonight for in addition to the landscape and further development of more sidewalks through the parks with the grant that we have received from the state. We are providing more and more public access to our river for public enjoyment and public recreation. I am proud with the seaway navigation proposal to our city and we will do everything we can to make it even better, and yes by working with them we will provide additional docks, and maybe even a bigger dock, but it is these types of public and private partnerships mister chairmen that I see is the way of the future. For municipalities to continue to strive to do the great works that we can even in a time of economic crisis where we see the country and the state each and every day struggling to fund these unfunded mandates that get passed down. While still being able to provide a reasonable level of government that I think the administration along with working with the common council has been able to do over the last four years with the budgets that we have provided and have approved before this. So those are my comments and a little education on this process.

B. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Klein: I would like to add my comment in addition to the Mayor's regarding the development of our waterfront. We have heard from many different sources on many different occasions. That the City of Poughkeepsie must do whatever it can to expand and enhance private enterprise within the City of Poughkeepsie. There is no other way to maintain our city. The city is like a shark if it is not moving forward it sinks. The city for a long time including its waterfront did not move. This waterfront was probably more active a hundred years ago than it has been in recent decades. I realize a lot of people have different views about what should be done with the waterfront. The mayor is correct in terms of the partnerships required between municipalities and private enterprise. The people that represent private

enterprise present windows of opportunity. Those windows are not definite in duration or size. The opportunities must be taken especially in these times. The state lost 2 million people in one decade. We have mandates from the state, we have city core services to maintain, and we have a quality of life to maintain for those who live, work, do business, and come to the City of Poughkeepsie. We assure you that every effort is made to accommodate competing interests when it comes to things like the waterfront, but this city has had businesses and partnerships like seaway navigation decades ago. It was probably one of the busiest river cities in the nation in the 19th century. There is no reason why we cannot resume that while accommodating everyone's desire to see the river, enjoy the river, spend time there, and utilize it. This is the way forward I believe. I wish to credit the efforts made thus far to bring these efforts to fruition. We welcome all of the comments made tonight. We encourage you to participate and keep track of things so that the facts are clear and everyone understands them. We will endeavor to proceed with more of the discussion tonight, and we urge you to stay and hear the rest of the comments so that the facts will be made clearer.

VII. MOTIONS AND RESOLUTIONS:

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

**R E S O L U T I O N
(R-11-34)**

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, Labor Law Section 816-b authorizes municipalities to require that contractors and subcontractors on construction projects participate in an approved apprenticeship program prior to entering into the construction contract, notwithstanding the provisions of §103 of the General Municipal Law; and

WHEREAS, such apprenticeship programs must be approved by the Commissioner of the Department of Labor; and

WHEREAS, the Common Council desires to implement the provisions of Labor Law §816-b subject to certain limitations; and

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

NOW, THEREFORE,

BE IT RESOLVED that the Common Council of the City of Poughkeepsie hereby authorizes the Commissioner of Finance to require that any contractor or subcontractor who bids on a construction project having an anticipated value in excess of \$100,000, have apprenticeship agreements appropriate for the type and scope of work to be performed. The apprenticeship program(s) must have been registered with the New York State Commissioner of Labor in accordance with Article 23 of the Labor Law. The contractor or subcontractor shall provide satisfactory evidence of registration with the New York State Commissioner of Labor on or before the deadline to submit its bid package for the construction project on which it is bidding; and be it further

RESOLVED, that this resolution shall apply only to construction contracts with an anticipated value in excess of \$100,000.00 dollars; and be it further

RESOLVED, that this resolution shall apply to construction contracts advertised for bid on or after the date on which this resolution is approved by the Mayor of the City of Poughkeepsie.

SECONDED BY COUNCILMEMBER PARISE

R11-34			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**RESOLUTION INTRODUCING AMENDMENT TO
THE CITY OF POUGHKEPSIE CODE OF ORDINANCES ENTITLED
“ZONING AND LAND USE REGULATION
AND PROVIDING FOR PUBLIC
NOTICE AND HEARING
(R-11-35)**

INTRODUCED BY COUNCILMEMBER HERMAN

BE IT RESOLVED that an introductory ordinance amending Section 19-3.22 of the City of Poughkeepsie Code of Ordinances, entitled “Neighborhood Commercial

District,” adding “convenience store/self-service gasoline pumps” to those uses permitted in the district by special permit of the planning board; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed ordinance be laid upon the desk of each member of the Council; and

BE IT FURTHER RESOLVED that the Council hold a public hearing for public comments on said proposed ordinance at City Hall, 62 Civic Center Plaza, Poughkeepsie, New York, at 6:15 o’clock P.M., on April 18, 2011; and

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least ten (10) days prior thereto.

The Mayor declared this resolution adopted.

Dated: April 4, 2011

SECONDED BY COUNCILMEMBER PARISE

R11-35						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Vote	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**RESOLUTION
(R-11-36)**

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation (“State Parks”) is desirous of obtaining a permanent easement over lands currently owned

by the City of Poughkeepsie (“City”) for the purpose of access to a proposed waterfront elevator; and

WHEREAS, the granting of the easement will positively impact the City in that it will allow Parks to construct, operate and maintain the public elevator which will increase access to the 1.25 mile linear trail and connect such park to the City’s waterfront; and

WHEREAS, the City is desirous of conveying such interest to Parks by way of gift and therefore City acknowledges and waives its right to the appraisal process contained in the Eminent Domain Law ; and

WHEREAS, the City has determined that there is no municipal use which will be impacted by the granting of the easement and it is in the best interest of the City to grant such easement to Parks;

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

NOW, THEREFORE,

BE IT RESOLVED, The Common Council of the City of Poughkeepsie, New York does hereby approve the easement to the People of the State of New York, Office of Parks, Recreation and Historic Preservation, in form and substance as attached hereto, and authorizes the Mayor, City Administrator and/or Corporation Counsel to execute any and all documents necessary to effectuate the intent of this Resolution; and be it further

RESOLVED, the Common Council does hereby acknowledge of the right to receive just compensation for the permanent easement and do herewith waive the right of just compensation and further waive the right to an appraisal of the property.

SECONDED BY COUNCILMEMBER PARISE

R11-36			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VIII. ORDINANCES AND LOCAL LAWS:

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

LOCAL LAW

LL-11-5

INTRODUCED BY COUNCILMEMBER HERMAN

ARTICLE II, CITY PARKS

Section 15-18 Rules and regulations for parks of the city

(d) *General rules/regulations.* The following rules and regulations shall apply to all parks in the city, unless specifically made applicable to only one or more parks:

- (1) No person shall be in possession of firearms, knives of any description, or other dangerous instruments in a park.
- (2) No person shall bring into or have in a park any explosive or explosive substance.
- (3) No person shall kindle, build, maintain or use a fire other than in a grill in a designated area. Any fire shall be continuously under the care and direction of a competent person over 16 years of age from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar, cigarette or other burning object in a park except after extinguishing same and then only in a receptacle provided therefore by the city.
- (4) No person shall solicit contributions for any purpose unless authorized by special permit by the city.
- (5) No person shall consume any alcoholic beverages in a park or have in his/her possession an open container of an alcoholic beverage unless such consumption or possession occurs under authority of a private event permit issued by the city.
- (6) No motor vehicle of any type or description, including but not limited to mini bikes, trail bikes and snowmobiles, shall be permitted in a park except on designated roads and then only for the purpose of parking in designated parking areas or departing from same.
- (7) No person shall use lewd or abusive language or engage in public lewdness or behave in a disorderly manner in a park. No person shall urinate or defecate in a park except in facilities designated by the city.
- (8) No person shall remove any equipment or park apparatus from within the boundaries of any park or from its original location within the park.
- (9) No person shall engage in any activity in any park except in an area designated for same by the Recreation Commissioner. Wholly prohibited activities

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include, but are not limited to, golfing, hunting, trapping, horseback riding or any obnoxious or offensive activity.

(10) No person shall throw or discard in a park any litter or any object or matter not naturally found in the boundaries of the park. Refuse must be deposited in receptacles provided.

(11) No person, for the duration of any athletic event sponsored by the Recreation Department, shall remain in the vicinity of the event except in designated areas.

(12) No person shall injure, deface or disturb any part of the park or any building, sign, equipment or other property found therein; nor shall any tree, flower, fern, shrub, rock or other plant or mineral be removed, injured or destroyed; nor shall any person harass, annoy or injure nor shall any person view, approach or enter into or upon any waterfall, gorge, cliff or other natural or scene feature by any means other than established trails, overlooks and entries provided for such public use, visit or entry.

(13) No person shall cause or permit any animal owned by him/her or in his/her custody or under his/her control to enter or remain in a park, except a dog restrained by a leash not exceeding six feet in length. Removal of canine waste shall be governed by Section 4-9 of the Code of Ordinances.

(14) Permission to hold a public assembly in any park must be obtained from the City Chamberlain pursuant to Section 3-4 of the Code of Ordinances, and permission to hold a parade, demonstration or assemblage must be obtained from the Chief of Police pursuant to Section 14-13 of the Code of Ordinances.

(15) No person shall sell, rent or hawk any articles or property, including the vending of food, in a park unless such activity is first approved in writing by the City Administrator and the Commissioner, and a license is obtained from the City Chamberlain. Upon approval and payment of the required fee, as set forth in Section 10-3 of the City Code of Ordinances, a vendor license shall be issued by the City Chamberlain and must be displayed at all times. Revocation of a license may occur pursuant to Section 10-12 of the City Code of Ordinances.

(16) The speed limit on the roadways in all parks shall be 15 miles per hour.

(17) The College Hill Access Road shall be designated a one-way roadway with the ingress through the south entrance to the park and egress through the north exit from the park, exiting onto North Clinton Street.

(18) Rollerblading, scooter riding and skateboarding shall be prohibited on all tennis courts and basketball courts.

(19) No person shall feed birds or other wildlife in any park.

(20) In order to conserve the natural beauty of the city parks, protect the health, safety, and welfare of the public, and to preserve the city parks for public uses, public recreation, pleasure, air, light and enjoyment, the posting or distribution of signs,

advertisements or literature is prohibited.

- (21) No person shall loiter in or near toilets and no one, except City employees on duty, may enter toilet rooms designated for the opposite sex.
- (22) No person shall place or allow to be placed in any river, pond, brook, stream, ditch or drain within the park any solid, liquid or aqueous waste which shall fail to comply with the minimum requirements set by the State Department of Health or the State Department of Environmental Conservation for Quality Standards of Class B Waters.
- (23) No person shall be allowed to congregate in groups or crowds for unlawful purposes, riotous assemblage, or to annoy, harass, or to inflict property damage or bodily injury to others.
- (24) The Commissioner may deny permits if the Commissioner shall make a finding that, after a review of all pertinent factors such as the anticipated attendance at the park on the date in question, the number of permits issued for the day in question, or the number of different groups or individuals requesting permits for the day in question, there would be posed a threat to the health, safety, and welfare of the public enjoying the park.
- (25) The rights of park users to enjoy the parks shall at all times be recognized and respected by all persons. If an individual, family, or group causes discomfort or disruption to other park users or to park employees, they may, at the discretion of the Commissioner or his designee, be reassigned to another area of the park or be removed from the park. Furthermore, the Commissioner may ban the individual, family or group violating this section from the park for such time as he deems appropriate.
- (26) No person shall use or have in his or her possession any controlled substance unless prescribed by a physician for the possessor.
- (27) No person shall operate games of chance.
- (28) No person shall fail to refuse to comply with any reasonable order relating to the regulation, direction or control of traffic or to any other order lawfully given by the Commissioner or his designee.
- (29) All registered motor vehicles shall be parked in designated areas only. No vehicle shall be left in an area where posted signs prohibit parking. Parking during hours parks are closed is prohibited.
- (30) Persons holding permits for private event use of City parks are required to confine the activities approved under the permit to the area of the park defined in the permit. In Waryas Park, permit holders are required to maintain a distance of a minimum 25 feet from the exterior boundaries of the Ice House Concession Stand and to refrain from selling any food item being sold by the Ice House Concessionaire. Failure to observe these requirements may result in the cancellation of the permitted

event, the denial of requests for future permits and/or imposition of the penalties set forth in Section 15-24.1 of this article.

(31) Private event permit holders are required to arrange City assistance for assembly of equipment, bleachers, chairs, electricity and other items at least 15 days in advance of the scheduled event. Failure to do so will result in denial of any such request.

(32) The City Administrator may promulgate such other and further rules and regulations not inconsistent with this article he deems necessary and proper to promote the health, safety and general welfare of persons using the parks and the orderly administration and preservation of the parks.

(33) No person shall bring into or have in a park any glass beverage container.

(34) Smoking shall be prohibited within public parks. No person shall smoke a cigarette or other tobacco related product in any public park within the City of Poughkeepsie. No person shall carry or possess any lit tobacco product within a public park in the City. This subsection shall not apply to any golf course located within the City of Poughkeepsie.

SECONDED BY COUNCILMEMBER PARISE)

Reimbursement

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

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

- 1) FROM SUBWAY STORE NO 42311 (JASBIR K. KALIRAO),** a notice of property damage sustained. Referred to Corporation Counsel.
- 2) FROM JOHN P. JASTREBSKI,** a notice of property damage sustained on February 27, 2011. Referred to Corporation Counsel.
- 3) FROM DORIS BOMBARDIERI,** a notice of property damage sustained on March 3, 2011. Referred to Corporation Counsel.

- 4) **FROM DEBORAH AND JOSEPH MILONE, JR.**, a notice of property damage sustained on March 1, 2011. Referred to Corporation Counsel.
- 5) **FROM KAREN LEE**, a notice of personal injury sustained on December 12, 2010. Referred to Corporation Counsel.
- 6) **FROM JFG & ASSOCIATES, INC.** a notice of intent for Rouleau Enterprises, Inc., d/b/a Renaissance Pub to renew their liquor license. Referred to Corporation Counsel.

X. UNFINISHED BUSINESS:

Councilmember Mallory: Bus shelter grant bids inquiry and temporary parking permits for landlords

Councilmember Johnson: Litter on the arterial east bound and a nuisance house within the ward councilmember needs assistance with this house

Councilmember Solomon: Requested a list of the preferred developer contract

XI. NEW BUSINESS:

Councilmember Mallory:

Councilmember Johnson: Motown in Poutown performance acknowledgement of the work that everyone put into this performance

Councilmember Coates: SWAG event collaboration with make a wish foundation and PMG entertainment to help with the event, Basketball tournament and high school basketball team's championship game, community forum, step show (Various community activates celebrating the arts).

Councilmember Solomon: Potholes on Jefferson Avenue

Chairmen Klein: Poughkeepsie Public Library district read to the children program and moving May meeting to the 9th and the 23rd

XII. ADJOURNMENT:

Official Minutes of Common Council Meeting of April 4, 2011

A motion was made by Chairman Klein and seconded by Councilmember Herman moved to adjourn meeting at 8:00 p.m.

Dated:

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, March 21, 2011, 2011 at 6:30 p.m.

Respectfully submitted,

Deputy City Chamberlain



COMMON COUNCIL MEETING

Common Council Chambers

Monday, March 21, 2011

6:30 p.m.

6:00 p.m. Special Informational Meeting

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

III. REVIEW OF MINUTES:

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

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

VI. MAYOR'S COMMENTS:

VII. CHAIRMAN’S COMMENTS AND PRESENTATIONS:

VIII. MOTIONS AND RESOLUTIONS:

- 1. FROM ASSISTANT CORPORATION COUNSEL GILDARD,**
Resolution R11-27, setting a public hearing for proposed Local Law LL-11-5 (no smoking in city parks).
- 2. FROM DEVELOPMENT DIRECTOR WOJTOWICZ,** Resolution R11-28, setting a public hearing for proposed zoning change for Grid No. 6162-71-324213.
- 3. FROM COMMUNITY DEVELOPMENT DIRECTOR MACISAAC,**
Resolution R11-32, amending the 2010 CDBG Action Plan.
- 4. FROM ASSISTANT CORPORATION COUNSEL ACKERMANN,**
Resolution R11-29, approving the Memorandum of Understanding with the United Federation of Police Officers (Joint Water Employees).
- 5. FROM ASSISTANT CORPORATION COUNSEL ACKERAMANN,**
Resolution R11-30, appointing a member to the Board of Assessment Review.
- 6. FROM ASSISTANT CORPORATION COUNSEL ACKERMANN,**
Resolution R11-31, appointing members to the Waterfront Advisory Committee.

IX. ORDINANCES AND LOCAL LAWS:

- 1. From Assistant Corporation Counsel Gildard,** Local Law LL-11-5, amending Section 15.18 (d) of the Code of Ordinances, entitled “Rules and Regulations for Park of the City”, prohibiting smoking in city parks.
- 2. From Development Director Wojtowicz,** Ordinance O-11-4, amending Section 19-32 of the Code of Ordinances, entitled “Zoning Map”, rezoning property known as Grid No. 6162-71-324213 (11 Park Place).

3. **From Assistant Corporation Counsel Ackermann**, Ordinance O-11-5, amending parking regulations on Main Street between North Clover Street and North Water Street.
4. **From Assistant Corporation Counsel Ackermann**, Ordinance O-11-6, amending parking regulations on Zimmer Avenue at the intersection of Elm Place.

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XIII. UNFINISHED BUSINESS:

XIV. NEW BUSINESS:

XV. ADJOURNMENT: