



**THE CITY OF POUGHKEEPSIE
NEW YORK**

**COMMON COUNCIL MEETING
MINUTES**

MONDAY, DECEMBER 10, 2012 6:30 PM

I. ROLL CALL:

All present

II. REVIEW OF MINUTES:

None

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

ADD

VII. MOTIONS AND RESOLUTIONS:

3. FROM CHAIRWOMAN JOHNSON, Resolution R12-87, setting a public hearing for the proposed fee schedule for the Solid Waste Collection Fees.

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

Frank Clarke – 50 Rinaldi Blvd. – Please bear with me while I give some background before I get to my concerns about the garbage situation. First of all, I have nothing against Corporation Counsel Mr. Ackermann, I believe you know that. But, I believe the City should not have chosen him to be the temporary City Administrator for two months. The reason I say that is, when the budget review by this Council started, and they were going line by line, I was shocked when a councilmember asked Mr. Ackermann why, when his office was budgeted for around \$85,000 spent nearly \$400,000. The Administration defended the amount by saying that Corporation Counsel took over the responsibility of going to court instead of taking a Police Officer off the street to be paid overtime for traffic violations. Along with that, and with Corporation Counsel having an overwhelming caseload, the City had to hire outside attorneys to handle some of the City's litigation. Appointing Mr. Ackermann Temporary City Administrator could create the same problem, because it's a very tough job not only to be Corporation Counsel but also City Administrator. In my opinion, and some of you may violently disagree with me, I believe the Temporary City Administration should be the Mayor, himself. He's the most qualified to be City Administration because he's probably been doing for quite some time, when the full time City Administration was not on the job, even though he was drawing a full salary of \$165,000 (approximately). Why hasn't anyone tried to recoup some of the monies paid to Mr. Long, while not on the job? It may have been enough to save another person's job. Finally, the taxpayers would get very, very upset if they found out our Commissioner of Finance took some of the money, either collected by a fee or a tax to save the 13 jobs in the Sanitation Department and transferred that money into the General Fund to pay outside attorneys or other department. I suggest, at the next meeting, a councilmember introduces a resolution prohibiting the Commissioner of Finance from doing that and he also is to provide the Council with a monthly or quarterly audit of the fund balance. I'd like to commend the Council members who have worked very, very hard to save the jobs of the 13 outstanding employees. I hope they will be successful in their effort.

Constantine Kazolius – 47 Noxon Street - I'm going to make a couple of statements and then I'm going to read things. I do not believe you should raise the tax cap over 2%. In New York State you go into the parks – what you carry in, you carry out. That could be implemented in the City of Poughkeepsie. To me, the fee schedule is one of the best things, because you got the \$400,000 lawsuit. You got the sort of democles on the 411 class, so in other words, I think the fee schedule is better. Then again, when I hear about a private sanitation truck going down the street and the garbage flies all over the place, I see our guys pick it up anyway. Firing these guys would be the greatest miscarriage of justice I've ever seen in my lifetime. But, I'll read a statement and then submit a couple of documents to the City Clerk.

The WHEW Joe Tyner Show eluded to the fact that the sales tax were being violated regarding disbursement of those tax revenues to Dutchess County cities and municipalities. As Walter Scott wrote in the 1800's wrote, "Oh, what a web we weave when first we practice to deceive." An elected official of New York State will take an oath to uphold the Constitution Laws of the State of New York. I will read the law and

submit it into the record into both the public hearing and the Local Law being proposed to make hired elected State officials aware if the laws are being violated. McKinney's Tax Law 1262, I think dispositions of revenues from taxes imposed by cities under one million, County and the school district. I got the McKinney's Law, which is section e-62. It's the e section where you can't cut back the sales tax unless it's waived. The resolution introduced by Councilman Mallory – you can waive the right. ...and over to the County, the Mayor signed it, the City Manager...the City Clerk signed it. It's a legal document. I think they're shortchanging us \$2 Million. I don't think we should be shortchanged on a County level. I feel strongly about it, and if I were an attorney, and there's any legality in here, I'd seriously think about using Article 78 against somebody. I feel very strongly about it. Maybe I am talking for the garbage guys. We don't have a caste system like India and these guys are not our caste system, as far as I'm concerned. They're the last vestige of a community, as far as I'm concerned. I feel very strongly about that. I want that to go into the record because somebody will read it and read into it and find out what the laws really are and bring it to fruition.

Frances Shealy – 105 Crystal Hill Lane – Well, I came here to talk about the garbage. I personally feel that where I am, in a condo. The only thing we receive for our taxes is Police, Fire and the garbage. We pay for everything else. I lived in New York City and I can't believe that any City would not accept the responsibility of collecting garbage for the taxpayers. I can't even understand it, so I certainly appreciate the Sanitation Department, because these guys live here, they care about us and I want the garbage to be left with them.

Peter Brezinski – 4 Virginia Avenue – I just want to comment on the two garbage plans. The Pay-as-you-Throw Plan is not going to work. People are not going to purchase the bags, they're going to throw their garbage and find out ways to get rid of it, so that's not going to work; it's not going raise the revenue the City wants. As far as paying \$3.00 per bag, a lot of people will get around that. They're go to elsewhere. They're going to go to Home Depot, etc. and pay \$.50 to \$.60 per bag to save themselves incredible amounts of money. The other plan which will charge a monthly fee to homeowners, residents – depending on whether it's a single family or multiple residence will probably be good, but that's like an additional tax ion the people. You're going to have City tax which is going to go up 2%. Then you're going to have an additional \$22.00 or \$30.00; whatever it ends up being. It's like a double punishment. There's got to be a better solution somewhere.

Ken Stickle – 118 Catharine Street – I've already said what I think of the \$3.00 bag. I agree the \$3.00 bag will be \$4.00 next year, \$5.00 the following year. There's always going to be a problem. First, I think the Mayor and every City Council should take a ride on a garbage truck one day out of the Winter and one day out of the Summer and see how hard these guys really work and see how you'd like the smell of that garbage at the end of their shift. I think that you'd really see who's more valuable in the City – the Mayor or the Sanitation Department. You should all be voting for the Sanitation Department. We have to start recycling in the City. I believe the Sanitation Inspector needs to start going out to see who is recycling, who is not. We need to start giving out summonses and I'll

probably be the first to get it because I'm very horrible at it, but I will be starting. I think we should go back to metal cans and stop using plastic bags. They don't disintegrate in the dump, so let's do away with them. We throw an incredible amount of food away, which can become a compost, which can become a fertilizer, which the City can use in the flower beds, which the people would come and pick it up to put in their flower beds, and so on and so forth. It's just like the mulch with leaves and branches. So, you'd need three garbage cans, one for garbage, one for recycling and one for your household food items – eggshells, coffee grinds, right on down the line. It's all biodegradable. It takes away from the weight of the garbage. I'd like to know, on our budget, we had a horrible, horrible, Winter last year – one storm. How much money are we proposing for this year's snow removal and what happened to the money we didn't use last year? I'd like to know why we had to propose anything in this year's budget for snow removal...we shouldn't have had to. What did we spend? \$10,000 out of last year's budget for the snow removal? We should have been plus with money for snow removal this year. We should've been able to pay off a back debt someplace. I'd like some answers on that somewhere, because to tell you the truth, taxpayers deserve to know where our money is going. I don't know. I keep coming in and keep fighting it. I'd rather have a higher tax, because I could write it off my income taxes. I don't see people buying these bags, etc. Somebody's going to have to pay for someone to keep picking it up when it goes all over the City.

Chairwoman Johnson: Mr. Stickle, in the future, when you have questions, just write them down and submit them to the Acting City Administrator, and then he will respond back to you.

Gene DeMarco – 2606 Mulberry Court – I'm going to speak very quickly in the allotted time. Obviously...

Councilmember Parise: Madam Chair, I'd like to make a motion to allow Mr. DeMarco to speak for 10 mins., can I get a second?

Councilmember Herman: Second.

Chairwoman Johnson took a vote – all in favor. Motion carries.

Mr. DeMarco: Thank you. As I said before, the information that I have is regarding the Local Law and the associated expenses. Let me first say that it's obviously a tragedy if any of these gentlemen in back of me were to lose their job, as I have, this year. It didn't quite hit me until now that I'm going to be losing my job, but again, it's a commitment that I made. I've heard some people come up to this mike and made some calculations as to exactly what the budget would be in terms of the trash and weed proposal. That's what I'm speaking to. I'm not talking to the General Budget as you may have thought before. In that budget, for your budget your proposal, you left out the abandoned homes. You counted the fee that you would collect for the abandoned homes. That's about \$200,000 less in income. These homes aren't going to get occupied all of a sudden. As a

matter of fact, when you implement a higher fee or user fee, or tax, whatever you do, you're going to end up losing more homes. We have over 300 abandoned homes in the City right now. I wouldn't be surprised if it goes up by 100 or so by implementing these fees for these homes. The other idea we left out of that is that we really don't collect all the taxes that we bill for. About 7% of the people never pay their taxes, so we never realize that income. That being added to the \$200,000 loss is about another \$100,000 loss. In your budget, you include the fees for the dumpsters. However, in your section 9-69 of the Local Law, buildings on the same site with three or more units, can go private for their collection, but there is no clarity as to whether or not fees still have to be paid to the City. This is, at the very least, ambiguous. If fees were in addition to us private haulers, which, by the way, I only speak for one phase of Fox Hill, but I assure you that of all the other condo projects in the City of Poughkeepsie, they're feeling the same way. I just had this information ahead of them. In that proposal there are an exemption for enhanced and low-income seniors. Certainly, we need to help those people who are unfortunate, but did you consider that item in the proposal that getting the enhanced Star you can make up to \$79,050. You're giving the family that makes \$79,000 or so per year when families who are struggling to make \$20,000 to \$30,000 and can hardly make ends meet, they are not getting an exemption. Certainly, no one can argue the exemption for the low-income people. But that's in my opinion, targeting just the enhanced in that way is inequitable. I've had long and hard meetings with other phases, with my board at Fox Hill. If we don't get clarification on whether or not we have to pay the City as well as getting private haulers again, which would be half the price that you would be charging us for the dumpsters. That is, in our opinion, Arbitrary and in Article 78 would be something that we would have to seriously consider. Next week an audience, I hope, of many Fox Hill owners would be in this room for that public hearing. We need clarity as to what we're going to end up paying. We need to understand that the "Pay-as-you-go" program is not going to be implemented, because what would happen then is everyone within a mile of Fox Hill and any other project, I'm not just singling out Fox Hill Commons, I'm talking about Springside and any other project within a mile of them is going to bring their garbage to the dumpster at 3 o'clock in the morning. And, you know that's what's going to happen because it's saving them three bucks. Was any consideration given to the fact that some of these bags could be on the "black market"...could be forged? Do you think it's hard to forge our logo? You'd pay \$.12 for a bag sell it on the market for \$2.00; you're making a lot of money. As far as I'm concerned, that shouldn't even be considered, but Fox Hill and other projects like ours need to have clarification on whether or not we're going to continue to pay the City, even if we go out and get our own private haulers. There's been discussion between one day or two day pickup for everybody. It is our opinion that would fester more rat population than we could handle. We would have to buy bigger dumpsters. We would have to find a place for bigger dumpsters. We paid thousands of dollars last year to get rid of rats under control within the Fox Hill community. They're now under control. I hope it remains that way. I don't have a solution for this problem, and again, certainly letting go of all these well-meaning, hard working men would be a tragedy. My wife considers my job loss as a tragedy, but I won't speak for that. But, the point I'm trying to get across is to implement a Citywide program, time and transition, you talk about all these elaborate ideas about weighing bags and key codes. That just doesn't happen. Certainly not in two

weeks. What's going to happen here January 1st? Is somebody going to be picking up our garbage? What I'm trying to say in my basic idea here, is that you need more time to think this over. You've got to rise above the political name calling...

Chairwoman Johnson: Sir, stick to the topic.

You've got to rise above the way you relate to each other and come to a compromise for the good of the City. All your proposals, although well-intended, don't target the right people and don't really do the job that you think it's going to do. I compel you to please, go over this with more experts, your accountant, your numbers that you produced; left out all those items that I had talked about. You're going to be \$300,000 to \$500,000 short in your collection to pay for the expense. I have seen too many times, when a municipality or a school board or even a condominium board ups their income for the sake of balancing a budget. In the long run, when it's due to come in, all of a sudden, you have no money. We can't allow that to happen in the City. There are too many people out there who have lost their homes. There are too many people out there who are on the edge. You give them one more dollar expense, they are going to have to lose their home. I get people in my office weekly, telling me, "How can I pay the taxes here? Can you do anything for me?" That's all I have to say.

Bruce Dooris – 41 Wilson Blvd. – I...

Councilmember Boyd: Excuse me, Mr. Dooris. I'd like to make a motion for you to speak for 10 minutes.

Vice Chair Rich: Second.

Chairwoman Johnson called a vote. Motion carried.

Mr. Dooris: Thank you. First of all, I'd like to say, it really wasn't this Council who wanted to get rid of garbage. That was what the gentleman reiterated up here. It was the Mayor's budget that wanted to get rid of garbage. This Council is here to save garbage. Not only save garbage, but to save all jobs that have been eliminated. The other one, I too would like to see eliminated. Someone from the Administration, Mr. Bunyi, the Mayor, Corp Counsel, maybe Corp Counsel again, being he's the City Manager get on the back of a garbage truck. But, not for one day...you know, I like Mayor Booker down in Newark. He's doing a project about hunger and Food Stamps and has got hunger pains. He's only doing it for a week. I challenge Mayor Booker to do it for 6 months. So, I challenge anybody to do garbage for two weeks, three weeks, two months like we do in all weather. Another gentleman talked about snow removal. I talked about this here about whatever fee it's going to be, what you get for your money. Now, we've gone through that plenty of times and I don't want to go over it again, but just today, we got the list for snow removal. On it, is 15 people from Sanitation. All total with the alternates there's 43. So, if we get rid of 13 garbage men, 13 of the 43 won't be doing snow removal. I could tell you, it's a hard, hard job. I understand Fox Hill doesn't get snow removal, no condo, Commons don't. The ones down by the river don't – but it's an

essential job. Once you get out of Fox Hill, you're driving on the main roads and then driving in the City of Poughkeepsie to go to work, go across the bridge or anything. It's an essential job here in the City of Poughkeepsie, just like it's a safety job...just like Police and Fire. That's that, and once again, the plan is to recycle. I cannot stress it more and more. Just put a garbage can outside your house – a tin garbage can, and put an “R” on it for “recycling.” The City has already said they will not be buying recycling cans. They don't have the money to buy the cans. Just buy a cheap can, one of those galvanized cans, put an “R” on it and our guys know it's recycling, and just dump everything in there. Hopefully, we can get the sticker program going where you get a sticker and put it right on the garbage can. You get one for your garbage can and one for your household, so you know what you can put in there. I said last week, if you just double the recycling, you're going to get \$114,000. That is, according to the Mayor, two union jobs. If we tripled it, it's four union jobs. We can do it – I know we can do it. We just need the people to get out there, education, put it in the paper, put it on the website, put a video on the website. I was surprised how many people watch the the website. Play it over and over and over to drum into people's heads that you have to recycle, because it saves, saves money. I'm not going to get into numbers, because numbers are numbers, but once again, I'm going to tell you because I've seen it with my own eyes. The Commons across the street from Fox Hill has one dumpster for 90 apartments. They are very good at recycling. The whole plan is to do that, so I reiterate that.

Chairwoman Johnson: I know we have free pickup now. How many places do we do free pickup now?

Mr. Dooris: Four. Four actually pay, but we pick up six. We pick up Fox Hill Commons, The Piano Factory which is across the street from the Children's Museum and Hudson Heights. We also pick up 505 Main Street, which is our property, the Public Safety building and we pick up, obviously, the Ice House because it's contractual. So that's the only ones we pick up. Are we available to pick up other ones? Yes. We've done it before, picked up 411's before, we're capable of doing it. We have the equipment to do it.

Chairwoman Johnson: Are there any savings as far as private or our guys picking up from dumpsters? Are the prices relevant?

Mr. Dooris: The prices are very compatible. The Commons has one 8 yd. dumpster. Under that plan it's \$294. Divide \$294 by 90; that's \$3.26 per unit and it's twice per week. Obviously, if you have places that don't recycle, you'd need more dumpsters.

Chairwoman Johnson: That's how much it would be, if the City picked their garbage up?

Mr. Dooris: Right. Per unit. Twice per week pickup. It's phenomenal. So I say, why pay private or Waste Zero our money for recycling? They want a percentage of our recycling? We do the work and they want a percentage of our recycling?

Chairwoman Johnson: Mr. Dooris, the blue containers that the City was giving to the residents that I thought I was recycling all this time, how much revenues are we getting for the recyclables that the City has been putting out for years on the curb?

Mr. Dooris: Zero. Actually, when it first started, we might have been getting a little bit, but it cost us – now we're back to zero. And we actually take it over to the County, which is worse, yet.

Chairwoman Johnson: Let me ask you this question. Tipping fees is what the County charges us for the recovery?

Mr. Dooris: Correct.

Chairwoman Johnson: For us to dump our garbage. How much are they charging us?

Mr. Dooris: \$79.00

Chairwoman Johnson: Another private hauler would give what kind of discount?

Mr. Dooris: About \$66.00

Chairwoman Johnson: I heard \$71.00, but this is the thing. The County shortchanged us \$2 Million with a \$25 Million cap. So now we're taking a double hit, because we're the second biggest user at the dumping site.

Mr. Dooris: Correct.

Chairwoman Johnson: Yet, we can't get a discount. That's why people need to go to the County. We need to do our homework. There's a lot of rhetoric, a lot of misinformation, to start hysteria...

Mr. Dooris: Not to cut you off, Ms. Johnson, but there was a huge article in the Journal a couple of years ago about that...about a monopoly. I don't want to tell you the company who has the monopoly at the Burn Plant...Obviously, if they have cheaper tipping fees, they're going to be the best price in town.

Chairwoman Johnson: More competitive. There's a reason. Everybody knows if you have a monopoly you can set your own prices.

Mr. Dooris: I want to say this. Once our garbage trucks are out of the yard, once our men are no longer there, you are at the mercy of everybody – of all the carters.

Chairwoman Johnson: Mr. Dooris, if we ever got rid of our Sanitation services, do you think it will ever get back at the City?

Mr. Dooris: No, Ma'am. It would be very difficult to get a service back. We did get one service back and saved the City \$250,000. So that goes to prove that we can do it cheaper. We got rid of Global a few years ago and saved \$250,000.

Chairwoman Johnson: The Pay-as-you-Throw program – not only does that company make money off the bags, but those \$3.00 bags can be marked up to \$4.50 - \$5.00 and with the supply and demand, may not be readily available in the store. So that company also gets a percentage because they think we're going to reduce our waste disposal down to 1.5 bags, so they make money on the reduction of our waste disposal.

Mr. Dooris: Recycling, yes.

Chairwoman Johnson: The reduction of our waste disposal, because the whole premise of Pay-as-you-Throw is to increase recycling. It's about recycling, which does not happen overnight. You can't go from zero to 100 overnight. The last thing I want you to go over is that, since you've been to other municipalities like Newburgh and Schenectady and have seen their fee program in place, can you tell us how the program is working and how proud they are? And how much recycling they do and how much money they make from the recycling and from the fees? Beacon is now jumping on board...

Mr. Dooris: Yes. Newburgh implemented it probably close to 2 ½ years ago. They were in bad way financially. They were going to go bankrupt. I believe they borrowed money from the State, maybe about \$15 Million just not to go bankrupt. The State gave it to them. They implemented this fee and they pay \$35.00 per unit; \$15.00 per unit plus \$20.00 for a stopping fee for a total of \$35.00. They charge abandoned buildings because they want them back on the tax rolls as soon as possible.

Chairwoman Johnson: And Schenectady...and both cities, what type of recycling program do they have?

Mr. Dooris: They've got a tremendous recycling...why? Because they want less tipping fees. Newburgh kept their prices the same for 3 years, and I believe they went up to around \$.50 or \$1.00 this year. Schenectady does it so well, that they pick up the town next to them with a population of 4,000. They go pick them up, and the reason why is because they recycle. They wouldn't do it unless they recycled.

Chairwoman Johnson: The median income in Schenectady is around \$20,000.

Mr. Dooris: A lot less up there. The premise of any program is recycling. We could do it in house. We can do it in house. I'm telling you we can. We can save money and get your garbage picked up a lot cheaper. Thank you very much for listening to me.

Bernard Daisely – 6 High Street – My main purpose for coming here tonight is because I went over that tape on Channel 39 for the Common Council meeting of December 3rd with the appointment of Corporation Counsel Ackermann as Acting City Administrator/Manager. I hope that it is not a ploy to destroy the young man. I have

children older than him. He may be doing a tremendous job as the Corporation Counsel, but adding City Manager and then something goes wrong in that area and you lay the blame at him, Common Council. You should receive the blame – you're putting the man in a position to be overworked...

Chairwoman Johnson: Mr. Daisley, just for clarification, the Mayor had 60 days to appoint an Acting City Administrator. He chose not to do so – repeated statement again. We cannot appoint a City Administrator for the Mayor. It's the Mayor's responsibility.

Mr. Daisley: When I look at Corporation Counsel, I think, "What is expected of him?" It's a full load and to add another full load on the gentleman's part is an injustice. I hope nothing is said about you after a 60 day period that will be a blemish to your resume in the future, and I hope you conduct business above board at the highest level. I know what you've done as Corporation Counsel, there seems to be no blemishes there, and that may be a situation why you were asked to serve in this position as City Manager. I expect you to do a fantastic job also, but I think it's a bit unfair in asking you. As a young man, you probably feel that you're strong and can do it, but I hope that you can go forward. The issue of the 1.5 and the \$3.00, I forgot to make mention of it. The \$3.00 is based on a 1.5 issue. Let's suppose that a lot of people find alternative methods of disposing of their garbage, whether by going to other people's dumpsters, carrying it to their jobs, putting it in the ravine that was beautifully cleaned up during the Summer. Would the private contractor turn around and say, "It is not economical, so we have to raise the cost from \$3.00 to \$7.00 because your 1.5 is not feasible." Those are the kind of things I have issue with. I had an issue with private hauler because he had a monopoly over our organization. He just sent in bills - \$200, \$300 fuel charge, \$260 fuel charge for the same thing. We have to be mindful of these issues. Thank you very much for allowing me to speak this evening.

Candace Lewis – 2 Loockerman Avenue – I have some letters for you. I'm also President of the Dutchess County Historical Society. I've basically come to say, "Thank you" this evening. I believe this came up at the previous Common Council meeting, but if it's alright with you, I'll read my little letter here:

We've been coming to you, advocating for the Glebe House. This historic house, originally built in 1767 is a home for the Minister of Christ Church. It's presently owned by the City of Poughkeepsie and is operated as a small museum by the Dutchess County Historical Society. In April of this year, we, at the Dutchess County Historical Society wholeheartedly endorsed the effort of the Common Council to allocate \$50,000 toward improvements to the Glebe House for rebuilding the roof. Thank you. Immediately after the last Common Council meeting of November 20, One Time Roofing began work on the Glebe House. I'm happy to report that the roof is complete or nearly complete at this time, 2 ½ weeks later. The roof looks great, the flashings look good according to the contractor, are properly tied to the roof to prevent any further leaking into the building. I don't know if gutters and downspouts have gone up yet. There's one matter that we may report back to you on later. Contrary to our expectations, vis-a-vis the job meeting with

the contractor and the City representatives at the beginning of the project, the contractor did not affix the shakes directly to the perlins. Rather, he and his men covered the entire roof surface with plywood, then a spacer, then the cedar shakes. Was this covered by the specifications of the architect, as was suggested to me by the contractor? Will this last? These are some unanswered questions. This may prove...(I'm going off text here) to be not terribly important or it may be something. I really don't know at this moment.

We are delighted to report that One Time Roofing has constructed the banister and steps on the East side of the existing portico. This is an excellent temporary solution. However, we still need a new front portico. There is rot here and somebody could go through this someday. So, that has to be addressed and the money exists in a dedicated fund, as you and the Common Council were made aware at an earlier meeting - \$23,000 in CDBG funds in addition to the \$50,000 allocation of April, 2012. The City has the architectural plans. This is definitely several steps forward in making the Glebe House a functioning historic house and part of a plan for historic tourism in the County.

Steven Planck – 81 Carroll Street – A couple of things. I'm going to go all over the map for a minute. I truly believe that fiscal sustainability is going to require everybody to make hard choices. While there are pros and cons to the Pay-as-you-Throw program, I believe that, as the gentleman before me said, you have to weigh the pros and cons; maybe do an experiment in one of the wards to see how it works out. We do need some answers. How can you save money today? Perhaps you can do furloughs. Maybe not fire anybody, but temporarily lay some people off and promise them their job back. There are a lot of "Fat Cats" on the payroll. I mean that in the nicest way possible, if that can come across in a nice way. I think you can implement an immediate 5% pay cut to everyone earning, say, over \$82,000 - \$83,000 per year. I also think that with the City's proposed overtime budget, I think that last year alone, they did \$1.6 Million. I think that's also instant savings as well. Other instant savings can be made by shrinking the work week. Maybe reducing a 5 day work week to a 4 day work week. This is done in other places across the country. They've reduced a 40 hour work week to a 30 hour work week. This is one possibility. Once per week garbage pickup is another possibility. Another thing, which would not be an immediate process is to get some automation into the process. Royal Carting did that and has saved millions of dollars. They have slightly bigger cans than we have, so they make less frequent trips to pick up the garbage. There are many advantages of automation. Since the automated arm picks up the cans, workers are not getting in and out of the truck as often, reducing the chances of injury. Less labor is needed as well as less fuel being expended due to the reduction in the amount of trips being used for pick up. I mentioned last week, that for the City of Poughkeepsie to move forward in a healthy manner because of the economy facing all of us, is we need to address what our strengths are our inherent advantages, and then exploit them. You need to ask the question, "What is it we can do to bring people and businesses to the City?" That will also increase your tax revenue. Thank you, and if I don't see you, "Merry Christmas."

Chairwoman Johnson: I just want to touch on a few points that were made by Mr. Planck. A lot of our positions are contractual, so nothing can be done. I am opposed to

once per week pick up for the simple fact that our guys would have twice the amount of garbage, and it would require overtime and that it wouldn't be able to be done in one day and it may cause more injuries. Moving forward some of the Council members and I will be working on a recycling plan, which is the second phase of the Sanitation fee program. Also, one of the things I'm going to be working on is to ask our new Federal and State representatives for new trucks by lobbying. There are a lot of things that you (the public) don't know what we're thinking about. We are also trying to get dump trucks. My mother lives in New Orleans which is a big city. Those sanitation trucks with the arm on the side won't work in the City. There are alternate sides of the street parking. The side arm trucks are good for areas where there are no sidewalks and alternate sides of the street parking less cans to pick up. What works in New Orleans is that the garbage men pull the cans out into the street and an arm comes out from the middle of the back of the truck and lifts the cans into the truck. Right now we need money, money and money. We need Federal money, State money, new cans and new trucks.

That concludes public participation. We will move to Mayor's Comments.

V. MAYOR'S COMMENTS:

Not here.

Since the Mayor has left the building, we will go to Item #6 Chairwoman's Comments.

VI. CHAIRWOMAN'S COMMENTS:

I am happy to announce that the Executive Branch (The Mayor's Office) and the Republican Caucus has reached an agreement with the Democratic Caucus about moving forward with the new Sanitation User Fee Concept.

However, the original Local Law being proposed has twice a week pickup, with a senior discount, to those seniors enrolled in the Enhanced Star Program.

In 2013, the Mayor will be proposing once per week pickup, with no senior discount. That is his prerogative, to propose an amendment to the Local Law if he so desires. I am not in agreement with that, but I will not hinder progress. I believe that the Mayor's Office has the right to try different options in operating their Sanitation Department.

The Sanitation User Fee Concept is presently being proposed in Beacon, and has been used for years in Newburgh and Schenectady successfully, and is currently being used in many other cities across our nation.

Due to the mandated 2% tax cap being imposed by our State Governor and the \$25 Million sales tax cap that our newly elected Dutchess County Executive Marc

Molinaro imposed, we received \$2 Million less from the County, coupled with our \$2 Million shortfall we already had, this placed us in the red for \$4 Million.

This trickle-down effect caused us to lay off 18 positions of which 17 positions will now be restored in the Council's Amended Budget. Along with reinstating our CDBG back into the budget by the Democratic Caucus. At this time, the Common Council is trying desperately to avoid a Mayor's veto to the new Sanitation User Fee Local Law. We are trying to compromise on a fee schedule that is agreeable and reasonable by all parties...the Executive Branch, Republican Caucus and the Democratic Caucus. Hopefully, we can come to a consensus this week for the public to review before the December 17th meeting.

I am also asking all the residents of the City of Poughkeepsie to write, call and email the County Executive Marc Molinaro to have our tipping fees lowered from \$79.00 to \$71.00 a ton. Like any other private hauler who disposes their waste at the Dutchess County Recovery Plant...this is very important.

The billing to customers for the Sanitation User Fee will be the same as your sewer and water bill that you receive on a quarterly basis.

Some suggested raising our taxes to 13% to solve our sanitation lay off problem. Well, that would be a "Band-Aid" effect to stop the bleeding for this year and then next year we will be back in the same position with a sanitation lay-off threat.

We need real concrete solutions, that solve our sanitation problem once and for all...the days of free sanitation service is over. You can either pay the City, which will also provide other essential services such as leaf pickup and snow removal, etc.

Or pay a private hauler for once a week pick up with no other service included. Or you could Pay-as-you-throw \$3.00 - \$4.50 per bag and create a Rat City with illegal dumping.

The choice is clear, we must follow suit with our sister municipalities and embrace a New Sanitation and User Fee System that will pay for itself and sustain our Sanitation Department and protect our Sanitation workers from any future threats of layoffs.

But in 2013, the City must also start promoting a new recycling plan as Phase II of this process, to generate revenue, to support our new Sanitation system which could reduce the fees in years to come. We have never received a penny for our recyclables in the past. The Sanitation User Fee cannot have a surplus. So, the more we recycle, the less we throw away which is all cost savings.

Here is the Meeting Schedule and Process:

On December 17th, there will be two public hearings: One on the user fees and the other on the Local Law. We will also be voting that night on the Fees, Local Law and the Amended Preliminary 2013 Budget. At that point, the Mayor has 30 days to veto the Local Law and ten days to veto the amended budget.

Again, I would like to thank Majority Leader Nina Boyd for all her hard work and Vice President Bruce Dooris for working with me to solve this Sanitation and budget crisis.

I would also like to thank my Democratic Caucus for all their hard work for finding the savings in the budget to restore the other four positions. And my Vice Chair, Joe Rich for pulling everything together and finding additional savings.

A special “Thanks” to Steve Gold, the Chief of Staff for New York State Assemblyman Frank Skartados for his guidance. To Mayor Tkazyik for compromising and putting the city first by working in bi-partisanship along with thanks to the Republican caucus.

Thank you to the following department heads: Finance Commissioner Bunyi, who’s been crunching numbers, trying to find a reasonable fee – we’re still compromising. We’re all on board with this concept. I would also like to thank his staff who have been working very hard with all these budget amendments. I think we’ve been going to their office every single day. I have been working around the clock. I worked Thanksgiving weekend. I didn’t even spend Thanksgiving with my family – they went away, I stayed home. That’s how much dedication me and this lady [referring to Councilmember Boyd] and this caucus has, working around the clock. The only free time I had was this weekend. I would also like to thank Commissioner of DPW DuPilka, City Chamberlain, Ms. Flynn, this has been tough on her and the criticisms were very unfair. I would like to thank Corporation Counsel Ackermann and his staff for all the work they do, and trust me, he didn’t want to be Acting City Administrator, but there wasn’t anyone else who wanted the job. He has a great staff of attorneys; we have three attorneys and they’re the best. All these people that I have mentioned, played a very important role in working together and putting the needs of our city first.

This has been the toughest budget to date, and our city really needs a full time City Administrator to run this city. I am asking Mayor Tkayzik to please put party differences aside and to start working together with this Council to save our city from any more future financial woes.

Thank you.

And May God be the Glory.

And this concludes chairwoman’s comments.

VII. MOTIONS AND RESOLUTIONS:

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

Corporation Counsel Ackermann: Before you is a resolution that will set a public hearing for the 17th of December for the purpose of receiving public comment on the proposed Local Law with regard to Sanitation.

Chairwoman Johnson: I would like to say that I was trying to do this early in the month. The Local Law has so many requirements. It needs to be laid on the desk at a certain time, which we did. It also has to be published in the newspaper for 5 days. You cannot count the day it appears, you cannot count the day of the meeting. You can count Saturday and Sunday. The first meeting on the Local Law was cancelled because it did not meet the requirements. I had five people calling Albany to make sure we had the correct information. Again, I had to do a crash course in Law. So now we're setting this and we're going to be in compliance. Corporation Counsel, could you explain the opting out...I think someone mentioned something about the dumpsters...

Corporation Counsel Ackermann: I think what you're referring to is that the Local Law provides one, that the City will pick up all residential trash from the City of Poughkeepsie. However, this an exemption for residential trash that is generated from a complex which has 30 or more residential units in a single tax map, that has a common ownership, either through a cooperative board or a condominium board exemption that would allow, if they so choose for the condominium or co-op homeowners to opt out and receive private carting.

Chairwoman Johnson: OK. Don't we have a lawsuit pending for the 411's, because we had to balance the budget – the \$400,000...we had to close the budget gap? If we lose that lawsuit will the 411's now be able to...

Corporation Counsel Ackermann: I don't want to get into any specifics or discussions with regard to any impending lawsuits, but let me just say this. The Local Law that currently is before or will be before the Council is laid on the desks. As a provision that would allow a multi-residential property, a mixed use property, industrial or other property to apply to the City for the collection and will be charged a rate consistent with the rate schedule set by the City of Poughkeepsie. Those properties will not be obligated to pickup as the other

residential properties will. It will be a service that will be offered in our fee schedule, should they choose to want municipal rubbish collection.

Councilmember Boyd: Corporate Counsel Ackermann, according to Mr. Gene DeMarco who spoke earlier, said that in Fox Hill...he made a threat of some sort of Article 78. Why did he bring that up if he has an option as Fox Hill does to opt out?

Corporation Counsel Ackermann: I believe what he was referring to is that he wanted clarity on the fact that whether or not an organization that opts out pursuant to that exemption would still then be required to pay the residential fee for municipal collection. This is a user's fee. It's based on usage. The City requires certain classifications of property to utilize this service based on the person's using it. It allows them to opt out. It allows them to opt out of our standard fee. If they opt to use the service, obviously they would be charged. If they opt out of this service, as is allowed under the exemption, they would not be charged. I think his concern or his question was whether or not they would be charged for that service.

Chairwoman Johnson: How are they being charged and picked up now?

Corporation Counsel Ackermann: Through their taxes.

Chairwoman Johnson: I mean, who picks up their garbage now?

Corporation Counsel Ackermann: The City of Poughkeepsie.

Councilmember Boyd: What's the cost the City charges to pick up their garbage?

Corporation Counsel Ackermann: It's through their...it's through ad norm tax process.

Chairwoman Johnson: Everybody has it included in their tax bill. It includes everything, correct? Now we can go to the Commissioner of Finance. The tax bill – it includes everything, correct?

Councilmember Boyd: So Fox Hill has a right to opt out if they choose not to use...and they have an option to use private carting if they choose to.

Chairwoman Johnson: Can you explain the Sanitation User Local Law that Schenectady used?

Corporation Counsel Ackermann: It's based off the model of Schenectady with some adaptations for local purposes – our purposes, and some fine points from Newburgh that were used.

Chairwoman Johnson: What fine points did we use from Newburgh?

Corporation Counsel Ackermann: It's the requirement that the municipal garbage be collected from residential properties. Residential properties can't opt out except for that provision of the exemption of 30 or more units.

Chairwoman Johnson: So they can't opt out?

Corporation Counsel Ackermann: Residential can't opt out except under that one exemption of 30 or more units.

Chairwoman Johnson: In Schenectady, they have the senior discount?

Corporation Counsel Ackermann: The senior exemption is through the Enhanced Star Program.

Chairwoman Johnson: Which is \$100.00 annually?

Corporation Counsel Ackermann: \$100.00 annually, based on the Enhanced Star.

Chairwoman Johnson: The Local Law is one thing. The users fee is a totally separate resolution, correct?

Corporation Counsel Ackermann: That's correct.

Chairwoman Johnson: OK. The resolution for the user fees is controlled by the local government, correct?

Corporation Counsel Ackermann: That's correct.

Chairwoman Johnson: So, it can be amended?

Corporation Counsel Ackermann: That's correct. What the Local Law states, is that, there is a system in place and it's the creation of a so-called enterprise fund (or separate fund) and the expenses would cost the City to run Sanitation to support it solely by a user fee and each year the Council will set, in their budget as we do with the water and sewer rates, will set the user fee based on what it will cost that year to operate Sanitation.

Chairwoman Johnson: There cannot be a profit with the Sanitation user fees. You will pay exactly what it costs for us to run Sanitation. So, that means, Commissioner of Finance Bunyi, if we got the tipping fees of \$79.00...are you currently looking to get us a better price?

Finance Commissioner Bunyi: The Commissioner of Public Works is in the process of negotiating for a better price, yes.

Chairwoman Johnson: Locally or somewhere else?

Finance Commissioner Bunyi: It has to be outside.

Chairwoman Johnson: OK, because \$79.00 is just too much per ton.

Finance Commissioner Bunyi: Correct.

Chairwoman Johnson: OK, so that's the plan – lower those tipping fees. Now, the revenues, Finance Commissioner Bunyi, the revenues from recycling; you've spoken to the other municipalities...that's another way that will help – not only the expenses with the revenues, but with the enterprise fund. If you start recycling, like Waste Zero wanted us to do, their whole concept of 1.5 bags per week was that you were doing more recycling and would generate more revenues by recycling. We didn't need a middle man to do that. We're smart enough to do that ourselves. There are a lot of intelligent people up here. So the fees can be adjusted. They're not in concrete. Again, I personally don't like once per week pickup. I personally would go with 6 months. Six months once per week pickup in the Winter, when the leaves are falling so we can have more people picking up the leaves. Trash is frozen in the Winter. In Summer, however, I want twice per week pickup. I don't want garbage simmering and mustering and maggots crawling all over the place, mice, rats and rodents eating out of my garbage that's been sitting there the whole week in the hot sun. Six months, people. It's not rocket science and it doesn't put a burden on our men. People have less garbage in the Winter. In Summer, you're having cookouts and you're doing a lot more. We have to lobby as a city. We elect these Federal leaders, these State leaders - we need to get new trucks. We need to get modernized, but we have to have a plan. There was never a plan. The plan was to eliminate Sanitation and lay off all of our men – that was the plan! We need to all come on board. We need to think of how we can make the Sanitation User Fee better; I did the legwork, yeah! I've gotten more gray hairs and my stomach is turning. I don't have a staff or office. I have to sit at the kitchen table, use my husband's computer, while he screams at me for using his ink in the computer. I don't have an office, that luxury to come up here and do this for one month to save the City...really?! I get paid \$9,000 per year. 365 days – a year. Countless people call you up at all hours, day and night. We don't have 9 to 5. People call you up at 2 in the morning. Mary [Solomon] knows, I've called her up at 2 in the morning. I've called her up when people were locked out, or had no heating oil. They call you early in the morning, they call you Saturday, they call you Sunday – at all hours, day and night. And yet, I will have people come up here and disrespect me. I'm a public servant. It's so unfair! I don't have a job at City Hall. I was elected by the people. Each one of us is elected by the people. If you disrespect me, you disrespect everyone in this City, especially the 7th Ward. You disrespect every woman in the City, because I

am a wife and a mother. I have two children; a son who is 20 and a daughter who is 14 and my husband would never disrespect anybody’s wife or mother – ever! That’s OK, that’s alright...

Councilmember Boyd: I just want to clarify a couple of things. Mr. DeMarco said that we had inaccurate figures. The figures that we received were from the Commissioner of Finance for the City of Poughkeepsie. Those figures were taken to several different cities, several different sanitation department heads for those figures to be reviewed. We cannot have any sort of surplus. That is illegal. You are only supposed to have whatever it costs the City to run the Sanitation Department as our fees...as a fee user.

Chairwoman Johnson: Again, this Resolution R12-85 setting a public hearing for the proposed Local Law, amending Chapter 9, Article V entitled, “Garbage, Trash and Weeds.” Are there any more comments?

R12-85						
			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 Mallory	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 Solomon	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 Rich	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"/>

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

Chairwoman Johnson informed the council that Resolution R12-86, setting a special meeting to be held on December 29th at 9:00 a.m. I’m having this meeting published in the newspaper in anticipation of the Mayor vetoing the amended budget. There are two separate things going on. The Sanitation Fee with the Local Law is one thing. The Mayor can veto that; that’s a 30 day thing. The other thing is the Amended Budget, which saves the other 4 positions which was close to around \$300,000. We had to go through this [holds up preliminary budget] to scrape through this budget and find the money going line by line for not only that, but for other items that should be put back in the budget, along with our CDBG. CDBG pays for scattered sidewalk repairs; I don’t even know why CDBG was taken out of the budget, since it has nothing to do with the budget. Commissioner of Finance, does CDBG affect...how is that paid?

Commissioner of Finance, Bunyi: It’s paid by the Federal Government.

Chairwoman Johnson: It pays 10 or 12 non-profit organizations. We give them money – they depend on us. Some organizations we help are Battered women, Catharine Street Community Center, etc. It’s a long list -it also pays for our

infrastructure. I'm putting that back in the budget. It pays for sidewalk repairs, sewer lines, things that you would need - it's like a slush fund. How much is in that fund?

Commissioner of Finance Bunyi: About \$700,000.

Chairwoman Johnson: \$700,000. Now why would we give that to the county? Ask yourself; inquiring minds want to know. I'm putting that back in the budget. We're setting the public hearing after the vote on the 17th for the budget because the Mayor has ten days to veto. Since we have to give the Mayor 10 days to veto, that brings us to that date. I believe, not counting...this is where I'm going to go to Assistant Corporation Counsel Brady, regarding the 10 days, does that include calendar days?

Assistant Corporation Counsel Brady: Yes. The Administrative Code defines days as calendar days, not business days. It doesn't differentiate between weekends or holidays. They're strictly days on the calendar. There are no exclusions defined in the Administrative Code.

Chairwoman Johnson: OK, so the vote on the 17th includes Saturday and Sunday? Does it include holidays?

Assistant Corporation Counsel Brady: Yes.

Chairwoman Johnson: We didn't include Christmas. I was not going to do that. So, when we vote on the 17th and it's certified by the City Administrator, I'm sorry, the City Chamberlain (she could be the City Administrator, too), the next day starts the clock, so that leads us to...he has until the 28th of December. That's the deadline for a veto. He can do line item vetoes. So, I'm setting up another meeting in anticipation, so that's already done and in the paper.

R12-86			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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	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 Parise	Voter	<input type="checkbox"/>	<input checked="" 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 Rich	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"/>

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

Chairwoman Johnson: We need this resolution in addition to the Local Law to set the fees. How are the fees set? Every year?

Corporation Counsel Ackermann: The fees will be set annually, with the budget.

Chairwoman Johnson: Annually, with the budget. See, we're doing our job. Have no fear. Recycling, getting lower tipping fees. Guess what? Those fees can go down, because in this fee analysis, there's no revenues in it. Finance Commissioner, beginning in 2014, we can bring the whole Sanitation Department under one umbrella?

Commissioner of Finance Bunyi: Yes ma'am.

Chairwoman Johnson: Then we will can bring the Transfer Station revenues in? Yes, which is a lot of money. And, the recyclables – that's more money. Then we're going to have that new tipping fee...

Commissioner of Finance Bunyi: Hopefully.

Chairwoman Johnson: Well, listen...I guess I'll have to do that too. I'll go out and find a low tipping fee. OK? Look, we have people here in the audience. I'm sure you guys are going to be helping me too to find that lower tipping fee, because this concerns the City. We're all in this together. I'm a homeowner too. Any questions?

Councilmember Herman: When we vote on this, is this the number that will be presented to us now? It went up \$84.00 in a week...

Chairwoman Johnson: Well, let me explain. We did an analysis that we presented to the Mayor. Now that everybody's on board with the Sanitation Users Fee, now Commissioner of Finance Bunyi, decided to crunch numbers, correct? So now, we have two sets of fees. Right now I'm analyzing the ones we proposed and the one the Executive Branch is proposing. That's why I have to do more work and run all over this week, because I want to find out exactly what the true situation is, with a couple of things that are on here that are questionable. So once I get the questions to that, then as I explained to you Commissioner Bunyi, and we will meet with the leadership and we will sit down. That's when we need to compromise on a fee schedule – not my fee schedule, not their fee schedule; the right fee schedule, because the right numbers don't quite match. We've got the numbers, we didn't make them up. We need to tweak a few things, correct? But, it's very close. We propose \$22.00; they propose \$29.00 – it's not a lot of money, but we're going to find out because there are certain things in here that are questionable. As soon as I get those answers, we will sit down and deliberate, correct? Does that answer your question, Councilmember Herman?

Councilmember Herman: For the most part, yes.

Chairwoman Johnson: Any other questions about setting Resolution R12-87, setting the public hearing for the proposed fee schedule for the Solid Waste Collection Fees.

R12-87			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 Mallory	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 Solomon	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 Rich	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"/>

Chairwoman Johnson: One thing I can say gentlemen, is that now we're making progress because we're all on the same page. We're not doing Waste Zero – forget that, so we're not talking about the designer bags anymore, we're not doing the layoffs because we're coming up with a solution finding a way to sustain our Sanitation Department and make them an entity unto themselves, so that we never have to talk about this again. Raising taxes is just going to solve the problem for one year, then next year we'll still have the same problem. We didn't do anything...we didn't solve the sanitation problem, and that's what we want to do. We want to solve the sanitation problem, like the other cities. There's a reason why everybody's doing it - because it works. There's no money with all these mandates from the State and from the County. Did you expect to lose \$2 Million? No. Surprises! So, we have to anticipate surprises now.

VIII. ORDINANCES AND LOCAL LAWS:

NONE

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

NONE

X. UNFINISHED BUSINESS:

Councilmember Mallory: Over about 1 ½ months ago, when we heard about the Nelson House, we've asked questions about the procedure from the County. Unfortunately, Corporation Counsel isn't here, but he has shared with us that they [County] didn't have to give us information as a whole, but can you [Asst. Corporation Counsel Brady] look into that, to see what the procedure is; what safeguards are in place. I saw that the County Building had debris go right through their windows with employees there. Can we get some information about what the County is doing?

Assistant Corporation Counsel Brady: Yes, I'll look into that and contact you.

Councilmember Mallory: Thank you.

Councilmember Perry: The President of the Dutchess County Historical Society was here. She mentioned that the work that was done and had some questions about it and that someone should look into it. I respectfully request that someone whoever is responsible for that area take a look at it so we can make sure that the job was done correctly.

Councilmember Herman: I appreciate the extra 10 minutes given to Mr. Dooris and Mr. DeMarco tonight. I would only ask that if you're going to get into a Q & A that we suspend the rules. That way we don't get into a past practice of going back and forth during public participation.

Councilmember Perry: I believe there was a challenge by one of the speakers about having some or all of the Council members or Department workers to join the garbage crew and see how they work. I was wondering if anyone was going to take that challenge up.

Councilmember Solomon: That's if Mr. VanTassel says it's okay.

Councilmember Herman: I'll take it.

Councilmember Parise: I'll take it.

XI. NEW BUSINESS:

Councilmember Solomon: I think everybody has seen the big ad in the paper about the deer cull. I met with the woman behind that. The City has to put a waiver in to not allow a weapon to be discharged in the City. I'm curious as to whether or not we have a say in Vassar College killing their deer?

Councilmember Herman: Yes we do.

Corporation Counsel Ackermann: Yes. Again, it's somewhat a matter of litigation, but let me explain it to you. The City of Poughkeepsie has an ordinance that prohibits the discharge of a firearm. There is no such thing as a waiver from a local law or ordinance. Sometimes, within an ordinance there's a mechanism that provides for some discretion, as is with some local laws that gives the Police Chief discretion or certain allowances with the ordinance. That is not the case with the ordinance, so we have no ability to issue a waiver, so to speak of our local law. An opinion from my office was transmitted to Vassar College indicating that we do not have the ability to issue that waiver. However, if a DEC [Department of Environmental Conservation] permit is issued, that trumps whatever local laws we may have. So, if Vassar College is able to obtain from the DEC, a permit to allow them to conduct the culling activities, that would trump

our local ordinance. My understanding is that the DEC will not do that, if it is contrary to local ordinance. The only alternative would be to amend the ordinance to allow for such a waiver, but at that time we have not been asked to present that nor do I anticipate any request to entertain that before this Council, so that's our opinion at this time.

Councilmember Solomon: Isn't New York State a Home Rule Law? Wouldn't our regulations and local ordinances trump...

Corporation Counsel Ackermann: No. If a State agency would be able to trump ours. However, it is my understanding the cases the DEC would require a "waiver," which is really not a term to talk about would require of our local ordinance, we would just have no ability to issue what their Home Rules waiver.

Councilmember Solomon: Interesting, thank you.

Councilmember Boyd: Corporate Counsel Ackermann, you mentioned firearms. What about bow and arrow?

Corporation Counsel Ackermann: Bow and arrow is considered a firearm, but I'll let Assistant Corporation Counsel Brady speak...

Assistant Corporation Counsel Brady: A firearm has to be readily capable of discharging ammunition, which is a gun – a rifle, shotgun, pistol. A bow and arrow would be a weapon, but not a firearm.

Corporation Counsel Ackermann: Let me check, because maybe our ordinance also prohibits that, but I'll get back to you on that.

Councilmember Boyd: The reason that I ask is because I got a phone call on it just the other day, and I thought it was illegal in the City of Poughkeepsie. I couldn't find it anywhere in the Charter where it distinctly said, "bow and arrow."

Assistant Corporation Counsel Brady: You'd still have to be more than 500 feet away from a dwelling to use a bow and arrow.

Councilmember Boyd: But is it legal in the City of Poughkeepsie...?

Corporation Counsel Ackermann: Let me review that. I'll "shoot" you an email on that, but for some reason in my head, it is also prohibited. I was more concerned about the firearm aspect of it. I didn't...

Councilmember Boyd: Thank you gentlemen.

Corporation Counsel Ackermann: I'll get you an answer on that.

Chairwoman Johnson: Nina's acting real nice, "Thank you gentlemen."

Councilmember Rich: Paul, we know we have a City Ordinance, a local law about the discharge of firearms, but part of that "forest" or whatever you want to call it, is in the Town of Poughkeepsie. I keep remembering that last time we did this, they moved them into the Town.

Corporation Counsel Ackermann: We have no say over that. Whether...

Councilmember Rich: Right, but that's how they got around your law...

Corporation Counsel Ackermann: I'm not sure the Town has a similar prohibition against discharge of a firearm, so if they so choose to do it in the Town, obviously that's not in our jurisdiction.

Councilmember Solomon: They going to lure the deer to a particular spot...in the Town.

Councilmember Perry: The building known as the Club Royale/Blue Note that is located on Hamilton Street, which I have brought up on several occasions. I would like to ask Corporation Counsel/City Administrator to look into this. My neighbors have brought this situation up to me. I would hate to see a lawsuit brought against the City, if it's something we can correct. Should I put something in writing, or is it sufficient to bring it up at the Council meeting?

Corporation Counsel Ackermann: At the Council meeting is sufficient. I do have an update on that which may affect the outcome of that building, which I will discuss with you.

XII. ADJOURNMENT:

A motion was made by Chairwoman Johnson and Councilmember Rich to adjourn the meeting at 8:20 p.m.

Dated: March 22, 2013

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, December 10, 2012 at 6:30 p.m.

Respectfully submitted,

City Chamberlain



COMMON COUNCIL MEETING

Common Council Chambers

Monday, December 10, 2012

6:30 p.m.

*5:30 p.m. public hearing regarding alternative
Wastezero plan "pay as you throw"*

- I. ROLL CALL:**

- II. REVIEW OF MINUTES:**

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

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

- V. MAYOR'S COMMENTS:**

- VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:**

- VII. MOTIONS AND RESOLUTIONS:**
 - 1. FROM CHAIRWOMAN JOHNSON**, Resolution R12-85, setting a public hearing for proposed Local Law amending Chapter 9, Article V entitled "Garbage, Trash and Weeds".
 - 2. FROM CHAIRWOMAN JOHNSON**, Resolution R12-86, setting a special meeting.

- VIII. ORDINANCES AND LOCAL LAWS:**

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

X. UNFINISHED BUSINESS:

XI. NEW BUSINESS:

XII. ADJOURNMENT: