



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, December 17, 2012 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

Chairwoman Johnson- I would like to take a moment of silence for the 28 victims, the 20 children, 7 school officials and the one mom, in what is the second deadliest gun tragedy in our nation's history. A moment of silence for our fallen angels and their loved ones who are grieving in Newtown, CT. In lieu of the immense grief and sadness that so many Americans are facing this Holiday Season, my heart and prayers go out to all of the families affected by this devastation. My heart goes out to our very own Mike Brady whose family didn't lose a loved one, but had a family member who attended that Sandy Hook Elementary School. So with that being said, I would like to make a donation on behalf of my family to send to your family to give to their community. Now, for the moment of silence.

Thank you. It's been tough, very, very tough.

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.

None

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

Ken Stickle - 118 Catherine Street – I would like to ask the City Council to turn around and go to the County, the State and Federal Government on behalf of the tragedy that we recently had to ban all assault weapons. I have no problem with the second amendment. I believe if you want to own a firearm, you have all rights, but we do not need a Bushnell AK-47 to go out and hunt for “poor little Bambi.” There were 20 little angels that went up to Heaven this week, and that could’ve been in this City. We had a tragedy between two teachers. Do we have to see this happen in our schools with our kids? Or, do we have to have a tragedy in the City Council Hall? People are on the verge. They’re snapping. We don’t have jobs, we don’t have means. We need to support legislation to get rid of assault weapons. We do not need it. As far as I’m concerned, you commit a heinous crime like this, I support building more and more jails and prisons for people like this. Think about it; we need this legislation written up by the City of Poughkeepsie because the City does not want those firearms here and hopefully, we can get the rest of the country to get on board with this, because you don’t need an AK-47 to hunt.

Constantine Kazolias – 47 Noxon Street – This is not the time to talk about guns. It’s a time to pray for those poor departed souls. Debate on the guns at a later time will be discussed. One of my objections, I found out from somebody...I don’t own a gun, I belong to the Second Amendment Foundation and I believe in the right to bear arms. But these clips - I hear in the State of New York – 10 bullet clip, I don’t know if it’s the same in other states or is national now. As far as I’m concerned, as far as shooting Bambi, I’m going to same something. They can kill 95% of the deer, because 1 out of 6 accidents are caused by deer. But I’ll say this, my heart goes out...President Obama lost me when he started to bring in gun control. I felt that as a father. Let’s get back to the subject at hand. Personally, at \$3.00 per bag, I could save a lot of money. I have a son who lives in a three family house. He doesn’t generate garbage. He hasn’t generated garbage in 2, 3 or 4 years without me...He lives in that house by himself. I don’t generate a lot of garbage myself. Maybe I can get a waiver for him...maybe get a senior citizen discount and out of my pocket, put in a little bit more to keep these guys going. Since they did the East-West Urban Renewal project over 5 years, these were the last things we got as far as a neighborhood goes. If they were just picking up garbage, I’d say, hey, that’s something else. But these guys, I call them the “Poughkeepsie Minute Men.” As far as saving money, I know we can save \$150,000 by sending out garbage to the dump. Why we’re sending it to the Burn Plant is beyond me. Most important is, that I like talking to the garbage guys about recycling. It’s a single stream thing, you just put everything in the one can. They separate it for you. With us separating it, there would be less tonnage going to the Burn Plant. The County Legislator shortchanged us by about \$45 Million. In the meantime, to me, these guys are family. I hardly know any cops in the City between you and me, but I know these guys.

Mae Parker-Harris – 16 Allen Place - I'd like to say to everyone that's present and everyone that can hear me. We don't know what tomorrow will bring us. We know it's not promised to us. It's been a long year for all of us. There are lot of decisions that all of you have to make, and I hope they are made from your hearts. You might have been criticized for some of those decisions you made. I ask you to not take it personally, even if you thought I said something that wasn't very pleasant to you. Ask for your forgiveness. The next year that's coming up, try to do your best. When you meet people, give them a smile, because the tragedy we just experienced and have experienced in the past. By passing people and giving them a smile, you don't know if that might have triggered something. A smile might change the whole view of that person's act might be in the next decision that that person may make. It might be positive in that action. We don't know that either. We know if it's a negative. You might get a negative action. I hope to God it might be a positive action from that person you just passed in the street. Throughout the year, we have lost many of our families and friends. We will never be able to say hello, I love you or good-bye, because when death comes, it's so permanent. You can't come back and make up anything. It's final. So, every day you live from now on, try to do your best to make every day count and be fruitful, that you won't have to say, "I wish I could've...when I should've...but I didn't." That way you can rest in peace each and every day, when you lay your head on your pillow, when you go out the door say, "Thank God." When you come back in the door say, "Thank God." Because once those children left, they never dreamed, the parents never dreamed they'd have such a tragic end that day, but every parent left that day with love in their hearts. They can live in peace even though they lost their loved one. They can be at peace because they can say that they gave their child a hug when they left. So, remember, in your future, to do that to your family members, your friends, your co-workers, people you meet in the street. It doesn't take much to give a smile, to give a hug, to say I love you. It will even make this a better place to live. I hope you all have a happy holiday, a happy life, and my thing is to say, not only to have a good day, but I hope you have a good life.

Bruce Dooris – 41 Wilson Blvd. – Vice President of CSEA. First, I'd like to thank the public for their overwhelming support. When we went door-to-door, they were great to us. They gave us cookies and soda and water and were always very pleasant to us, and I owe you for that. Like many of the speakers said up here, they do a great job. They work very hard. Second, I really want to thank the men for their support. Not just the Sanitation men, but for Chris from the Police Department, who works very hard. Dorinda in the Police Department, the two mechanics, John and "Soupy." Thank you for the support you've given me, because these are the jobs we are saving. I also want to say that my heart goes out to those in Newtown, CT. I pass Newtown a lot, but never stopped. But my heart, my thoughts, my prayers all go out to those who are affected; such a terrible, terrible tragedy. But you know what? There is a ray of hope, this week this Council, this executive committee, this administration, this union has all come together for one thing – for jobs. Jobs for the people who do great, great work. I'd like to thank the Mayor, for his support. I'd like to thank Mr. Parise, Mr. Herman, the Democratic Caucus, Mr. Mallory, thank you. Ms. Solomon, thank you. Joe Rich, I know sometimes on the phone we didn't agree, but we agree on most

things. I'll call them Nina and Gwen because for two months of hours and hours of countless meetings, trips...like I said, we never agreed on everything, we've yelled at each other, but in the end, like I said everybody on this diocese is here for one thing and one thing only. It's to support the men who work so very hard in the City. Last, I'd like to thank one more person, and that is my wife. A wife who has supported me for 15 years, going through the last two months of me not being home much, who has gone through her own tragedies with her own sister's death, and I just want to say thank you to my wife – I love her, I'll be home soon. In the end, I just want to say that this is a good ending. As I said, "The best Christmas present I could give our workers is a job on New Year's Day. So, "Merry Christmas, Happy Holidays, God Bless You All and God Bless Poughkeepsie." Thank you.

Holly Wahlberg – 35 Garfield Place – I'm here to mark the passing of a landmark from our community. The Nelson House was not particularly grand, or beautiful; especially after the County got through with it, but it was rare. It was significant because it was our last physical link for so many important, fascinating stories. From the history we all share together, the history that binds us together as Poughkeepsians. This loss happened on your watch, but it began before most of you took up politics. Those of you who seek to continue in politics, I hope you will take to heart the lessons to be learned here, about the consequences of gridlock, about what happens when the City and the County leaders can't or won't work together, about the cynical, intentional neglect of a landmark as a tool in ensuring it's destruction. The Cranes will pack up and the dump trucks will rumble away. We will get a, "Here once stood" on a plaque in a parking lot, but that is not the actual end of the story. The Nelson House was a 32,000 square foot building. Demolition, on average, generates 155 pounds of waste per square foot. So, today, the staggering amount of approximately 5 million pounds of waste is now on its way to a landfill. Could we make up for it, by building a new green, energy efficient building in place of the Nelson House? Unfortunately, it's now not that simple. Scientists now estimate that it takes anywhere between 40 to 80 years before even a so-called, "green building" overcomes the negative carbon footprint generated by its construction. Of course, the saddest truth of all is that many buildings being built today, may not even make it to be 40 years old. The Nelson House was more than twice that age. We are now at a crossroads as a community, with Poughkeepsie struggling to redevelop itself. If historic preservation does not become more of a priority in that redevelopment, that redevelopment will fail. It may make a very big pot of money for a small handful of people, but will fail the community as a whole. That is something we can avoid with smarter planning and programming. It is easy enough to shrug off the loss of the Nelson House; an unhappy chapter, forget about it, just move on, but even now, the Nelson House still has lessons to teach us about political leadership, environmental responsibility, sustainable redevelopment and it forces us to confront whether or not we will continue to let our community's character slip away or whether we will strive to protect that character more fiercely than ever before. Rest in Peace, Nelson House. Thank you very much.

Chairwoman Johnson: Corporation Counsel Ackermann, can you tell us who owned the Nelson House?

Corporation Counsel Ackermann: The Nelson House was owned by the County.

Chairwoman Johnson: How many years was the Nelson House vacant?

Corporation Counsel Ackermann: I don't have that number off the top of my head.

Chairwoman Johnson: 1999...13 years. I guess that if somebody wanted to save the Nelson House, they could have lobbied and got money to try to fix it up...just wondering – inquiring minds want to know. OK, is there anyone else who'd like to speak?

Curtis Shell – 166 North Clinton Street – I don't want these guys to lose their jobs either. My family occupies a two family but uses it as one. We don't generate a lot of trash. I only need the trash picked up only once per week. On the other hand, I need to see more of the Sanitation workers. They drive the trucks while there's trash in the streets and they drive right by it. Stop the truck and pick it up. I go by my house to by Lambert Plumbing and Heating on the corner of Parker Avenue. I'm picking up two and three bags of trash by my house. Why do I have to pay for this? The City's not picking it up, I am. The fines need to be imposed dramatically, because the whole north side of Poughkeepsie is disgraceful. There's trash everywhere. There's kids that act like they have no home training and open up car doors and throw McDonald's bags out into the street. I stop and pick that up. Last year on Smith Street, there was a box that top rounds come in. It sat out there for at least a month. How many City workers drive past that with a garbage truck or pickup truck? You can't stop and pick that up? But you want us here to fight for your jobs. I don't want to lose the city services. In littering, increase the fines. I know someone who lives in a big city about the size of ours and there's never any trash on the streets. They have signs posted that impose a \$2,000 fine for littering. I don't know if that has anything to do with it. Cottage Street is disgraceful. You need to do something about these landlords to crack down on their tenants. I don't know if there are clauses in their leases to keep the property clean or what, but something's got to be done because this city is a "freakin' dump." Four hours away from here in New Jersey, my friend lives near the railroad tracks. There's a \$2,000 fine for littering and there's no trash lying around. That's all I have to say. I have lots more to say, but I don't have enough time.

Chairwoman Johnson: Well, come back every first Monday and Thursday of the month. You can become a regular. We have regulars. I'd like to say, that when we went to Schenectady, they were sparkling clean, too. That's something that the City Administrator will have to work on.

V. MAYOR'S COMMENTS

Mayor Tkazyik – Thank you Madam Chair, I'd like to thank you for the moment of silence at the beginning of today's meeting. Our prayer, our thoughts go out to the victims and their families for the Sandy Hook Elementary School tragedy in Newtown, CT. Let us continue to work for peace in our homes, our schools and in our neighborhoods as we go forward. We have the flags at half staff at the firehouses and at City Hall to show our support as the President asked for those with these tragic events in Newtown, CT. Thank you to Ms. Parker for giving us the candle to have here for this evening's meeting. The City, as you know, is faced with great challenges, going into this 2013 Budget. The City is being faced with a \$4 Million dollar shortfall is not an easy challenge to present a balanced budget. But, we're here now to adopt the 2013 Budget, going forward. With even greater challenges facing cities across the state and the nation even more, with less support coming from the State, less support coming from the Feds and the greater amounts of unfunded mandates we continue to see and property owners continuing to strive to make ends meet in a shaken economy. These are tough times and require tough decisions going forward. The City, to be able to remain sound, to operate and to function needs to present itself where revenues and expenses meet. So, although the user fee program may not be the most equitable program, this user fee sustains sanitation service in the City of Poughkeepsie and sustains the manpower that we heard from the public who participated in so many meetings, coming forward, as the City moves forward in striving for excellence in sanitation service. I'd like to commend and thank Commissioner of Finance, Milo Bunyi, Budget Analyst Regina Sweat, all the Department Heads for their input during the 2013 process in coming to this point as well as to all the members of the Common Council for working with the Administration to come up with an overall balanced budget and this user fee concept, in order to sustain sanitation service and to maintain service within the city, to maintain the jobs that will be saved to again, close an almost \$4 Million gap. What this budget does...this budget avoids a 16.4% tax increase. Last week we had over 400 properties on the tax lien sale list. Some say raising taxes is the answer, it's not, because people aren't paying the taxes now at 2%, as I continue to repeat, I know. Not everyone buys those liens at a tax lien sale – we're still short on the amount that we need to collect in order to sustain, and we'll look at Sanitation Violation numbers and how much we can increase them by. But, we have to be realistic. Real revenue that can be generated, but, going forward...we will again work together in a collaborative manner with members of the Common Council, with Commissioner of Public Works, Rich Du Pilka, Corporation Counsel, Paul Ackermann, Commissioner of Finance, Milo Bunyi and the Union as we strive to increase recycling efforts overall, citywide. In marketing those efforts citywide, and to educate the public that recycles each and every day in their houses, need to strive and do more. We are looking at those additional avenues to reduce the tipping fee amount where we haul the garbage to. Commissioner of Public Works, Rich DuPilka and Commissioner of Finance, Milo Bunyi has been diligently working on looking at other areas in which we can save to reduce tipping fee costs. We're moving forward in the right direction on that. So again, I want to wish all of you a Very Merry Christmas, Happy

Hanukkah, Happy New Year and again, to all the Members of the Council, thank you for collaborating with myself and members of the Executive Branch as we present this 2013 Budget again, to the public and that avoids a double digit tax increase that would have devastated homeowners and businesses across this city, so thank you.

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

I would like to say that after two months of hard work, endless nights, a lot of typing, we will now be voting on our 2013 Amended Budget and our new Sanitation User Fee Local Law and fees tonight.

I would like to thank Majority Leader Nina Boyd and Vice President Bruce Dooris from CSEA Union for all of their hard work. In fact, we were known as the Three Musketeers. I would like to thank the Democratic Caucus for their contributions toward the cost savings. And Mayor Tkazyik and his staff for coming together in negotiations to embrace this new sanitation user fee concept. And thanks to the Republican Caucus for also coming aboard.

The problems that our city is facing, is an economical crisis facing other municipalities, our nation and other states. Our County Executive implemented a new sales cap that hurt our city and gave us a two million dollar shortfall. We must encourage him to be more flexible in his distribution to our city and give us a more equitable share of sales tax growth in the near future.

Here is a breakdown of our New Sanitation User Fee Local Law, the new user fees, and the amended 2013 Budget.

After a lot of deliberating and compromising between the Mayor's Office, Majority Leader, Nina Boyd and myself, this is what we compromised on:

We wanted a \$22.00 user fee for a single family home and they wanted a \$29.00. So we settled on a \$25.50 for a single family and so forth. We wanted twice a week pick up and they wanted once a week pick up, so we settled on a seasonal pick up service. Twice a week in the Spring and Summer, and once a week in the Fall and Winter.

We also had a discount for seniors enrolled in the enhanced Star Program to \$100.00/annually, and they wanted to tweak this discount accordingly in the near future.

So these were the local law issues that were resolved.

Then, we had budget amendments that the Democratic Caucus added to restore the City Administrator's position to full pay with the Mayor's input and approval.

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The Democratic Caucus also restored the Juvenile Aide Position, and the two mechanic positions, along with the funding for the temporary summer help in our parks, and over time for holiday events for Recreation. We also maintained the funding for ALL our youth programs, with new funding for soccer, and our new girls summer program. Pop Warner is fully funded and so is the Basketball Afterschool Program.

We also reinstated CDBG back into the budget. And there are no casualties to other City staff employees.

All of these budget adjustments were certified with the Finance Commissioner, Mr. Bunyi and met with Mayor Tkazyik's approval.

In conclusion, since the beginning of 2012, the Mayor and I, along with the Common Council members have worked positively together on three mayor projects this year.

1. The 100 Million Dollar Dutton Project with a public park included.
2. The sale of The Upper Landing with the Dyson Foundation which also includes a public park and the gateway to the Walkway elevator. And the restoration of two of our oldest buildings, The Reynolds and The Hoffman House.
3. The New Historical Ordinance which will now stand the test of time. Thank you, Assistant Corporation Counsel Brady. He was also instrumental in that.

As you well know, I am term limited, and I am now serving my last term in office. 2013 will be my last year on the Common Council, ending an eight year consecutive reign.

I vow to continue to work in a positive and productive manner with the Mayor and his staff on future projects such as:

Phase II of the New Sanitation User Fee System with the lowering of our tipping fees and the implementation of a new recycling program with educational and enforcement campaign.

I will also be working with the Mayor on a New Boys and Girls Recreational Center for our youth in the City of Poughkeepsie.

I will also be supervising the installation of the new playground that I ordered, that will be installed at Waryas Park in the spring of 2013.

Thank you again Mayor Tkazyik for the new Playground Fitness System that was installed in King Street Park in the Spring of 2012 in my ward. We had a lot of fun with Congresswoman Nan Hayworth and NYS Assemblyman Frank Skartados at the ribbon cutting ceremony. So, I'm looking forward to passing the torch to those other Council members who have been sitting on the sidelines – who are continuing on, to step up to the plate into a leadership position. I'll look forward to working with them

and seeing the wonderful things that they will be accomplishing for our City in 2013 and having them work on next year's 2013 Budget going forward.

May God be the Glory for everything that I have done on this very tough budget.

Have a Merry Christmas, Happy Hanukkah, Happy Holiday and a Happy New Year.

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.

Ms. MacIsaac: As you all know, this is a yearly document that is prepared, informing the Federal Government as to how we are proposing to use the funds that will be allocated to us in 2013. At the time of the preparation of this, there is no actual dollar figure, so we won't that until after the first of the year. So, I have estimated it at \$702,532. Does anyone have any questions?

Councilmember Mallory: For this year's grant application, submitting the application has been a little different than it has before?

Ms. MacIsaac: In 2013, it's the first year it has to be done electronically.

Councilmember Mallory: Electronic onto that one. Time consuming, do you figure it will be?

Ms. MacIsaac: To be honest, I haven't even looked at it yet. There is about 300 page manual that explains how to do it, and I have found with the Federal Government, nothing is easy. So, I would imagine it would take some time to input the actual plan into it. It's not just for CDBG, it's also for HOPWA (Housing Opportunities for Persons With Aids) Grant as well.

Councilmember Mallory: Both have to be submitted at the same time?

Ms. MacIsaac: Yes.

Councilmember Mallory: With that said, an overwhelming piece of work to that one, has action being taken to start either one of those grants - electronically?

Ms. MacIsaac: No, because you can't submit any type or form of this plan without Common Council approval. So it would have to receive approval before any kind of submission is done.

Councilmember Mallory: For myself, and thank you very much for answering the questions. Before, in the past, during our budget hearing, we had heard about the County being involved and, yes, we now made sure that this has been...still have a position in place. Have you been aware or have you collaborated before with the County...does the County do their own CDBG and have we worked together with them, submitting in at the same time?

Ms. MacIsaac: The County is an entitlement community, just as the City is. Yes, they do receive CDBG funds for the County. We have worked collaboratively. I have worked with my counterparts on the 5 year consolidated plan. That is something the City and the County must do together every 5 years, and it's been a nice working relationship with the folks in the County putting that document together.

Councilmember Mallory: Is this part we're being asked to go on right now – is that part of the 5 year plan?

Ms. MacIsaac: The 5 year plan is a document that says, "This is what we think we're going to need the funding for in the next 5 years." In addition to that, each entitlement must prepare an annual action plan, indicating how you're going to use the funds for the immediate coming year. So, the County and the City do the 5 year plan, we also have to do the individual yearly plans. We do not collaborate on the individual yearly plans.

Councilmember Solomon: I thought that CDBG was awarded to communities that had a census track that was poverty (inaudible). Am I right on that?

Ms. MacIsaac: To be very honest with you, Ms. Solomon, I don't know the original criteria of CDBG which was back in the '70's, but you can only use CD funds for low or moderate income residents, whether they be in the County or the City. The eligibility and guidelines are the same for the County, as well as the City.

Councilmember Solomon: What I'm getting at is, I know that in the City, only the first 7 wards are eligible for CDBG and the ward 8 is not. Where in the County are there poor to middle income census tracks?

Ms. MacIsaac: Well, you would probably have to ask the County folks that. However, it does include Beacon and out in Dover Plains and Amenia. There are low income tracks out there and they're very good at making sure that those funds are used appropriately. They have to – they have to report to the Federal Government and supplies very specific information yearly as to how the funds are used in what census tracks, in the number of low to moderate income residents are impacted.

Councilmember Solomon: So there's no fudging, it just simply says that it can't happen?

Ms. MacIsaac: You don't want to lie to the Federal Government, that's for sure.

Councilmember Solomon: My next question is, why is it that we are voting on it this year? For the first 7 years I was on the Council, we voted on it at the first or second meeting of the new year.

Ms. MacIsaac: Was it, last year or the year before...I stepped it up, because it was always difficult to do it on January 2nd because that was really the organization of the Common Council and for the New Common Council folks coming on not having time to understand the document, so on, I believe it was 2 years ago, I just stepped up the process so the sitting Common Council, regardless of what happened January 2nd would be approving the document. But, you're absolutely right – it was January 2nd prior to that.

Councilmember Solomon: We have until January 15th?

Ms. MacIsaac: Well, I was just informed today that apparently, an extension request was made to the Federal Government to extend that deadline beyond January 15th.

Councilmember Solomon: So, since there will be no new people on the Council in 2013, they have until March. I move that we table this motion until we can explore it further.

Corporation Counsel Ackermann: I know there's a motion on the floor. If I could just say one thing. I'm aware that the extension has been requested. Just so the Council's aware, to the best of my knowledge, we have yet to receive a response, or at least a formal response to that request for extension, but regardless of that, I believe you still have time.

Councilmember Solomon: We can do it in early January...

Corporation Counsel Ackermann: Yes, if necessary, if we do not hear by then.

Councilmember Solomon made a motion to table said Resolution R12-88,
Councilmember Mallory seconded the motion

R12-88		Yes/Aye	No/Nay	Abstain	Absent	
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input checked="" 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.

Corporation Counsel Ackermann: Before you is a resolution with regard to the adoption which this Counsel will take later in the agenda on Local Law 3 of 2012. The implementation of the User Fee for Sanitation collection would be determined to be an unlisted action. There are very insignificant changes into the process by which garbage will be collected. Therefore, there is no environmental impact, so this Counsel, after review of the SEQRA criteria set forth will determine that there is a negative declaration for purposes of the Local Law 3-12.

Councilmember Rich: As I understand it, this is a negative declaration. It will not harm the environment user fee system to collect fees and to take care of the garbage. I'm hoping that we're also looking at recycling, and so, it may well be that we'll get some really positive things for our City and the environment out of this initiative.

RESOLUTION

(R-12-89)

SEQRA RESOLUTION FOR PROPOSED LOCAL LAW 3 OF 2012 ADOPTING A PROPOSED AMENDMENT TO CHAPTER 9, ARTICLE 5 OF THE CODE OF ORDINANCE OF THE CITY OF POUGHKEEPSIE REGARDING THE ESTABLISHMENT OF A USER FEE FOR SANITATION COLLECTION.

INTRODUCED BY CHAIRWOMAN JOHNSON

WHEREAS, the Common Council of the City of Poughkeepsie is considering the adoption of a Local Law amending Chapter 13, Article V of the Code of Ordinances of the City of Poughkeepsie regarding the collection of garbage in the City and the establishment of a user fee for such collection; and

WHEREAS, the Local Law will not substantially change the method of collection or the current eligibility of collection of garbage rather it sets a procedure that will allow the City to charge a user fee for such collection of garbage and a corresponding sanitation fund; and

WHEREAS, 6 NYCRR Section 617.6(b)(1) specifies that an agency will be the lead agency when it proposes to undertake, fund or approve a Type 1 or Unlisted Action that does not involve another agency; and

WHEREAS, the Common Council has determined that the above described action is an unlisted action due to the fact that it is not contained in the list of activities pursuant to Section 617.4 of Title 6 NYCRR, and designated as a Type 1 action nor is it listed in Section 617.5(c) of Title 6 NYCRR as a Type II action; and

WHEREAS, the Common Council has considered the hereto attached Full Environmental Assessment Form (EAF), due to the fact that pursuant to Section 617.6 of Title 6, NYCRR for Unlisted Actions, it is stated that a Full Environmental Assessment Form (EAF) must be used to determine the significance of such actions that are funded, approved, or directly undertaken by an agency unless a draft EIS has been prepared on the action; and in accordance with Section 617.6(b)(1), since the Common Council is proposing to undertake the environmental review of the application for a Unlisted Action in which no other agency is involved, this action need not undergo a coordinated review; and

WHEREAS, the Common Council has reviewed the proposed Local Law in accordance with 6 NYCRR 617.7(c);

NOW, THEREFORE,

BE IT RESOLVED

1. In accordance with Section 617.6(a)(1)(i) of Title 6 NYCRR, the Common Council determines that the above described action is subject to SEQRA; and
2. In accordance with Section 617.6(a)(1)(ii) of Title 6 NYCRR, the Common Council determines that the action does not involve a federal agency; and
3. In accordance with Section 617.6(a)(1)(iii) of Title 6 NYCRR, the Common Council determines that the above described action does not involve more than one agency; and
4. In accordance with Section 617.6(a)(1)(iv) of Title 6 NYCRR, the Common Council classifies the above described action as an unlisted action. The Common Council in making such classification considered Section 617.4 of Title 6 NYCRR and determined that the above action did not fall into any of the categories listed under Type I, and also considered Section 617.5 of NYCRR and determined that the above described action did not fit under any of the categories listed under Type II Actions, thus reaching the conclusion that it is to be considered an unlisted action; and
5. In accordance with Section 617.6(b)(1)(i) of Title 6 NYCRR, the Common Council hereby declares itself to be lead agency in this action; and
6. In accordance with Section 617.6(a)(3)(i) of Title 6, NYCRR, the Common Council determines that the above described project will require a Short Environmental Assessment Form (“EAF”) since, in accordance with the above stated action, an agency may use the Short EAF for unlisted actions as long as it provides the lead agency with sufficient information upon which to base its determination of significance; and
7. A Short EAF has been prepared and annexed to this resolution, and the Common Council, based on the review of the Short EAF and the criteria set forth in Section 617.7(c) finds and determines that 1) the Short EAF contains sufficient information upon which to make a

declaration of significance, and 2) and that a determination of nonsignificance is hereby made, in that the proposed above described action is not expected to result in a significant adverse impact on the environment and, therefore, the preparation of a draft environmental impact statement is not necessary; and

8. The Common Council further finds that this determination shall be considered a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law; and
9. The attached Negative Declaration, dated even date herewith June 19, 2007, is hereby incorporated as part of this resolution; and
10. The appropriate City staff shall take all steps necessary to implement this resolution.

SECONDED BY COUNCIL MEMBER RICH

R12-89			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"/>

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

Corporation Counsel Ackermann: Before you is a resolution to mass produce, with regard to fiscal impact of Local Law 3 of 2012, which the Council will entertain later in the agenda. The user fee, which was the subject of a public hearing today will be part of the annual budget...it's included in the budget – setting the rates, in the future, as part of the budget the Mayor will recommend those fees after consultation with the Commissioner of Finance. The purpose is that the fees generated by the user fee are meant to support Sanitation. However, it prohibits Sanitation from generating a profit, so at the end of each year, the Commissioner will review the fund. In essence, it's an enterprise fund for Sanitation, based on the balance at the end of the year of the fund will make a recommendation as to the user fee. That will not impact any given year, the fiscal budget based on the user fee. That's the fiscal impact resolution for you.

Councilmember Boyd: So the user fee is what we are saying we're going to use for the Sanitation Department to have them come back to work. Now, what happens after one, two or three years that we see we're generating some surplus? Can we, at that point, make an amendment to lower that user fee?

Corporation Counsel Ackermann: Generally, what should be happening is, if there's anticipated surplus in the Sanitation fee, at the end of the year that will then, in the next year, reduce the Sanitation fund to whatever amount is in the surplus.

Councilmember Boyd: Oh, so that would carry over?

Corporation Counsel Ackermann: Carry over for next year...if there's a significant surplus in the enterprise fund for Sanitation. Theoretically, what will happen then is the user's fee will be reduced, because you will not need to generate as much revenue for that year. So, if, for instance, Sanitation...excuse me, if recycling significantly impacts the budget or reduced tipping fees significantly impact the budget, on the next annual budget, that translates into reduction in the user fees because the fee should not be generating a profit.

Councilmember Boyd: And, this money will be going to an enterprise fund and not a general fund, correct?

Corporation Counsel Ackermann: If you look at your budget which is, I believe next on your agenda, you will notice the expenses for Sanitation have been converted and the Commissioner of Finance can speak more to this. And, given new GL codes, based on the enterprise fund, those expenses were in there and the revenue from the user fee will be put into a corresponding GL code for revenue.

**A RESOLUTION OF THE CITY OF POUGHKEEPSIE, WAIVING THE
REQUIREMENT FOR A FISCAL IMPACT STATEMENT PURSUANT TO SECTION
2.10(b) OF THE ADMINISTRATIVE CODE OF THE CITY OF POUGHKEEPSIE**

(R-12-90)

INTRODUCED BY COUNCILMEMBER CHAIRWOMAN JOHNSON

WHEREAS, the Common Council has introduced proposed Local Law LL-12-3 adopting an amendment to Chapter 9, Article V of the Code of the City of Poughkeepsie adding a fee based collection system designed and intended to equalize and apportion the cost and benefits of solid waste collection services; and

WHEREAS, such fee based collection service shall have a future fiscal impact on the City by generating revenue in excess of fifty thousand dollars (\$50,000); and

WHEREAS, Pursuant to Section 2.10(a) of the Administrative Code of the City of Poughkeepsie the Common Council is precluded from adopting local laws, ordinances or resolutions having a present or future fiscal impact on the City in excess of fifty thousand dollars (\$50,000.00) unless, prior to the enactment or adoption of such legislation, the Common Council has before it a fiscal impact statement provided by the Mayor; and

WHEREAS, the Common Council is desirous of waiving such requirement; and

WHEREAS, pursuant to Section 2.10(b) of the Administrative Code of the City of Poughkeepsie the Common Council is permitted to waive the requirement for a fiscal impact statement upon a vote of two-thirds (2/3) of the members of the Common Council elected;

NOW THEREFORE,

BE IT RESOLVED, that the Common Council hereby invokes its authority to waive the requirement for a fiscal impact statement pursuant to Section 2.10(b) of the Administrative Code of the City of Poughkeepsie.

SECONDED BY COUNCILMEMBER RICH

R12-90						
			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"/>

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

Corporation Counsel Ackermann: I'll just briefly introduce this and it's probably more appropriate for the Commissioner of Finance to answer the specifics. Basically, this resolution sets forth that, pursuant to the Administrative Code, the Mayor has presented the Common Council with a proposed budget that, in compliance with the Administrative Code which requires a public hearing on the budget, the Council actually held several public hearings on November 5, 2012, November 19, 2012, December 3, 2012 and effectively upon adoption of this, the Council will adopt the 2013 Budget. There are several amendments that are presented, which are attached to this budget listed as schedules. It also sets the rate for the Homestead Tax Rate, and the Non-Homestead Tax Rate, sets the rate for the water, sewer fees and new to this, Local Law 3 of 2012 has been adopted it sets the sanitation rates as part of the annual budget.

Commissioner of Finance Bunyi: This year's budget amendments have been presented by the Common Council and they can be divided into three different categories. First one being the budget amendments presented by the Common Council. The second one is the establishment of the sanitation fund. The third is all the necessary amendments needed to put back the CDBG. I think at this point it would be more important that we answer any questions. The budget analyst is here. The two of us should be able to answer any questions you have on any of the amendments that were presented by the Common Council.

Councilmember Rich: Mr. Commissioner, is it true that we are within the 2% law, that we have not violated it or, rather gone over it?

Commissioner of Finance Bunyi: Yes. We are within the 2% cap.

Chairwoman Johnson: Are there any other questions? We will take a moment for our illustrious Chamberlain to do her job.

Mayor Tkayzik: Madam Chair, I have signed the 2013 Budget along with the Local Law and Amendments.

Chairwoman Johnson: Now we will move to Presentation of Petitions and Communications.

Mayor Tkayzik: Madam Chair, the Acting City Administrator just informed me there's a two-alarm fire at 15 Academy Street, so he's going to run there right now.

Chairwoman Johnson: Merry Christmas everybody. Tonight we can sleep better, everybody has their jobs, my stomach can stop turning. We have our beautiful Chamberlain back, so now we can finish our ordinances and local laws...no, we're going to number IX – Presentation of Petitions and Communications.

**RESOLUTION
(R-12-92)**

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, pursuant to the Administrative Code of the City of Poughkeepsie, estimates of budget requirements for the year 2013 have been certified to the Mayor, City Administrator and the Commissioner of Finance by the various departments, officers, agencies and boards of the City of Poughkeepsie, and

WHEREAS, the Mayor with the help of the City Administrator and the Commissioner of Finance did review the aforementioned estimates with the various departments, officers, agencies and boards, and

WHEREAS, the Mayor did prepare a proposed budget for the year 2013 based on these aforementioned reviews, which proposed budget with the Mayor's budget message was submitted to the Common Council on October 15, 2012; and

WHEREAS, subsequent to a notice of public hearing being published in the official newspaper in compliance with provisions of the City Administrative Code, a public hearing was duly held on November 5, 2012, November 19, 2012 and December 3, 2012; and

NOW, THEREFORE, BE IT

RESOLVED, that the 2013 preliminary budget amended by the changes set forth on the annexed schedule be and hereby is adopted and declared to be the budget of the City of Poughkeepsie for the year 2013, and be it further

RESOLVED, that the amounts of said budget appropriations, estimated revenues, and contributions from fund balances, be and are hereby appropriated as therein specified in accordance with the provision of the Charter and Administrative Code of the City of Poughkeepsie and General and Special laws of the State of New York applicable to said City, and be it further

RESOLVED, that the aforementioned general ad valorem taxes required to be raised for such budget purposes would need a homestead tax rate of \$9.36 per one thousand dollars and a non-homestead tax rate of \$11.31 of assessed valuation upon all taxable property of the City of Poughkeepsie according to the valuation of the assessment roll for the current year, and be it further

RESOLVED, that the required water rate for taxable and nontaxable properties is established at \$3.00 per 100 cubic feet, and be it further

RESOLVED, that the required sewer rate for taxable and nontaxable properties is established at \$3.00 per 100 cubic feet, and be it further

RESOLVED, that pursuant to Local Law 3 of 2012 adopted simultaneously herewith the required sanitation rate for eligible taxable and nontaxable parcels is established as follows:

Single family residence: \$25.50 a month
 Two family residence: \$51.00 a month
 Three family residence: \$76.50 a month

4 yard dumpster \$170 a month
 6 yard dumpster \$240 a month
 8 yard dumpster \$320 a month

RESOLVED, in accordance with the Charter and Administrative Code of the City of Poughkeepsie and on or before the date therein specified, a warrant shall be issued to the Commissioner of Finance as City Treasurer, to collect such taxes in accordance with the provisions of the Charter and Administrative Code of the City of Poughkeepsie applicable thereto, with penalties and interest therein provided.

SECONDED BY COUNCILMEMBER BOYD

R12-92						
		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"/>

VIII. ORDINANCES AND LOCAL LAWS:

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

Corporation Counsel Ackermann: Before you is a local law that was laid on the desk of the Council Members. A public hearing was set. A public hearing was held. This local law, if so adopted, would support the user fee and budget amendments that were presented by the Council which will be entertained later in the agenda. The local law, if adopted, will go into effect pursuant to the Municipal Home Rule Law, twenty days from adoption and it needs to be sent to the Secretary of State for approval. But, it will be implemented as approved twenty days from its' adoption by this Council.

Councilmember Solomon: When's twenty days?

Corporation Counsel Ackermann: Probably around the 10th of January.

City Chamberlain Flynn: It'll be sent...I'm sending it.

Corporation Counsel Ackermann: It'll be sent to the State prior to that; the Chamberlain's going to send it, I believe tonight. It's ready to go overnight to them tonight and they should have it by tomorrow.

Councilmember Boyd: So the approximate date will be around January 10th?

Corporation Counsel Ackermann: A little less than that, probably.

Councilmember Rich: Paul, if you would look at the page 10 of this document. I'm looking at "not-for-profit institutional users."

Corporation Counsel Ackermann: Yes.

Councilmember Rich: It is my understanding that not-for-profits don't pay property taxes. They will have to pay user fees.

Corporation Counsel Ackermann: No, what this law provides is that institutional organizations and property owners within the City of Poughkeepsie may, upon request, request that the City provide them with sanitation services. They will petition to the Commissioner of Public Works, who will determine that the City can pick up the sanitation with existing resources, that it will not impact residential collection and that it will be within our ability to volume wise, to collect these services. And, if he determines that, there is a system that would attach to a fee, and we would have the ability to collect their garbage as well.

Councilmember Rich: So, if they chose to join the City garbage user fee schedule, they would have to pay for it, even though they're not-for-profit?

Corporation Counsel Ackermann: That's correct.

Chairwoman Johnson: Because right now they probably pay for private dumpsters right now.

Corporation Counsel Ackermann: So, if we can do it cheaper and if the Commissioner of Public Works determines that we don't need any specialized equipment to do so, and it would be beneficial for our tipping fees or collection, then he'll make the determination that we can do that without impact to residential users and maybe we can benefit and maybe the non-profits can benefit also. It would be a fee basis.

Councilmember Boyd: This is also included in the 400 pieces of property that we have – don't they get charged for a user fee too, as well?

Corporation Counsel Ackermann: All residential properties...pursuant to this...all residential properties with the exclusion of residential properties that are situated on a single tax map and have a common ownership either through a cooperative board or through a condominium association, who can opt out, must receive sanitation services from the City of Poughkeepsie. So, they will all be included in this local law.

Councilmember Solomon: All residents, including 411's?

Corporation Counsel Ackermann: The way that the local law defines residential trash, it is three units or less, and anything above that is considered multi-residential and is commercial. With regard to 411's, so to speak, or multi-residential, which they will be now known as, there's a process similar to the institutional trash whereby the City, upon request from those property owners can collect the garbage, [again], as long as it doesn't impact residential properties and as long as we do not have to obtain specialized equipment to do so, there is a process for collecting from those properties as well, [again], with a fee.

Councilmember Solomon: Who sets the fee?

Corporation Counsel Ackermann: Going forward, the fee will be introduced as part of the budget process. The Mayor will have a consultation with the Commissioner of Finance, who will view the Sanitation fund. They'll make a recommendation with their budget to the Common Council and ultimately the Common Council will adopt the user fee similar to what it does with the sewer and water rates.

Councilmember Solomon: I'm sorry to delay this, but what if the non-profits want to get their garbage picked up this year? Our budget is already set, so...we don't have to wait for the Mayor to...

Corporation Counsel Ackermann: No, those properties are a little bit different. Those are through the Commissioner of Public Works. There is a process, a fee formula set. If they choose to use the dumpster methods, those rates are already set.

**LOCAL LAW ADOPTING AMENDMENTS TO CHAPTER 9, ARTICLE V OF THE
CODE OF THE CITY OF POUGHKEEPSIE BY ADDING THERETO A FEE BASED
COLLECTION SYSTEM DESIGNED AND INTENDED TO EQUALIZE AND
APPORTION THE COST AND BENEFITS OF SOLID WASTE COLLECTION
SERVICE.
(LL-12-3)**

INTRODUCED BY CHAIRWOMAN JOHNSON

BE IT ENACTED, by the Common Council of the City of Poughkeepsie, in regular meeting convened a local law amending Chapter 9 of the Code of the City of Poughkeepsie entitled Garbage, Trash and Weeds, Article V, to provide as follows:

Article V Solid Waste Management

Section 9-60 Purpose, Legislative findings and Intent

(a) It shall be the purpose of this chapter to provide for the protection of the public health, safety and general welfare of the people of the City of Poughkeepsie by establishing rules and regulations governing the generation, separation, storage, collection, transportation, processing and disposal of solid waste within the City limits; regulating residential, institutional and commercial solid waste management; establishing regulations for licensure of commercial solid waste collectors; establishing rules and regulations governing the preparation, collection, transportation and disposal of recyclable items in accordance with state law; and providing for the proportionate distribution of the costs of regulation, collection and disposal of solid waste among those benefiting from the services provided by the City.

(b) The City of Poughkeepsie finds that financing the costs associated with the regulation, collection, removal and disposal of solid waste through *ad valorem* tax levy inequitably burdens taxpayers with the cost of providing general solid waste collection services benefiting the community as a whole, including organizations exempt from taxation.

(c) The City of Poughkeepsie also finds that funding waste collection services provided by the City through *ad valorem* levy disproportionately burdens certain taxpayers, resulting in the subsidization of the costs of the services provided to other residents and taxpayers.

(d) To equalize this disparity, and reduce the cost of providing waste collection services, the City finds that it is in the best interest of the City to adjust and reallocate the cost of solid waste collection and disposal by assessing a proportionate collection fee on all users of the City's solid waste collection services, and to extend fee-based waste collection services, to tax exempt organizations, and institutions, and to commercial, mixed-use and multiple residential users, thereby reducing the burden shared by all taxpayers and limiting that shared burden to the costs of general services benefiting the City as a whole, continuing to fund the costs of such general services by *ad valorem* tax, and proportionally allocating the cost of individual collection and disposal services among the class of persons utilizing the City's solid waste collection and disposal services.

Section 9-61 Duties And Powers Of The Commissioner Of Public Works

The Commissioner of Public Works, in addition to other powers provided in this chapter, shall have the authority and responsibility to:

(a) Enforce all provisions of the applicable state and local laws regulating residential, commercial and institutional solid waste management, commercial solid waste collector licensure and recycling in the City of Poughkeepsie.

(b) Provide for the orderly administration of all applicable state and local laws regulating Solid waste collection and recycling in the City of Poughkeepsie.

(c) Promulgate rules and regulations regarding the methods of collection of Solid waste and recyclables for residential and commercial users in the City of Poughkeepsie.

(d) Add to or delete from the list of items to be recycled and establish rules and regulations regarding the separation, preparation, collection, transport and disposal of recyclables in accordance with state and local law.

(e) Abate any Solid waste-related health hazard or public nuisance and charge the property owner the cost of the abatement. Unpaid charges shall be the personal liability of the owner and shall be a lien upon the real property upon which such hazard or nuisance was found.

Section 9-62 Definitions

(a) For the purpose of this chapter, certain words and phrases shall be defined as set forth in this section unless it is apparent from the context in this chapter or from the context or definitions as set forth in the regulations that a different meaning is intended. Where not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular and vice versa. Furthermore, a masculine pronoun shall include the feminine. The word “shall” is always mandatory and not merely directory.

(b) As used in this chapter, the following terms shall have the meanings indicated:

ASHES – All the residue of the combustion of any type of solid fuel, such as wood, coke, charcoal or like substances.

CITY – The City of Poughkeepsie.

COMMERCIAL SOLID WASTE – solid waste originating in and around commercial establishments, industrial establishments and institutions.

COMMERCIAL SOLID WASTE AND/OR RECYCLABLE COLLECTOR -
A person engaged in the business of collection, removal, transportation or disposal of commercial or institutional solid waste or recyclables with or without charge or payment.

COMMERCIAL SOLID WASTE MANAGEMENT -The purposeful, systematic control of the generation, separation, storage, collection, processing and disposal of commercial and institutional solid waste.

COMMERCIAL USER - An improved parcel of land which is designed for or occupied by or for commercial or business use.

CONSTRUCTION AND DEMOLITION DEBRIS – As set forth in 6 NYCRR Part 360, Regulations.

CURBSIDE – Beside both the paved public road and the driveway into a person's property, but not on the paved or traveled portion and not within then person's property on a private roadway more than five feet from the edge of the public street.

DEAD ANIMALS – Those that die naturally or from disease or are accidentally killed. It shall not include condemned animals or parts of animals from slaughterhouses or similar places (including custom slaughtering and private residential slaughtering), which are regarded as industrial waste.

DUMPSTER – A container which is used for the temporary storage of solid waste.

GARBAGE – Putrescible solid waste, including animal and vegetable waste resulting from the handling, selling, preparation, cooking or storing of foods. "Garbage" originates primarily in the home kitchens, stores, markets, restaurants, cafeterias and other places where food is stored, prepared or served. "Garbage" shall not include yard solid waste.

GLASS – Empty washed jars, bottles and containers of glass with rings and caps removed. This term may exclude ceramic ware, auto glass, mirrors, kitchenware, window glass and stained glass.

HAZARDOUS WASTE – A solid waste or combination of solid wastes which, because of its quantity, concentration or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed.

HOUSEHOLD RECYCLING CONTAINER – The container specified by regulation to be the container used by City residents to contain recyclable materials.

INDUSTRIAL WASTES – Includes the Solid waste that accumulated in or upon the land used for manufacturing, industrial, wholesale and slaughterhouse purposes and also includes sludge, chemical and hazardous waste. Such materials will not be collected by the City of Poughkeepsie.

INSTITUTIONAL SOLID WASTE – Solid waste originating in and around tax-exempt hospitals, not-for profit agencies and residential users, and public and/or private tax-exempt charitable, educational, philanthropic or religious institutions. All solid waste from institutions not included in this definition shall be considered commercial solid waste.

JUNK MAIL – Paper brochures and envelopes including window envelopes, office paper, FAX paper, letterhead stationary, writing paper and any paper received in the mail.

LAW – The City of Poughkeepsie’s solid waste Management and Mandatory Recycling Law; this article.

LARGE HOUSEHOLD FURNISHINGS – Large and/or bulky articles used in the home and which equip it for living, including but not limited to chairs, sofas, tables, beds, mattresses and carpets.

MIXED RESIDENTIAL USE – A structure designed for and consisting of one or more residential dwelling units and a portion of which is devoted to business, professional or commercial use.

METAL CANS – Ferrous, nonferrous and composite cans and containers cleaned of any waste and labels. The term does not include these cans which are non-recyclable rubbish.

MULTIPLE RESIDENAL USER – A structure designed for and consisting of four (4) or more private residential dwelling units.

NONRECYCLABLE RUBBISH – solid waste components which cannot be reused or recycled.

OCCUPANT – An owner occupying premises which he or she owns or controls or a tenant or renter of such premises.

OWNER – The owner of premises within the City or another person who has agreed to be the owner’s agent for purposes of fulfilling the owner’s obligations under this article.

PERSON – One or more individuals, a partnership, corporation, firm, association, trust, estate or governmental entity or any other entity living within or conducting business within the City.

PLASTICS – Items manufactured from man-made thermoplastic polymers. The actual kinds of polymeric compounds and/or items and their preparation shall be set by regulation.

PREMISES/PARCEL – A building or group of buildings constituting a single property and the lot or parcel of land on which such building or buildings are located.

PRIVATE HAULER – Any person who removes solid waste from a person’s place, for or not for a fee, with the person’s consent.

RECYCLABLE CONTAINER PRODUCT – Includes but is not limited to glass, plastic and metal cans.

RECYCLABLE PAPER PRODUCT – Includes but is not limited to newspapers, magazines, corrugated cardboard and craft paper.

RECYCLABLE RUBBISH – Those items which are marketable and which may include but not be limited to metal cans, glass, scrap metal, discarded newspapers, magazines, corrugated cardboard, plastic, white goods, yard waste and tires.

RECYCLERS – Those who deal with recyclable materials as collectors, separators and/or marketers. This term shall include not-for-profit corporations and charitable corporations which collect recyclables for fundraising purposes.

REGULATION – Any action or interpretation by the City permitted by this chapter.

RESIDENTIAL SOLID WASTE – Solid waste originating in and around residential premises, including all residential users and such multiple residential, mixed residential and/or commercial users may elect and be approved by the Commissioner to receive City solid waste collection services.

RESIDENTIAL USER – A residential property containing no more than three (3), single-family living units, which includes a single-family home or apartments, townhouses, and/or condominiums having not more than three (3) living units.

SANITARY LANDFILL – Land used for the authorized depositing of solid waste by engineered methods. “Sanitary landfill” includes a type of operation in which wastes are deposited in and or on land by a plan utilizing the principles of engineering to confine the waste to the smallest practical volume, to cover it with a layer of earth at least at the conclusion of each day’s operation and to accomplish all this without creating nuisances or hazards to public health or safety.

SCAVENGING – The uncontrolled and unauthorized picking, sorting and removal of solid waste either before, during or following disposal.

SCRAP METALS – One-hundred-percent-metal objects, including but not limited to desks, bedsprings, bicycle parts, wheels, cast-iron sinks, metal car parts and other ferrous and nonferrous metals.

SOLID WASTE – Materials or substances which are discharged or rejected as being spent, useless, worthless or in excess by the owner at the time of such discard or rejection, and shall include garbage, yard waste, recyclable rubbish, white goods, large household furnishings and non-recyclable rubbish generated by any person. The term shall not include sewage, sludge or liquid-diluted material.

SOLID WASTE DISPOSAL FACILITY – Includes any fixed facility that is established, maintained and operated, either as its primary function or in support of some other facility or operation, for the transfer, treatment and/or disposal of solid waste. It includes but is

not limited to any facility that is established for the purpose of transferring, baling, composting, incinerating, recycling, shredding or land-filling any solid waste or any combination of function thereof.

SOURCE SEPARATION – The separation as specified in the regulations of solid waste into recyclables and non-recyclables before it is placed for collection or taken to a recycler for disposal

SPECIAL WASTES – Hazardous wastes, including but not limited to those wastes that can cause severe injury or disease during the normal storage, collection and disposal cycle, including explosives, flammables, pathological and dangerous chemicals or combinations of chemicals and all hazardous waste and defined by the New York State Department of Environmental Conservation regulations, 6 NYCRR Parts 365 and 366, and all other related regulations. Such material will not be collected or disposed of by the City.

WHITE GOODS – Large and/or bulky articles used in the home and which equip it for living, including but not limited to refrigerators, washers, dryers, stoves and hot-water heaters ordinarily operated by gas, wood or electric current.

WRITTEN AUTHORIZATION (of the New York State of Department of Environmental Conservation) – Includes a valid permit issued to the applicant as written evidence of a verbal agreement existing between the applicant and the Department or written evidence of an existing exemption given by the Department.

YARD WASTE – Grass clippings, leaves, cuttings from shrubs, hedges and trees and garden solid waste. “Yard waste” shall not include stumps, large rocks or stones or large quantities of dirt or construction debris.

Section 9-63 Owner Duties And Responsibilities

The owner(s) of every premises within the City shall be responsible for compliance with the provisions of this chapter and shall remain responsible therefore regardless of the fact that this chapter may also place certain responsibilities on the occupants thereof and regardless of any agreements between owners or occupants as to which party shall assume such responsibility.

Section 9-64 Public Collection And Disposal Of Solid Waste

(a) The Department shall collect and dispose of all residential solid waste (including institutional, mixed residential and multiple residential users electing to receive and which qualify for City solid waste collection service) originating in the City, and, as further limited by this article, all solid waste from such commercial uses as may elect and qualify to receive City solid waste collection services. Such solid waste shall be stored and prepared for collection by property owners and occupants in accordance with the provisions in this chapter.

(b) At the discretion of the Commissioner of Public Works, the Department may collect and dispose of commercial, institutional, multiple residence and mixed residential use solid waste originating in the City if the Commissioner determines that collection from such users can be accomplished using existing staff and equipment and without compromising the services provided by the City to residential users. The Department shall not collect industrial, infectious, or hazardous waste.

(c) The Commissioner may promulgate regulations covering the items of collection of solid waste and the fees charged therefore, and such other matters pertaining to the public collection and disposal of solid waste as he/she may deem necessary, provided that such regulations are not contrary to the provisions hereof.

(d) The City shall collect residential solid waste originating in the City as defined by this chapter twice each week. All other collections will be made at a frequency determined by the Commissioner to be necessary consistent with the public health.

(e) All residential users (excepting institutional residential users which do not elect to receive City waste collection services) will be provided with waste collection services by the City and shall pay for such services at the rates herein proscribed.

(f) Commercial, institutional, multiple residential and mixed residential users, excepting those which elect to receive and are approved to receive City solid waste collection services, must provide for the lawful collection and disposal of solid waste and recyclables and must establish to the satisfaction of the Commissioner that a licensed commercial solid waste and/or recyclable collector is providing collection and disposal services for the user and that solid waste collection is being made at a frequency determined by the Commissioner to be consistent with public health requirements. Failure to provide for adequate collection and disposal services or to provide satisfactory proof to the Commissioner shall constitute a violation and shall be subject to penalties provided by Section 9-70 herein.

(g) The Commissioner is authorized, after a time/volume study has been conducted of a mixed-residential, multiple residential, commercial and/or institutional use parcel, to enter into service agreements with such entities for the collection of solid waste and to assess a fee for collection services for that parcel based upon the amount of solid waste generated, consistent with the user fees proscribed by this Chapter and adopted annually by resolution of the City Common Council.

Section 9-65 Unpaid Waste Collection Fees

Unpaid waste collection fees shall be the personal liability of the owner(s) and shall be a lien upon the real property in connection with which solid waste collection is offered as and from the thirtieth day the month following the billing date for each quarterly installment and such indebtedness shall be subject to sale or assignment by the City to the extent permitted by law.

Section 9-66 Discontinuing Service Following Non-Payment Of Waste Collection Fees

The Commissioner may order the discontinuance of a multiple residence, mixed use residence, institutional and/or commercial user's public collection service when, after due notice, the user has not paid user fees upon direct billing by the City or after such delinquent fees have become a lien upon the real property. Upon discontinuance of public collection service for nonpayment of user fees, the user must establish to the satisfaction of the Commissioner that a licensed commercial solid waste and/or recyclable collector will service the user.

Section 9-67 Solid Waste Collection Fund

The Commissioner of Finance shall establish and maintain a separate solid waste Collection Fund to record and control the financial activity related to the provisions of solid waste collection by the City. This fund shall be maintained on the same fiscal year as that of the City. Each year the Mayor, at the time of the submission of the annual budget estimate to the City Common Council, shall submit a statement of estimated revenues, expenditures and changes in the fund as well as the fund balance, for the current fiscal year, together with an estimate of expenditures for the next fiscal year. The Mayor shall also, at the same time, recommend a basic rate sufficient to meet the estimated expenditures for the next fiscal year, taking into consideration the estimated surplus or deficit accruing from the fund operations in the current year and other sources of revenue.

Section 9-68 Solid Waste Collection Fees

(a) Annual Determination of Fees:

The Mayor as a part of the budget process shall propose the fees charged by the City for solid waste collection and disposal services annually. A schedule of the annual collection fees shall be approved by the City Common Council by resolution and maintained on file in the Commissioner's office and the office of the City Clerk.

(b) Exemptions:

(1) Any person who because of age or disability shall qualify for exemption from City real property taxes based on an enhanced star exemption or low income tax exemption, shall be charged a reduced fee for solid waste collection and disposal services in the total sum of \$100.00 annually.

(2) Any residential user eligible for STAR tax exemption from City real property taxes, upon demonstrating that only one unit of a two or three unit residential parcel is occupied as their residents, all other units being permanently vacant, after certification to the Commissioner and inspection, pursuant to regulations promulgated by the Commissioner and approved by resolution of the City Common Council, shall pay only the annual base unit fee.

(c) For Profit Mixed Residential, Multi-Residential and Commercial Users:

The annual fee shall be based upon that user's proportional share of the cost of waste collection services not funded by *ad valorem* tax, the formula for which shall be determined annually by the Commissioner, recommended to the Mayor, and adopted by resolution of the City Common Council. The Commissioner, consistent with the formula adopted by the City Common Council, is authorized to negotiate fees pursuant to Section 9-64(g) of this Chapter, based on volume and time requirements for collection, provided that such fees shall in all instances cover at a minimum the costs of providing the service.

(d) Not-For-Profit Institutional Users:

The annual fee shall be based upon that user's proportional share of the total cost of waste collection services, the formula for which shall be determined annually by the Commissioner, recommended by the Mayor, and adopted by resolution of the City Common Council. The Commissioner, consistent with the formula adopted by the City Common Council, is authorized to negotiate fees pursuant to Section 9-64(g) of this Chapter, based on volume and time requirements for collection, provided that such fees shall in all instances cover at a minimum the costs of providing the service.

Section 9-69 Removal of residential waste

No person other than the City of Poughkeepsie shall collect or transport any residential waste, garbage, trash, ashes or recyclables generated by any residential property originating within the City, provided that a private collector, may collect, transport and dispose of such residential waste or recyclables generated by any residential structure or complex located on a single site that consists of in excess of 30 dwelling units under common ownership or under the control of a single condominium or cooperative corporation. The storage, collection and transportation of all residential waste or recyclables, whether collected by the City or by a licensed private hauler, shall be in accordance with this Code, the regulations of the Commissioner and all other applicable laws, codes or regulations.

Section 9-70 Severability

Should any section, paragraph, sentence, clause, phrase or provision in this chapter be declared unconstitutional or invalid for any reason, the remainder of the chapter shall not be affected thereby and shall remain in full force and effect.

Section 9-71 Penalties for offenses

(a) Failure to comply with the terms of this Article shall be a violation as defined by the Penal law of the State of New York and shall be punishable by a fine not exceeding \$1000 or imprisonment not exceeding 15 days for each day a violation, or by both such fine and imprisonment, or by penalty not less the \$350 nor more then \$1000 for each day a violation to be recovered by the City in a civil action.

(b) A separate offense shall be deemed committed on each day during or on which noncompliance with the terms of this Article occurs or continues unabated after the time limit set for abatement of the violation.

(c) Any person issued a notice of violation pursuant to any provision of this Article shall be subject to an administrative fee of \$50, and such administrative fee shall be charged against the land upon which the notice of violation was issued as a municipal lien or such administrative fee shall be added to the tax rolls as an assessment or levied as a special tax against said property or recovered in a civil suit against the person to which the notice of violation was issued.

SECONDED BY COUNCILMEMBER RICH

LL-12-3			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"/>

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. FROM FOX HILL IV CONDOMINIUM, a notice of property damage sustained on November 28, 2012. **Referred to Corporation Counsel.**

X. UNFINISHED BUSINESS:

None.

XI. NEW BUSINESS:

None.

XII. ADJOURNMENT:

A motion was made by **Chairwoman Johnson** and **Councilmember Rich** seconded the motion to adjourn the meeting at 7:40 p.m.

Dated: March 7, 2013

Official Minutes of the Common Council Meeting of December 17, 2012

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, December 17, 2012 at 6:30 p.m.

Respectfully submitted,

City Chamberlain



COMMON COUNCIL MEETING

Common Council Chambers

Monday, December 17, 2012

6:30 p.m.

*5:30 p.m. public hearing regarding proposed Local Law
amending Chapter 9, Article V entitled*

“Garbage, Trash and Weeds”

*6:15 p.m. public hearing regarding proposed fees schedule
for the Solid Waste Collection Fees*

I. 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 COMMUNITY DEVELOPMENT DIRECTOR MACISAAC,**
Resolution R12-88, approving the 2013 Community Development Block Grant Action Plan.

2. **FROM CHAIRWOMAN JOHNSON**, Resolution R12-89, SEQRA Resolution with regard to proposed Local Law LL-12-3.
3. **FROM CHAIRWOMAN JOHNSON**, Resolution R12-90, waiving the Fiscal Impact Statement with regard to proposed Local LL-12-3.
4. **FROM CORPORATION COUNSEL ACKERMANN**, Resolution R12-92, approving the 2013 budget.

IX. ORDINANCES AND LOCAL LAWS:

1. **FROM CHAIRWOMAN JOHNSON**, Local Law LL-12-3, adopting amendments to Chapter 9, Article V entitled “Garbage, Trash and Weeds”.

X. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM FOX HILL IV CONDOMINIUM**, a notice of property damage sustained on November 28, 2012.

X. UNFINISHED BUSINESS:

XI. NEW BUSINESS:

XII. ADJOURNMENT:

