



**THE CITY OF POUGHKEEPSIE
NEW YORK**

COMMON COUNCIL MEETING MINUTES

Monday, February 28, 2011

6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

All Present

II. REVIEW OF MINUTES:

Common Council Meeting of June 7, 2010

CCM 6-7-10						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Common Council Meeting of Public Hearing of June 7, 2010

PH 6-7-10						
			Yes/Aye	No Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Common Council Meeting of June 21, 2010

CCM 6-21-10						
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Common Council Meeting of November 15, 2010

CCM 11-15-10						
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled			Yes/Aye	No Nay	Abstain	Absent
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Public Hearing of November 15, 2010

PH 11-15-10						
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled			Yes/Aye	No Nay	Abstain	Absent
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

ADD:

VII: MOTIONS AND RESOLUTIONS:

- 1. FROM ASSISTANT CORPORATION COUNSEL ACKERMANN,**
Resolution R11-24, waiving the thirty (30) day notice period for the license application of River City Hospitality, Inc., d/b/a Brasserie 292.

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

- 7. FROM MAYOR TKAZYIK,** Quarterly Report – Fourth Quarter 2010

(October 1, 2010-December 31, 2010).

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

Janet Houston 114 Rinaldi Blvd – I am glad I have another opportunity to say a few more words because I didn't want to make some other comments that I could have made earlier. I would like the council to think carefully about the fact that Waryas Park is already an established public park. I have some questions that I personally cannot answer for sure and its one of the reasons that I hope we could maintain a person form an organization that could give us some input as to how public access can be curtailed once a park land is already established. That is my big concern about the project that is going to have the touring boat. Actually as a member of the waterfront committee I had already said that I think having a tour boat come into the city is a great idea, but it doesn't belong at that particular location, where it would take over the dock that is used by the public. And it sounds to me that it is going to prevent boats from being launched where they are right now. That is curtailing public access. I feel it shouldn't be done, and if that's necessary perhaps you could contact the state department regarding that issue.

Gus Kazolias 47 Noxon Street – Years ago Clearwater used to dock itself at Cal Rock Park because I remember local 203 putting the concrete in and all like that whatever happened to, used to have. But the point is what ever happened to that park? Under the previous major, something must have happened because that was a nice park. My kids and I used to go down; there is something wrong somewhere with that park. I want to get on to something else. As far as the lane along the waterfront should be open to the public which I believe it would be. I wanted to comment too about Earline Patrice Park, I knew Ms. Patrice, the family and everything else. But there is something that is still wearing at me, maybe I've lived too long, there used to be a monument in Mansion Square Park having all the names of all those that served in WWII. We just had the longest veteran in the world WWI die. It seems like all those names on there, I do not know what happened. But the point is, you go down stairs you see all those that served in WWI, where are all those that served in WWII? And I know the Mayor's relatives served, people served, I have 3 brothers that served. Where are they? Have they gone with the wind as if they never served? I have my feeling about WWII, with the rise of the 4th Reich but that's not the point. Let's do the park right, make those names encrusted, and I feel very strongly about it. Other than that I'm going to say something serious. I have been living the city for 80 years, and this is the saddest day of my life. It should have never happened but that's life.

V. MAYOR'S COMMENTS:

Mayor Tkazyik – Good evening council members and people of the public. First I would like to take this opportunity to thank everyone, council members, city staff, all the different departments, unions, and members of the community, who came together to offer prayers, support and encouragement to our police officers, and to me and the administration during this difficult time, but to the family of detective John Falcone. A most fitting tribute to a fallen hero and that is all I can basically say. I have never seen the outpouring of love from this community come together during this critical time and I want to thank everyone from the bottom of my heart. Certainly, I know the police department, the chief, and all members appreciate everything. I know that the Falcone family feels the same way. Commenting on Mr. Kazolias, we have not forgotten the monument for the WWII veterans in Earline Patrice Park. We are committed we have a couple of numbers on what we could do there, and can and can't do depending on financial ability. That is critical at this time, but I know it is important to Councilman Parkinson at the time. It is important to me and Councilman Mallory and I have spoken on it several times to make sure that monument is restored, and that those names are upheld the way they should be. Also, Mr. Chairman, just a few a few comments on discussion of the WAC. In doing a bit of research myself, looking back to at least the mid to late 90s, I have seen nothing but Mayoral appointments. They have all been 9 Mayoral appointments, as Chair Nelson spoke at the hearing when he was appointed in 2001 by then Mayor Lafluyente he was then appointed as chair. There are not recodes of any council appointments; there are no records of any council chairman appointments. So, the arguments that are coming forward are really about previous administrations and how the function of WAC has operated. And they have operated with 9 members and keeping with tradition the Mayor appointing the chair. Now, you talk about the 4 council appointments those 4 are really diminished to 3, because one of those appointments was for the environmental group to participate under. Now given this ordinance, local law that is before you this evening I commend this council because you are balancing what I think the intentions of WAC was. And if you listen to Ms. Hancocks comments about preserving the open space, preserving the public enjoyment of the waterfront and access to the river. That is what this is all about. But I cannot speak for tradition, and that is exactly the arguments coming from, stemming from tradition. So now you're going to set a tone the council is going to be able to enjoy some appointments to this committee, and the Mayor is going to have some appointments to the committee. The choice to have the Mayor appoint the chair, I will do so as a majority of the other committees and boards that I appoint. This board has been functioning the way are going to adopt it tonight, all these years. There is nothing new that is coming out of this local law. What you have before you tonight is how the city has functioned; there is nothing new; there are no surprises; there are not maneuvers. I think that what you are doing tonight is embracing the mission of the Waterfront

Advisory Committee; embracing what the community wants. You are splitting it between the executive and legislative branches and bringing together a people who need to make pertinent decisions along our waterfront. It is critical to, as we said public access, critical to private enterprise that we want to see take place. It is good to see these types of public-private partnerships come together when we discuss these projects, because that is the future of municipalities today. When funding is getting cut, left and right, we are doing everything we can in this administration to preserve public access. We just received a \$100k grant from the Department of State to look at ways around Kalle Rock, how we can continue Ms. Rupsis' pass up and down the river. We are committed \$250k in CDBG funds to create a pedestrian walk bridge over the Fallkill creek so that the public can access the elevator to the walkway. We will refer projects to when they come forward and the type of action is required from seekra to the WAC, such as discussions for Reynolds and Hoffman when that type of project is ready to be referred. We are still in the negotiating phase of the administration. It will come to this body, and will be this body's obligation to send it over to the boards that it needs to. This is the due diligence period, just as it was with making a supermarket in the Crannel Street lot. We can't bring something forward until we know what it is going to be, and that is what we work very hard to do. What I am saying is, I am commending what the council is doing tonight, because you are putting in place what should have been way back. What you are voting on tonight is how they functioned, at least since the mid 90s. Where were all these people then? You know bringing this up? The former Mayors, I was a member of the council for 6 years. I have been here for 10 years. But I am glad that this is coming together, and that the council and the administration is going to create a nice open atmosphere to see the future of WAC, and how future projects will take place in the city.

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Klein – Firstly, we all sit here this evening under purple and black and we all remember Detective John Falcone and we also thank the city for its outpouring of grief and support. The level of community feeling that was generated was exemplary and I think it was an enormous comfort to Detective Falcone's family and his colleagues. The city did very well in its support in that outpouring of grief and emotion. It made me proud, and we still experience the grief and suffering ourselves for the detective, but we pulled together as a community in a way that I think was exemplary. I speak on behalf of all the members of the council are very proud to be members of this community. Moving on, something else that made us proud is that our own Catherine Mallony, city court judge, has named to the board of directors for NYS chapter of the National Association of Women Judges. She has been serving since April 1st 2006, and we extend to her our congratulations. Additionally, we also mark the closing of Black History month. I and other members of the council attended events throughout the month, particularly

this last Saturday at the family partnership center; there was a program that I and my wife, Michelle, attended and a number of other members attended as well. Also the exempt fireman had their annual Black History dinner honoring Mr. & Mrs. Elerby and Mr. Petsas, who was here earlier this evening with a tribute to Mrs. McClinton, my wife Michelle and I enjoyed attending that, and seeing other members of the council who are exempts as well. So, we mark the closure of black history month this evening. Finally, I echo the mayor's comments about the waterfront it is a very important. I believe this administration and this council devote significant attention and concentration on the waterfront, and this is one of the reasons why we have the measure that is before the council shortly. I want all to be assured that the waterfront will receive all the attention it so mightily deserves. I also applaud the efforts of this administration and this council to ensure that the concept of private-city partnership continues, as that is the way of the future. To ensure reasonable and deliberate development, to enhance private enterprise which we are charged to do by the Poughkeepsie journal editors, which we are charged to do by our constituents. So, I also applaud these efforts. With that, I complete my comments.

VII. MOTIONS AND RESOLUTIONS:

From Asst. Corporation Counsel Ackermann Resolution R-11-22 approving a contract with Dutchess County for the STOP-DWI program.

1. A motion was made by Councilmember Herman and seconded by Councilmember Coates to receive and print.

Asst. Corporation Counsel Ackermann – Annually since 2007 the city has been recipient of monies from Dutchess County to conduct STOP-DWI checkpoints. And agreement was originally executed June 25th 2007. What you have before you is an extension of that agreement whereby the county will provide to the city reimbursements in the amount of \$11,100 and whereby the City of Poughkeepsie Police Department in conjunction with the Dutchess County Sherriff's Office will be able to expend that money on road stops for the DWI program.

Councilman Malloy – For the agreement that ends the end of this year, can we ask for an extension to cover into 2012?

Asst. Corporation Counsel Ackermann – We can ask for an extension, however the budget process for the county would require that that money be expended by December 31st 2011 and hopefully next year there will be, in the county budget, more monies which will then provide an extension of these funds.

Councilman Malloy – So really what you saying is we need to actually use it.

Asst. Corporation Counsel Ackermann – It has been appropriated by the county legislature for this year, and I'm sure it will be a subject of their budget negotiations for next year, so long as the money is appropriated next year. So long as the money is appropriated next year, we will continue with an extension that year.

**RESOLUTION
(R-11-22)**

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, the City of Poughkeepsie and Dutchess County have previously entered into an agreement dated June 25, 2007 whereby the County reimburses the City for the cost of conducting STOP-DWI patrols; and

WHEREAS, the STOP-DWI patrols are conducted in addition to the city's routine patrols utilizing overtime, other participating agencies and special equipment from the County; and

WHEREAS, the County is desirous of renewing the agreement with the City and the City is desirous of renewing the agreement with the County for 2011 in an amount not to exceed \$11,100; and

NOW, THEREFORE,

BE IT RESOLVED, that the terms of the original agreement dated June 25, 2007 are extended in all respects except for those amendments provided for in the attached "Extension Agreement"; and be it further

RESOLVED, that the Mayor and the City Administrator are hereby authorized to execute this Agreement and to do all things necessary and convenient to give full effect to this Resolution.

SECONDED BY COUNCILMEMBER PARISE

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R11-22						
			Yes/Aye	No/Nay	Abstain	Absent
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		Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

From Asst. Corporation Counsel Ackermann Resolution R-11-23, appointing members to the Redistricting Commission.

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

Asst. Corporation Counsel Ackermann – Pursuant to the City Charter section 2.09 the council is required, by March 1st of every year ending with the digit 1, 2011 being 1, to appoint a Redistricting Committee with the task of developing the geographical and numerical boundaries of the City of Poughkeepsie based on new census data that has been provided, therefore before you is a resolution that I have prepared at the request of the chairman with 4 names that have been submitted. Just so you are aware the charter requires that no more than 2 members of the same party be on the commission, and so the names were developed in compliance with that.

Councilman Malloy – We, as a democratic caucus, had submitted 2 names onto that and only one of those 2 names are on there. And I will be voting no for this resolution.

Councilwoman Solomon – This list is not what we had expected. I left the last meeting with the understanding that the democrats would appoint 2 and the republicans would appoint 2. We submitted our 2 choices and we didn't get them. I don't understand when the rules changed. Why weren't we allowed to make 2 choices?

Chairman Klein – The invitation to the public to submit names, and I'll address these issues specifically, went out to the public. 8 individuals submitted resumes of interest indicating their interest in serving on this commission. They were received by the City Chamberlain, Mrs. Flynn. The deadline for submission was Feb. 15th; they were received and then disseminated by the City Chamberlain in anticipation of what we anticipated to be a regular council meeting last Tuesday the 22nd. On Friday the 18th there was some communication between Mr. Mallory and Mrs. Flynn reflecting a belief on the part of one of the members on the council that the deadline was the 18th, in fact it was the 15th. I communicated by email with Mr. Mallory requesting his caucus' recommendation regarding candidates for this commission. I did not receive a response. The business of

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February 22nd meeting was moved to this evening due to the loss of Detective Falcone. I requested again by email Friday morning the 25th for the second time, what 4 recommendations, what 4 names would the democratic caucus recommend? I didn't not receive until late Friday night, until this morning 2 names, I am unaware of any rule or decision or determination for advanced discussion that there was an agreement that the democratic caucus would select 2 and that the republican caucus would select 2. I know of no such arrangement, I am unaware of it. That is why I specifically on 2 occasions, requested input in regarding the 4 recommendations that would be made by the democratic caucus. I received the 2 names from Mr. Mallory by email this morning. We discussed them by phone; one of those individuals is on this resolution. I advised Mr. Mallory that I would be preparing a resolution asking corporation council to prepare a resolution accordingly incorporating the 4 names that we had recommended. They are now as part of this resolution. They represent a cross section of this community in terms of ward: Mr. Horning is from 6, Mr. Wood is from 1, Ms. Cutchin is from 8, and Ms. Sherman is from 4. Mr. Horning is registered republican, Mr. Wood is registered as an independent party, Ms. Cutchin and Ms. Sherman are both registered democrats. It was felt that this is a fair cross-reflection, cross-demographic of our city geographically, by party and other respects. I invite other members of the council to comment accordingly, but I believe this is a fair resolution, this is the last night for this to be done, we must vote on these. There were 2 inquiries; I received the response this morning. It must be voted on tonight this resolution that I asked prepared, and invite comments from the council accordingly.

Councilman Malloy – When you did respond from the very first email onto that one I sent you that email, you shared with me that you could not open it. I resent it, again. And I had questions on that one, there were no names put onto that one. Prior to our last meeting on Monday, we had sat down the 3 democrats and the caucus in the confidence room in the corporation counsel with our names, ready to go. Corporation counsel told us we will postpone that, give that to them before this meeting today. You had emailed me on Friday morning, I happened to have been out of town not in the area, away on personal business. If you need to know for the record I was at a funeral, I did respond to you Friday night, but I also emailed corporation counsel my response to those too onto that one. I am truly sorry if you are using a city email address, you didn't get that information. But you did receive that and if you did not see it until Monday as best as I could with circumstances the way they are onto that one. I am trying to do by due diligence in responding to all city matters. So yes I did not respond at roughly 10:56pm if I am not mistaken on Friday. I was at a funeral. But I did respond Friday night and on Saturday morning Paul Ackermann for FYI this is what I have done. Just for the record to be clear on that, thank you.

Councilwoman Solomon – Be that as it may, why was our second choice not accepted?

Chairman Klein – That second choice is someone who is the administrator of a quasi-governmental agency and although technically there might not be a conflict in terms of serving on a redistricting commission. My feeling and the feeling the caucus that I participate in, is that might not be an ideal person to serve on this redistricting commission. As that person's entity is dependent entirely on tax dollars from the city and the town.

Councilwoman Solomon – He is not an elected official. He is a man of demonstrated community involvement and devotion. He is the democratic caucus choice. I do not understand how it is that we can be denied our choice.

Councilman Malloy – Let me emphasize also, if that was your feeling, that because of quasi-governmental then that particular person should have been told the minute we received his letter that he was not going to be considered for it. We were under the assumption; nothing was said until this morning when I heard about it that the other caucus was not going to accept him because of x,y, and z. Well, no one told us that. No one told him that, he is still under the impression, I am assuming, that he is being considered because he met the criteria. If I am not mistaken, we only said you had to be a city resident. We discussed before about having the dedicated time to do it.

Chairman Klein – There were 8 names submitted, we need 4. I received 2 this morning. This is the 4 from my caucus. They include 2 registered democrats; there is only 1 republican and 1 independent. I am not certain, given that there is only 1 registered republican and 2 registered democrats in this group I am really not certain as to why there is this position being taken by the democratic caucus. I did not get these 2 names until this morning and this has to be done this evening.

Councilman Malloy – Are you sharing with me, then, that the email that I had been utilizing is not a city email address?

Councilman Malloy – I don't know what email address you use Mr. Mallory, I did not get your 2 names until this morning, even if they were sent Friday night, we were busy this weekend, we didn't do email this weekend. So, we did it this morning.

Councilwoman Johnson – I recalled at the last meeting, that was postponed, we did have a meeting in the corporate council chambers and we did decide on two candidates. And in the spirit of bipartisan if we have 2 caucuses then I don't understand. Can't we just all get along? I mean if we picked 2 people and you picked 2 people and it is done in the spirit of bipartisan, why not. We have gone through a terrible week, I don't have the strength to even argue. I mean, you know, in the spirit of Officer Falcone and everything that we have been through. I just feel like, how you said, maybe we all come together. Why can't we come together on something as trivial as this? I see here that this candidate sent his letter February 4th, so if he didn't meet the criteria, or whatever, then all of us

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should have been notified, including the candidate. Since that wasn't done, and now we are thinking of ways to disqualify someone for whatever reason, I am appealing to the other members of this common council to please act in favor. To be fair, 4 selections, you have 3 and I work with special-ed kids, 3 and 1 is not equal. I just don't understand, I don't, in the spirit of Officer Falcone, in the spirit of the community coming together, in the spirit of bipartisanship, because I know, after everything that we went through, and if Mr. Mallory had to attend another funeral on top of that, my heart goes out to him. He's a good guy, he's the good guy, he's the good guy. All this is just not good. I mean he emailed corporate council; we had the meeting that very night we were supposed to have the regular meeting, we had decided, the names were given. This is just, this isn't good, this is not good.

Councilman Coates – I would like to add, I don't recall anyone mentioning before tonight's meeting that either caucus or council members were going to choose their own appointees for this commission. We have a breakdown of 2 democrats which is listed on here, 1 independent and 1 republican. We also have diversity, I believe that's amongst these candidates as well and they reside from all corners of our city. I am a little unclear, without getting into each individual councilmember's argument as the selection out of 8 that were put in, we can only choose 4. If the argument is, you didn't get your 2 onto this resolution; I mean we can all have our own separate recommendations, but by the looks of the names listed, again it looks diverse from 3 parties. I don't know how better to get this done.

Councilwoman Solomon – I know how to do it better. Let the democrats have their 2 choices.

Councilwoman Johnson – We have 2 caucuses, 1 democrat and 1 republican. There are 4 names, so it should be 2 and 2. I mean, that's fair.

Councilman Coates – Then that would exclude an independent representative that we already have.

Chairman Klein Called the Question

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

Councilmember Parise made a motion to call the Question, **Councilmember Herman** seconded the motion.

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

**RESOLUTION
(R-11-23)**

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, in accordance with City Charter §2.09, the Common Council of the City of Poughkeepsie is required to make appointments of City residents to serve on the City of Poughkeepsie Redistricting Commission by March 1st of each year ending with the digit “1”; and

WHEREAS, such Commission shall consist of five members, four of which are appointed by the Common Council and whereby no more than two members shall be of the same political party; and

WHEREAS, the Redistricting Commission is tasked with drafting and proposing to the Common Council a plan of redistricting reflecting the number and geographic boundaries of the wards based on the latest census data; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby appoints the following individuals to the Redistricting Commission to serve pursuant to City Charter §2.09 and §2.10:

- Steven Horning (R)**
- Adam Wood (I)**
- Vanessa Cutchin (D)**
- Joan Sherman (D)**

SECONDED BY COUNCILMEMBER PARISE

R11-23			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Defeated <input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Asst. Corp. Counsel Ackermann – Before you is a resolution for River City Hospitality Inc., doing business as Brasserie 292 for requesting that the council wave the 30 day notice period for their application for a liquor license at 294 Main Street. This is for a restaurant that is anticipated in opening in the Elting building. The city has had sufficient time to review the application, and city staff does not have any objection to the application.

Councilman Coates – Where is this located?

Asst. Corp. Counsel Ackermann – 294 Main Street, which was the old Chinese restaurant in the Elting Building. Just in from the corner of Liberty and Main.

Mayor Tkazyik – This corner has been restored through the Sarucaus family and this restaurant is going to be like a French restaurant on the corner there of Liberty & Main and will be another dynamite attraction on main Street and they made a significant investment in that building and of course into this fine restaurant and hospitality that it will be on main street. I can't wait to eat there, I have been inside, it is completely refinished, there is marble and granite and they have done a superb job. It has been completed inside for a few months; and they were just trying on the right taste I guess and so I look forward to the ribbon cutting.

**R-E-S-O-L-U-T-I-O-N
(R-11-24)**

INTRODUCED BY COUNCILMEMBER HERMAN FROM ASSISTANT CORPORATION COUNSEL ACKERMANN, Resolution R11-24, waiving the thirty (30) day notice period for the license application of River City Hospitality, Inc., d/b/a Brasserie 292.

WHEREAS, RIVER CITY HOSPITALITY INC. d/b/a BRASSERIE 292 has applied for an on-premises liquor license to enable the sale of alcoholic beverages at the premises known as 294 Main Street, Poughkeepsie, New York; and

WHEREAS, New York State Alcoholic Beverage Control Law Section 64 requires every applicant, whether new or existing, to notify the municipality of their intent to file an application with the State or obtain a waiver from the municipality; and

WHEREAS, the request been reviewed by the nuisance committee and has no objection to the application of RIVER CITY HOSPITALITY INC. d/b/a BRASSERIE 292 and has had sufficient time to investigate the proposed application; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie by copy of this resolution to the New York State Liquor Authority hereby waives and notice requirement pursuant to NYS ABC § 64 for RIVER CITY HOSPITALITY INC. d/b/a BRASSERIE 292 and acknowledges its intent to apply for a liquor license.

SECONDED BY COUNCILMEMBER PARISE

R11-24						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Table	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Vote	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowe s	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VIII. ORDINANCES AND LOCAL LAWS:

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

From Asst. Corporation Counsel Ackermann – LL-11-02 Approving amendments to the waterfront advisory commission.

Asst. Corporation Counsel Ackermann – This is a local law that would amend the Waterfront Advisory Committee. The major amendments were discussed at length today, would be a reduction of the total board from 13 members down to 9 members to keep that consistent with the current proportion of representation of those 3 would be appointed the common council 6 of those would be appointed by the mayor. There would be removed from the ordinance a requirement that one of the members be a member of a local non-for-profit environmental organization such as Scenic Hudson, Clearwater or similar environmental group is how the ordinance reads. Obviously their participation in the committee is essential and as any other board has the right to call on the expertise of such groups. And as Mr. Chairman had indicated previously when at times something was important to

groups that came before the waterfront advisory committee. They were always given an opportunity to address the committee that would be able to continue. Under the current local law all voting members would be the elimination of nonvoting members from the waterfront advisory committee. We would reintroduce the staggered terms that were 1st reintroduced but was not put into place pursuant of the original ordinance. And the last change is that the chairperson be appointed by the mayor and that is how the WAC has operated at least since the mid 90s.

Councilwoman Johnson – Ok, so now we are going from 13 to 9. The non-for-profit environmental group since the common council has 3 and the Mayor has 6.

Asst. Corporation Counsel Ackermann – None of the council seats would be reserved for a member of the environmental organization.

Councilwoman Johnson – Why wouldn't the Mayor's seats be reserved for that, since he has 6.

Asst. Corporation Counsel Ackermann – That has not been the way the WAC has been operating, and really most nonvoting members are not included on municipal boards. They are allowed to be there as advisors and are allowed to participate for matters that come before the board that would be pertinent to their organization. But there is no standing requirement.

Councilwoman Johnson – They were not able to vote before?

Asst. Corporation Counsel Ackermann – No they were not able to vote before, and my understanding is that they were not there, to be there when something that was of concern to them, was before that board. I do believe Chairman Nelson indicated that in the early stages there may have been a member of one of the environmental organizations but that has not happened.

Councilwoman Johnson – Now where as the common council would appoint the chairman of the WAC, now that responsibility would go to the Mayor?

Asst. Corporation Counsel Ackermann – Well let me just clarify, there has been no history of the chairperson being appointed by the council. That has been by the mayor since the 1990s. There is no history of the chairperson being appointed by the common council.

Councilwoman Solomon – Excuse me, the 1st 10 years.

Councilwoman Johnson – letter B says that the common council shall annually appoint the committee member as the chair person and upon failure, and then it would go to the committee to elect a chairperson, which seems reasonable. I

understand this resolution was drawn up, but listening to the public, to the constituents, they feel that a 5 4 would be better.

Councilwoman Solomon – The committee was established in the 1980s and I believe that the chairman was appointed by the common council until the advent of Mayor Laflente. The reason that we are considering amendments to the WAC ordinance is because it has been sloppily maintained throughout the 5 years, certainly, that I have been on the council. It is time to operate under the ordinance, since it hasn't happened that way in the last 15 years. So, I think that is what we need to do not say that some parts of the ordinance should be maintained and other parts should not, since none of the ordinance was followed strictly. Let's start doing it. The other problem I have is that there are several requests by members of the committee to be allowed to consider this ordinance before we vote on it and that seemed a very reasonable request, for me. So I would like to suggest that we do wait and let the waterfront advisory committee discuss and give us their thoughts on the new ordinance before we vote on it.

Mayor Tkazyik – I would just like to offer a recommendation, Mr. Chairman, regarding the environmental group appointment. I know that they still have the right to serve as a member as you would encourage and support and my administration, we work well with Scenic Hudson and Clearwater, part of the greenway compact. But what I would recommend is that, I guess you are proposing 6 mayoral appointments and 3 council. I would encourage those environmental groups if they have city residents who work for them to have them apply. Either a mayoral or council appointment, then, could be one of those appointments. If they are city residents because they would have the right to vote. As one gentleman said, they are interested in serving; well maybe they have a member who works for them who lives in the city. It could be any group I am saying. But they would apply and one of the appointments, either mine or the council.

Councilman Mallory – I would like to make a motion to table this until our next council meeting. We have heard from those who are part of the committee who are part of the committee that they haven't met to talk since November. We have had different options presented to us and I would propose a motion that we table this until next council meeting.

A motion was made by Councilmember Mallory and seconded by Councilmember Solomon to table LL-11-02, approving amendments to the Waterfront Advisory Committee.

Councilman Parise – Who is on the WAC right now?

Mayor Tkazyik – I believe there are 4 new members and the rest are holdovers, because again we were waiting for the decision to be made on how we would proceed based on the council's vote. I would certainly not support going back to

the WAC to discuss this because all appointments are up and I would think it would be some new bodies sitting those seats, plus we need to move on with the business of the city and I think the council has dragged this out for quite some time.

Chairman Kline – You said there were 4 new people and 9 holdovers?

Mayor Tkazyik – No there are 4 new people and 5 holdovers from the previous appointments.

Chairman Kline – Ok. And when you say are there appointments that are currently extent or are all of them expired?

Mayor Tkazyik – All of them, I believe are expired. And we just received a resignation this week of Mr. Stano. So that is another Mayoral appointment I have to make.

Chairman Kline – Right now, how many members of the WAC are actually serving current terms or are the terms gone?

Mayor Tkazyik – All the terms have expired, but there are 4 new mayoral appointments for new terms. All the rest are holdovers, but again until the number is decided I may have to rescind and remake new appointments because of the staggered term proposal that you are making, because my letters all reflect 3 year appointments as the tradition has been since the 90s.

Councilwoman Flowers – We heard several people from the public who had talked. There are several things that I had known about, or had found out about and at some point in time I thought we were going to be able to ask some questions for people who are actually on the committee and we didn't get that opportunity. I do have some questions regarding it, and therefore I am in favor of tabling it. Not to prolong it any further but until next meeting.

Councilman Mallory – I agree. I don't want to prolong this, and I know the phrase dragging it out was used. It only came up about 2 meetings ago about getting down to the business of this. So, I do believe we should bring closure to it, but I don't think there is a problem addressing it in 2 weeks.

Councilman Coates – I'd like to put this to bed too. I know we have one member still here. If it could be brought to their attention that they need to meet within the next week or so, that way we could possibly have this on the agenda, and I don't think 2 weeks is going to make a huge difference. If they could meet within that time frame, **(or this week since our next meeting is next Monday night)**.

Councilwoman Solomon – I think in a week is not a reasonable amount of time to call a meeting, could we possibly extend this for 3 weeks? Would that be unreasonable?

Councilman Herman – I'd say that's unreasonable. You want an extension we are going you the extension. It is not our fault the meetings have fell the way they have fallen. Ms. Flowers wants to look into a few things; I just think we should do what we need to do and get it done by next meeting, otherwise your talking end of March, beginning of April.

Councilwoman Solomon – And what will that change in the scheme of things?

Mayor Tkazyik – There are issues from other boards that could be refereed, from both planning and zoning that would prohibit not having a full functioning board. We are in a limbo period right now. The recommendation was for Chair Nelson to come, he came, he spoke for 5 minutes, and he stated the facts and history of WAC. That is what this body asked for and that was provided.

Councilman Herman – When were the terms up? (**December 10th**) Did anybody from that current panel ask you what was going on with the WAC?

Mayor Tkazyik – Well, there was one member who resigned, and new appointments were made. Others I think just wait until they are called when there is a meeting.

Councilwoman Johnson – The 21st looks good.

Chairman Kline – I understand the concerns of the council members and also the business of the city moving forward. There was a complaint that the WAC has not been as active as it might have been from certain members and certain members of the public. These issues being put over for another day do delay the business of the city. The motion however was to table without a specific date, the question I have is that those of us who have questions regarding this, Ms. Flowers specifically indicated, and I gather Mr. Mallory did as well and that was the reason for his motion. The question I have is whether tabling would allow for those questions to be answered, within one week's time. It is Monday the next meeting is next Monday, can there be an effort to have these questions resolved so that this matter, if the motion is carried, be placed back on the calendar we can get it resolved one way or another and move the business of the city forward. If possible for those how have questions regarding the WAC, be able to get in touch with Mr. Nelson directly themselves so that we would not have to wait to schedule Mr. Nelson here and that you could contact him during the day at his law office. I am sure he would make himself available to answer those questions so that this matter may be resolved expeditiously. So this addresses the people having questions that have not been answered and getting those answers between now and the next meeting. We had a large interest in this committee being reinvigorated. If that is the case let us reinvigorate it as soon as possible. That is

my question, whether those questions may be answered given Mr. Nelson’s availability on a 1 to 1 basis to answer those questions.

Councilwoman Flowers – because right now we are voting on something that we did not get a chance to hear the public and get a little bit more information. So, this gives us some time to digest what we heard and also ask additional questions so that we are able to vote on it later.

Councilwoman Solomon – Can we suspend the rules for 30 seconds please?

Asst. Corp. Counsel Ackermann – No, there is a motion already on the floor

Chairman Kline – Yes, and we have to address it. Whatever member of the council wishes to address their question to Mr. Nelson or Ms. Houston or anyone else, can that be within the space of one week? That is all I would like to know, you can address them individually; I am sure Mrs. Houston would make herself available. I am trying to get a sense of timing here.

Councilman Mallory – Is the city able to give us proper contact numbers and information for those on the committee so that we can respond?

Asst. Corp. Counsel Ackermann – I can provide that.

R11-02 to table						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Table	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Vote	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Chairman Kline – Now that that has been voted on, what I would ask all members who have questions redouble your efforts so that those questions may be answered through the good offices of Mrs. Houston who has been here all evening and other members of the WAC, including Mr. Nelson the chair.

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

ORDINANCE AMENDING CHAPTER 13, §§13-212, OF THE MOTOR VEHICLES AND TRAFFIC ORDINANCE (O-11-3)

INTRODUCED BY COUNCILMEMBER FLOWERS.

Asst. Corp. Counsel Ackermann – This is a change to parking regulations, section 13-212 ‘no standing anytime’ for a portion of Winnikee Avenue, this portion being between Thompson Street and Harrison Street. This is to address an issue with an obstruction of the street that occurs in front of a convenience store. That portion where by people pull up and run into the store. The issue is right now there is no parking, however the police are having difficulty enforcing that because many of the times the vehicle is left running, there may be another person in the vehicle when the operator is running into the store or vice versa, and they cannot write no parking tickets because legally and technically they are not parking. So to help them enforce this, the police department in consultation with Councilwoman Flowers ask that this be changed so that there is no standing in which they can enforce that. It has become an issue with school busses getting through that section of Winnikee, as well as other traffic flow. This would help to alleviate this issue and address and give the PD what they need.

Councilwoman Flowers – I would love everyone’s support on this, because I have had an issue where I was there trying to move traffic out of there when I was trying to get through and a school bus trying to get through. The street is very narrow and I had a situation where I asked a guy if he would move his car and he told me he was not parked. He was just sitting there, so technically he wasn’t violating anything. That is why I am pursuing this even more, because it is causing a traffic problem in that area there. Since, some people just stop there and they don’t care, even though there are school kids on a bus waiting to get through they are willing to do their transactions and make everyone else wait. When the police come by there, it is right because 1 person will sit in the car while the other one runs into the store, so technically they are not parked. Now if they want to stand, they get a ticket.

Councilwoman Solomon – I want to thank councilwomen Flowers for bringing our 1st parking change to the common council, this year. We know there will be a lash of them once the weather gets nicer, but we have begun early.

SECTION 1. Section 13-212 of the Motor Vehicles and Traffic Ordinance entitled “No standing anytime” is amended by certain additions to read as follows:

Section 13-212 No standing anytime

When appropriate signs giving notice thereof are erected, the following locations are hereby designated as no-standing-anytime zones:

Winnikee Avenue, on the west side between Thompson Street and Harrison Street

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

SECONDED BY COUNCILMEMBER HERMAN

Underline and bold denotes **ADDITION**

13-212						
			Yes/Aye	N /Nay	Ab tain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Table	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Vote	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmembe Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

- 1) **FROM KEVIN P. BARRY, ESQ.**, a notice of property damage sustained by Michael Nicholas on January 21, 2011. **Referred to Corporation Counsel.**
- 2) **FROM STEVEN ROBERT THORNTON**, a notice of property damage sustained on January 21, 2011. **Referred to Corporation Counsel.**
- 3) **FROM ALLSTATE INSURANCE COMPANY a/s/o DAMIEN N. VALITUTTO**, a notice of property damage sustained on February 16, 2010. **Referred to Corporation Counsel.**
- 4) **FROM CHRISTOPER A. HORTON**, a notice of property damage sustained on April 2, 2009. **Referred to Corporation Counsel.**
- 5) **FROM SEAWAY NAVIGATION**, a notice of intent to renew its Liquor License. **Referred to Corporation Counsel.**
- 6) **FROM EMPIRE MANAGEMENT & PRODUCTIONS, INC.**, a notice of intent for the Chance to renew its Liquor License. **Referred to Corporation Counsel.**
7. **FROM MAYOR TKAZYIK**, Quarterly Report – Fourth Quarter 2010 (October 1, 2010-December 31, 2010).

Mayor Tkazyik – Yes, Mr. Chairman I submitted to you according to Article 3 section 3.01H of the charter my annual report of March 1st on the financial condition of the city. Please review this report; the overall financial condition, again is best measured by consolidating the 3 major funds the General, the Water and the Sewer funds and there are significant highlights in each of the reports. Again, a couple of things to point out, which of great importance for the 2011 budget. We made a conscience decision to adopt a budget that did not use any appropriated fund balance. That is critical in this report as well, and again as with all municipalities around the state, we are faced with

diminished revenues compared to historical levels. And of course this recent exception would be the increase in sales tax revenue that the city is seeing. The greatest unknown in our future is the pension contribution to the NYS retirement system. We will have to keep a close full eye on comptroller DiNapoli's numbers as we move forward these next two to three months. He is seeing an increased amount that could be good news for the city, but we do need to keep a close full eye on that. The past 3 years the fiscal restraint has set the stage for fiscal solvency and stability. Again, revenues are fiscal and subsidies, as I mentioned before from state and federal agencies are at risk. Our biggest premise of city government is to exercise a sense for fairness in our spending to practice sound, grounded and prudent common sense to further engender the new atmosphere of austerity in our long term goals. Please, review this forecast and the annual projections and if you have any further detail you request please don't hesitate to ask.

X. UNFINISHED BUSINESS:

Councilmember Johnson – I just have one thing for Mr. Long in regards to some things I had asked done on Arnold. I tell you, it's not good to have some stuff done late in the season, because there were all kinds of cracks and spider lines. Did they ever take care of that, or are they going to do it in the spring?

Administrator Long – The contractor met with our city engineering rep, they reviewed the project and what they agreed was that they would replace it in the spring. They didn't want to do it in the fall.

Councilmember Johnson – The aprons cost the city a lot of money and for them to spend all the money and do Arnold, then I go over there and the aprons have cracks in them. They are not even a year old. So you can imagine the homeowner, I would be livid, because that crack is only going to get bigger with the weather. I really think it is the contractor's responsibility, he should know when he should shut work down. Don't try to be greedy and do stuff when the weather is, I'm just saying, you know. You have to do stuff with certain weather, other than that look what happens. We are struggling with this sidewalk money. I just want it done correctly.

Administrator Long – The contractor has agreed to go back and replace the sidewalks.

Councilmember Johnson – Also, old business I think I still have money left over through the capital plan. I will be reviewing the playground maybe some

of the other council members can help me plant flowers, because we want to make sure we have a nice playground in Persian park.

Councilmember Mallory – We had discussed beforehand, and I know the situation that had arisen last week. The phone numbers that we requested as council members. We still need to have those. Also for the taxi ordinance, will it be posted on the city website the cab companies that past inspection? It came up to me when I went to the campus community coalition at Marist College. They were wondering who has passed and who hasn't. Can we do that? And when does the new ordinance take effect?

Asst. Corp. Counsel Ackermann - Yes, I think that is a good idea to post those on there.

City Chamberlain Flynn – It is already in effect, but most are not up for inspection until May.

Mayor Tkazyik – The phone number will be sent from my office.

Councilmember Solomon – I wanted to add on the taxi thing. I have gotten quite a few complaints from constituents about the last trains. No taxis meet the late trains anymore. Apparently there used to be gypsy cabs that met them and now the gypsy cabs are out of business, I guess. In any case, they are not meeting the trains and so 2 or 3 ladies in particular well past youth get off the train somewhere between 11pm and 1am. There are no cabs they call all the companies most have an answering machine and others say ½ an hour, but the train station is closed so they have to wait outside for ½ and hour in the cold to get a cab. So I am wondering if there is something we could do to persuade the cab companies to perhaps choose a train and meet it, so that we don't have all these ladies standing out there in the cold waiting for a taxi.

Asst. Corp. Counsel Ackermann – That is prime time to shuffle students around, but when we meet with them, we will speak to them about that.

Councilmember Johnson – It would be nice if we could get a cab service to supply the needs for Metro North, because it is important that when you get off the train you need some way of getting home especially at that hour. And even more especially because we do not have public transportation at those hours. The problem that I have is that the whole reason the taxi ordinance came about was a problem I had been having with taxi ordinances. One of the big problems that I had was cabs parking on residential streets, taking up city parking spaces and then a big snow storm came I had a big problem on Roosevelt. Remember that Mayor Tyakzik? I think they maybe had to even shut the street down, because this one person on Roosevelt who monopolizes all the parking spaces. Most of the residents on that block are afraid of him.

Mayor Tkazyik – That is a zoning issue that is being addressed.

Asst. Corp. Counsel Ackermann – When they come into their new license, their new license will require them to provide documentation of the place they operate at. There needs to be sufficient space for the number of cabs and they are going to be required to obtain a letter from the municipality indicating that they meet the zoning requirements to operate out of there. The ordinance went into effect recently the cab companies are now starting to come in, I believe Mrs. Flynn had indicated that most come up the end of April. So at that time when they come in to get their new license those issues will be addressed with the new ordinance.

Councilmember Johnson – I would like to address this to mayor Tkazyik, when I called you up about roads on Roosevelt, was it not a horrible situation?

Mayor Tkazyik – The issue is we have an illegal business in a residential neighborhood being operated in which it falls under a zoning issue as well which we are pursuing.

Councilmember Johnson – Just like the absentee landlords, who rent to just anybody. They let anybody move in, creat havoc in the neighborhood and nobody seems to care.

Mayor Tkazyik – The vacant property ordinance that you passed is going into effect and it is working.

Councilmember Johnson – It is not vacant properties that I am referring to. I am referring to landlords, like I have one who lives in Illinois and rents to whomever, they are not keeping up with the property, and the tenants are creating havoc because they are not there.

Chairman Kline – Those are private matters. I would like to give someone else a try at old business. And I am sure your concerns can be conveyed to Mr. Ackermann, Mr. Long, The Mayor, anyone else with an item of old business.

Councilmember Flowers – I just want to say that vacant property ordinance is working. I had a situation that was on my street, the building department got right on it and the management company that was dealing with that house came in for a couple of days to find out what was going on. It was a situation where I had to bring the police in, so I can say that it is working.

Councilmember Parise – I also want to say that it is working. In my ward they responded quickly and the matter was resolved.

XI. NEW BUSINESS:

Councilmember Mallory – The city itself has passes for permit parking in our municipal lots. I have landlords that are approaching me now about getting a temporary sticker or something of that sort. What ends up happening, to get a permit pass you have to show you are a city resident, some of our landlords aren't city residents but they want to come and take care of their property and park, but if they can't get a permit because their license doesn't say city resident is there something that can be done?

Chairman Kline – Mr. Mallory is correct and they may have a contractor who may not live in the city who want to come and do work and needs to park. Is there something that can be done to address that?

Asst. Corp. Counsel Ackermann – It is something that we struggle with and the issue is that even sometimes people who lease an apartment may have their vehicle registered at some other location. The problem is in that the ordinance specifically says that the registration has to match the address of where the permit is issued. The reason being is that was developed because of the student residents coming in and 90% of them do not register their vehicle to the location that they are temporarily living in. So in order to change that to allow the registration to not match the address where they are living would now cause a problem on some of the streets such as Taylor Avenue and other ones because now students would be able to come in and get permit parking simply by bringing in a lease and not their registration. We have discussed that and there have been situations where unfortunately other people have been prevented from getting a permit because of that, but you also have to look at the consequences of changing that. Where by now this other situation will cause parking issues on other streets, we can discuss it.

Councilmember Mallory – If there is some way we can work on that and verify the property owner with the building department. Something of that sort, I would love to work with the city on that if we could.

Chairman Kline – I would add to Mr. Mallory's suggestion, I would as well and perhaps something can be done so that the property owner whose connection to the property is verifiable may receive some type of permit. Also, that could be given to a contractor working there, legitimately trying to fix something on the property.

Councilmember Johnson – This is directed to City Administrator Long, I have a constituent on Reynolds who is dealing with a plumbing problem for years. I brought it to your attention; she has had the city come out numerous times. Is there any closure, because she called up livid just the other day?

City Administrator Long – Yes, I had a very nice, long conversation with her the other day.

Chairman Kline – Is this anything you can discuss with Mr. Long, personally. This is for new business of the council.

Councilmember Johnson – This is a major problem because it may entail possibly the sewer lines. This has been going on for years and that is why I am bringing it up here. I have called him on it numerous times and I am tired of getting calls for years. The other thing is I know **(interrupted by Mayor Tkazyik to allow the city administrator to finish)**

City Administrator Long – Every time I have spoken to her the DPW has gone out and investigated. They have done their best and working on it for several months. It is not a problem with the sewer system it is the property owner's problem. They actually on Friday televised the line, to verify for sure, to combine and basically go back and do it again 1 more time. The problem is that the owners line is blocked. It is not in the city's line it is in her line. She was going to have a plumber come in and take a look with a camera. We had a camera go in on our line and there was no blockage. And I will get you a report on that Mrs. Johnson.

Councilmember Johnson – The other situation is there a new dog warden? **(Mayor Tkazyik and Asst. Corp. Counsel Ackermann state there is a temporary dog warden, yes)** Can someone tell me who he is, because I have the same situation with a dog numerous times? I had called him, he gave the dogs back to the people. Then I get a call about the same dog. The only time I bring something to the council is when I myself can't take it anymore, and I am not getting any satisfaction.

City Administrator Long – Right now it is contracted with the town, while we are going through a selection process. That the chief is wrapping up. There is a list, there is a test, it has to be advertised.

Councilmember Johnson – So who do I call now?

Mayor Tkazyik – We will look at this tomorrow and get back to you. What is the address again?

Councilmember Johnson – 47 Manitou.

Councilmember Mallory – The gentleman in office had asked about the memorial in Elaine Patrice Park and the Mayor and I have discussed that over 3 years ago. And over the last years I have been trying to gather information about those that served in WWII it is much longer timely process than I thought it would be. We are collecting name and working with the city historian contact the VFW, the American legion looking in the archives at the

library. I was told once those names had been set; if you know any names me, the Mayor, and the community can move forward as well.

Councilmember Solomon – There is a giant pothole on Montgomery Street between Market and Academy Going East it is big enough to put the entire wheel of my van in. I think we will hear from outraged citizens soon.

XII. ADJOURNMENT:

A motion was made by Chairman Klein and seconded by Councilmember Herman moved to adjourn meeting at 8:37 p.m.

Dated:

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, February 7, 2011 at 6:30 p.m.

Respectfully submitted,

Deputy City Chamberlain



COMMON COUNCIL MEETING

Common Council Chambers

Monday, February 28, 2011

6:30 p.m.

6:00 presentation regarding the Earline Patrice Park Sign

6:15 p.m. public hearing regarding proposed amendments to the Waterfront Advisory Commission

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

III. REVIEW OF MINUTES:

Common Council Meeting of June 7, 2010

Public Hearing of June 7, 2010

Common Council Meeting of June 21, 2010
Common Council Meeting of November 15, 2010
Public Hearing of November 15, 2010

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

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

VI. MAYOR'S COMMENTS:

VII. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

VIII. MOTIONS AND RESOLUTIONS:

- 1) FROM ASSISTANT CORPORATION COUNSEL ACKERMANN,**
Resolution R11-22, approving a contract with Dutchess County for the Stop DWI program.
- 2) FROM ASSISTANT CORPORATION COUNSEL ACKERMANN,**
Resolution R11-23, appointing members to the Redistricting Committee.

IX. ORDINANCES AND LOCAL LAWS:

- 1) FROM ASSISTANT CORPORATION COUNSEL ACKERMANN,**
Local Law LL-11-02, approving amendments to the Waterfront Advisory Commission.
- 2) FROM COUNCILMEMBER FLOWERS,** Ordinance O-11-3, amending Section 13-212 to provide for "No Standing" on a portion of Winnikee Avenue.

X. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

- 1) **FROM KEVIN P. BARRY, ESQ.**, a notice of property damage sustained by Michael Nicholas on January 21, 2011
- 2) **FROM STEVEN ROBERT THORNTON**, a notice of property damage sustained on January 21, 2011.
- 3) **FROM ALLSTATE INSURANCE COMPANY a/s/o DAMIEN N. VALITUTTO**, a notice of property damage sustained on February 16, 2010.
- 4) **FROM CHRISTOPER A. HORTON**, a notice of property damage sustained on April 2, 2009.
- 5) **FROM SEAWAY NAVIGATION**, a notice of intent to renew its Liquor License.
- 6) **FROM EMPIRE MANAGEMENT & PRODUCTIONS, INC.**, a notice of intent for the Chance to renew its Liquor License.

XIII. UNFINISHED BUSINESS:

XIV. NEW BUSINESS:

XV. ADJOURNMENT: