



**THE CITY OF POUGHKEEPSIE  
NEW YORK**

**COMMON COUNCIL MEETING  
MINUTES**

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**Tuesday, January 19, 2016 6:30 p.m.**

**City Hall**

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**I. PLEDGE OF ALLEGIANCE:**

**ROLL CALL – All Present**

**II. REVIEW OF MINUTES:**

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

COMMON COUNCIL MEETING

Time: 6:30 p.m.

Date: Saturday, January 19, 2016

Place: Common Council Chambers, City Hall; City of Poughkeepsie

**Public Comment Sign-up**

Public Comment: Three (3) minutes per person on any agenda item or non-agenda item. Time period not to exceed 45 minutes total.

Please clearly print your name and address below:

1. Denny Lewis - 28 Harrison Street
2. Arthur W. Johnson - 128 Garden St
3. Ken Szickel - 118 Catherine Street
4. Gus Kardos 47 Nixon Street
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_
12. \_\_\_\_\_
13. \_\_\_\_\_
14. \_\_\_\_\_
15. \_\_\_\_\_
16. \_\_\_\_\_

**IV. MAYOR'S COMMENTS:**

**Mayor Rolison** stated that on your desk tonight there was a letter submitted (below) in reference to several things. A considerable amount of time has been spent looking this building. City Hall is in desperate need of repair. The heating system is not what it should be, found out that the heating system is either “on or off”, there are no controls to regulate the heat. They have been working on getting prices to remedy that. There was a meeting today, and they are getting prices to do a full assessment on the fiscal plan of city hall, and other city buildings as it relates to capital expenses that have not taken place in recent years. So that we can have a plan in moving forward to address some of these challenges. Also thanked both this council and the employees who have been very generous to him in their thoughts and comments, and their help since starting at the 1<sup>st</sup> of the year. He has met with many of the employees, talked to all fire and police shifts and the various departments in the city. Something all of you know, we have a very dedicated group of city employees here. Doing some feedback sessions, offsite, with the employees to get their opinions on the values that we need to put forth for our city and our city workforce. Received a letter towards the end of last year, and it may have been resent, and it was from the School District in reference to the money that we owe the school district, it is approximately 1.2 million. Today that Dr. Nicole Williams came here, and he gave her a check for \$300,000 to help pay that debt down, and she is very understanding of our fiscal situation as it relates to cash flow, and making these payments. Also, tonight, here with us in the council chambers is Jim Mercer, and Jim Miller from the Mercer Group. They are here for two days to talk to the various stakeholders. They are the recruiters that are going to be developing position descriptions for City Administrator and the Commissioner of Finance. Sensitive to the comment that Councilmember Young made as far as the minutes go, and we will do our best to provide the minutes that need to be provided to the council in a timely manner. Thank you.



The City of Poughkeepsie  
New York

Robert G. Rolison  
Mayor

January 19, 2016

Dear Council Members:

According the Charter the Mayor is to give a State of the City at the first council meeting after the organizational meeting which would be Tuesday, January 19, 2016.

As you know my administration took office on January 1, 2016. We have worked hard over the past 10 business days to understand the City's challenges. What I can tell you is our challenges our numerous and myriad. Due to the nature and extent of these challenges, I feel unprepared to give this Council and the public a full and fair assessment of the City at this point in time. It is my intention to give the State of the City at the last meeting in February or the first meeting in March.

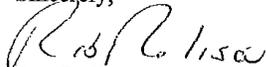
I would like to give you an update on some of the work we have undertaken. We have formed a Fiscal Advisory Group to help us understand our budget, debt and negative fund balance, cash flow, accounts receivable, and our fiscal reporting and practices. We expect a Fiscal Strategic Improvement Plan to be issued by City's financial consultant within the next month.

I've also been meeting with City employees to get their feedback. I've been able to visit every department, including all police and fire shifts. We've also had two structured feedback sessions and will hold the final session on Wednesday, January 20, 2016. Information from these sessions is being collated and will help identify areas for improvement and areas of opportunity.

We have formally begun the search for the City Administrator and Commissioner of Finance. The consultant conducting the search is in Poughkeepsie this week interviewing various stakeholders. After this they will finalize the position descriptions and begin recruitment. We expect to be able to make and offer to a City Administrator candidate by early April and a Commissioner of Finance candidate by early May.

I want to thank you for your support and patience, and I look forward to presenting a comprehensive State of the City to you by early March.

Sincerely,

  
Rob Rolison

**V. CHAIRMAN'S COMMENTS AND PRESENTATIONS:**

**Chairman Petsas** thanked everyone that was involved, and the Mayor who presented a nice opening of Garden Street in downtown Poughkeepsie this past week. Encourage you

to take that route, if you can. It is now open so that you can get to the Financial Plaza easier. It is a beautiful job, well done. Briefly, in terms of the council and the city override of the Mayor's budget. This council just dealt with the tax increase, and left the Mayor's proposed increases to sanitation and water to stand. This council did not tackle them, it was the former Mayor that proposed those increases to your sanitation and water bills that you see today. The council did not touch those, they simply saved the positions through a higher tax increase. There are two presentations this evening. One of his favorite parts of being on the council is being able to honor and salute both a citizen of the city, and a business of the city, as both a citizen and business of the month.

Business of the month-Councilmember Perry's Ward-Vince's Auto Body  
Citizen of the month-Councilmember Cherry's Ward-Mike Butts

## **VII. MOTIONS AND RESOLUTIONS:**

### **1. A motion was made by Councilmember Cherry and seconded by Councilmember Johnson to receive and print.**

**Corporation Counsel Ackermann** for your consideration is a proposed Resolution, made pursuant to the Inter-Municipal Agreement between the City and Town of Poughkeepsie, whereby the Common Council is authorized to appoint two (2) city residents to serve on the Joint Water Board for a three (3) year term. Historically, the Council appointments have been a councilmember and the Mayor and the Mayor, who has an appointment, has appointed the City Engineer/ Commissioner of Public works.

There are currently two (2) openings on the Board. Mayor Tkazyik, who was appointed by the council, had his term expire on December 31, 2015 and Councilmember Mallory effectively vacated his seat because he was the legislative member that had served. Chairman Petsas has submitted Councilman Hermann's name to fill the remainder of Councilman Mallory's term and Mayor Robert G. Rolison for a full three-year term.

## **R E S O L U T I O N** **(R-16-12)**

### **INTRODUCED BY COUNCILMEMBER CHERRY**

**WHEREAS**, in accordance with the Inter-Municipal Agreement between the City of Poughkeepsie and the Town of Poughkeepsie dated August 3, 1995, the Common Council of the City of Poughkeepsie is authorized to make appointments of City residents to serve on the Joint Water Board; and

**WHEREAS**, by resolution of the Common Council dated May 2, 1996, two (2) members of the Joint Water Board shall be appointed by the Common Council with one (1) member being a member of the legislative branch and (1) member shall be appointed by the Mayor; and

**WHEREAS**, Board Member Robert Mallory vacated his appointment by virtue of no longer being a member of the legislature thereby creating a vacancy which may be filled for his unexpired term; and

**WHEREAS**, Board Member John Tkazyik’s appointment expired on December 31, 2015; and

**WHEREAS**, it is in the best interest of the City of Poughkeepsie and its citizens that the Joint Water Board should have a full complement of members in order to properly conduct the business required of the Board; and

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Common Council of the City of Poughkeepsie hereby appoints the following individuals to the Joint Water Board for the respective term as indicated below:

Mayor Robert G. Rolison (Expires: 12/31/18)  
 Councilman Tracy Hermann (Expires: 12/31/16)

**SECONDED BY COUNCILMEMBER JOHNSON**

R15-12			Yes/Aye	No/Nay	Abstain	Absent	
		Councilmember Young	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"/>
<input checked="" type="checkbox"/>	Accepted	Councilmember Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Accepted	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**VIII. ORDINANCES AND LOCAL LAWS:**

**IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:**

1. **FROM LORELEI POLLOCK**, a notice of appeal for the denial of her vendor permit.
2. **FROM COUNCILMEMBER HERMANN**, a communication regarding the proposed rules of conduct and decorum amendments.



The City of Poughkeepsie

Common Council  
City of Poughkeepsie  
62 Civic Center Plaza  
Poughkeepsie, NY 12601

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## *Memorandum*

Common Council  
City of Poughkeepsie

Re: Rules of Conduct changes, draft proposals

On January 2, the Common Council adopted its Rules of Conduct and Procedures for the 2016 legislative year. By and large, these rules mirrored the same Rules of Conduct that have been adopted by the Council in recent years.

The rules define, among other things, acceptable conduct, like that outlined in Rule #23, sections d & e. Currently, there are no rules governing the use of electronic devices in the Council chamber; however, in recent years, the use of electronic devices in the Council chamber has increased substantially, both by the public and by the members of the Common Council, themselves. Electronic devices provide Council members with a means for accessing information related to the business of the Council, and provide additional benefits; however, when the use of such electronic devices becomes excessive, when their use detracts members of the Council from the business at hand, they compromise the public good.

Several municipalities, including the Town of Pleasant Valley, have adopted resolutions similar to the one presented tonight for your review. I urge you to not only review the recommendation, but to offer up modifications that you feel might better reflect its intent. I also encourage members of the public to review and to urge your representatives to support this change in seeking to promote better governance.

Thank you for your consideration.

Sincerely,

Councilman Tracy Hermann  
8th Ward, City of Poughkeepsie  
845.416.8285  
jtracyhermann@gmail.com

# Draft Proposal

RESOLUTION  
(R-16-xx)

INTRODUCED BY: Councilmember Hermann

**WHEREAS** technology in the form of laptop computers, tablet computers, I-Pads, I-Phones, cellular phones and other hand-held devices, provide City of Poughkeepsie Common Council members with an efficient and environmentally friendly means of storing, organizing, and accessing information related to the business of the Council including during Council meetings; and,

**WHEREAS**, the City of Poughkeepsie recognizes the many beneficial uses of technology by Council members in both their preparation for and participation in Council meetings; and,

**WHEREAS**, by this resolution the City of Poughkeepsie desires to establish a procedure for such devices during Council meetings, including regular business and special meetings, and hearings of the Council;

**Now, Therefore,**

**Be it RESOLVED**, that the City of Poughkeepsie Common Council hereby establishes the following rules for the use of electronic devices during Common Council meetings:

- All Councilmembers and administrative personnel may use laptop computers, tablet computers, I-Pads, I-Phones, cellular phones and other hand-held devices at all Council meetings for the purpose of conducting City business during such meetings. The conducting of City business during a Council meeting shall include viewing and reviewing documents relevant to a Council meeting or the business of the Common Council, and/or retrieving and/or researching information relevant to a Council discussion or agenda item. The volume shall be turned off and/or set to vibrate on all such electronic devices during open meetings of the Common Council.
- Council members and administrative personnel members shall not be permitted to use electronic devices during Council meetings for the purpose of accessing social media, making personal phone calls, or for the purpose of sending text messages or emails to members of the public, the administration, or to other Council members regarding Council business or that are personal in nature, except in an emergency.

- All Council members, administrative personnel and members of the public shall be required to utilize a silent alert mode or to mute the sound emitted from all electronic devices in their possession (including but not limited to laptop computers, tablet computers, I-Pads, I-Phones, cellular phones and other hand-held devices during all Common Council proceedings. Law enforcement and emergency services personnel acting in their official capacity shall be exempt from the provisions described herein.

SECONDED BY COUNCILMEMBER \_\_\_\_\_

3. **FROM ELAINE CASE, ADMINISTRATIX OF THE ESTATE OF KASEEM J. PANKEY**, a notice of claim. **Referred to Corporation Counsel**
4. **FROM MARY BOSHART**, a notice of personal injury sustained on December 21, 2015. **Referred to Corporation Counsel**
5. **FROM JOSEPH FAIRCLOTH**, a notice of personal injury sustained on September 23, 2015. **Referred to Corporation Counsel**

**X. UNFINISHED BUSINESS:**

## The City of Poughkeepsie

New York

Paul Ackermann, Esq.  
Corporation Counsel  
[packermann@cityofpoughkeepsie.com](mailto:packermann@cityofpoughkeepsie.com)



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Poughkeepsie, New York 12601  
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### *Memorandum* (OPINION 01-2016)

**TO:** CHAIRMAN PETSAS

**FROM:** PAUL ACKERMANN

**DATE:** JANUARY 6, 2016

**SUBJECT:** PUBLIC HEARINGS AND PUBLIC PARTICIPATION AT COUNCIL MEETINGS

CC: COMMON COUNCIL, MAYOR ROLISON, CITY ADMINISTRATOR  
KNAPP

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The Common Council has requested a legal opinion regarding public comment at Special Meetings of the Common Council. State law requires a municipality to hold a public hearing before certain agenda items can be voted on, such as the passing of a local law or adoption of a budget. The authority for this public hearing requirement can be found in Section 10 of the Municipal Home Rule Law.

In reference to public participation during regular and special meetings of the common council, Section 2.04 of the City of Poughkeepsie Charter vests the chairperson of the common council with the authority to suspend the meeting rules and allow public comment on any legislation before the council for a vote. Legislation contemplates an ordinance enacted by the council, and the adoption of the 2016 budget and the sale of 36 North Clover Street do not fall into this category. Similarly, pursuant to Section 2.04, the chairperson of the common council has the authority to allow public comment on any aspect of city government. Any member of the council can introduce a motion suspending the rules to allow for public comment, and if that resolution is seconded, and passed, the meeting rules would be suspended to allow for such public comment. It has been, and still is, this office's opinion that the common council meetings are run at the discretion of the council chair, who controls the items placed on the agenda as well as the meeting procedures. If the chairperson does elect to allow for a period of public comment during a regular or special meeting of the common council the public is allowed to speak on the proposed legislation before the council as well as any other aspect of city government.

On December 14, 2015 the Common Council of the City of Poughkeepsie held a special meeting to vote on the passage of the 2016 budget as well as the sale of 36 North Clover Street. Both of these items on the agenda had been the subject of several, separate, public hearings. Pursuant to the authority vested in the chairperson of the council, and at Chairman Petsas' request, the December 14, 2015 special meeting did not provide a period of public comment on the specific agenda items or any other aspect of City Government. The presence, or absence, of a period of public comment does not nullify a vote of the common council on proposed legislation that had previously been the subject of a public hearing. Similarly, the absence of public comment does not invalidate the meeting. "Only a departure in substance from the formula proscribed by statute will invalidate a municipal enactment." *Mantello v. City of Troy*, 172 Misc.2d 664 (1997).

**XI. NEW BUSINESS:**

**XII. ADJOURNMENT:**

A motion was made by Councilmember Hermann and Councilmember Johnson to adjourn the meeting at 2:30 p.m.

**Dated: January 22, 2015**

Official Minutes of the Council Meeting of Tuesday, January 19, 2016

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Saturday, January 2, 2016 at 1:30 p.m.

**Respectfully submitted,**

**Deanne L. Flynn  
City Chamberlain**

