



**ORGANIZATION MEETING OF THE
COMMON COUNCIL**
Common Council Chambers
1:30 p.m.
Thursday, January 2, 2014

I. PLEDGE OF ALLEGIANCE:

II. ROLL CALL

All present

III. NOMINATIONS AND ELECTIONS

1. A motion was made by **Councilmember Perry** and seconded by **Councilmember Rich** to nominate **Councilmember Mallory** as **Council Chair**.

Council Chair Nominee						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember McClinton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	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 Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. A motion was made by **Councilmember Petsas** and seconded by **Councilmember Perry** to nominate **Councilmember Rich** as **Council Vice-Chair**.

Council Vice-Chair						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember McClinton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	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 Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Majority Leader: The Democratic Caucus has selected and appointed Chris Petsas as 1st Ward Majority Leader.
4. Minority Leader: Request to self-nominate Lee David Klein, by reason of default.

Chairman Mallory: Congratulations to Council members Petsas and Klein.

IV. RESOLUTIONS:

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

RESOLUTION (R-14-1)

INTRODUCED BY COUNCILMEMBER RICH

BE IT RESOLVED, that the Common Council adopts for use during the year 2014 the Rules of Conduct and Procedure of the Common Council of the City of Poughkeepsie, a copy of which is attached hereto and made a part of this Resolution.

SECONDED BY COUNCILMEMBER PETSAS

RULES OF CONDUCT AND PROCEDURE: BY-LAWS OF THE COMMON COUNCIL OF THE CITY OF POUGHKEEPSIE FOR THE YEAR 2014

RULE I. Regular meetings of the Common Council shall be held on the first and third Mondays of each month at six thirty in the evening at the City Hall, or at such other place as the Chairperson shall appoint. The first regular meeting of January shall be held on January 2, 2014 at six o'clock in the evening at City Hall. In case of a holiday on any such day, the regular meeting shall be held on the Tuesday following at six thirty in the evening. The Common Council may adjourn when convened, to any other day or place, every such stated or adjourned meeting of the Council. In addition, there shall be informational meetings and special meetings held as provided in the Charter.

RULE II. The Common Council shall elect its Chairperson and Vice Chairperson in the manner provided for in the Charter. In the event of a vacancy in the office of Chairperson, the Vice Chairperson shall become Chairperson and the Council, at its next regular meeting and within thirty (30) days of the vacancy in Chairperson, shall elect, by majority vote, a new Vice Chairperson. In the event of a vacancy in the office of Vice Chairperson, the Council shall, by majority vote, elect a Vice Chairperson, at its next regular meeting and within thirty (30) days of vacancy of the office.

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RULE III. Committee of the Whole, as so directed by the Chairperson of the Council, shall meet on either the 2nd Monday or the 4th Monday of the month at 6:30 p.m. The purpose of such meetings is for discussion, oversight, and strategic planning to those matters associated with **Finance** (tax/revenue, accounting, purchasing, payroll, risk management, human resources, budget management, data processing, debt management, treasury, assessor), **Public Safety/Public Works** (police department, neighborhood recovery, animal control, juvenile, communications, support services, fire department, fire suppression and prevention, code inspections, hydrant management, department of public works, engineering, building and grounds, garage, street maintenance, snow removal, street lighting, sanitation, transit, parking, water, sewer, trees, parks, and recreation), **Economic/Physical Planning/Development** (planning and zoning, property development, community development, Section 8 housing) and **Social/Community Issues** (senior citizens, youth programs, arts, schools, use of technology).

In order to promote community participation, the rules may be suspended at meetings of the Committee of the Whole to allow members of the public to speak on matters before the Committee.

The City Chamberlain will be responsible for maintaining the minutes of each meeting.

RULE IV. The City Chamberlain shall record the attendance at meetings. The order of business at regular meetings shall be as follows:

1. Pledge of allegiance and Roll Call.
2. Review of the minutes of the previous meeting.
3. Reading by City Chamberlain of any resolution or other item not listed on the printed agenda.
4. Public participation for a period not to exceed 45 minutes. At the outset of each meeting, individuals will be asked to register their intent to speak, providing their name and address. Each speaker may speak for up to three minutes on an agenda item or any aspect of City government or legislation. When the number of persons who have registered to speak requires that the allotted 45 minutes will be exceeded, an additional 15 minutes will be allotted for registered speakers, following all other business of the Council. Suspension of the rules will, as needed, be considered for those matters where further public participation may be warranted.
5. Mayor's comments
6. Chairperson's comments and presentations
7. Motions and resolutions.
8. Ordinances and local laws.
9. Presentation of petitions and communications.
10. Unfinished business.
11. New business.
12. Adjournment.

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RULE V. The order of business may be departed from by majority vote of the members present.

RULE VI. The presiding officer shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Common Council; the appeal to be taken without debate. The presiding officer shall designate the seating arrangement for Councilmembers and staff at Council meetings and the order of voting of Councilmembers on all matters coming before the Council for vote. The presiding officer may, if (s)he so desires, present motions and resolutions to the Common Council, and (s)he may debate on any question which is being considered by it. The presiding officer, if (s)he deems it appropriate, may allow Councilmembers or the Mayor to respond to or comment upon public comments made at each regular meeting during public participation (Item 4 of the Agenda set forth in Rule IV above), prior to the adjournment of the meeting.

RULE VII. When a question is under debate, no new motion shall be received, unless for the previous question, to amend it, to lay on the table, to commit it, to postpone it, or to adjourn.

RULE VIII. A motion to lay a question on the table shall be decided without amendment or debate, and a motion to postpone shall be decided without debate.

RULE IX. A motion to adjourn shall always be in order; and shall be decided without debate.

RULE X. Every member who shall be present when a question is put, shall vote for or against the same, or abstain with reasons for the abstention stated upon the record.

RULE XI. No question or motion, once put, or lost, shall again be put unless reconsidered; and a motion for reconsidering must be made not later than the next regular meeting after that on which the decision proposed to be reconsidered took place, and shall be made by a member who voted with the prevailing side. All motions for reconsidering must be passed by the affirmative vote of a majority of the voting power of the Common Council.

RULE XII. On the demand of any member, a roll call vote on any question shall be taken by ayes and nays; and it shall be the duty of the City Chamberlain to enter on the minutes the names of the members voting for or against the question, and also the name of the member demanding the roll call vote.

RULE XIII. All appointments of officers and fixing of salaries shall be by ayes and nays.

RULE XIV. The legislation described below shall be read and laid over until the next meeting of the Common Council unless a majority of the Common Council consent for immediate action. This rule shall apply to:

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- (a) The adoption of the budget
- (b) Ordinances
- (c) Resolutions amending the Rules and By-Laws of the Council
- (d) Resolutions appropriating money, amending the budget, or approving the execution of contracts.

RULE XV. In order to hear persons other than members of the Common Council, the Mayor, and members of City staff, it shall be necessary to pass a motion suspending the rules of order. A motion to suspend the rules may be made at any time during the meeting and shall be decided without debate. Any such person speaking shall confine himself-herself to the subject and not longer than three (3) minutes, unless the time is extended by the Chairperson. This rule shall not apply to public hearings.

RULE XVI. All meetings of the Common Council shall be recorded by means of a mechanical recording device. The taped results of the meetings shall be kept in the Office of the City Chamberlain, and shall be under his/her jurisdiction and control. A record of the proceedings shall be printed as soon as possible after each meeting and presented to the Common Council at its next meeting for its approval or correction. Twenty copies shall be bound annually in a volume to be preserved in the Office of the City Chamberlain. The minutes shall be available for public review in the Office of the City Chamberlain, and the City Chamberlain shall give a copy of the minutes to persons requesting the same to the extent that they are available. When a request is made for an annual record of the minutes, an annual fee of thirty (\$30.00) Dollars shall be made to cover the expenses of the handling and recording and mailing if the record is on paper. A Ten (\$10.00) Dollar fee shall be paid if the record is digital.

RULE XVII. An executive session is that portion of the meeting not open to the public because of the consideration of matters authorized for Executive Session pursuant to the New York State Open Meetings Law. Proposals, discussions, statements and transactions in executive session are intended to be and shall be held and maintained in confidence and shall not be disclosed.

RULE XVIII. Members of the public shall be prohibited from approaching any Councilmember or the Council dais and seating area in Council chambers during any regular, committee, or special meeting of the Common Council.

RULE XIX. The Mayor may be invited to comment to and address the Council and the public on any issues of public concern raised by Councilmembers at the Council's regular meetings each month, prior to motions and resolutions being heard and at any time thereafter at the discretion of the Council chairperson.

RULE XX. All legislation, including local laws, motions, resolutions, and ordinances presented to the Common Council, except for procedural motions, such as motions to amend and motions to refer, shall be numbered to simplify the tracking of such legislation, with the number clearly marked below the title of each piece of legislation and on Common Council agendas, as follows:

Local Laws: LL-Year- Sequential Number (LL01-1; LL01-2; etc.)

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Motions: M-Year-Sequential Number (M01-1; etc.)
Resolutions: R-Year- Sequential Number (R01-1; etc.)
Ordinances: O-Year- Sequential Number (O01-1; etc.)

RULE XXI. The Chairperson of the Common Council shall give an address in response to the Mayor's annual state of the City address presented pursuant to section 3.02 of the City Charter at the next regular meeting of the Common Council following the Mayor's address.

RULE XXII. The Chairperson, or Vice Chairperson in the Chairperson's absence, is authorized to excuse a Councilmember from attending up to three (3) consecutive regular meetings of the Common Council because of a medical injury or illness which physically prevents the Councilmember from attending the meeting(s), if the medical injury or illness and physical inability to attend the meeting(s) is documented by a physician's note. Absences beyond three (3) consecutive regular meetings, for no more than an additional three (3) consecutive regular meetings, may be excused by a majority vote of the entire Council, based upon a written physician's note documenting the medical injury or illness which physically prevents the Councilmember from attending the meeting(s).

RULE XXIII. The following rules shall apply to a legally required public hearing held before the Common Council:

- (a) Speakers shall register in writing prior to the beginning of the hearing by providing their name, address, and organization, if any. Individuals arriving after the commencement of the hearing shall be permitted to register upon arrival as long as the Chairperson has not closed the hearing.
- (b) The Chairperson shall recognize each speaker, in the order registered, when the hearing is commenced. Speakers shall identify themselves, their address and organization, if any, prior to the remarks.
- (c) Speakers must limit their remarks to five (5) minutes. Remarks shall be addressed only to the hearing issues. Speakers may not yield any remaining time they may have to another speaker.
- (d) All remarks shall be addressed to the Council as a body and not to any individual member thereof.
- (e) Speakers shall observe the commonly accepted rules of courtesy, decency, dignity and good taste. Any loud, boisterous individual shall be asked to leave Council chambers by the Chairperson and may be removed at the request of the Chairperson. Speakers addressing issues outside the scope of the hearing shall be asked to cease their comments.
- (f) Interested parties may address the Council by written communication. The statements shall not be read at the hearing, but shall be provided to all Councilmembers and entered in the minutes of the hearing by the Chamberlain.

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(g) The Chamberlain shall include in the minutes of the hearing the name, address and organization, if any, of each speaker, a summary of the remarks, and written statements submitted to the Council.

Adopted by the Common Council; January 2, 2014

Resolution R-14-01

R14-1						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember McClinton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	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 Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**RESOLUTION
(R-14-2)**

INTRODUCED BY COUNCILMEMBER RICH

BE IT RESOLVED, that Robert’s Rules of Order be and the same hereby are adopted as the Parliamentary Rules of the Common Council for the year 2014.

SECONDED BY COUNCILMEMBER PETSAS

R14-2						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember McClinton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	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 Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**RESOLUTION
(R-14-3)**

INTRODUCED BY COUNCILMEMBER RICH

BE IT RESOLVED, that the amount of the faithful performance duty bond, to be executed by the Commissioner of Finance as City Treasurer, and filed in the Dutchess County Clerk’s Office, pursuant to Section 2.12 of the Administrative Code of the City of Poughkeepsie, be and the same hereby is fixed at the sum of Five Thousand (\$5,000) Dollars; and be it further

RESOLVED, that the amount of the faithful performance duty bond, to be executed by the City Chamberlain and filed in the Dutchess County Clerk’s Office, pursuant to Section 2.12 of the Administrative Code of the City of Poughkeepsie be and the same hereby is fixed at the sum of Five Thousand (\$5,000) Dollars; and it is further

RESOLVED, that the amount of the faithful performance duty bond to be executed by the Clerk of the City Court and filed in the Dutchess County Clerk’s Office pursuant to Section 5 of the Act Creating a City Court in and for the City of Poughkeepsie, New York, be and the same hereby is fixed at the sum of Five Thousand (\$5,000) Dollars; and be it further

RESOLVED, that the Commissioner of Finance be and s/he hereby is empowered and directed to procure a public employee’s faithful performance blanket position bond in the sum of Five Thousand (\$5,000) Dollars covering every officer and employee of the City, with excess coverage in the amount set opposite the following office and position:

Collection in Department of Finance,
Treasury Division.....\$20,000;

and it is further

RESOLVED, that all the premiums which may become due on said bonds during the year 2014 shall be paid by the City as a proper City expense.

SECONDED BY COUNCILMEMBER PETSAS

R14-3			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember McClinton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	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 Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. A motion was made by Councilmember Rich and seconded by Councilmember

Petsas to receive and print.

**RESOLUTION
(R-14-4)**

INTRODUCED BY COUNCILMEMBER RICH

BE IT RESOLVED, that the Commissioner of Finance be and s/he hereby is authorized and directed to draw warrants in favor of Chase Bank, Key Bank of New York, M & T Bank, Riverside Bank, Bank of America, TD Bank, Chase Manhattan Bank and Depository Trust Co., Rhinebeck Bank and Ulster Savings Bank for principal and interest on the public debt as it becomes due from time to time during the year 2014, and be it further

RESOLVED, the Commissioner of Finance, upon presentation to her or him of properly approved payrolls, be and s/he hereby is authorized and directed to pay the monthly and bi-weekly salaries and wages to the officers and employee of the City who shall be entitled to receive the same during the year 2014.

SECONDED BY COUNCILMEMBER PETSAS

R14-4			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember McClinton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	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 Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. **A motion was made by Councilmember Rich and seconded by Councilmember Petsas to receive and print.**

**RESOLUTION
(R-14-5)**

INTRODUCED BY COUNCILMEMBER RICH

RESOLVED, that Chase Bank, Bank of America, Key Bank of New York, Riverside Bank, TD Bank, Rhinebeck Bank and M & T Bank, all of which are located in the City of Poughkeepsie, be and they hereby are designated as the banks in which the Commissioner of Finance is empowered and directed to deposit all monies of the City of Poughkeepsie; subject to such rules and regulations as the Common Council may from time to time prescribe and subject to such laws and regulations as may be prescribed by the State and Federal Governments from time to time hereafter in relation hereto; and be it further

RESOLVED, that the Commissioner of Finance be authorized to invest idle cash balances in her or his custody with any bank or trust company authorized to do business in New York State and to otherwise make investments pursuant to the investment policy, as adopted and amended from time to time by the Common Council and subject to such laws and regulations in relation thereto as may from time to time be prescribed by the State and Federal governments; and be it further

RESOLVED, that the City Chamberlain be and hereby is directed to mail a copy of this resolution to each such depositories.

SECONDED BY COUNCILMEMBER PETSAS

R14-5			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember McClinton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	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 Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. A motion was made by Councilmember Rich and seconded by Councilmember Petsas to receive and print.

Councilmember Perry: Thank you, Mr. Chairman. I recall in 2011, when the Councilmembers were sworn in, the Poughkeepsie Journal refused or did not show up to mention our names. Now that we’re voting today, for them to be our official newspaper, I hope they will at least let the next generation to come, know the Council members who were sworn in today. Thank you, Mr. Chairman.

Chairman Mallory: Thank you very much, Councilmember Perry. I will be going to the Poughkeepsie Journal and scheduling an appointment to speak with them about the coverage with us and see how we can work on improvement with that.

**RESOLUTION
(R-14-6)**

INTRODUCED BY COUNCILMEMBER RICH

BE IT RESOLVED, that the “Poughkeepsie Journal” a newspaper published in the City of Poughkeepsie, be and is hereby designated as the official newspaper of the City of Poughkeepsie for the year 2014.

SECONDED BY COUNCILMEMBER PETSAS

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R14-6						
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember McClinton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	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 Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. A motion was made by Councilmember Rich and seconded by Councilmember Petsas to receive and print.

**RESOLUTION
(R-14-7)**

INTRODUCED BY COUNCILMEMBER RICH

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby appoints the City Chamberlain and the Deputy City Chamberlain as Marriage Officers in accordance with and subject to the provisions of Domestic Relations Law §11-c; and be it further

RESOLVED, that the Marriage Officers are hereby appointed for a term of one year, subject to the pleasure of the Common Council.

SECONDED BY COUNCILMEMBER PETSAS

R14-7						
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember McClinton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	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 Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. A motion was made by Councilmember Rich and seconded by Councilmember Petsas to receive and print.

**RESOLUTION
(R-14-8)**

INTRODUCED BY COUNCILMEMBER RICH

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby adopts the purchasing policy of which a copy is attached hereto and made a part of this resolution.

SECONDED BY COUNCILMEMBER PETSAS

**PURCHASING HANDBOOK
POLICIES AND PROCEDURES**

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COMPETITIVE BIDDING - GENERAL MUNICIPAL LAW, SECTION 103

General Municipal Law, Section 103, contains the primary requirements and reads in part:

"Except as otherwise expressly provided by an act of the legislature or by a local law adopted prior to September 1, 1953, all contracts for public work involving an expenditure of more than twenty thousand dollars and all purchase contracts involving an expenditure of more than ten thousand dollars, shall be awarded by the appropriate officer, board, or agency of a political subdivision or of any district therein including but not limited to a soil conservation district, to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided by this section."

PURCHASE CONTRACTS

1. Purchases of commodities and equipment, not the purchase of land.
2. Public works contracts: involve services, labor and construction and may also include materials used.
3. Aggregate amounts:
 - a. bid when it is known or can reasonably be expected that the aggregate amount to be spent will exceed the bid limits within a fiscal year. Items of a similar nature which are generally handled by one vendor should be grouped together when determining the aggregate amount in one fiscal year.

EXCEPTIONS TO COMPETITIVE BIDDING - STATUTORY

1. Purchases through the Office of General Services;
2. Purchases under county contract;
3. Second hand goods or surplus items from the Federal or State government or another political subdivision;
4. In the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety of property of the inhabitants of a political subdivision, require immediate action which cannot await competitive bidding;

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5. Municipal hospital purchases;
6. Purchases through agencies for the blind and severely handicapped;
7. Goods made in correctional facilities
8. Perishable foods - school districts only.

EXCEPTIONS TO COMPETITIVE BIDDING - COMMON LAW

1. Professional services - services which do not readily lend themselves to competitive bidding.

Guidelines:

- a. whether the services are subject to State licensing or testing requirements;
- b. whether substantial formal education or training is a necessary prerequisite to the performance of the services;
- c. whether the services require a personal relationship between the individual and municipal officials.

Examples:

services of a certified public accountant; services of an engineer engaged to prepare plans; securing insurance coverage or services of an insurance broker; printing services involving extensive writing, editing or art work; computer software or programming services for customized programs.

2. Sole source situations;
3. Leases - true leases, not installment purchases;
4. Concessions;
5. Work performed by municipal employees under municipal cooperation agreements.

FTA THIRD PARTY CONTRACTING REQUIREMENTS

CITY OF POUGHKEEPSIE TRANSIT SYSTEM

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STANDARDS OF CONDUCT

Every City of Poughkeepsie employee and dept. involved in the award or administration of contracts will be given a copy of the City's standards of conduct, and will be required to sign a statement that they are familiar with and will abide by these standards.

1. Employees must not engage in outside employment which is inconsistent with their City responsibilities. For example, furnishing advice or services to a firm bidding on or planning to bid on a contract with the City, or which is doing business presently with the City.
2. No employee, officer, agent, immediate family member, or Board member of the City of Poughkeepsie shall participate in the selection, award, or administration of a contract supported by FTA funds if a conflict of interest, real or apparent, would be involved.
3. The City of Poughkeepsie's employees, officers, agents, or Board members will neither solicit or accept gifts, gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.
4. Employees occupying positions which are directly involved in government procurement processes are required to disclose any investments in businesses which engage in bid activities with the City.

Failure to abide by these standards of conduct will result in disciplinary action, up to and including, termination. If said employee is a member of a union and is bound by a collective bargaining agreement, the sanctions undertaken will be addressed within the agreement.

BIDDING PROCEDURES

1. Bid notice must be published in the municipality's official newspaper, if any, or otherwise in a newspaper designated for such purpose. The law only requires a statement of the time and place where bids received will be opened.

At least five days must elapse between the first publication and the date specified for opening and reading.

- 1.01 In the case of an FTA funded procurement, the FTA website, (the current Master Agreement and FTA Best Practices Procurement Manual, found on the FTA Website, should be checked for the FTA required clauses.) shall be checked for FTA required clauses at the time of the FTA funded procurement. Changes/additions/deletions shall be made accordingly.

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2. Bid specifications - documents which describe what the municipality is purchasing.

Municipality fixes standards or limitations of proposal.
3. The statute requires that some type of security be required - bid bonds, retained percentage, or bid deposit.
4. Non-Collusion Certificate--GML §103-d--required-in-every bid or proposal.

STANDARDIZATION - GML §103(5)

Bidding for a particular brand, make, or model

1. Adopt a resolution by a vote of 3/5 of the governing body explaining reasons for standardization.

Guidelines:
 - a. a substantial amount of equipment of the same make is presently being used by the municipality and uniformity of the make is essential to economy or efficiency
 - b. service facilities are peculiarly adapted to the handling of a particular make of equipment and cannot be converted economically
 - c. the municipality has on hand a substantial supply of spare parts for a particular make of equipment and they cannot be disposed of except at a substantial loss
 - d. the design, plan or method of construction of an installation is peculiarly suited to a particular make of equipment and cannot be altered economically
 - e. local geographic or atmospheric conditions require the use of a particular make of equipment to the exclusion of all others;
 - f. employees are trained to operate one make of equipment and cannot be trained economically to operate other makes.

BID OPENING

"...all bids received shall be publicly opened and read at the time and place so

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specified..."

1. Governing body may designate any officer or employee to open bids
2. The bids must be recorded in the manner provided by the governing body and reported to the governing body at the next regular or special meeting.
3. Bid mistakes - bidder makes a unilateral mistake in calculating the proposal. Bidder may withdraw the bid within three days after opening or before awarding the contract, whichever is shorter if:
 - a. the price the bid was based is an error of such magnitude that enforcement would be unconscionable
 - b. the bid was submitted in good faith and the bidder submits credible evidence that the mistake was a clerical error as opposed to a judgment error
 - c. the error in the bid is actually due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work, labor, material, or services made directly in the compilation of the bid, which error can be clearly shown and
 - d. it is possible to place the municipality in status quo. The bid is withdrawn and the security is returned. The municipality cannot agree to amend or reform the bid to rectify the mistake.

AWARD OF BIDS

All contracts "shall be awarded by the appropriate officer, board or agency ... to the lowest responsible bidder furnishing the required security after advertisement for sealed bids."

1. Non-compliance with bid specifications

Municipality may decline bids which fail to comply with the literal requirements of the bid specifications, or it may waive a technical non-compliance with bid specs if the defect is a mere irregularity and it is in the best interests of the municipality to do so. Where the variance between the bid and the specification is material or substantial, the defect may not be waived and the municipality must reject the bid.

2. Responsibility of bidder

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Governing body determines based on: accountability, reliability, financial responsibility, capital resources, skill, judgment, integrity, prior criminal activity or moral worth.

REJECTION AND RE-ADVERTISEMENT

Governing body in its discretion, may reject all bids and re-advertise.

WICKS GML §101

Separate specifications for all contracts for the erection, construction, reconstruction or alteration of buildings when the entire cost exceeds \$50,000 be prepared so as to permit separate bidding for:

1. plumbing and gas fitting;
2. steam heating, hot water heating, ventilating and air conditioning apparatus; and
3. electric wiring and standard illuminating fixtures

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INTENT

It is the intent of this section to show the limits of purchase by City of Poughkeepsie Departments, with respect to the limitations set forth by the State of New York, General Municipal Law §103 and §103b.

Limits are as follows:	Commodity(s)	\$10,000.00
	Public Works Contracts	\$20,000.00

In addition to these limits, a procedure must be enacted by the local governing body (The Common Council) that sets forth the policy on purchases of goods and services which do not have to be bid.

The following will show the procedure that the City of Poughkeepsie will follow with respect to the purchase of goods, commodities and public works contracts.

AUTHORIZATION

The payment of all invoices is the responsibility of the City of Poughkeepsie Finance Department, through the efforts of the Audits and Accounts Division, City Auditor, and the Purchasing Agent, with the direct supervision of the Commissioner of Finance.

The authorization for all payments of invoices is the responsibility of the Department Head or authorized representative; conversely the **Department Head is the only person authorized to order equipment or services.**

METHODS OF PURCHASE

If a Department Head/Division Head has items and funds to purchase in the fiscal year's budget, the following procedure should be used to obtain the commodity or public works services:

1. Look at the estimated monetary amount allocated for the item, check the attached chart for the procedure to use, follow the procedure.
2. If the procedure required involves a request for proposal, or a full advertised bid or (3) or more written quotations, the Purchasing Department should be called, to find out if the item is on a New York State or Dutchess County Contract, or what will be involved in the purchase of that item. (Call City of Poughkeepsie Purchasing Dept. at 451-4048)
3. Once a method of purchase has been chosen from the attached chart(s), it will be the responsibility of the department head or designated representative to perform the following:

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- a. Generate a "DIRECT VOUCHER" or "PURCHASE REQUISITION" for the purchase of the commodity or public works service. (Use Direct Vouchers for \$999.00 or Less) (Use Purchase Requisitions for \$1000.00 or More)

After the generation of the direct voucher or purchase requisition, a modified flow chart of the routing is as follows:

CITY DEPARTMENT
Invoice or Purchase Order

TO

AUDITS & ACCOUNTS
Invoice Becomes a Check
Purchase Order is approved and printed

TO

VENDOR
Purchase Order or check

CITY DEPARTMENT
Copy of Purchase Order

The above may be altered, as is the case in a Blanket Purchase Order or Public Work Contract Purchase Order, where multi payments may be made from a single Purchase Order Number. The flow will not be broken, the only difference will be in the number of payments sent to the vendor.

METHODS OF PAYMENT:

The payment for commodities and public work services are made in the following manner:

Goods or Services Delivered to the City Department

Vendor sends invoice for goods

Invoice entered into NWS by Dept. Invoice is signed by Dept. Head and sent to Audits & Accounts for payment processing (Audits & Accounts must have all of the paper work in place in order to cut a check to the vendor)

Check Sent To Vendor

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SALE OF PROPERTY - REAL OR PERSONAL

Villages and cities have the power to sell real or personal property as required for municipal purposes. There are no statutory guidelines.

PROPERTY WHICH MAY BE SOLD

No requirement that property be declared surplus, but legislative body should make determination that property is no longer needed for public use.

Wharves, cemeteries and parks are held in public trust and may not be diverted to other uses or sold without State legislative authorization.

METHOD OF SALE

Legislative body determines method of sale and notice or public hearing requirements.

Method of sale should be the one which it is thought will bring the best price or maximum financial benefits:

1. public auction
2. private negotiated sale request for proposals
3. or any other reasonable method

PRICE

Fair market value must be received - best price available in the board's judgement or the most beneficial terms available. Cannot make a gift of property or sell for nominal consideration.

SALE WHEN NO MARKET VALUE

Make an attempt at sale of the property to prove no market value, then may discard or donate the items without being considered a gift.

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R14-8						
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember McClinton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	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 Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Chairman Mallory: Before I adjourn, any questions or comments from Leadership?

Councilmember Rich: I do.

Chairman Mallory: Go ahead, please.

Councilmember Rich: I want to wish everybody a Happy New Year, and all the Councilmembers just sworn in a wonderful year serving our city.

Councilmember Perry: I too, would like to say Happy New Year to all the ladies and gentlemen in the audience and thank you for coming out on such a snowy day. And I hope that we can serve you to the best of our ability. Thank you, Mr. Chairman.

Chairman Mallory: Before I put out a motion to adjourn, I'd like to share with all newly elected Council members, to please see the Deputy Finance Commissioner. It's very important that you see her before you walk out the door.

V. ADJOURNMENT:

A motion was made by Chair Mallory and Councilmember Solomon moved to adjourn meeting at 1:48 P.m.

Dated: February 6, 2014

I hereby certify that this true and correct copy of the Minutes of the Organizational Meeting held on Monday, January 2, 2014 at 1:30 p.m.

Respectfully submitted,
 Deanne L. Flynn
 City Chamberlain



**ORGANIZATION MEETING OF THE
COMMON COUNCIL**

Common Council Chambers

6:00 p.m.

Thursday, January 2, 2014

V. PLEDGE OF ALLEGIANCE:

VI. ROLL CALL

VII. NOMINATIONS AND ELECTIONS

1. Chairman
2. Vice – Chairman
3. Majority Leader
4. Minority Leader

VIII. RESOLUTIONS:

1. Resolution R14-01 adopting the 2014 Rules of Conduct and Procedure: By-Laws of the Common Council of the City of Poughkeepsie.
2. Resolution R14-02 adopting Robert's Rules of Order.
3. Resolution R14-03 setting bonds for Commissioner of Finance and City Chamberlain.
4. Resolution R14-04 authorizing the Commissioner of Finance to pay public debt, salary and wages for 2014.
5. Resolution R14-05 approving designation of banks for deposits.
6. Resolution R14-06 approving The Poughkeepsie Journal as the official newspaper.
7. Resolution R14-07 appointing the City Chamberlain and Deputy City Chamberlain as a Marriage Officers for the City of Poughkeepsie.
8. Resolution R14-08 Adoption of City's purchasing policy.

V. ADJOURNMENT:

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