



**THE CITY OF POUGHKEEPSIE
NEW YORK**

**COMMON COUNCIL MEETING
MINUTES**

Tuesday, January 21, 2013 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL - All Present

Mayor Tkazyik's 2014 State of the City Address – See Attached.



The City of Poughkeepsie

New York

John C. Tkazyik
Mayor

City of Poughkeepsie, N.Y.

State of the City Report for 2013

Presented January 21, 2014
By John C. Tkazyik, Mayor

Good evening to our honored guests, Council Chairman Mallory and members of the Common Council. I am pleased to congratulate Chairman Robert Mallory, Jr., Vice Chairman Joe Rich, Majority Leader Christopher Petsas, and Minority Leader Lee David Klein on their Common Council leadership roles. Further recognition goes to former Council Members; Thomas Parise, Nina Boyd, Mary Solomon, Gwen Johnson, and Paul Herman for their time and service.

City staff is the backbone of our ability to deliver core services and keep Poughkeepsie safe. I would like to briefly congratulate and thank last year's retirees for their service to Poughkeepsie: Richard Poluzzi, Donald Manning, James Wilkinson, Thomas Hauseman, Donald Halvorsen, Donald Stauss, Jay Benedict, Christine Knapp, Michelle Tortarella, Edward Craig, Michael D'Amicantonio, Margaret Conklin, Arlette Apolaya, Diane Curran, Karl Mannain, Frank Carhart, and Edward Freer. Ladies and gentleman, this group of employees represent over 380 combined years of service! Please join me in wishing them the best in their future endeavors.

On this day, January 21, 2014, pursuant to Section 3.02 of our Charter, I report to you on the State of our City. This is my seventh report to you as Mayor and I remain as committed to you today, as my first day. Tonight, I'd like to share with you the good, the bad, and the ugly. The good will take most of my time.

We finished last year with a budget surplus. We owe much of the credit to city staff and department heads who necessarily had to count every dime and nickel. Our revenue forecasts were better done than in previous years. And while it took a lot of effort and an occasional "no" to the many requests we received for money, we kept spending under control.

Through the years, we have made considerable efforts to trim our workforce to deal with the realities of a recession that has reduced our revenue and put pressure on expenses.

Municipal Building • 62 Civic Center Plaza • Poughkeepsie, NY 12601 • 845.451.4073 • 845.451.4201

Official Minutes of the Common Council Meeting of January 21, 2014

That said, I am proud to report that our police department remains strong, street patrols have been increased and the historical trend continues to show a decrease in violent crime. Slowly and surely, the men and women in blue are making progress in the war against gang violence and drug dealing in the City of Poughkeepsie.

We have found some additional sources of revenue that help prevent a tax increase that would have otherwise been worse than it was. We sold excess property that freed monies desperately needed for our parks, recreation, and youth programs.

There is new construction and new businesses in the City. Vassar Brothers Medical Center just completed a major construction project. There are four new restaurants and a brewery in the City. A new grocery store is in the works. The Dutton Lumber project is advancing in the City. The new businesses will add to our tax base and provide new employment opportunities to so many in our community that need the work.

We still have one of the lowest tax rates in Dutchess County. We have reduced the City's debt by millions. There is a vibrant nightlife in downtown. Our efforts continue on creating new development on the waterfront. Walkway over the Hudson is attracting an increasing number of tourists to our City that dine in our restaurants and patronize our local businesses. And thanks to the reduction in red tape and bureaucratic hurdles, it is now easier to start and grow a business in our City than it was 10 years ago.

I wish I could report that all is good, that opportunity is abundant, that City surpluses are on the horizon as far as the eye can see, that taxes will be coming down next year, and that our bond rating has improved. However, I cannot say that, and we need to face some stark realities. Moody's has changed our bond rating from Baa2 to Baa3. They correctly cite our deteriorating economic position, declining tax base, and below average wealth levels.

Frankly, it is hard to argue. Because what Moody's said in their report is true. Our economy is not improving because the economy in New York State is still in a recession. Our state still has the worst business climate of any state in the nation and the second highest state and local tax burden. I am not saying anything that our Governor has not said. However, the reality is that we live in a state that is taxing people out of New York, forcing businesses to flee. As they leave, jobs and opportunity for our young go with them. Indeed, more than three million people have left New York since the year 2000, the greatest out-migration of any state in the union. Some who have left Poughkeepsie have tossed the keys to their homes on the doorstep of City Hall and told us to keep them. Abandoned homes and delinquencies are at an all-time high.

As opportunity leaves, there is an undeniable increase in drug dealing as some resort to illegal means to support themselves. I must report that we are seeing an increase in heroin use and overdoses. This is a national epidemic also seen on the county level. Stopping it will require the best efforts of our Police Department. They deserve our support.

Official Minutes of the Common Council Meeting of January 21, 2014

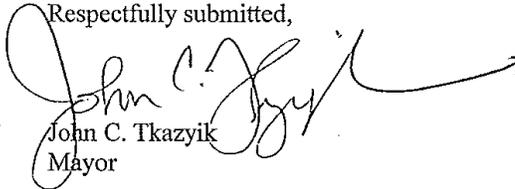
The garbage system we now have in place is not working and cannot remain solvent the way it is being operated. I will again ask that the City Council reconsider its decision and allow the City to do what it must to put trash pick-up in the hands of private contractors. To do otherwise will further strain the City's finances and the checkbooks of those who live, work, and operate in the City.

The policies of Albany that have us hanging by the noose are not your fault. But, as elected officials we must deal as best we can with an untenable situation. The unfunded mandates are taking an increasing bite out of our budget, which reduces the funds we have available for parks, clean streets, snow removal and after-school programs. It is your fight, too. Pension and health care costs are eating us alive. The Workman's Compensation system is broken and has been for a generation. None of us like governing in this situation, but we must and that does require that we make difficult and painful decisions.

We have had our disagreements in the past and we will going forward. That is to be expected in a democracy and in a City that faces a tough economic climate. You are not alone, for all across New York there are cities, towns, and counties that face a similar lot. Ultimately, we will be judged by the decisions we made, the leadership we provided, and the civility we put on display at the bargaining table. Let us resolve to do our best by our Creator, and to summon the best within us to serve this City, its people, and those who call Poughkeepsie "home".

May God bless you and may God bless the City of Poughkeepsie.

Respectfully submitted,



John C. Tkazyik
Mayor

II. REVIEW OF MINUTES:

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

REMOVE

VII. MOTIONS AND RESOLUTIONS:

- 1. FROM CORPORATION COUNSEL ACKERMANN, Resolution R14-11, approving the auctioning of excess city owned real property.**

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

Rich Riordan - 140 Garden Street –

1st

No Transparency on Sale of City Tax Properties

The 2012 Journal reports 300 vacant city homes. I called Corporation Counsel and asked to be sent a list of city owned properties. I received the list via mail on 9-1-12. The list had seven vacant lots, Mickey's meat market and a burned out house on Jewett ave. I placed a call to the Counsel again, inquiring "How can this be all?". The Counsel's secretary replied: "We don't give out the entire list." I have attached a copy of that reduced list for your review.

At a council meeting in February 2013, I voiced this concern of no transparency in the resale of City tax properties. I also voiced that the City of Poughkeepsie is the only municipality in Dutchess County NOT selling at public auction. About 6 months later, the City auctioned 2 parking garages and 5 or 6 other properties. The first auctioned in more than 15 years. According to the deeds of the auctioned properties, the city owned these when I received my 9 property list! Thus, are we to assume that the City has a secret or classified list?

The city no longer has a property development division. We have Corporation Counsel. In 1998, the property development division consisted of Karen Lewis, and later, Ed Murphy. They would meet you at the properties; discuss plans, sales development, present offers to the city council and discuss tax revenue. How can we expect today's city counsel to handle the volume of the list...the whole list, especially when we are not marketing them to the public or using public auctions. Isn't the goal to get fair market value for these properties?

These properties are **liabilities** to keep, but **assets** to sell! Even though the city is tax exempt on these properties, there is a maintenance cost to holding on to each property. Why aren't these properties advertised at all? There are not even signs on these sites. I encourage all seated before me to get proactive about this non-revenue producing real estate portfolio. Other local municipalities sell all their properties at auction each October. Consequently, auctioning immediately adds revenue to the city from actual sale proceeds. Then the parcel is added to the tax role again creating reoccurring revenue. Finally expenses are reduced as the burden of upkeep is taken away from the city. The city workers no longer have to board up, mow lawns, shovel walks, and cut up fallen trees on these non revenue producing properties. Less vacant properties mean less fire risks for the city. So let's help our city workers by taking these properties off their plate, so they can get to the much needed regular city maintenance.

This should not be confused with city tax lien auction that was held in December. This tax lien auction just sets the stage for which parcels will be acquired and deeded to the city. After 3 years of unpaid taxes, these properties are acquired by the city. I challenge this city council to acquire the detailed secret list, with dates of deeded acquisition. How many parcels are there? 20-50 parcels? Who knows? *Add The Lien Properties AND Sell.*

In closing, let's recall ^(one) the definition of "INSANITY": doing the same thing, over and over, and expecting different results!

*Thanks FOR listening
Please enter into Minutes*

City of Poughkeepsie
John Tkaczyk, Mayor

Home > Departments > Corporation Counsel > City-Owned Property Sales

City-Owned Property Sales

The City of Poughkeepsie City-Owned Property Sales division offers purchasing opportunities of City-owned property, which focus on community development and owner occupancy.

Property Sales

108 Smith Street

» 149.6 KiB - 523 hits - January 4, 2012
City-Owned Property for Sale - 108 Smith Street

14 Jewett Avenue

» 134.0 KiB - 560 hits - December 30, 2011
City-Owned Property For Sale - 14 Jewett Avenue

142 Garden Street

» 129.2 KiB - 495 hits - January 6, 2012
City-Owned Property - 142 Garden Street

3 Zimmer Avenue

» 189.5 KiB - 408 hits - January 6, 2012
City-Owned Property - 3 Zimmer Avenue

30 Smith Street

» 212.1 KiB - 386 hits - January 6, 2012
City-Owned Property - 30 Smith Street

36 Smith Street

» 207.9 KiB - 362 hits - January 6, 2012
City-Owned Property - 36 Smith Street

535 Main Street

» 122.4 KiB - 464 hits - January 6, 2012
City-Owned Property - 535 Main Street

92 Washington Street

» 131.3 KiB - 477 hits - January 6, 2012
City-Owned Property - 92 Washington Street

7 Vacant Lots

*14 Jewett Ave
Mickey meat market*

City-Owned Property Sales Information

» 107.7 KiB - 5,867 hits - January 28, 2011

Information and application for City-Owned Property Sales

DuBois Avenue

» 235.3 KiB - 468 hits - January 5, 2012

City-Owned Property For Sale - Dubois Avenue

Disclaimer:

The presentation of this list shall not constitute an offer to sell the properties listed thereon. The City, in its sole discretion and for any reason, may withdraw any such properties from this list and additionally, all prices are subject to change at any time.

Unless otherwise stated, properties are conveyed to the purchaser with a quitclaim deed. The purchaser is responsible for clearing title along with any costs related to that process. In cases where a property is offered with marketable title, a charge for costs incurred by the City, including a reasonable administrative fee, will be added to the sales price.

Once an offering price is accepted by the Common Council, purchasers agree that they shall not use that price as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation.

Some properties may not be safe for interior viewing by the public. When access is permitted, a "Hold Harmless Agreement" will be required to be signed. The City reserves the right to make that determination at any time. In those cases, a written description of building conditions will be prepared by City staff, with photographs when possible.

Sales Objectives:

In the sale of City-owned properties, the City of Poughkeepsie is focusing on community development, commitment and owner-occupancy. To accomplish these goals, we have established the following sales guidelines:

All one and two family houses and building lots zoned for one and two family houses will be sold only to owner-occupants or organizations that will rehabilitate the property for the sole purpose of selling the house to an owner-occupant. Houses that need extensive rehabilitation will not be offered directly to an owner-occupant unless the prospective purchaser has previous experience and financial capacity to undertake the work.

Multi-family and commercial buildings will be sold to investor/developers who possess some combination of the following: a demonstrated history of community involvement; a record of quality real estate development; a record of good property management; capacity to undertake and complete the project in the stated time frame; and proof of financial capacity to perform; good credit history; and a clean record with the City of Poughkeepsie.

When there are properties and/or desired uses that do not fit the sales guidelines above, development plans will be reviewed on a case-by-case basis.

City of Poughkeepsie

1-22-14 Rich Riordan

Council.

I have always been told I make valid points but my presentation stinks. I try to give you something to look at. If something doesn't add up to me I will always say something.

I apologize if I come off harsh. Especially the new members. I know your saying. (Give us a chance.)

3 minutes is not a lot of time. I do the best I can in 3 minutes. Last time with the trash, Transfer Station and water. I didn't have it written out. I apologize leaving in a huff.

This property development issue is a big one. The city of Poughkeepsie is backwards. Sorry!

Mr Mayor. When I heard your statement - That Not a lot of Tax liens are being sold. I look at that as you mean the poor city may end up with all liens. Which means for tax money you'll end up with all those properties. These properties are a curse? They are your ticket out of Debt! (You need telepathy) TO continue the current method of (Telepathy) Secrecy would you sell your own home with the city's method and restriction I don't think so! Potential buyers would need telepathy!

Do you want answers to the city's woes. I would set up a P.O. Box for complaints and ideas. Make it anonymous. Mail a letter to all city employees with this P.O. Box ask for ideas or where they believe there is mismanagement. You need to go to the bottom not the top. I am for the underdog! No city employee should lose their job. No homeowner should lose their home due to mismanagement. The money is there! TRY SOMETHING NEW!

Darrett Roberts - 148 Franklin Street – There is \$204 million deal we're supposed to have across the Walkway-over-the-Hudson. The Mayor was speaking about bringing jobs in, but how can we bring jobs in when the taxpayers are paying for deals we don't need. The Walkway is a great tourist attraction, but how many people see our wonderful City and then they see the jail. Someone said it was going to look

pretty, but you can't make a jail look pretty - a prison is a prison. If we want to stop the drug dealing and all the poverty, we have to give people jobs. We have to educate the youth. We have to have that to get the city back on track. If we want to beautify Garden Street or Parker Avenue, we should not put a jail there because it will deter people from coming into the City to live or visit. That's what I wanted to say about the subject. Thank you so much for your patience.

Marta Knapp - 10 South Clinton Street – Why is the City of Poughkeepsie sending threatening letters to people who resist allowing the new smart meters to be installed in their buildings, by stating it is mandatory, and that 100% of the water bill surcharge will be levied against such property owners, and that they will have to pay for eventual installation which is currently “free?” Of course, the City Council voted to pay \$400,000 to the New Jersey company who is installing these new dangerous meters, so it's not free. Our taxes are paying for it. The Mayor claims the meters are safe, but he doesn't have all the facts. In spite of supposedly meeting all safety standards, as reported to a neighbor of mine who called the water department to ask questions. There's a lot of scientific data suggesting these standards are not appropriate. Radio frequency radiation released ever few seconds, 24/7 with a big surge around 3:00 a.m. or 4:00 a.m. is known to cause a lot of harmful effects. Ms. Knapp read the effects alleged to occur. On this Thursday at 6:00 p.m. at the Public Safety Building (505 Main Street), Councilmember McClinton is sponsoring a 6th Ward meeting and a screening of the film shown at the Adriance [Library] last week, about the smart meters. After the screening last Friday morning, Councilmember Rich told me that we, the citizens, have to prove that smart meters are dangerous. Why don't you, our government, the people who are paid to protect our health and safety, have to prove that the meters are safe. It took 6 years to stop using chloramine in our tap water after a lot of harm was done. Now, you're letting more harm come to our citizens by forcing us to accept dangerous new technology into our homes. The definition of a smart meter is: Any metering device with electric components, capable of measuring, recording and sending data from a customer or a member to a public utility municipality in a manner, utilizing one-way and two-way communication or a combination of, with any entity or device. These smart meters can be used for electric, gas or water and I learned today, that Central Hudson has already installed 120,000 gas and electric smart meters that they call ERT's on buildings of Hudson Valley residents. We need to ban all smart meter devices. Why now deny that the new meters are smart meters if they're so safe? I heard the Mayor disrespected my comments from the last Council meeting when I spoke and he said, “They don't know what they're talking about.” I can tell you, I do know what I'm talking about and if any of you have not seen the “movie,” I encourage you to come out Thursday at 6:00 p.m. to educate yourselves. She feels aggravated that no moratorium was called. The meters are being installed as fast as they can and people are being extorted and are told, that if they don't do it, they'll suffer serious consequences and are “poo-pooing” the danger. We are not idiots, and it's really wrong that you are not protecting our health and safety and well-being and making it like we're the idiots.

Ken Stickle - 118 Catherine Street – I saw the DVD also. The Mayor was wrong because he doesn't want to call the water meters smart meters. If they're sending out radio frequencies they are smart meters in definition. Mr. Stickle stated that radial transmission causes cancer, causes autism in children and that pregnant women standing in front of microwaves are endangering their unborn children. We spent \$400,000 and we don't know enough about these meters. He doesn't say if they're good bad, or otherwise, but maintains that a study should be done on them. He believes the meter company should have a discussion with the citizens to address their concerns. Central Hudson has a plastic box with a transmitter on the outside of the meter and they don't have to leave their vehicle to get a reading. If the main power for a house is turned on and no one is there to ensure that the main breaker is turned off, a fire can occur and the house could burn down. He feels that the City should put a moratorium on these meters before people start losing their homes. He also maintains that the radiation from the meters have been linked to Dementia, Alzheimer's Disease and believes that the bees have also been affected. If the honey bees die off, the food supply is affected. Then we won't have to worry about Dementia and Alzheimer's, etc. because we won't have anything to eat in this country. Thank you very much.

Constantine Kazolias - 47 Noxon Street – First and foremost, the Mayor's message talks about sanitation fees is not working. For example, in the early stages of pregnancy, the Mayor wants to abort it and not let it proceed to fruition. Let's see it go to fruition and let's see the effects when it comes in. The water meter is a radio frequency microwaves. And it's a passive – it's not on all the time. I'm against the smart meters, so we understand one another. I'm against the ones that Central Hudson is putting up, because they can shut off your power. If this is a smart meter, they can shut off your water too, right? By the way, this is a passive meter and goes on a couple of times a day, not like smart meters on all the time. Read from his statement (see attached).

George Brindle - 8 Mansion Street – I'd like to comment on a couple of things. The City of Poughkeepsie is dying to get some revenue in here, but it seems pretty much impossible. The streets are full of garbage, the sidewalks are full of garbage, people's lawns are full of garbage and nothing gets done. It just gets worse and worse. Another thing I want to mention is the City Hall entrance way we lost. Nothing's getting done to repair this. If you're not going to replace the steps, at least put some landscaping there – it's been over two years, now. The third is, there's a section on Garden and Brookside which is the 3rd Ward...250 feet of sidewalk. Unimaginable! Summertime, you cannot walk this area; you have to step in the street. You can't walk it in the winter...it's full of snow and ice. I don't know who owns the property, but if someone steps off the sidewalk in the winter and gets hit by a car, who's going to get sued? The City of Poughkeepsie. Nothing gets done. We have Sanitation, the Department of Public Works, Parks, Water. What happened to, "If you see something, say something?" Maybe they could help out a little bit. Thanks for listening.

William Dykus - 96 South Hamilton Street – I'm not feeling well. I was a little disappointed in the last meeting I attended with the reception that came across from Ms. Knapp and Judy Green giving us good information. I've worked with them in the past and they always bring good information. I didn't like the way they were treated, and was disappointed in the public by the looks in the audience, as if they were annoyed. Everybody's a little afraid of those that are educated and know what they're talking about. You should keep an open mind and listen to everything you can gather. I admire people like that and thank God we do have people like that. I also just wanted to take this opportunity to congratulate our new members of the Council. Chris, I mean Mr. Petsas used to have a group called the Roundtable – like Judy and Marta, they educated our public and educate us and I really appreciate people like that. I come to the meetings to learn what I learn from you guys, too. I hope everything goes well with the City this year and the next 2 years. Anyhow, I'm not much for talking tonight, so congratulations. Thank you.

Doug Nobiletti - 145 Academy Street – Congratulations to all new Council members. It's nice to see new faces. Read from a statement regarding parking. (See attached).

Official Minutes of the Common Council Meeting of January 21, 2014

Parking Meter Policy Recommendations to the Administration and Common Council

Doug Nobiletti January 1-21-14

Having been one of the motivators to initiate the review of parking conditions on Main Street, I feel compelled to make recommendation to insure that the policy regarding the Muni Metering is done in a way that *helps* not hurts, the local businesses.

As a point of reference you should be aware of the legality of parking metering. They have been challenged in court many times for many years and are considered legal if the parking meters are used for purposes of parking regulation and not for revenue purposes.

" In a 1937 case in Oklahoma, H.E. Duncan contended that the ordinances impose a fee for the free use of the streets, which is a right of all citizens of the state. The Courts ruled that free use of the streets is not an absolute right, but agreed with an unpublished 1936 Florida court decision that said, "If it had been shown that the streets on which parking meters have been installed under this ordinance are not streets where the traffic is sufficiently heavy to require any parking regulations of this sort, or that the city was making inordinate and unjustified profits by means of the parking meters, and was resorting to their use not for regulatory purposes but for revenue only, there might have been a different judgment."

Our administration has publicly stated that the current intent of metering is for the purpose of generating revenue.

The purpose of metering is to insure sufficient availability of parking spaces for the local businesses who are the community's real revenue generators by providing jobs, goods, services and activities.

Businesses provide tax revenue for the city and contribute the necessary environment for a healthy community.

I had provided the administration and prior council with renderings of a suggested re-opening of Garden and Liberty Streets. The Block between Academy and Market is the longest stretch and the most difficult to find parking. These streets used to serve the purpose of giving drivers options when faced with a lack of availability.

Those renderings and suggestions created a controversy when businesses who are accustomed to there being no vehicular traffic loudly objected.

I instead propose we create a short-cut in front of the Main Street Mural to short term parking in the parking deck for Main St business use only. The same can be done with the city owned lot alongside the Dollar store bringing vehicles to the Canon St. parking areas.

AS for the metering my recommendations are:

- 1) 20 minute increments at .25 cents per increment
- 2) An enforced two-hour maximum which will insure the use of the parking deck for longer term parking needs
- 3) Metering from 8 AM to 6 PM to insure residents who will park overnight do not overwhelm parking spaces needed for restaurants and other businesses.
- 4) Alternate side of the Street parking once per side per week to insure the ability to fully and properly CLEAN the street.

Myrtle Shell - 166 North Clinton Street – I just want to make a comment that it totally, totally necessary. The Mayor of New York City – and I have to say, “Thank you,” to him. With the number of hit and runs that they have had, he wants traffic cameras put on, he wants the speed reduced and the traffic patrol increased. You need to do that in Poughkeepsie. You need to do that. My granddaughter, Shaquila Brown was hit and died in March of last year. There was no camera there. So, let’s save lives. We need business, but we need lives, also. So I just ask that the City of Poughkeepsie do these things also. Not only in Poughkeepsie, but throughout the country. Take it to Obama. These are the things we need. We need a nice city, a profitable city, but we need a city with people in it. The traffic here in the City is out of control, and I think everyone knows that. South Road is atrocious; I’ve gone over there to sit and look at the traffic. It’s horrendous. One day, during warm weather, a person was making a left on the highway and the other one was making a right, and they came (showed her hands coming close to represent the vehicles), and there was a young woman there pushing a baby carriage, holding the other child by her hand. I screamed at the one to stop. I’ve gone there at night – it’s darker than night. So, I really want you...I’m not going to suggest it – I want you to implement these things. Not only in that area. I’m sure there are other parts of Poughkeepsie that are just as bad. People need to stop driving so fast. The manufacturers have to stop making the cars so fast. I don’t know if you remember from the television...you can go from 0 to 60 in one minute. But, you can take 50 lives with you. I just thought that when I heard him (NYC Mayor) speak on that. God bless Poughkeepsie and God bless New York. I hope this comes through throughout the country. People need to be able to walk and people need to obey the signs; keep the lights in working order at all times. One gentleman, I didn’t bring it with me, but it was in the Poughkeepsie Journal and that’s what it was. It was about hit and run. And how much people don’t realize it happens. He had well over 1,000 – it was either up to the year 2011 or 2012. He said it’s on the increase. Most of the people don’t stop. That was my main concern of me coming here, when I heard him speak on that. So we need to protect our residents and to protect those who come to our city as tourists, for shopping, driving through, whatever. Thank you so much. God bless.

Roy Winny - 85 North Bridge Street - I believe the Mayor is correct about the sanitation bill. It is definitely not working. I have a two family house, which I don’t rent. It’s only myself and my wife there and I’m billed \$51.00 and I put out one bag of garbage. I recycle all the time. My one bag of garbage (normal size bag) and am charged \$51.00 per month. I will not pay that when I can go to Howard Street and they will literally give you a body-sized bag to that you can put into the dump for free per address, per month and any additional bag after that is \$5.00. As the Mayor said, there’s a recession. The last thing that should’ve been done was to take that out of the City’s budget and put it into the community’s hands to try to pay these people. And the worst thing you did is you took a non-tax service and put it onto my land tax bill. I’m trying to pay my land tax, but I can’t until I pay the sanitation. I have not had them do any labor – they haven’t picked up one piece of garbage from my house. And, for me to pay my land tax, I have to pay a charge for work that wasn’t a performed whether I allowed it or not. I work for Westchester County and have

actually won awards for recycling at my job. I would like for that non-tax service to be removed from my land tax so we can pay our land tax without paying for a service that we have not decided that we wanted...especially, when you can bring your garbage to Howard Street. I take my recycling to work. I win 6 ft. wedges, two at a time at work for recycling. I would like consideration to pay my land tax without having to pay sanitation which has not done any labor in front of my house. Thank you.

Chairman Mallory: Before we move forward, I was educated by the Majority Leader and the Vice Chair that I skipped over Review of Minutes of Common Council Minutes of December 2, 2013.

Motion to receive and print by Councilmember Rich and seconded by Councilmember Petsas.

Minutes accepted 7-0.

Mayor Tkazyik: Mr. Chairman, was the minutes an addendum, or was that an updated agenda or...?

Chairman Mallory: It was part of our packet.

Mayor Tkazyik: Maybe us at City Hall – you guys get the updated, we just show up, right? I'm glad you voted on the minutes.

V. MAYOR'S COMMENTS:

Mayor Tkazyik: I want to thank, and congratulate and welcome our new Council member Tracy Hermann, from the 8th Ward, and to him and his family that are here tonight. I'm glad we have a representative and a full Council slate and body in City Government, moving forward with the people's business. We have some positive news tonight. The Kiwanis Club of Poughkeepsie, although they unfortunately were unable to be here tonight, would like to work on a project with the City to accept a gift from the Port Authority of New York and New Jersey for a steel beam from the former World Trade Center. There is a beam in Dutchess County that was installed in front of the Sheriff's Office, and the Kiwanis Club has approached me, which now has come before me and the Common Council to accept a gift they will be able to present at a later time to talk about ideas, concepts and location. They have thought about an idea possibly putting it down at the circle before Waryas Park. That was one area that they thought of, but I'd asked the Council to accept the gift and we can get into the minutia of the details in working with the Kiwanis going forward, because we have to go through this bureaucratic paperwork with the Port Authority of New York and New Jersey. Also, before you, you will have updates in relation to the parking meters and talk about with Michelle coming up to speak in relation to traffic and lighting. The Chief will be here next week for your Committee of the Whole and he

can speak in relation to the cameras that are out there in the City and at the following meeting, you're going to have an updated project on LED lights throughout the City being replaced, and the cost savings that's going to be in dealing with the lights that are out on Route 9, as part of that project. But, in all of this what people have to remember when we're talking about the highways and intersections and arterials and ramps or 4-Ways into those intersections, D.O.T. regulates a lot of what we can and cannot do in relation to speed. If you notice from Marist to South Avenue to the cemetery, the speed changes, like four times on Route 9, and I know the Chief has argued that with D.O.T. for years and they have yet to the gripe or the accidents in relation to how Marist is at 30 [m.p.h.], then it goes to 45 [m.p.h.] and 55 [m.p.h.], but we do want you to know that we hear your concerns. We are looking at that, and the Chief will be here next week and we can talk about the different camera projects that we have going on – especially lighting, which will be the next topic at the February 3rd meeting. So, I want to thank Michelle for coming and you have to come when we have some updates in relation to some of the projects that you are concerned about. That concludes my comments this evening.

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Mallory: Good evening. First, let me welcome Councilmember Tracy Hermann into the fold of the Common Council as our elected representative of the 8th Ward. This Council looks forward to your input and utilizing your strengths and skills to moving forward with us. Second, this night you will see some Council members conduct Council business via their laptops (even though I'm having difficulty at this time); we are hoping that this will be the norm for those who want to receive their packets electronically. On January 6, the City received a Moody's report, informing the City of a downgrade from a Baa2 to Baa3; a report that is quite clear that this City Council has much more to do. But it should be mentioned and it is mentioned, that a projected small surplus from 2013 and any additional revenue source to address concerns to operating deficits which, the previous Council was actively involved with this Administration. Tonight, the Council will be considering overriding the Mayor's veto, putting the sanitation fee on the 2014 tax bill. Finally, Council is seeking interested residents to serve on the IDA (Industrial Development Agency) and the BAR (Board of Assessment Review) as Council appointments. Letters of interest and resumes must be submitted to our City Chamberlain no later than the end of business on Friday, February 7, at which time selected Council members will review all resumes and conduct interviews when appropriate. Acting City Assessor, John Taylor will assist us in the process for Board of Assessment Review. Thank you.

VII. MOTIONS AND RESOLUTIONS:

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

Corporation Counsel Ackermann: Thank you, Mr. Chairman, members of the Council. Attached hereto please find a proposed Resolution accepting a gift of a steel beam which was recovered from the former World Trade Center. The City of Poughkeepsie was approached by the local Kiwanis Club about accepting such a gift and working in conjunction to create a memorial to those who lost their lives or were otherwise affected by the September 11, 2001 terrorist attacks. The Port Authority of New York and New Jersey have been authorized to make such gifts and have identified a particular item to be donated to the City.

Pursuant to Section 2.05 of the Administrative Code of the Common Council is empowered by way of resolution to accept gifts on behalf of the City of Poughkeepsie.

Councilmember Klein: Thank you, Mr. Chairman. Mr. Ackermann, accepting and then to do what with?

Corporation Counsel Ackermann: Well, at this point, the Port Authority has identified a piece of the World Trade Center that will be shipped to the City of Poughkeepsie. At this point, there's just an agreement that has to be signed by the Port Authority. We have to agree formally, to accept it and then it's my understanding that the City would work with the Kiwanis Club to find a final home for that gift.

Councilmember Klein: Would there be a cost associated with the final home and maintenance of that final home?

Mayor Tkazyik: I believe that is what the Kiwanis is working on. I know they've already worked out an arrangement to have the transport donated by local towing companies who are willing to do it. And, I think that they're ready to come before the Council when they have a final plan in place in relation to ideas for location and costs associated with installation of that or ideas of cost of installation.

Councilmember Klein: How big a beam? How big are we talking about?

Mayor Tkazyik: I don't think they tell us until we give this back.

Councilmember Klein: Is it possible that the City would incur some expense in accepting it or anticipating installing it someplace?

Mayor Tkazyik: We anticipate maybe minor expense. We don't anticipate anything large. We don't have the funds for that. This is an organization that's come forward to ask the City to accept it, so they're dependent heavily on organizations to donate and to contribute towards this project. The FOP did a similar project (Federation of Police) in front of the County Sheriff's Office.

Councilmember Klein: It sounds like a great honor, and so the prospect is that of organizations will raise funds for the construction of the site for the beam to be placed...like it's been done in many other communities.

Mayor Tkazyik: And many other organizations in the City coming forward to do projects. Yes.

Councilmember Klein: Thank you.

Councilmember Petsas: I just wanted to report that I spoke to Randy Ross, who is with the Kiwanis Club, and he believes that the piece of beam will be anywhere between 10 to 15 feet.

Chairman Mallory: Thank you.

Councilmember McClinton: I just want to say that it's a great honor to have this size and in regards to a previous Mayor, who lost a spouse there, so the bickering on where it will be placed or the size is insignificant...is to accept it and appreciate it...that we're even being given that honor, and one of our Councilmen is an ex-fireman, so I say it in great detail, it shouldn't be questioned.

R-E-S-O-L-U-T-I-O-N
(R-14-12)

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, the Port Authority of New York and New Jersey has been authorized to donate certain artifacts from the former World Trade Center to interested parties including municipalities throughout New York State; and

WHEREAS, City of Poughkeepsie is desirous of receiving such a gift from the Port Authority of New York and New Jersey; and

WHEREAS, the Port Authority of New York and New Jersey has identified a steel beam to gift to the City of Poughkeepsie, which is currently being housed in the Port Authority World Trade Center Archives; and

WHEREAS, the City of Poughkeepsie will work in conjunction with the local Kiwanis Club to erect a memorial to commemorate the lives of those lost as a result of the September 11, 2001 terrorist attacks.

NOW, THEREFORE,

BE IT RESOLVED, by the Common Council of the City of Poughkeepsie that it hereby accepts the gift of the steel beam from the Port Authority of New York and New Jersey; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute any and all documents necessary to effectively carry out the intent of this resolution; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

SECONDED BY COUNCILMEMBER PETSAS

R14-12			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 Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember 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.

Corporation Counsel Ackermann: Thank you, Mr. Chairman, members of the Council. In June, 2011 the County and the City entered into an agreement to provide Dial-A-Ride transportation service for the elderly and the Handicapped. That Agreement succeeded any previous agreement for these services. On an annual basis, the agreement needs to be renewed, so those Council members that are returning, have seen this before. The agreement is, for all intents and purposes, the same format. It will be a contract for one year through December 13, 2014. The cost of the service is consistent with prior years, and that amount total is \$33,660 payable in quarterly payments of \$8,415. The service is attached to your Agreement and it's provided on for the City of Poughkeepsie appears Tuesday, Wednesday and Thursday, so 3 out of the 5 days. But, for all intents and purposes, it's the same as last year's Agreement.

Chairman Mallory: Is there anybody her from the County at all to speak on this?

Councilmember Rich: Mr. Ackermann, is it accurate to say that this service we're going to give to seniors...is required by federal law, or state law, or both?

Corporation Counsel Ackermann: This one's not.

A voice off-camera spoke, giving Mr. Rich an explanation.

Corporation Counsel Ackermann: This is not, it is an additional service that the City has provided to the elderly; a door-to-door service and for the Handicapped; those that register for the service and it's just been a program that the City has offered, but it is not federally required.

Councilmember Rich: As a follow-up, does Corporation Counsel or City Administrator know how many of our City residents partake of this Dial-A-Ride service?

The same off-camera person stated they would find out.

Councilmember Rich: The reason that I'm asking is because I recall that the numbers are relatively low.

Corporation Counsel Ackermann: I think that's true for the Para-Transit service. I think that the utilization of the Dial-A-Ride was significantly higher.

Councilmember Rich: OK, thank you.

Councilmember McClinton: Corporation Counsel, this is the ride that the Veterans added to the service and being taken back and forth to the V.A., is it not?

Corporation Counsel Ackermann: That's correct.

Chairman Mallory: Now, this is just an annual agreement?

Corporation Counsel Ackermann: It's an annual agreement. The Council requested, obviously agreed to the extension of the service. The original Agreement was from 2011 and prior to that the original Agreement prior to that was from 2005. It comes before the Council every year in January.

Chairman Mallory: And, we're utilizing Loop bus, itself, because there's a need in other communities as well? The Loop Service, I should say.

Corporation Counsel Ackermann: Yes. The service provides if is door-to-door service, which is not the same for our regular transportation service and it's specific to certain areas, towns, Walmart...specific locations that are identified that are important to seniors for their travel to those locations.

Chairman Mallory: Thank you very much. So this one, in and of itself, if the City so chose to look into enhancing our service to provide this, is there something...we could look into that situation. In other words, with this Agreement, in and of itself, it's annual. And if we decide to look into, say a week would pass, probably work or provide this service, it's something we could consider.

Corporation Counsel Ackermann: Yes, and in the past I believe that, at the direction of the Council, the City had looked at other options to provide this service without necessarily contracting with the County, but after those studies, it was renewed with the County.

Councilmember Klein: Thank you, Mr. Chairman. Mr. Ackermann, the \$33,660 that's the annual contribution of the City of Poughkeepsie – that would be the contribution this year?

Corporation Counsel Ackermann: That's correct. That's the annual contribution.

Councilmember Klein: Is it the same contribution as last year?

Corporation Counsel Ackermann: Yes, that's correct. That's the annual contribution. It's the same dollar figure.

Councilmember Klein: So, this is a year-by-year contract?

Corporation Counsel Ackermann: Correct.

Councilmember Klein: And, I gather that amount is in the budget?

Corporation Counsel Ackermann: It's been budgeted for, correct.

Councilmember Klein: Thank you, sir.

Councilmember McClinton: That's what I was saying. It's already been budgeted for. It's not anything extra and we're not looking at a duplication of services.

Corporation Counsel Ackermann: No. Our transportation system does not do door-to-door service.

Councilmember Hermann: Corporation Counsel, given that we have not yet been privy to the exact numbers of users who utilize this service, would it be safe to assume that, if this service as not in place, there would be a fair number of seniors who would not have access to transportation apart from this service to the areas they typically visit?

Corporation Counsel Ackermann: Yes. From my understanding at the review, I know the last...last year, when we entertained this resolution, there were representatives from County transportation (Cynthia Ruiz) was here and I believe that it was a service that was pretty heavily used by seniors and the disabled. I know that there is the Para-Transit which we're required to provide is a less utilized service, but from my recollection, the Dial-a-Ride was pretty popular among the seniors.

Councilmember Petsas: Just for my understanding, we don't know if we're serving 3 people or 30 people a week or 100 people a week?

Corporation Counsel Ackermann: I don't know that answer.

Councilmember Petsas: So, it's very difficult for me to...in a City that's in a tight budget situation, vote to expend \$33,000 not knowing if we're servicing 3 people or 300 people. So I think that's information that's relevant, to be voted on that. I just want to say that these things, these resolutions even though I've only been here two weeks, seem to come before us without a lot of information behind them, so I'm concerned with that.

Mayor Tkazyik: Mr. Chairman, packets go out 4:00 p.m. on a Wednesday. I suggest Council members read them Wednesday and Thursday and contact City staff or e-mail us for additional information before your Monday or Tuesday night meeting. I was very influential as a Council member to get the packets pushed back to Wednesday. I used to get them on a Friday. But, then again, Colette just told us how to vote...right, because that's what everyone believed. Get 'em on a Wednesday, review them, call City staff, we will get you the additional information that you need in relation to vote. Dial-A-Ride is a very important service to seniors and veterans throughout the County. We need this as an additional measure to offset our regular transportation needs, but we will be happy to provide the transports to you.

Councilmember Petsas: My understanding was that there was to be County reps at this meeting that I could ask those questions to, so being that there are no County reps, I don't have answers to my questions.

Councilmember Klein: Thank you, Mr. Chairman. I do recall, on my prior service on

the Council, we did have presentations from Cynthia Ruiz. The name is familiar to me and I do recall that. I do recall that presentation made by County personnel regarding this issue as Ms. McClinton inquired, it was a vital service which certain people would be stranded. And, I believe that was some of the substance of the presentation in 2010 and 2011 regarding this...this issue.

Chairman Mallory: With that said, yes, we should have representation here, but Deputy Finance Commissioner, could you make sure, regardless of how this vote turns out, that we do have the numbers and all?

City Administrator Bunyi: I just want to remind the Council members right now that, if you remember about last year's conversation about this, the City was only at 2 days and it was the Common Council that requested we went to 3 days, because they felt there was a need to go to 3 days.

Councilmember Johnson: Having Maplewood and Schwartz in my ward, I know seniors depend on this. I know my seniors and constituents can utilize and benefit from affordable transport service, so I'm in favor of this resolution.

RESOLUTION (R-14-13)

INTRODUCED BY COUNCILMEMBER RICH

WHEREAS, Article 5G of the General Municipal Law encourages cooperation between municipalities and allows for contributory funding; and

WHEREAS, the Dutchess County Department of Office for the Aging has run a joint service transportation system for various municipalities which service provides door to door transportation for Senior Citizens and Handicapped individuals to a number of locations through Dutchess County ("Dial-A-Ride"); and

WHEREAS, on or about June 11, 2011 the City of Poughkeepsie and Dutchess County entered into an agreement for County to provide Dial-A-Ride transportation services in the City; and

WHEREAS, the City of Poughkeepsie is desirous of extending this agreement with the County to continue providing Dial-A-Ride service in the city; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council hereby approves the extension and modification of the Agreement previously entered into by the City of Poughkeepsie and the County of Dutchess for the delivery of Dial-A-Ride services in form and substance as provided in the attached "Amendment & 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 PETSAS

R14-13			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 Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember 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.

Chairman Mallory: What is before us today, is one of the appointments that Council has that I mentioned earlier...about the IDA and the BAR. At this particular time, we have two appointments for the Joint Water Board. It is an essential Board nominees for us, in making sure that proper representation with the Town of Poughkeepsie. My name had come up beforehand, as far as discussion with the Mayor and what I've discussed with caucus as well and the Mayor's name has come up as been a previous appointment by future Council or by previous Council members on that. Today, is both our names as selection as Council's appointees. I can safely say that we need representation on this Board. We have some serious meetings that have come up (if I'm not mistaken) from the Mayor dealing with IBM very soon. And so, at this particular time, both myself and the Mayor's name has been put down as Council appointees.

Mayor Tkazyik: Good overview, Mr. Chairman of the Board. I would just say for history's sake that, I guess it's been tradition that the Council has appointed the Mayor to the Board. There are three members to the board. The Mayor does get an appointment to the board, and the Council gets two appointments. However, I don't think the Mayor has ever appointed themselves. So, the Council's always appointed the Mayor. I've served on the board now for 7 years along with Supervisor Tancredi and then with Supervisor Meyers, and Council Chairman Mallory is correct. It's a board that the City must have a strong presence on in relation to IBM, third party sales, County Wastewater Authority and ongoing workings of the Joint Water Plant that we share between the City and the Town of Poughkeepsie. So, I would thank the Council again, for their consideration of a Mayoral appointment to this board, and we will look forward to serving with Council Chair Mallory in relation to having again, a strong presence from the City of Poughkeepsie to this joint venture with the Town. Thank you.

Chairman Mallory: Mr. Mayor, before I ask anyone if they have any questions or have a vote on this one, who has been your previous appointment to this?

Mayor Tkazyik: Oh, sorry. To my knowledge, going back to Mayor LaFuenta, all Mayoral appointments have been the City Engineer, Rich DuPilka. Rich has the most knowledge in relation to the infrastructure and regulations in relation to the decisions that

get made, whether they come from the EPA, County Health Department...so the Mayoral appointment has always been the City Engineer, which is Rich DuPilka, and Rich has served on the Board...he's been with the City 36 years – I don't know how long he's served on the Board. I think '95 when it was first created. He's been on since the beginning.

Councilmember Rich: Mr. Mayor, this IBM possibility – what is that about, exactly?

Mayor Tkazyik: Well, there's an agreement, which now...the agreement wasn't directly with IBM. The agreement was actually with the County Wastewater Authority and the County Wastewater Authority negotiates the party sale to IBM. And, you know years ago, the pipeline was added down Southern Dutchess to make sure that we could administer third party sales down the line, and IBM happened to be one of those customers. So, IBM is now at the table to renegotiate...particularly, in relation to now the City's mandated upgrade of the ozone, which is a \$20 million expansion project to the plant. IBM is looking for future overall future use in relation to volume of water they can take and of course, meeting the overall regulations to producing potable water, I guess is the clearest way to describe it, so those negotiations have been ongoing. We had thought we'd get something to the Council actually, last year, but they've been ongoing with the Town of Poughkeepsie. Rich, from the City, actually serves as a member of our board, with special Counsel Scott Volkmann, who represents the Water Board and Mark Newton, serves on the negotiating team for the Town of Poughkeepsie. And the Joint Water Board is now in the process of getting a full, updated report on what we think is a draft contract of terms with County Wastewater and IBM. So, over the next month or two, I would say that the Common Council would have to review that and approve that negotiation. For those of you who are new to that process with that, the Joint Water Board, in relation to decisions that get forwarded; whether it be the budget third party sales agreements, all three parties must agree, in order for it to pass...Union Contract, budget, third party sales. So, Common Council, Town Board, Joint Water Board, so normally, they would begin the process at the Joint Water Board and if it was then successful, it would then be transmitted to you guys and Water Plant Administrator, Randy Alstadt would explain and with the orientations coming up with the new members plan, a tour of the Plant and an explanation to that will be forthcoming from the Water Plant Administrator. Thank you.

Councilmember Perry: Thank you, Mr. Chairman. I would like to see the Mayor remain on this board. Also, the Engineer, since they have the most experience in dealing with the water and that the water is very important resource for our city, so it's good to have experienced people looking out for the City. Also, Mr. Chairman, since it's decided that you should be on there, I think that all three gentlemen would be suitable for this. Thank you, Mr. Chairman.

Councilmember McClinton: I am in contention with Ms. Perry. I think it's a very sensitive area; water's vital here in the City of Poughkeepsie and having our Chair there, as well as our Mayor gives us an upfront and close and personal perspective on it and will have a new flounce on it, and the expertise of the Engineer is what we need. We need

people who know what they're doing...have been involved with it. Not someone new, not experienced in that area because it's about knowing what you're expected to do. Especially, since the various like that negotiations, contracts, budgets. Those things are what ought to be considered it's going to bring in revenue in the best possible way to move Poughkeepsie in a forward manner. So I'm in favor of the resolution of the Mayor, as well as Mr. Mallory and the Engineer being placed.

Councilmember Petsas: I just want to say that, when I ran for City Council, part of my platform was that we would get new people involved in city government; that we would inspire them to get them involved in the Planning Board, the Zoning Board; that we would inspire the community to get more involved in the government of the City and so, I think that appointments to this board and future boards should be a combination of both experience and new faces – people that want to get involved. I'm not too sure that politicians on the Joint Water Board are the best experienced on the Joint Water Board. Perhaps a scientist...somebody that actually knows E-coli levels - we had a breakout recently...someone would be better suited in the future, for us to have a balance of new faces and experience and I don't think this resolution does that and, therefore, I will be voting, "No."

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

INTRODUCED BY COUNCILMEMBER RICH

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, the term for the current members appointed by the City to the Joint Water Board have expired; 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;

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 a three (3) year term:

**Mayor John Tkazyik
Robert L. Mallory, Jr.**

SECONDED BY COUNCILMEMBER PETSAS

R14-14			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 Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember 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 type="checkbox"/>	<input checked="" 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"/>

VIII. ORDINANCES AND LOCAL LAWS:

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. FROM ACTING COMMISSIONER OF FINANCE SORRELL,
November 2013 Financial Report.

Acting Commissioner of Finance Sorrell: In your packets, you should have received the information. If you have any questions for me to address...?

Chairman Mallory: As we're looking, can you highlight anything for us that stands out...for the report?

Ms. Sorrell: We are looking, as noted as well, for potential surplus that's been our goal all year. As far as the General Fund is right now, in this report, and as we've known, we do see that there will be a surplus.

Question and Answer period followed. The surplus was projected to be between \$100K and \$300K.

2. FROM CITY ADMINISTRATOR BUNYI, an update regarding the parking meter project.

City Administrator Bunyi: Good evening, members of the Common Council. As you know, in the budget, the Common Council adopted the revenues for \$1.3 million, plus from revenues from the parking meters. We are now at the last stage of not only the pilot, but also, the request for proposals. There is some good news that we have to report to you. We had four companies that turned in proposals. What we presented to you at the budget, was an average of \$12,500 per meter. It is now coming in at about \$10,300 per meter; a savings of about \$2,000/meter – times 50 meters. That's \$100,000 that we are saving from the cost that was adopted in the budget. Another thing is, we feel very good and hope to award the RFP. Everybody has had a share in looking at it. The Police Department has looked at it due to enforcement issues. The Finance Department is looking into it for cost, due to the amount budgeted and the financing for Lease to Own. The Engineering Department is reviewing it for the plans being presented for reliability,

sturdiness of the equipment, and the company we currently are using in the pilot will probably not be the one considered because of the equipment requirement they have which forced us forcing the City to put the meters against the wall. Two negative issues resulted from them being placed against the wall. The first one is that people cannot see it. The second issue is, in some cases, the solar panel is under a canopy, so we've had to replace the batteries almost on a daily basis. That is not normal. We have three other companies that have put in a proposal. They do not need the type of grounding which was required from the current one used which put us in conflict with Central Hudson and our own water system. There's a lot of things we're looking at. Once we pick a company we want to deal with, we are still in a position to negotiate for lower pricing. All four candidates have vast experience, numerous references and two of the companies are widely known throughout the country. One is very big in the south and the mid-west. The other one is very big on the west coast and east coast. In both cases, these companies literally installed thousands of meters in the last 4 or 5 years. We feel that we have a very good sampling of requests for proposals.

3. **FROM EMPIRE STATE STRATEGIES**, a notice of intent for A4 International Ent LLC dba MidTown – 319 Main Street, to obtain a Liquor License. **Referred to Corporation Counsel**
4. **FROM GARIBALDI RESTAURANT, INC.**, a notice of intent for 452 Main Street to obtain a Liquor License. **Referred to Corporation Counsel**
5. **FROM GLEN F. KUBISTA & ASSOCIATES**, a notice of intent for 395-397 Main Street to obtain a Liquor License. **Referred to Corporation Counsel**
6. **FROM CLAUDINE PARKS**, a notice of property damage sustained on November 1, 2013. **Referred to Corporation Counsel**
7. **FROM JAROSLAW WYSOCKI**, a notice of property damage sustained on November 8, 2013. **Referred to Corporation Counsel**

X. UNFINISHED BUSINESS:

Councilmember Klein: Mr. Chairman, I just wanted to ask the City Administrator if there's anything further to report in regard specifically, regarding the street lights that are subject so much to DOT control. Anything further to report regarding negotiations, Mr. City Administrator?

City Administrator Bunyi: As far as negotiations, there is nothing new. However, I think we shared with Mr. Mallory, that on February 3rd you will get a presentation that will (hopefully) address not only the lights that we were talking about, but we are also talking about using LED lights to reduce the cost to the City. A study has been completed. It will be presented to you. Right now, the City pays about \$60,000 in

electric bills to Central Hudson for street lights. Based on a study that's been made and discussions we've had, we figured that we could save at least 60% of those by going to LED's. Also, as part of that deal, we've asked that the lights on Route 9, Academy Street, those by Vassar Hospital and all that be addressed as a separate issue, because we figured that the savings should help us address those issues. I just wanted to let Mr. Klein know that we got a report this afternoon from Pat Coyle. The eastbound section of those lights have been fixed at the exit by Vassar Hospital area. The westbound is now out. We're going to have to wait until the weather gets a little better to begin digging to see what the issue is. But, it is all part of the presentation that you have next week...I mean in two weeks.

Councilmember Klein: Mr. Chairman, may I inquire about the item that was removed from Motions and Resolutions, which was originally under number 1? Would that be under Unfinished Business or New Business, if I had a question regarding that resolution being removed?

Chairman Mallory: I would think it's New Business.

Councilmember Klein: That's fine, Mr. Chairman. If no one else has...I just have one more and I will, of course, defer to Mr. Petsas.

Councilmember Petsas: No, go ahead, please.

Councilmember Klein: We continue to hear about the water meters being radioactive and problematic from a health perspective and I'm just wondering if there's a way for the City to provide information that will reassure our citizens. I hear from a number of people that there's a DVD. Films have been made about certain issues, which have been doctored. For instance, there was a famous film made, "Gasland," about hydro-fracking. It showed someone lighting their water from the kitchen tap, or methane bodies of water where lighting them up is a natural occurrence that occurred long before the Industrial Revolution was over. Since installation of these meters is an ongoing process, is there a way for us to have information disseminated that will put to rest the issues of the claims of alarm that these meters are dangerous to health?

City Administrator Bunyi: First of all, we are 60% done right now, and if you take away the abandoned buildings, the 2 inch and 1 ½ inch meters, we're looking at almost 70% of our meters are almost all done. That's number one. Number two, I think we posted on the website, Facebook and Twitter, a response that was formulated by the City, based on the facts that we had gotten from the World Health Organization to combat what we feel is misinformation. I think Mr. Gus Kazolias has a piece of paper that's worth everybody looking at, because it does address the difference between a Smart meter and the meters that we are using. We are using basically, a passive meter which means...it doesn't mean emit any information or radiowave until we, the City, decides to call it. If the City dials up that particular meter to find out how much they've used, that's the only time it answers us.

Otherwise, it sits there resting, waiting for someone to talk to it. The Smart meters are, just like Mr. Kazolias said, “It’s a 24/7 system that is running all the time and “pinging” all over the place whether you need it to or not.” The second thing is, the electric meters are run by electricity, whereas, the water meters we have are basically run by battery – no different than the battery you have for your hearing aid or flashlight. So, we have posted those on the website. We are coming back with a “Part Two,” but we just wanted to get it out there right off the bat. If you go to the City of Poughkeepsie’s website: cityofpoughkeepsie.com, I think the people who put it together have a very solid definition of what our system is.

Councilmember Petsas: To piggyback on Mr. Klein, obviously, this DVD is being shown at various locations. It’s been shown twice at the library; it’s being shown this Thursday at the Public Safety Building so, 10 people in a room watching the DVD, or 5 expands into 20 friends and family, so I’ve been getting a number of phone calls. So, my request is, “Can we have somebody from the company come to the City Council meeting so we can ask them the questions and put this to rest, because it is very, very confusing. You have City Hall saying one thing, and this group of people saying another, and I think we just need to get everybody in this Council Chambers together to be able to ask the questions that are pertinent and to get this resolved because this is going to “mushroom,” a lot more if we don’t try to “nick” it.

Mayor Tkazyik: We have no problem.

Chairman Mallory: Neither do I.

Councilmember Rich: I watched the DVD at the library, which is in the 2nd Ward. It was well done and I think came from the west coast. After the film there was discussion. I said, “definitions.” I do not believe our water meters or the Central Hudson electric meters are dangerous because we would’ve heard about them. The Dutchess County Legislature is going to have the Health Department look into this question of Smart meters as we speak. I was criticized for saying that I didn’t believe the meters were dangerous. I was told that I didn’t know what I was talking about, that I was ignorant and shouldn’t say things I don’t know. I don’t like being belittled or told that I’m an idiot. I think they have to have proof of their claim(s); the burden of proof is theirs, not mine. I don’t think they should try to scare people without such proof. If they’re right, they’ve done a great public service, but if they’re wrong, they’ve done a great public disservice.

Councilmember Hermann: Thank you, Chair. I’ve heard a lot about this as well and understand a lot of these documentaries can create fear mongering. I was a big fan of “Gasland.” I didn’t realize that it had been doctored. Thank you for setting the record straight.

Councilmember Klein: It was doctored. The producers actually acknowledged they had doctored it.

Councilmember Hermann: That being said, but public perception is everything, and putting something on the website there is something called the “digital divide,” which means that a large percentage of our population does not have access to the web and to that information. So, in addition to providing for the company, I would strongly advocate having an objective (non-subjective) participant – professional... maybe from the Health Department who could also be here in more of a public forum to discuss the pros and cons of what we do, indeed, we have to put some of these concerns to rest.

Chairman Mallory: We’ll look into that.

Councilmember Perry: Supports what Councilmember Petsas said, in that someone should come and explain these things. She wants the public to know that when they come to Council meetings to speak, she and the other Council members are listening. One of her constituents recently came to speak about the death of the woman’s granddaughter, resulting from a hit-and-run. This brought up the fact that the City needs to have more cameras installed. She asked the City Administrator if it was a consideration.

City Administrator: Stated that Administration had been approached about installing cameras on the major arteries of the City and will entertain having conversations with that company. Also, the sidewalks have been mentioned as being dirty, etc. Sidewalks in some areas are not being shoveled after it snows, and pedestrians cannot walk on them. There are senior citizens, children and mothers pushing carriages that need to use the sidewalk. If one person has to clean the sidewalk, then everyone should have to.

City Administrator Bunyi: If members of the Council give me a call and find that the situation still exists, we will definitely contact Mr. Johnson and send him there to report as soon as possible, to get a complete picture. I’ve talked to other Council members regarding situations in their wards. I’ve had conversations with Mr. Johnson, telling him to be more aggressive in terms of addressing these issues.

Mayor Tkazyik: I just wanted to add, but Ms. Perry you can finish.

Councilmember Perry: You may speak, Mr. Mayor. I have a little bit more.

Mayor Tkazyik: Thank you, Ms. Perry. I just wanted to follow up on what the City Administrator said. The process of abatement is one part, in relation to the violation getting out, but I have to be honest. We can’t keep up with the number and the manpower in order to abate them in-house. The growing number of vacant properties, the growing number of sidewalks that are not getting cleared. And, in the summertime, the growing numbers of areas of the City vacant properties that are not getting mowed and the City-owns and us not being able to keep up with our regular duties of park maintenance and the arterials, the growing number of abatements from private property owners and vacant properties has really put a toll on the workforce

on top of its regular duties. Prior to me becoming Mayor, the City used to contract this all out. It cost about \$300,000/year. Lawnbody's used to come in and do the sidewalks, cut all the weeds...did everything, sent the bill and [we] paid for it. I'm not saying that's the direction to go, but I'm saying depending on our manpower and workforce to keep up with that, on top of the regular duties, giving the large amount of properties of people that are walking away, we can't keep up with the amount of people that we have in order to do it. By the time we get the Violation Notice out, to the time to get it done, it's already melted. So, I think this is something we're going to seriously look at, and maybe there is a portion of this work that needs to be generated outside of our workforce. I'm not saying the cost can't be covered with the violations that go out to be generated, but it's a toll on the manpower, and it's growing, and it's growing into something we can no longer keep up with. And, it goes for the summer as well. I just wanted to add that as part of this discussion.

Councilmember Perry: I listened to one of our residents say that there is no transparency regarding the sale of City property, and they felt things are being hidden. Is that the case?

Mayor Tkazyik: We publicly advertise the properties we choose to have on the City's rolls, in order to sell for public offer. What was before you on the agenda that was removed, for the next meeting or for more information, which Paul's going to get you guys were properties that were the Tax Lien Sale properties that were in the third year that did not get redeemed. So now they fall back into our lap and as many of you participated in the last City auction, thought that the City is getting more bang for your buck by auctioning these City properties, rather than getting the small offers here for the Common Council to decide. It also makes it maybe a fairer way to relinquish of City assets through the auction process. However, the City does reserve the right to withhold certain properties that may be available or may be on the list as City-owned. There's IDA properties, there's PURA properties, and there's properties in which we feel, may need to hold back for development reasons or for areas in relation to what's in the neighborhood. So we do make available properties that we feel are eligible for sale to the City and there is a legal process for that and Mr. Mallory, if Paul would like to add to that...since his department handles it.

Corporation Counsel Ackermann: The only thing I could only add to just clarify the misconception, at least in the public, that we have about (at any given time) 400 or 350 abandoned, vacant properties. I think the general misconception is they're City-owned properties and that's not the case. A lot of these properties are privately owned. We know and have identified them to be vacant - most of the time abandoned. If the banks continue to pay tax on them, so the City does not have any legal responsibilities. They do not foreclose on the properties because they don't want to take to liability for it. The property owners have walked away from them, but they are privately owned not City-owned. A fair majority of properties owned on that list, fall into that category. What was before you, and what will be before you is a list of about 36-38 properties. Many of them have been...the liens have been sold at auction and have not been purchased. The Right-of-Redemption has come and gone

at this point. The majority of properties at this time, the City does not have legal title to, but has an enforceable lien where we can by take legal title to those properties, we will for the purpose of auctioning them off. We have, in the last 5-6 years sold the majority of the properties that we once held. There are, at any given time, very few properties that the City continues to maintain, some of the properties have been held in the past for purposes that it was assumed to be a governmental purpose and now revisiting them have decided that there is really no municipal purpose for those properties and will be auctioned off. But, at the beginning of the year, we come into more properties because of the Tax Lien Sale, but if you ask me...after the last property auction that we had, we had maybe a handful of properties and that's it. Probably at the time where the list was requested, that was the case but, it's a public record of any properties that the City owns. Anybody can go and find out exactly what properties the City does own. There's no secret. It's not hiding those properties. It's readily available as public record, and as we come into properties we internally, whether or not a decision is made it's going to be used for municipal purpose or if it's no longer needed for municipal purpose, then excess properties are going to be auctioned off.

Councilmember Perry: Thank you for that explanation, Corporation Council because so many times, people have asked me why the City wasn't selling all these abandoned properties. I don't know which ones the City owns, and they don't believe me, so thank you for explaining that.

Corporation Counsel Ackermann: Once the City approves these properties, they will be advertised on our website, through other print – they're going to have to be published in the Poughkeepsie Journal and distributed for several weeks. We have retained an auction company to actually conduct the auction. They have ways of advertising the property – not only in print, but through their websites and their connection with the websites. So, they're fully advertised. I don't think that there's anybody that can claim that we don't do a sufficient job of advertising. But that will not occur until it's approved by this body to sell them.

Councilmember Perry: I have one more question about the bus service. I have been asked a hundred times if the City and County are going to merge and I don't know...I don't have any answers. Does anyone know?

Mayor Tkazyik: We have not heard a response from the FTA in relation to a formed proposal of expansion of service – merger is not the word to use. It is an expansion of service. Once we get that back, we'll have more to report. That was submitted to them in October and we still have not heard back from them. So, until I get a response from the FTA, I cannot tell you any further detail.

Councilmember McClinton: To go back...a long time ago, when Councilman Rich as well as Councilmember Petsas mentioned about the DVD and also, Mr. Klein, when it first came to the two constituents in my ward, they contacted me and I

watched it. It was explosive and can cause a lot of public hysteria. It's dangerous to pass off information to pass on to other people. It's dangerous when you don't have enough information when some people say one thing and others say something else. Some people don't have access to the website, so being their elected official, I was asked (through proper channels) to attend a showing of the DVD. I will be there; it will be a controlled meeting. I warned them, as Councilmember Rich said, he was insulted. That was not my doing. I said that if they were going to present it, to present it in a very respectful manner. Please understand that some people will not believe you and will not want to comply, but Mr. Bunyi said we're already practically at 70% completion. If it becomes a factor, we'll cross that bridge at that time, but the meeting is for 6th Ward residents, to meet and greet me, again. So, I'm setting up different things in my ward and using this as an opportunity as well, to show the DVD. If they have issues with it, they will be addressed appropriately. If the Health Department gets involved, that's fine but, it's not my intention to enflame my ward, the City, my fellow Council members or anyone else with offense. It is my ward and I will be there to address their concerns and find out what it is they're asking – whether it [should] be stopped or not. But, I think, the main problem that they're looking at Mr. Mayor, is the fact to opt-out. If they don't want it, will they have a choice to keep the system they're in? That's a different matter. But, I will not allow you to scare the “pants off” of everybody in the City that you're going to die...that this meter is like a spy system because of its abilities from the DVD, as Mr. Klein stated. It goes as far as saying that you know who I'm talking to on my cell phone, what TV shows I watch, who I'm with and any health issues as well. It's like a “Big Brother” situation in its finest as you watch it in detail. It's like Councilmember Perry says. I get a lot of crazy phone calls from concerned citizens. I'm careful not to make statements that I can be held accountable for because if I don't know what that decision is then I'll tell them I'll have to get back to them once I find out. Where it lies at this time, I reiterate that there's no answer to give to them and that there's a process and that they need to keep up with the media, attend the meetings, write letters, see or call who you need to, but to make a blanket statement that there's a merger...which is not what you said, Mr. Mayor, is not the case. It's an expansion of service. Merger and expansion are two different things. So you have to make that clear. This is what I try to do when I speak. That they're very clear and precise, of where I'm saying and where I'm coming from. I didn't tell you merge; what I said was that it was an expansion of services. I'm looking at the feasibility of it. But to say there's going to be no transportation to the City of Poughkeepsie is absolutely outlandish. We have to comply with not one sect of the populace, but the entire [sect]. Some people are in wheelchairs, others with different issues, so what you asked is an improbability...that's not what's going to happen. You need to follow things. People have a way of enflaming things and creating issues when they don't need to be. Certain things are “City,” – certain things are “County,” – know where you lie at. Know your responsibilities and what you can and cannot do, and I keep it “real” with them. When we're approached, Mr. Mayor and don't know the answer, although we're expected to know the answer, we need to be professional and tell them, “I don't know right now, I'll get back to you,” being careful not to throw out names to go to for help. Our Charter books are our guides. I have a particular

business in my ward that's out of control, so I went to my Charter book and see what we need to do in order to be responsible. You need to check the information before responding so that you give the correct answer (not a wrong one). That's another reason I'm having a meeting on Thursday, at 6:00 p.m. I'm having the meeting so people can tell me what the issues are in the ward so I can address them. I just want to make it clear that it is not, and will not be a time just to show the DVD on Smart meters.

Councilmember Klein: Getting back to the item that was removed from the agenda, regarding auctioning of City properties. May I just inquire, Mr. Ackermann, are you and the City staff available to explain that further, if any other members of the Council have questions regarding these properties?

Corporation Counsel Ackermann: Yes, absolutely. We'd be happy to meet with any member or anybody who has questions with regard to it. There was a request for some additional information, which we've gathered a majority of that. The Assessor is working on one piece of that information, and I'm going to have to give you guys that information; now seeing you're new in regards to the Council and the auction process, I think maybe this explanation will help with that additional information.

Councilmember Klein: Thank you. Mr. Chairman, may I request that our Council...

Chairman Mallory: Wait. Are you going into what I feel may be new business? About...(inaudible)...

Councilmember Klein: We discussed that before. I just was going to ask that Council members avail themselves of City staff and Mr. Ackermann and would respectfully request that the Chair would consider placing the resolution on the agenda for next meeting.

Chairman Mallory: And, if we get that information and everyone's well informed, it will be, but that's already been explained to everyone in the e-mail.

Councilmember Klein: OK. I appreciate the time, Mr. Chairman. Thank you, Mr. Ackermann.

XI. NEW BUSINESS:

Councilmember Rich requested that **Commissioner of Public Works DuPilka** and **Sanitation Inspector Scott Johnson** come before the Common Council at a meeting to discuss the effects and success of the efforts that have been taken for recycling and the efforts that will be taken in 2014 for recycling. Second, **Councilmember Rich** made a motion to override the Mayor's veto of Local Law LL-13-4. It was seconded by Councilmember Petsas. Councilmember Rich handed out the following:

COMMON COUNCIL OVERRIDE OF MAYOR'S VETO OF LL-13-04

Submitted by Joseph Rich, 2nd Ward Councilmember and Vice Chair.

DATE: JANUARY, 21, 2014

Whereas, LL-13-04 was passed by the Common Council on December 17, 2013 and then submitted by the Chamberlain to the Mayor on December 20, 2013. The Mayor then chose to wait to veto LL-13-04 until January 17, 2014 which was after the 2014 Property Tax bills were already sent to property owners of the City

Whereas, the Mayor stated he vetoed the local law knowing that: "I understand the desire of property owners . . . to include the sanitation user fee on their tax bill so that this item can be included as a tax deduction."

Whereas, the Mayor states that: "The Finance Department has stated that the current computer system cannot support the collection of payments this way." Yet, the City has upgraded its computer system at significant expense, The City has a Computer Dept. with five fully qualified individuals, as well as an Audits and Accounts Dept and a Finance Dept.

Whereas, the Mayor received a report by MSW Consultants on October 13, 2011 which states: "In the professional opinion of MSW Consultants, it is in the best interest of the City and its customers to establish and implement a fair, equitable, and defensible rate structure for the provision of refuse and recycling collection services to both single family and multi-family dwellings." Yet, the Mayor submitted his 2013 City Budget with a proposal to privatize sanitation services leaving every property owner to hire their own private contractor.

Whereas, the MSW Consultants Report of October 13, 2011 clearly states: The City could use property tax bills as a billing mechanism . . . Numerous municipalities in New York state have established a user fee that is included on annual tax bills" Further, the Common Council during 2012 and 2013 was repeatedly told by the City's Executive Branch that a user fee on the property

tax bill could possibly be illegal. No such statement of potential illegality is included in the Mayor's veto.

Therefore, be it RESOLVED that the Common Council does hereby override the Mayor's Veto of Local Law LL-13-04 and request that the Executive Branch proceed to carry out this Law in a timely manner.

Respectfully submitted this Day of Tuesday, January 21, 2014 by vote of the City of Poughkeepsie Common Council.

Robert Mallory, Chair

Joseph Rich, vice-Chair

City Administrator Bunyi: The Tax bills already went out by January 15th (a requirement of the Charter). The Sanitation bill is also out. Two issues arise. If we reissue the Tax bill with the Sanitation bill, we would have to reprogram our system. It may take us a couple of weeks at least, to reprogram our system to accept the Sanitation into the Tax bill. So, we have already passed the requirement to have our Charter to have our taxes out by the 15th of the month (January). The second issue is that, when we passed the 2014 Budget, one of the agreements made with the Common Council and Administration was that we would wait for the collection of the delinquent Sanitation bills from 2013 and figure out the impact on the 2013 Sanitation fund and review, after the first quarter and find out what the final Sanitation rates would be. When we put out the Sanitation bills, we wanted to put them under the old rate for the first quarter and after the first quarter, it would have to be reviewed. Had the Sanitation bill be included into the Tax bill, that would've locked us both in to the \$25.50 for the single family home, \$51.00 for the two-family home and basically, we would have accepted, regardless of whether or not we're short, we would have accepted the shortage for 2013. But, if you remember, when we passed the budget, the 2014 Budget for Sanitation was imbalanced, with the idea that we would review the rates after the first quarter to determine what the true numbers should be. So, there was no way we were going to attach a 2013 rate into the Tax bill without the possibility that we would never correct the 2014 imbalanced Sanitation fund.

Councilmember Rich: December 17, 2014, [2013] a day that had many votes. First, the budget vote. Then we passed this Local Law to amend the user fee in garbage pickup. You were placed on record for many months before then that this is something we wanted, but instead of cooperating with the Council, as you should, you decided to hold this up for veto for almost the full 30 days knowing full well that the veto would come in after the property tax bills were sent out, therefore, making it extremely difficult. The Council did not cause this problem, Mr. Bunyi. The executive branch caused that problem, sir. Let's get that straight, sir.

Chairman Mallory: Can I just add onto that, in itself, with the question of getting out the Tax bill. The number I had or date I had was the 12th. If you're saying it's the 15th or the 12th, I'm not going to minimize 3 days. But, the fact of the matter is, since December 19th, when it was voted on...yes, the Mayor has his prerogative of 30 days. That's not in issue. The fact of the matter is, you, yourself had shared that a decision had to be made before the tax bill came out. Now, the Tax bill has come out as well as the Sanitation user fee and you're mention now about a hardship that it would put on the department itself and with that said, in a timely manner, a decision could have been made – less than 30 days. In a timely manner, the option could have been given to the Council could have to override, if it so chooses. In a timely manner, it still could have been put onto the Tax bill accordingly, without this hardship. Now, with that said, if I don't want it to be put on because something went out now after the 15th mailing, (and we're attempting to change it) that it was on the Council that made this hardship.

Councilmember Klein: Thank you, Mr. Chairman. May I ask Mr. Bunyi, Mr. Mayor, Mr. Corporation Counsel...isn't it the fundamental problem is beyond when the bill went

out or when the veto was made? The fundamental problem is that Sanitation bills go out and the money from those that's supposed to be paying those bills that's needed to pay the members of the Sanitation Department, their benefits and retiree benefits..isn't that correct, Mr. Mayor, Mr. Ackermann, Mr. Bunyi?

Mayor Tkazyik: Yes, that is correct and this measure was vetoed on my behalf because this is an illegal act. This is not a tax; this is a user fee. In order for it to be considered a tax, it should have been considered in the General Fund Budget and the levy would've been increased over double digits. This is not a tax. It is a user fee. It is an illegal act.

Councilmember Klein: If in fact, the money is needed; a lot of folks in town are just not paying their bill. Isn't that causing a great deal of financial hardship for the City?

Mayor Tkazyik: Revenue collection is short, and as the City Administrator just mentioned, that we will see the true response to that revenue based off of the first quarter return for now, what has gone onto their taxes for what was not paid. But, as I've mentioned and stated over and over again, depending on what the shortfall may be, it may impact service after the first quarter because I may not be able to make payroll.

Councilmember Klein: And so, this whole kerfuffle, if you will, arises from the Council's vote in December, 2012 to make Sanitation subject to a user fee. Isn't that correct, Mr. Mayor?

Mayor Tkazyik: That's correct.

Councilmember Klein: And, there is an opinion rendered by Corporation Counsel...Mr. Ackermann, this is your opinion, correct? The memo you'd written on December 17th? I'm sorry, I'm referring to the Mayor. The Mayor's comment. This is something researched by the Corporation Counsel?

Mayor Tkazyik: It was researched, and of course, Mr. Ackermann opined, regarding this opinion way back earlier this summer, in relation to the legality at the request of the then Councilwoman, Nina Boyd, in relation to putting this user fee on the Tax bill as it is perceived as a tax. It is not a tax.

Councilmember Klein: So the reality of it is, that this whole concept of the gymnastics undertaken to maintain a service for the City are not working regardless of a user fee or a tax, if you need the money now, people have to pay the bill now and they're not paying it. If you make it a tax, and put it on the end of the year so people can deduct it, that's nice. The problem is, the City's not generating the revenue. Therefore, Mr. Chairman, I say that this Council must...the members of this Council who like to cite State Comptroller DiNapoli's critique of the City finances that are concerned as we all are, of the downgrading of the bond rating of the City of Poughkeepsie. It is irresponsible for this Council not to reconsider the whole issue of sanitation, and to consider the Mayor's proposal that it be privatized.

Councilmember Rich: Mr. Chairman, can I speak?

Chairman Mallory: Let him finish.

Councilmember Klein: We have a way of running our own households, our own businesses, or our own offices. That's our own money. We try to avoid debt and try to maintain fiscal integrity. The cities count government for which they have a fiduciary responsibility. That fiduciary responsibility means that this Council must consider measures pertaining to the delivery of services that are affordable and if they're not affordable then there's no alternative but to consider options. This effort here to make it into a tax deduction will not solve the problem of the fiscal integrity of the City insofar as it relates to the provision of Sanitation's. I would respectfully advise that I will vote against this measure by Councilman Rich. I think it's an effort to "kick the can down the road." In New York State, we've run out of road and "kicking the can" can break the foot. Thank you.

Councilmembers Rich and Klein had a verbal disagreement in what was said and Mr. Rich raised his voice saying that he was being called, "irresponsible," alluding to Mr. Klein, who denied the accusation, but Mr. Rich told him he had the floor and told Chairman Mallory to tell him to be quiet. Mr. Klein told him to tone it down, that he didn't call him irresponsible. Mr. Rich said that he just didn't like the word used around, like people who put people in deficit, and that under the previous Administration and Council, (which was Republican), under which Mr. Klein was Council Chair, and under this current Council, the City is in a surplus.

Councilmember Rich: Consultants hired by Administration did a report in 2012 which Council was not made aware of when trying to put the user fee on the tax bill. These consultants said that it was legal to do so. If this information was given to the Council, it would have been submitted in time. It is not the Council's fault – it's of the executive branch. So, I ask that this be voted, "Yes."

Councilmember Hermann: This language of ambiguity is very confusing. You say potato I say, "potatto," you say fee, I say tax, you say expansion of services, I say merger. Disagreed with Mr. Klein. The fundamental issue not only is ensuring the City's fiscal responsibility, but also to adhere to our constituents to consistently tell us that they would prefer that this be put on the tax bill. I owe it to my constituents to support this veto of the Mayor's veto. Thank you.

Councilmember Petsas: I just want to say that when conversating with this, my understanding with other municipalities is that they have implemented the Sanitation fee and used the tax bill for collecting and the City of Poughkeepsie, for some reason, as Mr. Rich had implied wasn't aware that these municipalities used the tax bill to collect the Sanitation fee. So, I guess we did things a little backwards and did it quarterly, when we should've been doing this from the "Get-go." So, I think this is a corrective measure to bring us back to where we need to be – I hope. Do I think this is the end all, catch all?

Official Minutes of the Common Council Meeting of January 21, 2014

No, I know that Sanitation needs work, needs to be looked at and researched, but I think this is a good short term solution.

Corporation Counsel Ackermann cautioned the Council to rely upon MSW to give any legal advice, none are lawyers and none have expertise in the legal issues within the State of New York, specifically, the City of Poughkeepsie. Mr. Ackermann provided Council with an opinion that he feels it's dangerous to put a user fee on a tax bill. It has arisen in other courts; he provided Council with Case Law (i.e. New Rochelle). The outcome is predicated on the way the courts look at the law...how is it collected? As a tax or a user fee? Cautioned the Council that MSW are engineers of collection methods for sanitation and not Case Law. He also cautioned the Council to inform the public that by putting the user fee on the tax bills, it may or may not be tax deductible and that they shouldn't interpret it as such. Mr. Ackermann stated that he's not giving a legal opinion either way on that without something more concrete to research that, nor would he tell the public if something is tax deductible or not.

Override the Mayor's Veto of LL-13-4			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 Hermann	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input type="checkbox"/>	<input checked="" 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"/>

XII. ADJOURNMENT:

A motion was made by Chairman Mallory and Vice Chair Rich to adjourn the meeting at 8:40 p.m.

Dated: March 4, 2014

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Tuesday, January 21, 2014 at 6:30 p.m.

Respectfully submitted,

**Deanne L. Flynn
City Chamberlain**



COMMON COUNCIL MEETING

Common Council Chambers

Tuesday, January 21, 2014

6:30 p.m.

I. ROLL CALL

Mayor Tkazyik's 2014 State of the City Address

III. REVIEW OF MINUTES:

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

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

VI. MAYOR'S COMMENTS:

VII. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

VIII. MOTIONS AND RESOLUTIONS:

- 1. FROM CORPORATION COUNSEL ACKERMANN, Resolution R14-11, approving the auctioning of excess city owned real property.**
- 2. FROM CORPORATION COUNSEL ACKERMANN, Resolution R14-12, accepting gift from the Port Authority of New York and New Jersey of a steel beam from the former World Trade Center.**
- 3. FROM CORPORATION COUNSEL ACKERMANN, Resolution R14-13 approving the renewal of an agreement with the County for Dial-a-Ride service.**

4. **FROM CHAIRMAN MALLORY**, Resolution R14-14, approving appointments to the Joint Water Board.

IX. ORDINANCES AND LOCAL LAWS:

X. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

8. **FROM ACTING COMMISSIONER OF FINANCE SORRELL**, November 2013 Financial Report.
9. **FROM CITY ADMINISTRATOR BUNYI**, an update regarding the parking meter project.
10. **FROM EMPIRE STATE STRATEGIES**, a notice of intent for A4 International Ent LLC dba MidTown-319 Main Street, to obtain a Liquor License.
11. **FROM GARIBALDI RESTAURANT, INC.**, a notice of intent for 452 Main Street to obtain a Liquor License.
12. **FROM GLEN F. KUBISTA & ASSOCIATES**, a notice of intent for 395-397 Main Street to obtain a Liquor License.
13. **FROM CLAUDINE PARKS**, a notice of property damage sustained on November 1, 2013.
14. **FROM JAROSLAW WYSOCKI**, a notice of property damage sustained on November 8, 2013.

XIII. UNFINISHED BUSINESS:

XIV. NEW BUSINESS:

XV. ADJOURNMENT: