



THE CITY OF POUGHKEEPSIE
NEW YORK

COMMON COUNCIL MEETING
MINUTES

Monday, July 28, 2010 6:30 pm

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

7 Present, 1 Absent- Councilmember Herman

II. REVIEW OF MINUTES:

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

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

Jeff Anzevino- stated before the Council that he left several messages with the DPW Director concerning traffic suggestions. For example, north bound Bridge Street to Main Street is not striped, which would ease traffic. He also added that the entrance for Walkway Over the Hudson and Garden Street. He stated that it is hard to cross along the Arterial. The city of Poughkeepsie needs to ad a cross walk at Garden Street and the Arterial on Main Street.

Philip Anspach- 274 Hooker Avenue- stated that he is coming before the Council concerning LL-10-4 that is on this evening's agenda. He stated that

the Local Law should be changed for everyone. He believes that there are many good employees that live across the border. Some many employees can have promotions that live over the line. For example, the assistant fire chief will there be a resolution every time some one gets a promotion.

Robert Araula- South Hamilton Street- stated before the Council that he believes in historical signs. Many tourists are coming to the city due to the railroad bridge, which will make the city a better place. Many Street, there has been a lot of improvement along Main Street and the Arterial's. He suggested that the city make the Arterial 2 lanes and place flowers in the center lane.

Gus Kazolias-47 Noxon Street- stated before the Council that he wanted to comment on Local Law 10-4. He stated that Rich DuPilka was born and raised in the City of Poughkeepsie. Rich DuPilka has done so much for the City of Poughkeepsie. The sunset law is just for him and only him. As far as infrastructure, DuPilka knows so much! He encourages the Common Council to vote in favor of the resolution for Rich DuPilka. He would like to see the Common Council recognize Rich DuPilka for his hard work. He is an engineer and he will save the city a lot of money.

V. MAYOR'S COMMENTS:

Mayor Tkazyik- He stated to the public and Common Council that there are important issues on the agenda. He stated that he is in support of 36 North Clover Street. He recommends that the Council votes in favor of R-10-56, that building is a landmark and it should be protected, especially the interior. The building needs to be in compliance with the Landmark, which is very important. The city law must strike a balance.

The new Zoning Code is on tonight's agenda. Corporation Counsel will finalize the agreement with CSX for the strip of land for businesses on Parker Avenue and Brookside Avenue. The strip of land will be used to ensure safety for pedestrians, there will be a drop off area for shuttles, buses trolleys, and vans.

The leasing fee for this strip of land will be \$350 a year which is a great asset to the city of Poughkeepsie, crosswalks will also be added.

The city will be working with DOT for crosswalks on the Arterial. A great need for the city is "no parking" driveway access.

Mayor Tkazyik stated that he wanted to thank Corporation Counsel, City Administrator Long, and Rich DuPilka. He stated that Rich DuPilka has served the city well for 31 years and is most worthy. He stated that he recommends that the Common Council vote favorably for the Local Law.

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Klein had no comments at this time.

VII. MOTIONS AND RESOLUTIONS:

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

Assistant Corporation Counsel Ackermann informed the Council of the resolution before them approving the application to designate 36 North Clover Street as an historic district. He stated that Corporation Counsel supports the resolution and wants to thank the Poughkeepsie Day Nursery. The mansion is historic.

**R- E- S- O- L- U- T- I- O- N
(R-10-86)**

INRODUCED BY COUNCILMEMBER COATES:

WHEREAS, an application for historic designation pursuant to Section 19-4.5(3) of the Code of Ordinances has been received by the Historic District and Landmark Preservation Commission for the property known as 36 North Clover Street; and

WHEREAS, on June 23, 2010 the Historic District and Landmarks Preservation Commission duly convened and voted to recommend the Common Council approve the application and designate 36 North Clover Street as a local historic site; and

WHEREAS, the pursuant to Section 19-4.5(e) of the Code of Ordinances, the Common Council duly held a public hearing within thirty (30) days of the decision of the Historic District and Landmark Preservation Commission; and

NOW, THEREFORE,

BE IT RESOLVED, that pursuant to Section 19-4.5(f) of the Code of Ordinances, the Council hereby approves the designation of 36 North Clover Street as a local landmark site; and

BE IT FURTHER RESOLVED the Building Inspector shall immediately cause such property to be so designated on the Landmark and Historic District Map and the Zoning Map of the City of Poughkeepsie.

SECONDED BY COUNCILMEMBER PARISE.

✓ Vote Record – R-10-86			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	X			
	Councilmember Solomon	Voter	X			
	Councilmember Flowers	Voter	X			
	Councilmember Coates	Voter	X			
	Councilmember Mallory	Voter	X			
	Councilmember Parise	Voter	X			
	Councilmember Herman	Voter				X
	Councilmember Klein	Voter	X			

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

Assistant Corporation Counsel Ackermann informed the Council of the resolution before them authorizing the Mayor to execute a lease agreement for an abandoned rail bed on Parker Avenue. He stated that the area is between Parker Avenue and Garden Street. The city will have a licensed agreement for the cost of \$350 a year for shuttling and busing. The agreement will allow the city access to improvement and utilize this area for the Walkway Over the Hudson until the license agreement is terminated by the City and CSX.

**RESOLUTION
(R-10-87)**

INTRODUCED BY COUNCILMEMBER PARISE:

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby approve the City of Poughkeepsie entering into a License Agreement with CSX Transportation, Inc. for the purpose of creating a temporary bus drop-off location and further authorize the Mayor to sign a License Agreement in substantially the same form as attached hereto; and be it further

RESOLVED, that the Mayor; Corporation Counsel or City Administrator is hereby authorized to take all necessary steps and to sign any and all necessary documents to carry out the intentions .

SECONDED BY COUNCILMEMBER COATES.

✓ Vote Record -- R- 10- 87						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	X			
	Councilmember Solomon	Voter	X			
	Councilmember Flowers	Voter	X			
	Councilmember Coates	Voter	X			
	Councilmember Malory	Voter	X			
	Councilmember Parise	Voter	X			
	Councilmember Herman	Voter				X
	Councilmember Klein	Voter	X			

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

Assistant Corporation Counsel Ackermann informed the Council of the resolution before them setting a public hearing to amend the administrative code. The public hearing has been set for Monday, August 9, 2010 at 6:30 pm; the vote will follow the public hearing.

**RESOLUTION INTRODUCING LOCAL LAW
AND PROVIDING FOR PUBLIC
NOTICE AND HEARING
(R-10-88)**

INTRODUCED BY COUNCILMEMBER COATES:

BE IT RESOLVED, that an introductory Local Law, entitled "Local Law

Official Minutes Common Council Meeting of July 28, 2010

Amending Section 15.08(e) of the Administrative Code of the City of Poughkeepsie, New York”; and it hereby is introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law are laid upon the desk of each member of the Council; and

BE IT FURTHER RESOLVED that the Council shall hold a public hearing on said proposed local law at City Hall, 62 Civic Center Plaza, Poughkeepsie, New York, at 6:30 o’clock P.M., on August 9, 2010; and

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto.

SECONDED BY COUNCILMEMBER PARISE.

✓ Vote Record – R- 10-88			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	X			
	Councilmember Solomon	Voter	X			
	Councilmember Flowers	Voter	X			
	Councilmember Coates	Voter	X			
	Councilmember Malory	Voter	X			
	Councilmember Parise	Voter	X			
	Councilmember Herman	Voter				X
	Councilmember Klein	Voter	X			

VIII. ORDINANCES AND LOCAL LAWS:

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

Assistant Corporation Counsel Ackermann informed the Council of the ordinance before them adopting amendments to the City's ethic code. He stated that this code of ethics was recently adopted by the ethics committee.

ORDINANCE AMENDING THE FOLLOWING CHAPTERS, 17 ½ ENTITLED
CODE OF ETHICS
(O-10-22)
Amended 7/28/10

INTRODUCED BY COUNCILMEMBER Coates :

BE IT ORDAINED, by the Common Council of the City of Poughkeepsie that the Chapter 17 ½ of the Code of Ordinances of the City of Poughkeepsie is hereby amended:

SECTION 1: Chapter 17 ½ of the Code of Ordinances of the City of Poughkeepsie is hereby amended by the following additions and deletions:

ARTICLE 1, IN GENERAL

Section 7 ½-1 Adopted; purpose; applicability

Pursuant to the provisions of Section 806 of the General Municipal Law, the Common Council of the City of Poughkeepsie recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct and public confidence is to be maintained in our unit of local government. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employees of the City of Poughkeepsie. These rules shall serve as the guide for official conduct of the officers and employees of the City of Poughkeepsie. This code shall be in addition to all other legal restrictions, standards and provisions pertaining to the conduct of City officers and employees. (Ord. of 2-1-1971, § 1)

Section 7 ½-2 Applicability of other laws

The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflicts of interest, provisions or procedures prescribed by statute by the State of New York and also in addition to the common law rules and judicial decisions relating to the conduct of municipal officers to the extent the same are more severe in their application than this Chapter. (Ord. of 2-1-1971, §2)

Section 7 ½-3 Definitions

As used in this Chapter, the following terms shall have the meanings indicated:

APPROPRIATE BODY – The City of Poughkeepsie Board of Ethics, c/o City of Poughkeepsie Chamberlain's Office, 62 Civic Center Plaza, Poughkeepsie, New York 12601, or at the Board's option may refer such matters to the County's Board of Ethics, c/o Commissioner of Finance, 22 Market Street, Poughkeepsie, New York, 12601.

CITY – The City of Poughkeepsie.

~~[Interests – A pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise implies]~~

INTEREST – A direct or indirect pecuniary or material benefit accruing to an officer or employee, or his or her relative, whether as a result of a contract with the City or otherwise. For the purpose of this chapter, a City officer or employee shall be deemed to have an interest in the contract of:

- A. A relative, except as to a contract of employment with the city;
- B. A firm, partnership or association of which such officer or employee is a member or employee;
- C. A corporation, including non-profit corporation, of which such officer or employee is an officer, director or employee;
- D. A corporation of which more than 5% of the outstanding stock is owned by any such officer, employee, or his or her relative.

LEGISLATION – A matter which appears on the agenda of the City Common Council or on a committee thereof, on which any official action will be taken and shall include proposed or adopted acts, local laws, ordinances or resolutions.

MUNICIPAL OFFICER or EMPLOYEE – An officer or employee of the City of Poughkeepsie, whether paid or unpaid, including members of any administrative board, commission or other agency thereof, and in addition such definition shall apply to any municipal officers' or employees' spouse, minor children and dependants; a firm, partnership or association of which such officer or employee is a member or employee is an officer, director or employee; and a corporation, any stock of which is controlled directly or indirectly by such officer or employee.

RELATIVE – A child, stepchild, parent, stepparent, brother, sister, stepbrother, stepsister, or legal guardian of any of said persons of an officer or employee or of the spouse of the officer or employee.

SPOUSE – The husband or wife of an officer or employee, unless living separate and apart pursuant to a judicial order, decree or judgment of separation or a legally binding written agreement of separation in accordance with the Domestic Relations Law.

Section 7 ½-4 Standards of conduct

(a) Conflict of interest. No city officer or employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

(b) Disclosure of interest. Each municipal officer and employee shall, to the extent that he is cognizant thereof, disclose, in writing, any interest he may have in legislation or a decision pending before city board or governing body. Such disclosure statement shall be

Official Minutes Common Council Meeting of July 28, 2010

filed with the City Chamberlain and with the board, agency, commission or governmental organization with whom the conflict arose, and such statement shall become a public record.

(c) Gifts. He/She shall not directly or indirectly solicit any gifts or accept and receive any gift having a value of one hundred dollars (\$100) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form under circumstances it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.

(d) Confidential information. He shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his personal interest.

(e) Other employment. No city officer or employee shall accept other employment which shall be in conflict with his official duties.

(f) Representation before one's own agency. He/She shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee. (Ord. of 2-1-1971, § 4)

(g) No former employee of the city shall personally represent any person, company, corporation or agency in a matter in which the former employee personally participated while employed by the city for two years, if such representation would be adverse to the interest of the city. This provision shall not, however, bar the timely filing by a current or former employee, of any claim, account, demand, or suit arising out of personal injury, property damage, or any benefit authorized or permitted by law, nor shall it bar the City from hiring, contracting or retaining a former employee as a consultant.

Section 7 ½ -5 Financial Disclosure Statement

(a) Purposes: The purpose of this section is to comply with Section 806 of Article 18 of the General Municipal Law of the State of New York to provide guidelines and criteria for financial disclosure for those persons to whom this section is applicable.

(b) Application: This section shall apply to the Mayor, Members of the Common Council, City Administrator, City Chamberlain, Corporation Counsel, Assistant Corporation Counsels, Department Heads, Deputy Department Heads and Division Heads.

(c) Filing: The Chamberlain's office shall be the official repository for completed annual statements of financial disclosure and shall provide a statement to that effect

Official Minutes Common Council Meeting of July 28, 2010

of the General Municipal Law. Failure to so post shall have no effect on the duty of compliance herewith, nor the enforcement provisions hereof. (Ord. of 2-1-1971, § 6)

Section 7 ½ - 17 Copy of code of ethics to be filed in the office of the State Comptroller.

Within thirty (30) days of the adoption of this code, the Chamberlain shall file a copy thereof in the office of the State Comptroller. (Ord. of 2-1-1971, § 7)

Section 7 ½ - 18 Advisory opinions

Pursuant to Article 6.08 of the Charter of the City of Poughkeepsie any questions regarding this Chapter shall be submitted to the Board of Ethics who shall issue an advisory opinion to the Common Council. Should the Board of Ethics determine that such a request is beyond its legal purview it shall notify the Common Council of its determination.

SECTION 2: This amendment shall take effect immediately.

SECONDED BY COUNCILMEMBER

Parise

Additions noted by Bold and Underline

Deletions noted by ~~[Strikethrough]~~

✓ Vote Record - O-10-22		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	X		
	Councilmember Solomon	Voter	X		
	Councilmember Flowers	Voter	X		
	Councilmember Coates	Voter	X		
	Councilmember Ma lory	Voter	X		
	Councilmember Parise	Voter	X		
	Councilmember Herman	Voter			X
	Councilmember Klein	Voter	X		

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

X. UNFINISHED BUSINESS:

XI. NEW BUSINESS:

Councilmember Flowers stated that she and Councilmember Mallory will be holding a Community Block Party at Earline Patrice Park at Mansion Square on Saturday, August 21, 2010 12:00 pm to 5:00 pm all is welcome!

Councilmember Mallory wanted to bring to the Common Council member's attention that the July 21, 2010 Common Council Meeting was not on the webcast.

Councilmember Mallory stated he is concerned about the signage around the Walkway Over the Hudson, and also lighting poles in the city.

Mayor Tkazyik stated that he wanted to take the time to have a moment of silence for Paul Schwerman; a true public servant who loved the city of Poughkeepsie and will be missed. The Special Common Council meeting will adjourn in his honor.

Chairman Klein stated that thoughts and prayers have gone out to Jeremy Doxsee a former city of Poughkeepsie employee.

XII. ADJOURNMENT:

A motion was made by Chairman Klein and Councilmember Coates moved to adjourn meeting at 6:45 pm on Monday, July 28, 2010.

Dated: September 14, 2010

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, July 28, 2010.

**Respectfully submitted,
Arlet C. Wilks
Deputy City Chamberlain**

Official Minutes Common Council Meeting of July 28, 2010