



COMMON COUNCIL MEETING

Common Council Chambers

Monday, March 15, 2010

6:30 p.m.

5:30 Special Informational Meeting

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

II. REVIEW OF MINUTES:

Common Council Meeting of October 19, 2009

✓ Vote Record – CCM 10/19/09						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Public Hearing of October 19, 2009

✓ Vote Record – Public Hearing 10/19/09						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Common Council Meeting of November 16, 2009

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

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

VII. MOTIONS AND RESOLUTIONS:

ADD

5. FROM ASSISTANT CORPORATION COUNSEL ACKERMANN, Resolution R10-46, setting a public hearing and introducing ordinance for requirement that applications address existing code violations prior to appearing on agenda for zoning or planning board.

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

Constatine Kozalias-47 Noxon Street- spoke about the IDA and PURA for the waterfront. He wanted to know if people on the boats are staying out late if the police are going to enforce the law.

V. MAYOR’S COMMENTS:

Mayor Tkazyik called up Justin Neshiwat and his mother along with **Councilmember Johnson.** **Mayor Tkazyik** presented Justin with an award for outstanding achievements for a rank of Eagle Scout in the Boys Scout of America and for all of the hard work that he did in order to receive the award.

He mentioned that today we are pleased to announce in working with Corporation Counsel, Councilmember Coates and Sheldrake Corporation to reach an agreement for off duty police officers to be assigned to Eastman Towers. This is a project that we have been working very diligently on at the beginning of the year, something that we are committed to tackling, listening to the residents concerns for safety along the premises and then the building and getting input from Councilmember Coates, input from the Law Department, we were able to realize this and get this into action. We are committed to fighting crime before it starts, we have collaborated with the

Poughkeepsie Housing Authority and many of their sites at Tubman Terrace and as Councilwoman Johnson mentioned earlier at Corlies so we are committed to keeping our residents safe especially at our Housing Authority sites and again the fine work that was done here the achievement will be able to take place with off duty patrolling the sites at Eastman Tower.

Also last week after a RFP the City is going to be able to enter into an agreement for 24/7 ambulance service with Mobil Life support. The city will be entering into this agreement for ambulance service whereby City of Poughkeepsie residents can be assured that they will have consistent, efficient and timely services. We will be doing a short press conference on Thursday at the Public Safety Building which Mobil Life Support. Currently they are assisting tactical emergency training for the police department and they will also be providing the necessary training for the fire department as well as educational classes for the community. This is a major accomplishment and there is no cost involved, this is something that the City has been trying to achieve for 30 years since we have had an agreement of this nature.

In anticipation in working with Property Development it is our intention to have the Ice House proposal before the Common Council at the next meeting on April 5, 2010. Another RFP went out and so this agreement will be before you and our anticipation is to have the ICE House open and operating for Memorial Day weekend in Waryas Park Also please join us and John Flowers for the Easter Egg Hunt on Saturday April 3rd at Waryas Park and there will also be at the same event there will be CENSUS information available down at Waryas Park.

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Klein stated that he made his comments at the conclusion of the Special Informational Meeting.

VII. MOTIONS AND RESOLUTIONS:

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

Commissioner of Finance Bunyi informed the Council that when we started out the labor negotiations with the Joint Water we anticipated that the settlement and the payout could happen in 2010, with that anticipation we set aside exactly \$196,751.00 in contingency to settle the contract. The actual number came in at \$196,563.13 we were off about \$200.00. What is in front of you is a request to move that money into contingency to complete the labor agreement.

**R-E-S-O-L-U-T-I-O-N
(R-10-42)**

INTRODUCED BY COUNCILMEMBER HERMAN

Official Minutes of Common Council Meeting of March 15, 2010

WHEREAS, by Resolution 09-104 the Common Council of the City of Poughkeepsie approved a new contract with the United Federation Of Police, Inc. who represent the employees and the Joint Water Board; and

WHEREAS, the Town of Poughkeepsie and the Joint Water Board previously approved the contract which is retroactive to January 1, 2008; and

WHEREAS, per the joint agreement, the City of Poughkeepsie acts as the payroll agency for the Water Board employees; and

WHEREAS, the Administrator of the Water Treatment Facility and the Joint Water Board wish to transfer the funds required to settle the contract; and

WHEREAS, approval of this resolution will not result in a funding increase to the 2010 Budget for the City of Poughkeepsie, but it is necessary to amend the 2010 Budget to reflect the funding amendments; and

WHEREAS, the Common Council of the City of Poughkeepsie has determined that this resolution constitutes a Type II action as defined by the New York State Environmental Quality review Act and 6 NYCRR Part 617; and

Now, Therefore,

BE IT FURTHER RESOLVED, that the Budget for the City of Poughkeepsie is hereby amended as follows:

Budget Line	Description	Amount
From: 90.19.8320.7107	Contingency	\$196,563.13
To: 90.19.8320.7107	FOP Salaries-Power & Pumping	88,994.18
90.19.8320.7117	FOP Overtime	3,000.00
90.19.8330.7107	FOP Salaries-Purification	94,968.95
90.19.8330.7117	FOP Overtime	9,600.00

✓ Vote Record – R10-42						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SECONDED BY COUNCILMEMBER PARISE

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

Councilmember Coates informed the council that this is an initiative in addressing the needs of our young people. This board will be comprised of City residents, adults and young people will be tasked with providing specific recommendations to the Administration and the Council on youth development for our City. Since January we have focused on a more aggressive approach in shifting the youth development paradigm in our City. Transparency will be very important as we move forward toward our ultimate goal of development and implementation of successful, sustainable youth development systems and programs. He state that at the end of this process he truly believes that the City will have in place a comprehensive plan that we can accept and implement. We are going through a process and at the end of the process our young people will reap the benefits of what we are trying to do. As long as he has the opportunity to represent this great City our youth will be a priority of his. This is just a continuation of our efforts and is asking for a favorable vote by the Council in approving this new board.

Councilmember Mallory asked what budget line the annual report that will be submitted is coming from. Are there resources available to provide us with the information?

Councilmember Coates responded that there is no budget assigned to this. What we are looking for is more input coming from the community, addressing the needs of our young people. The consultant, due to the money that was allocated for that type of study they will give us the report. This is more or less the community which will be comprised of Religious leaders, there will be an appointment from the Mayors Youth Council which just started last week along with a Councilmember, a community member, maybe a representative of the School Board for our school district. This is more or less the community with advising and giving input to the Council and to the Administration for our young people.

**R E S O L U T I O N
(R-10-43)**

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, the Common Council of the City of Poughkeepsie is dedicated to providing quality youth programs in the City of Poughkeepsie in order to promote the health, welfare and well-being of those most vulnerable residents of the City; and

WHEREAS, the City of Poughkeepsie has sought to encourage a channel of open and meaningful communication between the City and those in the community that are directly concerned with the well being of the youth; and

WHEREAS, the City of Poughkeepsie believes that there is a significant benefit and importance to the residents of the City of Poughkeepsie that the City receives public input and advice from a board comprised of residents from diverse backgrounds who are directly concerned with youth development and who shall advise the Mayor and Councilmembers on important community related concerns effecting the City's youth, including, but not limited to, juvenile crime, delinquency and employment; and

WHEREAS, it will be a benefit to the general public to have a citizen advisory board to consider and provide appropriate advice to the City Council related to such matters concerning the City's youth; and

NOW, THEREFORE,

BE IT RESOLVED, that there is hereby created a Community Relations Advisory Board for Youth Development to be composed of seven (7) members. Of the seven (7) members, the Common Council shall appoint three (3) and the Mayor shall appoint three (3) and the Mayor's Youth Council shall appoint (1); and

BE IT FURTHER RESOLVED, that the Community Relation Advisory Board for Youth Development shall be comprised of representatives of the Community who are directly concerned with the well being of the City's youth and insofar as possible, there shall be a representative of the school board, a religious leader, a minimum of two youths who reside in the City, a councilmember and a community leader; and

BE IT FURTHER RESOLVED, the members of the Board shall each serve for a period of one (1) year, with the initial term starting on May 1, 2010. Should a vacancy occur on the Board prior to the expiration of the member's term, then the Mayor or the Common Council or the Mayor's Youth Council having appointed said member to the Board shall be entitled to fill said vacancy with the replacement member to serve out the balance of said vacated member's term; and

BE IT FURTHER RESOLVED, the Board shall submit an annual report, with findings of fact and specific recommendations for corrective measures, when desirable. The Board may also issue periodic or interim reports; and

BE IT FURTHER RESOLVED, the Board shall provide advice to the City Council and to the Mayor on matters of community concern that directly effect the City's youth. Within the areas of the Board's charge shall be issues including, but not limited to, issues related to juvenile crime, delinquency, employment and programming. The Board's areas of interest shall be broadly defined as they relate to such matters of community concerns as they relate to the City's youth; and

BE IT FURTHER RESOLVED, the Community Relation Advisory Board for Youth Development shall be strictly advisory and nothing herein shall be construed to permit or authorize the Board to take action or to bind the City in any manner; and

BE IT RESOLVED, this Resolution shall take effect immediately.

SECONDED BY COUNCILMEMBER PARISE

Official Minutes of Common Council Meeting of March 15, 2010

✓ Vote Record – R10-43						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

City Administrator Long stated that the New York State Department of State is currently receiving grant applications for “Local Efficiency Share Services” planning projects where by several organizations can study if there are potential savings by working cooperatively with a neighboring organizations.

Councilmember Solomon made a motion to suspend the rules to allow for Robert Elliot and Dr. David Cohen to speak, **Councilmember Parise** seconded the motion.

Robert Elliot, Dr. Hui Su and Dr. Stacy Hobson all gave background information about CLOUD and consolidating government.

City Administrator Long stated that this is an application that is filed through the New York State Department of State for shared services and the concept is to try to get municipal governments to work cooperatively together. This is basically an endorsement as a cosponsor of an application of New Castle.

Chairman Klein asked what the cost to the City of Poughkeepsie would be.

City Administrator Long responded that there is no cost to the City; we told them that we have no money.

Chairman Klein asked about what the timeframe of the planning would be for the training.

Bob Elliot responded that it would take about 9 months.

Councilmember Herman made a motion to resume rules, **Councilmember Parise** seconded the motion.

**RESOLUTION
(R-10-44)**

INTRODUCED BY COUNCILMEMBER HERMAN

Official Minutes of Common Council Meeting of March 15, 2010

WHEREAS, the City of Poughkeepsie recognizes that there are inherent benefits in cooperating with other municipal jurisdictions to study and implement the sharing of municipal computer and software support services; and

WHEREAS, the decision to use certain computer software in various government departments is made primarily for the purpose of meeting a particular department's individual need; and

WHEREAS, the integration of that software with other operating software systems may not be the primary factor in reaching a determination; and

WHEREAS, each software application or a combination of several software applications must reside on a series of computer servers that each municipality must purchase, support and upgrade as software requirements become more complicated; and

WHEREAS, the cost of purchasing, supporting and maintaining redundant equipment over time becomes an increasing financial burden to local governments; and

WHEREAS, the use of technology in the public sector should, among other things, benefit our residents by providing them access City Hall via the internet to transact business, purchase permits and enroll in various programs; and

WHEREAS, to develop the specific security and privacy policies for integrated software applications on a public "Smarter Cloud Platform" will necessitate additional planning and system development on the part of the City, software vendors and cloud host; and

NOW THEREFORE,

BE IT RESOLVED, that the City of Poughkeepsie hereby supports the grant application being prepared by the Town of New Castle, serving as the lead agency for the consortium of participating communities seeking to receive \$50,000 in funding from the New York State Department of State under the Local Government Efficiency Grant Program.

SECONDED BY COUNCILMEMBER PARISE

VOTE RECORD R10-44						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Commissioner of Finance Bunyi informed the Council that in reviewing job descriptions in the Development Department, it was determined that the position of Deputy Zoning Administrator is more relevant and functional position for Judy Knauss who is currently a Property Development Specialist. An updated description was submitted to County personnel to approve the civil service status; they agreed with the City and approved the new position. In anticipation of the position change, the 2010 reflects the necessary funds for the change in position. Approval of this position has no impact on the 2010 budget.

Mayor Tkazyik also stated that Judy once held this position about 10 years ago; when changes were made in the Building Department structure at that time she was made Property Development Specialist. Functions of her role, citing powers as well, we have deemed to reinstate the title. As the cover letter states this was budgeted for in the 2010 budget because he projected it in his 2010 budget proposal to you and there is no retroactive pay.

Councilmember Solomon asked what the salary difference for a grade 14 and 15.

Commissioner of Finance Bunyi responded that it is a \$2500 difference for the year.

R E S O L U T I O N
(R-10-45)

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, it has been determined that the position of Property Development Specialist Grade 14 in the Buildings Division of the Development Department has been reclassified to Deputy Zoning Administrator Grade 15; and

WHEREAS, approval of this resolution will not result in a funding increase to the 2010 Budget for the City of Poughkeepsie, but it will be necessary to amend the 2010 departmental budget in order to effectuate this change; and

WHEREAS, this change has been reviewed by the Dutchess County Personnel Department; and

WHEREAS, the Common Council of the City of Poughkeepsie has determined that this resolution constitutes a Type II action as defined by the New York State Environmental Quality Review Act as codified by NYCRR Part 617,

NOW, THEREFORE,

BE IT RESOLVED, that the Development Department Authorized Summary of Budgeted Positions in the 2010 Budget for the City of Poughkeepsie is hereby amended as follows:

Budget Line	Description	# of Positions FROM	# of Positions TO	Salary Grade
01.11.3620.7103	Property Development	1	0	14

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	Specialist			
01.11.3620.7103	Deputy Zoning Administrator	0	1	15

SECONDED BY COUNCILMEMBER PARISE

✓ Vote Record – R10-45						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Assistant Corporation Counsel Ackermann informed that Council that this Resolution is setting a public hearing for O-10-12 for the next meeting, April 5, 2010 at 6:30 p.m.

**RESOLUTION INTRODUCING AMENDMENT TO
THE CITY OF POUGHKEPSIE CODE OF ORDINANCES ENTITLED
“ZONING AND LAND USE REGULATION
AND PROVIDING FOR PUBLIC
NOTICE AND HEARING
(R-10-46)**

BE IT RESOLVED that an introductory ordinance amending the City of Poughkeepsie Code of Ordinances, entitled “Zoning and Land Use Regulation,” be 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 ordinance be laid upon the desk of each member of the Council; and

BE IT FURTHER RESOLVED that the Council hold a public hearing for public comments on said proposed ordinance at City Hall, 62 Civic Center Plaza, Poughkeepsie, New York, at 6:30 o’clock P.M., on April 5, 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 ten (10) days prior

thereto.

On a motion by **Councilmember Herman**, seconded by **Councilmember Parise**, the resolution was adopted on a vote of **8 Ayes,0 Nays**.

The Mayor declared this resolution adopted.

Dated: March 15, 2010

✓ Vote Record – R10-46						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VIII. ORDINANCES AND LOCAL LAWS:

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

Assistant Corporation Counsel Ackermann stated this ordinance is a parking change reflecting a portion of Pine Street which runs off of Little Market Street this was on your agenda at the last Council Meeting, it was tabled for some more investigation by Councilmember Coates and at his request it was put back on the agenda for this meeting.

Councilmember Coates thanked **Councilmember Mallory** for giving additional information and he was able to speak to some of the residents of Tubman Terrace and they are ready to move forward with the ordinance.

**ORDINANCE
(O-10-11) ORDINANCE AMENDING §13-180
OF CHAPTER 13 OF THE CITY OF POUGHKEEPSIE
CODE OF ORDINANCES ENTITLED “MOTOR VEHICLES
AND TRAFFIC”
(O-10-11)**

INTRODUCED BY COUNCILMEMBER HERMAN

BE IT ORDAINED, by the Common Council of the City of Poughkeepsie, as follows:

SECTION 1: §13-180 of the City of Poughkeepsie Code of Ordinances is hereby amended by the following additions and deletions:

Section 13-180 Parking prohibited at all times.

When appropriate signs giving notice thereof are erected, parking upon the following streets or parts of streets shall be prohibited at all times:

Pine Street, [~~north~~] **both** sides, **from Little Market Street to the dead-end**

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER PARISE

ADDITIONS denoted by **Bold & Underlining**

DELETIONS denoted by Brackets [] and ~~Strikethrough~~

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

- 1. FROM ASSISTANT CORPORATION COUNSEL ACKERMANN, Ordinance O-10-12**, requiring applicants to address existing violations prior to appearing on agenda for Zoning Board or Planning Board.

Assistant Corporation Counsel Ackermann suggested that we table this to the first meeting in April where we will hold a public hearing since this is a zoning change we will have the public hearing on at the next meeting.

Councilmember Parise made a motion to table this to the following meeting, **Councilmember Solomon** seconded the motion.

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

Assistant Corporation Counsel Ackermann informed the Council that last year at the end of the year the Council amended the ordinance regulating the placement of trash at the curbside. At that time the Council removed the ability for residents to use bags instead of garbage cans. After that time there was some discussion about fine tuning the ordinance a little bit further. Before you and after discussion with Councilmembers there is some proposed fine tuning, basically the amendment before you would not require lids as required previously on the previous ordinance. The thought behind that is at time garbage can lids get lost and it is very difficult to just buy garbage can lids however the garbage placed in the cans would be required to be placed no higher than the top of the garbage can.

Additionally there was some concern with regard to some properties on Main Street that did not have the ability to store garbage cans, this regulation amends the ordinance to provide exemption for those properties on Main Street between South Hamilton Street and Market Street that do not have the ability to store garbage cans and actually put bags out on the street. The last part is that there were some questions from Councilmembers with regard to the fine structure that was a general provision for its entire Chapter 9 so this would provide for a specific penalty section just for this ordinance.

Mayor Tkazyik added that they had the opportunity to meet the Sanitation Department and the exemption proposal is what they are recommending if an area is going to be set but also in speaking with them if that is the Council's desire to exempt Main Street totally they are also in agreement but if a boundary is to be placed, this was the boundary they were recommended.

Councilmember Coates made a motion to amend to allow all of Main Street to be exempt storing their garbage in garbage cans, **Councilmember Parise** seconded the motion. Vote 2 Aye 6 Nay- defeated

Councilmember Mallory made a motion to exempt Main Street between Market Street and Pershing Avenue to be exempt from using garbage cans and to eliminate the hardship clause, **Councilmember Solomon** seconded the motion. Vote 5 Aye 3- approved

Councilmember Mallory made a motion to amend the fine structure to change the 1st offense from \$50.00 to \$20.00, the 2nd offense from \$75.00 to \$30.00, the 3rd offense from \$100.0 to \$40.00, the 4th offense from \$250.00 to \$50.00 and the 5th offense from \$500 to \$75.00, **Councilmember Solomon** seconded the motion. Vote 3 Aye 5- defeated

Councilmember Solomon made a motion to amend the Ordinance to exempt Main Street from Bridget Street to Pershing Avenue, **Councilmember Mallory** seconded the motion.

Councilmember Solomon withdrew her motion

Councilmember Coates made a motion to amend to exempt all of Main Street from Waryas Park to the Town line **Councilmember Johnson** seconded the motion. Vote 6 Aye 2- approved

Councilmember Flowers made a motion to amend the fine schedule

**ORDINANCE AMENDING CHAPTER 9
OF THE CITY OF POUGHKEEPSIE CODE OF ORDINANCES ENTITLED "GARBAGE,
TRASH AND WEEDS", SECTION 9-20 ENTITLED RECEPTACLES FOR GARBAGE,
ASHES, REFUSE, RUBBISH, RECYCLABLE MATERIAL AND YARD WASTE.
(O-10-13)**

INTRODUCED BY COUNCILMEMBER HERMAN

BE IT ORDAINED, by the Common Council of the City of Poughkeepsie, as follows:

SECTION 1: Chapter 9, Section 20(a) of the City of Poughkeepsie Code of Ordinances is hereby amended by the following additions and deletions:

(a) Garbage.

(1) All garbage shall be placed in watertight containers of sufficient construction to contain the contents therein.

(2) Approved containers may be those made from galvanized steel, aluminum, plastic or other waterproof and weatherproof material. They must taper from top to bottom, be fitted with handles or bails. and ~~be equipped with a cover or lid~~ They must taper from top to bottom, be fitted with handles or bails. and be equipped with a cover or lid The container shall be of sufficient size to contain the contents therein and the level of the contents of the container shall not exceed the height of the container.

(3) Those properties located on Main Street between South Hamilton Street and Market Street which do not have a place to store garbage cans may use ~~Plastic bags may be used~~ in lieu of garbage cans. Such bags must have a capacity of not less than fifteen (15) gallons nor more than thirty-two (32) gallons. They must be strong enough to hold the contents therein and be free from objectionable tears or leakage. Bags must be securely tied to prevent spillage when placed at the collection location.

(4) Prohibited containers shall include garbage bags, except for the provisions of paragraph "3" of this section, metal drums, fiber or paperboard drums, barrels, paper shopping bags, cardboard boxes or containers having sharp or jagged exposures.

(5) Penalties. Any person violating the provisions of this section shall be punished by a fine in City Court or a civil penalty recoverable in accordance with Section 9-11 of this chapter of \$50 for the first violation, \$75 for the second violation, \$100 for the third violation, \$250 for the fourth violation and \$500 for the fifth violation and for each violation thereafter in a period of twelve (12) months. Each separate act of placing or depositing or causing to be placed or deposited a prohibited container at the curb for pick-up shall be deemed to be a separate and distinct violation punishable by a separate and additional fine and/or penalty.

SECTION 2: This Ordinance shall take effect upon ninety (90) days after its adoption.

SECONDED BY COUNCILMEMBER PARISE

~~Strikethrough~~ indicates deletion.

Bold and Underline indicates addition.

Official Minutes of Common Council Meeting of March 15, 2010

✓ Vote Record – O-10-13 as amended						
			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input checked="" type="checkbox"/> Defeated	Councilmember Johnson	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Assistant Corporation Counsel Ackermann provided clarification that the Ordinance that was previously passed is what is currently in effect. This requires lids to be placed on the garbage cans and all properties to place their garbage in cans and the fine structure defaults to the general penalty provision

Mayor Tkazyik requested that Chairman Klein consider putting the Ordinance on the table to be re-voted now rather than waiting until the next meeting.

Chairman Klein reintroduced the Ordinance to be re-voted on.

Councilmember Flowers made a motion to amend the fine schedule to \$25.00 per offense, **Councilmember Johnson** seconded the motion. Vote 8-0- approved

Councilmember Coates made a motion to accept, **Councilmember Parise** seconded the motion.

✓ Vote Record – O-10-13 as further amended						
			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input checked="" type="checkbox"/> Defeated	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Flowers	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Coates	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Herman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. FROM DEVELOPMENT DIRECTOR WOJTOWICZ, a communication with regard to DEIS for Dutton Lumber.

Development Director Wojtowicz informed the Council that Stuart Mesinger from the Chazen Company was with her and he is the City’s consultant for this project. Last spring the Common Council declared its consent to be lead agency and now they are lead agency because no other agencies challenged that. What we did is we had the developer go out and write the DEIS. The outline for that was a scoping document. What we are doing now is deciding whether or not this DEIS is adequate, whether or not the questions are answered in the scoping document and decide whether or not it is adequate.

Stewart Mesinger stated that the scoping document was adopted last May, it is a very detailed table of content for the DEIS. What this does is that it lays out the areas that are going to be studied and the ways that they are going to be studied. On February 23rd the applicant submitted a draft of the DEIS, and what we do now is completeness review. The completeness review is to see whether or not it has met the requirements of the scope and it is typical in these things that we have questions or comments and it gets sent back once, sometimes more than once to the applicant for additional work and we anticipate that will be the case here. We will have our internal review done completed on Friday, March 15th and then we will prepare a letter for the city to consider. You need to act on it within a 45 day window and so we are anticipating at your April 5th Common Council Meeting that there will be a resolution to vote on.

- 2. FROM DEVELOPMENT DIRECTOR WOJTOWICZ**, a communication with regard to the Historic Preservation Ordinance.

Development Director Wojtowicz informed the Council sometime in January there was a change in the Historic Preservation Ordinance and went back to what was on the books for a while. The Development Department is currently working on it but they want to keep the revision of the zoning ordinance separate from the update of the historic preservation ordinance due to the fact that they do not want to delay the revision of the zoning ordinance.

- 3. FROM ASSISTANT CORPORATION COUNSEL ACKERMANN**, a communication update on the Ethics Code.

Assistant Corporation Counsel Ackermann gave an update to the Council with regard to a revision of the Ethics Code, he stated that City staff is currently working on

- 4. FROM CITY ADMINISTRATOR LONG**, a communication with regard to a transportation grant.

City Administrator Long informed the Council that last week the Mayor announced a Federal Stimulus Grant for \$1.4 Million for our transit project. Primarily it covers several different things but the biggest chunk of the money is set for the design phase of the HUB. There is also some operating money and some equipment money.

- 5. FROM MEGAN E. DRAYER**, a notice of property damage sustained on February 18, 2010. **Referred to Corporation Counsel**
- 6. FROM MAGGIE P. STREIT**, a notice of personal injury sustained on November 24, 2009. **Referred to Corporation Counsel**
- 7. FROM MICHAEL K. LEWIS, SR.**, a notice of personal injury sustained on January 25, 2010. **Referred to Corporation Counsel.**
- 8. FROM JUSTIANA CUEBAS**, a notice of property damage sustained on February 12, 2010. **Referred to Corporation Counsel.**

X. UNFINISHED BUSINESS:

Councilmember Mallory with regard to the RFP for the consultant he requested that the Council be part of the reviewing process. He gave an update on the progress of amending the Taxicab ordinance.

Councilmember Coates asked City Administrator Long for a report on the bus routes in the City of Poughkeepsie. He asked what the status of the RFP for the skate park is.

Councilmember Johnson inquired about the status of the Verizon PEG channel. Asked about the paving of Maplewood and wanted to know about the arterial cleanup.

XI. NEW BUSINESS:

Councilmember Coates asked for a Committee of the Whole meeting at the next meeting with Linda MacIsaac for CDBG. He wanted to know about the process of the walk thru of wards. He stated that he is happy about the deal that was struck with Sheldrake and thanked the Mayor and Assistant Corporation Counsel Ackermann.

Chairman Klein added that he is requesting a Committee of the Whole be scheduled at our next meeting, April 5th at 5:30 p.m.

Councilmember Mallory inquired about RFP for Spratt Park for the summer. City Chamberlain brought to his attention about vendors and looking at the current ordinance and thought we should form a committee to review it. He was speaking with the City Historian George Lucas and he it was brought to his attention that the historian does not have a space available to store items and office space. City Ambulance service, Mobil Life wanted to know if their current contract affects the relationship with Saint Francis or Vassar Brothers Hospital. He asked if we are still under the routine system of the fire department responding when the ambulance is called.

Councilmember Solomon got a complaint about the Glebe House because the railing is falling down, the bottom of the steps are rotten and the person was on crutches. She found out that SHPO had agreed to do something about the railing and the stairs.

Councilmember Johnson received information about programs for at risk youth and wanted to know if it is possible if she can get a breakdown of the 10 programs and a breakdown of money spent through Recreation for events.

Councilmember Parise wondered if the City Historian could put his office and his supplies in the Glebe House.

XII. ADJOURNMENT:

A motion was made by Chairman Klein and Councilmember Mallory moved to adjourn meeting at 9:30 p.m.

Dated: May 12, 2010

Official Minutes of Common Council Meeting of March 15, 2010

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, March 15, 2010.

Respectfully submitted,
Deanne L. Flynn
City Chamberlain



COMMON COUNCIL MEETING

Common Council Chambers

Monday, March 15, 2010

6:30 p.m.

5:30 Special Informational Meeting

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

III. REVIEW OF MINUTES:

Common Council Meeting of October 19, 2009

Public Hearing of October 19, 2009

Common Council Meeting of November 16, 2009

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

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

XII. MAYOR'S COMMENTS:

XIII. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

XIV. MOTIONS AND RESOLUTIONS:

- 6. FROM COMMISSIONER OF FINANCE BUNYI**, Resolution R10-42, re-allocation of money from the contingency fund for the Joint Water Contract.
- 7. FROM COUNCILMEMBER COATES**, Resolution R10-43, creation of community board to advise on youth initiatives.
- 8. FROM CITY ADMINISTRATOR LONG**, Resolution R10-44, approving a grant application for "CLOUD" shared services initiative with IBM.
- 9. FROM COMMISSIONER OF FINANCE BUNYI**, Resolution R10-45, budget amendment reflecting change of Property Development Specialist to Deputy Zoning Administrator.

XV. ORDINANCES AND LOCAL LAWS:

3. **FROM ASSISTANT CORPORATION COUNSEL ACKERMANN**, Ordinance O-10- 11, parking restrictions on Pine and Market Street to no parking zone.
4. **FROM DEVELOPMENT DIRECTOR WOJTOWICZ**, Ordinance O-10-12, requiring applicants to address existing violations prior to appearing on agenda for Zoning Board or Planning Board.
5. **FROM ASSISTANT CORPORATION COUNSEL ACKERMANN**, Ordinance O-10-13, amending the garbage can ordinance.

XVI. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

9. **FROM DEVELOPMENT DIRECTOR WOJTOWICZ**, a communication with regard to DEIS for Dutton Lumber.
10. **FROM DEVELOPMENT DIRECTOR WOJTOWICZ**, a communication with regard to the Historic Preservation Ordinance.
11. **FROM ASSISTANT CORPORATION COUNSEL ACKERMANN**, a communication update on the Ethics Code.
12. **FROM CITY ADMINISTRATOR LONG**, a communication with regard to a transportation grant.
13. **FROM MEGAN E. DRAYER**, a notice of property damage sustained on February 18, 2010.
14. **FROM MAGGIE P. STREIT**, a notice of personal injury sustained on November 24, 2009.
15. **FROM MICHAEL K. LEWIS, SR.**, a notice of personal injury sustained on January 25, 2010.
16. **FROM JUSTIANA CUEBAS**, a notice of property damage sustained on February 12, 2010.

XIII. UNFINISHED BUSINESS:

XIV. NEW BUSINESS:

XV. ADJOURNMENT: