



**THE CITY OF POUGHKEEPSIE
NEW YORK**

**COMMON COUNCIL MEETING
MINUTES**

Monday, May 3, 2010

6:30 pm

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

7 Present, 1 absent (Councilmember Coates)

II. REVIEW OF MINUTES:

Councilmember Herman made a motion to accept the minutes as amended,
Councilmember Parise seconded the motion.

✓ Vote Record – CCM 1-2-10						
			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Johnson	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Solomon	Voter	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

Councilmember Herman made a motion to accept the minutes from March 1, 2010,
Councilmember Parise, seconded the motion.

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✓ Vote Record –CCM 3-1-10						
			Yes/Aye	No/Nay	Abstain	A sent
<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 Co tes	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

NONE

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

Robert W. Bray-232 Wilbur Blvd asked where the sump pumps for Stonebridge are and why they are not being enforced. The sump pumps are critical to prevent the flooding for Spratt Avenue and the entire neighborhood. Needs the help of the City and needs for someone to do something, peoples homes are being saturated and being ruined. Stonebridge is clearly responsible for putting in the sump pumps.

Constantine P. Kazolias 47 Noxon Street stated that something needs to be done for the people with Mr. Bray’s situation. What happened to Friday’s TV of the Common Council Meeting? He wants to give credit to Mayor Tkazyik and Commissioner Bunyi for the Moody’s upgrade. The state wants to charge \$5.00 to the people visitng the Walkway over the Hudson, wants to credit the Mayor for providing the 70 space parking lot on Parker Avenue for free.

Susan Kemp-51 Talmadge Street speaking on behalf of the Taconic Resources for Independence. Think that it is wonderful that so many people visit the Walkway over the Hudson. They are required to provide disable accesible parking, 1 space for every 25 spaces needs to be a disabled parking and that is standard. People will be walking from Parker Avenue, wheelchairs have difficult time going up a ramp, and it is very steep. Spoke with the Mayor and he had informed her that it is really the State recreations responsibility and he directed her to speek with the Dyson Foundation and she spoke with Dianne at the Dyson Foundation and she was wonderful, it had not been brought up before but she was going to mention it at the next meeting. She is very pleased with the Mid Hudson Children’s Museum and Councilmember Parise.

Ken Stickle-Catherine Street proud to announce that he and Councilmember Mallory have an organization to help them cleanup Malcom X Park and

Earline Patrice Park and they will be working with Councilmember Parise next and start with his. Dissapointed with the City noticed that a tree was split in front of the Civic Center and there is a police officer blocking off the area and the tree crew cleaning up the tree. Wanted to know what happened to the tree crew that comes past the Mansion Square Park constatly and does not clean up the limbs and the grass is horrible over there. This past weekend, going to Route 9, coming back into Poughkeepsie, the beautiful sign on South Avenue says Welcome to Poughkeepsie and when we were established and the grass is almost as high as the sign. Main Street, Saturday and Sunday mornings, there is litter all over Main Street, the property owners should be responsible for cleaning up in front of their stores. We need to turn around and make the city workers responsible.

Sean Harden-36 Glenwood Avenue stated that the City of Poughkeepsie police department responded 2 times to neighbor's home this past weekend due to the neighbors sitting outside, drinking and making noise. The first time they were called they responded very quickly, the next time when they were called at 1:00 a.m. and they also responded quickly. They have many people and cars coming in and out of the house and he believes that it is a fire hazard. Glenwood Avenue is also becoming a speedway and it is dangerous, it needs to be slowed down. It is dangerous to the community, someone can hit, someones property could be damaged and someone can get hurt.

V. MAYOR'S COMMENTS:

Mayor Tkazyik wanted to address some of the concern from the public. The last speaker we will forward his complanit to the building department, the nuisencse committee and acting Chief Minard. With regard to the comments about the grass cuuting, a lot of the triangles that you see off of the arterial and Route 9 are State DOT triangles. If you remember last year former Councilmember Rich and City Administrator Long spoke to you about the conversations in realtion to DOT and mowing of the grass and what the responsibility of the State is and what the responsibility of the City is. A lot of those intersections that you see are not the cities responsibility to mow and we have to get permission from DOT. We had to get permission to get the sign put there and has been trying to get permission to get a light put up there and we have to get a permit for that. June 1st, the 2 additional temps in the recreation department will be on hand to assist and additional cleanup in the summer months along with the additional cleanup on Saturday mornings with the Sanitation Department, you will see the additional cleanup on Saturday mornings.

The past weekend was a great weekend with Hooked on Fishing in the 5th ward and tonight you have gifts from Ken and Cheryl Rose. We have collaborated with Trouts Unlimited who donated \$10,000 to the City to restore the pier and the dock out at Morgan Lake. A big hand to the Public Works

Department and Recreation Department who worked very hard to see to it that the pier was done and there was a specific wood that needed to be used. The pier was dedicated to Ken and Cheryl Rose who have been working on the Hooked on Fishing project for the past 23 years have been organizing the Hooked on Fishing event out at Morgan Lake and as you know Ken Rose is a former City employee who retired.

We also had an Adopt a Park weekend where 40 members from Faith Assembly of God came together and adopted at Kaal Rock Park for a day. They did a wonderful job and it was a wonderful day and I know that they are looking to collaborate to do some cleanups in some of the other city parks.

Wanted to recognize the hard work, Commissioner of Finance and the finance department along with the collaboration with himself and the City Administrator Long. as you read in the paper last week, Moody's did a recalibration of the bond rating and we were promoted from A-3 to A-1. Really have to commend the finance department for the measures that they put in place to get out of deficit. Tonight on the agenda there is a lot of proposal for 20 Parker Avenue which will provide 70 spaces with handicapped parking. Mr. Spiezio is collaborating with Walkway and the city in providing visitors with 70 spaces at no fee.

Defer 3 minutes for the representatives from the Mayor's Youth Council. Shaven Ashe (President) and Judaic Brown had all members of the Youth Council stand and give their names. Judaic Brown gave an update of what they have been discussing and their accomplishments to date.

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Klein made a clarification about Councilmember Solomon's late return from her trip resulting in missing the last council meeting. He stated that last meeting he mentioned that her delay was due to volcanic ash from Iceland, she was actually stuck on the Vandyke Expressway in Queens coming back from JFK. Chairman Klein welcomed back Councilmember Solomon. He congratulated Mayor Tkazyik and his administration for the bond rating. The City celebrated past Saturday the opening of the marina. He wanted to respond to comments made by Mr. Bray, he wanted him to know that they are looking into his problem and trying to get some answers for Mr. Bray and his neighbors.

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 this resolution is a clean-up resolution. Resolution R10-53 which was previously passed was a supplemental agreement for the Hoffman Street Bridge Project. This resolution is a clean-up resolution that will update the original resolution R10-29, authorizing the replacement of the Hoffman Street Bridge and authorizing the financing required for the project.

This resolution will amend the total project cost to \$14,115,683 (\$10,289,683 ARRAm \$3,060,800 additional Federal, \$64,000 State, \$701,200 local share). This is an increase of \$366,683 to the total project cost. This resolution further authorizes the Commissioner of Finance to increase the maximim financing capacity to \$14,115,683.

Mayor Tkazyik added that this resolution comes at eh Bond Counsel's recommendation.

RESOLUTION
R10-62
EXTRACT OF MINUTES
[Hoffman Street Bridge Replacement - Supplemental]

A regular meeting of the Common Council of the City of Poughkeepsie, Dutchess County, New York was convened in public session at the Council Chambers, City Hall, Poughkeepsie, New York on May 3, 2010 at 6:30 o'clock p.m., local time.

The meeting was called to order by **Chairman Klein**, and, upon roll being called, the following members were:

PRESENT:

Councilmember Thomas E. Parise
Councilmember Robert L. Mallory, Jr.
Councilmember Lee David Klein
Councilmember Yvonne Flowers
Councilmember Mary Solomon
Councilmember Gwen C. Johnson
Councilmember Paul T. Herman

ABSENT: **Councilmember Ralph S. Coates II**

The following persons were ALSO PRESENT:

Commissioner of Finance Camilo Bunyi

The following resolution was offered by **Councilmember Herman**, seconded by **Councilmember Parise**, to wit;

SUPPLEMENTAL BOND RESOLUTION DATED MAY 3, 2010

A RESOLUTION AMENDING AND SUPPLEMENTING BOND RESOLUTION NO. R-10-29 DATED FEBRUARY 16, 2010, AUTHORIZING THE REPLACEMENT OF HOFFMAN STREET BRIDGE AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN ADDITIONAL AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$366,683 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE.

WHEREAS, the City has previously adopted its Bond Resolution No. R-10-29 DATED February 16, 2010 entitled "A RESOLUTION AUTHORIZING THE REPLACEMENT OF HOFFMAN STREET BRIDGE AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$13,749,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE" (the "February 16, 2010 Hoffman Street Bridge Replacement Resolution") authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$13,749,000, for the replacement of the Hoffman Street Bridge; and

WHEREAS, it necessary to increase the estimated aggregate maximum cost of such project and the authorized amount of serial bonds by \$366,683, resulting in an increased estimated aggregate maximum cost of \$14,115,683 for such purpose; and

WHEREAS, the City anticipates the receipt of additional federal aid in connection with the project;

NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of Poughkeepsie, Dutchess County, New York (the "City") (by the favorable vote of not less than two-thirds of all of the members of the Common Council), as follows:

SECTION 1. The February 16, 2010 Hoffman Street Bridge Replacement Resolution is hereby amended and supplemented as further set forth in this resolution. The replacement of the Hoffman Street Bridge, including related improvements, is hereby authorized at an increased estimated maximum cost of \$14,115,683, and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 10 of paragraph a of Section 11 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty years.

SECTION 2. The City has determined that the aforesaid purpose constitutes a Type II Action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQR not to have a significant impact on the environment.

SECTION 3. The City has previously authorized the issuance of serial bonds of the City in an amount not to exceed \$13,749,000, and the City has issued \$3,000,000 in bond anticipation notes pursuant to such authorization. The City plans to finance the increased additional costs of said purpose by the issuance of additional serial bonds of the City in an amount not to exceed \$366,683, resulting in a total authorized issuance of \$14,115,683, hereby authorized to be issued therefor pursuant to the Local Finance Law. The City expects to redeem a portion of the obligations from the proceeds of (i) a

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\$10,289,683 grant expected to be received under the American Recovery and Reinvestment Act (ARRA), (ii) a \$3,060,800 federal highway system grant, and (iii) a \$64,000 Marchiselli grant, leaving an expected local share of \$701,200.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 5. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations.

SECTION 6. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the City are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the City a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 7. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Commissioner of Finance, the Chief Fiscal Officer of the City. The Commissioner of Finance is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Chamberlain is hereby authorized to affix the corporate seal of the City to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 8. The Commissioner of Finance is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, to the extent applicable, to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) Such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or

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(2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with; and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 10. The Chamberlain is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Poughkeepsie Journal, a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

SECTION 11. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Councilmember Thomas E. Parise	VOTING ___Aye
Councilmember Ralph S. Coates II	VOTING ___Absent
Councilmember Robert L. Mallory, Jr.	VOTING ___Aye
Councilmember Lee David Klein	VOTING ___Aye
Councilmember Yvonne Flowers	VOTING ___Aye
Councilmember Mary Solomon	VOTING ___Aye
Councilmember Gwen C. Johnson	VOTING ___Aye
Councilmember Paul T. Herman	VOTING ___Aye

The foregoing resolution was thereupon declared duly adopted.

Approved: May 3, 2010

John C. Tkazyik
Mayor

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Chamberlain of the City of Poughkeepsie, Dutchess County, New York (hereinafter called the "City") and the custodian of the records of the City, including the minutes of the proceedings of the Common Council, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Common Council held on the 3rd day of May, 2010 and entitled:

SUPPLEMENTAL BOND RESOLUTION DATED MAY 3, 2010

Official Minutes of the Common Council Meeting of May 3, 2010

A RESOLUTION AMENDING AND SUPPLEMENTING BOND RESOLUTION NO. R-10-29 DATED FEBRUARY 16, 2010, AUTHORIZING THE REPLACEMENT OF HOFFMAN STREET BRIDGE AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN ADDITIONAL AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$366,683 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE.

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the City. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Common Council was present throughout said meeting, and a legally sufficient number of members (two-thirds of the Common Council) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the City and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this ____ day of _____, 2010.

-SEAL-

Deanne Flynn
City Chamberlain

✓ Vote Record – R10-62						
			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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

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 this is a resolution authorizing the Mayor to enter into a one year lease agreement at 121 Parker Avenue for a temporary municipal parking lot which will provide an additional 70 parking spots that will be available to visitors of the Walkway over the Hudson and will be open between 9:00 a.m. and 6:00 p.m.

Councilmember Parise inquired about handicapped spots in the lot.

Assistant Corporation Counsel Ackermann responded that the Mayor has requested that there will be a minimum of 3 handicapped parking spots at this site.

R E S O L U T I O N
(R-10-63)

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, the opening of the Walkway over the Hudson has become a huge tourist attraction drawing hundreds of thousands of people in the first year of it being opened; and

WHEREAS, while the opening has been extremely beneficial to the City, some residents near the Walkway have experienced parking concerns created by a lack of parking for visitors of the bridge; and

WHEREAS, the City has negotiated an agreement whereby the City would temporarily lease the site of the former Parker Avenue Diner located at 121 Parker Avenue for the purpose of operating a municipal parking lot; and

WHEREAS, this agreement will create approximately 70 additional parking spots that are available to those who wish to visit the Walkway over the Hudson; and

NOW, THEREFORE, BE IT

RESOLVED, that the Common Council of the City of Poughkeepsie hereby approve the City of Poughkeepsie entering into a Lease with 121 Parker Avenue Holdings, LLC for the purpose of creating a temporary municipal parking lot and authorize the Mayor to sign a Parking Lot Lease 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 PARISE

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✓ Vote Record – R10-63						
			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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 informed the Council that at the request of Councilmember Coates, the proposed Ordinance will amend the parking regulations for South Clover Street. The amendment will create one handicapped parking spot just south of Holy Pentecostal Church and will be limited to Sundays between the hours of 8:00 a.m. and 5:00 p.m.

**ORDINANCE AMENDING §13-269
OF CHAPTER 13 OF THE CITY OF POUGHKEEPSIE
CODE OF ORDINANCES ENTITLED “MOTOR VEHICLES
AND TRAFFIC”**

**ORDINANCE
(O-10-17)**

INTRODUCED BY COUNCILMEMBER HERMAN

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

SECTION 1: §13-269 is hereby amended by the following addition:

Section 13-269 Handicapped parking areas designated.

Upon the erection of signs giving due notice thereof, the following areas shall be designated as handicapped parking areas and are to be utilized only for the purpose set forth in this Article:

South Clover Street, east side, beginning 180 feet north of the intersection of Delano Street, continuing north for a distance of 22 feet, for one parking space, on Sundays from 8:00 a.m. to 5:00 p.m.

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER PARISE

ADDITIONS denoted by **Underlining and Bold**

✓ Vote Record – O-10-17						
			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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 SOCIAL DEVELOPMENT DIRECTOR MACISAAC**, a communication regarding CAPER.
2. **FROM CITY ADMINISTRATOR LONG**, a communication regarding requirements for Council Minutes.

The City of Poughkeepsie

New York

Michael H. Long
City Administrator
mhlong@cityofpoughkeepsie.com



62 Civic Center Plaza
Poughkeepsie, New York 12601
TEL: (845) 451-4072 FAX: (845) 451-4013

April 20, 2010

CCM 5/3/10- Item IX. No. 2

Chairman Klein and Members of City Council
62 Civic Center Plaza
Poughkeepsie, NY 12601

Re: Common Council Minutes

Dear Chairman Klein and Members of Common Council

There has been discussion about the official recording of minutes of the City of Poughkeepsie, Common Council. The City Chamberlain is directly responsible for the recording of official minutes as defined within the city charter. The specifics about how this is actually accomplished are covered under the State of New York – Department of State – Committee on Open Government. This organization is available to give guidance and interpretation of what is required.

Public Officers Laws (State of New York) Article 7 contains the materials for the open meetings law. Section 106 Minutes states... *"1. Minutes shall be taken at all open meetings of a public body which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon."*

In the past, the Common Council has requested detailed minutes of the meetings. The important issue with documentation of the common council meetings in particular the resolutions proposed, documenting the sponsors and individual votes recorded typically as the roll call of how each individual member cast their vote. The minutes once adopted by the council, becomes the official record of actions taken. The amount of discussion leading up to the vote by the members of council is not required to be recorded within the minutes.

In fact, the Committee on Open Government often issues advisory opinions. An opinion by Robert Freeman states *"In my opinion, a rule requiring that a (town) clerk prepare a verbatim account of everything said at every town board meeting would be found by the court to be unreasonable and beyond the authority granted... In consideration of the numerous statutory obligations imposed upon (town) clerks by a variety of statutes, a clerk would be effectively precluded from carrying out those duties if he or she is required to prepare verbatim minutes of every meeting... In short, I believe that a requirement that you, as clerk, prepare verbatim minutes is not only unreasonable; a requirement of that nature also results in inefficiency and a lesser capacity to conduct (town) business in a manner that enables you to meet your statutory responsibilities."*

Another issue is amount of time that occurs between the meetings and when the minutes are produced. For many years, the city of Poughkeepsie has not been able to prepare the minutes for common council consideration for several months after the meeting was held. Under the current regulations, the city should have the minutes drafted and available within two weeks of the actual meeting occurrence.

O:\Mike Long\Council memos\council memo minutes 4 20 10.doc

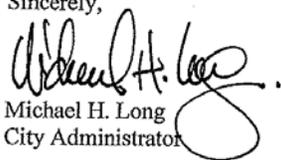
Official Minutes of the Common Council Meeting of May 3, 2010

Chairman Klein and Members of Common Council
Page 2 - Re: City Council Minutes

I personally attended a recent NYCOM conference with Council members Mary Solomon and Robert Mallory also in attendance. The subject matter was titled Minutes & Meeting Procedures. Attached is a copy of the PowerPoint Presentation given by John Mancini, NYCOM Counsel that was distributed at that session. As Council Woman Johnson was scheduled to attend and with the personal family tragedy of her brother-in-law, I collected a copy of the materials and gave them to her for review.

It is the staff's intention to reduce the amount of written discussion and focus on the Open Meetings Laws requirements. This will result in a shorter turn around time of actually presenting the minutes to the Common Council for adoption. The city is responsible for permanent collection of minutes which typically is bound for future reference. With our new computer video capability, we also have a recorded version on DVD's of each individual Common Council meetings in the event that anyone requires additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael H. Long", written over the printed name and title.

Michael H. Long
City Administrator

Enc.

**NY
COM** 2010 City Officials Workshop
Minutes & Meeting Procedures

**Minutes
&
Meeting Procedures**

New Officials Workshop 2010

Presented by
John A. Mancini
NYCOM Counsel

**NY
COM** 2010 City Officials Workshop
Minutes & Meeting Procedures

**Who's Responsible for the
Minutes?**

- A Board's Clerk Is Responsible For Recording The Minutes Of A Meeting
- A City Must Look To Their Charter To Determine The Clerk For Each Of The Various Boards



2010 City Officials Workshop
Minutes & Meeting Procedures

The Minutes Book

- The Basic Record For The Public Body
- The Legislative Record Of A City Council

* No Express Statutory Authority

* A Matter of Necessity & Proper Record Keeping



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When Must Minutes Be Taken?

1. All Open Meetings Of A Public Body When That Body
2. Acts On A
 - a) Motion
 - b) Proposal
 - c) Resolution
 - d) Any Other Matter Upon Which Votes Are Taken



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When Must Minutes Be Taken?

- Workshops and Works Sessions ARE Meetings
- If NO Motion, Proposal, Resolution Or Any Matter Voted On, Then Minutes Are Not Required



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Minutes & Meeting Procedures

When Must Minutes Be Taken?

Executive Sessions

1. Minutes Must Be Taken Only If The Public Body Takes A Formal Vote
 2. No Vote = No Requirement To Take Minutes
- * Even If No Action Is Taken In Executive Session, Minutes Of The Open Meeting From Which The Executive Session Is Entered Into Must Reflect the Vote On The Motion To Enter Into Executive Session



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Minutes & Meeting Procedures**

What Information Must Be Included?

1. Accurate & Complete Record/Summary of
 - a) Motions
 - b) Proposals
 - c) Resolutions, &
 - d) Any Other Matter Formally Voted Upon
By The Board
2. Each Members Vote



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Minutes & Meeting Procedures**

What Information Must Be Included?

3. Key Points
4. Separate Fact From Opinion
 - a) Facts Are Indisputable ("Mayor Smith
attended NYCOM's City Officials Workshop)
 - b) Opinions Are Personal Views ("The
Bicentennial Celebration was a huge
success")



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Minutes & Meeting Procedures

What Information Must Be Included?

- NOT Required To Be Verbatim
- Should NOT Be Verbatim
- Should NOT Include a Reference to Each Comment Made During the Meeting



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Minutes & Meeting Procedures

What Information Must Be Included?

Do NOT Include:

- Offensive Or Inappropriate Language (even if used at the meeting)
- Subjective Interpretations Of The Mood Or Tone Of The Speakers Or Audience
- Items Not Discussed During The Meeting!!!!



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Minutes & Meeting Procedures**

Must Minutes be Approved?

- There Is NO Requirement In State Law That The Board Approve The Minutes
- Local By-Laws Or Rules Of Procedure May Require Approval Of The Minutes
- Approving Minutes Is Typically Done



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Minutes & Meeting Procedures**

**Best Practices For
Approving Minutes**

1. Distribute Minutes Prior To The Next Board Meeting
2. Carefully Review The Minutes
3. Record Any Corrections Or Additions
4. The Board Should Vote To Approve The Minutes



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Minutes & Meeting Procedures**

Making Minutes Available

Open Meetings Law (Public Officers Law § 106)

- Normal Meeting Minutes = 2 Weeks
- Executive Session Minutes = 1 Week

(If the public body requires minutes to be approved, and you receive a request from the public to see the minutes prior to board approval, the minutes should be marked, "unapproved", "Draft", or "Non-final")



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Minutes & Meeting Procedures**

Public Hearings and Minutes

1. A Meeting Of The Public Body, At Which The Public Must Be Allowed To Comment On The Matter That Is The Subject Of The Public Hearing
2. Statute And Case Law Are Silent On The Issue Of Whether Oral Comments Made At A Public Hearing Must Be Recorded



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Minutes & Meeting Procedures**

Public Hearings And Minutes

3. Absent a Specific Statutory Requirement, Comments Made At A Public Hearing Are Not Required To Be Recorded
4. If A Member Wishes To Have Their Comment Memorialized In Writing, They Should Submit It In Writing.



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Minutes & Meeting Procedures**

Public Hearings And Minutes

5. If A Member Of The Public Body Is Not Present At The Public Hearing,
 - * Comments Made At The Hearing Should Be Recorded So That Member May Review Them Before Voting
 - * Unless Specifically Set Forth In Law The Form Of The Recording Must Be Reasonable



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Public Hearing Best Practices

1. Have The Speaker Identify Themselves
2. Beware Of Noisy Distractions Such As Rustling Papers
3. Ask For Clarification When It is Unclear To Whom The Speaker Is Referring ("They", "He", "She", Etc.)
4. Require Visual References To Be Described Into The Record



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Minutes & Meeting Procedures**

A Note About Notes

Clerks May Take Notes & Recordings To Assist
In Preparing The Minutes

- Notes And Recordings Are "Records" Within The Meaning Of FOIL
- Pursuant To The Record Retention Schedule MU-1, Recordings of Voice Conversations To Produce Official Minutes Must Be Retained For 4 Months After Transcription And/Or Approval Of Minutes

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Meeting Procedures
Every Single Public Body

- Village Board Of Trustees
- City Council
- Zoning Board Of Appeals
- Planning Board

**Must Adopt Meeting Procedures that
Comply with Open Meetings Law**

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Meeting Procedures
Who Runs the Meeting?

1. **Villages:**
Village Law § 4-400- Mayor Presides
Over Board Of Trustees
2. **Cities:**
Look To Your Local Charter To
Determine Who Runs the Show



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Meeting Procedures

Public Bodies May, By Resolution,
Adopt Rules Of Procedure

*Robert's Rules Of Order Is NOT
Recommended!!

Rules of Procedure For Public Bodies
Should Be Simple, Straightforward And
At A Minimum Address The Following:

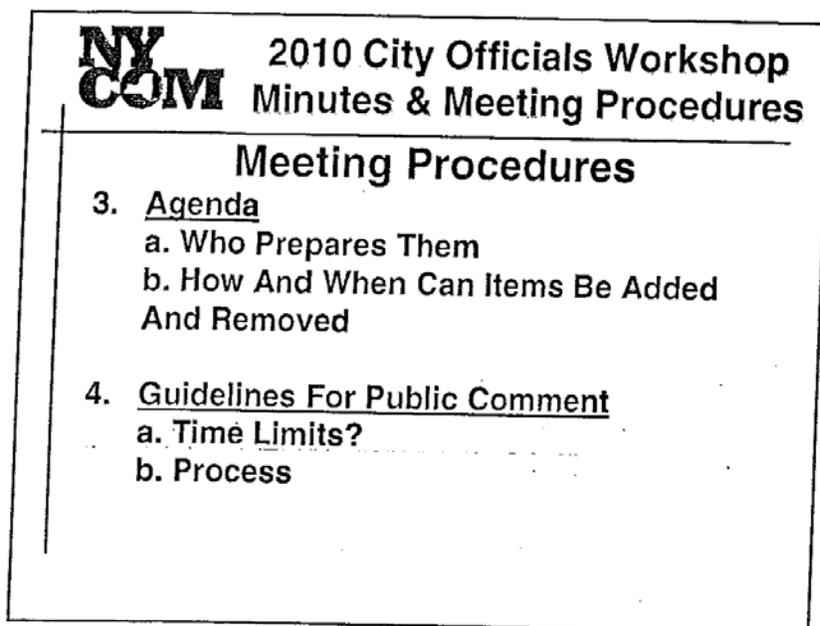


2010 City Officials Workshop
Minutes & Meeting Procedures

Meeting Procedures

1. Regular Meetings
 - a. When
 - b. Where Held &
 - c. How They Are Cancelled
 - d. Includes Regular Work Sessions

2. Special Meetings
 - a. Who May Call Them &
 - b. When
 - c. Notification (Telephone, E-mail, etc)



3. **FROM JOHN A BANKS**, a notice of personal injury sustained on February 8, 2010. **Referred to Corporation Counsel**
4. **FROM CHARLES D. POLES, JR.**, a notice of property damage sustained on March 5, 2010. **Referred to Corporation Counsel**
5. **FROM CAROL VERSACE**, a notice of property damage sustained in March 2010. **Referred to Corporation Counsel**

X. UNFINISHED BUSINESS:

Councilmember Johnson requested an accounting of leftover money from the Pershing Avenue project. She also wanted to know what the status of the King Street Park playground was.

Councilmember Solomon in order to know what the impact of Vassar Brothers Medical Center expansion will be she requested a list of the 44 parcels with street address and assessments for the last three years.

Councilmember Mallory inquired about the status of the proposed taxi ordinance draft.

Assistant Corporation Counsel Ackermann responded that he has sent a final draft to the police department and is being reviewed by one of the Sergeants.

Chairman Klein inquired about the status of the revision of the ethics ordinance and the historic preservation ordinance. Chairman Klein informed Councilmember Mallory that a letter is being drafted to the various boards and committees for them to pick out a council meeting to come and make a presentation when we do not have a lengthy meeting schedule and it fits into their schedule.

XI. NEW BUSINESS:

Councilmember Mallory wanted to know if anyone knows what the status of the CSX property between the Walkway and Morgan Lake is. Wanted to know what the city's response is for illegal postings on traffic lights and poles. He wanted to thank the Poughkeepsie Fire Department for their quick response to the 3 alarm fire on Catherine Street. Arbor Day on April 30th was a very nice time to put trees out there for Middle Main.

Councilmember Solomon has gotten requests for "Curb your dog signs" from Academy to Pershing Avenue. Has gotten a couple of calls about the new permit system for the building department and wanted clarification.

Assistant Corporation Counsel Ackermann responded that there is now one packet with separate permit applications enclosed all applications are in one packet.

Chairman Klein assembling a community relations advisory board and the council has received some wonderful applications. He has asked Councilmember Coates and Councilmember Mallory to review the applications and get input from other Councilmembers. Wishes to introduce the topic of a summer council schedule. Document included in the packet for Spratt Park Pool proposal.

Commissioner of Finance Bunyi responded that we are seeking into entering into an inter-municipal agreement with the Town of Poughkeepsie, there is a lot of information here that we would like for you to consider. Allocated \$14,000 from contingency, if we can make this happen, aside from the collaboration we will save the \$14,000.

Chairman Klein added that he attended a Academy Street Partnership Meeting and wanted to commend them publicly.

XII. ADJOURNMENT:

A motion was made by Chairman Klein and Councilmember Herman moved to adjourn meeting at 7:40 p.m.

Official Minutes of the Common Council Meeting of May 3, 2010

Dated: December 9, 2010

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, May 3, 2010 at 6: 30 p.m.

Respectfully submitted,

Deanne L. Flynn
City Chamberlain



COMMON COUNCIL MEETING

Common Council Chambers

Monday, May 3, 2010

6:30 p.m.

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

III. REVIEW OF MINUTES:

Common Council Meeting of January 2, 2010

Common Council Meeting of March 1, 2010

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:

- 1. FROM COMMISSIONER OF FINANCE BUNYI, Resolution, R10-62, amending the financing limit for the Hoffman Street Bridge Project.**
- 2. FROM ASSISTANT CORPORATION COUNSEL ACKERMANN, Resolution, R10-63, authorizing a temporary lease agreement for 121 Parker Avenue for a temporary municipal parking lot.**

XV. ORDINANCES AND LOCAL LAWS:

1. FROM COUNCILMEMBER COATES, Ordinance O-10-17 amending Section 13-269 entitled handicapped parking area designated providing for one handicapped parking space on South Clover Street.

XVI. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

6. FROM SOCIAL DEVELOPMENT DIRECTOR MACISAAC, a communication regarding CAPER.

7. FROM CITY ADMINISTRATOR LONG, a communication regarding requirements for Council Minutes.

8. FROM JOHN A BANKS, a notice of personal injury sustained on February 8, 2010.

9. FROM CHARLES D. POLES, JR., a notice of property damage sustained on March 5, 2010.

10. FROM CAROL VERSACE, a notice of property damage sustained in March 2010.

XVII. OLD BUSINESS:

XVIII. NEW BUSINESS:

XIX. ADJOURNMENT: