



**THE CITY OF POUGHKEEPSIE  
NEW YORK**

**COMMON COUNCIL MEETING  
MINUTES**

---

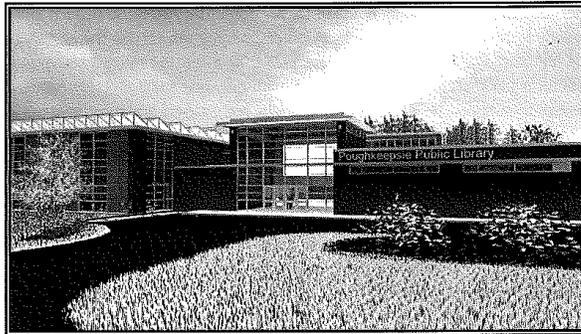
**Monday, October 15, 2012 6:30 p.m.**

**City Hall**

---

---

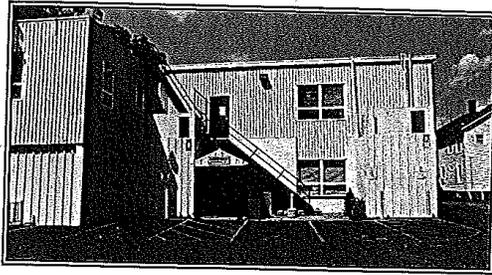
# **Better Libraries, Better Communities: Phase III**



## **An Explanation of the Plan to Build a New Branch Library**

---

The Library District capital improvement plan consists of three phases: Phase I was the expansion of parking at Adriance Memorial Library, Phase II was the expansion and restoration of Adriance Memorial Library, and Phase III is the permanent siting of a branch library in the Town of Poughkeepsie.



*The entrance to the currently leased Arlington Branch Library.*

## **The Need**

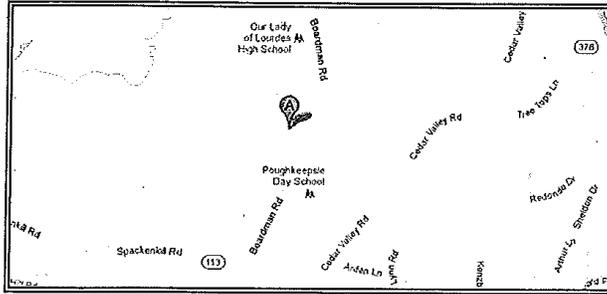
The Library District is proposing to build a new branch library on Boardman Road in order to address the growing demand for services. The Arlington Branch Library is currently located in rented space in an office building directly on the eastbound arterial highway. The Library District pays \$125,000 a year in rent and common charges for a site that, at 6,500 square feet, with only one small meeting room, is inadequate to support the demand for materials, technology, and programs.

Poughkeepsie's public libraries are more popular than ever. In 2011:

- The District's two libraries circulated more than 422,000 items at a rate of 1,150 items per day or 100 per hour.
- No fewer than 362,392 people visited the libraries, with 256,409 visits to Adriaance Memorial Library and 105,983 visits to the Arlington Branch Library.

Of course, our public libraries do much more than circulate books. They are places where people go to learn, to share interests, and to be enriched. In 2011, our two Poughkeepsie libraries offered 1,953 programs for all ages, an average of more than five programs per day, and drew 26,488 attendees. Due to the limitations of the branch library, the vast majority of these programs took place at Adriaance Memorial Library.

In order to serve a growing population and an increasing demand, the Library District constantly looks for ways to improve its facilities and services. The Board of Trustees views the current Boardman Road project as an opportunity that is worthy of being offered to the community for a vote this November.



*The site is off Spackenkill Road and is between Lourdes High School and Poughkeepsie Day School.*

## **The Plan**

The Library District proposes to purchase a six-acre site on Boardman Road that is currently owned by Faith Assembly of God. The site includes a building and a parking lot that meets the current Town of Poughkeepsie code. The proposed project involves the renovation of 18,000 square feet of interior space, and the addition of 4,200 square feet of new space.

The new branch library will include three meeting rooms (including a room dedicated to children's programs) in order to address the public library's expanding role as a community center offering programs for all ages.

The Library District recognizes the need for public transportation to Boardman Road and will continue to work with both the City of Poughkeepsie and Dutchess County to ensure such transportation is provided.

### **There are several other advantages:**

- This location will place the branch library in a pleasant, accessible site that is more closely aligned with the Town's center of population
- The site is already off the tax rolls and therefore has no impact on the Town's budget
- The site is part of an "educational corridor" that includes other educational and cultural institutions
- This spacious site can more easily accommodate sustainable utilities, such as geothermal and solar energy sources, thereby reducing operating costs.

## The Cost

### Budget

Item	Cost
Construction (includes demolition, site work, construction, furniture and contingencies)	\$ 4,873,206
Incidentals (architect, construction management, legal, and bond fees; insurances; relocation fees)	974,641
Property Purchase	700,000
<b>Project Total</b>	<b>\$ 6,547,847</b>

### Estimated Tax Impact

The following chart is an estimate of the annual charge for homes in the City and Town for the twenty years of bond payments. This tax will not affect the tax levied by the City or Town of Poughkeepsie to fund any municipal service.

Assessed Value	City	Town
\$ 150,000	\$ 14.33	\$ 7.95
\$ 175,000	\$ 16.72	\$ 9.28
\$ 200,000	\$ 19.11	\$ 10.60
\$ 225,000	\$ 21.50	\$ 11.93
\$ 250,000	\$ 23.89	\$ 13.25
\$ 275,000	\$ 26.28	\$ 14.58
\$ 300,000	\$ 28.66	\$ 15.90
\$ 350,000	\$ 33.44	\$ 18.55
\$ 400,000	\$ 38.22	\$ 21.21
\$ 450,000	\$ 43.00	\$ 23.86

Our public libraries make a very significant contribution to the vitality of our community. At a time when construction costs and interest rates for building projects are very favorable, the Board of Trustees views this project as an important opportunity to enhance one of the key institutions in our community. Town tax is lower because there is more taxable property in the Town.

October 1, 2012

## I. PLEDGE OF ALLEGIANCE:

**ROLL CALL**

**All Present**

**II. REVIEW OF MINUTES:**

Common Council Minutes of 8-20-12						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Herman	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 Perry	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 Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Boyd	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Public Hearing of 8-20-12						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Herman	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 Perry	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 Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Boyd	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	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.**

**ADD**

**VII. MOTIONS AND RESOLUTIONS:**

- 3. FROM CHAIRWOMAN JOHNSON, Resolution R12-72, overriding the Mayor's veto of R12-67.**
- 4. FROM CHAIRWOMAN JOHNSON, Resolution R12-73, overriding the Mayor's veto of R12-68.**

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

**Ken Stickle 118 Catherine Street:** I came today to the news conference on the budget at 12:00. It affects 40 some positions being laid off which are mostly these guys here in the back in the orange and the lime green t-shirts. This is our sanitation department. I said when we went the 411s and we started making them pick their trash up this city will become a hellhole. It will become a dumping ground, right on

Official Minutes of the Common Council Meeting of October 15, 2012

down the line and it has. I take care of 30 some properties and every day that I go out to those properties I find box springs, mattresses, every type of piece of furniture. I fill people's garbage up at College Hill Park. I have spent the entire summer up there mowing and cleaning up. Now it is proposed that we spend between \$6 and \$26 a month between three companies. For \$6, I don't know what kind of service we're going to get for our garbage but I doubt I want a rinky dink garbage pail. I feel that if adding \$26 a month right out to another contractor to pick up my garbage. The \$0.50 for the water thing that should have been taken care of the last couple of years instead of hitting us with a \$0.40 increase in our water bill. It is going to raise my taxes close to 30% once you add in all the extra fees. If you get rid of one of the sanitation guys this city will look worse. You can keep on building the waterfront but that won't take care of Main Street. Main Street on a Sunday morning is littered with garbage. It's because we don't have a City worker out working on the weekends. We need parking enforcement to turn around to get the guys who are going over the line on Main Street. We don't have people enforcing no parking on Sundays. There are ways this City could make some money. Stop taking it out on the taxpayer and do not take it out on our workforce.

**Dory Marcinelli 31 Miller Road:**

## Official Minutes of the Common Council Meeting of October 15, 2012

I AM A LIFE LONG CITY RESIDENT AND TAX PAYER; MY FAMILY WAS BORN AND RAISED HERE. I HAVE BEEN AN EMPLOYEE WITH THE CITY FOR OVER 31 YEARS.

I AM DISMAYED BY THE LAYOFFS THAT HAVE BEEN ANNOUNCED FOR THE UPCOMING BUDGET YEAR. IT SEEMS TO ME THERE ARE OTHER AVENUES THAT COULD BE EXPLORED BEFORE WE LAY OFF PEOPLE. THE CITY ADMINISTRATION SHOULD SURELY HAVE SEEN OUR OWN "FINANCIAL CLIFF" COMING A FEW YEARS BACK AND PREPARED ACCORDINGLY AND BY THAT I DO MEAN RAISING TAXES ON THE PROPERTY OWNERS PRIOR TO THE MANDATORY 2% CAP, WHICH WOULD INCLUDE MY FAMILY.

AS AN EMPLOYEE, I CAN ONLY SPEAK ABOUT THE CIVILIANS IN THE POLICE DEPARTMENT...AND I HAVE TO ASK IF ANYONE REALLY HAS AN IDEA OF WHAT THESE INDIVIDUAL JOBS INVOLVE? THE YOUTH WORKER IS A VITAL PART OF THE JUVENILE DIVISION AND PROVIDES FOLLOW UP ON ALL THE MISSING PERSONS REPORTS FILED WITH THE POLICE DEPARTMENT. IN ADDITION, THE JUVENILE DIVISION PROVIDES CHILD CAR SEAT DISTRIBUTION AND INSTALLATION TO LOW INCOME FAMILIES, BICYCLE HELMETS, BICYCLE REGISTRATIONS AS REQUIRED BY CITY ORDINANCE, AND SCHOOL PATROLS DURING THE HIGH SCHOOL AND MIDDLE SCHOOL DISMISSALS, PROVIDING INTERVENTION AND SAFE PASSAGE HOME TO YOUTHS WHEN WARRANTED. THE CIVILIAN STAFF ASSISTS DETECTIVES WITH JUVENILE INVESTIGATIONS AND MAKE DETENTION ARRANGEMENTS FOR YOUTHS WHO ARE CHARGED WITH SERIOUS OR VIOLENT OFFENSES. CIVILIANS ARE AN INTEGRAL PART OF THE JUVENILE JUSTICE SYSTEM WITHIN THE CITY OF POUGHKEEPSIE IN IDENTIFYING YOUTH CRIMINALITY, SOCIAL ISSUES, AND WORKING ALONGSIDE OTHER YOUTH ORIENTED AGENCIES TO ADDRESS JUVENILE NEEDS. ADDITIONALLY WE MUST MAKE SURE THAT ALL STATE MANDATES ARE MET WHEN DEALING WITH THIS POPULATION.

IN MAY 2012 SENATOR SALAND INTRODUCED AN ACT TO AMEND THE CRIMINAL PROCEDURE LAW, THE EXECUTIVE LAW, THE JUDICIARY LAW AND THE PENAL LAW IN THE STATE OF NY IN RELATION TO THE AGE OF CRIMINAL RESPONSIBILITY. ACCORDING TO NYS, THERE ARE APPROXIMATELY 50,000 YOUTHS AGED 16 & 17 WHO ARE ARRESTED AND PROSECUTED AS ADULTS IN CRIMINAL COURTS, OVERWHELMINGLY FOR NON-FELONY OFFENSES. IT IS FOUND THAT THE ADULT CRIMINAL JUSTICE SYSTEM DOES NOT EFFECTIVELY RESPOND TO TEEN AGE CRIMINAL BEHAVIOR. ACCORDINGLY THIS MEASURE AIMS TO PROVIDE A DISTINCTLY NEW, MORE EFFECTIVE RESPONSE TO TEENAGE CRIMINAL BEHAVIOR. ONCE THIS MEASURE IS ENACTED, 16 AND 17 YEAR OLDS WHO ARE NOW PROSECUTED WITHIN THE ADULT JUSTICE SYSTEM WILL INSTEAD BY DEALT WITH IN THE JUVENILE JUSTICE SYSTEM. AS A CITY, IF WE FAIL TO RECOGNIZE THAT THIS LEGISLATIVE CHANGE IS COMING, WE WILL BE ILL-PREPARED TO DEAL WITH THE INCREASE IN YOUTHS THAT WILL REQUIRE SERVICES FROM THE JUVENILE JUSTICE SYSTEM.

THE POLICE AIDES IN BOTH RECORDS AND DETECTIVE DIVISION PROVIDE VALUABLE SERVICES TO THE PUBLIC, AS WELL AS TO OFFICERS. THE DEMAND FOR REPORTS FROM THE PUBLIC AS WELL AS THE IMPORTANCE OF WARRANTS, ORDERS OF PROTECTIONS, SEX OFFENDER STATUSES BEING ENTERED IN A TIMELY MANNER INTO THE NEW WORLD RECORDS SYSTEM ARE ALL VALUABLE SERVICES THAT ARE PROVIDED BY THESE POLICE AIDES. IN ADDITION, THERE IS THE BASIC SUPPORT TO ALL SWORN OFFICERS THAT THESE POLICE AIDES PROVIDE.

AS A RESIDENT, I TOO HAVE READ THE RECENT ARTICLES IN THE POK JOURNAL ABOUT FORMER CITY ADMINISTRATOR MICHAEL LONG AND HAVE TO WONDER IF HE WAS FAILING TO MEET THE REQUIREMENTS OF HIS POSITION, THEN WHY WAS HE NOT LET GO A YEAR AGO, AFTER HURRICANE IRENE? THAT ALONE WOULD HAVE SAVED THOUSANDS OF DOLLARS AND SURELY SOME ONE ELSE'S JOB.

THE COUNTY AND THE CITY ENTERED INTO THE SALES TAX AGREEMENT EFFECTIVE MARCH 1990. IF THE COUNTY IS NOW NOT PROVIDING THE CITY WITH ITS SHARE OF SALES TAX, THEN PERHAPS THE CITY NEEDS TO RAISE THE SALES TAX FOR ITS OWN MUNICIPALITY TO OFFSET COSTS. I REALIZE THE MAYOR AND THE COUNCIL WERE RELUCTANT TO RAISE PROPERTY TAXES THESE PAST 4 YEARS BUT BY RAISING THE SALES TAX WITHIN THE CITY EVEN 1 OR 2% CAN

ONLY HAVE A POSITIVE EFFECT ON OUR BUDGET WITH MINIMAL IMPACT ON CONSUMERS AND IT WOULD NOT JUST TARGET PROPERTY OWNERS.

I CAN ONLY HOPE THAT THE MAYOR AND THE COMMON COUNCIL ARE OPEN TO SUGGESTIONS BY THE CITY RESIDENTS AND THE DEDICATED EMPLOYEES AND WE NEED TO BE CREATIVE.

**David Dooris 71 Garden Street** I think that since Bush, we have been using the excuses for the recession, economy. When is somebody from City administration going to take responsibility for the affairs of the City? I lived here for 59 years. I walk on Main Street from Market to Corlies Avenue every Sunday. It is amazing what I see. I am ashamed to be living in the City of Poughkeepsie. It's a pigsty. The economy and recession doesn't put the litter in the parks; doesn't put the garbage on the street. Someone said you look to Scranton or you look to Wall Street; you look to California for failure. Look in your own backyard if you want to see failure. Get out of your office and walk up Main Street some Sunday morning. Take some pictures. Does anybody ever pick it up? Now you are getting rid of sanitation. You are going to have the rats carrying it out of there. I could be sitting here 10 years from now and we would be using the same excuses. The economy is bad, the recession is bad. We are going through bad times. We are not the only city to be going through bad times. You tell me that there are no cities out there that are making it? I am going to read something. Failure sometimes brings success. The more you fail, the more you try to get it right. City administration has failed in its attempt to run the City. Failure isn't bad if you learn from your mistakes. City administration needs to take these failures and turn them into successes. How is that done? By the City being responsible for its failures instead of making excuses. When do the excuses stop? When does the leader of this City stop up to the people of this City and take responsibility for the deplorable conditions this City is in? And say to the people, I have failed you. We keep looking to other cities for solutions. How are they doing in these hard times? Stop it. Take responsibility for your own failures. Clean up your own backyard first. Last time I looked the sign at the entrance of Academy doesn't say welcome to Beacon, Kingston or Newburgh. It still says welcome to Poughkeepsie. The streets are filthy, crime is out of hand. Main Street from Academy to Corlies Avenue is a warzone and a pigsty. The parks are overrun by weeds, garbage, unmowed grass. It seems that the only time the City does anything with the parks is when there is an event at the park. The City should be embarrassed. They have lied to the people. They have deceived the people into thinking they are doing a good job. Putting lipstick on a pig. Stand up city administration and say to the good people of this city, I am sorry. I have failed you as your leaders. Then maybe this City will start to heal. What we need is a workhorse not a show horse. I am wondering what we got, a work horse or an old gray mare.

**Constantine Kazolias 47 Noxon Street** – Instead of Poughkeepsie being a tree city, it's going to be rat city. It says in the Post that another three cities are on the verge of bankruptcy. Yonkers, Rochester and Syracuse. Forty-three percent of the budget is not being touched. That being the public safety budget, which is the uniformed police and fire. In other cities like Newburgh, Newark and New York City have cut 8, 100 and 10 thousand respectively from the police force. I don't want to see this young kid being cut either. He is a Poughkeepsie resident and he is veteran too. Is Poughkeepsie a sacred cow? Here in Poughkeepsie there are 10% on disability at the time with full pay. Not to do other paperwork, which they could for light work. On the outside can work while tapping the City coffers and pay on the taxpayers dime. And they still collect their full pay here. Is Poughkeepsie becoming a police state?

Why does the Mayor and PBA oppose a civilian review board? The reason why on the county level Steinhaus is running the show Republic and they didn't want to raise taxes. That is one reason why the county is in bad shape. The same thing happened here too when the City wasn't raising taxes because everybody is worried about getting elected again. This is what bothers me about the budget. It says \$6 to \$27 guestimate for a single family. Is this once a month, once a week pick up? At \$6 that's a low ball with bankruptcy around the corner. Thirty four dollars a month is the going rate in the county. The City with its benefits is \$20. These guys out here work for half the price for what they pay in the county. Urban renewal destroyed this city with its neighborhoods. This is the last vestige of a neighborhood that you got. The garbage men and the buses. If you do anything to them, you might as well pack this city in. I notice in the budget they are talking about getting rid of 16 guys. But also in the budget it talks about DPW picking up trash on Main Street. Something doesn't sound right. It doesn't pass the smell test. There are several things that haven't been discussed. Sales taxes; we have been getting more than we should. Nobody's talking about the tipping fees. It seems like they're going to go up. And what about the \$400,000 that was taking out of for the 411? What's happening with that case?

**Candace Lewis 2 Loockerman Avenue** – I am here representing the Dutchess County Historical Society. I am here to inform you tonight; I'm not here to complain. We had a job meeting for the Glebe House on October 4<sup>th</sup>. I wanted to quickly bring you up to date. At that meeting we addressed issues such as access, timing, storage of materials, schedule. They are going to bring a generator so they don't have to enter the building. They are going to bring their own pickup trucks. This is One Time Roofing. There are a couple of outstanding issues that may come up in the future. There has been so much water in that building that when they pull the roof off they might find that underneath the installation may be soaked. We won't know that until it comes off. They also might find that some of the rafters are wet. But none of that will be known until the roof comes off. Also the front portico is not being addressed right now. That is being put off until later. But we can't use the building because there is no banister and there are several steps there. I will also ask you to please keep in mind that you all voted \$50,000 for this project in April. The amount of money that was bid was just over that. It is \$51,000 or \$52,000 and there is also \$23,000 in a hold over fund from quite a few years ago that you all were just made aware of recently. We at the society are hoping that this will used for future projects.

**Acting City Administrator Bunyi:** On the status of the Glebe House, I know they have had a meeting with the Historical Society. To my knowledge it has been awarded and all the plans are in place to start the roof. I guess the issue is how do we address the front portico. I will meet with the Commissioner of Public Works to see what his plans are for the front portico.

**Betty Titus 21 Gifford Avenue** – I am here on behalf of my sanitation guys. My grandfather was a sanitation man, Domenic Imperati. You had to roll out the garbage and it was taken care of. My street, Gifford Avenue, is horrible. People throw their

garbage out; they don't even put a top on it. These guys will pick up that mess, so that it isn't there for everybody else. We're supposed to have a city sweeper but the truck is broken. You are giving people tickets for being parked on a street that nobody comes to clean. I am tired of it. I have one of the nicer houses. I take pride in where I live. I make sure my house is well groomed. I even go out into the street to cut out what is in the gutter. I think that taking away our sanitation guys...they are just as valuable to me as a policeman and a fireman. They pick up the disease that is inside those garbage cans that nobody else wants to do. Another complaint is that walkway. You took away my privacy when you put that up there. And it isn't over the top of your house but maybe Mr. Parise's. It was supposed to be contributions. No, now it's a state park. God bless you all for doing such a lousy job.

**William Dukas 96 South Hamilton Street** – I am longtime resident of the City and I am very proud to be a citizen of Poughkeepsie. I love Poughkeepsie. I was brought up here and have had a lot to do with the City over the years. I also care about my citizens. These guys are all citizens here. And they are good guys. They do a lot for the City; they go beyond their job. You really need to consider what you are going to do for these folks. You should try to hold on to these people. Like the lady before me, I do agree that they are just as important as the police or anybody else. I would like a cleaner city myself. I still have a lot of faith that things can be worked out. You can make things change. You can vote the right way. Please take care of these gentlemen over here and their families.

**Cindy Peaton 55 Lent Street** – I am the Lent Street Block Association President. I was sad to hear about cuts in sanitation. I bought my house 40 years ago at 55 Lent Street. I turned around and bought a piece of property behind mine because they were dumping on it. They had rats out there as long as my arm. I look around and I see the City of Poughkeepsie is going back to where it was in 1997. And I know that we can work together and I know we can make it happen. When I came into the City of Poughkeepsie and bought my home, sanitation was bringing out the garbage out from behind the house. Now they can only pick it up on the curb. They were picking up anything and everything. Now they can only pick up garbage. It's sad to see that we have government officers and you cannot afford to give up sanitation. I pick up Lent Street, Winnikee Avenue, part of Thompson, Smith, I pick it up every day. You walk down that street; you don't see garbage lying all over. Give us a helping hand. Please don't cut our garbage. Do you know how many times I have gone out and cut trees and cut grass to make the City look better on the North Side? I love the City of Poughkeepsie. And I love the people in the City of Poughkeepsie. We have a lovely set of people on the dieris. My family and I appreciate it. I speak for the people on the North Side and College Hill has gone to the dogs.

**Katrina Davis 107 Smith Street** – I am a new homeowner. I just bought my house about three years ago with help from the City of Poughkeepsie First Time Homebuyers Club. I am a single parent with a two family house. The thought of paying more for sanitation is overwhelming. It's not just garbage that these guys do. When the snow is out there and my driveway is plowed in and I have to get out there

with a snow blower and do it. A lot of these trucks that come by, they are your sanitation workers. A lot of times when there is deer on the roadside and they need to be picked up, those are your sanitation workers. As far as the service they provide. Sometimes just bringing the garbage to the curb is something we all don't want to do. You don't want to touch your own garbage and they are touching tons and tons of garbage every day. I think there can be another resolution worked out to save these guys jobs. They have families. My son's father is one of those workers. I think you all need to think about that.

A motion is made by **Councilmember Boyd** to suspend the rules to let Bruce Dooris speak for over three minutes. **Councilmember Rich** seconded the motion.

**Bruce Dooris 41 Wilson Blvd (CSEA Vice President)** – We did have an inkling of this coming down the pipe. We prepared ourselves this week. We know two council members got a good hit of us this week. Councilman Herman and Councilman Parise. We have started a people's campaign and we are going door to door in every ward. All 6200 houses we will hit. We are telling the people of this city what is going on, not just with sanitation but overall with the bus, sanitation and now the other cuts. Cuts in juvenile, cuts in mechanics in our garage, cuts across the board. I told you last week that we are up to 55 with these new ones over that last 4 years. The bottom rung of all the unions here in the City have taken the brunt of all of it. The Mayor said it this week in his address, there is no cuts, no layoffs, of uniformed personnel. CSEA are the ones who are taking the hit. We are going door to door. Your phones are going to ring off the hook. Two council people already called us and told us that their phones were ringing. We haven't even gotten up to Fox Hill yet. We are going to hit every other ward this week. We have been meeting with the City about sanitation since 411s. We knew 411s were going back in the summer of 2010. We started picking up 411s in 2011. We had a huge meeting in the Mayor's Office in the summer of 2010 about the 411s. At that time we presented a plan to him and it didn't go nowhere. They weren't going to listen to us about how to raise extra revenue here in the City. We asked then City Administrator Long, if you are going to sub it out, why not let us do it and get the money? We already had the equipment, the manpower, everything. It wouldn't cost the City anything extra, bill them through the tax collector department and we'll get the money. It's all legal. At that time, City Administrator Long looked at us and said, "City of Poughkeepsie will make our prices so high that Royal will have no problem competing." We were shocked. That was how much they were willing to do to get rid of it. Once the 411s were going, so was the street collection going. It was a one stop deal; it was just one year. They were out of money after one year. So that is why we are going door to door to all 6200 units. That was my brother here who spoke and I thank him very much. I agree with everything he said. He said that we have to stop comparing ourselves and we do. I can tell you that the City of Kingston has their own garbage collection. CSEA collects it. City of Newburgh has their own garbage collection. CSEA collects it. Mayor told us today that we don't want to be like Beacon; Beacon is privatized. Beacon pays Royal to pick up their garbage. Beacon is sorry they made the deal. We also know that the City hired a consultant. I talked to the consultant and he said to

me that the City would be foolish to get rid of sanitation. He says there are a lot of reasons. He says that the City is not a regular business. They don't have to make money; they don't have to make a profit. They just have to be efficient and pick it up that way. They don't pay taxes like a corporation does. If you get rid of sanitation then you don't have control over the men anymore. They don't do the other tasks. Royal is not going to pick up the dead animals, they're not going to pick up the parks, they're not going to pick up the business district, they're not going to snow plow, they're not going to pick up the leaves. There are six guys on that lay off list who snow plow with the big trucks. There is only eight on the team. That means six out of eight are gone. There are no alternates. We told you that last week. So who is going to plow? The Mayor said we are going to get it done. I don't know who, I don't know where. Keep those contractors numbers handy because we might need them for plowing. He loves those contractors. Their price was \$100 per man per hour. Last year's budget was \$1.5 million. You need to raise revenue. That's what we need to do. In 2011, there is an article in the Journal when this council was doing the same thing going through a budget review. At that time Councilwoman Solomon said that she was worried about the revenue. She was worried about where the revenue was going. We are not raising revenue. She was right. We have raised no revenue in the last four years. I spoke to one of the City's advisors about the 411s and asked why no one was listening about the 411s. About getting revenue from the 411s. One of the advisors said, "My guess is that they are satisfied with the savings and it is an easier path. Kind of lazy since the commercial tax rate is going up 27% next year. They are going to have to pay Royal." All the other city residents are going to have to pay Royal. So if they are paying Royal, why not pay us? The Mayor says we don't want to raise taxes. Every five dollars that you put in a sanitation fund you raise \$50,000. Budget last year was \$1.5 million without the benefits so it's \$2 million. That's \$20. The Mayor said they can do it between \$6 and \$27. Just look on your TV, its channel 24. Mahopac charges \$29. They did their own survey and they were going to doing only \$25 for private carters. All the private carters said that was too cheap, they can't do it for \$25. The Mayor says they can do it for \$6. I don't know where he is getting his numbers but they told the Town of Mahopac they can't do it for \$25. So Mahopac raised their prices to \$29 for once a week and \$34.50 for twice a week. The same as the City of Newburgh which raises \$3.1 million. The two positions in the garage are going and we don't have enough mechanics now. We do 200 taxis and we still have the plows to do. There are no plows ready. There salt in the barn but it can't go on the trucks because the salters are in a difference place than the trucks. If it snows tomorrow you would have use the little trucks to plow big roads. We only have six trucks. The heavyweight trucks are not coming in until next April. We would like to have the new trucks because they are 4x4 and they climb the hills better by the hospital. The other trucks are very dangerous on the hills. We have to keep the salt in them at maximum capacity so we don't slip down the hill and cause an accident. Cuts need to be made; you just need to go line by line. You could cut \$80,000 out of the Finance office. He has a couple of part timers down there. One makes \$30,000 and one makes \$50,000. I thought all part timers were out of here. There are a lot of cuts to make in the budget. We, the union, are here to work with you. Anytime you need some answers, anytime the City

is willing to sit down and work with the union and make it more efficient. Make sanitation more efficient and reform it. We are here to save our jobs. We're taking zeros. We can't just do it by ourselves. One last thing for bus. If you are in the whole for \$230,000, he raised the fares by \$0.25. That would get you anywhere from \$90,000 to \$100,000. We like to change the routes around to get you another \$100,000. So now you are only in the whole for \$30,000. That's not too bad. If you give it to the Loop, the Galleria bus is gone, The Shoppers Special bus is gone, the school bus is gone and we're not going to Hyde Park. Let's change the routes and do it ourselves. We had 380,000 riders last year. Also in juvenile, Dory will be all alone. The secretary is going too.

#### **IX. MAYOR'S COMMENTS**

**Mayor Tkazyik** – We release the 2013 preliminary budget for your review and deliberation and we look forward to many members of the public coming to hear those sessions as the Council works with the department heads to go line by line throughout that process. Wednesday and Thursday of this week and next Monday and of course any future dates as needed, the department heads are willing and able to schedule those. This past weekend we had two wonderful events in our wards, Autumn in the Park in the 6<sup>th</sup> Ward hosted by Councilwoman Solomon. I was able to get a picture with one of the animals there, a big fat mule. Bob Martinson had great entertainment and the church did a fabulous job. In the 1<sup>st</sup> Ward we celebrated Pulaski Days Celebration in the park and festivities at the Italian Center hosted by Councilman Tom Parise and the public enjoyed that as well. Of course I am looking forward to the annual Celebration of Lights which will take place on Friday, November 30<sup>th</sup> sponsored by the Bardavon and the Downtown River District. Also last week the City was able to reach a settlement with the Village of Wappingers Falls for the outstanding water bill payment that was owed to the City since June of last year. That settlement came in at \$407,500 in delinquent payment to the Joint Water Project with the City and Town of Poughkeepsie. So that arrangement was made and met last week. The total with interest about \$740,000

#### **X. CHAIRMAN'S COMMENTS AND PRESENTATIONS:**

**Chairwoman Johnson** – This afternoon I listened to the Mayor's 2013 budget report. I sat there in shock and disbelief. When he mentioned that his budgets of 2009, 2010, 2011 and 2012 and I quote, "were all delivered with hopes that the economy would someday improve and that our home values would increase, and sales tax revenues would grow." Unless you lived on the planet Mars, it is reported every night in the news about the horrible economic conditions of our nation. The plummeting home values, high unemployment, heartbreaking poverty rates and the taxpayers abandoning their homes at an alarming rate. This statement was also a quote from the Mayor's 2013 report. So why didn't this administration have the foresight to anticipate the situation that it now finds itself into? Why didn't they plan slight tax increases each year in preparation for this rainy day? Was it because reelection bids outweighed good government and leadership? Now here are left with layoffs of our

sanitation, garbage department with 13 sanitation workers with families who are hard working and dedicated collecting our garbage in the rain, sleet and snow. Now they will have to suffer in this 2013 budget just to hand over our city services to a private hauler who will charge each and every residential property owner a garbage pickup bill. With everyone choosing their own pickup service with different by different companies which sounds like a royal mess. No pun intended. To add insult to injury, he did not cut positions across the board leaving certain departments untouched. It is not fair to just sacrifice our garbage men to penalize and leave taxpayers to fend for themselves with paying for private garbage pickup service while pretending not increase taxes but give them yet another bill. Maintaining only a 2% tax increase which homeowners pay with one hand while they pay hefty private fees with the other hand is a political shell game. When in the long run, this privatization will become extremely costly and create a dirtier city with uncoordinated garbage pickup. What I find most disturbing is how the Mayor has decided to rewrite the Charter by eliminating the City Administrator's salary in the budget and leaving different department heads to operate the City instead of actively looking for a replacement for Mr. Mike Long, who left abruptly, to run our city. This scenario is like having a runaway train with different conductors each day. We cannot and will not allow anyone to violate this City Charter for their own benefit when the City Charter clearly states that the Mayor has 60 days to find and hire a new City Administrator to run our City. We need someone more than ever with the experience and qualifications to address the financial crisis that our city faces. The Mayor says he proposes this budget with a heavy heart which we sympathize but ultimately this is not cardiology but the intense brainwork to municipal finance. But I assure you tonight that this City Council under my leadership will scrutinize every item line of this budget and come up with a plan of action with public hearings and input from our taxpayers. Unlike the Mayor we will make staff cuts across the board that is fair and just to everyone and there will not be any sacred cows. Now for some good news. Tonight we will be honoring Mr. Steven Boone, better known as Mr. Stevie, as our October Volunteer of the Month. Mr. Stevie is a veteran of Vietnam veteran and a dedicated military man who has volunteered countless hours cooking and grilling at all our community events such as the Fire Exempts, Beth-El Church, King Street Park, Mr. Flowers events just to name a few. So please join me in welcoming and honoring Mr. Steven Boone as our Mr. October Volunteer of the Month.

## **VII. MOTIONS AND RESOLUTIONS:**

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

# The City of Poughkeepsie

New York

Michael Brady  
Assistant Corporation Counsel  
[mbrady@cityofpoughkeepsie.com](mailto:mbrady@cityofpoughkeepsie.com)



62 Civic Center Plaza  
Poughkeepsie, New York 12602  
TEL: (845) 451-4065 FAX: (845) 451-4070

October 15, 2012

COMMON COUNCIL  
City of Poughkeepsie

**Re: R-12-70, A RESOLUTION APPROVING A CABLE FRANCHISE RENEWAL AGREEMENT  
BETWEEN THE CITY OF POUGHKEEPSIE AND TIME WARNER CABLE  
NORTHEAST, LLC**

Dear Chairwoman Johnson and Council Members:

I was notified that Time Warner Cable, LLC has undergone an internal restructuring, which resulted in the name change of "Time Warner NY Cable, LLC" to "Time Warner Cable Northeast, LLC." I was notified of this change during the afternoon hours on Friday, October 12, 2012.

Attached please find a document entitled "Cable Television Franchise Renewal Agreement," which accurately reflects the corporate name change. Aside from the change in name, the agreement is identical in its form and substance to the agreement provided on and before the public hearing on October 1, 2012.

I will ask the City Chamberlain to provide the Council with a hard copy of the agreement accurately reflecting the name change.

Respectfully submitted,

Michael Brady, Esq.  
Assistant Corporation Counsel

Encl.

Official Minutes of the Common Council Meeting of October 15, 2012

**CABLE TELEVISION  
FRANCHISE RENEWAL AGREEMENT**

**CITY OF POUGHKEEPSIE**

THIS AGREEMENT, executed in triplicate this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by and between the CITY OF POUGHKEEPSIE, (hereinafter referred to as the Municipality) by the Mayor acting in accordance with the authority of the duly empowered local governing body, (hereinafter referred to as the Common Council) and TIME WARNER CABLE NORTHEAST LLC, a New York General Partnership, organized and existing under the laws of the State of New York, the local place of business of which is currently located at 2778 State Route 52, Liberty, NY 12754, hereinafter referred to as "Time Warner Cable."

**WITNESSETH**

WHEREAS, Pursuant to the City Law the Common Council has the exclusive power on behalf of the Municipality to grant franchises providing for or involving the use of the Streets (as defined in Section 1 hereof) and to give the consent of the Municipality to any franchisee for or relating to the occupation of the Streets; and

WHEREAS, Pursuant to the Communications Act of 1934, as amended, (the "Communications Act") the Common Council has the authority to grant cable television franchises and renewals thereof on behalf of the Municipality and whereas the Common Council and Time Warner Cable pursuant to said Federal Law and pursuant to applicable State laws and the regulations promulgated thereunder, have complied with the franchise procedures required of Municipalities and cable operators in the grant of cable television franchises or their renewal; and

WHEREAS, The Municipality has conducted negotiations with Time Warner Cable and has conducted one or more public hearings on Time Warner Cable's franchise renewal proposal affording all interested parties due process including notice and the opportunity to be heard; said deliberations included consideration and approval of Time Warner Cable's technical ability, financial condition and character; said public hearing also included consideration and approval of Time Warner Cable's plans for constructing and operating the cable television system; and

WHEREAS, Following such public hearings and such further opportunity for review, negotiations and other actions as the Common Council deemed necessary and that is required by law, the Common Council decided to renew Time Warner Cable's franchise as provided hereinafter; and

WHEREAS, The Common Council, in granting this franchise renewal, embodied in the agreement the results of its review and any negotiations with Time Warner Cable and has determined that said franchise agreement and Time Warner Cable respectively, fulfills and will fulfill the needs of the

## Official Minutes of the Common Council Meeting of October 15, 2012

Municipality with respect to cable television service and complies with the standards and requirements of the New York State Public Service Commission ("NYSPSC");

NOW, THEREFORE, In consideration of the foregoing clauses, which clauses are hereby made a part of this franchise agreement, and the mutual covenants and agreements herein contained, the parties hereby covenant and agree:

### SECTION 1 - DEFINED TERMS

Unless the context clearly indicates that a different meaning is intended:

- (a) "Basic Service" means any service tier which includes the retransmission of local broadcast signals.
- (b) "Common Council" means the Board of Trustees of the Municipality.
- (c) "Cable Television Service" means
  - (1) The one way transmission to Subscribers of Video Programming, or other programming service, and
  - (2) Subscriber interaction, if any, which is required for the selection or use of such Video Programming, or other programming service.
- (d) "Cable Television System" means a facility, consisting of a set of closed transmission paths, including (without limitation) fiber optic wires or lines, and associated signal generation, reception and control equipment that provides Cable Television Service to multiple subscribers within a community.
- (e) "Time Warner Cable" means Time Warner Cable Northeast LLC.
- (f) "Effective Date" of this agreement shall be that date subsequent to confirmation of the Franchise, by the New York State Public Service Commission ("NYSPSC") agreed to by the parties, which date is (calendar date).
- (g) "Franchise" means the grant or authority given hereunder to Time Warner Cable to construct and operate a Cable Television System in the Municipality in accordance with the terms hereof.
- (h) "FCC" means the Federal Communications Commission, its designees and any successor thereto.
- (i) "Gross Revenues" means all revenue, as determined in accordance with generally accepted accounting principles, which is derived by Time Warner Cable from the operation of the Cable System to provide Cable Service in the Service Area.

## Official Minutes of the Common Council Meeting of October 15, 2012

Gross Revenue includes, without limitation: all Subscriber and customer revenues earned or accrued net of bad debts including revenue for:

(i) Basic Service;

(ii) all fees charged to any Subscribers for any and all Cable Service provided by Time Warner Cable over the Cable System in the Service Area, including without limitation Cable Service related on-screen program guides, the installation, disconnection or reconnection of Cable Service; revenues from late or delinquent charge fees to the extent revenue; Cable Service related or repair calls; the provision of converters, remote controls, additional outlets and/or other Cable Service related Subscriber premises equipment, whether by lease or fee;

(iii) revenues from the sale or lease of access channel(s) or channel capacity;

(iv) video on demand and pay-per-view;

(v) compensation received by Time Warner Cable that is derived from the operation of Time Warner Cable's Cable System to provide Cable Service with respect to commissions that are paid to Time Warner Cable as compensation for promotion or exhibition of any products or services on the Cable System, such as "home shopping" or a similar channel, subject to the exceptions below. Gross Revenue includes a pro rata portion of all revenue derived by Time Warner Cable pursuant to compensation arrangements for advertising derived from the operation of Time Warner Cable's Cable System to provide Cable Service within the Service Area, subject to the exceptions below. The allocation shall be based on the number of Subscribers in the Service Area divided by the total number of subscribers in relation to the relevant local, regional or national compensation arrangement. Advertising commissions paid to third parties shall not be netted against advertising revenue included in Gross Revenue; and

(vi) Franchise Fees imposed on Time Warner Cable by the LFA that are passed through from Time Warner Cable as a line item paid by Subscribers.

Except as provided above, Gross Revenue shall not include:

(i) Revenues received by any Affiliate or other Person in exchange for supplying goods or services used by Time Warner Cable to provide Cable Service over the Cable System;

(ii) bad debts written off by Time Warner Cable in the normal course of its business (provided, however, that bad debt recoveries shall be included in Gross Revenue during the period collected);

(iii) refunds, rebates or discounts made to Subscribers or other third parties;

(iv) any revenues classified, in whole or in part, as Non-Cable Services revenue under federal or state law including, without limitation, revenue received from Telecommunications Services; revenue received from Information Services, including, without limitation, Internet Access service, electronic mail service, electronic bulletin board service, or similar online computer services; charges made to the public for commercial or cable television that is used for two-way communication that are not Cable Services; and any other revenues attributed by Time

## Official Minutes of the Common Council Meeting of October 15, 2012

Warner Cable to Non-Cable Services in accordance with federal law, rules, regulations, standards or orders;

(v) any revenue of Time Warner Cable or any other Person which is received directly from the sale of merchandise through any Cable Service distributed over the Cable System, however, that portion of such revenue which represents or can be attributed to a Subscriber fee or a payment for the use of the Cable System for the sale of such merchandise shall be included in Gross Revenue;

(vi) the sale of Cable Services on the Cable System for resale in which the purchaser is required to collect cable Franchise Fees from purchaser's customer; the sale of Cable Services to customers, which are exempt, as required or allowed by the LFA including, without limitation, the provision of Cable Services to public institutions as required or permitted herein;

(vii) any tax of general applicability imposed upon Time Warner Cable or upon Subscribers by a city, state, federal or any other governmental entity and required to be collected by Time Warner Cable and remitted to the taxing entity (including, but not limited to, sales/use tax, gross receipts tax, excise tax, utility users tax, public service tax, communication taxes and non-cable franchise fees);

(viii) any foregone revenue which Time Warner Cable chooses not to receive in exchange for its provision of free or reduced cost cable or other communications services to any Person, including without limitation, employees of Time Warner Cable and public institutions or other institutions designated in the Franchise (provided, however, that such foregone revenue which Time Warner Cable chooses not to receive in exchange for trades, barter, services or other items of value shall be included in Gross Revenue);

(ix) sales of capital assets or sales of surplus equipment; program launch fees, i.e., reimbursement by programmers to Time Warner Cable of marketing costs incurred by Time Warner Cable for the introduction of new programming;

(x) directory or Internet advertising revenue including, but not limited to, yellow page, white page, banner advertisement and electronic publishing; or

(xi) any fees or charges collected from Subscribers or other third parties for any PEG Grant payments.

Should revenue from any service provided by Time Warner Cable over the Cable System be classified as a Cable Service by a final determination or ruling of any agency or court having jurisdiction, after the exhaustion of all appeals related thereto, the LFA shall be entitled, after notification to Time Warner Cable, to amend this Agreement in the manner prescribed under applicable state law or this Franchise to include revenue from Time Warner Cable's provision of such service as Gross Revenue, and Time Warner Cable shall include revenue from such service as Gross Revenue on a going forward basis commencing with the next available billing cycle following the date of issuance of an order from the NY PSC approving such amendment.

(j) "May" is permissive.

## Official Minutes of the Common Council Meeting of October 15, 2012

- (k) "Municipality" means the City of Poughkeepsie. Wherever the context shall permit, Board, Council and Municipality shall be used interchangeably and shall have the same meaning under this Franchise.
- (l) "NYSPSC" means New York State Public Service Commission.
- (m) "Person" means an individual, partnership, association, corporation, joint stock company trust, corporation, or organization of any kind.
- (n) "Service Tier" means a category of multi-channel Cable Television Service provided by Time Warner Cable over the Cable Television System for which a separate rate is charged for such category by Time Warner Cable.
- (o) "Shall" or "will" are mandatory.
- (p) "Streets" means the surface of, as well as the space above and below, any and all streets, avenues, highways, boulevards, concourses, driveways, bridges, tunnels, parks, parkways, waterways, docks and public grounds and waters within or belonging to the Municipality.
- (q) "Subscriber" means any person lawfully receiving any Cable Television Service in the Municipality provided over the Cable Television System.
- (r) "Video Programming" means any and all programming services provided by, or generally considered comparable to programming provided by a television broadcast station.

### SECTION 2 - CONSENT TO FRANCHISE AND CONDITION PRECEDENT

- (a) The Municipality hereby grants to Time Warner Cable the non-exclusive right to construct, erect, operate and maintain a Cable Television System and to provide Cable Television Service within the Municipality as it now exists and may hereafter be changed, and in so doing to use the Streets of the Municipality by erecting, installing, constructing, repairing, replacing, reconstructing, maintaining and retaining in, on, over, under, upon and across any and all said Streets such facilities (e.g., poles, wires, cables, conductors, ducts, conduits, vaults, pedestals, manholes, amplifiers, appliances, attachments and other property) as is deemed necessary or useful by Time Warner Cable, for the operation of its cable system. Additionally, the Municipality, insofar as it may have the authority to so grant, hereby authorizes Time Warner Cable to use any and all easements dedicated to compatible uses, such as electric, gas, telephone or other utility transmissions, for the purposes of erecting, installing, constructing, repairing, replacing, reconstructing, maintaining and retaining in, on, over, under, upon and across such easements such facilities of the Cable Television System as is deemed necessary or useful by Time Warner Cable, for the operation of its cable system. Upon request by Time Warner Cable and at Time Warner Cable's sole expense, the Municipality hereby agrees to assist Time Warner Cable in gaining access to and using such easements.

## Official Minutes of the Common Council Meeting of October 15, 2012

- (b) Nothing in this Franchise shall limit the right of Time Warner Cable to transmit any kind of signal, frequency, or provide any type of service now in existence or which may come into existence and which is capable of being lawfully transmitted and distributed by those facilities owned and operated by Time Warner Cable. The provision by Time Warner Cable of any service other than cable service shall be subject to all applicable laws and regulations and to any right the Municipality may have to require fair and reasonable compensation for Time Warner Cable's use of the rights-of-way to provide such service, provided that such requirement is non-discriminatory and competitively neutral.
- (c) Without waiver or restriction of the rights available to the parties hereto under applicable law, this Franchise and the attachments hereto constitute the entire agreement between the parties and supersede any and all prior cable television agreements and other agreements or instruments by or between the parties hereto or their predecessors in interest as well as all rights, obligations and liabilities arising thereunder concerning or in any way relating to Cable Television Service.
- (d) In the event the Municipality grants to any other Person (being referred to as "Grantee" in the below quoted paragraph) a franchise, consent or other right to occupy or use the Streets, or any part thereof, for the construction, operation or maintenance of all or part of a cable television system or any similar system or technology, the Municipality shall insert the following language into any such franchise, consent or other document and/or promptly pass a resolution, conditioning the use of the Streets or any part thereof by any such Person, as follows:

"Grantee agrees that it will not move, damage, penetrate, replace or interrupt any portion of the Cable Television System of Time Warner Cable without the prior written consent of Time Warner Cable. Grantee shall indemnify Time Warner Cable against any damages or expenses incurred by Time Warner Cable as a result of any removal, damage, penetration, replacement or interruption of the services of Time Warner Cable caused by the Grantee." As used immediately above in the above quoted paragraph, the term "Time Warner Cable" shall mean Time Warner Cable Inc., as defined in this Franchise, and its successors, assigns and transferees.

- (e) This Franchise is non-exclusive. Any grant of a subsequent franchise shall be on terms and conditions which are not more favorable or less burdensome than those imposed on Time Warner Cable hereunder.

As used in this Section, the phrase, "occupancy or use of Streets," or any similar phrase, shall not be limited to the physical occupancy or use thereof but shall include any use above or below the Streets.

### SECTION 3 - APPROVAL OF COMPANY BY MUNICIPALITY

## Official Minutes of the Common Council Meeting of October 15, 2012

- (a) This Franchise is subject to and complies with all applicable Federal and State laws and regulations, including, without limitation, the rules of the NYSPSC concerning franchise standards. The Municipality hereby acknowledges and agrees that this Franchise has been entered into by it in accordance with and pursuant to the Communications Act of 1934, as amended, 47 U.S.C. Sec. 521 et seq. (hereinafter referred to as the "Communications Act"). The Municipality hereby represents and warrants that this Franchise has been duly entered into in accordance with all applicable local laws. The Municipality hereby acknowledges that it, by duly authorized members thereof, has met with Time Warner Cable for the purposes of evaluating Time Warner Cable and negotiating and consummating this Franchise.
- (b) In a full and public proceeding, affording due process, the Municipality has considered and approved Time Warner Cable's technical ability and character and has considered and found adequate Time Warner Cable's plans for constructing and operating the cable system.

### SECTION 4 - FRANCHISE TERM

The term of this Franchise shall be ten (10) years, effective the date the New York State Department of Public Service approves the franchise agreement.

### SECTION 5 - ASSIGNMENT OR TRANSFER OF FRANCHISE

- (a) Time Warner Cable shall not transfer this Franchise to any person, firm, company, corporation or any other entity without the prior written consent of the Municipality, which consent shall not be unreasonably withheld or denied.
- (b) In the event that the Municipality refuses to grant such consent, it shall set forth specific reasons for its decision in writing by municipal resolution.
- (c) Notwithstanding the above, this Section 5 shall not be applicable and no prior approval shall be required if Time Warner Cable shall transfer this Franchise to any of its principal partners, to any parent, subsidiary or affiliate of any of the principal partners of Time Warner Cable, or to any other firms or entities controlling, controlled, by or under the same common control as Time Warner Cable.

### SECTION 6 - REVOCATION

- (a) The Municipality may revoke this Franchise and all rights afforded Time Warner Cable hereunder in any of the following events or for any of the following reasons:
- (1) Time Warner Cable fails after sixty (60) days written notice from the Municipality to substantially comply or to take reasonable steps to comply with a material provision of this Franchise. Notwithstanding the above, should Time Warner Cable comply or take said reasonable steps to comply within said sixty days notice, the Municipality's right to revoke this Franchise shall immediately be extinguished; or

## Official Minutes of the Common Council Meeting of October 15, 2012

- (ii) Time Warner Cable is adjudged a bankrupt; or
  - (iii) Time Warner Cable knowingly and willfully attempts or does practice a material fraud or deceit in its securing of this Franchise.
- (b) Notwithstanding the above, no revocation shall be effective unless and until the Municipality shall have adopted an ordinance setting forth the cause and reason for the revocation and the effective date thereof, which ordinance shall not be adopted until the expiration of one hundred twenty (120) days from the date of delivery of written notice to Time Warner Cable specifying the reasons for revocation and an opportunity for Time Warner Cable to be fully and fairly heard on the proposed adoption of such proposed ordinance. If the revocation as proposed therein depends on a finding of fact, such finding of fact shall be made by the Municipality only after an administrative hearing providing Time Warner Cable with a full and fair opportunity to be heard, including, without limitation, the right to introduce evidence, the right to the production of evidence and the right to question witnesses. A transcript shall be made of such hearing. Time Warner Cable shall have the right to appeal any such administrative decision to a state or federal district court as Time Warner Cable may choose and the revocation shall not become effective until any such appeal has become final or the time for taking such appeal shall have expired.

### SECTION 7 - INDEMNIFICATION & INSURANCE

- (a) Time Warner Cable shall indemnify and hold harmless the Municipality from all liability, damage and reasonable cost or expense arising from claims of injury to persons or damage to property occasioned by reason of any conduct of Time Warner Cable its employees or agents undertaken pursuant to this Franchise. The Municipality shall promptly notify Time Warner Cable of any claim for which it seeks indemnification; afford Time Warner Cable the opportunity to fully control the defense of such claim and any compromise, settlement, resolution or other disposition of such claim, including by making available to Time Warner Cable all relevant information under its control.
- (b) Time Warner Cable shall as of the Effective Date of this Franchise obtain liability insurance in the minimum amount set forth within and shall furnish to the Municipality evidence of such liability insurance policy or policies, in the form of a certificate of insurance naming the Municipality as an additional named insured, which policy or policies or replacements thereof shall remain in effect throughout the term of this Franchise; said policy and replacements shall be in the combined amount of Ten Million Dollars (\$10,000,000.00) for bodily injury and property damage and excess liability of umbrella coverage in the amount of \$10 million issued by a company authorized to do business in New York State. In addition, Time Warner Cable shall carry Worker's Compensation insurance for its employees in such amounts as is required by the laws of the State of New York. The insurance coverage herein referred to above may be included in one or more policies covering other risks of Time Warner Cable or any of its affiliates, subsidiaries or assigns.

**SECTION 8 - USE OF EXISTING POLES AND LOCATION OF UNDERGROUND FACILITIES**

- (a) Time Warner Cable hereby agrees that when and wherever it deems it economical and reasonably feasible, it shall enter into agreements with telephone or electric or other utilities (collectively "utilities") for the use of said utilities' poles or conduit space whereby said utilities shall provide use of and access to said poles or conduit space by Time Warner Cable for Time Warner Cable's lines and other equipment. Notwithstanding the above, where necessary to service Subscribers and where attachment to the pole(s) or conduit space of utilities is not economically reasonable or otherwise feasible, Time Warner Cable may erect or authorize or permit others to erect any poles or conduit space or any other facilities within the Streets of the Municipality pursuant to the issuance by the Municipality of any necessary authorizations which shall not be unreasonably withheld or delayed.
- (b) Subject to the provisions of sub-paragraph (c) below, in such areas of the Municipality where it or any sub-division thereof shall hereafter duly require that all utility lines be installed underground, Time Warner Cable shall install its lines underground in accordance with such requirement.
- (c) Notwithstanding the foregoing, if Time Warner Cable shall in any instance be unable to install or locate its wires underground, then the Municipality, on being apprised of the facts thereof, shall permit such wires to be installed above the ground even though other facilities in the area may be placed, or required to be placed, underground. However, any such permission shall be on such conditions as the Municipality may reasonably require.

**SECTION 9 - RELOCATION OF PROPERTY**

- (a) Whenever the Municipality shall require the relocation or reinstallation of any property of Time Warner Cable in or on any of the Streets of the Municipality as a result of the relocation or other improvements by the Municipality of any such Streets, it shall be the obligation of Time Warner Cable on written notice of such requirement to remove and relocate or reinstall such property as may be reasonably necessary to meet the requirements of the Municipality. In the event any other person, including a public utility, is compensated for similar relocation or reinstallation then in such case Time Warner Cable shall be similarly compensated.
- (b) Time Warner Cable shall, on request of a person holding a building or moving permit issued by the Municipality, temporarily raise or lower its wires or other property or relocate the same temporarily so as to permit the moving or erection of buildings. The expenses of any such temporary removal, raising or lowering of wires or other property shall be paid in advance to Time Warner Cable by the person requesting the same. Time Warner Cable shall be given in such cases not less than five (5) working days prior written notice in order to arrange for the changes required.

## Official Minutes of the Common Council Meeting of October 15, 2012

### SECTION 10 - USE & INSTALLATION

- (a) Time Warner Cable or any person authorized by Time Warner Cable to erect, construct or maintain any of the property of Time Warner Cable used in the transmission or reception of Cable Television Service shall at all times employ due care under the facts and circumstances and shall maintain and install said property of Time Warner Cable in accordance with commonly accepted methods and principles in the cable television industry so as to prevent failures and accidents likely to cause damage or injury to members of the public. All Cable Television System equipment shall conform to those standards of the National Electrical Code and the National Board of Fire Underwriters which exist at the time said equipment is installed and replaced.
- (b) Time Warner Cable agrees to install all Cable Television System equipment in a manner to reasonably minimize interference to be expected with the usual use of the Streets and in no event shall any such Cable Television System equipment be located so as to substantially and regularly interfere with the usual public travel on any Street of the Municipality. Time Warner Cable shall construct and maintain its cable system using materials of good and durable quality and shall perform all work involved in the construction, installation, maintenance and repair of the cable system in a safe, thorough and reliable manner. Time Warner Cable shall promptly repair or replace any municipal property damaged or destroyed by Time Warner Cable so as to restore it to serviceable condition.
- (c) Whenever Time Warner Cable or any person on its behalf shall cause any injury or damage to public property or Street, by or because of the installation, maintenance or operation of the Cable Television System equipment, such injury or damage shall be remedied as soon as reasonably possible after the earlier of notice to Time Warner Cable from the Municipality or after Time Warner Cable becomes aware of the same, in such fashion so as to restore the property or Street to serviceable condition. Time Warner Cable is hereby granted the authority to trim trees upon and overhanging the Streets of, and abutting private property, (i.e., in the public way) in the Municipality to the extent it reasonably deems necessary so as to prevent the branches or growths from coming in contact with the wires, cable and other equipment of Time Warner Cable's Cable Television System.

### SECTION 11 - CONTINUOUS SERVICE

Time Warner Cable shall continue to provide cable service to all subscribers who meet their obligations to Time Warner Cable with respect to such service. Time Warner Cable shall not, without the written consent of the Municipality abandon its cable television system or any portion thereof in such a way as would limit its ability to continue to provide cable service to all subscribers without the written consent of the Municipality.

### SECTION 12 - FRANCHISE AREA AND LINE EXTENSION

## Official Minutes of the Common Council Meeting of October 15, 2012

Time Warner Cable shall comply with the requirements for construction of cable television plant and provision of cable television services as set forth in Section 895.5 of the Rules of the NYSPSC. In addition, the Time Warner Cable shall extend service to all dwelling units within the corporate limits of the City in which the density of dwelling units is at least twenty (20) dwelling units per cable mile in accordance with 895.5 of the NYSDPS rules.

### SECTION 13 - OPERATION AND MAINTENANCE

- (a) Time Warner Cable shall contract and maintain its cable system using materials of good and durable quality and shall perform all work involved in the construction, installation, maintenance and repair of the cable system in a safe, thorough and reliable manner.
- (b) Time Warner Cable shall maintain and operate its cable television system at all times in compliance with the duly promulgated and lawful provisions of Section 896 of the Rules and Regulations of the NYSPSC and the technical requirements set forth by the FCC. Time Warner Cable shall maintain staffing levels and support equipment to assure that telephone inquiries are handled consistent with FCC standards. Time Warner Cable shall respond to individual requests for repair service no later than the next business day. System outages, and problems associated with channel scrambling and switching equipment, shall be acted upon promptly after notification. Time Warner Cable shall maintain a means to receive repair service requests and notice of system outages at times when its business office is closed.
- (c) Throughout the term of this Franchise, Time Warner Cable's Cable Television System shall have a minimum channel capacity of seventy-eight (78) channels.

### SECTION 14 - RATES

Time Warner Cable shall not illegally discriminate against individuals in the establishment and application of rates and charges for Video Programming or other communication services available to generally all subscribers.

### SECTION 15 - SERVICE TO PUBLIC FACILITIES, ACCOUNTABILITY PROVISIONS AND INSPECTION OF RECORDS

- (a) At the request of the Municipality, Time Warner Cable shall provide and maintain a single service outlet and basic service to any school, police station, firehouse and municipally owned building which is occupied for governmental purposes, provided the connection point is no further than two hundred feet (200') from the closest feeder line of the Cable Television System. All such connections shall be above ground except where all utility lines and cables in the area are underground. The Municipality shall not extend such service to additional outlets, without the express written consent of Time Warner Cable.

## Official Minutes of the Common Council Meeting of October 15, 2012

- (b) Municipality, upon reasonable notice and during normal business hours, shall have the right to inspect all books, records, maps, plans, financial statements and other like materials of Time Warner Cable which are pertinent to Time Warner Cable's compliance with the terms and conditions of this Franchise.
- (c) Municipality and Time Warner Cable agree that Time Warner Cable's obligations hereunder are subject to any applicable law, including laws regarding the privacy of information regarding subscribers.
- (d) Municipality will maintain the confidentiality of any information obtained pursuant to this provision to the extent permitted by law, provided Time Warner Cable has advised Municipality of the confidential nature of the information. In the event that the Municipality receives request for the disclosure of such information with which it, in good faith, believes it must under law comply, then the Municipality will give Time Warner Cable notice of such request as soon as possible prior to disclosure in order to allow Time Warner Cable to take such steps as it may deem appropriate to seek judicial or other remedies to protect the confidentiality of such information.

### SECTION 16 - PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS CHANNELS

Time Warner Cable shall comply with the standards for public, educational and governmental (PEG) access channels as set forth in Section 895.4 of the Rules of the NYSPSC.

The PEG channels provided hereunder shall be shared with the other municipalities and their residents which are served by the system.

Within two months from the effective date, Time Warner Cable shall pay the Municipality \$20,000 to finance the purchase of capital equipment to be used for the production of programming for exhibition on the PEG access channels. A second payment of \$20,000 to be used for the same purpose shall be paid within sixty days of the first anniversary of the effective date of the franchise agreement, for a total of \$40,000. Upon request, the Municipality shall provide to Time Warner Cable records identifying the equipment purchased with these funds.

### SECTION 17 - ADDITIONAL SUBSCRIBER SERVICES

- (a) Payment for equipment provided by Time Warner Cable to subscribers and the installation, repairs, and removal thereof shall be paid in accordance with Time Warner Cable's standard and customary practices and applicable rules and regulations of the FCC.
- (b) Notice of Time Warner Cable's procedures for reporting and resolving billing disputes and Time Warner Cable's policy and the subscribers rights in regard to "personally identifiable information," as that term is defined in Section 631 of the Communications Act, will be given

## Official Minutes of the Common Council Meeting of October 15, 2012

to each subscriber at the time of such person's initial subscription to the Cable Television System services and thereafter to all subscribers as required by Federal or State law.

- (c) In accordance with the applicable requirements of Federal and State laws, Time Warner Cable shall provide written notice of any increases in rates or charges for any Cable Television Service.
- (d) The Administrator, as the case may be, for the Municipality for this Franchise shall be Supervisor or Mayor of the Municipality. The Administrator is responsible for the continuing administration of the Franchise on behalf of the Municipality. All correspondence and communications between Time Warner Cable and the Municipality pursuant to this Franchise shall be addressed by Time Warner Cable to the Administrator.
- (e) It is agreed that all Cable Television Service offered to any subscribers under this Franchise shall be conditioned upon Time Warner Cable having legal access to any such subscriber's dwelling units or other units wherein such service is provided.
- (f) Time Warner Cable shall comply with the Customer Service Consumer Protection Standards set forth in Sections 890 and 896 of the Rules and Regulations of the NYSPSC.
- (g) Time Warner Cable shall provide notice to each subscriber of its procedures for reporting and resolving subscriber complaints as required by applicable regulations.

### SECTION 18 - FRANCHISE FEES

- (a) Time Warner Cable shall pay the Municipality an amount equal to 5% of Time Warner Cable's Gross Revenues received by Time Warner Cable directly from subscribers for cable services purchased by subscribers.
- (b) There shall be applied as a credit against the Franchise Fee the aggregate of: (i) any taxes, fees or assessments of general applicability imposed on Time Warner Cable or any subscribers, or both, which are discriminatory against Time Warner Cable or any subscribers, (ii) any non-capital expenses incurred by Time Warner Cable in support of the PEG access requirements of this Franchise and (iii) any fees or assessments payable to the NYSPSC which when combined with all other fees and credits would exceed 5% of gross revenues. Time Warner Cable shall have the right to apply franchise fees derived from the operation of the system to provide cable service paid as a credit against special franchise assessments pursuant to Section 626 of the New York State Real Property Tax Law.
- (c) Payment of the franchise fee shall be due annually within one hundred twenty (120) days of the end of the company's fiscal year. Time Warner Cable shall submit to the Municipality, along with the payment of said fees, a report showing reasonable detail the basis for the computation thereof.

### SECTION 19 - SEVERABILITY, GOVERNING LAW, POLICE POWERS

**REQUESTS FOR AUTHORIZATION AND NON-DISCRIMINATION**

- (a) Should any provision of this Franchise be held invalid by a court or regulatory agency of competent jurisdiction, the remaining provisions of this franchise shall remain in full force and effect.
- (b) To the extent not inconsistent with or contrary to applicable federal law, the terms of this Franchise shall be governed and construed in accordance with the laws of the State of New York. The parties hereby acknowledge and agree that any provisions of this Franchise or any existing or future State or local laws or rules that are inconsistent with or contrary to any applicable Federal law, including the Cable Act, as the same may be amended, are and shall be prohibited, preempted and/or superseded to the extent of any inconsistency or conflict with any applicable Federal laws.
- (c) In addition to the provisions contained in this Franchise and in existing applicable ordinances, the Municipality may adopt such additional regulations as it shall find necessary in the exercise of its police power, provided, however, that such regulations are reasonable and not materially in conflict with the privileges granted in this Franchise.
- (d) Time Warner Cable shall file requests for any necessary operating authorization with the NYSPPSC and the FCC within sixty (60) days from the date the Franchise is awarded by the Municipality.
- (e) Time Warner Cable will not refuse to hire or employ, nor bar or discharge from employment, nor discriminate against any person in compensation or in terms, conditions or privileges of employment because of age, race, creed, color, national origin or sex.

**SECTION 20 - NOTICE**

All notices required herein shall be in writing and shall be deemed delivered when received by United States certified mail, return receipt requested, or on the date of delivery to addressee when sent by express mail, or overnight, or hand delivered to the parties and locations as specified below. Both Time Warner Cable and Municipality may change where notice is to be given by giving notice to the other.

When notices sent to

Time Warner Cable:           Time Warner Cable  
  Hudson Valley Region  
  Director of Government Affairs  
  2778 State Route 52  
  Liberty, NY 12754  
  Telephone: (845) 695-9625  
  Facsimile: (845) 692-0901

When notices sent to

# Official Minutes of the Common Council Meeting of October 15, 2012

Municipality: City of Poughkeepsie  
Mayor  
City Hall  
P.O. Box 300  
62 Civic Center Plaza  
Poughkeepsie, NY 12601

## SECTION 21 - FORCE MAJEURE

In no event, and notwithstanding any contrary provision in this Franchise, shall this Franchise be subject to revocation or termination, or Time Warner Cable be subject to penalty or prejudice or in any way liable for non-compliance with or delay in the performance of any obligations hereunder, where its failure to cure or take reasonable steps to cure is due to reason of strike, Acts of God, acts of public enemies, order of any kind of a government of the United States of America or of the State or any of their departments, agencies, political subdivisions; riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, tornadoes, volcanic activity, storms, floods, washouts, droughts, civil disturbances, explosions, partial or entire failure of utilities or any other cause or event not reasonably within the control of Time Warner Cable. Time Warner Cable shall not be deemed to be in violation or default during the continuance of such inability and Time Warner Cable shall be excused from its obligations herein during the course of any such events or conditions and the time specified for performance of Time Warner Cable's obligations hereunder shall automatically extend for a period of time equal to the period of the existence of any such events or conditions and such reasonable thereafter as shall have been necessitated by any such events or conditions.

## SECTION 22 - RIGHTS OF ENFORCEMENT

Nothing contained in this Franchise is intended to or shall confer any rights or remedies on any third parties to enforce the terms of this Franchise.

## SECTION 23 - FURTHER ASSURANCES

The Municipality shall, without further consideration, execute and deliver such further instruments and documents and do such other acts and things as Time Warner Cable may reasonably request in order to effect and confirm this Franchise and the rights and obligations contemplated herein.

## SECTION 24 - INTEGRATION

This Franchise supersedes all prior negotiations between the parties hereto and shall be binding upon and inure to the benefit of the parties hereto and each of their respective successors and permitted assigns. This Franchise may be amended (except as otherwise expressly provided for herein) only by agreement in writing signed by duly authorized persons on behalf of both parties. To the extent required by State law, amendments hereto shall be confirmed or approved by the NYSPSC.

Official Minutes of the Common Council Meeting of October 15, 2012

This Franchise may be executed in one or more counterparts, all of which taken together shall be deemed one (1) original.

The headings of the various Sections of this Franchise are for convenience only, and shall not control or affect the meaning or construction of any of the provisions of the Franchise.

The rights and remedies of the parties pursuant to this Franchise are cumulative and shall be in addition to and not in derogation of any rights or remedies which the parties may have with respect to the subject matter of this Franchise.

**SECTION 25 - NO JOINT VENTURE**

Nothing herein shall be deemed to create a joint venture or any agency or employment relationship between the parties, and neither party is authorized to nor shall either party act toward any third parties or to the public in any manner which would indicate any such relationship with the other.

IN WITNESS WHEREOF, the parties hereto have executed this agreement this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**TIME WARNER CABLE NORTHEAST LLC. MUNICIPALITY:  
CITY OF POUGHKEEPSIE**

By: \_\_\_\_\_  
Officer Name

By: \_\_\_\_\_  
Name

Title: \_\_\_\_\_

Title: \_\_\_\_\_

# The City of Poughkeepsie

New York

Michael Brady, Esq.  
Assistant Corporation Counsel  
[mbrady@cityofpoughkeepsie.com](mailto:mbrady@cityofpoughkeepsie.com)



62 Civic Center Plaza  
Poughkeepsie, New York 12601  
TEL: (845) 451-4065 FAX: (845) 451-4070

## Memorandum

**TO:** COMMON COUNCIL

**FROM:** MIKE BRADY

**DATE:** October 15, 2012

**SUBJECT:** TIME WARNER CABLE REVENUE

---

Dear Chairwoman Johnson and Council Members:

Attached please find documents relating to payments received by the City from Time Warner Cable.

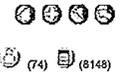
Respectfully,

Mike Brady, Esq.

# Official Minutes of the Common Council Meeting of October 15, 2012



City of Poughkeepsie



myFavorites | Financial Management | Human Resources | Maintenance  
 G/L Account Inquiry - 01-00 1170 - Franchises  
**G/L Transaction Inquiry**

G/L Account - 01-00 1170 - Franchises

From Date:  To Date:   
 G/L Account:  Project:   
 Journal Type:  AB  JE  BA  EA

Search    Reset

GL Date	GL Account	Journal Type	SubLedger	Journal Number	Transaction Description	Debit	Credit	Source	Reference	Department	Project
05/16/2012	01-00 1170	Journal Entry	Revenue Accour	2012-00000987	Revenue Collection Payment		\$82,203.90	Collections		04_1310 Finance	
Receipt Number		Batch Number		Receipt Narrative		Received From		Payment Date		Amount	
2012-00001592		2012-05000365				Time Warner Cable		05/16/2012		\$82,203.90	
05/16/2012	01-00 1170	Journal Entry	Revenue Accour	2012-00000987	Revenue Collection Payment		\$36,292.84	Collections		04_1310 Finance	
Receipt Number		Batch Number		Receipt Narrative		Received From		Payment Date		Amount	
2012-00001594		2012-05000365				Verizon		05/16/2012		\$36,292.84	
08/14/2012	01-00 1170	Journal Entry	Revenue Accour	2012-00001826	Revenue Collection Payment		\$41,662.72	Collections		04_1310 Finance	
Receipt Number		Batch Number		Receipt Narrative		Received From		Payment Date		Amount	
2012-00003272		2012-08000632				Verizon		08/14/2012		\$41,662.72	
08/15/2012	01-00 1170	Journal Entry	Revenue Accour	2012-00001819	Revenue Collection Payment		\$82,119.46	Collections		04_1310 Finance	
Receipt Number		Batch Number		Receipt Narrative		Received From		Payment Date		Amount	
2012-00003271		2012-08000631				Time Warner Cable		08/15/2012		\$82,119.46	
						\$0.00	\$242,278.92				

Search Journal     Options

Copyright 2012 New World Systems, Inc. All rights reserved.

4 Rows

Official Minutes of the Common Council Meeting of October 15, 2012



City of Poughkeepsie



myFavorites | Financial Management | Human Resources | Maintenance

(74) (8148)

G/L Account Inquiry - 01-00 1170 - Franchises  
G/L Transaction Inquiry

G/L Account - 01-00 1170 - Franchises

From Date 02/01/2011  
To Date 12/31/2011

G/L Account 01-00 1170 Franchises  
Project Enter Value

Journal Type  
AB  JE   
BA  EA

Search Reset

D	G/L Date	G/L Account	Journal Type	SubLedger	Journal Number	Transaction Description	Debit	Credit	Source	Reference	Department	Projec
02/25/2011	01-00 1170	Journal Entry	Revenue Accou	2011-00000209	Revenue Collection Payment		\$28,562.75	Collections			04_1310 Finance	
Receipt Number		Batch Number		Receipt Narrative		Received From		Payment Date		Amount		
2011-00000408		2011-02000020		Time Warner Cable				02/25/2011		\$28,562.75		
04/15/2011	01-00 1170	Journal Entry	Revenue Accou	2011-00000759	Revenue Collection Payment		\$28,441.32	Collections			04_1310 Finance	
Receipt Number		Batch Number		Receipt Narrative		Received From		Payment Date		Amount		
2011-00001077		2011-04000257		Time Warner Cable				04/15/2011		\$28,441.32		
05/13/2011	01-00 1170	Journal Entry	Revenue Accou	2011-00001039	Revenue Collection Payment		\$31,290.65	Collections			04_1310 Finance	
Receipt Number		Batch Number		Receipt Narrative		Received From		Payment Date		Amount		
2011-00001883		2011-05000283		Verizon				05/13/2011		\$31,290.65		
05/17/2011	01-00 1170	Journal Entry	Revenue Accou	2011-00001047	Revenue Collection Payment		\$30,365.76	Collections			04_1310 Finance	
Receipt Number		Batch Number		Receipt Narrative		Received From		Payment Date		Amount		
2011-00001506		2011-05000286		Time Warner Cable				05/17/2011		\$30,365.76		
05/05/2011	01-00 1170	Journal Entry	Revenue Accou	2011-00001275	Revenue Collection Payment		\$30,463.86	Collections			04_1310 Finance	
Receipt Number		Batch Number		Receipt Narrative		Received From		Payment Date		Amount		
2011-00002122		2011-06000407		Time Warner Cable				05/05/2011		\$30,463.86		
07/15/2011	01-00 1170	Journal Entry	Revenue Accou	2011-00001710	Revenue Collection Payment		\$29,524.94	Collections			04_1310 Finance	
Receipt Number		Batch Number		Receipt Narrative		Received From		Payment Date		Amount		
2011-00002741		2011-07000434		Time Warner Cable				07/15/2011		\$29,524.94		
08/12/2011	01-00 1170	Journal Entry	Revenue Accou	2011-00002002	Revenue Collection Payment		\$27,615.05	Collections			04_1310 Finance	
Receipt Number		Batch Number		Receipt Narrative		Received From		Payment Date		Amount		
2011-00003094		2011-08000648		Time Warner Cable				08/12/2011		\$27,615.05		
08/12/2011	01-00 1170	Journal Entry	General Ledger	2011-00003307	Reclass Receipt from Verizon		\$30,593.83	bc			04_1310 Finance	
09/16/2011	01-00 1170	Journal Entry	Revenue Accou	2011-00002279	Revenue Collection Payment		\$26,999.95	Collections			04_1310 Finance	
Receipt Number		Batch Number		Receipt Narrative		Received From		Payment Date		Amount		
2011-00003533		2011-09000746		Time Warner Cable				09/16/2011		\$26,999.95		
10/13/2011	01-00 1170	Journal Entry	Revenue Accou	2011-00002544	Revenue Collection Payment		\$26,928.97	Collections			04_1310 Finance	
Receipt Number		Batch Number		Receipt Narrative		Received From		Payment Date		Amount		
2011-00003928		2011-10000862		Time Warner Cable				10/13/2011		\$26,928.97		
11/29/2011	01-00 1170	Journal Entry	Revenue Accou	2011-00002937	Revenue Collection Payment		\$34,987.24	Collections			04_1310 Finance	
Receipt Number		Batch Number		Receipt Narrative		Received From		Payment Date		Amount		
2011-00004502		2011-11000939		Verizon				11/29/2011		\$34,987.24		
11/29/2011	01-00 1170	Journal Entry	Revenue Accou	2011-00002937	Revenue Collection Payment		\$27,436.50	Collections			04_1310 Finance	
Receipt Number		Batch Number		Receipt Narrative		Received From		Payment Date		Amount		
2011-00004508		2011-11000939		Time Warner Cable				11/29/2011		\$27,436.50		
12/31/2011	01-00 1170	Journal Entry	Revenue Accou	2011-00003253	Revenue Collection Payment		\$26,376.56	Collections			04_1310 Finance	
Receipt Number		Batch Number		Receipt Narrative		Received From		Payment Date		Amount		
2011-00004841		2011-12001012		Time Warner Cable				12/31/2011		\$26,376.56		
12/31/2011	01-00 1170	Journal Entry	General Ledger	2011-00003512	Record Receivables 2011		\$92,706.00	tm/bc			04_1310 Finance	
							\$0.00	\$472,293.38				

Search Journal Options

Copyright 2012, New World Systems, Inc. All rights reserved.

14 Rows

**A RESOLUTION OF THE CITY OF POUGHKEEPSIE, APPROVING A CABLE TELEVISION FRANCHISE RENEWAL AGREEMENT BETWEEN THE CITY OF POUGHKEEPSIE AND TIME WARNER CABLE NORTHEAST, LLC**

**(R-12-70)**

**INTRODUCED BY COUNCILMEMBER RICH**

**WHEREAS**, that the Common Council has the exclusive power on behalf of the City of Poughkeepsie to grant franchises providing for or involving the use of the streets of the City and to give the consent of the City to any franchisee for or relating to the occupation of the streets; and

**WHEREAS**, that pursuant to the Communications Act of 1934, as amended, the Common Council has the authority to grant cable television franchises and renewals thereof on behalf of the City; and

**WHEREAS**, that that the Common Council and Time Warner Cable, pursuant to said Federal Law and pursuant to applicable New York State laws and the regulations promulgated thereunder, have complied with the franchise procedures required of municipalities and cable operators in the grant of cable television franchises or their renewal; and

**WHEREAS**, the City of Poughkeepsie has conducted negotiations with Time Warner Cable and conducted a public hearing on October 1, 2012 concerning Time Warner Cable's franchise renewal proposal affording all interested parties due process including notice and the opportunity to be heard; and

**WHEREAS**, the Common Council has determined that said franchise agreement fulfills and will fulfill the needs of the City with respect to cable television service and complies with the standards and requirements of the New York State Public Service Commission;

**NOW THEREFORE,**

**BE IT RESOLVED**, that the Common Council hereby adopts and approves the attached agreement entitled "Cable Television Franchise Renewal Agreement" in its entirety; and

**BE IT RESOLVED**, that in order to effectuate the franchise renewal agreement, the

Official Minutes of the Common Council Meeting of October 15, 2012

Mayor and/or Corporation Counsel are hereby authorized to execute any and all documents pertaining thereto on behalf of the City.

**SECONDED BY COUNCILMEMBER BOYD**

R12-70			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Herman	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 Perry	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 Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Boyd	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**Corporation Counsel Ackermann** informed the Council that before them is a resolution required by the Administrative Code setting the hearing on the Mayor’s proposed 2013 budget which was presented to the members of the Council today. With the input of the Council suggesting a date of November 5<sup>th</sup> which is a Monday at 5:30 pm in the Council Chambers.

**RESOLUTION  
(R-12-71)**

**INTRODUCED BY COUNCILMEMBER RICH**

**WHEREAS**, the Common Council has received the Mayor’s proposed 2013 budget for the City of Poughkeepsie and the budget message from the Mayor; and

**WHEREAS**, the City of Poughkeepsie Administrative Code section 14.04 requires that upon such receipt, the Common Council shall set a public hearing thereon, giving the public notice of at least ten (10) days in the official newspaper; and

**WHEREAS**, the Common Council of the City of Poughkeepsie has scheduled a public hearing for the purpose of receiving comment on the proposed budget for November 5, 2012 at 5:30 p.m.; and

**WHEREAS**, the Common Council is desirous of setting such public hearing;

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Common Council of the City of Poughkeepsie shall hold a public hearing to receive comment from the public concerning the proposed 2013 budget on Monday, November 5, 2012 at 5:30 pm in the Common Council Chambers, Third Floor, City Hall, 62 Civic Center Plaza, Poughkeepsie, New York and the Chamberlain is hereby directed to publish proper notice of the above hearing.

**SECONDED BY COUNCILMEMBER BOYD**

<b>R12-71</b>			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Herman	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 Perry	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 Parise	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Boyd	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- 3. A motion was made by Councilmember Rich and seconded by Councilmember Boyd to receive and print.**

**RESOLUTION  
(R-12-72)**

**INTRODUCED BY COUNCIL CHAIRWOMAN JOHNSON**

**WHEREAS**, the Common Council of the City of Poughkeepsie adopted Resolution R-12-67 on September 19, 2012, which supported campaign finance in that corporations should not be afforded the entirety of protections or “rights” of natural persons; and

**WHEREAS**, clean, fair, transparent and voter-owned elections are a necessity for a healthy democracy and public trust in our government; and

**WHEREAS**, Campaign financing must conform to these same values if our system of elections is to maintain the public trust; and

**WHEREAS**, Governor Cuomo has called for New York State to adopt such a system of public financing for elections to statewide and legislative offices; and

**WHEREAS**, by a message dated September 28, 2012, the Mayor vetoed said Resolution as authorized by City Administrative Code §3.04; and

**WHEREAS**, the Common Council is desirous of overriding the Mayor’s veto.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Common Council, hereby overrides the Mayor’s veto so that Resolution R-12-67 shall be effective upon the adoption of this Resolution.

**SECONDED BY COUNCILMEMBER RICH**

R12-72			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Herman	Voter	<input type="checkbox"/>	<input checked="" 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 Perry	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 Parise	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Boyd	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**4. A motion was made by Councilmember Rich and seconded by Councilmember Boyd to receive and print.**

**RESOLUTION  
(R-12- 73)**

**INTRODUCED BY COUNCILCHAIR JOHNSON:**

**WHEREAS**, the Common Council of the City of Poughkeepsie adopted Resolution R-12-68 on September 19, 2012, which resolution called for the designation of a Common Council meeting room to be used exclusively by the Common Council, a copy of which is annexed hereto; and

**WHEREAS**, by a message dated September 28, 2012, the Mayor vetoed said resolution as authorized by City Administrative Code §3.04; and

**WHEREAS**, the Common Council is desirous of overriding the Mayor’s veto.

***NOW, THEREFORE,***

***BE IT RESOLVED***, that the Common Council, hereby overrides the Mayor’s veto so that Resolution R-12-68 shall be effective upon adoption of this Resolution.

**SECONDED BY COUNCILMEMBER RICH**

R12-73			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Herman	Voter	<input type="checkbox"/>	<input checked="" 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 Perry	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 Parise	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Boyd	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**VIII. ORDINANCES AND LOCAL LAWS:**

**IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:**

**X. UNFINISHED BUSINESS:**

**Councilmember Mallory** – When we have our meeting on the 22<sup>nd</sup> of October do we get a breakdown of the year-to-date of the cost of using Royal trucks? What that costs us and why we were utilizing Royal from January to September 30, 2012. Secondly, since we are going to be talking about Corporation Counsel on the 17<sup>th</sup> could we please have a year-to-date what it costs the City to handle the lawsuit from Riverkeeper? And also the current lawsuit with trash including budget lines and contracted services in the works. Also the purchase of supplies for the case with Riverkeeper. What line item did it come from and what did it cost us? Also with what has happened with the Nelson House, what is the strategy and plan has the County presented to the City to remove asbestos and contaminated material? If we could have that information as soon as possible.

**Corporation Counsel Ackermann:** We will make every attempt to get any information as possible. The county government is exempt from any zoning ordinances in the City of Poughkeepsie which includes any need to be issued a demolition permit which would have required the City to have obtained an asbestos survey. So we really have no right to have that information. However, the County has been very forthcoming with the information. They have been providing substantial amounts of documentation. I will reach out to the County attorney and see what information they have in regard to that. I am sure that a lot of that was discussed at the County meeting, but that is probably part of the record that would have been examined in order for them to take certain actions including the bonding of it, their SEQRA determination as well as the resolution of the full board to award a bid for that demolition. I will try to obtain that information through public record or through the County attorney. Since the County does not need a demo permit from the City we do not come in contact with asbestos information unless we go as a private citizen and request it through the Freedom of Information Act or if the County is freely willing to give up that information. They probably are since they have been so forthcoming with information that we have requested in the past.

**Councilmember Solomon** – Did I read in the newspaper that there was a negative declaration on their SEQRA?

**Corporation Counsel Ackermann** – Yes, I believe that to be correct. Part of the negative declaration of the SEQRA is that it identifies the negative impacts from such an action but as long as there is mitigating circumstances and they mitigate those negative impacts than they are free to issue a negative declaration upon their SEQRA. If there were negative impacts they would have been addressed and how they are going to abate those and mitigate those impacts.

**Councilmember Boyd** – Since we don't have any say on the asbestos in the building and the building does exist in the City of Poughkeepsie. The people that work around that building are they wearing masks or anything? Are we going to be having lawsuits against us because they are inhaling asbestos? It could present a problem with the City.

**Corporation Counsel Ackermann** – Our liability will be greatly decreased because we have no regulatory authority over them. Therefore the County would be subject to any of the liability. They would shoulder any liability because they are the regulatory authority over the demolition project.

**Councilmember Mallory** – Back on September 15<sup>th</sup>, there was an article in the paper in reference to the County. County Executive Marc Molinaro shared the County is helping the City in such ways such as funding a waterfront development process, looking at expanding County Loop services into the City which is considering cutting its own bus system. Now I know what the Mayor has shared but unfortunately this is what is being put in the paper about cutting services. If the County is sharing that they are providing us a service with development and processes like that, without a

Official Minutes of the Common Council Meeting of October 15, 2012

City Planning Department or an Economic Development Department are we going to have a say in what the County puts money to and effort staff wise and what is developing on our waterfront?

**Mayor Tkazyik** – Absolutely. We have our administrative staff, Corp. Counsel, we do have planning and building staff still present within the building. Along with that the County is the lead on the RFP process in selecting the consultant which the Dyson Foundation funded to incorporate the overall waterfront development study, tying in these key projects with TOD and the Department of State and looking at the various ways the entire greenway connection can benefit and prosper the City's waterfront moving forward. We do participate; we do collaborate in all of those meetings. Both building our current staff, planning, Corp. Counsel and myself. We do sit in on those meetings. The lead has always been that way. Former City Administrator Long has attended those meetings. Acting City Administrator Bunyi has been on top of all the necessary grants work with the Department of State and Restore New York to make sure those projects are still moving forward, people are getting paid and that they are on track.

**Councilmember Mallory** – As was said earlier, we can't partner with cable satellite companies because they don't use our streets. Is there any agreement we can make with them? In my experience with Hudson River Housing, they put up those dishes and they look gaudy and the satellite companies are not responsible to remove them. Can we get involved in that kind of agreement to remove those dishes?

**Corporation Counsel Ackermann** – I have been looking into that also. You will find a single family house in the City of Poughkeepsie with 3 or 4 satellite antennas on the house. The City of Poughkeepsie currently has an ordinance in place that addresses satellite dishes. It is somewhat antiquated in that it regulates sizes that are not pertaining to the current satellite dishes. But at some point in history the City did regulate satellite dishes, they had to be placed in the back yard, they couldn't be visible from the front yard, they couldn't be a certain height, they couldn't be a certain size, and whatnot. We probably have some authority in our building/zoning code to regulate them and it may be something we should take a look at in the future to see if we can do some regulation over them. It is not like a franchise agreement like we have with Verizon or Time Warner. It would be in our zoning code, where they're placed, how many can be placed per unit or residential house. They have to be taken down after service has been disconnected. That is something we can look into.

**Councilmember Mallory** – I sat in on a Historic Preservation Commission meeting last week. I noticed that minutes weren't taken but it was shared that it was televised and that constitutes as minute taking. Is that accurate? Because what if the system went down, then we would have nothing.

**Corporation Counsel Ackermann** – I was present at the meeting. I took minutes, as well as the building inspector took minutes of the meeting. I believe that it was

understood by building inspector that it was being televised but exactly for the point that it wasn't, there was minutes taken. The minutes only have to be when the meeting started, who made a motion and seconded it, the basic business of the meeting. But that was being taken as it was at any other board meeting.

**Councilmember Rich** – Asbestos is a scary word for some of us. In the second ward we have the famous DeLaval discovery and then recently I had a woman who owned a historic house that wasn't designated who had an asbestos problem with her paint. We had to work to see how she could have that taken care of so nobody got affected by any asbestos. In the case of the County, maybe we don't have any say but I will bet the Feds and the State may have some say about asbestos and how they are going to go about it. When I went to a meeting with Mr. Molinaro, the County Executive, he talked about a new way which, as far as I could figure out, was imploding. Whenever you implode you get a big pile of stuff. And whenever you implode you get some dirt or dust into the air. So I am a little concerned that they are going to take it out a little at a time, like at DeLaval. But that is correct; they are going to do this in a pretty quick way and makes me wonder whether the State and Feds ought to be alerted. Their consultant did not mention this kind of imploding. It is something that the County came up with on its own hook. I am worried because that is the second ward again, The Nelson House.

**Corporation Counsel Ackermann** – You bring up a good point. The City has no regulatory authority over the County. However, they are still subject to regulation by the State, by the Department of Labor, which regulates the removal of asbestos. Also the Department of Health. I am sure that they will have to address those regulatory agencies exactly how they intend to remove the asbestos in a safe manner. We can request that information from them but they are subject to regulations from the State, specifically Departments of Labor and Health.

**Councilmember Perry** - If the County does not come under the code of the City as far as demolition is concerned, who from the City will be regulating the dust and everything that comes from the asbestos which will be showering down in the City? Who will be monitoring that?

**Corporation Counsel Ackermann** – Again, I am sure our department heads, specifically the Commissioner of Public Works and the Building Inspector will monitor the activities over there for the safety of City property and our citizens. The County will regulate themselves to some degree through their departments. And the State regulates their activities over there because they are not immune to laws of the State. I would be pretty confident that the State Department of Labor and Health will require measures to make sure exactly what you explained does not occur at the demolition site.

**Councilmember Perry** – As Councilmember Mallory mentioned about the dish that has been placed on several houses in the City of Poughkeepsie. Time Warner or Verizon have to pay because they use the streets. Is there any way that a fee could be

charged to each time a dish was installed on houses in the City of Poughkeepsie? Is there any way to look into that? There is no revenue coming from that, is there?

**Corporation Counsel Ackermann** – At this time, there is not.

**Councilmember Perry** – I think we should look into that otherwise we can all put a dish on our houses and get rid of the other companies. Each person should pay their fair share of whatever services and benefits they are getting. Considering the fact that we are strapped for cash. That is something that I would like the Corporation Counsel and the Mayor, Chairwoman Johnson or whomever to look into and see where we could get some revenue from that source.

**Corporation Counsel Ackermann** – I think our best way of regulating something like that which is on private property as opposed to public right of way is to look at through the zoning code. There may be a permitting process that we may want to look at to try to regulate the number of dishes. We will look to other municipalities to see best practices are going on around the state. I am sure this is not the first time this has come up in other municipalities or in courts. We will look at this to try to come up with some regulation.

**Councilmember Boyd** – I have a question for the Mayor. You appointed several new people to the Historic Preservation Ordinance and Historic Commission. I would like to find out what their credentials are. You were not at the meeting, the public hearing about two weeks ago and the retired banker Joe Tackazewski. But you should take a look at that even though it wasn't taped, even though Gary Beck said it was taped, he was sleeping and nodding through the whole entire meeting. Now if he is going to make a very serious decision about demolishing the Nelson House then I have no idea why he was sleeping through this whole thing. Also Amanda Baxter, I would like to know what her credentials are. I believe you have to fulfill certain things

**Mayor Tkazyik** – I have met and fulfilled all the requirements of the new ordinance that the Common Council adopted and approved. I have appointed all members in conjunction within that ordinance, as I do with all the other boards. These are all Mayoral appointments. When these appointments fall within the authority of the Common Council you can go through their credentials under your appointments. These are Mayoral appointments. I meet with the people I appoint, find out what their interests are and some people even write to me asking to be appointed. These are Mayoral appointments and they meet the requirements of the ordinance. Two of these people live within historic districts; they meet the requirement.

**Councilmember Boyd** – First quarter and second quarter of these quarterly reports, I have questions regarding that they are not adding up. You have responses, number of occurrences 1065, if you do the math it only comes to 818. This is Fire. This is not accurate.

**Mayor Tkazyik** – If you could share that with me after the meeting, I will get with the Chief and get you the information.

**Councilmember Boyd** – Also from Milo Bunyi there is, you said in your report there is approximately 46 purchase orders were generated. Don't we know how many we have? Don't we have an exact figure?

**Mayor Tkazyik** – We will go over those requests with you and get you answers to whatever questions you have. We will get you the information.

**Councilmember Boyd** - The quarterly report for the first and the second are not correct either.

**Councilmember Solomon** – I am amazed to hear that the County is the lead agency in waterfront development in the City of Poughkeepsie. Can that be?

**Corporation Counsel Ackermann** – Let me clarify. In the overall planning that is done through this particular grant, which not only involves the City of Poughkeepsie, the Town of Poughkeepsie, Metro North, The Walkway Over The Hudson and Scenic Hudson. They are the lead agency in this overall grant project which is funded by the Dyson Foundation and it is not specific to the City of Poughkeepsie but it is a look at how do we connect waterfront on a overall scheme regionally. Ultimately the City of Poughkeepsie will be responsible for any zoning or re-zoning that comes out of this report, if that is what they recommend. The City of Poughkeepsie will have pretty good control in that the local body being the Common Council in the City's case is the only authority that can re-zone property within their municipal bounds. So if this report comes back and suggests that re-zoning of our waterfront property to something other than what it is currently, then it's going to be this body that has authority to re-zone that property in accordance with whatever overall regional plan may come to be.

**Councilmember Solomon** – Since we have had zero reports from this commission that is studying our waterfront, we won't know what to do. We need regular reports.

**Corporation Counsel Ackermann** – My understanding is that the grant was just awarded. It went out to bid and they are just beginning the early stages of this report or study right now.

**Councilmember Solomon** – It is my understanding that the taxpayers of the City of Poughkeepsie will pay for whatever improvement occur in the City of Poughkeepsie. So I think they ought to be part of the planning. I give kudos to the County and Scenic Hudson and all of the agencies that you mentioned but they don't live in our City. We do. We need regular reports before it comes to zoning changes. We need some way to get public input.

**Mayor Tkazyik** – Absolutely. This process has just begun. The transit oriented development, they just released a proposed concept to us two months ago. Plus you have the Department of State grants, plus this Dyson funded project to coordinate all those efforts along with the Walkway branding project that was just released two weeks ago that some members were there. This coordinated effort is going to tie in all those recommendations from those other interested parties and studies that are going on. There needs to be a coordinated effort of that to then finally present to you a recommendation so that we can complete the zoning code.

**Councilmember Solomon** – I don't want to come in at the final recommendation. I would like for us to receive regular reports about what is going on, let us help with the recommendations, we are the Common Council.

**Mayor Tkazyik** – You have been invited to all the public meetings thus far. I haven't seen you at any.

**Councilmember Solomon** - I am sure that I am aware of them.

**Mayor Tkazyik** – Councilmember Johnson, Councilmember Boyd, Councilmember Parise, Councilmember Mallory and Councilmember Rich have all been there. We make you aware of the public meetings. Those meetings are in the morning. But we will keep you abreast.

**Councilmember Rich** – We're well aware that the members of the Historic Preservation Commission are appointed by the Mayor with no appointments by the Council. However, when you appoint somebody to a public commission it is a matter of public record that is somebody asks you, especially the council, if they submitted a resume, how resumes were submitted. Don't you need to alert people that the position is open? We certainly had to do that with the assessor's office and the appeal board. Anything that deals with a public commission of the City, the State or the Nation, we should be able to get that information. I'm not saying that you have made good or bad choices but we should know what information you used to make your choices and what documents exist. I don't think that is anything but the law.

**Councilmember Boyd** – Corporate Counsel Paul Ackermann, you said in the paper regarding Mr. Long, "residency is defined as where a person is registered to vote and what address is on the person's driver's license. New appointees have 60 days to set up residency." I could not find anything in the charter regarding that. The only thing that the charter does state in Section 1508 residency requires for offices is that for all persons appointed or hired to permanent positions as officers or employees of the City after the effective date of this section shall within six months from the date of appointment or hire be residents of the City and shall remain residents of the City during their term of office of employment. A violation of this law shall result in immediate termination of office or employment.

**Corporation Counsel Ackermann** – You are correct in your reading of the charter there. The problem is that the Charter does not define what residency is and most municipalities don't define what residency is and therefore it is left to common law or case law to define exactly what the term residency means. It is a term that has been litigated for years, most commonly with voter registration but in other cases with the residency of elected officials or even city employees or municipal employees. My comment to the Journal was much longer and more detailed than that. That is what they cut it down to. But those things that I indicated in the Journal are things that lead or are items that are weighed in whether or not a person resides there. Ultimately, residency goes to the intent of the person and it is hard sometimes to determine that intent. Where does the person intend to permanently reside or always return to? Factors that contribute to that and factors that weigh in favor that is driver's license, where do you receive your mail, and where do you vote. And those are things that are used to determine residency. That was really more of my full quote to the Journal. Unfortunately, they decided to take part of it and not the whole lengthy explanation, legal explanation of residency.

**Councilmember Boyd** – If that is the case then shouldn't we put that into the charter instead of leaving it out as common law or case law?

**Corporation Counsel Ackermann** – It is not defined in the Charter what residency would have to be and it would have to be defined in the Charter and would require referendum. Something that this Council can look into calling a charter commission if they wish to do that. That is where it would have to be defined. Most municipalities don't want to define that because it goes to the intent of the person and ultimately there would be criteria. There could be a weight system. It is hard to define and it is usually left to the courts to make the determination and interpretation of what residency is.

**Councilmember Boyd** – In the previous administration, Brian Morgan didn't live in the City of Poughkeepsie. We all know where he lived and nobody did anything about his position. How can we take care of this, so this doesn't go on? If we're going to hire a City Administrator, that City Administrator needs to live in the City and no place else. Whether he has a license in the City, whether he is voting in the City, he needs to live in the City. Period. And there are other administrators that don't live in the City that were appointed by the Mayor's administration. It is true. And the City Administrator needs to live in the City. I just want to say that my husband has a master's degree in Public Administration and was forced to retire by your administration. I would like to know what is going to happen with these sanitation workers that probably have little or no education. My husband can't get a full time job at the age of 55. I wonder what is going to happen to these sanitation workers that have no education or very little education. I think it's a disgrace.

**Councilmember Perry** – The study that is going on right now between the City and the County regarding the bus service, does it cost the City any money?

**Commissioner of Finance Bunyi** – This whole study is being funded by the federal government, The Federal Transit Authority. They are funding the whole study. I don't know this for sure, but as you know the Federal Transit Authority like all other federal authorities are under a budget constraint. One of the ways they are looking at the possibility of combining small, medium and large transportation systems. They are the ones who came up with the study. They are the ones who funded the study and they are the ones who are going to make a recommendation to the County and the City on this study.

**Councilmember Herman** – DPW proposed those rate changes back in August. Do you know when we can see that back on the agenda?

**Councilmember Boyd** – I think it should be a negotiation term. I think the Icehouse is an issue. Their agreement needs to be readjusted so we can bring some more revenue into the City. So if you want to talk about revenue with the DPW fees, let's talk about the Icehouse.

**Councilmember Herman** – I just asked a question about the fees. I don't think the Icehouse came out of my mouth at all.

**Councilmember Boyd** – Well, it came out of mine.

**Councilmember Herman** – A lot does.

**Councilmember Rich** – As I recall we had a general agreement and were working on one area and that is all that remains. I haven't heard anything back from the executive branch about what we are going to do with that one item. Excavation fees have been the hold up. The holdup is with the executive branch because you guys got to get back to us and explain more. You were able to explain a lot of things but once we get to know what this is about then we can go forward. But we can't go forward until you get back to us on that one item.

**Councilmember Herman** – I believe that only question was the easement.

**Councilmember Johnson** – One of the questions was in regards to a homeowner and their pipeline and their sewer line going out to the street. Will they have to incur these new fees? Will this be another hardship on them? I know we were doing this for Central Hudson and Time Warner Cable and various corporations but we wanted to be mindful of certain residents when they have a problem with their sewer line and the line goes out to the middle of the street. Then they are going to incur those fees. What were you proposing for excavations from \$20 to \$100? \$150 for square feet?

**Assistant Corporation Counsel Brady** – If I remember correctly, from having read it, I think it went from 100 to 200. I am not sure of the original.

**Chairwoman Johnson** – Well if you don't know, then don't comment. What did it go from \$25 to \$100? Something like that. That was the problem. It was a big jump. As Councilmember Mallory knows, one of his constituents told me that it cost her \$7000 to fix her plumbing problems. It's very costly for homeowners. We will look into it again and I was looking to compromise on the fee charges but you were very firm. We didn't agree on anything because if we had agreed it would be on the agenda.

**Chairwoman Johnson** – I want to discuss Dial-A-Ride. I would like to have a rep to come at the next meeting. One of the seniors mentioned to me that when they needed the bus and normally the fare is a dollar, that when it wasn't on schedule they had to pay something about flex fees. I never heard of the flex fees. They informed me that flex fees is \$5 each way which is very high for senior citizens. That is almost as much as a cab round trip isn't it? So I would like a representative to come to explain to us about the flex fees. Also, I would like to ask the Mayor about CDBG. Will we have CDBG moving forward? Our administrator, Ms. MacIssac is not retiring? So we don't have anyone for the City. So who is going to be administering the CDBG, the City portion? The County is going to be taking over our CDBG now. Well the administration part, that is the person that decides who gets what, the overseer of the whole CDBG. It seems like we are giving the County everything. What are we going to have left? The CDBG is the reason why we get our scattered sidewalks, park improvements; it's like our slush fund. So now we are going to give them control of our CDBG when I don't know why Miss MacIssac, I don't even think she wants to retire. And her salary is not in the budget. So why is she retiring when her salary is strictly paid out of CDBG? Inquiring minds want to know. How much is CDBG?

**Commissioner of Finance Bunyi** – Last year it was \$700,000.

**Chairwoman Johnson** - \$700,000 we are just going to give away. They have their part of CDBG and we had ours. We are giving them control over the whole CDBG and hope and pray that they are feeling generous when they come to allocating stuff for the City.

## **XI. NEW BUSINESS:**

**Councilmember Parise** – I would just like to thank all that participated yesterday in the Pulaski Day Parade. It was a wonderful event and a few thank yous go out to DPW. Richie, thank you very much. Great job. Dutchess County Sheriff's Color Guard, the American Legion, Domenic Cuchia and his pipe and drum corps, they were very good. The Firemen's Exempt Association and the St. Joseph's Church, City of Poughkeepsie Polish school children, The Italian Center, Assemblyman Frank Skartados and the council members who were there. Ms. Johnson and Ms. Perry, thank you very much for attending. We had a great time. If I missed anybody, I apologize. Special thank you goes out to Miss Palonia, Sara Fuller for giving me the free polka lesson. Thank you Sara.

**Councilmember Solomon** – We had a lot of fun at Autumn in the Park as well. Again Richie and Mike Shaw. We had a lot of fun. The cow this year was docile; it stayed in its pen. That was wonderful. We had this little Jerusalem Donkey that was so incredibly fat and so friendly. It was lots and lots of fun.

**Councilmember Perry** – It was such a pleasure going to Councilmember Parise’s event on Saturday. I can tell you that Sara gave us all a dance lesson in Polka. She was on the floor and I didn’t know she could dance that well. She showed us yesterday. Thank you Sara for the dance lesson. Also I would like to thank everybody who came to College Hill on the 6<sup>th</sup> of October and supported the event there. There were people who said it couldn’t happen but it did and from what I gathered from a reliable source that there was at least 650 people that came up there. And just like Councilman Parise, the Lord held off the clouds for me too. Even though there were a few drops of rain, no one left because it was raining. Our Mayor, Councilchair Johnson, Councilwoman Solomon, Councilman Rich and our Congresswoman Nan Hayworth she was there. I thank the Public Works department, Recreation people that came out to help make it happen. The whole place was covered with weeds and bushes over the last several years and they cleaned up the place. Mr. Stickle and Sue Brooks and Mae Parker Harris and a lot of that went up there and painted the tables. Very pleased with the event. I go to all events and I love parties like that.

**Chairwoman Johnson** – Today when the Mayor gave his report, I attended the budget report and so did Councilmember Rich. The Mayor is cutting the perks so all the things you mentioned were the perks.

**Councilmember Perry** – I was saddened to hear that some of our workers from the City would be dismissed and I don’t want to see our Sanitation Department go. I think we need it because we need them to empty our garbage and keep our City clean. And if you get rid of them, there is no guarantee that anyone else that we hire will be as loyal as they are. We have some very loyal workers in those departments, Recreation and Public Works. I want it put on the record that I do not support laying off any of them.

## **XII. ADJOURNMENT:**

A motion was made by **Chairwoman Johnson** and **Councilmember Rich** seconded the motion to adjourn the meeting at 9:12 p.m.

**Dated: March 1, 2013**

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, October 15, 2012 at 6:30 p.m.

**Respectfully submitted,  
City Chamberlain**



**COMMON COUNCIL MEETING**

Common Council Chambers

Monday, October 15, 2012

6:30 p.m.

*6:15 p.m. Presentation given by Tom Lawrence  
from the Poughkeepsie Library District*

**I. ROLL CALL**

**III. REVIEW OF MINUTES:**

**Common Council Meeting of August 20, 2012  
Public Hearing of August 20, 2012**

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

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

**VI. MAYOR'S COMMENTS:**

**VII. CHAIRMAN'S COMMENTS AND PRESENTATIONS:**

**VIII. MOTIONS AND RESOLUTIONS:**

- 1. FROM ASSISTANT CORPORATION COUNSEL BRADY, Resolution R12-70, approving a Franchise Agreement with Time Warner Cable.**

2. **FROM CORPORATION COUNSEL ACKERMANN**, Resolution R12-71, setting the public hearing for the 2013 preliminary budget.

**IX. ORDINANCES AND LOCAL LAWS:**

**X. PRESENTATION OF PETITIONS AND COMMUNICATIONS:**

**XIII. UNFINISHED BUSINESS:**

**XIV. NEW BUSINESS:**

**XV. ADJOURNMENT:**

