



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, March 4, 2019 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL- All Present

II. REVIEW OF MINUTES:

CCM December 3, 2018						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Salem	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Chairwoman Finney	Voter	☒	☐	☐	☐

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

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

Constantine Kazolias-47 Noxon Street

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THERE WAS A CARTOON SHOWING A ROOSTER CHASING A CHICKEN, THE SUBTITLE WAS WE PURSUE NEW ,BUT WE TAKE CARE OF OLD BUSSINESS,THE CITY POUGHKEEPSIE HAS A FISCAL FINANCIAL CRISIS WITH A \$10 MILLION NEGATIVE FUND BALANCE,THE CITY RECENTLY SOLD OFF TWO CITY OWN PARKING LOTS TO OUT OF TOWNER TRANSPLANTS,ONE AT CATHERINE /MILL AN D THE OTHER TO FRIEND OF ROLLISONS, SOFAS, THERE IS ANOTHER CITY OWNED LOT NEXT TO A PERSON DOING IN CITY BUSSINESS FOR DECADES,WHO GAVE A VALID BID FOR THE EMPTY CITY LOT A BUTTING HIS PROPERTY, THE CITY FOR REASONS UNKNOWN IS STONEWALLING SAID SALE, WHY? OR HAS TO BE QUD-PRO-QUO?

I WAS OPPOSED AND VOTED AGAINST THE NEW CHARTER!!!! THE SALARY FOR THE MAYOR WAS INCORPORATED INTO THE NEW CHARTER.AT \$75K BUT NOT THE MEMBERS OF THE COMMON-COUNCIL WHICH WAS COMPLETELY RESTRUCTURED WITH AN ADDITION OF THE CONCILMAN -AT LARGE!!! ALL COMMON COUNCIL SALARIES SHOULD HAVE BEEN INCORPORATED IN THE CHARTER,AS WAS THE MAYORS NEW SALARY,THE CHARTER COMMISSION WAS FAST,A HUSTLE WITH NO INPUT FROM THE COMMON COUNCIL AND ONE PUBLIC HEARING FOR THE CITIENRY,THE CITY CHARTER WAS A CITY WIDE APPROVED REFERUNDUM, THEREFORE, THE SALARIES INCREASE SHOULD/ HAVE BEEN VOTED CITY WIDE, RATHER THAN HAVING THE ONUS FALL ON THE MEMBERS OF THE COMMON COUNCIL WHO ARE UP FOR RE-ELECTION, WHEN 4 CHARTER MEMBERS APPEARED BEFORE THE COMMON COUNCIL WITH PRINTED HANDOUTS WITH INCOMPLETE INFORMATION!!!!!!INCREASING THE SALARIES BELATELY AT THE 11TH HOUR IS LUDICROUS AND ASSININE,AS EXPLAINED ABOVE,I OPPOSE THIS PROPOSED INCREASED SALARY LEGISLATION. RUNNING FOR POLITICAL OFFICE,THE CANDIDATES ARE PUSRUING PUBLIC SERVICE,IN ANCIENT ATHENS IT WAS AN HONOR AND DUTY TO HOLD PUBLIC OFFICE.

enb 03/03/19
Constntine Kazolias
47 Noxon St.
Poughkeepsie, NY 12601

Warren Jones-32 North Clover Street
Darrett Roberts-148 Franklin Street
Laurie Sandow South Grand Avenue

V. CHAIRWOMAN'S COMMENTS AND PRESENTATIONS:

Chairwoman Finney- At this point Ms Cherry would you like to tell us about the basketball victory.

Councilmember Cherry: Sure. First of all I'd like to congratulate the Poughkeepsie High

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School Pioneers. We are the "Section 1 Class A Champions". It really requires a joint effort to support our boys as they continue on in the regional finals this week. Our next game will be this Wednesday at 7 p.m. at Mount St. Mary's College. We encourage all of Poughkeepsie to come and represent. If we win that game our next game will be on Sunday. When we win on Sunday we're off to the State Championship. And this could be the first time we win the state championship since 1995.

So I would like to thank the Mayor, Councilman Johnson, and Councilmember Flowers for coming to the games and supporting our boys, and I hope to see all the rest of you there on Wednesday.

Let's go Pioneers.

VI. MAYOR'S COMMENTS:

Mayor Rolison- I wanted to just talk a little bit today this evening on just a few items of importance that we have had here in the city since the last council meeting.

A lot of things but I don't want to take up a ton of time.

We've had Senator Schumer here, Congressman Maloney was here on various initiatives. We held this swearing in ceremony on the 25th for three new police officers, who transferred in. I again want to thank the Council for the retention approval, which is now really paying dividends because officers are now transferring here versus transferring out.

A fourth officer, my understanding is going to be transferring in very shortly, which will bring us up to 86 officers for the first time since 2015. We're slated to put another five in the academy or six in the academy in April.

So if all goes well, there we will be at full strength, at 92 officers for the first time in a long time. You know we were at 86 since 2015, so I don't know when we were in the 90s, but that's certainly a good thing.

Two items for the school district. They had an African-American read in at Morse School on the 26th, which I went over to. It was extremely well done by all of the students and the staff and the teachers that put that together. And then had a chance to go to their Early Learning Center on March 1st for a read across America.

Went to Mrs. Forsena's class, Mrs. Smith's class. And actually that is also the day of Dr. Seuss's birthday. And they read all over America, it is sponsored by the United Way. And I can tell you that the children at the ELC is a special group, and if you have the opportunity to swing over there and spend some time with them, you should you should do that.

Mrs. Cherry spoke about the Pioneers. I'm glad that I went to the championship game, down at Pace the other night. This team has already done a lot of greatness, but is poised for additional wins. They are a spectacular squad of young men who play as a team. That was a really tight

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game. They won 47-42. It was literally decided probably in the last 45 to 50 seconds where a couple needed foul shots were made, which then really started to put the game out of reach. I will also say that I think probably we were out manned on fans down there. Tappan Zee was in the house big, and they played very hard, and they played very well, but I think that our Pioneers stunned that team. Because of the way that they came back in the fourth quarter, and there were a lot of as it would have been for us very blank faces in that in that in that auditorium when these boys did what they did, and had the opportunity to talk to quite a few of them afterwards. And coach Moffitt this is a special squad and they can win the state. There's no doubt about it. So anybody that can be at the Mount in Newburgh at 7:00 that would be it would be a good idea.

Also I know a lot of you have been seeing that we have been partnering with the ASPCA on dog adoptions every Thursday. All four dogs that have been put up had been taken, and the last one was actually taken by someone from downstairs in the finance department when the dog came in here.

So lastly Madam Chair we released today to the press, to the public, that our preliminary numbers for the 2018 budget shows a surplus of about \$313,000.

So want to thank all the Department Heads and Budget and Finance for working very hard last year of managing the budget to the expectations that we all had, and that is additional \$313,000 surplus keeps us on the right track.

Thank you Madam Chair.

Councilmember Cherry: You didn't have any comments, but may I address the article about the worst school district because I think it I think that's an unfair assessment of our school district.

So this magazine used specific criteria, student to teacher ratio, which ours is 15 and amount spent per student. As you know we're a high needs district, so we are one of the only school districts in New York State that rely heavily on state aid.

In fact I think there's only one other one where the tax base is not the higher revenue generator for the school district. We are 65 percent state aid and about 30 percent tax base, and the rest are grants and different kinds of funds like that. But when they do those assessments and they look at those criteria it's unfair, because it only further shows is that the state needs to recalculate their formulas The way the current state aid formula is, it doesn't matter how poor your school district is it goes by the number of residents that live there and your tax base and et cetera.

So I just want to publicly say you know don't go buy everything you read. We're moving in the right direction. The middle school just got out of receivership. Moore school currently is in receivership. However that's a result of three years ago. It takes three years of data to put a building in receivership. We're doing some fantastic things in the district and I can't sit here and allow anyone to downplay that.

VII. MOTIONS AND RESOLUTIONS:

1. A motion was made by Councilmember Randall Johnson and seconded by Councilmember McNamara to receive and print.

Councilmember Cherry made a motion to table the resolution, Councilmember Flowers seconded the motion.

R 19-33						
			Yes/Aye	No/Nay	Abstain	Absent
☐ Accepted ☐ Defeated ☒ Tabled	Councilmember Salem	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Chairwoman Finney	Voter	☒	☐	☐	☐

RESOLUTION FIXING THE COMPENSATION FOR ELECTED OFFICIALS (R-19-33)

INTRODUCED BY CHAIRWOMAN FINNEY

WHEREAS, pursuant to Section 2.01 of the Charter, the Common Council is empowered to fix the compensation for council members, with due consideration given to the recommendations, as may be made, by the Salary Review Commission; and

WHEREAS, pursuant to Section 2.01 of the Charter, the council member elected at-large shall be compensated at no less than 1.5 times the level of a council member elected to represent a ward; and

WHEREAS, pursuant to Section 4.02 of the Charter, the Salary Review Commission is directed to review and recommend the salary for the mayor and Common Council, and to deliver a report by January 1, 2019; and

WHEREAS, the Salary Review Commission has communicated the following recommendations to the Common Council for the compensation to be fixed for council members;

Council Member: \$14,400 annually

NOW, THEREFORE,

BE IT RESOLVED, after due consideration of the recommendations made by the Salary Review Commission, the Common Council hereby fixes the compensation for council members at the following:

Council Member: \$15,000 annually

Council Member At-Large: \$22,500 annually

SECONDED BY COUNCILMEMBER MCNAMARA

2. **A motion was made by Councilmember Randall Johnson and seconded by Councilmember McNamara to receive and print.**

Councilmember Cherry made a motion to table the resolution, **Councilmember Flowers** seconded the motion.

**RESOLUTION FIXING THE COMPENSATION FOR THE OFFICE OF THE MAYOR
(R-19-34)**

INTRODUCED BY CHAIRWOMAN FINNEY

WHEREAS, pursuant to Section 2.01 of the Charter, the Common Council is empowered to fix the compensation for the mayor, with due consideration given to the recommendations, as may be made, by the Salary Review Commission; but in no event shall such compensation be less than \$72,000 annually; and

WHEREAS, pursuant to Section 4.02 of the Charter, the Salary Review Commission is directed to review and recommend the salary for the mayor and Common Council, and to deliver a report by January 1, 2019; and

WHEREAS, the Salary Review Commission has communicated the following recommendations to the Common Council for the compensation to be fixed for council members;

Mayor: \$83,000 annually

NOW, THEREFORE,

BE IT RESOLVED, after due consideration of the recommendations made by the Salary Review Commission, the Common Council hereby fixes the compensation for the office of the mayor at the following:

Mayor: \$83,000 annually

SECONDED BY COUNCILMEMBER MCNAMARA

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R 19-34						
☐ Accepted ☐ Defeated ☒ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Salem	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Chairwoman Finney	Voter	☒	☐	☐	☐

RESOLUTION

R19-35

EXTRACT OF MINUTES

[Bridge Projects; Washington Street and Garden Street]

A regular meeting of the Common Council of the City of Poughkeepsie, Dutchess County, New York was convened in public session at the Council Chambers, City Hall, Poughkeepsie, New York on March 4, 2019, 2019 at 6:30 o'clock p.m., local time.

The meeting was called to order by Chairwoman Finney, and, upon roll being called, the following members were:

PRESENT:

Council Chair Ann Finney
 Councilmember Sarah Brannen
 Councilmember Natasha Cherry
 Councilmember Yvonne Flowers
 Councilmember Lorraine Johnson
 Councilmember Randall A. Johnson II
 Councilmember Matthew McNamara
 Councilmember Christopher D. Petsas
 Councilmember Sarah A. Salem

ABSENT:

The following persons were ALSO PRESENT:

Commissioner of Finance William Brady

The following resolution was offered by Councilmember Cherry, seconded by Councilmember Randall Johnson, to wit;

BOND RESOLUTION DATED March 4, 2019

A RESOLUTION AUTHORIZING THE RECONSTRUCTION OF WASHINGTON STREET BRIDGE AND GARDEN STREET BRIDGE AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,552,480 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

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

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SECTION 1. The reconstruction of the Washington Street bridge, including related improvements, is hereby authorized at an estimated maximum cost of \$4,668,480, and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 10 of paragraph a of Section 11 of the Local Finance Law, and that the period of probable usefulness of said purpose is twenty years.

SECTION 2. The reconstruction of the Garden Street bridge, including related improvements, is hereby authorized at an estimated maximum cost of \$3,884,000, and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 10 of paragraph a of Section 11 of the Local Finance Law, and that the period of probable usefulness of said purpose is twenty years.

SECTION 3. The City has determined that the aforesaid purposes constitutes Type II Actions as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which have been determined under SEQR not to have a significant impact on the environment.

SECTION 4. The City plans to finance the total cost of said purposes by the issuance of serial bonds of the City in an amount not to exceed \$8,552,480, hereby authorized to be issued therefor pursuant to the Local Finance Law. Such amount includes \$4,668,480 for the Washington Street Bridge project and \$3,884,000 for the Garden Street Bridge project. The City expects to redeem a portion of the obligations from State and Federal transportation grants in the amount of \$3,968,208 for the Washington Street Bridge project and \$3,107,200 for the Garden Street Bridge project.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 6. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations.

SECTION 7. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the City are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the City a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for

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substantially level or declining debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Commissioner of Finance, the Chief Fiscal Officer of the City. The Commissioner of Finance is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Chamberlain is hereby authorized to affix the corporate seal of the City to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Commissioner of Finance is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, to the extent applicable, to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with; and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or
- (3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 11. The Chamberlain is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Poughkeepsie Journal, a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

SECTION 12. This resolution shall take effect immediately.

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

Council Chair Ann Finney	VOTING Aye
Councilmember Sarah Brannen	VOTING Aye
Councilmember Natasha Cherry	VOTING Aye
Councilmember Yvonne Flowers	VOTING Aye
Councilmember Lorraine Johnson	VOTING Aye
Councilmember Randall A. Johnson II	VOTING Aye
Councilmember Matthew McNamara	VOTING Aye
Councilmember Christopher D. Petsas	VOTING Aye
Councilmember Sarah A. Salem	VOTING Aye

The foregoing resolution was thereupon declared duly adopted.

Approved: March 4, 2019


Robert G. Rolison
Mayor

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

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

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Common Council held on the 4 day of March, 2019 and entitled:

BOND RESOLUTION DATED March 4, 2019

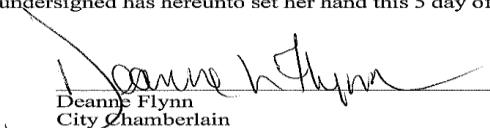
A RESOLUTION AUTHORIZING THE RECONSTRUCTION OF WASHINGTON STREET BRIDGE AND GARDEN STREET BRIDGE AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,552,480 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

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

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

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this 5 day of March, 2019.

-SEAL-


Deanne Flynn
City Chamberlain

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Executive Summary--Not a part of the Resolution

This New Bond Resolution for Bridge Projects--Washington Street and Garden Street includes:

<u>Purpose</u>	<u>Capital Budget Items</u>	<u>PPU (Max. Period for Financing)</u>	<u>Total Cost</u>	<u>Other Funds</u>	<u>Bonds Authorized</u>
Section 1:	Reconstruction of Washington Street Bridge	20 years	\$4,668,480	*	\$4,668,480
Section 2:	Reconstruction of Garden Street Bridge	20 years	\$3,884,000	**	\$3,884,000
	TOTAL		\$8,552,480		\$8,552,480

*Statewide Transportation Improvement Program Grant; PIN 875983; City Match 15% for Washington Street

**Statewide Transportation Improvement Program Grant: PIN 876196; City Match 20% for Garden Street

R 19-35						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Salem	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Chairwoman Finney	Voter	☒	☐	☐	☐

3. A motion was made by Councilmember Randall Johnson and seconded by Councilmember McNamara to receive and print.

RESOLUTION R19-36

INTRODUCED BY COUNCILMEMBERS SALEM AND PETSAS

WHEREAS, the City of Poughkeepsie Common Council is considering action on a proposed street direction change for Civic Center Plaza between Mill Street and Main Street, and Market Street between Main Street and Church Street in the City of Poughkeepsie, Dutchess County, New York; and

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WHEREAS, the City of Poughkeepsie recently completed a study of Market Street entitled the Poughkeepsie City Center Connectivity Project, which examined alternatives for improving pedestrian safety and traffic circulation within the Central Business District and included the short-term recommendation of making Market Street/Civic Center Plaza between Mill Street and Church Street two way; and

WHEREAS, the City of Poughkeepsie Common Council endorses the recommendations from the Poughkeepsie City Center Connectivity study; and

WHEREAS, a Full Environmental Assessment Form (EAF) Part 1, dated 2/15/19, has been prepared to address the potential environmental impacts of the action; and

WHEREAS, after comparing the thresholds contained in 6 NYCRR 617.4, the Common Council has determined that the proposed action is a Type 1 action; and

WHEREAS, after examining the EAF, the Common Council has determined that the only other involved and/or federal agencies on this matter is the New York State Department of Transportation Region 8, but that the City Planning Board and Dutchess County Department of Planning and Development are Interested Agencies under SEQR because of their non-binding review responsibilities; and

NOW THEREFORE,

BE IT RESOLVED, that the Common Council hereby declares itself Lead Agency for the environmental review of this action and directs the City Chamberlain to circulate said declaration to other involved and interested agencies; and

BE IT FURTHER RESOLVED, that a Determination of Significance will be made at such time as all information has been reviewed by the Common Council to enable it to determine whether the action will or will not have significant effect on the environment.

SECONDED BY COUNCILMEMBER RANDALL JOHNSON

R 19-36						
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Salem	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Chairwoman Finney	Voter	☒	☐	☐	☐

4. A motion was made by Councilmember Randall Johnson and seconded by Councilmember McNamara to receive and print.

**R- E- S- O- L- U- T- I- O- N
(R19-37)**

INTRODUCED BY COUNCILMEMBER CHERRY

BE IT RESOLVED, that the Common Council hereby authorizes the Mayor to execute and deliver the attached letter agreement dated February 7, 2019 to the counsel for the Town of Poughkeepsie regarding outstanding matters pertaining to the Joint Water Board.

SECONDED BY COUNCILMEMBER RANDALL JOHNSON

R 19-37						
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Salem	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Chairwoman Finney	Voter	☒	☐	☐	☐

5. A motion was made by Councilmember Randall Johnson and seconded by Councilmember McNamara to receive and print.

**RESOLUTION
(R19-38)**

INTRODUCED BY COUNCILMEMBERS BRANNEN, PETSAS, SALEM AND McNAMARA:

BE IT RESOLVED, the Common Council of the City of Poughkeepsie hereby approves the appropriation of \$17,500 from Contingency- Community Development and Improvements (01.20.1900.7498) for miscellaneous planting and beautification- Ward 1 in the amount of \$2,500; Ward 2 in the amount of \$2,500 for various ward events and improvements including PKMAYDAY and Pride Crosswalk painting-; Ward 3 in the amount of \$2,500 for various ward expenditures-; Ward 4 in the amount of \$2,500 for tree plantings, and ward and educational meetings ; Ward 6 in the amount of \$2,500 for Autumn in the Park; Ward 7 in the amount of \$2,500 for various ward expenditures, and Ward 8 in the amount of \$2,500 for Dog Park Improvements and various ward events.

SECONDED BY COUNCILMEMBER RANDALL JOHNSON

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R 19-38						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Salem	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Chairwoman Finney	Voter	☒	☐	☐	☐

VIII. ORDINANCES AND LOCAL LAWS:

1. Ordinance O-19-1, approving the rezoning of 27 High Street. **First Read**

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM COMMISSIONER OF FINANCE BRADY**, a communication regarding the acceptance of the LSRP grant.
2. **CHAIRWOMAN FINNEY**, a communication regarding the proposed rezoning of 27 High Street.
3. **FROM KOBY TIGERSHTROM**, a notice of personal injuries sustained on December 8, 2019. **Referred to Corporation Counsel.**
4. **FROM CAROLYN REYNOLDS**, a notice of personal injuries sustained on January 21, 2019. **Referred to Corporation Counsel.**
5. **FROM ALAINA LASSITER**, a notice of property damage sustained. **Referred to Corporation Counsel.**
6. **FROM PAUL MANISCALCO**, a notice of personal injuries sustained on November 16, 2018. **Referred to Corporation Counsel.**
7. **FROM LORENZO ANGELINO**, a notice of intent for Thailicious Catering, Inc., located at 138 South Avenue, to obtain a liquor license. **Referred to Corporation Counsel.**
8. **FROM HAYDEE'S MARKET**, located at 92 Pershing Avenue, a notice of intent to renew their liquor license. **Referred to Corporation Counsel.**

X. NEW BUSINESS:

XI. OLD BUSINESS:

The City of Poughkeepsie

New York

Paul Ackermann, Esq.
Corporation Counsel
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Memorandum

TO: COMMON COUNCIL

FROM: PAUL ACKERMANN

DATE: February 26, 2019

SUBJECT: Legal Opinion related to a proposed rule change

CC: Mayor; City Administrator; Assistant Corporation Counsels

I have been asked for an opinion regarding a recent proposed amendment to the Rules of Conduct and Procedure of the Common Council. At the last meeting, both Chair Finney and Vice Chair Johnson were absent. Based on the absence of both the Chair and the Vice Chair, pursuant to Robert's Rules of Order, the Common Council selected Councilmember Cherry as the Chair Pro Tem. During New Business, Councilmember Petsas made the following motion: ***"[I] would like the following information added to Rule V, Agenda items may be added by a Councilmember with the sponsor of a total of three Councilmembers, with such resolution being posted five days prior to the Council Meeting"***. The motion was seconded by Councilmember Brannen. Thereafter, based on Rule XV (requiring a first read), Councilmember McNamara made a motion to postpone the matter to the next meeting which motion was seconded by Councilmember Brannen. The motion carried 7-0-0.

The question is whether or not the motion violates the Charter and if it does not, can the Chair, through the power to set the agenda, prohibit the proposed change from appearing on the next agenda?

Pursuant to the new City Charter, the council chair has broad authority to set the agenda for and preside over meetings of the Common Council. The relevant section states:

The council chair, or in the event of his or her absence the vice-chairperson, shall set the agenda for, and serve as chairperson at, all meetings of the common council including the organizational meeting pursuant to Section 2.03 of this charter.

This same section also provides that the Common Council shall, by resolution, adopt its own rules of conduct and procedure, provided these rules are not inconsistent with the Charter. At its annual reorganizational meeting on January 2, 2019, the Common Council adopted ***"Rules of Conduct and Procedure: By-Laws of the Common Council of the City of Poughkeepsie for the Year 2019"*** (the "By-Laws"). Rule V of the By-Laws provides:

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"The presiding officer shall set the agenda at all regular and special meetings of the Common Council. The Administration of Members of the Council wishing to add an agenda item to a meeting should submit the item to the presiding officer with a brief explanation of its purpose, two weeks in advance of the meeting to which the item is proposed to be added."

This rule expanded control of the chair not granted to him/her by the Charter, specifically requiring the submission of "agenda items" for a time certain in advance of a meeting. This is not inconsistent with the Charter and therefore is a permitted act of the Council. Also at its reorganizational meeting, the Common Council adopted Robert's Rules as the parliamentary procedure. Therefore, where the Charter and By-Laws are silent, the conduct and procedure of a meeting will be in accordance with Robert's Rules.

Under, Robert's Rules, an agenda is not binding upon an assembly unless its own rules make it so, or unless it has been adopted for the meeting by a majority vote at the start of the meeting. Otherwise, it is merely for the guidance of the chair. Here, the Charter and By-Laws gives agenda authority to the chair and thus the agenda as set by the chair is binding on the assembly. An agenda is a formal listing of business that is to be conducted at a meeting. It provides for the orderly progression of a meeting and adds structure. While the Chair has the authority to set the agenda, that authority is not absolute. If it was, it could serve to restrict the rights of the majority to rule and the minority to be heard, a fundamental principal embodied in the Charter and Robert's Rules. An organization that permits one person to decide what business comes before it is not contemplated by either the Charter or Robert's Rules..

The Agenda of the Common Council includes a provision for New Business. This is required by the By-Laws. New Business is an opportunity for members to raise anything that may properly come before the Council. However, at this time, the current By-Laws prohibit the addition of 'new business' without the matter being submitted to the chair in advance. It is this language that Councilmember Petsas proposes to change.

Councilmember Petsas' proposal would allow the addition of "agenda" items to a meeting of the Council. However, this proposed provision would violate the Charter which gives the Chair the power to set the agenda. The Common Council does not have the authority to add items to an agenda of the Common Council. However, I think the intent of Councilmember Petsas is to permit the introduction and/or debate of "new business" that properly would come before the Council. This ability to debate matters is a fundamental right that Robert's Rules is meant to protect. What would permit this is the deletion of Rule V. Without Rule V, members would be able to present new items of business for the consideration of the Common Council. This would not violate the charter as it does not diminish the responsibility of the chair to set the agenda, with New Business being a part of the agenda. Furthermore, the chair cannot refuse to allow business to come up under new business as long as the business is within the purpose of the group. And since majority rules, the majority would then determine if further action should be taken. So the proper motion by Councilmember Petsas would be to amend the by-laws by the deletion of Rule V. The question then becomes, if this is what the Common Council desires, how does it get done?

At the last meeting there was a motion to postpone the proposed amendment of the By-Laws to the following meeting. This motion was approved 7-0-0 and therefore it will properly come before the Common Council under Old Business without further action of the Common Council. The motion automatically comes up at the next meeting under Unfinished Business. At that point pursuant to Robert's Rules, the motion can be amended to provide for the deletion of Rule V. If the amendment passes, the motion can be voted upon by the Council for adoption. This will satisfy Rule XV and be in compliance with Robert's Rules, the By-Laws and the Charter. If the motion is adopted without amendment, it is my opinion that it violates the Charter.

Should you have further questions, please do not hesitate to contact me.

Councilmember Petsas: For the good of I guess the public and for people that are asking why our motion that was made of the last meeting is not part of tonight's agenda. I guess I'll start off with that question and you can give me a general answer.

Chairwoman Finney: Well as you know I sent to councilmembers status reports on the lawyers looking at it and as far as I know they're still looking at it and especially in light of one case. I have no information since Friday. Update that there still looking at it.

Councilmember Petsas: Correct. But my understanding was is that once the motion was made it automatically would have to be on to tonight's agenda.

Councilmember McNamara: Right.

Chairwoman Finney: The legal question is whether the substance of the motion is permissible under this case law.

Councilmember Petsas: OK. So I'm going to go back to it. Things are always changing so when somebody doesn't like certain way of doing something then we pull out a case law. We pull out another law to circumvent so last meeting we were told that if we have enough votes and we put it together, and we did so it was unanimous 7-0 that it would go on this week's agenda. Now it's not there so I'm just trying to figure out like you know who is telling the truth who's not or who's interpreting law the way they want to and who's not. So I'm just you know I'm just saying that the last meeting it was clearly stated that it would come onto tonight's agenda.

Councilmember McNamara: And I just don't understand the apprehension of this. Why wouldn't you, why wouldn't we be allowed if we have the support of three members to walk a resolution on.

Corporation Counsel Ackermann: So let me just say that it's my opinion that the motion was tabled from the last meeting, or postponed from the last meeting, so it automatically is on under "Unfinished Business" on this meeting.

I think that the motion that was made actually usurp the power of the chair in that it allowed for Council to add things to the agenda, which clearly the charter gives the Chair the ability to control the agenda. However, I believe that the language that is in question is the language in Rule V. There is a provision in the agenda for this Council to introduce new items under "Unfinished Business", or excuse me under "New Business" and "New Business" would be the opportunity time for members to bring up new items, and you know this is a body that is ruled by the majority against the minority view.

And so I think the proper or I think the crux of this were Councilmember Petsas's motion was is that you should just eliminate Rule V or the text of Rule V altogether which would then revert back to how the previous rules were that any item of new business could be raised under news business so long as the majority would support entertaining it after it is raised. So that's my opinion. I know that that there may be some question.

Councilmember McNamara: Mr. Ackerman I'm just curious. What was what was the statement you made about the chair, because at the last meeting the Chamberlain opened the

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meeting and we elected a chair for that meeting so we had a chair.

Corporation Counsel Ackermann: So what happened was is that there was no chair. The vice chair and the chair were both absent so.

Councilmember McNamara: We voted on a chair.

Corporation Counsel Ackermann: Right. You elected Chair Pro Tem which ran the meeting for that for that meeting. And there was a motion by Mr Petsas who was seconded and ultimately it was tabled or deferred to this meaning, so under Robert's Rules it appears under "Unfinished Business" at this meeting.

Councilmember McNamara: And it had to be deferred to this meeting.

Corporation Counsel Ackermann: Well it has to be deferred because your rules require that changes to your bylaws require first read.

Councilmember Cherry: So what Councilman McNamara is saying since I was the Chair at the last meeting I told the city Chamberlain to place this on the agenda. That should stay on the agenda. It shouldn't change when the chair comes back.

I would just rephrase it a little bit but get to the same.

Councilmember Cherry: And furthermore and I'm sorry because I'm getting a little upset over here. We can't utilize our legal staff for personal opinions, I mean this should have been a discussion between a council members before it's brought to the attorneys.

I mean we get an e-mail. We got it. Well wait a minute I'm not finished talking.

We received an email from you after you are already consulting the attorneys when you could have easily consulted any of us. And I would explain things to you. Now I'm a little confused here because regardless of what the Charter says this council adopted Robert's Rules of Order, as we have done in the past. In Robert's Rules of Order it clearly states that three Councilmembers can walk things on the agenda. So I don't see if that's the case our rules should go in the garbage and everyone should just have a free for all, because it doesn't make sense. If you're saying the charter overrides Robert's Rules what was the point of adopting those as our official rules.

I'm asking the attorney.

I'm not asking the chair since we're using legal opinions I would like I would require a legal opinion.

Chairwoman Finney: But before I'd like to address your earlier points. I did discuss it with the individual council members including you. And it was on the agenda for our caucus meeting Thursday. And you notified me that you could not attend as did Mr. Johnson.

Nobody and Ms. Johnson.

Councilmember Cherry: But when you talked to us you gave no indication that you were opposed to this.

Chairwoman Finney: I believe I did.

Councilmember Cherry: But the point is if we're going to get into this lake this legal battle here then I say we go ahead and vote for this and then if you're if the attorneys prove we're wrong we'll just rescind it. You can't just like disregard what we voted on.

Councilmember Cherry: made a motion to vote on what is supposed to be on this agenda, **Councilmember McNamara** seconded the motion.

Councilmember Petsas made a motion to call the question, Councilmember McNamara seconded the motion.

Call the vote.

***RULES OF CONDUCT AND PROCEDURE: BY-LAWS OF THE
COMMON COUNCIL OF THE CITY OF POUGHKEEPSIE FOR THE YEAR 2019
As amended by Common Council on 3/4/19***

RULE I. Regular meetings of the Common Council shall be held on the first and third Mondays of each month at six thirty in the evening at the City Hall, or at such other place as the Chairperson shall appoint. The first regular meeting of January shall be held on January 7, 2019 at six thirty o'clock in the evening at City Hall. In case of a holiday on any such day, the regular meeting shall be held on the Tuesday following at six thirty in the evening. The Common Council may adjourn when convened, to any other day or place, every such stated or adjourned meeting of the Council. In addition, there shall be informational meetings and special meetings held as provided in the Charter.

RULE II. The councilmember elected at-large shall be designated as council chair and the Common Council shall elect its vice-chairperson in the manner provided for in the Charter. In the event of a vacancy in the office of the Vice Chairperson, the Council shall, by majority vote, elect a Vice Chairperson, at its next regular meeting and within thirty (30) days of vacancy of the office.

RULE III. There shall be one standing sub-committee of the Common Council known as the Finance Committee. The members of the Finance Committee shall be appointed pursuant to the City Charter.

RULE IV. The City Chamberlain shall record the attendance at meetings. The order of business at regular meetings shall be as follows:

1. Pledge of allegiance and Roll Call.
2. Review of the minutes of the previous meeting.

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3. Reading by City Chamberlain of any resolution or other item not listed on the printed agenda.
4. Public –limited to 45 minutes
5. Mayor’s comments
6. Chairperson’s comments and presentations
7. Motions and resolutions.
8. Ordinances and local laws.
9. Presentation of petitions and communications.
10. Other Council business
11. Adjournment.

RULE V. The presiding officer shall set the agenda at all meetings of the Common Council. Agenda items may be added by a Councilmember with the sponsor of a total of three council members, with such resolution being posted five days ahead of meeting. The order of business may be departed from majority vote of the members present. Any item added to an agenda must clearly identify a Councilmember as its sponsor.

RULE VI. The presiding officer shall designate the seating arrangement for Councilmembers and staff at Council meetings and the order of voting of Councilmembers on all matters coming before the Council for vote. The presiding officer may, if (s)he so desires, present motions and resolutions to the Common Council, and (s)he may debate on any question which is being considered by it. The presiding officer, if (s)he deems it appropriate, may allow Councilmembers or the Mayor to respond to or comment upon public comments made at each regular meeting during public participation (Item 4 of the Agenda set forth in Rule IV above), prior to the adjournment of the meeting.

RULE VII. The presiding officer shall have, to the fullest extent provided by New York State law, the sole authority to regulate public comment at any meeting as s/he, in his/her sole discretion, shall see fit, including, but not limited to, the authority to set priority for topics of comment and to declare any person to be out of order for failure to follow his or her directives in this regard. In governing the meeting and regulating public comment the presiding officer shall consider, but shall not be strictly bound by the following guidelines:

- A. The public shall be allowed to speak during the period of the meeting designated as “Public Participation” or as such other time as a majority of the Council shall suspend these rules, or at a duly called public hearing, or any other time required by state law or the City Charter. Speakers must sign-in and provide their name, address and organization they represent, if applicable. Speakers must be recognized by the presiding officer. During the segment of the meeting designated “Public Participation”, speakers shall limit their remarks to three minutes and will be advised by the presiding officer when three minutes have expired. Speakers are requested to conclude their remarks at that time. “Public Participation” is intended to afford persons an opportunity to express opinions on items on the Common Councils agenda. No Speaker shall be declared out of order, prevented from speaking or barred from attendance at any meeting because of any disagreement with the Speaker’s position or view on any matter, because of the Speakers identity or because of any disagreement with the content of relevant testimony.

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- B. All remarks shall be addressed to the Council as a body and not to any member thereof. Speakers shall observe the rules of decorum set forth in Subsection C below. Interested parties or their representatives may address the Council by written communications. Written communications shall be delivered to the City Chamberlain.
- C. Rules of decorum
 - 1. Purposes of rules of decorum.
 - a. To ensure that meetings of the Common Council are conducted in a way that allows the business of the City to be effectively undertaken.
 - b. To ensure that members of the public who attend meetings of the Common Council can be heard in a fair, impartial manner.
 - c. To ensure that meetings of the Common Council are conducted in a way which is open to all viewpoints and which is protective of the content of each speaker's speech and expression, yet is free from abusive, distracting or intimidating behavior.
 - d. To ensure that these rules of decorum are understood by persons attending Common Council meetings.
 - e. To ban egregious, inappropriate, and obstructive behavior at meetings of the Common Council.
 - 2. Sergeant At Arms. The Chief of Police or such member or members of the Police Department as he may designate, shall be Sergeant-at-Arms of the Common Council and shall carry out all orders given by the presiding officer for purposes of maintain order and decorum at the Council meeting. Any member of the Common Council may move to require the Presiding Officer to enforce the rules upon affirmative vote of a majority of the Common Council.
 - 3. Rules for the Speaker.
 - a. The speaker shall conduct himself or herself in a professional and respectful manner.
 - b. All remarks shall be directed to the Common Council, and not a City staff or the public in attendance.
 - c. The speaker shall not defame, intimidate, make personal affronts, make threats of violence, or use profanity.
 - 4. Rules for the public. Members of the public in the audience shall not engage in any of the following activities during a Common Council meeting:
 - a. Shouting, Clapping, unruly behavior, distracting side conversations, or speaking out.
 - b. Defamation, intimidation, personal affronts, threats of violence, or profanity.
 - c. Behavior that disrupts the orderly conduct of the meeting.
 - 5. Rules for Councilmembers. While the Common Council is in session, the members must preserve order and decorum. Each Councilmember shall conduct himself or herself with decorum and shall neither, by conversation or otherwise, delay nor interrupt the proceedings or the peace of the Common Council, nor disturb any member while speaking or refuse to obey the orders of the presiding officer.

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6. Persons Authorized to be within Rail. No person except members of the Common Council and City Staff shall be permitted within the rail without the consent of the presiding officer.
7. Enforcement of rules of decorum.
 - a. Upon a violation of these rules of decorum, the presiding officer shall request the person or persons violating a rule or rules to cease the violation.
 - b. If a violation continues, the presiding officer warns the person(s) that he/she may be required to leave the Common Council Chambers if a violation continues.
 - c. If the person or persons does not cease the violation(s) the presiding officer shall declare the person out of order at which time the Sergeant at Arms shall take steps to remove such person from the meeting room.

RULE VIII. When a question is under debate, no new motion shall be received, unless for the previous question, to amend it, to lay on the table, to commit it, to postpone it, or to adjourn.

RULE IX. A motion to lay a question on the table shall be decided without amendment or debate, and a motion to postpone shall be decided without debate.

RULE X. A motion to adjourn shall always be in order; and shall be decided without debate.

RULE XI. Every member who shall be present when a question is put, shall vote for or against the same, or abstain with reasons for the abstention stated upon the record.

RULE XII. No question or motion, once put, or lost, shall again be put unless reconsidered; and a motion for reconsidering must be made not later than the next regular meeting after that on which the decision proposed to be reconsidered took place, and shall be made by a member who voted with the prevailing side. All motions for reconsidering must be passed by the affirmative vote of a majority of the voting power of the Common Council.

RULE XIII. On the demand of any member, a roll call vote on any question shall be taken by ayes and nays; and it shall be the duty of the City Chamberlain to enter on the minutes the names of the members voting for or against the question, and also the name of the member demanding the roll call vote.

RULE XIV. All appointments of officers and fixing of salaries shall be by ayes and nays.

RULE XV. The legislation described below shall be read and laid over until the next meeting of the Common Council. This rule shall apply to:

- (a) The adoption of the budget
- (b) Ordinances
- (c) Local Laws
- (d) Resolutions amending the Rules and By-Laws of the Council
- (e) Resolutions appropriating money, amending the budget, or approving the

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execution of contracts, unless consent for its immediate adoption is approved by the Finance Committee.

RULE XVI. In order to hear persons other than members of the Common Council, the Mayor, and members of City staff, it shall be necessary to pass a motion suspending the rules of order. A motion to suspend the rules may be made at any time during the meeting and shall be decided without debate. Any such person speaking shall confine himself-herself to the subject and not longer than three (3) minutes, unless the time is extended by the Chairperson. This rule shall not apply to public hearings.

RULE XVII. All meetings of the Common Council shall be recorded by means of a audio and/or video recording device. The archived results of the meetings shall be kept in the Office of the City Chamberlain, and shall be under his/her jurisdiction and control. A record of the proceedings shall be printed as soon as possible after each meeting and presented to the Common Council at its next meeting for its approval or correction. Twenty copies shall be bound annually in a volume to be preserved in the Office of the City Chamberlain. The minutes shall be available for public review in the Office of the City Chamberlain, and the City Chamberlain shall give a copy of the minutes to persons requesting the same to the extent that they are available. When a request is made for an annual record of the minutes, a fee shall be charged to cover the expenses of the handling and recording and mailing if the record is on paper. A Ten (\$10.00) Dollar fee shall be paid if the record is digital.

RULE XVIII. An executive session is that portion of the meeting not open to the public because of the consideration of matters authorized for Executive Session pursuant to the New York State Open Meetings Law. Proposals, discussions, statements and transactions in executive session are intended to be and shall be held and maintained in confidence and shall not be disclosed.

RULE XIX. The Mayor may be invited to comment to and address the Council and the public on any issues of public concern raised by Councilmembers at the Council's regular meetings each month, prior to motions and resolutions being heard and at any time thereafter at the discretion of the Council chairperson.

RULE XX. All legislation, including local laws, motions, resolutions, and ordinances presented to the Common Council, except for procedural motions, such as motions to amend and motions to refer, shall be numbered to simplify the tracking of such legislation, with the number clearly marked below the title of each piece of legislation and on Common Council agendas, as follows:

Local Laws:	LL-Year- Sequential Number (LL01-1; LL01-2; etc.)
Motions:	M-Year-Sequential Number (M01-1; etc.)
Resolutions:	R-Year- Sequential Number (R01-1; etc.)
Ordinances:	O-Year- Sequential Number (O01-1; etc.)

RULE XXI. The Chairperson of the Common Council shall give an address in response to the Mayor's annual state of the City address presented pursuant to section 3.02(h) of the City Charter at the next regular meeting of the Common Council following the Mayor's address.

RULE XXII. The Chairperson, or Vice Chairperson in the Chairperson's absence, is authorized to excuse a Councilmember from attending up to three (3) consecutive regular meetings of the Common Council because of a medical injury or illness which physically prevents the Councilmember from attending the meeting(s), if the medical injury or illness and physical inability to attend the meeting(s) is documented by a physician's note. Absences beyond three (3) consecutive regular meetings, for no more than an additional three (3) consecutive regular meetings, may be excused by a majority vote of the entire Council, based upon a written physician's note documenting the medical injury or illness which physically prevents the Councilmember from attending the meeting(s).

RULE XXIII. The following rules shall apply to a legally required public hearing held before the Common Council:

- (a) Speakers shall register in writing prior to the beginning of the hearing by providing their name, address, and organization, if any. Individuals arriving after the commencement of the hearing shall be permitted to register upon arrival as long as the Chairperson has not closed the hearing.
- (b) The Chairperson shall recognize each speaker, in the order registered, when the hearing is commenced. Speakers shall identify themselves, their address and organization, if any, prior to the remarks.
- (c) Speakers must limit their remarks to five (5) minutes. Remarks shall be addressed only to the hearing issues. Speakers may not yield any remaining time they may have to another speaker.
- (d) Speakers at a public hearing shall follow the Rules of Decorum as set forth in Rule VII (b) & (c).
- (e) The Chamberlain shall include in the minutes of the hearing the name, address and organization, if any, of each speaker, a summary of the remarks, and written statements submitted to the Council.

Adopted by the Common Council; January 2, 2019

Resolution R-19-01

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Motion to amend Council Rules						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Salem	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☐	☐	☒	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Chairwoman Finney	Voter	☐	☒	☐	☐

So in your legal opinion what does that vote just just signify.

Just to go back just to answer two questions.

And so one is is that it rightfully appears on this agenda.

Because just a little bit differently in that it was deferred by a vote of 7 0 by this council from the last meeting so under Robert's Rules would supplements are your bylaws and also the charter.

Robert's Rules would say that it automatically appears under unfinished business if it was postponed from the last meeting.

And with regard to the language I think that the proper avenue is to raise new issues under “Unfinished Business and I think that that is where under Robert's Rules and it doesn't I don't it's my opinion it doesn't violate the charter.

It just supplements the charter because under the agenda of the meeting there is a spot for new business and under Robert's Rules new businesses for an opportunity for members.

Councilmember McNamara: I think the point was we were trying to avoid walk-ons. The point was we wanted a resolution a week prior which was part of that resolution be written be supported by three Councilmembers so it could be on the agenda so that the public would have a chance to view it. That was our point.

Councilmember Cherry: And also I want to point out I don't want to crucify the chair because she did send us an email recently that said if we wanted something on the agenda let her go. But we've been dysfunctioning now for the last nine months. That's why that motion was put out there.

Corporation Counsel Ackermann: But let me just to go to the Councilmember McNamara's point is that there is nothing stopping this council from raising the issue and deferring it to the next meeting if you want to give proper input from the public to do that as long as you have a majority of the Council I mean that's the issue. It's the majority of the council that rules but protection of the minority of views.

Chairwoman Finney: I'd like to address one point though. The case I referred to specifically says that Robert's Rules of Order do not override the charter. And that is what the question I asked for legal review.

Corporation Counsel Ackermann: And I agreed 100 percent.

Chairwoman Finney: Roberts Rules were do not override the charter.

Corporation Counsel Ackermann: I agree with that but I don't believe that there is a conflict between the charter and it and what was done.

Councilmember Brannen: Yes I heard you say that this rules change would be a complement to what is in that charter rather than supersede it.

Corporation Counsel Ackermann: It's not taking away the chair's authority to set the agenda. What is what it is doing is it allowing for new for members to bring up new business which is which is not in violation of the charter is provided by Robert's Rules which this body has adopted and is consistent with the bylaws. I think the problematic thing is the council is trying to add things to the agenda prior you know outside of a meeting and having it required to be appear on the agenda.

I think that's an issue.

Councilmember Brannen: So Mr. Ackerman the clarification I heard or the recommendation I heard from you is that we can bring things up under new business and that that would not as long as we have a vote or three members who bring it up under new business and we could defer it to the next meeting for a vote if we would like public input.

Corporation Counsel Ackermann: Yes. The there is a spot under on the agenda already.

Not doing new for "New Business". And if something is raised then the council is the you know and they don't want to act on it that meeting it can be deferred to like you just did postpone the meeting which automatically appears on the "Unfinished Business" from the prior meeting under Robert's Rules.

Councilmember Cherry: And I am just I just want to tell my colleagues I am not promoting the circumvention of the chair by far I'm not doing that at all. But sometimes I think there is an issue that has enough support it doesn't make it on the agenda. I don't think that's democratic. So this is just a safeguard put in place. But I would encourage everyone to still follow the proper channels. Go to the Chair but introducing something under new or new business doesn't necessarily mean it's going to pass or even you know do anything it just gives us a right to have a voice. We were all elected to these seats. So that's my point. So where do we go from here.

OK. So we have to the next meeting for the attorneys to get their legal opinion or what have you and we'll move on from there.

Councilmember Brannen: Meantime I would recommend we re-post the amended bylaws for the council so that they're publicly available.

Councilmember Flowers: So I have a question. So by doing that and you introduce something under the new business and you want to defer to the following meetings so that we the public can have a weigh in. How does that come online? I mean when we when you're posting for the next meeting is that going to be something a line under new business or how is that listed.

Councilmember Cherry: No, it should go under regular agenda on the next meeting.

And it will be in the minutes for the current it'll be in the minutes for the current meeting that's introduced under new business and next meeting it should be on the agenda if it has the vote of the council.

Corporation Counsel Ackermann: My recommendation would be that if a member would want something to appear on the or to be under new business you make a motion to postpone it to the next meeting and with the instruction for the clerk to provide whatever information or documentation that you want make it available to the public. And therefore it's a direction by a majority vote of the Common Council one to publish the information to the public and then two to postpone to your next meeting. And that will give you the opportunity for the public to review and then it automatically would appear on your unfinished business not necessarily be on the agenda on the printed agenda right because the chair sets that sets that agenda and it's her authority as the chair.

The next meeting it will go on to the agenda.

Next meeting it would go onto the agenda.

Councilmember Cherry: It would go on the next meeting if we voted for that if we voted under unfinished the next agenda. It would make it on the next agenda.

We took legislative action.

Corporation Counsel Ackermann: So there could be other unfinished business you're asking for it. So if that's the direction of the motion that's been done and can be you know let the majority vote of the Common Council.

Included in that motion on the under "New Business".

Under unfinished business.

Unfinished business.

Councilmember Cherry: And I just want to plan a record that I will not support anything

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brought under new business that was not even attempted to go to the chair. So I don't I don't want to just to bypass the chair and just have a free for all.

So you know as long as everyone's making their conscious effort to follow proper protocols I I'm supportive of it.

XII. ADJOURNMENT:

A motion was made by Councilmember Cherry and Councilmember Petsas to adjourn the meeting at 8:12 p.m.

Dated: June 25, 2019

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on

Respectfully submitted,

**Deanne L. Flynn
City Chamberlain**