

MINUTES OF AN ORGANIZATION MEETING

BROOKLYN CITY COUNCIL

January 4, 2016

7:00 p.m.

Present: Mary Albier
Kevin Tanski
Barb Paulitzky
Ron Van Kirk
Tony DeMarco
Kathy Pucci

Absent: None

Pledge of Allegiance.

Interim President Van Kirk explained that as Council President Pro-Tem from the last term, and the absence of the Council President he will preside until the new President is selected. He thanked everyone on Council and former Councilmembers for contributions to the city in 2015, and thanked the committees and Dir. Enovitch for helping those committees. With the new Administration it's vital to have open and honest communication to do what is in the best interest of the city and residents. He opened up nominations for Council President.

MOTION by Tanski, second by Van Kirk to nominate Ron Van Kirk for President of Council. **MOTION** by DeMarco, second by Albier to nominate Kathy Pucci for President of Council. After calling for any further nominations two more times, **VOTE RESULTED: Ron Van Kirk for President: Yes: Tanski, Paulitzky. Abstain: Van Kirk. No: Albier, DeMarco, Pucci. (NO RESULT) Kathy Pucci for President: Yes: Albier, DeMarco. Abstain: Pucci. No: Tanski, Paulitzky, Van Kirk. (NO RESULT)**

Mayor Gallagher asked to be recognized and called on the Law Director to speak. Interim Law Dir. Kelly said there is a deadlock, and the Charter clarifies the need for a four vote majority for the election of any member, and neither candidate received it. In researching this prior to the meeting, it's a political question, which courts will not interfere in this; so Council must make every reasonable effort to elect a President of Council, as the Charter says you "shall". He read from the section of the Charter. When asked by Mayor Gallagher if Council can use executive session to speak freely about this, Dir. Kelly said his inclination would be no they cannot as it does not fit criteria of the Sunshine Law. He suggested instead that Councilmembers Pucci and Van Kirk take a ten minute recess and discuss it.

Councilman DeMarco said he supports Councilwoman Pucci for President because he thinks she's the most experienced on Council, has served on every committee, and served well, has been active in everything in the city for a number of years; and with the change in administration she's the most qualified to serve as Council President.

Councilwoman Albier said as a newer Councilperson it's a little difficult finding out what's going on, but she always knew when she came to Finance mtgs., with Councilwoman Pucci there, she explained everything. She thinks she is a voice of reason, has no agenda, is not out for herself, and thinks she has the best grasp of city government, and very well versed in everything; that is why she is supporting her.

Councilman Tanski asked the Law Dir. if there is not a solution, can Council wait to appoint the next Councilperson to break the tie? Dir. Kelly said the Charter says that in January the Council shall organize, at that meeting, or 'as soon as practicable thereafter', and in response it is open to Council to adjourn to another date or time, as provided in Council Rules, Rule 1, to reconvene and select the replacement. So yes, it is possible.

Int. President Van Kirk said the reason he's running for President of Council, and will not disagree with either Councilmembers Albier or DeMarco's comments about Councilwoman Pucci's experience, and he has also supported her in the past; his desire to serve also echoes that this is not in the best interest for Ron Van Kirk, as nothing he's done on Council has been that, but for the betterment of the city. At some point, to get experience, you have to be able to hold that position. He believes he's very well qualified for that, has been

on Council for four years, worked closely with the now current Mayor on pieces of legislation, and they both agreed and disagreed on items. He emphasized again that it's important to have a Council President who can work well with the new administration, though not saying that Councilwoman Pucci cannot. He and Councilwoman Pucci spoke at length today, cordially and with no ill feelings, towards anyone; but he firmly believes at this time, with the new administration, he is very qualified to serve in this position. In previous years he had missed a number of meetings due to his job responsibilities as part of his full-time employment; as of Jan. 1st his schedule has changed, and he is no longer serving in a rather large capacity, therefore freeing up more of his time to do this. He knew two years ago he did not have the time to do it, so did not run for Council President then. He would be very honored if the members of Council consider and support him for Council President.

Councilman DeMarco asked if we waited till the new person is appointed that there has to be a majority of members to support President? Dir. Kelly said, as the way he reads the Charter, in order to elect a Council President, the President must receive four affirmative votes. Councilman DeMarco said if no one changes their mind, even with the new appointee and whoever they support, there still wouldn't be four votes needed unless someone changes their mind. Dir. Kelly said there wouldn't be a newly elected Council President; everyone continues on in their existing positions, with Councilman Van Kirk remaining President by operation of law, as he is President by virtue of the resignation of the Mayor.

Int. President Van Kirk said he doesn't believe there will be a consensus tonight, so it's in the best interest of the city to delay the vote for electing a new President of this term until the last position of Council is filled. Then Council will reconvene and someone will have to change their vote. In the interim it could possibly be worked out, and not sit here all night and go back and forth.

Mayor Gallagher said with her position being open there is a Planning Commission slot that needs three for a quorum; because one member's term (Jim Oper) ended at the end of last year, they only have three members, and she wants Council to be aware of that when moving forward, so it's done in a timely fashion. Int. Pres. Van Kirk said he knows Council President assigns committee positions, but in reading the Charter it's not until that person is elected to change the committees. Dir. Kelly said he did study that, and by the Charter, by inference and custom and practice, new appointments are made by the newly elected President of Council. Int. President Van Kirk is sitting as President by virtue by law as successor to the Mayor's term. Int. Pres. Van Kirk asked, to clarify, that the committees that are selected by Council President remain the same until a new President is selected. Dir. Kelly said that's correct, and further that the appointment process of last January, applied to Art. 3, Sect. 6, 'The Council President shall appoint three members to each committee, each to serve the balance of that year, and until his or her successor shall have been elected' (also means appointed). So by his interpretation, all existing committee members continue to serve in respective positions on their respective committees. Int. Pres. Van Kirk said there are four positions requiring election, is it okay to move forward with appointing those? Dir. Kelly said it is okay to move forward with electing them.

Int. Pres. Van Kirk said at this time the standing and other committees appointed by the Council President will remain the same, as follows:

Finance Comm. (6:30 prior to Council mtg): Kathy Pucci, Ron Van Kirk, vacant until President selection
Public Works Comm. (as needed): vacant until President selection
Public Safety & Environ. Comm. (as needed): Ron Van Kirk, Mary Balbier, Tony DeMarco

Legislative Update: Mary Balbier
Volunteer Fire Depts. Board: Kevin Tanski, Tony DeMarco
Fair Housing: Tony DeMarco
Sustainability: Kevin Tanski
School Bd. Liaison: vacant until President selection

Councilwoman Balbier asked if these ever rotate or change as it's so boring. Int. Pres. Van Kirk said it can't be changed until a newly elected Council President. Councilwoman Balbier said everyone has the same thing and she's had hers for three years.

Councilwoman Pucci wanted to clarify that Int. Pres. Van Kirk was just recapping the 2015 appointments that are carrying over, for the time being.

Int. Pres. Van Kirk said basically everything stays the same on those committees from last year until this year a new Council President is elected. There are four assignments that need to be appointed or elected, the first for Planning Comm. representative, and opens nominations. **MOTION** by DeMarco, second by Balbier to nominate Kathy Pucci. **VOTE RESULTED:** *Kathy Pucci for Planning Comm. rep.:* Yes: Balbier, Tanski, Paulitzky, DeMarco, Van Kirk. Abstain: Pucci. No: Pucci. **(Planning Rep. – Pucci)**

Int. Pres. Van Kirk said the next is for Rec Board Rep. **MOTION** by Van Kirk, second by Pucci to nominate Kevin Tanski. **VOTE RESULTED:** *Kevin Tanski for Rec Bd. rep.:* Yes: Balbier, Paulitzky, DeMarco, Van Kirk, Pucci. Abstain: Tanski. No: None. **(Recreation Bd. Rep. – Tanski)**

MOTION by Van Kirk, second by Pucci to nominate Barb Paulitzky for Domestic Violence Comm. **VOTE RESULTED:** *Barb Paulitzky for Domestic Violence rep.:* Yes: Balbier, Tanski, DeMarco, Van Kirk, Pucci. Abstain: Paulitzky. No: None. **(Domestic Violence Rep. – Paulitzky)**

MOTION by Van Kirk, second by Balbier for Kathy Pucci to Economic Development Comm. **VOTE RESULTED:** *Kathy Pucci for Econ. Dev. Rep.:* Yes: Balbier, Tanski, Paulitzky, DeMarco, Van Kirk. Abstain: Pucci. No: None. **(Econ. Dev. Comm. Rep. – Pucci)**

Int. Pres. Van Kirk said all positions are filled that can be filled thus far, and asked for any comments or questions on those appointments. He re-capped the just voted on representatives. He moved on to Rules of Council. According to the Rules, meetings are held the second and fourth Monday each month at 7 p.m., with recess in July and August. He asked for any comments or suggestions regarding any changes to that or any Rules of Council. He asked that Council take a few moments to review the current Rules to make sure of the operations. Councilwoman Pucci just wanted a reaffirmation of what is in there to have more foresight and pre-planning to have the legislation due to Mary-Jo's office. And as some did and some did not use the re-implemented Agenda form, it's important to reiterate that process, as Council is better informed and prepared when it is followed; she appreciates everyone's (Council's and director's) cooperation in using that consistency in 2016. Mayor Gallagher said she sent a lengthy staff meeting update today, and that was one of the questions, regarding Council meetings. She is going to do that weekly with all directors, if there are any additions, to call Mary-Jo in for that; and her notes reflected there was nothing other than a possible Recreation and other commission appointment. Council will get that every week from her. Int. Pres. Van Kirk thanked her, and said there was discussion on this last year, and he noted a marked improvement on it, and anticipates that continuing to happen, as the directors are getting used to it. He agreed it's helpful to have that information in plenty of time for the meeting.

Int. Pres. Van Kirk asked Council after the meeting to try to get some dates, as there are three people that have turned in resumes for the vacant Council seat.

Councilman DeMarco asked if Councilmembers Pucci and Van Kirk wished to recess for ten minutes for a conversation and coming back for a vote, or not, at the Law Director's recommendation? Councilwoman Pucci said she was open to it. Int. Pres. Van Kirk said he didn't mind speaking, and said he and Councilwoman Pucci spoke at great length. So while not opposed to it, he's not sure it would change anything. He added he thinks, as he's said before, it's important that all seven Councilmembers have a voice on the President selection, as the Charter is written that way; so he would like to see the seventh person be on board with it. That is where he stands.

There being no further business, **MOTION** by DeMarco, second by Tanski to adjourn. **VOTE RESULTED:** *Adjourn* Yes: Balbier, Tanski, Paulitzky, DeMarco, Van Kirk, Pucci. No: None. **(ADJOURNED)**

Clerk of Council

Interim President of Council