



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, February 3, 2020 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL- All Present-Councilmember Petsas came in after roll call

II. REVIEW OF MINUTES:

CCM Minutes 1-21-2020						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

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

NONE

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

Brenda Blasini-25 Dwight Street

Shirley Dahlegren-2302 Linden Court

My name is Shirley Dahlgren, of 2302 Linden Court, Poughkeepsie NY.

I moved here in August from Verplanck in the Town of Cortlandt in Westchester County. I am very interested in learning everything I can about where I live: the City of Poughkeepsie and Dutchess County.

I was very disappointed last Sunday when I was told by more than one person to avoid walking in the area of the Adriance library and I was further disappointed to learn that the YMCA has been closed for many years.

The library and YMCA should be active community centers for young and old.

I am interested to learn what developments are being planned for these areas and how can I get involved.

In addition, it's been a challenge as a newcomer to safely drive through the city with the ever changing right hand turn only, left hand turn only, and shifts on the 3 lane streets and especially those left lane ramps on and off Rt 9. So I tend to avoid those streets.

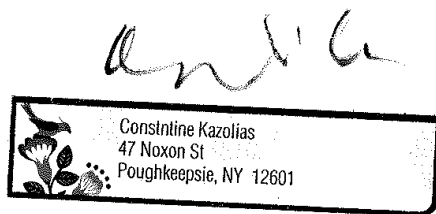
I've been told that 'you'll get used to it' - but I'd prefer to see positive changes, with improvements for all.

Sean Dogue-33 Schyler Drive

Evelina Knodel-7 Lafayette Place

Constantine Kazolias- 47 Noxon Street

ON THE AGENDA, THERE IS ITEM THAT ADDRESSES TOWING FROM PRIVATE PROPERTY.WITH A FIXED FEE SCHEDULE.BUT , THE CITY POUGHKEEPSIE HAS A TWO TIER FEE SCHEDULE!!!! ONE THE TOWING FROM PRIVATE PROPERTY, THE SECOND, FROM CITY OWNED PROPERTIES!!!! WHY THE DUPLICITY? THERE SHOULD BE ONE UNIFORM FEE SCHEDULE CITY WIDE!!!! ISSUING CITY LICENSES TO ALL TOW OPERATORS DOING BUSSINESS I N THE CITY , WOULD BE BETTER CONTROL!!!



ONE TIME THE CITY OF POUGHKEEPSIE HOME OWNER
SHIP WERE OWNER OCCUPIED WERE FIRST
GENERATION, AS MY PARENTS WHO BECAME OWNER
OCCUPIED. WHO CONTROLLED WHO LIVED IN THOSE
PREMISES. DECADES LATER NOW INTO THE 2020, WITH
MANY PROPERTIES BEING OWNED BY ABSENTEE
LANDOWNERS WHERE THE PROBLEMS ARISE AND GO
UNABATTED. MANY OF THESE PROBLEM ABSENTEE
PROPERTIES ARE OWNED BY ATTORNEYS, PARROTING
THE PHRASE USED FREQUENTLY DURING THESE
IMPEACHMENT HEARINGS, ARE THESE ATTORNEYS
ABOVE THE LAW, NEED I SAY ANYTHING MORE.




BEING THE CITY OF POUGHKEEPSIE BEEN THE DUMPING
GROUNDS FOR THE POOR WITH A 40% POVERTY RATE. FOR
THE COUNTY, STATE AND FEDS!!!!, THE CITY WITH 77% OF
ALL LOW INCOME HOUSING IN THE COUNTY!!!!!! NEW
CONSTRUCTION BY HUDSON RIVER HOUSING HAS
CONSTRUCTED A HUGE NEWLY PROJECT WITH MANY UNITS
ABUTTING THE WEST LEG OF THE NYS HIGHWAY IN THE ROSE
STREET AREA!!!! THE CONSTRUCTION HAS BEEN COMPLETED
FOR SOMETIME AND NOT BEING OCCUPIED!!!! WITH THE CITY
HOMELESS PROBLEM, ALL THOSE UNITS SHOULD HAVE BEEN
OCCUPIED!!!! MY QUESTION WHAT IS THE PROBLEM?



WHO MADE THE DEAL WITH THE COUNTY REGARDING THE \$27/MO PARKING FEE WITH AT THE CITY OWNED PARKING DECK .IS THIS \$27.00/MO PER SPACE FEE FOR PAIGES CITY HALL ALSO? PARKING ON CITY SURFACE LOTS ARE THEY \$27.00/MO, NO!!!! WHY IS THIS SWEETHEART DEAL WITH THE COUNTY AFTER THE COUNTY GAVE THE CITY THE SHAFT WITH THE SALES TAX CITY SHORTFALL!!!



BEING THE CITY OF POUGHKEEPSIE HAS OVER 500 PROPERTIES CLASSIFIED AS 'ABANDONED', MANY ARE BEING SOLD BY THE CITY , THRU THE MAYORS OFFICE, THE CITY .SHOULD ESTABLISH SOME SORT OF A "LAND BANK" CONTROLLED BY THE COMMON COUNCIL, A CLAW BACK PROVISION AS THE IDA BOAR ED. THER WAS NO CLAW BACK PROVISIO IN THE PROPERTY SOLD BY THE CITY OVER 20 YEARS AGO AND IT IS SITTING WITH A NON CLAW BACK CLAUSE IF THERE IS ONE NOT BEING ENFORCED. THE CITY ON THE EDGE OF BEING DEVELOPED AS PER THE NYT ARTICLE, BEING BEACON HAS MAXED OUT!!MAIN REASON PARKING! MAYOR COEZEAN HAD PLANS FOR MULTI LEVEL PARKING STRUCTURE AT THE ACADEMY,CANNON,AND CHURCH CITY LOT WHICH NEVER MATERIALIZED , AND NOW AS THE POPUGHKEEPSIE PLANNERS DID IN BEACON WITH THEIR PARKING .ABOLISHED THE PARKING ZONNING REQUIREMENTS.,NOW ITS CRUNCH TIME!!!!



Carinda Swann-131 Union Street-Beacon
Darrett Roberts-Franklin Street

Laurie Sandow-South Grand Avenue

Laurie Sandow comments, Common Council meeting, February 3, 2020 — Pg. 1 of 2

There's a modern proverb that reads: "If you're not at the table, you're on the menu."

Recently deceased journalist Jim Lehrer kept a list of guidelines for his own behavior. Among these were: "Do nothing I cannot defend", and "Assume there is at least one other side or version to every story."

Yet amazingly, in these Chambers, the current leadership of the Council has established that they: —Can and will do anything, legal or not, defensible or not; —That only one side of a story—their side—is welcome at the table. All else and all others are on the menu; and —That taxpayer dollars will fund their actions, even when City taxpayers have been deprived of input.

Let's turn to a few definitions: The definition for "autocrat" is: "a ruler who has absolute power. Someone who insists on complete obedience from others." One definition for "democracy" is: "the practice or principles of social equality".

Then there's the term "virtue signaling", by which people say or write things to indicate that they are virtuous. Yet signaling virtue doesn't actually require doing anything virtuous. For example, we have Common Council members who ran on platforms promising "transparency." Transparency would be the virtue. Reality is that these same Councilmembers regularly, consciously, illegally violate the law AND their oaths of office by blocking access to their social media, and being non-responsive, evasive, or even fraudulent in their replies to Freedom of Information requests.

Laurie Sandow comments, Common Council meeting, February 3, 2020 — Pg. 2 of 2

Current Chair Salem campaigned on a quote from Nelson Mandela, saying "For to be free is not merely to cast off one's chains, but to live in a way that respects and enhances the freedom of others." That campaign quote was virtue signaling. The reality is that the Chair has joined others in violating the Council's own rules, using their violation to silence members of the public, and even cause them to be arrested.

Another “virtue signal” has been the Chair’s reading of a warning prior to public comments, about the content of comments. This reading implies that the Council has been victimized by public comment, when the reality is the opposite. The 2017 Council rules contained one lonely paragraph about public comment. Two years ago, the members of this Council—before even taking their oaths of office—not only added a police presence, but expanded the Council’s rules governing public comment to run more than two pages long. This Council, with behavior modeled on the trespasses of the current national Administration, recently added a note of intimidation to their rules, warning the public that those deemed to be violating the rules will be (quote) “...subject to all civil and criminal penalties that may apply to their conduct.” (unquote)

Settle in, folks, for another night of Council hijinks, with agenda items added and deleted without notice, virtue signaling resolutions introduced without citywide outreach or public input, and so-called communications presented without documentation.

Warren Jones-North Clover Street

Submitted for the record:

February 3, 2020

To the Poughkeepsie Common Council:

I would like to voice my support for Resolution R20-14, which addresses the important need for mitigating the impacts of climate change and would position the City of Poughkeepsie as a leader in this movement.

Representative Sean Patrick Maloney has already endorsed the House version of this bill, and it is critical that municipalities across the state voice their support for this measure. It would demonstrate our commitment to making climate change a priority, and cleaning up our environment for the benefit of our children and our community.

I hope that you will support this work and I look forward to hearing your positive support of this Resolution.

Sincerely,

Cornelia Harris

4th Ward, Poughkeepsie

V. MAYOR'S COMMENTS:

Mayor Rolison: Just wanted to let everyone know a few things tonight. We had a graduation last week from our Careers in Law Enforcement class. There were 42 students from Poughkeepsie's schools graduated from that 13 week class. A second class is already being coordinated.

Today, I sent an email to Councilmembers asking them when they have the opportunity to give us locations, or I'd like one location, if we could, to start out within each ward that has been a persistent problem when it comes to litter, where to develop a top eight list. From that information or more from the council folks. And we're going to go after them as we did the top 10 list of vacant and unsafe buildings, which we did in the first few years of the first term.

Also with that, we have a new sanitation inspector. Diane Rose will be our new Sanitation Inspector. Diane has been a member of the Department of Public Works on the administrative side. And she is going to take that position. She's already started. She's doing two roles right now, but she's going to lead the in-house effort with city staff, to address those problem properties for the council people and many other things that the sanitation inspector does.

Tonight there is going to be really informative presentation on the 2020 census, which we've already heard and we know is really important for the city, but for this country in general, but simply the City of Poughkeepsie. Everybody needs to be counted. I want to thank Owen Rafter, the Commissioner of Planning from Dutchess County who is here tonight, along with the point person for us here in the city, our Community Engagement person, John Penny. But Karen Barnes is here tonight from the Census. And Karen has been partnering with city staff and others since the summer in being here in Poughkeepsie. Karen, I want to thank you for coming up tonight, and raising a good chance to here and meet you.

Also this coming weekend, Sunday, Monday and then Tuesday is the winter legislative meetings for the New York Conference of Mayors. I'll be attending that. If any member of the Council has any thoughts or things that you would like me to share with our state legislative reps and others who will be present at that, those series of meetings, and then Tuesdays Lobby Day at the state capital. Please let me know and I'll certainly will. I'll bring that message for you.

And then, you know, there's a run going on and I don't know if anyone knows about this run. But our Pioneers team is on a major league run in basketball. I think they've won the last eight out of nine games. And I want to really just say how great that is. The excitement is building as we speak. And our Councilperson from the 6th Ward. Natasha Cherry, her son is part of that charge, big time. So congratulations on that. And that's my comments tonight. Sure. Thank you.

VI. CHAIRPERSON'S COMMENTS AND PRESENTATIONS:

Chair Salem: I only have one comment and it is mostly to pay homage to the celebration that incurs in the month of February, and that is Black History Month. Which was first proposed by black educators, from the Black United Students at Kent State University back in 1969, with then the celebration occurring throughout the entirety of the month a year later. It wasn't until six years following that, that our then President, President Ford, recognized Black History Month as a celebration that the United States would engage in throughout the entirety of the country. And he did this by saying at our Bicentennial Celebration, urging fellow Americans. He said, quote, "Seize the opportunity to honor the all too often neglected accomplishments of black Americans in every area of endeavor throughout our history". And so to honor history and culture repressed is of utmost importance. And especially now in the year 2020, as black Americans still experience oppression and racism that has been baked into the sentiment of our culture. That being said, there is a lot of great work being done to undo this expression. And I believe that the city of Poughkeepsie is an incredible testament to that fact, from our Black History Committee working to bring memory to the enslaved people that existed in the city of Poughkeepsie, to the countless businesses and restaurants owned and operated by black Poughkeepsie residents, the incredible innovators working to bring up our youth and exposing the different opportunities and industries to our young student athletes, like the Poughkeepsie Pioneers that are driving us to another successful basketball season. And our young scholars that are here in the city, Poughkeepsie School District, my colleagues here on the council showing us what leadership looks like.

This is America.

And there are a number of different opportunities to celebrate here in the City of Poughkeepsie. But one I want to shout out is I miss the opening on Saturday. But Fallkill Creative Works has an exhibit called Presence in Poughkeepsie. And this exhibit is one that highlights influential black leaders here in the city of Poughkeepsie community. So those are people who inspire to create support and grow with the community. And it is happening at the Glebe House, which is on Main Street. And I know from Facebook that Yvonne, Councilmember Flowers was there this weekend on Saturday to experience that exhibit. And I encourage everybody to get out and give it a go. It's running until well throughout the entirety of the month of February. And that, again, is in the Glebe House on Main Street in the city of Poughkeepsie.

And that concludes my comments now.

VII. REPORTS OF COMMITTEES AND BOARDS:

An update was given by Pat Miller, Vice Chair of the City of Poughkeepsie Ethics Committee.

VIII. MOTIONS AND RESOLUTIONS:

- 1. A motion was made by Councilmember Brannen and seconded by Councilmember Lorraine Johnson to receive and print.**

**R E S O L U T I O N
(R20-13)**

APPROVING AN AGREEMENT WITH DUTCHESS COUNTY REGARDING CATEGORIES OF PROPOSED ACTIONS THAT SHALL BE DEEMED OF LOCAL CONCERN FOR PURPOSES OF REVIEW UNDER GML §239-m

INTRODUCED BY CHAIR SALEM

WHEREAS, pursuant to GML §239-m the City must refer certain actions to the Dutchess County Department of Planning in order to assess its potential for inter-community and county-wide impact and consistency; and

WHEREAS, the City and County are permitted to enter into an agreement exempting categories of actions that are mutually deemed of local concern and thus not subject to referral under GML §239-m; and

WHEREAS, the County and City are desirous of entering into an agreement thereby eliminating the need for the City to refer and the County to review action which are strictly matters of a local concern, do not impact other communities and have no county-wide impact; and

WHEREAS, the Common Council has determined that this agreement will increase efficiency and is in the best interest of the City; and

NOW, THEREFORE

BE IT RESOLVED, by the Common Council of the City of Poughkeepsie approves and supports the agreement attached hereto and made a part hereof as if fully set forth herein as permitted pursuant to GML §239-m; and be it further

RESOLVED, that the Mayor is authorized to execute said agreement if form and substance as attached hereto and do all things necessary to give effect to the resolution.

SECONDED BY COUNCILMEMBER BRANNEN

AGREEMENT

THIS AGREEMENT, made this day of , 20 , by and between the COUNTY OF DUTCHESS, a municipal corporation with offices at 22 Market Street, Poughkeepsie, New York 12601 (hereinafter referred to as the "COUNTY") and CITY OF POUGHKEEPSIE, a municipality within Dutchess County, whose address is 62 Civic Center Plaza, Poughkeepsie, New York 12601, (hereinafter referred to as the "MUNICIPALITY").

WITNESSETH:

WHEREAS, New York State General Municipal Law Section 239 requires local municipalities to refer applications for certain planning and zoning actions to the Dutchess County Department of Planning & Development for review, and

WHEREAS, the New York General Municipal Law Section 239 further requires the County to assess all such applications as to whether the requested action would have a "county wide" or "inter-community" impact and comment on same, and

WHEREAS, the current referral process results in the processing of applications each year from towns, villages, and cities to the County, a portion of which have neither county-wide or inter-community impact, and

WHEREAS, New York State General Municipal Law authorizes the County to enter into agreements with local municipalities in order to determine which, if any, of the local municipal actions subject to referral may be deemed strictly matters of local determination, and therefore, not subject to the referral process, and

WHEREAS, the County hereby proposes to eliminate the necessity of the County's review and comment on such local actions, and

WHEREAS, it is hereby mutually agreed by and between the parties hereto as follows:

1. TERM OF AGREEMENT: This Agreement shall be effective as of the date of execution, and shall terminate on December 31, 2020, unless otherwise terminated as set forth herein. If either party decides to terminate this Agreement, either party shall send a written notice of termination to the other party at least thirty (30) days before the end of any term. This Agreement shall terminate upon thirty (30) days written notice by either party to the other.

Official Minutes of the Common Council Meeting of February 3, 2020

2. PAYMENT: None.
3. REFERRALS TO BE ELIMINATED: The following actions shall be eliminated from the referral and review process:
 - a. administrative amendments (zoning amendments regarding fees, procedures, penalties, etc.);
 - b. special use permits, use variances and area variances for residential uses; and
 - c. renewals/extensions of site plans or special permits that have no changes from previous approvals.
4. REFERRALS NOT TO BE ELIMINATED: The following actions shall not be eliminated from the referral and review process:
 - a. comprehensive/master plans;
 - b. zoning amendments (standards, uses, definitions, district regulations, etc.);
 - c. rezonings;
 - d. other proposed local laws and/or other authorizations adopted pursuant to zoning (wetlands, historic preservation, affordable housing, architectural review, etc.);
 - e. site plans (all); and
 - f. special permits, use variances, and area variances for all non-residential uses.
5. NOTICES: Except as otherwise provided in this Agreement, notice required to be given pursuant to this Agreement shall be made in writing and addressed to the following or such other person as the parties may designate:

Commissioner of Planning & Development
Dutchess County Dept. of Planning & Development
85 Civic Center Plaza, Suite 107
Poughkeepsie, NY 12601

City of Poughkeepsie
Att: Mayor
62 Civic Center Plaza
Poughkeepsie, NY 12601
6. ENTIRE AGREEMENT: The term of this Agreement, including any attachments, represent the final intent of the parties. Any modifications, rescission or waiver of the terms of

Official Minutes of the Common Council Meeting of February 3, 2020

this Agreement must be in writing and executed and acknowledged by the parties with the same formalities accorded in this Agreement.

APPROVED AS TO FORM:

ACCEPTED: COUNTY OF DUTCHESS

County Attorney's Office

BY: _____
Marcus J. Molinaro, County Executive

APPROVED AS TO CONTENT:

MUNICIPALITY:

Eoin Wrafter, Commissioner of
Planning & Development

BY: _____
Robert Rolison, Mayor

R20-13			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☐	☒	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

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

**NYS LOCALITY RESOLUTION URGING THE UNITED STATES
CONGRESS TO ENACT THE ENERGY INNOVATION AND
CARBON DIVIDEND ACT of 2019, H.R. 763
RESOLUTION
(R20-14)**

RESOLUTION SPONSORED BY COUNCILMEMBER SALEM:

WHEREAS, an Intergovernmental Panel on Climate Change issued a special report on the impacts of global warming of 1.5 °C above pre-industrial levels in October 2018 warning that global warming is likely to reach 1.5°C between 2030 and 2052 if it continues to increase at the current rate; and

WHEREAS, the United Nations climate science body said in a monumental climate report that we have only 12 years left to make massive and unprecedented changes to global energy infrastructure to limit global warming to moderate levels; and

WHEREAS, the United States government released its Fourth Annual Climate Assessment in November 2018 reporting that the impacts of climate change are already being felt in communities across the country, and that more frequent and intense extreme weather and climate-related events, as well as changes in average climate conditions, are expected to continue to damage infrastructure, ecosystems, and social systems that provide essential benefits to communities; and

WHEREAS, conservative estimates by the world's climate scientists state that to achieve climate stabilization and avoid cataclysmic climate change, emissions of greenhouse gases (GHGs) must be brought to 80-95% below 1990 levels by 2050; and

WHEREAS, presently the environmental, health, and social costs of carbon emissions are not included in prices paid for fossil fuels, but rather these externalized costs are borne directly and indirectly by all Americans and global citizens; and

WHEREAS, to begin to correct this market failure, Congress can enact the Energy Innovation and Carbon Dividend Act to assess a national carbon fee on fossil fuels based on the amount of CO₂ the fuel will emit when burned and allocate the collected proceeds to all U.S. Households in equal shares in the form of a monthly dividend; and

WHEREAS, for efficient administration, the fossil fuels fee can be applied once, as far upstream in the economy as practical, or at the port of entry into the United States; and

WHEREAS, as stated in the Energy Innovation and Carbon Dividend Act of 2019, H.R. 763, a national, revenue-neutral carbon fee starting at a relatively low rate of \$15 per ton of CO₂ equivalent emissions and resulting in equal charges per ton of CO₂ equivalent emissions potential in each type of fuel or greenhouse gas should be assessed to begin to lower what are now dangerously high CO₂ emissions. The yearly increase in carbon fees including other greenhouse gases, shall be at least \$10 per ton of CO₂ equivalent each year, with the Department of Energy determining whether an increase larger than \$10 per ton per year is needed to achieve program goals; and

WHEREAS, the Energy Innovation and Carbon Dividend Act of 2019, H.R. 763, specifies that, in order to protect low and middle income citizens from the economic impact of rising prices due to the carbon fee, equal monthly per-person dividend payments shall be made to all American households (½ payment per child under 19 years old) each month from the fossil fuel fees collected. The total value of all monthly dividend payments shall represent 100% of the net carbon fees collected per month; and

WHEREAS, the Energy Innovation and Carbon Dividend Act of 2019, H.R. 763, encourages market-driven innovation of clean energy technologies and market efficiencies which will reduce harmful pollution and leave a healthier, more stable, and more prosperous nation for future generations; and

WHEREAS, the Energy Innovation and Carbon Dividend Act of 2019, H.R. 763, will, after 12 years, lead to a decrease in America's CO₂ emissions of 40 percent and an increase in national employment of 2.1 million jobs; and

WHEREAS, border adjustments - carbon content-based tariffs on products imported from countries without comparable carbon pricing, and refunds to our exporters of carbon fees paid - can maintain the competitiveness of U.S. businesses in global markets; and

WHEREAS, a national carbon fee can be implemented quickly and efficiently, and will respond to the urgency of the climate crisis because the federal government already has in place mechanisms, such as the Internal Revenue Service, needed to implement and enforce the fee, and already collects fees from fossil fuel producers and importers; and

WHEREAS, A national revenue-neutral carbon fee would make the United States a leader in mitigating climate change and in the clean energy technologies of the 21st century and would provide incentive to other countries to enact similar carbon fees, reducing global CO2 emissions without the need for complex international agreements, and

NOW, THEREFORE

BE IT RESOLVED, that the **City of Poughkeepsie Common Council** urges the United States Congress to enact without delay the Energy Innovation and Carbon Dividend Act of 2019, H.R. 763; and

BE IT FURTHER RESOLVED, that the City Chamberlain, no later than 30 days after passage of this Resolution, shall transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to each U.S. Senator and Representative from the State of New York in the Congress of the United States, and to nearby city and county governments urging that they pass similar resolutions.

SECONDED BY COUNCILMEMBER BRANNEN

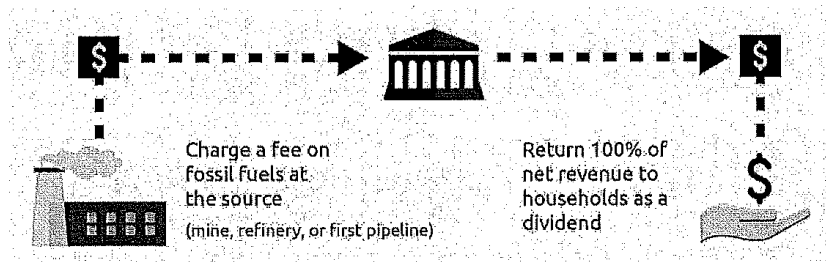


Mid Hudson South Chapter, New York Chapter

Information for Potential Endorsers of HR763

- The Basics of the Energy Innovation and Carbon Dividend Act of 2019 (HR763)
- FAQs on the Energy Innovation and Carbon Dividend Act

Basics of the Energy Innovation and Carbon Dividend Act

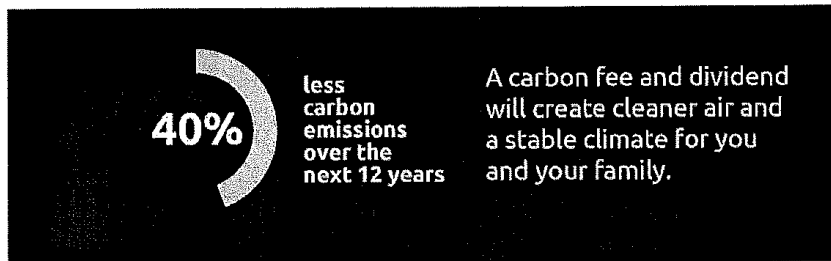


Places a steadily rising fee on fossil fuel emissions and returns the revenue to individuals on an equal basis (a full share for every adult, a ½ share for every child under 18). The **fee** will make clean alternatives the cheapest alternatives (and thus default) and spur private investment in clean technologies. The **dividend** will protect lower and middle income households during the transition, most of whom will see a larger dividend than their increased costs.

To ensure that polluting industries don't just move overseas, a **carbon border adjustment** will apply tariffs on goods coming from countries without an equivalent carbon price. Our largest trading partner, Canada, already has a program very similar to this.

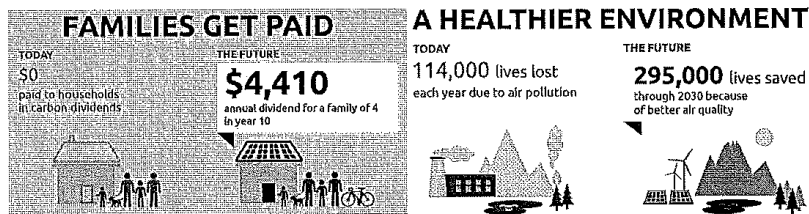
To ensure that the bill is **effective** on its emissions reductions, a year by year required emissions reductions target is set in federal law, reaching 90% (of 2016 levels) by 2050. If targets are not met additional actions are automatically triggered.

Effective



HR763 would cause a dramatic reduction in emissions over the first 10 years, and requires 90% reduction by 2050¹. The claims for the first 10 years have been independently confirmed by Columbia University² and others.

Good for People



In addition to reducing greenhouse gas pollution that drives climate change, transitioning off of fossil fuels has incredible co-benefits. High levels of particulate pollution cause increased lung and heart disease. This impacts are hardest on our most vulnerable communities.

The **dividend** supports a just transition as we pivot our economy away from fossil fuels. The estimated dividend in year 1 are \$27 / month, in year 10: \$122 / month.

For the City of Poughkeepsie this would mean:

- Year 1: ~\$700,000 per month
- Year 10: ~\$3,300,000 per month

¹ All info graphic references contained at - <https://energyinnovationact.org/data-sources/>

² Columbia Center on Global Energy Policy: An Assessment of the Energy Innovation and Carbon Dividend Act

<https://energypolicy.columbia.edu/research/report/assessment-energy-innovation-and-carbon-dividend-act>

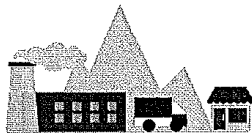
Good for the Economy

JOBS ARE CREATED

TODAY

\$240 billion

in annual costs from
environmental and health
harms of fossil fuels



THE FUTURE

2.1 million

jobs created over 10 years
in local communities

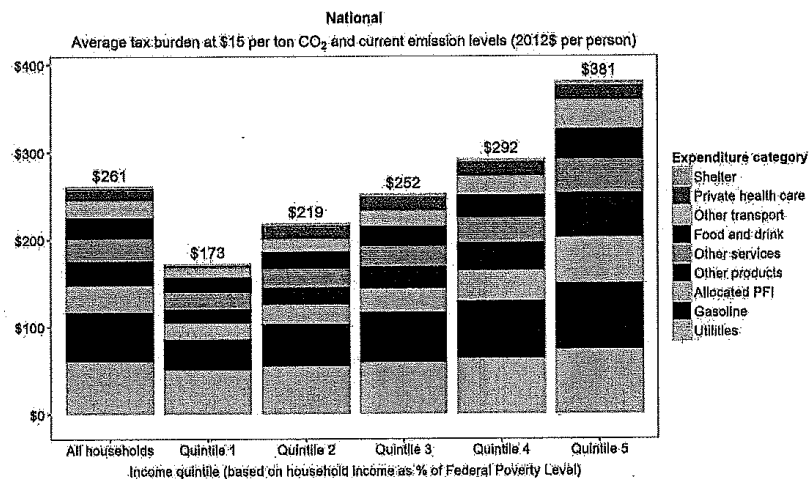


We are currently suffering impacts of climate change that will only get worse the longer it takes us to address the root cause. Locally these will largely be impacts from water: rising sea levels (rising Hudson), extreme rain events taxing drainage and sewage systems, extreme heat events. These have both individual and municipal costs, that will only get worse if we don't address climate change.

The transition driven by both the **fee** and **dividend** will create jobs in clean energy and retrofiting, as well as health care and local services as the dividend allows families to access these.³

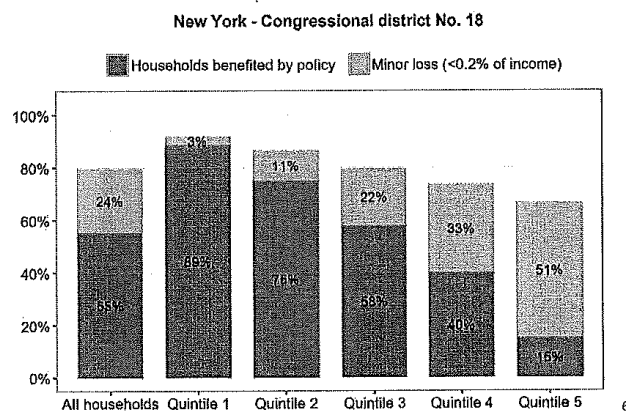
³ REMI Study - <https://citizensclimatelobby.org/remi-report/>

How a Carbon Fee Impacts Households



Economic Quintiles in 2017: 1 (< \$24k), 2 (< \$47k), 3 (< \$77k), 4 (< \$127k), 5 (> \$127k)⁴

On average, only 40-50% of increased prices due to carbon fee are in direct energy, much is in indirect purchasing and the energy embodied in goods and services.⁵ Lower income households consume less energy intensive goods and services.



⁴ Tax policy center - <https://www.taxpolicycenter.org/statistics/household-income-quintiles>

⁵ Household Impact Study - <https://citizensclimatelobby.org/household-impact-study/>

⁶ Household Impact per district modeling

We can also look at which households come out either ahead with with a very minor loss. This data is modelled on the NY-18 congressional district as a whole. Nearly 90% of households making less than \$24,000 will come out ahead in year one, before any changes are made by those households.

Poughkeepsie Specific Impacts

- **Dividend** will inject substantial economic stimulus to City of Poughkeepsie.
- **Fee** will cause rise in fossil fuel costs (gasoline, natural gas, fuel oil) for residents. This cost will be more than offset by dividend for most low and middle income folks.
- Residents will not see increased electricity rates, due to City of Poughkeepsie's enrollment in Community Choice Aggregation which sources 100% renewable electricity
- Poughkeepsie Train Station is a huge asset in a clean economy, with both Metro North and Amtrak ridership poised to dramatically increase in a low carbon economy
- Poughkeepsie's increased mixed use and walkable neighborhoods, and dedicated bike / walk infrastructure support low emissions lifestyle

Frequently Asked Questions

Q: If we put a price on pollution, what prevents the polluters from passing their costs on to individuals?

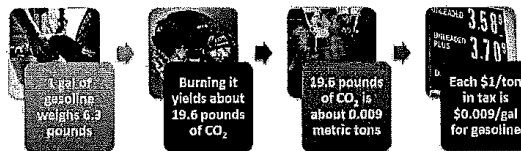
A: Nothing. We do expect polluters to pass most if not all of their increases to consumers. Those who can come up with low carbon alternatives will be able to offer those as lower prices. This is why the **dividend** is important to insulate low and middle income households.

Q: What is the rate of increase of the carbon fee?

A: It starts at \$15 / metric ton CO₂e in year 1, and increases by \$10 / metric ton CO₂e every year until emissions reduction of 90% from 2016 are achieved. The increase is \$15 / metric ton CO₂e in any year that we miss intermediate target goals.

Q: How would this impact the price of a gallon of gasoline?

A: In year 1 a gallon of gas would go up about \$0.13, with a \$0.09 increase each year after that.



Official Minutes of the Common Council Meeting of February 3, 2020

Q: How would the dividend be delivered? How often, and by who?

A: The Carbon Fee Trust fund would be administered by the Department of the Treasury. The dividend will be paid **monthly**, starting 1 month before the fee is imposed. For people that already file federal income taxes with direct deposit on file it can be posted automatically, for others they will fill out a simple form to get either direct deposit or monthly checks.⁷

Q: Why return the money as dividends instead of targeted incentives?

A: Historically the benefits of individual targeted clean energy incentives (rooftop solar, electric vehicle tax credit) have largely gone to the top 20% of income earners.⁸ To take advantage of these credits you must have a high tax liability, and often own your own property. A dividend approach is more equitable, and lets each family take the individual actions that will most impact their carbon footprint.

Q: Will the increased income from the dividend push people off income tested benefits such as SNAP, Medicaid, and others?

A: No. For the purpose of means testing benefits the dividend is explicitly excluded.⁹

Q: How does this impact other state or federal laws?

A: It does not preempt any other state laws.¹⁰ One the Federal level it puts a pause on new rules on greenhouse gas emissions from power plants, as long as we continue to meet the emissions requirements lawed out in the bill. If those targets are missed, the authority returns, and the EPA is required to come up with new rules that will get us back under those targets.¹¹

Q: How much support does the bill have in Congress?

A: It was introduced in the house in Jan 2019 with bi-partisan co-sponsors. Since then it has gained 75 co-sponsors, 7 from NY State including Congressman Sean Patrick Maloney (NY-18).¹²

Q: What other municipalities in NY have supported HR763?

A: The villages of Kinderhook, New Paltz, and Rhinebeck, the towns of Marbletown, Plattsburgh, Red Hook and Rhinebeck, the cities of Brockport, Rochester, and Syracuse and Tompkins County are among the communities in New York that have endorsed the bill.¹³

⁷ Dividend Delivery Study - <https://citizensclimatelobby.org/dividend-delivery-study/>

⁸ <https://energyvathaas.wordpress.com/2015/07/20/are-clean-energy-tax-credits-equitable/>

⁹ <https://www.congress.gov/bill/116th-congress/house-bill/763> - Sec 4. Subsection 9512.c.3.C

¹⁰ <https://www.congress.gov/bill/116th-congress/house-bill/763> - Sec 11

¹¹ <https://www.congress.gov/bill/116th-congress/house-bill/763> - Sec 8

¹² <https://energyinnovationact.org/>

¹³ <https://energyinnovationact.org/all-supporters/?opentype=local-governments>

Official Minutes of the Common Council Meeting of February 3, 2020

R20-14						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

3. A motion was made by Councilmember Brannen and seconded by Councilmember Lorraine Johnson to receive and print.

RESOLUTION
(R20-15)

INTRODUCED BY COUNCILMEMBER CHERRY

WHEREAS, in accordance with the Inter-Municipal Agreement between the City of Poughkeepsie and the Town of Poughkeepsie dated August 3, 1995, the Common Council of the City of Poughkeepsie is authorized to make appointments of City residents to serve on the Joint Water Board; and

WHEREAS, the term for the current members appointed by the City to the Joint Water Board have expired; and

WHEREAS, it is in the best interest of the City of Poughkeepsie and its citizens that the Joint Water Board should have a full complement of members in order to properly conduct the business required of the Board;

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby appoints the following individuals to the Joint Water Board for a three (3) year term:

Richard DuPilka (Term Expires: 12/31/21)
Council Chairperson Salem (Term Expires: 12/31/22)

SECONDED BY COUNCILMEMBER BRANNEN

CCM Minutes 1-21-2020						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

IX. ORDINANCES AND LOCAL LAWS:

- 1. A motion was made by Councilmember Brannen and seconded by Councilmember Lorraine Johnson to receive and print.**

**ORDINANCE AMENDING ARTICLE XX OF CHAPTER 13 OF
THE CITY OF POUGHKEEPSIE CODE OF ORDINANCES
ENTITLED “TOWING OF VEHICLES FROM PRIVATE PROPERTY”
(O-20-01)**

INTRODUCED BY COUNCILMEMBER PETSAS

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

SECTION 1: Section 13-309.1 of Article XX of Chapter 13 of the City of Poughkeepsie Code of Ordinances entitled **“TOWING OF VEHICLES FROM PRIVATE PROPERTY”** is amended as indicated in the proposed ordinance attached hereto.

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER BRANNEN

~~[STRIKETHROUGH]~~ INDICATES DELETION
UNDERLINING and BOLD INDICATES ADDITION

**Article XX
Towing of Vehicles from Private Property**

Section 13-308 **Statement of policy.**

[Ord. of 7-5-1994, § 1; Ord. of 10-23-2000, § 1; Ord. of 5-29-2001, § 1; L.L. No. 1-2005, 12-20-2004, § 1]

- The City of Poughkeepsie Common Council has received numerous complaints asserting abusive business practices by persons engaged in the towing of vehicles from private property. Without limiting the generality of the preceding statement, the City of Poughkeepsie has received complaints asserting that vehicles are towed without proper notice or warning, that vehicles are towed notwithstanding the presence of owners or operators of vehicles who are willing and prepared to voluntarily remove the vehicles from the private property on which they are parked, that fees imposed for towing are excessive, that vehicles are towed to storage locations without identification of the storage location by the person undertaking the taking and that persons undertaking the towing have improperly demanded releases from liability as a condition of physically returning possession of the vehicle to the owner or operator of the vehicle. In response to these numerous complaints, received over a long period of time, the City of Poughkeepsie desires to establish certain

minimum standards for towing of vehicles from private property so that such towing may take place in a manner that is not abusive.

- (b) Complaints to the City have continued despite the original enactment of this ordinance in 1994. The City has received ongoing complaints from consumers that insufficient signage is posted in parking lots indicating that vehicles would be towed if they were improperly parked or that towing personnel were abusive and unresponsive. The largest portion of these complaints concern the towing of motor vehicles from private parking lots serving stores and other business establishments. The City therefore desires to further regulate towing services and solicitation through licensing of towing businesses operating in the City for the purpose of safeguarding the public against fraud and abusive and improper towing practices since the towing of vehicles allegedly improperly parked on private property is a matter that affects the public interest, peace, health, safety, welfare and good order of the City of Poughkeepsie and its inhabitants.
- (c) The City of Poughkeepsie Common Council finds that, since the original enactment of this ordinance in 1994 and its amendment in 2000, much of the aforesaid abusive and improper towing practices are now being pursued in connection with the immobilization of vehicles allegedly improperly parked on private property. The Common Council hereby finds that this is also a matter that affects the public interest, and the peace, health, safety, welfare and good order of the City of Poughkeepsie and its inhabitants.
- (d) The City of Poughkeepsie Common Council finds that, as of August 2004, the abusive, unscrupulous and predatory practices referred to hereinabove continue, and that the provisions of this article have not proven to be sufficiently effective to provide adequate protection for the consumer against unscrupulous and abusive business practices and conduct by those engaged in the booting business. The Common Council finds that possibly the only legitimate purpose to be served by the practice of booting is to serve as a deterrent against improper parking on private property. It has come to the attention of the Common Council that it has become common practice to immobilize an allegedly improperly parked vehicle within moments of the vehicle's arrival at the scene. Appropriate business practices should include giving adequate warning to the general public of the consequence of improperly parking on private property, and giving an opportunity to promptly correct an otherwise innocent mistake. The Common Council hereby finds that the costs associated with booting are much lower than for towing and that the presently authorized fee is unduly and disproportionately punitive in comparison to the offense given: an authorized fee nearer to the fines imposed for improperly parking on public street will adequately compensate the parking facility operator while still providing an adequate deterrent to improper parking on private property. The Common Council hereby finds that, in order to properly protect the public health, safety and general welfare, it is necessary to strike an appropriate balance between private property interests and the public interest of protecting consumers from

unscrupulous, abusive and predatory business practices.

Section 13-309 **Definitions.**

[Ord. of 7-5-1994, § 1; Ord. of 10-23-2000, § 2; Ord. of 7-9-2001, § 1; Ord. of 6-10-2002, § 1; L.L. No. 1-2005, 12-20-2004, § 1; L.L. No. 2-2005, 2-7-2005, § 1; Ord. No. O-10-36, 12-20-2010, § 4]

For purposes of this article, the following terms shall have the following meanings:

BOOTING COMPANY or BOOTING OPERATOR

A person engaged in the business of immobilizing vehicles improperly parked on private property.

IMMOBILIZATION or BOOTING

The use of any method, manner, mode, device or artifice, whether or not affixed to a motor vehicle, with the intent to and which has the effect of preventing either the moving of a motor vehicle by its normal mode of operation or preventing the departure of the motor vehicle from the real property on which it is then located. For purposes of this article, the term "immobilization" shall be deemed to include the act of removing the immobilizing device or the discontinuance of the immobilization. The term "booting" shall be deemed equivalent to the term "immobilization." This term shall not apply to mechanical gates located at the entrance or exit of any lot.

OWNER

A person who owns, leases or has control of one or more tow trucks operating for hire within the City of Poughkeepsie.

PARKING LOT or PRIVATE PARKING FACILITY

A parcel of land or a portion of a parcel of land used for parking motor vehicles belonging to visitors, customers or residents of nearby businesses or properties, and/or parking for hire on a monthly or periodic basis.

PERSON

An individual, partnership, corporation, unincorporated association or any other entity.

PERSON IN CHARGE OF VEHICLE

The registered owner, or one who has legal authorization of the registered owner to operate such vehicle.

PRIVATE PARKING FACILITY OPERATOR

Any person or persons who own, lease or control one or more private parking facilities in the City of Poughkeepsie.

TOWING

The moving of a vehicle where a fee, charge or other consideration is directly or indirectly imposed for such moving or where the towing service is performed by a person engaged in the business of towing vehicles.

TOWING COMPANY or TOW OPERATOR

A person engaged in the business of offering towing services whereby motor vehicles are moved by use of a motor vehicle designated or adapted for that purpose.

TOWING LICENSE

A license issued pursuant to this section permitting a person to tow motor vehicles for hire from private property within the City of Poughkeepsie without the motor vehicle owner's consent.

TOW TRUCK

A vehicle used for towing usually equipped with a crane, winch, tow bar, push plate or other device designed to pull or push a vehicle or to raise a vehicle or the front or rear end thereof or a flatbed tow truck.

VEHICLE

A motor vehicle as defined in § 125 of the Vehicle and Traffic Law, a tractor as defined in § 151-a of such law or a trailer as defined in § 156 of such law.

Section 13-309.1 Applicability.

[L.L. No. 1-2005, 12-20-2004, § 1]

- (a) The provisions contained within this article are applicable to the towing or immobilization of vehicles improperly parked on private property. The phrase "improperly parked on private property" means vehicles parked on private property without the consent of the owner or person in charge of the private property. Consent includes actual consent and consent created by operation of law.
- ~~(b) Notwithstanding the foregoing, the provisions of this article shall not be applicable to the towing of a vehicle in the following circumstances~~
 - ~~(1) The towing of a vehicle that has been continuously present on private property without the consent of the owner or person in charge of the private property for more than 24 hours; or~~
 - ~~(2) The towing of a vehicle that has been parked on private property in a location that blocks a driveway, lane, alley or other place intended to give passage to other portions of the private property or to give passage to or from the public way; or~~
 - ~~(3) The towing of a vehicle that has been parked on private property in a location and at a time that interferes with garbage or refuse collection; or~~
 - ~~(4) The towing of a vehicle that interferes with snow removal; or~~

- ~~(5) The towing of a vehicle that interferes with paving or construction activities, provided that a twenty four hour notice has been given or conspicuously posted; except that the provisions of Section **13-311(c)**, **(e)** and **(f)** shall apply to any such towing.~~

Section 13-310 Warning signs required.

[Ord. of 7-5-1994, § 1; Ord. of 10-23-2000, § 3; Ord. of 5-29-2001, § 2; Ord. of 7-9-2001, § 1; Ord. of 6-10-2002, § 1; L.L. No. 1-2005, 12-20-2004, § 1]

In order to comply with Sections **13-311** and **13-314**, all of the following requirements must be satisfied:

(1) Location and description of signs.

- a. A warning sign must be conspicuously posted within 15 feet of each curb cut that gives vehicular access to the private property facing in each authorized direction of travel upon the abutting public highway. The bottom edge of each such sign must be not less than seven feet above grade level. Each of such warning signs must meet one of the two following descriptions as appropriate:
 1. If the warning sign is located on property that is zoned under Chapter **19** of this Code as R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-6, PRD, O-R, or H-M, the said sign must be 24 inches high and 18 inches wide, surrounded by a black border 1/2 inch wide, and must exclusively contain the following content: the words "WARNING" and "PRIVATE PROPERTY" in all red, boldface, capital block letters 2 1/2 inches high upon a white background, a depiction in silhouette of a tow truck 4 1/2 inches high and the phrase "Unauthorized vehicles will be towed" in black block letters two inches high upon a white background, and the word "booted" must be added to or substituted for the word "towed" where appropriate;
 2. If the warning sign is located on property that is zoned under Chapter **19** of this Code as C-1, C-2, C-2A, C-3, I-1, I-2, T, or W, the said sign must be 30 inches high and 24 inches wide, surrounded by a black border 1/2 inch wide, and must exclusively contain the following content: the words "WARNING" and "PRIVATE PROPERTY" in all red, boldface, capital block letters four inches high upon a white background, a depiction in silhouette of a tow truck six inches high, and the phrase "Unauthorized vehicles will be towed" in black block letters 2 1/2 inches high upon a white background, and the word "booted" must be added to or substituted for the word "towed" where appropriate; and
- b. An informational sign not less than four square feet and not more than eight square feet that provides the following information in legible block letters:
 1. In the case of towing, the name, street address and telephone number and the license number of the private parking facility operator and the tow operator, the street address

where vehicles will be impounded, the method of redemption and hours of operation for vehicle redemption, towing and storage fees of the tow operator and the hours vehicles are prohibited from parking and subject to tow; or

2. In the case of booting, the name, address and telephone number and the license number of the private parking facility operator and the booting operator that has immobilized the vehicle, the method of obtaining removal of the immobilization device and the fee payable for removal, and the hours vehicles are prohibited from parking and subject to immobilization.
- c. There need be only one such informational sign which must be posted on the private property in a conspicuous manner reasonably calculated to be visible to a person whose vehicle has been either towed or immobilized.
- (2) The private parking facility operator shall also permit the placement on the private property of a sign, supplied and installed by the City of Poughkeepsie, to direct the public to the nearest municipal parking facility. The City of Poughkeepsie shall have the ability but not the duty or the obligation to install any such signs.

Section 13-311 Towing of vehicles improperly parked on private property.

[Ord. of 7-5-1994, § 1; Ord. of 10-23-2000, § 4; L.L. No. 4-2001, § 1; Ord. of 3-26-2001, § 1; Ord. of 7-9-2001, § 1; Ord. of 6-10-2002, § 1; L.L. No. 1-2005, 12-20-2004, § 1; Ord. No. O-10-36, 12-20-2010, §§ 1, 2, 5]

- (a) No private parking facility operator, owner or other person in control of private property shall tow or cause to be towed from or on such private property any motor vehicle unless such owner or person in control shall post and maintain upon such private property signs, in conformity with Section **13-310** of this chapter.
- (b) No vehicle shall be towed by a tow operator from private property without express written authorization by the owner of the private property or the person in control of the private property, or his or her or its agent, who may not be the tow truck owner or operator or his/her agent or employee. Such authorization shall be required for each vehicle towed and shall include the location, make, model, color and license plate number of the vehicle to be towed. The person who tows a vehicle and the person authorizing the tow shall maintain a copy of the written authorization provided for in this subsection for a period of not less than one year. Upon demand by the person in charge of a vehicle, the person proposing to undertake towing and the person authorizing the tow shall provide a copy of the written authorization provided for in this subsection to the person in charge of the vehicle proposed to be towed. No vehicle shall be towed by a tow operator without complying with the requirement for provision of a copy of the written authorization to the person in charge of the vehicle upon demand for a copy of the same by a person in charge of a vehicle.

- (c) A vehicle may not be towed if it is occupied by any person.
- (d) Notwithstanding any other provision of law, a vehicle which is towed shall be taken directly to a facility for storage maintained by the person undertaking the towing and which location is distant not more than three miles from the point of towing. Such facility for storage must be a secure place for safekeeping vehicles. The owner and operator of a licensed towing company shall cause the towing license to be posted in a conspicuous place on the premises of the towing company and shall also cause a copy of said license to be available for inspection in each towing vehicle used by the company.
- (e) Any person who tows a vehicle covered by this article shall, within 30 minutes of the vehicle's arrival at a facility for storage, notify the City of Poughkeepsie Police Department, identifying the storage facility, the location of the storage facility, the time the vehicle was towed, the location from which the vehicle was towed, the name of the person who authorized the towing and the fact that the towing was pursuant to a contract with the owner of the private property. The person who tows a vehicle and who notifies the City of Poughkeepsie Police Department as set forth above shall obtain the name of the person at the Police Department to whom such information was reported and shall note such name on a written record to be maintained by the person towing the vehicle, together with the time and date that the vehicle was towed.
- (f) Except for tows authorized by the Police Department, it shall be unlawful for a towing company operator to tow a vehicle if the owner or operator of the vehicle appears at the scene prior to the vehicle being connected to any apparatus of the tow truck, requests the towing company operator not to tow the vehicle and is willing and able to correct the condition warranting the tow. The towing company operator shall be entitled to a hook-up fee not to exceed \$25 if the vehicle is connected to any apparatus for towing, provided that the tow truck has not exited the premises and entered onto the public street. The tow truck operator shall not be permitted to charge any fee to the vehicle owner or operator unless the owner or operator is the one who requested the towing services. Each tow operator shall carry a legible copy of this section and shall show it to a vehicle owner or other person in control of the vehicle who arrives at the scene prior to the towing of a vehicle.
- (g) The registered owner or other person in control of a vehicle that has been towed pursuant to this section shall have the right to inspect the vehicle before accepting its return. No release or waiver of any kind which would release the person or company towing the vehicle from liability for damages may be required from any such owner or other person in control as a condition of release of the vehicle to such a person. No release or waiver of any kind purporting to limit or avoid liability for damages to a vehicle that has been towed shall be valid. A detailed, signed receipt showing the legal name of the person or company towing the vehicle and the date and time the vehicle was towed must be given to the person paying

the towing and storage charges at the time of payment.

- (h) When an owner of private property, his or her agent as authorized by this section causes a vehicle to be towed in violation of this article, there shall be no charge to the owner or other person in control of the vehicle for the cost of towing and storage. A person who has violated this article shall be liable to the owner or other person in control of the vehicle for any amounts actually paid for towing, transportation and storage of the vehicle, as well as for any damage resulting from the towing, transportation and storage of the vehicle.
- (i) No person may, under the authority of this article, cause the towing of any ambulance, police vehicle, fire vehicle, civil defense emergency vehicle or emergency ambulance service vehicle, or any vehicle being used by an emergency responder while engaged in such emergency response.
- (j) Every tow operator shall maintain a written schedule of all rates and charges for towing and storage and shall make such schedule available to any person requesting the same. The maximum charge for towing of vehicles shall be \$60, plus a hook-up fee of \$25 plus any and all applicable taxes, **except the maximum charge for towing of a vehicle in the following circumstances shall be \$125, plus a hook up-fee of \$25 plus any and all applicable taxes:**
 - (1) **that has been continuously present on private property without the consent of the owner or person in charge of the private property for more than 24 hours**
 - (2) **The towing of a vehicle that has been parked on private property in a location that blocks a driveway, lane, alley or other place intended to give passage to other portions of the private property or to give passage to or from the public way; or**
 - (3) **The towing of a vehicle that has been parked on private property in a location and at a time that interferes with garbage or refuse collection; or**
 - (4) **The towing of a vehicle that interferes with snow removal; or**
 - (5) **The towing of a vehicle that interferes with paving or construction activities, provided that a twenty-four-hour notice has been given or conspicuously posted; except that the provisions of Section 13-311(c), (e) and (f) shall apply to any such towing;**
- (k) The maximum charge for the storage of towed motor vehicles shall be \$50 per day, or each part thereof, to commence after the vehicle has been impounded on the premises for a period of 24 hours. No additional charges, including clerical, administrative or service fees, may be charged by the licensee.

- (l) Every licensed towing company that requires payment by an owner of a towed vehicle of all or part of the towing and/or storage charges associated with the towing and/or storage of such owner's vehicle as a precondition to the release of such motor vehicle to such owner or his or her authorized representative, and that accepts checks, credit cards or debit cards as forms of payment in the ordinary course of business, must accept each of these forms of payment for such towing and/or storage charges.
- (m) An owner of private property, his or her agent as designated in the contract with the tow operator or a tow operator contracting with such owner shall allow a waiting period of not less than 20 minutes between the arrival of a tow vehicle at the location from which a vehicle is to be towed and the physical actual connection of any apparatus to the vehicle to be towed for the purpose of commencing the towing. If the owner or other person in control of the vehicle arrives at the scene during this twenty-minute waiting period, such owner or person in control of the vehicle shall be allowed to drive the vehicle from the location without interference or charge.
- (n) No person shall tow or cause to be towed a vehicle from private property from 9:00 p.m. each day until the following 5:00 a.m. Every tow operator shall make vehicles that have been towed available for redemption each day from 6:00 a.m. until the following 11:00 p.m.
- (o) Notwithstanding the provisions of Section **13-311(m)** above, a tow operator may tow vehicles between the hours of 9:00 p.m. and 5:00 a.m. if such tow operator has an employee on the premises where the tow operator maintains impounded vehicles to make vehicles available for redemption during those hours.

Section 13-312 Towing license required.

[Ord. of 10-23-2000, § 5, Ord. of 7-9-2001, § 1; Ord. of 6-10-2002, § 1; L.L. No. 1-2005, 12-20-2004, § 1; Ord. No. O-10-36, 12-20-2010, § 3]

- (a) No person shall tow a vehicle from private property within the City of Poughkeepsie without the vehicle owner's consent without first having obtained a towing license. Nothing herein shall be construed as prohibiting any towing service whose business is based outside the City from applying for the same license herein required and obtaining said license under the same terms as a business located within the City. As used in this section, the terms "owner," "operator," and "applicant" shall be deemed to include the tow operator and every individual, officer, director, shareholder, partner, member, employee, contractor, subcontractor or agent of such tow operator.
- (b) *Application procedure; compliance with additional standards; inspections.*
- (1) An application for a towing license shall be submitted to the Chief of Police. The application shall be made on such form as the Chief of Police shall prescribe and soliciting such information as the Chief shall reasonably require, and must be accompanied by each of

the following items:

- a. Certificates of insurance for the following insurance coverage, naming the City as a certificate holder entitled to notice of cancellation or nonrenewal:
 - 1. Public liability insurance for personal injury and property damage with an insurance carrier licensed to do business in the State of New York;
 - 2. An auto garage keeper's legal liability policy covering fire, theft and property damage that will cover any vehicle towed, impounded or stored; and
 - 3. Insurance policies as required by law under the Workers' Compensation Law (Chapter 41 of the Laws of 1914, as amended) and under the Disability Benefits Law (Chapter 600 of the Laws of 1949, as amended) for employees.
 - b. A statement from the Building Inspector or a certificate of occupancy in which the towing company is located and vehicles are to be stored that said locations and premises are in compliance with the municipality's building and zoning ordinances and a statement from the Fire Inspector that the premises are in compliance with all fire and safety codes.
 - c. Material identifying the applicant physically, two references for the applicant's good character and business responsibility and practices, and record of traffic infractions.
 - d. Payment of the fee required hereinafter.
- (2) In the event that any of the information contained in the initial license application shall change, the tow operator shall, within 10 days of such change, make application to amend its license so as to reflect the accurate information.
 - (3) The Chief of Police shall make such investigation as (s)he deems appropriate as to the qualifications and background of the owner and the operator of the towing company.
 - (4) Upon receipt of an application for a towing company license, the Chief of police shall investigate the location of the towing company and of the premises where towed vehicles are to be stored, to determine whether public safety problems exist.
- (c) The fee for a towing license shall be \$250 per year or any fraction of a year for each towing company or tow operator. Payment of the fee shall be due upon application for the license. The fee for renewal or amendment of a towing license shall be \$50 which shall be due upon application for such renewal or amendment. Such license fees shall be nonrefundable.
 - (d) The Chief of Police shall issue to a licensee a placard for each tow truck listed on his application that the licensee shall at all times prominently display on the right front

dashboard of each tow truck so that it is visible through the front windshield of said vehicle. Said placard shall contain the New York State vehicle identification number of the vehicle, the license number assigned to the towing company or tow operator and such other information as the Chief of police shall determine advisable. Said placard shall not be transferable from one tow truck to another.

- (e) On each side of every tow truck operated in the City by a licensee there shall be legibly inscribed the name and address of the licensee and the license number assigned by the Chief of Police.
- (f) *Denial, suspension or revocation of license.* After a hearing held on not fewer than 10 days' notice to the licensee, given either in person or by registered mail, addressed to the licensee at the address shown upon the most recent application of the licensee, the Chief of Police may deny a license or deny the renewal of a license to any applicant, and may suspend or revoke the license of any licensee:
 - (1) Who does not comply with the provisions of this article or any rule or regulation promulgated under this article.
 - (2) Who makes a material misrepresentation on a license application or renewal thereof.
 - (3) When the Chief of Police, after investigation of the applicant or licensee, deems the owner or operator unfit to conduct such towing business, based upon the determination of one or more of the following findings:
 - a. Denial or revocation of a towing license by any municipality.
 - b. Record of two or more complaints or reports of fraudulent practices regarding the applicant's, owner's, licensee's or operator's business practices, including incompetence or gross negligence in the conduct of the business, abusive conduct to motor vehicle owners or operators, or damage to vehicles towed, substantiated by the Chief of Police or other law enforcement agency in a two-year period immediately preceding the application.
 - c. Record of one or more convictions or guilty pleas to violations of this article or any rule or regulation promulgated under this article or any other municipality's ordinance in a two-year period immediately preceding the application.
 - d. One or more violations of any provision of the New York State Vehicle and Traffic Law or any federal, state or local law, ordinance, rule or regulation regarding the operation of his/her towing business in the two-year period immediately preceding the application or investigation.
 - e. There exists one or more judgments against the applicant, owner or operator that have

remained unsatisfied for more than 30 days after having been docketed in the Dutchess County Clerk's Office.

- (g) A towing company license shall expire on December 31 of every year.
- (h) A licensee shall submit to the Chief of Police an application for renewal not less than 30 days prior to the license expiration date.
- (i) No license shall be transferred to another person or vehicle.
- (j) The Chief of Police and only the Chief of Police may promulgate rules and regulations necessary to carry out the provisions of this section, but the Chief of Police may delegate to his or her designee any other duty or function set forth hereunder.
- (k) The failure to enforce any of the provisions of this article shall not be deemed a waiver thereof.

Section 13-313 Log book.

[Ord. of 10-23-2000, § 6; Ord. of 6-10-2002, § 1; L.L. No. 1-2005, 12-20-2004, § 1]

- (a) Each licensee shall be required to keep and maintain in each tow truck operated by the licensee a towing log book in which all towed vehicles from private property in the City shall be recorded. The log book shall be clearly marked on the outside cover "City of Poughkeepsie Log Book" and shall be exclusively utilized for vehicles towed pursuant to this article. Said log book shall be produced upon demand by any City of Poughkeepsie police officer.
- (b) Each licensee shall record in the log book as to each and every vehicle towed:
 - (1) The date of towing;
 - (2) The property address from which the vehicle was towed and the property address to where the vehicle was towed and stored;
 - (3) The time the vehicle was observed parking and the time the vehicle was towed;
 - (4) The name of the private property owner or authorized agent requesting the tow and the time of said request;
 - (5) The make, model, color and license plate number of the vehicle;
 - (6) The amount, if any, received by the licensee for the towing and impoundment of the vehicle.

Section 13-314 Immobilization of vehicles improperly parked on private property.

[Ord. of 10-23-2000, § 1; L.L. No. 8-2001, § 1; Ord. of 7-9-2001, § 1; Ord. of 6-10-2002, § 1; L.L. No. 1-2005, 12-20-2004, § 1]

- (a) No private parking facility operator, owner or other person in control of private property shall immobilize or cause to be immobilized upon such private property any motor vehicle unless such owner or person in control shall post and maintain upon such private property, signs in conformity with Section **13-310** of this chapter.
- (b) A vehicle may not be immobilized if it is occupied by any person.
- (c) No person may, under authority of this article, cause the immobilization of any ambulance, police vehicle, fire vehicle, civil defense emergency vehicle or emergency ambulance service vehicle, or any vehicle being used by an emergency responder while engaged in such emergency response.
- (d) The provisions of Section 3-311(g) and (h) shall be applicable to the immobilization of vehicles in addition to the towing of vehicles.
- (e) It shall be unlawful for any person to charge a fee in connection with the immobilization of a motor vehicle in excess of \$25, plus any and all applicable taxes. No additional charges of any description may be charged in connection with such immobilization or release from immobilization. No fee shall be charged for immobilization if the immobilized vehicle is subsequently towed from the parking lot.
- (f) No person shall affix, or cause to be affixed, an immobilization device to a vehicle sooner than five minutes after that vehicle has been improperly parked upon private property. If the owner or other person in control of the vehicle arrives at the scene prior to the time that the immobilization device is actually affixed to it, such owner or person in control of the vehicle shall be allowed to remove the vehicle from the private property without interference or charge.

Section 13-314.1 Booting license required.

[L.L. No. 1-2005, 12-20-2004, § 1]

- (a) No person shall boot a vehicle on private property within the City of Poughkeepsie without first having obtained either a booting license as provided for in this section or a towing license as provided for in Section **13-312** of this chapter. Nothing herein shall be construed as prohibiting any booting operator whose business is based outside the City from applying for the same license herein required and obtaining said license under the same terms as a business located within the City. As used in this section, the terms "owner," "operator," and "applicant" shall be deemed to include the booting operator and every individual, officer, director, shareholder, partner, member, employee, contractor, subcontractor or agent of such

booting operator.

(b) *Application procedure; compliance with additional standards; inspections.*

- (1) An application for a booting license shall be submitted to the Chief of Police. The application shall be made on such form as the Chief of Police shall prescribe and soliciting such information as the Chief shall reasonably require, and must be accompanied by each of the following items:
 - a. Certificates of insurance for the following insurance coverage, naming the City as a certificate holder entitled to notice of cancellation or nonrenewal:
 1. Public liability insurance for personal injury and property damage with an insurance carrier licensed to do business in the State of New York covering fire, theft and property damage that will cover any vehicle booted; and
 2. Insurance policies as required by law under the Workers' Compensation Law (Chapter 41 of the Laws of 1914, as amended) and under the Disability Benefits Law (Chapter 600 of the Laws of 1949, as amended) for employees.
 - b. Material identifying each applicant physically, two references for the applicant's good character and business responsibility and practices, and record of traffic infractions.
 - c. Payment of the fee required hereinafter.
- (2) In the event that any of the information contained in the initial license application shall change, the booting operator shall, within 10 days of such change, make application to amend its license so as to reflect the accurate information.
- (3) The Chief of Police shall make such investigation as (s)he deems appropriate as to the qualifications and background of the owner and the operator of the booting company.
- (c) The fee for a booting license shall be \$100 per year or any fraction of a year for each booting company or boot operator. Payment of the fee shall be due upon application for the license. The fee for renewal or amendment of a booting license shall be \$50 which shall be due upon application for such renewal or amendment. Such license fees shall be nonrefundable.
- (d) The Chief of Police shall issue to a licensee a placard for each vehicle used in the course of the licensee's booting operations listed on his application that the licensee shall at all times prominently display on the right front dashboard of each such vehicle so that it is visible through the front windshield of said vehicle. Said placard shall contain the New York State vehicle identification number of the vehicle, the license number assigned to the booting

company or boot operator and such other information as the Chief of Police shall determine advisable. Said placard shall not be transferable from one such vehicle to another.

- (e) On each side of every vehicle used in the course of the licensee's booting operations operated in the City there shall be legibly inscribed the name and address of the licensee and the license number assigned by the Chief of Police.
- (f) *Denial, suspension or revocation of license.* After a hearing held on not fewer than 10 days' notice to the licensee, given either in person or by registered mail, addressed to the licensee at the address shown upon the most recent application of the licensee, the Chief of Police may deny a license or deny the renewal of a license to any applicant, and may suspend or revoke the license of any licensee:
 - (1) Who does not comply with the provisions of this article or any rule or regulation promulgated under this article.
 - (2) Who makes a material misrepresentation on a license application or renewal thereof.
 - (3) When the Chief of Police, after investigation of the applicant or licensee, deems the owner or operator unfit to conduct such booting business, based upon the determination of one or more of the following findings:
 - a. Denial or revocation of a booting or towing license by any municipality;
 - b. Record of two or more complaints or reports of fraudulent practices regarding the applicant's, owner's, licensee's or operator's business practices, including incompetence or gross negligence in the conduct of the business, abusive conduct to motor vehicle owners or operators, or damage to vehicles booted, substantiated by the Chief of Police or other law enforcement agency in a two-year period immediately preceding the application;
 - c. Record of one or more convictions or guilty pleas to violations of this article, any earlier version of this article regulating the booting of vehicles on private property, or any rule or regulation promulgated under this article or any other municipality's ordinance in a two-year period immediately preceding the application;
 - d. One or more violations of any provision of the New York State Vehicle and Traffic Law or any federal, state or local law, ordinance, rule or regulation regarding the operation of his/her booting business in the two-year period immediately preceding the application or investigation.
 - e. There exists one or more judgments against the applicant, owner or operator that have remained unsatisfied for more than 30 days after having been docketed in the Dutchess County Clerk's Office.

- (g) A booting license shall expire on December 31 of every year.
- (h) A licensee shall submit to the Chief of Police an application for renewal not less than 30 days prior to the license expiration date.
- (i) No license shall be transferred to another person or vehicle.
- (j) The Chief of Police and only the Chief of Police may promulgate rules and regulations necessary to carry out the provisions of this section, but the Chief of Police may delegate to his or her designee any other duty or function set forth hereunder.
- (k) The failure to enforce any of the provisions of this article shall not be deemed a waiver thereof.

Section 13-314.2 Log book.

[L.L. No. 1-2005, 12-20-2004, § 1]

- (a) Each licensee shall be required to keep and maintain in each vehicle used in the course of booting operations by the licensee a booting log book in which all vehicles booted in the City shall be recorded. The log book shall be clearly marked on the outside cover "City of Poughkeepsie Booting Log Book" and shall be exclusively utilized for recording vehicles booted pursuant to this article. Said log book shall be produced upon demand by any City of Poughkeepsie police officer.
- (b) Each licensee shall record in the log book as to each and every vehicle booted:
 - (1) The date of booting;
 - (2) The property address at which the vehicle was booted;
 - (3) The time the vehicle was observed parking and the time the vehicle was booted;
 - (4) The name of the private property owner or authorized agent requesting the boot and the time of said request;
 - (5) The make, model, color and license plate number of the vehicle;
 - (6) The amount, if any, received by the licensee for the booting of the vehicle.

Section 13-315 Penalties for offenses.

[Ord. of 7-5-1994, § 1; L.L. No. 1-2005, 12-20-2004, § 1]

- (a) *Penalties established.*
 - (1) Any person who violates any provision of this article shall be punished as follows:

Official Minutes of the Common Council Meeting of February 3, 2020

- a. For the first violation, by a fine of \$250.
 - b. For the second violation within a period of 24 months of the date of the first violation, by a fine of \$500 or by imprisonment not exceeding three months, or both.
 - c. For any additional violations within a period of 24 months of the date of the first violation, by a fine of \$1,000 or by imprisonment not exceeding six months, or both.
- (2) Any such violation shall be deemed an offense.
- (b) In addition to the penalties hereinabove provided, the City of Poughkeepsie may institute any appropriate action or proceeding to prevent, restrain, correct or abate violations of this article or to prevent any illegal acts, conduct or business in violation of this article, including but not limited to requests for injunctive relief.
 - (c) Any person or party aggrieved by a violation of this article shall have a private right of action for damages or injunctive relief.

Section 13-316 Severability.

[Ord. of 3-26-2001, § 2; L.L. No. 1-2005, 12-20-2004, § 1]

If any provision, paragraph, word, section or article of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect.

O-20-01						
			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled		Councilmember Flowers	Voter	☒	☐	☐
		Councilmember McNamara	Voter	☒	☐	☐
		Councilmember Cherry	Voter	☒	☐	☐
		Councilmember R. Johnson	Voter	☒	☐	☐
		Councilmember Menist	Voter	☒	☐	☐
		Councilmember Petsas	Voter	☒	☐	☐
		Councilmember L. Johnson	Voter	☒	☐	☐
		Councilmember Brannen	Voter	☒	☐	☐
		Chair Salem	Voter	☒	☐	☐

X. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM CHIEF PAPE**, a communication regarding a proposed Inter-municipal Agreement with Dutchess County for the 911 backup room.

INTERMUNICIPAL AGREEMENT

THIS AGREEMENT, made this day of 2020, by and between the **COUNTY OF DUTCHESS**, a municipal corporation with offices at 22 Market St., Poughkeepsie, New York, 12601 (hereinafter referred to as the "COUNTY") and the **CITY OF POUGHKEEPSIE**, a municipal corporation with offices at the City Municipal Building, 62 Civic Center Plaza, Poughkeepsie, New York, 12601 (hereinafter referred to as the "CITY").

WITNESSETH:

WHEREAS, the County has been operating a county wide 9-1-1 system for over twenty years at its Public Service Answering Point (PSAP) located at 392 Creek Rd in the Town of Hyde Park, and

WHEREAS, while the City is part of the County's 9-1-1 system, the City operates its own PSAP located at the City Municipal Building and is responsible for receiving wireline 9-1-1 calls originating in the City of Poughkeepsie and dispatching wire line and wireless 9-1-1 calls originating in the City of Poughkeepsie, and

WHEREAS, the County and the City entered into two Intermunicipal Agreements dated December 15, 1998 and March 24, 2010 which described the parties' relationship as back-up PSAP sites for each other, and

WHEREAS, that Intermunicipal Agreement has expired, and the parties wish to enter into a new Intermunicipal Agreement which will describe the parties' relationship as back-up PSAP sites for each other,

NOW, THEREFORE, it is mutually agreed by and between the parties hereto as follows:

TERM OF AGREEMENT

This agreement will commence on February 1, 2020 and terminate on January 31, 2023, with the option to extend this agreement for three (3) individual one (1) year terms, unless otherwise terminated as set forth herein. This agreement may be renewed upon such terms and conditions as may be agreed to by the parties.

PAYMENT

As full and complete consideration for this agreement, the County shall pay the City a total sum as documented below:

Year 1: \$ 24,000.00
Year 2: \$ 24,960.00
Year 3: \$ 25,996.80
Year 4: \$ 27,036.67 OPTIONAL
Year 5: \$ 28,118.14 OPTIONAL
Year 6: \$ 29,242.87 OPTIONAL

The County shall make its annual payments to the City on or about March 1st of each year.

TERMINATION

Either Party shall terminate this agreement with no less than 180 days notice to the other party in writing. Upon termination, there shall be no further obligation or monies due by either party.

BACK-UP

As stated in the preamble to this agreement, the City will provide "rollover" capabilities for the County when their system is beyond capacity and the capability exists. The County will provide the same to the City as appropriate and the capability exists. The term back-up has many components as it relates to 9-1-1. These components are regularly changing and being upgraded. The County and the City will use the upgrades as appropriate and practical to meet the spirit of this agreement. The County and the City will develop Critical Failure Procedures based on these upgrades that will be mutually agreed. The components of backup as they relate to this agreement will be briefly outlined below. The parties agree that representatives of each municipality will meet annually and review and revise as needed the Standard Operating Guide.

CONSOLIDATED NEXT GENERATION 9-1-1 PHONE SYSTEM:

- (a) Each municipality will operate on consolidated shared phone system.
- (b) Overflow: In the event either municipality receives an overflow of calls, the other municipality will handle the overflow as the system allows
- (c) Disruption of Phone Lines: In the event that either municipality's phone lines are disrupted, the other municipality will answer the call as the capability exists and then advise the affected municipality of each call so that it can dispatch the call.

RADIO

Each municipality will continue to develop and partner in compatible radio systems. In the event either municipality's radio system is rendered inoperable, the other municipality will provide communications as capable.

EQUIPMENT AND TESTING

Each municipality will obtain and maintain the following equipment:

- 9-1-1 telephones including ANI/ ALI.
- Radio programming/modifications to handle police frequency (155 megahertz)
- Radio programming/modifications to handle EMS and fire frequency (450 megahertz).

COMPUTER AIDED DISPATCH SYSTEM (CADS)

Each municipality will maintain compatible CAD software at the same release level. Each municipality will obtain the necessary software licenses from Tyler Technologies. To ensure this compatibility, each agency will use copies of the same County wide geographic files.

All back up equipment will be tested on a monthly basis. The dates and duration of the back-up tests will be mutually agreed upon between representatives of both municipalities.

PERSONNEL

Each municipality will provide available personnel to handle an emergency until personnel from the other municipality arrives.

ADDITIONAL RADIO FREQUENCIES

The City will continue to provide the County additional radio frequencies 155.130 and 155.415. The City and the County will continue to share the use of these frequencies up to the termination and/or expiration of the agreement.

SPACE ALLOCATION

The City will continue to provide office space located at City Hall to the County as a permanent back-up location. The County and the City will mutually agree on all issues surrounding any renovations to the back-up PSAP location. In addition, there will be access to City Hall and enough parking for County personnel. The County will allocate the necessary space at the County PSAP to the City for call taking and dispatching in the event of an emergency.

EMERGENCY MEDICAL SERVICE

The County and City will continue to provide a mutually agreeable emergency medical service dispatch procedure. The parties are currently using the Medical Priority Dispatching System. The City and County agrees that it shall not change from this system unless a mutually agreed solution is selected.

CITY TO INDEMNIFY COUNTY

The City shall defend, protect and indemnify the County for damages to property, injury or death to persons resulting from the negligence of the City hereunder.

COUNTY TO INDEMNIFY CITY

The County shall defend, protect and indemnify the City for damages to property, injury or death to persons resulting from the negligence of the County hereunder.

Official Minutes of the Common Council Meeting of February 3, 2020

NOTICE: Except as otherwise provided in this Agreement, a bill, statement, notice or communication required to be given pursuant to this Agreement shall be made in writing and addressed to the following or such other persons as the parties may designate:

Emergency Response Commissioner
392 Creek Rd.
Poughkeepsie, NY 12601

City of Poughkeepsie Administrator
62 Civic Center Plaza
City Municipal Building
Poughkeepsie, NY 12601

City 9-1-1 PSAP
c/o The City of Poughkeepsie Police Chief
62 Civic Center Plaza
City Municipal Building
Poughkeepsie, NY 12601

SEVERABILITY

If any provision of this agreement shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provision shall not in any way be affected or impaired thereby.

SERVICE OF PROCESS

In addition to the methods of service allowed by the New York State Civil Service Practice Law and Rules ("CPLR"), the City hereby consents to service of process on it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon the City's actual receipt of process or upon the County's receipt of the return thereof by the United States Postal Service as refused or undeliverable. The City must promptly notify the County, in writing, of each and every change of address to which service of process can be made. Service by the County to the last known address shall be sufficient. The City will have thirty (30) days after service is complete in which to respond.

CAPTIONS

The captions are inserted only as a matter of convenience and reference, and in no way define, limit or describe the scope or intent of this Agreement nor in any way affect the terms hereof.

COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which shall be an original and shall constitute the same Agreement.

GENDER

Whenever words of the masculine or feminine gender appear in this Agreement, unless the sense of the sentence indicates otherwise, they shall be deemed to refer to both male or female persons. This construction shall apply to gender indicative suffixes or prefixes as well as to gender indicative words. Whenever the reference is to a corporation, board, body, group, organization or other entity comprising more than one person or to an assemblage of persons or to an inanimate object, the reference shall be construed to be neuter in gender.

ENTIRE AGREEMENT

The terms of this Agreement, including its attachments and exhibits, represent the final intent of the parties. Any modification, rescission or waiver of the terms of this Agreement must be in writing and executed and acknowledged by the parties with the same formalities accorded this basic Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

APPROVED AS TO FORM:

ACCEPTED: COUNTY OF DUTCHESS

County Attorney

Marcus J. Molinaro
County Executive

APPROVED AS TO CONTENT:

CITY OF POUGHKEEPSIE

Dana Smith
Commissioner, Emergency Response

By: _____
Robert Rolison
Mayor

2. **FROM DIRECTOR OF COMMUNITY ENGAGEMENT PENNEY**, a presentation regarding the 2020 Census.

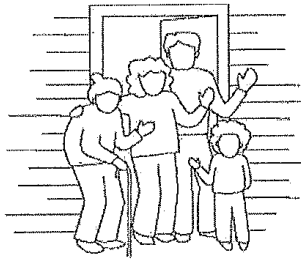
1/29/2020

CENSUS 101: WHAT YOU NEED TO KNOW

The 2020 Census is closer than you think!
Here's a quick refresher of what it is and why it's essential that everyone is counted.

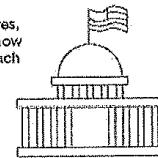
Everyone counts.

The census counts every person living in the U.S. once, only once, and in the right place.



It's about fair representation.

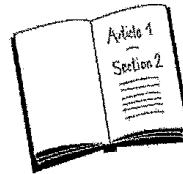
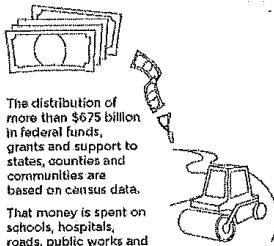
Every 10 years, the results of the census are used to reapportion the House of Representatives, determining how many seats each state gets.



CENSUS 101: WHAT YOU NEED TO KNOW

It's about \$675 billion.

The distribution of more than \$675 billion in federal funds, grants and support to states, counties and communities are based on census data. That money is spent on schools, hospitals, roads, public works and other vital programs.



It's in the constitution.

The U.S. Constitution mandates that everyone in the country be counted every 10 years. The first census was in 1790.

It's about redistricting.

After each decade's census, state officials redraw the boundaries of the congressional and state legislative districts in their states to account for population shifts.

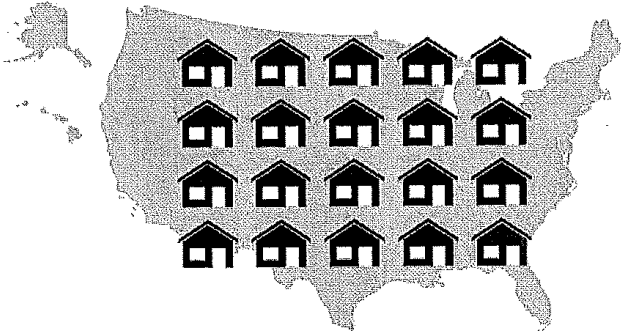


1/29/2020

Every household will have the option of responding online, by mail, or by phone.

Nearly every household will receive an invitation to participate in the 2020 Census from either a postal worker or a census worker.

 **95%** of households will receive their census invitation in the mail.



A map of the United States, including Alaska and Hawaii, is shown. Overlaid on the map are numerous black house icons, each with a white chimney and a white door, representing households across the country.

How the 2020 Census will invite everyone to respond



 **Almost 5%** of households will receive their census invitation when a census taker drops it off. In these areas, the majority of households may not receive mail at their home's physical location (like households that use PO boxes or areas recently affected by natural disasters).

 **Less than 1%** of households will be counted in person by a census taker, instead of being invited to respond on their own. We do this in very remote areas like parts of northern Maine, remote Alaska, and in select American Indian areas that ask to be counted in person.

Note: We have special procedures to count people who don't live in households, such as students living in university housing or people experiencing homelessness.

**United States[®]
Census
2020**

1/29/2020

WHAT WE WILL SEND IN THE MAIL	
On or between	You'll receive:
March 12-20	An invitation to respond online to the 2020 Census. (Some households will also receive paper questionnaires.)
March 16-24	A reminder letter.
If you haven't responded yet:	
March 26-April 3	A reminder postcard.
April 9-16	A reminder letter and paper questionnaire.
April 20-27	A final reminder postcard before we follow up in person.

We understand you might miss our initial letter in the mail.

- Every household that hasn't already responded will receive reminders and will eventually receive a paper questionnaire.
- It doesn't matter which initial invitation you get or how you get it—we will follow up in person with all households that don't respond.

United States Census 2020

The 2020 Census and Confidentiality

Your responses to the 2020 Census are safe, secure, and protected by federal law. Your answers can only be used to produce statistics—they cannot be used against you in any way. By law, all responses to U.S. Census Bureau household and business surveys are kept completely confidential.

Respond to the 2020 Census to shape the future.

Responding to the census helps communities get the funding they need and helps businesses make data-driven decisions that grow the economy. Census data impact our daily lives, informing important decisions about funding for services and infrastructure in your community, including health care, senior centers, jobs, political representation, roads, schools, and businesses. More than \$675 billion in federal funding flows back to states and local communities each year based on census data.



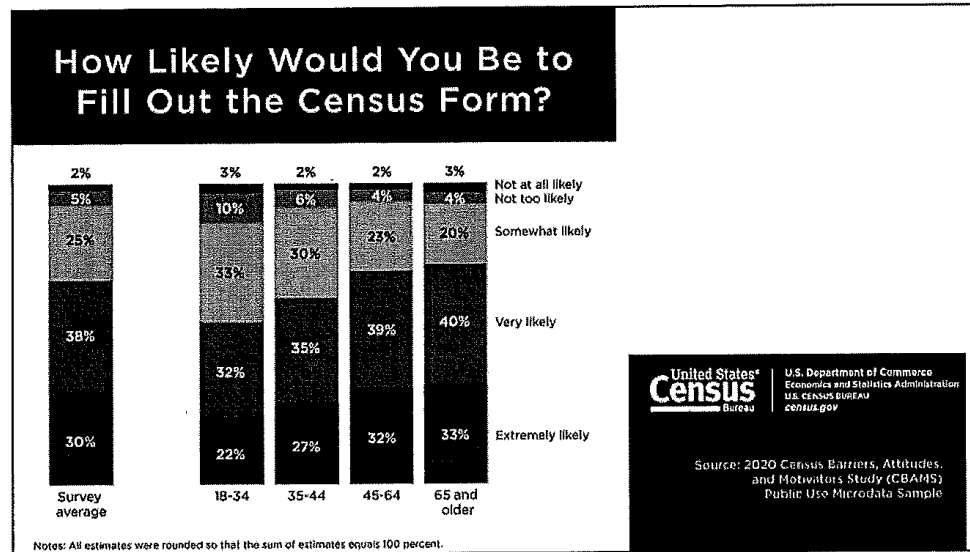
Your census responses are safe and secure.

The Census Bureau is required by law to protect any personal information we collect and keep it strictly confidential. The Census Bureau can only use your answers to produce statistics. In fact, every Census Bureau employee takes an oath to protect your personal information for life. Your answers cannot be used for law enforcement purposes or to determine your personal eligibility for government benefits.

By law, your responses cannot be used against you.

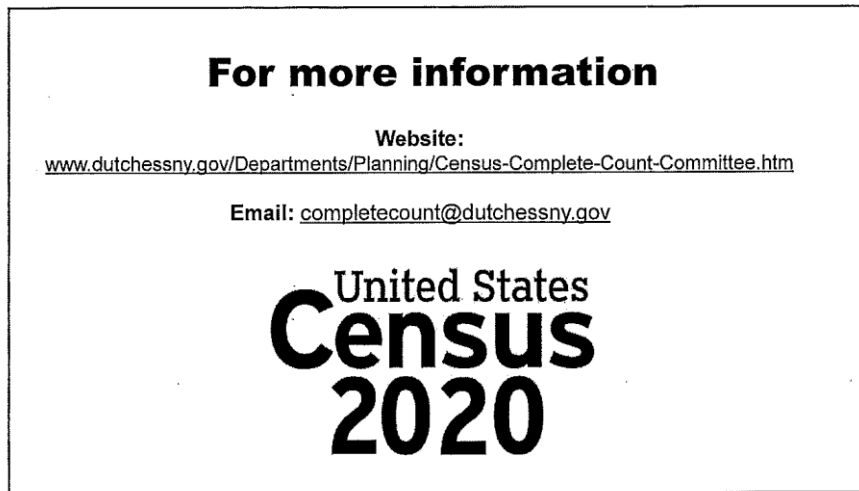
By law, your census responses cannot be used against you by any government agency or court in any way—not by the Federal Bureau of Investigation (FBI), not by the Central Intelligence Agency (CIA), not by the Department of Homeland Security (DHS), and not by U.S. Immigration and Customs Enforcement (ICE). The law requires the Census Bureau to keep your information confidential and use your responses only to produce statistics.

1/29/2020



Dutchess County 2020 Census Complete Count Committee

John Penney, Chairperson of the Dutchess County Complete Count Committee
Jonathan Bix, Executive Director of Nobody Leaves Mid-Hudson
Karen Dipnarine-Saroop, Executive Director of Dutchess County Interfaith Council
Brian Doyle, Chief Executive Officer of Family Services, Inc.
Jennifer Drake, Senior Program Officer of The Dyson Foundation
Danny Hairston, Coordinator of The Family Services SNUG program
Mario Johnson, Project Coordinator of Empire State After-School Extended Learning Time Program, Poughkeepsie City School District
Tom Lawrence, Director of Poughkeepsie Public Library District
Maffy Malaver, Director of ABC Latino
Gabriela Owen, Latino organizer
Eva Woods Peiró, Professor of Hispanic studies at Vassar College
Brian Riddell, Executive Director of Dutchess Outreach
Seema Rizvi, Representative of the Dutchess County Human Rights Commission
Christine Sergeant, Executive Director of North East Community Center
L'Quette Taylor, Founder and Chief Executive Officer of Community Matters 2



3. **FROM COUNCILMEMBER MENIST**, a communication regarding the Benny's 10th Inning License Agreement.
4. **FROM STEVEN PRICE**, a notice of property damage sustained on December 31, 2019. **Referred to Corporation Counsel**
5. **FROM WILBER & ASSOCIATES O/B/B USAA A/S/O SHANICE BROWN**, a notice of claim sustained on October 1, 2019. **Referred to Corporation Counsel**

X. NEW BUSINESS:

XI. OLD BUSINESS:

XII. ADJOURNMENT:

A motion was made by Councilmember Brannen and seconded by Councilmember Lorraine Johnson to adjourn the meeting at 8:34 p.m.

Dated: February 12, 2020

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, February 3, 2020

Respectfully submitted,

Deanne L. Flynn
City Chamberlain