



COMMON COUNCIL MEETING

Monday, September 18, 2023

Common Council Chambers

6:00 p.m.

Public Hearing: *for the purpose of receiving comments on the proposed introductory Local Law entitled, “Local Law to Override the Tax Levy Limit established in General Municipal Law §3-c”.*

6:30 p.m.

I. ROLL CALL

II. REVIEW OF MINUTES:

Common Council Meeting – August 28, 2023

Common Council Meeting – August 30, 2023

Common Council Special Informational Meeting – September 5, 2023

Common Council Meeting – September 5, 2023

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

IV. PUBLIC PARTICIPATION

V. CHAIRWOMAN’S COMMENTS AND PRESENTATIONS:

VI. MAYOR’S COMMENTS

VII. NEW & UNFINISHED BUSINESS & ANNOUNCEMENTS:

VIII. REPORTS OF COMMITTEES AND BOARDS:

1. REPORT FROM THE SALARY REVIEW COMMISSION

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS:

- 1. R-23-65**, Resolution Setting a Public Hearing on the Local Law Amending Chapter 6 “Building and Utility Codes,” Article I “Building Code” to Address Corporate Fines
- 2. R-23-66**, Resolution Setting a Public Hearing on the Local Law Amending Chapter 6 “Building and Utility Codes,” Article III “Plumbing Code”

3. **R-23-67**, Resolution Appointing Angela DeFelice to the City of Poughkeepsie Land Bank Board
4. **R-23-68**, Resolution Amending the 2023 Budget to Fund Fire Emergency Purchase and Repair

X. ORDINANCES AND LOCAL LAWS:

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

XII. ORDINANCES AND LOCAL LAWS:

1. **First Read:** O-23-XX, Ordinance Amending ‘No Parking Monday’ on Charles St.
2. **First Read:** O-23-XX, Ordinance Regarding Charles St. Handicap Amendment
3. **First Read:** O-23-XX, Ordinance Amending the North Bridge St. Loading Zone
4. **First Read:** O-23-XX, Ordinance Amending the Spruce St. Permit Parking

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

1. **FROM JAVON HUNTER**, a notice of personal injury sustained on July 31, 2023.
2. **FROM JADA JAMES**, a notice of personal injury sustained on July 31, 2023.
3. **FROM KEOSHA SMITH**, a notice of personal injury sustained on July 31, 2023.
4. **FROM ELVER MALDONADO**, a notice of personal injury sustained on July 31, 2023.
5. **FROM WANDA STREIT**, a notice of property damage sustained on August 28, 2023.

XIV. ADJOURNMENT:

**RESOLUTION
(R23-65)**

**RESOLUTION INTRODUCING LOCAL LAW AMENDING CHAPTER 6 “BUILDING
AND UTILITY CODES,” ARTICLE I “BUILDING CODE” TO ADDRESS
CORPORATE FINES**

INTRODUCED BY CHAIRWOMAN BROWN:

BE IT RESOLVED that an introductory Local Law entitled, “LOCAL LAW AMENDING CHAPTER 6 “BUILDING AND UTILITY CODES,” ARTICLE I “BUILDING CODE” TO ADDRESS CORPORATE FINES” be and hereby is introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law are laid upon the desk of each member of the Council; and

BE IT FURTHER RESOLVED that the Council shall hold a public hearing on said proposed local law to receive comment from the public on Monday, October 2, 2023 at 6:15 pm in the Common Council Chambers, Third Floor, City Hall, 62 Civic Center Plaza, Poughkeepsie, New York;

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto.

SECONDED BY COUNCILMEMBER _____ .

A LOCAL LAW AMENDING CHAPTER 6 “BUILDING AND UTILITY CODES,”
ARTICLE I “BUILDING CODE” TO ADDRESS CORPORATE FINES

SPONSOR:

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

~~STRIKETHROUGH INDICATES DELETION~~
BOLD and UNDERLINE INDICATES ADDED LANGUAGE

SECTION 1: City Code Chapter 6 “Building and Utility Codes,” Article I “Building Code,” Division I “Building Code” Section 6-11 is amended to read as follows:

Section 6-11. Penalties.

Any person, **firm, corporation, association or entity** violating any of the provisions of this Building Code or of the Uniform Code adopted in Section 6-3 shall be liable to a penalty not exceeding \$1,000 and, for a continuation of such violation, to an additional penalty not exceeding \$10 per day. **For the purposes of section 80.10 of the penal law, this shall constitute a special corporate fine.**

SECTION 2: City Code Chapter 6 “Building and Utility Codes,” Article I “Building Code,” Division II “Administration of Building Code” Section 6-39(o) is amended to read as follows:

(o) *Penalties.* Any person, firm, corporation, ~~or~~ association **or entity** violating the provisions of this section shall be subject to a penalty of \$300 per day, per property, for the following violations, which shall constitute distinct and separately chargeable violations. **For the purposes of section 80.10 of the penal law, this shall constitute a special corporate fine.**

(1) Failure to register a property as required in Section 6-39(c). The first date on which a penalty for failure to register may be imposed is the latter of the following:

- a. The 11th day after the owner is provided with written notice **of** the existence of a vacant property; **or**
- b. The 11th day after the initiation of foreclosure proceedings;~~;~~~~or~~
- c. ~~The 11th day after the effective date of this section.~~

(2) Failure to provide a cash bond as required in Section 6-39(j). The first date on which a penalty for failure to provide a cash bond may be imposed is the latter of the following:

a. The 21st day after the owner is provided with written notice of the existence of a vacant property; **or**

b. The 21st day after the initiation of foreclosure proceedings.;~~or~~

~~c. The 21st day after the effective date of this section.~~

(3) Failure to replenish a cash bond that the Building Inspector has drawn down pursuant to Section 6-39(m). The first date on which a penalty for failure to provide a cash bond may be imposed is the 11th day after the Building Inspector notifies the owner of the obligation to replenish the bond to the minimum of \$10,000.

(4) Failure to provide proof of liability insurance as required in Section 6-39(k). The first date on which a penalty for failure to provide a cash bond may be imposed is the latter of the following:

a. The 21st day after the owner is provided with written notice of the existence of a vacant property; **or**

b. The 21st day after the initiation of foreclosure proceedings.;~~or~~

~~c. The 21st day after the effective date of this section.~~

(5) Failure to rectify violations of Section 6-39(g). An owner who fails to remedy violations of Section 6-39(g) within 10 days of the date of a citation issued pursuant to Section 6-39(h) shall be subject to civil penalties as set forth in Sections 6-11 and 6-12 for each day the violation is unremedied or until the Building Inspector exercises his or her authority under Section 6-39(m) to take necessary steps to ensure the property is properly maintained pursuant to Section 6-39(g).

SECTION 3. This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Local Law be laid upon the desk of each council member; and

BE IT FURTHER RESOLVED, that the Common Council shall hold a public hearing on said proposed Local Law and that the City Clerk shall publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto.

SECONDED BY COUNCILMEMBER _____ :

**RESOLUTION
(R-23-66)**

**RESOLUTION INTRODUCING LOCAL LAW AMENDING CHAPTER 6 “BUILDING
AND UTILITY CODES,” ARTICLE III “PLUMBING CODE”**

INTRODUCED BY CHAIRWOMAN BROWN_____ :

BE IT RESOLVED that an introductory Local Law entitled, “LOCAL LAW AMENDING CHAPTER 6 “BUILDING AND UTILITY CODES,” ARTICLE III “PLUMBING CODE” be and hereby is introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law are laid upon the desk of each member of the Council; and

BE IT FURTHER RESOLVED that the Council shall hold a public hearing on said proposed local law to receive comment from the public on Monday, October 2, 2023 at 6:00 pm in the Common Council Chambers, Third Floor, City Hall, 62 Civic Center Plaza, Poughkeepsie, New York;

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto.

SECONDED BY COUNCILMEMBER_____ .

**A LOCAL LAW AMENDING CHAPTER 6 “BUILDING AND UTILITY CODES,”
ARTICLE III “PLUMBING CODE”**

SPONSOR:

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

**STRIKETHROUGH INDICATES DELETION
BOLD and UNDERLINE INDICATES ADDED LANGUAGE**

SECTION 1: City Code Chapter 6 “Building and Utility Codes,” Article III, “Plumbing Code,” Division 3 “Administration of Plumbing Standards of New York State Uniform Fire Prevention and Building Code” shall be amended to read as follows:

Section 6-138. Scope of Division

This division applies to the administration and enforcement of the plumbing and heating equipment standards of the New York State Uniform Fire Prevention and Building Code.

Section 6-139. Plumbing and heating work affected.

(a) All plumbing work, both public and private, in the City shall be performed pursuant to the Uniform Fire Prevention and Building Code and shall come under the provisions of this article. The ~~Plumbing Board and the Plumbing~~ **Building** Inspector shall have jurisdiction over all the plumbing work performed within the building line of any building in the City of Poughkeepsie pursuant to the Uniform Fire Prevention and Building Code applicable to plumbing. The City Engineer shall have jurisdiction over all laterals and water and sewer services from the building line to and including the connection with the City sewer and water system.

(b) All gas and oil heat-producing equipment installed in the City of Poughkeepsie, both new and replacement, shall come under the provisions of this article. The ~~Plumbing~~ **Building** Inspector shall have jurisdiction over all oil or gas heat-producing equipment and all fuel piping of such equipment.

Section 6-140. Previous rules.

Work in progress on the effective date of this article and work for which the plans have heretofore been approved are excepted from the provisions of this article and shall be performed in accordance with the Plumbing Code, local laws, rules and regulations and ordinances in force and effect prior to the effective date of this article.

~~Section 6-141. Qualifications of Plumbing Inspector.~~

~~The Plumbing Inspector shall meet the qualification of the Building Inspector as defined in Section 6-19 of this chapter. **RESERVED**~~

Section 6-142. Duties and powers of ~~Plumbing~~ Building Inspector.

(a) *Administration and enforcement.* Except as otherwise specifically provided by law, ordinance or regulation or except as herein otherwise provided, the ~~Plumbing~~ Building Inspector shall administer and enforce all of the provisions of laws, ordinances and regulations applicable to all plumbing and drainage work and heating equipment installations in the City, but shall not issue a permit until a building permit is first obtained from the Building Inspector on any new construction or alteration exceeding \$2,000 for plumbing or drainage work, unless for modifications of floors, walls, or ceilings or creating a new space.

(1) No building permit is required to be submitted for replacement of existing boilers or furnaces, or near boiler piping.

(2) A building permit is required when new heating systems are installed, or there are modifications of floors, walls, ceilings, or creating a new space, or if a new chimney is installed.

(b) *Permits; certificates; fees.* ~~(S)he~~ The Building Inspector shall issue all permits for plumbing, drainage or heating work and certificates of approval and charge the fees as established by the ~~Plumbing Board or Building Inspector~~ Common Council.

(c) *Revocation of permit or certificate.* ~~(S)he~~ The Building Inspector may revoke a permit or certificate of approval if there is a violation of any provision of this article or any false statement or misrepresentation in the application, plans or specifications.

(d) *Inspection, approval of work.* ~~(S)he~~ The Building Inspector shall inspect the construction and alteration of all plumbing and heating work performed in the City pursuant to the Uniform Fire Prevention and Building Code applicable to plumbing and heating. (S)he shall inspect the installation or replacement of all gas and oil heating equipment, including gas piping. No connections shall be made to water within his or her jurisdiction. (S)he shall inspect all water meters and reading devices to determine compliance with the applicable sections of this Code of Ordinances. No certificate of occupancy shall be granted by the Building Inspector until final inspection and approval of the plumbing and/or heating work and water meters and reading devices by the ~~Plumbing~~ Building Inspector. Application for final inspection must be made by the plumber or permit holder within 10 days after the plumbing or heating work has been completed. (S)he will inspect, at the request of the Commissioner of Public Works or City Engineer, waste water and storm drainage laterals to determine compliance with applicable sections of Chapter 14 1/2 of this Code and construction standards established by the City Engineer. The ~~Plumbing~~ Building

Inspector shall make a monthly report, in writing, to the City Administrator and the Plumbing Board, for plumbing work, of his or her inspections and the results thereof.

(e) *Issuance of notices or orders.* ~~(S)he~~ **The Building Inspector** shall issue appropriate notices or orders to correct unsanitary or defective conditions, to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to ensure compliance during the entire course of construction with the requirements of such laws, ordinances or regulations.

Section 6-143. Department records and reports.

The ~~Plumbing~~-**Building** Inspector shall keep permanent official records of all transactions and activities conducted by him, including all applications received, permits and certificates issued, fees charged and collected, inspection reports and notices and orders issued. All such records shall be public records ~~open for public inspection during business hours~~ **pursuant to the Freedom of Information Law.**

Section 6-144. Duties of other departments.

(a) Wherever the Building Inspector is required to issue a permit for any building construction or for the alteration, repair or replacement of any building or parts thereof, the Building Inspector or his or her duly appointed subordinate shall see that the plumbing, drainage and heating details are set forth on all plans and specifications to be submitted to the Building Inspector prior to the issuance of the building permit. For all work which requires a building permit, the fees, as set forth in Section 6-26, shall be paid by the building contractor or owner before the plumbing or heating permit is issued by the ~~Plumbing~~-**Building** Inspector.

(b) The City Engineer shall not issue a permit to anyone to connect with the sewers or with the water mains unless such person has obtained and shall produce a certificate of competency ~~from the Plumbing Board or a special permit from the Plumbing~~ **Inspector or is a qualified infrastructure contractor, as defined in Section 6-158(d) of the City Code.**

Section 6-145. Permits.

(a) *Plumbing work.* Before any plumbing work requiring authorization according to the provisions of this article shall be started, a permit shall be obtained from the ~~Plumbing~~-**Building** Inspector, except that no such permit shall be required for repairs involving only the working parts of a faucet or valve, the clearance of stoppages or stopping of leaks or the replacement of a defective faucet or valve. This permit shall be obtained by the master plumber who or whose firm has been employed to do the plumbing work or by a homeowner as provided in Subsection (b) below.

(b) *Homeowner's plumbing permit.* The owner of a one- or two-family owner-occupied dwelling used exclusively for residential purposes may obtain a permit to perform plumbing work as provided in this subsection. To obtain a permit a homeowner must satisfactorily pass a plumbing

examination created by the ~~Plumbing Board~~ **Building Inspector** pursuant to the guidelines as set forth in Section 6-136(b) of this chapter. This examination shall be required only for the first permit applied for by a homeowner and not thereafter. A homeowner will be limited, under this permit, to plumbing performed within building lines only. No work under the homeowner's plumbing permit shall be performed on sanitary sewers, water service lines, water meters or gas piping or on any public right-of-way or within any City street. As a condition to a permit being issued for plumbing work performed by a homeowner, the homeowner must certify to the ~~Plumbing~~ **Building** Inspector that he/she will comply with New York State law.

(c) *Septic tanks or cesspools.* Special permission must be obtained from Dutchess County Board of Health and the Superintendent of Public Works for the installation of septic tanks or cesspools before a permit can be issued by the ~~Plumbing~~ **Building** Inspector. Septic tanks and cesspools not otherwise provided for by this article shall be in accordance with Bulletin No. 1, New York State Department of Health.

(d) *Heating equipment.* Before any heating work requiring authorization according to the provisions of this article shall be started, a heating permit shall be obtained from the ~~Plumbing~~ **Building** Inspector, except that no such heating permits shall be required for heating repairs involving the working parts of a control or parts in the heating system, the installation of baseboard heat radiators, convectors and interconnecting piping, except for connection of water and heat piping to the heating equipment, and the repair and servicing of oil and gas heat-producing equipment. No heating permit shall be required for the installation of water heaters, except for installation of gas or oil piping and flue piping. However, a plumbing permit shall be required for the connection of the water heater to the potable water system. Any gas or oil heat-producing equipment installation or replacement shall require a heating permit. This permit shall be obtained by a heating contractor, licensed to do work pursuant to Section 6-179 of this chapter, who or whose firm has been employed to do the heating work. Oil and gas installation shall be conducted in accordance with the standards of the National Fire Prevention Association and the standards of the New York State Fire Prevention and Building Code.

(e) *Water connections.* Before any water connection on heat producing equipment is performed, a water connection permit shall be obtained from the ~~Plumbing~~ **Building** Inspector. This permit shall be obtained by a person or firm who is licensed to install heat-producing equipment pursuant to Section 6-179 of this chapter and who has been issued a special permit limited to water connections to heat producing equipment pursuant to Section 6-176 of this chapter.

(f) *Penalty.* Any person, business, partnership or corporation who violates any provisions of this section shall be liable for a penalty of ~~\$250~~ **500** per day of violation or imprisonment not exceeding

six months. **For the purposes of section 80.10 of the penal law, this shall constitute a special corporate fine.**

Section 6-146. Issuance of permits.

(a) Permits for plumbing work shall be issued by a ~~Plumbing~~ **Building** Inspector to licensed and registered master plumbers and to any person now authorized under Section 6-145 to perform plumbing work in one- and two-family dwellings as set forth in that section.

(b) Permits for installing new or replacement oil or gas heat-producing equipment shall be issued by the ~~Plumbing~~ **Building** Inspector. Said permit shall be issued to individuals or firms licensed to make such installation by the ~~Plumbing~~ **Building** Inspector, pursuant to Section 6-179 of this chapter and to any person now authorized under Section 6-145 to perform said work. ~~All licenses that have been issued by the Chief of the Fire Department shall be valid until the expiration thereof.~~

(c) Special permits for plumbing work may be issued by the ~~Plumbing~~ **Building** Inspector to any person holding a master plumber's license issued by a municipality of the State of New York, which has adopted the standards of the New York State Uniform Fire Prevention and Building Code applicable to plumbing to perform a specific job of plumbing work in the City of Poughkeepsie. Such permit may be granted without examination, upon application to the ~~Plumbing~~ **Building** Inspector and upon the payment of a fee of \$350 for each job. Such permit, and the work performed thereunder, shall be subject to the other provisions of this Code and shall expire when the specified job is completed. Limit of three permits per calendar year.

(d) Special permits shall be issued by the ~~Plumbing~~ **Building** Inspector, limited to water connections to heat-producing equipment, to persons or firms who have a license to install heat-producing equipment in the city as provided for in Sections 6-176 and 6-179 of this chapter.

Section 6-147. Plans covering work.

(a) No permit shall be issued until specifications and plans showing necessary details of all water pipe, sewer pipe, plumbing fixtures, heating equipment and necessary heating piping have been submitted to the ~~Plumbing~~ **Building** Inspector by the plumbing contractor, heating contractor, architect, engineer or owner, and these plans have been approved and signed by the ~~Plumbing~~ **Building** Inspector.

(b) If the plans indicate that any provisions of this article are not being complied with, they shall be rejected and no permit issued until they have been revised to comply with this article.

(c) If in the course of the work it is found necessary to make any change from the approved plans, specifications or work, revised plans and specifications shall be submitted and a supplementary permit shall be issued to cover the change before any part of the change is commenced.

Section 6-148. Fees.

A fee schedule shall be established by resolution of the Common Council of this City. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the issuance of all permits and/or certificates issued by the Department of Development pursuant to the administration of the Plumbing Code and the administration of plumbing standards of New York State Uniform Fire Prevention and Building Code.

Section 6-149. Correction of faulty conditions.

Upon receipt of written notice from the ~~Plumbing~~**Building** Inspector, the owner or lessee of real property shall be required to correct, within three days, any and all unsanitary or defective conditions which are likely to have an immediate detrimental effect upon the public health. He shall also correct, upon proper notice and within the time specified by the ~~Plumbing~~**Building** Inspector, other unsanitary or defective conditions which may over a period of time have an immediate detrimental effect upon public health. Any person, business, partnership or corporation who violates this section shall be liable for a penalty of \$100 and, for a continuation of such violation, to an additional penalty of \$10 per day or imprisonment of not more than six months.

Section 6-150. Right to inspect.

The ~~Plumbing~~**Building** Inspector or his/her subordinate or representative shall have the right to inspect any plumbing or heating system at such time as may be deemed necessary to protect the public health from an immediate danger. All other inspections shall be made at a reasonable time, in accordance with Section 6-29.

Section 6-151. Certificate of approval.

Upon the satisfactory completion and final inspection of the plumbing or heating system, a certificate of approval shall be issued by the ~~Plumbing~~**Building** Inspector to the owner.

Section 6-152. Appeal to Plumbing Board.

Any master plumber or owner of real property upon which plumbing work pursuant to this Code is being undertaken who shall feel aggrieved by any action or ruling of the ~~Plumbing~~**Building** Inspector in connection with plumbing work may appeal said action or ruling to the Plumbing Board. Said appeal shall be in writing and shall be made in accordance with the procedures to be prescribed by the Plumbing Board. The decision of the Plumbing Board on such appeal shall be final.

Section 6-153. Water meters, master pits and bypasses; penalties for offenses.

(a) *Water meters.* All water meters must be procured from the City of Poughkeepsie and shall be the property of the City of Poughkeepsie. All meters shall be installed at the expense of the property owner in such location, position and manner as to be readily accessible for reading and repair and

kept free from obstruction and shall be fully protected from freezing and damage at the property owner's expense. Remote reading devices may be installed by the city at locations on the outside surfaces of buildings, suitable to the city's building system, and may not be removed or damaged. Cables and/or wires connecting such devices with the meter shall be protected from damage by the property owner. A penalty of \$100 will be imposed when a meter up to two inches or \$200 for a meter larger than two inches is damaged by freezing or other negligence on the part of the property owner of the premises and/or when a remote reading cable and/or head is damaged by the property owner's negligence. Such penalty shall be in addition to the actual cost incurred by the city for the repair or replacement of the damaged meter. Said penalty and cost shall be charged against the land on which the building exists, as a municipal lien, or shall be added to the tax roll assessment or shall be levied as a special tax against the land upon which the building stands or shall be recovered in a suit at law against the owner. All meters, cables, remote reading heads and all other equipment accessory to the meters shall be under the exclusive control and be subject to inspection at all times by the ~~Plumbing~~ **Building** Inspector, City Water Department and/or other agents authorized by the City of Poughkeepsie. The ~~Plumbing~~ **Building** Inspector shall have the power and authority to cite any violations of this or any other chapter of the Code of Ordinances relative to water meters as authorized in Section 6-142 of this chapter.

(b) *Master pits.* All underground meter pits and backflow preventor pits must be constructed to City of Poughkeepsie specifications. Copies can be obtained from the Engineering Department. Pits must be kept free of debris and garbage and accumulation of water. When any water meter two inches or less in size that is located in a pit must be replaced, the water meter must be raised at least 18 inches from ground level upon replacement. A violation of this section will result in a civil penalty or fine of \$100 for each week the violation remains unabated.

(c) *Bypasses.* Meters that are installed inside buildings cannot have a bypass. A violation of this section shall result in a civil penalty or fine of ~~\$100~~ **250**.

(d) *Duty to disconnect the water supply and water meter ready devices.* It shall be the duty of any owner, agent or operator of a building to disconnect or shut off the connection to the city water supply and remove the water meter and reading device and return said meter and device to the city within 10 days after such building has been vacated, if so directed by the Building Department. Where an order to vacate has been served on the owner, agent, operator or occupant of such building, as provided in Section 6-35, the notice may state that the owner, agent or operator shall make such disconnection and furnish such certificate within 10 days after vacation of the premises. If the provisions of this section are not complied with, the ~~Plumbing~~ **Building** Inspector may serve written notice upon the owner, agent or operator of such building to comply with the provisions of said section. Such written notice shall be sent by certified mail to such owner, agent or operator, or if such owner, agent or operator is unknown, such notice may be affixed to or posted upon said

building. Such notice shall require compliance with the provisions of this section within 48 hours after the date of mailing or posting of such notice as aforesaid. If the person upon whom such notice is served fails, neglects or refuses to disconnect or shut off the water supply and water meter from such premises within 48 hours after the date of mailing or posting of such notice, the ~~Plumbing~~**Building** Inspector shall notify the Water Department to disconnect the water supply and water meter. The actual cost to the city of disconnecting the water supply and water meter, plus a sum equal to 5% of such cost for inspection and other additional costs in connection therewith, shall be certified by the ~~Plumbing~~**Building** Inspector and the Water Department to the Commissioner of Finance. The amount thereof shall become a lien upon the property, and the total amount thereof shall be added to and become a part of the next annual assessment roll at the time and in the manner prescribed by the Charter and/or Code of Ordinances of the city and subject to all the provisions thereof.

Section 6-154. Malfunction, testing and calibration of water meters.

(a) All water passing through a meter will be charged for, whether used or wasted. Meters will be tested at the property owner's request if the city believes there are reasonable grounds to establish that the meter is functioning improperly. If the meter is found to be accurate, the owner shall bear the expense of the test. A meter may be tested for accuracy at the discretion of the City of Poughkeepsie. Should a meter of a size two inches or less be found to be inaccurate, the city shall replace the meter or bear the cost of repair. Should a meter of a size greater than two inches be found to be inaccurate, the property owner shall, upon written notification by the ~~Plumbing~~**Building** Inspector, have said meter repaired or replaced within 15 days of such notice at the property owner's expense. Upon the failure of the owner to repair or replace the meter as ordered by the ~~Plumbing~~**Building** Inspector, the city shall be authorized to repair or replace the meter. The actual cost for repair or replacement of the meter and a service charge of 25% of the actual cost of repair or replacement shall be certified by the ~~Plumbing~~**Building** Inspector to the Commissioner of Finance and the amount thereof shall thereupon become a lien upon the property on which such meter is located and the total amount thereof shall be added to and become part of the next annual assessment roll at the time and in the manner prescribed by the Charter and/or Code of the city. In addition, failure to repair or replace the meter on a nonresidential property within 15 days shall result in the shutoff of the water to the property until the meter is repaired or replaced. In all cases the property owner must arrange for and bear the cost of installation of the meter. If a meter gets out of order and fails to register correctly, the owner will be charged the average daily consumption as shown by the meter when in accurate working condition under circumstances comparable to the time period being estimated.

(b) Property owners with meter(s) of a size greater than two inches shall be required to provide the city access to have the meter(s) tested and calibrated from time to time, at the city's discretion. The

~~Plumbing~~ **Building** Inspector shall make the necessary arrangements to have the meters tested and calibrated by an American Water Works Association (AWWA) certified company, which must provide written certification to the ~~Plumbing~~ **Building** Inspector within 30 days of the testing and calibration that the meter has been tested and calibrated and meets AWWA accuracy standards. Upon the failure of a property owner to provide the city access for said testing and calibration, the ~~Plumbing~~ **Building** Inspector shall refer the matter to the Corporation Counsel to obtain a court order allowing access for this purpose.

Section 6-155. Interference with water meter; penalties for offenses.

(a) No person shall interfere or tamper in any way with the meter or meter accessories or the valves and fittings connected thereto. Any person violating the provisions of this section shall be subject to a civil penalty or fine of \$100 for a water meter of two-inch size or less and \$200 for a water meter larger than two inches.

(b) Appropriate language, giving notice of the conduct prohibited by this section, shall be imprinted on all water bills in letters of the same size as the billing information.

Section 6-156. Injury to water meter seals prohibited; penalties for offenses.

(a) It shall be unlawful for any unauthorized person to willfully deface, mar, injure, disturb, break or destroy the seal of any water meter in the City of Poughkeepsie. Violation of this section shall be punishable by a civil penalty or fine of ~~\$100~~**250** in the case of a meter of two inches or less and ~~\$200~~**500** in the case of a meter of more than two inches.

(b) Appropriate language, giving notice of the conduct prohibited by this section, shall be imprinted on all water bills in letters of the same size as the billing information.

Section 6-157. Use of fire hydrants to bypass water meter prohibited; penalties for offenses.

No person or persons are permitted to open any fire plug or hydrant to draw water so as to bypass the water meter of any premises receiving the benefit of the water except under the direction of or with authorization of the city. Any violation of this section shall result in a civil penalty or fine of \$100 for each incident of such prohibited use.

Section 6-157.1. Replacement of water meters; access to City; penalties for offenses.

Effective from the date of passage of this section, the City, or agents of the City, shall replace all nonconforming water meters at its own expense. The City, or any agent of the City, shall be granted access to any building, dwelling or structure to replace all nonconforming water meters. Any property owner, or any employee or agent of any property owner, who fails to provide access to their property or otherwise interferes with the installation of new meters shall pay a surcharge of 100% on all water billings until such time as the nonconforming water meter has been replaced, plus the cost of installation of the new meter.

Section 6-157.2 Backflow prevention

(a) Purpose and intent:

- (1) Protect the public water supply served by the City of Poughkeepsie from the possibility of contamination or pollution which could backflow or back-siphon into the public water system.
- (2) Promote elimination or control of existing cross-connections, actual or potential, between its customer's potable water system and non-potable systems.
- (3) Provide for the maintenance of a continuing program of cross-connection control which will effectively prevent the contamination or pollution of all potable water systems by cross-connection.

(b) Backflow preventers must be installed on all service lines from the city's water supply system in all commercial buildings, multiple family buildings and those one- and two-family residential buildings that may require such devices, whether they are occupied or vacant, as long as city water is being supplied to these properties. All fire lines must be protected by at least a double check valve. The make, model and type of device, which will depend on the degree of hazard, must be on the current listing of acceptable devices issued by New York State Department of Health and meet City of Poughkeepsie Building and Engineering Department specifications.

(c) Unless otherwise specified, a backflow-prevention device(s) shall be installed at the official water meter on the user side of flow.

(d) All backflow-prevention devices shall be furnished, installed, tested, protected and maintained by the property owner at his/her own expense. Installation and replacement of all backflow-prevention devices shall be done by an approved City of Poughkeepsie licensed plumber and a permit issued by the Building Inspector for said work.

(e) If a required backflow device is not installed within 60 days of certified-mail notice to a property owner requiring it to install a required device, the delivery of water to the property may be discontinued by the City of Poughkeepsie Water System Operator.

(f) After installation, all backflow-prevention devices shall be tested in place by a certified backflow-prevention-device tester and inspected by the Building Inspector or authorized representative. The tester's certification report shall be furnished to the City's approved backflow device management company within 10 days after the test has been performed. A new service line will not be put into service before certification is received and approved by the Building Inspector, City Engineer and City of Poughkeepsie Water System Operator.

(g) Yearly tests shall be performed on each RPZ and DCV backflow-prevention device by a certified backflow-prevention-device tester to ensure continued reliability. The tester's report shall be forwarded to the City's approved Backflow device management company within 10 days after the test has been performed.

(h) Any backflow-prevention device which fails to function properly shall be repaired or replaced within 30 days or as directed by the Building Inspector, City Engineer and City of Poughkeepsie Water System Operator and tested after the repair or replacement by a certified backflow-prevention-device tester. The tester's written report shall be forwarded to the City's approved Backflow device management company within 10 days after the test has been performed.

(i) If a required recertification is not done within 30 days of certified-mail notice to do so, the water supply to the property may be discontinued by the City of Poughkeepsie Water System Operator.

(j) If it is determined by the Building Inspector, City Engineer, City of Poughkeepsie Water System Operator, the Dutchess County Department of Health or the New York State Department of Health that the failure to install or maintain required backflow prevention presents an imminent public health hazard, water supply to the property may be immediately discontinued by the City of Poughkeepsie Water System Operator, which shall give notice thereof to the property owner as promptly as is practicable under the circumstances.

(k) Penalties. Any person, firm, corporation, or association violating the provisions of this section shall be subject to penalties as per sections 6-11 and 6-12 of this chapter.

(l) Procedure for serving notices. Notices required pursuant to this section shall be served in the following manner:

(1) Personally on any owner as defined in this section;

(2) Posting upon a conspicuous portion of the building in violation and sending a copy of the same by certified mail, return receipt requested to the property owner.

SECTION 2: City Code Chapter 6 “Building and Utility Codes,” Article III, “Plumbing Code,” Division 4 “Certification and Registration of Plumbers” shall be amended to read as follows:

Section 6-158. Certificate of competency and registration required; penalties for offenses.

(a) No person may execute any plumbing work in the city without first obtaining from the ~~Plumbing Board~~ **Building Inspector** of the city a certificate of competency and registration as a licensed master plumber or a special permit from the ~~Plumbing Board~~ **Building Inspector**, pursuant to Section 6-146 of this Chapter; provided, however, that those persons now authorized to perform plumbing work in one- and two-family dwellings as set forth in Section 6-145 of this chapter shall not be subject to the requirements of this section and Sections 6-159 through 6-178 of this chapter.

(b) No person, corporation, firm or partnership shall engage in or conduct the trade or business of plumbing as an employing or master plumber and in such capacity execute any plumbing work in the City without first obtaining from the ~~Plumbing Board~~ **Building Inspector** a certificate of

competency and registration as a master plumber. A corporation shall also be subject to the requirements in Section 6-177 of this chapter in order to so conduct business in the City.

(c) There shall be two classifications of plumbing work that is performed within the City determined as follows:

1. **Master plumbing work. This work is for all interior piping found in buildings. Lines smaller than four inches in diameter will also qualify as plumbing in this class regardless of whether they are found inside or outside the building. Except for any exemptions noted in this chapter, this work must be performed by a master plumber as defined in this section.**
2. **Infrastructure plumbing work. This work is for underground piping found on the exterior of the building of four-inch or larger water, or storm drain piping. This shall include underground main service piping structure and extension piping. This work shall not require a licensed plumber, but shall require a qualified infrastructure contractor as defined in this section.**

(d) To be a qualified infrastructure contractor, the following documents must be provided to the administrative authority: a statement detailing a minimum of five years' experience in either water pipe installation, sewer pipe installation or storm drain installation as applicable to the work to be performed under the infrastructure certification. Proof of laser certification for sewer installation, if applicable; and three letters of recommendation from previous customers, preferably for state or municipal work. Once the documents detailing qualification are on file with the administrative authority and accepted, an infrastructure certification of competency can be issued by the Building Inspector that is valid for the duration of the calendar year after payment of \$500 and proof of workers' compensation insurance as required by New York State law and liability insurance in an amount not less than \$1,000,000. Should a contractor be unable to provide the documents required for qualification, he or she may appeal the decision to deny an infrastructure certification on this basis to the Commissioner of Public Works of the City of Poughkeepsie. The infrastructure contractor need not be a licensed plumber.

(e) Duration, renewal. All infrastructure certifications of competency shall expire on the 31st day of December of the year in which they are issued and shall be renewed within 30 days preceding such expiration by application to the Building Inspector upon payment of a renewal fee of \$250. Any lapse in renewal shall require payment of an administrative fee in an amount equal to the reapplication fee. The administrative fee shall be in addition to any reapplication fee.

(e) ~~(f)~~ Any person, business, partnership or corporation, firm or partnership who violates any provision of this section shall be liable to a penalty of \$500 per day of violation or imprisonment not exceeding six months. **For the purposes of section 80.10 of the penal law, this shall constitute a special corporate fine.**

Section 6-159. Application for examination.

Any person who desires to procure a certificate of competency shall make written application for an examination therefor upon a form to be prescribed by the ~~Plumbing Board~~ **Building Inspector** and shall pay a nonrefundable examination fee of \$250 at the time of filing such application. The applicant shall furnish to the ~~Board~~ **Building Inspector** such information as it may require concerning the applicant's reputation, character, fitness and qualifications to receive a certificate of competency.

Section 6-160. Prerequisites to examination.

No person shall be examined unless he shall have had either experience of at least five years as a journeyman plumber or graduation from a four-year college or university with major course work in plumbing engineering and, in addition, one year's experience as a journeyman plumber, or he shall be a licensed professional engineer.

Section 6-161. ~~Issuance of certificate; duration, renewal and fee.~~

~~If the applicant satisfactorily passes the examination, he shall receive a certificate of competency from the Plumbing Board. He shall pay a fee of \$100 therefor, and all such certificates shall expire on the 31st day of December of the year in which they have been issued and shall be renewed within 30 days preceding such expiration by application therefor to the Plumbing Board upon payment of an annual renewal fee of \$100. Any person who permits his certificate of competency to lapse may apply for and receive a certificate of renewal upon payment of a fee of \$200, and such renewal certificate shall expire on the 31st day of December of the year in which it was issued.~~
.RESERVED

Section 6-162. Reexamination of unsuccessful applicants.

In the event that the applicant fails to pass the examination, (s)he may apply for reexamination after a lapse of three months upon payment of a fee of \$250, and, in the event that such applicant again fails, (s)he may apply for a second reexamination after the lapse of a further period of one year upon the payment of an additional fee of \$250. The ~~Plumbing Board~~ **Building Inspector**, however, may in ~~its~~ **his/her** discretion permit the applicant to file a new application to examine him/her at any time before the lapse of said period of one year.

Section 6-163. Lost certificate of competency.

In case a certificate is lost by the holder thereof, the ~~Board~~ **Building Inspector** may issue a duplicate certificate of competency upon payment of a fee of \$75.

Section 6-164. Registration of master plumbers.

(a) *Issuance.* Any applicant who has successfully passed the examination provided for by this article and received a certificate of competency who desires to engage in the business of plumbing in the City and who wishes at any time to execute any plumbing work within the City shall register with the Building Inspector for such purpose; and upon payment of a fee as provided for in Section 6-26 above, the Building Inspector shall issue to him/her a certificate of registration appropriately lettered or marked "licensed plumber" and with such further marking or lettering as may from time to time be prescribed by this Code.

(b) *Duration, renewal.* All certificates of registration shall expire on the 31st day of December of the year in which they are issued and shall be renewed within 30 days preceding such expiration by application to the Building Inspector upon payment of a renewal fee as provided in Section 6-26 above. **In addition, proof of completion of four (4) hours of continuing education within the preceding year in a curriculum pertaining to master plumbing work must be submitted.**

Any lapse in renewal shall require payment of an administrative fee in an amount equal to the reapplication fee. The administrative fee shall be in addition to any reapplication fee. Prior to expiration, a licensed master plumber may petition the Building Inspector to suspend his/her license. A master plumber whose license has been suspended at the master plumbers request may reinstate such license at any time within five years from the date the license was scheduled to expire. There shall be a fee plus the license fee to reinstate a license that has been suspended at the request of the master plumber.

Section 6-165 through Section 6-166. (Reserved)

Section 6-167. Surrender of registration upon discontinuing business.

Any registered master plumber who retires from or discontinues doing business in plumbing work in the City shall surrender to the ~~Plumbing Board~~ **Building Inspector** his/her certificate of registration and (s)he shall not thereafter engage in such trade or business unless (s)he shall again register in accordance therewith.

Section 6-168. Change of place of business, retirement from business.

Every master plumber shall give immediate notice of any change in his place of business and, upon his retirement from business, shall surrender his certificate of registration to the ~~Plumbing Board~~ **Building Inspector**.

Section 6-169. (Reserved)

Section 6-170. Existing registration, certificates continued.

All certificates and registration of master plumbers at present in force are hereby continued and shall be renewable under the provisions of this Code.

Section 6-171. ~~Annual certification of master plumbers entitled to renewal certificate.~~

~~The Plumbing Inspector, in November of each year, shall certify to the Plumbing Board the master plumbers entitled to renewal of their licenses and shall report those not entitled to renewal.~~
RESERVED.

Section 6-172. Misuse of certificate of competency and registration.

No master plumber shall allow his name to be used by any person, directly or indirectly either to obtain a permit or to do any work under his certificate of competency and registration.

Section 6-173. Investigation, prosecution for misuse of license.

The ~~Plumbing~~ **Building** Inspector shall investigate the registration and license of every master plumber and shall ~~promptly report to the Plumbing Board~~ **review** any violation of the provisions of this article relating to the loaning, renting, selling or transferring of the certificate of registration, and the ~~Plumbing~~ **Building** Inspector shall immediately ~~apply to the Plumbing Board for the forfeiture of~~ **suspend** the certificate of registration of any master plumber who shall have loaned, rented, sold or transferred such certificate in violation of this article.

Section 6-174. Violation of rules.

(a) *Notice required.* Whenever any inspector or other person reports a violation of any rules and regulations for plumbing or a deviation from any officially approved plan or specification for plumbing filed with the ~~Plumbing Board~~ **Building Inspector**, the ~~Plumbing~~ **Building** Inspector shall first serve a notice of the violation thereof upon the master plumber doing the work and shall advise the Plumbing Board of such action.

(b) *Service of notice.* Such notice shall be served personally or by registered mail, and if by registered mail, it shall be addressed to such master plumber at the address registered by him with the ~~Plumbing Board~~ **Building Inspector**.

(c) *Compliance required.* Unless the violation is removed within three days after the service or mailing of such notice, exclusive of the day of service or mailing, or within such other time as prescribed by the ~~Plumbing~~ **Building** Inspector, the Plumbing Board may proceed according to law.

Section 6-175. Denial, cancellation of registration.

(a) *Denial.* There shall be no registration as master plumber or renewal of such registration or granting of a second permit to any person found guilty of violating any of the provisions of this Code or not having paid in full any amounts due and owing the City for permits issued or services

rendered by the City with respect to plumbing work performed by the master plumber who, or whose firm, has been employed to do the plumbing work or not having disposed of all complaints entered against him in the manner satisfactory to the ~~Plumbing Board~~ **Building Inspector**.

(b) *Cancellation.* Any registration as master plumber or renewal thereof or special permit may be canceled by the ~~Plumbing Board~~ **Building Inspector** upon proof of any violation of any provision of this Code after a hearing is held before said ~~Board~~ **the Building Inspector**. The alleged violator shall be given at least 10 days' notice, in writing, of such hearing, which notice shall also state the time, place and grounds of the complaint in sufficient detail to inform the alleged violator of the charge or charges he may be called upon to meet at such hearing.

Section 6-176. Special permits for water connections for heat-producing equipment.

(a) Special permits shall be granted for water connections for the installation of heat-producing equipment, to a person or firm who is licensed to install heat-producing equipment pursuant to Section 6-179 of this chapter and has satisfactorily passed a test, given by the ~~Plumbing Board~~ **Building Inspector** of the City of Poughkeepsie. Water connections shall be any water connection on the heat-producing equipment-side supply valve and any other water connections within five feet horizontally. All other connections on portable water systems shall be subject to the requirements in Section 6-158(a) and Section 6-145(a) of this chapter.

(b) There shall be a fee of ~~\$50~~**150** for each application filed for a special permit for water connections to a licensed person or firm for the installation of heat-producing equipment. This fee shall be nonrefundable. All special permits for water connections shall expire on June 1 ~~30~~ of each calendar year and must be renewed on an annual basis, within 30 days preceding the expiration date on the application, to the ~~Plumbing~~ **Building** Inspector. The fee of ~~\$50~~**150** for the renewal is made payable to the City of Poughkeepsie. All special permits shall be deemed null and void if the heating license obtained pursuant to Section 6-179 of this chapter is not renewed.

Section 6-177. Corporations may conduct business.

A domestic corporation desiring or intending to conduct the trade, business or calling of a plumber or of plumbing in the City, as an employing or master plumber, may do so, provided that one or more officers of such corporation separately or aggregately actually hold and own at least 51% of the issued and outstanding capital stock of said corporation, and provided that each of such officers holding such percentage of the stock is the holder of a certificate of competency of such board of the City in which it conducts or proposes to conduct such business. In case one or more officers of a corporation engaged in such business shall die, being the holder of a certificate of competency, the corporation may continue the business during the time necessarily required for the administration of the estate of such deceased officer, not exceeding two years from the granting of letters, provided that one or more officers of the corporation is the holder of a certificate of competency and, together with the legal representatives of such deceased officer or officers,

actually owns and holds at least 51% of the issued and outstanding capital stock of said corporation. Each and every member of said corporation holding a certificate of competency shall comply with all the rules and regulations applicable to master or employing plumbers.

Section 6-178. Penalties.

Any person to whom a sign has been issued a sign pursuant to this division who shall loan, rent, sell or transfer the same to another person, whether such person is entitled to receive a similar sign or not, or otherwise willfully violates the provisions of this division, shall be subject to the penalties as prescribed in Section 6-11 for violation of the Building Code and, in addition thereto, shall forfeit his license and certificate of competency.

SECTION 3. This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Local Law be laid upon the desk of each council member; and

BE IT FURTHER RESOLVED, that the Common Council shall hold a public hearing on said proposed Local Law and that the City Clerk shall publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto.

SECONDED BY COUNCILMEMBER _____ :

RESOLUTION
(R-23-67)

INTRODUCED BY CHAIRWOMAN BROWN_____:

WHEREAS, pursuant to the by-laws of the Dutchess County-Poughkeepsie Land Bank (the DCP Land Bank), two members of the Board of Directors are appointed by the City of Poughkeepsie Common Council; and

WHEREAS, the Common Council has previously appointed Angela DeFelice to serve on the DCP Land Bank and now wishes to reappoint her.

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby reappoints Angela DeFelice to the Dutchess County-Poughkeepsie Land Bank for a term of three (3) years.

SECONDED BY _____.

R E S O L U T I O N
(R-23-68)

INTRODUCED BY CHAIRWOMAN BROWN _____:

WHEREAS, the Common Council by resolution R-22-93 adopted a budget for the fiscal year 2023 (the “2023 Budget”); and

WHEREAS, the Common Council wishes to amend the 2023 Budget to reallocate \$65,000 from DPW – Street/Parking Lot Paving Misc. to be used as funding for Fire Equipment – Emergency Purchase and Repair.

NOW, THEREFORE,

BE IT RESOLVED, that the 2023 Budget adopted by the Common Council as Resolution R-22-93 is amended as shown on Schedule A, annexed hereto and made a part hereof.

SECONDED BY _____.

Schedule A

To transfer funds from ARPA street repairs/supplemental paving to ARPA Fire apparatus replacement and repairs.

G/L	Item	Cost
01-08-5110 7442.AR	Street/Parking Lot Paving Misc. (suppl. to grants)	(\$65,000)
01-10-3410 7212.AR	Fire Equipment- Emergency Purchase & Repair	\$65,000
TOTAL:		\$0

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

(O-23-##)

INTRODUCED BY COUNCILMEMBER LONG:

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

SECTION 1: §13-189.2 is hereby amended by the following removal:

Section 13-189.2 ~~Parking Prohibited Between 9:00 A.M. Noon on Mondays.~~

Upon the removal of signs giving due notice thereof, the following areas shall no longer be designated as No Parking Monday between Monday 9:00 a.m. to Noon and are to be utilized only for the purpose set forth in this Article:

Charles St., North side,;

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____:

ADDITIONS denoted by Underlining and Bold

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

(O-23-##)

INTRODUCED BY COUNCILMEMBER LONG:

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

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

Section 13-269 -Handicapped parking areas designated.

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

CHARLES ST., North side, beginning 100 feet West of its intersection with North Bridge St., and continuing West for a distance of 15 feet, for one parking space.

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____:

ADDITIONS denoted by Underlining and Bold

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

(O-23-##)

INTRODUCED BY COUNCILMEMBER LONG:

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

SECTION 1: §13-211.1 is hereby amended by the following removal:

Section 13-211.1 -General Vehicle Loading Zone.

Upon the removal of signs giving due notice thereof, the following areas shall no longer be designated as General Vehicle Loading Zone and are to be utilized only for the purpose set forth in this Article:

NORTH BRIDGE ST., West side, beginning 40 feet north of Mill Street to a point 40 feet northerly therefrom;

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____:

ADDITIONS denoted by Underlining and Bold

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

(O-23-##)

INTRODUCED BY COUNCILMEMBER LONG:

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

SECTION 1: §13-126 is hereby amended by the following addition:

Section 13-126 -Permits For Public Permit System

Upon the installation of signs giving due notice thereof, the following areas shall be designated as part of the Public Permit System – District 2 and are to be utilized only for the purpose set forth in this Article:

Spruce St., Both sides, beginning west of its intersection with Albany St.

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____:

ADDITIONS denoted by Underlining and Bold

NOTICE OF CLAIM

-----X
In the Matter of the Claim of

JAVON HUNTER

-against-

CITY OF POUGHKEEPSIE, COUNTY OF DUTCHESS AND DUTCHESS COUNTY
DEPARTMENT OF PUBLIC WORKS
-----X

To: City of Poughkeepsie
1 Civic Center Plaza
Poughkeepsie, NY 12601

County of Dutchess
22 Market Street
Poughkeepsie, NY 12601

Dutchess County Department of Public Works
626 Dutchess Turnpike
Poughkeepsie, NY 12603

1. The name and address of the claimant and claimant's attorneys:

Claimant

Javon Hunter
139 Sickles Avenue
New Rochelle, NY 10801

Attorneys

OFSHTEIN LAW FIRM, P. C.
398 Kings Highway
Brooklyn, New York 11223
(718) 455-5252
eugene@olf.nyc

2. **Nature of Claim:** To recover money damages for personal injuries, pain and suffering, medical expenses and related damages incurred by and on behalf of claimant, Javon Hunter, by reason of the negligence, recklessness and carelessness of City of Poughkeepsie, County of Dutchess and Dutchess County Department of Public Works, its agents, servants, employees and/or licensees in the ownership, operation, construction, inspection and control of Academy Street at its intersection with Franklin Street, County of Dutchess, State of New York.

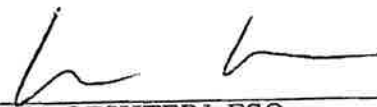
3. **The time when, the place where and the manner in which the claim arose:** Said claim arose on July 31, 2023, at approximately 01:59 p.m. Claimant, Javon Hunter, was a lawful passenger in a 2011 Ford, motor vehicle bearing State of New York registration number KUR1586, traveling on Academy Street at its intersection with Franklin Street, County of Dutchess, State of New York. At the aforesaid intersection plaintiff's vehicle was struck by a 2023 Hyundai, motor vehicle bearing State of New Jersey registration number W38SEr. The collision was due to a malfunctioned traffic light and or missing traffic control device at said intersection resulting in injuries to the plaintiff by reason of the negligence, recklessness and

carelessness of City of Poughkeepsie, County of Dutchess and Dutchess County Department of Public Works, its agents, servants, employees and/or licensees; in that City of Poughkeepsie, County of Dutchess and Dutchess County Department of Public Works, in that said defendants carelessly, negligently and recklessly operated, maintained, managed and controlled the aforesaid intersection, and in particular allowing the said intersection to be, become and remain uncontrolled by a malfunctioned traffic light and or missing traffic control device in failing to inspect said intersection, and in causing, permitting and allowing said intersection to remain with a malfunctioned traffic light and or missing traffic control device, in allowing said intersection to remain defective for an excessive and unreasonable period of time, despite actual and constructive notice, in failing to take any necessary steps to alleviate said condition and failing to erect barricades or otherwise provide warnings to prevent a hazardous and dangerous condition to exist and from endangering the general public and particularly, these plaintiffs, and in other wise acting in a careless, negligent and reckless manner, in failure to inspect and fix said malfunctioned traffic light and or missing traffic control device and in failing to properly control the intersection.

4. Claimant, Javon Hunter, sustained multiple bodily injuries, including, but not limited to: lower back, upper back, left shoulder, right shoulder, left knee, right knee, left hip and right hip, the full extent of which are as yet unknown and which have caused claimant to incur and to continue to incur expenses for medical attention and treatment and caused claimant to be absent from employment with a resultant loss therefrom in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

You are hereby notified that unless said claim is adjusted and paid within the time provided by law from the date of presentation to you, the claimants intend to commence an action on this claim.

Dated: Brooklyn, New York
August 18, 2023


AKIVA OFSHTEN, ESQ

VERIFICATION

STATE OF NEW YORK)ss:

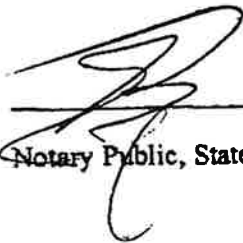
COUNTY OF KINGS

Javon Hunter, being duly sworn, deposes and says, that deponent is the claimant in the within action; that deponent has read the foregoing **NOTICE OF CLAIM**, and knows the contents thereof; that the same is true to deponent's own knowledge, except as to those matters stated to be alleged upon information and belief, and as to those matters, deponent believes it to be true.

x Javon Hunter

Sworn to before me this 18 day,

of August, 2025



Notary Public, State of New York

Eugene Kazakevich
Commissioner of Deeds
City of New York, No. 5-1863
Cert. Filed in Richmond County
Commission Expires on May 01, 2025

New York State Department of Motor Vehicles

POLICE ACCIDENT REPORT

MV-104A (3/04)

Local Codes
23-20161
Q30202H14NW7

☐ AMENDED REPORT

1. Accident Date Month: 07, Day: 31, Year: 2023		Day of Week MONDAY		Military Time 13:59		No. of Vehicles 2		No. Injured 0		No. Killed 0		Not Investigated at Scene ☐		Left Scene ☐		Police Photos ☐ Yes ☒ No	
2. VEHICLE 1 - Driver License ID Number: 220921870, State of Lic. NY Driver Name - exactly as printed on license: ALI, MOHSIN Address (Include Number and Street): 1006 BEEKMAN RD APT 1, City or Town: HOPEWELL JCT, State: NY, Zip Code: 1253300 Date of Birth: 03/28/1994, Sex: M, Unlicensed: ☐ , No. of Occupants: 05, Public Property Damaged: ☐ Name - exactly as printed on registration: ALI, MOHSIN, Sex: M, Date of Birth: 03/28/1994 Address (Include Number and Street): 1006 BEEKMAN RD APT 1, City or Town: HOPEWELL JCT, State: NY, Zip Code: 1253300 Plate Number: KUR1586, State of Reg. NY, Vehicle Year & Make: 2011 FORD, Vehicle Type: 4DSD, Ins. Code: 639																	
3. VEHICLE 2 - Driver License ID Number: G09364116305022, State of Lic. NJ Driver Name - exactly as printed on license: GAWLIK, JOSHUA GIL C Address (Include Number and Street): 70 TRINITY ST, City or Town: NEWTON, State: NJ, Zip Code: 0786022 Date of Birth: 05/05/2002, Sex: M, Unlicensed: ☐ , No. of Occupants: 01, Public Property Damaged: ☐ Name - exactly as printed on registration: GAWLIK, JOSHUA GIL C, Sex: M, Date of Birth: 05/05/2002 Address (Include Number and Street): 70 TRINITY ST, City or Town: NEWTON, State: NJ, Zip Code: 0786022 Plate Number: W3BSER, State of Reg. NJ, Vehicle Year & Make: 2023 HYUN, Vehicle Type: PICK, Ins. Code: 989																	
4. Violation Section(s):																	
5. Check if involved vehicle is: ☐ more than 95 inches wide; ☐ more than 34 feet long; ☐ operated with an overweight permit; ☐ operated with an overdimension permit. VEHICLE 1 DAMAGE CODES: Box 1 - Point of Impact: 2, 1, 2, 0 Box 2 - Most Damage: 2, 0, 3, 0, 4, 0 Enter up to three more damage codes: 2, 0, 3, 0, 4, 0 Vehicle By: REDLS Towed To: BEEKMAN (RESID)																	
6. Check if involved vehicle is: ☐ more than 95 inches wide; ☐ more than 34 feet long; ☐ operated with an overweight permit; ☐ operated with an overdimension permit. VEHICLE 2 DAMAGE CODES: Box 1 - Point of Impact: 2, 0, 3, 0, 4, 0 Box 2 - Most Damage: 2, 0, 3, 0, 4, 0 Enter up to three more damage codes: 2, 0, 3, 0, 4, 0 Vehicle By: REDLS Towed To: REDLS																	
7. Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles. Rear End, Left Turn, Right Angle, Right Turn, Head On, Sideswipe (same direction), Left Turn, Right Turn, Sideswipe (opposite direction). ACCIDENT DIAGRAM: [Diagram showing a right angle collision between Vehicle 1 and Vehicle 2.]																	
8. Cost of repairs to any one vehicle will be more than \$1000. ☐ Unknown/Unable to determine ☒ Yes ☐ No																	
9. Reference Marker, Coordinates (if available), Latitude/Northing, Longitude/Easting, Place Where Accident Occurred: County DUTCHESS, City of Poughkeepsie, Road on which accident occurred ACADEMY ST, at 1) intersecting street FRANKLIN STREET, or 2) _____																	
10. Accident Description/Officer's notes: V1 was traveling south on Academy Street. V2 was traveling west on Franklin Street. V1 stated he had a green light and when he attempted to drive through the intersection of Academy and Franklin he was struck by V2. V2 stated he approached the intersection of Academy and Franklin and he noticed the traffic light was not working and did not have any lights. V2 stated he slowed down to cross the intersection then attempted to drive through and was struck by V1. V2 has dash video camera footage showing the traffic light was not working. V1																	
11. ALL INVOLVED																	
12. Names of all involved: ALI, MOHSIN, HUNTER, JAVON, SMITH, KEOSHA, JAMES, JADA, RODGERS, WINTER, GAWLIK, JOSHUA GIL C																	
13. Date of Death Only																	
14. Officer's Rank: POLICE, and Signature: [Signature], Print Name: CHRISTOPHER WARRICK, Badge/ID No.: 6943, NCIC No.: 01302, Precinct/Post Troop/Zone: _____, Station/Beat Sector: _____, Reviewing Officer: EGAN, MICHAEL, Date/Time Reviewed: 08/06/2023 10:19																	

New York State Department of Motor Vehicles
POLICE ACCIDENT REPORT
MV-104A (3/04)

Local Codes
23-20161

030202H14NW7

☐ AMENDED REPORT

[illegible]

Local Codes
23-20161

Q30202R14NW7

New York State Department of Motor Vehicles
POLICE ACCIDENT REPORT
MV-104A (3/04)☐ AMENDED REPORT

1	Accident Date Month: 07 Day: 31 Year: 2023		Day of Week MONDAY	Military Time 13:59	No. of Vehicles 2	No. Injured 0	No. Killed 0	Not Investigated at Scene ☐	Left Scene ☐	Police Photos ☐ Yes ☒ No	20	
2	VEHICLE				☐ VEHICLE ☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN VEHICLE DAMAGE CODES:							21
3	Driver Name (Last, First, Middle Initial)				Driver Name (Last, First, Middle Initial)							22
4	Address (Include Number and Street)				Address (Include Number and Street)							23
5	City/Town/Village				City/Town/Village							24
6	State				State							25
7	Zip Code				Zip Code							26
8	Vehicle Make				Vehicle Make							27
9	Vehicle Model				Vehicle Model							28
10	Vehicle Year				Vehicle Year							29
11	Vehicle Color				Vehicle Color							30
12	Vehicle License Plate				Vehicle License Plate							31
13	Vehicle Damage Codes				Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles. Rear End Left Turn Right Angle Right Turn Head On Sideways (same direction) Left Turn Right Turn Sideways (opposite direction) ACCIDENT DIAGRAM Cost of repairs to any one vehicle will be more than \$1000. ☐ Unknown/Unable to determine ☐ Yes ☐ No							32
14	VEHICLE DAMAGE CODING: 1-13 SEE DIAGRAM ON RIGHT 14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER				Reference Marker Coordinates (if available) Latitude/Northing: Longitude/Easting: Place Where Accident Occurred: County ☐ City ☐ Village ☐ Town of _____ Road on which accident occurred _____ (Route Number or Street Name) at 1) intersecting street _____ (Route Number or Street Name) or 2) _____ of _____ (Allpoint, Nearest intersecting Route Number or Street Name)							33
15	Accident Description/Officer's notes Witness #1 - BENJAMIN BRUNO (646) 247-7238				Names of all involved Date of Death Only							34

ALL INVOLVED

8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names of all involved	Date of Death Only
A												
B												
C												
D												
E												
F												
Officer's Rank and Signature POLICE OFFICER		Badge No. 6943		NCIC No. 01302		Precinct/Post Troop/Zone		Station/Beat Sector		Reviewing Officer EGAN, MICHAEL		Date/Time Reviewed 08/06/2023 10:19
Print Name in Full CHRISTOPHER WARRICK												

NOTICE OF CLAIM

-----X
In the Matter of the Claim of

JADA JAMES

-against-

CITY OF POUGHKEEPSIE, COUNTY OF DUTCHESS AND DUTCHESS COUNTY
DEPARTMENT OF PUBLIC WORKS
-----X

To: City of Poughkeepsie
1 Civic Center Plaza
Poughkeepsie, NY 12601

County of Dutchess
22 Market Street
Poughkeepsie, NY 12601

Dutchess County Department of Public Works
626 Dutchess Turnpike
Poughkeepsie, NY 12603

1. The name and address of the claimant and claimant's attorneys:

Claimant

Jada James
139 Sickles Avenue
New Rochelle, NY 10801

Attorneys

OFSHTEIN LAW FIRM, P. C.
398 Kings Highway
Brooklyn, New York 11223
(718) 455-5252
eugene@olf.nyc

2. **Nature of Claim:** To recover money damages for personal injuries, pain and suffering, medical expenses and related damages incurred by and on behalf of claimant, Jada James, by reason of the negligence, recklessness and carelessness of City of Poughkeepsie, County of Dutchess and Dutchess County Department of Public Works, its agents, servants, employees and/or licensees in the ownership, operation, construction, inspection and control of Academy Street at its intersection with Franklin Street, County of Dutchess, State of New York.

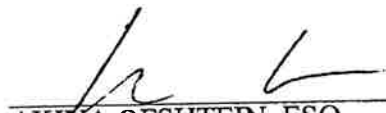
3. **The time when, the place where and the manner in which the claim arose:** Said claim arose on July 31, 2023, at approximately 01:59 p.m. Claimant, Jada James, was a lawful passenger in a 2011 Ford, motor vehicle bearing State of New York registration number KUR1586, traveling on Academy Street at its intersection with Franklin Street, County of Dutchess, State of New York. At the aforesaid intersection plaintiff's vehicle was struck by a 2023 Hyundai, motor vehicle bearing State of New Jersey registration number W38SEr. The collision was due to a malfunctioned traffic light and or missing traffic control device at said intersection resulting in injuries to the plaintiff by reason of the negligence, recklessness and

carelessness of City of Poughkeepsie, County of Dutchess and Dutchess County Department of Public Works, its agents, servants, employees and/or licensees; in that City of Poughkeepsie, County of Dutchess and Dutchess County Department of Public Works, in that said defendants carelessly, negligently and recklessly operated, maintained, managed and controlled the aforesaid intersection, and in particular allowing the said intersection to be, become and remain uncontrolled by a malfunctioned traffic light and or missing traffic control device in failing to inspect said intersection, and in causing, permitting and allowing said intersection to remain with a malfunctioned traffic light and or missing traffic control device, in allowing said intersection to remain defective for an excessive and unreasonable period of time, despite actual and constructive notice, in failing to take any necessary steps to alleviate said condition and failing to erect barricades or otherwise provide warnings to prevent a hazardous and dangerous condition to exist and from endangering the general public and particularly, these plaintiffs, and in other wise acting in a careless, negligent and reckless manner, in failure to inspect and fix said malfunctioned traffic light and or missing traffic control device and in failing to properly control the intersection.

4. Claimant, Jada James, sustained multiple bodily injuries, including, but not limited to: neck, back and ribs the full extent of which are as yet unknown and which have caused claimant to incur and to continue to incur expenses for medical attention and treatment and caused claimant to be absent from employment with a resultant loss therefrom in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

You are hereby notified that unless said claim is adjusted and paid within the time provided by law from the date of presentation to you, the claimants intend to commence an action on this claim.

Dated: Brooklyn, New York
August 18, 2023


AKIVA OFSHTEIN, ESQ

VERIFICATION

STATE OF NEW YORK)ss:

COUNTY OF KINGS

Jada James, being duly sworn, deposes and says, that deponent is the claimant in the within
action; that deponent has read the foregoing **NOTICE OF CLAIM**, and knows the contents
thereof; that the same is true to deponent's own knowledge, except as to those matters stated to
be alleged upon information and belief, and as to those matters, deponent believes it to be true.

X _____ *Jada*

Sworn to before me this 18 day,
of August, 2023

[Signature]

Notary Public, State of New York

Eugene Kazakevich
Commissioner of Deeds
City of New York, No. 5-1863
Cert. Filed in Richmond County
Commission Expires on May 01, 2025

New York State Department of Motor Vehicles

POLICE ACCIDENT REPORT

MV-104A (3/04)

 Local Codes
23-20161

Q30202H14NW7

☐ AMENDED REPORT

1. Accident Date Month: 07, Day: 31, Year: 2023		Day of Week MONDAY		Military Time 13:59		No. of Vehicles 2		No. Injured 0		No. Killed 0		Not Investigated at Scene ☐		Left Scene ☐		Police Photos ☐ Yes ☒ No																																																																																																			
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2. VEHICLE 1 - Driver License ID Number: 220921870						State of Lic. NY						VEHICLE 2 - Driver License ID Number: G09364116305022						State of Lic. NJ																																																																																																	
Driver Name - exactly as printed on license: ALI, MOHSIN																																																																																																																			
Address (Include Number and Street): 1006 BEEKMAN RD APT 1																																																																																																																			
City or Town: HOPEWELL JCT, State: NY, Zip Code: 1253300																																																																																																																			
Date of Birth: 03/28/1994, Sex: M, Unlicensed: ☐ No. of Occupants: 05, Public Property Damaged: ☐																																																																																																																			
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Plate Number: KUR1586, State of Reg. NY, Vehicle Year & Make: 2011 FORD, Vehicle Type: 4DSD, Ins. Code: 639																																																																																																																			
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Violation Section(s):																																																																																																																			
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New York State Department of Motor Vehicles

POLICE ACCIDENT REPORT

MV-104A (3/04)

Local Codes
23-20161

Q30202H14NW7

☐ AMENDED REPORT

1	Accident Date Month 07 Day 31 Year 2023	Day of Week MONDAY	Military Time 13:59	No. of Vehicles 2	No. Injured 0	No. Killed 0	Not Investigated at Scene ☐	Left Scene ☐	Police Photos ☐ Yes ☒ No	20
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2	VEHICLE	☐ VEHICLE	☐ BICYCLIST	☐ PEDESTRIAN	☐ OTHER PEDESTRIAN	21
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3	VEHICLE DAMAGE CODING	22
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67	VEHICLE DAMAGE CODING	86
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ALL INVOLVED

Accident Description/Officer's notes
sustained damage to the front end of the vehicle. V2 sustained damage to the passenger side of the vehicle. A link to upload the video was given to V2. A witness who was a pedestrian stated that V1 did not have a green light and was in the wrong. No injuries were reported however the passengers of V1 were transported to Vassar hospital via Mobil Life. Both vehicles were inoperable and were towed. V2 has out of state insurance through progressive NJ policy #969627516. Nothing further to report Property Damage by Unit #02 - CITY ELECTRICAL

8 9 10 11 12 13 14 15 16 17 BY TO 18 Names of all involved Date of Death Only

A B C D E F

Officer's Rank POLICE OFFICER #83

Print Name in Full CHRISTOPHER WARRICK

Badge/ID No. 6943 NCIC No. 01302

Preinct/Post Troop/Zone Station/Seat Sector

Revising Officer EGAN, MICHAEL

Date/Time Reviewed 08/06/2023 10:19

New York State Department of Motor Vehicles

POLICE ACCIDENT REPORT

MV-104A (3/04)

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	VEHICLE ☐ VEHICLE ☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN										
2	Driver Name and Address (Include Number and Street) City/Town/Village, State, Zip Code				Driver Name and Address (Include Number and Street) City/Town/Village, State, Zip Code						21
3	Date of Birth, Sex, Height, Weight, Eyes, Hair, Complexion, Race, Date of Birth, Sex, Height, Weight, Eyes, Hair, Complexion, Race				Date of Birth, Sex, Height, Weight, Eyes, Hair, Complexion, Race, Date of Birth, Sex, Height, Weight, Eyes, Hair, Complexion, Race						22
4	Name of Employer, Address (Include Number and Street), City/Town/Village, State, Zip Code				Name of Employer, Address (Include Number and Street), City/Town/Village, State, Zip Code						23
5	Address (Include Number and Street), City/Town/Village, State, Zip Code				Address (Include Number and Street), City/Town/Village, State, Zip Code						24
6	Vehicle Damage Coding: 1-13 SEE DIAGRAM ON RIGHT 14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER				Accident Diagram Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles. 						25
7	Reference Marker Coordinates (if available) Latitude/Northing: Longitude/Easting:				Place Where Accident Occurred: County: City: Village: Town: of: Road on which accident occurred: (Route Number or Street Name) at 1) intersecting street: (Route Number or Street Name) or 2) miles of (Milepost, Nearest Intersecting Route Number or Street Name)						26
Accident Description/Officer's notes Witness #1 - BENJAMIN BRUNO (646) 247-7238											27
Names of all involved Date of Death Only											28

ALL INVOLVED

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	AG	AH	AI	AJ	AK	AL	AM	AN	AO	AP	AQ	AR	AS	AT	AU	AV	AW	AX	AY	AZ	BA	BB	BC	BD	BE	BF	BG	BH	BI	BJ	BK	BL	BM	BN	BO	BP	BQ	BR	BS	BT	BU	BV	BW	BX	BY	BZ	CA	CB	CC	CD	CE	CF	CG	CH	CI	CJ	CK	CL	CM	CN	CO	CP	CQ	CR	CS	CT	CU	CV	CW	CX	CY	CZ	DA	DB	DC	DD	DE	DF	DG	DH	DI	DJ	DK	DL	DM	DN	DO	DP	DQ	DR	DS	DT	DU	DV	DW	DX	DY	DZ	EA	EB	EC	ED	EE	EF	EG	EH	EI	EJ	EK	EL	EM	EN	EO	EP	EQ	ER	ES	ET	EU	EV	EW	EX	EY	EZ	FA	FB	FC	FD	FE	FF	FG	FH	FI	FJ	FK	FL	FM	FN	FO	FP	FQ	FR	FS	FT	FU	FV	FW	FX	FY	FZ	GA	GB	GC	GD	GE	GF	GG	GH	GI	GJ	GK	GL	GM	GN	GO	GP	GQ	GR	GS	GT	GU	GV	GW	GX	GY	GZ	HA	HB	HC	HD	HE	HF	HG	HH	HI	HJ	HK	HL	HM	HN	HO	HP	HQ	HR	HS	HT	HU	HV	HW	HX	HY	HZ	IA	IB	IC	ID	IE	IF	IG	IH	II	IJ	IK	IL	IM	IN	IO	IP	IQ	IR	IS	IT	IU	IV	IW	IX	IY	IZ	JA	JB	JC	JD	JE	JF	JG	JH	JI	JJ	JK	JL	JM	JN	JO	JP	JQ	JR	JS	JT	JU	JV	JW	JX	JY	JZ	KA	KB	KC	KD	KE	KF	KG	KH	KI	KJ	KK	KL	KM	KN	KO	KP	KQ	KR	KS	KT	KU	KV	KW	KX	KY	KZ	LA	LB	LC	LD	LE	LF	LG	LH	LI	LJ	LK	LL	LM	LN	LO	LP	LQ	LR	LS	LT	LU	LV	LW	LX	LY	LZ	MA	MB	MC	MD	ME	MF	MG	MH	MI	MJ	MK	ML	MM	MN	MO	MP	MQ	MR	MS	MT	MU	MV	MW	MX	MY	MZ	NA	NB	NC	ND	NE	NF	NG	NH	NI	NJ	NK	NL	NM	NN	NO	NP	NQ	NR	NS	NT	NU	NV	NW	NX	NY	NZ	OA	OB	OC	OD	OE	OF	OG	OH	OI	OJ	OK	OL	OM	ON	OO	OP	OQ	OR	OS	OT	OU	OV	OW	OX	OY	OZ	PA	PB	PC	PD	PE	PF	PG	PH	PI	PJ	PK	PL	PM	PN	PO	PP	PQ	PR	PS	PT	PU	PV	PW	PX	PY	PZ	QA	QB	QC	QD	QE	QF	QG	QH	QI	QJ	QK	QL	QM	QN	QO	QP	QQ	QR	QS	QT	QU	QV	QW	QX	QY	QZ	RA	RB	RC	RD	RE	RF	RG	RH	RI	RJ	RK	RL	RM	RN	RO	RP	RQ	RR	RS	RT	RU	RV	RW	RX	RY	RZ	SA	SB	SC	SD	SE	SF	SG	SH	SI	SJ	SK	SL	SM	SN	SO	SP	SQ	SR	SS	ST	SU	SV	SW	SX	SY	SZ	TA	TB	TC	TD	TE	TF	TG	TH	TI	TJ	TK	TL	TM	TN	TO	TP	TQ	TR	TS	TT	TU	TV	TW	TX	TY	TZ	UA	UB	UC	UD	UE	UF	UG	UH	UI	UJ	UK	UL	UM	UN	UO	UP	UQ	UR	US	UT	UU	UV	UW	UX	UY	UZ	VA	VB	VC	VD	VE	VF	VG	VH	VI	VJ	VK	VL	VM	VN	VO	VP	VQ	VR	VS	VT	VU	VV	VW	VX	VY	VZ	WA	WB	WC	WD	WE	WF	WG	WH	WI	WJ	WK	WL	WM	WN	WO	WP	WQ	WR	WS	WT	WU	WV	WW	WX	WY	WZ	XA	XB	XC	XD	XE	XF	XG	XH	XI	XJ	XK	XL	XM	XN	XO	XP	XQ	XR	XS	XT	XU	XV	XW	XX	XY	XZ	YA	YB	YC	YD	YE	YF	YG	YH	YI	YJ	YK	YL	YM	YN	YO	YP	YQ	YR	YS	YT	YU	YV	YW	YX	YY	YZ	ZA	ZB	ZC	ZD	ZE	ZF	ZG	ZH	ZI	ZJ	ZK	ZL	ZM	ZN	ZO	ZP	ZQ	ZR	ZS	ZT	ZU	ZV	ZW	ZX	ZY	ZZ
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Officer's Rank and Signature POLICE OFFICER <i>[Signature]</i>	Badge/ID No. 6943	NCIC No. 01302	Precinct/Post Troop/Zone	Station/Beat Sector	Reviewing Officer EGAN, MICHAEL	Date/Time Reviewed 08/06/2023 10:19
Print Name in Full CHRISTOPHER WARRICK						

NOTICE OF CLAIM

-----X
In the Matter of the Claim of

KEOSHA SMITH

-against-

CITY OF POUGHKEEPSIE, COUNTY OF DUTCHESS AND DUTCHESS COUNTY
DEPARTMENT OF PUBLIC WORKS
-----X

To: City of Poughkeepsie
1 Civic Center Plaza
Poughkeepsie, NY 12601

County of Dutchess
22 Market Street
Poughkeepsie, NY 12601

Dutchess County Department of Public Works
626 Dutchess Turnpike
Poughkeepsie, NY 12603

1. The name and address of the claimant and claimant's attorneys:

Claimant

Keosha Smith
329 Nancy Street, Apt 1
Poughkeepsie, NY 12601

Attorneys

OFSHTEIN LAW FIRM, P. C.
398 Kings Highway
Brooklyn, New York 11223
(718) 455-5252
eugene@olf.nyc

2. **Nature of Claim:** To recover money damages for personal injuries, pain and suffering, medical expenses and related damages incurred by and on behalf of claimant, Keosha Smith, by reason of the negligence, recklessness and carelessness of City of Poughkeepsie, County of Dutchess and Dutchess County Department of Public Works, its agents, servants, employees and/or licensees in the ownership, operation, construction, inspection and control of Academy Street at its intersection with Franklin Street, County of Dutchess, State of New York.

3. **The time when, the place where and the manner in which the claim arose:** Said claim arose on July 31, 2023, at approximately 01:59 p.m. Claimant, Keosha Smith, was a lawful passenger in a 2011 Ford, motor vehicle bearing State of New York registration number KUR1586, traveling on Academy Street at its intersection with Franklin Street, County of Dutchess, State of New York. At the aforesaid intersection plaintiff's vehicle was struck by a 2023 Hyundai, motor vehicle bearing State of New Jersey registration number W38SER. The collision was due to a malfunctioned traffic light and or missing traffic control device at said intersection resulting in injuries to the plaintiff by reason of the negligence, recklessness and

CITY OF POUGHKEEPSIE
CITY CLERK
SEP -6 AM 11:44

carelessness of City of Poughkeepsie, County of Dutchess and Dutchess County Department of Public Works, its agents, servants, employees and/or licensees; in that City of Poughkeepsie, County of Dutchess and Dutchess County Department of Public Works, in that said defendants carelessly, negligently and recklessly operated, maintained, managed and controlled the aforesaid intersection, and in particular allowing the said intersection to be, become and remain uncontrolled by a malfunctioned traffic light and or missing traffic control device in failing to inspect said intersection, and in causing, permitting and allowing said intersection to remain with a malfunctioned traffic light and or missing traffic control device, in allowing said intersection to remain defective for an excessive and unreasonable period of time, despite actual and constructive notice, in failing to take any necessary steps to alleviate said condition and failing to erect barricades or otherwise provide warnings to prevent a hazardous and dangerous condition to exist and from endangering the general public and particularly, these plaintiffs, and in other wise acting in a careless, negligent and reckless manner, in failure to inspect and fix said malfunctioned traffic light and or missing traffic control device and in failing to properly control the intersection.

4. Claimant, Keosha Smith, sustained multiple bodily injuries, including, but not limited to: neck, back, left knee and left hand to which the full extent of which are as yet unknown and which have caused claimant to incur and to continue to incur expenses for medical attention and treatment and caused claimant to be absent from employment with a resultant loss therefrom in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

You are hereby notified that unless said claim is adjusted and paid within the time provided by law from the date of presentation to you, the claimants intend to commence an action on this claim.

Dated: Brooklyn, New York
August 24, 2023


AKIVA OFSHTEIN, ESQ

VERIFICATION

STATE OF NEW YORK)ss:

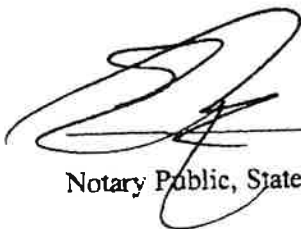
COUNTY OF KINGS

Keosha Smith, being duly sworn, deposes and says, that deponent is the claimant in the within action; that deponent has read the foregoing **NOTICE OF CLAIM**, and knows the contents thereof; that the same is true to deponent's own knowledge, except as to those matters stated to be alleged upon information and belief, and as to those matters, deponent believes it to be true.

X Keosha Smith

Sworn to before me this 24 day,

of AUGUST, 2013


Notary Public, State of New York

Eugene Kazakevich
Commissioner of Deeds
City of New York, No. 5-1863
Cert. Filed in Richmond County
Commission Expires on May 01, 2025

In the Matter of the Claim of

ELVER MALDONADO

against

THE CITY OF POUGHKEEPSIE, POUGHKEEPSIE CITY
BOARD OF EDUCATION and POUGHKEEPSIE CITY SCHOOL DISTRICT

TO:

THE CITY OF POUGHKEEPSIE
2 Civic Center Plaza, Poughkeepsie NY 12601

POUGHKEEPSIE CITY BOARD OF EDUCATION
18 S Perry Street, Poughkeepsie, NY 12601

POUGHKEEPSIE CITY SCHOOL DISTRICT
18 S Perry Street, Poughkeepsie, NY 12601

PLEASE TAKE NOTICE that the undersigned claimant(s) hereby make(s) claim and demand against the City of New York and the New York City Board of Education, as follows:

1. The name and post-office address of each claimant and claimant's attorney is:

Claimant:

ELVER MALDONADO
829 West Boston Post Rd
Mamaroneck, NY 10543

Claimant's attorneys:

WINGATE, RUSSOTTI, SHAPIRO
MOSES & HALPERIN, LLP
420 Lexington Avenue, Suite 2700
New York, New York 10170
(212) 986-7353

2. The nature of the claim:

This claim is for severe and permanent personal injuries sustained by **ELVER MALDONADO**, and all other damages allowed by statute and case law as a result of the negligence, carelessness, recklessness and gross negligence of **THE CITY OF POUGHKEEPSIE, POUGHKEEPSIE CITY BOARD OF EDUCATION and POUGHKEEPSIE CITY SCHOOL DISTRICT**, their agents, servants, licensees, contractors, subcontractors, employees and other affiliates, agencies and departments without any contributory negligence on the part of the claimant, in their ownership, operation, maintenance, control and management of the premises located at the parcel address of and building address of 18 South Perry Street, Poughkeepsie, NY also known as Columbus Elementary School in the County of Dutchess, State of New York and violating New York State Labor Law 240, 241, 241-a, 200 and New York State Industrial Code including but not limited to Rule 23.

2011 SEP -8 AM 10:01

CITY OF POUGHKEEPSIE
CITY CLERK

3. The time when, the place where and the manner in which the claim arose:

On or about July 17, 2023, at approximately 9:00 am at the premises located at the address of 18 South Perry Street, Poughkeepsie, NY, in the County of Dutchess, State of New York, the claimant **ELVER MALDONADO** was caused to sustained serious bodily injuries, while engaged in his regular employment, involving construction related duties, when an object fell from an elevated height at the aforesaid address causing claimant to sustain personal injury. **THE CITY OF POUGHKEEPSIE, POUGHKEEPSIE CITY BOARD OF EDUCATION and POUGHKEEPSIE CITY SCHOOL DISTRICT**, their agents, servants, licensees contractors, subcontractors, employees and other affiliates, agencies and departments were negligent, carelessness, reckless, without any contributory negligence on the part of the claimant, in their ownership, operation, maintenance, control and management of the aforesaid building/work site; in that they caused, allowed and permitted the aforesaid worksite to be and remain in a dangerous condition; in failing to provide claimant with a safe place to work; in failing to provide claimant with proper safety devices to secure construction materials from falling; in failing to prevent a gravity related accident; in failing to prevent objects from falling and striking claimant; in failing to have reasonable and proper measures in place to prevent the accident; in failing to provide claimant with proper personal protective equipment; in failing to provide the required hoisting/stabilizing/securing equipment and/or lifts; in failing to implement safe work areas, practices, procedures, customs and conditions to prevent the accident; in failing to have properly trained personnel at the worksite; in failing to properly maintain the accident location; in that they failed to allow for a safe means of performing claimant's duties at the work site; in that they failed to give any notice or warning of the dangerous and hazardous condition on the premises to the claimant; in that they failed to have sufficient employees and/or personnel available to properly and adequately prepare the premises/worksite; in failing to prevent objects from falling; in that they failed to maintain the aforesaid the premises; in that they caused, allowed and permitted a nuisance and hazard to be and remain at the aforesaid work site; in that they failed to provide any signs or warnings of the dangerous and hazardous condition complained of; in causing a heavy cast iron pipe to fall from an elevated height which struck the claimant; in failing to provide overhead protection; in causing an overhead hazard; in that they failed to use that degree of skill, care and caution warranted under the circumstances. The accident also occurred as a result of **THE CITY OF POUGHKEEPSIE, POUGHKEEPSIE CITY BOARD OF EDUCATION and POUGHKEEPSIE CITY SCHOOL DISTRICT**, their agents, servants, licensees' contractors, subcontractors, employees and other affiliates, agencies and departments, violation of all applicable local statutes, codes and regulations including, but not limited to, New York State Labor Law §200, 240, 241 and Rule 23 of the New York State Industrial Code.

4. The claimant, *Elver Maldonado*, sustained multiple bodily injuries including, but not limited to crush injury to his right hand, fractured finger, right wrist, elbow, shoulder, neck and back, lost income, loss of health insurance and other union benefits, pain and suffering which has caused claimant to incur and continue to incur expenses for medical attention and treatment. Claimant has suffered damages in the amount of TEN MILLION DOLLARS (10,000,000), and/or a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

The undersigned claimant(s) therefore present this claim for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the claimant(s) intend(s) to commence an action on this claim.

Dated: August 30, 2023


ELVER MALDONADO


Curt J. Schiner, Esq.
WINGATE, RUSSOTTI, SHAPIRO
MOSES & HALPERIN, LLP
Attorney(s) for Claimant(s)
Office and Post Office Address, Telephone Number
420 Lexington Avenue, Suite 2700
New York, New York, 10170
(212) 986-7353

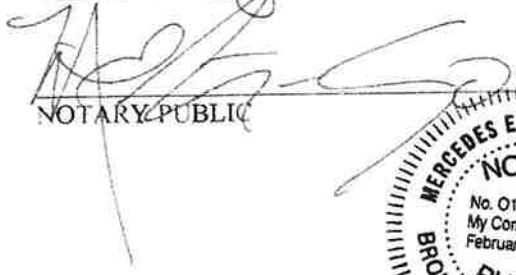
INDIVIDUAL VERIFICATION

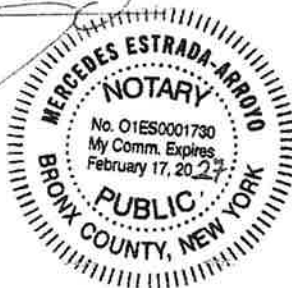
State of New York, County of New York ss.:

Elver Maldonado, being duly sworn, deposes and says that deponent is the claimant in the within action; that your deponent has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

Sworn to before me, this

30th day of August, 2023


NOTARY PUBLIC



PLEASE PRINT OR TYPE FORM CLEARLY

NOTE: Claim must be filed with and served to the City Chamberlain in triplicate (3 copies) within 90 days after the claim arises. Use additional sheets if necessary.

NOTICE OF CLAIM
AGAINST
THE CITY OF POUGHKEEPSIE, NEW YORK

TODAY'S DATE: _____

NAME AND ADDRESS OF EACH CLAIMANT:

Wanda Streit
11 Zimmer Ave Apt #2

TELEPHONE NUMBER:

(845) 380-5146

NAME AND ADDRESS OF ATTORNEY (IF ANY):

DESCRIBE WHAT HAPPENED AND AMOUNT CLAIMED (PLEASE STATE DATE, TIME, LOCATION, AND MANNER IN WHICH CLAIM AROSE):

On August 11th at 1 AM I drove over 2 Potholes that was hard to see because the light on the street was very dim. Almost immediately my tire went completely flat. I had to Park car on brookside Ave overnight. Next day my friend came to help put the spare tire on. Took her to mechanic and he stated my tires were damaged and unrepairable. I paid \$827.74

ITEMS DAMAGED OR INJURIES SUSTAINED:

Signature of Claimant

Signature of Claimant

STATE OF NEW YORK, COUNTY OF Dutchess s.s.:

Wanda Streit being duly sworn, say(s) that he/she is/are the claimant(s) named in the foregoing claim, that he/she has/have read the same and know(s) the contents thereof; that the same is true to his/her own knowledge, except as to the matters alleged upon information and belief and as to those items, he/she believes it to be true.

Signature of Claimant

Signature of Claimant

Sworn to before me this

11th day of September, 2023

Notary Public

ALMA J COVONE
NOTARY PUBLIC, State of New York
No. 04CO6367801
Qualified in Dutchess County
Commission Expires 11/27/2025

NOTE: After submitting this form to the City Chamberlain, please direct any inquiries to the Corporation Counsel at (845) 451-4065, Monday to Friday, 8:30 a.m. - 4:00 p.m.













On August 28th around 1am I drove over 2 huge deep potholes off of garden street Poughkeepsie N.Y. The light on the street was very dim. When I turned onto brookside Ave I heard a loud pop and noticed I had a flat tire. I immediately stopped the car and had to park my car on the street. I noticed my back tires were damaged. I left my car parked overnight until I can get someone to help put my spare tire on. My friend Euston Barnes, 917-691-1867 put the spare along with workers from a company across the street from where my car was parked on Brookside Ave helped assist. I took it to mechanic by appointment and they said my tires were unrepairable and I needed new tires. My car was due for expection and I have a special needs daughter that needed to get to her doctors so I had to pay for the repairs right away. I'm requesting a reimbursement for damages.

Wanda Streit
11 Zimmer Avenue Apt 2
Poughkeepsie N.Y
P.O Box 4836,12602



STORE 45 REPAIR SHOP# 3140579
350 MILL ST. AT HAMILTON
SHOP045
POUGHKEEPSIE, NY 12601
(845)452-6262

PAGE 1

Guest ID: 0045025537
Name: WANDA STREIT
Address: 21 CHARLES ST.
Address 2:
City, State, Zip: POUGHKEEPSIE, NY, 12601
Home Phone: (845) 380-5146
Work Phone: (845) 204-7172
Other Phone: () -
Tax Exempt #:
Manager: GEORGE HAWKS

Year: 2008
Make: CHRYSLER
Model: 300
Lic No: HLS5542
VIN: 2C3KA43R58H251034
Color:
Engine: 2.7L GAS DOHC (VIN R)
Mileage In: 86496
Mileage Out: 86496
Inspect Due: 10/01/23

Date/Time: 09/07/23 16:42:19
Estimate #: 255729
Invoice #: 175299
PO Number:
Unit Number:
Email Address: 36blackswan@gmail.com
Fleet/Wholesale: N
Est Created On: 09/04/23 11:25:33

Services Requested:
EST FOR TIRE IMPACT

Qty.	Part #	Car Loc	Description	Part	Labor	Amount
Tire Pressure Spec: FRONT: 30 REAR: 30 Wheel Torque: 100						
INCLUDED WITH EVERY VISIT						
1	CI		COURTESY INSPECTION			NO CHARGE
1	SM		SCHED. MAINT. REVIEW			NO CHARGE
SERVICE						
1	OUTSE		LR STEEL RIM	175.00	0.00	175.00
			TOTAL SERVICE:			175.00
TIRE						
1	OUTTIRE	L	GDY ASSURANCE A/S Tire Size: 215/65R17 Speed Rating: T Ply: 04 Load Range: B Sidewall: VSB Load Index: 99 Mileage Warranty: 65000 Part Number: 407719374	149.99	0.00	149.99
			DOT Numbers: YR1R2RJH2223			
1	407719374	L	Mfg. Date: 22nd week of 2023 * GDY ASSURANCE A/S Tire Size: 215/65R17 Speed Rating: T Ply: 04 Load Range: B Sidewall: VSB Load Index: 99 Mileage Warranty: 65000	149.99	0.00	149.99
ALL DAMAGE DUE TO POT HOLE IMPACT. LR AND RF TIRES ARE NOT REPAIRABLE. ALIGNMENT NEEDED DUE TO IMPACT						
			DOT Numbers: YR1R2RJH2223			
1	RHZ	L	Mfg. Date: 22nd week of 2023 ROAD HAZARD COVERAGE	24.00	0.00	24.00
1	TR2	L	TIRE RECYCLING FEE	2.50	0.00	2.50
1	RHZ	L	ROAD HAZARD COVERAGE	24.00	0.00	24.00
1	TR2	L	TIRE RECYCLING FEE	2.50	0.00	2.50
1	NYTIREFEE	L	WASTE TIRE MANAGEMENT FEE (NY State Required)	2.50	0.00	2.50
1	NYTIREFEE	L	WASTE TIRE MANAGEMENT FEE (NY State Required)	2.50	0.00	2.50
			TOTAL TIRE:			357.98
TIRE SERVICE						
2	6-138	F	TPMS KIT	10.50	9.99	40.98
1	ALIGNMENT	L	WHEEL ALIGNMENT	0.00	129.99	129.99
1	TIREINSTALL	L	Package Includes: Mounting, Balancing, Standard Valve Stem, TPMS Inspection & Reset if applicable Alignment Check, Wheel Torque PLUS: Lifetime Balancing, Lifetime Rotation.	0.00	30.99	30.99
1	TIREINSTALL	L	Package Includes: Mounting, Balancing, Standard Valve Stem, TPMS Inspection & Reset if applicable Alignment Check, Wheel Torque PLUS: Lifetime Balancing, Lifetime Rotation.	0.00	30.99	30.99
			TOTAL TIRE SERVICE:			232.95

*** Customer Wishes To Discard Old Parts ***

SEE NEXT PAGE

INVOICE INVOICE STORE 45 REPAIR SHOP# 3140579 INVOICE

CUSTOMER COPY

MONRO

MUFFLER/BRAKE

& Service

STORE 45 REPAIR SHOP# 3140579
350 MILL ST. AT HAMILTON
SHOP045
POUGHKEEPSIE, NY 12601
(845)452-6262

PAGE 2

Guest ID: 0045025537
Name: WANDA STREIT
Address: 21 CHARLES ST.
Address 2:
City, State, Zip: POUGHKEEPSIE, NY, 12601
Home Phone: (845) 380-5146
Work Phone: (845) 204-7172
Other Phone: () -
Tax Exempt #:
Manager: GEORGE HAWKS

Year: 2008
Make: CHRYSLER
Model: 300
Lic No: HLS5542
VIN: 2C3KA43R58H251034
Color:
Engine: 2.7L GAS DOHC (VIN R)
Mileage In: 86496
Mileage Out: 86496
Inspect Due: 10/01/23

Date/Time: 09/07/23 16:42:19
Estimate #: 255729
Invoice #: 175299
PO Number:
Unit Number:
Email Address: 36blackswan@gmail.com
Fleet/Wholesale: N
Est Created On: 09/04/23 11:25:33

Services Requested:
EST FOR TIRE IMPACT

Qty. Part #	Car Loc	Description	Part	Labor	Amount
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PAY TYPE: VISA DEBIT 827.76 Date: 9/7/2023 APPROVAL #: 200031 ENTRY: CHIP
CREDIT CARD #: XXXX-XXXX-XXXX-7766
Transaction ID: 128232506011858836
Application ID: A0000000980840 Terminal ID: 1

INVOICE INVOICE STORE 45 REPAIR SHOP# 3140579 INVOICE

ECH: 106858-0.00 D. WILLIAMS

SUB TOTAL 765.93
SALES TAX 61.83
GRAND TOTAL 827.76

All parts are new unless otherwise specified. Please see reverse for warranty details.

I acknowledge that this invoice is for services rendered by [Monro Inc.] and now, in acceptance of such services, make payment in the amount set forth on this invoice. If there was an increase in the original estimated price,

I acknowledge notice and approval of such increase. X

Guest Signature

I certify that all repairs were properly completed.

Company Authorized Representative

CAUTION: Owners of Mag, Custom, Alloy, or Dual Wheels must have lug-nuts retorqued after 25 miles or 24 hours!

The Company will gladly retorque these lug-nuts once after the first 25 miles at no charge. X

Guest Initials

Did you have a 5-star visit today? Let us know



PAY AMT
CREDIT 827.76 9/7/2023

PAYMENT COLLECTED BY: G. HAWKS

CUSTOMER COPY

MONRO

MUFFLER/BRAKE

& Service

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Inspect Due: 10/01/23

Date/Time: 09/04/23 11:29:56
Estimate #: 255729
Invoice #:
PO Number:
Unit Number:
Email Address: 36blackswan@gmail.com
Fleet/Wholesale: N
Est Created On: 09/04/23 11:25:33

Services Requested:
EST FOR TIRE IMPACT

Qty	Part #	Car Loc	Description	Part	Labor	Amount
Tire Pressure Spec: FRONT: 30 REAR: 30 Wheel Torque: 100						
INCLUDED WITH EVERY VISIT						
1	CI		COURTESY INSPECTION			NO CHARGE
1	SM		SCHED. MAINT. REVIEW			NO CHARGE
SERVICE						
1	OUTSE		LR STEEL RIM	175.00	0.00	175.00
			TOTAL SERVICE:			175.00
TIRE						
2	407719374	L	* GDY ASSURANCE A/S	149.99	0.00	299.98
			Tire Size: 215/65R17 Speed Rating: T Ply: 04			
			Load Range: B Sidewall: VSB Load Index: 99			
			Mileage Warranty: 65000			
ALL DAMAGE DUE TO POT HOLE IMPACT. LR AND RF TIRES ARE NOT REPAIRABLE. ALIGNMENT NEEDED DUE TO IMPACT						
2	RHZ	L	ROAD HAZARD COVERAGE	24.00	0.00	48.00
2	TR2	L	TIRE RECYCLING FEE	2.50	0.00	5.00
2	NYTIREFEE	L	WASTE TIRE MANAGEMENT FEE (NY State Required)	2.50	0.00	5.00
			TOTAL TIRE:			357.98
TIRE SERVICE						
1	ALIGNMENT	L	WHEEL ALIGNMENT	0.00	129.99	129.99
2	TIREINSTALL	L	Package Includes: Mounting, Balancing, Standard Valve Stem, TPMS Inspection & Reset if applicable Alignment Check, Wheel Torque PLUS: Lifetime Balancing, Lifetime Rotation.	0.00	30.99	61.98
2	6-138	L	TPMS KIT	10.50	9.99	40.98
			TOTAL TIRE SERVICE:			232.95

*** Customer Wishes To Discard Old Parts ***

SEE NEXT PAGE

IF YOU DO NOT RECEIVE AN INVOICE AFTER WORK IS COMPLETED AND FINAL PAYMENT, PLEASE CALL 800-876-6676 x 3500.

CUSTOMER COPY



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Services Requested:
EST FOR TIRE IMPACT

Qty.	Part #	Car Loc	Description	Part	Labor	Amount
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This is an Estimate only.
This is not a final invoice.
A final invoice is required
for all warranties.

IF YOU DO NOT RECEIVE AN INVOICE AFTER WORK IS COMPLETED AND FINAL PAYMENT, PLEASE CALL 800-876-6676 x 3500.

TECH:

SUB TOTAL	765.93
SALES TAX	61.83
GRAND TOTAL	827.76

SEE REVERSE SIDE FOR IMPORTANT AUTHORIZATION INFORMATION

Customer Signature

CAUTION: Owners of Mag, Custom, Alloy, or Dual Wheels must have lug-nuts retorqued after 25 miles or 24 hours!
The Company will gladly retorque these lug-nuts once after the first 25 miles at no charge.

Customer Initials

CUSTOMER COPY



THE CITY OF POUGHKEEPSIE New York

COMMON COUNCIL MEETING MINUTES

Monday, August 28, 2023, 6:30 p.m.

Common Council Chambers

Welcome to the regularly scheduled Meeting of the City of Poughkeepsie Common Council the date is Monday, August 28, 2023, and the time is 6:32 pm.

I. ROLL CALL: 6 Present, 3 Absent (Councilmember Grant, Councilmember Flowers & Councilmember Johnson arrived after roll call was taken)

II. REVIEW OF MINUTES:

Common Council Meeting – July 6, 2023

Motion to accept the minutes: Councilmember Shook, Seconded by Councilmember Deichler

CCM Minutes 7-6-23 VOICE VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Grant	Voter	☐	☐	☐	☒
	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☐	☐	☐	☒
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

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

- NONE -

IV. PUBLIC PARTICIPATION

- 1. Paul Brenner – 184 S. Grand Ave**
- 2. Michele Caraway - Poughkeepsie**
- 3. Nicholas Kalogris – 14 Maryland Ave (For the Many)**
- 4. Daniel Atonna – 116 College Ave (For the Many)**
- 5. Bob Wallace – 135 Main St**
- 6. Warren Jones – N. Clover St**
- 7. Suprina Troche – Delafield St.**
- 8. Joseph Troche – Delafield St**
- 9. Julian Rodriguez – 146 Smith St.**
- 10. Laurie Sandow – S. Grand Ave***
- 11. Barbara Clark – 29 W. Arnold Rd**
- 12. Sharon Bennerman – 34 N. White St**
- 13. Cooper Miller – 134 Franklin St.**
- 14. Charles Bennerman – 34 N. White St.**
- 15. Kane Jones – Union St (For the Many)**
- 16. Adria Gallman – 14 N. White St.**
- 17. Brian Bishop – (Walkway Over the Hudson)**
- 18. Eric Hoppe – 5 Parker Ave (Walkway Over the Hudson)**
- 19. Michael de Cordova**

***Submitted written comments**

At the beginning of every summer many people breathe a sigh of relief at the break from Council meetings. That is, those who haven't already thrown up their hands in disgust at this City's dysfunction and self-service. This year, the Council not only extended their summer recess by two weeks, but also extended their lack of productivity to the meetings that immediately precede and follow their summer break.

It would be nice to greet the return of Council meetings with a jolly "welcome back".

But, instead we have to ask:

—Why isn't there a report from the Council's Housing committee on tonight's agenda?

—Or an update about the Council's shelter litigation?

—Where's the report from the Open Meetings Law-violating Finance committee?

—Or an explanation why this Council was non-responsive to Corporation Counsel Valk's query about Pelton litigation, with Valk herself neither flagging that correspondence to show whether anyone had read it, or marking it as urgent?

—What about ARPA funds being traded between Councilmembers?

—The list of things this Council could or should attend to seems practically endless.

What is the easiest way for the public to stay on top of City issues? Sadly, there's neither an easy nor a hard way. No matter how many times it's raised, the public still can't read Common Council agendas and packets online, rather than having to download first before being able to read. Meeting packets are still posted in graphic format, rather than as searchable text files. It's virtually impossible to search the City website for past agenda items, including the track records and appearances of applicants before the Common Council, the Zoning Board of Appeals, the Planning Board and other City committees.

The end of May is the date of the most recently approved Council resolution posted to the City website, as if no business had been conducted or resolutions approved since that time. And the resolutions that are posted to the City site have titles that are laced with acronyms, are posted as graphic images, and do not record the names of Councilmembers who voted in favor, opposed, abstained, arrived late or were absent—willfully defeating the historic record.*

*See link <<https://www.cityofpoughkeepsie.com/241/Resolutions>>

This Council might go to sleep over the summer, but the City and the County do not. Hard-working people and businesses are being driven out of this city by failures to address and develop solutions to a vast range of problems. Practically the only parties getting focused and expedited City attention are the developers lining their pockets at the expense of city residents and taxpayers.

Some questions posed to certain City staff and Council members at the last March 2023 Special Informational meeting have never been answered. Councilmembers consistently ignore substantive questions raised by the public, yet jump at the opportunity to claim free speech and so-called First Amendment rights to belittle, and even lie to their constituents.

For those who pray that things can't get worse, think again about what this majority lame duck Council will or won't accomplish between now and January, as well as the covert and very suspect slate of Exempt Firemens' members who'll be taking Council seats in January.

V. CHAIRWOMAN'S COMMENTS AND PRESENTATIONS:

Chairwoman Brown: First of all, the negotiation team, which consists of Vice Chairman Shook, Council member Flowers and myself, met with our attorney who's representing us in regards to Oakley, DCJ, or whatever they county is planning to do, and we are not at liberty to discuss any of that conversation at this time. When we can disclose information, we will. And our attorney commented in the paper, and it's not appropriate for us to say anything, but we are doing something, and things are happening. That's all I can say.

There's a zoning public hearing that we are looking to schedule at the Family Partnership Center either the 24th or 28th of September. There were some issues over the summer because the consultants are in Pennsylvania, so their schedules weren't meshing with our schedules. That's why there was not one scheduled in August. But we will not move forward with the zoning plan until we have a public hearing on the north side and give equal amount of time to people to speak their concerns when we have a public hearing here.

We heard from primarily people who live on the south side, and we do not want to make a decision with a unilateral decision. We want to make sure that all voices are heard so that plan will not move forward into that public hearing happens. And it was imperative that the consultants were there. I didn't want the council just to have a public hearing. We need the consultants there and take those results and maybe make edits if necessary.

We do as a council, need to talk to the administration about these needles in the parks. School is expected to start back on September, and there's a group of us who are working on safe routes to school. But along those safe routes, you know, there's needles in the parks there, needles on the street. Yesterday, someone tagged a couple of us in the picture of needles just laying in broad daylight on the sidewalk. There definitely needs to be a park maintenance plan with those needles. And then we need a more comprehensive plan because I am nervous that a child will step on a needle and get hepatitis or drugs in their system, or even worse. So that is that is a biohazard that we need to address. And that's all I have for now.

September 6th is a special informational meeting that gives members of the public the opportunity to ask questions of department heads. I would recommend that you have your questions prepared and some of you can actually submit them in advance so they can be answered. I know Ms. Sandow mentioned that she's still waiting on answers to questions from last year but having them in advance would provide a better opportunity to get them answered. And that's all I have for now. I will turn it to Mayor's comments.

VI. MAYOR'S COMMENTS:

Mayor Nelson: Thank you, Madam Chair.

I first want to welcome the Council back from your summer hiatus, but I also want to mention that so many of you individually and collaboratively contributed to many of the

summer events that have gone on. I'm going to talk about a few of them briefly. But, you know, I think it's important to make sure the public understands that the council members are actively involved, even during that six week or so hiatus when we're not having meetings.

I want to thank Mr. de Cordova for being the only member of the public comment or group today to recognize so many great things going on in the City of Poughkeepsie. But before I get to those, I owe the answer on lead pipes.

You know, the administration has not seen the proposed legislation, that Councilmember Deichler and some of our colleagues are planning on presenting. My understanding is, is that they've had conversations in their caucus about that legislation. As the mayor, I don't participate in the caucus. I haven't seen the legislation. I think our Corporation Counsel's office is reviewing it and making recommendations.

But I will say that the city recently submitted two rather major grants on time, no problem. And we're optimistic those grant applications will yield good results for the city. I want to thank Congressman Ryan's office, Assemblyman Jacobson's Office, Councilmember Deichler and Councilmember Flowers, in particular, who have been spearheading the work that we've done.

And I just want to comment on the allegation twice made that our engineering department somehow dropped the ball. There's absolutely no evidence at all that the City of Poughkeepsie would have been awarded a nickel had that engineering study been done. And, in fact, that was the previous year when this issue was just coming to the state's attention, and we had barely two or three weeks to do an entire engineering study. There's a back story there.

I'm very proud of the Engineering Department and the Department of Public Works here at the city. We take this issue as seriously as you do, and we intend to pursue every source of grant funding that we possibly can to make this priority, something that we can work on. I will also say with respect to lead service lines, every single year under our City charter, the Common Council gets to approve and make changes to the capital plan. And the capital plan is that - it's not the annual budget - it's the five year look ahead that we do every year it's submitted to council. It has never been missed. I think it was late one year because of COVID and this body has the authority to approve it, deny it or change anything they want on it. Given the cost to this community of working on lead pipes, it's obviously a capital plan. It's not an annual plan. It's a capital plan. This is the council that can change it. They can pass it and can make it a priority. It is not the administration that can set a policy to spend 100 and some odd million dollars in ten years, which, by the way, no bank would lend the city that much money under any circumstance, whether our bond rating was two or three notches higher or not. So that's the answer on the pipes.

On a more positive note, I want to thank everybody that participated, particularly Council Chair Brown, for the work and John Penny, I should say as well, who did a tremendous job getting the pool open and thank you to the school district particularly. I want to thank everybody that was involved in the summer camp. Terrific.

I'm sure some of my council colleagues will talk about that more when we get to their comments.

But literally hundreds of Poughkeepsie children benefited and took advantage of many activities that were going on all over the summer, including swim lessons and so forth. I managed to take a few minutes out of my day and drive over to Pulaski Park to review the progress on the Pulaski Pool house. I invite every member of the public to go over there and see firsthand the work that's progressing on schedule, if not over budget, but on schedule, so that we will have a state of the art fantastic pool house. And it's not just the pool house, by the way. What was reported was, Well, why are you doing this in the summertime? It's a whole new pool equipment. The old pool equipment was within the pool house. So when you demo it, obviously you need all the pumps and filters and everything else.

The project was much larger than a project that could have been done in just a few months. So there was no possible way to avoid the closure of Pulaski Park for one season. The only choice we had was to do it this season or next season, and I'm glad we made the decision to put it behind us. And the community has something great to look forward to.

And to my colleagues, you know, on the council, I want to particularly mention that the year following that's '24, we'll start the planning for '25's work on the pool house at Spratt Park as well. And most of this, if not all of it, was funded by and will be funded by ARPA.

I want to wish our chair and Natasha Brown a happy birthday.

I want to thank everybody that was involved in Riverfest, Porchfest and thank you to the public comment here that mentioned this. My wife and I were able to attend Porchfest. It was the fourth year in a row for Porchfest and as I drove around I before I could even find a parking spot, I thought to myself, "this is the first time that's happened".

And, you know, the question was asked why we don't call the close Academy Street. You know, the event is attracting more people. I think at some point, maybe as soon as next year, you know, we will talk with PD and traffic Control about closing Academy Street. It is an emergency route. And so there are challenges about it. And police command and traffic has recommended, thus far, that we not close. And, obviously, if the event continues to grow as we think it will, then we'll revisit that.

In addition to the Porch Fest, River Fest, we had Jazz Fest, a fantastic event that we have. You know, Jazz Fest would have celebrated their 20th anniversary here in the City of Poughkeepsie during COVID. But during COVID, of course, there was no Jazz Fest.

So I want to congratulate Greer Smith and all of the fabulous musicians that contributed to that event at Warriors Park. And in addition to those big events that we all know, and some of us, I think see, I see nodding their head attended them.

There were at least six particular events around block parties and at smaller parks. I'll let my council colleagues talk about that. Back to school is coming, I want to wish all the students in the City of Poughkeepsie good fortune and hard work as we start back. Talked about lead grants. I want to say my colleague to my right, Christopher Grant, and I attended a public meeting, the second public meeting about work on a job that's going to start in the spring on Bartlett Park

I want to particularly thank members of the public that came to the first community meeting, which was held in this room, I think, a couple of months ago now, Chris, and just about every single recommendation we were able to build in, the engineers and the consultants were able to build in to the plan. We went over that revised plan at the public safety building last week and uniform good comments, although I will say a couple of suggestions that we're still going to try to get done.

And then very quickly, I had the pleasure and the honor today, along with superintendent of schools Dr. Eric Rosser, and our colleague Rob Watson from the Harvard Universities and Redesign Lab, who was in town to welcome AmeriCorps and the and particularly ANPAC. And I think Christopher Grant may be talking about that when he gets his comments.

But today was their kickoff session. They had a sort of a swearing in thing over at the academy. And I was just thrilled to see so many volunteers. Yes, they are going to receive a stipend, but volunteerism is alive and well. We're bringing it to the city of Poughkeepsie. It's focusing on early learning, particularly reading and math. And this is the beginning of something we think that's going to continue to grow in the City of Poughkeepsie. And I will also say we're very proud and I said this in my remarks, the academy, Poughkeepsie was the first and so far the only city selected for this program. So Anpac is a national company they're in 13 to 15 states. And today they put planted their flag here in the state of New York. And as I thanked them, I said, you know, you could have gone to any of the 20 cities and municipalities that that met the criteria that they were looking for, and they chose the City of Poughkeepsie. So we thank ANPAC particularly for that.

I just want to mention, if I can...

Chairwoman Brown: Hey, you said that was your last thing.

Mayor Nelson: I know. I just forgot. If I could just mention one thing, I see our colleagues from the park at the walkway. You know, I'm very concerned. And I tried to make notes on this, but, you know, the walkway over the Hudson does bring more than a half a million visitors - I see back there, sorry, - to the City of Poughkeepsie. And they are our partners. We are going to continue to do everything we can. But I do want to just add to their comment, and that is that I have been made aware and I wasn't aware of this until a couple of weeks ago, that the State Park police have made significant cuts to staffing and there has been a sharp reduction in the availability of park police to respond to, you know, behavior, mental health crises and other things that were mentioned in the public comment. So the city obviously takes our first responder position very seriously. Just in the last few months, we've responded to some serious mental health crises there, but we haven't seen the final reports yet. But probably about \$20,000 in overtime between police and fire. I think the walkway was actually closed down for, you know, completely, you know, one day. But in any event, I know I'm out of time. I just wanted to tell our partners at the walkway that my email address is: mnelson@cityofpoughkeepsie.com.

I'm good friends with your directors and anything I can do to help. We could probably set up a meeting with Chief Pape and our fire chief, Joe Franco, who his team did a fantastic job.

And I will say if I can share, we're saving lives because, thank God the people that presented with risk to themselves were rescued, I will say, and hopefully went on to get the appropriate level of care, you know, in our community or elsewhere. And I know I'm out of time.

Chairwoman Brown: You are out of time. I'm going to move on.

Mayor Nelson: I Just wanted to thank DPW, for all the work they did all summer long.

Thank you, Chair.

VII. NEW & UNFINISHED BUSINESS & ANNOUNCEMENTS:

VIII. ~~REPORTS OF COMMITTEES AND BOARDS:~~

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS:

A motion to accept the Consent Agenda was made by Councilmember Shook and seconded by Councilmember Thompson.

- 1. R-23-56, Resolution Approving an Agreement with PCSD for a School Resource Officer**

**R E S O L U T I O N
(R-23-56)**

INTRODUCED BY CHAIRWOMAN BROWN:

WHEREAS, the Poughkeepsie City School District desires the presence of a School Resource Officer, hereinafter "SRO," at district schools for the purpose of providing security and support for the benefit of its administration, employees, students and the community at large; and

WHEREAS, the City and School District may enter into intermunicipal agreements for such purposes; and

WHEREAS, the Common Council has determined that this resolution constitutes a Type II action as defined by the New York State Environmental Quality Review Act and 6 NYCRR Park 617;

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby approves the attached proposed inter-municipal agreement annexed hereto as Exhibit A and authorizes the Mayor to execute same.

SECONDED BY COUNCILMEMBER SHOOK

R-23-56						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

ACTION AGENDA:

X. MOTIONS AND RESOLUTIONS:

R-E-S-O-L-U-T-I-O-N
(R-23-57)

INTRODUCED BY CHAIRWOMAN BROWN:

WHEREAS, the City of Poughkeepsie (hereinafter the “City”) has the responsibility and duty to provide for the long-term vision of our public waterfront system by ensuring that a balance of parks, natural resources, and recreation facilities provides for the health, welfare, and safety of all residents; and

WHEREAS, in 2022 the City finalized the updated Local Waterfront Revitalization Plan through the New York State Department of State in which there was strong community support for accessibility along the waterfront; and

WHEREAS, the Common Council of the City of Poughkeepsie approves and endorses the receipt of grant funding from New York State Department of State through the Local Waterfront Revitalization Program for planning of the Fall Kill Blueway.

NOW, THEREFORE,

BE IT RESOLVED, that the City of Poughkeepsie hereby authorizes Interim Development Director Joe Donat, or his designee in the Development Department, to act on its behalf in submittal of an application through the Consolidated Funding Application for \$810,150, to be used for the City of Poughkeepsie planning and design stage of the Fall Kill Blueway project.

BE IT FURTHER RESOLVED, that the Mayor is and hereby shall do all things necessary to give effect to the resolution including but not limited signing any document needed for submission or acceptance.

SECONDED BY COUNCILMEMBER SHOOK

R-23-57						
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

R E S O L U T I O N
(R 23-58)

INTRODUCED BY CHAIRWOMAN BROWN

BE IT RESOLVED, that the attached certificates of Base Percentages, Current Percentage, Base proportions and Certificate of Adjusted Base Proportions for the levy of taxes on the 2023 Assessment roll are hear by approved in accordance with Article 19 of the Real Property Tax Law.

SECONDED BY COUNCILMEMBER SHOOK

R-23-58						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

R E S O L U T I O N
(R-23-59)

INTRODUCED BY CHAIRWOMAN BROWN:

WHEREAS, in accordance with New York General Municipal Law, the Common Council of the City of Poughkeepsie is authorized to make appointments of City residents to serve on the board of the City of Poughkeepsie Public Arts Commission; and

WHEREAS, the members of the Public Arts Commission serve at the pleasure of the Common Council; and

WHEREAS, it is in the best interest of the City of Poughkeepsie and its citizens that the Public Arts Commission have a full complement of members in order to properly conduct the business required of the Public Arts Commission; and

NOW, THEREFORE,
BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby appoints the following individuals to the City of Poughkeepsie Public Arts Commission, to serve at the pleasure of the Common Council for a term ending July 31, 2026.

Art Jones

SECONDED BY COUNCILMEMBER SHOOK

R-23-59						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

XI. ORDINANCES AND LOCAL LAWS:

XII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

1. ~~FROM MAYOR MARC NELSON~~, a communication regarding the Tax Cap Override Moved to August 30, 2023 Common Council Meeting
2. **FROM COUNCILMEMBER SHOOK**, a communication regarding handicapped signage on South Avenue
3. **FROM ALEASHA COLE**, a notice of property damage that occurred on May 14, 2023
4. **FROM SHARON JOHNSON**, a notice of property damage that occurred on May 20, 2023
5. **FROM JEFFREY WILLIAMS**, a notice of property damage that occurred on June 2, 2023
6. **FROM CHRISTINE HICKEY**, a notice of claim for property damage that occurred on June 26, 2023.

7. **FROM JOY OSTERHOUT**, a notice of property damage that occurred on July 6, 2023.
8. **FROM RICHARD HOPP**, a notice of property damage that occurred on July 23, 2023
9. **FROM SUSHI GINZA & CAJUN SEAFOOD, INC.**, a 30-day advance notice of intent to obtain a NYS Liquor License.
10. **FROM GUY DESANTIS**, a notice of property damage that occurred on June 9, 2023.
11. **FROM 400 NELLY RESTAURANT CORP.**, a 30-Day advance notice of intent to obtain a NYS Liquor License.

XIII. ADJOURNMENT:

A motion was made by Councilmember Thompson and seconded by Councilmember Deichler to adjourn the meeting at 8:45 PM.

Dated: September 7, 2023

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, August 28, 2023.

Respectfully submitted,

Donna M. DeLuca
Deputy City Chamberlain



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, August 30, 2023, 6:30 p.m.

Common Council Chambers

Welcome to the regularly scheduled Meeting of the City of Poughkeepsie Common Council the date is Wednesday, August 30, 2023, and the time is 6:33 pm.

I. ROLL CALL: 5 Present, 4 Absent (Chairwoman Brown, Councilmember Long & Councilmember Diechler absent. Councilmember Grant arrived after roll call was taken)

II. REVIEW OF MINUTES:

-NONE-

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

ADD:

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

1. FROM MAYOR MARC NELSON, a communication regarding the Tax Cap Override

REMOVE:

XI. ACTION AGENDA: MOTIONS AND RESOLUTIONS:

2. SEQRA Resolution R-23-61 and Sale Resolution R-23-62, authorizing the Sale of City Owned Property – Unnumbered Cannon St. (Tax Map No. 6161-23-276969)

IV. PUBLIC PARTICIPATION

- 1. Bob Wallace – 135 Main St (For the Many)**
- 2. Vera Fishman-Reskeff – 132 Franklin St**
- 3. Joseph Troche – Delafield St**
- 4. Daniel Attona – 116 College Ave (For the Many)**
- 5. Freddie Thompson – 3 Hook Rd (For the Many)**
- 6. Doug Nobiletti – 145 Academy St ***
- 7. Laurie Sandow – S. Grand Ave ***
- 8. Cooper Miller – 134 Franklin St.**

***Submitted written comments**

City of Poughkeepsie Common Council. August 30, 2023

We as property owners can not bear either a tax increase of 7% or a service cut of 7%.

Our property management costs have increased, and our stores are seeing greater vacancies. Rents are being kept affordable, and most of us have no tax breaks from Albany.

Yet we can not scare off developers, we need bodies downtown to make our city viable, and as a means of jobs creation as normal retail resumes.

We also cannot sacrifice those of us who have led the charge of development by doling out exorbitant PILOTs to those who come behind us.

PILOTs capped at 10 years should be sufficient, since many proposed projects already rely on substantial subsidization as a means of covering construction-cost as well as a means of rent collection.

As a city with a "challenged reputation" we need a more more vibrant community for all -all but those whose MO is to take advantage of our city residents and businesses.

Yes, we need both affordable and market rate housing. We also need the rest of the county to bear their share of county services and supportive housing to dilute the burden all of us citizens of Poughkeepsie must bear every day.

Please collaborate with the county and all the service providers to push for disbursing or returning citizens to their respective communities. We are exhausted.

Thank you,

Doug

Mechelle & Doug Nobiletti

Nobus Group. LP

Jdnobil@gmail.com

845-797-0547

Laurie Sandow public comments

City of Poughkeepsie Common Council meeting, August 30, 2023 – Page 1 of 2

It would be great if I were able to focus on tonight's Council agenda, but I find it more important to address some of the hooey from this past Monday's Council meeting.

First, there is nothing so amusing as Councilmembers who have removed their own addresses from the City website, yet illegally declare that members of the public won't be allowed to speak if their address was not entered on the sign-up sheet.

Also, it's not the Mayor's, or any Councilmember's place to dictate the content of comments, or to require "happy talk" in place of serious issues that require attention in the very limited 3-minute public comment space that's provided.

How ironic to hear a Councilmember complain about being left out of the loop. Welcome to the club of city residents who are constantly left out of the loop by Administration and Councilmembers alike; who fail to hold Ward meetings, who make decisions behind closed doors, who share nothing about Council and City details on their social media or elsewhere, and who act as shills and puppets for lobbyists.

Normal human laughter in response to Chamber and Council absurdities is not a breach of decorum. The Chair, of course, could comment or impose discipline on violations of decorum by fellow Councilmembers, like habitual lateness, insults slung at city residents, and more—but we all know it will be a cold day in hell before that happens. Shouldn't councilmembers be earning respect based on performance, knowledge, responsiveness and service, and not on title? Do councilmembers ever show their respect to the public with full and consistent public communication and transparency? No, instead we have councilmembers claiming that the only accurate perceptions are their own perceptions, and that their own so-called "stern" words are superior to the stern and critical observations voiced by the public.

It was sad but not surprising to hear the Mayor's and Councilmember's deserved happy talk about Riverfest, Porchfest and other city events, without a single mention of La Guelaguetza. Despite the thousands of people who celebrate this annual City event, not a single councilmember promoted it in advance or mentioned it during Monday's comments. The Mayor sent Yvonne Flowers to speak in his place. This Council is notorious for their self-interested rejection of a redistricting map embracing a Census-conforming Hispanic community of interest. In the June primaries, this redistricting rejection specifically benefitted Yvonne Flowers, Nedra Thompson, Megan Deichler, and Nathan Shook by protecting their existing and/or future seats through denial and foot-dragging around the Redistricting Commission's recommendations.

And because three minutes is never enough, I conclude by noting that despite Councilmembers taking mandatory finance training from Dr. Martinez in January, and claims of working throughout the summer, they were unprepared to entertain the Tax Cap presentation on Monday's agenda. They wanted a delay so that Dr. Martinez could attend tonight's meeting and answer questions, yet they asked him not a single question. The same Councilmembers who, two days ago, were not well-schooled enough in finance to entertain the Tax Cap presentation, are no better schooled tonight—two days later. Yet they are still the ones who hold decision-making and voting power over this City's financial future.

With that, I'll just close by noting that a lot of my comments were relevant to the very Councilmembers who aren't here tonight, who extended their summer vacation and scheduled two meetings within two days of each other, yet aren't showing up at the very meetings that they scheduled, approved and have known about from as far back as January of this year.

V. VICE CHAIRMAN COMMENTS AND PRESENTATIONS:

-NONE-

VI. MAYOR'S COMMENTS:

Mayor Nelson: Thank you, Mr. Chair. I will try to be brief. Let's just talk about the lead issue for just a minute. The City of Poughkeepsie water is safe. It meets all of the requirements of the Department of Health, of both the county and the state of New York. There is absolutely nothing wrong with the water. What we concede and what we've known for many years, everyone has known in this country, is that we, like every other municipality with old pipes, have lead pipes. The pipes have *lead*, and we concede that. We never have conceded, and we don't concede tonight that the *water* has lead. Let's get that clear.

With respect to the public comment about, you know, Mr. Nelson, this Mr. Nelson that I haven't been the Finance commissioner since 2017. I am the chair of the Water Board. The Water Board is responsible for the chemical treatment and production of the water. That is the same water that is circulated to the town of Poughkeepsie and other regional partners.

We share the Joint - that's why it's called the *Joint* - Water Project. The town and the city have collaborated on that. That water plant, by the way, is one of the city's greatest assets. It was built in 1964. It has a water board that governs it that is made up of three members of the town and three members of the city. I happened to have served on it since I was Finance Commissioner. Councilmember Deichler who is absent tonight, also serves on that committee.

I just want to put one thing to rest, and that is that my administration takes lead in the pipes extremely seriously. It is a major concern to us, just as it is to my council colleagues and to all of you. But just three months ago, Dutchess County Department of Health sent representatives over here to give our common council a brief presentation. And if anybody was watching the one comment that struck in my head and it was said at least three or four times that there is no evidence that the higher incidence of lead in tested blood is coming from our water. In fact, there's every reason to believe that just as serious a problem is lead paint in the City of Poughkeepsie and in older municipalities, particularly in areas where there are communities that are not able to repair homes.

Councilmember Menist: Point of information

Mayor Nelson: So I would just end by saying....

Councilmember Menist: Point of information

Mayor Nelson: Yeah, sure.

Councilmember Menist: Do you recall, Mr. Nelson, when the County Department Of Health was here? When we asked them the question about how they test the water? Do you recall their response?

Mayor Nelson: I believe the testing of the water is done by the City of Poughkeepsie and the Town of Poughkeepsie. Each community has its own testing requirements. We've come under criticism because of the method and manner in which we test, and I think of all of the things I've heard Councilmember Menist over the last year, that criticism probably, you know, hits home as being much more reasonable than in some of the fiction that we've heard here tonight. So, my answer is no, I don't specifically remember what they said. But more importantly, I, as the mayor of the City of Poughkeepsie, support now, and I always supported doing more testing. There's absolutely no reason why the city can't test more and in all parts of the city. I agree with that. And we are looking into funding that in the 2024 budget, which I will submit to the Council in just about a month's time. So, I hope that answers your question. I wish I could remember what they said about that. But, you know, the testing of...

Councilmember Menist: Point of clarification

Mayor Nelson:resources, you know.

Councilmember Menist: Would it be helpful if I reminded you that they said they do not test the water?

Mayor Nelson: I have no reason to dispute that. As I just said, it's the, it is the burden falls on each municipality and the City of Poughkeepsie tests its water.

Councilmember Menist: How could you assert then that.

Vice Chairman Shook: Well, I mean it's -

Councilmember Menist: - I think it's important because Mr. Nelson is attempting to construe that the water - the County Health Department came here and told us that.

Vice Chairman Shook: The Water Council remarks, I think it might be better if you want to address this when it comes to, you know -

Councilmember Menist: - just clarifying...

Vice Chairman Shook: Exactly. But we're just going to have Mayor's Comments and then you can respond.

Councilmember Menist: And they did not say the water was fine. They said they don't test it.

Mayor Nelson: What I am saying, Councilman Menist, and I continue my - thank you Chair - to continue my remarks. We test the water. The water meets all state and county requirements for all chemicals, not just lead. So the water is completely safe. And any allusions to the contrary are meant just to distract us from the real problems here. I don't believe I said the county tests the water, and certainly I concede that point.

On to my regular comments, I want to just say quickly, cleaning up from Monday, there was an issue from public comment about what is all the construction on Innes Avenue. We did a little bit of background check with our DPW people. Turns out that's a Dutchess County project. Nothing to do with the City of Poughkeepsie.

We had an inquiry from, I believe, a councilmember about where we are in the recruitment for a full time Rec Director. I did check with H.R., as I said I would. and the list is an invalid list, insufficient numbers of responses. And so, the city is going to repost in early in the New year, and we will continue that recruitment.

I'd like to let the public and the council know that on September 20th at 5:30, there will be a public information meeting concerning proposed upgrades to Kaal Rock Park. Everybody will recall we had a couple of public meetings on work at Bartlett. We've had one already on Kaal Rock, and this would be the second one for Kaal Rock, encouraging everybody to come again September 20th at 5:30. I want to mention that a press release will be going out shortly to let the public know this.

But I want to let our council partners know that the Office of the State Comptroller has upgraded the city's fiscal stress condition two levels, and now we are classified by the New York State comptroller as "susceptible to fiscal stress". Whereas before we were, as everybody knows, one of the most fiscally stressed communities in the state of New York. It was a significant improvement year over year. And congratulations to Dr. Martinez and our finance team and we'll be making that announcement tomorrow.

And finally, I just want to, one more thing on why our costs for lead pipes were significantly higher than other communities.

What we have not seen is a *per foot* comparison. So let's compare apples to oranges. The comparison that we've been told repeatedly is this is what it cost on average per residential address - per property, right? Well, obviously the distance of the pipe and other factors, how deep it is, what you know, what you encounter as you dig up the street, so forth, will impact it. So I would just suggest that to the extent we want to compare things, we should compare apples to apples, Right? Copper pipes are very expensive. Let's compare the cost of copper pipes and the distance that we have to put in. I would like to see that a little bit more and I'll be talking later tonight, Mr. Chair, about the proposed tax cap override and we'll address the comments of the public that we heard.

So thank you very much.

VII. NEW & UNFINISHED BUSINESS & ANNOUNCEMENTS:

VIII. ~~REPORTS OF COMMITTEES AND BOARDS:~~

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS:

X. ORDINANCES AND LOCAL LAWS:

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

1. **R-23-60**, Resolution to Approve the Appointment of Susan Fortunato to the Land Bank.

R E S O L U T I O N
(R-23-60)

INTRODUCED BY CHAIRWOMAN BROWN:

WHEREAS, pursuant to the by-laws of the Dutchess County-Poughkeepsie Land Bank, one member of the Board of Directors “shall be appointed jointly by the County Executive of Dutchess County and the Mayor of the City of Poughkeepsie, subject to confirmation by the Dutchess County Legislature and the City of Poughkeepsie Common Council” [Article II, Section 2,(a)(5)]

WHEREAS, the Mayor and County Executive have selected Rev. Susan Fortunato for reappointment to this position; and

WHEREAS, the Dutchess County Legislature is scheduled to consider confirmation of Rev. Fortunato’s reappointment at the August 14th meeting.

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby confirms the Mayor’s appointment of Rev. Susan Fortunato to the Dutchess County-Poughkeepsie Land Bank.

SECONDED BY _____.

R-23-60						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☐	☐	☐	☒
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☐	☐	☐	☒

- 2. ~~SEQRA Resolution R-23-61 and Sale Resolution R-23-62, authorizing the Sale of City Owned Property—Unnumbered Cannon St. (Tax Map No. 6161-23-276969)~~**

Items Removed

- 3. R-23-63, Resolution to Approve Appointments to the Board of the City of Poughkeepsie Industrial Development Agency.**

RESOLUTION (R-23-63)

INTRODUCED BY COUNCILMEMBER SHOOK:

WHEREAS, in accordance with New York General Municipal Law, the Common Council of the City of Poughkeepsie is authorized to make appointments of City residents to serve on the board of the City of Poughkeepsie Industrial Development Agency (“CPIDA”); and

WHEREAS, the members of the CPIDA serve at the pleasure of the Common Council; and

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

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby appoints the following individuals to the Board of the City of Poughkeepsie Industrial Development Agency, to serve at the please of the Common Council for a term ending 12/31/25:

Melinda Miller
Mario Johnson
Rashad Ricketts

SECONDED BY _____.

R-23-63						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☐	☐	☐	☒
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☐	☐	☐	☒

XII. ORDINANCES AND LOCAL LAWS:

- 1. LL-23-XX, Local Law – Resolution of Introduction and Providing for Public Hearing – Tax Cap Override**

RESOLUTION INTRODUCING LOCAL LAW AND PROVIDING FOR PUBLIC NOTICE AND HEARING (R-23-64)

INTRODUCED BY COUNCILMEMBERS _____

WHEREAS, the City of Poughkeepsie has remained under the New York State Tax Cap for the six consecutive fiscal years, 2018-2023; and

WHEREAS, during these years the City has succeeding in nearly entirely resolving what was once a \$13.2 million general fund deficit and has recently regained its investment. grade quality bond rating from Standard and Poor's; and

WHEREAS the New York State Tax Cap is a complex calculation which each municipality makes independently, but in the City of Poughkeepsie the calculation results in a maximum tax increase of approximately two percent in any given year; and

WHEREAS, because of rising property values, the City has had to reduce the tax rate in each of the last four years, in order to stay under the New York State Tax Cap; and

WHEREAS, according to the U.S. Bureau of Labor Statistics inflation, as indicated by Consumer Price Indices rose to 9.1% in 2022, before falling to 5.2 % in 2023, and expectations are that it will continue to exceed the Federal Reserve’s target rate of 2% through 2024 and into 2025; and

WHEREAS, the Administration projects that it will be necessary to increase property taxes by more than 2% as it prepares next years general fund budget, due primarily to the cost of goods and services, existing contractual commitments, and the phase-out of reliance on Federal aid received under the American Rescue Plan Act (“ARPA”);

NOW, THEREFORE, BE IT

RESOLVED, that an introductory Local Law, entitled “Local Law to override the tax levy limit established in General Municipal Law §3-c” be and it hereby is introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law are laid upon the desk of each member of the Council; and

BE IT FURTHER RESOLVED that the Council shall hold a public hearing on said proposed local law at City Hall, 62 Civic Center Plaza, Poughkeepsie, New York, at 6:00 o’clock P.M., on September 18, 2023; and

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public

notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto.

SECONDED BY COUNCILMEMBER _____.

LOCAL LAW NO. ____ OF 2023

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN
GENERAL MUNICIPAL LAW § 3-c**

INTRODUCED BY COUNCILMEMBER _____

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

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the City of Poughkeepsie, County of Dutchess pursuant to General Municipal Law § 3-c, and to allow the City of Poughkeepsie, County of Dutchess to adopt a budget for the 2024 fiscal year that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. AUTHORITY

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the City Council to override the tax levy limit by the adoption of a local law approved by the Common Council.

Section 3. TAX LEVY LIMIT OVERRIDE

The City of Poughkeepsie Common Council is hereby authorized to override the Tax Levy Limit established pursuant to N.Y. General Municipal Law §3-c, for Fiscal Year 2024, and to adopt a budget for Fiscal Year 2024 that requires a real property tax levy in excess of the amount otherwise prescribed in N.Y. General Municipal Law §3-c.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or

unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

SECONDED BY COUNCILMEMBER _____.

LL-23-XX/R-23-64						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☐	☐	☐	☒
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☐	☒	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☐	☐	☐	☒

2. *First Read:* O-23-XX, Ordinance Regarding Handicapped Signage on South Avenue

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

(O-23-XX)

INTRODUCED BY COUNCILMEMBER SHOOK:

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

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

Section 13-269 -Handicapped parking areas designated.

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

SOUTH AVE., West side, beginning 150 feet North of its intersection with Reade PL., and continuing North for a distance of 15 feet, for one parking space.

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____ :

ADDITIONS denoted by **Underlining and Bold**

FIRST READ, NO VOTE TAKEN

A motion was made by Councilmember Thompson and seconded by Councilmember Flowers to defer the following items to Corporation Counsel.

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

- 1. FROM MS. MOHSIN ALI**, a notice of personal injury sustained on July 31, 2023
- 2. FROM CHARLES KESSLER**, a notice of property damage sustained on August 15, 2023
- 3. FROM 400 NELLY RESTAURANT CORP**, a 30 Day advance notice of intent to obtain a NYS Liquor License.

XIV. ADJOURNMENT:

A motion was made by Councilmember Thompson and seconded by Councilmember Flowers to adjourn the meeting at 7:45 PM.

Dated: September 11, 2023

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, August 30, 2023.

Respectfully submitted,
Donna M. DeLuca
Deputy City Chamberlain



THE CITY OF POUGHKEEPSIE
NEW YORK
SPECIAL COMMON COUNCIL
MEETING MINUTES

Tuesday, September 6, 2023 6:00 pm Common Council Chambers

Chairwoman Brown called the meeting to order at 6:00 p.m.

- I. Welcome
- II. Pledge of Allegiance
- III. ~~Roll Call~~

Attendance: Common Councilmembers Grant, Flowers, Thompson, Menist, Deichler and Vice-Chair Shook were present and seated in the audience. Councilmembers Long and Johnson were absent.

City Hall Department Heads in attendance on the dais: Randy Alstadt (Water Plant Administrator), Councilmember Natasha Brown (Common Council Chairwoman), Jasmin Davis (Chamberlain/Vital Statistics), Joe Donat (Planning/Building Department), Chief Joe Franco (Fire Department), Chris Gent (Department of Public Works), Dr. Brian Martinez (Commissioner of Finance/ IT), Marc Nelson (Mayor), Chief Tom Pape (Police Department), Regina Pittman (Human Resources), John Taylor (Assessor) and Rebecca Valk (Corporation Counsel).

IV. Public Participation

- 1. Julian Rodriguez – 146 Smith St.
- 2. Kayla Rodriguez – 146 Smith St.
- 3. Peter Van Aken – 94 Wilbur Blvd.
- 4. Marc Ciccarelli – (*submitted written comments read into the record by the Chairwoman*)
- 5. Daniel Atonna – 116 College Ave. (For the Many)
- 6. Doug Nobiletti – 145 Academy St.
- 7. Laurie Sandow – S. Grand Ave. (*submitted written comments*)

Jasmin N. Davis

From: Marc Ciccarelli <mc2551@gmail.com>
Sent: Tuesday, September 5, 2023 2:19 PM
To: Natasha Brown; Jasmin N. Davis
Cc: Marc Nelson
Subject: Common Council Meeting - 9/5/23

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Common Council Chairwoman Natasha and City Chamberlain Jasmin Davis,

I'm unable to attend the Common Council meeting tonight, 9/5/23, but I'd like my comments below to be shared at the meeting tonight.

My name is Marc Ciccarelli and I've been active in the Poughkeepsie community for 13 years now, beginning as a Marist student (*go Red Foxes!*) and I now own some property in the city with my family. I'm passionate about this community and want to see Poughkeepsie prosper. Last year we purchased property on the 400 block of Main St, with the intent to provide safe and affordable housing as well as rejuvenate the ground floor retail. My goal is to improve the eastern Main St community and bring impactful business to the area.

In the past 12 months, Main St has quite literally become the Wild Wild West. It has become considerably worse, the worst that we have ever seen it. Homelessness, open drug usage and sales (*primarily heroin and crack*), used synergies EVERYWHERE, open container alcohol consumption as well as violent, petty and personal crime is plaguing our downtown. The things that my family and management team have had to deal with is quite literally running us out of the city. I want to list a few things below that we had to deal with owning property along Main St in the past 12 months. Sorry in advance for the details, but I want everyone to understand how bad the city, specifically Main St, has become.

- Constant break ins into our common area from homeless and drug users to sleep and take drugs. Almost on a daily basis now.
- Two individuals broke into our common area hallway and sexually assaulted each other and are pressing charges against one another.
- Most recently, two prostitutes broke two windows to gain access to a vacant apartment that we just renovated. They began to operate a prostitution ring out of it for 3 days. They totally ruined thousands of dollars of recently renovated work. We contacted the police and pressed charges.
- Drug users have constantly been breaking into our garbage area and shooting up drugs. They then began using a small businesses HVAC unit as a used syringe dumping area and broke our \$2,000+ HVAC unit. After fixing it, they came back and did it again and tried pulling the HVAC unit out of the wall.
- Constant loiterers sitting in front of our buildings selling drugs and using illegal drugs
- We have issues renting out the ground floor retail units because many of the small business owners don't feel safe in the neighborhood.

I'm quite literally begging you, please help this city. This is an emergency, we need immediate and drastic action. We've never seen anything like this.

Sincerely,

Laurie Sandow comments, City of Poughkeepsie Common Council
Special Informational Meeting, September 5, 2023:

As with the Council's March 6, 2023 Special Informational Meeting the timing of tonight's meeting is auspicious. However, it's already off to an inauspicious start.

At the August 28 Common Council meeting, Chairwoman Brown said, and I quote (from the transcript): *"September 6th is a special informational meeting that gives members of the public the opportunity to ask questions at department heads. I would recommend that you have your questions prepared and some you can actually submit in advance so they can be answered."*

Section 2.05 of the charter does not provide for the format that was suggested and/or being enforced tonight, nor does it provide for restrictive time limitations, or require that questions be submitted in advance. In fact, it provides for the opposite. It provides for members of the public to ask any question of any department head, of the Mayor, the City Administrator, and any council member.

I remind everyone in attendance that my questioning at the March 6 meeting was cut off by Council Chair Brown, under the phony premise that others needed a chance to speak and ask their questions. Rather than set a time and date for an extended meeting, or extend the meeting if and when many people show up with questions, the Chair used a false excuse to blame me for taking too much time. The Charter is explicit about the public's opportunity to ask questions. Yet going back through the chairmanships of Petsas, Finney, Salem and now Brown, the chairs of this Council have devised clever methods to deprive the public of their Charter-given right.

Chair Brown swore that the questions she cut off—questions to her and Chamberlain Davis—would be answered in writing. But in the six months that have followed that March Informational meeting, and though I've supplied those questions to them in writing more than once, and noted that they've failed to reply, neither one of them has yet replied.

City Charter Section 2.05 Informational Meetings reads:

"In addition to its organizational, regular and special meetings as hereinabove prescribed, the common council shall convene meetings in March and September of each year which shall be solely informational. All members of the common council, the mayor, the city administrator and the heads of all city departments and offices shall be in attendance unless excused by the council chair for good cause shown. The general public in attendance at such meeting may inquire of any such persons with regard to any aspect of city governance. Written public notice of each such meeting shall be published in the city's official newspaper and on the city's official website and by whatever other electronic means as may be commonly used by the

city for such purposes, and may otherwise be given as provided by the rules of the common council, not later than the fourteenth day next preceding such meeting.”

—My first question is directed to anyone qualified to answer:

Are there microphones in the Common Council Chambers, that allow people in other rooms or offices to listen from another room to things being said in the Council Chambers room?

Because members of certain City boards have themselves expressed this concern, and because Corporation Counsel Valk raced right past me when she passed me when I was out in the hall and said hello. She just kept walking when I said, hello, and she replied, “you know why I’m not saying hello to you, Ms. Sandow.”

—Next, my questions are for Finance Commissioner Brian Martinez:

- I have submitted more than one FOIL appeal to you, and cannot remember the last time it yielded more information than I already had. Instead I receive a boilerplate reply in graphic format rather than as text. Ms. Biery writes in part, on your behalf:

“I resubmitted to the parties identified to ensure all responsive documents were provided. I received no additional documents that were not protected by the “attorney-client” privilege or intra-agency exemption...”.

In the case of FOILs submitted to Chamberlain Jasmin Davis, which Ms. Davis did not supply in response to my FOILs, you and Ms. Biery are contending that you have no problem with Ms. Davis, the City’s records information officer, failing to supply time-stamped or any other certain documents that should have passed through her hands and be on file and available through City records. Among these, just for example, are certain Letters of Interest and resumés submitted to serve on certain committees, and copies of sworn oaths of office. These particularly refer to the Salary Review Commission, but they’re not limited to the Salary Review Commission.

- When you provided finance training to all CC members in January 2023, is it your opinion that the training was sufficient to qualify them to make fiscally responsible decisions about this City’s budget, about applicants who seek PILOTs and other kinds of endorsements from the Council, as well as about their own use of ARPA and Ward funding?

- In February 2022, you sent a memo to all Councilmembers regarding ARPA Ward Funds Policy. That memo stated that that “\$50,000 is allocated to each of eight Council Members, excluding the Council Chair (who, at the time, was Sarah Salem). It also stated:

“Specifically, ARPA funds may be used for four eligible use categories: 1) Responding to the public health and negative economic impacts of the pandemic (which includes several sub-categories), 2) Providing premium pay to essential workers, 3) Providing government services to the extent of revenue loss due to the pandemic, and 4) Making necessary investments in water, sewer, and broadband infrastructure.”

- I FOILED an accounting of Councilmember use of Ward funds. The document I received in reply regarding ARPA funds accounted for allocations of \$40,000, not \$50,000. Do the yellow bands in that document indicate redactions? Or do they indicate something else—and what would that something else be? What expense could possibly qualify as a legitimate expense, yet need to be redacted from the accounting? Where in the accounting were there listings for funds that councilmembers kickbacked to the City for purchase of the trash cans?

- For now, I’m going to skip over the \$4,500 provided to each Councilmember for use as Ward funds. Though I will note that there was no accounting provided for either Ward or ARPA fund expenses, purchases and donations by Evan Menist, nor by then-5th Ward Councilmember Natasha Brown.

- Regarding use of ARPA funds, which I have to assume went through some sort of approval process, I am going to call attention to just a few of many suspect uses, and ask for explanations of how each of these possibly met the criteria spelled out by you, Dr. Martinez, in your February 2022 memo to Councilmembers.

—**Shamrock Shows**

(i.e. Riverfest, a for-profit event by Los Wood, a personal friend of several CC members)

Lorraine Johnson: \$1,000; Yvonne Flowers: \$3,500; Christopher Grant: \$2,000.

Total: \$6,500

—**Charlia Frank**

(a not-for profit created by fellow Councilmember Nedra Thompson)

Megan Deichler: \$4,600; Yvonne Flowers: \$2,500; Yvonne Flowers (another): \$2,500.31; Christopher Grant: \$6,000.

Total: \$15, 600.31

—**Bubble Bus:**

Both Yvonne Flowers: \$563.75; and Debra Long: \$563.00

Total: 1,126.75

—**Megan Deichler:**

To Tron Melton, reported by Ms. Deichler as being used for a program to help youth learn coding, but which Mr. Melton clearly disclosed as having been used for a camp trip

Total: \$3,600.00

To fellow Councilmember Debra Long's "Emerging Leaders Cotillion":

\$3,700.00

—**Nedra Thompson reimbursements to herself**

Approx. \$1,000 in reimbursements for her own expenses and choices

—**Other Questionable funding:**

Love Quest

Yvonne Flowers: \$2,500; Christopher Grant: \$2,500

\$5,000.00

—**Lorraine Johnson:**

Family Services

\$25,000

—**Debra Long:**

For either/both a PCSD Pioneers basketball or cheerleading squads

Debra Long: \$4,000.00; Nedra Thompson: \$4,653.00

\$8, 653.00

—**Christopher Grant:**

\$10,000.00 to a certain organization for an alleged young entrepreneurs program

- What was the ultimate cost of trash can distribution and the cost of returns and cost of the multiple distributions that were required as a result of some kind of poor planning? As well as the cost of collecting oversized trash cans from residents who are unable to use them due to unwieldy size, weight, or other reasons?

—**Questions to Chamberlain Jasmin Davis:**

- It is reported that you keep a Special file of FOILs submitted by Laurie Sandow.

Is that true or not?

- Jasmin time-off summary: A FOIL for the Chamberlain's vacation days and other days and time off show an excessive number of absences, and appears not to have included certain absences. Please clarify for the public the number of days you've taken off for this year alone, to date, as vacation, personal days, sick days, and otherwise.

- Time and again, I have requested that files posted to the City website and/or returned to me in response to FOILs, be provided as machine-readable, searchable text files and not in graphic format. And yet you persist in posting scanned, graphic files. Why is that? Does City equipment not allow you to scan as text? Or do you just choose to scan as graphic files? Wouldn't it have been a good use of ARPA funds to upgrade this equipment?

- Have you ever received direct or indirect advice or instruction, whether verbal or written, to delay replies to certain FOIL requesters? Or to expedite certain FOIL replies from any requester? As we know Marc Nelson instructed in the case of Tinkelman's attorney, Stenger law firm, which did not use the City's FOIA Portal.

For example, at one point Marc Nelson wrote to me regarding FOILs and delays in FOILs (and I quote): *"Whether or not documents are near at hand when an FOI arrives which seeks them is not dispositive of our timeline for providing them. Many other factors are important as city staff are typically addressing a host of matters on any given day."* Well, that statement is in direct violation of Freedom of Information Law.

- Have you ever received direct or indirect advice or instruction from Corporation Counsel Rebecca Valk, whether verbal or written, to edit the comments I submit for inclusion in the minutes, or to send those comments to her for review?

- Do you have a policy posted to the City website regarding when members of the public can supply you with written copies of their public comments for inclusion in the minutes?

- I'd like to know how long it takes to make a change to the draft minutes of an agenda. Do you ever opt to make changes for one party, but not for another? Are you the only staff member who creates draft minutes, or do others in the Chamberlain's office sometimes write and post the draft minutes?

- I was told by Tim McQueen that he was standing at Chamberlain Jasmin Davis's desk on one day when she showed him a bunch of the Freedom of Information requests that she had received from me. Please confirm, and also state whether it is within the right and authority of the Chamberlain to share any items in her possession and on her desk with random members of the public?

- I'd like the City to start posting their transmissions of meeting notices sent to the Poughkeepsie Journal and not just assuming that transmissions were made in a timely manner.

- In June of this year, both you and Eric Philipp of the Building Department refused to accept a FOIL request that I sent by Email, and demanded that it be filed through the City's FOIL portal. When I replied that was not a legal demand, you, Ms. Davis, created a FOIL and entered it in my name. However, you have never actually delivered the paperwork I FOILed. How much City money was wasted by you and Mr. Philipp in delaying and failing to provide the requested document? To what extent do such games contribute to the current possibility of the need for a tax cap override.

- Time and again I have requested that meeting packets be provided as searchable, readable documents. Yet they are not. Today I got an automated notice that there had been a revision to an HDLPC agenda. Yet when I went to look at the agenda, there was no obvious change. I have repeatedly requested that originally posted documents not be pulled down and replaced with a brand new document, but that the original be redlined. Yet that doesn't happen.

- Why are Common Council meeting agenda line items posted using abbreviations, acronyms and initialisms? How is the ordinary City resident supposed to know what those stand for, or find them again if they ever have to search for the item? For example, on tonight's Council agenda, there's a consent agenda item reading "R-23-23, Resolution Amending the IMA with PCSD regarding SABP". Will the ordinary citizen even know what that means? If I ever have to find that resolution again, am I supposed to remember all the acronyms?

Why were there years, and now still missing months of resolutions on the City website under the link <<https://www.cityofpoughkeepsie.com/241/Resolutions>>?

—Youth grant reporting requirements

I note \$470,000 from Karen Williams's division in youth grant funding. Many of the organization on this list received County funding, and also just received ARPA funding from certain Councilmembers. What is the reporting requirement and follow-up when youth grant funding is issued? Why aren't their applications made available for public scrutiny?

—Questions to Corporation Counsel Rebecca Valk:

- In April of this year, you received correspondence from Ms. Kristin O'Neill, Assistant Director of the New York State Committee on Open Government, instructing that under Open Meetings Law this Common Council and City's Finance Committee must meet in public or be

in violation of Open Meetings Law. You told her you would get back to her, but to my knowledge you never did, even after I asked you for a copy of your follow-up correspondence. Please explain to the public why this City's Finance Committee continues to meet privately, even after instruction to the contrary from the Office on Open Government.

- Toward the end of 2022, I submitted a FOIL for copies of Common Council-related emails sent or received by Sarah A. Salem. Though you took several months before supplying documents to me, you pulled one of those messages and raced to deliver it to Tinkelman's attorney, Kenneth Stenger, so that the two of you could conjure a so-called stain on the court's proceedings. How is it that you used my FOIL to benefit Stenger and Tinkelman. Did you alert members of the Common Council, who are also your clients, that you had found this correspondence? And that you had found absolutely no evidence that the Court had ever seen Mr. Stier's letter?

- Regarding ex parte communication, when I submitted a FOIL, Ms. Valk replied as follows:

Rebecca Valk (City of Poughkeepsie, NY)

Mon, Apr 10, 2023 at 11:02 AM

To: lauriesandow@gmail.com

Cc: jdavis@cityofpoughkeepsie.com

Ms. Sandow:

1. As to your first request, this office has not issued anything in writing regarding ex parte communications. However, please note that any writing would be covered by the attorney-client privilege unless waived by the respective client. A discussion was had with the HDLPC on February 9, 2023 regarding the concern of ex parte communications where the applicant is not given a chance to respond to the information. That discussion can be found at:

<https://totalwebcasting.com/view/?func=VIEW&id=cop&date=2023-02-09&seq=1>

2. There have been extensive communications since Pelton Partners responded to the RFP in 2015, including numerous submissions to various four different boards (Common Council, Planning Board, Zoning Board of Appeals and HDLPC). I request that you narrow your request. If not, I anticipate 90 days to fulfill this request given the breadth of the request. Thank you.

- In a June 2023 article in the MidHudson News, it was reported that the court required you to consult with your client, the Common Council, but that, allegedly, your correspondence went unanswered. The City's Email system provides for you to flag your correspondence to let

Councilmembers know that the message is urgent, or to inform back to you whether any Councilmember had even read your correspondence. Did you flag your correspondence in any manner? Did you follow up with your clients by phone or otherwise when you heard nothing back? The Bar Association's Rules of Professional Conduct include, among other things, this statement: "A lawyer should maintain communication with a client concerning the representation."

- On the evening of May 11, 2023 members of the public watched a broadcast of an HDLPC meeting in which you and certain HDLPC members and city employees were heard contemptuously dismissing members of the public, and you in particular telling them how you told Dr. Martinez you were sorry about my FOILs and that he should take his time with them. Several members of this City Administration and IT department received an Email instructing that the file be preserved intact, yet that was not done.

The City claims that the recording is not preserved past the point where the meeting is adjourned. I recently watched an Arts Commission meeting that continued to broadcast even after it was adjourned. So the question remains that whether you preserved it or not, your contemptuous remarks and those of Tim McQueen, Da'Ron Wilson and others were still heard by viewers watching the public access TV broadcast.

I am asking you on the record to state whether webcast files are ever edited, as we saw in a case when Natalie Quinn made a statement at, I believe, a Planning Board meeting, that was later edited out of the webcast.

On Wed, Jun 7, 2023 at 1:20 PM Denise Biery (City of Poughkeepsie, NY)

<CityofPoughkeepsieNY@justfoia.com> wrote:

"The file is preserved in its original form, as recorded on the evening of May 11, 2023 and can be found at: www.cityofpoughkeepsie.com under "webcasting"

The Common Council Chambers webcasting system is an on-demand recording and broadcasting system that is activated and deactivated by staff during the meeting. The webcasting system is not a 24/7/365 surveillance system. Any actions or audio occurring prior to activating or after deactivating a recording are not captured.

—Questions to Council Chairwoman Natasha Brown, previously asked, still unanswered:

- Can you confirm that you and all other Councilmembers swore an oath of office, which includes support the Constitution of the United States, and the Constitution of the State of New York?

- At the Council's January 3 Organizational meeting, their first meeting of the year, the Council approved a Resolution Adopting Roberts Rules of Order. Roberts Rules reads, in part: "Consent and Priority Agendas—The consent agenda ... is a good way to dispose of business that is _noncontroversial_. Approving the minutes, paying the bills, and approving customary donations are examples of noncontroversial business...."

Why does this Council not have a written consent agenda policy, and why does it regularly include controversial items on its consent agenda?

- You have stated on the record that the Corporation Counsel advised there's nothing requiring us to accept public comments for inclusion in the written minutes. This City, and this Council has a history of including public comments extending back before any current member of the Council sat on this Council.

- The public consistently faces delayed posting of meeting agendas. Why is that? Why does the Chair never exercise the portion of Section 2.04(d) of the City Charter which provides that: "Prior to submitting any proposed legislation to a vote of the common council at any regular or special meeting, the person serving as chairperson shall suspend the rules of the meeting upon such conditions as he or she may determine to permit comment upon such proposed legislation by any member of the public in attendance who wishes to be heard...."

- The Common Council agenda regularly includes a line item for "Reports of Committees and Board". Why is this provision never exercised? Where and with whom are the end of year reports by City Boards?

- Council members phone and text to each other during council meetings, doing the public's business in private text. Your job is to operate in the public interest and not your individual interest. Please address this secretive texting between Council members.

- Council "bootcamp" workshops were recently held for councilmembers. When you originally announced these to the public, you said the schedule would be posted online, though the trainings would not be open to the public. Who taught each of these training or bootcamp sessions, what training was covered, and how long did each individual training session last?
<https://www.cityofpoughkeepsie.com/civicalerts.aspx?aid=200>

—Previous questions to dual title, Acting Mayor and City Administrator Marc Nelson:

- I'd like Mr. Nelson to address the issue of FOIL delays.

Also, the issue of whether he is in the process of putting together a Charter Review Committee. Please address the issue of Common Council member ethics and conflicts of interests.

- Please address the question of whether you, personally, have any professional background and experience in understanding and judging the qualifications of various board and committee members that you are currently appointing or removing from various city committees, the HDLPC currently being the most notable of those.

- Are conflict of interest rules applied equally to all Committee and Board members, or just to some. How and what are the rules that are being applied?

- Mr. Nelson, with the City as owners of Wheaton Park and Pelton mansion, please address the City's role in the demolition by neglect of the Pelton mansion, and the willful vacancy and deterioration through false promises and delays caused by the City itself—and not its boards and committees—as well as by individuals associated with, and the corporate entity known as Pelton Partners, LLC, which vacancy and deterioration was willfully misrepresented in this statement by Mr. Nelson at the Common Council Meeting of February 21, 2023 (partial extract):

<https://totalwebcasting.com/view/?func=VIEW&id=cop&date=2023-02-21&seq=2>

"And as to the Pelton Mansion issue, this city is moving forward.

We are not going to let that mansion fall down around itself while nothing happens.

We're just not doing it. For another decade. It sat vacant for years.

And as your mayor, I'm not going to allow that to happen."

2023 COMMON COUNCIL
EXPENSES
01.01.1010.7469 AR

2023 ARPA WARD FUNDS

WARD #	COUNCIL MEMBER	VENDOR	GOOD/SERVICE	COST	WARD	AMOUNT PROPOSED	AMOUNT SPENT
1 Debra Long							
		A-KID A DAY	PROGRAM THAT FOSTERS HEALTHY CHILDHOOD ENVIRONMENT IN THE CITY OF POUGHKEEPSIE	\$10,000.00		1 \$ 40,000.00	\$ -
		COUNTRY LAWN SERVICE	PROPERTY SERVICE. FLOATS FROM FESTIVAL OF LIGHTS WERE STORED AND BECAME A HABIT FOR THE HOMELESS AND CHEMICALLY ADDICTED	\$1,189.38			\$ 1,189.38
		CRAZY OVER ART ON TOUR	ART INSTRUCTIONS WITH CARRIE DECKER AND BERNADETTE DECKER	\$800.00			\$ 800.00
		bubble bus	bubble bus event	\$563.00			\$ 563.00
		community foundations of the hudson valley	basketball trip	\$4,653.00			\$ 4,653.00
		all for a one community outreach wellconnected	serving healthy food to the community media training for kids	\$3,000.00			\$ 3,000.00
		NIKKI LOVE ZUMBA FITNESS	ZUMBA CLASS INSTRUCTIONS/SESSIONS	\$3,500.00			\$ 3,500.00
		POUGHKEEPSIE NEIGHBORHOOD CLUB	JULY-AUG	\$1,600.00			\$ 1,600.00
		<u>BIG DRIP</u>	AMPLIFY THE VOICES OF YOUNG INDIVIDUALS	\$3,500.00			\$ 3,500.00
		<u>DJAY DON-DON SERVICES</u>	<u>icys for block party</u>	<u>\$750.00</u>			<u>\$ 750.00</u>
			<u>dj for block party</u>	<u>\$500.00</u>			<u>\$ 500.00</u>
		poughkeepsie pioneer cheerleading program	cheerleading program (\$4,000 from D Long, \$4,500 from Thompson)	\$4,000.00			\$ 4,000.00
		poughkeepsie pioneer football	football program	\$3,500.00			\$ 3,500.00
		Long, Debra	School Supplies	\$2,444.62			\$ 2,444.62
							\$ -
						<u>total spent</u>	<u>\$ 40,000.00</u>
						<u>Ward 1 balance left</u>	<u>\$ -</u>

2 Evan Menist

2 \$	40,000.00	\$0.00
		\$0.00
		\$0.00
		\$0.00

5 Yvonne flowers

FLOWERS, YVONE	2 UNIFORMS FOR SABP (COMM. FOUNDATIONS OF THE HUDSON VALLEY)	\$108.83	\$108.83
THE LOVE QUEST FOUNDATION CITY OF POUGHKEEPSIE YOUTH FOOTBALL LEAGUE	DOMESTIC VIOLENCE AND SEXUAL ASSAULT SURVIVOR PROGRAM	\$2,560.00	\$2,560.00
	YOUTH FLAG FOOTBALL PROGRAM	\$3,000.00	\$3,000.00
NUBIA DIRECTIONS	EDUCATIONAL PROGRAMS AND LEADERSHIP INITIATIVES TO HELP NUTURE YOUTH	\$2,500.00	\$2,500.00
CHARLIA FRANK	FILM PRODUCTION	\$2,500.00	\$2,500.00
BUBBLE BUS	day light bubble event	\$563.75	\$563.75
	WRISTBANDS THAT WILL GIVE ALL DAY ACCESS TO RIDES	\$3,500.00	\$3,500.00
SHAMROCK SHOWS INC	ADDITIONAL SUPPLIES FOR THE SUMMER PROGRAM	\$2,500.31	\$2,500.31
CHARLIA FRANK		\$0.00	\$0.00
		\$0.00	\$0.00
		\$0.00	\$0.00
		\$0.00	\$0.00
		\$0.00	\$0.00
		\$0.00	\$0.00
		\$0.00	\$0.00
		\$0.00	\$0.00

total spent \$17,232.89

Ward 5 balance left \$ 22,767.11

8 Megan Deichler

CHARLIA FRANK INC	POK SCHOOL DISTRICT GIRL'S BASKETBALL TEAM PLAYING IN TOURNAMENTS IN NEW JERSEY	\$4,600.00	\$4,600.00
POUGHKEEPSIE FARM PROJECT	FOOD ASSISTANCE & HARVESTING EDUCATION	\$5,000.00	\$5,000.00
MIGHTY YOUNG TECHS	PROGRAM USED TO HELP PARTICIPANTS LEARN CODING USING BLOCK CODING	\$3,600.00	\$3,600.00
POSITIVE ABOUT POSSIBILITY	COST ASSOCIATED WITH ELEMENTARY EMERGING LEADERS COTILLION EVENT	\$3,700.00	\$3,700.00
total spent		\$	16,900.00
Ward 8 balance left		\$	23,100.00

2023 COMMON COUNCIL
01.01.1010.746 2023 WARD

[illegible]

2 Evan Menist

FLIERS FOR			
HUDSON AVE	FLOWERS,	HUDSON	
CLEANUP	YVONNE	VALLEY	\$95.15
EASTER EGG		PORT-A-POTTY	
HUNT	A-JOHN	RENTAL	\$210.00
Rose Street	FLOWERS,	Food/drinks for	
block party	YVONNE	block party	\$196.04
Rose Street	Jones, Isreal	DJ services	\$150.00
		ADDITIONAL	
Rose Street	FLOWERS,	FOOD AND	
block party	YVONNE	DRINKS FOR	\$264.50
ROSE STREET		PORTABLE	
DAY OF	A-JOHN	TOILETS	\$175.00
JUNETEENTH	MARTINEZ	SPORT DOUBLE	
EVENT	RENTAL	SLIDE	\$300.00
		Food and	
JUNETEENTH	FLOWERS,	beverages for	
EVENT	YVONNE	Junteenth event	\$365.21
HARBOR	FLOWERS,	TOOLS FOR	
FREIGHT	YVONNE	CLEANUP	\$48.92
		FOOD,	
JULY PERSHING	FLOWERS,	BEVERAGE AND	
BLOCK PARTY	YVONNE	ICE FOR BLOCK	\$235.61
JUNETEENTH		PORT-A-POTTY	
EVENT AT		RENTAL SPLIT	
MANSION		BETWEEN 5TH	
SQUARE PARK	A-JOHN	AND 3RD WARD	\$100.00
MALCOLM	FLOWERS,	REIMBURSMEN	
PARK EVENT	YVONNE	T FOR FOOD	\$194.19
		SNACKS FOR	
ROSE STREET	FLOWERS,	ROY	
BLOCK PARTY	YVONNE	COMMUNITY	\$448.48
Rose Street		PORT-A-POTTY	
block party	A-JOHN	RENTAL	\$175.00
EMANCIPATION		PORT-A-POTTY	
DAY AT	A-JOHN	RENTAL	\$210.00
LENT STREET	TYRONE	TWO BOUNCY	
BLOCK PARTY	BARRETT	HOUSES	\$400.00
LENT STREET		reimbursement	
BLOCK PARTY &	FLOWERS,	for food and	
malcolm x back	YVONNE	drinks	\$325.11
		REIMBURSMEN	
LENT STREET	FLOWERS,	T FOR DJ AT	
BLOCK PARTY	YVONNE	BLOCK PARTY	\$150.00
			\$150.00
			\$0.00
			\$0.00
			\$0.00

<i>total spent</i>	\$4,043.21
Ward 5 balance left	\$ 456.79

6 Christopher

6	\$	4,500.00	\$0.00
			\$327.99
			\$175.00
			\$350.00
			\$250.00
			\$200.00
			\$0.00
			\$0.00
			\$0.00
			\$ 1,302.99
		total spent	\$
		Ward 6 balance	
		left	\$ 3,197.01

7 Nedra

[illegible]

<i>total spent</i>	\$	1,505.11
Ward 7 balance		
left	\$	2,994.89

8 \$ 4,500.00

8 Megan Diechler

Little Water prep school	City of Poughkeepsie	Coverage of Spratt park	\$500.00
		Reimbursement for renting a	
	Diechler, Megan	space, banner	\$462.31

\$500.00
\$0.00

\$462.31
\$0.00

<i>total spent</i>	\$	962.31
Ward 8 balance		
left	\$	3,537.69

Special Informational Meeting Minutes of Tuesday, September 5, 2023

V. Adjournment

The meeting was adjourned at 7:33 p.m.

Dated: September 11, 2023.

I hereby certify that this true and correct copy of the Minutes of the Special Informational Meeting held on September 5, 2023.

Respectfully submitted,

**Jasmin Nicole Davis
City Chamberlain**



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Tuesday, September 5, 2023, 6:30 p.m.

Common Council Chambers

Welcome to the regularly scheduled Meeting of the City of Poughkeepsie Common Council the date is Tuesday, September 5, 2023, and the time is 7:42 pm.

I. ROLL CALL: 7 Present, 2 Absent (Councilmember Long & Councilmember Johnson absent.)

II. REVIEW OF MINUTES:

-NONE-

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

-NONE-

IV. PUBLIC PARTICIPATION

- 1. Paul Brenner – 184 South Grand Ave.**
- 2. Daniel Attona – 116 College Ave (For the Many)**
- 3. Suprina**
- 4. Gus (Constantine) Kazolias**
- 5. Laurie Sandow – S. Grand Ave ***
- 6. Diamond Mima, Executive Director Charlia Frank Inc.**
- 7. Kadera Parks, Founder Charlia Frank Inc.**

***Submitted written comments**

Laurie Sandow comments, City of Poughkeepsie Common Council meeting, September 5, 2023:

I hope the council members who were absent at the last meeting [August 30, 2023] listened to my comments at that meeting. And I'll add to those comments:

The Common Council's 2023 schedule was set in January 2023, perhaps even before. The schedule extended the CC's summer break, which break has been amplified by the pathetic agendas posted to meetings both preceding and following the break, tonight included.

And even with all this, three councilmembers did not attend the August 30th meeting and supposedly had "excused" absences. Excuses that are never revealed to the public. And yet these council members get paid even when they don't show up.

Did the Council Chair already know that she wasn't going to attend the August 30 meeting when she urged the Mayor's presentation to be delayed? And aren't all City residents and taxpayers concerned by Chair Brown's statement, quoting directly from the sorry transcript posted to that webcast in which Chair Brown says—and excuse me, I'm reading from the transcript:

"I just said yeah, but it's just so it's just several of us are more familiar with finance than others.

"And so that's why I feel like it's better if more if the finance commissioner was here as well. Yeah [speaking to Yvonne Flowers], you have a finance background. So, you know, I mean, you have [an advantage, you have a finance background] and I have a [finance] background with some people want have some serious questions and they have some concerns and since it's been on the agenda, you know, probably wants to know what's going on. So I just want to make sure that we are equipped to understand. Okay.

"So we're going to just move this to Donna. We're just going to move the communication to Wednesday."

<<https://totalwebcasting.com/view/?func=VIEW&id=cop&date=2023-08-28&seq=1>>

So, when Wednesday rolled around, did all CC members show up for a caucus [that Natasha Brown had scheduled, and didn't show up for herself? with Natasha Brown saying:

"it's just so it's just several of us are more familiar with finance than others. And so that's why I feel that it's better if more if the finance commissioner was here as well. Yeah.

(Speaking to Yvonne Flowers), you have a finance background. So, you know, I mean, you

have an (advantage), you have a finance background and I have a finance background with some people want to have some serious questions and they have some concerns. And since it's been on the agenda, you know, probably wants to know what's going on. So I just want to make sure that we are equipped to understand.

<<https://totalwebcasting.com/view/?func=VIEW&id=cop&date=2023-08-28&seq=1>>

As Popeye used to say]

So, when Wednesday rolled around, did all CC members show up for a caucus to get edumacated about finances? No, they did not.

And when they took a private training with Finance Commissioner Brian Martinez in January of this year, did they walk away edumacated about finances? Apparently not. Because when Dr. Martinez showed up at the Wednesday meeting, did a single councilmember ask him a question? No, they did not.

We also had the Council chair lecturing the public about their reflexive laughter in response to certain absurd council statements, and the Council Chair lecturing the Mayor about taking too much time in his comments—ghost of Sarah Salem much. I have plenty of differences with Marc Nelson, and whether the pictures he paints are trustworthy, or are as false as those painted by several Councilmembers, but as a concerned resident of this city, I want to hear him speak.

Ms. Valk did not answer my question about whether she flagged her correspondence about litigation to the council members or contacted them when nobody responded to her. [The Bar Association's Rules of Professional Conduct include, among other things, this statement: "A lawyer should maintain communication with a client concerning the representation."] And not a single person eever once told me that my FOIL request was being delayed because Mr. Gernhardt was busy with an I.T. upgrade.

In fact, the corporation Counsel's office, I'm blanking on his name right now (Asst. Corporation Counsel John Evans), gave me several excuses about delays. He had a toothache. He had to see the dentist. He was sick. He went on and on. And I'll finish with this, which I should have included in my questions.

At which point I was prevented from speaking further, with Council Chair Brown going so far as to instruct the police that were present to "Remove her". See webcast and transcript: <https://totalwebcasting.com/view/?func=VIEW&id=cop&date=2023-09-05&seq=2>

V. CHAIRWOMAN'S COMMENTS AND PRESENTATIONS:

Chairwoman Brown: So my comments are going to be brief today. First off, I want to congratulate Council Member Lorraine Johnson and Council Member Grant on two very successful events this week. I did have an opportunity to attend Council Member Grant's a little later. I missed you all because it was kind of hot outside. So great job.

And school starts this Thursday, September 9th. I know there was like some false statements going that the school wasn't starting. We are starting on Thursday, so please use caution when you're driving if you can. Most schools start around eight between eight and 830. If you're not working, come out on your porch and say hello. Watch our beautiful babies walk to school. You know, we want to welcome them and with open arms.

Also this Saturday, the community is invited, is our back-to-school bash, our biggest ever will be at the Poughkeepsie High School track field. The Rally will be from 12 to 3. We made a little bit later this year so we are in conflict with other events. So please come out and we will be giving our backpacks, school supplies. There's free food, fun and games. Please come to that.

And that concludes, Oh, I could not make it, but congratulations to Council Member Flowers, as she had a very nice event last week, I did have a ticket.

And to answer your question, did I know I was going to be absent on Wednesday? No, I did not. But I have a four-year-old daughter, so things happen and I'm not explaining myself. I've served almost eight years. I've done it with dignity. I was elected four different times. So it is what it is. So I take it that more people respect and like me, that don't. So it is what it is.

And that turns us to mayor's comments.

VI. MAYOR'S COMMENTS:

Mayor Nelson: Thank you, Chairwoman Brown. First of all, I wish we had a minute of silence. And I just want to echo the concern and pass my personal condolences along to Mae Parker Harris's family and to everybody. I didn't know her well, but she is a legend in the city of Poughkeepsie. And I know others here will also tell us more about the memorial service that is planned. But our condolences like to remind everybody to please attend the 911 memorial on Monday, which will be, again, as it is every year held outside here at our memorial excuse me, on city hall grounds. That is occurring at 10 a.m. And I'm really looking forward to that, particularly since it will be my last one.

Following up on some issues that were raised about a construction project happening up on Innis Avenue, I did find out that was a county project. Councilmembers had asked to get a timeline on that November, Thanksgiving. This is outside the city of Poughkeepsie, but it's a sidewalk construction project on the west side of us. And I understand the county is putting up a new bus shelter there as well. So anticipated completion is the end of November.

Lastly, I am going to just put on the record we've been a lot of conversations about policing and all of the challenges that we've had. My administration has put in front of this council a memorandum of understanding that would potentially make some changes to our collective bargaining agreement with the PBA. That's the Police Benevolent Association, the union that represents our cops. I just want the minutes to show that I'm urging my council colleagues to get that item on the agenda. I plan on bringing it up tomorrow in a leadership meeting I have with leaders of the Council.

But it is important that we do everything we can, and I want the public to know that I, until I leave office at the end of December, will continue to work every single day to resolve the biggest problems or at least help resolve them, mitigate them. One of the things that needs to be acted on is the PBA MOA that this council has.

Thank you, Madam Chair.

VII. NEW & UNFINISHED BUSINESS & ANNOUNCEMENTS:

VIII. ~~REPORTS OF COMMITTEES AND BOARDS:~~

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS:

X. ORDINANCES AND LOCAL LAWS:

A motion to move O-23-04 from the Action Agenda to the Consent Agenda was made by Vice Chair Shook and seconded by Councilmember Deichler.

- 1. O-23-04, Ordinance Regarding Handicapped Signage on South Avenue**

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

(O-23-04)

INTRODUCED BY COUNCILMEMBER SHOOK:

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

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

Section 13-269 -Handicapped parking areas designated.

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

SOUTH AVE., West side, beginning 150 feet North of its intersection with Reade PL., and continuing North for a distance of 15 feet, for one parking space.

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER DEICHLER _____:

ADDITIONS denoted by **Underlining and Bold**

0-23-04			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☐	☐	☐	☒
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

XII. ORDINANCES AND LOCAL LAWS:

1. O-23-04, Ordinance Regarding Handicapped Signage on South Avenue

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

XIV. ADJOURNMENT:

A motion was made by Councilmember Thompson and seconded by Councilmember Flowers to adjourn the meeting at 8:36 PM.

Dated: September 12, 2023

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Tuesday, September 5, 2023.

Respectfully submitted,

Jasmin Nicole Davis
City Chamberlain