



COMMON COUNCIL MEETING

Monday, October 16, 2023
Common Council Chambers

6:30pm

I. ROLL CALL

II. REVIEW OF MINUTES:

Public Hearing – October 2, 2023
Public Hearing – October 2, 2023
Common Council Meeting – October 2, 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:

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS:

- 1. R-23-70**, Resolution Authorizing the Acquisition of Real Property Under Eminent Domain Procedure Law – Washington St. Bridge
- 2. R-23-71**, Resolution Setting a Public Hearing on the proposed amendment of Local Law entitled, "Local Law Amending Chapter 6 "Building and Utility Codes", Article I "Building Code" to Address Corporate Fees

X. ORDINANCES AND LOCAL LAWS:

- 1. LL-23-06**, Local Law Amending Chapter 6 "Building and Utility Codes," Article III "Plumbing Code"

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

XII. ORDINANCES AND LOCAL LAWS:

1. ***First Read: O-23-XX***, Ordinance Amending § 13-221, § 13-222(A)(1)(C), § 13-222(A)(1)(D), § 13-222(B), § 13-224, § 13-225, § 13-226, § 13-227, § 13-228, And §13-229 of the City of Poughkeepsie Code of Ordinances Entitled “Motor Vehicles and Traffic” for the purposes of making bicycle registration optional

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

1. **FROM ABIGAIL MERY**, a notice of property damage sustained on or around October 2, 2023.
2. **FROM LORI KRAUS**, a notice of property damage sustained on or around “winter 2023”.

XIV. ADJOURNMENT:

RESOLUTION NO. R-23-70

RESOLUTION TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY INTERESTS BY MEANS OF PROCEEDINGS PURSUANT TO EMINENT DOMAIN PROCEDURE LAW, ARTICLE 4, IN CONNECTION WITH THE WASHINGTON STREET BRIDGE OVER FALLKILL CREEK RECONSTRUCTION PROJECT (P.I.N. 8759.83) IN THE CITY OF POUGHKEEPSIE, COUNTY OF DUTCHESS, STATE OF NEW YORK.

RESOLUTION INTRODUCED BY CHAIRWOMAN BROWN:_____

WHEREAS, the City of Poughkeepsie ("City") owns and is responsible for the maintenance and repair of the bridge (B.I.N. 2262670) ("Bridge") that carries Washington Street over Fallkill Creek, and the approach roadways to the Bridge in the City of Poughkeepsie, Dutchess County, New York; and

WHEREAS, the Bridge is a single span masonry stone arch that carries Washington Street over the Fallkill Creek; and

WHEREAS, the Bridge was originally built in the early 1900's; and

WHEREAS, the biennial bridge inspection of the Bridge, dated July 5, 2017, contained two (2) yellow flags and prescribed the following Federal N.B.I. ratings: Superstructure Condition – 4| Substructure Condition – 5 and Channel Condition – 7, with the noted New York State general recommendation condition rating being 4; and

WHEREAS, the first yellow flag described the left spandrel wall as bulged outwards on the bridge begin, with the bulged area being noted as projecting outwards up to 1.123 feet past the plane of the left edge of the arch barrel; and

WHEREAS, the second yellow flag pertained to deterioration found on the underside of the stone arch barrel; and

WHEREAS, the current alignment of the Washington Street median striping does not align with the existing horizontal curve, resulting in a jog in the current Washington Street alignment between the intersection of Gifford Avenue and Parker Avenue; and

WHEREAS, due to the structural deficiencies and other safety concerns, the City is proposing to replace the Bridge, realign a portion of Washington Street and realign a portion of Verazzano Boulevard in the City of Poughkeepsie, Dutchess County, New York (P.I.N. 8761.96) ("Project"); and

WHEREAS, the purpose of the Project is to reconstruct the historic Washington Street stone arch bridge to maintain future serviceability, address yellow flag conditions and improve the geometrics of the roadway intersection on the north side of the structure for pedestrian, cyclist and vehicular traffic; and

WHEREAS, the objectives of the Project are to: eliminate identified deficiencies using treatment strategies which provide the lowest life cycle maintenance costs restoring bridge condition rating to 5 or greater, and extend its service life by 25 years; address geometric deficiencies to improve traffic flow and facilitate traffic operations; and improve the highway geometric elements and incorporate appropriate design features to safely accommodate bicycle and pedestrian access; and

WHEREAS, fee, permanent easement and temporary easement acquisitions are required for the Project to allow for bridge replacement and provide for construction access; and

WHEREAS, in order to accomplish the Project, it is necessary for the City to acquire, among other things, a temporary easement interest on, over and through a portion of Tax Map Parcel ID No. 6162-61-005314 ("Berger Parcel"), a permanent easement interest and a temporary easement interest on, over and through portions of Tax Parcel ID No. 6162-61-027300 ("Roberts Parcel"), and a fee interest and a temporary easement interest in, to, on, over and through portions of Tax Parcel ID No. 6162-62-011299 ("Clover St Parcel"); and

WHEREAS, the area of the temporary easement interest sought in a portion of the Berger Parcel is approximately 62 square feet; and

WHEREAS, the purpose of acquiring the temporary easement interest in a portion of the Berger Parcel is to reconstruct the sidewalk adjacent; and

WHEREAS, the area of the permanent easement interest in a portion of the Roberts Parcel is approximately 810 square feet, and the area of the temporary easement interest is approximately 557 square feet; and

WHEREAS, the purpose of acquiring permanent easement interest in a portion of the Roberts Parcel is for use in the construction of the new bridge and to provide permanent access to maintain the bridge, bridge scour protection and channel walls, and the purpose of acquiring the temporary easement interest is for excavation and temporary earth support required in order to construct the bridge; and

WHEREAS, the area of the fee interest in and to a portion of the Clover St Parcel is approximately 110 square feet, and the area of the temporary easement interest is approximately 97 square feet; and

WHEREAS, the purpose of acquiring the fee interest in and to a portion of the Clover St Parcel is to construct the at grade entrance to the new pocket park, and the purpose of acquiring the temporary easement interest is for access to construct the at grade entrance to the new pocket park; and

WHEREAS, in accordance with the provisions of Article 3 of the EDPL and the Uniform Act and its implementing regulations, the City caused to be appraised the aforementioned real property interests sought to be acquired in and to portions of the Berger Parcel, Roberts Parcel and Clover St Parcel, and thereafter established amounts which the City believes represents just compensation for such real property interests; and

WHEREAS, the City has conveyed to the respective owners of the Berger Parcel, Roberts Parcel and Clover St Parcel written offers to purchase the aforementioned real property interests for 100% of the City's highest approved appraised values for such real property interests; however, the owners of the Berger Parcel, Roberts Parcel and Clover St Parcel have not accepted the City's offers, and the offers now are deemed rejected; and

WHEREAS, because the City is not able to acquire by purchase the aforementioned real property interests in, to on, over and through portions of the Berger Parcel, Roberts Parcel and Clover St Parcel, the City must acquire such real property interests by means of its exercise of the right of eminent domain in order to accomplish the Project; and

WHEREAS, in order to acquire the aforementioned real property interests by means of eminent domain, the City must comply with the provisions of the New York Eminent Domain Procedure Law ("EDPL"); and

WHEREAS, EDPL Article 2 requires, as a condition precedent to acquiring title by means of an EDPL Article 4 proceeding, that the City conduct a public hearing to inform the public and to review the public use to be served by the proposed project and the impact on the environment and residents of the locality where the proposed project will be constructed unless such project is exempt from the EDPL Article 2 hearing requirements in accordance with EDPL Section 206; and

WHEREAS, EDPL §206 (A) provides that the City is exempt from compliance with the provisions of the EDPL Article 2 hearing requirements when, pursuant to other state, federal, or local law or regulation, it considers and submits factors similar to those enumerated in Article 2, subdivision (B) of section 204, to a state, federal, or local

government agency, board, or commission before proceeding with the acquisition and obtains a license, a permit, a certificate of public convenience or necessity, or other similar approval from such agency, board, or commission; and

WHEREAS, the factors enumerated in EDPL Section 204 (B) are as follows:

- 1) the public use, benefit or purpose to be served by the proposed public project;
- (2) the approximate location for the proposed public project and the reasons for the selection of that location;
- (3) the general effect of the proposed project on the environment and residents of the locality;
- (4) such other factors as it considers relevant; and

WHEREAS, because of the Federal funding involved, the Project is subject to compliance with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 ("Uniform Act"); and

WHEREAS, the Project is being progressed by the City, with oversight by the New York State Department of Transportation ("NYSDOT") and in close coordination with the Federal Highway Administration ("FHWA"), in accordance with the requirements of the NYSDOT "Procedures for Locally Administered Federal Aid Projects" manual and other applicable NYSDOT documents; and

WHEREAS, in order to progress to the Project through the project design phase, it was necessary for the City to obtain from NYSDOT and FHWA approval that the City has satisfied the requirements of the NYSDOT "Procedures for Locally Administered Federal Aid Projects" manual and other applicable NYSDOT documents, as well as Federal laws and regulations; and

WHEREAS, the City, in conjunction with its consultant, completed a Project Scoping Report/Final Design Report ("Final Design Report") for the Project in December, 2021, and submitted the Final Design Report to FHWA and NYSDOT for approval; and

WHEREAS, the Final Design Report for the Project clearly sets forth the public use, benefit or purpose to be served by the Project, the approximate location for the Project, the reasons for the selection of that location and other information relative to the Project; and

WHEREAS, in the course of progressing the design of the Project, and as is more fully set forth in the Final Design Report, the City examined and considered the social, economic and environmental consequences of the Project and activities associated with the Project, including its impacts on: local residents; other affected populations; school districts; recreation areas; places of worship; businesses; police, fire and ambulance services; highway, traffic and overall public safety and health; social groups; regional and local economies and business districts; surface waters; water source quality; general ecology; wildlife; historic and cultural resources; farmlands; and visual resources; and

WHEREAS, the City submitted the Final Design Report to NYSDOT and FHWA for their concurrence and approvals, following which both FHWA and NYSDOT completed a review of the Final Design Report and approved the City's preferred alternative; and

WHEREAS, FHWA and NYSDOT completed a review of the Final Design Report, and NYSDOT has provided preliminary project approval to the City and issued Design Approval and an Authorization to Proceed With ROW Acquisition; and

WHEREAS, Federal and State requirements for projects such as the Project include a mandate that the City undertake the action and satisfy the requirements of the National Environmental Policy Act ("NEPA") as a condition precedent to the issuance of Final Design Approval and Right-of-Way Authorization for the Project; and

WHEREAS, in satisfaction of its obligations under NEPA and FHWA regulations, the Project is being progressed in conjunction with NYSDOT and FHWA as a Class II Action (Categorical Exclusion) because the Project will not induce significant environmental impacts, and it meets the conditions and criteria for a NEPA Class II Categorical Exclusion in accordance with 23 CFR 771.117; and

WHEREAS, FHWA has determined that the Project will not cause significant environmental impacts, and it meets the conditions and criteria for a NEPA Class II (Categorical Exclusion); and

WHEREAS, the City has satisfied the requirements of 23 CFR 771.129 in regard to the evaluation of the Project under NEPA; and

WHEREAS, in accordance with 6 NYCRR Part 617.5, the City has determined that the Project is a SEQRA Type II Action per 6 NYCRR Part 617.5(c)(2), as it involves the "replacement rehabilitation or reconstruction of a structure or facility, in kind, on the same site", as a consequence of which no further SEQRA processing is required; and

WHEREAS, in order to accomplish the Project, the City will have to obtain from the New York State Department of Environmental Conservation ("NYSDEC") an Article

15, Section 401 Water Quality Certification/Permit, a State Pollutant Discharge Elimination System (SPDES) General Permit, and a NYSDEC Construction Solid Waste Permit, as well as an Army Corps of Engineers Nationwide Permit #3; and

WHEREAS, the Federal and State statutory and regulatory structures relating to Federal Aid Transportation Projects require the examination and consideration of land-air-water environmental, social, economic, historic and cultural factors as a condition of approving a project such as the Project to progress to Final Design and Right-of-Way acquisition phases; and

WHEREAS, in light of the several written approvals of FHWA and NYSDOT following the City's consideration and submission to those agencies of factors similar to those set forth in EDPL §204 (B), as required by Federal statute, FHWA regulations and NYSDOT statutes, regulations and policies, the City has satisfied the criteria set forth in EDPL §206 (A) and, therefore, is exempt from the requirement to hold an EDPL Article 2 hearing; and

WHEREAS, EDPL Section 206 (C) provides that the City is exempt from compliance with the hearing and determination and findings requirements of EDPL Article 2 when, "pursuant to other law or regulation it undergoes or conducts or offers to conduct prior to an acquisition one or more public hearings upon notice to the public and owners of property to be acquired, and provided further that factors similar to those enumerated in subdivision (B) of section two hundred four herein may be considered at such public hearings"; and

WHEREAS, the Project is subject to the provisions of 23 U.S.C. §128 and 23 CFR §771.111; and

WHEREAS, 23 U.S.C. §128 requires, among other things, that prior to the acquisition of right-of-way interests for a public project, a public hearing must be held, or the opportunity for such be afforded, at which public hearing there are considered factors similar to those enumerated in subdivision (B) of Eminent Domain Procedure Law §204; and

WHEREAS, in accordance with the provisions of Title 23, U.S. Code, Section 128, and Title 40, U.S. Code of Federal Regulations, Parts 1500 to 1508 and other applicable statutes and regulations, on November 15, 2021, and after due notice thereof was provided, public hearing was conducted concerning the subject public Project; and

WHEREAS, the hearing was part of a larger process during which the City described the alternatives and preferred alternative, discussed right-of-way needs, construction impacts, and considered and addressed the potential social, historic, economic and environmental consequences of the proposed Project; and

WHEREAS, in light of the foregoing, the City has conducted a public hearing, upon notice to the public and owners of property to be acquired, at which factors similar to those enumerated in EDPL Section 204(B) were presented and considered, as a consequence of which the City is exempt from the EDPL Article 2 hearing requirements with respect to the Project; and

WHEREAS, EDPL §206 (D) provides that the City is exempt from compliance with the hearing and determination and findings requirements of EDPL Article 2 “when in the opinion of the condemnor the acquisition is de minimis in nature so that the public interest will not be prejudiced by the construction of the project or because of an emergency situation the public interest will be endangered by any delay caused by the public hearing requirement in this article”; and

WHEREAS, the portions of the Berger Parcel, Roberts Parcel and Clover St Parcel in which the City seeks to acquire real property interests are small in area; and

WHEREAS, the Project and the nature and extent of the City’s acquisition of the aforementioned real property interests in, to, on, over and through portions of the Berger Parcel, Roberts Parcel and Clover St Parcel are de minimis in nature such that the public interest will not be prejudiced by the construction of the Project.

NOW, THEREFORE, it is hereby

RESOLVED, that the Common Council of the City of Poughkeepsie has considered all relevant information pertaining to the proposed Washington Street Over Fallkill Creek Reconstruction Project and has determined the project development process implemented by the City, as well as the approvals necessarily obtained from FHWA and NYSDOT and the nature and extend to the proposed acquisitions of real property interests, qualify the City and the Project for exemptions from the hearing requirements of EDPL Article 2, pursuant to EDPL Section 206 (A), (C) and (D); and it is further

RESOLVED, the City hereby authorizes and directs the City Engineer or his/her designee to take such steps and perform such acts as are necessary for the City to acquire the real property right-of-way interests in, to, on, over and through portions of the Berger Parcel, Roberts Parcel and Clover St Parcel, as may be necessary to accomplish the Project, including acquisitions by exercise of the right of eminent domain in accordance with the provisions of the EDPL.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

**RESOLUTION
(R-23-71)**

**RESOLUTION INTRODUCING LOCAL LAW AMENDING CHAPTER 6 “BUILDING
AND UTILITY CODES,” ARTICLE I “BUILDING CODE” TO ADDRESS
CORPORATE FINES AND TO SET A MINIMUM FINE FOR VIOLATIONS OF THE
BUILDING CODE**

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, November 6, 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 _____.

(LL 23-XX)

**A LOCAL LAW AMENDING CHAPTER 6 “BUILDING AND UTILITY CODES,”
ARTICLE I “BUILDING CODE” TO ADDRESS CORPORATE FINES AND TO SET A
MINIMUM FINE FOR VIOLATIONS OF THE BUILDING 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 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 **of no less than \$250 but** 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 **not less than \$100 per day but not exceeding** \$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 _____ :

(LL 23-06)

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

SPONSOR: CHAIRWOMAN BROWN

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~~**Building 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 _____ :

**ORDINANCE AMENDING § 13-221, § 13-222(A)(1)(c), § 13-222(A)(1)(d), § 13-222(B),
§ 13-224, § 13-225, § 13-226, § 13-227, § 13-228, and §
13-229 OF THE CITY OF POUGHKEEPSIE CODE OF ORDINANCES ENTITLED
“MOTOR VEHICLES AND TRAFFIC” FOR THE PURPOSES OF
UNARRESTED MOBILITY OF BICYCLISTS**

INTRODUCED BY: _____

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

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

Section 1. Code of Ordinances § 13-221 is amended to read as follows:

§ 13-221 ~~Registration required.~~ **Registration optional.** ~~It shall be unlawful for any resident of the City of Poughkeepsie to operate, use or permit to be used or operated or rent for use any bicycle with a wheel size of 20 inches or larger upon the public highways, streets, avenues, parks and public places in the City of Poughkeepsie without first registering the bicycle with the Police Department and obtaining a certificate of registration and identification sticker.~~ **Any resident of the City of Poughkeepsie may register a bicycle, as defined in § 13.220 of the Code of Ordinances, with the Police Department. Registration is not required, and it shall not be unlawful to use or operate an unregistered bicycle upon the public highways, streets, avenues, parks, and public places in the City of Poughkeepsie.**

Section 2. Code of Ordinances § 13-222(A)(1)(c) is amended to read as follows:

§ 13-222(A)(1)(c) The name and address of the person from whom the bicycle was purchased, ~~or sworn affidavit that applicant is the owner of the bicycle.~~

Section 3. Code of Ordinances § 13-222(A)(1)(d) is amended to read as follows:

§ 13-222(A)(1)(d) The date of purchase, **or sworn affidavit that applicant is the owner of the bicycle.**

Section 4. Code of Ordinances § 13-222(b) is amended to read as follows:

§ 13-222(B) Registration cards. Upon ~~due~~ application, a registration card containing the name and address of the owner, plus the name and address of the parent or guardian if the owner is under 16 years of age, and the make, type, serial number and color of the bicycle shall be issued. The registration cards shall be numbered consecutively, and a copy of the registration card shall be issued to the owner.

Section 5. Code of Ordinances § 13-224 shall be amended to read as follows:

§ 13-224 ~~Transfer of ownership.~~ **Maintenance of records.**

~~When an owner sells or transfers ownership of any bicycle, (s)he shall report such sale or transfer by returning to the Police Department the registration card issued to such person, together with the name and address of the person to whom said bicycle was sold or transferred, and such report shall be made within seven days of the date of such sale or transfer. The purchaser or transferee of such bicycle shall apply for a transfer of the registration thereof within seven days of said sale or transfer. The Police Department of the City of Poughkeepsie shall maintain a permanent record of all registrations for each bicycle registered in the City of Poughkeepsie. The registrations shall be maintained according to the registration number in numerical sequence and according to the registrant's name in alphabetical order.~~

Section 6. Code of Ordinances § 13-225, § 13-227, § 13-228, and § 13-229 shall be stricken in their entirety and reserved for future use.

Section 7. This act shall take effect immediately upon adoption.

SECONDED BY _____

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: 10/5/23

NAME AND ADDRESS OF EACH CLAIMANT:

Abigail Mery 4 Spoor Ave. Poughkeepsie NY, 12603

TELEPHONE NUMBER: (845) 797-2693

NAME AND ADDRESS OF ATTORNEY (IF ANY):

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

I, Abigail Mery, was Driving down Forbus Street towards South Cherry Street on Monday 10/2. Right before the High School there is an unmarked and uncovered excavation which has no sign of caution nearby. As I unknowingly drove over this excavation

ITEMS DAMAGED OR INJURIES SUSTAINED:
Front passenger side tire.

my tire split by the rim from the impact, resulting in the need to replace the tire. I was charged \$308.84 for the damage

Abigail Mery
Signature of Claimant

Signature of Claimant

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

Abigail V. Mery 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.

Abigail Mery
Signature of Claimant

Signature of Claimant

Sworn to before me this
05 day of October, 2023

Genesis Fortuna
Notary Public



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







High End Auto
 11 Olympic Way
 Poughkeepsie, NY. 12603
 Phone: 845-452-8700 Fax: 845-452-8701

INVOICE

12974

Org Est # 016336
 DMV REG REPAIR SHOP
 LIC FACILITY # 7116550

Printed Date: 10/03/2023 Work Completed: 10/03/2023

2011 BMW - 328xi - 3L, In-Line6 (183CI) VIN(C)
 Lic #: KPR5005
 Odometer In : 1
 Odometer Out : 1

VIN #: WBAPK7G59 BNN86347

10/03/2023 16:38:34
Credit Sale
 Transaction # 7
 Card Type ***** VISA
 Entry 2237
 Amount USD\$299.84
 Non-Cash Adjustment USD\$0.00

Total: USD\$308.84

Ref Number: 447092432
 REF: 447092432
 Global UID: 0822410043202310031638346917
 Auth Code: 037528
 Batch #: 397
 Response: Transaction approved

Mode: Issuer
 AID: A000000001010
 IVR: 8080008000
 JAD: 06011203212000
 ISI: 6800
 RespCode: D888E731F28C1048
 AC: 012
 ATC: VISA CREDIT
 APPLAB:

CUSTOMER COPY
 Thank You!

	Qty	Sale	Ext	Labor Description	Ext
	1.00	25.00	25.00		
	1.00	2.50	2.50		
O PLUS	1.00	250.00	250.00		

Org Estimate 299.84 Revisions 0.00 Current Estimate 299.84

Labor: 0.00
 Parts: 277.50
 SubTotal: 277.50
 Tax: 22.34
 Total: 299.84
 Bal Due: \$0.00

[Payments - Visa - \$299.84]

Customer Number : 2847

Vehicle Received 10/3/2023

I hereby authorize the above repair work to be done along with the necessary material and hereby grant you and/or your employees permission to operate the car or truck herein described on street, highways or elsewhere for the purpose to testing and/or inspection. An express mechanic's lien is hereby acknowledged on above car or truck to secure the amount of repairs thereto. Warranty on parts and labor is one years or 12,000 miles whichever comes first. Warranty work has to be performed in our shop & cannot exceed the original cost of repair.

Signature _____

Date _____

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: 9/5/2023

NAME AND ADDRESS OF EACH CLAIMANT:

Lori Kraus
48 Whittier Blvd. POK. NY.
12603

TELEPHONE NUMBER: 914-456-7007

NAME AND ADDRESS OF ATTORNEY (IF ANY):
/

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

The end of my driveway at 48 Whittier Blvd.
was ripped up by the city plow during the winter
of 2023.

ITEMS DAMAGED OR INJURIES SUSTAINED:

The end of the driveway needs to be repaired.

Lori Kraus
Signature of Claimant

Signature of Claimant

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

Lori Kraus 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.

Lori Kraus
Signature of Claimant

Signature of Claimant

Sworn to before me this

7 day of Sept. 2023

Antonia Servodio
Notary Public

ANTONIA SERVODIO
Notary Public - State of New York
No. 01SE6103593
Qualified in Dutchess County
My Commission Expires 12/29/2023

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

Official Minutes of the Public Hearing of October 2, 2023 for the purpose of receiving comments on the proposed Local Law Amending Chapter 6 "Building and Utility Codes," Article III "Plumbing Code"



THE CITY OF POUGHKEEPSIE NEW YORK

PUBLIC HEARING

Monday, October 2, 2023 6:00 pm

Common Council Chambers

Welcome to the scheduled meeting of the Public Hearing in the City of Poughkeepsie. The date is October 2, 2023, and the time is 6:00 pm.

THIS HEARING IS FOR THE PURPOSE OF RECEIVING COMMENTS ON THE proposed Local Law Amending Chapter 6 "Building and Utility Codes," Article III "Plumbing Code"

Chairwoman Brown called the meeting to order at 6:04 pm.

I. WELCOME

II. ROLL CALL: 8 present, 1 absent (Absent: Councilmember Johnson)

III. PUBLIC PARTICIPATION: Five (5) minutes per person public comment.

1. Cooper Miller – 134 Franklin St.
2. Nick Kalogris – 14 Maryland Ave.

A motion to adjourn the public hearing at 6:15 pm was made by Vice Chair Shook and seconded by Councilmember Deichler.

IV. ADJOURNMENT:

Dated: October 7, 2023

I hereby certify that this true and correct copy of the Minutes of the Common Council Public Hearing held on October 2, 2023.

Official Minutes of the Public Hearing of October 2, 2023 for the purpose of receiving comments on the proposed Local Law Amending Chapter 6 "Building and Utility Codes," Article III "Plumbing Code"

Respectfully submitted,

**Jasmin Nicole Davis
City Chamberlain**

Official Minutes of the Public Hearing of October 2, 2023 for the purpose of receiving comments on the proposed local law amending Chapter 6 "Building and Utility Codes", Article I "Building Code"



THE CITY OF POUGHKEEPSIE NEW YORK

PUBLIC HEARING

Monday, October 2, 2023 6:15 pm

Common Council Chambers

Welcome to the scheduled meeting of the Public Hearing in the City of Poughkeepsie. The date is October 2, 2023, and the time is 6:15 pm.

THIS HEARING IS FOR THE PURPOSE OF RECEIVING COMMENTS ON THE proposed local law amending Chapter 6 "Building and Utility Codes", Article I "Building Code"

Chairwoman Brown called the meeting to order at 6:15 pm.

I. WELCOME

II. ROLL CALL: 8 present, 1 absent (Absent: Councilmember Johnson)

III. PUBLIC PARTICIPATION: Five (5) minutes per person public comment.

1. Nick Kalogris – 14 Maryland Ave.
2. Warren Jones – North Clover

A motion to adjourn the public hearing at 6:20 pm was made by Vice Chair Shook and seconded by Councilmember Deichler.

IV. ADJOURNMENT:

Dated: October 7, 2023

I hereby certify that this true and correct copy of the Minutes of the Common Council Public Hearing held on October 2, 2023.

Official Minutes of the Public Hearing of October 2, 2023 for the purpose of receiving comments on the proposed local law amending Chapter 6 "Building and Utility Codes", Article I "Building Code"

Respectfully submitted,

Jasmin Nicole Davis
City Chamberlain



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, October 2, 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, October 2, 2023, and the time is 6:30 pm.

I. ROLL CALL: 8 Present, 1 Absent (Councilmember Johnson)

II. REVIEW OF MINUTES:

Public Hearing – September 18, 2023

Common Council Meeting – September 18, 2023

Motion to accept the minutes: Vice Chair Shook, Seconded by Councilmember Thompson.

PH & CCM Minutes of September 18, 2023 - VOICE VOTE						
			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	☒	☐	☐	☐

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

-NONE-

IV. PUBLIC PARTICIPATION

1. Karen Turner – 17 Rose St.

- 2. Cooper Miller – 134 Franklin St.**
- 3. Nick Kalogris – 14 Maryland Ave.**
- 4. Juliette Richey – 134 Franklin St.**
- 5. Laurie Sandow – S. Grand Ave ***
- 6. Kevin Van Wagner – City of Poughkeepsie PBA**
- 7. Warren Jones – North Clover**
- 8. Daniel Atonna – 116 College Ave. / For the Many**
- 9. John Sullivan – 16 Barclay St.**

***Submitted written comments**

Laurie Sadow comments, c/PK Common Council meeting, October 2, 2023

There's an old line: "Power corrupts, and absolute power corrupts absolutely." Every time I think this Council has hit a new low, I discover they've found new ways to feed from the bottom and to govern by favoritism, nepotism, patronage and backroom deals.

Let's start with the so-called "public hearings" that took place earlier tonight. How were these hearings clearly announced to the public? They weren't. They were approved and "scheduled"—and I say that using air quotes—via the Council's September 18th "consent agenda." You know, that part of the Council's agenda that lists items which violate the norms of responsible, transparent organizations, where Poughkeepsie Council members pass an assortment of line items without having a written consent agenda policy, without reading items into the record, nor expressing their own opinions and knowledge—or lack of knowledge—out loud and on the record.

On the September 18 consent agenda, public hearings were approved regarding modifications to building and plumbing codes [R-23-65 & 66] that seek to heap new expenses on property owners, including text that threatens a possible water shut-off if an owner fails or can't afford to meet a 60-day demand. Until shown otherwise, these resolutions appear to be a City effort to transfer liability from their own aging and defective infrastructure onto property owners.

When the City Charter was revised in 2017, two of its four goals were to [quote]:

- 1) "Protect and enhance the interests of the City's residents in good government"; and
- 2) "Increase the accessibility and accountability of the City's leaders to the people."

Yet, what City residents experience on a daily basis, and what we're about to witness here tonight is the exact opposite. The 2017 Charter created a Council mechanism for representation of citywide interests by adding a ninth "At-Large" member.

When was the last time the Council Chair—the At-Large member—held an all-ward meeting to meet with, and be held accountable by all City voters?

The answer: never.

Which Councilmember holds regular meetings with their constituents where they convey knowledge and information about the City's and the Council's own work?

The answer: none.

And just to ice the cake during the oh-so-brief time allotted for public comments, once again this Council has added a Resolution to their agenda that is riddled with fiction and fabrication. So, let the record clearly show: This Council and this Administration placed personal friends on the Salary Review Commission who had never properly applied for those positions. That was made perfectly clear during conversations that took place at Commission meetings, as well as documents returned in response to a Freedom of Information (FOIL) request. The Salary Review Commission Chair and the Common Council Chair colluded in an effort to replace me, Laurie Sandow—duly, legally and unanimously elected by all Commission members, as required, at their first meeting—as the Commission's seventh member, instead secretly and illegally swearing an employee of a City vendor into that position until their manipulation was rescinded after being uncovered and exposed to the light of day (see attached).

Rather than act with humility and transparency and measure up to their own secrecy, shortfalls and repeated violations of the City Charter and other law, we have Council members and this City's own legal department repeatedly writing fiction into resolutions in order to cover up backroom collusion and transgression. This Council and this City's legal department have written and placed Resolution R-23-69 on tonight's agenda seeking to memorialize a fictional history of the Salary Review Commission, in order to camouflage the Commission's illegitimate creation and dysfunction, even going so far as to record the name of a Councilmember seconding the motion before that motion has even been introduced during tonight's meeting.

Sadly, I am out of the time allotted to each individual's public comments.

The Salary Review Commission initially appointed another member of the public. My office was notified that the Commission had voted and approved this appointment by the chair of the Commission. The appointee received a letter and had taken the oath, confirming them as a member of the Salary Review Commission.

As of today, that appointment has been rescinded at the request of the chair of the Commission, whom was to contact both you and the other member regarding the errors made by the Salary Review Commission.

The Chamberlain's office was made aware of your commission appointment today, June 8th. Your letter of appointment was sent to you in a separate email.

Jasmin Nicole Davis , MBA, CTA

City Chamberlain

City of Poughkeepsie

62 Civic Center Plaza

Poughkeepsie, NY 12601

845-451-4225



V. CHAIRWOMAN COMMENTS AND PRESENTATIONS:

Chairwoman Brown: My first comment was actually about the zoning meeting that we had. And I received a lot of positive feedback. And I do think that maybe this Council may not be able to set up the zoning and the zoning recommendations in this term. I think it may take some more time and a lot of people reached out and thank me for doing the meeting in that manner. I directed the consultants along with the leadership team on what we were looking for and I myself also learned a lot in that meeting. So I do think it's going to take some more time and consideration and effort on everyone's part and more public feedback out into the community.

I'm just a little concerned that several projects are kind of being put on hold, so to speak. A couple of advocates have told me that these boards are not making decisions pending the zoning results. So I would like respectfully, Mayor Nelson, if you look into that, because we have a couple developments that are kind of in limbo waiting for these code amendments, if any, and they shouldn't have to wait.

Also, you know, I want to applaud the work of the ZBA because their work is not easy. They're sitting here and having to figure out if we're going to give someone a 15 foot variance or not is no easy task. And I just want to thank all of the people that serve on our committees and boards. The Council has some seats expiring December 31st, so once our budget is released at the next meeting, I'm going to be working with the new incoming Chair because although he's not a part of creating this budget, he would be the one explaining it and defending it to the public.

So as part of that, he'll be coming to caucuses with the Council as well as leadership meetings. And some of the things that we'll be discussing is there's a lot of Council appointments that are sunseting on the IDA, on the water advisory committee and maybe Arts commission. And I just want to make sure that the next council is set up very nicely for success.

You know, I take a lot of criticism up here, but if a lot of people knew and my colleagues do, that's why you don't hear them criticizing the kind of mess that we had a like way ourselves through to even get to this point, a lot of people wouldn't have so much criticism. But I'm just really looking forward to the great work you are going to do in the next term. And if I have to be the martyr to make sure that you all are in a great light, I'll do that. I'll continue doing the dirty work in these next couple of months.

We are expecting our budget to be released by charter by October 15th. There was an article put out today by the mayor, and I just want to be very clear and transparent and we do not make unilateral decisions on this Council. So that's why we did not opt to increase the tax levy prior to seeing the budget. It was not a backlash against the administration because, Dr. Martinez, you know, when it comes to finances, you've been spot on ever since you've been here. Same with you, Administrator Nelson when you were finance commissioner, it had nothing to do with that. It had to do with what I said, that the council and understanding our powers of the purse strings and being held accountable. So it was a consensus that we wanted to see the whole picture

because for too long we've been given pieces of puzzles and then we're forced to put them together and we wanted to be a little more considerate.

Also, we as far as the MOA and we can talk about it because the PBA president has brought it up. We were given a copy of an MOA that was agreed upon by the administration and the PBA right before we were set to go to recess. We had no idea that a MOA was being negotiated. So it was a surprise to all of us, even those in leadership. So, yes, we had been sitting on it because again, we don't want to make decisions based on small pieces of the puzzle. We want to see the big picture.

It is our intention tonight to go in the executive session and have a conversation with the commissioner of Finance, and we will not be voting on anything tonight. Again, that was a consensus for the entire Council. But I'm making this public because we all are taking a lot of unfair heat.

This is election time for some especially. Hopefully, our new mayor. And I want the public to know that public safety is at the top of all of our concerns. You know, but sometimes, you know, we can't we can't make decisions unilaterally. That's the beginning of my statement that we don't make unilateral decisions. There's a lot of impending expenses the City is going to occur and our money is dwindling.

Our ARPA funds sunset after this year, and we're going to have to put more money into our fund balance because we're finally in investment grade. But we're still not, you know, that we're almost at those places that, you know, you can rent a car with a low credit score. We're not exactly at that surplus yet. So there are some critical decisions that we're going to have to make and we have to make them for the betterment of the entire City. So I just want the public to know that is true. We do take public safety very seriously. That's why we're going to executive session, because normally, if we were not included in negotiations or notified prior, I don't think this Council would even be entertaining it. But because of how we feel, this is why we're going to have a conversation with Dr. Martinez and see if we can come to a consensus to make sure that we do retain the officers that we need to retain.

Tomorrow at Poughkeepsie Middle School, we have partnered with T-Mobile and Assurance Wireless to be able to provide free cell phones to every district family one per household, because we are 100% free or reduced lunch because we're exempt, because the poverty rate is so high, every family can have one. Our only request is to fill out a short pre-registration form is that our district website and is activated with talk, text and internet for one year. This is phase one of us helping to remove the digital divide that a lot of our families are receiving.

Our next phase will be helping to get our families have broadband access in home for a small fee, a fair \$30 fee. But before we introduce that, we're working on a way to try to offset that. \$30 fee for families because we're never going to get ahead and we're never going to break these cycles of poverty if we don't systemically remove barriers that are keeping us as an underclass. When I say us, I'm meaning our City here. So if you know anyone who has a child in the school district, please come tomorrow from 4 to 6 and get your get your cell phone it. It'll be

preloaded with all the apps we use in school, like Parents Square, Infinite Campus, and we'll have people there to show you how to use them if necessary.

Oh, I want to I do want to say something because I did not get here. I wasn't able to be elected for four terms because I lacked integrity. I do have a lot of integrity. I just want to clarify and apologize to Laurie Sandow because I do not think she is a racist. The statement she made was racist to me, and I want to apologize if it if she thinks that I feel she's a racist because I don't feel that way at all. However, I have to explain that "edumacation" word was a trigger. My dad, who lives in Alabama and that's where he's from, grew up during segregation and Jim Crow law. He escaped that by going to the Vietnam War. So he raised us to be very mindful of certain terminologies and phrases that apparent that are offensive and meant to be degrading. So when I hear things like that and also I believe everyone on this Council is highly educated, everyone has a college degree or above that's something that I just can't accept. And I know at the last meeting when I was not here and the thing about integrity is that it's not that you're perfect and you don't make mistakes is that you learn from your mistakes and you don't make them again.

And Ms. Sandow chose to use something that a term that I use in my first term here in office, being an African-American woman, I use a term that we that we used in the hood. And that time with "shiesty" that did not have a Jewish connotation. That was something that we used in the hood when somebody was doing something that was conniving. However, when I use that term, there were members of the Jewish community who thought that was anti-Semitic and called me and told me the origins of the word "Shiste" to them. So I publicly apologized and I never used that term again. But I was also able to explain that in, you know, in the hood in urban areas that term. And, you know, young man, Mr. Grant, you can you can back me up on that and Deb and everyone else. We use that term very differently.

So until I became a politician, I was not really versed in other cultures and other things that would be offensive to people. So I just want to put that on the record because I will never sit back and just allow someone to make me be a villain for one effort to devalue my feelings.

And I think Ms. Sandow and also knew that time was wrong because I noticed in the minutes that she submitted, she did not use "edumacation". She changed it to poorly educated. So for acknowledging that time was wrong, I thank you for that. So that leads us to mayor's comments.

VI. MAYOR'S COMMENTS:

Mayor Nelson: Thank you, Chairwoman Brown. Good evening, members of the council and members of the public. Just a few things to go over.

As was announced, I will be leaving my role of City as City Administrator in early January. My term as mayor will expire on December 31st and the City will have a new mayor, as was reported in the local media. My goal, and I think I'm supported by my Council colleagues, is to make sure that as I leave office at the end of this year, we're leaving the City in better

condition than Mayor Rollison. And I found it back in '16 when he was first elected the mayor.

I joined the City, as the Chair noted, as Finance Commissioner back in '16 and was promoted to

City Administrator in '17. Since that time, we've, I think, checked the boxes on a number of challenges in this City. But I will report to you tonight and you'll hear more about it as we go through the budget process that, you know, I sometimes feel the same way. You do two steps forward and three steps back. We as a community need to work together on the biggest challenges that we face because we face them together, whether it's lead pipes, as Mr. Miller so eloquently talks about, or whether it's the zoning that Chairwoman Brown mentioned, or whether it's our duty to keep our communities safe by supporting public safety, and particularly the PBA and our men and women of the City of Poughkeepsie Police Department.

All of these things, I believe, are common interests and common goals and common objectives. I don't think there's really any delight between anybody up here on the importance of those priorities. What I will say is that we need to do a better job together of moving things along a little faster rather than pointing fingers at who got what when. That MOA with our PBA was executed by me on May 9th. It's been briefed to our finance committee on two separate occasions, and it's been briefed to Council leadership on two separate occasions. There have also been a number of e-mails back and forth, confidentially, confidentially, not on the subject matter, but urgency that the Council take the matter up. We now hear, even though it's not on the agenda, the agenda was posted last week. We're now told by the Chair that we are finally going to go into executive session to talk about one of the most important things that this City faces.

I want to also just take.

Chairwoman Brown: I just want to clarify, Mayor Nelson.

Mayor Nelson: Can I finish my Comments? I just want to clarify.

Chairwoman Brown: You will not be joining us in executive session that council only...

Mayor Nelson: That's fine, but I'd like to finish.

Chairwoman Brown: I just wanted to tell you that. So, you know.

Mayor Nelson: I think that was clear.

Chairwoman Brown: Okay.

Mayor Nelson: Thanks so much. I'd also like to make a point about the difference between collective bargaining and a memorandum of understanding.

So if you have an agreement with your collective bargaining group, say, three or four years, then the Council is very much included in those negotiations and they're updated regularly. But when you have a situation that is, as our PBA president said, he described it, his word was crisis.

That is addressed by what's called a memorandum of understanding, not a full four year collective bargaining agreement, where you hash out all of the things, you find out what your Council priorities are, and you negotiate with the union many times over months and even years.

If you look at our school district, I believe they put in negotiations for a number of years. There is a big difference between collective bargaining that includes everybody and an emergency memorandum of understanding that addresses a crisis situation that was developing and has been developing in the City since October of last year. It took a number of months to reach an agreement between the PBA and my office, and we presented that to the Council.

I'm told I'm not going to be included in the executive session tonight, and that's fine. But I do want the public to know that my priority is public safety. The number of officers that are on duty in the City of Poughkeepsie right now is the lowest I've ever seen it. It poses a systemic risk to this community, not only in terms of keeping the public safe, but in terms of responding to officer needs assistance calls. We have 81 officers now. And as the PBA president just testified in front of us, all, that is a pretty dire number. The agreement being discussed tonight in executive session would hopefully mitigate the possibility of future retirements, imminent retirements. And what the Council has in front of it is, I think, documentation about 22. It could even be as much as 24 officers are eligible to retire right now. And that is about one fifth or even one quarter of the entire staff. So when I say required immediate intervention by the mayor working with the PBA, it did.

I'd urge I council colleagues to please adopt it amended, voted up, vote it down, but please take action because no action is really bad for this community. Thank you, Madam Chair.

VII. NEW & UNFINISHED BUSINESS & ANNOUNCEMENTS:

VIII. REPORTS OF COMMITTEES AND BOARDS:

A motion to approve the consent agenda was made by Councilmember Long and seconded by Councilmember Flowers.

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS:

1. R-23-69, Resolution Establishing a New Salary Review Commission

**R E S O L U T I O N
(R-23-69)**

INTRODUCED BY CHAIRWOMAN BROWN:

WHEREAS, earlier this year, pursuant to Section 4.02 of the Charter, the Common Council and the Mayor each, respectively, made appointments for the City of Poughkeepsie Salary Review Commission (the “Commission”); and

WHEREAS, the Commission made a presentation to the Common Council on September 18, 2023, regarding its recommendations on the salaries of elected officials; and

WHEREAS, on that same date, two members of the Commission in the minority voiced different recommendations; and

WHEREAS, the Common Council thanks the individuals that served on the Salary Review Commission, their time commitment and work is greatly appreciated; and

WHEREAS, the report of the Commission made clear that a number of factors made it difficult for the Commission to complete its work: 1) as the Commission was formed late, as discussed in R23-24, the Commissioners had a limited time to complete their work; 2) confusion as to the appointment of the seventh member led to a delay in the Commission beginning its work; 3) the recommendations of the Commission were not made by a clear majority due to the unexpected absences of two commission members; and 4) work during the summer months was hindered due to summer vacations.

WHEREAS, because of all of the above, the Common Council believes it is in the best interest of the community to appoint a new Salary Review Commission that will have more time to consider its mission.

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby asks the Chamberlain to publish a request for individuals interested in serving on the Salary Review Commission. The Salary Review Commission shall consider and report back as follows;

- 1. The Commission shall analyze the salaries of elected officials in no less than 10 peer communities (comparable size and within the general Hudson Valley region); and**
- 2. The Commission shall seek the guidance of the Commissioner of Finance, the Director of Human Resources and Corporation Counsel, as needed and as applicable, in fulfilling its duties; and**
- 3. The Commission shall submit a written report with its recommendations to the Common Council no later than October 2, 2024.**

4. As it is the goal of the Common Council that this new Commission will look at all the issues with a fresh start, individuals who have already served on the Salary Review Commission will not be considered for reappointment. However, nothing in this resolution shall be deemed to limit the recommendations of the new Commission, who may make such recommendations as they deem necessary considering the above directives.

SECONDED BY: COUNCILMEMBER SHOOK

R-23-69 - VOICE VOTE			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	☒	☐	☐	☐

X. ORDINANCES AND LOCAL LAWS:

1. **O-23-05**, Ordinance Amending ‘No Parking Monday’ on Charles St.

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

(O-23-05)

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**

O-23-05 - VOICE VOTE						
			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	☒	☐	☐	☐

2. O-23-06, Ordinance Regarding Charles St. Handicap Amendment

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

(O-23-06)

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**

O-23-06 - VOICE VOTE			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	☒	☐	☐	☐

3. **O-23-07**, Ordinance Amending the North Bridge St. Loading Zone

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

(O-23-07)

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**

			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	☒	☐	☐	☐

4. O-23-08, Ordinance Amending the Spruce St. Permit Parking

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

(O-23-08)

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**

O-23-08 - VOICE VOTE						
			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:

A motion was made to defer the below communication/petition to Corporation Counsel by Vice Chair Shook and was seconded by Councilmember Long.

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

- 1. FROM WYNTER ROGERS**, a notice of personal injury sustained on or around July 31, 2023
- 2. FROM ROBERT & HEATHER STEVENSON**, a notice of property damage sustained on or around September 7, 2023.
- 3. FROM LIBERTAD RODRIGUEZ-PACHEO** a notice of property damage sustained on or around September 11, 2023.

A motion was made by Vice Chair Shook and was seconded by Councilmember Long to adjourn the meeting and enter Executive Session to discuss the Poughkeepsie Benevolent Association Memorandum of Agreement.

A motion was made by Vice Chair Shook and was seconded by Councilmember Long to adjourn the Executive Session and to resume the Common Council Meeting.

XIV. ADJOURNMENT:

A motion was made by Vice Chair Shook and was seconded by Councilmember Long to adjourn the Common Council Meeting at 8:45pm.

Dated: October 10, 2023

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, October 2, 2023.

Respectfully submitted,

**Jasmin Nicole Davis
City Chamberlain**