



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, October 16, 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 16, 2023, and the time is 6:30 pm.

- I. **ROLL CALL:** 8 Present, 1 Absent (Councilmember Johnson arrived after roll call)
- II. **REVIEW OF MINUTES:**

Public Hearing – October 2, 2023

Public Hearing – October 2, 2023

Common Council Meeting – October 2, 2023

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

PH & CCM Minutes of October 2, 2023 - VOICE VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

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

-NONE-

Vice Chair Shook then read the following statement from the Council:

“The proposed amendment to the collective bargaining agreement that was negotiated between the administration and the PBA would have a significant fiscal impact to the City. Because of that, it is best that the matter be considered during the budget process, which is what the Council intends to do. We are committed to public safety and supporting our brave men and women of the police force while at the same time recognizing our duty to the taxpayers of the City.”

IV. PUBLIC PARTICIPATION

- 1. Karen Turner – 17 Rose St.**
- 2. Nick Kalogris – 14 Maryland Ave.**
- 3. Bradley Sukeena – CPPD / PBA**
- 4. Robert Stecher – CPPD / PBA**
- 5. Kevin Van Wagner – CPPD / PBA**
- 6. Jasmaine Clay – 29 N. Hamilton St / Saving Our Tomorrow**
- 7. Laurie Sandow – S. Grand Ave ***
- 8. Marina Tarkos – CPPD / Resident**
- 9. Vic Feita – 411 Waterview**
- 10. Walter Murieta – CPPD / Resident**
- 11. Naomi Brooks - S. Grand Ave**
- 12. Melanie Vetter – Garfield Place**
- 13. Kane Bowers – Union St / For the Many**
- 14. Daniel Atonna – 116 College Ave / For the Many**
- 15. Cooper Miller – 134 Franklin St**
- 16. Michael de Cordova – 246 New Hackensack**
- 17. Suprina Troche – 3 Delafield Ave**
- 18. Florence Ann Nielson – 8 Hammersley Ave**
- 19. Doug Nobiletti – 145 Academy St.**

***Submitted written comments**

Laurie Sandow comments, City of Poughkeepsie Common Council meeting,
October 16, 2023

On October 2, 2023, my comments began with the old line: “Power corrupts, and absolute power corrupts absolutely.” This week, the theme continues. Though so-called “public hearings” were held on October 2nd, they were held without clear and obvious disclosure to the public. Even so, members of the public spoke. But tonight, predictably, this Council chooses to ignore that input in the way they love the most: under self-protective cover of their consent agenda where not a single member exposes their knowledge or ignorance to public light.

At the last meeting, this Council approved a resolution creating their own new Salary Review Commission, incorporating fiction into the resolution to “justify” creation of a new Commission. But what have they done since early summer about the police Memorandum of Agreement, contract and salaries? Do Councilmembers risk their own lives daily? Or do they just grandstand and wring their hands without risking to even put their opinions on the record. Councilmembers write their own rules, and get paid whether they attend meetings or not. They fritter away the vast majority of ARPA funds on friends, family and fellow councilmember projects.

You know that old line: “My parents went to X and all I got was this lousy T-shirt.” Well, our councilmembers got \$400,000 in ARPA funds, while the public was neither consulted for input, nor even left with T-shirts. In fact, while two different news outlets reported \$50K in ARPA funds provided to each councilmember, the City twice replied to Freedom of Information (FOIL) requests claiming that only \$40K was provided to each—with barely any of the funded projects having lasting tangible effects. And these are the people who pretend they’ll be teaching our youth about fiscal responsibility?

We have councilmembers who (quote) “get triggered”, abusing decorum, power and privilege on a regular basis. What price do they pay for that? Nothing, ever. There’s a saying: “If you don’t like them, vote them out”. But how do you vote them out when this Council abused redistricting—delaying and rejecting the Redistricting Commission’s Voting Rights Act-conforming recommendations for creation of new ward boundaries—all the better to service and ensure councilmember’s own election victories. When was the last time councilmembers paid a price for repeated City Charter violations; repeated refusals to acknowledge and respond to correspondence; for overall lack of transparency and accountability? Would the price paid also be “never”?

Certain people in this city amuse themselves by calling me a “Frequent FOILer”. Yup, they’re absolutely right—I choose knowledge over ignorance. In a city where decisions are made behind closed doors, I choose to pursue and expose information to the light of day.

One councilmember recently posted about “find[ing] common ground and foster[ing] understanding....”, while making no mention of the critics they’ve blocked on Facebook, or the smear campaign they’re conducting behind the scenes.

This member wrote to me (in this cleaned-up version):

“Now I will give them my version of what I thought so I can play the eff’ing game with you. If you were trying to attack me I’m’a give that [excrement] right back to you. I’m not eff’ing intimidated by you; never will be. Got a life. I don’t sit home all day and worry about what’s going on in the eff’ing city as you do. You’re a clear example of misery loves eff’ing company. Now F you—yeah, I said it.”

[Chairwoman Brown stated that she was going to reserve her comments for last and allow the Mayor to do his comments first.]

V. MAYOR'S COMMENTS:

Mayor Nelson:

Like Miss Brooks, I think I'll leave my prepared comments aside, given the public comments that we've just heard.

You know, I will tell you, as the outgoing mayor, same thing I've told my Council colleagues for months, I don't see any bigger issue. I don't see any more important issue.

My administration negotiated the MOA with the PBA in good faith. There's debate behind closed doors about is it too rich a deal, can the city really afford it...

You know, those are decisions that the legislative body has to make. It's not my place to comment on *their* job. I want to just set the record very clear with respect to *my* job.

Number one, we negotiated in good faith.

Number two, I wholeheartedly support the MOA.

Under the rules of fair bargaining. Once we sign an MOA, a memorandum of agreement, we have a duty - both sides have a duty - to try their best to sell it to their constituents. So the PBA negotiating team goes back to the PBA membership and says this was the best we could do. My administration goes to the legislative branch, and we say this was the best we could do, and we wholeheartedly support it.

Now, that means that it falls on the Council to decide whether or not to approve it, and that's their role. We briefed the Finance Committee in May. We briefed them twice in fact.

We've talked about it with leadership a couple of times.

I do want to say, in deference to my Council colleagues, that collective bargaining is always confidential until you have a tentative agreement, which is what happened with the school district. They got a tentative agreement and then everybody came out and the public was out there. And because of that, you know, we got it done. And the school district has that contract now.

This was confidential and it was up to the Council and my office to keep it confidential. We had a couple of remarks tonight from the public that said, quite rightly, it's the first they've heard about it.

Well, what I want to tell you is if I ever look frustrated as your mayor, it's because there

are things that a Chief Executive Officer can't divulge because they're confidential.

And so it has been frustrating for me to be here as your mayor while we're talking about ten other things that, in my opinion, are less important. Now, that does not mean that replacing lead pipes isn't important, but the Council itself is setting aside ten years to get that done. So we can we can probably say that the pipe issue is not as important as the imminent departure of potentially 20 plus officers, which would be catastrophic for the City of Poughkeepsie and for our officers, because I think, as the PBA president said, it's not just a question of safety for the public, but it's getting to the point where it could be safety for our officers.

Somebody calls for an officer needs assistance call. Well, we'd better have five or six people that can get there in less than 2 minutes or a minute because communities around the country see what can happen when we don't when they don't have that support.

I just I don't want to use up much time. But again, I want to tell you a heartfelt thank you to the PBA, thank you to our officers, and thank you to all of the 400 city employees, 380 city employees, because we could talk about the fine work that they all do all night long. But I know I'm out of time, so I just want to say thank you for what you're doing. I can't thank you enough.

As a resident of the City of Poughkeepsie, not as the mayor.

I don't feel safe either. My car was broken into. I didn't even file a report.

They're too busy.

Thank you, Madam Chair.

VI. CHAIRWOMAN'S COMMENTS:

Chairwoman Brown: So my comments will be brief, I really don't have many because I'm kind of disgusted. There are several officers that I consider a friend.

Van Wagner. I consider you a friend, and I think that some of the statements that were said today were not only premature, they're inaccurate, because you have no idea what we've been discussing. I've never been the type to throw people under the bus, so I'm not going to do that now.

But Councilmember Menist alluded to something: no one ever got a pulse of this Council. The difference with the last plan and this plan is that Councilmember Flowers and I were on the Finance Committee. We were told negotiations were getting ready to happen.

Yes, the Council cannot negotiate. Only the executive branch can. But you should at least get

a pulse and find out what the Council's looking for so you have some leverage with negotiations and to help smooth things over.

That never happened. That never happened, not even in leadership when we were meeting biweekly. None of this. This was all a surprise to all of us. And, you know, Evan's analogy, Councilmember Menist's analogy of a big cake is correct. And then we try to make it work.

But I am going to say this some statements that you all said, especially when it came to the Finance commissioner, that's not what we were told. So, you know, I'm not going to get into details, but... There was not everyone present in those negotiations that should have been there. And I'm going to just say that. Now, moving forward, we had been trying, especially me as the Chair, providing opportunities to provide counter solutions, maybe things to even include in to that plan. And our Corporation Counsel has memorialized those things and sharing them with the mayor or has shared them.

Corporation Counsel Valk: I'm working on it now.

But, you know, for people to come in and say, we don't care about public safety, that's exactly what I did not want to happen because this is turning into a political issue. I'm not running, so I really don't care about any of that stuff. I don't. I don't care one way or another.

But then when you say that we don't care about public safety, then you get us tagged into it [with] people who want to defund the police. I don't want to de-fund the police. I've always been very supportive of you guys. So that's an unfair assessment when you say stuff like that. You know, it's almost like throwing a temper tantrum. And like I said, some of you I consider a friend. And if I if I say to you, be patient, we're working on it. And you don't believe that, so you chose, you know, to go another avenue - that's on you. Now I can't make any promises. How do you know we weren't even close to consensus before you decided to do this tonight? You know, just... It's crazy. Now members of the public are thinking that we don't take public safety seriously and you guys don't have a contract. That's not true, you do have a contract that does not expire until 2024.

I mean, but there's just so many things I could say and I'm not going to because out of respect and out of my relationships with certain people, including the mayor, including a PBA president, but I'm just disappointed how this unfolded. It should not turn into a political issue because it's absolutely not.

There's people up here, the majority of Council, their seats are secure. So, for it to be political is ludicrous. They're going to be here either way. You guys get more money or not.

Councilmember Johnson: I'm out in three months. Two months.

Chairwoman Brown: Yeah. So, I mean, whatever. I'll talk more offline about these things because I've always been solution driven and I've always tried to be a good mediator and find a common ground. And I can... and I use common ground, but Ms. Sandow was not talking

about me. I did not say anything like that. Just to be clear. I know you use that in your statement, but that was not referring to me.

But I do want to take the moment to lighten this conversation.

And there's a couple of community members - he doesn't know I'm going to call on him- but Mr. Frank Johnson and Jasmaine Clay, I just want you two to stand up because I think we should recognize them.

So Mr. Johnson has All For One Community Outreach, and every second Saturday of the month, he uses his own private resources to provide food, clothing, hygiene items for a vulnerable population: the homeless, drug addicted, mentally ill on Main Street. It's open to everyone and he uses his own resources.

And Jasmaine does something very similar in Mansion Square Park, particularly making sure they have hygiene items and socks and whatever they can.

So, can we just take a minute to recognize these members of society?

Yeah. And let me just finish..*[inaudible]*. And it is important to recognize them because they don't ever want recognition. They just do these things that, you know.. Frank's probably going to call me later, like, why did you do that? But it is really important to showcase people like that, to show that we really are one community. We're not as fragmented as everyone thinks we are.

We have differences when it comes to certain things, but I think we're all in agreement with the things that matter the most. And public safety is definitely at the top of the list.

VII. NEW & UNFINISHED BUSINESS & ANNOUNCEMENTS:

VIII. REPORTS OF COMMITTEES AND BOARDS:

- NONE -

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-23-70, Resolution Authorizing the Acquisition of Real Property Under Eminent Domain Procedure Law – Washington St. Bridge**

RESOLUTION
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 – 4l 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 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 landair-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 di 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.

R-23-70 - VOICE VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

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

**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 _____ .

R-23-71 - VOICE VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

A motion was made by Councilmember Deichler and seconded by Councilmember Menist to move LL-23-06 from the Consent Agenda to the Action Agenda

A motion to approve the Consent Agenda was made by Vice Chair Shook and seconded by Councilmember Menist

X. ORDINANCES AND LOCAL LAWS:

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

MOVED TO ACTION AGENDA

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

A motion to receive and print was made by Councilmember Long and seconded by Vice Chair Shook

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

(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 Board~~ **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 Board~~ **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 Board~~ **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 Board~~ **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.

(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 Board~~ **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 _____ :

A motion to table LL-23-06 to the next meeting was made by Councilmember Deichler and was seconded by Councilmember Menist.

LL-23-06 - VOICE VOTE TO TABLE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

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 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:

A motion was made by Councilmember Long and was seconded by Vice Chair Shook to adjourn the meeting at 8:23pm.

Dated: October 25, 2023

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, October 16, 2023.

Respectfully submitted,

**Donna M. DeLuca
Deputy City Chamberlain**