



COMMON COUNCIL MEETING

Common Council Chambers

Monday, April 20, 2015

6:30 p.m.

*5:45 Public Hearing regarding the proposed
zoning change for 110 South Grand Avenue*

I. ROLL CALL:

II. REVIEW OF MINUTES:

Common Council Meeting of Monday, September 15, 2014

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

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

V. MAYOR'S COMMENTS:

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

VII. MOTIONS AND RESOLUTIONS:

- 1. FROM CITY ADMINISTRATOR BUNYI,** Resolution R15-27, approving a request for a financial review by the Financial Restructuring Review Board.

2. **FROM CORPORATION COUNSEL ACKERMANN**, Resolution R15-28, approving an Inter-Municipal Agreement with the Town of Poughkeepsie for maintenance of future parkland in the Town of Poughkeepsie.
3. **FROM CORPORATION COUNSEL ACKERMANN**, SEQRA Resolution R15-29, and Sale Resolution R15-30, for city-owned properties located at 178-182 Main Street and 11 South Bridge Street.
4. **FROM CORPORATION COUNSEL ACKERMANN**, Resolution R15-31 approving the settlement of tax review proceeding for property located at two Catherine Street.

VIII. ORDINANCES AND LOCAL LAWS:

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM GREER SMITH**, a presentation regarding Jazz in the Valley.
2. **FROM ELIZABETH WALDSTEIN-HART**, a presentation regarding
3. **FROM HERMAN SWINTON**, a notice of personal injury sustained on January 13, 2015.
4. **FROM TIFFANY WILLIAMS**, a notice of property damage sustained on February 25, 2015.
5. **FROM MARIA ZAHAREK**, a notice of property damage sustained on February 27, 2015.

X. UNFINISHED BUSINESS:

XI. NEW BUSINESS:

XII. ADJOURNMENT:

RESOLUTION
(R-15-27)

INTRODUCED BY COUNCILMEMBER _____ :

WHEREAS, in June 2013 Governor Andrew Cuomo's Program Bill Number 21 was approved amending Section 160.5 of the Local Finance Law to establish a Financial Restructuring Board; and

WHEREAS, The Financial Restructuring Board for Local Governments is a ten-member panel available to offer assistance to eligible municipalities; and

WHEREAS, The Board is chaired by the New York State Budget Director and includes the New York State Comptroller, the New York State Attorney General, the New York State Secretary of State, and six other members appointed by the Governor; and

WHEREAS, Any county, city (except New York City), town, or village deemed a Fiscally Eligible Municipality by the Financial Restructuring Board may request, by resolution of its governing board with the concurrence of its Chief Executive, a Comprehensive Review from the Financial Restructuring Board; and

WHEREAS, If the Financial Restructuring Board decides to undertake a Comprehensive Review of a municipality, it can request any information necessary to understand the municipality's finances and operations and based on this information, the Financial Restructuring Board would make non-binding recommendations to that municipality on improving its fiscal stability, management, and the delivery of public services; and

WHEREAS, In addition, the Financial Restructuring Board could offer grants and/or loans of up to \$5 million through the Local Government Performance and Efficiency Program for undertaking certain recommendations, if the municipality agrees to undertake the Financial Restructuring Board's recommendations, it would be contractually bound to fulfill those terms in order to receive the aid; and

WHEREAS, The City of Poughkeepsie has been deemed a "fiscally eligible municipality" pursuant to criteria established by section 160.05 of the Local Finance Law; and

WHEREAS, given the current economic climate, the governing body of the City of Poughkeepsie has determined that a comprehensive review by the Financial Restructuring Board for Local Governments would be worthwhile; and

WHEREAS, the Common Council of the City of Poughkeepsie understands that the recommendations of the Financial Restructuring Board are not binding; and

NOW, THEREFORE,

BE IT RESOLVED, that this resolution shall serve as a request for services by the Financial Restructuring Board from the Common Council of the City of Poughkeepsie in concurrence with its Mayor John C. Tkazyik, Chief Executive Officer of the City of Poughkeepsie, and be it further

RESOLVED, that the City Chamberlain shall forward certified copies of this resolution to Governor Andrew Cuomo, State Comptroller Thomas Dinapoli, Attorney General Eric T. Selmeidennan, Secretary of State Cesar A. Perales and Mary Beth Labate, Director of Budget / Chair of the Financial Restructuring Board.

SECONDED BY COUNCILMEMBER _____.

The City of Poughkeepsie

New York

Paul Ackermann
Corporation Counsel
packermann@cityofpoughkeepsie.com



62 Civic Center Plaza
Poughkeepsie, New York 12601
TEL: (845) 451-4065 FAX: (845) 451-4070

March 30, 2015

CC Meeting: 4/20/15
ITEM VII- 2

COMMON COUNCIL
City of Poughkeepsie

RE: Inter-Municipal Agreement with the Town of Poughkeepsie for Dutton-O'Neil Project

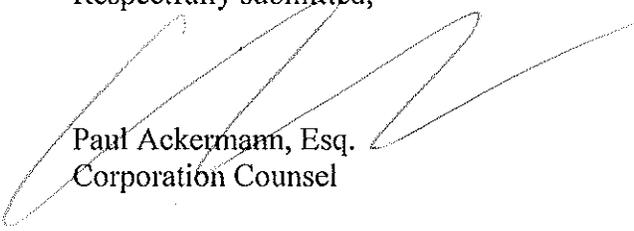
Dear Chairman Petsas and Councilmembers:

Annexed hereto please find a proposed Resolution approving an Inter-Municipal Agreement with the Town of Poughkeepsie regarding the required parklands at Dutton. The park is required pursuant to the FEIS approved by the Common Council in March of 2012. Additionally, the Town has consented to the City owning the lands in the Town, provided the City agrees to maintain same. The agreement includes all aspects of maintenance including police and fire response; tax exemption; routine maintenance and usage. The agreement which is conceptually agreed upon may have minor revisions after final approval by the Planning Board and the Town. Therefore, I have included a provision that it is approved subject to final negotiations which must be approved by me.

I have also included a copy of the park design that will be approved by the Planning Board.

Please consider this matter at your next Council meeting on April 20, 2015.

Respectfully submitted,


Paul Ackermann, Esq.
Corporation Counsel

PA:mt
Attachment

RESOLUTION
(R-15-28)

INTRODUCED BY COUNCILMEMBER _____ :

WHEREAS, the Common Council, as lead agency, approved the rezoning of property located at One Dutchess Avenue in the City of Poughkeepsie, County of Dutchess, State of New York which project is more commonly referred to as the "Dutton-O'Neil Project"; and

WHEREAS, the Final Environmental Impact Statement ("FEIS") adopted by the Common Council on March 19, 2012 provided for a 2.45+/- acre park, 1,400 foot passive linear park along the Hudson River of which 0.63+/- acres are located in the adjacent Town of Poughkeepsie; and

WHEREAS, the 2.45 +/- acres (including that portion in the Town) comprising the park will be deed by the applicant or New York State directly, to the City of Poughkeepsie who will ultimately become the owner of such parcel(s); and

WHEREAS, the applicant is required to design, subject to City Planning Board approval, and build the public park which park design has been submitted by applicants consulting engineer Maser Consulting and after due deliberation and consideration City Planning Board is prepared to approve the project including the 2.45+/- acre public park; and

WHEREAS, City and Town are desirous of entering into a cooperative agreement pursuant to Article 5-g of the General Municipal Law for approval of the public park, future maintenance, police and fire protection and liability surrounding City's ownership of public parklands situated in the Town; and

WHEREAS, the action has been reviewed pursuant to SEQRA and is consistent with the FEIS as adopted by the Common Council and which passive park plan is subject to review by and approval of the City Planning Board; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie, approves the entering in of a cooperative agreement pursuant to Article 5-g of the General Municipal Law with the Town of Poughkeepsie for future maintenance of parklands located in the Town of Poughkeepsie and created pursuant the Dutton-O'Neil Project and be it further; and be it further,

RESOLVED, that the agreement attached hereto is approved in form and substance, subject to final negotiations with the Town of Poughkeepsie which changes, if any, shall be approved by the Corporation Counsel; and be it further resolved,

RESOLVED, that the Mayor and or City Administrator is authorized to execute the final agreement as approved by the Corporation Counsel and in form and substance as substantially attached hereto.

SECONDED BY COUNCILMEMBER _____.

INTER-MUNICIPAL AGREEMENT

AGREEMENT made this day of April, 2015, by and between the **CITY OF POUGHKEEPSIE**, a municipal corporation created and existing under the laws of the State of New York, having its principal offices at 62 Civic Center Plaza, Poughkeepsie, New York, 12601 ("**CITY**"), the **TOWN OF POUGHKEEPSIE**, a municipality created and existing under the laws of the State of New York, having its principal offices at 1 Overocker Road, Poughkeepsie, New York, 12603 ("**TOWN**").

W I T N E S S E T H :

WHEREAS, **CITY** is entertaining an application is seeking approvals to develop a 10.82 acre site located at One Dutchess Avenue in the City of Poughkeepsie, County of Dutchess, State of New York and more specifically known as Tax Map No.: 6062-59-766443 with a mix of residential and commercial units; and

WHEREAS, the project also involves the development of a 2.45+/- acre, 1,400 foot linear park on the Hudson River of which approximately 1.83+/- acres are within the City of Poughkeepsie and 0.63+/- are located in the Town of Poughkeepsie and which park was a condition of the rezoning pursuant to the Final Environmental Impact Statement (FEIS) adopted by the Common Council, acting as Lead agency, on March 19, 2012; and

WHEREAS, the 2.45 +/- acres (including that portion in the Town) comprising the park will be deed by the applicant or New York State directly, to the City of Poughkeepsie who will ultimately become the owner of such parcel(s); and

WHEREAS, the applicant is required to design, subject to City Planning Board approval, and build the public park which park design has been submitted by applicants consulting engineer Maser Consulting; and

WHEREAS, the City Planning Board has retained RGR Landscape Architecture & Architecture, PLLC to assist in its review of the applicants proposed plan; and

WHEREAS, after due deliberation and consideration City Planning Board is prepared to approve the project including the 2.45+/- acre public park; and

WHEREAS, City and Town are desirous of entering into a cooperative agreement pursuant to Article 5-g of the General Municipal Law for approval of the public park, future maintenance, police and fire protection and liability surrounding City's ownership of public parklands situated in the Town; and

NOW, THEREFORE, in consideration of the agreements of the parties hereinafter set forth, the parties agree as follows:

1. **PUBLIC PARK.** City shall, upon acquiring the 0.63+/- acre parcel which is more fully described in Schedule "A" attached hereto and made a part hereof, and at all times hereunder, dedicate such lands as public parklands which shall, upon completion of development into a public park, be open and accessible to the general public including but not limited to residents of both City and Town (the, "Park"). The Town has reviewed the proposed park improvements which are attached as Schedule "B" which have or will be approved by the City Planning Board and find same acceptable. The Town and City agree that the project is in the best interest of the City and Town, and based on the balancing test as articulated in *Matter of County of Monroe v. City of Rochester*, is immune from Town's land use regulations and requires no further review.

2. **MAINTENANCE.** Upon completion of the Park, the City shall be responsible for the cost of all labor, supplies, materials and utilities that are required to maintain the park including but not limited to snowplowing, refuse collection, mowing, tree trimming, tree removal, planting, lighting and physical improvements (if any).

3. **POLICE PROTECTION.** As owner, City shall use its best efforts available at law to protect the Park and the general health, welfare and safety of the public that utilizes the public park. The police department of City shall regularly patrol the Park and shall be the first agency dispatched for calls of assistance requiring a police response. However, from time to time, City may require the assistance of Town's police department for matters not within City's jurisdiction including but not limited to arrests other than felony arrests and enforcement of Town's local laws and ordinances.

4. **FIRE PROTECTION.** City shall provide fire protection and emergency medical services for the Park. City shall be the first responder for such services.

5. **HOLD HARMLESS.** City agrees to hold Town and its employees, agents, servants and officers free and harmless from liability and to indemnify them from and against any and all claims and causes of action, including reasonable attorney's fees, that may arise under this Agreement or that may arise by reason of the actions or failure to act of City pursuant to the terms of this Agreement excepting any negligence of the Town its employees, officers or agents.

6. **TAX EXEMPT STATUS.** Pursuant to Real Property Tax Law §406(2), the Park owned by the City and located in the Town shall be exempt from taxation.

7. **TERM.** This agreement shall remain in full force and effect until and unless amended, in writing, by the parties.

8. Any and all notices required hereunder shall be addressed as follows, or to such other address as may hereafter be designated in writing by either party hereto:

TOWN-

TOWN OF POUGHKEEPSIE
Attn: Town Attorney
One Overocker Road
Poughkeepsie, New York 12603

TOWN OF POUGHKEEPSIE
Attn: Town Supervisor
One Overocker Road
Poughkeepsie, NY 12603

CITY-

CITY OF POUGHKEEPSIE
Attn: Corporation Counsel
62 Civic Center Plaza
Poughkeepsie, New York 12601

CITY OF POUGHKEEPSIE
Attn: Mayor
62 Civic Center Plaza
Poughkeepsie, NY 12601

9. This agreement constitutes the complete understanding of the parties. No modification of any provisions thereof shall be valid unless in writing and signed by both parties.

10. This Agreement may not be assigned by without the prior written consent of the parties.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

CITY OF POUGHKEEPSIE

By: _____
JOHN TKAZYIK
Mayor

TOWN OF POUGHKEEPSIE

By: _____
TODD N. TANCREDI
Supervisor

The City of Poughkeepsie

New York

PAUL ACKERMANN
Corporation Counsel
packermann@cityofpoughkeepsie.com



62 Civic Center Plaza
Poughkeepsie, New York 12601
TEL: (845) 451-4065 FAX: (845) 451-4070

April 13, 2015

POUGHKEEPSIE URBAN RENEWAL AGENCY

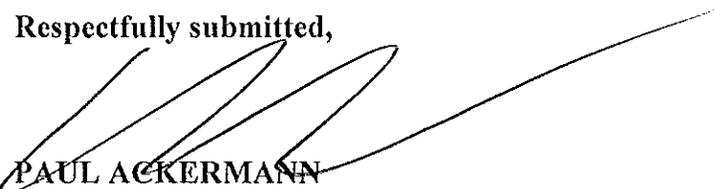
RE: Resolution approving the sale of 178-182 Main Street & 11 South Bridge Street

Dear Chairman Tkazyik and members:

Annexed hereto please find a notice of special meeting and agenda for same to consider a resolution to approve the sale of 178-182 Main Street and 11 South Bridge Street. The property is currently owned by the Poughkeepsie Urban Renewal Agency and as such, the Common Council will sit as the Agency for purposes of this resolution.

The developer presented his plan and has offered to purchase the property for \$250,000 of which \$200,000 will be paid upon the transfer of the property and \$50,000 will be paid upon the issuance of a building permit.

Respectfully submitted,


PAUL ACKERMANN
Corporation Counsel

PA:mt
Attachment

**RESOLUTION OF THE POUGHKEPSIE URBAN
RENEWAL AGENCY APPROVING THE SALE OF PROPERTY LOCATED AT
178-182 MAIN STREET AND 11 SOUTH BRIDGE STREET**

INTRODUCED BY _____:

WHEREAS, the Poughkeepsie Urban Renewal Agency ("Agency") is currently the record owner of property located at 178-182 Main Street and 11 South Bridge Street in the City of Poughkeepsie, County of Dutchess, State of New York and more particularly known as Disposition Parcel 13B (Queen City West Urban Renewal Area) ; and

WHEREAS, the agency seeks to redevelop the parcel into artist loft residential housing and a mixture of commercial space on the lower-levels; and

WHEREAS, an RFP was issued for development of the proposal and new responses were submitted; and

WHEREAS, subsequent to the issuance of the RFP, a proposal was received from The Kearney Realty & Development Group which proposes to construct a mixture of residential and commercial units; and

WHEREAS, Kearney Realty Group & Development has offered to purchase the property for \$250,000 of which \$200,000 would be paid upon transfer of the property and the remaining \$50,000 would be payable upon the issuance of a building permit; and

WHEREAS, the Agency has determined that the offer from Kearney Realty Group is the best offer and adequately represents the properties fair market value; and

WHEREAS,

NOW, THEREFORE,

BE IT RESOLVED, the Poughkeepsie Urban Renewal Agency hereby approves the sale of 178-182 Main Street and 11 South Bridge Street to Kearney Realty & Development Group for a purchase price of \$250,000 of which \$200,000 shall be paid upon the transfer of the property and \$50,000 shall be paid upon the issuance of a building permit for its redevelopment project; and be it further

RESOLVED, that this sale is approved subject to the following conditions:

- A.** the conveyance of title and the payment of the purchase price shall take place within sixty days of the date of this resolution, unless the Corporation Counsel shall grant such extension as he deems appropriate;

- B. The transfer of title and Purchaser's use of the Property shall be subject to all state, federal and local regulations including the City of Poughkeepsie and New York State Building Codes and the City of Poughkeepsie Zoning Ordinance and real property taxes coming due pursuant to law on and after the date of transfer of title;**
- C. Purchaser shall accept such title to the real property as the City of Poughkeepsie is possessed of and agrees to accept such title by quitclaim deed subject to any defects or encumbrances as are of record;**
- D. Purchaser agrees that he shall not use the agreed upon purchase price as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation; and**
- E. Prior to the closing of title, Purchaser shall apply for and obtain the approval from the Planning Board and/or the Zoning Board of Appeals of any site plan approval or zoning variances required by law**
- F. Purchaser shall merge all parcels.**

RESOLVED that the Chairman be, and she hereby is authorized and directed to execute and deliver a contract of sale in form and substance approved by the Corporation Counsel for the City of Poughkeepsie acting as counsel to the Poughkeepsie Urban Renewal Agency.

SECONDED BY _____.

NOTICE OF SPECIAL MEETING

**SPECIAL MEETING OF THE BOARD
OF THE
POUGHKEEPSIE URBAN RENEWAL AGENCY**

NOTICE IS HEREBY GIVEN that a Special Meeting of the Board of Poughkeepsie Urban Renewal Agency will be held at **6:30 p.m., or immediately preceding the Common Council meeting, on Monday, April 20, 2015, at the Municipal Building, 62 Civic Center Plaza, Poughkeepsie, New York, for the following purposes:**

Resolution to approve the sale of 178-182 Main Street and 11 South Bridge Street to Kearney Realty Group, for final disposition.

Dated this 13th day of
April, 2015.

JOHN TKAZYIK, CHAIRPERSON

**POUGHKEEPSIE URBAN RENEWAL AGENCY
SPECIAL MEETING**

**MUNICIPAL BUILDING
62 CIVIC CENTER PLAZA
6:30 P.M.**

A G E N D A

- I. ROLL CALL
- II. READING AND APPROVAL OF MINUTES: none
- III. NEW BUSINESS

Resolution to approve the sale of property located at 178-182 Main Street and 11 South Bridge Street to Kearney Realty & Development Group.

- IV. OLD BUSINESS: none
- V. COMMUNICATIONS: none
- VI. ADJOURNMENT

CCM 4/20/15
Item 11-3

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: March 27, 2015

NAME AND ADDRESS OF EACH CLAIMANT:

Herman Swinton
206 Mill Street
Poughkeepsie, NY 12601

TELEPHONE NUMBER: (845) 849-0932

NAME AND ADDRESS OF ATTORNEY, IF ANY:

Cynthia K. Fichera, Esq.
Spiegel, Brown & Fichera, LLP
272 Mill Street
Poughkeepsie, NY 12601
(845) 452-7400
(845) 452-4731 Fax

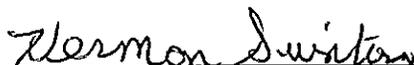
CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN
2015 MAR 30 PM 2:26

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

The accident occurred on January 13, 2015 at approximately 10:00 a.m. when Claimant slipped and fell on an icy buildup on the sidewalk in front of 204 Mill Street, Poughkeepsie, New York. Estimated damages are ONE HUNDRED SEVENTY FIVE THOUSAND AND 00/100 (\$175,000.00) DOLLARS for medical bills and pain and suffering.

ITEMS DAMAGED OR INJURIES SUSTAINED:

The Claimant seeks damages for reimbursement of related medical bills (past and future) and pain and suffering. Claimant suffered injury to his right shoulder.


HERMAN SWINTON

STATE OF NEW YORK)
)
COUNTY OF DUTCHESS) ss:

HERMAN SWINTON, being duly sworn, says that he is the Claimant named in the foregoing claim, that he has read the same and knows the contents thereof, that same is true to his knowledge, except as to the matters alleged upon information and belief, and as to those items, he believes them to be true.

Herman Swinton
HERMAN SWINTON

Cynthia K. Fichera
CYNTHIA K. FICHERA, ESQ.
Spiegel, Brown & Fichera, LLP
Attorneys for Claimant
272 Mill Street
Poughkeepsie, New York 12601
(845) 452-7400

Sworn to before me this 27th
day of March, 2015.

Janice A Bailey
Notary Public

JANICE A. BAILEY
NOTARY PUBLIC, State of New York
Qualified in Dutchess County
Comm. #: 01BA4961494
Commission Expires February 5, 2018

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. to 4:30 p.m.

COM 4/20/15

Item 1X-4

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: 3/20/2015 (845) 891-4031

NAME AND ADDRESS OF EACH CLAIMANT:
Tiffany Williams
71 Garden St #A PO Box 11260

TELEPHONE NUMBER: _____

NAME AND ADDRESS OF ATTORNEY (IF ANY): _____

CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN
2015 MAR 27 AM 9:16

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

On 2/25/2015 at 3:38 PM (while I was at work) at Smith St. Pharmacy my vehicle was side swiped by a City Plow truck vehicle on Smith Street while my vehicle was parked.

ITEMS DAMAGED OR INJURIES SUSTAINED: driver
My passenger rear door
the driver front end - scrapes & 2 dents

Tiffany Williams
Signature of Claimant

Tiffany Williams
Signature of Claimant

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

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.

Tiffany Williams
Signature of Claimant

Tiffany Williams
Signature of Claimant

Sworn to before me this 20 day of March, 2015

[Signature]
Notary Public

SELATA LABRENZ
Notary Public - State of New York
NO. 01LA6144725
Qualified in Dutchess County
My Commission Expires 05/01/2018

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.

Vince's Auto Body Works
 QUALITY SERVICE SINCE 1946
 185 Smith Street, Poughkeepsie, NY 12601
 Phone: (845) 454-3220
 FAX: (845) 485-4111

Workfile ID: a6491240
 State ID: 7034149
 License Number: RS# 7034149

Preliminary Estimate

Customer: WILLIAMS, TIFFANY

Written By: Joe Lomoriello, IA-703660

| | | |
|---|---------------|-------------------|
| Insured: WILLIAMS, TIFFANY | Policy #: | Claim #: |
| Type of Loss: | Date of Loss: | Days to Repair: 0 |
| Point of Impact: 09 Left T-Bone (Left Side) | | |

| | | |
|---|--|---------------------------|
| Owner: WILLIAMS, TIFFANY 71 GARDEN ST. APT 1A POUGHKEEPSIE, NY 12601 (845) 891-4881 Cell | Inspection Location: Vince's Auto Body Works 185 Smith Street Poughkeepsie, NY 12601 Repair Facility (845) 454-3220 Business | Insurance Company: |
|---|--|---------------------------|

VEHICLE

| | | | |
|-------------------------|--------------------|------------------------|--------------------|
| Year: 2002 | Body Style: 4D UTV | VIN: 1FMZU73E22UC13616 | Mileage In: 150434 |
| Make: FORD | Engine: 6-4.0L-FI | License: ETE4097 | Mileage Out: |
| Model: EXPLORER 4X4 XLT | Production Date: | State: NY | Vehicle Out: |
| Color: black Int: | Condition: Good | Job #: | |

TRANSMISSION

Automatic Transmission
 Overdrive
 4 Wheel Drive

POWER

Power Steering
 Power Brakes
 Power Windows
 Power Locks
 Power Mirrors
 Power Driver Seat

DECOR

Dual Mirrors

Body Side Moldings

Privacy Glass
 Console/Storage
 Overhead Console

CONVENIENCE

Air Conditioning
 Intermittent Wipers
 Tilt Wheel
 Cruise Control
 Rear Defogger
 Keyless Entry
 Alarm
 Rear Window Wiper

RADIO

AM Radio
 FM Radio
 Stereo
 Search/Seek
 CD Player

SAFETY

Drivers Side Air Bag
 Passenger Air Bag
 Anti-Lock Brakes (4)
 4 Wheel Disc Brakes

ROOF

Luggage/Roof Rack

SEATS

Cloth Seats
 Bucket Seats

WHEELS

Aluminum/Alloy Wheels

PAINT

Clear Coat Paint

OTHER

Fog Lamps

TRUCK

Trailer Hitch
 Trailering Package
 Power Trunk/Gate Release

Preliminary Estimate

Customer: WILLIAMS, TIFFANY

Vehicle: 2002 FORD EXPLORER 4X4 XLT 4D UTV 6-4.0L-FI black

| Line | Oper | Description | Part Number | Qty | Extended Price \$ | Labor | Paint |
|------------------|------|---|----------------|-----|-------------------|-------------|------------|
| 1 | | FENDER | | | | | |
| 2 | ** | Repl A/M CAPA LT Fender w/wheel opng molding, w/side mldg | 3L2Z16006BA | 1 | 184.00 | 3.1 | 2.2 |
| 3 | | Add for Clear Coat | | | | | 0.9 |
| 4 | | Add for Edging | | | | | 0.5 |
| 5 | | Add for Clear Coat | | | | | 0.1 |
| 6 | * | Repl LT Wheel opng mldg XLT, XLT Sport gray | 1L2Z16039CBB | 1 | 139.10 | Incl. | 0.0 |
| 7 | | FRONT DOOR | | | | | |
| 8 | * | Rpr LT Outer panel Note: DOOR HAS BEEN REPAIRED BEFORE AND IT HAS ISSUES THAT WILL COME TO BEAR IN THE REPAIR. | | | | 4.0 | 2.4 |
| 9 | | Overlap Major Adj. Panel | | | | | -0.4 |
| 10 | | Add for Clear Coat | | | | | 0.4 |
| 11 | * | R&I LT Body side mldg XLT & NBX cool gray | | | | 0.3 | |
| 12 | | R&I LT Belt w'strip | | | | 0.3 | |
| 13 | * | R&I LT Nameplate "EXPLORER" | | | | 0.2 | |
| 14 | | R&I LT R&I trim panel | | | | 0.5 | |
| 15 | | R&I LT Mirror assy w/o light, w/o heat | | | | 0.4 | |
| 16 | | REAR DOOR | | | | | |
| 17 | * | Rpr LT Outer panel w/wheel opng moldings | | | | 4.0 | 2.3 |
| 18 | | Overlap Major Adj. Panel | | | | | -0.4 |
| 19 | | Add for Clear Coat | | | | | 0.4 |
| 20 | | R&I LT Belt w'strip | | | | 0.3 | |
| open | * | Repl LT Body side mldg XLT cool gray | 1L2Z7825557GAB | 1 | 215.28 | 0.3 | 0.0 |
| 22 | | R&I LT R&I trim panel | | | | 0.5 | |
| 23 | | R&I LT Water shield | | | | | |
| 24 | | QUARTER PANEL | | | | | |
| open | * | Repl LT Wheel opng mldg XLT, Eddie Bauer, Limited gray | 1L2Z7829165CAB | 1 | 148.42 | 0.5 | 0.0 |
| 26 | # | Cover vehicle for overspray | | 1 | 5.00 T | 0.3 | |
| 27 | # | Repl STRIPE TAPE | | 1 | 25.00 | 0.5 | |
| 28 | # | Repl Corrosion protection primer | | 1 | T | | |
| 29 | # | Hazardous Waste Removal | | 1 | 2.50 T | | |
| 30 | # | Color sand and buff | | 1 | T | 0.5 | |
| SUBTOTALS | | | | | 719.30 | 15.7 | 8.4 |

Preliminary Estimate

Customer: WILLIAMS, TIFFANY

Vehicle: 2002 FORD EXPLORER 4X4 XLT 4D UTV 6-4.0L-FI black

ESTIMATE TOTALS

| Category | Basis | Rate | Cost \$ |
|--------------------|---------------|--------------|-----------------|
| Parts | | | 711.80 |
| Body Labor | 15.7 hrs @ | \$ 55.00 /hr | 863.50 |
| Paint Labor | 8.4 hrs @ | \$ 55.00 /hr | 462.00 |
| Paint Supplies | 8.4 hrs @ | \$ 28.00 /hr | 235.20 |
| Miscellaneous | | | 7.50 |
| Subtotal | | | 2,280.00 |
| Sales Tax | \$ 2,280.00 @ | 8.1250 % | 185.25 |
| Grand Total | | | 2,465.25 |

All vehicle parts are O.E.M. unless stated otherwise. Paint, coatings are PPG, 3M and others. Part/labor prices are current and subject to change. Shop is not responsible for damages hidden or otherwise overlooked by its employees. This estimate does not obligate this shop to repair this vehicle.

AUTHORIZATION OF REPAIRS: I authorize Vince's Auto Body Works to make the enclosed described repairs. Their employees and/or agents may road test my vehicle as they see fit. I agree that this shop is not responsible for vehicle damage, theft, fire and/or loss due to reasons beyond their normal control. Old parts will be junked unless instructed otherwise. Signed: _____ Date: _____
Time: _____

DIRECTION OF PAY: I authorize _____ to make payment for the supplemental repairs to my vehicle directly to Vince's Auto Body Works in my behalf. Amount (if known) \$ _____

Signed _____ Date _____

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR COMMERCIAL INSURANCE OR A STATEMENT OF CLAIM FOR ANY COMMERCIAL OR PERSONAL INSURANCE BENEFITS CONTAINING ANY MATERIALLY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO, AND ANY PERSON WHO, IN CONNECTION WITH SUCH APPLICATION OR CLAIM, KNOWINGLY MAKES OR KNOWINGLY ASSISTS, ABETS, SOLICITS OR CONSPIRES WITH ANOTHER TO MAKE A FALSE REPORT OF THE THEFT, DESTRUCTION, DAMAGE OR CONVERSION OF ANY MOTOR VEHICLE TO A LAW ENFORCEMENT AGENCY, THE DEPARTMENT OF MOTOR VEHICLES OR AN INSURANCE COMPANY, COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME, AND SHALL ALSO BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED FIVE THOUSAND DOLLARS AND THE VALUE OF THE SUBJECT MOTOR VEHICLE OR STATED CLAIM FOR EACH VIOLATION.

You are entitled to the return of all replaced parts, except warranty and exchange parts, but you must ask for them in writing before any work is done. If you authorize work by phone, the shop must keep any replaced parts, and make them available when you pick up the vehicle.

New York State Department of Motor Vehicles
POLICE ACCIDENT REPORT

Local Codes
15-4729
Q3RG3542T9C6

AMENDED REPORT

MV-104A (6/04)

1 - Accident Date: Month 2, Day 25, Year 2015, Day of Week Wednesday, Military Time 15:38, No. of Vehicles 2, No. Injured 0, No. Killed 0, Not Investigated at Scene, Left Scene, Police Photos Yes, Accident Reconstructed.

2 - VEHICLE 1: Driver WILLIAMS, TIFFANY A, License ID Number, State of Lic. NY, Address 71 GARDEN ST APT 1A, City or Town POUGHKEEPSIE, State NY, Zip Code 12601.

3 - VEHICLE 2: Driver CITY OF POUGHKEEPSIE, License ID Number 29059555, State of Lic. NY, Address 36 MITCHELL AVE, City or Town POUGHKEEPSIE, State NY, Zip Code 12603.

4 - WILLIAMS, TIFFANY A: Date of Birth 3/14/1984, Sex F, No. of Occupants 00, Public Property Damaged. CITY OF POUGHKEEPSIE: Date of Birth, Sex C, No. of Occupants 01, Public Property Damaged.

5 - Plate Number: ETE4097 (NY, 2002 FORD SUBN) vs ADB914 (NY, 2009 INTL DUMP, 994).

6 - Violation Section(s):

7 - VEHICLE DAMAGE CODING: Box 1 - Point of Impact, Box 2 - Most Damage. Includes diagrams for vehicle damage and accident diagram.

8 - VEHICLE DAMAGE CODING: 14. UNDERCARRIAGE, 15. TRAILER, 16. OVERTURNED, 17. DEMOLISHED, 18. NO DAMAGE, 19. OTHER.

9 - Place Where Accident Occurred: County DUTCHESS, City of POUGHKEEPSIE, Road on which accident occurred SMITH STREET, at 1) Intersecting street, or 2) 20 feet m/ees of MANSION ST.

Accident Description/Officer's notes: VEHICLE 1 WAS PARKED ON SMITH STREET. VEHICLE 2 TRAVELING NORTH ON SMITH STREET WAS BEING WAVED THROUGH THE ROAD BY A FLAG MAN. AS VEHICLE 2 PASSED BY VEHICLE 1 THE SIDE OF THE PLOW STRUCK VEHICLE 1.

Table with columns: 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 BY, TO 18, Names of all involved, Date of Death Only. Includes officer's signature: JEFFREY P LEE, PATROLMAN, Badge/ID No. 70, NCIC No. 01302, Station/Beat Sector, Reviewing Officer CRONK, BRYAN, Date/Time Reviewed 2/26/2015 10:47.

ACCIDENT INFORMATION EXCHANGE FORM

NY State Law requires that any accident resulting in a fatality, injury or damage to property of any person (including damage to your vehicle) or entity over \$1000 be reported by YOU to the Department of Motor Vehicles (DMV) within 10 days after an accident. Failure to report an accident or failure to give correct information is a misdemeanor and may result in the suspension/revocation of your driver's license (or operating privilege in NYS) and all vehicle certifications or registrations.

Report your Accident to DMV on DMV form MV-104 (Report of Motor Vehicle Accident). Police Accident Reports (DMV form MV-104A) DO NOT satisfy YOUR civilian reporting requirement.

| | | | | | |
|------------------------------|-------------|-----------|--------------------------|-----------|---|
| Accident Report # | Local Codes | Date | Time | # of Veh. | Town, City, Road Name |
| Q3RG3542T9C6 | 15-4729 | 2/25/2015 | 3:38 PM | 2 | POUGHKEEPSIE, CITY OF - 1402 SMITH STREET |
| Police Agency | | | Officer's Name/Badge ID# | | |
| POUGHKEEPSIE CITY PD - 01302 | | | LEE JEFFREY P 70 | | |

VEHICLE # 001

| | | | | |
|------------------|----------------------------|----------------|-----------------------|---------------------------|
| Operator's Name | | Date of Birth | Address | |
| PARKED | | | | |
| City/State/Zip | | Motorist I.D.# | Vehicle Year and Make | License Plate # and State |
| NY | | | 2002 FORD | ETE4097 NY |
| Vehicle Type | Insurance Code and Company | | Vehicle Owner | |
| SUBN | | | WILLIAMS TIFFANY A | |
| Vehicle Towed By | | | Vehicle Towed To | |
| | | | | |

Miscellaneous Notes

VEHICLE # 002

City information

| | | | | |
|-----------------------|----------------------------|----------------|-----------------------|---------------------------|
| Operator's Name | | Date of Birth | Address | |
| MCQUADE CATHAL J | | 5/1/1968 | 36 MITCHELL AVE | |
| City/State/Zip | | Motorist I.D.# | Vehicle Year and Make | License Plate # and State |
| POUGHKEEPSIE NY 12603 | | 290595555 | 2009 INTL | AD8914 NY |
| Vehicle Type | Insurance Code and Company | | Vehicle Owner | |
| DUMP | 994 - GOVERNMENT OWNED | | CITY OF POUGHKEEPSIE | |
| Vehicle Towed By | | | Vehicle Towed To | |
| | | | | |

Miscellaneous Notes

Please wait 14 days before contacting DMV to request a copy of your accident report.

If you want to purchase a copy of the police accident report, form MV-104A, complete DMV's "REQUEST FOR COPY OF ACCIDENT REPORT" form MV-198C and send it to DMV. The form and instructions are available at www.dmv.ny.gov or at your local DMV office.

THE FORM MV-104A MAY ALSO BE PURCHASED BY CONTACTING THE INVESTIGATING POLICE AGENCY.

POUGHKEEPSIE CITY PD, 62 CIVIC CENTER PLAZA, POUGHKEEPSIE, NY 12602

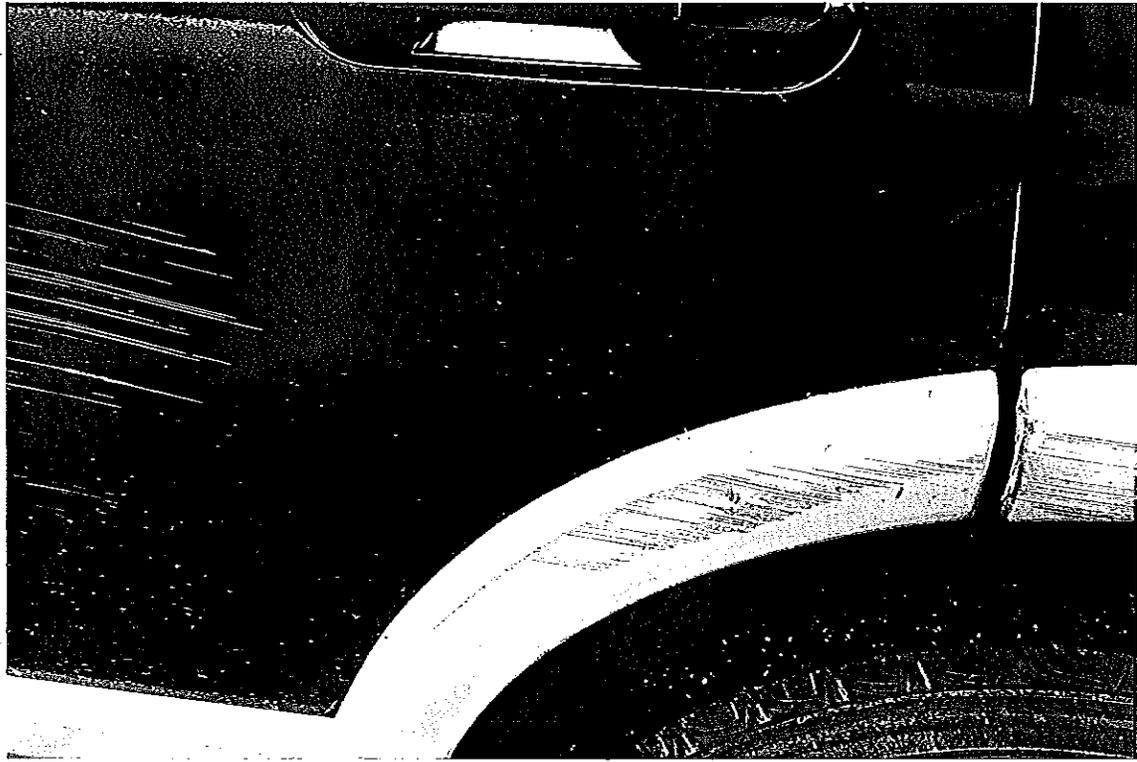
To obtain a blank civilian Accident Report (Form MV-104),

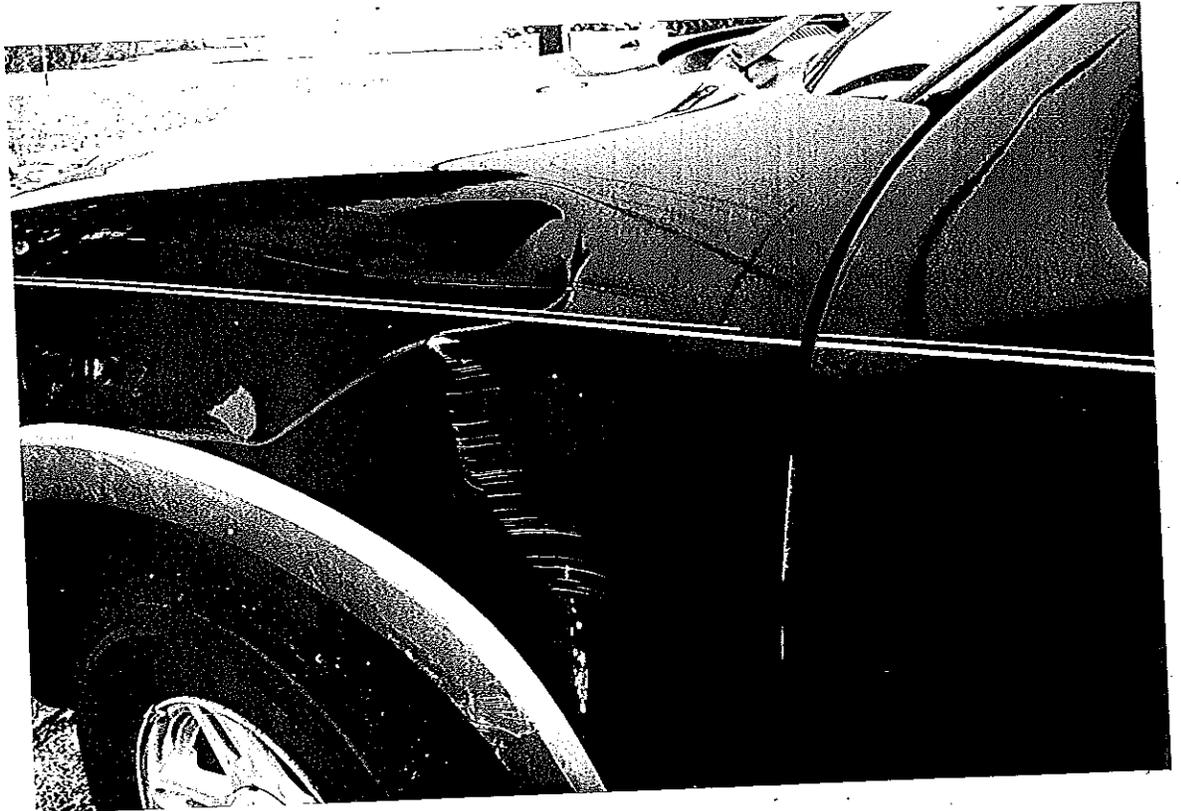
visit the DMV office nearest you

or

access forms online at www.dmv.ny.gov









COM 4/2015
Item X-5

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: 3-27-15

NAME AND ADDRESS OF EACH CLAIMANT:

Maria Zaharek
37 DeWitt Park
Wallkill, NY 12589

TELEPHONE NUMBER: (845) 807-4148

NAME AND ADDRESS OF ATTORNEY (IF ANY):

N/A

2015 MAR 1 PM 12:42
CITY OF POUGHKEEPSIE

DESCRIBE WHAT HAPPENED AND AMOUNT CLAIMED (PLEASE STATE DATE, TIME, LOCATION, AND MANNER IN WHICH CLAIM AROSE): on 2/27/15 at 7²⁷ AM
a city of Poughkeepsie garbage truck hit and side
swiped my car on driver side and damaged side
mirror + scratched the car door on 8 Hammersley
Ave

ITEMS DAMAGED OR INJURIES SUSTAINED:

2008 Nissan Sentra, 4 Dr. Sedan

Poughkeepsie NY

Maria Zaharek
Signature of Claimant

Signature of Claimant

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

MARIA ZAHAREK 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.

Maria Zaharek
Signature of Claimant

Signature of Claimant

Sworn to before me this 27 day of March, 2015

[Signature]
Notary Public

ERIKA MEDINA
Notary Public, State of New York
No. 01ME6239685
Qualified in Orange County
Commission Expires April 25, 2015

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.



Tina & Tj
 Modena Collision, Inc.
 1954 State Rte 32
 Modena, NY 12548
 Work Phone: 845-590-3776
 modenacollision@gmail.com

Estimate
 Est #1426, ID #3127846

FederalTaxID: 45-4427313
 License Number: 7112403

| Vehicle Info | VIN | Color Ext. / Int. | License (St.) | Miles In / Out |
|---|-------------------|-------------------|---------------|----------------|
| 2008 Nissan Sentra SL 4 Door Sedan FWD 2.0L 4 Cyl Gas Injected Auto Trans | 3N1AB61E68L684159 | / | | 0 / 0 |

Owner

GIANNA Z.
 37 DEPEW PARK
 WALLKILL, NY 12589
 Cell Phone: 8458074148
 MZAHAREK@
 JOHNHERBERTCOMPANY.
 COM

| Description | Part # | Price | Qty | Labor |
|---------------------------------|-------------|----------|-----|---|
| FRONT FENDER | | | | |
| Repair L FENDER PANEL | 63113-ET030 | | | 1.0 hrs. Body, 2.0hrs. Paint panel , 0.8hrs. Clearcoat |
| FRONT DOOR | | | | |
| R&R L FRT DOOR REAR VIEW MIRROR | NI1320166 | \$100.00 | 1 | 0.5 hrs. Body |
| Repair L FRT DOOR SHELL | 80101-ET030 | | | 1.5 hrs. Body, 2.3hrs. Paint panel , 0.9hrs. Clearcoat |
| R&I L FRT DOOR TRIM PANEL | | | | 0.4 hrs. Body |
| REAR DOOR | | | | |
| Blend L REAR DOOR SHELL | H2101-9AAAA | | | 1.1hrs. Blend |
| QUARTER PANEL | | | | |
| Repair L QUARTER OUTER PANEL | G8101-ET0MA | | | 3.0 hrs. Body, 2.1hrs. Paint panel , 0.8hrs. Clearcoat |
| Replace CAR COVER | | | | \$5.00Taxed |
| Replace HAZ WASTE REMOVAL | | | | \$3.00Taxed |
| Replace DENIB AND POLISH | | | | 0.6 hrs. Body |

Totals

| Type | Hours | Rate/hr | Total | Taxable |
|---------------------|-------|---------|------------|---------|
| Ⓐ Aftermarket Parts | | | \$100.00 | ✓ |
| Taxed | | | \$8.00 | ✓ |
| Body Labor | 7.0 | \$50.00 | \$350.00 | ✓ |
| Paint Labor | 7.5 | \$50.00 | \$375.00 | ✓ |
| Paint Supplies | 7.5 | \$32.00 | \$240.00 | ✓ |
| Taxable Amount | | | \$1,073.00 | |
| Tax 8.000% | | | \$85.84 | |
| Grand Total | | | \$1,158.84 | |
| Net Total | | | \$1,158.84 | |



Tina & Tj
Modena Collision, Inc.
1954 State Rte 32
Modena, NY 12548
Work Phone: 845-590-3776
modenacollision@ymail.com

Estimate
Est #1426, ID #3127846

FederalTaxID: 45-4427313
License Number: 7112403

Like us, [FACEBOOK.COM/MODENACOLLISION](https://www.facebook.com/modenacollision)

WE DO NOT ACCEPT PERSONAL CHECKS!!!

We accept Credit Cards: VISA, MASTERCARD, DISCOVER, Payments over \$500 will incruce a 4% fee.

Modena Collision provides a lifetime warranty covering our workmanship for as long as you own your car*.

* We provide a lifetime warranty against workmanship on the following procedures: welding, all structural work, metal and plastic repairs. Our paint work is guaranteed against peeling, blistering, hazing and excessive loss of pigmentation. This paint warranty is valid only when refinishing is done over original undamaged factory finishes or over original equipment manufacturer replacement parts. Specifically excluded is paint chipping caused by driving conditions. We also do not warranty any rust repairs or any rust related conditions.



Walkkill Body Shop & Glass Inc.

Workfile ID: 95d47eb9
Federal ID: 320205821
State ID: 7106541

Timely Repairs & Quality Care
Ask About Our Lifetime Guarantee
3063 Route 208, Walkkill, NY 12589
Phone: (845) 895-2735
FAX: (845) 895-8228

Preliminary Estimate

Customer: ZAHAREK, MARIA

Job Number:

Written By: Michael Paquette IA#-941574, IA 941574

Insured: ZAHAREK, MARIA
Type of Loss:
Point of Impact:

Policy #:
Date of Loss:

Claim #:
Days to Repair: 0

Owner:
ZAHAREK, MARIA
37 DEPEW PARK
WALLKILL, NY 12589
(845) 807-4148 Day

Inspection Location:
Walkkill Body Shop & Glass Inc.
3063 Route 208
Walkkill, NY 12589
Repair Facility
(845) 895-2735 Business

Insurance Company:

VEHICLE

| | | | |
|-----------------|--------------------|------------------------|--------------|
| Year: 2008 | Body Style: 4D SED | VIN: 3N1AB61E68L684159 | Mileage In: |
| Make: NISS | Engine: 4-2.0L-FI | License: FRN5729 | Mileage Out: |
| Model: SENTRA | Production Date: | State: NY | Vehicle Out: |
| Color: red Int: | Condition: | Job #: | |

TRANSMISSION

Automatic Transmission

POWER

Power Steering

Power Brakes

Power Windows

Power Locks

DECOR

Dual Mirrors

Tinted Glass

Console/Storage

CONVENIENCE

Air Conditioning

Intermittent Wipers

Tilt Wheel

Rear Defogger

RADIO

AM Radio

FM Radio

Stereo

Search/Seek

CD Player

Auxiliary Audio Connection

SAFETY

Drivers Side Air Bag

Passenger Air Bag

Front Side Impact Air Bags

Head/Curtain Air Bags

SEATS

Cloth Seats

Bucket Seats

WHEELS

Wheel Covers

PAINT

Clear Coat Paint

OTHER

Power Trunk/Gate Release

Preliminary Estimate

Customer: ZAHAREK, MARIA

Job Number:

Vehicle: 2008 NISS SENTRA 4D SED 4-2.0L-FI red

| Line | Oper | Description | Part Number | Qty | Extended Price \$ | Labor | Paint |
|------------------|------|--|-------------|-----|-------------------|------------|------------|
| 1 | | FRONT BUMPER | | | | | |
| 2 | R&I | R&I bumper cover | | | | 1.6 | |
| 3 | | FENDER | | | | | |
| 4 | * | Rpr LT Fender Base, S, SL | | | | 1.0 | 2.3 |
| 5 | | Add for Clear Coat | | | | | 0.9 |
| 6 | | FRONT LAMPS | | | | | |
| 7 | R&I | LT Headlamp assy Base, S, SL | | | | 0.3 | |
| 8 | | FRONT DOOR | | | | | |
| 9 | * | Rpr LT Outer panel | | | | 3.0 | 2.3 |
| 10 | | Overlap Major Adj. Panel | | | | | -0.4 |
| 11 | | Add for Clear Coat | | | | | 0.4 |
| 12 | R&I | LT Belt molding | | | | 0.3 | |
| 13 | Repl | LT Mirror assy w/o power | 96302ET00E | 1 | 151.12 | 0.3 | |
| 14 | Repl | LT Mirror cover | 96302ET03E | 1 | 20.47 | 0.3 | 0.8 |
| 15 | | Overlap Minor Panel | | | | | -0.2 |
| 16 | | Add for Clear Coat | | | | | 0.1 |
| 17 | R&I | LT Handle, outside w/o keyless entry black | | | | 0.4 | |
| 18 | R&I | LT R&I trim panel | | | | 0.5 | |
| 19 | # | Refn TINT FOR COLOR MATCH | | | | | 0.5 |
| 20 | # | Repl CAR COVER | | 1 | 12.50 | | |
| 21 | # | HAZARDOUS WASTE REMOVAL | | 1 | 3.00 | | |
| 22 | # | Rpr DENIB & POLISH | | | | 1.0 | |
| SUBTOTALS | | | | | 187.09 | 8.7 | 6.7 |

ESTIMATE TOTALS

| Category | Basis | Rate | Cost \$ |
|----------------------|---------------|--------------|-----------------|
| Parts | | | 187.09 |
| Body Labor | 8.7 hrs @ | \$ 55.00 /hr | 478.50 |
| Paint Labor | 6.7 hrs @ | \$ 55.00 /hr | 368.50 |
| Paint Supplies | 6.7 hrs @ | \$ 30.00 /hr | 201.00 |
| Subtotal | | | 1,235.09 |
| Sales Tax | \$ 1,235.09 @ | 8.0000 % | 98.81 |
| Grand Total | | | 1,333.90 |
| Deductible | | | 0.00 |
| CUSTOMER PAY | | | 0.00 |
| INSURANCE PAY | | | 1,333.90 |

Preliminary Estimate

Customer: ZAHAREK, MARIA

Job Number:

Vehicle: 2008 NISS SENTRA 4D SED 4-2.0L-FI red

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR COMMERCIAL INSURANCE OR A STATEMENT OF CLAIM FOR ANY COMMERCIAL OR PERSONAL INSURANCE BENEFITS CONTAINING ANY MATERIALLY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO, AND ANY PERSON WHO, IN CONNECTION WITH SUCH APPLICATION OR CLAIM, KNOWINGLY MAKES OR KNOWINGLY ASSISTS, ABETS, SOLICITS OR CONSPIRES WITH ANOTHER TO MAKE A FALSE REPORT OF THE THEFT, DESTRUCTION, DAMAGE OR CONVERSION OF ANY MOTOR VEHICLE TO A LAW ENFORCEMENT AGENCY, THE DEPARTMENT OF MOTOR VEHICLES OR AN INSURANCE COMPANY, COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME, AND SHALL ALSO BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED FIVE THOUSAND DOLLARS AND THE VALUE OF THE SUBJECT MOTOR VEHICLE OR STATED CLAIM FOR EACH VIOLATION.

You are entitled to the return of all replaced parts, except warranty and exchange parts, but you must ask for them in writing before any work is done. If you authorize work by phone, the shop must keep any replaced parts, and make them available when you pick up the vehicle.

Preliminary Estimate

Customer: ZAHAREK, MARIA

Job Number:

Vehicle: 2008 NISS SENTRA 4D SED 4-2.0L-FI red

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide ARF3737, CCC Data Date 3/17/2015, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as Non OEM or A/M. Used parts are described as LKQ, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

Some 2015 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The CCC ONE estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

The following is a list of additional abbreviations or symbols that may be used to describe work to be done or parts to be repaired or replaced:

SYMBOLS FOLLOWING PART PRICE:

m=MOTOR Mechanical component. s=MOTOR Structural component. T=Miscellaneous Taxed charge category. X=Miscellaneous Non-Taxed charge category.

SYMBOLS FOLLOWING LABOR:

D=Diagnostic labor category. E=Electrical labor category. F=Frame labor category. G=Glass labor category. M=Mechanical labor category. S=Structural labor category. (numbers) 1 through 4=User Defined Labor Categories.

OTHER SYMBOLS AND ABBREVIATIONS:

Adj.=Adjacent. Algn.=Align. ALU=Aluminum. A/M=Aftermarket part. Blnd=Blend. BOR=Boron steel. CAPA=Certified Automotive Parts Association. D&R=Disconnect and Reconnect. HSS=High Strength Steel. HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace. R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel. Sect=Section. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

CCC ONE Estimating - A product of CCC Information Services Inc.

The following is a list of abbreviations that may be used in CCC ONE Estimating that are not part of the MOTOR CRASH ESTIMATING GUIDE:

BAR=Bureau of Automotive Repair. EPA=Environmental Protection Agency. NHTSA= National Highway Transportation and Safety Administration. PDR=Paintless Dent Repair. VIN=Vehicle Identification Number.

845-451-4111

Notice of claim



Incident Report



Print Date/Time: 03/12/2015 16:51
Login ID:

451-4065
legal

City of Poughkeepsie Police
ORI Number: NY0130200

Incident: 2015-00004877

Incident Date/Time: 2/27/2015 7:22:00 AM
Location: 8 HAMMERSLEY AV
POUGHKEEPSIE NY 12601
Phone Number:
Report Required: No
Prior Hazards: No
LE Case Number:

Incident Type: MVA
Venue: C-Poughkeepsie
Source: Telephone
Priority: 2
Status: In Progress
Nature of Call: DPW CLIPPED A MIRROR

Unit/Personnel

| Unit | Personnel |
|------|---------------------------------|
| PD02 | 6480-VANWAGNER 6337-RAFFAELE |
| PD15 | 5976-BRUZGUL |

Person(s)

| No. | Role | Name | Address | Phone | Race | Sex | DOB |
|-----|--------|------|---------|-------|------|-----|-----|
| 1 | Caller | | | | | | |
| 2 | Caller | | | | | | |

Vehicle(s)

| Role | Type | Year | Make | Model | Color | License | State |
|------------------|------|------|------|-------|-------|---------|-------|
| Accident Vehicle | | | | | | | |
| Accident Vehicle | | | | | | | |

Disposition(s)

| Disposition | Count |
|-------------|-------|
| Unfounded | 1 |

Property

| Date | Code | Type | Make | Model | Description | Tag No. | Item No. |
|------|------|------|------|-------|-------------|---------|----------|
|------|------|------|------|-------|-------------|---------|----------|

CAD Narrative

02/27/2015 : 09:00:17 HOWLEYC Narrative: PER SHIELD 96 MV104

02/27/2015 : 07:36:39 HOWLEYC Narrative: NO DPW VEHICLES OR VEHICLES WITH DAMAGE HERE



THE CITY OF POUGHKEEPSIE
NEW YORK

COMMON COUNCIL MEETING
MINUTES

Monday, September 15, 2014 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

All Present

II. REVIEW OF MINUTES:

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

AMEND

VII. MOTIONS AND RESOLUTIONS:

- 1. FROM CORPORATION COUNSEL ACKERMANN**, Resolution R14-65, Setting a Public Hearing and introducing a local law amending Chapter XIX, Article II of the City of Poughkeepsie Code of Ordinances entitled "District Regulations and Map" with the addition of a new "Waterfront Transit-Oriented Development" District.

ADD

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

- 8. FROM COUNCILMEMBER HERMANN AND COUNCILMEMBER PETSAS**, a communication regarding proposed ordinance entitled "Publication Committee, Board, and Commission Directory."

REMOVE

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

- 3. FROM CITY ADMINISTRATOR BUNYI**, a presentation regarding the 2013 Sedore Audit.

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

Ken Stickle, 118 Catharine St. – When will the street sweeper be out on Main St. again? How can we pass an ordinance for anyone that owns property on Main St. to sweep in front of their building along with the curb like they do in the city at least once a day. I thought the ambulance company was supposed to build its headquarters at Main and Pershing. I see that lot is up for sale. What is going on with 512, the high-end steakhouse project? Have we lost those 5 lots for \$100? I don't see any development going on there. It would be nice to see something going up on Main St. besides hair and nail salons and cellphone and convenient stores. I'd like to see an antique store. Maybe we could get the gentlemen who owns Up-to-Date to put in an antique center. That building is looking shabby.

Gwen Johnson, 52 Manitou Ave. – I would like to say that the eastbound arterial the reason why you see all the garbage and litter is because the City no longer controls that. They gave the contract back to the state. So now the state is responsible for the litter, snow removal and leaf pick-up. So when you see all the dumping, the City has washed their hands of the eastbound arterial from Little Church St across from Smith Elementary School up to S. Grand. That's what is happening with our City. I would like to invite the City of Poughkeepsie to an Opiate, Heroin and PCP Community Forum given by me, Gwen Johnson, Dutchess County Executive Marc Molinaro this Thursday, Sept. 18th from 6pm to 9pm at Poughkeepsie High School. There's a big problem with other high schools in the surrounding area where high school students are actually using heroin. It has not happened in our high school yet but our kids are using wet PCP and it is running rampant in our City. It's important to get knowledge of the situation about drug addiction and prevention. We have the best of the best representatives who are going to be there from the Dept. of Health, Dept. of Hygiene, the Council on Addition Prevention and Education, Dutchess County Sheriff's office and Poughkeepsie's finest.

Constantine Kazolias, 47 Noxon Street – I attended the 911 ceremony. The best ceremony I ever attended. No politics involved. Parking meters – Mansion should have meters. You'd make \$200,000. Put them down on the riverfront. Let's take advantage of what we have. People shouldn't complain about the new water meters. According to Rich DuPilka, the meters weren't functioning and they were losing a percentage every year. All these years, they've been getting free water. Now they're paying for the water that they're using. We need money for the water plant expansion. How come the Tappansee Bridge is getting Clearwater money? That's part of the Thruway. That affects us. How come Kingston got a \$350,000 EPA grant for their garbage cans? How come we can't get one?

Bill Dykas, 96 S. Hamilton St. – There was a gentleman here at the last meeting speaking about his bodega, Poncho Villa on Main comparing himself to the ambulance, police and fire departments because they don't get charged. What was he talking about? I'm all for the parking meters but I do have a change of heart especially after I've seen some things these past couple of weeks. I would like to see them not ticket after 4:00. I think they should not ticket on Saturdays. I would to see that happen. It brings people in. I was at a nice restaurant on Main Street. I'm so proud of the City Administrator and Common Council and anyone who has anything to do with the decent places on Main. It was so nice to sit in that restaurant. It was clean and nice to look out and see all types of people on Main. I haven't seen that in years. This is lower Main below Market. I saw a lot of people from out of town. They're spending money here. Don't over charge them with tickets.

Raesonya Squire, Grey Street – I'm here to speak out against the parking meters. I have been victimized. I have a \$20 ticket for a \$.25 parking meter. I'm unemployed. I was going to the unemployment department. I did pay for my ticket. Unfortunately, being a first time user, I placed it in my pocket and failed to put it on the windshield. I had an appointment which I was trying to rush in to. When I came outside, I saw that I had a ticket and it was \$20. It doesn't make any sense to me. I had only been there for 15 minutes. I am familiar with Hudson's parking meter system. I had a situation where I didn't pay enough for the time that I was there. I received an announcement that I would have to pay a fine of \$8. I thought that was a pretty big hike. I will remember to place my ticket on the windshield. But comparing Hudson's \$8 to Poughkeepsie's \$20, that's a huge difference. We have been complaining about the parking meters since they have gone in. I don't know if there have been any changes announced or if a solution has been implemented. We definitely need to look at the amount of the tickets. It's astronomical especially if you're unemployed. I also want to announce that I'm part of a group called Engine and we're having a Speak-Out on Sept. 27th. It is for the public. It will be at the Family Partnership from 11am – 2pm. It is a jailhouse speak out. Basically, we are there to address some of the issues that people have found themselves in when they are in the criminal system. We would like the public to come and give us some of their stories – was it a positive situation, was it rehab or was it a situation of where the system had placed them in a position of being a second class citizen.

Tron Melton, Morgan Avenue – I'm only bringing this up because it came up at a different venue and it was about me. I do not stand up for the Pledge of Allegiance because of religious beliefs. As an American, I'm guaranteed my inelible rights to freedom of religion, freedom of speech and freedom of expression. I should not be criticized, ostracized or censured because I exercised said rights. My people on both sides of the isle have been treated less than human. On one side of the isle, their land was taken from them. They were murdered and displaced. The Trailortees forced my people to relocate to baron pieces of land that America called reservations under the Indian Removal Act of 1830, violently and forcefully removed from their own land, genocide. My other people, which I am proudly associated with, were violently abducted from their homeland and brought to a strange land. Most of them died before they reached the American shore. While here they were enslaved in shadow slavery which made them not human according to the laws here, but property. During this hard time, my people were bought and sold at will. Men, women, boys and girls were raped, maimed, lynched and beaten. They were separated from their families never to

reunite again. We went from being property to two-thirds of a person to the invisible man yet all the while being targeted for violence and hatred without provocation. The Chief Justice of the Supreme Court Roger B. Torney had the unmitigated gall to write in his decision the Dred Scott case they had for more than a century before been regarded as beings of an inferior order and altogether unfit to associate with the white race either in social or political relations. So far inferior, that they had no rights that the white man was bound to respect and that the negro might justly and lawfully be reduced to slavery for his own benefit. Even if it wasn't my religious belief, I still would not stand for the Pledge of Allegiance to the flag. Why would I want to pledge allegiance to an entity that treated and still treats my people as less than human and 2nd class citizens. A black man or boy is killed by police, security or vigilante every 24 hours in this country. Why should I stand for the Pledge of Allegiance, another genocide. When this nation treats my people as equals and respects their rights to exist, I will pray to Yaweh and see if it's okay for me to stand for the Pledge of Allegiance. They talk about showing respect. When they show respect to my people, I will show respect for them. Until then I will not stand for the Pledge of Allegiance. It is my God-given, ineligible right as an American citizen to do so and the constitution says I don't have to. X03073425

V. MAYOR'S COMMENTS:

Good evening members of the Council and members of the public. Thank you all for coming. First, I'd like to thank everyone who participated in our 9/11 ground breaking ceremony: members of the Council, Kiwanis Club, City employees, our sponsors and everyone who was there for the festivities of the day. Although it was a somber time to remember that horrific day 13 years ago, we celebrated in relation to the memorial that will now be erected and will be celebrated next year with our new 9/11 park right here at City Hall. This past week, I announced the 2015 Preliminary Budget with a 1.56% tax levy increase which meets the State's 2% tax cap. It is 1.56% because of the CPI index. They say it is 2% but it is really less. I'm proud to announce that there are no layoffs in the proposed budget and no cuts to services. We'll be having the first set of budget review sessions on 9/29, 9/30 and 10/1 here at 5:30. The public is welcome to attend. The department heads will present before the Common Council each of their budgets. I'd like to take this time to introduce Herbert Bullock, our new Social Development Director for the City. Herbert comes to us with extensive background in operations, specifically Booz Allen Hamilton. He is a Persian Gulf Veteran. He has worked on several grant administrative functions for the Dept. of Defense and the National Security Council. He has also worked with numerous non-profits, such as, Hudson River Housing and Habitat for Humanity. He is very familiar with our community and non-profits. I know he looks forward to working with all of us so I want to welcome Herb. Today is his first day and I know he looks forward to working with all of you. At this time, I would also like to call up the members of the Simon family and Stephen Gusovich. As you know, we had the church festival @ St. Joseph's a couple of weeks ago. A gentleman there went into cardiac arrest at the festival and this family, Gail, Mikayla and Christian Simon and Stephen, who is not with us tonight, came to the life saving grace of this man who was going into cardiac arrest. I want to recognize them for their bravery and heroic efforts in saving the life of this gentleman. In fact, Dr. Simon, who is an anesthesiologist is their father and husband. He was not there at the scene but he tells me that Stephen and

Christian had just gone through CPR Training and here they are going to someone's aid. I would like to present you with these certificates of Mayoral Recognition for your bravery and heroic efforts and proclaim it each your day in the City of Poughkeepsie. Also as you've read in the paper from the River District and Bardavon, we're looking forward to the Celebration of Lights which will take place on the first Friday in December. We look forward to everyone participating in the parade and of course the fireworks spectacular that takes place. So put that in your calendars for the first Friday in December for the Festival of Lights.

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Good evening. Kudos to my colleagues, our relationship with Kiwanis Club, this administration, DPW and all that had worked hard and together for the 9/11 Memorial Plaza. I look forward to next year's event when it is before us all for the ceremony. Roughly 7 years ago, with the input from the community, Police Dept. particularly Sgt. McCarthy, City Chamberlain, then Asst. Corp. Counsel, and I drafted our extended hour convenient store ordinance. It was done to regulate late night hours of the convenient store and to address quality of life issues and concerns associated with late night businesses. But as time passed, some of our owners and operators of convenient stores, instead of doing the right thing, found loopholes that circumvented the actual ordinance or spirit of its intent. Loitering, illegal activity and other quality of life issues continue to plague our neighborhoods. Soon some other businesses, that weren't convenient stores and weren't regulated under the current convenient store ordinance, displayed a behavior of not caring, not taking responsibility for the activities around their businesses which in turn affected the quality of life in our neighborhoods. Ordinance O14-16 amending the current extended hour convenient store ordinance, which is before this body for vote, is a collaborated effort by my colleagues on the Council, Police Dept. particularly Sgt. McCarthy, our City Chamberlain, and Asst. Corp. Counsel Gildard. These amendments singled out our efforts in closing the loopholes and holding all owners and operators of establishments that want to conduct business after 11pm accountable for the quality of life we want and expect in the City of Poughkeepsie. I truly ask for a favorable vote from my colleagues. This concludes Chairman's comments.

VII. MOTIONS AND RESOLUTIONS:

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

Corporation Counsel Ackermann informed the Council that said resolution is a resolution introducing an ordinance that would amend the zoning map for a parcel of land located on Maple Street between Corlies Avenue and Jewette Avenue. The parcel is vacant and approximately 1.43 acres. It is currently owned by Maple Street of Dutchess LLC.

Currently part of the parcel is zoned C-2A (Main Street Commercial District) and part of the parcel is zoned R-4 (Medium High Density Residential District). Originally that portion of the property which is zoned C-2A was part of 617 Main Street, but was later subdivided, leaving the parcel with no frontage on Main Street. The subdivided parcel was then combined with a

Official Minutes from the Common Council Meeting of September 15, 2014

residential lot (the R-4 lot) that fronts on Maple Street, giving the property ingress and egress from Maple Street.

Given the fact that the property now accesses Maple Street, no longer fronts Main Street and is surrounded by the R-4 district, the property should be zoned all R-4. Of important, is the fact that no other parcel in the C-2A district does not abut Main Street. Also, as the property abuts the Glebe House, the R-4 designation is the less dense district.

The resolution before you simply introduces the ordinance and sets a public hearing is scheduled for October 20, 2014 at 6:00 p.m. to receive comments.

**RESOLUTION INTRODUCING ORDINANCE
AND PROVIDING FOR PUBLIC NOTICE AND HEARING
(R-14-64)**

INTRODUCED BY COUNCILMEMBER RICH

BE IT RESOLVED, that an introductory Local Law, entitled “The 2014 Zoning Map Amendment for unnumbered Maple Street” and be and it hereby is introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

BE IT FURTHER RESOLVED, that the Common Council hereby appoints and declares its intent to be “Lead Agency” for purpose of SEQRA; and

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

BE IT FURTHER RESOLVED that the Council shall hold a public hearing on said proposed local law at City Hall, 62 Civic Center Plaza, Poughkeepsie, New York, at 6:00 o'clock P.M., on October 20, 2014; and

BE IT FURTHER RESOLVED, that a copy of this introductory local law shall be forwarded by the Clerk to the Planning Board, Zoning Board of Appeals and the Dutchess County Planning Department for their comments; and

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

Official Minutes from the Common Council Meeting of September 15, 2014

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 JOHNSON

| R14-64 | | | Yes/Aye | No/Nay | Abstain | Absent |
|---|-------------------------|-------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled | Councilmember McClinton | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Councilmember Hermann | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Councilmember Perry | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Councilmember Johnson | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Councilmember Klein | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Councilmember Petsas | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Councilmember Rich | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Councilmember Mallory | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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

Corporation Counsel Ackermann informed the Council that before them is another resolution to set a public hearing. This one is around the train station, and comes after a long study that was originally started by the Dyson Foundation, in conjunction with the City of Poughkeepsie and Dutchess County. The result is a proposed new district which would be called the “WTOD”, or “Waterfront Transit Oriented Development District”. Attached to the resolution is the actual text of the new district, along with a map of the area that it would encompass. It would completely replace the current transportation district and it will also amend portions of adjoining districts along Rinaldi Blvd, and to the north where the current Piano Factory is. At this time the resolution will set a public hearing, declare the Common Council as Lead Agency, this is the only body that can make changes to the zoning district; there are other interested parties, such as the County, the Planning Board, the Zoning Board and the Waterfront Advisory Committee will all be notified for them to send comments.

**RESOLUTION INTRODUCING LOCAL LAW
AND PROVIDING FOR PUBLIC NOTICE AND HEARING
(R-14-65)**

INTRODUCED BY COUNCILMEMBER RICH

BE IT RESOLVED, that an introductory Local Law, entitled “The 2014 Zoning Map Amendment providing for a new Waterfront Transit-Oriented Development District (WTOD) of the City of Poughkeepsie” and be and it hereby is introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

BE IT FURTHER RESOLVED, that the Common Council hereby appoints and

declares its intent to be "Lead Agency" for purpose of SEQRA; and

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

BE IT FURTHER RESOLVED that the Council shall hold a public hearing on said proposed local law at City Hall, 62 Civic Center Plaza, Poughkeepsie, New York, at 6:00 o'clock P.M., on October 22, 2014; and

BE IT FURTHER RESOLVED, that a copy of this introductory local law shall be forwarded by the Clerk to the Planning Board, Zoning Board of Appeals Waterfront Advisory Committee and the Dutchess County Planning Department for their comments; and

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

SECONDED BY COUNCILMEMBER JOHNSON

| R14-65 | | | | | | |
|---|-------------------------|-------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| | | | Yes/Aye | No/Nay | Abstain | Absent |
| <input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled | Councilmember McClinton | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Councilmember Hermann | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Councilmember Perry | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Councilmember Johnson | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Councilmember Klein | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Councilmember Petsas | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Councilmember Rich | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Councilmember Mallory | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

VIII. ORDINANCES AND LOCAL LAWS:

1. A motion was made by Councilmember Rich and seconded by Councilmember Johnson to receive and print.

Corporation Counsel Ackermann informed the Council that this is an ordinance that was introduced at a previous Council Meeting and subject of a public hearing.

**ORDINANCE AMENDING ARTICLE VI OF CHAPTER 14 OF THE CITY OF
POUGHKEEPSIE CODE OF ORDINANCES ENTITLED "EXTENDED HOURS
CONVENIENCE STORES"
ORDINANCE
O-14-16**

INTRODUCED BY COUNCILMEMBER RICH

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

**ARTICLE VI EXTENDED HOURS CONVENIENCE STORES
RETAIL SALES AND SERVICE ESTABLISHMENTS**

Section 14-65 Legislative Findings

- (a) The City has experienced significant problems with extended hours ~~convenience store~~ **retail sales and service establishment** security and illegal activity within and surrounding extended hours ~~convenience stores~~ **retail sales and service establishments** in the City for several years, including but not limited to problems with loitering, the illegal sale of narcotics, harassment, weapon offenses, alcohol and beverage control violations, public health law violations, assaults, homicides, and other criminal activity. Such activity poses a substantial risk to the public and employees of extended hours ~~convenience stores~~ **retail sales and service establishments** and creates a nuisance to neighborhoods, residents and visitors of the City.
- (b) This article is intended to aid in preventing crimes and nuisance, to protect employees of extended hours ~~convenience stores~~ **retail sales and service establishments** and the consumer public at extended hours ~~convenience stores~~ **retail sales and service establishments** between the hours of 11:00 p.m. and 5:00 a.m. and to establish security standards for these extended hours ~~convenience stores~~ **retail sales and service establishments** that are uniform throughout the City.
- (c) The City now declares, in order to permit the development and implementation of reasonable controls that will effectively protect the public, extended hours ~~convenience store~~ **retail sales and service establishment** operators and their patrons, that this article be enacted.

Section 14-66 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Business premises – The main structure and the property belonging to or associated with the business premises.

~~*Extended hours convenience store* – Any building, structure, or grounds primarily used for the retail sale of groceries, foods, frozen desserts or beverages to the consumer in a ready-to-consume state, usually served in paper, plastic or other disposable containers, for consumption either within the premises, elsewhere on the premises or for carry-out for consumption off the premises, consumables, commodities or both groceries, consumables, commodities and gasoline open for business throughout the day, but particularly between the hours of 11:00 p.m. and 5:00 a.m., or any part thereof.~~

Retail Sales and Service Establishment – An establishment or business that provides for the sale, provision of service, service, or on-premises incidental production or assembly of general merchandise to the general public for direct use or consumption. This shall include, but not be limited to, carry-out restaurants and the like with six (6) or fewer seats, any building, structure, or grounds primarily used for the retail sale of groceries, foods, frozen desserts or beverages to the consumer in a ready-to-consume state, usually served in paper, plastic or other disposable containers, for consumption either within the premises, elsewhere on the premises or for carry-out for consumption off the premises, consumables, commodities or both groceries, consumables, commodities and gasoline open for business throughout the day, but particularly between the hours of 11:00 p.m. and 5:00 a.m., or any part thereof.

The term ~~extended hours convenience store~~ **retail sales and service establishment** does not include:

- (a) A business that is solely or primarily a standard restaurant, as defined in Section 19-2.2 of the Zoning and Land Use Regulations of the City of Poughkeepsie.
- (b) A business that has at least 10,000 square feet of retail floor space within the main structure.

Disorderly establishment – Includes any business and business premises where acts are performed or activities are conducted or condoned, whether inside or outside the business premises, which are contrary to the rules of good order and behavior, violative of the public peace, indecent, or which tend to corrupt the morals of the community and promote criminal activity.

Owner – The person, corporation, partnership, joint venture or other entity or group enterprise licensed to do business at an extended hours convenience store at a particular location or locations, in lawful possession of said location by virtue of a deed, license, lease, sublease or other contract or agreement.

Section 14-67 Permit required

- (a) No ~~extended hours convenience store~~ **retail sales and service establishment** shall be open between the hours of 11:00 p.m. and 5:00 a.m. or any portion of that time without first having obtained a permit as provided in this article. **Such permit shall not supersede any site**

plan approval, or other conditions, regarding the time the establishment is required to close.

(b) The fee for **this application and permit** will be \$1,500, which shall include one (1) inspection and one (1) re-inspection. Each re-inspection thereafter shall require an additional \$50.00 fee per re-inspection. **If the establishment does not pass inspection by the third attempt the business must begin the process over and re-apply for an after-hours permit.**

(c) **For those retail sales and service establishments applying for a renewal of an existing after hours permit, the business must file their permit application at least thirty (30) days prior to the expiration of their active after hours permit. The calendar year for after-hours permits shall be from June 1st to May 31st.**

Section 14-68 Extended Hours-convenience Retail Sales and Service Establishment Security

(a) Every extended hours-convenience retail sales and service establishment shall be equipped with the following security devices and standards:

(1) A fully operative security camera system which meets the minimum requirements as determined by the Chief of Police or his designee. Any security camera system and any video and/or audio tape, DVD, CD, still frame depiction, download, or any other means by which video and/or audio is captured and/or memorialized by a security camera system shall be made immediately available upon request to any member of the City of Poughkeepsie Police Department in the furtherance of any investigation.

(2) A drop safe or cash management device for restricted access to cash receipts. Said drop safe or cash management device shall be permanently affixed to the floor or wall of the interior of the building or otherwise adequately secured to prevent theft.

(3) Any parking lot shall be lit to an intensity which makes all vehicles or persons within the parking lot clearly visible from the public streets and sidewalks from dusk until dawn.

(4) A conspicuous notice at the entrance which states that the cash register contains \$50 or less.

(5) Windows shall not be obstructed or covered more than 25%.

(6) Height markers at the entrance of the ~~extended hours convenience store~~ **retail sales and service establishment** which display height measures.

(7) A cash management policy to limit the cash on hand at all times **to less than \$150.00.**

(8) An ~~extended hours convenience store~~ **retail sales and service establishment** shall have a minimum of 50 square feet of unobstructed window space and shall not have

window tinting, signs or other obstructions that reduce exterior or interior view in the normal line of sight.

(9) Every ~~extended hours convenience store~~ **retail sales and service establishment** store shall be equipped with a silent alarm to a central station alarm monitoring company.

(10) Every owner or operator of a retail sales and service establishment shall keep the sidewalk directly in front of their establishment clear for pedestrian travel and must comply with all other requirements relating to sidewalks and noise found in the City of Poughkeepsie Code of Ordinances.

(11) Every retail sales and service establishment operating with a valid permit shall be subject to four (4) random inspections to be performed by the Chief of Police, or his designee, to ensure compliance with the requirements of this ordinance.

Section 14-69 Creating or maintaining noncompliant ~~extended hours convenience stores~~ retail sales and service establishments prohibited

Complaint of violation. Any individual or any civic organization affected by the action or inaction of an ~~extended hours convenience store~~ **retail sales and service establishment** subject to the provisions of this article may contact the City of Poughkeepsie Police Department to initiate a complaint.

Section 14-70 Enforcement and penalties

(a) No owner or operator of any ~~extended hours convenience store~~ **retail sales and service establishment** shall operate his, her or its business between the hours of 11:00 p.m. and 5:00 a.m., or any portion thereof, without a valid permit nor allow, create, or maintain an environment that attracts or encourages criminal activity.

(b) If an ~~extended hours convenience store~~ **retail sales and service establishment** owner or operator operates his, her or its business without a valid permit between the hours of 11:00 p.m. and 5:00 a.m., or any portion thereof, the City of Poughkeepsie Police Department, Building Inspector, Deputy Building Inspector, or Property Development Specialist has the authority to close the business between the hours of 11:00 p.m. and 5:00 a.m. and issue citations for each violation of operating without a valid permit.

(c) Upon the occurrence of any events involving serious criminal activity, whether occurring inside or outside the business premises, including but not limited to, violent felony offenses, the sale or possession with intent to sell narcotics or marijuana, offenses listed in Article 125 of the Penal Law of the State of New York, or offenses listed in Article 265 of the Penal Law of the State of New York, the Chief of Police or his designee may reasonably conclude that the business constitutes a disorderly establishment and immediately suspend the ~~extended hours convenience store permit~~ pending the outcome of a hearing pursuant to subsection (d) of this Section. Notification of said suspension shall be in written form and served upon the permittee, or any employee or agent of the permittee, either personally or via regular mail at the permittee's

last known address. **Any request for a hearing must be made in writing to the Chief of Police, or his designee, and such request must be made within fifteen (15) days of the date of the suspension. The hearing shall be conducted within fifteen (15) days of the receipt of a timely hearing request.** A hearing conducted under this subsection where the City sustains its burden and provides adequate factual evidence supporting the suspension shall result in a suspension of the permit for up to ~~six (6) months, or a revocation for one (1) year.~~

(1) Upon the occurrence of any events involving violations of the Alcohol and Beverage Control Law, the Tax Laws, the Public Health Law, the Code of Ordinances of the City of Poughkeepsie, or activities that are conducted or condoned, whether inside or outside the business premises, which are otherwise illegal or promote criminal or nuisance activity, the Chief of Police or his designee may reasonably conclude that the business constitutes a disorderly establishment and shall schedule a hearing pursuant to subsection (d) of this Section seeking a suspension of the permit. Notification of said hearing shall be in written form and served upon the permittee, or any employee or agent of the permittee, either personally or via regular mail at the permittee's last known address. **Any request for a hearing must be made in writing to the Chief of Police, or his designee, and such request must be made within fifteen (15) days of the date of the suspension. The hearing shall be conducted within fifteen (15) days of the receipt of a timely hearing request.** A hearing conducted under this subsection where the City sustains its burden and provides adequate factual evidence supporting the suspension shall result in a suspension of the permit for up to ~~6 months~~ **one year.**

(2) A hearing resulting in a second suspension pursuant to Section 14-70(c)(1) within a twelve (12) month period shall result in an immediate one (1) year revocation of the permit.

(d) Any owner, operator or person designated by the owner may appeal his, her or its; suspension, prospective suspension or revocation of the permit of an extended hours ~~convenience~~ **store retail sales and service establishment** in accordance with the following procedure:

(1) Any owner or operator aggrieved by a suspension or prospective revocation pursuant to Section 14-70(c), or a prospective suspension pursuant to Section 14-70(c)(1), shall be granted a hearing on the matter before a hearing officer duly appointed by the City Administrator. The City Administrator shall set a time and place for such hearing and shall give the permittee written notice thereof. **Any request for a hearing must be made in writing to the Chief of Police, or his designee, and such request must be made within fifteen (15) days of the date of the suspension. The hearing shall be conducted within fifteen (15) days of the receipt of a timely hearing request.** At such hearing, the City shall have the burden and shall be required to provide factual evidence supporting the closure, suspension or revocation of the extended hours permit. The owner, operator or person designated by the owner shall be given the opportunity to confront or contradict any evidence put forth by the City and be heard as to why such notice should be modified or withdrawn. For the purpose of the hearing the formal rules of evidence shall not apply.

(2) In the event that an owner, operator or person designated by the owner fails to appear at a duly scheduled hearing, the hearing shall be held in absentia and the permittee's right to take part and defend a suspension and/or revocation shall be deemed waived.

Official Minutes from the Common Council Meeting of September 15, 2014

(3) After such hearing, the hearing officer shall provide a written decision and recommendation to the City Administrator. Upon receipt of the written decision and recommendation, the City Administrator shall provide a written decision sustaining, modifying or withdrawing the suspension or revocation, depending upon the finding as to whether the provisions of this article and the rules and regulations adopted pursuant thereto have been complied with and whether the suspension or revocation is justified by the evidence elicited at the hearing.

(4) The effective date of any suspension or revocation issued after a hearing shall be the date the City Administrator issues his decision pursuant to Section 14-70(d)(3).

(e) Notwithstanding any closure, revocation or suspension of a permit, any owner or operator who fails to abide by any of the provisions of this Article, **and who is convicted of the same in a court of competent jurisdiction**, shall be punished by a fine of not more than \$1,000 for each violation and an additional \$100 for each day that the noncompliant condition exists.

Additionally, any conviction for a violation of this chapter shall result in a suspension of the extended hours permit for up to thirty (30) days for the first offense, sixty (60) days for the second offense and ninety (90) days for the third offense. Any establishment convicted of violating any provision of this ordinance four (4) times shall have their extended hours permit revoked for a period of one (1) year from the date of conviction.

(f) Any owner, operator or business convicted of operating an extended hours ~~convenience~~ **store retail sales and service establishment** without a valid permit under this Article shall not be eligible for a permit or a permit renewal for one (1) year from the date of conviction.

(g) Upon the occurrence of any suspension or revocation, a member of the City of Poughkeepsie Police Department shall seize the extended hours permit and transfer the same to the City Chamberlain. The City Chamberlain shall hold the extended hours permit until the permittee's privilege to obtain and display the same is granted pursuant to this Article.

Section 14-71 Application Denials

(a) All applications shall be reviewed by the Chief of Police or his designee prior to the issuance of any permit. If the issuance of the permit is not in the best interest of the general public welfare and safety, the Chief of Police or his designee shall deny the application and provide a written basis for the denial. Denials may be based upon violations of this article, including but not limited to, criminal activity, violations of the public health law, violations of the alcohol and beverage control law, nuisance activity in and around the ~~convenience store~~ **retail sales and service establishment**, and prior revocations and/or suspensions pursuant to this article.

(b) Any application shall be denied if the ~~convenience store~~ **establishment**, or the property thereon, is not in compliance with the zoning and building codes of the City as determined by the Building Inspector and/or Zoning Administrator.

Official Minutes from the Common Council Meeting of September 15, 2014

(c) Any applicant aggrieved by a denial pursuant to this section shall be granted a hearing on the matter in accordance with the hearing procedure as outlined in Section 14-70. At such hearing, the City shall have the burden and shall be required to provide factual evidence supporting the application denial. The petitioner shall be given the opportunity to confront or contradict any evidence put forth by the City and be heard as to why such application should not be denied. For the purpose of the hearing the formal rules of evidence shall not apply.

(d) After such hearing, the hearing officer shall provide a written decision and recommendation to the City Administrator. Upon receipt of the written decision and recommendation, the City Administrator shall sustain or overturn the decision to deny the application, depending upon a finding as to whether the provisions of this article and the rules and regulations adopted pursuant thereto have been complied with and whether the denial is justified by the evidence elicited at the hearing.

SECONDED BY COUNCILMEMBER JOHNSON

| O-14-16 | | | Yes/Aye | No/Nay | Abstain | Absent |
|---|-------------------------|-------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled | Councilmember McClinton | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Councilmember Hermann | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Councilmember Perry | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Councilmember Johnson | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Councilmember Klein | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Councilmember Petsas | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Councilmember Rich | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Councilmember Mallory | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM CORPORATION COUNSEL ACKERMANN AND CHIEF JOHNSON**, a communication regarding Ambulance/EMS services.
2. **FROM CORPORATION COUNSEL ACKERMANN**, a communication regarding the reallocation of 2007 CDBG funds.

The City of Poughkeepsie

New York

Paul Ackermann, Esq.
Corporation Counsel
p.ackermann@cityofpoughkeepsie.com



62 Civic Center Plaza
Poughkeepsie, New York 12601
TEL: (845) 451-4065 FAX: (845) 451-4070

Memorandum

TO: COMMON COUNCIL

FROM: PA

DATE: 9/14/2014

SUBJECT: BRAC

In 2005, the United States Government adopted the Base Realignment and Closure Law ("BRAC") which effectively left numerous surplus Army Reserve Centers including one located in the City of Poughkeepsie at 25 Oakley Street.

Pursuant to BRAC, local governments were given an opportunity to determine the fate of these surplus properties, through a Local Redevelopment Authority ("LRA"). However, BRAC required that consideration be given to the needs of the homeless. In 2006 the Common Council designated the CPIDA as the local LRA. The CPIDA proceeded to issue a Request for Proposals one of which was received by Hudson River Housing which sought to use the center as an emergency homeless shelter.

In 2011, the City of Poughkeepsie negotiated with HRH to withdraw its proposal because the City wished to retain Dorsey Gage in the City. Dorsey needed to expand its operations and if it could not do so at its current location, it would have had to move out of the City. As part of the negotiation, the City agreed to certain provisions to meet the needs of the homeless as required by BRAC.

One of the issues the City was concerned with was that at the time, the homeless in-take was being conducted at the First Congressional Church on Mill Street. The City had requested that the in-take be conducted at the Family Partnership Center where the day shelter was located. HRH agreed, but the City was to cover the additional expenses of keeping the day shelter open until such time that the overnight shelter opened. The agreement further provided that HRH would apply through CDBG to cover the expenses in the future. This year, HRH did not apply for CDBG funds to cover the expenses as required. However, the City wishes to continue having the homeless shelter in-take conducted at the Family Partnership Center site, so this request is to move funding from unused CDBG funds to cover such costs.

O:\reallocation of CDBG monies.doc

- 3. FROM CITY ADMINISTRATOR BUNYI, a presentation regarding the 2013 Sedore Audit. Removed from Agenda**

4. **FROM PATRICK MAHONEY**, a notice of injury sustained on May 27, 2014.
Referred to Corporation Counsel
5. **FROM DANIEL DORN**, a notice of claim sustained on August 8, 2014 and on August 22, 2014. **Referred to Corporation Counsel**
6. **FROM LAW OFFICES OF L'TANYA M. WATKINS, ESQ.**, a notice of claim sustained on May 24, 2014. **Referred to Corporation Counsel**
7. **FROM DAIN S. HYMAN**, a notice of personal injury sustained on June 9, 2014.
Referred to Corporation Counsel

X. UNFINISHED BUSINESS:

Councilmember Hermann: To anyone who this may pertain to in response to something that was mentioned either in presentation or public comment regarding the Charter Review Commission. Mr. Ackermann – you had promised to look into Mr. Garrity what the charter says and I would certainly like that information too as far as how that is supposed to move forward. My base question is does the mayor have the right to be the sole arbiter of who sits on that board. I know he says that he's going to rely on leadership input.

Corporation Counsel Ackermann: I believe I provided a time line and how the process goes.

Chairman Mallory: I didn't receive it.

Corp. Counsel Ackermann: I will reissue it.

Councilmember Hermann: under the mental hygiene law, the one that we're all familiar with, are the group homes – do they remain as group homes on the tax rolls.

Corp. Counsel Ackermann: They're taken off. They're a tax exempt organization.

Councilmember Hermann: Can I get a clarification on the price per ton of recycling? That we talked about so quickly.

Councilmember Hermann: This goes back to a discussion that we had at the previous Common Council meeting. Someone earlier had given us a figure of how much tonnage we've submitted to date to the plant and how much income revenue we have received. I want to make sure that's being appropriated accordingly.

Councilmember Petsas: I know you said you were going to give a timeline for the Charter Review Commission. Who exactly appoints the commission? Mr. Garrity

Official Minutes from the Common Council Meeting of September 15, 2014

did point out the 601/602 saying that the legislative body appoints it. You're going to give us clarity?

Corporation Counsel Ackermann: Absolutely

Councilmember Petsas: I know there's some discussion on trees. I believe there's \$5,000 or \$6,000 in grants. Those trees have been ordered?

Councilmember Petsas: I know in previous councils as it was commented on that there's a certain amount of trees allocated per ward. We always had 4 or 5 trees per ward. The council person would either say they didn't want them or give them to someone else. No, that's not true? That's what I understood from my previous colleague.

Councilmember Petsas: that was a grant that will be reimbursed. There's not budget line item simply for council people to have 4 or 5 trees put in?

Chairman Mallory: It used to be that way, but for the matching grant, we had to designate areas specifically for where those trees would be planted. We wouldn't have gotten the grant money. We had to share with them where those trees were going to be planted. That was part of the grant process. So this year it was budgeted for a strip of area, not a specific ward. That's how it was for 2014.

Councilmember Petsas: So for 2013, it was the same grant you were getting but you were able

Chairman Mallory: No, there was no grants specifics for the trees. This grant is totally different. This was a matching grant where we had to show where the trees would be planted. Before, we had budgeted tree money. So if a councilmember got 4 trees, they chose where they could be planted in their ward. If they chose not to have them, then it would be at discretion of the Shade Tree Commission where they could be planted.

Councilmember Petsas: So what happened to the trees per ward? I'm confused, somehow we lost that. It wasn't budgeted.

Chairman Mallory: It wasn't budgeted. Smith Street was designated to receive grant trees. We had to plan accordingly to plant the trees along Smith Street and the same thing for other areas in the City of Poughkeepsie. I'm not sure I have to look through my notes.

Councilmember Petsas: To be clear, there's not money and no trees for any wards outside of the grant.

Chairman Mallory: For the designated area of the grant for this year.

Councilmember Petsas: And that's been the normal.

Chairman Mallory: No, it's just for this year.

City Administrator Bunyi: I think what Mr. Mallory is trying to explain is this is a matching grant. We have to match whatever grant we got. The money we have normally used to buy specific trees for different wards was used to match this so we can get the maximum amount of trees we can get from the grant.

Chairman Mallory: That's only for 2014. Whatever happens in 2015 – that's only for 2014.

Councilmember Rich: My memory is a little different. Going back to 2008, I would get a letter saying Dear Mr. Rich, you can get up to 6 trees if you want them. Let us know because if you don't want them, then we're going to give them to someone else. This has been done since I came on the council. 2014 is different. That's why I think Mr. Petsas thinks it's supposed to be done. If it's done a different way, then we should be notified that it's going to be done differently. I think if you're going to change the rules, we should be notified.

City Administrator Bunyi: We didn't change the rules. The bottom line is this was a grant that went before the Common Council and it was approved by the Common Council.

Chairman Mallory: Yes it was.

Councilmember Rich: I'm talking about getting notice every single year that each Council could have up to X number of trees if they wanted them and had a place for them. That's what I'm talking about. Not a grant. Procedure.

Chairman Mallory: He's talking about the procedure.

Councilmember Petsas: The lights on Route 9. I probably get at least one comment a week on the lights. I know we're talking about the conduit is bad. We had a meeting with the Assemblyman, Senator a few months ago about it. They sent an email back that there is power to all of those poles. So I'm just trying to figure out, that's the email that I got. I will forward it to you. They asked Central Hudson to go check the poles. They checked and said that there is power to the poles. I would like some kind of report, something because it's a big problem down there. It makes us look foolish because we're a city of 30,000 people that can't have lights going through our main street.

Commissioner Gent: Here's the problem. There may be power to the poles but there's a pole box buried under 5 feet of dirt. There's conduit that goes from pole to pole. Whereas, they may give me power to each pole, it's not connected. It's chewed, it's ripped up and chiseled through. There's power there if we want to run

Official Minutes from the Common Council Meeting of September 15, 2014

all new lines and conduit to make sure it loops from pole to pole. Sure the power is right there. It's provided. New wire from pole to pole, dig the conduit, stop the traffic.

Councilmember Petsas: Do you have to dig or could you string wire from pole to pole instead of going underground.

Commissioner Gent: That would be a huge project for us to stop traffic on Rt. 9 to do that.

Councilmember Petsas: So the huge project is stopping traffic or the actual stringing of the

Commissioner Gent: We would have to close the lane to get all that done. Bring trucks in with the big reels of wire. It's a big, big project that we can't handle.

City Administrator Bunyi: Remember that we cannot make a decision to stop traffic on Rt. 9

Chairman Mallory: The State does.

City Administrator Bunyi: The State is the only one who can determine whether or not we can stop the traffic.

Commissioner Gent: Could we do it if we took everyone for a month and got the plan in with the State and met for 6 months and maybe come up with the money for it. We could do it. It's just a huge undertaking for that. You would bid that out to a contractor to do that and say just fix this because we can't. Traffic control, permits, it's a big project.

Councilmember Petsas: That's not what I want to hear.

Commissioner Gent: Me neither.

Councilmember Petsas: It just seems that there's nobody fighting to get these lights back on. That's a concern because it looks crazy to go through our city and have total blackness when you get to places. There are enough accidents there during the day because of the design. It just makes no sense. I'm not an electrician but we have lights on one side of Main Street. I don't know why we can't get 4 or 5 of them on the on-ramp. I guess it's a bigger project than simply that.

Councilmember Rich: It would seem to me that the City of Poughkeepsie and the State have responsibility for Route 9. It would seem to me that's a State road. If the State will not do what needs to be done for safety and security, then we may need to go to the 3rd branch of government and sue them. They should be lighting that area. That's their Route 9. That's right where they go north, south, east and west. Excuse me but that's my ward. That is dangerous anytime but especially at night when the

lights aren't on. It is more than dangerous. It's an accident waiting to happen. If the State won't do it, then we should go to court and say you must do it. It's your road. It's not ours, it's yours. We just gave the State back the arterials which we took from them for some strange bizarre reason. They are now doing it because they have to do it. They are required to do it – plow. We say we're not doing it anymore and they said okay because they knew they couldn't do anything. Let us just say who is responsible, the State and it's time. We have 3 attorneys, let's sue them. Let's go to court – Article 78 or whatever it's called. That will get their attention. We have tried to get their attention through the representatives. They won't give us their attention. Let's sue them. That will get their attention. That's what I think we should do. We should have done it a long time ago.

Councilmember McClinton: I concur with Vice Chair.

Councilmember Perry: I wholeheartedly agree with 2nd Ward Councilman. Whoever is responsible for should be held responsible. If it's the State, then they should do what they're supposed to do. After all, they're supposed to serve the citizens. The City shouldn't have to bear responsibility that the State is supposed to bear. If it requires a lawsuit, Mr. Ackermann, then proceed with one, if that is what it requires. I'm not a lawyer and I don't pretend to speak as one. On the other hand, if they're responsible; let's hold them responsible. Now if it's because we have given up on taking care of the highway that the lights are no longer on and the garbage is piling up, let's sue them for the garbage as well. It's their responsibility. Taxes go from this county and this City to NY State. We need to find out exactly what responsibility they have to our City. So whatever you need to do Mr. Ackermann, we're standing with the 2nd Ward

Councilman Rich and what he says.

Councilmember Johnson: More problems with the State. As one of my constituents mentioned today. The litter on the arterial from May Street to Worrall Avenue is getting out of control and now the school is back in session and it's getting worse every day. Can send someone to come look at it this week?

Councilmember Klein: Mr. Ackermann, on the lights, is there some way we can meet with the principals, or stakeholders (interested parties) so is there a way to resolve it by getting the right people in the room to work on this?

Corporation Counsel Ackermann: We've met with DOT. In 1967, during the construction of the north/south arterial or Route 9, the City elected as an option the installation of the street lights. To the State, it's an amenity and it's not a safety issue. There's no data to support the fact that street lights make it safer where there is no pedestrian crossings. At that time, the Common Council agreed by resolution which was adopted by the State that the State would provide the street lights, pay for the installation but it would be the City's responsibility to maintain them. That's the issue. We've met with them. Their position is you guys wanted them, you guys

agreed to maintain them. It's your responsibility, not ours. If you don't want to maintain them, then remove them. We consider them an amenity.

Councilmember Klein: Perhaps the City can contact the governor who is running for re-election who seeks to have the votes of the voters of the Mid-Hudson Valley including those in the City of Poughkeepsie. Perhaps our County Executive could be enlisted to help and some higher level stakeholders could be included. This is just something for Corp. Counsel and City Administrator to consider, giving the timing, this may be an appropriate time. I'll leave that to your discretion. Obviously a law suit is something that requires a lot of time and resources with an uncertain outcome. So I will leave that to your discretion.

Corporation Counsel Ackermann: We'll review it.

City Administrator Bunyi: When we met with DOT, their engineers were there and basically came right out and said through the State, there is no statistical data to support our concern for safety. As far as they're concerned, the lights on Rt. 9 are not a necessity. They were very clear and their engineers were sitting right there in front of us, that we could take down the lights. To them, they are not a safety issue. That's the engineers of DOT.

Councilmember Klein: Mr. Ackermann, is there any word on the 204 church Street deal? Is it still in the works or up in the air, or has it died?

Corporation Counsel Ackermann: That's correct at this time.

Councilmember Klein: That's unfortunate. Also the proposed Poughkeepsie Ambassador project resolution – was that ever vetted through the union to see if there would be an issue with that.

Corporation Counsel Ackermann: Not at this time.

Councilmember Klein: Is that something contemplated?

Corporation Counsel Ackermann: Yes.

Councilmember Rich: I have some information about that. I did contact the union, the president, vice president and they said no problem whatsoever.

Corporation Counsel Ackermann: They have to communicate that to us.

Councilmember Rich: They communicated that to me. I will call them again and tell them to communicate it to you.

Corporation Counsel Ackermann: That's fine.

Councilmember Rich: The 2013 Sedore Audit. I finally got it. It wasn't in a nice booklet, the paper wasn't good and the print was very small. I read it. We're going to have the Sedore folks come. The problem is we were directed by the State Comptroller not to do it this way. He said get that budget in your hands well before you go into the budget process. He criticized us heavily for that and we're going to have the audit right in the middle of the budget process, in late October. That means more work for this already stressed out council. We have meetings, one right after the other and it's all about money. The Sedore Audit would have been useful for us to have had 3, 4 or 5 months ago so we could know. I've read it and they've said some nice things about the 2013 budget. Even though you have to go look for it because in the beginning there's City Administration. We have a nice surplus in the 2013 budget. The general fund is very nice. We have a very nice surplus user fee in the sanitation budget. That's the first time under this mayor that we've had a surplus in our general fund budget. I think Gwen Johnson, Nina Boyd and others – we have to say thank you for stopping the bleeding. I'm hoping in 2014 we won't have a deficit. If we didn't stop it, we would be in receivership. We stopped it. Thank you Gwen, Nina and all the other's that worked on it.

Chairman Mallory: Two weeks ago Majority leader had asked about the reviewing of contracts. Is it a Review Contract Board?

Corporation Counsel Ackermann: Board of Contract and Supply.

Chairman Mallory: Could you provide us a list of who sits on that?

City Administrator Bunyi: We could provide you that.

Chairman Mallory: And also the contracts that they have approved in the last 2 years and the expiration date of those contracts. We're going to need them for the budget.

City Administrator Bunyi: Sure.

Councilmember Petsas: The sanitation tax will be part of the tax bill? I just wanted to make sure that's going to happen for next year. The City Council had voted on it.

City Administrator Bunyi: It's not a sanitation tax. It's a user fee.

Councilmember Petsas: That's going to be included. I just wanted to make sure.

XI. NEW BUSINESS:

Councilmember Petsas: I want to thank the crews for cleaning up Waryas Park beyond what is expected. They cleared out that whole back section and we have reclaimed that section of the park for the average citizens. It's very nice down there. They did a great job. They put a lot of work into it. I deeply appreciate the Dyson

Foundation's millions that they have pumped into the Walkway over the Hudson and the Upper Landing. I reached out to them to see if we could do some beautification projects along Gifford Avenue. Gifford Avenue is the front porch of the Walkway. It's the first street you see and it's the worst street in the 1st ward. Half of the houses are vacant. There are three trees on the street. I reached out to them to see if they could find a few dollars to re-tree line the street. They said that's not their business. I'm going to say publicly that I'm very disappointed that they would invest millions into the Walkway, Riverfront park, elevator and nothing for the neighborhood where the people live. It's nice to have this great attraction but underneath it we have dozens of vacant homes, street scenes that look out of another era. I'm frustrated and disappointed that they responded the way they did.

Councilmember Perry: I agree with Councilmember Petsas. When I look in this waterfront proposal, there's nothing that includes the surrounding areas. Just strictly the waterfront. So it would be nice if some of the other areas were considered. You don't want people to just come and be on the Walkway and leave the city. You want them to be able to have something of interest that they can walk around the city and look at. That would include areas in the 1st, 2nd, 3rd and 5th wards if they would go that far up the hill. It's all beautiful areas that could be beautified. If we want to have this elevator to work and the Walkway to work, you have to help beautify the surrounding areas. It doesn't matter what you have in this document if you're going to exclude the surrounding areas. It's not fair.

Chairman Mallory: The Dyson Foundation had approached the City about what our needs are. They had heard about our needs for our parks. We all received information from Dept. of Public Works Commissioner about what our needs were for all 17 City parks. The City of Poughkeepsie had spoken to Dyson. They wanted to see the list of requests for all 17 of our parks. They are seriously, well were seriously, considering making a major contribution to all our City parks.

Councilmember Hermann: Did you say that we were requested to provide a list of what we see as improvements to our parks?

Chairman Mallory: No, we received the list from DPW and City Administrator. That information has been forwarded to the Dyson Foundation who believes it's very important for us to work to enhance our parks and they were considering assisting us in addressing those needs that were pinpointed by DPW and Administration.

Councilmember Hermann: Thank you for the clarification. Mr. Gent, can I ask you about Spratt? As most of you know, Spratt doesn't receive CDBG Funds and is in dire need. It's the 8th Ward's great treasure. It's a beautiful park. Can you give me a greater understanding of how often the park division of DPW maintains that park and at what point they stop trimming the grass during the season?

Commissioner Gent: They trim it until it doesn't grow anymore. We do it promptly once a week. The tree crew has been up there. The recreation has been up there.

Official Minutes from the Common Council Meeting of September 15, 2014

Buildings and grounds has been up there. We've repaired benches, tables, and fences. We've cleared out trees. We did pool work – painted the pool, put in a new pump and did the bathrooms. We do a lot of work in house. We may not get state funds, but we make sure it's nice.

Councilmember Hermann: Could I have a list of what's been done over the last..

Commissioner Gent: Absolutely.

Councilmember Hermann: There has been an initiative in the 8th ward to spur a Friends of Spratt Park. If anybody at home is listening and you have facebook, go to Friends of Spratt Park and friend it. The hope is that there's more community-private and community-public partnerships to get some much needed resources at Spratt. This is hopeful that Dyson might be giving us some money. That's great to hear.

Commissioner Gent: We got another park adopted this past week, Kael Rock Park.

Councilmember Hermann: That's great.

Commissioner Gent: We have local business leaders that have gotten together and formed a group and have put a significant amount of money in a pot. They're looking at Lincoln Park to do something nice down there. Not next year, but tomorrow. There's a significant project that is going to be happening at Lincoln Park in the next couple of weeks.

Chairman Mallory: This is not a one-time deal. This is going to be one of those things that they make investments to other parks. But they're going to start with Lincoln Park first.

Councilmember Hermann: If someone wants to adopt a park, what is the process to do that?

Commissioner Gent: What they do is send a letter of request to the City Administrator saying that they would like to adopt a park. We have a packet of paperwork. We have a form they have to fill out and a contract showing what they're responsible for and what we're responsible for and then we go from there.

Councilmember Hermann: This doesn't cost the individual anything?

Commissioner Gent: No, it doesn't cost them anything.

Councilmember Hermann: Apart from their time.

Commissioner Gent: Absolutely.

Councilmember Hermann: Mr. Bunyi, a constituent said that she understood that the Armory was in danger of foreclosure?

City Administrator Bunyi: We're not familiar with that one.

Councilmember Hermann: She must have misinformation.

City Administrator Bunyi: The Seventh Day Adventist just bought that at State Auction.

Councilmember Hermann: So the current owner of the Armory is the Seventh Day Adventist?

Chairman Mallory: Yes, they bought it at state auction.

Councilmember Hermann: Pursuant to Mr. Harden's question regarding the Glenwood sign, the stop sign, are we planning to address...

Chairman Mallory: Yes

Councilmember Hermann: Will you let me know when that has been done?

Chairman Mallory: Yes.

Councilmember McClinton: Mr. Ackermann, the properties that we were previously discussing – how far along are we on that?

Corporation Counsel Ackermann: We're moving along. We actually should get the determination pretty soon.

Councilmember McClinton: To bring you up to speed, at caucus there was a group who presented certain addresses in the other area of my ward that I shared with you and I did share with my colleagues that those issues had also been addressed.

Corporation Counsel Ackermann: Yes.

Councilmember McClinton: The last thing that I wanted to ask you is the feces on Main Street. There are supposed to be signs to curb your dog and they're not there. It's like playing hopscotch. One resident is really angry because it seems to be one person who walks two dogs. He continues to not clean up after them and there are no signs. There's no signs stipulating that there's also a fine for not cleaning up after your dog. When he was approached, he said he couldn't be fine. There's no sign.

Corporation Counsel Ackermann: That's not true.

Councilmember McClinton: Of course I know it's not true, but I'm saying if you don't know and there's no signs. I have looked, there's not sign. It's really bad on upper Main by Family Dollar and when you cross over to the cellphone store, it gets

Official Minutes from the Common Council Meeting of September 15, 2014

gross again. One individual is in a wheelchair and it got on his wheels and he had to go back into his house. It's not fair. It needs to be enforced and if the sign isn't there or it's not visible, something has to be done, Mr. Gent, Mr. Ackermann, Mr. Bunyi.

Councilmember Perry: I just wanted to mention a resident of 6 Rose Street called to say that he needs help from the City with his building that is falling down to the ground. Did anyone else get a call about that?

Corporation Counsel Ackermann: I believe you're referring to the gentleman that bought the lot at auction.

Councilmember Perry: He claimed the City should be helping him to take care of that.

Corporation Counsel Ackermann: We don't have a responsibility. We sold it at auction, as is. Unfortunately, before he bought the property, he didn't inspect it and now he wants the City to assist him in removing the debris. The whole point of us putting it to auction is so we weren't responsible for it.

City Administrator Bunyi: Mrs. Perry, so you understand, we have had conversations with him and the last conversation that we had was if he removed the debris, we would be more than glad to take it and receive at the transfer station. He said he had no way to take it there. It's a big concession on our part that we are ready to take it for free when other developers do not get it for free. Now he wants us to take it from him and take it back to the transfer station.

Councilmember Perry: I only mentioned it because he called me, otherwise I wouldn't have said anything.

Councilmember McClinton: That's the one that's in my ward that I was discussing with Mr. Ackermann and there were other things that he has done and that's why I suggested he call you. He was told already and we have been dealing with him for months. That is his responsibility along with him owning the other lot as well on Rose Street. There are issues with it and I have been asking Mr. Ackermann. I'm glad you spoke to with him, Councilmember Perry, because he needs to understand there are rules and regulations that he will not be an exception to. It will cost the City of Poughkeepsie more money. Also, there are other things that have gone on at 6 Rose Street that Mr. Ackermann is addressing right now.

XII. ADJOURNMENT:

A motion was made by **Councilmember** and seconded by **Councilmember** to adjourn the meeting at 7:50 p.m.

Dated: April 10, 2015

Official Minutes from the Common Council Meeting of September 15, 2014

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, September 15, 2014 at 6:30 p.m.

Respectfully submitted,
Deanne L. Flynn
City Chamberlain



COMMON COUNCIL MEETING

Common Council Chambers
Monday, September 15, 2014
6:30 p.m.

6:00 Special Informational Meeting

I. ROLL CALL:

II. REVIEW OF MINUTES:

Common Council Meeting of May 19, 2014
Public Hearing June 2, 2014 regarding LL-14-3
Public Hearing of June 2, 2014 regarding proposed historic designation of
The Clarence Lown Rock Memorial and 148 Cannon Street

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

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

V. MAYOR'S COMMENTS:

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

VII. MOTIONS AND RESOLUTIONS:

- 1 FROM CORPORATION COUNSEL ACKERMANN, Resolution R14-64, setting a public hearing for the rezoning of an unnumbered Maple Street parcel (Tax Map Number 6161-25-504927) from C-2A/R4 to R-4.**

2. **FROM CORPORATION COUNSEL ACKERMANN**, Resolution R14-65, Introducing a local law amending Chapter XIX, Article II of the City of Poughkeepsie Code of Ordinances entitled "District Regulations and Map" with the addition of a new "Waterfront Transit-Oriented Development" District.

VIII. ORDINANCES AND LOCAL LAWS:

1. **FROM ASSISTANT CORPORATION COUNSEL GILDARD**, Ordinance O-14-16, amendments to Section 14-65 entitled "Extended Hour Convenience Stores".

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM CORPORATION COUNSEL ACKERMANN AND CHIEF JOHNSON**, a communication regarding Ambulance/EMS services.
2. **FROM CORPORATION COUNSEL ACKERMANN**, a communication regarding the reallocation of 2007 CDBG funds.
3. **FROM CITY ADMINISTRATOR BUNYI**, a presentation regarding the 2013 Sedore Audit.
4. **FROM PATRICK MAHONEY**, a notice of injury sustained on May 27, 2014.
5. **FROM DANIEL DORN**, a notice of claim sustained on August 8, 2014 and on August 22, 2014.
6. **FROM LAW OFFICES OF L'TANYA M. WATKINS, ESQ.**, a notice of claim sustained on May 24, 2014.
7. **FROM DAIN S. HYMAN**, a notice of personal injury sustained on June 9, 2014.

X. UNFINISHED BUSINESS:

XI. NEW BUSINESS:

XII. ADJOURNMENT: