

Official Minutes of the Common Council Meeting of January 18, 2011



**THE CITY OF POUGHKEEPSIE
NEW YORK**

**COMMON COUNCIL MEETING
MINUTES**

Tuesday, January 18, 2011 6:30 pm

City Hall

Mayor Tkazyik's State of the City Address

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The City of Poughkeepsie
New York

John C. Tkazyik
Mayor

City of Poughkeepsie, N.Y.

State of the City
Report for 2010

Presented January 18, 2011
By John C. Tkazyik, Mayor

Good evening Chairman Lee David Klein and Common Council members, a special welcome to members of the public, staff, union leadership, and City Court Judges Katherine Moloney and Frank Mora. I would also like to take this time to specifically thank two veteran employees who I have recently asked to lead their respective departments. Acting Fire Chief Mark Johnson and Commissioner Rich DuPilka have assumed the duties of Department Head in the Fire Department and Department of Public Works and during their very short time in these posts have performed in an exemplary fashion. 2011 has already experienced 3 major snow storm events, including one today, and our DPW employees have worked long and hard hours keeping our streets safe for travel and emergency response vehicles. Thank you Mark and Rich, and thank you all for your attendance here tonight.

Like 2009, 2010 was a challenging year, but also the most productive year in my tenure as your Mayor, and that is no accident. 2010 was the year when not one single Mayoral veto was issued, a year of substantive brick and mortar development with many more economic development projects in the pipeline, another year of holding the line on taxes, and another year of persistent crime fighting. 2010 is the year when professionalism and decorum was restored to this very Common Council Chamber, the people's room, where the people's legislative business is conducted. 2010 was the year when obstruction ended, the year when mudslinging and negativism never made its way to the front page.

Not coincidentally, 2010 is the year when Chairman Klein and the new majority were elected to lead the Council Chamber and members of the minority party have responded in-kind. This is true leadership, leadership not only in title but in performance. Thank you to Vice-Chairman Herman, Majority Leader Parise and Minority Leader Mallory and every one of you for your work this past year. We have our disagreements, but with the new sense of respectability and civility conducted during your meetings, we have been able to avoid wasting countless hours of staff time and accomplish many good things for Poughkeepsie.

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Thank you also to our military personnel serving overseas and at home. It is their collective blood, sweat and tears that provide us the freedom we enjoy today, a freedom that is constantly being challenged by enemies both foreign and domestic. We add to our thoughts and sympathies the victims of the Tucson shooting. A senseless and heinous event at the hands of a seriously disturbed man that will forever change the lives of everyone involved. Closer to home, here in Poughkeepsie, the Animal Control Officer, a valued member of our workforce, met his untimely death. I also regret to inform you that Fire Captain David Siefts lost his battle against cancer this past Sunday evening. Our prayers and deepest sympathy go to the wives and children of our colleagues, Raymond J. Santiago and David Siefts. At this time I ask that we take a moment of silence to reflect on these events and all the challenges that our world faces today.

On this day of January 18, 2011, Pursuant to Section 3.02 of the Charter, I report to you on the State of our City and in one sentence, Poughkeepsie is strong, but that strength has been tested in a way that we have never seen before.

True of all government entities, we are faced with diminishing revenue compared to historical levels, the economic down-turn and other factors have resulted in an explosion of pension costs, the insolvency of New York State which could result in Aid to Distressed Cities being eliminated, the Federal subsidy for our Transit System is in jeopardy, and crime continues to be a pervasive element of our urban society.

Persistent and typically ill-informed naysayers do what they can to divide the people of our city, and attempt to pit one group against the other with disingenuous motives. Despite the challenges we tackle together, Poughkeepsie's renaissance will continue, Poughkeepsie will flourish and Poughkeepsie will remain a great place for our families, for our children and for business to succeed. I say now to the naysayers on behalf of everyone who work and live here; you are flat-out wrong. Step out of the shadows, show yourselves and take a productive role with solutions to our problems and be a part of improving Poughkeepsie's image rather than maligning it.

As your mayor, I have been a tireless and optimistic advocate for Poughkeepsie. I maintain a full-time executive presence at City Hall. I attend nearly all of the community events that take place in our City because it is my strong belief that our citizens expect and deserve unfettered access to their Mayor. Further, I remain keenly focused on crime, taxes, economic development, job creation, and youth services, as such; I will expand on each of these initiatives in this year's report.

Foremost on my mind is the quality of life of the families that reside here in the City of Poughkeepsie and as a result, city government commits significant resources to the safety of everyone who works and lives here. The general fund for the Police and Fire Departments is \$18.7 million dollars in salary alone, this makes up approximately 44% of the operating budget. These facts speak for themselves as to the commitment I have towards public safety. With Common Council funding and under my direction, Police Chief Knapp hired six officers in the first quarter of 2010 and in addition, two officers were promoted to sergeants, 2 officers were promoted to detectives, and new personnel were assigned to the Neighborhood Recovery Unit and lastly, Lieutenant Edward Freer was promoted to chief of detectives and will oversee the Bureau.

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The Fire Department under the new and necessary leadership of Acting Fire Chief Mark Johnson, responded to over 4,200 alarms, of which over 33 were serious structure fires. There were zero civilian or personnel deaths and limited property damage due to over 5,000 hours of training and also due to the outstanding and perennial response times of arriving and operating at a fire scene under 5 minutes 96% of the time. In both the FD and PD, union leaderships in their current contract cycles have agreed to a one-year ZERO increase to salary, this concession from both unions has resulted in hundreds of thousands of dollars in savings. We are extremely fortunate to have the best police and fire departments in the area. Please take a moment to applaud our uniformed police officers and firefighters.

Statistics are often met with doubt and while the year-end crime report is not yet available, I can report that through the first 3 quarters of 2010 compared to 2009, that this much is clear: homicides increased by two for a total of 6, however down from 2009, only 2 of these involved firearms; shootings decreased from 21 to 14; the number of reported rapes increased from 7 to 20; assaults increased from 176 to 201 and robberies showed a major decrease from 154 to 113. In the area of property crimes we have seen decreases in burglaries from 221 to 176, motor vehicle theft from 39 to 31 but larcenies have increased moderately from 624 to 656.

I remain committed to slowing down the rate of crime wherever and whenever possible. Law Department staff and Police Department personnel and I are constantly looking at new ways to fight crime and reduce gun violence. For example, in the coming months we will be exploring the feasibility of a strict curfew law to protect children under the age of 16. I have a proven history of collaborating with the community on these types of initiatives and this one will be no different.

The surveillance camera project is ongoing and overall, the camera system will be upgraded and expanded in high crime areas with a central DVR, server, and storage components. This will enhance the viewing capability at the Main Desk of PD headquarters and expand viewing into the 911 center where our dispatchers have done an outstanding job taking thousands of calls from residents in need. The camera system has evolved in the past several years and has proven to be an effective tool in our fight for public safety.

In addition, the new system will add a remote viewing area to another section of headquarters to allow a dedicated person to monitor known high crime areas. This could be manned by officers on restricted or light duty recovering from a job related injury. Upon completion, this very successful initiative will result in 100% of the cameras being replaced and add a new camera to the Walkway Over the Hudson.

This past April, the "gun tip" program was launched and it pays rewards for the recovery of illegal handguns. It also pays additional funds for information leading to the arrest of a person with an illegal handgun and also resulted in the recovery of four illegal guns and three arrests. This program, along with the new "Tip Line", are a few of the tools I've enacted and we will continue to fund these programs.

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Obviously a vital part of fighting crime is the role of the City Court and our two jurists, Senior Judge Katherine Moloney and newly appointed Judge Frank Mora. For the past 6 years; police, attorneys and anyone appearing in City Court have been subjected to ridicule and disrespect in addition to countless work-hours and overtime dollars being wasted by tardiness and overall court operations. For too long, quality of life crimes contributing to blight in our neighborhoods have been dismissed and some involved with minor traffic infractions have been treated as felons. For too long, morale in the police department has suffered because of what they have experienced as a “revolving door” for criminals that are arrested, released, and re-arrested countless times.

Well, it is a new day in City Court, and there will be no more nonsense. Judge Moloney will finally have a dependable partner and professional colleague in Judge Mora that she can rely upon to be on-call and share the heavy burden of 24 hours a day arraignments and execution of search warrant requests. In short, no pun intended Frank; this welcomed change at the court will be a breath of fresh air to our local criminal justice system and this new level of work ethic will result in safer streets.

In City Court; everyone will be treated with respect, nobody will have their time wasted, court will start on time, and court will be run in an efficient and professional manner. Let us please take a moment to welcome Senior City Court Judge Katherine Moloney and Judge Frank Mora to the Council Chamber.

Just as managing our crime problem is important to Poughkeepsie’s health and future success, so is meticulous, daily, and long-term fiscal management. To be blunt, I refuse to repeat the failures of the past, and quite simply high taxes are the road to ruin. The past 3 years of fiscal reform, discipline, spending cuts, reduction in salary costs through attrition, balanced budgets, department consolidation, and frugal borrowing practices, have set the stage for our fiscal solvency and stability. As I alluded to earlier; revenues are fickle, subsidies from Federal and State agencies are at risk, pensions costs are on the rise, this and other unfunded state mandates have become increasingly oppressive for local governments and at this time there seems to be no light at the end of the economic tunnel.

Personnel costs make up 72% of the General Fund, the mass transit system costs the taxpayers over \$1.4 million dollars a year with a federal subsidy of roughly \$400,000, the pension costs in 2011 will be close to \$3 million dollars and projected to be much higher in 2012, annual debt service payments of over \$5 million dollars, solid waste disposal fees were in excess of \$1 million dollars, and aid for distressed cities from New York State was traditionally \$4.4 million dollars a year, was cut, and is likely to be eliminated.

Local governments are facing the “perfect storm” of the increased cost of doing business, reduced revenue, and the inability for the taxpayers to sustain any more tax increases. Let me be very clear, if subsidies and distressed city aid are eliminated; my only options are a drastic reduction in services, various forced employee reductions or an unsustainable massive tax increase. In this very possible scenario, no single alternative will be utilized but a hybrid of all 3 alternatives may be necessary to be implemented.

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Any or all of these alternatives would be painful, but also likely to be necessary. The larger the reduction in spending and services the louder the outcry will be. I will take no joy in these cuts but the sacrifice must be shared and while it is not always easy to do the right thing, my oath of office and core values demand it, as does my commitment to the long-term continuation of the City of Poughkeepsie.

An unfortunate prelude to our new fiscal reality is the elimination of garbage pick-up for certain commercial parcels including 411 properties consisting mostly of for-profit commercial apartment buildings and not-for-profit agencies. This new sanitation ordinance and budget approach, while controversial, will result in savings of \$400,000, but also effectively ends a subsidy that some property owners have been unfairly forced to pay. For years, commercial businesses have been paying the same taxes as 411 property-owners and also a private hauler but have not enjoyed municipal garbage pick-up services. Not only does the new ordinance create fair practice among all our for-profit entities, but no other adjacent town or city provides this service and brings our City closer in operation with our neighbors.

I have always declared an open-door policy to the Mayor's office, and that is truer today than ever before. I invite anyone who has concerns with this service cut or future service cuts to present and articulate responsible alternatives. With that said, attempts by those adversely affected by the new sanitation policy to manipulate this into anything other than a budgetary issue, and more specifically into a racial issue should quite simply be ashamed of themselves. I personally find this too-often used stunt to be disgraceful and at best irresponsible. Poughkeepsie is the melting pot of the Hudson Valley and I have no tolerance for this type of short-sighted exploitation of our people, a diverse people who co-exist amicably as neighbors.

My administration will take every cut in service seriously and with the gravity it deserves, but I also research every area of savings possible elsewhere first. We have left no stone unturned and will continue to search for more. Richard DuPilka was appointed the Commissioner of Public Works and maintains his role as City Engineer, while also dealing with the obstacles he inherited. The Parks and Recreation Department was consolidated into the DPW, the Building Inspector George McGann was transferred to head a new effort as Safety Coordinator within DPW focusing on the safety precautions and training efforts required to protect our workforce and help control insurance costs.

The 2010 budget effectively moved the Building Inspection Division out of the Fire Department and back under the Development Director where it was previously housed. Laura Wojtowicz then assumed the responsibility of overseeing the Building Division in addition to Development which is both housed on the second floor at city hall. Gary Beck was assigned as Building Inspector to oversee the day to day activities. The Building Division also saw the merging of the Plumbing Inspector's responsibilities into that of the inspector and public assembly permits, reducing the number of staff visits to each site. The re-alignment of the Building and Development Departments creates one-stop shopping for developers and home-owners alike choosing to invest here in Poughkeepsie. Building Inspector Beck has transformed the Building Department into a well-organized work-place and has greatly improved the one-stop shopping experience for everyone doing business with City Hall.

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Two administrative positions in the fire department that were involved in public assembly permits were reassigned to shift Lieutenants, therefore reducing the amount of overtime required in the fire department. The Engineering Office was relocated from private rental space back into city hall saving \$40,000 a year with the movement of the Section 8 offices off-site as recommended by Federal audit to separate these expenses from central government. The Property Development division was, in 2010, moved under the Corporation Counsel's Office with a goal to selling off the accumulated properties. This goal was accomplished, staff has been re-assigned elsewhere, and the Law Department will handle future land sales "in-house".

In 2011, I will form a "Charter Review Commission" dedicated to government efficiency, to reduce, reform and consolidate our decades old system of government even further. Corporation Counsel Brian Morgan has identified several significant areas of improvement including a structural change to the Executive Branch resulting in heightened accountability and increased oversight regarding spending. Specifically, I believe for Poughkeepsie to continue to prosper, we need, by charter, a full-time Mayor with a level of authority consistent with the overwhelming workload attributed to the complexities of running city government in the 21st century. Our current charter has served us well until now, but times have changed and a part-time Mayor is simply insufficient for the robust tasks that lay ahead for the next Mayor and the Mayors of the future.

The city retirement incentive of 2009 will save approximately \$360,000 when fully implemented. There have been several technology concerns that have recently been addressed. A unified electronic ticket writing system was implemented for both the Police and parking divisions. This combined with a service to collect out of state fines is on track for \$700,000 in revenues.

A good example of technology advancements is the replacement of the phone system that had been in place for over twenty years with the result of over 30% savings annually. Further, the long overdue "New World" software system was expanded into the Finance Department. In the past, staff had two separate systems that required double data input, creating clerical errors and waste. In addition to being more efficient, this program suite is used by many municipalities with many levels of budgeting and financial management. In the past, departments would over spend various accounts and "clean up" the overages at the end of the year. Also, much closer overview of spending levels through implementation of the "Purchase Card" will now be available.

The city began several efforts to reduce our costs through energy related issues as well. Through grants, the city was able to purchase four new Hybrid Electric Buses. In addition, this past year, through a Federal Stimulus Grant we were able to order two additional Hybrid Buses to complete the upgrade of the entire fleet which has reduced our fuel consumption by about 50%.

The New York Power Authority has also began an analysis of the existing building energy needs and developed a comprehensive approach to reducing energy which could then be used to repay the capital investment with eligible grants through NYSERDA and Central Hudson. The plans and specifications are near completion and we anticipate bidding with spring 2011 construction. Included are: new energy systems at city hall, new reflective roof system with a proposed

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“holographic image solar panel system” to help generate power. New windows, several pumps and motors, cooling and heating system are all included for city hall and other buildings.

Central Hudson has just announced a new “Municipal Government Electrical Fixture Program” where the City of Poughkeepsie was the first organization to participate. Central Hudson estimates that when everything is completed, the city will save \$144,000 per year.

LED (Light Emitting Diode) is an innovative type of lighting that has recently come from the laboratory out into the real world. The City of Poughkeepsie currently spends approximately \$600,000 on street lighting with a mixture of lights owned by the city and also Central Hudson. The preliminary feasibility study indicates that there would be an energy savings of 65% with the new lights. Including the repayment of the capital costs through a purchase agreement the city will reduce the overall cost to approximately \$450,000 resulting in an annual savings of \$150,000 to taxpayers.

For 2010, the majority of the capital projects were looked at and delayed due to financial considerations. The DeLaval Brownfield remediation project and the Hoffman Street Bridge continue to move forward and be an integral part of our overall waterfront development plans.

With union cooperation, and with direction from our employee benefits insurance broker, The Health Consultants Group, the City has implemented a “Health Reimbursement Arrangement” to work alongside our MVP medical plan. With this progressive strategy, the City has been able to maintain our contractual obligations of a \$20 out of pocket expense cap and save over \$800,000 in a two-year span. Basically, I raised our co-pay to \$40 and significantly increased our individual deductibles to create several hundred thousands in premium savings. A portion of those savings is used to reimburse employees and their dependents for any out of pocket expense not outlined in the contracts and the net result after reimbursements for 2011 is projected to save a half a million dollars. This strategy saved taxpayers \$300,000 in 2010 alone. Further employee benefit savings were created by switching from the CSEA Dental Benefit Fund to a commercial dental carrier that offered the City a 3 year rate lock, a rate structure suited to our employee demographic and an expanded network of providers.

A positive indication of the City’s financial solvency, commitment to an adequate fund balance and practical budget strategies is our bond rating as assigned by Moody’s Financial Services. In the middle of 2010, Moody’s recalibrated the ratings of all municipalities and the city jumped from an A 3 to an A 1 rating. This was believed to be a temporary assignment and subject to further review, but the more favorable credit rating of A 1 after major steps taken by my Administration with support from all departments and collaboration with the Common Council, was recently re-affirmed mid-December of 2010. Many towns and cities are being downgraded adversely affecting the interest paid on debt, but not the City of Poughkeepsie, we will be paying very low interest on our bonds and anticipation notes.

Our many crime fighting initiatives and fiscal strategies have proven to be a catalyst for economic development and job creation. My administration has worked hard to encourage private development through public/private partnerships. Vassar Brothers Medical Center, the second largest employer in Dutchess County has broken ground for a \$66 million expansion

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project. The City of Poughkeepsie Industrial Development Agency has assisted several projects including the PURA 14 Brownfield remediation project completed this past summer by the Bonura Family as a 400 car facility with a future hotel development plan. Another Bonura Family led project, is the anticipated \$30 million complex planned for the DeLaval site after the City's Brownfield program is done and the Mid-Hudson Medical Group just opened a \$15 million medical arts building.

The very popular Bull and Buddha restaurant with head chef Joe Kirtland recently opened on Main Street and the Artist's Palate has expanded next door with their new venture, "Canvas". I am encouraged by the new energy on our Main Street corridor and with increased foot traffic, more businesses will be attracted to our downtown creating exponential energy and commerce in our business district.

The Walkway Over the Hudson will also experience an improvement this Fall with the installation of an elevator. To complement the new elevator, lower Main Street and the Children's Museum, a pedestrian foot bridge over the historic Fallkill Creek will be constructed this year with Community Development Block Grant funds.

Many of the city's vacant parcels were advertised, leased or sold to worthy developers. The "Ice House" at Waryas Park was advertised and a private developer has invested significant funds rehabilitating this structure which will open in the spring of 2011.

Mobile Life Support Services has been a welcome addition to the community and is in contract to purchase a city parcel on Main Street at Pershing Avenue and will construct a new office, training building and 10-bay ambulance facility.

A long-term project of mine since I served as a Council-member has been to attract a supermarket to our downtown, and now we have TWO investing here in Poughkeepsie. Save-A-Lot Supermarket was recently authorized by the Common Council to purchase land from the City on the corner of Mill Street and North Hamilton Street to construct a new building for their facility and generate much-needed tax revenue. The other is Associated Supermarket that has stores in New York City, Middletown and Newburgh, and is planning to open a store some time this year on Main Street in the old Davis Furniture building.

There was also another Department of State grant to design a walkway around Kaal Rock, which was recently awarded, so some additional development of potential sites around lower Main Street can be explored complementing the Greenway Trail along with pedestrian traffic for the Walkway Over the Hudson.

The BRAC project has finally been put back on track. With a concerted effort of the City of Poughkeepsie Industrial Development Agency as the lead agency, a cooperative plan was developed with Hudson River Housing. With the assistance of Legislature Chairman Rob Rolison, this will result in a new intake center for the HRH homeless housing program while utilizing more of the Family Partnership Center Facility. This will allow the program participants to remain within the complex at the "Living Room" and not have to wait several hours for the shelter to open. This is seen as a win-win for all the parties involved and will

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permit the City to control the use of the former BRAC property and to return the building to what we deem as its best use and back on the tax rolls. This cooperative plan will also be the linchpin to the long over-due development efforts on Rose Street.

Significant investments are made in public safety, job creation, and economic development and no less important is the investment we make in our youth. I am happy to announce that the great work and countless hours of Council-members Ralph Coates and Yvonne Flowers with their counter-part from the School Board of Education, Sakima Brown, have paid off. PMG International Incorporated, producers of the Annual Prestige Awards, has teamed up with the Make a Wish Foundation, Brother 2 Brother, D.I.V.A.S. of Sister 2 Sister Incorporated, to bring the 7th ANNUAL PRESTIGE AWARDS, a community star studded Red Carpet Gala on to Poughkeepsie in April.

In conjunction with the NEW DAY REPERTORY COMPANY, the City of Poughkeepsie and the Poughkeepsie City School District, from April 25th through April 30th, the City of Poughkeepsie will be the hotspot for a week of SWAG (Societies At War Against Guns) with workshops in theatre and entertainment industry preparation, musical entertainment, arts, community forum, crafts and games for youth of all ages. The prestige awards will be the culminating event for SWAG activities this year. I look forward to this and other efforts of awareness where our community stands united against gun violence that has plagued our city for years.

Many exciting things are going on for our young people by collaborating with the School District. For example, the Student Athlete Basketball Program was created and also we were able to expand the current summer basketball programs.

Internships for youth at city hall are available through the colleges, Upward Bound and Nubian Directions through the Youth Build Program. This program assisted in the overall beautification of our parks, gardens and the green space around city hall.

I'd like to welcome and recognize High School Principal Edgar Glascott for the new leadership and discipline he has brought back to Poughkeepsie High School. Edgar has truly changed the environment at the school which we all hope leads to enhanced safety, a better learning environment and a higher percentage of students graduating. My administration is committed to providing viable opportunities for our children to be all they can be.

The overall theme of City government in 2010 and 2011 is to exercise a sense of decency, a decency that demands the fiscal gimmicks of old to die away, to practice sound, grounded and prudent common sense and further to engender an atmosphere of austerity that generations of Poughkeepsie's citizens will benefit from long after any of us are here.

It is these philosophies that will keep Poughkeepsie on the right track; the track towards job creation, reduced crime rates, enhanced economic development and the track towards restrained taxes. It is imperative that we continue to stimulate our local economy, remain optimistic during the most difficult time in generations and stay hopeful in an era of apathy that I pray we never face in any of our lifetimes ever again.

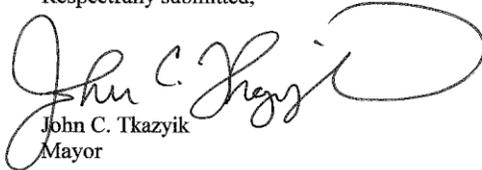
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I have said this so often that it has become a cliché, but there is a job to get done, and I am committed to all of you today that my administration will get the job done, and we will do it in a way that is sustainable, because Poughkeepsie, the County and the entire Hudson Valley is depending on us to do so.

My deepest gratitude for your time, and your continued support. Poughkeepsie is relying on US all, and only through the hard work of US, will we safely navigate these tumultuous waters. My confidence in US is well placed and fundamental to our triumph, a triumph that will prove evident in the years to come.

God bless you and God bless the City of Poughkeepsie.

Respectfully submitted,



John C. Tkazyik
Mayor

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

7 Present, 1 absent Councilmember Johnson

II. REVIEW OF MINUTES:
None

III. READING OF ITEMS by the City Chamberlain of any resolutions not listed on the printed agenda.
None

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

Gus Kazolias- 47 Noxon Street- stated that he wanted to take the time to commend the Mayor. He stated that Mayor Tkazyik touched all basis in his state of the city address; strong government. He stated that the city is heading in a good direction with a strong Mayor. He stated that the city is very diverse. He stated that it is a political arena; must run a business like a business. He is concerned with bonding. He stated that the city is in good standing; commends the Mayor. Good speech, wish everyone good luck! Cuomo will whip the state back in shape! Every one will have to bite the bullet.

V. MAYOR'S COMMENTS:

Mayor Tkazyik had no comments at the time.

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Klein thanked Mayor Tkazyik for his State of the City Address. He took the time to thank Councilmember Coates for the event he attended with the Mayor and also Councilmember Flowers at Beulah Baptist Church. The event was a commemoration of Dr. Martin Luther King Jr.; it was very moving and uplifting. He stated that on the initial Common Council schedule a meeting was scheduled on April 18th. However, due to Passover that meeting was rescheduled to Wednesday, April 20th. Chairman Klein wanted to thank Mr. John Lawrence for making him aware of the schedule conflict.

VII. MOTIONS AND RESOLUTIONS:

- 1. A motion was made by Councilmember Herman and seconded by Councilmember Parise to receive and print.**

Assistant Corporation Counsel Ackerman the SEQRA and resolution permitted Dutchess County access to the 4th ward sewer improvements area and City of Poughkeepsie Waste Water Treatment Plan for Quiet Cove Park. City administration came up with a contract for the acceptance of wastewater from Quiet Cove Park in the Town of Poughkeepsie. Both the Town and City will operate a facility known as the Fourth Ward Sewer Improvement Area. The agreement will allow for the County to transmit a max of 2030 gallons per day. The base rate is the rate charged to property owners within the district and is currently \$1.50 per cubic feet.

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA) RESOLUTION REGARDING AGREEMENT AMONG FOURTH WARD
SEWER IMPROVEMENT AREA AND CITY OF POUGHKEEPSIE
AND DUTCHESS COUNTY
(R-11-16)**

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, the Common Council of the City of Poughkeepsie is considering entering into an agreement to allow DUTCHESS COUNTY access the joint City-Town sewer system in a capacity not to exceed 2030 gallons per day; and

WHEREAS, the Common Council considers the proposed sale to be an unlisted Action under Title 6 NYCRR, Section 617.2 of the SEQRA regulations; and

WHEREAS, Title 6 NYCRR, Section 617.6 specified that an agency will be the lead agency when it proposes to undertake or receives an application for funding or approval of a Type I Action that does not involve another agency; and

WHEREAS, the Common Council considers itself to be the only "involved agency" with respect to this proposed sale of properties; and

WHEREAS, the Common Council has reviewed the proposed agreement in accordance with Title 6 NYCRR, Section 617.11; and

WHEREAS, the Common Council has considered the hereto attached short Environmental Assessment Form (EAF)

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NOW, THEREFORE, BE IT RESOLVED, as follows:

1. In accordance with Section 617.5(a)(1) of Title 6 NYCRR, the Common Council determines that the above described action is subject to SEQRA; and
2. In accordance with Section 617.5(a)(2) of Title 6 NYCRR, the Common Council determines that the action does not involve a federal agency; and
3. In accordance with Section 617.5(a)(3) of Title 6 NYCRR, the Common Council determines that the above described action does not involve any other agencies; and

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4. In accordance with Section 617.5(a)(4) of Title 6 NYCRR, the Common Council classifies the above described action as an unlisted action. The Common Council in making such classification considered Section 617.12 of Title 6 NYCRR and determined that the above action did not fall into any of the categories listed under Type I, and also considered Section 617.13 of NYCRR and determined that the above described action did not fit under any of the categories listed under Type II Actions, thus reaching the conclusion that it is to be considered an unlisted action; and
5. In accordance with Section 617.5(a)(5) the Common Council determines that the above described project will not require a long EAF since the short EAF provides sufficient information; and
6. The Common Council officially makes a determination of non-significance in that the proposed sale of properties are not expected to result in a significant adverse impact on the environment and, therefore, the preparation of a draft environmental impact statement is not necessary; and
7. This determination shall be considered a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law; and
8. The City Chamberlain shall maintain a file of this determination as well as the attached EAF which is hereby made a part of this resolution.

SECONDED BY COUNCILMEMBER PARISE

✓ Vote Record – R- 11-16			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Johnson	Voter				X
	Councilmember Solomon	Voter	X			
	Councilmember Flowers	Voter	X			
	Councilmember Coates	Voter	X			
	Councilmember Mallory	Voter	X			
	Councilmember Parise	Voter	X			
	Councilmember Herman	Voter	X			
	Councilmember Klein	Voter	X			

X	Accepted
	Accepted as Amended
	Tabled

**R- E- S- O- L- U- T- I- O- N
(R-11-17)**

INRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, the City and Town of Poughkeepsie jointly operate a wastewater facility pursuant to Section 198.1(f) of the Town Law and Section 20(7) of the General City Law; and

WHEREAS, the County of Dutchess has requested access to such facility for the transmission of wastewater generated from Quiet Cove Park which is located in the Town of Poughkeepsie in an amount not to exceed 2030 gallons per day; and

WHEREAS, a determination has been made that the jointly operated facility has the capacity to accept such transmission from Quiet Cove Park; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby approves the agreement between the Fourth Ward Sewer Improvement Area, the City and the County in substantially the same form and substance as attached hereto; and

BE IT FURTHER RESOLVED the Mayor, City Administrator and Corporation Counsel are hereby authorized to execute any and all documents necessary to give effect to this resolution. .

SECONDED BY COUNCILMEMBER PARISE

✓ Vote Record – R- 11-17						
			Yes/Aye	No/Nay	Abstain	Absent
		Councilmember Johnson	Voter			X
		Councilmember Solomon	Voter	X		
		Councilmember Flowers	Voter	X		
X	Accepted	Councilmember Coates	Voter	X		
	Accepted as Amended	Councilmember Mal ory	Voter	X		
	Tabled	Councilmember Parise	Voter	X		
		Councilmember Herman	Voter	X		
		Councilmember Klein	Voter	X		

VIII. ORDINANCES AND LOCAL LAWS:

1. A motion was made by Councilmember Herman and seconded by Councilmember Parise to receive and print.

Assistant Corporation Counsel Ackerman informed the Council of the ordinance before them amending and replacing Chapter 18 of the Code of Ordinances entitled “Taxicabs.”

Councilmember Coates wanted to take the time to thank Councilmember Mallory and Councilmember Herman for their contributions to the ordinance amendments. He also thanked Chairman Klein for him rescheduling a Committee of the Whole to discuss the amendments thoroughly. He stated that he is comfortable now with the changes; thanked Assistant Corporation Counsel Ackerman.

Councilmember Mallory thanked Chairman Klein for scheduling a Committee of the Whole regarding this matter. He also stated that he enjoyed working with Assistant Corporation Counsel Ackerman, City Chamberlain, and Common Council.

Councilmember Flowers made a motion to amend the taxicab ordinance and was seconded by Councilmember Mallory.

✓ Vote Record – Vote to amend taxicab Ordinance							
			Yes/Aye	No/Nay	Abstain	Absent	
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember Johnson	Voter				X	
	Councilmember Solomon	Voter	X				
	Councilmember Flowers	Voter	X				
	Councilmember Coates	Voter	X				
	Councilmember Mallory	Voter	X				
	Councilmember Parise	Voter	X				
	Councilmember Herman	Voter	X				
	Councilmember Klein	Voter	X				

**ORDINANCE
O-11-2**

INTRODUCED BY COUNCILMEMBER HERMAN

**TAXICABS
Chapter 18**

BE IT ORDAINED, by the Council of the City of Poughkeepsie, New York that Chapter 18, entitled Taxicabs, be and is hereby amended as follows:

Chapter 18, TAXICABS

§ 18-1. Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meanings given to them by this section. Whenever used in this Ordinance, pronouns and other references to persons and entities shall be considered to include the masculine and the feminine, and the singular and the plural, as the sense and neutral application thereof shall require.

CHIEF OF POLICE -- The Chief of Police of the City of Poughkeepsie, or the officer designated by him to perform the duties and carry out the responsibilities assigned to the Chief of Police hereunder, unless otherwise specified.

CITY -- The City of Poughkeepsie, New York, unless otherwise specified.

FARE -- Either: a customer or passenger paying or for whom a charge has been paid to hire a lawfully licensed taxicab for transportation services under this Chapter; or the charge so levied and lawfully incurred by such passenger; according to the sense thereof as used herein.

OPERATOR -- Any person owning or having control of the use of one or more taxicabs used for hire upon the streets of the City or engaged in the business of operating a taxicab or a taxicab company in the City of Poughkeepsie.

PRIVATE LIVERY CAB: A taxicab, except that such “private livery cab” shall be registered with the New York State Department of Motor Vehicles as a “Livery” and bearing “Livery” licensed plate, and shall not: (1) have a dome light or external markings for taxicab prescribed by this chapter; (2) be allowed to use taxicab stands prescribed in this chapter; and (3) be used in the city for hire except upon a unit of time for hire by the hour, day or week which unit may exceed that prescribed for taxicabs in this chapter.

RATE CARD -- A card on which is printed the tariff rates or fares charged for taxicabs service in the City as provided by this Chapter.

ROOF LIGHT- Roof light means equipment attached to the roof of a vehicle, or extending above the roofline of a vehicle, and containing the words “Taxi”, “Taxicab” or “Cab”.

STREET -- Includes any street, alley, avenue, thoroughfare, court, bridge, lane or similar public place in the city.

TAXICAB – A Taxicab is a motor vehicle engaged in the business of carrying persons for hire, whether the same is operated from a street stand or subject to calls from a garage or otherwise operated for hire, except vehicles subject to the

provisions of the Transportation Law, Private Livery Cabs, and vehicles used by funeral homes or undertakers in carrying on their business.

TAXICAB DRIVER -- Any person who drives a taxicab available for hire or under hire, whether such person is the owner or lessee of such taxicab or employed by or in contract with a taxicab owner, operator or lessor.

TAXICAB DRIVER'S LICENSE -- A license granted by the City to any otherwise-qualified person to drive any licensed taxicab for hire or under hire upon the streets of the City.

TAXICAB LICENSE -- A license granted by the City to any business or person to keep for hire any vehicle to be used as a taxicab in such city; each such license being specifically issued to one specified vehicle only.

TAXICAB NUMBER -- A number included on each taxicab vehicle license and sticker issued by the City Clerk; each vehicle so licensed shall be assigned one unique number as described in this Chapter.

TAXICAB STAND -- Includes any place alongside the curb of a street or elsewhere which is exclusively reserved by the Chief of Police and/or by the codes and rules of the City for the use of taxicabs and specifically designated therefor.

TAXIMETER—A mechanical instrument or device, approved by the Police Chief, by which the charge for hire of a taxicab is mechanically calculated and on which said charge is plainly indicated.

TRIP SHEET -- One or more sheets of paper upon which the driver and/or operator records information pertaining to each trip carrying one or more paying passengers, as described in this Chapter.

§ 18-2. Licenses required.

It shall be unlawful for any person to drive, operate, offer or keep for hire or charge within the limits of the City, any taxicab or other motor vehicle providing transportation service for charge or fee without first having obtained and paid for a, taxi driver's license and a taxicab vehicle license, and all other licenses and permits required by law, and causing the same to be and remain in force and effect at all times under the provisions of this Chapter.

§ 18-3. Driver's license required.

- (a) No person shall drive a taxicab and no person shall permit anyone to drive a taxicab within the limits of the City without such driver having first obtained and paid for

and having in force and effect at all times, both a valid New York State drivers license of the appropriate class and certification, including but not limited to a chauffeur's license; and a taxicab driver's license issued under the provisions of this Chapter.

- (b) In addition to the penalty provided for in Section 18-32, when a Taxicab is found to be operating in violation of this Section, the Operator shall be assessed a civil penalty by the City Clerk as follows:
 - 1. Violations 1-3= \$100 per violation
 - 2. Violations 4-6 =\$ 250 per violation
 - 3. Violations 7+ = \$500 per violation
- (c) Failure to pay such fee could result in the suspension or revocation of the Operator's Taxicab License pursuant to Section 18-17. The Operator may appeal such civil penalty pursuant to Section 18-11(b).

§18-4. Taxicab driver's license application information.

- (a) Each applicant for a taxicab driver's license must comply with the following requirements and provide the required information to the satisfaction of the Chief of Police:
 - (1) He/She must first have obtained all required State licenses including a State chauffeur's license, if applicable. The full residence address of the applicant must be entered on the Department of Motor Vehicles Driver's License. P.O. Box numbers are not acceptable.
 - (2) She/He shall fill out, upon a form to be provided by the City Clerk, a statement giving his full name, current residence, places of residence for the five (5) years immediately preceding his moving to his present address, age, date of birth, height, color of eyes and hair, place of birth, whether a citizen of the United States, places of previous employment for the immediately past five (5) years, whether married or single, whether he has ever been arrested or convicted of a felony or misdemeanor, or Driving While Intoxicated ("DWI"), or criminal charges involving illegal drugs, whether he/she has any previous violations of this chapter whether he has been previously licensed as a driver or chauffeur and, if so, whether his license has ever been revoked and for what cause, and the number of the chauffeur's license issued by the State, and the company name, business address and telephone number from which the applicant will operate and/or drive any taxicab, which statement shall be signed and sworn to by the applicant and filed with the City Clerk as a permanent record.
 - (3) He/She shall additionally submit the following:
 - a. The results of a drug screening test performed within ten (10) days of the date of the applicant's submission from a laboratory certified to perform toxicology tests and certify the results thereof by the

New York State Department of Health and which performs drug abuse testing, indicating the applicant does not use amphetamines, barbituates, benzodiazepines, benzoylcegonine, ethanol, fentanyl, methadone, opiates, phencyclidine, propoxyphene, THC-cannabinoids, and tricyclic antidepressants, unless prescribed by a licensed health care provider. The applicant shall be responsible for all costs associated with the test required for application and renewal, including but not limited to all costs associated with such testing, as may be required by the Chief of Police.

- b. A copy of his current New York State Department of Motor Vehicles drivers license abstract; and true and accurate copies of certificates of disposition for any and all arrests of such applicant.
- (b) Each application for a driver's license shall contain the following statement: "PURSUANT TO THE NEW YORK STATE PENAL LAW, SECTION 210.45, IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR TO KNOWINGLY MAKE A FALSE STATEMENT HEREIN."
- (c) The Chief of Police is hereby authorized and empowered to require such additional information as same shall be reasonably related to the applicant's fitness and/or eligibility as he may deem necessary from any applicant for any license required by this Chapter. The Chief of Police is hereby authorized to waive the production of any information from any applicant as may otherwise be required under this Chapter if in his opinion such requirement is unreasonable, unnecessary, inappropriate or unjust under the circumstances.

§ 18- 5. Photograph and fingerprints required; approval of Chief of Police.

- (a) Each applicant for a taxicab driver's license shall file with his application clear images, inked prints or other impressions of the fingers of his right and left hands to the satisfaction of the Chief of Police. Such impressions shall be placed upon forms furnished by the City Police Department, the impressions to be taken under the supervision of the Chief of Police or someone designated by him, at such place or places as may be designated by such licensing official. Each applicant shall also file two unmounted, unretouched photographs of himself, size 2 ¼ inches by 2 ¼ inches, taken within thirty (30) days preceding the filing of the application. The filing required by this Section shall be accompanied by a non-refundable application fee of Ten (\$10.00) Dollars and a background check fee of one hundred and twenty-five (\$125.00). The Police Department is hereby authorized to submit such fingerprints to any agency of the State of New York or subdivision thereof for the purpose of conducting a criminal history and background check for such applicant, which shall be used to evaluate and determine the qualifications and fitness of such applicant to be issued a license hereunder.

- (b) Applications, with photographs, fingerprint images and/or impressions and drug tests attached, shall forthwith be sent to the Chief of Police, and no license shall be issued under the provisions of this Chapter until the approval of the issuance of such license(s) in writing from the Chief of Police has been received by the City Clerk. The Police Department shall conduct an investigation of each applicant for a taxicab driver's license, and the report of this investigation and a copy of the traffic and police record, if any, shall be attached to the application and filed with the City Clerk. The Chief of Police shall refuse to issue or renew a driver's license if the driver:
- (1) Does not meet a qualification for a license; or
 - (2) Has made a material false statement on the application; or
 - (3) Has submitted a drug screening test with a positive result or has refused to submit to a test or has failed to provide a test result or information regarding same; or
 - (4) Has been convicted of, plead guilty to or forfeited bond or collateral upon any of the following charges, whether the conviction, plea or forfeiture occurred in the State of New York or elsewhere:
 - (a) Any offense which constitutes a "serious offense" as the term is defined by Section 265.00 of the Penal Law of the State of New York or any act supplementary thereof or amendment thereto; or
 - (5) Has accumulated, within the past thirty-six months, six (6) or more points on his or her driver's license, as such points are determined by the Department of Motor Vehicles of the State of New York; or
 - (6) Has outstanding traffic tickets in any court of competent jurisdiction which if convicted, would result in the applicant accumulating six (6) or more points as such points are determined by the Department of Motor Vehicle of the State of New York.
 - (7) Has had any taxicab driver's license or a similar license or permit revoked; or
 - (8) Has three or more violations of this Chapter within the previous twenty-four months.
- (c) The Chief of Police shall notify the applicant in writing of any refusal to approve any application, and the reason therefor.

§ 18- 6. Form and terms of taxicab driver's license fee; temporary permit.

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- (a) *Issuance and form.* Upon satisfactory fulfillment of the foregoing requirements and upon the payment of a non-refundable driver's license fee of Fifteen (\$15.00) Dollars, the City Clerk shall issue to the applicant a license which shall be in such form as to contain a photograph and signature of the licensee and blank spaces upon which a record may be made of any arrest of or such complaint(s) against him as may be required by the Chief of Police. Each license shall be stamped by the Seal of the City upon at least a portion of the photograph. All licenses shall be numbered in the order in which they are issued and shall contain the driver's name and expiration date of the license.
- (b) *Tampering.* Any licensee who alters, defaces, mutilates, changes, removes or obliterates any official entry made upon his license or of any other form, format, color, content or component thereof, shall be punished by the revocation of his license, after a hearing pursuant to Section 18-9(b).
- (c) *Duration.* Taxicab driver's licenses shall be valid for one (1) calendar year from the date of issue and shall remain valid unless otherwise revoked or suspended for the next succeeding calendar year up to the anniversary of the date of issue.
- (d) *Display.* Each such license shall be placed in a transparent plaque or frame the size of four by six inches and shall at all times, when the driver is operating the cab for hire, be attached inside the taxicab on the rear of the right or passenger side seat thereof in a position readily visible to the passengers of said taxi and to persons looking in or through the window of the rear passenger door on the right or passenger side thereof.
- (e) The City Clerk shall promptly send copies of each license that is issued to the Clerk of the Town of Poughkeepsie and the Chief of Police of the Town of Poughkeepsie.

§18- 7. Renewal of taxicab driver's license; fee.

- (a) When applying for a renewal of a taxicab driver's license, every applicant shall make such application at least thirty (30) days prior to its expiration upon a form to be furnished by the City Clerk, entitled "Application for Renewal of Taxicab Driver's License," which shall be filled out with the full name and address of the applicant, together with a statement of the date upon which the original license was granted and the number thereof and such other information as the Chief of Police and other City licensing official may deem necessary. Such application for renewal shall be accompanied by a non-refundable fee of Ten (\$10.00) Dollars and a background check fee of One Hundred Twenty Five (\$125.00) Dollars. The Driver shall submit with such application the results of a drug screening test performed within ten (10) days of the date of the application's submission in accordance with the requirements of Section 18-4(a)(3) above.
- (b) Each Application for Renewal of License shall contain the following statement:

“PURSUANT TO THE PENAL LAW 210.45, IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR TO KNOWINGLY MAKE A FALSE STATEMENT HEREIN.”

- (c) Provided the applicant for renewal submits an application more than thirty days prior to the expiration of his/her taxicab license is set to expire, he/she may apply to the City Clerk for a temporary license which shall remain in full force and effect until a determination is made on his/her application for renewal. If such application for renewal is denied, the applicant shall surrender such temporary license immediately to the City Clerk.
- (d) Applications for a renewal of a taxi driver's license submitted less than thirty (30) days after the expiration date of same shall be treated as a new application according to the requirements of this Chapter.

§ 18- 8. Taxicab driver's licenses not transferable; fees not pro-rated.

Such licenses shall not be transferable. No license fee shall be prorated or refunded. Each fee in its entirety shall accompany each application.

§ 18- 9. Taxicab vehicle license required; fee.

- (a) It shall be unlawful for any person to drive, operate or permit to be operated a taxicab upon the streets of the City or to solicit or pick up taxicab passengers within the City without first having paid a non-refundable fee as provided for herein for each such vehicle so licensed and without first having obtained for each such vehicle a taxicab vehicle license under the provisions of this Chapter from the City Clerk. Such license shall be valid for one (1) calendar year from the date of issue and shall expire on the anniversary of the date of issue of the next succeeding calendar year unless sooner suspended or revoked. It shall be unlawful for any person to drive, operate or keep for hire or pay within the limits of the City any taxicabs not equipped as required by Section 18-15 or which have not been inspected as required by Section 18-15 or which do not display the inspection sticker as required by Section 18-15.
The fee for each vehicle so licensed shall be Two Hundred and Fifty (\$250.00) Dollars, until further amended by the City Council.
- (b) For each vehicle licensed as a taxicab hereunder the City Clerk shall issue two stickers of uniform design. Each sticker shall display a unique number as provided in this Section and shall show the expiration date of said taxicab vehicle license. Such stickers shall be affixed to the bumper and side of the vehicle for which same shall have been issued, so as to be clearly visible. Each taxi company shall be assigned a unique number and each vehicle operated by each such company shall be assigned a unique number with said company; thus each vehicle shall have a unique number in the form AB-CD where AB is the number assigned

to the company and CD is the number assigned to each vehicle operated by each such company.

- (c) The acceptance by an owner or operator of a license issued under this Chapter is conditioned upon and shall be sufficient evidence of the continuing consent of such owner or operator and of the driver of each and every taxicab vehicle to display the Public Notice as required by and described in Section 18-16(B)(23) of this Chapter and to consent to any such stop and visual inspection by any police officer as described in such Public Notice as provided by the City of Poughkeepsie Police Taxi Inspection Safety Program.
- (d) The City shall issue new stickers as described in this Section annually or at such other times as the City shall determine to be appropriate and necessary.
- (e) A statement from the Building Inspector or a certificate of occupancy in which the taxicab operator is located and vehicles are to be stored that said location(s) and premises are in compliance with the municipalities building and zoning ordinance and that such location is of sufficient size to accommodate the operator's vehicle fleet.

§ 18- 10. Taxicab vehicle license application information.

One application for each taxicab vehicle license shall be made by the owner or other person with legal authority over same upon forms furnished by the City Clerk. Such application shall contain:

- (a) The name, age and residence of the person applying for the license, proof of his ownership and/or legal authority over each such vehicle, and what, if any, previous experience he has had in the business of owning, furnishing, leasing, operating, driving, repairing or other enterprises in connection with providing transportation or related services for hire or charge.
- (b) For each such vehicle, the type of motor vehicle to be used, the horsepower, the vehicle identification number, the state license and registration numbers, any periods during which the vehicle has been used as a taxicab or vehicle for hire, and the seating capacity according to its trade rating.
- (c) Whether and when the vehicle has ever been previously licensed to operate as a taxicab or vehicle for hire and, if so, where.
- (d) Whether such vehicle's license to operate as a taxicab or vehicle for hire has ever been revoked or suspended, when, and for what cause.
- (e) Such other information as the Chief of Police may deem necessary, including but not limited to any and all information concerning the current and former state and history of repairs to such vehicle.

- (f) Copy of the New York State vehicle registration and expiration date of current New York State motor vehicle inspection and sticker number. The full address of the registered owner must be on the Department of Motor Vehicle registration. P.O. Box numbers are not acceptable.
- (g) Miscellaneous.
 - (1) Each taxicab vehicle license application shall contain the following statement: “PURSUANT TO THE PENAL LAW SECTION 210.45, IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR TO KNOWINGLY MAKE A FALSE STATEMENT HEREIN”
 - (2) Any false statements by the owner, applicant, operator and/or driver for a taxicab vehicle license shall be reported to the Police Department. The City Clerk is hereby authorized and empowered to require such additional information as may be deemed necessary by the City Clerk and/or by the Chief of Police.
 - (3) The application must include the approved assigned unique official taxicab vehicle number assigned by the Police Department; which shall be added to such application by the applicant, City Clerk or Chief of Police when such application is approved.

§ 18- 11. Denial, Suspension or revocation of a taxicab company’s right to operate within City; re-licensing

- (a) *Reasons.* The Chief of Police or his designee may suspend, cancel or revoke a taxicab driver’s or taxicab owner’s license and may refuse to approve an application or renewal for any of the following reasons:
 - (1) *Conviction:* The conviction of the applicant or licensee of a felony or any crime or offense involving violence, dishonesty, deceit, indecency, degeneracy, moral turpitude, gambling, frequent public intoxication, or illegal use, sale or possession of drugs. The Chief of Police shall nevertheless, apply the standards of licensure and employment of persons previously convicted of one (1) or more criminal offenses embodied in Article 23-a of the Correction Law.
 - (2) *False application:* If the licensee or applicant has made a material false statement or concealed a material fact in connection with the application for a license or the renewal thereof.
 - (3) *Violations:* If the licensee or any driver operating a taxicab licensed to such licensee has violated any provision of this Chapter more than ten (10) times in the twelve months prior to the date of application.

- (4) *Prior revocation or suspension:* If the applicant, any officer, director, stockholder, or partner or any other person directly or indirectly interested in the application for a taxicab license was the former holder, or was an officer, director, or partner or stockholder in a corporation or a partnership which was the former holder of a taxicab license which had been revoked or suspended.
 - (5) *True ownership requirement:* If the applicant is not the true owner of the vehicle or the taxicab business.
 - (6) *Unfit applicant or licensee:* If the applicant, in the opinion of the Chief of Police or his designee, is not fit to be a licensee, hereunder, in the best interest of the general public welfare and safety, or for a specific breach of one or more of the requirements of this Chapter.
- (b) *Hearings:*
- (1) *Notice:* Any suspension, cancellation or refusal to issue a license or to renew a license made hereunder shall be by written notice issued by the Police Chief, or his designee, to the applicant or licensee with a copy to the Clerk of the Town of Poughkeepsie and a copy to the Chief of Police of the Town of Poughkeepsie. Said notice shall include a statement that the applicant or licensee is entitled to demand a hearing provided such demand is made in writing to the Police Chief, and such hearing shall be conducted within two (2) business days after the imposition of such suspension or cancellation of a license hereunder if less than seven (7) days' prior notice thereof has been given. Where prior notice of at least seven (7) days has been given with respect to a proposed suspension or cancellation of a license, a hearing shall be held within seven (7) days after receipt of written demand.
 - (2) *Demand for hearing:* Any demand for a hearing must be made within thirty (30) days after mailing of the notice of the suspension, revocation or refusal to issue a license.
- (c) *Surrender of License:* In the event of a suspension or cancellation as provided for herein of a taxicab operator's or owner's license, the holder thereof shall deliver the license and any badge issued in conjunction therewith to the commissioner of public safety

§ 18- 12. Recordkeeping.

There shall be kept in the office of the City Clerk a complete record of each license or permit issued to a driver and of all renewals, suspensions and revocations thereof, which record shall be kept on file with the original application of the driver for a taxicab driver's license.

§ 18- 13. Insurance; suitability of vehicle.

- (a) No vehicle shall be licensed as a taxicab hereunder unless it has a “For Hire” insurance policy in effect. No vehicle shall be licensed as a taxicab hereunder unless it is insured by a public policy for damages for death or injuries to persons in the amount provided in the laws, rules and regulations established by the State of New York as the minimum required of any vehicle operated as a taxicab.
- (b) The Chief of Police shall refuse a taxicab vehicle license or, if already issued, shall revoke or suspend a license if the vehicle is unsuitable for public patronage, by virtue of being unclean, unsafe, or out of compliance with any applicable law, rule or regulation; or if in the discretion of the Chief of Police the design, capacity or other specifications of such vehicle render it unsuitable for use as a taxicab.

§ 18- 14. License card.

If, upon inspection, a vehicle is found to be in proper condition and in compliance in accordance with the provisions of all applicable laws, rules and regulations; and upon the approval of the application for a taxicab vehicle license and the payment of the license fee hereinafter set forth, such vehicle shall be licensed by delivering to the owner a card of such size and form as may be prescribed by the Chief of Police. The card shall contain the official license number of the taxicab vehicle and a statement to the effect that, in case of any complaints, the Chief of Police shall be notified, giving the license number of the taxicab and the telephone number and address via which such complaints may be made. Such card shall be signed by the Chief of Police. The taxicab vehicle license number assigned hereunder shall, in each case, be the same as that assigned to the vehicle for that year pursuant to law. Taxicab vehicle license cards must be displayed in a prominent place visible to all passengers in the taxicab vehicle for which the license card is issued. For each such vehicle the license number shall correspond to the number appearing on the sticker required to be affixed to the left rear bumper of each such vehicle as required by this Chapter.

§18- 15. Inspection of taxicabs.

- (a) No vehicle shall be licensed as a taxicab pursuant to this Chapter until it has been inspected and examined and found to be in a thoroughly safe condition for the transportation of passengers; clean, fit, of good appearance, well painted in accordance with this Chapter and in complete compliance with all requirements of the Code of the City of Poughkeepsie and with all other applicable laws, codes and regulations, including that each such vehicle shall bear “taxi” or “livery” license plates issued by the New York State Department of Motor Vehicles.
- (b) Taxicabs are to be inspected by the City of Poughkeepsie central garage or other facility designated by the Police Chief. There shall be an inspection fee of Fifty (\$50) Dollars paid to the City Clerk for each vehicle inspected.

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- (c) Such inspection shall occur prior to licensing of such vehicle as a taxicab, and thereafter twice per year.
- (d) A copy of the inspection report shall be given to the vehicle owner and/or operator and/or driver and the Chief of Police at the completion of the inspection.
- (e) The inspection of the taxi shall include, but not be limited to, a review of those conditions set for in §18-16, below.
- (f) Upon passing inspection, the City of Poughkeepsie Central Garage or other inspection facility designated by the Police Chief shall notify the City Clerk, who shall provide a sticker to be placed on the rear of the Taxicab and shall notify the City Clerk in writing that such Taxicab has passed inspection.
- (g) Upon receipt of a report from any designated inspection station which finds a Taxicab to be unfit or unsuited for public patronage or which shall fail to comply with the requirements of this Chapter, the licensing official shall refuse a license or shall revoke or suspend the license previously issued.
- (h) It shall be unlawful to possess or display a forged, altered or unauthorized City of Poughkeepsie Inspection Sticker.
- (i) The Chief of Police may additionally inspect or cause to be inspected all taxicabs from time to time, as often as he may deem necessary for the public health, safety and welfare. Said inspections shall not be evidence to be used against the City with respect to any claim of liability and the City assumes no special duty or obligation to any person with respect to same but shall be evidence merely that the licensee has had inspections made as required by this Chapter.

§18-16 -- Taxicab vehicle markings, safety and equipment; taxicab owner, operator and/or driver.

(a) Taxi Vehicle Identification/condition

(1) The City Clerk shall issue a Taxicab Vehicle License to each such vehicle which shall assign a unique taxicab number as described in this Chapter to each vehicle so licensed. Taxicab markings must be permanently displayed on both front doors of each vehicle. Markings must include (a) taxi owner or company name, (b) taxicab number, (c) words "TAXI" or "TAXICAB" or "CAB" and (d) Poughkeepsie, New York.

(2) The Taxicab number must also be permanently and visibly displayed on the rear of such vehicle (left and right rear fenders, and left side of trunk lid or tailgate).

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- (3) Taxicabs shall each be numbered, with a unique four-digit number. Companies will be assigned a two-digit number (for example, Company A = 20, Company B = 30, etc.) Each taxicab vehicle will be assigned a two-digit number within each company. Thus each vehicle shall have a unique four digit number, the first two indicating the company and the second two indicating the vehicle within the company fleet. Numerical assignments are to be approved by the Chief of Police or his designee.
 - (4) Each taxicab vehicle shall prominently display on the outside of the driver's side door and on the outside of the front passenger's side door the schedule of fares for trips originating and ending within the City of Poughkeepsie, known as "in-City trips," charged to passengers for the hire of such taxicab. In addition each taxicab vehicle shall prominently display such information on a fare card in the interior of the vehicle such that it is clearly visible and readable by all passengers.
 - (5) The signs and numbers described herein as required must contain lettering not less than 3 inches in height and 3 inches in width with a quarter inch paint stroke between each figure. Letter color must contrast to the door color and be readable from a minimum distance of one hundred fifty (150) feet. Background of sign must be of white reflective material.
 - (6) The City Clerk shall issue a sticker for each vehicle so licensed which shall be affixed to the left rear of the subject vehicle. Each such sticker shall display the unique four-digit number assigned to such vehicle.
 - (7) The exterior roof light must contain the name of the company or words "TAXI" or "TAXICAB" OR "CAB". Exterior roof light must be permanently mounted and lit at night.
 - (8) Each cab shall contain a three inch reflective stripe the entire length of the vehicle on the driver side, rear and passenger side of the vehicle.
- (b) In addition to any requirements otherwise imposed by the Vehicle and Traffic Law of the State of New York or by this Chapter, each licensed taxicab operating within the City of Poughkeepsie shall at all times remain in compliance with each of the following VEHICLE requirements:
- (1) No vehicle shall be licensed as a taxi for the first time if it was manufactured ten (10) years or more prior to the date of registration or has more than 200,000 miles.
 - (2) Every vehicle shall be kept mechanically fit, interior and exterior kept in a clean and sanitary condition and shall at all times bear a current New York State Inspection Sticker and a City of Poughkeepsie Inspection Sticker.

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- (3) Under no circumstances shall any two (2) door vehicle be licensed as a taxicab. Vans may be licensed and approved for use as taxicab vehicles only if each such van provides a seat and a seat belt for each passenger and carries no more than ten (10) passengers at any given time.
- (4) Every vehicle shall be equipped with an adequate heater of a type which will not permit exhaust gasses to enter the interior of the vehicle.
- (5) Every vehicle shall be equipped with at least three (3) adjustable rear-view mirrors, one (1) in the driver's compartment and two (2) exterior mirrors installed on the exterior of the vehicle, one (1) on the driver's side door and one (1) on the passenger-side door.
- (6) Every vehicle shall be equipped with a standard speedometer properly installed and maintained in good working order. No licensed vehicle shall be operated in public while such speedometer is inoperative or disconnected.
- (7) Every vehicle shall have either acceptable snow tires, all-weather radial tires or tire chains on the drive wheels of such vehicle when pavement conditions are such as to require said use for the safety of the driver, passenger and the general public.
- (8) Every vehicle shall be equipped with dual windshield wipers properly installed and maintained in good working order, which shall be operated whenever weather conditions require. This shall include windshield washers in proper working condition. In addition, each licensed vehicle shall at all times remain in compliance with New York State Regulations requiring that headlights be turned on at any time windshield wipers are in operation.
- (9) Every vehicle shall contain original or replacement upholstery and floor mats in good and suitable condition for satisfactory use by the public. In the event that original upholstery or floor mats are found to be worn or otherwise deteriorated, such upholstery or floor mats must be replaced prior to the use of the licensed vehicle for conveyance of the public.
- (10) Every vehicle shall be equipped with an interior light capable of illuminating the entire interior of taxicab after sundown. The light shall be so arranged as to be automatically turned on by the opening of any door to the vehicle and shall also have a switch easily accessible to passengers.
- (11) Wherever glass is used in the construction of any licensed vehicle, such glass shall be safety glass, clearly and permanently marked as such and of a type approved by the Commissioner of Motor Vehicles of the State of New York. All glass in said licensed vehicle shall be in good condition and shall not contain air bubbles, cracks or fractures. Glass shall not be tinted; however, vehicles licensed

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prior to the enactment of this ordinance shall be permitted to have manufactured installed tint only.

(12) The fenders, bumpers and body of each licensed vehicle must be rigidly and tightly fastened to said vehicle, free from significant or extensive dents or mutilation, and shall be so constructed as to allow the full opening of all doors of the vehicle. The exterior of the vehicle shall be properly maintained, painted and the finish in good condition. This includes all exterior light lenses to be free from cracks and to be the proper color.

(13) The vehicle must be equipped with both front and rear window defroster/defogger. They are to be in proper working condition.

(14) Every vehicle shall be equipped with hubcaps on all four (4) wheels or shall have uniformly painted wheels in lieu thereof.

(15) Shades, window tinting of any degree or curtains are prohibited on the any taxicab. Window tinting shall be permitted on cabs licensed at the time of the enactment of this ordinance provided the tinting was installed by the manufacturer of the vehicle.

(16) New York State license plates, City Inspection Sticker and any other licensing and inspection identification shall be placed and maintained in such manner as to be clearly visible and unobstructed at all times.

(17) No licensed vehicle shall be equipped with any equipment which is not reasonably useful or necessary to furnish safe, adequate and convenient taxicab service to the public.

(18) Each vehicle used as a taxicab shall be equipped with a roof light which shall be illuminated by an electrically-powered light and controlled by the driver.

(19) Each vehicle used as a taxicab shall comply with all applicable federal, state and other laws, rules and regulations pertaining to its use by and accessibility to persons with disabilities.

(20) Each taxicab vehicle shall display upon the inside of both the right and left passenger doors a sticker stating the following in both the English and Spanish language in no smaller than 18- point type in capital letters:

“PUBLIC NOTICE/AVISO PUBLICO

THIS VEHICLE MAY BE STOPPED AND VISUALLY INSPECTED BY ANY
POLICE OFFICER AT ANY TIME TO ENSURE THE DRIVER’S SAFETY
ESTE VEHICULO PUEDE SER PARADO Y VISUALMENE ASEGURAR LA
SEGURIDAD DEL CONDUCTOR

POUGHKEEPSIE POLICE TAXI INSPECTION SAFETY PROGRAM”

- (21) Each taxicab shall prominently display in the interior thereof visible to all passengers a sign or sticker written in both English and Spanish language in no less than 18-point type advising that seat belts are available and should be used by all passengers.
- (c) Taxicabs licensed in accordance with this Chapter may be equipped with a partitions or shields made of plexiglass or other shatterproof material located between and effectively separating the front and rear seats .

§18-17. Requirement of company to maintain records.

- (a) Every company operating any taxicab shall designate an employee such as a dispatcher or other such person who shall be responsible to keep and maintain a trip sheet at all times during the operation of such Taxicab(s). Such trip sheet shall record at a minimum the following information:
- The name, driver's license number, Taxicab Driver's License number and expiration date of each and every driver operating such vehicle for the trips recorded on the trip sheet;
 - Date, commencement time in hour and minute(s) and origin point of each trip for each passenger;
 - Date, drop-off or termination time in hour and minute(s) and destination or termination location of each trip for each passenger;
 - Fare charged and collected for each trip for each passenger;
 - Date, time in hour and minute(s) and location of any accident(s) or breakdown causing an interruption or discontinuance of the operation of such taxicab, and a description thereof;
 - The issuance of any citation or violation of any law, rule or code involving the operation of such taxicab and/or the conduct of the driver of same.
- (b) The operator of any taxicab business shall produce any and all such trip sheets for any and all taxicabs operated, owned or controlled by such persons upon demand therefore by any police officer, Chief of Police or City Clerk.
- (c) All such trip sheets shall be retained and kept on file and made available for audit, examination and inspection by any City law enforcement or code enforcement officer at all reasonable times for a minimum period of two (2) years by every owner, operator and/or proprietor of every taxicab and company operating and/or owning same.
- (d) In addition to any requirements otherwise imposed by the Vehicle and Traffic Law of the State of New York or by this Chapter, each licensed taxicab operating within the City of Poughkeepsie shall at all times remain in compliance with each of the following requirements applicable to all owners and operators thereof:
- (1) Must maintain and furnish a current list of drivers and employees to the City Clerk.

- (2) Must provide a letter to the City Clerk upon the discharge or termination for any reason of a driver and/or employee, giving the reason for such discharge or termination.
- (3) Must promptly report to the City Clerk the transfer of ownership of any vehicle licensed by the City and concurrently turn in to the Chief of Police the taxicab vehicle license of such vehicle.
- (4) Must report in writing changes of address of the owner, operator or driver of a taxicab to the City Clerk within three (3) days of said change.
- (5) Must maintain proper vehicle insurance for all owned or operated taxis in accordance with New York State Vehicle and Traffic Law or other laws, rules or regulations and report a revocation or cancellation of insurance immediately to the City Clerk. Proof that the vehicle is covered by current liability insurance policy shall be attached to the application in the form of a Certificate of Insurance.

§18-18 Requirements of drivers

In addition to any requirements otherwise imposed by the Vehicle and Traffic Law of the State of New York or by this Chapter, each licensed taxicab driver operating within the City of Poughkeepsie shall at all times remain in compliance with each of the following DRIVER requirements:

- (1) Shall keep the interior and exterior of the taxicab in clean and sanitary condition and shall at all times maintain the vehicle in compliance with this Article.
- (2) Shall not smoke while the vehicle is carrying passengers.
- (3) Shall at all times, while on duty, have displayed in the interior of the vehicle which He/she is operating, his/her Taxicab Driver's License. The license shall be displayed as required by Section 18-6(d).
- (4) In the event a driver's appearance changes substantially, he shall provide the Chief of Police with a new photograph and shall accompany such photograph with an application fee of two (\$2.00) dollars. Fifteen (\$15.00) dollars shall be the fee charged for a replacement license.
- (5) Shall report to the police any unlawful act committed in, with or in connection with his vehicle or any attempt to use his vehicle to commit a crime or escape from the scene of a crime.
- (6) Shall not permit any passenger in the taxicab except a paying fare during such time as the taxi is being used for business purposes.
- (7) Shall not operate a taxicab when there is snow or ice on the pavement unless there are chains, all weather radial tires or snow tires on the drive wheels.
- (8) While on duty, the driver shall state his/her name and employer's name to any passenger or police officer on request. Also, it shall be unlawful for any driver of any taxicab to misrepresent or withhold the name of his employer or the business address and business telephone of the same.

(9) Shall not cruise within the City seeking passengers nor make any personal solicitation on any street or other public place for passengers to ride or hire any particular taxicab other than from immediately adjacent to such taxicab while parked at a designated taxicab stand, in compliance with Section 18-21 hereof. Taxicabs shall not stand on any public street or place other than at or upon a taxicab stand designated by the City.

(10) No vehicle licensed as a taxicab shall be used for the carrying of any freight, goods or merchandise of any nature whatsoever while carrying a fare unless such goods or merchandise are owned by the fare riding with same.

(11) Carriage of infected persons. Should it be found by the owner, operator or driver that a taxicab has been used to convey any person infected with a contagious disease or if any blood or bodily fluids or discharges have contaminated the passenger area of the taxi, such vehicle shall not be used until it has been thoroughly cleaned and disinfected in accordance with applicable laws, rules and regulations related to public health.

(12) Any owner or operator shall not permit any one driver to operate a taxicab more than twelve (12) hours in any continuous twenty-four (24) hour period, except the driver of a taxicab exclusively hired or engaged for special trips or excursions.

(13) Shall not be permitted to carry more than five (5) passengers including children in a 4-door sedan vehicle and shall not be permitted to carry more than ten (10) passengers including children in a station wagon or van.

(14) Shall not operate a taxicab if the vehicle has any equipment violations as defined in this Chapter or in the Vehicle and Traffic Law, Section 375, or other laws, rules and regulations.

(15) Must not consume alcohol or intoxicating drugs prior to or during the driving or other operation of a taxicab. This excludes prescription and over the counter medications which do not cause drowsiness, fatigue, blurred speech or vision or other conditions which may impair the ability to drive safely.

(16) Except when authorized in the Vehicle and Traffic Law, driver shall not use the horn or otherwise make or create loud or unnecessary noise, such as for announcing arrival or alerting potential patrons.

(17) Shall not obstruct traffic. Driver shall pull to the curb to pick up and discharge passengers. Driver shall not intrude upon or obstruct pedestrian crossings, bus stops, loading zones, driveways, intersections or other areas requiring the free and unobstructed flow of traffic when stopped to pick up or discharge passengers.

(18) Shall provide a written receipt accurately stating the exact fare paid by any passenger requesting same.

(19) Each and every operator and driver of a taxicab vehicle operating as such in the City of Poughkeepsie is required to accept as a paying fare every orderly adult person, and shall not refuse to accept as a paying fare

any adult person on the basis of any disability, or on the basis of their race, ethnicity, religion, sex, age, sexual preference or other discriminatory basis or criteria prohibited by law.

(20) Shall not illegally use, consume, possess or deal in intoxicating liquors or drugs.

§ 18- 19. Suspension or revocation of taxicab vehicle and/or driver's license.

Taxicab vehicle and/or driver's licenses may be revoked or suspended at any time for cause after a hearing by the Chief of Police. Cause includes but is not limited to : violation of any Sections of this Chapter; conviction of a violation, misdemeanor or felony pursuant to the Laws of the State of New York; transporting, soliciting or procuring any person to ride in a licensed taxicab for the purpose of commission of a crime. Licenses shall be revoked if the vehicle shall be used for immoral or illegal purposes. Licenses and permits may be suspended or revoked for failing to be and remain in compliance with all applicable laws, rules and regulations. When the license is suspended or revoked, the taxicab driver's and/or vehicle license card hereinbefore provided for shall be retained by the Chief of Police and shall be returned only after the expiration of the suspension period with suitable entry being made thereon by the Chief of Police or his authorized designee as to the reason for and duration of the suspension. The Chief of Police upon determination to revoke or suspend a license shall notify the holder of his decision in writing by certified mail and state the reasons for his action.

§ 18- 20. Register of licensed taxicabs.

The City Clerk shall keep a register of the name of each person owning or operating or otherwise legally responsible for a taxicab vehicle licensed under this Chapter, together with the license numbers of vehicles and drivers. Such record shall be open to the inspection of the public at all reasonable times.

§ 18- 21. Return of licenses, cards and permits; non-assignability; transfer of vehicle license exception, fee.

Every person to whom a license card, license or permit has been issued under the provisions of this Chapter shall, upon discontinuing or abandoning the ownership, operation or driving of a taxicab, return such license card, license or permit to the City Clerk unless such card, license or permit has been lost or for other reason cannot be restored. Such card, license or permit shall not be assigned or transferred to any other person or be applicable to any motor vehicle other than the one specified therein. Any licensee who permits his license, permit or card to be used by any other person or for any vehicle other than the one for which same was issued and any person who uses such license, permit or card granted or given to any other person or who uses such permit or license for a vehicle other than the one for which it was issued shall each be guilty of a violation of this Chapter. Notwithstanding the foregoing, the owner or operator of a vehicle licensed as a taxicab under this Chapter may take such vehicle out of service as a

taxicab for any reasonable cause, such as damage, wear and tear, sale of the vehicle, age of the vehicle or other. In such case, such owner or operator may apply to the Chief of Police for permission to transfer the license issued to such vehicle to another vehicle to be put in service as a taxicab to replace the vehicle originally licensed. Such application shall include all the information pertaining to the replacement vehicle required for a taxicab vehicle license, and such replacement vehicle shall meet all the requirements applicable to taxicabs, as required by this Chapter. Such application to transfer such taxicab vehicle license shall be accompanied by a non-refundable One Hundred (\$100.00) Dollar transfer application fee.

§ 18- 22. Duplicate license, permit or card.

Whenever a license, permit, badge or card shall be lost, stolen or destroyed, without fault on the part of the holder, his agent or employee, a duplicate in lieu thereof, under the original application, may be issued by the City Clerk upon the filing of a sworn affidavit containing the facts of such loss or theft and upon the payment of the cost of such duplicate license, permit, card, badge or tag. The replacement fee for a lost, stolen or destroyed license, permit, badge or card shall be twenty-five (\$25.00) dollars. Notice of the issuance of such duplicate with a copy thereof and a copy of the affidavit required hereunder shall be provided by the City Clerk to the Chief of Police.

§ 18- 23. Taxicab stands.

Taxicab stands may be established by police regulation or by ordinance and subject to such approval as the City Council may require, and shall be used only by taxicab drivers in the order of their arrival at said stands. Taxicab stands may be used only by licensed taxicabs then available for hire and being driven only by licensed taxicab drivers.

§ 18- 24. Soliciting; no cruising.

No taxicab, while awaiting employment, shall stand or travel on any public street except stopped at a stand designated in accordance with this Chapter. No person shall solicit passengers from any point other than immediately adjacent to his taxicab. Taxicabs shall not cruise or operate on the streets of the City of Poughkeepsie, without a fare under hire, for the purpose of soliciting business. No taxicab owner, operator or driver shall employ radios, telephones, or other methods or means of remote communicating in order or so as to pre-empt, intercept, precede or otherwise interfere with any other driver or operator of a taxicab which has lawfully been called, appointed or retained to serve a fare.

§18- 25. Establishment and Schedule of Charges.

- (a) Except as provided in Subdivision (B) of this Section, the rate of fare for the transport of passengers and/or baggage to and from destinations within the City of Poughkeepsie shall be no more than five (\$5.00) dollars for the first four (4) miles and \$1.00 for each additional mile. A fee of no more than \$2.00 may be charged for each additional passenger who originate and terminate at the same location.

- (b) Passengers who are 65 years or older from any point having its origin within the City of Poughkeepsie to any point having its destination within the City of Poughkeepsie shall be discounted ten (10%) percent.
- (c) Owners, Operators and Drivers must display fare rates visible to all passengers.
- (d) Owners must submit along with the Taxi Vehicle License Application its established fare rate for transports within, through and outside the City limits.
- (e) The soliciting of tips, gratuities or any charges in addition to those authorized herein is prohibited. This clause shall not prohibit the voluntary offer or acceptance of a tip or gratuity.
- (f) No person shall charge or attempt to charge any passenger a greater fare than that to which the taxicab driver is entitled to collect under the provisions of this Chapter.
- (g) If a taxicab waits for more than five (5) minutes for a passenger at the passenger's request, there may be a charge for waiting of one (\$1.00) dollar for each five (5) minutes or fraction thereof after the first five (5) minutes.
- (h). Transport of animals.
 - (1) There is no additional charge for carrying a guide dog accompanying a blind person or a hearing impaired person; or other person whose physical or medical condition requires the assistance of such animal; and no driver shall refuse or decline to carry a passenger or fare for the reason that such person is accompanied by such an animal.
 - (2) Drivers may refuse to transport any other animal unless the animal is securely enclosed in a kennel case which can be reasonably accommodated by such vehicle; or is otherwise reasonably secured in accordance with the size, kind and nature of such animal.
- (i). The Schedule of Fares herein established may be amended by adoption of an ordinance by the City Council.

§ 18- 26. Payment of fares.

- (a) Prepayment. Every driver of a taxicab shall have the right to demand payments of the legal fare in advance and may refuse employment unless so prepaid, but no driver of a taxicab shall otherwise refuse or neglect to convey any orderly person or persons upon request to any lawful destination anywhere in the City, unless previously engaged, off duty or otherwise lawfully unable to do so.

- (b) Disputed fares. All disputes as to fares shall be determined by the duty officer in charge of the police station at the time of the dispute. Such officer shall record the date, time, names and addresses of all involved parties, and the officer's findings and resolution of such dispute. Copies of same shall be provided to all involved parties and to the Chief of Police. Any party disputing said resolution may, upon advance written notice to all other involved parties, appeal such disputed resolution to the Chief of Police.

§ 18- 27. Receipts for fares.

Whenever a passenger in a taxicab asks for a receipt for the fare paid by him, it shall be given to him by the driver. Such receipt shall show the name of the driver, the name of the owner of the taxicab, the number of the Taxicab, the time when the trip began and ended, the origin, any stops, and final destination of the trip, and the amount of fare collected.

§ 18- 28. Riders prohibited.

No person shall be allowed to ride on the front seat of any taxicab next to the driver except paying passengers, and any driver who shall permit this may be deprived of his license via suspension or revocation of same by the Chief of Police. It shall be the duty of all police officers to issue violations to offenders and notify the Chief of Police of any violation of this provision.

§18- 29. Compliance with noise ordinance; sounding of horn prohibited.

Every driver of a taxicab shall at all times comply with the ordinances of the City of Poughkeepsie, and all other applicable laws, rules and regulations, prohibiting loud or unnecessary noise in disturbance of peace and quiet. At no time shall a taxicab driver sound the horn or otherwise make noise to notify another person of his presence or to notify, attract or solicit a customer or passenger. Taxicab drivers violating this section are subject to any and all penalties provided for violations of this Chapter, including but not limited to suspension and/or revocation of said driver's taxicab driver's license, and/or the taxicab vehicle permit or license issued to such vehicle. This shall be in addition to and not instead of subjecting such offender to other penalties prescribed by the City Code and any other law for violating such other laws or ordinances prohibiting loud or unnecessary noise and/or cruising.

§ 18- 30. Articles found in taxicabs.

Every driver of a taxicab, immediately after the termination of any hiring or employment, must carefully search such taxicab for any property lost or left therein, and any such property, unless sooner claimed or delivered to the owner, must be taken to the police station and deposited with the officer in charge within 24 hours after the finding thereof.

§ 18-31. Use of vehicle for unlawful purposes; deceiving or mis-informing passengers prohibited.

(a) It shall be unlawful for any licensed driver of any taxicab to misrepresent his own name, and/or the name of his employer, or knowingly to receive or transport any person or persons who intend any unlawful act in such vehicle, during the voyage or at the termination thereof, whether within such vehicle or not. It shall be unlawful for any such driver to solicit or procure or to aid or assist in soliciting or procuring any person to ride in a licensed taxicab with the intent of the driver or of any or all passengers to commit any unlawful act therein or at any time during the voyage or immediately following the termination thereof, whether within the vehicle or not.

(b) It shall be unlawful for any licensed driver of any taxicab to solicit and/or procure the sale or distribution of controlled substances. It shall be unlawful for any licensed driver of any taxicab to solicit and/or procure any person to ride in a licensed taxicab for the purpose of sale or distribution of controlled substances.

(c) Operating a vehicle under the influence of alcohol or a controlled substance shall be grounds for immediate suspension and revocation of a driver's license. The Chief of Police may require a licensee to submit to drug and alcohol screening tests upon reasonable cause. Refusal to submit to such screening test or a positive test result shall constitute grounds for revocation of a license.

(d) No person owning, operating or driving a taxicab shall deceive or misinform any customer or passenger who may pay for taxicab service, or who may ride or desire to ride in any such vehicle as to the shortest route to a destination or as to the lawful fare to be charged. No person owning operating or driving a taxicab shall deceive or misinform any customer or passenger as to the location or distance of the destination requested; nor shall any passenger be transported to any destination other than the one specified and/or by any route directed or requested by such person.

§ 18- 32. Penalties for offenses.

Any person violating any of the provisions of this chapter shall, upon conviction, be punished as provided in § 1-2 for violations of the Code of the City of Poughkeepsie, and in addition thereto, if a licensee, or the owner, operator or driver of a licensed vehicle, his license or licenses or those issued to or for such vehicle may be suspended or revoked. The Chief of Police may, in his discretion, temporarily suspend a license pending outcome of the prosecution of the licensee under this Chapter or under any other provision of any applicable law, code, rule or regulation. The penalties set forth herein and in the City Charter and Code shall be in addition to and not instead of any other penalties imposed by any other applicable law, code, rule or regulation of any other governmental or regulatory agency or entity.

§ 18-33. Public emergency; Police powers

Whenever a state of emergency is declared by the City Council, City Administrator or other public official with such authority; or whenever the Chief of Police, or if there be none the highest ranking officer in command of the Police Department determines that protection of public safety so requires, the City Administrator and/or the Chief of Police may suspend the provisions of this Chapter, in whole or in part, for part or all of the period during which such emergency conditions may prevail. Such power shall include but not be limited to the suspension of the requirement that fares be paid by passengers; and/or other requirements of this Chapter. Under such circumstances, all drivers and operators shall endeavor to keep and maintain accurate records showing the trips provided and the details of same during such period, similar to such records as would be required to be kept by this Chapter if such period of emergency had not existed.

§18- 34. Severability.

The provisions of this ordinance shall be deemed severable. The finding of the invalidity, illegality or unenforceability of any one or more provisions hereof shall not be deemed to affect the validity of the other sections or provisions of this ordinance, as long as the sense thereof remains. THIS ORDINANCE SHALL TAKE EFFECT thirty (30) days from the date of its adoption by the Common Council, as provided under the terms of the Municipal Home Rule and other applicable laws.

SECONDED BY COUNCILMEMBER PARISE

✓ Vote Record – O- 11-2		Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Johnson	Voter			X
	Councilmember Solomon	Voter	X		
	Councilmember Flowers	Voter	X		
	Councilmember Coates	Voter	X		
	Councilmember Mall ry	Voter	X		
	Councilmember Parise	Voter	X		
	Councilmember Herman	Voter	X		
	Councilmember Klein	Voter	X		

<input checked="" type="checkbox"/>	Accepted
<input type="checkbox"/>	Accepted as Amended
<input type="checkbox"/>	Tabled

Assistant Corporation Counsel Ackerman informed the Common Council that this ordinance will be made effective within 30 days; for notice to the companies from the City Chamberlain’s office.

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

Assistant Corporation Counsel Ackerman a communication regarding the Redistricting Committee.

The City of Poughkeepsie

New York

Paul Ackermann
Assistant Corporation Counsel
pAckermann@cityofpoughkeepsie.com



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

Communication
CC Meeting 1/18/11

January 12, 2011

COMMON COUNCIL
City of Poughkeepsie

Re: Redistricting

Dear Chairman Klein and Councilmembers:

Pursuant to Section 2.09 of the City Charter, every ten (10) years, the Common Council shall appoint a Redistricting Commission to determine reapportionment consistent with the latest census. The Commission shall be appointed by the 1st day of March in each year ending in "1". The Commission shall consist of five members four of which are appointed by a majority vote of the Common Council. Those four members must select the fifth member who shall serve as the Commission's chair. No member shall hold a public office or an appointed position with the City and no two members shall be members of the same political party.

The Common Council has two meetings prior to the March 1 deadline. At this time, it would be appropriate for the Council to decide how they wish to select names for the Commission or how they wish to solicit interest for service on the Commission. Whatever procedure is utilized, the Common Council should be prepared to vote to appoint four (4) members at your February 22, 2011 meeting.

The Commission will have until November 1, 2011 to submit a plan to the Council for approval. Any approved plan will not go into effect until next year. Please feel free to contact me with any questions you might have.

Very truly yours,

CITY OF POUGHKEEPSIE
G. Brian Morgan, Esq.
Corporation Counsel

By: _____
Paul Ackermann, Esq.
Assistant Corporation Counsel

Assistant Corporation Counsel Ackerman a communication regarding the Waterfront Advisory Committee. Assistant Corporation Ackerman suggested to the Council that the board have 7 members; a more workable/manageable board.

X. UNFINISHED BUSINESS:

Councilmember Mallory- stated that he received an email about the Historic Preservation Ordinance; he is concerned about it.

Assistant Corporation Counsel Ackerman- stated if any Council members know of any vacant property in their ward to email the Nuisance Committee at www.nuisancecommitte@cityofpoughkeepsie.com; which is also posted on the city website.

XI. NEW BUSINESS:

Councilmember Mallory- stated that he noticed on the Common Council Meeting Schedule that there will be a spring break again this year.

Councilmember Coates- announced that there will be a Student Athlete Basketball game that was scheduled for Thursday January 27, 2011 that will be pushed back to Thursday February 3, 2011. He urges all Councilmember's to be present. He wanted to take the time to thank Sakima Brown, Councilmember Flowers, City Administration Long, and the commissioner of Finance. Councilmember Coates stated that this event is good for the city; youth involved, safe, and engaged in programs. He stated that many businesses have sponsored the event again Thursday, February 3, 2011 6:30 pm at Poughkeepsie Middle School.

XII. ADJOURNMENT:

A motion was made by Chairman Klein and seconded by Councilmember Herman moved to adjourn meeting at 8:25 pm.

Dated: February 17, 2011

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Tuesday, January 18, 2011 at 6:30 pm.

**Respectfully submitted,
Arlet C Kondon
Deputy City Chamberlain**

