COMMON COUNCIL MEETING

Common Council Chambers
July 5, 2016
6:30 p.m.

I. ROLL CALL

II. REVIEW OF MINUTES:

Common Council Minutes of June 20, 2016

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

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

V. MAYOR'S COMMENTS:

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

VII. MOTIONS AND RESOLUTIONS:

1. **FROM COMMISSIONER OF FINANCE BRADY,** Resolution R16-62, approving an amendment to the Inter-fund Borrowing Resolution for the replacement of the wastewater treatment roof.

2. **FROM CORPORATION COUNSEL ACKERMANN,** Resolution R16-63, approving the designation of 11 Davies Place as a local historic landmark.

3. **FROM CORPORATION COUNSEL ACKERMANN,** Resolution R16-64, approving proposed designation of 18 Davies Place as a local historic landmark.

4. **FROM CORPORATION COUNSEL ACKERMANN,** Resolution R16-65, approving proposed designation of 85 South Hamilton as a local historic landmark

VIII. ORDINANCES AND LOCAL LAWS:

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM COUNCILMEMBER YOUNG,** a communication on proposed changes to the "Rules of Conduct and Procedure", By-Laws of the Common Council.

2. **FROM CHAIRMAN PETSAS,** a communication on having an "Open Prayer" during Common Council Meetings.

3. **FROM MARQUE GREENE,** a notice of personal injury sustained on October 15, 2015.

4. **FROM BECKY TECK,** a notice of personal injuries sustained on April 2, 2016.

X. UNFINISHED BUSINESS:

XI. NEW BUSINESS:

XII. ADJOURNMENT:

William Brady
Commissioner of Finance

The City of Poughkeepsie

New York

July 5, 2016

To: Chairman Chris Petsas
Members of the Common Council

From: William Brady, Commissioner of Finance WJB

Re: Amending and Restating the Interfund Borrowing Resolution

As we discussed at the June 20 Common Council meeting, I am asking for Council approval of an Amended and Restated Resolution authorizing the Interfund Borrowing of $450,000 from the Sewer Fund to pay the cost of replacing the roof on the wastewater treatment facility. Originally the Common Council has authorized the borrowing of $300,000. The cost of the roof replacement has been bid, and the low bid is approximately $395,000. This loan will allow us to complete the project, and we will receive reimbursement from the NYS Environmental Facilities Corp. in early 2017.

Thank you for your consideration.

Municipal Building • 62 Civic Center Plaza • Poughkeepsie, NY 12601 • 845.451.4025 • 845.451.4027

RESOLUTION
16-62

EXTRACT OF MINUTES

A regular meeting of the Common Council of the City of Poughkeepsie, Dutchess County, New York was convened in public session at the Council Chambers, City Hall, Poughkeepsie, New York on July 5, 2016 at 6:30 o'clock p.m., local time.

The meeting was called to order by _____, and, upon roll being called, the following members were:

PRESENT:

Councilmember Natasha Cherry
Councilmember Lee David Klein
Councilmember Lorraine Johnson
Councilmember Randall A. Johnson II
Councilmember Matthew McNamara
Councilmember Ann Perry
Councilmember Christopher D. Petsas
Councilmember Mike Young

ABSENT:

The following persons were ALSO PRESENT:

William Brady, Commissioner of Finance

The following resolution was offered by Councilmember_____, seconded by Councilmember_____, to wit;

RESOLUTION DATED JULY 5, 2016

AN AMENDED AND RESTATED RESOLUTION AUTHORIZING
INTERFUND BORROWING REGARDING THE
EFC SEWER PROJECT FOR REPLACEMENT OF
WASTEWATER TREATMENT PLANT ROOF

NOW, THEREFORE, BE IT RESOLVED, that the Commissioner of Finance is hereby authorized to make a short term non-interest bearing interfund loan from the Sewer Fund, in an amount currently estimated not to exceed $450,000, to provide sufficient cash to proceed with the Wastewater Treatment Plant roof replacement portion of the capital project authorized by Bond Resolution No. R15-16 dated February 17, 2015, as amended by Supplemental Bond Resolution No. R15-70 dated September 8, 2015, authorizing the improvement of pump stations including Meyer Avenue Pump Station, Pine Street Pump Station and Cedar Avenue Pump Stations, the improvements to the Wastewater Treatment Plant, the completion of storm sewer line separation to eliminate the Riverview Combined Sewer Overflow, and the relining of sewer pipes at various locations in the City to address sanitary sewer overflows to the receiving waters at an estimated maximum cost of $11,256,000, until obligations authorized by such resolution are sold pursuant to such resolution.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Councilmember Natasha Cherry	VOTING ___
Councilmember Lee David Klein	VOTING ___
Councilmember Lorraine Johnson	VOTING ___
Councilmember Randall A. Johnson II	VOTING ___
Councilmember Matthew McNamara	VOTING ___
Councilmember Ann Perry	VOTING ___
Councilmember Christopher D. Petsas	VOTING ___
Councilmember Mike Young	VOTING ___

The foregoing resolution was thereupon declared duly adopted.

Approved: _____, 2016

_____
Rob Rolison
Mayor

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) He/She is the duly qualified and acting Chamberlain of the City of Poughkeepsie, Dutchess County, New York (hereinafter called the "City") and the custodian of the records of the City, including the minutes of the proceedings of the Common Council, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Common Council held on the 5th day of July, 2016 and entitled:

RESOLUTION DATED JULY 5, 2016

A RESOLUTION AUTHORIZING INTERFUND BORROWING REGARDING THE EFC SEWER PROJECT FOR REPLACEMENT OF WASTEWATER TREATMENT PLANT ROOF

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the City. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Common Council was present throughout said meeting, and a legally sufficient number of members (majority of the Common Council) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the City and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this ___ day of _____, 2016.

-SEAL-

_____
Deanne Flynn
City Chamberlain

A RESOLUTION OF THE CITY OF POUGHKEEPSIE DESIGNATING 11 DAVIES PLACE AS A LOCAL HISTORIC LANDMARK

(R16-63)

INTRODUCED BY COUNCILMEMBER _____ :

WHEREAS, the 11 Davies Place is owned by Holy Comforter Church and which property has been nominated for a local historic landmark designation with the City of Poughkeepsie Historic District and Landmarks Preservation Commission (hereinafter "HDLPC"); and

WHEREAS, the HDLPC held a public hearing on May 12, 2016 regarding the application as a local historic landmark; and

WHEREAS, the HDLPC voted unanimously in favor of the proposed designation and approved the application on May 12, 2016; and

WHEREAS, the HDLPC's approved application was forwarded to the Common Council for consideration on June 1, 2016; and

WHEREAS, the Common Council held a public hearing on June 20, 2016 regarding the nomination as a local historic landmark; and

WHEREAS, after duly considering the factors specified in Section 19-4.5(4) of the Code of Ordinances of the City of Poughkeepsie, the Common Council hereby finds that the property located at 11 Davies Place possesses special character, historic and aesthetic value as part of the cultural, economic and social history of the City of Poughkeepsie; embodies distinguishing characteristics of an architectural style; is identified with historic personages; and is the work of a designer whose work has significantly influenced an age.

NOW THEREFORE,

BE IT RESOLVED, that the City of Poughkeepsie Common Council hereby designates the 11 Davies Place as a local historic landmark. The City Chamberlain is authorized and directed

to forward notice of the designation of 11 Davies Place to the Dutchess County Clerk for recordation.

SECONDED BY COUNCILMEMBER _____ .

A RESOLUTION OF THE CITY OF POUGHKEEPSIE DESIGNATING 18 DAVIES PLACE AS A LOCAL HISTORIC LANDMARK

(R16-64)

INTRODUCED BY COUNCILMEMBER _____ :

WHEREAS, the 18 Davies Place is owned by Holy Comforter Church and which property has been nominated for a local historic landmark designation with the City of Poughkeepsie Historic District and Landmarks Preservation Commission (hereinafter "HDLPC"); and

WHEREAS, the HDLPC held a public hearing on May 12, 2016 regarding the application as a local historic landmark; and

WHEREAS, the HDLPC voted unanimously in favor of the proposed designation and approved the application on May 12, 2016; and

WHEREAS, the HDLPC's approved application was forwarded to the Common Council for consideration on June 1, 2016; and

WHEREAS, the Common Council held a public hearing on June 20, 2016 regarding the nomination as a local historic landmark; and

WHEREAS, after duly considering the factors specified in Section 19-4.5(4) of the Code of Ordinances of the City of Poughkeepsie, the Common Council hereby finds that the property located at 18 Davies Place possesses special character, historic and aesthetic value as part of the cultural, economic and social history of the City of Poughkeepsie; embodies distinguishing characteristics of an architectural style; is identified with historic personages; and is the work of a designer whose work has significantly influenced an age.

NOW THEREFORE,

BE IT RESOLVED, that the City of Poughkeepsie Common Council hereby designates the 18 Davies Place as a local historic landmark. The City Chamberlain is authorized and directed

to forward notice of the designation of 18 Davies Place to the Dutchess County Clerk for recordation.

SECONDED BY COUNCILMEMBER _____.

A RESOLUTION OF THE CITY OF POUGHKEEPSIE DESIGNATING 85 SOUTH HAMILTON STREET AS A LOCAL HISTORIC LANDMARK

(R16-65)

INTRODUCED BY COUNCILMEMBER _____ :

WHEREAS, the 85 South Hamilton Street is owned by Marion Rutherford and Barbara Rutherford-Kutschbach and which property has been nominated for a local historic landmark designation with the City of Poughkeepsie Historic District and Landmarks Preservation Commission (hereinafter "HDLPC"); and

WHEREAS, the HDLPC held a public hearing on May 12, 2016 regarding the application as a local historic landmark; and

WHEREAS, the HDLPC voted unanimously in favor of the proposed designation and approved the application on May 12, 2016; and

WHEREAS, the HDLPC's approved application was forwarded to the Common Council for consideration on June 1, 2016; and

WHEREAS, the Common Council held a public hearing on June 20, 2016 regarding the nomination as a local historic landmark; and

WHEREAS, after duly considering the factors specified in Section 19-4.5(4) of the Code of Ordinances of the City of Poughkeepsie, the Common Council hereby finds that the property located at 85 South Hamilton Street possesses special character, historic and aesthetic value as part of the cultural, economic and social history of the City of Poughkeepsie; embodies distinguishing characteristics of an architectural style; is identified with historic personages; and is the work of a designer whose work has significantly influenced an age.

NOW THEREFORE,

BE IT RESOLVED, that the City of Poughkeepsie Common Council hereby designates

the 85 South Hamilton Street as a local historic landmark. The City Chamberlain is authorized and directed to forward notice of the designation of 85 South Hamilton Street to the Dutchess County Clerk for recordation.

SECONDED BY COUNCILMEMBER _____ .

Summary of Suggested Changes to the Common Council Rules of Conduct and Procedure Adopted Jan 2nd, 2016.

Changes to Rule IV

1) Agenda updated to include "Reports from Committees, Boards, and Departments"

2) Public Comment split into two sections:
   a) One prior to motions/resolutions for specific agenda items.
   b) One prior to new business for all other topics of city governance.

3) Order of speakers for public comment modified to rotate through agenda topics to ensure each topic has a fair hearing before time limit elapses.

Suggested New Rule IV

RULE IV. Regular Meetings:

(a) The City Chamberlain shall record the attendance at meetings. The order of business at regular meetings shall be as follows:
1. Pledge of allegiance and Roll Call.
2. Review of the minutes of the previous meeting.
3. Reading by City Chamberlain of any resolution or other item not listed on the printed agenda.
4. Reports from Committees, Boards, and Departments
5. Mayor's comments
6. Chairperson's comments and presentations
7. Public comment on agenda items for a period not to exceed 45 minutes.
8. Motions and resolutions.
9. Ordinances and local laws.
10. Presentation of petitions and communications.
11. Unfinished business.
12. Public comment.
13. New business.
14. Adjournment.

(b) At the outset of each meeting, individuals will be asked to register their intent to speak, providing their name and address and agenda item topic(s) on which they wish to comment. Each speaker may speak for up to three minutes on agenda item(s). Speakers shall speak in order of registration, except when the number of persons who have registered to speak requires that the allotted 45 minutes will be exceeded. In such case, the Chair shall select the first registered individual for each registered agenda topic, and proceed in such manner so that each agenda topic shall have an opportunity for equal discussion. Unless these rules be suspended, any remaining registered speakers after the allotted time shall be given precedence in the later public comment period after unfinished business of the council.

(c) Individuals who wish to comment on other aspects of City government or legislation not on the

agenda, as well as individuals who registered too late for the first public comment period may speak for up to three minutes after unfinished business of the council. Speakers shall speak in order of registration except that any remaining registered speakers from the first comment period shall be granted precedence.

(d) Except as otherwise specified in this rule, the rules for public hearings in Rule XXIII shall also apply to public comment periods.

The City of Poughkeepsie

New York

Paul Ackermann, Esq.
Corporation Counsel
packermann@cityofpoughkeepsie.com

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Poughkeepsie, New York 12601
TEL: (845) 451-4065 FAX: (845) 451-4070

Memorandum

(OPINION 02-2016)

TO: Chairman Petsas

FROM: Paul Ackermann

DATE: January 19, 2016

SUBJECT: Prayer/Invocation at Common Council Meetings

CC: Mayor; City Administrator; Common Council

This office has been asked to offer a legal opinion regarding a period of prayer/invocation at the beginning of Common Council Meetings. Based on the holding of the Supreme Court in *Town of Greece v. Galloway,* it is legally permissible, and not a violation of the establishment clause, to have a moment of prayer at a meeting of a legislative body. Additionally, the Court indicated that the prayer at such a meeting need not exclude reference to a specific set of beliefs or God. However, the Supreme Court noted that once the government chooses to invite prayer into the public sphere it must allow the "prayer giver to address his or her own God or gods as conscience dictates." The Court further noted that there must be a policy of non-discrimination by the legislative body when allowing prayer at public meetings.

In the wake of the Court's holding in *Town of Greece* several municipalities adopted formal resolutions establishing a policy by which invocations would be governed at board meetings. Attached for your review are the resolutions adopted by the Town of Greece, New York and the City of Chino, California. These policies set forth the process by which invocation speakers are solicited and selected. As you can see from the attached policies the burden for generating invitation letters, compiling a database, and choosing who will provide the invocation falls on the town/city clerk. The resolution adopted by the Town of Greece recognized that a dispute may arise as to the authenticity of a religious assembly. If such a dispute arose the town clerk was directed to the criteria used by the Internal Revenue Service for the determination of I.R.C. 501(c)(3) tax exempt status.

If the Common Council is desirous of including a period of prayer during council meetings, there will need to be a resolution put to vote amending Rule 4 of the Rules of Conduct and Procedure. If that resolution passes, the council will then need to adopt a formal policy governing this period of prayer. If the Council decides to amend its by-laws and adopt a policy for implementation, the City Chamberlain should be consulted since her department would most likely be implementing the policy.

POLICY REGARDING OPENING INVOCATIONS BEFORE MEETINGS OF THE TOWN BOARD OF THE TOWN OF GREECE

WHEREAS, the Town Board of the Town of Greece ("the Town Board") is an elected legislative and deliberative public body, serving the citizens of Greece, New York; and

WHEREAS, the Town Board wishes to solemnize its proceedings by allowing for an opening invocation before each meeting, for the benefit and blessing of the Town Board; and

WHEREAS, the Town Board now desires to adopt this formal, written policy to clarify and codify its invocation practices; and

WHEREAS, our country's Founders recognized that we possess certain rights that cannot be awarded, surrendered, nor corrupted by human power, and the Founders explicitly attributed the origin of these, our inalienable rights, to a Creator. These rights ultimately ensure the self-government manifest in our deliberative bodies, upon which we desire to invoke divine guidance and blessing; and

WHEREAS, in *Marsh v. Chambers*, 463 U.S. 783 (1983), the United States Supreme Court validated the Nebraska Legislature's practice of opening each day of its sessions with a prayer by a chaplain paid with taxpayer dollars, and specifically concluded, "The opening of sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the history and tradition of this country. From colonial times through the founding of the Republic and ever since, the practice of legislative prayer has coexisted with the principles of disestablishment and religious freedom." *Id.* at 786; and

WHEREAS, in *Town of Greece v. Galloway*, 134 S.Ct. 1811, 2014 WL 1757828 (May 5, 2014), the United States Supreme Court validated opening prayers at meetings of this Town Board finding that "legislative prayer lends gravity to public business, reminds lawmakers to transcend petty differences in pursuit of a higher purpose, and expresses a common aspiration to a just and peaceful society." *Id.* at *7; and

WHEREAS, the Town Board desires to avail itself of the Supreme Court's recognition that it is constitutionally permissible for a public body to "invoke divine guidance" on its work. *Id.* at 792; and

WHEREAS, the Supreme Court has clarified that opening invocations are "meant to lend gravity to the occasion and reflect values long part of the Nation's heritage" and should not show over time "that the invocations denigrate nonbelievers or religious minorities, threaten damnation, or preach conversion." *Town of Greece*, 2014 WL 1757828, at *11; and

WHEREAS, in *Town of Greece* the Supreme Court rejected a challenge based on the religious content of the prayers and cautioned against government officials acting as "supervisors and censors of religious speech" by requiring that prayers be "generic" or "nonsectarian," noting

that "[t]he law and the Court could not ... require ministers to set aside their nuanced and deeply personal beliefs for vague and artificial ones." *Id.* at *10, *11. Further, the Court stated: "Once it invites prayer into the public sphere, government must permit a prayer giver to address his or her own God or gods as conscience dictates." *Id.* at *11; and

WHEREAS, this Town Board is not establishing a policy that defines the constitutional limits for permissible public invocations; rather, this Town Board intends to adopt guidelines that are consistent with the guidance provided by several courts that have considered the validity of public invocations; and

WHEREAS, numerous courts have approved an invocation practice that incorporates a neutral system to invite religious leaders from the local community and/or volunteers to provide an invocation before public meetings. *Town of Greece*, 2014 WL 1757828; *see also Simpson v. Chesterfield Cnty. Bd. of Supervisors*, 404 F.3d 276 (4th Cir. 2005), *cert. denied*, 546 U.S. 937 (2005); *Pelphrey v. Cobb Cnty.*, 547 F.3d 1263 (11th Cir. 2008); *Rubin v. City of Lancaster*, 710 F.3d 1087 (9th Cir. 2013); and

WHEREAS, the Town Board intends to adopt a policy that does not proselytize or advance any particular faith, or show any purposeful preference of one religious view to the exclusion of others; and

WHEREAS, the Town Board intends to adopt a policy that will not show a purposeful preference of one religious view over another by not permitting the faith of the person offering the invocation to be considered when extending an invitation or scheduling participation; and

WHEREAS, the Town Board believes that clergy that serve the local community are peculiarly suited through training, tradition, and public service to petition for divine guidance upon the deliberations of the Town Board, and to accomplish the Town Board's objective to solemnize public occasions, express confidence in the future, and to encourage the recognition of what is worthy of appreciation in society. *See Lynch v. Donnelly*, 465 U.S. 668, 693 (1984) (O'Conner, J., concurring); and

WHEREAS, the Town Board accepts as binding the applicability of general principles of law and all the rights and obligations afforded under the United States and New York State Constitutions and statutes.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Greece, New York, that the Town Board hereby adopts the following written policy regarding opening invocations before meetings of the Town Board, to wit:

1. It is the intent of the Town Board to allow a private citizen to solemnize the proceedings of the Town Board. It is the policy of the Town Board to allow for an invocation, which may include a prayer, a reflective moment of silence, or a short solemnizing message, to be offered before its meetings for the benefit of the Town Board to accommodate the spiritual needs of the public officials.

2. No member or employee of the Town Board or any other person in attendance at the meeting shall be required to participate in any prayer that is offered and such decision shall have no impact on the ability of the person to actively participate in the business of the Town Board.

3. No member or employee of the Town Board will direct the public to stand, bow, or in any way participate in the prayers; make public note of a person's presence or absence, attention or inattention during the invocation; or indicate that decisions of the Town Board will in any way be influenced by a person's acquiescence in the prayer opportunity.

4. The invocation shall be voluntarily delivered by an appointed representative of an Assemblies List for the Town of Greece. To ensure that such person (the "invocation speaker") is selected from among a wide pool of representatives, on a rotating basis, the invocation speaker shall be selected according to the following procedure:

a. The Clerk to the Town Board (the "Clerk") shall compile and maintain a database (the "Assemblies List") of the assemblies with an established presence in the Town of Greece that regularly meet for the primary purpose of sharing a religious perspective (hereinafter referred to as a religious assembly).

b. The Assemblies List shall be compiled by using reasonable efforts, including research from the Internet, to identify all "churches," "synagogues," "congregations," "temples," "mosques" or other religious assemblies in the Town of Greece. All religious assemblies with an established presence in the Town of Greece are eligible to be included in the Assemblies List, and any such religious assembly can confirm its inclusion by specific written request to the Clerk.

c. The policy is intended to be and shall be applied in a way that is all-inclusive of every diverse religious assembly serving the citizens of the Town of Greece. The Assembly List is compiled and used for purposes of logistics, efficiency, and equal opportunity for all of the community's religious leaders, who may themselves choose whether to respond to the Town Board's invitation and participate. Should a question arise as to the authenticity of a religious assembly, the Clerk shall refer to criteria used by the Internal Revenue Service in its determination of those organizations that would legitimately qualify for I.R.C. § 501(c)(3) tax-exempt status.

d. The Assemblies List shall also include any religious assembly located outside the Town of Greece if such assembly is regularly attended by at least one resident of the Town of Greece and such resident requests inclusion of the assembly by specific written communication to the Clerk.

e. The Assemblies List shall be updated, by reasonable efforts of the Clerk, in November of each calendar year.

f. On or about December 1 of each calendar year, the Clerk shall mail an invitation addressed to the "religious leader" of each entry on the Assemblies List.

g. The invitation shall be dated at the top of the page, signed by the Clerk at the bottom of the page, and read as follows:

Dear Religious Leader,

The Town Board of the Town of Greece makes it a policy to invite members of the clergy or religious representatives in the Town of Greece to voluntarily offer an invocation before the beginning of its meetings, for the benefit and blessing of the Town Board. As a representative of one of the religious congregations with an established presence serving the local community you are eligible to offer this important service at an upcoming meeting of the Town Board.

If you are willing to assist the Town Board in this regard, please send a written reply at your earliest convenience to the Clerk to the Town Board at the address included on this letterhead. Representatives are scheduled on a first-come, first-serve basis. The anticipated dates of the Town Board's scheduled meetings for the upcoming year are listed on the following, attached page.. If you have a preference among the dates, please state that request in your written reply.

This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. To maintain a spirit of respect, the Town Board requests only that the opportunity not be exploited as an effort to convert others to the particular faith of the invocation speaker or to disparage any faith or belief different than that of the invocation speaker.

On behalf of the Town Board of the Town of Greece, I thank you in advance for considering this invitation.

Sincerely,
Clerk to the Town Board

h. The respondents to the invitation shall be scheduled on a first-come, first-serve basis to deliver the invocation.

i. In the event an eligible representative of an Assembly serving the local community believes that the clerk has not complied with the terms of this policy, the representative has the right to have the matter reviewed by the Town Board.

5. No invocation speaker shall receive compensation for his or her service.

6. No guidelines or limitations shall be issued regarding an invocation's content, except that the Town Board shall request by the language of this policy that no invocation should proselytize or advance any faith, or disparage the religious faith or non-religious views of others.

7. The Clerk shall make every reasonable effort to ensure that a variety of eligible invocation speakers are scheduled for the Town Board's meetings.

8. Neither the Town Board nor the Clerk shall engage in any prior inquiry, review of, or involvement in, the content of any invocation to be offered by an invocation speaker.

9. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the Town Board with, nor express the Town Board's preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the Town Board's respect for the diversity of religious denominations and faiths represented and practiced among the citizens of the Town of Greece.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this policy shall become effective immediately upon adoption by the Town Board.

THUS INTRODUCED at the regular meeting of the Town Board of Town of Greece, New York, on August 19, 2014.

For: 5

Against: 0

THUS ADOPTED at the regular meeting of the Town Board of Town of Greece, New York, on August 19, 2014.

CLERK

TOWN SUPERVISOR

RESOLUTION NO. 2012-11

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, ESTABLISHING A POLICY REGARDING INVOCATIONS AT MEETINGS OF THE CITY COUNCIL OF THE CITY OF CHINO

WHEREAS, the City Council is an elected legislative and deliberative public body, serving the citizens of the City of Chino; and

WHEREAS, legislative bodies in America have long maintained a tradition of solemnizing proceedings by allowing for an opening prayer before each meeting, for the benefit and blessing of the legislative bodies; and

WHEREAS, since the incorporation of the City, the City Council has followed a practice of selecting a member of local clergy to provide invocations at City Council meetings; and

WHEREAS, the City Council now desires to adopt this formal, written policy to clarify and codify its invocation practices; and

WHEREAS, such prayer before deliberative public bodies has been consistently upheld as constitutional by American courts, including the United States Supreme Court; and

WHEREAS, in Marsh v. Chambers, 463 U.S. 783 (1983), the United States Supreme Court rejected a challenge to the Nebraska Legislature's practice of opening each day of its sessions with a prayer by a chaplain paid with taxpayer dollars, and specifically concluded, "The opening of sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the history and tradition of this country. From colonial times through the founding of the Republic and ever since, the practice of legislative prayer has coexisted with the principles of disestablishment and religious freedom." Id., at 786; and

WHEREAS, the Supreme Court further held, "To invoke divine guidance on a public body ... is not, in these circumstances, an "establishment of religion or a step toward establishment; it is simply a tolerable acknowledgment of beliefs widely held among the people of this country." Id., at 792; and

WHEREAS, the Supreme Court affirmed in Lynch v. Donnelly, 465 U.S. 668 (1984), "Our history is replete with official references to the value and invocation of Divine guidance in deliberations and pronouncements of the Founding Fathers and contemporary leaders." Id., at 675; and

WHEREAS, the Supreme Court further stated, "Those government acknowledgments of religion serve, in the only ways reasonably possible in our culture, the legitimate secular purposes of solemnizing public occasions, expressing confidence in the future, and encouraging the recognition of what is worthy of appreciation in society. For that reason, and because of their history and ubiquity, those practices are not understood as conveying government approval of particular religious beliefs." Id., at 693 (O'Connor, J., concurring); and

WHEREAS, the Supreme Court also famously observed in Zorach v. Clauson, 343 U.S. 306 (1952), "We are a religious people whose institutions presuppose a Supreme Being." Id., at 313-14; and

WHEREAS, the Supreme Court acknowledged in Holy Trinity Church v. United States, 143 U.S. 457 (1892), that the American people have long followed a "custom of opening sessions of all deliberative bodies and most conventions with prayer ...," Id., at 471; and

WHEREAS, the Supreme Court has determined, "The content of [such] prayer is not of concern to judges where ... there is no indication that the prayer opportunity has been exploited to proselytize or advance any one, or to disparage any other, faith or belief." Marsh, 463 U.S. at 794-795; and

WHEREAS, the Supreme Court also proclaimed that it should not be the job of the courts or deliberative public bodies "to embark on a sensitive evaluation or to parse the content of a particular prayer" offered before a deliberative public body. Id.; and

WHEREAS, the Supreme Court has counseled against the efforts of government officials to affirmatively screen, censor, prescribe and/or proscribe the specific content of public prayers offered by private speakers, as such government efforts would violate the First Amendment rights of those speakers. See, e.g., Lee v. Weisman, 505 U.S. 577, 588-589 (1992); and

WHEREAS, the City Council intends, and has intended in past practice, to adopt a policy that upholds an individual's "free exercise" rights under the First Amendment; and

WHEREAS, the Supreme Court has repeatedly clarified that "there is a crucial difference between government speech endorsing religion, which the Establishment Clause forbids, and private speech endorsing religion, which the Free Speech and Free Exercise Clauses protect." Bd. of Educ. of Westside Community Schools v. Mergens, 496 U.S. 226, 250 (1990); and

WHEREAS, the City Council intends, and has intended in past practice, to adopt a policy that does not proselytize or advance any faith, or show any purposeful preference of one religious view to the exclusion of others; and

WHEREAS, this policy set forth below has been approved by two federal courts in the cases of Pelphrey v. Cobb County (11th Cir. 2008) 547 F.3d 1263 and Rubin v. City of Lancaster (2011) 802 F.Supp.2d 1107; and

WHEREAS, the City Council recognizes its constitutional duty to interpret, construe, and amend its policies and ordinances to comply with constitutional requirements as they are announced.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chino, California, that the City Council does hereby adopt and establish the following written policy regarding opening invocations before meetings of the City Council:

1. In order to solemnize proceedings of the City Council, it is the policy of the City Council to allow for an invocation or prayer to be offered at its meetings for the benefit of the City Council and the community.

2. The prayer shall not be listed or recognized as an agenda item for the meeting so that it may be clear the prayer is not considered a part of the public business.

3. No member of the City Council or City employee or any other person in attendance at the meeting shall be required to participate in any prayer that is offered.

4. The prayer shall be voluntarily delivered by an eligible member of the clergy or a religious leader in the City of Chino. To ensure that such person (the "invocational speaker") is selected from among a wide pool of the City's clergy/religious leaders, on a rotating basis, the invocational speaker shall be selected according to the following procedure:

a. The City Clerk shall compile and maintain a database (the "Congregations List") of the religious congregations with an established presence in the City of Chino.

b. The Congregations List shall be compiled by referencing the listing for "churches," "congregations," or other religious assemblies in the annual Yellow Pages telephone directory or directories published for the City of Chino, research from the Internet, and consultation with local chambers of commerce. All churches, congregations or other religious assemblies with an established presence in the City of Chino are eligible to be included in the Congregations List, and any such church, congregation or religious assembly can confirm its inclusion by specific written request to the Clerk.

c. The Congregations List shall also include the name and contact information of any chaplain who may serve one or more of the fire departments or law enforcement agencies of the City of Chino or any nearby military facilities.

d. The Congregations List shall be updated, by reasonable efforts of the City Clerk, in November of each calendar year.

e. Within thirty (30) days of the effective date of this policy, and on or about December 1 of each calendar year thereafter, the City Clerk shall mail an invitation addressed to the "religious leader" of each church, congregation or religious assembly listed on the Congregations List, as well as to the individual chaplains included on the Congregations List.

f. The invitation shall be dated at the top of the page, signed by the City Clerk at the bottom of the page, and read as follows:

Dear religious leader,

The City Council makes it a policy to invite members of the clergy in the City of Chino to voluntarily offer a prayer before the beginning of its meetings, for the benefit and blessing of the City Council. As the leader of one of the religious congregations with an established presence in the local community of the City of Chino, or in your capacity as a chaplain for one of the fire departments or law enforcement agencies of the City of Chino, you are eligible to offer this important service at an upcoming meeting of the City Council.

If you are willing to assist the City Council in this regard, please send a written reply at your earliest convenience to the City Clerk at the address included on this letterhead. Clergy are scheduled on a first-come, first-serve, or other random basis. The dates of the City Council's scheduled meetings for the upcoming year are listed on the following, attached page. If you have a preference among the dates, please state that request in your written reply.

This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. To maintain a spirit of respect and ecumenism, the City Council requests only that the prayer opportunity not be exploited as an effort to convert others to the particular faith of the invocational speaker, nor to disparage any faith or belief different from that of the invocational speaker.

On behalf of the City Council, I thank you in advance for considering this invitation.

Sincerely,
City Clerk

g. Consistent with paragraph 7 hereof and, as the invitation letter indicates, the respondents to the invitation shall be scheduled on a first-come, first-served, or other random basis to deliver the prayers.

h. If the selected invocational speaker does not appear at the scheduled meeting, the Mayor may ask for a volunteer from among the Council or the audience to deliver the invocation.

i. The City Clerk shall post the following information on the City's webpage: (i) this resolution, (ii) the Congregation List and (iii) the invitation set forth herein to churches, congregations and religious associations in the City of Chino.

5. No invocational speaker shall receive compensation for his or her service.

6. The City Clerk shall make every reasonable effort to ensure that a variety of eligible invocational speakers are scheduled for the City Council meetings. In any event, no invocational speaker shall be scheduled to offer a prayer at consecutive meetings of the City Council or at more than three (3) City Council meetings in any calendar year.

7. Neither the City Council nor the City Clerk shall engage in any prior inquiry, review of, or involvement in, the content of any prayer to be offered by an invocational speaker.

8. This policy shall apply to all Commissions of the City of Chino.

9. Shortly before the opening gavel that officially begins the meeting, the Mayor or presiding officer of a commission shall introduce the invocational speaker and the person selected to recite the Pledge of Allegiance following the invocation and invite only those persons who wish to do so to stand for those observances with the City Council.

10. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the City Council with, nor express the City Council's preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the City Council's respect for the diversity of religious denominations and faiths represented and practiced among the citizens of Chino.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this policy shall become effective immediately upon approval by the City Council of the City of Chino, California.

APPROVED AND ADOPTED THIS 20TH DAY OF MARCH 2012.

_____
DENNIS R. YATES, MAYOR

ATTEST:

_____
ANGELA ROBLES, CITY CLERK

State of California)
County of San Bernardino) §
City of Chino)

I, Angela Robles, City Clerk of the City of Chino, do hereby certify the foregoing Resolution was duly adopted by the Chino City Council at a regular meeting held on the 20th day of March 2012, by the following votes:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
ANGELA ROBLES, CITY CLERK

NOW THEREFORE, BE IT RESOLVED BY THE City of Poughkeepsie Common Council that the Common Council hereby adopts the following written policy regarding opening invocations before meetings of the Common Council, to wit:

1. It is the intent of the Common Council to allow a private citizen to solemnize the proceedings of the City of Poughkeepsie Common Council. It is the policy of the Common Council to allow for an invocation, which may include a prayer, a reflective moment of silence, or a short solemnizing message to be offered before its meetings for the benefit of the Common Council.

2. Although the invocation may be listed in the program or schedule of events, it shall not be considered an agenda item for the meeting or part of the public business.

3. No member or employee of the Common Council or any other person in attendance at the meeting shall be required to participate in any prayer that is offered and such decision shall have no impact on the ability of the person to actively participate in t the business of the Common Council.

4. The invocation shall be voluntarily delivered by an eligible member of the clergy or appointed representative of an organization from the Common Council's Assemblies List. To insure that such person (the "invocation speaker") is selected from among a wide pool of representatives, on a rotating basis, the invocation speaker shall be selected according to the following procedure:

   a. The City Chamberlain shall cause a database to be compiled and maintained (the "Assemblies List") of the assemblies and organizations with an established presence in Poughkeepsie and Dutchess County that regularly meet for the primary purpose of sharing a religious perspective or exist for the betterment of the City and its inhabitants (hereinafter referred to as benevolent organizations).
   b. The Assemblies List shall be compiled from all available sources including suggestions from common council members, research from the Internet, and consultation with local neighborhood associations. All benevolent organizations with an established presence in the area are eligible to be included in the Assemblies List, and any such organization may request inclusion in the Assemblies List by written request to the Chairman of the Common Council.
   c. The policy is intended to be and shall be applied in a way that is all-inclusive of every diverse religious assembly and benevolent organizations serving the citizens of Poughkeepsie and Dutchess County, irrespective of religious or irreligious affiliation. The Assembly List is compiled and used for purposes of logistics, efficiency, and equal opportunity for all of the community's benevolent organizations, who may themselves choose whether to respond to the Common Council's invitation and participate. Should a question arise as to the authenticity of a benevolent organization, the City Chamberlain shall refer to criteria used by the Internal Revenue Service in its determination of those organizations that would legitimately qualify for I.R.C. § 501 (c)(3) tax-exempt status.

d. The Assemblies List shall also include the name and contact information of any chaplain who may serve the fire department, police department or military organizations within the City and County.
e. The Assemblies List shall be updated, by reasonable efforts of the City Chamberlain, by December 15 or each calendar year.
f. Within thirty (30) days of the effective date of this policy, and on or about December 31 of each calendar year thereafter, the City Chamberlain shall publish a notice in the City's official newspaper and shall post a notice in the bulletin board outside of the Common Council chambers which shall read:

CITY OF POUGHKEEPSIE COMMON COUNCIL'S INVOCATION POLICY

The City of Poughkeepsie Common Council makes it a policy to invite members of the clergy, religious representatives and representatives of other benevolent organizations in Poughkeepsie and Dutchess County to voluntarily offer an invocation before the beginning of its meetings, for the benefit, blessing, wisdom and guidance of the Common Council. Any leader of a religious congregation or representative of a benevolent organization with an established presence in the local community, any chaplain for the fire department, police department or military units, are eligible to offer this important service at an upcoming meeting of the Common Council.

Any organization or individual willing to assist the Common Council in this regard, please send a written request at your earlies convenience to the City Chamberlain, City Hall, 62 Civic Center Plaza, Poughkeepsie, New York 12601. Persons delivering the invocation are scheduled on a first-come, first-serve basis. The dates of the Council's scheduled meetings for the upcoming year are listed on the city's website. If you have a preference among the dates, please state that request in your written request.

This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. To maintain a spirit of respect and ecumenism, the Council requests only that the opportunity not be exploited as an effort to convert others to the particular faith of the invocation speaker, nor to disparage any faith or belief different than that of the invocation speaker.

- CITY OF POUGHKEEPSIE CITY CHAMBERLAIN

g. As the invitation notice indicates, the respondents to the invitation shall be scheduled on a first-come, first-serve basis to deliver the invocation.
h. In the event an eligible member of the clergy believes that the City Chamberlain has not complied with the terms of this policy, the clergy member has the right to have the matter reviewed by the Common Council.

5. No invocation speaker shall receive compensation for his or her services.

6. No guidelines or limitations shall be issued regarding an invocation's content, except that the Common Council shall request by the language or this policy that no invocation should proselytize or advance any faith, or disparage the religious faith or non-religious views of others.

7. The City Chamberlain shall make every reasonable effort to ensure that a variety or eligible invocation speakers are scheduled for the Common Council meetings. In any event, no invocation speaker shall be scheduled to offer an invocation at consecutive meetings of the Common Council, or at more than three (3) Common Council meetings in any calendar year. Should there be no requests or not enough sufficient requests to give the invocation at any of the twenty-four (24) bi-monthly meetings of the Common Council, the City Administrator shall cause persons to be invited on a random basis.

8. Neither the Common Council nor the City Chamberlain shall engage in any prior inquiry, review of, or involvement in, the content of any invocation to be offered by an invocation speaker.

9. To clarify the Common Council's intentions, as stated herein above, the following disclaimer shall read aloud prior to the introduction of the invocation speaker:

"Any invocation that may be offered before the official start of the Common Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Common Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Common Council and do not necessarily represent the religious beliefs or vies of the Common Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Common Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the City Chamberlain of the City of Poughkeepsie."

10. Shortly after the opening gavel that officially begins the meeting and the agenda/business of the public, the Chairperson of the Common Council shall introduce the invocation speaker and invite only those who wish to show respect for the traditional observances and/or the Common Council to stand.

11. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the Council with, nor express the Council's preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the Common Council's respect for the diversity of religious denominations and faiths represented and practiced among the citizens in Poughkeepsie.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this policy shall become effective immediately upon adoption by the Common Council.

CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN
2016 JUN -8 PM 12:00

NOTICE OF CLAIM

----------X

In the Matter of the Claim of

BECKY TECK

- against -

FAIRVIEW FIRE DISTRICT, CITY OF POUGHKEEPSIE AND COUNTY OF DUTCHESS

----------X

TO: Fairview Fire District, 258 Violet Avenue, Poughkeepsie, NY 12601
City of Poughkeepsie, 62 Civic Center Plaza, Poughkeepsie, NY 12601
County of Dutchess, 10 Market Street, Poughkeepsie, NY 12601

PLEASE TAKE NOTICE that the undersigned claimant hereby makes claim and demands against you as follows:

1. **Name and post office address of each claimant and claimant's attorneys is:**

Claimant
Becky Teck
82 North Bridge Street, Apt. C
Poughkeepsie, NY 12601

Attorney
Silbowitz, Garafola, Silbowitz, Schatz & Frederick, LLP
25 West 43rd Street, Suite 711
New York, NY 10036
(212) 354-6800

2. **Nature of Claim:** The nature of the claim is for severe and permanent personal injuries sustained by Becky Teck and all other damages allowed by statute and case law as a result of the negligence, carelessness, recklessness and gross negligence of the FAIRVIEW FIRE DISTRICT, CITY OF POUGHKEEPSIE AND COUNTY OF DUTCHESS, their agents, servants and/or employees, departments, agencies and those acting under their direction, behest and control in the ownership, operation, management control and supervision of the Emergency Medical Services (EMS) provided to claimant.

3. **The time when, the place where and the manner in which the claim arose:** The accident occurred on April 2, 2016 at approximately 11:30 p.m. at Vasser Brothers Hospital, 45 Reade Place, Dutchess County, State of New York. While claimant, BECKY TECK was in the emergency room an EMS employee, while attempting to assist plaintiff to a wheelchair and while attempting to pick her up, dropped her to the floor resulting in severe, personal and permanent injuries to said claimant as a result of the negligence, carelessness, recklessness and gross negligence of the FAIRVIEW FIRE DISTRICT, CITY OF POUGHKEEPSIE AND COUNTY OF DUTCHESS, their agents, servants, licensees, contractors, subcontractors, employees and other affiliates, agencies and departments, and those acting under its direction, behest, permission and control.

4. Claimant Becky Teck, sustained severe permanent personal injuries, the full extent of which is as yet unknown, including but not limited to her hip and back. Claim is for personal injuries, hospital, physician and other medical expenses, pain and suffering, loss of earnings, loss of quality and/or enjoyment of life, and all other damages to which claimant is entitled by case law and statute.

Said claims and demands are hereby presented for adjustment and payment. You are hereby notified that unless they are adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on these claims. Claim is made for

personal injuries in a sum exceeding the jurisdictional limitations of all lower courts which would otherwise have jurisdiction.

Dated: New York, NY
May , 2016

BECKY TECK

VERIFICATION

STATE OF NEW YORK

ss.:

COUNTY OF NEW YORK }

BECKY TECK, being duly sworn, deposes and says that deponent is the above-named claimant; deponent has read the foregoing NOTICE OF CLAIM and knows its contents; the same is true to deponent's knowledge, except as to those matters stated to be alleged upon information and belief, and as to those matters deponent believes them to be true.

BECKY TECK

Sworn to before me this
26th day of May, 2016.

Notary Public

ELIZABETH LAHL
NOTARY PUBLIC, State of New York
No. 01LA6015736
Qualified in Dutchess County
Commission Expires 11/09/2018

Silbowitz, Garafola, Silbowitz, Schatz & Frederick, LLP
Attorneys for Claimant
BECKY TECK
25 West 43rd Street
New York, NY 10036
(212) 354-6800

STATE OF NEW YORK: COUNTY OF DUTCHESS
CITY OF POUGHKEEPSIE

MARQUE GREENE,
Claimant,

NOTICE OF CLAIM

vs.

CITY OF POUGHKEEPSIE, A MUNICIPAL CORPORATION
and, POUGHKEEPSIE POLICE DEPARTMENT
Respondents,

CITY OF POUGHKEEPSIE
CITY CLERK'S OFFICE
2016 OCT 21 PM 12:24

PLEASE TAKE NOTICE that the Claimant herein hereby makes claim and demand against the City of Poughkeepsie, New York (the "City") as follows:

1. That the Claimant was wrongfully, maliciously and illegally assaulted by members of the Poughkeepsie Police Department, falsely arrested, and falsely imprisoned.

2. That the name and post office address of the claimant and of the claimant's attorney is: Marque Greene, 627 Howard Avenue, New Haven Connecticut 06519; Anthony L. Pendergrass, Esq., 109 Brunswick Boulevard, Buffalo, New York 14208.

3. That the nature of the claim: assault and battery having taken place on October 15, 2015; false arrest; false imprisonment; negligent supervision; and failure to properly train, manage and supervise members of the PPD.

4. That on October 15, 2015, while on the corner of Academy and Church Street, Poughkeepsie, New York, officers of the Poughkeepsie Police Department (hereinafter, PPD), without provocation or just cause, physically assaulted claimant, falsely arrested claimant, falsely imprisoned claimant until April 07, 2016.

5. That the items of damage or injuries claimed are: assault and battery; false arrest; false imprisonment; cost of defending case; damage to Claimant's reputation in his community; pain and suffering; negligence; invasion of privacy; deprivation of civil rights; emotional distress.

PLEASE TAKE FURTHER NOTICE that the Claimant present this claim for adjustment and payment and notifies the City of Poughkeepsie that unless this claim is adjusted and paid within the time provided for by law from the date of its presentation to you, the Claimant intends

to commence an action against the City of Poughkeepsie to recover a money judgment with interest and costs.

Dated: June 20, 2016
Buffalo, New York

Respectfully Yours,

Anthony L. Pendergrass, Esq.

VERIFICATION

STATE OF NEW YORK)
COUNTY OF THE BRONX) ss.:
CITY OF NEW YORK)

I, Anthony L. Pendergrass, Esq., attorney for the Claimant in the above entitled action, have read the foregoing claim and know the contents thereof, the contents are true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief and as to those matters, I believe them to be true; moreover, I make this verification on behalf of Claimant who resides outside of the State of New York, County of Erie where my Office is located.

Anthony L. Pendergrass, Esq. O/B/O
Marque Greene, Claimant

Sworn to before me this 20th
day of June 2016

Notary Public

David H Hawkins
Notary Public State Of New York
No. 02HA6148871
Qualified In Bronx County
Commission Expires July 3 2018

THE CITY OF POUGHKEEPSIE
NEW YORK

COMMON COUNCIL MEETING
MINUTES

Monday, June 20, 2016 6:30 p.m. **City Hall**

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

II. REVIEW OF MINUTES:

Common Council Minutes of

Common Council Meeting Minutes June 6, 2016						
			Yes/Aye	No/Nay	Abstain	Absent
☑ Accepted as Amended ☐ Accepted ☐ Tabled	Councilmember Young	Voter	☑	☐	☐	☐
	Councilmember Perry	Voter	☑	☐	☐	☐
	Councilmember McNamara	Voter	☑	☐	☐	☐
	Councilmember Klein	Voter	☑	☐	☐	☐
	Councilmember Johnson	Voter	☑	☐	☐	☐
	Councilmember Cherry	Voter	☑	☐	☐	☐
	Councilmember L. Johnson	Voter	☑	☐	☐	☐
	Councilmember Petsas	Voter	☑	☐	☐	☐

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

Judy Prinzivalli-Salt Point
Ginny Malevit 304 Meadow Lane-Modena
Maria Nagy-43 Hillis Terrace-Poughkeepsie
Constantine Kazolias 47 Noxon Street

TO PARAPRASE SHAKESPEARE, THE GOOD OFTEN GETS ENTERNED WITH THEIR BONES AND THE EVIL LIVES LONG AFTER. IN THE 2015, DECEASED COUNCILMAN HERMAN SPRUNG THE SPOT REZONING AFTER C.E. MOLINARO'S PLANNING DIRECTOR APPROVED THE RE-ZONING FOR THE J.C.C. FROM R-2 SINGLE FAMILY TO R-4[HIGH DENSITY], C.C. HELD A PUBLIC HEARING. AT THAT HEARING A BLACK CHURCH GROUP SPOKE FAVOURABLY, LEAVING THE IMPRESSION, THEY WERE THE DEVELOPERS.ONLY LATER TO BE EXPOSED, AS FRONTING FOR THE OZ [RABBI HEGT]. PUBLIC KNOWLEDGE WAS THE RABBI PURCHASED THEJ.C.C. FOR $8.6 MILLION IN CASH. THE CHABAD-LUBAVITCH MOVEMENT DEALS MAINLY IN CASH. RABBI HECGT IS AFFLIATED WITH THAT GROUP.AS PER GOOGLE.

QUESTION? WHERE DID THE CASH COME FROM? THANKS TO THE NYPOST ARTICLES [THREE ARE ATTACHED]. WHEN FEDERAL PROSECUTOR RHETT BARRARA BECOME AWARE OF THE TWO $250,000 CASH PAYMENTS/QUID-PRO-QUO TO CUOMOS FOR TWO VETOES, NEGATING THE ORANGE CLOUN TY BEING THE LEAD SEQUA AGE NCY FOR THE KYRAL JOEL EXPAN SION. CUOMO GOT ANOTHER TARGET ON HIS BACK ALONG WITH 'BUFALO BILLIONS'!!!READ ARTICLE FOR NYPOST NAMING MURRAY HUBERFELD FAMILY FOUNDATION PLUS BUBERFELD'S PLATINUM HEDGE FUND DONATES TO CHABAD/LUBAVITYCH MOVEMENT .THE PLATINUM HEDGE FUND IS A MADOFF PONZI TYPE HEDGE FUND. PLATINUM WHICH IS UNDER INDICTMENT AND IS ON THE VERGE OF BANKRUPTCY!!!!! TO ME THOSE 'TAINTED MONIES' 'REACHED POUGHKEEPSIE FOR THE REZONING AND PURCHASE. IF I AM WRONG IN CONNECTING THE DOTS, I WILL WAIT UN TIL FED BARARRA FINDINGS ARE FINALIZED.

THE ISSUE REGARDING THE SPOT ZONING FOR J.C.C. IS STILL OPEN ISSUE AND UNRESOLVED BY RESOLUTION BECAUSE THE COMMON COUNCIL HAS NOT VOTED THE J.C.C SPOT- ZONING UP OR DOWN! I WAS/STILL OPPOSED TO THE SPOT REZONING OF THE J.C.C... , I WROTE AND SENT A LETTER TO POJO EXPRESSING MY POSITION. A POJO LETTER WRITER RESPONDED BY ONE IN THAT GROUP, RATHER THAN STAYING WITH ISSUE ADMONISHING ME A D BRANDING ME AN ANTI-SEMITE. TYPICAL M.O., ALWAYS ATTACK THE MESSENGER AND NOT THE MESSAGE. MANY IN THAT GROUP FORGOT WHOSE FAMILY DEFENDED CITY PLUMBER INSPECTOR WILLIAM WEISS, [A JEW] WHO WAS BEING CRUCIFIED UNDER AN ARTICLE 78, BY THE POLITICAL ELITE, WAY BACK IN THE LATE '60S.

FOR THE RECORD, IN THE MAYORALTY ELECTION OF 2015, THE CITY WIDE DEMOCRATIC PARTY HAS A 3;1 EDGE , 8TH WARD COUNCILMAN HERMAN ENDORSED ROLLISON , JOHNSON LOST THE 8TH WARD ,143 TO 846, SIX TIMES. LEVINSHAN LOST THE DEMOCRATIC PRIMARY BY 15, ON A THIRD BALLOT LINE RECEIVED 350+ BY HIS 'LOYAL SUPPORTERS. THE ELECTION RESULTS IS A MANIFESTATION OF RACISM IN THE CITY OF POUGHKEEPSIE!!!!!!!

CONSTANTINE GUS KAZOLIAS

47 NOXON STREET, [POUGHKEEPSIE, N.Y.12601 06/20/16

THREE N.Y.POST ATTACHMENTS: DATED 06/09/16, 06/15/16, 06/16/16.

30 nypost.com New York Post, Thursday, June 16, 2016

Platinum no jewel

Judge doubts hedgies' $1.3B claim

By KAJA WHITEHOUSE and JENNIFER BAIN

A New York judge cast doubt Wednesday on whether Platinum Partners, the hedge fund holding $20 million in NYC corrections officers' retirement funds, has enough money to pay back a $30 million debt.

"Are they financially sound and capable of paying this debt?" Judge Saliann Scarpulla asked at a Manhattan state court hearing on Wednesday.

"I haven't seen evidence that the fund is worth a billion dollars. For all I know, the fund is worth 5 cents," Scarpulla said.

Platinum claims to have $1.3 billion in assets. But it was in court Wednesday over $30 million owed to private equity firm New Mountain Finance, which claims the hedge fund has defaulted on its loan.

Last week, former Platinum hedge fund manager Murray Huberfeld was arrested and accused of paying $60,000 in bribes to Norman Seabrook, president of the Correction Officers' Benevolent Association, in return for a $20 million investment in Platinum in 2014.

Platinum said Tuesday it would liquidate its main fund after being hit with a wave of redemption requests from investors seeking their money back in the wake of Huberfeld's arrest.

But New Mountain's beef with Platinum has been going on since last year.

And the hedge fund was already struggling with redemption requests when it landed the COBA cash, prosecutors said.

At the hearing, Scarpulla failed to get satisfactory answers about Platinum's financial health and warned that, if she doesn't get what she wants by Monday, Platinum will be ordered to pay a $1 million bond.

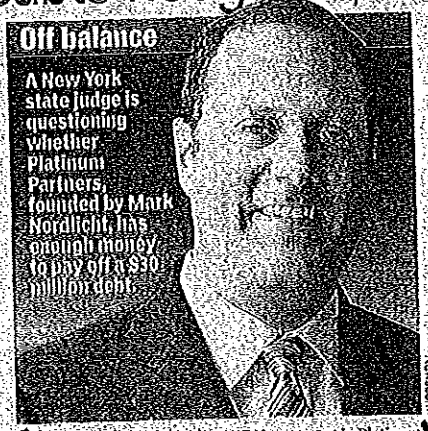
Scarpulla even ordered Platinum's lawyer, David Eiseman, to call Platinum right then and there and get someone on the phone to assure her that the firm has enough money to repay its debt.

Eiseman came back empty-handed, saying Platinum's in-house legal counsel requested 48 hours to make any kind of guarantee.

kwhitehouse@nypost.com

Off balance

A New York state judge is questioning whether Platinum Partners, founded by Mark Nordlicht, has enough money to pay off a $30 million debt.



Newscom

New York Post, Wednesday, June 15, 2016 nypost.com

BUSINESS

Comp. 4,839 4,843.55

PLATINUM MELTING

Hedge fund shuttered, DFS readies union probe

By JOSH KOSMAN, JULIA MARSH and BRUCE GOLDING

The Manhattan hedge fund at the center of a federal probe into kickbacks to a New York City correction officers' union is shutting down its biggest fund and returning money to investors.

The move, outlined in a conference call with investors on Tuesday, comes a week after the FBI arrested the executive who ran a second fund at Platinum Partners, according to a report.

Platinum founder Mark Nordlicht told investors the firm's main fund, Platinum Partners Value Arbitrage, was hit with a wave of redemptions after the troubling allegations created a stench around Wall Street.

The malodorous aroma spread after former Platinum fund manager Murray Huberfeld was arrested last week and accused of passing $60,000 in bribes to Norman Seabrook, president of the Correction Officers' Benevolent Association, in return for a $20 million investment in Platinum in 2014.

The investment represented roughly 15 percent of the union's annuity.

Platinum's two hedge funds have never had a down year in their nine-year history, the Wall Street Journal reported, citing company documents that it had obtained.

Nordlicht told investors on the call that the allegations were untrue.

Platinum, which claims on its Web site to have $1.3 billion under management, is also considering shutting Huberfeld's smaller Platinum Partners Credit Opportunities Fund.

COBA declined comment on whether it has asked for a redemption or on its returns with Platinum.

Platinum declined to comment on the closing of the fund, which was first reported by the Wall Street Journal.

Meanwhile, the New York state Department of Financial Services may take a closer look at the books of the 11,000-member union.

"We are in the process of opening a new examination into COBA," a DFS spokesperson told The Post.

"We will be looking at their practices and systems to see whether they followed proper protocols," said the DFS spokesperson, whose agency has oversight over the union.

"We do have the authority to remove trustees" and possibly to take actions including seeking a redemption from an investment that is harming the fund, the spokesperson said.

Platinum needed COBA's 2014 investment because it was hit with a spate of redemptions, court papers say.

Its struggles were more widespread than COBA could paper over, separate court papers show.

Also in 2014, Platinum took out a $30 million loan at 15 percent interest.

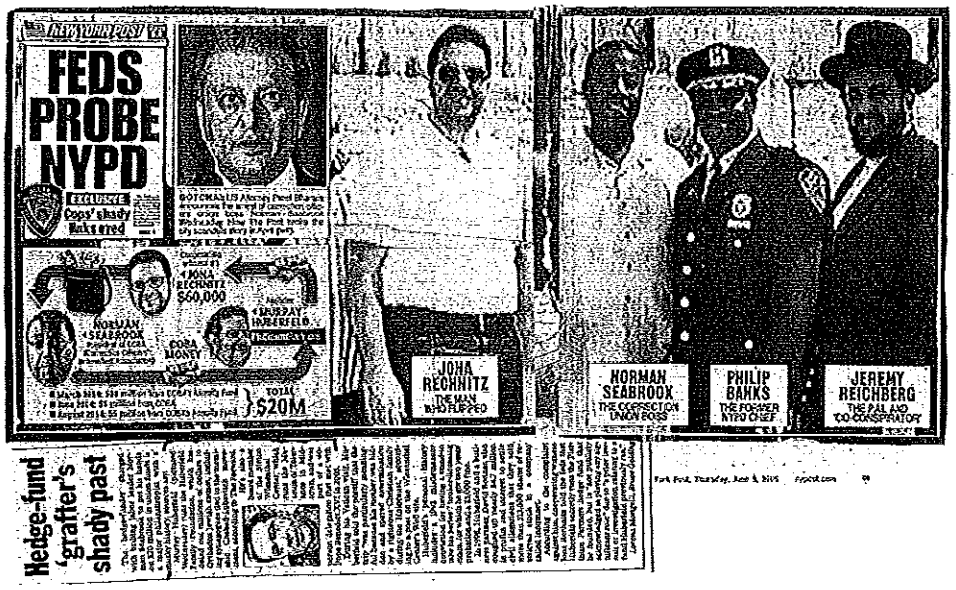
It was sued a year later for failing to repay the loan.

Additionally, in a separate federal court action, a Platinum fund is accused by a shareholder of Navidea Biopharmaceuticals — a cancer-drug company it is invested in — with making nearly $330,000 in illegal, "short-swing" profits by purchasing and selling shares within six months at the same time it held a stake of more than 10 percent in the company and had a director on its board.

jkosman@nypost.com

Slash fund

Platinum Partners, headed by Mark Nordlicht (left), is winding down its main fund in the wake of the arrest of former executive Murray Huberfeld (inset, top), accused of bribing Correction Officers' Benevolent Association President Norman Seabrook (inset, bottom).



Tanya Pineda Davies Place
Damon Crumb 73 Mansion Street

Foil - 5/31/16 - 85 Civic Center

Damon Crumb
6/16/2016

gbeck@cityofpoughkeepsie.com <gbeck@cityofpoughkeepsie.com>; rknapp@cityofpoughkeepsie.com <rknapp@cityofpoughkeepsie.com>; mayor@cityofpoughkeepsie.com <mayor@cityofpoughkeepsie.com>; vaqeel@cityofpoughkeepsie.com <vaqeel@cityofpoughkeepsie.com>; Chris Petsas (cpetsas@cityofpoughkeepsie.com) <cpetsas@cityofpoughkeepsie.com>;

Maria Rose Burgio <drmrburgio@gmail.com>;

FOIL 5.31.16 - 85 Civic Center Plaza.pdf;

Good afternoon,

I have received the attached FOIL response and Certification of Mailing from my 5/31/16 request. I am amazed at the lack of completeness and process regarding my latest request.
Attached to the reply is a notarized affidavit dated 6/14/16, the same as the reply itself. Since the violation notices (dated 4/28/16) were first given to me, I have been requesting from both the Building Department and the City Attorneys a simple set of questions - 1) when and how were they sent to Page Park Associates; 2) was there any kind of acknowledgement of receipt; and 3) has there been any kind of reply (written or spoken) from them as to what they intend to do?

Now, 45 days later, after having to have to file another FOIL request, I get this. Your own process is to send all Notices USPS Certified, with a form indicating when they were sent and a postal receipt attached. That process was followed in the recent violation about the fence they built in their back parking lot, near the Take 5 Deli. I personally spoke with the City Councils office, Common Council and both Administrators in the Building Department numerous times, and no such documents were shown to me or stated they had already been mailed. It would have been very simple for any of these parties to say, "a mistake was made and they were in fact mailed on 4/28/16 regular mail, no receipt available." I believe to create this certification document, again after the fact of my FOIL request, is both insulting to me and to any "fair and open" administrative process.

Your answer to me on question 3 is in fact incomplete. Though you may not have recorded any personal conversations or phone calls, doesn't mean you can't report the gist of those conversations or advise of any written communications you may have received. I understand you have received at least an e-mail stating they intend to go to the Zoning Board of Appeals to request an exemption. They did not go this week and the scheduled meeting was cancelled on 6/14/16 due to lack of agenda. The next regular scheduled ZBA meeting is 7/12/16, almost 75 days since the Violations were sent, when only 30 to 60 were given. Planning Board is next Tuesday, 6/21/16, where they could and should also go, but no agenda for that meeting is posted yet.

Do we as residents of this City, deserve to have to live in what now looks like and sounds like a warehouse district instead of the Historic areas in the heart of our City. In our case we can no longer use our house as intended - no windows can be ever opened, porches can not be used, or have guests to come visit in our parlor or to sleep in our front bedrooms.

Allowing the violation process to run its course seems to have become lopsided in favor of a few who break our City's laws with impunity, then simply ask for a waiver after the fact. No fines for failure to get permits before work starts - no inspections before, during or after - no site plans or building permits properly issued. Do we have to accept this reality about our Queen City, when we as residents are trying hard to build a new vision? Maybe its just another case of a Monsanto, killing the bees and their buzz, around another failed hive.

Sincerely,

Damon Crumb and Maria R. Burgio
73 Mansion Street
Poughkeepsie, NY 12601

Gary E. Beck, Jr.
Building Inspector

THE CITY OF POUGHKEEPSIE
NEW YORK
BUILDING PLANNING & ZONING
62 CIVIC CENTER PLAZA, 2ND FLOOR
POUGHKEEPSIE, NY 12601
Phone: (845) 451-4007 Fax: (845) 451-4006

June 14, 2016

Mr. Damon Crumb
73 Mansion Street
Poughkeepsie, NY 12601

RE: 85 Civic Center Plaza
Freedom of Information request

Dear Mr. Crumb:

Per your May 31, 2016 Freedom of Information request regarding 85 Civic Center Plaza, I have answered your request for documentation listed below:

1) The notice of violations numbered #2016-0182 and #2016-0183 were mailed regular mail, copy of affidavit attached
2) The Department doesn't track or confirm when regular mail is received
3) The Department doesn't keep records of phone conversations or in person conversations

Please do not hesitate to contact me if you have any questions concerning this matter.

Very Truly Yours

Gary E. Beck, Jr.
Building Inspector

Gary E. Beck, Jr.
Building Inspector

THE CITY OF POUGHKEEPSIE
NEW YORK
BUILDING DEPARTMENT
62 CIVIC CENTER PLAZA, 2ND FLOOR
POUGHKEEPSIE, NY 12601
Phone: (845) 451-4007 Fax: (845) 451-4006

June 1, 2016

Mr. Damon Crumb
73 Mansion Street
Poughkeepsie, New York
12601

Re: 85 Civic Center Plaza
Freedom of Information Request

Dear Mr. Crumb:

Receipt of your May 31, 2016 Freedom of Information Request with regard to the above captioned property is acknowledged. I anticipate being able to provide a response to your request within two weeks.

Please do not hesitate to contact me if you have any questions concerning this matter.

Very truly yours,

Gary E. Beck, Jr.
Building Inspector

STATE OF NEW YORK

SS:

COUNTY OF DUTCHESS

I, Kathleen G. Rodriguez, being duly sworn says: I am not a party to the action. I am over 18 years of age and work at Poughkeepsie, New York. On April 28, 2016, I served a copy of the annexed:

TWO (2) NOTICES OF VIOLATION AND ORDERS TO ABATE
85 CIVIC CENTER PLAZA
ID #079170/TAX MAP PARCEL #6162-69-090193

by mailing the same in a sealed envelope, with postage prepaid thereon, in a post office of official depository of the U. S. Postal Service within the State of New York, addressed to the last known address(es) of the addressee(s) as indicated below:

PAGE PARK ASSOCIATES LLC
POST OFFICE BOX 792
POUGHKEEPSIE, NEW YORK 12602

Kathleen G. Rodriguez

FIRST CLASS MAIL

85 CIVIC CENTER PLAZA

Sworn to before me this 14th day of June, 2016

Nancy Fedorchak

Notary Public
NANCY FEDORCHAK
Notary Public, State of New York
No. 01FE6079925
Qualified in Dutchess County
Commission Expires April 30, 2018

City of Poughkeepsie
Department of Building, Planning and Zoning
City Hall Plaza – 2nd Floor
Poughkeepsie, NY 12601

May 31, 2016

Reference: FOIL Request Response

Mr. Gary Beck, Jr. – Building Inspector and Department Manager

Good morning Mr. Beck,

This morning, May 31, 2016, I filed an additional Freedom Of Information Law (FOIL) request for any and all documents related to the two Violation Notice and Order of Abatement (#2016-0182 and #2016-0183) dated 04/28/2016. Specifically I request documentation for:

1) by what means and when were these Notices electronically sent, mailed and/or hand delivered
2) what means and when were they confirmed as received
3) any and all records, including transcription of any phone or in person conversations, relating to Page Park Associates response to said Notices through the close of the 30 day notice period, ending on May 27, 2016.

Per my FOIL request today, your staff made available to me two folders containing copies of the two Violation Notices, with some attached documentation from older permits, previously submitted relating to 1) the installation of a diesel generator in 2013 and 2) a permit for replacement of a sewer pipe (2014) from the building to the street., which includes the addition of all the new installations added to this permit in 2015, including, but not limited to the new air handling system. These files did not contain any of the above requested information, nor did the Master File for 85 Civic Center Plaza. Your electronic file reporting system does not contain this information either.

I hereby request any and all information per this FOIL request in writing per the terms of the law below (within 5 business days) or a written statement as to why parts or all of the information requested can not be made available to me.

Sincerely,
Damon Crumb
73 Mansion Street
Poughkeepsie, NY 12601
845-287-3014
iamdamonc@hotmail.com

CC: Mayor Rob Rolison
City Administrator Ron Knapp
City Corporation Council Office

Attachment: NYS FOIL excerpts on Page 2

NYS Freedom Of Information Law – Excerpts

3. (a) Each entity subject to the provisions of this article, within five business days of the receipt of a written request for a record reasonably described, shall make such record available to the person requesting it, deny such request in writing or furnish a written acknowledgment of the receipt of such request and a statement of the approximate date, which shall be reasonable under the circumstances of the request, when such request will be granted or denied, including, where appropriate, a statement that access to the record will be determined in accordance with subdivision five of this section.

4. (a) Except as provided in subdivision five of this section, any person denied access to a record may within thirty days appeal in writing such denial to the head, chief executive or governing body of the entity, or the person therefor designated by such head, chief executive, or governing body, who shall within ten business days of the receipt of such appeal fully explain in writing to the person requesting the record the reasons for further denial, or provide access to the record sought. In addition, each agency shall immediately forward to the committee on open government a copy of such appeal when received by the agency and the ensuing determination thereon. Failure by an agency to conform to the provisions of subdivision three of this section shall constitute a denial.

(b) Except as provided in subdivision five of this section, a person denied access to a record in an appeal determination under the provisions of paragraph (a) of this subdivision may bring a proceeding for review of such denial pursuant to article seventy-eight of the civil practice law and rules. In the event that access to any record is denied pursuant to the provisions of subdivision two of section eighty-seven of this article, the agency involved shall have the burden of proving that such record falls within the provisions of such subdivision two. Failure by an agency to conform to the provisions of paragraph (a) of this subdivision shall constitute a denial.

(c) The court in such a proceeding may assess, against such agency involved, reasonable attorney's fees and other litigation costs reasonably incurred by such person in any case under the provisions of this section in which such person has substantially prevailed, when:

i. the agency had no reasonable basis for denying access; or
ii. the agency failed to respond to a request or appeal within the statutory time.

8. Any person who, with intent to prevent public inspection of a record pursuant to this article, willfully conceals or destroys any such record shall be guilty of a violation.

9. When records maintained electronically include items of information that would be available under this article, as well as items of information that may be withheld, an agency in designing its information retrieval methods, whenever practicable and reasonable, shall do so in a manner that permits the segregation and retrieval of available items in order to provide maximum public access.

Maria Burgio 73 Mansion Street
Steven Planck Carroll Street
Laurie Sandow South Grand Avenue

Comments of Laurie Sandow, Common Council Meeting of June 20, 2016 — Page 1 of 3

This past week I was grateful to the Unitarian Universalist Church and to the Dutchess County Interfaith Council for each sponsoring candlelight vigils to unite City of Poughkeepsie residents in giving witness to their shock and mourning of the mass murder and wounding of residents, ~~specifically~~ PRIMARILY gay and Latino residents, in Orlando, FL.

On Friday evening I was grateful to attend R.E.A.L. Skills 3rd Annual Juneteenth event, commemorating the Ending of Slavery in the United States. That celebration was a moving testament and representation of the extraordinary passion and talents of this City's youth.

On Saturday, through the efforts of the arts community, this City celebrated their 2nd Annual Open Studios, capped off by a cinematic, musical and poetic live concert projected on the walls of the Underwear Factory.

That said, I regret that I must return to the matter of Resolution R-16-68, introduced at the Common Council meeting of Monday, June 6th without public posting, and STILL not posted to the City website. This constitutes a clear violation of NY State Open Meetings Law. Quoting from the **Legislative Declaration: < http://www.dos.ny.gov/coog/openmeetlaw.html>**
"It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy. The people must be able to remain informed if they are to retain control over those who are their public servants. It is the only climate under which the commonweal will prosper and enable the governmental process to operate for the benefit of those who created it."

With that declaration in mind, the failure to post is just one aspect of a much deeper can of worms opened by this Resolution:

—Where is supporting evidence for the claim that such a Resolution was a necessary component of the non-profit's grant application, and that the Resolution's passage was time sensitive?

—Why does a statement of support for the work of this one non-profit require a Resolution, rather than an appropriate letter from the City administration, should it be deemed warranted?

—Why did a Councilmember act as proxy for the interests of a not-for-profit organization, when the not-for-profit itself never appeared to make this request in their own behalf?

—Why did the Councilmember spin their comments into an attack on a member of the public who spoke in opposition to the PROCESS?

—Since, in answer to one Councilmember's question, it was declared that the phrase "critical and strategic community resource" had no legal meaning, what criteria will be applied to any other not-for-profit seeking a similar declaration?

—How might this Resolution become the basis for a complaint of favoritism and/or bias by the City in favor of, or in opposition to, efforts by any other non-profit?

—What precedent is being set when a Councilmember representing one Ward, sponsors the interests of an organization in another Councilmember's Ward? (especially when this is the second recent example of such an occurrence);

—What precedent is being set for Councilmember(s) to sponsor similar future resolutions?

—What precedent is being set to rush future Resolutions through if/when a Councilmember and/or a non-profit claims—without evidence—to have grant application deadlines?

—What precedent is being set when a Resolution is introduced at the last minute, and is not made publicly available through the City website either beforehand or afterward?

—What precedent is being set when due diligence and appropriate questions by duly elected representatives — electeds who were never given the opportunity to raise these questions in caucus, who must therefore ask these questions in Common Council meetings as both a matter of due diligence and also in the public's behalf

— What precedent is being set when those elected representatives are shut down by a Council voting bloc lacking concern about transparency, disclosure, democratic procedure, and NY State Open Meetings Law, not to mention the future consequences of their unnecessary and ill-conceived last minute actions?

IV. MAYOR'S COMMENTS:

Mayor Rolison informed the council that they are in the final stages of the interview process for the Commissioner of Finance and the City Administrator. You will be getting a resolution tonight from the Administration to extend the days for the appointment for Acting City Administrator Knapp. Briefed the council on an initiative that they will be starting in the next week to ten days in highlighting the city's park system. We will be calling it "Picnic in Poughkeepsie", and is encouraging his colleagues on the council to forward to the Administration locations, whether they happen to be in city parks in their wards, or other areas in the city, which we can post on the website, and social media, where families can go for some fun, especially in a picnic style setting as we get into the summer.

V. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Petsas thanked both Yvonne and Frankie Flowers for all of their efforts for putting on the Father's Day Parade through the City of Poughkeepsie on Saturday. He stated that he was happy to attend, and a lot of people came together. So thank you to Yvonee and Frankie for taking the lead after the passing of their father, John Flowers on

the great annual event in the City of Poughkeepsie. Yesterday was the "Pops for Pops" concert at Waryas Park. It was hot down there, but there was a 250 piece orchestra and choir along the banks of Waryas Park. Thanked Living Change Water Church in LaGrange, and the Change Point Church across the street from City Hall for sponsoring that, they were a remarkable orchestra and choir, and they are playing at Carnegie Hall as we speak. It was a beautiful night as the sun went down behind the mountains. Finally, the "Paint the Pavement", orchestrated by Jeff Iman and all of his crew, Pershing Avenue looks great. There is a burst of color over there, and he was happy to paint that section on Saturday morning. And of course, the Underwear Factor lit up with a spectacular show and orchestra over there. A very busy weekend in the City of Poughkeepsie, and was very happy to participate.

VII. MOTIONS AND RESOLUTIONS:

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

RESOLUTION
(R16-60)

INTRODUCED BY COUNCILMEMBER CHERRY

WHEREAS, there currently exists a vacancy in the office of City Administrator; and

WHEREAS, in accordance with City Charter §3.08(b) the Mayor appointed an Acting City Administrator; and

WHEREAS, City Charter §3.08(b) also provides that said appointment is only effective for sixty days in any fiscal year unless extended by resolution of the Common Council; and

WHEREAS, on March 21, 2016 the Common Council approved the appointment of Acting City Administrator Knapp for a period of ninety (90) days commencing on April 1, 2016; and

WHEREAS, the Acting City Administrator's term is set to expire at the end of June; and

WHEREAS, the City is currently undergoing a national search to find a successor City Administrator; and

WHEREAS, Mayor Rolison has communicated his desire to re-appoint Ronald J. Knapp as Acting City Administrator for an additional ninety (90) days; and

WHEREAS, the Common Council deems it to be in the best interest of the City and its residents that Acting City Administrator Knapp's term be extended for an additional ninety (90) days or until the appointment and confirmation of a City Administrator; and

NOW, THEREFORE,

BE IT RESOLVED that the pursuant to Section 3.08(b) of the City Charter, the Mayor's appointment of Ronald J. Knapp as Acting City Administrator is extended for a period of ninety (90) days commencing on July 1, 2016.

SECONDED BY COUNCILMEMBER JOHNSON

R16-60			Yes/Aye	No/Nay	Abstain	Absent
☑ Accepted as Amended ☐ Accepted ☐ Tabled	Councilmember Young	Voter	☑	☐	☐	☐
	Councilmember Perry	Voter	☑	☐	☐	☐
	Councilmember McNamara	Voter	☑	☐	☐	☐
	Councilmember Klein	Voter	☑	☐	☐	☐
	Councilmember Johnson	Voter	☑	☐	☐	☐
	Councilmember Cherry	Voter	☑	☐	☐	☐
	Councilmember L. Johnson	Voter	☑	☐	☐	☐
	Councilmember Petsas	Voter	☑	☐	☐	☐

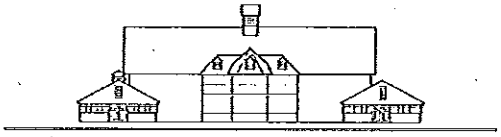
2. **A motion was made by Councilmember Perry and seconded by Councilmember Cherry to receive and print.**

R16-61			Yes/Aye	No/Nay	Abstain	Absent
☐ Accepted ☐ Accepted ☑ Defeated	Councilmember Young	Voter	☑	☐	☐	☐
	Councilmember Perry	Voter	☑	☐	☐	☐
	Councilmember McNamara	Voter	☑	☐	☐	☐
	Councilmember Klein	Voter	☑	☐	☐	☐
	Councilmember Johnson	Voter	☑	☐	☐	☐
	Councilmember Cherry	Voter	☑	☐	☐	☐
	Councilmember L. Johnson	Voter	☑	☐	☐	☐
	Councilmember Petsas	Voter	☑	☐	☐	☐

VIII. ORDINANCES AND LOCAL LAWS:

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM JENNIFER RUBBO from THE ENVIRONMENTAL COOPERATIVE AT VASSAR COLLEGE,** a presentation regarding initiatives for the City of Poughkeepsie.



The Environmental Cooperative
at the Vassar Barns

124 Raymond Ave. Box 370, Poughkeepsie, NY 12604
environmentalcooperative.vassar.edu

Staff Contacts:

Jennifer Rubbo, Manager
jerubbo@vassar.edu
845-437-7422

Jamie Deppen, EMMA Coordinator
jedeppen@vassar.edu
845-437-7413

Maria Garcia, Outreach and Education
Post-baccalaureate Fellow
margarcia@vassar.edu
845-437-7435

Ellie Opdahl, Research and Restoration
Post-baccalaureate Fellow
elopdahl@vassar.edu
845-437-7439

The mission of The Environmental Cooperative is to expand and coordinate conservation efforts and to strengthen place-based environmental awareness throughout the Hudson Valley by supporting current efforts, developing new programs and inspiring further engagement in conservation education, outreach, and research by the college, community and region.

Our Healthy Habitats Initiative focuses on how individuals can create an environment in their backyard and neighborhood that supports nature and balances our needs with those of other living things. We work to support efforts in urban and suburban neighborhoods that increase the beauty of our surroundings and bring more people outdoors, creating healthier lifestyles, while also sustaining a habitat in which plants and animals can thrive.

Our Healthy Waters Initiative brings people to our local creeks, lets them get their feet wet, and shows them what lies beneath the water's surface, helping to foster an understanding of how we affect our environment. We support local community groups and regional organizations that work to protect our waterways and educate young and old about the importance of clean water and healthy watersheds.

Vassar Volunteers: To make changes happen, environmental work in most communities needs extra hands. Through our connections with local community organizations as well as on-campus student organizations, we help Vassar students and staff find places where they can make a difference.

Partnering Organizations

Environmental Monitoring and Management Alliance (EMMA): EMMA was created by Teatown Lake Reservation in 2013 to develop a regionally-coordinated environmental monitoring network that can be used by researchers to study large-scale and long-term changes in the environment. Currently, many organizations collect data on their lands, but as methodologies may vary, the utility of these data is limited. EMMA creates a framework that researchers can use to outline the types of data to collect and specific methods to use.

Student Conservation Association (SCA): The SCA's mission is to build the next generation of conservation leaders and inspire lifelong stewardship of the environment and communities by engaging young people in hands-on service to the land. The SCA's Hudson Valley Regional Corps Staff will be house in the Vassar Barn with the Environmental Cooperative

Poughkeepsie Farm Project (PFP): The Poughkeepsie Farm Project's mission is to cultivate a just and sustainable food system in the Mid-Hudson Valley. Located on the Vassar Farm and Ecological Preserve the PFP grows fresh vegetables and fruit for their CSA, trains future farmers, provides hands-on educational programs and improves access to healthy locally-grown food.

CREATING A NATURAL RESOURCES INVENTORY

NEW YORK STATE OF OPPORTUNITY. | Hudson River Estuary Program

Tools for Conservation in Your Community

What is a natural resources inventory?

A natural resources inventory (NRI) compiles information on important, naturally occurring resources within a given locality (e.g., municipality, watershed, or region), such as forests, streams, wetlands, and rocky ridges. Cultural resources, such as historic, scenic, and recreational assets are often included in an NRI, as well. NRIs are comprised of maps, data, and a report that describes the resources and the project. The NRI may be integrated into a comprehensive, open space, or watershed plan, or be a stand-alone product.

By visualizing an area's resources—where they occur and how they relate to each other, their surroundings, and existing development—an NRI provides a strong foundation for informed land-use planning and decision-making. NRIs also serve as the basis for identifying conservation priorities and strategies like zoning updates, open space protection, or the need for more detailed studies such as wildlife habitat assessment.

Photo: Ingrid Haeckel

Determining the goals and scope of an NRI

Defining short- and long-term goals at the outset of an inventory will help to determine the appropriate approach and scope of the project. Community priorities, staff or volunteer time, technical capacity, and available budget are also important factors. Key questions to consider include:

- Why do you want to develop or update an NRI?
- How will the NRI be used?
- What are the community's needs and concerns?
- Are there specific priorities you want to address?

What to include in an NRI

A basic NRI includes readily available data that can be used to describe and assess the current status of known natural resources. Once completed, the need for additional data or

RESOURCES FOR STARTING AN INVENTORY:

- *Creating a Natural Resources Inventory*
  www.dec.ny.gov/lands/100925.html
- *Conserving Natural Areas and Wildlife in Your Community*
  www.dec.ny.gov/lands/50083.html
- *Hudson Valley Natural Resource Mapper*
  www.hudson.dnr.cals.cornell.edu/mapper

A Summary of Getting Started:

1. Establish a work group
- Invite local boards, community groups, and residents to attend an initial planning meeting to brainstorm NRI goals and objectives
- Establish a workgroup to direct the project, elect a leader
- Determine technical capacity

2. Determine the goals and scope of the project
- Review community needs and prioritize NRI goals
- Define the study area

3. Review existing plans and documents for natural resources information (and recommendations)
- Review the comprehensive plan, waterfront revitalization plan, any regional conservation or watershed plans, and environmental impact statements where available

4. Develop a draft outline and timeline
- Determine information needs to address project goals
- Identify all inventory components, assign responsibilities

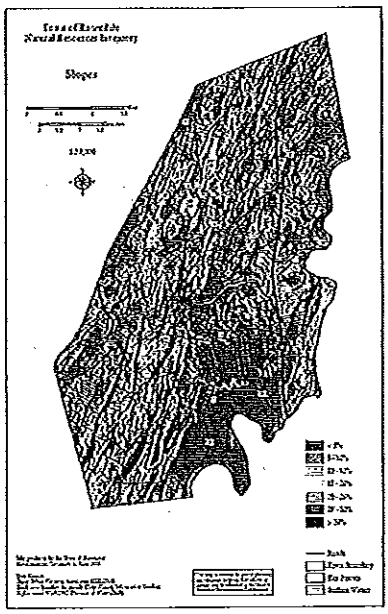
5. Develop a budget and scope of work
- Investigate costs of producing maps, printing, and consultant work (if desired) and potential funding sources
- If hiring a consultant, develop a scope of work and RFP

6. Publicize the inventory and solicit public input
- Keep the community informed about the project
- Collect local knowledge about resources and priorities
- Solicit volunteers for specific tasks

A Program of the New York State Department of Environmental Conservation www.dec.ny.gov

more detailed studies can be determined. *Creating a Natural Resources Inventory: A Guide for Communities in the Hudson River Estuary Watershed* suggests components to include in a basic NRI and provides information about publicly available data sources. The guidebook also presents options for conducting detailed studies to supplement existing data and enhance the NRI. Additional data sets often exist at the local level; always inquire with municipal and county agencies about available information at the start of an NRI project.

The Hudson River Estuary Program can provide data and assistance to communities developing NRIs or related plans in the estuary watershed. For more information, see the Contact Information section below.



Geographic Information Systems (GIS) is a computer-based tool that enables users to collect, manage, analyze, and display spatial information. GIS is commonly used for NRI maps such as this Rosendale slopes map.

Putting an NRI to work

The results of an NRI should be available for use by municipal officials, county planning agencies, interested community and watershed groups, developers, and residents. Some applications of an NRI include:

- Public education
- Environmental review of development proposals
- Identification of conservation priorities
- Comprehensive plan update
- Zoning and subdivision regulation updates
- Watershed assessment and planning
- Open space planning and acquisition
- Critical environmental area (CEA) designation

SUGGESTED NRI COMPONENTS:

Geology and Soils
- Bedrock and surficial geology
- Soil survey units and attributes
- Elevations and slope

Water Resources
- Groundwater and aquifers
- Watersheds, streams, waterbodies
- Floodplains
- Wetlands
- Water quality indicators

Habitats and Wildlife
- Significant Biodiversity Areas
- Coastal and shoreline habitat
- Stream and riparian habitat
- Wetland habitat
- Forests
- Grasslands and shrublands
- Rare plant and animal species and significant natural communities
- Unfragmented habitat blocks

Climate
- Climate conditions and projections

Cultural Resources
- Historic resources
- Scenic resources
- Recreation resources

Land Use
- Zoning and tax maps
- Land use and land cover, farmland
- Conservation and public lands

CONTACT INFORMATION

Ingrid Haeckel
Conservation and Land Use Specialist
845-256-3829 | ingrid.haeckel@dec.ny.gov

Laura Heady
Conservation and Land Use Coordinator
845-256-3061 | laura.heady@dec.ny.gov

New York State Department of Environmental Conservation
21 South Putt Corners Road,
New Paltz, NY 12561

www.dec.ny.gov/lands/5094.html

Local Examples of Natural Resources Inventory Approaches

Hudson Valley communities and citizen groups have approached the NRI process in a variety of different ways. For example, in the Town of Rosendale in Ulster County, volunteers on the environmental commission completed much of the work on the town's NRI, which includes 21 maps and a report. The Town of Pleasant Valley in Dutchess County included an inventory as part of its Open Space and Farmland Plan, which was funded in part by a grant and was conducted by hired consultants with leadership from a town-appointed open space committee. Inventories that span multiple municipalities are often completed for regional plans. The Rensselaer Plateau Alliance included an inventory of ecological resources as part of its regional conservation plan, which sets a collaborative agenda for the 11 municipalities on the Plateau. The information contained in an NRI can also contribute to a watershed assessment or characterization report, which eventually becomes part of a watershed plan. The *Wappinger Creek Natural Resources Management Plan* includes a comprehensive inventory of natural resources in the 13 municipalities in the creek's watershed,

AQUATIC CONNECTIVITY

NEW YORK STATE OF OPPORTUNITY. | Hudson River Estuary Program

Identifying Barriers to Organisms and Hazards to Communities

Road Stream Crossings

Poorly designed and undersized culverts are barriers to aquatic organisms and hazards to communities during storms. Streams are linear habitats for aquatic and semi-aquatic species such as American eel, herring, stream salamanders and macro-invertebrates. Road crossings can fragment streams into small pieces, preventing organisms from accessing critical habitats. Studies have found that about two-thirds of crossings are not fully passable to aquatic organisms, and New York is estimated to have 1.2 million road/stream crossings. In addition to blocking aquatic organisms, culverts may be infrastructure liabilities and flooding hazards for communities. Due to landscape changes from development and increased rainfall amounts during large storms, many culverts are too small to pass the amount of water they need to.

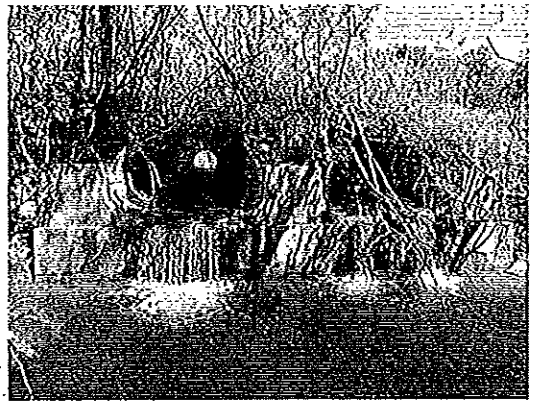


Figure 1: Culverts such as this one constrict the natural flow of the stream and contain no natural streambed substrate. Perched culverts such as this one fragment stream habitats.

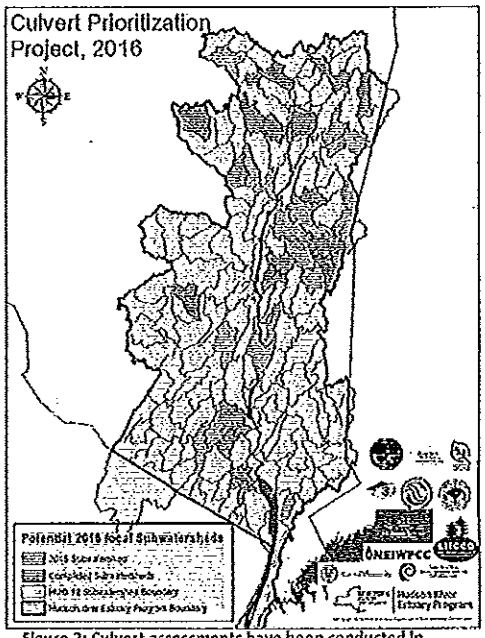


Figure 2: Culvert assessments have been conducted in seventeen subwatersheds, with sixteen more underway.

During storms, undersized and/or improperly installed culverts can become clogged with debris or overwhelmed, leading to road flooding, stream bank erosion, or even washout of the whole road.
Municipalities receive help prioritizing culverts that need to be upgraded, benefitting both aquatic organisms and communities' bottom lines.

The NYSDEC Hudson River Estuary Program, other NYSDEC branches, Soil and Water Conservation Districts, and interested county and local partners are working to reconnect tributaries within the Estuary watershed by field surveying culverts and bridges, identifying and prioritizing the impassable and undersized crossings. Field observers use the North Atlantic Aquatic Connectivity Collaborative's (NAACC) stream passability protocol to rate culverts for the ease of access for aquatic and riparian species. Road crossings with unnatural stream bottoms, a perch where a culvert adds an unnatural step to the stream, and other conditions are often barriers to organisms.

Hydrologists from Cornell University model each crossing for the maximum storm interval (return period) the crossing could pass without spilling over the road. The project results in

ecological and economic information-replacing failed culverts is a financial burden to the community and also disrupts essential services such as hospital access during flood events. **The project connects interested communities with funding sources to replace impassable, undersized culverts with fully passable, properly sized culverts.**

Work Completed So Far

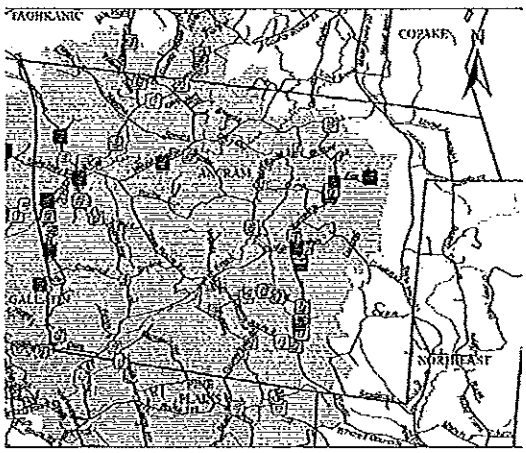


Figure 3: Local partners such as the Town of Ancram receive a summary map of all road crossings surveyed. Red icons represent culverts that are significant barriers to organisms and the largest icons identify culverts that cannot pass the flow expected from a two-

From 2013-2015 over 2100 culverts in sixteen focal subwatersheds were assessed and prioritized for their passability for aquatic organisms and their capacity to pass storm flows (Figure 2). Detailed information and pictures on each crossing are available through the NAACC's database (streamcontinuity.org). An interactive map of these sites may be found on the Aquatic Connectivity page at the New York State Water Resources Institute at Cornell University website (http://wri.cals.cornell.edu/hudson-river-estuary/watershed-management). In 2016 the project will potentially assess culverts in fourteen additional subwatersheds within the Estuary watershed. These assessments will be done by Estuary Program and DEC staff as well as partners in County Soil and Water Conservation Districts and university partners. **The results of the project are shared with municipalities and counties interested in both improving their infrastructure and stream habitat for local and migratory fish.** This information is intended for use as a coarse scale prioritization and to introduce partners to the impacts of improper crossings, the benefit of passable and properly sized culverts, and sources of funding to mitigate the costs. Grants are available through the Estuary Program and other state grant programs.

Future Directions

The end results of this project will give a clear idea of where barriers are and how they fragment stream habitat. An interactive Google Mapper of all known aquatic barriers is available at the Cornell WRI aquatic connectivity webpage (https://wri.cals.cornell.edu/hudson-river-estuary/watershed-management/aquatic-connectivity-and-barrier-removal-culvert-dams). The Estuary Program is working with partners to fix problem crossings. Interested potential partners such as municipalities, universities or watershed alliances are encouraged to contact Andrew Meyer.

KEY POINTS

- Project has assessed over 2100 crossings
- 50% of these are barriers to aquatic organisms
- 60% undersized
- Problems are more pronounced for locally owned roads

ONTACT INFORMATION

Andrew Meyer
Shoreline Conservation Specialist, Hudson River Estuary Program/NYS Water Resource Institute at Cornell University

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21 South Pult Corners Road, New Paltz, NY 12561
P: (845) 256-3016 | F: (845) 255-3649 | Andrew.meyer@dec.ny.gov
www.dec.ny.gov

2. **FROM ARTS MID-HUDSON,** a communication on the proposed creation of an Arts Commission.

3. **FROM COMMISSIONER OF FINANCE BRADY,** a communication regarding an amendment to the Interfund Borrowing Resolution for the replacement of the wastewater treatment roof.

The City of Poughkeepsie
New York

William J Brady
Acting
Commissioner of Finance

June 20, 2016

To: Chairman Chris Petsas
Members of the Common Council

From: William Brady, Commissioner of Finance WJB

Re: Amending and Restating the Interfund Borrowing Resolution

On my recommendation, the Common Council voted unanimously to approve an Interfund Borrowing Resolution at the June 6, 2016 Common Council meeting. The resolution authorized the borrowing of $300,000 from the Sewer Fund to pay for the replacement of the roof as the Wastewater Treatment Plant. The $300,000 was to be reimbursed by the NYS Environmental Facilities Corp. in early 2017 and the loan was to have been repaid at that time.

On June 8, 2016, bids for the project were opened, and although the bid has not yet been awarded, the low bid was nearly $400,000. In order that we be reimbursed for the full cost of replacing the roof, we ask that you amend and restate the previous resolution in the amount of $450,000. It is still anticipated that the full amount will be reimbursed in early 2017, and the loan from the Sewer Fund will be repaid at that time.

Thank you for your consideration.

Municipal Building • 62 Civic Center Plaza • Poughkeepsie, NY 12601 • 845.451.4027 • 845.451.4028

EXTRACT OF MINUTES

A regular meeting of the Common Council of the City of Poughkeepsie, Dutchess County, New York was convened in public session at the Council Chambers, City Hall, Poughkeepsie, New York on June 20, 2016 at 6:30 o'clock p.m., local time.

The meeting was called to order by _____, and, upon roll being called, the following members were:

PRESENT:

Councilmember Natasha Cherry
Councilmember Lee David Klein
Councilmember Lorraine Johnson
Councilmember Randall A. Johnson II
Councilmember Matthew McNamara
Councilmember Ann Perry
Councilmember Christopher D. Petsas
Councilmember Mike Young

ABSENT:

The following persons were ALSO PRESENT:

William Brady, Acting Commissioner of Finance

The following resolution was offered by Councilmember_____, seconded by Councilmember_____, to wit;

RESOLUTION DATED JUNE 20, 2016

AN AMENDED AND RESTATED RESOLUTION AUTHORIZING
INTERFUND BORROWING REGARDING THE
EFC SEWER PROJECT FOR REPLACEMENT OF
WASTEWATER TREATMENT PLANT ROOF

NOW, THEREFORE, BE IT RESOLVED, that the Commissioner of Finance is hereby authorized to make a short term non-interest bearing interfund loan from the Sewer Fund, in an amount currently estimated not to exceed $450,000, to provide sufficient cash to proceed with the Wastewater Treatment Plant roof replacement portion of the capital project authorized by Bond Resolution No. R15-16 dated February 17, 2015, as amended by Supplemental Bond Resolution No. R15-70 dated September 8, 2015, authorizing the improvement of pump stations including Meyer Avenue Pump Station, Pine Street Pump Station and Cedar Avenue Pump Stations, the improvements to the Wastewater Treatment Plant, the completion of storm sewer line separation to eliminate the Riverview Combined Sewer Overflow, and the relining of sewer pipes at various locations in the City to address sanitary sewer overflows to the receiving waters at an estimated maximum cost of $11,256,000, until obligations authorized by such resolution are sold pursuant to such resolution.

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The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Councilmember Natasha Cherry	VOTING ___
Councilmember Lee David Klein	VOTING ___
Councilmember Lorraine Johnson	VOTING ___
Councilmember Randall A. Johnson II	VOTING ___
Councilmember Matthew McNamara	VOTING ___
Councilmember Ann Perry	VOTING ___
Councilmember Christopher D. Petsas	VOTING ___
Councilmember Mike Young	VOTING ___

The foregoing resolution was thereupon declared duly adopted.

Approved: _____, 2016

_____
Rob Rolison
Mayor

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) He/She is the duly qualified and acting Chamberlain of the City of Poughkeepsie, Dutchess County, New York (hereinafter called the "City") and the custodian of the records of the City, including the minutes of the proceedings of the Common Council, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Common Council held on the 20th day of June, 2016 and entitled:

RESOLUTION DATED JUNE 20, 2016

A RESOLUTION AUTHORIZING INTERFUND BORROWING REGARDING THE EFC SEWER PROJECT FOR REPLACEMENT OF WASTEWATER TREATMENT PLANT ROOF

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the City. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Common Council was present throughout said meeting, and a legally sufficient number of members (majority of the Common Council) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the City and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this ___ day of _____, 2016.

-SEAL-

_____
Deanne Flynn
City Chamberlain

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4. **FROM COUNCILMEMBER YOUNG,** a communication on proposed changes to the "Rules of Conduct and Procedure", By-Laws of the Common Council.

5. **FROM CHAIRMAN PETSAS,** a communication on having an "Open Prayer" during Common Council Meetings.

6. **FROM VINCENT SCIULLO,** a notice of property damage sustained on May 2, 2016.

7. **FROM KSSM Properties, LLC,** sustained on May 2, 2016.

X. NEW BUSINESS:

XI. ADJOURNMENT:

A motion was made by Councilmember Hermann and Councilmember Johnson to adjourn the meeting at 9:50 p.m.

Dated: February 8, 2016

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, February 1, 2016

Respectfully submitted,

Deanne L. Flynn
City Chamberlain