



COMMON COUNCIL MEETING

Common Council Chambers

Monday, March 2, 2015

6:30 p.m.

I. ROLL CALL:

II. REVIEW OF MINUTES:

Common Council Meeting of October 6, 2014

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

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

V. MAYOR'S COMMENTS:

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

VII. MOTIONS AND RESOLUTIONS:

1. **FROM CORPORATION COUNSEL ACKERMANN**, Resolution R15-17, approving the settlement of a Tax Certiorari proceeding for 140 Main Street.

2. **FROM CORPORATION COUNSEL ACKERMANN**, Resolution R15-18, regarding the redevelopment of vacant properties located at 21 Hooker Avenue, 36 Gifford Avenue, and 263 Church Street.
3. **FROM CORPORATION COUNSEL ACKERMANN**, Resolution R15-20, authorizing the Mayor to enter into an agreement with Dutchess County Loop for Dial a ride Transportation Services.
4. **FROM COUNCILMEMBER HERMANN AND CHAIRMAN PETSAS**, Resolution R15-21, requiring the publication of information with regard to boards and committees.

VIII. ORDINANCES AND LOCAL LAWS:

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM BUILDING INSPECTOR BECK**, a communication regarding the implementation of the vacant property bond ordinance.
2. **FROM CARDINAL ASSETS**, a presentation on rehabilitation projects undertaken in the City of Poughkeepsie.
3. **FROM MAYOR TKAZYIK**, March 2015 Annual Financial Report.
4. **FROM KLEIN VARBLE & ASSOCIATES, P.C.**, a notice of personal injury sustained on November 12, 2014.
5. **FROM DARLENE SALINAS**, a notice of property damage sustained on February 10, 2015.
6. **FROM COUNCILMEMBER MALLORY AND COUNCILMEMBER HERMANN**, a communication regarding the Council's support of the State Campaign Finance Reform Bill.

X. UNFINISHED BUSINESS:

XI. NEW BUSINESS:

1. **EXECUTIVE SESSION:** The Council anticipates a motion to adjourn to Executive Session for the purpose of discussing the medical, financial, credit or employment history of a particular person or corporation.

XII. ADJOURNMENT:

The City of Poughkeepsie

New York

Paul Ackermann
Corporation Counsel
packermann@cityofpoughkeepsie.com



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

February 10, 2015

CC Meeting: 3/2/15
ITEM VII-2

COMMON COUNCIL City of Poughkeepsie

RE: Redevelopment of 21 Hooker Avenue and 36 Gifford Avenue

Dear Chairman Petsas and Councilmembers:

Attached hereto, please find a resolution authorizing the Commissioner of Finance to waive certain fees and penalties for two properties which are located at 21 Hooker Avenue, 263 Church Street and 36 Gifford Avenue. These properties have long been abandoned by their owners and have accumulated large fines and penalties. Subsequently, the properties have been acquired by tax deed to developers wishing to put them back to useful life. The issue is that since the time they have acquired their tax lien, large fines have been levied, making it financially impossible to rehabilitate.

The developers, J. Allen Britvan and Nubian Directions II, wish to have the City waive the fees and penalties. This will require action by the Common Council and some of the monies have been relieved into tax.

Respectfully submitted,

Paul Ackermann, Esq.
Corporation Counsel

PA:mt
Attachment

RESOLUTION
(R-15-18)

INTRODUCED BY COUNCILMEMBER _____:

WHEREAS, the City of Poughkeepsie is currently working to address the rehabilitation of several vacant and abandoned properties so of which have been vacant for years, and

WHEREAS, the Common Council is concerned that continued vacancy will draw criminal activity and other nuisances to the properties and there is a overwhelming need to return such properties to the useful life; and

WHEREAS, that the Common Council has determined there is an overwhelming support for returning vacant and abandoned properties back to useful life and accumulated fines attributable to a private owner often make it financially impossible, and

WHEREAS, the City has negotiated a settlement with two developers to return two properties back to useful life and such proposal would require the city waiving fines and penalties that are attributable to the private owner some of which may have been relieved into tax, and

WHEREAS, after due deliberation, the Common Council concurs, and is desirous of authorizing the Commissioner of Finance to waive any penalties and fines for the property located at 21 Hooker Avenue, 263 Church Street and 36 Gifford Avenue for the purpose of redevelopment, and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council hereby authorizes the Commissioner of Finance to waive and remove any non-tax, fines and penalty attributable to a previous owner on property located at 21 Hooker Avenue, 263 Church Street and 36 Gifford Avenue; be it further

BE IT RESOLVED, that the Commissioner of Finance and Corporation Counsel is and are hereby authorized and empowered to take appropriate sets to give effect to this resolution.

SECONDED BY COUNCILMEMBER _____.

The City of Poughkeepsie

New York

Paul Ackermann
Corporation Counsel
packermann@cityofpoughkeepsie.com



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

February 23, 2015

CC Meeting: 3/02/15
ITEM VII- 3

COMMON COUNCIL
City of Poughkeepsie

RE: INTERMUNICIPAL AGREEMENT between COUNTY OFFICE FOR THE AGING and CITY FOR DIAL-A-RIDE SERVICES

Dear Chairman Petsas and Councilmembers:

Annexed hereto please find a proposed Resolution and draft Agreement between the City of Poughkeepsie and Dutchess County Office for the Aging, for Dial-A-Ride services, for the City of Poughkeepsie. It has been reviewed and found satisfactory by Corporation Counsel's office and the Transit Division. I am informed that provision has been made in the 2015 Budget for the funding required by this Agreement.

Dial-A-Ride is a joint service transportation system for Senior Citizens and Handicapped individuals residing in the City of Poughkeepsie, Hyde Park, Fishkill, East Fishkill, Wappinger Falls, Town of Poughkeepsie, and the Town of Northeast. Currently, Dial-A-Ride takes elderly and disabled residents to any medical facility in the City and Town of Poughkeepsie, South Road shopping areas, Route 44 plazas and Adam's Fairacre Farms, Walmart in Fishkill, and two medical facilities in Lagrange and East Fishkill. Attached hereto is information regarding usage.

Please consider this matter at your next Council meeting on March 2, 2015. Your favorable action is requested at that time. Representatives from the finance department will be available to answer any questions.

Respectfully submitted,

Paul Ackermann, Esq.
Corporation Counsel

PA:mt
Attachment

RESOLUTION
(R-15-20)

INTRODUCED BY COUNCILMEMBER _____ :

WHEREAS, Article 5G of the General Municipal Law encourages cooperation between municipalities and allows for contributory funding; and

WHEREAS, the Dutchess County Department of Office for the Aging has run a joint service transportation system for various municipalities which service provides free door to door transportation for Senior Citizens and Handicapped individuals to a number of locations through Dutchess County; and

WHEREAS, the City of Poughkeepsie is desirous of entering into an agreement in order to continue the transportation service to those eligible in the City; and

NOW, THEREFORE,

BE IT RESOLVED, that the terms of the Intermunicipal Agreement providing for the delivery of Dial-A-Ride services attached hereto are hereby approved; and be it further

RESOLVED, that the Mayor and the City Administrator are hereby authorized to execute this Agreement and to do all things necessary and convenient to give full effect to this Resolution.

SECONDED BY COUNCILMEMBER _____ .

**RESOLUTION
(R15-21)**

INTRODUCED BY: COUNCILMEMBERS HERMANN AND PETSAS

WHEREAS the City of Poughkeepsie has established over the course of its history numerous standing and ad-hoc boards, committees, and commissions to aid and advise in its mission of providing good governance, and, further, continues to enact such boards, committees, and commissions; and

WHEREAS the City of Poughkeepsie has, under Chapter 2, Article VIII of its Code of Ordinances, codified the public's access to records, mandating under section 2-101 of the aforementioned Chapter that "access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality"; and

WHEREAS the City of Poughkeepsie's sovereign state of New York further fosters open government and free access to information under the state's Freedom of Information Law (Public Officers Law §§ 84---90); and **WHEREAS** the City of Poughkeepsie maintains a website for the purposes of promoting the City and providing its citizenry with access to information;

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby determines that in accordance with the existing local and state access and open government laws that supporting documents relative to each of the aforementioned committees, boards, and commissions be readily accessible to the public for the purposes of open and transparent governance, including, but not limited to:

- Meeting dates
- Meeting locations
- Meeting agendas
- Meeting minutes
- Member list
- Dates of member terms

BE IT FURTHER RESOLVED, that each committee, board, and commission, in further support of existing open government laws, will also make available to the public, the phone number and email address of its chairperson and a list of its members and a generic city e-mail address with which each individual member may receive electronic mail; and,

BE IT FURTHER RESOLVED, that a resolution entitled "Publication of Committee, Board, and Commission Directory" be and is hereby introduced to the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

BE IT FURTHER RESOLVED, that this resolution mandates the aforementioned information be posted to the City's Websites in a timely and uniform manner as outlined below:

- Documents are to be published in a sub-directory of the website created for each active committee, board, and commission;
- Each sub-directory is to be accessible through a link on the home page's navigation menu;
- New documents such as timely agendas and minutes are to be posted within two days of their availability; changes to existing documents such as member lists/directories are to be posted within five days of their amending action.

BE IT FURTHER RESOLVED, that the Mayor, City Administrator, Chamberlain, and Web manager are hereby authorized and directed to do all things necessary to give effect to the terms of this resolution.

SECONDED BY COUNCILMEMBER _____

CCM 3/7/15 Item 1X-4



KLEIN VARBLE & ASSOCIATES, P.C.

STEVEN H. KLEIN, ESQ.
MICHAEL R. VARBLE, ESQ.
RONALD R. TOMLINS, ESQ.

BRITTNEY M. KESSEL, ESQ.*
ANDRE SEDLAK, ESQ.
DANIELLE FENICHEL, ESQ.
LOUIS M. KLEIN, ESQ., OF COUNSEL
JOHN C. WIRTH, JR., ESQ., OF COUNSEL*

Via Certified Mail (Return Receipt Requested)

*ADMITTED IN FEDERAL COURT FOR THE SOUTHERN AND EASTERN DISTRICTS OF NY

January 30, 2015

Deanne Flynn, City Clerk
City of Poughkeepsie
62 Civic Center Plaza
Poughkeepsie, New York 12601

Re: Christopher Casey- Personal Injury Claim
Matter No.: 4188-001

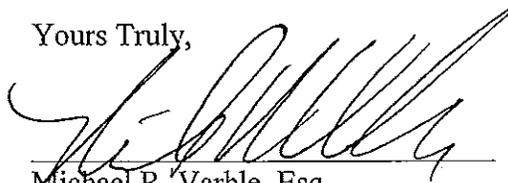
Dear Hon. Flynn:

Please be advised that our firm has been retained to represent Mr. Christopher Casey with regard to a personal injury matter as a result of an incident that occurred in the City of Poughkeepsie on November 12, 2014.

Enclosed herewith for service upon you, please find a Notice of Claim concerning this matter.

Should you have any questions or concerns, please do not hesitate to contact my office. Thank you for your time and attention to this matter, as it is greatly appreciated.

Yours Truly,


Michael R. Varble, Esq.

MRV/rac
Enclosure
cc: Christopher Casey (via email, w/enclosure)

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

-----X
CHRISTOPHER J. CASEY,

Claimant,

NOTICE OF CLAIM

- against -

CITY OF POUGHKEEPSIE,
CITY OF POUGHKEEPSIE POLICE DEPARTMENT,
CITY OF POUGHKEEPSIE POLICE OFFICERS LAWLESS,
JOHN DOE I, JOHN DOE II and SERGEANT JOHN DOE III

Respondents.
-----X

TO: CITY OF POUGHKEEPSIE CITY CLERK
62 Civic Center Plaza,
Poughkeepsie, NY 12601

CITY OF POUGHKEEPSIE POLICE DEPARTMENT
62 Civic Center Plaza
Poughkeepsie, NY 12601

2015 FEB 10 AM 9:04
CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN

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

1. The name and post-office address of the claimant is CHRISTOPHER J. CASEY, 4006 Cherry Hill Drive, Poughkeepsie, NY 12603. Claimant's attorney is KLEIN VARBLE & ASSOCIATES, P.C., Michael R. Varble, Esq., 40 Garden Street, Suite 500, Poughkeepsie, New York 12601.

2. The nature of the claim is for personal injuries sustained by Claimant CHRISTOPHER J. CASEY, who was severely injured by City of Poughkeepsie Police Officers as a result of the intentional acts, negligence, carelessness, and recklessness of the respondents, including, but not limited to, the following: in using unwarranted force; in using excessive force; in committing assault upon Claimant; in committing battery upon the Claimant; in trespass to chattel and; in the 42 USC § 1983 deprivation of civil and constitutional rights sustained by the claimant, CHRISTOPHER J. CASEY; including, the negligent hiring, retention, training, and supervision of employees; in permitting and/or causing unlawful actions by employees.

Klein Varble & Associates, P.C.
40 Garden Street, Suite 500
Poughkeepsie, New York 12601
845.475.3737

3. The following in relation to the time when, the place where, and the manner in which the claim arose is stated upon information and belief, except as to those matters wherein it is stated that there is actual knowledge thereof, and is derived from the information provided by CHRISTOPHER J. CASEY to counsel, conversations between myself and Mr. Casey, and an examination of the facts and circumstances considered reasonable under the circumstances:

On or about November 12, 2014 at approximately 8:49 a.m., the Claimant, Christopher J. Casey was operating his motor vehicle traveling eastbound on Route 44/55 arterial in the City of Poughkeepsie, County of Dutchess, State of New York, when he was pulled over at or near the intersection of Baker Street and Fountain Place by City of Poughkeepsie Police officer Lawless for a traffic infraction. Claimant lawfully complied with the traffic stop by pulling his automobile over to the right side of the roadway and stopping immediately, by shutting off the vehicle's engine and by remaining in the vehicle. During the course of the traffic stop Claimant informed Police Officer Lawless that he was lawfully armed. Approximately fifteen (15) minutes elapsed and Police Officer Lawless returned to the Claimant's vehicle and instructed Claimant to pull his vehicle up to the next street onto Worrall Ave, Poughkeepsie, NY 12603. Claimant complied with Officer Lawless's instructions and upon request handed Officer Lawless his pistol permit who further instructed Claimant to wait five (5) more minutes while Officer Lawless returned to his Police car.

At this time three (3) additional city of Poughkeepsie police vehicles arrived, and Police Officer John Doe I approached Claimants vehicle and without warning or provocation opened the Claimant's door and stated "step out of the vehicle." Claimant turned to get out of the vehicle and immediately Police Officer John Doe I grabbed Claimant's right wrist in a hard and abusive fashion, and forcible spun the Claimant around, causing Claimant great pain and causing Claimant to face the drivers side of the car while standing. Claimant immediately stated "please do not handle me I'm a disabled veteran." However, Police Officer John Doe I ignored Claimant and again without cause or provocation continued to grab Claimants right wrist and stated "where's your gun?" Claimant answered "its on my right hip" and Police Officer John Doe I using more force while grabbing Claimant's right wrist forcibly twisted Claimant's right arm above his head and behind Claimant's back and shoved Claimant forward causing him to strike his vehicle with his body with great force and continued to forcibly push and shove Claimant against the vehicle while stating "if you don't stop resisting I'm gonna drop you on your fucking face."

Police Officer John Doe I was assisted by Police Officer John Doe II who forcibly grabbed Claimant's left wrist and did also cause Claimant to strike the vehicle with his body with great force. A third Police Officer then took Claimant's gun. Police Officer John Doe I yelled at Claimant "do you have a permit? where's your permit?" While Police Officer Lawless, who had a full view of the situation, remained in his Police car with Claimant's pistol permit and never attempted to remedy nor stop the abuse of the Claimant. After retrieving the Claimant's pistol and/or realizing that the Claimant possessed a legal carry permit the Officers released the Claimant from their physical holds and Police Officer John Doe I stated "I'm gonna have to walk away or I'm gonna hurt this kid." At this time a City of Poughkeepsie Police Sergeant JOHN DOE III approached Claimant and stated that his permit check came back "inconclusive" and informed Claimant that they were going to keep his pistol. Claimant asked why? and Sergeant JOHN DOE III stated to Claimant, "if you make a big deal about this I will have you arrested for resisting arrest and I will tow your vehicle." Police Officer Lawless issued Claimant two (2) uniform traffic tickets and instructed Claimant that he could return to the police station in a couple of hours to pick up his keys and his pistol. Respondents then left Claimant on the street.

The conduct and actions of Respondents in the use of unwarranted and excessive force in acting in concert and under color of law, in authorizing, directing, and/or causing great physical injury to Christopher Casey, was excessive, unreasonable, was done intentionally, willfully, maliciously, with a deliberate indifference and/or with a reckless disregard for the natural and probable consequences of their acts, was done without lawful justification or reason, and was designed to and did cause specific and serious physical and emotional pain and suffering in violation to Claimant's rights as guaranteed under 42 U.S.C. 1983, and the Fourth and Fourteenth Amendments to the United States Constitution, including the right to be free from an unreasonable seizure of his person and property and the right to be free from the use of excessive and unreasonable and unjustified force. As a result of the unlawful, malicious, negligent, careless, reckless actions as well as the policies and customs by the Respondents the Claimant was battered, assaulted, caused to sustain serious personal injuries, unlawfully deprived of his personal property and deprived of his Civil Rights.

4. The items of damage of injuries claims are: Personal injury to CHRISTOPHER J. CASEY, including; injury to his right shoulder, right arm and right wrist; pain and suffering; incapacitation from employment; loss of liberty; emotional distress and anguish; and such other and further claims as they arise in time, the nature and extent of which are unknown at this time.

PLEASE TAKE FURTHER NOTICE that the undersigned claimant therefore presents this claim for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on this claim.

Dated: January 27th 2015
Poughkeepsie, New York



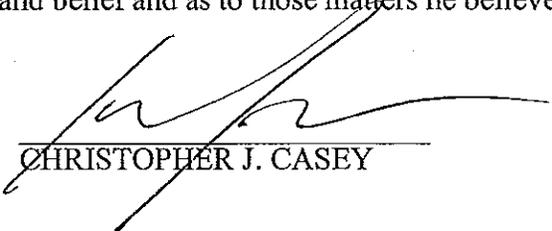
MICHAEL R. VARBLE, ESQ.
KLEIN VARBLE & ASSOCIATES, P.C.
Attorneys for Claimant, Christopher J. Casey
40 Garden Street, Suite 500
Poughkeepsie, New York 12601
(845) 475-3737

VERIFICATION

STATE OF NEW YORK)
)
COUNTY OF DUTCHESS)

:ss:

CHRISTOPHER J. CASEY, being duly sworn, says that he is the Claimant in the above-named proceeding and that the foregoing Notice of Claim is true to his own knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters he believes them to be true.


CHRISTOPHER J. CASEY

Sworn to before me this
30 day of January 2015



(Notary Public)



-----X
CHRISTOPHER CASEY,

Claimant,

AFFIDAVIT OF SERVICE

- against -

CITY OF POUGHKEEPSIE,
CITY OF POUGHKEEPSIE POLICE DEPARTMENT,
CITY OF POUGHKEEPSIE POLICE OFFICERS LAWLESS,
JOHN DOE I, JOHN DOE II and SERGEANT JOHN DOE III

Respondents.
-----X

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

REBECCA A. CURTIS, being duly sworn, deposes and says the following:

1. I am over the age of 18, not a party to this action and I work in Poughkeepsie, New York.

2. On February 2, 2015, I served a copy of the annexed NOTICE OF CLAIM, by mailing the same in a sealed envelope, Certified Mail - Return Receipt Requested [Article Numbers:7011 3500 0001 5110 3798 and 7011 3500 0001 5110 3781], with postage paid thereon, in an official depository of the U.S. Postal Service within the State of New York, addressed to the addressees as indicated below:

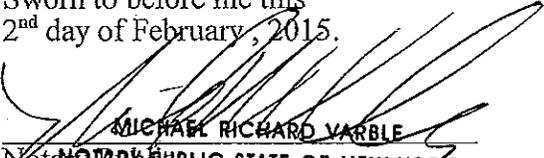
TO: CITY OF POUGHKEEPSIE CITY CLERK
62 Civic Center Plaza,
Poughkeepsie, NY 12601

CITY OF POUGHKEEPSIE POLICE DEPARTMENT
62 Civic Center Plaza
Poughkeepsie, NY 12601



REBECCA A. CURTIS

Sworn to before me this
2nd day of February, 2015.


MICHAEL RICHARD VARBLE
Notary Public - State of New York

No. 02VA6114094
Qualified in Dutchess County
My Commission Expires August 09, 2016

Klein Varble & Associates, P.C.
40 Garden Street, Suite 500
Poughkeepsie, New York 12601
(845) 475-3737

CCM 3/2/15

PLEASE PRINT OR TYPE FORM CLEARLY

Jem 1/5

NOTE: Claim must be filed with and served to the City Chamberlain in triplicate (3 copies) within 90 days after the claim arises. Use additional sheets if necessary.

NOTICE OF CLAIM
AGAINST
THE CITY OF POUGHKEEPSIE, NEW YORK

CITY OF POUGHKEEPSIE
CITY CLERK
2015 FEB 19 AM 11:16

TODAY'S DATE: FEB 16, 2015

NAME AND ADDRESS OF EACH CLAIMANT:

Darlene Salinas
26 Longview Road
Poughkeepsie NY
12603

TELEPHONE NUMBER: 845-380-4957

NAME AND ADDRESS OF ATTORNEY (IF ANY):

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

Feb. 10, 2015 Evening, Driving on Cedar Ave, Car drove over deep pot hole.
at section of 75 Cedar Ave. \$575.33 Amount of damage.
\$64.06 Amount to assess damage.

ITEMS DAMAGED OR INJURIES SUSTAINED: Total \$639.39 Notice of claim.

Please see attached pictures and total of damage costs.
Front tire, wheel, alignment, Hub cap, tire pressure seal.

Darlene Salinas
Signature of Claimant

Signature of Claimant

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

Darlene H Salinas being duly sworn, say(s) that he/she is/are the claimant(s) named in the foregoing claim, that he/she has/have read the same and know(s) the contents thereof; that the same is true to his/her own knowledge, except as to the matters alleged upon information and belief and as to those items, he/she believes it to be true.

Signature of Claimant

Signature of Claimant

Sworn to before me this
19 day of February, 2015

Lisa Nuccio
Notary Public

LISA NUCCIO
Notary Public, State of New York
Reg. No. 01NU6198081
Qualified in Ulster County
Commission Expires December 8, 2016

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

CUSTOMER #: 270042

702148

HUDSON VALLEY VOLKSWAGEN, L.L.C. DBA
HUDSON VALLEY VOLKSWAGEN

1148 Route 9

WAPPINGERS FALLS, NEW YORK 12590
(845) 298-4500

www.ThePremierCollection.com

N.Y.S. REGISTERED
REPAIR SHOP NO. 708 4880

DARLENE M SALINAS
26 LONGVIEW RD
POUGHKEEPSIE, NY 12603
HOME:845-380-4957 CONT:845-380-4957
BUS: CELL:

INVOICE

DUPLICATE 1
PAGE 1

SERVICE ADVISOR: 3640 JASON HINDERSTEIN

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN/OUT	TAG	
BL	10	VOLKSWAGEN JETTA	3VWJZ7AJ0AM022540	DPY2909	49521/49522	T6972	
DEL DATE	PROD DATE	WARR EXP	PROMISED	PO NO	RATE	PAYMENT	INV DATE
22SEP12 DD			WAIT 16FEB15		118.50	CASH	16FEB15
R.O. OPENED	READY	OPTIONS: SOLD-STK:714300U DLR:HVVW ENG:2.5_Liter_F.I. TRN:AUTO					
11:10 16FEB15	12:09 16FEB15						

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
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A CUSTOMER STATES RIGHT FRONT WHEEL WENT INTO POTHOLE - PLEASE CHECK AND ADVISE ON ESTIMATE FOR REPAIR - WHEEL SENSOR WAS ON UNTILL CUSTOMER ADDED AIT - REPORT

00 CUSTOMER INFORMED 1 NEW TIRE, RIM, HUBCAP, SENSOR SEAL KIT & ALIGNMENT ARE NECESSARY TO RESOLVE CONCERN - SEE BELOW FOR ESTIMATE

4007	C			59.25	59.25
PARTS:	0.00	LABOR:	59.25	OTHER:	0.00
				TOTAL LINE A:	59.25

49521 LIFTED VEHICLE AND INSPECTED THE UNDERSTIDE OF THE VEHICLE DID NOT NOTICE ANY VISUAL DAMAGE RECOMMEND ALIGNMENT TO ENSURE NOTHING IS BENT. AFTER ALIGNMENT MAY FIND SOMETHING BENT RECOMMEND REPLACE RIM 1 TIRE AND RIM AND TIRE PRESSURE SEAL KIT AND HUB CAP..... ESTIMATE FOR TIRE @\$193.00+tax (includes mounting & balancing) - RIM @\$168.00+tax - HUBCAP @\$66.43+tax - TPMS SEAL KIT @\$32.95+tax - WHEEL ALIGNMENT @\$102.95+tax TOTAL ESTIMATE @\$575.00+tax - CUSTOMER POSTPONED ANY FURTHER REPAIRS AT THIS VISIT.

B COMPLETE WINTER INSPECTION, CHECK BATTERY, TIRES, WIPER BLADES, ANTI-FREEZE

WINTER COMPLETE WINTER INSPECTION, CHECK BATTERY, TIRES, WIPER BLADES, ANTI-FREEZE

4007	IGOOD			(N/C)	
PARTS:	0.00	LABOR:	0.00	OTHER:	0.00
				TOTAL LINE B:	0.00

C Your next service is due

NSD SERVICE DUE EVERY 10K MILES - THANK YOU!

4007	IGOOD			(N/C)	
PARTS:	0.00	LABOR:	0.00	OTHER:	0.00
				TOTAL LINE C:	0.00

ON BEHALF OF SERVICING DEALER, I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREON IS ACCURATE UNLESS OTHERWISE SHOWN. SERVICES DESCRIBED WERE PERFORMED AT NO CHARGE TO OWNER. THERE WAS NO INDICATION FROM THE APPEARANCE OF THE VEHICLE OR OTHERWISE, THAT ANY PART REPAIRED OR REPLACED UNDER THIS CLAIM HAD BEEN CONNECTED IN ANY WAY WITH ANY ACCIDENT, NEGLIGENCE OR MISUSE. RECORDS SUPPORTING THIS CLAIM ARE AVAILABLE FOR (1) YEAR FROM THE DATE OF PAYMENT NOTIFICATION AT THE SERVICING DEALER FOR INSPECTION BY MANUFACTURER'S REPRESENTATIVE.	STATEMENT OF DISCLAIMER	DESCRIPTION	TOTALS
	The factory warranty constitutes all of the warranties with respect to the sale of this item/items. The Seller hereby expressly disclaims all warranties either express or implied, including any implied warranty of merchantability or fitness for a particular purpose. Seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item/items.	LABOR AMOUNT	✓
		PARTS AMOUNT	✓
		GAS, OIL, LUBE	
		SUBLET AMOUNT	
		MISC. CHARGES	
		TOTAL CHARGES	
		MISC. DISCOUNT	
		SALES TAX	
		PLEASE PAY THIS AMOUNT	\$575.33
(SIGNED) DEALER, GENERAL MANAGER OR AUTHORIZED PERSON (DATE)	CUSTOMER SIGNATURE		

CUSTOMER #: 270042

702148

HUDSON VALLEY VOLKSWAGEN, L.L.C. DBA
HUDSON VALLEY VOLKSWAGEN

1148 Route 9

WAPPINGERS FALLS, NEW YORK 12590
(845) 298-4500

www.ThePremierCollection.com

N.Y.S. REGISTERED
REPAIR SHOP NO. 708 4880

DARLENE M SALINAS
26 LONGVIEW RD
POUGHKEEPSIE, NY 12603
HOME:845-380-4957 CONT:845-380-4957
BUS: CELL:

INVOICE
DUPLICATE 1
PAGE 2

SERVICE ADVISOR: 3640 JASON HINDERSTEIN

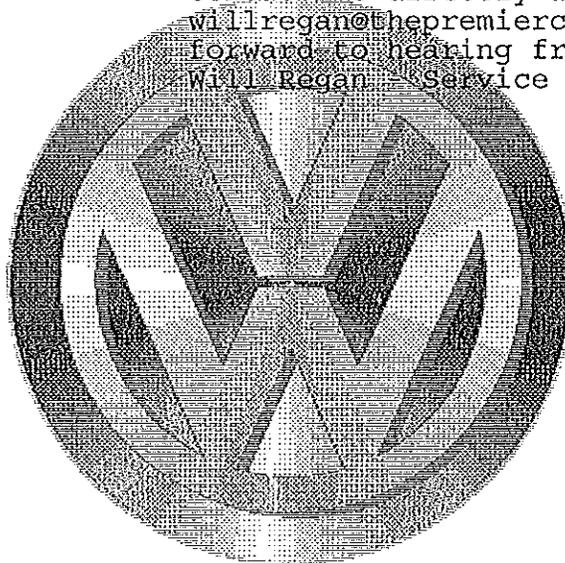
COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN/OUT	TAG
BL	10	VOLKSWAGEN JETTA	3VWJZ7AJ0AM022540	DPY2909	49521/49522	T6972

DEL. DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT	INV. DATE
22SEP12 DD			WAIT 16FEB15		118.50	CASH	16FEB15

R.O. OPENED	READY	OPTIONS:
11:10 16FEB15	12:09 16FEB15	SOLD-STK:714300U DLR:HVW ENG:2.5_Liter_F.I. TRN:AUTO

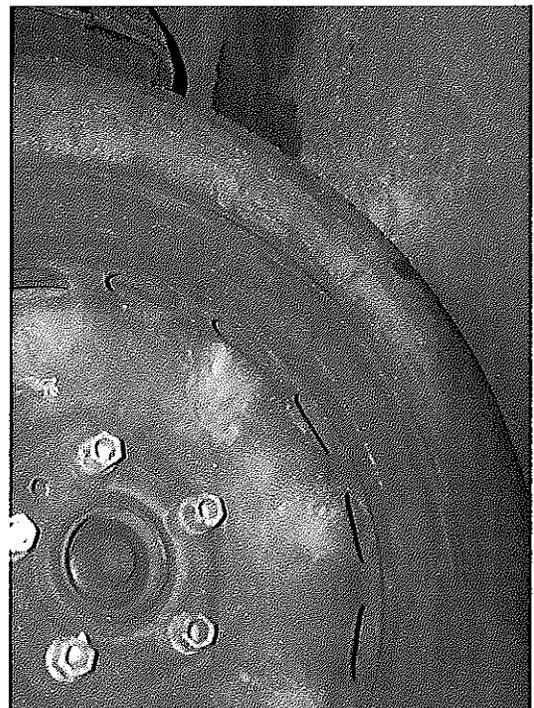
LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
EST:				16FEB15 11:10	SA: 3640		

All of us here at Hudson Valley VW Thank You for visiting us. If for any reason you are not satisfied, or have suggestions, please contact me directly at 845-224-3696 or email willregan@thepremiercollection.com. I look forward to hearing from you! Have a great day
Will Regan - Service Manager



ON BEHALF OF SERVICING DEALER, I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREON IS ACCURATE UNLESS OTHERWISE SHOWN. SERVICES DESCRIBED WERE PERFORMED AT NO CHARGE TO OWNER. THERE WAS NO INDICATION FROM THE APPEARANCE OF THE VEHICLE OR OTHERWISE, THAT ANY PART REPAIRED OR REPLACED UNDER THIS CLAIM HAD BEEN CONNECTED IN ANY WAY WITH ANY ACCIDENT, NEGLIGENCE OR MISUSE. RECORDS SUPPORTING THIS CLAIM ARE AVAILABLE FOR (1) YEAR FROM THE DATE OF PAYMENT NOTIFICATION AT THE SERVICING DEALER FOR INSPECTION BY MANUFACTURER'S REPRESENTATIVE.	STATEMENT OF DISCLAIMER The factory warranty constitutes all of the warranties with respect to the sale of this item/items. The Seller hereby expressly disclaims all warranties either express or implied, including any implied warranty of merchantability or fitness for a particular purpose. Seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item/items.	DESCRIPTION	TOTALS
		(SIGNED) DEALER, GENERAL MANAGER OR AUTHORIZED PERSON (DATE)	CUSTOMER SIGNATURE
		PARTS AMOUNT	0.00
		GAS, OIL, LUBE	0.00
		SUBLET AMOUNT	0.00
		MISC. CHARGES	0.00
		TOTAL CHARGES	59.25
		MISC. DISCOUNT	0.00
		SALES TAX	4.81
		PLEASE PAY THIS AMOUNT	64.06







**THE CITY OF POUGHKEEPSIE
NEW YORK**

**COMMON COUNCIL MEETING
MINUTES**

Monday, October 6, 2014 6:30 p.m. City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

Seven Present, One Absent (Chairman Mallory)

II. REVIEW OF MINUTES:

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

REMOVE

VIII. ORDINANCES AND LOCAL LAWS:

- 1. FROM CHAIRMAN MALLORY, Ordinance O-14-17, establishing a fee in lieu of parkland.**

ADD

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

- 9. FROM CORPORATION COUNSEL ACKERMANN, A communication regarding proposed Ordinance O-14-17, establishing a fee in lieu of parkland.**

- 10. FROM MAYOR TKAZYIK, 2nd Quarter Quarterly Report (April-June 2014)**

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

Official Minutes from the Common Council Meeting of October 6, 2014

Marta Knapp 188 South Clinton Street – she states that she and her partner were out of town for three weeks and when they returned, they were greeted with familiar problems and new, unfortunate, problems such as two unsolved murders. She states that The Log Cabin Bar continues to disrupt their sleep with loud music late at night that gets louder as it gets later. Closing time – which starts around 2:30am – is very loud and disruptive and lasts until 3:00 – 3:30am before it is finally quiet. This problem has lasted almost a whole year and negatively affects their quality of life. She also states that their City tax bill got lost in the shuffle of packing and traveling and they missed the third quarter City tax payment. When they went to pay, the bill had grown by \$82.00 – a \$20.00 late fee and a \$62.00 fee for a title search. She wants to know “why a title search?” This was never explained to her satisfaction. They were informed that on back of the billing statement it stated that a title search fee will be charged if either the 3rd or the 4th quarter payments were missed. She states that in *very* tiny print it does, in fact, say this but that doesn’t make it right. She states that “it’s just another rip-off of the citizens”. She continues on by stating conversations with City Administrator Bunyi and Corporation Counsel Ackerman were fruitless. Finance Commissioner Siegrist Coyle tried to help, but could only waive the \$20.00 fee. She believes that is really shameful. She states that she doesn’t think this administration is being fair and she doesn’t understand why they are so hostile towards the people. She continues by giving an example of the amount of money paid for parking meters which she states are driving business down the tubes. She concludes by stating she thinks that the Council should reconsider what they’ve done and undo it if they can.

Lois Eldemire 38 Worrall Avenue – she states that she is here about the tree that is growing in front of her yard. About two years ago, she had a problem with her sewer line running into her basement. She called Roto Rooter and they did a “water blast” of the roots of the tree. Now, she has the same problem and she states that it’s going to cost her \$7000.00 to fix which she cannot afford. She’s here to see if the Council can help her out. She concludes by stating that it has been a problem for awhile.

Councilmember Rich – he responds that the Council is not allowed to comment. He suggests that she speak to the City Administrator or the City Attorney after the meeting.

Robert Scores 248 Smith Street – he states that he owns Bobby’s Towing and Collision and he’s having a problem with trying to discuss local towing ordinances that were passed about 15 years ago. The increased cost of insurance, tow truck and equipment, fuel and the maintenance of the truck have made it hard to make a living on the \$85.00 per tow that the City ordinance mandates he charge. He states that things are worse now with the parking meters and private parking. People are allowed to park on private property for 24 hours before they can be towed. For commercial property, it’s 20 minutes. He states that if the people come out while he is hooking the car up, he has to drop it from the truck thereby wasting his time. He states that he has put together something to be passed around to possibly change things [see attached]. He concludes by, once again, addressing the \$85.00 regulated tow charge. He states that the City gets \$195.00 to tow a car during the day and \$225.00 to tow at night. He states that they don’t even have a tow truck – they sub it out to those on the list. He questions why he has to be regulated at \$85.00? He finishes by stating that he would just like it to be looked at and to have inflation and everything that goes along

Official Minutes from the Common Council Meeting of October 6, 2014

with it be considered. He'd like to continue his business here, but the \$85.00 fee schedule is really hurting it.

October 6, 2014

**Thank You Very Much
for your time
and Consideration in
these matters**

A handwritten signature in black ink, appearing to read 'R. Scores', written over a horizontal line.

**Robert Scores
Owner, Bobby's Auto Body &
Collision**

Official Minutes from the Common Council Meeting of October 6, 2014

October 6, 2014

Minutes for Common Council Meeting-

- **PERSON IN CHARGE OF VEHICLE**

The registered owner, or one who has legal authorization of the registered owner to operate such vehicle.

- Why can any person pick up a car not belonging to them that has been towed, from us, but the city asks for the registered owner and ONLY the registered owner to retrieve said vehicle. This is a complete liability to tow companies.

- **Section 13-309.1 Applicability**

(1) The towing of a vehicle that has been continuously present on private property without the consent of the owner or person in charge of the private property for more than 24 hours

-That is giving the public the right to trespass and violate private property owners constitutional rights. Also the city does not wait 24 hours.

- **Section 13-311 Towing of Vehicles improperly parked on private property**

(l) An owner of private property, his or her agent as designated in the contract with the tow operator or a tow operator contracting with such owner shall allow a waiting period of not less than 20 minutes between the arrival of a tow vehicle at the location from which a vehicle is to be towed and the physical actual connection of any apparatus to the vehicle to be towed for the purpose of commencing the towing. If the owner or other person in control of the vehicle arrives at the scene during this twenty minute waiting period, such owner or person in control of the vehicle shall be allowed to drive the vehicle from the location without interference or charge.

- That is giving the public the right to violate and trespass constitutional rights of property owners. The city also does not wait 20 minutes.

(k) Every licensed towing company that requires payment by an owner of a towed vehicle of all or part of the towing and/or storage charges associated with the towing and/or storage of such owners vehicle as a precondition to the release of such motor vehicle to such owner or his or her authorized representative, and that accepts checks, credit cards or debit cards as forms of payment in the ordinary course of business, must accept each of these forms of payment for such towing and/or storage charges.

- The city accepts cash and cash only. Why do we have to accept credit cards and checks for impounds on consented tows, which bounce every time. The Federal Laws say that Businesses have the right to choose which tender they can accept.

(j) Every tow operator shall maintain a written schedule of all rates and charges for towing and shall make such schedule available to any person requesting the same. The maximum charge for towing of vehicles shall be \$60, plus a hook-up fee of \$25, plus any and all applicable taxes. The maximum charge for the storage of towed motor vehicles shall be \$50 per day, or each thereof, to commence after the vehicle has been impounded on the premises for a period of 24

Official Minutes from the Common Council Meeting of October 6, 2014

hours. No additional charges, including clerical, administrative or service fees, may be charged by the licensee.

Why does the City of Poughkeepsie get \$195 a day for a tow and \$225 at night and we are regulated to one set fee?

Section 13-314 Immobilization of vehicles improperly parked on private property

(e) It shall be unlawful for any person to charge a fee in connection with the immobilization of a motor vehicle in excess of \$25, plus any and all applicable taxes. No additional charges of any description may be charged in connection with such immobilization or release from immobilization. No fee shall be charged for immobilization if the immobilized vehicle is subsequently towed from the parking lot.

Why can we not charge for a boot & tow, if both are initiated & the city can.

Section 13-312 Towing License required

(a) No person shall tow a vehicle from private property within the City of Poughkeepsie without the vehicle owners consent without first having obtained a towing license. Nothing herein shall be construed as prohibiting any towing service whose business is based outside the City from applying for the same license herein required and obtaining said license under the same terms as a business located within the city. As used in this section, the terms "owner" "operator" and "applicant" shall be deemed to include the tow operator and every individual, officer, director, shareholder, partner, member, employee, subcontractor or agent of such tow operator.

(b) Application procedure; compliance with additional standards; inspections.

(1) An application for a towing license shall be submitted to the Chief of Police. The application shall be made on such forms as the Chief of Police shall prescribe and soliciting such information as the Chief shall reasonably require, and must be accompanied by each of the following items:

(a) Certificates of insurance for the following insurance coverage, naming the City as a certificate holder entitled to notice of cancellation or non renewal:

- (1) Public liability insurance for personal injury and property damage with an insurance carrier licensed to do business in the State of New York.
- (2) An auto garage keepers legal liability covering fire, theft and property damage that will cover any vehicle towed, impounded or stored; and
- (3) Insurance policies as required by law under the Worker's Compensation Law (chapter 600 of the Laws of 1914, as amended) and under the Disability Benefits Law (Chapter 600 of the Laws of 1949, as

amended) for employees.

(c) The fee for a towing license shall be \$250 per year or any fraction of a year for each towing company or tow operator. Payment of the fee shall be due upon application for the license. The fee for renewal or amendment of a towing license shall be \$50 which shall be due upon application for such renewal or amendment. Such license fees shall be nonrefundable.

- The \$85 cost of tows is in no way compatible to the \$1 million dollar on-hook insurance policy needed along with other requirements & charges. Also as shown in other supplied paperwork, the arguments and court rulings support the change of \$85 to a higher amount. Also, the average cost of a tow truck is \$90,000.
- Per the attached paperwork, City ordinances have nothing to do with private property.

Per the New York State DMV
Parking for People with Disabilities

A locality can establish a local law or ordinance to reserve parking spaces on a street and install the signs. Municipalities do not have control over the assignment of parking spaces in private parking lots, but many facilities provide their own reserved parking. If you have a question about reserved parking for disabled persons on a specific street, determine if the street is part of a county, city, town, village or state property. Then contact the correct officials for that locality. Shopping centers that include five or more retail stores are also required to provide and reserved parking spaces for disabled customers.

We have been to court for this, showed the paperwork, proved the case and was still charged and fined for this which the city is not supposed to have anything to do with.

Official Minutes from the Common Council Meeting of October 6, 2014

7/15/2014

City of Peekskill, NY VEHICLES AND TRAFFIC: § 548-7 Towing charges.

Every owner or lessee of each towing vehicle shall file with the Chief of Police a schedule of maximum prices charged for the towing and storage, at the direction of the City of Peekskill, of disabled motor vehicles, the maximum charges for towing to not exceed those set forth below. No towing vehicle owner or operator or other person employed by the owner shall base any towing charge upon estimating.

A. Maximum basic charge for towing of disabled motor vehicles at the direction of the City of Peekskill:

(1) Between 8:00 a.m. and 6:00 p.m. and snow emergencies: \$150.

(2) Between 6:01 p.m. and 7:59 a.m.: \$180.

B. Maximum additional charge for recovering a disabled motor vehicle from a ditch, field, river, pond, lake, creek, or snow, mud, gravel or sand at the direction of the City of Peekskill: \$75 per hour or part thereof on a time basis in addition to the basic towing charge.

C. Subsections A and B shall not apply to the towing of motor trucks exceeding 10,000 pounds gross vehicle weight.

§ 548-8 Storage charges.

The maximum charges for outside storage and inside storage in connection with towing at the direction of the City of Peekskill shall not exceed those charges set forth below:

A. Maximum storage charges, in connection with towing at the direction of the City of Peekskill.

(1) Outside storage: not more than \$55 for each 24 hours or part thereof in excess of the first 24 hours.

(2) Inside storage: not more than \$85 for each 24 hours or part thereof in excess of the first 24 hours.

§ 548-9 Collection of excess charges.

It shall be unlawful for any person to demand or receive any payment in excess of the maximum charges authorized under this article.

§ 548-10 Information to be displayed by towing vehicle.

Official Minutes from the Common Council Meeting of October 6, 2014

7/16/2014

Town of Brookhaven, NY: TOWING BUSINESSES: § 66-18 Maximum permitted charges.

[Amended 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990; 2-20-1997 by L.L. No. 2-1997, effective 2-24-1997; 12-15-1987 by L.L. No. 35-1987; 1-16-2001 by L.L. No. 3-2001, effective 2-1-2001; 8-3-2004 by L.L. No. 15-2004, effective 8-6-2004; 6-20-2006 by L.L. No. 12-2006, effective 6-26-2006; 3-6-2007 by L.L. No. 5-2007, effective 3-14-2007; 11-23-2010 by L.L. No. 40-2010, effective 12-7-2010; 1-25-2011 by L.L. No. 7-2011, effective 2-8-2011; 12-17-2013 by L.L. No. 41-2013, effective 12-31-2013]

- A. No tow truck shall charge more than the maximum charges set forth herein for each tow truck used in towing a motor vehicle picked up within the Town and towed to a place within the Town or, if said operator's designated depot, body shop or garage is outside the Town pursuant to § 66-3C above, to that location.
- B. No licensee shall charge more than the maximum charges set forth herein for each tow truck used in towing a motor vehicle picked up pursuant to §§ 66-13 through 66-15.1 herein when towed to the licensee's place of business or any location in the Town designated by the owner or person in charge of the motor vehicle.
- C. The maximum charge for towing vehicles involved in accidents utilizing the Suffolk County Police Department light-duty tow roster shall be \$170 regardless of the date and time of the tow. There shall be no additional fees if the towing occurs on weekends or holidays. All towing charges for nonaccident vehicles, impounded vehicles, including vehicles impounded pursuant to § 511-b of the New York State Vehicle and Traffic Law, and for vehicles constituting road hazards utilizing the Suffolk County Police Department nonaccident tow roster shall be \$170.
- D. The maximum charge for towing vehicles when called directly from the Town of Brookhaven shall be \$110, payable to the towing vendor. The Town of Brookhaven tow roster shall include all Town of Brookhaven medallion towing vendors on a rotating basis.
- E. Fees for related services shall not exceed the following:
 - (1) Winching: \$65 per half hour.
 - (2) Dollying: \$50.
 - (3) Labor: \$65 per half hour.
 - (4) Yard charge: \$45 per half hour.
 - (5) Clean-up charge: \$35.
 - (6) Speedy Dry: \$10 per bag.
 - (7) Storage: \$35 per day. The licensee must obtain the written consent of the owner to charge more for indoor storage than for outdoor storage of the vehicle after the first 24 hours. Depots located entirely within a building such that all storage is inside may charge \$35 per day.
 - (8) Waiting time: \$20 per 1/2-hour for each 1/2 hour of waiting time after 40 minutes.

<http://ecode360.com/8594748>

1/2

Official Minutes from the Common Council Meeting of October 6, 2014

7/15/2014

Town of Brookhaven, NY TOWING BUSINESSES: § 66-16 Maximum permitted charges.

waiting without being able to work. Such waiting-time fee must be approved in writing by the police officer in charge at the scene on a form approved by the Town.

(9) Town administrative fee of \$170. Such administrative fee is due and payable to the Town of Brookhaven in order to reclaim a towed vehicle.

- F. The tow truck operator shall be required to provide to the operator of the vehicle being towed a printed fee schedule, procedures for redeeming the vehicle and a list of hours of operation and business days. Said schedule shall be provided to the operator of the vehicle at the scene of the tow or if not practicable by first class mail within 24 hours of the tow to the registered owner of the vehicle.
- G. The maximum permitted charges stated in this § 66-16 shall not apply to the medium-duty or heavy-duty roster.

§ 66-17 Review of maximum charges.

- A. The maximum charges set forth herein may be reviewed and revised at any time by the Town Board.
- B. Upon receipt of a petition signed by at least 51% of the persons currently holding valid towing business licenses, the Town Board shall conduct a public hearing and review the maximum charges set forth herein; however, the Town Board shall conduct no more than one review based upon such a petition in any calendar year.^[1]

[1]: *Editor's Note: Former Subsections C and D, which immediately followed this subsection, added 9-1-1987 by L.L. No. 21-1987, regarding maximum towing charges and related fees, were repealed 3-20-1990 by L.L. No. 12-1990, effective 3-26-1990.*

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Private Property Rights Defined

November 7th, 2012 by Tom DeWeese

As the battle to stop Sustainable Development grows, it is important that activists have clear definitions of their points as they deal with elected officials and planners who are making policy in their community. Below is a start in defining private property rights.

In a "Fifth Amendment" treatise by Washington State Supreme Court Justice Richard B. Sanders (12/10/97), he writes: Our state, and most other states, define property in an extremely broad sense.* That definition is as follows:

"Property in a thing consists not merely in its ownership and possession, but in the unrestricted right of use, enjoyment, and disposal. Anything which destroys any of the elements of property, to that extent, destroys the property itself. The substantial value of property lies in its use. If the right of use be denied, the value of the property is annihilated and ownership is rendered a barren right."

As a Founding Father, John Adams said:

"The moment the idea is admitted into society that property is not as sacred as the law of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence."

President Calvin Coolidge said:

"Ultimately, property rights and personal rights are the same thing."

Rancher and Property Rights Activist Wayne Hoge said:

"If you don't have the right to own and control property then you are property."

Private Property Rights mean:

1. The owner's exclusive authority to determine how private property is used;
2. The owner's peaceful possession, control, and enjoyment of his/her legally purchased, deeded private property;
3. The owner's ability to make contracts to sell, rent, or give away all or part of the legally purchased/deeded private property;
4. That local, city, county, state, and federal governments are prohibited from exercising eminent domain for the sole purpose of acquiring legally purchased/deeded private property so as to resell to a private interest or generate revenues;
5. That no local, city, county, state, or federal government has the authority to impose directives, ordinances, fees, or fines regarding an aesthetic landscaping, color selections, tree and plant preservation, or open spaces on legally purchased/deeded private property;
6. That no local, city, county, state or federal government shall implement a land use plan that requires any part of legally purchased/ deeded private property be set aside for public use or for a Natural Resource Protection Area directing that no construction or disturbance may occur;
7. That no local, city, county, state, or federal government shall implement a law or ordinance restricting the number of dwellings that may be placed on legally purchased/ deeded private property;
8. That no local, city, county, state, or federal government shall alter or impose zoning restrictions or regulations that will devalue or limit the ability to sell legally purchased/deeded private property;
9. That no local, city, county, state, or federal government shall limit profitable or productive agriculture activities by mandating and controlling what crops and livestock are grown on legally purchased/deeded private property;
10. That no local, city, county, state, or federal government representatives or their assigned agents may enter private property without the written permission of the property owner or is in possession of a lawful warrant from a legitimate court of law. This includes invasion of property rights and privacy by government use of unmanned drone flights.

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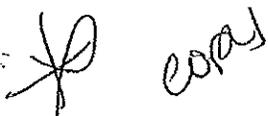
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Private Property Rights mean:

1. The owner's exclusive authority to determine how private property is used;
2. The owner's peaceful possession, control, and enjoyment of his/her legally purchased, deeded private property;
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- See more at: <http://americanpolicy.org/2012/11/07/private-property-rights-defined/#sthash.zxidSoLn.dpuf>

Official Minutes from the Common Council Meeting of October 6, 2014

7/24/2014

NYS DMV - (Brochure) Parking for the Disabled

Parking Spaces, Statewide

Off-street parking spaces for people with disabilities are required by law at shopping centers that have five or more retail stores, and signs must be posted. Spaces reserved for people with disabilities must be located as close to the shopping center as possible and distributed to provide convenient access. A facility owner who does not comply may be fined up to \$250.

On-street parking spaces reserved for people with disabilities are designated by local law or ordinance. If you have a question about parking for people with disabilities on a particular street, contact the authorities responsible for maintaining the street.

State and local laws and building codes also require reserved parking for people with disabilities at other facilities and when new parking lots are constructed. If you have a question about reserved parking at any facility with off-street parking, contact the facility management or the local building inspector.

State, county or local law enforcement officers are authorized to enter the parking lot of any shopping center or other facility described in the State Building Code to enforce laws governing the use of parking spaces reserved for people with disabilities.

Parking Spaces, New York City

http://dmv.ny.gov/sites/default/files/legacy_files/brochvc34.htm

1/1

Tony Rigothi 311 Hooker Avenue – he states that during the week of September 8th he was informed that Kingston Avenue was going to be closed for tree removal in front of 6

Official Minutes from the Common Council Meeting of October 6, 2014

Kingston Avenue. Four to six City workers plus a good deal of equipment labored on that tree for one week. They then returned a week later to remove the massive stump. He states that the tree, by all accounts, was healthy and should have remained an environmental asset to the local community. He continues by stating that he can only assume that a City Administrator chose to make a decision that was not based on facts, but rather, on ignoring the financial and environmental impact such a removal created for the local community. He states that perhaps the avenue that the individual took to remove the tree was not open to the average citizen. He states that he trusts that the [Shade] Tree Commission will be given the sufficient voice to prevent further such occurrences from happening. He states that making such decisions when the other essential removals have waited months is clearly a huge miscalculation and deserves review by this entire Council.

Wanda Johnson 318 Vineyard Ave – she states that she came here tonight to represent the citizens and Felicia Petteway. She discussed the recent deaths that have taken place in the City and feels that the leaders of the City – Councilmembers and Mayor – need to do something to elevate the quality of life and increase the safety in Poughkeepsie.

Jeff Aman 40 Preswick Court – he states that he has been spending a lot of time on Main Street and he's been observing the trial with the new LED lights. He states that there is very little information about what is taking place at the Council meetings so he has some questions. First, he states, there is no detailed information on what the plan is or what was proposed. He sees the value of them, but he would like more information. He is concerned about putting LED lights in the old style decorative lights. He states that it would be nice to see an example of what an LED light would look like in one of those old fixtures if that is what's being done. Secondly, he feels that the way the LED lights are set up on Main Street, it makes it look like a prison yard. He then asks if any competitive bids were asked for. He states that he sees one price tag and that's it. He would like to know if there were any other bids received.

Kathy Healey 8 Seaman Road – she states that she is here in place of Jane Fisher who could no longer stay at the meeting. She states that she is there on behalf of the Poughkeepsie Garden Club to discuss the delay in reinstalling the letters on the Gateway project. Read a written statement [see attached].

Official Minutes from the Common Council Meeting of October 6, 2014

Common Council Statements; October 6, 2014

Good evening to Mayor Tzajik, Chairman Mallory and Council members:

On behalf of the Poughkeepsie Garden Club, we are here tonight to express continued concern and ask budget support regarding the stalled action to reinstall the letters on the Gateway project, which resides in the green space one sees upon exiting the Mid-Hudson Bridge into the City of Poughkeepsie.

To quickly summarize, this substantial sculpture garden consisting of:

- the 18 foot stainless steel sail, fabricated by the Polich-Tallix Foundry, meant to evoke the Dutch designed sloops used in the Hudson River in the 18th/19th Century and chosen as a symbol of the River's role in our economic development; and,
- the lighted POUGHKEEPSIE letters and garden

were first installed in honor of the then imminent Hudson River Quadricentennial Celebration, including the official opening of the Walkway Over The Hudson and in anticipation of the many visitors to our area. This was the result of a major fundraising effort by the Garden Club of approximately \$100,000. Since then, it has been vandalized three times, the last of which was major and occurred in May of 2013, almost 18 months ago. All costs of previous vandalisms were through community donations and, since the last incident occurred, the Club has been trying to work with the City as a partner to have the letters reinstalled.

To date, we have:

- Found two City business men who are willing to donate the re-fabricated base and the repair and installation of the letters at a cost of almost \$6000. This new base would be a different design which, as much as it is possible, would deter further damage;
- Although the sign is now the property of the City, it has been maintained, free of charge, including the picking up of garbage weekly, by another City resident and her professional landscaping crew in lieu of City inaction in this manner. She has now also secured a donation to freshen up the site once the letters are reinstalled;
- Research regarding the installation of a security camera at the site, a requirement of our donors, has been done. It is now known that: there is room in the City's system to accommodate the camera; it would be hooked up and monitored by the Police Department as with the other cameras; that permission to do so is fully supported by Chief Knapp; and, many infrastructure needs are already present such as an existing pole and electricity.
- In addition, Chief Knapp has informed us that a second camera can be installed on the same lines in another part of the City thus enhancing the security at two sites.

Unfortunately, we found out to our dismay only 1 month ago that the City also expected the Garden Club to secure an additional \$8200 for "the rest" of the installation costs.

Official Minutes from the Common Council Meeting of October 6, 2014

Therefore, we ask the following of the Council during their budget deliberations:

- Although we realize the City has severe fiscal constraints, we ask for your consideration to place this \$8200 cost into the City's security budget;
- That, especially in these fiscal times, we ask you to consider that progress in our City cannot be made by one entity alone and that collaboration and trust between the City and it's residents, businesses, and community groups is essential;
- That to watch the continued deterioration of the entryway into the City both discourages that collaboration and presents a ramshackle impression to visitors;
- That the security of a City and prevention of vandalism through an attempt at providing consequences is one of the primary responsibilities for this Council and administration; and,
- For a small amount of financial support, much more in the way of community time, treasure and talent will have been gained.

We will continue to offer our assistance but look forward to your support. Thank you.

Poughkeepsie Garden Club

Delivered by Jane Fisher, President

Accompanied by members Maria DeWald, Angela Henry, Karen Hansen-Simon, Kathy Healey, Barbara Peelor, Ellen Staino, and Heather Whitefield *Hari Reiser*

Gus Kazolias 47 Noxon Street – he read a written statement [see attached]

Official Minutes from the Common Council Meeting of October 6, 2014

AS MY LONG TIME AND DEPARTED FRIEND, CHICKI, WOULD SAY, 'YOU HAVE TO PLAY THE HAND YOU ARE DEALT'. WITH THE CITY OF POUGHKEEPSIE WITH ITS BACK AGAINST THE WALL FACING BANKRUPTCY, WHEN DUTCHESS COUNTY SHORT CHANGED POUGHKEEPSIE BY \$2 MILLION IN SALES TAX REVENUES, THE CITY HAS TO LOOK INWARD AND CAPITALIZE ON ITS ASSETS TO SUSTAIN ITSELF. BY TAKING STOCK AND EVALUATE WHAT ASSETS IT HAS THAT CAN GENERATE EXTRA REVENUES WITHOUT IMPOSING A BACK BREAKING PROPERTY TAX INCREASE. THE NEWLY INSTALLED WATER METERS WILL CAPTURE THE TRUE READINGS OF ALL THE PROPERTIES. THE SANITATION ENTERPRISE AS PER MOODYS ANALYSIS IS FINANCIALLY SELF SUSTAINING. PROPERTY VALUES ARE DOWN, ALONG WITH 600 ABANDONED PROPERTIES WHICH HAS TO BE ADDRESSED BY A HIGHER POLITICAL AUTHORITY. AS THE COUNTY SEAT WITH COUNTY AND STATE OFFICES/COURTS. AN ADDED PLUS FOR THE CITY IS BEING LOCATED ON THE HUDSON RIVER WITH A NEW NYS PARK WALKWAY. NEWLY ESTABLISHED PARKING METERS HAVE TO BE PLACED IN MORE CRUCIAL/ CRITICAL AREAS TO GENERATE MORE REVENUES. METERS EAST ON MAIN STREET ABOVE HAMILTON SHOULD BE SIGNAGE WITH ONE HOUR. I HAVE CONSOLIDATED A CHART TO INDICATE THE MANY AREAS THE CITY CAN GENERATE MORE REALISTIC REVENUES, WHICH IS ATTACHED TO THIS PAPER. I HAVE MADE COPIES FOR YOUR PERUSAL. FOR THE RECORD, THE MTA HAS BLIND SIDED POUGHKEEPSIE'S INEPT LEADERSHIP. FIRST WHEN CITY ADMINISTRATOR LONG WHO IS LONG GONE NEGOTIATED AWAY THE RENALDI BLVD'S 150 TO 200 ON STREET PARKING SLOTS. MAYOR COZEAN'S FIASCO DEAL REGARDING THE HOFFMAN HOUSE 88 PARKING SPACES AT GIVE AWAY FIRE PRICES TO THE MTA. SUBSEQUENTLY, PUTTING THE SQUEEZE BY SORTCHANGING THE WATERFRONT DEVELOPMENT. GIVE CREDIT TO THE MTA BECAUSE THEY WOULD HAVE TO HAVE/HAD A CAPITAL EXPENSE TO ADD LEVELS TO THE EXISTING PARKING DECK WHICH THE MTA IS CURRENTLY DISCUSSING. ONE FINAL THOUGHT, BEING THE CITY HAS NO PLANNING DEPT WHEN THE COUNTY'S TAKEOVER AND THE NEW NORTH SIDE REZONING, DOES THAT HAVE ANY EFFECT ON THE PARKING AREAS I HAVE NOTED IN THE CHART THAT IS ATTACHED TO THIS POSITION PAPER?

Constantine Kazolias
CONSTANTINE KAZOLIAS

47 NOXON STREET, POUGHKEEPSIE, NY 12601, [845]4525539, 10/04, 2014

ATTACHMENT; LIST WHERE PARKING METERS COULD/SHOULD BE INSTALLED

DATE: OCTOBER 03,
CITY 2014
PARKING SURVEY
A. METERS

	NAME LOCATION	PARKING SPACES (NO)	METERED	PROPOSED FEE RATE PRIME RATE OTHER	NEW		COMMENTS
I	WARYAS PARK NEXT TO SKATE PARK RIVER FRONT	35	NO	\$1/HR MIN INCLUDE S/S.	YES		MULTI-USE VIEWING ICE HOUSE
II	WARYAS PARK WATER STREET UPPER LOT	35 + 8 BOAT SPOTS	NO	\$1/HR MIN. S/S INCLUDE	YES		DITTO
III	WARYAS PARK MAIN STREET CIRCLE	26	NO	NO \$1/MIN S/S	YES		PARK USAGE
IV	WARYAS PARK LOT ADJ. TO CIRCLE	20	NO	\$1/HR MIN. S/S	YES		PARK USAGE ICE HOUSE
V	POST OFFICE MANHATTAN STREET	15-20	NO	\$1/HR MIN.	YES		WITH NOT METER
VI	WALKWAY WASHT./STREET PALUSKI PARK	40	NO	\$1/MIN S/S	YES		WITH PA DOOLANS TICKET FREE PARKING
VII	RINALDI BLVD	150-200	[THANKS TO CITY MGR LONG-TO MTA - 6 FT]				TAKE BACK FROM MTA
VIII	MARKET STREET	7	YES	\$1/1/2HR NEW RATE			M-F SAT FREE
IX	MAIN STREET WEST TO HAMILTON	?	YES	\$1/HR M-F SAT FREE			
X	MAIN STREET ABOVE HAMILTON	?	RE-EVALUATE - FOR METERS 1HR PARKING SIGNS				

Steven Boone 9 N. Hamilton Street – he states that he came here tonight to discuss some things about the conditions of the parks and the streets. He states that he was going through

Official Minutes from the Common Council Meeting of October 6, 2014

Mansion Street Park and warned people about hypodermic needles in the park. He states that he is tired of seeing kids walking down the street smoking pot, drinking beer and throwing the bottles anywhere. He contends that the City of Poughkeepsie Police Department cannot do it all and that the community needs to help.

Steven Planck 81 Carroll Street – he states that he is a landlord here in the City and that he feels a great sense of responsibility to the community via the tenants he rents to. He doesn't, however, like the term "absentee landlord" being tossed around. He acknowledges that there are disreputable landlords, but for the most part there are good landlords who have a very strong connection to the community. He feels landlords are "gatekeepers to the City" because they see the different kinds and quality of individuals who are looking to rent in the City. One other topic that he feels is important is that April starts the next election cycle and residents need to start creating a dialogue in their community about what kind of legacy we want to leave them. He wants residents to ask themselves if this Council and Administration has done anything in the last 5 years that has improved the quality of life for every individual living in the City. In closing, he states that a FOIL request he submitted has gone unanswered and he wants a copy of it entered into the official minutes [see attached]. The FOIL asked to be provided with how much money Executive Towers was paid when it was decided in closed session to settle out of court for the sanitation.



FREEDOM OF INFORMATION REQUEST

TO: City of Poughkeepsie Records Access Officer

RE: Corp Council and Finance
(NAME OF AGENCY OR DEPARTMENT)

2014 SEP 23 PM 1:23
CITY OF POUGHKEEPSIE
RECORDS ACCESS OFFICER

I hereby apply to inspect the following records: *Be as specific as possible*

In 2011 Ken Herrington, Executive Towers and others
filed a lawsuit. They were recently paid a large
sum of money by the City of Pough. My question is
what day did they get paid and how much were they

paid as a
group, in
total.

Print Name: Steven Planck

Signature: [Handwritten Signature]

Address: 81 Carroll Street

Phone: 917 620 6200 Fax No. _____

Email Address: Stevenplanck@gmail.com

(OFFICE USE ONLY)

Date Received: 4/23/14

SIGNATURE: [Handwritten Signature] TITLE: _____

Approved _____ Denied in Whole _____ Denied in Part _____

Reason for Denial _____

SIGNATURE TITLE DATE

A person denied access has the right to appeal. Please note that requests for appeals must be made in writing within 30 days of the denial to the Appeals Officer, who is the Finance Commissioner. Mail your request to:

City of Poughkeepsie, City Chamberlain
62 Civic Center Plaza
Poughkeepsie, New York, 12601
Fax (845) 451-4239

Official Minutes from the Common Council Meeting of October 6, 2014

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

-----X
CORLIES MANOR REALTY, L.L.C., EXECUTIVE TOWERS
APARTMENT OWNERS CORP., RIP VAN WINKLE HOUSE, LLC,
FORBUS HILL PROPERTIES, LLC, EDEN ROC, NY, L.L.C. RIVERVIEW
CONDOMINIUM ASSOCIATION, POUGHKEEPSIE PROPERTIES, LLC,
360 MAIN LLC, PRECISION CONTRACTOR OF DUTCHESS, INC.,
RPANYSGROUP LLC, SUNCREST COURT, LLC, JON C. BBHRENDTS,
KENNETH KARI, KENNETH A. LEVINSON,
individually and on behalf of all other persons similarly situated.

SUMMONS

Index No.: 2011-1498
Date of Purchase: 3/3/11

Plaintiffs,

-against-

CITY OF POUGHKEEPSIE,

Defendant.
-----X

TO THE ABOVE NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or if the verified complaint is not served with this summons, to serve a notice of appearance, on the plaintiffs' attorney(s) within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty [30] days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Poughkeepsie, New York
March 3, 2011

YOURS, ETC.,



J. Scott Greer, Esq.
LEWIS & GREER, P.C.
Attorney for the Plaintiffs,
Office and P. O. Address
510 Haight Avenue - Suite 202
P. O. Box 2990
Poughkeepsie, New York 12603
Telephone: (845) 454-1200

2011 MAR -3 PM 3:52
DUTCHESS COUNTY
CLERK'S OFFICE
RECEIVED

Plaintiff designates Dutchess County as the Place of Trial.
The nature of the action is declaratory and injunctive relief.
The basis of the venue is: to CPLR §503(b), the Plaintiffs and Defendant are located/reside in Dutchess County.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

-----X
CORLIES MANOR REALTY, L.L.C., EXECUTIVE TOWERS
APARTMENT OWNERS CORP., RIP VAN WINKLE HOUSE,
LLC, FORBUS HILL PROPERTIES, LLC, EDEN ROC, NY, L.L.C.,
RIVERVIEW CONDOMINIUM ASSOCIATION,
POUGHKEEPSIE PROPERTIES, LLC, 360 MAIN LLC,
PRECISION CONTRACTOR OF DUTCHESS, INC.,
RPANYSGROUP LLC, SUNCREST COURT, LLC, JON C.
BEHREND, KENNETH KARI, KENNETH A. LEVINSON,
individually and on behalf of all other persons similarly situated.

VERIFIED COMPLAINT

Index No.:

Date of Purchase:

2011 MAR -9 PM 3:53
DUTCHESS COUNTY
CLERK'S OFFICE
RECEIVED

Plaintiffs,

-against-

CITY OF POUGHKEEPSIE,

Defendant.

-----X
Plaintiffs, CORLIES MANOR REALTY, L.L.C., EXECUTIVE TOWERS
APARTMENT OWNERS CORP., RIP VAN WINKLE HOUSE, LLC, FORBUS HILL
PROPERTIES, LLC, EDEN ROC, NY, L.L.C., RIVERVIEW CONDOMINIUM
ASSOCIATION, POUGHKEEPSIE PROPERTIES, LLC, 360 MAIN LLC, PRECISION
CONTRACTOR OF DUTCHESS, INC., RPANYSGROUP LLC, SUNCREST COURT, LLC,
JON C. BEHREND, KENNETH KARI, KENNETH A. LEVINSON, individually and on
behalf of all other persons similarly situated by and through their attorney Lewis & Greer, P.C.,
complain of the Defendant, the City of Poughkeepsie as follows:

PRELIMINARY STATEMENT

1. Plaintiffs commenced this action, individually and on behalf of all other persons
similarly situated, for declaratory and injunctive relief with respect to the construction,
application, and constitutionality of Chapter 9 of the City of Poughkeepsie Code (the "City Code"),

Official Minutes from the Common Council Meeting of October 6, 2014

as amended by Local Law 1 of 2011 ("Local Law 11-01" or the "enactment"), which concerns the collection and disposal of solid wastes.

2. Prior to the enactment of Local Law 11-01, Section 9-61 of the City Code required the City of Poughkeepsie (the "City" or "Defendant") to collect and remove garbage from all parcels within the City utilized for residential purposes, including all multi-family residences regardless of the number of residential units located on the parcel.

3. On January 3, 2011, the City Council enacted Local Law 11-01 to amend Chapter 9 of the City Code to require, effective January 17, 2011, that the owners of all multi-family residences containing four or more residential units provide, at their own expense, for the removal and disposal of solid waste generated by the occupants of the units, whereas the owners of single family residences and multi-family residences containing less than four residential units will continue to enjoy municipal garbage collection and disposal at taxpayers' expense.

4. The Plaintiffs challenge the constitutionality of Chapter 9 of the City Code, as amended by Local Law 11-01, on the grounds that the enactment, on its face and as applied, is vague and ambiguous; creates classifications between similarly situated people that are arbitrary, capricious, invidious, discriminatory, and completely irrational; and fails to promote any conceivable legitimate governmental interest, in violation of the Equal Protection Clause and the Due Process Clause of the United States and New York State Constitutions.

PLAINTIFFS

5. Plaintiff, CORLIES MANOR MANOR REALTY, L.L.C. is a domestic limited liability company having an office and principal place of business in the Village of Valley Stream, County of Nassau, State of New York.

Official Minutes from the Common Council Meeting of October 6, 2014

6. Plaintiff, EXECUTIVE TOWERS APARTMENT OWNERS CORP. is a domestic business corporation with an office and principal place of business in the City of Poughkeepsie, County of Dutchess, State of New York.

7. Plaintiff, RIP VAN WINKLE HOUSE, LLC is a domestic limited liability company having an office and principal place of business in the City of Poughkeepsie, County of Dutchess, State of New York.

8. Plaintiff, FORBUS HILL PROPERTIES, LLC is a domestic limited liability company having an office and principal place of business in the City of Poughkeepsie, County of Dutchess, State of New York.

9. Plaintiff, EDBN ROC, NY, L.L.C. is a foreign limited liability company having an office and principal place of business in Village of Floral Park, County of Nassau, State of New York.

10. Plaintiff, RIVERVIEW CONDOMINIUM ASSOCIATION is an unincorporated association having an office and principal place of business in the City of Poughkeepsie, County of Dutchess, State of New York.

11. Plaintiff, POUGHKEEPSIE PROPERTIES, LLC is a domestic limited liability company having an office and principal place of business in the City of Poughkeepsie, County of Dutchess, State of New York.

12. Plaintiff, 360 MAIN LLC is a domestic limited liability company having an office and principal place of business in the City of Poughkeepsie, County of Dutchess, State of New York.

Official Minutes from the Common Council Meeting of October 6, 2014

13. Plaintiff, PRECISION CONTRACTOR OF DUTCHESS, INC. is a domestic business corporation having an office and principal place of business in the City of Poughkeepsie, County of Dutchess, State of New York.

14. Plaintiff, RPYNSGROUP LLC is a domestic limited liability company having an office and principal place of business in the City of Poughkeepsie, County of Dutchess, State of New York.

15. Plaintiff, SUNCREST COURT, LLC is a domestic limited liability company having an office and principal place of business in the City of Poughkeepsie, County of Dutchess, State of New York.

16. Plaintiff, JON C. BEHRENDIS is an individual residing in the City of Racine, County of Racine, State of Wisconsin.

17. Plaintiff, KENNETH KARI is an individual residing in the Town of East Fishkill, County of Dutchess, State of New York.

18. Plaintiff, KENNETH A. LEVINSON is an individual residing City of Poughkeepsie, County of Dutchess, State of New York.

19. Each of the Plaintiffs named herein owns and pays real property taxes and assessments on one or more parcels of real property in the City of Poughkeepsie, each of which is improved by at least one multi-family residence that contains four or more residential units.

DEFENDANT

20. The City of Poughkeepsie is a municipal corporation duly organized and existing under the laws of the State of New York, and is charged with the enactment and implementation of Chapter 9 of the City Code, as amended by Local Law 11-01.

CLASS ACTION ALLEGATIONS

Official Minutes from the Common Council Meeting of October 6, 2014

21. This action is properly maintainable as a class action under section 901 of the New York Civil Practice Law and Rules.

22. The plaintiff class consists of all persons who own and pay taxes on one or more parcels of real property in the City of Poughkeepsie, each of which is improved by a multi-family residence containing four or more residential units.

23. The exact number of members of the class as hereinabove identified and described is unknown, but it is estimated that there are not less than 500 members.

24. It is impracticable to bring all class members before the court.

25. There are questions of law and fact common to each member of the class including whether Chapter 9 of the City Code, as amended by Local Law 11-01, is unconstitutional under the Equal Protection Clause and Due Process Clause of the United States and New York State Constitutions.

26. The claims of each named plaintiff are typical of the claims of the class they represent.

27. The named plaintiffs will fairly and adequately represent the interests of the class.

28. This action is properly maintained as a class action in that the question of law and fact common to the members of the class predominate over any questions affecting only individual members, and a class action is superior to all other available methods for the fair and effective adjudication of the controversy.

FIRST CAUSE OF ACTION

29. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs "1" through "28" as if fully stated herein.

Official Minutes from the Common Council Meeting of October 6, 2014

30. The 14th Amendment to the United States Constitution provides that "[n]o state shall ... deny to any person within its jurisdiction equal protection under the laws."

31. Article 1, § 11 of the New York State Constitution provides that "[n]o person shall be denied equal protection of the laws of this state or any subdivision thereof."

32. Upon information and belief, Chapter 9 of the City Code, as amended by Local Law 11-01, treats the owners of multi-family residences containing four or more residential units differently from the owners of single family residences and multi-family residences containing less than four residential units, in at least the following respects: The enactment requires the owners of multi-family residences containing four or more residential units to incur the cost of collecting and removing solid wastes from the real property, whereas the owners of single family residences and multi-family residences containing less than four residential units have no such obligation, even though the occupants of multi-family residences containing four or more residential units and the occupants of residences containing three or less residential units produce the same or similar types of solid waste, produce the same or similar amounts of solid waste per unit, use the same or similar types of receptacles for the collection and disposal of solid waste, have the same health and safety needs with respect to the collection and removal of solid waste, and upon information and belief, the cost and burden of collecting and removing solid from multi-family residences containing four or more residential units is the same or less than the cost and burden of collecting and removing solid waste from residences containing three or less residential units.

33. Upon information and belief, the enactment on its face and/or as applied, treats differently the owners of similarly situated multi-family residences containing four or more residential units in that, for example, the owners of certain condominiums and/or townhouse

Official Minutes from the Common Council Meeting of October 6, 2014

developments such as Georgetown Square, Hudson Heights, Hudson Terrace, and Riverview Condominiums, are required to incur the cost of collecting and removing solid wastes from the real property, whereas the owners of other condominium and/or townhouse developments such as Fox Hill, The Commons, and Greenhouse Lane, have no such obligation and continue to receive municipal garbage collection and disposal at taxpayers expense, even though Fox Hill, The Commons, and Greenhouse Lane are improved by numerous multi-family residences that contain four or more residential units.

34. Upon information and belief, Chapter 9 of the City Code, as amended by Local Law 11-01, changes the classification of multi-family residences containing four or more residential units from residential real property to commercial real property, but treats the owners of multi-family residences containing four or more residential units differently from other non-residential commercial properties in that, while the owners of both types of commercial properties are required to collect and remove solid wastes from their properties at their own expense, the owners of multi-family residences containing four or more residential units must provide for the removal and disposal of solid wastes from their premises on at least twice a week basis and file with the City proof of a current contact with a qualified solid waste carter on an annual basis, under threat of criminal prosecution, whereas the owners of other types of commercial real property have no such requirement.

35. The classifications created by the enactment, as alleged herein, are arbitrary, capricious, invidious, discriminatory, completely irrational, and without any conceivable rational basis whatsoever to a legitimate governmental interest, and as a result thereof, the enactment denies the Plaintiffs equal protection under the laws in violation of the United States and New York State Constitutions.

36. Each of the Plaintiffs has sustained injury in fact as a result of the enactment of Local Law 11-01, in that they must now incur the direct cost and expense of contracting with an approved solid waste carter for the removal and disposal of solid wastes from each of their respective multi-family residences that contain four or more residential units, which they cannot pass on to their tenants until after the expiration of the current leases; and if the Plaintiffs do incorporate the cost and expense for the removal and disposal of solid wastes into future leases, they will, upon information and belief, be at a competitive disadvantage to the owners of residential rental property that contain less than four residential units.

37. The need for declaratory judgment as to the constitutionality of Chapter 9 of the City Code, as amended by Local Law 11-01, and an order enjoining its enforcement, is immediate and necessary to prevent the Plaintiffs from sustaining irreparable harm.

38. The Plaintiffs have no other adequate remedy of law.

SECOND CAUSE OF ACTION

39. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs "1" through "38" as if fully stated herein.

40. The 14th Amendment to the United States Constitution provides that "[n]o state shall ... deprive any person of life, liberty, or property, without due process of law" (the "Due Process Clause.")

41. Chapter 9 of the City Code, as amended by Local Law 11-01, violates the Due Process Clause, on its face and as applied, in that the enactment is arbitrary, capricious, unreasonable, and bears no rational relationship whatsoever to the achievement of any conceivable legitimate governmental interest in at least the following respects: Local Law 11-01(3)(c) requires the owners of multi-family residences containing four or more residential units

Official Minutes from the Common Council Meeting of October 6, 2014

to contract qualified solid waste carters for the removal and disposal of solid wastes by January 17, 2011, under penalty of law, even though the Department of Public Works and the City Corporation Council had yet to draft and publish regulations as of the effective date of the enactment to "govern the licensing of carters to perform the removal of solid waste and recyclables from multi-family residences of four or more units, and the means and methods of managing solid waste on such affected parcels and the collection, disposal and enforcement thereof..."

42. The enactment violates the Due Process Clause on its face and/or as applied in that it fails to define terms such as "multi-family structures," "multi-family parcels," "multi-family uses," "premises," and "multi-family residences," and as a result, the enactment is vague and ambiguous and as a result, a person of reasonable intelligence is unable to determine from the enactment whether the owner of a particular parcel of residential real property, multi-family residence, and/or residential unit located on a parcel or within a multi-family residence is required to provide for the disposal and removal of solid waste or whether such service is provided by the City.

43. Upon information and belief, Chapter 9 of the City Code, as amended by Local Law §11-01, on its face and/or as applied, violates the Due Process Clause in that the City continues to provide for the removal and disposal of solid waste at certain condominium and/or townhouse developments that contains multi-family residences with four or more residential units, such as, Fox Hill, The Commons, and Greenhouse Lane, while requiring the owners of other multi-family residences containing four or more residential units condominium and/or townhouse developments such as Georgetown Square, Hudson Heights, Hudson Terrace, and Riverside Condominiums, to incur the cost and expense for the removal and disposal of solid wastes, even though no distinction between the developments is apparent on the face of the enactment.

THIRD CAUSE OF ACTION

44. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs "1" through "43" as if fully stated herein.

45. In addition to the declaratory and injunctive relief requested herein, the Plaintiffs are entitled to restitution for the actual cost of providing for the removal and disposal of solid wastes for their respective real properties containing four or more residential units, as result of the constitutional violations alleged herein.

WHEREFORE, the Plaintiffs respectfully request the Court for the following relief:

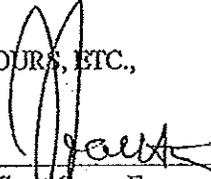
- a) On the First Cause of Action (i) judgment declaring Chapter 9 of the City Code, as amended by Local Law 1 of 2011, unconstitutional under the Equal Protection Clause of the United States and New York State Constitutions and (ii) an order enjoining the Defendant from enforcing the enactment;
- b) On the Second Cause of Action (i) judgment declaring Chapter 9 of the City Code, as amended by Local Law 1 of 2011, unconstitutional under the Due Process Clause of the United States and New York State Constitutions and (ii) an order enjoining the Defendant from enforcing the enactment;
- c) On the Third Cause of Action, restitution for the cost, expense and removal of the solid wastes from real property containing four or more residential units, as a result of the constitutional violations alleged herein; and
- d) On all causes of action, such other and further relief as the Court may deem just and

Official Minutes from the Common Council Meeting of October 6, 2014

proper.

Dated: March 3, 2011
Poughkeepsie, New York

YOURS, ETC.,



J. Scoly Greer, Esq.
LEWIS & GREER, P.C.
Attorney for the Plaintiffs
Office and P. O. Address
510 Haight Avenue – Suite 202
P. O. Box 2990
Poughkeepsie, New York 12603
Telephone: (845) 454-1200

INDIVIDUAL VERIFICATION

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

KENNETH A. LEVINSON, being duly sworn deposes and says:

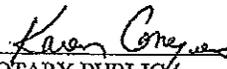
I am one of the Plaintiffs in the within action; I have read the foregoing COMPLAINT and know the contents thereof; the same is true to my own knowledge, except to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

The grounds of my belief as to all matters not stated upon my own knowledge are correspondence, records and reports in my possession.



KENNETH A. LEVINSON

Sworn to before me the 3rd
day of March, 2011.



NOTARY PUBLIC

KAREN CONQUES
Notary Public, State of New York
No. 01CO4837030
Qualified in Dutchess County
Commission Expires 11/30/2013

Felicia Petteway 72 Catharine Street – she states that she is here tonight because her son was gunned down September 9th of this year on Garden Street. She’s here hoping that the

City and the Police Department can put together something so that people who witness crimes won't be afraid to come forward with information. She states that there were many witnesses to her son's murder but that they are afraid to come forward for fear of retribution.

IV. MAYOR'S COMMENTS:

Not Present

V. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Not Present

VII. MOTIONS AND RESOLUTIONS:

VIII. ORDINANCES AND LOCAL LAWS:

1. A motion was made by Councilmember Petsas and seconded by Councilmember McClinton to receive and print.

Corporation Counsel Ackermann informed the Council that said Ordinance is amending Section 13-126 entitled Permit Parking Districts. The ordinance comes at the request of Councilmember Rich. He proposes to include Delano Street in the Mt. Carmel Permit Parking District. This would allow residence to obtain a permit and park regardless of any time constraints. Other vehicles would be subject to the two-hour parking limit.

**ORDINANCE AMENDING §§13-126 OF THE
MOTOR VEHICLES AND TRAFFIC ORDINANCE
CONCERNING VARIOUS PARKING REGULATIONS**

(O-14-18)

INTRODUCED BY COUNCILMEMBER PETSAS

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

SECTION 1: Section 13-126 of the City of Poughkeepsie Code of Ordinances entitled "Residential parking permit areas" is hereby amended by the addition of the following to the portion thereof labeled "District 2: Mount Carmel District":

Street	Side	Description	Parking Regulations	Time Regulations
--------	------	-------------	---------------------	------------------

Official Minutes from the Common Council Meeting of October 6, 2014

Delano Street Both Entirety Two Hour and None
Permit parking
only subject to
§13-189.8 &
§13-181.3

SECTION 2: This Ordinance shall take effect immediately upon adoption.

SECONDED BY COUNCILMEMBER MCCLINTON

Underlining denotes ADDITION.

O-14-18		Yes/Aye	No/Nay	Abstain	Absent	
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Amended <input type="checkbox"/> Tabled	Councilmember McClinton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Hermann	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Rich	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mallory	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

- 1. FROM BUILDING INSPECTOR BECK,** a communication regarding proposed amendments to Chapter 19 regarding signage.

Official Minutes from the Common Council Meeting of October 6, 2014



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

RE; PROPOSED SIGN ORINANCE CHANGE

*** Signage (size, etc.) that would be approved through Building Department office?**

THE EXISTING SIGN LAW 19-4.9 WOULD REMAIN AND ALL SIGNAGE WOULD COME THROUGH AND COULD BE APPROVED BY THE BUILDING DEPARTMENT THAT ARE NOT RELATED TO A SITE PLAN APPROVAL.

ANY PROPOSED SIGN NOT IN COMPLIANCE WITH ZONING SHALL BE REFERED TO THE PLANNING BOARD FOR RELIEF

***City Approved fees/charges?**

NO CHANGE TO FEE IN PLACE \$300.00

*** The current procedure, compared to what is being requesting.**

Current- APPLICANT SUBMITS 3 WEEKS IN ADVANCE OF MEETING. THE APPLICATION IS REVIEWED BY THE BUILDING DEPARTMENT. THE APPLICANT ATTENDS THE PLANNING BOARD MEETING. DEPENDING ON EXTENT OF COMMENTS OR MODIFICATIONS REQUESTED BY THE BOARD, APPLICANT MAY BE REQUESTED TO RESUBMIT AND ATTEND THE NEXT MEETING 30 DAYS LATER. ONCE APPROVED, APPLICANT SENT LETTER APPROVING SIGN.

Proposed - ALL SIGNAGE NOT ASSOCIATED WITH A SITE PLAN AND THAT IS IN COMPLIANCE WITH THE ZONING COULD BE APPROVED BY THE BUILDING DEPARTMENT WITHIN A WEEK.

*** Why the changes are needed.**

IT WILL STREAMLINE THE PROCESS BY NOT ADDING TO THE PLANNING BOARD WORK LOAD/SCHEDULE. ALSO KEEP COST DOWN FOR APPLICANT, NO TEMPORARY SIGNS/FEES (\$300.00) NEEDED, AND NO ADDITIONAL FEES FOR PLANNING BOARD ATTENDANCE BY SIGN COMPANY, (\$75.00 - \$150.00).

Official Minutes from the Common Council Meeting of October 6, 2014

***What are the benefits of the changes?**

MORE COMPLIANCE FROM THE PUBLIC IF THE PROCESS IS SMOOTHER AND LESS EXPENSIVE. ALSO NO TEMPORARY BANNERS/SIGN THAT FADE AND DETERIORATE AFTER BEING LEFT UP WHILE WAITING FOR APPROVAL OF PERMANENT SIGN.

***What are the negatives of the changes?**

THERE ARE NONE THIS IS CONSITANT WITH OTHER COMMUNITIES.

*** Muncipallties currently using the procedure requested.**

TOWN OF POK, WAPPINGERS, EAST FISHKILL, LLOYD, TOWN OF NEWBURGH, CITY OF NEWBURGH, NEW WINDOSR, AMENIA, DOVER, PAWLING, PLEASEANT VALLEY.

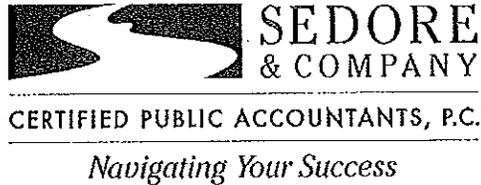
***Implementation of the proposed change.**

AS SOON AS POSSIBLE.

***Is the proposed change going to affect how the planning board conducts its business?**

THIS WILL NOT CHANGE THE WAY THE PLANNING BOARD OPERATES, TYPICALLY THE PLANNING BOARD WOULD PUT SIGNS LAST ON THE AGENDA, THEY WILL STILL APPROVE OR DISAPPROVE PROPOSED SIGNS THAT DO NOT COMPLY WITH THE REQUIRMENTS AND ARE BEFORE THEM FOR SITE PLAN APPROVAL.

2. FROM SEDORE & COMPANY, a presentation regarding the 2013 Sedore Audit.



CITY OF POUGHKEEPSIE, NEW YORK
CITY COUNCIL
AUDIT PRESENTATION
DECEMBER 31, 2013

Audit Conduct:

- Conducted under generally accepted auditing standards and *Government Auditing Standards*;
- Our opinion - financials fairly stated : Government-wide financial statements which are on the full accrual basis: adverse opinion for infrastructure reporting (pages 1-3);
- Fund financial statements which are on the modified accrual basis (similar to the City's budget basis): opinion is unmodified (also known as a "clean opinion") (page 2);
- Additional reports pertaining to requirements of the Single Audit Act: unmodified (pages 4-8) and NYS Transportation aid (pages 9-11);
- Single Audit government filing completed by due date of 9/30/14; on track to become a low-risk auditee;

Financial Statement Highlights:

- Management's Discussion & Analysis: Written by management – gives an overview to reading the financial statements (pages 12-21);
- Audited financial statements (page 22-33):
 - Government-wide net assets- primary government (total assets including fixed assets less total liabilities, including bonded debt and benefit liabilities to present and future retirees) Overall \$38 million; Decrease in net assets reflects increasing employee benefits and depreciation, \$5.6 million overall; (page 23);
 - Note new classification "Deferred Inflows of Resources", formerly known as deferred revenues;
 - Governmental Fund Balances (total assets less liabilities, including revenues deferred to a future period, but not including bonded debt and other long-term liabilities): Overall (\$9.2 million; all major funds had an excess of revenues over expenditures; (page 25);
 - General Fund fund balance (\$11.2 million); Revenues of \$42.3 million (\$700,000 increase) and net expenditures of \$41.5. Million (\$3.1 million decrease, which reflects sanitation expenditures being recorded in a separate fund) (page 27);
 - Water, Sewer & Sanitation Funds are considered business-type activities and are shown separately (pages 29-32);
 - Water, Sewer & Sanitation Fund net assets (total assets, including the City's investment in the Water Plant and other fixed assets less total liabilities, including bonded debt and benefit liabilities to present and future retirees) are \$42 million (\$300,000 decrease) (page 30);

Official Minutes from the Common Council Meeting of October 6, 2014

- Footnotes detail accounting policies, certain assets and liabilities, including long term debt (pages 34-85);
- Budget comparison for the General Fund - revenues over -budget \$1.3 million, expenditures over-budget \$700,000 (page 86);
- Other post-employment benefit schedule (page 87);
- Federal single audit and NYS Transportation aid schedules (pages 88-91);

Management Letter Comments:

- No new comments;
- Significant deficiency #1; reportable matter of non-compliance #2; other matters for improvement #3-6 (pages 92-100);
- City's responses follow each one;

October 6, 2014
Linda Hannigan, CPA
William Cochran, CPA, MBA

3. **FROM CITY ADMINISTRATOR BUNYI**, a communication regarding the revenue that was generated from each parking meter location along with the possible relocation of certain parking meters.

Parking Meter Update

City of Poughkeepsie

October 6, 2014

Common Council Meeting

(Proposed Alternative Plan to be Presented
At the October 6th Presentation)

Parking Station Comparison

- The original 2014 budget was passed with the following assumed parking areas ...
 - Lower Main to the circle
 - Waryas Park lower and upper parking
 - Washington Street by Walkway
 - South Avenue from Montgomery to Franklin Street

Summary

June 15 – September 29

- Parking Meter Revenues = \$99,042
- Parking Lot Revenues
2013 = \$ 317,052
2014 = \$ 351,443
- Parking Tickets
2013 = 7,276
2014 = 11,701

(Actual Comparisons 1st Month 6/1 – 7/22)

2013 = 118 / 2014 = 2,144

**Parking Meters
June 8, 2014 - August 8, 2014**

Location	Total
Clover - Waryas	1,875
Market - Clover	9,323
Market - Montgomery	18,040
Market - White	69,805
	\$ 99,042

**Top Meter: MA 20-07 \$ 5,763
5% of top meter = \$ 288**

Location	Total # of meters	# of meters < 5% of top meter	Terminal ID	Amount
CW	8	5	MA 00-05	\$ 134.80
			* MA 00-07	\$ 12.50
			* MA 00-08	\$ 20.45
			MA 00-09	\$ 68.65
			MA 00-10	\$ 47.95
MC	12	4	MA 10-05	\$ 101.55
			* MA 10-07	\$ 8.25
			* MA 10-08	\$ 10.00
MM	10	2	MA 20-02	\$ 190.90
			MK 00-10	\$ 191.40
MW	26	4	* MK 10-02	\$ 25.30
			MA 40-09	\$ 224.20
			MA 50-03	\$ 195.05
			* MA 50-04	\$ 42.25
			MA 50-05	\$ 202.60

Parking Lots

Jun 1 - 2013	
Sept 29 - 2013	
Total	\$ 317,052

Jun 1 - 2014	
Sept 29 - 2014	
Total	\$ 351,443

Total Parking Tickets Issued

June – Sept 2013	
Total	7276

June – Sept 2014	
Total	11,701

2013 Potential \$	\$ 181,900
2014 Potential \$	\$ 292,525

Metro North

Year	Q1	Q2	Q3	Q4	Total	Q1, Q2, Q3 Total
2013	\$ 33,291.06	\$ 33,291.06	\$ 26,688.54	\$ 36,038.83	\$ 129,309.49	\$ 93,270.66
2014	\$ 27,088.83	\$ 37,120.11	\$ 37,703.12		\$ 101,912.06	\$ 101,912.06

4. FROM ASSISTANT CORPORATION COUNSEL VALK, a communication regarding the amendments to the graffiti ordinance.

The City of Poughkeepsie

New York

Rebecca A. Valk, Esq.
Assistant Corporation Counsel
rvalk@cityofpoughkeepsie.com



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

Memorandum

TO: Common Council Members

FROM: Rebecca A. Valk, Assistant Corporation Counsel

DATE: July 7, 2014

SUBJECT: Ordinance amending Section 14-45 re. Graffiti

CC: Paul Ackermann, Esq.

As discussed at the June 16, 2014 meeting of the Common Council, attached is a proposed Ordinance to amend certain subsections of Section 14-45 "Graffiti Prohibited." The amendment permits the City to charge a fee of \$40 to remediate graffiti if the homeowner requests the City's services within 48 hours of receiving written notification from the City. After that time, the fee the City may charge to remediate the graffiti is \$200. This is in addition to any fines and penalties the Court may impose if the homeowner receives a notice of violation for failing to remediate the graffiti.

Please let me know if you have any questions on the attached.

The City of Poughkeepsie

New York

Rebecca A. Valk, Esq.
Assistant Corporation Counsel
rvalk@cityofpoughkeepsie.com



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

Memorandum

TO: Common Council Members

FROM: Rebecca A. Valk, Assistant Corporation Counsel

DATE: September 26, 2014

SUBJECT: Ordinance amending Section 14-45 re. Graffiti

CC: Paul Ackermann, Esq.

Per the request of Chairman Mallory, the proposed Ordinance to amend certain subsections of Section 14-45 "Graffiti Prohibited" will be on October 6th agenda of the Common Council for further discussion. Enclosed please find a copy of the proposed ordinance along with my original memorandum of July 7, 2014 for your reference.

**ORDINANCE AMENDING §14-45
OF CHAPTER 14 OF THE CITY OF POUGHKEEPSIE
CODE OF ORDINANCES ENTITLED "GRAFFITI PROHIBITED"**

(O-14-__)

INTRODUCED BY COUNCILMEMBER _____ :

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

SECTION 1: §14-45 of the City of Poughkeepsie Code of Ordinances is hereby amended by the following additions and deletions:

- (e) Responsibilities of owner. Upon written notification by the City to the property owner of a building or structure on which graffiti is affixed, the property owner shall have 48 hours to: (1) remove the graffiti; or (2) request the City to assist in the removal of the graffiti at ~~no expense to the~~ cost of \$40 to the property owner, said notice having been served personally or as otherwise permitted by law. The assistance of the City to the property owner shall include the removal of graffiti with City equipment and City employees, who shall render such assistance as directed by the Commissioner of Public Works, weather permitting, to the best of their ability. The City shall require each property owner who requests such assistance from the City to execute a hold harmless and covenant releasing the City and its employees for any damage to the building or structure to be cleaned, as a condition of providing such assistance to the owner. After the 48 hour period has passed, the property owner may still request the City's assistance in removing the graffiti at a cost of \$200 to the property owner, which shall be in addition to any fines or penalties imposed pursuant to subsection (f), below.
- (f) Failure of owner to comply. Failure of the property owner to either remove the graffiti or request the city's ~~free~~ assistance for such removal may subject the property owner to a civil penalty in the amount of \$200 per offense. Each day the violation of this section persists shall be considered a separate offense. Such civil action shall be brought in City Court.

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____ :

ADDITIONS denoted by **Bold** and Underlining
DELETIONS denoted by Brackets and Strikethrough

5. FROM GERSON GOLDMAN, a notice of claim. Referred to Corporation Counsel

Official Minutes from the Common Council Meeting of October 6, 2014

6. **FROM OVERTON MURDOCK**, a notice of property damage sustained on September 10, 2014. **Referred to Corporation Counsel**
7. **FROM EMPIRE STATE STRATEGIES**, a notice of intent for Garibaldi Restaurant, Inc., located at 452 Main Street to obtain a liquor license. **Referred to Corporation Counsel**
8. **FROM CORBALLY, GARTLAND & RAPPLEYEA, LLP**, a notice of intent to renew Christos Catering, Inc., d/b/a Christos' Restaurant. **Referred to Corporation Counsel**
9. **FROM CORPORATION COUNSEL ACKERMANN**, A communication regarding proposed Ordinance O-14-17, establishing a fee in lieu of parkland.
10. **FROM MAYOR TKAZYIK**, 2nd Quarter Quarterly Report (April-June 2014)

Official Minutes from the Common Council Meeting of October 6, 2014



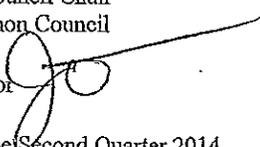
The City of Poughkeepsie
New York

John C. Tkazyik
Mayor

MEMORANDUM

October 6, 2014

TO: Robert Mallory, Jr., Council Chair
Members of the Common Council

FROM: John C. Tkazyik, Mayor 

RE: Quarterly Report for the Second Quarter 2014

Attached for your review, please find a copy of the report for the Second Quarter 2014, which covers the period from April 1st through June 30th.

Municipal Building • 62 Civic Center Plaza • Poughkeepsie, NY 12601 • 845.451.4073 • 845.451.4201

Official Minutes from the Common Council Meeting of October 6, 2014

Quarterly Report
3rd Quarter 2014
April 1, 2014-June 30, 2014

Assessor:

- Coordinated and finalized consultant, Equitable Assessments, LLC, as per contract
- Submitted 2014 Tentative Tax Roll to State Office of Real Property Services
- Submitted the NYS mandated public notices of assessment inspection, Tentative Roll availability, Grievance Day and Final Roll
- Supervised the processing of the 2014 Assessment Change Notices, as required
- Performed field inspections and reviewed properties for equitable and fair assessments
- Met with residential and commercial taxpayers regarding assessment reviews
- Verified Wholly Exempt status to confirm eligibility requirements
- Fulfilled NYS mandated Saturday and evening Tax Roll availability for taxpayer access
- Attended NYS mandated Board of Assessment Review training
- Coordinated NYS Board of Assessment Review training for Assessor's Aide, LaTisha Reed
- Continued assessment/valuation training of Assessor's Aide, LaTisha Reed, including field inspections
- Held Grievance Day, 5/27/2014, and subsequent Board of Assessment Review deliberation meetings
- Processed 2014 Grievance determinations
- Verified data generated by the revaluation process
- Posted new data on split/merges, new construction
- Performed field inspection of Central Hudson Headquarters with Corporation Counsel regarding assessment
- Implemented NYS ORPTS changes in special franchise values

Official Minutes from the Common Council Meeting of October 6, 2014

- Implemented updated State Utility Advisory values in the 2014 roll
- Continued to verify sales data from county 5217s (Property Transfer Documents)
- Continued to track building permits plus fire loss properties to adjust assessment accordingly
- Attended NYS mandated Fundamentals of Data Collection course for NYS Assessor Certification
- Attended Dutchess County Assessor's meetings and met with Real Property Analyst, Victoria Costello from NYS ORPTS
- Coordinated updating of City of Poughkeepsie website for taxpayer access to NYS mandated tax information
- Continued to monitor Multiple Listing Service and returned data mailers from new purchasers and assessment challenges that come into the office.
- Continued to recommend and fulfill taxpayer requests for address, status and property data changes
- Continued the ongoing servicing of property owners, STAR, Enhanced STAR, low-income seniors, title companies, banks, realtors, and other government agencies

City Clerk:

See report attached

Corporation Counsel:

Parking Violations

See chart attached

***Corporation Counsel is now representing the City for miscellaneous parking trials for police officers to eliminate the four (4) hour "call back" and need to pay police officers for overtime for appearing in court for one or two parking tickets.**

Poughkeepsie Housing Authority

Continued representation of PHA eviction proceedings, general advice and counsel, several court appearances and Board meetings.

Official Minutes from the Common Council Meeting of October 6, 2014

City Court

493 appearances were made on prosecutions of City Ordinance violations. City Court imposed \$7,575.00 in fines.

*Corporation Counsel is now responsible for "first appearance" in City court for traffic tickets for state trooper and City police officer tickets. This has further added to the time spent in court by the attorneys and the need to have two attorneys in court every morning. See traffic ticket chart attached.

City Property

- City property auction held April 3, 2014
- The City auctioned off 35 city-owned properties (see attached chart) and netted \$228,198.19 in the auction.
- Updated and maintained city-owned property and prepared same for sale

Miscellaneous

- Continued monitoring of DeLaval site remediation project
- Continued review and presentation of Dutton Lumber before Planning Board
- Attended Common Council meetings
- Met with prospective city investors, developers
- Participated in mandatory continuing legal education
- Legislative drafting
- General advice and counsel to Plumbing Board, Councilmembers, Planning Board, Zoning Board, Board of Contract & Supply, City Administration, Safety Committee, Nuisance Committee
- Ongoing assistance to department heads
- FOIL issues - advise FOIL officer, respond and research FOIL requests
- Nuisance Task Force management
- Filed Real Property Action Proceeding Law cases against nuisance properties in Dutchess County Supreme Court

Official Minutes from the Common Council Meeting of October 6, 2014

- Filed suit and/or collected delinquent funds for unpaid parking bills owed to the City for parking in City lots
- Continued consultation on Section 8 matters
- Prosecuted Disciplinary Proceedings and defend against grievances
- Assisted Planning staff on Waterfront, Dutton
- Office Administration
- Assisted Mayor with Charter & Code interpretations, personnel issues
- Attended Leadership meetings; prepare documents for meeting agendas
- Assisted Chamberlain with procedures, notices, and event planning
- Managed Special Counsel
- Managed self insurance and claims management
- Attended to Joint Landfill issues
- Acted as Administrator for property and casualty claims
- Negotiated tax cert matters
- Title research for miscellaneous City-owned land parcels
- Advised Mayor on insurance issues; budget issues; cost recovery legislation for code enforcement
- Collaborated with Town of Poughkeepsie on proposed application for development of Dutton parcel
- Consulted on HUD grants
- Consulted on Joint Water issues
- Consulted on sale of city-owned property
- Researched and consulted on water plant employee issues
- CSEA Labor Management discussions

Official Minutes from the Common Council Meeting of October 6, 2014

- Prepared for collective bargaining negotiations

Police Department

- 207-c claim administration
- Contract negotiations
- Responded to grievances

Fire Department

- 207-a claim administration
- Resolved grievances
- Contract negotiations

CSEA

- Contract Negotiations
- Managed Labor Management Negotiations
- Impact Negotiations
- Responded to Grievances
- Prepared Disciplinary Documents

Other

- Collected restitution from Insurance Companies for damage to city property/vehicles
- Reviewed and approved purchasing contracts
- Reviewed files on diary
- Assisted Mayor with strategic planning initiatives
- Developed inter-municipal initiatives with other municipalities
- Consulted with staff regarding neighborhood issues
- Conducted staff meetings and peer review

Official Minutes from the Common Council Meeting of October 6, 2014

- Riverkeeper suit management
- Consulted with Planning Board chair and staff

Department of Public Works:

See report attached

Development:

See report attached

Finance:

Key Tasks/Functions

- Review of BAN Transcripts with Chris Chale, Bond Counsel for the City of Poughkeepsie
- Wrote & completed a Finance Policy & Procedures Manual for the City of Poughkeepsie in accordance with New York State Comptroller's Office for the FTA Triennial Review
- NYSOSC Entrance Conference for Joint Water
- Attended New World training
- Discussion with Commissioner of Public Works and Analysis of Motorola vs. Verizon
- Continued oversight of City's Audit & Accounts including processing all payments on City bills
- Collection of City's 2nd quarter property tax, water bills, and sewer bills
- Fixed asset, infrastructure review with City Administrator, Engineering and Auditors
- Review and meeting with Veolia Sewage regarding services and contract with City of Poughkeepsie
- Continued with 2013 Audit Process
- Review and discussion of City Water Meters project with City Administrator
- Billed remaining PII.OTs

Official Minutes from the Common Council Meeting of October 6, 2014

- CDBG funding overview and allocation review with Development & Planning Director
- Training with CALE America on new computer software for parking meters
- Conference with EFC regarding borrowing for Centrifuge & Ozone equipment and distribution lines
- Constitutional Tax Limit Report was completed
- PSC risk assessment audit
- Started Joint Water risk assessment audit
- PARIS reporting for IDA
- PARIS reporting for PURA
- Continued consultation with contracted accountant
- Section 8 REAC report
- FTA Tri-annual review/Deputy Commissioner of Finance

Personnel

Additions

Jonathan Geuss, Police Officer, Police Department
Robyn Snell-Charter, PT Parking Control Officer, Police Department
Christopher Gent, Commissioner of Public Works

Retirement

Jon Vena, Meter Reader/Repair Mechanic, Water Department, 22 years
Maria Elena DiCarmine, Administrative Secretary, City Clerk Department, 16 years
Richard DuPilka, Commissioner of Public Works/City Engineer, DPW, 35 years

Promotions/Transfers

William Badner, Police Officer to Police Sergeant
Damon Brodhead, Police Officer to Police Sergeant

Resignations/Terminations

Jessica Ruckdeschel, Clerk, Department of Public Works
Jason Teed, Junior Civil Engineer, Engineering Department
Robyn Snell-Charter, PT Parking Control Officer, Police Department

Purchasing

Official Minutes from the Common Council Meeting of October 6, 2014

- In the second quarter of 2014, 164 purchase orders were generated encumbering \$3,128,934.81 for various departments including the Joint Water Plant. Of these, 4 PO's were voided out totaling (\$291,758.00), 11 were increased totaling \$186,400.78, and 9 were decreased or closed out totaling (\$14,671.21).
- Previous Bids:
 RFP-COP-01-14-01 Cold Milling Machine Rental—Awarded to A. Colarusso & Son
 RFB-COP-01-14-02 Street Paving with Operators—Awarded to Clove Excavators
 RFB-COP-03-14-01 Motor Oil & Lubricants—Awarded to Multi-Vendors
 RFB-COP-03-14-02 Water Treatment Chemicals—Awarded to Polydyne & Carus Corp.
- Previous Quotes:
 Heating Unit Replacement at Clover St. FH—Awarded to Cleveland Plumbing—Not complete
 Repairs to AC Compressor @ 911 Center—Awarded to American Heating—Project complete
 Repairs to Gate at Fallkill Bridge—Awarded to Horst around the House—Project Complete
 Repairs to Glebe House—Awarded to Rock N Renovations—Project Complete
- Bids (This Quarter):
 RFB-COP-04-14-01 Ozone and Centrifuge Project—Has not been put out to bid yet
 RFB-COP-04-14-02 Scattered Sidewalks—Has not been put out to bid yet
 RFB-COP-05-14-01 City Hall Roof Replacement—Opened May 28th—Award Pending
- Quotes this Quarter:
 Repairs to AC Compressor @ 911 Center—Awarded to American Heating—Project Complete
 Repairs to Gate at Fallkill Bridge—Awarded to Horst around the House—Project Complete
 Repairs to Glebe House—Awarded to Rock N Renovations—Project Complete
- Procurement Card program: Expense reporting has been made through June. Year-to-date total is \$190,898.97. Expenses this quarter total \$103,434.42. To date, \$43,778.87 has not been reported on an expense report.
- Auction update: Auctions continued to be held almost monthly. Amount collected this quarter is \$10,090.00.

Fire:

ALARM REPORTS

Building Fires	8
Other Fires/Non-Structure	6

Official Minutes from the Common Council Meeting of October 6, 2014

Multiple Alarm Fires	3
Vehicle Fires	4
Smoke or Odor Removal	8
Outside Rubbish Fires	9
Carbon Monoxide Incidents	6
Motor Vehicle Accidents	43
Gas Leaks/Hazardous	12
Water Problems/Other	2
Good Intent Calls	28
Public Assistance Calls	88
Mutual Aid Given	12
Mutual Aid Received	4
Alarm Activations/Smoke	46
False Alarms	18
System Alarms Total	149
Assist EMS	397
Total Alarms Answered	951

Dollar Losses From Fire	\$190,000
Civilian Deaths	0
Civilian Injuries from Fire	2

PERSONNEL

Firefighters Hired	0
Firefighters Retired	0
Total Firefighters Injuries	8
Days Lost Due to Injury	12
Total Sick Days Used	152
207-a Long Term Personnel	1
Total 207-a Lost work Days	60
Total Lost Work Days	212

REVENUE

Foil Revenue	\$ 8.00
Incident Revenue	\$ 0.00

Official Minutes from the Common Council Meeting of October 6, 2014

Total Revenue	\$ 8.00
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TRAINING

<u>In House Training by M.T.O./M.F.I.</u>		
Forcible Entry Training	46 personnel @ 1.5hrs. each	Total Hrs. 69
Hydrant Maintenance/Testing	50 personnel @ 6 hrs. each	Total Hrs. 300
Fire Pump Refresher	24 personnel @ 2 hrs. each	Total Hrs. 48
Hose Line Operations	46 personnel @ 1.5hr. each	Total Hrs. 69
Fire Boat Training	42 personnel @ 2 hrs. each	Total Hrs. 84
Elevator Emergencies	42 personnel @ 2 hrs. each	Total Hrs. 84
<u>Outside Training Hours</u>		
Confined Space Technicians Training	6 personnel @ 24 hrs. each	Total Hrs. 144
Nasal Narcan Training	54 personnel @ 2 hrs. each	Total Hrs. 108
Total Training Hours		906

Police:

- The second quarter began with four vacancies. One new officer was hired on a lateral transfer from the Ulster County Sheriff's office (Jonathan Guess, 5/27/2014). Of these three positions, one has been frozen until the end of the year (Horton). The department is currently interviewing officers from the county list and expects to fill two of these positions in the third quarter. Therefore, the quarter ended with three vacancies.
- Frederick Yerks (hired January 2014), graduated from the Westchester County Police Academy (5/23/2014) and is currently in field training and Devon Zanin hired in March continues at the Orange County Police Academy (scheduled to graduate on 8/15/2014).
- There were two promotions during the second quarter of the year. Officer William Badner (04/12/14) and Officer Damon Brodhead (04/14/14) were promoted. Sgt. Todd King was reassigned to Traffic Division Sergeant (04/22/14).
- Two Public Safety Dispatchers hired in the first quarter continue communications training. There is a continued transition of one of the dispatch supervisors (Bodin) to partial IT duties.
- The department hired two part-time (20 hours per week) civilian parking enforcement officers Robyn Snell-Charter (06/23/2014) and Sean Harden (06/30/2014). Snell-Charter resigned for another position (06/30/2014), so the department will continue to interview to fill the vacant position.

Official Minutes from the Common Council Meeting of October 6, 2014

- An officer was involved in a shooting (05/24/2014) when officers responded to a man acting erratically on Main Street near Academy Street. An officer responding was violently attacked before she could exit her vehicle by the subject with a box cutter. The subject was cutting her with the box cutter and the second officer drew his weapon and shot him. She was cut numerous times and was treated at the hospital. She remains on 207C leave. The officer was put on administrative leave during the investigation and the subsequent grand jury review of the incident.
- The Citizen Observer continues to serve as the City's alert system to the public. The department routinely sends out information to the public to keep the community apprised of activity in their neighborhoods. During the winter months, it is also used for snow emergency announcements and cancellations. In addition to alerts, there has been an increase in the number of "tips" received from the public.

Traffic Division: 2nd Quarter 2014

Impound statistics:

April:	47 impounds, 0 to salvage, 0 sold at auction, 34 returned to owners, 29 Scofflaw vehicles impounds, 0 sanitation impounds, 7 evidence impounds Scofflaw Amt. Owed \$15,675.00	Scofflaw Amt Paid \$13,280.00
May:	16 impounds, 0 to salvage, 11 sold at auction, 24 returned to owners, 11 scofflaw vehicle impounds, 0 sanitation impounds and 4 evidence impounds Scofflaw Amt. Owed \$7,430.00	Scofflaw Amt. Paid \$7,430.00
June:	27 impounds, 0 to salvage, 5 sold at auction, 25 returned to owners, 8 scofflaw impounds, 0 sanitation impounds and 3 evidence impounds Scofflaw Amt. Owed \$34,460.00	Scofflaw Amt. Paid \$32,065.00
Total:	90 total impounds, 0 to salvage, 16 sold at auction, 83 returned to owners, 45 scofflaw vehicle impounds, 0 sanitation impounds and 14 evidence impounds Scofflaw Amt. Owed \$34,460.00	Scofflaw Amt. Paid \$32,065.00

<u>Traffic Accidents:</u>	<u>2014</u>	<u>2013</u>
Apr	83	87
May	76	103
Jun	92	91
Total	251	281

Official Minutes from the Common Council Meeting of October 6, 2014

Unit Assignments:

Days:

P.O. Dinonno Mon-Fri

PO Lawless Tues-Sat

Evenings:

PO Morrone Tue-Sat

Monday-Friday:

Traffic Enforcement Officers (TEO's)

Mon-Friday Days

Vinette

Williams

Michetti

Young

Parking Enforcement Officers—Meters (Part-Time)

Harden (Mon-Fri, 10am-2pm)

Snell-Carter (Tues-Sat, 2pm-6pm)

The Parking Enforcement Officers continue to enforce the areas of college student residents including Whinfield and Delafield Sts. to prevent the recurring complaints of students parking in the permit district.

The Traffic Division participated in two programs this quarter: Occupant Restraint-Buckle-Up New York (102 UTT's issued) and Police Traffic Services Aggressive Driving (211 UTT's issued). The unit also assisted in the following events during the 2nd quarter: Father's Day Parade, Amateur Boxing Event at Stitzel Field and the AAA Back-to-School "Drive Carefully" Campaign.

Statistics: Below is the breakdown of 2nd quarter unit activity:

- Parking Tickets-(Traffic Enf. Officers): 4388
- Parking Tickets-(Sworn Traffic Officers): 595
- City Ordinances-(Traffic Officers): 14
- Uniform Traffic Tickets- (Traffic Officers): 681

Official Minutes from the Common Council Meeting of October 6, 2014

- Arrests- (Traffic Officers): 19
- Safety Seats Issued 9
- Safety Seats Installed 6

Neighborhood Recovery Unit:

PO Michael Longbard was reassigned to the Neighborhood Recovery Unit from patrol.

The NRU made a total of 29 arrests this quarter (15 felonies, 9 misdemeanors, 5 violations). The unit conducted two search warrants. The unit seized 8.5 grams and 12 additional units of cocaine, 391 bags of heroin, 44 grams and 11 additional bags of marihuana, 6 units of Suboxone, one unit of Fentanyl and one unit of MDMA. In addition, \$1,860.00 in cash and five handguns were seized.

Dutchess County Drug Task Force:

The unit reports a total of 12 investigations in the City of Poughkeepsie (34 county-wide). Their efforts resulted in 8 arrests (8 felonies and 1 misdemeanor). The unit executed 3 search warrants. They also report the seizure of \$9,834.00 in cash, .08 ounces of cocaine, 486 bags of heroin, and 11 lbs. of marihuana.

Training 2nd Quarter 2013:

1. Total number of training give back time	424.00 hrs
2. Total number of hours submitted for pay	510.25 hrs
3. Total number of hours submitted for CT	291.82 hrs
4. Total number of hours attended during RTD	120.00 hrs
5. Total man-hours officers attended training	1346.07 hrs
6. Total training time amount paid	\$28,244.87

2nd Quarter Training Highlights:

- ESU training conducted twice a month.
- Sniper training conducted once every other month.
- Motorcycle training conducted once per month.
- Scuba diving training conducted once per month.
- Accident reconstruction training conducted once per month.
- K-9 Training conducted once per month
- Officers Bruzgul, Gasparinin, Hamel, Williams, Raffaele, and O'Connell attended Photography School at DCSO.

Official Minutes from the Common Council Meeting of October 6, 2014

- Officers Bruzgul, Gasparini, Hamel, Williams, Raffaele, and O'Connell attended CST School at DCSO
- PO Schwarzenegger attended Firearms instructor training at Fort Dix, NJ.
- All sworn members attended spring firearms qualifications and defensive tactics training at Washington Hollow Rod & Gun Club.

Animal Control:

The Animal Control Division reports the following activity for the 2nd quarter of 2014.

<u>Dogs</u>		<u>Cats</u>	
Taken In:	25	Taken In:	0
Redeemed by owner:	11	Redeemed by owner:	0
Euthanized:	5	Euthanized:	0
Adopted:	2	Adopted:	0
Total Tickets issued:	42		

Other Projects Currently Overseen by the Police Department:

911 Phone System and Backup Room:

The 911 backup room serves as a backup to the County 911 phone system. It was also designed to serve as a city-joint dispatch command center during "events".

The department continues to work on improvements to the backup room including expanding its readiness through computer and hardware enhancements.

Computerization:

Coplogic (on-line citizen reporting) has been operating for several years. There has been steady use of the system. The department also recently began taking business jacket updates. They had advertised this service in the City newsletter and on the City's media sites.

The reporting is available on the City website and the public can access it there.

The IT director (Rocco German) continues to work on the various computer and hardware issues with Chris Bodin.

Camera Upgrade and Expansion:

The new camera system has been fully operational since the end of 2012. Since then, it has been used a number of times in investigations, evaluation of active calls and monitoring of the areas it covers.

Official Minutes from the Common Council Meeting of October 6, 2014

The new system continues to prove its value. Both dispatch and the front desk regularly monitor and use the system, and have reported its efficiency.

The department has experienced several issues with cameras not operating. However, the system is under warranty and these issues will be addressed with the vendor. The department has also budgeted in 2014 for a maintenance contract to provide the necessary repairs and support of the system.

Redundancy:

The generator replacement project has been discontinued due to a lack of funding. The department has adjusted the time of the present "exercise" of our existing generator after complaints of noxious fumes from the unit.

Injured/Restricted Status –

Sworn-Five members are currently out on long-term medical—Magistro (06/18/11), McGinley (RTW 07/21/11 restricted duty then back out DI on 07/22/11), Tomaine (03/25/2013), Filippelli (09/04/2013), and Knapp/Renee (03/24/14).

One member is currently out on short-term medical Schaefer (11/24/13).

Two members are currently on restricted duty—Richards (RTW 09/12/10 and Montegari (03/13/14 not DI).

Civilian – none

Statistics-

The 2nd quarter stats showed a 25% decrease in violent crime. This is due to decreases in robbery, assaults, and rapes. They did experience an increase in homicide (+2).

During the same period there was a 4% increase in property crime. This mainly occurred due to an increase in burglaries (+22).

The 2nd quarter also showed a 5% decrease in arrests, 3% increase in parking tickets, 36% increase in moving violations and a 24% decrease in City Ordinance tickets.

The first half of the year showed a 25% decrease in violent crime. Again, this is due to decreases in rape, robbery, and assaults.

During this same time period (1st half), the stats indicate a 1% increase in property crime. This was mainly due to burglaries (+28).

The 1st half also indicated a decrease in arrests (-15%), parking tickets (-18%) and city ordinance tickets (-30%), while moving violations increased (23%).

Official Minutes from the Common Council Meeting of October 6, 2014

Attached are the 2014 statistics for both the 1st quarter and the 1st half of the year with a comparison to the same periods in 2013.

For further information, please refer to the attached statistics.

The statistics format was changed in 2007 to better reflect how NY State maintains their information. For their records the State counts attempted crimes as actual crimes. The previous reporting split this into separate categories and was not reflected in reports prior to 2007. However, it will now include this information as a separate part of the report.

In addition, for statistical purposes, NY State considers unauthorized use of a motor vehicle as a motor vehicle theft. Therefore, these categories will be listed separately on the report.

Water Treatment Facility:

Water Quality/Production Issues:

- Process data for 1st and 2nd quarters of 2014 are presented in the following tables. Average Daily Flow was 8.95 MGD similar to 2013 (8.98). Raw water turbidity held fairly steady as there were no significant storms within the watershed. Quality was excellent. Plant effluent turbidity averaged 0.04 NTU compared to the drinking water standard of 0.30 NTU. Overall turbidity removal averaged 99.9%.
- There was a water emergency in June when frazil ice plugged the intake. The event was resolved within 6 hours and did not impact City of Town customers. IBM was curtailed for 6 hours.

Official Minutes from the Common Council Meeting of October 6, 2014

PWTF 2014 Key Process Statistics

Month	Raw Flow,	Turbidity		Residual Solids, gallons	Backwash, gallons	Thickener, gallons	Plate Settler,
	MGD	Influent	Effluent				
January	9.00	30	0.04	631,865	1,547,000	401,082	28,211
February	8.91	18	0.03	693,304	1,699,000	382,942	26,434
March	8.70	17	0.03	947,684	2,613,000	471,709	35,698
April	8.47	69	0.04	961,276	1,132,000	260,019	20,645
May	8.85	44	0.04	490,015	948,000	247,539	19,777
June	9.79	35	0.03	636,328	703,000	280,542	25,888
Total	NA	NA	NA	4,360,472	8,642,000	2,043,833	156,153
Average	8.95	36	0.04	726,745	1,440,333	340,639	26,026

Month	Centrifuge	Centrifuge	Centrifuge	Centrifuge #1	Centrifuge #2	Centrifuge	Centrifuge
	#1 gallons	#2 gallons	Total	hours	hours	hours	gpm
January	215,516	199,865	415,381	540.00	549.40	1089	6.4
February	274,503	158,179	427,682	526.00	382.20	908	7.8
March	286,869	231,905	518,774	462.30	420.10	882	9.8
April	154,952	142,727	297,679	394.60	396.70	791	6.3
May	127,799	137,212	265,011	355.10	399.50	755	5.9
June	128,973	160,201	289,174	376.90	452.97	830	5.8
Total	1,188,612	1,025,089	2,213,701	2,655	2,601	5,256	NA
Average	198,102	170,848	368,950	442	433	876	7.0

Management:

- The Sludge Hauling Permit application was submitted and a new annual permit received.
- The Spill Response Plan was updated, which included a facility chemical storage audit. New permit was applied for and received.
- The Emergency Plan was updated.

Plant Upgrade:

- Centrifuge and ozone equipment was bid and awarded. This was necessary to reduce design costs and expedite construction.
- The design was completed and submitted to the State Health Department for approval.
- Estimated project costs remain within approved budget.

Staffing:

- Staffing remained stable with no retirements.

Stage 2 Disinfection By-Product Waiver:

Official Minutes from the Common Council Meeting of October 6, 2014

- The Water Board, City and Town have a consent order that delays implementation of the Stage 2 disinfection byproduct standard until 2016. The compliance plan requires completion of the ozone and centrifuge project no later than March 2016.

Wholesale Water:

- Dutchess County Water and Wastewater Authority has taken an average of 1.26 MGD, 0.78 MGD less than contracted. Income from this water sale for the first half of 2014 was \$744,639.57.

Dutchess County 2014 Water Usage, Million Gallons

Month	Taken	Not Taken	Total	1000 gpd	Quarterly Total
January	37,084	25,853	62,937	2,030	
February	29,566	27,834	57,400	2,050	
March	34,600	28,950	63,550	2,050	101,250
April	37,235	24,265	61,500	2,050	
May	41,523	22,027	63,550	2,050	
June	48,424	13,076	61,500	2,050	127,182

In January there was a water restriction due to frazil ice that froze intake.

- Arbors averaged 27,377 gpd over the first half of 2014. Based upon their take or pay contract, they were charged for 30,000 gpd or an amount of \$11,311.36.
- Greenbush averaged 44,793 gpd over the first half of 2014. Based upon their take or pay contract, they were charged for 80,000 gpd or an amount of \$28,278.40.

Official Minutes from the Common Council Meeting of October 6, 2014

08/22/2014

Clerk Monthly Report Quarterly Report
April 01, 2014 - June 30, 2014

Page 1

CERTIFICATION OF REMITTING OFFICER:
Deanne L. Flynn, hereby certifies that she is the Chamberlain of the City of Poughkeepsie, State of New York; that she has examined the annexed report, that she knows such report to be a true and correct statement of operations for

Account Description	Fee Description	Account#	Qty	Local Share
Clerk Admin Fee - .05 Postage	Clerk Admin. Fee		16	258.80
			Sub-Total:	\$258.80
Dog Licensing	Exempt Dogs	A2644	6	0.00
Dog Licensing	Female, Spayed	A2644	42	262.00
Dog Licensing	Female, Unspayed	A2644	7	122.50
Dog Licensing	Male, Neutered	A2644	46	276.00
Dog Licensing	Male, Unneutered	A2644	16	262.50
Dog Licensing	Replacement Tags	A2644	1	3.00
			Sub-Total:	\$918.00
Marriage Lic.	Marriage License		138	2,415.00
			Sub-Total:	\$2,415.00
Minor Sales	Copies Of Records		77	209.90
	Dog Judgement		1	300.67
	Dog Redemption		10	3,188.43
			Sub-Total:	\$3,698.90
Other Licenses	After Hours Store Permit		12	8,000.00
			Sub-Total:	\$8,000.00
	Application Fee		16	515.00
			Sub-Total:	\$515.00
	Assembly Permit		3	105.00
	Coin Machines		1	100.00
	Garage/Yard Sales		10	70.00
			Sub-Total:	\$275.00
	Taxi Cab License 1 Year		88	13,200.00
	Taxi Cab License 6 Mo.		8	640.00
	Taxi DI Process Fee		47	470.00
	Taxi Driver Perm. License		35	625.00
	Taxi Driver Temp. License		1	15.00
	Taxi Inspection		184	9,200.00
			Sub-Total:	\$24,050.00
	Town of Poughkeepsie HACK license		35	1,750.00
			Sub-Total:	\$1,750.00
	Vehicle for Hire License- Annual-Town of Pck		96	12,000.00
			Sub-Total:	\$12,000.00
	Vendor Permit/Community Event		3	105.00
	Vendors License 6 Mo.		1	125.00
			Sub-Total:	\$230.00
Vital Fees	Birth Certificates		1039	10,390.00
	Cimo Marr. Off. (credit)		1	50.00
	Cimo Marr. Off. (cash)		1	50.00
	Death Transcripts		1681	16,810.00
			Sub-Total:	\$33,065.00
Traffic	Scofflaw			
			Sub-Total:	\$33,065.00

Official Minutes from the Common Council Meeting of October 6, 2014

08/22/2014

Clerk Monthly Report Quarterly Report
April 01, 2014 - June 30, 2014

Page 2

CERTIFICATION OF REMITTING OFFICER:

Deanna L. Flynn, hereby certifies that she is the Chamberlain of the City of Poughkeepsie, State of New York; that she has examined the annexed report, that she knows such report to be a true and correct statement of operations for the period which it covers and that the amount remitted herewith is the full amount payable to the State Comptroller for such period pursuant to chapter 960 of the laws of 1976, as amended.

Account Description	Fee Description	Account#	Qty	Local Share
	Marriage Transcripts		59	590.00
	N/C Birth Cert.		35	0.00
	N/C Marriage Cert.		1	0.00
	Search Records		7	154.00
VS/Clerk Postage Reimbursement	Postage/resident/lat		16	319.20
			Sub-Total:	\$27,363.20
Wagering Fees	Bell Jar Permits		2	50.00
	Bingo License		21	236.25
	Bingo Proceeds		11	180.71
	Games of Chance License		4	100.00
			Sub-Total:	\$566.98
				Total Local Shares Remitted: \$113,101.86
Amount paid to:	NYS Ag. & Markets for spay/neuter program			154.00
Amount paid to:	State Comptroller For Games Of Chance			157.50
Amount paid to:	State Health Dept For Marriage Licenses			3,105.00
Total State, County & Local Revenues: \$116,518.36				Total Non-Local Revenues: \$3,416.50

CERTIFICATION OF ISSUING OFFICER:

Deanna L. Flynn, hereby certifies that she is the Chamberlain of the CITY OF POUGHKEEPSIE, State of New York; that she has prepared the annexed report, issued the licenses listed therein and that such report is a true and correct statement of operations for the period which it covers.

FP4BOPER
SYSTEM

BREAKDOWN-BY-OP

CITY OF POUGHKEEPSIE PARKING TICKET

05/01/2014

BREAKDOWN BY OPERATOR REPORT

FOR MONTH ENDING 04/30/2014

PAGE 1

OPID	AMT-PD	AMT-DS	AMT-RED	AMT-PD-YTD	AMT-DS-YTD	AMT-RED-YTD
413	.00	2,130.00	.00	.00	2,130.00	.00
423	13,720.00	.00	565.00	13,720.00	.00	565.00
425	13,590.00	.00	400.00	13,590.00	.00	400.00
432	13,035.00	.00	120.00	13,035.00	.00	120.00
456	2,845.00	.00	350.00	2,845.00	.00	350.00
WEB	11,650.00	.00	.00	11,650.00	.00	.00

GRAND TOTALS: PD : 54,840.00 DS : 2,130.00 RED : 1,435.00 PD YTD: 54,840.00 DS YTD: 2,130.00 RED YTD: 1,435.00

Official Minutes from the Common Council Meeting of October 6, 2014

§P4BOPER SYSTEM
 BREAKDOWN-BY-OP
 CITY OF POUGHKEEPSIE PARKING TICKET
 06/01/2014
 BREAKDOWN BY OPERATOR REPORT
 PAGE 1
 FOR MONTH ENDING 05/31/2014

OPID	AMT-PD	AMT-DS	AMT-RED	AMT-PD-YTD	AMT-DS-YTD	AMT-RED-YTD
413	.00	2,440.00	.00	.00	2,440.00	.00
423	12,320.00	.00	700.00	12,320.00	.00	700.00
425	8,775.00	.00	330.00	8,775.00	.00	330.00
432	10,985.00	.00	.00	10,985.00	.00	.00
456	3,762.50	.00	652.50	3,762.50	.00	652.50
WEB	9,490.00	.00	.00	9,490.00	.00	.00
GRAND TOTALS: PD : 45,332.50 DS : 2,440.00 RED : 1,682.50 PD YTD: 45,332.50 DS YTD: 2,440.00 RED YTD: 1,682.50						

§P4BOPER SYSTEM
 BREAKDOWN-BY-OP
 CITY OF POUGHKEEPSIE PARKING TICKET
 07/01/2014
 BREAKDOWN BY OPERATOR REPORT
 PAGE 1
 FOR MONTH ENDING 06/30/2014

OPID	AMT-PD	AMT-DS	AMT-RED	AMT-PD-YTD	AMT-DS-YTD	AMT-RED-YTD
413	.00	2,035.00	.00	.00	2,035.00	.00
423	24,895.00	.00	9,240.00	24,895.00	.00	9,240.00
425	7,335.00	.00	280.00	7,335.00	.00	280.00
432	9,045.00	.00	70.00	9,045.00	.00	70.00
456	3,130.00	.00	405.00	3,130.00	.00	405.00
WEB	12,550.00	.00	.00	12,550.00	.00	.00
GRAND TOTALS: PD : 56,955.00 DS : 2,035.00 RED : 9,995.00 PD YTD: 56,955.00 DS YTD: 2,035.00 RED YTD: 9,995.00						

PARKING TICKET TRIALS – APR 1, 2014-JUN 30, 2013

DATE	POTENTIAL REVENUE	ACTUAL REVENUE	PERCENTAGE	TIA'S ETC.
April 7, 2014	760.00	660.00	87%	11- Default Judgments 1-ACD 1-"Covered"
April 15, 2014	1,570.00	1,110.00	70%	10-Default Judgments 4-ACD 2-DIJ
April 21, 2014	735.00	485.00	66%	13 Default Judgments 3-ACD
May 5, 2014	2,010.00	1,315.00	65%	17-Default Judgments 1-DIJ 9-ACD
June 10, 2014	880.00	620.00	70%	11-Default Judgments 3-"covered"
June 16, 2014	515.00	360.00	69%	7-Default Judgments 3-"covered"
June 24, 2014	1,660.00	1,205.00	72%	24-Default Judgments 3-DIJ 9-ACD

TOTALS \$8,130.00 \$5,755.00 71%

IN ADDITION, CORPORATION COUNSEL'S OFFICE COLLECTED \$2,450.00 IN PLEA BARGAINS FOR THE QUARTER

Official Minutes from the Common Council Meeting of October 6, 2014

CLAIMS FILES OPENED
April 1, 2014-June 30, 2014

<u>Adverse Party</u>	<u>Date of Loss</u>	<u>Action/Cause of Claim</u>	<u>Amount In Controversy</u>	<u>Disposition of Matter</u>
Hoffman, David	5/15/2014	Popped tire on curb of Main/Palmer	\$181.00	Closed-denied
Burns, Aura A.	2/17/2014	Flood from Sewer Main Break-2 Wilbur Court	\$7,000.00	Open
Bozyako, Bernice	2/2/2014	City plow hit mailbox post-51 Pembroke Drive	\$50.00	Closed-Paid
Harrison, Lowell	3/5/2014	Slip Fall Mansion St & Garden Street	Unknown	Open
Garvey, Patrick	3/27/12-Present	Police investigation complaint	Unknown	Open
Fields, Scott	5/13/2014	Daughter's cell phone stolen at middle school	\$216.49	Closed-Denied
Perrotta, Gregory	11/12/13	Seized firearms (police)	Unknown	Open
Daniels, Jr., William L.	3/17/2014	Wrongful death (Police-Vigna)	Unknown	Open
Barnett, Marjorie	5/1/2014	Clothes ruined by poor city water condition	\$350.00	Open
Hyman, Dain	6/9/2014	City Garbage Truck hit car	Unknown	Open
McDonnell, Joan	3/28/2014	Fire truck damaged lawn/walkway	\$250.00	Closed-Paid
Walden 2407 Holding	6/25/2014	Chimney damaged by strong winds	Unknown	Closed-denied
Paullin, Rakim		Police-Inappropriate arrest	Unknown	Closed-paid \$875.00
Dorn, Daniel	6/20/2014	Police-False arrest (Featherston/Kane)	Unknown	Open
Dwyer Berry Associates	6/9/2014	City's failure to return bond money	\$30,000.00 +	Open

Official Minutes from the Common Council Meeting of October 6, 2014

Murray, Vernon	5/15/2014	Rear-ended by city bus	Unknown	Closed-denied, County bus
Tacinelli, June M.	7/2/2014	Tree limb fell on aluminum awning	\$3,000.00	Open
Mallen, Nell	6/24/2014	Rear-ended by city police car (M. Cutler)	\$375.24	Open
Tissiera, Michael	6/20/2014	Property lost by city police	Unknown	Open
Mahoney, Patrick		Personal injury	1 Million	Open
Stauss, Donald		Division of Human Rights Complaint	\$250,000.00	Closed-Paid \$15,000.00
Estate of Shiquan M. Krouser	5/24/2014	Wrongful death (Police-McKinnon)	Unknown	Open

Claims Paid

Karen Dixon	Plow Truck hit parked truck	\$ 1,255.33
13 South Bridge St	Issue with tax lien sale-improper Notice	\$ 22,000.00
Glen Schwarze	Rear-ended by city police car	\$ 48,170.93
Melissa Dvozenja-Thomas	City plow truck hit parked vehicle	\$ 476.56
Ferdinand Rivera	Car rear-ended by city employee Adam Yasiojko	\$ 613.77
USAA Insurance o/b/o John Monteverdi	City plow truck hit/damaged parked Vehicle	\$ 2,811.94
Aladji Ndiaye	Slip/Fall 82 N Hamilton Street	\$ 2,500.00
Peter Winne	City plow truck hit/damaged fence	\$ 60.00
Rakim Paulin	City Police-inappropriate arrest	\$ 875.00
Kathleen McNally	Slip/Fall 70 Forbus Street	\$ 3,500.00
	TOTAL	\$ 82,263.53

VEHICLE TRAFFIC COURT
2014 SECOND QUARTER TOTALS

DATE	APPEARANCES	DATE	APPEARANCES	DATE	APPEARANCES	TOTALS
1-Apr	45	1-May	40	2-Jun	41	657
3-Apr	39	2-May	43	3-Jun	39	511
4-Apr	33	5-May	45	5-Jun	25	470
7-Apr	69	6-May	42	6-Jun	32	1638
8-Apr	32	8-May	40	9-Jun	43	
10-Apr	37	9-May	43	10-Jun	14	
11-Apr	30	12-May	50	12-Jun	37	
14-Apr	31	13-May	31	16-Jun	46	
15-Apr	43	14-May	6	17-Jun	22	
17-Apr	51	16-May	29	18-Jun	1	
18-Apr	37	20-May	27	19-Jun	26	
21-Apr	54	22-May	28	20-Jun	41	
22-Apr	34	27-May	55	23-Jun	30	
24-Apr	36	30-May	32	24-Jun	41	
25-Apr	41		511	27-Jun	32	
29-Apr	45				470	
	657					

CRIMINAL COURT ~ 2014 FIRST QUARTER TOTALS

DATE	APPEARANCES	FINES	DATE	APPEARANCES	FINES	DATE	APPEARANCES	FINES	TOTALS
4/1	4	\$100.00	5/1	7	\$400.00	6/2	8	\$75.00	
4/2	7	\$125.00	5/2	1	\$0.00	6/3	9	\$25.00	APPS
4/3	6	\$0.00	5/5	7	\$250.00	6/4	11	\$50.00	146
4/4	6	\$75.00	5/6	3	\$150.00	6/5	8	\$100.00	161
4/7	3	\$25.00	5/7	10	\$100.00	6/6	10	\$225.00	186
4/8	4	\$0.00	5/8	10	\$925.00	6/9	16	\$225.00	
4/9	10	\$0.00	5/9	11	\$100.00	6/10	10	\$25.00	
4/10	9	\$175.00	5/12	12	\$175.00	6/11	4	\$0.00	FINES
4/11	6	\$50.00	5/13	3	\$50.00	6/12	2	\$0.00	\$2,100.00
4/14	9	\$25.00	5/14	6	\$125.00	6/13	1	\$0.00	\$3,500.00
4/15	6	\$250.00	5/15	9	\$0.00	6/16	17	\$50.00	\$1,975.00
4/16	4	\$25.00	5/16	6	\$50.00	6/17	4	\$0.00	
4/17	6	\$50.00	5/19	6	\$75.00	6/18	14	\$250.00	
4/18	3	\$25.00	5/20	6	\$50.00	6/19	3	\$0.00	
4/21	9	\$50.00	5/21	12	\$25.00	6/20	10	\$100.00	
4/22	6	\$400.00	5/22	7	\$150.00	6/23	16	\$175.00	
4/23	9	\$100.00	5/23	10	\$100.00	6/24	6	\$250.00	
4/24	7	\$75.00	5/27	2	\$0.00	6/25	15	\$175.00	
4/25	15	\$100.00	5/28	15	\$225.00	6/26	6	\$100.00	
4/28	12	\$450.00	5/29	7	\$0.00	6/27	6	\$100.00	
4/29	2	\$0.00	5/30	11	\$550.00	6/30	10	\$50.00	
4/30	3	\$0.00		161	\$3,500.00		186	\$1,975.00	
	146	\$2,100.00							

2014- 2nd QUARTERLY REPORT

Department	Second Quarter
<p>Buildings & Grounds City Hall</p>	<p>Work on AC and doing maintenance for the AC unit. Over head door repaired. Repaired storm line in P-3(Big Project). Unlogged sinks and toilet throughout City Hall. Clean up after rain storm. Water leaking through roof. Worked on AC unit for computer room. Moved furniture around for engineering dept.</p>
<p>Firehouses</p>	<p>Cloyer St F.H.-unclogged Sink drain. #505 Main St work on getting generator repaired. Hooker Ave F.H.-Generator issue yet to resolved.</p>
<p>Police Division</p>	<p>Repaired doors and worked on diffuser for AC air to come through. Clean up mess in jail cells and plumbing repairs.</p>
<p>City Court</p>	<p>Working on leaks and clean up water. Moved boxes to penthouse. Moved furniture around . Fixed file cabinet</p>
<p>DPW Compound</p>	<p>Make out Time cards. Repaired Main entrance gate and Garage doors for Sewer and water dept building. Repaired stair to Trailers in the DPW compound.</p>
<p>Abandoned Buildings</p>	<p>Secured 23 building/Some of these locations had to be resoured half dozons time.</p>
<p>Winterize/Unwinterize</p>	<p>Unwinterize Spratt park Little league building Spratt pool house.</p>

Official Minutes from the Common Council Meeting of October 6, 2014

Department	Second Quarter
Miscellaneous	Put in the docks at Waryas Park and replaced rope near ramp area. Repaired Bus Shelters and removed graffiti on glass. Striped part of Hooker ave for crosswalks and Wilbur Blvd for crosswalks and Market St for dash lines. Worked on soldier fountain painted and repaired fence . Worked Glebe house. City own pools up and running. Worked on scoreboards at spratt Park and Stitzel. Working on repairing Parks benches.
Walk Throughs	Walk through with Johnson Control Fire extinguisher and Craig Thompson pest control. Walk through cleaning contractor.
Work Orders	

Official Minutes from the Common Council Meeting of October 6, 2014

Department	Second Quarter
Street Maintenance	
Snow Events	Clean Parks from snow removal storage from winter.
Pot Holes	26 days of patching pot holes and still not done. Because of bad winter Streets are are fall a part.
Excavations Repaired	30 Excavations have been repaired in three months and erosion spots. More spots and excavations need to repaired .
Oil Spills Complaints	3
Top Soil Complaints	2
Graffiti Complaints	3
Compost Area	Hauled compost and turned piles.
Others	Push up snow in City Parks parking lot and removed snow from City Parking lots. Take out salters from dump truck to be use for hauling. Finish up leaves collection. Hauling compost and turning compost piles. Pick up dead animal from City streets. Assist with Water plant tractor trailer (when they need a driver). Assist City Electrician with repairs through out city streets. Put out barricades for events. Fill in the pot holes on East and West bound Arterial twice with in two months. Milling and Paved these streets -Smith between weed to Oakley and Blvd knoll from Main st to the Dead-end. Repaired Guard Rail through City. Took care of Violations for the violation dept. Assist Building & Ground dept with manpower. Temporary fixing police apron drainage. Hauling Top soil from dutchess statium for Top soil
Work Order Complaints	155

Official Minutes from the Common Council Meeting of October 6, 2014

Department		Second Quarter
Tree Department		
Tree Planting		10
Tree Removal		21
Tree Trimming		137
Stump Removal		24
Banner and Flags		Replaced Flag at Waryas Park
Christmas Decorations		NA
Christmas Trees		NA
Work Order Complaints		4
Others		Assist Sanitation dept with Trailer Driver and Man power and taking metal to scrap yard. Assist Recreation dept with cutting grass in parks (19days).Cleaning area of Rock Garden at College Hill. Planted Trees for Arbor day. Clean up Boat ramp at Waryas Park. Trimmed trees for Streets paving. Pull maintenance for trucks and saws for future storms. Water new planted trees and flowers.
Sign Department		
Street ID		3
Ordinance Change		6
New Signs		183
Sign Replacement		90
Faded Sign Replacement		5
Signs Straightened		10
Mark Out Request		5
Parking Lots		3
Cars & Trucks		3
Signs Made		264

Department	Second Quarter
Other	<p>Receive and install walkway region signs. Refab signs and remove old signs at Waryas Park. Design new layout for Waryas Park sign. Layout new Parking meter signs and 120 (included in signs made). Check Buses for Eng/Sp signs. Complaint @ 26/28 Pershing Ave.respond to Rebecca Volk . Post section on Main St NO PARKING for central hudson. Check MUTCD many times for proper crosswalk signs. Design and make new Spratt pool signs. Design and make Baker St sign for presentation. Layout and make new skate park rules-sign. Make Road Work/Uneven pavement signs. Design and make Jazz on college Hill signs. Research code book for various ordinances requested and questions. Layout areas for new sign locations, measure for new ordinances. Removed downed sign, snow damage removed trip hazards. Check complaints, respond to and rectify Corp counsel, PD, Head quarter... Coat Faded sign w/Hi intensity reflective material to reuse aluminum. remove signs and put down sign posts back into inventory to reuse. Cut bent & damage sign post into drive post(stub). Put up</p>
Utility Person	434
Electrician Dept	190

Official Minutes from the Common Council Meeting of October 6, 2014

2014 WORK ORDERS ASSIGNED BY DEPT

	JAN	FEB	MAR	APR	MAY	JUNE	JULY
ADMINISTRATION	0	0	8	4	7	10	
BUILDINGS & GROUNDS	26	22	14	33	36	30	
DISPATCH	9	4	4	5	12	13	
MARKOUTS	64	52	150	132	166	136	
PARKS & RECREATION	3	4	1	11	13	7	
SANITATION	28	63	42	31	77	95	
SEWER	13	36	30	35	41	38	
SNOW REMOVAL	24	263	10	0	0	0	
STREET LIGHTING	72	45	46	83	55	60	
STREETS	58	26	68	77	90	64	
TREES	22	6	8	31	66	48	
WATER	35	55	44	82	233	137	
TOTALS	352	582	425	624	804	638	0

2014 WORK ORDERS COMPLETED BY DEPT

	JAN	FEB	MAR	APR	MAY	JUNE	JULY
ADMINISTRATION	0	0	0	0	0	3	
BUILDINGS & GROUNDS	10	5	0	1	25	0	
DISPATCH	9	4	4	5	12	13	
MARKOUTS	64	52	150	132	166	136	
PARKS & RECREATION	2	2	0	4	4	9	
SANITATION	37	12	20	65	28	61	
SEWER	12	28	13	27	36	32	
SNOW REMOVAL	119	249	24	0	0	0	
STREET LIGHTING	67	42	43	68	67	55	
STREETS	34	4	81	37	50	88	
TREES	0	0	2	1	1	2	
WATER	29	31	20	61	84	150	
TOTALS	383	427	357	401	471	529	0

Official Minutes from the Common Council Meeting of October 6, 2014

Building Department - 2nd Quarter 2014

Description	Count	Amount
CO Searches	94	11,850.00
Property Inspections	8	500.00
Electrical Licenses	12	2,925.00
Plumbing Licenses	25	4,100.00
Gas and Oil Licenses	71	16,100.00
Demolition Permits	9	2,432.33
Building Permits/Operating Permits	411	71,384.47
Reciprocal and Special Permits	11	3,750.00
Total	641	\$113,041.80
Freedom of Information Inquiries	84	
Complaints Received	192	

Planning - 2014 - 2nd Quarter

Planning Division Statistics and notes

	Applications
Site Plans	4
Extension of Time for Site Plan/Subdivision	
Validity	
Subdivisions	2
Special Permits	
Facades	2
Signs	11
SEORA	
Area Variances	3
Use Variances	1
ZBA Interpretations	

REVENUE	
Facades	7.00
Signs	3,306.00
Site Plans	1,555.00
Special Use Permits	0.00
Variances	2,400.00
Subdivisions	1,700.00
TOTAL REVENUE	\$9,555.00

Official Minutes from the Common Council Meeting of October 6, 2014

Grants:	Description:
Restore NY with Empire State Development Corp. 23 Academy St.	The site plan for 23 Academy St was approved by the Planning Board in January 2010. The City and ESD have an executed contract. The applicant has recently received necessary variances from the State and has begun work on the property, including lead and asbestos abatement, and other interior demo. Exterior work has been limited to geothermal drilling thus far.
Restore NY with Empire State Development Corp. Cottage/Winnikee	The 40-42 Cottage Street portion of this project has been completed and the contractor has been reimbursed through the grant. Work has begun on the other two properties - 209 Cottage and 211 Winnikee. The contract with ESD has been extended until 12/31/14.
NYSDDS Transit Oriented Development at Poughkeepsie Station Grant	Market study regarding transit oriented development around the MNR train station. Development pro formas were generated based on varying growth rates (base, 10% and 15%). Project was completed and final grant funds have been disbursed.
NYSDDS Waterfront & Lower Main Street Corridor Planning Grant	The consultants for this project have completed an Action Plan for Lower Main/Waterfront and schematic design concepts for improvements to Kaal Rock Park/Point, which were presented at a public meeting in May 2013. Consultants have completed final design and construction documents for the project. The final payment requisition are being prepared to send to the State to initiate project closeout.
NYSDDS WOTH - Washington Street Gateway Improvement Grant	Contract has been executed with the State as of the end of May 2013. The selected contractor completed construction in Nov 2013, with final topsoil, compost and seeding completed in Spring 2014. Final site amenities to be completed include plantings on the slopes on either side of the bridge abutment. Ribbon cutting for project is tentatively scheduled for September 2014.
NYSDDS Planning Grant - Waterfront Enhancement Project	Contract has been executed between the City and DOS. Project involves waterfront improvements and the creation of a 2.5 acre waterfront park adjacent to the Dutton site. A contractor has not been procured yet.

<p>NYSDOS Waterfront Redevelopment Strategy</p>	<p>City has been awarded the grant and contract has been drawn but not executed yet. Project involves update to LW/RP and preparation of GEIS for the LW/RP and the waterfront redevelopment strategy.</p>
<p>NYSDEC Urban Forestry Grant Round II</p>	<p>Grant has been awarded and contract has been executed. Project involves purchase and planting of 105 trees at scattered locations. Project is underway, with the first phase of trees purchased and and site preparation underway along lower Main St., Taldmadge St. and Smith St.</p>
<p>Hudson River Valley Greenway - Youth Enclave Strategic Initiative</p>	<p>Grant awarded in October 2013. Project involves partnership with Pattern for Progress and will create a strategy to encourage college grads and other young people to stay in the area. The report was completed and released in mid-June 2014. Final payment requisition is being prepared for project closeout.</p>
<p>Central Hudson Main Street Revitalization Grant Program</p>	<p>The city applied for and was granted a \$250,000 grant through the Central Hudson Main Street program for the Garden Street/Up-to-Date building improvement project. Contract between CH&G and the City are being prepared. Work is tentatively scheduled to commence in Spring 2015.</p>
<p>Other Projects and Activities:</p>	
<p>WAC continues to meet as projects within their purview arise. The WAC had one project during 1st Quarter 2014. In March, the WAC met to discuss the Dutton site plan. The members reviewed the elements of the project in comparison to code criteria and voted to make the determination of consistency with the LW/RP.</p>	
<p>Dutton The O'Neill Group has submitted a site development plan application. The project is currently under review by the Planning Board.</p>	
<p>CUNY NYSolar Smart: The City is a participating jurisdiction and partner with City University of New York on a U.S. Dept. of Energy-funded project. CUNY was awarded \$1.4m in Nov. 2013. The project involves developing strategies to eliminate market barriers to rooftop PV and reduce the balance of systems costs for consumers. City staff is participating on the Planning & Zoning Working Group, whose purpose is to create model zoning for municipal use state-wide to streamline and encourage solar installation.</p>	

Official Minutes from the Common Council Meeting of October 6, 2014

2014 v 2013
Crime Comparison
Jan-June

Comparison of Uniform Crime

	2014	2013	CHANGE	% CHANGE
MURDER	2	2	0	100%
RAPE	4	8	-4	-50%
ROBBERY	44	60	-16	-27%
ASSAULT	83	109	-26	-24%
TOTAL VIOLENT CRIME	133	179	-46	-26%
BURGLARY	102	74	28	38%
ATT. BURGLARY	9	4	5	125%
LARCENY	297	319	-22	-7%
UNAUTHORIZED USE OF MV	2	4	-2	-50%
MV THEFT	8	12	-4	-33%
TOTAL NON VIOLENT	418	413	5	1%

Comparison of Arrests and Calls

	2014	2013	CHANGE	% CHANGE
ARRESTS	835	985	-150	-15%
CALLS	ATTACHED	ATTACHED	ATTACHED	ATTACHED

Comparison of Tickets

	2014	2013	CHANGE	% CHANGE
PARKING	9229	11219	-1990	-18%
MOVING	2631	2138	493	23%
ORDINANCE	359	516	-157	-30%
TOTAL	12219	13873	-1654	-12%

Official Minutes from the Common Council Meeting of October 6, 2014

2014 vs 2013
Crime Comparison
April-June

Comparison of Uniform Crime

	2014	2013	CHANGE	% CHANGE
MURDER	3	1	2	100%
RAPE	3	5	-2	-40%
ROBBERY	17	36	-19	-53%
ASSAULT	42	45	-3	-7%
TOTAL VIOLENT CRIME	65	87	-22	-25%

BURGLARY	57	35	22	63%
ATT. BURGLARY	4	3	1	33%
LARCENY UNAUTHORIZED USE OF MV	168	178	-10	-6%
MV THEFT	2	3	-1	-33%
MV THEFT	2	6	-4	-67%
TOTAL NON VIOLENT	233	225	8	4%

Comparison of Arrests and Calls

	2014	2013	CHANGE	% CHANGE
ARRESTS	455	480	-25	-5%
CALLS	ATTACHED	ATTACHED	ATTACHED	ATTACHED

Comparison of Tickets

	2014	2013	CHANGE	% CHANGE
PARKING	5988	5825	163	3%
MOVING	1586	1167	419	36%
ORDINANCE	243	320	-77	-24%
TOTAL	7817	7312	505	7%

X. UNFINISHED BUSINESS:

Official Minutes from the Common Council Meeting of October 6, 2014

Councilmember Johnson – extended thanks to everyone who came and supported his Maplewood Fall Festival. He states that it was a beautiful day of singing, dancing and food.

Councilmember Hermann – he starts by asking City Administrator Bunyi if he could speak about the decision process regarding the tree at 6 Kingston Avenue and the concern that was raised by the member of the public.

City Administrator Bunyi – he states that the tree at Kingston Avenue has been brought to the attention of the DPW and the Administration several times over the last 4 to 5 years. This became an issue last year when a tree limb fell approximately 2 feet from the owner. Continuing, he states that once the City decided to take a look at it - even though the tree as a whole was healthy - there were limbs that were poised to fall at any given time. Since the homeowner notified the City that he was concerned about his liability, it was determined that it would be safer for the City to take the tree down than to suffer the consequences of injury to person or property should any of the limbs fall. This, he explains, came after several verified notices to the City that the owner had experienced some near misses with falling limbs. The decision was made purely on protecting the City's liability.

Councilmember Hermann – asks if City Administrator Bunyi can reassure members of the public who might be watching as well as himself, that every citizen has the same recourse as every other citizen regarding such issues and that in this instance there wasn't any favoritism given to this individual.

City Administrator Bunyi – answers “absolutely”. He doesn't think that it's a fair accusation of the Administration. He assures Councilmember Hermann and the public that the decision was based purely and simply on the basis of protecting the City.

Councilmember Hermann – thanks City Administrator Bunyi for the input and suggests that a member of the Shade Tree Commission come and address the Council just to explain what it is they do and what role they would place in an instance such as this.

City Administrator Bunyi – answers “absolutely”.

Councilmember Perry – she asks City Administrator Bunyi about the lady from Worrall Avenue that spoke at Public Participation regarding tree limbs destroying her sewer line.

City Administrator Bunyi – states that he took her phone number and that it will be looked into tomorrow.

Official Minutes from the Common Council Meeting of October 6, 2014

Councilmember Perry – asks the City Administrator if this Council needs to address the concerns of the owner of Bobby's Towing and Collision who also spoke during Public Participation.

City Administrator Bunyi – responds that he thinks that is being handled by Corporation Counsel.

Corporation Counsel Ackerman – states that the gentleman is proposing changes to the ordinance and if that's something the Council would like to look at, then changes can be made.

Councilmember Perry – asks Corporation Counsel Ackerman what changes the gentleman would like.

Corporation Counsel Ackerman – states that based upon him speaking here tonight, he's looking to increase the rate that tow trucks operating in the City are allowed to charge.

Councilmember Perry – wants clarification that the tow truck owner is asking for an increase in the fees *he's* allowed to charge.

Corporation Counsel Ackerman – responds that is correct because the City code regulates towing off of private property and tow truck companies are only allowed to charge certain rates for private lots. He explains that his understanding is that the gentleman who came and spoke is looking for an increase in the towing rate from \$85.00.

Councilmember Perry – confirms that there is a different price for towing from private property than from anywhere else in the City.

Corporation Counsel Ackerman – responds that he thinks what the tow truck owner is referring to is that the Council sets the rates for police department and those rates are significantly higher than those for private properties but, he explains, there are reasons for it. The police department tows are a little bit more urgent. A lot of times they require faster responses from the tow companies. However, he continues, he's requesting an increase in the allowable rate for towing or booting on private property.

Councilmember Johnson – states that he also has a question about his constituent at 38 Worrall Avenue which seems to be a reoccurring issue here in the City of Poughkeepsie. To City Administrator Bunyi, he asks if the City has a process when dealing with the trees. In other words, he asks, what happens when a resident complains that their tree roots are interfering with their sewer line?

Commissioner of Public Works Gent – states that he talked to the resident of 38 Worrall Avenue as well as called her son or son-in-law. He agrees that tree roots interfering with sewer lines is a common problem in the City. Because trees have

been planted between the sewer lines and the houses, it's inevitable that they are going to interfere with them. He explains that there are products made that can be put down the toilet once a month that will kill the roots. But, he states, it's a maintenance program that homeowners need to do once a month in order for it to be effective. It's not an ideal situation, but it's something that can be done to reduce the likelihood of tree roots causing problems. Every day, he states, he has to make a judgment call about what tree to take down and where to plant a new one. He states that he looks at every tree like a liability. The Shade Tree Commission's policy is to not take down a healthy tree, but unfortunately, some of the trees planted in the cityscape are not suited for the neighborhoods as they are today and they live to be 100 to 120 years old dropping limbs that cause injury to person and property. It's a judgment call that DPW makes almost every day.

Councilmember McClinton – wants to make two quick announcements: on November 7th, the youth are having a fashion show [inaudible] at the Cunneen-Hackett Arts Center at 9 Vassar Road. Then, on Tuesday, October 21st at 7:00pm, Marist College and the Black History Project Committee are offering the chance to hear Amy Bass, PhD in [Professional]? History from the College of New Rochelle. It will take place at the Marist Student Center, Room 310.

XI. NEW BUSINESS:

Councilmember Johnson – asks Mr. Bunyi and Mr. Gent what can be done about the yellow, school street markings – how can we repaint them?

Commissioner of Public Works Gent – answers that in the past, the City has sent out a bid for it and that they can run \$200 to \$500 for each section. States that he checked prices on stencils for them in order to do them in-house, but they were around \$1000 for the 10 foot letters. Continuing, he states that the 6 to 8 foot stencils may be more affordable.

Councilmember Johnson – states that he likes the 10 foot letters better. He then asks if the City has reached out to any other school districts to see if we could borrow their stencils for a nominal fee.

Commissioner of Public Works Gent – answers that he has not.

Councilmember Johnson –he believes this is something the City should look into. He states that he has about 2000 students walking home in his ward and he believes that the beautification as well as the safety aspect is important. He states that now that the local teams are playing neighboring school districts, there are a lot of students traveling into his ward during the time local students are walking home. He believes that it is in the best interests of the students to repaint the school crosswalks.

Councilmember Petsas – asks if anybody can speak to the progress of the stop sign at Hoffman and Albany.

Corporation Counsel Ackerman – states that he thinks somebody was going to look at it. His understanding of the situation was that it was being reviewed by the police department and they may have already approved it. If so, he continues, we'll get it drafted.

Councilmember Petsas – states that he would like it be ready for the October 20th Common Council Meeting. He then asks what the process is for student housing.

Corporation Counsel Ackerman – answers by stating that he forwarded Councilmember Petsas' email to Gary Beck at the Building Department to respond. He continues by stating that the owner of the building would need to file for a permit and the Building Department would need to see if it's permitted within that zoning district. The City needs proof that it is to be used as a student residence so the Building Department will send a notice of intent to the owner to inspect the property on a certain date. He continues that if, at that date/time the property owner does not have a permit and/or he is noncompliant, he will be issued the appropriate violations.

Councilmember Petsas – states that he has one more item to discuss – the walls of City Hall are crumbling. He states that when he was walking past the wall, there were chunks of it on the ground. Doesn't the City have a mason? He asks if there is any way this can be fixed before the winter sets in.

[**Commissioner of Public Works Gent** answers off camera – no audio]

XII. ADJOURNMENT:

A motion was made by **Councilmember Rich** and seconded by **Councilmember McClinton** to adjourn the meeting at 9:50 p.m.

Dated:

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

Respectfully submitted,
Deanne L. Flynn
City Chamberlain

Official Minutes from the Common Council Meeting of October 6, 2014

X. ORDINANCES AND LOCAL LAWS:

1. **FROM CHAIRMAN MALLORY**, Ordinance O-14-17, establishing a fee in lieu of parkland.
2. **FROM CORPORATION COUNSEL ACKERMANN**, Ordinance O-14-18, establishing a permit district on Delano Street.

XI. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

11. **FROM BUILDING INSPECTOR BECK**, a communication regarding proposed amendments to Chapter 19 regarding signage.
12. **FROM SEDORE & COMPANY**, a presentation regarding the 2013 Sedore Audit.
13. **FROM CITY ADMINISTRATOR BUNYI**, a communication regarding the revenue that was generated from each parking meter location along with the possible relocation of certain parking meters.
14. **FROM ASSISTANT CORPORATION COUNSEL VALK**, a communication regarding the amendments to the graffiti ordinance.
15. **FROM GERSON GOLDMAN**, a notice of claim.
16. **FROM OVERTON MURDOCK**, a notice of property damage sustained on September 10, 2014.
17. **FROM EMPIRE STATE STRATEGIES**, a notice of intent for Garibaldi Restaurant, Inc., located at 452 Main Street to obtain a liquor license.
18. **FROM CORBALLY, GARTLAND & RAPPLEYEA, LLP**, a notice of intent to renew Christos Catering, Inc., d/b/a Christos' Restaurant

XIII. UNFINISHED BUSINESS:

XIV. NEW BUSINESS:

XV. ADJOURNMENT: