



COMMON COUNCIL MEETING

Common Council Chambers

Monday, October 17, 2016

6:30 p.m.

I. ROLL CALL

II. REVIEW OF MINUTES:

Common Council Minutes of September 19, 2016

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

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

V. MAYOR'S COMMENTS:

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

VII. MOTIONS AND RESOLUTIONS:

- 1. FROM FINANCE COMMISSIONER NELSON, RESOLUTION R16-83,** introducing Local Law LL-16-2, and setting a public hearing to override the tax cap.
- 2. FROM CORPORATION COUNSEL ACKERMANN, Resolution R16-84,** accepting the elected official's time sheets.

3. **FROM CHAIRMAN PETSAS AND COUNCILMEMBER CHERRY,**
Resolution R16-85 requesting Mayor Rolison and County Executive Molinaro renegotiate the County's sales tax formula.

VIII. ORDINANCES AND LOCAL LAWS:

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM COMMUNITY DEVELOPMENT COORDINATOR HESSE,** a communication regarding the establishment of a Memorandum of Understanding between the City of Poughkeepsie and Metro North Commuter Railroad Company.
2. **FROM FINANCE COMMISSIONER NELSON,** a communication regarding a proposed resolution for the repeal of unused bonds authorized, pursuant to Section 41 of the Local Finance Law.
3. **FROM FINANCE COMMISSIONER NELSON,** a communication regarding the billing procedure for sanitation charges.
4. **FROM SOBO & SOBO, LLP,** a notice of personal injury sustained by Raymond Gooden, on July 7, 2016.
5. **FROM JULIO HERRERA,** a notice of personal injury sustained on July 2, 2016.

X. UNFINISHED BUSINESS:

XI. NEW BUSINESS:

XII. ADJOURNMENT:



The City of Poughkeepsie
New York

Robert G Rolison
Mayor

Marc S Nelson
Commissioner of Finance

COMMUNICATION TO THE COMMON COUNCIL

October 12, 2016

RE: Proposed Local Law Authorizing the City to Exceed the Statutory Tax Cap.

TO: Chairman Chris Petsas & Members of the Common Council

FROM: Marc Nelson, Commissioner of Finance

Attached hereto, please find a proposed resolution introducing a Local Law allowing the City to exceed the statutory tax cap.

General Municipal Law requires that a municipality pass a Local Law prior to the adoption of a budget that exceeds the tax cap. Given the time constraints required to adopt a Local Law, the council should take the necessary steps to accomplish this now.

The passage of the local law allows - but does not require - the City to exceed the cap.

Thank you for your consideration.

**RESOLUTION INTRODUCING LOCAL LAW
AND PROVIDING FOR PUBLIC
NOTICE AND HEARING
(R-16-83)**

INTRODUCED BY COUNCILMEMBER _____ :

BE IT RESOLVED, that an introductory Local Law, entitled "Local Law to override the tax levy limit established in General Municipal Law §3-c" be and it hereby is introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

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

BE IT FURTHER RESOLVED that the Council shall hold a public hearing on said proposed local law at City Hall, 62 Civic Center Plaza, Poughkeepsie, New York, at 6:00 o'clock P.M., on November 7, 2016; and

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

SECONDED BY COUNCILMEMBER _____ .

LOCAL LAW NO. 2 OF 2016

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN
GENERAL MUNICIPAL LAW § 3-c**

INTRODUCED BY COUNCILMEMBER _____ :

BE IT ENACTED, by the Common Council of the City of Poughkeepsie of the County of Dutchess as follows:

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the City of Poughkeepsie, County of Dutchess pursuant to General Municipal Law § 3-c, and to allow the City of Poughkeepsie, County of Dutchess to adopt a budget for the 2017 fiscal year that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. AUTHORITY

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the City Council to override the tax levy limit by the adoption of a local law approved by the Common Council.

Section 3. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 4. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

SECONDED BY COUNCILMEMBER _____.

STANDARD WORK DAY AND REPORTING RESOLUTION

(R16-84)

INTRODUCED BY COUNCILMEMBER _____ :

BE IT RESOLVED, that the City of Poughkeepsie hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Registration Number	Standard Work Day (hrs/day)	Term Begins/ Ends	Participates in Employer's Time Keeping System (Y/N)	Days/ Month (based on Record of Activities)
Councilmember 1 st Ward	Christopher Petsas	N/A	7.0	1/1/16-12/31/17	N	9.9
Councilmember 2 nd Ward	Mike Young	61317624	7.0	1/1/16-12/31/17	N	Unreported
Councilmember 3 rd Ward	Lorraine Johnson	N/A	7.0	1/1/16-12/31/17	N	Unreported
Councilmember 4 th Ward	Lee Klein	38055711	7.0	1/1/16-12/31/17	N	5.86
Councilmember 5 th Ward	Anne Perry	N/A	7.0	1/1/16-12/31/17	N	6.72
Councilmember 6 th Ward	Natasha Cherry	50673433	7.0	1/1/16-12/31/17	N	Unreported
Councilmember 7 th Ward	Randall Johnson II	60539699	7.0	1/1/16-12/31/17	N	29.38
Councilmember 8 th Ward	Matthew McNamara	61253613	7.0	1/1/16-12/31/17	N	Unreported
Mayor	Robert G. Rolison	N/A	7.0	1/1/16-12/31/19	N	Unreported

SECONDED BY COUNCILMEMBER _____ .

On this ____ day of October, 2016

Date enacted: October 17, 2016

(Signature of Clerk)

I, DEANNE FLYNN, clerk of the governing board of the City of Poughkeepsie of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 17th day of October, 2016, on file as part of the minutes of such meetings, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of EIGHT (8) members, and that _____ of such members were present at such meeting and that _____ of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto Set my hand and the seal of the

CITY OF POUGHKEEPSIE



Office of the New York State Comptroller
 New York State and Local Retirement System
 Employees' Retirement System
 Police and Fire Retirement System
 110 State Street, Albany, New York 12244-0001

Recertification of the Record of Activities

RS 2419

(Rev. 9/12)

I, Christopher D Petras, certify that I completed a 3-month record of activities for the term that began 01/01/14 for my position as 1st Ward Councilman ^{City of Westport}

I attest that the record of activities maintained for the above named term is still representative of my hours worked and that my responsibilities have not substantially or materially changed. My current term begins on January 1, 2015 and ends on December 31, 2017.

Christopher D Petras
 Signature of Member

10/05/16
 Date

NYSLRS Registration Number: N/A

Employer Location Code: 20045

NOTE: A record of activities and any certification based upon such record shall not be valid for more than eight years from the date of the taking of office for which the record of activities was initially maintained.

Please keep this form on file in your records and submit a copy to NYSLRS only upon request.



Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

Recertification of the Record of Activities

RS 2419

(Rev. 9/12)

I, Lee David Klein, certify that I completed a 3-month record of activities for the term that began 1/1/10 for my position as City Council Member, 4th Ward

I attest that the record of activities maintained for the above named term is still representative of my hours worked and that my responsibilities have not substantially or materially changed. My current term begins on 1/1/16 and ends on 12/31/17

[Signature]
Signature of Member

10/5/16
Date

NYSLRS Registration Number: 38055711

Employer Location Code: 20045

NOTE: A record of activities and any certification based upon such record shall not be valid for more than eight years from the date of the taking of office for which the record of activities was initially maintained.

Please keep this form on file in your records and submit a copy to NYSLRS only upon request.



Office of the New York State Comptroller
New York State and Local Retirement System
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110 State Street, Albany, New York 12244-0001

Recertification of the Record of Activities

RS 2419

(Rev. 9/12)

I, ANN E PERRY, certify that I completed a 3-month record of activities for the term that began 1/1/12 for my position as COUNCILMEMBER.

I attest that the record of activities maintained for the above named term is still representative of my hours worked and that my responsibilities have not substantially or materially changed. My current term begins on

January 1, 2010 and ends on December 31, 2017

Signature of Member

Date

October 5, 2016

NYSLRS Registration Number:

N/A

Employer Location Code:

20045

NOTE: A record of activities and any certification based upon such record shall not be valid for more than eight years from the date of the taking of office for which the record of activities was initially maintained.

Please keep this form on file in your records and submit a copy to NYSLRS only upon request.



Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

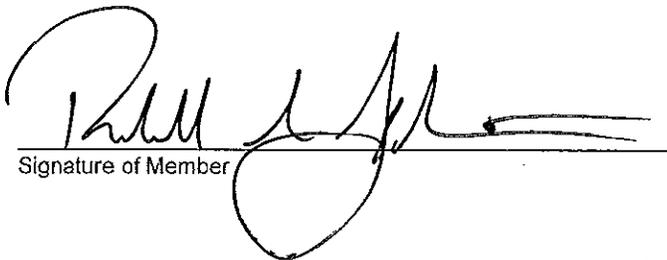
Recertification of the Record of Activities

RS 2419

(Rev. 9/12)

I, Randall Johnson II, certify that I completed a 3-month record of activities for the term that began 1/1/14 for my position as City Councilman.

I attest that the record of activities maintained for the above named term is still representative of my hours worked and that my responsibilities have not substantially or materially changed. My current term begins on 1/1/16 and ends on 12/31/17.



Signature of Member

10/5/16

Date

NYSLRS Registration Number: 60539699

Employer Location Code: 20045

NOTE: A record of activities and any certification based upon such record shall not be valid for more than eight years from the date of the taking of office for which the record of activities was initially maintained.

Please keep this form on file in your records and submit a copy to NYSLRS only upon request.

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF POUGHKEEPSIE
REQUESTING THE MAYOR AND COUNTY RENEGOTIATE THE SALES TAX
AGREEMENT**

**RESOLUTION
R16-85**

INTRODUCED BY CHAIRMAN PETSAS AND COUNCILMEMBER CHERRY

WHEREAS, by Resolution R13-51 the City of Poughkeepsie approved an agreement with Dutchess County and the City of Beacon for the distribution of sale and use tax receipts pursuant to Section 1262 (a) of the Tax Law of the State of New York; and

WHEREAS, such agreement reduced the amount of sales and use tax allocated to the City of Poughkeepsie and capped the total distribution of sales and use taxes to the county's cities, towns and villages; and

WHEREAS, the loss of sales tax from the agreement approved in 2013 has significantly impacted the ability of the city perform basic services and has contributed to the city's negatives fund balance which amounts to approximately \$11,000,000; and

WHEREAS, over these same 3 years it is believed that the County's fund surplus has now grown to nearly \$57,000,000 million of which a substantial portion is attributable to sales and use tax receipts; and

WHEREAS, the County should be obligated to return a portion of the fund balance which consists of accumulated fund balance to the cities, towns and villages including to the City of Poughkeepsie who's ability to operate has been substantially diminished by the re-negotiated Sales and Use Tax Agreement; and

THEREFORE, BE IT,

RESOLVED, that this Council request that the Mayor and the County Executive re-negotiate our Sale and use Tax Agreement to provide the City with an increase in sales tax monies immediately upon passage of this resolution; and be it further

RESOLVED, that a copy of this resolution be brought to the floor of the Legislature by members of the City of Poughkeepsie delegation of Legislators; and be it further

RESOLVED, that the City of Chamberlain shall and hereby is directed to send a copy of this resolution to the legislators representing the City of Poughkeepsie and to the County Executive.

SECONDED BY COUNCILMEMBER _____

MEMORANDUM OF UNDERSTANDING
BETWEEN
METRO-NORTH COMMUTER RAILROAD COMPANY
AND
THE CITY OF POUGHKEEPSIE
WITH TECHNICAL SUPPORT BY
COUNTY OF DUTCHESS

THIS MEMORANDUM OF UNDERSTANDING made this ____ day of _____, 2016 (“MOU”), by and among MTA METRO-NORTH COMMUTER RAILROAD COMPANY (“MTA Metro-North”), a public benefit corporation of the State of New York and subsidiary of METROPOLITAN TRANSPORTATION AUTHORITY (“MTA” and collectively referred to as “MTA Metro-North”), having its principal office located at 420 Lexington Avenue, 11th floor, New York, New York 10170 and THE CITY OF POUGHKEEPSIE (the “City”), a municipality and political subdivision of the State of New York, having its principal office at 62 Civic Center Plaza, Poughkeepsie, NY 12601, with technical support provided by the COUNTY OF DUTCHESS (the “County”), having its principal office at 22 Market Street, Poughkeepsie, NY 12601 (collectively, the “Parties”).

WHEREAS, this Memorandum of Understanding (MOU) outlines a strategic collaboration between the City of Poughkeepsie and MTA Metro-North, with the support of the County of Dutchess, and is intended to further the Poughkeepsie Waterfront Redevelopment Strategy and associated Waterfront Transit-Oriented Development (WTOD) zoning district (Exhibit A). This MOU is intended to result in the issuing of a Request for Expressions of Interest (RFEI) for developing non-park, publicly-held properties near the City’s waterfront, as outlined below; and

WHEREAS, the City owns two parcels (numbers 6062-83-789065 and 6062-75-819210) of property near MTA Metro-North’s Poughkeepsie Train Station, presently vacant or used for parking (the “City Properties”), as depicted on Exhibit B attached hereto; and

WHEREAS, MTA owns three parcels (numbers 6062-75-795184, 6062-75-762231, and 6062-75-764248) near the Poughkeepsie Train Station (the “Railroad Properties”) as depicted on Exhibit B, and which Railroad Properties are administered and operated by Metro-North as MTA’s operating subsidiary and agent; and

WHEREAS, MTA is the lessee of the property constituting the Harlem and Hudson commuter rail lines and facilities, under a long-term lease dated April 8, 1994, as amended by the First Amendment, dated June 5, 1995 (the “Harlem-Hudson Lease”), from Midtown Trackage Ventures LLC, as successor-in-interest to the Trustees of the Penn Central Transportation Company, expiring on February 28, 2274, including parcel 6061-27-794956 (portions), near the Poughkeepsie Train Station (the “Railroad Properties”) as depicted on Exhibit B, and which Railroad Properties are administered and operated by Metro-North as MTA’s operating subsidiary and agent; and

WHEREAS, the City and MTA Metro-North desire to jointly assess the feasibility of a mixed-use, transit-oriented development near the Poughkeepsie Train Station (“TOD”), and other compatible uses for the City Properties and Railroad Properties (together, the “TOD Properties”); and

WHEREAS, the City and MTA Metro-North, with support from the County, desire to set forth various activities they will undertake in order to help determine the feasibility, scope and parameters for a TOD on the TOD Properties.

NOW THEREFORE, for good and valuable consideration, the City, MTA Metro-North and the County agree as follows:

Railroad Properties

1. The Parties agree that any TOD or redevelopment plan (collectively "TOD") will include the following as a minimum in order for the Railroad Properties to be included as part of the TOD. These goals will be incorporated into any and all requests for expressions of interest (RFEL), requests for proposals (RFP) and all planning documents.

- a. There will be no net loss of Metro-North customer parking and provision must be made by proposers to provide permanent additional Metro-North customer parking to account for future growth at this terminus station.
- b. Residential or similar development that increases and encourages walk-in use of the Poughkeepsie Train Station will be part of the TOD.
- c. Continued access to Metro-North's facilities, rail lines and employee parking cannot be hindered and must be maintained, though it could be reconfigured subject to Metro-North's prior written approval. The portions of the Railroad Properties available for redevelopment are depicted in crosshatch within Exhibit B.
- d. Metro-North will not be required to contribute any funds to the TOD.
- e. Metro-North must adhere to the Public Authorities Law requirements in regard to the disposition of properties. This includes, but is not limited to, receiving fair market value for the Railroad Properties if disposed of or used in connection with the TOD.
- f. Metro-North will determine whether any element in any proposed TOD or redevelopment plan interferes with Railroad operations, and therefore cannot be included.
- g. Any binding agreement regarding disposition or leasing of Railroad Properties is subject to the requirements of the Public Authorities Law and requires approval of the MTA Board, and no terms or provisions herein shall act to limit the authority of the MTA Board with respect to such dispositions.

Support of City Waterfront Redevelopment Objectives

2. The Parties agree that any TOD or redevelopment (collectively "TOD") will support the City's vision for the future of its waterfront as outlined in the Poughkeepsie Waterfront Redevelopment Strategy and the WTOD zoning district, and in support of the draft Local Waterfront Redevelopment Plan (LWRP). The goals will be incorporated into any and all RFELs, RFPs and all planning documents.

Site Investigation

3. The City and MTA Metro-North, with support from the County, will jointly determine what information is necessary to obtain regarding the TOD Properties in order to engage the expertise of the development community in the planning process.

4. The City and MTA Metro-North, with support from the County, will jointly determine how to undertake stakeholder and community outreach to discuss and develop an RFEI for the TOD Properties.

Request for Expressions of Interest (RFEI)

5. The City and MTA Metro-North, with support from the County, will work cooperatively using in-house staff to revise and complete a draft RFEI. Each party shall determine in its sole discretion whether it wishes to retain the services of a consultant at its own expense to assist in the preparation of the draft RFEI.

6. After completion of the draft RFEI, the City, MTA Metro-North, and the County will meet to discuss and develop the final RFEI for the TOD. The City and MTA Metro-North will determine the final RFEI and agree on a process for distribution of the RFEI and review of submittals, and which agency will take the lead on the RFEI.

Authority

7. The City and MTA Metro-North each represent and warrant to the other that it has full power and authority to enter into and to execute this MOU and to assume and perform all of the obligations undertaken by each hereunder, subject to the limitations as provided in Paragraph 1(g) above.

8. The City, MTA Metro-North and the County will each designate an authorized representative to act on each party's behalf in connection with this MOU. The authorized representative of each party will be responsible for maintaining communication between the parties, or conferring and meeting as often as necessary to discuss significant issues. Each party shall be entitled to rely on concurrences or approvals of the other parties' representatives until such time as the parties have received notice from any other party that the authority of such authorized representative has been revoked and a replacement designated.

Termination Rights

9. The City and MTA Metro-North will each have the right to terminate this MOU, and any obligations thereunder upon ten (10) days written notice of its intent to terminate.

Schedule

10. The City and MTA Metro-North seek to complete the tasks contained in this MOU within one year of its signing. If the scope of work has not been completed, the parties agree to three automatic extensions of the MOU for one year each.

Miscellaneous

11. Notices to MTA Metro-North shall be delivered or mailed to MTA Metro-North at the

address set forth below:

Metro-North Commuter Railroad Company
420 Lexington Avenue, 11th floor
New York NY 10170
Attn: Richard Gans, Vice President & General Counsel

With a copy to:

Metro-North Commuter Railroad Company
420 Lexington Avenue, 12th floor
New York NY 10170
Attn: Michael Shiffer, PhD
Vice President, Planning

Notices to the City shall be delivered or mailed to the City at the address set forth below:

City of Poughkeepsie
62 Civic Center Plaza
Poughkeepsie, NY 12601
Attn: Corporation Counsel

With a copy to:

City of Poughkeepsie
62 Civic Center Plaza
Poughkeepsie, NY 12601
Attn: Department of Planning and Community Development

Notices to the County shall be delivered or mailed to the County at the address set forth below:

Dutchess County
22 Market Street
Poughkeepsie, NY 12601
Attn: County Executive

With a copy to:

Dutchess County Department of Planning and Development
27 High Street
Poughkeepsie, NY 12601
Attn: Commissioner

By giving the other parties at least ten (10) days' prior written notice, each party may designate a different address or addresses for Notices.

IN WITNESS WHEREOF, the City and Metro-North, with the support of the County, have executed this Agreement as of the date first above written.

THE CITY OF POUGHKEEPSIE

By: _____
Name:
Title:

METRO-NORTH COMMUTER RAILROAD COMPANY

By: _____
Name:
Title:

As Provider of Technical Support:

COUNTY OF DUTCHESS

By: _____
Marcus J. Molinaro
County Executive

APPROVED AS TO FORM:

County Attorney's Office

APPROVED AS TO CONTENT:

Eoin Wrafter, Commissioner of
Planning and Development

EXHIBIT A: Waterfront Transit-Oriented Development District (WTOD)

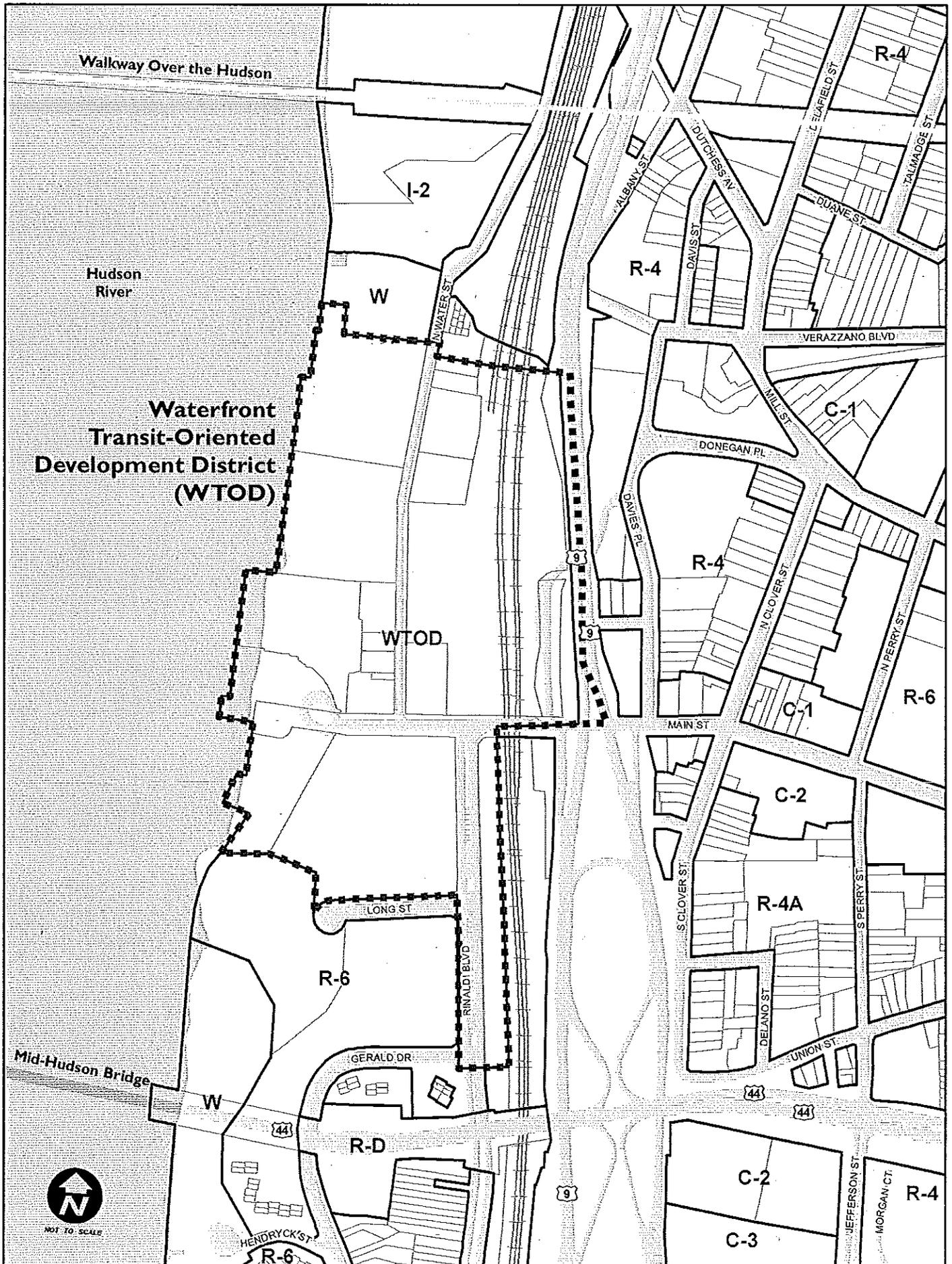


EXHIBIT B

764248

794956

762231

795184

819210

789065



NOT TO SCALE

Railroad Properties

 **Portions of Railroad Properties Available for Redevelopment**

City Properties

JOHN WELCHERS CIR

LONG ST

GERALD DR

DONEGAN PL

DAVIES ST

DELANO ST

44

44

CCM 10/17/16
Item IX-2

LOCAL LAW NO. 3 OF 2016

LOCAL LAW AMENDING CHAPTER 9, ARTICLE V OF THE CODE OF THE CITY OF POUGHKEEPSIE BY ADDING A NEW COLLECTION PROCEDURE FOR THE SOLID WASTE COLLECTION FEE.

BE IT ENACTED, by the Common Council of the City of Poughkeepsie of the County of Dutchess as follows:

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to change the collection procedure for the solid waste collection fee. The City of Poughkeepsie is desirous of eliminating the solid waste collection fee as a line-item of the annual property tax bill. The solid waste collection fee is a user fee as opposed to a tax and does not belong on the annual tax bill. Additionally it leads to confusion as some residential property owners' mortgage companies refuse to pay the sanitation user fee as part of the escrow.

Section 2. Section 9-68 of Chapter 9, Article V of the Code of Ordinances of the City of Poughkeepsie entitled "Solid Waste Collection Fee" is amended by the following additions and Deletions

Section 9-68 Solid Waste Collection Fees

(a) Annual Determination of Fees.

The Mayor as a part of the budget process shall propose the fees charged by the City for solid waste collection and disposal services annually. A schedule of the annual collection fees shall be approved by the City Common Council by resolution and maintained on file in the Commissioner's office and the office of the City Clerk.

(b) Billing of solid waste collection fee. The Commissioner of Finance shall bill and collect the solid waste collection fee from the responsible property owner. The solid waste collection fee shall be due and payable on January 1, however, without penalty, a responsible property owner may elect to pay the solid waste collection fee in quarterly installments with 25% payable on or before April 30, 25% payable on or before July 31st, 25% payable on or before October 31st and 25% payable on or before December 1. ~~The solid waste user fee shall be billed for each calendar year as a separate line item on an annual real property tax bill for each assessed property subject to this Article.~~

(c) Interest on unpaid residential refuse fees. If a residential refuse fee for each improved real property is not timely paid when due, interest shall accrue on such

unpaid amount at the rate of 2% per calendar month or portion thereof, computed from the original due date until paid in full, and shall be collected at the time of payment or enforcement of such solid waste collection fee.

(d) Levy of and lien on unpaid solid waste collection fee. If a residential solid waste collection fee including interest thereon, is not fully paid on or before, December 1 of the calendar year for which originally billed, the unpaid amount shall become a lien as of January 1 of the next succeeding year and shall accrue additional interest, be collected, and be enforced in the same manner and at the same time as provided by law for City taxes due in such next succeeding year.

(e) Exemptions:

(1) Any person who because of age or disability shall qualify for exemption from City real property taxes based on an enhanced star exemption or low income tax exemption, shall be charged a reduced fee for solid waste collection and disposal services in the total sum of \$100.00 annually.

(2) Any residential user eligible for STAR tax exemption from City real property taxes, upon demonstrating that only one unit of a two or three unit residential parcel is occupied as their residents, all other units being permanently vacant, after certification to the Commissioner and inspection, pursuant to regulations promulgated by the Commissioner and approved by resolution of the City Common Council, shall pay only the annual base unit fee.

(f) For Profit Mixed Residential, Multi-Residential and Commercial Users:

The annual fee shall be based upon that user's proportional share of the cost of waste collection services not funded by *ad valorem* tax, the formula for which shall be determined annually by the Commissioner, recommended to the Mayor, and adopted by resolution of the City Common Council. The Commissioner, consistent with the formula adopted by the City Common Council, is authorized to negotiate fees pursuant to Section 9-64(g) of this Chapter, based on volume and time requirements for collection, provided that such fees shall in all instances cover at a minimum the costs of providing the service.

(g) Not-For-Profit Institutional Users:

The annual fee shall be based upon that user's proportional share of the total cost of waste collection services, the formula for which shall be determined annually by the Commissioner, recommended by the Mayor, and adopted by resolution of the City Common Council. The Commissioner, consistent with the formula adopted by the City Common Council, is authorized to negotiate fees pursuant to Section 9-64(g) of this Chapter, based on volume and time requirements for collection, provided that such fees shall in all instances cover

at a minimum the costs of providing the service.

Section 3. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 4. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

VERIFIED NOTICE OF CLAIM

In the Matter of the Claim of

RAYMOND GOODEN

-against-

POUGHKEEPSIE HOUSING AUTHORITY AND THE CITY OF POUGHKEEPSIE

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

TO: VIA CRRR# 7016 1970 0000 5047 5282
Poughkeepsie Housing Authority
4 Howard Street
Poughkeepsie, NY 12601

VIA CRRR# 7016 1970 0000 5047 5275
Attn: Nancy Dotterer, Executive Director
Poughkeepsie Housing Authority
4 Howard Street
Poughkeepsie, NY 12601

VIA CRRR# 7016 1970 0000 5047 5268
Attn: Robert G. Rolison, Mayor of Poughkeepsie
62 Civic Center Plaza
Poughkeepsie, NY 12601

2016 SEP 15 PM 3:05

CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN

PLEASE TAKE NOTICE that the undersigned Claimants hereby Claim and Demand against you as follows:

1. The name and post-office address of each Claimant and Claimants' attorneys are:

CLAIMANT:

Raymond Gooden
120 Hudson Ave, Apt. 2A12
Poughkeepsie, NY 12601

CLAIMANT'S ATTORNEYS:

SOBO & SOBO, L.L.P.
One Dolson Avenue
Middletown, New York 10940

VERIFICATION

STATE OF NEW YORK, COUNTY OF ORANGE ss:

Raymond Gooden, being duly sworn says; I am the plaintiff in the action herein; I have read the annexed Verified Notice of Claim or have reviewed it with my attorney, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

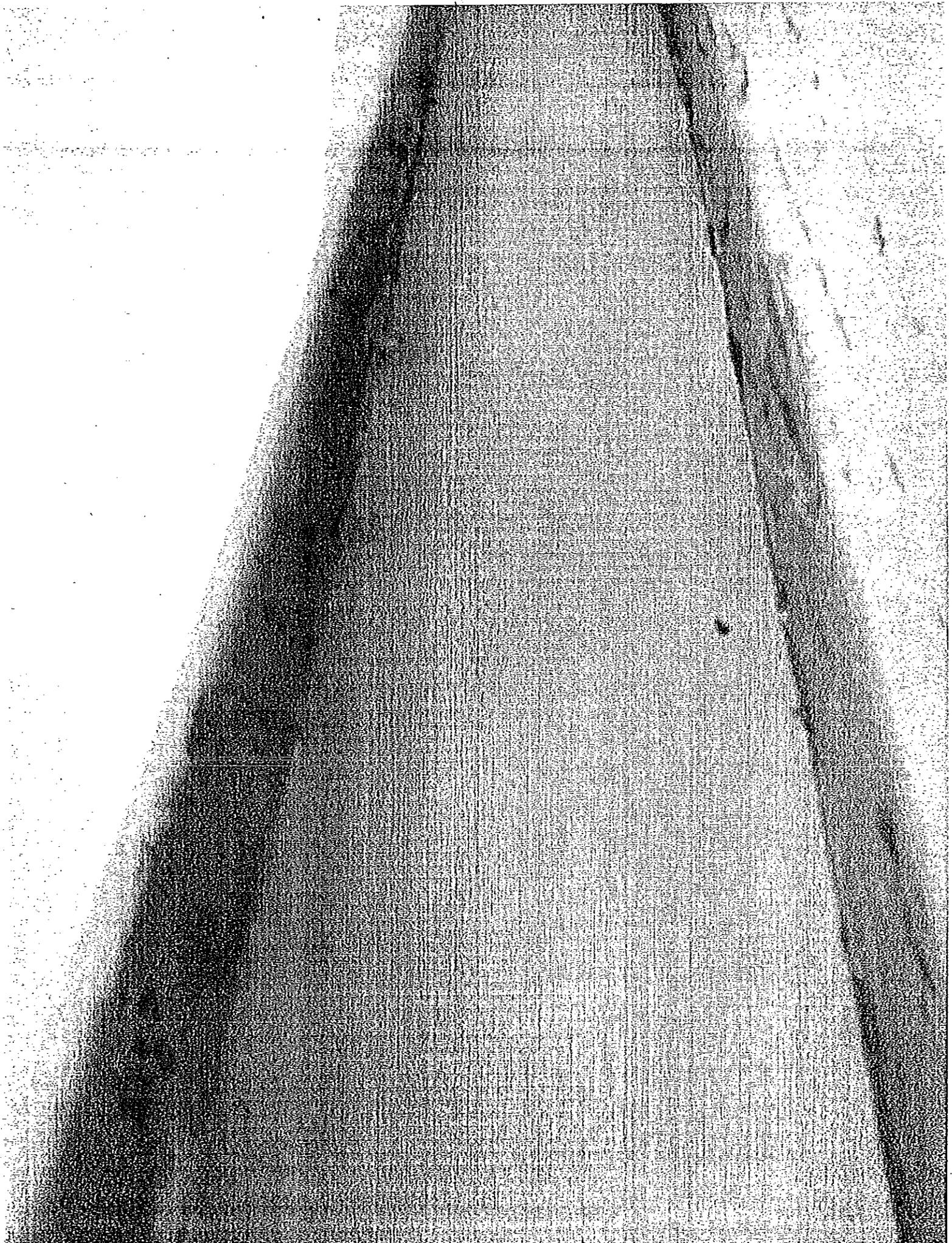
Raymond Gooden
RAYMOND GOODEN

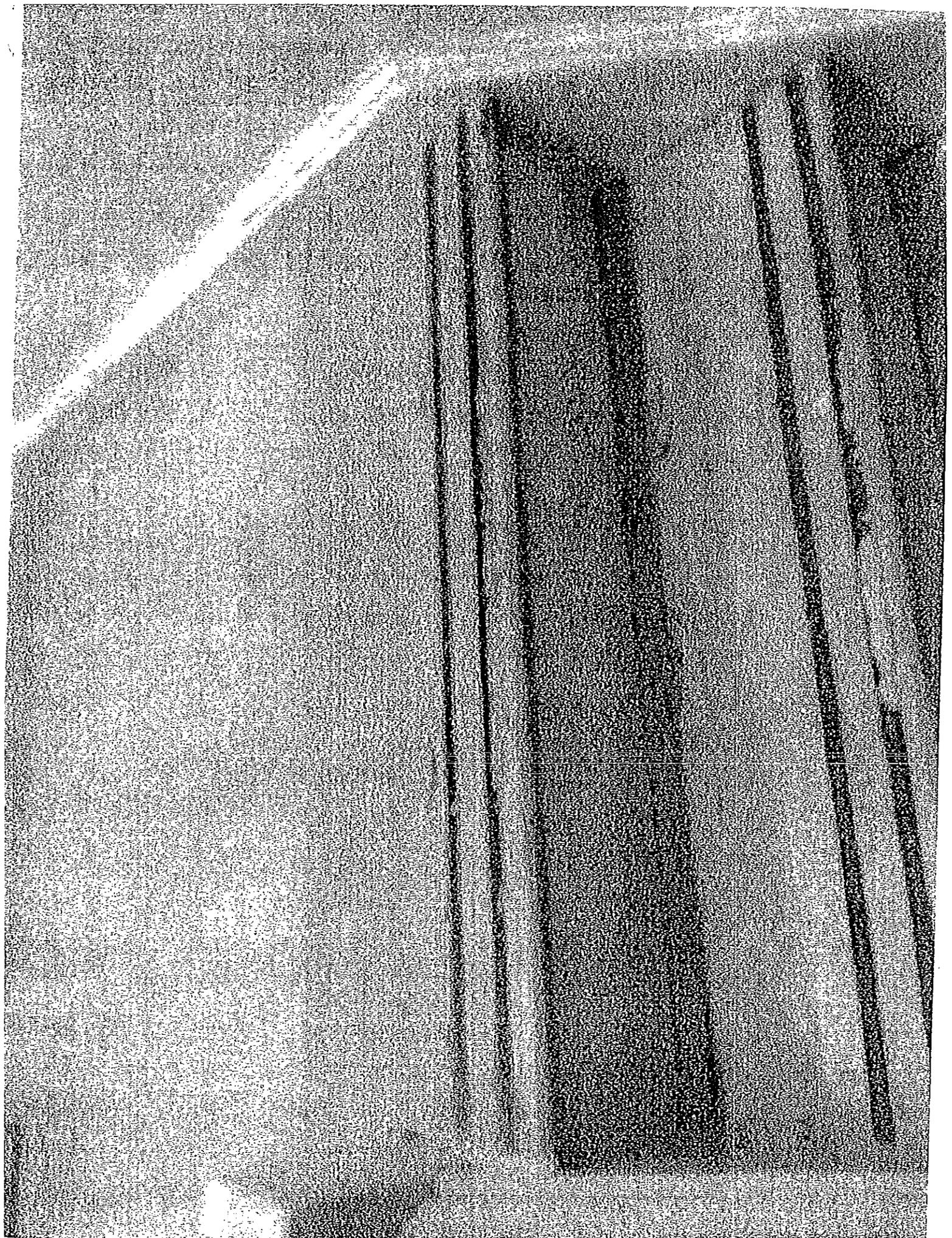
Sworn to before me on this
25th day of August 2016

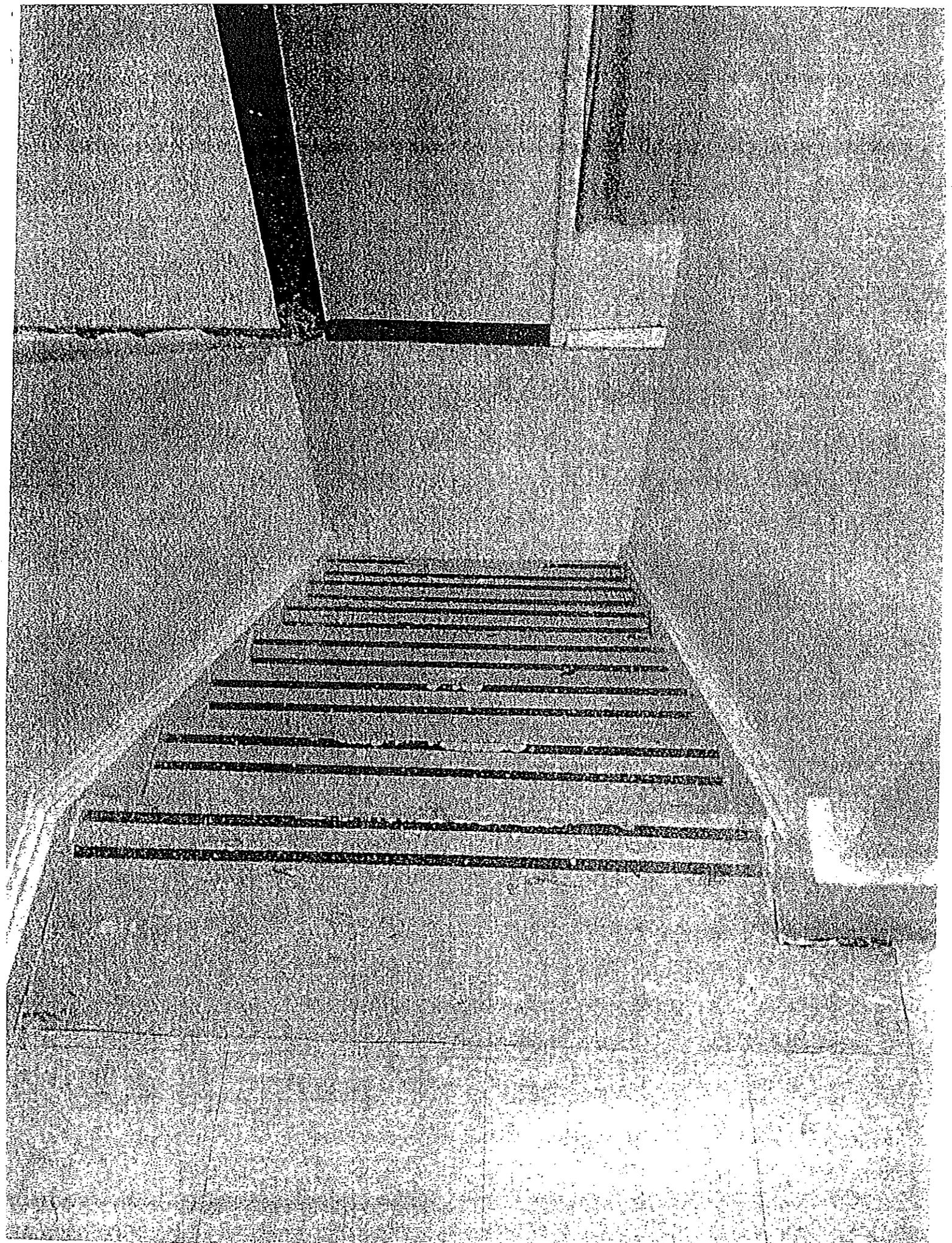
Veronica M. Wesley
NOTARY PUBLIC

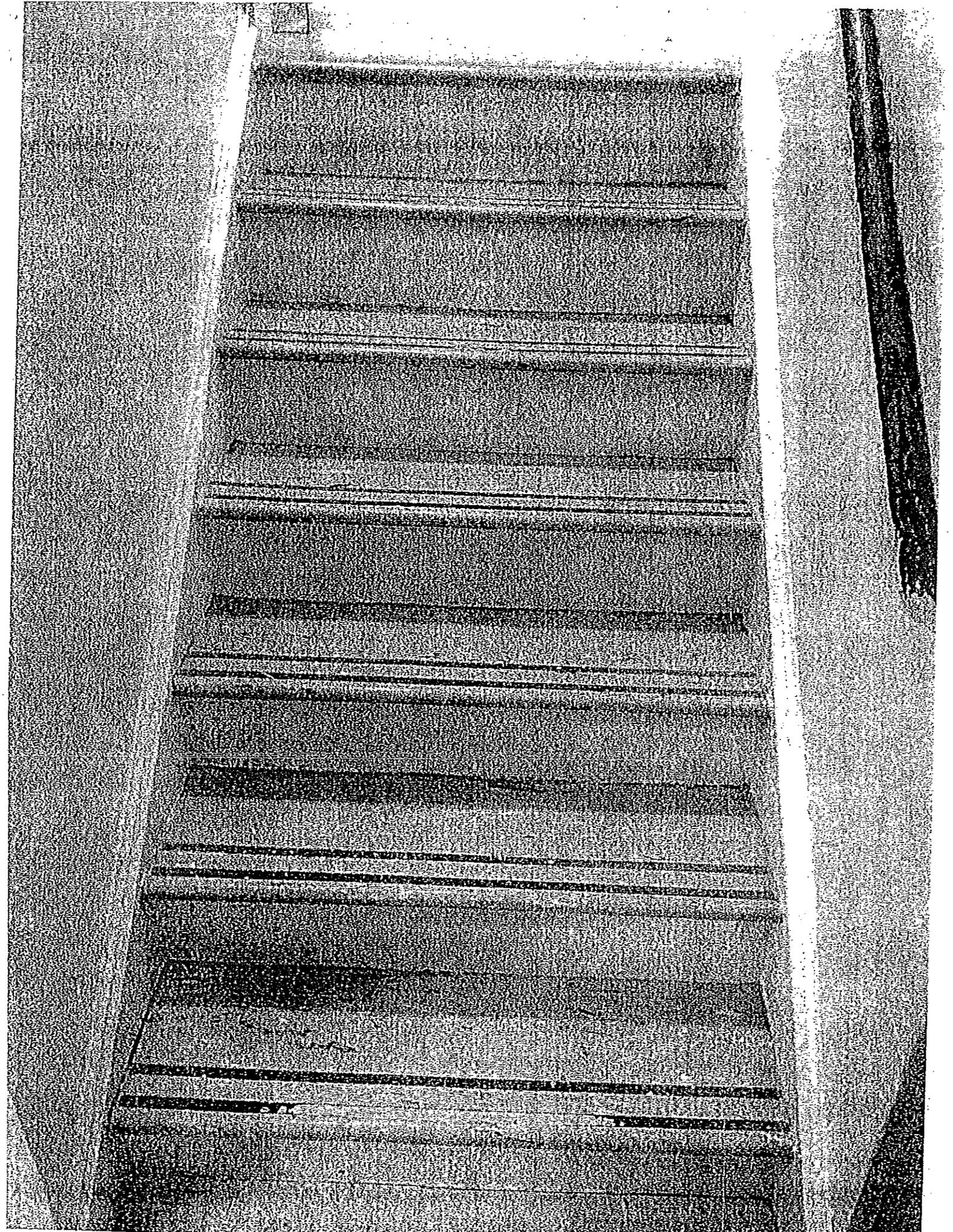
VERONICA M. WESLEY
Notary Public, State of New York
Qualified in Orange County
Registration No. 01WE6075427
Commission Expires June 3, 2018











SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

JULIO HERRERA,

Claimant,

-against-

CITY OF POUGHKEEPSIE AND CITY OF
POUGHKEEPSIE DEPARTMENT OF
PUBLIC WORKS,

Respondents.

NOTICE OF CLAIM

CITY OF POUGHKEEPSIE
CITY CLERK/REGISTRAR
2016 SEP 30 PM 3:55

STATE OF NEW YORK)

COUNTY OF DUTCHESS) ss.:

Julio Herrera, as and for his NOTICE OF CLAIM, being duly sworn,
deposes and says:

1. Claimant is Julio Herrera. He resides at 31 Reynolds Ave.,
Poughkeepsie, New York 12603.
2. The attorney for Claimant is Pamela Gabiger, P.O. Box 3455,
Poughkeepsie, New York 12603.
3. The claim arose on July 2, 2016 at 12:38 in the afternoon.

4. The claim arose at 1 Roosevelt Avenue, 200 feet north of Main Street, in the City of Poughkeepsie, County of Dutchess, State of New York.
5. The nature of the claim is negligence of the Respondents, their officers, directors, servants, agents and employees in negligently removing and clearing debris and limbs from the roadway causing Gregory M. Burke of Willingboro, New Jersey to strike the claimant, Julio Herrera, who was on a bicycle causing serious, debilitating and permanent injuries to Claimant, in creating a dangerous condition, in attempting to clear debris and limbs from the roadway and doing so in a negligent and haphazard manner, and in being otherwise negligent.
6. As a direct result of the negligence of the Respondent, its officers, directors, agents, servants and employees, claimant Julio Herrera suffered serious permanent and debilitating injuries including injuries to his back, neck, left arm and spine, other injuries, lost earnings and incurred expenses for medical treatment.

7. As a direct result of the negligence of the Respondent, its officers, directors, agents, servants and employees, Claimant has been damaged in the sum of Twenty Million and no/100 (\$20,000,000.00) Dollars and claimant demands same from Respondent.

Dated: September 30, 2016



Julio Herrera

VERIFICATION

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

Julio Herrera, being duly sworn, deposes and says that he is the claimant in the within NOTICE OF CLAIM proceeding, that he has read the foregoing NOTICE OF CLAIM, that the same is true to his own knowledge except as to those matters therein alleged to be upon information and belief and as to those matters, he believes them to be true.



JULIO HERRERA

Sworn to before me this 30th day
of SEPTEMBER, 2016



NOTARY PUBLIC STATE OF NEW YORK

QUALIFIED IN DUTCHESS COUNTY
COMMISSION EXPIRES 5-4-19
016A4891675



THE CITY OF POUGHKEEPSIE
NEW YORK

COMMON COUNCIL MEETING
MINUTES

Monday, September 19, 2016 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL- All Present

II. REVIEW OF MINUTES:

Councilmember Young made a motion to amend the minutes, Councilmember Johnson seconded the motion.

Common Council Meeting of August 22, 2016

Common Council Meeting of August 29, 2016

			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Accepted as Amended	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Councilmember McNamara	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Petsas	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

NONE

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

Diane Campbell
George Brindle- 8 Mansion Street
Patricia Patrano 117 Second Mile Drive
Frank Clark-Second Mile Drive
Shelia Drew 66 Washington Street

Official Minutes of the Council Meeting of Monday, September 19, 2016

Mary Maisnak 467 Maple Street

Stacia 15b Corlies Avenue

Helen Claussen 60 Academy Street

Penny Lewis 28 Harrison Street

Constantine Kazolias 47 Noxon Street

Leroy Bowen 66 Washington Street

Doreen North Perry Street

Esona Tyler 26 Academy Street

Laurie Sandow-South Grand Avenue

Official Minutes of the Council Meeting of Monday, September 19, 2016

Laurie Sandow comments at Common Council meeting, Sept. 19, 2016 – Page 1 of 2

A strange thing happened at the last Common Council meeting (Sept. 6, 2016).

There were a lot of City residents in the audience—a welcome sight.

But, oddly, they showed up to talk about something that wasn't on the Council's agenda.

Now, I haven't lived in Poughkeepsie that long, but I've lived here long enough to realize something's up when a bunch of people show up to talk about a topic that's not even on the agenda. From what I hear, I'm pretty sure that merging City and County bus systems would be as foolish as selling the water plant. I hear and share the public's concern, but still have to ask: Why on earth would someone send an alarm to seniors, veterans and disabled, scaring them about an issue that hasn't been explored in public? And why on earth would a certain councilmember have a prepared statement about an issue that's not on the agenda? especially when that councilmember controls the agenda.

I guess the next Mayoral race is off to an early start.

The strangeness continued into the Council's debate over the new City administrator, where certain councilmembers opposed the administrator's salary increase on the basis of "last year's 7-percent tax increase; the \$11 million deficit; a police department that's gone without a pay raise in four years and doesn't have a contract yet; and, other city employees that have gone years without a pay increase, too." Well, four out of eight councilmembers were in office while all those things were happening. If the City budget was incomprehensible, or the City was running a deficit, why did the Council not use its power to compel testimony, and demand records, instead of choosing to remain uninformed?

If the 7 percent tax increase was a result of the deficit and unacceptable, why was the budget passed without a deep dive into City books and administration? If the police department hasn't seen a raise in four years and doesn't have a contract, why wasn't their contract settled during the two full years of the last council? The City employee who hasn't seen a pay raise in years—why has the Council ignored this employee until now? And for the Councilmembers who defend themselves by saying they weren't on the Council at the time, why weren't they right here in the audience, speaking up, and making their case or stating their protest during public comments?

Laurie Sandow comments at Common Council meeting, Sept. 19, 2016 – Page 2 of 2

At the last meeting, one Councilmember proposed a probationary period for the new City Administrator. Perhaps the Council should model the behavior it wants to impose on others. Councilmembers who take an oath of office, but are unwilling to honor it? They'd fail probation. Councilmembers not capable of performing their duties, or putting their personal life in front of their elected duties? They'd fail probation. As a City resident, I get to vote for only two people in this room—the Mayor and my Ward representative. But the votes, actions, lack of knowledge, or lack of interest by ANY councilmember takes a toll on EVERY city resident. Not doing your job, but reserving the right to affect the outcome of City votes and the City's future? As they say in Brooklyn, either straighten up and fly right; either honor your oath or surrender your office.

Lastly, regarding Councilpeople who create suspicion and division by suggesting that other Councilmembers are “betraying confidences”:

The Council salary of \$9,000 is printed right in the Poughkeepsie Journal article of October 28, 2015. The Council medical reimbursement of \$58,849.00—nearly four times the protested City Administrator salary increase—it's right there on page 64 of the 2016 City adopted budget, posted on the City's Finance webpage. The Councilmember who was elected without a platform? That's also in the Journal article. The Councilmember whose vote helped defeat the Administrator's salary increase, but whose platform stated: “It is imperative that the city hires a grant writer and a city planner; both with the experience of working with economically distressed cities....” Yes, all that's in the Poughkeepsie Journal article. The information's readily available to anyone who pays attention, reads the paper, and has enough interest to look beyond the surface and add two and two. Which has nothing to do with betrayed confidences.

V. MAYOR'S COMMENTS:

Mayor Rolison thanked everyone who was involved in the 911 Ceremony that was held at City Hall, where Detective Steven McDonald from the New York City Police Department gave a very inspiring set of remarks about the importance of that day. And also, for communities to work together to meet the challenges that they face. Thanked the Kiwanis Club for coordinating, they were the driving force for getting this memorial constructed in the first place. Also, Darrell Levine, from Nubian Directions, the gardening team, really did a spectacular, and beautiful job around the memorial. The Department of Public Works, the City of Poughkeepsie School District was there with elementary school kids from Warring, and the Poughkeepsie High School choir. A

special thank you to United States Army retiree, Baskin Durham, who probably plays "taps" like no one else ever does, who was there. Our recently departed Joe Chenier from Engineering, who helped with the design and helped to facilitate DPW in getting that park spruced up. Now it is really a place to see every day, and to reflect. Joe just left after fifteen years. He is now the Commissioner of Public Works in the City of Kingston, and we wish him well. Wanted to touch on a couple of things. Tomorrow, September 20th, there is an informational meeting at the Mid-Hudson Heritage Center at 5:30-7:30, which is concerning the city's desires along with the Poughkeepsie Alliance, the Downtown Poughkeepsie Partnership, along with Scenic Hudson to create a popup park in the spring, at Mural Park/Commerce Park on Main Street. On the 29th, there will be an event here in the City of Poughkeepsie, which has never been here before. It's called the "Fireball Run", where forty race teams will be leaving the Grand Hotel that morning, and going out to another location. It is a tristate race that is going on for eight days. The teams will be here in the city that night, they will be in Beacon during the day. This entire area will be full of cars and people. Encourages anyone who has a chance to be there to see that, it is probably an only time it will happen here. It will bring a lot of people into the area. The council should have received from the Mayor's Office, the technical memorandum on the Main Street bus from Pace University Landuse Law Center. To correct the record, it's been said twice now, people talking about the County Transit Administrator, that she was fired from Ulster County that is incorrect. She was hired from Ulster County to come to Dutchess County. That was their loss, and Dutchess County's gain. Wanted to talk a little about the 2017 budget. As most of you know, the budget process was started early this year, in June. Wanted to thank Councilman Klein and Councilman Young. The Chairman had created a Finance Committee, and he has been able to brief both of those individuals, and Councilman Young was part of the Fiscal Advisory Group, and has been a real help in that. In the preparation of any budget, there is a lot of work that goes into it, and obviously it's not done. Just wanted to say before getting into numbers, that it is his responsibility to deliver the Mayors Preliminary Budget to the Common Council on or before October 14th. That will be done, and wanted to let you know that when the budget is given to you, "he is not letting go of it", so to speak. They will work on the budget together, up until its final adoption. Asked you tonight, since the Chairman is not here, and will have the discussion. This is going to be a very difficult, and time consuming budget process. He hopes that you will be able to set an aggressive budget review schedule. They will make sure that all Department Heads, and others that have information as it relates to their budgets, Finance, and members of the Administration, will be here whenever you need us, to talk about the budget. Respectfully requests that a schedule is set, and we try to stick to it. Because this is basically the most important document that the City of Poughkeepsie has. But also, the Department Heads have their obligations to their departments at the same time. Wants to make sure that any questions are answered, any dialogue that is needed will happen, and will work on this process as we move into the budget review as soon as it's released. Back in July, he asked Finance to prepare a snapshot of what a 2017 operating plan would look like, if we did everything, essentially that we are doing today. Not expanding city services, maintaining city services, core services, what the cost escalation going from 2016 into 2017 would look like. At that time, the numbers were anywhere from three to four million dollars in a shortfall for the operating budget. Since that time, we have been meeting daily with the Department Heads, and their requested 2017 spending plans and initiatives. That has been an exhausted process for someone who had not gone through that at the level that he did this time. Thanked the

Finance Department, and the members of the Administration for working very diligently on that with all of the Department Heads. That number has increased, we were hoping that it would go the other way. We are going to present the most realistic, and accurate spending plan that we can put forth. And that number has increased anywhere from five and a half to a six million dollar gap. That is a big numbers, and will require a lot of work to get that number down. His anticipation and hope is that prior to giving the budget to the council, that number will be lower. They are going to present a plan that is conservative in its estimation of revenues and expenses. The city has been criticized in past by the Office of the State Comptroller for not doing that, we are doing that. We are not going to put things in there that are not going to be realized. Unfortunately, that has happened in the past, but we can't change what has happened in the past, we can only do what we think is the right thing now, and be diligent in being accurate. His anticipation is, after meeting with the heads of the three unions, and the discussion with the PBA being out of contract, and that is a concern. The CSEA, their contract is at the end of next year. The Firefighters contract expires at the end of this year. These are things that we have to consider in any spending plan. And wanted to make sure that the union heads knew that number as well. They have agreed to have further discussion with the Administration and Finance, to develop a team from their respective unions, as we go forward to talk about these financial issues that surround the operation of their departments. As unions, they want to be involved because ultimately their Collective Bargaining Agreements depend on a stable budget. Also wanted to say, that they understand the limitations that government faces, based on the revenues coming in. They also understand that the council has to make certain decisions that only you can make. And that, they will present to you also, probably within a week to ten days, two weeks at the most, resolutions that we will bring forth, to do things that the council has to do. Whether that is, discussion on transit services, a council decision. We are looking at fee structures, outside of the tax levy. There are other ways that we can generate revenue to support the basic core city services. One example is, last year there was an increase in parking revenue, but there was not corresponding council action to increase the parking fines that went along with that increase. We are going to suggest those types of things. That can be anything from parking fines, sanitations fines, sanitation ordinances, building fees, permit fees. This is not an exercise just to go out and grab revenue, we want to know where we are compared to other municipalities that charge for certain things. So if we make that suggestion, and include that in the budget, you will get the resolution to take that action. That will obviously be your decision to make. That is why it is critical, this year, this will be a spending plan that we believe will set the city for long term stability. We have to start down that road. We don't have the opportunity to say we'll get to it next year, or we'll get to it the year after that. We have to start now, and as difficult, and as painful as that may be, we have to do it, and we have to say this to the people in the audience, or people who may be watching, he is asking for your patience. The city did not get in this situation, it finds itself in, overnight, and will not get itself out of it overnight. Only long-term budgeting, comprehensive and accurate budgeting will get this city where it needs to be. This way we're not having this conversation ten years from now saying the same thing.

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Vice Chair Cherry thanked all of the people who came out tonight to speak about the bussing, because you probably had to find alternate transportation to get here to the meeting tonight. The council appreciates your voice. She stated that she wanted to

ensure you all that they have not had any formal conversations about consolidation. At the last meeting some of them were perplexed by the amount of people who were here to speak about the buses. They actually had no idea where it was coming from. Later she learned that the Mayor had a meeting with some of the bus drivers. But that was the extent.

Mayor Rolison added that also he wanted to compliment the drivers that were present that morning. It was not a “convincing session”. It was a session in which he informed the city drivers that it was his desire to make this transition for a variety of reasons. It was then communicated in an email to the council, and wanted you all to know that he had done that. These discussion with the county are ongoing. When there is sufficient information to give to the council, of what this means, what it is going to look like, it will be given to you. He understands that this issue is very important, and very concerning to all of us.

Vice Chair Cherry added that this is going to be a difficult budget. She stated that she thinks that they all knew that going into this year, that the budget would be difficult, based on some of the decisions that were made last year, and the year prior. She stated that it brings her back to a book that she read, “The Finer Moments”, when you have to choose between “right and right”. There is not always two rights. Sometimes there are two rights, and two wrongs. They are going to have to make a decision. And the only way that they are going to make the best decision for the city is if they all work together on the budget process, and really listen to the needs of the constituents, the needs of the city as a whole, the expertise that is available to them by way of Finance Commissioners or City Administrators. The skillset on the council. They all have different skillsets, and they need to identify them, and collectively use the skillsets. But this is going to be a trying time, and a defying moment. There are going to be decisions that some may agree with, and some may not. There may be decisions that are overwhelmingly supported. There may be other decisions that they make that everyone simply hates. But, they have to prepare themselves for this process, mentally, and physically. She stated that she knows that they all have committed to this challenge, and this is the first time in a long time, that she believes that the Mayor and the Council will be working together, as opposed to in opposition. She stated that she looks forward to that. Back to the bussing, they have not had conversations, but as the Mayor said, there won’t be any transportation changes, unless the council votes on it. She assures you, until you see it on their agenda, nothing can happen.

VII. MOTIONS AND RESOLUTIONS:

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

RESOLUTION (R16-82)

INTRODUCED BY COUNCILMEMBER JOHNSON

WHEREAS, the Mayor has appointed and the Common Council has confirmed the appointment of a City Administrator; and

Official Minutes of the Council Meeting of Monday, September 19, 2016

WHEREAS, the City Administrator is scheduled to take the oath of office and assume her position by October 15, 2016; and

WHEREAS, in the interim the Mayor is desirous of continuing Police Chief Ronald J. Kanpp in the capacity of Acting City Administrator in accordance with City Charter §3.08(b); and

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

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

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

WHEREAS, the Common Council deems it to be in the best interest of the City and its residents that Acting City Administrator Knapp's term be extended for an additional thirty (30) days; and

NOW, THEREFORE,

BE IT RESOLVED that the pursuant to Section 3.08(b) of the City Charter, the Mayor's appointment of Ronald J. Knapp as Acting City Administrator is extended for a period of thirty (30) days commencing on October 1, 2016.

SECONDED BY COUNCILMEMBER KLEIN

R16-82			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Accepted	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Councilmember McNamara	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Petsas	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. ORDINANCES AND LOCAL LAWS:

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

**ORDINANCE AMENDING §13-177(b) OF THE
CITY OF POUGHKEEPSIE CODE OF ORDINANCES
ENTITLED "LEFT TURNS PROHIBITED FOR ALL VEHICLES"
(O-16-8)**

INTRODUCED BY COUNCILMEMBER JOHNSON

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

SECTION 1: Section 13-177(b) of the City of Poughkeepsie Code of Ordinances entitled “**Left turns prohibited at all times**” is amended by the following **addition**:

When appropriate signs giving notice thereof are erected, left turns shall be prohibited at the following locations at all times:

From Smith Street to the south on North Clinton Street

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

SECONDED BY COUNCILMEMBER KLEIN

BOLD and UNDERLINING INDICATE ADDITION
[BRACKET AND STRIKETHROUGH] INDICATE DELETION

O16-8			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember McNamara	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 Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM JOYNEIA JOYNER**, a notice of personal injury sustained on August 29, 2016. **Referred to Corporation Counsel.**
2. **FROM DRENA AND TIMOTHY PAULSON**, a notice of property damage sustained on March 7, 2016. **Referred to Corporation Counsel.**

X. OLD BUSINESS:

XI. NEW BUSINESS:

XII. ADJOURNMENT:

A motion was made by Councilmember Cherry and Councilmember Johnson to adjourn the meeting at 9:02 p.m.

Dated: October 12, 2016

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, September 19, 2016, 2016

Respectfully submitted,

Deanne L. Flynn
City Chamberlain

CCM 10/17/16
Item 1X-2

LOCAL LAW NO. 3 OF 2016

LOCAL LAW AMENDING CHAPTER 9, ARTICLE V OF THE CODE OF THE CITY OF POUGHKEEPSIE BY ADDING A NEW COLLECTION PROCEDURE FOR THE SOLID WASTE COLLECTION FEE.

BE IT ENACTED, by the Common Council of the City of Poughkeepsie of the County of Dutchess as follows:

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to change the collection procedure for the solid waste collection fee. The City of Poughkeepsie is desirous of eliminating the solid waste collection fee as a line-item of the annual property tax bill. The solid waste collection fee is a user fee as opposed to a tax and does not belong on the annual tax bill. Additionally it leads to confusion as some residential property owners' mortgage companies refuse to pay the sanitation user fee as part of the escrow.

Section 2. Section 9-68 of Chapter 9, Article V of the Code of Ordinances of the City of Poughkeepsie entitled "Solid Waste Collection Fee" is amended by the following additions and Deletions

Section 9-68 Solid Waste Collection Fees

(a) Annual Determination of Fees.

The Mayor as a part of the budget process shall propose the fees charged by the City for solid waste collection and disposal services annually. A schedule of the annual collection fees shall be approved by the City Common Council by resolution and maintained on file in the Commissioner's office and the office of the City Clerk.

(b) Billing of solid waste collection fee. The Commissioner of Finance shall bill and collect the solid waste collection fee from the responsible property owner. The solid waste collection fee shall be due and payable on January 1, however, without penalty, a responsible property owner may elect to pay the solid waste collection fee in quarterly installments with 25% payable on or before April 30, 25% payable on or before July 31st, 25% payable on or before October 31st and 25% payable on or before December 1. ~~The solid waste user fee shall be billed for each calendar year as a separate line item on an annual real property tax bill for each assessed property subject to this Article.~~

(c) Interest on unpaid residential refuse fees. If a residential refuse fee for each improved real property is not timely paid when due, interest shall accrue on such

unpaid amount at the rate of 2% per calendar month or portion thereof, computed from the original due date until paid in full, and shall be collected at the time of payment or enforcement of such solid waste collection fee.

(d) Levy of and lien on unpaid solid waste collection fee. If a residential solid waste collection fee including interest thereon, is not fully paid on or before, December 1 of the calendar year for which originally billed, the unpaid amount shall become a lien as of January 1 of the next succeeding year and shall accrue additional interest, be collected, and be enforced in the same manner and at the same time as provided by law for City taxes due in such next succeeding year.

(e) Exemptions:

(1) Any person who because of age or disability shall qualify for exemption from City real property taxes based on an enhanced star exemption or low income tax exemption, shall be charged a reduced fee for solid waste collection and disposal services in the total sum of \$100.00 annually.

(2) Any residential user eligible for STAR tax exemption from City real property taxes, upon demonstrating that only one unit of a two or three unit residential parcel is occupied as their residents, all other units being permanently vacant, after certification to the Commissioner and inspection, pursuant to regulations promulgated by the Commissioner and approved by resolution of the City Common Council, shall pay only the annual base unit fee.

(f) For Profit Mixed Residential, Multi-Residential and Commercial Users:

The annual fee shall be based upon that user's proportional share of the cost of waste collection services not funded by *ad valorem* tax, the formula for which shall be determined annually by the Commissioner, recommended to the Mayor, and adopted by resolution of the City Common Council. The Commissioner, consistent with the formula adopted by the City Common Council, is authorized to negotiate fees pursuant to Section 9-64(g) of this Chapter, based on volume and time requirements for collegian, provided that such fees shall in all instances cover at a minimum the costs of providing the service.

(g) Not-For-Profit Institutional Users:

The annual fee shall be based upon that user's proportional share of the total cost of waste collection services, the formula for which shall be determined annually by the Commissioner, recommended by the Mayor, and adopted by resolution of the City Common Council. The Commissioner, consistent with the formula adopted by the City Common Council, is authorized to negotiate fees pursuant to Section 9-64(g) of this Chapter, based on volume and time requirements for collection, provided that such fees shall in all instances cover

at a minimum the costs of providing the service.

Section 3. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 4. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.