



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, October 5, 2016 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL- 7/1 Absent (Councilmember Young)

II. REVIEW OF MINUTES:

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

Common Council Meeting of September 6, 2016

			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember Young	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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.

- Duncan Cilshrish 8 Austin Court**
- Diane Campbell 66 Washington Street**
- George Brindle 8 Mansion Street**
- Ellen Diggs Hammersley Avenue**
- Kevin Newman 288 Church Street**
- Kyle Moreau 24 Styvestandt Drive**

Constatine Kazolias 47 Noxon Street

V. MAYOR'S COMMENTS:

Mayor Rolison most of you may have seen this week, the roof on the west side of city hall has started to be repaired, after several years of leaking. The City Administrator, Deborah McDonnell starts on Tuesday, the 11th. There was a media advisory that went out today on the Market Street Connect demonstration. A look/see project for Friday. There will be a small press briefing at 4:00 p.m. Also, came out today, there will be a press event, with Assemblyman Frank Skartados, on Tuesday, October 11th at 10:00 a.m. at 505 Main Street, to announce funding for fire apparatus. Sent out notice on the Arts Commission, we have gotten some responses, but are actively seeking more. If individuals live in the City of Poughkeepsie, and are interested in the Arts Commission, please let us know. Update on the 2017 budget, three weeks ago we were anticipating at that time a 6 million dollar budget gap for 2017, in the operating budget. We have now gotten that down to 4 million, actually a little less than 4 million. They are still actively working on getting that numbers lower. On some of the contributing factors to the gap are things such as the one time revenue, 1.5 million from Vassar Hospital that was included in 2016, which obviously is not included in 2017. That was a onetime cost for the hospital. Our pension costs have gone up. There were some sales of city property, which was not realized. More than \$400,000 in unrealized parking revenues. One of the larger contributors to this gap, an anticipation in a million dollars in health insurance costs. As a result of that, on Monday of this week, we had a Department Head Meeting on Monday afternoon. Asked all Department Heads to recommend to the administration up to 6% cuts out of their general operating expenses. We are now getting those numbers in, and they are obviously difficult cuts to consider. But we will have them as we look to close this gap. Also, Mr. Chairman, he will delivering the budget to the City Council on the 14th, along with the budget message. As he has previously stated, the budget, while it becomes the council's budget, they will continue to work together on that. You have the opportunity for the budget schedule, and Department Heads, so we can start that immediately after the budget is delivered to the council.

VI. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Petsas thanked those individuals who are down at the Skate Board Park, putting the labor in down there, to get it back up and running. As the Mayor has indicated, there is not a lot of money in the city coffer to really give anybody any money at this time to do things. It's good when the community rises up, and takes, has not been down there, but is going to try to get down there on a Monday night. Whatever he can do as the Councilmember for that ward, he's available, he's hands-on, would be more than happy to participate and help you. Thank you for doing that down there. He stated that he just had a meeting at Admiral Halsey, a ward meeting last week, and they had mentioned that. The people are very excited. Although they don't skate, because they're 65 and older, they are excited. Speaking of another neglected park in the 1st ward, wanted to note that North Perry Street Park is continuing to come along. That park was built in 1968, as the city's first waterpark. It was abandoned in the last 70's, and has been sitting there for 40 years with dirt, and not being used. Beth-El Church, and some neighborhood residents have been

going down there and fixing it. On October 15th, Beth-El Church in conjunction with himself, and a few other businesses are going to host a community day from 1:00 p.m. to 3:00 p.m., and flow water through there for the first time in 40 years, as a demonstration only. Just so people can see the water flow. Meeting with the Fire Chief there tomorrow, to see how they can get the water from the hydrant up the hill. It will be pretty exciting to see water flow through North Perry Street Water Park.

VII. MOTIONS AND RESOLUTIONS:

NONE

VIII. ORDINANCES AND LOCAL LAWS:

NONE

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

- 1. FROM ASSESSOR TAYLOR**, a communication regarding Disability with Limited Income Exemption.



Department of
Taxation and Finance

IX #1 10/05/2016

Assessor's Manual, Volume 4, Exemption Administration

Exemption Administration Manual - Part 1
Residential - Other Than Multiple Dwellings

Section 4.01 - RPTL Section 459-c

Persons with Disabilities and Limited Incomes

Exemption Code(s): 4193_

Year Originally Enacted: 1997

Related Statutes: Pub Hel L §2801, RPTL §§455, 467

SUMMARY: If allowed by local option, property that (1) is owned by one or more persons with disabilities; by spouses or by siblings, at least one of whom has a disability and whose income, as defined under Ownership Requirements below, is limited by reason of such disability, and (2) is used exclusively for residential purposes is partially exempt from general municipal taxes. Unless allowed by local option, no exemption may be granted by a school district to property where a resident child attends a public elementary or secondary school. This exemption may not be granted to property currently receiving an exemption pursuant to RPTL §467 for the same municipal tax purpose. No exemption is allowed from special ad valorem levies or special assessments.

In addition, an owner of property that satisfies all of the exemption requirements except the income ceiling may be eligible for a reduced exemption from general municipal and school district taxes (see Calculation of Exemption below).

A. ELIGIBILITY REQUIREMENTS:

1. **Ownership Requirements:** Property must be owned by one or more persons with disabilities, or by spouses or by siblings, at least one of whom has a disability. A person with a disability is one who has a physical or mental impairment, not due to current use of alcohol or illegal drug use, which substantially limits such person's ability to engage in one or more of the major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, and who (1) is certified to receive Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits under the Federal Social Security Act, (2) is certified to receive Railroad Retirement Disability benefits under the Federal Railroad Retirement Act, (3) has received a certificate from the State

Commission for the Blind and Visually Handicapped stating that such person is legally blind, (4) is certified to receive a United States Postal Service disability pension, or (5) is certified to receive a United States Department of Veterans Affairs disability pension under Title 38, Section 1521 of the United States Code. A sibling is defined as a brother or sister, whether related through whole blood, half blood, or adoption. If the property is held in trust, the exemption may be allowed if the beneficiary of the trust qualifies. However, regardless of ownership, this exemption may not be granted to property currently receiving an exemption pursuant to RPTL §467 for the same municipal taxing purpose.

Note: When the property is owned by one or more persons, some of whom qualify for this exemption and the others of whom qualify for the senior citizens' exemption provided by RPTL §467, the owners have the option of choosing the more beneficial exemption. The owners may not be prohibited from taking one of these two exemptions solely because the owners qualify for more than one exemption.

To qualify for the base exemption (50% of assessed value), the combined incomes of the owners for the income tax year (January - December unless a different twelve-month period is used for personal income tax filing purposes) immediately preceding the application for exemption must not be greater than the maximum income eligibility level specified by local law. Such maximum income levels may range from \$3,000 to \$29,000. If title to the property is solely in a spouse's name, the incomes of both spouses must be combined to satisfy the income requirement, even if both do not reside on the property. An exception is made in the case of certain separated spouses: where a spouse or ex-spouse is absent from the property as a result of divorce, legal separation, or abandonment. In such cases, only the income of the spouse or ex-spouse residing on the property is to be considered in determining eligibility for exemption.

Municipalities that have elected to allow the base exemption may amend such local laws or resolution to increase the maximum income eligibility level in accordance with the sliding-scale provisions described under Calculation of Exemption below. Income includes social security and retirement benefits, interest, dividends, net capital gains (capital gains can only be offset by capital losses incurred in the same year) from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but excludes Supplemental Security Income, welfare payments, monies earned through employment in the federal Foster Grandparents Program, returns on capital, gifts, or inheritances. Income accruing to the disabled person confined in a residential health care facility is considered to be income only to the extent that it exceeds the amount paid by the confined owner, his spouse or sibling of such person for care in the facility.

Municipalities that have elected to allow the exemption may amend such local law or resolution to exclude all medical and prescription drug expenses which

are not reimbursed or paid for by insurance from the computation of an applicant's income.

2. Property Location Requirements: None.

3. Property Use Requirements: Property must be used exclusively for residential purposes. If only a portion of the property is used exclusively for residential purposes, only that portion is entitled to exemption; the remainder of the property is taxable. In addition, the property must be the legal residence of and occupied in whole or in part by the disabled person. A disabled person who is absent from the property while receiving health-related care as an inpatient of a residential health care facility (defined by Public Health Law §2801 as a nursing home or other facility providing health-related services) is considered to be a legal resident and occupant of the property.

Unless allowed by local option, no exemption from school district taxes may be allowed if a child who attends public elementary or secondary school (Grades K-12) resides on the property (see Local Option below).

4. Certification by State or Local Government: Applicant must provide proof of disability with an award letter from the Social Security Administration, the Railroad Retirement Board, the United States Postal Service, or the United States Department of Veterans Affairs, or a certificate from the State Commission for the Blind and Visually Handicapped.

5. Required Construction Start Date or Other Time Requirement: None.

B. LOCAL OPTION: Yes-- each county, city, town, village and school district may choose (1) whether or not to allow the base (50%) exemption and (2) the amount of the maximum income exemption eligibility level (see Ownership Requirements above). The option to exempt must be exercised through adoption of a local law or school district resolution (after a public hearing). In addition, each county, city, town, village, and school district which has chosen to allow the base exemption may choose to permit an increase in the maximum income exemption eligibility level and a corresponding decrease in the percentage of exemption.

Local legislation authorizing the base exemption may be amended or new legislation adopted to allow, for each \$1,000 increase in income, a reduced exemption ranging from 45% to 35% of assessed value, and for each further \$900 increase in income, a reduced exemption ranging from 30% to 5% of assessed value.

Municipalities that have elected to allow the exemption may additionally amend such local law or resolution to exclude all medical and prescription expenses which are not reimbursed or paid by insurance from the computation of an applicant's income.

School districts that have elected to allow the exemption may also adopt a separate resolution to allow the exemption on property where a resident child attends a public elementary or secondary school (Grades K-12). However, the school district resolution authorizing the exemption must provide that satisfactory proof is required that the

child was not brought into the residence primarily for the purpose of attending a particular school within the district.

A local government may enact a law to allow that portion of a cooperative apartment corporation held by an otherwise eligible tenant/stockholder to be eligible for an exemption from real property taxes. If allowed, the amount of the exemption must be determined by the assessor, based upon the proportion of the outstanding stock held by the eligible shareholder, and credited against the taxes charged to the corporation. Eligible stockholders would receive an adjustment to their monthly maintenance fees by the cooperative apartment corporation to reflect the benefit of the exemption. However, this exemption may not be granted to property currently receiving an exemption pursuant to RPTL §467 for the same municipal taxing purpose.

C. LIMITATION ON EXEMPTION:

	General Municipal Taxes	School District Taxes	Special Ad Valorem Levies	Special Assessments
1. Amount	Up to 50% of assessed value	Up to 50% of assessed value	No exemption allowed	No exemption allowed
2. Duration	No limit	No limit	No exemption allowed	No exemption allowed
3. Taxing Jurisdiction	Ex*	NA	Tax	Tax
a. County or County Special Districts				
b. City	Ex*	NA	NA	Tax
c. Town or Town Special District	Ex*	NA	Tax	Tax
d. Village	Ex*	NA	NA	Tax
e. School District	NA	Ex*	NA	NA
Ex-Exempt Tax-Taxable NA-Not Applicable				

* If allowed by local option.

D. PAYMENTS IN LIEU OF TAXES: None required.

E. CALCULATION OF EXEMPTION:

1. **General Municipal and School District Taxes:**

a. Percent of Exemption Based on Income Eligibility (I.E.)

Base exemption - 50% of assessed value.

Sliding-scale income/exemption options - % of assessed value is determined according to the following schedule. (Each option must be explicitly adopted by local law or resolution.)

OPTION:

Annual Income		Percent of Exemption
More than M	but less than M + 1,000	45
M + 1,000 or more	but less than M + 2,000	40
M + 2,000 or more	but less than M + 3,000	35
M + 3,000 or more	but less than M + 3,900	30
M + 3,900 or more	but less than M + 4,800	25
M + 4,800 or more	but less than M + 5,700	20
M + 5,700 or more	but less than M + 6,600	15
M + 6,600 or more	but less than M + 7,500	10
M + 7,500 or more	but less than M + 8,400	5

where M equals the maximum income eligibility level for the base (50%) exemption

Any such exemptions allowed by local law must be computed after all other partial exemptions except School Tax Relief (STAR) exemptions have been subtracted from the assessed value of the property.

b. Exemption for Eligible Tenant/Shareholders of Cooperative Apartment Corporations

Exemption = Assessed Value x (n/N) x (I.E.)

Where n = number of shares owned by eligible persons

N = total number of corporation shares

I.E. =

percent of exemption due to income eligibility determined in (a) above.

- 2. **Special Ad Valorem Levies and Special Assessments:** No exemption allowed.

F. CODING OF EXEMPTION ON ASSESSMENT ROLL:

Code Description of Alternative Codes Possible

4193_

Assessment Roll Section(s): Taxable (RPS Section 1).

NOTE: This code should not be used to identify property that is exempt under any of the statutes listed under Similar exemptions below. For coding of such property, see the Exemption Profile for the statute that applies.

G. FILING REQUIREMENTS (Owner or Occupant of Property):

- 1. Form RP-459-c -- Application for Partial Exemption for Real Property of Persons with Disabilities and Limited Incomes
- 2. Form RP-459-c-Rnw -- Renewal Application for Partial Exemption for Real Property of Persons with Disabilities and Limited Incomes

Proof of permanent disability need be submitted only in the year of the initial application or, if necessary, in the year following the determination of a permanent disability.

- H. **REPORTING REQUIREMENTS (Assessor):** At least 60 days prior to the appropriate taxable status date, the assessor must mail to each person who was granted this exemption on the latest assessment roll an application form and a notice that such application must be filed on or before taxable status date and be approved in order for the exemption to be continued to be granted.

Note: Failure to mail such an application or the failure of such person to receive the same does not prevent the levy, collection and enforcement of the payment of taxes on the property owned by such person.

I. SIMILAR EXEMPTIONS:

Subject	Statute
Certain living quarters constructed to be occupied by a senior citizen or disabled individual	RPTL §467-d
Disabled crime victims	RPTL §459-b
	RPTL §459-a

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Assessor's Manual, Volume 4, Exemption Administration

IX #1 10/05/2016

Improvements to property pursuant to the Americans with Disabilities Act of 1990	
Physically disabled	RPTL §459
Protective and safety devices installed in Multiple Dwellings in New York City	RPTL §467-f

Exemption Application Forms:

RP-459-c
RP-459-c-Ins
RP-459-c-Rnw

Q & A Exemption for Persons with Disabilities and Limited Incomes

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Please send general questions or comments to Orpts Solutions Center. .

Updated: July 11, 2012

LOW INCOME DISABLED RPTL §459-C

Updated 4/11/16

For 2016 Assessment Rolls

Code = 4193_

(For 2016 School Tax Rolls / 2017 County/Town, and 2017 Village Tax Rolls)

This information is believed to be accurate, but is not guaranteed. If you see an error please contact Real Property Tax Services.

			Ceiling For 50% Exemption	Maximum Income For Exemption	Sliding Scale	Latest Resolution	Local Options
COUNTY	13	DUTCHESS	24,000	32,400	5%	2016	C
SCHOOL	134601	ARLINGTON	29,000	37,400	5%	2004	
	130200	BEACON	N / A				
	372002	CARMEL	29,000	37,400	5%	2007	
	102801	TACONIC HILLS	29,000	37,400	5%	2014	
	132602	DOVER	N / A				
	372601	HALDANE	N / A				
	133201	HYDE PARK	24,000	32,400	5%	2004	
	135801	MILLBROOK	29,000	37,400	5%	2010	
	134001	PAWLING	N / A				
	134201	PINE PLAINS	24,000	32,400	5%	2005	
	131300	POK CITY	N / A				
	134801	RED HOOK	29,000	37,400	5%	2008	
	135001	RHINEBECK	21,500	29,900	5%	2004	
	134602	SPACKENKILL	29,000	37,400	5%	2007	B
	135601	WAPPINGER	29,000	37,400	5%	2007	B
	133801	WEBUTUCK	N / A				
TOWNS	130200	C/BEACON	18,500	26,900	5%	2000	
	131300	C/POUGHKEEPSIE	N / A				
	132000	AMENIA	N / A				
	132200	BEEKMAN	29,000	37,400	5%	2008	
	132400	CLINTON	18,500	26,900	10%	2008	
	132600	DOVER	N / A				
	132800	EAST FISHKILL	24,000	32,400	5%	2004	
	133089	FISHKILL	N / A				
	133200	HYDE PARK	18,500	26,900	5%	1999	
	133400	LAGRANGE	24,000	32,400	5%	2006	
	133600	MILAN	N / A				
	133889	NORTHEAST	N / A				
	134089	PAWLING	N / A				
	134200	PINE PLAINS	29,000	37,400	5%	2006	
	134400	PLEASANT VALLEY	N / A				
	134689	POUGHKEEPSIE	N / A				
	134889	RED HOOK	19,500	19,500	None		
	135089	RHINEBECK	24,000	32,400	5%	2003	
	135200	STANFORD	26,000	32,400	5%	2007	
	135400	UNIONVALE	28,000	36,400	5%	2008	
	135689	WAPPINGER	24,000	32,400	5%	2004	A
	135889	WASHINGTON	27,000	35,400	5%	2008	
VILLAGES	133001	FISHKILL	N / A				
	134001	PAWLING	N / A				
	134801	RED HOOK	N / A				
	134803	TIVOLI	N / A				
	135001	RHINEBECK	N / A				
	135801	MILLBROOK	N / A				
	133801	MILLERTON	N / A				
	134601	WAPPINGERS FALLS	N / A				
	&135601						

2. FROM CHAMBERLAIN FLYNN, a communication regarding elected officials time sheets.



THE CITY OF POUGHKEEPSIE
NEW YORK

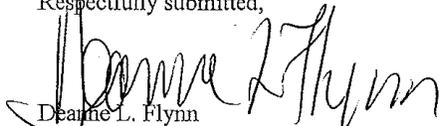
City Chamberlain
Tel: (845) 451-4225
Fax: (845) 451-4239

September 28, 2016

Members of the Common Council:

Attached please find a memo from City Administrator Knapp which was submitted to members of the Common Council on January 19, 2016. To date, I have only received the time sheet from one member of the Common Council. New York State Retirement System has granted the City of Poughkeepsie an extension until October 18, 2016 to submit the resolution certifying elected officials standard workday. Any elected or appointed official that has previously provided an activity log within the past eight years can attest to that time and recertify by filling out and signing the recertification or provide a new activities log if they so choose. Those who do not want to participate in the NYS retirement system should notify me accordingly.

Respectfully submitted,


Deanne L. Flynn
City Chamberlain

62 Civic Center Plaza

Poughkeepsie NY 12601



The City of Poughkeepsie

New York.

Ronald Knapp
Acting City Administrator

January 19, 2016

MEMORANDUM #16-002

TO: Members of the Common Council
FROM: Ron Knapp, Acting City Administrator *RK*
RE: Reporting Required by the State Comptroller

The New York State Comptroller's Office has adopted a new set of regulations effective August 12, 2009 for certain local elected and appointed officials to maintain work-related activity records (logs) of the time they are performing their duties, which will be outlined below. The purpose of the new regulations is to crack down on abuses of the retirement system through improper reporting of service credits. Although there has been in place a reporting requirement since 1976, it appears that the State Comptroller did not have an effective means of enforcing the regulations in the past.

These reporting regulations apply only to:

- 1) Persons who participate in the NYS and Local Retirement System (only tiers 2, 3, and 4 need to complete a record of activities, tier 1 officials do not, but they must be accurately reported to the retirement system by the employer);
- 2) Persons who do not provide their employer with time/attendance sheets or daily records of time actually worked;
- 3) Persons who are not paid an hourly rate or receive an annual salary with pre-set work hours;

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- 4) If your elected term or appointment began before August 12, 2009, you are governed by the old regulations until you begin a new term of office or appointment, at which time the new regulations go into effect. For new Common Council members elected on November 3, 2009 or after, the effective term begins on January 2, 2010. Any re-elected Common Council members will also have to comply with the new regulations as of January 2, 2010, or if they previously filed a consecutive 3-month log that is still representative of their work hours, they may certify that the duties, hours and responsibilities have not changed substantially (as long as the record being certified is not more than 8 years old). Otherwise, the new regulations become effective for them when they are re-appointed for a new term.

SUMMARY

Applying the new regulations to the City of Poughkeepsie, the following provides some timelines and guidance with regard to their implementation.

- 1) Newly elected or appointed councilmembers and various board members must immediately comply with the new regulations. This includes councilmembers who have been re-elected to office and existing board members who are re-appointed for a new term. The recommendation from Corporation Counsel is to start the activity log immediately so there will be no problem completing it by May 31, 2016. Note that any vacations that fall in the middle of the reporting time will extend that time by the amount of vacation days taken.
- 2) The initial consecutive 3-month work-related activity log will have to be completed for those who take office after January 2, 2010. The log would then have to be submitted to the Chamberlain (within 180 days of taking office), which is no later than June 30, 2010.
- 3) All work-activity records must be maintained by the Chamberlain for at least ten (10) years. Upon request by the State Comptroller, the full and complete copies of these records must be provided to that office.
- 4) If an official finds that the initial consecutive 3-month report is not representative of his or her typical hours and duties, then he or she may prepare an alternate report covering a different consecutive 3-month period as long as it falls within the same calendar year as the initial report.

Officials can certify their initial record up to eight (8) years after the initial report. Thereafter, a new record will have to be completed.

- 5) The Common Council must adopt a resolution that sets forth the standard work day for each elective or appointed position no later than the first regular meeting after 180 days following January 2, 2016. This gives the Council until the end of June 2016 to adopt such a resolution. However, if all officials have their initial consecutive 3-month log

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filed with the City Chamberlain by the end of the first quarter of 2016, the resolution should be adopted as soon thereafter as possible.

- 6) The Chamberlain must post the resolution for at least 30 days on the City's website. A certified copy of the resolution must be filed by the Chamberlain with the State Comptroller's office within 45 days after the adoption of the resolution. An affidavit of posting on the website must accompany the certified copy of the resolution. Thus, the Chamberlain has 15 days after completion of the 30-day posting to file the resolution and affidavit with the State Comptroller's office.
- 7) Any amendments to the resolution are subject to the same filing and posting requirements as the original resolution.

I have included a log for your use to fulfill the reporting requirements. Please be sure to file the log with the Clerk by May 31, 2016.

Attachment (1)



Office of the New York

State Comptroller

NYS Comptroller

Thomas P. DiNapoli



NYSLRS

New York State & Local Retirement System

Regulation on Reporting for Elected or Appointed Officials

315.4 Additional reporting requirements for elected or appointed officials who work for a participating employer of the retirement system and are required to be reported to the retirement system.

• (a) Record of work activities.

- (1) Except as otherwise provided in this subdivision, any elected or appointed official who is not paid hourly or does not participate in an employer's time keeping system that consists of a daily record of actual time worked and time charged to accruals, shall record his or her work activities for a period of three consecutive months. The elected or appointed official should extend the period of his or her record of work activities by the amount of time utilized for vacations, illness, holidays or other reasons during the three-month period. The record of work activities must represent months that are not unusually slow or busy. If a position is seasonal in nature, the record of work activities should be kept for an extended period of up to 12 months to capture an accurate account of work activities. In recording the description of work activities, such elected or appointed official shall include the start and end time of each activity performed. The elected or appointed official may also include activities performed outside the normal working hours that require his or her attention to attend to official duties, including responding to an emergency, attending an employer sponsored event or meeting with or responding to members of the public on matters of official business. During a period that an elected or appointed official is required to be on-call, he or she may only record the time actually spent performing a work-related activity. The elected or appointed official may not include activities that would not be considered work-related such as attending electoral or campaign events, socializing after town board meetings or attending a candidates' forum. The elected or appointed official's initial three-month record of work activities shall be completed within 150 days of commencing a new or subsequent term of office, or upon joining the Retirement System, on or after August 12, 2009. The elected or appointed official must sign the record of work activities attesting to its accuracy and submit it to the secretary or clerk of the governing board within 30 days of completion. Each such record of work activities and any subsequent recertification shall be retained by the employer for a period of at least 30 years and full and complete copies thereof shall be provided to the State Comptroller upon his or her request. A record of work activities shall not be valid for more than eight years from the date it was initially maintained. If the hours worked have not substantially or materially increased or decreased during the eight year period, the elected or appointed official may certify to such in writing to the governing board in lieu of maintaining a new record of work activities. The elected or appointed official must submit this certification to the governing board within 180 days of taking a subsequent term of office. If the hours worked have substantially increased or decreased during the eight year period, the elected and appointed official must prepare, sign and submit a new record of activities.
- (2) In the event the elected or appointed official or the employer determines the initial recording of work activities for a period of three consecutive months is not representative of the average number of hours worked by the elected or appointed official, he or she must record work activities during the same calendar year for an alternative period of three consecutive months which is representative of the average number of hours worked by such official. Such record of work activities shall be signed by such elected or appointed official and submitted to the secretary or clerk of the governing board within 30 days of the completion of the record. The failure of an elected or appointed official to record, sign and submit a record of work activities within the required time frame shall result in the suspension of service crediting and retirement system membership benefits. The suspension of service crediting will remain in effect until such time as the elected or appointed official completes a record of work activities that complies with the requirements of this regulation and submits it to the secretary or clerk of the governing board. The record of work activities must be submitted to the secretary or clerk prior to the elected or appointed official ending service in that title.

• (b) Completion of the standard work day and reporting resolution.

In addition to the reporting requirements set forth in section 315.3 of this Part, and for the sole purpose of reporting days worked to the retirement system, the governing board of a participating employer of an elected or appointed official shall establish, by resolution, a standard work day for each elective or appointive office or position using the standard work day and reporting resolution form provided by the retirement system or a form or format approved by the retirement system. Such standard work day and reporting resolution shall indicate:

- (1) the title of the position;
- (2) the first and last name of the elected or appointed official holding the position;
- (3) the last four digits of the social security number of each elected or appointed official;
- (4) the registration number of each elected or appointed official;
- (5) the number of hours prescribed as a standard work day equal to no fewer than six hours nor more than eight hours for each such elective or appointed office or position;
- (6) the full month, day and year of the commencement and expiration of the term for each such office or position.

For each elected or appointed official who is not paid hourly or does not participate in an employer's time keeping system that consists of a daily record of actual time worked and time charged to accruals and who has submitted a record of work activities pursuant to paragraph (a)(1) of this section, the employer shall indicate the average number of days worked per month in the resolution. In the event that the official has not recorded and submitted to the secretary or clerk of the governing board his or her record of work activities for a period of three consecutive months the employer shall so indicate in the resolution. The governing board shall determine whether activities listed on the record of work activities are official duties of the position. Activities that do not consist of official duties as described in paragraph (a)(1) of this section are to be excluded from the calculation of the average number of days worked per month to be listed on the standard work day and reporting resolution. Such standard work day and reporting resolution shall be adopted at the first regular meeting held after a record of work activities has been submitted. In the event an elected or appointed official submits a new record of work activities pursuant to paragraph (a)(ii) of this section, the governing board must pass an additional resolution for that individual amending the average number of days worked per month based on such record of work activities.

• (c) Standard work day and reporting resolution: filing and posting requirements.

The standard work day and reporting resolution required by subdivision (b) of this section shall be prominently posted on the employer's website for a minimum of 30 days or, in the event the employer does not maintain a website available to the public, such standard work day and reporting resolution shall be posted on the official sign-board or at the main entrance to the office of the clerk for the municipality or similar office of the employer. After the 30-day posting period, the standard work day and reporting resolution shall be made available either through the website or upon request. The elected or appointed official's social security number (last four digits) and registration number must be omitted from the copy of the standard work day and reporting resolution that is publicly posted. A certified copy of the standard work day and reporting resolution and an affidavit of posting shall be filed by the secretary or clerk of the governing board with the Office of the State Comptroller within 15 days after the public posting period has ended. The failure of the governing board to adopt such standard work day and reporting resolution shall result in the suspension of service crediting and retirement system membership benefits for the elected or appointed official until such time as the standard work day and reporting resolution is adopted, posted and filed with the comptroller. In the event the governing board submits an additional standard work day and reporting resolution amending the average number of days worked per month for an elected or an appointed official pursuant to subdivision (b) of this section, such additional standard work day and reporting resolution shall be subject to the posting and filing requirements set forth in this subdivision.

• (d) Reporting days worked on the monthly (quarterly/semi-annual/annual) report

Once a standard work day and reporting resolution is passed, the average number of days worked per month listed on the standard work day and reporting resolution must be provided to the individual(s) responsible for reporting days worked to the retirement system on the employer's behalf. These individual(s) must ensure that the days worked reported on the standard work day and reporting resolution are accurately converted to correspond with the official's payroll frequency and recorded on the report submitted to the retirement system. In the event that the report submitted to the retirement system does not reflect the average days worked per month documented on a standard work day and reporting resolution, then retroactive adjustments must be submitted for the period covered by the corresponding record of work activities. A record of work activities submitted by an elected or appointed official, pursuant to this section, should be used as the basis for his or her days worked reported for prior terms served in the same title, if no record of work activities was submitted for the prior terms.

*New York Codes, Rules and Regulations (NYCRR) Section 315.4 current through August 15, 2015

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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, _____, certify that I completed a 3-month record of activities for the term that began _____ for my position as _____.

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 _____ and ends on _____.

Signature of Member

Date

NYSLRS Registration Number: _____

Employer Location Code: _____

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.

Official Minutes of the Council Meeting of Monday, October 5, 2016

4. **FROM CORBALLY, GARTLAND AND RAPPLEYEA, LLP**, a notice of intent for Devil, Inc., (located at 6 Crannel Street) to obtain a Liquor License.
Referred to Corporation Counsel
5. **FROM SOBO & SOBO, LLP**, a notice of personal injury sustained by Raymond Gooden, on July 7, 2016. **Tabled to the meeting of October 17, 2016**

X. OLD BUSINESS:

XI. NEW BUSINESS:

XII. ADJOURNMENT:

A motion was made by Councilmember Cherry and Councilmember Johnson to adjourn the meeting at 8:15 p.m.

Dated: November 2, 2016

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Wednesday, October 5, 2016

**Respectfully submitted,
Deanne L. Flynn
City Chamberlain**

