

CITY OF RENSSELAER  
IN  
COMMON COUNCIL

WEDNESDAY EVENING  
REGULAR MEETING

DEC 18 1963

The Council convened at 8:30 o'clock p.m. and was called to order by Pres. Hoogkamp.

The roll being called the following answered to their names:

Pres. Hoogkamp ✓

Alderman: Bullent ✓  
Mooney ✓  
Lithgow ✓  
Buono ✓

Alderman: Farrell ✓  
Stewart ✓  
Ratcliffe ✓  
Leahey ✓  
Pratt

Alderman *Buono* moved that the minutes be adopted as printed subject to correction.

COMMUNICATIONS FROM THE MAYOR  
HEADS OF THE DEPARTMENTS AND CITY OFFICIALS

The Clerk reports that the Mayor had approved of all resolutions passed at the last meeting.

TREASURER'S REPORT

PRESENTATION OF ACCOUNTS

Alderman *Buono* moved that all bills be referred to the auditing committee.

All bills be allowed and ordered paid.

PRESENTATION OF PETITIONS AND ACCOUNTS

RESOLUTIONS

REPORT OF COMMITTEE

Alderman moved to adjourn, seconded by Alderman

WILLIAM HOOBKAMP  
HAROLD BULLENT  
JOHN MOONEY  
WILLIAM LITHGOW  
STEPHEN BUONO  
BERNARD FARRELL  
IRWIN STEWART  
EDWARD RATCLIFFE  
DONALD LEAHEY  
WALTER S. PRATT  
TOTAL

AYES	NOES
✓	
✓	
✓	
✓	
✓	
✓	
✓	
✓	
✓	

*left*  
Regular meeting to be held Jan 2, 1964  
8:30 p.m.) Alderman *Buono* moved that  
committee of 3 and asst by counsel tabulate  
Rolls and report back in 10 minutes.  
Pres. Hoogkamp appointed Ald. *Buono*  
Leahey, Bullent, asst by counsel

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In the Matter of the Claim of

ROBERT E. BEIERMEISTER

-against-

CITY OF RENSSELAER, NEW YORK

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To the Corporation Counsel  
City Hall  
Rensselaer, New York

PLEASE TAKE NOTICE that I, ROBERT E. BEIERMEISTER, pursuant to the statutes in such cases made and provided, do hereby make claim against the CITY OF RENSSELAER, NEW YORK, for the sum of Ten Thousand (\$10,000.) Dollars, and in support of such claim do state the following:

1. My post office address is 211 Mountain View Avenue, Rensselaer, New York. The name and post office address of my attorneys is DeGRAFF, FOY, CONWAY AND HOLT-HARRIS, 90 State Street, Albany, New York.

2. The time of the happening of the accident upon which the claim is based was approximately 11:15 P. M. on September 14, 1963.

3. The place where the accident occurred is in the area of that portion of the sidewalk on the west side of Green Street, in the City of Rensselaer, at a point approximately in line with the southerly building line of the residence located at number 15 Green Street.

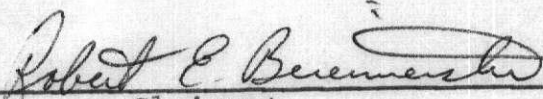
4. The said accident and the injuries hereinafter set forth, upon which the claim is based, occurred while I, the claimant, was walking in a lawful, careful and prudent manner on the said sidewalk in the area aforementioned and solely by reason of the defective condition of the said sidewalk, in that there was a difference in elevation between the flagstones there of approximately four inches and the said flagstones were uneven, jagged, cracked and broken in a roughly semi-circular manner, exposing a hole of approximately four inches at its maximum depth. Upon information and belief, the said defective condition and the injuries I sustained were the result of the negligence of the CITY OF RENSSELAER, its agents, servants and employees, in the creation of the said defect by removing a large tree therefrom at a time prior to the happening of this occurrence and failing to repair in a proper manner the sidewalk and excavation resulting therefrom, and in the maintenance, operation and control of said sidewalk in a dangerous and defective condition while the said CITY OF RENSSELAER had notice or knowledge thereof or of which, in the exercise of reasonable care, it should have had notice or knowledge; in failing to warn of the said defective and dangerous condition by means of signs, lights, barriers or other warning devices, and in permitting said conditions to persist for a long time prior to the date of said accident with the notice and knowledge described herein.

5. So far as I am now able to determine, the injuries and damages sustained by me and for which I make claim consist of bruises, abrasions and contusions in and about my entire body, a fracture of the right tibia, and nervous up set and shock.

Said injuries were occasioned solely as a result of the negligence of the CITY OF RENSSELAER as aforesaid and without any negligence on my part contributing thereto. As a result of said injuries I have incurred considerable hospital and medical expenses, was totally disabled from the performance of my job for a considerable period of time and thereafter partially disabled, and upon information and belief some of the aforesaid injuries may be permanent in effect. I therefore claim damages against the CITY OF RENSSELAER in the sum of Ten Thousand (\$10,000.) Dollars for the personal injuries and other damages described hereinabove.

WHEREFORE, I respectfully request that this, my claim, be allowed and paid by the said CITY OF RENSSELAER, NEW YORK.

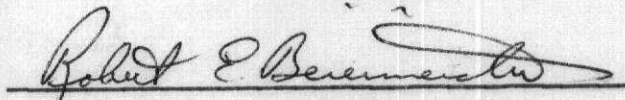
Dated: December 3, 1963.

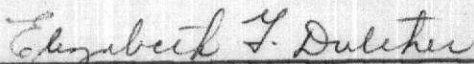
  
Claimant

STATE OF NEW YORK )  
CITY OF ALBANY : SS:  
COUNTY OF ALBANY )

ROBERT E. BEIERMEISTER, being duly sworn, deposes and says: I am the claimant named in the foregoing Notice of Claim; I have read the foregoing Notice of Claim, and that the same is true to my own knowledge except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

Sworn to before me this  
3rd day of December, 1963.



  
Notary Public, State of New York  
Qualified in Rensselaer County  
My Comm. Exps. 3/30/64