

**MINUTES OF A SPECIAL TOWN BOARD MEETING HELD ON
MARCH 4, 2009 AT 6:00 PM AT TOWN HALL, ONE OVEROCKER
ROAD, POUGHKEEPSIE, NEW YORK**

PRESENT: Supervisor Myers
Councilman Seminara
Councilman Conte
Councilman Cifone
Councilman Tancredi
Town Attorney Mahar
Town Clerk Miller

ABSENT: Councilman Baisley
Councilman Krakower

***NOTE:** Attachments pertaining to a particular Town Board Meeting will be found after the minutes of that meeting, which are kept in the official minute books held in the Town Clerk's Office.

Public comments made during a Board Meeting may be heard on the audiotape of that particular meeting, which is kept in the Town Clerk's Office.

{ } designates corrections

6:00 PM

CALL TO ORDER

SALUTE THE FLAG

Motion made to go into Executive Session for matters of litigation under Attorney/Client privileges: Supervisor Myers/D. Seminara

CARRIED: 5-0

Invitation was extended to Neil Wilson to join them in Executive Session.

INTO EXECUTIVE SESSION AT 6:02 PM

BACK FROM EXECUTIVE SESSION AT 7:01 PM

NO ACTION WAS TAKEN

SPECIAL TOWN BOARD MEETING CLOSED AT 7:62 PM

PRESENT: Supervisor Myers
Councilman Baisley
Councilman Seminara
Councilman Conte
Councilman Cifone
Councilman Krakower
Councilman Tancredi
Town Attorney Mahar
Town Clerk Miller

Motion made to suspend the rules for public speaking on Public Hearing: Supervisor Myers/T. Tancredi

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

Motion made to resume the rules: Supervisor Myers/T. Tancredi

CARRIED: 7-0

03:04-01 PUBLIC HEARING

Amend Town Code, Chapter 195
Entitled "Vehicle & Traffic"
Specifically Section 195-25 &
Section 195-56 Entitled "Schedule
XXI Loading Zones"

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby withdraw, for further study and review, the proposed amendments to the Town of Poughkeepsie Town Code for Sections 195-25 and 195-56 entitled "Schedule XXI Loading Zones."

SO MOVED: D. Seminara/T. Tancredi

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

WITHDRAWN

Motion made to suspend the rules for public speaking on agenda items: Supervisor Myers/T. Tancredi

CARRIED: 7-0

Doreen Tignanelli: Spoke on Item #3, Zoning Board Appointment. She hoped that when committees are considering reappointments that they are taking into consideration people's attendance. There is an attendance requirement and in some cases she thinks it's not being adhered to.

Councilman Krakower stated that the Attendance requirement gives the Chairman of the Board the option to refer it back to the Town Board to remove someone. It's not automatic.

Doreen Tignanelli: Item #7. She guessed that when it says trucks over certain weight limits excluded means that they are not excluded from the law, but excluded from being on Sheafe Road.

Supervisor Myers: Yes, for certain hours.

Doreen Tignanelli: Item #14. She is glad to see that the Board is opposing the rate increase because one of the issues was that CO Lance said that one of the reasons why they wanted the rate increase was because of energy conservation by customers. I don't think people should be penalized for conserving energy especially when he said the company was in an outstanding financial position. She doesn't agree with that. Item # SC 2. That is to give Lead Agency Authority to the City of Poughkeepsie and she urges the Board as they go forward to make sure they are involved in scoping and meetings because she thinks the City of Poughkeepsie would be in favor of development and maybe in some cases the Town would not have that same feeling.

Nancy Zverev: Item #6. I don't see any roads in Ward 3, am I mistaken? This would have been a great idea for the West Road to skyview the 400 signatures on the petition.

Supervisor Myers: These are restricted, it has to be minor urban arterials. They have to be classified as that and most of our roads aren't, there are very few roads that are.

Nancy Zverev: Item # 13. I am disappointed, but not surprised that I didn't make it to the Ethics Board, but thank you for considering me.

Supervisor Myers: It's not that you didn't make it, these are just the reappointments, these are not the vacancies.

Motion made to resume the rules: Supervisor Myers/S. Krakower

CARRIED: 7-0

03:04-02 APPOINTMENT

Sewer Department of Glen Robison as
Sewer Maintenance Mechanic

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Glen Robison to the position of Sewer Maintenance Mechanic, effective immediately, at the Grade 6, Step 1 hourly rate of \$18.79, subject to a probationary period of not less than 8 nor more than 26 weeks, per Civil Service Law.

Motion made to Table this item until March 18, 2009: J. Conte/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

TABLED UNTIL MARCH 18TH, 2009

03:04-03 APPOINTMENT

Zoning Board of Appeals of James
Santoro & As Chairman of the Zoning
Board of Appeals

WITHDRAWN

03:04-04 APPOINTMENT

Police Department of Robert M. Taylor
As Police Officer

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby appoint Robert M. Taylor to the position of full time Police Officer under the provisions of Civil Service Law dealing with a resignation/reinstatement, at the yearly salary of \$48,572.00, effective March 30, 2009, which appointment is subject to a probationary period of not less than 26 nor more than 52 weeks per Civil Service Law.

SO MOVED: J. Baisley/T. Tancredi

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

03:04-05 APPOINTMENT

Police Department of Shelley M. Crespo
As Clerk

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Shelley M. Crespo to the position of full time clerk with the Town of Poughkeepsie Police department at the CSEA Grade 4, Step1 salary of \$16.03 per hour, effective March 9, 2009, which appointment is subject to a probationary period of not less than 8 nor more than 26 weeks, per Civil Service Law.

SO MOVED: J. Conte/S. Krakower

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

03:04-06 AUTHORIZE

Morris Associates to Prepare Papers
For Town's Submission for Stimulus
Monies for Infrastructure Work on
Buckingham Avenue, Sheafe Road,
Creek Road & Fairview Avenue

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby retain Morris Associates to prepare all papers necessary and proper in regard to the Town's submission for stimulus monies in regard to infrastructure work on Buckingham Avenue, Sheafe Road, Fairview Avenue and Creek road, which services shall be performed in accordance with Morris Associates' current fee schedule, currently on file in the Town Clerk's Office.

SO MOVED: M. Cifone/S. Krakower

Councilman Seminara: Just wanted to say that fixing the roads is not without merit, but he felt the method of funding this is deceitful, irresponsible and in one sense of the word, it is corrupt. It is the wrong way to do it and is going to leave the Town with excessive debt and it would probably bankrupt our nation and he felt this was not the way to fund things. If it is a local concern, we should be willing to pay for it and willing to do it ourselves.

Councilman Baisley asked Marc Pfeifer and Don Beer to come up. There is a problem with Sheafe Road going to Round 2 and he just wanted to discuss a couple of options for Route 2.

Supervisor Myers: When Sheafe Road was put to Round 2 and they moved Fairview Avenue to Route 1 strictly because of the bottom line of the amount of stimulus money that the County was being given. So, there is the potential that a couple of these items listed in Round 1 will be removed from Round 1 and put into an enhancement stimulus, not into the transportation stimulus, which would then allow us to move forward with some of Sheafe Road, but not all of it because the price tag on Sheafe Road is too high to ever get it up into Route 1 in its entirety.

Marc Pfeifer: The sections that are the worst are from Camelot Road to a couple hundred feet past Tilcon, so, if we can do that part and then down further from Mt. Vernon to the school. They are the worst two sections of it. If we were able to do those two sections, if there wasn't enough money, the two worst sections would be done.

Supervisor Myers: Round one appears to be a sure thing from the meeting the other day. The only thing is that they may take out \$1.3 million out of Round 1 and move it off into a separate enhancement stimulus that is coming down. The sidewalks and things would qualify for that, which would then free up more money and then there is always the possibility that some of these projects would not be ready in the allotted time, in which case they would move right to Round 2 and then take ready projects off of Round 2 to use.

Councilman Krakower: The more I hear, I think Councilman Seminara may be right in his thinking. The way they are doing this.

Supervisor Myers: Right, but it's better that we get it instead of Batavia or someone else gets it and I'd rather us so we can fix our roads.

Councilman Seminara: We are not getting our fair share of this and so we are fooling ourselves to go down this road and we are accepting a bribe with a perpetuating problem. It's bad. If you look at the figures, we don't get our fair share of this money, so even if you think you are spending someone else's money, in effect, what you are doing is helping them to tax us more and spend the money somewhere else.

ROLL CALL: Ayes: Councilmen Baisley,

ROLL CALL: Ayes: Councilmen Baisley, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers

Nays: Councilman Seminara

CARRIED: 6-1

03:04-07 SET DATE FOR
PUBLIC HEARING

Amend Town Code, Chapter 195,
Entitled "Vehicles And Traffic" for
Specifically Section 195-46 Entitled
"Schedule XI: Trucks Over Certain
Weight Limits Excluded" On Sheafe
Road

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 18th day of March, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie NY as and for the time, date and place of a public hearing to consider an amendment to Chapter 195 of the Town Code, entitled "Vehicle and Traffic", specifically Sections 195-46, entitled "Schedule XI: Trucks Over Certain Weights Excluded", which amendment is as follows:

ADD:

Name of Street	Weight Limit (Ton)	Location
Sheafe Road	5	From Intersection of Sheafe Road and Rt. 9 to entrance of Tilcon on Sheafe Road- From 10:00 PM to 5:00 AM Sunday through Saturday Inclusive

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does declare that it is Lead Agency under the New York State Environmental Quality Review Act; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby declare that said action is a Type II Action, pursuant to 6 NYCRR 617.5(20) and (27) of the SEQRA regulations and that no environmental review is required; and

BE IT FURTHER RESOLVED, that said legislation, if adopted, shall become effective upon filing with the Secretary of State Office as provided for by law.

SO MOVED: S. Krakower/T. Tancredi

Councilman Seminara: I have a question. The entire length of Sheafe Road?

Councilman Baisley: All except that one piece.

Councilman Seminara: So, this will make it, by the compliments of the other piece, will make it the whole road.

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers

Nays: None.

CARRIED: 7-0

03:04-08 SET DATE FOR
PUBLIC HEARING

Amend Town Code, Chapter 57,
Entitled "Animals", Section 57-2,
"Unlawful Acts" & Section 57-5,
Enforcement

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 18th day of March, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and place of a public hearing to consider an amendment to Chapter 57, entitled "Animals", specifically Section 57-2, "Unlawful Acts" and Section 57-5, "Enforcement", which amendments would add the following provision:

ADD to Section 57-2:

F. Nuisances prohibited. No person owning, harboring, keeping or in charge of any dog shall cause, suffer or allow such dog to soil, defile, defecate or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk, or on any public property whatsoever, or on any private property. The restriction in this section shall not apply to that portion of the street lying between the curb lines, which shall be used to curb dog under the following conditions:

- (1) The person who so curbs such dog shall immediately remove, in a sanitary method, all feces deposited by such dog.
- (2) The feces removed from the aforementioned designated areas shall be disposed of in a sanitary manner by the person owning, harboring, keeping or in charge of any dog curbed in accordance with the provisions of this chapter.

and,

ADD to Section 57-5:

The provisions of paragraph F of Section 57-2 shall be enforced by the Town of Poughkeepsie Animal Control Officer.

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby declare itself to be Lead Agency under the New York State Environmental Quality Review Act and does declare that said action is a Type II Action; and

BE IT FURTHER RESOLVED, that, if adopted, said local law shall take effect immediately upon filing with the Secretary of State.

SO MOVED: T. Tancredi/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

03:04-09 AUTHORIZE

Sidewalk Construction on Violet
Avenue As Town Expenditure

RESOLUTION

Authorizing the implementation, and funding in the first instance, 100% of the federal-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the Construction of Sidewalks at Violet Avenue Elementary School, in the Town of Poughkeepsie, Dutchess County, PIN 8760.3 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the

apportionment of the costs such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds; and

WHEREAS, the Town Board of the Town of Poughkeepsie on February 18, 2009, authorized the Supervisor to execute the agreements herein which resolution was in a slightly different form than the resolutions submitted herewith; and

WHEREAS, the Town of Poughkeepsie desires to advance the Project by making available 100% of the federal share of the costs of preliminary engineering anticipated to be \$60,000 of the total federal share; and

WHEREAS, the Town of Poughkeepsie desires to advance the Project by making a commitment of 100% of the federal share of the costs of construction, construction inspection, and construction supervision and non-infrastructure activities; and now therefore

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby ratify the resolution of February 18, 2009, a copy of which is attached; and

BE IT FURTHER RESOLVED, the Town Board of the Town of Poughkeepsie does hereby ratify the approval of the above-cited project; and

BE IT FURTHER RESOLVED, that the Poughkeepsie Town Board hereby approves the above-subject project; and

BE IT FURTHER RESOLVED, that the Poughkeepsie Town Board hereby authorizes the Town of Poughkeepsie to pay in the first instance 100% of the federal share of the cost of preliminary engineering, construction, construction inspection, and construction supervision work for the Project or portions thereof; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appropriate the sum of \$575,000.00 from the General Fund and said sum is made available to cover the cost of the participation in the above-phase of the project which monies consist of \$151,500.00 from General Appropriation and the balance from the grant; and

BE IT FURTHER RESOLVED, that in the event the full federal share costs of the project exceeds the amount appropriated above, the Poughkeepsie Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Supervisor thereof; and

BE IT FURTHER RESOLVED, that the Supervisor of the Town of Poughkeepsie be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the Town of Poughkeepsie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and all Project costs within appropriations therefore that are not so eligible; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and

BE IT FURTHER RESOLVED, this Resolution shall take effect immediately.

SO MOVED: Supervisor Myers/M. Cifone

Councilman Seminara offered an amendment to ask the Federal Government to instead, refund the money and spend it on Cancer Research or better technology for batteries for electric vehicles. NO SECOND was offered. He thought this was wasteful spending and he thought the Town would not be putting in these sidewalks if the Town were to pay for it.

Councilman Krakower thought it was money well spent because it was to connect sidewalks to the school. It's a benefit to that end of Town and to the kids walking to school.

Councilman Seminara: Again, it's not the project that is without merit, it's the funding mechanism I am opposed to. I think it causes us to spend money we might not otherwise spend. I doubt we would have spent \$450,000 on that sidewalk out of our own general fund.

ROLL CALL: Ayes: Councilmen Baisley, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers
Nays: Councilman Seminara

CARRIED: 6-1

03:04: 10 SET SPECIAL
MEETING

March 11, 2009 At 6:00 PM
For Executive Session

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set Wednesday, March 11, 2009 at 6:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY for the time, date and place of a Special Town Board Meeting for the following: Executive Session – Litigation.

SO MOVED: J. Baisley/T. Tancredi

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

03:04-11 SET SPECIAL
MEETING

March 18, 2009 At 6:00 PM
For Executive Session

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set Wednesday, March 18, 2009 at 6:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY for the Time, date and place of a Special Town Board Meeting for the following: Executive Session Litigation.

SO MOVED: D. Seminara/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

03:04-12 ACCEPT

Police Canine German Shepherd From
Patrolmen's Benevolent Association

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the acceptance, with appreciation, from the Town of Poughkeepsie Patrolmen's Benevolent Association an 11 month old Police Canine German Shepherd valued at \$6,500.00.

SO MOVED: J. Conte/S. Krakower

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

03:04-13 REAPPOINTMENT

Board of Ethics of William Polgrean

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reappoint William Polgrean to the Town of Poughkeepsie Board of Ethics for a five (5) year term from March 1, 2009 through February 28, 2014.

SO MOVED: M. Cifone/S. Krakower

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, Tancredi, Supervisor Myers

Nays: None

CARRIED: 7-0

03: 04-14 OPPOSE

Central Hudson Rate Increases in Rates to Deliver Electricity & Natural Gas

RESOLUTION

3:4 - # 14 OF 2009

WHEREAS, Central Hudson Gas & Electric Corp. (“Central Hudson”) has requested approval of increases in the rates it charges to deliver electricity and natural gas; and

WHEREAS, customers in a typical home would experience increases in their electric bills of approximately 17% increase for electricity and 28% for natural gas as a result of said increases; and

WHEREAS, Central Hudson’s area of service includes the Town of Poughkeepsie and the proposed rate increases will cause unnecessary hardship for numerous residents of the Town, particularly those with fixed or limited incomes, as well as placing an additional financial burden on the Town’s taxpayers as the Town’s own facilities are served by Central Hudson; and

WHEREAS, Central Hudson has failed to demonstrate a need for the proposed increases, and

WHEREAS, the matter is presently before the New York State Public Service Commission; and

WHEREAS, upon consideration, the Town Board finds that such rate increases will place an undue financial burden on residents, businesses and local governments, including the Town of Poughkeepsie, and discourage further industrial and commercial development in our region; and

WHEREAS, Central Hudson’s service area is predominantly suburban and rural, with electric service provided by overhead lines, thus rendering the expenses of installation, maintenance and repair to be substantially less than those of utility companies in metropolitan areas where power lines are underground; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, in its capacity as governing body of the Town, does hereby oppose the rate increase for delivery of electricity and natural gas for which Central Hudson Gas & Electric Corp. seeks approval; and

BE IT FURTHER RESOLVED, that certified copies of this resolution be delivered to Hon. Jaclyn A. Brillling, Secretary, New York State Public Service

Commission, the Hon. Stephen Saland, Senator for the 41st District, and the Hon. Joel Miller, Assemblyman for the 102nd District, by the Town Clerk, and the chief executives of surrounding municipalities served by Central Hudson; and

BE IT FURTHER RESOLVED, that the aforesaid resolution shall take effect immediately.

SO MOVED: S. Krakower/M. Cifone

Councilman Baisley agreed with Doreen Tignanelli. It's a real kick in the butt. They ask us to conserve and when we do, they raise the rates. It's absolutely ridiculous.

Supervisor Myers: I think the ridiculous part is that this isn't even the electricity they are raising the rates on, it's the delivery charge, because they don't generate electricity any more, they just buy it some place and put it through the lines and then they want to raise the charge of it pasting through their lines. There will be a public hearing on this March 12th in the Common Council Chambers of City Hall. One at 3 PM and one at 6 PM. They say it will be \$3 to \$4 a month. I think it's just uncalled for.

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

03:04-15 APPROVE

2008 Minutes

October 1, 15, & 22

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the minutes for the following 2008 Town Board Meetings, to wit:

October 1, 15, & 22

SO MOVED: T. Tancredi/S. Krakower

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

03:04-16 AUTHORIZE

Permission to Submit an Application
to the State Comptroller for Arlington
Sewer District

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby certify that the application which was submitted on the 16th day of December, 2008 and supplemental material submitted by letter dated February 5, 2009 was prepared at the direction of the governing body; and

BE IT FURTHER RESOLVED, that the Board believes the contents of the application to be accurate; and

BE IT FURTHER RESOLVED, that the Board has determined that the expenditure for which permission is sought is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof; and

BE IT FURTHER RESOLVED, that the cost of the proposed improvement is to be assessed in whole on a benefited area, that all real property to be so assessed will be benefited by the proposed improvement and that no benefit property has been excluded.

SO MOVED: Supervisor Myers/M. Cifone

Councilman Krakower: This is pretty vague, it doesn't reference what it is for.

Town Attorney Mahar: It's part of the supplemental application back to the State Comptroller's Office in regard to the Arlington Sewer Service Area. Standing alone, you're right, it's fairly vague.

ROLL CALL: Ayes: Councilmen Baisley Seminara, Conte, Cifone, Tancredi, and
Supervisor Myers
Nays: Councilman Krakower CARRIED: 6-1

03:04-17 ADOPT Police Rules & Regulations Manual &
Policy & Procedure Manual

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby adopt the Police Rules and Regulations Manual, a summary of which is attached hereto, which shall become effective Monday, May 4, 2009; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby adopt the Police Policy and Procedure Manual, a summary of which is attached hereto, which shall become effective Monday, May 4, 2009.

SO MOVED: J. Baisley/T. Tancredi

Supervisor Myers: This was a long and arduous task to undertake Chief, but I think it might be well worth it.

Motion made to amend to add POLICE manual in: J. Baisley/D. Seminara

ROLL CALL ON AMENDMENT: Ayes: Councilmen Baisley, Seminara, Conte,
Cifone, Krakower, Tancredi, and
Supervisor Myers
Nays: None CARRIED: 7-0

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower
Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0

MANUAL ATTACHED TO FINAL BOOK COPY

03:04-18 APPOINTMENTS Sewer Department – A-F

WITHDRAWN

03:04-19 AUTHORIZE Special Consent Items SC 1, SC 2

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby grant Special Consent to the following items; to wit:

- | | |
|-----------------------------------|--|
| SC 1. Set Date for Public Hearing | Amend Chapter 195 – V & T
No Parking – Raymond
Avenue |
| SC 2. Authorize | Lead Agency to City of
Poughkeepsie – The O'Neill
Group Dutton |

Councilman Krakower: I would like to add the following to the list of Special Consents:

AND BE IT FURTHER RESOLVED, that upon the objection of any member of the Town Board, an item may be removed from the list and voted on separately.

SO MOVED: D. Seminara/T. Tancredi

SC 3. Authorize Supervisor	Intent to apply to restore New York funding for project at The IBM Poughkeepsie Campus Building #708
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Councilman Seminara: Could we vote on that separately please?

Councilman Krakower: Ok.

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0

03:04-SC 1 SET DATE FOR PUBLIC HEARING	Amend Town Code, Chapter 195, Entitled "Vehicle And Traffic", Section 195-51, "Schedule XVI: Parking Prohibited Certain Hours" For Raymond Avenue
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RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 18th day of March, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and place of a public hearing to consider an amendment to Chapter 195, entitled "Vehicle and Traffic", specifically Section 195-51, "Schedule XVI: Parking Prohibited Certain Hours", which amendments would add the following provision:

ADD:

Name of Street	Side	Hours/Days	Location
Raymond Avenue	Both	12:00 AM to 5:00 AM From September 1 st to May 1 st	From the Intersection Collegeview Avenue and Raymond Avenue south to the main gate of Vassar College located on Raymond Avenue

BE IT FURTHER RESOLVED, that, if adopted, said local law shall take effect immediately upon filing with the Secretary of State.

SO MOVED: J. Conte/T. Tancredi

Councilman Baisley: Is there anyway that they could look at where the crosswalks are and moving the cars further away from the crosswalks, because I think it's a hazard driving down there. They are just so close to the bollards and that and the bushes, you can't see anything at night. Maybe they could move them back another 20 feet from the crosswalks.

Supervisor Myers: My only concern with this is, where are the cars going to go and what is this going to do to LaGrange, Fairview, Davis?

Councilman Tancredi: During the snow ordinance these cars aren't there, basically it's just covering the time a couple months after when the stores are open. The problem that occurs is that when the snow ordinance is lifted, we tend to have a lot of students move their cars to Raymond Avenue and leave them there. So, some of the residents and business owners have asked that we put something in place to eliminate the problem.

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

03:04-SC 2 AUTHORIZE

Common Council of the City of
Poughkeepsie to Act as Lead Agency
For the Application of the O'Neill
Group-Dutton, LLC for a Change in Zone
To Permit Development of Approximately
600 Residential Units on Land Located
on the Hudson River

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie received a notice dated February 18, 2009 from the Common Council of the City of Poughkeepsie in which said Common Council has declared its intent to act as the Lead Agency to coordinate the environmental review of an application submitted by The O'Neill Group-Dutton, LLC for a change in zone to permit the development of approximately 600 residential units on land located on the Hudson River; and

WHEREAS, said parcel consists of ±11.35 acres of land located in the City of Poughkeepsie (tax parcel number 6062-59-766443-0000) and ±3.65 acres of land located in the Town of Poughkeepsie (tax parcel number 6062-02-763508-0000); and

WHEREAS, the Town Board of the Town of Poughkeepsie is an identified involved agency since the full build-out of the project as proposed by The O'Neill Group-Dutton, LLC also requires a change in zone involving the ±3.65 acre parcel of land located in the Town of Poughkeepsie; and

WHEREAS, after review of the Long Form Environmental Assessment Form the Town Board has determined that:

1. The proposed development would concentrate the greatest number of residential units within the City of Poughkeepsie; and
2. The primary point of access to the site is via North Water Street located in the City of Poughkeepsie; and
3. Utilities for water supply, sewage disposal, telephone, electric, and gas would be supplied through the City of Poughkeepsie.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board of the Town of Poughkeepsie hereby consents to the Common Council of the City of Poughkeepsie acting as the Lead Agency for the application of the O'Neil Group-Dutton, LLC; and
2. The Town Board directs the Town Clerk to immediately deliver a copy of this resolution to the Common Council,

SO MOVED: M. Cifone/S. Krakower

ROLL CALL: Ayes: Councilmen Baisley, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers

Nays: Councilman Seminara

CARRIED: 6-1

Councilman Krakower: I request Special Consent for an item regarding a grant application for Building #708 on IBM Poughkeepsie Campus. Seconded by M. Cifone.

CARRIED: 6-0-1

Councilman Seminara: Abstained

Councilman Seminara: I will not be voting on this resolution or the Special Consent for this resolution, as an IBM employee I don't want an appearance of a conflict of interest.

Councilman Krakower: I received a call this afternoon from a representative from IBM. Building #708 on their IBM Poughkeepsie campus, which is evidently vacant, it is a two story building, a portion of the building has a raised Data Force space, they have a company, First Columbia, who is looking to lease the space from them and they are talking about committing capitol investment for the facility, which will exceed over \$10 million and First Columbia is looking to get a grant from New York State, it's the Restore New York 3 Grant. I guess this is the third go round type grant. In order to get the grant they need initially an intent to apply for the grant and they need that by Monday, March 9th at 3 PM they have to submit their proposal and so there is not a lot of time that they are giving us. Once they get an intent for the grant, then they are going to come into one of our workshop meetings and give a presentation and explain to us what they are doing, then the Town of Poughkeepsie will be the applicant for the grant but then the money will flow through to the project.

Motion made to authorize the Supervisor to submit an intent to apply for Restore New York funding on behalf of the First Columbian IBM project: Councilman Krakower/M. Cifone.

CARRIED: 6-0-1

Councilman Seminara: Abstained

ROLL CALL ON AMENDMENT: Ayes: Councilmen Baisley, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers

Nays: None.

Abstain: Councilman Seminara CARRIED: 6-0-1

ROLL CALL: Ayes: Councilmen Baisley, Conte, Cifone, Krakower, Tancredi and Supervisor Myers

Nays: None

Abstain: Councilman Seminara

CARRIED: 6-0-1

Motion made to suspend the rules for public speaking: Supervisor Myers/M. Cifone

CARRIED: 7-0

Edward Licis: His concern was with the ordinance, Chapter 174-5 regarding snow removal by property owner adjacent to fire hydrant. He believed there were too many

variables leaving the responsibility on the property owners and it puts at risk the safety of the residents of the Town by doing this. In the Town, we have State, Town, and County roads and some are busier than others, like Route 9, and who ever owns property on Route 9 is responsible for keeping the hydrants clear. A small road, not traveled much, is maybe a little safer there. He lives on Vassar Road and his safety is at risk because it's a larger road. He is concerned he could get hit by a car shoveling out his hydrant. Who would be responsible for that? Now he is physically able to do that, but what about if he becomes unable or an 80 year old woman neighbor who would have to shovel the snow in front of the fire hydrant? There is also the fact that some may not care and won't bother to shovel in front of the hydrant and there is a fire safety risk. A resident that has to shovel out a hydrant in front of his house never even gets a break on his tax or water bill for doing it, he's just expected to do it. Also, you may struggle to shovel out the hydrant and 2 minutes later a plow comes along and plows it in again, is we expected to go back and do it again? Who is responsible if a property owner goes to Florida for the winter and when he comes back, three of his neighbors houses were burnt down due to the unavailability of the fire hydrant. At least, if the public works does this during their working hours, and everyone in the public works department is physically able to do it. He just thinks this responsibility being left up to the property owner is jeopardizing the safety of the residents of the Town.

Councilman Seminara: Mr. Licis has made the best study and defense about this problem and on both sides and I'm glad he brought this to light.

Victor Gennodie: Regarding the fire hydrants, many years ago when he moved into the Town, there used to be a little work session and the Fire Department would go around and clean around a lot of the hydrants as an activity.

Councilman Baisley: The junior members still do, especially if you are a senior citizen, they go out and make a point to do it and there are a couple of residents in New Hamburg who go away for the winter and they contact the Fire Department and they make a point to do theirs.

Victor Gennodie: Tonight he noticed that the Board is going for a public hearing on the hours of operation on Sheafe Road.

Supervisor Myers: Limiting the weight of the trucks on Sheafe Road during certain hours, yes.

Victor Gennodie: Thank you very much to the whole Board for recognizing this. He's been many years fighting and attempting to get some recognition in this. He was upset with the Planning Board relocating this plant and the applicant was never sworn in according to policy and he lied when he said there was not going to be any negative impact when 250 loads of trucks going past your home twice a day, 500 truck loads a day – that's a negative impact! Now they are going to allow a 3 AM start up time as well.

Doreen Tignanelli: Wanted to support what Victor Gennodie said about the Planning Board Meeting. She was quite upset and annoyed with the false testimonies from applicants in front of the Planning Board, under oath. She got a FOIL request from the DEC of notices of violations of spillage into the Hudson by Tilcon. From computer data base she found 5 spills between 2007 and 2009 of toxic oils. The Tilcon-Clinton point plant has 38 storage tanks, half were closed, and however permit expired for all tanks on February 15, 2009, 4 days before Planning Board negative declaration. Gasoline, waste oil, lube oil and diesel fuel which are the same substances that are being spilt. Quite annoyed with the powers and dealings of the Planning Board.

Nancy Zverev: Complained about the Rochdale park not being taken care of and complaining that other parks get the fix ups but Rochdale nothing. Discussed lawsuits in the parks.

Motion made to resume the rules: Supervisor Myers/T. Tancredi

CARRIED: 7-0

RESOLUTION

BE IT RESOLVED the Town Board of the Town of Poughkeepsie does hereby adjourn to executive session to concern the following matters, to wit:

1. Litigation
2. Confidential communication between attorney and his client/The Town Board, based on Attorney/client privileges

SO MOVED: J. Baisley/T. Tancredi

CARRIED: 7-0

INTO EXECUTIVE SESSION AT 8:45 PM

INVITATION WAS EXTENDED TO NEIL WILSON AND
DON BEER TO JOIN THEM

BACK FROM EXECUTIVE SESSION AT 9:12 PM

NO ACTION WAS TAKEN

Motion made to close the meeting: Supervisor Myers/M. Cifone

CARRIED: 7-0

MEETING CLOSED AT 9:13PM