

**MINUTES OF TOWN BOARD SPECIAL MEETING AT 6:30 PM
HELD ON JUNE 10, 2009 AND COMMITTEE OF THE WHOLE
MEETING AT 7:00 PM AT TOWN HALL, ONE
OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

PRESENT: Supervisor Myers
Councilman Baisley- Arrived at 6:34 PM
Councilman Seminara –Arrived during Executive Session
Councilman Conte
Councilman Cifone
Councilman Krakower
Councilman Tancredi
Town Attorney Mahar
Town Clerk Miller

***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 and 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

7:00 PM

CALL TO ORDER

SALUTE THE FLAG

06:10 SM 1 EXECUTIVE SESSION

To Enter Executive Session to Consider Following Matters:
A. Litigation
B. Confidential Communication Between Attorney and His Client, The Town Board, Based On Attorney/Client Privilege

SUPERVISOR MYERS INVITED KATHLEEN TABER, TOWN ASSESSOR, DAVID HAGSTROM, DEPUTY TOWN ATTORNEY, AND DONALD MCGRATH, MAI, TO ATTEND EXECUTIVE SESSION

SPECIAL TOWN BOARD MEETING ADJOURNED AT 6:32 PM

TOWN BOARD AND GUESTS ENTERED EXECUTIVE SESSION AT 6:35 PM

TOWN BOARD RETURNED TO SPECIAL TOWN BOARD MEETING AT 7:03 PM

06:10-PES 1 AUTHORIZE

Supervisor Myers and Deputy Town Attorney Hagstrom to Negotiate Tax Certiorari Proceedings Stipulation of Settlement with IBM for Years of 2007, 2008, 2009, and 2010

RESOLUTION

WHEREAS, tax certiorari proceedings have been filed against the Town of Poughkeepsie by the International Business Machine Corp. (IBM) in regard to the assessments of the IBM Main Plant in 2007 and 2008; and

WHEREAS, it is desired to settle the 2007 and 2008 proceedings and the 2009 grievance complaint; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie authorizes David D. Hagstrom, Esq., of the law firm of Van DeWater & Van DeWater, LLP, 40 Garden Street, Suite 501, Poughkeepsie, New York 12601 to negotiate a settlement whereby the 2007 and 2008 proceedings will be discontinued with no reductions in the assessments and no tax refunds, and

The assessments on its three (3) tax parcels will be reduced on the 2009 assessment roll from a total taxable assessed value of \$159,779,000 to \$139,779,000; and the total taxable assessed value on the 2010 assessment roll for said parcels shall be reduced to \$119,779,000 and the total taxable assessed value on the 2011 assessment roll of the Town of Poughkeepsie shall not exceed a total taxable assessed value of \$109,779,000, and

The Town Board will make shifts in the base proportions for both the homestead and non-homestead categories in 2009, 2010 and 2011, and

The parties shall work to enter into an agreement to obtain a PILOT (Payment in Lieu of Taxes) fixing the ad valorem taxes thereafter all as outlined in the attached draft Stipulation of Settlement, and

The Supervisor, Patricia Myers, and David D. Hagstrom are authorized to sign such documents as are necessary to effectuate the settlement.

SO MOVED: J. Baisley/M. Cifone

Councilman Seminara: As an IBM employee, I must excuse myself from voting in order to avoid an appearance or potential conflict of interest.

ROLL CALL : Ayes: Councilmen Baisley, Conte, Cifone, Supervisor Myers
Nays: Councilmen Krakower and Tancredi
Abstain: Councilman Seminara CARRIED: 4-2-1

Councilman Conte: I think that a lot of people worked very hard on this and I know it doesn't sound like a great deal, but I think it's the right thing for the Town of Poughkeepsie in terms of jobs and business.

SPECIAL TOWN BOARD MEETING CLOSED AT 7:06 PM

COMMITTEE OF THE WHOLE MEETING
JUNE 10, 2009
7:07 PM

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

06:10 COW 1 PRESENTATION

Eagle Scout Project of Rain Garden

Tom Meyering, Recreation Director: I would like to introduce to you, Ray Bartolucci from Troup 269 of Wappingers. He has an Eagle Scout project that he has been working on with me for about four or five months, we actually started last November.

Ray Bartolucci: This project is being worked on at the Stanley Still Sports Park. There are three major things I plan on doing: I plan to create two dikes at the park to control the flooding problem they have there. One will be a sandbag dike on the inlet off the creek and another one will be an earth and berm dike on the outer bank of the pond. I also plan to construct a rain garden on an area adjacent to the playground and parking lot and finally I plan on digging two trenches on either side of extension of the walkway.

EACH OF THESE PLANS ARE PICTURED AND EXPLAINED
IN THE ATTACHED PAGES

The Council as a whole were very impressed with the job Ray is going to do for the Town and they all thanked him very much on behalf of the Town and its residents.

06:10 COW 2 DISCUSSION

Fall Kill Intermunicipal Agreement

Jennifer Rubbo, The Fallkill Watershed Coordinator and works for Hudson River Sloop Clearwater: She has been working under the title of Fallkill Watershed Coordinator for about one and ½ years now and for the Clearwater for about 3 years. She is a local and was brought up in the Town of Hyde Park and she lives on the Fallkill. She described what a watershed is. The Fallkill Watershed is located entirely in Dutchess County. It starts in the Clinton and then goes through Hyde Park, a piece of Pleasant Valley, into the Town of Poughkeepsie and then into the City of Poughkeepsie and the creek empties into the Hudson River under the future walkway over the Hudson.

EACH PROJECT THIS COMMITTEE PERFORMED IS
SPELLED OUT IN THE ATTACHED PAGES

Dominic Seminara volunteered his services as a liaison to the Town Board as a whole and the committee to come up with an intermunicipal agreement for each Town to sign at the end. Doreen Tignanelli also volunteered her services.

06:10-COW 3 DISCUSSION

Road Conveyance, Maintenance
Easement Agreement Between
Town of Poughkeepsie & Marist
Real Property Services, Inc. For
Conveyance of a Part of Beck Place
To Marist Real Property Services
For Maintenance

Councilman Cifone: This is basically to allow Marist College to get the southern end of Beck Place which is where their walk way is for their dorms and where they are going to put the underground tunnel is the starting point for a stairwell going in. This goes back to when Jack Still was still alive. He was talking about giving them the whole road. I was against giving them the whole road, but with this agreement, they will maintain the whole road, the sidewalks, and that will be at no expense to the Town and they will be only getting the southern end which is the part we can't ride on, anyway, and is of no use to the Town, anyway. We will not be taking anything away from the residents living there. In fact, they will be benefiting by Marist College maintaining the Fallkill Road there and sidewalks will be maintained by Marist College and this helps with what Marist has to put in. They have to put in some kind of an enclosure for the underground passage way across Route 9. The road is in poor condition as it is now and the fact that Marist will be taking over the maintenance of the road would be a benefit to the Town and residents there. The Town Highway and the Attorney's are all in favor of this Agreement.

FURTHER EXPLANATION IS FOLLOWED UP IN THE
FOLLOWING ATTACHED MEMO

The Board gave their approval for this to be on next week's agenda

06:10-COW 4 DISCUSSION

Homeowner's Plumbing Permit

Keith Ballard, Water Maintenance Supervisor: I had approved the Plumbing Board on this last week about the homeowner plumber permit. I have no problem with them doing work inside their house, because whatever they do inside affects their house. But, when you get into underground as far as services to the main or to the curb box, then it becomes a liability to the Town. I can't believe that a 10 question test makes them just as qualified as a licensed plumber and also, if they rip this service off the curb box, that's connected to our main and then he would have to put many people out of water in order to fix it. To him it is just a liability. There was an instance on Overocker Road where the home owner took out the permit to do a water sewer service, he was never on the job the whole time they did it. He had a contractor come in and do it. They had to redo it twice because it wasn't to Town specs. They should not be able to work underground. Inside it's not a problem. It's just the meter box and curb box is all I'm concerned with. The homeowners do not know the codes and they are not insured for damages they do to the main water service.

Councilman Cifone cleared the confusion by saying that you do not need a plumbing permit to do any work inside the house that would involve plumbing fixtures as long as you are not opening a wall and doing plumbing behind a wall. Then you need a plumbing permit. NO PLUMBING outside the home that would mean connection to the main water meter or curb box will be allowed to be done by homeowner, a licensed plumber is required. Also goes for the sewer. The house to the main in the road you have to have a licensed plumber.

Town Council agreed with concept of work INSIDE the home and basic water sprinkler, OUTSIDE are fine, but when it comes to connecting to the main meter box and curb box, that is to be left up to a fully licensed plumber.

06:10-COW 5 DISCUSSION

TowerCo's Easement Offer to Town

Town Attorney Mahar: After reading this letter, do you want the Town to go forward and get a copy of what they propose as the permanent easement or are we just (inaudible)?

Councilman Cifone: This is a lot of money and I would love to have it, but I worry about selling our rights later on.

Town Attorney Mahar: Right now, we get \$72,000 a year from the Cell Tower operators. They send the check in to the Comptroller. So, \$72,000 a year over 10 years, \$720,000.

Councilman Seminara: Oh, and they want to buy the right.

Town Attorney Mahar: Right.

Councilman Seminara: Oh don't forget, I know how to play monopoly!

Councilman Tancredi: I agree with Dominic.

Councilman Seminara: The only thing I would agree to is for the right price, if they are going to make sure that the towers eventually come down some day and we bond them to that—

Town Attorney Mahar: That is absolutely correct!

Councilman Seminara: Sooner or later technology is going to replace these cell phone towers that are scattered all over.

Town Attorney Mahar: They have posted two letters of credit for each tower and if you will recall, last year about this time, we had a devil of time getting them to renew their letter of credit and TowerCo said they would give us a bond and I said, "I would not take a bond for a minimal amount of money and have to spend \$10,000 on a lawyer to collect it if you walk away, I want a letter of credit." So, eventually, we got a Letter of Credit. So, we have two Letter of Credits, one covering Cedar Avenue and the other covering Barns. Each Letter of Credit I believe is \$10,000.00 each.

Councilman Seminara: Here's the thing, it's very easy to see that we could collect rent for 20 years and if we are getting \$72,000 a year now, that could go up a little bit so right off the bat we are looking at a \$2 million price plus they are going to need to post a Letter of Credit that these poles are going to be removed. So, if they are in the \$2 million ball park this might be something that may make sense.

Town Attorney Mahar: That's correct.

Councilman Seminara: Is there any way we could do it less than permanent? I'm not so sure I want to—can we do it as a long term lease as opposed to—like maybe limit it to 40 years or so and like 40 years from now, unless we renew, we get back that easement? This way I think we are covered.

Town Attorney Mahar: I will ask them to send us a copy of the proposal and we will go from there.

LETTER ATTACHED TO FINAL BOOK COPY

Town Attorney Mahar: I have an issue I would like to address. We have an issue at 7 Jones Street. The owner and the bank involved have been a little non-responsive in that we have adopted the resolution and created a deed and filed the lien and they still haven't paid it and so it will be on the tax bill. The issue as of this morning was what they have to dispose of. There is a dumpster for the residential garbage and the people still living in this house as tenants are putting the garbage in the dumpster for Royal Carting to pick up and they take it away. As of this morning, the dumpster was full, it was all over the street and we were about to declare an emergency and send the Town in to get the thing out of there because it was getting to be a public health issue and it was definitely a public nuisance. So, Royal Carting was called and they said they "Meant to call you us, the owner already called, we are picking it up today or tomorrow and we will clean up the area." At least now the owner has responded. I bring it up to you tonight because there may be the same issue next week.

Supervisor Myers: I think we gave them three or four orders to remedy and I think that's what finally got their attention this time around.

COMMITTEE REPORTS

1. FINANCE

Councilman Baisley: No Report

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| 2. FIRE ADVISORY | Councilman Baisley: No Report |
| 3. GOVERNMENT OPERATIONS | Councilman Conte: No Report |
| 4. LAND USE & PLANNING | Councilman Seminara: No Report |
| 5. PERSONNEL | Councilman Cifone: No Report |
| 6. RECREATION | Councilman Tancredi: Our summer programs are filling up quickly and Mr. Meyering is pleased with the response he is receiving |
| 7. SENIOR CITIZENS | Councilman Krakower: No Report |
| 8. TECHNOLOGY & EQUIPMENT | Supervisor Myers: We met with Time Warner and I guess we could say is it's moving forward. Their Technologist is coming to meet with Mark by earlier next week to do a web program of the equipment to see if it's compatible to what they are suggesting. |
| 9. WATER, SEWER, HIGHWAY | Councilman Seminara: We had a meeting tonight, roads are moving along. |

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

CARRIED: 7-0

Doreen Tignanelli: I guess I can cross off my list the new PA system?

Supervisor Myers: No, it's still in negotiation.

Doreen Tignanelli: I was glad to see the Rain garden project. That is the first time I heard about that project. It does aid in Stormwater. We are really going to need that now because Dutchess County Legislature went ahead and authorized the removal of those 67 acres of trees at the air port. Every little bit of help we can get for flooding will be welcome and 47 acres of those acres are in wetlands, wetland buffers and stream banks and their rationale is that it is ok because they are going to plant shrubs.

Councilman Krakower: Also, they are killing the Canadian geese population as well because they are disrupting the creek or something. I also heard baby swans also.

Supervisor Myers: It was the Federal Government who was doing it and it was without permission from the Towns or villages.

Doreen Tignanelli: Also, the trees at the airport have been a habitat for some of the protected Indiana Bats. I guess they are going to put a new nesting area for them somewhere off the side. They are spending money to cut down the habitats and it might not be necessary in the first place and then spending money to rebuild a habitat on the side. Ok, what about the status of our sign ordinance? I haven't heard anything about that for a while.

Supervisor Myers: We are still waiting on information from Mr. Wilson and the Town Planning Board.

Doreen Tignanelli: And Tilcon, they had another instance where they exceeded the quarries permitted decibel level. So, we can add that to the list of all their other violations.

Also, at TGI Friday on Route 9 there is a row of trees they were supposed to leave and they are there, however, they have piled a lot of construction materials and debris at the base of the trees, so they may not kill them at the life of the project, but they might end up dying anyway because of the poor treatment. I don't think the Town would have any recourse several years down the road so we really need to be more careful about that.

Victor Gennodi: The Tilcon asphalt plant they plan on moving, it seems to slip by everyone, there is about two acres of trees there that are about 18 to 24 inches in diameter that they are going to clear cut just for a driveway. There is enough land there that they don't have to remove those trees. When they take those trees out, my neighbor is going to have a bird's eye view of the plant from his home. Over 30 years ago, they removed the same area of trees from the air port, way up into the back of Maloney Road apartment complex and now they are going to do it again.

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

CARRIED: 7-0

Councilman Cifone: Want to remind everyone we are doing a volunteer cleanup of Underhill Road this week. The time is 8 AM to 10 AM if anyone wants to come on Saturday, come on out.

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby adjourn to Executive Session to consider the following matters, to wit:

1. Litigation
2. Personnel matters, to wit: a meeting to discuss the employment history of particular individuals who need not be identified at this time
3. Confidential communication between attorney and his client/Town Board based on attorney/client privileges

SO MOVED: J. Baisley/M. Cifone

CARRIED: 7-0

MEETING ADJOURNED AT 8:25 PM

INTO EXECUTIVE SESSION AT 8:30 PM

Supervisor Myers invited David Kunz & George Szary of DeGraff/Foyl Kunz, LLP to attend the Executive Session Meeting

BACK FROM EXECUTIVE SESSION AT 9:13 PM

NO ACTION WAS TAKEN

Motion was made to close the Meeting: Supervisor Myers/S. Krakower

CARRIED: 7-0

MEETING CLOSED AT 9:14 PM

SJM:lkm