

MINUTES OF A SPECIAL AND REGULAR TOWN BOARD
MEETING HELD ON APRIL 22, 2009 AT 6:05 PM & 7:00 PM AT
TOWN HALL, ONE OVEROCKER ROAD, POUGHKEEPSIE
NEW YORK

SPECIAL MEETING AT 6:05 PM

PRESENT: Supervisor Myers
Councilman Baisley
Councilman Conte
Councilman Cifone
Councilman Tancredi (Arrived at 6:10 PM)

ABSENT: Councilman Seminara
Councilman Krakower

04:22-SM 1 RESOLUTION

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

Mr. Neil Wilson and David Hagstrom, Esq. were invited
to attend the Executive Session

INTO EXECUTIVE SESSION AT 6:10 PM

OUT OF EXECUTIVE SESSION AT 6:40 PM

NO ACTION FROM EXECUTIVE SESSION

SPECIAL TOWN BOARD MEETING CLOSED AT 6:41 PM

REGULAR TOWN BOARD MEETING
7:00 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 the public hearing #1:
Supervisor Myers/T. Tancredi CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

04:22-01 PUBLIC HEARING

Amend Town Code, Chapter 168,
Entitled "Sewers", Specifically
Article VIII, "Private Waste
Disposal", Section 168-66 Entitled
"Connection Required"

RESOLUTION

BE IT RESOLVED, that upon closing the public hearing the matter herein is adjourned to May 6, 2009 for action.

SO MOVED: J. Baisley/M. Cifone

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

Nays: None

CARRIED: 7-0

ADJOURNED TO MAY 6, 2009 MEETING

04:22-02 PUBLIC HEARING

Amend Town Code, Chapter 195, Entitled "Vehicle & Traffic", Specifically Section 195-14 "Trucks Over Certain Weights Excluded"

WITHDRAWN FROM AGENDA

Town Clerk Susan Miller: The first Public Hearing was posted April 2nd and published in the Poughkeepsie Journal on April 2nd. The second Public Hearing was posted April 2nd and published in the Poughkeepsie Journal on April 2nd.

Motion made to suspend the rules for public speaking on public hearing #3: Supervisor Myers/D. Seminara

CARRIED: 7-0

Nancy Kverev: "There is a fee on there to charge \$25. We pay taxes for these parks" and she asked the purpose of the fee.

Councilman Cifone: I believe that would be more in line with an organized group. Not just your family coming over and playing softball or something. If you were having a neighborhood meeting or something like that, you let the Board know and we would probably waive the fee.

Councilman Seminara agreed with Nancy. There shouldn't be a fee for the neighborhood to get together and have a picnic or something.

Tom Meyering, Recreation Director: This fee generally applies to sports groups that use the fields and we've had problems at some parks with groups of rowdy people and it's a way to have them have a permit and be able to oust them out of the park if they are not behaving. A community hangout or picnic (20 people or more), there is no fee.

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

CARRIED: 7-0

Town Clerk Miller: This was posted on April 2nd and published in the Poughkeepsie Journal on April 4th.

04:22-03 PUBLIC HEARING

Amend Town Code, Chapter 105 Entitled "Fees", Specifically Section

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing the 22nd day of April, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend Chapter 105 Entitled "Fees", specifically Section 105-4 J, which amendments would be as follows:

DELETE Section 105-4J:

ADD: Section 105-4J:

- (1) All individuals or organizations wishing to utilize the recreation facilities of the Town of Poughkeepsie shall, at the time of an application for a permit, pay the following fees:

(a) Park Permit Fee	\$25.00 per use
(b) Athletic Facility Fee	\$35.00 per use
(c) Athletic Field with Lights	\$55.00 per use

The Town Board may waive these fees by granting a group a revocable license allowing special use of the park.

- (2) Additional/unusual expenses incurred for facility preparation, use, damage or restoration will be billed at the rate of the actual expense.

- (3) Summer Programs

(a) Tennis Lessons (resident)	\$70.00 per session
(b) Tennis Lessons (non-resident)	\$80.00 per session
(c) Day Camp (resident)	\$25.00 per week
(d) Day Camp (non-resident)	\$100.00 per week

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

SO MOVED: D. Seminara/J. Baisley

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

Nays: None

CARRIED: 7-0

Motion made to suspend the rules for public speaking on public hearing # 4: Supervisor Myers/T. Tancredi

CARRIED: 7-0

Doreen Tignanelli: I have a question, this is going to be part of Chapter 57, but, as you know, I am interested in storm water issues and Chapter 173 of Storm water Management, there is some mention about control of pet waste in there, and there is a section under activities contaminating storm waters that are prohibited and one of them is improper management of pet wastes. So, I was wondering how one would relate to the other and if it should be under the storm water management or the other chapter, but there should be some consistency between the two.

Motion made to resume the rules: Supervisor Myers/D. Seminara

CARRIED: 7-0

Town Clerk Miller: This item was posted on April 3rd and published in the Poughkeepsie Journal on April 6th.

04:22-04 PUBLIC HEARING

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

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 22nd day of April, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend

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, not owned by said person. 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.

G. A person as described in Paragraph F of this local law who is owning, harboring, keeping, or in charge of any dog that defiles, defecates, or commits any nuisance on any common thoroughfare, sidewalk, passageway, bypass, play area, park, or any place where public can congregate or walk, any public property whatsoever, or on any private property not owned by the individual shall immediately remove in a sanitary method all feces deposited by such dog, and the feces removed from the aforementioned designated areas shall be disposed of in a sanitary manner by the person herein described.

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 ENACTED, 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 ENACTED, that said local law shall take effect immediately upon filing with the Secretary of State.

SO MOVED: J. Conte/M. Cifone

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

Motion made to amend Paragraph F to read “on any private property not owned by said person.” :S. Krakower/M. Cifone

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

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

Supervisor Myers: We will open the public hearing #5, but then we need to adjourn the public hearing because we only got the stuff back from the County yesterday and we haven't had time to write the resolution for it because the County does not agree.

Town Attorney Mahar: Let the record reflect that we did receive a recommendation from the Town of Poughkeepsie Planning Board and it was a positive recommendation. But, today we received a copy of a recommendation from the County which was opposed to it and recommended a denial. Under the circumstances, you can have your public hearing and then we can do a resolution, which much contain written reasons for over riding the County and you need a super majority to pass it. So, I would suggest that you have your public hearing and delay action until the 6th of May.

Motion made to suspend the rules for public speaking on public hearing #5: Supervisor Myers/T. Tancredi

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

04:22-05 PUBLIC HEARING

To Amend Town Code, Chapter 210,
Entitled "Zoning", Specifically Article V,
Section 210-22 Entitled, "Arlington
Town Center (ATC) District
RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie pursuant to a public hearing held on the 22nd day of April, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town Code, Chapter 210, entitled "Zoning", specifically Article V, Section 210-22, "Arlington Town Center (ATC) District", which amendment would be as follows:

ADD:

Section 210-22(G) Main Street Drive-In Overlay District (MSDOD) more fully set forth in the attached document, the application of which may be permitted at the sole discretion of the Town Board as a Zoning Map amendment subject to such additional terms and conditions as the Town Board may require at locations within the Arlington Town Center (ATC) District which meets the specific requirements set forth herein.

BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does hereby declare itself as lead agency and that said action will not have a significant adverse impact on the environment; and

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

Public Hearing was closed and action adjourned until May 6, 2009 Town Board Meeting.

SO MOVED: Supervisor Myers/T. Tancredi

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

Nays: None

CARRIED: 7-0

Motion made to suspend the rules for public hearing #6: Supervisor Myers/M. Cifone

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

Motion made to resume the rules: Supervisor Myers/M. Cifone

CARRIED: 7-0

Town Clerk Miller: Affidavit of posting was March 31st and published in the Poughkeepsie Journal was April 3rd for both public hearing #5 and #6.

04:22-06 PUBLIC HEARING

Proposed Application Under the
“RestoreNY Communities Initiative”

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to its Lead Agency status, does hereby adopt the attached Negative Declaration in regard to the proposed action involving “RestoreNY Communities Initiative”, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on April 22, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby approve the request from First Columbia, LLC of Latham, New York to sponsor an application for funding from the Empire State Development Corporation under the “RestoreNY Communities Initiative” to finance the rehabilitation and reuse of Building 708 at the IBM Poughkeepsie Campus for use as a data center, at no cost to the Town of Poughkeepsie.

SO MOVED: M. Cifone/J. Conte

Councilman Baisley: Stephan, have you heard anything from them?

Councilman Krakower: Not recently.

Chris Bette, one of the principals at First Columbia, LLC. The project is still moving forward. We are still in discussion with IBM on the use of building 708, we plan on leasing it from them. The application goes in a week from Monday.

Councilman Krakower: I think it's a very good idea and I think it's a good opportunity to bring another company into the IBM campus. We see it in East Fishkill where other companies are being brought in there. I think this is a great idea and great opportunity and I hope it does go forward.

Councilman Seminara: I am an IBM employee, therefore I will abstain from voting to prevent even an appearance of a conflict of interest, so I won't vote on this.

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 on agenda items: Supervisor Myers/ J. Conte

CARRIED: 7-0

Doreen Tignanelli: I have a question about SC 6 and SC 8. Is there any limit here or , what is the amount that Mr. Cantor is being paid for his services. Is it up to a certain amount of hours? I had asked that originally and I never got that information. Is there a limit for either one?

Town Attorney Mahar: We are paying him at the rate of \$175 an hour plus disbursements.

Supervisor Myers: I think she meant a ceiling.

Town Attorney Mahar: No, there is no ceiling.

Doreen Tignanelli: Is there any intent of putting any cap on it?

Town Attorney Mahar: Not at this point in time because it is so early in their process that it's too hard to figure a time.

Doreen Tignanelli: Ok, for the case at Casperkill, is that still because they are objecting some of the conditions from the Zoning and Comprehensive update?

Town Attorney Mahar: No. Casperkill has initiated an action against the Town over the Zoning. That's the one currently pending in the Supreme Court. Running concurrent with this is Casperkill's objection to the terms and conditions of a sewer use agreement that they entered into on or about May 20, 2004. Their property lies outside any existing sewer district and they wanted to have access to our sewer system. We had extensive negotiations for over a year and produced an agreement whereby they would be accepted in as a tenant and they would have to pay, at that time, \$10 per gallon up to 160,000 gallons and the Town reserved the right to increase the price if the costs of the plant increased. It did, we notified them and they are objecting to it and objecting to the fact that they agreed to put in some off site piping for transportation from the site of the development to the trunk.

Nancy Kverev: I just wanted to understand how #11 works. I do have the Code as it is out there for today, is it changing and do I have the correct Code that will be discussed?

Supervisor Myers: If you have the one out of the book.

Nancy Kverev: I have the one from the Web.

Supervisor Myers: Yes, that's the same thing. This one is going to say that a permit issued under this section shall entitle the holder to the exclusive use of the area covered by the permit subject to the terms and conditions.

Councilman Cifone: This goes in hand with, like Todd said, we've had some incidents in his Ward at Greenville and I've had at Crestwood where an organization has rented a certain section of the Park and other people have come in and caused disruptions. Last year we had 200 kids start fighting with a group that was there and the cops were called. This ties it up so the police can be there and provide some safety for the organization that is there. This is, if you get a permit, it is yours, solely.

Motion made to resume the rules: Supervisor Myers/T. Tancredi CARRIED: 7-0

04:22-07 AUTHORIZE

Amend the Employee Handbook
For Medical Insurance Buyout For
Retirees

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby amend the Town Personnel Handbook as follows:

Section 808a – Medical Insurance Buy-Out for Retirees

Eligibility - Full-time employees or elected officials who were eligible for medical insurance at the time of their retirement from the Town of Poughkeepsie and elected at that time to receive said benefit from the Town of Poughkeepsie and full-time employees or elected officials who hereafter upon retirement are eligible for medical insurance coverage through the Town of Poughkeepsie as described in Section 808 of this Employee Handbook, may receive a cash buy-out in lieu of receiving medical insurance benefits. The Town will provide only one medical insurance buy-out per married couple,

regardless of whether or not the retiree’s spouse currently works for or also retired from the Town.

Proof of Alternate Coverage Required – To be eligible for the medical insurance buy-out, the retiree must sign an appropriate waiver of health insurance coverage and waiver of liability to the Town.

Amount of Buy-out – A retiree who is eligible for the medical insurance buy-out will receive an amount in accordance with the following schedule:

AMOUNT OF BUY-OUT	IF TOWN PAYS FOLLOWING PERCENTAGE OF PREMIUM
\$2,500	100%
\$2,000	80%
\$1,750	70%
\$1,250	50%
\$875	35%
\$625	25%

The amount of buyout is the same whether or not the retiree is eligible for individual, two-person or family coverage. The amount of the buy-out shown above is based on a full twelve month period commencing January 1 through December 31. Such amount shall be pro-rated in those cases where the retiree has not waived coverage for the entire calendar year or in those cases where the retiree has been reinstated into the Town’s medical insurance coverage.

Method and Form of Payment – Payment of the buy-out will be made in a separate check during the first fifteen days of December. The Town will not withhold federal and state income taxes; however, the amount may be subject to such taxes and should be reported on your annual tax filing.

Reinstatement – If retiree chooses to re-enroll in the Town’s health insurance plan, written notice must be provided to the Town Comptroller during the open enrollment period in order for coverage to be effective the following January 1. In the event coverage is lost under the alternate insurance plan, the retiree may resume coverage in accordance with the provisions specified in the plan documents, provided that all eligibility requirements of the insurance plan are met.

Changes in the Amount of Buy-out – The amount of the buy-out is subject to change by Resolution of the Town Board. The Town Board will provide a two-month written notice of such change.

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby rescind Resolution 4: 1 #7 of 2009.

SO MOVED: S. Krakower/J. Baisley

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

Nays: None

CARRIED: 7-0

04:22-08 APPOINTMENT

Sewer Department of Glen Robison As Sewer maintenance Mechanic

WITHDRAWN FROM AGENDA

04:22-09 SET DATE FOR PUBLIC HEARING

Amend Town Code, Chapter 195, Entitled “Vehicle & Traffic”, Specifically “Article III, Entitled “Parking, Standing & Stopping”

WITHDRAWN FROM AGENDA

04:22-10 SET DATE FOR
PUBLIC HEARING

Adoption of Local Law Entitled
“Distress Sales & Similar Sales”

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 20th day of May, 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 the adoption of a local law entitled “Distress Sales and Similar Sales”, a copy of which is attached hereto: and

BE IT FURTHER RESOLVED, that said Town Board does hereby waive the verbatim reading of the proposed local law and does hereby authorize that said proposed local law be spread across the record as if, in fact, read verbatim; and

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

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 7-0

LOCAL LAW ATTACHED TO FINAL BOOK COPY

04:22-11 SET DATE FOR
PUBLIC HEARING

Amend Town Code, Chapter 148,
Entitled “Parks & Recreation”,
Specifically Section 148-4
Entitled “Recreation Park Usage
Guidelines: Prohibited Uses;
Hours of Operation”

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 20th day of May, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as the time, date and place of a public hearing to consider an amendment to the Poughkeepsie Town Code, Chapter 148, entitled “Parks and Recreation”, specifically Section 148-4, which amendment would be as follows:

ADD: Section 148-4A

A permit issued under this section shall entitle the holder thereof to the exclusive use of the area covered by the permit, subject to the terms and conditions of use set forth on the permit.

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does declare itself as Lead Agency under the New York State Environmental Quality Review Act, and does determine that this action is an Exempt Action; and

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

SO MOVED: Supervisor Myers/T. Tancredi

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

Nays: None

CARRIED: 7-0

04:22-12 BID AWARD

Contract For "Schoolhouse Lane –
Road Improvements" To Contech
Construction Technologies, Inc.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the contract for "SCHOOLHOUSE LANE – ROAD IMPROVEMENTS" To Contech Construction Technologies, Inc., pursuant to the terms and conditions of the plans and specifications and the bid of the above cited company for the bid price of \$334,977.60 per the recommendation of Morris Associates, which monies shall be paid from the H 23 Fund (Road Improvements), and

{BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign all papers necessary and proper in regard to a drainage easement from Schoolhouse Lane to Spackenkill Road across property owned by the Spackenkill Union Free School District, upon approval of the Town Attorney as to terms and conditions. }

SO MOVED: J. Baisley/M. Cifone

Town Attorney Mahar: To authorize the Supervisor to sign the easement agreement between Spackenkill and the Town to implement this project and that resolution initially read "To be amended to include the following language: {See second paragraph above }

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

Nays: None

CARRIED: 7-0

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

Nays: None

CARRIED: 7-0

04:22-13 AUTHORIZE

Extension of Health Insurance Benefits
To Scott Listermann

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the extension of health insurance benefits to Scott Listermann to January 31, 2010.

SO MOVED: D. Seminara/M. Cifone

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

Nays: None

CARRIED: 7-0

04:22-14 DECLARE

Sewer Use Agreement For Hampton
Inn, Super 8 & Country Club Apartments
Null & Void

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby declare the sewer use agreement for Hampton Inn and Super 8 and the sewer use resolution for Country Club Apartments, null and void insofar as they exceed the 40 year maximum allowed by law, and

BE IT FURTHER RESOLVED, the Town Board of the Town of Poughkeepsie does hereby direct that the properties currently known as the Hampton Inn, Super 8 and Country Club Apartments be billed for capital and usage as if they were in the sewer districts to which they currently discharge their wastewater.

SO MOVED: J. Conte/T. Tancredi

Councilman Krakower: How did this come about?

Town Attorney Mahar: The Sewer Department raised the issue with the Red Bull Extension, which is now known as Super 8 back in early 60's and they said it appears that the charge was too low, and so we pulled all the contracts for the three listed here and found out that they did have extreme low rates of contribution to the Town, so we researched it and found out that they were in excess of the 40 years and extensive letters to the affect and told them we were going to do the resolution tonight.

Supervisor Myers: And they are going to pay what they are actually using.

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

Nays: None

CARRIED: 7-0

04:22-15 AUTHORIZE

Demand For Unpaid Water Charges
For Manchester Garden Apartments

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie is authorized pursuant to the Town Law, §198 (3)(d) to provide by resolution that unpaid water charges in arrears for thirty (30) days or longer shall be subject to a penalty not exceeding ten percent (10%) of the amount due; and

WHEREAS, the Town Board of the Town of Poughkeepsie is also authorized pursuant to Town Law §198 (3)(d) and §89 b of the Public Service Law to discontinue the water supply if such water charges are not paid within sixty (60) days from the date due; and

WHEREAS, the Town Board of the Town of Poughkeepsie has adopted §203-8 F of the Town Code of the Town of Poughkeepsie, which reads as follows:

“If all such water rents, charges and penalties shall not be paid within sixty (60) days after the date due, the Town Clerk shall mail to the owner, or if previously directed to send bills, notices, etc., to an agent or tenants, then to such agent or tenant, a notice of arrearage, containing the total amount then due with notice that, unless paid within five (5) days after date of mailing such notice, service will be discontinued unless such bill and the whole thereof shall be paid within said five (5) days or the next business day after the expiration of said five-day period, and such service shall not be restored until all charges and penalties shall have been paid and the further sum of twenty dollars (\$20.00) shall have been paid for the restoration of service.”

AND WHEREAS, Manchester Garden Apartments was notified on the 12th day of March, 2009 of the unpaid water charge for said premises; and

WHEREAS, as of April 22, 2009 the owner has not paid said bill, now therefore

BE IT RESOLVED, pursuant to §198 (3)(d) of the Town Law, §89b of the Public Service Law and §203-8 F of the Town Code of the Town of Poughkeepsie, entitled “Water”, said service will be discontinued as of the 23rd day of June, 2009; and

BE IT FURTHER RESOLVED, said service shall not be restored until all charges and penalties have been paid in the sum of \$2,969.80 including late charges, plus interest and the further sum of \$20.00 shall have been paid for restoration of services.

SO MOVED: M. Cifone/S. Krakower

Councilman Krakower: The \$20 fee to restore service, we actually have someone from our Water Department go out to shut it off and then to go out to turn it back on (Yes) I don’t think \$20 covers the time for our guys to do that.

Town Attorney Mahar: That’s what the statute says right now, we would have to amend our statute and we should. Can we put it on for a future agenda.

Keith Ballard, Water Department: They had a leak on January 31st, and their dispute was that it was on our line and not their line. Our Town Code states that their valve, at the curb, they are responsible for, from the curb to the building. The Town Police called us and we showed up for the leak and we had to shut off up stream because their valve is not exposed, which is up to them to maintain. We fixed the leak and back charged them. It was \$2,700 and some change, but their contention is that it is our line and not theirs. They said if we could prove it, they would pay it. I can prove it by just shutting the valve off and they will be out of water.

Councilman Conte: Can’t we send a letter telling them it is definitely theirs?

Town Attorney Mahar: I sent a letter outlining all this to them and I told them we were going to take this action this evening and I am going to send another letter saying that we did take this action and here is a copy of the bill and you have not paid the bill and the water will shut off on June 23rd as proof.

Councilman Tancredi: If it is not taken care of immediately, I would like to know so I can forewarn the residents of this so they are not just shut off without warning.

Town Attorney Mahar: Absolutely, I’ll let you know.

Councilman Tancredi: While on the subject, I’ve contacted Keith several times that there is evidently there is no master meter for this complex.

Town Attorney Mahar: That’s what I’ve been advised, yes.

Keith Ballard: Right, if they have a leak within the complex, our Town is paying the water.

Councilman Krakower: Can we require them to put a Master Meter on?

Keith Ballard: According to our Town Code, yes, and the State Board of Health requires them to have back flow prevention which they do not have. I did send them a letter telling them they need a master meter pit and it’s in our Codes.

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

Nays: None

CARRIED: 7-0

04:22-16 AUTHORIZE
SUPERVISOR
TO SIGN

Stormwater Control Facility Inspection
& Maintenance Agreement With
St. Francis Hospital

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor, on behalf of the Town of Poughkeepsie, to execute a Stormwater Control Facility Inspection and Maintenance Agreement in regard to the development on behalf of St. Francis Hospital, Poughkeepsie, NY, copies of which are on file in the Town Clerk's Office.

SO MOVED: S. Krakower/T. Tancredi

Neil Wilson, Development Director: Requiring these kinds of agreements on any number of commercial and institutional projects like St. Francis Hospital, as a matter of fact, that was a condition of their approval before the Planning Board. They are getting to the point where the majority of their work inside the building is completed. They have extensively rearranged their emergency room facility. So, the agreement between the Town and St. Francis is an agreement that you will also see, we have a master agreement coming up for you in the next month or so with Marist, but basically it requires the owner of the Stormwater facilities to maintain them, it specifies how to maintain them and it also gives the Town the right to go in and inspect to make sure they are maintaining them in accordance with the (inaudible) program as well as the approved site plan. Also, it extends to the Town the right to go in and actually maintain those facilities, if, in fact, they are not doing it. This is a condition of the Planning Board approval and they are going for their final approval and so this will be brought up then.

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

Nays: None

CARRIED: 7-0

04:22-17 AUTHORIZE
SUPERVISOR
TO SIGN

Telecommunications Master Service
Agreement With Lightower Fiber
Networks For Police Department
Computer Network Connection With
NYS Criminal Justice Network

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a Telecommunications Master Service Agreement with Lightower Fiber Networks for the Police Department's computer network connections with the New York State Criminal Justice Network accessed through the Dutchess County Government OCIS, which agreement is for 24 months at a monthly recurring charge of \$650.00.

SO MOVED: T. Tancredi/M. Cifone

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

Nays: None

CARRIED: 7-0

04:22-18 AUTHORIZE

Town Clerk To Advertise For Bids
For Installation of New Roof At
Spackenkill Pump Station

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Town Clerk to advertise for bids for the installation of a new roof at the Spackenkill Pump Station, pursuant to the scope of work prepared by the Water Superintendent, a copy of which is attached, which expenditure is allocated in the 2009 Budget, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reserve the right to accept or reject all bids in whole or part.

SO MOVED: Supervisor Myers/T. Tancredi

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

Nays: None

CARRIED: 7-0

SCOPE OF WORK ATTACHED TO FINAL BOOK COPY

04:22-19 AUTHORIZE

One Year Extended Warranty
Agreement For Police Department's
900MPH Plate Hunter With ELSAG
North America Law Enforcement
Systems, LLC

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a one (1) year extended warranty agreement for the Police Departments 900MPH Plate Hunter with ELSAG North America Law Enforcement Systems, LLC at the cost of \$888.75, in accordance with the warranty agreement, a copy of which is attached hereto.

SO MOVED: J. Baisley/Supervisor Myers

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

Nays: None

CARRIED: 7-0

WARRANTY AGREEMENT ATTACHED TO FINAL BOOK COPY

04:22-20 APPOINTMENT

Susan J. Pike As Non-Voting
Member to Town Board of
Assessment Review

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Susan J. Pike as a non-voting member of the Board of Assessment Review, which term is effective April 23, 2009 to December 31, 2009, with a stipend of \$100.00.

SO MOVED: D. Seminara/M. Cifone

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

Nays: None

CARRIED: 7-0

04:22-21 AUTHORIZE

Liquor License Waiver of 30 Day
Review Period for Liquor License for
Sodexo Operations, LLC Located
At Marist College

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Sodexo Operations, LLC, Marist College, 290 North Road, Poughkeepsie, NY 12601 for a waiver of the 30 day review period for a on premises liquor license; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the thirty (30) day review period and does authorize and

direct the Town Clerk to forward a letter of waiver and consent, pursuant to the attached request.

Motion made to Table until May 6, 2009 Board Meeting to inquire about drinking by students: Supervisor Myers/M. Cifone

TABLED UNTIL MAY 6, 2009 BOARD MEETING

04:22-22 APPROVAL

Town Board Minutes – 2008
December 3, and 17th

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:

DECEMBER 3, and 17

SO MOVED: M. Cifone/J. Baisley

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

Nays: None

CARRIED: 7-0

04:22-23 AUTHORIZE
SUPERVISOR
TO SIGN

Intermunicipal Agreement Between
Dutchess County & Town For
Maintenance of Dutchess Rail Trail

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor, on behalf of the Town of Poughkeepsie, to execute the Intermunicipal Dutchess Rail Trail Agreement with the County of Dutchess, which agreement is attached hereto and incorporated herein; and

BE IT FURTHER RESOLVED, that said Town Board does hereby waive the verbatim reading of the Dutchess Rail Trail Agreement and does hereby authorize and direct that said agreement be spread across the record as if, in fact, read verbatim.

SO MOVED: S. Krakower/T. Tancredi

Councilman Cifone: I just want people to know that the Sheriff's Department is also going to be patrolling this primarily. We are only doing service not to exceed \$7500 and so the Town of Poughkeepsie Police Chief or his designee shall also co-ordinate patrols in conjunction with the Dutchess County Sheriff's Department.

Town Attorney Mahar: Do you have that in writing?

Councilman Cifone: Yes.

Town Attorney Mahar: The Town Clerk needs it for her minutes and I need it.

Councilman Seminara: I will oppose this as this is a County project and it should be funded at the County level. I don't think it's a bad idea, it's just an inappropriate place to fund it. There are discrepancies in the agreement, also.

Supervisor Myers: I agree with Dominic. This is a County Park and a County responsibility. The Town tax payers are paying for it in their County taxes, they don't need to pay twice for it again. We don't maintain Bowdoin Park.

Councilman Baisley: I agree. Have you read this agreement, there is just a lot of junk on this, half of the stuff doesn't belong here and they are "Making a mountain out of a mole hill", it's ridiculous.

Councilman Krakower: The Rail Trail is a nice thing, I think if we ignore it and we don't do this, and the Trail doesn't open up in the Town of Poughkeepsie because we are not agreeing to this, the residents will have to drive out of the Town to use a Rail Trail and that would be a shame. I don't think this is such a commitment that it is going to be onerous on the Town, if it proves to be a burden, on January 1st, we can revisit and change it. I think it's better maintained at the County level, but, I don't think we are into this for such a huge amount that it is a deal breaker. At least give it a shot to get it open in our Town.

Councilman Baisley: As usual, the two Cities get use of it and they don't pay anything toward it and they get the most sales tax dollars out of it and they didn't offer up any help towards it either.

ROLL CALL: Ayes: Councilmen Conte, Cifone, Krakower and Tancredi
Nays: Councilmen Baisley, Seminara and Supervisor Myers
CARRIED: 4-3

AGREEMENT ATTACHED TO FINAL BOOK COPY

04:22-24 AUTHORIZE SUPERVISOR TO SIGN	Central Hudson Street Lighting Authority Order That Removes From Town Inventory of Lights, Street Lights Removed By State During Reconstruction on Raymond Avenue
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RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the Central Hudson Street Lighting Authority Order, attached hereto, that removes from our inventory of lights the street lights taken down by the State during the reconstruction of Raymond Avenue from our bill, pursuant to the attached memo from the Assistant Town Engineer.

SO MOVED: T. Tancredi/S. Krakower

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

MEMO ATTACHED TO FINAL BOOK COPY

04:22-25 AUTHORIZE SUPERVISOR TO SIGN	Papers To Accept A Trail & Damage Maintenance Access Easement & Right of Way In Favor Of Town In Regard to Lee Subdivision
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RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign all necessary and proper papers to accept a Trail and Drainage Maintenance Access Easement and Right of Way in favor of the Town of Poughkeepsie in regard to Lee Subdivision.

SO MOVED: Supervisor Myers/M. Cifone

Councilman Seminara: We had a problem with this the last time—

Town Attorney Mahar: The problem the last time was primarily with accepting the security bond for improvements to be made by the developer. After the meeting, there was a series of meetings and it was determined that the improvements to be made were all on private property, not on the Town or public property. Also, there was a mis-reading of an Engineering Report back in June of 2008 and the Planning Board, upon

review, removed the contingency of a performance bond for the work to be done. The Town Board had no issue to address in regard to security. The second issue was that the Planning Board conditioned its approval upon the developer tendering to the Town the paperwork for the drainage easement and the Rail Trail. Now we are just asking the Supervisor to authorize the files so we can have use and access and the document is filed in the Dutchess County Clerk's office.

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

CARRIED: 6-1

04:22-26 ADJOURN

To Committee of the Whole Meeting
Payment Plan for 6 Maisie Court

RESOLUTION

BE IT RESOLVED, the matter involving Kenneth Merritt is adjourned to the Committee of the Whole for May 13, 2009.

SO MOVED: J. Baisley/S. Krakower

Councilman Krakower: Why are we returning it to the Committee of the Whole?

Town Attorney Mahar: Because one of the members of the audience asked me to look into assessing civil fines as well as criminal fines when people violate our Code and then come in to comply. If we take an action to Court, of course, the Judge can set a criminal fine. Some of our statutes do not have provisions for a criminal fine.

REVISED RESOLUTION

{BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby approve the payment plan for unpaid water and sewer charges for Kenneth Merritt, 6 Maisie Court, Poughkeepsie, NY 12601, which payment plan is set forth in a letter from the Comptroller to Kenneth Merritt with bill attached.}

SO MOVED: J. Baisley/S. Krakower

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

CARRIED: 7-0

04:22-27 BUDGET
MODIFICATION

For Town Court To Purchase An
"X-Ray Screening System" from
NYS Grant

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the 2009 Budget, pursuant to the attached Budgetary Transfer Request Form submitted by the Comptroller, to allow the Courts to purchase "X-ray Screening System" per the attached proposal. These monies come from a 2008 New York state Grant whereby the Town received \$27,522.00:

INCREASE:

A 0909	Appropriated Fund Balance	\$21,244.00
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INCREASE:

A 1110-0204	Court Equipment	\$21,244.00
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SO MOVED: D. Seminara/T. Tancredi

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

04:22-28 SET DATE To Amend Town Code, Chapter 210,
PUBLIC HEARING "Zoning", Specifically Section 210-11

AMENDED RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 20th day of May, 2009 at 7:00 p.m. at Town of Poughkeepsie Town Hall, One Overocker Road, Poughkeepsie, New York as and for the time, date and place of a public hearing to consider an amendment to the Town Code, Chapter 210, entitled "Zoning" specifically Section 210-11, which amendment will be as follows:

ADD:

An amendment to the Zoning Map to designate a proposed ±14.51 acre lot ("Lot 1") of a ±17.45 acre site located at 2611-2629 South Road (Route 9), Poughkeepsie, New York also identified as tax parcel number 134689-6060-02-950800-0000 as a Senior Housing Overlay District for a project know as "The Seasons Assisted Living At Poughkeepsie" as shown on a proposed plat map prepared by Chazen Engineering, Land Surveying & Landscape Architecture Co., P.C. dated September 22, 2008 and bearing a latest revision date of February 23, 2009.

AND BE IT FURTHER RESOLVED, that the Planning Board of the Town of Poughkeepsie has heretofore been designated as Lead Agency and that the proposed action is an Unlisted Action; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize and direct the Town Clerk to send a copy of the proposed local law to Dutchess County Planning and the Town of Poughkeepsie Planning Board as required by General Municipal Law and the Town's local law; and

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/M. Cifone

Neil Wilson: This project is one that started before the Town Board back in September or October of last year and the determination ultimately was that the Planning Board should be the Lead Agency, so, the Planning Board since that time has been actively engaged in the Environmental Review. The reason this is now back before you is that I am anticipating that the Planning Board would take action at it's May 7th meeting to issue a Negative Declaration which then allows the project to come back to you for amendment of the Zoning Map to drop the Overlay Zone on the property. Now there are a couple of things that still have to happen between now and the May 20th meeting which includes getting a draft of a developers agreement and there may be other conditions that the Board may want to attach as part of your overlay zone on the property. But, this is the next step and I recommend setting the public hearing for this at your late May meeting on this to give us time to pull those other little pieces together. I am anticipating that the Planning Board will take action at their May 7th Meeting. If they don't, then obviously the recommendation will be simply to leave the public hearing open until such time the Planning Board has taken care of that and then you will be able to officially take action.

Supervisor Myers: Does this give the County Planning enough time?

Town Attorney Mahar: They are entitled to 30 days.

Neil Wilson: We have been keeping the County Planning advised throughout the review process and they have actually weighed in several times and have commented at the Planning Board level and this is the referral of the Zoning Map Amendment Action and so I would just ask the Board to set the public hearing, if we don't get something back, I will ask the County to have a recommendation in time for the May 20th meeting.

Councilman Seminara: This is a senior assisted facility but an article I read the other day about 55 and over apartments that we often utilize in the Town of Poughkeepsie, an article that noted that many municipalities are finding trouble filling these with over 55 that are coming back to the towns and asking them to remove the restrictions. I guess I have a concern about doing that and want to make sure that we are aware of where that authority in the Town of Poughkeepsie. I would like to know, if that request should come to us, where would it go to the Town Board, or the Planning Board?

Neil Wilson: Actually, I don't know, I wasn't around when those apartments were approved and so I don't know who set the standards and approved them.

Councilman Seminara: If the Town Board changed the zoning based on that contingency, then would the Town Board hold that authority? This is happening a lot now.

Town Attorney Mahar: Most of the time when they have the 55 prohibition, it is a subsidy provided by either the Federal or the State Government and so they've gotten money from the State or Federal Government subject to the approvals of the Town Board and so if it comes back to the Town, it will come back to the Town Board.

Councilman Krakower: It's not the Town Board that decides that, it's the financing lending agency decides that when the apartments are built. The Town Board didn't set those restrictions and decides that.

Neil Wilson: But it's a difference here, because you're being asked by the applicant on the overlay zone legislation, so, if they wanted to change if they had a problem filling the units, which I don't think they will, they would still have to come back to you, in this case.

AMENDMENT TO READ: AND BE IT FURTHER RESOLVED, that the Planning Board of the Town of Poughkeepsie does declare itself as lead agency.

Motion made by D. Seminara/M. Cifone

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

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

04:22-29 RESIGNATION From Zoning Board of Appeals of
Robert Jackson

WITHDRAWN FROM AGENDA

04:22-30 NOTICE OF CLAIM Keith Hoffnagle V. Town for Damage to
Truck from Town Snow Plow

REFERRED TO LEGAL DEPARTMENT

04:22-31 APPROVAL Permission to Change Liquor License
When Submitting To NY State Liquor

Authority For SJOS Corporation D/B/A
O'Shea's Sports Grill Located At 10 IBM
Road

Councilman Krakower: When this was built as a restaurant and there was a whole group of residents that came in and had issues with it and there were a lot of concerns about the impact on the neighborhood with this and it was an Italian Restaurant/Pizzeria at the time. There were issues regarding an outdoor seating area that was put in by the developer without Town authorization, they changed that and time and again there were attempts to make more of an impact than it was approved for and make it bigger. It was then bought by O'Shea and my concern here is this was never supposed to be a Bar and it was never supposed to have outdoor seating. When O'Shea bought this, the pool table was moved outside in the summer time at one point and people were shooting pool outside on the patio/parking lot area. They weren't even supposed to have the patio either. There is a neighborhood right there and it has a significant impact on that neighborhood. Now they want to change it from counter service to a full bar service with 7 seats. The hours of operation are going to be until 2 AM. This is not appropriate in a neighborhood setting. So, I know these come through the Town Board as a matter of course; this one is one where I would like to object to this.

Councilman Tancredi: Let's send a letter of objection and then Neil Wilson can look into the Zoning issues.

Motion made to send a letter of objection to the NYS Liquor Authority denoting all of the objections: S. Krakower/M. Cifone

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

CARRIED: 7-0

04:22-32 NOTIFICATION

Liquor License Renewal:

A. Tokyo LaGrange Café' Inc. D/B/A
Tokyo Express Located At 8
LaGrange Avenue

B. D.D.'s Pizza Located at 300
Hooker Avenue

NOTED BY TOWN BOARD

04:22-33 NOTIFICATION

Town of Wappinger Town Board
Resolution From 04/13/09 Meeting
Opposing Central Hudson Rate
Increase

NOTED BY TOWN BOARD

04:22-34 AUTHORIZE

Special Consent Items SC 1, SC 2, SC 3,
SC 4, SC 5, SC 6, SC 7, SC 8, and SC 9

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 Retirement

Gary DeMichiel – Highway

SC 2 Authorize

Withdrawal of Complaint –
Gagliardo Subdivision a/k/a
Altieri Homes

- | | | |
|------|------------------------------|---|
| SC 3 | Authorize Supervisor to Sign | Cost Reduction Agreement with Cost Control Associates, Inc. |
| SC 4 | Authorize | Purchase of Police Vehicle |
| SC 5 | Authorize Supervisor to Sign | Right of Way Clearance Certificate For Stimulus Projects – Creek Road, Sheafe Road, Fairview Avenue and Buckingham Avenue |
| SC 6 | Retain | Richard Cantor, Esq. to file Objections to Lead Agency Status – Dutchess Community College Student Housing Project |
| SC 7 | Objection | Lead Agency – Dutchess Community College Student Housing Project to Dutchess Community College Board Of Trustees |
| SC 8 | Retain | Richard Cantor, Esq. to represent the Town, Casperkill-I, LLC v. Town |
| SC 9 | Notice of Claim | Berhosky v. Town |

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: S. Krakower/M. Cifone

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

Nays: None

Out of Room: Councilman Conte

CARRIED: 6-0

04:22-SC 1 RETIREMENT

Highway Department of Gary DeMichiel

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the retirement of Gary DeMichiel from the Town of Poughkeepsie Highway Department, effective March 31, 2009.

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

Out of Room: Councilman Conte

CARRIED: 6-0

04:22-SC 2 AUTHORIZE

Withdrawal of Complaint – Gagliardo
Subdivision A/K/A Altieri Homes of New York

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Town Attorney to advise the Superintendent of Insurance that the Bonding Company for the Gagliardo Subdivision, also known as Altieri Homes of New York, has cooperated with the Town in resolving the issues herein and does consent to the withdrawal of the complaint.

SO MOVED: Supervisor Myers/S. Krakower

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

Nays: None

Out of Room: Councilman Conte

CARRIED: 6-0

04:22-SC 3 AUTHORIZE

Cost Reduction Agreement With Cost Control Associates, Inc. To Review Costs of Energy & Telecom Services

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a Cost Reduction Agreement with Cost Control Associates, Inc. to review the costs of energy and telecom services, pursuant to the agreement attached hereto and incorporated herein.

SO MOVED: J. Baisley/M Cifone

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

Nays: None

Out of Room: Councilman Conte

CARRIED: 6-0

04:22-SC 4 AUTHORIZE

Purchase of Police Package Vehicle

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize the acquisition of a 2009 Chevy Impala 9C3 Police Package Automobile, black in color, for the sum of \$19,237.48 and does further direct the Supervisor to execute all papers necessary and proper to acquire the same.

SO MOVED: D. Seminara/M. Cifone

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

Nays: None

CARRIED: 7-0

04:22-SC 5 AUTHORIZE

Right-Of-Way Clearance Certificate For Stimulus Projects Known As Creek Road, Sheafe Road, Fairview Avenue & Buckingham Avenue

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the right-of-way clearance certificate for the stimulus projects known as Creek Road, Sheafe Road, Fairview Avenue and Buckingham Avenue, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign all papers necessary and proper to implement the Town's application for the stimulus funds.

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

Nays: Councilman Seminara

CARRIED: 6-1

04:22-SC 6 RETAIN

Richard Cantor, Esq. To Prepare & File
Objections To Notice of Intent to be
Lead Agency, Filed by Dutchess
Community College Board of Trustees
In Regard to Proposed Dormitory
Project

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize Richard Cantor, on behalf of the Town of Poughkeepsie, to take all steps necessary and proper to prepare and file objections, on behalf of the Town of Poughkeepsie to the Notice of Intent to be Lead Agency, filed by the Dutchess Community College Board of Trustees, in regard to the proposed dormitory project.

SO MOVED: M. Cifone/S. Krakower

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

04:22-SC 7 OBJECTION

To Dutchess Community College
Board of Trustees Serving as Lead
Agency for Dutchess Community
College Proposed Dormitory Project

RESOLUTION

WHEREAS, the Dutchess Community College Board of Trustees (the College) circulated, on or about April 14, 2009, a Part I Environmental Assessment Form and associated materials for the proposed Dutchess Community College Student Housing Project which material was resubmitted due to changes to the project recently made by the applicant, and

WHEREAS, the document so circulated indicated that the Dutchess Community College Board of Trustees wished to establish itself as Lead Agency for the Environmental Review of this action, and

WHEREAS, the Town Board objects to the Dutchess Community College Board of Trustees serving as Lead Agency, and

WHEREAS, the Town Board asserts that the Planning Board should be Lead Agency,

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Town Board does not consent to the Dutchess Community College Board of Trustees serving as Lead Agency.
2. The Town Board requests a determination from the Town of Poughkeepsie Zoning Administrator determining that the proposed residence halls (dormitory) are subject to the land use laws of the Town of Poughkeepsie including, but not limited to, the Zoning Code and the Subdivision Regulations and that the proposed residence halls (dormitory) are required to make application to the Town of Poughkeepsie including, but not limited to, the Town of Poughkeepsie Planning Board for the necessary zoning and related land use approvals for the implementation of the proposed project.
3. Without limiting the provisions of paragraph 2, the Town Board also sets forth its intention to directly consider and determine the issues set forth in Paragraph 2.

SO MOVED: S. Krakower/M. Cifone

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

04:22-SC 8 RETAIN Richard Cantor, Esq. To Represent
Town For Casperkill-I, LLC V. Town

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Richard Cantor, Esq. of the firm of Teahan and Constantino as special counsel to the Town to provide litigation and consultation services at the rate of \$175.00 per hour in regard to the proposed litigation by Ginsburg Development, LLC, Casperkill-I, LLC and Town Center Poughkeepsie, LLC against the Town of Poughkeepsie in regard to the existing Sewer Use Option Agreement; and

BE IT FURTHER RESOLVED, that Richard Cantor, Esq. and the firm of Teahan and Constantino are specifically authorized to represent clients doing business with the Town, provided said business is not in connection with the subject matter of the first Resolved clause of this Resolution, and that Richard Cantor, Esq. and the firm of Teahan and Constantino are authorized to appear before, prosecute, and litigate claims on behalf of their clients before the Town Board, the Planning Board, the Zoning Board of Appeals or any other agency, board, official or employee of the Town.

SO MOVED: T. Tancredi/S. Krakower

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

04:22-SC 9 NOTICE OF CLAIM Joseph Berhosky V. Town For
Damage to Watch in Town Court

REFERRED TO LEGAL DEPARTMENT

Councilman Cifone: I just want to announce that we are having a road side clean up of Fairview Park and Fairview Avenue down through Fulton Street this week-end, 8 to 10. We will meet at Fairview Park. Any volunteers willing to help, would be appreciated.

Motion made to Suspend the rules for public speaking: Supervisor Myers/T. Tancredi

CARRIED: 7-0

Doreen Tignanelli: After we signed the agreement with Verizon, we were supposed to get equipment in here so that the audience could hear.

Supervisor Myers: We are still waiting for the money. There was a lag period in that contract.

Town Attorney Mahar: Because they are involved in negotiations with Time Warner and we are support to get a contribution from them for the same purpose.

Supervisor Myers: It had to be within 60 days or something of their approval.

Town Attorney Mahar: They had to make an application to the Public Service Commission. They anticipate a final ruling in the month of May from the Public Service Commission approving the agreement and then in 60 days we would get our money.

Supervisor Myers: Even though they are hooking people up and hooking up their TV's without the final approval? I think they called us in April some time and said they got their final approval. So, momentarily, we should be getting some funds.

Town Attorney Mahar: I have to call the Public Service Commission tomorrow anyway, so I'll ask them about it.

Virginia Buechele: Are we doing anything with the Tree Ordinance?

Supervisor Myers: They are working on it, yes.

Town Attorney Mahar: Neil and I are supposed to meet again on Monday and go through it again to fine tune it.

Virginia Buechele: Ok. Because more and more I see property that has changed hands with trees being cut before people bring in their applications. I'm specifically referring to 94 Fulton Street which was recently purchased by the Children's Home. The rumor is now, that they are going to build another foster home residence in the Fairview Fire District, so it's just another piece off the tax rolls. But, the thing that annoys me more, is that they are cutting down many trees, so if we can move that along.

Supervisor Myers: In defense of the Children's Home, they do contribute more than their fair share of what would be their fair taxes to the Fire Department.

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

CARRIED: 7-0

Councilman Tancredi: What about our Sign Ordinance?

Supervisor Myers: That's coming back to us supposedly in the first week in May, we had to push it out there because the County hadn't responded, but it's scheduled.

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

CARRIED: 7-0

MEETING CLOSED AT 9:15 PM

SJM:lkm