

NOW THEREFORE, I, Patricia Myers, Supervisor of the Town of Poughkeepsie, offer sincere appreciation and do proclaim February 11, 2009 as:

OUR LADY OF LOURDES HIGH SCHOOL DAY

In the Town of Poughkeepsie.

Congratulations and best of luck to the school and to your future.

Motion made to suspend the rules for agenda items: Supervisor Myers/D. Seminara

CARRIED: 7-0

Virginia Buechele: I would like to speak first on agenda items 2 and 3. First thing I would like to see when I see these two items is to first sit here and shake my head in a negative fashion. Second thing is some spoken and written words in the last two days. First of all, in today's Poughkeepsie Journal, foreclosure filings in Dutchess County were up 11.7% in 2008 vs. 2007. From yesterday's Presidential Address some point I believe point to what is wrong with our government today and with items 2 and 3 on this agenda. These are excerpts from the Address: "We are in the mist of a crisis which is now well understood, our economy is badly weakened as a consequence of greed and irresponsibility on the part of some-- The question we ask today is whether our government is too big or too small, but whether it works. Those of us who manage the public dollars will be held to account to spend wisely, reform bad habits and do our business in the light of day because only then can we restore the vital trust between the people and their government." It is no more truer in Washington, D. C. than it is here in the Town of Poughkeepsie. My question is, Why hasn't the due diligence been done in the last three months? Why are we entering into a contract without the due diligence already having been performed? How much will the Town be putting down on the contract? Normally, when you go from binder to contract, it's sort of routine to put down 10%. I read in the Journal that cost of the Town's due diligence is \$9,900.00 and we are piggybacking on the Library's due diligence. Folks, we the taxpayers pay for the Library's due diligence too. So, the cost of the due diligence is not \$9,900.00 to the taxpayer. Where was the funding of these items included in the 2009 Town Budget? The Resolution authorizing the issuance of serial bonds for purchase of the building and land, where is the due diligence? The resolution calling for a special election on March 31st, 2009 to approve or disapprove issuance of serial bonds? So, you are just authorizing the due diligence tonight. It looks like it won't take more than two months to complete. I go back to my question, why wasn't it completed before now. We are in an economic crisis, this is not the time to do this. It's not a bad project, but not now. How many of you people who are being foreclosed on are being foreclosed on because of how their escrow accounts have risen due to the increase in taxes? How much more do you all think we can afford? You are going to waste the money to have a special election that in this economy will surely go down to defeat. Listen to the President, listen to the plan, and don't be irresponsible. What, if we need to do to get this Country back on track and this Town back on track is to be responsible, especially responsible with others money. #13 – I would like to request that you read these conservation easements into the record, this is again, what I consider an irresponsible waste of money. This Town spending over \$100,000.00 to protect open space that was already protected to a high degree, when we have other open space in the Town that is totally unprotected.

Victor Gennodie: #21- I do a lot of work down at the Industrial Park for the owner and it seems that piece of property where they have the path going up through there, turns out to be a great hangout for the kids in the summer time and they actually wind up living up there in tents in the hills and it becomes a problem for the Village of Wappingers Police Department there and also we spoke about this once before on how much it is going to cost to maintain the these trails and trees and who is going to go out there and take care of these trails. Do we have some group or organization who is going to take over the maintenance of these trails because this is a very steep incline with big erosion trenches going down to the creek and some of these holes are extremely deep? Before we take it on, can we get some kind of a contract from one of these organizations that are going to

do the maintenance on it, or is it going to be left up to our Parks Department? That's a hike!

(Unidentified speaker) I want to talk about #2. In today's day we are having layoffs. We have 135 layoffs in IBM, 75 layoffs in Circuit City and other local businesses are laying off people as well. People are having their houses foreclosed on. How do we foresee eliminating the hike in property taxes, or taxes in general in order to purchase Bright Horizons?

Supervisor Myers: If I had an answer, I would give it to you, but I have no answer for that. We will be discussing it when we get to it, but I just don't have an answer to that question.

Nancy –Rochdale Road, I'm also speaking on Item #2. I'm just really confused as to how we went from the October 1st Meeting with the place (inaudible) and I would say 2/3rds of the comments rather negative to ok, even with that, we went forward and authorized I think due diligence. My understanding was that there would be four months of due diligence and then we might be seeing these contracts of purchase the serial bonds, but it looks to me like we are just going right ahead without the fore stuff and even, I was told a number of times that things take time in the government. Well, why don't we do the due diligence and have our November election and that can be on it? Then if the people want it, I'm all for it. We don't have to pay more money, and if it's gone, well hopefully someone else will make a nice gym out of it. More people are going to be laid off, not just the ones that have already been told. You're right, people are losing their houses and the economy, listen to the President!

Bob Casement: I'm here once again to oppose accepting the Arlington Hunt roads until they do something about the water coming down in my back yard. The latest proposal that they made to me was that they would extend the Elgin drain and the Elgin drain is not working, so extending it isn't going to help anything. They said they don't have to stop the water from coming down, they just have to put the Elgin drain in according to the plans and I'm asking for your help to put this off again.

Supervisor Myers: We did meet with them and we asked that they meet with you and they did meet with you, but just couldn't come to any satisfactory –

Bob Casement: They didn't meet, they just called me on the phone. Marc Pfeifer also looked at it.

Bob Gephard: (inaudible) I did attend the other meeting and am willing to desperately try not to repeat what the previous people have asked and there appears to be no answers to those, hopefully, as we get to this item, there might be some answers. I would like to add to the list, when does the permissive referendum clock begin? What is the starting point of that in the law? If you were to go to contract, when do you go to contract? That's a big item. The other question is in the cost, you are riding on the Library as far as some of the due diligence on this property. It appears to me that they are taking the biggest chunk and they are only looking at the north wing, Conference Section, of this. That's where, if you are doing due diligence, are they looking at the excess money, the larger amount of money, are they looking at the gym and the whole list of items that you have here on this handout? Are they looking at the pool and the tennis courts? Are they looking at the structure of the rest of the building? \$9,000.00 is not a lot of money to do a structure test and to make sure everything is in order. I'm wondering if you guys are a penny wise and about \$100 foolish with that kind of price. Second question, is, and was there more than one bid on this property? Will we find out the answer to that and if so, if there was more than one bidder, why are you riding with the Library and were there different types of bids and talents brought forward in the different bids? Please explain why you chose the one you did other than you are riding on the back of the Library, which requires a permissive referendum as it is. It seems that the Town should be leading, not following. I take it from the handout that you don't know what the true cost is going to be for either the renovation or what the cost is going to be for operation and maintenance of the building or any other increased costs. Please answer the question when you have eight million

dollars that is going to be taken off the tax rolls. What is the impact to the Town Tax, which will be added to the tax you quoted at the last meeting because that wasn't included also what is the impact to the school district when you are taking \$8,000,000.00 out of that district and the taxpayers are going to have to make that up and the businesses in the area. The next one is, how about the fire tax, that is all additive? The people need to know what those costs are. If the people are going to vote in a referendum, they need to know what the total cost is and they have to know where they are going. The reason why I'm asking the first question is, when does the clock on the referendum begin and when will all of the information be available for the taxpayers to do an intelligent vote? The next question I have, this is going to subject to a SEQRA. What is the status of the SEQRA and when will the SEQRA start because the SEQRA evaluates the impact on the community and we need to know that before we go to a vote. I think you guys think it will be a great idea for the community, however, unless we do our due diligent and look at all the aspects before we go to (inaudible) and before we go to a referendum, I think it is appropriate for you guys to do.

Bob Legacy: I'm disappointed, I thought there would be a lot more people here tonight. Back in October there was about 60/40 against, 40 for. I work with 500 youths and I know we need to provide services. I know the seniors have begged for years for their own community center for them. I also listened to the President about the economy and the state of our nation, but I do believe, that in one or two years, things will be better. Is there a way that the owners of Casperkill, if they don't sell this right away, would be willing to work out a deal where maybe we could put it off for about 6 or 7 months because there is not going to be another place like Casperkill for the Town, that has a swimming pool, the Library, a center on the Loop Bus System, a place where seniors and young people can get to. When the Master Plan was identified, the community center was one of the biggest thing people talked about. If you are going to sell the Town in the future for industry to come here, people look at (inaudible) services, where are the schools, what options do I have for my kids and it is important. Fishkill was trying to build a community center and it got down to 17 votes for the economy. America is a great country and the economy is going to come back and we are going to have a future. We need to weather that sometimes. Today is grim, there is no doubt about that. (Inaudible) If we are going to really attract businesses to come to Dutchess County and the Town of Poughkeepsie, we need to say to them, we are going to need to say to them, this is what we offer. We have a great Police Department, we have fire, we have good medical facilities, we have great schools and we provide education after school if you want your children to go to a safe place administered by the Town, our seniors have a place to go and be proud of and not have to worry about being bumped because of meetings or whatever. Today we sit here and it is grim, but this is an opportunity that will not come again, and as much as I understand, the taxes we would be paying would be another \$100 a month rent where I'm staying it went up \$100 a month. It becomes a time, maybe today, when we have to say "no", but we do have to worry about the future, and these young people, believe me, they are our hope. I was just at a conference and it takes a community to raise a child now. 59% of our young people have one parent in their home. The other 21% have both parents out working. A community center would offer an opportunity for young people to be dropped after school and have a place to be safe and an education and recreation also a great time in sharing with seniors because there is nothing like learning from the past and learning from your grandparents. I know it's going to be difficult when the vote comes. I do believe a lot of people know we need a community center, so I don't know how the vote will go. Whatever happens, the American people speak and that's what is great about this Country. But, as negative as the economy is right now, this is a very positive opportunity and I would hate to see it go by the board and never have another opportunity again. It's a great idea and the merits should be praised and whatever the voters decide on the 31st, that's what we will live by, but always remember that what we do today, will affect tomorrow.

Doreen Tignanelli, I would like to comment first on the Hudson Heritage scoping document. Back in December I submitted several pages of comments and I was happy to see that the majority of those comments were incorporated into the document. I only have some minor concerns. Page 24, Section M1A, made an available upon request for a copy of the full page 1 report. Actually I don't see why that can't be included in the document, or chances are it will be made available on the web site anyway, so I'm not

sure why that full report just can't be posted. Then the other, Section M1B, regarding the DEC and the stream monitoring, the latest portion says, "Unless it is part of the DEC's established protocol or it would create a conflict with such protocol, developed base line stream and wetland sampling for PCB's related to this work." Now, I'm not so sure that I wanted the (inaudible) just on the DEC because sometimes it's like dealing with the DOT and your not exactly sure what you are going to get. So, I'm not sure how that could interfere with the DEC and really why the Town would be concerned about the DEC's protocol when we really need to look out for what is best for Town residents. I would just ask that that be included. Moving on to Bright Horizons, my real concern is the library portion and I know I've been before the Town Board before to complain about library taxes and I know that the Town Board really doesn't have control over that and I don't think a lot of people realize that. My library taxes have doubled in the last six years and while the Town is authorized to collect the taxes on behalf of the library, they really don't have any power. Last year it was brought out that some of the Board members had concerns but, on the advise of the Town Counsel they were told they really didn't have a choice and it was sited that the library somewhere in the 90's had brought a suit against the Town due to the collection of taxes. So, again, the latest issue of the library newsletter, the Rotunda, says "Both the library and the Town are in a period of due diligence" but we don't have any information as what the library itself is doing and how much that is going to cost the tax payers and I would like a little information on that. Again, I know that the Board doesn't necessarily have control or information provided to them by the library, but again, the fact that my library taxes have doubled and when people look at their tax bills and they see that the Town taxes have gone up, they don't really realize that the Town Board doesn't have any control over that and I'm not sure what the answer is but I would like to see a little more transparency when it comes to library taxes.

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

CARRIED: 7-0

01:21-02A AUTHORIZE
SUPERVISOR
TO SIGN

Contract of Sale for Purchase of
Bright Horizon Property

AMENDED
RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie is considering the purchase of a building containing 120,797 sq. ft. and 26.75 acres of land to be used for Town purposes; and

WHEREAS, said action is an Unlisted Action under the New York State Environmental Quality Review Act; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby declare that it is the Lead Agency under the New York State Environmental Quality Review Act, that the above cited action is an Unlisted Action, and that said action will not have a significant adverse impact on the environment because the action is simply authorization to sign a Purchase Contract to finance said purchase; and

BE IT FURTHER RESOLVED, that attached hereto as Exhibit "A" is the Short Form Environmental Assessment Form relied upon by the Town Board in making this determination.

SO MOVED: J. Baisley/S. Krakower

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

Nays: None

CARRIED: 7-0

B.

AMENDED
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize and direct the Supervisor to execute a Contract of Purchase between the Town of Poughkeepsie and Bright Horizons, Inc. for the acquisition of a building consisting of 120,797 sq. ft. and land consisting of 26.75 acres of land for the sum of \$4,000,000.00 which building and land will be used for Town purposes, to wit, recreational facilities, administrative offices and a public library, and for such other public purpose that may arise in the future; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize and direct the Supervisor to execute a Lease Agreement between the Town of Poughkeepsie, as landlord and Bright Horizon, Inc. as Tenant, whereby the Tenant will use a portion of the facilities for recreational purposes during the months of July and August of each year for three (3) years with an option to use for up to an additional five (5) years; and

BE IT FURTHER RESOLVED, that the above cited actions are subject to a Permissive Referendum; and

{BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does amend the proposed Contract of Sale to provide that the due diligence period shall expire on May 31, 2009; and

BE IT FURTHER RESOLVED, that upon completion of the due diligence period it is the intent of the Town Board to grant a Referendum to the taxpayers of the Town for their approval or disapproval of this action.}

SO MOVED: S. Krakower/J. Conte.

Councilman Tancredi: I don't think the intent is to hold an election on March 31st.

Councilman Krakower: The due diligence period runs through March 31st and so we need time to filter through the information.

Town Attorney Mahar: Well, you have a problem. If you grant the referendum, then the referendum must be held within not less than 60 and not more than 75 days so if we adopt this resolution tonight, the clock starts to run tomorrow.

Councilman Krakower: But we can act on the referendum once we have the due diligence in, correct?

Town Attorney Mahar: Right, but the time for anyone to circulate a petition has expired.

Councilman Krakower: But, I mean it would be subject to a permissive referendum.

Town Attorney Mahar: Yes, but the permissive referendum must be filed within 30 days of your action.

Councilman Krakower: We are going to put this out to a referendum, but if a resident goes out and gets signatures for a permissive referendum, so be it, but we are going to put this out for a referendum but, we need to see the results of the due diligent study before we do anything because we need to know exactly what it is we are getting, what it is we are spending and what the costs are. So, to set a referendum before we get the due diligence is—

Town Attorney Mahar: I agree with you, but if you do not pass a resolution granting the special election or referendum, there is no obligation to do so.

Councilman Krakower: Ok, but –

Councilman Cifone: But, we have an option to add it later after the due diligence.

Town Attorney Mahar: Yes, but if the people do not file their petitions in the 30 days and then you decide not to have a referendum, they have no recourse.

Councilman Krakower: Right, but if the residents get signatures and file for a permissive referendum, that's fine, but before we even put it out for a vote, we need to get the results of the due diligent study. We can't do the due diligent study until we have a signed contract of sale. The seller won't let us on the property to do the due diligent study and so we need to get the due diligent study done and then decide whether this all makes sense before we put it out for vote. If we get the due diligent study and it doesn't make financial sense—

Town Attorney Mahar: But you are putting the taxpayer in a catch 22 situation.

Councilman Krakower: But what I'm saying, if the resident goes out and get signatures, fine, then there is a permissive referendum, but, as far as I'm concerned, it is the full intension of this Board to put it out to a public vote. For us to lock into March 31st as the date now when we haven't even started the due diligent doesn't make sense because we may get the due diligent and say, "This doesn't make sense" so setting a date for a public referendum now is premature because we may never get to that point.

Councilman Seminara: I want to further cloud the waters because I want to ask for more time for due diligent. I wanted to ask for at least two more months on that and have four months to do the due diligent.

Councilman Tancredi: I agree, I don't think it is something we want to rush into. We want to be able to do this right and take our time. Make sure we know what we are getting. The bottom line is, we want to have a public vote on this, if we decide to move forward. But, at this point, we don't know if this is doable or workable until the due diligent is one.

Town Attorney Mahar: I agree with you, and what you are proposing is legal, don't get me wrong, but I am pointing out to you that there is a catch 22 here because of the time frames that are involved. If you adopt this resolution tonight and say you take out the paragraph about setting the referendum and special election, the clock starts to run tomorrow.

Councilman Seminara: But there would be nothing to prevent this from not---first of all, I would like everyone to agree that we need more time to study this, but assuming that we make it say May 31st, there is nothing that prevents us from on the first meeting in April, to set that?

Town Attorney Mahar: No, you are absolutely correct on that.

Councilman Krakower: What about if we reworded this resolution to indicate that it is the Town Board's intent to put this out to a public referendum. It doesn't restrict the residents to go out and get the signatures anyway, but at least we registered our intent on the record with a resolution so hopefully that's what the Board will (inaudible). Right?

Supervisor Myers: It sounds like you are almost forcing the residents in order to be sure they are going to get their say, to go and collect 700 signatures.

Councilman Tancredi: Either that or we have to vote on this on the 31st and take a real risk and maybe not know what we are getting. I'd rather know what we are getting, what information is made public all the costs and expenses made public so the public knows what they are voting on.

Councilman Seminara: Not only that all the information gets out but there has to be time to have cross talk among the residents. Even if you can get the information to everybody, there needs to be more than a week, you need more time than that.

Town Attorney Mahar: What do you plan to do about the Bonding Resolution tonight?

Councilman Seminara: That's the other point I wanted to make. This date is spread out over three or four—and I assume we have to spread that over several of these resolutions—

Town Attorney Mahar: If you don't adopt the Bonding Resolution tonight, let's say you adopt the resolution authorizing the Supervisor to sign and delete the provision calling for the special election. If you don't adopt the Bonding Resolution tonight, you have to adopt it sometime in the future, that in and of itself, is also subject to a permissive referendum whereby you could grant the public a vote. Both actions are subject to a referendum if they are running concurrently, you only have to run one, but if you split your actions---

Councilman Krakower: So, you are saying if we don't vote on the Bonding Resolution tonight, then the public can feel safe in that that still has to go before we can actually pull the trigger on this anyway so there is going to be another bite at the apple as far as permissive referendum?

Town Attorney Mahar: Permissive referendum, yes.

Supervisor Myers: No, they would still have to—if we were to grant it or if they collect signatures for it, it's not a given permissive referendum.

Councilman Krakower: What Mr. Mahar was saying, if we approve all of this tonight without the date for the public referendum, then the time will run—during the due diligent period, if a resident didn't agree with what we end up doing, they would have missed their opportunity to challenge it through a referendum. If we don't vote on the Bonding Resolution, at most we say, we agree to buy it, but we don't have any money for it. So, the resident has another shot at getting a referendum at that point if for some reason this Board didn't put it out to a public vote.

Town Attorney Mahar: Right, and then at that point in time, you can fulfill your stated intent and you could grant a special referendum which would be on the Bonding Resolution. If I can remember the contract, we can verify with Miss Scott, the contract is probably contingent upon passing a Bonding Resolution, is that correct, Miss Scott?

Miss Scott: That is correct.

Town Attorney Mahar: Miss Scott is an attorney with Van DeWater & Van DeWater who has done all the work on the contract. That's why I referred to her.

Councilman Krakower: So, we delete the last two paragraphs in the current resolution and take no action on the Bonding Resolution.

Town Attorney Mahar: If you do that, tomorrow morning the clock starts to run on whether or not the taxpayers want to file a petition for a referendum on the resolutions authorizing the signing of the contract. But, it also leaves you in the position that there is a condition in the contract that can not be fulfilled by our Bonding Resolution. If you adopt a Bonding Resolution, that in and of itself, is subject to a permissive referendum and you can then at that point in time allow the taxpayers to go out and circulate petitions or grant them---

Councilman Seminara: That's the same difference as far as the other party of the contract goes, because right now the other party of the contract understands that either way we go, there is a permissive referendum contingency in the contract and so I really don't think that should have an affect on Bright Horizons.

Councilman Krakower: The expectations of Bright Horizons is that this will go out to a public vote and they fully expect that.

Town Attorney Mahar: A permissive referendum is a right that the people have, with or without the contract.

Councilman Krakower: Well, Bright Horizons won't let us do a due diligent without a signed contract.

Councilman Seminara: I don't want to do any due diligent without signing a contract, I wouldn't send an engineer to a house unless I was in contract to buy a house. What if another offer should mysteriously come in.

Councilman Krakower: Within the proposed contract, we have the absolute right to terminate the deal for any reason at all.

Miss Scott: Yes, that is correct and actually the ability to terminate for any reason extends another 30 days beyond the due diligent period that's currently defined in the contract to start running when it is fully executed when the seller signs it and ending on March 31st. All those contingencies are built into the contract, that due diligent needs to be completed and the Town needs to be satisfied.

Councilman Krakower: The Town's down payment is \$100,000.00, which is fully refundable if the Town should terminate.

Miss Scott: Right, the contract provides that if any of the contingencies are not met, and the Town decides for any reason during the due diligent plus 30 day period, if any reason the contract does not go forward, the down payment is returned to the Town.

Councilman Seminara: If you make an amendment to take out these two paragraphs, I would like to make an amendment added to this that we specifically say that that's May 31st.

Supervisor Myers: Miss Scott, has the representatives from Bright Horizons looked at this contract yet?

Miss Scott: Yes they have. We have had several conversations with them about it.

Town Attorney Mahar: What does the contract that in the event we get to the point that the Bonding Resolution goes to the Town Board and it doesn't pass?

Miss Scott: The contingency is that for all the necessary approvals from the Town and referendum occur and are approved by the Town and approved by the voters, otherwise, the contract is considered void and the down payment is returned.

ROLL CALL ON AMENDMENT TO RESOLUTION: Councilman Krakower/D. Seminara

CARRIED: 7-0

Supervisor Myers: I have a couple of questions. Where is the \$100,000.00 down payment coming from?

Councilman Krakower: Recreation Trust Fund.

Supervisor Myers: It can't all come from the Recreation Trust Fund.

Councilman Tancredi: I talked to Jim today and he said he didn't have a problem with it.

Councilman Krakower: At this point, the property is going to be used for recreational purposes and until the Library votes in November, we don't have the Library on board to use any of the property.

Supervisor Myers: So, there is no intent to move any Town Offices over there?

Councilman Krakower: That's something, through the due diligent process, if it is feasible.

Town Attorney Mahar: Obviously you are using the Recreational Trust Fund monies for a lot of your preliminary studies for acquiring Recreation property. If the property is going to be divided for extra recreation and for non-recreation, than that formula should that formula should be applied to your Recreation Trust Fund. I don't know, sitting here tonight, how much of this 120,000 sq. ft. building is going to be used for Recreation. I strongly suggest to you and to the Comptroller also, that before we expend money, we have a clear understanding of what this money is for. If it is expressly for Recreational purposes then there is no problem using the Recreational Trust Fund.

Supervisor Myers: So, the answer is, we really don't know where this \$100,000.00 is coming from?

Councilman Krakower: The answer is it is prorated and if at the end of the day, if you Use 90% of the building for Recreation, and 10% for another purpose and we could probably use 90% of the \$100,000.00 could be funded out as Recreation. That's part of a lot of things that have to be studied.

Town Attorney Mahar: That's absolutely correct.

Supervisor Myers: I just want to go on record now, that I'm not in favor of this at this point in time. I think that it's a beautiful site, I think it would be an asset to the Town, I think in light of the economic problems that we are facing, Circuit City, Linens & Things, the YMCA, IBM laid off 135 of their Manpower people and it's on the website tonight that there is going to be another lay off at IBM at the end of this week and beginning of next week. Clear Channel laid off 1800 people nationwide today, I don't that this is the time, and I'm sure that most of the residents in the Town would love to see this as part of our facilities, but I think if you have to choose if you're going to stay in your home or having a swimming pool, I think staying you your home is going to come first and I think this is a really bad market to take \$8,000,000.00 off the tax roll and ask the people Town wide to absorb a good deal of that cost and the people in the Spackenkill School District to absorb even a greater portion of that cost. Hanging our hat on the library would be very nice, because I think the library would be an asset there, but we all know that the library has to go to a referendum in November in order to do anything with this and then it has to pass in the City and the Town and so you are taking a lot of chances on this. I don't think this is the right time to take those chances on this, not with the peoples' money.

Councilman Seminara: I don't think these actions tonight will commit us to all those chances, it just commits us to study all those factors and by the way, if the times were good, and real estate was fine, it would probably be an \$8,000,000.00 purchase. So, there is an opportunity to look at something that people have been clamoring for, in addition to senior centers and recreation center in the Town with ball fields and other things we need and so I don't really have a problem with putting it to the people and letting them decide. Every investment comes with some risk, when you buy your first home, etc. So, I think it is a good thing to move forward and see where the chips fall during the study and the let the people to decide and hopefully get the complete information in time for them to discuss it among the neighbors, too.

Councilman Krakower: I think everybody is concerned about the economy and jobs and everything else and I think we all take that into consideration. I think this is a unique opportunity for a piece of property and for a recreation facility and the Town may not see again. It was available to residents for years and then it was taken away. If we don't take a serious look at it now, we may not get this opportunity, again, I think it is worth looking at. I think we have to do the due diligence study to fully understand what the costs are and what the impacts are to the residents from the tax point of view, what the benefits are to the residents, put that out to the residents, and let the residents decide if this is a good thing or a bad thing for the Town. But, I do think it is a worth while idea to pursue and worth while thing to look at and this will be financed over 30 years or so. Over the next 30 years, we've got to hope that there will some turn around in the economy because if not, we are probably all going to be worrying about a lot more things than the Bright Horizons purchase. At the end of the due diligence period and when the study is complete, we will have a lot more answers to a lot of questions that we all have and I

think it is worth while to ask those questions and do that study and figure out what we do have and don't have and let the residence decide.

Supervisor Myers: I agree, but I also think that when we are doing this due diligence we should make it perfectly clear to the residents that for a good portion of the year that they would most want to be using this swimming pool and gymnasiums, the Bright Horizons would be leasing that portion and those facilities would not be available to them.

Councilman Krakower: There is a three year lease in the contract as a deal when they bought it from IBM and that is why there is a three year contract back in the contract.

Supervisor Myers: With a five year option after that.

Councilman Krakower: But the summer camp, in my opinion, is a benefit to the community, and I think a lot of people really use and enjoy it. So, the idea the residents can't use it, there will be a lot of residence using that facility during that period of time, but it would be the kids. It's a well run camp and from what I've heard, it's fairly priced.

Councilman Baisley: Stephan, going along with what you are saying, but this diligent study most definitely has to be done because another large issue is the library is not going to vote on it until November and we are going to have everything ready to vote but we're not going to know I the other half of the building, if we are going to be stuck with that half of the building or not. That's another issue we have to address with this process going along.

Councilman Krakower: During the Due Diligent period, the consulting firm will be looking at the best uses the Town can make use of the building and looking at it from the point of view that the Town using the entire building and also looking at the point of view of the Town and the Library sharing the facility. That's something we are going to look at and see how that fits. Once we get through this process, we are going to have to sit down with the Library and make sure we all agree on that process.

Councilman Seminara: I just think it would be terrible if we just didn't even explore it. This will be gone, just like the Girl Scout Property and luckily we were able to get back a part of the property through a gift. These things disappear, get developed and then people say, "Gee, why didn't we get this, why don't we do that". So, here is a pro-active chance to at least explore this.

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

Nays: Supervisor Myers

CARRIED: 6-1

Councilman Krakower: Do we need a motion to remove it from the agenda?

Town Attorney Mahar: C & D can be tabled until the end of the due diligence period or it can just be removed from the agenda.

Councilman Krakower: Remove them at this point.

01:21-03 RETAIN

SEI Design Group As Consultant To
Conduct Due Diligence Inspection For
Bright Horizon Property

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby retain the consulting firm SEI Design Group to conduct due diligence inspection pursuant to the due diligence clause of the Contract of Sale from Bright Horizons to the Town of Poughkeepsie, at a sum not to exceed \$9,900.00, when and if said contract is signed; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized and directed to execute the contract between SEI Design Group and the Town of Poughkeepsie.

SO MOVED: D. Seminara/T. Tancredi

Matt Monohan, Sr. Principal with SEI Design Group, and Zack Cassidy, Architect with SEI Design Group, Discussion speakers:

Matt Monohan: We want to basically give an overview of the project. We have taken a lot of notes and we have heard some very good points tonight from the Board and members of the public. The due diligence period should really be exactly what people have been talking about here, which is data gathering, one of the things that would be very important would be public listening sessions where we can get input from several different parts of the Town, building evaluation so we know what the status is of every building component, structural, HVAC, plumbing, electrical, site evaluation, what the status of the site is, financial analysis, including impact on taxes, and the best use of space. There were some questions and it really is about data gathering and then putting that out, because if it makes sense to the Board, we would think that it would probably make sense to the voters.

Councilman Seminara: In addition to your public listening session, when you complete your review, obviously you would submit something in writing. Will you also be available and willing, or is it part of the usual deal, to also make a presentation at one of our meetings here so people could ask questions, perhaps they would want to know how this was arrived at or how this was determined, or just be thankful to have a nice explanation?

Matt Monohan: Yes, basically, we are going to work as your consultant, get the data and then present that data, analyze the data and come up with potential options. I think you mentioned, "What happens if the library doesn't go in there?" We need to know what the potential options are before you go to vote and how probable those are, so it all needs to be looked at.

Supervisor Myers: Will it also include the potential increase in personnel to maintain and staff it?

Matt Monohan: Absolutely. Operations and maintenance costs are very important in an institutional building. You are looking in excess of 100,000 sq. ft. and just take energy out, to maintain that building is going to cost some money and we will put all of those numbers out there for you to look at.

Zack Cassidy: Another thing we do in our reports is we itemize everything in the building as far as being in the programs and we put a dollar amount next to each item and so one of the things we like to do is to show everything, wish list items, and give a total and that list allows to prioritize as to what you want to see in the building and so we may have options within the report for this amount of money and go this far and this is what the Town gets back or if they want to put a little more into the building, this is maybe another phase to the project, we look at those options as well.

Matt Monohan: Useful life, if the roof has ten more years, you will have to put some money in in ten years, you want to know all of that information.

Councilman Conte: Have you done anything of this size or magnitude project before?

Matt Monohan: Yes, most 95% of our work is public work and it goes to referendum in millions of dollars.

Supervisor Myers: Have you done a recreation type facility before?

Matt Monohan: Yes, many recreation facilities.

Town Attorney Mahar: Do you submit a written proposal to us for signature and approval before you start the work?

Matt Monohan: We submit it and present it in November and we submit a proposal and we understand that you extended the due diligence period, which makes sense, and we would be willing to start with a Letter of Intent.

Town Attorney Mahar: Fine.

Councilman Seminara: You don't have any other projects tying you up, I would like to see you start this as soon as possible?

Matt Monohan: We have dedicated staff that would start immediately if the Board chooses to do so.

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

Nays: None

CARRIED: 7-0

01:12-04 AUTHORIZE &
ADOPT

2009 Agreement, Pursuant to Section
284 of NYS Highway Law, to Expend
Town Highway Funds in 2009

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize, adopt and approve the execution of an agreement, pursuant to Section 284 of the New York State Highway Law, to expend Town Highway funds in 2009, according to the terms and conditions set forth therein, a true copy of which is attached hereto and made a part hereof.

SO MOVED: J. Conte/M. Cifone

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

Nays: None

CARRIED: 7-0

01:12-05 DESIGNATION

Association of Towns
A. Delegate
B. Alternate Delegate
C. Attendance

WITHDRAWN FROM AGENDA

01:12-06 APPOINT

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

RESOLUTION

BE IT RESSOLVED, that the Town Board of the Town of Poughkeepsie does hereby reappoint James Santoro to the Zoning Board of Appeals, effective January 1, 2009 through December 31, 2015; and

BE IT FURTHER RESOLVED, that the Town Board does hereby appoint Mr. Santoro to the position of Chairman to said Board for the period ending December 31, 2009.

SO MOVED:

Motion made to Table this item to February 4, 2009: S. Krakower/M. Cifone

CARRIED: 7-0

01:21-07 APPOINTMENT

Mary Coleen McCarthy to the Town
Historic Preservation Commission

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Mary Coleen McCarthy to the Town of Poughkeepsie Historic Preservation Commission for a 5 year term, which term runs from April 21, 2008 through April 19, 2012, and said appointment is effective January 21, 2008 due to a vacancy.

SO MOVED: M. Cifone/T. Tancredi

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

Nays: None

CARRIED: 7-0

01:21-08 AUTHORIZE

Release of Maintenance Bond Posted
In Regard to the Springhill Estates
Development

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the release of the one (1) year Maintenance Bond in the sum of \$25,000.00 posted in regard to the Springhill Estates Development.

SO MOVED: S. Krakower/T. Tancredi

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

Nays: None

CARRIED: 7-0

01:21-09 APPOINTMENT

Conservation Advisory Commission
of Jennifer Reap

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Jennifer Reap to the Town of Poughkeepsie Conservation Advisory Commission for a 2 year term of January 1, 2009 through December 31, 2010 which appointment is effective January 21, 2009 due to a vacancy.

SO MOVED: T. Tancredi/J. Baisley

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

Nays: None

Out of room: Councilman Krakower

CARRIED: 6-0-1

01:21-10 APPROVAL

Annual Little League South Opening
Day Parade on April 18, 2009

TABLED UNTIL FEBRUARY 4TH MEETING

01:21-11 APPROVE

Annual Little League North Opening
Day Parade on April 18, 2009

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Nick Johnson on behalf of the Town of Poughkeepsie North Little League, to hold its Opening Day Parade on April 18, 2009, which parade route will circle Crestwood Boulevard Park and the streets included will be Crestwood Boulevard, Dorliss Drive, Ray Boulevard and Lindbergh Place; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application as submitted for said Opening Day Parade to be held on April 18, 2009, subject to the receipt by the Town of a Certificate of Liability Insurance naming the Town of Poughkeepsie as an additional insured.

SO MOVED: Supervisor Myers/T. Tancredi

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

Nays: None

Out of room: Councilman Krakower

CARRIED: 6-0-1

01:21-12 AUTHORIZE

Contract With Patterson Specialty 1. T
Solutions, LLC For Computer
Consulting Services For Town Police
Department

TABLED TO FEBRUARY 4, 2009 MEETING

01:21-13 APPROVE &
AUTHORIZE

Young Morse Historic Site Conservation
Easements Located at 1683 South Road

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the Conservation Easements from Young Morse Historic Site, 2683 South Road, Poughkeepsie, New York ("Grantor") to the People of the State of New York, acting by and through their Commissioner of Parks, Recreation and Historic Preservation, having an address at Empire State Plaza, Agency Building 1, Albany, New York, 12238 as Grantee, whereby the Town has rights of public access, inspection and enforcement of the terms and conditions of the Conservation Easement and does authorize and direct the Supervisor to sign the Conservation Easement on behalf of the Town of Poughkeepsie for third party enforcement.

SO MOVED: J. Baisley/T. Tancredi

Town Attorney Mahar: Will you make a motion to have the Town Clerk add the Conservation verbatim.

Supervisor Myers indicated that the Town does have the money in the fund to cover the \$150,000 amount.

Town Attorney Mahar: Back in 2000 the \$150,000 fee you get a credit for \$15,000 we already paid, so the net due at this point in time is \$135,000.

So Moved: Supervisor Myers/J. Conte

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

Nays: None

CARRIED: 6-0-1

01:12-14 AUTHORIZE

Dedication of Arlington Hunt
Subdivision Roads

AMENDED

RESOLUTION 1:21 - # 14 OF 2008

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, upon the recommendation of the Town Highway Superintendent, does hereby accept, for dedication, the roads of the Arlington Hunt Subdivision which are as follows:

1. Susie Boulevard;
2. Old Field Road;
3. Wiltse Lane; and
4. Edwin Road, and,

BE IT FURTHER RESOLVED, that the Developer of said subdivision has submitted a maintenance bond in the sum of \$773,800.00, which is attached hereto, and

BE IT FURTHER RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a Cash Security Agreement, a copy of which is attached hereto, in the sum of \$5,000.00, in regard to improvements to the detention basins, and

BE IT FURTHER RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a Cash Security Agreement, a copy of which is attached hereto, in the sum of \$5,000.00 for the installation of a deeper stone lined under drain as illustrated in Exhibit "A", attached hereto, and

BE IT FURTHER RESOLVED, that the acceptance of said roads is conditioned upon the developer's execution of said agreements, the payment of the monies requested and the completion of its work to the satisfaction of the Supervisor and the Town Board members.

SO MOVED: D. Seminara/S. Krakower

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

Nays: None

CARRIED: 7-0

01:21-15 APPROVE

Scoping Document For Hudson Heritage

RESOLUTION

Matter of the Application of Hudson Heritage Development, LLC Acceptance of A Scoping Document For A Draft Environmental Impact Statement

WHEREAS, on August 6, 2008 the Town Board of the Town of Poughkeepsie adopted Resolution 8:6 # 13 of 2008 declaring its intent to act as the Lead Agency to coordinate the environmental review of the application of Hudson Heritage Development, LLC (hereinafter "Hudson Heritage") for Master Development Plan approval for a mixed use pedestrian-oriented residential and commercial development on an approximately 156 acre site substantially located in the Town of Poughkeepsie, New York; and

Whereas, the subject property is identified as tax parcel 6163-03-011149 on the Town of Poughkeepsie Tax Map, and is located within the Historic Revitalization Development District (hereinafter "HRDD"); and

WHEREAS, a copy of the Application along with the Resolution of the Town Board was delivered to the identified involved and interested agencies seeking their consent to the Town Board acting as Lead Agency; and

WHEREAS, no objection having been received the Town Board declared itself to be the Lead Agency and thereafter on October 1, 2008 issued a Positive Declaration that a Draft Environmental Impact Statement would be prepared for the Hudson Heritage project; and

WHEREAS, the Town Board, as the Lead Agency, circulated a draft Scoping Document for public review and comment and held Public Hearings on October 22, 2008, November 19, 2008, December 3, 2008, and December 17, 2008 to consider comments on the draft Scoping Document; and

Whereas, during the public review period the Town Board prepared and circulated three revisions to the draft Scoping Document; and

Whereas, the Town Board closed the Public Hearing on the draft Scoping Document on December 17, 2008; and

Whereas, as a result of the comments received the Town Board has prepared a 4th Edition of the Scoping Document dated December 23, 2008 which document reflects the comments received from the public as well as the comments of the members of the Town Board and the Town Planning Board, now therefore

BE IT RESOLVED, that the Town Board, as the Lead Agency, hereby adopts the December 23, 2008 version of the Scoping Document, with the revisions as noted in a memorandum dated January 12, 2009 from Michael Welti, AICP of Behan Associates to the Town Board, for the Hudson Heritage Park project as the basis on which the Draft Environmental Impact Statement will be prepared.

SO MOVED: J. Conte/M. Cifone

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

Nays: None

CARRIED: 7-0