

**MINUTES OF TOWN BOARD MEETING HELD ON  
SEPTEMBER 23, 2009 AT 7:00 PM TOWN HALL, ONE  
ONE OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

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

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

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

{ } designates corrections

**7:00 pm**

**CALL TO ORDER**

**SALUTE THE FLAG**

Motion was made to suspend the rules for Public Hearing #1: Supervisor Myers/  
J. Conte

CARRIED: 7-0

Ann Shershin: I am a founding member of the Fort Homestead Association. I would like you to vote in favor of declaring the Fort Family Cemetery a local historic landmark. This is a little historic gem. For a cemetery that's almost 200 years old, it's in remarkably good shape. It still has its surrounding border and its tombstone. You just need to go down the street from my house on Cedar Avenue and take a look at the Vandenberg Cemetery. There is nothing left there. The tombstones have all been stolen and it looks like any stand of trees. If an Eagle project had not been done and there was a little marker, you would never have known this was a family cemetery. I would also like to speak about the discussion about Henry Livingston who lost to James Fort and where he we buried and I am happy to report that Henry Livingston is safely in the Livingston Family crypt in the Poughkeepsie Rural Cemetery and his burial place is very well protected and now it is time to do the same thing for James Fort's and his family to preserve their legacy and protect their burial place.

Jean Murphy, Town Historian: It's very important that this Town preserve what history is left that hasn't been replaced by Route 9 or whatever. We've lost a lot of historic houses on Route 9 and so I hope we will respect this Revolutionary War's Captain and his family who are buried there. We need to have a few of these things left. This is one of the principal Towns in fact, we were one of the three original Towns in Dutchess County and we are to respect our heritage and care.

(Inaudible) I moved here in the 90's and I support this ordinance to keep the cemetery and maintain it.

Virginia Buechele: Revolutionary War Major Abraham Fort received his commission as a Lieutenant and his commission was signed by Governor Clinton. On that seal on his commission the seal is signed Henry Daukin. He was an engraver and he also turned out later to be a counterfeiter and was imprisoned locally. However, Henry Daukin's signature is in the window in the Fort Homestead. Just a little tidbit I wanted to throw out there as to how significant both the Homestead and the Cemetery are and I hope that in the future the DAR will be able to obtain permission to mark Revolutionary War Major Abraham Fort's grave with a grave marking ceremony and also Casparos Westerbuilt's who's is up the road across from the Treasure Chest on the opposite side.

The Treasure Chest was the home of Abraham Fort's brother-in-law. Abraham Fort's sister was married to Casparos Westerbuilt.

Doreen Tignanelli: I just wanted to say I am also in favor of this designation.

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

CARRIED: 7-0

09:23-01 PUBLIC HEARING

Fort Family Cemetery Located on  
South Road to be designated as Historic  
Landmark Property

#### RESOLUTION

WHEREAS, the Historic Preservation Committee has recommended that property known as the Fort Family cemetery be designated as historic property; and

WHEREAS, the Town Board has heretofore provide notices as required by statute; and

WHEREAS, pursuant to Chapter 126 of the Code of the Town of Poughkeepsie, a public hearing was held on September 23, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, based upon the information heretofore received by the Town Board at the public hearing and pursuant to the recommendation of the Town of Poughkeepsie Historic Preservation Commission, does hereby designate property known as the Fort Family cemetery located on South road, Poughkeepsie, NY, bearing Grid No. 6159-01-276824, as a Historic Landmark; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to give the appropriate notification of this designation as required by the Town Code of the Town of Poughkeepsie.

SO MOVED: J. Baisley/T. Tancredi

Councilman Krakower and Councilman Conte agreed with the designation and suggested searching out and designation any other historical gem sites that may be historic. It is also nice to see the neighbors get involved in the seeking out and suggesting designations of historic sites.

Town Clerk Miller: I hereby posted the affidavit of posting on August 31 and published the notice in the Poughkeepsie Journal on September 4, 2009.

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 #2: Supervisor Myers/T. Tancredi

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

09:23-02 PUBLIC HEARING

To Amend Town Code, Chapter 210,  
Entitled "Zoning", Specifically  
Section 210-9, Entitled "Definitions"

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held the 23<sup>rd</sup> day of September, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend Section 210 of the Town Code, entitled "Zoning" and specifically Section 210-9 entitled "Definitions", which amendments are as follows:

Amend Section 210-9

"SERVICE BUSINESS, SERVICE USE, STORE OR SHOP"

"MOTOR VEHICLE RENTAL FACILITY"

"FLOOR AREA, GROSS; BUILDING AREA"

"FLOOR AREA, NET"

AND BE IT FURTHER ENACTED, that said definitions are fully set forth in the attachment, and

BE IT FURTHER ENACTED, that the Town Board waives a verbatim reading of said definitions and that the Town Clerk is directed to spread definitions across the record as if they had been read verbatim, and

BE IT FURTHER ENACTED, that the Town Board waives a verbatim reading of said definitions and that the Town Clerk is directed to spread definitions across the record as if they had been read verbatim, and

BE IT FURTHER ENACTED, that the Town Board has heretofore declared its intent to act as Lead Agency under the New York State Environmental Quality Review Act and does declare that said action is a Type II Action and no further SEQRA review is required; and

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

SO MOVED: S. Seminara/J. Baisley

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

Town Clerk Miller: I hereby filed the affidavit of posting on September 4<sup>th</sup> and published in the Poughkeepsie Journal on September 7, 2009.

Supervisor Myers: We received from the County that this is a matter of local concern and that the Planning Board agreed with this definition.

Councilman Seminara: I wish to thank Mr. Wilson for cleaning up some of these small details within the great big job of rezoning.

Motion made to suspend the rules for public speaking on Public Hearing #3: Supervisor Myers/ No second

Town Attorney Mahar: We have to reschedule this because the notice of the Public Hearing did not get published.

Motion made to reschedule this Public Hearing until October 7, 2009: Supervisor Myers/T. Tancredi

CARRIED: 7-0

09:23-03 PUBLIC HEARING

To Amend Town Code Chapter 195, Entitled "Vehicles & Traffic", Specifically Section 195-48, Entitled "Schedule XIII, Parking Prohibited At All Times" For Casperkill Housing Area

RESCHEDULED TO OCTOBER 7, 2009

Motion made to suspend the rules for public speaking on Public Hearing # 4: 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: I hereby file the affidavit of posting on September 15 and published in the Poughkeepsie Journal on September 17, 2009.

09:23-04 PUBLIC HEARING

Community Development Block Grant Program Application for Year 2010 To County of Dutchess

RESOLUTION

WHEREAS, the Town of Poughkeepsie is participating in the Dutchess County Development Consortium for the Fiscal year 2010; and

WHEREAS, input from citizens and groups have been received and considered; and

WHEREAS, an application has been prepared which addresses our community concerns, now, therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on September 23, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, New York, does hereby authorize the Supervisor to make an application to the County of Dutchess for Community Development Block Grant Program funds for the year 2010 for the following project(s):

1. Main Street (Arlington) – decorative lighting, sidewalks, and trees

SO MOVED: J. Conte/T. Tancredi

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

Nays: Councilman Seminara

CARRIED: 6-1

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

CARRIED: 7-0

Doreen Tignanelli: Is there any limit to the amount of money to be spent on this?

Town Attorney Mahar: At this point in time, no, there is not.

Doreen Tignanelli: Is there going to be one in the future?

Town Attorney Mahar: There may well be once ascertained the reaction and where we are to go with this matter.

Doreen Tignanelli: I asked because it seems that in the past years many times we've seen items come forward and when you are hiring somebody and it would say, "Not to exceed a certain amount" and it seems that we have gotten away from that on recent items. I would really like to see some caps put on some of these items so it's not just open ended. Ok, again for #12 retaining Richard Cantor to initiate an Article 78 proceeding. I have a letter I am going to submit to the Town Clerk from myself and my husband. "We would like the official record to again note our objection again to the hiring of Richard Cantor as Special Counsel to the Town in the subject matter and any future legal matter while he simultaneously represents numerous clients coming before the Town Board, Planning Board, and Zoning Board. It is our opinion that this is a Conflict of Interest that negatively impacts the Town of Poughkeepsie taxpayers...". I will just give this to the Clerk.

#### LETTER ATTACHED TO FINAL BOOK COPY

Virginia Buechele: Regarding Item #1: I wanted to say I agree with Councilman Krakower in how the Town should be pro-active, however, it has been difficult in the past, but should be easier in the future now that the Town has completed the first phase with a grant which is a certified local government program grant through NYS to complete the first part of the Historic Research Survey and I believe you've already authorized the submittal of the application for the second phase of that grant and once that is completed, then the Historic Preservation Commission will have a wonderful tool to work with in order to do what Councilman Krakower suggested. Up to that point, I can't tell you right now, when the last survey was done and it was a windshield survey and no where near in depth as you are going to be receiving in the near future. So that will be a good thing and good tool. I noticed that when you talked about change order for #5 you said it was a \$5,000 increase, the amount wasn't given as an increase or decrease for the Change Order for Fairview Park.

Supervisor Myers: It was just an oversight. It is a little under \$6,000.

Virginia Buechele: Can you give any more clarification on just what the amendment to that regulation will be in regarding regulating open fires?

Supervisor Myers: There is a whole packet that will be available after we set the date for the public hearing.

Virginia Buechele: Ok. In regard to Item # 13, when is this going to happen?

Supervisor Myers: It is on the Governor's desk as we speak. If you want red tape, try to do an error project. First it goes from here to the State and back and forth about three dozen times. It goes to the Governor, he has to approve it, then it goes to the Federal Governor and then they say, finally, it can go out to bid. It needs to be approved and then go to bid and have the bid approved and accepted prior this year. Buckingham is getting done now, Fairview, hopefully in the next week or two, the Governor will get it.

Virginia Buechele: I'm curious about the 110 handguns, are we upgrading to a different caliber and what caliber are we using now?

Councilman Cifone: They are going to a 40 caliber and some of the weapons we have now, the shelf life is 8 to 10 years and some of the replacement parts they are breaking down are not being made any longer.

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

CARRIED: 7-0

09:23-05 AUTHORIZE Change Order #1 For Park Avenue Sidewalks

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does Hereby approve Change Order #1 which included an additional 59 feet of sidewalk work on Park Avenue which increased the contract sum from 434,708.96 to \$39,253.64, an increase of \$4,544.68, and

BE IT FURTHER RESOLVED, that the Town board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the change order, a copy of which is attached hereto and incorporated herein.

SO MOVED: M. Cifone/T. Tancredi

Councilman Krakower: Is this money coming out of the road bond?

Councilman Tancredi: No, CHIPS.

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

CHANGE ORDER ATTACHED TO FINAL BOOK COPY

09:23-06 AUTHORIZE Change Order #1 For Fairview Park Fence

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve Change Order #1 which included a fence along the rear of Fairview Park located on West Cedar Street which increased the contract sum from \$97,452.25 to \$103,437.25, an increase of \$5,985.00, and

BE IT FURTHER RESOLVED, that the Town board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the change order, a copy of which is attached hereto and incorporated herein.

SO MOVED: S. Krakower/M. Cifone

Councilman Tancredi: Was this part of the grant you received for sidewalks?  
The \$6,000 came out of Rec. Budget.

Supervisor Myers: Yes and Yes, General Park Improvements.

Councilman Cifone: The fence is being made higher.

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

CHANGE ORDER ATTACHED TO FINAL BOOK COPY

09:23-07 SET DATE FOR PUBLIC HEARING Amend Chapter 110, Entitled "Fire Prevention" To Adopt A Local Law Entitled "Amendment To The Regulation

Of Open Fires In the Town Of Poughkeepsie  
Code”

AMENDED  
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 21<sup>st</sup> day of October, 2009 at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, New York, as and for the time, date and place of a public hearing to consider the adoption of a local law entitled “Amendment to the Regulation of Open Fires in the Town of Poughkeepsie Code”, which amendments are attached hereto;

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive a verbatim reading of the provisions and does direct the Town Clerk to spread the proposed amendments across the record as if they had been fully read; and

BE IT FURTHER RESOLVED, that the verbatim documents are available in the Town Clerk’s Office for review by the public; and

BE IT FURTHER RESOLVED, the Town Board of the Town of Poughkeepsie does determine that said action is a Type II action for the purposes of the New York state Environmental Quality Review Act pursuant to 6 NYCRR Section 617.5(20) & (27)J and therefore no further review is required.

SO MOVED: T. Tancredi/S. Krakower

Motion made to amend Chapter 171, 5B: Attorney T. Mahar/M. Cifone

To provide “Permanent structure having a roof and fully enclosed sides as opposed to simply saying, ‘a structure’.”

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

Councilman Seminara: I just want to point something out on the Resolution. In Subsection A meaning of “Open Fire” – “shall mean including any bonfire, of paper, rubbish, leaves, wood, wood products, petroleum, petroleum derivatives or distillate or any other combustible or inflammable material which is not contained in and confined by a basket, rack or wall of nonflammable material.” My interpretation would mean that, if you have a stone barbeque pit outside you can still have your barbeque and an outdoor fire pit, you are still allowed to use that. I would also assume that if the Boy Scouts went camping, and put some rocks in a circle like they do, they would still be allowed to have their campout fire.

Councilman Krakower: Why are we doing this, what was it originally? And what are we changing?

Neil Wilson: The outdoor fire pits, stone barbeques and boy scout campout fires are all allowed.

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

09:23-08 SET DATE FOR  
PUBLIC HEARING

Amend Chapter 171, Entitled “Solid  
Waste”

AMENDED  
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 21<sup>st</sup> day of October, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and place of a public hearing to consider an amendment to the Town Code of the Town of Poughkeepsie, specifically Chapter 171 entitled "Solid Waste", which amendments would delete the current provisions of the Town code and add new provisions for the above cited matter, which are attached hereto and incorporated herein, and will contain the following:

Chapter 171 Solid Waste

ARTICLE I. General Provisions

- Section 171-1. Title.
- Section 171-2. Definitions.
- Section 171-3. Vehicle contents to be secured.
- Section 171-4. Storage Containers
- Section 171-5. Depositing upon property of another.
- Section 171-6. Placement in or near water.
- Section 171-7. Garbage to be buried; exceptions.
- Section 171-8. Unlawful landfills; notice; special permit.
- Section 171-9. Construction of transport vehicles.
- Section 171-10. Open fires.
- Section 171-11. Transporting or dumping dangerous materials.
- Section 171-12. Enforcement.
- Section 171-13. Penalties for offenses.
- Section 171-14. Exceptions.

ARTICLE II. Major Appliances and Household Furnishings

- Section 171-15. Title.
- Section 171-16. Purpose.
- Section 171-17. Definitions.
- Section 171-18. Responsibilities of dealers,
- Section 171-19. Additional consumer cost.
- Section 171-20. Penalties for offenses; civil penalties; reward for information.

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive a verbatim reading of the provisions and does direct the Town Clerk to spread the proposed amendments across the record as if they had been fully read; and

BE IT FURTHER RESOLVED, that the verbatim documents are available in the Town Clerk's Office for review by the public; and

BE IT FURTHER RESOLVED, that the Town Board as lead agency does determine the proposed actions to be a Type II Action under the New York State Environmental quality Review Act and as such does not require any further environmental review; and

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

SO MOVED: Supervisor Myers/T. Tancredi

Councilman Seminara: Since we know we shouldn't be burning brush in our yard, in Section 171-3 we talk about vehicle contents to be secured and I quote, "No waste material or other matter as defined herein, shall be transported in or above the highway

Streets or public ways in Town except for in vehicles and/or containers so that contents can not leak, flow or fall out.” Which, on the service, sounds pretty reasonable, I just want to make sure our author’s intent, again, is to be somewhat reasonable in the pursuant of the enforcement of this. In that, for instance, if you go to the Town Transfer Station on a Saturday, you will see many people take a pick up truck and put some branches in it and I certainly don’t want them piling the branches so high they fall over the road, but I just want to be sure that our intent here is to be a little bit reasonable as to how we apply this.

Councilmen Cifone: Technically, Dom, NYS law makes you have a cover on that.

Supervisor Myers: I think our bigger concern, Dominic, is some of the trash removal that are not being covered.

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

Nays: None

CARRIED: 7-0

#### AMENDMENTS ATTACHED TO FINAL BOOK COPY

09:23-09 SET DATE FOR PUBLIC HEARING Amend Chapter 192, Entitled “Vehicles Abandoned”

#### RESOLUTION

#### CHAPTER 192. VEHICLES, ABANDONED & UNLAWFUL STORAGE OF JUNK CARS, MACHINERY AND APPLIANCES

- Section 192-1. Findings and intent.
- Section 192-2. Definitions.
- Section 192-3. Placement in outdoor storage unlawful.
- Section 192-4. Unlawful acts.
- Section 192-5. Removal from property of another
- Section 192-6. Inspection; report.
- Section 192-7. Service of notice; contents.
- Section 192-8. Special permits.
- Section 192-9. Abandonment on public highways.
- Section 192-10. Obstruction of traffic.
- Section 192-11. Abandonment during public emergencies.
- Section 192-12. Towing and storage; charges.
- Section 192-13. Notice to owner.
- Section 192-14. Sale of unclaimed vehicles.
- Section 192-15. Time and place of sale.
- Section 192-16. Proceeds of sale.
- Section 192-17. Penalties for offenses.
- Section 192-18. Exceptions.

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive a verbatim reading of the provisions and does direct the Town Clerk to spread the proposed amendments across the record as if they had been fully read; and

BE IT FURTHER RESOLVED, that the verbatim documents are available in the Town Clerk’s Office for review by the public; and

BE IT FURTHER RESOLVED, that the Town Board as lead agency does determine the proposed actions to be a Type II Action under the New York State Environmental Quality Review Act and as such does not require any further environmental review; and

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

SO MOVED: J. Baisley/J. Conte

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

Councilman Krakower: Thanked Sarah and Neil for the job they have done in the enforcement in the Town.

Councilman Seminara: Pointed out that in the exemption section of this that Motor Vehicles in this, for instance, and exception, an antique or classic automobile, provided in the opinion of the Zoning Administrator, such automobile is stored and kept under conditions not constituting a public nuisance or attract a nuisance.” I think that’s appropriate. It talks about somebody that might be serving in the military that that is an appropriate exemption, or a college student away to college. I think we did the right thing in this ordinance. I thank the authors for that.

AMENDMENT ATTACHED TO FINAL BOOK COPY

09:23-10 SET DATE FOR PUBLIC HEARING Special Districts Assessment Roll For 2010 For Water, Sewer & Drainage Districts in Town

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does Hereby set the 7<sup>th</sup> day of October, 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 in regard to the Special District Assessment Roll, which concerns the water districts, sewer districts and drainage districts of the Town of Poughkeepsie; and

BE IT FURTHER RESOLVED, that said proposed Special District Budgets are on file in the Town of Poughkeepsie Clerk’s Office and available for review.

SO MOVED: D. Seminara/J. Conte

Supervisor Myers: This is not the general budget, it is the water and sewer budget.

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

09:23-11 AUTHORIZE Application For Funding From New York State DEC 2009 Water Quality Improvement Projects Program

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize Patricia Myers, as Supervisor of the Town of Poughkeepsie, to apply for funding from the New York state Department of Environmental Conservation’s 2009 Water Quality Improvement Projects program for the Arlington Wastewater Treatment Plant ultraviolet Disinfection System, and upon approval of said request to act on behalf of the Town Board in all matters related to this financial assistance.

SO MOVED: J. Conte/T. Tancredi

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

Nays: None

CARRIED: 7-0

09:23-12 RETAIN

Richard Cantor, Esq. To Initiate an  
Article 78 Proceeding

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby retain Richard Cantor, Esq. and does hereby authorize Richard Cantor to initiate An Article 78 Proceeding against the New York State Department of Environmental Conservation in regard to the Commissioner's determination under Article 8 of the Conservation Law, which determination is dated August 4, 2009 and to join as a party to said proceeding the County of Dutchess and the Dutchess County Community College, if he deems said joiner to be proper; and

BE IT FURTHER RESOLVED, that Richard Cantor is authorized to take all steps necessary and proper to implement this resolution; and

BE IT FURTHER RESOLVED, Richard Cantor shall be paid the sum of \$175.00 per hour.

SO MOVED: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 7-0

09:23-13 AUTHORIZE  
SUPERVISOR  
TO SIGN

Federal Aid Highway & Marchiselli Aid  
Local Project Agreement – Fairview  
Avenue Pavement Rehabilitation

ECONOMIC RECOVERY PROJECTS  
MUNICIPAL/SPONSOR RESOLUTION  
RESOLUTION 9:23-13 OF 2009

WHEREAS, the **Fairview Avenue Pavement Rehabilitation** identified as **PIN 8760.66**, an Economic Recovery Project (hereinafter "the Project") in the **Town of Poughkeepsie** (hereinafter "the Municipality/Sponsor"), **Dutchess County**, is eligible for Funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such project to be borne at the ratio of 100% Federal funds and 0% non-federal funds.

NOW, THEREFORE, the Municipality/sponsor's Board duly convened does hereby:

RESOLVED, that the Municipality/Sponsor's Board hereby approves the Project; and it is hereby further

RESOLVED, that the Municipality/Sponsor agrees to advance the Project through the Municipality/Sponsor's resources and agrees that the Municipal/Sponsor's Board hereby authorizes the Municipality/Sponsor to pay in the first instance the full federal and full non-federal costs of any and all phases(s) or portions thereof.

RESOLVED, that the Municipality/Sponsor's Board makes a 100% commitment of the non-federal share (if any) of the costs of **Construction/Construction Inspection** phase(s) of work for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State department of Transportation ("NYSDOT") pursuant to the State/Local Agreement; and it is hereby further

RESOLVED, that the sum of \$850,000.00 is hereby appropriated from Account H23 and made available to cover the cost of participation to complete the Project including all phase(s) or portions thereof.

RESOLVED, that upon the completion of the construction of the Project, or a fully usable portion thereof, the Municipality/Sponsor agrees to maintain the Project, or fully usable portion thereof, at their sole cost and expense; and it is hereby further

RESOLVED, that in the event the full federal and non-federal share of the Projects exceeds the amount appropriated above, the Municipality/Sponsor Legislature shall convene as soon as possible to appropriate said excess amount immediately; and it is hereby further

RESOLVED, that the **Town Supervisor** is hereby authorize to execute all necessary Agreements or certifications on behalf of the Municipality/Sponsor, (subject to the Municipal/Sponsor Attorney's approval as to form and content), with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality/Sponsor's first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that in addition to the **Town Supervisor**, the following municipal titles: **Town Engineer, Town Highway Superintendent, Town Clerk and Town Comptroller** are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the state/Local Agreement; and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of the Department of Transportation be attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, that this Resolution shall take effect immediately.

SO MOVED: S. Krakower/M. Cifone

Councilman Krakower: The stimulus money, that we are getting to stimulate our economy we have to put up front and then we will get it back?

Supervisor Myers: As soon as we start submitting bills, they start sending us back money but we have to guarantee it from the beginning, yes.

Councilman Seminara: I get somewhat concerned any time we have the wrong level of government funding things that might better be left to a different level and I think one test you can use is "would we spend this money ourselves" and certainly, road projects we would. But, I think that could be one test you could use to say "is it ok to take this money because I think part of the problem is so much of the community avail themselves of money made available State and Federal government that is really not managing their house very well and so I often get alarmed by some of these grants, although some of them may be good for very good purposes.

Councilman Krakower: This was a road that was in our road plan anyway and we had a bond to pay for it anyway. That's where the stimulus plan seems kind of ridiculous, if we didn't have or weren't bonding for this road anyway, we couldn't afford to put the money up front anyway.

Supervisor Myers: The positive side is that we will get this money back and then we will have it to do yet another road.

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

09:23-14 AUTHORIZE Robert Kverek V. Town of  
SETTLEMENT Poughkeepsie

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign all papers necessary and proper to authorize the payment of \$210.00 to Robert Kverek in full settlement of the pending litigation.

SO MOVED: T. Tancredi/M. Cifone

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

09:23-15 AUTHORIZE Water & Sewer Bill for Don Postles  
AMENDMENT

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, based on the report from the Town of Poughkeepsie Water Department, does amend the sewer and water bill submitted to Don Postles, 45 Sheraton Drive, Poughkeepsie, NY, for the period January 5, 2009 to April 7, 2009 as follows:

Sewer Charge from \$2, 446.50 to \$45.00  
Late Charge – Sewer – from \$489.30 to \$4.50

Late Charge – water - \$244.65

SO MOVED: Supervisor Myers/S. Krakower

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

09:23-16 SET DATE FOR Amend Chapter 168 Entitled “Sewers”  
PUBLIC HEARING

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 21<sup>st</sup> day of October, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time date and place of a public hearing to consider an amendment to the Town Code, Chapter 168 entitled “Sewers”, specifically Sections 168-1 and 168-7, which amendment would be as follows:

ADD:

Section 168-1

...provided, however, for users who are outside of any sewer district and do not have a sewer use agreement or sewer tenancy agreement or are in default of an existing agreement or resolution, said users shall pay the sum of \$5.00 per hundred cubic feet of water use or by the amount of wastewater determined by an existing sewer meter.

ADD:

Section 168-7

...provided, however, for users who are outside of any sewer district and do not have a sewer use agreement or sewer tenancy agreement or are in default of an existing agreement or resolution, said users shall pay the sum of \$5.00 per hundred cubic feet of water use or by the amount of wastewater determined by an existing sewer meter.

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

SO MOVED: J. Baisley/J. Conte

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

Nays: None

CARRIED: 7-0

09:23-17 AUTHORIZE  
SUPERVISOR  
TO SIGN

Street Light Authority Order for Old  
DeGarmo Road for New Street Light

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 installs a new street light on Old DeGarmo Road, pursuant to the attached memo from the Assistant Town Engineer.

SO MOVED: D. Seminara/J. Conte

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

Nays: None

CARRIED: 7-0

09:23-18 APPROVAL

Our Lady of Lourdes High School  
Walk-a-Thon Fund Raiser On October  
9, 2009 from 9:00 AM to Noon

RESOLUTION

BE IT RESSOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application, submitted by Our Lady of Lourdes High School to hold its annual Walk-a-Thon Fundraiser on October 9, 2009, with a rain date of October 13, 2009, on Boardman Road and Zach's Way, pending receipt of a Certificate of Liability Insurance naming the Town of Poughkeepsie as an additional insured.

SO MOVED: J. Conte/T. Tancredi

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

Nays: None

CARRIED: 7-0

09:23-19 AUTHORIZE  
WAIVER

Liquor License Renewal Waiver of 30  
Day Waiting Period for Coppola's  
Restaurant, Inc. Located at 825 Main  
Street

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Coppola's Restaurant, Inc., 825 Main

Street, Poughkeepsie, NY 12603, for a waiver of the 30 day review period for renewal of 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.

SO MOVED: M. Cifone/S. Krakower

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

09:23-20 APPROVAL

Minutes for 2009:

August 05 Town Board Meeting  
August 12 Special Town Board Meeting  
August 12 Committee of the Whole Meeting  
August 19 Town Board Meeting  
August 24 Special Town Board Meeting  
September 02 Town Board Meeting

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the minutes for the following 2009 Town Board Meetings, to wit:

August 5, 12, 19 & 24  
August 12 Committee of the Whole  
September 2

SO MOVED: S. Krakower/T. Tancredi

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

19:23-21 BUDGET  
MODIFICATION

Recreation Department For Pickup  
Truck Replacement

#### 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 Recreation Department to purchase a replacement pickup truck, as follows:

FROM:

A 7110-0436	Material & Supplies	\$1,105.00
A 7110-0212	Park Improvements	\$1,105.00

TO:

A 7110.0203	Motor Vehicles	\$2,210.00
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SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 7-0

09:23-22 BUDGET  
MODIFICATION

Recreation Department For Seasonal  
Labor To Maintain Medians

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 cover seasonal labor to maintain the medians, as follows:

FROM:

A 7110-0481	Contracted Services	\$25,121.00
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TO:

A 7110-0116	Seasonal Labor	\$25,121.00
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SO MOVED: Supervisor Myers/M. Cifone

Councilman Krakower was not so much in favor of seasonal labor because it can't be a little here and a little there. There has been complaints from the residents about the way the medians look until work was completed. He thought we should get in touch with DOT to see if we could get rid of some of the plantings in there that are just ridiculous to maintain.

Councilman Seminara asked Tom Meyering for a target date as to when he asked the DOT about replacing some of the "ragged" and "undesirable" plantings and their reply.

Tom Meyering, Recreation, targeted about a month to get a reply from DOT. Councilman Tancredi asked if there was going to be any trimming of the bushes as well as the weeding portion.

Tom Meyering said they are doing some now as they go along.

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

Nays: None

CARRIED: 7-0

09:23-23 APPROVAL

Liquor License Renewal Waiver of  
30 Day Waiting Period for  
Poughkeepsie Lodge of Elks, Inc.  
B.P.O.E. # 275 Located at 29  
Overocker Road

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Poughkeepsie Elks Lodge No. 275, 29 Overocker Road, Poughkeepsie, NY 12603, for a waiver of the 30 day review period for renewal of 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.

SO MOVED: J. Baisley/M. Cifone

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

Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

09:23-24 AUTHORIZE

Special Consent Items SC 1, SC 2, SC 3, SC 4,  
SC 5, SC 6, SC 7, SC 8, SC 9, and SC 10

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 | Authorize        | Purchase of Handguns – Police   |
| SC 2 | Retain           | William Roemer to represent the Town<br>Podesezedlik & Lucas Grievances |
| SC 3 | Authorize Waiver | Building Permit Fees<br>Corine Cutchin – 47 Ireland Drive               |

TABLED

- |       |                                 |  |
|-------|---------------------------------|--|
| SC 4  | Authorize                       | Special Meeting – September 30, 2009<br>At 7:00 PM – Presentation Tentative<br>Budget – 2010 |
| SC 5  | Budget Modification             | Police Department  |
| SC 6  | Discussion                      | Colonial Insurance Benefit   |
| SC 7  | Discussion                      | Germano Automotive – 2555 South Road   |
| SC 8  | Accept                          | Certificate of Completion of Marvin Bennett<br>Re: SEQRA                                     |
| SC 9  | Approve                         | 911 Street Name – Martis Way   |
| SC 10 | Authorize Supervisor<br>To Sign | Request for Facility Inmate Work Crew<br>With NYS Correctional Services                      |

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

SO MOVED: D. Seminara/J. Baisley

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

Nays: None

CARRIED: 7-0

09:23-SC 1 AUTHORIZE  
SUPERVISOR  
TO SIGN

All Papers Necessary For the Police  
Department to Purchase 110 Needed  
Handguns From Existing Drug Forfeiture  
Funds

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign all papers necessary and proper for the purchase of 110 Smith & Wesson, Model M & P .40 caliber handguns with illuminated night sights and support material as set forth on the attached list, a copy of which incorporated herein, for the New York State contract price of \$45,310.55, which purchase is entirely funded with existing drug forfeiture funds and does not impact the current police budget.

SO MOVED: J. Conte/M. Cifone

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

Nays: None

CARRIED: 7-0

09:23-SC 2 RETAIN

William Wallens, Esq. To Represent  
Town of Poughkeepsie in Two Contracts  
Grievances Filed by the CSEA

#### Resolution

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby retain William Wallens of Roemer & Wallens to represent the Town in two contract grievances filed by CSEA in regard to employees Linda Podesczedlik and Charles Lucas at the rate of \$200.00 per hour

SO MOVED: M. Cifone/S. Krakower

Councilman Cifone asked why this could not be done in-house with our attorneys.

Town Attorney Mahar said we can. He said he would be glad to do it.

Motion was made by Councilman Cifone to keep it in-house.

Councilman Seminara: If we all vote no on this, it effectively does.

ROLL CALL: Ayes: None

Nays: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,  
Tancredi, and Supervisor Myers

DENIED: 0-7

09:23-SC 3 WAIVE

Building Permit Fee & Plumbing Permit  
Fee for 47 Ireland Drive

#### TABLED

09:23-SC 4 APPROVE

Call A Special Town Board Meeting for  
Wednesday, September 30, 2009 at 7:00 PM  
For Presentation of the Tentative 2010  
Budget & Delivery to the Town Board by  
The Town Clerk

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby call a Special Town Board Meeting for Wednesday, September 30, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie for the following:

1. Presentation Tentative Budget – 2010
2. Delivery of Tentative Budget to Town Board by the Town Clerk
3. Any other matters that may legally come before the Board

SO MOVED: S. Krakower/T. Tancredi

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

Nays: None

CARRIED: 7-0

09:23-SC 5 MODIFY

2009 Budget For Budget Transfer

Request Form to Allow Police to Use  
Drug Forfeiture Funds to Purchase  
Needed Firearms (See 09:23-SC 1)

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 Police Department to use drug forfeiture funds to purchase needed firearms, as follows:

INCREASE:

B 0909	Appropriated Fund Balance	\$45,320.00
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TO:

B 3120-0211	Police Equipment	\$45,320.00
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SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 7-0

09:23-SC 6 DISCUSSION

Colonial Insurance Benefit

Cheryl Veach Delvecchio: – Colonial Voluntary Insurance Programs are simply offered to the employees of the Town of Poughkeepsie and they are voluntary, they do not have anything to do with your core benefits and they will not be changed. These will be purchased and paid for by the employees who choose to take them and it is done through a payroll deduction, which makes it very beneficial for the employees and most of the benefits, other than life insurance, are also eligible for your Section 125, which is pre-taxed. These benefits are a discounted cost because we rate them on a group policy of the whole employer of the Town, even though the individual buys and purchases them themselves. The employee buys and purchases them themselves, they choose to and are not obligated in any way to purchase it. The five plans offered through Colonial Insurance is supplemental life insurance, which is a 10, 20 or 30 year term plan; a cancer plan which can be for the individual or their whole family; an accident policy, which can also be purchased for the individual or the whole family; short term disability, which will pay if the employee is injured on the job or off the job, supplemental money that they would not be receiving in their pay check over and above what is given to them by NYS Disability; and a specified disease plan, which covers critical care diseases. These are the types of plans being offered to the employee and we will sit down with the employee and discuss what they have and what they have interest in and they can purchase them.

Councilman Seminara: When you mentioned the cancer plan and specific illness plan, if someone bought that insurance, what are they buying, income to use while they are out or is it reimbursement for some of their medical costs? What is this specifically?

Cheryl Veach Delvecchio: Each plan is actually different. For example, the cancer plan, which is one of the biggest sellers. The cancer plan will pay the individual monies, depending upon their treatment. For example: Every time they get Chemotherapy, they will get \$300 paid directly to them, even though their health provider and insurance is going to pay for it. It will pay for hospital stay, \$300 a day if they have any prosthetic devices, or wigs, they will pay about \$60 a day, and each item is different. There is a dollar figure for each type of Treatment.

Councilman Seminara: So it is basically always a cash figure based on some experience, Chemo, the wig, or whatever and they can use it anyway and it is in addition to anything their insurance company will pay. It won't impact that.

Cheryl Veach Delvecchio: Right, it won't impact that. Traveling and lodging if you have to go to another city for treatment. It also pays for travel and lodging for a spouse. It pays \$70 a day for family and partner and gas mileage also. Each plan has a separate brochure of what it offers and we will discuss with each employee of what it offers in each plan they choose.

We tend to like to have a group meeting to go over so it's done once and not 900 times. All the plans pay the cash money to the individual. With the disability it is directly to them.

Supervisor Myers: The only impact on the Town would be that it becomes a payroll deduction.

Cheryl Veach Delvecchio: Correct. This insurance coincides with AFLAC and they can keep that if they wish, no one would have to take that away, or they can eliminate it if they like. The only thing is, the Colonial insurance is less expensive to the employee.

Councilman Seminara: Can we make sure that AFLAC offers the same courtesy to the employees then as the Colonial does. Can we be sure that is offered?

Supervisor Myers: Yes.

Councilman Seminara: Also, can we be assured that you advise them about being over insured or duplication?

Cheryl Veach Delvecchio: Yes. Also, all of our product insurance are portable. If they leave the Town employ even though they are being payroll deducted in their check, all they have to do is call Colonial and they will then be billed for the service and the cost of the product will not go up and everything will remain the same, but they would then receive a quarterly or monthly bill in place of the payroll deduction.

09:23-SC 7 DISCUSSION

Germano Automotive at 2555 South Road.

Neil Wilson: You should have a memorandum that I had provided the Board a couple of days ago along with a proposed site plan. The problem has to do with the fact that when Mr. Germano purchased the property several years ago, he failed to have a property survey done as part of his purchase and he relocated a stockade fence a few years later that served as a shield to the residents along Van Siclin Drive and there were obviously some problems relative to parking vehicles. Among other things, the Zoning Board of Appeals some time in 2008 commenced the process to actually lift the Special Use Permit that was granted back in 1989 prior to an automotive use. During the course of all of this, it was determined that there was a license agreement that was granted to a predecessor in title for which the old stockade fence had been allowed to be put in place and there was a requirement of \$1,000 per year to be paid to the Town and I'm uncertain as to when those payments stopped, but there appears to be a period of years where there were no payments, but in any event, the license agreement itself was not transferable and so when Bob Germano purchased the property without a survey thinking he owned the property, when, in fact, it was the Town's, an enforcement proceeding was commenced some time in 2008. Now the enforcement by the Zoning Board of Appeals, which was to actually revoke the Special Use Permit, has been a matter that has been adjourned continuously since at least the Fall of last year, prior to my arrival. There were discussions between Mr. Germano and the Planning Department relative to an agreement upon creating a landscape area along Route 9 and to resolve the issue of the fence that had been relocated and partially been taken down. What I have provided you tonight is a drawing that was Prepared by Chazen Engineering that shows a map of the property and the proposed improvements of the northeast and southeast corners of the property as well as the location of the fence and the proposed placement of the vehicle stops, which has been part of the property, the vinyl fence has been knocked into by the employees when coming in and out of the service bays and the details for the two corners that would be landscaped. I was out there with Councilman Krakower and took a look at the lay of the

land and there were a couple of neighbors, one of whom is here tonight, who had expressed concerns, not only about the appearance out at Route 9, but the issue of being able to see over the existing fence and now they are able to partially see the service building because the fence is partially removed. Also, I believe the original fence there was an 8 footer and now there is a 6 footer fence there. So, part of the discussion this evening in the field is to modify this proposal and to also include the planting of spruce or suitable evergreens along VanSiclin Drive. There would be a license agreement for a five year term, consideration for the license agreement would be \$1,000 a year and Mr. Germano asked that the license agreement include an option to purchase the property and the purchase price would be set at \$20,000.00. He also asked that the annual license agreement payment would be applied toward the purchase price. The approval of the license agreement would include the full implementation of the amended site plan as modified as we just discussed. This implementation would also require the DOT approval.. Although I didn't see anything in the file from DOT that they actually approved a prior plan last year, which included a stone wall around the two corners. That stone wall is now gone. I have a concern about placing stone walls in the proximity to Route 9 and that location. It was only 2' high and in any event, it was not providing any significant screening. Instead, we have modified the proposal to have a 2' berm that would actually be planted on both corners and there would be plantings on top of that and effectively raising your screening any where from 4' to 5'. Any site plan changes would require the Town Board approval and the license agreement, again, would not be transferable. So, those are the basic terms and I am looking for some direction from the Town Board as to where you want me to begin.

Councilman Krakower: We talked about the \$25,000.00 as a purchase price way back when. The \$1,000 per year, when Mr. Germano bought this property, there was a license agreement placed, I'm not sure if the prior owner was paying that \$1,000 price and Mr. Germano definitely hasn't. I'm not really in favor of crediting the \$1,000 per year toward the purchase price. If he wants to buy it, he can avoid paying that \$1,000 a year by buying it up front. If he wants to limit his costs, he can pay the \$1,000 a year if he doesn't want to buy it. It's not a lot, it hasn't been paid up to this point. We have been going through this two or three years now with specific focus on the landscaping and the fence. So, the idea of him getting credited for the purchase price is ridiculous based on the fact that nothing has changed. The fence he put up, the panels are popped out and broken from the cars parking there. Beyond the fence line, there are cars parked beyond the fence line and on the grass encroaching on the Town road and when he was here about a year or so ago, I commented on it to him that I was upset that he hadn't really made any effort to clean it up and address the issues that the residents were upset about. The residents have been patient because the issues are the same thing, nothing has changed. He took the fence down from 8' to 6' and moved it out a bit to give himself some more land and you just can't take someone else's land, especially if it's the Town's. There was a reason for the 8' fence, it was blocking the view of the people who live on that street from having to see that commercial building and now when you stand on VanSiclin Drive, you take a look and the fence hasn't accomplished what it was meant to accomplish even though it looks a little prettier. The residents are also staring at the side of the buildings signage and big utility flood lights that light up his parking lot and it adds to the eyesore day and night. When this was in front of the Board previously, we talked about having him purchase it and when the landscaping plan came in we were talking about him buying it for about \$25,000 and the landscaping plans at that time he said was going to cost him at least \$30,000 and said he couldn't afford it and the reason for even discussing buying it was to protect him and not necessarily the Town because he owned a business there and we were trying to find a way to give him peace of mind knowing he would now have control of it as long as he addressed our issues. This Board didn't want to break his bank and make him overspend, but at this point he hasn't done anything and hasn't spent anything. The residents continue to have to look at the eyesore, I would like to have something final in this process. Either he does what he seemed to indicate he was willing to do with landscaping and improving it, some bushes, a fence, maybe a couple of trees here and there, three years? I think the Town has been reasonable and at this time I would suggest that we would require whatever is going to be done, be done before the end of this planting season, which is quickly approaching and if he doesn't, then we bounce it back to the ZBA and we proceed to take back our property.

Neil Wilson: I have been speaking with his attorney, Rich Olson, and one of the things we have talked about is, the fence is up, for better for worse and the thought was to leave the fence in place, allow it to be actually extended a little further than it's actually shown on your site plan to where it is now, it is roughly a fire hydrant there on VanSiclin drive, the fence is going to act as a screening for the cars parked along that side, so it would be approximately 35 feet or so, but then add the plantings along the VanSiclin side of the fence so that the Town and the residents obtain the benefit of seeing the greenery in stead of a big white fence and it is a big of concession, but it is also saying to Mr. Germano, ok, save the money on relocating the fence and do a decent job on installing some additional landscaping. The same idea applied to the northeast and southeast corners, again there was a stone wall on both corners and it would be expensive to have a fence installed there and I suggested to just take it out and let's do something on installing landscaping.

Councilman Seminara: While I would like to agree with Councilman Krakower 100%, he is a small business owner and we don't want to be unreasonable, but we need to get the results here and so I guess we are going to have to say "Ok this is the action that is going to happen, it is not going to be to your benefit." He is approaching on our property and doesn't have a valid license at this point, what teeth do we have to enforce that, can we levy a fine?

Neil Wilson: It would be an action in trespass for whatever damages the Town may prove, but I would suggest that the biggest dig of all is an action to say, "Get your stuff off our property and send the Highway Superintendent in there and run a fence down our line, at which point he has a driveway to get to the back of his property and I don't believe that he could get his, particularly larger vehicles in and out of those bays, in there and it would put him out of business. He has definitely been shooting himself in the foot and Councilman Krakower is absolutely right. Every time I've been out there, he's had the cars beyond the line and I've told him to move them back and he had his guys come and move them back, but then he moves them back on the grass after I leave.

Councilman Baisley: I also don't think we should have a five year contract. Is that contract also non-transferable? The five year contract gives him a longer term to get out there and we don't have as much teeth to keep him in line and the \$1,000 should definitely not go toward the purchase price. If you want to put the purchase price back up to where it was, I have no problem with that either.

Neil Wilson: It will be, right, and non-transferable just like the last one, of course. If you want to put him on a short leash, put him on a three year license. I would not recommend, say, one year because he would then say he wouldn't put the money into landscaping. At the end of three years, if he shows he can be a good neighbor, then maybe you can negotiate a purchase option then. How about a five year license agreement with option to purchase, but only kicks in, in year four. In other words, he doesn't have the right to approach the Town to acquire the property until year four or year five to exercise this option and that will make him prove that he has implemented the plan during the first three years. Then if he violates any terms of the agreement, he would then be in violation.

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

CARRIED: 7-0

James Kitcher explained that Mr. Germano has not fulfilled his obligation in regards to the tree plantings, landscaping, etc. He is disappointed in the Town in not driving and enforcing the Zoning Laws and he is disappointed in everyone he dealt with in regard to the situation. He didn't blame the whole thing on Mr. Germano, we've all screwed up. He explained the whole scenario of the situation to date.

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

CARRIED: 7-0

of “The SEQRA Solution: Striking The Right Balance” Conference Issued to Marvin Bennett

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Certificate of Completion for 3 hours of “The SEQRA Solution: Striking the Right Balance” conference issued to Marvin Bennett, copies of which are attached hereto.

SO MOVED: J. Baisley/T. Tancredi

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

Nays: None

CARRIED: 7-0

09:23-SC 9 APPROVE

911 Private Drive Name of Martis Way

RESOLUTON

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve, for identification purposes only, the proposed private drive name for the common drive that services parcels 6262-01-053815 and 6262-01-075660, to be Martis Way; and

BE IT FURTHER RESOLVED, that upon adoption of this resolution said resolution shall be sent to the 911 Facilities for Dutchess County by the Town Clerk of the Town of Poughkeepsie.

SO MOVED: D. Seminara/J. Baisley

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

Nays: None

CARRIED: 7-0

09:23-SC 10 AUTHORIZE SUPERVISOR TO SIGN

Formal Request For The Assistance of a Department of Correctional Services Facility Inmate Work Crew

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a Formal Request for the Assistance of a Department of Correctional Services Facility Inmate Work Crew with New York State Department of Correctional Services, a copy of which is attached hereto.

SO MOVED: J. Conte/M. Cifone

Councilman Tancredi was concerned about how these inmates were going to be used. #3 says: “Civilian personnel may be present at the work site and shall not interact with any inmates. Inmates comprising the work crew shall at all times be under the supervision of and receive instructions from an assigned work crew correction officer. Contact with general public is strictly prohibited.” Are we going to have about 75 people?

Supervisor Myers: No. This is on a prep day when there are only about 20 people there.

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

Nays: None

CARRIED: 7-0

## REQUEST ATTACHED TO FINAL BOOK COPY

Supervisor Myers: Before I suspend the rules I just want to announce #1 KABOOM is October 22<sup>nd</sup> and we are looking for all the neighborhood support we can get. Come out to Crestwood Park to help build a new park. #2 The Walkway over the Hudson is October 3<sup>rd</sup> and if anyone is interested in going on the walk, they need to get in touch with Recreation to get themselves registered because we are going to have to close that down very shortly and get our list in for our buses. #3 I received a flyer today from "Shred the Word" which is Cornell Cooperative Extension NEW YORK STATE CONSUMER PROTECTION BOARD AND IDENTITY THEFT PREVENTION SEMINAR and Free Community Shredding Day on October 5<sup>th</sup>. They are going to do a seminar on protection of your ID from 2 to 3 PM out at Millbrook at the Extension Center and then from 3 to 6 at 2715 Route 44 Millbrook, New York. You can bring up to 3 boxes of documents that you would like to shred out there, for free.

Councilman Seminara: I would like to point out that a day or two ago there was a little safety issue in one of our parks and I advised Tom Meyering of it and he took care of it forthwith and I just would like the public to know and acknowledge that he took care of that very promptly and thank you for doing that.

Councilman Cifone: This coming Saturday the 26<sup>th</sup>, will be the when the Town Highway Transfer Station will be open and I will be there 6:30 to 2:00 collecting any toiletries for men and women troops serving overseas if you would like to drop them off. We will ship it all out overseas.

Supervisor Myers: Also, the Arlington Street Fair is this Saturday from 12 to 6 with the great Chili Tasting Contest kick off.

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

CARRIED: 7-0

Maureen Tignanelli: Asked if Supervisor had heard from the Arlington Fire District regarding using the Town Hall Facilities and Media for their meetings. The answer was "No." Just to remind the public, the next Arlington Fire District Meeting is the 29<sup>th</sup> at 7:30 at the Barnett Boulevard Headquarters. There is a public speaking period where the public can speak. Even though they adopted their proposed budget, there is still the public hearing for the Fire District Budget on October 20<sup>th</sup> at 8 PM. Regarding the medians, there is the one section near Locust Grove that the plantings are total inappropriate. You can have the trees there and some low growing shrubs, but it's really unsafe to have those there and so instead of paying to have people trimming those, isn't there anyway they could be replaced?

Councilman Krakower: The stretch near Marist College is much nicer and easier to maintain.

Maureen Tignanelli: Since Councilman Krakower mentioned the 20 days that the Vanguard project was given when Mr. Algiers was in here on September 2<sup>nd</sup>, at the September 2<sup>nd</sup> meeting, she quoted that me Algiers said that he was "At maximum four weeks away." So, four weeks from that night would have been September 30<sup>th</sup>. Well, at the last Planning Board Meeting, it seems that Mr. Algiers has now been given an extension with a completion date of October 12<sup>th</sup> and I had a memo from Chazen Engineering and they say that, "This office does not believe the completion of work can be achieved by September 29<sup>th</sup>. This office believes the completion date of October 12<sup>th</sup> would allow for the completion of the project. He was here that night and he assured you that he was "At a maximum of four weeks away, September 30<sup>th</sup>" and now we are out to October 12<sup>th</sup> and he will report back to the Planning Board on October 15<sup>th</sup>.

Supervisor Myers: I don't really think we are out to October 12<sup>th</sup> because the Planning Board does not decide about his Bond, that's the Town Board's decision and we made that decision and we are the controlling factor here.

Doreen Tignanelli: So, you are prepared to take action on---

Town Attorney Mahar: I don't know that that is exactly true. Under the terms of the bond, we have to give him an opportunity to "cure" the defect. In curing the defect, under the process, he went back to the Planning Board and outlined his plan and they gave him additional time and in effect, they are overriding the Town Board's decision.

Doreen Tignanelli: In my earlier comment, in my personal opinion, Mr. Cantor seems to have undue influence over various Boards or Deputy Town Attorney. But I just wanted to bring it to your attention.

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

CARRIED: 7-0

#### RESOLUTION

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

1. Litigation: To discuss litigation strategy in a case known as Ginsberg vs. The Town.
2. Confidential communication between attorney and his client/Town Board Based on attorney/client privileges.

BE IT FURTHER RESOLVED, that there will be no action appropriating money.

SO MOVED: J. Baisley/T. Tancredi

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

Nays: None

CARRIED: 7-0

MEETING ADJOURNED AT 9:28 PM

INTO EXECUTIVE SESSION AT 9:37 PM

BACK FROM EXECUTIVE SESSION AT 10:00 PM

NO ACTION WAS TAKEN

Motion made to close the meeting: Supervisor Myers/T. Tancredi

CARRIED: 7-0

MEETING CLOSED AT 10:01 PM

SJM:ikm