

**MINUTES OF TOWN BOARD MEETING HELD ON
OCTOBER 7, 2009, TOWN HALL, ONE OVEROCKER
ROAD, POUGHKEEPSIE, NEW YORK**

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

ABSENT: Councilman Krakower

***NOTE:** Attachments pertaining to a particular Town Board Meeting will be found after the minutes of that meeting, which are kept in the official minute books, held in 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 made to suspend the rules for public hearing #1: Supervisor Myers/M. Cifone

CARRIED: 6-0

Town Clerk Miller: This public hearing was posted on September 24th and published in the Poughkeepsie Journal on September 26th.

Town Attorney Mahar: The notification to the individuals was sent out by the Assessor's Office.

Tom (inaudible): I see the work that's being done on that, they are taking up the sides of the roads and putting a 6" fabricated pipe in. Then they will be blacktopping over it. The (inaudible) on that is 2" high and two feet long. The plows will come along and knock out all that curb. I don't understand what they are doing. (Inaudible) It won't work.

Councilman Seminara: I believe you are talking about Claudia Lane?

Tom: Yes.

Councilman Seminara: Ok, the Town Highway Superintendent is refurbishing that road and he's not finished. I have seen the drains dug up and they are probably putting new drains in and drainage pipe in. I'm sure the Engineers went through a design on that road, too, and they know what kind of pipe they need to drain the water from the road. We're not talking the sewer district over there and you are saying the pipe is 2" smaller than it used to be? I don't know if Claudia had a pipe prior to this and so, if it's a new pipe, it's going to be an improvement to carry the water away for sure. I assure you will cover it enough that the plow is not going to dig in and rip up the pipe. They wouldn't leave the pipe above the level of road. He plows that himself and he knows, so. The curbs do sometimes get knocked out by the plows in the winter because it is difficult for the drivers to see the curbs, but they come back in the spring and fix them. I don't know if there is much that can be done about that.

(Unidentified Speaker): I got a notice. It is my understanding that you are going to assess us \$200 a year for the next ten years, which is something we know nothing about and it should have been done when the development was done in the first place. Is that right?

Town Attorney Mahar: Coachlight, at the time it was developed, the developer had it in the agreement with the Town of Poughkeepsie whereby he agreed that you, the residents of Coachlight, would be charged –

(Unidentified Speaker) He agreed we would be charged?

Town Attorney Mahar: It was his development.

(Unidentified Speaker) He has a right to take this on himself, but he doesn't have the right to do this to us.

Town Attorney Mahar: He got certain approvals and permits from the Town of Poughkeepsie based on the representation that if allowed to hook into the Town Sewer System, the property would be subject to the rental charges, which is the user charge, and any capital charges. The capital charges are referred to in your tax bill subject to this hearing.

(Unidentified Speaker) I don't know anything about this. Are we going to be charged \$200 a year for the next ten years?

Town Attorney Mahar: I don't know how much you are going to be charged.

Tax Assessor Kathy Tabor: Last year's rate was \$180.96 last year. This year I'm not sure what the Board is going to have to decide which rent rate--

Councilman Tancredi: If we go up to 1.75 it would be \$130.

Town Attorney Mahar: It's changed on a year by year basis, so it's not a ten year commitment. What the money is used for is to provide a collection system for your wastewater, a transportation system on your wastewater down to the Arlington Sewer Treatment Plant and for the processing and discharge of the waste.

(Unidentified speaker) We've been paying that right along.

Town Attorney Mahar: You have not been paying that.

Supervisor Myers: You've been paying the usage fee for how much water you used, but not for the maintenance of the pipes, manholes and collection system.

(Unidentified speaker) We've been here 14 years at this point and we've never seen anybody seeing anybody from the sewer department doing anything on the sewers or anything. What is this all about? What are we being charged for and what are we going to be getting that we haven't been getting in the past?

Supervisor Myers: It keeps the plant running. You don't see the plant on a daily basis. This is an operating budget for the plant. The rents do not cover the cost of running the plant and collection system.

Town Attorney Mahar: It is approximately \$5.00 for 100 cubic feet of water to cover the full cost of operating the plant.

(Unidentified speaker) (Inaudible)

(Second speaker-Inaudible) I'm also a Coachlight resident, are there going to be retroactive charges for the prior years?

Supervisor Myers: No, absolutely not.

(Third unidentified speaker) Back in 1962, (inaudible) We were told by the prior Tom Mahar, Sr. and the engineer, that if we expanded our trailout pipe to the main line that exists on Colburn Drive, #56, that when Sutton hooked on, that we would get a break on it because we were covering their fallout on our tax and they are a much larger residential

area than we are. What I also understood is that we were paying for it with a 30 year bond and I don't know if that rings a bell anywhere with anyone, but it's now 47 years and the price has gone from \$113 for the bond to occasionally just under \$300 and I understand that we may be renting the pump house by the river, but shouldn't it go down somewhere for us?

Supervisor Myers: I believe the bond is gone and has been paid off. You pay rent on your quarterly bills for actual usage and this bill is to cover all the other expenses for the sewer plant. It's going to go on forever and if you want to flush, you have to pay for it, unfortunately. But, the bond has been paid off. The money you are paying is for the cost of the operation of the plant and the collection itself.

(Fourth unidentified speaker) I live in Hagan Town and due to the swells that run from Hagen Road all through the properties dividing up, my neighbors and I have been calling up because no one seems to maintain it and my neighbor right behind me today, had a tractor trailer come in and spent a ton of money on rocks and things trying to protect his property because it is eroding away on the hill and myself and couple of other neighbors where they have streams in front of the big ditches there and we clean them out. I don't know who to contact, is that the Sewer Department or Road Department?

Supervisor Myers: That's the Highway Department. I'm sure he will work with you on that, he's very good about that.

Cliff Bradley: In the beginning here, you mentioned it's \$1.50 for water and \$1.50 for sewer and you didn't mention the drainage.

Supervisor Myers: Drainage is—

Cliff Bradley: First off, why didn't you say something about the drainage?

Supervisor Myers: The Assessor put out that notice and I believe that the law says they have to send it out.

Town Assessor Kathy Tabor: (Inaudible)

Supervisor Myers: Does it mention drainage in your letter?

Town Assessor Kathy Tabor: Yes, right at the top.

Cliff Bradley: It does, that's my point, why didn't you mention it?

Supervisor Myers: I think the change in the drainage is based on—we don't get to set the rate, it is based on how much, it's not like sewer use, which is based on how many units you use, it is divided Townwide and drainage this year is going to be \$7.88 per 1,000.

Cliff Bradley: I live on Roachdale Road and they just put in some storm sewers and blacktop and made it all beautiful and now people are flying by my driveway because the road is so nice. It used to be, the road wasn't bad, but it wasn't quite as nice as now,

Councilman Conte told him to see him and he would get police patrols there and get the speeding in front of his home stopped.

Cliff Bradley: Well, that's not my main concern, why did they do that road in the first place?

Councilman Conte: Because that road needed it. That was one of the roads that needed it more than some of the other roads.

Joel (Inaudible) My wife also received this notice and we have been using well water and septic.

Supervisor Myers: It goes to all residents. It doesn't affect you if you are on well and septic. Just rip it up and throw it away, it doesn't pertain to you.

(Unidentified speaker) I have a question about Robert Place and Townsend. I don't know if sewer even goes through there because every time I hear sewer, I think—

Supervisor Myers: I don't believe you have sewer out there.

Unidentified speaker) Ok, I just wanted to make sure about that.

Supervisor Myers: You would have been getting a bill with your water bill for sewer if it does go out there. Do you get a water bill? (Yes) Does it say sewer on it? (No) Ok, you don't have sewer out there. If there was sewer out there and you just weren't connected, you would get a minimum charge anyway.

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

CARRIED: 6-0

10:07-01 PUBLIC HEARING

Special Districts Budgets For
2010 For Water, Sewer & Drainage
Districts in Town

SECOND AMENDED
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on 7th day of October, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, New York does hereby adopt the Special District Budgets as presented for the year 2010, a true copy of which is attached hereto and incorporated herein.

SO MOVED: J. Baisley/M. Cifone

Motion made to Adjourn until October 21, 2009, Town Board Meeting: Supervisor Myers/ M. Cifone

Town Attorney Mahar: Tonight we are going to set a date for the public hearing on the proposed increase of \$1.50 to \$1.75. We are just setting the date for the 21st to increase the rate for sewer and what the Supervisor is suggesting is you wait until final adoption to clarify whether we are going to charge the people \$1.75 or \$1.50.

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

Nays: None

CARRIED: 6-0

Supervisor Myers: In case someone didn't follow that, the resolution with both rates, later on we are going to set the date for a public hearing to decide whether to raise the rates or not and we want to hear from the Comptroller on that and so we can't adopt that until we decide which rate it is we are going to adopt or no one is going to know what is going on. There is no proposed change to the water rate.

Motion made to suspend the rules for public hearing #2: Supervisor Myers/T. Tancredi

CARRIED: 6-0

10:07-02 PUBLIC HEARING

Town of Poughkeepsie Planning Board
As Lead Agency In Regard To Dunkin
Donuts Site Redevelopment & Public
Hearing on Application of Dunkin
Donuts For Main Street Drive-In
Overlay District Designation

The Architect and the other representatives from the Dunkin Donuts Corporation presented a new redesigned structure and lot layout to the Town Board. The Board welcomed the new design.

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

CARRIED: 6-0

Motion made to adjourn the Public Hearing until the meeting of October 21, 2009
Town Board Meeting: Supervisor Myers/T. Tancredi

CARRIED: 6-0

Motion made to suspend the rules for public hearing #3: Supervisor Myers/T. Tancredi

CARRIED: 6-0

NO SPEAKERS CAME FORWARD

Motion made to resume the rules: Supervisor Myers/J. Conte

CARRIED: 6-0

10:07-03 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 Located At
Intersection of Camelot Road &
Bridgewater Way

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 7th day of October, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend Section 195-48, Schedule XIII, entitled "Parking Prohibited at all Times", which amendment is authorized by Section 195-31 B(1)(g) which allows the Town Board to prohibit parking in certain areas of private property. Said amendment is as follows:

ADD:

"parking at the entrance to the Casperkill Housing area located on Camelot Road at the intersection of Camelot Road and Bridgewater Way and the apron areas located at said entrance"

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

SO MOVED: J. Baisley/J. Conte

Town Clerk Miller: Affidavit of filing was posted on September 24th and published in the Poughkeepsie Journal on September 26th.

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

Nays: None

CARRIED: 6-0

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

CARRIED: 6-0

National Coordinator for the Durham National School Bus Campaign, Washington, D.C. spoke regarding the election scheduled on September 16th. "On Election Day we have an 18 wheeler from joint counsel coming in, and there is an abandoned hard surface area about 15 ft. from where we've been parking on the right of way, I guess it is private, but I thought it was a city road, and we would like to use that on the day of the 16th so the semi can park there. There is ample space on the road way to park in the right of way, but we would like to use that because it would be better for the neighborhood to just be off the roadway a bit for the one day and so we are asking for permission to use it for the one day."

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

CARRIED: 6-0

10:07-04 AUTHORIZE

Release of 5% Retainage For Lash Contracting, Inc., Who Installed Wastewater Main Replacement on Davis Avenue

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, based on the Consent of Surety, Affidavit of Payment and Release of Liens submitted on behalf of the Contractor, Lash Contracting, Inc., who installed a wastewater main replacement on Davis Avenue, does authorize the release of the 5% retainage, pursuant to the attached documents, which retainage is in the sum of \$1,330.00, which retainage has been held since the project was completed on the 20th day of April, 2009.

SO MOVED: D. Seminara/J. Baisley

Councilman Seminara: I assume there has been no problems there.

Supervisor Myers: No, it's been very successful.

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

Nays: None

CARRIED: 6-0

10:07-05 APPROVE

Request of International Brotherhood of Teamsters to use Town Property on Tucker Drive on October 16, 2009 From 4:00 AM to 6:30 PM

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the request of the International Brotherhood of Teamsters to use Town property located between McCollister Moving & Storage and the Town Police/Court Facility located on Tucker Drive, Poughkeepsie, NY for parking on their Election Day, October 16, 2009 from 4:00 AM to 6:30 PM, contingent upon receipt by the Town 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, Tancredi, and Supervisor Myers

Nays: None

CARRIED: 6-0

10:07-06 AUTHORIZE

Utilization of Town Police Officers For
Traffic Control Within The Hyde Park
Central School District

RESOLUTION

WHEREAS, the Hyde Park Central School District is an educational facility located in Hyde Park, County of Dutchess, State of New York; and

WHEREAS, the Hyde Park Central School District sponsors various activities and special events; and

WHEREAS, the Hyde Park Central School District has requested assistance with traffic control from the Town of Poughkeepsie as outlined in the letter from Anthony P Crandall dated September 23, 2009, a copy of which is attached and incorporated herein; and

WHEREAS, the Town of Poughkeepsie is willing to supply police officers for traffic duty in cooperation with the Hyde Park Central School District; and

WHEREAS, said police officers from the Town of Poughkeepsie would be reimbursed by the Hyde Park Central School District for the salary of said officers at the rate of time and one half, if applicable, but would not pay any fringe benefits; and

WHEREAS, the Town of Poughkeepsie Police Officers would function as police officers on public property when assisting with the safety and security; and

WHEREAS, the Town of Poughkeepsie and the Hyde Park Central School District will establish a billing system; now therefore

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize and approve the utilization of Town of Poughkeepsie Police Officers for special events as sponsored by the Hyde Park Central School District and the items set forth in the above cited letter upon notice to the Town of Poughkeepsie and Town of Poughkeepsie Police Department; and

BE IT FURTHER RESOLVED, this resolution shall become effective on the date of adoption and shall expire on October 7, 2010.

SO MOVED: M. Cifone/J. Baisley

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

Nays: None

CARRIED: 6-0

LETTER ATTACHED TO FINAL BOOK COPY

10:07-07 REAPPOINTMENT

Peter Sala To Board of Assessment
Review

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby reappoint Peter Sala to the Board of Assessment Review for a term of five (5) years commencing on October 1, 2009 and expiring September 30, 2014.

SO MOVED: T. Tancredi/M. Cifone

10:07-10 SET DATE FOR
PUBLIC HEARING

Amend Town Code, Chapter 168,
Entitled "Sewers" & Specifically Section

168-8, Entitled "Table 168-T1" To
Increase Sewer Billing

AMENDED
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 21st day of October 2009 as and for the date of a public hearing to be held at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, to consider an amendment to the Town of Poughkeepsie Code, Chapter 168, entitled "Sewers" and specifically Section 168-8, Table 168-T1, which amendment would be as follows:

AMEND:

All Districts Rate/CCY – From \$1.50 to \$1.75

Effective billing January 1, 2010 all sewer shall be billed at the rate of \$1.75.

AND BE IT FURTHER RESOLVED, that said local law, if adopted, shall take effect January 1, 2010 and upon filing with the Secretary of State.

SO MOVED: Supervisor Myers/J. Conte

Town Comptroller Jim Wojtowicz: I recommended this to the Supervisor that we go to the \$1.75. The sewer operation costs 4.6 million dollars to run. That is the administration, collection and treatment. He continued to explain how he arrived at the rent rate. He felt the proper way to go was, to reduce the tax, you raise the rent. The rent is based on the water meter. 748 gallons of water is one unit at \$1.50. Now it will be \$1.75.

Town Attorney Mahar: Once you make a decision on that proposed change, you will then vote on the acceptance of your special district budgets, because you will then be a known figure.

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

Nays: None

CARRIED: 6-0

PUBLIC HEARING AT OCTOBER 21, 2009 TOWN BOARD MEETING

10:07-08 AUTHORIZE
SUPERVISOR
TO SIGN

PHA 5- Year Plan & Annual Plan
Template Form HUD – 50075 & PHA
Certifications of Compliance With PHA
Plans & Related Regulations For
Section 8 Housing

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the PHA 5-Year Plan and Annual Plan template Form HUD-50075 and the PHA Certifications of Compliance with PHA Plans and Related Regulations, pursuant to the attached memo from the Town of Poughkeepsie Section 8 Housing, which agreement would be effective January 1, 2010.

SO MOVED: J. Baisley/J. Conte

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

Nays: None

CARRIED: 6-0

MEMO ATTACHED TO FINAL BOOK COPY

10:07-09 AUTHORIZE Papers to Provide Town Employees
SUPERVISOR With Voluntary Benefits From Colonial
TO SIGN Life & Accident Insurance Company &
To Provide Payroll Deductions

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 provide the Town employees with Voluntary Benefits from Colonial Life and Accident Insurance Company and to provide payroll deductions of any premiums due.

SO MOVED: D. Seminara/J. Baisley

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Tancredi, and
Supervisor Myers
Nays: None CARRIED: 6-0

10:07-11 BID AWARD Recreation Department For Contract for Tennis
Court Reconstruction at Red Oaks Mill Park
And the New Hamburg Park to DeRosa Tennis
Construction, Inc.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the contract for "TENNIS COURT RECONSTRUCTION" at Red Oaks Mill Park and the New Hamburg Park, to DeRosa Tennis Construction, Inc., pursuant to the terms and conditions of the plans and specifications and the bid of the above cited company for the bid price of \$130,000.00, pursuant to the recommendation of the Park Facilities and Program Director, attached hereto, which monies shall be paid from the Recreation Trust Fund (Account No. TA2.031), and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to execute a contract agreement with DeRosa Tennis Construction, Inc.

SO MOVED: J. Conte/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Tancredi, and
Supervisor Myers
Nays: None CARRIED: 6-0

RECOMMENDATION LETTER ATTACHED TO FINAL BOOK COPY

10:07-12 BID AWARD Recreation Department For Trail
Construction & Other Improvements
At Peach Hill Park To Landworks of
The Hudson Valley

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the contract for "PEACH HILL PARK IMPROVEMENTS", to Landworks of the Hudson Valley, pursuant to the terms and conditions of the plans and specifications and the bid of the above cited company for the bid price of \$50,450.00 for both the primary item and the add alternate item, pursuant to the recommendation of the Park Facilities and Program Director, which monies shall be paid from a grant to be received by the Town from a federal Recreation Trails Program Grant administered by the NYS Office of Parks, Recreation and Historic Preservation, and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to execute a contract agreement with Landworks of the Hudson valley.

SO MOVED: M. Cifone/T. Tancredi

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

Nays: None

CARRIED: 6-0

10:07-13 APPROVE

Annual Halloween Parade of Croft Corners Volunteer Fire Company on October 31, 2009

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Carl Davidson and does hereby grant approval to the Croft Corners Volunteer Fire Company to hold its annual Halloween Parade on Saturday, October 31, 2009, which parade will start at the corner of Hasbrouck Drive and Spackenkill Road and travel the north side of Spackenkill Road proceeding west to the Croft Corners Firehouse at 7 Spackenkill Road; and

BE IT FURTHER RESOLVED, that the Town Clerk is in receipt of a Certificate of Liability Insurance naming the Town of Poughkeepsie as an additional insured.

SO MOVED: Supervisor Myers/J. Conte

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

Nays: None

CARRIED: 6-0

10:07-14 APPROVE

2009 Minutes:
September 16th Committee of the Whole Meeting
Special Meeting 1
Special Meeting 2

RESOLUTION

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

September 16th – Committee of the Whole
Special Meeting 1
Special Meeting 2

SO MOVED: J. Baisley/D. Seminara

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

Nays: None

CARRIED: 6-0

10:07-15 APPROVAL

Liquor License Application For Nellie Kelly's, Inc. Located at 535 Height Avenue

Town Attorney Mahar: I have a notification that an organization known as Nellie Kelly's Inc. has filed an application with the New York State Department of Beverage Control and State Liquor Authority for a license for the premises at 535 Height Avenue. Now this is simply a notice. We don't have the authority to accept or reject. However, I'm going to suggest that you adopt the resolution authorizing either me or the Supervisor to file objections with the State on the grounds that this property cannot support this application at this time because it has not received the Special Use Permit.

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does authorize and direct the Supervisor of the Town of Poughkeepsie to file objections to the liquor license application filed by Nellie Kelly's, Inc., 535 Height Avenue, Poughkeepsie, New York in connection with the application to establish a restaurant on said site on the grounds that said use with the dispensing of alcoholic beverages is only authorized upon the issuance of a special permit and that the Supervisor advised the said liquor authority to withhold any approval until this matter has been resolved.

SO MOVED: Councilman Seminara/T. Tancredi

Councilman Tancredi: The key is now in Town Center, stand alone bars are prohibited. You have to do a legitimate restaurant. You have to have a menu and serve food. So, the first thing is, the previous establishment (inaudible) I think more than a year. The new owner has to come to the Planning Department with a site plan and get site plan approval. The new owner has been informed of that, but has not done that yet. This came to our attention when it hit the agenda that they are looking for a liquor license and no one has spoken to them. The Planning Department wants to get the new owner in and have them come in for an application. The key here is, the new owners have to be a legitimate restaurant establishment, not a bar.

Supervisor Myers: We are not saying you can't do this, we just want you to go through the right channels and follow the rules.

Councilman Seminara: They can be granted a liquor license for a tavern only, based on a Special Use Permit.

Councilman Tancredi: No. Not in the Arlington Center. It has to be a restaurant with food.

Town Attorney Mahar: The thing I was concerned about is, I know they were going through the process with Planning, but I didn't want this to just get inadvertently approved in Albany because they didn't have any objections from the Town Board.

Councilman Conte: I know the gentleman that is running this and he has had a long history of food service and I think that is important to know. This is Tim Adams here and he has worked for Adams prepared foods and so you can expect good things and I know he is excited about this project.

(The applicant went in yesterday (Tuesday, 6th) to get the Site Plan Application. We didn't know anything about that we needed it. So, we do have the application now.

Supervisor Myers: We just want you to follow the rules and I see you have no problem with that. We don't want to slow you down, we just want you to work with Neil and you will get your application in no time.

Councilman Tancredi: We are glad to see the building occupied and if you need any help from me, notify me and I will do what I can to help you.

Supervisor Myers: Ok, we have the motion and a second to send the letter until such time all the site plans are worked out.

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

Nays: None

CARRIED: 6-0

REFERRED TO LEGAL DEPARTMENT

10:07-17 NOTIFICATION

Tilcon New York, Inc. Vs. Town of
Poughkeepsie & Town Board of the
Town of Poughkeepsie

REFERRED TO LEGAL DEPARTMENT

10:07-18 APPROVE

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

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 Supervisor to Sign | Central Hudson Street Lighting Authority – Fairview Park |
| SC 2. Resignation | Robin McLain – Water Dept. |
| SC 3. Notification | Liquor License Renewal
Thai Spice, Inc. |
| SC 4. Accept | Carl Whitehead – Course
Certification – D.C. Planning
Federation |
| SC 5. Authorize | Miguel Santiago-work on Monument
Fairview Park |
| SC 6. Cancellation | Committee of the Whole October 14,
2009 Meeting |

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: J. Conte/J. Baisley

10:07-SC 1 AUTHORIZE
SUPERVISOR
TO SIGN

Central Hudson Street Lighting Authority
Order For Installation of Two (2) Lights
At Fairview Park

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, for the installation of two (2) lights at the Fairview Park, pursuant to the attached memo from the Assistant Town Engineer.

SO MOVED: M. Cifone/J. Conte

Motion made for an amendment to turn the two lights on the corner of Fairview near first base to be turned off the field and onto the street and sidewalk because they are now facing the field and we do not want to light up the ball field at night: Moved by Councilman Cifone and Seconded by J. Conte

ROLL CALL ON AMENDMENT: Ayes: Councilmen Baisley, Seminara, Conte,
Cifone, Tancredi, and Supervisor Myers
Nays: None CARRIED: 6-0

ROLL CALL ON RESOLUTION: (Which now face the sidewalk and not the field)
Ayes: Councilmen Baisley, Seminara, Cifone,
Tancredi, and Supervisor Myers
Nays: None CARRIED: 6-0

10:07-SC 2 ACCEPT Water Department Resignation of
Robin McLain Effective October 6, 2009
After 20 Years of Service

AMENDED
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the resignation of Robin McLain effective October 6, 2009, and in consideration of 20 years of faithful service, does hereby extend her health insurance from October 31, 2009 to December 31, 2009.

SO MOVED: T. Tancredi/D. Seminara

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Tancredi, and
Supervisor Myers
Nays: None CARRIED: 6-0

10:07-SC 3 NOTIFICATION Liquor License Renewal of Thai
Spice Located at 28 Raymond
Avenue

NOTED BY TOWN BOARD

10:07-SC 4 ACCEPT Planning Board Course Certification
For D.C. Planning Federation Issued
To Carl Whitehead For A 2 Hour
Training Course

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Course Certification from the Dutchess County Planning Federation issued to Carl Whitehead for the 2 hour training course entitled "Agricultural Districts and Agricultural Assessment Spring Seminar", a copy of which is attached hereto.

SO MOVED: Supervisor Myers/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Tancredi, and
Supervisor Myers
Nays: None CARRIED: 6-0

10:07-SC 5 AUTHORIZE Miguel Santiago of MSHNYSB
Stonework Corporation To Perform
Remedial Work on the Town of
Poughkeepsie Monument in Fairview
Park

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize Miguel Santiago of MSHNYSB Stonework Corporation to perform remedial work on the monument owned by the Town located in the Fairview Park, and

BE IT FURTHER RESOLVED, the Town Board does accept the work at a reduced cost as a gift on behalf of the Town.

SO MOVED: J. Baisley/M. Cifone

Councilman Cifone: This goes back to last October, the plaque I have from the jeweler to make a new plaque is dated October 8, 2009 for 08 and I've had many conversations with many masons over here trying to get a mason to this park to do some memorial stone work and every mason that comes gives a price and most prices were around \$1500 to do the work and install a plaque. Miguel came over and looked at it and gave us a price with stone, mortar and his crew to work on it and installing the plaque for no more than \$650.00. He really felt he wanted to help and he liked the project and funding will be all done by donations. I have a fund raising committee put together and I invite everyone in the public to come out on Tuesday at 3 PM at Fairview Park with the Chamber of Commerce and the committee I put together to help collect the funds, the news and the Poughkeepsie Journal are coming out for this. Right now in our account, we have \$669.00 and I have someone donating a big check on Tuesday as well.

Councilman Seminara: I would like to put in an amendment to say that it will not cost any more than \$650.00, funds of which are anticipated to be raised by donations. Also, I would like to have something in here to note that that's where the money is coming from.

Councilman Cifone: Also just a note, we changed the fund bank account name to read "Fairview Memorial Park Fund".

Motion made to amend: Supervisor Myers/ D. Seminara

ROLL CALL ON AMENDMENT: Ayes: Councilmen Baisley, Seminara, Conte,
Cifone, Tancredi, and Supervisor Myers
Nays: None CARRIED: 6-0

ROLL CALL ON RESOLUTION: Ayes: Councilmen Baisley, Seminara, Conte,
Cifone, Tancredi, and Supervisor Myers
Nays: None CARRIED: 6-0

10:07-SC 6 CANCELLATION

COW Meeting on October 14, 2009

Supervisor Myers: I would like to make a motion that we cancel the Committee of the Whole Meeting scheduled for next week, we have nothing scheduled for that meeting. If something should arise, we could call a Special Meeting or we could just possibly put it over to the meeting of the 21st.

Motion made by Supervisor Myers. Seconded by M. Cifone

CARRIED: 6-0

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

CARRIED: 6-0

Mr. Casement: I would like to just say something again about your mics, they are cutting out. You can't hear anything.

Supervisor Myers: I swear Bob, as soon as we finish the negotiations with Time Warner, we are going to get a new sound system in here.

(Inaudible) Dutchess County Legislator: I had spoken to the Supervisor and every member of the Town Board regarding the proposed changes to bill the Towns for election costs as well as Sheriff Department services. I certainly can not speak for the entire legislature but I can speak for myself and I will not be supporting that. I understand the budget challenges of the Town, which are certainly daunting, as they are in the County, but we cannot simply shift costs from one level of government to another and so I

certainly will be supporting you, I know the Supervisors and the Mayors have spoken out against this.

Town Board thanked the Legislator for her support.

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

CARRIED: 6-0

NO EXECUTIVE SESSION

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

CARRIED: 6-0

SJM:lkm

MEETING CLOSED AT 8:25 PM