



Councilman Seminara: It looks to me that the tables are still there.

Frank Truilo: The tables are to the side, yes.

Councilman Seminara: I don't think we lost any of the features and so I am very pleased with what you have done, thank you for listening to our comments.

Richard Cantor, Esq. I hope you will move quickly on approving this tonight. This matter is sitting on hold at the Planning Board awaiting your determination.

Supervisor Myers: Is there anyone from the audience who wishes to speak on this item?

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

Town Clerk Miller: I did hereby file the Affidavit of Posting on September 10<sup>th</sup> and published in the Poughkeepsie Journal on September 18<sup>th</sup>, 2009

10:21-04 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

AMENDED  
RESOLUTION

WHEREAS, the Town Board has received an application for Main Street Drive-In Overlay District designation regarding property located at 748-764 Main Street (tax parcel numbers 6161-07-717826-0000, 134689-6161-07-721825-0000, 134689-6161-07-724824-0000, 134689-6161-07-729823-0000, 134689-6161-07-732822-0000) for a project known as "Dunkin Donuts Site Redevelopment" ("Project") from CRE Poughkeepsie LLC of 30 Royall Street, Canton, Massachusetts 02021; and

WHEREAS, the Applicant has also submitted the Application for Site Plan Approval to the Town Planning Board; and

WHEREAS, on October 15, 2009 the Planning Board, as the designated Lead Agency for the SEQRA review of this action, issued a Negative Declaration for the Project; and

WHEREAS, the Planning Board has recommended that the Town Board approve the Main Street Drive-In Overlay District Designation; and

WHEREAS, by memorandum dated October 16, 2009 the Dutchess County Department of Planning and Development has determined that the proposed Project and the action of the Town Board are a matter of local concern; and

WHEREAS, the Town Board, having examined the proposed Site Plan for the Project, has determined that it meets the specific requirements for Main Street Drive-In Overlay District designation as set forth in Section 210-22(G)(2) of the Town Code.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby closes the public hearing; and

2. The Town Board hereby approves the Main Street Drive-In Overlay District designation for the properties located at 748-764 Main Street for the tax parcel numbers as set forth in the first paragraph of this Resolution conditioned upon the following:
  - a. The location of the drive-in facility, including the location and design of the vehicle queue aisle, and location of vehicle ingress and egress driveways shall be implemented in substantial accordance with the Site Plan for the Project dated July 1, 2009 and bearing a latest revision date of October 14, 2009 prepared by Spectra Engineering, Architecture and Surveying P.C., it being expressly understood that the Site Plan must still receive the approval of the Town Planning Board; and
3. the Town Board hereby directs that the Zoning Map be amended to reflect the Overlay District designation for said parcels.

SO MOVED: J. Baisley/J. Conte

Supervisor Myers: I have to say, I wasn't in favor at all of Overlay Districts, but I think Dunkin Donuts has done a remarkable job in upgrading this property and it will be an asset, and you better not back up on Main Street, because I drive that every morning. I do, however, think it's definitely an improvement to the Arlington District.

Councilman Tancredi agreed with the Supervisor 100%.

Councilman Seminara asked Neil Wilson if the Planning Board was generally happy with the design presented here this evening and Mr. Wilson indicated that they were. Mr. Wilson said he thought they were going to take action for preliminary approval on it at their meeting of November 19<sup>th</sup> and they just needed this Board to act on it first.

Councilman Seminara: We won't see any drastic changes, will we?

Neil Wilson: No, maybe a little bit of tweaking here and there to the layout or some minor changes to landscaping, but nothing terms of the location of the building and drive-in, no changes.

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

CARRIED: 6-1

Motion made to suspend the rules for public speaking on Public Hearing #1: Supervisor Myers/T. Tancredi

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 filed the Affidavit of Posting on October 8<sup>th</sup>, and published in the Poughkeepsie Journal on October 10, 2009

10:21-01 PUBLIC HEARING

Amend Town Code, Chapter 168, Entitled "Sewers" & Specifically Section 168-8, Entitled "Table 168-T1" To Increase Sewer Billing

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on 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, does hereby amend the Town of Poughkeepsie Code, Chapter 168, entitled "Sewers" and specifically Section 168-8, Table 168-T1, which amendment is as follows:

AMEND:

All Districts Rate/per hundred cubic feet – 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 ENACTED, that said local law shall take effect January 1, 2010 and upon filing with the Secretary of State.

SO MOVED: D. Seminara/J. Baisley

James Wotjowicz, Town Comptroller explained to the audience what this Resolution meant. He explained that the Town had to raise 4.4 million dollars and based on 2008 data, we raised 1.8 million based on \$1.50. It's \$1.50 for every 748 gallons. Based on growth at 2% to raise it to \$1.75 we would have raised it \$4.4 million. If we keep it at \$1.50 we would have to raise it \$2.5 million in taxes. If we don't raise the taxes, they will be \$2.2 million. The cost to the average resident would be about \$25 a year or \$6.00 a quarter in sewer rent and the overall tax would be less. The Budget is down \$300,000 from last year, which is another factor that factors into it.

Kathy Taber, Town Assessor: Considering the way the benefit formula is calculated, as time goes on, they are going to pay less anyway. The benefit units for the commercial market are going to go down anyway, if the assessments go down. This is why, if you go to usage, restaurants are very possibly going to pay a lot more than what they are paying because they use a lot of water and sewer.

ROLL CALL: Ayes: None

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

DEFEATED 0-7

Motion made to suspend the rules for speaking on Public Hearing 2A: Supervisor Myers/  
M. Cifone

CARRIED: 7-0

Town Attorney Mahar: This resolution is simply to make a correction on the Budget for the Special Districts, that's all.

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

10:21-02 ADOPT

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

A. Amend To Delete Charge Imposed  
On Behalf of Town Wide Water  
Improvement Area & Drainage For  
Two Vacant Parcels of Land

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby amend the Special District Budgets for the year 2010 to delete the charge imposed on behalf of Town Wide Water Improvement Area and Town Wide Drainage for two (2) vacant parcels of land owned by Dutchess County Resource Recovery Agency in the sum of \$160.00.

SO MOVED: J. Conte/S. Krakower

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

Nays: None

CARRIED: 7-0

10:21-02

B. Adopt Special Districts Budget For  
2010

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on 7<sup>th</sup> 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, based on the charge of \$1.50 per hundred cubic feet.

SO MOVED: J. Conte/T. Tancredi

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

Nays: None

CARRIED: 7-0

#### SPECIAL DISTRICT BUDGETS ATTACHED TO FINAL BOOK COPY

Motion made to suspend the rules for public speaking on Public Hearing #3: Supervisor Myers/T. Tancredi

CARRIED: 7-0

Town Attorney Mahar: The \$5 figure is developed by the Comptroller and myself to capture the amount that these people would have paid had they been in the district. But since these copies are outside the district and had not signed the agreement, we have no authority in law to levy a tax against them and so the only way we can collect the money is by increasing the flow cost.

Councilman Seminara: So, in other words, they are not paying any tax, so they have to pay higher rents to cover the fair cost. These people are lessees, not part of the district.

Town Attorney Mahar: That is correct.

#### NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

Town Clerk Miller: I do hereby certify I posted the affidavit of posting on September 29<sup>th</sup> and published in the Poughkeepsie Journal on October 5, 2009.

10:21-03 PUBLIC HEARING

Amend Chapter 168, Entitled  
“Sewers”, Specifically Sections  
168 – 1 & 168 – 7

#### RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on 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, does hereby amend the Town Code, Chapter 168 entitled "Sewers", specifically Sections 168-1 and 168-7, which amendment is 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, effective January 1, 2010.

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, effective January 1, 2010.

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

SO MOVED: M. Cifone/S. Krakower

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 #5: Supervisor Myers/M. Cifone

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

10:21-05 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"

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie pursuant to a public hearing held on the 21<sup>st</sup> day of October, 2009 at the Town Hall, Town of Poughkeepsie, 1 Overocker Road, Poughkeepsie, New York, does hereby adopt a local law entitled "Amendment to the Regulation of Open Fires in the Town of Poughkeepsie Code", which amendments are attached hereto, which deals with a transfer from Chapter 171 to Chapter 110 and involves a definition of rubbish and restrictions on burning; and

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

BE IT FURTHER ENACTED, 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) and therefore no further review is required; and

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

SO MOVED: S. Krakower/M. Cifone

Councilman Conte was not happy with this resolution. He felt the homeowner should have the right to have a fire pit in their back yard. "I just feel we are holding everyone down too much. I know we don't want any garbage, tires, shavings, etc. I would like to see an opportunity to burn leaves. I would like to see something worked out with the fire department regarding this."

Councilman Seminara agreed with Councilman Conte and "We had determined that an outdoor bar-B-Q and fire pits are allowed and the Boy Scouts can have the typical camp fire with the rocks stacked in a circle. This does allow people to have some freedom in their own yards.

Town Clerk Miller: I certify that I posted the affidavit of posting on September 29, 2009 and published in the Poughkeepsie Journal on October 5, 2009.

SO MOVED: S. Krakower/M. Cifone

CARRIED: 7-0

Motion made to suspend the rules for public speaking on Public Hearing # 6: Supervisor Myers//T. Tancredi

CARRIED: 7-0

#### NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

10:21-06 PUBLIC HEARING

Amend Chapter 171, Entitled "Solid Waste.

#### RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie pursuant to a public hearing held on 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 does hereby amend 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 1. General Provisions

Section 171-1. Title.  
Section 171-2. Definitions.  
Section 171-3. Vehicle contents to be secured.  
Section 171-4. Temporary storage containers.  
Section 171-5. Outdoor deposit and storage prohibited; exceptions.  
Section 171-6. Placement in or near water.  
Section 171-7. Reserved.  
Section 171-8. Reserved.  
Section 171-9. Transport vehicles.  
Section 171-10. Reserved  
Section 171-11. Transporting or dumping dangerous materials.  
Section 171-12. Enforcement.  
Section 171-13. Penalties for offenses; appearance tickets.  
Section 171-14. Reserved.

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

SO MOVED: T. Tancredi/S. Krakower

Town Clerk Miller: I hereby certify that I posted the publication on September 29, 2009 and published in the Poughkeepsie Journal on October 5, 2009.

Councilman Seminara: Section 171-3, we basically say, "No waste material or other matter, as defined herein, transported over or upon the highways, except in vehicles and/or containers from which the contents cannot leak, blow or fall out." I would like to recommend changing that to read, that "The contents DO NOT leak, blow or fall out." We provide a very popular service at the Town garage where people can get rid of various things, brush, lumber and it is very popular with the residents of the Town. I just want to make sure that we say "If you do it responsibly and bring it there the right way, and I think if you change this to say DO NOT allows us to say you can still bring stuff to the Town Transfer Station."

Councilman Tancredi: I think it is better worded the way it is because a police man would have to follow the truck and wait for something to fall off before he does something about it. I would leave it alone.

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 to speak on Public Hearing # 7: Supervisor Myers/T. Tancredi

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

Town Clerk Miller: I certify that I posted the publication on September 29<sup>th</sup>, 2009 and published in the Poughkeepsie Journal on October 5<sup>th</sup>, 2009.

10:21-07 PUBLIC HEARING

Amend Chapter 192, Entitled "Vehicles Abandoned"

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie pursuant to a public hearing held 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 does hereby amend the Town Code of the Town of Poughkeepsie, specifically Chapter 192 entitled "Vehicles, Abandoned", which amendments are attached hereto and incorporated herein, and will contain the following:

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 ENACTED, 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 ENACTED, that the verbatim documents are available in the Town Clerk's Office for review by the public; and

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

SO MOVED: Supervisor Myers/T. Tancredi

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

Nays: None

CARRIED: 7-0

Tom Meyering, Recreation Director presented three proclamations to Boy Scouts who worked on projects for their Eagle Scout Badge for the betterment of the Town parks. One other scout was not able to attend the meeting. The three scouts were:

1. Nolan Beahan – Troop 25 – installed new fencing and picnic tables and marking trails at Peach Hill Park.
2. Justin Nesheiwat - Troop 17 – re-roof dug-outs, remove a sun shelter & old play ground equipment, Overocker Park
3. Ray Bartolucci – Troop 2609 – created a rain garden, built 2 flood controls drainage systems at Stanley Still Park.

Tom Meyering described the projects that the boys completed.

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

CARRIED: 7-0

Doreen Tignanelli: I have a question about SC 2 and I have taken an interest in the Arlington Fire District Budget this year and this is something New Hamburg had come forward to the Town for?

Councilman Baisley: Years ago New Hamburg had their own ambulance service, back in the early 70's and they couldn't handle it at that time and they gave it up and they came to the Town and the Town has a special district for the New Hamburg Ambulance District and they have to go through the State to prepare that and this is a contract that the New Hamburg Ambulance District is covered by the New Hamburg Fire District.

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

CARRIED: 7-0

10:21-08 AUTHORIZE BIDDING

Highway Department for Highway  
Materials & Supplies For Year 2010

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Superintendent of Highways to advertise for bids for materials/supplies for the year 2010; and

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

SO MOVED: J. Baisley/D. Seminara

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

Nays: None

CARRIED: 7-0

10:21-09 AUTHORIZE

Issuance of Serial Bonds for the Town to  
Pay For Establishment of the Hudson River  
Psychiatric Center Water District

#### RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby adopt the bonding resolution dated October 21<sup>st</sup>, 2009, which resolution authorizes the issuance of bonds not exceeding one million, four hundred and fifty three thousand dollars as serial bonds of the Town of Poughkeepsie, Dutchess County, New York to pay the cost of the establishment of the Hudson River Psychiatric Center Water District in said Town. The probable useful life is 40 years. The amount of the obligation is one million four hundred and fifty three thousand dollars. The SEQRA is a Type I Action, however, with no significant environmental impact. The SEQRA materials are on file in the office of the Town Clerk during normal business hours. This resolution shall take effect immediately and shall be published in some form in the official paper together with the notice of the Town Clerk to substantiate the form provided in Section 61 of the local Finance Law, and

BE IT FURTHER RESOLVED, the Town Board of the Town of Poughkeepsie does hereby waive a verbatim reading of the Bonding Resolution and does direct the Town Clerk to spread the said resolution across the record as if it, in fact, had been fully read.

SO MOVED: D. Seminara/S. Krakower

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

10:21-10 AUTHORIZE Traffic Control Agreement With St.  
Martin de Porres For December 24, 2009

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a contract between the Town of Poughkeepsie and St. Martin de Porres whereby the Town of Poughkeepsie will provide traffic control by its Police Department for December 24, 2009 from 3:00 PM to 7:30 PM at the sole cost and expense of St. Martin de Porres.

SO MOVED: D. Seminara/J. Conte

Councilman Krakower asked, "If this contract was required in Collective Bargaining Agreement or something we are opting to do?"

Town Attorney Mahar: It is required in case the Police Officer gets hurt and for counting regular time and over time.

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

10:21-11 AUTHORIZE Letter of Agreement With IBM in Regard  
SUPERVISOR TO To Terms & Restrictions Of Town Work  
SIGN In Sewer Easement Across IBM Property

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the Letter of Agreement between the Town of Poughkeepsie and IBM in regard to the terms and restrictions of Town work in the sewer easement across IBM property, a copy of which is attached hereto.

SO MOVED: J. Conte/S. Krakower

Councilman Baisley asked “What are we doing here?”

Town Attorney Mahar: The Town of Poughkeepsie is repairing the pipe in the ground which is in the easement and these were the terms and conditions that were requested by IBM and negotiated by the Town for the nature of the work and the notices you have to give and lack of using toxic materials, etc.

Councilman Seminara stated he wished to avoid the appearance of a conflict of interest, he stated he would abstain on this vote since he is an employee of both the Town and IBM.

ROLL CALL: Ayes: Councilmen Baisley, Conte, Cifone, Krakower,  
Tancredi, and Supervisor Myers  
Nays: None  
Abstain: Councilman Seminara (Employee of IBM) CARRIED: 6-0-1

EASEMENT ATTACHED TO FINAL BOOK COPY

10:21-12 AUTHORIZE Deputy Town Attorney Hagstrom To  
Negotiate Settlement For Hillside  
Terrace Associates, LP. 2007, 2008, &  
2009 Tax Certiorari Assessments

RESOLUTION

WHEREAS, tax certiorari proceedings have been filed against the Town of Poughkeepsie by Hillside Terrace Associates, L. P. in regard to the assessment on its property at 1 Knollwood Lane in the Town of Poughkeepsie; and

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

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie authorizes David D. Hagstrom, Esq., of the law firm of Van De Water & Van De Water, LLP, 40 Garden Street, Suite 501, Poughkeepsie, NY 12601 to negotiate a settlement whereby the 2007, 2008, and 2009 assessments will be settled with reductions in accord with the attached Consent Judgment, reducing the assessments on each of said assessment rolls to \$1,800,000.00; and

BE IT FURTHER RESOLVED, that the Town Board does hereby authorize the Supervisor and David D. Hagstrom to sign such documents as are necessary to effectuate the settlement.

SO MOVED: M. Cifone/J. Conte

Councilman Seminara: What kind of property does Hillside cover?

Town Attorney Mahar: Stratford Farms off Route 44.

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

CONSENT JUDGMENT ATTACHED TO FINAL BOOK COPY

10:21-13 APPROVE 2009 Town Board Minutes:  
September 23, 30 and October 7

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:

September 23 & 30  
October 7

SO MOVED: S. Krakower/T. Tancredi

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

10:21-14 NOTICE OF CLAIM Liberty Mutual Insurance Company  
A/S/O Carol Palmer Vs. Town of  
Poughkeepsie For Damage To  
Automobile

REFERRED TO THE LEGAL DEPARTMENT

10:21-15 AUTHORIZE Special Consent Items SC 1, SC 2, SC 3,  
SC 4, SC 5, SC 6, and SC 7

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. Set Date for Public Hearing	2010 Budget
SC 2. Authorize Supervisor to Sign	Ambulance Service Agreement With Mobile Life Support Services, Inc. For the New Hamburg Ambulance District
SC 3. Waiver	Liquor License Renewal Juliet Café
SC 4. Approve	Change Order #1 – Schoolhouse Lane
SC 5. Notification	Public Hearing – Town of Wappinger Zoning Board of Appeals
SC 6. Notification	Public Hearing – Town of Wappinger
SC 7. Authorize	Final Payment to J & A Roofing Spackenkill Pump Station Roof

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: T. Tancredi/S. Krakower

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

10:21-SC 1 SET DATE FOR Preliminary Budget Approval On

AMENDED  
RESOLUTION

BE IT RESOLVED, pursuant to and in accordance with the provisions of Section 106 of the Town Law and other applicable provisions of law, the tentative statement of estimated expenditures and revenues heretofore submitted by the Supervisor is adopted as the Preliminary Budget of the Town of Poughkeepsie for the fiscal year beginning January 1, 2010 and such Preliminary Budget is on file with the Town Clerk's Office of the Town of Poughkeepsie for public inspection; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 28<sup>th</sup> day of October, 2009 on the Preliminary Budget for the fiscal year beginning January 1, 2010, provided, however, if said notice cannot be published on a timely basis, then the public hearing shall be held on 4<sup>th</sup> day of November, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, New York, at which time all interested parties will have the opportunity to be heard, which Preliminary Budget was approved by this Board and filed with the Town Clerk; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized, empowered and directed to advertise said public hearing in the Poughkeepsie Journal no less than five (5) days prior to the public hearing and to post same on the Town Clerk's bulletin board; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

SO MOVED: Supervisor Myers/M. Cifone

Councilman Baisley: Why do we have to actually adopt a preliminary budget?

Town Attorney Mahar: Because the Town law of the State of New York requires it.

Councilman Baisley: If we just left it out there, where would we stand? Why can't we wait until we adopt the whole budget?

Town Attorney Mahar: You have to adopt it and set the date for the public hearing and you have to give at least 5 days notice between the adoption of the preliminary budget and the public hearing.

Councilman Seminara: Section 106 says that we have to adopt a preliminary budget?

Town Attorney Mahar: Yes, we do.

Supervisor Myers: Right, you can make changes, but you still have to go forward with it.

Town Attorney Mahar: Ok, you want to amend it. Instead of the 4<sup>th</sup> day of November, you want it the 28<sup>th</sup> day of October 2009.

Councilman Baisley: Right.

Town Attorney Mahar: How about if we just add a safety clause here stating: "Providing, However, in the event the Poughkeepsie Journal can not publish it in time, we will have the public hearing on the 4<sup>th</sup> of November."

Supervisor Myers: Good idea.

Councilman Tancredi: The only thing I would like to add is; I think it's imperative that everyone of us should look at this Budget and try to make some changes. The Supervisor stated that she did her best with this, but I think more work could be done and needs to be

done, because what I hear every day the residents say the same thing, the people can't afford to pay the taxes. It's been brought up in the past few weeks the Fire Taxes, that's on people's minds for sure, but so is the Town Budget and so I would encourage each of you to get the Budget and look it over and if you find something you have a question on, get in touch with Jay Baisley, Chairman of the Finance Committee, and he will bring it up at a meeting of the Committee.

Councilman Krakower: If the Budget is not on the website, can we please get it up there, it's public record at this point. Let the public see it and give us some input.

Supervisor Myers: Ok, the Amendment is to set the date for October 28<sup>th</sup>, 2009 with a contingency date of November 4<sup>th</sup> in case we can't get the publication in the Poughkeepsie Journal on time.

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

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

10:21-SC 2 AUTHORIZE Agreement With Mobile Life Support  
SUPERVISOR Services, Inc. For Ambulance Service  
TO SIGN For The New Hamburg Ambulance  
District For Years 2010 & 2011

#### AMENDED RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute an agreement with Mobile Life Support Services, Inc. for ambulance service for the New Hamburg Ambulance District for the calendar years 2010 & 2011, which cost to the Town is \$2,650.00 per month (\$31,800.00 yearly) for calendar year 2010 and \$2,729.50 per month (\$32,754.00 yearly) for calendar year 2011, pursuant to the agreement attached hereto.

SO MOVED: J. Baisley/D. Seminara

Councilman Baisley: The only thing, this service has been working very well down there and basically works off of an insurance company reimbursement and there is no cost increase this year at all because of out of district people they are picking up out of the malls and things like that and the fact that the South Hills Mall is growing, they may not see an increase after the next cycle because more of the out of district people are picking up the insurance and that's how they are getting their revenue, it's not affecting the tax payers in that area and it's definitely a bonus. That is how they are getting their revenue.

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

#### AGREEMENT ATTACHED TO FINAL BOOK COPY

10:21-SC 3 APPROVE Waiver of 30 Day Review Period For  
Liquor License Renewal For Z & T Galazka  
Corporation D/B/A Juliet Café & Pizzeria  
Located At 60 Raymond Avenue

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Z & T Galazka Corporation, d/b/a Juliet Café & Pizzeria, 60 Raymond Avenue, 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: D. Seminara/J. Baisley

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

Nays: None

CARRIED: 7-0

10:21-SC 4 APPROVE

Change Order #1 For Contract For  
"Schoolhouse Lane Road Improvements"

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve Change Order #1 for the contract for "Schoolhouse Lane Road Improvements, Contract #09-004 in the amount of \$334,997.60", which decreases the sum to \$266,206.55, a difference of \$68,771.55, 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: J. Conte/T. Tancredi

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

10:21-SC 5 NOTIFICATION

Town of Wappinger Zoning Board of  
Appeals Public Hearing October 27, 2009  
At Wappinger Town Hall For Sign  
Variance For Quick Cash Located at  
1708 Route 9

#### NOTED BY TOWN BOARD

10:21-SC 6 NOTIFICATION

Town of Wappinger Public Hearing On  
November 9, 2009 At Wappinger Town  
Hall To Introduce A Local Law  
Amending The Town Code Regarding  
Handicap Facilities.

#### NOTED BY TOWN BOARD

10:21-SC 7 AUTHORIZE

Final Payment To J & A Roofing For  
Completing The Roofing Contract For  
Spackenkill Pump Station

#### RESOLUTION

WHEREAS, J & A Roofing has heretofore completed the roofing contract for the Spackenkill Pump Station; and

WHEREAS, the manufacturer's representative inspected the roof and upon their approval sent to the Town of Poughkeepsie a 15 year warranty, copy attached; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the payment in the sum of \$30,400.00, which is the balance due.

SO MOVED: M. Cifone/S. Krakower

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: Supervisor Myers/S. Krakower

CARRIED: 7-0

Doreen Tignanelli: This is the way to save the taxpayers some money, hopefully. Do you remember on September 2<sup>nd</sup>, Mr. Algier, who owns Van Guard site in back of the Olive Garden. The site has been going on for 10 years now. Well, Mr. Algier had assured you it would be done in four weeks, which would have been September 30<sup>th</sup> and then the Planning Board extended to October 12<sup>th</sup>, and at last week Planning Board Meeting, they now extended it again and this time it is October 29<sup>th</sup>. Now, the part about the taxpayer money is, they have scheduled a special meeting on the 29<sup>th</sup> at 5 PM specifically for Mr. Algier and I resent, as a taxpayer, having to pay for each Planning Board Member to attend that Planning Board Special Meeting when Mr. Algier has been a scoff law for 10 years and I don't want to have to be financing this Special Meeting and money for a field trip for each Planning Board Member. That comes out of the Town Budget, not payments by Mr. Algier. This is not the first Special Meeting they have scheduled for him at Mr. Cantor's request. Why should we as tax payers be spending this money for these Special Meetings? What can be done about this?

Councilman Seminara: We did pass that resolution, did we not? I think the time is up on that, correct?

Town Attorney Mahar: The time is up on the Bond procedure itself. I did not realize that they had been extended again.

Doreen Tignanelli: Well, this has dragged on a long time and this is a Special Meeting just for him and as a taxpayer, and I'm sure other residents of the Town, do not want to pay for it.

Council is going to look into it by talking to Neil Wilson regarding it.

Jim Baretta: Just a couple more things on the Frank Algier's thing, I just want to remind you that the Town is in this situation because Richard Cantor, the attorney, argued on behalf of his client in front of the Planning Board that they should not be doing daily or weekly inspections and he argued that his client had already spent a lot of money and he didn't want him to continue spending that money. The Planning Board agreed with that. Now, this thing has flipped around and instead of Algier paying the money, the taxpayers are. Richard Cantor comes in here and sweet talks the Planning Board and not just on this project, but lots of projects. Don Beer, the Engineer didn't want to go along with the extension of this Van Guard thing. He said, "Things are not coming along fast enough" and he basically didn't want to go along with it.

Councilman Cifone: Well, calling the bond pretty much sets everything in place and we will certainly reach out to the Planning Board and see what they were thinking.

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

CARRIED: 7-0

Town Clerk Miller: I'm sure that the Board knows and public knows that we have on the Town of Poughkeepsie website under "What's new" the notice of the Public Hearing and the Budget posted for each of the Fire Departments.

Supervisor Myers: Yes, we do.

SUPERVISOR MYERS ANNOUNCED THAT ON THURSDAY, OCTOBER 22, 2009 AT 3:30 PM, THERE WILL BE A RIBBON CUTTING AT CRESTWOOD PARK FOR THE OFFICIAL OPENING OF THE NEW PLAYGROUND DESIGN BY KABOOM, AND SPONSERED BY STOP AND SHOP IN THE PARK. THE PUBLIC IS INVITED.

10:21-ES 1 RESOLUTION

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

#### 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. Confidential Communication between Attorney and his Client, the Town Board, Based on Attorney/Client Privilege

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

SO MOVED: J. Baisley/

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

Nays: None

CARRIED: 7-0

BOARD MEETING ADJOURNED AT 8:50 PM

BOARD INTO EXECUTIVE SESSION AT 8:55 PM

BOARD BACK FROM EXECUTIVE SESSION AT 9:08 PM

NO ACTION TAKEN FROM EXECUTIVE SESSION

BOARD MEETING CLOSED AT 9:09 PM

SJM:lkm