

**MINUTES OF A SPECIAL TOWN BOARD MEETING AND
COMMITTEE OF THE WHOLE MEETING HELD ON
DECEMBER 9, 2009 AT 7:00 PM AT TOWN HALL, ONE
OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

PRESENT: Supervisor Myers
Councilman Baisley
Councilman Seminara
Councilman Conte
Councilman Krakower – Arrived at 7:05
Councilman Tancredi
Town Attorney Mahar
Town Clerk Miller

ABSENT: Councilman Cifone

***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 speaking on agenda items: Supervisor Myers/
T. Tancredi

CARRIED: 6-0

Victor Gennodi: What is this Sheafe Road item?

Supervisor Myers: It's just more funding. It's paperwork for the State, nothing to do with
Tilcon.

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

CARRIED: 6-0

112:09-SM1 AUTHORIZE

Water Department to Physically
Disconnect The Frank Wells as a
Water Source

RESOLUTION

BE IT RESOLVED, that pursuant to the recent report from the Dutchess County Board of Health, a copy of which is attached hereto, the Town Board of the Town of Poughkeepsie does authorize the Water Department to physically disconnect the Frank Wells as a water source.

SO MOVED: J. Baisley/J. Conte

Councilman Seminara: Just a item of interest that we discuss now and then on the Infrastructure Committee and we can, with an investment, we could bring those wells up to the standard of water that we are getting from the Joint Water Board, so this does not really preclude us from doing that, but we could turn it on in an emergency. Indeed, we are already authorized for emergency use to use it, but it would require some investment if we wanted to use it regularly, so this is a wise move for us.

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

Nays: None

CARRIED: 6-0

DUTCHESS COUNTY BOARD OF HEALTH REPORT ATTACHED

TO FINAL BOOK COPY

12:09-SM2 APPROVE

Request of Timothy Beahan to Roll
Five (5) Weeks of 2009 Vacation Time
Into The Year 2010

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the request of Timothy Beahan to roll his 5 weeks of 2009 vacation time into the year 2010.

SO MOVED: D. Seminara/M. Baisley

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

Nays: None

CARRIED: 6-0

12:09-SM3 AUTHORIZE
SUPERVISOR

Second Amendment to the Tenancy
Agreement Between the Joint Water
Project Board & The Users Residing
On Cobey Terrace

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize Supervisor to sign, on behalf of the Town of Poughkeepsie, the second amendment to the Tenancy Agreement between the Joint Water Project Board and the users residing on Cobey Terrace, Poughkeepsie, NY, as outlined in the attached letter and resolution from the Joint Water Project Board.

SO MOVED: J. Conte/T. Tancredi

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

Nays: None

CARRIED: 6-0

LETTER ATTACHED TO FINAL BOOK COPY

12:09-SM4 ACCEPT

Site Improvement Bond Posted By
Thomas Gleason, Inc. On Behalf Of
TLP Land Contour At 204 Innis
Avenue

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Site Improvement Bond in the amount of \$19,000.00 posted by Thomas Gleason, Inc. on behalf of TLP Land Contour at 204 Innis Avenue, Poughkeepsie, New York, Grid #6162-15-736341, pursuant to the recommendation of the Assistant Town Engineer, a copy of which is attached hereto.

SO MOVED: S. Krakower/J. Conte

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

Nays: None

CARRIED: 6-0

12:09-SM5 NOTICE OF

Roger MacIsaac V. Town for Damage

CLAIM

To Basement From Sewer Blockage

REFERRED TO LEGAL DEPARTMENT

12:09-SM 6 AUTHORIZE

Sewer Department To Acquire and
Install a New Generator at the Cottage
Street Pump Station

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie having heretofore received a report in regard to the malfunction of the generator at the Cottage Street Pump Station, which has created a major health problem for those who have to work in the facility and a major health and safety problem for those properties that discharge into the system, does hereby declare said situation an emergency; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does authorize the Sewer Department to acquire a new generator for the sum of approximately \$30,000.00 plus \$10,000.00 for installation; and

BE IT FURTHER RESOLVED, that said Town Board does direct that said action be taken immediately.

SO MOVED: T. Tancredi/J. Conte

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

Nays: None

CARRIED: 6-0

12:09-SM7 AUTHORIZE

Special Consent Items SC 1, SC 2, SC 3

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby grant Special Consent to the following items; to wit:

- | | |
|---------------------------------|---|
| 1. Authorize Supervisor to Sign | Federal Aid Highway & Marchiselli
Aid Local Project Agreement for
Sheafe Road |
| 2. Notification | Richard Washburn v. ZBA, et al. |
| 3. Appoint | Van DeWater & Van DeWater, LLP
To Defend the Zoning Board of
Appeals in Washburn v. ZBA |

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: Supervisor Myers/T. Tancredi

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

Nays: None

CARRIED: 6-0

12:09-SC1 AUTHORIZE
SUPERVISOR
TO SIGN

Federal Aid Highway & Marchiselli
Aid Local Project Agreement For
Sheafe Road

WHEREAS, the **Sheafe Road: South Road to Channingville Road** Identified as **PIN 8760.85**, an Economic Recovery Project (hereinafter “the Project”) in the **Town of Poughkeepsie** (hereinafter “the Municipality/Sponsor”), **in 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 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 **\$1,600,000.00** 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 authorized 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 by 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: J. Baisley/J. Conte

Clerk of the **Poughkeepsie Town Board**
County of **Dutchess**

Councilman Seminara: I just want to note that these roads are more expensive when the Federal Government pays for them because there are a lot more requirements and a lot more paperwork to do. Item #2, I think it is well known to most people, we are running out now. I don't know how many billions of dollars that are deficient every year at the Federal level and so they are borrowing money and they can't live within their means and they are giving money away and three, this is not the right level of government. Funding this, could almost be construed as misuse of taxpayer's funds at the Federal Level.

ROLL CALL: Ayes: Councilmen Baisley, Conte, Krakower, Tancredi, and Supervisor Myers
Nays: Councilman Seminara CARRIED: 5-1

12:09-SC2 NOTIFICATION Richard Washburn V. Zoning Board of Appeals & Frank Perotta

REFERRED TO LEGAL DEPARTMENT

12:09-SC 3 APPOINT Van DeWater & Van DeWater, LLP To Defend the Zoning Board of Appeals in Washburn V. Zoning Board of Appeals For Article 78

RESOLUTION

WHEREAS, an Article 78 action has been filed against the Zoning Board of Appeals of the Town of Poughkeepsie by Richard Washburn; and

WHEREAS, the Town wishes to appoint the law firm of Van DeWater & Van DeWater, LLP as special counsel to defend the action, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint the law firm of Van DeWater & Van DeWater, LLP, 40 Garden Street, Poughkeepsie, NY 12601, as special counsel for the purpose of defending the Zoning Board of Appeals of the Town of Poughkeepsie at the rate of \$145.00 per hour; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie authorizes Van DeWater & Van DeWater, LLP to defend such legal action in the Dutchess County Supreme Court as may be necessary pursuant to Section 68-27 of the Town of Poughkeepsie Town Code on behalf of the Zoning Board of Appeals of the Town of Poughkeepsie.

SO MOVED: D. Seminara/T. Tancredi

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

Supervisor Myers: Just one announcement: The Legislature decided to put most of the non-sense they were going to take out, back into their budgets so that we won't be hit with \$100,000 worth of election expenses or anything like that. Other news is that, we were notified by the State Real Property Taxes Offices, that the State Aid, the maintenance aid we normally get, due to the Governor's recent legislative budget saving actions, is going to be cut by 12.5%, which is about \$7,000.00 to us.

Councilman Tancredi: They made us a promise when we did our re-val to entice us to keep everything at 100%, that they would help us fund it.

Supervisor: Well, everybody is being cut across the board 12.5%. They will still be providing \$60,000.00.

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

CARRIED: 6-0

Doreen Tignanelli: I know the Board is considering changing and amending some of the laws that have to do with fees in the Town and while you are looking at that, there was something else that I don't know if at the same time you can do any thing. Back in June I came before the Board and talked about the trees in front of TGI Friday's that had been somewhat damaged and that there were materials being stored in the drip line and the Planning Department really did try on a number of occasions to get them to clean up the site and take better care of the trees, but that really didn't happen because they ended up taking down one of the trees and another tree that was the most severely damaged, they left there. As far as I know, they did replace two or three small trees, 2" to 3", but these trees were like 10" to 12" and the way the Code is written, 146-4, "Position and Collection of Fees", it says, "Any trees that are removed in consistent with the approved plan, shall be replaced, in kind, and a payment of \$500 per each tree improperly removed, shall be paid to the Town of Poughkeepsie Open Space Fund." I don't believe that happened, because it seems there is some wiggle room as to what "Improperly removed" means, because they damaged the tree and removed it in conjunction with the Planning Department. Maybe you should say something like, "If damaged within in the result of the death of the tree. It's really not equal, because they replaced the tree with a 2" or 3" tree when it was about 10" to 12". Is that something you could look into in, because that is like a \$1,000 that could be paid to the Open Space Fund. My other comment, I don't know if the entire Town Board is aware, but Vassar College is going to be doing what they call a "Deer Cull", which is basically that they are killing deer on the Vassar College Farms property. They had to get a permit from the DEC, but my point is that they sent out a press release and an e-mail to the Vassar Community that not only that the Vassar Community is involved in this, but also the City and Town was involved in this as well. Well, I hardly miss a Town Board meeting and I didn't see Vassar come here and make any presentation to the Town. Again, whether you agree with this "kill" or not, I think, if they really want maximum participation, they should have come here and made a presentation to the Town Board and the people at home could also see it. They say, the "Campus and the community are very supportive of our decision" . I don't know how they can say that. Nobody asked me and I don't know how many other people in the Town they did ask.

According to further discussion, I guess immediate neighbors and the Town Councilman for the Vassar College Area were invited to a meeting at the College and were notified, however, Doreen felt the whole Town Council Meeting should have been aware.

Victor Gennodi: Last week I heard Neil Wilson talking about, permits, if you are putting in a new window , \$5 per window. It seems absurd, when you are talking about the government trying to make you save fuel oil and economics and everything and at the same time, someone has their hand out. You shouldn't have to get a permit to put new windows in your house and save the heat and all.

Supervisor Myers: I think you will see it different when it comes back.

Victor Gennodi: Oh, ok, because I was like, we were just overburdened that the taxpayers and residents on permits. People want to take care of their house but don't want to constantly be going to the Building Department to get a permit. People should be allowed to do things to their house without getting beat up. Take the handcuffs off the residents.

Councilman Seminara: You're absolutely right, as far as I'm concerned, the resident is the king of castle and the government should mind its own business and leave them alone on minor renovations and you should be allowed to do them. We did a similar thing with the Plumbing Codes at a recent meeting.

Town Clerk Miller: Are the people who are doing the CULLING of deer on Vassar College grounds, licensed deer hunters?

Supervisor Myers: The people who are doing it are special "White Buffalo" and they are sharp shooters and they will be coming in and the meat will go to food banks.

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

CARRIED: 6-0

TOWN BOARD MEETING CLOSED AT 7:16 PM

COMMITTEE OF THE WHOLE MEETING

7:20 PM

Town Attorney Mahar: There is only one item. There is a property owner by the name of O'Keefe on Salem Court who owns a piece of property that a subdivision was put in about 30 years ago and when the subdivision was initially approved it provided for a cul-de-sac at the end of Salem Court. It was never built. The adjacent property owner, O'Keefe, has this title objection because a piece of his property is supposed to be used for this cul-de-sac that was never built. The attorney for O'Keefe is asking whether or not the Town will issue a quick claim deed so Mr. O'Keefe can sell his property. I've given you a map.

Councilman Seminara: I think this needs to be referred to Marc Pfeifer, Highway Superintendent, to see if he's ok with it. Has he responded?

Town Attorney Mahar: No.

Councilman Seminara: I think we need to get that first and then, again, I doubt if we are going to put in a cul-de-sac, but, I think Marc should be given a chance to respond and I would like to be able to expedite this for this property owner.

REFERRED TO LEGAL DEPARTMENT

COMMITTEE MEETING

FINANCE COMMITTEE:	NO REPORT
FIRE ADVISORY	NO REPORT
GOVERNMENT OPERATIONS	NO REPORT
LAND USE	NO REPORT
PERSONNEL	NO REPORT
RECREATION	Councilman Tancredi: We had a meeting tonight. Discussed a topic we will bring forward at a near future meeting after we resolve it.
SENIORS	NO REPORT
TECHNOLOGY	NO REPORT
INFRASTRUCTURE	Councilman Seminara: Just a reminder that we have those roads and no real money in the bank, if you want to pursue those roads, the cost with the Federal funds, you would need to have some money in the bank and so if you want to consider, if you don't want to go with a full sized bond, you might want to go with ½ sized one at \$3 million or something so that you would be able to pave more roads for the next year or so.

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/
Town Board based on Attorney/client privileges.

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

SO MOVED: J. Baisley/T. Tancredi

CARRIED: 6-0

WE WOULD LIKE TO INVITE MR. SEAN EAGLETON
AND MR. RICHARD CANTOR AND MR. RICHARD LECKER
INTO EXECUTIVE SESSION

TOWN BOARD ADJOURNED AT 7:30 PM

INTO EXECUTIVE SESSION AT 7:35 PM

BACK FROM EXECUTIVE SESSION AT 8:26 PM

NO ACTION WAS TAKEN

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

CARRIED: 6-0

MEETING CLOSED AT 8:37 PM

SJM:lk