

**MINUTES OF A SPECIAL TOWN BOARD MEETING HELD ON  
DECEMBER 22, 2009 AT 4:00 PM AT TOWN HALL,  
ONE OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

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

**ABSENT:** Councilman Conte  
Councilman Seminara  
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 speaking on agenda items: Supervisor Myers/T. Tancredi

CARRIED: 4-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 4-0

Councilman Tancredi: McIntosh Drive, how did you get hold of that, Mike? I spoke to the Building Department a month or so ago and asked them to call me on this when they had any problems and I assumed they would.

Councilman Cifone: I don't know who you talked to, but I talked to Tim O'Conner, who was kind of spearheading it from my area of the Town and I guess he is a good friend of this gentleman and his wife. He kept sending photos and whatnot.

Councilman Tancredi: It's just that any constituents in my area, in the future, I would like to deal with them.

12:22-01 AUTHORIZE

Budget Modifications For The Highway Department

- A. Ice & Snow Expense
- B. – G. New Garage Roof

A.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the 2009 Budget, pursuant to the attached \*Budgetary Transfer Request Form submitted by the Highway Department, for ice and snow expense, as follows:

FROM:

DB 5150.0481	Contracted Services	\$15,000.00
DB 5140.0481	Contracted Services	12,000.00
DB 5142.0103	Overtime	23,000.00

TO:

DB 5142.0481	Contracted Services	\$15,000.00
DB 5142.0431	Materials & Supplies	12,000.00
DB 5142.0431	Materials & Supplies	23,000.00

SO MOVED: J. Baisley/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Cifone, Tancredi and Supervisor Myers  
Nays: None CARRIED: 4-0

\*ALL BUDGETARY TRANSFER REQUESTS ON FILE IN  
TOWN CLERK'S OFFICE

B.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the 2009 Budget, pursuant to the attached \*Budgetary Transfer Request Form submitted by the Highway Department, for new garage roof, as follows:

FROM:

A 5010.0402	Office Supplies	\$ 300.00
A 5010.0404	Advertising	2,600.00
A 5010.0406	Postage	100.00
A 5010.0421	Schools & Meetings	100.00

TO:

A 5010.0213	Building	\$3,100.00
-------------	----------	------------

SO MOVED: M. Cifone/T. Tancredi

ROLL CALL: Ayes: Councilmen Baisley, Cifone, Tancredi and Supervisor Myers  
Nays: None CARRIED: 4-0

C.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the 2009 Budget, pursuant to the attached \*Budgetary Transfer Request Form submitted by the Highway Department, for new garage roof, as follows:

FROM:

A 5010.0422	Travel Reimbursement	\$ 19.00
A 5010.0442	Repairs & Maintenance – Bldg.	8,500.00
A 5010.0444	Maintenance Contract	29.00
A 5010.0481	Contracted Services	200.00

TO:

A 5010.0213	Building	\$ 8,748.00
-------------	----------	-------------

SO MOVED: T. Tancredi/J. Baisley

ROLL CALL: Ayes: Councilmen Baisley, Cifone, Tancredi and Supervisor Myers  
Nays: None CARRIED: 4-0

D.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the 2009 Budget, pursuant to the attached \*Budgetary Transfer Request Form submitted by the Highway Department, for new garage roof, as follows:

FROM:

A 8510.0103	Overtime	\$ 8,200.00
A 8510.0402	Office Supplies	400.00
A 8510.0405	Advertising	3,000.00
A 8510.0431	Materials & Supplies	925.00
A 8510.0481	Contracted Services	2,027.00

TO:

A 5010.0213	Building	\$14,552.00
-------------	----------	-------------

SO MOVED: Supervisor Myers/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Cifone, Tancredi and Supervisor Myers  
Nays: None CARRIED: 4-0

E.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the 2009 Budget, pursuant to the attached "Budgetary Transfer Request Form submitted by the Highway Department, for new garage roof, as follows:

FROM:

A 8540.0431	Material & Supplies	\$4,000.00
A 8540.0481	Contracted Services	1,700.00

TO:

A 5010.0213	Building	\$5,700.00
-------------	----------	------------

SO MOVED: J. Baisley/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Cifone, Tancredi and Supervisor Myers  
Nays: None CARRIED: 4-0

F.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the 2009 Budget, pursuant to the attached \*Budgetary Transfer Request Form submitted by the Highway Department, for new garage roof, as follows:

FROM:

DB 5110.0409	Misc.	\$ 500.00
DB 5110.0431	Materials & Supplies	21,000.00
DB 5110.0432	Gas & Oil	30,000.00
DB 5110.0443	Repair & Maintenance – Equip.	14,000.00

TO:

DB 5110.0213	Building	\$65,500.00
--------------	----------	-------------

SO MOVED: M. Cifone/T. Tancredi

ROLL CALL: Ayes: Councilmen Baisley, Cifone, Tancredi and Supervisor Myers  
 Nays: None CARRIED: 4-0

G.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the 2009 Budget, pursuant to the attached \*Budgetary Transfer Request Form submitted by the Highway Department, for new garage roof, as follows:

FROM:

DB 5110.0454	Rental – Other Equip.	\$ 8,000.00
DB 5110.0481	Contracted Services	4,000.00

TO:

DB 5110.0213	Building	\$ 12,000.00
--------------	----------	--------------

SO MOVED: T. Tancredi/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Cifone, Tancredi and Supervisor Myers  
 Nays: None CARRIED: 4-0

12:22-2 AUTHORIZE Budget Modification For Street Light  
Repairs

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the 2009 Budget, pursuant to the attached \*Budgetary Transfer Request Form submitted by the Comptroller, to allow for additional repair of the Town’s street lights, as follows:

FROM:

SL 5182.0211	Other Equipment	\$3,000.00
--------------	-----------------	------------

TO:

SL 5182.0443	Repair & Maint.-Equip.	\$3,000.00
--------------	------------------------	------------

SO MOVED: Supervisor Myers/M. Cifone

Councilman Tancredi: Why are we moving this one to Repair & Maint.- Equip. instead of Building?

Supervisor Myers: Because this is for street lights. We are done with the roof.

ROLL CALL: Ayes: Councilmen Baisley, Cifone, Tancredi and Supervisor Myers  
 Nays: None CARRIED: 4-0

12:22-3 AUTHORIZE

Planning Department For Vacation  
Rollover For Brian Coons

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the rollover of six (6) days of unused 2009 vacation time to 2010 for Brian Coons.

SO MOVED: J. Baisley/T. Tancredi

ROLL CALL: Ayes: Councilmen Baisley, Cifone, Tancredi and Supervisor Myers  
Nays: None CARRIED: 4-0

12:22-4 AUTHORIZE  
WAIVER

Liquor License Waiver of 30 Day Holding  
Period By Town For El Ameer Mediterranean  
Cuisine Located at 260 North Road, Unit 1

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from El Ameer Mediterranean Cuisine, Inc. for a waiver of the 30 day review period for renewal of liquor license; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the thirty (30) day review period and does authorize and direct the Town Clerk to forward a letter of waiver and consent, pursuant to the attached request.

SO MOVED: M. Cifone/T. Tancredi

ROLL CALL: Ayes: Councilmen Baisley, Cifone, Tancredi and Supervisor Myers  
Nays: None CARRIED: 4-0

12:22-5 NOTICE OF  
PUBLIC HEARING

Town of Lloyd For Public Hearing On  
January 6, 2010 at 5:00 PM at Town of  
Lloyd Town Hall in Highland Concerning  
Proposed Rezoning of Local Law for  
Highland Square Project

NOTED BY TOWN BOARD

12:22-6 AUTHORIZE

Termination of NYMIR & Rose &  
Kiernan & Then Award Insurance  
Bid to Ralph Ellis Insurance  
Company

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, upon review of the quotes heretofore submitted, does hereby advise New York Municipal Insurance Reciprocal and Rose & Kiernan, pursuant to the terms of the subscriber's agreement, that the current insurance policies and the subscriber's agreement will be terminated on January 1, 2010, and

BE IT FURTHER RESOLVED, that said Town Board does award the insurance bid to the Ralph Ellis Insurance Company with the understanding that the Town will have continuous insurance coverage; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized and directed to forward this notice to Rose & Kiernan, as our insurance agent and New York Municipal Insurance Reciprocal, as our current insurance provider.

SO MOVED: T. Tancredi/J. Baisley

Councilman Baisley: We were going over the budget and I sat down with Jim, one of the last items coming in, we were going to take \$50,000 out because we are guesstimating a \$100,000 savings. When we got all done, it was closer to \$200,000 savings. So, it was something we wanted to move forward with. There was a letter to the Editor in the paper about our budget being nothing but smoking mirrors, but our budget was all about cash and doing the right thing for the residents of the Town of Poughkeepsie. I would like to set it straight, it wasn't \$50,000, it was closer to \$200,000 that we are saving. I would like to thank Jim for spearheading this during the budget time because it was a restrained time and we pushed forward to get it done and it got done. I think it will give us a little bit of a cushion in next year's budget.

Councilman Tancredi: Jack Smith is here if any one has any questions. Jack is in charge of the insurance company, Ralph Ellis. Jack is a Town resident and Ralph Ellis has a branch in Arlington, which is nice, and he is also headquartered in Newburgh with the parent company and I appreciate what Jack did in preparing this. He spoke with the attorney a number of times and met with a number of department heads trying to make sure that he doesn't only roll over what we have, but to be sure that we have adequate coverage that we need as a Town and I think he did a good job for all the Town residents and gave us such a competitive quote.

Jack Smith: The only thing I was going to mention that I didn't hear in the Resolution and I wasn't sure what your approach is about was relative to the Workmen's Compensation policy, which is currently with PERMA who we also represent in order to keep everything coordinated, especially relative to loss control services. My suggestion would be that you move that to our firm as well through our broker record letter, which we could then work on during the course of the year to try to mitigate expenses on as well.

Supervisor Myers: Is it ok if we wait until the first meeting in January to do that? Thanks for bringing that up, I don't think anyone was aware of that.

Jack Smith: Ok, fine.

ROLL CALL: Ayes: Councilmen Baisley, Cifone, Tancredi and Supervisor Myers  
 Nays: None CARRIED: 4-0

12:22-07 SET DATE FOR A PUBLIC HEARING Amend Town Code, Chapter 195, Entitled "Vehicle & Traffic", Specifically Section 195-41, Schedule VI, Entitled "Prohibited Turns At Intersections" For Right Hand Turns Only for Beck Place at Intersection Of Fulton Street From 2:00 PM to 6:00 PM Monday Through Friday

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 20<sup>th</sup> day of January {2010} at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, to consider an amendment to the Town Code Chapter 195, entitled "Vehicle & Traffic, specifically Section 195-41, Schedule VI, entitled "Prohibited Turns at Intersections", which amendment would be as follows:

DELETE:

Name of Street	Direction of Travel	Prohibited Turn	Hours	At Intersection of
Beck Place	North	Left	2:00 PM to 6:00 PM/Monday to Friday	Fulton Street

ADD:

Article II Section 195-16. Right Turns Only

The intersections described in Schedule XXVI (Section 195-62), attached to and made a part of this chapter, are hereby designated as right turns only intersections. Right hand turn signs shall be installed as provided therein.

ADD:

Section 195-62. Schedule XXVII: Right Hand Turn Only.

Name of Street	Hours	At Intersection of
Beck Place	2:00 PM to 6:00 PM Monday to Friday	Fulton Street

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

SO MOVED: M. Cifone/T. Tancredi

Councilman Cifone: This was just an oversight on our part, we didn't want the traffic making a left so we made them go right between the hours of Marist College being out, and however, we realized people were going straight across to Home Depot causing the same nightmare we were trying to avoid.

Supervisor Myers: There has been a lot of extenuating circumstances here and we should act accordingly.

ROLL CALL: Ayes: Councilmen Baisley, Cifone, Tancredi and Supervisor Myers  
Nays: None CARRIED: 4-0

12:22-8 AUTHORIZE WAIVER Building Permit Fee for 9 McIntosh Drive For A Deck, Wheel Chair Access Ramp & Driveway

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the Building Permit fee for the home of Bill Johnson, 9 McIntosh Drive, Poughkeepsie, NY, for a deck, wheel chair access ramp and driveway.

SO MOVED: T. Tancredi/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Cifone, Tancredi and Supervisor Myers  
Nays: None CARRIED: 4-0

#### NO PROPOSED ITEMS FOR CONSIDERATION UPON SPECIAL CONSENT

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

CARRIED: 4-0

Victor Gennodi: Thanked Mr. Baisley for his service over the years on the Council and that it was a pleasure working with him. He contributed a lot to the Town and was appreciated by the residents of the First Ward. He said that "Maybe Santa Claus will bring the signs for Sheafe Road". Mr. Gennodi said he was going to be missed and hope the predecessor is going to be as good as he was and he wished him the best in his private life.

Supervisor Myers: We will speak to the Chief.

Councilman Baisley: I think they are up. The one on Delaverne is already up, so Merry Christmas. They put it up last week.

Victor Gennodi: Also, hopefully, we can get a resolution about what the Planning Board had done by taking away from the residents in the area, the hours of operation with Tilcon at 3 AM in the morning. We would like you to look into that and roll that back. Now we are going to lose our Town Attorney and it seems the Deputy Town Attorney, who I didn't realize before, is Dave Hagstrom, and I hope we don't have the "Fox guarding the Hen House". I'm not too pleased over that because I asked to have him removed or reprimanded because I felt he had no right to take those hours from the residents.

Councilman Tancredi: I don't have all the facts, for sure, but I asked around and asked John Weisman about this. There seems to be a big misunderstanding somewhere because I was informed that the Planning Board didn't approve a 3 AM hours of operation. So, I don't know where the confusion is.

Town Attorney Mahar: They never got that. John Weisman signed the site plan on the 18<sup>th</sup> of December. The actual hours of operation for the relocated asphalt plant are 4 AM start time. There is nothing in here about 3 AM. No one has touched the Noise Ordinance. The Noise Ordinance is a Local Law, it has the same force and effect as a law passed by the NY State Legislature. No one can touch that Local Law but a Judge or the Town Board. The Planning Board has absolutely no authority to attempt to modify it, water it down, increase it, decrease it, only the Town Board and they did nothing. The idea that a business starts at 4 AM or 3 AM is not automatically a violation of the Noise Ordinance.

Councilman Tancredi: They can still be ticketed for the Noise Ordinance if a truck is too loud.

Town Attorney Mahar: I think the problem is, not with our Local Law, the problem is with enforcement and I tried to get hold of the Chief today, but he was out. Last week I spoke to the Chief and 20 years ago the meters that measured the noise were expensive and cumbersome to handle. They are now hand held and they are automatically calibrated so I asked him to please check into the source and how much they are so the Board could approve acquisition so these police officers have something to fight with. That is the answer to your problems.

Councilman Tancredi: Jay, do you know how much the fine is for the noise ordinance?

Councilman Baisley: No.

Councilman Tancredi: Maybe it would be worthwhile to put a police officer on down there and give tickets and the tickets issued would pay for the overtime salary for him to be there.

Victor Gennodi: They closed one of their plants over in Newburgh. We feel that they are going to let this plant take up the slack. That means we are going to have a greater amount of noise and crazy hours of operation and no quality of life. They reason they want to move this plant is because they couldn't start up until 7 AM over there because there was a lawsuit many years. The purpose of them moving it was for them to save money, the purpose was to move up the time and have more hours of operation. We have been fighting this for 20 years.

Town Attorney Mahar: If you go back and read the notes on the filed map that was just signed by Chairman Weisman, you will see on page 2 and page 5 extensive notes and restrictions in regard to noise and operation. I think they heard you and they are trying to accommodate you, again it comes to the question of enforcement.

Victor Gennodi: Thank you from the bottom of my heart, really. I am so pleased to hear that. We just want our quality of life and I apologize to anyone on this Board if I have offended anyone, but you have to understand, we have been fighting this 20 years.

Marc Pfeifer: I didn't get to make the last Board Meeting and to Jay and Tom I just wanted to say thank you, you will definitely be missed. It's been a pleasure to work with you two as well as the rest of the Board. You've always been a help to me.

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

CARRIED: 4-0



RESOLUTION

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

1. Personnel Matters, to wit: To discuss the employment history of particular individuals who need not be identified at this time.
2. Confidential communication between attorney and his client/Town Board based on Attorney/Client Privileges.

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

SO MOVED: J. Baisley/T. Tancredi

ROLL CALL: Ayes: Councilmen Baisley, Cifone, Tancredi and Supervisor Myers  
Nays: None CARRIED: 4-0

TOWN BOARD ADJOURNED AT 4:32 PM

BOARD WENT INTO EXECUTIVE SESSION AT 4:33 PM

BACK FROM EXECUTIVE SESSION AT 4:35 PM

12:22 – PES 1 APPROVE

Transfer of Michelle Robison From  
The Legal Department to the Sewer  
Department

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the transfer of Michelle Robison from part time Legal Secretary to part time Account Clerk in the Sewer Department, effective January 1, 2010 at hours to be established by the Sewer Department at the Grade 3 Step 1 hourly rate of \$15.34.

SO MOVED: J. Baisley/Supervisor Myers

ROLL CALL: Ayes: Councilmen Baisley, Cifone, Tancredi and Supervisor Myers  
Nays: None CARRIED: 4-0

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

CARRIED: 4-0

TOWN BOARD MEETING CLOSED AT 4:36 PM

SJM:lkm