

**MINUTES OF SPECIAL TOWN BOARD MEETING AND  
COMMITTEE OF THE WHOLE MEETING HELD ON  
APRIL 14, 2010 AT 7:00 PM AT TOWN HALL, ONE  
OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

**PRESENT:** Supervisor Myers  
Councilman Eagleton  
Councilman Cifone  
Councilman Krakower  
Councilman Tancredi  
Town Attorney Hagstrom  
Town Clerk Miller

**ABSENT:** Councilman Lecker  
Councilman Conte

**\*NOTE:** Attachments pertaining to a particular Town Board Meeting will be found after the final 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/ M. Cifone

CARRIED: 5-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 5-0

04:14-SM 1 APPROVAL  
MUNICIPAL  
DEVELOPMENT

Business Park Designation For  
Neptune Commerce Center On  
Route 9 (TC Development)

David Kaminski, Developer: The project is simply a redevelopment program for the corner of Route 9 at Neptune Road. Neptune Commerce Center is TC Development's proposal for a significant redevelopment project within the Town of Poughkeepsie. To bring this to fruition we seek a public/private partnership between our own company, the firms we represent, Neptune Capitol investors and Oakwood Partners, Spackenkill Union Free School District, the Town of Poughkeepsie, and the Dutchess County IDA. What results are desired by this project; first and foremost, the creation of jobs. Most important function of a redevelopment project is to create jobs and that's goal #1 for this project. Second most important part of this project is to, not only

to increase the tax base, but to stabilize it within the Spackenkill School District, which is critically in need of additional commercial development on the Route 9 corridor. TC Development Corporation first came into the Town of Poughkeepsie, Dutchess County, in 1988 and we were asked by the Stop and Shop Super Market Company to take a look at the only store they had in New York State, at the time, which was in the old Stop and Shop/Bradlees Plaza. We worked with them and with IBM, Toy R Us through many obstacles over a 5 to 6 year period where finally in 1994, we got the approvals to proceed with the redevelopment of that project. It is now known as Post Road Plaza. We continued after that development and we did the Spackenkill Plaza, across the street, which is Pier One and Starbucks. We then redeveloped the then Old State Farm office building and renamed it Riverside Office Park 2 and that is on Route 9 behind the existing Marriott Courtyard Hotel. Finally, the last project we completed just last year, is the Oakwood Commons Business Park on Route 9 which features the two five story office buildings. In total, our company has developed in the Town of Poughkeepsie, over 300,000 sq. ft. of retail space, 150,000 sq. ft. of office space and 140,000 sq. ft. of warehouse Space. (He showed an aerial view of the sites) The sites have signalized access onto Route 9, has municipal water and sewer on site. It was formally used as a heavy IBM manufacturing site and it is currently zoned for not only light industrial, R & D and Office, but for also retail. We want to have a positive impact, not only on the Dutchess economy, but the Town of Poughkeepsie's economy as we've had for so many years. We want to re-develop the existing two rear buildings that I just showed you and create 85,000 sq. ft. of high end green manufacturing flex space and several new out parcels along Route 9. We want to create a green manufacturing center and provide an increase in taxes to the Town and the Spackenkill School District. This is the proposed site plan at this point. It basically features, these are the two buildings in the rear that will remain and the front buildings would be removed and completely demolished from the site to make way for the out parcels along Route 9. We would then create high end flex space. Flex space is space that is used from a combination that can be used by a contractor or warehouse or R & D or for lab uses which is a combination of front office space, storage space, R & D space, warehouse space and for potentially small retail. Currently the 8.82 acres has 145,000 sq. ft. of vacant unusable warehouse and manufacturing space and part of the property is a NY State DEC class 4 hazardous waste site. (Tax breakdowns to Town and Spackenkill School District is in redevelopment plans attached to final book copy). We have no jobs on that site. We want to create new jobs. After the site is built, we project more than 100 new permanent jobs on the site. The estimated investment to turn this project around, this does not include the out parcels, but private investments from us, is approximately \$18.7 million in total investment, which is made up of the renovation of the buildings, the site improvements that have to be made and the soft costs to take this project to fruition. In addition, we are projecting about a \$3 ½ million cost of the tenant sit offs in the two warehouse buildings. The purpose of why we are here tonight, is we are targeting rents at \$15 to \$18 per sq. foot to attract new manufacturing R & D and light industrial tenants. Taxes, however, need to be in line with this rent proposal. At approximately \$4 per sq. ft. initially over the flex warehouse space. Neptune Capital Investors, which is the current owner of the property, will seek Dutchess County IDA funding and a pilot tax program with the Town of Poughkeepsie and the Spackenkill School District. The request to the Town Board #1 is for Business Park designation. Town Board approval is required under your Code prior to site plan application to the Planning Board and so we have submitted to you a complete package as required by the Ordinance and the Code explaining the Business Park application, what we want to do and what the uses are. The

applicant has submitted that proposal to show that we are in technical compliance with all of the Business Park requirements as stated in your Code. Section R210, 60A of the Town of Poughkeepsie Code says that the “Business Park is to encourage the development of well designed business parks, included, but not limited to, sites where existing Highway/Business Retail and Industrial uses are no longer viable and have fallen into disuse. It has been determined that the physical integration of mixed used business and business related uses will provide a more coherent land use pattern, thereby preserving property values and maintaining the visual and aesthetic environment.” Our submittal, in our opinion, shows complete compliance with the requirements for the Business Park designation and also includes an agreement that has also been negotiated with Town Board members as well as Town Counsel for certain restrictions of certain uses on the property. We are respectfully, this evening, requesting your approval of the Business Park designation for this 8.82 acre parcel.

STEP 2: Is to request Town Board approval and consideration of a pilot tax program. The letters PILOT stand for “Payment In Lieu of Taxes” and it is nothing but a negotiated tax payment instead of being a process where the Assessor comes up with a value on the property, and then a tax rate is applied to it. This is a pre-determined tax amount that would be paid through Dutchess County IDA to the Town and School District for Real Estate Taxes. Neptune Capital Investors has already obtained the support and the unanimous approval of the Spackenkill School Board and District for this tax program outlined to you today in the (attached Outline – page 6 & 7). The main reason we are asking for the PILOT program is to bring the tax level for this property in line with other school districts in the Town of Poughkeepsie, such as Arlington and Wappingers. Secondly, is for the new creation of new taxes and jobs and critical assistance to the Spackenkill commercial tax base which is presently subsidizing the residential owners within the Spackenkill School District due to the Homestead Act. We are seeking Town Board approval for the PILOT tax program and it’s the Town’s investment in assisting us with the redevelopment of this vacant, obsolete and polluted parcel. We are requesting your approval to assist us bringing down the taxes to an amount which allows us to redevelop this property. It is your investment that brings more taxes to yourself and to the school district rather than leaving the property in its current state. There is one more piece of the puzzle that needs to be discussed tonight.

SENIOR CENTER: I would like to go back and speak about history, because some time has past since the original Senior Center was brought up before this Town Board. It was originally suggested by Oakwood Partners as a means to resolve a title issue that came up with the Oakwood Commons Project. Just before we closed, we had a surveyor come out that showed us that there was an old “Paper Road” that was previously approved by the Town of Poughkeepsie Board some 30 or 40 years earlier, that was never built. We needed to rid ourselves of that road and be able to move forward without that road. Rather than taking the legal method of trying to rid us of that road, we sought a solution so that we could proceed with the Oakwood Commons Project. We paid the Town \$25,000 cash to offset its expenses. They removed it and Oakwood Partner’s made a commitment and Neptune Capital Investment made a commitment at that point that we would work with you to build a new Senior Center. The commitment by Neptune on the Neptune site, is that we would lease to the Town approximately 4,000 sq. ft. at \$1 a sq. ft., \$4,000 base rent, and the Town would be paying taxes, common maintenance and insurance on top of that and to build out the premises, Oakwood Partners told the Board at that time that we

would gift \$100,000 toward the build out of that space. We have seen a delay in that project for several years. Primarily, because our having to get a grasp with what we were dealing with with a Class 4 hazardous waste site. We spent over \$350,000 in money investigating and doing air quality tests, underground soils tests, working with IBM on the site that now has a pump and treat system in discussions with DEC trying to understand what we were going to face #1 if we ripped buildings down and #2 to redevelop the buildings, what we needed to do. We believe we are at a point now that we know we can proceed with this project. We have a good grasp on what it will take to redevelop and protect tenants in the two rear buildings. We do not have a clue what we will face when we rip the front building down. We may find a hot spot or several hot spots of contaminated soil, which could cost an unknown amount of money to clean up and remediate. Something we are prepared to do. The second piece of the puzzle was a change in the economy, a lack of tenants, a lack of financing, that was the major piece of the puzzle in trying to be able to proceed with this project and being able to move forward with it. In meeting with Town Board Members, we recently suggested that an investment in a Senior Center on the Neptune Site under a ten year lease might not be the best alternative for a Senior Center long term. It certainly would not create a permanent Senior Center. It would be created for ten years and have money invested into something that was only a lease for ten years. Councilman Krakower suggested that we review the so-called "White House" building on the Town Hall campus. We hired a local architect and engineer and we have done a preliminary review of that building and looking at the ability of what can be done with that building. It is now vacant and not being used and what could possibly be done to make that the Senior Center. What is before you tonight is three-fold. #1 – It would be for our firm working with the Town to work on a contract to renovate and expand the "White House". (Plans are attached to final book copy – Page 9). Oakwood Partners would continue with this obligation by making a gift of \$100,000 in lieu of the lease at Neptune, Neptune Capital Investors would also make a gift of \$100,000 to create this new Senior Center right on Town Property that has the added benefit of being a permanent home for the Seniors that the Town would own and operate. In addition to the \$200,000, TC Development will pay for the plans to be prepared. We would like to come back with what it would actually cost the Town in addition to the \$200,000 gift and then sign a formal contract with the Town to proceed with the "White House" for the new Senior Center. If this would not work out, we would return to the proposal at the Neptune site.

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

CARRIED: 5-0

Patricia Pinckney: I'm a Spackenkill resident and a former member of the Planning Board in the Town of Poughkeepsie. I'm involved with the seniors in the Town and we have been looking for an adequate home for our seniors. We really found out about this proposal very late in the game, like yesterday. So, we really haven't had an opportunity to study everything. I don't know what the proposal is for the "White House" square footage, but 4,000 sq. ft. is what was proposed initially on the Neptune Road Development. I feel that \$200,000 really doesn't go very far today. One of the first things I learned in college when I took my courses in bookkeeping and accounting was liars figure and figures lie. I think that you can hear what I'm saying. Right now I think that I'm not sure that the Town Board probably has had enough time to digest things,

also. I was totally unaware of this PILOT Program. I also can say as a resident of the Town of Poughkeepsie is that my taxes have gone up substantially, even with the Oakwood Commons and the Development in the Spackenkill area. That includes not only my Town taxes, but my School taxes as well. I have a friend who lives in Millbrook and his house is twice as large as mine and pays half the taxes I do. I really wonder if this will decrease the taxes as this has been proposed. Also, another factor I am somewhat concerned about is the \$200,000. That amount doesn't even build a house today and not only that, the proposal for the Senior Center at the "White House" looks inadequate as far as I can see. It doesn't look like it will be enough. I would like to see us have something that will work not only now, but will grow with us in the future and be something that the Town could be proud of. I'm not too sure this will work. I would like to keep an open mind, but I see many buildings in the Town that are vacant and could be used. We have buildings all over the Town that are empty screaming for people to come in and left and right people are leaving their buildings and moving into other buildings. I would propose that we Table this until a better solution comes up because at this time I am not happy with the proposal.

Councilman Krakower: The proposal for the "White House" still has proposals going on and that is part of the resolution. If we don't do anything with the "White House", we would be reverting back to the Neptune Road Option. This adds something to the table, but doesn't necessarily take anything off the table at this point.

Gabriel Ponte: I am a member of the Town of Poughkeepsie Senior Citizen's Committee and our main goal and objective is to look for a Permanent facility for the seniors of the Town. We have been meeting now for some time and we have looked over various facilities and we are here tonight to address a proposal you have before you. We didn't know about the proposal until yesterday afternoon. We haven't had time to look at Mr. Kaminski's plans or to actually study them. What is being proposed tonight is quite different than what it was when we first met. We were originally talking about 4,000 sq. ft., now we are down to 1,000. The plans are attractive, but what I am requesting this evening on behalf of the senior citizens is that this proposal be tabled to give us an opportunity to study the plans. I want to thank the Board for proceeding with what appears to be your interest in providing something for the seniors. We, however, would like to have the opportunity to study and review the proposal and then come back as a Committee that was appointed by the Council with our recommendations to both you and perhaps Mr. Kaminski.

Town Attorney Hagstrom: None of these computations are binding. The first is only a concept approval. We have to go through all the environmental renovations on Rt. 9. The second one is only acknowledging an offer. (inaudible) The PILOT agreement does not call for a final agreement. The IGA means that there is support. They will not act on it until the Town gets support, (inaudible). The Planners will be looking at this and also (inaudible). I can assure you, from the legal viewpoint, these are (inaudible).

Councilman Krakower: And we are adding another option to the table, we are not taking anything away and this is still in progress. I think the "White House" has a lot of possibilities and we definitely want to get the input from you and the seniors as well before we actually move forward with anything definite.

Councilman Tancredi: This is certainly anything written in stone. This is not necessarily what we are going to do. Mr. Kaminski only gave us an option. We have been told by the seniors that they clearly are tired of waiting. The option that this gives us is the possibility of moving forward, regardless of what happens on Neptune Road, and it will allow us to move forward at a quicker pace. I think there are a lot of positive points to the “White House” but Neptune is still a fall back position. From my point of view, it responds to the concerns that the seniors have presented to me over and over and that is that they are tired of waiting, they want something soon and in our life time and I agree with them and I think that is what this proposal could offer us. When we get something concrete in place, we will open up to the seniors and get ideas as to what the seniors need, etc.

Councilman Cifone: We also have another option to put construction trailers on Town property by the Police Station for a senior center and so we do have another option to go to if this doesn't come to your liking.

Ann Shershin: You say the “White House” is empty, but that isn't quite the case. The Town Historian has her office in there and it still houses the records for the CAC., and that's where their meetings are held. You have to consider where to house them and the other concern I have with the “White House” is parking. That is a tiny parking lot. There are no parking spaces especially in the winter time after plowing event.

Councilman Krakower: There is no big issue with the CAC and Historian, we can find room for them in this building somewhere. That was something that was supposed to happen last year. So, that's not a big issue. We do plan on addressing the parking issue and a path to connect from the “White House” to the parking area.

Unidentified speaker: Perhaps we are using the wrong phraseology. When you say “Senior Citizens” or Senior Center, it comes across that it is only for seniors. Perhaps we should call it a community center. It's up to the Council to decide who meets there and what committees meet there and what activities take place there. Maybe during the day Seniors can meet there, but then you can decide who uses the facilities, say at night.

Councilman Krakower: When you look at the proposed floor plan, it would allow for groups to meet in that building on off hours and I don't think the CAC meeting times would conflict with the Senior use plan of that building anyway and it adds value to that building going forward. If Town Hall ever moved and we stopped using this property, it doesn't take away from that property. It adds a lot of value.

Mr. Kaminski stated that he intends to work with the Council, seniors and whomever to see if this building is part of the solution. It may not be the ultimate solution, but certainly is part of it. We are going to work with architects, etc. That “Due Diligence” that we go forward with is the critical piece of puzzle here because we will determine whether the amount of money that has been contributed towards this will be the appropriate amount to do what we need to do here.

I've been in this business a very long time and \$200,000 dollars is close to what is necessary to redevelop that property. If Spackenkill Plaza had not been built and we had not developed all of that property on Route 9, your taxes would be double now, and we can show you and prove it. One thing I didn't mention in my presentation is that I am a resident in the Spackenkill School District and I have two children going to the Spackenkill Schools and I have a vested interest here. I'm not talking as an outsider, I live here.

Councilman Krakower: I will also mention that the jobs that were created for those redevelopments and particularly with the Oakwood Commons Development, were extremely significant. This parcel on Neptune Road could possibly mean 100 new jobs and those jobs are not retail jobs, they are a different type of jobs, they are a higher income level job. We need a variety of development, not just retail and strip retail and that's why I think this piece is very important because it brings that flex type of space in that we don't really have. We've been losing these types of jobs and so this would bringing something back into the Town, increase the tax base and just get rid of some very ugly run down buildings long over due for redevelopment and so there are a lot of positives in this project.

REDEVELOPMENT PLANS ATTACHED TO FINAL BOOK COPY

04:14 –SM 1 APPROVAL

Business Park Designation For Neptune  
Commerce Center on Route 9

RESOLUTION

RESOLUTION FOR BUSINESS PARK DESIGNATION FOR NEPTUNE  
COMMERCE CENTER PURSUANT TO SECTION 210-60 (E) OF THE  
TOWN OF POUGHKEEPSIE ZONING LAW

WHEREAS, the Town of Poughkeepsie has received and reviewed a request dated December 10, 2009 from Neptune Capital Investors L.L.C. (Neptune) pursuant to Town Zoning Law Section 210-60 (E) for designation of the Neptune Commerce Center Business Park for a 8.82 acre parent parcel located on the westerly side of Route 9 in the Town of Poughkeepsie comprised of three (3) separate lots of record having the following tax grid numbers and acreage:

1. Lot 1 - 134689-6159-01-187926 -5.46 acres;
2. Lot 2 - 134689-6159-01-154907 -2.76 acres;
3. Lot 3 – 134689-6159-01-216927 -0.60 acres;

WHEREAS, Section 210-60 (E) prohibits the Planning Board, the Zoning Board of Appeals and any other administrative agency, board, body or officer of the Town of Poughkeepsie from receiving, processing, and determining applications for the land use approvals listed in the section without the prior approval of the Town Board;

WHEREAS, Section 210-60 (F) recites that authorization granted by the Town Board pursuant to such section does not commit or direct any agency, board, body or officer of the Town to any course of future decisions; and

WHEREAS, Section 210-60 (E) recites that Town Board approval does not direct approval or limit or modify the authority otherwise existing under law for the receipt, processing and approval of any one or more land use approval applications by any agency, board, body or officer of the Town; and

WHEREAS, Section 210-60 (E) recites that Town Board approval does not direct approval or limit or modify the authority otherwise existing under law for the receipt, processing and approval of any one or more land use approval applications by any agency, board, body or officer of the Town; and

WHEREAS, Section 210-60 (E) provides that all obligations applicable under the New York State Environmental Quality Review Act and the accompanying regulations shall be carried out by the agency, board, body or officer authorized to receive, process and determine applications for approval; and

WHEREAS, Section 210-60 (E) provides that approval by the Town Board pursuant to such section is a Type II pursuant to 6 NYCRR Section 617.5 (28) and therefore Town Board environmental review is not required; and

WHEREAS, the Town of Poughkeepsie has identified the unique nature of this parcel for redevelopment, specifically:

The subject site has a long history as a manufacturing center, dating back to the 1950's

The subject site is currently under-utilized, and developed with a series of vacant, unattractive, and obsolete buildings.

The Town is desirous of seeing the site redeveloped in a manner which will create new jobs within the Town, and increase tax benefits to the Town and Spackenkill School District.

The Project Sponsor has proposed redevelopment of the site as a Business Park which will result in an integration of mixed-use business and business-related uses and will provide a more coherent land use pattern, preserve nearby property values, and improve the visual and aesthetic environment.

The Project Sponsor has proposed to limit the uses which can be located within this Business Park to protect the nearby residences and elementary school.

A Business Park, by definition, limits the amount of Retail development to no more than 15% of the overall development square footage.



The Project Sponsor proposes to develop the project with the assistance of the Dutchess County Industrial Development Authority (IDA); and

NOW, THEREFORE, it is resolved as follows by the Town Board of the Town of Poughkeepsie:

The application by Neptune for designation of the Neptune Commerce Center Business Park for the 8.82 acre parent parcel consisting of the three (3) tax lots identified above is approved pursuant to Town Poughkeepsie Zoning Law Section 210-60 (E) as hereinafter set forth in this Resolution.

The Neptune Commerce Center Business Park is in technical compliance with the stated Business Park purposes, the stated permitted and accessory uses for a Business Park and the density requirements for a Business Park as such purposes, uses and densities are set forth in Section 210-60.

The submission by Neptune in Section A of its application documents that the Neptune Commerce Center Business Park is in conformance with the stated purposes of Business Parks, to wit, the physical integration of mixed-use business and business-related uses in a coherent land use pattern preserving property values and maintaining the visual and aesthetic environment together with the provision of employment opportunities for area residents and the strengthening of the tax base.

The submission by Neptune in Section B of its application documents that the Neptune Commerce Center Business Park is in conformance with the permitted Business Park principal and accessory uses, to wit, banking and financial services, light industrial facilities as defined in Section 210-9 (subject to the Declaration of Restrictions set forth in Paragraph 6 following), museum, office, restaurant, delicatessen, retail, service and personal service business, scientific, research and development facilities, and accessory buildings and structures.

The submission by Neptune in Section C of its application documents that the Neptune Commerce Center Business Park conforms to the density requirements for a Business Park including frontage along U.S. Route 9 and existing Arterial, coverage of all buildings within the permitted 50% lot coverage, required setbacks, the prior approval by the Town of Poughkeepsie Planning Board of a Reciprocal Easement Agreement providing for the subdivided parcels making up the parent parcel to function as one integrated parcel for ingress and egress, parking, internal circulation, water service, drainage, sanitary sewage disposal and storm sewers, the dimensional and area requirements for the parent parcel, the provision of safe and convenient pedestrian movements, landscaping and plantings for parking areas and traffic ways, acceptable dimensions for access and internal driveways, entrance and exit driveways, complying with Code requirements, parking spaces complying with the Code requirements, and back up and maneuvering aisles complying with Code requirements.

This approval of the Neptune Commerce Center Business Park is adopted upon condition that a Declaration of Restrictions in substantially the form annexed to this Resolution as Exhibit

A be executed and recorded prior to the issuance of a building permit pursuant to the Business Park designation.

SO MOVED: S. Eagleton/T. Tancredi

Supervisor Myers: (Inaudible)

ROLL CALL: Ayes: Councilmen Eagleton, Cifone, Krakower, Tancredi, and Supervisor Myers  
Nays: None

CARRIED: 5-0

#### DECLARATION OF RESTRICTIONS ATTACHED TO FINAL BOOK COPY

(NOTE: TAPE GOES IN AND OUT AND HUMS SO SECTIONS ARE INAUDIBLE)

04:14-SM 2 AUTHORIZE

Acknowledgment Of Offer Of Gift From  
Neptune Capital Investors, LLC & Oakwood  
Partners, LLC For Senior Center & Authorization  
To Negotiate Terms

#### RESOLUTION

##### RESOLUTION ACKNOWLEDGING OFFER OF GIFT FROM NEPTUNE CAPITAL INVESTORS, L.L.C. AND OAKWOOD PARTNERS L.L.C

WHEREAS, the Town of Poughkeepsie (Town) is desirous of creating a permanent senior center on property owned and controlled by the Town; and

WHEREAS, the Town has identified the existing “White House”, formerly housing the Town Engineering Department (the Property) on the Town Hall Complex on Overocker Road having tax grid No. 6261-01-127717-0000, as an appropriate site for a senior center; and

WHEREAS, Neptune Capital Investors L.L.C. (Neptune) and Oakwood Partners L.L.C. (Oakwood) have agreed to make a gift to the Town consisting of the preparation of plans and specifications for alteration of the Property, including an approximate 1,000 square foot addition, for a senior center and have further agreed to make a gift to the Town to construct or cause to be constructed the senior center on the Property pursuant to plans and specifications to be prepared and approved by Neptune, Oakwood and Town; and

WHEREAS, Neptune and Oakwood have offered a gift to include the sum of up to TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) for the actual cost of construction of the senior center plus the cost of preparation of plans and specifications for the construction of senior center; and

WHEREAS, Neptune and Oakwood have agreed to establish a segregated, interest-bearing escrow account, which account shall be opened by Neptune and Oakwood as provided in

the gift contract to be held by them for the payment of the expenditures of construction of the senior center; and

WHEREAS, the construction of a senior center shall be undertaken by Neptune and Oakwood pursuant to a construction contract or construction management contract to be agreed upon and executed by Neptune, Oakwood and a reputable contractor,

THEREFORE, BE IT RESOLVED by the Town Board of the Town of Poughkeepsie:

1. The Town Board on behalf of the Town of Poughkeepsie hereby acknowledges the offer of the gift as set forth above.
2. The Town Attorney is authorized and directed to work with Neptune, Oakwood and its counsel to negotiate and draft the terms of the gift contract.
3. The Director of Development and the consulting engineer for the Town be and they hereby are authorized and directed to work with Neptune and Oakwood and their architects and engineers in connection with the preparation and approval of plans and specifications.
4. The Town Supervisor is authorized to execute the gift contract in form approved by the Town Attorney on behalf of the Town of Poughkeepsie; and
5. The gift provided for pursuant to this Resolution is in lieu of the earlier proposal by Neptune and Oakwood for a senior center at the Neptune property on the west side of Route 9 in the Town of Poughkeepsie, in the event, however, that the \$200,000 escrow account is not established and the senior center is not constructed, then, in such event, the earlier proposal at the Neptune property shall remain in place.

SO MOVED: M. Cifone/T. Tancredi

Councilman Tancredi: (Inaudible)

Supervisor Myers: I didn't find out about this until Friday afternoon, either. I have some serious concerns about 1,000 sq. ft. It sounds like a lot, but 1,000 sq. ft. is less than the size of this room.

Councilman Tancredi: That's the addition.

Supervisor Myers: Right. That's not a whole lot of space when you back to the survey that Tom did last fall, with all the activities they would like, I don't see where 1,000 sq. ft. provides you with the amount of space that you would need to have several different rooms for activities to take place in.

Councilman Tancredi: That may not be enough space. That's something we have to look at and discuss with the seniors. I would like to know the size of the community room at the Police/Court Building.

Supervisor Myers: It's bigger than that.

Councilman Tancredi: My view is we've waited so long (inaudible) I don't want to settle, I want something we can be proud of. If 1,000 feet isn't big enough, then in my view, we need to make it bigger.

Councilman Krakower: (Inaudible)

Supervisor Myers: (Inaudible) I think we should include the Recreation Director, Senior Committee, to make sure everyone is involved. Seconded by: Councilman Tancredi

CARRIED: 5-0

(INAUDIBLE)

ROLL CALL ON AMENDMENT: Ayes: Councilmen Eagleton, Cifone, Krakower, Tancredi, and Supervisor Myers

Nays: None

CARRIED: 5-0

04:14-SM 3 AUTHORIZE

Tax PILOT Agreement For Development  
Of The Neptune Commerce Center

### RESOLUTION

#### RESOLUTION IN SUPPORT OF PAYMENT IN LIEU OF TAX AGREEMENT FOR NEPTUNE COMMERCE CENTER

WHEREAS, the Town of Poughkeepsie has received and reviewed a request dated April 14, 2010 from Neptune Capital Investors L.L.C. (Neptune) pursuant to Section 210-60 of the Code of the Town Poughkeepsie for the establishment of a Business Park identified as Neptune Commerce Center Business Park for a 8.82 acre parent parcel located on the westerly side of Route 9 in the Town of Poughkeepsie comprised of three (3) separate lots of record having the following tax grid numbers and acreage (the Property):

- |        |                               |                  |
|--------|-------------------------------|------------------|
| 1.     | Lot 1 - 134689-6159-01-187926 | -5.46 acres;     |
| 2.     | Lot 2 – 134689-6159-01-154907 | -2.76 acres;     |
| and 3. | Lot 3 – 134689-6159-01-216927 | -0.60 acres; and |

WHEREAS, the Town of Poughkeepsie has identified the unique nature of the Property of redevelopment, specifically:

1. The Property has a long history as a manufacturing center, dated back to the 1950's.
2. The Property is currently under-utilized, and developed with a series of vacant, unattractive, and obsolete buildings.
3. The Town is desirous of seeing the Property redeveloped in a manner which will create new jobs within the Town, and increase tax benefits to the Town and Spackenkill Union Free School District.
4. Neptune has proposed redevelopment of the Property as a Business Park which will result in an integration of mixed-use business and business-related uses and will provide a more coherent land use pattern, preserve nearby property values, and improve the visual and aesthetic environment.
5. Neptune has proposed to limit the uses which can be located within this Business Park to protect the nearby residences and elementary school.
6. A Business Park, by definition, limits the amount of Retail development to no more than 15% of the overall development square footage.
7. Neptune proposes to develop the project with the assistance of the Dutchess County Industrial Development Authority (IDA).
8. Development with the assistance of IDA may include a Payment in Lieu of Tax Agreement (PILOT) to assist in establishing the economic feasibility of the proposed redevelopment.
9. The proposed PILOT to be requested by Neptune will agree to payment of full taxation for such portions of the Business Park which are used solely for retail purposes, or solely for restaurant purposes, or solely for residential purposes but will apply to the benefit of such portions of the Business Park as will be used for mixed use business and business-related uses.
10. Mixed use business and business-related uses may include, in part, retail uses in connection with and as a part of the mixed use business and/or business-related use; and

WHEREAS, the Town has determined that redevelopment of the Property consistent with the Schematic Plan submitted for the Neptune Commerce Center is consistent with the Business Park purposes, regulations and requirements; and

WHEREAS, the Town wishes to support such a PILOT agreement between Neptune and

IDA as set forth above, subject to review and approval by the Town Board of the Town of Poughkeepsie and the Town Attorney of the Town of Poughkeepsie,

THEREFORE BE IT RESOLVED, that the Town of Poughkeepsie hereby supports a PILOT agreement for development of the Neptune Commerce Center for the reasons set forth above; and

BE IT FURTHER RESOLVED, that the Town of Poughkeepsie supports such a PILOT agreement for a term of twenty (20) years with a schedule as hereinafter set forth:

YEAR	TAX EXEMPTION PERCENTAGE
1	90%
2	90%
3	80%
4	75%
5	70%
6	65%
7	60%
8	55%
9	50%
10	45%
11	40%
12	35%
13	30%
14	25%
15	20%
16	15%
17	10%
18	10%
19	5%
20	5%; and

BE IT FURTHER RESOLVED, that the Town Supervisor be and she hereby is requested to send a copy of this Resolution to IDA with a recitation of the support of the Town Board of the Town of Poughkeepsie.

SO MOVED: S. Krakower/M. Cifone

ROLL CALL: Ayes: Councilmen Eagleton, Cifone, Krakower, Tancredi, and Supervisor Myers  
Nays: None

CARRIED: 5-0

04:14-SM 4 APPROVE

Special Consent Item SC 1

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 Cash Security Agreement for Reconstructing a new catch basin at the end of Susie Boulevard Cul-De-Sac

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

Councilman Krakower expressed his feelings about this to be pro-active and “Putting your money where your mouth is.”

ROLL CALL: Ayes: Councilmen Eagleton, Cifone, Krakower, Tancredi, and Supervisor Myers  
Nays: None

CARRIED: 5-0

04:14-SC 1 AUTHORIZE  
TO SIGN

Supervisor To Sign Cash Security  
Agreement For Reconstructing A New  
Catch Basin At The End Of Susie  
Boulevard Cul-De-Sac

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute an Agreement between the Town of Poughkeepsie and Toll Land V Limited Partnership calling for a cash security of \$8,000 for re-grading and installation of a new catch basin at the end of Susie Boulevard Cul-De-Sac, a copy of which is attached hereto.

SO MOVED: Supervisor Myers/M. Cifone

ROLL CALL: Ayes: Councilmen Eagleton, Cifone, Krakower, Tancredi, and Supervisor Myers  
Nays: None

CARRIED: 5-0

AGREEMENT ATTACHED TO FINAL BOOK COPY

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. Contract Negotiations

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

SO MOVED: S. Eagleton/S. Krakower

ROLL CALL: Ayes: Councilmen Eagleton, Cifone, Krakower, Tancredi, and Supervisor Myers  
Nays: None

CARRIED: 5-0

SUPERVISOR MYERS INVITED DAVID WISE AND JIM  
WOJTOWICZ INTO EXECUTIVE SESSION

SPECIAL TOWN BOARD MEETING ADJOURNED AT 8:25 PM

INTO EXECUTIVE SESSION AT 8:30 PM

BACK FROM EXECUTIVE SESSION AT 9:19 PM

NO ACTION WAS TAKEN

COMMITTEE OF THE WHOLE COUNCIL MEETING  
9:20 PM

04:14-COW 1 PRESENTATION

By Emily Vail on Dutchess  
Watershed Awareness

REMOVED FROM AGENDA  
EMILY VAIL NOT PRESENT

04:14-COW 2 DISCUSSION

Use of Overlook School  
Baseball Field & Agreement  
With Arlington Central School  
District

Recreation Director, Tom Meyering: About three or four months ago I did an on-line session with other Recreation Directors about sharing facilities and schools and how you can cooperate with schools and share facilities better. What came out of that for us is the Arlington Elementary School would make available the school gym would be made available for us to program from. Also, we are looking at field space and they have field space at the Overlook School that they are willing to let us use. Basically, what is made available would be for five years rather than fifteen originally thought of. But it would mean the Town would take the little league field this year and upgrade it to the point where we could use it and alleviate our problems without us having to deal with space particularly with girl's softball. It would be minor repairs to the backstop and



fencing. (Inaudible) It would be a minimal cost on our part for a fully functional field.  
(Inaudible).

Councilman Tancredi: I talked to one of the referees about it and he felt it would be a good idea.

Supervisor Myers: I think it's an excellent idea. I hope that Arlington goes through their Budget process, such as it is going to be, and it will be a nightmare for the school, I think, but in the long run, if they can keep the Arlington Elementary open, it would be excellent to be able to use that gym for winter programs. It would be a really good thing.

Tom Meyering: I've talked with them three or four times, and at this point, they are very much in favor of us using the field at Overlook. I think maybe as early as next month we could have a proposal. We could get to work on and then be in operation by mid-May.

Supervisor Myers: I'm assuming that if Arlington sends us the stipulation and it's good with the Legal Department, we should bring it forward to the Board so we can go ahead with it. Beautiful, thank you very much.

#### JOINT NEIGHBORHOOD RECREATION CENTER AGREEMENT ATTACHED TO THE FINAL BOOK COPY

04:14-COW 3 DISCUSSION

By Mark Fink, Town's Software Support  
Analyst, To Discuss Technical & Security  
Upgrade

Mark Fink: We have a number of projects that we are working on and I had decided rather than approach them individually, I wanted to step back and take an overall view of a plan that would address all of the various needs that we have in a more holistic fashion, rather than piecemeal. So, I have outlined them briefly as security which was in response to the issue we had a few months ago with the fraud and also dealing with better controlling and monitoring what websites are visited in an effort to prevent any infections and viruses. That's the first section. Municipity, which is a software package for tracking and overseeing different projects in the Building, Planning, Zoning and Engineering Departments. Ducus Ware is a document managing system similar to what we are currently using now, which is Laserfiche, but with a superior and upgraded feature. Then finally the Campus-Wide Phone System which is a way to tie all of the buildings and departments together in one utilized phone system so that if someone calls the Tax Department to ask a question about a water bill, they don't have to tell the person to hang up and call the number for the Water Department, they can be transferred over to the Water Department. Currently we don't have that. Right now we can't transfer from building to building, just within house. With these various projects, we are looking at the need for three or four servers to handle this and looking at the server room down stairs, the current racks we have for the service is full. So, we could buy another rack, add more service and then you are running into additional heat and we would have to have a cooling system and you're throwing more servers at problems as they come up. So, to address this, we are looking at a Virtualized Server Environment. What

that allows us to do is have two Virtualized Servers, they mirror each other, and each Server can run up to 15 servers, 4 separate applications running simultaneously, it will allow you to run multiple servers running on one piece of hardware simultaneously. It gives you a much more efficient use of service space. You have an extra storage ability to store your hard drives on them and that can be allocated to each individual servers as necessary. It's a way of bringing it together into a more efficient use of server space and storage.

A COMPLETE DATA PROCESSING MASTER PLAN AND PRICE BREAK DOWN  
ATTACHED TO FINAL BOOK COPY

Motion made to Close the Meeting: Supervisor Myers/ T. Tancredi

CARRIED: 5-0

MEETING CLOSED AT 9:20 PM

SJM:lkm