

**MINUTES OF SPECIAL TOWN BOARD MEETING AND
COMMITTEE OF THE WHOLE COUNCIL MEETING HELD ON
NOVEMBER 10, 2010 AT 7:00 PM AT TOWN HALL, ONE
OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

**PRESENT: Supervisor Myers
Councilman Eagleton
Councilman Conte
Councilman Cifone
Councilman Krakower – Arrived 7:15 PM
Councilman Tancredi
Town Attorney David Hagstrom
Town Clerk Miller**

ABSENT: Councilman Lecker

- **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.

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7:00 PM

CALL TO ORDER

SALUTE THE FLAG

Motion made to suspend the rules for Public Hearing #1: Supervisor Myers/J. Conte

CARRIED: 5-0

Supervisor Myers: This is on the 2011 Budget. We do not yet have the amendments for the Budget. By law we have to close the Budget Hearing this evening. The amendments will be at the next Board Meeting on the 17th. There will be an opportunity for people to speak at that meeting. It won't be the Public Hearing, but you will be able to speak at that meeting when we have the amendments or you can speak tonight.

Victor Gennodie: A lot of things happened this year with the Town Budget and money being spent and these are really bad times. I just want to enlighten you on something I found out about a local resident who had his job cut back on and next thing you know, he has bought two cars for the kids, they sold their new car and got rid of it so there is no payment and they are down to one car out of four, sold their furniture in the living room. Sold their dining room set, put the patio set in the living room and dining area. Cutting back as much as they can to afford the kids to go to school and the kids drive the father to work at 5 AM and come back to drive the mother to work so they can use the car to go to school. These are real difficult times and they call for real difficult cuts and I'm looking at all of this because we have no control over it. This is a time we really need to make the necessary cuts and we look at you to achieve this. I'm looking forward to hoping you

do the right thing. We've got to try and cut back in all departments. We need the whole Board and Town to cut back.

Councilman Cifone: Vic, just to point out, that Building Permit for the window, none of us are happy about that. I talked to Tim Sickles and that was mandated by the State based on the grade of the glass. So, it isn't anything we intentionally did.

Doug Eaglington: Last night at the Hyde Park School District, I made the same talk. It is time to stop all increases in budgets. There are lots of people like me on retirement with even less income than myself. Every tax increase hurts us. There are too many people hurting and it is time to stop all increases. We can't do this every year.

Robert Hines: I was taught never to address a problem without a solution. So, I have some solutions I would like you to listen to. Starting with the Police Department. We have in the Town of Poughkeepsie a K-9 Unit. We pay for the K-9 Unit and the State Police. We pay for a K-9 Unit in the Sheriff's Office. Put all these dogs together and we can start an SPCA. Overlapping expenses are not needed now. We have a SWAT Team in the Town of Poughkeepsie. I don't know the last time a SWAT team was called out for anything. I don't know who mandated that a Police Officer armed be at Town Court, I presume for the Judge's protection. If that's a State mandate, let the State pay for it. If it's a County mandate, let the County pay for it. If it's a Town mandate, let's change the way we do business. Every retiring Police Office in the Town Poughkeepsie works as much over time as he possibly can in court for three to five hours twice a week. His additional overtime salary adds to our current budget problems it adds to his retirement that we are going to pay for forever. If you have to have an officer in court, use the new young officers on board making the minimum wage. That is basic common sense. There is three and four police protection points in the court for one judge. This is excessive. Let the Judge carry a gun.

Councilman Cifone: The officers working in the court are court officers and are not police officers making \$40,000 paychecks. They work part time and make roughly \$15,000.

Robert Hines: They are not the guys I'm talking about. I know a gentleman who is making as much as he did when he worked now when he is retired. The State of California is in a severe budget crunch in every Budget line. They have instituted a furlough that means, if you work for the Town, you take one day off a month and that is a 5% reduction in salary across the board. It defers layoffs, people losing their job; it's a way of saving money. If the entire State did that, it has to be a benefit.

Brian Powers: I could probably say many of the same things as others did. I'm a little more ignorant on the Budget; I haven't had a chance to look at it. I just happened to look at my bank statement and I realized that my Town taxes went up \$934 for 2010 and that represents a 25% increase based on the year before. That caught me by surprise and that's not the school taxes. Obviously I'm seeing substantial increase. I have had to cut down greatly like many others. I'm a teacher, but had to look outside of the County to

make more money to support the lifestyle costs here. I work in Rockland County. I'm still being squeezed. Could you give me an idea of what our employees are currently paying percentage wise for their medical insurance? My wife works in Hyde Park and pays 18 % for her medical insurance. In BOCES we pay 32% of our health costs. He urged the Council to cut back more and give up a little more for the cause.

Supervisor Myers: It depends on what year they were hired.

Councilman Krakower: The majority of the employees, I believe, pay nothing. In the most recent PBA contract, we were able to get them to pay 10% and most recent CSEA contract we were able to get them to pay 15% for new hires, so we are trying to get things on the right track going forward. He feels the Town Council should get in touch with the City of Poughkeepsie and see how they were able to reduce their budget lower than the last year. If the City of Poughkeepsie can accomplish it, the Town can too.

Supervisor Myers: That's for the base insurance.

Councilman Krakower: The other thing we did a couple of years back was we had multiple plans offered by the Town and the employee was able to select any plan they wanted to and we set the base plan (MVP) which is mid level and if you wanted the more expensive plan you would pay a percentage of the difference. Year in and year out we take a look at this stuff and a lot of times the cuts you have to make are not easy. You have to take a serious look at everything, including staffing and that is something we have looked at year in and year out to try to make government more efficient. They are not easy but those are necessary.

Dave Stanford: He was concerned about the Town's final comment in the Poughkeepsie Journal about the Unions and what kind of contracts we have that is for the school and the Town employees. This is a prime example of taxation without representation because we don't have any dealings with the Unions. We don't even get enough information on how much money we pay the employees and how much goes into pensions, etc. We ought to be able to see those figures and facts as the employer and customer.

Supervisor Myers: You can see it on the Town website regarding the Town, but not the Schools; we have nothing to do with that.

Councilman Krakower offered to have him call him, as he is in his Ward, and ask him any questions about the Budget figures he wants.

Robert Rubin: All that I would ask is as an unemployed member of our community, I use the facilities of the Grinnell Library and I would ask, please, that the Board work with the Library system to maintain this essential service so that we in the community don't have the additional four or five dollars expense each week to go out and get the newspaper. That \$5 means something to me. The library system is important to the community, so please work with them to allow them to continue their essential service.

Doreen Tignanelli: I will be submitting seven pages of comments on the budget. I spent quite a bit of time this week with Councilman Tancredi going over some of the suggestions I had and he is going to bring them up at the Finance Committee. We've heard a lot about the Police Budget tonight. That department's budget has gone up 1.1 million dollars and it is hard to ignore this. This is 9% over last year. It is close to ¾ of a million dollar increase in salary and overtime. I think you need to look at every department when looking at the budget. We do appreciate the Police Department and what Chief Mauro is doing, but people are hurting at this time. She urged the public to come to the Budget meetings of these departments and give input. I would like to see a month to month report of finances for the Town Government as the Fire Department has and have it posted on the website each month so the public can see it like the Fire Department has and I faithfully view this posting each month.

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

CARRIED: 6-0

11:10-SM1 PUBLIC HEARING

2011 Budget (Adjourned From
November 3, 2010 Town Board
Meeting

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie adopted its Preliminary Budget for the year 2011 on October 20, 2010; and

WHEREAS, public hearings were held on November 3, 2010 and November 10, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby close the public hearing in regard to the adoption of the Preliminary Budget, as amended, as the Town of Poughkeepsie Budget for the year 2011 and does hereby adjourn the matter to November 17, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY for final action.

SO MOVED: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 6-0

Motion made to close the Special Meeting: Supervisor Myers/J. Conte

CARRIED: 6-0

SPECIAL MEETING CLOSED AT 7:49 PM

COMMITTEE OF THE WHOLE MEETING
NOVEMBER 10, 2010
OPENED AT 7:49 PM

Motion made to open the Committee of the Whole Meeting: Supervisor Myers/J. Conte

CARRIED: 6-0

11:20-COW 1 PRESENTATION

By Ellen Reinhard, Director of "Smoke Free Dutchess"

John Weisman: I just want to introduce Ellen Reinhard, she is a friend of mine and we spoke some time ago about her mission that she is working on quite hard for quite some time. She is the Director of "Smoke Free Dutchess" and is funded by a grant from the New York State Tobacco Control Program and has been going in front of Town Boards in the Hudson Valley area and speaking on this subject. Smoke Free Dutchess is one of 35 New York State Community partnerships dedicated to lowering the use of tobacco use through programs in prevention and education and one of their goals is to encourage the community leaders to adopt effective tobacco free policies in outdoor environments in order of eliminating exposure to second-hand smoke and the negative affect tobacco has on children.

Ellen Reinhard: This is really an important issue and I really appreciate you putting this on the agenda and I appreciate the time. In the packet I mailed you a kind of a "Why" support Tobacco Free parks, playgrounds and entry ways. To answer the "Why" question, I'm going over a few reasons. First is a policy or ordinance that will help to reduce pollution and litter. Cigarette butts are the most littered item in the world. As we all know, they are toxic and they also don't break down as bio-degradable. It is costly for taxpayers to clean them up and children can pick them up off the ground and put them in their mouth and birds get them and they go into the water system. It really is a problem. Another is the exposure to second-hand smoke. Second-hand smoke contains over 4,000 chemicals and over 50 of them are known to cause cancer. The EPA has classified second hand smoke as a Class A Carcinogen, which causes cancer in humans and so there is no save level of exposure to second-hand smoke. With children it's even more dangerous because of small lungs and they get a lot of different health affects from them. Also, children model adult behavior. Children watch adults and try to mimic what they do and so when they see smoking in their environment, they think that smoking is acceptable behavior and they want to try it out. 90% of tobacco smoking starts in kids. There is tremendous public support for this as well. Over 200 municipalities across the State have adopted tobacco free parks, playgrounds and entryways either with a policy or an ordinance. We conduct a survey every year throughout the Hudson Valley. All of the Counties in the Hudson Valley and Long Island, we contract a survey company, through the college this year, who does the survey for us, and the Dutchess results show that 77% of Dutchess County residents support tobacco free parks and playgrounds and 71% support tobacco free entryways. So, there is a big support for this issue and 85% of Dutchess County residents do not smoke. I brought along with me a couple of laws, one

from the Town of Lloyd, who adopted a Local Law with a fine and I also have a resolution from the Town of Wappinger who now has a Local Law. Town of Hyde Park has one, Tivoli is now working on one, and so it is really coming to be all over the Hudson Valley. City of Kingston has one and Ulster County has over 1/3 of their municipalities with tobacco free policies. We also offer free signage. We have “Young ones at play” for playgrounds, and we also have a “No Smoking anywhere on grounds”, which are great for entryways and all parts of the park. We also have entryway signs for “50 feet away from entrance”, “25 feet away” whatever policy people would want to adopt. Thank you very much. I also have frequently asked question sheets available.

Councilmen agreed that there should be an ordinance or policy instituted in the Town of Poughkeepsie. Supervisor Myers felt a policy would have more teeth than an ordinance.

11:10-COW 2 DISCUSSION

Route 9 Maintenance Agreement With
NYSDOT For Lighting, Sidewalks &
Medians For Marist College

Supervisor Myers: I give this to you simply to let you know that New York State seems to believe that since they are putting the pedestrian underpass/overpass at Marist College that we should be responsible for the lighting, landscaping, etc. I am assuming that the Board feels that Marist should step up to this and not us? (YES)

11:10-COW 3 DISCUSSION

Sewer Tenancy Agreements – DeGarmo 44
LLC & Proposed Route 44 Sewer Lines

Don Beer: I can give you a brief summary of how we got to where we are. You probably remember that the Town signed an agreement with Conover Corp. to investigate an alternative to providing sewer to their development by going to the Delaval Sewer Plant. That agreement required them to provide a design within 60 days and also needed to apply for permits by October 31st, 2010 and you’ve extended both of those dates, I believe by a period of two months. Along the way there have been two problems that have been identified. The first one, because of the location of the stream and the plant, a pump station has been determined to be needed and the applicant believed that that was not their responsibility. They asked the Town to come up with a way to pay that \$100,000 increase price. Secondly, the O& M rate, which you have a copy of that letter, needed to be paid to Delaval significantly higher than what they would have to pay to the Town. You have to pay to the Town about \$1.50 per 100 cubic feet and I believe they would have to pay Delaval, based on their flow, about 17 times that. So, we need to determine whether we are going to either give them another delay while we try to work through these two issues, or, allow them to continue on the way they wanted to go in the first place, which is a forced main down Route 44 into the Toll Brothers Development.

Councilman Tancredi: What’s driving the increase in cost again?

Don Beer: The agreement was initially anticipated to be a gravity sewer main running from their property down Bret Place and over on to the Delaval property. There is a

stream that traverses the Delaval property that they need to get under and by the time they get under that and get down to the existing pump station, which pumps up to the plant, they were too deep, and so a new manhole and pump station would have to be installed.

Supervisor Myers: And they think we should be putting in that new pump station?

Don Beer: Their position is that that was not part of the original agreement.

Supervisor Myers: Did we put in the original pump station that is there now?

Don Beer: No. This is all on private property owned by ---

Town Attorney Hagstrom: (inaudible).

Don Beer: The only alternative to keep from getting too deep would have been a bridge over the stream and we looked at a couple things, but, the only one that was feasible was a bridge over the stream and by the time they got through that, it would probably be more than what we were talking about here.

Supervisor Myers: Are they looking for another two month extension?

Don Beer: I'm sure they would be more than willing to drop this if the Town were willing to drop it.

Supervisor Myers: Drop it completely, and go back to their original proposal?

Don Beer: Yes.

Councilman Conte: What is your feeling on that, Don, as you are the Engineer? We put a lot of time in this and worked hard on it.

Don Beer: If we can't come up with a way to get additional flow, then find someone to pay the \$100,000, and if we are going to take the position that they are correct in the way they read the contract, this is probably the biggest issue of these two, and we probably should drop it. It's certainly, from a Planning point of view, it could have been the start of sewer in that Ward and if we could have gotten there and we could have given a fairly low cost sewer to the properties along the gravity main. Do I want to drop it? No, but I'm not sure how much longer we can continue to delay unless we have some ideas as to where to come up with this extra \$100,000. If we delay much longer, we are going to run out of time to get the approvals necessary so they can meet their May 1st deadline.

Councilman Krakower: I think we should sit down with the individual that is managing that property right now, because that was an option laid out in the letter, to discuss some concerns that he had as far as long term plans that the Town would have regarding that sewer line and also I think there is a potential there for him to reduce the up front costs for the Walgreen's that would be going in there based on what some of the answers

coming from the Town would be and so I think it still makes sense to give this a shot to try and get this done. I would just like to make sure we have exhausted all the opportunities before we close the book on it. I think we should set up a meeting with that individual running that property to see if there is a potential for him to work out an agreement with Conover as far as the cost and find out what he is really looking for from the Town as far as a long term plan. My honest opinion is if we run a sewer line down Route 44, Bret Place and DeGarmo into that plant and have laterals coming off of it, the Town eventually is going to be going through there connecting those properties, so it doesn't seem what he is asking for is too crazy or more of a comment from the Town that we are going to end up doing anyway. So, there is still an opportunity there for that to get done and so I think we should have that meeting with Mr. Pregon and Mr. Conover and see if we can keep this thing alive rather than walk away.

Councilman Eagleton: What kind of stream is this that was so deep in the earth and no one saw it? He discovered the stream?

Don Beer: We were aware of the stream. What we weren't aware of was no one has been on this property from the Town for 10 to 15 years, so the orientation from Conover that he was obviously not on this property either, so, no one knew how deep the pump station was. We didn't know what types of pumps were in the pump station, how high things needed to be pumped to the plant, etc. The wording in the contract said "gravity", and that's the position they are taking. I believe the Town's position was, they were responsible to get from point A to point B. We didn't care if it was gravity or what it was.

Councilman Eagleton: Who was responsible to find the stream?

Don Beer: They were, as part of their survey.

Councilman Eagleton: Well, then if they were responsible to find the stream as part of their survey and they didn't find it, then---

Don Beer: They were responsible to find it until after the agreement was signed. They were responsible to do a survey between their property and the Delaval property in order to do a design and in order to submit that design.

Supervisor Myers: But they already signed before they did that?

Don Beer: Yes.

Councilman Cifone: From previous meetings, I think we can sit down and work with them on this.

Don Beer: Then, we probably need to extend that agreement for at least another 30 days from the last extension?

Town Attorney Hagstrom: I think we should get out of the 30 days and extend it to a definite end of the month, which will be 30 days, plus or minus a few days. I can have that on the November 17th agenda.

COMMITTEE REPORTS

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| 1. FINANCE | Councilman Krakower: Working on the Budget. |
| 2. FIRE ADVISORY | Councilman Eagleton: No Report |
| 3. GOVERNMENT OPERATIONS | Councilman Conte: No Report |
| 4. LAND USE & PLANNING | Councilman Krakower: No Report |
| 5. PERSONNEL | Councilman Lecker: Absent |
| 6. RECREATION | Councilman Cifone: Tomorrow is Veterans Day and there are services throughout the Town. There is one at Fairview Park at 11 AM if anyone is interested. It's a rededication of our memorial. |
| 7. SENIOR CITIZENS | Councilman Tancredi: No report |
| 8. TECHNOLOGY & EQUIPMENT | Councilman Eagleton: No report |
| 9. WATER, SEWER, HIGHWAY | Councilman Lecker: No report |

Motion made to suspend the rules for public speaking: Supervisor Myers/ S. Krakower

CARRIED: 6-0

Victor Gennodie: The holiday season is upon us now! I heard the local department stores are having their employees come in to work at 3:00 AM for a 4:00 AM opening. Then they are working until 1:00 AM in the morning for "Black Friday. Does that mean our Town Police Department has to patrol at 3:00 AM? Is there a way to put some kind of hours on this? This is absurd! What happens, does the Police Department have to step up their services because of the holiday?

Supervisor Myers: I'm sure the Police Chief will have extra people out there patrolling for "Black Friday" because that's the day that is really the craziest. He's got patrols out there every day for 24 hours a day anyway.

Victor Gennodie: But can't there be a limit on the time they open?

Supervisor Myers: No, it's up to them.

Doreen Tignanelli: My husband saw something on "Record on Line" I would like to bring to your attention. We were talking about saving money. One of the things I saw when going through the Budget is the Town pays a lot of money to Central Hudson and we know they always have rate increases. There is a deal where Central Hudson has offered to replace municipal lighting fixtures. They are offering free replacement of existing lighting fixtures with new energy efficient lighting in municipal buildings. Central Hudson will pay 70% of the total cost to align energy solutions which will install the fixtures and process all paper work. Municipal and governmental agencies can cover the remaining 30% with energy policy act tax credits.

Supervisor Myers: We are looking into and I thank you for bringing it to our attention though. We are checking it out to see if we qualify.

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

CARRIED: 6-0

Motion made to close the meeting: Supervisor Myers/S. Krakower

CARRIED: 6-0

MEETING CLOSED 8:23 PM

SJM:lkM