



amend Chapter 105-4 of the Town Code of the Town of Poughkeepsie entitled “Fee Schedule”, a copy of which is attached hereto; and

BE IT FURTHER ENACTED, that said Town Board does hereby waive the verbatim reading of the amended local law and does hereby authorize that said amendment be spread across the record as if, in fact, read verbatim; and

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie does hereby declare itself to be Lead Agency under the New York State Environmental Quality Review Act and does determine that the proposed action set forth herein is a Type II Action and as a matter of law will not require an environmental review; and

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

SO MOVED: R. Lecker/T. Tancredi

Councilman Tancredi: Everything we discussed a week ago, the changes we discussed have been made.

Neil Wilson: Yes, we worked on and deleted the items I was directed to with respect to replacement of windows and doors under Chapter 68 and added as requested sort of a sliding scale for rescission of a Stop Work Order increasing the amount of the fee to \$50 first, second, third and then subsequent rescissions. So, everything we talked about is in here and I have gone over this with Tom Mahar a couple of weeks ago, as well.

Councilman Lecker: The only comment I have is, there is a typo on the first page. Instead of \$1,000 it should read 1,000 people. (Correction made)

Councilman Tancredi: I still think the Stop Work Order fines are still a little light, but, better than it was and we can always go back and change them.

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

Nays: None

CARRIED: 6-0

#### LOCAL LAW ATTACHED TO FINAL BOOK COPY

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

CARRIED: 6-0

Victor Gennodi: Some of these appointments have been here a long time and just doing the same job they have been doing. I was concerned about the Legal Department and everybody has two new members here and I’m thinking that they have never had a chance to get their feet wet

and we are making some decisions that really they don't understand some of the works yet, so some of these things they may have some of their own comments, unless they had their comments behind closed doors, but, some of these things, can they be tabled or, as quo, 60 days? Like a discussion period or grace period before a decision is made, like a probationary period?

Supervisor Myers: I don't think the Town could function for 60 days without an attorney.

Councilman Krakower: For the most part, the people have experience in the Town of Poughkeepsie already.

Victor Gennodi: In the past, a lot of times, we've put a lot of stuff out to other attorneys and I was thinking that maybe we should have some paralegals in the office or some Jr. attorneys fresh out of school that we are not paying big money for, but yet, they are there to cover the bases when they can do the paper work and run the research and cover the bases. Because Mr. Mahar went crazy, he did well, but, he ran the office and basically he was one man, and checking into other Towns, a lot of them have these young people out of school and college coming in and getting their feet wet and they are very good and sharp and they can find this stuff. I think we should have a "legal department" rather than just one person in there. The last meeting we had was an emergency meeting to get some work done before the end of the year. We had asked a while back, Mr. Mahar a question and he answered us at that meeting. What happened in the Planning Board a while back that the Planning Board approved Tilcon to start up at 4 AM, I thought it was 3 AM, but Mr. Mahar corrected me to 4 AM, but the Planning Board does not have the right to do the hours of operation and to change the noise ordinance in the Town, it is the Town Board. At that particular time, Mr. Hagstrom was working for the Planning Board and I'm offended that now here we are with a 4 AM start up time with this quarry and now we are turning this job over to the person who was overseeing the Planning Board. I'm a little beside myself and so are the residents in the First Ward because we are stuck with that now. We are now stuck with having to pay to defend ourselves. The Town Board passed hours of operation on the road to stop it and then the quarry came in and wants to sue us. So, I'm upset over that and now there is a shadow over that spot and now we are going to appoint him. He is the Deputy now at this point, but I feel that maybe there would be someone better because I have bad feelings about it. Those are my feelings and those are the facts told by Mr. Mahar at the last meeting. That's my take on it and I would like to see that particular point of the attorney's waived and leave him as a Deputy Attorney right now until we can decide on someone different.

Councilman Krakower: Mr. Hagstrom is very qualified for the position as Town Attorney. He has done a very good job as Deputy Town Attorney. There are decisions that the Planning Board, Zoning Board and even the Town Board makes that not all of us always agree on, but these Boards are appointed by the Town Board and they act independently and Mr. Hagstrom was acting as Legal Counsel to them and if you don't like the decision, that's fine, but, I don't think you can say that the Tilcon decision is a clear indication of someone's ability to act as Town Attorney. Mr. Hagstrom did not vote on that Board, the Planning Board made those votes. In my opinion, he is very qualified and we are lucky to have him. He is a Town resident and will do a fine job for the Town of Poughkeepsie and residents of our Town.

Victor Gennodi still rebutted the issue.

Wayne Thompson: Happy New Year to one and all and congratulations to our re-elected and newly elected. With my presence here, I would like to announce that the honeymoon is over, the beatings will now begin. Year in and year out we go through this boring routine. This year I think it is somewhat different. Unfortunately, we as residents are only given this forum to voice our concerns and objections. The appointments that you as a Board make, the residents of the Town are forced to live with. I am concerned with some of the reappointments to the Planning Board at this particular time. We have been through a Planning process over the last several years updating our comprehensive plan and Zoning and not everyone on the Planning Board embraced those changes, in fact, many felt it not necessary and may or may not have been willing to shift in the new direction with the Town's comprehensive plan and Zoning amendments. We are looking at reappointing an individual whose attendance record on the Planning Board is abysmal. That can not be allowed to stand. We are at a time now where the Town is being chopped up into smaller and smaller pieces. You listen to the Planning Board each time, they say well, more tax rates. I've been a Town resident for over 30 years, if more and more development is going to lower our taxes, you people should be paying me money next year. It just doesn't happen, my taxes have tripled since 2001. The individuals that are on these Boards need to embrace the new direction the Town is going. We need to have individuals that can go into the new direction the Town is going with the Master Plan. I think that the reappointment of Mr. Rose to the Planning Board is a mistake at this point in time. He's been on the Planning Board at least 15 years. My opinion is that his record of attendance proves his disinterest in the position. I would encourage the Board to look at different people. There are other qualified Town residents that can perform the job. We, the residents, will be living with the decisions you make on these appointments for the next 7 years. Please reconsider and reevaluate candidates, advertise, and I think we can do better.

Doreen Tignanelli: I also have the same concern that was just voiced about agenda item #25. (The reappointment of Mr. Patrick Rose to the Planning Board and a letter she prepared on this subject). I would also like to elaborate on what Mr. Thompson said as far as development. People are always trying to convince us that more growth is going to lessen our taxes. Again, as Wayne pointed out, that's not the case, my taxes haven't gone down either. The only people who believe that are the people who support the study that the Dutchess County Economic Development Corporation recently issued and it's often been concerned that that is a flawed study.

#### LETTER ATTACHED TO FINAL BOOK COPY

Jim Beretta: I also have a statement I would like to read and have attached to the official minutes, which is also regarding Patrick Rose. I am also a resident of the 6<sup>th</sup> Ward. I have been keeping watch for at least 7 years.

#### LETTER ATTACHED TO FINAL BOOK COPY

Peter Valdez: I will be working closely with Pat on the Fire Commission for Arlington and I just want to say that I do think Doreen would do very well if she were appointed for the Planning Board.

Motion made to resume the rules: Supervisor Myers/R. Lecker

CARRIED: 6-0

01:06-02 APPOINTMENT

Town Attorney David D. Hagstrom  
For 2010-2011

### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint David D. Hagstrom to the position of Town Attorney for the Town of Poughkeepsie for the years 2010 and 2011, at the annual salary of \$169,000, plus benefits; and

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

SO MOVED: S. Eagleton/S. Krakower

Councilman Conte: I just want to say that I was on the Planning Board and I had a chance to work with Dave on that Planning Board and I am certainly sad to see Tom Mahar leave, but, I know Dave had the experience that we are looking for and we want to make sure to start him off with a "Welcome aboard" sort of attitude and I feel very confident he will help the Town.

Councilman Krakower: Mr. Hagstrom's credentials, in my opinion, are second to none and I think he will do an excellent job as Town Attorney and I do think the Town is lucky to have him in that position.

Supervisor Myers: Well, I have a concern about money. In November the Finance Committee altered the legal budget, took out the salary and all the benefits, put \$150,000 in as a contracted item saying they were going to go with contracted legal service because it would save the Town \$57,000 on the budget.

Councilman Tancredi: People speculated that the Town wanted to go with contracted legal services, but that was never said.

Supervisor Myers: Alright, you budgeted \$150,000 for additional contracted services in Legal.

Councilman Tancredi: What we did in the Budget was that the salary item for the Town Attorney was put down as a contracted service.

Supervisor Myers: ...at a \$150,000.

Councilman Krakower: The salary line suggested in this resolution is actually .08 cents less than last years, but it is essentially the same salary that Mr. Mahar was receiving last year and there is money in that budget. There was a lot of work that was outsourced last year that will be able to be done by the attorneys that we are going to have on staff this year, so, I'm comfortable that we are going to be well within budget this year.

Councilman Tancredi: Mr. Hagstrom has seen that Budget as well and I don't think he perceives a problem. That was our intent all along. We mentioned that when we went through the budget process. We were shifting a lot of work outside and our intent is to bring more of that in and do more of it inside in the effort to save money.

Supervisor Myers: Ok, I want to explain what my concern is. Altogether, under contract services and contracted legal services, there is a total of \$330,000 in there. At a salary of \$169,000 plus benefits, that comes to approximately \$207,000 leaving you with \$123,000 in those two lines. When you subtract out the \$46,000 for the Deputy Attorney and the \$30,000 for Mr. Wallace to do the litigation, you are down to \$47,000. When you deduct \$33,000 for the labor attorney, you are left with \$14,000 in that line for all other legal expenses in the Town. I think you are setting the budget up to be over expensed immediately.

Councilman Krakower: I'm of the opinion that that extra money shouldn't have been taken out of the Legal Department last year, for the 2010 Budget, but there are certain budget restraints we have to try to work with, but this salary is no different than Mr. Mahar's last year.

Councilman Tancredi: Right, and the Deputy Town Attorney's salary is the same as last year.

Deputy Town Attorney Hagstrom: It's only over \$8.

Supervisor Myers: The salary, but the benefits are not accounted in that salary.

Councilman Krakower: But, it's the same as Mr. Mahar's.

Supervisor Myers: Which we removed from the Budget and you did not put the money for those benefits back in.

Councilman Tancredi: The benefit line was never touched, we didn't remove them from the budget.

Supervisor Myers: You did. (She read the line in the budget where the benefits were removed).

Councilman Tancredi insisted that there is enough money in that line and the intention has always been to bring more work in house. "If I recall, we had \$400,000 + earmarked for the Legal Department."

Neil Wilson: There is about \$300,000 in the contracted services line and then there are a couple of other lines in the budget, like tax certs., judgment claims.

Supervisor Myers: They are not in the Legal Budget.

Neil Wilson: Well, they are all separate. In fairness, the legal budget is a tough budget. We had a really tough year in 2009, we were way over budget. This budget was created with the idea that we were going to bring a lot of things in house and we are not bringing in the firm from Albany, and we are going to save \$50,000.

Councilman Krakower: One of the things that is different, in last year's budget, the Finance Committee cut out the money for the firm in Albany to do the labor law, we were going to phase it out after 6 months. Those payments continued to be made to that firm throughout the year, so last year's budget went over budget partially because of that. This year, we've budgeted money for the labor attorney, but he is going to be billing us hourly and his amount is going to be capped, so we might not hit the full amount that we've hit for the labor attorney.

Deputy Attorney Hagstrom: It has not been decided. It is capped at \$33,000.00, which is exactly the same amount. His proposal, which just came in, does not say that, but that's up for discussion.

Supervisor Myers: It says \$33,000.00.

Deputy Town Attorney Hagstrom: I think it is number 10 under Special Consent as of today.

Councilman Tancredi: Mr. Hagstrom has seen the legal budget in full and he hasn't expressed that he wouldn't be able to function under that. One other thing we discussed with the comptroller this year, because of the problems we had last year going over budget in the Legal Department, is we are going to track payments as we go along to any outside attorneys we use to better control that department's budget.

Councilman Krakower: The Legal Department Budget, you can't set it in stone from day one because a lot of that is driven by what happens during the course of the year. We are in litigation with a major property owner in the Town and there are a lot of things that come up. I'm of the opinion that the Town should be fighting some of these causes for the benefit of the residents and we shouldn't just wave people through and let people get through the processes without having to following the Town Zoning and Building Codes, so we will end up in litigation if we enforce our rules and so legal expenses is something we should expect. The main problem last year was that there was too much being outsourced last year. We need to bring more of that in house and hopefully bring that budget back under control.

Supervisor Myers: I'm not disagreeing with you on that. My main concern is the other benefits were removed from this year's budget, the removal was used to lower the taxes for this year and now you are putting them back in. So, it's going to have a negative effect and I'm afraid we are not going to have even close to the amount we need when you've only got \$14,000 left to play with during the course of the year.

Councilman Tancredi: When I discussed it with the Comptroller last week, we had more than \$14,000.00, but I don't have the information with me.

Councilman Lecker: Seeing you were the Deputy Attorney and you've already seen the Budget, do you have a plan that you can share of what was spent last year and what can be brought in house and how the staff we have can achieve the financial goal?

Deputy Town Attorney Hagstrom: #1, We have already eliminated one part-time person. They had two part-time secretaries here, that's roughly \$20,000.00. #2, My specialty is tax assessment work. I've already talked to our Town Assessor and I am going to be handling a lot of that in house, which is another item. I have not seen the litigation, I can litigate. Tom Mahar did none. I don't have the final budget numbers, they are way over, but, you will get a report two weeks from now, if we can do it in that amount of time, and the other thing that I plan to do and I talked to Jim Wojtowicz about it, is to have a monthly report to you on where we are in so that you can look at the litigation that is going outside and not be surprised at the end of the year. You will see it monthly and you can make your decision on what litigation you want to continue. I'm a Town resident and I live in the Spackenkill School District and so I know what the tax burden is and I'm all for reducing taxes as well.

Councilman Tancredi: I think it's a great idea that Mr. Hagstrom has to have a monthly report on the litigation expenses in the Department.

Deputy Town Attorney Hagstrom: Thank you.

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Krakower, Tancredi  
Nays: Supervisor Myers CARRIED: 5-1

01:06-03 APPOINTMENT

Deputy Town Attorney for 2010-  
2011

#### RESOLUTION

BE IT RESOLVED, that for a one year term the Town Board of the Town of Poughkeepsie does hereby appoint Kyle W. Barnett, of counsel to the Town Attorney pursuant to Section 20(2)(a) of the Town Law in regard to matters as outlined in the attached Schedule at the rate of **\$165.00** per hour for Kyle W. Barnett and James E. Nelson with assistance from other attorneys of Van DeWater & Van DeWater, LLP, including Audrey F. Scott for the Planning Board and Rebecca A. Valk for the Zoning Board of Appeals at the rate of **\$155.00** per hour, subject to an annual maximum cap of **\$46,000.00** from the Legal Department budget line plus any monetary pass-throughs that are obtained by the Town of Poughkeepsie for their legal services, with any surplus reverting to the General Fund at the end of the years 2010; and

BE IT FURTHER RESOLVED, that for a one year term the Town Board of the Town of Poughkeepsie does hereby appoint Craig Wallace of counsel to the Town Attorney pursuant to Section 20(2)(a) of the Town Law in regard to matters as outlined in the attached schedule at the rate of **\$155.00** per hour for code enforcement advice and litigation in the Town of Poughkeepsie Town Courts regarding zoning, noise control, animal control and building code control and violations at the rate of **\$155.00** per hour, subject to the annual maximum cap of **\$30,000.00** from the Legal Department budget line, with any surplus reverting to the General Fund at the end of the year 2010; and

BE IT FURTHER RESOLVED, that Van DeWater & Van DeWater, LLP shall continue as special counsel to the Town of Poughkeepsie on the tax certiorari proceedings and litigation assigned to it at the rates stated above; and

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

SO MOVED: J. Conte/S. Krakower

Supervisor Myers: What happens if we hit the \$46,000?

Councilman Krakower: They keep working and we stop paying.

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

Nays: None

CARRIED: 6-0

01:06-04 APPOINTMENT

Town Comptroller James Wojtowicz For  
2010 – 2011

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint James Wojtowicz to the position of Comptroller for the Town of Poughkeepsie for the period of January 1, 2010 through December 31, 2011, at the salary set forth in the annual budget; and

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

SO MOVED: S. Krakower/T. Tancredi

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

Nays: None

CARRIED: 6-0

01:06-05 APPOINTMENT

Town Registrar Susan Miller For 2010  
-2011

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Susan J. Miller as the Registrar for the Town of Poughkeepsie for the period of January 1, 2010 through December 31, 2011 at the salary as set forth in the annual budget.

SO MOVED: T. Tancredi/J. Conte

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Krakower, Tancredi, and

Supervisor Myers  
Nays: None

CARRIED: 6-0

01:06-06 APPOINTMENT

Deputy Town Registrar Margaret  
Decker For 2010-2011 & Felicia  
Salvatore As Sub Registrar

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Margaret Decker as the Deputy Registrar for the Town of Poughkeepsie for the period of January 1, 2010 through December 31, 2011 at the salary set forth in the annual budget; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Felicia Salvatore as the Sub Registrar for the Town of Poughkeepsie for the period of January 1, 2010 through December 31, 2011 at the salary set forth in the annual budget.

SO MOVED: R. Lecker/T. Tancredi

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

Nays: None

CARRIED: 6-0

01:06-07 DESIGNATION

Town Official Newspaper Poughkeepsie  
Journal For 2010-2011

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby designate the Poughkeepsie Journal as the official newspaper for the Town of Poughkeepsie for the period January 1, 2010 – December 31, 2011.

SO MOVED: J. Eagleton/J. Conte

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

Nays: None

CARRIED: 6-0

01:06-08 DESIGNATION

Town Official Banks For 2010-2011  
Are M & T, Chase JP Morgan, TD Bank  
North, Key and Riverside Banks

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby designate the following banks as the official banks for the Town of Poughkeepsie for the period January 1, 2010 – December 31, 2011, to wit:

M & T Bank	
Chase JP Morgan Bank	Key Bank
TD Bank North	Riverside Bank

SO MOVED: J. Conte/T. Tancredi

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

01:06-09 APPOINTMENT Town Marriage Officers For 2010-  
2011 are Patricia Myers & Susan Miller

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Patricia Myers and Susan J. Miller as Marriage Officers for the years 2010 and 2011, pursuant to Chapter 49 of the Laws of the 1988, whereby said Marriage Officers will have the authority to solemnize a marriage at a fee of \$50.00 to be charged to and collected from the applicant and credited to the Town of Poughkeepsie.

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

01:06-10 APPOINTMENT Town Records Management Officer For  
2010-2011 is Susan Miller

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Susan J. Miller as the Records Management Officer for the Town of Poughkeepsie for the years 2010 and 2011.

SO MOVED: T. Tancredi/S. Krakower

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

01:06-11 AUTHORIZE Signatures For HUD Account For 2010-

2011 in TD Bank North Are Patricia  
Myers, James Wojtowicz, Todd  
Tancredi & Michael Cifone

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize and declare that the authorized signatures for Account # 3981920426 (HUD Account) in the TD Bank North, for the year 2010 and 2011, are any two (2) of the following individuals:

1. Patricia Myers
2. James Wojtowicz
3. Todd Tancredi
4. Michael Cifone

SO MOVED: Supervisor Myers/J. Conte

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

Nays: None

CARRIED: 6-0

01-06-12 AUTHORIZE

Individuals To Sign Checks For 2010-  
2011 Are Patricia Myers, James Wojtowicz & Todd  
Tancredi

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize one of the following three (3) individuals to sign checks on behalf of the Town of Poughkeepsie, for the year 210 and 2011, to wit:

1. Patricia Myers
2. James Wojtowicz
3. Todd Tancredi

SO MOVED: R. Lecker/S. Krakower

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

Nays: None

CARRIED: 6-0

01-06-13 APPOINTMENT

Emergency Chain of Command For  
2010-2011 Patricia Myers, Marc Pfeifer  
And Thomas Mauro

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby appoint the following individuals as the Emergency Chain of Command for the year 2010, to wit:

1. Patricia Myers
2. Marc Pfeifer
3. Thomas Mauro

SO MOVED: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 6-0

01:06-14 APPOINTMENT

Town Historian For 2010-2011  
Is Jean Murphy

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Jean Murphy as the Town Historian for the years 2010 and 2011.

SO MOVED: J. Conte/T. Tancredi

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

Nays: None

CARRIED: 6-0

01:06-15 ADOPT

2010 Official Holiday Schedule

#### RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby declare and adopt the following official holidays for the year 2010 to wit:

New Year's Day	Friday, January 1, 2010
Martin Luther King Day	Monday, January 18, 2010
Presidents' Day	Monday, February 15, 2010
Memorial Day	Monday, May 31, 2010
Independence Day	Monday, July 5, 2010
Labor Day	Monday, September 6, 2010
Columbus Day	Monday, October 11, 2010
Election Day	Tuesday, November 2, 2010
Veterans' Day	Thursday, November 11, 2010
Thanksgiving Day	Thursday, November 25, 2010
Day After Thanksgiving	Friday, November 26, 2010

Christmas Day Holiday

Friday, December 24, 2010

SO MOVED: S. Krakower/T. Tancredi

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

Nays: None

CARRIED: 6-0

01:06-16 DESIGNATION

2010 Town Board Meeting Schedule

#### RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has determined that a regular meeting of the Board shall be held on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month, with a Committee of the Whole Meeting to be held on the 2<sup>nd</sup> Wednesday of each month for the year 2010, unless otherwise noted; now therefore

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby adopt the 2010 Town Board Meeting Schedule, a true copy of which is attached hereto and incorporated herein, and

BE IT FURTHER RESOLVED, said meeting shall be at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, New York and shall commence at 7:00 PM unless otherwise noted.

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 6-0

01:06-17 APPROVE & ADOPT

2010 Highway Rental Rates

#### RESOLUTION

WHEREAS, proposals were solicited for the Highway Department rental rates for the year 2010; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve and adopt the Highway Department Rental Rates for the year 2010, per the recommendation of the Superintendent of Highways, true copies of which are on file in the Town Clerk's Office for public inspection.

SO MOVED: Supervisor Myers/J. Conte

Supervisor Myers: The roads involved herein are drainage on Sheafe Road, Pinetree Drive, Bower Road, Dorliss Drive, Forrest Court, Johns Blvd., Pasture Lane and Redondo Drive are for paving.

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

01:06-18 AUTHORIZE & ADOPT 2010 Agreement To Expend Highway Funds  
Pursuant To Section 284 of New York  
State Highway Law

#### RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize, adopt and approve the execution of an agreement, pursuant to Section 284 of the New York State Highway Law, to expend Town Highway funds in 2010 according to the terms and conditions set forth therein, a true copy of which is attached hereto and made a part hereof.

SO MOVED: R. Lecker/J. Conte

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

#### TERMS & CONDITIONS ATTACHED TO FINAL BOOK COPY

01:06-19 AWARD Bids for Highway Supplies For 2010

#### RESOLUTION

WHEREAS, bids were solicited for highway supplies for the year 2010; and

WHEREAS, said bids were received and opened; now therefore

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby award the bids for Highway Supplies for the year 2010, per the recommendations of the Highway Superintendent, as outlined in the documentation attached hereto and made a part hereof.

SO MOVED: S. Eagleton/J. Conte

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

#### DOCUMENTATION ATTACHED TO FINAL BOOK COPY

01:06-20 RE-ADOPT

Rules Of The Town Board

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby adopt the Rules which shall be known as “Rules of the Town Board of the Town of Poughkeepsie”, which is attached hereto and incorporated herein.

SO MOVED: J. Conte/S. Eagleton

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

RULES ATTACHED TO FINAL BOOK COPY

01:06-21 AUTHORIZE

Bonds For Town Officials

RESOLUTION

BE RESOLVED, the Town Board of the Town of Poughkeepsie does hereby declare and direct that the Bonds for all Town officials be continued in the same manner as heretofore established with the same force and effect.

SO MOVED: S. Krakower/T. Tancredi

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

01:06-22 APPROVE

Adjustment of Holiday Schedule For  
Highway Department Due to Leaf Pickup

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby adjust the Holiday Schedule for the Highway Department due to its leaf pickup commitments on Election Day and Veterans Day, as follows:

1. Election Day – November 2, 2010 – Change to Thursday, August 5, 2010; and
2. Veterans Day – November 11, 2010 – change to Thursday, December 23, 2010.

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 6-0

01:06-23 ADOPT

Town Non-Union Salary Schedule

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve and adopt the Non-Union Salary Schedule for the year 2010, a copy of which is attached hereto and incorporated herein.

SO MOVED: Supervisor Myers/J. Conte

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

Nays: None

CARRIED: 6-0

SCHEDULE ATTACHED TO FINAL BOOK COPY

01:06-24 REAPPOINTMENT

Town Planning Board of John Weisman  
From 01/01/10 to 12/31/16

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reappoint John Weisman to the Town of Poughkeepsie Planning Board for a 7 year term from January 1, 2010 to December 31, 2016; and

BE IT FURTHER RESOLVED, that the Town Board does hereby appoint John Weisman as Chairman of the Town of Poughkeepsie Planning Board from January 1, 2010 to December 31, 2010.

SO MOVED: R. Lecker/S. Krakower

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

Nays: None

CARRIED: 6-0

01: 06-25 REAPPOINTMENT

Town Planning Board of Patrick Rose  
From 01/01/10 to 12/31/16

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reappoint Patrick Rose to the Town of Poughkeepsie Planning Board for a 7 year term from January 1, 2010 to December 31, 2016.

SO MOVED: S. Eagleton/J. Conte

Councilman Tancredi: When Mr. Rose's appointment came up, I met with him and the reason for the meeting was to express my concern about his attendance record and I told him if he didn't want to be reappointed, it was understandable and we thank him for his years of service and he could leave on a good note. I also warned him that if he was reappointed and his attendance record continued in the same manner, I would remove him. A number of good candidates have expressed their willingness to serve and the 6<sup>th</sup> Ward is fortunate to have two appointments from the that Ward. John Weisman is also a 6<sup>th</sup> Ward appointment. Mr. Rose has expressed an interest to continue on. He got his education requirements and he told me that he was getting a business up and running over the last number of years which required his time and attention and I asked Mr. Wilson if he was a good contributing member at the Planning Board Meetings and Mr. Wilson felt that he was. I want to give the man a chance to serve and if he fails, I will remove him.

Councilman Conte: I was on the Planning Board and I do remember him missing quite a bit, but when he came there, I just remember him as being one of the people that when he said things, he had some real good points. It's good to address those who are not fulfilling their duties as expected of them and remove them if they do not correct the situation. I know he has a lot of experience in this field and I do hope things will work out. I will endorse him, but if the absentee does continue, then we should remove him.

Supervisor Myers: I do think that when a member misses 58% of attendance in a year and there are other qualified people, who would like the opportunity to sit on the Board and perhaps have a different perspective, then I think that maybe we need a new perspective and time to move forward and appoint someone else.

Councilman Tancredi: The Planning Board takes a lot of grief, but the Planning Board can only enforce the laws that this Board sets. We just went through a Master Plan and we did a lot of up-zoning for most of the Town because of development and I'm sure there are some decisions they've made that I don't agree with but to say they are making decisions not consistent with the laws put in place, that's not entirely accurate.

ROLL CALL: Ayes: Councilmen Lecker, Conte, Krakower, Tancredi

Nays: Councilman Eagleton and Supervisor Myers

CARRIED: 4-2

01:06-26 REAPPOINTMENT

Town Zoning Board of Appeals of  
Marcy Marlow From 01/01/10 to 12/31/16

TABLED

01:06-27 AUTHORIZE

Town Business Mileage  
Reimbursement For Current IRS Rate

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize the amount paid for business mileage reimbursement to be the current IRS Rate, effective January 1, 2010.

SO MOVED: Supervisor Myers/T. Tancredi

Supervisor Myers: I think that rate just went down again, too.

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

Nays: None

CARRIED: 6-0

01:26-28 AUTHORIZE

Agreement With American Legion Post 1302  
For Recreation For Year 2010

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute an agreement for the year 2010 with the American Legion Post # 1302 for the utilization of premises owned by the American Legion Post # 1302, which premises shall be used for recreational purposes under the terms and conditions set forth in the agreement, a true copy of which is attached hereto and incorporated herein.

SO MOVED: R. Lecker/T. Tancredi

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

Nays: None

CARRIED: 6-0

TERMS AND CONDITIONS ATTACHED TO FINAL BOOK COPY

01:26-29 AUTHORIZE

Agreement with VFW Vail Wolff Post 170  
For Lease of Playground For Year 2010

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a lease agreement between the Town of Poughkeepsie and the VFW Vail Wolff Post No. 170, located on 1 Violet Avenue, Poughkeepsie, New York, for the lease of a playground for the period of January 1, 2010 to December 31, 2010, a true copy of which is attached hereto and incorporated herein.

SO MOVED: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 6-0

LEASE AGREEMENT ATTACHED TO FINAL BOOK COPY

01:06-30 APPROVE

Standard Workday for Elective/Appointive  
Individuals

AMENDED  
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby establish the standard workday for each elective and appointive official, which shall be not less than 6 hours per day; and

BE IT FURTHER RESOLVED, that the standard work week shall be Monday through Friday; and

BE IT FURTHER RESOLVED, that the following is a list of the elected officials with their term expiration date:

Patricia Myers, Supervisor	12/31/11
Richard Lecker, 1 <sup>st</sup> Ward Councilman	12/31/11
Sean Eagleton, 2 <sup>nd</sup> Ward Councilman	12/31/11
Joseph Conte, 3 <sup>rd</sup> Ward Councilman	12/31/11
Michael Cifone, 4 <sup>th</sup> Ward Councilman	12/31/11
Stephan Krakower, 5 <sup>th</sup> Ward Councilman	12/31/11
Todd Tancredi, 6 <sup>th</sup> Ward Councilman	12/31/11
Geoffrey Patterson, Receiver of Taxes	12/31/11
Susan J. Miller, Town Clerk	12/31/11
Marc Pfeifer, Superintendent of Highways	12/31/11
Paul O. Sullivan, Town Justice	12/31/11
Paul Banner, Town Justice	12/31/11

AND BE IT FURTHER RESOLVED, that the following is a list of the appointed officials with their term expiration date:

David D. Hagstrom, Town Attorney	12/31/11
8:30 AM – 4:30 PM (1 hour lunch)	
James Wojtowicz, Comptroller	12/31/11
8:00 AM – 4:00 PM (1 hour lunch)	

AND BE IT FURTHER RESOLVED, that commencing January 1, 2010 the elected or appointed official shall record his or her work activities for a period of three consecutive months, which will include matters outside the normal working hours for the purpose of actually attending to official duties, including to responding to an emergency, attending an employer sponsored event or meeting with, or responding to, members of the public on matters of official business; and

BE IT FURTHER RESOLVED, that said records shall be completed within 150 days of taking office and shall be submitted within 180 days to the Clerk of the Governing Board.

SO MOVED: J. Conte/T. Tancredi

Motion made to amend the Resolution to read 12/31/13 for Marc Pfeifer, Susan Miller and Geoffrey Patterson's: Supervisor Myers/T. Tancredi

ROLL CALL ON AMENDMENT: ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Krakower, Tancredi, and Supervisor Myers  
Nays: None CARRIED: 6-0

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

01:06-31 AUTHORIZE Country Club Apartments Sewer  
SUPERVISOR Use Agreement  
TO SIGN

#### RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received a request from Country Club Apartments, LLC, 60 E. 56<sup>th</sup> Street, New York, NY 10022 (hereinafter the Owner), to become a tenant of the Woodmere Sewer District and related sewer service areas for sewer services to premises identified as Grid No. 6160-03-055050 consisting of 9.15 acres, which property is fronting on Anthony Drive, and

WHEREAS, the matter has been reviewed by the Town of Poughkeepsie Legal Department, Sewer Department and Water Department as to the terms and conditions to be imposed, and

WHEREAS, the parties have negotiated a sewer use agreement acceptable to all parties, a copy of which is attached hereto; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does declare itself as Lead Agency and does declare that said proposed Sewer Agreement is a Type II Action under the New York State Environmental Quality Review Act, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute said document.

SO MOVED: S. Krakower/J. Conte

Councilman Krakower: Are they not in the sewer district right now?

Supervisor Myers: They are coming in as a tenant of the sewer district. They had an agreement many years ago and it expired and they just negotiated it.

Councilman Krakower: I don't think I even heard of this going on and that's my Ward up until now.

Supervisor Myers: Yes, that's one of those that at one time when Tom had a whole list of tenancy agreements that they had to update.

Councilman Krakower: But, I don't remember him ever speaking to me about this in particular and there has been some issues from time to time with that property, too. There were some drainage issues and some other things over there and there is a retainage pond or cesspool type of thing on that property or neighbor's property that there has always had some problems with the Anthony Drive area and drainage and things and I guess I would like to table this for at least a month just to take a look at it.

Kathleen Tabor, Town Assessor: Country Club Apartments, originally there were a few properties in the Town that were tenants. When we put those units on, they only went into the Arlington Sewer Service Area. There was no agreement, really, where they would use the lines. They were not put into the sewer to pay for that. They only got put into the Arlington Sewer Service Area, which is for the plant.

Councilman Krakower: So, they haven't been paying what they should have been paying?

Kathleen Tabor: Right, there was no agreement ever done, I guess. Well, there may have been an agreement, but nothing was nothing formally done to put them in Woodmere Sewer. Tom was putting them into Woodmere Sewer, but there was no formula for commercial property for Woodmere Sewer because Woodmere was originally created for only residential property.

Councilman Krakower: Where is Woodmere Sewer connection?

Kathleen Tabor: Off of Dogwood. There was a few properties there, . Super 8, Hampton Inn and Country Club Apartments, that are now dumping in the Woodmere Sewer. We are now putting them in so they pay into Woodmere Sewer. They were not paying into Woodmere Sewer. There is nothing weekly written up to say that when you are a tenant that you now pay into the sewer district that you go through, because most of them are just in the Arlington Sewer area.

Councilman Krakower: So, as of right now, they don't have an agreement?

Kathleen Tabor: We are doing an agreement now. That's what this is.

Councilman Krakower: I would still like to table it and talk to Engineering about it before we approve it.

My name is Albert Roberts and I represent Country Club Apartments. The drainage issues have been on going. I do acknowledge that and Mr. Krakower did attempt to reach you about 6 months ago about this issue, but we were never able to connect. As it was explained to me by previous Town Counsel, whatever agreement existed between Country Club Apartments and the Town of Poughkeepsie had gone by the wayside and Tom insisted that the Country Club and several other outside users to the district entered into a formal tenancy agreement. The tenancy agreement is to benefit not only my client, the Country Club Apartments, but also the Town of Poughkeepsie. The drainage issues, are separate and apart. The drainage issues have, in large, been compounded by some of the development and other issues I am fully aware of and I have worked with Mr. Mahar and the Engineering Department. The Country Club has retained the firm of Paggie, Martin and Bilbenni to address the drainage issues and I think they have pretty much been resolved, but they are separate and apart from the Tenancy Agreement for the use of the sewer. It seems to me that the Town of Poughkeepsie benefits by having this agreement in place. I would like to meet with you as soon as possible.

Councilman Krakower: I was not aware of this being discussed or negotiated and I still would like to table this so I can meet with the Engineering Department on it, and have a complete understanding of it before we vote on it.

Motion made to Table to January 20 Meeting: Supervisor Myers/T. Tancredi

CARRIED: 6-0

TABLED UNTIL JANUARY 20, 2010 MEETING

01:06-32 APPOINTMENT

Poughkeepsie City/Town Joint Water Board

AMENDED  
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Todd Tancredi to the City/Town Joint Water Board for a 3 year term commencing January 1, 2010 and expiring on December 31, 2012.

SO MOVED: S. Krakower/J. Conte

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

Nays: None

CARRIED: 6-0

01:06-33 APPOINTMENTS

Tri-Municipal Sewer Commission Of  
Patricia Myers & Jon Baisley

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Patricia Myers and Jon Baisley to the Tri-Municipal Sewer Commission for the years 2010 and 2011.

SO MOVED: T. Tancredi/S. Eagleton

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

Nays: None

CARRIED: 6-0

01:06-34 AUTHORIZE

Sale of Highway Surplus Equipment

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize the sale of the following surplus equipment:

\* 1991 International 4800 Model dump/plow truck  
VIN #: 1HTSEZ7RXXMH332914, for the sum of \$17,000.00

SO MOVED: Supervisor Myers/J. Conte

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

Nays: None

CARRIED: 6-0

01:06-35 ACCEPT

Town Road Known as Kenzbrit Court  
Located in Forest Glen Subdivision Off of  
Spackenkill Road

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to the recommendation of the Superintendent of Highways and the Town Engineer's Office, does

hereby accept as a Town road known as Kenzbrit Court located in the Forest Glen Subdivision off Spackenkill Road.

SO MOVED: R. Lecker/T. Tancredi

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

Nays: None

CARRIED: 6-0

01:06-36 AUTHORIZE

Special Consent Items SC 1, SC 2, SC 3, SC 4, SC 5, SC 6, SC 7, SC 8, SC 9, SC 10,

### 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. Appointment  | Emergency Interim Successors  |
| 2. Designation  | Association of Towns<br>A. Delegate<br>B. Alternate Delegate<br>C. Attendance   |
| TABLED          |   |
| 3. Resignation  | Jeffrey A. Magee – Planning Board   |
| 4. Appointment  | Van DeWater & Van DeWater as<br>Special Counsel to defend ZBA in the Article 78<br>Action filed by Dutchess Community College |
| 5. Resignation  | Gurpreet Dhaliwal – Conservation Advisory<br>Commission   |
| 6. Appointment  | James Kennedy – Conservation Advisory<br>Commission   |
| 7. Notification | Club 60 Members – Petition  |
| 8. Appointment  | Robert Gorman – Planning Board  |
| 9. Appointment  | Anne Conroy – Alternate Planning Board<br>Member  |

10. Authorize Supervisor  
To Sign

Labor and Employment Legal Services Letter  
Agreement – Gellert & Klein, P.C.

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: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 6-0

01:06-SC 1 APPOINTMENT

Emergency Interim Successors For  
2010-2011 Are Marc Pfeifer, Todd  
Tancredi and Michael Cifone

#### RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does appoint as  
Emergency Interim Successors, as requested by the Dutchess County Department of Emergency  
Response, and does hereby specify their rank in order of succession as listed, the following  
individuals:

1. Marc Pfeifer
2. Todd Tancredi
3. Michael Cifone

BE IT FURTHER RESOLVED, the Supervisor is hereby authorized, empowered and  
directed to execute the Emergency Interim Successor designation form, in duplicate, which is  
attached hereto, and return to the D.C. Department of Emergency Response.

SO MOVED: J. Conte/R. Lecker

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

Nays: None

CARRIED: 6-0

01:06-SC 2 DESIGNATION

Associations of Town Delegates &  
Alternates

- A. Delegate
- B. Alternate Delegate
- C. Attendance

#### TABLED

01:06-SC 3 RESIGNATION

Planning Board member Jeffrey A. Magee

## RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the resignation of Jeffrey A. Magee from the Town of Poughkeepsie Planning Board, effective immediately.

SO MOVED: S. Krakower/T. Tancredi

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

Nays: None

CARRIED: 6-0

01:06-SC 4 APPOINTMENT

Van DeWater & Van DeWater As Special Counsel To Defend The Zoning Board of Appeals in the Article 78 Action Filed by Dutchess Community College

## RESOLUTION

WHEREAS, an Article 78 action has been filed against the Zoning Board of Appeals of the Town of Poughkeepsie by Dutchess County Community College; 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, 85 Civic Center Plaza, Suite 101, 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 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: T. Tancredi/J. Conte

Councilman Krakower: Now, this would be an example, if you were concerned about the cost of legal fees going forward. Certain members on the Board are in favor of going forward with litigation, some maybe not. I'm guessing a lot of members on the Board don't even know how much we spent to date on this litigation. I'm not in favor of just letting the Community College do whatever they want, but this is a lot of taxpayer's money being burnt on this litigation and Mr. Hagstrom's suggestion is that we go forward and he is going to give us a breakdown of what has been spent so far on it. I think it is very important that the Board members see what we are spending on these things rather than saying, "Yes, let's go fight the fight and burn the taxpayer's

money on something like this because, again, money is burned on our end and the other end because we are suing a County agency here. So, I think we have to move cautiously here.

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

Nays: None

CARRIED: 6-0

01:06-SC 5 RESIGNATION

Conservation Advisory Commission  
Member Gurpreet Dhaliwal

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the resignation of Gurpreet Dhaliwal from the Town of Poughkeepsie Conservation Advisory Commission, effective immediately.

SO MOVED: Supervisor Myers/J. Conte

Councilman Conte: I would like to say that this is unfortunate that we have to do this. This is one of those circumstances that we noticed that there was absenteeism we wanted to address. We made a phone call to see if we could get an improvement in that and we didn't get an answer and so we had to move forward in this.

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

Nays: None

CARRIED: 6-0

01:06-SC 6 APPOINTMENT

Conservation Advisory Commission  
Member James Kennedy

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint James Kennedy to the Town of Poughkeepsie Conservation Advisory Commission, effective immediately, for a two (2) year term through December 31, 2011.

SO MOVED: R. Lecker/T. Tancredi

Councilman Conte introduced Mr. Kennedy and stated that he is taking the place of Gurpreet Dhaliwal on the Board and he is anxious to do something to benefit the Town.

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

Nays: None

CARRIED: 6-0

01:06-SC 7 NOTIFICATION

Petition From Club 60's Senior Citizen  
Members To Town Board To Provide A  
Suitable, Permanent, Centrally Located Senior  
Center Facility

NOTED BY TOWN BOARD

Councilman Tancredi: I met with the Senior Group today and I took a verbal beating. The seniors in the Town are upset that they haven't gotten their own center. They have expressed to me that a number of Towns around us that are smaller than ours have dedicated senior centers.

Councilmen Lecker and Eagleton. We have three senior clubs in the Town. Two meet at the Police/Court facility and one at the Locust Grove. The one that meets at Locust Grove has met at several other locations: the Lexington Club on South Road and at South Road Civic Center. They have been pushed around some. As you can see, there are 148 signatures on it. We encourage the seniors to call their representatives and maybe you will be getting some calls. I urged them to express to you their desire to see a permanent site. What it boils down to is money. It means the Town needs to purchase a building. Mr. Kaminsky has introduced a plan for a center and they have informed me today they are kind of waiting. Tom Meyering and the Supervisor have offered up some modulars in the back of the warehouse on Tucker Drive. The seniors expressed to me that they didn't think behind the warehouse was a suitable location. I tend to agree. They are very upset and they feel ignored and disregarded. I told them I would make the plea and make sure I relayed the message to each of you.

PETITION ATTACHED TO FINAL BOOK COPY

01:06-SC 8 APPOINTMENT

Planning Board Member Robert Gorman

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Robert Gorman to the Town of Poughkeepsie Planning Board to fill the unexpired term of Jeffrey Magee, effective immediately, which term expires on December 31, 2012.

SO MOVED: J. Conte/T. Tancredi

Supervisor Myers: I would just like to observe that in the past we have always asked for a letter of interest or some sort of resume or something for people being appointed to Boards. That's always been the Board's request and we have nothing being presented from them. I think the Town would be better served if we put an ad in the paper and on the website and got a resume for these positions and various Boards and see if people come forward.

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

Nays: None

CARRIED: 6-0

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby designate Anne Conroy to serve as an Alternate Board Member for the Planning Board, which designation is for a four (4) year term commencing on January 1, 2010 and expiring on December 31, 2013.

SO MOVED: S. Krakower/T. Tancredi

Supervisor Myers: I would like to amend this resolution to add Doreen Tignanelli. Our Town Code says that we can have up to three alternates. We have one now and I would like to amend this and have Doreen also. Town Code 153-4B.

Councilman Conte seconded the motion.

Councilman Krakower: Tom Bower is one, there was at least one other one that was appointed.

Supervisor Myers: There are two openings.

Councilman Krakower: Not that I have anything against the Sixth Ward, but that would make a whole bunch of appointments in the Sixth Ward at that point and I believe we now have two, about to appoint a third and then that would be four persons from the Sixth Ward on the Planning Board. I would like to look at the Zoning Board alternates before making another appointment decision to the Planning Board. Councilman Krakower continued to say that he felt Anne Conroy to be an excellent choice for this Planning Board spot. I would rather take a little time and Table this and look at it.

Town Attorney Hagstrom: I would observe, seeing this is a Special Consent item, it is essentially adding something new and if one member says "No", it doesn't come on Special Consent tonight.

ROLL CALL ON APPOINTMENT OF ANNE CONROY: Ayes: Councilmen Lecker,  
Eagleton, Conte, Krakower, Tancredi, and Supervisor Myers  
Nays: None

CARRIED: 6-0

Motion made to Table appointment of Doreen Tignanelli to January 20, 2010: S. Krakower/J. Conte

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

Nays: None

CARRIED: 6-0

TABLED UNTIL JANUARY 20, 2010 MEETING

01:06- SC 10 AUTHORIZE

Labor and Employment Legal Services Letter Agreement For 2010 Between Town & David Wise, Esq. of Gellert & Klein Law Firm

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a Labor and Employment Legal Services letter Agreement for 2010 between Town & David R. Wise, Esq. of the law firm of Gellert & Klein, a copy of which is attached hereto.

SO MOVED: T. Tancredi/R. Lecker

Town Attorney Hagstrom: I think we had some problems here. I just received this. It's not the same as the former agreement. I am worried about when he says that he covered the General Labor Law, Human Rights Division, ADA American Disability Act, a former attorney did cover this, Family Medical Leave Act, General Municipal Law, it doesn't state for one year and that would be the intention and it does not have the (inaudible) and as Mr. Krakower raised, that it does not have a cap for each month or for the whole year and if he doesn't get the hourly rates in to go there. I think it could be cleared up by the next Board Meeting.

Motion made to Table until the Town Board Meeting of January 20, 2010: S. Krakower/S. Eagleton

CARRIED: 6-0

TABLED UNTIL TOWN BOARD MEETING JANUARY 20, 2010

Supervisor Myers: Before suspending the rules I have a couple of items, first, the 2010 Census is taking a tour on the road and they are going to be at the Poughkeepsie Galleria at 1:00 PM on January 10. If anyone wants to talk to the Census people and see what kind of questions they are going to ask you. The census will begin on April I, believe. See them then. I have the new Board Committees to hand out for everyone. I have two appointments that I am provided the opportunity to make. My first appointment is the reappointment of my assistant, Nancy Hritz-Seifts to her same position and the other is the appointment of Deputy Supervisor and I am pleased to appoint Rick Keller-Coffey as Deputy Supervisor to the Town of Poughkeepsie.

Councilman Tancredi: I just want to make one comment regarding that. I've known Rick for some time and the only concern I have is I think the Deputy Supervisor should be an elected official, not necessarily a Town Board Member, it could be the Highway, Clerk, Receiver of Taxes. I do think that person should be an elected person. I know when Ann Barcher made someone other than elected as her Deputy, you, Pat, took objection to it.

Supervisor Myers: I think there is a tremendous difference between Rick Keller-Coffey and the person Ann Barcher chose to elect.

Councilman Tancredi: I agree, I'm sure it was your reasoning was because of the quality of the person. The reason I feel this way is because, unfortunately, a number of us, you included, we've been on the Board when Board members have been taken suddenly and it sets up scenario where the Supervisor of the Town could be someone who was not elected.

Supervisor Myers: I know that, but Todd, if you read the law, if I drop dead tomorrow, the Board would have the ability to appoint someone to take my place and so I don't think you have to worry about that for too long.

Councilman Krakower: If you don't drop dead, but you are absent for a period of time, which also happened during the Ann Barcher years, I agree with Councilman Tancredi that I think the Deputy Supervisor position should be someone elected by the voters of the Town of Poughkeepsie. It is your prerogative to do what you want with it, but when you were on the other side of this issue when Ann Barcher was Supervisor and before any of us knew her personality, you opposed it based on the fact that that person was not an elected official and not based on who he was. So, I don't think it is consistent with what you are doing. I think to be fair to the voters of the Town, I think that should be someone they voted for. I just question why you couldn't find someone in that group that you thought would be qualified to take that spot.

Supervisor Myers: My choice is Rick Keller-Coffey and that is the end of the conversation.

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

CARRIED: 6-0

Victor Gennodi: I understand that Club 60 is looking for a place to go? I vaguely remember when the Galleria Mall was going in, they took down the Oak Grove Grange and when they took it down, the purpose of putting the community meeting room there was to be available to the Town of Poughkeepsie residents and that is in the minutes of those meetings back then and that was the purpose of building that community room in the Galleria Mall. The people of the Mall are very accommodating, they could make room and make it available to them. It's a perfect place, walk in the mall, buses, it is a comfortable spot, let's look into it.

Steve Van Buren: Until January 1<sup>st</sup> of this year, I was employed by you as a part time fire inspector in the Building Department. My position was eliminated in balancing the 2010 Town Budget and I wanted you to be able to put a face with a line item. According to the Town Comptroller, my part time position amounts to 6 thousandth of the 1% of the Town Budget. As a part-timer I received a straight hourly pay with no benefits such as medical or dental. Overtime is part of the fire inspection program which is non-existent. Simply put, I was one of the cheapest employees you had to pay. I came to the Town two years ago with a total of 34 years in career fire protection and I was fully qualified to step in and immediately start performing inspections without any training from the Town. I was specifically hired to assist your Fire

Inspector, Lenny Splain, in performing the numerous fire inspections required by the State Building Code. Lenny had put an aggressive plan in place following Title 19 of the New York Code Rules and Regulations, Chapter 32, Part 1203 Uniform Code, minimum standard for administration enforcement Subsection H 1 & 2. I've provided a copy of these regulations for your viewing. Under State Regulations, places of public assembly, restaurants, bars, clubs, theatres, churches, etc., are required to have an annual fire inspection. That was our first goal. Last year, 2009, we started inspection of multiple residents, apartments and condominiums, a three year requirement under the Code. A public assembly inspections were repeated. This year we had planned on all other commercial occupancies. The public assemblies also need to be reinspected. The fees that the program could bring in, will be missed. You will be falling short of the State requirements, also. I do the same job for the Town of Fishkill, also working on a part time basis. As the sole fire inspector, I am responsible for all aspects of the program. In my opinion, an aggressive fire inspection program could have nothing but good impact on the Town. Going forward, I would hope you would look into re-establishing the second part time fire inspector's position. I welcome the chance to again provide you with a big bang for your buck and thank you for the opportunity to let me speak.

Jim Berretta: I would like to say that I think the Board Members that voted for Patrick Rose's reappointment tonight did the Town a disservice and I would like to ask Councilman Tancredi the specifics of his criteria for monitoring Mr. Rose's attendance and when you will decide to remove him when necessary? How does that work?

Councilman Krakower: What is the total time needed to spend?

Supervisor Myers: 25% of the meetings, I believe for the year.

Councilman Krakower: And it's at the Town Board's discretion to remove someone, right?

Supervisor Myers: It's our power, yes.

Councilman Krakower: If he doesn't show up to the meetings, he will be removed.

Jim Berretta: He has already not shown up to the meetings. I will give Councilman Tancredi the benefit of the doubt if that was what he was doing, was to give him the benefit of the doubt, but with the performance that was demonstrated, I have absolutely no faith that you will remove him in the future because you didn't do it in the past. For as much as I respect you and you have in the past made some very good decisions, I think you failed in leadership tonight and failed the Sixth Ward.

Councilman Tancredi: Well, I'm sorry you feel that way, I respect all the work you and Doreen do on your own to help the Town be a better place. I did state tonight, that if Mr. Rose's attendance isn't there, I will remove him. I've told him that a number of times and I have stated it publicly a number of times and I told the Supervisor that previously and told Doreen that and there is not much more I can do.

Jim Berretta: Councilman Krakower, you have encouraged the public to come here and state your grievance against these people when their appointments are up. You encourage residents to do that and then you vote against it any way. Councilman Conte, you stated "That while you were on the Planning Board, Pat Rose pointed out some things that you missed." Well, I think you were on the Planning Board about a year and a half or two and Pat Rose was on ten or twelve years. So, I think someone on ten or twelve years should be able to point something out to someone who was on two years.

Councilman Conte: The point I was trying to bring up was he made a strong impact on me on some of the points he brought out. Give him this opportunity, if he fails then let him go.

Jim Berretta: I watched the Planning Board Meeting that Victor Gennodie talked about Tilcon and the Planning Board was trying to undermined the hours set by the Town Board, I hate to say it, but Mr. Hagstrom was the attorney there and Mr. Hagstrom didn't do anything to rain that in, in fact, I was wondering what team he was on.

Jon McBride: I want to object to Rick Keller-Coffey being appointed as Deputy Supervisor or to the Town Board in any capacity. A couple of years ago he had the Tax Assessment going on here and we had a meeting over at the Spackenkill High School when they introduced all of the electives, Rick got up and didn't say one thing about taxes, he spent two minutes talking about Global Warming. His interests are on National issues and he is not the least bit interested in local issues. He didn't run for County Legislator again because he couldn't figure out why no one wanted to spend Dutchess County tax dollars to fight Global Warming. If you are going to appoint someone like him, why don't you go all the way and appoint Al Gore. I don't think he is right for that position. It should be someone more interested in local issues.

Motion made to resume the rules: Supervisor Myers/S. Krakower

CARRIED: 6-0

## 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. Litigation: To discuss litigation strategy in a case known as Town vs. River Terminal Services.
2. Confidential communication between attorney and his client/Town Board based on Attorney/Client privileges.

SO MOVED: R. Lecker/J. Conte

CARRIED: 6-0

TOWN BOARD MEETING ADJOURNED AT 9:00 PM

BOARD INTO EXECUTIVE SESSION AT 9:05 PM

TOWN BOARD BACK FROM EXECUTIVE SESSION AT 9:30 PM

NO ACTION WAS TAKEN

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

CARRIED: 6-0

MEETING CLOSED AT 9:31 PM

SJM:lkm