

**MINUTES OF TOWN BOARD MEETING HELD ON
APRIL 7, 2010 AT 7:00 PM AT TOWN HALL, ONE
OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

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

ABSENT:

***NOTE: Attachments pertaining to a particular Town Board Meeting will be found after the final minutes of that meeting, which are kept in the official minute books, held in Town Clerk's Office.**

Public comments made during a Board Meeting may be heard on the audiotape of that particular meeting, which is kept in the Town Clerk's Office.

{ } DESIGNATES CORRECTIONS

7:00 pm

CALL TO ORDER

SALUTE THE FLAG

Motion made to suspend the rules for public speaking on agenda: Supervisor Myers/M. Cifone

CARRIED: 7-0

Doreen Tignanelli: Glad to hear we are finally going to get new audio equipment here, but, I am curious as to how much it is going to cost us for the equipment and who is going to do the work?

Supervisor Myers: It is being paid for by Horizon. So, it's not going to cost the residents anything. Tom McNamara was in today going over some numbers with Mark Fink so we can stay within the budget. We are hoping that the system that gets chosen is similar to the one that the County uses that in order to speak into the microphone you have to activate it by pushing a button so you get rid of a lot of noises. Mark especially liked this idea for the Planning Board and Zoning Board because they are shuffling so many papers that you get a lot of noise.

Town Attorney Hagstrom: Inaudible.

Doreen Tignanelli: Is Tom McNamara going to be paid more money for installation in addition to the equipment?

Supervisor Myers: I haven't seen any of the numbers. The only thing I heard today was asking if I thought the Board would like the idea of having to individually activate the microphones. A

budget transfer has been put into the account so that it could be expended, but we haven't approved anything yet.

Doreen Tignanelli: That's good, because I do remember last year Tom McNamara was paid \$4,000.00 and that seems like an awful lot of money for –there was no estimate given and no definite time as to how long he spends on it. It was somewhere between 2 ½ days to 5 days.

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

CARRIED: 7-0

04:07-01 AUTHORIZE

Agreement With Marist College For Traffic Control During Men's & Women's Basketball Games & Other Special Events

RESOLUTION

WHEREAS, Marist College is an educational facility located on Route 9 in the Town of Poughkeepsie, County of Dutchess, State of New York; and

WHEREAS, Marist College sponsors various activities including inter-collegiate basketball; and

WHEREAS, Marist College has requested assistance with traffic control from the Town of Poughkeepsie as outlined in the letter from John T. Gildard dated March 15, 2010, a copy of which is attached and incorporated herein; and

WHEREAS, the Town of Poughkeepsie is willing to supply police officers for traffic duty in cooperation with Marist College of Safety and Security; and

WHEREAS, said police officers from the Town of Poughkeepsie would be reimbursed by Marist College for the salary of said officers at the rate of time and one half, if applicable, but would not pay any fringe benefits; and

WHEREAS, the Town of Poughkeepsie Police Officers would function as police officers on public property when assisting with the safety and security; and

WHEREAS, the Town of Poughkeepsie and the Marist College will establish a billing system; now therefore

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize and approve the utilization of Town of Poughkeepsie Police Officers in conjunction with the Office of Safety and Security of Marist College for the men's and women's basketball games and other special events as sponsored by Marist College and the items set forth in the above cited letter upon notice to the Town of Poughkeepsie and Town of Poughkeepsie Police Department; and

BE IT FURTHER RESOLVED, that this Resolution Agreement would cover the period of August 28, 2010 through May 21, 2011.

SO MOVED: R. Lecker/S. Eagleton

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

Nays: None

CARRIED: 7-0

LETTERS ATTACHED TO FINAL BOOK COPY

04:07-02 AUTHORIZE

Extension of Current Agreement With Dutchess Community College For Traffic Control

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby extend the current agreement with Dutchess Community College in regard to traffic control as outlined in the March 26, 2010 memorandum from Police Chief Mauro and Dutchess Community College's letter of March 23, 2010, copies of which are attached.

SO MOVED: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 7-0

MEMORANDUM ATTACHED TO FINAL BOOK COPY

04:07-03 BID AWARD

For Well Pumps & Other Associated Upgrades To Provide Water To The Irrigation System At Greenvale Soccer Field

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the bid for well pumps and other associated upgrades necessary to provide water to the irrigation system at the Greenvale Soccer Field to Gannon Plumbing and Heating at the bid price of \$37,700.00, pursuant to the recommendation of the Park Facilities and Program Director; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the Contract Agreement with Gannon Plumbing and Heating.

SO MOVED: J. Conte/M. Cifone

Councilman Krakower: Are we sure this contractor has done this kind of work before?

Councilman Cifone: I know Pat Gannon is a licensed plumber in the Town. It's pretty straight forward.

Councilman Krakower: It's pretty straight forward, but it's a little specialized.

Supervisor Myers: He's putting in the pumps, not the piping and stuff and he was the lowest bidder of the three bids put in.

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

Nays: None

CARRIED: 7-0

04:07-04 AUTHORIZE

Renewal Notice For One Year Extended Warranty For the 900MPH Plate Hunter With ELSAG North America Law Enforcement Systems, LLC For Police Department

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the Renewal Notice for a one (1) year extended warranty agreement for the Police Department's 900MPH Plate Hunter with ELSAG North America Law Enforcement Systems, LLC at the cost of \$888.75, in accordance with the warranty agreement, a copy of which is attached hereto.

SO MOVED: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 7-0

WARRANTY AGREEMENT ATTACHED TO FINAL BOOK COPY

04:07-05 AUTHORIZE

From Town Zoning Board of Appeals of Joseph Prisco

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the resignation of Joseph Prisco from the Town of Poughkeepsie Zoning Board of Appeals, effective March 26, 2010.

SO MOVED: S. Krakower/T. Tancredi

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

Nays: None

CARRIED: 7-0

04:07-06 BUDGET

MODIFICATION

For Upgrade of Town's Audio & Video
Systems

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the 2010 Budget, pursuant to the attached Budgetary Transfer Request Form submitted by the Comptroller, to allow for an upgrade of our Town's audio and video systems, which funds were received from Verizon pursuant to their contract as follows:

INCREASE:

B 909	Appropriated Fund Balance	\$30,000.00
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TO:

B 1620.0201	Equipment	\$30,000.00
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SO MOVED: T. Tancredi/J. Conte

Councilman Cifone: I know we got the letter from Mark saying we have a proposal from the company. Before we initiate any contract with any company to do the work, I would like to put this out to bid to other companies as well. I would like to see what other companies would offer us as well. I don't want to just go with one company's price.

Councilman Krakower: I agree. I've been told this is very good equipment, but not appropriate for this type of setting. So, before we go down that road again, I think we ought to get other proposals from other companies and make sure we are doing right this time. Roger Connor from Cablevision has been very helpful to the Town in the past and we might be able to reach out to him to see if he could help us out with it.

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

Nays: None

CARRIED: 7-0

TANSFER REQUEST ATTACHED TO FINAL BOOK COPY

04:07-07 SET DATE FOR A
PUBLIC HEARING

Amend Town Code Chapter 195 Entitled
"Vehicles & Traffic", Specifically Section

195-48, Entitled "Schedule XIII: Parking Prohibited At All Times"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 21st day of April, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overrocker Road, Poughkeepsie, NY as the time, date and place of a public hearing to consider an amendment to the Poughkeepsie Town Code, Chapter 195, entitled "Vehicle and Traffic", specifically Section 195-48, Schedule XIII, entitled "Parking Prohibited at All Times", which amendment would be as follows:

ADD

Name of Street	Side	Location
Overrocker Road	Both	From Mountain View Road to Peckham Road
North Grand Avenue	Both	From Pehl Road to 274 North Grand Avenue

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does declare itself as Lead Agency under the New York State Environmental Quality Review Act, and does determine that this action is an Exempt Action; and

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

SO MOVED: Supervisor Myers/M. Cifone

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

Nays: None

CARRIED: 7-0

04:07-08 AUTHORIZE BIDDING

For Installation Of A New Flat Rubber Roof For The Highway Building

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Superintendent of Highways to advertise for bids for the installation of a new flat rubber roof for the Highway Building at 8 Burnett Boulevard, pursuant to the scope of work and specifications prepared by the Highway Superintendent, which expenditure is allocated in the 2010 Highway Budget, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reserve the right to accept or reject all bids in whole or part.

SO MOVED: R. Lecker/T. Tancredi

Councilman Conte: Chief, when I first came on, one of the first things we spoke about was the roof on the Police Department and I was working with Ron Corrado, and he and I were bouncing the idea of the flat rubber roof and I think at the time it wasn't even considered because of the price, but you are still have major problems with the roof you have? I know it was a real concern. I know the flat roof is a good idea. Can we dig that out and hear a price, too? Or has the problem sort of resolved?

Supervisor Myers: No, the problem has not resolved itself. The courts still have major, major problems.

Chief Mauro: The problems are on the court side of the building, primarily during the cold weather with the expansion and contraction. The west side of the building has experienced some problems with water damage.

Supervisor Myers: We are exploring several different options since the courts were just awarded a grant to help pay for the roof, so we are looking to see what is the best deal we can get.

Councilman Conte: Maybe we can combine them and do it all at once.

Supervisor Myers: I'm sure we can't afford to do them both at once.

Councilman Conte: Maybe, buy one, get one free?—

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

Nays: None

CARRIED: 7-0

04:07-09 AUTHORIZE/
ACCEPT

Compensation For The Acquisition Of
The Fee Title by MTA To The Town For
Property Located At 15 Bridge Street, Block
7, Lot 547

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the acquisition by Metropolitan Transportation Authority of fee interest of a portion of property (.0386 +/- acres) owned by the Town, which is needed to support the project to replace Bridge Street Bridge over Metro-North Railroad in New Hamburg, for the sum of \$3,400.00 to be paid to the Town of Poughkeepsie, pursuant to the letter dated March 22, 2010 from Metropolitan Transportation Authority, attached hereto.

SO MOVED: S. Eagleton/J. Conte

Councilman Eagleton: Have we determined that the property is really ours?

Supervisor Myers: Yes. They actually determined it.

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

Nays: None

CARRIED: 7-0

LETTER ATTACHED TO FINAL BOOK COPY

04:07-10 APPROVE

Vassar College Reunion Weekend
Fireworks On Friday, June 04, 2010

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Vassar College to include a fireworks display at their Vassar College Reunion Weekend event to be held on Friday, June 4, 2010; and

WHEREAS, a Certificate of Liability Insurance has been filed with the Town Clerk naming the Town of Poughkeepsie as an additional insured; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application as submitted for a fireworks display to be held on June 4, 2010 at 9:00 PM on Vassar College property, Raymond Avenue, Poughkeepsie, New York.

SO MOVED: J. Conte/T. Tancredi

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

Nays: None

CARRIED: 7-0

04:07-11 AUTHORIZE

Supervisor & Town Attorney To
Commence The Removal Process Of
Zoning Board of Appeals Member Due To
Lack of Attendance At ZBA Board
Meetings

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor and Town Attorney to commence the removal process of James Santoro

from the Zoning Board of Appeals due to lack of attendance of said Board's monthly meetings, as required by Sections 2-1 and 2-2 of the Town Code.

SO MOVED: M. Cifone/S. Krakower

Councilman Eagleton: I was the one that brought this to the Board. James has missed about 50% of the meetings and that's why I brought it forward. I think maybe it would be better for me to call him first and let him know what my intentions are. I think it may be better to give him the opportunity to remove himself before I have him removed.

Motion made to Table this item until April 21, 2010 Meeting: Supervisor Myers/T. Tancredi

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

Nays: None

CARRIED: 7-0

TABLED TO THE APRIL 21, 2010 BOARD MEETING

04:07-12 SET DATE

Special Meeting Of Town Board on April 14, 2010 At 7:00 PM For:

1. Neptune Commerce Center Business Park (Neptune Road)
2. Matters That May Legally Come Before The Board

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby call a Special Meeting on April 14, 2010 at 7:00 PM for the following:

1. Neptune Commerce Center Business Park (Neptune Road)
2. Any matters that may legally come before the Board

SO MOVED: S. Krakower/T. Tancredi

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

Nays: None

CARRIED: 7-0

04:07-13 AUTHORIZE SUPERVISOR TO SIGN

Stipulation of Settlement Between Town & CSEA Regarding Charles M. Lucas

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the Stipulation of Settlement between the Town of Poughkeepsie and the Civil Service employees Association, Inc., Local 1000, AFSCME, AFL – CIO (Town of Poughkeepsie Unit), regarding the Out of Title Pay Grievance filed on behalf of Charles M. Lucas, a copy of which is attached hereto.

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 7-0

COPY OF GRIEVANCE ATTACHED TO FINAL BOOK COPY

04:07-14 AUTHORIZE

Special Consent Items SC 1, SC 2, SC 3, SC 4, and SC 5

RESOLUTION

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

1. Authorize Supervisor to sign Supplement Agreement Buckingham/Inwood
2. Appointment Phyllis Capone – Zoning Board of Appeals
3. Notice of Claim Christina Ferraro v. Town
4. Approve Town of Poughkeepsie Police Dept. – Emergency Management Plan
5. Authorize Piggott Farm to burn brush with approval from the Arlington Fire Dept.

AND BE IT FURTHER RESOLVED, that upon the objection of any member of the Town Board, an item may be removed from the list and voted on separately.

SO MOVED: Supervisor Myers/J. Conte

Councilman Tancredi: I gave Marylou Mrs. Capone's file, which I thought was very good. I don't want to hold this up, but there has to be a resume in the Legal Department somewhere, I thought it would be attached.

Town Attorney Hagstrom: This just came in and I wasn't aware of it. Oh, it's attached to my copy. It's here.

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

Nays: None

CARRIED: 7-0

04:07-SC 1 AUTHORIZE
SUPERVISOR
TO SIGN

Supplement Agreement To Reduce The
Construction Phase With Economic
Recovery Stimulus Funds For The
Buckingham/Inwood Avenue Project

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor and the Town Attorney to execute the Supplement Agreement to reduce the construction phase with Economic Recovery Stimulus funds for the Buckingham/Inwood Avenue Project, based on the low bid amount, a copy of which is attached.

SO MOVED: R. Lecker/S. Eagleton

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

Nays: None

CARRIED: 7-0

COPY OF BID ATTACHED TO FINAL BOOK COPY

04:07-SC 2 APPOINTMENT

To Town Zoning Board of Appeals
Of Phyllis Capone

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Phyllis Capone to the Town of Poughkeepsie Zoning Board of Appeals to fill the unexpired term of Joseph Prisco, effective immediately, which term will expire on December 31, 2013.

SO MOVED: J. Conte/T. Tancredi

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

Nays: None

CARRIED: 7-0

04:07-SC 3 NOTICE OF CLAIM

Christina Ferraro V. Town For Flat
Tire Due To Pot Hole On Spring
Road

REFERRED TO LEGAL DEPARTMENT

04:07-SC 4 APPROVE

Town Police Department Policy
Procedure #9-1000, Entitled
“Emergency Management Plan”

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the Town of Poughkeepsie Police Department Policy Procedure #9-1000, entitled “Emergency Management Plan”, pursuant to the documentation submitted by the Chief of Police, which has been reviewed by the Town Attorney, a copy of which is attached.

SO MOVED: S. Eagleton/S. Krakower

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

Nays: None

CARRIED: 7-0

DOCUMENTATION ATTACHED TO FINAL BOOK COPY

04:07-SC 5 AUTHORIZE

Mark Piggott A/K/A Piggott Farms
To Burn Brush & Debris on His
Property Located At 46 Spring Road

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize Mark Piggott a/k/a Piggot Farms to burn brush and debris on his property located at 46 Spring Road, Town of Poughkeepsie, contingent upon receiving a permit from the Arlington Fire District.

SO MOVED: M. Cifone/J. Conte

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

Nays: None

CARRIED: 7-0

Motion made to suspend the rules for public speaking: Supervisor Myers/ J. Conte

CARRIED: 7-0

Doreen Tignanelli: First issue I would like to address is the safety issue at the Central Hudson Spackenkill Sub-station where they are constructing a new substation. They are creating noise and safety problems for neighbors. There are vehicles parked on both sides of Spackenkill Road. There was an accident there recently from a vehicle pulling out of the construction site and hitting someone. It really is an unsafe situation. I called the DOT to ask if they were following their Highway Work Permit and the DOT said he had been out there that day and that there were

some issues and they needed to be running a tighter ship. Again, it's a safety issue and something needs to be done about it. Central Hudson had said they were not subject to regulation. That is true, however, under the noise ordinance because the Town had hurt themselves with it: "Sounds created by public utilities in carrying out the operations of their franchise", so the Town has put this on themselves and so I don't think it's a State regulation. Why should neighbors have to put up with noise at 5 or 5:30 in the morning?

Supervisor Myers: I was told 6:30 by her when she called and Central Hudson had agreed to not start the pole setting until 7 AM.

Council assured her that DOT was called on some of the issues.

Doreen Tignanelli: Also, the traffic light at Spackenkill Road, have you been able to set up a date with Assembly Miller?

Councilman Tancredi: We are having a meeting next week.

Doreen Tignanelli: Last thing, Woods at Cliffdale. Two weeks ago I said that there were some problems on the site and I thought A Stop Work Order should be issued. Well, subsequently a Stop Work Order was issued and what happened was a letter was sent to the DEC stating work was going to resume after winter on March 25th and tree cutting, some grading and all erosion and sediment control will be in place according to said plan. They also had e-mails from Don Beer in December and January that went to the owner and his lawyer saying that before they start they wanted a week's notice in order to inspect first. When Don Beer went there on March 24th, he found that tree removal, stumping and some grading had already begun with no erosion control in place and without the trees properly protected. This is now his third Stop Work Order on the site. He was only fined \$150, and supposedly for three Stop Orders it should be \$350. These are constant repeat violations. I guess because he gave the 40 acres to the Town he has special privileges. They lied to the DEC and lied to the Town and I don't know why they get away with a \$150 fine.

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. Discussions regarding proposed litigation in regard to cyber theft.
2. Confidential Communications between the attorney and his client, the Town Board, based on the attorney/client privilege.
3. Information relating to the current and future investigation of the prosecution of a criminal offense which would imperil effective law enforcement if disclosed.
4. Personnel matters.

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

SO MOVED: R. Lecker/S. Eagleton

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

Nays: None

CARRIED: 7-0

MEETING ADJOURNED AT 7:50 PM

INTO EXECUTIVE SESSION AT 7:55 PM

BACK FROM EXECUTIVE SESSION AT 8:35 PM

NO ACTION WAS TAKEN

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

CARRIED: 7-0

MEETING CLOSED AT 8:36 PM

SJM: lkm