

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 5th day of May, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town Code of the Town of Poughkeepsie, Chapter 210, entitled “Zoning”, specifically Section 210-162 entitled “Consultant Fees” which amendment is as follows:

{Section 210-160. Consultant Fees – Delete entire Section}

BE IT FURTHER ENACTED, that pursuant to General Municipal Law Section 239-m, the Town Board referred the proposed amendments to the Dutchess County Department of Planning and Economic Development, which determined that the proposed amendments are a matter of local concern; and

BE IT FURTHER ENACTED, that pursuant to Section 210-154 of the Town Code, the Town Board referred the proposed amendments to the Town Planning Board which recommended adoption of said amendments; and

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

SO MOVED: R. Lecker/J. Conte

Acting Town Attorney Valk: The Amended resolution I have in front of me deletes 210:160 and I believe Mr. Wilson had asked for that to be Tabled at this time.

Motion made to amend the resolution to read: Section 210-160 to Consultant Fees – Delete entire Section. Supervisor Myers/T. Tancredi

CARRIED: 7-0

ROLL CALL ON THE AMENDMENT: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0

ROLL CALL ON RESOLUTION AS AMENDED: 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 on Public Hearing #2: Supervisor Myers/M. Cifone

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

Town Clerk Miller: I did hereby file the affidavit of posting on April 23, 2010 and published in The Poughkeepsie Journal on April 26, 2010.

05:05-02 PUBLIC HEARING

To Amend Town Code, Chapter 105,
Entitled "Fees", Specifically Section
105-4 (L) (8) Entitled "Fee Schedule"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 5th day of May, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town Code of the Town of Poughkeepsie, Chapter 105, entitled "Fees", specifically Section 105-4 (L) (8), which amendment would be as follows:

DELETE: Section 105-4 (L) (8)

ADD: Section 105-4 (L) (8)

Class B plumbing permit fee: nonrefundable administrative permit fee of \$35.00 plus a fee per appurtenance of \$25.00.

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does declare itself as Lead Agency, does determine that this is a Type II Action, and does determine that no further environmental action is required; and

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

SO MOVED: S. Eagleton/J. Conte

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

CARRIED: 6-1

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

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

05:05-03 SET DATE FOR

Draft Of Stormwater Annual Report For
2010 & Public Comments Will Be Accepted
Until May 20, 2010

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, for public review and comment, the draft Stormwater Annual Report; and

BE IT FURTHER RESOLVED, the draft Stormwater Annual Report, prepared by the Town consultants, be filed in the Town Clerk's Office and posted on the Town's website for review by any interested party; and

BE IT FURTHER RESOLVED, that on May 19, 2010, at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, during a regular meeting of the Town Board, public comments will be accepted by said Town Board on said report; and

BE IT FURTHER RESOLVED, that the public comment period will commence on May 6, 2010 and end on May 20, 2010 at 4:00 PM, and all written or oral comments must be submitted by that date; and

BE IT FURTHER RESOLVED, that the contact person for this report is Eric Hollman, Department of Planning, One Overocker Road, Poughkeepsie, New York, whose email is ehollman@townofpoughkeepsie-ny.gov; and

BE IT FURTHER RESOLVED, that the Town Clerk is authorized and directed to immediately publish a notice of this public comment opportunity scheduled for May 19, 2010; and

BE IT FURTHER RESOLVED, the Town Board does direct its consultant to review the comments and prepare for filing the final report which is due June 1, 2010.

SO MOVED: J. Conte/M. Cifone

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

Nays: None

CARRIED: 7-0.

05:05-04 APPOINTMENT

Police Department of Corey J. Kilfoyle
As Full Time Police Officer

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby

appoint Corey J. Kilfoyle to the position of full time Police Officer under the provisions of Civil Service Law dealing with a resignation/reinstatement, at the yearly salary of \$50,272, effective May 24, 2010, which appointment is subject to a probationary period of 52 weeks per Civil Service Law.

SO MOVED: M. Conte/T. Tancredi

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

Nays: None

CARRIED: 7-0.

05:05-05 APPOINTMENT

Animal Control of Part-Time Animal Control Officer Amanda Ghiotti

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby appoint Amanda Ghiotti to the position of permanent part-time Animal Control Officer at the CSEA Grade 5, Step 1 hourly rate of \$17.96, effective May 24, 2010, which appointment is subject to a probationary period of not less than 8 nor more than 26 weeks, per Civil Service Law.

SO MOVED: S. Krakower/M. Cifone

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

Nays: None

CARRIED: 7-0.

05:05-06 AUTHORIZE
SUPERVISOR
TO SIGN

Atlas Star Digital Document Specialist Copier Maintenance Agreement

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a Maintenance Agreement with Atlas Star Digital Document Specialist for copier maintenance at the Town of Poughkeepsie Police Department for the agreement period from May 15, 2010 to May 14, 2011 at the annual cost of \$2,945.00 (same price as 2009).

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 7-0.

05:05-07 AUTHORIZE
SUPERVISOR
TO SIGN

Lease Agreement With (NYCOMCO
Wireless Communication) New York
Communications Company, Inc.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a Lease Agreement with New York Communications Company, Inc. (NYCOMCO Wireless Communication) for a lease term of seven (7) years at the lease rate of \$3,334.00 per month, a copy of which is attached.

SO MOVED: Supervisor Myers/M. Cifone

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

Nays: None

CARRIED: 7-0.

AGREEMENT ATTACHED TO FINAL BOOK COPY

05:05-08 AUTHORIZE
SUPERVISOR
TO SIGN

“Joint Neighborhood Recreation Center”
Agreement With Arlington Central
School District For Town’s Use of Ball
Fields

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign an Agreement entitled “Joint Neighborhood Recreation Center”, a copy of which is attached, between the Town of Poughkeepsie and the Arlington Central School District for the Town’s use of the ball fields owned by the District located at 11 Mapleview Road Extension in the Town of LaGrange.

SO MOVED: R. Lecker/J. Conte

Councilman Tancredi: This is for girl’s softball, correct, Tom?

Tom Meyering, Recreation Director: Yes. It is a half mile from the field they are now using.

Councilman Krakower: Now, the total amount we are spending on this is not to exceed \$3,000?

Supervisor Myers: Correct.

Councilman Krakower: Is that during a five year period?

Tom Meyering: No, that would be, to get it up and running, including overtime, there might be other expenses coming up, I can’t begin to predict what they may be.

Councilman Krakower: But we are not paying a fee for use, other than that, correct?

Tom Meyering: Not at this point, no.

Councilman Krakower: And this agreement is in effect for a minimum of three years?

Tom Meyering: Correct, that's the way it's written.

Councilman Tancredi: Are they going along with this?

Tom Meyering: At this moment, yes, they are. Their attorney is looking at it right now and will be looking at it on Friday.

Councilman Krakower: Our attorney's reviewed it?

Tom Meyering: Yes.

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

Nays: None

CARRIED: 7-0.

AGREEMENT ATTACHED TO FINAL BOOK COPY

05:05-09 SET DATE FOR
PUBLIC HEARING

Amend Town Code Chapter 148,
Entitled "Parks And Recreation"
Specifically Section 148 – 4 (M)
Entitled "Recreation Park Usage
Guidelines"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 19th day of May, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and place of a public hearing to consider an amendment to Chapter 148 of the Town Code, entitled "Parks and Recreation", specifically Section 148-4 (M), which amendment would be as follows:

DELETE: Section 148-4 (M)

ADD: Section 148-4 (M)

{No person shall be within a Town park between sunset and sunrise, with the exception of groups specifically issued a Park use Permit by the Town of Poughkeepsie Recreation Department.}

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

SO MOVED: S. Eagleton/R. Lecker

Councilman Conte: Don't we see people in the parks earlier?

Councilman Krakower: I think the biggest problem as far as this whole issue would be is at night, not the first thing in the morning.

Tom Meyering: We could adjust it to "Sunrise"?

Councilman Conte: Yes, I think sunrise to sunset would be good.

Motion made to amend resolution to add Section 148-4 (M) to read: "No person shall be in the Town Park between sunset and sunrise with the exception of groups specifically issued a Town Park Use Permit by the Town of Poughkeepsie Recreation Department": Supervisor Myers/M. Cifone

CARRIED: 7-0

Councilman Krakower: If they are in the park after sunset and before sunrise, what is the rest of the section? Is there a fine or is just that we can ask them to leave?

Tom Meyering: The rest of the section covers many other things not permitted in parks and there is a fine of , I believe, of \$200 or \$250.

Supervisor Myers: This gives us some teeth.

Councilman Conte: Is there a grace period on this?

Supervisor Myers: No.

Tom Meyering: There will be signs posted in the park.

Councilman Conte: There we go. And it will be punishable by a \$200 fine.

Tom Meyering: Right.

Councilman Conte: I do think the fine should be posted so they know.

Councilman Krakower: A Park Use Permit. Does Little League and Soccer, do they actually get Park Use Permits?

Tom Meyering: Yes.

ROLL CALL ON AMENDMENT: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone,
Krakower, Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0

ROLL CALL ON RESOLUTION: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone,
Krakower, Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0.

05:05-10 RESIGNATION From Town Historic Preservation
Commission of Nancy A. Fogel

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the resignation of Nancy Fogel from the Town of Poughkeepsie Historic Preservation Commission, effective immediately.

SO MOVED: J. Conte/S. Eagleton

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi, and
Supervisor Myers
Nays: None CARRIED: 7-0.

05:05-11 APPOINTMENT Ethics Board of Sally Decker

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Sally Decker to the Town of Poughkeepsie Board of Ethics for a three (3) year term, effective immediately, which term expires on February 28, 2013.

SO MOVED: M. Cifone/J. Conte

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi, and
Supervisor Myers
Nays: None CARRIED: 7-0.

05:05-12 NOTICE OF CLAIM Fayiz Hilal V. Town For False Arrest

REFERRED TO LEGAL DEPARTMENT

05:05-13 NOTIFICATION

Original Application For Liquor License
For Bacco Restaurant Group, LLC
D/B/A Bacco Restaurant Located At
718 Dutchess Turnpike

NOTED BY TOWN BOARD

05:05-14 NOTIFICATION

Renewal Application For Liquor License
For Ruby Tuesday, Inc. D/B/A Ruby
Tuesday Located At 2001 South Road
Approved by Police

NOTED BY TOWN BOARD

05:05-15 NOTIFICATION

Town of Pleasant Valley Town Hall
On May 5, 2010 Regarding Proposed Local
Law X of 2010 Amending Town Code,
Chapter 98, Entitled "Zoning",
Specifically Section 98-107, Entitled
"Exemptions"

NOTED BY TOWN BOARD

05:05-16 ACCEPT

Town Board Minutes For 2010
March 24, 2010
April 07, 2010

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby
accept the minutes for the following 2010 Town Board Meetings, to wit:

March 24, 2010
April 7, 2010

SO MOVED: S. Krakower/M. Cifone

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

Nays: None

CARRIED: 7-0.

05:05-17 AUTHORIZE
SETTLEMENT

Ryanne Konan V. Town of Poughkeepsie
For Towing of Automobile

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the settlement of the Notice of Claim and Small Claims Petition submitted by Ryanne Konan, copies of which are attached, for the amount of \$165.00.

SO MOVED: T. Tancredi/J. Conte

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0.

05:05-18 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:

- | | |
|----------------------|---|
| SC 1. Approve/Accept | Change Order #1 and Maintenance Bond Rochdale Road Improvements |
| SC 2. Approve/Accept | Change Order # 1 and Maintenance Bond Henmond Blvd. |
| SC 3. Accept | Planning Course Certificates – Bob Gorman |
| SC 4. Authorize | Building Permit Renewal Fee – Balbo |
| SC 5. Appeal | Shawn Campbell – Vehicle For Hire License Denial |
| SC 6. Appeal | Edward Johnson Vehicle for Hire License Denial (Added at meeting) |

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

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0.

05:05-SC 1 APPROVE

Change Order #1 For The Rochdale
Road Improvements & Supervisor
Will Execute Change Order

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve Change Order #1, which decreases the contract sum to \$423,836.63, along with a \$423,836.63 Maintenance Bond, for the Rochdale Road: Road Improvements, Contract #09-009, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the change order, a copy of which is attached hereto and incorporated herein.

SO MOVED: R. Lecker/S. Eagleton

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

Nays: None

CARRIED: 7-0.

CHANGE ORDER ATTACHED TO FINAL BOOK COPY

05:05-SC 2 APPROVE

Change Order #1 For Henmond
Road Improvement & Supervisor
Will Execute Change Order

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve Change Order #1, which decreases the contract sum to \$303,186.05, along with a \$60,637.20 Maintenance Bond, for the Henmond Road: Road Improvement, Contract #09-010, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the change order, a copy of which is attached hereto and incorporated herein.

SO MOVED: S. Eagleton/J. Conte

Councilman Tancredi: This maintenance bond, why is that included in here?

Supervisor Myers: I think it's just the way that David was writing it, perhaps, because we always have a maintenance bond.

Councilman Krakower: Why does the maintenance bond of SC 1 equal to the amount of the contract sum and the maintenance bond of SC 2 is only \$60,000+ compared to a \$303,000+ contract?

Supervisor Myers: I can only assume it is because the amount of work that has already been done and completed and how much they figured it would cost to finish it if they walked out of it. Maybe that is why the bond is less. Normally it doesn't change the maintenance bond when you are changing the contract, that's why I'm not sure why it is in there. This is just a change order for the actual material they need for the work that's done.

Councilman Krakower: My main concern is that one of these may be wrong.

Councilman Eagleton: Yes, because it just happens to be a coincidence that on SC1, the maintenance bond is exactly the same.

Supervisor Myers: As the new contract sum. Right, makes no sense.

Councilman Tancredi: Maybe it's a type-o, is my guess.

Councilman Krakower: But, I would be more comfortable that we over shot the runway with the maintenance bond than having potentially drastically undershot it with the next one.

Acting Counsel Valk: There seems to be nothing in the cover letter as to why and so I don't understand either why the discrepancy.

Motion made to Amend the resolution by Supervisor Myers: I make a motion that we accept the Change Orders reducing the amount of the contract itself due to the change in quantities, materials that are being used and reserve the right to address the change in the maintenance bond at the next meeting, if necessary. (This is for both resolutions SC 1 and SC 2.)

Seconded by Councilman Tancredi.

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

Nays: None

CARRIED: 7-0

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

Nays: None

CARRIED: 7-0

Supervisor Myers: I will confirm that before I sign anything.

COPY OF CHANGE ORDER ATTACHED TO FINAL BOOK COPY
05:05-SC 3 ACCEPT Planning Board Course Certifications
Issued To Bob Gorman

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the following Course Certifications issued to Bob Gorman, copies of which are attached hereto, as follows:

1. Mid-Hudson Ecological Services, LLC – Vernal Pool Field Training;
2. Dutchess County Planning Federation – Groundwater Quality and Management; and
3. Cornell University Cooperative Extension – Dutchess County – A Science and management Forum: Land-Use Planning: Opportunities for Collaborative Ecological Stewardship; and
4. Winnakee land Trust’s Workshop – Using Conservation Easements in Conservation Subdivisions.

SO MOVED: J. Conte/M. Cifone

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

Nays: None

CARRIED: 7-0.

05:05-SC 4 WAIVE Building Permit Renewal Fee For
Angelo P. Balbo For New Home
Construction

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the Building Permit Renewal Fee for Angelo P. Balbo, for new home construction at 65 Kingwood Park, Poughkeepsie, NY, due to many obstacles encountered, pursuant to the letter received from Angelo Balbo, a copy of which is attached.

SO MOVED: M. Cifone/S. Krakower

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

Nays: Supervisor Myers

CARRIED: 6-1.

05:05-SC 5 HEARING

Shawn Campbell For Application For
Hire License

Supervisor Myers: Mr. Campbell was denied this application by the Town Clerk because he had three or more suspensions in the past two years. He submitted his application on April 30th and he is appealing the denial.

Shawn Campbell: The only reason I am appealing the suspensions because they were fines and I didn't have the money to pay them. They were suspended because I didn't have the money to pay them, not because of speeding or reckless driving, they were only 2 seat belt tickets.

Supervisor Myers: We should wear a seat belt all of the time. Tickets were denied because of three or more suspensions within last two years.

Councilman Krakower: All other tickets were back before 2007.

Shawn Campbell: I've never had tickets for speeding or reckless driving, just because I didn't have the money at the time to pay the tickets for the seat belt infraction.

Councilman Eagleton: You did get the tickets for a reason, not because you didn't pay them, it was for specific violations. It's not because you couldn't pay, it because you did violate the law, I just want to clarify that. You should have not disobeyed the law by not wearing the seat belt.

Shawn Campbell: Yes, you're right.

Councilman Krakower: I would be inclined to grant the license in this situation without any other requirement like defensive driving or anything else, because these are not moving violations. The window we should be reviewing, regardless of his other fines, is for two years prior to his renewal and not the total amount of his fines in the past. If all that was wrong is he was suspended because of not having the money to pay the fines, a lot of people in this day and age that are going through similar situations. So, it was better for him to pay his mortgage or rent than the fine, in my opinion. I'm inclined to give him the opportunity to work and be able to pay his bills than not to give him the license.

Councilman Cifone: I am concerned that you have been stopped eleven times. That's an awful lot. I do suggest you be more careful on the roads.

Councilman Eagleton: I would assume that you would treat your passengers like you would your own family in the car.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, upon hearing the appeal of Shawn Campbell, does hereby (grant) (deny) the application for Vehicle for Hire License.

SO MOVED: S. Krakower/J. Conte

Amendment made that we give this gentleman the opportunity to continue his livelihood and grant the license based on the premise that he has no traffic infractions for six months from this date on and the license will be revoked if he gets a ticket within that six month period: J. Conte/M. Cifone

ROLL CALL ON AMENDMENT: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone,
Tancredi, and Supervisor Myers
Nays: Councilman Krakower CARRIED: 6-1

ROLL CALL ON RESOLUTION: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone,
Krakower, Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0

LICENSE GRANTED

05:05-SC 6 HEARING

Edward H. Johnson For Application
For Vehicle For Hire License

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, upon hearing the appeal of Edward H. Johnson, does hereby (grant) (deny) the application for a Vehicle for Hire License.

SO MOVED: S. Krakower

Supervisor Myers: Letter from A-1 Medical Transportation saying he will no longer be able to be employed there as a medical driver if he can not get his Town Hack License. He's had three accidents in February 2007.

Edward Johnson: In the last three years there were three accidents. The latest one dated was 9/16/09. I have a police report here which stated that the accident was clearly not my fault as I was hit from behind.

Supervisor Myers: Yes, we have a note here to disregard that one.

Edward Johnson: The other two were accidents dated 2007. One of the accidents I am in dispute of and I have to get a copy of that report tomorrow. As of the 23rd of this month, that accident will be off of my abstract. I live alone and this is the only job I have right now. It was very clear to me that if I didn't get a Town Hack I wouldn't be employed by A1.

Councilman Krakower: Ok, you have no seat violations. Mobile phone. You driving people around and you are on your phone. Disobeying a traffic device. That's not a good idea if you

are driving with people in the vehicle. The one that really bothers me, leaving the scene of an accident.

Edward Johnson: I did leave the scene, I was dropping them off next to the Police Station and I went to the Police Station to report the accident but, didn't call the Police on the spot of the accident.

Councilman Tancredi: You are driving now?

Edward Johnson: Yes, I just don't have a Town License.

Councilman Tancredi: So, your employer found out you don't have a Town license is your problem?

Edward Johnson: Yes.

Councilman Tancredi: How long have you been working for A-1 Medical?

Edward Johnson: About 7 years.

Councilman Conte: According to your record, it looks like you've hit every Town and got a ticket in each place. That tells me that you're driving and paying attention to the laws in place, you've disobeyed in every Town.

Councilman Krakower: Do you have a cell phone? (Yes) Do you have a hands free device for it?

Edward Johnson: Yes, I got one after that incident.

Councilman Tancredi: What do you do, work between hospitals and transport patients?

Edward Johnson: Yes. I go to New York City, Albany, Putnam County, etc. I'm at all of the hospitals. I get paid a weekly salary, not commission. I was waiting at the light and ---

Councilman Krakower: Ok, September 2009, what happened?

Edward Johnson: I was sitting at a red light and someone rammed me in the back..

Councilman Krakower: August 22 of 2007?

Edward Johnson: I was on No. Clinton Street, I hit the back of a pick up truck.

Councilman Krakower: February 27, 2007?

Edward Johnson: That was the one where it was reported I left the scene. I went to the Police Station in person.

Councilman Tancredi: Were all the accidents in your cab, transport, transport vehicle or your personal vehicle?

Edward Johnson: Two of them were in the transport vehicle with A-1. And the last one when I got hit from behind, was in my private vehicle. In some of the cabs, some of the dials on the speedometer is a little off, broken or not accurate. So, I got a speeding ticket.

S. Lecker: There are two concerns. You've highlighted two things that disturb me about A-1. If what you are saying is true, they are allowing vehicles that are defective with defective instrumentation on the road. In other words, you couldn't determine the speed of your vehicle with your passengers in it because of defective equipment. To me that is an issue.

Councilman Tancredi: How off would you say your speedometer was?

Mr. Johnson: I would say maybe 10 to 15 over.

Councilman Tancredi: What did the officer say you were over?

Mr. Johnson: About 13 miles over the limit. The limit I thought was 55. I was ticketed at 63.

Councilman Lecker: Did you know the speedometer was defective before you took the car?

Mr. Johnson: No, I didn't.

Councilman Lecker: After you realized the speedometer was defective, what did you do?

Mr. Johnson: After I dropped my fare off, I brought the car back and told them what happened and told them they had to fix the speedometer. I told them then that I needed another vehicle.

Councilman Lecker: Did they fix it.

Mr. Johnson: Yes.

Councilman Lecker: Is there any records to that effect?

Mr. Johnson: I don't know. They usually jump right on it and fix it when it is brought to their attention.

Supervisor Myers: Ok, we have it read as to (GRANT): All those in favor of granting the resolution:

VOTE # 2:

RESOLUTION: Ayes: None

Nays: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi,

And Supervisor Myers

DENIED: 0-7

Town Clerk Miller: I just wanted to say this, there was an accident on the Arterial in the City of Poughkeepsie where a woman was hit by an unlicensed taxi in the City. It didn't have anything to do with the Town. And A-1 has been making an effort to make sure everyone of their drivers have Town licenses. We have been flooded with A-1 people coming in for a license. In the past two or three days, we've gotten at least 12.

Supervisor Myers: That's good, it's about time they got their act together.

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

CARRIED: 7-0

Doreen Tignanelli: Councilman Tancredi informed me that he and Assemblyman Miller did have the meeting with DOT regarding the traffic light at the intersection of Boardman and Spackenkill Roads and it sounding like the DOT was not as helpful as I would have liked.

Councilman Tancredi: Yes, Assemblyman Miller and I did meet with the DOT and basically what we were asking for was for at least one turning lane when heading East on Spackenkill and my take on it was that DOT basically told us that they've got many roads in their region that are worse and have had serious motor vehicle accidents and fatalities and this one hasn't and basically, until it does, it's not on their radar track. They gave us no assurance they were going to do anything about it.

Councilman Krakower: That has always seemed the case to me that someone has to get hurt or killed in an area before they list it as an issue to be resolved.

Supervisor Myers: This is typical, we can't make them do anything.

Doreen Tignanelli: Do we have any update on the audio equipment? (Yes) Also, its Budget time for school budgets, Town budget and fire and last year for the Town the contracted Legal Services had gone way over Budget and the Board was going to get a quarterly report, I believe, on the Legal Services so we could keep better track of the Budget.

Supervisor Myers: I'm sure we will be getting that soon. Mr. Hagstrom is not here.

Doreen Tignanelli: As far as the Arlington Fire District, I just want to say they had a Fund Balance left over from last year as they did the previous year and we had suggested at some of the Fire District meetings that we attended that some of that Fund Balance be used for tax payer relief and we were told that some of the Assistant Chiefs had gotten together and they were going to discuss and make some recommendations to the Board and we are just hoping that they are not going to just buy more equipment.

Councilman Tancredi: How much are they over?

Doreen Tignanelli: Well, they have an unreserved fund balance that is stated as 1.7 million dollars, but they also have about 2 million dollars in their Capital Fund and last year they authorized the purchase of 3 SUV Police cars, 1 ambulance, and 3 fire trucks. According to their report it says they have an unreserved, un-appropriated balance of 1.7 million dollars in addition to the 2 million dollars in the Capital Fund now and there was a similar balance carried forward from the previous year. If they are over budgeting they shouldn't say, "Well, we have this left over money, let's find something to do with it." I would like to see some tax payer relief.

Motion made to resume the rules: Supervisor Myers/S. Eagleton CARRIED: 7-0

Councilman Conte: I just want to comment on the Town of Poughkeepsie Highway Department. We had a very large tree come down across the street from my house and the Department worked on that almost all day and got rid of it and it really impressed me on their efforts.

Supervisor Myers: I have something from New York State to make everybody happy. We have a letter from John Cummings, Civil Engineer, who is saying, "The No Parking Signs on Rt. 376 on Raymond Avenue in the vicinity of Vassar College; It was recently noted that No Parking 12 AM to 5 AM, September 1st to May 1st signs installed by the Town on north bound and south bound sides to Route 376" – "Please be advised that pursuant to Section 60-84 of the Vehicle and Traffic Law, Town of Poughkeepsie is not authorized to install these signs." This is a State Highway and their approval was not obtained to do this and we have to have the signs removed and they will put up the correct No Parking Signs and the correct No Parking Signs will read from 2 AM to 6 AM year around.

The Board, without saying, was very upset and expressed it.

Supervisor Myers: The other thing I want to say before closing is, there has been several things about Moody's ratings in the paper and that everybody should know that our rating went from A2 to AA 3 which according to Moody's means we went up two levels, which is a very good thing and we will get better interests. That's the highest we've been since I've noticed. That's a very good thing for the Town.

Councilman Cifone: I just want to remind everybody that we have a fund raiser at the VFW Lodge on Violet Avenue tomorrow from 5 to 7 to raise funds for the Fairview Fire Veterans Restoration project. They are putting a plaque on the Walkway and you can come and purchase a brick for \$100 in honor of a loved one or to promote your business in support of veterans.

Motion made to close the Meeting: Supervisor Myers/M. Cifone

CARRIED: 7-0

MEETING CLOSED AT 8:30 PM

SJM:lkm

