

**MINUTES OF TOWN BOARD MEETING HELD ON
MAY 19, 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
Attorney David Hagstrom
Town Clerk Miller

- **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 Public Hearing #1: Supervisor Myers/T. Tancredi

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

05:19-01 PUBLIC HEARING

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

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 19th day of May, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend 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 ENACTED, that said local shall take effect immediately upon filing with the Secretary of State.

SO MOVED: R. Lecker/T. Tancredi

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

Nays: None

CARRIED: 7-0

Town Clerk Miller: I do hereby declare that the affidavit of posting was on May 6, 2010 and the publishing in the Poughkeepsie Journal was on May 8, 2010.

Motion made to suspend the rules for public speaking on Public Hearing #2: Supervisor Myers/T. Tancredi

CARRIED: 7-0

Supervisor Myers: Joe Dennis is here to answer any questions on this item. Are there any questions?

Doreen Tignanelli: I will be submitting several pages of comments by the end of the reporting & comment period tomorrow. I would like to mention a few things in general. I would like to see a better system to respond to citizens complaints about potential stormwater violations. The way it is now, I may send an e-mail and say I have a concern and sometimes those e-mails go unanswered and I think it is frustrating for everyone. I don't know if anyone in the Town is really looking at the perceived problem, I have no way of knowing. I would like to have a better process for accepting potential violations and then getting back with the person and follow up. I also have some questions about reporting how many people are attending meetings and educational sessions. I question some of the accuracy in the numbers when it comes to reports, for example, for the reporting period last year they say that 50 people had shown up at the Town meeting for these stormwater reports and as many of you know, there are usually no more than a dozen of people at a Town Board Meeting and it's doubtful that they are all there for Stormwater but regardless of that, I think sometimes the numbers a little bit inflated and I would like to see better tracking of the numbers for educational opportunities, also. Then there was the one comment I made last year, I had asked last year if the annual report could be put into a searchable PDF so if you were reading through 40 or 50 pages, you could search it. The response to comment from last year was that the Town can look into posting a searchable PDF format in the future. Well, one year later is the future and it was not a searchable PDF. If you

want public input and that's one of the control methods in there, you should try to make it as easy as possible for people to participate.

Bob Casement: I would like to make a comment on the Stormwater on Ridge Road where the sewage goes into the storm drains. There are several lots there where the runoff from the sewage goes into the storm drains. I think some of it plugs up and it bubbles up through the road and it is breaking the road up. When I reported it to the Town Highway, they said they refused to work on it because of the sewage being in the drains.

Supervisor Myers: Ok, we will get the Sewage Department on it tomorrow. Sewer and Highway get along quite well and the Highway Department is sitting back there and hearing me. I'm sure they can work that out.

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

CARRIED: 7-0

05:19-02 PUBLIC HEARING

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 the draft Stormwater Annual Report prepared by the Town's consultant; and

BE IT FURTHER RESOLVED, that said report has been filed in the Town Clerk's Office for review by any interested party; and

BE IT FURTHER RESOLVED, that on May 19, 2010 a public comment period was held at a regular scheduled meeting of the Town Board; and

BE IT FURTHER RESOLVED, that the public review period ends at 4:00 PM on May 20, 2010 when all written or oral comments are to be submitted; and

BE IT FURTHER RESOLVED, that 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: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 7-0

Town Clerk Miller: I do hereby declare that I filed the affidavit of posting on May 6, 2010 and published in the Poughkeepsie Journal on May 8, 2010.

ANNOUNCEMENT 1

Supervisor Myers announced that Police Officer Vanja Mikelic and his canine Reagan and Police Officer Raymond Marino and his canine Robbie attended the National American Police Work Dog Association Seminar in Yates County, New York from May 2nd to May 6th, 2010.

Thirty six K9 Teams from throughout the northeast attended this seminar. In every portion of the testing process K9 Teams must complete the requirements perfectly on the first attempt. The first testing process provides for the national certification of "Police Utility Dog". Of the 36 K9 teams attending, only half were certified.

Both Town Police Department K9 Teams achieved the "Police Utility Dog" certification in both patrol and narcotics detection. In addition, "Police Utility Dog" recipients were invited to attempt to certify for an additional national recognition with the National Narcotics Detector Dog Association. Both Town K9 Teams achieved this certification as well. It is evident by the performance of both police officers and their dogs that they are dedicated and professional in this important assignment.

ANNOUNCEMENT 2

Supervisor Myers announced that there was a high turbidity event in the City/Town water system in which the City Water Treatment Plant inadvertently flushed rusty water into the City/Town distribution system. This caused rusty water throughout the Town system. This was done without prior notification to The Town Water Department. This did not cause a health hazard. The Dutchess County Department of Health was notified. According to Water Maintenance Supervisor Ballard, the Town water was clean within four to five hours after isolated flushing.

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

CARRIED: 7-0

Doreen Tignanelli: I have a question regarding Item 21, letter of credit reduction for Tamerack Heights. I realize you are going into Executive Session on that, but, I would like to point out that in the past year they have had 10 Stop Work Orders issued for the project. I do hope you will take that into account when you discuss reducing their credit.

Supervisor Myers: Most assuredly.

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

CARRIED: 7-0

05:19-03 SET DATE FOR
PUBLIC HEARING

Crown Heights Center Overlay District
Amendments

RESOLUTION

WHEREAS, the Town Board has prepared amendments to Section 210-9, Section 210-11 and Section 210-24 of the Town Code relative to the Crown Heights Center Overlay District (“Amendments”) as set forth in the attached Exhibit “A” and Exhibit “B”; and

WHEREAS, the action by the Town Board on the Amendments is a Type I Action as defined by 6 NYCRR 617.4(b)(2) of the SEQRA regulations; and

WHEREAS, the adoption of changes to the Town Code is an act that only can be performed by the Town Board thereby making the Town Board the only involved agency and the only potential lead agency to coordinate the environmental review of the action; and

WHEREAS, the proposed amendments are subject to a public hearing.

NOW THEREFORE BE IT RESOLVED; THAT:

1. The Town Board hereby establishes itself as the Lead Agency; and
2. The Town Board sets June 23, 2010 at 7:00 PM, or as soon thereafter as the matter may come to be heard, in the Town hall Meeting Room, as the date, time and place for the public hearing on the Crown Heights Center Overlay District amendments; and
3. The Town Board hereby directs that a copy of the Crown Heights Center Overlay District amendments be delivered to the Town Planning Board for an advisory report pursuant to Town Code Section 210-154; and
4. the Town Board hereby directs that a copy of the Crown Heights Center Overlay District amendments be delivered to the Dutchess County Department of Planning and Economic Development for review and recommendation pursuant to the General Municipal Law section 239-m; and
5. The Town Board hereby directs that a copy of this Resolution be delivered to the municipalities adjoining the Town of Poughkeepsie pursuant to the notice requirements of the General Municipal Law Section 239-nn; and

SO MOVED: J. Conte/S. Krakower

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

Nays: None

CARRIED: 7-0

EXHIBITS A AND B ATTACHED TO FINAL BOOK COPY
PUBLIC HEARING SET FOR JUNE 23, 2010 TOWN BOARD MEETING

05:19-04 SET DATE FOR
PUBLIC HEARING

Property Maintenance Violations Located
At 194 Violet Avenue

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 2nd day of June, 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 a recommendation from the Zoning Administrator, to remove all debris, hazardous material, solid waste and unsound structures, copies of Orders to Remedy are attached hereto, for property located at 194 Violet Avenue, Poughkeepsie, New York, pursuant to Chapter 159, Section 159-13 of the Town of Poughkeepsie Town Code.

SO MOVED: M. Cifone/S. Krakower

Councilman Cifone: I actually went to the property and it looks horrible!

Councilman Tancredi: How come we are doing this with house and we can't do it with my problem house?

Sarah Davis, Zoning: Your problem house is occupied, this is under the vacant properties law.

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

Nays: None

CARRIED: 7-0

ORDER TO REMENDY, ORDINANCE AND PICTURES ATTACHED TO FINAL
BOOK COPY
PUBLIC HEARING SET TO BE HELD AT JUNE 2, 2010 BOARD MEETING

05:19-05 SET DATE FOR
PUBLIC HEARING

Property Maintenance Violations Located
At 2 Bird Lane

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 2nd day of June, 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 a recommendation from the Zoning Administrator, to remove all debris, hazardous material, solid waste and unsound structures, copies of Orders to Remedy are attached hereto, for property located at 2 Bird Lane, Poughkeepsie, New York, pursuant to Chapter 159, Section 159-13 of the Town of Poughkeepsie Town Code.

SO MOVED: S. Krakower/M. Cifone

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

ORDER TO REMEDY, PICTURES AND OTHER MATERIALS ATTACHED
TO FINAL BOOK COPY
PUBLIC HEARING SET TO BE HELD AT JUNE 2, 2010 BOARD MEETING

05:19-06 AUTHORIZE
SUPERVISOR
TO SIGN

SEQR Coordination Request Form
Consenting Top Dutchess County Serving
As Lead Agency In Regard To A Grant
Application For Funding For The Young-
Morse Historic Site

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a SEQR Coordination Request Form to consent to Dutchess County serving as Lead Agency in regard to a grant application to partially fund purchasing of adjoining properties by the Young-Morse Historic Site for use as a public park devoted to open space and passive recreational uses.

SO MOVED: T. Tancredi/S. Krakower

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

05:19-07 AUTHORIZE
SUPERVISOR
TO SIGN

Young-Morse Historic Site Grant
Agreement Between DC, Town of
Poughkeepsie & Young-Morse Historic
Site, Inc.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a Grant Agreement between the County of Dutchess, the Town of Poughkeepsie and Young-Morse Historic Site, Inc., a copy of which is attached hereto.

SO MOVED: Supervisor Myers/T. Tancredi

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

AGREEMENT ATTACHED TO FINAL BOOK COPY

05:19-08 AUTHORIZE
SUPERVISOR
TO SIGN

Stipulation of Settlement of Linda
Podeszedlik Grievance Between
Town & CSEA, Local 1000, AFSCME,
AFL-CIO

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), a copy of which is attached hereto regarding the Out of Title Pay Grievance filed on behalf of Linda Podeszedlik.

SO MOVED: R. Lecker/J. Conte

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

Nays: Councilman Krakower

CARRIED: 6-1

STIPULATION OF SETTLEMENT ATTACHED TO FINAL BOOK COPY

05:19-09 AUTHORIZE
SUPERVISOR/
ATTORNEY
TO SIGN

Supplement Agreement #1 For
Stimulus Project On Fairview Avenue

RESOLUTION

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 Fairview Avenue Project, from \$850,000.00 to \$679,012.00, based on the low bid amount, a copy of which is 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

AGREEMENT ATTACHED TO FINAL BOOK COPY

05:19-10 AUTHORIZE TO
GO TO BID

For Improvements For Main Street For
Sidewalk Restoration

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Town Clerk to advertise for bids for "IMPROVEMENTS FOR MAIN STREET FOR SIDEWALK RESTORATION", pursuant to the plans and specifications which will be available on May 24, 2010 at the Office of the Town Clerk, with a bid opening on June 17, 2010 at 11:00 AM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY; 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: J. Conte/T. Tancredi

Supervisor Myers: How close does this get us to finishing?

Councilman Tancredi: About a little over half. Then the north side has to be focused on.

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

Nays: None

CARRIED: 7-0

05:19-11 APPROVE

33RD Joseph McDonald/Bill Crusie Run on
June 5, 2010 Sponsored By The Road
Runners Club Of America In The Village
Of Wappingers Falls & Town of
Poughkeepsie

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby approve the application of the Village of Wappingers for the 33rd Annual Joseph McDonald/Bill Crusie Memorial Run to be held on Saturday, June 5, 2010; and

BE IT FURTHER RESOLVED, that a Certificate of Liability Insurance name the Town of Poughkeepsie as an additional insured has been filed with the Town Clerk of the Town of Poughkeepsie.

SO MOVED: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 7-0

05:19-12 ACCEPT

2010 Minutes:

April 14 Special Town Board Meeting
April 14 Committee of the Whole Meeting
April 21 Town Board Meeting

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:

April 14 – Special and Committee of the Whole Meetings
April 21 – Regular Town Board Meeting

SO MOVED: S. Krakower/T. Tancredi

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

Nays: None

CARRIED: 7-0

05:19-13 APPROVE

Block Party Between 12-14 Jonathan Lane
On May 23, 2010 With Hours of 12:00 PM
To 4:30 PM

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Dorothy Kellogg to hold a block party on Jonathan Lane on May 23, 2010 12:00 PM to 4:30 PM, and does hereby authorize the Highway Department to close said street, but allowing access for emergency vehicles, from 12:00 PM to 4:30 PM; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the “Open Container law” in the event alcoholic beverages are to be served.

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 7-0

05:19-14 APPEAL

Vehicle For Hire License Denial For
Rodney J. Lewis

RESOLUTION

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

SO MOVED: Supervisor Myers/M. Cifone

Rodney J. Louis: On October 13, 2007 I had a fare for Hyde Park and on the way I was stopped by an officer for DWAI and he asked me how much I was drinking and I said one beer and he suspended my license for a year. I'm sorry for what I did. I'm not really and alcoholic. I need this job to make a living for myself and kids and if I don't get that I don't know what I will do.

Councilman Krakower: Were you driving a cab when you got any of the infractions?

Rodney Louis: No, I was driving my own vehicle.

Councilman Tancredi: What was the disobeyed traffic device you went through on January 2010 in Ulster County?

Rodney Louis: I took a wrong turn coming from New Paltz and went through a Stop Sign.

Councilman Krakower: What is the latest he can reapply.

Town Clerk Miller: 5 years from 2008.

ROLL CALL: Ayes: None

Nays: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi,
and Supervisor Myers

DENIED: 0-7

05:19-15 APPEAL

Vehicle For Hire license Denial For Daimion
Lowe

RESOLUTION

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

SO MOVED: Supervisor Myers/S. Krakower

Daimion Lowe: My license was suspended on three different occasions in the last ten years and I have been driving a taxi on or off for the last seven years. I have four children and I have to support my family. When my license was suspended it wasn't because of any points, it was because I failed to pay a fine because I didn't have the money or because I missed a court date. When I had the money, I paid the fine and it was restored.

Councilman Tancredi: Yes, it looks like on a number of occasions it was for failure to pay fines.

Supervisor Myers: It looks like there were two speeding tickets and that's it.

Councilman Krakower: The speeding zone on August 5, 2009, was that while you were driving a taxi?

Daimion Lowe: No, driving my own car.

Councilman Krakower: Driving without a license?

Daimion Lowe: I don't understand how I got that ticket, because I have had a license since I was 16 years old. I think it was when I got pulled over for something, I just didn't have my license on me.

Councilman Krakower: The speeding ticket was doing 35 in a 30 mile zone. Really?

Daimion Lowe: Yes.

Supervisor Myers: His suspension was for not paying fines more than anything else.

Councilman Eagleton: The only thing I have to offer is you got a suspension of your license is because you couldn't pay for the fine, but I would like to point out that you got the fine because you didn't obey a law and so your license was suspended. The only thing I can offer to you is don't draw the conclusion that your license was suspend because we were broke, which I understand, your license was suspended because you were speeding, period. That was the cause and the ultimate consequence of the loss of your license and having to deal with us tonight.

Supervisor Myers: Don't get another speeding ticket, you'll loose the license for the Town.

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

Nays: None

CARRIED: 7-0

05:19-16 APPEAL

Vehicle For Hire License Denial For John L.
Wright

RESOLUTION

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

SO MOVED: J. Conte/M. Cifone

Councilman Krakower: When you were following too closely, were you in the cab?
Or on any of the violations, were you in the cab?

John Wright: Yes. For driving with a suspended license.

Councilman Krakower: The license was suspended because you didn't answer the summons?

John Wright: Yes.

Councilman Krakower: Were there any speeding violations?

John Wright: No. That's one thing I avoided.

Councilman Krakower: What was the accident?

John Wright: It was a fender bender in the Hudson Plaza on South Road. The driver of the other car came up the wrong side of the lane.

Councilman Krakower: So his suspension of the license is for the denial?

Supervisor Myers: And the suspension is for not paying the fines, again.

Motion made to amend this to grant this to you conditional on you going to a Driver's Safety Course and no more accidents or tickets for one year and you will get your license in the Town.
Supervisor Myers/J. Conte

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

Nays: None

CARRIED: 7-0

05:19-17 SET DATE FOR
SPECIAL MEETING

On June 2, 2010 At 6:30 PM For An
Executive Session On Litigation Strategy
Discussion

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby call a Special Meeting on June 2, 2010 at 6:30 PM for the following:

1. Executive Session

Litigation: To discuss litigation strategy of the case
Known as *Hildacar Associates, LLC v. Town of Poughkeepsie*

SO MOVED: M. Cifone/S. Krakower

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

05:19-18 DISCUSSION Zoning Change For L.V.S. Enterprises
Located at 35 Violet Avenue/Sophia's Way

WITHDRAWN FROM AGENDA

05:19-19 NOTICE OF CLAIM Christopher Richmond, Etc. V. County of
Dutchess, Town of Poughkeepsie, DC
Department of Social Services & Children's
Home of Poughkeepsie For Minor
Claimants

REFERRED TO THE LEGAL DEPARTMENT

05:19-20 NOTIFICATION Liquor License Renewal Application From
The Brinker Restaurant Corporation D/B/A
Chilli's Grill & Bar Located at 2016 South
Road (Already Approved by Police)

NOTED BY TOWN BOARD

05:19-21 AUTHORIZE Letter of Credit Reduction For Tamarack
Heights (Request to go into Executive
Session)

REFERRED TO EXECUTIVE SESSION

05:19 22 AUTHORIZE Special Consents SC 1, SC 2, SC 3, SC 4,
SC 5, SC 6, SC 7, SC 8, SC 9, SC 10,
SC 11, SC 12, and SC 13

RESOLUTION

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

SC 1. Authorize Eagle Scout Ryan Murphy to make
improvements to Stanley Still, Sr. Sports
Park

SC 2. Appeal Vehicle for Hire License Denial
Keith L. Wood, Jr.

SC 3. Authorize	Execution of Stipulation in matter of DCC v. Town of Poughkeepsie (Request to go into Executive Session)
SC 4. Authorize Supervisor to Sign	Amendment to 2007 Community Development Block Agreement
SC 5. Authorize Supervisor to Sign	Agreement for 2008 Community Development Block Grant-Award
SC 6. Authorize Supervisor to Sign	Recovery Agreement for the 2008 Community development Block Grant
SC 7. Authorize Supervisor to Sign	Inter-municipal Agreement with City Of Poughkeepsie to operate the Spratt Park pool
SC 8. Appeal	Vehicle for Hire License Denial Christine Sansoni
SC 9. Appeal	Vehicle for Hire License Denial Robert Canadilla
SC 10. Appoint	Anthony Cuchelo to ZBA
SC 11. Accept	Nathan Jones-Peddlers' License Fee
SC 12. Appeal	Vehicle for Hire license Denial Arthur H. Moyer, Jr.
SC 13. Appeal	Vehicle for Hire License Denial Donald R. Miller

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. Krakowe/J. Conte

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

Nays: None

CARRIED: 7-0

05:19-SC 1 AUTHORIZE

Boy Scouts of America With Ryan Murphy
As Part of an Eagle Scout Project, to Make
Improvements at Stanley Still, Sr. Park
Fields

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Boy Scouts of America with Ryan Murphy, as part of an Eagle Scout project, to make improvements at the Stanley still, Sr. Sports Park, as follows:

- Refurbishing an old fishing trail that will be 672 feet long
- lining trail with 60 tons of Item 4 donated from Tilcon, Inc.
- Plant 20 willows along the edge of the Wappinger's Creek
- Sitting area with 2 benches at the end that is 20 feet wide by 30 feet long

AND BE IT FURTHER RESOLVED, that as a condition for doing the project, the Boy Scouts of America will secure and file with the Town Clerk a Certificate of Liability Insurance naming the Town of Poughkeepsie and all volunteers as additional insured's, and insure that all volunteers or their parents sign permission slips and shall be responsible for maintaining time records.

SO MOVED: T. Tancredi/J. Conte

Councilman Tancredi: When this Item 4 is trucked in, will you make sure, Mr. Meyering, that the field or the track is not too wet or anything so it won't be destroyed in the process? Just keep that in mind.

Tom Meyering, Town Recreation Director: Yes.

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

Nays: None

CARRIED: 7-0

05:19-SC 2 APPEAL

Keith L. Wood, Jr. For Appeal To Denial of
Vehicle For Hire License

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, upon hearing the appeal of Keith L. Wood, Jr., does hereby (grant) (deny) the application for a Vehicle for Hire License

SO MOVED: Supervisor Myers/T. Tancredi

Keith L. Wood, Jr. On the night of question, I was at home drinking and in for the night and my brother asked me if he could borrow a couple of dollars and I didn't have what he needed on me and so on the way to the bank there was a check point. There were no prior incidents and why I was qualified to have it reduced and there have been no incidents since. At the end of February this year I completed the Defensive Driving Class and at this time I am looking to get this license.

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

Nays: None

CARRIED: 7-0

05:19-SC 3 AUTHORIZE

Rebecca A. Valk, Esq. & Richard L. Cantor,
Esq. On Behalf of Town to Execute A
Stipulation of Settlement Pertaining to
Dutchess County V Town Zoning Board of
Appeals

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize Rebecca A. Valk, Esq. of Van DeWater & Van DeWater, LLP and Richard I. Cantor, Esq. of Teahan and Constantino, on behalf of the Town of Poughkeepsie, to execute a Stipulation of Settlement pertaining to the matter of Dutchess Community College v. Zoning Board of Appeals of the Town of Poughkeepsie, State of New York, et al., a copy of which is attached hereto.

SO MOVED: R. Lecker/J. Conte

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

CARRIED: 5-2

SETTLEMENT ATTACHED TO FINAL BOOK COPY

05:19-SC 4 AUTHORIZE
SUPERVISOR
TO SIGN

Supervisor Myers To Execute the Amendment
To The 2007 Community Development Block
Agreement With The County of Dutchess

RESOLUTUION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the amendment to the 2007 Community Development Block Agreement with the County of Dutchess, which amendment transfers \$784.19 from the Main Street Curbing, Lighting & Sidewalks project to the Arlington Sidewalks project, a copy of which is attached hereto.

SO MOVED: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 7-0

AGREEMENT ATTACHED TO FINAL BOOK COPY

05:19-SC 5 AUTHORIZE
SUPERVISOR
TO SIGN

Supervisor Myers To Execute the 2008
Community Development Block Grant Program
Year Agreement With Dutchess County For
Project Known as Arlington Sidewalk
Improvements

RESOLUTION

WHEREAS, the Town of Poughkeepsie has heretofore applied for and has been awarded a grant by the United States Department of Housing and Urban Development, with the eligibility of the County for such grant in the amount of \$50,980.81; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the 2008 Community Development Block Grant Program Year Agreement with the county of Dutchess for the project known as Arlington Sidewalk Improvements.

SO MOVED: J. Conte/T. Tancredi

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

Nays: None

CARRIED: 7-0

05:19-SC 6 AUTHORIZE
SUPERVISOR
TO SIGN

Supervisor Myers To Execute The 2008
Community Development Block Grant –
Recovery (CDBG-R) Agreement With
Dutchess County For Project Known As
Arlington Sidewalk Improvements

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the 2008 Community Development Block Grant – Recovery (CDBG-R) Agreement with the County of Dutchess for the amount of \$10,235.00, for the project known as Arlington Sidewalk Improvements.

SO MOVED: M. Cifone/S. Krakower

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

CARRIED: 7-0

05:19-SC 7 AUTHORIZE
SUPERVISOR
TO SIGN

The Inter-Municipal Agreement With The
City of Poughkeepsie Concerning Partnership
In Operation of the Spratt Park Pool &
Related Facilities For The 2010 Summer
Season & Authorize Supervisor Myers To
Execute Such Agreement

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie wishes to enter into a written agreement with the City of Poughkeepsie, Dutchess County, New York, to formalize the terms of their partnership in the operation of the Spratt Park Pool and related facilities for the 2010 summer season, the cost of which shall be generated by daily and seasonal fees collected, with any additional costs split equally between the City and Town; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve and authorize the Inter-Municipal Agreement with the City of Poughkeepsie, a copy of which is attached hereto; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to execute said Agreement on behalf of the Town of Poughkeepsie.

SO MOVED: S. Krakower/M. Cifone

Town Attorney Hagstrom: I would like to remind the Board that we should probably add into this to obtain additional insurance.

Supervisor Myers: It's on here. It's on the budget. It's for \$2500.

Councilman Krakower: Last week I thought the number was either a \$600 loss or \$600 gain. If you add in the \$2500 expense, how do we end up with only \$51. loss?

Supervisor Myers: Because he recalculated the number of lifeguards we needed at any given time.

Tom Meyering, Recreation Director: The first budget I presented to you last week had a little buffer in there for the number of 4 lifeguards and a supervisor for any time the pool is open. The number in that budget is 3 ½ lifeguards and one supervisor and so on weekends I would have 4 lifeguards and during the week, as I see the schedule as to working out.

Councilman Krakower: Where in the budget, if there is a shortfall, would you be covering this, where you would be cutting staffing.

Tom Meyering: As I see it, I would cut staffing as I see the development, or I would try and cover it through the day camp programs.

Councilman Krakower: But aren't the day camps in the budget pretty much a wash?

Tom Meyering: They are more or less a wash---

Councilman Krakower: My concern is if we add in a \$2500 expense and we still come up as a wash, we can play with it on paper, but I would rather have it as what it should be and tell me up front, rather than say, after we are into the process say, "Oh yeah, we really did need four but we actually needed five and the expense ran higher than we thought".

Tom Meyering: That budget as it is now is actually a result of my experience of 13 years of running pools and water fronts and three weeks of working on it to try to make it the most realistic budget I can up with.

Councilman Cifone: We could always go back and modify it if we finds the need.

Councilman Krakower: Well, all I'm saying is, I would rather know just and honest straight forward what we need up front and if we are going to have it come out of some other budget up front rather than do a budget modification at the end of the year that we should have foreseen.

Tom Meyering: As far as I can tell right now, that's the best I can come up with as a realistic budget and I will do my best to work within that budget.

Councilman Tancredi: The \$9 an hour for lifeguards, is that a realistic number?

Tom Meyering: That is what I've been told from several sources as being realistic.

Councilman Conte: I think it's a good thing, but what I want to know is, how are you going to advertise it, because people need to know about it?

Councilman Tancredi: Well, I appreciate that Tom is passionate about this, but at the end of the day when the ink dries and the budget is either in the red or the black, Tom is not going door to door telling the public why their taxes have been increased, we are. Last week you said the attendant you planned to pay \$8 an hour is going to guard the gate and watch people come and go, serve the concessions and watch the portable lockers so none walk off during the day. To me that is a pretty tall order.

Tom Meyering: It is all located in one location and that is all the call for is, one person to do it.

Councilman Cifone: Why don't we get the numbers from Catherine Street and see how they did last year and then put this back on the agenda for next meeting.

Councilman Krakower: When is the program supposed to start?

Tom Meyering: The actual pool will open on the 26th of June. My problem with putting it on any later is the problem with promoting. The longer I wait to start promoting.

Councilman Krakower: Since we are not starting until the last week in June, there shouldn't be any harm in doing it in the first meeting in June. You can still put something on the website now that the Town is looking at this and it may become available and the e-mail blast can go out June 3rd if we are looking at it on June 2nd. That should give us plenty of time.

Motion made to Table until June 2, 2010 or earlier if possible. Supervisor Myers/M. Cifone

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

Nays: None

CARRIED: 7-0

TABLED UNTIL JUNE 2, 2010

05:19-SC 8 APPEAL

Christine Sansoni for Appeal to Denial of
Vehicle For Hire License

RESOLUTION

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

SO MOVED: J. Conte/S. Eagleton

Christine Sansoni: The issue is a DWI from 9 years ago.

Councilman Krakower: What about talking on the phone, was that while you were working?

Christine Sansoni: Actually, It was the microphone to the cab company, not a phone, but since I failed to appear, I could not plead "Not Guilty". I had to plead guilty or I would have to have paid bail and I didn't have bail money.

Councilman Krakower: Speeding in zone and improper signal, were those in the cab?

Christine Sansoni: No, my own personal car.

Supervisor Myers: Have you taken a defensive driving course?

Christine Sansoni: No.

Councilman Krakower: Then I think that would be appropriate.

Motion made to amend this resolution to complete a defensive driving course and then come back to the Town Clerk with the completion in order to get the license back.

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

Nays: None

CARRIED: 7-0

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

Nays: None

CARRIED: 7-0

05:19-SC 9 APPEAL

Robert Canadilla For Appeal To Denial of
Vehicle For Hire License

RESOLUTION

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

SO MOVED: S. Krakower/T. Tancredi

Robert Canadilla: I've been driving professionally all my life. I've been driving trucks for a food serve for 30 years. I also worked for a car dealership where I transported vehicles back and forth from Middletown to Kingston and then a cleaners. I've been driving a taxi for 2 ½ years now.

Councilman Krakower: The DWI in 2002, what was the circumstances?

Robert Canadilla: I had been working and had friends at the Millbrook Equestrian Center where I was student worker and it closed down and went private and I went to a bar and became a drinker and I made a mistake.

Councilman Krakower: No other infractions, I would be inclined to grant this one.

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

Nays: None

CARRIED: 7-0

05:19-SC 10 APPOINT

To Town of Poughkeepsie Zoning Board
Of Appeals of Anthony Cuchelo

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Anthony Cuchelo to the Town of Poughkeepsie Zoning Board of Appeals to fill the unexpired term of James Santoro, effective immediately, which term will expire on December 31, 2014.

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 7-0

05:19- SC 11 ACCEPT

Nathan A. Jones To Ask For Delayed
Payment in Peddler's License For Selling
Educational Books in Town

RESOLUTION

WHEREAS, Mr. Nathan A. Jones has applied for a peddler's license with the Town Clerk of the Town of Poughkeepsie and

WHEREAS, due to financial restraints, he has offered the Town \$50 in cash and will pay the balance of \$75 within 45 days.

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby accept Mr. John's offer of \$50 and payment of \$75 within 45 days,

NOW THEREFORE, BE IT RESOLVED, THE Town of Poughkeepsie does hereby accept Mr. Jones's offer of \$50 and payment of the balance of \$75 within 45 days, which in total meets \$125.00 licensing fee.

SO MOVED: Supervisor Myers/T. Tancredi

Councilman Eagleton: What are you selling?

Nathan Jones: Educational materials, books, CD's part of the South Western program.

Councilman Eagleton: What kind of books?

Nathan Jones: All kinds, developmental books, 3rd grade up volume library to help kids with their homework.

Councilman Eagleton: Where are you going to college?

Nathan Jones: Danon College, it's a small Luthern College in Boyd, Nebraska, but I'm originally from Manhattan, Kansas. Its part of an intern program with a parent company.

Councilman Tancredi: How long have you been in New York?

Nathan Jones: I just got here Saturday and started working yesterday.

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

Nays: None

CARRIED: 7-0

05:19-SC 12 APPEAL

Arthur H. Moyer, Jr. For Appeal To Denial
Of Vehicle For Hire License

RESOLUTION

BE IT RESOVLED, that the Town Board of the Town of Poughkeepsie, upon hearing the appeal of Arthur H. Moyer, Jr., does hereby (grant) (deny) the application for a Vehicle for Hire License.

SO MOVED: Supervisor Myers/J. Conte

Arthur Moyer: Back in 2005 I was drinking and went to visit my daughter in Dover and it wasn't a very smart thing to do and I realize that. I have been to rehab and I also have a daughter who relies on me.

Councilman Krakower: You had the DWI in December of 2004 and the only other thing was failure to dim headlights?

Arthur Moyer: Yes, I was driving on Main Street and the lights weren't on, basically, and some cars, they automatically turn on when it gets dark, and for some reason, they didn't turn on.

Motion made to amend the resolution for Mr. Moyer to take a defensive driving course and bring in the certificate to the Town Clerk to get your license. Supervisor Myers/M. Cifone

CARRIED: 7-0

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

CARRIED: 7-0

05:19-SC 13 APPEAL

Donald R. Miller For Appeal To Denial
Of Vehicle For Hire License

RESOLUTION

BE IT RESOVLED, that the Town Board of the Town of Poughkeepsie, upon hearing the appeal of Donald R. Miller, does hereby (grant) (deny) the application for a Vehicle for Hire License.

SO MOVED: Supervisor Myers/J. Conte

Donald R. Miller: I have a lot of suspensions on my license and I've made a lot of mistakes in my life and I know that, I was young and not thinking, I've learned from my mistakes, and I now have a son 4 months old and I need to make a living for him.

Councilman Krakower: We would rather have you working for a living, than to pull your license but you have to be responsible when driving people for a fare and be responsible when driving your kid around and so this is serious. Take the driving course and pay attention to it.

Motion made to amend this for you to take a defensive driving course and bring the certificate to the Clerk and get your license.

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/T. Tancredi

CARRIED: 7-0

Doreen Tignanelli: Can you elaborate on SC 3 regarding what is involved in the stipulation of Settlement pertaining to Dutchess Community V Town Zoning Board of Appeals?

Supervisor Myers: Predominantly it says that they will willingly come to the Planning Board and that the Planning Board has no authority over them, but as a gesture they will come and present to the Planning Board what the Planning Board what the proposition is for the dormitories and that they will listen to any advise or opinions that the Planning Board Members have to say regarding their development. But, they don't have to abide by any of it. We really have no say over this project.

Doreen Tignanelli: So what is the point of the settlement then?

Supervisor Myers: It gets it out of the courts and ends the court case.

Councilman Cifone: It basically means we were told that we are wasting the money in fighting it, and we will most likely lose.

Councilman Eagleton: I don't think anyone of us is in favor of it, but at some point, you just can't win.

Bob Casement: I have a question pertaining to the Boy Scouts. He mentioned he was going to build a bench 20 ft. by 13 ft. Is that supposed to be 20" by 13"?

Councilman Tancredi: I think that the seating area is that size. At the end of the trail there is an open area with those dimensions and that is where the bench is going to be located. Right Tom? Tom Meyering, Recreation Director agreed.

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

CARRIED: 7-0

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 of the case known as Coyle Industries, Inc. V Town of Poughkeepsie and potential litigation of Makan Development or Tamarack Heights Subdivision.
2. Confidential Communication between attorney and his client/Town Board based on attorney/client privilege, and

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

SO MOVED: Supervisor Myers/'T. Tancredi

CARRIED: 7-0

MR. NELSON, MR. DONALD BEER AND MR. MARC PFEIFER
WERE INVITED TO ATTEND THE EXECUTIVE SESSION

MEETING ADJOURNED AT 8:55 PM

TOWN BOARD ENTERED EXECUTIVE SESSION AT 8:56 PM

TOWN BOARD RETURNED TO REGULAR MEETING AT 8:58 PM

NO ACTION WAS TAKEN

05:19 PES 1 APPROVE

Reduction of Letter of Credit From
Tamarack Heights Subdivision

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to the recommendation of the Town of Poughkeepsie Engineer, a copy of which is attached, does hereby reduce the Letter of Credit posted by Makan Land Development – One, LLC for Tamarack Heights subdivision from \$685,500.00 to \$353,700.00.

SO MOVED: Supervisor Myers/S. Eagleton

CARRIED: 4-0

LETTER OF CREDIT ATTACHED TO FINAL BOOK COPY

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

CARRIED: 4-0

MEETING CLOSED AT 9:00 PM

SJM:lkm