

**MINUTES OF TOWN BOARD MEETING HELD ON  
JUNE 23, 2010 AT 7:00 PM AT TOWN HALL, ONE  
OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

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

**ABSENT:** Councilman Lecker

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

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

**{ } designates corrections**

**7:00 PM**

**CALL TO ORDER**

**SALUTE THE FLAG**

Motion made to suspend the rules for public speaking on Public Hearing: Supervisor Myers/S. Eagleton

**CARRIED: 6-0**

Allyson Phillips, Attorney with law firm Young Sommer, LLC and I'm here representing several property owners who own property within the Crown Heights Center Overlay District and some other parcels within the Spackenkill School District and we are here to communicate some of the concerns we have about the proposed amendments and the process by which the Board has come to consider these proposed amendments. I have some written comments that I would like to submit to the Board (She handed them out to the Board).

Jeff Cane: I'm a Director for Developer of TC Development, which is the managing agent for the properties represented by Allyson Phillips of Young Sommer, LLC.

Allyson Phillips: I would just like to start by talking about the purpose of Zoning and the reason why we have Zoning for the protection of the health, welfare and safety of the entire community. In NY State, the way the law ensures that is that the Town legislatures do act in furthering these interests in adopting Zoning is requiring the Zoning to be in conformance with a comprehensive plan for development. We have a comprehensive plan for development in the Town of Poughkeepsie, which was adopted by the Town in 2007, and from what I understand, it was a very thorough process and a lot of contemplation went into that preparation of that document.

At the same time, Zoning Amendments were adopted, which created the Overlay District. Our concerns now are that these amendments are substantial amendments to those Zoning regulations which were adopted in 2007 and from our perspective, the process, up until this point, has not really been transplanted. There has not been a lot of public outreach or public input when these proposed amendments were being developed. Our client has only been aware of these amendments within the last two weeks and so we went back and looked at the minutes and tried to look at how the Town has been considering these amendments and really saw a lack of public discussion in the Town's minutes about these amendments and what conditions have changed in the Town since 2007 that would provide a basis and support for adopting these amendments. The only discussion we saw in the minutes were back in February of 2009 at which time a resolution was made to authorize the Town's Department of Planning to prepare a supplemental GEIS that would examine the potential impact to the Zoning Amendments. During that discussion in those meetings, it was stated that a draft of those amendments were stated to the Board and had been discussed with a developer who owns property in the Zoning District on the east side of the road as part of a settlement negotiations. I don't know at this point if that has been settled, but from the statements made in the minutes, we can only believe that these proposed amendments have been initiated and probably drafted with a settlement in mind. If the amendments were calculated to benefit only one developer or intended to act as a give and take between the Town and the developer so the Town can receive something for exchange for passing Zoning amendments, then we take the position outside of the Town Board's (inaudible) when they adopted the zoning. I don't know if that's the case, but we can only go on the limited discussion we see in the Town Board minutes. It obviously raises concerns for us because we feel the process hasn't been transparent up to this point. I don't know if the Board has given any real consideration of the environmental impacts that would result, not only from the amendments of this rezoning law, but what kind of development these amendments would actually submit. The real issue is, what is going to be permitted by the Zoning Amendments. That is a concern for us and we feel the Town Board should take a hard look at. Up to this point, it doesn't appear that the Town has done that at all.

Councilman Krakower: As far as not having the information readily available, a lot of this has been discussed for years. Your client has been a part of a lot of that discussion. Your client has reached out to us a number of times in the past regarding issues and we've always been available to sit down and talk to any property owner about issues. You said you've just been brought into it and am not sure about many issues and I think that's clear. There is a long history with this property and Zoning and Overlay District and your client, again, has been a part of a lot of that discussion. This thing was on our Board agenda and referred to the Planning Board, discussed at the Planning Board Meeting fairly recently and so this didn't really sneak up on anybody.

Jeff Cane: You're right, Councilman Krakower, you have discussed potential Zoning changes with us over the years. The specific language we are talking about really is new to us.

Councilman Krakower: Almost all of this has been discussed with you and your client at some point in the past and so I don't think there is too much here you are seeing for the first time.

Jeff Cane: There are some unattended consequences we see in the language that is specifically in this draft and that is why we raised some of the issues in the written comments that was distributed to the Board. Those are the items we think needs some comments.

Councilman Krakower: I think the Board appreciates the input, but it was just kind of the insinuation that this thing was done quietly and without information available to people, that was not the case at all. We have a website with agendas on it and that information is out there and available.

Jeff Cane: This language wasn't and that was the issue.

Allyson Phillips continued stating that there was still considerable information that she was not able to find or locate. She felt that this is a process that everyone in the Town should be made aware of how important these amendments are and how it will affect the Town.

David Kaminski: I am the managing member of the several properties that have been mentioned and the client to which my attorney just spoke. I had to come up here given some of the comments that have been made. We have had an incredibly good relationship in the developments that we have done in the Spackenkill School District with this Town over a twenty year period, but, I feel left out. We represent almost 10% of the taxes that are made in the Spackenkill School District. I have never had discussed with me a Conference Center Hotel. I have never had decisive projects being geared to by development so that, in fact, if a property owner wants to sub-divide a parcel, like you have on the east side, you may not end up with just 400,000 sq. feet of development, because it is by project now, you could end up with 800,000 sq. ft. or you could have a million .2. That's what this amendment says. It has never been discussed with us. I could go on and on. We have a dozen issues that I have never ever had anyone mention to me is in this. We think this needs to be discussed. We are asking you to keep the Public Hearing Open. We have written you a letter with all of our concerns. It is our fault we got involved with this late, you are right. We always knew, to solve a problem this Town needs to be solved, and we know what that is, that there were going to be additional residential units approved and something had to be done to make this thing go away. We didn't understand there would be all these changes and we didn't understand, as this now provides, if I wanted to buy some property on either the east or west side, I can build a Wal-Mart right next to the Residential District you are trying to protect, because of the language you've done here, yes, it's in here, but it's a mistake. It needs to be done and done properly with all the adjoining property owners that are all we are asking for.

Councilman Krakower: That's what we are doing here, it's a Public Hearing.

David Kaminski: Ok, then I want to make it clear here, we are opposed to this. All five of the properties I represent in Spackenkill are opposed to this and if it is passed, I will file an Article 78 filing and instead of having one lawsuit, you may have multiple lawsuits. So, it doesn't make sense.

Doreen Tignanelli: I had no intention of speaking on this subject tonight, but I have to say, this is just amazing to me. During the Master Plan process, there were people who thought that there

were meetings with developers maybe behind the scenes that members of the public were not privy to, we felt that there was not the transparency. We felt that some developers were maybe being favored over the needs of the Town in general. Whether that was true or not, I'm not sure, but the point is, at the time, I can speak for myself, I thought that Mr. Kaminski may have been one of those people who was benefiting, but now it seems like that maybe because there is no real benefit to Mr. Kaminski in this one and maybe it's Ginsberg he is concerned about, now there is a concern. People brought up issues of segmentation when it came to the Spackenkill Project and Oakwood Commons those were Mr. Kaminski's. Well, segmentation wasn't an issue then, but guess what, now it sounds like segmentation is an issue. Environmental impacts, we had concerns about environmental impacts and not just polluting, traffic, etc. Let's take just traffic, well Mr. Kaminski's Neptune Center that he is just submitted an application for, there is a question on the EAF and it says, "Will your project need any additional community services?" Police, Fire, School." He answered "No." Well it's very unlikely that Police or Fire services aren't going to be necessary. How many times have we heard about traffic studies? No matter how many projects are up and down Route 9 or any place else there is never any traffic impacts to these projects. Nobody every looks at these cumulative impacts, they say "Our specific project, we're not the person or project that is going to push the traffic over the edge here." So, it seems like that now that this particular amendment might not be to benefit Mr. Kaminski, he has an issue, well maybe now he knows how the rest of us felt as he was developing up and down Route 9 and we felt that things were, whether or not they were, but we that's how we felt and I feel it's a bit disingenuous to get up here and say there is no transparency. There are things on the website, there are meetings and if you don't come, they are televised and replayed, you can watch them. This is just a case of sour grapes.

Councilman Krakower: I will say, I take all calls and Mr. Kaminski's calls and e-mails everyone else's and so I think this Board is always open to discussing these matters.

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

CARRIED: 6-0

#### DETAILED LETTER OF COMMENTS FROM MS. PHILLIPS ATTACHED

06:23-01 PUBLIC HEARING

Amend Town Code, Chapter 210, Entitled "Zoning", Specifically Section 210-9, Entitled "Definitions", Section 210-11, Entitled "Zoning Map" & Section 210-24, Entitled "Crown Heights Center Overlay (CHCO) District"

#### RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 23<sup>rd</sup> day of June, 2010 at 7:00 PM at the Town Hall, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town Code, Chapter 210, entitled "Zoning",

specifically Section 210-9, entitled “Definitions, Section 210-11, entitled “Zoning Map” and Section 210-24, entitled “Crown Heights Center Overlay (CHCO) District”, and

BE IT FURTHER ENACTED, that a copy of said amendments is attached here to as Exhibit “A”, and incorporated herein; and

BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does hereby waive a verbatim reading and does direct that said amendments be spread across the record as if it, in fact, had been read verbatim; and

BE IT FURTHER ENACTED, that the Town Board declares itself as Lead Agency under the New York State Environmental Quality Review Act and upon review of the Full Environmental Assessment Form does declare said action a Type I Action and will not have an significant adverse impact on the environment; and

BE IT FURTHER ENACTED, that written recommendations were received from the Dutchess County Department of Planning and Economic Development and the Town of Poughkeepsie Planning Board; and

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

SO MOVED: S. Eagleton/J. Conte

PROPOSED AMENDMENTS ATTACHED TO FINAL BOOK COPY

Town Clerk Miller: I did hereby file the affidavit of posting on June 2, 2010 and published in the Poughkeepsie Journal on June 4, 2010.

Motion made to reopen the Public Hearing: Councilman Krakower/T. Tancredi

CARRIED: 6-0

Motion made to adjourn the Public Hearing to July 7, 2010 Town Board Meeting:

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

Nays: None

CARRIED: 6-0

Motion made to move agenda item #3 up to #2 spot: Supervisor Myers/T. Tancredi

CARRIED: 6-0

06:23-03 APPOINTMENT

Police Department Of Kevin Wolensky  
As Police Officer

## RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Kevin Wolensky 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 July 12, 2010, which appointment is subject to a probationary period of 52 weeks per Civil Service Law.

SO MOVED: Supervisor Myers/J. Conte

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

CARRIED: 6-0

06:23-02 PRESENTATION

Composting Facility

Duffy Layton, Duffy Layton Contracting, Inc.: I've been in business about 25 years. I started out as a partner in an excavating company for ten years and bought him out about 15 years ago. Approximately 10 years ago I started composting. We currently work out of Stanfordville, New York. We have 2 one acre composting pads that we work on. One is blacktop and one is recyclable asphalt. (An extremely detailed and pictured booklet of his presentation is on file).

Councilman Tancredi: I'm not sure, but if we are able to use that site, or you are trying to discourage us from working with you or not.

Duffy Layton: I'm interested in working with you, absolutely, however, my concern is that we all work on a safe site so there isn't a liability.

Councilman Tancredi: Well, obviously, we do want to have a safe site, we don't want to put our residents in harms way, but in these economic times, spending \$100,000. I understand you have a great operation and I'm sure the money we paid you was well worth it. But, you can understand the Boards investigating---

Duffy Layton: I understand your problem, totally. The only site that was proposed to me was at the well and that's way---

Councilman Krakower: Are you interested in doing this with the Town?

Duffy Layton: Absolutely, but it has to be a site that can be done.

Councilman Eagleton: Are you interested in this site?

Duffy Layton: I'm not building a pad on that site for what needs to be done there.

Councilman Krakower: Ok, if you could do it on another site, would you take the Town leaves at no cost?

Duffy Layton: No. My suggestion to a fairly quick remedy to this would be an organic transfer site set up.

Councilman Krakower; Maybe it would be best to just ask you for a proposal with what you suggest to give us as to what would work.

BOOKLET ATTACHED TO FINAL BOOK COPY

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

CARRIED: 6-0

NO SPEAKERS CAME FORWARD

Motion made to resume the rules: Supervisor Myers/J. Conte

CARRIED: 6-0

06:23-04 APPROVE

Watch Guard Digital In-Car Video Agreement With Town Police for Maintenance of 10 Digital Mobile Video Recorders

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve an Agreement between the Town of Poughkeepsie Police Department and Watch Guard Digital in-Car Video for the maintenance of 10 Digital Mobile Video Recorders currently installed for a period of one year from date of purchase, in the amount of \$3,175.00, which estimated expiration would be June 30, 2011.

SO MOVED: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 6-0

06:23-05 APPROVE

Firearms Trade-In With Amchar Wholesale, Inc.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the request of the Chief of Police, Thomas Mauro, of a firearms trade-in with Amchar Wholesale, Inc., pursuant to the attached memorandum dated June 1, 2010.

SO MOVED: S. Krakower/T. Tancredi

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

CARRIED: 6-0

MEMORANDUM ATTACHED TO FINAL BOOK COPY

06:23-06 BUDGET  
MODIFICATION

Recreation Department For Spratt Park Pool  
Budget

AMENDED  
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 establish the summer 2010 Spratt Park Pool Budget, as follows:

INCREASE: REVENUES

A 7180.2001	Recreation Fees	\$17,685.00
A 7180.2003	Rec. – Swim Lessons	3,200.00
A 7180-2012	Rec. – Concessions	8,250.00

INCREASE: APPROPRIATIONS

A 7180.0116	Seasonal Labor	\$19,795.00
A 7180.0431	Materials & Supplies	1,200.00
A 7180.0475	Operation & Maintenance	4,125.00
A 7180.0811	Social Security	1,515.00
A 1910.0469	Pool Insurance	2,500.00

SO MOVED: T. Tancredi/S. Eagleton

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

CARRIED: 5-0

BUDGET REPORT ATTACHED TO FINAL BOOK COPY



06:23-07 AUTHORIZE  
SUPERVISOR  
TO SIGN

AMENDMENT To The Agreement  
Between The Poughkeepsies' Joint  
Water Project Board & The Town of  
Hyde Park

RESOLUTION

WHEREAS, the Poughkeepsies' Joint Water Project Board and the Town of Hyde Park, on behalf of the Arbors Water District entered into a Water Sale Agreement by which the Water Board agreed to sell surplus water to Hyde Park for use by the Arbors Water District; and

WHEREAS, under the terms of that Agreement the Water Board bills Hyde Park on a quarterly basis, in advance, for the take-or-pay volume of water purchased; and

WHEREAS, Hyde Park has requested that the Water Board change the billing procedure so that Hyde Park pays each order in arrears; and

WHEREAS, the parties desire to amend the Agreement consistent with the request made by Hyde Park; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the Amendment to Agreement between the Poughkeepsies' Joint Water Project Board and the Town of Hyde Park, a copy of which is attached hereto.

SO MOVED: Supervisor Myers/T. Tancredi

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

CARRIED: 6-0

AGREEMENT ATTACHED TO FINAL BOOK COPY

06:23-08 AUTHORIZE

Accepting For Dedication of Road Known  
As Sunset Avenue In The Dara View  
Subdivision

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, upon the recommendation of the Town Highway Superintendent, does hereby accept, for dedication, a road known as Sunset Avenue in the Dara View Subdivision.

SO MOVED: S. Eagleton/M. Cifone

ROLL CALL: Ayes: Councilmen Eagleton, Conte, Cifone, Tancredi, and

Supervisor Myers  
Nays: Councilman Krakower

CARRIED: 5-1

06:23-09 SET DATE FOR  
PUBLIC HEARING

Amend Town Code, Chapter 295, Entitled  
“Vehicles and Traffic”, Specifically Section  
195-47, Schedule XII, Entitled  
“Crosswalks”

### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 7<sup>th</sup> day of July, 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 the Town Code, Chapter 195 entitled “Vehicles and Traffic”, specifically Section 195-47. Schedule XII, entitled “Crosswalks”, which amendment would be as follows:

ADD: Section 195-47. Schedule XII

<b>Name of Street</b>	<b>Location</b>
Burnett Boulevard	North of Love Road
Love Road	At Burnett Boulevard
Dutchess Plaza Exit	Onto Burnett Boulevard
Burnett Boulevard	At Friendly Lane
Friendly Lane	At Burnett Boulevard
Tucker Drive	At Burnett Boulevard
North Exit from Stop & Shop Mall	At Burnett Boulevard
Channingville Road	North of Jordan Street
Sheafe Road	Bowdoin Park Entrance
Sheafe Road	At Oakwood Drive (Sheafe Rd. School)
43 Hagan Drive	Hagan School
10 Nassau Road	Nassau Road School
15 Collegeview Avenue	
Collegeview Avenue	At Fairmont Avenue
Fulton Street	At Hawk Lane (Violet Avenue School)
Beck Place	At Fulton Street
Exit from Mid Hudson Plaza	At Fulton Street
Creek Road	At Dutchess Community College North of Pendell Road, signalized
Creek Road	At Dutchess Community College North of Pendell Road

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 said local law, if adopted, shall take effect immediately upon filing with the Secretary of State

SO MOVED: J. Conte/S. Eagleton

Councilman Tancredi: Is this a list of crosswalks that currently exist?

Town Attorney Hagstrom: Yes, if you look further (inaudible) it turns out that all we had in our Code was reserved.

Supervisor Myers: We never put it in our Code. So, that's all we are doing here.

Councilman Tancredi: Who put these in place, is it the Planning Board that does that?

Town Attorney Hagstrom: No, I think it is the Traffic Division of the Police Department.

Speaker unidentified: We are going to do ten now, there are 19 total. We hope to have some funds left in the traffic signage in the fall and we are going to bring the company back. Some are in good repair so we may have to ignore them for this year and do them next year.

SO MOVED: ROLL CALL: Ayes: Councilmen Eagleton, Conte, Cifone, Krakower, Tancredi,  
And Supervisor Myers  
Nays: None

CARRIED: 6-0

06:23-10 BID AWARD

For Improvements For Main Street For  
Sidewalk Restoration

AMENDED  
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the bid for "IMPROVEMENTS FOR MAIN STREET FOR SIDEWALK RESTORATION" to Upstate Concrete at the bid price of \$53,821.50, pursuant to the recommendation of the Town Engineer, contingent upon the approval by the Dutchess County Department of Planning and Economic Development; 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 Upstate Concrete.

SO MOVED: M. Cifone/T. Tancredi

Supervisor Myers: Is this the same outfit that did the ones on Collegeview?

Councilman Tancredi: Yes.

Supervisor Myers: Are you comfortable with them doing this? They had to come back and fix them is why I'm asking.

Councilman Tancredi: No.

Councilman Krakower: They still don't look all that great on Collegeview.

Don Beer: Yes, it is the same contractor. I talked this over with the Town Attorney and we decided we really had no grounds to keep us from awarding the bid. They did not do top quality work the first time around, but they did come back and fix it.

Councilman Krakower: What was the next bid? We don't have to honor the lowest bid even where we have a track record where they did a bad job. It still doesn't look good after them repairing them. I'm not comfortable spending the Town's money on the job because they didn't do a good job on the last ones. They were a mess. We had to kind of pull them to come back and fix them right, also. I'm not voting for these guys, I would vote for the next one on the list.

Town Attorney: I have a suggestion. We are going to have an Executive Session tonight and let me give you some Attorney/Client recommendations here and re-vote this resolution after Executive Session on the grounds of possible litigation.

Motion made to refer to Executive Session - possible litigation – NO VOTE

#### REFERRED TO EXECUTIVE SESSION

06:23-11 SET DATE FOR  
PUBLIC HEARING

Unsafe Building, owned By 1877 Webster  
Realty LLC, Previously Occupied by Midas  
Muffler, Located At 487 Haight Avenue

#### RESOLUTION

WHEREAS, the Building Department of the Town of Poughkeepsie has made a report to the Town Board concerning property located at 487 Haight Avenue, Town of Poughkeepsie, County of Dutchess, State of New York, the portion of said building previously occupied by Midas Muffler, as shown on the attached sketch, the same bearing Tax Grid No. 6161-08-767775, the owners of record being 1877 Webster Realty LLC, PO Box 314, Yonkers, NY 10710; and

WHEREAS, on the basis of such report, the Building Inspector has formed the opinion that the portion of said building previously occupied by Midas Muffler on the premises referred to above is unsafe; and

WHEREAS, the Town Board has formed a similar opinion with regard to such portion of said building previously occupied by Midas Muffler; now therefore, be it

RESOLVED, by the Town Board of the Town of Poughkeepsie does declare as follows:

1. That the report of the Building Inspector warrants a finding by this Town Board and this Board does hereby make such finding that the portion of said building previously occupied by Midas Muffler situate on the premises of the aforesaid is unsafe and dangerous; and
2. That the Town Board finds that the portion of said building previously occupied by Midas Muffler situate on such premises cannot be safely repaired; and
3. That this Town Board finds and determines that the portion of said building previously occupied by Midas Muffler situate on such premises should be demolished and removed; and
4. That an Order be issued and served upon the owners, 1877 Webster Realty LLC, PO Box 314, Yonkers, NY 10710, by serving a copy of the same upon them personally, or by Registered Mail, Return Receipt Requested, to their last known address, as the same appears on the records of the Assessor of the Town of Poughkeepsie, and if such service is made by mail, a copy of such Order shall be posted on the premises on the date of the mailing; and
5. That said Notice shall contain the following information, to wit:
  - A. A description of the premises.
  - B. A statement of the particulars in which the building is unsafe or dangerous.
  - C. An order outlining the manner in which the building is to be made safe and secure or demolished and removed.
  - D. A statement that the securing or removal of such building shall commence within thirty (30) days of the service of the notice and shall be completed within sixty (60) days thereafter, unless for good cause shown such time shall be extended.
  - E. That a public hearing will be held before the Town Board on the 7<sup>th</sup> day of July, 2010 at Town Hall, One Overocker Road, Poughkeepsie, New York at 7:00 P.M.
  - F. That a statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Town Board is authorized to provide for its demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition, including legal expenses.
6. The Town Clerk of the Town of Poughkeepsie shall file a copy of the Notice so serviced in the Office of the County Clerk of the County of Dutchess; and

7. This resolution shall take effect immediately.

SO MOVED: S. Krakower/T. Tancredi

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

CARRIED: 6-0

TAX PARCEL MAP ATTACHED TO FINAL BOOK COPY

06:23-12 APPROVE

Application Submitted By Colleen Flanagan  
To Hold A Block Party On Orchard Park  
August 21, 2010 From 1:00 P.M. to  
10:00 P.M.

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Colleen Flanagan to hold a block party on Orchard Park on August 21, 2010 with a rain date of August 22, 2010 from 1:00 P.M. to 10:00 P.M. and does hereby authorize the Highway Department to close said street, but allowing access for emergency vehicles, from 1:00 P.M. to 10:00 P.M.; 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 Eagleton, Conte, Cifone, Krakower, Tancredi, and  
Supervisor Myers  
Nays: None

CARRIED: 6-0

06:23-13 ACCEPT

2010 Town Board Minutes

May 19 – Regular Meeting  
June 02 – Special Meeting  
June 02 – Regular Meeting

SO MOVED: Supervisor Myers/M. Cifone

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

CARRIED: 6-0

06:23-14 AMEND

Resolution 01:06-30 (January 6) of 2010  
To Correct Expiration Dates of Elected  
Officials

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby amend Resolution 1:6-30 of 2010, a copy of which is attached, to correct the term expiration date of Marc Pfeifer, Superintendent of Highways and Geoffrey Patterson, Receiver of Taxes from 12/31/11 to 12/31/13.

SO MOVED: S. Eagleton/J. Conte

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

CARRIED: 6-0

#### CORRECTED COPY ATTACHED TO FINAL BOOK COPY

06:23-15 AUTHORIZE

To Advise The NYS Public Service  
Commission that It Is Requested To Not  
Grant Further Extensions of Temporary  
Operating Authority To Time Warner –  
Poughkeepsie Division

#### RESOLUTION

BE IT RESOLVED, that the Town Attorney, David D. Hagstrom, is authorized to advise the Public Service Commission of the State of New York that it is requested to not grant any further extensions of Temporary Operating Authority to Time Warner – Poughkeepsie Division for its operations in the Town of Poughkeepsie.

SO MOVED: J. Conte/T. Tancredi

Councilman Krakower: Time Warner has been operating without a franchise agreement since 2002, and we, the Supervisor, myself, Mr. Hagstrom and Mr. Mahar have been trying to meet with these people over and over again and every once and a while they show up and they are very pleasant but then they don't do anything they said they were going to do.

Town Attorney Hagstrom: They don't even respond. I've been trying to get them to respond since the beginning of the year.

Councilman Krakower: Cablevision and Verizon have paid the franchise fees to operate in the Town. Time Warner has continued to operate and has been skating by without paying that. The only way to get them, evidently, to the table is with a step like this. This is kind of our only option because they do not respond to us at all.

Supervisor Myers: I'm concerned about this because there are a lot of residents in the Third Ward and Fourth Ward that have Time Warner and you would potentially be cutting off their cable service.

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

CARRIED: 5-1

06:23-16 ACCEPT

Certificates of Completion From The Housing The Hudson Valley Conference Issued To Marvin Bennett, John Weisman & Anne Conroy For A Program Entitled "Land Use Decision Making, SEQRA and The Evolving Challenges To Siting Affordable Housing"

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Certificates of Completion from the Housing the Hudson Valley Conference issued to Marvin Bennett, John Weisman and Anne Conroy for a program entitled "Land Use Decision Making, SEQRA and the Evolving Challenges to Siting Affordable Housing", copies of which are attached.

SO MOVED: M. Cifone/S. Krakower

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

CARRIED: 6-0

06-23-17 SET DATE FOR  
PUBLIC HEARING

To Consider Recommendation From The Zoning Administrator To Remove All Debris, Hazardous Material, Solid Waste & Unsound Structures Pursuant To Town Code From Various Properties

AMENDED  
RESOLUTION



BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 21<sup>st</sup> day of July 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, pursuant to Section 159-13 of the Town of Poughkeepsie Town Code for the following properties:

Jeffrey & Kimberly Shields  
23 Sheraton Drive  
Poughkeepsie, NY 12601  
6059-08-875895-0000

Laura Fara  
17 Jean Drive  
Poughkeepsie, NY 12601  
6159-01-029748-0000

Robert & Margaret Lane  
174 North Grand Avenue  
Poughkeepsie, NY 12603  
6162-12-831318-0000

Brigette Federico  
204 Vassar Road  
Poughkeepsie, NY 12603  
6259-01-377892-0000

KSP Properties LLC  
7 Jones Street  
Poughkeepsie, NY 12603  
6161-07-734851-0000

Steven Moskowitz  
Lisa Caldwell-Moskowitz  
11 Casper Creek Road  
Poughkeepsie, NY 12603  
6160-04-670438-0000

George E. Banta  
11 Collegeview Avenue  
Poughkeepsie, NY 12603  
6161-12-846670-0000

SO MOVED: S. Krakower/T. Tancredi

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

Supervisor Myers  
Nays: None

CARRIED: 6-0

06:23-18 APPOINTMENTS

To Record Management Advisory Board

### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reappoint Rebecca Centorani, Susan Miller, Jean Murphy, Kathleen Taber and Victoria Powell to the Records Management Advisory Board, each for a term of June 23, 2010 through December 31, 2013.

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 6-0

06:23-19 DISCUSSION

Fairview Avenue Delays/Increased Costs

Don Beer: I came to discuss the status of the stimulus jobs that are currently in progress. You may know, there are three of them. They are currently being worked on at the moment. Sheafe Road is the first one, work is almost complete on this one, and it has been paved. Coloruso is the contractor and they appear to be in budget at the moment. We expect them to finish in budget. Hudson Valley Engineering Associates, which had a budget of \$130,000 appears to be within their budget. That project was a 60 day project, but, there was less time in the field than originally anticipated, so there should be a savings on the Engineering Budget there. Fairview Avenue began on April 27<sup>th</sup> and was supposed to be completed in 60 days. If everything had gone according to plan, we believe the contractor could have made the schedule, but everything is not going according to plan. We've hit fiber optics, we've hit water lines with less cover than was anticipated. We've hit foundations on basins. I say we've hit, the contractors hit these.

Councilman Eagleton: You found them or hit them?

Don Beer: Well, both. We haven't caused any major utility concerns, let's put it that way. After looking at the schedule, we should have had a little bit longer time frame. We knew this was the older section of Town and there were more utilities. The contractor has now asked for a six week time extension. It was a 60 day job and now he is looking for another 42 days and we don't believe he needs all 6 weeks and we will not be recommending a 6 week time extension. We feel they are doing an adequate job as far as far as the work, but they really haven't had more than one crew in place at any one point in time. Morris Associates sent them letters about the schedule on 5/17, 6/2, 6/14 and 6/15 and also had job meetings with them. The last request made on 6/15 finally generated the request from the contractor for an extension, that's how we found out that they were looking for another six weeks.

Councilman Cifone: Do you think they could do it in four?

Don Beer: I would think that to be the right recommendation, yes. The extension really doesn't cause us any problems in the field, the job is moving along. Most of the drainage is in but will have to have Morris inspect and document similar to what they do now and that cost is running about \$10,000 a week.

Councilman Tancredi: And that's mandated by the Federal Government that's being done?

Don Beer: That's correct. It's required for full time record keeping. It's costing about 20 hours a day right now, which it is a little less than what was happening with Sheafe and will be happening in Creek, but it still, obviously, a significant expense. Right now, Morris is about 9 weeks in. They had a budget of \$85,000 and most of that has been expended, not all, but most. The reason is because most of the job has been working, it's just that they haven't been progressing as fast as I believe they should have. I do believe they should get some time extension. We would have probably saved \$45,000 if we could have stayed within the 60 day budget. It's still cheaper than what we would have spent on Sheafe Road had that been a 60 day budget, but, it is still going to cost us \$10,000 a week.

Councilman Tancredi: Can we approach the contractor? Why should we be stuck with this full tab because they want an extension?

Don Beer: Well, I believe the contractor is justified to have some extension. They have not documented properly yet, what extension, they asked for 6 weeks, but they haven't documented it yet.

Councilman Tancredi: You said they have had unforeseen issues. You also said they had one crew at a time working. Does our contract with them specify how much equipment or how much manpower they are to have on the job any given week or whatever?

Don Beer: No. The methods and means of a contractor are strictly within his care.

Councilman Krakower: Can we give them a short leash at this point and give them two weeks and then they can come back if the need more?

Don Beer: I don't think two weeks is going to cut it because they haven't even touched any of the manholes. They haven't finished the drainage because they had to order some basins to be made. We believe it will be at least a two week paving process. They have reclamation and paving to do on the far end of the street. That's going to be at least a week. From Cedar to Fulton they have to reclaim and pave. Maybe they can get that done within a week. Maybe we don't have to go to four weeks, but at some point it's a question of litigation over the extras and extra time vs. what they are going to have to pay.

Councilman Krakower: I would keep them on as short of a leash as possible. If we have to revisit it, then fine.

Supervisor Myers: Would three weeks work?

Don Beer: I could certainly go back to three weeks. The only thing I could tell him that if he can't maintain more than one crew out there for some of this work, then we don't want to see them working that day. If he maintained two crews out there and then didn't work the next day, we then wouldn't have to have Morris on site that day. Creek Road has also been awarded to Wiltsie. That was supposed to start before the College was done for Spring, but Wiltsie said they would start it immediately after. Hudson Valley Engineering is the Inspector on this one and their position is that Wiltsie is waiting until they are done on Fairview before they start Creek. There is obviously some time in the beginning of these jobs, you have to order materials, catch basins have to be fabricated and materials delivered to the site. So, I've asked Hudson Valley Engineering Associates once again, to document this delay, so in any event we end up in the exact position that we are with Fairview, at least we have it documented so we can determine what to do at that point, but, means and methods are up to the contractor. Technically, until we can get a schedule from them and we can comment on the schedule and say "No way is your schedule anyway good, change it", but in 55 days, we have not gotten any schedule from the contractor. At this rate, it won't be done before college is back in session.

Supervisor Myers: Motivate them!

Town Attorney Hagstrom: Would it make it a little more motivated if the Board said, "Please report on July 7<sup>th</sup> as to where things are"? That's two weeks from now and our regular Board Meeting.

Don Beer: Sure.

Councilman Krakower: So, we are not going to give them any extension right now?

Don Beer: No. If we don't give them an extension, they will run out on the 25<sup>th</sup> of June.

Supervisor Myers: I think we have to give them the minimum, give them three weeks and that will give them to the 7<sup>th</sup> of July.

06:23-20 NOTIFICATION

Public Hearing In Town of Hyde Park on  
July 26, 2010 At 7:00 PM At Town Hall  
As To Whether Town Board Should Adopt  
Proposed Local Law D Dealing With  
Planning Board & Zoning Board Regarding  
The Bellefield Development District

NOTED BY TOWN BOARD

06:23-21 NOTIFICATION

Liquor License Renewals:

A.TLC Central, LLC, D/B/A Applebee's

Neighborhood Grill & Bar Located at  
3450 North Road

B. 47 Red Oak Corp. D/B/A Goodfellas  
Located At 47 Vassar Road

**BOTH APPROVED BY POLICE AND NOTED BY TOWN BOARD**

06:23-22 AUTHORIZE

Liquor Licenses With Waiver of 30 Day  
Hold For Public Comments

A. License Original Application For El  
Ameer Mediterranean Cuisine, Inc.  
D/B/A El Ameer Mediterranean  
Cuisine Located at 260 North Road,  
Unit 7

B. License Renewal For Monkey Business  
Of Dutchess, Inc. D/B/A Monkey  
Maghees Located at 40 Vassar Road

A.

**RESOLUTION**

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from El Ameer Mediterranean Cuisine, Inc., 260 North Road, Unit 7, Poughkeepsie, NY 12601 for a waiver of the 30 day review period for renewal of liquor license; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the thirty (30) day review period and does authorize and direct the Town Clerk to forward a letter of waiver and consent, pursuant to the attached request.

SO MOVED: Supervisor Myers/M. Cifone

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

Nays: None

CARRIED: 6-0

B.

**RESOLUTION**

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Monkey Maghees, 40 Vassar Road, Poughkeepsie, NY 12603 for a waiver of the 30 day review period for renewal of liquor license; and

BE IT FURHTER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the thirty (30) day review period and does authorize and direct the Town Clerk to forward a letter of waiver and consent, pursuant to the attached request.

SO MOVED: S. Eagleton/J. Conte

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

CARRIED: 6-0

**BOTH APPROVED BY POLICE AND APPROVED**

06:23-23 AUTHORIZE Special Consent Items, SC 1, SC 2, and SC 3

**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. Budget Modification | Receiver of Taxes  |
| 2. Authorize           | Appointment Extension of Part<br>Time Court Attendants – Leo<br>Stanszak & Allen Roberts |
| 3. Notification        | Town of Pleasant Valley –<br>Public Hearing  |

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: J. Conte/M. Cifone

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

CARRIED: 6-0

06:23-SC 1 BUDGET Receiver of Taxes to Attend Annual  
MODIFICATION Conference

**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 cover the cost for the Receiver of Taxes to attend annual conference, as follows:

FROM:

A 1330.0112	Part Time Labor	\$100.00
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TO:

A 1330.0421	Schools & Meetings	\$100.00
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SO MOVED: M. Cifone/S. Eagleton

Councilman Krakower: On things like this, I like to see the total cost and the reason why. I think it also should be covered ahead of time. I don't think he should come back after he spent the money and saying I need a Budget Modification. I would like to Table it and get an explanation from the Receiver of Taxes.

Supervisor Myers: I agree.

Motion made to Table: Supervisor Myers/J. Conte

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

Nays: None

CARRIED: 6-0

TABLED

06:23-SC 2 AUTHORIZE

Town Court Extensions of Temporary  
Appointments of Leo J. Stanszak & Allen  
Roberts As Part Time Court Attendants

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize the extension of the temporary appointments of Leo J. Stanszak and Allen Roberts, as part time Court Attendants, at their current salary, with no benefits, until October 31, 2010.

SO MOVED: T. Tancredi/J. Conte

Supervisor Myers: We have a problem with this. You can only have a temporary appointment for 90 days according to Civil Service Law and we've already done this appointment for 90 days. I think we got in trouble for this once before.

Town Attorney Hagstrom: I can take that up with Mr. Weiss in the morning if you want to make it contingent on not violating the law.

Councilman Krakower: When does the current appointment expire?

Supervisor Myers: The end of June, I believe.

Councilman Krakower: I just don't want to just terminate our court attendants and Judge Sullivan calls us up and is upset. Otherwise, we have no court attendants and using police officers would mean overtime.

Supervisor Myers: I think what it is going to come down to is the Judge has to hire some new court attendants. I think we can appoint them just a very limited period of time.

Councilman Eagleton: What happens if we violate that law?

Supervisor Myers: Oh, the County will yell.

Motion made to amend to read until July 31, 2010. S. Krakower/T. Tancredi

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

Nays: None

CARRIED: 6-0

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

Nays: None

CARRIED: 5-1

06:23-SC 3 NOTIFICATION

Public Hearing In Town of Pleasant Valley On  
July 14, 2010 at 7:00 PM At Town Hall To  
Consider a Proposed Local Law That Reinstates  
Regulations Pertaining To "Stormwater  
Management And Erosion And Sediment  
Control" With Amendments To Other Town  
Code Chapters

NOTED BY TOWN BOARD

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

CARRIED: 6-0

Doreen Tignanelli: I just have a question about when Don Beer was talking about the inspections, how much more is it going to cost for Morris Association to extent it for three weeks?



Supervisor Myers: About \$10,000 a week.

Doreen Tignanelli: I thought that's what he said. When Don brought up the fact tonight of not having more than one crew, Morris Associates didn't ask them that weeks ago?

Supervisor Myers: Yes, but –

Robert Ruben: I would just like some clarification. I know we were talking about the Wastewater Management for the 44 Treatment. My impression of what we talked about here over the last few Town Board Meetings was that the proposal was going to go out and we were just going to be looking at something but not definitively awarding a contract. I was surprised when I looked at the Poughkeepsie Journal on June 21<sup>st</sup> and I saw the notice of proposals. This seems to be like a “slam dunk”. We are sending out an RFD and we are going to look at it and if they meet the requirements, the contract is going to be awarded.

Councilman Krakower: No, it's not a “slam dunk”. The RFP is a request, and intent to get the information back. There is no “slam dunk” because we don't have any of the information now to know if it's a good idea, bad idea, saves money, doesn't save money and so until we get those proposals, there are no decisions that we could make.

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

CARRIED: 6-0

06:23-ES 1 ADJOURN TO EXECUTIVE SESSION

#### RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby adjourn to Executive Session to consider the following matters, to wit:

1. Litigation: To Discuss Litigation Strategy In River Terminal V. Town
2. Contract Negotiations
3. Personnel Matters, To Wit: A Meeting To Discuss The Employment History of the Particular Individuals Who Need Not Be Identified At This Time
4. Confidential Communication Between Attorney And His Client, The Town Board, Based on Attorney/Client Privilege
5. Discussion Regarding Possible Litigation.

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

SO MOVED: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 6-0

TOWN BOARD MEETING ADJOURNED AT 9:16 PM

TOWN BOARD ENTERED EXECUTIVE SESSION AT 9:20 PM

TOWN BOARD RETURNED TO TOWN BOARD MEETING AT 9:45 PM

NO ACTION TAKEN IN EXECUTIVE SESSION

06:23-10 BID AWARD

For Improvements For Main Street For  
Sidewalk Restoration

Motion made to Table the following Resolution: Supervisor Myers/M. Cifone

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

Nays: None

CARRIED: 6-0

TABLED

Motion made to Close Town Board Meeting: Supervisor Myers/T. Tancredi

CARRIED: 6-0

MEETING CLOSED AT 9:46 PM

SJM:lkM