

**MINUTES OF TOWN BOARD MEETING HELD ON
JULY 7, 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 #1: Supervisor Myers/J. Conte

CARRIED: 6-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 6-0

Town Clerk Miller: I did hereby file the affidavit of posting on June 24th, 2010 and published it in the Poughkeepsie Journal on June 26, 2010.

07:07-01 PUBLIC
HEARING

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

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 7th day of July, 2010 at 7:00 P.M. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town Code,

Chapter 195 entitled “Vehicles and Traffic”, specifically Section 195-47. Schedule XII, entitled “Crosswalks”, which amendment is as follows:

ADD: Section 195-47. Schedule XII

Name of Street	Location
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

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

SO MOVED: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 6-0

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

CARRIED: 6-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 6-0

Town Clerk Miller: I did hereby file the affidavit of posting on June 17, 2010 and published it in the Poughkeepsie Journal on June 19, 2010.

07:07-02 PUBLIC
HEARING

Amend Town Code, Chapter 210, Entitled
“Zoning”, Specifically Section 210-160,
Entitled “Exemptions”

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 7th day of July, 2010 at 7:00 P.M. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town Code of the Town of Poughkeepsie, Chapter 210, entitled “Zoning”, specifically Section 210-160, entitled “Exemptions”, which amendment is as follows:

DELETE: Section 210-160

ADD: Section 210-160. Exemptions.

- (A) Filed subdivision plats. The construction of a single family dwelling on a residential building lot created pursuant to a subdivision approval by the Planning Board prior to September 27, 2007 and which is depicted on a plat filed in the Office of the Dutchess County Clerk prior to September 27, 2007, may proceed without the need for area variances despite the failure of said dwelling, as located on the lot, to meet the minimum setback and bulk requirements of the zoning district in which said lot is located, provided: 1) said subdivision has not been abandoned; 2) the boundary lines of the lot on which the dwelling is to be constructed have not, subsequent to the initial filing of the plat, been altered or amended; 3) there are no violations in regard to such lot; and 4) the location of the dwelling on the lot would comply with the minimum yard requirements of the Zoning Law in effect for the lot and the subdivision at the time of Planning Board subdivision approval.
- (B) For the purpose of this section only, and to the extent that this section is inconsistent with Town Law Sections 265-a, 274-a, 277 or any other provision of Article 16 of the Town Law, the provisions of this chapter are expressly intended to and do hereby supersede any such inconsistent provisions.

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

SO MOVED: J. Conte/M. Cifone

Supervisor Myers: We heard from Dutchess County on this and they said it was a matter of local concern.

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

Nays: None

CARRIED: 6-0

Motion made to suspend the rules for public speaking on Public Hearing #3: Supervisor Myers/S. Eagleton

CARRIED: 6-0

Doreen Tignanelli: At the June 23rd meeting, the developer, David Kaminski, was here with his legal counsel and threatened Article 78 against the Town and one of their complaints was that there was a total lack of public discussion and no transparency in the amendments proposed . So, I would suggest that if the Town Board is not voting on this tonight, you may consider having a workshop similar to what you did when you had the Master Plan and Zoning changes several years back. There would not be any public comment at the workshop, but the public would be able to understand what the proposed changes are and then that would eliminate the transparency issue.

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

CARRIED: 6-0

Councilman Cifone: I make a motion to Adjourn this Public Hearing to August 4th, 2010: S. Krakower/T. Tancredi

CARRIED: 6-0

07:07-03 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”

ADJOURNED PUBLIC HEARING & TABLED TO AUGUST 4, 2010 MEETING

Motion made to suspend the rules for public speaking on Public Hearing #4: Supervisor Myers/T. Tancredi

CARRIED: 6-0

Bryan Orser: Supervisor for West Avenue Realty: We have an application down stairs to get a demo permit for this. The only thing that Wayne was missing was a demo plan and I picked that up this afternoon and I will get the stuff in tomorrow. We are hoping to get the building down

soon. We had given them a demo plan and they had wanted more because there is an interior wall that they want stabilized with supports. We had to go to William Road here to put a plan together for this and I have it right here in front of me and I will give this to Wayne in the morning and hopefully he will be able to issue a permit to us.

Supervisor Myers: Wayne, is this agreeable to you?

Wayne Cichon, Deputy Building Inspector: We will certainly accept the plan, but that's not the only documentation that's been asked for.

Councilman Krakower: We can go forward with this resolution, either way or the other, if they get everything in and get it done, fine.

Town Attorney: This resolution in the statute provides for the time frame for them to commence within no less than 30 days.

Supervisor Myers: So what's going to happen is we are going to go ahead and approve this resolution and that's going to start the "Clock ticking" and you have 30 days to get all your ducks in a row and get all the approvals from Wayne to move forward.

Wayne Cichon, Deputy Building Inspector: I've been working on this project and have had a lot of communications with Councilman Tancredi on it. We've actually issued Orders to Remedy on this project back in 2008. We've done a series of inspections consistently with this. The biggest fear that we acknowledged back when we decided this was truly an unsafe building, was the fact that the side that faces Raymond Avenue is the true danger to the public. Not forgetting that there is a school across the street on the corner that we have traffic flowing by and that kind of thing and pedestrians walking there, but that is an un-reinforced wall in a bad scenario that we get a storm, winds in excess of 60 to 80 miles an hour, which are common in this area, that can come down really, really quick. After doing some more research, we found out that the prosecutorial manner was delinquent because the "Orders to Remedy" expire at a certain time for prosecution purposes. The violations don't go away if they don't fix it, so we re-sited the property and we moved forward with all of that and you all should have gotten a copy of what I have prepared in that unsafe buildings report.

Town Attorney Hagstrom: Would you provide some of your pictures, showing the dangers, to the Town Clerk as part of this hearing please? (OK) Also gave pictures to the Board.

Wayne Cichon: Some of the building may have asbestos and it needs to be taken out and it should have been properly done then when demoed, but it wasn't, and they still, under law, have to do this.

Town Attorney Hagstrom requested that the UNSAFE BUILDING REPORT be included as part of the record.

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

CARRIED: 6-0

ADJOURNED AND TABLED TO AUGUST 4, 2010 MEETING
UNSAFE BUILDING REPORT ATTACHED TO FINAL BOOK COPY

07:07-04 PUBLIC
HEARING

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

AMENDED
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing under Section 71 of the Town of Poughkeepsie Code, entitled "Unsafe Buildings", held on July 7, 2010 at 7:00 P.M. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby determine that said structure located at 487 Haight Avenue, Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6262-03-345435, previously occupied by Midas Muffler, owned by 1877 Webster Realty, LLC PO Box 314, Yonkers, NY 10710, is an unsafe building as defined in the Town Code insofar as:

- a. The structure is a steel beamed building previously occupied by Midas Muffler.
- b. The last listed use was as a muffler shop. The structure is currently vacant.
- c. No building permits for renovations to the structure have been applied for or issued.
- d. The structure's northwest corner of the roof collapsed and the roof was demolished October 1, 2008 leaving the steel beams exposed to the element.
- e. The building is not secured.
- f. Due to the deteriorated state of the building, lack of property maintenance and the accumulation of trash and debris, this structure may become a source of rodent infestation.
- g. The structure in its current state is unfit for the lawful use of a business or any other use.

AND BE IT FURTHER RESOLVED, that said determinations are based on the presentation, the report and pictures submitted at the public hearing by the Town of Poughkeepsie Building Department; and

BE IT FURTHER RESOLVED, that the removal of the unsafe building and all debris shall commence within thirty (30) days of this determination and shall be completed within (60) days thereafter; and

BE IT FURTHER RESOLVED, that if the owner does not start {the removal within 30 days} and complete the removal procedure within {sixty (60)}days, then the Town shall cause the unsafe building to be removed and the site secured at the owner's expense; and

BE IT FURTHER RESOLVED, that the charges shall be assessed by the Town Board and sent to the registered owner of said property for reimbursement; and

BE IT FURTHER RESOLVED, that if said costs and disbursements are not reimbursed within thirty (30) days of the bill said charges shall be added to the next state, county and town tax bill pursuant to the provisions of the unsafe building code and shall become a lien against the property and filed with the Dutchess County Clerk and the Dutchess County Commissioner of Finance.

SO MOVED: M. Cifone/T. Tancredi

Town Attorney Hagstrom: In paragraph 5, should read and be amended: "if owner does not start {the removal within 30 days} and complete the removal procedure within {sixty 60} days".
Motion seconded by Supervisor Myers

CARRIED: 6-0

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

UNSAFE BUILDING REPORT ATTACHED TO FINAL BOOK COPY

Motion made to suspend the rules for public speaking on Public Hearing #5: Supervisor Myers/J. Conte

CARRIED: 6-0

Sarah Davis, Zoning Administrator: The deck is unsafe on this building and it needs to be removed and the pipes are broken since last year and it has been falling down since then. The grass needs to be cut also. The front yard is a corner lot and so it needs two front yards done at least 20 feet around the perimeter for fire safety. There is also a small amount of debris underneath the deck that has to be removed.

Motion made to close the public hearing: Supervisor Myers/S. Krakower

CARRIED: 6-0

07:07-05 PUBLIC
HEARING

To Consider Recommendation From Zoning Administrator Davis To Remove All Debris, Hazardous Material, Solid Waste & Unsound Structures From 2 Lawton Road

AMENDED
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on July 7, 2010 at 7:00 P.M. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, under Chapter 159 of the Town of Poughkeepsie Code, entitled "Property Maintenance", does hereby determine that said property located at 2 Lawton Road, Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6058-02-922742, owned by Tanya Charley, 2 Lawton Road, Wappingers Falls, NY 12590, is in violation of Chapter 159 insofar as solid waste, debris and litter have been abandoned/left on the premises including matter attractive to vermin; and

BE IT FURTHER RESOLVED, that said determination is based on the presentation, the report and pictures submitted at the public hearing by the Zoning Administrator of the Town of Poughkeepsie; and

BE IT FURTHER RESOLVED, that said owner of 2 Lawton Road has not complied with the Orders to Remedy; and

BE IT FURTHER RESOLVED, that the Town shall cause the removal of said solid waste, debris and litter; and

BE IT FURTHER RESOLVED, that the charges shall be sent to the registered owner of said property for reimbursement; and

BE IT FURTHER RESOLVED, that if said costs and disbursements are not reimbursed within thirty (30) days of the bill, said charges shall be added to the next state, county and town tax bill pursuant to the provisions of Section 159-13 of the Town Code and shall become a lien against the property and filed with the Dutchess County Clerk and the Dutchess County Commissioner of Finance; and

BE IT FURTHER RESOLVED, that the Highway Department is authorized to remove the solid waste, debris and litter.

SO MOVED: S. Krakower/M. Cifone

Supervisor Myers: Will Marc also be taking down the deck?

Sarah Davis, Zoning Administrator: I spoke to him and he is not equipped to take it down. You have to hire a private contractor.

Town Attorney Hagstrom: This will actually come back to the Town Board once you have the charges set. That's the way the statute reads, to assess the charges at that point. So, when we get the charges, keep track of them and then we will bring them back here for another resolution, not a public hearing, but just a resolution.

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

Nays: None

CARRIED: 6-0

Motion made to suspend the rules for public speaking on Public Hearing #6: Supervisor Myers/T. Tancredi

CARRIED: 6-0

Supervisor Myers: Sarah Davis, Zoning Administrator is handing out pictures of Brookland Farms Road.

Sarah Davis, Zoning Administrator: I wanted you to see there are vehicles involved in the driveway as unregistered or the plate has expired in 2008. There is a sign on the door of the Cadillac that they want the Cadillac.

The grass needs to be cut and there is a serious problem with the rear yard. There is a lot of debris and the pool is filled with asphalt. There is a Corvette in the back yard also.

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

CARRIED: 6-0

07:07-06 PUBLIC
HEARING

To Consider Recommendation From Zoning Administrator Davis To Remove All Debris, Hazardous Material, Solid Waste & Unsound Structures From 52 Brookland Farms Road.

AMENDED
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on July 7, 2010 P.M. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, under Chapter 159 of the Town of Poughkeepsie Code, entitled "Property Maintenance", does hereby determine that said property located at 52 Brookland Farms Road, Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6159-02-695767, owned by Vivian C. Prothro, 52 Brookland Farms Road, Poughkeepsie, NY, 12601, is in violation of Chapter 159 insofar as solid waste, debris and litter have been abandoned/left on the premises including matter attractive to vermin; and

BE IT FURTHER RESOLVED, that said determination is based on the presentation, the report and pictures submitted at the public hearing by the Zoning Administrator of the Town of Poughkeepsie; and

BE IT FURTHER RESOLVED, that said owner of 52 Brookland Farms Road has not complied with the Orders to Remedy; and

BE IT FURTHER RESOLVED, that the Town shall cause the removal of said solid waste, debris and litter; and

BE IT FURTHER RESOLVED, that the charges shall be sent to the registered owner of said property for reimbursement: and

BE IT FURTHER RESOLVED, that if said costs and disbursements are not reimbursed within (30) days of the bill, said charges shall be added to the next state, county and town tax bill pursuant to the provisions of Section 159-13 of the Town Code and shall become a lien against the property and filed with the Dutchess County Clerk and the Dutchess County Commissioner of Finance; and

BE IT FURTHER RESOLVED, that the Highway Department is authorized to remove the solid waste, debris and litter.

SO MOVED: T. Tancredi/S. Krakower

Councilman Tancredi: I have one question. When we get rid of these cars, what do we do with them?

Sarah Davis: I believe the Police Department has a mechanism to take care of that.

Councilman Tancredi: Oh, Bill picks them up.

Councilman Krakower: Wilbur Blvd., where are we with that?

Sarah Davis: It got cut and Mr. Hagstrom was working on trying to find out who the contact person may be because when I posted it, it got cut.

Councilman Krakower: It's not cut again. The car is still there. Can we move forward on the same thing with Wilbur?

PICTURES ATTACHED TO FINAL BOOK COPY

Motion made to suspend the rules for public speaking on Public Hearing #7: Supervisor Myers/ T. Tancredi

Sarah Davis: This property is actually two buildings on one lot. In the front the lawn needs to be cut and in the rear the property is open and it has been dumped upon, you can see the pile of brush in the driveway. There is about 9 dump truck loads from the last storm. The building is unsecured and it needs to be closed.

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

CARRIED: 6-0

07:07-07 PUBLIC
HEARING

To Consider Recommendation From Zoning
Administrator Davis To Remove All Debris,
Hazardous Material, Solid Waste & Unsound
Structures From 34-36 Taft Avenue

AMENDED
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on July 7, 2010 at 7:00 P.M. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, under Chapter 159 of the Town of Poughkeepsie Code, entitled "Property Maintenance", does hereby determine that said property located at 34-36 Taft Avenue, Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6161-08-954895, owned by Lori Cappelletti and Chris Plath, 34-36 Taft Avenue, Poughkeepsie, NY, 12603, is in violation of Chapter 159 insofar as solid waste, debris and litter have been abandoned/left on the premises including matter attractive to vermin; and

BE IT FURTHER RESOLVED, that said determination is based on the presentation, the report and pictures submitted at the public hearing by the Zoning Administrator of the Town of Poughkeepsie; and

BE IT FURTHER RESOLVED, that said owners of 34-36 Taft Avenue have not complied with the Orders to Remedy; and

BE IT FURTHER RESOLVED, that the Town shall cause the removal of said solid waste, debris and litter; and

BE IT FURTHER RESOLVED, that the charges shall be sent to the registered owner of said property for reimbursement; and

BE IT FURTHER RESOLVED, that if said costs and disbursements are not reimbursed within thirty (30) days of the bill, said charges shall be added to the next state, county and town tax bill pursuant to the provisions of Section 159-13 of the Town Code and shall become a lien against the property and filed with the Dutchess County Clerk and the Dutchess County Commissioner of Finance; and

BE IT FURTHER RESOLVED, that the Highway Department is authorized to remove the solid waste, debris and litter.

SO MOVED: Supervisor Myers/J. Conte

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

Nays: None

CARRIED: 6-0

PICTURES ATTACHED TO FINAL BOOK COPY

07:07-08 PUBLIC
HEARING

To Consider Recommendation From Zoning
Administrator Davis To Remove All Debris,
Hazardous Material, Solid Waste & Unsound
Structures From 22 Sheraton Drive

REMOVED FROM AGENDA

Motion made to suspend the rules for public speaking on Public Hearing #9: Supervisor Myers/
Councilman Tancredi

CARRIED: 6-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 6-0

07:07-09 PUBLIC
HEARING

To Consider Recommendation From Zoning
Administrator Davis To Remove All Debris,
Hazardous Material, Solid Waste & Unsound
Structures From 118 Kingwood Drive

AMENDED
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on July 7, 2010 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, under Chapter 159 of the Town of Poughkeepsie Code, entitled 'Property Maintenance', does hereby determine that said property located at 118 Kingwood Drive, Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6160-03-277222, owned by Michael & Kathleen Colletti, 118 Kingwood Drive, Poughkeepsie, NY 12601, is in violation of Chapter 159 insofar as solid waste, debris and litter have been abandoned/left on the premises including matter attractive to vermin; and

BE IT FURTHER RESOLVED, that said determination is based on the presentation, the report and pictures submitted at the public hearing by the Zoning Administrator of the Town of Poughkeepsie; and

BE IT FURTHER RESOLVED, that said owners of 118 Kingwood Drive have not complied with the Orders to Remedy; and

BE IT FURTHER RESOLVED, that the Town shall cause the removal of said solid waste, debris and litter; and

BE IT FURTHER RESOLVED, that the charges shall be sent to the registered owner of said property for reimbursement; and

BE IT FURTHER RESOLVED, that if said costs and disbursements are not reimbursed within thirty (30) days of the bill, said charges shall be added to the next state, county and town tax bill pursuant to the provisions of Section 159-13 of the Town Code and shall become a lien against the property and filed with the Dutchess County Clerk and the Dutchess County Commissioner of Finance; and

BE IT FURTHER RESOLVED, that the Highway Department is authorized to remove the solid waste, debris and litter.

SO MOVED: S. Eagleton/J. Conte

Councilman Conte: If we go in here and do this Order to Remedy and we cut this grass and we then apply these charges to these properties and these people still don't go and cut their grass in the future and we cut again and charge them and cut it again and we charge them and all of a sudden this lien on this property is so substantial that nobody is going to be able to buy this, what is the process of this. If we have \$50,000 against this property, are we going to scare people off and they don't buy the property because of \$50,000 back taxes on it, they are not going to want to buy it. Is there a contingency plan where we can turn around and say "If a certain value of fines is imposed on this property, could it potentially be the Town of Poughkeepsie's where we can turn around and sell it and make the money back?"

Town Attorney Hagstrom: There are a couple of problems that Sarah Davis and I have discussed. One of them is, the way the statute reads, it's a one shot deal and we just recently within the past few days discussed changing the statute so that we can do No. 1, go back and do that and No. 2, once you do have a lien and it doesn't get paid you can foreclose on it. So, what is going to happen with a lot of these properties, for instance, the one at 2 Bird Lane, we already know has a super mortgage on it, the guardians for the two owners, who are both in a nursing home, said that the mortgage is something like \$300,000 and their highest bid on the house is \$190,000. So, we know going into that one, we can try to stabilize it because there is no one there and it won't get worse. The answer to your question, once you have a lien, you can foreclose, if it's worth it.

Councilman Krakower: How far back in priority are we, I'm guessing we are behind in the bank, but are we much further back on priority if that property forecloses on it before we get paid?

Town Attorney Hagstrom: We have not done title searches on these properties. The idea is to establish that if there are no further efforts, we can continue to remove it and charge the owner.

Supervisor Myers: The County has to make good on the taxes if the owner doesn't pay the taxes, the County will pay them.

Marc Pfeifer, Town Highway: So far, it looks like it has to come out of my budget and I don't have it.

Supervisor Myers: I think it will have to until such time we get reimbursed for it. If the owner doesn't pay the taxes, it goes to the County and the County reimburses the Town.

Town Attorney Hagstrom: I would like to ask Mr. Wojtowicz to give a report to the Town Board as to how to do this at the next COW Meeting.

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

CARRIED: 6-0

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

Nays: None

CARRIED: 6-0

PICTURE ATTACHED TO FINAL BOOK COPY

Motion made to suspend the rules for public speaking on Public Hearing #10: Supervisor Myers/
T. Tancredi

CARRIED: 6-0

Sarah Davis, Zoning Administrator: This is from October, 2009. Two years worth of growth.

Councilman Conte: This has been since October of '09 and it hasn't been cut since then? I can imagine that grass.

Speaker not identified: Is this a one shot deal of getting the grass cut? And then it has to be posted again? Ok. And there are vermin running all over there.

Supervisor Myers: Yes, we can come back and do it another time. We just have to do this all over again first.

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

CARRIED: 6-0

07:07-10 PUBLIC
HEARING

To Consider Recommendation From Zoning
Administrator Davis To Remove All Debris,
Hazardous Material, Solid Waste & Unsound
Structures From 20 Oakwood Drive

AMENDED
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on July 7, 2010 at 7:00 P.M. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, under Chapter 159 of the Town of Poughkeepsie Code, entitled "Property Maintenance", does hereby determine that said property located at 20 Oakwood Drive, Town of Poughkeepsie, County of Dutchess State of New York, bearing Grid No. 6058-02-922742, owned by Guilietta Magil, 20 Oakwood Drive, Wappingers Falls, NY 12590, is in violation of Chapter 159 insofar as solid waste, debris and litter have been abandoned/left on the premises including matter attractive to vermin; and

BE IT FURTHER RESOLVED, that said determination is based on the presentation, the report and pictures submitted at the public hearing by the Zoning Administrator of the Town of Poughkeepsie; and

BE IT FURTHER RESOLVED, that said owner of 20 Oakwood Drive has not complied with the Orders to Remedy; and

BE IT FURTHER RESOLVED, that the Town shall cause the removal of said solid waste, debris and litter; and

BE IT FURTHER RESOLVED, that the charges shall be sent to the registered owner of said property for reimbursement; and

BE IT FURTHER RESOLVED, that if said costs and disbursements are not reimbursed within thirty (30) days of the bill, said charges shall be added to the next state, county and town tax bill pursuant to the provisions of Section 159-13 of the Town Code and shall become a lien against the property and filed with the Dutchess County Clerk and the Dutchess County Commissioner of Finance; and

BE IT FURTHER RESOLVED, that the Highway Department is authorized to remove the solid waste, debris and litter.

SO MOVED: J. Conte/S. Eagleton

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

Nays: None

CARRIED: 6-0

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

CARRIED: 6-0

Doreen Tignanelli: #17. What is the issue there?

Supervisor Myers: I believe it is property maintenance, Doreen.

Councilman Tancredi: Yes. It's property on Collegeview.

Town Attorney Hagstrom: Yes, this is Commercial property that is empty, next to the Beechtree.

Councilman Tancredi: He didn't answer an Order to Remedy.

Doreen Tignanelli: My next question is #23 about the Greenway Environmental Services. Does that have to do with the fact that when the gentleman was here the last meeting he said that DEC would not allow them to build in a flood plan. Do you have more detail on what they are seeking DEC approval of?

Town Attorney Hagstrom: Mr. Beer does, but just in general, it is to apply for a permit to see if DEC will grant a permit to add fill so you can put a landfill on it. They need authorization for him to seek to do it.

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

CARRIED: 6-0

07:07-11 AUTHORIZE

Two Year Extension of the Current Agreement
With Trufleet, LTD & Town For Management
Of The Town Central Garage

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby extend the current agreement between the Town of Poughkeepsie and Trufleet, LTD, a copy of which is attached, for two (2) years from October 2, 2010 through September 30, 2012, with a 3% increase the first year and a 3% increase the second year, and does further ratify and extend all other terms and conditions of the existing agreement by attaching a certified copy of this resolution to the existing agreement.

SO MOVED: M. Cifone/J. Conte

Motion made to Table this item until July 21, 2010 Town Board Meeting: Supervisor Myers/J. Conte

CARRIED: 6-0

TABLED UNTIL THE JULY 21, 2010 TOWN BOARD MEETING

07:07-12 AUTHORIZE
SUPERVISOR
TO SIGN

Intermunicipal Dutchess Rail Trail Agreement
With County Of Dutchess On Behalf Of The
Town

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor, on behalf of the Town of Poughkeepsie, to execute the Intermunicipal Dutchess Rail Trail Agreement with the County of Dutchess, which agreement is attached.

SO MOVED: S. Krakower/T. Tancredi

Councilman Krakower: Are there any changes to this from last year?

Supervisor Myers: No, there are not. Tom Meyering said the maintenance on the Trail is significantly less work than he had anticipated. It gets lots and lots of use and so it's good and he drives down the Trail once a week and picks up the little bit of litter that might be there and the people are very good about respecting that and so it works out very well.

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

Nays: None

CARRIED: 6-0

07:07-13 CONSENT

Town Planning Board's Intent To Act As Lead
Agency For Project Known As Marist College
Mc Cann Center Addition

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby consent to the Town of Poughkeepsie Planning Board acting as the Lead Agency for the project known as Marist College McCann Center Addition.

SO MOVED: T. Tancredi/J. Conte

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

Nays: None

CARRIED: 6-0

07:07-14 AUTHORIZE
SETTLEMENT

Tax Certiorari For Dutchess Apartment
Associates, LLC Complex V Town of
Poughkeepsie

RESOLUTION

IT IS HEREBY RESOLVED, that David D. Hagstrom, Town Attorney, is authorized to enter into a Stipulation of Settlement for pending tax certiorari proceedings, including the 2010 grievance complaint for the Dutchess Apartment Complex located at 106 Van Wagner Road in the Town of Poughkeepsie, having tax Grid No. 6162-20-970105-00, whereby the assessment for the assessment roll of 2007 will be reduced from \$7,300,000 to \$6,000,000; the assessment for 2008 shall be reduced from \$6,722,500 to \$6,000,000 and the assessment for the 2009 will be reduced from \$6,722,500 to \$5,800,000 and the assessment for the 2010 assessment roll shall be

reduced from \$6,386,500 to \$5,600,000, with the refunds to be paid without interest if paid within 60 days after service of an Order or Consent Judgment with Notice of Entry, and to sign such other and further papers or documents as may be needed to effectuate the settlement.

SO MOVED: Supervisor Myers/M. Cifone

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

Nays: None

CARRIED: 6-0

07:07-15 BUDGET
MODIFICATION

Receiver of Taxes

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: S. Eagleton/M. Cifone

Councilman Krakower: I would have preferred he take the train or the Town Car as has been done in the past instead of taking his own car to save money.

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

Nays: Councilman Krakower

CARRIED: 5-1

07:07-16 SET DATE FOR
PUBLIC HEARING

Amend Town Code, Chapter, Entitled
"Vehicle & 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 21st day of July, 2010 at 7:00 P.M. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, 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

Name of Street	Location
Overocker Road	At 47 Overocker Road
North Grand Avenue	At 253 North Grand Avenue
Manchester Road	By 42 Manchester Road

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby 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/M. Cifone

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

Nays: None

CARRIED: 6-0

07:07-17 APPOINTMENT`

Frank M. Mora, Esquire to Defend Town In
People V George E. Banta

RESOLUTION

WHEREAS, the Town of Poughkeepsie Zoning Department has cited George E. Banta for a violation of the Town of Poughkeepsie Town Code for premises located at 11 Collegeview Avenue, Town of Poughkeepsie, County of Dutchess, State of New York; and

WHEREAS, Craig Wallace, Esq. of the law firm of Wallace & Wallace, LLP, suffers a disqualifying conflict of interest in the matter; and

WHEREAS, the Town wishes to appoint Frank M. Mora, Esq. as special counsel to prosecute the violation of the Town of Poughkeepsie Town Code, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Frank M. Mora, Esq., 30 Manchester Road, Poughkeepsie, NY 12603, as special counsel for the purpose of prosecuting *People v. George E. Banta* for a violation of the Town Code of the Town of Poughkeepsie at the rate of \$165.00 per hour; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie authorizes Mr. Mora to prosecute such legal action in the Town of Poughkeepsie Justice Court as may be necessary pursuant to Chapter 159 of the Town of Poughkeepsie Town Code on behalf of the Town of Poughkeepsie and the Town of Poughkeepsie Zoning Department.

SO MOVED: M. Cifone/S. Eagleton

Councilman Tancredi: I know we have to do this, the cost of the attorney, that will come out of Wallace's line item in the budget? (Yes) Should we put a cap on this?

Town Attorney Hagstrom: I don't think you can. This has been a continuous problem and he just ignores everything. We have sent notices to his business address and also his home address to make sure he receives them.

Councilman Conte: The work with this building, why was it just left abandoned?

Supervisor Myers: More or less. It's in a sorry shape.

Councilman Tancredi: It's in bad shape and has been for several years, but there is debris on the property and needs to be removed and wasn't removed.

Supervisor Myers: I think it's the sign of the times with the homes actually.

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

Nays: None

CARRIED: 6-0

07:07-18 BID AWARD

Improvements For Main Street For
Sidewalk Restoration

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 Dicorcia Mason Contractor, the lowest responsible bidder, at the bid price of \$57,801.00, pursuant to the attached 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 Dicorcia Mason Contractor.

SO MOVED: T. Tancredi/M. Cifone

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

Nays: None

CARRIED: 6-0

07:07-19 BID AWARD

Sodium Hypochlorite (15% Solution) For
The Town of Poughkeepsie Arlington
Treatment Plant For Disinfection Of The
Plant's Effluent Discharge

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the bid for Sodium Hypochlorite 15% Solution in 55 gallon plastic returnable drums for the Arlington Sewer Treatment Plant to Jones Chemical, Inc. for the sum of \$68.75 per 55 gallon drum, delivered with \$35.00 drum deposit, per the recommendation of the Managing Operator of the Arlington Sewer Treatment Plant.

SO MOVED: Supervisor Myers/J. Conte

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

Nays: None

CARRIED: 6-0

07:07:20 AUTHORIZE
SUPERVISOR
TO SIGN

Stipulation Of Settlement Between Town &
Matthew Relyea/Hyson's Towing With
Respect To The Zoning Enforcement Action
Related To 151 Fairview Avenue

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a Stipulation of Settlement between the Town of Poughkeepsie and Matthew Relyea/Hyson's Towing, attached hereto, with respect to the zoning enforcement action related to 151 Fairview Avenue, Dutchess County Supreme Court Index No. 09-7466.

SO MOVED: S. Eagleton/M. Cifone

Councilman Cifone thanked everyone involved in this for their efforts as it took years to resolve this.

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

Nays: None

CARRIED: 6-0

STIPULATION OF SETTLEMENT ATTACHED TO FINAL BOOK COPY

07:07-21 ACCEPT

2010 Town Board Minutes:
June 09 Special Town Board Meeting
June 09 Committee Of The Whole
Meeting June 16 Special 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:

June 9, 2010 – Special Town Board Meeting
June 9, 2010 – Committee of the Whole
June 16, 2010 – Special Town Board Meeting

SO MOVED: J. Conte/M. Cifone

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

Nays: None

CARRIED: 6-0

07:07-22 APPROVE

Town Hall Meeting Room & Town
Community Room For Voting Sites For
2010 Primary & General Elections

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the use of the Town Hall Meeting Room, One Overocker Road, Poughkeepsie, NY and the Town of Poughkeepsie Community Room, 17 Tucker Drive, Poughkeepsie, NY as voting sites for the Primary on September 14, 2010 and the General Election on November 2, 2010.

SO MOVED: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 6-0

07:07-23 AUTHORIZE

Greenway Environmental Services To Seek
DEC Approval To Fill In A Portion Of The
Frank Wells Site & To Establish A
Composting Facility On Said Site

AMENDED
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize Greenway Environmental Services to seek the New York State Department of Environmental Conservation's approval , on behalf of the Town of Poughkeepsie, to fill in a portion of the Frank Wells Site and to establish a compost facility on said site, and

IT IS FURTHER RESOLVED, that the Supervisor is authorized to sign a confidentiality agreement, in a form approved by the Town Attorney, as to proprietary confidential information supplied to the Town by Greenway Environmental Services, not already or which becomes in the public domain, is already known to the Town or is supplied to the Town by a third party.

SO MOVED: S. Krakower/J. Conte

Supervisor Myers: I would like to know what that second paragraph means.

Town Attorney Hagstrom: Don Beer has said that Greenway is going to have some confidential proprietary information. So, the three things you have there are the usual exceptions to confidential information, even if he labels it. If it's already in the public domain, or comes into the public domain while we are there, then it's done. Number 2: If it's already known to the Town, it should be out. Number 3: If it's supplied to us by a third party rather than from him, then it is not confidential. I have not seen the agreement. What I put in there is so it will go because Mr. Beer requested it.

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

07:07-24 NOTICE OF SUBROGATION	Allstate Insurance For Jason Morris V Town Of Poughkeepsie For Damage To Automobile On Sheafe Road
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REFERRED TO THE LEGAL DEPARTMENT

07:07-25 SUMMONS, NOTICE OF PENDENCY & COMPLAINT	Avello Brothers Contractors, Inc. V Coyle Industries, Inc., Town of Poughkeepsie & Travelers Casualty & Surety Company Of America
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REFERRED TO THE LEGAL DEPARTMENT

07:07-26 NOTICE OF CLAIM	Richard Eric Cook V Town of Poughkeepsie & Town Police Department
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REFERRED TO THE LEGAL DEPARTMENT

07:07-27 NOTICE OF
CLAIM & NOTICE
OF INTENTION TO
COMMENCE
ACTION

Casey A. Cook V Justin M. Bell, Police Officer,
Town Of Poughkeepsie Police Department &
Town of Poughkeepsie

REFERRED TO THE LEGAL DEPARTMENT

07:07-28 SUMMONS IN A
CIVIL ACTION &
COMPLAINT

Maureen Wilk V Town Of Poughkeepsie, Its
Officers, Agents & Employees & Officer
Russell Tomkins & Kevin Dahowski

REFERRED TO THE LEGAL DEPARTMENT

07:07-29 SUMMONS

Moulton Paving & Joshua Reich V Town Of
Poughkeepsie, Mark Pfeiffer, Marquis
Construction & Development Corp, Bill Robbie,
Robin "Doe", Ma Morris Associates, -
Engineering Consultants, PLLC & Marc Long

REFERRED TO THE LEGAL DEPARTMENT

07:07-30 AUTHORIZE

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

RESOLUTION

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

SC 1	Budget Modification	Engineering-Street Lights
SC 2	Discussion	Status of Fairview Avenue Rehabilitation Project - Wiltse
SC 3	Authorize	Release of Cash Security in amount of \$8,000 for Arlington Hunt Subdivision
SC 4	Appoint	Justice Court – Stephanie Wagner To work full time for 60 days
SC 5	Appoint	Justice Court – temporary receptionist
SC 6	Rescind/Appoint	Stanszak and Roberts – part time

	Basis as Court Attendants
SC 7 Authorize	Coyle v. Town – Settlement
SC 8 Declare	Repairs at the Brookland Farms Pump Station, an Emergency Situation
SC 9 Appeal	Taxi Denial – Steven Rosen

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: T. Tancredi/J. Conte

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

07:07-SC 1 BUDGET MODIFICATION To Cover The Cost For Street Light Repairs

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 street light repairs, as follows:

FROM:

SL 5182.0211	Other Equipment	\$5,000.00
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TO:

SL 5182.0443	Repairs & Maint. Equip,	\$5,000.00
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SO MOVED: Supervisor Myers/J. Conte

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

07:07-SC 2 DISCUSSION Status Of Fairview Avenue Rehabilitation Project Being Done By Contractor Wiltse

Donald Beer, Town Engineer, stated that the extension that the Town Board had given for work on Fairview Avenue had expired today, July 07, and the work was not completed. The Town Board did not want to give Mr. Wiltse, the contractor doing the repair work, another extension. Because the work wasn't completed, the Town, also, has the option to charge Mr. Wiltse a ½% fine per day of the total bid starting on Thursday. Mr. Beer and Attorney Hagstrom will meet on Thursday to discuss the issue further. Mr. Beer's recommendation is to not grant any further extensions.

TOWN BOARD APPROVED MEETING

07:07-SC 3 APPROVE
RELEASE

Of Cash Security Posted For The Arlington
Hunt Subdivision

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby release the cash security originally posted in the amount of \$8,000.00 for the Arlington Hunt Subdivision, pursuant to the recommendations of Neil Wilson, Director of Development and Russell King, Assistant Town Engineer, which recommendations are attached hereto.

SO MOVED: T. Tancredi/S. Krakower

07:07-SC 4 AUTHORIZE

Town Justice Court For Part-Time Town
Employee, Stephanie Wagner, To Work On A
Full Time Basis For Up To 60 Days

TABLED

07:07-SC 5 AUTHORIZE

Town Justice Court To Hire Erica Longo As A
Temporary Receptionist For Up To 90 Days

TABLED

07:07-SC 6 RESCIND/
APPOINT

Resolution 06:23-SC 2 Of 2010 & Does
Appoint Leo J. Stanszak & Allen Roberts, On A
Part-Time Basis As Court Attendants

TABLED

07:07-SC 7 AUTHORIZE

Town Comptroller Wojtowicz To Pay Coyle
Industries Inc. For A General Release & A
Stipulation Of Discontinuance With Prejudice
Of The Action, Coyle Industries V Town Of
Poughkeepsie

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Town Comptroller to pay to Coyle Industries Inc. ("Coyle") the sum of one hundred thirty-five thousand and no/100 (\$135,000.00) dollars, conditioned on the Town first receiving:

1. A General Release, and a Stipulation of Discontinuance with prejudice of the action, Coyle Industries vs. Town of Poughkeepsie, Dutchess County Supreme Court Index Number 2009/219, in a form acceptable to the Town Attorney and James E. Nelson, Esq., and
2. A Satisfaction, Release or Discharge, within ninety (90) days of the date of this Resolution, and in a form acceptable to the Town Attorney, of all liens filed against the proceeds of a certain contract, Southgate Drive: Road Improvements, Contract, 07-010, etc., particularly including a lien filed by Avello Bros. Contractors, Inc. dated June 24, 2008 claiming an amount due from Coyle of fourteen thousand five hundred eighty-six and 45/100 (\$14,586.45) dollars.

AND BE IT FURTHER RESOLVED, that James E. Nelson, Esq. is appointed and retained to answer the Summons and Complaint in the action instituted by Avello Brothers Contractors, Inc. against Coyle Industries, Inc., the Town of Poughkeepsie and Travelers Casualty and Surety Company of America under Dutchess County Index No. 2010/4608.

SO MOVED: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 6-0

07:07-SC 8 DECLARE

Repairs At The Brookland Farms Pump
Station An Emergency Situation

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby declare that the Brookland Farms Pump Station be deemed an emergency replacement and repair situation.

SO MOVED: J. Conte/S. Eagleton

Supervisor Myers: They had a repair in 2005 and that lasted five years and cost between \$150,000 to \$200,000 and the parts there now are way beyond that and if we don't declare an emergency situation, we will not be able to get it completed and restored this year before snow is flying and this is a hazard.

Don Beer, Engineer: Town Highway Supervisor: It is broken about 12 to 15 feet deep. It's going to be about \$100,000.00 and it will come from the money that we got from Vassar for the sewer they didn't pay for over the years. If it had been done right the first time, it would have saved us close to a million dollars.

Town Attorney Hagstrom: We really need to make a record on this to amend the motion to replace instead of repair.

Motion made to read, "A an emergency replacement and repair situation": Supervisor Myers/T. Tancredi

CARRIED: 6-0

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

Nays: None

CARRIED: 6-0

07:07-SC 9 APPEAL

The Taxi Driver Denial For Steven Rosen

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, upon hearing the appeal of Steven Rosen, does hereby grant the application for a Vehicle for Hire License.

SO MOVED: Supervisor Myers/S. Krakower

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

Nays: None

CARRIED: 6-0

Mr. Rosen had three suspensions in the year 2009 and they were for failure to pay the fines. The License was granted to Mr. Rosen.

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

CARRIED: 6-0

Doreen Tignanelli: I heard a lot of talk this evening about the Budget. It is about that time of year and I want to bring something to the Board's attention. At the June 28th Arlington Fire District Meeting, there was a discussion that they needed to remove a shed and they needed to black top an area. I know the Town Board has no control over the Arlington Fire District Budget. They said they got three prices for the blacktopping and then there was a discussion about how they were going to remove the shed and Chairman Patrick Rose said that they would ask Marc from across the street, taking that to mean Marc Pfeifer from the Highway Department. The Business Manager said that it was going to be a pretty tricky and they really need someone who would know how to remove a shed, but he would check with the Highway Department anyway.

My husband asked them “How do you propose to use the Town Highway Department? What arrangements do you have with the Town? Chairman Rose said, “Well, I’ve worked in the Fire District for 30 years and that’s the way it’s always been done, as far back as when Stanley Still, Sr. was there I would just ask and it was done and it was at no cost to anyone.” Well, that’s not true, it’s a cost to the taxpayers. Also, you have people in the Fairview District to pay taxes that funds the Town Highway Department and the Arlington Fire District is using the Town Highway Department’s crew and services and saying it is at no cost to anyone. This just didn’t sound right to us as taxpayers. They should come before the Town Board and ask permission to use the Town Highway Department. There have been so many instances where we have questioned the commissioners as to their budget and their process of spending money and I have concerns about that. When you make an accusation in front of the TV here, you better have your facts straight.

Supervisor Myers: You are right, they should come to the Board to ask permission to use the Town Highway services.

Robert Rubin: Just like to take a moment to thank Sean (Councilman Eagleton). At a community meeting several weeks ago over at the Fire house on Vassar Road, I attended and I thought it was very interesting to hear what the other members of our fire districts had to say. Thank you Sean, it went well.

Geoffrey Patterson, Town Tax Receiver: I came out tonight because there was some incorrect information being thrown around by Mr. Krakower. First of all, in 2006-2007 I took Am Track up there to Rochester and Syracuse, New York and they have a shuttle that comes to the train station to pick me up and a lot of people did this. The Receiver of Taxes in Hyde Park went with me. In 2008, I didn’t go. 2009, in Queensbury, New York, I took my car because to the best of my knowledge, Am Track doesn’t run that way. This year I went to Lake Placid and to the best of my knowledge, Am Track does not go to Lake Placid and so that is why I drove my car. The reason why I didn’t take the Town Car is because about three years ago, Mark Fink and I had to travel down to a Town Hall in East Chester and the car broke down and I called Bill and he had to come all the way down to East Chester to pick us up and he gave us a loan-a-car, which happened to be the Supervisor’s old car that Sue Miller took up to her Town Meeting and that broke down. Mark and I were happy we got home safe and sound. So, I thought, by driving my own car, in case my car broke down, I could call my Triple A and they could come. As far as returning a check for a \$1, I’ve never done that, in fact, I can prove that I’ve taken money out of my own pocket on those occasions when a person was a dollar short or 50 cents short. If you are talking about \$30 or \$100, I can’t take that out of my pocket. When I was first appointed here in 2005, the Town Board took \$6,000 out of my pay because it was stated that I had to learn the job, so, to the best of my ability, I’ve done the best job I could. Catherine Crane was making \$46,000 and Joe Davis said I’m taking \$6,000 from you because you have to learn and so I’m making \$40,000. I can live with that, but don’t say on camera here, that I’m shorting people a dollar, it’s not true.

Mark Pfeifer: Regarding The Fire Department moving the shed, just so everyone knows, in the past the Fire House does things for us and in return we try and help them out. We are saving the taxpayers dollars one way or another and we help each other out.

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

CARRIED: 6-0

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

CARRIED: 6-0

NO EXECUTIVE SESSION

MEETING CLOSED AT 9:05 PM

SJM:lkm