

**MINUTES OF TOWN BOARD MEETING HELD ON  
AUGUST 4, 2010 AT 7:00 PM AT TOWN HALL, ONE  
OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

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

**ABSENT:** Councilman Conte  
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/  
M. Cifone

CARRIED: 5-0

**NO SPEAKERS CAME FORWARD**

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

CARRIED: 5-0

Town Attorney Hagstrom: On behalf of Neil Wilson and me, we ask that you please adjourn the public hearing until the first meeting in September.

Motion made to adjourn the Public Hearing until September 1<sup>st</sup>: Supervisor Myers/T. Tancredi

CARRIED: 5-0

08:04-01 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”

ADJOURNED TO SEPTEMBER 1, 2010 MEETING

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

CARRIED: 5-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 5-0

Town Clerk Miller: I did hereby file the affidavit of posting on July 22, 2010 and published  
in the Poughkeepsie Journal on July 24, 2010.

08:04-02 PUBLIC HEARING

Amend Town Code, Chapter 159, Entitled  
“Property Maintenance”, Specifically  
Section 159-13, Entitled “Removal By  
Town: Charges”

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a  
public hearing held on the 4<sup>th</sup> day of August, 2010 at 7:00 PM at the Town Hall, Town of  
Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town Code,  
Chapter 159, entitled “Property Maintenance”, specifically Section 159-13, “Removal by Town:  
Charges, which amendment is as follows:

DELETE: Section 159-13 B. Removal by Town: Charges.

ADD: Section 159-13 B. Removal by Town: Charges.

The Town Board, after a public hearing as provided by Subsection A, may cause and  
continue to cause the removal of any building, structure, vermin, nuisance, hazard, debris or litter  
as defined in this chapter, or any vehicle parked or stored in violation of this chapter, to be  
removed from any premises within the Town of Poughkeepsie, upon failure, or the continued  
failure, of such owner, tenant or occupant to comply with any requirements and/or conditions of  
the Town Board. Said removal may be performed by the Town of Poughkeepsie or by its  
designee, or agent, including a private contractor. The Town Board shall ascertain the cost of the

proceeding and the costs of removal, and assess such expense against the record owner of the property. The expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

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

SO MOVED: S. Eagleton/M. Cifone

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

Nays: None

CARRIED: 5-0

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

CARRIED: 5-0

#### NO SPEAKERS CAME FORWARD

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

CARRIED: 5-0

Town Clerk Miller: I did hereby file the affidavit of posting on July 22, 2010 and published  
In the Poughkeepsie Journal on July 24, 2010.

08:04-03 PUBLIC  
HEARING

Amend Town Code, Chapter 71, Entitled  
“Buildings, Unsafe”, Specifically Section  
71-8, Entitled “Service of Notice”

#### RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 4<sup>th</sup> day of August, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town Code, Chapter 71, entitled “Buildings, Unsafe”, specifically Section 71-8, “Service of Notice”, which amendment is as follows:

DELETE: Section 71-8. Service of Notice

ADD: Section 71-8. Service of Notice

Said notice shall be served upon the owner, executor, administrator, agent, lessee or other person having a vested or contingent interest in such unsafe buildings as shown by the records of the Receiver of Taxes or of the County Clerk by the Building Inspector or his or her designee or Fire Inspector or his or her designee. Service shall be either by personal service or by certified mail, return receipt requested directed to the last known address of whoever is to be served as shown by the aforesaid records. If service is made by certified mail, a copy of the notice shall be posted on the premises.

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

SO MOVED: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 5-0

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

CARRIED: 5-0

Robert Rubin: Item #15 – Could someone please explain that for me?

Supervisor Myers: These are old easements.

Town Attorney Hagstrom: All of those easements shown on the maps, the Engineering Department provided me with the actually easement 29 ½ years later and so it is getting recorded. However, if you went to a title search for any of those properties, they would have looked at the map and seen the easements. So this is just wrapping up some details. By the way, I learned that there is a TP584.2 if you are a municipality and you are the only one that signs that so you can get it recorded. They are just tidying up what should have been done years ago.

Supervisor Myers: In other words, they are not creating any new ones, just paper work from many years ago that are finally getting straightened out.

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

CARRIED: 5-0

08:04-04 ACCEPT

911 Private Road Name For Private  
Road Called Commons Lane

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve, for identification purposes only, the private road name for the apartment complex located on Pendell Road, known as Pendell Commons, Grid No. 6162-02-565760, as follows:

Commons Lane

AND BE IT FURTHER RESOLVED, that upon adoption of this resolution, said resolution shall be sent to the 911 Facilities for Dutchess County by the Town Clerk of the Town of Poughkeepsie.

SO MOVED: S. Krakower/T. Tancredi

08:04-05 SET DATE FOR  
PUBLIC HEARING

New York State 2010 Retirement  
Incentive Program – Part B

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and place of a public hearing to consider electing the 2010 Retirement Incentive Program – Part A, as authorized by Chapter 105, Laws of 2010, which local law would be as follows:

1. The Town of Poughkeepsie hereby elects to provide targeted positions with a retirement incentive program authorized by Chapter 105, Laws of 2010.
2. The commencement date of the retirement incentive program shall be October 1, 2010.
3. The open period, during which eligible employees may retire and receive the Additional retirement benefits, shall be at least 30 days but not more than 90 days in length and shall end on December 31, 2010.
4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the Town of Poughkeepsie for each employee who received the retirement benefits payable under this local law.

5. This local law shall take effect immediately upon filing with the Secretary of State and upon submission to the Retirement System.

SO MOVED: T. Tancredi/S. Krakower

Councilman Cifone: I don't believe either one of these, from the numbers I looked at, saves the Town any money. I don't believe we should be targeting any particular position unless we are going to actually look at some people who want to key in just the Sewer Department and I don't see any reason to key in that. We have employees working now and we are doing an RFP to see if we are actually running the plant correctly and could we be saving money? We don't know yet.

To offer this is a benefit to an employee. We don't know, with the State not having a budget set. We don't know how much we are going to have to pay for County taxes coming down from the State for Medicare. We don't know what our school taxes are going to be.

Supervisor Myers: Well, we are not going to pay any Medicare.

Councilman Cifone: Well, Medicaid, but that cost could go up for us and it is always thrown on us at the last minute. So, to offer a retirement package early for employees, I think is just a mistake at this time. There is too much uncertainty.

Supervisor Myers: You understand that if we don't opt for it now, we don't opt for it at all. That's understood, but for these people, if you propose to do away with the Sewer Department goes through and it privatizes, you will be paying more, at least the initial year, for unemployment, if people are terminated.

Councilman Cifone: I understand, but we have no clue if we are going to go that route or not at this point in time. We just don't know.

Councilman Tancredi: Even if we do go that route, the one plan that anybody can fall into, I don't like at all. The targeted plan, I'm not particular fond of either, but, these plans cost us in the tune of \$160,000 to \$170,000 over five years.

Supervisor Myers: The numbers were wrong on the Targeted A, the first time around. It is 17% not 20% on A.

Councilman Krakower: If a week ago, the Supervisor was concerned about people losing their homes and abandoned properties and everything else but this week say, on the other hand, we want to give away 17%, and I think there is some inconsistency there also. If you are truly concerned about what was said last week, then you should be in favor of this.

Supervisor Myers: I think we could target some positions that would not necessarily need to be replaced, regardless of how things go, and there would be a savings that way.

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

FAILED: 2-3

08:04-06 SET DATE FOR  
PUBLIC HEARING

New York State 2010 Retirement Incentive  
Program – Part B

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie hereby sets the 18<sup>th</sup> day of August, 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 electing the 2010 Retirement Incentive Program – Part B, as authorized by Chapter 105, Laws of 2010, which local law would be as follows:

1. The Town of Poughkeepsie hereby elects to provide all of its eligible employees with a retirement incentive program authorized by Chapter 105, Laws of 2010.
2. The commencement date of the retirement incentive program shall be October 1, 2010.
3. The open period, during which eligible employees may retire and received the additional retirement benefits, shall be 90 days in length and shall end on December 29, 2010.
4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York state and Local Employees' Retirement System, and it shall be paid by the Town of Poughkeepsie for each employee who receives the retirement benefits payable under this local law.
5. This local law shall take effect immediately upon filing with the Secretary of State and upon submission to the Retirement System.

SO MOVED: Supervisor Myers/S. Eagleton

Supervisor Myers: As far as I know, this is the one that would only affect our list of people that you received. There would only be 11 people that would qualify.

Councilman Eagleton: We could still limit who is eligible based on public health today.

Supervisor Myers: Yes. And any of those positions the savings would be that you would be filling those positions at a starting salary as opposed to someone with 25 years, or leave it open and unfilled.

Councilman Krakower kept saying that Supervisor Myers voted one way last time and then continues to contradict that vote.

Supervisor Myers: Ok, this is a vote for the public hearing, that's all we are doing now, voting for a Public Hearing in two weeks.

Majority of Board feel it does not make sense to have the public hearing because they are not basically in favor of the resolutions at all.

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

FAILED: 2-3

08:04-07 RETIREMENT

Police Department of Detective Christopher  
T. Davies

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the retirement of Detective Christopher T. Davies from the Town of Poughkeepsie Police Department, effective the end of business on August 30, 2010.

SO MOVED: S. Eagleton/T. Tancredi

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

CARRIED: 5-0

08:04-08 APPROVE

Town of Poughkeepsie Police Department  
Policy And Procedure #1-2500, Entitled  
"Internet And Social Networks"

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the Town of Poughkeepsie Police Department Policy and Procedure #1-2500, entitled "Internet and Social Networks", which policy is attached and incorporated herein.

SO MOVED: M. Cifone/S. Krakower

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

CARRIED: 5-0

POLICY ATTACHED TO FINAL BOOK COPY

08:04-09 AUTHORIZE

Supervisor and Town Attorney Sign Stipulation  
Of Settlement Regarding Saint Francis Hospital  
Tax Certiorari

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize and direct Patricia Myers, Supervisor, and David D. Hagstrom, Town Attorney, as Escrow Agent, to execute a Stipulation of Settlement in regard to the tax certiorari cases initiated by the St. Francis Hospital against the Town of Poughkeepsie, bearing Index Nos. 5886/2008 and 5881/2009, whereby there will be no refunds of taxes for the 2008 and 2009 assessment rolls.

SO MOVED: S. Krakower/M. Cifone

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

Nays: None

CARRIED: 5-0

08:04-10 AUTHORIZE TO  
ADVERTISE FOR  
BIDS

Sharon Drive: Route 9 To Morehouse Road-  
Road Improvements

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Town Clerk to advertise for bids for all labor and material for SHARON DRIVE: ROUTE 9 TO MOREHOUSE ROAD – ROAD IMPROVEMENTS, subject to the New York State Department of Transportation authorization; and

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

SO MOVED: T. Tancredi/S. Krakower

Councilman Eagleton: The only concern I have with road improvements in general based on the lessons we've learned from the stimulus projects, are we going to do a better job maybe of determining the below grade structures so ---

Supervisor Myers: Mr. Beer—

Don Beer, Town Engineer: There are fewer things at this location that we would have to run into.

There are test digs in this, just like there were Fairview, Creek and Buckingham. I can't say we won't uncover things that we don't think are there, but—

Councilman Tancredi: Is this a job where we have inspections done by—

Supervisor Myers: This is the money that was given to the Town by Sue Kelly in 2004 that we are going to get to spend in another couple of years.

Don Beer: We are going to do the same job we've always done. Whether we will do any better with the underground structures, I can't tell you, but I don't believe there are fiber optics in this one. This would be going from the City line basically to the corner of by the Holiday Inn. We could not go the rest of the way because Federal Money can not be used outside of the right of way. There is a section on the corner where the pavement is outside of the right of way and so we could not go beyond that. (Back by the Holiday Inn – on the corner) We can't remove the pavement, nor could we repave. So we were stuck, we had to stop there. Marc said we would have to expend money outside of the bond money anyway. The whole project cost is about \$480,000 estimated right now by Lockner Engineering. \$280,000 of that is to come from the Federal and Marchiselli Agreements and the other \$200,000 will have to come from the Town Bond done many years ago. That money is still in there and still available. This project has been carried for that Ward for a number of years waiting for the State approval.

Supervisor Myers: Since 2004. It won't get done until 2012 or 2013 as it stands, so don't get excited about it yet.

Don Beer: This could get done this year, we have the construction management plans into the State for review and that's why we are asking for authorization now. It could be done this year. The State has to finally review the final design report. They already reviewed it once and sent it to Lockner and Lockner resubmitted it and if we got everything right this time around and they approve it within the next two weeks, then we are going to go to bid in the next two weeks and the other thing that has to happen is the agreement, which is an SC1, it needs to be signed and sent back to them and it needs to get through some channels. The third thing, which is the next item on your agenda, the committee that was formed last year went through a procedure to hire an engineer, that we've chosen Lockner Engineering, and they need to be approved. The contract with them has not been completely negotiated yet. I sent it up to David Hagstrom and I've looked at it and gave some comments back to them but we have to get all three of these pieces to fall into place within the next couple of weeks. If they don't, then we probably have to put this off until next year. This money will be committed this year, it's just that we won't be able to construct. If we can't get the money committed this year, we can't do it until 2012. We got the Town to mark out sewer and water, but we can't get Verizon or anyone else to mark out utilities. We can look at their drawings, but that's it.

Councilman Eagleton: Is there any way to avoid us assuming the liability of cost if something is not identified on their drawings that's there?

Don Beer: We've not been successful in doing that in the past.

Councilman Eagleton: I was hoping you would say "Yes."

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

Supervisor Myers  
Nays: None

CARRIED: 5-0

08:04-11 AUTHORIZE  
SUPERVISOR  
TO SIGN

Architectural/Engineering Consultant  
Agreement With Lochner Engineering, P.C.  
For Sharon Drive Road Improvements  
Project

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign the Architectural/Engineering Consultant Agreement with Lochner Engineering, P.C. to conduct construction inspections for the Sharon Drive Road Improvements, a copy of which is attached hereto, subject to the New York State Department of Transportation authorization for said improvements.

SO MOVED: Supervisor Myers/M. Cifone

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

Nays: None

CARRIED: 5-0

#### AGREEMENT ATTACHED TO FINAL BOOK COPY

08:04-12 APPROVE

Liquor License 30 Day Waiver For the Billy  
Bob Restaurant Inc. D/B/A The Dutch Cabin  
Located At 35 Fairmont Avenue  
(Police Approved)

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Glen F. Kubista & Associates, regarding the Dutch Cabin, 35 Fairmont Avenue, 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: S. Eagleton/T. Tancredi

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

Nays: None

CARRIED: 5-0

08:04-13 AUTHORIZE

Hudson Valley Historical Miniatures Guild  
Scale Modelers Society To Place Signs To Show

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize William Donohue, on behalf of the Hudson Valley Historical Miniatures Guild Scale Modelers Society, to post ten (10) signs fourteen (14) days prior to the event on October 27, 2010 at the Poughkeepsie Elks Club, and to set up five (5) directional signs on the day of the event, provided they are not sandwich board signs, with all signs to be retrieved within one (1) week following the event

SO MOVED: M. Cifone/T. Tancredi

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

Nays: None

CARRIED: 5-0

08:04-14 AUTHORIZE  
SUPERVISOR  
TO SIGN

Conservation Easements From Young Morse  
Historic Site Located At 2683 South Road  
To People Of The State Of New York

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the Conservation Easements from Young Morse Historic Site, 2683 South Road, Poughkeepsie, New York ("Grantor") to the People of the State of New York, acting by and through their Commissioner of Parks, Recreation and Historic Preservation, having an address at Empire State Plaza, Agency Building 1, Albany, New York, 12238 as Grantee, whereby the Town has rights of public access, inspection and enforcement of the terms and conditions of the Conservation Easement and does authorize and direct the Supervisor to sign the Conservation Easement on behalf of the Town of Poughkeepsie for third party enforcement, a copy of which is attached.

SO MOVED: S. Krakower/M. Cifone

Town Attorney Hagstrom: What this gives us is the third party right and this is part of a package that was started before I became Town Attorney and it's been going on about two or three years. Locust Grove, the County and the Town are now saying "Ok, we are ready to go, if you have the funds" and by the way, our funds have already been committed. This is the final part of it.

Councilman Eagleton: Who is going to look at this and enforce it?

Supervisor Myers: Either the State Parks or Locust Grove itself. I think Locust Grove is primary and then the State Parks or visa-versa.

Town Attorney: The thing I like here is that we are the "Safety Valve". If nobody is doing it, we can go in and do it and if we don't do it, we don't want it, and that is the purpose of this.

Councilman Krakower: I think it gives the Town the ability to enforce it as well if we choose.

Supervisor Myers: If we needed to do anything more, we would have to come back and vote on it again.

Councilman Eagleton: Is there a recording fee for this?

Town Attorney Hagstrom: Yes, about \$75.

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

Nays: None

CARRIED: 5-0

#### EASEMENTS ATTACHED TO FINAL BOOK COPY

08:04-15 ACCEPT

Grant Of Utility Easements From Harry Raker,  
Inc. To Town For Sutton Park & Nob Hill  
Developments

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the grant of Utility Easements dated November 19, 1980 from Harry Raker, Inc. to the Town of Poughkeepsie regarding the Sutton Park and Nob Hill Developments, a copy of which is attached; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to record the Utility Easements in the Dutchess County Clerk's Office.

SO MOVED: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 5-0

#### EASEMENTS ATTACHED TO FINAL BOOK COPY

08:04-16 ACCEPT

Grant Of Temporary Construction Easement &  
Drainage Easement From Herman & Melba Dickau  
At 8 Lynn Road

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the grant of a Temporary Construction Easement and Drainage Easement from Herman K. and Melba Dickau at 8 Lynn Road to the Town of Poughkeepsie, copies of which are attached; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to record the Easements in the Dutchess County Clerk's Office.

SO MOVED: S. Eagleton/S. Krakower

Supervisor Myers: This is another oldie, it goes from 1999.

EASEMENTS ATTACHED TO FINAL BOOK COPY

08:04-17 ACCEPT

Grant Of Drainage Easements For Cedar Valley Road

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the grant of Drainage Easements from the following individuals to the Town of Poughkeepsie, copies of which are attached, in reference to the project known as Cedar Valley Road Drainage:

John J. O'Keefe & Joan C. O'Keefe – 194 Cedar Valley Road

Salvatrice D'Onofrio – 184 Cedar Valley Road

Catherine Couse – 190 Cedar Valley Road

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to record the Easements in the Dutchess County Clerk's Office.

SO MOVED: S. Krakower/T. Tancredi

Town Attorney Hagstrom: The interesting thing about this, this is about the same year, 1999, but it puts three lots that are together with drainage together and this is going to be hooked up by our Highway crew and by Morris Associates who worked on this about 10 years ago, also.

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

Nays: None

CARRIED: 5-0

EASEMENTS ATTACHED TO FINAL BOOK COPY

08:04-18 ACCEPT

Grant Of Drainage Easements For Vassar  
Road

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the grant of Drainage Easements from the following individuals to the Town of Poughkeepsie, copies of which are attached, in reference to property located on Vassar Road:

Paul & Tammy Varricchio – 494 Vassar Road

My Tan Su & Kim Thuan – 492 Vassar Road

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to record the Easements in the Dutchess County Clerk's Office.

SO MOVED: T. Tancredi/S. Krakower

Supervisor Myers: Moving forward now, this one is only 2005.

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

Nays: None

CARRIED: 5-0

EASEMENTS ATTACHED TO FINAL BOOK COPY

08:04-19 NOTIFICATION

Stipulation of Discontinuance For Verizon  
V. Town In Tax Certiorari Proceeding

NOTED BY TOWN BOARD

08:04-20 NOTIFICATION

Notice of Withdrawal For RLJ  
Poughkeepsie Hotel, LLC V Town For Tax  
Certiorari Proceeding

NOTED BY TOWN BOARD

08:04-21 AUTHORIZE

Special Town Board Meeting On 8/11/2010  
At 7:00 PM

AMENDED  
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby call a Special Meeting on August 11, 2010 at 7:00 PM for the following:

1. Authorize Temporary Maternity Leave Replacement of Sandra Lane, Zoning Department
2. Executive Session
  - a. Confidential Communications between the Attorney and his client, the Town Board, Based on the attorney/client privilege.
  - b. Discussions regarding potential litigation.
3. Any other matters that may legally come before the Board

SO MOVED: Supervisor Myers/T. Tancredi

Supervisor Myers: We will also have the Committee of the Whole Meeting after the Special Board Meeting.

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

Nays: None

CARRIED: 5-0

08:04-22 AUTHORIZE

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

#### 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. Authorize Supervisor To Sign | Federal Aid Highway and Marchiselli Aid Supplemental Agreement – Sharon Drive |
| SC 2. Appeal                       | Clifford Fordham, Jr. – Vehicle For Hire License Denial                       |
| SC 3. Notification                 | Liquor License Renewal American Legion, Inc.                                  |
| SC 4. Authorize                    | Extension of Time RFP – Arlington Wastewater/Country Club                     |
| SC 5. Authorize                    | Lien on Property 7 Jones Street   |

SC 6. Authorize	Lien on Property 2 Lawton Road
SC 7. Authorize	Lien on Property 204 Vassar Road
SC 8. Authorize	Lien on Property 11 Casper Creek Road

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

SO MOVED: S. Eagleton/M. Cifone

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

Nays: None

CARRIED: 5-0

08:04-SC 1 APPROVE/ AUTHORIZE SUPERVISOR TO SIGN	“Marchiselli” Program & Town Comments 100% Of Non-Federal Funds For Cost Of “Marchiselli” Program With Supervisor Authorized To Execute All Agreements
---	---

#### RESOLUTION

Authorizing the implementation, and funding in the first instance 100% of the Federal-aid and State “Marchiselli” Program-aid eligible costs, of a transportation Federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for Sharon Drive: Route 9 to Morehouse Road in the Town of Poughkeepsie, Dutchess County Identified as **PIN 8759.41** (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for apportionment of the costs such program to be borne at the ratio of 0% Federal funds and 100% non-federal funds; and

WHEREAS, the Town of Poughkeepsie desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction, construction support and construction inspection.

NOW, THEREFORE, the Poughkeepsie Town Board, duly convened does hereby

RESOLVE, that the Poughkeepsie Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Poughkeepsie Town Board hereby authorizes the Town of Poughkeepsie to pay in the first instance 100% of the non-federal share of the cost of

construction, construction support and construction inspection work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$292,500.00 is hereby appropriated from Account H23 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the event the non-federal share costs of the project exceeds the amount appropriated above, the Poughkeepsie Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Supervisor thereof, and it is further

RESOLVED, that the Town Supervisor of the Town of Poughkeepsie be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the Town of Poughkeepsie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project cost within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Town Supervisor, the following municipal titles: Town Engineer, Town Highway Superintendent, Town Clerk and Town Comptroller are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, that this Resolution shall take effect immediately.

SO MOVED: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 5-0

08:04-SC 2 APPEAL

Clifford Fordham, Jr. For Vehicle For Hire  
License Denial

Clifford Fordham, Jr.: I pleaded guilty to a DUAI in 2001 and I was arrested when I was 17 but the court proceeding didn't get over until I was 18 and so technically I committed the crime over 10 years ago and I know there is a 10 year limitation in between conviction and when you can

get a hack license in the Town of Poughkeepsie. I don't have anything else on my record since then and that's basically it.

Councilman Krakower: Are you currently driving a taxi?

Clifford Fordham, Jr.: No.

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, upon hearing the appeal of Clifford Fordham, Jr., does hereby grant the application for a Vehicle for Hire License:

SO MOVED: Supervisor Myers/S. Krakower

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

Nays: None

CARRIED: 5-0

08:04-SC 3 NOTIFICATION

Liquor License Renewal For The American  
Legion John Livingston Post 1466 Located  
At 50 Legion Road  
(APPROVED BY TOWN POLICE)

#### NOTED BY TOWN BOARD

08:04-SC 4 AUTHORIZE

Time Extension For Request For Proposals  
For Contract Operations, Maintenance &  
Management Of The Arlington Wastewater  
Treatment Plant & Country Club Treatment  
Plant

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize an extension of time for the Request for Proposals for the Contract Operations, Maintenance and Management of the Arlington Wastewater Treatment Plant and the Country Club Treatment Plant; and

BE IT RESOLVED, that said extension shall be until October 1, 2010 at 11:00 AM.

SO MOVED: T. Tancredi/S. Krakower

Councilman Cifone; I was originally opposed to any extension because I just think if the company really wanted to investigate this, they had ample time. I did, however, have time to review some of the material and the questions they asked for and so it is warranted and so in the best interest of ---

Supervisor Myers: I think this is being done somewhat after the fact. They had already granted an extension, but it can't really be done without Board approval.

08:04-SC 5 AUTHORIZE

Lien & Charge on 7 Jones Street For Cost  
& Expenses of Removal of Materials by  
Town Highway Department

AMENDED  
RESOLUTION

BE IT RESOLVED, that pursuant to Section 159-13 (B) of the Code of the Town of Poughkeepsie, based upon the report of the Highway Department of the Town of Poughkeepsie, of the costs and expenses of removal, the Town Board ascertains the net expenses incurred are \$383.65; and

BE IT FURTHER RESOLVED, that the expense so assessed shall constitute a lien and charge on the real property, commonly known as 7 Jones Street, Town of Poughkeepsie, Dutchess County, State of New York, having tax grid number 6161-07-734851-0000, and shall be levied against said property until paid or otherwise satisfied or discharged and collected in the same manner and at the same time as other Town charges, and

BE IT FURTHER RESOLVED, that the Town Clerk shall cause this said lien to be filed with the Dutchess County Clerk.

SO MOVED: S. Krakower/M. Cifone

COPY OF BILL ATTACHED TO FINAL BOOK COPY

08:04-SC 6 AUTHORIZE

Lien & Charge on 2 Lawton Road For Cost  
& Expenses of Removal of Materials By  
Town Highway Department

AMENDED  
RESOLUTION

BE IT RESOLVED, that pursuant to Section 159-13 (B) of the Code of the Town of Poughkeepsie, based upon the report of the Highway Department of the Town of Poughkeepsie, of the costs and expenses of removal, the Town Board ascertains the net expenses incurred are \$2,511.06; and

BE IT FURTHER RESOLVED, that the expense so assessed shall constitute a lien and charge on the real property, commonly known as 2 Lawton Road, Wappingers Falls, NY, Dutchess County, State of New York, having tax grid number 6058-02-922742, and shall be levied against said property until paid or otherwise satisfied or discharged and collected in the same manner and at the same time as other Town charges, and

BE IT FURTHER RESOLVED, that the Town Clerk shall cause this said lien to be filed with the Dutchess County Clerk.

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 5-0

COPY OF BILL ATTACHED TO FINAL BOOK COPY

08:04-SC 7 AUTHORIZE

Lien & Charge On 204 Vassar Road For  
Cost & Expenses of Removal of Materials  
By Town Highway Department

RESOLUTION

BE IT RESOLVED, that pursuant to Section 159-13 (B) of the Code of the Town of Poughkeepsie, based upon the report of the Highway Department of the Town of Poughkeepsie, of the costs and expenses of removal, the Town Board ascertains the net expenses incurred are \$1,744.37; and

BE IT FURTHER RESOLVED, that the expenses so assessed shall constitute a lien and charge on the real property, commonly known as 204 Vassar Road, Town of Poughkeepsie, Dutchess County, State of New York, having tax grid number 6259-01-377892-0000, and shall be levied against said property until paid or otherwise satisfied or discharged and collected in the same manner and at the same time as other Town charges, and

BE IT FURTHER RESOLVED, that the Town Clerk shall cause this said lien to be filed with the Dutchess County Clerk.

SO MOVED: Supervisor Myers/S. Krakower

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

Nays: None

CARRIED: 5-0

COPY OF BILL ATTACHED TO FINAL BOOK COPY

08:04-SC 8 AUTHORIZE

Lien & Charge on 11 Casper Creek  
Road for Cost & Expenses of  
Removal of Materials By Town  
Highway Department

RESOLUTION

BE IT RESOLVED, that pursuant to Section 159-13 (B) of the Code of the Town of Poughkeepsie, based upon the report of the Highway Department of the Town of Poughkeepsie, of the costs and expenses of removal, the Town Board ascertains the net expenses incurred are \$811.42; and

BE IT FURTHER RESOLVED, that the expense so assessed shall constitute a lien and charge on the real property, commonly known as 11 Casper Creek Road, Town of Poughkeepsie, Dutchess County, State of New York, having tax grid number 6160-04-670438-0000, and shall be levied against said property until paid or otherwise satisfied or discharged and collected in the same manner and at the same time as other Town charges, and

BE IT FURTHER RESOLVED, that the Town Clerk shall cause this said lien to be filed with the Dutchess County Clerk.

SO MOVED: S. Eagleton/S. Krakower

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

Nays: None

CARRIED: 5-0

COPY OF BILL ATTACHED TO FINAL BOOK COPY

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

CARRIED: 5-0

Bob Casement: I don't want to sound like a broken record, but these mikes are terrible. All the mikes work about 50% of the time, except for the Supervisor's, hers works all the time. Dave Hagstrom's doesn't work at all.

Supervisor Myers: We truly are working on that and Mark Fink, next week or the very next future, has the proposals ready for us to hear. Trust me.

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

CARRIED: 5-0

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

CARRIED: 5-0

MEETING CLOSED AT 7:55 PM

SJM:lkm