

**MINUTES OF TOWN BOARD MEETING HELD ON  
SEPTEMBER 1, 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  
Attorney Jim Nelson  
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/  
T. Tancredi

CARRIED: 6-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 6-0

Motion made to adjourn the Public Hearing until October 6<sup>th</sup>: Supervisor Myers/S. Eagleton

CARRIED: 6-0

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

09:01-01 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 UNTIL OCTOBER 6, 2010

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

NO SPEAKERS CAME FORWARD

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

Town Clerk Miller: I did hereby file the affidavit of posting on August 20, 2010 and published  
in the Poughkeepsie Journal on August 23, 2010.

09:01-02 PUBLIC HEARING

Amend Town Code, Chapter 195,  
Entitled "Vehicle And Traffic" Specifically  
Sections 195.39 Entitled "Schedule IV: One-  
Way Streets" & 195.44 Entitled "Schedule  
IX: Stop Intersections"

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a  
public hearing held on the 1<sup>st</sup> day of September, 2010 at 7:00 PM at the Town Hall, Town of  
Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town of  
Poughkeepsie Code, Chapter 195, entitled "Vehicles and Traffic", specifically Article VI,  
Section 195.39, Schedule IV, entitled "One-Way Streets" and Article VI, Section 195.44,  
Schedule IX, entitled "Stop Intersections", which amendments are as follows:

ADD: Article VI, Section 195.39, Schedule IV: One Way Streets:

| <b>Name of Street</b>   | <b>Direction of Travel</b> | <b>Limits</b>                                      |
|-------------------------|----------------------------|--|
| Bridge Street Extension | Northwest                  | From Main street (New<br>Hamburg) to Bridge Street |

ADD: Article VI, Section 195.44, Schedule IX: Stop Intersections:

| <b>Stop Sign On</b>       | <b>Direction of Travel</b> | <b>At Intersection of</b>                                 |
|---------------------------|----------------------------|---|
| Main Street (New Hamburg) | East                       | Main St. (New Hamburg)<br>And New Hamburg Road<br>All Way |
| Bridge Street             | South                      | Bridge Street and Main<br>Street (New Hamburg)<br>All Way |

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

SO MOVED: S. Eagleton/S. Krakower

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/  
M. Cifone

CARRIED: 6-0

Doreen Tignanelli: Assuming this is the same issue that was brought up at the last Town Board Meeting where they had some escrow funds that they needed to add and they didn't. Well, the last time they said that the Town would attach the amount due to their taxes, but is there any penalty for that? Is there any fine, because here we are discussing it and I'm sure Neil Wilson and his staff had to spend some time on this and perhaps the Tax Receiver had to assess it to the tax bill and if all they had to do is to do what they had to do in the first place, put the money in the escrow fund, then there is no consequence for not obeying the law, so, is there any additional fee that will be charged to them?

Supervisor Myers: Not at the moment, but you make a very good point.

Neil Wilson, Development Director: This is a case where we granted a site plan approval in October or November of last year and at the time, we tried very hard to make sure all the escrows were paid before the Board acts, but this is one where it came in subsequent to the Board action. In the scheme of things, it's not a whole lot of money, its \$1,500 bucks, but on the other hand, we still have to pay our consultants. Now, we had every belief a year ago that they were going to go forward with their project and they have just been silent ever since. I had spoken to the local franchisee who has made it clear to me that there has been an argument about money between him and corporate Dunkin Donuts and in the meantime, they are ignoring repeated demands to pay us so we can pay our consultants in turn. We don't have a penalty provision for this. Maybe one of the things we should be looking at is maybe an interest or something like that. We just want to get paid so we can pay our subs. That's what it really comes down to. Now if they never build the project, there is no penalty. But we jumped through a number of hoops to get to that point, where they could build.

Councilman Krakower: When will those expire?

Supervisor Myers: 18 months, I think.

Neil Wilson: They can come in and request another 180 days.

Councilman Krakower: But then it's within the Town Planning Board's discretion whether to extend the approval or not, correct? (Yes)

Neil Wilson: Right, I wouldn't even put them on the agenda for an extension if they still owe us money.

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

CARRIED: 6-0

09:01-03 PUBLIC HEARING

Violation of Town Code Chapter 106,  
Entitled "Fees, Review" For Dunkin Brands  
D/B/A Dunkin Donuts Located At 756-764  
Main Street

### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 1<sup>st</sup> day of September, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY 12603, does hereby determine that Dunkin Brands, applicant for the redevelopment of properties known as 756-764 Main Street, Poughkeepsie, NY with Grid Nos. 6161-07-717826, 721825, 729823 and 732822, the owner of which is CRE Poughkeepsie, LLC, Attn: Third Dunkin Donuts Real, 120 Royall Street, Canton, MA 02012 is in default of Chapter 106 of the Town Code, entitled "Fees, Review", which allows for the Planning Board to retain third party engineering and legal consultants to assist the Board, the cost of which is borne by the applicant; and

BE IT FURTHER RESOLVED, that the escrow review fee established for this project has been depleted; and

BE IT FURTHER RESOLVED, that the applicant has been notified of the said depletion with no response as of this date, now therefore

BE IT FURTHER RESOLVED, that the amount required to reactive this account is \$1,500, which amount will be remedied by charging said sum against the real property which is the subject of the land development application, by adding said charge to, and making it a part of the next annual real property tax roll of the Town of Poughkeepsie.

SO MOVED: J. Conte/T. Tancredi

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 #4: Supervisor Myers/  
M. Cifone

CARRIED: 6-0

Neil Wilson: This is a matter that the owner has ignored the orders and this is the Town's decision to go ahead and take action to go in and clean up the property.

NO SPEAKERS CAME FORWARD

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

CARRIED: 6-0

09:01-04 PUBLIC HEARING

Violation of Chapter 159, Entitled  
"Property Maintenance", Specifically  
Section 195-14, Entitled "Removal By  
Town: Charges" For 525 Haight Avenue

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to public hearings held on August 18, 2010 at 7:00 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 525 Haight Avenue, Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6161-08-868785-0000, owned by Irene Gonzales, 525 Haight 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 owner of 525 Haight Avenue 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 continuing thereafter if the premises continues not to be properly maintained; and

BE IT FURTHER RESOLVED, that the charges shall be sent to the 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, and continuing thereafter if the premises continue not to be properly maintained.

SO MOVED: M. Cifone/S. Krakower

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 #5: Supervisor Myers/  
M. Cifone

NO SPEAKERS CAME FORWARD

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

CARRIED: 6-0

Councilman Cifone: I talked to the owner of this property and he has cleaned up some of it and I also talked to Sarah and she agreed to give him a 30 day waiver until October, to act on this.

Motion made to reopen the Public Hearing: S. Krakower/M. Cifone

CARRIED: 6-0

Motion made to adjourn Public Hearing until October 6, 2010: Supervisor Myers/M. Cifone.

CARRIED: 6-0

09:01-05 PUBLIC HEARING

Violation of Chapter 159, Entitled  
"Property Maintenance", Specifically  
Section 159-13, Entitled "Removal By  
Town: Charges" For 18 Creek Road

ADJOURNED TO OCTOBER 6, 2010 MEETING

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

CARRIED: 6-0

Doreen Tignanelli: I have a question about Item #12. Is that the Germano Property? (Yes) I saw a for sale sign out there, so there is still a legal action against the Town? (Yes) Next is about Item #6, the purchase of the audio equipment. I know that was supposed to come out of money from Verizon? (Yes) The amount of money set aside, does that include the \$4,000 we already paid to Tom McNamara for his consulting. To me that \$4,000 was an overpayment.

Supervisor Myers: We have more than enough put aside and this is just for the equipment itself, which is off State bid, it is not for the labor or installation or anything like that. That we will be going out for RFP's.

Mark Fink: If we can get a better price under the State contract, then that brings the \$28,000 even lower. I was working with Don Beer on the bid process and during that process he saw that all of these were listed as State contract pricing and he said we didn't really need to go through the formal bid process if we purchase the hardware directly. That way we can go out for quotes on the labor part of it. That is only for wiring.

Rob Rubin: All I would ask the Town Board to consider in that is that rather than putting this equipment and labor as a second issue, please consider putting that together as one issue because, if a problem should occur after this project is done, I don't want this person who installed it say, "Well, I did it right, it's the equipment malfunctioning" or visa versa. It would probably pay for us to look at this and see if it would be better for us in the long run.

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

CARRIED: 6-0

Supervisor Myers: I think I will make a motion to table this item. I won't put a date on it now. Seconded by T. Tancredi.

CARRIED: 6-0

09:01-06 AUTHORIZE

Purchase of Audio Equipment At State Contract Bid Price of \$26,832.59 & Authorize Request for Proposals for Installation

TABLED – NO DATE GIVEN

09:01-07 AUTHORIZE

Lien On Property Located At 34-36 Taft Avenue

#### 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 of the solid waste, debris and litter, the Town Board ascertains the net expenses incurred are \$689.89; and

BE IT FURTHER RESOLVED, that the expense so assessed shall constitute a lien and charge on the real property, commonly known as 34-36 Taft Avenue, Town of Poughkeepsie, Dutchess County, State of New York, bearing tax grid number 6161-08-954895, 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/T. Tancredi

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

Nays: None

CARRIED: 6-0

09:01-08 AUTHORIZE

Lien On Property Located at 118 Kingwood Drive

#### 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 of the solid waste, debris and litter, the Town Board ascertains the net expenses incurred are \$2,344.30; and

BE IT FURTHER RESOLVED, that the expense so assessed shall constitute a lien and charge on the real property, commonly known as 118 Kingwood Drive, Town of Poughkeepsie, Dutchess County, State of New York, bearing tax grid number 6160-03-277222, 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/M. Cifone

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

Nays: None

CARRIED: 6-0

09:01-09 RESIGNATION

Water Department of Joyce Horecky

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the resignation of Joyce Horecky from her position with the Town of Poughkeepsie Water Department effective the close of business on September 3, 2010.

SO MOVED: Supervisor Myers/T. Tancredi

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

09:01-10 AUTHORIZE Spring Road Reconstruction With  
SUPERVISOR Marchiselli Federal Aid Program  
TO SIGN

## 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 the **Spring Road Reconstruction, Town of Poughkeepsie, Dutchess County, New York, PIN 8759.21** (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the cost such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the **Poughkeepsie Town Board** desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering and right-of-way incidental work.

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 federal and non-federal share of the cost of preliminary engineering and right-of-way incidental work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$372,000.00** is hereby appropriated from Account H23 5110.0202 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and 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 **Town 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 costs 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 Town of Poughkeepsie, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement; and it is further

RESOLVED, that a certified copy of this Resolution is 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: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 6-0

09:01-011 AUTHORIZE TO  
GO TO BID

Construction of the Water Distribution  
Facilities Associated With The "Hudson  
River Psychiatric Center Water District"

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Town Clerk to advertise for bids for "HUDSON RIVER PSYCHIATRIC CENTER WATER DISTRICT", pursuant to the plans and specifications which will be available after September 13, 2010 at the Office of the Town Clerk, with a bid opening on October 12, 2010 at 11:00 AM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY; and

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

SO MOVED: J. Conte/S. Krakower

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

Nays: None

CARRIED: 6-0

09:01-12 NOTIFICATION

Notice of Claim For RJG Properties, LLC V  
Town of Poughkeepsie Zoning Board of Appeals  
& Zoning Administrator

REFERRED TO LEGAL DEPARTMENT

09:01-13 APPOINTMENT

Rebecca Valk, Esq. To Defend Town of  
Poughkeepsie In Regard To Article 78 Proceeding  
Entitled RJG Properties LLC V. Zoning Board  
Of Appeals & Town Zoning Administrator

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Rebecca Valk, Esq. of Van DeWater & Van DeWater, LLP to defend the Town of Poughkeepsie in regard to the Article 78 Proceeding entitled *RJG Properties, LLC v. Town of Poughkeepsie Zoning Board of Appeals and the Town of Poughkeepsie Zoning Administrator*, at the hourly rate of \$155.00.

SO MOVED: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 6-0

09:01-14 ACCEPT

2010 Town Board Meetings:

- August 4 Regular Meeting
- August 11 Special Meeting
- August 11 Committee of the Whole Meeting
- August 18 Regular Meeting

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:

- August 4 – Regular Board Meeting
- August 11 – Special and Committee of the Whole Meeting
- August 18 – Regular Board Meeting

SO MOVED: S. Krakower/T. Tancredi

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

Nays: None

CARRIED: 6-0

09:01-15 BUDGET  
MODIFICATION

Dog Warden Minor Equipment

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 correct minor equipment budget to proper 400 series, as follows:

FROM:

|             |                      |            |
|-------------|----------------------|------------|
| B 3120.0214 | Dog Warden Equipment | \$2,106.00 |
|-------------|----------------------|------------|

TO:

|             |                 |            |
|-------------|-----------------|------------|
| B 3120.0472 | Minor Equipment | \$2,106.00 |
|-------------|-----------------|------------|

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 6-0

09:01-16 AUTHORIZE

Addendum To DeGarmo 44, LLC Sewer  
Tenancy Agreements

RESOLUTION

WHEREAS, two sewer tenancy agreements were entered into on July 23, 2010 among DeGarmo 44, LLC, the Town of Poughkeepsie and the Arlington Sewer Districts and Service Areas; and

WHEREAS, the Town of Poughkeepsie and DeGarmo 44, LLC have proceeded to investigate connection of the subject Lot A and Lot B on a subdivision map entitled "Subdivision Plat, Dutchess Turnpike Realty Partners, LLC, 825-829 Dutchess Turnpike", to connect to the private sewer plant at the former DeLaval property; and

WHEREAS, additional time is needed to complete the investigation in furtherance of designing and engineering said sewer connection and obtaining all necessary permits for approval; now therefore

BE IT RESOLVED, that the Supervisor of the Town of Poughkeepsie is authorized to sign an addendum to the two sewer tenancy agreements, substantially in the form attached, whereby the time to deliver completed design and engineering plans to the Town will be extended from sixty (60) days to ninety (90) days of the date of approval of the agreements by

the Town Board and the time for submission of applications for approval by all governmental bodies required for permission to construct the sewer line shall be extended from October 31, 2010 to November 30, 2010.

SO MOVED: Supervisor Myers/J. Conte

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

Nays: None

CARRIED: 6-0

ADDENDUM AGREEMENTS ATTACHED TO FINAL BOOK COPY

09:01-17 NOTIFICATION

Renewal Application Notice Form For  
Liquor License For Dutchess Golf &  
Country Club Located At 2628 South  
Road

NOTED BY TOWN BOARD

09:01-18 NOTIFICATION

Town of Lloyd Public Hearing

NOTED BY TOWN BOARD

09:01-19 NOTIFICATION

SEQRA Determination-Marist McCann  
Center Addition

NOTED BY TOWN BOARD

09:01-20 AUTHORIZE

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

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 Set. Date for Public Hearing

Community Development Block  
Grant Program – 2011

SC 2 Authorize

Block Party – Heathbrook Drive

SC 3 Authorize

30-day waiver-liquor license  
Germania of Poughkeepsie, Inc.

- |      |             |   |
|------|-------------|---|
| SC 4 | Accept      | Diane Court – Dutchess Court<br>Subdivision – Equity Homes of NY,<br>Inc. |
| SC 5 | Approve     | Flamenco & Sangria Festival –<br>El Castillo Espanol Restaurant           |
| SC 6 | Appointment | Diane Benigno – Temporary Part<br>Time – Assessing Dept.                  |

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/J.Conte

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

Nays: None

CARRIED: 6-0

09:01-SC 1 SET DATE FOR  
PUBLIC HEARING

For Town Board To Vote On Applications  
For Monies From Dutchess County Through  
The Community Development Block  
Grant Program For Year 2011

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 22<sup>nd</sup> day of September, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the date, time and place of a public hearing to consider and thereafter vote on applications for monies from the County of Dutchess through the Community Development Bock Grant Program for the year 2011, of which the Town of Poughkeepsie is a member.

SO MOVED: J. Conte/S. Krakower

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

Nays: None

CARRIED: 6-0

09:01-SC 2 AUTHORIZE

Block Party At 19-25 Heathbrook Drive on  
September 11, 2010 From 1:00 PM to  
10:00 PM

#### RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Patty Ryan to hold a block party on Heathbrook Drive on September 11, 2010 with a rain date of September 12, 2010 from 1:00 PM to 10:00 PM and does hereby authorize the Highway Department to close said street, but allowing access for emergency vehicles, from 1:00 PM to 10:00 PM; and

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

SO MOVED: M. Cifone/T. Tancredi

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

Nays: None

CARRIED: 6-0

09:01-SC 3 AUTHORIZE

Waiver of 30 Day Period For Renewal of  
Liquor License of Germania of  
Poughkeepsie, Inc. Located At 37 Old  
Degarmo Road

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Jon Wagner, President of Germania of Poughkeepsie, Inc., 37 Old Degarmo Road, Poughkeepsie, NY 12603 for a waiver of the 30 day review period for renewal of a 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. Krakower/T. Tancredi

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

Nays: None

CARRIED: 6-0

09:01-SC 4 ACCEPT

Road Known as Diane Court in Subdivision  
Known as Dutchess Court, Equity Homes of  
New York, Inc.

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the road known as Diane Court in the subdivision known as Dutchess Court, Equity

Homes of New York, Inc., pursuant to the recommendation of the Superintendent of Highways and the Town Engineer.

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 6-0

09:01-SC 5 APPROVAL

Food Fest For El Castillo Espanol  
Restaurant Located at 763 Main Street on  
September 17 -19

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application of Bernardino Cazares to hold a Flamenco and Sangria Festival at his business, El Castillo Espanol Restaurant, 763 Main Street on September 17-19, 2010 from Noon to 7:00 PM, contingent upon receipt by the Town of a Certificate of Liability Insurance naming the Town of Poughkeepsie as an additional insured; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the "Open Container Law" in the event alcoholic beverages are to be served, with all other State Laws remaining in full force and effect.

SO MOVED: Supervisor Myers/T. Tancredi

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

Nays: None

CARRIED: 6-0

09:01-SC 6 AUTHORIZE

Assessing Department For Temporary  
Part Time Appointment of Diane Benigno

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the temporary part time appointment of Diane Benigno to work no more than 12 hours in the Assessing Department at the salary of \$12.00 per hour, effective September 7, 2010 through December 31, 2010.

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: Supervisor Myers/S. Eagleton

CARRIED: 6-0

Pat Brown, Sewer Department: On Item # 5 the Town asked about the prevailing rates and your answer was that you recorded the documents PW 16, all of the forms have to be sent into the Public Works and Labor Department?

Councilman Tancredi: When we did that procedure, Tom Mahar was the attorney at the time, and he looked into it---

Pat Brown: I met with a gentleman by the name of Steve Barber, he is the senior investigator for the Labor Department, and I'll share this with you. Once this happened, I figured I might as well ask about the Recreation Department. Grounds keepers are in here, lawn maintenance workers, they are required—

Councilman Tancredi: It makes no difference to me---

Pat Brown: The jurisdiction body, which is us, is responsible to make sure that happens. I'm doing a project at Brookland Farms, a company works for B & K. The Comptroller will not even pay the bills until I pay the tax for certified payroll land when he sends me the invoice, the certified payroll is connected to the invoice, the teamster gets this much and the laborer gets this much and the grounds people should be handled the same way, in my opinion. On the same 84 pages, page 73 it starts and goes to 84 and it talks about debarment. It lists how you get debarred and lists all the companies that are debarred and then it spells out that if you are on this list you are not allowed to participate in any way in the bidding process. On September 25<sup>th</sup> (Inaudible) Trent, showed up the Sewer Plant and from your answer and it is stated from the Labor Department, 8/9/2010, they are barred from bidding on any public projects until 2012. They shouldn't have been allowed on the property, in my opinion. It's spelled out pretty plainly.

Doreen Tignanelli: I have a question about the Dutton Project on Dutchess Avenue. I was not able to attend the public hearing on the Draft DIS and so I had to go by what I read in the paper, but, I see where it said the developer's representative said that they may have to look into reducing the amount of the units. Has anybody from the Town Board, individually or collectively, met with anybody from Dutton on the project? (No) I think I've only been to one meeting recently and so I knew they hadn't come here in general, but back in February 11, 2009 when their attorney, Richard Cantor, came here, he asked you to allow the City to be the Lead Agency and he said that it would be a cooperative and I quote, "Cooperative Intertwined Action" that needed to be worked out so that the Town's interest are not being short changed." He also said that maybe hold a scoping session in the Town. Well, the scoping session has come and gone and there was no Public Hearing on the DEIS held here in the Town and so when you hear Mr. Kaufman says, "Maybe we will reduce the size of the units, Mr. Carpenter was also the one that same night, when a former Town Board member expressed a lot of concern about it, the project in general, the density, Mr. Kaufman said there was a variety of uses they could put the site to and I quote, "None of which are necessarily attractive", and then he threatened that they could take both New York City and New Jersey and turn them into transfer stations at the site

and so I have some concerns about the project and the lack of involvement in the Town. Especially in the Fourth Ward, the traffic impacts, I looked at the Draft DEIS, I'm planning on submitting some comments myself. There are several intersections that are going to have a full drop in the level of service. 9G and West Cedar, Route 9 and Marist Driveway, that is a whole drop in the level of services for traffic. They need a Zoning change from the Town and basically I feel that the Town is being short changed and they should come before the Town Board and the public so that the public and the Town have a chance to comment.

Councilman Tancredi: Well, they have to come before us in order to get a Zoning change, so.

Doreen Tignanelli: My only other statement is about the Arlington Fire District. Everybody is preparing their budgets now. Towns, school districts, fire districts, at their regular September 13<sup>th</sup> meeting, are they are going to have a budget workshop that night, that's not the public hearing on the budget, but that's the public workshop? In the last six years, the budget has ballooned from 9.3 million to nearly 15.1 million dollars. They have had a fund balance of over one million at the end of 2009 and they carried that over and into 2010 they carried over 1.7 million and my husband and I have been attending the twice a month meetings they have. Every time we go, we ask for a tax payer release out of that fund balance because that is taxpayer money and so far we keep asking how that money is going to be spent and we don't have any real answers. Unless the public starts attending these meetings, you are going to be hit with County increases and school district taxes. People really need to come out to be aware.

Gary Levine: I just wanted to say that part of the problem could be rectified, as I was sitting here listening to what was going on tonight and I said, I seemed to come up with a revenue raiser. If we send out a bill every time Councilman Conte mentions his employer's name, I think we would end up with a surplus because this isn't the first time I've come to a meeting and he mentioned it. It's nothing unethical about it I'm sure, but it seems to me it happens more times than it should and this is for our Town and your place of employment should not be broadcasted through the TV.

Councilman Conte: That's a local business and I'm proud to work there and I'm glad to be part of that facility and I'm not doing it for any reason. I appreciate you bringing more attention to it, thank you very much, but I'm proud to work for them.

The Councilmen in defense of Councilman Conte stated that he means no offense, he uses the expertise he works for at Adams in helping the Town with special situations.

Maryann Axman: I don't remember how long ago it was when the Town decided to go with the RFP through the Sewer Department to privatize the plant. You told us that you were looking to see if prices could be lowered to manage the plant. This RFP states that "Under non-collusive bidding certification, by submission of this bid, each bidder and each person signing on behalf of any bidder certifies and in the case of a joint bid, each party thereto certifies as to it's own organization, under penalty of perjury, that to the best of his knowledge and belief, the prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition as to any matter relating to such prices with any other bidder or competitor." What you need to know is that last week the managing operator

of the Sewer Plant, (inaudible) Pollution Control, called all of us on site, into a meeting. He told us that it is his opinion that this is a done deal and at that point, some of my co-workers left the room. He said that we should prepare our resumes' and we were told that—

Councilman Cifone: That person has no authority to say that.

Maryann Axman: He's on the committee.

Councilman Cifone: He can speak for himself, but it's not a done deal and he has no authority to say that.

Maryann Axman: Let me finish. He told us to make out our resumes and for the next ten minutes he spoke on how he was negotiating the contract with one of the proposer's who has been walking through the plant for a position with them, United Waters. I took it upon myself to look at United Waters and I just want you to know what I found. Dated June 4, 2010, under Food and Water watch.Org. "Several municipalities, such as Atlanta, Georgia; Milwaukee, Wisconsin; Gary, Indiana, and Gloucester, Massachusetts, have ended their contracts with this company after suffering from maintenance backlog, sewage spills, contaminated drinking water, workforce reductions and infrastructure problems. Privatized systems often end up costing municipalities extra money in the form of fines for water quality violations. Gary, Indiana's contract was terminated earlier this year and they expect to save 8 million dollars a year under public operation of the water system. North Brunswick, New Jersey cancelled the water contract with United Water in 2002 after customers there saw their bills increase by 100 to 200%.

Councilman Cifone: What I can tell you is the people who are going to vote on any RFP's or anything getting done at that plant, are sitting at this table, not Mr. Cacchio and he has no authority to say anything like that and I'm telling you, there is no done deal. The only deal maybe, is what he is swinging, but nothing on our end.

Maryann Axman: I just wanted to let you know what was going on.

Councilman Tancredi: I'm glad you told us, Maryann, I wasn't aware of it anyway, and I'm not happy hearing that. That's out of line. The employees there are under enough stress.

Maryann Axman: Everyone was not included, it was just us on site that day. As a taxpayer, you outsourced the Recreation Department, and now you are looking to privatize the plant and my taxes have not gone down and so I am going to have to have you show me that this is going to save me money. Please take your time to look at these and consider what you are doing. If you need to make changes in the plant, the employees are willing to work with you.

Councilman Tancredi: I understand that, but I can tell you that the privatization of that department, your taxes would be higher than they are right now, if we hadn't had done that.

Rob Rubin: In the same line on the water and sewer. I don't have any facts to back this up, I'm not related to anyone who works there and I don't work there or know anyone that works there. But, one of the things that attracted me to the Town of Poughkeepsie and I've lived here 33 years

now, is the municipal services that the Town of Poughkeepsie provided. Part of that was the water and sewer. I personally would not like to see anything in that area privatized. I think these people have done a terrific job and I am happy with the services as they are. I'm not against reviewing the operations for streamlining or just to see if there is a better way of doing things, but I would not like to see that privatized. I would like to see that kept in house.

Doreen Tignanelli: I wasn't aware of the situation with fines for environmental violations for companies and so I ask that everybody really consider researching any violations of the private companies and I would be willing to help with the research as part of the CAC or privately. As far as the Recreation Department, since Tom Meyering is here, do we have final figures yet as to what happen to the Spratt Park Pool?

Councilman Tancredi: He is still compiling data regarding the operations.

Supervisor Myers: He doesn't have monetary figures yet, but as far as people attending and as far as the success of the joint effort, I think we can say it was a success.

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

CARRIED: 6-0

Motion made to go into Executive Session for matters for personnel and negotiations: Supervisor Myers/J. Conte

#### RESOLUTION

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

1. Personnel Matters, to wit: A meeting to discuss the employment history of particular individuals who need not be identified at this time.
2. Confidential communication between attorney and his client/Town Board based on attorney/client privileges.

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

SO MOVED: Supervisor Myers/J. Conte

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

Nays: None

CARRIED: 6-0

SUPERVISOR MYERS INVITED POLICE CHIEF MAURO AND TOM MEYERING,  
RECREATION DIRECTOR INTO EXECUTIVE SESSION

TOWN BOARD MEETING ENDED AT 8:10 PM

INTO EXECUTIVE SESSION AT 8:15 PM

BACK FROM EXECUTIVE SESSION AT 8:50 PM

NO ACTION WAS TAKEN

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

CARRIED: 6-0

MEETING CLOSED AT 8:51 PM

SJM:lk