



WHEREAS, input from citizens and groups have been received and considered;  
and

WHEREAS, an application has been prepared which addresses our community concerns, now, therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on September 22, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, New York, does hereby authorize the Supervisor to make an application to the County of Dutchess For Community Development Block Grant Program funds for the year 2011 for the following project(s):

1. 806-812 Main Street and 2-10 Raymond Avenue (Arlington Area) lighting, sidewalks and trees

SO MOVED: R. Lecker/T. Tancredi

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

Nays: None

CARRIED: 7-0

Supervisor Myers: This is really a continuation of all of the upgrades and improvements we've been doing through the Community Development Block Grant in the Arlington Area. We are now getting to the outer edges of it. We finished all the side streets and it is great that it is looking as nice as it does.

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

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

Motion made to move Item #6 to this point in the agenda: Supervisor Myers/T. Tancredi

CARRIED: 7-0

09:22-06 APPOINTMENT

To Town Police Officer of  
Gregory E. Drobot

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Gregory E. Drobot to the position of full time Police Officer under the provisions of Civil Service Law dealing with a resignation/reinstatement, at the yearly salary of \$50,272, effective October 11, 2010, which appointment is subject to a probationary period of 52 weeks per Civil Service Law.

SO MOVED: S. Eagleton/T. Tancredi

Supervisor Myers: Welcome to the Town.

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

09:22-02 APPEAL Vehicle For Hire License Denial For  
Jonathan Kuhl

Jonathan Kuhl: I had a DWI six years ago. I am sorry about that. I recently lost a business I had for 25 years and I need to get a job now and I am trying to get a taxi driving job. I have a Class A license and I could probably get an over the road trucking job but my wife has terminal cancer and she asked me to stay close, so this is why I'm trying to get the taxi driving job. If the Board would see to be a little easy on me, I would appreciate it.

Councilman Krakower: Sue, this is the only issue with him, right? (Yes) My suggestion would be, to have you go to a defensive driving class and provide proof to the Town Clerk that you have done that and then receive the license at that point.

#### RESOLUTION

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

SO MOVED: Supervisor Myers/S. Krakower

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

09:22-03 SET DATE FOR Special District Assessment Roll For Water,  
PUBLIC HEARING Sewage & Drainage Districts In Town

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 6<sup>th</sup> day of October, 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 in regard to the Special District Assessment Roll, which concerns the water districts, sewer districts and drainage districts of the Town of Poughkeepsie; and

BE IT FURTHER RESOLVED, that said proposed Special District Budgets are on file in the Town of Poughkeepsie Clerk's Office and available for review.

SO MOVED: J. Conte/T. Tancredi

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

Nays: None

CARRIED: 7-0

09:22-04 SET DATE FOR  
PUBLIC HEARING

Amend Town Code, Chapter 195, Entitled  
"Vehicles & Traffic", Specifically Section  
195-44, Schedule IX, Entitled "Stop  
Intersections"

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 6<sup>th</sup> day of October, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and place of a public hearing to consider an amendment to Chapter 195 of the Town Code, entitled "Vehicle and Traffic", specifically Section 195-44, Schedule IX, entitled "Stop Intersections", which amendment would be as follows:

ADD:

<b>Stop Sign on</b>	<b>Direction of Travel</b>	<b>At Intersection of</b>
Forest Court	West	Crestwood Boulevard
Dorlis Drive	East	Ray Boulevard

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does declare itself as Lead Agency under the New York State Environmental Quality Review Act, and does determine that this action is an Exempt Action; and

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

SO MOVED: M. Cifone/J. Conte

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

Nays: None

CARRIED: 7-0

09:22-05 SET DATE FOR  
PUBLIC HEARING

Amend Town Code, Chapter 195, Entitled  
“Vehicles & Traffic”, Specifically Section  
195-44, Schedule IX, Entitled Stop  
Intersections” For New Hamburg

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 6<sup>th</sup> day of October, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and place of a public hearing to consider an amendment to Chapter 195 of the Town Code, entitled “Vehicle and Traffic”, specifically Section 195-44, Schedule IX, entitled “Stop Intersections”, which amendment would be as follows:

DELETE:

<b>Stop Sign on</b>	<b>Direction of Travel</b>	<b>At Intersection of</b>
Bridge St. Connection (New Hamburg)	South	Main Street (New Hamburg)

ADD:

<b>Stop Sign on</b>	<b>Direction of Travel</b>	<b>At Intersection of</b>
Bridge Street Extension (New Hamburg)	Northwest	Bridge Street (New Hamburg)

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does declare itself as Lead Agency under the New York State Environmental Quality Review Act, and does determine that this action is an Exempt Action; and

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

SO MOVED: S. Krakower/M. Cifone

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

09:22-07 AUTHORIZE Kerr Road, LLC, Silver Family Partnership  
SETTLEMENT & Roslyn Realty, LLC Tax Certiorari  
Proceedings

#### RESOLUTION

IT IS HEREBY RESOLVED, that David D. Hagstrom, Town Attorney, Van DeWater and Van DeWater, LLP and Kathleen D. Taber, Town Assessor are authorized to execute a Consent Judgment, a copy of which is attached, for the Kerr Road, LLC, Silver Family Partnership and Roslyn Realty, LLC settling tax certiorari proceedings for the tax years 2008/09, 2009/10 and 2010/11.

SO MOVED: T. Tancredi/J. Conte

Supervisor Myers: Job well done, to both of you!

Town Attorney Hagstrom: (Inaudible)

Supervisor Myers: If you didn't hear what Mr. Hagstrom said, this is a tax certiorari settlement going back to 2008 and Mr. Hagstrom and the Assessor settlement with no refunds being paid back to the filer by the Town, so it is not going to cost us anything, just a reduction in their assessment.

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

09:22-08 AUTHORIZE Town Attorney to Execute Letter Agreement  
Extending The Tolling of Sewer Agreement  
Payment & Option Exercise Obligations  
With Ginsburg Development Corporation  
Until December 16, 2010

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Town Attorney to execute the letter agreement, a copy of which is attached, on behalf of the Town of Poughkeepsie, extending the tolling of Sewer Agreement payment and option exercise obligations with Ginsburg Development Corporation until December 16, 2010, the next court appearance date.

SO MOVED: Supervisor Myers/M. Cifone

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

LETTER AGREEMENT ATTACHED TO FINAL BOOK COPY

09:22-09 AUTHORIZE Morris Associates To Perform Surveying &  
Engineering Services As Necessary To  
Prepare The Map, Plan & Report For The  
Tucker Drive Sewer Line Extension

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize Morris Associates to perform surveying and engineering services as necessary to prepare the Map, Plan and Report for the Tucker Drive Sewer Line Extension, at a total cost not to exceed \$8,000.00, pursuant to the attached proposal submitted by Morris Associates.

SO MOVED: R. Lecker/J. Conte

PROPOSAL ATTACHED TO FINAL BOOK COPY

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

09:22-10: ACCEPT Course Certification From The Dutchess  
County Planning Federation Issued To  
Carl Whitehead

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Course Certification from the Dutchess County Planning Federation issued to Carl Whitehead for the course entitled "Tour 2010: The Omega Center for Sustainable Living, a copy of which is attached.

SO MOVED: S. Eagleton/J. Conte

CERTIFICATION ATTACHED TO FINAL BOOK COPY

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

09:22-11 AUTHORIZE

Contract Extensions With Residuals  
Management Services, D/B/A EarthCare,  
For Ash/Grit Transportation & Disposal &  
With Atlantic Coast Polymers For  
Polyelectrolyte Sludge Conditioner

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby extend the contracts for a 1 year period, at the current pricing and conditions, for ash/grit transportation and disposal with Residuals Management Services, d/b/a EarthCare, and for the polyelectrolyte sludge conditioner with Atlantic Coast Polymers, pursuant to the recommendation of CAMO and the attached documentation.

SO MOVED: J. Conte/S. Eagleton

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

Nays: None

CARRIED: 7-0

DOCUMENTS ATTACHED TO FINAL BOOK COPY

09:22-12 APPROVAL

Block Party For the Spackenkill High  
School Football Booster Club Located On  
Hollow Lane On Saturday, October 2, 2010  
From 2:00 PM – 10:00 PM

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Dora Celestino, on behalf of Spackenkill High School Football Booster Club, to hold a block party on Hollow Lane on October 2, 2010, from 2:00 PM to 10:00 PM, and does hereby authorize the Highway Department to close said street, but allowing access for emergency vehicles, from 2:00 PM to 10:00 PM.

SO MOVED: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 7-0

09:22-13 APPROVE

Our Lady of Lourdes High School Annual  
Walk-A-Thon Fund Raiser On Friday,  
October 8, 2010 From 9:00 AM to 12:00  
PM (Rain Date 10/12/2010) Down Zach's  
Way & Boardman Road



RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application, submitted by our Lady of Lourdes High School to hold its Annual Walk-a-Thon Fundraiser on October 8, 2010, with a rain date of October 12, 2010, on Boardman Road and Zach's Way, pending receipt of a Certificate of Liability Insurance naming the Town of Poughkeepsie as an additional insured.

SO MOVED: S. Krakower/T. Tancredi

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

Nays: None

CARRIED: 7-0

09:22-14 ADOPT

Friday, December 31, 2010, As An Official  
Holiday For 2011

AMENDED  
RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby declare and adopt the following official holiday for the year 2011, to wit:

New Year's Day

Friday, December 31, 2010

SO MOVED: T. Tancredi/M. Cifone

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

Nays: None

CARRIED: 7-0

09:22-15 NOTICE OF CLAIM

Nancy De Stefano V. Town of  
Poughkeepsie Police For Automobile  
Accident

REFERRED TO LEGAL DEPARTMENT

09:22-16 NOTICE OF CLAIM

Shakia Henderson V. Town For Damage  
To Automobile Due To Improper Marking  
Of Construction Site

REFERRED TO LEGAL DEPARTMENT

09:22-17 AUTHORIZE

Special Consent Items SC 1, SC 2, SC 3,  
SC 4, SC 5, SC 6, SC 7, SC 8, SC 9, SC 10,  
SC 11, and SC 12

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  | Amend Town Code Chapter 210<br>Specifically Section 210-105(B)(2)                       |
| SC 2: Set Date for Public Hearing  | Amend Town Code Chapter 210<br>Specifically Section 210-9, 210-122<br>(A)(2), 210-131 F |
| SC 3: Set Date for Public Hearing  | Amend Town Code Chapter 210<br>Specifically Sections 210-9 and<br>210-74                |
| SC 4: Set Date for Public Hearing  | Amend Town Code Chapter 210<br>Specifically Sections 210-9 and<br>210-55                |
| SC 5: Authorize Supervisor to Sign | Termination Letter-Highway<br>Department  |
| SC 6: Authorize Supervisor to Sign | Central Hudson Lighting Authority<br>Order – Main Street                                |
| SC 7: Appoint                      | Kathleen Perrotta<br>Temporary Part Time Recreation<br>Clerk                            |
| SC 8: Approve                      | Police Department Policy and<br>Procedures #9-1200-Foreign<br>Nationals                 |
| SC 9: Approve                      | 911 Private Road Name – Faith<br>Circle   |
| SC 10: Authorize                   | Tax Certiorari Settlement<br>BPP-NY, LLC v. Town  |

SC 11. Consent

Planning Board's Lead Agency  
Designation – AT & T Mobility  
Colocate @ IBM

SC 12. Consent

Planning Board's Lead Agency  
Designation – Arteaga's Parking  
Expansion

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: Supervisor Myers/J. Conte

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

Nays: None

CARRIED: 7-0

09:22-SC 1 SET DATE FOR  
PUBLIC HEARING

Amend Town Code, Chapter 210, Entitled  
“Zoning”, Specifically Section 210-105,  
Entitled “Shopping Carts”

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 20<sup>th</sup> day of October, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and place of a public hearing to consider an amendment to the Town Code, Chapter 210, entitled “Zoning”, specifically Section 210-105(B)(2), which amendment would be as follows:

**DELETE: Section 210-105 (B)(2)**

**ADD: Section 210-105 (B)(2)**

(2) Shopping carts that are allowed outside the commercial building must have locking devices. The locking devices must be coin operated or electronic.

AND BE IT FURTHER RESOLVED, that the Town Board declares its intent to act as Lead Agency under the New York State Environmental Quality Review Act and upon review of a Short Environmental Assessment Form does declare said action as an Unlisted Action; and

BE IT FURTHER RESOLVED, that the Town Board does authorize and direct the Town Clerk to submit the proposed zoning amendment to the Dutchess County Department of Planning and Development for a recommendation pursuant to GML

Section 239-m, and to the Town of Poughkeepsie Planning Board for an advisory report pursuant to Town Code Section 210-154; and

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

SO MOVED: J. Conte/S. Eagleton

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

Nays: None

CARRIED: 7-0

09:22-SC 2 SET DATE FOR  
PUBLIC HEARING

Amend Town Code, Chapter 210, Entitled  
“Zoning”, Specifically Section 210-9,  
Entitled “Definitions”, Section 210-122,  
Entitled “Prohibited Signs” & Section  
210-131 Entitled “Exempt Signs”

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 20<sup>th</sup> day of October, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and place of a public hearing to consider an amendment to the Town Code, Chapter 210, entitled “Zoning”, specifically Section 210-9, entitled “Definitions”, Section 210-122 (A)(2), entitled “Prohibited Signs” and Section 210-131 F, entitled “Exempt Signs”, which amendments would be as follows:

#### **Section 210-9. Definitions.**

#### **DELETE:**

**ROOFLINE**

**SIGN, ROOF**

#### **Section 210-9. Definitions.**

#### **ADD:**

ROOFLINE – The profile of or silhouette made by a roof or series of roofs.

SIGN, ROOF – Any sign erected on the roof of any building, and any sign that extends above the roofline of any building.

**DELETE: Section 210.122 A (2)**

**ADD: Section 210.122 A (2)**

(2) Roof signs are prohibited.

**Section 210-131. Exempt signs.**

**DELETE: Section 210-131 F.**

**ADD: Section 210-131 F**

F. On-premises directional signs for the convenience of the general public, identifying public parking areas, fire zones, and business entrances and exits, wherein each individual directional sign shall not exceed three (3) square feet per face and shall not be mounted higher than six (6) feet in height.

AND BE IT FURTHER RESOLVED, that the Town Board declares its intent to act as Lead Agency under the New York State Environmental Quality Review Act and upon review of a Short Environmental Assessment Form does declare said action as an Unlisted Action; and

BE IT FURTHER RESOLVED, that the Town Board does authorize and direct the Town Clerk to submit the proposed Zoning amendment to the Dutchess County Department of Planning and Development for a recommendation pursuant to GML Section 239-m, and to the Town of Poughkeepsie Planning Board for an advisory report pursuant to Town Code Section 210-154; and

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

SO MOVED: M. Cifone/J. Conte

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

Nays: None

CARRIED: 7-0

09:22-SC 3 SET DATE FOR  
PUBLIC HEARING

Amend Town Code, Chapter 210, Entitled  
“Zoning”, Specifically Section 210-9  
Entitled “Definitions” & Section 210-74,  
Entitled “Home Occupations”

**RESOLUTION**

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 20<sup>th</sup> day of October, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and

place of a public hearing to consider an amendment to the Town Code, Chapter 210, entitled “Zoning”, specifically Section 210-9, entitled “Definitions” and Section 210-74, entitled “Home Occupations”, which amendments would be as follows:

**Section 210-9. Definitions.**

**DELETE:**

**Home Occupation  
Habitable Space**

**Section 210-9. Definitions**

**ADD:**

HOME OCCUPATION - The use of a portion of a dwelling unit for non-residential purposes by a resident thereof.

HABITABLE SPACE – A space in a building for living, sleeping, eating or cooking, or used as a home occupation.. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

**DELETE: Home Occupations.**

**ADD:**

**Section 210-74. Home occupations.**

- A) The provisions of this section are intended to protect and maintain the residential character of the districts in which such uses are permitted.
- B) Only one home occupation per residential unit shall be permitted. A home occupation shall be clearly accessory to the principal residential use of the dwelling and shall not change the character thereof.
- C) All home occupation activities shall be conducted within the enclosed space of the principal building. No outdoor storage or displays shall be permitted.
- D) No more than one nonresident employee may be employed in the home occupation.
- E) The area of the principal structure in which the home occupation is conducted shall meet all requirements for habitable space as defined in Section 210-9. No more than 15% of the floor area of the principal structure may be used in the home occupation. Areas devoted to inventory and supplies shall not

occupy more than 50% of the area permitted to be used for the home occupation.

- F) The residence must be occupied by those engaged in the home occupation.
- G) No exterior visual evidence of the existence of a home occupation shall be permitted. A nameplate identifying the name of the resident carrying out the occupation and the service offered may be authorized by the Zoning Board of Appeals. Such nameplate shall not exceed two square feet and shall not be illuminated or animated.
- H) Services and instruction offered shall be limited to no more than five clients or customers at a time. No services generating noise audible beyond the parcel boundary shall be permitted.
- I) The home occupation shall not generate more than four one-way, commercial vehicle trips per day.
- J) Any additional parking spaces as may be required by the Zoning Board of Appeals shall be provided in such a manner as to preserve the residential character of the parcel.
- K) No wholesale or retail sales with a stock-in-trade shall be permitted on the premises.
- L) No home occupation shall create a hazard to public health, welfare or safety.
- M) In addition to those uses which do not meet all the requirements stated herein, uses which are specifically prohibited as home occupations shall include, but are not limited to, the following: bed & breakfast, ambulance, taxi, towing or similar service; automobile-related business including repair, parts, sales, upholstery, body work, painting or washing service; restaurant; bar; video store; commercial servicing of construction equipment; public stable; kennel; animal hospital; group instrument instruction; boardinghouses; mortuary establishments; convalescent homes and other extended care medical facilities.

AND BE IT FURTHER RESOLVED, that the Town Board declares its intent to act as Lead Agency under the New York State Environmental Quality Review Act and upon review of a Short Environmental Assessment Form does declare said action as an Unlisted Action; and

BE IT FURTHER RESOLVED, that the Town Board does authorize and direct the Town Clerk to submit the proposed zoning amendment to the Dutchess County Department of Planning and Development for a recommendation pursuant to GML

Section 239-m, and to the Town of Poughkeepsie Planning Board for an advisory report pursuant to Town Code Section 210-154; and

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

SO MOVED: S. Krakower/J. Conte

Councilman Tancredi: What are the actual changes?

Neil Wilson, Development Director: The actual changes are really to the Definition of Habitable Space, Home Occupation. Our current definition does not line up with the State residential code and it was very recently called to my attention by the Building Inspector. The definition of habitable space is an addition that would be necessary because the State Residential Code uses the term of "habitable space" in terms of defining the area of the structure that the home occupation can be conducted in. So, that would be an addition to the Zoning Code. The principal change is actually paragraph D) and E) where currently our Code allows up to two non-resident employees. The State Code allows one. So, they are more restrictive. In addition, E) has to do with the way the State Code defines the allowable space within the residence that could be used for the home occupation. It can be no more than 15% of the habitable area. So, it is really D) and E) that were modified to line up with the State.

Councilman Lecker: What happens for people who are not in compliance with this but are doing what the Town allows? Are they going to have to change, or are they grandfathered in?

Neil Wilson: They are most likely grandfathered in if they have been engaged in the home occupation for enough time. These changes came in in the last couple of years. If the issue came up, they would have to all prove that had been engaged in this occupation since a certain time in order to be able to be grandfathered in.

Councilman Lecker: That's going to be part of our final resolution that we are voting on, correct?

Neil Wilson: Actually, it's part of our Zoning Code. We recognize prior non-conforming uses, as does the Building Department and Building Codes. You're not going to see it expressly stated in the resolution, but it is stated elsewhere already in our Zoning and Residential Building Code.

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

Nays: None

CARRIED: 7-0

09:22-SC 4 SET DATE FOR  
PUBLIC HEARING

Amend Town Code, Chapter 210, Entitled  
"Zoning", Specifically Section 210-9,



Entitled "Definitions" & Section 210-74,  
Entitled "Home Occupations.

## RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 20<sup>th</sup> day of October, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and place of a public hearing to consider an amendment to the Town Code, Chapter 210, entitled "Zoning", specifically Section 210-9, entitled "Definitions" and Section 210-55, entitled "Bed-and-breakfast establishments", which amendments would be as follows;

### **Section 210-9. Definitions.**

**DELETE: Bed-and-breakfast**

**ADD:**

### **Section 210-9. Definitions.**

BED-AND-BREAKFAST –An owner-occupied residence resulting from a conversion of a one family dwelling, used for providing overnight accommodations and a morning meal, to not more than ten transient lodgers and containing not more than five bedrooms for such lodgers.

**DELETE: Section 210-55. Bed-and-breakfast establishments.**

### **Section 210-55. Bed-and-breakfast establishments.**

- A) Bed-and-breakfast establishments are owner-occupied who shall live on the premises. Bed-and-breakfast establishments are subject to the following conditions:
- 1) The owner shall reside on the premises and shall be the operator.
  - 2) Guest occupancy shall be limited to 5 guest rooms accommodating not more than a total of ten lodgers.
  - 3) The dwelling and the lot shall meet all applicable zoning requirements. A one-family dwelling is permitted to be converted for use as a bed and breakfast dwelling under the following conditions:
    - a) No sleeping rooms for transient use shall be located above the second story.
    - b) A fire-safety notice shall be affixed to the occupied side of the entrance door of each bedroom for transient use

indicating means of egress, location of means for transmitting fire alarms, if any, and evacuation procedures to be followed in the event of a fire or smoke condition or upon activation of a fire or smoke-detecting or other alarm device.

- c) Means of egress shall be provided as set forth in the New York State Residential Code.
- 4) The proprietor may serve meals to overnight guests only. A public dining room and bar is expressly prohibited.
- 5) Parking lots shall not be located closer than 15 feet to any residential property line providing a buffer for adjacent residential properties.
- 6) Parking requirements shall conform to Section 210-92.
- 7) The Dutchess County Department of Health shall certify that the water supply and sewage disposal system is adequate for maximum occupancy of the proposed facility. Certification by the Dutchess County Department of Health is not needed for water if the premises have municipal water, or sewer if the premises have municipal sewer.
- 8) Guest occupancy shall not exceed 21 consecutive days.
- 9) Location of signs shall be subject to Planning Board approval.
- 10) Sign requirements shall conform to Article IX of this Chapter.

AND BE IT FURTHER RESOLVED, that the Town Board declares its intent to act as Lead Agency under the New York State Environmental Quality Review Act and upon review of a Short Environmental Assessment Form does declare said action as an Unlisted Acton; and

BE IT FURTHER RESOLVED, that the Town Board does authorize and direct the Town Clerk to submit the proposed zoning amendment to the Dutchess County Department of Planning and Development for a recommendation pursuant to GML Section 239-m, and to the Town of Poughkeepsie Planning Board for an advisory report pursuant to Town Code Section 210-154; and

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

SO MOVED: T. Tancredi/S. Krakower

Councilman Conte: I would just like to ask Mr. Wilson about item #4 “The proprietor may serve meals to overnight guests only. A public dining room and bar is expressly prohibited.” What is the reason behind that? Why do they not allow an opportunity for Bed and Breakfasts to have a couple of tables and guests served meals and maybe wine? What’s the reason behind that?

Neil Wilson: Then you are kind of kicking the use into more of the Inn or Hotel/Motel style of operation. Bed and Breakfast is a place to provide overnight accommodations, a morning meal and maybe a meal later on in the day or evening, but for guests only. In other words, you are not encouraging the congregation of the public at large to come to a

restaurant, which should be a separately defined use, that you may or may not want to allow within a certain zone.

Councilman Conte: But, for breakfast, if there is an area set up for the people to come to breakfast, they would almost try and use it.

Supervisor Myers: But if I were a neighbor of the Bed and Breakfast, I don't want them using it for anything beyond there designation.

Councilman Lecker: I have a question on No. 8. "Guest occupancy shall not exceed 21 consecutive days". How many days before they can return?

Neil Wilson: I suppose they could leave for a day and come back. It's unstated. Actually Items 5, 6, 7, 8, 9 and 10 are all part of the existing Code. I didn't change those. The primary changes have to do with the definition of a Bed and Breakfast and the limit on number of guest rooms and guests, the items regarding sleeping rooms for transit use should not be located above second story, fire safety notices, ingress, egress, that is all State Building Code. The remainder of it, the State Code is silent. So, that is where the local regulations kick in. The 21 consecutive is part of the original Code and I didn't see a need to change it, but, of course, the Board is able to do so, if you wish. Truthfully, I don't know how you would enforce the 21 days because you can't have a Zoning Administrator sitting out there and watching how many days they are there.

Councilman Lecker: If they stay for more than 21 days, you just call them "Children."

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

Nays: None

CARRIED: 7-0

09:22-SC 5 AUTHORIZE

Supervisor To Sign Letter To Bruce Paulson In Highway Department Regarding His Termination

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a letter to Bruce Paulson regarding his termination from the Town of Poughkeepsie Highway department, a copy of which is attached hereto.

SO MOVED: Supervisor Myers/J. Conte

LETTER ATTACHED TO FINAL BOOK COPY

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

Nays: None

CARRIED: 7-0

09:22-SC 6 AUTHORIZE

Supervisor To Execute Central Hudson  
Street Authority Order to Add Lighting  
Fixture on Pole in Front of Vincintores on  
Main Street

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the Central Hudson Street Lighting Authority Order, attached hereto, to add the Rate C lighting fixture on Pole # 7379 in front of Vincintores on Main Street in the Town of Poughkeepsie, pursuant to the attached memo received from Central Hudson.

SO MOVED: R. Lecker/S. Eagleton

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

Nays: None

CARRIED: 7-0

AUTHORITY ORDER AND MEMO ATTACHED TO FINAL BOOK COPY

09:22-SC 7 APPOINTMENT

Recreation Department of Kathleen Perrotta  
In Position of Clerk as Temporary Part Time

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Kathleen Perrotta to the position of Clerk as a temporary part time position in the Recreation Department at the salary of \$8.00 per hour, effective September 9, 2010.

SO MOVED: S. Eagleton/J. Conte

Councilman Eagleton: Is that wrong or --?

Supervisor Myers: No, this is right. This is actually the Arts & Crafts person for the Senior groups and the lady currently in the position is taking a leave for a few months and this lady is going to replace her until she returns. It's a replacement, so it's all budgeted.

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

Nays: None

CARRIED: 7-0

09:22-SC 8 APPROVE

Town of Poughkeepsie Police Department

Policy & Procedure #9 – 1200 Entitled  
“Arrests/Detentions/Deaths/Serious Injuries  
Of Foreign Nationals”

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 #9 – 1200, entitled “Arrests/Detentions/Deaths/Serious Injuries of Foreign Nationals”, which policy is attached and incorporated herein.

SO MOVED: J. Conte/S. Krakower

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

Nays: None

CARRIED: 7-0

PROCEDURE #9-1200 ATTACHED TO FINAL BOOK COPY

09:22-SC 9 APPROVE

For Identification Purposes Only,  
The Name of Faith Circle for  
Private Road Owned by Faith  
Assembly of God Church

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 parcel Grid No. 6260-01-105522, which currently has three existing structures owned by the Faith Assembly of God Church, as follows:

Faith Circle

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: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 7-0

09:22-SC 10 AUTHORIZE

David D. Hagstrom, Town Attorney,  
To Execute A Consent Judgment For  
The BPP-NY, LLC C/O Circuit City

Stores, Inc. Settling The Tax  
Certiorari Proceedings For Years  
2004-2008

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize David D. Hagstrom, Town Attorney, on behalf of the Town of Poughkeepsie, to execute a Consent Judgment for the BPP-NY, LLC c/o Circuit City Stores, Inc. settling the tax certiorari proceedings for the tax years 2004/03316, 2005/03373, 2006/03692,04249/2007 and 05081/2008, whereby there is no reduction for the 2004 and 2005 assessment rolls and otherwise as stated in the attached Consent Judgment.

SO MOVED: S. Krakower/M. Cifone

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

Nays: None

CARRIED: 7-0

CONSENT JUDGEMENT ATTACHED TO FINAL BOOK COPY

09:22-SC 11 CONSENT

To Town of Poughkeepsie Planning  
Board's Designation As Lead  
Agency For SEQR Review For AT  
& T Mobility Colocate @ IBM

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby consent to the Town of Poughkeepsie Planning Board's designation as Lead Agency for the SEQR review for AT & T Mobility Colocate @ IBM.

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 7-0

09:22-SC 12 CONSENT

To Town of Poughkeepsie Planning  
Board's Designation As Lead  
Agency For SEQR Review For  
Mike Arteaga's Health & Fitness  
Center Parking Expansion

## RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby consent to the Town of Poughkeepsie Planning Board's designation as Lead Agency for the SEQR review for Mike Arteaga's Health & Fitness Center Parking Expansion.

SO MOVED: Supervisor Myers/T. Tancredi

Supervisor Myers: Am I right in that this parking extension, he is not actually buying the property, it's the County's property and he is just building a parking lot on it?

Neil Wilson: Right. He has a license with the County and the location of it is, he has his own driveway off of Washington Street and across from St. Francis and just up from there is the driveway leading into the County's Mental Health facility which is a "rock pile/wall". The top area of that, where Arteaga would expand his parking lot into that area. There are some scrubby trees and brush there and he will pick up a number of parking spaces and it will involve curbing and some guide rails, etc. He definitely needs the space, particularly at the end of the day. It's a minor expansion.

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

Nays: None

CARRIED: 7-0

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

CARRIED: 7-0

Howard Nichols: My understanding is that the Board is looking to the possible privatization of the Arlington Sewer Facility. Is that correct?

Supervisor Myers: There is an RFP that was sent out back on October 1<sup>st</sup>, Yes.

Howard Nichols: As a tax payer, I would want the Town people to be able to vote on that in a Referendum. I do not think that the Board should make that type of decision, because we are the people who are affected, tax wise and everything else. Also, my understanding is that the two companies involved, their records relative to the amount of estimated costs they have given other clients in other areas, they come in at one cost and the reality is they come in at another actual cost later on. If we are even looking at them, I would certainly want to see any proposal, have a binder in to protect the Town so they can't come in with a different cost later. The other concern I have is the security concern that we have Town employees there that agree to security coverage. If we are vending this out, what guarantee do we have that they won't staff it at one level, get the contract, and drop the staffing. That's part of the problems they have had in other areas. I'm really concerned, particularly in this day and age when we worry about terrorism. The last thing we need is to have some private subcontractor who we really have no control

over, other than we said, “Yes” this is yours. We have no means of controlling how they do their security and if what ever proposal they make are valid. We are talking water and the health of every resident in the area. The employees there are residents and taxpayers of our Town .

Also, there was a car accident next to my house a couple of days ago and he hit a telephone pole and really made a mess. The Town Police came to the scene and they did an excellent job. The Town Police Force is a real credit to the Town and I hope people really appreciate it. When you see something good, you have to hear it, there are too many complaints.

Robert Rubin: I also would like to just take a moment to commend our Town Police who, on an unofficial basis, there were those of us out on September 11 honoring the events of that day from 9 years ago, and the officers I encountered that day were very professional and supportive and I wanted to say “thank you” to the department as a whole and those officers who didn’t identify themselves individually.

Cheryl Johnson: I just found out last week about the Town wanting to privatize the Sewer Department and my concern is that there are certain things that should be public and that the government should be in charge of, like Nation Defense and there are certain things the public can come in and privatize to make a profit. But we saw what happened when Blackwater started making a profit off of National Defense, that didn’t go too well and so my concern is that I’ve only heard of one or two companies being interviewed for the take over.

Supervisor Myers: As far as I know, there is only one or two who submitted their desires to take over.

Cheryl Johnson: I was doing some research on Biobia, and their annual budget is 60 billion dollars a year. They make more money in this business than any other company, which makes me concerned about the rates. I don’t understand why you think we should privatize it. Why do you think the private sector can run it more efficiently and at a cheaper rate?

Councilman Cifone: All we are doing is getting information. We are seeking information. It may come back and the proposal may say we can make certain changes and run it more efficiently with our own people. We are studying the process, that’s all.

Councilman Tancredi: I think what the Town is doing isn’t something that most governments or business are doing or should be doing, especially in these economic times. This is unusual and we are not thinking way outside the box. If you look at some municipalities around us this isn’t all that uncommon. I do think that if the State of New York investigated some of these things, we all might be in a lot better position today.



Cheryl Johnson: Ok, first we start looking at privatizing the Sewer Department, then it's the Water Department, then it's the Highway Department, what is to keep it from going—

Councilman Tancredi: You are making assumptions that aren't there.

Cheryl Johnson: No, I'm not, that's how things happen.

Councilman Cifone: All we know is that there is a huge cost to run that plant and we are just looking into a way to cut those costs, that's all.

Councilman Lecker: I think whatever the outcome, the fact that this room is full of people who are interested in the subject and want to put in some input on it, is good. I've gotten at least 50 e-mails alone on this topic. Regardless of the view anyone has on this subject, the fact that people are becoming involved in their community issues is a positive thing.

Lorenz Herzog: Concerned about the plant.

Paul Santiago: I'm concerned about getting taxed out of my house. If this lowers my taxes, that are all well and good, but if it doesn't, it can't happen. You have to take into consideration that there are a lot of people, seniors include, that are struggling to hold onto what they have and it is really a concern.

Barbara Cruz: Against the privatization. Historically, it doesn't work when you privatize. I work for a Local School District who tried to do the same thing. It doesn't save any money. We've seen this. And I don't like the fact that the Town employees would lose their jobs and benefits. I think you need to rethink this matter over good. They may come in low in the beginning and then hit us later. Historically, that's the norm. If they come in at a low figure, it's probably too good to be true.

Ann Shershin: Also, against the privatization. I'm hooked up to the City of Poughkeepsie Sewer because I'm on the border. I brought in my bill, we currently pay \$2.59 per 100 cubic feet and the Town is paying \$1.50 per 100 cubic feet. As we know, the City has a privatized plan and just because you privatize, doesn't mean you save. You are not only holding the jobs and livelihood of 16 employees in the balance, you are holding the livelihood of 16 families in the balance.

Ann Delarm: I'm a registered Republican and I don't know for how long, because I see some misinformation and a lack of information. I don't like seeing it and I'm totally against this whole thing. Think of these families.

Councilman Cifone: You people are really getting the wrong view about this. We are only getting information to see if we are running our plant efficiently and we have not decided on any privatizing at all. It may never happen. We are just trying to get the costs

down on the plant operation. We get nothing out of this. This is only an investigation into how we can save money for the Town and the taxpayers.

Kirsten Menking: Seconded what people have been saying about cautioning the Board about the privatizing process. I teach a Science and Society class at Vassar College called Water and Cities and we get into the issues of privatization in quite a bit of detail and the fact that these companies have a tendency to come in with a low estimate and then jack up the rates later is really true. That has been demonstrated around the world. These companies are global, multi-national corporations. Privatization doesn't have any incentive to keep the costs down for the resident because they have a desire to return an investment to their shareholders. The Towns and Cities have the incentive to keep the prices down for the local residents, no shareholders. If you would like some literature on this, I would be willing to give you some. I have numerous books on this subject in my office. These companies are out to make a buck, not to help us out.

Mariann Axtman: I am an Environmental Lab Technician and Quality Control Officer at the Wastewater Department. You know by now, we are out on a campaign going door to door to let the residents know about the proposal. We are collecting signatures. We feel this is an important issues because the end result is our river. It affects the quality of life in the river, the recreation on the river, and it affects our drinking water. I've been talking to people across the country that has had these contractors in their Towns. When things go wrong with the plant and it affects the customers, litigation goes on for years and is pushed back and forth between the Town and the contractor with no results at all. Litigation goes on forever. That company was Viola. United Water, jacked up the rates, cut about 70 employees. When you cut employees, you cut service. After 12 years, a current user of that company let them go and they are saving half of their costs now. They went from 16 million dollars to 8 million dollars to go back to the public employee. If you needed to save money in our plant, all you had to do is negotiate with us and the union and things could be worked out in house. Don't go outside first, come to us first. The employees would like to be consulted in this matter before going to the public sector to solve any problems or bring down the costs in our department.

Doreen Tignanelli: My request would be that if you do receive proposals, that you make that information available to the residents and allow the public to research the backgrounds so we would be prepared for what we might be getting into. Again, I have a special concern about the environment and so I would like to have that information available as soon as possible for review. All of our taxes are now going up and people are concerned about being taxed out of their homes and for good reason. I urge the people to go to the Arlington Fire Department meetings as they are going to be discussing the budget on Monday 27, 2010. (She mentioned the fact of the Course Certification trips that have been approved for several members of several groups cost money that she feels they don't have to go every single year as this costs tax money needlessly.) There has been for a long time no public scrutiny of their budget. I have not seen in the year I have been going to the meeting, I have not seen anything that shows me they are really looking out for the taxpayers and they want the scrutiny of their budget. It really is a shame.

Jim Challey: Speaking as Chair of the Zoning Board. On two minor things. One is on the Course Certification issue. As you know everyone on the Planning Board and Zoning Board is required to do a certain amount of education. Could you set up some kind of process on where all of us do these things that have our certificates in a folder so that when we do this we don't clutter up your agenda and that sort of thing? Second item, on all the Zoning amendments, could you refer them also to the Zoning Board as well as to the Planning Board? Many of these have to do with interpretations, definitions, and it's those of us on the ZBA that are going to be called upon to interpret these. When you adopt changes, it would be helpful that we could look them over if we've got questions about what your intent is and your meaning is so we can get them cleared up.

Supervisor Myers: I'm sure that was just an oversight. No problem.

Jim Reilly: Town employee at the Sewer plant for over 15 years. I just have some information on Viola, too. Viola's track record in the United States since 1990 include privatization failures in communities large and small. Several of Viola's largest contracts including those in New Orleans, Indianapolis, and Puerto Rico ran into serious snags and the company was forced to reconsider its strategy.

Linda Podeszedlik: I work at the Town Sewer Department and I've been a Town Employee for 36 years. In the past two weeks I've had the distinct pleasure of speaking with the homeowners and taxpayers in the Town of Poughkeepsie. It's on the outsourcing of the Town's two employee operated sewer plants. The Arlington Wastewater Plant and the State Sewer Plant. I found that the two following questions are frequently asked and while they are two separate questions, one follows the other and both have a similar thread that runs between them and binds them together. The first question is "Aren't private companies more efficient than a public agency?" Public services like sewer plants and sewer systems are monopolies. Meaning that there is only one agency in charge of providing the service. When a private company gets control of a sewer plant, they have a captive customer base and that customer base cannot choose another provider. What does this lead to? Higher rates, poor service, deferred maintenance, and other cost cutting methods used to increase profits. That leads to my second question. "What is wrong with corporations and certainly what is wrong with company making a profit?" Of course, the answer is, "There is nothing wrong with being in business, in fact, and there is nothing wrong with profit". Two of the taxpayers I spoke to are actually local business owners. However, unlike a local business owner, a private company operating a sewer plant has a monopoly on the plant and is guaranteed a profit. Something I don't think a local owner is afforded. If you are not happy with a price charged by a local business, you can certainly shop elsewhere. However, there is no comparison shopping for a lower sewer service. Finally, and more importantly, wastewater treatment is a public asset, it is not commodity.

Robert Rubin: Earlier this evening when talking about the waste water, a phrase was used by a member of the Town Board, "Jumping the gun". As a member of the community, I personally took offense to that. I don't think anyone here is "Jumping the

gun”. I think everyone in this audience was expressing an opinion as guaranteed under the First Amendment of the Bill of Rights and United States Constitution, all which you people have sworn to uphold and defend. No one here is doing anything but expressing an opinion, guaranteed on all levels of government.

Howard Nichols: I raise the same issue. I found out about this in two ways. One rather buried article in the Poughkeepsie Journal a while back and another one recently when someone came to my door. They came to my door with information. Where am I going to get clarification or qualification on that? Come to the Board and if I have a concern, I expect to be able to express an opinion, talk to my representative, and get a feel. For this, I do not expect any body to tell me I’m “Jumping the gun.” I’m acting in a responsible manner. I believe that’s an insult.

Councilman Cifone: I don’t mean to insult anyone. Most of the people getting up here think it’s a done-deal. We are going to do it. We don’t have any clue. There is no intention to do it until we get the RPF’s back and examine it then to see if it is profitable or not.

Howard Nichols: No, the people I talked to had two concerns. One was a clear understanding of what was happening and the second one was for something this important that affects everyone of us who has property that the decision should be made by a public referendum after all the information is presented and nothing in any piece of literature went out said “Yea or nay”. All it said was that the Town Board was looking at it. So, the only option we have to express our concern is to come to the Board. I do take offense when someone tells me I am “Jumping the gun” when I am simply trying to get information or try to express something.

Ed Peters: When I heard about this, I was quite upset . There is no reason to even consider privatizing. Keep things in house. We’ve got a great Highway Department, Police Department, Fire Department. Everything is good. Privatizing is not the answer.

Councilman Conte: The whole idea was not to just get rid of every employee and privatize. The whole idea was to have someone come in and tell us if we are running this plant in an efficient way and show us how they feel it should be done and see what we are doing wrong and what we were doing right and see if we can use our workers we have there now. Just to try and run the plant more efficient is our intent.

Supervisor Myers: Do you think these companies are making these bids so they can give you advice?

Councilman Conte: When they give the bids, they are going to break down the costs and reasons for the costs. They are going to say we do this, this and this and break it down line item by line item and we can look at that and make a decision or changes.

Paul Santiago: I earlier today spoke with a neighbor and we are planning on starting a Neighborhood Watch and one of our concerns is that there is never a police presence on any of our street.

Supervisor Myers suggested getting in touch with Gary Hulbert who is our Community Police officer and he can help you set up your Neighbor Watch Program.

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

CARRIED: 7-0

09:22-SC 13 AMENDMENT

Supervisor Myers: I wish to make an amendment that all of the Zoning Public Hearings that we addressed this evening be also forward to the Zoning Board for their opinion.

Seconded by Councilman Lecker

CARRIED: 7-0

#### RESOLUTION

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

1. Contract negotiations with the City of Poughkeepsie in regard to water.
2. Confidential communications between attorney and his client, the  
Town Board, based on Attorney/Client privilege.

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

SO MOVED: Supervisor Myers/ J. Conte

CARRIED: 7-0

MEETING ADJOURNED AT 8:31 PM

INTO EXECUTIVE SESSION AT 8:36 PM

BACK FROM EXECUTIVE SESSION AT 8:52 PM

NO ACTION WAS TAKEN

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

CARRIED: 7-0

MEETING CLOSED AT 9:53 PM

SJM:lk